

RE: NATIONAL HEAVY VEHICLE LAWS CONSOLIDATION

Background:

Following the release of the Consultation Regulatory Impact Statement in December 2008 NatRoad commissioned Castalia Strategic Advisors to respond.

The subsequent report *Securing a National Approach to Heavy Vehicle Regulation*, was released in February 2009. The report found that the best option for Australia was to move to a National Heavy Vehicle Regulator (Option 4) with an estimated benefit to the Australian economy of approximately \$1.7 Billion in present value terms.

About NatRoad:

NatRoad was formed in 1994 following the merger of the National Transport Federation and the Long Distance Road Transport Association. Today NatRoad is the largest road transport association in Australia representing over 1100 trucking businesses and tens of thousands of trucks and employees.

NatRoad, the National Road Transport Operators Association, represents road transport operators ranging from owner drivers through to multinational logistics providers. Our members span the country with the majority operating trucks that cross State and Territory borders every day.

Principles in developing a National Heavy Vehicle Regulator

The report *Securing a National Approach to Heavy Vehicle Regulation* detailed some key principles that an efficient and effective regulator should adopt:

- Transparency: NHVR should be clear about its roles and responsibilities and open in its activities;
- Accountability: There should be clear lines of accountability for the NHVR and the States and Territories;
- Targeted: NHVR should ensure that the national regulations are targeted to priority problems;
- NHVR must make regulations easy to understand, for example with publications in user-friendly language;
- Proportionate: NHVR must ensure that the regulation is proportionate to the perceived problem or risk and justifies the compliance costs imposed.

These principles were underscored by three Key Characteristics:

1. Have clear roles and responsibilities. NHVR would have the power to enforce the national regulations;
2. Political leadership skills to manage relationships with service providers in each jurisdiction, to ensure that the delegated powers are used in line with the guidelines;
3. Be a credible regulator with "teeth", that is, a regulator that has credibility with the delegated authorities and the heavy truck industry. Further, NHVR must not be afraid to administer its powers.

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It is in this context that NatRoad has identified its key issues in moving forward with the development of the consolidated legislation ensuring and empowering the regulator to deliver a safer and more effective and efficient industry.

Key Issues for NatRoad in the design of the Consolidated Law:

1. Consistent Outcomes with a primary focus on safety, efficiency and effectiveness.

The NHVR must have targets to promote and achieve real reductions in heavy vehicle accidents and injuries, and to improve both regulatory and industry efficiency and effectiveness. The Regulator should at least annually publish what actions it has taken and how it intends to deliver on these core functions.

The laws themselves and the approach taken by Regulator must deliver on national consistency. In the same circumstances the same answer should be provided across the country. It is critical that this occurs from the ground up. Be it in assessing legal compliance to Work Diary requirements, or in providing access to high productivity vehicles such as b doubles, etc.

2. Function and role of the Regulator: The NHVR must have functions assigned to it as part of the consolidation of laws that enable it to administer the consolidated law and perform its core functions, including but not limited to:
 - a. Developing and administering the institutional policy framework, and appointing, allocating, funding and training enforcement;
 - b. Appointing delegates as it sees fit to administer functions on its behalf. Ie. The enforcement officers and registration functions may well be administered by Staff employed by local jurisdictions;
 - c. Be the authority appointed to administer Heavy Vehicle Registrations;
 - d. Administer Heavy Vehicle Standards;
 - e. Be appointed as the "Road Authority" for the purposes of administering all aspects of the consolidated law, including for mass and loading, Oversize and Overmass Vehicles, and Restricted Access Vehicles;
 - f. Approve, manage and administer Codes of Practice, PBS Applications and AFM Applications; and
 - g. Administer the National Heavy Vehicle Accreditation Scheme.

NatRoad does not support the legislation bypassing the NHVR (ie. locks in reference to local jurisdiction laws for key functions). Issues of local variations can and must be dealt with through the NHVR. This includes addressing issues surrounding decision making on access.

3. Engagement with the Trucking Industry. The Model legislation needs to be shared with the industry in draft form prior to the release of the Regulatory Impact Statement and sign off by Ministers particularly on issues such as function and role.
4. Transparency and fairness. Decisions made by the Regulator or its delegates must be transparent and appealable. Mechanisms should be available for individuals or businesses to appeal Policy decisions both internal to and external of the Regulator.

Further, in fairness to defending a prosecution any matter heard at Court should be able to be moved, without needing the defendant to plead guilty to a Court nearest the defendant. For instance if a Townsville based driver receives an infringement in Western Australia that matter should be able to be brought to Court in Townsville.

5. Educative rather than punitive approach. The current approach to enforcement is seen by industry as a primary focus on roadside enforcement with monetary based penalties acting as the driver of compliance. I.e. Forced compliance based upon the risk of being caught combined with the disincentive of large monetary penalties.

This approach is reinforced by the fact that the default corrective action in road law is a penalty notice. An approach that has had mixed success in delivering safer outcomes in recent times on the road although is delivering a significant impact through disenfranchising much of industry. Amongst the road transport industry the view of the overall fairness and effectiveness of enforcement as a whole has just about never been worse. Drivers and operators are leaving industry in droves and new drivers are being scared off.

The operation of heavy trucks is highly regulated in Australia. Even after the consolidation process there will remain multiple pieces of legislation across the country, which will carry with them hundreds if not thousands of potential offences.

Whilst NatRoad acknowledges that the legal approach will not significantly change in the consolidation process it is critical that the enforcement approach does.

To this end, the Regulator and indeed through the drafting of the laws and supporting strategies, we must deliver an outcome that acknowledges the complexity and rigidness of the law, whilst fostering, rewarding and encouraging safer outcomes, rather than taking a strict punitive approach to “non compliance”.

NatRoad advocates for the greater use of accreditation, the need to acknowledge the commitment and efforts of operators involved in accreditation at the roadside, and the use of alternative sanctions particularly for administrative and minor safety related breaches, such as warnings and improvement notices, combined with a much stronger focus on rectifying one off issues through education.

Stronger penalties such as fines and court action should be aimed only at those that systemically offend or are purposefully being recalcitrant.

6. Review

NatRoad recommends that after an operational period of 12 months the law consolidation outcomes are reviewed to address issues that arise during the operation and implementation processes and to ensure that at a policy level what was intended to occur during the drafting process is actually occurring in practice.

