

# Road Transport (Driver Licensing) Learner Licence Training Course (Safer Driver Course) Approval 2020 (No 2)

Notifiable instrument NI2020–485

made under the

*Road Transport (Driver Licensing) Regulation 2000*, section 15 (1) (b) (Approval of training courses)

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## 1 Name of instrument

This instrument is the *Road Transport (Driver Licensing) Learner Licence Training Course (Safer Driver Course) Approval 2020 (No 2)*.

## 2 Commencement

This instrument is taken to have commenced on 16 July 2020.

## 3 Approval

The course outlined in Schedule 1 to this instrument constitutes a learner licence training course for the purposes of section 15 (1) (b) of the *Road Transport (Driver Licensing) Regulation 2000*.

I approve the providers listed in Schedule 2 to this instrument to deliver the learner licence training course outlined in Schedule 1 to this instrument.

This approval is subject to the conditions in Schedule 3 to this instrument.

## 4 Revocation

This instrument revokes *Road Transport (Driver Licensing) Learner Licence Training Course (Safer Driver Course) Approval 2020 (No 1) NI2020-418*.

## **5 Expiry**

This instrument expires on 15 July 2023.

Alison Kemp PN22300

A/g Senior Director Road Safety and Transport Regulation, Legislation, Policy and Programs as a delegate of the road transport authority

12 August 2020

Note: Section 17 (1) (b) of the *Road Transport (General) Act 1999* provides that the road transport authority can delegate a road transport authority's functions under the road transport legislation to a public employee.

## **Schedule 1**

### **Approved Learner Licence Training Course**

- 1) The Safer Driver Course (the Course) is a learner licence training course available to ACT learner car licence holders to satisfy a component of the required driving hours for eligibility for an ACT provisional car licence.
- 2) The purpose of the Course is to assist young learner drivers to understand and develop safe driving behaviours and anticipate hazard situations in order to reduce road risk when they transition to independent driving.
- 3) Successful completion of the Course will provide a learner driver with 20 required driving hours for the purpose of meeting the required driving hours as set out in section 22 (3) (c) of the *Road Transport (Driver Licensing) Regulation 2000*.
- 4) The one-hour practical driving session must not be counted towards a person's required driving hours in addition to the 20 required driving hours provided for completion of the Course.

## **Schedule 2**

### **Approved Course Providers**

The following providers are approved to deliver the Safer Driver Course:

<b>Provider</b>	The Trustee for LnMnCo Family Trust
<b>Business name</b>	Pinnacle Driving School
<b>Provider ABN</b>	60 331 305 533
<b>Start date of approval</b>	16 July 2020
<b>End date of approval</b>	15 July 2023

<b>Provider</b>	Stay Upright Pty Ltd
<b>Business name</b>	Stay Road Right
<b>Provider ABN</b>	41 002 099 069
<b>Start date of approval</b>	16 July 2020
<b>End date of approval</b>	15 July 2023

<b>Provider</b>	Ascent Training Services Pty Ltd
<b>Business name</b>	Ascent Training Services
<b>Provider ABN</b>	15 095 287 013
<b>Start date of approval</b>	16 July 2020
<b>End date of approval</b>	15 July 2023

<b>Provider</b>	The Trustee for The CjLolJack Trust
<b>Business name</b>	Fifth Gear Motoring
<b>Provider ABN</b>	50 953 560 486
<b>Start date of approval</b>	16 July 2020
<b>End date of approval</b>	15 July 2023

<b>Provider</b>	Wangda Dorji
<b>Business name</b>	Druk Driving School
<b>Provider ABN</b>	51 374 247 826
<b>Start date of approval</b>	16 July 2020
<b>End date of approval</b>	15 July 2023

<b>Provider</b>	Nicole Warren
<b>Business name</b>	Swift Driver Training
<b>Provider ABN</b>	62 883 114 667
<b>Start date of approval</b>	16 July 2020
<b>End date of approval</b>	15 July 2023

### **Schedule 3**

#### **Conditions of Approval**

The following are conditions of approval to deliver the Safer Driver Course (the Course).

Failure by an Approved Course Provider, or subcontractors of the Approved Course Provider, to comply with any of the conditions of approval listed in this Schedule may, at the discretion of the Territory, give rise to grounds for repeal of the approval provided by this instrument.

An Approved Course Provider must inform the Territory as soon as practicable if it is unable to comply with the terms of this approval as set out in this schedule.

When approval under this instrument ends, an Approved Course Provider must immediately cease describing itself as an Approved Course Provider.

