

## Heavy Vehicle National Law Review

The National Transport Commission is conducting a first-principles review of the Heavy Vehicle National Law (HVNL) on behalf of Australia's transport ministers. The goal is to deliver a modern, outcome-focused law for regulating heavy vehicle operations in Australia.

### Issue

#### Scope of fatigue provisions

- Fatigue management requirements under the current HVNL only apply to fatigue regulated heavy vehicles (FRHVs). FRHV is defined as a vehicle (or vehicle combination) with a GVM of more than 12 tonnes. These vehicles are primarily focused on long-haul interstate journeys.
- While work diaries are the primary tool for checking compliance, they are not required for 'local work'—that is, vehicles operating within 100 km of their base, implicitly presuming that long-haul operations have a higher fatigue risk. Therefore, the HVNL does not address fatigue risks associated with smaller heavy vehicles or those undertaking localised trips.

### Policy options

#### Option-8.3a – Target requirements at higher-risk category drivers

- A requirement could apply to drivers that are higher risk of fatigue due to the nature of their work e.g. long hours on task, night driving and inadequate sleep opportunity over an extended period.
- The HVNL could be amended where certain fatigue management requirements could apply to higher fatigue risk drivers, and anyone who works:
  - More than 60 hours per week
  - More than once per week for more than 10 hours between substantive rests
  - More than once per week between midnight and 5.00am.
- The proposed mechanism could verify which drivers the requirements do and do not apply to, however the onus could be on drivers and operators to comply, or show they are not higher risk drivers according to methods suited to their business.

#### Option-8.3b – Widen the scope of fatigue regulated vehicles

- The vehicles captured in the fatigue requirements could be expanded to:
  - All vehicles with GVM greater than 4.5 tonnes
  - All vehicles with GVM greater than 8 tonnes.
- Drivers of any heavy vehicle regulated under the future HVNL could be covered by the fatigue management provisions.

#### Option-8.3c – A combination of specific drivers and specific vehicles

- An option combining options 8.1(a) and 8.1(b) establishing a concept of 'fatigue regulated driver' could be applied to manage fatigue risk. This attaches the fatigue management requirements to the fatigue risk of the driver while minimising the regulatory burden for the lighter end of the heavy vehicle fleet.

### Read more

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- You can read more about 8.3: Widen the scope of fatigue requirements in the [RIS](#) and [HVNL 2.0](#).

### Have your say

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- The NTC will continue to engage with stakeholders providing opportunities to help finalise the HVNL reform options.
- Make a short submission. Tell us what options you prefer, least prefer and why on the [HVNL microsite](#).