Number	Category	Issue	Draft NatRoad Response
1 –Expert Panel	Registration	States and territories vary as to when inspections of heavy vehicles are required. How effective are annual inspections for renewal of registration? As an alternative approach, are there special risks that may require annual inspection that cannot be effectively managed in a more cost effective way?	We favour annual inspections, with allowance for NHVAS Maintenance accredited operators or equivalent (ie. TruckSafe accredited operators) exempted.
2 –Expert Panel	Chain of Responsibility	The model law indicates that parties in the chain of responsibility should take “reasonable steps” to ensure that a driver is not driving while fatigued. The model law outlines what actions may indicate that reasonable steps were taken to prevent a driver driving while fatigued. However, the model law does not limit or mandate the manner in which a party may prove they took reasonable steps, nor does it specify how a person must manage the risks of heavy vehicle driver fatigue. Should the obligation of parties to take reasonable steps include duties to annually identify and assess risk management practices to manage fatigue?	The model law is adequate in its treatment of reasonable steps, as there are different ways to achieve them. It would be too restrictive, and lead to a loss of flexibility, to mandate specific duties. We strongly support retention of the Reasonable Steps Defence.
3 –Expert Panel	Compliance	The “three strikes” policy allows suspension of vehicle registration to deter recidivist speeding of heavy vehicles. While the “three strikes” policy has been approved it has not been implemented nationally. Should the “three strikes” policy allowing for registration suspension for heavy vehicles found to be used for repeat speeding offences be included in the NHVR Law?	NatRoad supports the extension of chain of responsibility provision to address more broadly speeding heavy vehicles. NatRoad would expect that the National Heavy Vehicle Regulator would put in place strong resources to give effect to these provisions. Three Strikes is not an appropriate tool to address heavy vehicle speeding incidents in zones under 100km/h as it is a blunt tool that fails to provide a reasonable steps defence or acknowledge the control and influence of the registered owner.
4 –Expert Panel	Compliance	The existing model laws allow enforcement officers to issue directions to stop, move or leave a vehicle if the vehicle is on a road or road-related area such as a public place, premises owned or occupied by a public authority or at premises where the	If we understand the point, it would enable enforcement officers to act where vehicles are not on public property . We are not convinced of any public benefit in expanding

		<p>officer is lawfully present. Should this power to issue a direction be extended to include vehicles “seen on a road”?</p>	<p>this power, but are happy to be convinced</p>
5 –Expert Panel	Compliance	<p>The model law allows an enforcement officer to stop a heavy vehicle or direct the vehicle be moved to a suitable location in order for it to be inspected to ensure it is compliant. Should this be extended to allow the vehicle to be detained if the officer believes there may be a safety impact if the vehicle continues to operate?</p>	<p>Our understanding from the National Industry Forum on 16 September was that once a breach is rectified under the Model Law, the vehicle is free to leave.</p> <p>We support approach in the Model law as outline above.</p> <p>NatRoad does not support an extension of the law to allow a vehicle to be detained based on suspicion.</p>
6- Expert Panel	Compliance	<p>The model law only allows courts to impose sanctions against a drivers’ licence where there is a severe mass,dimension or loading breach. Courts do not have this discretion for minor or substantial breaches. States and territories vary about whether mass, dimension and load restraint offences can lead to driver licence or registration sanctions. Should the new law continue to allow courts to impose sanctions relating to driver licences or vehicle registration for mass, dimension and loading offences?</p>	<p>We support the approach taken in the Model Law.</p> <p>Although we acknowledge the important role of chain of responsibility ensuring other parties that influence an outcome on the road are also held to account.</p>
7- Expert Panel	Fatigue	<p>A participant in the Advanced Fatigue Management module is subject to a 16 hour outer limit for work hours. Does a 16 hour outer limit within an AFM program represent an acceptable level of risk for drivers and the community?</p>	<p>We support at a minimum the approach taken in the Model Law.</p> <p>NatRoad is open to the notion of modifying this policy approach to simply access in order to deliver improved acceptance, more certainty in terms of obtaining accreditation and reduce costs.</p> <p>Also, to address concern about inconsistent AFM implementation by jurisdictions, accreditation should be controlled by the NHVR..</p>
8- Expert Panel	Fatigue	<p>There is some variation between states and territories about when drivers of regulated heavy vehicles are required to use a work diary. Some states and territories require all drivers to use work diaries, while other states and territories exempt drivers operating within certain distance limits. The model law</p>	<p>We support the Model Law</p>

		applies a 100+ km distance limit. What should be the threshold distance from base before drivers are required to carry and use a work diary	
9- Expert Panel	Fatigue	The model law includes defences against prosecution for breaches of driving hours under certain limited circumstances relating to short rest breaks (standard hours) and split rest breaks (BFM hours). Should these defences continue to be available?	We support the Model Law. However, we believe that split rest breaks in BFM should be allowed as of right
10- Expert Panel	Fatigue	Management of fatigue risk for long distance road transport has traditionally fallen under transport laws. However, some jurisdictions apply occupational health and safety laws to also actively regulate heavy vehicle driver fatigue. What are the advantages/disadvantages of occupational health and safety or transport law for effective fatigue risk management?	NatRoad supports the Model Law as the prima facie basis for fatigue compliance in the trucking industry ie should be a single system of fatigue in road freight transport
1 Reference Group	Registration	Use of personalised/custom plates and retention of number plate display rights	Agreed - we support use of personalised/custom plates
2 Reference Group	Registration	Obligations of acquirers and disposers when a heavy vehicle is sold or otherwise transferred.	Agreed - road authorities should be notified.
3 Reference Group	Registration	Which types of heavy vehicles should be exempt from the requirement to be registered and how should such exemptions be granted?	This should be limited to exceptional circumstances. As a general rule NatRoad does not support exemptions to registration requirements as this potentially allows unfair competitive arrangements.
4 Reference Group	Registration	How State and Territory laws allowing for registration sanctions to be imposed to encourage payment of outstanding fines will work with a national heavy vehicle registration scheme?	Registration must remain a function of the National Heavy Vehicle Regulator. NatRoad supports the Regulator being able to apply registration sanctions on behalf of local jurisdictions, so long as the vehicle owners are provided with adequate notice in order to remedy the issue. It is important to note that in many circumstances the owner of a heavy vehicle is not the driver and therefore may be an innocent party involved in the collection of monies arising from a driving offence. NatRoad does not support the consolidated law

			delegating Registration administrative functions back to local laws. The Heavy Vehicle Regulator should be in charge of administering the consolidated law, however should be allowed to facilitate requests on behalf of local jurisdictions to apply sanctions.
5 Reference Group	Registration	How should registration concessions be retained under a national heavy vehicle registration scheme?	Concessions should be a function of and administered by the National Heavy Vehicle Regulator. Initial concessions should take account of existing arrangements and ensure that no operator is worse off.
6 Reference Group	Fatigue	What responsibility should heavy vehicle operators have to ensure their drivers carry accreditation documents?	<p>The consolidated law should move away from the requirement for drivers to carry documentation in the cab with respect to accreditation, notices or permits, except where special unique provisions apply to a particular vehicle or load.</p> <p>This would do away with the antiquated need to carry endless paperwork in a cab that serves no real purpose other than an opportunity to fine a driver / operator.</p>
7 Reference Group	Penalties	What penalties should apply to offences under the NHVR Law?	<p>NatRoad and our members have great concerns with the level and quantum of fines that apply to drivers and operators for many administrative type offences, particularly relating to Work Diary record keeping. We acknowledge the validity of the need for the offence, however the fine should be ameliorated to bring these inline with the relevance to safety. In most cases a fine of not more than one penalty point is warranted.</p> <p>This would still cater for a driver being recalcitrant as it</p>

