

Code of Practice  
For  
Driving Instructors  
In the  
Northern Territory

2 June 2006

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## Code of Practice Amendment Record

Any amendments to this Code of Practice since the previous edition are detailed below.

| Code Reference                         | Amendment details   | Amendment date |
|--|---|----------------|
| Various                                | All references relevant specifically to Specialist Driver Trainers (SDT's) deleted.           | 23-09-2004     |
| 9.7                                    | Surrender of licence added  | 17-11-2004     |
| 6.2                                    | "Driver-training activities" amended to "driver-training/assessment activities".              | 17-11-2004     |
| Various                                | All references to "learner driver" amended to read "client"                                   | 25-02-2005     |
| Definitions – Bribe                    | Addition of "Approved Training Provider or"   | 25-02-2005     |
| 10.3                                   | Deletion of "CBT&A-based"   | 25-02-2005     |
| Definitions – Approved Course Provider | Changed to Approved Training Provider   | 04-08-2005     |
| Definitions – Dual Controls            | Added reference to Information Bulletin V55   | 04-08-2005     |
| Definitions – Lesson                   | Made inclusive of theory and practical  | 04-08-2005     |
| Definitions – MVR                      | Amended Departmental Title from DIPE to DPI   | 04-08-2005     |
| 9.5                                    | Addition of "or otherwise operate as a driving instructor".                                   | 04-08-2005     |
| Acknowledgement and indemnity          | Modified to remove references to CBT&A based driver training.                                 | 04-08-2005     |
| Notes page                             | Removed   | 04-08-2005     |
| Definitions – Reasonable cause         | Deleted   | 05-08-2005     |
| 6.1                                    | Addition of "approved"  | 05-08-2005     |
| 6.2                                    | Section 6.2 added.  | 05-08-2005     |
| 6.6                                    | Amended to 6.1, 6.2, 6.4 and 6.5  | 05-08-2005     |
| 9.8                                    | Section 9.8 added   | 13-10-2005     |
| 9.9                                    | Section 9.9 added   | 13-10-2005     |
| Definitions                            | Added "Prompt – prompting"  | 13-10-2005     |
| 1.4                                    | Added item 1.4  | 13-10-2005     |
| Definitions                            | Changed references to DIPE to DPI   | 30-01-2006     |
| Definitions – Complaints Policy        | Added "Any Approved Policy relating to MVR complaint management. Currently espoused in ....." | 30-01-2006     |
| 6.6                                    | Addition of "unless otherwise approved by MVR"  | 31-01-2006     |
| 6.1                                    | Addition of "... (i.e. Class C & R)..."   | 03-04-2006     |





## 1 Introduction

- 1.1. The purpose of this Code of Practice is to provide a set of principles and operational guidelines for driving instructors (“Instructors”) in the Northern Territory.
- 1.2. The Code has two functions. It provides; -
  - a) a document that informs the public, and particularly clients of the standards they can expect in terms of performance and conduct from Instructors; and
  - b) an outline of the regulatory processes applied by the Registrar of Motor Vehicles in pursuance of the relevant Northern Territory Acts and Regulations.
- 1.3. To ensure compliance with the Code, the MVR may impose an administrative sanction if a breach of the code is found to have occurred. Administrative sanctions may include, but are not limited to, warnings, attaching conditions, and suspension or revocation of an Instructor’s endorsement.
- 1.4. All inquiries in relation to this code should be addressed in the first instance to the Driver Licensing operations Coordinator at MVR Goyder Rd telephone 8999 3108.

## 2 Definitions

“Approved Training Provider” – any Registered Training Organisation that has been approved by the Registrar to deliver CBT&A programs for driver licence issue.

“Approved Document” – any document approved by the Registrar for the purpose of driver training and Driver Licensing Standards Assurance (DLSA).

“Approved Training Vehicle” – any vehicle approved by the Registrar for the use of Instructors in training and assessing drivers.

“Auditor” – a person approved by the Registrar of Motor Vehicles to conduct “audits” on behalf of the Road Transport Division, Department of Planning and Infrastructure.

“Bribe” – anything given, promised or offered to influence decisions of an approved training provider or an officer of the MVR.

“Breach” – any activity contrary to this code.

“Complaints Policy” – Any Approved Policy relating to MVR complaint management. Currently espoused in Motor Vehicle Registry Procedure item 2.31 Customer Complaints Management.

“CBT&A-based Course Provider” – any individual or group who has been granted Approved Training Provider status by the Registrar for the delivery and assessment of CBT&A-based programs.

**“Dual Controls”** – duplicate vehicle controls for Instructor use – a minimum of a brake pedal operable from the front passenger seat of a training vehicle in compliance with MVR Information Bulletin V55.

