



**WA Heavy Vehicle
Accreditation**

**West Australian
Heavy Vehicle Accreditation (WA HVA)**

Business Rules

October 2006



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About these Business Rules

The purpose of this document is to provide the rules and conditions of West Australian Heavy Vehicle Accreditation, which includes Fatigue and Maintenance Management modules.

This document sets out the policies and procedures for the conduct of accreditation, and is to be used jointly by Main Roads, members, providers and auditors.

Introduction

WA Heavy Vehicle Accreditation will be mandatory for individuals and organisations which:

- operate a B-double or road train; or
- operate a truck and trailer at over 42.5 tonnes gross mass; or
- operate under a concessional loading scheme; or
- require an annual oversize vehicle permit or notice; or
- require more than 4 single permits.

who perform the transport task as a part of a commercial business or other money-making enterprise. This includes interstate operators.

Exceptions

Accreditation will not apply to:

vehicles other than trucks, such as buses, cranes, agricultural equipment, etc

Benefits of Accreditation

Operator accreditation will improve compliance with Transport laws through a complementary reduction in the on-road enforcement for operators who can demonstrate a high degree of assured compliance. Major benefits of accreditation will be an enhanced image for the transport industry as one that is safe and responsible, with high professional standards.

Further benefits include:

- Improvements in safety
- Quality assured compliance
- Consistent standards
- Transparency and accountability
- Improved community confidence

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- Preservation of the road infrastructure
 - Increase in the productivity of the transport industry through adoption of sound management practices.

Main Roads WA will approve and manage accreditation in Western Australia.

Accreditation does not exempt operators from complying with other requirements of the Road Traffic Act 1961. Any applied sanction for a breach of the provisions of accreditation is in addition to the penalties incurred for a breach of the Road Traffic Act.

Auditors must be registered with RABQSA as certified Heavy Vehicle auditors.

Main Roads WA will monitor the performance of the operators.

A fee will be charged for operators on becoming accredited and on renewal.

Main Roads WA will meet costs relating to enforcement and triggered audits, but all other costs must be borne by the operator. Main Roads WA retains the right to charge triggered audit costs to the operator.

Business Rules

Structural Arrangements

1. WA Accreditation is primarily designed for vehicles over 42.5 tonnes GVM. Specifically it includes organisations that:

- operate a B-double or road train; or
- operate a truck and trailer at over 42.5 tonnes gross mass; or
- operate under a concessional loading scheme; or
- require an annual oversize vehicle permit or notice;
- require more than 4 single permits.

who perform the transport task as a part of a commercial business or other money-making enterprise.

2. WA Accreditation consists of Fatigue and Maintenance modules, each applied to a different aspect of transport operation.
3. Accreditation does not exempt operators from the requirements of the road transport law.
4. Any applied sanction is in addition to the normal penalties incurred for a breach of the road transport law.

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5. An external independent body is responsible for the certification and monitoring of auditors.
 6. Main Roads may recognise membership approved by other accrediting agencies for example the National Heavy Vehicle Accreditation Scheme.
 7. Main Roads will recognise the disciplinary decisions of other agencies.
 8. Main Roads will communicate the data specified in the section *Information Exchange*.
 9. Main Roads agrees that information relating to a particular operator, which is sent to or received from another agency, is confidential, except where that confidentiality would conflict with existing FOI legislation and procedures.
 10. Main Roads will monitor performance of the vehicles listed in the vehicle register (See *Maintaining Accreditation* Section).
 11. Decisions of Main Roads are subject to internal and external review. Main Roads will decide the arrangements for the internal and external review. They can be a part of an existing review process or a new process developed for the purposes of administering these Rules.
 12. The revision of standards in existing modules, the approval of new modules and the monitoring of practice to ensure consistency, is the responsibility of Main Roads and will be done in consultation with stakeholders on an annual basis.
 13. Main Roads will have arrangements in place to ensure that the terms and conditions of accreditation are clearly understood by each party. The rights, responsibilities, obligations and access to records for each party, must be clearly defined.
 14. The cost structure for accreditation is as follows:
Main Roads will charge for original and renewed membership based on the following principles:
 - a reasonable recovery of the costs of managing accreditation;
 - regard to other jurisdictions' costs in order to minimise the incentive to "shop around" for lower charges;
 - costs will be applied equitably across all operators regardless of fleet size.
 - enforcement costs met by Main Roads;
 - audit costs met by operators;
 - triggered audit costs met by Main Roads;

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- agencies conducting triggered audits on behalf of Main Roads will be reimbursed for audit costs.