			<p>is highly likely there would be multiple breaches and therefore multiple infringements with the collective impact remaining a significant deterrent. Conversely if it is a genuine mistake then the fine does not result in the driver effectively forfeiting their entire days' pay or weeks' in some circumstances. The impact on drivers and operators is causing significant stress and drivers are leaving the industry.</p> <p>NatRoad further supports greater use of alternative sanctions particularly for administrative and minor safety related breaches, such as warnings and improvement notices, providing focus on rectifying and educating rather than the current big stick approach, which in many cases only adds pressure to earn more in order to pay for the fine.</p> <p>The use of these alternative must be consistent across all officers that enforce the law</p>
8 Reference Group	Administration	Which administrative decisions made under the NHVR Law should be subject to review and what review processes (e.g. internal and/or external review) should apply?	<p>All decisions should be subject to both internal and external review.</p> <p>Internal review should consist of people independent to the original decision making process. External review should be undertaken by a Tribunal completely independent of the Authority, such as an Administrative Appeals Tribunal.</p>
9 Reference Group	Privacy	How will existing model law provisions protecting personal and sensitive information (such as registration information) interact with general privacy laws?	<p>Commonwealth Privacy Act principles should apply.</p> <p>In adopting these principles NatRoad advocates that the consolidated law addresses the safety benefit of providing details of any enforcement</p>

			<p>action to the registered vehicle owner involved.</p> <p>This provides a greater chain of responsibility link to the registered vehicle owner and allows them to act on issues they might not otherwise be aware of. Further, there are currently significant insurance related issues as it is very difficult for registered owners to confirm license validity details..</p>
10 Reference Group	Compliance	Whether industry codes of practice should be registered by the National Heavy Vehicle Regulator and what should be the benefits of registration of codes?	<p>Model Law is supported.</p> <p>A Code of Practice should be prima facie evidence of compliance. It is important that this evidence is able to translate on the roadside to avoid the need and expense involved in defending matters in court.</p>
11 Reference Group	Compliance	Should there be an express requirement for enforcement officers to return seized materials?	Yes, if Model Law is unclear to remove doubt
12 Reference Group	Compliance	Should a person whose property or vehicle is damaged by improper enforcement be entitled to compensation in lieu of having the enforcement officer rectify the damage?	Yes, if Model Law is deficient, at operators choice, as it is not always practical for damage to be rectified eg when time is limited.
13 Reference Group	Compliance	Should the special provisions for enforcement of mass, dimension and load restraints apply when the heavy vehicle is not carrying a load?	No, as this a vehicle standards offence not a loading offence
14 Reference Group	Charges	How should differences in categorising heavy vehicles for the purpose of determining the registration charge be resolved?	Further specific details are needed
15 Reference Group	Restricted Access Vehicles	Should a person other than the operator of a vehicle be entitled to apply for a permit to operate a heavy vehicle or combination above general limits?	<p>Yes, any individual or company should be allowed to apply and obtain a permit.</p> <p>It makes sense that the consignor or receiver of freight be an applicant for a permit.</p>
16 Reference Group	Administration	What fees should be charged for tasks such as issuing a permit or exemption?	Only charges to recover administration costs for issuing the document.
17 Reference Group	Accreditation	How should NHVAS auditors who are not providing satisfactory audit services be managed?	National Regulator should have responsibility for the entire accreditation function, including management of audit quality and auditors.

18 Reference Group	Vehicle Standards	Should the installation of spray suppression devices be mandatory for B-doubles?	No, there is no proven benefit associated with the fitment of spray suppression on any heavy vehicle.
19 Reference Group	Higher Mass Limits	Which heavy vehicles and combinations should be eligible to operate at HML mode?	As per the National Model, with individual network access arrangements, such as the case for example with b doubles, b triples and single trailer combinations.
20 Reference Group	Higher Mass Limits	Should road friendly suspension be mandatory for road trains operating in HML mode?	As per previous question.
21 Reference Group	Higher Mass Limits	Should all axle groups of a combination be required to have road friendly suspension for the combination to operate in HML mode?	No. Should be allowed to operate each axle group at HML.
22 Reference Group	Higher Mass Limits	How should the bridge formula apply to vehicles operating in HML mode?	The alpha delta adjustment HML formula is all that is required,
23 Reference Group	Oversize and Overmass Vehicles	Who should be eligible to drive a pilot or escort vehicle or work as a pilot or escort?	Model Provisions should apply, and should be an option for a licensed driver with accreditation, as accreditation needed for traffic direction and often for insurance.
24 Reference Group	Oversize and Overmass Vehicles	What mass limits should apply for vehicles operating under Class 1 (OSOM) notices or permits?	Model Provisions should apply. <i>Check with Robert</i>
25 Reference Group	Oversize and Overmass Vehicles	How should vehicles carrying agricultural loads (e.g.silage) be accommodated by the NHVR Law?	Essential that NHVR has function to determine.
26 Reference Group	Oversize and Overmass Vehicles	When should pilots and escort vehicles be required and how should they operate when performing the pilot or escort task?	As in the Model Law
27 Reference Group	Oversize and Overmass Vehicles	What arrangements should be in place to allow for special purpose trailers which are not freight vehicles but not necessarily covered by existing model laws?	Essential that NHVR has function to determine.
1 Rego	Registration	States and Territories currently have arrangements for seasonal registration . It is proposed that the NHVR Law include a provision about seasonal registration to insure existing entitlements are retained.	Agreed
2 Rego	Registration	The model law has limited recognition of heavy vehicles being " written off ". Most States and Territories have "written off" vehicle laws applying to heavy vehicles. It is proposed that the NHVR Law be updated to impose obligations on operators, insurers and wreckers to report written off heavy vehicles. These laws will be consistent with existing written-off vehicle laws as implemented in most jurisdictions.	Agreed
3 Rego	Registration	The States and Territories differ regarding	Agreed

