



# Western Australian Heavy Vehicle Accreditation

## Business Rules



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## 1. ABOUT THESE BUSINESS RULES

### Purpose

- 1.1 In Western Australia, heavy vehicle accreditation requirements are prescribed in the *Road Traffic (Vehicles) Act 2012* and associated *Regulations*. The *WA Heavy Vehicle Accreditation (WAHVA) Business Rules* define the requirements applicable to the administration of WAHVA.

The following *Business Rules* have been developed to ensure all operators participating in WAHVA are achieving the same minimum level of compliance. This document explains what the required steps are to become accredited, maintaining accreditation and the cancellation or suspension process.

### Application

- 1.2 The *WAHVA Business Rules* apply to all accredited operators participating under WAHVA.

### Legal status of the Business Rules

- 1.3 The *Business Rules* and *WAHVA Module Standards* are prescribed under *Part 8, Division 7, of the Road Traffic (Vehicles) Regulations 2014*.
- 1.4 An accredited operator must have adequate systems in place to satisfy the Commissioner of Main Roads (CMR) that the prescribed Standards are met. The CMR has delegated this function to Main Roads, as provided by the *Road Traffic (Administration) Act 2008*.
- 1.5 In the event the *Regulations* and the *Business Rules* are in conflict, the *Regulations* shall prevail.

### Related documents

- 1.6 The following documents provide further guidance for operators in developing systems to comply with the *Business Rules* and to meet the audit requirements:
- *Maintenance Management Module Standards*;
  - *Fatigue Management Module Standards*;
  - *Dimension and Loading Management Module Standards*;
  - *Mass Management Module Standards*; and
  - *Guidelines for Audit Providers*.

The above documentation and further information relating to WAHVA is available on the Accreditation page of the Main Roads website at [www.mainroads.wa.gov.au](http://www.mainroads.wa.gov.au) or please call Main Roads Heavy Vehicle Helpdesk on 138 486.

- 1.7 Additionally, references to Fatigue Management within these rules must be read in conjunction with the following documents:
- *Occupational Safety and Health Regulations 1996*; and
  - *Code of Practice for Fatigue Management for Commercial Vehicle Drivers*

The above documentation and further information relating to Fatigue Management is available on the WorkSafe page of the Department of Mines, Industry Regulation and Safety website at [www.commerce.wa.gov.au](http://www.commerce.wa.gov.au)

## How the Business Rules may be amended

- 1.8 These *Business Rules* will be periodically revised to reflect changes in WAHVA, new requirements and consultation with users. Revisions may constitute a part or the whole of this document.
- 1.9 Any amendments will be issued with a release date reflected on the front cover of the document and published on the Accreditation page of the Main Roads Website.

## 2. WAHVA REQUIREMENTS

### Requirement to be accredited

- 2.1 Main Roads cannot modify a mass, dimension or access requirement for class 1, class 2 or class 3 vehicles, used in connection with a business, unless there is a person accredited in relation to the vehicle concerned. The exception is a vehicle defined as a:
  - a) Bus;
  - b) Vehicle with a GVM of 8 t or less;
  - c) Vehicle owned by a public authority;
  - d) Vehicle owned by the Commonwealth or a Commonwealth department or agency or used for Australian or visiting defence force purposes;
  - e) Special purpose vehicle;
  - f) Agricultural vehicle; or
  - g) Being operated by an operator who will not apply for more than 4 single trip permits (Class 1 Oversize and extra mass only) per calendar year and does not require any other annual or period permits.
- 2.2 Accredited operators are required to comply with the Standards in the following three mandatory modules:
  - *Maintenance Management Module Standards;*
  - *Fatigue Management Module Standards; and*
  - *Dimension and Loading Management Module Standards.*
- 2.3 Accredited operators wishing to operate under Accredited Mass Management Scheme (AMMS) and/or the Performance Base Standards (PBS) permits with extra mass provision, must also be accredited under the:
  - *Mass Management Module Standards.*
- 2.4 An operator cannot transfer accreditation to another operator or person.
- 2.5 WAHVA does not exempt operators from the requirements of other applicable legislation.

