



National Heavy Vehicle Accreditation Scheme: Business Rules and Standards

for

Maintenance Management Accreditation,
Mass Management Accreditation and
Basic Fatigue Management Accreditation

Version 2.4
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1. About these Business Rules

Purpose and Audience

- 1.1. The purpose of this document is to provide a framework for the administration of the National Heavy Vehicle Accreditation Scheme (NHVAS).
- 1.2. This document sets out the current policies and procedures for the conduct of the NHVAS, and is used by the National Heavy Vehicle Regulator (NHVR) to offer the NHVAS to operators in participating jurisdictions that have applied the Heavy Vehicle National Law (HVNL), and in the Northern Territory and Western Australia.
- 1.3. In addition, these Business Rules should be read and applied in conjunction with the HVNL as applied in participating jurisdictions. These Business Rules do not limit the way that the NHVR exercises powers and commences sanctions.
- 1.4. These Business Rules apply to Maintenance Management accreditation, Mass Management accreditation and Basic Fatigue Management (BFM) Accreditation under the HVNL. The three (3) sets of Standards presented at Appendix 1 apply to each respective accreditation.
- 1.5. Accreditation for Advanced Fatigue Management (AFM) is not covered by these Business Rules, but is subject to the *NHVR Advanced Management Business Rules, Version 1.2, November 2013* published on the NHVR website at www.nhvr.gov.au.

Legal status of the Business Rules and Standards

- 1.6. Chapter 8 of the HVNL prescribes requirements for heavy vehicle accreditation. In particular, s459(2)(b)(iii) of the HVNL requires an applicant for accreditation to provide any other information required for the application under the NHVAS Business Rules and Standards. It is a condition of accreditation under s462(1) of the HVNL that a participant in any accreditation must comply with the NHVAS Business Rules and Standards that have been approved by responsible Ministers under s654 of the HVNL.

How the Business Rules may be amended

- 1.7. These Business Rules will be periodically revised to reflect changes in the NHVAS, new requirements and consultation with users. Revisions may constitute a part or the whole of this document.
- 1.8. Any amendments will be issued with a release number and date reflected in the footer of the document and on the NHVR website.

2. Introduction

- 2.1. The NHVAS allows heavy vehicle operators to demonstrate, through audit of their relevant management systems that the operation of their vehicles and/or drivers comply with NHVAS standards. By doing this, NHVAS participants may have access to flexible conditions under the HVNL.
- 2.2. The long-term objectives of NHVAS are to:
 - a) improve road safety;
 - b) increase the productivity of the transport industry through adoption of good risk management practice by participants; and

- c) improve efficiency for participants.
- 2.3. The NHVAS is also used as a condition for the granting of appeals, authorities, exemptions or concessions to operators.

3. Structural Arrangements

- 3.1. The BFM Fatigue Management Module relates to fatigue-regulated heavy vehicles under the HVNL.
- 3.2. The NHVAS consists of a number of modules, each applied to a different aspect of transport operation.
- 3.3. A participant cannot transfer accreditation to another person.
- 3.4. The NHVAS does not exempt participants from the requirements of applicable road transport legislation in each jurisdiction. Any HVNL applied sanction is in addition to the normal penalties incurred for a breach of road transport or other legislation.
- 3.5. NHVR is the body responsible for the management and monitoring of all aspects of the NHVAS, including the administration of these Business Rules and the implementation and management of the audit program for heavy vehicle accreditations under s. 659 of the HVNL.
- 3.6. NHVR may call on the advice and/or specialist services of a third party in undertaking its responsibilities for managing the NHVAS and for the implementation and management of the audit program for heavy vehicle accreditations.
- 3.7. The NHVR, its Service Providers and other agencies in participating jurisdictions must communicate the data specified in section 11 - Information Exchange.
- 3.8. The NHVR treats information relating to a particular participant as confidential, except where that confidentiality would conflict with existing freedom of information and privacy legislation and procedures.
- 3.9. The NHVR monitors performance of the participant, their relevant management systems and their nominated vehicles (see section 7 - Maintaining Accreditation).
- 3.10. Decisions of the NHVR in relation to Applicants and participants in NHVAS are subject to internal review and appeals as prescribed under Chapter 11 and Schedule 3 of the HVNL.
- 3.11. The approval of Business Rules and Standards for NHVAS modules is the role of responsible Ministers in accordance with s654(1)(b)(i)-(iv) of the HVNL.
- 3.12. The HVNL and Regulations prescribe application fees and other costs and charges that are imposed on applicants and/or participants.
- 3.13. Any monetary amounts which are imposed by other bodies or other laws including governmental fees, charges and expenses for providing criminal and compliance histories, are the responsibility of the Applicant or participant, as required.
- 3.14. Any fees, costs and charges associated with the HVNL and the NHVAS are determined through processes authorised by the HVNL. The NHVR will publish approved fees, costs and charges at www.nhvr.gov.au.
- 3.15. Entry audit and compliance audit costs are met by the participant.

- 3.16 Triggered audit costs will be met by the participant where the triggered audit or inspection is a condition of accreditation. Normally the NHVR would arrange for an independent auditor to undertake a triggered audit and meet the costs.
- 3.17 Triggered vehicle inspections costs whether a condition of an accreditation or not will be met by the participant.

4. Entry to Scheme

- 4.1 A legal entity who is an individual or a corporation registered with the Australian Securities and Investments Commission (or its successors), government department or section of a government department (as a body politic) may apply for admission to the NHVAS.
- 4.2 The person applying for accreditation must be responsible for controlling the operations of the nominated vehicles and drivers under the proposed accreditation. A holding corporation is not prohibited from applying for accreditation for a subsidiary, but the holding corporation must be able to demonstrate that it has appropriate control of the subsidiary corporation's nominated vehicles and relevant management systems.
- 4.3 Eligibility for accreditation in Maintenance Management is subject to evidence acceptable to the NHVR establishing that the nominated vehicles meet the legal requirements for the intended use of the vehicles. Examples of suitable evidence include a current Certificate of Registration, Roadworthiness or Inspection.
- 4.4 The primary place for the compliance audits (see section 7 - Maintaining Accreditation) should be agreed by the applicant and the NHVR at the time of entry to NHVAS.
- 4.5 Applicants must provide the following:
- a) the application in the approved form;
 - b) a statement from the applicant that the applicant has a relevant management system for ensuring compliance with the relevant Business Rules and Standards;
 - c) a statement from an approved auditor that he or she considers that the applicant's relevant management system(s) will ensure compliance with the NHVAS Business Rules and Standards;
 - d) the prescribed fee for the application;
 - e) evidence of identity in the form reasonably required by the NHVR;
 - f) where relevant, a corporation name, trading name, ACN or ABN;
 - g) name of any subsidiary corporation or related body corporate (ACN) included in the accreditation application;
 - h) a declaration pursuant to section 459(3) of the HVNL about the applicant or an associate of the applicant in relation to convictions for relevant offences under section 459(3)(a) and about the amendment, suspension or cancellation of the applicant's or an associate of the applicant's accreditation under section 459(3)(b); and
 - i) a nominated place or places for compliance audits.

