

Code of conduct for Queensland Accredited Driver Trainers

Effective from 21 January 2022

Department of Transport and Main Roads

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Terms, abbreviations and acronyms

Terms, abbreviations and acronyms	Definition
accredited driver trainer	a person who holds an approval under Part 2 of the AOP Regulation as an accredited person with the function of a driver trainer
ADT	accredited driver trainer
AOP Regulation	<i>Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015</i>
chief executive	the Director-General of TMR and officers allocated the legislative responsibilities and functions under an instrument of delegation
the Code	this Code of Conduct for Queensland Accredited Driver Trainers (2021)
complaint	the verbal or written expression of dissatisfaction about the provision of driver training
driver training	giving learner drivers pre-licence training (including advice, demonstration, instruction or training for driving a motor vehicle) for reward (which includes benefit, commission, fee, salary and wage)
learner driver	a person who is undertaking driver training and holds a driver licence authorising the person to learn to drive the class of motor vehicle for which the training is given
pre-licence driver training	driver training, other than Q-Ride (motorcycle) training, given to a learner
qualifying licence	a current valid open licence authorising the holder of the licence to drive the class of motor vehicle (as defined in section 27 of the AOP Regulation)
student	a learner driver undertaking pre-licence driver training
TMR	the Department of Transport and Main Roads

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Effective date

This policy version will take effect from 21 January 2022.

It replaces all previous codes of conduct for accredited driver trainers.

1. Purpose

The purpose of the Department of Transport and Main Roads' (TMR) *Code of Conduct for Queensland Accredited Driver Trainers* (the Code) is to provide clear standards of conduct that accredited driver trainers (ADTs) must adhere to at all times in association with activities connected to, or associated with, providing pre-licence driver training.

TMR, the community and the driver training industry have an expectation that all ADTs will put learner drivers first, have a comprehensive knowledge of the road rules, demonstrate safe driving behaviours and attitudes that promote road safety and display professional and respectful conduct.

This Code can be found on the TMR website at <https://www.tmr.qld.gov.au/business-industry/Accreditations/Driver-and-rider-trainers> and should be provided to learner drivers and members of the public on request.

2. Legislative authority

The Code is authorised under section 19 of the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015* (AOP Regulation). This section allows the chief executive to make a code for the conduct of ADTs relating to pre-licence driver training.

3. Scope

The Code applies to a person who holds a current driver trainer accreditation under Part 2 of the AOP Regulation.

The Code applies at all times in association with activities connected to, or associated with, providing pre-licence driver training and includes the use of personal information provided to the ADT by a learner driver to undertake pre-licence driver training.

ADTs must comply with the Code and breach/es may result in TMR suspending or cancelling an ADT's accreditation.

The Code applies in addition to, and does not supersede, any other legal obligations that apply to ADTs in the course of conducting activities connected to, or associated with, providing pre-licence driver training.

4. The Code

4.1 Safety and standards

ADTs provide an important service to the community, especially for young drivers to whom they provide lessons. Young drivers are among the groups most at-risk of being involved in a serious road crash, particularly in their first year of provisional licensure. ADTs provide an important educational experience to young learner drivers focusing on the knowledge, attitudes and skills for the safe operation of a motor vehicle on our public road system.

ADTs are always required to comply with requirements in the AOP Regulation with activities connected to, or associated with, providing pre-licence driver training. Compliance with the AOP Regulation supports the safety of learner drivers undertaking driver training.

For example, ADTs must maintain their competency to deliver training and they must ensure the vehicles used for training and testing are regularly serviced, safe for use on the road and kept in a clean condition.

ADTs must also manage hazards and risks to their students, themselves and to other road users.

While delivering driver training to students, it is imperative that ADTs model and promote positive road safety behaviours and attitudes to their students. This includes knowing and following all road rules and avoiding comments or actions that may encourage or normalise risk-taking.

4.2 Professional and respectful conduct

As ADTs provide a valuable role in the graduated licence system and are trusted representatives of the driver training industry, they are required to demonstrate integrity and impartiality by:

- committing to honest, fair and respectful engagement with the community
- showing respect towards their students, TMR employees and the general public
- acknowledging any conflicts of interest and resolving or managing these appropriately in favour of the public interest
- demonstrating a high standard of professional workplace behaviour and personal conduct.

Any unprofessional or unacceptable conduct, substantiated complaints or breaches of the Code may result in TMR suspending or cancelling a driver trainer's accreditation (refer to Section 6: Compliance and enforcement of the Code).

ADTs are required to display professional and respectful conduct at all times in association with activities connected to, or associated with, providing pre-licence driver training.

An ADT must not engage in any unacceptable conduct or behaviour in association with activities connected to, or associated with, providing pre-licence driver training. This includes, but is not limited to, the following examples:

- making discriminatory or derogatory comments about a person's age, disability, gender, racial or ethnic background, religion or sexual orientation
- intimidating, abusing or threatening the student, TMR employees or any other persons
- rude, disrespectful or aggressive behaviour towards students, TMR employees or the general public. This could include disrespectful retorts or arguing with TMR employees about tests or policies. It also includes nonverbal gestures that are rude or hostile in nature. Behaviours could also include continual passive aggressive comments that persist after requests to cease the behaviour. Abusing or swearing at other drivers in front of students is also considered unacceptable.
- demonstrating inappropriate behaviour towards students, including touching, conversations and showing images
- taking photographs, recordings or other images of students, TMR employees or any other persons for any purpose, or allowing third parties to do so, without consent
- allowing third parties in a training vehicle without the consent of the student (or, where applicable, their parent/guardian)
- sharing or publishing photographs, recordings or other images of students, TMR employees or any other persons, or allowing third parties to do so, for any purpose, without consent
- inappropriate and/or derogatory comments and posts on websites and social media
- acting in a manner that brings the driver training industry, individual driver training industry members and/or TMR into disrepute.

