

## PBS Scheme - Assessor Accreditation Rules Schedule of changes

| PBS Scheme - Assessor Accreditation Rules October 2017  | PBS Scheme - Assessor Accreditation Rules March 2019  |
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| <b>1 Purpose of these Rules</b>   | i. Unchanged  |
| <b>2 Definitions</b>  | ii. Clarification about Primary Assessors added<br>(f) a reference to an Assessor includes a Primary Assessor.  |
| <b>3 Authority</b>  | iii. All <i>unchanged</i>   |
| <b>4 Role of Assessors</b>  |   |
| <b>5 Eligibility to become an Assessor</b><br>(1) An applicant may be appointed by the Regulator to undertake assessments either by numerical modelling, or by testing, or by both numerical modelling and by testing. Despite this, an applicant to be a Primary Assessor does not first need to be appointed to undertake assessments by numerical modelling or by testing.<br>(2) An applicant may be appointed to undertake assessments in respect of any standard they can demonstrate that they are competent to assess.<br>(3) An applicant is not eligible to be appointed as an Assessor if they:<br>(a) have been found guilty of an offence of dishonesty within the last 10 years; or<br>(b) have failed, in the opinion of the Regulator, to properly perform obligations that are the same as, or that are similar to, those of an Assessor, or of a person with similar responsibilities to those of an Assessor, under any scheme that requires accreditation, licensing or authorisation in any form.<br>(4) To be eligible to be appointed to undertake assessments of a standard by numerical modelling, an applicant must be able to demonstrate, to the satisfaction of the Regulator, that they have:<br>(a) significant knowledge of, and a minimum of 3 years' experience in, simulation of dynamic performance by numerical modelling; and<br>(b) relevant qualifications; and | iv. <i>Requirements for qualification have been added that were previously in NHVR policy so that this explicit and publicly available.</i><br>v. <i>Disclosure of criminal history now 5 years not 10 to align with normal disclosure requirements.</i><br>vi. <i>More clarification given with regard to Primary Assessor who manages the assessment and an Assessor that performed the assessment.</i><br><b>5 Eligibility to become an Assessor</b><br>(1) An applicant may be appointed by the Regulator as a Primary Assessor, and/or as an Assessor authorised to undertake assessments by numerical modelling, by testing, or by both.<br><i><b>Note:</b> A Primary Assessor need not be authorised to undertake assessments to any of the standards, however a Primary Assessor that is not authorised to undertake any of the assessments must commission an Assessor with the required authorisation.</i><br>(2) To be eligible to be appointed as a Primary Assessor, an applicant must have:<br>(a) a detailed knowledge and understanding of the administrative processes of the PBS Scheme, including the roles of Assessors, Certifiers, jurisdictions and the Regulator; and<br>(b) an engineering qualification that would make them eligible for professional membership of the Institution of Engineers Australia and that the Regulator accepts is suitable for the administration and engineering management of heavy vehicle performance assessment; and<br>(c) detailed knowledge and understanding of all Standards, the Assessment Rules, relevant Australian Design Rules, the vehicle standards regulation and relevant international standards.<br>(3) To be eligible to be appointed as an Assessor who may undertake assessments of a Standard by numerical modelling, an applicant must be able to demonstrate, to the satisfaction of the Regulator, that they have:<br>(i) an engineering qualification that would make them eligible for |

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| <p>(c) applicable equipment, particularly acceptable modelling packages; and</p> <p>(d) knowledge and understanding of all documents relevant to the standard, including the standard itself, the Assessment Rules, the provisions of the Australian Design Rules and the vehicle standards regulation and relevant international standards.</p> <p>(5) To be eligible to be appointed to undertake assessments of a standard by testing, an applicant must be able to demonstrate, to the satisfaction of the Regulator, that they have:</p> <p>(a) significant knowledge of, and at least 3 years' experience in, testing of any heavy vehicle dynamic performance relevant to the standard; and</p> <p>(b) knowledge and understanding of all documents relevant to the standard including the standard itself, the Assessment Rules, the provisions of the Australian Design Rules and the vehicle standards regulation and relevant international standards; and</p> <p>(c) applicable test equipment and facilities, or access to applicable test equipment and facilities.