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| Audit and Compliance Policy for Registered Service ProvidersQ-Ride SchemeVersion 2.0 July 2023 |



Contents

[Contents 2](#_Toc139897191)

[Definitions 3](#_Toc139897192)

[1. Background 5](#_Toc139897193)

[2. Scope 5](#_Toc139897195)

[3. Audit Activities 5](#_Toc139897197)

[3.1 Audits 5](#_Toc139897201)

[3.1.1 Initial audits 5](#_Toc139897207)

[3.1.2 Periodic audits 5](#_Toc139897208)

[3.1.3 Triggered audits 6](#_Toc139897209)

[3.1.4 Follow up audits 6](#_Toc139897210)

[3.2 Audit Result 6](#_Toc139897261)

[3.2.1 ‘Closed’ Audit Result 6](#_Toc139897262)

[3.2.2 For Corrective Action’ Audit Result 6](#_Toc139897266)

[4. Assessing compliance 7](#_Toc139897347)

[4.1 Non-compliance 7](#_Toc139897348)

[4.1.1 MINOR Non compliance 7](#_Toc139897349)

[4.1.2 MAJOR Non compliance 7](#_Toc139897350)

[4.1.3 CRITICAL Non-compliance 8](#_Toc139897351)

[4.1.4 Rectifying non-compliance 8](#_Toc139897352)

[4.1.5 Appealing non-compliance findings 10](#_Toc139897353)

[5. Additional materials 10](#_Toc139897354)

[6. Review of the Policy 10](#_Toc139897355)

# Definitions

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| **Term** | **Definition** |
| **Accredited Rider Trainer (ART)** | Accredited Rider Trainer (per the Regulation). |
| **Act** | Transport Operations (Road Use Management) Act 1995*.* |
| **Appraisal** | A written assessment performed by TMR or a senior trainer, of a rider trainer’s ability to deliver the Q-Ride curricula. |
| **Approval Holder** | The person/business/company that has been approved by TMR to deliver Q-Ride training as an RSP. |
| **Audit** | A verification activity to seek objective evidence with which to evaluate the performance and practice of the RSP, including levels of compliance with the specified requirements.  |
| **Business Rules** | Business rules for providing Q-Ride training. |
| **Corrective Action Plan** | Plan of action developed by the senior trainer to address non-compliance identified through audit. |
| **Critical Non-Compliance** | Critical non-compliance indicates business activity which significantly compromises the RSP approval and/or delivery of Q-Ride training deviating significantly from the curricula requirements, compromising student safety or learning outcomes.  |
| **Curriculum** | The Q-Ride training curriculum (Pre-Learner Training Manual, Restricted RE Training Manual, Unrestricted R Rider Training Manual), as provided to approval holder by TMR. |

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| **Learner Rider** | A person who is undertaking rider training within the Q-Ride scheme. |
| **Driver Licensing Regulation** | Transport Operations (Road Use Management – Driver Licensing) Regulation 2021 |

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| **Major Non-Compliance** | Major non-compliance indicates a failing in Q-Ride training delivery or other business activity which compromises the assurance provided by the RSP approval. |
| **Minor Non-Compliance** | Minor non-compliance is typically an administrative error or oversight, presenting low or no risk to the effectiveness or assurance provided by the RSP approval or accreditation. |

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| **Nominated Person** | A person nominated by an approval holder to sign a Q-Ride competency declaration on their behalf. |

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| **Regulation** | Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015 |

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| **Q-Ride Competency Declaration Certificate** | A student who has successfully completed a Q-Ride training course will be issued with a Q-Ride Competency Declaration Certificate which can be submitted to TMR for a licence outcome. |
| **Q-Ride Scheme** | Administered by TMR for students to progress through the motorcycle graduated licensing scheme in Queensland. |
| **Range** | A defined section of the training area for the delivery of one Q-Ride curriculum at a time. |

