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Western Australia.*

## **Western Australian Heavy Vehicle Accreditation**

### **BUSINESS RULES**

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# Document Control

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## Amendments

<b>Revision Number</b>	<b>Revision Date</b>	<b>Description of Key Changes</b>	<b>Section / Page No.</b>
1	1 <sup>st</sup> December 2021	Amendment to roadworthy requirements	3.3a, 3.6f, 4.3, 5.13
1	1 <sup>st</sup> December 2021	Removal of ABN requirement	3.6f, 3.7h
1	1 <sup>st</sup> December 2021	Amendment to Auditor certifications	12.1, 12.4, 12.5
1	1 <sup>st</sup> December 2021	Formatting throughout the document	
2	1 <sup>st</sup> February 2022	Rewording to provide clarity	3.6a, 3.7, 3.11, 4.1, 5.28, 6.9, 13.1.12
2	1 <sup>st</sup> February 2022	Moved, reworded, and renumbered Auditor conduct	13.2
3	31st March 2022	Renamed Occupational Safety and Health Regulations 1996 to Work Health and Safety (General) Regulations 2022	1.7, 3.3b(ii)
4	10 <sup>th</sup> May 2022	Formatting throughout the document	
4	10 <sup>th</sup> May 2022	Amended to include Maintenance	5.2
4	10 <sup>th</sup> May 2022	Reworded retirement process to align with current procedure	9.1
4	10 <sup>th</sup> May 2022	Removal of State Administrative Tribunal review	14.10
5	3 <sup>rd</sup> March 2023	Added Main Roads definition of a consultant to Common Terminology. Amendment to Fees and Charges	Pages 6, 12

5	15 <sup>th</sup> March 2023	Schedule of Audits dot points separated	Pages 18, 19
5	28 <sup>th</sup> March 2023	Added Main Roads definition of a qualified person (Re vehicle maintenance) and management systems to Common Terminology	Pages 7, 8
5	28 <sup>th</sup> March 2023	Review and formatting throughout the document	
6	17 <sup>th</sup> May 2023	Removed the word "System"	5.1.3, 5.1.4
7	14 <sup>th</sup> June 2023	Amended refresher course wording	12.4
8	28 <sup>th</sup> June 2023	Amended competency check wording	12.4
9	31 <sup>st</sup> July 2023	Amended competency check requirement	12.4
10	15 <sup>th</sup> March 2024	Removal of vehicle register requirement	3.7 (f)

## References and Related Documents

The following documents relate to these Business Rules and are available on the Main Roads website:

Document Number	Description
	Western Australian Heavy Vehicle Accreditation Management System Standards
	Guidelines for Audit Providers

## COMMON TERMINOLOGY

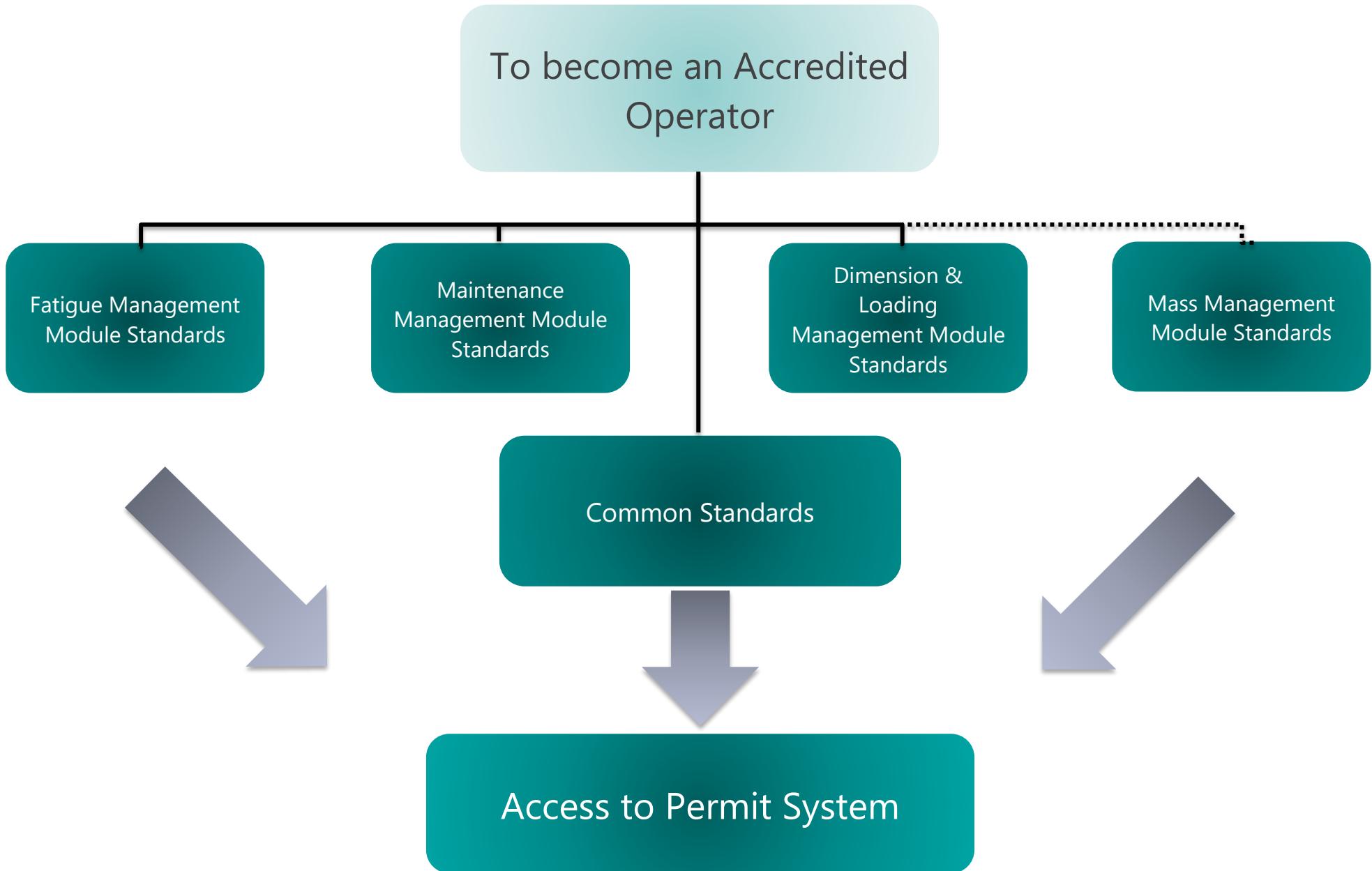
<i>Anniversary Date</i>	The date the Operator entered WAHVA or the date a re-entry audit and payment were made. This is the date when future audits (compliance/re-entry) are due.
<i>Appeal</i>	The reconsideration of a decision of the accrediting agency, by an external body, normally the Courts, the State Administration Tribunal, or the Ombudsman.
<i>Auditor (External)</i>	A person certified as a Heavy Vehicle Accreditation Auditor (HVAA) to undertake heavy vehicle accreditation audits. MRWA can certify Auditors to undertake audits of Operators who either currently hold or seek to hold MRWA accreditation.
<i>Auditor (External) – Definition</i>	An external Auditor performs an audit, in accordance with specific laws or rules of a company, government entity, other legal entity, or organisation, and is independent of the entity being audited.
<i>Australian Design Rules (ADR)</i>	National standards for vehicle safety, anti-theft, and emissions.
<i>Authorised Person</i>	A person authorised by the Commissioner of Main Roads, Commissioner of Police or Accreditation Officers employed by Main Roads Western Australia.

