Introduction
The purpose of the Questions and Answers below is to assist HVCBA Registered Training Organisations (RTOs) and their Assessors to implement changes that will come into effect from 1 September 2015 and to address other scheme questions that have been raised.

On: The Separation of Training and Assessment

1. In some contexts, 4.2(d) requires Assessors from different RTOs to co-operate towards the outcome of one learner. It has been established that this is non-compliant behaviour against the RTO standards. Is Roads and Maritime requiring that these Assessors breach commonwealth law, or is Roads and Maritime expecting that these Assessors cease trading?

Roads and Maritime have been in consultation with ASQA to discuss the Separation of Training and Assessment within the HVCBA Scheme. A new scheme requirement to manage this process will be the introduction of a Certificate of Attendance at the completion of the Training Course. As from 1 September, 2015, all RTOs will be required to recognise successful completion of the Training Course and the Certificate of Attendance issued by another RTO.

2. Can a HVCBA Licence assessment, via CT or FCA, be conducted without a Unit of Competency being awarded? If yes, where in the agreement is this regulated?

The awarding and issuing of a Statement of Attainment is not documented within the HVCBA Accreditation Agreement. A Statement of Attainment is not a requirement to enable a licence upgrade. Specific questions relating to the issue of a Statement of Attainment should be directed to ASQA.

3. Does Roads and Maritime stand by the public statement that no provider will be disadvantaged. When will the equality begin?

Roads and Maritime stands by its core values of collaboration, integrity, solutions, safety and customer focus. These values govern how it operates as a Public Service provider of services to its NSW Customers. Providers of Services on behalf Roads Maritime are also bound by these same values through the Code of Conduct and their status as ‘Public Officials’.

Roads and Maritime strives to ensure its Providers are not disadvantaged, and will continue to collaborate with them through a range of options to arrive at equitable approaches that assists ensure business viability.
4. Does Roads and Maritime stand by the statement that only modest administrative change will be required to comply with 4.2(d)? If yes, why are RTOs experiencing convoluted and major changes and are required to remodel their businesses?

The Independent Commission Against Corruption (ICAC), as a consequence of the investigation into corrupt activities in the Heavy Vehicle Competency Based Assessment (HVCBA) Scheme, required that Roads and Maritime undertake actions that remove conflict of interest from arising in the Training and Assessment process leading to the award of Heavy Vehicle Licenses.

Roads and Maritime recognises the difficulties with the administrative changes required to comply with the separation of Training and Assessment. Change, in itself, is not a bad thing. It is a necessary end to ensuring efficiencies, innovation, quality, and the provision of good customer services which are fundamental principles of Government.

Roads and Maritime will continue to work with RTOs to ensure required business remodelling activities do not pose a significant disadvantage in the provision of services to its NSW Customers.

5. Why are assessor log books necessary in the post 2013 system?

Assessor Log Books are a Roads and Maritime Audit and Compliance requirement. Until they are reviewed, they will continue to remain a necessary part of Roads and Maritime auditing and compliance procedures.

6. I don't have another assessor within a 50km radius. This will lead to 100km of travel for a separate assessor. This is unreasonable cost to the client. What will Roads and Maritime do to assist with this?

Roads and Maritime will work with individual RTOs on a case by case basis to address issues relating to the delivery of HVCBA in remote areas.

7. I have a fixed price delivery contract for licensing services that expires on 30 June 2016. This was a three year contract. I can't absorb the extra cost of a third party assessor. How will Roads and Maritime work with me to make this viable?

Roads and Maritime is aware of the difficulties some RTOs and Sole Traders may face in implementing the requirements of 4.2(d). To assist resolve difficulties, a number of options have been suggested and discussed with industry, including collaborating with other HVCBA RTOs and Sole Traders to deliver Training and Assessment services to customers across NSW.

Roads and Maritime have also proactively sought assistance from a number of Bodies to assist provide support to RTOs and Sole Traders that have difficulties engaging, collaborating, or working with a Third Party Assessor, including with the Department of Small Business, NSW, which has encouraged RTOs and Sole Traders to approach them directly for business remodelling/development advice.

Whilst Roads and Maritime will continue to proactively collaborate with a number of Bodies to make the implementation of Clause 4.2(d) viable for business, it is the responsibility of RTOs and Sole Traders to proactively seek out alternative approaches that assists to ensure they remain competitive and have the capacity to provide quality driven and customer-focused HVCBA Training and Assessment services.

