



NSW Livestock Loading Scheme

Business Rules

Contents

1	About the NSW Livestock Loading Scheme	4
1.1	Purpose.....	4
1.2	NSWLLS Overview	4
1.3	Legal Framework	4
1.4	How the NSWLLS Business Rules will be amended	4
1.5	Requirements to comply with amended NSWLLS Business Rules	4
2	Application of the Scheme	4
2.1	Eligible vehicles	4
2.2	A nominate vehicle.....	5
2.3	Stated areas or routes	5
3	Enrolment if the Scheme	6
3.1	Purpose of enrolment.....	6
3.2	Eligibility criteria for enrolment	6
3.3	Application for Enrolment.....	6
3.4	Determining application for enrolment	7
3.4.1	Assessment of applications	7
3.4.2	Accepting applications	7
3.4.3	Refusal to grant enrolment.....	7
3.5	Obligation of enrolled operators.....	8
3.6	Cancellation of enrolment	8
4	Maintaining Scheme Enrolment.....	8
4.1	Amendment to enrolment.....	8
4.2	Enrolment amendment form	8
4.3	Acceptance of amendments	9
4.4	Complaint Investigations.....	9
4.5	Random compliance checks.....	9
4.6	Surrender of enrolment	10
4.7	Transfer of enrolment/ registration.....	10
5	Enrolment sanctions	10
5.1	When enrolment sanctions may be applied	10
5.2	Types of sanctions	10
5.3	Notice of variation, suspension or cancellation of enrolment.....	11
6	Approved driver training course.....	11
6.1	Requirement for driver training	11
6.2	Objective of the approved course	11
6.3	Content of the approved course.....	11
6.4	Delivery of the approved course	12
6.5	Updating the approved course.....	12
7	Approval of trainers	12
7.1	Approved trainers.....	12
7.2	Criteria for approval as an approved trainer	12
7.3	Approved trainer application form	12
7.4	Assessments of applicants	13
7.5	Driver trainer agreement	13
8	Trainers administration obligation.....	13
8.1	Driver application form	13
8.2	Proof of Identity.....	14
8.3	Temporary Certificate of Completion	14

8.4	Durable NSWLLS Driver Card	14
9	Conduct of approved course	14
9.1	Commercial arrangement for provision of training	14
9.2	Training premises and equipment.....	15
9.3	Delivery of approved course	15
9.4	Reporting	15
9.5	Approved course records.....	16
10	Approved course monitoring and compliance	16
10.1	Complaint investigation.....	16

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1 About the NSW Livestock Loading Scheme

1.1 Purpose

Transport for NSW administers and maintains the NSW Livestock Loading Scheme (NSWLLS or the Scheme) in conjunction with the National Heavy Vehicle Regulator (NHVR). The purpose of these Business Rules is to provide the administrative framework for the NSWLLS.

1.2 NSWLLS Overview

The purpose of the NSWLLS is to enhance productivity and protect jobs in the NSW meat and livestock industry. It allows eligible 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 (HML) with conditions to improve road safety and road infrastructure.

1.3 Legal Framework

The NSW Class 3 Livestock Transport Mass Exemption Notice 2019 (the Notice), which is made under the Heavy Vehicle National Law (HVNL), provides mass exemptions subject to conditions contained in the Notice and the Business Rules.

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

1.4 How the NSWLLS Business Rules will be amended

Transport for NSW may amend the NSWLLS Business Rules from time to time. Amendments may constitute part of or whole of this document. The current version of the NSWLLS Business Rules will be made available on the Transport for NSW website at: www.rms.nsw.gov.au/business-industry/heavy-vehicles/schemes-programs/livestock-loading.html.

1.5 Requirements to comply with amended NSWLLS Business Rules

It is a condition of the Notice that enrolled operators and drivers comply with the Business Rules as amended from time to time. Participants must use the latest version of the Business Rules.

2 Application of the Scheme

2.1 Eligible vehicles

The following types of combinations are eligible to participate in the Scheme:

- 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.

An eligible vehicle is only an eligible combination when it is transporting livestock.

2.2 A nominate vehicle

A nominated vehicle is an eligible vehicle nominated and enrolled with Transport for NSW by an operator to participate in the Scheme.

