

## Driver Training Information Bulletin • May 2022

### Statistics on participants in the driver training industry.

Currently, there are a total of 559 Motor Driving Instructors (MDI). 297 are MDI only. Across all licence classes there are 137 MDI's who are Authorised Examiners for CBT&A only, three who are VORT only and 122 with both CBT&A and VORT.

Overall, in 2021 there were a total of 48,089 practical driving tests undertaken across all licence classes.

LICENCE CLASS	TESTS UNDERTAKEN
Car	42,339
LR	132
MR	1,278
HR	2,911
HC	959
MC	463

The figures also show that 42 out of every 100 car VORTs result in a fail.

### New Authorised Examiner's Manual for CBT&A class (C).

The Authorised Examiner's Manual for CBT&A class (C) has been updated to match the recent changes to the Driving Companion (a new print run of the Driving Companion is due soon so any corrections will be updated). An electronic copy of the new manual is attached and can also be downloaded from the SA.GOV.AU website under 'Authorised Examiners'.

A short summary of the main changes has been attached to this Bulletin.

### Monthly returns

DIT is receiving 'nil return' forms with a signature but no name. Please include your written name in a manner that can be easily read. If we cannot identify who has submitted the return it results in us chasing examiners for monthly returns and wasting your time and ours.

### Complaints handling

DIT receives complaints from members of the public having been referred to DIT by their AE or MDI. Often complaints relate to:

1. the amount being charged
2. not getting value for money or what they paid for
3. the industry member doing other activities like taking calls during lessons and assessments
4. the industry member being rude and shouting at them
5. being failed for things they believe are trivial or that they insist did not happen
6. allegations that MDIs and VORT examiners collude to fail the learner driver so that they each make more money by additional unnecessary training and assessment.

Points 3, 4, 5 and 6 may amount to breaches of the Motor Vehicles Act or the conditions of appointment as an Authorised Examiner.

Points 1 and 2 may be breaches of Consumer law.

All complaints are investigated, and action is taken in accordance with the outcome of the investigation.

Often the investigation will reveal that the issue is a misunderstanding between the industry member and the client.

These misunderstandings can be lessened by having good business practises. As a small business operator, prior to commencing any driver training or assessment, you should be:

[dit.sa.gov.au](http://dit.sa.gov.au)

Follow us on:    



Government of South Australia  
Department for Infrastructure  
and Transport

- providing each client with a written agreement showing all the services that have been agreed to be provided, the associated fees and providing receipts for payments.
- Avoiding misleading the client by advertising or indicating you guarantee they will pass a VORT or LTS. It is not possible to predetermine the outcome of a VORT or a CBT&A last training session.
- Explaining the reasons for a failed test. The learner driver may not always agree but often informing them how you came to the decision will help them understand, even if they don't agree.
- Having a complaints management policy that can be provided to the client. It should outline how you will address any complaints. The [South Australian Motor Driving Instructors' Code of Conduct \(www.sa.gov.au\)](http://www.sa.gov.au) sets out what the Registrar believes is the minimum standard for complaints handling as outlined by Australian Consumer Law and accepted business standards.

### Heavy Combination TILE Module 3

In September 2021, DIT became aware that some licence applicants, having completed TILE Modules 1 and 2, were going to Victoria to complete Module 3, the practical driving assessment. This was never the intent of the TILE program and was not an acceptable practice.

To address this, a change was made to the policy making it clear that a TILE HC licence can only be issued if Module 3 was delivered by an AE working for an RTO who had a TILE Deed in SA.

The unintended consequence of this is that HC AEs operating independently and who were delivering Module 3 were prevented from doing so. In line with the need to ensure that licence applicants are able to obtain a heavy vehicle licence in a timely manner, AEs in SA who have a HC endorsement may provide Module 3 by delivering the training and assessment in accordance with the requirements of the [Trainee Guide for Heavy Rigid \(HR\) and Heavy Combination \(HC\) Competency Based](#)

[Training and Assessment \(CBT&A\) \(www.sa.gov.au\)](#) and the Authorised Examiner Manual for HC CBT&A .

### Road law interpretation

DIT often receives questions relating to the interpretation of road law. While we do our best to provide answers it must be remembered that only the courts can make a binding decision on the interpretation of law.