8. What does Roads and Maritime hope to achieve with a separate assessor that the cameras won't pick up already?

The Separation of Training and Assessment is a Roads and Maritime policy developed to further strengthen the integrity of the HVCBA Scheme by assisting reduce conflict of interest from arising in the Training and Assessment process leading to the award of Heavy Vehicle Licenses.
9. A number of my assessors conduct licence assessments on behalf of employers. These clients receive training internally and use our assessors, in their own vehicles, to upgrade their licences. Currently, for class HC and MC, these clients are having to pay additional money in order to undertake an FCA. The separation of training and assessment will impose further costs and difficulties on already disadvantaged clients. Are we able to get approval from Roads and Maritime to conduct CTs on class HC and MC? I understand that HVCORS may need to be updated and initially these CTs will need to be processed manually but this may provide an extra layer of compliance, ensuring that CTs at these levels are highlighted. Your thoughts on this possibility or any reasons why this cannot be approved will be greatly appreciated.

Heavy Vehicle Competency Based Assessment (HVCBA) is conducted within the National Heavy Vehicle Driver Competency Framework. The Framework establishes nationally consistent minimum competency standards for Heavy Vehicle Drivers. Within this framework a CT is only available for Licence Class LR-HR.

10. It will be fair to say that a client will be disadvantaged if they are required to undertake an FCA in a vehicle that they are not familiar with, in a scenario where two independent driving instructors are working together and having to swap clients. Especially so if one assessor has a client learning in a manual vehicle and the other in an automatic. In this scenario, the FCA Assessors will need to swap both clients and the vehicle that the client has undertaken the training in. This will require both Driving Instructors to have each other listed on each insurance policy and have compatible FCA Routes. This also raises questions about what should happen if a client is in an accident or is fined for breach of road rules when the FCA Assessor (A) is in charge of the vehicle which belongs to the Driving Instructor (B). Can Roads and Maritime provide some guidance in regards to this issue?

It is envisaged that the FCA/CT for the Applicant will be conducted in the vehicle that has been used for the Training Course. RTOs will require written approval to conduct an FCA/CT on a route registered to another RTO.

RTOs are encouraged to seek their own independent advice relating to insurance requirements.

11. Why are we getting a second assessor when the ICAC report clearly states cameras to be introduced and separation of trainer and assessor would be unworkable? Quoted from ICAC report.

The Independent Commission Against Corruption (ICAC), as a consequence of the investigation into corrupt activities in the Heavy Vehicle Competency Based Assessment (HVCBA) Scheme, required that Roads and Maritime undertake actions that remove conflict of interest from arising in the Training and Assessment process leading to the award of Heavy Vehicle Licenses. The introduction of In-cabin Cameras and the Separation of Training and Assessment refer to some of actions Roads and Maritime have seen fit to introduce to ensure greater integrity of the HVCBA licensing system.

The ICAC is fully across and supportive of the actions that Roads and Maritime have undertaken.

12. I have other assessors locally but none can do MC. Will Roads and Maritime give me an exemption to do MC without a second assessor?

Roads and Maritime will work with individual RTOs on a case by case basis to address issues relating to the delivery of HVCBA due to market depth.
On: Annual Self-Assessment Reporting

13. Where do I send my ASAR?
Details on where your ASAR should be submitted are in section 5 of the Annual Self Assessment Guidelines. It should be submitted to SchemeReview@rms.nsw.gov.au.

14. Who reviews my ASAR?
Your ASAR will be reviewed by a specialist review team within Roads and Maritime Services.

15. Will we be penalised where we report on non-compliance?
The non-compliance will be dealt with depending on the severity of the non-compliance, as well as whether it was intentional or malicious. The team assessing the non-compliance will make a recommendation based on all the factors. Sanctions may apply after further investigation however the main focus for Roads and Maritime Services is assisting RTOs to meet the requirements of the agreement and to ensure the safety of the public.

16. What happens if we submit the ASAR late?
All RTO’s have a 21 day grace period. If an RTO does not submit an ASAR within 21 days of the due date, their Accreditation will be suspended, pending submission of the ASAR.

17. We are closed down in January for the Christmas Break. Why is the submission date 10th of January?
The submission date was established on 10 January as this most corresponds with the commencement date for the scheme. Where RTOs are closed during January, they are encouraged to prepare the ASAR in December, with a final submission on the due date.

18. We are required to assess 5% of the FCA Footage. Is it appropriate for another assessor within the same RTO to assess the footage?
Yes it is. This is what is intended under the requirement.

