



Transport
for NSW

NSW Livestock Loading Scheme

Business Rules

Transport for NSW | 2021

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1. Definitions

Amendment Form has the meaning given in section 6.1.

Application means an application to enrol:

- i) as an Operator nominating Eligible Vehicles to operate under the Scheme; or
- ii) to become an Assessor who conducts Assessments for Drivers in accordance with the Assessor Agreement, these Business Rules and the Assessor Guide; or
- iii) to become a Driver authorised to drive Livestock Vehicles under the Scheme.

Application Form means an application form for enrolment by an Operator of Nominated Vehicles in the Scheme, the form of which is accessible on the NSWLLS Webpage.

Assessment means the conduct of an assessment by an Assessor to determine whether a Driver has met the requirements under the Scheme for issue of a NSWLLS Driver Card.

Assessment Checklist means the checklist outlined in the Assessor Guide to be used in relation to the delivery of Assessments accessed through the Assessor Platform.

Assessor means an individual who has been approved by TfNSW in accordance with these Business Rules to conduct Assessments under the Scheme.

Assessor Agreement means a *NSW Livestock Loading Scheme Driver Assessment Assessor Agreement* between TfNSW and an Assessor.

Assessor Eligibility Criteria has the meaning given in section 8.2.

Assessor Guide means the *NSW Livestock Loading Scheme Driver learning and Assessment Assessor Guide for the NSW Livestock Loading Scheme* as approved by TfNSW and published on the NSWLLS Webpage from time to time.

Assessor Platform means the TfNSW developed digital Assessor Platform that requires Assessors participating in the NSWLLS to electronically submit Assessment Data to TfNSW online including Assessment bookings and Assessment Checklist.

Assessor Platform – terms of use means the *Assessor Platform –terms of use* agreement between TfNSW and an Assessor.

Business Rules means these *Business Rules of the NSW Livestock Loading Scheme* as approved by TfNSW and published on the NSWLLS Webpage from time to time.

Certificate of Completion means a certificate in the form approved by TfNSW, confirming that a Driver has satisfied the requirements of an Assessment and become a NSWLLS Driver.

Driver means person who has applied or wants to apply to undertake an Assessment under the Scheme, and who requests or has engaged an Assessor to provide an Assessment.

Eligible Vehicle has the meaning given in section 4.1.

Heavy Vehicle means a vehicle or combination that includes a vehicle with gross vehicle mass (GVM) or aggregate trailer mass (ATM) of more than 4.5t, not including rolling stock, as defined under the HVNL.

Higher Mass Limits or **HML** means the limits attached to the definition of HML heavy vehicle as that term is defined in the HVNL.

HVNL means the *Heavy Vehicle National Law (NSW) No 42a, Heavy Vehicle (Adoption of National Law) Act 2013 (NSW)* and *Heavy Vehicle (Adoption of National Law) Regulation 2013 (NSW)*.

Livestock Vehicle means an Eligible Vehicle that has been nominated by an Operator and enrolled with TfNSW to operate under the Scheme.

Nominated Vehicle means an Eligible Vehicle nominated by the Operator in its Application but not yet enrolled with TfNSW to operate under the Scheme.

Notice has the meaning given in section 2.2.

NSWLLS or **Scheme** means the NSW Livestock Loading Scheme pursuant to the Notice.

NSWLLS Driver means a Driver that has satisfactorily completed an Assessment conducted by an Assessor and who has been issued with a Certificate of Completion or NSWLLS Driver Card so that they are authorised to operate Livestock Vehicles operating under the Scheme.

NSWLLS Driver Card means a card issued by TfNSW to authorise a Driver to operate a Livestock Vehicle under the Scheme.

NSWLLS Webpage means the webpage accessible at <https://www.rms.nsw.gov.au/business-industry/heavy-vehicles/schemes-programs/livestock-loading/index.html>.

Operator means a company or individual who has been granted enrolment by TfNSW to operate Livestock Vehicles under the Scheme and who is responsible for controlling and/or directing the use of its Livestock Vehicles.

Operator Eligibility Criteria has the meaning given in section 5.2.

TfNSW means Transport for NSW ABN 18 804 239 602, a New South Wales Government agency constituted under the *Transport Administration Act 1988 (NSW)* of 20-44 Ennis Road, Milsons Point, New South Wales, 2061.