2.3 Stated areas or routes

The nominated vehicles of an enrolled operator are permitted to travel on all approved routes for the vehicle under the Scheme. Scheme vehicles may use:

- i) Eligible single articulated vehicles up to 19.0 metres in length: New South Wales Livestock Loading Scheme Single Articulated Combination Network
- ii) Eligible B-doubles up to 19.0 metres in length: New South Wales Livestock Loading Scheme 19m B-double Network
- iii) Eligible B-doubles up to 23.0 metres in length: New South Wales Livestock Loading Scheme 23m B-double Network
- iv) Eligible B-doubles up to 26.0 metres in length: New South Wales Livestock Loading Scheme 26m B-double Network
- v) Eligible Type 1 A-double road trains up to 36.5 metres in length: New South Wales Livestock Loading Scheme Type 1 A-double Network
- vi) Eligible B-triple road trains up to 36.5 metres in length: New South Wales Livestock Loading Scheme B-triple Network
- vii) Eligible AB-triple road trains up to 36.5 metres in length: New South Wales Livestock Loading Scheme AB-triple Network

A map and/or list indicating approved routes for Scheme vehicles is available at:

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

3 Enrolment if the Scheme

3.1 Purpose of enrolment

The purpose of enrolment is to ensure that the operator's nominated vehicle complies with the requirement of the Heavy Vehicle National Law, the Notice and the Business Rules. The Business Rules obliges Transport for NSW to grant enrolment to any nominated vehicles if it satisfies eligibility criteria set out in this document.

3.2 Eligibility criteria for enrolment

An operator may apply for enrolment in the Scheme including an operator that is:

- i) A company registered with the Australian Securities and Investment Commission
- ii) An individual

A company, partnership or individual may only apply for Scheme membership once under any one ACN or ABN.

3.3 Application for Enrolment

An application for enrolment must be in the form approved by Transport for NSW and published on the Transport for NSW website.

Checklist for enrolment

An application must include the following and be signed by the applicant:

- i) Operator details including the applicant's name, ACN and/or ABN, Transport for NSW 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 facsimile numbers 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 identification number (VIN) of chassis 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 applicant to make the declaration on behalf of the applicant, 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, a declaration that Transport for NSW is authorised to disclose information and documentation relating to the enrolment in accordance with the Business Rules, and a declaration that non-compliance with these requirements can result in fines.
- v) A statement that providing false or misleading information to Transport for NSW is an offence and may result in a financial penalty or other sanction.

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

3.4 Determining application for enrolment

3.4.1 Assessment of applications

Transport for NSW may decline to assess an application that does not include all required information, and may contact the applicant to:

- i) Advise what additional information is required to enable the assessment of the application; or
- ii) Require the applicant to resubmit the application with all required information.

Transport for NSW will assess all applications received against the eligibility criteria set out in this Business Rules and in the Notice and may contact the applicant to provide further information if required.

Transport for NSW may at its sole discretion decide to not process an incomplete application. If an incomplete application is received, the applicant may be contacted to provide the outstanding information. The application process may not proceed until all outstanding information is received from the applicant.

3.4.2 Accepting applications

If Transport for NSW is satisfied the applicant meets the eligibility criteria of the NSWLLS Business Rules and the Notice, Transport for NSW will issue the operator:

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

3.4.3 Refusal to grant enrolment

If Transport for NSW is not satisfied that the applicant/nominated vehicle should be granted enrolment, Transport for NSW will advise the applicant in writing that Transport for NSW declines to grant enrolment, and will advise the applicant of the reasons for refusal.

Transport for NSW may grant enrolment to an operator but decline to accept one or more vehicles nominated by the operator for use under the Scheme. Where Transport for NSW declines to accept a vehicle nominated by an operator, 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 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.

3.5 Obligation of enrolled operators

The enrolled operator is required to comply with all its obligations set out in the Business Rules as amended from time to time.

The enrolled operator is responsible for its nominated vehicles and must ensure that they comply with the Business Rules, the Notice and the HVNL.

Other obligations of the enrolled operator include giving access to nominated vehicles on request by Transport for NSW and co-operating with any inspections concerning compliance of the enrolled operator and nominated vehicles with the Business Rules.

3.6 Cancellation of enrolment

Where during the tenure of an operator's enrolment Transport for NSW forms the belief that the operator has engaged in serious or repeated failures to comply with any of the requirements of the NSWLLS including compliance with these Business Rules or the operator has committed a serious breach or repeated breach of the Notice, HVNL or the Business Rules, Transport for NSW may issue the operator with a notice giving the operator 28 days to show cause why the operator's enrolment in the Scheme should not be cancelled.

4 Maintaining Scheme Enrolment

4.1 Amendment to enrolment

Operators must notify Transport for NSW of amendments to their details or nominated 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) Enrolled vehicles to be deleted.
- iv) Changes to vehicle registration plate.
- v) Replacement of lost or damaged vehicle identification labels.

Amendments to an operator's details or nominated vehicles may be submitted using an amendment form approved by Transport for NSW and available on the Transport for NSW website.

