



Australian Government



Australian  
**Small Business and  
Family Enterprise**  
Ombudsman

29 August 2019

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

**via email: [hvnlreview@ntc.gov.au](mailto:hvnlreview@ntc.gov.au)**

Dear HVNL Review Team

**Heavy Vehicle National Law Review – Vehicle standards and safety**

The Australian Small Business and Family Enterprise Ombudsman (ASBFEO) welcomes the review of the Heavy Vehicle National Law (HVNL) issue paper on vehicle standards and safety. Adopting standards that ensure effective maintenance, identification and repair of defects along with a common sense approach to minor breaches is required for ensuring vehicles are safe. Our specific feedback is as follows.

- We support the four proposed draft regulatory principles and recommend that a review of performance based standards (PBS) vehicle approval processes be undertaken. Any review should look to reduce red tape barriers such as the time taken for a PBS vehicle permit to be approved. This review should allow operators to increase their fleets with safer and more efficient vehicles, leading to an increase in safety technology in the used vehicle market. Further, an increase of safer PBS vehicles would assist operators in meeting their legal obligations and compliance with other aspects of the HVNL.
- We recommend a further review into the risk-based approach to inspections, as the risk profiles of operators varies between business size and roles undertaken. A flexible, risk-based approach combined with consistent inspections would allow for the efficient identification, repair and clearance of defects across all business sizes. It would give certainty to independent contractors, sole traders, small to medium enterprises and the agri-business sector. Operators would be able to meet any defect obligations quickly and return their vehicles to service quickly while minimising capital losses. This would support operators skilled to service and maintain their own vehicles, provided that guidance was simple, clear and based on vehicle risk profiles.
- We support the future HVNL managing sanctions proportionate to safety risk.

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](mailto:rowen.murphy@asbfeo.gov.au).

Yours sincerely

**Kate Carnell AO**  
Australian Small Business and Family Enterprise Ombudsman

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