

NSW Livestock Loading Scheme Driver Assessment Assessor Guide

1. Definitions

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 Livestock Loading Scheme Practical Assessment Checklist as described in 5.8.

Assessor means an individual who has been approved by TfNSW in accordance with the 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 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.

Business Rules means the *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 has the meaning given in section 2.1.

Eligible Vehicle means a Heavy Vehicle eligible for enrolment under the Scheme, as defined in section 4.1 of the Business Rules.

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.

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 who 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 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.

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.

2. About the NSW Livestock Loading Scheme

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.

As part of the Driver accreditation requirements under the Scheme, TfNSW in collaboration with the Livestock, Bulk and Rural Carriers Association (**LBRCA**) has developed an online learning module that is optional for persons wishing to become accredited to operate Livestock Vehicles (**Drivers**) and a compulsory Assessment by which to assess whether a Driver should be accredited.

Assessors must assess Drivers in a practical Assessment against the requirements set out in the Assessment Checklist, accessed through the Assessor Platform. If the Driver is deemed satisfactory by the Assessor in the Assessment, they will receive a Certificate of Completion (by email) which deems them to be a NSWLLS Driver. The NSWLLS Driver will then receive a NSWLLS Driver Card which is valid for five years. To remain compliant under the Scheme, NSWLLS Drivers will need to be reassessed every five years to keep their NSWLLS Driver Card current.

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 the 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.

3. About this Assessor Guide

3.1 Requirement to comply with NSWLLS Assessor Guide

This Assessor Guide is for use by assessors approved by TfNSW in accordance with the Business Rules to operate as Assessors under the Scheme. It sets out the requirements that Assessors must follow in conducting Assessments.

The Business Rules provide the administrative framework for the NSWLLS. This Assessor Guide is to be complied with and used by Assessors in conjunction with (and as referred to in) the Business Rules.

3.2 How the NSWLLS Assessor Guide will be amended

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

If the amendments to the Assessor Guide have no impact on the Assessor's ability to provide Assessments or are to address safety or security concerns, such amendments will take effect immediately upon publishing the latest version on the NSWLLS Webpage. In all other circumstances, amendments to the Assessor Guide will take effect 1 month (or such later date as specified in the notice) after notification from TfNSW or being made available on the NSWLLS Webpage. Assessors should regularly review the NSWLLS Webpage to ensure that they are aware of all changes to the Assessor Guide.

3.3 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 this Assessor Guide, the Business Rules and the Assessor Platform – terms of use.

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 also sign an undertaking in the form of Attachment B attached to the Assessor Agreement acknowledging and agreeing to the terms of the Assessor Agreement.

4. How to be Accredited as a NSWLSS Driver

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

5. Conduct of Assessments

5.1 Purpose

The Assessment is designed to assess a Driver's suitability under the Scheme and to regulate and set an expectation of skillset and professional conduct within the industry.

Assessors are responsible for deeming a Driver satisfactory or unsatisfactory following their Assessment.

5.2 Commercial arrangement for provision of Assessments

Assessors are to conduct Assessments in accordance with the Assessor Agreement, the Business Rules, this Assessor Guide and the Assessor Platform – terms of use. Assessors may provide Assessments to the public (whether directly or via their employer) or they may conduct Assessments in-house to the staff of their employer (subject to obtaining the prior written approval of TfNSW).

Assessors may require Drivers to pay a fee to undertake an Assessment in which case they must maintain a fair policy regarding refunds in relation to Assessment cancellations.

TfNSW does not control or regulate the fees charged by Assessors to conduct Assessments, but requires Assessors to act fairly. TfNSW may report any price-gouging or unfair practices to NSW Fair Trading and may suspend or cancel an Assessor's approval to deliver Assessments in accordance with the Assessor Agreement.

5.3 Assessment bookings

In accordance with section 11.3 of the Business Rules:

- i) a Driver will book or cancel an Assessment directly with an Assessor;
- ii) the Assessor must log onto the NSWLSS Assessor Platform using their username and password to book and cancel all Assessments;
- iii) all bookings must be made by the Assessor with a minimum of 48 hours' notice;

- iv) the Assessor will send a confirmation email to the Driver; and
- v) an Assessor must contact the Driver directly to cancel an Assessment giving 24 hours' notice.

5.4 Proof of Identity

The Assessor must meet with the Driver at the agreed location and complete the proof of identify process for the Driver, as contained in the Assessment Checklist.

Assessors must sight the licence of each Driver to verify the identity of each Driver. An Assessor must not assess any Driver whose identity they have not verified. TfNSW requires Assessors to sign the Assessment Checklist to certify the identity of each Driver. TfNSW relies on the accuracy of the Assessor's ability to validate Driver identity.

5.5 Assessment premises and equipment

Assessors must only conduct an Assessment at premises that provide a suitable and safe environment for Assessment activities.

Assessors must have an electronic device with access to the internet and a contemporary browser such as, but not limited to, Chrome or Safari to ensure access to the online Assessor Platform by which to deliver the Assessment.

