

Australian Capital Territory

Road Transport (Driver Licensing) Driving Instructor Code of Practice 2020 (No 1)

Disallowable instrument DI2020–294

made under the

Road Transport (Driver Licensing) Regulation 2000, section 118 (Code of practice for instructors and assessors)

1 Name of instrument

This instrument is the *Road Transport (Driver Licensing) Driving Instructor Code of Practice 2020* (No 1).

2 Commencement

This instrument commences on 7 November 2020.

3 Approval

I approve the Code of Practice contained at Schedule 1 to this instrument for driving instructors undertaking driver assessment and/or driver instruction.

4 Definitions

Driver assessment – see Dictionary, *Road Transport (Driver Licensing) Regulation 2000*

Driver instruction – see Dictionary, *Road Transport (Driver Licensing) Regulation 2000*

Driving instructor – see Dictionary, *Road Transport (Driver Licensing) Regulation 2000*

5 Revocation

This instrument revokes *Road Transport (Driver Licensing) Driving Instruction and Assessment Code of Practice 2016* (No 1) DI2016-237.

Katrina Fleck

Delegate of the head of Access Canberra exercising a declared function of the Director-General of the Justice and Community Safety Directorate in that entity's capacity as a road transport authority

02 November 2020

Note: The *Public Sector Management (Head of Access Canberra Functions) Declaration 2017 (No 1)* declares that the head of Access Canberra may exercise functions given to the Director-General of the Justice and Community Safety Directorate, including certain powers and functions under the *Road Transport (Driver Licensing) Regulation 2000* for which the Director-General of the Justice and Community Safety Directorate is the relevant road transport authority.

Note: The head of Access Canberra has delegated his declared powers and functions to specified public employees in Access Canberra under the *Road Transport Legislation (Access Canberra) Delegations 2017 (No 1)*.

Schedule 1

Code of Practice for Driving Instructors

1. Introduction

- a) The purpose of this Code of Practice (the Code) is to provide a set of principles and guidelines for the conduct of driving instructors accredited under the *Road Transport (Driver Licensing) Regulation 2000* (the Driver Licensing Regulation) for driver instruction and/or driver assessment.
- b) Under section 118 of the Driver Licensing Regulation, the road transport authority (RTA) may approve a code of practice about any of the following:
 - i. the skills required by a person to provide driver instruction and driver assessment;
 - ii. motor vehicles to be used for driver instruction and driver assessment;
 - iii. the assessment, achievement and review by a driving instructor of a person's suitability to be issued with a provisional car licence;
 - iv. review by an authorised person of driver instruction or driver assessment provided by a driving instructor; and
 - v. anything else in relation to the accreditation of a driving instructor or driver instruction or driver assessment.
- c) A breach of the Code may result in action being taken against an instructor in accordance with sections 111 and 112 of the Driver Licensing Regulation.
- d) Driver instructors accredited under the Driver Licensing Regulation for driver instruction and/or driver assessment must comply with their obligations under that legislation and any conditions of their accreditation.

2. Definitions

- a) In this Code –

Access Canberra means the business unit known as Access Canberra. Access Canberra performs a number of functions as a delegate of the road transport authority and is the ACT Government service provider of driver licensing, vehicle registration and other road transport matters.

ADI Audit section means the Accredited Driving Instructor (ADI) audit section within Access Canberra.

ADI auditor means an officer within the ADI Audit section who is an authorised person.

Authorised person means a person who is appointed as an authorised person under section 19 of the *Road Transport (General) Act 1999*.

Assessment Standards mean the applicable assessment standards approved under section 119 of the Driver Licensing Regulation.

Bribe means anything given, promised or offered to influence a driving instructor.

Competency-based driver assessment means the assessment of a person's suitability to hold a provisional car licence in accordance with the applicable standards approved under section 119 of the *Road Transport (Driver Licensing) Regulation 2000*.

Driver assessment in relation to a driving instructor or authorised person means the assessment of a person's suitability to hold a car licence in accordance with the applicable standards approved under section 119 of the *Road Transport (Driver Licensing) Regulation 2000*.

Driver instruction means the instruction of a person to drive a motor vehicle (other than a tractor or implement) of a kind that may be driven by the holder of a car licence.

Driving instructor means a person who is accredited under section 107 of the *Road Transport (Driver Licensing) Regulation 2000* as a driving instructor. A driving instructor may be accredited for driver instruction only, or for driver instruction and driver assessment.