<i>Breach</i>	A non-compliance with the standards within a module or the requirements relating to heavy vehicles specified in relevant road transport legislation.
<i>Cancellation of Accreditation</i>	When an Operator is prohibited from operating RAV's in WA. 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 cancellation before a re-entry audit will be accepted by Main Roads from the Operator or persons connected with the Operator.
<i>Certification</i>	Evidence a management system has been examined by an Auditor and is eligible for accreditation.
<i>Certificate of Roadworthiness</i>	Evidence of a physical inspection of the vehicle, which demonstrates compliance with all legal requirements for the intended use of the vehicle.
<i>Commercial Vehicle</i>	Any motor vehicle with a GVM over 4.5 tonnes, within the meanings of those terms in the <i>Road Traffic (Vehicle Standards) Regulations 2002</i> used or intended to be used for the carriage of goods for hire or reward.
<i>Commercial Vehicle Driver</i>	A person who drives a commercial vehicle in the course of work and whose work time: a) Is more than 60 hours per week; b) For more than once per week – is more than 10 hours in any 24-hour period; or c) For more than once per week – includes the period from midnight to 5 am.
<i>Consultant</i>	Defined by Main Roads Heavy Vehicle Services as an individual or company who provide expert advice and /or services re implementation, design, and ongoing support professionally, whether compensated or not, on all matters relating to an Operators WAHVA.
<i>Decision Maker</i>	The Commissioner of Main Roads and includes persons to which delegated authority has been given.
<i>Dry Hire</i>	A contractual arrangement whereby a company or individual hires a vehicle but not a driver/Operator.
<i>Evidence of Identity (EOI)</i>	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.
<i>External Review</i>	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.
<i>Fatigue</i>	A term to describe the feeling of tiredness and exhaustion, both physically and mentally.
<i>Fatigue Management</i>	Managing the requirements for commercial vehicle drivers to carry out their driving duties while not being affected by fatigue, drugs, or alcohol.
<i>Fatigue Management System</i>	The procedures developed and documented by the Operator to meet the standards of the Fatigue Management Module Standards.
<i>Gross Vehicle Mass (GVM)</i>	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;

