

# Road Transport (Driver Licensing) Driving Instruction Code of Practice 2007 (No 1)

## Disallowable Instrument DI2007-81

made under the

### Road Transport (Driver Licensing) Regulation 2000, Section 118 (Code of Practice for Driving Instruction)

## EXPLANATORY STATEMENT

The ACT's Competency Based Training and Assessment (CBT & A) Scheme for learner drivers was introduced on 23 October 1997 under the then *Motor Traffic (Amendment) Act (No 8) 1997*. This legislation was repealed on 1 March 2000 and the Code of Practice (Code) became part of road transport law through application of section 118 of the *Road Transport (Driver Licensing) Regulation 2000*.

The appeals process described in Section 13.1 and 13.2 of the Code of Practice currently provides outdated information for instructors. The Code currently states:

### 13. Appeals

- 13.1 An instructor has the right to appeal to the Authority on any matter related to the issuing of a Notice of Unsatisfactory Audit. Such appeals should be directed to the Manager, Quality Assurance. The Authority may, as necessary, consult an independent authority.
- 13.2 An instructor has the right to seek a review of any suspension or cancellation decision imposed by the Authority under section 112 of the *Road Transport (Driver Licensing) Regulation 2000*. In the first instance, an application for internal review must be made in writing to The Director, City Operations, PO Box 778, Dickson ACT 2602. If the instructor is not satisfied with the result of the internal review, the instructor may refer that decision to the Administrative Appeals Tribunal for review.

## **Purpose of Amendment**

The positions of Manager Quality Assurance and Director of City Operations no longer exist. The Code has been amended to reflect these changes.

Section 13.1 of the Code has been amended to delete reference to the position of manager Quality Assurance, and to indicate that Notices of Unsatisfactory Audit will contain information on appeal rights. Section 13.2 of the Code has been amended to delete reference to the position of Director City Operations, and to indicate that the written notice advising an instructor of a suspension or cancellation of their accreditation will contain information about their rights of appeal.

The revised wording in the Code is as follows.

## **Amendments to Section 13 of the Code of Practice**

### **13. Appeals**

- 13.1 An instructor has the right to appeal to the Authority on any matter related to the issuing of a Notice of Unsatisfactory Audit. A Notice of Unsatisfactory Audit will contain information on appeal rights.
- 13.2 An instructor has the right to seek a review of any suspension or cancellation decision imposed by the Authority under section 112 of the *Road Transport (Driver Licensing) Regulation 2000*. A decision to suspend or cancel an instructor's accreditation will be in writing and will provide information on internal review and appeal rights to the Administrative Appeals Tribunal.

This Code of Practice is a disallowable instrument, and must be presented to the Legislative Assembly within 6 sitting days after its notification in pursuance of section 64 of the *Legislation Act 2001*.