

NHVR Statement of Expectations

(Approved at Infrastructure and Transport Ministers' Meeting on 20 November 2020)

1. Purpose

This Statement of Expectations outlines the expectations of responsible Ministers for the operations and performance of the National Heavy Vehicle Regulator (NHVR) in achieving the object of the Heavy Vehicle National Law (HVNL) for the period 1 July 2021 to 30 June 2022.

The NHVR is Australia's regulator for all heavy vehicles over 4.5 tonne Gross Vehicle Mass (GVM) in all jurisdictions other than Western Australia and the Northern Territory. The NHVR administers the HVNL and oversees a safe, efficient and productive heavy vehicle industry serving the needs of Australia.

It is imperative that the NHVR acts independently and objectively in performing its functions and exercising its powers as set out in its governing legislation. Nevertheless, the responsible Ministers expect that the NHVR acts in the public interest and takes into account the Infrastructure and Transport Ministers' Meeting (ITTM) and participating jurisdictions' broad policy priorities and frameworks, in performing its role and meeting its responsibilities.

The strategic direction in this Statement is to be reflected in the NHVR Corporate Plan 2021-24 and reported on in the NHVR Annual Report 2021-22.

2. Key outcomes and priorities

Responsible Ministers expect the provision of heavy vehicle regulatory activities by the NHVR to deliver improved road safety, productivity, liveability and amenity benefits for the participating jurisdictions, heavy vehicle industry and the community.

It is expected that the regulatory activities undertaken by the NHVR will support and contribute to the achievement of broader ITTM objectives:

- Improving safety for all transport users
- Embracing innovation and technology in transport and transport infrastructure
- Ensure our transport systems support productive and liveable cities and regions
- Maximising freight productivity

With particular regard to:

- Reducing the involvement of heavy vehicles in crashes resulting in death or serious injury by aligning NHVR safety campaigns and regulatory activities with the National Road Safety Strategy, the Safe Systems approach (safe roads, safe speeds, safe vehicles and safe people), and the road safety strategies and action plans of participating jurisdictions.
- Managing the impact of heavy vehicles on infrastructure by monitoring heavy vehicles with technology appropriate to the risk to safety and infrastructure posed by the vehicle, including on-road monitoring systems, such as traffic cameras and vehicle counters, and heavy vehicle telematics systems to inform allocation of compliance effort, facilitate network access and asset management, and improve road safety and productivity outcomes.
- Maintaining and enhancing arrangements for the collection and sharing of data, information and intelligence with and between relevant Government authorities and agencies to enable reliable, valid and meaningful analysis of heavy vehicle safety, operations and compliance to inform ongoing asset management, regulatory activities and policy development.
- Aligning technology and systems development with the National Intelligent Transport System Architecture and National Telematics Framework wherever possible.

- Accelerating the adoption of newer, safer and cleaner heavy vehicles with up to date vehicle safety systems and technologies through NHVR administered schemes, programs and notices providing suitable incentives for vehicles utilising telematics and emerging vehicle safety technologies, such as autonomous emergency braking systems, side underrun protection, blind spot sensors, low emissions engines, forward collision and lane departure warning systems.
- Improving heavy vehicle roadworthiness and operational safety to improve road safety, reduce road network disruptions, lost productivity and congestion resulting from heavy vehicle crashes and breakdowns.
- Implementing heavy vehicle monitoring and enforcement activities to reduce recidivist behaviour including those relating to off-route travel and over-mass or over-dimension loads.
- Supporting community amenity through monitoring and responding to non-compliance with heavy vehicle curfew areas, no-truck lanes, effluent disposal, noise and emission pollution.
- Supporting community acceptance of heavy vehicle operations through education about the safety, productivity and public amenity benefits that higher productivity vehicles can provide, and raising community awareness on how to safely share the road with heavy vehicles.
- Improving freight productivity and efficiency through alignment of NHVR programs with the National Freight and Supply Chain Strategy, and the freight strategies and action plans of participating jurisdictions. Particularly through adopting national and global standards for technology and data systems, and contributing to better freight location and performance data to support efficient investment in infrastructure.
- Supporting improved access management administration and systems, and where appropriate, supporting local government road manager decision-making.

3. Performance expectations

The NHVR was established as an independent body to administer the HVNL. The NHVR operates in partnership with state and territory governments and is accountable to those governments, and ultimately to the public, through the responsible Ministers, the Parliamentary Committee process and the tabling of its annual report.