Driving supervisor means a person who holds a full car licence, or a full licence of a higher class, and who is supervising a learner driver's driving of a motor vehicle; and includes either of the following:

- (i) a driving instructor who is providing driving instruction or assessment;
- (ii) an authorised person who is providing driving assessment.

Lesson means a period of time for the purpose of driving instruction and/or driver assessment of a student by a driving instructor.

Lesson checklist means the Competency Based Training and Assessment Lesson Checklist provided by Access Canberra.

Record of competency-based driver assessment means the ACT Learner Driver Logbook issued by the RTA to a student.

Record of driving hours means evidence of driving hours that meets advised minimum requirements and includes the ACT Learner Driver Logbook issued by the RTA to a student.

Road transport authority see section 16 of the *Road Transport (General) Act 1999*. For the purposes of the *Road Transport (Driver Licensing) Regulation 2000* and at the time of issue of this Code, the RTA is the Director-General of JACS.

Student means a person who has been granted a learner driver licence or a learner driver licence receipt, in relation to a car licence.

3. Skills required by a person to provide driver instruction and/or driver assessment

- a) Section 104 of the Driver Licensing Regulation sets out the eligibility criteria for an application for accreditation and provides that the RTA may require an applicant for accreditation and current driving instructors to undergo tests or assessments or undertake training. This Code provides an outline of some of these requirements but is not an exhaustive list or to be taken as an interpretation of the Driver Licensing Regulation.
- b) Driving instructors are required to hold a working with vulnerable people registration under the *Working with Vulnerable People (Background Checking) Act 2011* (ACT). A driving instructor must notify the ADI Audit section of any change to working with

vulnerable people status, including a suspension or cancellation or a new or varied condition.

- c) Under section 121 of the Driver Licensing Regulation the RTA may, by written notice, require a driving instructor to attend and pass an approved training course relevant to their accreditation.
- d) A driving instructor must be a suitable person to be accredited or retain their accreditation. The Driver Licensing Regulation provides that the RTA may suspend or cancel a driving instructor's accreditation if the person has been convicted or found guilty of an offence that the RTA considers is relevant to the person's suitability to be a driving instructor.
- e) Ministerial guidelines issued under section 122A of the Driver Licensing Regulation are binding on the RTA and are used to determine whether a person is a suitable person to be a driving instructor, including details of offences that are considered to mean that a person is not suitable to be a driving instructor.
- f) All drivers in the ACT, irrelevant of age, are required to report to the RTA any permanent or long-term illness, injury, or incapacity that may impair their driving ability. All driving instructors must be medically fit to be accredited and retain their accreditation status.
- g) A driving instructor must report to the ADI Audit section immediately if they develop a medical condition or undertake any medical treatment which may impact their capacity to provide driver instruction and/or driver assessment. It is a breach of the Code not to report.

4. Suspension or cancellation of accreditation

- a) Under section 110 (a) of the Driver Licensing Regulation, a driving instructor's accreditation is automatically suspended during any period when the person's Australian driver licence is suspended.
- b) Under section 110 (b) of the Driver Licensing Regulation, a driving instructor's accreditation is automatically cancelled if the person's Australian driver licence is cancelled.
- c) Section 111 of the Driver Licensing Regulation prescribes the circumstances in which the RTA may take action in relation to a person's accreditation as a driving instructor. A breach of the Code is one such circumstance.
- d) Section 112 of the Driver Licensing Regulation prescribes the actions that may be taken and the procedures that must be followed if action is to be taken. The actions that may be taken are:
 - i. Cancel the accreditation and disqualify the person from applying for accreditation for up to two years.
 - ii. Suspend the accreditation for up to one year.

- iii. If accreditation is already suspended, cancel the accreditation and disqualify the person from applying for accreditation for up to two years or suspend the accreditation for an additional period of up to one year.
- e) A driving instructor has the right to seek a review of any suspension or cancellation decision imposed by the RTA. A decision to suspend or cancel a driving instructor's accreditation will be in writing and will provide information on how to seek review of the decision.

