

Queensland



MOTOR VEHICLE DRIVING INSTRUCTION SCHOOL ACT 1969

**Reprinted as in force on 31 January 1996
(includes amendments up to Act No. 73 of 1990)**

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This Act is reprinted as at 31 January 1996. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use gender neutral office names (s 25)
- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 36, 37 and 39)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44)
- make all necessary consequential amendments (s 7(1)(k)).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of changed names and titles**
 - **table of obsolete and redundant provisions**
 - **table of corrected minor errors**
 - **table of renumbered provisions.**

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**MOTOR VEHICLE DRIVING
INSTRUCTION SCHOOL ACT 1969**

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MOTOR VEHICLE DRIVING INSTRUCTION SCHOOL ACT 1969

[as amended by all amendments that commenced on or before 31 January 1996]

An Act to provide for the registration of schools for instructing persons in the driving of motor vehicles, to provide for the licensing of persons engaged in instructing for reward persons in the driving of motor vehicles, and for other purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Motor Vehicle Driving Instruction School Act 1969*.

Interpretation

3.(1) In this Act—

“**articulated motor vehicle**” means a motor vehicle having at its rear a portion on wheels which is pivoted on and partly superimposed on the forward part of the vehicle.

“**authorised officer**” means a police officer, or a person acting under the authority of the chief executive.

“**driving instruction school**” means the business of teaching or offering to teach, for fee or reward, any person to drive all classes or any class of motor vehicle.

“**driving instructor**” means a person who gives advice, instruction or demonstration to another person for the purpose of teaching that other

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person to drive a motor vehicle.

“holder” means in relation to an instructor’s licence, the person authorised under a current such licence to act as a driving instructor as prescribed.

“licence” means an instructor’s licence granted under this Act.

“motor vehicle” means a motor car, motor cycle, motor omnibus, motor truck, motor utility truck, trolley vehicle, tractor or traction engine, and any other vehicle propelled or designed for propulsion wholly or partly by gas, motor spirit, oil, electricity, steam, or other mechanical power, and includes an articulated motor vehicle but does not include a vehicle used on a railway or tramway.

“secretary” means the person for the time being assigned to act as secretary to the appeal tribunal constituted under this Act.

“student driver” means a person who, at the material time, is being given advice, instruction or demonstration by a driving instructor for the purpose of the person’s learning to drive a motor vehicle.

(2) Where in the definition “motor vehicle” there is used an expression which a meaning is assigned by the *Traffic Act 1949* and which is not itself defined in this section such expression has the meaning assigned to it by that Act.

(3) However, if by a regulation made under this Act a meaning is signed to such an expression either generally or for a particular purpose the expression shall, for the purposes of the regulations, have the meaning so assigned in accordance with the regulation.

Act inapplicable in certain cases

4. This Act does not apply in respect of any person who, being so required by the person’s engagement or employment in any business or calling, acts as a driving instructor to another person—

- (a) with a view to that other person’s being engaged or employed in the same business or calling; and
- (b) without fee or reward paid or given by or on behalf of that other person;

save where the person is so required by his or her engagement or

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employment, as principal or employee, in the conduct of a driving instruction school.

PART 2—REGISTRATION OF DRIVING INSTRUCTION SCHOOLS

Application for registration

5. Any person desirous of conducting or of continuing to conduct a driving instruction school may apply to the chief executive for registration of the school and, upon the person's application and payment of the prescribed fee, shall be entitled to registration of the school under this Act.

Particulars to be registered

6.(1) Where application is made for the registration of a driving instruction school the particulars to be registered concerning the school shall be—

- (a) the name under which the school is to be conducted;
- (b) the address of every premises within the State from which the school is to be conducted;
- (c) the names of all persons who are to conduct the school;
- (d) all other prescribed particulars.

(2) A person conducting a driving instruction school registered under this Act shall forthwith notify the chief executive of any variation in the name under which the school is conducted, in the address or addresses of premises from which the school is conducted, in the persons who are to conduct the school or in any other prescribed particular registered by the chief executive concerning the school and every such variation so notified shall be registered by the chief executive concerning the school.

