

## Executive Summary

The Australian Livestock and Rural Transporters Association (ALRTA) is the peak national body representing rural road transport businesses that service Australia’s agricultural supply chains. Through our six state and territory member associations we represent around 700 transport businesses across Australia, including owner-drivers, small fleets and large regional fleets with hundreds of trucks and trailers. Our members are professional, well-established family and regional operators, deeply embedded in rural and regional communities and providing the first and last link in the movement of food and fibre. When regulation works, they keep people, animals and freight moving safely; when it does not, they wear the cost in fatigue, red tape and lost productivity.

Heavy vehicles remain over-represented in serious crashes, and fatigue, vehicle condition, loading/unloading and animal welfare are critical risks on rural roads. At the same time, most operators are small, professional family businesses with lean administrative teams, already juggling overlapping work health and safety, animal welfare, customer and accreditation demands. A new statutory framework that simply adds more paperwork will not deliver safer outcomes.

The proposed Safety Management System (SMS) Standard, Ministerial Guidelines for Heavy Vehicle Accreditation, National Audit Standard (NAS) and Ministerial Standard for Alternative Compliance Hours (ACH) are an opportunity to get this right. ALRTA supports a modern, risk-based approach that is tough on risk, not on paperwork. These instruments must lift safety performance—especially around fatigue and animal welfare—and be achievable for small rural operators without compliance departments or expensive consultants.

ALRTA’s position is straightforward:

- focus the SMS, accreditation and audit regime on the real risks in livestock and rural transport
- make small-business design and proportionality a core principle across all four instruments, and
- use ACH as an earned-flexibility tool that helps drivers make safe, welfare-focused decisions in the real world.

Annex 1 to this submission sets out suggested drafting changes to each instrument that would deliver this in practice.

## Recommendations

### Overall

ALRTA recommends that transport ministers and the NHVR:

1. **Build small-business design into all four instruments**  
Clearly state that requirements must be scaled to an operator’s size, operating profile and risk exposure, with particular regard to small, family-run rural businesses.
2. **Prioritise safety outcomes over paperwork**  
Require regulators and auditors to give real weight to outcomes-based evidence (breach and incident history, fatigue and vehicle performance) alongside documentation when assessing compliance.
3. **Create clear low-documentation and hybrid pathways**  
Confirm that practical, fit-for-purpose systems used by professional family operators — such as checklists, logbooks, straightforward forms and rosters — are explicitly accepted as valid ways to demonstrate compliance where they effectively control risk.
4. **Recognise sector-specific tools and templates**  
Establish a transparent NHVR process to recognise industry-developed tools (including an ALRTA livestock and rural SMS/fatigue template) as valid ways of meeting SMS, NAS and ACH requirements, avoiding duplication and consultancy costs.
5. **Link stronger safety performance to tangible benefits**  
Tie accreditation and demonstrated SMS maturity to practical benefits such as reduced audit frequency, streamlined access and permitting, and stable participation in ACH, so “earned flexibility” is real, not rhetorical.
6. **Stage implementation and commit to review**  
Provide realistic lead times, use early audits to coach operators towards better practice rather than penalise minor documentation gaps, and commit to a review within 3–5 years, with particular focus on impacts for small, regional and livestock operators.

## **By instrument**

### **Safety Management System (SMS) Standard**

- Adopt a concise core SMS that every operator can reasonably meet, with clearly optional advanced elements for more complex or higher-risk operations.
- Frame the standard in outcomes-based language and allow operators to rely on existing WHS, animal-welfare, customer and accreditation systems as part of their SMS.

### **Ministerial Guidelines for Heavy Vehicle Accreditation**

- Reaffirm that accreditation is voluntary and that the base HVNL obligations are designed to be achievable for safe operators who are not accredited.

- Avoid “soft mandating” of particular schemes through government contracts and concessions, and embed proportionality and outcomes-based evidence in accreditation entry, renewal and exit.

### **National Audit Standard (NAS)**

- Embed proportionality in audit scope, depth and frequency, with clear expectations for small rural operators.
- Require auditors to consider outcomes-based safety evidence and explicitly recognise low-documentation and hybrid evidence pathways, including fit-for-purpose paper-based systems that work in low-connectivity rural and remote areas.

### **Ministerial Standard for Alternative Compliance Hours (ACH)**

- Broaden and clarify “unplanned circumstances” so that common livestock realities (delays in loading/unloading, weather, animal-welfare interventions) can be managed lawfully and safely.
- Link ACH eligibility to SMS maturity and fatigue performance and ensure ACH is supported by practical templates and rosters that fit small, professional family fleets, rather than mandatory complex IT systems.

## **Safety Management System (SMS) Standard**

ALRTA supports a national Safety Management System (SMS) Standard that makes rural roads safer – not just busier with paperwork. For livestock and rural transport, a good SMS must help operators manage real risks: fatigue, loading and unloading, animal welfare, vehicle condition and long-distance work on high-speed rural roads.

In the 12 months to June 2025, there were 205 deaths in crashes involving heavy vehicles, out of 1,329 road deaths nationally.<sup>1</sup> Australia’s National Road Safety Strategy 2021–30 commits all governments to reduce annual deaths by at least 50 per cent and serious injuries by at least 30 per cent by 2030.<sup>2</sup> Heavy vehicles are a small share of the fleet but a disproportionate share of the harm.

