Applying for High Risk Variation – Clause 4.2(d) requirements
Bribery is against the law

Most people involved with issuing and obtaining a licence are honest.

You are reminded that you must not offer your assessor money, gifts or other favours and that your assessor must not ask you for money, gifts or favours in order to gain a heavy vehicle driver licence without fully demonstrating your driving ability to the criteria requirements.

These practices are illegal

Penalties are severe and include fines and imprisonment. All cases of corruption will be investigated and strong action will be taken against all those involved. If you know or believe that anyone has got or is about to get a heavy vehicle driver licence by offering or responding to a request for a bribe

– or if you suspect or know of any other corruption involving another applicant, driving instructor or assessor, telephone:

Authority contact details:

• The Roads and Maritime Services (Roads and Maritime) on 1800 043 642
• The Independent Commission Against Corruption (ICAC) on (02) 8281 5999

Code of Conduct

The Code of Conduct for the Heavy Vehicle Competency Based Assessment Industry is a standard issued by Roads and Maritime to Registered Training Organisations (Providers) that have been accredited by Roads and Maritime to conduct assessments of applicants for heavy vehicle licences. It is issued by Roads and Maritime under clause 2.6(a)(i) of the Accreditation Agreement for Heavy Vehicle Competency Assessment (Accreditation Agreement).

Under the Accreditation Agreement, each Provider is required to:

• Comply with the standards of behaviour set out in the Code of Conduct and
• Ensure that any Assessors engaged by it also comply with the standards of behaviour set out in the Code of Conduct.

As an Assessor, you are reminded that you are required to comply with the Code of Conduct.

A Provider and/or Assessor found to have breached the Code of Conduct may be subject to penalties and/or suitability to continue to perform Assessments may be reviewed by Roads and Maritime.
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Specification: Separation of Training and Assessment  
Version: 3.0 - Publication number RMS 15.418  
Effective date: 1 September 2015  
UNCONTROLLED WHEN PRINTED
1. Purpose

The purpose of this guideline is to document the requirements that Registered Training Organisations (RTO) and Heavy Vehicle Competency Based Assessment (HVCBA) Assessors (HVCBA) must meet to apply for a variation to the requirements of the Separation of Training and Assessment (Clause 4.2d).

2. Background

On 1 September 2015, Roads and Maritime Services implemented Clause 4.2(d) of the HVCBA Accreditation Agreement which states that the Provider must ensure that the same Assessor who delivers the Training Course for an Applicant cannot conduct the Assessment. The Clause has been implemented to improve the integrity of the HVCBA Scheme and to mitigate fraud and corruption risks and conflict of interest, by separating the training and assessment roles of Assessors for the one Applicant.

3. Application for high risk (anticipated) variation to the requirements of Clause 4.2(d)

Roads and Maritime has acknowledged that there are identified locations and specific situations within NSW where an RTO/Assessor may have difficulty complying with the requirements of Clause 4.2(d). In these situations, RTOs may submit an application for a high risk variation to the requirements of Clause 4.2(d). Applications must be submitted on the HVCBA Clause 4.2(d) High Risk Variation Form with the required supporting documentation. Applications will be assessed by Roads and Maritime against a stringent list of criteria.

Please ensure to read and follow the instructions to this guide when submitting an application for a high risk variation. Applications that do not follow the stipulated guidelines will not be approved.

4. Application criteria

Applications for a high risk variance to the requirements of Clause 4.2(d) will only be considered for the following reasons:

1. Roads and Maritime Identified Geographical Location
2. Market Depth/Proximity to other HVCBA Assessors

All applications must include the following specific details:

<table>
<thead>
<tr>
<th>Reason</th>
<th>Criteria</th>
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| Roads and Maritime Identified Geographical Location (i.e. locations where training and assessment has previously been conducted, but with only one Assessor currently operating in that area) | Please refer to the list of identified locations below:  
- Broken Hill  
- Griffith  
- Moree |
Market Depth/Proximity to other HVCBA Assessors (i.e. the number of Assessors in a particular area for specific licence classes).

- No other HVCBA Assessors with the required licence class, currently operating within 100km’s of your location.

All applications must be completed using the HVCBA Clause 4.2(d) High Risk Variation Form (Appendix A) and submitted to the attention of The Manager, Enrolment Training by email to HVTraining@rms.nsw.gov.au.

