

Engineering Policy 161

**Traffic Management Training Records Retention
Management**

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1 Policy Statement

The Department of Transport and Main Roads requires licensees under the State of Queensland (represented by the Department of Transport and Main Roads) Licence Agreement for the Delivery of the Approved Programs to maintain related student enrolment forms and training and assessment documents for a minimum of four years.

2 Scope

The scope of this Policy covers all Registered Training Organisations (RTOs) who are licensed with the department to deliver the following approved programs on its behalf:

- RIIWHS205D Control traffic with stop-slow bat
- RIIWHS302D Implement traffic management plan
- Traffic Management Design

3 Applicability

This policy applies to all RTOs who are licenced with the department to deliver the above mentioned approved programs on its' behalf.

4 Objectives

The objective of this Policy is to ensure adequate documentation is kept by RTOs to meet both statutory requirements, and the departmental RTO regulatory framework requirements.

5 Rationale

Under statutory requirements, RTOs are required to retain training and assessment documentation for six months (and as may be specified by a relevant body in certain circumstances, described in Section 28 (1) of the NVR Act, described below in Clause 5.1 c). However, departmental requirement for candidates of Traffic Control and Traffic Management Implement are that they renew their qualifications every three years. Under the department's RTO Regulatory Framework, an RTO's past performance may be reviewed as part of their application for a licence renewal, during the department's audit processes, or in response to other exceptional and unforeseen circumstances. Consequently, the department may require evidence to be presented by RTOs which dates beyond the statutory six month time period, up to four years post student enrolment period (or longer if the individual RTO deems it necessary according to their own risk assessment).

The requirement by the department for licensees to maintain specified records for a minimum four years is:

- supported by the *National Vocational Education and Training Regulator Act 2011* (NVR Act)
- aligned to the State of Queensland (represented by the Department of Transport and Main Roads) *Licence Agreement for the Delivery of the Approved Programs*, and
- assists the department to comply with its RTO Regulatory Governance Framework.

Each of the relevant components from these three areas of governance is listed below.

5.1 National Vocational Education and Training Regulator Act 2011 (NVR Act)

All RTOs in Australia are responsible for ensuring they fully comply with the Standards at all times as a condition of their registration. The *National Vocational Education and Training Regulator Act 2011* (NVR Act) articulates record retention and management standards which all RTOs must comply with from a national perspective.

The applicable Standards relating to records retention and management for departmental purposes are as follows:

- a) **Standard 3.** The RTO issues, maintains and accepts Australian Qualifications Framework (AQF) certification documentation in accordance with these Standards and provides access to learner records.
- b) **Standard 8.** The RTO cooperates with the VET regulator and is legally compliant at all times. RTOs need to comply with the requirements of the RTO standards as well as other relevant Commonwealth, State and Territory legislation.
- c) **Section 28 (1)** of the NVR Act.

General direction under Section 28 (1) states:

'An RTO is required to securely retain, and be able to produce in full at audit if requested to do so, all completed student assessment items for each student for a period of six months from the date on which the judgement of competence was made.'

Note: *other record keeping requirements may apply if an RTO participates in some training and assessment activities. For example, where training and assessment is conducted under a government funded agreement or contract, RTOs must consider the record keeping requirements of that agreement or contract.*

Qualifications, courses or units of competency that lead to regulated/licenced outcomes may also impose specific records retention requirements. RTOs should refer to specific regulatory requirements relating to that delivery area to ensure compliance.

5.2 State of Queensland (represented by the Department of Transport and Main Roads) Licence Agreement for the Delivery of the Approved Programs

From the department's licence agreement, Clause 13 Approved Program Records and Documents states:

13.1. The licensee will maintain all records of assessment including:

- a) enrolment forms
- b) Training and Assessment Documents, and must maintain such records in accordance with the timeframes for retention in the department's *Records Management Policy* as notified by the department from time to time, and the Australian Skills Quality Authority.

In this case, the department have used the word 'policy' to describe the document that will specify the department's timeframes for record retention for licensees.

5.3 The department's RTO Regulatory Framework

The department has in place an RTO Regulatory Framework, which outlines the standards, systems and processes by which the licensees and training programs are managed. This framework ensures transparent, consistent and robust governance across the delivery of the approved training programs.

This framework consists of four areas: registration, compliance, process management and risk management.

The department may require access to records dating back to four years as part of enacting a range of standard governance processes under this framework.

6 Benefits

This Policy supports the department's objective to ensure quality delivery of the approved programs to trainees, ultimately contributing to the safety of all road users.

7 Consultation

This Policy was developed in consultation with the following stakeholders:

- Crown Law
- Chief Engineer, Engineering and Technology Branch, Department of Transport and Main Roads
- Road Operations Section, Engineering and Technology Branch, Department of Transport and Main Roads
- Licensees

8 Review

This Policy will be reviewed every three years by the Manager (Technical Training and Development), State-wide Capability Development, within the Engineering and Technology Branch.

9 References

- General retention and disposal schedule (GRDS)
Authorised 1 September 2016
An authorisation under Section 26 of the *Public Records Act 2002* for the disposal of common and administrative public records created by all Queensland Government agencies
- General Direction – Retention requirements for completed student assessment items, updated 12 May 2016. This is a general direction made under Section 28(1) of the *National Vocational Education and Training Regulator Act 2011* (Cth) (NVR Act).
- Standards for Registered Training Organisations (RTOs) 2015. Federal Register of Legislative Requirements F2014LO1377
- The department's Licence Agreement for the Delivery of the Approved Programs 2016