19. I am a Sole Operator. Who will review my footage?
The assessor may review their footage. This review, however, will be closely looked at by Roads and Maritime Services’ Scheme Inspection Officers. Alternatively, a sole operator RTO may engage the services of an independent person, such as a Justice of the Peace, to review their footage for them.
On: In Cabin Cameras

20. If a client cannot be filmed for religious or cultural reasons we were told exemptions would be considered on a one on one basis. How do we do this, what is the process to seek an exemption? Can you give examples of who would be considered?

If an Applicant can demonstrate that they have bona fide cultural or religious grounds that prohibit them from being filmed, then the RTO should contact Roads and Maritime via HVTraining@rms.nsw.gov.au. Each application will be considered on a case by case basis.

21. During our trials, we have found that all participants are less confident and stressed as a result of the introductory script reading. This in most cases has led to the client being unfairly disadvantaged. With the introduction of a separate FCA Assessor, being a totally new person, passing judgement on an already nervous client. Are Assessors able to adapt the Introductory and Post Assessment Scripts?

The Pre and Post Assessment Scripts are required to capture essential information at the commencement and completion of an FCA/CT. Assessors are encouraged to use the skills that all Professional Driving Instructors should possess to assist in relaxing an Applicant before and during the Assessment process. As with all processes relating to HVCBA, Roads and Maritime are continually reviewing the scheme to incorporate improvements.

22. A number of our assessors are required to use a portable version of the MDR 5000 which relies on the engine of the vehicle being turned on in order to function. This is a problem with Criteria 3, Start, Move Off, Shut Down and Secure as we are unable to efficiently assess this Criteria and have the camera running at the same time. Can I get your endorsement to leave the ignition key in so that it does not cut the power to the camera? Otherwise the video footage will show intermittent pauses during these times.

To enable an In-Cabin Camera to continue to operate during a FCA/CT the key and ignition may be left in the ‘on’ position.

23. On occasions the GPS aerial of the MDR 500 has not locked on to the satellite in order to record the co-ordinates. This is caused by unavoidable events such as bad weather and relocating the vehicle from last connection. In some cases, the GPS takes longer than 15 minutes to engage. How long after an FCA's scheduled time can we start the actual assessment? Can we proceed with the FCA, if the GPS has not connected by the scheduled time? Given the fact that I have reviewed the footage from some examples where the GPS has not engaged and am still able to conduct a full and thorough audit; can I get your endorsement to allow our assessor to proceed under these circumstances?

The document Monitoring Heavy Vehicle Assessments Using In-Cabin Cameras states: “The In Cabin Camera must be fully operational when undertaking all components of the on-road FCA/CT”.

In the event that the GPS has not connected by the scheduled time, the commencement of the FCA should be delayed until connection has been established. The reason for the delay should be noted at the top of the FCA/CT scoresheet.
On: Other Scheme Questions

24. The level of assessors new in the industry is appalling. When will RMS fix this issue as many RTO's have no experience in delivering in this area and can't measure or train properly new assessors?

Roads and Maritime have identified that there is currently a lack of consistency relating to the training of new Assessors prior to entering the scheme. A full review of the training requirements for HVCBA Assessors is scheduled.

25. The HVCORS system is riddled with errors and the procedures at registry level are not being followed leading to massive time and cost losses for assessors, RTOs and customers. Shouldn't Roads and Maritime get their own house in order before pushing more regulation onto everyone else?

Roads and Maritime are currently completing a project to identify deficiencies within the HVCORS operating system. This review will enable implementation of changes to remove many of the manual processes associated with this system. In addition Roads and Maritime are continually working with Service Centres to address specific operational issues relating to HVCBA.

26. Will Roads and Maritime consider delivering awareness sessions to educate RTOs on HVCBA requirements?

Roads and Maritime are continually looking to engage with Providers to ensure consistent standards are applied across the entire HVCBA Scheme. This will include future workshops with both RTOs and Assessors.

27. What document should RTOs and Assessors be using as a reference for Assessments, the Austroads National Assessment Guide or the Guide to Heavy Vehicle Competency Based Assessment?

The driving criteria required to gain a Heavy Vehicle Licence is detailed in the Austroads National Heavy Vehicle Assessment Guide. This document should be used in conjunction with Roads and Maritime – A Guide to Heavy Vehicle Competency Based Assessment which is provided to Applicants and should be completed by the Assessor when conducting Assessments.

Whilst these documents are essentially the same there are some minor differences – for example, coupling/uncoupling requirements, Loading Dock start position, etc.