5.6 Delivery of the Assessment

An Assessment must be delivered by the Assessor using the Assessor Platform. An Assessor must deliver the Assessment in accordance with:

- i) the Assessor Agreement;
- ii) the most recent version of the Business Rules and Assessor Guide;
- iii) the Assessor Platform – terms of use;
- iv) any direction issued by TfNSW;
- v) the most recent version of any NSWLLS learning materials; and
- vi) the most recent version of the Assessment Checklist.

Assessors may not make changes to any of the NSWLLS learning materials or the Assessment Checklist without TfNSW's written permission.

5.7 Responsibility

Assessors must perform Assessments in a way that promotes public trust and confidence in the integrity of the Assessments and the Scheme. Assessors need to be aware that the reputation of TfNSW may be affected by their actions and, in certain circumstances, by their conduct outside the workplace.

Assessors must:

- i) behave in a lawful manner, honestly and competently;
- ii) act in accordance with the NSWLLS policies and procedures, and any relevant legislative, industrial and administrative requirements, including the HVNL;
- iii) conduct themselves in a professional and ethical manner at all times when conducting Assessments or when their actions may be associated with TfNSW;
- iv) ensure they present an image of professionalism that TfNSW wishes to present to its customers and that what they wear to work is suitable for their duties;
- v) not bring TfNSW, the accreditation system or the Scheme into disrepute or ridicule by their actions or conduct;
- vi) be prepared to take personal responsibility and be accountable for their own conduct, actions or omissions;
- vii) co-operate with and obey lawful requests, directions or instructions given to them by TfNSW;
- viii) keep up to date with advances and changes in their area of expertise and in TfNSW; and
- ix) maintain the requisite qualifications, licences, insurances, permits and level of expertise and experience required to perform Assessments and its obligations under the Assessor Agreement.

5.8 The Assessment Checklist and Assessor Platform

An Assessment Checklist has been created, detailed with observations and verbal questions to guide Assessors through the Assessment. The Assessment Checklist must be accessed through the Assessor Platform.

The Assessor Platform is available on the NSWLLS Webpage and can be accessed using the Assessor's login details. An Assessor must have signed the Assessor Platform Terms of User agreement before being granted access to the Assessor Platform. TfNSW may periodically change the Assessment Checklist and it will be updated automatically on the Assessor Platform.

The Assessor must observe the Driver as they perform livestock loading activities and ask verbal questions as outlined in the Assessment Checklist.

When conducting an Assessment, Assessors must be mindful of timing and follow the suggested time limits for each component of the Assessment, as outlined in the Assessment Checklist.

The Assessment Platform allows all the Assessment data to be digitally recorded and easily available. It has been specifically designed for Assessors to complete on site via a mobile phone or tablet.

A completed Assessment Checklist must be signed by both the Driver and the Assessor in the Assessor Platform.

5.8.2 The Assessment Checklist – manual process

Only in the event that the Assessor Platform is unavailable both the Driver Application form and the Assessment Checklist form can be used as paper based applications. These will have been emailed to the Assessor following successful completion of Induction. Both the Driver

Application and Assessment Checklist forms must list the booking identification number to be processed (unless previously agreed with TfNSW). Both the Driver Application and Assessment Checklist forms must be signed by the Assessor and the Driver and emailed through to livestockscheme@rms.nsw.gov.au

5.9 Competency Framework

The Assessment is based on three units of competency:

- i) Livestock Loading Scheme Compliance;
- ii) Animal Welfare; and
- iii) Rollover Prevention and Driver Safety.

The observations and verbal questions in the Assessment are designed to test core knowledge and skills that the Driver needs to apply daily on the job against these three units of competency. Further details of the relevant competency framework are provided in Appendix A.

6. Completion of Assessment

6.1 Results of Assessment

The Assessor will assess a Driver as satisfactory or unsatisfactory.

When an Assessor selects 'Submit' using the online Assessment Checklist, the results of the Assessment are saved and able to be accessed by TfNSW.

In the event that a manual process at 5.8.2 must be followed the paper Certificate of Completion may be signed and dated by the Assessor and issued to the driver for use with a validity period of one month from the date signed by the Assessor or until their NSWLLS Driver Card arrives in the post whichever comes first.

6.2 Temporary eligibility to operate as a NSWLLS Driver

Drivers will have their successful completion of the Assessment confirmed by email by TfNSW in the form of a Certificate of Completion.

The Certificate of Completion provides temporary eligibility to operate as a NSWLLS Driver. NSWLLS Drivers are required to carry a copy of the email confirming successful completion of the Assessment until they are issued with a NSWLLS Driver Card from TfNSW.

See 6.1 above for Certificate of Completion manual process.

6.3 NSWLLS Driver Card

Drivers that successfully complete the Assessment will receive a durable wallet-sized NSWLLS Driver Card issued by TfNSW identifying the NSWLLS Driver and evidencing:

- i) that the NSWLLS Driver has successfully completed the Assessment;

- ii) that the NSWLLS Driver is authorised to operate Livestock Vehicles operating under the NSWLLS; and
- iii) the issue date and expiry date of the NSWLLS Driver Card.

