

LR 21/1/89



ACT GOVERNMENT

**AUSTRALIAN CAPITAL TERRITORY**

**MOTOR TRAFFIC ACT 1936**

**INSTRUMENT OF APPROVAL**

**INSTRUMENT NO. 253 OF 1997**

Pursuant to section 13U of the *Motor Traffic Act 1936*, I approve the Code of Practice for Accredited Driving Instructors specified in the Schedule.

This instrument shall commence on the day it is notified in the *Gazette*.

Members of the public can inspect or obtain a copy of the Code of Practice at Dickson Motor Vehicle Registry or at any ACT Government Shopfront.

Dated this *21st* day of November 1997

A handwritten signature in cursive script that reads "John Miles".

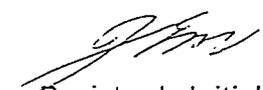
John Miles  
Registrar of Motor Vehicles

Australian Capital Territory

Motor Traffic Act 1936

No. 253 of 1997

CODE OF PRACTICE  
FOR ACCREDITED DRIVING INSTRUCTORS

  
Registrar's Initials

21 November 1997

# COMPETENCY BASED TRAINING & ASSESSMENT SCHEME

## CODE OF PRACTICE FOR ACCREDITED DRIVING INSTRUCTORS

### 1. Introduction

- 1.1 The purpose of this Code of Practice is to provide a set of principles and operational guidelines for the conduct of Accredited Driving Instructors in the ACT's Competency Based Training and Assessment (CBT & A) Scheme.
- 1.2 The Code has two functions:
- 1) A guide to the operation of the CBT & A Scheme for Accredited Driving Instructors.
  - 2) A document which informs the public, and especially learner drivers, of what they can expect in terms of performance and conduct from an Accredited Driving Instructor.

### 2. The Motor Traffic Act 1936

- 2.1 Under section 13U of the *Motor Traffic Act 1936* the Registrar of Motor Vehicles is empowered to approve a Code of Practice relating to the activities of persons who have been accredited under section 13B of the Act to assess a learner driver for the grant of a provisional licence.
- 2.2 This Code of Practice is a Disallowable Instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*. It should be noted that under section 13H of the *Motor Traffic Act 1936*, a breach of this code may result in the suspension or cancellation of an instructor's accreditation.

### 3. Definitions

In this code -

"**Instructor**" means a person who has been granted a certificate of accreditation under section 13B of the *Motor Traffic Act 1936*;

"**Registrar**" means the Registrar of Motor Vehicles;

"**student**" means a person who has been granted a learner licence or a learner licence receipt, in relation to a light vehicle other than a motor tractor or a motor implement under section 7A of the *Motor Traffic Act 1936*;

"**bribe**" means anything given, promised or offered to influence an instructor.

#### 4. Punctuality Towards Student

- 4.1 An instructor shall arrange his or her affairs so as to ensure, as far as practicable, that an appointment with a student for instruction or assessment is not delayed. Where a delay is unavoidable the instructor shall endeavour to contact the student by telephone to advise him or her of the extent of the delay and shall provide an opportunity for the student to cancel the appointment and make a new appointment.

#### 5. Courtesy

- 5.1 An instructor shall behave courteously toward all persons with whom he or she comes in contact when providing instruction or assessment.
- 5.2 In particular, an instructor shall not smoke whilst providing instruction or assessment.
- 5.3 During a session of instruction or assessment an instructor shall apply himself or herself solely to the task of instruction or assessment and should not allow himself or herself to be distracted. The instructor shall not read material or use items such as a mobile phone or computer or any equipment not relevant to the session.
- 5.4 An instructor shall not harass, abuse or threaten a student. Some examples of harassment are offensive jokes, suggestions or derogatory comments about the student's (or other person's) racial or ethnic background, sex, sexual preference, disability or physical appearance; unwelcome comments or questions about a person's sex life; unnecessary familiarity such as deliberately touching a person; display of pictures which are offensive and/or obscene; coercive behaviour intended to inappropriately influence; and expressing stereotyping (ie assumptions about a person's group behaviour, values, culture or abilities).
- 5.5 If a student cannot resolve the problems outlined in paragraph 5.4 by discussion with the instructor, he or she can then approach the Registrar, the ACT Consumer Affairs Bureau, or the ACT Human Rights Commissioner.

#### 6. Presentation

- 6.1 A vehicle provided by an instructor to be used for instruction or assessment must be clean and tidy, both inside and outside, having regard to prevailing weather conditions. The vehicle must have a minimum of four legal seating positions fitted with seat belts.



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- 6.2 The vehicle must be registered and roadworthy. CBT & A Auditors will have the power to check the vehicle to ensure it complies with the regulations, eg internal mirrors, dual controls, tyres with sufficient tread. The Auditor will have the authority to request that an instructor's vehicle, or any other vehicle designated to be used for CBT & A driving lessons/assessments, be inspected by a Vehicle Inspector, if the Auditor believes that the vehicle is unroadworthy.
- 6.3 The instructor should have a neat and tidy appearance, including safe and practical clothing and footwear (eg no thongs).