5. Expected Behaviours

- a) It is expected that driving instructors will always behave in a polite, respectful and courteous manner.
- b) A driving instructor should have a neat and tidy appearance, including safe and practical clothing and footwear (e.g. no thongs).
- c) All driving instructors are required to have zero blood alcohol concentration level when instructing or assessing a learner driver or student. Like all drivers in the ACT, an instructor must not have any of the current three prescribed drugs (cannabis, methamphetamine and ecstasy) present in their system or drive with any other drug in their system (including certain prescription medications) to such an extent that it influences their ability to have proper control of a motor vehicle.
- d) A driving instructor must display his or her certificate of accreditation in a visible location within the vehicle during all lessons. It is an offence under section 108 of the Driver Licensing Regulation to not display the certificate of accreditation, and failure to do so is also a breach of this Code and is grounds for suspension or cancellation of a driving instructor's accreditation.
- e) A driving instructor must behave courteously when providing driver instruction, driver assessment and during an audit. This includes but is not limited to students, parents of students and ADI Auditors.
- f) Driving instructors must focus solely on the task of driver instruction or driver assessment and should not be distracted. The driving instructor must not read documentation or other material or operate items or equipment not relevant to the lesson. However, the use of mobile phones or two-way radios by the driving instructor for a period not exceeding 30 seconds is acceptable.
- g) A driving instructor must not harass, abuse or threaten a student, parent of a student, an ADI Auditor or Access Canberra officer. Some examples of harassment include:
 - i. offensive jokes;
 - ii. suggestions or derogatory comments about the student's (or other person's) racial or ethnic background, sex, sexual preference, disability or physical appearance;
 - iii. unwelcome comments or questions about a person's sex life or any other personal issues;
 - iv. unnecessary familiarity such as deliberately touching a person;

- v. display of pictures which can be interpreted as offensive and/or obscene;
 - vi. coercive behaviour intended to inappropriately influence;
 - vii. expressing stereotyping (i.e. assumptions about a person's group behaviour, values, culture or abilities).
- h) If a student cannot resolve the problems with the driving instructor, he or she can then approach Access Canberra, the Justice and Community Safety Directorate, the Ombudsman or the ACT Human Rights Commissioner.
 - i) If a learner driver or a guardian of the learner driver offers a bribe to, or threatens, a driving instructor for the purpose of influencing the result of a lesson, the driving instructor must notify the ADI Audit section as soon as possible.
 - j) Driving instructors should refuse to provide a lesson to a student who appears to be unfit to drive, such as being under the influence of alcohol or drugs. Driving instructors should also refuse to provide a lesson, or may end a lesson, if the student or person associated with the student at the time of the lesson harasses, abuses or threatens the driving instructor. In addition to any action taken to notify authorities of the incident, the driving instructor should provide notification of the incident to the ADI Audit section as soon as practicable.
 - k) A driving instructor must ensure a lesson with a student is not delayed. Where a delay is unavoidable, the driving instructor must attempt to contact the student to advise him or her of the delay. The driving instructor must allow the student to cancel the appointment and make a new appointment.

6. Motor vehicles to be used for driver instruction and/or driver assessment

- a) Section 114 of the Driver Licensing Regulation specifies certain requirements that apply to motor vehicles used by a driving instructor for the purposes of driver assessment or driver instruction. These include:
 - i. the appropriate display of L-plates in accordance with the Driver Licensing Regulation and other applicable road transport legislation;
 - ii. an internal mirror (in addition to the driver's rear-vision mirror) that enables the instructor to clearly see by reflection the road behind the vehicle and any following or overtaking the vehicle;
 - iii. controls in addition to those used by the driver by which the driving instructor can operate the brake pedal and, for a manual transmission vehicle, the clutch pedal.
- b) The requirements of 6.a) (iii) above do not apply to vehicles provided by the person being instructed or assessed. Where the student provides the vehicle, the driving instructor should reasonably satisfy themselves that the vehicle is in a roadworthy condition, otherwise fit for the purpose of driver instruction and driver assessment and satisfies the requirements in 6.a) i and ii and 6.c). If at any time during driver instruction or driver assessment the driving instructor has a significant concern that the vehicle is unsafe, they should cease the lesson and report the details of the vehicle and the concern to the ADI Audit section.

- c) In addition to the requirements set out in section 114 of the Driver Licensing Regulation, a motor vehicle used for driver instruction and/or driver assessment must:
- be registered;
 - hold required motor accident injuries insurance or equivalent in the jurisdiction in which the vehicle is registered;
 - be roadworthy;
 - have a minimum of four legal adult seating positions fitted with seat belts;
 - comfortably carry an adult observer in a rear seat; and
 - be clean and tidy.
- d) The Access Canberra website has a list of vehicles that are considered suitable as driving instructor vehicles.
- e) A vehicle used by a driving instructor for driver assessment or driver instruction can be requested to be inspected by the RTA for the purpose of determining compliance with the requirements outlined in this section.
- f) The RTA may, by written notice, require the registered operator of registrable vehicle to produce the vehicle for inspection by an authorised person or authorised examiner at a time and place stated in the notice.
- g) Under the *Road Transport (Vehicle Registration) Regulation 2000*, drivers and operators of vehicles have a legal obligation to ensure that the vehicle is roadworthy (that is, maintained in a condition that enables it to be driven safely). It is an offence not to. A light vehicle is not maintained in a condition that enables it to be driven safely if driving the vehicle would endanger the person driving the vehicle, anyone else in or on the vehicle or other road users.

