



Government of South Australia

Department of Planning,
Transport and Infrastructure

Rules

Governing

Authorised Examiners

Commencement date

28 July 2016

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Introduction

The Rules Governing Authorised Examiners 2016 supersede the previous Rules Governing Authorised Examiners dated 7 November 2015.

The Rules Governing Authorised Examiners 28 July 2016 were endorsed by the Delegate of the Registrar of Motor Vehicles on 26 July 2016 and commence operation on 28 July 2016.

The Rules have effect pursuant to section 5 of the *Motor Vehicles Act 1959* and the conditions of the Instruments of Appointment.

The Rules Governing Authorised Examiners direct the operational component for the driving assessment of an applicant and the issue of a Certificate of Competency; The Rules provide the governance framework that supports auditing and reporting to enable the Registrar to monitor and assess the performance of Authorised Examiners in accordance with their appointment.

Breaches of the Rules may result in disciplinary action being taken by the Registrar of Motor Vehicles against the Authorised Examiner as described in the Instrument of Appointment.

Definitions

Act means the *Motor Vehicles Act 1959*;

Applicant means a person who is making enquiries about undertaking driver training and assessment or is undertaking driver training and assessment for the purpose of being issued a Certificate of Competency;

Audit means an assessment of an Authorised Examiner's activities to determine whether they comply with the relevant regulatory requirements;

Authorised Examiner (Examiner) means a person who is appointed by the Registrar under section 5 of the Act for the purpose of conducting practical driving tests;

Authorised Examiner Number means the number displayed on the Motor Driving Instructor licence;

Authorised person means a public service employee as defined by the *Public Sector Act 2009* or a police officer engaged in the administration of the Act;

CBT&A Operator's Manual means the manual provided by the Registrar that sets out the procedures and standards to be applied by Authorised Examiner's when conducting CBT&A;

Certificate of Competency means a numbered certificate contained within a book allocated by the Registrar to an Authorised Examiner for the purpose of certifying the driving competency of an applicant;

Competency Based Training and Assessment (CBT&A) means the driver training and assessment course where an Authorised Examiner records the successful completion of each task of the training within the logbook; The Authorised Examiner issues a Certificate of Competency after the successful completion of the Last Training Session (LTS);

Eligibility to undertake practical driving assessment means, the licence or permit and any other supporting documentation an applicant must have to lawfully undertake a CBT&A or a VORT of the relevant class and be issued a Certificate of Competency under these Rules; The licences/permits and documentation include:

- a current learner's permit; or
- a current temporary driving permit (MR218) for the appropriate class of vehicle; or
- a current foreign licence; and
 - a translation of the licence if it is not written in English; and
 - a Theory Test Certificate of Attainment letter issued by the Registrar; or
- a South Australian driver's licence
 - which has been held for the prescribed period under Schedule 2 of the *Motor Vehicle Regulations 2010*; or
 - a Confirmation of Eligibility to Upgrade Licence Class letter issued by the Registrar; or
- a current interstate learner's permit or driver's licence which has been held for the prescribed period under Schedule 2 of the *Motor Vehicle Regulations 2010*;

Booking results means the report printed by the Authorised Examiner via their EzyReg account detailing the transactions of the Authorised Examiner for a calendar month;

EzyReg Account means an account created by an Authorised Examiner via the online EzyReg system enabling online transactions with the Registrar;

Driver Training means any training provided to a person for the purpose of that person obtaining a driver's licence or a class of driver's licence;

Instrument of Appointment (IOA) means the document signed by the Registrar appointing a Motor Driving Instructor as an Authorised Examiner;

Last Training Session (LTS) for CBT&A means the session in which the assessment of a Task 30 of 'The Driving Companion' (MR195) for Class C or a Task 2;17 of 'The Trainee Guide' for heavy vehicles is conducted;

Log Book means 'The Trainee Guide' for heavy vehicles or 'The Driving Companion' (MR195) for class C used for the purpose of recording the progress of the tasks for the CBT&A course;

Monthly Return means the documents an Authorised Examiner must provide to the Registrar for any VORT or CBT&A-LTS for the preceding month;