**“Disqualification”** – the removal of one’s eligibility to hold or obtain a licence whether resulting from an administrative action or a decision of the Registrar or courts.

**“Instructor”** – any person who holds a driving Instructor’s (d) endorsement on his/her driver licence and, for fee or reward, instructs or teaches a person or persons to drive motor vehicles.

**“Lesson”** – a single period of time during which theory instruction and/or practical driver/rider training or assessment of a client is provided.

**“Legislation”** – the Northern Territory Act/s and or Regulation/s currently in force and reviewed from time to time.

**“Licence Testing Officer”** (LTO) – an officer of the Department of Planning and Infrastructure authorised by the Registrar to conduct practical driving tests.

**“MVR”** – Motor Vehicle Registry.

**“Prompt – Prompting”** – any assistance provided to a student driver under test/assessment whether by voice, gesture, posture or written word.

**“Registrar”** – the Registrar of Motor Vehicles.

### **3 Punctuality**

- 3.1. An Instructor shall arrange his or her affairs to ensure as far as practicable, that a lesson appointment with a client is not delayed. Where a delay is unavoidable the Instructor shall endeavour to contact the client by telephone or other means to advise him or her of the extent of the delay, and shall provide an opportunity for the client to cancel the appointment and make a new appointment without financial penalty.

### **4 Courtesy**

- 4.1. An Instructor shall behave courteously towards his/her students, MVR staff and all other persons with whom he/she may speak or otherwise deal in the course of providing instructions, lessons or assessments or otherwise conducting his/her business.
- 4.2. An Instructor shall not smoke whilst providing lessons or assessments. An Instructor has the right to terminate a lesson or assessment if a client smokes during that lesson or assessment.
- 4.3. An Instructor shall not, whilst conducting a lesson, read written material or operate any equipment, including computers and mobile phones that are not relevant at the time to the lesson being provided to the client.

- 4.4. An Instructor shall not harass, abuse, threaten or demean a client, MVR staff member or other person. Examples of such conduct include, but are not limited to:-
- Offensive jokes.
  - Suggestions or derogatory comments about a person's racial or ethnic background, sex, sexual preference, disability or physical appearance.
  - Unwelcome comments or questions about a person's sex life or any other personal matters.
  - Unnecessary familiarity such as deliberately touching a person or repeated accidental touching.
  - Any form of physical or verbal abuse including sledging.
  - Threats and intimidation of any kind.
  - Display of pictures or written material that can be interpreted as offensive and/or obscene.
  - Coercive behaviour intended to inappropriately influence.
  - Discrimination against a person on the basis of their age, race, ethnicity, gender, nationality or politics.

## **5 Theory**

- 5.1. Any person so authorised by the Registrar of Motor Vehicles may provide CBT&A-based road user theory instruction.
- 5.2. CBT&A-based course providers of the DTAL and METAL programs may utilise outside Instructors authorised by the Registrar for road user theory components of approved programs, however quality assurance for the program remains the responsibility of the course provider.
- 5.3. For CBT&A-based exercises, class sizes for theory instruction will be restricted to a maximum of 25 applicants except with prior approval of the Registrar.

## **6 Presentation of Instructor and Vehicle**

- 6.1. Instructors must ensure that, where applicable (i.e. Class C & R), approved "L" plates are displayed conspicuously so as to be clearly visible from the front and rear of the vehicle. Such plates must be placed so that the vision of the student driver and Instructor is not obstructed.
- 6.2. Instructors must ensure that, where applicable (i.e. Class LR, MR etc.), an approved "Driver Under Instruction" sign is displayed conspicuously so as to be clearly visible from the rear of the vehicle. Such sign must be placed so that the vision of the student driver and Instructor is not obstructed.

- 6.3. Instructors involved in the delivery of training for class C (car) licence applicants may only use approved training vehicles (see MVR Information Bulletin V55 – Driver Training Vehicles (Dual Control Fitment)) for driver-training/assessment activities except where the student provides a vehicle, in which case section 6.5 of this code applies.
- 6.4. Vehicles provided by Instructors for instruction or assessment must be clean and tidy both inside and out, having regard to prevailing weather conditions, and must have sufficient and readily accessible legal seating positions for the client, Instructor and Auditor or LTO.
- 6.5. Any vehicle used for instruction or assessment must be NT-registered and roadworthy. Auditors and LTO's may inspect a vehicle to ensure that it complies with NT roadworthiness (and modified vehicle registration requirements where dual controls are fitted). In the event of any disputation, Auditors and LTO's may request that an Instructor's vehicle, or any other vehicle used by an Instructor in the delivery of lessons be inspected by a person authorised by the Registrar for the purpose.
- 6.6. Any vehicle provided by clients for the purpose of instruction or assessment must meet conditions outlined in 6.1, 6.2, 6.4 and 6.5 of this Code unless otherwise approved by MVR.
- 6.7. Instructors must have a neat, clean and tidy appearance, including safe and practical clothing and appropriate footwear (eg enclosed footwear - no thongs).
- 6.8. An Instructor shall not conduct any driving lesson without first verifying the identity of the client and the current status of any licence held.

