

Road Transport (Driver Licensing) Pre-Learner Licence Training Course Approval 2020 (No 1)

Notifiable instrument NI2020-817

made under the

Road Transport (Driver Licensing) Regulation 2000, s15 (1) (a) Approval of training courses

1 Name of instrument

This instrument is the *Road Transport (Driver Licensing) Pre-Learner Licence Training Course Approval 2020 (No 1)*.

2 Commencement

This instrument commences on 01 January 2021.

3 Approval

The course outlined in Schedule 1 to this instrument constitutes the Pre-Learner Licence Training Course for the purposes of section 15 (1) (a) of the *Road Transport (Driver Licensing) Regulation 2000*.

I approve the providers listed in Schedule 2 to this instrument to deliver the Pre-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) Road Ready Training Course Approval 2019 (No 2) NI2019-859*.

5 Expiry

This instrument expires on 31 December 2025.

Kim Hosking PN22300

Senior Director Road Safety and Transport Regulation as a delegate of the road transport authority

18 December 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 Pre-Learner Licence Training Course

- 1) The Pre-Learner Licence Training Course (the Course) is a mandatory training course for people who wish to obtain a learner licence in the ACT. The road transport authority may also direct other licence holders to undertake the Course in certain circumstances.
- 2) The purpose of the Course is to ensure a person has adequate knowledge of safe driving practices and road laws prior to obtaining a learner licence.
- 3) The Course consists of four learning modules, delivered over a minimum one and a half day period (10 hours total). The Course also consists of a multiple-choice quiz based on course content, and a Road Rules Knowledge Test based on the Road Rules Handbook.
- 4) A Pre-Learner Licence Training Course addresses the following topics:
 - a) responsibilities and consequences of holding a driver licence;
 - b) getting ready for the road;
 - c) crash types and contributing factors;
 - d) the complexity of the driving task;
 - e) risk and hazard recognition;
 - f) making choices about safe road use; and
 - g) road rules.
- 5) The Road Rules Knowledge Test is a computerised, self-correcting test. It consists of 35 multiple choice questions, randomly selected from a bank of approximately 348 questions. Some questions are mandatory because they address required competency areas. All mandatory questions must be answered correctly. The remaining questions are general knowledge questions and four incorrect answers are allowed.
- 6) Successful completion of the Pre-Learner Licence Training Course requires:
 - a) completion of all required learning modules;
 - b) successful completion of the multiple-choice quiz based on course content, with at least a fifty percent (50%) pass mark; and
 - c) passing of the Road Rules Knowledge Test.
- 7) In limited circumstances, the Territory may direct a person to undertake only the Road Rules Knowledge Test outside of the Course. The Road Rules Knowledge

Test includes both the Light Vehicle and Heavy Vehicle Road Rules Knowledge Test.

Schedule 2

Approved Course Providers

The following providers are approved to deliver the Pre-Learner Licence Training Course:

Provider	The Trustee for LnMnCo Family Trust
Business name	Pinnacle Driving School
Provider ABN	60 331 305 533
Start date of approval	1 January 2021
End date of approval	31 December 2025

Provider	Stay Upright Pty Ltd
Business name	Stay Road Right
Provider ABN	41 002 099 069
Start date of approval	1 January 2021
End date of approval	31 December 2025

Provider	Ascent Training Services Pty Ltd
Business name	Ascent Training Services
Provider ABN	15 095 287 013
Start date of approval	1 January 2021
End date of approval	31 December 2025

Provider	The Salvation Army
Business name	Oasis Youth Services
Provider ABN	57 507 607 457
Start date of approval	1 January 2021
End date of approval	31 December 2025

Provider	Communities at Work
Business name	Galilee School
Provider ABN	19 125 799 859
Start date of approval	1 January 2021
End date of approval	31 December 2025

Provider	Capital Region Community Services
Business name	Belconnen Youth Centre
Provider ABN	24 597 445 592
Start date of approval	1 January 2021
End date of approval	31 December 2025

Provider	Anglicare NSW, South NSW West and ACT
Business name	The Junction
Provider ABN	69 198 255 076
Start date of approval	1 January 2021
End date of approval	31 December 2025

Provider	Canberra Institute of Technology
Business name	CIT
Provider ABN	432 737 96 990
Start date of approval	1 January 2021
End date of approval	31 December 2025

Schedule 3

Conditions of Approval

The following are the conditions of approval to deliver the Pre-Learner Licence Training Course (the Course) and Road Rules Knowledge Test.

