

# Ministerial Guidelines for Heavy Vehicle Accreditation

Ministerial Guidelines for Heavy Vehicle Accreditation .....	1
Part 1 Preliminary .....	3
Definitions.....	3
1 Authority .....	4
2 Purpose and Scope.....	5
3 Interpretation .....	5
Part 2 Accreditation Applications .....	5
Division 1 General Requirements .....	5
4 Safety Management System.....	5
5 Compliance Evidence .....	5
6 Applicant Suitability .....	6
7 Additional Evidence.....	7
8 Renewal of Accreditation .....	7
8A Re-applying after cancellation or refusal.....	7
9 Sanctions.....	8
Division 2 Alternative Compliance Accreditation Requirements .....	8
10 Application.....	8
11 Vehicle Nomination .....	8
12 Vehicle Identification .....	8
Division 3 Fatigue Alternative Compliance Accreditation Requirements.....	9
13 Application.....	9
14 General Requirement.....	9
15 Compliance Evidence .....	9
16 Requirements for Risk Classification System (RCS) Matrix And Safety Cases .....	10
17 Referral of FAC Applications For Specialist Advice.....	10
Schedule 1 Fatigue Alternative Compliance Accreditation Evidence Requirements .....	12
Part 1 General Requirements .....	12
Part 2 Leadership and Commitment.....	12
2.1 Responsibility and Accountability.....	12
2.2 ACH Compliance Assurance.....	13
Part 3 Risk Management .....	14
3.0 Fatigue Management Requirements.....	14
3.1 Risk Classification System (RCS).....	14
3.2 Specialist Advice and Referral .....	15
3.3 Scheduling and Rostering .....	15
3.4 Records and Reporting .....	16
Part 4 People .....	17

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4.1	Fitness and Wellbeing.....	17
4.2	Training and Competence.....	17
Part 5	Assurance, Monitoring and Improvement .....	18
5.1	Assurance, Monitoring and Improvement .....	18
Part 6	Workplace and Systems .....	19
6.1	Workplace and Systems .....	19

## Part 1 Preliminary

### Definitions

In these guidelines—

**accreditation compliance history (ACH)** means any action taken in the previous five years by way of amendment, suspension or cancellation of an accreditation held under the Law by the applicant or a relevant associate;

**alternative compliance accreditation (ACA)** means accreditation granted under section 458 of the Act in relation to a prescribed operations requirement.

**alternative compliance hours (ACH)** are the maximum work times and minimum rest times that apply, for a period, to the driver of a fatigue-regulated heavy vehicle operating under a fatigue alternative compliance accreditation.

**audit** means an audit consistent with the requirements of the audit standard.

**audit standard** means the standard for the carrying out of audits of an operator's safety management system approved by the responsible Ministers under section 654(1)(a) of the Act.

**compliance history** means any alleged or substantiated noncompliance by the operator with the requirements of the Act for the previous five years, including —

- intercept reports;
- infringement notices or breach notices;
- improvement notices;
- prosecution;
- prohibition notices; or
- any other compliance or enforcement action under the Act relevant to the operator's safe management of heavy vehicles.

**fatigue alternative compliance accreditation (FACA)** means an alternative compliance accreditation granted in relation to a prescribed operations requirement relating to requirements under Division 2 of Part 6.3 of the Act.

**fatigue management system** means the operator's documented policies, systems and procedures for identifying and controlling fatigue risks, ensuring drivers are fit for duty, and managing work and rest in accordance with legislative hours or approved Alternative Compliance Hours, as part of the operator's Safety Management System.

**general safety accreditation (GSA)** means accreditation granted under section 458 that is not related to a prescribed operations requirement.

**heavy vehicle accreditation** means—

- general safety accreditation; or
- alternative compliance accreditation.

**mass alternative compliance accreditation** means an alternative compliance accreditation granted in relation to a prescribed operations requirement relating to requirements under section 95(2) of the Act.

**notifiable occurrence** means any accident or incident that has, or could have, caused:

- significant property damage;
- serious injury; or
- death.

**prescribed operations requirement (POR)** means a requirement under this Law in relation to heavy vehicle operations in relation to which an alternative compliance accreditation may be granted.