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Duration of registration and renewal

7.(1) Registration of a driving instruction school shall expire upon the expiration of a period of 12 months commencing on the date on which the prescribed particulars are first entered in the register kept by the chief executive or, where the registration has been renewed, commencing on the date of its last renewal.

(2) Registration of a driving instruction school may be renewed by the payment of the prescribed fee to the chief executive prior to the expiration of the registration then current but the renewal shall be deemed to be effected on the date of expiration of the registration then current.

Conduct of unregistered school and misrepresentation prohibited

8. After 3 months from the date of commencement of this Act, a person—

- (a) shall not conduct a driving instruction school unless the school is registered under this Act;
- (b) shall not use any initial, name, description or device which, having regard to the circumstances in which it is used, indicates or is calculated to indicate or is capable of indicating that a driving instruction school is registered under this Act unless the school is so registered.

PART 3—INSTRUCTOR’S LICENCE

Application for licence

9.(1) Any person who has attained the age of 21 years may apply to the chief executive for an instructor’s licence.

(2) An application shall comply with all conditions prescribed therefor by regulations made under this Act.

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Grant of licence

10.(1) If the chief executive is satisfied that the applicant for an instructor's licence—

- (a) has attained the age of 21 years and has duly made his or her application as required by this Act;
- (b) is medically fit to a degree sufficient to permit the applicant to act as a driving instructor;
- (c) is the holder of a current licence under the *Traffic Act 1949* which authorises the applicant to drive motor vehicles of the class or classes in respect of which the applicant has applied for the instructor's licence and has, for a continuous period of 3 years last preceding the date of his or her application, held such a licence or a licence under the law of any State or Territory or any other country to drive such motor vehicles;
- (d) has such competence as a driver of motor vehicles of the class or classes in respect of which the applicant has applied for the instructor's licence and such knowledge of the provisions of the regulations made under the *Traffic Act 1949* which relate to the driving, stopping, standing and parking of motor vehicles as would justify the grant of an instructor's licence to the applicant;
- (e) is competent to teach persons to drive motor vehicles of the class or classes in respect of which the applicant has applied for the instructor's licence;
- (f) is in all other respects a fit and proper person to act as a driving instructor;

the chief executive may grant to the applicant an instructor's licence.

(1A) The matters to which regard may be had for the purposes of subsection (1)(f) include the applicant's antecedents, character and conduct.

(2) For the purpose of satisfying the chief executive on any matter referred to in subsection (1) the chief executive may require that—

- (a) an applicant for an instructor's licence or for any renewal thereof shall undergo such tests, both practical and theoretical, and such medical examinations as the chief executive thinks fit;

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- (b) applicants for instructor's licences generally should attain to a standard nominated by the chief executive in any test calculated to assess the applicant's knowledge or competence in any respect;
- (c) an applicant for an instructor's licence or for any renewal thereof shall present himself or herself at a time and place nominated by the chief executive and answer such inquiry as may be made of the applicant concerning such matter.

(3) If an applicant fails to comply with such a requirement of the chief executive the applicant's application shall be refused unless the applicant satisfies the chief executive that the applicant had reasonable cause for his or her failure.

(4) Without prejudice to the powers conferred by subsections (1) to (3), the chief executive may accept as sufficient evidence of an applicant's knowledge or competence in any respect that the applicant has successfully completed a course approved by the Governor in Council by notification published in the gazette as acceptable for the purposes of this section and that the applicant holds a diploma or certificate to that effect issued by the person, school, or authority conducting such course.

Authority of licence

11.(1) A licence authorises the person to whom it is granted to act as a driving instructor in respect of the class of motor vehicle specified therein.

(2) Where no class of motor vehicle is specified in a licence, the licence shall be taken to authorise the person to whom it is granted to act as a driving instructor in respect of all classes of motor vehicles.

