

Refusal Decision – Road Manager Information Sheet

The National Heavy Vehicle Regulator (NHVR) coordinates a range of access applications from start to finish. This involves liaising directly with Road Managers, both state and territory road authorities and local governments, to manage applications and issue permits.

This document provides information about the refusal decision process for Road Managers.

Legislative Requirements

Under section 156A of the Heavy Vehicle National Law (HVNL), a road manager may decide to refuse a heavy vehicle access request, only if they are satisfied -

- (a) the mass or dimension authority will, or is likely to:
 - cause damage to road infrastructure; **or**
 - impose adverse effects on the community arising from noise, emission or traffic congestion or from other matters stated in the approved guidelines; **or**
 - pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; **and**
- (b) it is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise—
 - the damage or likely damage; **or**
 - the adverse effects or likely adverse effects; **or**
 - the significant risks or likely significant risks.

Also, in deciding whether or not to give the consent, the road manager must have regard to—

- (a) for a mass or dimension exemption—the approved guidelines for granting mass or dimension exemptions; **or**
- (b) for a class 2 heavy vehicle authorisation—the approved guidelines for granting class 2 heavy vehicle authorisations.

Note: Please refer to *section 156A* of the HVNL.

If a road manager decides to refuse access, they must also provide the NHVR with a written statement via the NHVR Portal that explains the road manager's decision and complies with section 172 of the Heavy Vehicle National Law (HVNL).

Note: Please refer to *section 172* of the HVNL.

This information must be submitted alongside the refusal decision via the NHVR Portal.

Invalid Refusal Decision

A road manager refusal decision is deemed invalid if it does not meet the legislative requirements as listed in the HVNL.

If the NHVR has assessed a road manager's refusal decision and it is invalid, the road manager will be advised within the NHVR Portal with a 'rejected' notification.

This will allow the road manager to provide a new response in order to meet the requirements of the legislation.

The NHVR will also follow up with a phone call if a refusal is rejected more than once, in order to provide additional support.

Most Commonly Received Invalid Road Manager Refusals

- Refusing infrastructure that is not owned by the Council – for example a bridge or intersection.

Note: Only the owner or authority of the asset is able to provide a decision.

- Refusing infrastructure with the reasoning of a signed load limit structure.

Note: Operators are able to apply to the state or relevant road manager for a permit to exempt the sign posted restriction, therefore a Road Manager must provide additional information as to why the vehicle is unable to traverse the infrastructure.

- Refusing a general access vehicle (usually PBS) for dimension reasoning and not the requested weight.

For Example: If a PBS level 1 vehicle is 20m in length and is exceeding mass only, the refusal must be specific to the mass as the vehicle can operate under the Heavy Vehicle (at 20m without a permit).

- Refusing a heavy vehicle at a requested mass limit assessed as likely to damage road infrastructure, instead of conditionally approving it at an acceptable lesser limit (in relevant circumstances).
- Refusing a renewal with little or no information.

Note: As an approval has been provided previously, additional information is required as to what has changed to create the relevant risk.

- Refusing the whole request instead of identifying and refusing the incompatible section/s of the requested access.

Note: The NHVR Portal records the refusal against each individual section of road. If the entire route is refused, then the data collected will become invalid.

Frequently Asked Questions

Can I include more than one refusal reason from the HVNL?

Yes, a road manager can include more than one of the refusal reasons from the HVNL if it is relevant to the requested access. This can be included in the text box provided in the NHVR Portal.

What do I do if there are no conditions that can be imposed to mitigate the risk of the heavy vehicle request?

If no conditions can be imposed to mitigate the risk, a road manager must submit a refusal decision to the NHVR, including all valid refusal requirements.

If I select the drop down reasoning from the HVNL within the Portal, do I still need to repeat this in the text box?

Yes, the drop down option within the Portal is obtained for route refusal data collection purposes only. The reasoning will need to be repeated in the text box as this information is issued directly to the applicant in the refusal notice.

What should I do if the state jurisdiction has approved an intersection; however from local knowledge I know it is not acceptable for the requested vehicle?

Council is unable to provide a decision for a state controlled structure or intersection. In this circumstance, a road manager would submit an information request to the NHVR to advise of this issue and the NHVR would contact the state to discuss further.

Can I submit a refusal if a request has been received for a road or structure and I am not the road manager?

No, if a road manager identifies that the request includes roads that are not controlled by their jurisdiction; they must submit an information request to the NHVR in order to get this updated on the map and removed from the request.

Can the applicant seek an internal review of a refusal decision?

Yes, the applicant can apply to the NHVR to have the road manager's decision reviewed, pursuant to *Part 11.2* of the HVNL. The NHVR will then refer the Internal Review application to the road manager for review.

Please be advised that under *Part 11.2 Section 644* of the HVNL, a review of the reviewable decision must not be decided by—

- (a) the person who made the reviewable decision; or
- (b) a person who holds a less senior position than the person who made the reviewable decision.

What should I do if I require further assistance providing a refusal decision?

Road managers are able to contact the road manager hotline on 1300 880 493 or alternatively via email at rm.enquiries@nhvr.gov.au for any refusal enquiries.

How to submit a refusal decision

1. Select the '**Road Manager Request in Draft**' decision.
2. Under '**Type**', select '**Refusal**'.
3. Tick the individual road segments being refused.
4. Once all segments are selected, select '**Refuse Roads**'.
5. Tick the '**Refused**' checkbox.
6. From the drop down box, select the most relevant '**Refusal reason**'.
7. In the text box at the bottom of the page, include all refusal reasoning as per the HVNL.
8. To finalise the decision, select the '**Submit Request**' button.

For more information:

Visit: www.nhvr.gov.au

Subscribe: www.nhvr.gov.au/subscribe

Email: info@nhvr.gov.au

Phone: 1300 MYNHVR* (1300 696 487)

*Standard 1300 call charges apply. Please check with your phone provider.
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