6.4 Unsatisfactory Assessments

If the performance of a Driver in an Assessment is unsatisfactory, the Assessor will inform the Driver following the conclusion of the Assessment and advise them on what aspects of the Assessment they did not pass. TfNSW will confirm by email that the Assessment was unsuccessful. The Driver will be required to book another Assessment, no earlier than 48 hours following confirmation that the Assessment was unsuccessful, if they wish to proceed. Assessors must ensure that the Driver understands that, under the conditions of the Scheme, they cannot operate a Livestock Vehicle to transport livestock at NSWLLS mass limits until they have successfully completed an Assessment.

In the event that a manual process was followed by the Assessor (5.8.2), the Driver must be advised that they will be required to book another Assessment, no earlier than 48 hours following unsuccessful Assessment.

7. Record retention

7.1 Records

The Assessor must maintain all records created regarding an Assessment and the Scheme, including electronic records, for at least 7 years.

Appendix A – NSWLLS Driver Competency Framework

Unit 1: Livestock Loading Scheme Compliance	
Knowledge Required	Skills Required
1.1 Relevant document requirements and procedures	1.1.1 Demonstrates understanding of the legal requirements for operating under the scheme including carriage of documents
	1.1.2 Demonstrate knowledge of animal welfare and livestock transport codes and regulations
	1.1.3 Maintain records, reports and logbooks
1.2 Eligible vehicles within NSW Livestock Loading Scheme	1.2 Demonstrate knowledge of vehicles eligible for scheme including their dimension limits and maintenance requirements
1.3 Scheme mass limits	1.3 Demonstrate knowledge of how to calculate scheme mass limits including axle limits
1.4 Approved routes for NSWLLS vehicles	1.4 Plan transport routes utilising current approved resources and maps
1.5 Penalties and consequences for not following Livestock Loading Scheme regulations	1.5.1 Knowledge of pre-operational checks of vehicle and equipment
	1.5.2 Knowledge of vehicle shutdown procedures
	1.5.3 Knowledge of impacts of Chain of Responsibility law for non-compliance with scheme requirements

Unit 2: Animal Welfare	
Knowledge Required	Skills Required
2.1 Vehicle maintenance for animal welfare	2.1.1 Demonstrate knowledge of how to correctly prepare vehicle for livestock
	2.1.2 Demonstrate knowledge of Clean and maintain vehicle according to WH&S and animal welfare requirements
2.2 Effluent management	2.2 Knowledge of management of and how to safely dispose effluent
2.3 Animal welfare guidelines to load and transport livestock	2.3 Knowledge of livestock welfare
2.4 Maximum time off water and minimum spelling period for each class of animal	2.4 Check and confirm feed and water (curfew) requirements for livestock
2.5 Pen density recommendations	2.5 Adhere to appropriate penning density recommendations
2.6 Livestock fit-to-load guidelines	2.6.1 Identify livestock that is fit-to-load
	2.6.2 Identify livestock that is not fit-to-load and next step procedures

2.7	Safe and humane loading practices for livestock	2.7	Demonstrate safe and humane handling of livestock
2.8	Equipment and resources required to load livestock	2.8	Demonstrate loading and unloading safely using appropriate equipment and facilities
2.9	Considerations for loading classes of livestock	2.9	Demonstrate how to prepare and transport bobby calves (if applicable at time of Assessment)
2.10	Emergency contact and procedures	2.10	Demonstrate knowledge of emergency procedures

Unit 3: Rollover Prevention and Driver Safety			
Knowledge Required		Skills Required	
3.1	Work, health and safety workplace practices	3.1	Demonstrate safe and environmentally responsible workplace practices
3.2	Standard (12 hours), Basic Fatigue Management (14 hours) or Advanced Fatigue Management (16 hours) regime	3.2	Knowledge to manage alertness while driving (rest stops, taking breaks, pulling over)
3.3	Existing and potential hazards and risks within workplace environment	3.3.1	Communicate verbally to advise and anticipate conditions
		3.3.2	Interpret transport plan requirements
		3.3.3	Identify and manage potential hazards within workplace environment
		3.3.4	Assess and manage risks within workplace environment
3.4	Heavy vehicle functionality, capability and limitations	3.4	Knowledge of vehicle operational faults that may affect livestock
3.5	Maximum load weight for vehicle	3.5	Calculate load weight for transport
3.6	Defensive driving techniques	3.6.1	Knowledge of how to steer, manoeuvre and position vehicle in a smooth and controlled manner in on and off-road conditions
		3.6.2	Knowledge of defensive driving techniques
3.7	Relationship of how centre of gravity and speed affects a vehicle's tipping point	3.7	Demonstrate safe loading and knowledge of driving practices
3.8	Supply chain responsibility and management	3.8	Demonstrate knowledge of responsibilities of supply chain partners
3.9	Factors that influence vehicle rollovers	3.9.1	Demonstrate knowledge of how poor job preparation, incorrect loading, overloading and unsafe driving increase the risk of rollovers
		3.9.2	Demonstrate awareness that loads shift during transportation
3.10	Emergency contacts and procedures	3.10	Demonstrate knowledge of emergency procedures in the event of a rollover or accident