



Guide for Driving Instructors:

Fit and Proper Person

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SAFE TRANSPORT VICTORIA



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Safe Transport Victoria

contact@safetransport.vic.gov.au

Lodge a complaint or report:

<https://safetransport.vic.gov.au/support/complaints-and-reports/>

Search the CPV public register:

<https://safetransport.vic.gov.au/on-the-road/cpv-industry/cpv-public-register/>

1. Background

Under section 33(2)(a) of the *Road Safety Act 1986* (Vic), a person must be, and continue to be, a fit and proper person to hold a Driving Instructor Authority (DIA). Safe Transport Victoria (ST Vic) is responsible for assessing whether applicants and current DIA holders meet this requirement in the interests of road safety, public confidence, and the effective regulation of the driver training industry.

Driving instructors (DI) who hold a DIA occupy a position of trust and responsibility. They work closely with learner drivers, often in one-on-one settings and frequently with young people. ST Vic's regulatory experience, including compliance activities and review of reported incidents, highlights the importance of clear expectations around professional conduct, ethical behaviour, and child safety to protect learners, support public safety, and maintain confidence in the industry.

ST Vic is committed to keeping children and young people safe and supporting their wellbeing. People who hold a Driving Instructor Authority must act in a safe, respectful and responsible way. This helps build public trust and supports safe driver training across Victoria.

Driving instructors (DI) must be fit and proper people to hold a Driving Instructor Authority. Safe Transport Victoria (ST Vic) assesses this in the interest of road and passenger safety.

Driving instructors hold a position of trust and responsibility. They must always behave professionally and ethically to protect the safety of learner drivers.

Safe Transport Victoria takes action to ensure driving instructors continue to behave professionally and appropriately.

2. Purpose of this guide

The purpose of this guidance material is to:

- provide practical information for individuals seeking to obtain and maintain a DIA from ST Vic;
- provide clarity on ST Vic's expectations of DIA applicants and existing DIA holders in relation to their conduct, standards and behaviours relevant to the fit and proper person requirement and uphold their responsibilities fundamental to their role; and
- assist ST Vic in performing its regulatory, compliance and enforcement functions, including decisions to grant, refuse, suspend, vary or cancel a DIA.

This document is only a guide. It does not create, interpret or replace legislative requirements, nor does it provide an exhaustive list of all matters that ST Vic may consider when determining whether a person is a fit and proper person for the purposes of holding a DIA.

This guide provides practical advice for Driving Instructors.

It sets out how Driving Instructors are expected to behave.

ST Vic may take action if Driving Instructors do not meet these guidelines.

This document is guidance only.

It does not replace the law or create new legal requirements.

3. Applying for a Driving Instructor Authority

A person must hold a DIA when teaching an unlicensed person to drive a motor vehicle. To be considered for a DIA, applicants must meet legislative and regulatory requirements, including:

- providing the proper identification documents;
- holding a valid Australian driver licence (as issued under section 19 of the *Road Safety Act 1986* (Vic);
- successfully completing the Certificate IV in Transport and Logistics (Road Transport - Car Driving Instruction) or Certificate IV Motor Vehicle Driver Training (Car) course;
- meeting the medical standards for commercial vehicle driving, as outlined in the publication *Assessing Fitness to Drive 2022* (produced by Austroads);
- undergoing a traffic history check, having regard to the nature, seriousness, and recency of any offences committed;
- undertaking a criminal history check; and
- holding a current Working with Children Check (WWCC) for employment purposes if you intend to teach learner students under 18 years of age.

In considering an applicant or DIA holder's criminal history, ST Vic may consider matters including but not limited to:

- the nature and seriousness of any offence;
- whether the offence involved violence, dishonesty, sexual misconduct, children or vulnerable persons;
- the relevance of the conduct to the role of a driving instructor;
- the time elapsed since the offence; and
- any pattern of offending or evidence of rehabilitation.

Further information is available on the ST Vic website on the process for applying to become a driving instructor: <https://safetransport.vic.gov.au/on-the-road/driving-instructors/>

Driving Instructors must hold a Driving Instructor Authority.

Driving Instructors must hold a valid Australian driver licence and an appropriate Certificate IV.

Driving instructors must undergo a traffic history check, a criminal history check and meet medical standards

Driving instructors who teach students under 18 years of age must have a current Working with Children Check (WWCC).

When considering criminal history, ST Vic may look at the type of offence, how serious it was, how relevant it is to driving instruction, when it happened, and any pattern of offending or rehabilitation.

4. Staying Fit and Proper



To be fit and proper, you should:

- follow the law and any condition of your DIA
- treat everyone with respect
- act honestly and professionally
- make safe and responsible decisions
- help create a safe learning environment, especially for children and young people.

