

Consultation Summary

Draft Heavy Vehicle National Law Amendment Bill and Heavy Vehicle National Amendment Regulations

National Transport Commission | October 2024



About this document

The National Transport Commission (NTC) is consulting on the exposure drafts of the [Heavy Vehicle National Law Amendment Bill](#) and [Heavy Vehicle National Amendment Regulations](#).

The consultation period runs from 10 October 2024 to 21 November 2024.

This document provides a summary of policies agreed by ministers, and how you can provide feedback on the draft amendment bill and regulations to the NTC.

For specific detail on the amendments included in the draft amendment bill and regulations, please refer to the [explanatory document](#).

Background

In August 2022, a package was presented to Infrastructure and Transport Ministers with a series of legislative and non-legislative recommendations for heavy vehicle reform.

The NTC has led the delivery of the legislative reforms in this package.

Through extensive consultation with government transport agencies, industry, police, local government, the National Heavy Vehicle Regulator (NHVR) and others, the NTC has identified changes to the Heavy Vehicle National Law (HVNL) that are important to accommodate the objects of the law, and the current and future needs of Australia's heavy vehicle industry.

In 2023 and 2024, Australian transport ministers approved policy changes to the Heavy Vehicle National Law, in response to recommendations from the NTC.

In June 2023, ministers approved 14 recommendations that form the foundation of the future law that will deliver more effective, flexible regulation, support improvements to safety and productivity, as well as streamline governance and administration.

In September 2024, ministers approved a further 12 recommendations put forward by the NTC. These recommendations included changes to fatigue record-keeping and enforcement, an increase to general mass limits, an increase in vehicle height and length (subject to further analysis), and the introduction of a new National Auditing Standard.

Following ministerial approval, the NTC is now in the final stages of delivering an updated law for heavy vehicles in Australia.

This includes public consultation on the exposure drafts of the amendment bill and regulations.

Exposure drafts are a preliminary version of laws and regulations released to gather feedback from stakeholders. It allows those impacted by the changes to review and provide input.

Drafting the law and public consultation

The NTC has been working with all participating governments to ensure that the policies agreed by ministers are accurately reflected in the draft law and regulations.

While translating these policies into legislation is a technical task led by Parliamentary Counsel, the NTC, as the lead for the reform, is conducting public consultation on the draft amendment bill and regulations.

The aim of the consultation is to check that the draft legislation accurately reflects the policy intent of ministers, and to ensure the law will operate as intended before it progresses further.

Consultation closes on Thursday 21 November 2024.

For more information on how to provide feedback, please see “Have your say” or visit our website at ntc.gov.au.

HVNL Penalties consultation

As part of work to update the HVNL, the NTC also undertook a review of all penalties in the law. Proposed changes have been incorporated into the draft amendment bill and regulations.

We are also seeking feedback on the outcomes of the penalties review, which recommends changes to 71 HVNL penalties.

For more information on HVNL Penalties, see page 7.

Policies agreed by ministers

In June 2023, ministers endorsed 14 recommendations from the NTC, as outlined in the Heavy Vehicle National Law High-Level Regulatory Framework Decision Regulation Impact Statement (2023 D-RIS).

These recommendations are foundational and are aimed at more effective regulation, supporting safety and productivity improvements, and streamlining governance.

Agreed in 2023

- The updated HVNL will have a tiered safety assurance system with a baseline tier of simplified requirements and an alternative compliance tier for accredited operators. This will offer more flexibility for the industry and improve safety for the community.
- The Regulator will now develop Alternative Compliance Options instead of these being fixed in the law. This supports risk-based regulation and gives the Regulator greater autonomy and discretion.
- The opt-in National Heavy Vehicle Accreditation Scheme (NHVAS) will be enhanced to allow accredited operators more flexibility and choice in managing their compliance obligations, within set limits.
- As an enhancement to the current scheme, the updated law will establish a scalable Safety Management System, as a core accreditation requirement.
- A new National Audit Standard will be created by the Regulator and approved by Ministers. This may reduce the need for multiple audits, benefiting productivity and saving costs.
- Codes of Practice will now be developed and approved by the Regulator. This will support guidance to drivers and other chain of responsibility parties, leading to better compliance and safer behaviour.
- Ministerial powers will be adjusted so that Ministers can direct the Regulator to take action where there is a serious public risk.
- Enforcement changes will align the HVNL with other laws, allowing improvement notices and prosecution processes to occur concurrently.
- The updated law will expand the driver duty to include not driving if unfit for any reason, not just fatigue, enhancing public safety.

Some recommendations approved in June 2023 will be advanced separately from this law reform package, including a technology and data framework.

The framework will be a mechanism for recognising technologies, including data protection and access, with a Framework Administrator(s) appointed by Ministers.