PART A - OVERVIEW

2. About the NSW Livestock Loading Scheme (NSWLLS)

2.1 Overview

TfNSW administers and maintains the Scheme in conjunction with the National Heavy Vehicle Regulator.

The purpose of the Scheme is to enhance productivity and protect jobs within the NSW meat and livestock industry. It allows Livestock Vehicles to carry a greater number of animals with fewer Heavy Vehicle trips through operating at masses that are the equivalent of Higher Mass Limits with conditions to improve road safety and road infrastructure.

All Heavy Vehicles transporting livestock must comply with the requirements of the Scheme, including requirements under the Scheme relating to Driver accreditation and Operator enrolment.

2.2 Legal Framework

The *New South Wales Class 3 Livestock Transport Mass Exemption Notice 2021* (the **Notice**), which is made under the HVNL, provides mass exemptions to conditions contained in the Notice and these Business Rules. An eligible combination operating under the Notice must comply with all of the requirements of the Scheme including Driver accreditation.

The Notice replaces the *New South Wales Ministerial Declaration (Livestock Loading Scheme) Order 2012*, published on 22 November 2012.

2.3 NSWLLS Steering Committee

The NSWLLS Steering Committee is made up of equal members from TfNSW and the Livestock, Bulk and Rural Carriers Association (**LBRCA**). The authority and responsibility of the NSWLLS Steering Committee is set out in the NSWLLS Steering Committee Terms of Reference which can be found on the NSWLLS Webpage. TNSW may seek input from the NSWLLS Steering Committee on the online learning materials, the Assessor Guide and the Assessment Checklist.

3. About these Business Rules

3.1 Requirements to comply with NSWLLS Business Rules

The purpose of these Business Rules is to provide the administrative framework for the NSWLLS.

There are three levels of the framework as follows:

- i) an Operator may apply to enrol an Eligible Vehicle in the Scheme in accordance with the HVNL and these Business Rules;
- ii) an Assessor may apply to be approved to conduct Assessments under the Scheme in accordance with these Business Rules, the Assessor Agreement and the Assessor Guide; and
- iii) a NSWLLS Driver may apply to be approved to drive a Livestock Vehicle under the Scheme in accordance with these Business Rules.

3.2 How the Business Rules will be amended

TfNSW may amend these Business Rules from time to time. Amendments may be made to part of or whole of this document. The current version of the Business Rules will be made available on the NSWLLS Webpage. Assessors, Operators and NSWLLS Drivers must use and comply with the latest version of the Business Rules as amended from time to time. Assessors must also use and comply with the latest version of the Assessor Agreement and the Assessor Guide as amended from time to time.

If the amendments to the Business Rules have no impact on an Assessor's ability to provide Assessments, or a NSWLLS Driver's ability to operate a Livestock Vehicle, or the Operator's ability to operate Eligible Vehicles, or are to address safety or security concerns, such amendments will take effect immediately upon publication on the NSWLLS Webpage. In all other circumstances, amendments to the Business Rules will take effect 1 month (or such later date as specified in a notice) after notification from TfNSW or being made available on the NSWLLS Webpage. Operators, NSWLLS Drivers and Assessors should regularly review the NSWLLS Webpage to ensure that they are aware of all changes to the Business Rules.

4. Application of the Scheme

4.1 Eligible Vehicles

The types of combinations eligible for enrolment under the Scheme include the following:

- i) single articulated vehicles which consist of a prime mover and a semi-trailer, and have a loading space available for the carriage of animals not exceeding 12.5 metres;
- ii) B-doubles that have an overall length not exceeding 19.0 metres and a combined loading space available for the carriage of animals not exceeding 15.0 metres;
- iii) B-doubles that have an overall length not exceeding 26.0 metres and a combined loading space available for the carriage of animals not exceeding 18.8 metres;
- iv) road trains that have an overall length not exceeding 36.5 metres, and a minimum distance between the centres of the outermost axles of a road train of at least 26.5m metres, and a combined loading space available for the carriage of animals not exceeding 25.0 metres;
- v) B-triples that consist of a prime mover and three semi-trailers and have a combined loading space available for the carriage of animals not exceeding 28.2 metres;
- vi) AB-triples that consist of a prime mover and semi-trailer combination connected, by a converter dolly, to two semi-trailers which are connected by a fifth wheel coupling, that have a combined loading space available for the carriage of animals not exceeding 28.2 metres; and

as updated from time to time by TfNSW on the NSWLLS Webpage (each, an **Eligible Vehicle**).