4.2 Enrolment amendment form

The approved amendment form must include the following items of information:

- i) Operator details including the applicant's name, ACN and/or ABN, Transport for NSW customer number.
- ii) Amendment details including any change to the operator's name or contact details, any changes to nominated 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 applicant to make the declaration on behalf of the applicant, 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, a declaration that Transport for NSW is authorised to disclosure information and documentation relating to the enrolment in accordance with the Business Rules, and a declaration that non-compliance with these requirements can result in fines.
- iv) A statement that providing false or misleading information to Transport for NSW is an offence and may result in a financial penalty or other sanction.

4.3 Acceptance of amendments

Once an amendment application is submitted and processed, Transport for NSW will issue the operator with:

- i) An acknowledgement that the amendments are accepted.
- ii) An updated list of nominated vehicles (if relevant).
- iii) New or replacement identification labels (if relevant).

4.4 Complaint Investigations

A complaint about the compliance of an operator with the mass limits and conditions set out in the Notice may be made to Transport for NSW by any person, either verbally or in writing. If a complaint is made in writing, Transport for NSW must respond to the complainant in writing. Transport for NSW has the discretion not to act on complaints which are vexatious or anonymous.

Transport for NSW may carry out an inspection or investigation in response to a complaint. The inspection or investigation should be carried out by a person who has knowledge and experience relevant to the nature of the complaint.

While a complaint is being investigated, Transport for NSW may choose not to advise the operator of the complaint. If Transport for NSW decides to take action after investigation, the operator must be advised in writing of the complaint.

If, after inspection or investigation, the complaint is substantiated, Transport for NSW may take action against the operator. If action is taken, Transport for NSW must keep a record of the incident and action taken, which must be filed with other information about the operator.

4.5 Random compliance checks

Random compliance checks are carried out to gather information on a Scheme member's level of compliance. These checks cover compliance with the Scheme's mass limits and operating conditions and the road transport legislation generally.

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 an Authorised Officer or Police Officer.
- ii) Transport for NSW may order an inspection of a vehicle to be carried out at the operator's premises. A report is to be produced at the time of the inspection indicating any findings and if any action is recommended. A copy of the report is to be provided to the operator. If an inspection indicates non-compliance with the Scheme's operating conditions or the HVNL, Transport for NSW may take action against the operator.

4.6 Surrender of enrolment

An operator may voluntarily surrender their enrolment at any time by advising Transport for NSW using the Details Amendment Form that:

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

An operator that voluntarily surrenders their enrolment must remove any Scheme identification labels from their vehicles unless the vehicle has been transferred to another Scheme operator. Any fee paid by the operator is not refundable.

4.7 Transfer of enrolment/ registration

A NSWLLS operator that acquires a livestock vehicle from another NSWLLS operator can submit a completed Amendment form without waiting for the disposer of that vehicle to notify Transport for NSW. Transport for NSW will verify registration details to confirm transfer of the vehicle. This allows for a vehicle that has been transferred from one NSWLLS operator to another NSWLLS operator to keep the labels on the vehicle.

5 Enrolment sanctions

5.1 When enrolment sanctions may be applied

Transport for NSW may apply sanctions to operate if:

- i) the operator has failed to comply with the requirement of the Scheme.
- ii) nominated vehicle of the operator does not comply with requirement of the Scheme.

5.2 Types of sanctions

Sanctions that Transport for NSW can impose on an operator in relation to their participation in the Scheme:

- i) issuing a formal warning or infringement notice (as provided for in the HVNL).
- ii) varying, suspending or cancelling enrolment.

5.3 Notice of variation, suspension or cancellation of enrolment

Before varying, suspending or cancelling an operator's enrolment, Transport for NSW will provide the operator with written notice of:

- i) the proposed variation, suspension or cancellation;
- ii) stating the ground for proposed action;
- iii) outlining the facts and circumstances forming the basis for the ground; and
- iv) inviting the holder to make, within a stated time of at least 14 days after the notice is given to the holder, written representations about why the proposed action should not be taken.

The variation, suspension or cancellation of enrolment takes effect when the information notice is given to the holder or if a later time is stated in the information notice, at the later time. However, if the operator lodges an internal review or an appeal, the variation, suspension or cancellation does not take effect until the review or appeal is determined.

6 Approved driver training course

6.1 Requirement for driver training

The driver of an eligible vehicle under the Notice and these Business Rules must have completed the NSWLLS driver training course.

6.2 Objective of the approved course

The objectives of the NSWLLS Driver Training Course (Approved Course) are to ensure drivers operating 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; and
- ii) can safely operate 4.6 metre high livestock vehicles and apply techniques to minimise the risk of vehicle roll-over.