	<ul style="list-style-type: none"> <li>i. a mass is not specified by the vehicle's manufacturer on an identification plate on the vehicle; or</li> <li>ii. mass specified on an identification plate is no longer appropriate because the vehicle has been modified.</li> </ul>
<i>Gross Combination Mass (GCM)</i>	The greatest possible sum of the maximum loaded masses of the vehicle and of any vehicles that may be towed by it at the one time; <ul style="list-style-type: none"> <li>a) as specified by the vehicle's manufacturer; or</li> <li>b) as specified by the relevant authority if — <ul style="list-style-type: none"> <li>i. the manufacturer has not specified the sum of the maximum loaded mass; or</li> <li>ii. the manufacturer cannot be identified; or</li> <li>iii. the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate</li> </ul> </li> </ul>
<i>Independent Audit</i>	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.
<i>Internal Review</i>	A review of a decision made by Main Roads. A request for a review must be in writing and lodged with the decision maker within 28 days of the notification of the decision.
<i>Incident</i>	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.
<i>Loading Plan</i>	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.
<i>Load Management System</i>	The procedures developed and documented by the Operator to meet the standards of the Dimension & Load Management Module Standards.
<i>Maintenance</i>	Ongoing service and repair of vehicles via schedules and routine inspections.
<i>Maintenance Management System</i>	The procedures developed and documented by the Operator to meet the standards of the Maintenance Management Module Standards.
<i>Management Systems</i>	This means the Maintenance Management System, Mass Management System, Load Management System, Fatigue Management System, and the Common Standards.
<i>Mass Management System</i>	The procedures developed and documented by the Operator to meet the standards of the Mass Management Module.
<i>Operator</i>	Legal entity, being either an individual person or company registered on ASIC, whom either controls or directs the operation of the vehicle and is compliant with Western Australian Heavy Vehicle Accreditation.
<i>Person</i>	In relation to a vehicle and accreditation a person is; <ul style="list-style-type: none"> <li>a) an individual who is a responsible person for the vehicle; or</li> <li>a company given an Australian Company Number under the Corporations Act 2001 (Commonwealth) who is a responsible person for the vehicle.</li> </ul>
<i>Policies (Fatigue Management)</i>	b) A set of guidelines outlining the intent of the Operator to adhere

<i>/ Education &amp; Training)</i>	to the Western Australian Heavy Vehicle Accreditation module standards framework.
<i>Provisional Accreditation</i>	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.
<i>Qualified Person (Re vehicle maintenance)</i>	This includes the following people: <ol style="list-style-type: none"> <li>1) Trade qualified in-house mechanics/repairers/workshop employees and any person/s who are working under their supervision;</li> <li>2) any person/s who have had at least five years' experience in the maintenance of heavy vehicles; and</li> <li>3) external registered suppliers.</li> </ol>
<i>Records</i>	Written or electronic preservation of information about work that has been undertaken, decisions made and implemented which demonstrate written instructions, legislative and policy requirements have been met.
<i>Regulatory Standards</i>	The requirements relating to the operation of heavy vehicles specified in legislation.
<i>Review</i>	A reconsideration of a decision of the accrediting agency by the designated internal review body.
<i>Roadworthiness</i>	All vehicles operating under WAHVA are to be free of mechanical defects to operate safely on the public road network.
<i>Rostering</i>	Assigning drivers/employees to a scheduled transport task, taking into consideration all Western Australian Occupational Safety and Health fatigue management requirements.
<i>RTVR</i>	This is Road Traffic (Vehicles) Regulations 2014 - Western Australian legislation.
<i>Scheduling</i>	The planning/preparation of an intended transport task which includes such considerations as departure time/site, delivery/collection times/sites and destination time/site.
<i>Show Cause</i>	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.
<i>Single Operator</i>	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).
<i>Suppliers (maintenance)</i>	A person or business that provides a product and/or service to the Operator, to assist in the maintenance of their vehicle/s.
<i>Suspension of Accreditation</i>	When an Operator is prohibited from operating RAVs in WA for the suspension period. A suspension may be issued for any period up to three months. A proviso may be issued with the suspension that actions are required for the suspension to be lifted. There is no requirement for the Operator to submit a re-entry audit.
<i>System Accreditation Audit (Entry Audit)</i>	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.
<i>System Compliance Audit (Compliance Audit)</i>	An independent audit, which assesses the effectiveness of the compliance management systems by examining and measuring the level of compliance achieved over a given period.
<i>Operator</i>	An individual or company that operates one or more commercial vehicles for hire or reward.
<i>Trip Sheet</i>	A written or electronic record of the details for each trip undertaken.
<i>Vehicle/s</i>	Includes all trailing equipment as well as the hauling unit.
<i>WA Heavy Vehicle Accreditation Scheme</i>	Is mandatory for anyone requiring a permit or order to perform any transport task within Western Australia, including interstate Operators, which requires Operators to comply with a minimum set of System Management Standards.
<i>Wet Hire</i>	A contractual arrangement whereby a company or individual hires both the vehicle and the driver/Operator.
<i>Written Documentation</i>	Documentation accepted in either a written or electronic format.
<i>Written Instructions</i>	Clearly defined set of tasks or processes that are to be followed and can be in either written or electronic format.



# 1. ABOUT THESE BUSINESS RULES

## 1.1 Purpose

The Western Australia Heavy Vehicle Accreditation Scheme (WAHVA Scheme) requirements are prescribed in the *Road Traffic (Vehicles) Act 2012* and *Road Traffic (Vehicles) Regulations 2014* (Regulations). These Business Rules set out the requirements applicable to the administration of the WAHVA Scheme and have been developed to ensure that all Operators participating in the WAHVA Scheme are achieving the same minimum level of compliance.

These Business Rules set out what the required steps are to become accredited, how to maintain accreditation and how an Operator's accreditation can be cancelled or suspended.

## 1.2 Application

The Business Rules apply to all Operators participating under the WAHVA Scheme and any Auditors registered with Main Roads WA to conduct audits on Operators.

