

Notice of Final Rule Making

Notice of Final Rule Making 1703 | NHVAS Business Rules and Standards Amendments

NPRM:	1703
Date:	16 October 2020
Project:	National Heavy Vehicle Accreditation Scheme (NHVAS) Business Rules and Standards Amendments
Issue by:	Accreditation, Safety Standards & Assurance
Approved by:	Don Hogben
Title:	Chief Regulatory Policy and Standards Officer

Audience:	<p>This Notice of Final Rule Making (NFRM) will be of interest to:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Drivers of heavy vehicles who operate under a NHVAS accreditation <input checked="" type="checkbox"/> Authorised officers, including police <input checked="" type="checkbox"/> Road transport agencies and regulators from states and territories <input checked="" type="checkbox"/> Transport operators and their staff with designated NHVAS responsibilities
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Consultation and response:	<p>Readers should note that this NFRM contains a summary of responses (SOR) to <i>Notice of Proposed Rule Making 1703</i> (NPRM1703).</p> <p>This NFRM includes the NHVR’s summary disposition following the consultation, as well as the detailed comments received by the NHVR (Appendix 1).</p> <p>This NFRM finalises the public consultation process in respect of NPRM1703.</p>
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Foreword

On 10 December 2018, the National Heavy Vehicle Regulator (NHVR) published NPRM1703 – a set of proposed amendments to the National Heavy Vehicle Accreditation Scheme (NHVAS) Business Rules and Standards – for public consultation.

The proposed amendments followed an exhaustive review designed to more closely align the NHVAS with Safety Management System methodologies, which, in turn, would help customers meet Chain of Responsibility laws requiring all parties in the supply chain to address the heavy vehicle safety risks of their transport activities.

This Notice of Final Rule Making sets out the NHVR's disposition to public comments received on the proposed amendments to the NHVAS Business Rules and Standards, and formally sets the date for the finalised amendments to take effect.

With more than 7,500 operators accredited under the NHVAS, the NHVR ensured that industry participants were provided ample opportunity to consider and comment on the proposed amendments. A comprehensive campaign of public consultation was undertaken over a four-month period. This included 22 auditorium-style presentations to hundreds of attendees nationally.

The NHVR received 21 formal consultation responses, resulting in a range of further changes to the final proposed amendments. On Friday 22 November 2019, at the meeting of the Transport and Infrastructure Council, all proposed amendments to the NHVAS Business Rules and Standards were endorsed.

The amendments have now been finalised and will formally take effect from Monday 22 February 2021. Operators accredited under the NHVAS before that date will be afforded a reasonable transition period to allow them to undertake necessary business changes to fully meet the new requirements.

The NHVR has also developed a range of fact sheets and information to help guide operators in relation to the new requirements. I want to thank all who have contributed to the development and finalisation of the amended NHVAS Business Rules and Standards, and look forward to the safety benefits they will provide to our industry.

Don Hogben

**Chief Regulatory Policy and Standards Officer
National Heavy Vehicle Regulator**

16 October 2020

1 Reference material

1.1 Definitions, acronyms and abbreviations

Definitions, acronyms and abbreviations used in this NFRM are listed in the table below.

Term	Definition
AFM	Advanced Fatigue Management (a work and rest option under the NHVAS Fatigue Management Module)
BFM	Basic Fatigue Management (a work and rest option under the NHVAS Fatigue Management Module)
HVNL	Heavy Vehicle National Law (as in effect in each participating jurisdiction)
HVAP	Heavy Vehicle Advisory Publication
NFRM	Notice of Final Rule Making
NHVR/Regulator	National Heavy Vehicle Regulator
NPRM	Notice of Proposed Rule Making
SMS	Safety Management System

1.2 References

1.2.1 Regulatory references

Regulations are available on the [NHVR website](https://www.nhvr.gov.au) or at <https://www.legislation.qld.gov.au/>

Document	Title
HVNL	<i>Heavy Vehicle National Law Act 2012</i>
NHVR Policy	NHVR Notifiable Occurrence Framework
Standards	NHVAS Business Rules and Standards

1.2.2 Advisory material

Advisory publications will be available on the NHVR website at: <https://www.nhvr.gov.au/nhvas>

Document	Title
0004122019	NHVAS Guidelines for Maintenance Management
HVAP1703B	NHVAS Guidelines for Mass Management
HVAP1703C	NHVAS Guidelines for Fatigue Management
201601-0277	NHVAS Audit Framework – Guidance for conducting NHVAS audits

2 Summary of responses

2.1 Distribution of NPRM1703

The NHVR issued NPRM1703 for public consultation from 10 December 2018 to 31 March 2019. Consultation with industry resulted in an extension to 14 April 2019.