- 4.6 A completed application in the approved form must include the following:
- a) the name(s) of the applicant;
 - b) names of subsidiary companies, where relevant;
 - c) the street address, postal address and contact numbers of the applicant;
 - d) the name and numbers of a contact person;
 - e) the module(s) in which the applicant is seeking accreditation;
 - f) acknowledgment of the NHVR's, or the service provider's, sighting of Evidence of Identity (EOI) and a declaration that the information is true and correct;
 - g) if applying for Maintenance Management and Mass Management, the number and details of vehicles nominated for accreditation. Details are to include vehicle make, registration number, vehicle identification number (VIN) and gross vehicle mass;
 - h) if applying for BFM accreditation details of drivers;
 - i) permission for any information collected for the purposes of administering NHVAS to be exchanged with other jurisdictions (see section 11 - Information Exchange); and
 - j) the signature(s) of the applicant(s) and the date of application.
- 4.7 Providing false or misleading information to the NHVR is an offence under the HVNL. Applicants who do so may be subject to a financial penalty. In addition, the NHVR may impose NHVAS sanctions (see section 8, NHVAS Sanctions).
- 4.8 An applicant must nominate vehicles for accreditation in Maintenance Management and/or Mass Management. Where a trailer is accredited as a separate vehicle, a separate interception report book may be issued for that trailer. The interception report book issued for an accredited vehicle (or vehicle combination) must be carried on that vehicle at all times. Failure to produce an interception report book may result in sanctions against the participant.
- 4.9 A participant in BFM accreditation must keep a current list of drivers inducted into the participant's fatigue management system and who meet the legislative requirements to operate under BFM.
- 4.10 A participant's relevant management system records must be kept for three (3) years.
- 4.11 Participants must notify the NHVR in the approved form of any changes to the nominated vehicle (such as plate changes) within 14 days of the changes taking place.
- 4.12 Nominated vehicles may include vehicles of sub-contractors, provided that they operate full time for the applicant and the applicant can take responsibility for them according to the standards of the relevant module.
- 4.13 Where an operator who is already accredited in one module seeks accreditation in another module, the NHVR should encourage the operator to align the audits and accreditation cycles for the various modules.
- 4.14 Successful applicants are referred to as participants and are accredited initially for a period of no more than two (2) years. All participants are issued with the following items:
- a) accreditation label;

- b) identification labels for each nominated vehicle in Maintenance Management and/or Mass Management;
- c) interception report books for each nominated vehicle (or vehicle combination) (See section 7 - Maintaining Accreditation); and
- d) certificate of accreditation.

5. Existing Accreditation Holders

- 5.1 Participants must submit an application to maintain accreditation within six (6) months prior to expiry of the accreditation but not later than one (1) month prior to the expiry of the accreditation. Participants must advise the NHVR in writing, whether they wish to continue in the NHVAS. If written advice is not provided the accreditation will expire on the date of expiration and the participant must return the certificate and labels or provide written evidence that they have been destroyed.
- 5.2 Towards the end of each accreditation period, a participant's performance in a module, a group of modules and NHVAS, is reviewed by the NHVR.
- 5.3 The accreditation period may be increased to three (3) years when the performance of the participants is of a suitable standard. Under the HVNL, the accreditation period may be reduced if the performance of the participant has been unsatisfactory during the previous accreditation period.
- 5.4 For the accreditation period to be increased to three (3) years, a participant's performance shall be assessed in terms of whether there has been a non-conformance over the accreditation period and where this has occurred, the extent to which their compliance management system identified it and the action taken to correct it and prevent a recurrence.
- 5.5 Where a participant's compliance management system has failed to identify a non-conformance and/or implement corrective action, the NHVR may amend, suspend or cancel the next accreditation period.
- 5.6 Where a participant's non-conformances are detected through on-going performance monitoring such as compliance audits, complaint investigation and compliance checks, the NHVR shall have regard as to whether the non-conformance should reasonably have been detected by the participant's relevant management system (See section 7 - Maintaining Accreditation).
- 5.7 When determining whether to continue Participation in the NHVAS and the length of the next accreditation period, the NHVR must consider the following:
 - a) the audit results over the accreditation period; and
 - b) the history of compliance with the terms and conditions of NHVAS.
- 5.8 If, after review, a participant's performance is not considered satisfactory in a module or group of modules of the relevant management system, the NHVR may decide not to grant the participant's accreditation in that module or group of modules within the NHVAS.

6. Identification

- 6.1 All vehicles nominated for Maintenance Management and Mass Management are to be identified by a colour coded label. The costs may be passed on to participants as part of the administration charge. Operators who are accredited in BFM are not required to identify their vehicles with a label. However, under the HVNL, participants are required to ensure that drivers operating under their accreditation record the required details of participation in their work diary.
- 6.2 Where applicable, the label comprises a base label that denotes accreditation and bar labels for each module in which accreditation has been gained. The bar labels are affixed to the base label in the assigned locations. Unless required by the operational module, labels need only be issued for the hauling unit. The presence of this label indicates that the rigid truck or the articulated combination is accredited.
- 6.3 Each label shall bear a unique number allocated by the NHVR. When the NHVR issues a label, it shall notify the operator of the specific vehicle for which the label has been issued. Each label shall only be affixed to the vehicle for which it has been issued.
- 6.4 The participant is responsible for maintaining an audit trail to ensure that the labels issued are placed only on nominated vehicles.
- 6.5 In the event that a label is lost or destroyed, the participant must provide in the approved form notification within 14 days, before replacements can be issued.
- 6.6 In the event that a nominated vehicle is no longer operating in the NHVAS, the participant must prior to sale or disposal of a nominated vehicle remove and either return or destroy the label. The participant must provide written advice of the action taken, within 14 days of the vehicle no longer being in NHVAS. A vehicle can include a separately registered trailer.
- 6.7 It is an offence to falsely claim accreditation through use of a label or any other means. Participants who do so may be subject to a financial penalty and/or sanctions.

7. Maintaining Accreditation

- 7.1 The maintenance of accreditation is dependent upon a participant's history of compliance not only with the NHVAS and the HVNL more generally but also the participant's compliance with overriding public safety and road infrastructure objectives as provided for in s3 and s473(1) of the HVNL.
- 7.2 Performance is monitored through a program of:
 - a) compliance audits;
 - b) investigation of complaints; and
 - c) compliance checks.

Compliance audits

- 7.3 A compliance audit assesses the effectiveness of a compliance management system by examining and measuring the level of compliance achieved over a given period.
- 7.4 Compliance audits fall into two categories scheduled or triggered. A Spot Check may be undertaken instead of a full audit (as described at paragraph 7.31 – Spot Checks) to assess compliance specifically with the relevant management systems.

