

## Code of Conduct for Accredited Driver Trainers and their employers - May 2012

### For Queensland Accredited Driver Trainers and their employers

This code of conduct is made under section 58 of the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2005*.

#### 1.0 Purpose of code of conduct

The purpose of this code of conduct is to provide clear guidelines for the standard of conduct expected of accredited driver trainers in Queensland. The code should be used as a reference guide by accredited driver trainers and employers of driver trainers. The code can also be made available to learner drivers and members of the public so that they know what behaviours to expect from accredited driver trainers.

Under Schedule 4 of the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2005*, an accredited driver trainer must not contravene this code of conduct. Compliance with the code of conduct is a statutory condition of accreditation.

Contravention of a statutory accreditation condition may result in the driver trainer having their accreditation as a driver trainer or as a rider trainer being amended, suspended or cancelled.

Employers of driver trainers also have a responsibility to ensure that driver trainers employed by them comply with this code of conduct.

#### 2.0 Definitions

In this code:

*Bribe* – anything given, promised or offered to improperly influence a driver trainer.

*Driving lesson* – a period of time in which teaching or assessment of a learner driver by a driver trainer occurs.

*Accredited driver trainer* – a person who has been granted an accreditation as a driver trainer under section 41 of the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2005*.

*Driver training* – advice, demonstration, instruction or training for driving a motor vehicle.

*Learner driver* – a person who has been granted a learner licence under Part 3, Division 3 of the *Transport Operations (Road Use Management Driver Licensing) Regulation 1999* or any other person receiving pre-licence driver training.

*Q-SAFE* – Department of Transport and Main Roads (TMR) *Driving Examiner policy and procedures manual*.

*Rider trainer* – a driver trainer who has been granted a further accreditation as a rider trainer to deliver Q-RIDE training.

#### 3.0 Accreditation dependent on validity of driver licence

Under section 49 of the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2005*, a driver trainer accreditation is automatically suspended if their driver licence is suspended and has no effect while the driver licence is suspended.

A driver trainer accreditation is automatically cancelled from the same day their driver licence is cancelled.

A driver trainer accreditation is considered automatically surrendered from the same day their driver licence is surrendered to the Chief Executive.

Under section 53(1) of the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2005*, it is an offence for a driver trainer to continue to provide driver training while their driver licence is cancelled, suspended or surrendered.

## **4.0 Relations with learner drivers and others**

### **4.1 Privacy/abuse of power or information**

The driver trainer shall respect the privacy of learner drivers or former learner drivers and in particular, must not distribute or make use of the personal details of learner drivers or former learner drivers.

The driver trainer shall not disclose information improperly, nor abuse the powers or resources available to him/her. This includes, for example, the inappropriate use of any person's licence details for the purpose of securing a test time slot. To do so may constitute a breach of the *Information Privacy Act 2009*.

A driver trainer shall not provide false or misleading information to learner drivers or prospective learner drivers.

### **4.2 Conflict of Interest**

The driver trainer shall avoid any conflict between personal interests and official duties.

### **4.3 Punctuality towards learner driver**

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

### **4.4 Courtesy**

A driver trainer shall behave courteously towards all persons with whom he/she comes in contact when providing pre-licence driver training or conducting a competency assessment or during an audit by TMR staff.

The driver trainer shall highlight their current accreditation identity card and their authority to

train for the respective vehicle classes to the learner driver.

While undertaking pre-licence driver training or a competency assessment, driver trainers shall apply themselves solely to the task and not engage in other activities.

For example, the driver trainer shall not:

- read documentation or other material, or operate items such as a computer or any 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.

### **4.5 Use of mobile phones while conducting training**

People who are learning to drive (particularly C class vehicles) can become distracted by the use of mobile phones in the vehicle.

As the primary focus of the driver trainer while conducting training is on the learner driver, the use of mobile phones should be restricted when conducting driver training.

Incoming calls should be diverted to a message bank system and returned between lessons where necessary. The ring tone on the driver trainer's mobile phone should be set on silent mode so as not to distract the learner driver.

If the driver trainer wishes to make a mobile phone call due to unavoidable circumstances, then the driver trainer should first gain the permission of the learner driver and temporarily cease the training for the period of the phone call. The learner driver should be given additional tuition time on account of any time lost to phone calls made to or by the driver trainer.

An exception to the above is where a driver trainer uses a mobile phone during the course of a driving lesson for a matter related to the lesson itself.

In addition to the above, the driver trainer must observe all relevant regulatory restrictions in relation to the use of mobile phones while supervising a learner driver.

#### **4.6 Disclosure of locations of training**

The driver trainer shall 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 or guardian, if requested.

#### **4.7 Third parties in training vehicle**

A driver trainer shall not allow third parties in the training vehicle without first gaining the consent of the learner driver.

In the case of a TMR officer conducting an audit of the driver trainer the learner driver must be given advanced notice that the audit will be taking place and that an additional person will be accompanying the driver trainer during the driving lesson.

#### **4.8 Unacceptable behaviour**

A driver trainer shall not engage in unacceptable behaviour towards a learner driver or a family member or a guardian of the learner driver, or any TMR staff member.

Some examples of unacceptable behaviour include:

- To intimidate, abuse or threaten the person.
- To make offensive jokes, or use offensive language.
- Suggestions or derogatory comments about the learner driver's (or other person's) racial or ethnic background, sex, sexual preference, disability, physical appearance or religious preference.
- Abusive comments about the person's learning or driving ability.
- Unwelcome comments or questions about a person's sex life or any other personal issues.

- Unnecessary familiarity such as deliberately touching the learner driver.
- Display of pictures or other material which can be interpreted as offensive and/or obscene.
- Coercive behaviour intended to inappropriately influence the learner driver.
- Expressing stereotyping such as making assumptions about a person's peer group behaviour, values, culture or abilities.