Duration and renewal of licence

12.(1) Unless sooner cancelled, suspended or surrendered a licence shall subsist for a period of 12 months from and including the date of its grant or, as the case may be, its last renewal and for the purpose of calculating the period of its duration a licence shall be deemed to have subsisted throughout any period for which it has in fact been suspended or is of no force or effect in respect of all classes or any class of motor vehicle.

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(2) Upon application for renewal of a licence made at least 2 weeks prior to the expiration of the period of duration of the licence and payment of the prescribed fee the chief executive shall renew the licence if the chief executive is satisfied that the provisions of this Act applicable thereto have been complied with and that the holder continues to be a fit, proper and competent person to act as a driving instructor.

Imposition of conditions on licence

13. Upon the grant or renewal of a licence the chief executive may subject the same to such conditions as the chief executive thinks fit by inserting in or affixing to the prescribed form of licence reference to the conditions and at any time and from time to time the chief executive may vary the conditions to which a licence is subject by written notice to the holder.

Professional driving instruction to be given under licence

14.(1) After 3 months from the date of commencement of this Act a person shall not act as a driving instructor for fee or reward or hold himself or herself out as willing to so act unless the person is the holder of a licence.

(2) For the purposes of this Act a person shall be deemed to act as a driving instructor for fee or reward notwithstanding that the consideration paid or given by or on behalf of the student driver is not received directly or indirectly by the driving instructor.

PART 4—REGULATION OF LICENSEES AND DRIVING INSTRUCTION SCHOOLS

Register of licences

15. The chief executive shall cause to be kept a register or (as the chief executive elects) several registers of applicants for registration or for licences and shall cause to be recorded in the relevant register particulars of registration and of the grant, refusal, cancellation, suspension or surrender

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of a licence, of conditions to which a licence is subject, and of any other matter which affects the force and effect of a licence.

Instructor's licence dependent upon driver's licence

16.(1) During any period for which the holder of a licence is not authorised under the *Traffic Act 1949* to drive motor vehicles of a class in respect of which the holder of a licence is authorised by the licence to act as a driving instructor the licence shall be of no force or effect in respect of that class and, to that extent, shall be deemed not to exist.

(2) The holder of a licence that so becomes of no force or effect shall forthwith produce his or her licence to the chief executive so that the licence may be endorsed accordingly.

(3) If by reason of this section a licence is of no force or effect whatever it shall, upon production to the chief executive, be held by the chief executive until it again is of some force and effect.

Obligations of holder of instructor's licence

17. The holder of a licence—

- (a) shall comply in every respect with the conditions to which the licence is subject;
- (b) shall, upon the requisition of an authorised officer, or of a person in relation to whom the holder of a licence is or is about to be a driving instructor for fee or reward, produce the licence for inspection by the officer or person;
- (c) shall not act as a driving instructor for fee or reward or hold himself or herself out as willing to so act in respect of a class of motor vehicle other than a class in respect of which the holder of a licence is authorised by the licence to so act;
- (d) shall not act as a driving instructor for fee or reward or hold himself or herself out as willing to so act except for the purposes of a driving instruction school registered under this Act.

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Motor vehicles to comply with requirements of law

18.(1) A person who conducts a driving instruction school or the holder of a licence—

- (a) shall not use; or
- (b) shall not make available for use;

on a road a motor vehicle unless—

- (c) it has been inspected as required by the *Motor Vehicles Safety Act 1980* and a current certificate of inspection issued under that Act exists in respect of that vehicle; or
- (d) a certificate acceptable to the chief executive and which satisfies the chief executive that the appropriate requirements of the *Traffic Act 1949* relative to the construction, equipment and performance of the vehicle concerned exists in respect of that vehicle.

(3) A person who conducts a driving instruction school or the holder of a licence—

- (a) shall not use; or
- (b) shall not make available for use;

on a road a motor vehicle that—

- (c) is not equipped and marked as prescribed by regulations made under this Act and applicable thereto; or
- (d) does not comply with the provisions of the *Traffic Act 1949* applicable thereto and relating to its construction or equipment.