6.3 Content of the approved course

The Approved Course will be suitable for delivering training sessions of no more than four hour durations as follows:

- i) Scheme legal requirements- approximately one hour, including individual written assessment task.
- ii) Roll-over prevention – approximately 2.5 hours, including individual and/or group assessment tasks.

Transport for NSW will develop the Approved Course in consultation with Centre for Road Safety and industry stakeholders.

6.4 Delivery of the approved course

The Approved Course will be delivered by suitable qualified and experience trainers/training provider approved by Transport for NSW (Approved Trainers).

Transport for NSW will provide all approved trainers with the materials required to deliver the approved course (approved course materials), including:

- i) presentation slides and roll-over demonstration models;
- ii) a facilitation guide for approved trainers that includes guidance on delivering the approved course and the participant assessment processes; and
- iii) handouts for drivers containing guidance material relevant to the approved course content.

6.5 Updating the approved course

Transport for NSW may periodically approve changes to the Approved Course, following consultation with Centre for Road Safety and livestock transport industry stakeholders.

7 Approval of trainers

7.1 Approved trainers

Transport for NSW may approve persons as an Approved Trainer for the purposes of delivering the approved course.

7.2 Criteria for approval as an approved trainer

Persons seeking approval as an Approved Trainer must meet the following criteria to Transport for NSW's satisfaction:

- i) Certificate IV in Assessment and Workplace Training (or equivalent);
- ii) a minimum of two years' experience in providing training courses related to heavy vehicle operations and livestock transport;
- iii) demonstrated ability to organise training courses, including processing trainee applications and certificates; and
- iv) provide evidence of relevant business insurances acceptable to Transport for NSW.

To ensure a consistent and professional approach to the delivery of the Approved Course, the Approved Trainers will be required to:

- i) attend a one day Trainer Briefing Session conducted by Transport for NSW; and
- ii) sign a Driver Training Agreement with Transport for NSW.

7.3 Approved trainer application form

Persons seeking approval as an Approved Trainer must apply to Transport for NSW using an application form approved by Transport for NSW and published on the Transport for NSW

website at: <https://www.rms.nsw.gov.au/business-industry/heavy-vehicles/schemes-programs/livestock-loading.html> . Transport for NSW will provide written acknowledgement of all applications received from applicants for approval as an Approved Trainer.

7.4 Assessments of applicants

Applicants received will be assessed by Transport for NSW against the assessment criteria. Applications may be assessed by an individual or by an assessment panel which makes recommendations to Transport for NSW. Assessment panels may include Transport for NSW personnel and/or industry stakeholders.

The outcome of the assessment of an application may include:

- i) Approval – the prospective Approved Trainer is not approved by Transport for NSW until a Driver Trainer Agreement has been signed and all Transport for NSW requirements have been satisfied including the completion of a Trainer Briefing Session; or
- ii) Rejection – the prospective Approved Trainer can be rejected on the basis that Transport for NSW is not satisfied that the assessment criteria have been met or the application is incomplete. Transport for NSW will advise prospective Approved Trainers of the outcome of their application in writing. The written advice to prospective Approved Trainers that are rejected will include:
 - the reason(s) the application was rejected; and
 - details of how the prospective Approved Trainer can apply for an internal review of the decision.

7.5 Driver trainer agreement

Persons seeking approval as an Approved Trainer must apply to Transport for NSW using an application form approved by Transport for NSW and published on the Transport for NSW website at: <https://www.rms.nsw.gov.au/business-industry/heavy-vehicles/schemes-programs/livestock-loading.html> . Transport for NSW will provide written acknowledgement of all applications received from applicants for approval as an Approved Trainer.

8 Trainers administration obligation

Approved Trainers must follow the following procedures concerning the enrolment, training and certification of drivers.

8.1 Driver application form

Approved Trainers must require drivers to complete the Transport for NSW Approved Driver Application Form. The Approved Driver Application Form is available on the Transport for NSW website at: <https://www.rms.nsw.gov.au/business-industry/heavy-vehicles/schemes-programs/livestock-loading.html>. Transport for NSW may amend the form from time to time and it is the responsibility of the Approved Trainer to use the current form.

8.2 Proof of Identity

Approved Trainers must sight the driver licence of each driver to verify the identity of each driver. Approved Trainers must not deliver training to any driver whose identity they have not verified as correct. Transport for NSW requires Trainers to sign the Driver Application Form to certify the identity of each driver. Transport for NSW relies on the accuracy of the Approved Trainer's identity check on drivers.