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| **Registered Service Provider (RSP)** | An accredited Q-Ride Registered Service Provider with approval to deliver Q-Ride rider training. |
| **Regulation** | *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* |
| **Rider Trainer Curriculum Training** | The 'Q-Ride Rider Trainer Curriculum Training' course provided by a senior trainer to an applicant wanting to become a Q-Ride ART or to an accredited driver trainer who holds accreditation to deliver driver training for a class R motorcycle (wanting to become a Q-Ride ART). |
| **Risk Assessment** | An assessment undertaken by the registered service provider of the potential risks of a training area/range or the road ride. |
| **Senior Trainer** | Rider trainer nominated by an approval holder to perform the role of Senior Trainer. |
| **TMR** | Department of Transport and Main Roads |
| **Training Area** | An off-road training area for the delivery of Q-Ride training; a training area may consist of multiple ranges. |
| **Vehicle Standards Regulation** | Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2021 |
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1. Background

The Department of Transport and Main Roads (TMR) strives to provide an integrated, safe, efficient and reliable transport system. Monitoring of accredited driver and rider training delivery and a commitment to continuous improvement are important components in achieving that goal. TMRs objectives are informed by the Queensland Road Safety Strategy 2022-31 and National Road Safety Strategy 2021-2030.

1. Scope

This document describes TMR’s overall approach to assessing and monitoring the training delivery and outcomes of Q-Ride Registered service providers (RSPs) with the Q-Ride scheme, and how TMR responds to instances of non-compliance. This document also acknowledges and promotes the need for a cooperative and collaborative approach to compliance to drive continuous improvement.

The objective of this document is to promote:

A consistent and effective training and assessment network across the Q-Ride scheme, delivering quality training outcomes.

* Compliance with the legislative provisions of the Act, Accreditation Regulation and administrative requirements governing the Q-Ride scheme; and
* A risk-based approach to delivery through regular monitoring and evaluation of training practice and compliance, with proportionate responses to incidents of non-compliance.
1. Audit Activities

Q-Ride RSPs are required to comply with legislative and administrative requirements. These are outlined in the Business Rules and associated policy documents. TMR takes a risk-based approach to monitoring RSP compliance, with a focus on areas identified as high risk. Non-compliance with legislative and administrative requirements increases risk, which TMR manages through increased regulatory intervention in the form of Audits.

* 1. Audits

An audit is a verification activity designed to evaluate the performance and practice of the RSP, including levels of compliance with the specified requirements. To evaluate the performance of the RSP, including any areas of non-compliance, a TMR auditor will seek objective evidence through interviews with RSPs, senior trainers, rider trainers and learner riders, observations of training delivery and examination of records and documents.

When examining records and documents, an auditor will select a representative sample of available records and examine this sample to verify compliance with the Q-Ride scheme requirements.

TMR utilises a range of audit types to assess the performance of RSPs.

* + 1. Initial audits

Initial audits are conducted on new applications for approval to assess a new RSP's capacity and resourcing to meet the requirements stated in the Regulation, Business Rules and Q-Ride Curricula.

Prospective RSPs are required to pass an initial audit to be eligible for approval as an RSP.

Once the RSP is established, a full onsite audit will be conducted within the first three months of training activity.

* + 1. Periodic audits

Periodic audits are conducted at least annually to review and evaluate the delivery of the Q-Ride training curricula in compliance with the Regulation, Business Rules and Q-Ride Curriculum. Periodic audits may include a desktop audit of sample records as well as on-site audit of training delivery.

The first periodic audit of a newly approved RSP may be conducted within the first three months of operation, to ensure compliance and continuous improvement.

* + 1. Triggered audits

Triggered audits are a result of intelligence received in the form of a complaint or concern relating to the RSP or rider trainer. Triggered audits are conducted to obtain objective evidence to determine whether a non-compliance has occurred.

A triggered audit may be scheduled with the RSP or unannounced. Triggered audits may be full audits or have a limited scope relating to the nature of the intelligence received. The scope of the audit may be extended during the audit to examine further material as relevant to the issue.

* + 1. Follow up audits

Follow up audits are conducted following an identified non-compliance during a previous audit. A follow up audit is conducted to confirm that appropriate corrective action has been taken to rectify the non-compliance and to prevent re-occurrence.

The scope of a follow up audit is limited to examination of the records or training delivery of specific module of the Q-Ride training curricula, as relevant to the previously identified non-compliance.

* 1. Audit Result

At the completion of an audit, the Auditor will discuss their initial findings with the RSP on site.