(4) It is a defence to a charge of a contravention of this section that the motor vehicle in question was not, at the material time, available for use or, as the case may be, being used for the purposes of a driving instruction school.

(5) In this section—

“**road**” has the meaning assigned to that term by the *Traffic Act 1949*.

(6) This section does not apply to the case where the motor vehicle in question is provided by the student driver.

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Regulation of registered driving instruction schools

19. A person shall not—

- (a) conduct a driving instruction school from premises other than premises at an address registered under this Act;
- (b) in the conduct of a driving instruction school, use as a driving instructor any person unless that person is the holder of an instructor's licence;
- (c) require or suffer a driving instructor used by a person in the conduct of a driving instruction school to act as a driving instructor in respect of any class of motor vehicle unless the instructor authorised by a licence to so act in respect of that class.

Discretionary cancellation etc. of licence

20.(1) If the chief executive is satisfied or suspects that—

- (a) a licence was granted, issued or renewed erroneously or upon a false statement or representation; or
- (b) the holder of a licence is convicted of an offence against this Act, or is no longer a fit, proper and competent person to hold the licence having regard to all relevant matters and particularly the requirements of section 10(1);

the chief executive may, by notice under the chief executive's hand, call upon the holder of the licence to produce to the chief executive the licence and to show cause why the licence should not be cancelled or suspended.

(1A) The chief executive may in such a notice or in a further notice nominate a place, date and time at which the licence is to be produced or such cause is to be shown.

(2) If a licence is not produced as required or cause is not shown to the satisfaction of the chief executive why a licence should not be cancelled or suspended, the chief executive may cancel the licence or, as the case requires in the chief executive's opinion, suspend the licence for a period specified by the chief executive whereupon—

- (a) the chief executive shall confiscate the licence so cancelled or impound the licence so suspended;

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(b) the licence shall be of no force or effect and shall be deemed not to exist but, in the case of a suspension, only for the period specified.

(3) Where a licence is cancelled or suspended in respect of 1 or some only of the classes of motor vehicles within the scope of its authority then—

(a) the chief executive shall not confiscate or impound the licence but shall endorse the licence accordingly; and

(b) the licence shall be of no force or effect and shall be deemed not to exist in respect only of that class or those classes of motor vehicles.

PART 5—APPEALS FROM CHIEF EXECUTIVE’S DECISIONS

Person aggrieved may appeal against determination of chief executive

21.(1) Where the chief executive—

(a) refuses an application for or any renewal of a licence;

(b) imposes conditions upon the grant or renewal of a licence;

(c) varies conditions to which a licence is subject;

(d) cancels or suspends a licence;

the chief executive shall notify in writing the applicant or, as the case may be, licensee of the chief executive’s decision and the grounds therefor and, if any matter referred to in section 10(1)(a) to (f) is material to the decision, shall therein specify whichever of the paragraphs is material.

(2) An applicant or licensee aggrieved by the chief executive’s decision may in the manner and within the time prescribed appeal to the appeal tribunal constituted as prescribed save where, in the case of a decision to refuse an application or to cancel or suspend a licence, a ground material to the decision is that the applicant or licensee does not satisfy the requirements of section 10(1)(d) or (e).

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Appeal tribunal

22.(1) The appeal tribunal shall convene as often as is necessary to hear and determine an appeal duly made to it and for that purpose shall consist of—

- (a) a magistrate who shall be chairperson of the tribunal;
- (b) an officer of the department nominated by the chief executive;
- (c) a holder of a licence nominated by the Minister as prescribed;

and shall be deemed to be a commission of inquiry within the meaning of the *Commissions of Inquiry Act 1950* the provisions whereof shall apply accordingly.