4.2 Stated areas or routes

Livestock Vehicles of an enrolled Operator are permitted to travel on the routes approved under the Scheme.

A map and/or list indicating approved routes under the Scheme is available at:

<https://www.rms.nsw.gov.au/business-industry/heavy-vehicles/maps/livestock/map/index.html>.

PART B – OPERATORS AND VEHICLES

5. Enrolment of Operators and Vehicles under the Scheme

5.1 Purpose of enrolment

The purpose of enrolment is to ensure that an Operator's Livestock Vehicles comply with the requirements of the HVNL, the Notice and these Business Rules. TfNSW will enrol an Operator and its Nominated Vehicles in the Scheme if it satisfies the Operator Eligibility Criteria set out in this document.

5.2 Operator Eligibility Criteria for enrolment

An Operator may apply for enrolment and to enrol an Eligible Vehicle in the Scheme provided that the Operator is:

- i) a company registered with the Australian Securities and Investments Commission (**ASIC**); or
- ii) an individual.

(together, the **Operator Eligibility Criteria**).

A company, or individual may only apply once for enrolment in the Scheme, under any one ACN or ABN. However, each Operator may nominate multiple Eligible Vehicles to be enrolled under the Scheme.

5.3 Application for enrolment

An Application for enrolment as an Operator (in the form approved by TfNSW and published on the NSWLLS Webpage) must be completed and signed by the Operator, and submitted to TfNSW.

Checklist for enrolment

An Application for enrolment as an Operator must include the following and be signed by the Operator:

- i) Operator details including the Operator's name, ACN and/or ABN, TfNSW customer number, registered business or trading name, registered office or business name and street and postal address of the place where vehicle inspections may be undertaken;
- ii) contact person details including the name, title, telephone and email addresses of a contact person;
- iii) Nominated Vehicle list including vehicle make, registration number, State or Territory of registration, Gross Vehicle Mass (GVM), vehicle identified number (VIN) or chassis number, National Heavy Vehicle Accreditation Scheme Maintenance Management Label Number, and if the vehicle is registered in a different name from the applicant, the name of the registered owner of the vehicle;
- iv) the name of a person authorised by the Operator to make the declaration on behalf of the Operator, including the signature of that person, the date signed, the declaration that the Operator agrees to comply with the requirements of the NSWLLS and understands that non-compliance with these requirements can result in fines and/or suspension or cancellation of enrolment in the NSWLLS, and a declaration that TfNSW is authorised to disclose information and documentation relating to the enrolment in accordance with the Business Rules; and

- v) a statement that providing false or misleading information to TfNSW is an offence and may result in penalties and that incorrect or omitted information in respect of all vehicles to be enrolled may result in delays or the Application not being processed.

Note: NSWLLS enrolment forms can be downloaded from: www.rms.nsw.gov.au/business-industry/heavy-vehicles/schemes-programs/livestock-loading.html

5.4 Determining Application for enrolment as an Operator

5.4.1 Accepting Applications

- i) TfNSW may decline to assess an Application for enrolment as an Operator that does not include all required information, and may contact the applicant to:
 - a. advise what additional information is required to enable the assessment of the Application; or
 - b. require the applicant to resubmit the Application with all required information.
- ii) TfNSW will assess all Applications that satisfy the Operator Eligibility Criteria and which include all the information required by the Application Form.
- iii) TfNSW may in its sole discretion decide to not process an incomplete Application.

5.4.2 Assessing Applications

If an Application satisfies the Operator Eligibility Criteria, these Business Rules, the HVNL and the Notice; and the Nominated Vehicle is an Eligible Vehicle, then TfNSW will issue the Operator:

- i) a notification of enrolment for the Nominated Vehicle stating the NSWLLS networks/schemes and enrolment commencement date; and
- ii) a NSWLLS label with a unique ID to affix to its Nominated Vehicle(s).

5.4.3 Refusal to grant enrolment

If TfNSW is not satisfied that a Nominated Vehicle should be enrolled under the Scheme as described in section 5.4.2 above, TfNSW will advise the applicant in writing that TfNSW declines to grant enrolment, and will advise the applicant of the reasons for refusal.