The NHVR announced the publication of NPRM1703 as a general media release on 10 December 2018 and followed up with further messaging in the *On the Road* newsletter on 23 January 2019. NHVR statistics indicate that this newsletter was opened by 9,516 external stakeholders.

Between 10 December 2018 and 14 April 2019, NHVR webpages involving the NHVAS Business Rules and Standards and the proposed changes were visited 5,701 times.

A total of 22 live consultation events were held throughout Australia, with over 600 people taking the opportunity to hear the proposed changes explained and have their questions answered.

2.2 Respondents

Twenty-one respondents submitted comments to the NPRM. Not all respondents responded to all items.

The following respondents consented to having their names published:

Representative	Organisation
1. Mr Richard Calver	National Road Transport Association (NatRoad)
2. Dr Sarah (Serje) Jones	TOLL Group (TOLL)
3. Mr Bill McKinley	Australian Trucking Association (ATA)
4. Mr Gary Mahon	Queensland Trucking Association Ltd
5. Ms Michelle Harwood	Tasmanian Transport Association
6. Mr Geoff Smart	Tassa Consulting – NHVAS approved auditor
7. Mr Brian Rowe	ACA Services Pty Ltd – NHVAS approved auditor
8. Mr Don Geering	Transport for NSW
9. Mr Russell Musch	NHVAS approved auditor
10. Mr Mark Mitchell	Department of Transport and Main Roads Qld
11. Mr Mark Dowe	Metro Tas
12. Mr John England	NHVAS approved auditor
13. Mr Rick Goodfellow	NHVAS approved auditor
14. Mr Paul Quilligan	Transport Compliance Solutions – NHVAS approved auditor
15. Ms Natalie Dobson	Zarb Road Transport Pty Ltd
16. Mr Steve Shearer	South Australian Road Transport Association (SARTA)
17. Mr Victor Gado	Transport Compliance Safety Training Pty Ltd – NHVAS approved auditor
18. Mr Greg Hough	Mass Management – NHVAS approved auditor
19. Mr Bruce Johnston	Ascon Transport Consultants – NHVAS approved auditor

Representative	Organisation
20. Ms Sally Tipping	Tippings Transport Pty Ltd
21. Mr Brian Hesketh	Brian Hesketh & Associates – NHVAS approved auditor

Appendix 1 contains a summary of responses to the proposed changes to the NHVAS Business Rules and Standards under the NPRM and the NHVR’s position on the feedback received.

2.3 Demographics of responses

The responses received by the NHVR are a representation from across the transport industry, NHVAS approved auditors and government departments/agencies.

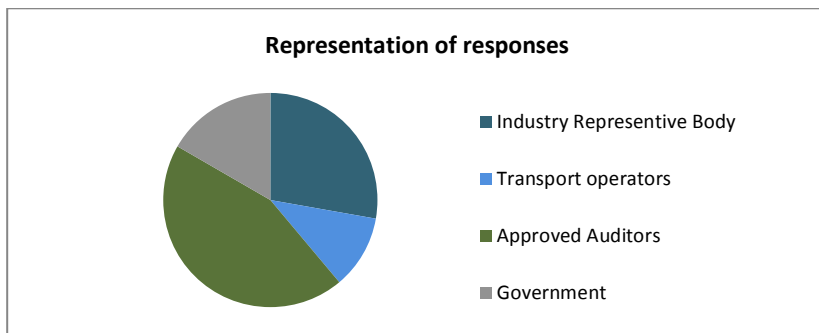


Figure 1: Representation of responses for NPRM1703

Reponses were received from:

- 10 NHVAS approved auditors
- 5 industry representatives
- 4 transport operators
- 2 government entities.

3 Final rule

3.1 Background

In consulting with industry stakeholders, the NHVR sought detail from industry about current practices and experiences. Some critique on aspects of the proposed changes in general have been accepted.