**risk classification system (RCS)** means a description of work and rest options across seven principles, and the scores applicable to work and rest arrangements approved by responsible Ministers.

**risk classification system matrix (RCS Matrix)** means the assessment tool used to assess the compliance of the operator's Fatigue Management System with the standard for alternative compliance hours.

**safety case** means the additional evidence provided by an applicant to demonstrate that proposed work and rest arrangements which exceed or vary from the RCS risk thresholds can achieve an equivalent or better standard of safety.

**safety management system** means a group of policies, systems and procedures relating to the safety of the operator's transport activities and the driving of heavy vehicles that complies with section 457A of the Act.

**safety management system standard (SMS Standard)** means the standard for safety management systems approved by the responsible Ministers under section 654(1)(b) of the Act.

**standard for alternative compliance hours (SACH)** means the standard for alternative compliance hours approved by the responsible Ministers under section 654(1)(c) of the Act.

**the Act** means the Heavy Vehicle National Law as applied in a participating jurisdiction.

## 1 Authority

These guidelines are made under section 653 of the Act.

## 2 Purpose and Scope

- (1) These guidelines—
  - (a) apply to the Regulator when granting, amending, suspending, cancelling, or renewing heavy vehicle accreditation;
  - (b) are to be read consistently with—
    - (i) the Safety Management System Standard approved under section 654(1)(b) of the Act; and
    - (ii) the Standard For Alternative Compliance Hours approved under section 654(1)(c) of the Act.

**Note—**

These guidelines apply to the Regulator's decision-making process. Any mention of evidence or risk controls is for the sole purpose of outlining the criteria the Regulator must be satisfied are met when exercising accreditation functions.

## 3 Interpretation

- (1) Terms used in these guidelines have the same meaning as in the Act, unless otherwise stated.

# Part 2 Accreditation Applications

## Division 1 General Requirements

### 4 Safety Management System

- (1) The Regulator must be satisfied that an application for accreditation is supported by the operator's Safety Management System (SMS) that complies with the SMS Standard.
- (2) The Regulator must apply Schedule 1 of the SMS Standard when deciding whether an operator has a SMS that complies with the standard.
- (3) The Regulator must apply Schedule 1 proportionately to the size and complexity of the operator's transport activities.

### 5 Compliance Evidence

- (1) The Regulator must be satisfied that an application for accreditation is supported by sufficient documentary evidence to demonstrate compliance with the Act.
- (2) Without limiting subsection (1), the application must include—

- (a) the statements required under section 459(2) of the Act;
  - (b) a declaration of the matters required under section 459(3); and
  - (c) any additional records, statements or reports required by these guidelines, the SMS Standard, or provided by the applicant.
- (3) The Regulator must be satisfied that the operator has and will maintain—
- (a) systems for quarterly compliance statements and annual internal reviews;
  - (b) systems for notifying the Regulator of notifiable occurrences; and
  - (c) systems to record compliance and noncompliance with the Act for a minimum period of three years.
- (4) The Regulator must ensure the applicants SMS undergoes—
- (a) an initial compliance audit between six and seven months after the effective date of the accreditation when first accredited;
  - (b) a second audit within nine months prior to the expiry of the accreditation period when first accredited; and
  - (c) an audit between nine months and one month prior to expiry of the accreditation for an applicant seeking renewal of accreditation for any subsequent period.

## 6 Applicant Suitability

- (1) The Regulator must be satisfied that the operator—
- (a) is a suitable person to hold accreditation; and
  - (b) is responsible for controlling the operations of the nominated vehicles or drivers under the proposed accreditation.
- (2) In assessing the operator's suitability, the Regulator must have regard to—
- (a) their prescribed criminal history;
  - (b) their accreditation compliance history, and compliance history;
  - (c) whether the public is likely to have confidence in their suitability to be involved in the operation of heavy vehicles;
  - (d) the results of any audits of the operator's transport activities carried out by an approved auditor in accordance with the Audit Standard;
  - (e) any relevant body of fatigue knowledge; and
  - (f) any other matter the Regulator considers relevant to the operator's capacity and willingness to comply with this Law.
- (3) The Regulator must be satisfied that each executive officer is suitable, having regard to the matters in subparagraph (2).
- (4) A **person** in subsection (1)(b) includes—
- (a) an individual;

- (b) a registered corporation; and
- (c) a government department, or section of a government department.