### Requirement to be a legal entity

- 2.6 A person may be accredited in relation to a vehicle only if the person:
  - a) Controls or directs the operation of the vehicle; or
  - b) Is of a prescribed class of person in relation to the vehicle, as follows:
    - (i) An individual who is a responsible person for the vehicle; or
    - (ii) A company given an Australian Company Number (ACN) under the *Corporations Act 2001 (Commonwealth)* who is a responsible person for the vehicle.

- 2.7 A business registered with ASIC may be shown on a permit as “trading as” along with the legal entity if they can demonstrate a certified relationship to a legal entity.
- 2.8 All subsidiary businesses must be registered under the accreditation of a legal entity. Any subsidiary company having its own ACN may be separately accredited.
- 2.9 Any individual supplying proof of a registered business name can have that registered business name included on their Accreditation Certificate as an addition to the legal entity name (Trading As).

### **Fees and charges**

- 2.10 The fee payable for an application for a person to be accredited or for a person’s accreditation to be renewed is \$225.00.
- 2.11 Costs associated with entry audits, system audits, scheduled compliance audits and re-entry audits are the responsibility of the person applying for accreditation.
- 2.12 Costs associated with random and triggered audits will be the responsibility of Main Roads.

### **Hire companies and hire vehicles**

- 2.13 Where a company or individual hires vehicles to another person, the hire company must be accredited in all modules (including the Mass Management Module Standards if operating under an AMMS permit or PBS permit with extra mass) when:
  - a) The contract is a “wet hire” contract; or
  - b) The hire company is using RAVs to move its own equipment.
- 2.14 Where a company or individual hires vehicles to another person, the hiring company may be required to be accredited in the Maintenance Management Module when the equipment is being used in a RAV combination and:
  - a) The contract is a “dry hire” contract;
  - b) The equipment being hired is a trailer or converter dolly; and
  - c) Equipment is hired out to an Accredited Operator.
- 2.15 A company or individual hiring vehicles to a second party must be accredited in the *Mass Management Module Standards* when:
  - a) The contract involves a “wet hire”;
  - b) The hire company is using a RAV to move their own equipment; and
  - c) The operation includes concessional loading under an AMMS permit or PBS permit with extra mass.
- 2.16 A person who hires a RAV from an accredited hire company using the hire company’s permit, must be accredited in at least the *Fatigue Management Module* and *Dimension and Loading Module* of WAHVA.
- 2.17 A hire company that only hires out trailers is not required to be accredited, but may do so voluntarily for quality assurance purposes.
- 2.18 A person who hires or leases a powered vehicle to operate under an order or permit must include the vehicle onto its vehicle list (the operator is then responsible to ensure the vehicle is roadworthy while using the vehicle as part of its operations).

## Other Agencies relevant to WAHVA

- 2.19 Exemplar Global is responsible for the certification and monitoring of auditors on behalf of Main Roads.
- 2.20 Main Roads may recognise membership of comparable heavy vehicle accreditation schemes (including but not limited to the National Heavy Vehicle Accreditation Scheme). Main Roads may further accept compliance with some or all comparable standards in such schemes as evidence of compliance with WAHVA.
- 2.21 Any recognition as outlined at 2.20 does not exempt operators from requirements and conditions established in WAHVA.
- 2.22 Main Roads may recognise the disciplinary decisions of other accrediting agencies, such as the National Heavy Vehicle Regulator. (Main Roads may implement the decision in regard to the WAHVA).
- 2.23 Main Roads may communicate the data specified in Section 10 of these *Business Rules*.