## 1.3 Legal status of the Business Rules

- 1.3.1 The Business Rules and *WAHVA Module Standards* are prescribed under Part 8, Division 7 of the Regulations.
- 1.3.2 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*.
- 1.3.3 In the event that the Regulations and the Business Rules are in conflict, the Regulations will prevail.

## 1.4 Related documents

- 1.4.1 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;*
- *Common Standards; and*
- *Guidelines for Audit Providers.*

Further information relating to WAHVA is available on the Accreditation page of the [Main Roads website](#) or alternatively please call Main Roads Heavy Vehicle Helpdesk on 138 486.

- 1.4.2 All references to Fatigue Management within these rules must be read in conjunction with the [Work Health and Safety \(General\) Regulations 2022](#). Further information relating to Fatigue Management is available on the WorkSafe page of the [Department of Mines, Industry Regulation and Safety](#) website.

## 1.5 Amendment of the Business Rules

These Business Rules may be periodically reviewed and revised, either in part or in whole, to reflect any changes in the WAHVA Scheme. Any amendments will be issued with a release date reflected on the front cover of the document and published on the [Accreditation page](#) on the Main Roads website.

# 2 WAHVA REQUIREMENTS

## 2.1 Requirement to be accredited

- 2.1.1 Main Roads cannot modify mass or dimension requirements or provide road access to Class 1, Class 2 or Class 3 vehicles, unless a person, related to a vehicle is accredited (often the Operator) and the vehicle is used in connection with a business. The exception to this is where the vehicle falls under one of the following categories:
- Bus;
  - Vehicle with a GVM of 8 t or less;
  - Vehicle owned by a public authority;
  - Vehicle owned by the Commonwealth or a Commonwealth department or agency or used for Australian or visiting defence force purposes;
  - Special Purpose Vehicle;
  - Agricultural vehicle; and
  - An Operator who will not apply for more than 4 Single Trip Permits (Class 1 RAV Oversize, Class 1 RAV Oversize & Overmass and Class 1 RAV Overmass only) per calendar year and has not applied for any other permit.
- 2.1.2 Accredited Operators are required to comply with the standards set out in the following mandatory modules and standards:
- Maintenance Management Module Standards;
  - Fatigue Management Module Standards;
  - Dimension and Loading Management Module Standards; and
  - The Common Standards covering all modules.
- 2.1.3 Operators wanting to operate under the Accredited Mass Management Scheme (AMMS) and/or the Performance Base Standards (PBS) permits with an extra mass provision must be accredited under the Mass Management Module Standards in addition to modules and standards listed in paragraph 2.2.
- 2.1.4 An Operator cannot transfer its accreditation to another Operator or individual.
- 2.1.5 WAHVA does not exempt Operators from any requirements of any other applicable legislation.

## 2.2 Requirement to be a legal entity

- 2.2.1 A person may be accredited in relation to a vehicle in the following circumstances:
- where a person controls or directs the operation of the vehicle; or
  - where a person is an individual who is a responsible person for the vehicle; or
  - where a person is a company given an Australian Company Number (ACN) under the *Corporations Act 2001* (Commonwealth) and is the responsible person for the vehicle.
- 2.2.2 A business registered with ASIC may be shown on a permit as "Trading as" along with the name of the legal entity only if it can be demonstrated they are the Business Name Holder as per the registered ASIC information.
- 2.2.3 All subsidiary businesses must be registered under the accreditation of a legal entity. Any subsidiary company having its own ACN may be separately accredited.
- 2.2.4 An individual supplying proof of a registered business name can have that registered business name included on their Accreditation Certificate in addition to the Trading Name, if they can demonstrate they are the Business Name Holder as per the registered ASIC information.

## 2.3 Fees and charges

- 2.3.1 The fee for an application to be accredited or for a renewal of that accreditation is \$225.00.
- 2.3.2 Payment of the fee can be made in the following method:
- Where an Operator has a MOVES account, payment must be made through the MOVES website;
  - Cheque;
  - EFTPOS;
  - Cash; or
  - EFT
- 2.3.3 Where an Operator elects to pay by EFT, the Operator must provide evidence of reconciliation (e.g. screenshot of payment) and include the Operator number in the payment reference dialogue box. Failure to provide these requirements will result in the Operator's audit not being processed and the Operator's accreditation will not be processed.
- 2.3.4 Costs associated with Entry, System entry audits, scheduled compliance audits and re-entry audits are the responsibility of the person applying for accreditation.
- 2.3.5 Costs associated with the provision of an Auditor conducting a random is Main Roads' responsibility.

## 2.4 Hire companies and hire vehicles

- 2.4.1 Where a company or individual leases RAVs out, the lessor must be accredited in all modules (including the Mass Management Module Standards if operating under an AMMS or PBS permit/s 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.
- 2.4.2 Where a company or individual leases RAVs out, the lessor may be required to be accredited in the *Maintenance Management Module and Dimension & Loading Management Module* including the common standards when the equipment is being used in a RAV combination and the following circumstances apply:
  - a) the contract is a “*dry hire*” contract;
  - b) the equipment being hired is a trailer or converter dolly; and
  - c) equipment is leased to an accredited Operator.
- 2.4.3 A company or individual leasing RAVs to a second party must be accredited in the *Mass Management Module Standards* in the following circumstances:
  - a) the contract involves a “*wet hire*”;
  - b) the lessor is using a RAV to move their own equipment; and
  - c) the operation includes concessional loading under an AMMS or PBS permit with extra mass.
- 2.4.4 A person who leases 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 (including the Common Standards).
- 2.4.5 A hire company that only hires out trailers is not required to be accredited but may do so voluntarily.
- 2.4.6 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).