7. Crashes

- a) A crash means a collision between two or more vehicles, or any other accident or incident involving a vehicle in which a person is killed or injured, property is damaged, or an animal in someone's charge is killed or injured.
- b) In addition to reporting obligations under section 287 of the *Road Transport (Road Rules) Regulation 2017*, a driving instructor must report any crash to the ADI Audit section that involved a student and/or driving instructor, including any crash which occurred outside of a lesson within 24 hours of the crash occurring.

8. Liability insurance

- a) In addition to the normal insurance requirements for registered vehicles in the ACT, a driving instructor is required to have an appropriate insurance policy in accordance with section 115 of the Driver Licensing Regulation.
- b) It is an offence under section 115 of the Driver Licensing Regulation to not have this insurance, and failure to have this insurance is a breach of this Code and is grounds for suspension or cancellation of a driving instructor's accreditation.

9. Assessment, achievement and review of a person's suitability to be issued with a provisional car licence

- a) A driving instructor must not provide driver instruction without verifying the identity of the person being instructed and that they hold an applicable licence.
- b) A driving instructor must not provide driver instruction to a student, nor assess any student against any competency or perform any review without verifying the identity of the student being instructed and/or assessed and confirming this information matches the information recorded in the record of driving hours.
- c) Students must hold a valid ACT learner licence (or an otherwise applicable licence as advised by Access Canberra) when undertaking driver instruction or driver assessment.
- d) A driving instructor will not breach or instruct any student to breach any provision of the road transport legislation.
- e) Up to 10 hours with a driving instructor will count for a maximum of up to 30 driving hours. These lessons must be recorded only on the pages of the student's record that reflects this. Every hour or part hour after that with a driving instructor must be recorded in the student's record of supervised driving hours.
- f) Driving instructors whose certificate of accreditation notes that they are accredited for "Instruction only" must not perform acts of driver assessment.
- g) It is an offence for a driving instructor to:
 - i. Make a record of, or purport to verify, the successful completion of all or part of an eligibility requirement for a licence; and
 - ii. The record or purported verification is false, misleading or incomplete.
- h) It is expected that a driving instructor will ensure that a student is competent in using any technologies in the car being taught on including how to safely use reversing cameras.

9.1 Driver Instruction

- a) Driver instruction includes any lessons provided by a driving instructor for a fee and this Code applies to that activity.
- b) Driver instruction provided to a learner driver must be provided in a manner that enables a learner driver to meet the applicable assessment standards required to obtain a provisional licence.
- c) A driving instructor who is accredited for driver instruction only must not provide competency-based driver assessment.
- d) A driving instructor must ensure that they document all lessons accurately in the student's record of driving hours.

- e) Driving instructors must also accurately record all lessons on the lesson checklist provided by Access Canberra. This is in addition to recording all lessons in the student's record of driving hours.
- f) A driving instructor must not make an entry in a record of driving hours that has not been taught at the time of the entry. It is an offence under section 138C of the Driver Licensing Regulation to make a record of, or purport to verify, the successful completion of all or part of an eligibility requirement for a licence and the record or purported verification is false, misleading or incomplete in a material particular.
- g) Where an error has been made in a record of driving hours, the driving instructor must strike out the incorrect information and initial the insertion of the correct text. A driving instructor shall not make changes to entries made in records of driving hours by other instructors.
- h) A driving instructor must inform the ADI Audit section as soon as possible if he or she has a student from another driving instructor who has a record of driving hours that is not filled out correctly.
- i) A driving instructor must not sign the record of driving hours for driver instruction of a student who is a member of his or her family in their capacity as a driving instructor. They can sign off in their capacity as a driving supervisor. However, in this context, "family" is limited to meaning a spouse, child, sibling, parent, grandparent or grandchild, or step and/or defacto family members, of the driving instructor.

