

Road Transport (Driver Licensing) Code of Practice for Driving Instruction 2005 (No 1)

Disallowable Instrument DI2005-169

made under the

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

EXPLANATORY STATEMENT

The Code of Practice provides a set of rules for the conduct of Accredited Driving Instructors (ADI's) 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On 1 March 2000, the driver licence provisions of the *Motor Traffic Act 1936* (repealed) became part of the *Road Transport (Driver Licensing) Regulation 2000*. These Regulations refer to the Code of Practice for Accredited Driving Instructors. The Code is a disallowable instrument.

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

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

The following sections of the Code have been amended:

Section 6 – (Presentation and Vehicle) - Alcohol and Drugs Requirement

Currently, the *Road Transport (Alcohol and Drugs) Act 1977* does not require ADIs to be under 0.02 blood alcohol content (BAC) when conducting lessons and assessments. To overcome this anomaly:

- 6.6 of this section is an additional part requiring that an ADI must not be under the influence of illegal drugs and must have a blood alcohol content (BAC) of below 0.02 when instructing or assessing a student.

Section 7 – (Assessment of Students) - ADI Monthly Returns

Currently, ADI's are required to submit a monthly return to Road User Services Audit Unit providing student information such as number of lessons and assessments conducted, and vehicle details i.e. auto or manual. The original intention was that such information would be useful for monitoring and statistical purposes, in particular, to monitor the level of activity to ensure that over-servicing was not occurring and the performance of ADI's was appropriate.

However, since the introduction of the Competency Based Training and Assessment Scheme (CBT&A), monitoring information of this type has been found to be unnecessary, as the information contained in individual student logbooks can be used for monitoring purposes as and when required. This information is obtained as part of a regular program of in-car and paper auditing. When a paper audit is conducted, the auditor checks the following:

- ADI's vehicle for registration, roadworthiness and cleanliness.
- Student's learner licence to ensure that it is current.
- Student's checklist to ensure that all relevant systems of vehicle control are being taught and that the student is being taught in different locations within the ACT.
- Student's logbook to ensure that students have met the required achievements and competencies have been correctly signed off and dated as per the student's checklist.

Concerns with over-servicing and ADI performance have not eventuated and statistical information can be obtained from other sources. While there is a minimum number of 8 lessons required to comply with the logbook competencies, there is no maximum number set as this depends on the aptitude and experience of the student. Should a student or parent have concerns about over-servicing, they are able to raise this through the government auditing system or as a consumer affairs issue.

Accordingly, the monthly reporting requirement has proved to be an unnecessary burden on ADI's and Audit Unit personnel.

ADI's are required to provide a Certificate of Competency to students who pass the final driver assessment. Certificates of Competency (which are in triplicate book form and individually numbered) are purchased from Road User Services. Currently, one copy is provided to the student, one is forwarded to Road User Services with the monthly report and the third is retained by the ADI.

To implement these changes:

- 7.10 of this section has been changed to reflect the requirements to return any damaged or incorrectly completed Certificates of Competency to the Audit Section at Road User Services and deletes the previous requirement on ADI's to submit a monthly return.
- 7.12 of this section has been changed to reflect the deletion of the previous requirement for ADI's to submit a monthly return to the Audit Section at Road User Services. This part now requires ADI's to retain relevant copies of the Certificate of Competency for at least six months.

Currently a learner licence holder must be at least 17 years of age and have held a learner licence for a minimum of six months before he or she can obtain a provisional driver licence.

Reduced Waiting Period for Learners Over 17 Years of Age

To assist processing of applicants, learner licence holders under 17 years of age are eligible to undertake a driver assessment up to two weeks before turning 17 years of age but of course cannot obtain their licence until reaching the age requirement. 7.19 now extends this two week allowance to licence holders over 17 years of age who have yet to meet the requirement to hold a learner licence for six months. Accordingly:

- 7.19 of this section has an added part which permits the Competency 22 assessment to be undertaken when a student has attained the age of 17 or more years provided that he or she has held a learner licence for at least five and a half months. However, a provisional driver licence can only be issued when the student has held his or her learner licence for at least six months.

Transition from Automatic to Manual Licence

Drivers who obtain their provisional driver licence in an automatic vehicle are restricted to automatic only for the first 12 months of their provisional driver licence. If a driver wishes to drive a manual vehicle during the first 12 month period, he or she is required to undertake and pass a driver assessment in a manual vehicle.

Given that such applicants already hold a provisional driver licence, it is not considered necessary for these drivers to complete the full logbook training and assessment required of new learner licence holders. Accordingly:

- 7.29 of this section is a new part setting out the requirements for ADI's when upgrading a student from an automatic driver licence to a manual licence. This requirement is for provisional licence holders who have held an automatic driver licence for less than 12 months and wish to upgrade to a manual licence.

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*.