#### **4.9 Lesson fees**

A driver trainer shall inform the learner driver 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.

Learner drivers shall also be advised at the outset as to whether any fee increases may be imposed during the series of lessons.

#### **4.10 Termination of training**

The driver trainer has the right to terminate a driving lesson in reasonable circumstances.

Examples include:

- If the learner driver chooses to continue to drive the vehicle in a way that is expressly against the instruction being given and is considered dangerous.
- If there is wilful vehicle abuse.
- If the learner driver smokes during the training session.
- If the learner driver engages in unacceptable conduct.

#### **4.11 Driver trainer to have complaints procedure**

The driver trainer must adopt a complaints procedure. A record is to be kept of all complaints received.

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

The complaints procedure must include the following information:

- For complaints regarding the quality of the training or the conduct of the driver trainer, the learner driver should direct their complaint to the employer of the driver trainer in the first instance, and if no satisfaction is reached then the learner driver is to be directed to the TMR. The complaint to TMR should be made in writing providing all pertinent details.
- For issues of a criminal nature, such as assault, the complaint should be reported to police in the first instance, with advice given to the Manager of the local TMR Customer Service Centre. The advice to TMR should be made in writing providing all pertinent details.
- For issues regarding discrimination, the learner driver may contact the Australian Human Rights Commission, Anti-Discrimination Commission Queensland or the Queensland Police Service.
- For disputes regarding fees or service contract matters, the learner driver should contact the employer of the driver trainer in the first instance and if no satisfaction is achieved the complaint may be lodged with the Queensland Office of Fair Trading.

#### **5.0 Driver trainer dress/presentation**

A driver trainer should dress in neat, conservative and tidy apparel, including safe and practical clothing and footwear. The driver trainer should

have good personal hygiene and present a professional image.

A rider trainer must wear protective clothing as defined in *Q-RIDE Registered Service Provider Standards*.

#### **6.0 Competency assessors**

A rider trainer shall abide by the relevant *Q-RIDE Registered Service Provider Standards*.

A driver trainer who is a competency assessor for the MC heavy vehicle class must comply with all relevant regulatory requirements applicable to the operation of the registered training organisation.

If a learner driver or a representative of the learner driver offers a bribe or threatens a driver trainer for the purpose of influencing the result of a competency assessment, the driver trainer must notify TMR as soon as reasonably practical with the relevant details.

#### **7.0 Employers of driver trainers**

Employers have a responsibility to ensure that all driver trainers who are employed or contracted by them are properly accredited to perform their role and are complying with all regulatory requirements including this code of conduct.

Employers of driver trainers should be particularly familiar with Section 15 and Schedule 4 of the *Transport Operations (Road Use Management Accreditation and Other Provisions) Regulation 2005*.

In addition to the prescribed penalty under the regulation, employers of driver trainers may also have their own driver trainer accreditation suspended or cancelled for failing to meet certain obligations.

Employers should be aware that a driver trainer's accreditation is dependent on the validity of their driver licence – see section 3.0.

## 7.1 Employment of non-accredited driver trainers

An employer, who may be an owner or manager of a driving school or other business conducting driver training, must not employ or contract any person to perform the role of a driver trainer to give pre-licence driver training for a fee or reward unless that person is accredited with TMR.

Failure to abide by this may result in TMR suspending or cancelling the accreditation of the driver trainer who owns or manages the driving school/business.

## 7.2 Ensuring compliance with accreditation conditions

An accredited driver trainer, who is an owner or manager of a driving school or other business conducting driver training, must ensure that all accredited driver trainers employed or associated with that business comply with the statutory accreditation conditions including this code of conduct.

Failure to abide by this may result in TMR suspending or cancelling the accreditation of the driver trainer who owns or manages the driving school/business.

An accredited driver trainer who is an owner or manager of a driving school or other business conducting driver training has not breached this code if the person has exercised reasonable diligence and taken reasonable steps to ensure the accredited driver trainer complies with the statutory accreditation conditions and all regulatory requirements.

## 8.0 Presentation of driver training vehicle

A vehicle used for driver training must be clean and tidy, both inside and outside, having regard to prevailing weather conditions, and be free from offensive odours.

The vehicle must comply with section 59, 60 and 61 of the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2005*.

If requested by TMR, the driver trainer will make the driver training vehicle available to TMR for inspection by an authorised officer or other authorised person.

If the training vehicle is to be used for the purpose of a learner driver undergoing a driving assessment conducted by TMR, the vehicle must be presented in a way specified in the *Q-SAFE policy and procedures manual*.

A driver training vehicle that is presented to TMR for the purposes of a driving assessment on a learner driver should be presented by a properly accredited driver trainer at the test appointment.

An exception is where a previous arrangement exists for another person to accompany the learner driver to the testing centre and where no driver training whatsoever is provided.

A driver trainer must not allow the training vehicle to be used by a person who is not an accredited driver trainer for the purposes of providing pre-licence driver training for a fee or reward.

## 9.0 Driving behaviour of driver trainer

A driver trainer should at all times model excellent and safe driving behaviour.

Learner drivers and the general public have a reasonable expectation that a person being granted accreditation as a driver trainer 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 TMR driving assessment.

A driver trainer is expected to be medically fit and competent to use the various training controls and to drive the training vehicle at all times should the driver trainer be required to do so during the course of a driving lesson.

Driver trainers must not:

- Demonstrate poor driving habits or unsafe driving while in charge of a training vehicle.
- Use the training vehicle's training controls while delivering a driving lesson, if they are not competent to do so.

- Drive the training vehicle while delivering a driving lesson, if they are medically unfit to do so.
- Fail to observe statutory requirements consistent with the role as supervising driver and as accredited driver trainer.