

Changes to the regulation of the Heavy Vehicle National Law: ACT

Information for industry

Background

In 2009, the Council of Australian Governments (COAG) agreed to national heavy vehicle regulatory reform through the adoption of a national law for heavy vehicles to be administered across all states and territories by a single national regulator. In 2012, the National Heavy Vehicle Regulator (NHVR) was established in Queensland, New South Wales, Victoria, South Australia, Tasmania and the Australian Capital Territory (ACT).

The Heavy Vehicle National Law (HVNL) was commenced in the ACT with the following chapters of the law dis-applied: Those dis-applied chapters were:

- Chapter 5 Vehicle operations—speeding (subsequently repealed)
- Chapter 6 Vehicle operations—driver fatigue
- Chapter 7 Intelligent Access Program (IAP)
- Chapter 8 Accreditation

The ACT Government made a decision at the time that the HVNL was commenced to only apply those chapters of the law that corresponded with existing requirements in the ACT, until such time as the NHVR was in a position to regulate the new provisions directly.

Since its commencement, the NHVR has relied on the ACT Government for the delivery of its regulatory functions as it developed its capacity and capability to deliver these services directly. In July 2017, senior officials from each of the participating states and territories endorsed a proposed program to transition responsibility for the delivery of heavy vehicle regulatory services from the states and territories to the NHVR over five years.

The program to transition services in the ACT commenced in 2018 and is scheduled for completion by 1 July 2019. From this date, the NHVR will assume full responsibility from Access Canberra for the delivery of heavy vehicle compliance and enforcement related activities, investigations, prosecutions, and customer information and education.

What is happening?

The NHVR has commenced planning and implementation of the transition of heavy vehicle regulatory services from the ACT's Access Canberra to the NHVR from 1 July 2019.

Service transition is being facilitated jointly by the National Services Transition Program at NHVR and Access Canberra, with the aim of progressing the NHVR's vision of working toward a safe, productive and connected heavy vehicle industry serving the needs of Australia.

As part of the transition program, the ACT Government is working to commence the dis-applied features of the HVNL to commence simultaneously with the transition of services. Application of the dis-applied chapters will have the benefit of a standardised HVNL compliance and enforcement approach throughout all participating jurisdictions.

This program of work is critical for the ongoing success of the NHVR and supports a national approach to the delivery of its heavy vehicle regulatory functions. The NHVR will work closely with industry to establish a clear understanding of the changes and reduce uncertainty in the way the HVNL is applied across the participating jurisdictions.

What will the commencement of the new chapters mean to industry?

From the introduction of the HVNL in 2013, the ACT Government did not enforce the following chapters of the HVNL:

Current-state dis-applied chapters		Post-July 1 2019
Chapter 5	Vehicle operations—speeding	Repealed
Chapter 6	Vehicle operations—driver fatigue	Provisions will be the same as in all other states that apply the HVNL
Chapter 7	Intelligent Access Program (IAP)	Is not a requirement for access on ACT roads and will have no impact
Chapter 8	Accreditation	Industry experience with heavy vehicle accreditation is maintained

What does this mean for industry?

The following are key points regarding the chapters of the HVNL that will be applied in the ACT:

Fatigue

From 1 July 2019, drivers of fatigue-regulated heavy vehicles will be required to comply with the provisions of Chapter 6 Vehicle operations—driver fatigue of the HVNL.

National heavy vehicle driver fatigue laws apply to fatigue-regulated heavy vehicles that have a Gross Vehicle Mass (GVM) of over 12t; a combination with a GVM of more than 12t and buses with a GVM over 4.5t fitted to carry more than 12 adults.

From 1 July 2019, all drivers of fatigue-regulated heavy vehicles that operate in the ACT must comply with the maximum work and minimum rest requirements for their work and rest hour options prescribed in the HVNL.

A driver, who is on a journey entirely within a 100km radius from their base, is not required to record their activities in a national driver work diary unless they are working under fatigue management accreditation or exemptions; however, the driver must still keep some record of their work and rest time and provide this information to their record keeper. Drivers who drive only in the ACT will generally fit within this arrangement.

Drivers operating in a more than 100km radius from their base will be required to carry and produce a national work diary when operating in the ACT, as well as when operating interstate.

Heavy vehicle drivers based in the ACT who regularly drive interstate will have kept national written work diary work and rest records in other states. Other than compliance-checking interactions with ACT Roadside Compliance Officers relating to fatigue, very little will change for drivers already adhering to fatigue provisions for interstate travel.

For more information on driver fatigue provisions, visit the NHVR's webpage at <https://www.nhvr.gov.au/safety-accreditation-compliance/fatigue-management>

Intelligent Access Program (IAP)

Managers of roads in participating jurisdictions typically determine the requirement of IAP as a condition of access on certain roads. As the sole road manager in the ACT, the ACT government has not made IAP a condition of access for ACT roads.

Subsequently, the application of the IAP chapter of the HVNL in ACT will have no impact to industry upon transition.

Accreditation

ACT-based operators have always been able to apply for accreditation in National Heavy Vehicle Accreditation Schemes (NHVAS), and the commencement of this feature of the HVNL will not change any aspect of the four accreditation modules (Mass, Maintenance, Basic Fatigue and Advanced Fatigue Management) or the way operators currently engage with the NHVR about accreditation.

Benefits for the heavy vehicle industry

- Reduced regulatory burden for the heavy vehicle road transport industry, via a standardised and consistent approach to heavy vehicle compliance and enforcement in participating HVNL jurisdictions.
- Improved safety, productivity and efficiency outcomes that come with a national approach.

What else will change following transition of services?

Safety and Compliance Officers employed by the NHVR will assume responsibility for heavy vehicle on-road compliance and enforcement services in the ACT.

The NHVR's Safety and Compliance Officers in the ACT will have the authority to stop heavy vehicles and check vehicle, operator and driver compliance with the HVNL. Officers will also be authorised to check for compliance with territory-based laws, such as licensing, registration and traffic laws.

The NHVR will deliver on-road education and compliance for drivers, operators and heavy vehicles, including mass, dimension, vehicle standards, load restraints, route compliance and driver fatigue.

The NHVR will lead and encourage a nationally consistent, risk-based, proportionate and effective compliance and enforcement approach in relation to regulating the heavy vehicle industry, in order to encourage and facilitate a strong safety culture. The National Compliance and Enforcement Policy can be accessed at <https://www.nhvr.gov.au/files/201811-0952-national-compliance-and-enforcement-policy.pdf>

Note: Access Canberra will retain responsibility for inspection of heavy vehicles at the Hume Motor Vehicle Inspection Station for the purpose of registration and clearance of defects issued to ACT-registered vehicles. Access Canberra Vehicle Safety and Standards Officers will also retain authority to intercept heavy vehicles that they suspect to be unroadworthy.

The NHVR’s Safety and Compliance Officers will be easily recognisable by their distinctive uniforms, badges and vehicles.



Further enquiries

Further detailed information relating to the above can be found by accessing the hyperlinks in this document or by contacting the NHVR directly.

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