TfNSW may grant enrolment to an Operator but decline to accept one or more Nominated Vehicles. Where TfNSW declines to accept a Nominated Vehicle, the Operator will be advised in writing of the reasons for refusal.

The applicant may apply for an internal review of a decision to refuse enrolment or to refuse to accept a Nominated Vehicle for use under the Scheme. The notice declining the Application will advise the applicant of the manner in which an internal review may be requested.

An application for internal review must be made in writing within 28 days of the Operator being informed of the decision or of being taken to have been informed of the decision. The written request for an internal review must set out the grounds on which the review is sought.

5.5 Obligation of enrolled Operators

An Operator enrolled in the Scheme is required to comply with all its obligations set out in these Business Rules as amended from time to time. The Operator agrees to this condition when signing an Application Form for enrolment.

The enrolled Operator is responsible for its Livestock Vehicles and must ensure that they comply with the Business Rules, the Notice and the HVNL.

An enrolled Operator must give access to Nominated Vehicles and/or Livestock Vehicles on request by TfNSW (or a representative nominated by TfNSW) and co-operate with any inspections to validate compliance of the enrolled Operator, Nominated Vehicles and/or Livestock Vehicles with the Business Rules.

5.6 Recognition of interstate livestock loading schemes

Vehicles registered in another state or territory, and enrolled in the livestock loading scheme of that state or territory, are not required to enrol in the NSWLLS. However, they must comply with NSWLLS vehicle standards, mass limits and operating conditions when operating in NSW and eligible vehicles must travel with proof of enrolment of that state's or territory's scheme.

6. Maintaining Operator and Vehicle NSWLLS Enrolment

6.1 Amendment to enrolment

Operators must notify TfNSW of any amendments to their details or to the details relating to Livestock Vehicles within 14 days of the change taking place. This includes:

- i) changes to the Operator's name, address and/or contact details;
- ii) new vehicles to be enrolled;
- iii) Livestock Vehicles to be deleted;
- iv) changes to a Livestock Vehicle's registration plate;
- v) replacement of lost or damaged Livestock Vehicle identification labels; and

Amendments to an Operator's details or Livestock Vehicles may be submitted using a TfNSW approved amendment form (the **Amendment Form**) available on the NSWLLS Webpage.

6.2 Enrolment Amendment Form

The Amendment Form must include the following items of information:

- i) Operator details including the applicant's name, ACN and/or ABN and TfNSW customer number;
- ii) amendment details including any change to the Operator's name or contact details, any changes to Livestock Vehicle list including added or deleted vehicles or changes to registration plates, or if any new or replacement Scheme vehicle labels are required;
- iii) the name of a person authorised by the Operator to make the declaration on behalf of the Operator, including the signature of that person, the date signed, the declaration that the Operator agrees to comply with the requirements of the NSWLLS and understands that non-compliance with these requirements can result in fines and/or suspension or cancellation of enrolment in the NSWLLS, and a declaration that TfNSW is authorised to disclose information and documentation relating to the enrolment in accordance with the Business Rules; and
- iv) a statement acknowledging that providing false or misleading information to TfNSW is an offence and may result in penalties.

6.3 Acceptance of amendments

Once the completed Amendment Form is submitted and processed, TfNSW may issue the Operator with:

- i) an acknowledgement that the amendments are accepted;
- ii) an updated list of Livestock Vehicles (if relevant); and
- iii) new or replacement identification labels (if relevant).

6.4 Complaints and Investigations

A complaint about the compliance of an Operator with the requirements of its enrolment in the Scheme (including with the mass limits and conditions set out in the Notice) may be made to TfNSW by any person, either verbally or in writing. TfNSW in its absolute discretion may elect not to act on complaints, including where they are made anonymously or are considered to be vexatious.

TfNSW may carry out an inspection or investigation in response to a complaint or where TfNSW otherwise has reason to believe that the Operator may not be in compliance with the Scheme, the HVNL, the Notice or these Business Rules.

While a complaint is being investigated, TfNSW may choose not to advise the Operator of the complaint. If TfNSW decides to take action after investigation, the Operator will be advised in writing of the complaint where TfNSW is legally able to do so. The Operator must cooperate fully with any inspection or investigation conducted by or on behalf of TfNSW.