Further development of the framework is required, including consultation with stakeholders, before it is included in the law.

For further information on these recommendations, please see the [Heavy Vehicle National Law High-Level Regulatory Framework Decision Regulation Impact Statement](#).

Agreed in 2024

In September 2024, ministers endorsed a further 12 recommendations from the NTC that include updates to fatigue record-keeping and enforcement, an increase to general mass limits, increases to vehicle length and height - subject to safety assessments, and the introduction of a new National Auditing Standard.

These recommendations are detailed in the Reforms to Heavy Vehicle National Law Decision Regulation Impact Statement (2024 D-RIS).

Record keeping

- Changes in the law will help to simplify certain work diary requirements, keeping only essential record keeping requirements.

Enforcement

- Authorised Officers will be able to issue formal warnings for a broader range of breaches, including fatigue record-keeping. This change aims to make the law fairer on drivers for minor work diary errors.
- Following further work to confirm a cost-effective implementation pathway, the HVNL will also include 'formal education' as an enforcement option for work diary administrative offenses. This work will be progressed separately and isn't included in this public consultation draft.

Mass, Height, Length

- General Mass Limits (GML) allowed for heavy vehicles will be increased to match the current Concession Mass Limits (CML).
- Ministers have agreed to increase the general access height limit from 4.3m to 4.6m and vehicle length from 19m to 20m, pending further technical analysis and confirmation of appropriate controls. These changes will help boost industry productivity and reduce the need for some permits.

Further work is required to finalise policy for higher and longer vehicles, and the approved changes to mass limits are legislatively complex.

These changes are not included in the current exposure draft of the amendment bill and regulations. They will be finalised in early 2025, following further stakeholder consultation, and implemented at the same time as this law reform package.

For further information on these recommendations, please see [Reforms to Heavy Vehicle National Law Decision Regulation Impact Statement](#).

Have your say

To inform your feedback, please review the [draft Heavy Vehicle National Law Amendment Bill](#) and [Heavy Vehicle National Amendment Regulations](#), alongside the [Explanatory document](#) that details the amendments to the current Heavy Vehicle National Law.

You can then upload your submission through the NTC homepage under “Have your say” or by emailing it to us at hvnlteam@ntc.gov.au.



HVNL Penalties

As part of delivering a HVNL that is risk-based and proportionate to harm, the NTC has reviewed all HVNL penalties (the Penalties Review).

The Penalties Review included a review of all monetary penalties, demerit point amounts, and a review of “infringeability”.

349 offences were reviewed using an assessment methodology outlined in a HVNL Penalties Assessment Matrix (HVNL PAM).

Following consultation with industry, government, the NHVR, police, and others, the NTC recommends that 50 penalties increase, and 21 penalties decrease as part of this law reform package.

Work on drafting the amended law also identified opportunities for some offences to be removed from the HVNL altogether.

The recommended penalties have been incorporated into the draft amendment bill and regulations, and feedback in relation to HVNL penalties is within scope of this consultation.

For more information on this work, please see [HVNL Penalties Review - Summary of proposed penalty changes](#).

Feedback specific to HVNL Penalties can also be shared in your submission to the NTC, as described in “Have your Say” on page 6 - either through the NTC website or by emailing us at hvnlteam@ntc.gov.au.



What is in the law reform package to ministers?

This law reform package includes:

- A tiered safety assurance environment
- Enhanced NHVAS
 - Based around a core Safety Management System (SMS) requirement
 - Alternate Compliance options not hardwired into the law, but able to be developed by the regulator to respond to industry needs
 - Prescribed outer limits for alternate compliance
 - Three-year transition phase for existing NHVAS operators
- Changes to ministerial approvals and directions
- Codes of Practice changes (Regulator developed codes)
- A National Audit Standard
- Expanded driver duty not to drive fatigued to include not to drive if unfit for other reasons.
- General streamlining of the law

In addition to these reforms, there are mass, dimension and loading regulatory changes, that are to take effect at the same time as this law reform package, but still require additional work.

These reforms include:

- Increasing heavy vehicle length 19m to 20m
- Increasing heavy vehicle height from 4.3m to 4.6m
- Increasing general mass limits (GML) to current concessional mass limits (CML) and removing CML from the law

This package of regulatory changes is subject to additional work by the NHVR and the NTC. Accordingly, these changes are not included in the current exposure draft of the amendment bill and regulations. Consultation will be undertaken by the NTC in the first quarter of 2025.

Next steps

Following public consultation on the draft law and regulations, the NTC will present the law reform package to ministers in early 2025.

If approved by ministers, the amended law will move through to Queensland Parliament to consider and enact, as the host jurisdiction for the law.

The amendment regulations, if approved by ministers, are progressed through the Queensland Governor-in-Council.