

Road Safety (Driving Instructors) Regulations

Exposure Draft

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Victoria

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1 Objectives

The main objectives of these Regulations are—

- (a) to provide for the application for and issue of driving instructor authorities;
- (b) to set out conditions that must be followed by holders of driving instructor authorities;
- (c) to require that driving instructors must produce their driving instructor authority and identity photograph if requested to do so by a member of the police force.

2 Authorising provision

These Regulations are made under section 95 of the **Road Safety Act 1986**.

3 Commencement

These Regulations come into operation on 15 February 2010.

4 Revocation

The Road Safety (Driving Instructors) Regulations 1999¹ are **revoked**.

5 Definitions

In these Regulations—

authorised person means a person authorised by the Secretary under regulation 14(1) or 14(2);

authority means a driving instructor authority granted under section 33(1) of the Act;

identity photograph means an identity photograph issued under regulation 7 to the holder of an authority;

the Act means the **Road Safety Act 1986**.

6 Application for driving instructor authority

- (1) For the purposes of section 33(2)(c) of the Act, the following are prescribed requirements for the applicant for an authority—
 - (a) the applicant must provide the Secretary with a completed application form;
 - (b) the applicant must provide the Secretary with a certificate from a registered medical practitioner stating that the applicant is not suffering from a condition that would prevent him or her from holding an authority;
 - (c) the applicant must provide the Secretary with 2 recent passport-size colour photographs of the applicant showing a full front view of the applicant's head and shoulders on a white background;

- (d) the applicant must provide the Secretary with a specimen of the applicant's signature in a manner specified by the Secretary.
- (2) For the purposes of section 33(2)(c) of the Act, it is a prescribed requirement that an applicant for an authority must, if required by the Secretary, allow himself or herself to be photographed or have a digitised image of himself or herself made at a place and in a manner specified by the Secretary.
- (3) For the purposes of section 33(2)(c) of the Act, it is a prescribed requirement that an applicant must pay a fee of 1 fee unit for every month of the term for which the Secretary proposes to grant the applicant an authority.

7 Secretary must issue holder's identity photograph

- (1) If an authority is granted under section 33 of the Act, the Secretary must issue an identity photograph to the holder of the authority.
- (2) An identity photograph issued under subregulation (1) must include—
 - (a) a photograph or digitised image of the holder of the authority, if one was required by the Secretary under regulation 6(2); and
 - (b) a number to identify the authority; and
 - (c) the date on which the authority expires.

8 Prescribed location for display of identity photograph

For the purposes of section 33B of the Act, the prescribed location for the display of an identity photograph is a location where the identity photograph is clearly visible to persons seated in the driver seat and the front passenger seat.

9 Conditions concerning authority

- (1) The Secretary may impose any conditions on an authority if he or she thinks appropriate either—
 - (a) when granting or renewing the authority; or
 - (b) at any time during the period that the authority is in force.
- (2) The Secretary may on his or her own initiative or on the written application of the holder of an authority—
 - (a) vary or revoke a condition imposed by the Secretary on the authority; or
 - (b) impose a new condition on the authority.
- (3) The Secretary must give the person to whom an authority is granted, or whose authority is renewed, a written copy of any conditions the Secretary imposes on that authority.

10 Return of authority or identity photograph upon cancellation

The holder of an authority must immediately return his or her authority and identity photograph to the Secretary if his or her authority is cancelled or suspended or otherwise ceases to have effect.

Penalty: 5 penalty units.

11 Replacement of lost, stolen or destroyed authority or identity photograph

- (1) The Secretary may grant a duplicate authority or identity photograph if the Secretary is satisfied that the authority or identity photograph is illegible, altered or defaced or that it is lost, stolen or destroyed.

- (2) The holder of an authority must pay a fee of 2 fee units for the issue of a duplicate authority or identity photograph.

12 Production of authority upon request

It is a condition of an authority that, when teaching a person to drive pursuant to the authority, the holder must produce his or her authority and identity photograph for inspection if requested to do so by—

- (a) a member of the police; or
- (b) an authorised person.

13 Holder of authority to keep records

- (1) It is a condition of an authority that the holder must keep any records required by the Secretary.
- (2) It is a condition of an authority that the holder must—
 - (a) produce all records referred to in subregulation (1) if requested to do so by an authorised person;
 - (b) allow that person to make copies of the records.
- (3) It is a condition of an authority that the holder must notify the Secretary of any change in the information provided by the holder to the Secretary in his or her application.

14 Secretary may authorise persons to inspect authorities or records

- (1) For the purpose of regulation 12, the Secretary may authorise a person to require the holder of any authority to produce his or her authority and identity photograph for inspection.

- (2) For the purpose of regulation 13, the Secretary may authorise a person—
 - (a) to require the holder of an authority to produce records held by the holder of an authority under regulation 13; and
 - (b) to make copies of those records.
- (3) An authorisation under subregulation (1) or (2) must be in writing.
- (4) The Secretary may authorise the same person for the purposes of both regulations 12 and 13.

15 Medical certificates

It is a condition of an authority that the holder must notify the Secretary of any change in the information provided by the holder to the registered medical practitioner for the purposes of issuing the certificate provided to the Secretary under regulation 6(1)(b).

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ENDNOTES

¹ Reg. 4: S.R. No. 17/1999 as amended by S.R. No. 88/2004 and extended in operation by S.R. No. 8/2009.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2009 is \$11.69. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2009 is \$116.82.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.