- 7.5 Scheduled Audits:
- (a) For the first accreditation period, a participant's management system must undergo a scheduled compliance audit for each module six (6) months after the effective date of the accreditation but not more than seven (7) months. A second compliance audit is undertaken within nine (9) months prior to the expiry of the accreditation period.
 - (b) For subsequent periods of accreditation where an application to maintain the accreditation is to be lodged, one compliance audit is undertaken for each module within nine (9) months prior to the expiry of the accreditation.
- 7.6 Participant's must lodge the Compliance Audit Notification (CAN) form as described in para 7.7 which after approval will provide a current vehicle list (Mass and Maintenance Management), previous audit results, interception reports and any other information that may be necessary for the operator to provide to the auditor.
- 7.7 The Compliance Audit Notification (CAN) must be lodged by the participant no later than 28 days prior to the scheduled audit date. On approval of the CAN the participant will be provided the details of the most recent previous compliance audit along with any accreditation records details they request. The information may then be made available to any third party by the participant.
- 7.8 After the first accreditation period, the system is subject to one scheduled compliance audit every accreditation period, namely within the last nine (9) months of the accreditation period but no later than one (1) month prior to expiry of the accreditation. Every effort should be made to align the scheduled compliance dates for different modules. Otherwise, each module will have its own auditing schedule.
- 7.9 The legal entity granted accreditation is responsible for the accreditation. Third party involvement is limited to actions provided by the application process for accreditation. Third party involvement does not include the Compliance Audit Notification (CAN) in respect to the provision of prior audits and accreditation records detail.
- 7.10 Normally the scheduled compliance audits are undertaken at the location agreed by the operator and the NHVR on entry to NHVAS. However, at the request of an operator, and at the discretion of the NHVR, the audit may be performed at another location and by such means as approved by the NHVR, provided that the number of audits conducted away from the operator's nominated premises is limited to two consecutive audits.
- 7.11 Triggered Audits – Where information (e.g. on-road breach, serious crash, compliance history, an intercept report, a compliance statement or a complaint) suggests that the participant may be acting in contravention of the conditions of accreditation, the NHVR may initiate a triggered audit following substantiation of the incident. This substantiation may come from information received from a spot check (see paragraph 7.31). The NHVR may require the audit to be undertaken at any of the operator's premises or at a location nominated by the NHVR.
- 7.12 Another agency or an enforcement officer may request NHVR to initiate a triggered audit of a participant (see also sections 7.16 to 7.19 - Investigation of Complaints).
- 7.13 The NHVR must choose an approved auditor (this may be an auditor employed by a service provider or an authorised officer under HVNL that is independent of the participant) to undertake a triggered audit.
- 7.14 Triggered Inspections – Where a participant is accredited in Maintenance Management and

where information received via an intercept report, a compliance statement or a complaint suggests that the condition of a vehicle(s) is not to the national standard, the NHVR may order a triggered inspection. The inspection may be in conjunction with an audit of the Maintenance Management system or as a standalone inspection.

- 7.15 Inspections must be carried out by competent persons deemed by the NHVR as experienced in the inspection of heavy vehicles and in accordance with the HVNL or relevant instruments.

Investigation of complaints

- 7.16 A complaint may be received from another agency or any member of the public, verbally or in writing. The NHVR has the discretion not to act on a complaint that relates directly to the conditions of accreditation and reserves the right not to act upon, or reply to, vexatious or anonymous complaints. Where a complaint is in writing, the NHVR should respond to the complainant in writing.
- 7.17 While a complaint is being investigated, the NHVR may choose not to advise the participant of the complaint.
- 7.18 If, after investigation, the complaint is substantiated, the NHVR may take action against the participant (see section 8 - NHVAS Sanctions).
- 7.19 If action is taken, the NHVR must keep a record of the incident and action taken. This is to be filed with other information about the participant and may be taken into consideration when assessing the next accreditation period (see section 5 - Existing Accreditation Holders).

Compliance Checks

- 7.20 Compliance checks are carried out to gather information on a participant's level of compliance. These checks cover compliance with the terms and conditions of NHVAS and compliance with relevant road transport legislation and offences involving fraud or dishonesty.
- 7.21 Compliance checks can be carried out in a variety of ways as authorised by the HVNL, including by:
- a) on-road intercepts;
 - b) reviews of quarterly compliance statements or requesting other information;
 - c) spot checks to determine satisfactory compliance;
 - d) 'random' inspections; and
 - e) combinations of the above.
- 7.22 On-road intercepts provide information on compliance with the HVNL and conditions of the NHVAS as well as with any other relevant road transport legislation. On-road intercepts can be carried out by NHVR authorised officers and/or police.
- 7.23 When a vehicle or driver of an accredited operator is intercepted on the road, an intercept report (hardcopy or electronic) may be completed by the enforcement officer. Where a breach is identified, the interception report must be forwarded to the NHVR. Where no breach is identified, the NHVR should be advised of the intercept.
- 7.24 NHVR and participants must keep a record of the intercept report for a minimum period of three (3) years for audit and accreditation application purposes (see section 5 - Existing Accreditation Holders).

- 7.25 Compliance Statements – As part of the internal review standard for each module, a participant is required to complete quarterly compliance statements. These statements must contain a record of compliance with the key outcomes required for each module offered under the NHVAS.
- 7.26 Review of quarterly compliance statements may be undertaken at the participant’s premises or the NHVR may request a participant to provide the statements directly to the NHVR at specified intervals.
- 7.27 If the NHVR requires access to these statements, it must be included in NHVAS conditions agreed between the relevant parties (see section 3 - Structural Arrangements). These conditions should also include the consequences of not providing them as requested.
- 7.28 If a discrepancy is found, the NHVR may choose to take action against the participant.
- 7.29 participants must keep records of compliance statements for a minimum period of three (3) years for audit and accreditation purposes (see section 5 - Existing Accreditation Holders).
- 7.30 The HVNL contains powers exercisable by appropriately authorised officers to require other persons to answer questions or produce documents.
- 7.31 A spot check of all or some of the relevant NHVAS module standards may be carried out either on-site or as a desk-top review of specific records by appropriately authorised officers under the HVNL using appropriate powers. A spot check could be triggered because of information received that an operator may not be complying with the NHVAS standards. This information can come from on-road intelligence (intercept report, weigh in motion (WIM) data, a non-compliance report as part of Intelligent Access Program (IAP) etc.) a complaint, advice from a jurisdiction or a discrepancy in an audit report that the NHVR would like to investigate further. A spot check is used as a preliminary step to establish whether action needs to be taken. If the discrepancy is proven and indicates a systemic problem, the NHVR could initiate a triggered audit to investigate the non-compliance further.
- 7.32 Compliance Inspections – without limiting the NHVR’s powers, if the NHVR’s records show that the condition of a participant’s vehicles has not been monitored for more than one accreditation period, the NHVR may order an inspection of the accredited fleet at the participant’s premises or at a location nominated by the NHVR.
- 7.33 Similarly, records available to the NHVR may indicate that a participant is not complying with either the Mass, Maintenance or Fatigue Management modules. This may also trigger an inspection of the participant’s business and management system.
- 7.34 A report (e.g. a defect notice) is to be produced at the time of the random inspection indicating any findings and if any action is recommended. A copy of the report is to be provided to the participant and the original submitted to the NHVR for appropriate action (see sections 7.16 to 7.19 - Investigation of Complaints).

8. NHVAS Sanctions

- 8.1 When determining the sanction to apply to a substantiated non-compliance with the HVNL or NHVAS, consideration should be given to the severity of the case including any mitigating circumstances and public safety and infrastructure objectives. Sanctions that can be imposed on a participant, depending upon the circumstances, include:

- a) counselling;

- b) a written warning notice;
 - c) an improvement notice;
 - d) issuing a notice to take corrective action within a specified period;
 - e) increasing the frequency of scheduled compliance audits;
 - f) variation of the period or condition of an accreditation;
 - g) issuing a proposed action notice why accreditation should not be suspended;
 - h) issuing a proposed action notice why accreditation should not be cancelled; and
 - i) issuing a notice for immediate suspension or cancellation of accreditation.
- 8.2 A participant must respond to all proposed action notices within the time specified in the notice (at least 14 days) after the posting of the proposed action notice, as specified in s473 of the HVNL. At the end of the specified response period, the NHVR must consider all information provided and make a decision.
- 8.3 The participant will be advised in writing of the NHVR's decision and, if necessary, of the appropriate mechanism, if any, for internal review of the decision.
- 8.4 A participant must keep a record of any imposed sanction and the reasons for making that determination. Any sanction taken against a participant is in addition to the normal penalties incurred for a conviction under any relevant legislation.

