

Plan for Implementation of Recommendations

Investigation into false certifications of heavy vehicle competency-based assessments by a Roads and Maritime Services-accredited assessor

Roads and Maritime Services

Please complete this schedule with information about how your agency plans to implement each of the ICAC's corruption prevention recommendations arising from the investigation into false certifications of heavy vehicle competency-based assessments by a Roads and Maritime Services-accredited assessor. The implementation plan should include details of the actions, timeframes and how your agency proposes to evaluate the effectiveness of the implementation of each recommendation. Please provide the name of a contact person in your agency from whom we can seek more detail if needed. This document should be returned to the ICAC in writing and electronically to Stephen Quain (squain@icac.nsw.gov.au) by no later than Thursday 24 April 2014.

Recommendation 1.

That the RMS requires RTOs to implement in-cabin video camera and GPS technology solutions to record and monitor HVCBA final competency assessments completed by assessors for the issue of heavy vehicle driver licences, and that the RMS implements systems, processes and business rules to own, collect, review and archive the recordings, including utilising the recordings to enhance the auditing of the HVCBA scheme.

Summary of response

The recommendation will be:

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

Roads and Maritime Services (RMS) proposes a minor variation to the ICAC's recommendation stated above.

Since the publication of the ICAC's recommendation, RMS has consulted with the ICAC and considered various models for implementation and ongoing administration with a view to a complying model that minimises public funding and liability.

RMS proposes to implement the recommendation as stated, however RTOs will own, collect and archive recordings. In order to mitigate risks around this model, RMS will take reasonable steps to minimise opportunities for fraud and corruption, including data tampering.

The model will be that:

- it is a condition of scheme accreditation and a contractual obligation for Registered Training Organisations (RTOs) to record on-road components of the HVCBA final competency assessments via in-cabin video camera and GPS technology in accordance with the Surveillance Devices Act, Workplace Surveillance Act and Privacy Act;
- video cameras must comply with RMS requirements which include a rolling time and date stamp;
- RTOs own data recordings and be responsible for the secure collection, integrity, management, archiving and transmission to RMS in accordance with relevant legislation and scheme business rules;
- RMS may request RTOs considered to be high-risk to transmit data recordings to RMS on a regular basis;
- RMS has full access rights to recordings on and off-site and will utilise the recordings to enhance auditing of the HVCBA scheme;
- RMS will update and publish scheme documents including business procedures and business rules to support the new scheme condition;
- RMS will establish a sanctions regime for non-compliance with the new scheme condition;
- RMS will monitor the implementation of the new scheme condition and should patterns of poor behaviour arise, a regulatory regime will be considered to incorporate penalties for con-compliance and encourage better behaviour.

Since no RMS staff are involved in assessments and the legal relationship is between the RTO and the driver being assessed, compliance with the notice and consent provision of the privacy and surveillance legislation best lies with the RTO. For the same reasons the installation and operation of cameras is best placed with the RTO managing the assessment process. However it would be a condition of accreditation that RMS has full inspection and audit rights to the video recordings.

The above proposed model has been discussed between RMS and the ICAC at officer level including data ownership, data transmission to RMS and data security in the form of a rolling time and date stamp on video recordings, and in principle agreement was given.

Supporting material

The Project Brief for the implementation of the recommendation is attached.

This project will be implemented as one of four projects under the *Third Party Scheme Risk Mitigation (HVCBA) Program*. The Program Definition Document is attached.

Proposed evaluation methods

Evaluation methods during the project roll-out will include:

- Risk assessment and mitigation strategy.

- Industry feedback period on the new scheme condition and implementation strategy.
- A pilot of the new scheme condition with select RTOs including test scenarios and evaluation against project scope and requirements.
- Development and implementation of a Control Self Assessment for the HVCBA Scheme.
- Assurance audit of the HVCBA scheme framework by the RMS Audit & Risk Branch.
- End of program audit of the entire *Third Party Scheme Risk Mitigation (HVCBA) Program* by the RMS Audit & Risk Branch.

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