## 3. ENTRY TO WAHVA

- 3.1 A person making application for accreditation must submit either:
  - a) A complete entry audit (Refer to 5.3 for more detail); or
  - b) A systems audit which will enable an applicant to satisfy the Commissioner for Main Roads that the person has in place systems, to the extent that is reasonably practicable to comply with required standards. (Refer to 5.4 for more detail). At this point the applicant will become provisionally compliant with WAHVA for a period of three months and able to apply for dimension modifications and access modifications.
- 3.2 Where a systems audit is completed and compliance with prescribed standards cannot be demonstrated by the expiry of the three month period the person's provisional compliance is cancelled.
- 3.3 Eligibility for accreditation will be subject to evidence of:
  - a) Roadworthiness (e.g. Roadworthiness certificate/checklist/inspection) of all vehicles (includes trailing equipment) operating under the accreditation and the certificate shall be evidence of a physical inspection of the vehicle and shall demonstrate compliance with all legal requirements for the intended use of the vehicle;
    - (i) A certificate of roadworthiness must not have been issued more than six months prior to the date of the entry/re-entry/systems audit. If a new vehicle has been registered in the previous six months, Main Roads may accept this as evidence of roadworthiness; and
    - (ii) Operators can submit an Accreditation Roadworthy Vehicle Checklist which can be found on the Accreditation page of the Main Roads website. All entries must include the date each vehicle was inspected and the name of the person who conducted the inspection. The checklist must be signed by a responsible person at the workplace certifying the information is correct.
  - b) A Fatigue Management Plan - requiring all commercial vehicle drivers to:
    - (i) Undergo a medical assessment in accordance with *Assessing Fitness to Drive 2016* which can be found on the WorkSafe page of the Department of Mines, Industry Regulation and Safety website; and
    - (ii) Be trained in the WA Fatigue Regulations to ensure all drivers are operating pursuant to the *Occupational Safety and Health Regulations 1996* Western Australia.

- c) A *Loading Plan* - demonstrating systems are in place to control and check loading standards prior to a vehicle entering the public road network.
  - d) A *Mass Management System* (if required) - demonstrating systems are in place to control the mass loading of a vehicle prior to a vehicle entering the public road network.
- 3.4 Where a vehicle is (or is to be) registered in a jurisdiction other than Western Australia, the certificate of roadworthiness is to comply with the inspection requirements of the jurisdiction where it is (or is to be) registered.
- 3.5 The primary place of audits will be the business address stated by the applicant at the time of entry into WAHVA or at another location that is the primary operational depot for the operator.
- 3.6 Persons applying for entry to WAHVA must provide the following:
- a) A completed application form;
  - b) An entry audit (or a systems audit) including a signed declaration from an approved auditor stating management systems are in place. The audit date must be within three months prior to the date of application;
  - c) The prescribed application fee of \$225;
  - d) If the applicant is an individual, evidence of identity (EOI) appropriate for a vehicle registration or drivers licencing transaction carried out in Western Australia is required (must include photo ID);
  - e) If the applicant is a company, evidence of the company registration (ACN);
  - f) An Australian Business Number (ABN) which is linked to the legal entity (this is required to allow operators to obtain permits and make payments);
  - g) Current certificate(s) of roadworthiness or Accreditation Roadworthy Vehicle Checklist (no older than six months from the date of the audit) to demonstrate roadworthiness for each vehicle (includes trailing equipment); and
  - h) A nominated place for audits.
- 3.7 The application form must include:
- a) Name of the applicant and ACN (where relevant);
  - b) Name of any subsidiary business or businesses and the Registered Business Name (RBN) (where relevant);
  - c) Place of business address, postal address and contact number(s) of the applicant;
  - d) Name and number(s) of a contact person or persons;
  - e) Declaration by the applicant the information submitted on the form is true and correct;
  - f) Vehicle register, listing all vehicles to be operated under the accreditation;
  - g) Signature(s) of the applicant(s) and the date of application; and
  - h) ABN which is linked to the legal entity.
- 3.8 Sub-contractors may be included in an operator's accreditation provided the operator can take responsibility for the management of all standards and the sub-contractor is working exclusively for that operator.
- 3.9 Sub-contractors who work for more than one operator must be accredited in their own right.

- 3.10 Successful applicants are referred to as “accredited operators” and accreditation may have effect for up to 36 months from the day of accreditation.
- 3.11 All accredited operators will be issued with an accreditation certificate specifying the modules and duration of the accreditation.
- 3.12 Accredited operators who are not already accredited in the Mass Management Module Standards are required to have the module included in their accreditation before being issued an AMMS permit and/or PBS permit with extra mass provisions.
- 3.13 In order to have the Mass Management Module included as part of an operator’s accreditation an audit must be conducted on their Mass Management System.