9. Review

- 9.1 An applicant refused entry to a module may request an internal review of the decision within 28 days of the giving of the notification.
- 9.2 A participant wishing to contest a decision not to grant a new accreditation must lodge an application for internal review within 28 days of the posting of the notification. If the original decision is upheld, the participant may appeal under the HVNL as applied to the jurisdiction of the registered address of the participant.
- 9.3 A participant wishing to contest a decision to vary, suspend or cancel accreditation prior to the end of the accreditation period must lodge a request for an internal review within 28 days of the posting of the notification. If the original decision is upheld, a participant may lodge an appeal, under the HVNL.
- 9.4 In accordance with the provisions of the HVNL, sanctions may be held in abeyance during the internal review but if the original decision is upheld, they are to be imposed and remain in force unless overturned by the appeal process.

10. Exit

- 10.1 A participant may leave NHVAS or voluntarily give up accreditation to a particular module at any time or the accreditation may be cancelled in the manner prescribed by the HVNL.
- 10.2 Participants voluntarily leaving NHVAS or a module must advise the NHVR in writing that they wish to do so and must return the accreditation certificate, any accreditation and identification labels and interception report books or provide written advice that they have

been destroyed.

- 10.3 For any management system accreditation, the NHVR may request the return of the accreditation certificate. A person must comply with a request within seven (7) days after receiving the notice.
- 10.4 A participant's accreditation does not transfer to a new owner in the event of the corporation or an individual's business being sold and acquired by another operator. Where the new owner is already a participant, then the acquired vehicles may be added to the participant's Mass Management or Maintenance Management accreditation as provided for in s.466 of the HVNL. Otherwise the new owner must seek NHVAS accreditation in their own right.
- 10.5 Where a participant's accreditation has been finally suspended or cancelled, the participant must return the identification labels and interception record books or provide written advice that they have been destroyed within 14 days of the posting of the notification.
- 10.6 To ensure that all items have been returned, the NHVR may request access to their records to trace how and when the labels were used. Reference can also be made to the original record of issue maintained by the NHVR. Where necessary, the NHVR may take reasonable steps to recover the labels.

11. Information Exchange

- 11.1 The NHVR may transmit the following information, as authorised by the HVNL to relevant agencies:
- a) details of entry (name of participant) into a module; and
 - b) details of exits (voluntary, allowed to lapse, suspension, cancellation) from a module, after all appeals, if any, have been exhausted.
- 11.2 The NHVR will transmit the following information, as authorised by the HVNL, to other agencies as appropriate:
- a) the results of a 'triggered' audit;
 - b) the results of a vehicle(s) inspection;
 - c) an enquiry regarding an audit or vehicle inspection;
 - d) details of any bona fide complaint received about a participant;
 - e) a response to a complaint; and
 - f) a response to an enquiry regarding accreditation status.
- 11.3 Jurisdiction service providers may share relevant compliance information as authorised by HVNL, including s660 of the HVNL, to support decision making by the NHVR.

12. NHVAS Standards

- 12.1 The Standards for the NHVAS outline the performance standards that a participant is required to meet in order to become accredited under an applicable module.
- 12.2 Outlined in Appendix 1 are the Mass Standards, Maintenance Standards and the Basic Fatigue Management Standards.

13. Audits

- 13.1 Auditing is a compulsory condition of establishing and maintaining accreditation under the NHVAS Business Rules and Standards. The Standards are deliberately set at a high benchmark so that the safety of heavy vehicles and of the public may be ensured.
- 13.2 Any person offering management, consultancy or audit services to NHVAS applicants or participants must comply with these Business Rules.
- 13.3 The NHVR may issue an approved *NHVAS Independent Audit Framework* outlining the principles and procedures for conduct of audits under the NHVAS.
- 13.4 Compliance audits are for entry and maintaining accreditation and must be carried out in accordance with the approved *NHVAS Independent Audit Framework* as amended from time to time. The *Independent Audit Framework* is published by the NHVR, at www.nhvr.gov.au
- 13.5 The NHVR may issue an approved *Audit Matrix* for each of the NHVAS accreditation modules. The NHVAS auditor must use the relevant, approved *NHVAS Audit Matrix* for the relevant accreditation module as amended from time to time and record the results in the current *NHVAS Audit Summary Report*. These audit tools are published by the NHVR, at www.nhvr.gov.au
- 13.6 Compliance audits must be carried out by an NHVAS auditor who is independent of and external to the participant and has been registered by the NHVR.
- 13.7 The NHVAS auditor must carry out the compliance audits in person and not by telephone.
- 13.8 When conducting a compliance audit, an auditor must ensure that the findings of the audit of procedural and systems documentation are verified by observation of processes, inquiry of personnel and/or physical inspection of vehicle/s and facilities. Every audit must be conducted to meet the requirements of the *Independent Audit Framework* and address the thresholds, tests, and criteria set by the Audit Matrix for each accreditation module. Information regarding inquiries made may be required to be disclosed to the NHVR in the *NHVAS Audit Summary Report*.
- 13.9 At the completion of an audit, the auditor must provide notification by email to the NHVR that an audit has been completed, including the details of who was audited, where and on what date, together with the result of the audit.
- 13.10 An audit statement is valid for nine (9) months after the audit was conducted unless the participant makes changes to their relevant management systems because of a quarterly or internal review. If a relevant management system is changed then the provisions of s473 of the HVNL (*Amendment, suspension or cancellation of heavy vehicle accreditation on Regulator's initiative*) may apply.
- 13.11 Audit reports may be periodically reviewed by the NHVR for purposes of validation, or to further ensure audit consistency and identify where improvements may be made to the NHVAS audit system.
- 13.12 The NHVR will provide a point of contact via the NHVR website for participants to provide feedback on audit process and auditors. The feedback will provide a mechanism for measuring issues with consistency of audit as well as the opportunity for the NHVR to improve processes. All feedback would be treated in confidence and will not impact on a participant's audit results or accreditation status.

14. Auditors

- 14.1 An auditor of a Maintenance Management system, a Mass Management system and/or Basic Fatigue Management system is a person who is registered by the NHVR and:
- holds a qualification in heavy vehicle auditing; and
 - has transport industry experience and capability; and
 - has excellent communication skills and the ability to build relationships and work collaboratively; and
 - holds current Professional Indemnity and Public Liability insurances; and
 - is a fit and proper person; and
 - if conducting an audit wherein they lead one or more auditors or has in place a formal agreement to second a person with the technical competencies (as required under 14.2), they must also hold a relevant lead auditor qualification accepted by the NHVR or by another person or body authorised for that purpose by the NHVR.
- 14.2 For the purposes of carrying out an audit of a Maintenance Management system or a Mass Management system, in addition to the requirements of paragraph 1 above, an auditor must also:
- have relevant technical competencies that are recognised under the Australian Qualifications and Training Framework (AQTF) or through training recognised by the NHVR; or
 - provide proof of a formal arrangement that enables the auditor to second a person or persons with such competencies as is necessary to complete an audit.
- 14.3 NHVAS auditors are registered through a process conducted periodically by the NHVR and a register of NHVAS auditors is maintained and published by the NHVR, at www.nhvr.gov.au.
- 14.4 A person who is currently certified by Exemplar Global (previously known as RABQSA) as a Heavy Vehicle Accreditation auditor continues to be recognised as an auditor with regard to Mass Management system and/or a Maintenance Management system or Basic Fatigue Management system until 1 July 2016.
- 14.5 Providing false or misleading information by or about auditors to the NHVR is an offence under the s478 of the HVNL. Persons who do so may be subject to a financial penalty of up to \$10,000. NHVR may also impose sanctions on a participant (see section 8 - NHVAS Sanctions).
- 14.6 NHVR may allocate one or more names of auditors to a participant from which the participant must select to conduct any given audit. There are a number of factors that determine the selection of auditors who may be allocated to the participant. These include:
- audit location, including remote area location
 - type and cost of audit
 - audit length
 - auditor availability.
- 14.7 Auditors who are Systems Providers or Consultants (individual or company) cannot conduct the entry or six (6) month compliance audit on a participant's system that they have designed and/or implemented. After these two (2) audits have been conducted, they may then carry out further audits on that participant.