Proxy means a person who has an EzyReg account and who has been nominated by the Authorised Examiner to view and manage bookings on behalf of the Authorised Examiner;

Registrar means the Registrar of Motor Vehicles;

Route Number means the alphanumeric route identification code provided by the Registrar identifying either:

- the VORT route to be used for a booked VORT; or
- the start point for the booked of a CBT&A-LTS;

Start point means the commencement location of a VORT or CBT&A-LTS. Note: *for CBT&A LTS the start point does not mean the assessment commences at this point; The assessment commences when the AE advises the applicant of its start;*

Validation Assessment means a driving assessment conducted by an authorised person, of applicants who are exempt from the Graduated Licensing Scheme;

Vehicle on Road Test (VORT) means a practical driving test conducted by an Authorised Examiner for the purpose of an applicant obtaining a Certificate of Competency;

VORT Operators Manual means the manual provided by the Registrar that sets out the procedures and standards to be applied by Authorised Examiners when conducting a VORT;

VORT recording sheet means the document used by an Authorised Examiner during the VORT to record each performance check by the applicant to assess driving competency.

1. General Rules

1.1 Authority to conduct assessments

The Authorised Examiner:

- 1.1.1 must not allow a person to conduct practical driving tests on the Examiner's behalf;

1.2 Alcohol and Drugs

The Authorised Examiner:

- 1.2.1 must not
- a) consume or use a drug or substance the consumption or use of which is prohibited by law; or
 - b) consume or use any alcohol between the time of commencing work and of ceasing work on any day;
- 1.2.2 must not conduct any VORT or CBT&A course session while under the influence of intoxicating liquor or a drug;
- 1.2.3 must not conduct any VORT or CBT&A if they suspect an applicant has consumed or used a drug or substance the consumption of which is prohibited by law or that may impact their ability to safely operate the vehicle;

1.3 Prohibited activities during a VORT or CBT&A

The Authorised Examiner:

- 1.3.1 must not be distracted by either personal or commercial business during any VORT or CBT&A session;

Examples include but are not limited to:

- *talking on the phone, texting, reading, sleeping, doing paper work other than for the purpose of the current CBT&A or VORT etc;*

1.4 Passengers and animals in vehicle

The Authorised Examiner:

- 1.4.1 must not carry or permit to be carried passengers in the vehicle whilst conducting a VORT or CBT&A-LTS other than an authorised person;
- 1.4.2 must not carry or permit to be carried any animal in the vehicle while conducting a VORT or CBT&A-LTS (Service dogs including hearing or disability dogs are exempted);

1.5 Supply of vehicle

The Authorised Examiner:

- 1.5.1 must not supply a motor vehicle for a VORT or CBT&A which has seating for less than three (3) adult persons including the driver.

1.6 Rules relating to validation assessment

- 1.6.1 If an applicant has been issued a Certificate of Competency and subsequently failed a Validation Assessment, the Examiner who issued the Certificate of Competency must not conduct another VORT or CBT&A with that applicant.

2 Rules Related to Bookings

The Authorised Examiner:

- 2.1 must book a VORT or CBT&A-LTS with the Registrar by completing the EzyReg “*book licence test*” transaction a minimum of two (2) clear calendar days before conducting the VORT or CBT&A-LTS;

Note:

- *Bookings can be made by nominated proxies on behalf of the Examiner;*
- *Applicants cannot make a booking on behalf of the Examiner;*

Two clear calendar days are the number of clear days between two events (event one: booking and event two: VORT or LTS), in calculating the number of days, the day on which the event happens is excluded;

Example of two (2) clear calendar days if booking via EzyReg:

- *if a test is to occur on a Thursday, the booking must be made by 11.59pm the previous Monday*
- *if a test is to occur on a Friday, the booking must be made by 11.59pm the previous Tuesday*
- *if a test is to occur on a Saturday, the booking must be made by 11.59pm the previous Wednesday.*

- 2.2 must notify the Registrar within 24 hours of a cancellation a VORT or CBTA-LTS via their EzyReg account;

In the event that a booked VORT or CBT&A-LTS is not proceeding, a new booking must be made in accordance with Rule 2.1 before the VORT or CBT&A-LTS can be conducted;

- 2.3 must not book to undertake more than 8 (eight) VORTs or CBTA-LTS on any one calendar day;
- 2.4 must allow a minimum of 60 minutes between bookings for VORT and CBT&A events.