## 4. EXISTING ACCREDITATION HOLDERS

### Renewal requirements

- 4.1 It is an accredited operator’s responsibility to ensure accreditation is renewed (re-entry audit) and submitted to Main Roads prior to the accreditation expiry date. There are no provisions to extend accreditation beyond the expiry date.
- 4.2 A re-entry audit must be conducted within the period three months prior to the accreditation expiry date.
- 4.3 Current roadworthiness certificates/checklist/inspection (no older than six months) to demonstrate roadworthiness for each vehicle must be provided.

### Change of anniversary date

- 4.4 The following applies if an operator requests a change to the accreditation anniversary date:
  - a) If the operator requests the date be brought forward (i.e. from June XX to May XX) then the date can be changed without an audit (the next audit will be due in May XX). This change would result in the operator’s accreditation not extending for the entire 36 month period;
  - b) If the date is extended past the existing anniversary date (i.e. June XX to September XX) then the operator must complete a re-entry audit and payment of the \$225 application fee is required. No refund for the original accreditation period will be issued; and
  - c) An application for the variation of an accreditation must be submitted in writing on an *Accreditation Variation Form*.

## 5. MAINTAINING ACCREDITATION

- 5.1 Ongoing participation in WAHVA is subject to regular review of an accredited operator’s history of compliance with WAHVA and relevant legislation. Compliance is monitored through a program of:
  - a) Scheduled compliance audits;
  - b) Random audits, triggered audits or show cause;
  - c) Investigation of complaints; and
  - d) Random compliance checks.



- 5.2 A person is not to be accredited under the regulations unless Main Roads is satisfied the person has in place systems that comply with prescribed standards. Standards are designed to ensure compliance with fatigue, mass, dimension or loading requirements, vehicle standards and roadworthiness requirements and adherence to any written law relevant to the driving or operation of restricted access vehicles.

### Entry audits

- 5.3 An entry audit must have all documents and records available for audit. Where records are not available then a systems audit (refer to 5.4) may be conducted.
- 5.4 A systems audit must contain the following documents and records:
- a) Vehicle Roadworthy Certificates (completed and signed);
  - b) Fatigue Management Plan;
  - c) Commercial Vehicle Driver Medicals completed by a qualified medical practitioner;
  - d) Training and education records (including fatigue);
  - e) Policies and procedures to address the standards;
  - f) Signed Maintenance, Fatigue and Dimension and Loading Management Policies (single operator); and
  - g) Signed Statement of Responsibilities.
- 5.5 If a systems audit has been submitted for entry purposes a subsequent entry audit must be conducted within three months from the date the operator was first accredited, this provides an operator with the opportunity to gather the required information and documentation to support their accreditation application.
- 5.6 Applicants seeking to operate under AMMS permits or PBS permits with extra mass must submit an entry audit. Applicants are required to have systems in place that demonstrate compliance with the Mass Management Module Standards as stipulated in their Loading Plan for each loading point.
- 5.7 If records are not available for the Mass Management Module entry audit, an auditor must ensure the operator has the required procedures and loading plans in place.
- 5.8 Existing accredited operators may conduct an entry audit for the Mass Management Scheme at any time during an accreditation cycle. Future compliance and re-entry audits will be conducted as part of normal accreditation audits.

### Compliance audits

- 5.9 A compliance audit assesses the effectiveness of a management system by examining and measuring the level of compliance achieved over a given period.
- 5.10 Compliance audits fall into three categories: scheduled, random and triggered.
- 5.11 For the purposes of this section the *anniversary date* is the anniversary of the accreditation commencement date.

### Scheduled audits

- 5.12 WAHVA scheduled compliance audits are conducted on an annual basis within three months prior to the anniversary date.

- 5.13 The operator's management system must undergo a scheduled compliance audit at 12 months and a second scheduled compliance audit at 24 months. All audit reports must be in a format approved by Main Roads. Further information is found on the Accreditation page of the Main Roads website.

### Random and triggered audits or Show Cause

- 5.14 Random audits are conducted by Main Roads each year on a randomly selected sample of accredited operators.
- 5.15 Main Roads may initiate a Show Cause process or triggered audit where information (i.e. on-road breach, crash, compliance history, intercept report, complaint or other advice received) suggests an operator may be non-compliant with the conditions of WAHVA.
- 5.16 Accreditation Officers from Main Roads may conduct random or triggered audits.
- 5.17 Random or triggered audits will be conducted at a location nominated by Main Roads.
- 5.18 Heavy Vehicle Accreditation Auditors (HVAA), certified by Exemplar Global and with no association to the accredited operator, may be tasked to conduct a random audit on behalf of Main Roads.
- 5.19 HVAA appointed by Main Roads under section 5.18 are not permitted to make offers to conduct future audits for the operator for a period of no less than 24 months from the time of the random audit.
- 5.20 A Show Cause letter will be sent in accordance with the WAHVA Show Cause Process published on the Accreditation page of the Main Road website.

