## Heavy Vehicle National Law Reform Implementation – Non-legislative Agency leads

OFFICIAL

|  |  |
| --- | --- |
| Review recommendation | Agreed Agency lead |
| 1.2 Participating jurisdictions required to report every three years on improvements to heavy vehicle productivity, including infrastructure and regulatory settings, based on metrics set by Ministers and produce a three-year forward program for future access improvements. | * National Access Framework for Heavy Vehicles Access Working Group (NSW led) (potentially leveraging data collected through Heavy Vehicle Road Reform).
 |
| 1.3 The law and relevant supporting documents should make clear the roles of the respective government parties with respect to heavy vehicle productivity. | * National Transport Commission as legislative reform lead (where legislative changes required).
* Participating jurisdictions will be responsible for updating supporting documents as applicable in their jurisdiction.
* Queensland to coordinate this work.
* National Heavy Vehicle Regulator to update their documents as required.
 |
| 1.4 Recognise that the National Heavy Vehicle Regulator role in productivity is specific to:1. Facilitating productivity improvements without compromising safety.
2. Creating and maintaining a national integrated access decision making process and system, including the production of statistics.
3. Supporting uptake of safer and higher productivity vehicles.
4. Collaborating with road managers to drive national harmonisation of access.
 | * Legislative reform lead (where overlaps with legislative reforms).
* Leverage Statement of Expectations development (currently NSW led but rotates across participating jurisdictions).
 |
| 2.2 Retain the existing decision-making criteria for access, however, update ministerial guidelines on access decisions to consider the productivity benefits of the application and require decision makers to consider the impact of rejecting access.  | * National Transport Commission as legislative reform lead (where legislative changes required).
* National Access Framework for Heavy Vehicle Access Working Group (NSW led).
 |
|  |  |
| 2.3 Set targets to implement upgraded access arrangements within 3-5 years:1. Automated real time decision making within 3 years.
2. Implementation of automated access assessment, such that the number of access permits required is reduced by 50% within 3 years and 90% within 5 years for all classes of heavy vehicles (including those under the Performance Based Standards (PBS) scheme).
 | * Commonwealth, NSW and Tasmania.
* Austroads.
 |
| 2.4 A national implementation plan to be produced through Austroads project NEF6393 for upgraded access arrangements, to be prepared for ITMM endorsement (in early 2023). - The NEF6393 project has governance arrangements in place, including reference groups for industry and regulators and road managers, and an oversight group agreed by the Austroads Board) – Austroads Freight Taskforce.  - A specialist technical advisor has been engaged by the Commonwealth to provide independent advice to the Steering Committee on the proposed approach, and any concerns or recommendations. | * Commonwealth, NSW and Tasmania, supported by Austroads Freight Taskforce.
* WSP is providing independent technical advice and will liaise with jurisdictions, Austroads and the NHVR, on requirements for interoperability.
 |
| 2.5 The National Heavy Vehicle Access Policy Framework (NHVAPF) (NSW) be expedited and brought to the next ITMM for approval. | * NSW supported by National Heavy Vehicle Access Framework Access Working Group.
 |
| 2.7 An economic appraisal be conducted on the costs and benefits of an ambitious reform agenda of projects to open as-of-right access routes along to the National Road Transport Network, and business cases be prepared where benefits significantly outweigh costs. | * NSW, SA, WA, Tasmania, NT, Queensland, Victoria (in relation to routes in their jurisdiction).
	+ Victoria to coordinate this work.
* Support from Austroads or Australian Road Research Board.
 |
| 2.8 That PBS approvals be better linked with access to networks to: provide certainty of access for PBS Design Approvals, PBS vehicles and common and proven PBS combinations; and improve effectiveness of the PBS design review process by requiring applicants to submit approvals digitally to the National Heavy Vehicle Regulator. | * National Heavy Vehicle Regulator with participating jurisdictions to facilitate access approval.
 |
| 2.9 Provide corresponding access networks for PBS vehicles to a standard vehicle, general access (up to 50.5t GCM) for PBS Level 1 vehicles, and B-double access for PBS Level 2 vehicles. | National Heavy Vehicle Regulator with the support of the Commonwealth and participating jurisdictions to facilitate access approval.  |
| 2.10 Proposed improvements to the PBS Scheme:1. Enable manufacturers of PBS vehicles to self-certify that the build is as per the design.
2. Type approval of component vehicles for the PBS Scheme.
3. Update PBS standards to reflect learnings over the last 20 years and recognise technologies where appropriate.
4. Streamline governance of PBS scheme and continue to gazette networks for PBS vehicles, until online notices are developed.
5. Allow transfer of approvals with sale of a PBS combination.
 | * National Heavy Vehicle Regulator with input from participating jurisdictions.
* Legislative reform lead (where overlaps with legislative reforms).
 |
| 3.1 Fatigue detection and distraction technology should be pursued as a mechanism for actively managing fatigue. | * National Heavy Vehicle Regulator with support from all participating jurisdictions and their law enforcement agencies.
* Legislative reform lead (where overlaps with legislative reforms).
 |
| 3.7 Duties and Driver Health:1. The commercial standards in Australian Fitness to Drive (AFTD) Guidelines should be upgraded to include risk-based screening tests for diabetes, sleep apnoea and cardiovascular issues.
2. All heavy vehicle drivers should be required to have regular medicals against the standards as part of the driver licensing process, licensing/accreditation requirements.
 | 3.7a* National Transport Commission is leading this project as requested by Infrastructure and Transport Ministers’ Meeting in February 2022.

