

1990 - No. 453

TRAFFIC ACT 1909 - REGULATION
(Relating to the training of motor cycle riders and the
supervision of learner drivers)

NEW SOUTH WALES



[Published in Gazette No. 82 of 29 June 1990]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Traffic Act 1909, has been pleased to make the Regulation set forth hereunder.

BRUCE BAIRD
Minister for Transport.

Commencement

1. This Regulation commences on 30 June 1990.

Amendments

2. The Motor Traffic Regulations 1935 are amended:
 - (a) by omitting Regulation 9 (3) (g) and by inserting instead the following paragraph:
 - (g) a Class R licence to a person unless the person is 17 years of age or over and:
 - (i) has been the holder of a Class R licence previously; or
 - (ii) is the holder of a current learner's licence, being a licence which the person has held for not less than 3 months,

and is the holder of a certificate of satisfactory completion of a provisional licence rider training course under Part 2A (being a certificate that is not more than 3 months old at the time the person applies for the Class R licence) or is, by virtue of clause (3A) or Regulation 531, exempt from the requirement to hold such a certificate.

- (b) by inserting after Regulation 9 (3) the following clauses:
 - (3A) A person applying for the issue of a Class R licence who has previously held such a licence is exempt from the requirement to hold a certificate referred to in clause (3) (g).
 - (3AA) Despite clause (3A), the Authority may, in a particular case or class of cases, require a person referred to in that clause to undertake an appropriate authorised rider training course referred to in Part 2A (even if the person has previously undertaken such a course), and to be the holder of a certificate of satisfactory completion of that course (being a certificate that is not more than 3 months old at the time the person applies for the further licence), before the person is granted a Class R licence.
- (c) by omitting Regulation 12 (1) (g) and by inserting instead the following paragraph:
 - (g) to a person who:
 - (i) is 16 years and 9 months of age or older; and
 - (ii) is the holder of a certificate of satisfactory completion of a learner's licence rider training course under Part 2A (being a certificate that is not more than 3 months old at the time the person applies for the licence) or is, by virtue of Regulation 531, exempt from the requirement to hold such a certificate,
 - to learn to ride a motor cycle;
- (d) by omitting Regulation 12 (7) and by inserting instead the following clauses:
 - (7) A person accompanying a learner in a vehicle being driven by the learner on a public street is:
 - (a) to supervise the learner with respect to the driving of the vehicle; and

- (b) to take all reasonable precautions to prevent a contravention of any provision of the Act or these Regulations.

(7A) Clause (7) does not apply to a person submitting the learner to a driving test for any of the purposes of the Act or these Regulations.

- (e) by inserting after Regulation 33A the following Regulation:

Exemption - Motor Cycle Rider Training and Testing Scheme

33B. Persons are exempt from the provisions of:

- (a) section 6 (1) (a) and (b) of the Act; and
 - (b) section 6B of the Act; and
 - (c) the Regulations relating to the licensing of drivers,
- (f) in respect of any motor cycle while it is being ridden, as part of an authorised rider training course at a rider training centre referred to in Part 24 by an applicant for a learner's licence who is 16 years and 6 months of age or older.
- by inserting after Part 2 the following Part:

PART 2A - MOTOR CYCLE RIDER TRAINING AND TESTING SCHEME

Definitions

53B. In this Part:

"authorised rider training course" means:

- (a) a provisional licence rider training course; or
 - (b) a learner's licence rider training course,
- provided under an agreement referred to in Regulation 53C;

"rider training centre" means premises which a rider training operator is authorised to use for the purpose of providing an authorised rider training course;

"rider training instructor" means a person accredited under Regulation 53D;

"rider training operator" means a person authorised, under an agreement referred to in Regulation 53C, to provide an authorised rider training course;

"testing officer" means a person accredited under Regulation 53E.

Authorisation of operators

53C. The Authority may enter into an agreement with a person under which the person is authorised to provide a rider training course at a rider training centre specified in the agreement.

Accreditation of rider training instructors

53D. The Authority may, by instrument in writing, accredit a person as a rider training instructor if the person:

- (a) is the holder of a valid and unexpired licence issued under section 5 of the Motor Vehicle Driving Instructors Act 1961 authorising the person to act as a driving instructor, within the meaning of that Act, in respect of motor cycles; and
- (b) satisfies the Authority that the person is otherwise qualified to conduct an authorised rider training course.

Accreditation of testing officers

53E. The Authority may, by instrument in writing, accredit a person as a testing officer if the person:

- (a) is a rider training instructor; and
- (b) satisfies the Authority that the person is otherwise qualified to be a testing officer.

Objects of training course

53F. (1) The Authority must not enter into an agreement under clause 53C unless the Authority is satisfied that the rider training course the subject of the agreement is to be directed to ensuring that a person who desires to hold:

- (a) a motor cycle learner's licence; or
- (b) a provisional licence to ride a motor cycle,

possesses sufficient knowledge and skills to warrant the granting of the licence concerned.

- (2) For that purpose, any such course is to include:
 - (a) the training of applicants in the necessary skills; and
 - (b) the instruction of applicants in the relevant law; and
 - (c) the testing of applicants' skills and knowledge; and
 - (d) provision for the issue of certificates, in a form approved by the Authority and signed by a rider training instructor or testing officer (or, if the Authority so requires, by both such an instructor and testing officer), attesting the satisfactory completion of the course by persons undertaking it.

Application to do course

53G. (1) A person who wishes to undertake an authorised rider training course must:

- (a) make written application in the form determined by the Authority; and
- (b) pay to the Authority the fee prescribed in Schedule A

(2) The Authority may refund all or part of the prescribed fee if:

- (a) the person does not complete the course; and
- (b) the Authority is satisfied that the circumstances warrant a refund.

Mandatory training areas

53H. The Authority may by instrument in writing identify any area within the State, being an area in which a rider training centre is situated, as a mandatory training area.

Exemption from compulsory motor cycle licence training

53I. A person who satisfies the proper officer at a district registry that the person's usual residential address is not within a mandatory training area identified under Regulation 53H is exempt from any requirement of Regulations 9 (3) (g) and 12 (1) (g) to hold a certificate issued under this Part.

- (g) by omitting Regulation 124 (3C) (b).
- (h) by inserting in Schedule A after item 4 the following matter:

4A. Fee for entry into authorised rider training course -
Regulation 53G

- (a) Provisional licence rider training course 60
 - (b) Learner's licence rider training course 40
-

EXPLANATORY NOTE

The objects of this Regulation are:

- (a) to provide for a minimum period during which a motor cycle rider's learner's licence must be held before a provisional rider's licence can be obtained; and
 - (b) to provide for the compulsory training and testing of applicants for motor-cycle learner's licences and provisional licences, except in the case of an applicant who is exempt from that requirement (because of the distance of the applicant's home from the nearest place where such a training course is provided, or for some other recognised reason); and
 - (c) to extend the obligations imposed on a licensed person accompanying a learner so as to include an obligation to take all reasonable precautions to prevent contraventions of the Traffic Act 1909 or the Motor Traffic Regulations 1935.
-