3 Rules Relating to the VORT or CBT&A LTS

The Authorised Examiner:

- 3.1 must not conduct a VORT or CBT&A-LTS until a booking payment has been accepted on the EzyReg account;
- 3.2 must not commence any VORT or CBT&A-LTS bookings:
- before 7.30 am or after 6.30 pm from 1 September to 31 March
 - before 7.30 am or after 4.15 pm from 1 April to 31 August
 - for class car, before 10 a.m. on Public Holidays or Sundays;
 - on Christmas Day or Good Friday

- 3.3 must make reasonable efforts and be satisfied before conducting a VORT or CBT&A session that the identity of the applicant is that of the person named on the documents provided by the applicant to prove eligibility to undertake a practical driving assessment:

Examples of documents to verify identity include but are not limited to:

- drivers licence or permit with photograph
- birth certificate
- current passport
- Australian Naturalisation or Citizenship document
- Department of Immigration and Border Protection travel documentation
- South Australian Proof of Age Card
- Australian issued firearms licence

If person cannot be sighted because they are wearing something obstructing their face (e.g; a burka) verification of a person's identity may be possible by having them sign a document and compare this to other supplied documentation;

- 3.4 must ensure before conducting a VORT or CBT&A session that the applicant's eligibility to undertake practical driving assessment document(s) has been sighted, is current and the person is eligible to undertake the practical driving assessment;
- 3.5 must only conduct a VORT or CBT&A-LTS on the applicant who has been booked;
- 3.6 Deleted May 2016
- 3.7 must not commence the VORT or CBT&A-LTS more than 5 minutes earlier than the time booked;
- 3.8 must not commence the VORT or CBT&A-LTS more than 15 minutes later than the time booked;
- 3.9 must commence the VORT or CBT&A-LTS from a stationary position from the start point booked on EzyReg;
- Note: Commencing the CBT&A LTS from a stationary position does not mean the assessment commences at this point; The assessment commences when the AE advises the applicant of its start;*
- 3.10 must make reasonable efforts and be satisfied that any *conditions* the driver's licence or permit is subject to are complied with during any VORT or CBT&A session.

Note: For a full list of South Australian conditions and their meaning see *Attachment 1*

4 Rules Relating to the Certificate of Competency

The Authorised Examiner:

- 4.1 must not issue a Certificate of Competency to a person unless that person has been assessed and has demonstrated competency in accordance with the VORT Operator's Manual or the CBT&A Operator's Manual;
- 4.2 must accurately and legibly complete and sign the Certificate of Competency and ensure that it is also signed by the applicant at the end of a successful VORT or CBT&A-LTS;
- 4.3 must ensure that all of the details of the Certificate of Competency appear on all duplicate copies;
- 4.4 must issue the completed Certificate of Competency to the applicant at the end of a successful VORT or CBT&A-LTS;
- 4.5 Deleted May 2016;
- 4.6 must cancel any Certificate of Competency which has been damaged, defaced, not used in the right numerical order or incorrectly completed and return the original certificates (white and pink) with the VORT or CBT&A Monthly Return;
- 4.7 must notify the Registrar in writing by post or email within 48 hours of the number(s) of any Certificate(s) of Competency lost or stolen; The notification is to be posted to GPO Box 1533, Adelaide SA 5001 or email dpti.licensingbookings@sa.gov.au;
- 4.8 must issue each Certificate of Competency in ascending numerical order corresponding to the order in which each successful VORT or CBT&A-LTS was conducted;
- 4.9 must if re-issuing a Certificate of Competency to an applicant:
 - issue a new Certificate of Competency
 - cross reference the new Certificate of Competency to the original Certificate of Competency

Eg write on the new Certificate of Competency Reissue of Certificate of Competency Number xxxxxx lost by Client Number xxxxxx;

 - give to the client the white copy of the re-issued Certificate of Competency;
 - include in the Monthly Return
 - the reasons for the reissue in the comments section, and
 - the pink copy of the re-issued Certificate of Competency (attached to the Monthly Return);
- 4.10 must only use a Certificate of Competency from a book which has been issued to that Examiner.

