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The Heavy Vehicle National Law belongs to all

are not participating jurisdictions, they accept some NHVR processes and participate in some aspects of the HVNL. For example, WA and NT will accept HVNL modification certificates and WA has its own Performance-Based Standards (PBS) scheme that adopts some of the technical standards from the HVNL-PBS scheme.

The task of reviewing the law and proposing changes is a challenging task because all participating jurisdictions must agree. The NTC has published two Regulation Impact Statements (D-RIS and C-RIS) and has recently invited industry comment about one of them (C-RIS). The Chair of the NTC, Dr Gillian Miles wrote in the forward to the D-RIS (D stands for Decision), "It is therefore vital that Australia's heavy vehicle sector is able to innovate and respond to changing technologies and business practices. This requires a regulatory environment that encourages industry growth and innovation, fosters productivity, enables the regulator to respond to new and emerging risks and above all supports a safe operating environment."

This sentiment, which I applaud, describes a Heavy Vehicle National Law that is a community and industry asset as much as it is a regulatory instrument. Australia's success in finding ways to allow long and heavy combinations onto main city roads and to certify new monitoring technologies have been world leading. A law that promotes innovation with safety is what we need. So, what does the NTC think needs to be changed? **The regulatory framework is too prescriptive.** The HVNL needs to be more flexible and responsive. Greater discretionary powers should be given to the NHVR. **The HVNL is not responsive to change.** Requirements should be moved into Regulations and Code of Practice, which are more easily changed. **Alternative compliance**

options under the NHVAS are too constrained. Greater flexibility in the accreditation schemes is needed. **The HVNL doesn't keep up with technology change.** New ways to identify technologies that enhance safety and productivity are needed. The technical requirements should not be 'hardwired' into the HVNL. Data sharing between transport technologies needs to be facilitated. **Improved quality of audits conducted in the Heavy Vehicle Accreditation Scheme is needed to give regulators confidence.** National audit standards are proposed. No change of scope of the NHVAS is anticipated but should be. **Improvements to fatigue management are needed to streamline record keeping, define the scope of fatigue regulation and ways to address minor work, rest and administrative breaches.** Yes.

The NTC has canvassed increased mass length and height limits. The General Mass Limits could be increased to the existing CML levels. The width limit of all vehicles could be increased from 2.5m to 2.55m. The maximum height of vehicles could be increased to 4.6m instead of 4.3m. If each of these liberalisations were adopted, it is plausible that a 5 per cent to 10 per cent productivity could be available for some vehicles.

While not discussed in the NTC's documents, there is tension in the relationship between the NHVR and the operator community. The tensions arise from disagreements about the roadworthiness assessments, minor fatigue transgressions and delays in getting road access decisions. Industry calls for review procedures, or maybe an industry ombudsman. None of this is considered by the NTC. It should also be noted that police can issue transgression notices and they operate under state laws using constabulary

discretion. This situation is not resolved by the proposed changes to the HVNL. I think that the road transport sector wanted a lot more from the HVNL review. The NTC's approach is to move decision making under the HVNL to the regulator level. This is sensible, assuming there are robust consultation, review and appeal processes in place. These processes are not foreshadowed by the NTC and therefore not guaranteed. This is a major problem. The NTC proposes that the HVNL allows the recognition of technology framework providers. This interesting proposal seems to be based upon the concept of the Transport Certification Agency (TCA) work on setting standards and accrediting both equipment and service providers for mass management, road access, fatigue management, etc. Presumably the TCA, which now exists within the AustRoads structure, will have other work to do! Pathways that facilitate innovation by our world-leading industry are essential for long-term improvements. For example, reducing the logistics sector carbon footprint will be major work over the next decade and specific

pathways for this will be needed. A lot of 'carrots' and not just 'sticks' will be needed. There is nothing in the HVNL Review that considers the working interaction between the HVNL and the Federal Road Vehicle Standards Act. The latter is a federal law and not state-based law. The RVSA defines the rules and the administration of new vehicle imports and sales in Australia. It applies to all vehicles and not just heavy vehicles. There are technical standards arising from the RVSA that are carried over into the HVNL. The co-operation and co-ordination between the federal and state/territory road authorities is via consultation meetings. Mainly the two groups of regulators deal with two different groups of providers. The federal authority is concerned with the vehicle supply industry and the state/territory authorities deal with the in-service logistics suppliers. ARTSA-i has long suggested that the new vehicle data (in the RAV) should go straight into the in-service vehicle database called NEVDIS. But this wasn't done for inexplicable reasons. I think the industry needs an office of

Heavy Vehicle Safety. This could be established within AustRoads and it could inform the NHVR, work-safety regulators and the industry about safety problems that are occurring and what the root causes are. We need better ways to drive safety improvements. This should be specifically canvassed in the NHVNL review.

Another problem that should be considered in the HVNL review is approval of modifications that are done by 'professional supplier modifiers.' The HVNL does not provide a pathway for suppliers of transport equipment, such as couplings, or advanced brake systems or underrun protection bars, to approve their own installations. The rigidity of the modification approvals system, which is run by the state and territory road agencies, is not considered by the NTC review. There is a lot of pressure on the truck modification sector because of the need to get every modification approved, which is time consuming and expensive. The review should tackle this problem area.

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A B-double travels through the middle of Australia. Image: Michael Evans/stock.adobe.com.