Australian DRIVER TRAINERS Association

CODE OF PRACTICE FOR THE PROFESSIONAL CONDUCT OF DRIVER TRAINING

January 2022



THE AUSTRALIAN DRIVER TRAINERS ASSOCIATION LIMITED

A.B.N. 19 000 218 075



INTRODUCTION

The Australian Driver Trainers Association Code of Practice for the Professional Conduct of Driver Training sets out the ethical principles and professional standards expected of driving instructors working in the provision of driver training and who are members of the Association.

The Code of Practice is not intended to be a comprehensive set of rules, but rather to set out principles that will support you in providing driver training.

The Code of Practice provides guidance on:

How to carry out your duties as a driving instructor in a professional and ethical way; and how you can interact with members of the public in a fair and courteous manner.

Membership of the Australian Driver Trainers Association will require that a driving instructor be a signatory to the Code of Practice.

It is intended that the Code of Practice will provide a framework to underpin the further development of the driving instruction industry, in areas such as novice driver training (both as learner drivers and provisionally licenced drivers), aged driver assessments, fleet safety, heavy vehicle, and motorcycle rider training.

THE AUSTRALIAN DRIVER TRAINERS ASSOCIATION

The Australian Driver Trainers Association is the representative body of professional driving instructors.

Members of the Australian Driver Trainers Association are qualified to provide a high standard of instruction for all types of driving licences - from cars and motorcycles through to trucks and buses. Members are also qualified to offer training or assessments for novice drivers (learner drivers and provisionally licenced drivers), drivers with overseas licences, older drivers, and fleet drivers.

Enquiries regarding the Australian Driver Trainers Association or the Code of Practice for the Professional Conduct of Driver Training should be addressed to:

The General Manager
Australian Driver Trainers Association

Email
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Website
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The Code of Practice for the professional conduct of driver training for driving instructors

and

Who are members of the Australian Driver Trainers Association



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CODE OF PRACTICE

1. PREAMBLE

1.1 This code of practice is made by the Australian Driver Trainers Association to support and guide conduct in driver training by driving instructors, and to provide a framework for any future accreditation process(es) adopted by the Association.

1.2 This document may be cited as the Australian Driver Trainers Association Code of Practice for the Professional Conduct of Driver Training.

1.3 Driver training is the process of preparing or assessing people for driving all classes of motor vehicles. The driver training process relates closely to driver licensing procedure and requirements as laid down by the regulatory authorities.

1.4 It involves a diversity of related functions ranging from the development and application of basic car handling through to education and assessment of higher order principles of safe and courteous driving.

1.5 Members of the Australian Driver Trainers Association are bound by a common commitment to promote safe driving practices for the common good based upon shared values of:

- Ethical conduct;
- Competent performance;
- Innovative practice;
- Professional development; and
- Accountability for work and behavior.

1.6 The community places its trust in the judgment and integrity of members of the Australian Driver Trainers Association to pursue the stated values in a manner that recognises the best interests of the community; to improve the professional standards of its members; and, to protect clients who utilise the services of its Members.

2. PURPOSE OF THE CODE OF PRACTICE

2.1 The Code of Practice provides a statement of principles that have been adopted by the members of the Australian Driver Trainers Association as the basis upon which driving instructors shall conduct their activities in order to merit community trust and the trust of regulatory authorities. It is also the framework from which rules of conduct may be developed.

2.2 The purpose of this Code of Practice is to provide clear guidelines for the standard of conduct expected of driving instructors.

2.3 These principles are immutable, that is, they cannot be changed or amended to suit what an individual driving instructor might see as a business approach or philosophy.

2.4 The Australian Driver Trainers Association requires that the Code of Practice be used as a reference by a driving instructor, and employers of driving instructors.

2.5 It is recommended that the Code of Practice also be made available to learner drivers and their supervising drivers, drivers under supervision, and to members of the general public, so that they know the behaviors that can be expected from driving instructors.

2.6 A driving instructor must not contravene this Code of Practice.

2.7 Driving instructors are required to support these principles as part of their obligation of membership of the Australian Driver Trainers Association and the advancement of driver training and education.

2.8 A breach of any one condition of the Code of Practice is regarded as unethical conduct.

2.9 Contravention of a condition Of the Code of Practice may result in a driving instructor being warned and counseled, or a driving instructor having membership of the Australian Driver Trainers Association suspended or cancelled.

3. APPLICATION OF THE CODE OF PRACTICE

3.1 This Code of Practice applies to all Members of the Australian Driver Trainers Association, their representatives and staff.