When a road law requires a judgement to be made, as an Authorised Examiner you are expected to make decisions on the application of a road law having regard to the context or circumstances at the time.

The answers to recent road law questions we have received are attached to this Bulletin.

### Some reminders

#### **Payments for test bookings**

All Examiners MUST ensure that payments for test bookings have been accepted on their EzyReg account before conducting a VORT or CBT&A-LTS, even if a VORT route has been allocated during the booking process.

Tests that are not shown on the system due to the booking process not being fully completed, but still proceed, will not be recognised, and cannot be booked retrospectively.

#### **Eligibility to undertake practical driving test**

Despite previous reminders, we continue to find instances of Examiners undertaking tests with learner drivers who are not eligible to undertake the test.

Examiners are reminded that it is their responsibility to ensure their client is eligible to undertake a VORT or CBT&A-LTS prior to undertaking the assessment. To do this you must ensure that the client:

- holds the appropriate licence class
- has held that class of licence for the regulated time prior to upgrading to a higher class of licence.

When a person is not eligible to undertake a driving test and it proceeds, it generally means they are driving unlicensed. This may have implications for your insurance cover should anything go wrong.

***VORT examiners assessing people they have trained.***

Examiners are also reminded that they MUST NOT conduct a VORT with a client with whom they have provided driver training within the last six (6) months regardless of whether the client has made any payment for the training.

***Unlicensed Authorised Examiners***

The Department's Investigation Team is currently conducting enquiries into reports of unlicensed instructors undertaking paid driver training with learner drivers and presenting them to examiners for testing. This is a criminal offence under the *Motor Vehicles Act 1959*.

Should you have any information regarding any illegal activity of this nature taking place, please contact us via

[DIT.DriverTrainerEnquiries@sa.gov.au](mailto:DIT.DriverTrainerEnquiries@sa.gov.au)

## Driving Companion /Manual CBT&A class C (Car) updates

The following is to explain the changes to the driving companion and the manual.

### Terminology

There have been a lot of terminology/formatting changes to make the language more in keeping with the tasks being undertaken. For example

- Handbrake becomes park brake
- The numbering of the task components
- Gradient replaces slope
- Hill replaced by uphill gradient
- Lawfully changed to legally

### Features of newer vehicles

It has been noted throughout the Driving Companion that the prescribed standards may vary to accommodate the different features of current and emerging vehicle design by inclusion of the words *“These procedures may change due to manufacturer’s requirements”*

### Advanced Driver Assistance Systems

An explanation of Advanced Driver Assistance Systems (ADAS) has been included e.g. reversing cameras, park assist, lane assist and collision warning/emergency braking functions etc. These are becoming common features in new cars. Some of these features contribute to overall road safety and cannot or should not be turned off during an assessment, however others such as park assist are only driving aids with no safety function. ADAS functions that do not have a safety purpose should not be used in driver assessment.

### Gear changes up and down

Automatic gear changing has been added to Gear Changes Up and Down and the percentage for this has been changed from 80 to 100 percent to bring in into line with all basic driving procedures.

### Steering, forward and reverse

To allow some flexibility “approximately” and “with a deviation not exceeding 500mm” has been added.

Reference to the use of a reversing camera has also been added.

Checking for cyclists has been added to mirror checks.

### Moving off up hill

Moving off uphill now has all the elements of the task included instead of referencing other tasks in the Manual/Driving companion. Where possible this has been adopted throughout the Driving Companion and Manual. A description of what makes a suitable gradient and how to train the hill holder has been introduced.

## U-turn

A simple U-Turn has become a U-Turn and five examples of U-Turns are included, all five having to be trained but only two options assessed.

**“dry/stationary steering not permitted”** is included in the Driving Companion U-Turn and Three Point Turn, however the manual has been adjusted to state **“(while not prohibited, dry/stationary steering is not encouraged)”**. The Driving Companion is subordinate to the Manual, so the Manual provides the standard. The Driving Companion will be updated to reflect this on the next print run.

## Three-point turn

When undertaking the Three Point Turn the option is provided to secure or not secure the vehicle before moving off.