3.2 NHVR’s disposition

The NHVR advocates that all parties in the heavy vehicle Chain of Responsibility have an effective Safety Management System (SMS) in place. An effective implemented SMS is considered one of the best ways of ensuring operators and other parties have a safety-focused business and are complying with safety duty obligations under the Heavy Vehicle National Law (HVNL).

The NHVAS currently incorporates some SMS-related aspects for accredited operators, such as those relating to safety risk management. However, additional key SMS requirements are considered necessary. This includes the need for operators to identify and report significant safety incidents, and strengthened requirements around records and information related to safety training.

The proposed amendments also include important changes responding to previous requests from industry participants, as well as several strengthened accreditation requirements designed to achieve improved safety benefits and outcomes.

Key amendments include:

- Assessment criteria for an NHVAS applicant to be deemed as Fit and Proper to participate in the scheme.
- Introduction of a minimum six-month timeframe to reapply after an accreditation has been refused or cancelled.
- Owners of subcontractor vehicles having the right to remove vehicles from accreditation.
- AFM Business Rules and Standards no longer being standalone; a harmonised set of Business Rules and Standards used for all modules.
- Vehicles being declared “safe” instead of needing to be “roadworthy” after the maintenance daily check.
- Tow couplings needing to be checked daily.
- Vehicles requiring inspection by a qualified person annually.
- The need to keep a register of HVNL-related infringements and defects.
- Vehicles nominated for Mass Management requiring loaded mass verification at least twice per year.
- Ensuring the vehicle as a workplace meets with workplace safety legislation.
- Vehicle statement of compliance no longer required to be carried in the vehicle.

While only a small percentage of industry participants provided feedback on the proposed amendments, all feedback was fully considered. Based upon the feedback provided, changes to the proposed amendments were incorporated including:

- Limiting 100% compliance with the HVNL Vehicle Standards Regulations to defects classified as *Major* or above where three years of accreditation is being considered.
- Adding a daily check criterion for the correct display of accreditation label and carriage of intercept report book.
- Allowing the annual vehicle check to be completed by a qualified person or by a person supervised by a suitably qualified person.
- The phrase *recognised procedures* being replaced with *appropriate procedures*.
- Clarifying who is involved or has responsibilities under an NHVAS accreditation.
- Removing the specified number of driver records that must be checked.
- Clarifying the notifiable occurrences framework for categories of incidents, reporting processes and timeframes.
- Clarifying when an intercept report is to be completed.

Several other minor amendments to the Business Rules and Standards were incorporated to further improve readability and clarity of meaning.

A general concern raised by some respondents centred on a perception of increased regulatory burden that the amended Business Rules and Standards may bring to accredited operators. One respondent also provided feedback, further to the formal consultation period but prior to Transport Ministers’ consideration, that they believed the NHVR should also have undertaken a Regulation Impact Statement to formally assess expected regulatory impact levels of the proposed changes. The NHVR rejected this, noting that the majority of proposed changes simply brought the NHVAS into line with a number of universally accepted SMS principles and elements, such as identifying and reporting significant safety incidents. Several proposed changes were also as a result of previously requested changes and scheme clarifications by industry participants.

Following consultation feedback, the NHVR also requested advice from the Office of Best Practice Regulation (OBPR) regarding the proposed changes. The OBPR agreed that the proposed amendments to the NHVAS Business Rules and Standards were not sufficiently significant to warrant preparation of a Regulation Impact Statement.

Accordingly, the NHVR’s final disposition was to have the proposed amendments considered by Transport Ministers for introduction as soon as practicable.

On Friday 22 November 2019, at the meeting of the Transport Infrastructure Council, all proposed amendments to the NHVAS Business Rules and Standards were endorsed.

3.3 Impact of change

The introduction of the proposed changes is undertaken within the regulatory framework approved by responsible Ministers and does not change the fundamental regulatory requirements for participants in the NHVAS.

Existing NHVAS participants will be given ample time to introduce the necessary changes to their business to meet the new requirements, with the NHVR providing a range of supporting factsheets, guidance materials and advice where required. A simple, online safety incident reporting system will also be available for use via the NHVR Portal to assist accredited operators to identify and report significant incidents in a timely manner.