If, after inspection or investigation, the complaint or a non-compliance is in TfNSW's reasonable opinion substantiated, then TfNSW may take action against the Operator which may include varying, suspending or cancelling their enrolment under the NSWLLS. TfNSW will keep a record of its investigations and any action taken.

6.5 Random compliance checks

Random compliance checks may be carried out by TfNSW or its nominated representative to gather information on an Operator's level of compliance with the Scheme, the HVNL, the Notice and these Business Rules. These checks may include reviewing compliance with the Scheme's mass limits and operating conditions and road transport legislation generally including the HVNL.

Random compliance checks may include:

- i) On-road intercepts which may provide information about compliance with the Scheme's mass limits and operating conditions and road transport legislation generally. On-road intercepts can be carried out by a TfNSW authorised officer or NSW Police Officer.
- ii) TfNSW may order an inspection of a Livestock Vehicle to be carried out at the Operator's premises. A report will be produced at the time of the inspection indicating any findings and if any action is recommended. A copy of the report will be provided to the Operator, where TfNSW is legally able to do so. If an inspection indicates non-compliance with these Business Rules, the Notice or the HVNL, TfNSW may take action against the Operator. This may include the removal of a Livestock Vehicle from the Scheme, if it is found not to be compliant under the NSWLLS. If removed from the Scheme TfNSW will notify the Operator of the removal. The Operator may choose to apply to reenrol the Nominated Vehicle under the Scheme but must prove the Nominated Vehicle is compliant with the conditions under the Scheme before TfNSW will reenrol the vehicle under the Scheme.
- iii) Checking that a vehicle found displaying a NSWLLS labels is an enrolled Livestock Vehicle operating under the Scheme. If a vehicle is not enrolled under the NSWLLS, TfNSW will notify the Operator and require the removal of the NSWLLS label.

If, after a compliance check, TfNSW reasonably considers that the Operator is not compliant with the Business Rules, the Scheme, the HVNL or the Notice, then TfNSW may take action against the Operator which may include varying, suspending or cancelling their enrolment under the NSWLLS. TfNSW will keep a record of its compliance check and any action taken.

6.6 Surrender of enrolment

An Operator may voluntarily surrender their enrolment in respect of any Livestock Vehicle at any time by advising TfNSW, using the Amendment Form (available on the NSWLLS Webpage), that:

- i) they wish to do so; and
- ii) the date by which the proposed variation, suspension or cancellation takes effect.

An Operator that voluntarily surrenders enrolment in respect of one or more Livestock Vehicles must remove any Scheme identification labels from those vehicles unless the vehicle has been transferred to another Operator. Any fee paid by the Operator is not refundable.

6.7 Transfer of Enrolment/Registration

An Operator that acquires a Livestock Vehicle from another Operator can submit a completed Amendment Form without waiting for the disposer of that Livestock Vehicle to notify TfNSW. TfNSW will verify registration details to confirm transfer of the Livestock Vehicle. This allows for a Livestock Vehicle that has been transferred from one Operator to another Operator to maintain enrolment in the Scheme and keep the labels on the vehicle.

7. Enrolment Sanctions

7.1 When enrolment sanctions may be applied

TfNSW may apply sanctions to an Operator if:

- i) the Operator has failed to comply with any requirement of the Scheme, these Business Rules, the Notice or the HVNL; or
- ii) a Livestock Vehicle of the Operator does not comply with requirement of the Scheme, these Business Rules, the Notice or the HVNL.

7.2 Types of Sanctions

The sanctions that TfNSW may impose on an Operator in relation to their participation in the Scheme are:

- i) Issuing a formal warning or infringement notice (as provided for in the HVNL); and/or
- ii) varying, suspending or cancelling enrolment in the Scheme of one or more Livestock Vehicles or the Operator in accordance with these Business Rules.

7.3 Cancellation of enrolment

If during an Operator's enrolment TfNSW is of the opinion that the Operator has engaged in material or repeated failures to comply with any of the requirements of the NSWLLS including non-compliance with the Business Rules, the Notice or the HVNL, or the Operator has committed a material breach or repeated breach of the NSWLLS, the Notice, HVNL or the Business Rules, TfNSW may vary, suspend and/or cancel the Operator's enrolment in the Scheme by giving notice to the Operator at the address registered with TfNSW.