</p> <p>(6) To be eligible to be appointed as a Primary Assessor, an applicant must be able to demonstrate, to the satisfaction of the Regulator, that they have:</p> <p>(a) a detailed knowledge and understanding of the administrative processes of the PBS Scheme, including the roles of Assessors, Certifiers, jurisdictions and the Regulator; and</p> <p>(b) a detailed knowledge and understanding of methods of assessment and the requirements of all relevant documents including the Assessment Rules, the Australian Design Rules and the vehicle standards regulation.</p> | <p>professional membership of the Institution of Engineers Australia and that the Regulator accepts is suitable for heavy vehicle performance assessment; and</p> <p>(ii) detailed knowledge and understanding of all Standards they are appointed to assess, and of the Assessment Rules, relevant Australian Design Rules, the vehicle standards regulation and relevant international standards; and</p> <p>(iii) significant knowledge of, and a minimum of 3 years' experience in, simulation of dynamic performance by numerical modelling; and</p> <p>(iv) suitable equipment, particularly acceptable modelling software.</p> <p>(4) To be eligible to be appointed as an Assessor who may undertake assessments of a Standard by testing, an applicant must be able to demonstrate, to the satisfaction of the Regulator, that they have:</p> <p>(v) an engineering qualification that would make them eligible for professional membership of the Institution of Engineers Australia and that the Regulator accepts is suitable for heavy vehicle performance assessment; and</p> <p>(a) detailed knowledge and understanding of all Standards they are appointed to assess, and of the Assessment Rules, relevant Australian Design Rules, the vehicle standards regulation and relevant international standards; and</p> <p>(b) significant knowledge of, and a minimum of 3 years' experience in, testing of heavy vehicle dynamic performance relevant to the Standard; and</p> <p>(c) suitable test equipment and facilities, or access to suitable test equipment and facilities.</p> <p>(5) An applicant may be appointed as an Assessor authorised to undertake assessments against any</p> |
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|   | <p>Standard for which they can demonstrate assessment competence.</p> <p>(6) An applicant is not eligible to be appointed as an Assessor if the applicant:</p> <p>(a) has been found guilty of an offence of dishonesty within the last 5 years; or</p> <p>(vi) has not provided a current Criminal History Check in the form requested by the Regulator in support of their statement about sub-rule (5)(a); or</p> <p>(vii) has failed, in the opinion of the Regulator, to properly perform obligations that are the same as, or that are similar to, those of an Assessor, or of a person with similar responsibilities to those of an Assessor, under any scheme that requires accreditation, licensing or authorisation in any form.</p>  |
| <p><b>6 Becoming an Assessor</b></p> <p>(1) A person may apply to the Regulator to be appointed as an Assessor.</p> <p>(2) The application must be made in the form and manner specified by the Regulator.</p> <p>(3) In considering an application by a person for appointment, the Regulator may require the person to do one or more of the following:</p> <p>(a) to attend an interview with a nominee of the Regulator;</p> <p>(b) if the person is seeking appointment to conduct assessments by numerical modelling, to complete sample assessments;</p> <p>(c) to provide references as to their competence or experience;</p> <p>(d) to provide additional information to assist the Regulator to determine the eligibility of the person to be appointed, including proof of employment by a suitable organisation.</p> <p>(4) The Regulator may appoint a person as an Assessor if</p> | <p><i>vii. Minor editorial changes only.</i></p> <p><b>6 Becoming an Assessor</b></p> <p>(1) A person may apply to the Regulator to be appointed as an Assessor.</p> <p>(2) The application must be made in the form and manner specified by the Regulator.</p> <p>(3) In considering an application by a person for appointment, the Regulator may require the person to do one or more of the following:</p> <p>(a) to attend an interview with a nominee of the Regulator;</p> <p>(b) if the person is seeking appointment to conduct assessments by numerical modelling, to complete sample assessments;</p> <p>(c) to provide references as to their competence or experience;</p> <p>(d) to provide any additional information requested by the Regulator including but not limited to proof of employment by a suitable organisation.</p> <p>(4) The Regulator may appoint a person as an Assessor if satisfied that the person is able to meet all of the</p> |

