



AUSTRALIAN DRIVER TRAINERS ASSOCIATION (VICTORIA) INC.

❖ *CODE OF PRACTICE* ❖



Introduction

The Australian Driver Trainers Association (ADTA) places great emphasis on professional standards and business ethics. As a result, this *Code of Practice* has been revised with assistance from the industry regulator (Victorian Taxi Directorate) and the State licensing authority (VicRoads). It is the minimum standard with which all Victorian driver trainers are expected to comply. Adherence to this Code is compulsory for ADTA members in Victoria.

Application

A person who gives driving lessons in a motor car for payment must hold a *Driving Instructor Authority* (DIA) issued by the Victorian Taxi Directorate (Driving Instructor Division).

DIA's are issued by the Victorian Taxi Directorate (VTD) to driver trainers who:

- have satisfactorily completed a *Certificate III in Road Transport (Motor Vehicle Driving Instruction)* course prior to 1 July 2009, or have satisfactorily completed a *Certificate IV in Transport & Logistics (Road Transport – Car Driving Instruction) - Code TLI 41207* - course post 1 July 2009;
- hold a full Victorian Driver Licence;
- have passed a medical examination and eyesight test;
- have undergone a Victoria Police criminal and driving records check to confirm that he/she is a fit and proper person; and
- has a current Working With Children Card.

Members of the ADTA who have a DIA are required to comply with this code as a condition of membership of the Association. Non-member DIA holders are also encouraged to comply voluntarily.

Summary

This Code requires instructors to:

- provide a suitable safe car for learners to learn in;
- maintain high personal standards, hygiene and grooming;
- display excellent driving behaviour at all times;
- behave with the utmost integrity;
- always exceed the minimum teaching standard;
- follow professional business practices and comply with relevant legal requirements; and
- support professional industry practices.

1. Provide a suitable safe car for learners to learn in

While no maximum vehicle age is set, vehicles must not show any of the following ageing signs or faults:

- panel damage, or different paint colours on external panels, including bumper bars;
- opaque or cracked lenses on any headlights, brake lights, indicator lights etc;
- sandblasting, cracks or star fractures on the windscreen or other windows;
- torn, split or badly worn carpets and/or floor mats and seat coverings; or
- difficulty in adjusting seat positioning or in operating any of the driving controls, including the dual controls.

The instructor's vehicle must:

- be clean both inside and out;
- always be maintained in a fully roadworthy condition;
- have its registration up to date;
- be maintained to the manufacturer's recommended service requirements;
- be checked daily to ensure at least the following are safe and legal: windscreens, lights, tyres, mirrors, fuel, oil, and reservoirs for coolant, wipers, brakes and steering;
- have the instructor's Identification Card clearly visible from both front seats;
- be fitted with a full set of dual controls for the instructor's use - 3 pedals for manual vehicles and 2 for automatic vehicles;
- be fitted with a buzzer attached to the dual controls;
- be fitted with seat belts for all occupants;
- be able to maintain a comfortable interior temperature;
- have a primary speedometer which is visible to a Licence Testing Officer sitting in the rear passenger seat, or have a secondary speedometer installed that meets VicRoads requirements;
- be fitted with solid "L" plate holder brackets at front and rear;
- be equipped with regulation "L" and/or "DRIVER UNDER INSTRUCTION" plates, and "P" plates when applicable; and
- be equipped with at least one additional interior rear vision mirror for the instructor's use – to monitor the traffic situation behind the vehicle.

All driving lessons and tests must be provided in a smoke free environment.

It is strongly recommended instructors maintain comprehensive motor vehicle insurance, as well as Professional Indemnity & Public Liability insurance.

2. Maintain high personal standards, hygiene and grooming

The instructor will:

- maintain professional standards of dress and personal hygiene;
- maintain high standards of punctuality and reliability;
- refrain from using a mobile phone during lessons and tests;
- not smoke in the vehicle during lessons and tests;
- at no time, except to shake hands or accidentally or in a driving emergency, make physical contact with the student; and
- have a zero Drug and Blood Alcohol Content.

3. Display excellent driving behaviour at all times

The instructor will:

- have a comprehensive knowledge of, and obey the road rules;
- be competent to use the various training controls and to drive the motor vehicle should they have to at any stage during the course of a driving lesson;
- exhibit accurate, smooth, systematic and courteous driving behaviour;
- display safe driving behaviour and maintain a speed and position that minimises the chance of a crash;
- abide by road law;
- have safety as their highest priority whenever in a vehicle, which requires appropriate intervention using the dual controls on drive tests when the safety of the vehicle's occupants or other road users risks being compromised;
- critically review the role they played in any driving near miss or crash incident, whether or not they were legally in the right;
- reflect on, willingly talk openly about, and fix their own mistakes; and
- only provide driver training and attend drive tests when medically fit to do so.

4. Behave with the utmost integrity

Instructors are required to:

- behave fairly, honestly, courteously, transparently, and never engage in unacceptable behaviour;
- at all times behave in a proper and professional manner towards students, parents / guardians, VicRoads employees and officers from the Victorian Taxi Directorate;
- at all times provide driver training to students in accordance with the best available methods;

- at no time subject students to harassment (sexual or otherwise); abusive, foul or suggestive language or unwanted attention of any kind;
- provide only accurate (not false or misleading) information to learner drivers, prospective learner drivers and supervising drivers, parents / guardians, VicRoads employees and officers from the Victorian Taxi Directorate;
- at the earliest opportunity report to the applicable jurisdiction any impropriety, offer of a bribe or threat they become aware of;
- inform the learner driver before, or at the commencement of their first driving lesson, of the normal fee structure for a lesson (or package of lessons) and of the acceptable methods of payment, as well as details about the instructors' Refund & Cancellation Policy;
- express opinions, make statements, or give evidence only on the basis of appropriate knowledge and experience; and
- willingly cooperate with any authorised person for the purposes of assessing compliance with this code of practice, or an officer of the applicable regulatory authority conducting any investigation.