In addition, if TfNSW is of the opinion that a Livestock Vehicle is not compliant with the NSWLLS, HVNL, the Notice, these Business Rules or the Scheme TfNSW may cancel the enrolment of that Livestock Vehicle in the Scheme by giving notice to the Operator at the address registered with TfNSW, in which case the Operator must remove the NSWLLS label from that Livestock Vehicle and that Livestock Vehicle will no longer be able to operate that Livestock Vehicle under the Scheme.

7.4 Notice of variation, suspension or cancellation of enrolment

Before varying, suspending or cancelling the enrolment of any Livestock Vehicle or the Operator, TfNSW will provide the Operator with written notice of:

- i) the proposed variation, suspension or cancellation; and
- ii) stating the ground/s for the proposed action.

The variation, suspension or cancellation of enrolment takes effect when the information notice is given to the Operator or if a later time is stated in the information notice, at that later time.

PART C – ASSESSORS

8. Approval of Assessors

8.1 Assessment to be conducted by approved Assessor

Any Driver wishing to operate a Livestock Vehicle must have successfully completed an Assessment conducted by an accredited Assessor.

8.2 Eligibility Criteria for applicants applying for approval as an Assessor

Persons seeking approval as an Assessor must meet the following eligibility criteria to the satisfaction of TfNSW:

- i) TAESS00011 Assessor Skill Set (or equivalent) and two years minimum experience in livestock loading or a minimum of 5 years of industry experience in livestock loading;
- ii) a demonstrated ability to organise Assessments including supply and use of suitable tablet device (minimum device requirements set out in the Assessor Guide) and processing of trainee applications;
- iii) provide evidence of relevant business insurances acceptable to TfNSW; and
- iv) maintain ongoing compliance with the Assessor Guide and Assessor Agreement.

(together, the **Assessor Eligibility Criteria**).

To ensure a consistent and professional approach to the delivery of the Assessment, Assessors will be required to:

- i) attend a one day Assessor induction workshop arranged by TfNSW; and
- ii) enter into an Assessor Agreement with TfNSW.

8.3 Assessor Application form

Persons seeking approval as an Assessor must apply to TfNSW using a TfNSW approved Application form published on the NSWLLS Webpage.

TfNSW will provide written acknowledgement of all Assessor Applications received.

8.4 Evaluation of Applications to become an Assessor

Applications received will be evaluated by TfNSW against the criteria in section 8.2.

The outcome of the evaluation of an Application may include:

- i) approval – in which case the prospective Assessor will need to meet all of TfNSW requirements including the completion of an Assessor induction workshop and entry into an Assessor Agreement; or
- ii) rejection – the prospective Assessor may be rejected if TfNSW (in its absolute discretion) is not satisfied that the Assessor Eligibility Criteria has been met or the Application is incomplete.

TfNSW will advise the Applicant of the outcome of their Application in writing.

8.5 Assessor Agreement

Assessors for the purposes of the Scheme are individuals. Each individual Assessor must enter into an Assessor Agreement with TfNSW before they conduct any Assessments. The Assessor

Agreement requires Assessments to be conducted in accordance with the Assessor Guide and these Business Rules.

If an Assessor is either:

- i) an individual conducting business through a company; or
- ii) an employee of a corporate,

then the company or employer of that Assessor must sign an undertaking in the form of Attachment B attached to the Assessor Agreement acknowledging and agreeing to the terms of the Assessor Agreement.

The Assessor Agreement can be found on the NSWLLS Webpage.

The Assessor Agreement should be read in conjunction with the Assessor Guide and these Business Rules.

Where an Assessor would like to conduct Assessments for Drivers that have common employment with the Assessor, an Assessor will need to request the prior written approval of TfNSW.

8.6 Assessor Induction

Assessors must attend an induction session with TfNSW before commencement of Assessments and before gaining access to the Assessor Platform.

8.7 Assessor Platform – terms of use

Assessors must sign and agree to the *Assessor Platform – terms of use* before being granted access to the Assessor Platform.

9. Conduct of Assessment

9.1 Assessments

Assessors must make Assessment bookings and conduct Assessments in accordance with the Assessor Guide, these Business Rules, the Assessor Agreement and the Assessor Platform - terms of use.

9.2 Assessment Platform

TfNSW has developed the Assessment Platform an online tool to use in the booking and conducting of Assessments using the Assessment Checklist.

