

PART 1

STANDING COMMITTEE ON RURAL AND REGIONAL AFFAIRS AND TRANSPORT REFERENCES COMMITTEE

Inquiry into aspects of road safety – public hearing in Canberra on 15 February 2017

Questions on notice – RMS

1. How many HVCBA assessments are performed per year, and how many fail?

ANSWER:

The number of assessments performed since 2013 has increased at an average rate of 24 per cent each year. The average pass rate since 2013 has declined by approximately 2 per cent each year on average. Annual figures are detailed in the table below:

Year	Assessments	Pass rates
2013	9,457	98%
2014	14,432	98%
2015	15,633	94%
2016	17,597	92%

2. Please provide some statistics on any anomalies (or to rule out any anomalies) regarding pass rates in relation to individual RTOs and assessors.

ANSWER:

While Roads and Maritime does not have any automated tool to detect RTOs or assessors with high pass rates, Roads and Maritime conducts industry analysis to identify potential high risk accredited RTOs and assessors. In such analysis, Roads and Maritime considers a high pass rate, combined with a high volume of assessments, a high risk behaviour.

Apart from industry analysis, the assessment volume and pass rate analysis forms a part of Preliminary Risk Assessments prepared for audits to flag potential high risk assessors in an RTO that is scheduled to be audited.

Roads and Maritime has made data analysis a priority, and we continue to develop tools, systems and advanced analytics to increasingly identify high risk RTOs and assessors more efficiently.

3. Re. the driver involved in the M5 incident:

- (i) Why did RMS let the driver go with only 6 demerit points? Does RMS have the authority to challenge the competency of a driver in such circumstances and not allow the driver to continue to drive?

- (ii) **Will RMS consider developing a policy to encourage RMS officers to work with the Police in these circumstances in order to stop a driver from driving, or seek to gain the authority to be able to recommend to the Police that a driver in these circumstances not be allowed to continue to drive?**

ANSWER:

- (i) The offences committed by the driver were:

- failure to obey low clearance sign (Road Rule 2014 – Rule 102), and
- failure to abide by the conditions of the heavy vehicle’s dimension exemption permit (not travel on permitted route – Heavy Vehicle National Law (NSW) s.129).

The driver was fined the prescribed amount for each offence (\$630 and \$2,196). Roads and Maritime also wrote to the registered operators of the prime mover and the trailers and suspended the recognition of the interstate registrations of those vehicles for the statutory period of 3 months¹. This effectively rendered the vehicles ‘unregistered in NSW’ and unable to be used in this State. The law provides that Roads and Maritime may not exceed 3 months for any such suspension.

The law also provides for 6 demerit points to be applied to the licence of a person who commits an offence against Australian Road Rule 102 (Clearance and low clearance signs), as was the case in these circumstances². There were no demerit points applicable to the driver for the vehicle dimension exemption permit breach, and there is no facility in law for Roads and Maritime to apply additional demerit points at its discretion.

While Roads and Maritime officers do not have the power to prevent drivers from continuing their journey, Roads and Maritime did in fact challenge the competency of the driver and took administrative action, which suspended the driver’s visiting driver privileges. Roads and Maritime has no power to suspend a licence issued by an authority in another State and is limited to regulating its own licensees in NSW (the driver in this case held a Queensland licence). However, Roads and Maritime can make a decision to “no longer recognise” the person’s interstate driver licence, rendering it ineligible to be used in NSW – in effect, suspending the recognition of the Queensland driver licence for the purposes of driving in NSW³.

On 18 February 2016, Roads and Maritime imposed the maximum 3 month suspension of visiting driver privileges on the driver, banning him from driving in NSW for 3 months.

- (ii) Police were in control of the site and the driver. Currently, NSW Police may immediately suspend a driver licence at a roadside scene for certain offences⁴. Those offences are in the nature of alcohol/drug driving, serious crime, or dangerous speeding. The law does not currently provide for immediate roadside licence suspensions by Police for offences such as those that occurred on this occasion.

In order for Roads and Maritime or Police to be able to immediately suspend at the roadside for heavy vehicle or road rules offences of this nature, legislative amendment would be required and would be led by Transport for NSW in consultation with NSW Police.

¹ Clause 41A of the Road Transport (Vehicle Registration) Regulation 2007

² Road Transport (Driver Licensing) Regulation 2008 (Schedule 2)

³ Clause 99 of the Road Transport (Driver Licensing) Regulation 2008

⁴ Section 224 of the Road Transport Act 2013

4. **Is RMS aware of any heavy vehicles that have holes cut into the floors so that the drivers do not have to stop and go to the toilet in two-up operations?**

ANSWER:

Roads and Maritime inspectors have not detected any evidence of holes in the floors of heavy vehicles so that drivers do not have to stop to go to the toilet in two-up operations.

5. **Will RMS consider the merits of sending undercover agents to undertake training and assessment as a way of auditing the RTOs and assessors?**

ANSWER:

The current HVCBA Accreditation Agreement does not enable Roads and Maritime to conduct covert audits. The current agreement would need to be amended.

Roads and Maritime is continually reviewing its audit procedures to ensure that they provide the best possible outcomes.

Roads and Maritime currently does conduct unannounced Training Quality Reviews as a quality assurance process to ensure that training and assessment is conducted in accordance with requirements.

A Training Quality Review may be scheduled based on an analysis of data from the Heavy Vehicle On-Line Reporting System (HVCORS). These can be conducted by Roads and Maritime at either the commencement or conclusion of a Final Competency Assessment, and focusses on both the assessor's completion of administrative and procedural requirements, and the applicant's level of competence.

A review of the assessment documentation and a series of questions are used to evaluate the training and assessment process. The applicant is required to demonstrate one of the reported criteria not included within the Final Competency Assessment, for example *Criteria 13 Secure Load*.

Depending on the severity of non-compliant behaviour, Training Quality Reviews may be used as the trigger for further investigation and possible sanctions. RTOs are advised of the outcome of all reviews conducted.

6. **Does ACT Training have any contracts with the NSW Government, other than RMS?**

ANSWER:

Registered Training Organisations do not have a contractual obligation to advise Roads and Maritime of any contracts held with NSW Government Agencies. However, Roads and Maritime understands some RTOs may hold, or have held, a contract with NSW Corrective Services.