		the disclosure of information in the register of vehicles and privacy laws. It is proposed the NHVR Law will ensure information is protected without unnecessary constraints on the use of information for compliance, enforcement or proper administration of the NHVR Law.	
4 Rego	Registration	The model law indicates that information about the registration of a vehicle is not evidence of title . It is proposed that the NHVR Law adopt this approach.	Agreed
5 Rego	Registration	The model law includes a provision requiring existing security interest holders who repossess a vehicle to notify the registration authority. It is proposed that the NHVR Law also include this provision.	Agreed
6 Rego	Registration	All States and Territories allow for the cancellation of registration . Most states and territories also allow for the suspension of registration in certain circumstances. It is proposed that the NHVR Law will adopt the model law and include both registration suspension and registration.	Agreed
7 Rego	Registration	Most States and Territories are consistent with the model laws about issuing and clearing defect notices . Some States and Territories allow other authorised officers (such as environmental protection officers) to issue and cancel defect notices for emissions or noise pollution. It is proposed that the NHVR Law be consistent with the model law but include an offence for defacing/removing a label (except if the windscreen is replaced) and allow for other enforcement officers to issue and cancel notices if authorised by jurisdictional laws.	Essential that NHVR has function to administer. The provisions surrounding this should not be dealt within jurisdictional laws, it needs to be addressed in the consolidated law. NHVR to assign who is an “authorised officer” which should also address issues with respect to cross borders and inter agency. Model Law with suggested change to include defacing / removing a label should apply.
8 Rego	Registration	The model law allows for unregistered vehicles to be used in certain circumstances. It is proposed that the NHVR Law reflect the model law.	Agreed
9 Rego	Registration	States and Territories have slightly different approaches to unregistered vehicle permits . It is proposed the NHVR Law will include a test for ensuring unregistered vehicle permits are issued for appropriate reasons and allow for a maximum duration for these permits.	Agreed. Maximum of annual unregistered vehicle permits would be suitable
10 Rego	Registration	The model law currently allows registration for 3, 6 or 12 months . It is proposed that the NHVR Law adopt the existing model law	Agreed, with no additional fees other than administrative costs

		approach for duration of registration.	
1 Mass and Loading	Mass and Loading	The model law includes a reference to the areas which the law applies to such as roads and road-related areas. It is proposed that the NHVR Law adopt this clause.	Agreed
2 Mass and Loading	Mass and Loading	The question of 'who is liable for vehicles and combinations' for mass and loading purposes is proposed to be dealt with by adopting the C&E definition of "operator". Taking this approach will have the additional benefit of aligning definitions and revising the older mass and loading legislation by reference to the newer C&E model law.	Agreed
3 Mass and Loading	Mass and Loading	The mass and loading legislation in at least one State includes the power to impose mass restrictions for roads. The NHVR Law does not need to deal with mass restrictions for specific roads. This issue will instead be regulated by jurisdiction's road management legislation.	Should be addressed in the consolidated legislation with the function assigned to the NHVR. Issues in relation to jurisdictional access management can still be addressed through operational policy.
4 Mass and Loading	Mass and Loading	The mass and loading legislation contains dimension limits for side projections and sets out the warning signals that the vehicle or load must have when operating. It is proposed to adopt the clauses in the NHVR Laws.	Agreed.
5 Mass and Loading	Mass and Loading	The model law contains a reference to an external document, the Load Restraint Guide. A number of mechanical amendments to the model clause are proposed including referring to the 2004 edition of the Load Restraint Guide, providing information on where the guide can be accessed from, and dealing with amendments to the guide.	Agreed, subject to checking proposed amendments
1 Oversize and overmass vehicles	Oversize and overmass vehicles	Currently it is not an offence for displaying an unnecessary warning sign on an OSOM vehicle (oversize and overmass vehicle). It is proposed that the NHVR Law include an offence for displaying an unnecessary warning sign.	Not agreed-sign may be mistakenly retained. Surely too much warning is not a negative.
2 Oversize and overmass vehicles	Oversize and overmass vehicles	It is proposed that the NHVR Law adopt the same approach to emergencies as that specified in the Restricted Access Vehicles Regulations. The approach essentially allows an Authority (such as a road agency e.g. VicRoads) to exempt a vehicle or combination, or its driver or operator, from the requirements of the Model Regulations in emergencies. While there must be a written record of the exemption (including conditions) granted by the Authority, the exemption may be communicated orally to the operator. The	Agreed Some jurisdictions require unnecessary ministerial approval. A member recently required this & the minister wasn't available!

		proposed amendment to the clause is to allow oral communication of an exemption (applying to both the driver and operator).	
3 Oversize and overmass vehicles	Oversize and overmass vehicles	It is proposed that the model clause dealing with rear marker plates be adopted in the NHVR Laws, with a reference to VSB12 which is the standard for rear marking number plates.	Agreed
4 Oversize and overmass vehicles	Oversize and overmass vehicles	Currently, the model law allows the use of notices and permits to authorise the operation of Class 1 vehicles. It is proposed that the NHVR Law retain notices and permits for OSOM/Class 1 vehicles.	Agreed, with the proviso as stated previously that the consolidated law should move away from the requirement for drivers to carry documentation in the cab with respect to accreditation, notices or permits, except where special unique provisions apply to a particular vehicle or load. Model law should be expanded to all other classes eg Include PBS vehicles
5 Oversize and overmass vehicles	Oversize and overmass vehicles	Gross Vehicle Mass (GVM) is used in the model law to determine which vehicles are covered by the legislation. It is proposed that GVM remain the basis for determining which vehicles are regarded as OSOM/Class 1 vehicles under the NHVR Law.	Agreed, subject to checking re GVM definition used
6 Oversize and overmass vehicles	Oversize and overmass vehicles	The model law clause which deals with OSOM vehicles standing on roads is proposed for adoption in the NHVR Law.	Agreed
7 Oversize and overmass vehicles	Oversize and overmass vehicles	The approach in a number of jurisdictions, which reflects the model law, is that a permit is only issued to one vehicle. It is proposed that the NHVR Laws adopt one State's approach which allows a permit to cover more than one vehicle	Agreed. Can save multiple applications and significant unnecessary paperwork.
8 Oversize and overmass vehicles	Oversize and overmass vehicles	The question of what information must be included in a permit is set out in the model law. A number of options were canvassed. It is proposed that the NHVR Law require the registration number of the applicant's vehicle to be recorded on the permit.	Agreed-registration number or unregistered vehicle permit number is sufficient
9 Oversize and overmass vehicles	Oversize and overmass vehicles	Warning devices are set out in the model law. It is proposed that the model clause be adopted, but with the following minor changes: a) clause 5.3 will be amended to allow different colour warning lights to be used by authorised officers, subject to NHVR approval. b) a pilot may have flashing yellow lights.	Agreed