(2) An appointment of a member of the appeal tribunal—

- (a) shall be made by the Governor in Council by notification published in the gazette;
- (b) subject to paragraph (c), shall be effective for a period of 12 months commencing on the date of such publication unless the appointment sooner becomes vacant as prescribed;
- (c) where it is made to fill a vacancy in the appointment of a member, shall be effective for the balance of the term of the appointment in which the vacancy occurred.

(3) The appointment of a member of the appeal tribunal shall become vacant if the appointee—

- (a) dies;
- (b) resigns the appointment by notice in writing given to the Minister;
- (c) ceases to be qualified as prescribed for appointment as a member;
- (d) is removed from the appointment by the Governor in Council as prescribed.

(3A) The Governor in Council may at any time by notice in writing given to the member in question remove a member of the appeal tribunal from the appointment if, in the Governor in Council's opinion, the member is not a fit and proper person to hold the appointment.

(4) The nomination by the Minister of a holder of a licence for

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appointment as a member of the appeal tribunal shall be made from a panel of names of 3 such holders, at the least, furnished to the Minister by an association or group of such holders which, in the Minister's opinion, is representative of the holders of licences in Queensland.

(5) If at the time an appointment of such a holder is to be made there is no such panel or if the holders on such a panel willing to accept nomination are less than 3 in number the Minister may nominate any holder of a licence in the Minister's unfettered discretion.

Secretary to appeal tribunal

23. The chief executive shall assign an officer of the department (other than the officer thereof who is or is to be a member of the appeal tribunal) to act as secretary to the appeal tribunal.

Procedure on appeal

24.(1) An appeal shall be instituted within 1 month after the date on which the appellant receives notice of the chief executive's decision whereby the appellant is aggrieved by lodging with the secretary a notice of appeal in writing and, if a form thereof is prescribed, in or to the effect of the form and paying the prescribed fee (if any).

(1A) The grounds of the appeal shall be clearly and briefly set forth in the notice of appeal.

(1B) The appellant may at any time withdraw the appellant's appeal by notice in writing given to the secretary.

(2) When an appeal has been duly instituted the secretary shall arrange with the chairperson of the appeal tribunal a date, time and place for the hearing of the appeal and shall give at least 7 days notice thereof to the appellant and to the chief executive.

(2A) So far as is practicable an appeal shall be heard and determined within 1 month after the date on which it is instituted.

(3) The decision of the appeal tribunal, where the members are not unanimous, shall be that of the majority of the members.

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Venue and nature of appeal

25.(1) The appeal tribunal shall sit in Brisbane and shall determine an appeal on the evidence which was before the chief executive in the matter in question and on such further evidence as, in the opinion of the chairperson, is relevant to the matter of inquiry.

(2) The appeal tribunal may inform itself on any matter in such manner as it deems fit and, subject to this Act, shall not be bound by rules of or practice as to evidence.

(3) Subject to this Act, an appeal shall be conducted in accordance with the directions of the appeal tribunal which directions shall be consistent with natural justice.

(4) The appellant and the chief executive may appear before the appeal tribunal in person or by counsel or solicitor or by any agent acceptable to the tribunal.

Determination of appeal

26. By way of determining an appeal, the appeal tribunal may confirm or set aside the chief executive's decision in issue and may make any determination and order which the chief executive could have properly made under this Act with respect to the matter in question, and may make such order as to costs as it thinks just.

Effect of appeal and of determination thereof

27.(1) Save where the chief executive's decision the subject of an appeal consists of a refusal of an application for or a renewal of a licence, an appeal duly instituted shall avoid the decision the subject thereof until the appeal is determined by the appeal tribunal or withdrawn by the appellant, whichever event sooner occurs.

(2) The decision of the appeal tribunal shall be final and conclusive and shall be given effect to.

(3) Where a decision of the chief executive is thereby set aside that decision shall be of no further force or effect but where it is confirmed that

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decision shall again be of full force and effect or, as the case may be, continue to be so, according to its tenor.

PART 6—GENERAL PROVISIONS

Power to delegate

28.(1) The chief executive may either generally or otherwise as provided by the instrument of delegation, by writing under the chief executive's hand, delegate to any person or holder of an office all or any of the chief executive's powers, authorities and functions (other than this power of delegation) under this Act.