The responsible Ministers' vision is for the NHVR to be a high-performing, responsive regulator that is outcomes-focussed and administers a risk-based regulatory framework. Ministers expect the NHVR to:

- Minimise regulatory burden, be efficient, effective, and evidence-based, and to balance the safety and productivity objectives of the NHVR's statutory functions set out in the HVNL to benefit the community, industry and government.
- Implement the National Regulatory Model for Heavy Vehicles with a focus on achieving national consistency and an efficient risk-based allocation of regulatory effort within and across jurisdictions.
- Provide accurate and timely advice and data to responsible Ministers on significant heavy vehicle safety and regulatory issues, and as requested by a responsible Minister. Significant issues might include: matters on which the responsible Ministers may be called to comment in Parliament or in public; major changes to regulatory operations; important NHVR operational or budgetary issues; and the NHVR's decisions regarding the appropriate action for it to take following substantial problems or disruption which may result in risks to achieving outcomes.
- Publish regular reports on NHVR regulatory activity and industry compliance.
- Provide regular reports to individual responsible Ministers to ensure they are kept fully informed of heavy vehicle safety issues and achievements in their respective jurisdictions, and provide assurance that NHVR activities provide effective administration of the HVNL.
- Maintain robust, effective and collaborative working relationships with jurisdiction road and transport agencies (including non-participating jurisdictions), police agencies, national regulators,

local governments and other transport entities (including Austroads, ARRB Group and Transport Certification Australia), and expand partnerships to ensure regulatory activity is informed by the latest research and best practice.

- Collaborate with Commonwealth, state and territory agencies to ensure emergency and disaster response and recovery efforts support the continued safety, efficiency and productivity of the road network and heavy vehicle operations, and cooperate with other enforcement agencies, including Police, Australian Border Force, and Environmental Protection Authorities, for joint operations and as required.
- Maintain open and sound working relationships with the entities it regulates, and provide support to assist compliance that is clear, consistent, well-targeted and timely.
- Engage in meaningful and effective consultation with industry and government stakeholders to support ongoing regulatory reform, improved safety outcomes, increased efficiency and productivity, and stronger industry compliance.
- Develop and implement programs and information for government agency service providers to ensure national regulation, operational policies and service standards are understood, complied with and consistently implemented.
- Act in accordance with its legislative obligations under the HVNL and with regulatory best practice in its decision-making, policies, processes and communication practices to maximise effectiveness, efficiency and transparency, and minimise compliance costs. And to regularly review its policies and procedures to identify improvements to achieve these goals and demonstrate value for money for the services that it delivers.

4. Performance measurement

- Performance monitoring and measurement will be undertaken in accordance with the NHVR Performance Management Framework implemented under the National Regulatory Model for Heavy Vehicles and will be reported in the NHVR Annual Report 2021-22.

5. Jurisdiction specific requirements

- In addition to the priorities and expectations outlined in sections 2 and 3 above, requirements and performance standards unique to individual participating jurisdictions are outlined in Schedule 1.

6. Supplementary Services

- In addition to its regulatory functions under the HVNL, the NHVR will provide a range of other heavy vehicle functions and services on behalf of the participating jurisdictions as agreed under Supplementary Services Agreements executed from time to time by state or territory agency senior officials and the NHVR Chief Executive Officer. A list of current supplementary services agreements is provided in Schedule 2.
- While responsibility for policy setting and administration of jurisdiction specific laws remains the responsibility of the relevant jurisdiction, the NHVR will be a front-line agency and provide regulatory compliance and enforcement monitoring activities in the participating jurisdiction for the Acts, and the relevant subordinate legislation made under those Acts, listed in Schedule 3.
- With respect to these additional services, the responsible Ministers expect that the NHVR will demonstrate the same key elements of good regulatory practice as described in section 3 when exercising regulatory authority on behalf of participating jurisdictions.

Schedule 1 – Jurisdiction specific requirements

This schedule includes jurisdiction specific priorities and performance expectations that are not captured in sections 2 and 3.

Australian Capital Territory

- The NHVR will provide a range of other on-road regulatory functions and services on behalf of the Territory as agreed under a Service Memorandum of Understanding (MoU) made between the parties.

New South Wales

- No jurisdiction specific priorities and performance expectations (to be advised).

Queensland

- Allocation of heavy vehicle regulatory resources, currently delivered by the Department of Transport and Main Roads under a service agreement, may be redirected from HVNL functions to meet changes to Queensland Government priorities and commitments where necessary, including to assist with disaster management or emergency response activities.

South Australia

- The allocation of NHVR heavy vehicle regulatory resources in South Australia may be redirected from HVNL functions to meet changes to South Australian Government priorities and commitments where necessary, including to assist with disaster management or emergency response activities.

Tasmania

- No jurisdiction specific priorities and performance expectations.