		<p>c) an escort can be either a police or an Authority's vehicle; and</p> <p>d) Vehicles not wider than 3.1 metres (rather than 3 metres) be exempted from such requirements. This acknowledges that the original exemption applied to vehicles less than 10 feet wide.</p>	
10 Oversize and overmass vehicles	Oversize and overmass vehicles	<p>Special Purpose Vehicles (SPVs) are required under the model law to comply with certain marking requirements so that they and their load are visible on the road. It is proposed that the NHVR Law adopt one State's variation which allows SPVs that do not comply with the marking requirements specified in a notice to be able to apply for a permit.</p>	Agreed, subject to details of state variation
11 Oversize and overmass vehicles	Oversize and overmass vehicles	<p>The model law outlines the way tyre widths must be determined. That clause is proposed for inclusion in the NHVR Law</p>	Agreed, noting that bulges at bottom of tyres should not be included.
12 Oversize and overmass vehicles	Oversize and overmass vehicles	<p>The model law requires a load to be safely loaded in the way that is best able to minimise the width of the vehicle, or the combination and its load. It is proposed that the model clause be adopted in the NHVR Law. It is expected that permits could be used as a means of dealing with vehicles that fall outside of the widths specified in notices, thus preserving any local arrangements or requirements required for operating under a notice to be able to apply for a permit.</p>	<p>Agreed. Noting that NatRoad's view is the consolidated law should move away from the requirement for drivers to carry documentation in the cab with respect to accreditation, notices or permits, except where special unique provisions apply to a particular vehicle or load. In this case an electronic version should be acceptable.</p>
13 Oversize and overmass vehicles	Oversize and overmass vehicles	<p>The measurement of distance and retractable axles for the purposes of OSOM vehicles is dealt with by both the Australian Vehicle Standards Rules and by the OSOM legislation. It is proposed that the NHVR Laws adopt the model OSOM clause.</p>	Agreed.
1 Restricted Access Vehicles	Restricted Access Vehicles	<p>Currently, not all States and Territories require vehicle registration numbers to be recorded on permits. It is proposed that the NHVR Law requires registration numbers or alternatively Vehicle Identification Numbers (VINs) to be recorded on permits.</p>	Agreed with proviso that unregistered vehicles are acknowledged.
2 Restricted Access Vehicles	Restricted Access Vehicles	<p>The model law does not include a limit for the duration of notices or permits (although both these instruments must specify how long they are to remain in force). It is proposed that the NHVR Law will include a maximum duration of 5 years for a notice and a maximum duration of 3 years for a permit. It should be noted that the National Heavy Vehicle Regulator will have the ability</p>	<p>Mostly agreed. Permits should be available for a maximum 5 year duration.</p> <p>Essential that NHVR has function to administer.</p>

		to cancel or amend a permit during the term of the notice or permit.	
3 Restricted Access Vehicles	Restricted Access Vehicles	In order to align, and be consistent, with oversize and overmass vehicles (OSOM) reform, the NHVR Law will adopt the concept of Class 1, 2 and 3 vehicles.	Agreed
4 Restricted Access Vehicles	Restricted Access Vehicles	The model law currently includes an NTC guideline, the <i>Exemptions from Mass and Dimension Standards</i> , which an Authority (such as road agency e.g. VicRoads) must take into account when making a determination on whether to issue a class 3 notice or permit. It is proposed that the model clause be amended in the following way: a) it shall reference the guidelines “approved by the Australian Transport Council” for the purposes of making decisions b) it will extend to cover Class 2 and 3 vehicles; and c) the word ‘must’ will be removed.	Agreed. Essential that NHVR has function to administer.
5 Restricted Access Vehicles	Restricted Access Vehicles	A Class 3 permit under the model law is accompanied by express conditions. The NHVR Law will retain the existing approach with respect to conditions in Class 3 permits.	Agreed
6 Restricted Access Vehicles	Restricted Access Vehicles	It is proposed that the NHVR Law will retain the model clause that exempts class 2 vehicles from mass and dimension limits.	Agreed
7 Restricted Access Vehicles	Restricted Access Vehicles	An Authority has the power to exempt a vehicle or combination, or its driver or operator, from the requirements of the Model Regulations in emergencies. While there must be a written record of the exemption (including conditions) granted by the Authority, the exemption may be communicated orally to the operator. It is proposed that the NHVR Law retain the model clause, but there will be an amendment so that oral communication of an exemption is allowed (applying to both the driver and operator).	Agreed. Essential that NHVR has function to administer.
8 Restricted Access Vehicles	Restricted Access Vehicles	The model law does not contain an offence for a breach of a Class 3 notice or permit. It is proposed that the NHVR Law adopt this approach.	Agreed
1 Higher Mass Limits	Higher Mass Limits	The Higher Mass Limits (HML) permits approved heavy vehicles to operate with additional mass on certain types of axle groups, on a restricted road network and subject to specified conditions. Accreditation for tri-axle vehicles is required under the model law and it is propose that the NHVR Law adopt this approach. However, one of the model law clauses will be varied so that accreditation is not required	Mostly agreed. Function and Administration must remain a under the National Heavy Vehicle Regulator. NatRoad supports the Regulator being able to apply variations on behalf of local jurisdictions (ie. Road Manager).

		if a road manager does not require operators to be accredited.	NatRoad does not support the consolidated law delegating decision making back to local laws. The Heavy Vehicle Regulator should be in charge of administering the consolidated law, however should be allowed to facilitate requests on behalf of local jurisdictions (ie. Road manager) to apply restrictions.
2 Higher Mass Limits	Higher Mass Limits	The model law includes a table that sets out the maximum higher mass limits . It is proposed that the NHVR Law adopt the model table but will make some changes to clarify the intent of the policy and to implement some minor jurisdictional variations.	Agreed.
3 Higher Mass Limits	Higher Mass Limits	The model law allows for mutual recognition of vehicles exempted in another jurisdiction . The new NHVR Law will similarly include mutual recognition provisions.	Why? Any vehicles exemptions should be under the NHVR law, therefore this is irrelevant? Must be a function of the NHVR.
4 Higher Mass Limits	Higher Mass Limits	The model clause outlining what the maximum higher mass limits are, is proposed for adoption in the NHVR Law. One change will be that the requirement to carry documents (notices or orders) will be removed. Note also that the applicable HML notices will specify that all Northern Territory roads are accessible to vehicles operating under HML.	Agreed
1 Compliance & Enforcement	Compliance & Enforcement	The model clause outlining what the maximum higher mass limits are, is proposed for adoption in the NHVR Law. One change will be that the requirement to carry documents (notices or orders) will be removed. Note also that the applicable HML notices will specify that all Northern Territory roads are accessible to vehicles operating under HML.	Agreed
2 Compliance & Enforcement	Compliance & Enforcement	The model law allows an enforcement officer to issue a direction for a person to leave a vehicle or combination. It is proposed the NHVR Law will adopt the model law.	Agreed
3 Compliance & Enforcement	Compliance & Enforcement	The model law only specifies when an enforcement officer may apply for a warrant while procedures for the issue of warrants are left to the States and Territories to determine. It is proposed that States and Territories continue to regulate the procedure	Agreed, subject to a defendant being able to defend any allegations or prosecutions in a location of their choosing. Ie. A matter that arises in NSW should be