## 2.5 Other Agencies relevant to WAHVA

- 2.5.1 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 (if modules are compatible with WAHVA).

- 2.5.2 Any recognition as outlined in paragraph 2.5.1 of these Business Rules does not exempt Operators from requirements in these Business Rules.
- 2.5.3 Main Roads may recognise the disciplinary decisions of other accrediting agencies, such as the National Heavy Vehicle Regulator and may rely on those decisions to make a decision under the WAHVA.
- 2.5.4 Main Roads may communicate the data specified in Paragraph 10 of these *Business Rules*.

### 3 ENTRY TO WAHVA

- 3.1 A person submitting an accreditation application must:
- Submit an Entry Audit (Refer to 5.3 details); or
  - submit a Systems Entry Audit which will enable an applicant to satisfy the Commissioner for Main Roads that the person has systems in place to the extent that is reasonably practicable to comply with required standards. (Refer to 5.4 details). Once the Systems Entry Audit, the applicant will be Provisionally Accredited with WAHVA for a period of three months and is able to apply for dimension and access modifications.
- 3.2 Where a Systems Entry Audit is submitted and compliance with prescribed standards cannot be demonstrated within the three months period, the Operator's Provisional Accreditation may be cancelled.
- 3.3 Eligibility for accreditation will be subject to evidence of:
- A Maintenance Management System which demonstrates roadworthiness of all vehicles, including trailing equipment operating under the accreditation (e.g. Roadworthiness certificate/checklist/inspection). A roadworthiness certificate will be considered as evidence of a physical inspection of the vehicle and must demonstrate compliance with all legal requirements for the intended use of the vehicle.  
In respect to the roadworthiness of the vehicles, the scheduled service must include a roadworthy inspection of the vehicles which is signed by a qualified person declaring the vehicle roadworthy. The roadworthiness service will not be accepted as indicating the vehicle is roadworthy at the date of the audit if it occurred twelve or more months before the audit date. If a new vehicle is registered in the previous twelve months, Main Roads may accept this as evidence of its roadworthiness.  
If the roadworthy service is older than twelve months or the roadworthiness certificate is unavailable, the Operator must complete an Accreditation Roadworthy Vehicle Checklist (Checklist) (found on the Accreditation page of the Main Roads website). the Checklist must include the date that each vehicle was inspected and the name of the person who conducted the inspection. A Qualified Person at the workplace, must sign the checklist, certifying the information is correct.

- b) A *Fatigue Management Plan* which requires all commercial vehicle drivers to:
    - (i) undergo a medical assessment in accordance with *Assessing Fitness to Drive, 2016* (found on the WorkSafe page of the Department of Mines, Industry Regulation and Safety website); and
    - (ii) be trained in applying requirements set out in the *Work Health and Safety (General) Regulations 2022*.
  - c) A *Loading Plan* which demonstrates that 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) which demonstrates that 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 will be registered in any other jurisdiction other than Western Australia, the vehicle certificate of roadworthiness is to comply with the inspection requirements of the jurisdiction where it is or will be registered.
- 3.5 The primary place of audits will be the business address as specified by the applicant in the application for WAHVA or at the Operator's primary place of business.
- 3.6 Persons applying for entry to WAHVA must provide the following information:
- a) a completed Restricted Access Vehicle Operator Registration Form, which is available on the Main Roads website;
  - b) an Entry audit (or a Systems entry audit) including a signed declaration from a certified 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) a complete Vehicle Register from the WAHVA Audit Report displaying the dates of current certificate(s) of roadworthiness or Accreditation Roadworthy Vehicle Checklists (no older than 12 months from the date of the audit) to demonstrate roadworthiness for each vehicle (includes trailing equipment); and
  - g) a nominated place for audits.
- 3.7 The Restricted Access Vehicle Operator Registration Form must provide the following information:
- a) name of the applicant and ACN (where relevant);
  - b) name of any subsidiary business or businesses and the Registered Business Name (RBN) (As per ASIC website 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 that the information submitted on the form is true and correct;
  - f) signature(s) of the applicant(s) and the date of application.
- 3.8 Sub-contractors may be included under an Operator's accreditation, provided the Operator can take responsibility for the management of all standards by that Sub-Contractor and that Sub-contractor is working exclusively for the 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 thirty-six months from the date of accreditation.
- 3.11 All accredited Operators will be issued with an accreditation certificate (Certificate of Approval) specifying the modules that were completed and passed and the duration for which the accreditation remains valid.
- 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 and/or PBS permit/s 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

### 4.1 Renewal requirements

4.1.1 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.**

If the accreditation is not renewed prior to the accreditation expiry date the Operator's accreditation will expire and the Operator will be deemed as not accredited until such a time that the accreditation is renewed.

During the period that the Operator's accreditation is expired, the Operator cannot claim the same benefits as when the Operator's accreditation was valid i.e. Operators will not be able to obtain a number of Main Roads' products and will only be limited to obtaining 4 single trip permits per calendar year.

