

Heavy Vehicle National Law Review

Establish

1. The National Transport Commission (NTC) will review the Heavy Vehicle National Law and its supporting regulations (collectively, the HVNL).
2. The review will commence on the approval of these terms of reference by the Transport and Infrastructure Senior Officials Committee (TISOC) on behalf of the Transport and Infrastructure Council (the Council).

Purpose

3. The purpose of the review is to deliver – from a first principles perspective – a modern, outcome focussed law regulating the use of heavy vehicles that will:
 - a. improve safety for all road users
 - b. support increased economic productivity and innovation
 - c. simplify the HVNL, its administration and enforcement
 - d. support the use of new technologies and methods of operation, and
 - e. provide flexible, outcome-focussed compliance options.

Governance

4. The NTC will:
 - a. conduct the review on behalf of the Council
 - b. report on review progress to the Council, including consultation findings, and
 - c. develop and propose policy recommendations to the Council.
5. The NTC will report and propose policy recommendations to the Council via the Transport and Infrastructure Senior Officials' Committee (TISOC).

Scope and key considerations

6. The review will consider:
 - a. whether the objects of the HVNL remain appropriate and clear
 - b. the efficacy of the HVNL in fulfilling its objects
 - c. closer alignment with model Work Health and Safety Law
 - d. the benefits of increasing national consistency of heavy vehicle regulation, able to adapt and apply sensibly to remote, regional and urban areas

- e. the varied freight task and capacity of those in the road freight supply chain to comply with the HVNL
- f. opportunities to remove legislative hurdles to efficient administration of the law
- g. opportunities to restructure and simplify the HVNL, remove redundancy and move detail down the hierarchy of legislative instruments, and
- h. the capacity of the law to accommodate new business models, digital technologies and data.

Priorities

- 7. Without limiting its scope, the review will address the following priorities:
 - a. safe and efficient heavy vehicle access, including simpler, quicker and more amenable access decision making processes
 - b. a risk based approach to regulating fatigue, based on evidence, to reduce complexity and administrative burdens
 - c. an improved accreditation framework, designed to inspire and embed more innovative, more efficient and safer compliance
 - d. the increasing use of technology and data for regulatory purposes, and
 - e. any other priorities identified during the review.

Regarding other reviews

- 8. The review will regard the outcomes of:
 - a. the Commonwealth's Review on Oversize Overmass Access Arrangements
 - b. the Inquiry into National Freight and Supply Chain Priorities and the National Freight and Supply Chain Strategy
 - c. the NHVR's Review of Heavy Vehicle Accreditation Systems
 - d. Transport Certification Australia's improvements to the Intelligent Access Program
 - e. the NHVR's introduction of the Electronic Work Diary
 - f. the NTC and Alertness CRC's Heavy Vehicle Fatigue Data Research Project, and
 - g. any other relevant reviews.

Consultation

- 9. In conducting the review, the NTC will consult with relevant organisations and stakeholders, including:
 - a. the Commonwealth Government
 - b. state and territory governments, including non participating jurisdictions
 - c. local governments
 - d. the National Heavy Vehicle Regulator

- e. the trucking industry and trucking industry associations
 - f. other regulated parties and their representatives
 - g. enforcement agencies and police
 - h. Austroads
 - i. Transport Certification Australia, and
 - j. the Australian community.
10. In addition to the consultation described in section 9, an expert panel (Panel) will be convened to guide the review. The Panel:
- a. will comprise members nominated by TIC
 - b. will have an independent chair
 - c. will guide the NTC on the review,
 - d. consider the current operation of the HVNL
 - e. propose opportunities to improve policies underpinning the HVNL; and
 - f. provide independent advice to Council on the direction of the review.
11. The review will also be oversighted by the Jurisdictional Strategic Oversight Panel (JSOP), comprising deputy secretary / deputy director general level officers, to facilitate government engagement and collaboration.
12. Industry will be comprehensively engaged via a variety of dedicated forums.

Completion and implementation

13. The review will be completed by the end of 2019 and the NTC will provide recommendations to the Council for approval. Recommendations may be provided to the Council prior to the review's completion.
14. The NTC will lead drafting of proposed legislative amendments from mid-2019, based on approved recommendations.