



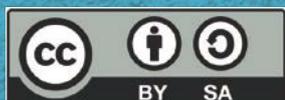
National Heavy Vehicle Regulator

An industry guide to In-principle Support approvals

February 2014



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1 About this information pack

This information pack is the first in a series of publications prepared by the National Heavy Vehicle Regulator (NHVR) to support industry operating under the new Heavy Vehicle National Law (HVNL).

This information pack has been developed to provide general information only as part of a broader engagement and education program lead by the NHVR for industry stakeholders. It is not intended as legal advice.

For more information about the NHVR or the new national law, visit www.nhvr.gov.au or call 1300 MYNHVR¹ (1300 686 987) to speak directly to one of our case managers for access applications.

2 About the NHVR

Based in Brisbane, Queensland, the NHVR is Australia's first national, independent Regulator for all vehicles over 4.5 tonnes gross vehicle mass (GVM) and all fatigue-regulated heavy vehicles over 12 tonnes GVM.

The NHVR was created to administer one set of rules for all heavy vehicles under the Heavy Vehicle National Law (HVNL), improve safety and productivity, minimise the compliance burden on the heavy vehicle transport industry and reduce duplication and inconsistencies across state and territory borders.

The NHVR opened for business in January 2013, initially managing National Heavy Vehicle Accreditation Scheme (NHVAS) accreditations and Performance-Based Standards Scheme (PBS) design and vehicle approvals nationally.

Once the HVNL commences, the NHVR will administer one set of laws for heavy vehicles and deliver a comprehensive range of services under a consistent regulatory framework.



¹ Standard 1300 call charges apply. Please check with your phone provider.

3 One Regulator, one rule book

Once the new national law is in place in participating jurisdictions, Australia's heavy vehicle industry will have one national Regulator looking after one rule book for heavy vehicles over 4.5 tonnes GVM.

At the time of publication, the Heavy Vehicle National Law and Regulations have been passed in Queensland, New South Wales, Victoria, South Australia and Tasmania and are due to commence on 10 February 2014. The Australian Capital Territory will soon begin its legislative process and is expected to commence the national law on the same date. The Northern Territory and Western Australia are not commencing the HVNL at this time.

Once the HVNL takes effect, Australia will have its first one-stop-shop for heavy vehicle road transport business with government. Heavy vehicle operators and drivers will come to us for a comprehensive range of services previously delivered by state and territory road transport authorities.

Heavy vehicle operators and drivers will be able to:

- apply online for access permits through a single national online business portal
- request an internal review of access decision-making
- deliver Australia's freight task under standardised regulation for mass, dimension and loading
- operate heavy vehicles under harmonised, national standards for heavy vehicle inspections and have confidence that these will be applied uniformly across the country
- take advantage of mutual interstate recognition of inspections and defect clearances, reducing vehicle downtime
- align business practices with nationally consistent fatigue management laws
- benefit from nationally consistent penalties and enforcement outcomes at the roadside

3.1 National vehicle standards and modifications

- Heavy vehicle operators can apply directly to the NHVR for heavy vehicle modification approvals and vehicle standards exemption permits.
- The HVNL provides for mutual interstate recognition of inspections and defect clearances.
- Existing approved vehicle examiner schemes and services will continue to be managed by each jurisdiction.

3.2 One point of contact for access permits

Once the HVNL commences, heavy vehicle operators will have one single point of contact for access permits.

- We will liaise directly with road managers (state and territory road authorities and local government) to manage applications from start to finish and issue permits.
- For new permits, applicants can use a step-by-step guide to choose the right form and submit application online, by mail or fax.
- We will notify an applicant when consultation and/or consent with another third party may be required under a jurisdictional law.
- Applicants will only need to submit one application and pay a \$70 fee to the NHVR for their entire journey, no matter how far they are travelling. In some instances, however, road managers may charge a separate route assessment fee.
- If operators have an existing permit, there's no need to re-apply when the HVNL commences.
- Our new online mapping tool, the NHVR Journey Planner, will help applicants find approved access routes on the road network and determine whether they need to submit an access application. Road managers can also use the Journey Planner to assess proposed routes and, where necessary, suggest alternatives. Initially, the Journey Planner will display routes relating to higher mass limits, PBS, B-doubles, road trains and a selection of commodity routes.
- State and territory road authorities will continue to process access permit applications under current jurisdictional law until the HVNL commences. Any applications not finalised by that date will transfer to the NHVR for assessment under the new national law. The NHVR will then coordinate any outstanding approvals from road managers and, if appropriate, issue a permit.
- If applicants are not satisfied with the outcome of their application, they can ask for an internal review of the access decision. Forms will be available from the NHVR website.

3.3 One set of national laws and penalties

- Australia's freight task will be delivered under standardised regulations for mass, dimension and loading.
- Nationally consistent penalties will promote consistent and transparent enforcement.

3.4 One set of national fees

- We will charge one set of fees for our services, so that the cost of doing business with us is predictable and consistent.

4 Vehicle Standards

4.1 About vehicle standards

The Australian Department of Infrastructure and Transport's Vehicle Safety Standards (VSS) Branch maintains jurisdiction over all heavy vehicles up to the point of first supply to the Australian market. VSS certifies heavy vehicles after making sure they meet certain vehicle standards (the Australian Design Rules) that are designed to make vehicles safe to use, control emissions, secure vehicles against theft and promote the saving of energy. Once a heavy vehicle is supplied to the market it is classed as 'in service' and the regulation of vehicle standards related to these vehicles is now part of the Heavy Vehicle National Law. The NHVR delivers a comprehensive range of services (including the regulation of heavy vehicle standards and modifications) under a consistent regulatory framework. The NHVR is responsible for ensuring that heavy vehicles using the roads comply with vehicle standards and are in a safe condition. The NHVR is responsible for the heavy vehicle standards and for exemptions from vehicle standards and the modification of heavy vehicles.