Failure by an 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 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. Delivery of the Course

- a) An Approved Course Provider must deliver all four modules of the Course over a minimum one and a half day period (10 hours total), including the time taken to complete the course content quiz and Road Rules Knowledge Test.
- b) The Road Rules Knowledge Test may only be taken after a participant has completed all required modules of the Course and obtained at least a fifty percent (50%) pass mark on the course content quiz, or where a participant has been directed by the Territory to take the Road Rules Knowledge Test outside of the Course.
- c) An Approved Course Provider must ensure the maximum number of participants per Course does not exceed 25.
- d) An Approved Course Provider must provide all equipment and supplies required to conduct the Course.
- e) 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.
- f) Unless agreed by the Territory, 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.
- g) 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.
- h) Successful completion means:
 - i) completion of all four learning modules;
 - ii) successful completion of the multiple-choice quiz based on course content, with at least a fifty percent (50%) pass mark; and
 - iii) passing of the Road Rules Knowledge Test.
- i) A completion certificate must not include ACT Government branding (including the ACT Government logo, Vision Zero logo or Safe Plates logo).
- j) An Approved Course Provider may use the “initiative of the ACT Government” logo on the completion certificate.
- k) Where the Territory directs a person to undertake only the Road Rules Knowledge Test outside of the Course, an Approved Course provider must ensure the conduct of the Road Rules Knowledge Test is in accordance with clauses 1 (d), (g), (h)(iii), (i) and (g).

2. Course Materials

- a) An Approved Course Provider must deliver the Course materials (including the course content, multiple-choice quiz based on the Course content, and the Road Rules Knowledge Test) as approved and updated by the Territory.
- b) 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.

3. Course Name and Advertising

- a) An Approved Course Provider must not remove or alter the ACT Government copyright notice on the Course materials provided by the

Territory, or add any other branding, except with the Territory's prior written approval.

- 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 Yellow Pages)
- g) The Restricted Names are:
 - i) Pre-Learner Licence (or prelearnerlicence);
 - ii) Pre-Learner Licence Training Course (or prelearnerlicencetrainingcourse);
 - iii) Pre-Learner course (or prelearner course); and
 - iv) Road Rules Knowledge Test (roadrulesknowledgetest).
- h) Nothing in clause 3 (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 that the domain name does not contain a Restricted Name. For example:

- i) www.xyzdriveschool.com.au/prelearnerlicencetrainingcourse would be permissible
 - ii) www.prelearnerlicencetrainingcourse.com.au would not be permissible.
- i) 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.
 - j) Where the Territory directs a person to undertake only the Road Rules Knowledge Test outside of the Course, an Approved Course provider must ensure the name and advertising of the Road Rules Knowledge Test is in accordance with clauses 3 (a) to (i).

4. Booking Service

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

5. Minimum Standards for Persons Delivering the Course

- a) An Approved Course Provider must ensure that each person that delivers the Course or Road Rules Knowledge Test meets the following minimum standards:
 - i) the person has appropriate training and skills to deliver the Course;
 - ii) the person has an appropriate ACT working with vulnerable people clearance; and
 - iii) the person is of good character.
- b) Records demonstrating that persons delivering the Course or Road Rules Knowledge Test 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.
- c) 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. 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.

6. 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) Fees must be set at an affordable level.
- c) Within initial attendance, participants must be provided with two attempts to successfully complete the Road Rules Knowledge Test. After two failed attempts at the Road Rules Knowledge Test, the cost of additional attempts is borne by the individual undertaking the test. Advertised fees must include the participant attempting up to two attempts of the Road Rules Knowledge Test.
- d) An Approved Course Provider must not increase fees without prior approval from the Territory.
- e) An Approved Course Provider must notify the Territory of any other variation to fees at least 14 days before the variation commences.
- f) The Territory will not agree to more than one fee increase in any 12-month period.
- g) Applications by an Approved Course Provider to increase 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.
- h) Where the Territory directs a person to undertake only the Road Rules Knowledge Test outside of the Course, an Approved Course provider must ensure the conduct of the Road Rules Knowledge Test and the setting of the fees for the Test is in accordance with clause 6 (a) to (f).