Trucking is overwhelmingly a small and family business industry. More than 98 per cent of trucking operators are owner-drivers or small businesses with 19 or fewer employees, and small businesses with fewer than 20 employees account for around 97 per cent of all

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<sup>1</sup> Bureau of Infrastructure and Transport Research Economics (BITRE) 2025a, *Road deaths in crashes involving heavy vehicles: Quarterly bulletin Apr–Jun 2025*, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, Canberra; Bureau of Infrastructure and Transport Research Economics (BITRE) 2025b, *Road deaths Australia: Monthly bulletin June 2025*, BITRE, Canberra

<sup>2</sup> Office of Road Safety 2021, *National Road Safety Strategy 2021–30*, Australian Government, Canberra; see also Department of Infrastructure, Transport, Regional Development, Communications and the Arts, ‘Road safety performance’ fact sheet, 2023.

Australian businesses.<sup>34</sup> These are professional, well-established family operators, but they do not have large compliance departments. Compliance costs and administrative burden land hardest on exactly the family-run regional businesses that keep food and fibre moving.

There is also evidence that structured safety management can improve outcomes.

Systematic reviews of occupational health and safety management systems suggest they can reduce injuries and compensation costs, particularly where management commitment and worker participation are strong.<sup>5</sup> The SMS Standard is therefore an important opportunity – but if it is written around big-fleet, ISO-style systems, it will become an expensive compliance exercise instead of a practical safety tool for small rural operators.

## Issues with the draft SMS Standard

From the perspective of livestock and rural transport, ALRTA sees three main problems with the draft SMS Standard:

- **Too close to a full management standard.**

The draft reads like a cut-down WHS/ISO 45001 system, with broad requirements that can be interpreted as needing comprehensive policies, formal risk registers and extensive documentation. For a five-truck livestock operator running out of a regional depot, this is unrealistic and invites heavy reliance on consultants.

- **Proportionality is vague.**

While the draft mentions proportionality, it does not clearly spell out what this means for small fleets in remote livestock work compared to large metropolitan operations. That ambiguity risks “big-fleet expectations” being applied to small businesses, with paperwork becoming a proxy for safety.

- **Existing systems are not clearly recognised.**

Many ALRTA members already operate under WHS systems, animal-welfare standards, customer audit programs and accreditation schemes. The draft SMS Standard does not clearly state that these can be integrated and recognised as part of a single, coherent SMS. Without that clarity, operators will feel pressured to build parallel systems to satisfy auditors.

If these issues are not addressed, small rural operators will be pushed towards generic, consultant-driven systems that add cost and paperwork without a commensurate safety benefit.

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<sup>3</sup> Australian Trucking Association 2019, *Submission to Treasury: 2019–20 Pre-Budget Submission*, ATA, Canberra; see also Australian Trucking Association 2020, *2020–21 Pre-Budget Submission*, ATA, Canberra

<sup>4</sup> Australian Small Business and Family Enterprise Ombudsman (ASBFEO) 2024, *Number of small businesses in Australia*, Small Business Data Portal, ASBFEO, Canberra

<sup>5</sup> Robson, LS, Clarke, JA, Cullen, K, Bielecky, A, Severin, C, Bigelow, PL, Irvin, E, Culyer, A & Mahood, Q 2007, ‘The effectiveness of occupational health and safety management system interventions: A systematic review’, *Safety Science*, vol. 45, no. 3, pp. 329–353.

## Recommendations

ALRTA supports the introduction of an SMS Standard, provided it is explicitly designed to work for small, regional, livestock and rural operators. Ministers should amend the draft so that it is clearly risk-based, proportionate and integrated with existing obligations, rather than a de facto ISO standard for small trucking businesses.

ALRTA's key recommendations are:

**1. Make the SMS Standard modular.**

Adopt a concise core SMS that every operator can reasonably meet, focused on the main risks in heavy-vehicle transport (fatigue, vehicle condition, loading/unloading, interactions with people and animals, rural road conditions). Above that core, define clearly optional "advanced" elements for larger, more complex or higher-risk operations and for businesses that choose to pursue higher levels of assurance.

**2. Spell out proportionality for small rural operators.**

Include explicit guidance that expectations will be scaled to fleet size, operating profile and risk – for example, long-distance livestock work in remote areas versus urban distribution. Make clear that a small family business is not expected to produce the same volume or style of documentation as a large corporate, provided it can demonstrate that key risks are identified and controlled.

**3. Use outcomes-based language and recognise existing systems.**

Frame SMS requirements in terms of what operators must achieve – for example, that fatigue, vehicle and loading risks are identified, controlled, monitored and reviewed – rather than prescribing particular templates or IT systems. State clearly that existing WHS systems, animal-welfare procedures, customer audit requirements and recognised accreditation schemes can be used to demonstrate that parts of the SMS are "present, suitable, operating and effective", so operators are building one integrated system rather than several parallel ones.

**4. Focus regulators and auditors on capability, not just compliance.**

Require regulators and auditors to look at whether an SMS is operating in practice and improving safety (for example, learning from incidents and near misses, acting on defect trends and fatigue issues), not simply whether every procedure is written in a particular way. Early implementation should emphasise coaching operators towards better practice rather than penalising minor documentation gaps where core risk controls are in place.

Designed this way, the SMS Standard will help lift safety performance where it matters most, while avoiding the unintended consequence of turning safety management into a barrier to entry for small rural and livestock operators. Detailed drafting suggestions to give effect to these recommendations are provided in Annex 1.

