

Code of Practice

For NT Driving Instructors and Driving Examiners

Document title	Code of Practice
Contact details	Motor Vehicle Registry
Approved by	Manager Driver Licensing
Date approved	October 2019
Document review	As required

Version	Date	Author	Changes made
1.1	17 November 2004	MVR Licensing Unit	References to 'specialist driver trainers' removed and minor amendments made throughout document.
1.2	13 October 2005	MVR Licensing Unit	Updates to the definitions of the following terms: bribe, approved course provider, dual controls, lesson, MVR and prompt. Minor amendments made throughout.
2.0	5 April 2011	MVR Licensing Unit	Update of Department title to DPL (Department of Planning and Logistics).
2.1	1 January 2015	MVR Licensing Unit	Update to Department of Transport.
3.0	October 2019	MVR Licensing Unit	Updates to definitions to include references used within the Service Standard Agreements for Class C Examiners, Heavy Vehicle Examiners and Class R Examiners. General updates to reflect new corporate template.

Acronyms	Full form
'L' Plates	Yellow and black plates to identify that the person operating a vehicle is a learner driver
DLSA	Driver Licensing Standards Assurance
MVR	Motor Vehicle Registry
NT	Northern Territory

Acronyms	Full form
C	Car
R	Motorcycle
LR	Light Rigid
MR	Medium Rigid
HR	Heavy Rigid
HC	Heavy Combination
MC	Multi Combination

Contents

1. Introduction.....	4
2. Definitions.....	4
3. Punctuality	6
4. Courtesy	6
5. Theory	7
6. Presentation of Instructors, Examiners and Vehicles.....	7
7. Instructor relations with Applicants	8
8. Examiner relations with applicants	8
9. Relevant NT Legislation.....	8
10. Fit and Proper person	9
11. Review of Decisions.....	10

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”) and driving examiners (“Examiners”) 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 Examiners; 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 and/or Examiner’s authorisation.

1.4 All inquiries in relation to this code should be addressed in the first instance to the Manager Driver Licensing either by post to GPO Box 530 DARWIN NT 0801 or email to mvr.licence@nt.gov.au

2. Definitions

Term	Definition
Approved Training Provider	Any Registered Training Organisation that has been approved by the Registrar to deliver driver or rider licence 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 by Instructors in training and assessing drivers.
Applicant	An individual undertaking a driving or riding Lesson or Assessment to gain a Licence.
Assessment	The practical evaluation of a person’s driving or riding performance against standards as determined by the Registrar.
Compliance Officer	A person approved by the Registrar to conduct “compliance monitoring activities” in relation to the delivery of driver or rider training by an Instructor, or an Assessment conducted by an Examiner.
Bribe	Anything given, promised or offered to influence decisions of an Instructor, Examiner, Approved Training Provider or an officer of the MVR.
Breach	Any activity contrary to this code.

Term	Definition
Client	Refer Applicant
Complaints Policy	Any approved policy relating to MVR complaint management.
Course Provider	A Registered Training Provider, an individual or group who has been granted Approved Training Provider status by the Registrar for the delivery and assessment driver licence courses or programs that lead to a driver licence outcome.
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 – Driver training vehicles: dual control.
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.
Examiner	A person authorised by the Registrar to conduct practical driver or rider licence assessments.
Instructor	Any person who holds a driving instructors (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 of an Applicant is provided.
Legislation	The Northern Territory Act(s) and or Regulation(s) currently in force and reviewed from time to time.
Licence	A class of licence as described at regulation 4C(1) of the <i>NT Motor Vehicles Regulations 1977</i> .
Prompt/Prompting	Any assistance provided to a student driver under a 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.
- 3.2 An Examiner shall arrange their affairs to ensure, as far as is practical, that an assessment appointment with an applicant or MVR compliance officer is not unduly delayed. Where an unavoidable delay is anticipated the Examiner will attempt to contact the applicant and/or MVR compliance officer by telephone to advise as to the extent of the delay and provide the applicant the opportunity to cancel and re-book the appointment without loss of any fees if paid in advance.

4. Courtesy

- 4.1 Instructors and Examiners shall behave courteously towards Applicant's, MVR staff, Compliance Officers and all other persons with whom he/she may speak or otherwise deal in the course of providing instruction, lessons or assessments or otherwise conducting his/her business.
- 4.2 Instructors and Examiners shall not smoke whilst providing lessons or assessments. Instructors and Examiners have the right to terminate a lesson or assessment if an applicant smokes during that lesson or assessment.
- 4.3 Instructors and Examiners shall not, whilst conducting a lesson or assessment, read written material or operate any equipment, including computers and mobile phones that are not relevant at the time of the lesson or assessment being provided to the client.
- 4.4 Instructors and Examiners 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 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 A person authorised by the Registrar may provide road user theory instruction and theory assessments.
- 5.2 Although Compliance Officers will from time to time monitor delivery of road user theory components of approved programs, overall quality assurance for the program remains the responsibility of the course provider.
- 5.3 Class sizes for theory instruction will be restricted to a maximum of 25 applicants except with prior approval of the Registrar.