7. Use of Interpreters and Other Professionals

- a) Participants from non-English speaking backgrounds may use the assistance of an interpreter (for example, the participant's friend, family member or a community member) who may sit alongside the participant and help them to understand the course content. This person cannot be used for assistance with

the Road Rules Knowledge Test.

- b) An Approved Training Provider may provide participants from non-English speaking backgrounds with the assistance of an interpreter for the Road Rules Knowledge Test. Only an official accredited interpreter approved by the Territory can be used for language interpretation of the Road Rules Knowledge Test. This person cannot be used for any other assistance with the Road Rules Knowledge Test including answering questions in the Road Rules Knowledge Test.
- c) People with special needs – for example, hearing impairment, attention and behavioural issues, intellectual or learning difficulties, poor literacy or low-level language skills – may use the assistance of a family member/carer or may be provided by an Approved Course Provider with the assistance of an appropriate professional to help them understand the course content and Road Rules Knowledge Test. This person cannot be used for any other assistance with the Road Rules Knowledge Test including answering questions in the Road Rules Knowledge Test.
- d) When arranging the use of an interpreter for participants from non-English speaking backgrounds, or when arranging the use of other professionals to assist participants with special needs, an Approved Course Provider must:
 - i) ensure that only those participants from non-English speaking backgrounds with a genuine need for assistance are provided with the assistance of an interpreter. An Approved Course Provider must ask each participant requesting an interpreter a series of questions in English to determine if the request for assistance is bona fide. The Territory may give an Approved Course Provider further directions in writing on this matter; and
 - ii) undertake reasonable steps to ensure that these services are provided in a cost-effective way – for example, organising group classes for language interpretation where possible, scheduling an interpreter to assist multiple participants in a row to undertake the Road Rules Knowledge Test, invoicing for time spent providing interpretation services (rather than invoicing based on the number of participants) and encouraging participants to bring family members or friends to aid in interpretation of Course content. The Territory may give an

Approved Course Provider further directions in writing on this matter.

- e) An Approved Course Provider will be reimbursed by the Territory at a fixed price for the use of interpreters or other professionals who assist participants from non-English speaking backgrounds or participants with special needs to complete the Course.
 - i) The fixed price for interpreters is the rate as determined by the Department of Home Affairs under its interpreting service charges for Translating and Interpreting Services (TIS) National. In the event the payment category is abolished the applicable rate will be that as agreed by the Territory and the Approved Training Provider in writing.
 - ii) The fixed price for other professionals who assist participants with special needs to complete the Course is the applicable rate agreed by the Territory and the Approved Training Provider in writing.
- f) The Territory will fund the assistance of an interpreter for up to 2 attempts at the Road Rules Knowledge Test (including no-shows where the interpreter arrives but the person does not). If a person requires any further interpreter assistance after the second attempt, they are required to pay the full cost of the interpreter service.
- g) On agreement with the Territory in writing, an Approved Course Provider may invoice the Territory for higher costs associated with delivering the Course to groups with specific needs within the community (for example, reimbursement of additional costs for delivery of the Course to Jervis Bay, the Bimberi Youth Justice Centre or the Alexander McConachie Centre).
- h) To receive payment from the Territory, an Approved Course Provider must:
 - i) provide an invoice for such services to the Territory following the service being provided; and
 - ii) provide a copy of all invoices for such services within 14 days of request by the Territory.

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 or Road Rules Knowledge

Test 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) Where an Approved Course Provider subcontracts its obligations under this Schedule or the delivery of the course or Road Rules Knowledge Test 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.

9. Information Requests from the Territory

- a) The Territory may seek information and/or records from an Approved Course Provider in relation to compliance with the conditions of approval in this Schedule at any time. This includes:
 - i) the number of Courses conducted (including those provided to participants with non-English speaking backgrounds and special needs);
 - ii) the number of participants at each Course conducted;
 - iii) the completion rates for the Course;
 - iv) demographics;
 - v) customer feedback and customer satisfaction survey results; and
 - vi) 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.
- d) Where the Territory directs a person to undertake only the Road Rules Knowledge Test outside of the Course, an Approved Course provider must

ensure the conduct of the Road Rules Knowledge Test is in accordance with clauses 9 (a) to (c).

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.