

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 instructor and assessors)

EXPLANATORY STATEMENT

Section 118 of the *Road Transport (Driver Licensing) Regulation 2000* (the Regulation) provides that the road transport authority may approve a code of practice (the Code) for instructors and assessors.

Section 118 (1) provides that the Code may be about any of the following:

- (a) the skills required by a person to provide:
 - (i) driver instruction and assessment; or
 - (ii) heavy vehicle driver assessment
- (b) motor vehicles to be used for:
 - (i) driver instruction and assessment; or
 - (ii) heavy vehicle driver assessment
- (c) the assessment, achievement and review by a driving instructor of a person's suitability to be issued with a provisional car licence;
- (d) the review by an authorised person of:
 - (i) driver instruction or assessment provided by a driving instructor, or
 - (ii) driver assessment provided by a heavy vehicle driver assessor
- (e) anything else in relation to
 - (i) the accreditation of a person; or
 - (ii) driver instruction or driver assessment

A code of practice approved under section 118 (1) is a disallowable instrument. The instrument is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to Section 61 of the *Legislation Act 2001*.

The road transport authority must ensure that people may inspect, free of charge, any Code.

The requirement for disallowable instruments to be published on the ACT Legislation Register ensures any Code issued under section 118 of the Regulation is available to any person free of charge. Hard copies can be requested by emailing the Justice and Community Safety Directorate at roadsafety@act.gov.au.

This Code applies to driving instructors accredited under the Regulation to provide driver instruction and/or assessment to those required to undertake instruction or assessment to obtain a driver licence of the car licence class.

It does not apply to heavy vehicle driver assessment.

On 1 January 2020, significant reforms commenced to the ACT's driving licensing scheme for learner and provisional car licence holders.

The Code has been updated to reflect those reforms and the drafting has been updated to align with the Regulation and provide clarity on expectations of driving instructors providing driver instruction/and or assessment to ACT licence holders.

Human rights implications

There are no human rights implications arising from this instrument.

Climate change implications

There are no climate change implications arising from this instrument.

Clause Notes

Clause 1

This is a formal provision and provides that the name of the instrument is the *Road Transport (Driver Licensing) Driving Instructor Code of Practice 2020 (No 1)*

Clause 2

This is a formal provision and provides that the instrument commences on 7 November 2020.

Clause 3

This clause provides that the Code of Practice at Schedule 1 is approved for driving instructors undertaking driving instruction and assessment.

Schedule 1 contains the Code. The Code provides a set of principles and guidelines for the conduct of driving instructors accredited under the Regulation.

The Code outlines the:

- key requirements for accreditation as a driving instructor in the ACT
- requirement for a driving instructor to have a current working with vulnerable people registration and advise the relevant business unit in Access Canberra of any changes to that registration
- behaviours expected of driving instructors when providing driver instruction and/or assessment and engaging with the ACT Government in relation their accreditation and provision of driver instruction and/or assessment
- processes for students to complain about behaviours of driving instructors that are not in accordance with the expected behaviours outlined in the Code
- requirements for motor vehicles that can be used for driver instruction and/or assessment in addition to those outlined in the Regulation
- obligations to report any crash
- liability insurance requirements under the Regulation
- requirements for assessing a person's suitability to be issued with a provisional car licence under the competency-based driver assessment model
- requirements to be met when providing driver instruction
- obligations on driving instructors in relation to a student's record of driving hours
- requirements when issuing certificates of competency
- auditing processes applicable to driving instructors
- requirements for notifying students of the driving instructors fee structure
- requirements for notifying students of their appeal rights

Clause 4

This clause sets out the definitions used in the instrument.

Clause 5

This is a formal provision and provides that the *Road Transport (Driver Licensing) Driving Instruction and Assessment Code of Practice 2016 (No 1) DI2016-237* is revoked.