3.7b* National Transport Commission
 |
| 4.1 The shift to risk-based safety-focused law needs to be supported by skills/resourcing for effective enforcement/compliance. | * National Heavy Vehicle Regulator and law enforcement agencies.
* Legislative reform lead (where overlaps with legislative reforms)
 |
|  |  |
| 4.2 That road managers in participating jurisdictions need assurance that there is adequate enforcement and compliance for restricted access vehicles across the national network. As part of the Implementation Plan for the new access arrangements outlined in recommendation 2.3 and 2.4, a review of compliance and the enforcement of access permission should be conducted. | * National Heavy Vehicle Regulator and law enforcement agencies, with Queensland supporting coordination.
* Legislative reform lead (where overlaps with legislative reforms).
 |
| 4.3. That record keeping systems be overhauled so that the number and type of penalties being issued by each enforcement body can be readily ascertained and collated at a national level. | * National Heavy Vehicle Regulator and law enforcement agencies with Queensland supporting coordination.
 |
| 4.4. A national regulatory forum be convened once per year by the National Heavy Vehicle Regulator to for all enforcement agencies to discuss with industry strategies for ensuring enforcement is more consistent. | * National Heavy Vehicle Regulator.
 |
| 8.1. Jurisdictions that don’t currently allow businesses the option of paying heavy vehicle registration monthly by direct debit should consider implementing this customer service improvement. | * All jurisdictions.
 |
| 9.1. Reform the delegation of authority in the HVNL so the National Heavy Vehicle Regulator Board has the power to sufficiently regulate and be held accountable for doing so. At present, many operational and technical matters are still referred to ITMM. | * National Transport Commission as legislative reform lead (this should be progressed as a legislative reform).
 |
| 9.2 The new law is likely to give the National Heavy Vehicle Regulator Board greater discretion and flexibility. It seems appropriate to review the composition and skills mix of the Board and its governance (noting that the Board should remain skills-based). The review findings should be incorporated into the new regulatory framework.  | * National Transport Commission as legislative reform lead (this will require legislative changes as the Board’s skills are specified in the HVNL).
* Queensland.
 |
| 9.3. Detailed proposals on ITMM/Non-ITMM Decision-making:1. The National Heavy Vehicle Regulator should develop, approve, amend and cancel Codes of Practice, subject to statutory consultation requirements. The National Heavy Vehicle Regulator can develop a Code of Practice at the request of industry, or at the direction of Ministers.
2. Business Rules for certification should be developed and approved by the National Heavy Vehicle Regulator.
3. Application forms should be developed and approved by the National Heavy Vehicle Regulator (without being subject to any statutory consultation requirements).
4. Ministerial guidelines should be reviewed, and consideration given to adopting an approach that focuses on Ministerial Directions.
5. The specific ministerial power in s654(1)(a) to approve a standard for sleeper births should be removed. Any sleeper berth standard under the law should be made as part of the vehicle standards Heavy Vehicle Safety Obligations.
6. Mechanisms should exist for the decision to approve a Code of Practice to be challenged (and therefore overturned) for circumstances where a party believes a Code of Practice was not developed in line with statutory consultation requirements (process review not merit-based review).
 | 9.3a* National Heavy Vehicle Regulator.
* National Transport Commission as legislative reform lead (where overlaps with legislative reforms).

9.3b* National Transport Commission as legislative reform lead (this should be progressed as a legislative reform under activities in 9.1).

9.3c* National Heavy Vehicle Regulator.
* National Transport Commission as legislative reform lead (if legislative amendments required).

9.3d* National Transport Commission as legislative reform lead (this should be progressed as a legislative reform under activities in 9.1).

9.3e* National Transport Commission as legislative reform lead (this should be progressed as a legislative reform).

9.3h* National Transport Commission as legislative reform lead (this should be progressed as a legislative reform).
 |

*Note:* Some reforms have been redrafted for brevity.

The full report and associated reforms can be found at the Heavy Vehicle National Law Reform Implementation Steering Committee site [here](https://www.infrastructure.gov.au/infrastructure-transport-vehicles/transport-strategy-policy/infrastructure-and-transport-ministers-meetings/heavy-vehicle-national-law-reform-implementation-steering-committee).