# Ministerial Guidelines for Heavy Vehicle Accreditation

Accreditation can be a powerful tool when it is voluntary, targeted and credible. Used well, it allows safer and more capable operators to demonstrate that they manage risk, in exchange for greater flexibility and fewer day-to-day interventions by government. Reviews of the existing National Heavy Vehicle Accreditation Scheme (NHVAS) and industry schemes such as TruckSafe have found that accredited operators often have better safety indicators than non-accredited operators, although the evidence base is incomplete and dated.<sup>6</sup>

For ALRTA members, the way the new Ministerial Guidelines are framed will determine whether accreditation is a practical pathway to safer, more productive operations — or simply another layer of paperwork, audits and cost. Most rural and livestock transport businesses are small, family-run fleets. Economic analysis by Treasury shows that when regulation applies the same complex requirements to every business, smaller operators bear a disproportionately higher compliance burden relative to their size.<sup>7</sup> Recent work by the Australian Small Business and Family Enterprise Ombudsman also highlights that small businesses are increasingly concerned about regulatory overload and are calling for simpler, “right-sized” regulation.<sup>8</sup>

In this context, the Ministerial Guidelines must support a risk-based assurance framework that works for small regional operators moving livestock to saleyards, processors and ports, not just for large metropolitan fleets with dedicated compliance teams.

## Issues with the draft Guidelines

ALRTA supports clear, nationally consistent Ministerial Guidelines for heavy vehicle accreditation in principle. However, as drafted, we are concerned that the Guidelines:

- **Risk creating operator licensing by stealth**

The Guidelines appear to envisage accreditation as the default expectation for access to key productivity tools (such as flexible fatigue options or higher-productivity combinations). If, in practice, non-accredited operators are treated as second-class operators, accreditation ceases to be a genuinely voluntary, alternative compliance option and becomes de-facto licensing. This is inconsistent with the assurance framework contemplated in the HVNL review, where accreditation sits alongside other risk-based tools rather than replacing them.<sup>9</sup>

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<sup>6</sup> Fellows Medlock and Associates 2018, *Analysis of heavy vehicle safety accreditation schemes in Australia*, report prepared for the National Heavy Vehicle Regulator, Brisbane.

<sup>7</sup> Douglas, J & Pejaska, AL 2017, ‘Regulation and small business’, *Economic Roundup*, Australian Treasury, Canberra.

<sup>8</sup> Australian Small Business and Family Enterprise Ombudsman (ASBFEO) 2024, *Energising enterprise: 14 steps to boost Australia’s small and family businesses*, ASBFEO, Canberra.

<sup>9</sup> National Transport Commission (NTC) 2019, *Assurance models: issues paper*, NTC, Melbourne.

- **Are not designed for small, regional businesses**

The draft Guidelines read as if they assume a medium-to-large operator with a compliance department. They emphasise formal systems, stand-alone documentation and frequent audits, with little recognition that many livestock operators are small, family-owned fleets running a handful of trucks across vast regions. The small-business literature is clear: when fixed compliance requirements are imposed without regard to firm size, smaller operators face higher per-unit costs and lower capacity to absorb regulatory shocks.

- **Do not address duplication between schemes and audits**

Current operators already face overlapping audits under NHVAS, the Western Australian Heavy Vehicle Accreditation (WAHVA) scheme, TruckSafe and customer-specific assurance systems. The Productivity Commission has documented examples of operators undergoing repeated audits for multiple schemes that require much the same information in different formats, imposing significant cost without commensurate safety benefit.<sup>10</sup> The draft Guidelines do not clearly commit to recognising equivalent schemes or to reducing duplicate audits.

- **Offer limited tangible benefit for many rural operators**

Accreditation makes sense when the benefits are real and accessible: better access, fewer checks and more flexibility. At present, many small rural and livestock operators see accreditation as “all stick and no carrot” — they incur audit and system costs, yet still face frequent roadside inspections, duplicated customer audits and limited access improvements on the routes they actually use. The Guidelines as drafted do not clearly link accreditation to practical, bankable advantages for operators who consistently demonstrate good performance.

- **Are overly prescriptive rather than outcome-focused**

The HVNL review and associated assurance work point towards outcome-focused, performance-based regulation.<sup>4</sup> In contrast, parts of the draft Guidelines read as prescriptive, one-size-fits-all requirements. For small operators, this risks turning accreditation into a paperwork exercise rather than a genuine improvement in how risk is managed on the ground.

## Recommendations

To make the Ministerial Guidelines an effective tool for safety and productivity — rather than another bureaucratic hurdle — ALRTA recommends that Ministers:

1. **Affirm that accreditation remains voluntary in practice as well as in law**

Make clear in the Guidelines that accreditation is one risk-based compliance pathway under the HVNL, not a pre-condition for operating a heavy vehicle business.

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<sup>10</sup> Productivity Commission 2020, *National Transport Regulatory Reform*, Inquiry Report No. 94, Productivity Commission, Canberra.

Accreditation should not become de-facto operator licensing or the only realistic option for accessing standard networks and regulatory permissions.

**2. Explicitly “right-size” the Guidelines for small and regional operators**

The Guidelines should recognise that many accredited operators will be small, family-run fleets. Consistent with Treasury analysis of small-business regulation, the Guidelines should:

- allow operators to rely on existing business records (e.g. maintenance invoices, diaries, farm records) rather than requiring bespoke documentation where it adds no safety value
- provide template procedures and example documents tailored to small operators
- emphasise practical, on-farm and on-road controls over formalistic paperwork.