4. THE OBJECTIVES OF THE CODE OF PRACTICE

4.1 The objectives of the Code of Practice are to: enhance fairness of service in the marketplace from the viewpoint of both driving instructors and their clients; effect a speedy, relevant and efficient dispute resolution process between driving instructors and their clients;

- Improve the competency of driving instructors and associated service providers; improve the quality of service delivery from driving instructors and reduce the incidence of client dissatisfaction; generally, enhance public safety by reducing the incidence of road trauma by improving road user behavior; generally, reduce the harmful environmental impact by promoting efficient use and maintenance of motor vehicles; protect and defend the rights and interests of the individual;
- Ensure that all Members comply with the requirements of regulatory bodies, statutory authorities, and the Australian Driver Trainers Association

5. DEFINITIONS

5.1 In this code, unless the contrary intention appears:

Audit program — means a statement outlining a schedule and procedures for the conduct of assessments of the compliance of accredited driving instructors with the Code of Practice; as developed by an auditor appointed by the Board and with the concurrence of the Code Administration Committee.

Auditor — means a person appointed by the Board for the purpose of assessing compliance with the Code of Practice.

Board — Means the annually elected body from the members of the Australian Driver Trainers Association.

Bribe — means anything given, promised, or offered to improperly influence a driving test

Code of Practice — means the Australian Driver Trainers Association Code of Practice.

Code Administration Committee — means a Committee appointed by the Board to monitor, review, and report on the Code of Practice, the actions of the Auditor, and the operation of the Dispute Resolution Committee process.

Client — means a person who receives a service or who enquires about a service, and may include a representative of such person (e.g., a parent).

Constitution — means the constitution of the Australian Driver Trainers Association Ltd as updated and amended from time to time.

Dispute Resolution Committee — means a committee established by the Board under the Code of Practice.

Driver under supervision — means a licenced driver undertaking training, re-training, or assessment by a driving instructor.

Driving Lesson — means a period of time in which teaching or assessment of a learner driver, or a driver under supervision, by a driving instructor occurs.

Driving instructor — means a person who has been granted a licence as a driving instructor under law.

Driver training — means advice, demonstration, instruction, re-training, or assessment for the driving of a motor vehicle.

Dual controls — means devise to duplicate brake and, where required, clutch and accelerator foot controls. May include other dual controls for special needs training

Employ — includes any engagement whether or not for remuneration.

Employee — includes any person engaged by a Member to provide a service, whether or not for remuneration; whether full or part-time and whether employed or subcontracted.

General Manager — means the General Manager of the Australian Driver Trainers Association Ltd.
Individual — means any person of unique identity.

Industry — means the industry encompassing the Members within the meaning of the Code of Practice.

Information Agent — means a person who acts on behalf of a member in order to encourage a client to use a Member's services (this can include those individuals who work in an administrative function on behalf of the Member).

Learner Driver — means a person who has been granted a learner licence under road transport law, or any other person receiving pre-licence driver

Life Member — means a Member who has been conferred the Life Membership for outstanding service to the Australian Driver Trainers Association Ltd.

- An Honorary position for "Non practicing Instructor';
- If Life Members are practicing driving instructors, they are subject to holding Professional Indemnity and Public Liability insurance cover.

Members (including Life Member) — means, generally, a person, wherever located, who for any consideration whatsoever, engages in business to provide driver and rider education and driver and rider training. Membership of the Australian Driver Trainers Association Ltd is open to all persons:

- who hold a current Driving Instructors Licence;
- who, in the opinion of the Board, can contribute, benefit or enhance the reputation of the Association; or
- who are Active Life Members.

Motor vehicle — means:

- a vehicle that uses, or is designed to use, a source of power other than human or animal power as its principal means of propulsion;
- a vehicle without motive power designed for attachment to such a vehicle, or
- a piece of machinery or equipment that this equipped with wheels and designed to be towed behind such a vehicle, but does not mean a vehicle used on a railway.

Service Providers — means any Member, individual, and/or driving instructor who purports to provide training, advice or education, or any competency assessment, to a client whether for remuneration or otherwise.

Services — means any training, advice or education, or any competency assessment, provided to a client or individual by a Member and/or driving instructor.

6. OBLIGATIONS UNDER THE CODE OF PRACTICE Generally

6.1 A driving instructor shall act with honour, integrity, and dignity in order to merit the trust of the community and the profession of driver training and education.

6.2 A driving instructor shall at all times be cognizant and ensure that knowledge and principles of safe driving are imparted to learner drivers and to drivers under supervision to the highest standard achievable.

