

Compliance, Investigations and Prosecutions Driver Training Information Bulletin



April 2019

The following bulletin provides new information for:

- Heavy vehicle operators descending the South Eastern Freeway,
- Temporary driving permits for overseas licence conversions, and
- Clarification on a number of matters raised by the PDTA and ADTA at the last industry meeting including the order of MC tasks (yard work), the digital licence, the national police clearance upon renewal and complaint handling processes for MDIs and Authorised Examiners.

South Eastern Freeway Offences and New Penalties

From 1 May 2019 new penalties will be introduced for all drivers of trucks and buses who are detected using their primary brakes unsafely on the down-track of the South Eastern Freeway into Adelaide. For more information please refer to the letter attached.

Temporary Driving Permits for Overseas Licence Conversions

From 1 April 2019, changes came in related to Temporary Driving Permits for Overseas Licence Conversions. A person applying for the issue of a SA licence on the basis of having held an overseas licence will only be permitted to obtain one Temporary Driving Permit covering a period of three months in order to successfully pass a practical driving test.

Should they not be able to pass a practical driving test within that 3 month period they will be required to obtain a learner's permit, unless they can satisfy the Registrar of Motor Vehicles that there were exceptional circumstances which prevented them from undertaking the test.

MC Yard Work

Clarification of the sequence of delivery of the MC training program has recently been sought from DPTI.

Industry has raised a concern that for MC there is a requirement to undertake all the yard work first and that if this cannot be successfully completed the on road-tasks cannot commence.

The confusion has arisen due to the MC route description for tasks 2.10 to 2.15 which makes the statement "After conducting the assessments of all the yard work" and then goes on to prescribe the on-road component of the assessment.

The statement in the route description "After conducting the assessments of all the yard work" is merely a statement of normal industry practice and not a rule. The Operator's Manual does not make reference to the practical tasks prior to 2.16 and 2.17 being conducted in any specific order. Therefore, it is acceptable to undertake assessments apart from Tasks 2.16 and 2.17 in any order.

Digital licence

DPTI has been asked; "Do MDIs and AEs still need to wear an MDI badge if you are using the digital licence?"

In short the answer is no.

You do not have to carry or display your physical MDI licence or any other licence if you are using the digital licence in accordance with the requirements for digital licences.

"If you are required under law to carry your licence at all times when driving or working, digital passes and licences displayed in the app can be used to satisfy various legal requirements provided that the usage rules are complied with (see section 19 of the Electronic Communications Act 2000)".

DPTI recommends that you still carry and display your physical licence (MDI) until such time as the use of digital licences are more prevalent in the community.

If using a digital MDI licence only, upon request (authorised person or client) you must produce it for review and confirmation. This must be opened from the APP and not a screen shot of the licence.

It is recommended you produce your digital licence when greeting your clients/customers, by:

- Opening the app ensuring your device is connected to the internet
- Open the relevant part of the app that displays your MDI licence
- Show the “document” to the requestor without handing over the device
- Ensure the bar code is displayed, and
- Allow the requestor to scan the bar code.

If the device is not connected to the internet, follow the steps above and when producing the “document” to the requestor shake to animate the display to ensure the document and the animated display are visible to the requestor and allow the requestor to view the document.

For more information on the digital pass (licence) please refer to the link provided, <https://my.sa.gov.au/>.

The link has all the information including FAQ's covering a range of topics on digital passes.

National Police Certificate

In the November 2018 Information Bulletin advice was provided that it is no longer a requirement to get a “police clearance” from South Australia Police.

New or renewing MDIs need to provide a certificate from any Australian Criminal Intelligence Commission (ACIC) accredited provider.

A working with children check or a certificate from a non-accredited provider will not be accepted.

Please refer to the ACIC <https://www.acic.gov.au/> for more information on accredited providers.

Complaints to DPTI

DPTI receives numerous complaints from members of the public relating to the performance of their AE or MDI.

It is especially a concern when multiple complaints are received about the same industry members or follow the same pattern.

The following points relate to how the AE/MDI can either ideally avoid complaints or better manage complaints.

1) Setting clear expectations

A vast number of complaints DPTI receives appear to revolve around differences in expectations between the applicant and the service they have been provided. This applies to both MDIs and AEs. Complaints like those listed below are based on real and recurring complaints DPTI receives almost daily.