		for issuing warrants to ensure it is consistent with other jurisdictional procedures for issuing warrants.	able to be defended in a local court in WA. Further, any ability for a defendant to challenge a warrant must be able to occur across jurisdiction borders. Additionally, to have a matter transferred between courts must not require the defendant to please guilty.
4 Compliance & Enforcement	Compliance & Enforcement	There are slight variations between States and Territories regarding the rights of a person consenting to an inspection or search . The NHVR will adopt the model law.	Agreed
5 Compliance & Enforcement	Compliance & Enforcement	The model law only includes an example provision for defences for failing to provide information in response to a direction. Many states and territories include provisions about the inadmissibility of evidence in certain circumstances. It is proposed the NHVR Law will include a provision about self-incrimination which will restrict use of some evidence for proceedings other than proceedings for mass, dimension or load restraint breaches.	Agreed
6 Compliance & Enforcement	Compliance & Enforcement	The model law allows for enforcement officers to authorise the moving of vehicles and combinations . Many states and territories have provisions which also allow for enforcement officers to authorise the moving of abandoned vehicles. While the NHVR Law will adopt the model law, states and territories will retain their ability to move abandoned vehicles through other laws.	Agreed
7 Compliance & Enforcement	Compliance & Enforcement	States and Territories have different provisions about authorized officer identity cards . It is proposed that the NHVR Law will have one provision about the issue of identity cards but that transitional provisions will allow existing state and territory identity cards to be used for a period of time.	Agreed
8 Compliance & Enforcement	Compliance & Enforcement	In relation to the inspection of vehicles , one state prohibits the taking of photos of passengers unless the likeness of the person was captured incidentally. It is proposed the NHVR Law will not include this prohibition. Privacy laws restricting the unnecessary collection of personal information will continue to apply.	Agreed
9 Compliance & Enforcement	Compliance & Enforcement	The model law allows enforcement officers to exercise powers to inspect premises where records required by law or a compliance scheme are kept. One State also allows inspection or premises where transport or journey documentation is kept. It	Agreed

		is proposed that the NHVR Law will adopt the model law.	
10 Compliance & Enforcement	Compliance & Enforcement	The model law includes a defence if a responsible person is directed to provide information but was unable to do so because of insufficient knowledge. It is proposed the NHVR Law will include this defence and clarify that it places an evidential (rather than legal) burden on an accused responsible person.	Agreed
11 Compliance & Enforcement	Compliance & Enforcement	States and Territories have slight variations in provisions about directions to provide reasonable assistance . It is proposed that the NHVR Law adopt the model law.	Agreed
12 Compliance & Enforcement	Compliance & Enforcement	The model law does not expressly allow for the revocation or lifting of embargo notices to protect evidence . It is proposed that the NHVR Law provide for the lifting of an embargo notice after three months unless proceedings have commenced or a court order has been made to extend the notice.	Agreed
13 Compliance & Enforcement	Compliance & Enforcement	States and territories have minor variations about obstructing an enforcement officer . It is proposed that the NHVR Law adopt the model law.	Agreed
14 Compliance & Enforcement	Compliance & Enforcement	States and Territories have minor variations regarding rectification powers . It is proposed that the NHVR Law adopt the model law.	Agreed
15 Compliance & Enforcement	Compliance & Enforcement	It is proposed the model law imposing sanctions for breaches of all Australian road laws (other than Road Rules and Dangerous Goods laws) involving heavy vehicles will be included in the new NHVR Law..	Agreed as these should all be under the broader function of the National Heavy Vehicle Regulator.
16 Compliance & Enforcement	Compliance & Enforcement	The model law included a defence where a person commits an offence because they were complying with a direction . It is proposed that this defence apply in the NHVR Law.	Agreed. This for example should cover such things as a B-Double travelling along a detour to travel "off route" if the authority has directed traffic via a detour. NB: The detour must be of a standard to take a B-Double safely
17 Compliance & Enforcement	Compliance & Enforcement	The model law outlines which offences were appropriate for infringement notices . Most states and territories adopted the approach in the model law. It is proposed that the NHVR Law be consistent with the model law and offences which can be dealt with by infringement notices under the model law will be dealt with the same way under the NHVR Law	Agreed, subject to NatRoad's view with relation to supporting a greater use of alternative sanctions particularly for administrative and minor safety related breaches, such as warnings and improvement notices, providing focus on rectifying and educating rather than the current big stick approach, which in many cases only

			adds pressure to earn more in order to pay for the fine. The use of these alternative must be consistent across all officers that enforce the law.
18 Compliance & Enforcement	Compliance & Enforcement	The model law includes a provision allowing an enforcement officer to make a direction for the production of documents . It is proposed that the NHVR Law include this provision.	Agreed
19 Compliance & Enforcement	Compliance & Enforcement	The model law includes provisions about enforcement agencies sharing enforcement information and prohibition about improper disclosure of information by enforcement officers. It is proposed the NHVR Law will preserve these provisions.	Agreed
20 Compliance & Enforcement	Compliance & Enforcement	The model law allows an enforcement officer to prevent a vehicle from moving until a mass, dimension or loading breach is rectified. It is proposed that the new NHVR Law adopt the model law.	Mostly agreed, although the law should adopt a provision that requires the enforcement officer to undertake a risk assessment in relation to the safest means to address the breach, including taking account of the impact the proposed grounding location will have on the ability to safely correct the load. In some cases it is "safer" for the vehicle to travel to the nearest location with appropriate facilities to rectify".
21 Compliance & Enforcement	Compliance & Enforcement	The model law includes an obligation for a person to produce a licence and give name and other details as evidence of identify. It is proposed that the NHVR Law adopt the model law.	Agreed
22 Compliance & Enforcement	Compliance & Enforcement	Under the model law enforcement officers have an obligation to warn a person that it is an offence to fail to comply with a direction to produce personal information (such as a driver licence). It is proposed that the new NHVR Law include this requirement.	Agreed
23 Compliance & Enforcement	Compliance & Enforcement	It is proposed that the new NHVR Law will indicate that " compliance purposes " includes investigating breaches of road laws and compliance schemes.	Agreed
24 Compliance & Enforcement	Compliance & Enforcement	The fitness to drive provisions will recognise the recently introduced oral saliva tests now used for detecting drivers using certain drugs.	Agreed
1 Fatigue Chain of	Fatigue COR	Under one State's version of the model law loaders are not captured as a party under the fatigue chain of responsibility. The model law	Agreed

