South Australian Motor Driving Instructors Code of Conduct

Government of South Australia
Department for Infrastructure and Transport

Commencement date 7 November 2015

The Motor Driving Instructors' Code of Conduct

This Code of Conduct was approved by the Registrar of Motor Vehicles on 24 September 2015 and has been endorsed by the Australian Driver Training Association of South Australia and the Professional Driver Trainers Association of South Australia.

The Code of Conduct is voluntary; however it outlines the minimum standards of practice expected of all licensed Motor Driving Instructors and appointed Authorised Examiners.

Any comments in relation to this Code of Conduct should be in writing and directed to:

The Registrar of Motor Vehicles
GPO Box 1533
ADELAIDE SA 5001

Code of Conduct

Introduction

This Code of Conduct sets out the standards of professional conduct and practice expected of licensed Motor Driving Instructors.
The Code is intended to:

- assist Motor Driving Instructors to act professionally and ethically in the provision of their services;
- uphold and maintain public confidence in the driver training and assessment profession; and
- outline acceptable standards of conduct for Motor Driving Instructors.

While the Code is not enforceable, failure to meet the minimum standards of professional conduct and practice outlined in the Code may give rise to investigation by the Registrar into a person's fitness to hold a Motor Driving Instructor's licence.

Definitions:

Act means the *Motor Vehicles Act 1959*

Applicant means a person who is making enquiries about undertaking driver training and assessment or is undertaking driver training and assessment for the purpose of being issued a Certificate of Competency.

Authorised Examiner means a person who is appointed by the Registrar under section 5 of the Act for the purpose of conducting practical driving tests.

Authorised person means a person engaged in the administration of the Act.

Driver training means any training provided to any person for the purpose of that person obtaining a driver's licence or a class of driver's licence.

Instrument of Appointment (IOA) means the document signed by the Registrar appointing a Motor Driving Instructor as an Authorised Examiner.

Motor Driving Instructor means a person licensed under section 98A of the Act.

Registrar means the Registrar of Motor Vehicles.

In this Code references to Motor Driving Instructor's includes a Motor Driving Instructor who has been appointed as an Authorised Examiner.
Motor Driving Instructors must meet the following Standards:
Standard 1 - Be honest and act with integrity
Standard 2 - Have respect for others
Standard 3 - Be competent
Standard 4 - Manage their businesses competently
Standard 5 - Deal with disputes or complaints appropriately 4

Standard 1
Honesty and Integrity

1.1 Motor Driving Instructor's must act at all times with honesty and integrity and avoid any actions or situations which are inconsistent with their professional obligations or which could diminish public confidence in the driver trainer and assessor profession.

Standard 2
Respect for others

2.1 A Motor Driving Instructor should, as it applies to them, comply with the requirements of the *Equal Opportunity Act 1984* and not discriminate on the grounds of disability, age, gender, sexual orientation, ethnicity, religion or any other reason.

2.2 There are general obligations on all individuals to abide by the laws enacted and accepted by society. A Motor Driving Instructor should not engage in any misconduct and at all times abide by the law in accordance with the expectations of society.

Examples of misconduct that the Registrar, industry and community consider inappropriate include, but are not limited to, any sexual offences, or offences involving violence, intimidation or breaches of trust.

2.3 A Motor Driving Instructor should be respectful in their dealings with an applicant in connection with the provision of driver training including, but not limited to avoiding:
a) use of abusive or threatening language;
b) asking the applicant questions of a personal nature;
c) making personal comments that could be considered sexual or intimidating;
d) making sexual advances or requesting sexual favours; and
e) contacting an applicant for other than business purposes by text message, email, phone or other means.

Standard 3
Competence

3.1 Motor Driving Instructors should:

a) deliver their services competently, diligently and in a timely manner;

b) ensure that they have the necessary local knowledge to competently deliver driver training and assessment; and

c) keep their knowledge and skills relevant and up to date in relation to the Act and all other legislation, rules and standards relevant to Motor Driving Instructor's.

