



**Summary of the Consultation  
Regulation Impact Statement**  
Reforms to Heavy Vehicle National Law (HVNL)

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## About this document

This document is a high-level summary of the issues and options being considered as part of the National Transport Commission's (NTC) Heavy Vehicle National Law (HVNL) Consultation Regulation Impact Statement (C-RIS).

For details or if you would like to make a submission, please refer to the complete C-RIS published on the NTC website.

The complete C-RIS has more detail on options and the methods used to develop options that are not included in this summary.

Consultation questions without this detailed background are in this report.

## Background

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The Heavy Vehicle National Law, administered by the National Heavy Vehicle Regulator (NHVR), establishes the regulatory environment for heavy vehicles in Australia that exceed 4.5 tonnes in gross vehicle mass (excluding Western Australia and the Northern Territory).

The HVNL Review undertaken by the NTC aimed to understand issues with the existing law.

The Review has led to a series of reform options being identified that could improve the effectiveness of the HVNL by looking for new ways to achieve similar regulatory objectives.

The detailed Consultation-Regulation Impact Statement available on the NTC website represents the next phase of work to improve the HVNL.

It will test specific policy options in response to a package of reforms endorsed by Australia's infrastructure and transport ministers in August 2022.

## HVNL review

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While the HVNL has improved road safety and laid the foundation for a streamlined national system for heavy vehicles, it has faced criticism for being overly prescriptive, inflexible, and complex.

The HVNL Review conducted by the National Transport Commission identified several overarching problems with the structure and design of HVNL, which present a barrier to an effective and flexible regulatory environment.

Through consultation and engagement with industry and governments, the review identified reform options that could improve the effectiveness of the HVNL by looking for new ways to achieve the object of the law.

## Current consultation focus areas

As part of the review, the NTC has been consulting with stakeholders to identify key issues with the HVNL and develop potential solutions to these problems.

The NTC published a Decision-Regulation Impact Statement (D-RIS) earlier in 2023. The focus of the D-RIS was on foundational policy changes required to change the structure and design of the law to create a modern platform for future reforms to HVNL policy.

Several key policy areas were excluded from the D-RIS (2023) including:

- **Fatigue management:** a suite of fatigue management reforms to be developed and provided as a complete package.
- **Access:** reforms relating to expanding vehicle mass and dimension limits for as-of-right access to the road network.
- **Accreditation:** Detail of the National Audit Standard.

The C-RIS aims to address these key policy areas.

Fatigue management	Access	Enhanced operator assurance
Changes to the <b>scope of fatigue regulated heavy vehicles</b>	Increase in <b>mass limits</b> from GML to CML	Detail of the <b>National Audit Standard</b> .
<b>Enforcement</b> changes to address minor work and rest and administrative	Increasing <b>overall length</b> for general access	
Options for streamlining <b>record keeping requirements</b>	Increasing <b>overall height</b> for general access	

# Fatigue management

The C-RIS considers limitations to the HVNL that contribute to drivers driving while fatigued.

The C-RIS considers if:

- Fatigue enforcement and compliance focuses on whether drivers conform to prescriptive rules, rather than targeting the wider problem of fatigue
- Current record-keeping requirements are complex and onerous for heavy vehicle drivers
- Prescriptive work and rest requirements are inflexible
- Controls under HVNL focus on long-haul interstate journeys but not risks associated with short-haul journeys.

Reform area	Options
<b>Record Keeping</b>	
<p><b>1. Record keeping</b> – options for streamlining record keeping requirements for operators.</p>	<p><b>Base Case:</b> Current driver record keeping requirements.</p> <p><b>Option 1a:</b> Remove duplicate requirements from the law and streamlining offences relating to these requirements.</p> <p><b>Option 1b:</b> Remove administrative process requirements and offences</p>
<b>Scope of Fatigue Regulated Heavy Vehicles</b>	
<p><b>2. Scope of fatigue regulated vehicles</b> – considers changes to the scope of which vehicles should be fatigue regulated in HVNL</p>	<p><b>Base case:</b> Prescriptive fatigue requirements for HVs &gt;12 tonnes only, work diary exemption for drivers doing local work.</p> <p><b>Option 2a:</b> Prescriptive fatigue requirements for HVs &gt;12 tonnes only, full written work diary requirements for HVs &gt;12 tonnes.</p> <p><b>Option 2b:</b> Prescriptive fatigue requirements for HVs &gt;12 tonnes only, 'lite' work diary requirements for lower-risk operations.</p> <p><b>Option 2c:</b> Prescriptive fatigue requirements for all HVs, full written work diary requirements for all operators.</p> <p><b>Option 2d:</b> Prescriptive fatigue requirements for all HVs, work diary exemption for local work.</p> <p><b>Option 2e:</b> Prescriptive fatigue requirements for all HVs, 'lite' work diary requirements for lower-risk operations.</p>

