

# Ministerial Guidelines for Heavy Vehicle Accreditation 2026

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## Part 1. Preliminary

### Definitions

In these guidelines—

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

**alternative compliance accreditation (ACA) - Fatigue** means fatigue alternative compliance accreditation as defined in s 5 of the Heavy Vehicle National Law

**alternative compliance accreditation (ACA) - Mass** means mass alternative compliance accreditation as defined in s 3 of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

**accreditation compliance history** means action taken in the previous 5 years by way of amendment, suspension or cancellation of an accreditation held under the Act by the applicant or a relevant associate;

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

**approved auditor** has the meaning given in s 5 of the Act.

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

**audit standard** has the meaning given in s 5 of the Act.

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

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

**general safety accreditation** means accreditation granted under s 458 of the Act that is not related to a prescribed operations requirement.

**heavy vehicle accreditation** means—

- general safety accreditation; or
- alternative compliance accreditation.

**medical evidence** means information or documentation required by the Act or the applicable safety management system standard to demonstrate and support an assessment of a driver's fitness to drive and/or fitness for duty for the relevant transport activities.

**non-conformance** means a contravention of—

- the Act;
- an Australian road law; or
- a defined requirement, standard, specification, or expectation under the Act.

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

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

**prescribed criminal history** has the meaning given in s 460(6) of the Act.

**prescribed operations requirement** means a requirement under the Act in relation to heavy vehicle operations in relation to which an alternative compliance accreditation may be granted.

**regulator** means the National Heavy Vehicle Regulator.

**renewal** means an application for heavy vehicle accreditation made by an accredited operator for a further accreditation period.

**risk classification system matrix (RCSM)** means the risk classification system matrix approved by the responsible Ministers as part of the standard for alternative compliance hours, and used as the assessment tool for determining whether an ACA – Fatigue application complies with that standard.

**safety management system** has the meaning given in s 457A of the Act.

**safety management system standard (SMS standard)** means the standard for safety management systems approved by the responsible Ministers under s 654(1)(b) of the Act, and includes a schedule to that standard, unless the context otherwise indicates.

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

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

## **1 Authority and Commencement**

These guidelines—

- (a) are made under s 653 of the Act for the purposes of s 461(3);
- (b) commence on the day they are published in the Commonwealth Gazette.

## **2 Purpose and Scope**

These guidelines—

- (a) apply to the Regulator when granting, amending, suspending, or cancelling heavy vehicle accreditation;
- (b) are to be read consistently with—
  - (i) the audit standard;
  - (ii) the SMS standard; and
  - (iii) the standard for alternative compliance hours.

### *Note—*

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

## **3 Interpretation**

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

# **Part 2 Heavy Vehicle Accreditation Applications**

## **Division 1 General Safety Accreditation Requirements**

### **4 Application**

- (1) This Division applies to an application for heavy vehicle accreditation under s 458 of the Act where the applicant seeks general safety accreditation.
- (2) In deciding a general safety accreditation application, the Regulator must apply Part 2 (General Safety Accreditation – Safety Management System Requirements) of the SMS standard approved under s 654(1)(b) of the Act.

## **5 Safety Management System**

- (1) The Regulator must be satisfied that an application for heavy vehicle accreditation is supported by the operator's safety management system (SMS) that complies with the SMS standard.
- (2) The Regulator must apply the SMS standard when deciding whether an operator has an SMS that complies with the standard.
- (3) The Regulator must apply the SMS standard proportionately to the size and complexity of the operator's transport activities.

## **6 Application for Accreditation**

- (1) The Regulator must be satisfied that an application for accreditation is supported by sufficient documentary evidence to demonstrate compliance with the Act.
- (2) Without limiting subsection (1), the application must include—
  - (a) the statements required under s 459(2) of the Act;
  - (b) a declaration of the matters required under s 459(3); and
  - (c) any additional records, statements or reports required by these guidelines or the SMS standard.
- (3) The Regulator must be satisfied that the operator has, and will maintain—
  - (a) systems for preparing and providing quarterly compliance statements and conducting annual internal reviews;
  - (b) systems for notifying the Regulator of notifiable occurrences; and
  - (c) systems to record noncompliance with the Act for a minimum period of 3 years.
- (4) The Regulator must ensure the applicant's heavy vehicle accreditation undergoes—
  - (a) for the first accreditation period only, an initial compliance audit between 6 and 7 months after the effective date of the accreditation; and
  - (b) a compliance audit within 9 months and 1 month prior to the expiry of the accreditation period.
- (5) The Regulator may, by writing, waive the requirement in subsection 4(a) and must document the reasons for the waiver.