4.3 Diversity and inclusion

TMR supports an inclusive and diverse workforce that reflects the community it serves.

ADTs are required to uphold the principles of diversity and inclusion by recognising and respecting the skills and insights of learner drivers, the driver training industry and TMR employees regardless of age, disability, gender, ethnicity, religion or sexual orientation.

4.4 Conflicts of interest

ADTs train and, for students seeking an multicomination (MC) licence through a Registered Training Organisation (RTO) approved by TMR, assess people seeking a licence issued by TMR. A conflict of interest may arise between an ADT's

role and responsibilities in providing pre-licence driver training and their personal interests. A conflict of interest for an ADT may include personal relationships, employment in other industries, membership of special interest groups or ownership of shares, companies or property.

Conflicts of interest may be:

- Actual — where there is a direct conflict between your role and responsibilities as an ADT and your private interests
- Potential — where your private interests could conflict with your role and responsibilities as an ADT in the future
- Perceived — where it could be perceived, or appears, that your private interests could improperly influence the performance of your role and responsibilities as an ADT, whether or not this is the case.

While a conflict of interest can exist, failing to disclose, document and manage the conflict appropriately is likely to be wrongdoing. Some strategies to manage or resolve a conflict of interest could include:

- **Restricting** your involvement in the matter
- **Removing** yourself from the matter
- **Relinquishing** the private interest that is creating the conflict of interest.

ADTs should ensure that any conflicts are resolved in a fair and timely way.

Example: Alex is an ADT employed at an RTO approved by TMR to deliver training and assessment for an MC licence. Alex's cousin books a course with the RTO where they are employed. When Alex finds out, they discuss this with their RTO. While Alex believes they would be able to assess their cousin fairly, they and the RTO decide to book their cousin on a course when another ADT is rostered on to avoid the perception that a family relationship may have influenced the assessment of the student's competency. They and their RTO make a record of the action taken.

4.5 Fraud and corrupt conduct

TMR requires ADTs to display conduct that demonstrates integrity and impartiality by committing to honest, fair and respectful engagement at all times in association with activities connected to, or associated with, providing pre-licence driver training to learner drivers. An ADT must hold and maintain a current driver licence (qualifying licence) for the class of vehicle for which they are delivering driver training and current qualifications (as prescribed by TMR) at all times. An ADT must not provide false or misleading information to students, prospective students or to TMR. When verifying entries in learner logbooks and training and assessment records, ADTs must provide accurate and correct information about the training that has been provided.

4.6 Information privacy

The ADT and their employer (where applicable) must only collect, use, store and disclose the personal information of learner drivers, or their parent/guardian (where applicable), for the purpose of driver training or booking a practical driving test and retention of training records in accordance with the AOP Regulation. For example, an ADT must not:

- disclose or use any personal information collected by themselves or their employer to a third party without the express written consent of the student (or, where applicable, their parent/guardian) or as required by a court order
- use the personal information of a learner driver for booking a practical driving test for any other individual except the learner driver
- take photographs, recordings or other images of a learner driver, or any other learner drivers, for any purpose without their express consent or the consent of their parent/guardian.

5. Complaints relating to the Code

The ADT must advise the learner driver prior to, or at the commencement of, the first driver training session of their own or their employer's complaint management policy and procedure. Complaint management policies should cover the following:

- Most complaints about the behaviour and **conduct** of an ADT should be directed to, and addressed by, ADTs or their employer in the first instance. Where a resolution is not reached or is not satisfactory, learner drivers may direct their complaint to TMR at <https://www.tmr.qld.gov.au/Contact-us>. For serious or sensitive matters, customers may choose to report the complaint to TMR directly in the first instance.
- Complaints about **fees** charged for lessons should be directed to ADTs or their employer in the first instance. Where a resolution is not reached or is not satisfactory, a student may direct their complaint to the [Office of Fair Trading \(Qld\)](#) (Department of Justice and Attorney-General).
- Complaints relating to **discrimination** should be referred to the [Australian Human Rights Commission](#) or the [Queensland Human Rights Commission](#) (formerly the Anti-Discrimination Commission Queensland).
- Complaints relating to conduct of a **criminal nature** (such as assault) should be referred to the [Queensland Police Service](#). These matters may also be reported directly to TMR. TMR takes such complaints very seriously and has legislative grounds to amend, suspend or cancel approvals, on public safety grounds.

All complaints received by TMR relating to the conduct of ADTs will be managed in line with TMR's [Complaints Management Policy](#). This includes an assessment and evaluation of the relevant information and facts by an impartial decision-maker, applying procedural fairness and providing reasons for the decision and applicable review rights.

An immediate decision to suspend or cancel an accreditation may be made where a complaint involves public safety concerns.

6. Compliance and enforcement of the Code

Breaches and suspected breaches of the Code will be investigated and may result in:

- education
- audit
- action against a driver trainer's accreditation, including amendment, suspension or cancellation
- referral to other agencies such as the Australian Human Rights Commission or the Queensland Police Service.