10. NSWLLS Learning Monitoring and Compliance

10.1 Assessment audits

Random Assessment audits may be conducted by TfNSW and/or a third party engaged by TfNSW, to ensure consistent Assessment outcomes. This may involve TfNSW or any auditor:

- i) travelling with and/or observing an Assessment;
- ii) interviewing an Assessor and/or Driver; and/or
- iii) entering the Livestock Vehicle used by the Assessor to provide the Assessment, including where the Livestock Vehicle is provided by the Driver or an Operator.

An Assessor, Driver and/or Operator must assist TfNSW in undertaking Assessment audits.

10.2 Complaints about Assessors

A complaint about the conduct of an Assessor in relation to an Assessment may be made to TfNSW by any person, either verbally or in writing. TfNSW in its absolute discretion may elect not to act on complaints, including where they are made anonymously or are considered to be vexatious.

TfNSW may carry out an inspection or investigation in response to a complaint.

While a complaint is being investigated, TfNSW may choose not to advise the Assessor of the complaint. If TfNSW decides to take action after investigation, the Assessor will be advised in writing of the complaint where TfNSW is legally able to do so. The Assessor must cooperate with any inspection or investigation conducted by or on behalf of TfNSW.

If, after inspection or investigation, the complaint is in TfNSW's reasonable opinion substantiated, then TfNSW may take action against the Assessor in accordance with the Assessor Agreement, which may include suspension or termination of the Assessor. TfNSW will keep a record of its investigations and any action taken.

10.3 NSWLLS Assessor Workshop

Assessors will be required to attend an Assessor workshop when required to:

- i) keep Assessors informed of:
 - o any legal or other changes under the NSWLLS;
 - o any changes to the online learning resources or Assessment criteria; and
 - o participant feedback; and
- ii) provide a forum for discussion with TfNSW and/or the NSWLLS Steering Committee.

PART D – DRIVERS

11. Driver Assessment

11.1 Requirement for Driver to undertake Assessment

The objective of the Assessments is to ensure NSWLSS Drivers operating Livestock Vehicles under the Scheme:

- i) understand and can access information on the legal requirements for operating under the Scheme including vehicle standards, route restrictions and mass limits;
- ii) understand and can access information on the legal requirements of animal welfare and safe working requirements; and
- iii) can safely operate 4.6 metre high Livestock Vehicles and apply techniques to minimise the risk of vehicle roll-over.

In order to be eligible to undertake an Assessment, a Driver must hold the required motor vehicle licence that entitles them to drive an Eligible Vehicle.

It is compulsory for Drivers to satisfactorily complete an Assessment in order to obtain a NSWLSS Driver Card.

11.2 The online learning course

TfNSW has developed a free optional online learning course designed for Drivers of Livestock Vehicles but which is also available to the general public. The learning modules cover:

- i) job preparation;
- ii) selecting stock, which includes animal welfare requirements, preparing livestock for transport and identifying stock fit to load;
- iii) loading and unloading stock;
- iv) driving, which includes factors that contribute to roll-over, and understanding and utilising mitigation measures to prevent roll-over; and
- v) requirements of finishing a job.

The learning materials are available on the NSWLSS Webpage.

Completion of the online learning course is recommended but not compulsory in order to undertake an Assessment.

11.3 Assessment process

Assessments must be conducted by and can be booked directly with an Assessor. Assessments must be booked with a minimum of 48 hours' notice to enable Assessment validation. A NSWLSS Assessor can be found on the NSWLSS Webpage.

At the successful completion of the Assessment a Driver will be notified by email and provided with a Certificate of Completion which will act as a temporary authority to drive Livestock Vehicles. The NSWLSS Driver Card will replace the Certificate of Completion. Drivers should expect to receive the NSWLSS Driver Card within 7 business days of successful completion of the Assessment. If the NSWLSS Driver Card is not received a NSWLSS Driver can make enquiries with the NSWLSS Enrolment contact on 1300 791 186.

The Driver must carry their NSWLLS Driver Card at all times when driving a Livestock Vehicle.

A NSWLLS Driver Card entitles the Driver to drive a Livestock Vehicle under the conditions of the NSWLLS and is valid for 5 years (unless cancelled earlier for non-compliance with the NSWLLS), after which a Driver must undertake a further Assessment.