- 14.8 Consultants or Auditors cannot act as a third party or be a nominated contact for a participant's accreditation.
- 14.9 When an auditor has carried out two (2) consecutive audits per module on a participant, a different auditor must conduct the next audit. Six (6) month compliance audits are to be included when counting audits. These provisions may, after written application by an operator, be waived by the NHVR in extenuating circumstances such as where audits take place in remote areas or in the case of an audit carried out for re-alignment of accreditation dates.

Auditor Compliance Rules

- 14.10 The NHVR may issue and publish an approved *Code of Conduct* outlining the behaviours that auditors should uphold when conducting audits under the NHVAS.
- 14.11 Auditors must carry an ID card which may be issued by the NHVR for formal identification purposes while auditing.
- 14.12 NHVR may at its discretion, undertake or arrange to have undertaken, a review of an individual auditor's accreditation audit reports and/or undertake an observation of an auditor's competencies under on-site conditions during a heavy vehicle accreditation audit.
- 14.13 In the event of the NHVR receiving a formal complaint or negative report about the actions of an auditor, the NHVR may undertake, or arrange to have an investigation undertaken.
- 14.14 As a result of a review of an auditor's report, observation of the auditor's actions or investigation, the NHVR may:
- provide the auditor with feedback, advice and/or counselling;
 - recommend that the auditor undertakes remedial training;
 - provide written warning advice;
 - temporarily withhold that person's name from further allocation to participants while that occurs;
 - permanently withdraw approval and remove the person's name from the NHVAS register of auditors;
 - cause the relevant audit/s to be cancelled in all or part and a new audit conducted (having regard to the potential impact on the participant).
- 14.15 Decisions of the NHVR in relation to an approved auditor may be subject to internal review. NHVR may affirm the decision, or set it aside and replace it by another decision it considers to be appropriate. An application for a review must be in writing and a review may be made only within 28 days after a decision has been made or a statement of reasons for the decision is given.
- 14.16 The NHVR may give regard to disciplinary decisions made under the Western Australian Accreditation scheme.

15. Registered Training Organisation (RTO)

- 15.1 From 1 July 2018, fatigue management training required to be completed for NHVAS BFM and AFM participation must be delivered by an NHVR approved RTO.
- 15.2 The eligibility requirements for an RTO to be recognised and approved by NHVR are contained in *The Fatigue units of competency – RTO guide* (as amended from time to time)

which is published by the NHVR, at www.nhvr.gov.au.

- 15.3 The NHVR may monitor the delivery of courses by approved RTOs to ensure that course content is consistently delivered in accordance with the training and assessment material that the RTO provided to NHVR when it applied for approval.
- 15.4 The NHVR will continue to recognise the validity of any fatigue unit of competency completed prior to 1 July 2018.

16. Re-publication of Business Rules

- 16.1 The Business Rules and Standards may be republished by the NHVR in formats that are accessible to industry and interested parties and in which the Standards or Business Rules may be accompanied by contextual information, such as an explanation of heavy vehicle regulations, cross-references to relevant NHVR publications, information regarding compliance strategy or other operational matters.

Appendix 1: The Standards

Maintenance Management Standards

Maintenance Management Systems

1. Daily Check

Standard:

The Maintenance Management System must include a *Daily Check* for each vehicle when it is in use.

Description:

The *Daily Check* is a documented instruction of simple roadworthiness checks. The operator shall define when the inspection is carried out, by whom and how it is recorded. The individual completing the daily check shall acknowledge the vehicle to be roadworthy to limits of the inspection.

Criteria:

An operator would need to demonstrate the following:

- 1.1 That there is a documented instruction detailing when the check is carried out, who carries it out and how the check is recorded.
- 1.2 The Daily Check covers as a minimum the inspection of:
- 1.2.1 Wheels and Tyres
- Tyres for pressure (visual check) and tread integrity.
 - Wheels security.
- 1.2.2 Lights and Reflectors
- All lights, including clearance lights.
 - All reflectors and lenses.

1.2.3 Windows, mirrors and wipers

- Windows and mirrors for security, damage and grime.
- Wipers and windscreen washers ensuring clear forward vision.

1.2.4 Structure and Bodywork

- All panels and readily visible structural members secure
- Leaks of any fluid (oil, fuel, air, water, refrigerant/coolant, hydraulic fluid, brake fluid or other).

1.2.5 Brakes

- Brake failure indicators.
- Pressure/vacuum gauges.
- Drain air tanks (full air and air-over-hydraulic systems only on rigids and articulated combinations. Buses and coaches excepted).

1.2.6 On-Road Vehicle Fault Report

- Any faults found during the Daily Check are to be recorded within the On-Road vehicle Fault Report.

1.3 That the individual(s) who carried out the check understands that they are certifying that the vehicle is roadworthy to the limits of the inspection, when the vehicle leaves the yard or depot.

Note: Records for completion of the Daily Check may be retained in any format.

2. Fault Recording and Reporting

Standard:

The Maintenance Management System must ensure that provision is made to record and report vehicle faults on both the hauling and trailing equipment.

Description:

The driver should be able to record and report any recognisable fault occurring during the course of a journey so that it may be assessed and rectified.

Criteria:

An operator would need to demonstrate the following:

- 2.1 A means to record faults occurring during a journey that is retained in the vehicle and covers both trailing and hauling equipment.
- 2.2 A documented instruction exists which details how a driver records faults occurring during a journey and how faults are reported to the maintenance provider, as soon as possible.
- 2.3 A documented instruction exists that provides direction to fix major or serious faults as soon as possible, even if the vehicle is away from home base.
- 2.4 A documented instruction exists which provides for faults occurring at any other time to be reported to the maintenance provider as soon as possible.

Note: Records for completion of the fault repair may be in any format acceptable.

3. Fault repair

Standard:

The Maintenance Management System provides for the identification, assessment and action on reported faults.

Description:

The Maintenance Management system has a method of identifying, assessing and taking action on reported faults from any source (i.e. driver, maintenance provider or manager) and determine the priority placed on repair of the fault.

Criteria:

An operator would need to demonstrate the following:

- 3.1 That there is a method in place to identify and assess the nature of a fault and place priority on its repair.
- 3.2 Where the fault is deferred, the person making the decision must be identified on the record.
- 3.3 Where a decision is made to monitor the condition of a fault, the decision to monitor is recorded. The system must also set the upper limits for when a fault is repaired (i.e. every 100km, when parts are received etc.).
- 3.4 Where a decision is made to monitor the condition of a fault, the identity of the person who makes the decision is recorded.
- 3.5 At the completion of the repair, records show the fault has been rectified and tested where appropriate.