## 90 degree angle park

For the 90 degree angle park now refers to appropriate mirror checks and makes reference to counter steering. Again, this states **“dry/stationary steering not permitted”** which is included in the manual as **“(while not prohibited, dry/stationary steering is not encouraged)”**.

More description had been added to checking the blind spot, with it now reading check right and left and behind (over shoulders) and “counter steering” has been added to pinpoint that the wheels need to be steered in the other direction in preparation to move off down the road.

## Reverse parallel parking

For the reverse parallel parking more information has been provided including checking for cyclists.

## Vehicle road positioning

Vehicle road positioning now includes details on passing cyclists and safe driving practices has been replaced by system of car control formalising the need to train and assess the system of car control.

## Lane changing

In lane changing the procedure no longer refers to diverging, it specifically refers to changing lanes in the changing lanes procedure.

Information has been added to the lane changing merging procedure for high-speed merging and zip lanes. There are also extra check boxes for an additional lane change left and right.

## Turning at intersections

Turning corners has been changed to turning at intersections because it is more appropriate terminology.

## Turning on and from laned roads

Additional check boxes have been added to meet range statement requirements.

### **Country Driving**

Amended the requirements for overtaking vehicles to include where suitable overtaking opportunities do not occur that the applicant must demonstrate to the Authorised Examiner where five safe and suitable locations to overtake occur on the road.

### **Safe Driving Strategies**

Amended to include keeping a safe distance from cyclists and the range statement has been altered to require stopping in a line of traffic on at least (2) two occasions on wide un-laned roads and (2) two occasions on laned roads.

### **U-turn in traffic**

This has been amended to require demonstration of either:

- 1) Selection of a safe U-turn starting position, and
- 2) Performs a safe and complete U-turn,

or,

- 1) Selection of a safe U-turn starting position, and
- 3) Selection of a safe alternative to the U-turn due to changed traffic conditions.

### **Driving on unsealed roads**

Added a note on vehicles negotiating bends straying onto the incorrect side of the road being a road law fault adjusted the range statement to make it clear that the left and right turns occur at intersections.

### **Driving at night**

Updated to include the requirement to provide a minimum gap when passing a cyclist.

### **Traffic management review**

Updated the performance of the school zone exercise to make it clear that when children are present the driver must travel at 25 km/h for the complete length of the school zone.

### **Part C Frequently Asked Questions**

This has been updated in accordance with the interpretation of road rules outlined above.

**Questions from the Driving Companion:*****Dry steering.***

**Question:** A lot of feedback has been received about the Driving Companion prescribing that dry steering is not permitted, why has this happened?

**Answer:** For a long time, it has been commonly held that avoiding dry steering is best practice. It minimises wear and tear on vehicles and reduces damage to road surfaces particularly in hot weather. However, because of feedback from the industry it has been agreed to change the reference to dry steering in the manuals so that it is clear it is preferred and considered best practice to train but it is not mandatory. The manual takes precedent over the Driving Companion so you must follow the manual.

The Driving Companion will be updated to match the manual on the next print run.

***Brake release and then clutch release sequence.***

**Question...**What is the rationale behind this sequence/order (**Release the brake pedal and then (for manuals) release the clutch**). What will happen if we release both (brake and clutch) at the same time or release the clutch prior to the brake?

**Answer:** By releasing brake first you are ensuring the vehicle has been held by the handbrake. If there is movement extra pressure will need to be applied to the handbrake.

If the clutch is released before the handbrake is checked and the driver has accidentally left the vehicle in gear it could result in a sudden forward movement or stall.

***Merging and diverging***

There are more detailed explanations to the following answers in the Authorised Examiners Manual CBT&A for Class C car.

**Question:** What if merging and diverging on unlaned road is more than 1m?

**Answer:** Mirror, signal, blind spot check.

**Question:** What if diverging over a short distance when passing parked vehicles on an unlaned road. Do we need to indicate and check blind spot?

**Answer:** As above but signals and blindspot check may be omitted if safe.

**Question:** In the case of unlaned road, is right indicator and then left indicator mandatory once parked vehicle is passed and explain the blind spot check as well please?

**Answer:** As above but signals and blindspot check may be omitted if safe. There is no need to indicate left after the parked vehicle is passed.