To continue to hold a DIA, driving instructors must, among other things, notify ST Vic as soon as practicable of any matter that may be relevant to their ongoing suitability, including:

- any new charge, conviction or finding of guilt for a criminal or traffic offence;
- breaches of the *Road Safety Act 1986* (Vic) or the *Crimes Act 1958* (Vic);
- suspension, variation, cancellation, or expiry of an Australian driver's licence;
- cancellation or expiry of a valid WWCC within 5 business days of becoming aware that the assessment notice is no longer current; and
- any other matter relevant to fit and proper person status.

Failure to notify ST Vic may itself be taken into account when assessing whether a DIA holder remains fit and proper.

ST Vic has the regulatory power to refuse, suspend, vary or cancel a DIA if it is of the opinion that a driving instructor is unfit to hold a DIA.

Noting that this guide is not intended to provide an exhaustive list of what ST Vic will have regard to when considering whether an applicant or a DIA holder is fit and proper. ST Vic does however, expect such a person to be mindful and actively uphold a commitment to child safety and follow certain ethical responsibilities and standards of behaviour.

Driving Instructors must inform Safe Transport Victoria of anything that could affect their suitability as a Driving Instructor.

This includes new criminal or traffic matters, breaches of relevant laws, changes to their driver licence, or cancellation or expiry of their WWCC.

ST Vic may consider this information when deciding whether a driving instructor remains fit and proper.

5. Ethical responsibilities

Driving instructors are expected to always act in an ethical and professional way. This includes:

- treating all learners, parents/guardians, testers, and other stakeholders with respect, patience and fairness;
- fostering a safe, supportive and inclusive learning environment that values diversity;
- maintaining clear professional boundaries and avoid any conduct that could be perceived as inappropriate, exploitative, coercive, predatory or discriminatory in any way;
- taking reasonable steps to ensure learner and instructor fitness, including discontinuing or refusing lessons if safety is compromised in any way;
- exercising integrity, honesty and transparency in all business practices; and
- acting in a way that upholds public confidence in the driver training industry and the objectives of the *Road Safety Act 1986* (Vic).

Driving Instructors are expected to behave ethically.

This means always being honest and transparent.

They create a safe, supportive and inclusive environment, and avoid any inappropriate conduct

They treat all learners, parents/guardians, testers, and other stakeholders with respect, patience and fairness.

6. Expected behaviour

Driving instructors are expected to behave professionally at all times. This includes:

- setting clear learning expectations with learners and, where relevant, their parents/guardians;
- communicating in a clear, calm and professional manner that is free from judgement;
- providing constructive feedback and supporting learner progress;
- avoiding distractions such as using portable devices, reading materials, or engaging in other distracting activities whilst providing driving instruction;
- never eating, drinking alcohol, smoking or vaping whilst providing driving instruction;
- presenting a tidy and appropriate appearance, including safe footwear; and
- maintaining a zero blood alcohol concentration and never instructing under the influence of any drug (illicit, prescribed or otherwise) that may impair driving or driving instruction.

The following behaviours are inappropriate and considered not consistent with a fit and proper person:

- offensive remarks or jokes;
- derogatory or insensitive comments related to a person's race, ethnicity, religion or disability;
- any comments related to a person's gender, sexual orientation or personal attributes;
- unwelcomed comments or questions about personal or private matters;
- any deliberate or unnecessary physical contact (including repeated supposedly accidental touching);
- aggressive, intimidating, coercive, manipulative or threatening behaviour;
- sexualised behaviour or communication (including electronic modes of interactions); and
- entering or attempting to enter into any non-professional or inappropriate relationships with learners (whether in person or via electronic modes of communication).

Driving Instructors are expected to behave professionally.

This includes setting clear expectations, communicating calmly and respectfully, giving constructive feedback, and supporting learner progress.

Driving instructors must avoid distractions while teaching, including using devices, reading, eating, drinking alcohol, smoking or vaping.

Driving Instructors must not make offensive or unwelcome comments or actions.

Driving instructors must not have, or try to have, a personal relationship with a learner that goes beyond their role as an instructor.

7. Commitment to child safety

To stay fit and proper, driving instructors must be committed to keeping children and young people safe. If you teach learners under 18 years of age, you are expected to:

- hold and maintain a valid Working with Children Check and comply with mandatory reporting requirements;
- create a learning environment that prioritises physical and psychological safety; and
- promptly report any concerns or risks to child safety.

Any conduct that compromises child safety, breaches professional boundaries or demonstrates a failure to prioritise a child's wellbeing may be taken into account when determining whether a DI remains fit and proper.

Where a driving instructor declares that they do not intend to instruct learners under 18 years of age, a condition may be imposed on the DIA prohibiting the provision of instruction to persons under that age.

Driving Instructors who teach students under 18 years of age must have a current Working with Children Check (WWCC).

ST Vic may consider child safety concerns when deciding whether a driving instructor remains fit and proper.

If a driving instructor does not intend to teach learners under 18, ST Vic may place a condition on their DIA.