4. Maintenance Schedules and Methods

Standard:

The Maintenance Management System must include Periodic Maintenance Schedules with identified service periods that describe the tasks to be completed.

Description:

Evidence that the vehicle is being systematically maintained. This will be through a series of work schedules pertinent to various vehicle and system components. Within the maintenance schedules, or available to the maintenance provider, will be a description of the tasks for the inspection, service, repair or replacement of components utilised within the vehicle.

Criteria:

An operator's would need to demonstrate the following:

- 4.1 Evidence that at the time of entry into the scheme, the nominated fleet has been certified roadworthy by a qualified person experienced in the inspection of heavy vehicles in accordance with the national Roadworthiness Guidelines (Vehicle Standards) and the Australian Design Rules (ADRs). The evidence cannot be more than 12 months old. A recent statement from the operator or designated responsible person, verifying that the nominated

fleet is roadworthy.

- 4.2 Maintenance schedules provide for the periodic maintenance of a vehicle at defined intervals of time, distance or hours of use. Schedules must include a description of the tasks to be completed during the service.
- 4.3 Evidence that maintenance and repairs are only undertaken by persons having suitable qualifications or experience to competently complete any maintenance tasks or to do so under suitable supervision.
- 4.4 That a table of tolerances and wear limits for major components exists and that it complies at least with the national Vehicle Standards.

5. Records and Documentation

Standard:

Documented evidence must be maintained to demonstrate the effective operation of the Maintenance Management Standards.

Description:

Essential to the maintenance system is the keeping and preservation of pertinent records.

Criteria:

An operator would need to demonstrate the following:

- 5.1 Procedures to record details of accredited vehicles in each module, including vehicle make, vehicle registration number, vehicle identification number (VIN) and gross vehicle mass (GVM).
- 5.2 As a minimum the following documented evidence:
 - 5.2.1 that the daily check is being completed in accordance with the instruction;
 - 5.2.2 that faults occurring on the road are being recorded and reported in accordance with the procedures;
 - 5.2.3 that reported faults are being repaired in accordance with the set method;
 - 5.2.4 that vehicles are maintained in accordance with the set periodic schedules;
 - 5.2.5 that the persons maintaining vehicles under the Maintenance Management System are suitable qualified or experienced to do so;
 - 5.2.6 that records, procedures, and methods in place under the system are regularly reviewed in accordance with the procedures.
- 5.3 Current documentation is available to all relevant personnel and at all locations where operations essential to the effective functioning of the system are performed.
- 5.4 That a record of nominated vehicles is kept and regularly updated. The format should be able to record the following details for each nominated vehicle: type of unit: manufacturer: date of construction; registration number; and unique identifier.

6. Responsibilities

Standard:

The authorities, responsibilities and duties of all positions involved in the management, operation, administration, participation and verification of the Maintenance Management System are current clearly defined and documented.

Description:

Responsibility for each operation of the Maintenance Management System is to rest with appropriate people within the road transport operation as nominated by the operator.

Criteria:

An operator would need to demonstrate the following:

- 6.1 The appropriateness of each person's position, qualifications or training for the responsibilities allocated to him or her.

7. Internal Review

Standard:

The Maintenance Management System must be subject to annual internal review to verify that all results and activities comply with the systems policies, procedures and instructions.

Description:

An internal review of the Maintenance Management System is a regular look at the system against the standards to see that it complies. An effective review will pick up problem areas in the basic requirements, show failures to comply with procedures, and identify non-compliances that should be fixed as soon as possible.

Criteria:

An operator would be able to demonstrate the following:

- 7.1 Procedures exist that define how the internal review is to be undertaken.
- 7.2 An internal review schedule.
- 7.3 Internal reviews are undertaken by persons independent of the activity being reviewed, where practical.
- 7.4 That there is a documented method to identify and correct all non-conformances detected from all sources to make sure the incidents are not repeated.
- 7.5 That the responsibilities for identifying and correcting all non-conformances are current, clearly defined and documented.
- 7.6 That all non-conformances and action taken to correct them are recorded and quarterly compliance statements produced containing advice of:
 - number of vehicles in the accredited fleet
 - total number of daily checks conducted over the period and the total number of

- incidences where the check was not completed
- the total number of services and the total number of incidences where services
- were not carried out at the recorded intervals
- the total number of fault repairs and total incidences when faults were not closed out.

7.7 That changes to documents and procedures are recorded and the original documents and procedures are kept for external audit purposes.

8. Training and Education

Standard:

The persons who hold a position of responsibility under the Maintenance Management System are trained in and familiar with the specific policy procedure and instruction they are to carry out.

Description:

Training and education is essential to ensure all employees, including managers understand the Maintenance Management System, and have the appropriate knowledge and skills to carry out the tasks given to them.

Mass Management Standards

1. Responsibilities

Standard:

The authorities, responsibilities and duties of all positions involved in the management, operation, administration, participation and verification of the Mass Management System are current, clearly defined and documented.

Description:

Responsibility for the operation of the Mass Management System is to rest with appropriate people within the road transport operation as nominated by the operator.

2. Vehicle Control

Standard:

All vehicles nominated by the accredited operator must be operated in accordance with the Mass Management System.

Criteria:

To satisfy the standard an operator would need to demonstrate the following:

- 2.1 A comprehensive register of nominated vehicles inclusive of any sub-contractors.
- 2.2 That all nominated vehicles have the technical specifications to conform to its authorised mass.

2.3 That all nominated vehicles if required have mass authorisations to use the road network.

2.4 That vehicles sub-contracted to the operator are 'captive' or secured to the operator.

3. Vehicle Use

Standard:

The vehicle mass must be determined by weighing or by a method of assessment prior to departure allowing for any variation.

Criteria:

To satisfy the standard an operator would need to demonstrate the following:

3.1 Documentation of a system that objectively demonstrates that product loading is controlled to ensure that axle mass and gross mass remain within those limits allowable under the Mass Management System.

3.2 The system should cater for all possible variations including density, number, volume etc.

4. Records and Documentation

Standard:

Documented evidence must be maintained to demonstrate the effective operation of the Mass Management System.

Description:

Essential to the Mass Management System is the keeping and preservation of pertinent records.

Criteria:

An operator would need to demonstrate the following:

4.1 All records are legible and identifiable to the vehicle and trips involved.

4.2 Current documentation is available to all relevant personnel and at all locations where operations essential to the effective functioning of the system are performed.

5. Verification

Standard:

The weight of the vehicle and load must be verified to produce an auditable record.

Criteria:

5.1 To satisfy the standard an operator would need to demonstrate the following:

5.2 The operator shall have a documented procedure to demonstrate that the system produces and records evidence of weight specific to a vehicle.

5.3 The method of recording the required evidence may vary depending on which method was used to establish vehicle weight.

5.4 The frequency of verification of a vehicle's mass is dependant on the variation of product carried and vehicle operating conditions.

6. Internal Review

Standard:

The Mass Management system must be subject to annual internal review to verify that all results and activities comply with the system's policies, procedures and instructions.

Description:

An internal review of the Mass Management System is a regular look at the system against the standards to see that it complies. An effective review will pick up problem areas in the basic requirements, show failures to comply with procedures, and identify non-compliances that should be fixed as soon as possible.