Standard 4
Competent management of business

4.1 Motor Driving Instructors have obligations, as they apply to them, to operate their business in accordance with:

a) Australian and State Consumer laws;

b) financial reporting standards to satisfy the Australia Accounting Standards;

c) requirements for companies under the *Corporations Act 2001*;

d) privacy laws; and

e) other business and financial practice and standards as applicable to their business operations.

Examples are, but not limited to, laws relating to privacy, harassment and misleading or deceptive conduct apply to all businesses e.g.

- *Laws that apply to businesses making it unlawful to make false or misleading representations;*
- *Laws relating to advertising;*
- *It is unlawful to use physical force, coerce or unduly harass someone about the supply of, or payment for, goods or services;*
- *Under the Australian Consumer Law there is an obligation to provide proof of transaction to consumers for goods or services valued at $75 or more; and*
- *As a supplier, you guarantee to provide services:*
  - *with due care and skill;*
  - *which are fit for any specified purpose; and*
  - *within a reasonable time, when no time is set.*

4.2 Motor Driving Instructor's should not disclose an applicant's personal and confidential information except to an authorised person.

Standard 5
Dealing with complaints or disputes

5.1 Motor Driving Instructors have obligations to provide to the applicant the services they advertise and they contract to deliver.

When an applicant is not satisfied with the service provided by a Motor Driving Instructor they have recourse to lodge complaints under Australian Consumer Law (ACL), and South Australian's *Fair Trading Act 1987*.

5.2 Consumer and Business Services require that people with complaints first approach the trader to try to resolve the complaint. As the Motor Driving Instructor is the trader in this instance, Motor Driving Instructor's should, as a matter of good practice, establish a policy to handle complaints from applicants.

5.3 The Australian Standard AS4269-1995 'Complaints Handling' from Standards Australia provides an accepted guide for developing an effective complaints handling policy.

5.4 Consumer and Business Services Customer Service brochure Number 9 Handling Complaints provides a checklist for handling complaints.

Motor Driving Instructor and Authorised Examiner complaints procedure

The Registrar of Motor Vehicles recommends that Motor Driving Instructors provide this document to applicants, setting out the steps for lodging a complaint prior to commencing any training or assessment sessions.

1. When making a complaint the minimum information you should have includes:
    - When the incident, act or omission occurred;
    - Who was involved;
    - What actually happened;
    - Where did the incident, act or omission occur; and
    - How did the incident, act or omission occur.

2. Motor Driving Instructors should handle complaints courteously and promptly at every stage.

3. Should you have a minor complaint regarding a Motor Driving Instructor's conduct you should direct your complaint to the Motor Driving Instructor in the first instance. If the complaint is not satisfactorily resolved direct your complaint in writing to the Registrar of Motor Vehicles, Department for Infrastructure and Transport, GPO Box 1533, Adelaide SA 5001.

4. For complaints regarding fees or service contract matters, you should discuss the matter with the Motor Driving Instructor in the first instance. If there is no resolution and the Motor Driving Instructor is an employee of a business, you should contact the Motor Driving Instructors' employer. If neither if these avenues achieve a resolution to the complaint, a complaint may be lodged with Consumer and Business Services.

5. For issues regarding discrimination, the applicant should contact the Office of the Commissioner for Equal Opportunity or the Australian Human Rights Commission or South Australia Police.

6. For complaints of a criminal nature, such as fraud, assault or sexual harassment, the complaint should be reported to the South Australian Police.

7. Any other complaint should be made in writing, providing all relevant details, including details to identify the Motor Driving Instructor, to the Registrar of Motor Vehicles, at the address provided above.

Under the Motor Driving Instructor Code of Conduct, Motor Driving Instructor's should deal with disputes or complaints appropriately. The Code can be viewed at www.sa.gov.au.