

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

Revision of the Fatigue Management Framework

- Fatigue management under the current HVNL is highly prescriptive. The inputs or specific actions that parties must take are specified in detail rather than the safety outcomes they must deliver. Specific requirements in the HVNL are complex and highly administrative.
- In addition to hours of work and rest, the current HVNL prescribes how to count time, how to record time, and how rest breaks could be taken.
- Challenges exist with the three tiers. There are difficulties with compliance, ability to conduct safety checks, take breaks when tired, unforeseen circumstances, and aligning risks with associated operations.
- Reforming the prescriptive work and rest hours for fatigue management (standard hours) to create an easier to understand and more flexible general schedule that is tied to rest, is sought.
- The HVNL applies a "one size fits all" approach and does not tailor regulation for segments of the industry or types of operators. This is particularly a problem for remote area operators who have unique risk profiles due to the distance, lack of rest areas and facilities, extreme temperatures and limited interaction with other road users.

Policy options

Option-8.1 – Making standard hours less complex

- The future HVNL might allow the NHVR to approve a work and rest schedule that are equivalent or lower risk than the prescribed hours within the general schedule. Cumulative on-duty/work time limits and rest requirements remain applicable, however how these are spread in a 7-day period (or 14-day cycle) can be varied to suit operational requirements.
- Risk assessments may consider remote operations and may be limited to certified operators to help mitigate risks.
- Outer driving time limits could likely be set in the HVNL. Schedules could be developed by the NHVR, or by operators and put to the NHVR for approval.
- More flexibility could be provided for rest breaks allowing a 1-hour transfer and split rest break. The maximum 72-hour in a 7-day period could still apply.

Options-8.1a and 8.1b – Simpler work and rest hours linked to scientific evidence

- Counting time under the current HVNL could be simpler involving changes to arrangements for standard hours for drivers:
 - The maximum continuous driving time could be shorter (4 hours vs the current 5 hrs 15 minutes), however short rest breaks and night rest breaks could not be prescribed

- More driver discretion opportunities since the 1-hour transfer and split rest opportunities do not exist under the current prescribed rules.
- Under this option, time could be reclassified to support simpler work and rest requirements with improved alignment with scientific evidence. This is where total daily driving time could be the same as 'standard hours' under the current HVNL, however the driver task could be broken up more and better linked to time elapsed since sleep.
- Work time and driving could be simplified and linked to rest opportunity rather than 24-hour period. Avoiding the overlapping 24-hour period constraints e.g. A rest opportunity of 8+ continuous hours effectively resets allowable driving time.
- A new general schedule could include options to manage unforeseeable events or disincentivising activities, by providing more flexibility e.g. in split rest breaks and single extended days.

Option-8.2 – Revision to Tier 2 and 3 of the Fatigue Framework

- A new three-tiered fatigue management framework with clear points of delineation and increased flexibility where operators are not unnecessarily constrained by prescriptive rules could be established for Tier 1 (Standard hours) and Tier 2 (Performance-based).
- The HVNL may provide additional compliance options for operators with the highest level of assurance:
 - Tier 3 – Safety assurance. For highly sophisticated operators, fatigue could be managed through a comprehensive data-driven safety management system (SMS). Schedules and record-keeping could not necessarily be required, however outer limits on driving hours may still apply.
- Operators meeting a certain level of assurance could be able to operate under NHVR-approved schedules that have conditions. This could be in the form of fatigue and distraction detection technology (FDDT), driver training or medicals.

Option-5.3 – Remote zone

- A remote zone could be introduced into the future HVNL to enable a more targeted risk-based approach to regulation specifically for vehicles operating in unique remote areas. This could be used to enable risk based regulatory approaches to be developed in relation to more flexible hours of work and rest for approval by the NHVR for remote areas.

Read more

- You can read more about option 8.1: Making standard hours less complex in:
 - 8.1(a): Making counting time simpler - read in the [RIS](#) and [HVNL 2.0](#).
 - 8.1(b): Reclassifying time using a “rest reference” - read in the [RIS](#) and [HVNL 2.0](#).
- You can read more about option 8.2: Revision to Tier 2 and 3 of fatigue management framework in the [RIS](#) and [HVNL 2.0](#).
- You can read more about option 5.3 Establish a remote area zone in the [RIS](#).

Have your say

- 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](#).