The date on which the accreditation was renewed will become the Operator's new anniversary date.

- 4.1.2 A Re-entry Audit must be conducted and submitted within 3 months prior to the date on which the accreditation expires.
- 4.1.3 A complete Vehicle Register from the WAHVA Audit Report displaying the dates of

current service or roadworthiness certificates/checklist/inspections (no older than twelve months from the date of the audit) to demonstrate roadworthiness for each vehicle must be provided. If a new vehicle has been registered in the previous twelve months, Main Roads may accept this as evidence of roadworthiness.

#### 4.2 Change of anniversary date

- 4.2.1 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 thirty-six 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 \$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

Ongoing participation in WAHVA is subject to regular review of an accredited Operator's compliance history and the 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 intercepts.

An Operator cannot be accredited under the Regulations unless Main Roads is satisfied that the Operator has systems in place that comply with prescribed standards. Standards are designed to ensure compliance with Fatigue, Mass, Dimension, Loading and Maintenance requirements and Vehicle Standards requirements and to ensure compliance to any written law relevant to the driving or operation of restricted access vehicles.

#### 5.1 Entry audits

- 5.1.1 An Entry audit must have all documents and records available for audit. Where records are not available then a Systems Entry Audit (paragraph 5.1.2 ) may be conducted.
- 5.1.2 A Systems Entry 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) completed Management Systems.
- 5.1.3 If a Systems Entry Audit has been submitted, for entry purposes, a subsequent Entry Audit must be conducted within 3 months from the date the Operator was granted Provisional Compliance. This provides an Operator with the opportunity to gather the required information and documentation to support their accreditation application.
- 5.1.4 Applicants seeking to operate under AMMS or PBS permit/s with over 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.
- 5.1.5 If records are not available for the Mass Management Module entry audit, an Auditor must ensure that the Operator has the required procedures and loading plans in place.
- 5.1.6 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.

## 5.2 Compliance audits

- 5.2.1 A Compliance Audit assesses the effectiveness of an Operator's management system by examining and measuring the level of compliance achieved over a given period.
- 5.2.2 A Compliance Audit must be conducted by a certified Auditor and must be submitted within three months prior to the accreditation anniversary date.
- 5.2.3 Compliance Audits fall into three categories: Scheduled, Random and Triggered.
- 5.2.4 For the purposes of Compliance Audits, the *anniversary date* is the anniversary of the accreditation commencement date.

## 5.3 Schedule of audits

- 5.3.1 WAHVA scheduled Compliance Audits are conducted on an annual basis within 3 months prior to the anniversary date.
- 5.3.2 The Operator's management system must undergo a scheduled compliance audit at the following times from the date that accreditation commenced:

- a) twelve months; and
  - b) twenty-four months,
- 5.3.3 All audit reports must be in a format approved by Main Roads. Further information regarding the format for audit reports is found on the Auditing page of the Main Roads website.
- 5.3.4 A complete Vehicle Register from the WAHVA Audit Report displaying the dates of current service or roadworthiness certificates/checklist/inspections (no older than twelve months from the date of the audit) to demonstrate roadworthiness for each vehicle must be provided as part of the audit report. If a new vehicle has been registered in the previous twelve months, Main Roads may accept this as evidence of roadworthiness.

#### **5.4 Random and Triggered Audits or Show Cause**

- 5.4.1 Main Roads conduct Random Audits each year on a randomly selected sample of accredited Operators.
- 5.4.2 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 WAHVA Scheme requirements.
- 5.4.3 Accreditation Officers from Main Roads may conduct Random or Triggered Audits.
- 5.4.4 Random or Triggered audits will be conducted at a Main Roads nominated location.
- 5.4.5 Heavy Vehicle Accreditation Auditors (HVAA) certified by Main Roads with no association to the accredited Operator, may be tasked to conduct a Random audit on behalf of Main Roads.
- 5.4.6 HVAA appointed by Main Roads under paragraph 5.4.5, are not permitted to make offers to conduct future audits, consulting, or system provision services for the Operator for a period of no less than 24 months from the time of the Random audit.
- 5.4.7 A Show Cause Notice will be sent in accordance with the WAHVA Show Cause process published on the Accreditation page of the Main Road website.

#### **5.5 Investigation of complaints**

- 5.5.1 A verbal or written complaint may be received from another agency or a member of the public. Main Roads has the discretion on whether to investigate a complaint that relates directly to the Operator's accreditation. When a written complaint is received, Main Roads will acknowledge receipt of the complaint in writing.
- 5.5.2 The details of the person/company making a complaint will be confidential unless required to under law. This is to ensure any person having information that may help Main Roads, or other agencies, maintain compliance and not placed in a position of conflict with the Operator.

- 5.5.3 If the complaint is substantiated after an investigation, Main Roads may take action against the Operator in accordance with Paragraph 7 of these Business Rules.
- 5.5.4 If action is taken in accordance with paragraph 5.5.3, Main Roads will keep a record on the Operator's file of the incident and action taken.

