

29 August 2019

National Transport Commission
Level 3/600 Bourke Street
Melbourne VIC 3000

via email: hvnreview@ntc.gov.au

Dear HVNL Review Team

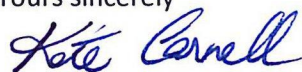
Heavy Vehicle National Law Review – Safe people and practices

The Australian Small Business and Family Enterprise Ombudsman (The Ombudsman) welcomes the review of the Heavy Vehicle National Law (HVNL) issue paper on safe people and practices. Ensuring driver safety and skills are effectively regulated, obligations are clear and rules are sufficiently prescriptive is paramount for small to medium (SME) operators to appropriately comply with the legislation. Our specific feedback is as follows.

- The National Transport Commission should conduct a review into a national approach to heavy vehicle driver licensing which requires training with competency-focused assessments, and supervised behind-the-wheel training by an experienced driver. This would enable suitably skilled younger drivers to enter the industry sooner based on competency not just the passage of time and would assist in SMEs and family enterprises to succession plan and/or grow their business. Standardised compliance across jurisdictions would provide certainty. Licencing costs must remain accessible for sole traders and SMEs and be priced proportionate to competencies required to safely operate a heavy vehicle.
- While we support the future HVNL goal of encouraging drivers to continuously improve their competencies, consideration of how to best support SMEs is required, as access to training in rural and remote areas is particularly difficult where the time and cost associated with travelling to a training centre may unintentionally exclude SMEs.
- We welcome draft regulatory principle 5 and support the future HVNL encouraging drivers to take responsibility for their own health. However, consideration should be given to how to best accommodate those living in rural and remote locations. For some drivers, attending regular medical assessments may be more achievable than for sole operators or contractors where a lack of access or additional cost may unintentionally exclude them or encourage unsafe decisions regarding their health and safety.
- We support draft regulatory principle 9 in aiding smaller operators to develop safety management systems with minimum prescriptive safety management rules matched to diverse risk profiles. This would enable compliance whilst minimising costs for smaller operators.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mr. Rowen Murphy on 02 6121 3382 or at rowen.murphy@asbfeo.gov.au.

Yours sincerely



Kate Carnell AO

Australian Small Business and Family Enterprise Ombudsman