### Investigation of complaints

- 5.21 A verbal or written complaint may be received from another agency or a member of the public. Main Roads has the discretion 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. When a written complaint is received, Main Roads will acknowledge receipt of the complaint in writing.
- 5.22 The details of the person/company making a complaint will not be conveyed to the operator who is the subject of the complaint (these details are to remain confidential). This is to ensure any person having information that may help Main Roads or other agencies maintain compliance is not placed in a position of conflict with the operator.
- 5.23 If the complaint is substantiated after an investigation, Main Roads may take action against the operator, in accordance with section 7 of these *Business Rules*.
- 5.24 If action is taken Main Roads will keep a record of the incident and action taken. This will be recorded on the operator's file.

### Random compliance checks

- 5.25 Random compliance checks are conducted across the transport industry on a regular basis. These checks assist to gather information to help gauge general compliance levels within the transport industry to ensure compliance with WAHVA and relevant legislation.

- 5.26 Random compliance checks can be conducted through a variety of methods, such as:
- a) On-road compliance intercepts;
  - b) Review of WAHVA compliance statements;
  - c) Spot checks to determine satisfactory compliance;
  - d) Triggered audits;
  - e) Random audits; or
  - f) Any combination of the above.
- 5.27 On-road intercepts provide information on compliance relating to the conditions of WAHVA and other relevant legislation. On-road intercepts can be conducted by Main Roads, Police, WorkSafe WA and other Main Roads nominated agencies.
- 5.28 When a vehicle or driver of an accredited operator is intercepted on the road, an intercept report may be completed by the enforcement officer. Copies of any intercept reports must be retained by the operator and form part of the internal review process.
- 5.29 A driver for an accredited operator is required to produce any accreditation documentation (i.e. trip records etc.) requested by an authorised person.
- 5.30 Agencies and operators must keep a record of any intercept report(s) for a minimum of three years for audit purposes.
- 5.31 As part of the internal review of the standards for each module, an accredited operator is required to complete compliance statements quarterly. These statements must contain a record of compliance with key outcomes required for each standard under WAHVA.
- 5.32 A review of compliance statements may be undertaken at the operator's premises, or Main Roads may request the operator to provide the statements directly to Main Roads at specified intervals.
- 5.33 Operators must keep a record of compliance statements for a minimum of three years for audit purposes.

### **Spot checks**

- 5.34 A spot check of specific records may be carried out either on-site or as a desk-top review by an authorised person(s). A spot check may be triggered by information received and is a preliminary step to establish whether further action or investigation is required. If enquiries indicate a potential system management issue, Main Roads may initiate a triggered audit as part of any further investigation.

### **Major non-conformance**

- 5.35 A major non-conformance detected during an audit must be closed out before the audit is sent to Main Roads. If an audit is submitted to Main Roads with an open major non-conformance it will be returned to the operator for action. This may have an effect on the status of the operator's accreditation.

### **Minor non-conformance**

- 5.36 All minor non-conformances detected during an audit must be closed out before the next audit is conducted.