**Question:** If indicator on unlaned road is not mandatory, then what is the use of broken line on unlaned road.

**Answer:** The broken line is used to give an indication of the middle of the road when approaching a "T" intersection or crossroad and will end after the intersection.

## Questions on Road Rules

### Interpretation of Road Rules

In the past there has been a desire to have the Department define or interpret the Australian Road Rules in absolute terms. As a result, licence applicants have been getting “Immediate Fail Items” for actions that are not breaches of road rules. An example is indicating off roundabouts. The Road Rule (118) is that you must indicate left off the roundabout “*If practicable*”. In the past it has been incorrectly interpreted that a person “must” indicate regardless of the circumstance.

Where interpretations are counter to what the legislation actually says, we are adjusting our position to better reflect the legislation. This is empowering the Authorised Examiner to make the decision where the legislation requires a judgment call to be made. This means that the Authorised Examiner will need to understand the road law and apply it in the context of the practical driving assessment. If it requires the Authorised Examiner to make a judgment call, then they must do so given the circumstances at the time. If there is no breach of a Road Rule but it still warrants some sort of acknowledgment in the scoring, other tools may be considered like position faults, signal faults etc.

Assessment Officers have been advised that where a judgment call is made when scoring, they can enquire with you, why you made the call as you did. You should be able to explain your interpretation highlighting your understanding of the Road Rule and how you applied it at the time.

### Slip lanes

A recent enquiry raised an interesting question about the slip lane on the corner of Kinkaid Road and Yorktown Road. Kinkaid Road is the terminating road and is un-laned. The left-hand turn from Kinkaid Road includes a slip lane onto Yorktown Road.



The enquiry is, 'what if a student continues along Kinkaid Road past the slip lane and makes the left turn at the point where Kinkaid intersects Yorktown Road?'

Relevant Road Rules include:

**ARR 27—Starting a left turn from a road (except a multi-lane road)**

*(1) A driver turning left at an intersection from a road (except a multi-lane road) must approach and enter the intersection from as near as practicable to the far left side of the road.  
and;*

**ARR 28—Starting a left turn from a multi-lane road**

*(1) A driver turning left at an intersection from a multi-lane road must approach and enter the intersection from within the left lane unless—*

*.....  
1A) A driver turning left at an intersection from a multi-lane road that has a **slip lane** must approach and enter the intersection—*

*(a) from within the slip lane; or*

*(b) if there is an obstruction that prevents the driver from entering the intersection from within the slip lane—from within the left lane.*

Both road rules remain silent on the use of a slip lane if a left turn is made from a road other than multi-laned road as in this case on Kinkaid Road. Therefore, it is not a breach of road rule and not an IFI if the learner driver bypasses the slip lane and proceeds to make the left turn from the end of Kinkaid Road. Some confusion has arisen because this would appear to be an anomaly in the legislation.

When assessing this as an AE you may wish to consider other options such as a position fault, observation fault as bypassing a slip lane to complete a lefthand turn in this case indicates that they have not fully observed and reacted to the relevant road features and conditions at the time.

**Authorised Examiners wearing thongs**

The Australian Road Rules are silent on what is appropriate footwear for driving. Traditionally the view has been taken that footwear such as thongs, high heels and safety boots are not suitable footwear for driver training. This has relied on an interpretation of Australian Road Rule 297 that states in part:

*(1) A driver must not drive a vehicle unless the driver has proper control of the vehicle.*

It is impossible to determine if a driver has proper control of a vehicle just by looking at their footwear, this can only be determined after the event. Safety boots are required in numerous industries and occupations and are now common footwear, while the range of thongs and similar open footwear is extensive and common, particularly in the warmer months.

DIT supports best practice where a learner driver wears the most appropriate footwear for driver training and that they are trained to ensure they wear footwear that supports them having proper control of the vehicle, however from a driver training perspective, it is also appropriate to refer to your vehicle as a workplace and to ensure that footwear is appropriate to the workplace.

As a result, the manual now refers to “*ensure the learner driver wears appropriate clothing and enclosed footwear to maintain proper control of the vehicle and in accordance with Work Health and Safety Act 2012 requirements*”.

This also applies to the footwear worn by an MDI/AE.

It is up to the MDI/AE to decide what they consider appropriate footwear to be.