## **7 Applicant Suitability**

- (1) The Regulator must be satisfied that the operator—
-

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

## **8 Additional Evidence**

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

## **9 Renewal of Accreditation**

- (1) The Regulator must require a renewal application to be—
- (a) submitted between 6 months and 1 month before the expiry date of the accreditation; and
  - (b) accompanied by a report prepared in compliance with the audit standard for an audit conducted within the period starting 9 months and ending 1 month prior to the expiry of the accreditation.
- (2) When deciding an application for renewal, the Regulator must have regard to—
- (a) section 7 and 8;

- (b) for an ACA – Fatigue application, Division 2;
- (c) for an ACA – Mass application, Division 4;
- (d) for a maintenance accreditation application, Division 3;
- (e) any non-conformance over the previous accreditation period; and
- (f) the effectiveness of the applicant's heavy vehicle accreditation in managing public risks, including its ability to identify non-conformances and implement corrective actions.

## **10 Accreditation Period**

- (1) When heavy vehicle accreditation is first granted, the Regulator may grant accreditation for a period of not more than 3 years.
- (2) In deciding the period of accreditation to be granted, the Regulator must assess the operator's suitability in accordance with section 7 and may grant accreditation for a shorter period if, having regard to the matters specified in that section, the Regulator is not satisfied that the maximum period is appropriate.
- (3) On an application by an accredited operator for renewal, the Regulator may decide the period for which accreditation is granted, having regard to—
  - (a) the matters specified in section 7; and
  - (b) the operator's performance during the preceding accreditation period.
- (4) Without limiting subsection (3)(b), performance may include:
  - (a) a non-conformance identified through audits or monitoring, and the timeliness and effectiveness of corrective action;
  - (b) a breach of an Australian road law relevant to the operator's accredited operations;
  - (c) a notifiable incident involving the operator or its nominated vehicles; and
  - (d) a major defect notice issued in relation to a nominated vehicle.

## **11 Re-Applying After Cancellation or Refusal**

- (1) If an applicant has previously had accreditation refused or cancelled, the Regulator must apply the following rules—
  - (a) If the accreditation was cancelled due to failure to submit a required audit, re-entry is at the discretion of the Regulator.
  - (b) If the accreditation was cancelled due to non-compliance with an Australian road law, the applicant must demonstrate at least 12 months free of non-compliance before re-applying.

- (c) A re-application made after cancellation is subject to re-assessment against the suitability criteria in section 7.
- (d) If an accreditation application is refused, a minimum of 6 months must elapse before a further application may be lodged.

## **12 Sanctions**

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

## **Division 2 Alternative Compliance Accreditation - Fatigue Requirements**

### **13 Application**

- (1) This Division applies to an application for heavy vehicle accreditation under s 459 of the Act where the applicant seeks accreditation in relation to the prescribed operations requirement for driver fatigue.
- (2) In deciding an ACA – Fatigue application, the Regulator must apply—
  - (a) the SMS standard approved under s 654(1)(b) of the Act, including Part 2 (General Safety Accreditation – Safety Management System Requirements) and Schedule 1 (Alternative Compliance Accreditation - Fatigue Requirements); and
  - (b) the standard for alternative compliance hours approved under s 654(1)(c) of the Act, including the risk classification system.

### **14 Compliance Evidence**

- (1) Where an operator applies for ACA - Fatigue, the Regulator must be satisfied that—
  - (a) the alternative compliance hours specified in the applicant's accreditation certificate are consistent with the standard for alternative compliance hours;
  - (b) the applicant has assessed the proposed alternative compliance hours using the risk classification system matrix (RCSM) in accordance with section 15;
  - (c) the proposed work and rest schedule and relevant scores are compatible with the principles underpinning the RCSM;
  - (d) the material in paragraph (c) supports granting the accreditation;
  - (e) the alternative compliance hours provide a safe balance between work, rest, risk management and fatigue countermeasures; and
  - (f) the alternative compliance hours would not be unsafe having regard to—

- (i) the applicant's safety management system; and
- (ii) any relevant body of fatigue knowledge.