It is reasonable to recover the costs incurred in processing the application. Justification to recover any other costs must adhere to the above principles.

15. Additional Conditions

- Exemptions for Local Govt Authority, Military & Charities provided they do not operate their transport service for profit
- Accreditation audits to be held on an annual basis
- MRWA may require 6 monthly compliance report from operators
- Maximum of 4 Single Trip Permits allowed annually before HVA required
- Audit of Single Operator from cab provided at least two months records are available to the auditor
- Audit matrices to be used as a Guide Only
- Audit cannot be performed without minimum of two months records available.
- Auditor can perform more than two consecutive audits on one company.
- Systems Providers who are auditors cannot audit a scheme that they have installed.
- Accredited Operators when operating under a permit or notice can only tow trailers that are nominated under an accredited company.

Entry

- 16 A legal adult individual or a company registered with the Australian Securities Commission can apply for accreditation.
Other types of entities that may apply for accreditation include: a partnership; a division of a company registered with the Australian Securities Commission; a government department; or a section of a government department.
17. An applicant who is a natural person must supply Main Roads with Proof of Identity (POI) appropriate for a registration or licensing transaction carried out in WA.
- 18 Applicants must provide the following:
- the prescribed application form;
 - certification from an approved auditor that a Maintenance and Fatigue management system is in place, is being used and adheres to the standards relevant to a module or group of modules
 - the prescribed administration charge; and
 - appropriate POI (if the applicant is an individual)

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20. The application form will include:
- the name(s) of the applicant;
 - the street address, postal address and contact numbers of the applicant;
 - the name and numbers of a contact person;
 - the number of vehicles nominated for accreditation;
 - the module(s) in which the applicant is seeking membership;
 - the signature(s) of the applicant(s) and the date of application; and
 - acknowledgment of Main Roads' sighting of POI and a declaration that the information is true and correct.

Providing false or misleading information to Main Roads is an offence.

Applicants who do so, may be subject to a financial penalty or other sanction.

21. Sub-contractors may be included in an operator's accreditation provided that the operator can take responsibility for the management of both modules. Sub-contractors may apply for accreditation in their own right provided that they have Fatigue and Maintenance management systems in place that have been audited by external auditors.
22. Applicants are subject to an administration charge based on principles detailed in the *Structural Arrangements* Section of these Rules.
23. Successful applicants are referred to as accredited operators and are accredited for three (3) years. All members may be issued with labels for each vehicle to identify them on the road.

Renewal

24. When determining whether to continue membership and the length of the next accreditation period, Main Roads must consider the following:

- the audit results over the accreditation period;
- the history of compliance with the terms and conditions of accreditation;

Main Roads may also take into account the history of compliance with road transport laws.

Compliance history information is relevant for three (3) years from the date the incident occurred. After this period, the information should not be considered in a renewal application.

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25. The renewal process should begin three (3) months prior to the end of the accreditation period.
Operators must advise Main Roads in writing, whether they wish to continue to be accredited within the prescribed timeframe (i.e. three (3) months prior to the end of the accreditation period). If written advice is not provided, Main Roads may choose to contact the operator to enquire whether they wish to remain accredited.
26. If, after review, an operator's performance is not considered satisfactory in a module or group of modules, Main Roads may decide not to renew the operator's accreditation in that module or group of modules.
If Main Roads decides to take one of those courses of action, Main Roads will advise the operator in writing of the reasons for the proposed action and allow 28 days to show cause why the accreditation should not lapse. If, in the opinion of Main Roads, the operator fails to show cause, Main Roads will advise the operator within 14 days that accreditation has not been renewed.

