

Heavy vehicle defects

Compliance and Enforcement bulletin 4

This bulletin provides practical advice to help heavy vehicle drivers and other parties comply with the requirements of the Heavy Vehicle National Law (HVNL) as they relate to heavy vehicle standards and defects.

The NHVR is committed to reducing the risks associated with the use of defective and unsafe heavy vehicles on the road network. If your vehicle is unsafe, you are not only putting your own safety at risk, but also the safety of other road users, the general public and the environment.

It is an offence under the HVNL for a person to use, or permit to be used on a road, a heavy vehicle:

- that contravenes the heavy vehicle standards applying to the vehicle
- that is unsafe
- in contravention of a defect notice.

A heavy vehicle is unsafe if the condition of the vehicle, or any of its components or equipment, makes the use of the vehicle unsafe or endangers public safety.

What is a defective heavy vehicle?

A defective heavy vehicle is a vehicle that:

- does not comply with the heavy vehicle standards, or
- has a part that does not perform its intended function, or has deteriorated to an extent that it cannot be reasonably relied on to perform its intended function.

Who can issue a defect notice?

A defect notice can be issued by officers authorised under the HVNL, including state and territory transport inspectors and police officers. Heavy vehicles will continue to be subject to inspections by authorised officers (AOs) and police to determine compliance with the relevant heavy vehicle standards.

What are heavy vehicle defect notices?

A defect notice may be issued to the registered operator of a heavy vehicle under the HVNL in relation to a vehicle that is found to be defective and its use on a road may or may not pose a safety risk. The defect notice will specify, among other things:

- the faults identified
- the period of time to have the faults repaired, and
- any conditions of use the authorised officer (AO) considers appropriate for its continued use on a road.



The time within which you have to repair your vehicle will vary depending on the safety risk the continued use of the vehicle on the road poses. For faults that pose a minor safety risk, you might be given a number of days, whereas for faults that pose a major safety risk, the vehicle must be moved to the stated location in the specific manner described in the defect notice.

In more serious cases, the vehicle will need to be repaired immediately before it can be used on a road. If repairing the vehicle is not possible, it will need to be carried or towed. The defect notice will contain information regarding the:

- vehicle's identification
- driver and/or operator details
- day and time the notice was issued
- details of the AO who conducted the inspection
- type of inspection carried out
- faults identified
- type of inspection required to clear the defect notice
- conditions regarding the on-going use of the vehicle.

The defect notice will also contain specific information, including how and where to get the defect cleared and contact details for information and assistance.

What are the different types of defect notices?

Under the HVNL, there are three main categories of defect notices – self-clearing, minor and major.

Self-clearing defect notice

Applies in cases where a defective vehicle does not pose a safety risk; or a number plate is obscured, defaced or otherwise not legible. Although the vehicle may continue to be used on the road, the faults must be repaired within the time specified in the defect notice.

Minor defect notice

Applies in cases where the safety risk is not imminent and serious. The vehicle may continue to be used on the road, as long as faults are repaired within the period specified in the notice. The defect notice may specify conditions about the vehicle's continued use on the road after the defect notice is issued.

Major defect notice

Applies where there is an imminent and serious safety risk. The defect notice will specify conditions about the vehicle's use on a road after the defect notice is issued.

What are defect labels?

A defect label may be affixed to a vehicle when a defect notice is issued. If a defect label is affixed to a vehicle, it must not be removed or defaced.

The defect label may only be removed by a person authorised to do so.

How do I clear a defect notice?

A minor or major defect notice must be cleared according to the instructions in the defect notice, including:

- the type of inspection required (for example, a partial or full inspection)
- the type of facility where the inspection must be conducted
- the type of approved or authorised person who must conduct the inspection.

Operators may have the necessary inspection conducted in any state or territory providing the inspection is carried out by a suitably qualified person and in accordance with the instructions on the defect notice.

For a self-clearing defect notice, there are no requirements to have the vehicle inspected.

Can I use a vehicle that has been issued a defect notice?

Self-clearing defect notice

A vehicle that has been issued a self-clearing defect notice can continue to be used on a road up to the due day indicated in the notice. However, if repairs have not been carried out within the time specified in the defect notice, the vehicle cannot continue to be used on a road from that time.

Minor defect notice

A vehicle that has been issued a minor defect notice can continue to be used on a road up to the due time indicated in the notice and its use is in accordance with any instructions or conditions stated in the defect notice. If repairs have not been carried out within the time specified in the defect notice, the vehicle cannot continue to be used on a road.

When the stated faults have been repaired and the vehicle is otherwise compliant with the standards applying to it, the

vehicle may be used on a road. However, all conditions of the defect notice must be complied with, including the requirement for the defect notice to be cleared.

Major defect notice

A vehicle issued with a major defect notice may only be used on a road subject to the specific conditions stated for the use of the vehicle and clearance of the defect notice.

For all defect notices – if you are unable to comply with the conditions of the defect notice (e.g. you need more time to have the vehicle repaired) you should contact the authority that issued the defect notice as soon as possible.

What happens if I don't comply with a defect notice?

Failure to comply with a defect notice, including non-compliance with any of the conditions stated in the notice, is an offence under the HVNL, which may result in further action.

If a defect notice is not cleared, a registration authority may initiate action. For example, the authority may suspend or cancel the vehicle's registration.

Driver responsibilities

- It is an offence under the HVNL to use a defective heavy vehicle on a road.
- A driver must not use a heavy vehicle on a road in contravention of a defect notice.
- If the driver or the person in charge of the vehicle:
 - is issued with a defect notice, and
 - they are not the owner/operator,
 they must give the owner/operator a copy of the defect notice as soon as practicable but not more than 14 days from when the notice was issued. The driver must also adhere to any conditions stated in the defect notice regarding the continued use of the vehicle.

Operator responsibilities

- It is an offence under the HVNL to permit a person to use a defective heavy vehicle on a road.
- An operator must not permit a heavy vehicle to be used on a road in contravention of a defect notice.
- Vehicle operators must ensure that the stated faults are repaired within the period specified and that all conditions stated in the defect notice are met. The defect notice will include instructions for vehicle inspection and clearance of the defect notice.
- The instructions are included on the defect notice and will generally include the inspection location and contact details.

Regular vehicle servicing and maintenance

Remember, regular servicing and maintenance of your vehicle:

- can improve reliability of the vehicle
- can help reduce the risk of defects and lost productivity that they may cause
- can help you meet your legal obligation under the HVNL, and will ensure your vehicle is in a safe condition for use on the road.

For more information

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