



New South Wales

# Driving Instructors Amendment (Licences) Regulation 2019

under the

Driving Instructors Act 1992

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Driving Instructors Act 1992*.

ANDREW CONSTANCE, MP  
Minister for Transport and Roads

## **Explanatory note**

The object of this Regulation is to prescribe the types of licences for driving instructors and the conditions applying to those licences.

This Regulation is made under the *Driving Instructors Act 1992*, including section 59 (the general regulation-making power).

## **Driving Instructors Amendment (Licences) Regulation 2019**

under the

Driving Instructors Act 1992

### **1 Name of Regulation**

This Regulation is the *Driving Instructors Amendment (Licences) Regulation 2019*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## Schedule 1 Amendment of Driving Instructors Regulation 2016

### Clause 7A

Insert after clause 7:

#### 7A Types of licences

- (1) The types of licence are as follows:
  - (a) Type 1,
  - (b) Type 2,
  - (c) Type 2 endorsed,
  - (d) Type 3,
  - (e) Type 4,
  - (f) Type 4 endorsed,
  - (g) Type 5.
- (2) It is a condition of a licence that the holder act as a driving instructor only in respect of the following vehicles:
  - (a) for a **Type 1 licence**—motor vehicles with a GVM of 4.5 tonnes or less or a tractor or implement (but not a motor bike, motor trike or a vehicle seating more than 12 adults including the driver),
  - (b) for a **Type 2 licence**—motor vehicles:
    - (i) having a GVM greater than 4.5 tonnes but not greater than 8 tonnes, or
    - (ii) seating more than 12 adults (including the driver) and having a GVM not greater than 8 tonnes,
  - (c) for a **Type 2 endorsed licence**:
    - (i) motor vehicles for which the holder of a Type 2 licence may act as a driving instructor, and
    - (ii) motor vehicles having 2 axles and a GVM greater than 8 tonnes,
  - (d) for a **Type 3 licence**:
    - (i) motor vehicles for which the holder of a Type 2 endorsed licence may act as a driving instructor, and
    - (ii) motor vehicles having 3 or more axles and a GVM greater than 8 tonnes (including an articulated bus, but not including any other articulated vehicle),
  - (e) for a **Type 4 licence**:
    - (i) motor vehicles for which the holder of a Type 3 licence may act as a driving instructor, and
    - (ii) prime movers to which a single semi-trailer plus any unladen converter dolly is attached, and
    - (iii) rigid motor vehicles to which a trailer that has a GVM greater than 9 tonnes plus any unladen converter dolly is attached,
  - (f) for a **Type 4 endorsed licence**—motor vehicles other than motor vehicles for which the holder of a Type 1 licence or Type 5 licence may act as a driving instructor,
  - (g) for a **Type 5 licence**—motor bikes or motor trikes.

(3) In this clause:

**GVM** has the same meaning as in the *Road Transport Act 2013*.

**implement** means a motor vehicle that comprises an excavator, road grader, road roller, bulldozer, forklift truck or other machinery or apparatus and is not constructed on a chassis of a type normally used in the construction of a motor lorry.

#### **7B Conditions of licence**

A licence is subject to the following conditions:

- (a) the licence does not authorise a person to act as a driving instructor in relation to a relevant class of motor vehicle unless the instructor also holds a driver licence for the relevant class of motor vehicle,
- (b) if the licence is marked “restricted”—the licence does not authorise a person to act as a driving instructor for the holder of a learner licence.