**3. Adopt a tiered, risk-based model within the Guidelines**

Reflecting the assurance principles developed through the HVNL review, the Guidelines should set out tiers of accreditation linked to risk and complexity, with:

- a streamlined, low-documentation tier for small, lower-risk operations
- more advanced requirements reserved for larger, higher-risk or more complex operations.

This approach aligns with empirical work showing that tiered regulation can improve net benefits when it genuinely reduces burdens on smaller firms.

**4. Commit to recognising equivalent schemes and reducing duplicate audits**

Ministers should direct that where an operator is already subject to a recognised scheme (for example, TruckSafe or WAHVA) that demonstrably meets or exceeds the Guidelines in a particular area, that scheme must be treated as equivalent for that element. This should include progressing national reciprocal recognition of accreditation, including with Western Australia and the Northern Territory, so rural operators working across borders are not forced to carry multiple overlapping schemes.

The Guidelines should explicitly state that:

- a single audit can satisfy multiple obligations where standards align; and
- the Regulator will work with customers and other regulators to rely on accredited audits, reducing the proliferation of duplicative customer audits.

**5. Link accreditation to clear, tangible benefits for operators**

To drive uptake and continuous improvement, the Guidelines should be accompanied by a policy commitment that accredited operators who maintain strong performance will:

- receive more streamlined access decisions and network approvals
- be subject to fewer, more targeted roadside interventions
- be priority candidates for any future productivity initiatives, such as expanded access for higher-productivity combinations or innovative fatigue options, subject to safety.

This is consistent with the original purpose of accreditation as an alternative compliance mechanism that trades documented risk management for flexibility.

#### 6. **Embed small-business and regional impact analysis into future revisions**

Finally, Ministers should require that any future changes to the Guidelines be accompanied by a clear, published assessment of their impact on small businesses and regional operators, drawing on the Australian small-business evidence base and the “right-sized regulation” agenda.

## **National Audit Standard (NAS)**

ALRTA supports a single National Audit Standard (NAS) as a cornerstone of the new accreditation framework. Audit is where regulators and scheme owners test whether safety systems are real and operating – not just promises on paper.

Decision material for the HVNL reform and the statutory instruments consultation overview describe the NAS as an outcomes-based, SMS-focused standard, designed to give consistent, nationally recognised assurance and reduce the need for multiple audits. Used well, the NAS can support confidence in accredited operators and cut duplication. Used badly, it could simply add cost and complexity, especially for small rural operators.

Most livestock and rural operators that will face NAS audits are small, family-run fleets. For them, the cost, style and focus of audit are critical. International audit guidance such as ISO 19011 emphasises risk-based audit planning, an evidence-based approach and auditor competence as the keys to meaningful audits.<sup>11</sup> Those principles need to be applied in a way that works for a five-truck livestock business in regional Australia – not just for large corporate fleets.

### **Issues with the draft NAS**

From a livestock and rural transport perspective, ALRTA sees four main problems with the draft NAS:

- **Insufficient proportionality for small, regional businesses**  
The draft NAS does not spell out how audit scope, sampling and frequency will be scaled for small fleets in remote areas. There is a real risk that small family operators

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<sup>11</sup> International Organization for Standardization (ISO) 2018, *ISO 19011:2018 – Guidelines for auditing management systems*, ISO, Geneva; see also Standards Australia 2019, *AS/NZS ISO 19011:2019 – Guidelines for auditing management systems*, Standards Australia, Sydney

will be audited as if they were large corporates, increasing costs without improving safety.

- **Too much emphasis on documents, not outcomes**

While the NAS refers to SMS-based audits, it is still framed largely around checking whether documents and procedures exist. There is limited guidance on how auditors should weigh outcomes-based evidence – breach and incident history, fatigue and defect trends, near-miss learning and animal-welfare performance – when judging whether an SMS is effective.

- **Weak expectations for auditor competence in livestock and rural work**

The draft NAS sets general competence requirements but says little about sector-specific knowledge. Livestock and rural work involves distinct risks – animal welfare at loading/unloading, long distances, seasonal peaks, variable rural roads – that auditors must understand to make sensible, proportionate findings.

- **Digital and AI-enabled tools could become de facto mandatory**

The draft NAS anticipates increased use of digital and AI-enabled audit tools. These can help, but if they are interpreted as essential, they will disadvantage operators in areas with poor connectivity and effectively push some small operators into buying or outsourcing IT they do not need.

## Recommendations

ALRTA supports the NAS in principle, provided it is explicitly designed for a small-business, regional industry and encourages risk-based, outcomes-focused audits. To achieve this, ALRTA recommends that Ministers amend the NAS so that it:

1. **Builds proportionality into audit planning**

Make clear that audit scope, sample sizes, duration and frequency must be scaled to an operator's size, operating profile and risk exposure. The NAS should include examples relevant to small rural operators, showing how expectations differ for a five-truck livestock fleet compared with a large national operator.

2. **Requires genuinely outcomes-based, risk-based audits**

Reflecting ISO 19011 principles of risk-based and evidence-based auditing, the NAS should direct auditors to:

- focus audit effort on the highest-risk activities in the operation (for example, night driving, remote routes, loading/unloading livestock), and
- give real weight to outcomes-based indicators – fatigue and breach history, vehicle-defect trends, crash and near-miss learning, animal-welfare performance – not just the presence of documents.

3. **Lifts auditor capability for livestock and rural operations**

Set clear expectations that auditors working with livestock and rural operators:

- understand key livestock and rural risks (animal-welfare duties, saleyard and property loading, long-distance rural work, seasonal patterns), and
- are trained in working with small and regional businesses, including limited admin capacity and connectivity.