Criteria:

An operator would be able to demonstrate the following:

- 6.1 Procedures exist that define how the internal review is to be undertaken.
- 6.2 An annual internal review schedule.
- 6.3 Internal reviews are undertaken by persons who are independent of the activity being reviewed, where practical.
- 6.4 That there is a documented method to identify and correct all non-conformances detected from all sources to make sure the incidents are not repeated.
- 6.5 That the person(s) responsible for identifying and correcting all non-conformances is current, clearly defined and documented.
- 6.6 That all non-conformances and action taken to correct them are recorded and quarterly compliance statements produced containing advice of the:
 - number of vehicles in the accredited fleet
 - number of trips undertaken
 - number of trips undertaken which were non-compliant with Alternative Compliance mass limits
 - level of mass excess for each non-compliant trip.
- 6.7 That changes to documents and procedures are recorded and the original documents and procedures are kept for external audit purposes.

7. Training and Education

Standard:

The persons who hold positions of responsibility under the Mass Management Systems are trained in and familiar with the specific policy, procedure and instruction they are to carry out.

Criteria:

Training and education are essential to ensure all employees, including managers, understand the Mass Management System, and have the appropriate knowledge and skills to carry out the tasks given to them.

8. Maintenance of Suspension

Standard:

All vehicles subject to this accreditation, including trailers supplied by other parties, must have their suspension systems maintained and replaced according to manufacturer's or a qualified mechanical engineer's specification and taking into account the ARTSA Air Suspension Code.

Criteria:

To satisfy the standard, an operator would need to demonstrate the following:

- 8.1 Documentation of the manufacturer's or qualified mechanical engineer's specification for the suspension of both trailing and hauling equipment. Road Friendly Suspension must also be certified under VSB 11.
- 8.2 A documented instruction detailing when the suspension is to be checked (based on manufacturer's or qualified mechanical engineer's specifications of time and/or distance and taking into account the ARTSA Air Suspension Code), by whom and how it is to be recorded.
- 8.3 Documented procedures for recording faults to the suspension during a journey, how the faults are reported to the maintenance provider, for the repair of major or serious faults that may affect the performance of the suspension system, as soon as possible even if the vehicle is away from home base and for the repair of other faults in a timely manner.
- 8.4 Documentation of the decision making with respect to suspension maintenance. This is to include the final sign-off of the repair when completed.
- 8.5 Evidence that any repairs to suspensions are only carried out by persons having suitable qualifications or experience to competently complete any maintenance tasks, or do so under qualified supervision with recent experience.
- 8.6 For a trailer supplied by another party, the accredited operator must demonstrate that a statement of compliance with the suspension maintenance standard accompanies each trailer, and that the trailer supplier is able to demonstrate compliance with the above criteria.

Basic Fatigue Management (BFM) Standards

1. Scheduling and rostering

Standard:

Scheduling of individual trips and rostering of drivers are to be in accordance with limits prescribed in legislation.

Description:

Scheduling and rostering practices are to ensure all trip schedules and driver rosters are planned and assigned in compliance with the legislated operating limits taking into account the transport task, and time for the transport task to be completed safely.

Criteria:

To satisfy this standard an operator must demonstrate the following:

- 1.1 schedules and rosters are documented
- 1.2 schedules and rosters are monitored and regularly reviewed
- 1.3 action is taken to minimise fatigue risks when altering schedules and rosters
- 1.4 guidelines are in place for the use of relief/casual drivers where required
- 1.5 the increased fatigue risk for a driver returning from leave is considered in scheduling and rostering of the driver
- 1.6 drivers are to have input into schedules where practicable to ensure trip plans are reasonable
- 1.7 schedulers provide sufficient advance pre-trip notification to ensure drivers can comply with legislation
- 1.8 schedules and rosters are planned to be reasonable and achievable under legislative operating limits.

2. Fitness for duty

Standard:

Drivers are in a fit state to safely perform required duties and meet the specified medical requirements.

Description:

This standard requires that a system be developed to ensure that drivers are a fit state for work and can perform work duties safely.

Criteria:

To satisfy this standard an operator must demonstrate the following:

- 2.1 drivers are certified as being fit to drive a heavy vehicle by a medical practitioner according to the Assessing Fitness to Drive by Austroads (or equivalent document approved by the Australian Transport Council). The examination must include an assessment to detect drivers in the high risk group for sleep disorders. Examinations are to be conducted, as a minimum, once every three (3) years for drivers aged 49 or under, and yearly for drivers aged 50 or over
- 2.2 procedures for driver fitness for duty, which address issues of driver health, use of drugs/alcohol, medical condition, well-being and state of fatigue
- 2.3 procedures for drivers to assess their fitness for duty prior to commencing and during work
- 2.4 procedures for the drivers to notify the operator if they are unfit for duty due to any lifestyle, health or medical issue both before and during work
- 2.5 any medical advice for drivers is taken into account when assigning duties
- 2.6 operators with two-up driving operations are to have procedures in place for undertaking two-up driver recruitment and team selection, and that the alternative driver's comfort is optimised while resting in a moving vehicle.

3. Fatigue knowledge and awareness

Standard:

All personnel involved in the management, operation, administration, participation and verification of the BFM system can demonstrate appropriate knowledge and skills in fatigue management relevant to their position.

Description:

Fatigue knowledge and awareness is essential to ensure all employees (including managers), who are involved in the fatigue management system, understand fatigue management issues and have the knowledge and skills to practice fatigue management and to comply with the operator's fatigue management system.

Criteria:

To satisfy this standard an operator must demonstrate the following:

- 3.1 that the operator has steps in place to ensure anyone involved in the management, operation, administration, participation and verification of the fatigue management system is made aware of the operator's current fatigue management policies and procedures
- 3.2 that all persons who hold a position of responsibility under the operator's BFM system are identified; and
 - 3.2.1 have been inducted and regularly updated in the operator's fatigue management policies and procedures
 - 3.2.2 are able to demonstrate competence in managing driver fatigue, including understanding the causes, effects and symptoms of fatigue, and being able to apply strategies to better manage fatigue:
 - 3.2.3 if the person drives a heavy vehicle under BFM – that person is able to demonstrate competence with TLIF0005 Apply a fatigue risk management system, or any previously recognised fatigue management qualification that was completed prior to 1 July 2018
 - 3.2.4 If the person is a scheduler as described in the heavy vehicle driver fatigue legislation, or who supervises or manages drivers and scheduling staff – that person is able to demonstrate competence with TLIF0006 Administer a fatigue risk management system, or any previously recognised fatigue management qualification that was completed prior to 1 July 2018.
- 3.3 that they have:
 - 3.3.1 established a procedure for maintaining the currency of knowledge in fatigue management for all people who hold a position of responsibility, including identifying if, and when, any re-assessment of competence is to be conducted, and ensuring that this has occurred
 - 3.3.2 ensured that any knowledge needs are identified, and that appropriate action is undertaken to address those needs.
- 3.4 that records of competence of drivers, schedulers or those who supervise or manage drivers and scheduling staff have been maintained, including:
 - details of what, if any, training was undertaken, who delivered the training

and when this training occurred

- if, and when any re-training is required
- record of the qualifications of workers, including any units of competence achieved.

Explanatory note for assessment

For the purposes of assessment, the evidence required to demonstrate competence must be relevant to, and satisfy all the elements and performance criteria of, the specified unit. Performance must be demonstrated consistently over a period of time and in a suitable range of contexts including through written and oral tests, appropriate simulated activities and/or in an appropriate range of situations in the workplace.

4. Responsibilities

Standard:

The authorisations, responsibilities and duties of all positions involved in the management, operation, administration, participation and verification of their operations under the BFM option are current, clearly defined and documented and carried out accordingly.