#### **1. Eligibility to Participate in the Safer Driver Course**

- a) An Approved Course Provider must ensure that people booking to attend the Course have as proof of eligibility to undertake the Course an ACT learner licence that has been held for a period of at least 3 months and shows that the person was under the age of 25 at the time the learner licence was issued or renewed.
- b) An Approved Course Provider must ensure that learner drivers enrolling in the Course understand that the practical driving session component is not a driving lesson and that they should have practical driving experience to the extent that they can demonstrate the requisite skills to operate the vehicle prior to attending the course.
- c) It is recommended that to demonstrate that they have the requisite practical driving experience to undertake the practical driving session component of the Course, participants have completed either:
  - i. 10 hours with an ACT Accredited Driving Instructor; or
  - ii. 30 hours with a driving supervisor.

- d) The road transport authority can direct an Approved Course Provider to provide the course to a learner driver who was aged 25 or older at the time of obtaining or renewing their learner licence.

## **2. Delivery of the Safer Driver Course**

- a) An Approved Course Provider must ensure the Course includes a 2-and-a-half-hour workshop (Module 1) and a one-hour practical driving session (Module 2).
- b) The workshop must be completed prior to participation in the one-hour practical driving session.
- c) The workshop must be delivered by the Approved Course Provider and cannot be outsourced to a third party.
- d) The practical driving session must be completed within a 30-day period of completing the workshop. In extraordinary circumstances, the Territory may approve an extension to this time period on application from an Approved Course Provider.
- e) An Approved Course Provider must engage an ACT Accredited Driving Instructor to provide the practical driving session component of the Course.
- f) An Approved Course Provider must provide all equipment and supplies required to conduct the Course.
- g) Any equipment and supplies provided by the Territory as part of the approved course content must be returned to the Territory when the Approved Course Provider no longer delivers the Course or when their approval to deliver the Course ceases.
- h) An Approved Course Provider must ensure the Course is accessible to:
  - i. individuals from non-English speaking backgrounds; and
  - ii. individuals with special needs, for example, hearing impairment, attention and behavioural issues, intellectual or learning difficulties, poor literacy or low-level language skills.

- i) Participants from a non-English speaking background may be provided with the assistance of an interpreter or support person who may assist alongside them and help them to understand the course content.
- j) An Approved Course Provider must issue each participant who successfully completes the Course with a completion certificate that is numbered and dated, in a format that is advised by the Territory as acceptable to the Territory.
- k) A completion certificate must not include ACT Government branding (including the ACT Government logo, vision zero logo or safe plates logo).
- l) An Approved Course Provider may use the “initiative of ACT Government” logo on the completion certificate.
- m) Successful completion means:
  - i. active participation in the Course; and
  - ii. completion of the practical driving session within a 30-day period of completing the workshop.
- k) An Approved Course Provider must sign, date and include any other information as directed by the Territory in the ACT Learner Driver Logbook or record of driving hours for each participant who successfully completes the Course.
- n) An Approved Course Provider must advise the Territory of any changes to the name advised in their application for approval under which the Course will be marketed to the public.

### **3. Course materials**

- a) An Approved Course Provider must deliver the Course materials as approved and updated by the Territory.
- b) An Approved Course Provider must not remove or alter the ACT Government copyright notice on the Course materials provided by the Territory.

- c) Except with the Territory's prior written approval, an Approved Course Provider must not alter or remove the branding on any Course materials provided by the Territory or add any other branding.
- d) The Territory grants to an Approved Course Provider a royalty-free, limited licence to use the Course materials for the duration of their approval as an Approved Course Provider.

#### **4. Course name and advertising**

- a) An Approved Course Provider must not use the Safer Driver Course name in connection with anything other than the promotion or delivery of the Course.
- b) An Approved Course Provider must ensure that any marketing material for the Course:
  - i. states that 'the Course has been approved by the ACT Government as an approved Learner Licence Training Course under section 15 (1) (b) of the *Road Transport (Driver Licensing) Regulation 2000*'; and
  - ii. does not use ACT Government branding (including the ACT Government logo, vision zero logo or safe plates logo) to promote itself or the Course without prior written approval from the Territory.
- c) An Approved Course Provider may use the "initiative of ACT Government" logo for the purposes of promoting the Course.
- d) An Approved Course Provider must not do anything that could reasonably lead the public to consider that it:
  - i. is the exclusive or primary provider of the Course;
  - ii. owns the Course; or
  - iii. is the Course, or is synonymous with the Course.
- e) An Approved Course Provider must not permit its subcontractors to describe themselves as approved providers of the Course.
- f) An Approved Course Provider must not use the Restricted Names listed below as, or as part of:



- i. its legal name;
  - ii. its trading or business name;
  - iii. its social media account name;
  - iv. its internet domain name; or
  - v. a directory listing (for example, Google place listing or true local or yellow pages).
- g) The Restricted Names are the following:
- i. Safer Driver (or saferdriver); and
  - ii. Safer Driver Course (or saferdrivercourse or SDC); and
  - iii. Safer Drivers (or saferdrivers); and
  - iv. Safer Drivers Course (or saferdriverscourse); and
  - v. Safe Plates (or safeplates); and
  - vi. Safe Plates ACT (or safeplatesACT or safeplates ACT)
- h) Nothing in clause 4 (f) prevents an Approved Course Provider from using a Restricted Name as the name of a page within the Approved Course Provider's website provided the domain name does not contain a Restricted Name.

