



National Heavy Vehicle Regulator

National Transport Commission
27 & 28 October 2010



What is the National Heavy Vehicle Law?

- **The National Heavy Vehicle Regulator will administer a new body of national laws**
- **The National Heavy Vehicle Law is a consolidation of existing model legislation developed by NTC and its predecessor NRTC**
- **The National Heavy Vehicle Law will focus on harmonising existing state / territory laws**



Legislation Items

The following legislation will be consolidated into the NHVL:

- Heavy Vehicle Registration Act;
- Heavy Vehicle Registration Regulations;
- Australian Vehicle Standards Rules (“AVSR”) Regulations;
- Heavy Vehicle Charges Act;
- Mass and Loading Regulations;
- Oversize and Overmass Vehicles Regulations;
- Restricted Access Vehicles Regulations;
- Higher Mass Limits Regulations;
- Compliance and Enforcement Bill;
- Intelligent Access Program Act;
- Heavy Vehicle Driver Fatigue ;
- Heavy Vehicle Speeding Compliance Act; and
- Alternative Compliance Legislation (Accreditation).

Achieving consistency

- **364 variations have been identified from existing model legislation**
- **The NTC have been working with state and territory governments to address inconsistencies through drafting**
- **The issues vary in complexity**
- **Most issues are minor amendments to clarify/improve model legislation**
- **11 issues referred to the Independent Expert Panel**
- **51 issues referred to High Level Reference Group**

Escalation process

Drafting Advisory Panel (DAP)

Consists of senior legal representatives from each road agency to review minor policy issues and/or settle technical drafting variations from the model law. These issues are considered non contentious with no or very minor impact to industry and/or government.

High Level Reference Group (HLRG)

This Group is comprised of senior representatives from state and territory governments. Their role is to develop solutions to the 51 outstanding policy issues.

Expert panel

The Australian Transport Council appointed an expert panel to provide advice on the 11 outstanding issues. The panel is comprised of five members representing areas of expertise including road safety, fatigue management, heavy vehicle regulation and transport productivity. The panel members are independent of government transport agencies and the transport industry.

NHVR Laws RIS

No or low impact items: These items will not have an impact analysis conducted and will be listed in the RIS. In most cases the issues were of a minor technical or policy nature with no or very low impacts. These items will be summarised in Appendix A of the RIS.

Medium impact items: There is wide variation in the potential impacts of these issues with some expected to have no or low competition impacts and medium compliance costs. After consultation at the jurisdictional level a general consensus often emerged for these items. For this reason some of them have not been subject to an options analysis and will be assessed in combination.

High impact items: These items are generally of a more contentious nature. They tend to attract higher compliance costs and medium to significant competition impacts. Typically there are various options as to the best way forward. Industry and other stakeholders are requested to pay particularly close attention to these items and to provide their views to the NTC.

Proposed 'medium & high' impact items

No.	Legislation	Ref	Impact	Description
1	Registration Law	3	High	Vehicle inspections
2	Registration Law	7	High	Transfers – obligations of disposers and acquirers
3	Registration Law	8	High	Unpaid fines and vehicle sanctions
4	Registration Law	11	High	Defect notice procedures
5	Registration Law	18	Medium	Custom/special plates
6	Registration Law	23	High	Reviews and rights to reasons
7	RAV's	11	High	Restricted access permits (who may apply?)
8	IAP	15	High	IAP service provider obligations to give auditor access to records (cl. 15(8)).
9	NHVAS	5	High	Sanctions for non compliance with NHVAS conditions (other than breach of BFM and AFM accreditation) is cancellation/suspension
10	NHVAS	7	Medium	Administration fees.
11	C&E	2	Medium	Returning seized material
12	C&E	6	Medium	Driver licence sanctions for mass, dimension and load restraint breaches.
13	C&E	18	Medium	Vehicle registration sanctions for mass, dimension and load restraint breaches.
14	C&E	25	Medium	Detaining a vehicle breaching mass, dimension and load restraint requirements.
15	C&E	30	Medium	Restoration of vehicles, combination or premises (cl. 59).
16	C&E	31	Medium	Registering codes of practice (cl. 89(3)).
17	C&E	39	Medium	Places where powers regarding vehicles (as seen on road) can be exercised (includes road and road-related areas etc.)
18	Fatigue CoR	1	Medium	Regulating heavy vehicle driver fatigue under OH&S laws
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).
20	Fatigue CoR	25	Medium	The completion of work diaries if work > 100km from base (cl. 54).
21	Fatigue CoR	41	High	AFM "outer limits" 16 hours in 24 hours (cl. 52A).
22	Fatigue CoR	45	Medium	Obligations to carry accreditation documents (cl. 80A and 86).
23	Fatigue CoR	56	Medium	Defence to breach of standard hours that nowhere available to have short rest break (cl. 47).
24	Fatigue CoR	57	Medium	Defence for BFM if it involves a split rest break (cl. 50).
25	Speeding CoR	16	Medium	Three strikes regime
26	OSOM	12	Medium	Regulation of pilot and escort vehicle drivers
27	OSOM	20	Medium	Treatment of silage trailers
28	OSOM	40	Medium	Driver not required to carry documents
29	OSOM	43	Medium	Special Purpose Trailers
30	HML	1	Medium	HML eligible vehicles
31	AVSR's	8	High	Spray suppression (Rule 33)

Exposure draft RIS consultation

- **Stakeholder engagement is critical**
- **No final determination can be made until consultation occurs**
- **Exposure Draft Regulatory Impact Statement will be released early next year and include a ten week consultation period**



How will the law be established

- **Queensland will pass legislation to establish the regulator and law**
- **Other state and territories will pass laws to apply the Queensland law**
- **All legislation across Australia to be completed before 1 January 2013**
- **Any amendments to the law or new regulations to require ATC approval**

Key upcoming milestones



Questions?



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