

# POLICY

## Driver Training and Licensing (DTAL) Program Criminal/Traffic History Checks

Responsibility of: Employment and Training Division  
Effective Date: 1 November 2007  
Next Review Date: 1 June 2008

DEET File: 2007/1250  
DOC2007/07908

VERSION NUMBER: 1

### 1 POLICY

Applicants who apply for registration as driving instructors for the NT Government's Driver Training and Licensing (DTAL) Program are required to undertake a Criminal History and Traffic Offence check prior to initial registration and biennial re-registration with the Program.

Applicants will be advised that having a criminal record/traffic offence history will not automatically exclude them from registration. Only applicants with a "relevant criminal record" (Refer Table 1) will **not** be considered for registration.

These documents outline the procedures for carrying out criminal history checks for potential and existing DTAL driving instructors who have, or may have, contact with youth (aged 16-18 years).

### 2 BUSINESS NEED

The Department of Employment, Education and Training (DEET) recognises that persons who come into contact with youth in the course of their work as a Driver Training and Licensing (DTAL) Program driving instructor must be a 'fit and proper' person.

Criminal History and Traffic Offence checks are an essential element in the application process by which DEET ensures that individuals registering as driving instructors for the DTAL Program are of good character.

### 3 RESPONSIBILITIES

- 3.1 The responsibility for developing and maintaining this policy rests with the Manager, Training Operations.
- 3.2 The Deputy Chief Executive, Employment and Training, is responsible for approving this policy.
- 3.3 The Department of Employment, Education and Training is responsible for ensuring the confidentiality of the police clearance and that the information is not passed on to a third party. Under section 12 of the *Criminal Records (Spent Convictions) Act* it is a criminal offence to do so.

## 4 DEFINITION[h4]

“Criminal History Check” is a check undertaken by the Police of a person’s criminal history within Australia.

“Traffic Offence History” is a check undertaken by the Police of a person’s traffic offence history within Australia.

“Relevant Criminal History” refers to offences of a sexual or violent nature and crimes involving children that are not spent conditions.

“Applicant” refers to a person who applies for registration as a DTAL Instructor.

“Police Clearance” refers to a criminal history check with a result of no disclosable outcomes.

## 5 REFERENCE DOCUMENTS [h5]

- DEET Policy - Criminal History Checks
- CPV03 Guidelines – Fit and Proper Assessments and Disqualifying Offences – Commercial Passenger Vehicle Driver Licence and Operator Accreditation (April 2006)
- The Northern Territory Criminal Records (Spent Convictions) Act

## 6 REVIEW[h6]

This policy will be reviewed annually.

## 7 GUIDELINES [h7]

Table 1 of the CPV03 Guidelines– Fit and Proper Assessments and Disqualifying Offences – Commercial Passenger Vehicle Driver Licence and Operator Accreditation (April 2006) developed by Motor Vehicle Registry has been modified below for the assessment of offences, which may lead to the non–approval of an application for registration as a DTAL Instructor, or require an offence free period before being satisfied that a person is of ‘good character’ to be a DTAL Instructor. This list is not exhaustive and provides assessment guidance only. The applicant’s pattern of committing offences must be considered in making a determination.

Applicants and registered DTAL Instructors have the right to appeal a decision made based on a criminal history through exceptional circumstances. A request in writing expressing the exceptional circumstances should be forwarded to the Manager, Training Strategy and Operations for further consideration. A further appeal of that decision may then be progressed, in writing, to the Deputy Chief Executive.

JOHN HASSED  
DEPUTY CHIEF EXECUTIVE  
1 November 2007

Table 1 - Fit and Proper Assessment

Offence	Conviction Status		To be Considered Fit and Proper	
	Charged or on appeal	Convicted or Charges Proven	First and Single Offence	Two or more offences of a similar nature
Sexual and/or violent crimes (not spent convictions)	Possible suspension of registration or hold on application pending court decision.	Cancellation or refusal of registration.	Not fit and proper	Not fit and proper
Manslaughter	Possible suspension of registration or hold on application pending court decision.	Cancellation or refusal of registration.	Not fit and proper	Not fit and proper
Assault resulting in prison sentence of 6 months or more	Possible suspension of registration or hold on application pending court decision.	Cancellation or refusal of registration.	Offence free for 7 years from the conviction date or 2 years after any prison term, whether served or not, which ever is greater.	Offence free for 10 years from the conviction date or 2 years after any prison term, whether served or not, which ever is greater. In severe cases an offence free period of longer than 10 years will be considered (eg. Multiple offences on one occasion, repeat occurrences).
Drug Trafficking or possession Other Assault Theft Deception Fraud Criminal Damage	Possible suspension of registration or hold on application pending court decision.	Cancellation or refusal of registration.	Offence free for 4 years from the conviction date or 1 year after any prison term,	Offence free for 10 years from the conviction date or 2 years after any prison term, whether served or not, which ever is greater. In severe cases an offence free period of longer than 10 years will be considered (eg. Multiple offences on one occasion, repeat occurrences).
Drug Related Any other offence punishable by imprisonment	Possible suspension of registration or hold on application pending court decision.	Cancellation or refusal of registration.	Offence free for 2 years from the conviction date or 1 year after any prison term, whether served or not, which ever is greater.	Offence free for 6 years from the conviction date or 1 year after any prison term, whether served or not, which ever is greater.
General offences, including traffic offences such as drink driving or speeding.	Possible suspension of registration or hold on application pending court decision.	Possible suspension, cancellation or refusal of registration.	<ul style="list-style-type: none"> <li>For a court imposed driver licence disqualification: offence free for a minimum period of 12 months, or time for time after licence reissue (eg. 1 year Court disqualification requires 2 year offence free period), which ever is greater.</li> <li>If the court imposed driver licence disqualification is for an offence committed when driving as a driving instructor: offence free period for 5 years from conviction date.</li> <li>For conviction without disqualification: penalty appropriate to the pattern of offences and seriousness of conviction.</li> </ul>	