Description:

The compliant operation of the BFM option is dependent on all relevant personnel knowing and fulfilling their responsibilities to ensure that the requirements of the BFM standards are met.

Criteria:

To satisfy this standard an operator must demonstrate the following:

- 4.1 all relevant personnel are carrying out their duties and responsibilities compliant with the BFM standards and the operator's fatigue management system
- 4.2 authorities, responsibilities and duties relating to the BFM management system are current, clearly defined and communicated to all appropriate personnel
- 4.3 management practices are in place to deter non-compliance and implement corrective actions
- 4.4 a communication process (e.g. in-trip communication with drivers, meetings, notices, newsletters) is in place to facilitate the exchange of information between drivers and management where practical and appropriate.

5. Internal review

Standard:

An internal review system is implemented to identify non-compliances and verify that the activities comply with the BFM standards and the operator's fatigue management system.

Description:

The internal review process is an essential management tool that checks that procedures are being followed and indicates how the BFM option is working. Fundamental to the management of the fatigue risk is the capacity of the BFM option system to assess fatigue risk and to identify, report and

investigate incidents of non-compliance with the BFM Standards and take the necessary corrective action.

Criteria:

To satisfy this standard an operator must demonstrate the following:

- 5.1 procedures are in place to define how an internal review program of the BFM standards is produced, conducted, reported and recorded at least every 12 months and corrective action taken where required
- 5.2 internal reviews are undertaken by competent persons not responsible for the activity being reviewed, where practical
- 5.3 procedures are in place to monitor, identify, report, investigate and record non-compliances and take the necessary corrective action to prevent further occurrences
- 5.4 procedures are in place to investigate incidents to determine whether fatigue was a contributing factor
- 5.5 records of drivers' work and rest times are regularly reviewed to ensure compliance with the legislated operating limits.

6. Records and documentation

Standard:

The operator will implement, authorise, maintain and review documented policies and procedures that ensure the management, performance and verification of the BFM option in accordance with the standards.

Description:

This standard requires a system to manage and maintain records that relate to the requirements of the BFM standards. Documented evidence must be maintained to demonstrate the level of compliance with the BFM standards.

Criteria:

To satisfy this standard an operator must demonstrate the following:

- 6.1 policies, procedures and instructions covering all activities required to meet the BFM standards are authorised, current, clearly defined and available to all relevant personnel
- 6.2 all BFM option records are legible, stored, maintained and available for management and audit purposes for at least three (3) years
- 6.3 records of participating drivers are kept current
- 6.4 documents are approved, issued, reviewed, modified and accounted for in accordance with the operator's prescribed control procedures
- 6.5 records must include individual driving hours records for all nominated drivers (e.g. work diaries, rosters, schedules).

Appendix 2: Common Terminology*

*All definitions are derived or taken from the HVNL and Regulations. As a general statement, where ambiguity arises the HVNL meaning and intent prevails over this business rule.

Accreditation	Approval of a participant's relevant management system under Chapter 8 of the HVNL to the NHVAS standards and compliance requirements.
Appeal	An appeal against an internal review decision as provided for in Chapter 11 and Schedule 3 of the HVNL
Auditor	Where the context permits, a reference to an auditor in these rules means a reference to an approved auditor.
Approved Auditor	means an auditor of a class approved by the responsible Ministers under the HVNL
Associate (of an Operator)	See section 5 of the HVNL and see Compliance History.
Auditor - External	A person certified as an Auditor by Exemplar Global (formerly known as RABQSA) to undertake heavy vehicle audits.
BFM	Basic Fatigue Management
Breach (or Contravention)	A non-compliance with the NHVAS standards established for a module or the requirements relating to heavy vehicles specified in relevant road transport legislation.
Certification	Evidence that a compliance management system has been examined by an auditor and is eligible for accreditation.
CML	Concessional Mass Limit.
Combination	A group of vehicles consisting of a motor vehicle connected to one or more other vehicles.
Compliance Audit	A Compliance Audit is an Independent Audit which assesses the effectiveness of the relevant management systems by examining and measuring the level of compliance actually achieved over a given period.
Compliance History	See Section 459 of HVNL.
Compliance Management System	The organisational structure, responsibilities, procedures, activities, capabilities, resources and records established by an operator with the aim of ensuring compliance with a set of NHVAS Standards and is part of the relevant management systems.
EOI	Evidence of Identity (EOI) documents provide suitable evidence of a person's identity to reasonably satisfy the requirements for a vehicle registration or driver licensing transaction in the jurisdiction of accreditation.

Fatigue Management System	An operator's management system for ensuring compliance with the Fatigue Management standards (Basic Fatigue Management) defined in the HVNL
GVM	As defined in section 5 of the HVNL, a GVM (gross vehicle mass), of a vehicle, means the maximum loaded mass of the vehicle— (a) if the Regulator has specified the vehicle's maximum loaded mass under section 57—specified by the Regulator under that section; or (b) otherwise—stated by the vehicle's manufacturer.
Heavy Vehicle National Law (HVNL)	Means the Heavy Vehicle National Law commencing 10 February 2014 as applied by the participating Jurisdictions and by which the National Heavy Vehicle Regulator is established under section 656.
Independent Audit	A systematic and independent planned and documented activity performed by external auditors to verify for external purposes by investigation, and the examination and evaluation of objective evidence, that applicable elements of a system have been developed, documented and effectively implemented in accordance with the relevant standards applicable to a particular module.
Internal Review	A request to the NHVR to review a decision. The capacity to 'internally' review a relevant decision is governed by Chapter 11 and Schedule 3 of the HVNL. An internal review must be in writing and lodged with the NHVR within 28 days of the posting (giving) of the notification of the decision.
Incident	An event occurring while a vehicle is being operated on a road or a road related area. It may involve damage to the vehicle and/or damage to another vehicle or third-party property, or matters relating to the loading of a vehicle, or matters relating to the relevant management system module, or any other matter relating to the operation of the vehicle.
NHVAS	Heavy vehicle accreditation as defined in section 5 of the HVNL.
NHVAS Standards	The standards prescribed by the NHVR.
National Heavy Vehicle Regulator (NHVR)	Means the entity established under section 656 of the HVNL.
Nominated Vehicle	A vehicle nominated for operation by a NHVAS for participation in the NHVAS.
Operator	A natural person, body politic or corporation controlling the operation of relevant management systems and nominated vehicles and/or drivers. As context requires will also be a participant in the NHVAS and an applicant for new grant of accreditation.

Participating Driver	A driver inducted into the participant's relevant management system module of the NHVAS.
Public Road	'Public road' or 'road' has the same meaning as 'road' under the Australian Road Rules.
Record	As defined by schedule 1 of the HVNL, 'record' includes information stored or recorded by means of a computer.
Registered Training Organisation (RTO)	Approved by the NHVR to deliver the fatigue units of competency
Relevant Management System	As defined by section 457 of the HVNL means (a) for Maintenance Management accreditation—a Maintenance Management system; or (b) for Mass Management accreditation—a Mass Management system; or (c) for BFM accreditation—a BFM fatigue management system; A separate business rule applies to the AFM module management system.
Vehicle	A vehicle includes: A. a motor vehicle B. a trailer; and C. combination.
Vehicle Inspection	An examination of a vehicle to evaluate compliance to the national Vehicle Roadworthiness Guidelines. This may be a requirement for the Maintenance Management module.
Writing	As defined by Schedule 1 of the HVNL 'writing' includes any mode of representing or reproducing words in a visible form.