## 5.6 Random compliance checks

- 5.6.1 Random compliance checks are conducted across the transport industry on a regular basis. In addition to ensuring compliance with the Act and Regulations, these checks assist Main Roads in gathering information to help gauge general compliance levels within the transport industry and to ensure compliance with WAHVA. Random compliance checks are conducted through a variety of methods, such as:
  - On-road compliance intercepts;
  - Review of WAHVA compliance statements;
  - Spot checks to determine satisfactory compliance;
  - Triggered audits;
  - Random audits; or
  - Any combination of the above
- 5.6.2 On-road intercepts provide information on compliance with the Act and Regulations and the requirements under these Business Rules. Currently, Main Roads and WA Police, can conduct on-road intercepts under the Act and Regulations.
- 5.6.3 When the driver of a vehicle that belongs to an accredited Operator is intercepted the enforcement officer may complete an Intercept Report. Any copies of Intercept Report will form part of the internal review process and must be retained by the Operator.
- 5.6.4 The driver of a vehicle that belongs to an accredited Operator must produce any accreditation documentation (i.e., trip records etc.) when requested by an authorised person (Main Roads, Police, WorkSafe WA and other Main Roads nominated agencies).
- 5.6.5 Operators must keep a record of any Intercept Report/s for a minimum of 3 years for audit purposes.

## 5.7 Spot checks

A Spot check of specific records may be carried out by authorised person(s) either on-site at the Operator's registered place of business or by a desktop review. 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.

## 5.8 Non-conformance

A 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 non-conformance, it will be returned to the Operator for action. This may result in the expiry of the Operator's accreditation certificate.

## 6 GENERAL AUDIT REQUIREMENTS

- 6.1 Only a person certified as an HVAA by Main Roads 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 (this includes any Auditor that has an association with the Auditor or Consultant's e.g. business partner, partner, spouse, relative, employee etc) are not permitted to conduct the initial audit of a system designed and/or implemented. Once another Auditor, who has no association with the system provider, has conducted the initial audit, then the system provider may be engaged to conduct further audits for the accredited Operator; except in circumstances where the system provider is providing ongoing consultancy services to the Operator.
- 6.4 All audits must be conducted in person at the accredited Operator's nominated premises. 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 the accredited Operator's depots, nationwide, must be included in the audit.
- 6.8 More than one Auditor may conduct multi-site audits. A lead Auditor must be appointed by the Operator to control the audit process and to compile the final audit report.
- 6.9 Completion and submission of the audit report is the minimum requirement. Auditors may submit additional information as considered necessary to substantiate audit findings.
- 6.10 All trailers and converter dollies used under a permit or an order 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 may, by a written notice issued to an accredited Operator, cancel or suspend the Operator's accreditation if:
- a) The Operator was accredited on the basis of incorrect or misleading information;
  - b) The Commissioner of Main Roads is no longer satisfied the Operator has systems in place 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 issue a letter providing an Operator twenty-eight days to respond if audits have not been received by the due date. If an Operator submits a conforming audit within twenty-eight days, no further action will be taken against the Operator for failing to provide an audit.
- 7.3 If no response is received within the specified time, the Operator's accreditation may 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 will be provided twenty-eight days to respond to the proposed decision.
- 7.5 A record will be kept on the Operator's file of any actions taken and the reason for taking such action.
- 7.6 Any action taken by Main Roads that results in the cancellation or suspension of an Operator's accreditation does not affect the liability of a person to any other attributable penalty.
- 7.7 Any decision taken by Main Roads to suspend or cancel an Operator's accreditation is a reviewable decision (see paragraph 8).
- 7.8 During any period where an Operator's accreditation is not valid, Main Roads will not issue any new permits to an Operator that has WAHVA as a condition of use. Moreover, 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 the Show Cause process cancels an Operator's accreditation, a minimum of 6 months must elapse before the Operator can re-apply to be reaccredited.

## 8 REVIEWABLE DECISION

- 8.1 Part 8 of the *Road Traffic (Administration) Act 2008* and Part 15 of the Regulations detail provisions relating to a person's right to have a review of decisions made 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 request:
  - a) is made within twenty-eight days from the date that a written notice, by Main Roads, of a decision has been given to the Operator;
  - b) identifies the decision is to be reviewed;
  - c) states why the decision should be reviewed; and
  - d) 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) the reason(s) for the review decision particularly if the outcome sought by the Operator or person is not provided; and
  - c) that the Operator or person may apply to the State Administrative Tribunal (SAT) for a review of the decision

## 9 EXIT

- 9.1 There are 3 ways of exit from WAHVA which are as follows:
- a) an accredited Operator may voluntarily retire from WAHVA at any time by completing a Notification of Retirement from WAHVA online form;
  - 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.
- In circumstances where the new owner is not accredited, the owner must become accredited in accordance with the Act, Regulations and these Business rules.
- In circumstances 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 agency within Western Australia, interstate and federal. 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 operator's 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; or
  - i) details of a response to an enquiry regarding accreditation status

## 11 AUDITOR REQUIREMENTS

- 11.1 An approved *Code of Conduct* identifying the standards Auditors must demonstrate when conducting audits under WAHVA can be found in paragraph 13 of these Business Rules.
- 11.2 Auditors are required to undertake training modules provided by Main Roads and hold a certification as a WAHVA Auditor in order to conduct WAHVA audits.
- 11.3 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.
- 11.4 If Main Roads receives a formal complaint or negative report about the actions of an Auditor, Main Roads may undertake, or arrange to have an investigation undertaken.
- 11.5 Main Roads may consider administrative actions taken by the National Heavy Vehicle Regulator (if those actions are applicable to the requirements of WAHVA).
- 11.6 An external Auditor performs an audit in accordance with the WAHVA Business Rules and must be independent of the entity being audited. An Auditor who acts as a consultant, advisor and/or system provider to an entity must not conduct an audit of that entity.

