



AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC ACT 1936

INSTRUMENT NO. 87 OF 1999

INSTRUMENT OF APPROVAL

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 twenty-first day of April 1999

David Handley
Registrar of Motor Vehicles

SCHEDULE

Australian Capital Territory

Motor Traffic Act 1936

INSTRUMENT NO. 87 OF 1999

CODE OF PRACTICE

FOR ACCREDITED DRIVING INSTRUCTORS

**Registrars Initials
21 April 1999**

DETAILS

The Code of Practice for Accredited Driving Instructors is a plain English document written so that it is easily understood by both instructors and learner drivers.

1. Introduction

This section explains the purpose and functions of the Code of Practice.

2. The Motor Traffic Act 1936

This section explains the link between the Code of Practice and the *Motor Traffic Act 1936*.

3. Definitions

This section defines four terms used in the Code of Practice: 'Instructor', 'Registrar', 'student' and 'bribe'.

4. Punctuality towards Students

This section states that an instructor must endeavour not to delay an appointment with a student for a driving lesson.

5. Courtesy

This section describes a number of behaviours expected of Instructors - courtesy; not smoking; application to the task; and no harassment of students.

6. Presentation

This section specifies the standard expected of vehicles used for instruction or assessment, and states that an instructor should have a neat and tidy appearance.

7. Assessment of Students

This section states the procedures that must be followed by instructors when they are assessing students under the Competency Based Training and Assessment Scheme. In particular, it outlines the 22 driver competencies which must be learnt and outlines the review and assessment procedures needed before an Instructor can certify a student for a provisional licence.

8. Auditing of Accredited Driving Instructors

This section provides procedures for the Registrar's auditing system which monitors the performance of Accredited Driving Instructors.

9. Relations with Clients

This section deals with the Instructor's relations with his or her students in regard to bribery, fees for driving lessons and complaints.

10. ACT Legislation Covering Accredited Driving Instructors

This section explains the relevant parts of the *Motor Traffic (Amendment) Act (No. 8) 1997*, a copy of which is an Appendix to the Code of Practice.

11. Accreditation Requirements

This section deals with the training and personal requirements a person needs to become an accredited driving instructor and assessor.

12. Offences

This section explains the offences under various Government Acts whereby a person may be ineligible to become an accredited driving instructor.

13. Vehicle Requirements

This section specifies the controls and equipment an accredited driving instructor must have fitted to his or her vehicle to participate in the Competency Based Training Assessment Scheme.

14. The Sanction Process

This section explains how the sanction process operates should an accredited driving instructor have a series of unsatisfactory audits.

15. Reasons for Unsatisfactory Audits

This section details the reasons which will result in an unsatisfactory audit.

16. Appeals

This section outlays the instructors rights of appeal on any matter related to the issuing of a 'Notice of Unsatisfactory Audit'.

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 Competency Based Training and Assessment (CBT & A) Scheme.
- 1.2 The Code has three 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.
 - 3) An outline of the regulation process.

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 will result in the suspension or cancellation of an instructor's accreditation.

3. Definitions

In this code -

“Accredited Driving Instructor’s Number” means the numeric code used to identify each Instructor.

“bribe” means anything given, promised or offered to influence an instructor.

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“CBT & A Monthly return” means the document supplied by the Registrar to the Accredited Driving Instructor marked ‘CBT & A Monthly Return’ which contains the details of all students who have successfully completed Competency 5.22 as covered in section 7.12 of this document. Which includes Student’s name, Licence number, start date, finish date, number of professional hours training, number of Competency 5.22 assessments and Comments.

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

“lesson” means a period of time not less than one (1) hour, for the purpose of teaching or assessment of a student by an instructor.

“Registrar” means the Registrar of Motor Vehicles;

“Registrar’s Standard” means unit 5 of the standards set down in writing by 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*;

4. Punctuality Towards Student and Auditor

- 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.
- 4.2 If an instructor is late to a Competency 5.22 assessment the instructor must notify the Quality Assurance staff of the Department of Road User Service by phone and advise them of the extent of and reason for the delay if more than five (5) minutes after the booked time.

5. Courtesy

- 5.1 An instructor shall behave courteously towards all persons with whom he or she comes in contact when providing instruction or assessment.

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- 5.2 In particular, an instructor shall not smoke whilst providing instruction or assessment. The instructor has the right to terminate a lesson if a student smokes during that lesson.
- 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 computer or any equipment not relevant to the session. However, use of mobile phones or two way radios for a period not exceeding 30 seconds is acceptable.
- 5.4 If a learner driver or an agent of that learner driver offers a bribe to, or threatens, an instructor for the purpose of influencing the result of a lesson or assessment, the instructor must notify the Quality Assurance staff of Road User services as soon as reasonably practical.
- 5.5 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 or any other personal issues; 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).
- 5.6 If a student cannot resolve the problems outlined in paragraph 5.5 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 and Vehicle