## 7. Assessment of Students

- 7.1 An instructor shall not assess any student against any competency or perform any review without verifying the identity of the student being assessed.
- 7.2 An instructor shall not undertake the assessment of a student who is a member of his or her family. However, in this context, 'family' is limited to meaning a son, daughter, sibling or parent of the instructor.
- 7.3 An instructor shall assess a student against various driver competencies listed below -

- (1) **Vehicle Controls**
- (2) **Cabin drill**
- (3) **Starting up procedure**
- (4) **Moving off procedure**
- (5) **Gear changing**
- (6) **Steering Control**
- (7) **Turns left and right**
- (8) **Speed control**
- (9) **Slowing procedure**
- (10) **Stopping procedure**
- (11) **Hill starts**
- (12) **Give way rules, intersections, traffic lights, roundabouts, traffic signs, road markings, pedestrian crossings, school crossings**
- (13) **Reversing**
- (14) **Right angle parking (front in)**
- (15) **Reverse parallel parking**
- (16) **U turns**

- (17) **Turning around in the road eg. 3 point turns**
- (18) **Lane changing, merging, entering freeways**
- (19) **Overtaking**
- (20) **Observation skills, visual searching and scanning, hazard recognition**
- (21) **Compliance with the System of Vehicle Control**
- (22) **Driving on busy and unfamiliar roads. Driving in a variety of environmental conditions.**

7.4 It is strongly recommended that instructors use the Competency Standards Assessment List, as approved by the Registrar, for the following reasons:

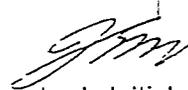
- (i) Operational efficiency - The List provides a high quality, ready-made assessment record for CBT & A.
- (ii) Instructor protection - It allows an instructor to easily, quickly and clearly justify why he or she has or has not passed a student on a particular competency.
- (iii) Consumer protection - The student can have access to a record of his or her performance.
- (iv) The List will be used by the Auditors to assess instructors' performance and it will minimise the possibility of audit disputes if instructors use the same List.
- (v) In the event of a log book being lost, the List can be used to verify the competency level of the student.

7.5 The Competency Standards Assessment List can be used in lieu of the CBT & A Lesson Schedule referred to in paragraph 8.5.

7.6 In addition to assessing a student against the 22 driver competencies, an instructor shall also conduct three reviews of the skills acquired by the student.

7.7 The first review shall be conducted at least 24 hours after competency 10 has been achieved and shall cover competencies 1 to 10. The second review shall be conducted at least 24 hours after competency 17 has been achieved and shall cover competencies 11 to 17. The third review shall be conducted at least 48 hours after competency 22 has been achieved and shall cover all of the competencies.

7.8 Competencies 11 to 17 are not to be assessed until such time as the first review is completed successfully. Competencies 18 to 22 are not to be assessed until such time as the second review is completed successfully.

  
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- 7.9 The final review and check skills lesson may not be undertaken until the student has reached the age of 17 years unless prior approval is obtained in writing from the Registrar.
- 7.10 The minimum number of lessons for issue of a Certificate of Competency is therefore five:
- Lesson 1: Teach and assess competencies 1 to 10
  - Lesson 2: Review competencies 1 to 10 and teach and assess competencies 11 to 17
  - Lesson 3: Review competencies 11 to 17 and teach and assess competencies 18 to 21
  - Lesson 4: Teach and assess competency 22
  - Lesson 5: Final Review and Check Skills
- 7.11 Competency 22 may only be assessed between the hours of 7.00am and 7.00pm Mondays to Thursdays, 7.00am and 9.00pm on Fridays and 7.00am to 7.00pm on Saturdays in a vehicle with four legal seating positions fitted with seat belts.
- 7.12 The final review and check skills may only be conducted between the hours of 7.00am and 7.00pm Mondays to Thursdays, 7.00am and 9.00pm on Fridays and 7.00am to 7.00pm on Saturdays in a vehicle with four legal seating positions fitted with seat belts.
- 7.13 All of the abovementioned driver competencies and review points are listed in the student's CBT & A Log Book.
- 7.14 The Log Book shall be retained by the student.
- 7.15 An instructor shall obtain the Log Book from the student prior to commencing an instruction and assessment session and return it to him or her on completion of the session. It is unacceptable for an accredited driving instructor to assess a student in relation to one of the competencies or reviews when the Log Book is not available.
- 7.16 Where an instructor is satisfied that a student has correctly demonstrated a particular competency or satisfactorily undertaken a review, and certifies to that fact in the Log Book, the instructor shall request the student to sign his or her name in the Log Book in relation to that competency or review in the instructor's presence.

7.17 The learner driver's Log Book is the primary document upon which the Registrar will exercise his or her discretion to grant a provisional licence or a provisional licence endorsement under section 7B of the Motor Traffic Act 1936.

## 8. Auditing of Accredited Driving Instructors

8.1 Instructors agree to abide by the rules of the Registrar's Auditing System for the Competency Based Training and Assessment Scheme.