## 12 AUDITOR QUALIFICATIONS

- 12.1 To qualify as a WAHVA Auditor a person must have the following certifications before applying:
  - Mandatory Certifications:
    - Management Systems Auditing Certification (AU) and
    - Quality Management Systems Certification (QM)
  - and
  - Optional Certification (Required for any Auditor leading a team of Auditors on any WAHVA audit):
    - Leading Management Systems Audit Teams Certification (TL)
- 12.2 A person must successfully complete the following training modules on the Main Roads Web page:
  - Introduction to WAHVA;
  - Business Rules Module;
  - Maintenance Management Module Standards;
  - Fatigue Management Module Standards;
  - Loading and Dimension Module Standards;
  - Mass Management Module Standard; and
  - Common Standards

- 12.3 A person must hold a certificate issued by Main Roads verifying successful completion of the modules.
- 12.4 A certificate issued by Main Roads is valid for a period of up to four years with a competency check to be completed within 2 years of the certification date. The competency check can be completed up to sixty days prior this date.
- 12.5 Prior to the expiry of the certificate, the Auditor must successfully complete the 7 modules to maintain their certification. This can be completed up to ninety days prior the certification expiry date.
- 12.6 If an Auditor's certificate expires, an Auditor must not conduct audits until a new certificate is issued.
- 12.7 The Manager Heavy Vehicle Transport Compliance is the approving authority for all Western Australian Heavy Vehicle Accreditation Scheme Auditor Certification.

## **13 AUDITOR CODE OF CONDUCT**

- 13.1 A WAHVA Auditor must, at all times, comply with the following:
- 13.2 act professionally, accurately and in an unbiased manner;
- 13.3 not undertake any WAHVA audits that they are not competent to perform;
- 13.4 not represent conflicting or competing interests and will disclose any relationships to any heavy vehicle Operator or employer that may influence their judgment;
- 13.5 not discuss or disclose any information relating to any audit unless required by law or authorised in writing by the Operator and/or by Main Roads;
- 13.6 not accept any inducement, commission, gift, other benefit from client organisations, their employees, any interested party or knowingly allow colleagues to do so;
- 13.7 not intentionally communicate false or misleading information that may compromise the integrity of any audit or the personnel certification process;
- 13.8 comply with any Main Roads Certification Requirements, procedures and advisories which are relevant to the Auditor role or certification;
- 13.9 comply with industry-specific standards including international standards, which are relevant to the Auditor role or certification;
- 13.10 not act in any way that would prejudice the reputation of Main Roads or the personal certification process and will cooperate fully with an enquiry in the event of any alleged breach of this code;
- 13.11 agree to this Code of Conduct and Main Roads complaints, appeals and disciplinary procedures;

- 13.12 not act as an advisor, consultant and/or systems provider to any heavy vehicle Operator the Auditor also provides an audit service;
- 13.13 conduct themselves in accordance with these Business Rules; and
- 13.14 any breach of this Code of Conduct may lead to actions as set out in paragraph 14 of these Business Rules.

## 14 AUDITOR SANCTIONS

- 14.1 As a result of a review of an Auditor's report, or observation of an Auditor's actions, or investigation, Main Roads may take any of the following action:
  - 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 (by notice in writing) and remove the person's name from the register of Auditors if any of the following apply:
    - the Auditor was certified on the basis of incorrect or misleading information;
    - Main Roads is no longer satisfied the Auditor has complied with the Auditor Code of Conduct in Paragraph 13 of these business rules;
    - Main Roads has reasonable grounds to refuse to certify the Auditor;
    - Action required to be taken has not been taken; or
    - a safety related incident occurs created or caused by the Auditor; or
  - g) cause the relevant audit/s to be cancelled in all or part and cause a new audit to be conducted.
- 14.2 A decision made by 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 appropriate. An application for a review must be in writing and submitted within 28 days of the decision being made. Manager Heavy Vehicle Transport Compliance is the approving authority for the suspension or cancellation of an Auditor's WAHVA certification.
- 14.3 Main Roads will send a letter providing an Auditor twenty-eight days to respond to a decision to suspend or cancel the Auditor's certification to audit WAHVA, the letter will include the reasons for the decision.
- 14.4 The Auditor's certification will be suspended or cancelled if no response is received within the specified time.
- 14.5 Depending on the response received, an Auditor's certification may be suspended or cancelled.

- 14.6 A record will be kept of any actions taken and the reason for taking those actions.
- 14.7 During any period of suspension or cancellation, Main Roads will not accept any audits conducted by the Auditor from the date of the suspension or cancellation.
- 14.8 If an Auditor's certification is cancelled, a minimum time of 6 months must elapse before the Auditor can re-apply to be certified to conduct WAHVA audits.
- 14.9 Any decision to suspend or cancel is subject to an internal appeal process as set out in paragraph 14.2.