RTOs will be formally advised of the outcome following the review of their application. **Note:** Full compliance with Clause 4.2(d) is expected as of 1 September 2015. An application for a high risk variation does not exempt applicants from full compliance whilst the application is being assessed.

### 5. Additional audit and procedural requirements

An RTO that receives Roads and Maritime approval for a high risk variation to the requirements of Clause 4.2(d) will be required to comply with the following additional audit and procedural requirements. Failure to comply with these requirements may result in a breach of the HVCBA Accreditation Agreement and result in disciplinary action taken against the RTO and/or Assessor. This may include a penalty, and/or cancellation or termination of the HVCBA Accreditation Agreement.

**Procedure:**

- The Training Course is delivered by Assessor 1 so that the Applicant is eligible to attempt an FCA/CT. All documentation is completed including the issue of a Certificate of Attendance.

- Assessor 1 books and conducts the FCA/CT in accordance with requirements. On completion, the Assessor delivers the result to the Applicant. If unsuccessful, normal FCA procedure will apply. If the applicant is successful the Assessor advises the Applicant that the In-Cabin Camera footage must be verified by the RTO prior to the issue of a Certificate of Competency. This procedure may take between three to five days.

- FCA/CT in-cabin camera footage and copies of all training and assessment documentation including Assessor and Applicant log book entries and FCA scoresheet are despatched securely to the RTO of the Assessor conducting the FCA within 24 hours.

- The RTO is responsible for checking all documentation and for viewing and validating 100% of the FCA in-cabin camera footage. The footage must be validated by an accredited assessor (Assessor 2) who has the same or higher class of driving instructor licence as the Assessment being validated.

- Assessor 2 views 100% of the in-cabin camera footage. Footage viewed must not be fast forwarded, as the audio recorded forms an integral part of the audit and validation process. Assessor 2 must complete the FCA/CT Assessment Summary Form - Appendix B, verify the result and advise the RTO.
• If the FCA/CT was conducted in accordance with requirements, the RTO is responsible for recording the results on HVCORS. The Driving Instructor Licence number and name of Assessor 2 must be recorded in the free text area of the note section. Once recorded the RTO is to advise Assessor 1 that the Certificate of Competency may be issued

• The RTO must retain for audit purposes copies of all in-cabin camera footage and documentation in accordance with requirements

• If the RTO/Assessor validating the footage determines that the Applicant should not have passed the FCA/CT, the RTO should advise Assessor 1 who conducted the FCA/CT that the result is incorrect and that the Applicant must repeat the Assessment in accordance with usual FCA procedures

• The Assessor must advise the Applicant that the FCA/CT will need to be completed again

• Where an applicant is determined by the RTO/Assessor reviewing the FCA/CT footage to have not passed the FCA/CT Assessment, a Report of Non-Compliance FCA/CT form (Appendix C) should be completed and together with a copy of the Assessor Audit Form, forwarded to in-camera.non-performance@rms.nsw.gov.au

• Where issues are found upon review of the in-cabin camera footage that are of a serious nature, RTOs are to formally report these to the Accreditation Branch, in-camera.non-performance@rms.nsw.gov.au

Note: Issues of a serious nature refer to those that relate to fraudulent activity and/or directly impact road safety.

6. Application for an unanticipated high risk variation to 4.2(d)

An unanticipated high risk variation is where an Assessment has been arranged in accordance with the requirements of Clause 4.2(d) and Assessor 2 is unable to complete the FCA/CT due to an unavoidable reason occurring at short notice for example illness or injury.

Assessor 1 may proceed to undertake the FCA/CT if the following requirements are met. Failure to comply with these requirements may result in a breach of the HVCBA Accreditation Agreement and result in disciplinary action taken against the RTO and/or Assessor. This may include a penalty, and/or cancellation or termination of the HVCBA Accreditation Agreement.

Procedure:

• Advise change of Assessor (only permitted within one (1) hour of the scheduled FCA/CT time) by emailing to hvtraining@rms.nsw.gov.au

• Application for HVCBA Clause 4.2(d) High Risk Variation form – Appendix D to be emailed to hvtraining@rms.nsw.gov.au
Assessor 1 books and conducts the FCA/CT in accordance with requirements. On completion the Assessor delivers the result to the Applicant and if successful completes the Certificate of Competency (CoC). **Under no circumstances is the Assessor permitted to give the CoC to the applicant prior to a review of the in-cabin camera footage and RTO approval.** The Assessor advises the Applicant that the In-Cabin Camera footage must be verified by the RTO prior to the issue of a Certificate of Competency. This procedure may take between three to five days.