Maintaining Accreditation

27. The maintenance of accreditation is dependent upon an operator's history of compliance with the terms and conditions of accreditation.
Performance is monitored through a program of
- Compliance audits;
 - Complaint investigation;
 - Random Compliance Checks; and
 - Random Inspections
 - Internal Compliance reports

Audits

28. An audit assesses the effectiveness of the Fatigue and Maintenance management system being operated by examining and measuring the level of compliance achieved over a given period. Accreditation shall last for three years.
29. Audits fall into three categories: Entry (system and compliance), scheduled compliance or triggered.
30. An operator's Fatigue and Maintenance management system must undergo an Entry audit to ensure compliance of the Operator's system and practice to the Standards. A compliance audit is undertaken on an annual basis over the period of accreditation.

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31. Where information received via an intercept report, a compliance statement or a complaint suggests that the operator may be acting in contravention of the terms and conditions of accreditation, Main Roads may order a triggered audit. Triggered audits should only be initiated after an incident has been investigated. Another agency or an enforcement officer may request Main Roads to undertake a triggered audit on an operator, only when a complaint has been registered first. Before the triggered audit can take place, the complaint must be duly processed (See *Complaint Investigation*).
- Where a triggered audit is ordered, Main Roads must choose an approved auditor independent of the operator they are investigating.
- Main Roads will pay for all triggered audits. If the non-compliance is confirmed, Main Roads may recoup the costs of the audit from the operator, in addition to any sanction imposed.
32. Vehicles listed in the operator's vehicle register may also be subject to inspection, when required.
- 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, Main Roads may order a triggered inspection. The inspection may be in conjunction with an audit of the maintenance management system or as a stand-alone.
- Inspections must be carried out by competent persons experienced in the inspection of heavy vehicles, in accordance with the National Vehicle Standards and the Australian Design Rules (ADRs).

Complaint Investigation

33. A complaint may be received from any member of the public, verbally or in writing.
- Main Roads has the discretion not to act on a complaint that relates directly to the terms and conditions of accreditation, and reserves the right not to act upon, or reply to, vexatious or anonymous complaints.
- Where a complaint is in writing, Main Roads will respond to the complainant in writing.
- While a complaint is being investigated, Main Roads may choose not to advise the operator of the complaint. Where Main Roads decides to take some action after investigation, the operator must be advised in writing of the complaint.
- If, after investigation, a breach of requirements is proven, Main Roads may take action against the operator (See *Sanction* Section).
- If action is taken, Main Roads will keep a record of the incident and action taken. This is to be filed with other information about the operator, and may be taken into consideration when renewing accreditation (See *Renewal* section).

Random Compliance Checks

34. Random compliance checks are carried out to gather information on an operator's level of compliance. These checks cover compliance with the terms and conditions of accreditation. Random compliance checks can be carried out in a variety of ways:

- on-road intercepts;
- spot checks to determine satisfactory compliance
- review of quarterly compliance statements;
- triggered or random inspections and / or audits; or
- any combination of the above.

35. **On-road intercepts** provide compliance information for the terms and conditions of accreditation. On-road intercepts can be carried out by other agencies and/or police.

When a vehicle is intercepted on the road, an intercept report must be completed by the enforcement officer. Main Roads will keep a record of the intercept report for a minimum period of three (3) years for audit and renewal purposes. (See *Renewal* section).

36. **Compliance Statements.** As part of the internal review standards for the accreditation the operator is required to complete (6 monthly) compliance statements. These statements must contain a record of compliance with the key outcomes required for accreditation.

Review of 6 monthly compliance statements may be undertaken at the operator's premises or Main Roads may request an operator to provide the statements directly to them at specified intervals.

Main Roads can review these statements, in lieu of, or in addition to, on-road intercepts. If Main Roads chooses this option, access to compliance statements and the consequences of not providing them as requested, must be included in the terms and conditions arrangements made between the relevant parties. (See *Structural Arrangements* section).

If a discrepancy is found, Main Roads may choose to take action against the operator.

Main Roads and operators must keep records of compliance statements for a minimum period of three (3) years for audit and renewal purposes. (See *Renewal* section).

37. **On-Road Checks.** On-road checks may be performed at short notice by competent officers or enforcement officers.