6.3 A driving instructor shall be responsible to ensure all associates, representatives, information agents, and company personnel are aware of their obligation under the Code of Practice.

6.4 A driving instructor shall display a sign on the premises and/or vehicle(s), which indicates that the driving instructor is registered under the Code of Practice.

Ambit of Driving Instruction

6.5 A driving instructor shall act only in areas of their license and in a careful and diligent manner.

6.6 A driving instructor shall express opinions, make statements, or give evidence with fairness and honesty and only on the basis of adequate knowledge and expertise.

6.7 A driving instructor shall ensure any statements to clients or prospective clients are honest and truthful and represent attainable outcomes.

Legislation

6.8 A driving instructor shall comply with the provisions of relevant state and Commonwealth legislation and regulations relating to driving instruction, road transport law, and business and corporations law.

Professional Development as a Driving Instructor

6.9 A driving instructor shall continue to develop relevant knowledge, skill, and expertise throughout the practice of driving instruction.

6.10 A driving instructor shall participate in professional development programs provided by, and endorsed by, the Australian Drivers Trainers Association in order to ensure that they keep up to date with recent industry developments.

Driving Instructor Competencies

6.11 A driving instructor must have a qualification that is acceptable to the state regulatory Authority and recognised as sufficient training for a driving instructor.

Privacy/Abuse of Power or Information

6.12 A driving instructor shall respect the privacy of learner drivers or former learner drivers, and the privacy of drivers under supervision and former drivers under supervision. In particular, a driving instructor must not distribute or make use of personal details of learner drivers or former learner drivers, or drivers under supervision and former drivers under supervision. This includes use of images without permission on social media.

6.13 A driving instructor shall not disclose information improperly, nor abuse the powers or resources available to her/her. Where attested by the Board for use in:

advocacy for the industry; research into driver behavior, driver training and education, or driver assessment; or any other purpose as determined by the Board;

A driving instructor may provide information regarding driver training and assessment activities.

6.14 A driving instructor shall not provide false or misleading information to a learner driver or a prospective learner driver, or to a driver under supervision or a prospective driver under supervision.

Conflict of Interest

6.15 A driving instructor shall avoid any conflict between personal interests and official duties.

6.16 A driving instructor shall place responsibility for the welfare, health, and safety of the community before any sectional or private interests, including with any other driving instructors.

Fair Competition

6.17 A driving instructor shall not compete unfairly in the marketplace by offering inducement that poorly reflects upon the profession of driver training and education.

6.18 A driving instructor shall ensure that professional reputations are based on merit and not achieved at the expense of denigrating other driving instructors and the services they provide.

Motor Vehicles Used for Driver Training

6.19 A driving instructor shall be responsible to ensure that any vehicle used for the training or the competency assessment of clients is:

- roadworthy;
- dual-controlled, unless exceptions apply;
- air-conditioned;
- regularly serviced and maintained;
- kept in a clean and presentable condition;
- fitted with additional interior mirror(s) for the use of the driving instructor.

6.20 A driving instructor shall have a vehicle which complies with the registration and insurance requirements in accordance with the Act and Regulations.

Insurance

6.21 A driving instructor shall have in place insurance that fully indemnifies the client against all liabilities, including, but not limited to:

- public liability and professional indemnity insurance; and
- fully comprehensive motor vehicle insurance as required by the Driving Instructors Act and Regulations.

6.22 Even though at law the driver of a motor vehicle is the responsible person, a driving instructor, holding a position as trainer or assessor and including having dual controls, selecting teaching and assessment locations, and instructing a learner driver or driver under supervision on actions to be taken, must accept responsibility for all happenings within a training or assessment period and indemnify the learner driver or driver under supervision of any responsibility for any incident.

Standards of Dress and Hygiene

6.23 A driving instructor shall dress in neat, conservative, and tidy apparel, including safe and practical clothing and footwear.

A driving instructor should have good personal hygiene and present a professional image.

A Safe Workplace

6.24 A driving instructor's premises, and work practices (including the disposal of waste materials) shall meet the requirements of the environmental law, occupational health and safety law, and other relevant laws, including any directions from relevant department of Health.

7. DELIVERY OF SERVICE

The Code of Practice

7.1 When a driving instructor performs, or offers to perform a service for a client, the driving instructor shall provide to the client a summary issued of the Code of Practice as issued and updated by the Australian Driver Trainers Association.

7.2 A driving instructor must have and make available, upon request, the complete and up-to- date version of the Code of Practice.