9.2 Competency-based driver assessment

- a) Where a driving instructor is satisfied that a student has correctly demonstrated a particular competency or satisfactorily undertaken a review, the driving instructor must certify the competency achieved in the record of competency-based driver assessment. The student must sign his or her name, in relation to that competency or review, in the driving instructor's presence at the end of the lesson that the competency was achieved. The driving instructor must also stamp and sign the record of competency-based driver assessment.
- b) Driving instructors must also accurately record all lessons provided for competency-based driver assessment on the lesson checklist provided by Access Canberra. This is in addition to recording all lessons in the student's record of competency-based driver assessment.
- c) A driving instructor must not make an entry in a record of competency-based driver assessment or lesson checklist that has not been assessed at the time of the entry. It is an offence under section 138C of the Driver Licensing Regulation to make a record of, or purport to verify, the successful completion of all or part of an eligibility requirement for a licence and the record or purported verification is false, misleading or incomplete in a material particular.
- d) Where an error has been made in a record of competency-based driver assessment, the driving instructor must strike out the incorrect information and initial the insertion of the correct text. A driving instructor shall not make changes to entries made in a record of competency-based driver assessment by other instructors.

- e) A driving instructor must inform the ADI Audit section as soon as possible if he or she has a student from another driving instructor who has a record of competency-based driver assessment that is not filled out correctly or is false, misleading or incomplete.
- f) A driving instructor must provide driver assessment in accordance with the assessment standards, including the requirements set out in the assessment standards for the competency 23 assessment and reviews.
- g) During a driver assessment, driving instructors are not legally required to take all reasonable precautions to prevent a contravention of the road transport legislation by the learner driver. However, it is expected that the driving instructor will take appropriate steps to avoid an issue that may cause harm such as a collision or excessive speeding. Driving instructors are expected to address any contraventions of the road transport legislation by a student after the driver assessment in which the contravention occurs where possible.
- h) A driving instructor must not undertake driver assessment of a student who is a member of his or her family. However, in this context, “family” is limited to meaning a spouse, child, sibling, parent, grandparent or grandchild, or step and/or defacto family members, of the driving instructor.
- i) In addition to assessing a student against each of the driver competencies in the assessment standards, a driving instructor must also conduct two reviews of the skills acquired by the student in accordance with the review process contained in the assessment standards.
- j) Before beginning a review under the assessment standards or the competency 23 driving assessment, the driving instructor must provide the student with an overview of the process and what is expected.
- k) The competency 23 driving assessment must not be conducted unless the student meets the eligibility requirements for that competency as set out in the assessment standards and must only be conducted in the circumstances set out in the assessment standards.
- l) Students and driving instructors share responsibility for ensuring that a person does not book in for a competency 23 driving assessment without meeting the eligibility requirements set out in the assessment standards,
- m) A driving instructor must notify the ADI Audit section prior to undertaking a competency 23 driving assessment of a student.
- n) The notification must be made at least one clear business day prior to the competency 23 driving assessment being undertaken. Notification must be in writing using the booking form provided by the ADI Audit section and include the following information:
 - i. The student’s name
 - ii. The student’s ACT learner licence number (or licence details as applicable)
 - iii. The date and time of the assessment
 - iv. Pick up address in full

- v. Drop off address in full
- o) A driving instructor must notify the ADI Audit section of the following in relation to a competency 23 driver assessment within two hours (where possible) of the assessment being undertaken or intended to be undertaken:
 - i. Cancellation of the assessment
 - ii. A change in start time or pick up or drop off location
- p) If a driving instructor is likely to be more than five (5) minutes late to attend a competency 23 driver assessment the driving instructor must notify the ADI Audit section.
- q) A driving instructor will inform a student that in order to meet the Access Canberra's auditing requirements, he or she will be sending booking advice related to the student's competency 23 driver assessment to the ADI Audit section.

9.3 Certificates of competency

- a) A driving instructor must complete and stamp the certificate of competency issued for a fee by Access Canberra at successful completion of competency-based driver assessment. A driving instructor must also sign it and ensure that the learner driver also signs the certificate of competency in their presence at the time of completion of the assessment.
- b) A driving instructor must issue each certificate of competency in ascending numerical order (from low number to high number as they appear in the book of certificates provided by Access Canberra), corresponding to the order in which each final assessment was conducted.
- c) A driving instructor must ensure all details of the certificate of competency appear on the duplicate copies.
- d) A driving instructor must notify the ADI Audit section of the number (s) of any certificate of competency lost or stolen as soon as possible.
- e) A driving instructor must cancel any certificate of competency which has been damaged, defaced or incorrectly completed and return the original certificate to the ADI Audit section within 28 days.
- f) A driving instructor must not use a certificate of competency from a book of certificates which has been assigned to another driving instructor without contacting the ADI Audit section.
- g) A driving instructor must retain the pink (duplicate) and yellow (triplicate) copies of the certificate of competency for a minimum of six (6) months from the date of issue. If the original is lost by the student, the instructor can issue the pink (duplicate) copy as a replacement and advise the ADI Auditors.