- 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 authority to check the vehicle to ensure it complies with the ACT inspection manual, 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 lesson/assessments, be inspected by a Vehicle Inspector, if the Auditor believes that the vehicle is unroadworthy.
- 6.3 A vehicle supplied by a Learner driver must abide by conditions in 6.1 and 6.2.(Except the fitment of dual controls)
- 6.4 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 must document all lessons in the student's logbook.
- 7.4 An instructor must not conduct any CBT & A assessment on Good Friday or Christmas Day.
- 7.5 An instructor must correctly and legibly complete and stamp the Certificate of Competency supplied by the Registrar at the end of a successful CBT & A assessment, sign it and ensure that the Learner Driver also signs the certificate in the presence of that instructor.
- 7.6 An instructor must issue each Certificate of Competency in ascending numerical order (from low number to high number as they appear in the book), corresponding to the order in which each final assessment was conducted.
- 7.7 An instructor must ensure that all the details of the Certificate of Competency appear on the duplicate copy.

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- 7.8 An instructor must notify the Quality Assurance staff of Road User Services of the number(s) of any Certificate of Competency which has been lost or stolen as soon as is reasonably practicable.
- 7.9 An instructor must cancel any Certificate of Competency which has been damaged, defaced or incorrectly completed and return the original certificate with the CBT & A Monthly Return.
- 7.10 An instructor must not use a Certificate of Competency from a book which has been assigned to another instructor.
- 7.11 CBT & A Monthly Returns must be submitted by the fifth business day of the following month, even though the instructor may not have conducted any CBT & A assessments, unless permission for exemption is obtained from the Quality Assurance staff of Road User Services.
- 7.12 An instructor shall assess a student to the Registrar's Standard, against the driver competencies listed below -
- 5.1 Vehicle Controls
 - 5.2 Cabin drill
 - 5.3 Starting up procedure
 - 5.4 Moving off procedure
 - 5.5 Gear changing
 - 5.6 Steering Control
 - 5.7 Turns left and right
 - 5.8 Speed control
 - 5.9 Slowing procedure
 - 5.10 Stopping procedure
 - 5.11 Hill start
 - 5.12 Give way rules, intersections, traffic lights, roundabouts, traffic signs, road markings, pedestrian crossings, school crossings
 - 5.13 Reversing
 - 5.14 Right angle park (front in)
 - 5.15 Reverse parallel parking
 - 5.16 U Turn
 - 5.17 Turn around on the road eg. 3 point turn
 - 5.18 Lane changing, merging, entering freeways
 - 5.19 Overtaking
 - 5.20 Observation skills, visual searching and scanning, hazard recognition
 - 5.21 Compliance with the System of Vehicle Control
 - 5.22 Driving on busy and unfamiliar roads. Driving in a variety of environmental conditions.

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7.13 It is mandatory that instructors assess to the Registrar's Standard.

The advantages are:

- 1) Operational efficiency - The list provides a high quality, ready-made assessment record for CBT & A.
- 2) 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.
- 3) Consumer protection - The student can have access to a record of his or her performance.
- 4) Quality Assurance - The list will be used by the Auditors to assess instructors' compliance with the Registrar's standard.
- 5) Safety net - In the event of a log book being lost, the list can be used to verify the competency level of the student.

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

7.15 The first review shall be conducted at least 36 hours after competencies 5.1 to 5.17 have been achieved and shall cover competencies 5.1 - 5.17. The second review shall be conducted at least 36 hours after competencies 5.18 to 5.21 have been achieved and shall cover competencies 5.1 - 5.21.

7.16 Competencies 5.18 - 5.21 are not to be assessed until such time as the first review is completed successfully. Competency 5.22 is not to be assessed until such time as the second review has been completed successfully.

7.17 Competency 5.22 may not be undertaken until the student has reached the age of 17 years unless prior approval is obtained in writing from the Registrar.

7.18 When a learner driver is ready for the competency 5.22 driving lesson the instructor will notify the Auditor by fax, e-mail or in person at least one (1) clear public service working day prior to the driving lesson. The details of the auditable driving lesson will be entered into the Computerised Auditing System (CAS). The Auditor shall check that the instructor's accreditation and vehicle's registration are current.

7.19 Alterations to vehicle details, substitution of an instructor, cancellation of a booked auditable assessment, or a change in the start location for a lesson, must be telephoned to the Auditor a minimum of two hours prior to a Competency 5.22 assessment being undertaken.

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- 7.20 Details of other lessons audited will be entered into the CAS after the completion of that lesson.
- 7.21 The second review and Competency 5.22 may only be conducted and completed between the hours of 7.00am and 7.00pm Monday to Thursday, 7.00am to 9.00pm Fridays and 7.00am to 7.00pm Saturdays in a vehicle with four legal seating positions fitted with seat belts.
- 7.22 All of the above mentioned driver competencies and review points are listed in the student's CBT & A Logbook.
- 7.23 The Log Book shall be retained by the student.
- 7.24 An instructor shall obtain the Log Book from the student prior to commencing an instruction or assessment session and return it to him or her on completion of the session. It is unacceptable for an instructor to assess a student in relation to one of the competencies or reviews when the Log Book is not available.
- 7.25 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. The instructor shall also stamp the logbook.
- 7.26 The learner driver's Log Book and Certificate of Competency are the primary documents 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*.
- 7.27 An instructor will inform the Quality Assurance Area as soon as practical if they have a student from another instructor who has a logbook filled out incorrectly.