Punctuality Towards Learner Driver or Driver Under Supervision

7.3 A driving instructor shall arrange his or her affairs so as to ensure, as far as practicable, that an appointment with a learner driver for a driver under supervision for instruction or assessment is not delayed. Where a delay or cancellation is unavoidable the driving instructor shall endeavor to contact the learner driver or driver under supervision by telephone to advise him or her of the extent of the delay. The driving instructor shall provide an opportunity for the learner driver or driver under instruction to cancel the appointment and make other arrangements.

Honesty, Fairness and Courtesy

7.4 A driving instructor shall behave honestly, fairly and in a courteous manner towards all persons with whom he or she comes in contact when providing pre-licence driver training, or conducting a competency assessment of a driver under supervision, or during an audit by authorized Australian Driver Trainers Association staff or officers of the regulatory authority, or where the regulatory authority requires the conduct of a driving test by a driving examiner.

7.5 A driving instructor shall highlight their current driving instructors licence and their authority to train for the respective vehicle class to the learner driver or driver under supervision.

7.6 While undertaking pre-licence driver training, re-training, or a competency assessment, a driving instructor shall be focused solely on the task and not engage in other activities such as reading documentation or other material, operating computers or any fixed or removable equipment not directly relevant to the training or assessment session, smoke in a vehicle while providing training, or eat or drink while providing training in a way that is inappropriate or distracting to the learner driver or the driver under supervision.

Use of Mobile Phones and Other Communication Devices While Conducting Training

7.7 A driving instructor shall not use a mobile phone or other communication device in the vehicle during the conduct of a driving lesson. Use includes making or receiving telephone calls, the writing, sending, or receiving of text messages, the writing, sending or receiving of emails, use of social media, and other electronic communications.

7.8 Incoming telephone calls should be diverted to a voice mail system and returned between lessons or when the vehicle is stopped and parked with safety at the roadside or off-road or returned using appropriate and legal hands free technology.

7.9 Where necessary, if a driving instructor wishes to make a mobile phone call or send a text message or other communication, due to unavoidable circumstances, then the driving instructor should first gain the permission of the learner driver or the driver under supervision and temporarily cease the training for the period of the phone call or communication. The learner driver or driver under supervision should be given additional training time on account of any time lost to phone calls or other communications made to or by the driving instructor.

Disclosure of Locations of Training

7.10 A driving instructor shall identify to a learner driver or driver under supervision the general geographical locations (such as streets and suburbs) where the training will occur. If a learner driver is under the age of 18 years, then this information must also be provided to a parent or guardian, if requested.

Third Parties in the Motor Vehicle During Training

7.11 A driving instructor shall not allow third parties in the motor vehicle during training without first gaining the consent of the learner driver or the driver under supervision. 'Third parties' refers to: parents or guardians of a learner driver; an auditor appointed for the purpose of assessing compliance with the Code of Practice; an officer of the regulatory authority who is conducting an audit of the driving instructor; persons acting as observers during driver training, such as in the context of a mentoring program or a group lesson.

7.12 A driving instructor shall at no time allow more than one paying client into the motor vehicle when giving instruction except where required by Department of Transport.

7.13 In the case of an officer of the regulatory authority who is conducting an audit of the driving instructor or an auditor appointed for the purpose of assessing compliance with the Code of Practice, the learner driver or the driver under supervision must be given advance notice that the audit will be taking place and that an additional person will be accompanying the driving instructor during the driving lesson.

Unacceptable Behaviour

7.14 It is expected that a driving instructor will take personal responsibility and be accountable for his or her own conduct, acts and omissions.

7.15 A driving instructor shall not engage in unacceptable behaviour towards: a learner driver or a family member or a guardian of the learner driver; a driver under supervision a person appointed by the Australian Driver Trainers Association for the purpose of assessing compliance with the Code of Practice; or, an officer of the regulatory authority.

7.16 Unacceptable behaviour includes:

- intimidation, abuse or threats to a person;
- offensive jokes;
- suggestions or derogatory comments about a person's racial or ethnic background, sex, sexual preference, disability, physical appearance or religious preference;
- expressing stereotyping such as making assumptions about a person's peer group behaviour, values, culture or abilities;
- abusive or derogatory comments about a person's learning or driving ability;
- comments or questions about a person's sex life or any other personal issues;
- deliberate touching of the learner driver or driver under supervision;
- the display of pictures or other material which can be interpreted as offensive and/or obscene; or
- coercive behaviour intended to inappropriately influence the learner driver or driver under supervision.

These behaviours may also constitute corrupt or unlawful conduct.