Responsibility		will be retained. This approach was endorsed and is proposed for inclusion in the NHVR Law.	
2 Fatigue Chain of Responsibility	Fatigue COR	In one State it is a requirement that the details of the driver for whom the exemption is sought be included in an application for an exemption from the driver maintaining a work diary. It is proposed that the NHVR Laws include that state's requirement	Agreed
3 Fatigue Chain of Responsibility	Fatigue COR	There is a variation in one State to the duty of an operator to inform a driver about their responsibility with respect to accreditation documents. The model law requires that a driver return their accreditation documents if their accreditation is suspended. In such circumstances, the variation utilises the phrase "ceases to hold" to cover the suspension of accreditation. This drafting phrase is proposed for adoption in the NHVR Law.	Mostly agreed. . Noting that NatRoad's view is the consolidated law should move away from the requirement for drivers to carry documentation in the cab with respect to accreditation, notices or permits, except where special unique provisions apply to a particular vehicle or load. In this case an electronic version should be acceptable.
4 Fatigue Chain of Responsibility	Fatigue COR	A general principle of criminal law, double jeopardy, is dealt with in the model law. Specifically, there is no double jeopardy where a driver is convicted of a fatigue offence under another law for the same act. That has the effect of allowing a breach of fatigue to be prosecuted under multiple laws. The model clauses that deal with this situation are proposed for inclusion in the NHVR Laws.	Usual double jeopardy provisions should apply. Should only be charged once, so laws need to be fair and workable.
5 Fatigue Chain of Responsibility	Fatigue COR	It is proposed that the NHVR Law will adopt the objective reasonableness test when determining causation relating to loading managers, schedulers, consignors and consignees and employers, prime contractors and operators.	Agreed
6 Fatigue Chain of Responsibility	Fatigue COR	Currently, the model law includes an obligation for an Authority to refer certain matters to the Fatigue Authorities Panel but does not extend to matters such as variation, revocation or suspension of exemption or variation or revocation of a condition of exemption. This issue was not felt to need any additional action and it is proposed that the NHVR Law will adopt the model law approach.	NatRoad believes this function structure should be subsumed by the NHVR.
7 Fatigue Chain of Responsibility	Fatigue COR	It is proposed that no change to the model clauses dealing with the annotation of work diaries by enforcement officers where there has been a delay is needed in the NHVR Law.	Agreed- officer must annotate diary

8 Fatigue Chain of Responsibility	Fatigue COR	It is proposed that the NHVL will not include a statement of the obvious from the model law that information written in a work diary is automatically copied onto duplicates.	Agreed
9 Fatigue Chain of Responsibility	Fatigue COR	The NHVR Law will adopt the current model law approach to issuing a work diary (note this includes the issuing of a replacement work diary). This process involves a driver first applying, and then the authority providing a new work diary.	Agreed
10 Fatigue Chain of Responsibility	Fatigue COR	A driver's obligations in the model law relating to destroyed, lost, stolen or malfunctioning work diaries will be adopted in the NHVR Laws.	Agreed
11 Fatigue Chain of Responsibility	Fatigue COR	The model law includes a clause that sets out how information is to be recorded in a work diary. This clause is proposed for inclusion in the NHVR Law.	<p>NatRoad and our members have great concerns with the level and quantum of fines that apply to drivers and operators for many administrative type offences, particularly relating to Work Diary record keeping. We acknowledge the validity of the need for the offence, however the fine should be ameliorated to bring these inline with the relevance to safety. In most cases a fine of not more than one penalty point is warranted.</p> <p>This would still cater for a driver being recalcitrant as it is highly likely there would be multiple breaches and therefore multiple infringements with the collective impact remaining a significant deterrent. Conversely if it is a genuine mistake then the fine does not result in the driver effectively forfeiting their entire days' pay or weeks' in some circumstances. The impact on drivers and operators is causing significant stress and drivers are leaving the industry.</p> <p>NatRoad further supports greater use of alternative sanctions particularly for administrative and minor safety related breaches, such</p>

			<p>as warnings and improvement notices, providing focus on rectifying and educating rather than the current big stick approach, which in many cases only adds pressure to earn more in order to pay for the fine.</p> <p>The use of these alternative must be consistent across all officers that enforce the law.</p>
12 Fatigue Chain of Responsibility	Fatigue COR	Currently one State's fatigue laws provide an exemption from fatigue requirements for bus drivers in circumstances where buses are being used for train replacement services. This will not be adopted in the NHVR laws.	Agreed
13 Fatigue Chain of Responsibility	Fatigue COR	There is currently no express provision for an Authority to give an exemption holder a copy of a revised exemption (though they must give notice of decision), an approach that the NHVR Laws will follow.	Agreed why is there not, what implications does this have?
1 Accreditation	Accreditation	<p>The current approach to National Heavy Vehicle Accreditation Scheme (NHVAS) accreditation, particularly the area of determining if an applicant is appropriate to be accredited, will be updated as part of the NHVR laws.</p> <p>It is proposed that all four NHVAS accreditation modules be regulated using the same laws. Currently the model laws for mass and maintenance management are different from the model laws for basic fatigue and advanced fatigue management.</p>	In principle no problems, so long as industry is engaged on changes and that the NHVR is provided with responsibility and authority for administration.
2 Accreditation	Accreditation	The current model law where an accrediting agency needs to enter into an agreement with an operator that specifies the obligations of that person will not be adopted in the NHVR Laws. The relationship between the accrediting agency and the accredited operator will be controlled by regulation.	Agreed
3 Accreditation	Accreditation	The existing mutual recognition clause which deals with how an accrediting agency recognises and gives effect to decisions and agreements made by another accrediting agency will not be adopted in the NHVR Laws as there will be only one accrediting agency – the National Heavy Vehicle Regulator.	Agreed
4 Accreditation	Accreditation	It is proposed that the rules about periods of accreditation prescribed in the NHVAS business rules should be expressly recognised in the NHVR laws.	Agreed
5	Accreditation	Sanctions for non compliance with NHVAS	NatRoad does not support

Accreditation		conditions (other than breach of BFM and AFM accreditation) is cancellation / suspension.	monetary sanctions for non compliance with NHVAS conditions. This matter should be resolved through the normal audit process and through “non conformances” raised within the operators systems. An operator should not be penalised beyond the need to rectify in order to be in general compliance with conditions of accreditation, and certainly should not be at risk a of a monetary penalty for raising non conformances.
7 Accreditation	Accreditation	Administration Fees	These should be collected by the National Heavy Vehicle Regulator.
1 Concessional Mass Limits	CML	The Concessional Mass Limits (CML) reform does not have accompanying model legislation. However, the agreed national policy which outlines which heavy vehicles are covered by CML is proposed for inclusion in the NHVR Laws	Agreed
2 Concessional Mass Limits	CML	CML enables operators accredited under the National Heavy Vehicle Accreditation Scheme (NHVAS) Mass Management Module to carry increased mass. It is proposed that the NHVR Laws will not include the national CML category in its entirety. Existing variations will be preserved through notices. The issue of wide single tyres mass limits are being dealt with through the High Level Reference Group..	Agreed so long as the NHVR has delegation to administer notices.
1 Intelligent Access Program	IAP	The model law allows a service provider and Transport Certification Australia (TCA) to disclose Intelligence Access Program (IAP) information to police in order to comply with a warrant for law enforcement purposes. It is proposed that this is retained in the NHVR laws.	NatRoad does not support the existing policy approach to IAP. IAP should embrace an “operator accreditation” model as is the case for NHVAS, and move away from regulating the technology solution.
2 Intelligent Access Program	IAP	Under the model law TCA can collect and store information for “law enforcement purposes” and can disclose IAP information to the police under warrant. It is proposed that this is retained in the NHVR laws.	See above.
3 Intelligent Access Program	IAP	The definition of “IAP information” which includes any information generated or collected for any purpose related to the IAP is proposed for adoption in the NHVR Laws. This definition will be reviewed to ensure that	See above.