## **7 Additional Evidence**

- (1) In deciding whether to grant or renew accreditation, the Regulator may—
  - (a) require additional evidence to be provided by the applicant consistent with the SMS Standard and Schedule 1 of the standard; and
  - (b) have regard to the evidence in (a) and any other evidence provided by the applicant that is consistent with the SMS standard and Schedule 1 of the standard.

## **8 Renewal of Accreditation**

- (1) The Regulator must require renewal applications to be—
  - (a) submitted between six months and one month before the expiry date of the accreditation; and
  - (b) accompanied by a report prepared in compliance with the audit standard within the preceding nine months.
- (2) When deciding an application for renewal, the Regulator must have regard to
  - (a) the matters in section 6 and 7 of these guidelines;
  - (b) For a FACA, the matters in section 15, 16 and 17;
  - (c) any nonconformance over the previous accreditation period; and
  - (d) the effectiveness of the applicant's SMS and related systems in managing public risks, including its ability to identify nonconformances and implement corrective actions.

### **8A Re-applying after cancellation or refusal**

- (1) Where an applicant has previously had accreditation refused or cancelled, the Regulator must apply the following rules—
  - (a) If the accreditation was cancelled due to failure to submit required audits, re-entry is at the discretion of the Regulator;
  - (b) If the accreditation was cancelled due to non-compliance with road transport law, the applicant must demonstrate at least 12 months free of relevant breaches before re-applying;
  - (c) All re-applications after cancellation are subject to re-assessment against the suitability criteria in section 6; and

- (d) If an accreditation application was refused, a minimum of 6 months must elapse before any further application may be lodged.

## 9 Sanctions

When determining the appropriateness and severity of any sanction to apply to non-compliance with the Act or heavy vehicle accreditation, the Regulator must have regard to the severity of the public risk arising from the noncompliance.

## Division 2 Alternative Compliance Accreditation Requirements

### 10 Application

The requirements of this Division—

- (a) apply to an ACA application other than a FACA application;
- (b) are supplementary to the GSA requirements in Division 1; and
- (c) must be read together with the requirements in Schedule 1 of the SMS standard.

### 11 Vehicle Nomination

The Regulator must be satisfied that—

- (a) the nominated vehicles meet the legal requirements for the intended use of the vehicles;
- (b) each nominated vehicle holds current registration and roadworthiness evidence;
- (a) only the accreditation holder or authorised contact nominates vehicles;
- (b) subcontracted vehicles are accurately recorded and removable at the owner's request;
- (c) any subcontracted vehicle is nominated only where it operates full-time for the applicant and the applicant accepts full responsibility for compliance with the relevant accreditation requirements; and
- (d) changes are notified within 14 days.

### 12 Vehicle Identification

The Regulator may require that—

- (a) each nominated vehicle is issued a unique accreditation label;
- (b) operators maintain an audit trail linking labels to vehicles;
- (c) labels are removed and destroyed when vehicles exit accreditation.

## Division 3 Fatigue Alternative Compliance Accreditation Requirements

### 13 Application

The requirements of this Division—

- (a) apply to an FACA application;
- (b) are supplementary to the GSA requirements in Division 1, and the requirements in Division 2; and
- (c) must be read together with the requirements in Schedule 1 of the SMS standard, and Schedule 1 of these guidelines.

### 14 General Requirement

For a FACA, the Regulator must apply—

- (a) the evidence requirements in Schedule 1 of these guidelines; and
- (b) the Standard for alternative compliance hours including the Risk Classification System (RCS).

### 15 Compliance Evidence

- (1) Where an operator seeks fatigue alternative compliance accreditation, the Regulator must be satisfied that—
  - (a) the alternative compliance hours (ACH) specified in the applicant's accreditation certificate are consistent with the standard for alternative compliance hours;
  - (b) the applicant has assessed the proposed ACH using the Ministerially approved Risk Classification System (RCS) in accordance with section 16;
  - (c) the compatibility of the proposed work and rest tasks with the principles underpinning the RCS and the relevant scores;
  - (d) the advice in subsection (c) supports granting the accreditation;
  - (e) The ACH provide a safe balance between work, rest, risk management and fatigue countermeasures; and
  - (f) The ACH would not be unsafe having regard to—
    - (i) the applicant's safety management system; and
    - (ii) any relevant body of fatigue knowledge.

