

Road Transport (Driver Licensing) Learner Licence Training Course (Vulnerable Road User Program) Approval 2020 (No 2)

Notifiable instrument NI2020–486

made under the

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

1 Name of instrument

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

2 Commencement

This instrument commences on 13 August 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 the *Road Transport (Driver Licensing) Learner Licence Training Course (Vulnerable Road User Program) Approval 2020 (No 1) NI2020-307*.

5 Expiry

This instrument expires on 14 August 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 Vulnerable Road User Program (the Program) is a learner licence training course available to ACT learner car drivers to satisfy a component of the required driving hours for eligibility for a provisional car licence.
- 2) The purpose of the Program is to provide information to learner drivers about safely sharing the road with cyclists, motorcyclists and pedestrians.
- 3) Successful completion of the Program will provide a learner driver with 10 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*.

Schedule 2

Approved Course Providers

The following providers are approved to deliver the Vulnerable Road User Program:

Provider	The Trustee for LnMnCo Family Trust
Business name	Pinnacle Driving School
Provider ABN	60 331 305 533
Start date of approval	1 June 2020
End date of approval	31 May 2023

Provider	Stay Upright Pty Ltd
Business name	Stay Road Right
Provider ABN	41 002 099 069
Start date of approval	1 June 2020
End date of approval	31 May 2023

Provider	Ascent Training Services Pty Ltd
Business name	Ascent Training Services
Provider ABN	15 095 287 013
Start date of approval	1 June 2020
End date of approval	31 May 2023

Provider	Capital Region Community Services Limited
Business name	Capital Region Community Services
Provider ABN	24 597 445 592
Start date of approval	13 August 2020
End date of approval	12 August 2023

Schedule 3

Conditions of Approval

The following are conditions of approval to deliver the Vulnerable Road User Program (the Program).

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 conditions 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 Vulnerable Road User Program

- 1) An Approved Course Provider must ensure that people booking to attend the Program have as proof of eligibility to undertake the Program an ACT learner licence that has been held for a period of at least 3 months.

2. Delivery of the Vulnerable Road User Program

- a) An Approved Course Provider must ensure the Program includes both a component of self-directed learning, and a two-hour workshop that includes both theory and practical components.
- b) The self-directed learning component must be completed prior to attendance at the workshop.
- c) An Approved Course Provider must provide all equipment and supplies required to conduct the Program.
- d) Any equipment and supplies provided by the Territory as part of the approved Program content must be returned to the Territory when the Approved Course Provider no longer delivers the Program or when their approval to deliver the Program ceases.

- e) An Approved Course Provider must ensure the Program 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.
- f) 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 Program content.
- g) An Approved Course Provider must issue each participant who successfully completes the Program 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 the self-directed learning component of the Program prior to attending the workshop; and
 - ii. active participation in the workshop.
- 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 ACT Government” logo on the completion certificate.
- 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 Program.
- l) An Approved Course Provider must advise the Territory of any changes to the name advised in their application for approval under which the Program will be marketed to the public.

3. Program materials

- a) An Approved Course Provider must deliver the Program 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 Program 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 Program 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 Program materials for the duration of their approval as an Approved Course Provider.

4. Program name and advertising

- a) An Approved Course Provider must not use the Vulnerable Road User Program name in connection with anything other than the promotion or delivery of the Program.
- b) An Approved Course Provider must ensure that any marketing material for the Program:
 - i. states that ‘the Program 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 Program 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 Program.
- 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 Program;

- ii. owns the Program; or
 - iii. is the Program, or is synonymous with the Program.
- e) An Approved Course Provider must not permit its subcontractors to describe themselves as approved providers of the Program.
- 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. vulnerable road user (or vulnerableroaduser)
 - ii. vulnerable road user program (or vulnerableroaduserprogram or VRUP);
and
 - iii. vulnerable road user course (or vulnerableroadusercourse)
- 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/vulnerableroaduserprogram would be permissible.

www.vulnerableroaduserprogram.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 Program

- a) An Approved Course Provider must ensure that each person that delivers the Program meets the following minimum standards:
 - i. has appropriate training and skills to deliver the Program;
 - ii. has an appropriate ACT working with vulnerable people clearance; and
 - iii. is of good character.
- b) Records demonstrating that these minimum standards have been met 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 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) Program participants are responsible for all costs associated with attending the Program. Fees are to be paid directly to the Approved Course Provider.
- b) Program fees must be set at an affordable level.
- c) An Approved Course Provider must not increase Program fees without prior approval from the Territory.
- d) An Approved Course Provider must notify the Territory of any other variation to Program 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 Program 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 approved Program; 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 Program 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 Program 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 Program 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 the approval in this instrument and compliance with the conditions of approval in this Schedule at any time. This includes:
 - i. the number of Programs conducted;
 - ii. the number of participants at each Program conducted;
 - iii. the completion rates for the Program; and
 - iv. demographic or other information requested by the Territory for the purpose of evaluating the Program.
- b) 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.

- c) On request, the Approved Course Provider must allow the Territory to attend the delivery of the Program, for the purpose of ensuring delivery of the Program is fit for purpose.

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.