Scheme owners should be encouraged to provide joint training for auditors and regulators using livestock and rural case studies.

#### 4. **Recognises regional and remote constraints**

Require audit programs to take account of distance, connectivity and access to auditors and training in regional and remote areas. This includes:

- flexible scheduling windows for on-site audits
- blended models (for example, partial remote document review plus targeted site visits), and
- ensuring the NAS does not assume reliable high-speed internet or specialist consultants.

#### 5. **Treats digital and AI-enabled audit tools as optional**

Make clear that digital and AI-enabled tools are optional aids, not mandatory systems. Any endorsed tools should be “rural-ready” – usable offline or in low-bandwidth environments, with user-friendly export options for operators who prefer paper records or common tools such as spreadsheets. Fit-for-purpose paper-based and offline processes used by professional family and regional operators must remain fully valid ways of demonstrating compliance where they support an effective SMS.

#### 6. **Minimises duplication and aligns with HVNL reform intent**

Consistent with the HVNL reform objective that a NAS will reduce the need for multiple audits, the NAS should direct scheme owners and regulators to:

- rely on existing audits where they demonstrably address the same risks and standards (for example, under recognised accreditation schemes or robust customer programs), and
- coordinate audit schedules so that, where practicable, one visit can satisfy multiple obligations, subject to independence requirements.

Designed this way, the NAS will support credible, risk-based assurance across the accreditation framework without pricing small rural and livestock operators out of participation.

## **Ministerial Standard for Alternative Compliance Hours**

ALRTA supports the Ministerial Standard for Alternative Compliance Hours (ACH) as part of a modern fatigue framework. Done well, ACH can give operators with strong safety management a controlled way to deal with real-world unpredictability – especially in

livestock and rural transport – without forcing drivers to choose between technical compliance and safe, welfare-focused decisions.

Fatigue is a major contributor to serious road trauma. National road-safety partners and crash-research centres estimate that fatigue is a factor in around 20–30 per cent of road deaths and serious injuries, a contribution similar to speeding or drink driving.<sup>121314</sup> Rural and remote roads carry a disproportionate burden of harm, accounting for close to two-thirds of fatal crashes and having a crash fatality rate more than three times that of major cities.<sup>15</sup>

Livestock transport sits at the intersection of fatigue, work health and safety (WHS) and animal-welfare duties. The Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock require that animals are handled, loaded, transported and unloaded in ways that minimise welfare risks, and emphasise that welfare must take precedence where standards conflict.<sup>16</sup> These obligations sit alongside WHS duties on operators to manage fatigue and other safety risks.

For a small, family-run livestock fleet, ACH will be the **main tool** that lets drivers manage unplanned delays, weather and access problems, or welfare interventions while staying within a lawful fatigue framework. If ACH is drawn too narrowly, or is too complex for small operators to administer, drivers will again be left “choosing which rule to break” instead of being supported to do the right thing.

## Issues with the draft ACH Standard

From the perspective of livestock and rural transport, ALRTA has four main concerns with the draft ACH Standard:

- **“Unplanned circumstances” are too narrowly framed**  
The draft definition does not clearly capture common livestock realities – extended loading/unloading at saleyards or properties, delays or cancellations at receival points, welfare-driven interventions (e.g. managing distressed or downer stock) and weather-related access issues. If these situations are not clearly within scope, drivers

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<sup>12</sup> National Road Safety Partnership Program (NRSPP) 2023, *NRSPP Quick Fact: Driving fatigue*, NRSPP, Adelaide

<sup>13</sup> QUT Centre for Accident Research and Road Safety – Queensland (CARRS-Q) 2020, *Sleepiness and fatigue* (fact sheet), CARRS-Q, Brisbane

<sup>14</sup> Australian Government 2020, ‘Fatigue’, *National Road Safety Action Plan 2018–2020* web resource, Office of Road Safety, Canberra

<sup>15</sup> QUT Centre for Accident Research and Road Safety – Queensland (CARRS-Q) 2020, *Rural & remote road safety* (fact sheet), CARRS-Q, Brisbane

<sup>16</sup> Animal Health Australia 2012, *Australian Animal Welfare Standards and Guidelines for the Land Transport of Livestock*, Standing Council on Primary Industries, Canberra; see also Australian Government 2025, ‘Land transport – Australian animal welfare standards and guidelines’, Department of Agriculture, Fisheries and Forestry, Canberra, and Agriculture Victoria 2025, ‘Land transport of livestock standards and guidelines’, Victorian Government, Melbourne.

may technically breach fatigue rules when they slow down or stop to manage them safely.

- **Limited flexibility in how rest can be taken**

The draft ACH conditions prioritise rigid patterns of work and rest over controlled flexibility. In practice, drivers sometimes need to **re-sequence or split major rest periods** to deal with unplanned events while still achieving adequate total rest across a day or week. Without carefully defined options for doing this, ACH risks becoming unusable in exactly the situations it is meant to help.

- **ACH is not clearly anchored to SMS maturity and fatigue performance**

ACH should operate as an **earned-flexibility mechanism** for operators with robust SMS-based fatigue management and strong compliance histories – not simply as an alternative paperwork pathway. As drafted, the link between ACH eligibility, SMS maturity and demonstrated fatigue performance is not clear enough.