A number of amendments address previously requested changes to the scheme by industry participants, including clarifying key aspects of the scheme's accreditation modules. Any significant amendments are designed to promote and influence greater safety outcomes for heavy vehicle operators accredited under NHVAS. The expected safety benefits of the amendments will outweigh the impact of regulatory changes required of operators.

4 Implementation

4.1 Implementation timeframes

The NHVR Board endorsed the progression of the NHVAS Business Rules and Standards to the Transport Ministers of HVNL-participating jurisdictions for review and endorsement.

The Transport and Infrastructure Council approved the proposed changes and approved the release of NFRM1703 at its November 2019 meeting.

Following Ministerial approval, the NHVR has developed a range of supporting guidance materials, fact sheets and an online safety incident reporting mechanism. Training and education materials for more than 120 registered third-party NHVAS auditors have also been developed.

The revised NHVAS Business Rules and Standards will take effect from 22 February 2021 for all new participants.

4.2 Transition

All operators submitting new applications for accreditation under NHVAS after 22 February 2021 will need to immediately meet all aspects of the amended Business Rules and Standards.

In preparation for the new NHVAS Business Rules and Standards commencing, the NHVR will prepare regulatory guidance material for transport operators and NHVAS approved auditors, and publish this guidance on the NHVR website.

For existing scheme participants to undertake the necessary changes to processes and procedures, a transitional period that encompasses one accreditation cycle will be provided for the introduction of the revised rules and standards. A detailed fact sheet about the transition period and related aspects can be found in the NHVAS section of the NHVR website.

To assist authorised officers in carrying out the compliance checking function, the NHVR will provide targeted training and guidelines, consistent with the published guidance material.

4.3 Enquiries

Enquiries about this NFRM and the new NHVAS Business Rules and Standards should be directed as follows:

Name	Wayne Whitmore
Position:	Principal Accreditation Advisor
Email:	wayne.whitmore@nhvr.gov.au
Phone:	1300 696 487 (1300 MY NHVR)

Appendix 1 – Summary of responses to NPRM1703 – Proposed changes to the NHVAS Business Rules and Standards

Appendix 1.1 Feedback on the proposed changes

Appendix 1.1.1 Simultaneous similar reviews

Industry groups raised concerns about different heavy vehicle accreditation reviews that were happening at the same time, causing an overlap of purpose.

NHVR's disposition:

The national Heavy Vehicle Accreditation Review has a much wider scope, including how potential future accreditation policy positions and models may ultimately be reflected in future law, via the current HVNL review. Legislative changes resulting from the HVNL Review, including any relating to accreditation, are not expected to occur in the next one to two years. The amendments to the NHVAS Business Rules and Standards more broadly align with universally accepted SMS aspects and principles, and generally incorporate enhanced safety benefits. None of the amendments are expected to conflict with any future national accreditation policy or legislative changes.

Appendix 1.1.2 Accreditation period

The industry groups and one operator highlighted that achieving 100% compliance with all vehicle standards regulations was unachievable. Accordingly, operators would not be a position to request a three-year period of accreditation for Maintenance and Mass Management.

NHVR's disposition:

The NHVR agrees that 100% compliance with vehicle standards would be very difficult to achieve in practice.

Accordingly, the NHVR has amended the NHVAS Business Rules and Standards to limit the requirement for 100% compliance with vehicle standards regulations for defects classed as *Major* or higher.

The NHVR will also publish industry education materials, including a fact sheet specifically addressing compliance requirements.

Appendix 1.1.3 Notifiable occurrences

Industry groups submitted that including this requirement would be a significant compliance burden for NHVAS accredited operators and would be a duplication of existing work health and safety requirements.

NHVR's disposition:

The NHVR considers that the identification and reporting of significant safety incidents is a vital SMS element for accredited operators to help effect further heavy vehicle safety improvements. The requirement is expected to result in more operators considering incident investigation and continuous improvement processes within current business operations. Reported data will also assist the NHVR to better understand wider operator incident trends and concerning safety issues and risks.

The NHVR will also provide a dedicated incident reporting system via the NHVR Portal for all accredited operators to easily report incidents in a timely manner. The online reporting system will automatically populate the operator's core accreditation details in an incident report and provide a series of drop-down boxes to assist operators to enter incident details. The system will be accessible for accredited operators from 22 February 2021.

