



**AUSTRALIAN TRUCK RULES IS A PROPOSED  
MANDATORY AND ENFORCEABLE CODE OF PRACTICE AND ACCREDITATION SCHEME**

20.11.2020  
National Transport Commission  
Level 6, 600 Bourke St  
Melbourne, Vic, 3000

Greetings,

**RE: HVNL REVIEW CONSULTATION REGULATION IMPACT STATEMENT**

Comments:

**Sect 3. CONTEXT AND EMERGING PROBLEMS WITH THE HVNL**

- a. *There is no evidence that the HVNL has delivered any positive safety or productivity outcomes*
- b. *Laws are not and should not be flexible...laws are meant to be rigid and punitive. If flexibility is desired then an assurance system based on Codes of Practices should be adopted*
- c. *It's not national. I have seen no evidence or testimony that the revised law will be adopted in either WA or NT*

**Sect 4. PRIMARY DUTIES AND RESPONSIBILITY**

- a: *Expand application of the primary duty to parties who influence the safety of transport activities including enforcement officers, regulatory staff, road managers, bureaucrats and elected officials*
- b. *Expand application to include vehicle manufacturers, third party repairers, stevedores, freight forwarders, those who prepare livestock for transport, brokers and agents*
- c. *Drivers have "influence" so must be named as a chain of responsibility party*

**Sect 5. REGULATORY TOOLS**

- a. *Simply replace the HVNL with a code of practice*
- b. *Make the code of practice mandatory and enforceable*
- c. *The NHVR is the sole compliance/enforcement agency for the COP*

**Sect 6. TECHNOLOGY AND DATA**

- a. *Operators have the right to keep their data either in electronic or written form*
- b. *Access to data kept by telematics providers needs enforcement to obtain a court order*
- c. *The NHVR is the compliance/enforcement agency for the COP*

**Sect 7. ASSURANCE AND ACCREDITATION**

- a. *Mandatory operator accreditation administered by the NHVR*
- b. *Mandatory driver accreditation administered by the NHVR*
- c. *Accreditation removes the need for duplicative customer audits of suppliers*

**Sect 8. FATIGUE**

- a. *Fatigue is a health and fitness for duty issue and is already covered by WH&S legislation and does not need to be duplicated in the HVNL*
- b. *Fatigue awareness and mitigation training for drivers and operators is part of mandatory accreditation*
- c. *Risk assessments applicable to remote operations by accredited operators to mitigate risks.*

**Sect 9. ACCESS**

- a. *General access limits have not changed since the 1990s despite vehicles becoming safer, more efficient and longer over the past 30 years.*
- b. *Increasing general access limits and expanding pre-approved routes will reduce the large number of permits, reducing administrative and compliance burdens for operators and road managers.*
- c. *The NHVR should be the one stop shop for permit approvals and it should have the expertise to override state and local road managers*

**Sect 10. SAFER VEHICLE DESIGN**

- a. *ADR's set all design standards and requirements*
- b. *ADR's must be protected and supported at all costs*
- c. *UNESCO and other international standards can be inferior and dangerous in harsh Australian conditions*

**Sect 11. ROADWORTHINESS**

- a. *Introduce a standard national maintenance/ roadworthiness assessment*
- b. *Standard national maintenance/roadworthiness assessment part of operator's mandatory accreditation*
- c. *Mandatory operator's accreditation administered by the NHVR*

Kind Regards

**Shane Jeffrey**