- *I was never taught (insert manoeuvre) by my MDI despite my pleading with him to show me as I knew it was going to be in the test.*
- *I did ten lessons with my MDI and failed. Now I have gone to a new MDI/AE and they have told me I need to start from scratch, what did I just pay \$\$\$\$ for?*
- *The MDI/AE started screaming at me before/during my test. It really made me lose confidence.*
- *The Authorised Examiner didn't say who they were and I cannot tell from the VORT recording sheet.*
- *The Authorised Examiner didn't explain why I failed, I don't think it is what the road rule says and my MDI agrees that I was treated harshly.*

2) Contracts and receipts for services

To ensure that there is a clear understanding of the services you are providing, DPTI recommends you provide a detailed agreement prior to undertaking any services and you provide itemised receipts.

Note: It is a requirement of Australian Consumer Law that receipts must be provided for payments of over \$75 or provided upon request for payments of less than \$75.

3) Interpretation of [Australian Road Rules](#)

A number of complaints received by DPTI relate to the interpretation of Australian Road Rules. Often these complaints relate to road rules that are not black and white but require a judgment call.

When making judgment calls or interpretation of road rules you should consider the context of the road rule, if other drivers were impacted and apply the Rules in a common-sense way consistent with what is actually happening during the assessment.

4) Recording and explaining IFIs

During a test you may have determined an Immediate Fail Item has occurred because of:

- Your judgement based on a Road Rule
- Intervention was required, or

- Some other act or omission by the applicant as outlined in the Rules Governing or Operators Manuals.

When you are recording the IFI please make sure you clearly mark on the recording sheet:

- The circumstances of the IFI,
- Your judgement based on a Road Rule,
- The intervention, or
- Relevant act or omission.

This should include a clear description of what happened, where it happened and the reasons for your decision.

In addition you should fully explain during the de-brief to the applicant the circumstances of the IFI and the application of the road rule, intervention, act or omission.

If people have a decision explained to them it means they may have a better understanding of why the decision has been made and will be less inclined to complain.

5) Handling of complaints

Motor Driving Instructors and Authorised Examiners who are running a business should have a clearly defined complaint handling process that is provided to clients.

The Code of Conduct for Motor Driving Instructors includes in Standard 5 details on dealing with complaints https://www.sa.gov.au/_data/assets/pdf_file/0012/296499/South-Australian-Motor-Driving-Instructors-Code-of-Conduct.pdf.

Business and Consumer Services recommend the use of the small business complaints tool kit, <http://socap.org.au/small-business-complaints-toolkit/>

Please make yourselves familiar with these tools.

Summarising Complaints Handling

We acknowledge that in business there is always the possibility that someone will not be satisfied with the service they have been provided. Having effective

systems in place and communicating expectations and decisions clearly with your customers could reduce complaints.

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: _____

Motor Driving Instructor and Authorised Examiner complaints procedure

The Registrar of Motor Vehicles recommends that Motor Driving Instructors provide this document to applicants, setting out the steps for lodging a complaint prior to commencing any training or assessment sessions.

1. When making a complaint the minimum information you should have includes:

- When the incident, act or omission occurred;
- Who was involved;
- What actually happened;
- Where did the incident, act or omission occur; and
- How did the incident, act or omission occur.

2. Motor Driving Instructors should handle complaints courteously and promptly at every stage.

3. Should you have a minor complaint regarding a Motor Driving Instructor's conduct you should direct your complaint to the Motor Driving Instructor in the first instance. If the complaint is not satisfactorily resolved direct your complaint in writing to the Registrar of Motor Vehicles, Department of Planning, Transport and Infrastructure, GPO Box 1533, Adelaide SA 5001.

4. For complaints regarding fees or service contract matters, you should discuss the matter with the Motor Driving Instructor in the first instance. If there is no resolution and the Motor Driving Instructor is an employee of a business, you should contact the Motor Driving Instructors' employer. If neither of these avenues achieve a resolution to the complaint, a complaint may be lodged with Consumer and Business Services.

5. For issues regarding discrimination, the applicant should contact the Office of the Commissioner for Equal Opportunity or the Australian Human Rights Commission or South Australia Police.

6. For complaints of a criminal nature, such as fraud, assault or sexual harassment, the complaint should be reported to the South Australian Police.

7. Any other complaint should be made in writing, providing all relevant details, including details to identify the Motor Driving Instructor, to the Registrar of Motor Vehicles, at the address provided above.

Under the Motor Driving Instructor Code of Conduct, Motor Driving Instructor's should deal with disputes or complaints appropriately. The Code can be viewed at www.sa.gov.au.