- **Administrative and technological expectations are too high for small rural operators**

The draft ACH Standard appears to assume that operators can maintain complex rosters, electronic record-keeping and potentially telematics or other IT systems. For many small regional operators, connectivity is patchy and admin capacity is limited. If ACH is only realistic for operators with sophisticated IT, it will exclude the very fleets that could most benefit from safer flexibility.

## Recommendations

ALRTA supports ACH as part of the fatigue framework, provided it is clearly designed to support safer decisions in livestock and rural transport and is accessible to small family operators. To achieve this, ALRTA recommends that Ministers amend the ACH Standard so that it:

1. **Broadens and clarifies “unplanned circumstances” for livestock and rural work**

Explicitly recognise common livestock and rural scenarios as unplanned circumstances that can justify using ACH, including:

- delayed, extended or failed loading/unloading at farms, saleyards and processing facilities
- unplanned animal-welfare interventions (e.g. managing distressed, injured or downer stock)
- weather- and access-related disruptions (flooded roads, closures, extended detours)
- unexpected queueing and turnaround times at receipt points.

2. **Allows limited, clearly defined flexibility in how rest is taken**

Provide tightly framed options for re-sequencing or splitting key rest breaks in

response to unplanned events, while protecting total rest over the day and week. This should include, for example, limited use of a 6-hour continuous rest (once in a seven-day period) in place of a 7-hour rest, and practical split-rest options (such as 5+3 or 6+2 hours) that recognise the major-break rule and common livestock operating patterns.

### 3. **Links ACH eligibility to SMS maturity and fatigue performance**

Make clear that ACH is available to operators who can demonstrate:

- a functioning SMS with specific fatigue-management controls (planning, rostering, monitoring, incident learning), and
- a strong fatigue compliance history (low fatigue-related breaches and incidents).

The Regulator should be directed to consider both SMS maturity and performance when granting or renewing ACH, so that earned flexibility is tied to demonstrated capability, not just paperwork.

### 4. **Makes ACH administratively accessible for small rural operators**

Confirm that operators can meet ACH conditions using practical, fit-for-purpose, low-documentation tools – such as rosters, work-diary records and clear, concise forms to record unplanned circumstances and use of ACH – and that auditors and regulators must accept low-documentation and hybrid evidence (including interviews and observational evidence) where it demonstrates that ACH conditions are being met.

### 5. **Aligns ACH explicitly with WHS and animal-welfare duties**

State that ACH is intended to support compliance with WHS duties and the Australian Animal Welfare Standards and Guidelines for Land Transport of Livestock, not undermine them. This includes recognising that drivers may need to stop or slow down to manage fatigue or animal-welfare issues, and that properly documented use of ACH in those circumstances is treated as good practice, not a technical breach.

### 6. **Is subject to early, evidence-based review with a focus on rural and livestock impacts**

Commit to an early review – within three to five years of commencement – focused on:

- fatigue and crash outcomes in operations using ACH
- uptake and non-use among small rural and livestock operators
- any perverse incentives (e.g. ACH being used to stretch working time without adequate rest).

This review should draw on road-safety and fatigue evidence, including the well-documented contribution of fatigue to serious crashes and the higher trauma burden on rural roads, and be conducted in consultation with ALRTA and its state associations.

Designed this way, the ACH Standard will give livestock and rural operators a practical, accountable tool to manage unpredictable work while improving fatigue and animal-welfare outcomes – rather than a complex option that only large, well-resourced fleets can realistically use.

## Implementation, transition and review

The four statutory instruments will not sit on a shelf. They will change what operators have to do, how auditors behave and how regulators use their powers. For small, family-run livestock and rural fleets, how these instruments are rolled out will decide whether the package drives safer practice or just shifts red tape around.

ALRTA wants an implementation approach that is staged, practical and honest about small-business realities — not a big-bang switch that punishes operators who are trying to do the right thing.

### Transition

ALRTA recommends that governments and the NHVR:

- **Lock in clear, realistic lead times**  
Operators should know exactly when each instrument starts and have a genuine window to adjust. There should be no “gotcha” audits that apply new standards to old behaviour.
- **Transition existing accreditations, don’t reset them**  
Operators already in NHVAS or reputable industry schemes should be mapped into the new framework and given a clear upgrade path. They should not be forced to rebuild their systems from scratch just to satisfy a new format.
- **Give operators a 12-month transitional option where capacity is constrained**  
During the first 12 months of transition, operators renewing accreditation should be able to remain under the current framework if an NAS-style entry audit cannot be scheduled, so they have time to develop and implement an SMS that fits their business and audit capacity is not overwhelmed.
- **Use early audits to build capability, not catch people out**  
In the first audit cycles, the focus should be on whether core risk controls are in place and operating – fatigue, vehicle safety, loading/unloading, animal welfare – not on minor documentation gaps where there is clear evidence of safe performance.

### Guidance and support for small rural operators

For many livestock and rural operators, success or failure under the new framework will hinge on whether they can access practical tools that fit their work, not generic manuals written for big fleets.

ALRTA recommends that the NHVR and governments:

- **Co-design sector-specific tools with industry**  
Work with ALRTA and its state associations to produce practical, low-documentation SMS and fatigue templates designed for professional family operators in livestock and rural transport, that fit their work, line up with the new standards and can be used without consultants.
- **Provide clear, plain-language guidance for small operators**  
Publish short guides and worked examples that speak directly to common rural scenarios – unplanned delays at saleyards, long waits at receival points, weather-related detours, overnight work from regional bases.
- **Back this with practical training in the regions**  
Offer regional workshops and accessible online sessions so that operators and drivers can understand what is changing and how to meet it, without losing days on the road to attend capital-city events.