The audit findings will be documented as a formal written audit report and provided to the RSP within seven (7) working days of the audit. The audit report includes the audit result, with details of findings including any instances of non-compliance with requirements. The audit result will be determined by the number and type of non-compliance issues identified during the audit.

The audit report will be either a *Closed* audit report, requiring no further action by the RSP, or *For Corrective Action*, requiring corrective action to be taken by the RSP.

* + 1. ‘Closed’ Audit Result

A ‘closed’ audit result indicates findings of consistent compliance by the RSP, and requires no further action by the RSP. The RSP will be audited at the next scheduled annual audit unless a triggered audit is warranted beforehand.

* + 1. ‘For Corrective Action’ Audit Result

A ‘for corrective action’ audit result indicates findings of non-compliance, which requires corrective action to be taken by the RSP. The type and number of non-compliances identified will determine the action taken as follows:

1. Minor Non-Compliance

Findings of minor non-compliance identified at audit will be presented to the RSP in the written audit report within seven (7) days of the audit. The audit report will provide detail of the non-compliances requiring corrective action.

The RSP is required to provide a written Corrective Action Plan (CAP) to TMR within seven (7) working days of receipt of the audit report. The CAP must provide detail on how the RSP will remedy the areas of non-compliance, including a timeframe for rectification.

Following TMR approval of the CAP, the RSP is required to address all identified non-compliances within the nominated timeframe. When the non-compliances have been addressed, the RSP must complete and sign the CAP and return to TMR with supporting evidence to verify remediation.

1. Major Non-Compliance

Findings of major non-compliance will result in a warning letter being issued with the audit report. The warning letter will advise details of the issues identified, and include details of a follow-up audit.

The RSP is required to provide a written CAP to TMR within seven (7) working days of receipt of the audit report. The CAP must provide detail on how the RSP will remedy the areas of non-compliance, including a timeframe for rectification.

Following TMR approval of the CAP, the RSP is required to address all identified non-compliances within the nominated timeframe. When the non-compliances have been addressed, the RSP must complete and sign the CAP and return to TMR with supporting evidence to verify remediation.

TMR will then conduct the follow up audit to assess the corrective action taken by the RSP to address the non-compliance.

1. Critical Non-Compliance

Findings of critical non-compliance will result in a Show Cause Letter being issued to the RSP. The Show Cause Letter will provide advice on the action TMR is proposing to take, which may include suspending or cancelling the ART or RSP’s approval. The RSP is provided an opportunity to show cause as to why TMR should not proceed with the proposed action.

Critical non-compliance matters including risks to public or road safety, serious breaches of common law, negligence, indecency, or gross misconduct, may result in immediate suspension of the RSP approval, at TMR discretion.

1. Assessing compliance
	1. Non-compliance

Non-compliance by an RSP means the RSP has failed to meet one or more conditions of approval of the regulatory and policy requirements. Evidence of non-compliance may be collected during the course of an audit, or obtained through intelligence, information or complaint provided by members of the public. Any finding deemed to be a non-compliance must be supported by objective evidence such as a departure from approval conditions or failure to comply with approval conditions.

There are three classifications of non-compliance, as follows:

* + 1. MINOR Non-compliance

A minor non-compliance with the requirements of the Q-Ride Business Rules and Q-Ride Curriculum is primarily administrative, and presents low or no risk to the effectiveness or assurance provided by the RSP approval or the RSP accreditation.

Examples of minor non-compliances include but are not limited to:

* failure to maintain a register of training areas, rider trainers, nominated persons, student attendees or other register as required.
* failure to notify TMR that a training area is no longer needed by the RSP.
	+ 1. MAJOR Non-compliance

A major non-compliance indicates a failing in Q-Ride training delivery or other business activity which compromises the assurance provided by the RSP approval.

Examples of major non-compliances include but are not limited to:

* failure to deliver aspects of training to learner riders in accordance with the Q-Ride curricula, including failure to meet the required demonstration or competence assessment criteria outlined in the curricula.
* failure to ensure the senior trainer monitors rider trainer/s training skills.
* failure to ensure a copy of the current version of the Q-Ride curricula is accessible at the training area.
* failure to provide rider trainers with relevant information, communications and updates related to the delivery of Q-Ride training.