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| <p>it is satisfied that the person is able to meet all of the relevant requirements concerning knowledge, experience and competency set out in rule 5, and is otherwise eligible to be appointed.</p> <p>(5) On the Regulator being satisfied that a person is eligible to be appointed, it must advise the person of that fact in writing.</p> <p>(6) The Regulator may only appoint a person who is eligible to be appointed if:</p> <p>(a) the person, and in the case of a person who will operate as an employee, their employer, complies with the requirements of the Assessor Agreement;</p> <p>(b) the person produces evidence that they (or their employer) has complied with the insurance requirements of clauses 24 and 25 of the Assessor Agreement; and</p> <p>(c) the person, or their employer (in the case of a person who will operate as an employee), demonstrates, to the satisfaction of the Regulator, that all assessments that the person will carry out will occur under an Assessor QMS that complies with the requirements of the Standards set out in Appendix B.</p> <p>(7) Despite sub-rule (6), if a person is a public servant and will, if appointed, only carry out assessments as a public servant, it is not necessary for the Agreement to provide for the person to be insured, and sub-rule (6)(b) does not apply.</p> <p>(8) If the Regulator is not satisfied that a person is eligible to be appointed, it must notify the person of that fact in writing within 5 business days after reaching that conclusion, and it must include in that notification its reasons for reaching that conclusion.</p> <p>(9) The Regulator must advise the PBS Review Panel of any application for appointment as an Assessor and have regard to any advice that the PBS Review Panel may provide.</p> | <p>relevant requirements concerning knowledge, experience and competency set out in rule 5, and is otherwise eligible to be appointed.</p> <p>(5) On the Regulator being satisfied that a person is eligible to be appointed, it must advise the person of that fact in writing.</p> <p>(6) The Regulator may only appoint a person who is eligible to be appointed if:</p> <p>(a) the person, and in the case of a person who will operate as an employee, their employer, signs and undertakes to comply with the requirements of the Assessor Agreement;</p> <p>(b) the person produces evidence that they (or their employer) have complied with the insurance requirements of clauses 24 and 25 of the Assessor Agreement; and</p> <p>(c) the person, or their employer (in the case of a person who will operate as an employee), demonstrates, to the satisfaction of the Regulator, that all assessments that the person will carry out will occur under an Assessor QMS that complies with the requirements of the Standards set out in Appendix B.</p> <p>(7) Despite sub-rule (6), if a person is a public servant and will, if appointed, only carry out assessments as a public servant, it is not necessary for the Agreement to provide for the person to be insured, and sub-rule (6)(b) does not apply.</p> <p>(8) If the Regulator is not satisfied that a person is eligible to be appointed, it must notify the person of that fact in writing within 5 business days after reaching that conclusion, and it must include in that notification its reasons for reaching that conclusion.</p> <p>(9) The Regulator must advise the PBS Review Panel of any application for appointment as an Assessor and must have regard to any advice that the PBS Review Panel provides.</p> |
| <p><b>7 Regulator to keep and publish list of Assessors</b></p>   | <p><i>viii. Unchanged</i></p>   |
| <p><b>10 Renewal of appointment</b></p>   | <p><i>ix. Changed place in the rules from 10 to 8.</i></p> <p><i>x. Otherwise unchanged.</i></p> <p><b>8 Renewal of appointment</b></p>   |

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| <p><b>8 Guidelines for the Regulator – monitoring and auditing of Assessors</b></p>   | <p><i>xi. Changed place in the rules from 8 to 9.</i><br/> <i>xii. Otherwise unchanged.</i><br/> <b>9 Guidelines for the Regulator – monitoring and auditing of Assessors</b></p>   |
| <p><b>9 Dealing with complaints against an Assessor</b></p> <p>(1) No complaint against an Assessor should be considered unless the complaint is in writing, identifies the complainant and outlines the nature of the complaint and any technical facts or justification that are relevant.</p> <p>(2) If the complaint is made to, or by, a jurisdiction, that jurisdiction should forward the complaint to the Regulator.</p> <p>(3) The Regulator should consider the details of the complaint and, if it appears that there is a basis for the complaint, should ask the Assessor against whom the complaint was made, to respond in writing to the complaint within twenty-eight (28) working days.</p> <p>(4) After receiving the written response from the Assessor against whom the complaint was made, the Regulator should consider the response and make an initial determination as to whether, in its opinion, the complaint is justified.