9.4 Assessment to remove ‘A’ condition

- a) A learner driver who undertakes competency-based assessment in an automatic vehicle is issued with a provisional licence with an ‘A’ condition.
- b) An ‘A’ condition means the person can only drive an automatic vehicle.
- c) A provisional licence holder who wishes to have the ‘A’ condition removed in the first 12 months of issue of their provisional licence must successfully complete, in a manual vehicle, a Review 2 drive under the assessment standards with an accredited driving instructor or an assessment with an authorised person.
- d) If a provisional licence holder wishes to have the ‘A’ condition removed after the first 12 months of issue of their provisional licence they need to contact Access Canberra.
- e) A driving instructor must notify the ADI Audit section prior to undertaking a Review 2 driving assessment in this situation. ADI Audit section will provide the required documentation for signing off on the Review 2 at the time of notification of the booking.

10. Auditing of Driving Instructors

- a) The ADI Audit Section may undertake an audit of a driving instructor at any time, with or without notice.
- b) An audit can consist of:
 - i. A review of driver instruction or driver assessment provided by a driving instructor (any lesson including the final assessment (competency 23) and any reviews required under the assessment standards); and/or
 - ii. A request for production of records relating to compliance by a driving instructor with their accreditation obligations (for example, completion of any training, compliance with required medical standards, accreditation eligibility requirements, any offence history), the assessment standards and/or this Code; and/or
 - iii. Inspection of the vehicle being used for driver instruction or driver assessment by a driving instructor.
- c) A driving instructor will inform his or her student that an ADI Auditor can attend any lesson including but not limited to the competency 23 driver assessment.
- d) A driving instructor must comply with any auditing requirements advised by the ADI Audit Section.
- e) An ADI Auditor may observe any lesson provided by a driving instructor. A driving instructor must comply with any reasonable request made by the ADI Auditor during an audit, either verbally or in writing.
- f) The lesson checklist will be used for the purpose of auditing a driving instructor. A driving instructor must 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. Access Canberra may view the lesson checklist on request.

- g) The lesson checklist can also be used as evidence to verify the competency level of the student in the case of a lost record of competency-based driver assessment. A replacement record of competency-based driver assessment can only be issued by an ADI Auditor after viewing the lesson checklist.
- h) If an audit result requires the issue of a new record of competency-based driver assessment, an ADI Auditor will issue a new record of competency-based driver assessment indicating where the student will recommence training.
- i) An ADI auditor can assess the student against the assessment standards for the purpose of comparison with the driving instructor's lesson checklist.
- j) An ADI auditor may alter a student's record of competency-based driver assessment to reflect the student's level of competence if in their view the student can or cannot demonstrate the competency to the standard required in the assessment standards. A student may appeal this decision with Access Canberra. A student will be provided with reasons as to why they were not considered to demonstrate the competency by reference to the specific requirements in the assessment standards.
- k) The ADI Audit section will inform a driving instructor of the outcomes of the audit, including any actions required to be taken by the driving instructor and the timeframe in which those actions must be completed and the review process.
- l) A driving instructor has the right to appeal to Access Canberra on any matter related to the issuing of a Notice of Unsatisfactory Audit. A Notice of Unsatisfactory Audit will contain information on any appeal rights.
- m) Submission of documents containing false or misleading information may be an offence under part 3.4 of the *Criminal Code 2002*.

11. Fees and appeal rights

- a) A driving instructor must inform the student before their first lesson of the fee for the lesson (or package of lessons). Students must also be advised whether any fee increases can be imposed during the series of lessons, whether there is an additional fee for a certificate of competency, acceptable methods of payment and the driving instructor's refund policy.
- b) Driving instructors must also inform the student of the following appeal rights:
 - i. If it is an issue about driver training, assessment, conduct or any other issue covered by the provisions of the Driver Licensing Regulation, the student can approach Access Canberra via the ADI Audit section via Audit.Bookings@act.gov.au or the Justice and Community Safety Directorate via roadsafety@act.gov.au.
 - ii. If it is an issue about fees or service contract matters, the student can approach the ACT Commissioner for Fair Trading.
 - iii. If it is an issue about discrimination, the student can approach the ACT Human Rights Commission.