4.1.3 CRITICAL Non-compliance

A critical non-compliance indicates business or trainer activity which significantly compromises the RSP approval and/or Q-Ride training deviating significantly from the curricula, compromising public or road safety and/or student learning outcomes.

Examples of critical non-compliances include but are not limited to:

* failure to deliver Q-Ride training in accordance with the requirements of the ‘Business Rules’ or ‘Q-Ride training curriculum’ in a manner which seriously compromises the overall effectiveness of the training.
* providing Q–Ride competency declaration/s when the RSP or TA accreditation is suspended or cancelled.
* Q-Ride training is delivered by someone who is not an Accredited Rider Trainer.
* competency declarations are completed by someone other than the approval holder or their nominated person.
* failure to permit entry to a premises for an audit or restricting access to records as required for the purpose of audit.
* deliberately or negligently causing a risk to public or road safety, including any breach of common law or road rules in delivery of Q-Ride training.
* intimidation, abuse or assault of a student, auditor or any other person on the RSP premises or during the course of conducting Q-Ride training.
	+ 1. Rectifying non-compliance

Where an RSP fails to achieve or maintain compliance with the legislation or administrative requirements, TMR must take appropriate action to manage risk to the scheme. Action may include one or more of the following:

* Reminder/education about scheme objectives and RSP responsibilities;
* Implementation of Corrective Action Plan;
* Change to audit schedule/format;
* Action to suspend or cancel RSP approval; and/or
* Action to suspend or cancel ART accreditation.
	+ - 1. MINOR Non-compliance

For minor non-compliance, a Corrective Action Plan (CAP) is issued to the RSP with the audit report within seven (7) working days from the date of the audit or receipt of substantiated intelligence, information or complaint. The CAP must clearly identify and record the details of the non-compliance, the corrective action required and a timeframe for completion.

Where a number of similar issues are identified (eg: a record has been completed incorrectly in the same manner on a number of occasions), or where more than one non-compliance has occurred due to a single cause, the non-compliances may be grouped together on the CAP.

Where issues are identified and raised at the on-site audit and the RSP takes corrective action to address the non-compliance during the audit, the non-compliance and corrective actions taken by the RSP must be recorded in the CAP.

Once complete, the CAP is to be signed by the RSP or Senior Trainer and returned to TMR with evidence (such as a photograph) to confirm the non-conformity has been rectified. TMR may conduct a follow up on-site observation to confirm the non-conformity has been satisfactorily rectified.

If the non-compliance has not been rectified by the deadline for rectification on the CAP, a Show Cause Letter may be issued to the RSP to provide evidence as to why their accreditation should not be suspended or cancelled. Failure to address non-compliance, or a history of repeated non-compliance may result in suspension or cancellation of the approval.

* + - 1. MAJOR Non-compliance

For major non-compliance, a warning letter will be issued to the RSP with the audit report to provide details of the issues identified within seven (7) working days from the date of the audit or receipt of intelligence, information or complaint. This will include details of a follow-up audit to assess the corrective action taken to address the non-compliance. The RSP will also be issued with a Corrective Action Plan (CAP) to identify and record the details of the non-compliance, the corrective action required and a timeframe for completion.

Where non-compliance is identified to be a systemic practice or delivery issue in the RSP, a CAP must be developed and implemented to ensure all rider trainers employed by the RSP are competent in the relevant curricula or business rule requirement where the non-compliance was identified.

Where a number of similar issues are identified (eg: a record has been completed incorrectly in the same manner on a number of occasions), or where more than one non-compliance has occurred due to a single cause, the non-compliances may be grouped together on the CAP.

Where issues are identified and raised at the on-site audit and the RSP takes corrective action to address the non-compliance during the audit, the non-compliance and corrective actions taken by the RSP must be recorded in the CAP.

Once complete, the CAP is to be signed by the RSP or Senior Trainer and returned to TMR with evidence (such as a photograph) to confirm the non-conformity has been rectified. TMR may conduct a follow up on-site observation to confirm the non-conformity has been satisfactorily rectified.

If the non-compliance has not been rectified by the deadline for rectification on the CAP, a Show Cause Letter may be issued to the RSP to provide evidence as to why their accreditation should not be suspended or cancelled. Failure to address non-compliance, or a history of repeated non-compliance may result in suspension or cancellation of the approval.

