



Australian Government

11 June 2019



Australian  
**Small Business and  
Family Enterprise**  
Ombudsman

National Transport Commission  
2019 Level 3, 600 Bourke Street  
Melbourne, VIC 3000

By Email: [HVNLreview@ntc.gov.au](mailto:HVNLreview@ntc.gov.au)

Dear Sir/Madam

### Heavy Vehicle National Law Review

Of Australia's 51,709 transport businesses, 98% are small businesses, with 53% being non-employing and 45% having less than 20 employees<sup>1</sup>. These small business transport operators face many challenges in dealing with complex legislation and regulation imposed by the current Heavy Vehicle National Law (HVNL). Small business operators are normally time poor, look to enhance productivity gains wherever possible, and avoid unnecessary administrative burdens. This can quickly put them at odds with the HVNL.

The issues paper proposes a move towards a risk-based approach to regulating heavy vehicles. It is important that any such change focuses on the need for improved safety, productivity and other benefits for the entire transport sector. However, this focus must refrain from adding unnecessary administrative imposts on small business operators. It is also important that small business is allowed appropriate time to make any necessary changes to their vehicles and operations.

Our industry feedback from many small operators is that the existing prescriptive rules actually provide them with better clarity and that the likely confusion that risk-based regulation will bring requires significant lead-times around implementation.

We suggest that a two-tier approach allowing small business operators to retain access to key elements of the current prescriptive HVNL, alongside the risk-based elements that provide productivity improvements, safety and environmental concerns. A phased approach to the introduction of risk-based regulation for smaller operators could also be applied with a long lead time that these smaller operators could work towards. This would assist the smaller operators to progressively achieve the productivity benefits that are a key purpose of the review.<sup>2</sup>

We note that there are further consultation papers to be released that will deal with aspects such as the collection and sharing of vehicle data. ASBFEO will also be a contributor to that consultation process to ensure that the small business operators' interests are properly taken into account.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Alexandra Hordern on 02 6121 5404 or at [alexandra.hordern@asbfeo.gov.au](mailto:alexandra.hordern@asbfeo.gov.au).

Yours sincerely

**Kate Carnell AO**

Australian Small Business and Family Enterprise Ombudsman

<sup>1</sup> Australian Bureau of Statistics, 8165.0 Counts of Australian Businesses, including Entries and Exits, June 2014 to June 2018

<sup>2</sup> National Transport Commission, A risk-based approach to regulating heavy vehicles, Issues paper, March 2017 Section 1.1.1