8.2 An instructor shall note that the Registrar, or any officer authorised by the Registrar, may observe any session of instruction or assessment. An instructor should co-operate with the Registrar or any authorised officer and comply with any reasonable request they may make.

8.3 An instructor will inform his or her student that an Auditor can attend the competency 22 driving lesson and/or the final review & check skills driving lesson.

8.4 An instructor will inform a student that in order to meet the Registrar's auditing requirements, he or she will be sending a booking advice to the Auditing Supervisor for the student's competency 22 driving lesson and the student's final review and check skills driving lesson. The booking advice will include the student's name, learner driver's licence number, the date and time of the driving lesson and the address for the commencement of the driving lesson.

8.5 The instructor shall keep a record of every lesson by entering the date, the student's name and the competency passed during that lesson, if a competency was passed in the lesson. The instructor will sign each entry. The format of this record can be either the Competency Based Training and Assessment Lesson Schedule or the Competency Standards Assessment List referred to in paragraph 7.4

8.6 The CBT & A Lesson Schedule or the Competency Standards Assessment List will be used to verify the competency level of the student in the case of a lost Log Book. The schedule or list will also be used for the purpose of auditing. The instructor will keep the schedule or list in his or her vehicle and will keep records for a minimum period of 12 months. The Registrar, or a person appointed as an auditor by the Registrar, may view the schedule or list on request.

8.7 If an audit result requires the issue of a new Log Book, an auditor will indicate in writing to the student the competency at which he or she will recommence training. The student may pass this to an instructor, who will sign off the competencies and reviews prior to that competency and date the Log Book entries with the current date.

## 9. Relations With Clients

- 9.1 An instructor shall document any offer of a bribe and forward the information to the Registrar.
- 9.2 The instructor shall inform the student before their first lesson of the fee for the lesson (or package of lessons), whether any fee increases can be imposed during the series of lessons, acceptable methods of payment and their refund policy.
- 9.3 If a client of an instructor has a problem with, or a complaint about an instructor, which cannot be resolved by discussion and negotiation, there can be three avenues of redress, depending on the issue:
- (i) If it is an issue about driver training, assessment, conduct or any other issue covered by the provisions of the *Motor Traffic Act 1936*, the client can approach the Registrar of Motor Vehicles.
  - (ii) If it is an issue about fees or service contract matters, the client can approach the ACT Consumer Affairs Bureau.
  - (iii) If it is an issue about discrimination, the client can approach the ACT Human Rights Commissioner.

## 10. ACT Legislation Covering Accredited Driving Instructors

- 10.1 The *Motor Traffic (Amendment) Act 1997* sets out a series of requirements which instructors have to meet to obtain and retain accreditation. These are summarised below and cross referenced to relevant sections of the Act, a copy of which is the Appendix to this Code of Practice.

### Accreditation Requirements

- 10.2 An instructor must:
- be at least 21 years of age [Section 13B(1)(a)]
  - hold a full licence for a light vehicle [Section 13B(1)(b)]
  - be medically fit to undertake driver instruction and assessment [Section 13B(1)(c)]
  - have satisfactorily completed an approved training course when applying for initial accreditation [Section 13B(1)(e)]
  - produce his or her certificate or accreditation when requested by the Registrar or an officer authorised by the Registrar [Section 13F(1)]

- display his or her certificate of accreditation in any light vehicle used by him or her to instruct or assess a learner [Section 13G]
- must have a professional indemnity insurance policy with not less than \$5 million cover for a single claim [Section 13Q]

### Offences

10.3 An instructor must not have been convicted of a 'relevant offence' within the 3 year period prior to application for accreditation [Section 13B(1)(d)]

'relevant offence' means an offence under -

- (a) the *Motor Traffic (Alcohol and Drugs) Act 1977*;
- (b) a law of the Territory, the Commonwealth, a State or another Territory in relation to dishonesty, bribery, misrepresentation or blackmail;
- (c) a law of the Territory, a State or another Territory, being a sexual offence or an offence in relation to actual or threatened violence;
- (d) this Act, or a law of a State or another Territory, in relation to reckless driving or driving at a speed, or in a manner, dangerous to the public; or
- (e) a law of a State or another Territory in relation to the driving of a motor vehicle while affected by alcohol or drugs.

10.4 The Registrar will cancel the accreditation of a driving instructor who is convicted of a 'relevant' offence (see above) [Section 13H (5)]

10.5 A driving instructor's accreditation is suspended during any period when the instructor's full driving licence is suspended. [Section 13H (4)(a)]

10.6 A driving instructor's accreditation is cancelled if the instructor's full driving licence is cancelled. [Section 13H (4)(b)]

### Vehicle Requirements

10.7 When an accredited driving instructor is instructing or assessing a learner, the instructor will ensure that - [Section 13P]

- 'L' plates are correctly displayed
- the vehicle is registered
- the vehicle is equipped with an internal mirror, in addition to a rear-vision mirror, placed so that the instructor can see traffic approaching from the rear
- dual controls that actuate the brake and clutch are fitted.

  
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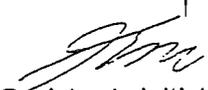
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