* + - 1. CRITICAL Non-compliance

For identified critical non-compliance TMR may, by written notice request the RSP to show cause as to why their accreditation should not be amended, suspended or cancelled. A Show Cause Letter will be issued to the RSP detailing the action TMR is proposing to take to suspend or cancel the ART and/or RSP’s approval. TMR will provide in the notice the grounds as to why the proposed action is being considered and allow the RSP 28 days to provide a response to TMR as to why the proposed action should not be taken.

Following consideration of the submission provided by the RSP, TMR will provide a written notice of decision. Outcomes available include:

* No further action and continue the approval.
* Issue a warning notice.
* Suspend the approval for a specified period; or
* Cancel the approval.

TMR may conduct a triggered audit of the RSP during the period of the show cause notice, to observe and assess other activities to determine the RSPs overall compliance with TMR’s requirements.

TMR may immediately suspend a Q-Ride RSP’s approval or a rider trainer accreditation in the public interest if it is deemed that the public or learner riders’ safety is at risk.

* 1. Repeated Non-compliance

Granting continuation or renewal of RSP approval is conditional upon the RSP’s history of compliance with the Business Rules and relevant legislation, as well as a demonstrated commitment to the aims of the Q-Ride scheme and protecting and promoting public and road safety.

Where the RSP demonstrates consistent or repeated non-compliance of any kind, TMR may take discretionary action to address this with the RSP. This action may include one or all of the following:

* a triggered audit to address and further examine specific area of repeated non-compliant practice.
* a warning letter seeking demonstration of improved business practice.
* a show cause notice inviting the RSP to show cause as to why TMR should not suspend or cancel the RSP approval.
	+ 1. Appealing non-compliance findings

Where the RSP believes that the result of an audit was incorrect or unjust, the RSP may appeal the finding in writing by contacting the Industry Licensing team at Qride@tmr.qld.gov.au. Appeals must be submitted within seven (7) working days of receipt of the audit report and should clearly outline the reasons for the appeal.

Any written appeal will be reviewed by a TMR Auditor or other authorised person who was not involved in the audit in question.

TMR action may be withdrawn if an RSP can demonstrate there was no non-compliance.

1. Additional materials

This document must be read in conjunction with:

* [Business Rules for providing Q-Ride training](https://www.tmr.qld.gov.au/_/media/busind/accreditations/qride/business-rules-for-providing-q-ride-training-2022.pdf)
* [Procedure for conducting Q-Ride training area risk assessments](https://www.tmr.qld.gov.au/_/media/busind/accreditations/qride/qride-training-area-risk-assessments-procedure-1018.pdf?sc_lang=en&hash=BDEC33682E3A5879DC43694A4E1503EB)
* [Q-Ride training curriculum](https://www.qld.gov.au/transport/licensing/motorcycles/getting/qride-qsafe)
* [Queensland Road Safety Strategy 2022-31](https://www.publications.qld.gov.au/dataset/queensland-road-safety-strategy/resource/d28d7b57-2e59-456c-810d-5a4cf9654ddb).
* [*Transport Operations (Road Use Management - Accreditation and Other Provisions) Regulation 2015*](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2015-0087)
* [*Transport Operations (Road Use Management) Act 1995 (Act)*](file:///%5C%5Ccorp.tmr.qld.gov.au%5Cshares%5CGroups%5CSection%5CIndustry%20Authority%20Schemes%5CINDUSTRY%20LICENSING%5CQ-RIDE%5CPolicy%5C1.%20Review%202023%5CAudit%20and%20compliance%20policy%5CTransport%20Operations%20%28Road%20Use%20Management%29%20Act%201995%20-%20Queensland%20Legislation%20-%20Queensland%20Government)
* [*Transport Operations (Road Use Management - Driver Licensing) Regulation 2021 (Driver Licensing Regulation)*](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2021-0112)
* [*Transport Operations (Road Use Management - Vehicle Standards and Safety) Regulation 2021 (Vehicle Standards Regulation)*](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2021-0114)
1. Review of the Policy

This Policy will be periodically reviewed to ensure it remains relevant and effective.