		it does not impose administrative burdens on IAP service providers and TCA that do not relate to information collected from IAP systems.	
4 Intelligent Access Program	IAP	Currently, the IAP model law requires an operator to take reasonable steps to advise a driver about the existence of IAP monitoring, the use of IAP information and the obligations of the driver to report malfunctions. An operator can comply with their legal requirements by either including a notice in the vehicle cabin (in a form set out by an Authority (such as a road agency)) or in the contract itself. It is proposed that the model clause be amended in the NHVR Law so that it expressly requires an operator to place a notice in the vehicle cabin. The reasonable steps defence will remain.	See above..
5 Intelligent Access Program	IAP	Service providers, TCA and auditors are required to take reasonable steps to ensure that the collection of IAP information does not “intrude to an unreasonable extent on the personal privacy of any individual”. It is proposed that the NHVR Law adopts the model clause	See above..
6 Intelligent Access Program	IAP	One States’ limitation on use or disclosure of IAP information collected for drivers of heavy vehicles subject to IAP conditions when not working will not be included in the NHVL. Existing privacy laws in jurisdictions about employers collecting and using personal information about employees will continue to apply.	See above.
7 Intelligent Access Program	IAP	The obligation that auditors retain records of the use or disclosure of IAP information for 2 years is proposed for inclusion in the NHVR laws.	See above.
8 Intelligent Access Program	IAP	The IAP model law requires TCA and auditors to organise records in a way that allows convenient auditing. This requirement is proposed for inclusion the NHVR Laws.	See above.
1 Vehicle Standards Rules		States and territories currently have different approaches to school bus light warning lights and sign configurations . It is proposed that the NHVR Laws preserve existing variations and allow states and territories to adopt their own practices for local conditions and to be consistent with local traffic rules intended to protect children around school buses.	The law should delegate this function back to the NHVR to deal with. The Regulator could easily adopt a Policy approach preserving existing variations.
2 Vehicle	Vehicle Standards	The model law imposes a 90 km/hr maximum road speed capability for prime movers (i.e.	Mostly agreed. Individual road speed limits should stay

Standards Rules	Rules	the speed limiter) in a road-train combination. However, some states and territories allow a 100km/hr maximum speed limit for these combinations. It is proposed that the NHVR Laws allow speed limiters to have a maximum speed capability of 100km/hr for these combinations. States and Territories will retain the power to determine road speed limits, including speed limits for types of vehicle or combination.	with State and Territory jurisdictions, however NHVR should have power to determine general speed limits for particular heavy vehicles or combinations.
3 Vehicle Standards Rules	Vehicle Standards Rules	The model law indicates vehicles must not emit visible emissions . One state has adapted the model law to prohibit “excessive” visible emissions. It is proposed that the NHVR Law adopt the model law.	Not agreed. This does not reflect reality.
4 Vehicle Standards Rules	Vehicle Standards Rules	While the model law does not include a formula for calculating axle configurations for tri-axle B-doubles , most states and territories have included a formula. It is proposed that the NHVR Laws include a formula for calculating axle configurations.	Not Agreed- need to engage with industry on formula
5 Vehicle Standards Rules	Vehicle Standards Rules	The model law was amended in 2006 to allow a 26 metre length limit for B-double combinations meeting specific requirements. Most states and territories are using permits or notices to allow longer B-doubles. It is proposed that the NHVR Laws implement the amended model law and allow for 26 metre B-doubles which satisfy the specific requirements. States and Territories will continue to be able to issue notices or permits to accommodate local variations.	Agreed for B Doubles but NHVR should issue all notices and permits
6 Vehicle Standards Rules	Vehicle Standards Rules	In relation to the rear overhang , one state has extended the model law definition of “load carrying area” to include the drawbar. It is proposed that the NHVR Laws adopt the existing model law.	Agreed
7 Vehicle Standards Rules	Vehicle Standards Rules	The model law requires rear marking plates complying with Vehicle Standard Bulletin to be installed on most heavy vehicles with a GVM exceeding 12 tonnes. An unnecessary reference to the date of VSB 12 will be removed.	Agreed
8 Vehicle Standards Rules	Vehicle Standards Rules	States and territories differ about the number and types of vehicles that have exemptions for sirens and non-standard lights . While the exemptions are generally applied to police and emergency service vehicles, some states and territories extend the exemption to other agencies such as medical transport services. It is proposed that existing special use vehicles authorised to use sirens and	Agreed Amber beacons should be able to be permanently fixed in the regulations for O/D vehicles carrying loads, Pilot vehicles, Heavy Tow Trucks etc. We previously had to “cover” the beacon when not in use, completely

		non-standard lights will continue to be able to use sirens and non-standard lights and this will be reflected in the NHVR Laws.	impractical!
9 Vehicle Standards Rules	Vehicle Standards Rules	One state has introduced a standard for number plate stickers for hybrid vehicles which is currently being considered for inclusion in the model laws through the ongoing maintenance process. It is proposed that if the maintenance process determines a new standard is required, it will be included in the NHVR Laws.	Agreed
10 Vehicle Standards Rules	Vehicle Standards Rules	The model law currently contains a testing procedure for exhaust emissions for diesel vehicles . Not all states and territories have adopted the procedure. A new test is being developed by the Commonwealth Department. It is proposed that the outcome from the Commonwealth review will eventually be included in the NHVR Laws through the ongoing maintenance process once the test is finalised.	Agreed, subject to industry engagement on procedure.
11 Vehicle Standards Rules	Vehicle Standards Rules	Recent amendments to the model law require vehicles equipped to use compressed natural gas to comply with the Australian Standard. It is proposed to include this requirement in the NHVR Laws.	Agreed
12 Vehicle Standards Rules	Vehicle Standards Rules	There are a number of local special use exemptions for vehicles in states and territories, for example, exemptions to allow bicycle racks on the front of public buses. It is proposed that under the NHVR Laws, the National Heavy Vehicle Regulator will be able to issue these types of exemptions.	Agreed
13 Vehicle Standards Rules	Vehicle Standards Rules	The model law outlines all the requirements that an application for exemption must meet to be considered. Consideration is being given as to whether the NHVR Laws should specify all the information that is required for an application or the National Heavy Vehicle Regulator should be allowed to prescribe forms that specify the required information.	NHVR should be allowed to prescribe forms