## **16 Requirements for Risk Classification System (RCS) Matrix and Safety Cases**

- (1) An applicant for fatigue alternative compliance accreditation (FACA) must develop a work schedule outlining the work and rest arrangements they will use to direct driver activities.
- (2) Each element of the work schedule must be assessed against the seven principles in the Risk Classification System (RCS matrix).
- (3) An operator may provide additional evidence that addresses specific elements of their risk profile.
- (4) The level of information to be included in the safety case must be commensurate with the level of innovation beyond that envisaged by the RCS.
- (5) A safety case is required when the application has any one of the following features—
  - (a) more than two high risks;
  - (b) two high risks and any medium risks;
  - (c) one high risk and more than two medium risks;
  - (d) more than three medium risks;
  - (e) an element which exceeds the high risk description in the RCS; or
  - (f) reliance on a published template which requires the provision of a safety case.

## **17 Referral of FAC Applications For Specialist Advice**

- (1) The Regulator may refer an application to a road authority representative or to an independent specialist advisor in any of the following circumstances—
    - (a) any proposed task exceeds the high-risk description for a principle in the RCS matrix;
    - (b) the application contains a feature mentioned in section 16(5)(a) to (f);
    - (c) the Regulator determines that independent advice would assist in assessing the public safety risks associated with the application, or in determining conditions to mitigate anticipated public safety risks.
  - (2) The Regulator must be satisfied that the countermeasures in the operator's application adequately mitigate the identified public safety risks.
  - (3) The Regulator may consider any advice provided under subsection (1) but is not obliged to follow it.
  - (4) Where specialist advice is not followed, the Regulator must document the nature of, and reasons for, the departure in the final decision on the application.
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## Part 3 Transition

### 18 Transitional Arrangements

- (1) Transitional arrangements for existing accreditations are provided for under the Heavy Vehicle National Law.
- (2) To support implementation the Regulator must ensure an orderly transition consistent with those provisions.
- (3) Transitional arrangements must address—
  - (a) recognition of existing accreditations granted under the NHVAS Business Rules and Standards as equivalent to accreditations under these guidelines until their expiry;
  - (a) conditions for renewal of existing accreditations, including the requirement for compliance with the SMS Standard and audit standard;
  - (b) a process for operators to update their SMS, audit evidence, and declarations to align with the requirements of the Law and these guidelines; and
  - (c) the treatment of existing AFM arrangements, including conversion of approved work and rest hours into alternative compliance hours under section 461A of the Act.
  - (d) Transitional arrangements must be publicly communicated by the Regulator, including relevant timeframes and milestones.

# Schedule 1 Fatigue Alternative Compliance Accreditation Evidence Requirements

## Part 1 General Requirements

### Evidence Expectations

The operator must provide evidence of—

- Rostering and scheduling policies that integrate compliance with the requirements under Division 2 of Part 6.3 of the HVNL, or approved Alternative Compliance Hours (ACH), together with monitoring and governance controls
- Procedures for monitoring ACH compliance.
- Records demonstrating ACH are embedded in the operators fatigue management system and SMS controls (risk assessments, governance, training).
- an SMS manual or equivalent document showing fatigue accreditation arrangements.
- communication of fatigue accreditation requirements to drivers, schedulers, and managers.

### Examples of Evidence

- Rostering and scheduling policies.
- Monitoring procedures and exception reports.
- SMS records showing ACH integration.

### Decision Rule

The Regulator must be satisfied that ACH are implemented safely and consistently with the operator's SMS/ FMS.

## Part 2 Leadership and Commitment

### 2.1 Responsibility and Accountability

#### Evidence Expectations

The operator must provide evidence of—

- Responsibilities and authorities for all roles in the Fatigue Management System (FMS) being clearly defined, documented, and communicated.