Lesson Fees

7.17 A driving instructor shall inform the learner driver or driver under supervision before or at the commencement of their first driving lesson of the fee/fee structure for the lesson (or package of lessons), and of any refund policy, cancellation policy, and of the acceptable methods of payment.

7.18 A driving instructor shall provide the client with a fair and accurate indication of all costs associated with the provision of the service and shall advise at the outset as to whether any fee increases might be imposed during the series of driving lessons.

7.19 A driving instructor shall provide a tax receipt for all monies received.

7.20 A driving instructor shall have a written policy, in plain language, in relation to refunds and the collection of advanced payments for services to be rendered.

Termination of Driver Training

7.21 A driving instructor has the right to terminate a driving lesson in reasonable circumstances:

- if the learner driver or driver under supervision chooses to continue to drive the vehicle in a way that is expressly against the instruction being given and is considered dangerous;
- or if the learner driver is suspected of being under the influence of alcohol or any illegal substance;
- or if there is willful vehicle abuse;
- or if the learner driver or driver under supervision smokes during the training session;
- or if the learner driver or driver under supervision engages in unacceptable conduct.

8. SPECIALIST DRIVING INSTRUCTION

8.1 Where a driving instructor advertises as a specialist, adequate equipment and expertise pertaining to the advertised field of specialty must be available to carry out all of the service.

9. RESPONSIBILITIES OF CLIENTS

9.1 Under the Code of Practice, the client also has responsibilities towards driving instructors.

9.2 It is the responsibility of the client to provide the Member with:

- details of their licence and date of birth;
- details of any traffic offences and any criminal offences associated with driving a motor vehicle;
- information about any relevant experience they may have had, including driving history and driving lessons with another driving instructor;
- information on any medical conditions and/or learning difficulties or impairment which may impact on the delivery and/or result of the service;
- registration and insurance details of their private vehicle if their private vehicle is being used for the service;
- their individual expectations of the service provider;
- their time frames and desired outcomes of the service.

9.3 In the case of a client wishing to use their own private vehicle for the purpose of training or competency assessment, the client is required to:

- provide a signed authority allowing the member to operate the vehicle;
- show evidence of appropriate insurance (or provide a written declaration to the effect) which will fully indemnify the member against any claims for repairs or damages, or paying of excess in the case of a claim; and,
- provide a registered, roadworthy vehicle, with adequate fuel for the duration of the service.

9.4 It is the responsibility of the client to pay the full amount for the service at the time the service is provided, unless otherwise mutually agreed with the service provider.

10. COMPLAINTS PROCEDURE

10.1 A driving instructor must adopt a complaints procedure. A record is to be kept of all complaints received.

10.2 A driving instructor should advise a learner driver or driver under supervision, before or at the commencement of the first driving lesson of the procedure in place in case the learner driver or driver under supervision has a complaint about the driving instructor. The complaints procedure should also be made available to the parent/guardian of a learner driver if requested.

10.3 The complaints procedure must include the following information:

- for complaints regarding the quality of the training or the conduct of a driving instructor, the learner driver or driver under supervision should direct their complaint to the driving instructor or the employer of the driving instructor in the first instance. If no resolution of the complaint is achieved satisfactorily, then the learner driver or driver under supervision is to be directed to the Australian Driver Trainers Association for review and adjudication. At all times, a learner driver or driver under supervision may make a complaint about a driving instructor to the regulatory authority. A complaint to the regulatory authority should be made in writing providing all pertinent details;
- for disputes regarding fees or service contract matters, the learner driver or driver under supervision should direct their complaint to the driving instructor or the employer of the driving instructor in the first instance. If no resolution of the complaint is achieved satisfactorily, then the learner driver or driver under supervision is to be directed to the Australian Driver Trainers Association for review and adjudication. At all times, a learner driver or driver under supervision may make a complaint about a driving instructor to the regulatory authority or to the Office of Fair Trading. A complaint to the regulatory authority or to the Office of Fair Trading should be made in writing providing all pertinent details;
- for complaints raising issues of a criminal nature, such as assault, the complaint should be reported to the relevant Police Force. Advice of the complaint made should be given to the regulatory authority, and be made in writing providing all pertinent details;
- for issues regarding discrimination, the learner driver or driver under supervision may contact the Anti-Discrimination Commissioner or the Police Force.

Competency Assessments

10.4 A motorcycle instructor must comply with all relevant regulatory requirements applicable.

10.5 A driving instructor who is a competency assessor for heavy vehicles must comply with all relevant regulatory requirements applicable.