Every Approved Driver Application Form (signed by both the driver and the Trainer) must be forwarded by the Approved Trainer to Transport for NSW along with the Training Report on the completion of training.

8.3 Temporary Certificate of Completion

Approved Trainers will issue a temporary Certificate of Completion in respect of drivers who have satisfactorily completed the Approved Course.

Approved Trainers must use the Transport for NSW approved form for the Certificate of Completion. Transport for NSW may amend the approved form from time to time and it is the Approved Trainer's responsibility to use the current version.

Approved Trainers will issue the temporary Certificate of Completion to the driver and provide a copy to Transport for NSW with the Training Report.

8.4 Durable NSWLLS Driver Card

Drivers that have successfully completed the Approved Course will receive a durable wallet-sized NSWLLS Driver Card issued by Transport for NSW identifying the driver and stating that:

- i) the driver has successfully completed the Approved Training Course; and
- ii) the driver is eligible to drive vehicles operating under the NSWLLS.

This durable NSWLLS Driver Card will replace the temporary Certificate of Completion issued by the Approved Trainer to the driver.

9 Conduct of approved course

9.1 Commercial arrangement for provision of training

Training provider may provide the approved course to the public (whether directly or via their employer or principal) or they may deliver the Approved Course in-house to the staff of their employer or principal.

Approved Trainers may require drivers to pay a fee to undertake training in which case they must maintain a fair policy of refunds in relation to course cancellations.

Transport for NSW does not control or regulate fees but requires trainers to act fairly and may report any price-gouging or unfair practices to NSW Fair Trading and may suspend or terminate an Approved Trainer's approval to deliver the Approved Course.

9.2 Training premises and equipment

Approved Trainers must only conduct the Approved Course at premises that provide a suitable and safe environment for training activities.

Premises in which the Approved Course is provided must include:

- i) audio-visual equipment required to deliver the Approved Course (computer, data projector and large screen); and
- ii) adequate and comfortable seating for applicants.

9.3 Delivery of approved course

An Approved Trainer must deliver the Approved Course and conduct assessments in accordance with:

- i) their Service Agreement with Transport for NSW;
- ii) these Business Rules;
- iii) any direction issued by Transport for NSW; and
- iv) the approved course materials.

Approved Trainers may not make changes to the Approved Course materials without Transport for NSW's written permission.

9.4 Reporting

Within 7 days of completing any training, the Approved Trainer must send Transport for NSW a Training Report listing the drivers who undertook the Approved Course and whether or not they successfully completed the Approved Course.

The Training Report must be in a form approved by Transport for NSW, and must include:

- i) The place where the Approved Course was conducted (premises name and street address)
- ii) The date the Approved Course was conducted
- iii) For each driver:
 - a. The driver's full name;
 - b. The driver's licence class and number;
 - c. The driver's licence State or Territory of issue; and
 - d. Whether or not the driver successfully completed the Approved Course.

The Training Report may be forwarded to Transport for NSW by mail or email:

- i) Mail to Transport for NSW, Enrolment Branch, PO Box 122, Glen Innes 2370 or
- ii) Email to livestockscheme@rms.nsw.gov.au

9.5 Approved course records

The Approved Trainer must maintain the following records concerning the Approved Course for at least 7 years:

- i) a completed copy of the Driver Application Form for each driver that successfully completed the Approved Course; and
- ii) a copy of all training reports; and
- iii) a copy of every certificate of completion issued by the Approved Trainer.

10 Approved course monitoring and compliance

10.1 Complaint investigation

A complaint about the conduct of an Approved Trainer and/or a driver in relation to the Approved Course may be made to Transport for NSW by any person, either verbally or in writing.

If a complaint is made in writing, Transport for NSW must respond to the complainant in writing. Transport for NSW has the discretion not to act on complaints which are vexatious or anonymous.

Transport for NSW may carry out an inspection or investigation in response to a complaint. The inspection or investigation should be carried out by a person who has knowledge and experience relevant to the nature of the complaint. The Approved Trainer must cooperate fully with Transport for NSW.

While a complaint is being investigated, Transport for NSW may choose not to advise the Approved Trainer and/or driver of the complaint. If Transport for NSW decides to take action after investigation, the Approved Trainer and/or driver must be advised in writing of the complaint.

If, after inspection or investigation, the complaint is substantiated, Transport for NSW may take action against the trainer including termination or suspension of their status as an approved trainer.

If action is taken, Transport for NSW must keep a record of the action taken, which must be filed with other information about the trainer.

Note: The Trainer Approval Agreement contains provisions about access to trainer records and sanctions Transport for NSW may impose on Approved Trainers.