

No.	Legislation	Ref	Impact	Description	Proposal	Escalation
1	Registration Law	3	High	Vehicle inspections	There is considerable variation among the states and territories regarding roadworthy testing regimes. Some depend on triggers such as transfer of registration, some on police reporting only and others are annually regardless. The Panel's Conclusions: - No evidence can be found linking regular inspections to crash risk - There is some evidence that regular inspections reduce the incidence of vehicle defects - It is difficult to compare programs because testing standards and criteria vary widely - No firm evidence that crash risk would be reduced by annual testing programs - There is merit in developing a national risk based testing standard and protocol - In the meantime roadworthiness testing should remain a matter for each jurisdiction	Expert panel
2	Registration Law	7	High	Transfers – obligations of disposers and acquirers	Amend the current model law in the NHVL to extend the obligation on the disposer to notify the registration authority. Will need to ensure that the acquirer is not adversely affected if the disposer does not comply.	HLRG
3	Registration Law	8	High	Unpaid fines and vehicle sanctions	All states and territories utilise vehicle registration sanctions as a punitive measure for unpaid fines. These fines may derive from vehicle offences (for example non-compliance with defect notices) or be entirely unrelated to the operation of a vehicle (for example non payment of local council fines). Review the following options relating to registration sanctions: Option 1: Amend the current model law clause to include a provision in the NHVL that recognises jurisdictional laws may result in registration sanctions for non-vehicle related offences. Option 2: Not include a provision in the NHVL for registration sanctions for non-vehicle related offences. Each jurisdiction would continue to administer their own schemes relating to non-vehicle related offences.	HLRG
4	Registration Law	11	High	Defect notice procedures	Amend model law to include existing provision in the NHVL but include offence for defacing/removing label (with an exception if the windscreen is replaced). Proposal is to also allow for other enforcement officers, such as EPA officers, to issue notices. Industry have raised a concern regarding 'who is an authorised officer' and the required level of training in order to be engaged in heavy vehicle related enforcement.	DAP
5	Registration Law	18	Medium	Custom/special plates	Amend model law for the NHVL to include provisions to allow jurisdictions to continue to sell custom plates for use on heavy vehicles. Existing custom plates will also be recognised. Clarification on the treatment of primary producer plates required by industry.	HLRG
6	Registration Law	23	High	Reviews and rights to reasons	Review the following administration review options: Option 1: The status quo remains. The national law will not contain an administrative review processes covering road access decisions. Option 2: The national law to include internal and external review processes for all administrative decisions made by the regulator, and internal review of administrative decisions made by the road authorities.	HLRG
7	RAV's	11	High	Restricted access permits (who may apply?)	The current model law requires operator (or agent) to apply for permit linked to registration or VIN whereas Queensland allows any person to apply for a permit linked to vehicle type. The following options will be reviewed: Option 1: Status quo - current model law. Option 2: Revise the model law for the NHVL to allow any person to apply for a permit linked to vehicle type.	HLRG
8	IAP	15	High	IAP service provider obligations to give auditor access to records (cl. 15(8)).	The model clause does not have an offence relating to granting an auditor access to records. Review the following options: Option 1: Status quo - no change from the model law. Option 2: Introduce a new offence if IAP service provider does not give auditor access to records.	DAP
9	NHVAS	5	High	Sanctions for non compliance with NHVAS conditions (other than breach of BFM and AFM accreditation) is cancellation/ suspension (p16(2)).	Current model clause sanctions for non compliance with NHVAS conditions is cancellation or suspension. Drafting Authority Panel recommended to include a new offence in the NHVL as this provides consistency with all 4 modules and also provides alternatives to other sanctions such as a loss of accreditation. The following options will be reviewed: Option 1: Status quo - no change to model law. Option 2: Introduce new offence (less severe than cancellation/suspension)	DAP
10	NHVAS	7	Medium	Administration fees.	The NHVL will provide the NHVR with the discretion to charge fees. The NHVR will also be given a power to reduce or waive fees, noting that the regulator should not have a general power to waive fees (say for a class of vehicles).	HLRG
11	C&E	2	Medium	Returning seized material	Amend the model law for the NHVL to include provisions about requiring the enforcement officer to take reasonable steps to return seized goods if the goods are no longer required for a prosecution. The provisions should also allow for goods to be disposed of if they cannot be returned to the owner (e.g. owner is a deregistered company).	HLRG
12	C&E	6	Medium	Driver licence sanctions for mass, dimension and load restraint breaches.	The expert panel recommends the removal of licence sanctions from the NHVL. Licence sanctions to be managed by individual states/territories own laws.	Expert panel
13	C&E	18	Medium	Vehicle registration sanctions for mass, dimension and load restraint breaches.	Expert panel recommends no change from model law.	Expert panel
14	C&E	25	Medium	Detaining a vehicle breaching mass, dimension and load restraint requirements.	Expert panel recommends no change from model law.	Expert panel
15	C&E	30	Medium	Restoration of vehicles, combination or premises (cl. 59).	Amend to model law clause to allow for choice of compensation in lieu of restoration to be adopted in the NHVL.	HLRG
16	C&E	31	Medium	Registering codes of practice (cl. 89(3)).	In principle recommendation to adopt the model clause for the NHVL which allows for the registration of industry codes of practice. The model clause also allow these codes to be considered by courts as prima facie evidence of taking reasonable steps.	HLRG