10.6 A driving instructor who is a competency assessor for the aged driver assessment process must comply with all relevant regulatory requirements applicable.

Bribes and Related Illegal Conduct

10.7 It is illegal to offer, request or accept gifts, rewards, money, or other favours in order to get a licence without completing the required test, assessment or driving hours. Penalties are severe and include fines and imprisonment. All cases of corrupt conduct will be investigated by the regulatory authority and strong action will be taken against all those involved.

10.7 If a learner driver or driver under supervision (or representative of the learner driver or driver under supervision) offers a bribe or threatens a driving instructor (e.g., for such purposes as causing the making of false entries in logbooks, or influencing the result of a competency assessment), the driving instructor must notify the regulatory authority as soon as reasonably practicable with the relevant details. The General Manager should also be notified as soon as reasonably practicable with the relevant details.

10.8 If the bribe or illegal conduct involves an officer of the regulatory authority, the driving instructor must notify the regulatory authority as soon as reasonably practicable with the relevant details. The General Manager should also be notified as soon as reasonably practicable with the relevant details.

11. EMPLOYERS OF DRIVING INSTRUCTORS

11.1 Employers have a responsibility to ensure that all driving instructors who are employed or contracted by them are properly licensed to perform their role and are complying with all regulatory requirements.

11.2 In addition to any penalty under legislation, employers of driving instructors may also have their own driving instructor accreditation reviewed, suspended or cancelled by Australian Driver Trainers Association for failing to meet certain obligations.

11.3 An employer, who may be an owner or manager of a driving school or other business conducting driver training, must not employ or contact any person to perform the role of driving instructor to give pre-licence driver training for a fee or reward, or to conduct re- training and assessments for a driver under supervision for a fee or reward unless that person is licensed as a driving instructor.

11.4 A driving instructor, who is an owner or manager or a driving school or other business conducting driver training, must ensure that all driving instructors employed or associated with that business comply with statutory conditions.

11.5 A driving instructor, who is an owner or manager of a driving school or other business conducting driver training, must ensure that all driving instructors employed or associated with that business comply with the Code of Practice. Failure to abide by this may result in the Australian Driver Trainers Association reviewing, suspending or cancelling the accreditation of the driving instructor who owns or manages the driving school/ business.

11.6 A driving instructor who is an owner or manager of a driving school or other business conducting driver training has not breached the Code of Practice if the person has exercised reasonable diligence and taken reasonable steps to ensure that any driving instructor employed has complied with the statutory conditions and all regulatory requirements.

12. TRAINING AND SUPERVISION OF DRIVING INSTRUCTORS

12.1 If an employee and/or subcontractor is gaining experience to be licensed as a driving instructor, then that employee shall be supervised by a person who is capable of performing the task at the appropriate level.

12.2 A driving instructor shall be responsible for the quality of any services provided by, and for the proper conduct of, an employee/sub-contractor.

13. DRIVING BEHAVIOUR OF DRIVING INSTRUCTORS

13.1 A driving instructor should at all times model excellent and safe driving behaviour.
Learner drivers, drivers under supervision, and the general public have a reasonable expectation that a person licensed as a driving instructor will be a safe and competent driver, have a comprehensive knowledge of the road rules, and would be able to perform well if given a driving assessment or test by the regulatory authority.

13.2 A driving instructor us expected to be medically fit and competent to use the various training controls and to drive a motor vehicle used for driver training at all times, should the driving instructor be required to do so during the course of a driving lesson.

13.3 Driving instructors may be in breach of the Code of Practice if they:

- demonstrate poor driving habits or unsafe driving whilst in charge of a motor vehicle; or
- are unable to competently use the training controls within a motor vehicle used for driver training while delivering a driving lesson; or
- are medically unfit to drive a motor vehicle used for driver training while delivering a driving lesson; or
- fail to observe any statutory requirements consistent with the role as supervising driver and a licensed driving instructor.

ADMINISTRATION AND PROCEDURES

14. CODE ADMINISTRATION COMMITTEE

14.1 The Code of Practice shall be administered by the Code Administration Committee.

14.2 The Code Administration Committee shall consist of:

- the General Manager of the Australian Driver Trainers Association Ltd;
- three representatives from the incumbent Board of the Australian Driver Trainers Association Ltd.

14.3 The Chairperson of the Code Administration Committee shall be the General Manager.

14.4 Representatives from the incumbent Board shall be nominated and voted in by the Board each year.

14.5 The Australian Driver Trainers Association shall provide secretariat services to the Code Administration Committee.

14.6 The Code Administration Committee may appoint to the Code Administration Committee such persons as it considers necessary to carry out its functions from time to time.