(2) A power, authority or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

(3) Where the exercise or performance of a power, authority or function so delegated depends upon the opinion, belief or state of mind of the chief executive in relation to any matter that power or authority may be exercised and that function may be performed upon the opinion, belief or state of mind of the delegate.

(4) A delegation under this section is revocable at will and does not prevent the exercise of a power or authority or the performance of a function by the chief executive or the making by the chief executive of a further delegation of that power, authority or function.

Evidentiary value of records

29.(1) Every part of a register kept pursuant to section 15, and an extract of any part of such a register purporting to be certified as correct by the person having custody of the register shall upon its production in any proceeding be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

(2) A certificate purporting to be signed by the person having custody of a register kept pursuant to section 15 certifying the state of any part of the

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register at a date or during a period specified in the certificate or certifying that the person or driving instruction school named therein was not, at a date or during a period specified therein, the holder of a licence or, as the case may be, registered under this Act shall upon its production in any proceeding be admissible as evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in the certificate.

(3) A document purporting to be a report furnished to the chief executive for the purposes of this Act in relation to any applicant or licensee and relevant to the matter of inquiry shall, upon its production in an appeal against the chief executive's decision, be admissible as evidence of the matters contained therein.

Offences and penalty

31.(1) A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act.

(1A) Save where a specific penalty is otherwise prescribed, a person who commits an offence against this Act is liable to a penalty of \$1 000.

(2) A penalty imposed by this Act may be recovered by way of summary proceedings before a Magistrates Court under the *Justices Act 1886*.

(3) A court before which a person is convicted of an offence against this Act shall cause particulars of the conviction to be furnished to the chief executive.

(4) For the purposes of this Act the persons who conduct a driving instruction school shall include—

- (a) the person who has actual charge or management of the school; and
- (b) every person who is entitled to share in the net profits of the school;

and upon a contravention of any provision of this Act whereby a person who conducts a driving instruction school commits an offence against this Act each of such persons shall be deemed to have committed the act of contravention.

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Indemnity to persons administering Act

32. A person shall not incur liability on account of anything done for the purposes of this Act or done in good faith and purporting to be for the purposes of this Act.

Regulations

33.(1) The Governor in Council may make regulations not inconsistent with this Act for or with respect to—

- (a) providing for and regulating the making of applications for licences and for renewals of licences or for registration and for renewals of registration under this Act;
- (b) providing for and regulating the duties of persons conducting driving instruction schools registered under this Act and notification to the chief executive of changes in circumstances concerning the conduct of such schools;
- (c) providing for and regulating the powers of an authorised officer to enter upon premises from which a driving instruction school is conducted or upon any other place where the records of the school are suspected to be kept, to inspect, seize and make copies of such records, and the production of such records by any person having custody thereof upon the requisition of an authorised officer;
- (d) providing for and regulating the duties of persons acting as driving instructors and notification to the chief executive of matters affecting the competence of such persons as instructors;
- (e) providing for and regulating the power of the chief executive to require any holder of a licence at any time to submit to tests, both practical and theoretical, and medical examinations to establish the holder's fitness and competence to be a driving instructor and the duty of such holder to comply with the requisition;
- (f) providing for and regulating the conditions to which motor vehicles used for the purposes of a driving school must conform, including conditions for equipment, markings and maintenance and the powers of an authorised officer to inspect such vehicles and ensure compliance with this Act;

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- (g) providing for the forms to be used for the purposes of this Act, the identification of the holder in a form of licence, the replacement of a licence which has been lost or destroyed, and the surrender to the chief executive of a licence which is cancelled or suspended;
- (h) providing for the fees payable under this Act and the purposes for which such fees are payable;
- (i) providing for and regulating the institution and conduct of and all matters pertaining to appeals against the chief executive's decisions for the purposes of this Act;
- (j) providing for and regulating all matters required or permitted by this Act to be prescribed where the method of prescription is not otherwise provided;
- (k) providing for a penalty not exceeding \$60 for any contravention or failure to comply with a regulation;
- (l) providing for and regulating all matters that may be convenient for the administration of this Act or that may be necessary or expedient to achieve the objects and purposes of this Act.