17	C&E	39	Medium	Places where powers regarding vehicles (as seen on road) can be exercised (s. 27) (includes road and road-related areas etc: cl. 10).	NSW extends the definition of road and road-related area to include any vehicle or combination "seen" on any road (refer to s.135(2)). The expert panel recommends no change from model clause which appears to be sufficiently drafted for the purposes of enforcing road laws.	Expert panel
18	Fatigue CoR	1	Medium	Regulating heavy vehicle driver fatigue under OH&S laws	The Panel's Conclusions - Comparison of the two regimes shows many similarities but some differences > Operating limit less restrictive in WA > Accreditation mandatory for all drivers under WA OH&S, but only AFM and BFM in NTC model law > Transport has specialised enforcement systems and better compliance - Retain current ATC/NTC regime but develop alternative 'simple template' risk management approach to AFM.	Expert panel
19	Fatigue CoR	3	Medium	Duty on those in the chain of responsibility to take "reasonable steps" to prevent driving while fatigued (cl. 28, 29).	New South Wales have varied from the model law which turns reasonable steps defence into positive duty. The expert panel recommends that the current model law clause be adopted in the NHVL.	Expert panel
20	Fatigue CoR	25	Medium	The completion of work diaries if work > 100km from base (cl. 54).	The expert panel recommends retaining the model law 100km rule. • Queensland applies a 200km rule. • Tasmania applies a zero km rule.	Expert panel
21	Fatigue CoR	41	High	AFM "outer limits" 16 hours in 24 hours (cl. 52A).	The current model law for AFM applications sets an outer limit of 16 hours (which was essentially set for emergency or special contingencies). Some states have set their outer limits to 15 hours out of 24 hours based on separate fatigue expert advice. The Panel Conclusions: - Propose a modified approach to AFM based on risk management - A Fatigue Expert Group to assess AFM proposals by assigning risk scores for AFM elements - NTC to promulgate standardised values for common elements and common models across industry free of charge - An AFM which results in no net increase in risk - Simple template process for assessing risk and risk offsets by taking the following into consideration; > Day or night driving > Rest (prior, post) > Breaks (single, split) > Training, fitness and sleep disorder checks, data loggers	Expert panel
22	Fatigue CoR	45	Medium	Obligations to carry accreditation documents (cl. 80A and 86).	Amend the model law clause for the NHVL to include reasonable steps defence on the obligation for operators to ensure drivers carry accreditation documents.	HLRG
23	Fatigue CoR	56	Medium	Defence to breach of standard hours that nowhere available to have short rest break (cl. 47).	The expert panel recommends retaining the model law clause in the NHVL. This defence allows a fair opportunity for a driver to avoid criminal responsibility for deferring a short rest break until it can be taken at a suitable place. Victoria and New South Wales had not adopted this defence.	Expert panel
24	Fatigue CoR	57	Medium	Defence for BFM if it involves a split rest break (cl. 50).	The model clause defence allows a driver operating under BFM to replace a 7 hour continuous break with a 2 hour and a 6 hour continuous rest break within 24 hours. Victoria had not adopted this defence. Expert panel recommends retaining the model law.	Expert panel
25	Speeding CoR	16	Medium	Three strikes regime	Not covered by model law but agreed ATC policy allows for registration authorities to suspend the registration of heavy vehicles detected speeding three times over a period of time. The Panel's Conclusions - No evidence that 'Three Strikes' policy reduces crashes - Seems difficult to administer without technology - NTC 'Model Act on Heavy Vehicle Speeding Compliance' introduced CoR which all states and territories support will supersede 'three strikes'.	Expert panel
26	OSOM	12	Medium	Regulation of pilot and escort vehicle drivers	Review the following options: Option 1: Amend model legislation to allow for existing jurisdictional arrangements to continue. Option 2: Amend model legislation to allow for mutual recognition of existing arrangement (resolution required to traffic control requirements). Austroads project proposal has been developed for national pilot and escort vehicle driver requirements.	HLRG
27	OSOM	20	Medium	Treatment of silage trailers	Amend model law clause to allow for local exemptions such as Vic's silage trailer bulletin and to clarify this term.	HLRG
28	OSOM	40	Medium	Driver not required to carry documents	Permit documents: Drivers will be prima facie required to carry permit documents while driving. Notice documents: Drivers will not be prima facie required to carry notice documents while driving. The NHVL will include a power for the NHVR to: (a) impose a requirement to carry documents as a condition of a notice; and (b) to exempt a driver from having to carry any documents listed in a permit.	DAP
29	OSOM	43	Medium	Special Purpose Trailers	Amend the model legislation definitions to allow for local exemptions of special purpose trailers. The NHVL will include an extra class 1 category for special purpose trailers. This will allow all the notice and permit requirements to apply to these vehicles in a manner similar to current practice. Further, the definition of class 3 vehicles will be changed to include special purpose trailers.	HLRG
30	HML	1	Medium	HML eligible vehicles	Retain the model law noting that jurisdictions would derogate to retain current variation. Current productivity based variations will be preserved by the NHVL.	HLRG
31	AVSR's	8	High	Spray suppression (Rule 33)	AVSR rule 33 requires B-doubles to be fitted with spray suppression devices. This requirement was not implemented in WA and NT. Review the following options relating to spray suppression devices: Option 1: Remove AVSR rule 33 spray suppression device requirement from model law. Option 2: Retain current AVSR rule 33 in model law and allow for mutual recognition of existing local arrangements. No scientific evidence has been found regarding the effectiveness of spray suppression devices however Europe will mandate fitment from April 2011.	HLRG