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 will cooperate with the Registrar or any authorised officer and comply with any request they may make.

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- 8.3 An instructor will inform his or her student that an Auditor can attend any lesson or assessment under the CBT & A scheme.
- 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 Area for the student's Competency 5.22 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 CBT & A lesson checklist or the Competency Standards Assessment List.
- 8.6 A CBT & A lesson checklist 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 lesson checklist will also be used for the purpose of auditing. The instructor will keep the lesson checklist in his or her vehicle during the student's lessons and will keep records for a minimum period of 12 months. The Registrar, or a person appointed by the Registrar, may view the lesson checklist on request.
- 8.7 If an audit result requires the issue of a new Log Book, an auditor will issue a new Log Book indicating where the student will recommence training.
- 8.8 An Auditor has the authority to alter a student's Log Book to reflect the student's level of competence if the student cannot demonstrate the correct level of skill set by the Registrar's Standard.
- 8.9 An Auditor will assess the instructor against the Registrar's Standard.
- 8.10 An Auditor will assess the student against the Registrar's Standard for the purpose of comparison with the instructor's checklist.

9. Relations with clients

- 9.1 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. The instructor shall also inform the student of the following appeal rights:

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- 1) 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 student can approach the Registrar of Motor Vehicles.
- 2) If it is an issue about fees or service contract matters, the student can approach the ACT Consumer Affairs Bureau.
- 3) If it is an issue about discrimination, the student 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 in order 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.

11. Accreditation Requirements

11.1 An instructor must:

- i) be at least 21 years of age [Section 13B(1)(a)]
- ii) hold a full licence for a light vehicle [Section 13B(1)(b)]
- iii) be medically fit to undertake driver instruction and assessment [Section 13B(1)(c)]
- iv) have satisfactorily completed an approved training course when applying for initial accreditation [Section 13B(1)(e)]
- v) produce his or her certificate or accreditation when requested by the Registrar or an officer authorised by the Registrar [Section 13F(1)]
- vi) display his or her certificate in any light vehicle used by him or her to instruct or assess a learner [Section 13G]
- vii) have a professional indemnity insurance policy with not less than \$5 million cover for a single claim [Section 13Q]

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12. Offences

12.1 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.
- 12.2 The Registrar will cancel the accreditation of a driving instructor who is convicted of a 'relevant' offence (see above) [Section 13H (5)]
- 12.3 A driving instructor's accreditation is suspended during any period when the instructor's full driving licence is suspended. [Section 13H (4)(a)]
- 12.4 A driving instructor's accreditation is cancelled if the instructor's full driving licence is cancelled. [Section 13H (4)(b)]

13. Vehicle Requirements

- 13.1 When an accredited driving instructor is instructing or assessing a learner, the instructor will ensure that [Section 13P]:
- i) 'L' plates are correctly displayed in accordance with the *Motor Traffic Act (1936)*;
 - ii) the vehicle is registered;
 - iii) 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 (the mirror must be of a type approved by the Registrar);
 - iv) dual controls that actuate the brake and clutch are fitted and operational (must be of a type approved by the Registrar).

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14. The Sanction Process

- 14.1 If an instructor has three unsatisfactory Audits in any period of three calendar months, the instructor must attend an interview with the Manager of Quality Assurance, to establish how the problems can be rectified.
- 14.2 If another unsatisfactory Audit occurs within 28 days of the interview the Manager of Quality Assurance will recommend a suspension period to the Registrar of Motor Vehicles.

15. Reasons for unsatisfactory Audits

- 15.1 The following reasons will result in an unsatisfactory audit:
- a) Log book record exceeds student's performance against the Registrar's Standard;
 - b) Log Book and Certificate of Competence not filled out to the Registrar's Standard;
 - b) The instructor not teaching or assessing to the Registrar's Standard;
 - d) Incomplete evidence of teaching or assessment;
 - e) Unregistered/Unroadworthy vehicle;
 - f) The instructor not at the notified time or place of the assessment (without proper notification or acceptable reason);
 - g) Failing to respond in writing to a written request within 14 days of the date of the letter;
 - h) The instructor observed not complying with the *Motor Traffic Act (1936)* whilst accompanied by a student;
 - i) Conducting a lesson or assessment when the student does not hold a valid ACT Licence or Learner Licence;
 - j) The instructor has breached the Code of Practice.

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16. Appeals

- 16.1 An instructor has the right to appeal to the Registrar on any matter related to the issuing of a Notice of Unsatisfactory Audit. The Registrar may, as necessary, consult an independent authority.
- 16.2 An instructor has the right to appeal any suspension or cancellation decision by the Registrar to the Administrative Appeals Tribunal.

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