Unacceptable behaviour includes but is not limited to the following:

- intimidation, abuse or threats to a person;
- offensive jokes;
- offensive language;
- 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;
- the display of pictures or other material which can be interpreted as offensive and/or obscene;
- coercive behaviour intended to inappropriately influence the learner driver; and/or
- misrepresenting the instructor's drive test pass rate, experience or training history.

5. Always exceed the minimum teaching standard

Instructors are required to:

- provide a physically and emotionally safe learning environment at all times;
- follow a well-considered teaching process that is clear to the learner;
- facilitate purposeful and valuable learning experiences, clearly explaining learning objectives before each session;
- provide very clear instructions and directions;
- adapt learning experiences to suit the changing situation;
- deliver relevant, valid and reliable content;
- provide timely and meaningful feedback;
- provide meaningful practice guidelines at the end of lessons;
- reflect on, and work to improve, their teaching practice during and after lessons; and
- keep complete and accurate training and assessment records.

The trainer should at all times:

- teach the student correct driving skills; and
- endeavour to ensure that the student is fully prepared with the necessary skills to drive a motor vehicle unassisted in a safe and competent manner and in compliance with road laws.

6. Follow professional business practices and comply with relevant legal requirements

An accredited driving instructor will:

- obey all relevant State and Federal legislation and guidelines pertaining to business management and the commercial provision of driver training. They can include but are not limited to Privacy, OH&S, Road and Child Protection legislation;
- keep sensitive client information private and abide by privacy laws;
- keep and maintain accurate business records;
- provide a tax receipt for all monies received for the provision of services;
- have a policy, written in plain English, in relation to refunds, the collection of advanced payments, and cancellation fees for services to be rendered;
- use a diplomatic response to any complaint; and
- not undertake any actions that are contrary to the interests of the ADTA or which could bring the driver training profession into disrepute.

7. Support professional industry practices

An accredited driving instructor will:

- turn off, put on silent or divert their mobile phone during driving lessons;
- focus solely on teaching activities during driving lessons and not perform other activities such as shopping or errands;
- ensure that the only third parties in the car will be the supervising driver, licence testing officer, or other person involved in the lesson, and only with the permission of the learner;
- dress in neat, conservative and tidy apparel, and wear safe and practical footwear;
- be prompt and punctual for appointments with customers. Where a delay or cancellation is unavoidable, endeavour to contact the client and advise him or her of the extent of the delay. The instructor shall provide an opportunity for the learner to cancel the appointment and make other arrangements without any financial loss;
- identify the general geographical locations (such as streets and suburbs) where the training will occur. If the learner driver is under the age of 18 then this information must also be provided to a parent / guardian, if requested; and
- only employ or contract a person to give pre-licence driver training for a fee or reward when that person is licensed as a driving instructor in Victoria.

The driver trainer, on or before the first lesson, should provide the student with a written copy of his/her terms of business which should include:

- the legal identity of the driving school/trainer with the telephone number at which the trainer may be contacted;
- the cost and duration of lessons;
- the cost of the VicRoads drive test; and
- the terms under which cancellation of lessons by either party may take place.

The advertising of driving lessons will be honest and any claims made will be capable of verification:

- Advertising that refers to pass rates should not be open to misinterpretation, and the basis on which the calculation is made should be made clear.
- Any “pass first time” guarantees must be given in writing and with any exclusion clauses fully explained.

Breaches of the Code

If in the opinion of the ADTA State Council an ADTA member breaches any part of this Code, then the Council may fine, suspend or expel the member in accordance with the provisions of the ADTA's Rules of Incorporation.

Dispute Resolution Procedure

This grievance procedure applies to disputes between:

- (a) member and another member; or
- (b) a member and the Association.

The parties to the dispute must meet and discuss the matter in dispute and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

The mediator must be:

- (a) person chosen by agreement between the parties; or
- (b) in the absence of an agreement;
 - (i) in the case of a dispute between a member and another member, a person appointed by the Council of the Association; or
 - (ii) in the case of a dispute between a member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).

A member of the Association can be a mediator.

The mediator cannot be a member who is a party to the dispute.

The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

The mediator, in conducting the mediation, must:

- (a) give the parties to the mediation process every opportunity to be heard;
- (b) allow due consideration by all parties of any written statement submitted by any party; and
- (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Incorporated Association's Act otherwise at law.

Complaints Procedure

Complaints by students (or their representative) should be made in the first instance to the driver instructor or driving school, although serious matters should be referred to the Victorian Taxi Directorate (Driving Instructor Division) and potentially Victoria Police.

The Victorian Taxi Directorate (Driving Instructor Division) is contactable on 1800 638 802 (toll free).

Acknowledgement

In developing this Code, reference has been made to the Codes of Conduct and Codes of Ethics of various driver training professional associations in Australia and in particular the Code of Conduct developed by the Australian Automobile Association for its Keys2Drive program.

Issued by ADTAV

13 Essex Road
Mt Waverley VIC 3149
Ph: (03) 9809 5777
Fax: (03) 9809 5677
www.adtav.org.au

April 2011 Revision