<b>Enforcement</b>	
<b>3. Enforcement–</b> enforcement options to address minor work and rest and administrative offences	<p><b>Base Case:</b> No changes to current enforcement of work and rest breaches and administrative offences.</p> <p><b>Option 3a:</b> Limit on the timeframe for issuing a work and rest breach infringement.</p> <p><b>Option 3b:</b> Implementation of a risk profile for work and rest breaches.</p> <p><b>Option 3c:</b> Enable a review of fines for ‘trifling’ administrative offences.</p> <p><b>Option 3d:</b> Driver defence for minor administrative errors.</p> <p><b>Option 3e:</b> Support the use of formal warnings for administrative offences relating to work diaries.</p> <p><b>Option 3f:</b> Allow for a formal education option in lieu of a fine for administrative offences.</p>

## Access

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The C-RIS considers regulatory reforms relating to expanding vehicle mass and dimension limits for as-of-right access to the road network and will consider whether these should be included in the future HVNL.

The C-RIS considers if:

- Despite the fast-growing national freight task and improvements in vehicle safety over time, this has not been reflected in expanded general-as-of-right access.
- Red tape in road access arrangements creates significant regulatory burden for operators seeking to operate above general-as-of-right access limits.
- The current access regime is complex and challenging for operators to understand compliance requirements, available concessions and available networks.
- There is a potential missed opportunity to improve operator productivity in prescriptive vehicle combinations.

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Reform area	Options
<b>Increasing mass limits</b>	
<p><b>4. Increasing mass limits – General Mass Limits (GML) to Concessional Mass Limits (CML)</b></p>	<p><b>Base Case:</b> status quo – current state of GML and CML (noting that this might include a provision for EURO VI)</p> <p><b>Option 4a:</b> Establish new GML in the HVNL by increasing the current GML by 5 per cent. The new GML replaces the current CML. No additional mass allowance is provided for Euro VI vehicles.</p> <p><b>Option 4b:</b> Establish new GML in the HVNL by increasing the current GML by 5 per cent. The new GML replaces the current CML. Additional mass allowance is provided for Euro VI vehicles.</p>
<b>Height and length increases</b>	
<p><b>5. Height increase</b></p>	<p><b>Base Case:</b> Height limit remains at 4.3m for general access vehicles.</p> <p><b>Option 5a:</b> Increase height limit to 4.6m for general access vehicles.</p>
<p><b>6. Length increase</b></p>	<p><b>Base Case:</b> Length limit remains at 19m for general access vehicles.</p> <p><b>Option 6a:</b> Increase the general access length limit to 20m for general access vehicles.</p>



## Enhanced operator assurance

Confidence in the robustness of the current audit standard could be improved including the consistency or recognition between accreditation schemes.

The C-RIS considers if:

- Audits can be improved to increase reliability and confidence.
- Auditor competency requirements may not be fit-for-purpose for the new National Heavy Vehicle Accreditation Scheme Safety Management System requirements.
- There is a lack of consistency or mutual alignment of accreditation schemes across Australia.

Reform area	Options
<b>National Audit Standards requirements</b>	
<b>7. Options to introduce National Audit Standard (NAS) requirements</b>	<b>Base case:</b> As per proposed arrangements, NAS is prescribed in primary law only, no requirements in regulations.  <b>Option 7a:</b> NAS is prescribed in primary law, NAS requirements are included in regulations.

## Consultation questions

The C-RIS includes a series of questions against each of the C-RIS themes. For context, please read the complete C-RIS.

This summary does not contain all the details needed to inform a submission framed around the consultation questions. Options referred to in the questions are summarised in the tables above and the questions are numbered in line with the C-RIS.