For example:

[www.xyzdriveschool.com.au/saferdrivercourse](http://www.xyzdriveschool.com.au/saferdrivercourse) would be permissible.

[www.saferdrivercourse.com](http://www.saferdrivercourse.com) would not be permissible.

## **5. Booking Service**

- a) An Approved Course Provider is responsible for providing a booking service that is available to the public.

## **6. Minimum Standards for persons delivering the Course**

- a) An Approved Course Provider must ensure that each person that delivers the Course meets the following minimum standards:
  - i. has appropriate training and skills to deliver the Course;

- ii. has an appropriate ACT working with vulnerable people clearance; and
  - iii. is of good character.
- b) In addition to clause 6 (a), an Approved Course Provider must ensure that the one-hour practical driving session is delivered by an ACT Accredited Driving Instructor. An Approved Course Provider must ensure that the accreditation is current and not subject to suspension or cancellation or have suspension or cancellation action pending.
- c) Records demonstrating that persons delivering the Course meet these minimum standards may be sought by the Territory at any time and must be provided by an Approved Course Provider within 14 days of receipt of the request from the Territory.
- d) Nothing in this Approval constitutes an Approved Course Provider, or its employees, agents or subcontractors as employees, partners or agents of the Territory or creates any employment, partnership or agency for any purpose and an Approved Course Provider must not represent itself, and must ensure its employees, agents and subcontractors do not represent themselves, as being employees, partners or agents of the Territory.

## **7. Fees**

- a) Course participants are responsible for all costs associated with attending the Course. Fees are to be paid directly to the Approved Course Provider.
- b) Course fees must be set at an affordable level.
- c) An Approved Course Provider must not increase Course fees without prior approval from the Territory.
- d) An Approved Course Provider must notify the Territory of any other variation to Course fees at least 14 days before the variation commences.
- e) The Territory will not agree to more than one fee increase in any 12-month period.
- f) Applications by an Approved Course Provider to increase Course fees will be

assessed by the Territory against the following factors:

- i. increases in consumer price index or insurance rates;
- ii. increases in costs associated with conducting the Course; and
- iii. when the last increase was approved.

#### **8. Assignment and Subcontracting**

- a) An Approved Course Provider must not assign or subcontract its obligations under this Schedule or the delivery of the Course to independent contractors without the prior written approval of the Territory or otherwise in accordance with these conditions of approval. If the Territory gives its approval, the Territory may impose any conditions.
- b) Subject to clause 8(a) and clause 6 (a), an Approved Course Provider may engage a person, other than another Approved Course Provider, to deliver the Course who is an independent contractor rather than an employee of an Approved Course Provider.
- c) Where an Approved Course Provider subcontracts its obligations under this Schedule or the delivery of the course to independent contractors, the Approved Course Provider remains responsible for its obligations and will indemnify and keep indemnified the Territory in respect of all losses, damages, costs and expenses directly or indirectly incurred or suffered by the Territory or any other person, including the Approved Course Provider, as a consequence of any conduct of the subcontractor.
- d) An Approved Course Provider must advise the Territory of the ACT Accredited Driving Instructor engaged to deliver the one-hour practical driving session.

#### **9. Information Requests from the Territory**

- a) The Territory may seek information and/or records from an Approved Course Provider in relation to the approval in this instrument and compliance with the conditions of approval in this Schedule at any time. This includes:
  - i. the number of Courses conducted;
  - ii. the number of participants at each Course conducted;

- iii. the completion rates for the Course;
  - iv. demographic or other information requested by the Territory for the purpose of evaluating the Course.
- b) On request, the Approved Course Provider must allow the Territory to attend the delivery of a Course, for the purpose of ensuring delivery of the Course is fit for purpose.
- c) A response to a request for information and/or records from the Territory must be provided by an Approved Course Provider within 14 days of receipt of the request from the Territory, unless agreed otherwise.

#### **10. Notification of Change to Approved Course Provider Ownership**

- a) The Approved Course Provider must notify the Territory if the Approved Course Provider has sold, transferred or assigned the ownership of its company to another person or legal entity (a change of ownership).
- b) Where a change of ownership has occurred, the Territory may request information be provided by an Approved Course Provider within 14 days of receipt of the request, to assess whether the new owner is suitable to be an Approved Course Provider.

#### **11. Definitions**

***Driving instructor*** means a person accredited under section 107 of the *Road Transport (Driver Licensing) Regulation 2000*.

***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 a driving instructor.

***Safer Driver Course*** means the course outlined in Schedule 1 of this instrument and consists of a workshop and practical driving session.