## 6. GENERAL AUDIT REQUIREMENTS

- 6.1 Only a person certified as an HVAA by Exemplar Global is qualified to undertake heavy vehicle entry (system), re-entry and compliance audits.
- 6.2 All audits required by these *Business Rules* must be conducted in accordance with the *Guidelines for Audit Providers*.
- 6.3 System providers, who are auditors and consultants, are not permitted to conduct the initial audit of a system they have designed and/or implemented. Once the initial audit has been conducted by another auditor, who has no association with the system provider, then the system provider may be engaged to conduct further audits of the accredited operator.
- 6.4 All audits must be conducted in person at the nominated premises of the accredited operator. Conduct of audits by remote means such as post, fax, email, telephone or video conference is not permitted and will render any such audit invalid under WAHVA.
- 6.5 Audit of a single operator (refer definition at Appendix 1) at a location other than a business premise is permitted provided all relevant records are available to the auditor.
- 6.6 All audits (other than for “single operators”) must be conducted at the site nominated on entry to the scheme or at a remote depot from which the operator’s main business is conducted. However, at the prior request of an operator, and at the discretion of Main Roads, the audit may be performed at another location (remote audit); although this will only be considered for approval in exceptional circumstances.
- 6.7 All depots must be included in the audit.
- 6.8 Multi-site audits may be conducted by more than one auditor. A lead auditor must be appointed by the operator to control the audit process and to compile the final audit report.
- 6.9 Completion of audit matrices is the minimum requirement for audit reports. Additional information may be submitted by auditors as considered necessary.
- 6.10 All trailers and convertor dollies used under permit or order conditions must be included on an accredited operator’s fleet list for audit purposes.

## 7. WAHVA SANCTIONS

### Cancellation or suspension of accreditation

- 7.1 Main Roads, by notice in writing given to an accredited person, may cancel or suspend the person’s accreditation if:
  - a) The operator was accredited on the basis of incorrect or misleading information;
  - b) Main Roads is no longer satisfied the operator has in place systems that comply with prescribed standards or there is non-compliance with any written law relevant to the driving or operation of restricted access vehicles;
  - c) Main Roads has reason to suspect there are grounds to refuse to accredit the operator;
  - d) Action required to be taken has not been taken; or
  - e) A safety related incident occurs in relation to a vehicle controlled or directed by the operator.
- 7.2 Main Roads will send a letter giving an operator 28 days to respond if audits have not been received by the due date. If an operator submits a conforming audit within 28 days, no further action will be taken.

- 7.3 If no response is received within the specified time, the operator's accreditation will be cancelled.
- 7.4 In all other cases of cancellation and suspension, a letter will be sent informing the operator of the intention to cancel or suspend their accreditation. The operator is given 28 days to respond.
- 7.5 A record will be kept of any actions taken and the reason for taking such action.
- 7.6 Any action taken by Main Roads resulting in cancellation or suspension of accreditation does not affect the liability of a person to any other penalty attributable.
- 7.7 Any decision by Main Roads to suspend or cancel an accreditation is a reviewable decision. (Refer to Section 8).
- 7.8 During any period the accreditation certificate is not valid, Main Roads will not issue any new permits to an operator. It is an offence to operate class 1, class 2 or class 3 vehicles under a permit or order which has WAHVA as a condition of use.
- 7.9 If an operator's accreditation is cancelled by the Show Cause process, then a minimum of six months must elapse before the operator can re-apply to be an accredited operator.

## **8. REVIEW**

- 8.1 Part 8 of the *Road Traffic (Administration) Act 2008* and Part 15 of the *Road Traffic (Vehicles) Regulations 2014* detail provisions relating to the review of decisions under road laws.
- 8.2 Reviewable decisions with regards to accreditation are decisions to:
  - a) Grant accreditation;
  - b) Vary, cancel or suspend accreditation;
  - c) Impose a requirement in relation to an accreditation; or
  - d) Refuse to do any of those things.
- 8.3 An affected operator or person may request in writing, for the decision-maker to review their decision if the written request:
  - a) Is made within 28 days after notice of the decision has been given to the operator in writing; and
  - b) Identifies the decision to be reviewed and state why the decision should be reviewed and the outcome sought.
- 8.4 Within 28 days after receiving the written request, the decision-maker must review the decision and either:
  - a) Confirm the decision;
  - b) Amend the decision; or
  - c) Set aside the decision and substitute a new decision.

- 8.5 The decision-maker must, in writing, inform the operator or person who made the written request:
- a) The result of the review;
  - b) Reason(s) for the review decision particularly if the outcome sought by the operator or person is not provided; and
  - c) The operator or person may apply to the State Administrative Tribunal (SAT) for a review of the decision.

