

2002

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (DRIVER LICENSING) REGULATIONS
2000**

DISALLOWABLE INSTRUMENT NO. 7 OF 2002

EXPLANATORY STATEMENT

Circulated by authority of

**Bill Wood MLA
Minister for Urban Services**

AUSTRALIAN CAPITAL TERRITORY

ROAD TRANSPORT (DRIVER LICENSING) REGULATIONS 2000

CODE OF PRACTICE FOR ACCREDITED DRIVING INSTRUCTORS

SUBORDINATE LAW No. 7 OF 2002

EXPLANATORY STATEMENT

Overview

The Code of Practice provides a set of rules for the conduct of Accredited Driving Instructors participating in the ACT's Competency Based Training and Assessment (CBT & A) Scheme for learner drivers.

The Code of Practice came into effect on 23 October 1997 under the then *Motor Traffic (Amendment) Act (No 8) 1997*. This Act provided for a CBT & A Scheme for learner drivers, delivered by Accredited Driving Instructors.

On 1 March 2000, the driver licence provisions of the *Motor Traffic Act 1936* (repealed) became part of the *Road Transport (Driver Licensing) Regulations 2000*. These Regulations refer to the Code of Practice for Accredited Driving Instructors. The Code is a disallowable instrument. A disallowable instrument must be notified and presented to the Legislative Assembly under the *Legislation Act 2001*.

The Code of Practice was revised in May 2000 to bring it into line with the new *Road Transport (Driver Licensing) Regulations 2000*. Since that time, consultation with industry has identified additional changes to clarify and simplify arrangements for students, instructors and auditors.

The objective of the Code of Practice is to that ensures driver training and assessments are conducted to the Road Transport Authority's standards.

Detail

The following sections of the Code have been amended:

Introduction (Section 1)

1.3 of this section is an additional part indicating that a breach of the Code of Practice may result in action being taken against an Accredited Driving Instructor under the *Road Transport (Driver Licensing) Regulations 2000*.

The Road Transport (Driver Licensing) Regulations 2000 (Section 3)

3.3 of this section has been changed to reflect the requirements of the *Legislation Act 2001*.

Courtesy (Section 5)

5.1 of this section has been enhanced to include additional persons with whom a driving instructor may come in contact during a driving lesson or an assessment.

Assessment of Students (Section 7)

7.1 of this section is an additional paragraph to the Code of Practice. It advises the instructor that he or she must read the preamble, located in the front of the logbook, to the student prior to the student learning to drive through the CBT&A system. The instructor must also ensure that the student understands the meaning of the preamble.

7.12 of this section introduces a change in the wording of the original text and advises an instructor that monthly returns must be accurate and submitted by the fifth business day of the month unless permission for exemption is obtained from Audit staff of Road User Services.

7.18 of this section introduces additional information regarding a review of driver competencies and advises an instructor that while competencies are to be assessed in sequence, competency 19 may be assessed out of sequence.

7.19 of this section permits a driving instructor to conduct review competency 22 up to two weeks before the student reaches the age of 17 years. However, the Authority's driver licensing management system will not allow a licence to be issued until an applicant has reached 17 years of age.

7.20 of this section introduces additional information regarding assessment booking arrangements and advises instructors of their responsibilities to advise the Auditing Unit of any changes to bookings such as cancellation, change of location or time of assessment.

Auditing of Accredited Driving Instructors (Section 8)

8.5 of this section introduces additional information regarding booking advice for Accredited Driving Instructors.

Relations with Clients (Section 9)

9.1 of this section introduces additional requirements regarding informing students of fees and charges for driving lessons so that students are adequately advised and not subject to 'hidden costs'.

Sections Removed

Section 13, *Sanction Process*, and section 14, *Reasons for Unsatisfactory Audits*, which were part of the Code of Practice, have been removed and reference is made instead to Regulations 111 and 112 of the *Road Transport (Driver Licensing) Regulations 2000*.

Section 13 now becomes the Rights of Appeal for Accredited Driving Instructors.