(2) The power to regulate conferred by subsection (1) includes the power to prohibit.

(3) Regulations may be made—

- (a) to apply generally or to meet a particular case or class of case;
- (b) to apply throughout the whole State or within any part of the State;
- (c) upon the passing of this Act and shall be valid and effectual on and from the date they take effect as prescribed notwithstanding that this Act had not then come into operation.

(4) The regulations may adopt, wholly or in part and either by way of reference or by way of express specification therein, any of the standard rules, codes or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution or a like body identified in the regulations.

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Procedural provisions re regulations

34.(1) Every regulation made under this Act shall—

- (a) be published in the gazette;
- (b) upon its publication in the gazette, be judicially noticed;
- (c) take effect on and from the date of its publication in the gazette unless a later date is specified in relation to its commencement when, in such case, it shall take effect on and from that later date;
- (d) be laid before the Legislative Assembly within 14 sitting days after such publication if the Assembly is in session, but, if not, then within 14 sitting days after the commencement of the next session.

(2) If the Legislative Assembly passes a resolution of which notice has been given at any time within 14 sitting days after a regulation has been laid before it disallowing the regulation or part thereof, the regulation or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further regulation.

ENDNOTES

1 **Index to endnotes**

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2 **Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 31 January 1996. Future amendments of the Motor Vehicle Driving Instruction School Act 1969 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

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3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Motor Vehicle Driving Instruction School Act 1969 No. 21

date of assent 17 December 1969

commenced 1 January 1970 (proc pubd gaz 20 December 1969 p 1736)

as amended by—

Motor Vehicle Driving Instruction School Act Amendment Act 1984 No. 69

date of assent 12 October 1984

commenced on date of assent

Motor Vehicles Safety Act and Other Acts Amendment Act 1985 No. 30 pt 4

date of assent 17 April 1985

commenced 1 March 1986 (proc pubd gaz 18 January 1986 p 126)

Public Service (Administrative Arrangements) Act 1990 No. 73 s 3 sch 5

date of assent 10 October 1990

ss 1–2 commenced on date of assent

s 3 sch 5 commenced 24 November 1990 (proc pubd gaz 24 November 1990 p 1450)

5 List of annotations

Short title

- prov hdg** amd R1 (see RA s 7(1)(k))
s 1 amd R1 (see RA s 37)

Arrangement of Act

- s 2** amd 1990 No. 73 s 3 sch 5
om R1 (see RA s 36)

Interpretation

- s 3** def “**authorised officer**” amd 1990 No. 73 s 3 sch 5
def “**Commissioner**” om 1990 No. 73 s 3 sch 5
def “**department**” ins 1990 No. 73 s 3 sch 5
om R1 (see RA s 39)
def “**Director-General**” ins 1990 No. 73 s 3 sch 5
om R1 (see RA s 39)
def “**Minister**” om R1 (see RA s 39)

Application for registration

- s 5** amd 1990 No. 73 s 3 sch 5

Particulars to be registered

- s 6** amd 1990 No. 73 s 3 sch 5

Duration of registration and renewal

- s 7** amd 1990 No. 73 s 3 sch 5

Application for licence

- s 9** amd 1990 No. 73 s 3 sch 5

Grant of licence

- s 10** amd 1990 No. 73 s 3 sch 5

Duration and renewal of licence

- s 12** amd 1990 No. 73 s 3 sch 5

Imposition of conditions on licence

- s 13** amd 1990 No. 73 s 3 sch 5

Register of licences

- s 15** amd 1990 No. 73 s 3 sch 5

Instructor’s licence dependent upon driver’s licence

- s 16** amd 1990 No. 73 s 3 sch 5

Motor vehicles to comply with requirements of law

- s 18** amd 1985 No. 30 s 62; 1990 No. 73 s 3 sch 5

Discretionary cancellation etc. of licence

- s 20** amd 1990 No. 73 s 3 sch 5

PART 5—APPEALS FROM CHIEF EXECUTIVE’S DECISIONS

- pt hdg** amd 1990 No. 73 s 3 sch 5

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Person aggrieved may appeal against determination of chief executive