Appendix 1.1.4 Auditors

One auditor was of the view that it would be beneficial for the NHVR to allow auditors and consultants to also be the authorised contact for NHVAS accreditation, rather than just the Accreditation Team within the NHVR.

NHVR's disposition:

The NHVR does not support this view, as the scheme is designed around registered third-party auditors only having responsibility for assessing an operator's system and its implementation against a known audit tool, and reporting those findings back to the NHVR for any further determination. The NHVR considers that the current approach of accreditation applications and enquiries coming strictly via the NHVR Accreditation Team is appropriate and working well.

Appendix 1.1.5 General comments

Although not included in the proposed changes, one industry group questioned how the strengthening of audit timeframes has led to the NHVAS no longer qualifying as a suitable maintenance program for operators to use to claim fuel tax rebate credits.

A government department was also keen to understand how the changes would be introduced and their effectiveness measured.

NHVR's disposition:

With respect to the fuel tax rebate issue, the NHVAS has not qualified as a suitable maintenance program for operators to use to claim fuel tax rebate credits since 2015. The NHVAS is considered a formal process for recognising operators who have robust safety and other management systems in place. Development of the proposed amendments did not consider changes to help enable fuel tax rebate eligibility for operators.

With respect to the implementation of the proposed changes, a comprehensive Project Plan has been developed and is being implemented by the NHVR. This includes the development and delivery of training and education to affected operators and third-party auditors, updated internal systems and processes, communications and messaging to key stakeholders, and new operator guidance materials.

From 22 February 2021, accredited operators will be afforded a full 'accreditation cycle' – up to two years – to revise and transition affected policies, procedures and activities within their business to meet the new requirements.

Following implementation, the NHVR will regularly monitor key data to help ascertain the overall effectiveness of the amendments. This will include analysing operator incident trend data and operator compliance with safety critical requirements within the Business Rules and Standards. A biennial safety survey of heavy vehicle industry participants, including those accredited under the NHVAS, will also inform the levels of uptake and use of SMS by operators.

Appendix 1.2 Maintenance Management Standards**Appendix 1.2.1 Daily check**

One industry group highlighted that clearance lights are not fitted to all vehicles, and the wording relating to the checking of clearance lights needed to reflect this situation.

One transport operator highlighted that checking for appropriate vehicle participation labels and the presence of documents required to be carried should be included.

NHVR's disposition:

The NHVR agrees with the feedback, and has amended the standard to correctly reflect the task of checking clearance lights and added a checking task for the presence of a vehicle's NHVAS label and intercept report book.

Appendix 1.2.2 Fault recording and reporting

One NHVAS approved auditor requested consideration be given to amalgamating Standards 2 and 3 (similar to Scheduling and rostering of the Fatigue Module) because the process of fault reporting, recording and repair is generally part of the same process, rather than separate.

One transport operator also submitted that specific wording be redrafted to reflect the wording used in the HVNL that describes actions to be 'reasonably practicable'.

NHVR's disposition:

With respect to possible amalgamation of Standards 2 and 3: These two standards differ in what they set out to achieve. An effective SMS includes both a reporting system and a risk assessment process. Standard 3 relates to assessing the risk of the fault according to how it has been reported via standard 2 according to the nature of the fault. The NHVAS does not support amalgamating both standards.

With respect to the possible rewording: the NHVR agrees and has changed the relevant wording to reflect that within the HVNL.

Appendix 1.2.3 Fault repair

One industry group was of the view that it is impractical to require the timeframe in which a fault is to be repaired where a fault is being monitored, because the situation may exist that the fault will and should be repaired at or before the time the relevant wear limit tolerance is reached.

The rate of wear cannot always be accurately predicted, and the proposed wording would lead to serviceable parts that are within the wear limits being thrown away at possibly significant overall cost and minimal safety gain. It was recommended that the affected wording should be amended to read " ... and the upper limit for when a fault is to be repaired (i.e. at no more than 1,000km or when the part's wear tolerance limit is reached)".

NHVR's disposition:

The NHVR agrees with this view and has amended the standard to adopt the suggested wording.

Appendix 1.2.4 Maintenance schedules and methods

All industry groups opposed the introduction of mandatory checking of the mechanical safety of NHVAS nominated vehicles at a prescribed timeframe outside of the scheduled servicing of the vehicle. The view is that this requirement will take away what is seen as the benefit of joining the scheme, and add unnecessary compliance burden and costs.