14.7 Each member of the Code Administration Committee shall be elected for the period of I year and shall be eligible for re-election or re-appointment each year whilst being a Board Member.

14.8 The Code Administration Committee shall meet at least once each year but may meet more frequently as required.

14.9 The Code Administration Committee shall:

Monitor compliance with the Code of Practice, including concurrence with an audit program and the conduct and procedures of an auditor appointed to assess compliance with the Code of Practice.

Report to the Board of the Australian Driver Trainers Association on any matters considered to pertain to the Code of Practice; monitor the operation and administration of the dispute resolution procedures and the Dispute Resolution Committee process; review and propose policy and procedures in relation to the Code of Practice; advise on the promotion of the Code of Practice within the industry, and the recognition of the Code by consumers; and conduct periodic reviews of the effectiveness of the Code of Practice and consider recommendations for amendments to the Code.

14.10 A member, or former member, of a Code Administration Committee shall not disclose any confidential or sensitive information acquired by him or her as a consequence of his or her position.

14.11 A member, or former member, of the Code Administration Committee shall not be liable for anything done or omitted to be done in good faith, or in connection with the exercise or purported exercise of any duties conferred upon him or her under this Code of Practice.

14.12 The appointment or election of a member of the Code Administration Committee is not invalidated, and shall not be called to question, by reason of a defect or irregularity in, or in connection with, the appointment or election of the member.

14.13 Where a member of the Code Administration Committee fails to attend two consecutive meetings of the Committee, without its leave, his or her appointment shall be deemed to have expired and a person shall be appointed in the outgoing member's place in accordance with this clause.

15. DISPUTE RESOLUTION COMMITTEE

15.1 At the commencement of each membership year, the Code Administration Committee shall invite expressions of interest from the membership.

15.2 Expressions of interest are to be placed on a list of eligible persons for membership of a Dispute Resolution Committee.

15.3 The Code Administration Committee shall appoint a panel of eligible persons for membership of a Dispute Resolution Committee.

15.4 The General Manager shall appoint a Dispute Resolution Committee from the panel of eligible persons.

15.5 A Dispute Resolution Committee shall consist of:

- The President of the Association;
- Three members of the panel of eligible persons;
- An eligible person is someone of sufficient knowledge and expertise who, in the opinion of the Code Adminis-tration Committee, can offer solutions to resolve dispute matters.

15.6 A Member shall advise the General Manager and take no further part in the proceedings as a member of the Dispute Resolution Committee where a member has:

- A direct interest, pecuniary or otherwise, or
- An interest which would otherwise conflict or appear to conflict with the proper performance of his or her du-ties as a member of the Committee in a matter before the Dispute Resolution Committee.

15.7 A member or former member of a Dispute Resolution Committee shall ensure confidentiality and shall not, unless required by law, disclose any information acquired as a consequence of being a member of a Dispute Resolution.

15.8 A member or former member of a Dispute Resolution Committee shall not be liable for anything done or omitted to be done in good faith or in connection with the exercise or purported exercise of any duties conferred on him or her under the Code of Conduct.

15.9 The General Manager may appoint eligible persons as alternates in the event that the General Manager has reasonable grounds to believe that a member has an interest referred to in sub-clause 15.6.

15.10 Each member of the panel shall be appointed for a period of one year and shall be eligible for reappoint-ment.

The appointment of a member of a Dispute Resolution Committee is not invalidated, and shall not be called into question, by reason of a defect or irregularity in or in connection with, the appointment of the member.

15.12 The Australian Driver Trainers Association shall provide secretariat services to a Dispute Resolution Committee.

16. DISPUTE RESOLUTION PROCEDURE

16.1 Any complaint relating to impropriety and/or relating to sexual misconduct will immediately be referred to an appropriate authority

16.2 A Dispute Resolution Committee shall determine complaints relating to commercial practices.

16.3 A Member shall make every reasonable effort to resolve quickly and fairly any complaint made in relation to the provisions of services offered.

16.4 Where there is an unresolved complaint, which relates to:

- The quality or competency of a service; or
- The cost of a service, and any previously undisclosed costs; or
- The professionalism of the service; or
- The behaviour and/or attitude of the service provider; or
- The reliability of the service;
- The presentation of the vehicle used to provide the service;

The complainant may, by written application to the General Manager, request that the dispute be dealt with by a Dispute Resolution Committee.

