

## 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

#### Enable sharing of data with NHVR

- It is suggested the HVNL does not achieve the policy intent underlying the information use and disclosure provisions so as to be clear that such use and disclosure is authorised for the purpose of the relevant state/territory privacy legislation. In practice, it seems the provisions can be (and are) interpreted as limiting what information can be disclosed to the NHVR. The result is that information that would be used by the NHVR is exercising a function under the HVNL – but obtained by state/territory agencies under another law (for example transport of dangerous goods by road) – is considered by some state/territory agencies as not information that is authorised to be disclosed to the NHVR.
- However, some jurisdictional agencies do disclose information with the NHVR, that may otherwise not be considered to fall within the authorised use and disclosure provisions, by utilising information sharing or service agreements.

#### Technology and data framework

- The HVNL contains a great deal of detail on specific areas where technology can be used to demonstrate compliance, for example the Intelligent Access Program (IAP).
- However, there is no overarching framework or clear, general process to enable new technology to be used to aid compliance (for example, on-board mass devices and fatigue and driver distraction monitoring devices).
- Similarly, the HVNL does not recognise commercial systems already being used by industry for safety, compliance and efficiency purposes.

#### Electronic documentation

- The HVNL requires paper documents to be carried by drivers. This imposes a regulatory burden on operators and drivers who must print, carry and produce paper documentation.
- However, many vehicles already have sophisticated systems that would allow for this information to be produced electronically at the roadside.

## Policy options

### Option-5.4 Enable sharing of data with the NHR

- The HVNL may explicitly enable data sharing between jurisdictional agencies and the NHVR for purposes associated with regulating heavy vehicles, such as traffic offence data or information about transporting dangerous goods.
- The framework could also support sharing non-regulatory data (for information and advice) between parties.

### Option-6.1 Technology and data framework

- The framework could cover technology and data assurance, as well as data collection, handling and sharing requirements.
- The HVNL could recognise a standard setter and assurance provider for telematics technologies and associated data, not just one for the IAP.
- Strict rules around data handling and using personal information could apply, including under an operator assurance scheme. Essentially the protective principles under the IAP would apply more broadly.

### Option-6.2a Electronic documentation

- The new HVNL could allow all authorising documents to be produced electronically, whether by carrying an electronic document on a device or via a link to the web or reference to the NHVR portal.
- The new law could add flexibility: operators will still be able to carry paper-form documents if they prefer.
- Electronic documents should be accessible and legible for drivers, operators, the NHVR and roadside enforcement, much like paper documents are today.

### Read more

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- You can read more about option 5.4 in the [RIS](#) and [HVNL 2.0](#).
- You can read more about option 6.1 in the [RIS](#) and [HVNL 2.0](#).
- You can read more about option 6.2a 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](#).