6. Presentation of Instructors, Examiners and Vehicles

- 6.1 Instructors and Examiners for Class C & R applicants must ensure that 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 applicant and the Instructor/Examiner is not obstructed.
- 6.2 Instructors and Examiners for Class LR, MR, HR, HC and MC must ensure that 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/Examiner is not obstructed.
- 6.3 Instructors involved in the delivery of training for class C licence applicants may only use approved training vehicles (see MVR Information Bulletin V55 – Driver training vehicles: dual control) 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 a lesson or provided by and Examiner for an 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/Examiner and MVR Compliance Officer.
- 6.5 Any vehicle used for instruction or assessment must be registered and roadworthy. MVR Compliance Officers 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 dispute, MVR Compliance Officers may request that an Instructors or Examiners vehicle, or any other vehicle used for the delivery of a lesson or assessment be inspected by a person authorised by the Registrar for the purpose.
- 6.6 Any vehicle provided by clients for the purpose of a lesson 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 and Examiners must have a neat, clean and tidy appearance, including safe and practical clothing and appropriate footwear (e.g. enclosed footwear - no thongs).
- 6.8 An Instructor shall not conduct any driving lesson without first verifying the identity of the applicant by sighting the applicant’s current driver’s licence.
- 6.9 An Examiner shall not conduct an assessment without first verifying the identity of the applicant by sighting the applicant’s current driver’s licence and the eligibility of the applicant for the desired licence outcome.

7. Instructor relations with Applicants

- 7.1 An Instructor shall, before the first lesson inform the applicant 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 applicant 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 applicant. The Instructor must not disclose, or allow the disclosure of confidential or personal information about an applicant without the applicant'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. Examiner relations with applicants

- 8.1 An Examiner shall, before an assessment inform the applicant of the fee for the assessment, of acceptable methods of payment, and of any refund policy.
- 8.2 The Examiner shall inform the applicant of the existence and purpose of this Code of Practice. The Examiner shall make a copy of this Code of Practice available to the applicant upon request.
- 8.3 The Examiner has a duty to preserve the confidentiality of his or her applicants. The Examiner must not disclose, or allow the disclosure of confidential or personal information about an applicant without the applicant's written consent, unless required to do so by law.
- 8.4 The Examiner must respond properly to a complaint by a person about the work, behaviour or services carried out by the Examiner. An Examiner must advise the person of his/her right to make a complaint to the MVR.
- 8.5 An Examiner must submit to any procedures for mediation and conciliation recommended by the MVR for management and resolution of complaints.

9. Relevant NT Legislation

- 9.1 The Northern Territory *Motor Vehicles Act 1949*, Regulations, and MVR Policies prescribe requirements that must be met in order to obtain and maintain an Instructor's Endorsement on a Northern Territory Driver Licence.
- 9.2 The Northern Territory *Motor Vehicles Act 1949* and MVR Policies prescribe requirements that must be met in order to obtain and maintain an Examiner's authorisation.
- 9.3 This Code of Practice is not intended to displace any duty or liability that an Instructor or Examiner 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.

10. Fit and Proper person

- 10.1 A person applying for an Instructor's endorsement must be medically fit, and of good character prior to first issue of the endorsement.
- 10.2 A persons applying for an Examiners authorisation must be medically fit, and of good character prior to the their initial grant of authorisation.
- 10.3 The Registrar may attach conditions to, suspend or cancel the endorsement of an Instructor, or the authorisation of an Examiner, who ceases to be medically fit or of good character.
- 10.4 An Instructor's endorsement, or an Examiners authorisation, shall be suspended or cancelled during any period when the Instructors/Examiners full driving licence is suspended or cancelled.
- 10.5 Instructors and Examiners must immediately notify the Registrar of any new complaint, charge, or conviction for any offence.
- 10.6 Instructors and Examiners must immediately notify the Registrar of any medical condition that may adversely affect his/her ability to drive or otherwise operate as an Instructor or Examiner.
- 10.7 Instructors and Examiners must have zero blood alcohol and should not be under the influence of other drugs whilst delivering any driver training Lesson or Assessment.
- 10.8 Instructors must comply with all relevant provisions of the *NT Motor Vehicles Act 1949*, *Traffic Act 1987*, *Traffic Regulations 1999* and the Australian Road Rules at all times, particularly when in the company of student drivers.
- 10.9 Examiners performing assessments must not prompt, advise, or assist the applicant in any way except to prevent a crash or to prevent a dangerous situation from arising.
- 10.10 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.
- 10.11 An Examiner whose authorisation is withdrawn by the Registrar, courts or administrative process for any reason must immediately surrender to MVR any 'Test Pads' issued by MVR to the Examiner for the purpose of recording driving/riding assessment outcomes. Failure to do so may result in the Registrar immediately issuing a public interest statement outlining the withdrawal of authorisation.

11. Review of Decisions

- 11.1 MVR internal review procedures will in all cases uphold the general principles of natural justice and the individual's right to privacy.
- 11.2 Instructor and Examiners have the right to seek an internal review of a decision of the Registrar to impose conditions upon, suspend or cancel and Instructor's Endorsement or an Examiners authorisation.
- 11.3 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.
- 11.4 A written request for review of a decision must be lodged with the Registrar within 14 days of receipt of written advice of the original decision, or the opportunity to appeal will lapse.
- 11.5 Written advice of progress of a review will be provided within 28 days of lodgement of the review request.
- 11.6 Notification of the final outcome of any review will be provided to the Instructor or Examiner concerned in writing within 7 days of the decision being made.
- 11.7 An Instructor or Examiner aggrieved by any internal review decision may seek whatever legal recourse the law permits.