</p> <p>(5) The Regulator may undertake whatever investigations it considers necessary to make a final determination of the complaint, including nominating a person to interview the complainant.</p> <p>(6) If the Regulator makes a final determination that the complaint was justified, it should, based on the severity of the matter, decide what further action is necessary.</p> <p>(7) The Regulator should advise the complainant of the outcome of its investigations, providing as much or as little detail as it determines is appropriate.</p> | <p><i>xiii. Changed place in the rules from 9 to 10.</i><br/> <i>xiv. Otherwise only a minor editorial change.</i><br/> <b>10 Dealing with complaints against an Assessor</b></p> <p>(1) No complaint against an Assessor should be considered unless the complaint is in writing, identifies the complainant and outlines the nature of the complaint and any technical facts or justification that are relevant.</p> <p>(2) If the complaint is made to, or by, a jurisdiction, that jurisdiction should forward the complaint to the Regulator.</p> <p>(3) The Regulator should consider the details of the complaint and, if it appears that there is a basis for the complaint, should ask the Assessor against whom the complaint was made, to respond in writing to the complaint within twenty-eight (28) working days.</p> <p>(4) After receiving the written response from the Assessor against whom the complaint was made, the Regulator should consider the response and make an initial determination as to whether, in its opinion, the complaint is justified.</p> <p>(5) The Regulator may undertake whatever investigations it considers necessary to make a final determination of the complaint, including nominating a person to interview the complainant.</p> <p>(6) If the Regulator makes a final determination that the complaint was justified, it should, based on the severity of the matter, decide what further action is necessary.</p> <p>(7) The Regulator should advise the complainant of the outcome of its investigations and its final determination, providing as much or as little detail as it determines is appropriate.</p> |
|   | <p><i>xv. The Immediate suspension rule becomes Suspension by the regulator and moves for rule 14 to 11 and has been completely rewritten.</i><br/> <i>xvi. Immediate suspension grounds related to termination remain unchanged.</i><br/> <i>xvii. New grounds for temporary suspension have been added that allow for disciplinary suspension and suspension in</i></p>   |

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| <p><b>14 Immediate suspension</b></p> <p>(1) If the Regulator believes that there are grounds to terminate an Assessor's appointment and:</p> <ul style="list-style-type: none"><li>(a) that the Assessor has acted in a fraudulent or dishonest manner; or</li><li>(b) if the Assessor assesses standards by testing, that a person may be placed in danger or may suffer financial loss if the Assessor continues to conduct assessments -</li></ul> <p style="padding-left: 40px;">the Regulator may, by giving notice in writing to the Assessor, immediately suspend the appointment.</p> <p>(2) The appointment remains suspended until the first of the following events occurs:</p> <ul style="list-style-type: none"><li>(b) the appointment is terminated under rule 13;</li><li>(c) the end of 60 business days after the notice was given to the Assessor;</li><li>(d) the suspension is lifted by the Regulator by written notice to the Assessor.</li></ul> <p>(3) If the Regulator suspends an Assessor's appointment, the Regulator must remove the Assessor's name from the list of Assessors referred to in rule 7.</p> <p>(4) If the Regulator suspends an Assessor's appointment, the notice of suspension may be given at the same time as the notice the Regulator gives the Assessor proposing to terminate their appointment referred to in rule 13.</p> | <p><i>the public interest where termination is not warranted. The suspensions related to:</i></p> <ul style="list-style-type: none"><li>a. Audits</li><li>b. Investigations</li><li>c. Work quality</li></ul> <p>xviii. <i>In addition, 3 disciplinary suspensions in a 5 year appointment period will result in initiation of the termination process.