NHVR's disposition:

The NHVR does not consider the new requirement will result in a significant burden on accredited operators. Audit results indicate a high percentage of accredited operators are already undertaking regular mechanical safety checks of their vehicles as per the proposed amendment.

Under the current NHVAS requirements, many accredited operators have assured the NHVR that their vehicles are roadworthy and safe; yet upon further examination they been found to have unroadworthy aspects within their nominated fleets. While operators already need to supply at least their 'self check' maintenance records as part of accreditation, the NHVR considers that minimum independent checks of the safety of nominated vehicles provides reliable assurance of vehicle safety roadworthiness.

The NHVR has decided not to revise or change the related amendments to the Business Rules and Standards.

Appendix 1.2.5 Records and documentation

One respondent submitted that terminology used for "recognised procedures" needed further clarification and would be better replaced with 'appropriate procedure'.

Three industry groups and one transport operator opposed the introduction of central record-keeping of information about on-road breaches and the identification and rectification of vehicle defects.

One transport operator submitted that the phrase "staff operating under the accreditation" was not sufficiently descriptive to correctly identify those that have a responsibility under the accreditation.

NHVR's disposition:

With respect to recommended terminology clarification, the NHVR agrees that 'appropriate' would be better to describe repair procedures rather than 'recognised' and has amended the Standard accordingly.

With respect to defect and breach record-keeping, the NHVR considers that having a systemic business process that ensures heavy-vehicle-related defects and breaches are internally reported, collated and analysed helps inform continuous improvement processes and reduce the risk of recurrence. It is considered to be a standard component of an

SMS and supports the wider need for record-keeping of critical safety information. Any current systems used by an accredited operator may be acceptable under the scheme. The NHVR has not altered the proposed amendment regarding breach and defect record-keeping.

With respect to the suggested need for more descriptive definition around staff operating under accreditation, the NHVR agrees and has amended the wording for clarity.

Appendix 1.2.6 Training and education

One industry group submitted that the requirement "that details how persons assigned a role of responsibility within the Maintenance Management System are trained" needed further clarification.

One auditor submitted that the standard was assuming training was being delivered face to face and that current digital delivery of training had not been taken into account.

NHVR's disposition:

The NHVR will publish new and updated guidance materials that provide the criteria for an operator's procedure to be considered compliant, as well as including how digital delivery of training can be used if desired.

Appendix 1.3 Mass Management Standards

Appendix 1.3.1 Vehicle control

Three NHVAS approved auditors submitted that the vehicle register should capture trailer identification, and one suggested that the Road Friendly Suspension (RFS) certification number should be captured if applicable.

One industry body raised concerns about subcontractor arrangements. It was stated that contractors will refuse to host subcontractors under their accreditation once they become aware of the NHVAS requirement for 100% capture and acceptance of full liability for all activity of a subcontractor's vehicles. It was raised this would mean that the NHVR is forcing all subcontractors, including owner operators, to become accredited in their own right.

One transport operator submitted that the Mass Management Standards include a requirement for "a written agreement between the subcontractor and primary contractor to demonstrate their compliance with primary contractor's mass management system", as exists in the Western Australian Heavy Vehicle Accreditation Scheme.

NHVR's disposition:

With respect to vehicle registers and the issue of RFS, the NHVR agrees and will amend the applicable standard to include capturing the RFS number, as well as vehicle registers listing trailers.

With respect to contractor/sub-contractor concerns, the subcontractor arrangements within the Business Rules and Standards have not changed. All related requirements have been in place since the inception of the scheme. The NHVR disagrees that the amended Business Rules and Standards will set up onerous new requirements regarding subcontractors and contractors under NHVAS accreditation. No resultant changes have been incorporated into the amended Business Rules and Standards.

Appendix 1.3.2 Records and documentation

Three industry groups and one transport operator opposed the introduction of centralised record-keeping of information about on-road breaches and the identification and rectification of vehicle defects.

One transport operator submitted that the phrase "staff operating under the accreditation" was not sufficiently descriptive to correctly identify those that have a responsibility under the accreditation.

NHVR's Disposition:

These issues are duplicates of those raised under 1.2.5 Records and Documentation, and the NHVR's disposition is stated in that section.