## 9. EXIT

- 9.1 There are three ways of exit from WAHVA:
- a) An accredited operator may voluntarily retire from WAHVA at any time by submitting "Notification of Retirement From WAHVA" form to Heavy Vehicle Services (HVS);
  - b) Main Roads may cancel accreditation due to non-compliance with WAHVA; or
  - c) An operator's accreditation expires and is not renewed.
- 9.2 Accreditation is not transferable. An operator's accreditation does not transfer when a company or business is sold to another person. Where the new owner is already an accredited operator the acquired vehicles must be added to their vehicle register in the same manner as any other acquired vehicle.
- 9.3 If the new owner of a business is not an accredited operator, they must seek accreditation in their own right.

## 10. INFORMATION EXCHANGE

- 10.1 When appropriate, Main Roads may provide information to another Government agencies. This information may include:
- a) Details of entry;
  - b) Details of exits from accreditation, after all appeals, if any, have been exhausted;
  - c) Results of triggered audits;
  - d) Results of vehicle inspections;
  - e) Results of an enquiry from an audit or vehicle inspection on behalf of another agency;
  - f) Details of any suspension or cancellation of an operators accreditation;
  - g) Details of any complaint about an operator accredited with another agency;
  - h) Details of a response to a complaint provided by another agency; and
  - i) Details of a response to an enquiry regarding accreditation status.

## 11. AUDITOR REQUIREMENTS

- 11.1 Main Roads may issue and publish an approved *Code of Conduct* identifying the standards auditors should demonstrate when conducting audits under WAHVA.
- 11.2 Auditors are required to undertake training modules provided by Exemplar Global and hold a licence (certification) as a WAHVA auditor in order to conduct audits.

- 11.3 All auditors may be subject to examination and review by Main Roads and Exemplar Global. Electronic copies of full audit reports for specific operators must be provided by email to Main Roads and/or Exemplar Global for examination and review upon request.
- 11.4 Main Roads may at its discretion, undertake or arrange to have undertaken, a review of an auditor's accreditation audit report and/or undertake an on-site observation of an auditor's competencies during a heavy vehicle accreditation audit.
- 11.5 In the event of Main Roads receiving a formal complaint or negative report about the actions of an auditor, Main Roads may undertake, or arrange to have an investigation undertaken.
- 11.6 As a result of a review of an auditor's report, or observation of an auditor's actions, or investigation, Main Roads may:
- a) Provide the auditor with feedback, advice and/or counselling;
  - b) Recommend the auditor undertake remedial training;
  - c) Provide written warning advice;
  - d) Cause a triggered audit or inspection to be conducted;
  - e) Temporarily restrict the auditor from conducting WAHVA audits;
  - f) Permanently withdraw approval and request Exemplar Global to remove the person's name from the register of auditors; and
  - g) Cause the relevant audit/s to be cancelled in all or part, and cause a new audit to be conducted.
- 11.7 Decisions of Main Roads in relation to an approved auditor may be subject to internal review. Main Roads 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 submitted within 28 days of the decision being made.
- 11.8 Main Roads may consider administrative actions taken by the National Heavy Vehicle Regulator (if those actions are applicable to the requirements of WAHVA).