Victoria

- In addition to its regulatory functions under the *Heavy Vehicle National Law (Victoria) Application Act 2013*, the NHVR will provide a range of other heavy vehicle regulatory functions and services on behalf of the State and as agreed under a Service Memorandum of Understanding (MoU) made between the parties.
- The allocation of NHVR heavy vehicle regulatory resources in Victoria, may be required from time to time to be temporarily redirected from HVNL functions to meet changes to Victorian Government strategic priorities and commitments where necessary, including to assist with disaster management or emergency response activities.
- To the extent permitted by law, and subject to the terms of the Services MoU between the NHVR and the Victorian Government (Department of Transport), the NHVR may also be requested to undertake compliance and enforcement activities in Victoria for heavy vehicles (and other vehicles up to 4.5t) under the Victorian Acts and/or otherwise as the NHVR or NHVR Personnel are authorised under the Victorian Acts in relation to:
 - a) Driver licensing
 - b) Registration
 - c) Curfews
 - d) Over Size and Over Mass escorts
 - e) Road rules offences

- The Services MoU between the NHVR and the Victorian Government will detail the specific requirements for Non-HVNL (State-based) services to be delivered under the Victorian Acts, which are specific to NHVR agreed roles and responsibilities in Victoria.
- With respect to these additional services, the Victorian Government expects that the NHVR will demonstrate the same key elements of good regulatory practice as described in sections 2 and 3 when exercising regulatory authority on its behalf.

Schedule 2 – Supplementary Services Agreements

This schedule includes all supplementary services arrangements, such as agreements, memorandums of understanding or contracts, that impact on the NHVR's performance of its functions and operation within the jurisdiction.

Australian Capital Territory

- MOU for the effective delivery of heavy vehicle regulatory services in the Australian Capital Territory (term 1 July 2019 to 30 June 2021)

New South Wales

- National Heavy Vehicle Regulator Services Agreement 2016/17;
- Agreement to vary the National Heavy Vehicle Regulator Services Agreement 2016/17; and
- Information Sharing Memorandum of Understanding (2017).

Queensland

- National Heavy Vehicle Regulator and Department of Transport and Main Roads Services Agreement 2016/17, as amended and extended on 10 July 2020.
- National Heavy Vehicle Information Sharing Memorandum of Understanding 2016/17, executed February 2017.
- Information Sharing Administrative Agreement, executed February 2016.

South Australia

- National Heavy Vehicle Regulator and Department for Infrastructure and Transport Services Agreement 2020/21.
- MoU for Effective Delivery of Post Transition Heavy Vehicle Regulatory Services in South Australia (Variation 1).
- National Heavy Vehicle Information Sharing Memorandum of Understanding 2016/17, executed February 2017.

Tasmania

- MOU for Effective Delivery of Post Transition Heavy Vehicle Regulatory Services in Tasmania between the National Heavy Vehicle Regulator and the Department of State Growth commencing July 2018 expired 30 June 2020. A new Services Memorandum of Understanding is currently in draft to replace the previous MOU.

Victoria

- National Heavy Vehicle Regulator Services Memorandum of Understanding 2019-2020
- National Heavy Vehicle Information Sharing Memorandum of Understanding 2016/17, executed February 2017.

Schedule 3 – Relevant Jurisdiction Laws

This schedule includes jurisdiction laws that the NHVR will be enforcing on behalf of each jurisdiction in accordance with section 6. The NHVR's authority under these jurisdiction specific laws may be expressly provided for in the legislation itself or enabled by cross-authorisation of officers, an instrument of delegation or other means.

Australian Capital Territory

- *Road Transport (Vehicle Registration) Act 1999*
- *Motor Accident Injuries Act 2019*
- *Road Transport (Offences) Regulation 2005*
- *Road Transport (Driver Licensing) Act 1999*
- *Road Transport (Vehicle Registration) Regulation 2000*
- *Road Transport (Road Rules) Regulation 2017*

Enforcement of these laws will be in line with the services MOU identified in Schedule 2 and under the *Appointment of Authorised People to Serve Infringement Notices (National Heavy Vehicle Regulator) 2019 (No 2)* made under the Road Transport (General) Act 1999, section 53A (1) (Authorised people for infringement notice offences).

New South Wales

- Not applicable.

Queensland

- Not applicable.

South Australia

- *Road Traffic Act 1961*
- *Motor Vehicles Act 1959*
- *Expiation of Offences Act 1996*

Tasmania

- Not applicable.

Victoria

- *Transport (Compliance and Miscellaneous) Act 1983*
- *Transport Integration Act 2010*
- *Road Safety Act 1986*
- *Road Management Act 2004*
- *Transport (Safety Schemes Compliance and Enforcement) Act 2014*
- *Environment Protection Act 1970*