16.5 An auditor appointed to assess compliance with the Code of Practice may act as a complainant.

16.6 Where the General Manager receives an application, the General Manager shall notify the Board that a complaint has been received and as soon as practicable, appoint a Dispute Resolution Committee and refer the application to it for determination.

16.7 Where an application is referred to a Dispute Resolution Committee, the Committee shall, within 14 working days of the referral, hear the application.

16.8 A Dispute Resolution Committee may determine the procedure to be followed in determining an application.

16.9 A Dispute Resolution Committee shall conduct the hearing of an application with as little formality and technicality, and with as much expedition, as is reasonably possible.

16.10 A Dispute Resolution Committee shall determine an application by majority decision and shall, within 7 working days of its decision:

- Prepare a written statement of reasons for the decision; and
- Provide that statement to the General Manager for distribution to the parties.

16.11 Where a complainant could have made an application but for the fact that the complaint arose before the Code of Practice commenced, then that complainant may make such an application.

17. SANCTIONS

17.1 In determining a dispute, a Dispute Resolution Committee will, in writing, make recommendation(s) to the General Manager, as it considers appropriate.

17.2 The General Manager will report to the Board of the Australian Driver Trainers Association, and the Board will decide what action may be imposed.

17.3 Where it appears to a Dispute Resolution Committee that it would be inappropriate for the Member to perform any additional services to the client, the Committee may determine an amount that represents the reasonable cost of such services and determine that those costs are to be refunded to the client.

17.4 For the purpose of determining the reasonable cost of a service, a Dispute Resolution Committee shall have regard to written quotes from such at least two other Members who are service providers in a similar location and who are independent of the dispute.

17.5 Where appropriate, the General Manager may notify a party to a complaint in writing of the Board's view in relation to that party's conduct.

17.6 All parties shall be bound by the decision of the Board and shall take all reasonable steps to put that decision into effect.

18. COMPLIANCE

18.1 If a Member refuses to:

- Attend to have a dispute determined by a Dispute Resolution Committee;
- Comply with a requirement imposed by the Dispute Resolution Committee; or
- Comply with the provisions of the Code of the Practice; or
- Comply with the decision of the Board;

The General Manager must inform the Board as to the circumstances of the dispute together with recommendations.

18.2 The Board may consider the following action(s) without limiting its options: Require the Member to be counseled; and

- Issue a caution; and Require a Member to:
- Remove or change any written material or work practice that is in breach of the Code of Practice; and
- Refund to a client such amount as is determined by the Board, being part or all of the amount paid by client to the member; and to Pay to the client an amount determined; and to Provide a formal apology in lieu of poor service; and
- Impose any action it determines appropriate; and
- Show cause as to why the Board should not take further action; and Review membership status; and Impose conditions upon that person when obtaining future membership.

19. APPEALS

19.1 A Member may lodge an appeal to the Board for re-consideration of its decision within 14 days of receipt of a decision of the Board.

19.2 A Member may present his or her appeal to the Board in writing or in person by the representation to an extraordinary meeting.

19.3 The Board must set a date and time to hear the appeal and set aside any business preset to deal with the appeal.

19.4 The Board may defer a decision.

19.5 The Board may seek legal advice.

19.6 The Board must inform the Member in writing of its decision within 7 working days of its decision.

20. ADMINISTRATIVE REPORTING

20.1 The Code Administration Committee shall, within 3 months after the end of each financial year, submit a report to the Board of the Australian Driver Trainers Association.

20.2 The report shall identify industry-specific problems pertaining to the Code of Practice and recommend amendments to address inappropriate practices.

20.3 The report shall include details of:

- The number of applications for dispute resolution lodged;
- The number of Members found to be in breach of the Code of Practice;
- The number and nature of those breaches of the Code of Practice;
- The amount of time taken to deal with each dispute; and
- The number and nature of sanctions imposed.

20.4 The Code Administration Committee shall, within 3 months after the end of the first year of operation of the Code of Practice, and at least every 3 years thereafter, undertake a review of the Code's performance against its objectives and submit a report to the Board of the Australian Driver Trainers Association.

21. TRANSITIONAL ARRANGEMENTS

21.1 The Code of Practice will commence at a date to be determine by the Board.

21.2 From the day on which the Code of Practice commences, a Member shall comply with the code to the extent that he or she is reasonably capably of complying.

21.3 A Member shall fully comply with the Code of Practice no later than 6 months after the day on which the Code commences.

22. HISTORY

- Adopted, by resolution of the Board on Friday 18 July 2008.
- Re-written without amendments on Thursday 28 April 2011.
- Re-written with amendments January 2022.