A report is to be produced at the time of the random compliance check indicating any findings and if any action is recommended. A copy of the report

is to be provided to the operator and the original submitted to Main Roads for appropriate action. (See *Complaint Investigation* above).

Main Roads and operators must keep records of random compliance checks conducted at premises for a minimum period of three (3) years for audit and renewal purposes. (See *Renewal* section).

38. **Triggered Inspections.** If Main Roads' records show that the condition of an operator's vehicles has not been monitored for more than one accreditation period, Main Roads may order an inspection of the vehicle fleet carried out at the operator's premises. Sample of vehicles to be inspected is 5 vehicles or 10% of the accredited fleet, whichever is the greater.
- A report 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 operator and the original submitted to Main Roads for appropriate action. (See *Complaint Investigation* above).

Sanctions

39. When determining the sanction to apply to a substantiated non-compliance, consideration will be given to the severity of the case and any mitigating circumstances.
40. Sanctions that can be imposed on an operator include:
- counselling;
 - a written warning notice;
 - issuing a notice to take corrective action within a specified period;
 - increasing the frequency of scheduled compliance audits;
 - issuing a show cause why accreditation should not be suspended
 - issuing a show cause why accreditation should not be cancelled;
 - suspension or cancellation of accreditation.
41. All show cause notices must be responded to within 14 days of the date of posting.
- At the end of the 14 days notification period, Main Roads must consider all information provided and make a decision.
- The operator is advised in writing of Main Roads' decision and, if necessary, of the appropriate mechanism for review of the decision.
42. A record must be kept of any imposed sanction and the reasons for making that determination.
43. Any sanction taken against an operator is in addition to the normal penalties incurred for a breach of the road transport law.

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44. Providing false or misleading information to Main Roads is an offence. Persons who do so, may be subject to a financial penalty in addition to other sanctions.
 45. It is an offence to falsely claim accreditation through use of a label or any other means. Persons who do so, may be subject to a financial penalty.

Review

46. If an applicant is refused entry to accreditation, they may appeal for an internal review of the decision within 28 days of the posting of the notification as per the Grievance and Appeals Process document number 37/07/05. A Board constituted by the Commissioner of Main Roads will hear internal and external appeals.
47. If an operator wishes to contest a decision not to renew accreditation, they must lodge an appeal for internal review within 28 days of the posting of the notification. If the original decision is upheld, an operator may lodge an external appeal within 28 days of the posting of the notification.
No action to cancel accreditation can be taken until the review processes have been completed.
48. Decisions to vary, suspend or cancel accreditation may be internally reviewed if the operator requests it within 28 days of being sanctioned.
Sanctions are held in abeyance until the review is completed.
49. If the original decision is upheld, an operator has recourse to external avenues of appeal. Any external review appeal must be lodged within 28 days of posting of the notification that the original decision has been upheld.
Sanctions remain in force unless overturned by the external review process.

Exit

50. An operator may leave the accreditation process or give up membership to a module voluntarily at any time.
51. Members voluntarily leave accreditation by advising Main Roads in writing that they wish to do so
52. Main Roads will advise all other agencies of suspensions or cancellations of accreditation once review procedures have been completed.
53. Main Roads will advise all other agencies of voluntary exits from the accreditation process.

Information Exchange

54. When required, Main Roads will transmit the following information to every other accrediting agency:
- the details of entry (name of accredited operator).
 - the details of exits (voluntary, allowed to lapse, suspension, cancellation) from accreditation, after all appeals, if any, have been exhausted.
55. Main Roads will transmit the following information to other government agencies as appropriate:
- the results of a triggered audit carried out on behalf of another jurisdiction;
 - the results of a vehicle(s) inspection carried out on behalf of another jurisdiction;
 - an enquiry regarding an audit or vehicle inspection on behalf of the jurisdiction;
 - details of a complaint received about an operator accredited by the other agency;
 - a response to a complaint transmitted from another agency;
 - a response to an enquiry regarding accreditation status.
56. Only pertinent information relating to specific actions or events will be transmitted to other agencies. Confidential personal information will be the subject of scrutiny and will not normally be passed.