

Compliance, Investigations and Prosecutions

Driver Training Information Bulletin



September 2020

Criminal conviction

In March 2018, DIT received information that Mr Masoud Rad had allegedly abused public office in his capacity as an Authorised Examiner. As abuse of public office is a criminal matter DIT passed the information to the South Australia Police who conducted an investigation based on the information provided. On 20 April 2018, the South Australia Police arrested Mr Rad. In July 2020, Mr Rad pleaded guilty to the offence, abuse of public office for being paid \$450 to issue a certificate of competency to a student who did not meet the VORT requirements as prescribed by the Registrar. On 23 September 2020, Mr Rad attended the District Court where he was sentenced to 1 year 4 months imprisonment which was suspended. He has been placed on a Good Behaviour Bond, has to undertake 100hrs community service and has to pay the \$450 back to his client.

Working with Children Check

On 30 July 2020, the *Child Safety (Prohibited Persons) Act 2016* came into full effect. As a result, all people working or volunteering with children in South Australia must, by law, have a working with children check. As a result it is now an offence for a person to work or volunteer with children without a working with children check. As the majority of driver training and practical driving tests involve young novice drivers, many who are under 18 years of age, the Registrar is now requiring working with children checks to be supplied with new applications and renewals to hold a Motor Driving Instructor's licence.

As it is an offence to work with children without the required working with children check, this may be grounds for the Registrar to consider if a MDI has been guilty of conduct to make them unfit to hold their licence.

Section 98A Motor Vehicles Act 1959 states:

"The Registrar may cancel any instructor's licence or suspend any instructor's licence for such term as the Registrar thinks fit if satisfied that the holder has been guilty of conduct making the holder unfit to hold such a licence".

If you believe on reasonable grounds that you will not work with children on more than 7 days (whether consecutive or not) in a calendar year, you do not need a working with children check.

The department is working with the DHS Screening Unit to identify those who do not have a current check.

Industry members that have been identified without a working with children check will be contacted by the Department.

If you know that you work with children and you don't have a working with children check you can organise a working with children check via <https://screening.sa.gov.au/>.

Cameras

The use of cameras by DIT officers during or for an audit provides an indisputable record of what has occurred. This can be used to resolve complaints or disputes about performance.

Recent legislative changes to the Surveillance Devices Regulations and the Motor Vehicles Regulations have come into effect to put the use of cameras by DIT Assessment Officers beyond doubt.

In accordance with the existing use of cameras by DIT officers and the new legislation, cameras cannot be concealed and people being filmed must be informed (consent is not required). DIT stores the footage on a secure limited access system with strict guidelines around the review and release of footage.

Refusing an audit or the use of cameras may lead to disciplinary action and the client's having a freeze put on their permit, until the client's competency can be verified.

In addition to the above, the new legislation enables the Registrar to make directions on the use of cameras by motor driving instructors and authorised examiners when providing driver training and undertaking practical driving tests.

Audits

When an Assessment Officer attends an audit, they are there to confirm that a practical driving test being conducted by an Authorised Examiner is being undertaken in the format and to the standard set by the Registrar. The Rules Governing Authorised Examiners require that an Authorised Examiner *"must comply with any reasonable request by an authorised person during an audit"* (Rule 5.2).

A "reasonable request" from an Assessment Officer includes, but is not limited to, requesting:

- To see or take copies/photos of any documentation the Authorised Examiner has in their possession or has completed in relation to undertaking the practical driving test e.g.
 - The permit
 - Proof of identification
 - Any relevant training records, and
 - Any recording sheets used during the test.
- Manoeuvres to be undertaken
- An alternative route be taken

Note: If a manoeuvre has been requested it should be recorded in...*Other*, and

- Any system faults must be recorded as per the CBT&A manual during the demonstration.
- If an Australian Road Rule is breached, it should be re-assessed as per the CBT&A manual. E.g. if the Assessment Officer requests the demonstration of a three point turn and the applicant failed to indicate their intention for the required time when leaving the kerb (5 seconds), moving away from the kerb must be re-assessed (as a breach of road law) twice consecutively.

Recordable Events

Where mirror checks are a recordable event as per the system of vehicle control, for class C the centre mirror is mandatory and the relevant side mirror is not recordable but does support safe driving strategies (i.e. when merging or diverging). For all heavy vehicle classes, external mirrors on both sides must be checked.

Identity and eligibility for training and assessment.

Some heavy vehicle examiners have advised upgrading clients to bring 100 points of I.D., along with their current licence and Certificate of Competency into a Service SA branch.

If the client is a SA licence holder they are just required to present their licence, Certificate of Competency and complete an application form. 100 points of I.D. are not required, they have already provided this to get their licence.

Authorised Examiners **do** need to confirm their client's identity and eligibility to participate in the upgrade or assessment. **Do not** rely on the EzyReg booking alone. The [Rules Governing](#) provides examples of how to check a person's eligibility.

Duty of Care

Authorised Examiners and Motor Driving Instructors have a primary duty of care under the *Work Health and Safety Act 2012 (Subdivision 2, Section 19 (1) and (2))* to, as far as reasonably practicable, ensure the health and safety of other persons are not put at risk from work carried out as part of the conduct of that business.

If a situation is deemed unsafe and the Authorised Examiner has not intervened, in the interests of safety of all parties the Assessment Officer may intervene.

Driving Companion log book entries

MDIs and AEs must take care to record the correct information in a student's Driving Companion for log book entries. Service SA staff check the log book entries ensuring the correct hours have been recorded. A couple of examples of incorrect entries are:

- Not completing the "Conditions" field (road, weather, traffic), MDI/AEs are recording 'Driving Lesson' across these fields, this is not correct. The MDI/AE is

required to record road type, weather conditions and traffic conditions for all lessons.

- MDI/AEs are recording the 'From' suburb and the 'To' suburb as From 'Adelaide' to 'return', instead of From and To suburb i.e. From 'Adelaide' To 'Adelaide'.
- Using ditto's (" ") when duplicate entries have been completed are not acceptable. Information should be written in full in the log book.

Students are **copying** the way the MDI/AE completes the log book entry which causes issues when presenting the log book at the time the student has passed a VORT or a CBT&A – LTS.

Customer Service Operators are requesting the correct/full information be completed prior to the provisional licence being issued. In addition:

- All driving with a MDI/AE must be recorded within the logbook even if the student has attained the required number of hours, i.e. 75 hours (night and day). This includes driving whilst undertaking Task assessments/training for CBT&A and practical driving assessments.
- All entries made by an MDI/AE must be clearly legible.

Last Training Session Training Aids

There cannot be any training aids to assist the student in a vehicle being used for a last training session. This includes markings, dots or numbers that may guide or remind a student of the steps required to perform a manoeuvre correctly.

MDI/AE contact details

Help us communicate with you by providing your email via DPTI.DriverTrainerEnquiries@sa.gov.au with your

Name: _____

Client or MDI number: _____

Email: _____

Contact number: _____