

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

Record-keeping

- The current HVNL details requirements for obtaining, filling in and carrying a work diary, and there are even more work diary requirements in the regulations.
- Drivers must also follow very specific instructions for filling in the work diary itself. The complexity of the work and rest requirements also means that the information that drivers need to record is highly detailed. There is a lot of scope for administrative error and often unintentional errors result in disproportionately punitive fines.

Policy options

Option-8.4 – Reforms to make record-keeping simpler and risk-based

- A simplified version of the existing national written work diary, or an approved electronic work diary could be developed applying to higher fatigue risk drivers who do not make use of fatigue monitoring technology. This could make the diaries easier to fill in because it is based on simplified work and rest hour and counting time requirements.
- A detailed policy could be developed on what will and won't be included in the simplified work diary to ensure flexibility to operators own business model.
- The distinction between local work and 100+km work could be removed under this option, and roadside enforcement could no longer be used for record-keeping offences, however authorised officers could still have the power to ground drivers for a fatigue risk or flag an operator to be audited by the NHVR.

Option-8.5 – Mandate electronic records

- Fatigue management could rely more on advance fatigue monitoring technologies.
- Fatigue-regulated operators and drivers operating under the Tier 1 prescriptive rules could use an Electronic Work Diary (EWD) to record information to demonstrate compliance with the work and rest rules. Operators in Tier 2 may choose to use an EWD as their primary method for demonstrating compliance with work and rest rules, however could still choose alternative records e.g. fatigue monitoring technologies.
- A requirement could be placed by the NHVR to ensure that any EWD used by an operator could need to be approved as fit for purpose.

Read more

- You can read more about 8.4: Reforms to make record-keeping simpler and risk based in the [RIS](#) and [HVNL 2.0](#)
- You can read more about 8.5: Mandate electronic records 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](#).