5 Rules Relating to Audits

The Authorised Examiner:

- 5.1 must arrange for the applicant to allow an authorised person to conduct a short driving assessment (not exceeding 20 minutes) of the applicant, who is about to undertake or has just completed a VORT or CBT&A-LTS, if a vehicle is being used which does **not** have seating for at least 3 adult persons including the driver within the same cabin;
- 5.2 must comply with any reasonable direction requested by an authorised person during an audit;

Examples of reasonable direction include but are not limited to:

- *request manoeuvre, or*
- *change route;*

- 5.3 must permit an authorised person to ride in the vehicle and observe a VORT or CBT&A session for the purpose of conducting an audit;
- 5.4 must not take any action to avoid an audit.

6 Rules Governing the Authorised CBT&A Examiner

6.1 Completing the CBT&A

The Authorised Examiner:

- 6.1.1 must ensure that the applicant has achieved the required driving standard prior to undertaking the CBT&A-LTS;
- 6.1.2 must allow a minimum of 45 minutes for class C and a minimum of 75 minutes for heavy vehicles to conduct a CBT&A-LTS;
- 6.1.3 must, for heavy vehicles:
 - a) accurately complete and remove the page titled 'Summary of Competency Based Training and Assessment Course Tasks' from the Log Book ('Trainee Guide' for heavy vehicles) on completion of the CBT&A course;
 - b) attach that page to the 'CBT&A monthly booking result';
 - c) remove and retain the remainder of the assessment record for a minimum of 24 months;
 - *For AEs working for a Registered Training Organisation you must provide the page titled 'Summary of Competency Based Training and Assessment Course Tasks' to the RTO and attach a copy to the CBT&A monthly return;*
 - d) return the approved 'Trainee Guide' to the applicant;
- 6.1.4 must sign-off each task as soon as reasonably practical after the successful completion of that task;
- 6.1.5 must ensure that the applicant signs each task in the space provided as soon as reasonably practical;
- 6.1.6 must conduct the CBT&A in accordance with the procedures and standards as set out in the applicable CBT&A Operator's Manual;
- 6.1.7 must not offer verbal or physical practical driving advice, assistance or instruction to the applicant during the assessment of a task except to clarify a direction or parameter;
- 6.1.8 must at the conclusion of a CBT&A-LTS submit within two (2) calendar days via their EzyReg account the result of the CBT&A-LTS – refer transition provisions;

Note: If the results of the CBT&A-LTS are not entered within two (2) calendar days of the CBT&A-LTS the ability to make bookings will be suspended until the entry is made (see transition provisions).

6.2 Monthly return

The Authorised Examiner:

- 6.2.1 must print out a monthly booking result each month from their EzyReg account for all booked activities in the month; and
- a) verify the monthly booking result report and if there are errors identify the errors
 - b) sign and date the monthly booking result report as correct;
- 6.2.2 must:
- a) attach the pink copies of the Certificates of Competency issued during the month to the monthly booking result;
 - b) attach any cancelled Certificates of Competency (white and pink copies) to the monthly booking result;
 - c) attach the pink copies of the CBT&A-LTS recording sheet;
 - d) lodge the monthly booking result with the attached documents to the Registrar no later than seven (7) days after the month to which they apply; and
 - e) submit a Monthly Return every month, even if no events may have been completed.