- Day-to-day management practices actively supporting fatigue risk management.
- Corrective and preventive actions applied when fatigue requirements are breached.
- Counselling/disciplinary records (de-identified) for fatigue breaches.
- Driver welfare communication logs.

### Examples of Evidence

- Organisational charts and position descriptions.
- Delegations or authorisations.
- Fatigue management procedures.
- Audit or review reports showing oversight and corrective actions.
- Overnight welfare call records

### Decision Rule

The Regulator must be satisfied that responsibilities are documented, communicated, and discharged, and that management practices support effective fatigue risk management.

## 2.2 ACH Compliance Assurance

### Evidence Expectations

The operator must provide evidence of—

- Monitoring systems ensuring compliance with ACH (e.g. EWDs, written work diary checks, telematics).
- Procedures for detecting and addressing breaches, including escalation and corrective actions.
- Records of cooperation with enforcement agencies.

### Examples of Evidence

- Accreditation certificates available to drivers and schedulers.
- Monitoring reports.
- Breach records and corrective action logs.

### Decision Rule

The Regulator must be satisfied that operators and drivers comply with ACH conditions, breaches are addressed promptly, and compliance is sustained.

## Part 3 Risk Management

### 3.0 Fatigue Management Requirements

#### Evidence Expectations

The operator must provide evidence of—

- identification of fatigue risks, including cumulative fatigue, circadian effects, and recovery periods.
- rostering and scheduling systems that demonstrate consistency with ACH requirements.
- policies and procedures supporting driver health, fitness, and wellbeing.
- training and competence arrangements for all personnel with fatigue responsibilities.
- monitoring, review, and corrective action processes to maintain compliance.

#### Examples of Evidence

- Fatigue risk assessments.
- Rostering/scheduling procedures.
- Medical and health policy documents.
- Training records and competence registers.
- Corrective action registers.
- Preventative and remedial measures to avoid or respond to noncompliance.

#### Decision Rule

The Regulator must be satisfied that the operator has systems in place to manage all identified fatigue risks before an FACA application can be accepted.

### 3.1 Risk Classification System (RCS)

#### Evidence Expectations

The operator must provide evidence of—

- A work schedule outlining proposed work and rest arrangements, with frequencies specified for each element, scored against the seven principles of the RCS matrix.
- Where required under these guidelines, a safety case commensurate with the level of innovation beyond the RCS, addressing specific elements of the applicant's risk profile.
- Countermeasures aligned to identified risks.
- Records of specialist advice sought and acted on.

## Examples of Evidence

- Completed RCS matrix.
- Safety case documents.
- Countermeasure logs.
- Specialist advice reports.

## Decision Rule

The Regulator must be satisfied that ACH are supported by the RCS matrix and, where required, a safety case and specialist advice, and that arrangements achieve safety outcomes equivalent to or better than standard hours.

### 3.2 Specialist Advice and Referral

#### Evidence Expectations

The operator must provide evidence of—

- documentation of advice received and acted upon.
- records of any dissenting views, conditions, or modifications required.

#### Examples of Evidence

- Specialist advice reports.
- Operator responses to recommendations.

## Decision Rule

The Regulator must be satisfied that specialist advice is sought, considered, and acted on when referral thresholds are triggered.

### 3.3 Scheduling and Rostering

#### Evidence Expectations

The operator must provide evidence of—

- Trip schedules and driver rosters that demonstrate compliance with ACH where approved, and embed fatigue risk controls proportionate to those hours.
- Fatigue risk controls embedded in scheduling (time sufficiency, rest, cumulative fatigue, circadian risks).

## Examples of Evidence

- Documented schedules and rosters.
- Procedures covering relief/casual drivers and return-from-leave fatigue risk checks
- Policy/procedure specifying minimum advance notification for material changes to rosters/schedules, and samples of notifications
  - Monitoring and audit reports.
  - Driver consultation records.
  - Training material for schedulers.

## Decision Rule

The Regulator must be satisfied that schedules and rosters are documented, reviewed, and adjusted to minimise fatigue risk and comply with operating limits.

### 3.4 Records and Reporting

## Evidence Expectations

The operator must provide evidence of—

- A driver register including licence details and last medical assessment.
- Exception reporting (ACH breaches, lost diaries, EWD malfunctions).
- Notifications of notifiable occurrences.
- Quarterly fatigue compliance statements.
- Record management policies ensuring retention for the accreditation period.