Appendix 1.3.3 Verification

One industry group identified the minimum bi-annual frequency for verification would result in unreasonable additional costs, if that verification was needed to be undertaken using 'in-depot' weighing facilities.

NHVR's disposition:

Verification of loaded masses is not a new or amended NHVAS requirement. The only change is to the minimum verification time frames; currently, no minimum timeframe is specified. The same verification processes that are currently in use would continue.

The NHVR considers that there are no significant added costs to industry as a result of the amendment, and the related change will be retained.

Appendix 1.3.4 Internal review

One auditor was concerned that quarterly reporting prohibited operators from reporting on a more frequent basis.

One industry body questioned the need for the quarterly compliance statement, with the introduction of record-keeping registers.

NHVR's disposition:

With respect to reporting frequency, reporting can be conducted more frequently than quarterly and simply grouped for audit purposes. This is still allowed under the proposed changes. No further amendment is considered necessary.

With respect to the quarterly compliance statement, it is expected that most accredited operators' record-keeping registers will include some but not all of the information required to be included within a quarterly compliance statement. This includes information relating to the number of driver medicals conducted or the number of trips using concessional mass limits. The NHVR supports using record-keeping register information to help populate quarterly compliance statements, but they cannot be utilised in place of the statement.

Appendix 1.3.5 Training and education

One industry group submitted that the requirement "that details how persons assigned a role of responsibility within the Maintenance Management System are trained" needed further clarification.

NHVR's disposition:

The NHVR agrees and will develop and publish guidance material that provides the criteria for an operator's procedure to be considered compliant.

Appendix 1.3.6 Maintenance of suspension

One auditor submitted that many accredited operators have vehicles registered in other company names and the accredited operator is the Director for both companies. It was argued that if an accredited operator has control over the vehicle for maintenance, then the evidence should be the records of the servicing and therefore a compliance statement should not be relevant in those circumstances.

NHVR's disposition:

The NHVR agrees with this view and has incorporated the provision that any trailer that is a Maintenance Management nominated vehicle does not need a statement of compliance.

Appendix 1.4 Fatigue Management Standards

Appendix 1.4.1 Scheduling and rostering

One industry group submitted a suggestion for rewording (to minimise risk of misreading by BFM operators) the words in brackets "(AFM only)". It was suggested that the wording should be moved and inserted after the words "exceed normal approved operating limits".

NHVR's disposition:

The NHVR agrees and has amended the Standard as suggested.

Appendix 1.4.2 Health and wellbeing for performing duty

One industry group identified that the phrase "better management of fatigue" should be changed to "optimal management of fatigue".

NHVR's disposition:

The NHVR agrees and has amended the Standard as suggested.

Appendix 1.4.3 Fatigue knowledge and awareness

One industry group submitted that the requirement for the production of a quarterly compliance statement was not previously included in the BFM standards. The introduction of this requirement should be the subject of a cost-benefit analysis.

NHVR's disposition:

Under the NHVAS, the need for operators to compile a quarterly compliance statement has always been a requirement of the Business Rules, but not clearly defined within the scheme's Standards. To provide the necessary clarity and consistency with other NHVAS modules, the requirement has now been included in the Standards.

Appendix 1.4.4 Internal Review

One industry group submitted a suggestion for rewording (to minimise risk of misreading by BFM operators) the words in brackets "(AFM only)" should be moved and inserted after the words "exceed normal approved operating limits".

NHVR's disposition:

As per **1.3.4**, the NHVR agrees and has amended the relevant Standard as suggested.

Appendix 1.4.5 Records and documentation

Three industry bodies and one transport operator submitted that the proposal to specify the minimum percentage of driver work diary pages to be checked would not provide the desired safety outcome.

One of the industry bodies also identified that checking the specified amount would be too great a burden.

NHVR's disposition:

The NHVR's proposed inclusion of a base limit of 10% of driver work diary pages to be checked was in response to previous requests by operators wanting greater clarity around how many records they should be checking. Upon further consideration, the NHVR agrees that setting a minimum specific amount in the Business Rules and Standards is not necessary and has removed the proposed requirement.

As is currently the case within the scheme, it will still be incumbent on operators to demonstrate that they have done everything reasonably practicable in regards to them checking work and rest records for compliance with legislation. The NHVR will also provide further clarifying guidance regarding this requirement.