## **7 Relations with Clients**

- 7.1. The Instructor shall, before the first lesson inform the client of the fee for the Lesson (or package of lessons), whether any fee increases can be imposed during the series of lessons, of acceptable methods of payment, and of any refund policy.
- 7.2. The Instructor shall inform the client either before, or at the first lesson, of the existence and purpose of this Code of Practice. The Instructor shall make a copy of this Code of Practice available to the client upon request.
- 7.3. The Instructor has a duty to preserve the confidentiality of his or her clients. The Instructor must not disclose, or allow the disclosure of confidential or personal information about a client without the client's written consent, unless required to do so by law.
- 7.4. The Instructor must respond properly to a complaint by a person about the work, behaviour or services carried out by the Instructor. An Instructor must advise the person of his/her right to make a complaint to the MVR.
- 7.5. An Instructor must submit to any procedures for mediation and conciliation recommended by the MVR for management and resolution of complaints.

## 8 Relevant NT Legislation

- 8.1. The Northern Territory Motor Vehicles Act and Regulations, and Motor Vehicle Registry Policies prescribe requirements that must be met in order to obtain and maintain an Instructor's Endorsement on a Northern Territory Driver Licence.
- 8.2. This Code of Practice is not intended to displace any duty or liability that an Instructor may have under common law, or the statute law of the Northern Territory or the Commonwealth of Australia, in relation to a matter covered by the Code of Practice.

## 9 Fit and Proper Person

- 9.1. Applicants for an Instructor's endorsement must be medically fit, and of good character prior to first issue of the endorsement.
- 9.2. The Registrar may attach conditions to, suspend or cancel the endorsement of an Instructor who ceases to be medically fit or of good character.
- 9.3. An Instructor's endorsement shall be suspended or cancelled during any period when the Instructor's full driving licence is suspended or cancelled.
- 9.4. An Instructor must immediately notify the Registrar of any new complaint, charge, or conviction for any offence.
- 9.5. An Instructor must immediately notify the Registrar of any medical condition that may adversely affect his/her ability to drive or otherwise operate as a driving instructor.
- 9.6. Instructors must have zero blood/alcohol and should not be under the influence of other drugs whilst delivering any driver training lesson.
- 9.7. Instructors must comply with all relevant provisions of the NT Motor Vehicles Act, Traffic act and Regulations and the Australian Road Rules at all times, and particularly when in the company of student drivers.
- 9.8. Instructors accompanying practical tests or performing assessments must not prompt, advise, or assist the student driver/candidate in any way except to prevent a crash or to prevent a dangerous situation from arising.
- 9.9. An Instructor whose authorisation is withdrawn by the Registrar, courts or administrative process for any reason must immediately surrender any NT driver licence card bearing a "d" (driving instructor) endorsement to the Registrar or court. Failure to do so may result in the Registrar immediately issuing a public interest statement outlining the withdrawal of authorisation. Where appropriate, an amended licence reflecting current status will be issued by MVR at nil cost to the instructor.

## 10 Review of Decisions

- 10.1. MVR internal review procedures will in all cases uphold the general principles of natural justice and the individual's right to privacy.
- 10.2. An Instructor has the right to seek an internal review of a decision of the Registrar to impose conditions upon, suspend or cancel that Instructor's Endorsement.
- 10.3. An Instructor has the right to seek an internal review of a decision of the Registrar or any Deputy Registrar in relation to driver training vehicle roadworthiness or driver training delivery.
- 10.4. Officers delegated by the Registrar to consider a review of such a decision will have had no direct involvement in the original decision-making process.
- 10.5. A written request for review of a decision must be lodged with the Registrar within 28 days of receipt of written advice of the original decision, or the opportunity to appeal will lapse.
- 10.6. Written advice of progress of a review will be provided within 28 days of lodgement of the review request.
- 10.7. Notification of the final outcome of any review will be provided to the instructor concerned in writing within 7 days of the decision being made.
- 10.8. An instructor aggrieved by any internal review decision may seek whatever legal recourse the law permits.