## Monitoring and review

Given the scale of change, ministers should not just “set and forget”. There needs to be a clear commitment to checking whether these instruments are actually improving safety and whether the compliance load on small and regional operators is proportionate.

ALRTA recommends that ministers:

- **Commit to a formal review within three to five years**  
The review should look at safety outcomes, participation in accreditation and ACH, and the compliance and audit burden on small, regional and livestock operators.
- **Agree and publish key metrics up front**  
Governments and the NHVR should set out, in advance, the indicators they will track – for example fatigue-related crashes and breaches, uptake and exit from schemes, audit frequency and costs.
- **Involve industry directly in assessing what is working**  
ALRTA and its state associations should be at the table for the review, bringing real-world experience from livestock and rural operators about what has helped, what has hindered and where the framework needs to be refined.

Handled this way, implementation of the SMS Standard, Ministerial Guidelines, NAS and ACH can lift safety and productivity for livestock and rural transport, instead of simply reshuffling the paperwork burden.

## Conclusion

ALRTA supports practical, evidence-based reforms that lift safety and productivity while supporting animal welfare and the viability of family-run rural transport businesses. The proposed HVNL statutory instruments are an opportunity to deliver a modern, risk-based



framework that is tough on risk, not on paperwork – provided they are designed with small, professional rural operators in mind.

We stand ready to work with the NTC, NHVR and governments on detailed drafting, guidance materials, sector-specific tools and implementation arrangements, including pilots and case studies in livestock and rural transport.

Please contact our General Manager, Policy and Strategy, Mr Ashley Mackinnon, via [ashley@alrta.org.au](mailto:ashley@alrta.org.au) or 0407 766 153 to discuss this submission further.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Gerard Johnson', written in a cursive style.

Gerard Johnson  
President  
Australian Livestock and Rural Transporters Association

## Annex 1 – Suggested drafting changes

Ref	Instrument & clause	Current text (excerpt)	Suggested change	Purpose / rationale
A1	<b>Ministerial Guidelines for Heavy Vehicle Accreditation – s 2 (Purpose and Scope)</b>	<b>2 Purpose and Scope</b> (1) These guidelines —(a) apply to the Regulator when granting, amending, suspending, cancelling, or renewing heavy vehicle accreditation;(b) are to be read consistently with— (i) the Safety Management System Standard approved under section 654(1)(b) of the Act; and(ii) the Standard For Alternative Compliance Hours approved under section 654(1)(c) of the Act.	<b>Insert new subsection 2(2) immediately after 2(1):</b> “(2) These guidelines do not create any requirement for an operator to be accredited.(a) An operator may comply with this Law without heavy vehicle accreditation.(b) Accreditation is intended as a voluntary, risk-based mechanism through which operators with more advanced safety management systems may access alternative compliance options and other regulatory benefits.(c) Accreditation is not to be treated as a proxy for operator licensing or as a mandatory precondition for participation in the heavy vehicle industry.”	To confirm that accreditation is voluntary, avoid “operator licensing by stealth”, and align the Guidelines with the policy that accreditation is an optional, earned-flexibility pathway.
A2	<b>Ministerial Guidelines for Heavy Vehicle Accreditation – s 5 (Compliance Evidence)</b>	<b>5 Compliance Evidence</b> (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 section 459(2) of the Act;(b) a declaration of the matters required under section 459(3); and(c) any additional records, statements or reports required by these guidelines, the SMS Standard, or provided by the applicant.(3) The Regulator must be satisfied that the operator has and will maintain—(a) systems for quarterly compliance statements and annual internal reviews;(b) systems for notifying the	<b>Insert new subsections 5(3A) and 5(3B) after 5(3) and before existing 5(4):</b> “(3A) In considering whether the operator’s evidence is sufficient under subsections (1)–(3), the Regulator must have regard to—(a) the operator’s safety performance, including relevant lag and lead indicators such as breaches, incidents and near misses; and(b) the size, nature and complexity of the operator’s transport activities, so that the level of documentation required is proportionate to the operator’s risk profile.(3B) Evidence may be provided through a combination of documents, interviews, and observation of practices. Examples of evidence listed in these Guidelines and in the Safety Management System Standard are illustrative only and are not	To require outcomes-based assessment and explicitly allow low-documentation and hybrid evidence pathways, with proportionality to operator size and risk.

Ref	Instrument & clause	Current text (excerpt)	Suggested change	Purpose / rationale
		Regulator of notifiable occurrences; and(c) systems to record compliance and noncompliance with the Act for a minimum period of three years.	mandatory checklists. The Regulator may accept alternative evidence that is appropriate to the operator’s specific operations and risks.”	
B3	<b>National Audit Standard – s 3.1 (Audit Objectives)</b>	<b>3.1 Audit Objectives</b> Under heavy vehicle accreditation, operators undergo audits at regular intervals conducted by an approved auditor registered with the NHVR. Audits provide the evidence that an operator’s SMS is effective, complies with requirements for Alternative Compliance Accreditation, and is continuously improved throughout the life of the business. ...The objectives of an audit are to:• Verify that objective evidence related to an operator’s SMS complies with Schedule 1 of the SMS Standard and any requirements for Alternative Compliance Accreditation. • Assess how effectively the system has been implemented. • Determine the effectiveness of the operator’s system in meeting the SMS Standard and minimising public risk. • Assess evidence relating to the mitigation of key risks. • Identify opportunities for improvement in the operator’s SMS.	<b>Add a paragraph at the end of s 3.1:</b> “In achieving these objectives, auditors must adopt a risk-based approach, directing greater attention to controls that manage the most significant safety risks, and give genuine weight to outcomes-based evidence, including relevant incidents, breaches, near misses and other indicators of safety performance, in addition to documentary evidence.”	To align the NAS explicitly with risk- and outcomes-based auditing (“tough on risk, not on paper”) and reinforce the PSOE approach.
B4	<b>National Audit Standard – s 4.7 (Collecting and Verifying Evidence)</b>	<b>4.7 Collecting and Verifying Evidence</b> (excerpt)Auditors should, as far as practicable, evaluate whether the information provided offers sufficient objective evidence to demonstrate that the requirements of the SMS Standard and heavy	<b>Add a paragraph near the end of s 4.7 (after the PSOE description):</b> “When determining whether objective evidence is sufficient, auditors must also take into account the size, nature and complexity of the operator’s activities. For smaller or less complex	To make proportionality and low-documentation expectations explicit when auditors assess evidence, and to confirm that simple systems