prov hdg amd 1990 No. 73 s 3 sch 5

s 21 amd 1990 No. 73 s 3 sch 5

Appeal tribunal

s 22 amd 1990 No. 73 s 3 sch 5

Secretary to appeal tribunal

s 23 amd 1990 No. 73 s 3 sch 5

Procedure on appeal

s 24 amd 1990 No. 73 s 3 sch 5

Venue and nature of appeal

s 25 amd 1990 No. 73 s 3 sch 5

Determination of appeal

s 26 amd 1990 No. 73 s 3 sch 5

Effect of appeal and of determination thereof

s 27 amd 1990 No. 73 s 3 sch 5

Power to delegate

s 28 amd 1990 No. 73 s 3 sch 5

Evidentiary value of records

s 29 amd 1990 No. 73 s 3 sch 5

Service of writings under Act

s 30 amd 1990 No. 73 s 3 sch 5
om R1 (see RA s 39)

Offences and penalty

s 31 amd 1984 No. 69 s 2; 1990 No. 73 s 3 sch 5

Regulations

s 33 amd 1984 No. 69 s 3; 1990 No. 73 s 3 sch 5

6 Table of changed names and titles

TABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
director-general	chief executive	Reprints Act 1992 s 29, example 27
member (of the police force)	(police) officer	Police Service Administration Act 1990 s 11.1(1)(c) (see also s 1.4)

7 **Table of obsolete and redundant provisions**

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
def “department”	Acts Interpretation Act 1954 s 36 def “department” and s 33(4B) and (5) (see also Reprints Act 1992 s 39, example 2)
def “director-general”	Acts Interpretation Act 1954 s 36 def “chief executive” and ss 33(5B) and 24B(8)(b) (see also Reprints Act 1992 s 39, example 2)
def “Minister”	Acts Interpretation Act 1954 s 36, def “Minister” and ss 33(1) to (4) and 24B(8)(b) (see also Reprints Act 1992 s 39, example 2)
references to a Territory	Acts Interpretation Act 1954 s 36 def “Territory”
reference to provisions of law inclusive	Acts Interpretation Act 1954 s 35D
references to stipendiary magistrate	Acts Interpretation Act 1954 s 36 def “magistrate”
service of documents	Acts Interpretation Act 1954 s 39

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8 Table of corrected minor errors

TABLE OF CORRECTED MINOR ERRORS
under the Reprints Act 1992 s 44

Provision	Description
3(3)	om 'purpose expression' ins 'purpose the expression'

9 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

Previous	Renumbered as
3, 1st sentence	3(1)
3, 2nd sentence	3(2)
3, proviso	3(3)
9, 1st sentence	9(1)
9, 2nd sentence	9(2)
10(1), 2nd sentence	10(1A)
11, 1st sentence	11(1)
11, 2nd sentence	11(2)
14, 1st sentence	14(1)
14, 2nd sentence	14(2)
16, 1st sentence	16(1)
16, 2nd sentence	16(2)
16, 3rd sentence	16(3)
20(1), 2nd sentence	20(1A)
22(3), 2nd sentence	22(3A)
22(4), 2nd sentence	22(5)
24(1), 2nd sentence	24(1A)
24(1), 3rd sentence	24(1B)
24(2), 2nd sentence	24(2A)
27(2), 2nd sentence	27(3)
31(1), 2nd sentence	31(1A)
33, 1st sentence	33(1)
33, 2nd sentence	33(2)
33, 3rd sentence	33(3)
33, 4th sentence	33(4)