## 12. APPENDIX 1 – COMMON TERMINOLOGY

<b>Anniversary Date</b>	The date the operator entered WAHVA or the date a re-entry audit and payment were made. This is the date when future audits (compliance/re-entry) are due.
<b>Appeal</b>	The reconsideration of a decision of the accrediting agency, by an external body, normally the Courts, the State Administration Tribunal or the Ombudsman.
<b>Auditor</b>	A person certified as a Heavy Vehicle Auditor (HVA) by the Registrar of Accreditation Board Quality Society of Australasia (Exemplar Global), to undertake heavy vehicle audits.
<b>Authorised Person</b>	A person authorised by the Commissioner of Main Roads, Commissioner of Police or Accreditation Officers employed by Main Roads Western Australia.
<b>Breach</b>	A non-compliance with the standards within a module or the requirements relating to heavy vehicles specified in relevant road transport legislation.
<b>Cancellation of Accreditation</b>	When an operator is prohibited from operating RAV's in WA. In order to become accredited the operator must have a full re-entry audit completed on their systems and pay the \$225 accreditation admin fee. A minimum period of six months must elapse from the date of cancelation before a re-entry audit will be accepted by Main Roads from the operator or persons connected with the operator.
<b>Certification</b>	Evidence a management system has been examined by an auditor and is eligible for accreditation.
<b>Certificate of Roadworthiness</b>	Evidence of a physical inspection of the vehicle which demonstrates compliance with all legal requirements for the intended use of the vehicle.
<b>Decision Maker</b>	The Commissioner of Main Roads and includes persons to which delegated authority has been given.
<b>Dry Hire</b>	A contractual arrangement whereby a company or individual hires a vehicle but not a driver/operator.
<b>Evidence of Identity (EOI)</b>	The documents provided as evidence of a person's identity to satisfy the requirements for a vehicle registration or driver licencing transaction in Western Australia.
<b>External Review</b>	An external review as provided under the laws of this jurisdiction, i.e. a State Administration Tribunal or an Ombudsman's inquiry. An external review request must be in writing and lodged within the relevant timeframes.
<b>Fatigue Management Plan</b>	An operator's management system for ensuring compliance with the relevant fatigue management regulations, standards and business rules.
<b>Gross Vehicle Mass (GVM)</b>	The maximum loaded mass of the vehicle: (a) as specified by the vehicle's manufacturer on an identification plate on the vehicle; or (b) as specified by the Authority if; <ol style="list-style-type: none"> <li>1. a mass is not specified by the vehicle's manufacturer on an identification plate on the vehicle; or</li> <li>2. the mass specified on an identification plate is no longer appropriate because the vehicle has been modified.</li> </ol>
<b>Independent Audit</b>	A systematic, independently planned and documented activity performed by an external auditor. It is 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.



<b>Internal Review</b>	A review of a decision made by Main Roads or Exemplar Global. A request for a review must be in writing and lodged with the decision maker within 28 days of the notification of the decision.
<b>Incident</b>	An event occurring while a vehicle is being operated on a road or area open to or used by the public and is inclusive of near misses. It may involve damage to any person or property.
<b>Loading Plan</b>	The documented loading procedures developed by an operator based on their proven loading control methods and forms part of the operator's Mass Management System.
<b>Mass Management System</b>	The procedures developed and documented by the operator to meet the standards of the Mass Management Module.
<b>Person</b>	In relation to a vehicle and accreditation a person is; (a) an individual who is a responsible person for the vehicle; or (b) a company given an Australian Company Number under the Corporations Act 2001 (Commonwealth) who is a responsible person for the vehicle.
<b>Provisional Accreditation</b>	The three (3) month provisional period after completing a Systems Accreditation Audit a new operator can access the heavy vehicle Notice Network and apply for dimension and mass permits. Prior to the end of the three month period, the operator must have an auditor complete an audit on their records to ensure compliance has been achieved.
<b>Regulatory Standards</b>	The requirements relating to the operation of heavy vehicles specified in legislation.
<b>Review</b>	A reconsideration of a decision of the accrediting agency by the designated internal review body.
<b>Show Cause</b>	The process by which an accredited operator may be issued a Show Cause letter, requiring the operator to explain any non-compliance occurrences and what actions have been taken to prevent further occurrences of similar nature, as systems should have been in place under WAHVA to prevent such occurrences.
<b>Single Operator</b>	An operator who operates up to and including two powered vehicles, which under normal circumstances would require Heavy Vehicle Accreditation (this is irrespective of the number of trailing equipment).
<b>Suspension of Accreditation</b>	When an operator is prohibited from operating RAVs in WA for the suspension period. A suspension may be issue for any period of time up to three months. A proviso may be issued with the suspension that actions are required in order for the suspension to be lifted. There is no requirement for the operator to submit a re-entry audit.
<b>System Accreditation Audit (Entry Audit)</b>	An independent audit which examines the underlying management controls including documented procedures and records management systems. It is designed to ensure adequate procedures are in place to effectively and consistently achieve the outcomes required.
<b>System Compliance Audit (Compliance Audit)</b>	An independent audit which assesses the effectiveness of the compliance management systems by examining and measuring the level of compliance actually achieved over a given period.
<b>Transport Operator</b>	An individual or company that operates one or more commercial vehicles for hire or reward.
<b>Vehicle/s</b>	Includes all trailing equipment as well as the hauling unit.
<b>Wet Hire</b>	A contractual arrangement whereby a company or individual hires both the vehicle and the driver/operator.