FCA/CT in-cabin camera footage and copies of all Training and Assessment documentation including Assessor and Applicant log book entries are despatched securely to the relevant RTO within 24 hours.

The RTO is responsible for checking all documentation and for viewing and validating 100% of the FCA in-cabin camera footage. The footage must be validated by an accredited Assessor (Assessor 2) who has the same or higher class of driving instructor licence as the Assessment being validated.

Assessor 2 views 100% of the in-cabin camera footage. Footage viewed must not be fast forwarded, as the audio recorded forms an integral part of the audit process. Assessor 2 must complete the FCA/CT Assessment Summary Form, verify the result and advise the RTO.

If the FCA/CT was conducted in accordance with requirements, the RTO is responsible for recording the results on HVCORS. The Driving Instructor Licence number and name of Assessor 2 must be recorded in the free text area of the note section. Once recorded the RTO is to advise Assessor 1 that the Certificate of Competency (CoC) may be issued. The Certificate of Competency is to be endorsed with the signature and date that Assessor 2 forwarded the CoC to the applicant.

The RTO must retain for audit purposes copies of all in-cabin camera footage and assessment documentation in accordance with requirements.

If the RTO/Assessor validating the footage verifies that the Applicant should not have passed the FCA/CT, the RTO should advise the Assessor who conducted the FCA that the result is incorrect and that the Applicant must repeat the Assessment in accordance with usual FCA procedures. The completed CoC must be cancelled and signed and endorsed with the following statement “CANCELLED, result not validated by RTO”.

When validation of the footage identifies a different result for the Applicant a Report of Non-Compliance FCA/CT form should be completed. In addition a copy of the completed FCA/CT Assessment Summary should be attached then forward to in-camera.non-performance@rms.nsw.gov.au.
7. Terms and Abbreviations

<table>
<thead>
<tr>
<th>Term/Acronym</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Applicant</td>
<td>An individual undertaking HVCBA assessment</td>
</tr>
<tr>
<td>Assessor 1</td>
<td>A Licensed Driving Instructor that conducts HVCBA assessments and <em>is attached</em> to a Registered Training Organisation</td>
</tr>
<tr>
<td>Assessor 2</td>
<td>A Licensed Driving Instructor that validates the camera Footage must be validated by an Accredited Assessor (Assessor 2) who has the same or higher class of driving instructor licence as the Assessment being validated</td>
</tr>
<tr>
<td>Certificate of Attendance</td>
<td>A Certificate issued to an Applicant by an Assessor after the completion of the Training Course</td>
</tr>
<tr>
<td>Certificate of Competency (CoC)</td>
<td>A Certificate issued to an Applicant after the successful completion of an FCA/CT</td>
</tr>
<tr>
<td>Clause 4.2(d)</td>
<td>Where an Applicant has undertaken a Training Course provided by Provider, Provider must ensure that the Assessor that conducts that Applicants Assessment is not the same person who delivered the Training Course for that Applicant</td>
</tr>
<tr>
<td>CT</td>
<td>Competency Test</td>
</tr>
<tr>
<td>FCA</td>
<td>Final Competency Assessment</td>
</tr>
<tr>
<td>HVCBA</td>
<td>Heavy Vehicle Competency Based Assessment</td>
</tr>
<tr>
<td>HVCORS</td>
<td>Heavy Vehicle Competency Online Reporting System</td>
</tr>
<tr>
<td>Roads and Maritime</td>
<td>Roads and Maritime Services</td>
</tr>
<tr>
<td>RTO</td>
<td>Registered Training Organisation also referred to as Provider in the Accreditation Agreement</td>
</tr>
<tr>
<td>Training course</td>
<td>A course provided to a person to train that person in the driving of a Heavy Vehicle so that person is eligible and prepared to undertake an Assessment. The Training Course also includes Applicable Assessment Criteria 1-15 or any other driving instruction</td>
</tr>
<tr>
<td>Variation to Requirements</td>
<td>An approval granted by Roads and Maritime to an RTO for a variation to the way training and assessment of an Applicant may</td>
</tr>
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8. Related Information

**Effective date:** 1 September 2015

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