7 Rules Governing the Authorised VORT Examiner

7.1 Conducting the VORT

The Authorised Examiner:

- 7.1.1 must conduct the VORT in accordance with the procedures and standards as set out in the VORT Operator's Manual;
- 7.1.2 must,
 - a) if conducting a VORT for class car, conduct a VORT on the VORT route allocated to the booking, and if directed by an authorised person to conduct the VORT on a different route, comply with that direction; or
 - b) if conducting a VORT for a heavy vehicle, conduct a VORT on the VORT route selected for the booking, and if directed by an authorised person to conduct the VORT on a different route, comply with that direction.
- 7.1.3 must ensure that the VORT is a continual test without deviating from the approved VORT route;
- 7.1.3A must, if unable to conduct a manoeuvre at the designated location on the VORT route, conduct the manoeuvre at another location on the VORT route and record the location on the VORT recording sheet;
- 7.1.4 must not offer verbal or physical practical driving advice, assistance or instruction to the applicant during the VORT except to clarify a direction or parameter;
- 7.1.5 must record an immediate fail item if the applicant causes a risk to public safety during the VORT such that the Examiner is required to intervene;
- 7.1.6 must return immediately to the start point if an immediate fail item is recorded;
- 7.1.7 must at the conclusion of a VORT submit within two (2) calendar days via their EzyReg account the result of the VORT – refer transition provisions;

Note: If the results of the VORT are not entered within two (2) calendar days of the VORT the ability to make bookings will be suspended until the entry is made.

7.2 Prior Driver Training

The Authorised Examiner:

- 7.2.1 must not conduct a VORT if the applicant has received driver training with the Examiner within the last six (6) months regardless of whether any payment was made for that training.

7.3 Monthly Return

The Authorised Examiner:

- 7.3.1 must print out a monthly booking result each month from their EzyReg account for all booked activities in the month; and

- a) verify the monthly booking result and if there are errors identify the errors; and
- b) sign and date the monthly booking result report as correct.

7.3.2 must :

- a) attach the pink copies of the Certificates of Competency issued during the month to the monthly booking result;
- b) attach any cancelled Certificates of Competency (white and pink copies) to the monthly booking result;
- c) attach pink copies of the VORT recording sheet;
- d) lodge the monthly booking result with the attached documents to the Registrar no later than seven (7) days after the month to which they apply; and
- e) submit a Monthly Return every month even if no events have been competed;

7.4 VORT Routes

The Authorised Examiner:

7.4.1 Deleted May 2016;

7.4.2 must not conduct driver training on a complete VORT route or a substantial part of a VORT route; (Substantial means any continuous part of the VORT route consisting of four (4) or more consecutive turns);

7.4.3 must not provide a copy of or disclose the content of any VORT route to any other person;

7.4.4 must not conduct training of manoeuvres at or near locations designated on VORT routes.

Note: All MR forms referred to in the above Rules can be downloaded from: www.sa.gov.au

Attachment 1

Code	Condition Description
A	The holder of the licence or permit is permitted to drive only a motor vehicle that is fitted with automatic transmission;
B	The holder of the licence or permit is permitted to drive only a motor vehicle that is fitted with automatic or synchromesh transmission;
C	The holder of the licence is prohibited from driving between 12.00 am to 5.00 am, unless accompanied by a qualified supervising driver;
E	The holder of the licence or permit is permitted to drive only a motor bike or motor trike that – Has an engine capacity not exceeding 660 millilitres and a power to weight ratio not exceeding 150 kilowatts per tonne and is a kind approved from time to time by the Registrar by notice in the Gazette;
I	The holder of the licence or permit is permitted to drive only a motor vehicle fitted with a breath alcohol interlock device;
S	The holder of the licence or permit must, at all times while driving, wear glasses or contact lenses prescribed by a medical practitioner or optometrist;
T	The holder of the licence or permit is permitted to drive only a bus or truck that is fitted with automatic transmission;
V	The holder of the licence or permit is permitted to drive only a motor vehicle that is modified as recorded on the Register and advised in writing by the Registrar to the licence or permit holder;
X	Any condition recorded on the Register and advised to the holder of the licence or permit;
Y	A condition imposed by a court;
Z	The holder of the licence or permit is permitted to drive a motor vehicle only if the concentration of alcohol present in the holder's blood is 0;