For information purposes only, the consultation questions are:

### Case for change

Q.1 To what extent has the C-RIS fully and accurately described the problem to be addressed within the scope of identified issues? What other factors should be considered in the problem statement? Please provide detailed reasoning for your answer

### Need for government action

Q.2. Has the C-RIS provided sufficient evidence to support the case for government intervention? What else should be considered and why?

Q.3. In addition to the barriers and constraints identified, what other impediments could impact the success of implementing options presented in the C-RIS?

### **Impact analysis methodology**

Q.4. Are there any potential changes to the impact analysis methodology that you would suggest? Please provide reasons and evidence

### **Fatigue management: record-keeping requirements – impacts, costs and benefits**

Q.5 Do you agree with the potential impacts of Options 1a and 1b as described above? Are there any additional impacts you think should be considered?

### **Fatigue management: scope of fatigue regulated vehicles – impacts, costs and benefits**

Q.6. Do you support one or more options to change the scope of fatigue-regulated vehicles? Please give reasons for your preference(s).

Q.7. Do you have any information to support the analysis of these options? Do you have any feedback on the key parameter estimates as presented in Section 6.6.3? The provision of anecdotal evidence would be welcomed.

Q.8. Are there any additional impacts you think should be considered? If so, why?

Q.9. Do you agree with the key impacts that changes to the scope of FRHVs may have on buses, as described above? Do you foresee any additional impacts?

### **Fatigue management: enforcement options**

Q.10. Do you support one or more options to change the enforcement of fatigue-related breaches? Please give reasons for your preference(s).

Q.11 Are there any implications of options to change enforcement of fatigue-related breaches you think should be considered? What issues would need to be considered as part of the implementation of these reforms?

Q.12. If some of the proposed changes to the enforcement of fatigue-related breaches were adopted, would this give you confidence to transition your business to EWDs?

Q.13. Taken as a package, would these reforms to fatigue management create a fairer regulatory approach overall?

Q.14. Regarding Option 3A, would a timeframe of 14 days or 28 days be more appropriate? Please provide reasons for your answer.

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## **Increase general access: vehicle mass limits – impacts, costs and benefits**

Q.15. Which option (either Option 4a or 4b) would deliver the greatest benefit? Which would have the simpler implementation pathway? Please give reasons in your response.

Q.16. What are the main benefits for industry in simplifying mass limits to GML and HML?

Q.17. Alternatively, would there be value in creating a 'new CML', as an incentive for mass accreditation, between the proposed "new GML" and current HML?

Q.18. Could reforms that make it easier for operators to operate at CML without the need for accreditation lead to any adverse outcomes to road safety or road infrastructure?

## **Increase general access: vehicle height limits – impacts, costs and benefits**

Q.19. Given increased vehicle height limits already available to operators through existing laws and notices targeted at specific supply chains, would a general increase in vehicle height allowances provide material productivity benefits (i.e., reductions in heavy vehicle trips)?

Q.20. Could reforms that make it easier for operators to operate at increased vehicle height limits lead to any adverse outcomes to road safety or road infrastructure? Are there options (e.g. vehicle or load type limitations) to mitigate any increased risk of adverse outcomes?

## **Increasing volumetric load by vehicle length increase – impacts, costs and benefits**

Q.21. Given increased vehicle length limits already available to operators through existing PBS scheme and notices, would a general increase in vehicle length limits provide material productivity benefits (i.e., reductions in heavy vehicle trips)?

Q.22. Could an increase in vehicle length limits enable newer, more innovative vehicle/trailer designs? What types of supply chains could benefit?

Q.23. Could reforms that make it easier for operators to operate at increased vehicle length from 19 to 20m lead to any adverse outcomes to road safety or road infrastructure? Which risks would any regulatory conditions mitigate and what controls could be put in place?

## **Cumulative impacts of proposed changes to mass and dimension limits**

Q.24. Do you have any comments on the cumulative impact of increasing general access limits for vehicle mass, length and height? Please give reasons and evidence where possible.

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## National Audit Standard Requirements

Q.25. Do you agree with the potential impacts described regarding the potential inclusion of NAS requirements in regulations? Are there additional impacts you think should be considered?

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## Next steps

To make a submission, you can read the full C-RIS and lodge a submission through the NTC website at <https://www.ntc.gov.au/transport-reform/ntc-projects/hvnl-reform>

The consultation closes on 24 November.

A draft law will be presented to Australia's transport ministers in mid- 2024.

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