## Examples of Evidence

- Driver register.
- Exception reports.
- Notifiable occurrence records.
- Quarterly compliance statements.
- Records management procedures.

## Decision Rule

The Regulator must be satisfied that records are accurate, current, auditable, and sufficient to demonstrate compliance.

## **Part 4      People**

### **4.1            Fitness and Wellbeing**

#### **Evidence Expectations**

The operator must provide evidence of—

- Drivers being medically fit to drive under Austroads Assessing Fitness to Drive guidelines.
- Documented procedures for health, drug/alcohol use, wellbeing, fatigue self-assessment, and notification when unfit for duty as part of the FMS.
- Reasonable diligence in recruitment and ongoing employment by inquiring into a driver's prior disciplinary history for fatigue or fitness-for-duty breaches (where lawfully available).

#### **Examples of Evidence**

- Medical certificates and reports.
- Pre-employment checks of disciplinary/fitness-for-duty history.
- Employment policies requiring declaration of relevant disciplinary finding
- Risk based sleep disorder screening.
- Fitness for duty policies and driver declarations.
- Processes for in-shift fatigue/impairment self-assessment and supervisor/peer checks
- Self-assessment checklists.
- Incident or notification records.

#### **Decision Rule**

The Regulator must be satisfied that—

- Only fit drivers operate under the FACA, and systems prevent impaired or unfit drivers from working.
- The operator has exercised reasonable diligence in checking and acting on relevant disciplinary history for fatigue/fitness-for-duty breaches

### **4.2            Training and Competence**

#### **Evidence Expectations**

The operator must provide evidence of—

- All personnel with fatigue responsibilities under the FMS being trained and competent for their role.

- Drivers holding TLIF0005 (or successor).
- Schedulers, supervisors, and managers holding TLIF0006 (or successor).
- Induction, refresher, and corrective training systems.
- Records of qualifications, training completion, and competence assessment.

### **Examples of Evidence**

- Certificates of attainment.
- Training registers and documentation.
- Induction and refresher training records.
- Workshop or briefing records.

### **Decision Rule**

The Regulator must be satisfied that training is current, role-appropriate, and demonstrably equips staff to manage fatigue risks.

## **Part 5 Assurance, Monitoring and Improvement**

### **5.1 Assurance, Monitoring and Improvement**

#### **Evidence Expectations**

The operator must provide evidence of—

- Regular internal reviews of the FMS, with documented findings and corrective actions.
- Oversight of review outcomes by management.
- Cooperation with NHVR audits and implementation of corrective/preventive actions.
- Documentation of management oversight of corrective action plans, including management sign-off and follow-up until closure.

#### **Examples of Evidence**

- Internal review reports and schedules.
  - Corrective action registers.
  - Audit standard-compliant audit reports (entry, renewal, triggered).
  - Management reports considering audit/review outcomes.
  - Periodic work/rest internal audits against approved limits.
  - Incident investigation templates with fatigue causation analysis

## Decision Rule

The Regulator must be satisfied that operators conduct regular internal reviews, comply with NAS audits, and implement corrective actions to achieve continual improvement.

## Part 6 Workplace and Systems

### 6.1 Workplace and Systems

#### Evidence Expectations

The operator must provide evidence of—

- policies and procedures that ensure workplace conditions assist in the prevention of fatigue under the FACA.
- specific provisions for vehicle cabin optimisation (seating, sleeping facilities, depot amenities, air conditioning).
- compliance with ADR 42 for sleeper berths where drivers are required to sleep in vehicles.
- Reasonable diligence to avoid, or minimise the impact of, journey delays, or delays in loading and unloading.
- compliance with WHS legislation for depots, loading sites, and facilities.

#### Examples of Evidence

- WHS compliance records.
- Vehicle cabin and depot inspection reports.
- Policies on delays, waiting times, and loading practices.
- Driver feedback records on workplace conditions.
- Contracts with customers specifying loading/unloading times.

## Decision Rule

The Regulator must be satisfied that workplace conditions minimise fatigue risks and support safe operations.