</i></p> <p><b>11 Suspension by the Regulator</b></p> <p>(1) The Regulator may suspend the appointment of an Assessor in the following circumstances:</p> <ul style="list-style-type: none"><li>(a) Where the Regulator believes, on reasonable grounds, that assessments submitted by the Assessor may create a risk to public safety or cause financial loss to a person;</li><li>(b) Pending the outcome of a show cause notice issued by the Regulator to terminate an appointment under rule 13;</li><li>(c) Where the Regulator is investigating a complaint against the Assessor and the continuing receipt of applications from the Assessor would interfere with the investigation, or would create a conflict of interest or the appearance of a conflict of interest;</li><li>(d) Where the Assessor is in the process of correcting issues identified in an investigation or audit and the continuing receipt of applications from the Assessor would create an unacceptable risk, a conflict of interest, a perceived conflict of interest or would impose an unacceptable burden on the Regulator; or</li><li>(e) Where material submitted by the Assessor contains repeated errors and places an unacceptable administrative burden on the Regulator.</li></ul> <p>(2) The Regulator must advise the Assessor of the suspension by notice in writing stating</p> <ul style="list-style-type: none"><li>(a) the reason for the suspension;</li><li>(b) the effect of the suspension;</li><li>(c) that the suspension takes effect:<ul style="list-style-type: none"><li>(i) in the case of a suspension based on rule (1)(a) or (b), immediately; or</li><li>(ii) for a suspension for any other grounds, on a nominated date no fewer than five business</li></ul></li></ul> |
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|   | <p>days after the notice is given;</p> <p>(d) details of any corrective actions required of the Assessor before the suspension is lifted and the time in which those corrections must be completed;</p> <p>(e) that if the Regulator becomes aware of a ground for termination under rule 13 it may issue a show cause notice to the Assessor after their appointment has been suspended;</p> <p>(f) that a suspension continues until the Regulator gives the Assessor written notice either:</p> <p>(i) that the appointment is terminated under rule 13, or</p> <p>(ii) that the suspension is lifted; and</p> <p>(g) contact details for the Regulator.</p> <p>(3) If the Regulator suspends an Assessor's appointment, the Regulator must remove the Assessor's name from the list of Assessors referred to in rule 7.</p> <p>(4) The Regulator must use its best efforts to finalise a suspension as soon as possible.</p> <p>(5) If an Assessor has completed all the required actions within the time requested in a notice of suspension, and no show cause notice has been issued, the Regulator must lift the suspension within 10 business days of being notified of completion.</p> <p>(6) Where an Assessor has previously been suspended twice and any of the grounds in rule (1) arises within 5 years of the date of the first notice of suspension, the Regulator may commence termination proceedings under rule 13 and 14.</p> |
| <p><b>11 Termination by Assessor</b></p>  | <p><i>xix. Changed place in the rules from 11 to 12.</i></p> <p><i>xx. Otherwise unchanged.</i></p> <p><b>12 Termination by Assessor</b></p>   |
| <p><b>12 Termination by the Regulator</b><br/>The Regulator may terminate an Assessor's appointment if the Assessor:</p> <p>(a) ceases, in the opinion of the Regulator, to meet the criteria specified in rule 5; or</p> <p>(b) commits an offence of dishonesty; or</p> | <p><i>xxi. Changed place in the rules from 12 to 13.</i></p> <p><i>xxii. Otherwise minor editorial changes only.</i></p> <p><b>13 Termination by the Regulator</b><br/>The Regulator may terminate an Assessor's appointment if the Assessor:</p> <p>(1) ceases, in the opinion of the Regulator, to meet the criteria specified in rule 5;</p>  |

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| <p>(c) has an employer who is a party to the Agreement required by rule 6(6), and the Assessor ceases to be employed by the employer; or</p> <p>(d) fails, in the opinion of the Regulator, to carry out the obligations of an Assessor in a competent or professional manner, or at all; or</p> <p>(e) fails to comply with the Assessment Rules or with a written direction of the Regulator, or a person authorised by the Regulator, that is issued under these Rules or under the Agreement required by rule 6(6); or</p> <p>(f) otherwise breaches the Agreement.</p> | <p>(2) commits an offence of dishonesty;</p> <p>(3) was employed by a person who was a party to the Agreement as required by rule 6(6), and is no longer employed by that party;</p> <p>(4) fails, in the opinion of the Regulator, to carry out the obligations of an Assessor in a competent or professional manner, or at all;</p> <p>(5) fails to comply with the Assessment Rules;</p> <p>(6) fails to comply with a written direction of the Regulator, or a person authorised by the Regulator, issued under these Rules or under the Agreement; or</p> <p>(7) otherwise breaches the Agreement.</p> |
| <p><b>13 Termination procedure</b></p>  | <p><i>xxiii. Changed place in the rules from 13 to 14.</i></p> <p><i>xxiv. Otherwise unchanged.</i></p> <p><b>14 Termination procedure</b></p>  |
| <p><b>15 Amendment of these Rules</b></p>   | <p><i>xxv. Unchanged</i></p>  |