

1995—No. 128

TRAFFIC ACT 1909—REGULATION

(Relating to group driving instruction)

NEW SOUTH WALES



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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, M.P.
Minister for Transport and Minister for Roads.

Commencement

1. This Regulation commences on 17 March 1995.

Amendment

2. The Motor Traffic Regulations 1935 are amended:

(a) by omitting Regulation 34 (1) (g) (ii) and by inserting instead the following subparagraph:

(ii) a person is present who holds a current licence, or the equivalent of a licence (not being a learner's licence or a first-year provisional licence) issued under the law in force in any State, Territory or country, that would permit the person to drive the vehicle that the learner is learning to drive, and the person occupies the seat (if any) next to the learner (or, if there is no such seat, a seat that allows the person to view the road properly and to communicate easily with the learner);

(b) by inserting after Regulation 34 (1) (g1) the following paragraph:

(g2) section 6 (1) (a) and (b) of the Act and the provisions of these Regulations relating to the licensing of drivers in respect of a motor vehicle exceeding 4.5 tonnes

manufacturer's gross vehicle mass, or a motor vehicle equipped to seat more than 12 adult persons including the driver, while the motor vehicle is being driven by a person who is learning to drive it, provided:

- (i) the learner holds a licence, or the equivalent of a licence, issued under the law in force in any State, Territory or country, to drive any type of motor vehicle not being a motor cycle; and
- (ii) a person who holds a licence under the Driving Instructors Act 1992 that authorises the person to act as a driving instructor in respect of all motor vehicles (or in respect of motor vehicles of a class that includes the vehicle that the learner is learning to drive) occupies the seat (if any) next to the learner (or if there is no such seat, a seat that allows the person to view the road properly and to communicate easily with the learner); and
- (iii) the motor vehicle is not being used for the carriage of any person except the learner, the person referred to in subparagraph (ii) and up to 4 other persons, each of whom holds a licence, or the equivalent of a licence, issued under the law in force in any State, Territory or country, to drive any type of motor vehicle not being a motor cycle; and
- (iv) there are, if the motor vehicle is not a bus, seat belts fitted for all the seat positions that are being used in the motor vehicle, except the seat position used by the person who is learning to drive (for which there need not be a seat belt fitted); and
- (v) the learner has satisfied the Authority that the learner has the requisite knowledge of the provisions of the Act and these Regulations relating to the driving of that type of motor vehicle and the Authority has endorsed that fact on the licence or equivalent of a licence held by the learner; and
- (vi) the learner has attained the minimum age required by these Regulations for a person to hold a learner's licence in respect of motor vehicles of a class that includes the vehicle that the learner is driving, or, if the learner is under that age, the Authority so approves and has endorsed that approval on the licence or equivalent of a licence held by the learner;

EXPLANATORY NOTE

The object of this Regulation is to enable up to 4 learners to travel in a heavy motor vehicle (including a bus) as well as the learner who is actually at the steering wheel during any training session.

At present, the fact that the person at the wheel is not licensed to drive a heavy vehicle does not give rise to an offence, as long as the person is undergoing training and has met certain formal requirements and the only other people in the vehicle are the instructor and the examiner (if any).

The exemption to be inserted by this Regulation will enable group driver training to take place, but subject to requirements as to the fitting of Seat belts (if the vehicle is not a bus) and the qualifications of the instructor and the other learners.

This Regulation is made under sections 3 (Regulations) and 6 (Driver must be licensed, and vehicle numbered) of the Traffic Act 1909.