Ref	Instrument & clause	Current text (excerpt)	Suggested change	Purpose / rationale
		vehicle accreditation are being met. Key considerations for the information include whether it is complete, correct, consistent and current. ... Methods for obtaining information and evidence may include, but are not limited to interviews, on-site inspections and review of documentation.	operators, simple, low-documentation systems (for example, basic checklists, logbooks, simple records and clearly understood practices) may be sufficient to demonstrate that SMS requirements are present, suitable, operating and effective. Examples of evidence in this Standard, the Safety Management System Standard and the Ministerial Guidelines are illustrative only and are not mandatory checklists.”	can demonstrate PSOE for small operators.
B5	<b>National Audit Standard – s 4.10.2 (Use of AI by Auditors)</b>	<b>4.10.2 Use of Artificial Intelligence (AI) by Auditors</b> (excerpt)“Auditors may use Artificial Intelligence (AI) tools as part of the audit reporting process; however, strict conditions apply to ensure the quality, integrity, and confidentiality of both the audit and operator information. The following guidelines govern the use of AI in the preparation of audit reports under the Scheme: ...”	<b>Add two paragraphs at the end of s 4.10.2:</b> “The use of AI tools by auditors is optional. Operators must not be required to adopt AI tools or particular digital systems in order to participate in audits under this Standard.Where digital or AI-based tools are used, auditors must ensure that audit processes remain accessible to operators in regional and remote areas, including those relying on paper-based systems or operating in low-bandwidth environments.”	To ensure AI/digital tools support rather than exclude small and regional operators, and to confirm that paper-based systems remain fully acceptable.
C6	<b>Ministerial Standard for Alternative Compliance Hours – s 4(b)(ii) (Split rest breaks)</b>	<b>4(b) Split rest breaks – current 4(b)(ii):</b> “ii. Split rest breaks can only be utilised by a driver to manage problems with sleep, unforeseen circumstances or emergencies;”	<b>Replace 4(b)(ii) with:</b> “ii. Split rest breaks can only be utilised by a driver to manage problems with sleep, unplanned circumstances (including delays or changes at loading or unloading points, animal-welfare interventions, weather and access issues), or emergencies;”	To explicitly recognise common livestock and rural scenarios as legitimate “unplanned circumstances” for split rest, not just generic “unforeseen circumstances”.
C7	<b>Ministerial Standard for Alternative Compliance Hours – s</b>	<b>4(a) Assessing fatigue risks (excerpt):</b> “... The Risk Classification System Matrix (RCSM) in Attachment 1 must be used to determine the appropriate work and rest limits for a driver under this Standard.The	<b>Insert a Note immediately after the paragraph beginning “The Regulator may consider any information provided by an operator...” :</b> “Note: In applying this Standard, the Regulator should have	To clarify that ACH is intended to help reconcile fatigue, WHS and animal-welfare duties, rather than forcing operators to

Ref	Instrument & clause	Current text (excerpt)	Suggested change	Purpose / rationale
	<b>4(a) (Assessing fatigue risks)</b>	Regulator may consider any information provided by an operator for the purposes of fatigue alternative compliance accreditation, including but not limited to, information provided in an operator’s Safety Management System (SMS) to manage fatigue.”	regard to the operator’s obligations under this Law, work health and safety laws and animal-welfare standards. Alternative compliance hours are intended to support safer fatigue management while enabling operators to meet their animal-welfare and other safety duties, not to create a choice between them.”	choose between technical compliance and welfare/safety outcomes.
C8	<b>Ministerial Standard for Alternative Compliance Hours – s 4 (new paragraph on eligibility)</b>	<b>4. Requirements</b> (no explicit clause on ACH eligibility beyond satisfying requirements and risk assessment).	<b>Add new paragraph 4(c) after 4(b) (and renumber subsequent paragraphs if required):</b> “c) Eligibility for fatigue alternative compliance accreditation. In determining whether to grant, amend or renew fatigue alternative compliance accreditation, the Regulator must have regard to: (i) the maturity and effectiveness of the operator’s safety management system, particularly in relation to fatigue management; and (ii) the operator’s fatigue-related safety performance, including relevant breaches, incidents and complaints. The Regulator may require a higher level of assurance where proposed work and rest arrangements are assessed as involving higher fatigue risk.”	To tie ACH access to SMS maturity and real-world fatigue performance, so it functions as an “earned flexibility” mechanism rather than just an alternative paperwork pathway.