## **15 Requirements for Risk Classification System Matrix and Safety Case**

- (1) An applicant for ACA - Fatigue must develop a work schedule outlining the work and rest arrangements they will use to direct driver activities.
- (2) Each element of the work schedule must be assessed against the seven principles in the RCSM.
- (3) An operator may provide additional evidence that addresses specific elements of their risk profile.
- (4) A safety case is required when the application has any one of the following features—
  - (a) more than 2 high risks;
  - (b) 2 high risks and any medium risks;
  - (c) one high risk and more than two medium risks;
  - (d) more than 3 medium risks;
  - (e) an element which exceeds the high-risk description in the RCSM; or
  - (f) reliance on a published template which requires the provision of a safety case.

## **16 Referral of Application for Specialist Advice**

- (1) The Regulator may refer an application to a road authority representative or to an independent specialist advisor in any of the following circumstances—
  - (a) any proposed task exceeds the high-risk description for a principle in the RCSM;
  - (b) the application contains a feature mentioned in section 15(4)(a) to (f);
  - (c) the Regulator determines that independent advice would assist in assessing the public safety risks associated with the application, or in determining conditions to mitigate anticipated public safety risks.
- (2) The Regulator must be satisfied that the countermeasures in the operator's application adequately mitigate the identified public safety risks.
- (3) The Regulator may consider any advice provided under subsection (1) but is not obliged to follow it.
- (4) Where specialist advice is not followed, the Regulator must document the nature of, and reasons for, the departure in the final decision on the application.

## **Division 3 Maintenance Accreditation Requirements**

### **17 Application of Schedule 2 - SMS Standard**

- (1) In deciding an application for heavy vehicle accreditation, in addition to applying Part 2 (General Safety Accreditation – Safety Management System Requirements) of the SMS standard approved under s 654(1)(b) of the Act, the Regulator must apply the requirements in Schedule 2 of the SMS standard (Maintenance Accreditation Requirements) where the applicant requests assessment against that schedule.
- (2) An applicant may request assessment under Schedule 2 for the purpose of demonstrating, through its SMS, an appropriate means of alternative compliance with heavy vehicle inspection or roadworthiness requirements imposed under an Australian road law.

## **Division 4 Alternative Compliance Accreditation – Mass Requirements**

### **18 Application**

- (1) This Division applies to an application for heavy vehicle accreditation under s 459 of the Act where the applicant seeks accreditation in relation to the prescribed operations requirement for mass management.
- (2) In deciding an ACA – Mass application, the Regulator must apply the SMS standard approved under s 654(1)(b) of the Act, including Part 2 (General Safety Accreditation – Safety Management System Requirements) and Schedule 3 (Alternative Compliance Accreditation - Mass Requirements).

### **19 Vehicle Nomination**

The Regulator must be satisfied that—

- (a) the operator has nominated the number and details of vehicles to operate under accreditation;
- (b) the nominated vehicles meet the legal requirements for the intended use of the vehicles;
- (c) each nominated vehicle holds current registration and roadworthiness evidence;
- (d) only the accreditation holder or authorised contact nominates vehicles;
- (e) subcontracted vehicles are accurately recorded and removable at the owner's request;

- (f) any subcontracted vehicle is nominated only if it operates full-time for the applicant and the applicant accepts full responsibility for compliance with the relevant accreditation requirements; and
- (g) changes are notified within 14 days.

## **20 Driver Nomination**

The Regulator must be satisfied that—

- (a) the operator has nominated the number and details of drivers to operate under accreditation;
- (b) the nominated drivers meet the legal requirements for the intended use of the vehicles;
- (c) each nominated driver holds a current licence and medical evidence; and
- (d) changes are notified within 14 days.

## **21 Vehicle Identification**

The Regulator may require that—

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

# **Part 3 Transition**

## **22 Transitional Arrangements**

- (1) Transitional arrangements for existing accreditations are provided for under the Act.
- (2) To support implementation the Regulator must ensure an orderly transition consistent with those provisions.
- (3) Transitional arrangements must address—
  - (a) recognition of existing accreditations granted under the National Heavy Vehicle Accreditation Scheme Business Rules and Standards as equivalent to accreditation under these guidelines until their current date of expiry;
  - (b) conditions for renewal of existing accreditations, including the requirement for compliance with the SMS standard and audit standard;

- (c) a process for operators to update their SMS, audit evidence, and declarations to align with the requirements of the Act and these guidelines; and
  - (d) the steps the Regulator will take to facilitate the transition of approved AFM work and rest hours to alternative work hours arrangements under s 253 of the Act.
- (4) Transitional arrangements must be publicly communicated by the Regulator, including relevant timeframes and milestones.