Where vehicles require a vehicle exemption an application must be made to the NHVR for an exemption permit.

Heavy vehicle operators, owners, and modifiers will apply to the NHVR for a vehicle standards exemption (permit) or for approval to modify a heavy vehicle where the modification is not within the NHVR Code of Practice for the Approval of Heavy Vehicle Modifications.

ACT, NSW, Qld, SA, TAS and VIC are participating jurisdictions. NT and WA are non-participating jurisdictions. The operation of complying vehicles across Australia will remain the same. Exemption permits will be accepted for registration in participating jurisdictions. It may be approved for registration in non-participating jurisdictions; however, you will need to check with the non-participating jurisdiction.

Holders of an exemption permit can apply to amend, cancel or suspend a permit. The NHVR can advise the holder of an exemption permit of its intention to amend, cancel or suspend a notice or permit. If the NHVR takes this action the holders must be advised and given the opportunity to make representation about the proposed action.

4.2 Industry Roles and Responsibilities under the HVNL

Under the HVNL, industry will be required to submit all permit applications on the approved NHVR application form to the NHVR.

The HVNL provides that heavy vehicles may only be used on a road if the heavy vehicle complies with the heavy vehicle standards applying to the vehicle or has been granted a vehicle standards exemption by the NHVR.

Heavy vehicles that are exempt from vehicle standards may be subject to conditions to ensure that their use will not impose a significant safety risk and to protect road infrastructure and the environment from damage.

4.3 Importing Heavy Special Purpose Vehicles (SPV)

Many heavy SPVs are imported. There are many circumstances where it is necessary to import heavy vehicles to meet the specific operating needs of the transport industry. Many of these heavy SPVs are designed for specialised tasks and have been manufactured accordingly. As a result they may not meet Australian heavy vehicle standards and require an exemption to be imported.

If the SPV does not meet the heavy vehicle standards e.g. mobile cranes, mobile drilling rigs and mobile plant, an individual heavy vehicle import approval is necessary under the Commonwealth Special Purpose Vehicles import program. Conditions for approval under this option include the need for approval that the heavy SPV can be used on public roads.

To import a vehicle into Australia, prior to approaching the Department of Infrastructure and Regional Development, the potential importer must seek In-principle Support from the NHVR for use of the heavy vehicle in participating jurisdictions.

Before issuing the In-principle Support the NHVR will liaise with the affected road authorities where the heavy vehicle would be registered and/or operated to determine any vehicle, road or travel conditions and if the heavy vehicle would be registered with any additional conditions imposed by a registration authority.

If the NHVR considers that the heavy vehicle would be able to safely operate on the road network it will issue an In-principal support for a vehicle standards exemption indicating the likely conditions and area of operation. This In-principle Support can then be used to support the application to import the heavy vehicle.

4.4 Special Purpose Vehicles built in Australia

Heavy vehicles that have been designed and manufactured in Australia to perform a special function, for example; cranes, road sweepers, etc., are generally considered to be a SPV.

Similar to imported SPVs operators or manufacturers can apply for In-principle Support for the vehicle to operate on the road. The NHVR will liaise with the affected road authorities where the heavy vehicle would be registered and/ or nominated where it wishes to operate to determine any vehicle, road or travel conditions and if the heavy vehicle would be registered with any additional conditions imposed by a road authority.

If the NHVR considers that the heavy vehicle would be able to safely operate on the road network it will issue In-Principle Support for a vehicle standards exemption indicating the likely conditions and areas of operation that can be attached to the application for registration. The NHVR will issue a vehicle standards exemption enabling the heavy vehicle to obtain registration in its home jurisdiction or nominated jurisdiction of operation.

4.5 What's not changing?

Even when the new national law is in place, some aspects of heavy vehicle regulation will stay the same.

- For heavy vehicle registration, inspections, driver licensing and all matters related to the carriage of dangerous goods, operators and drivers will still deal with the relevant state or territory government department.
- State and territory police, and authorised officers will continue to enforce heavy vehicle offences under the new national law. Legal and court processes will largely remain as they are.

5 How to Apply

When the national law commences in participating jurisdictions on 10 February 2014, the NHVR will be responsible for the application of the national heavy vehicle standards and for granting exemptions.

Heavy vehicle operators importing Special Purpose Vehicle's (SPV) need to apply to the NHVR for an In-principle Support and may need a vehicle standards exemption (permit) to enable registration of the SPV.

The NHVR will coordinate your exemption application by liaising directly with registration authorities and road managers to manage applications and issue permits.

Only the NHVR may grant a vehicle standards exemption under HVNL. The HVNL is not intended to prohibit the use of non-complying heavy vehicles that have a genuine reason for using the road but to facilitate the use of such vehicles provided that their impact is fully considered.

In general, there are 5 steps you need to complete when submitting an application.

- **Step 1 – Complete the In-principle Support application form**
- **Step 2 – Comply with statement of requirements**
- **Step 3 – Arrange supervised weigh with local jurisdictional authority**
- **Step 4 – Apply for road access permit with NHVR**
- **Step 5 – Vehicle Standards Exemption and Access approved**
- **Step 6 – Register Vehicle with local jurisdictional authority**

5.1 Step 1 – Complete In-principle Support application form

When an application is submitted, the NHVR will consider vehicle standards and safety issues to decide if a vehicle standards exemption (permit) or a modification approval can be granted. The NHVR will not be charging for vehicle standards applications, at commencement of national law.

Please note: If the vehicle presented for a supervised weigh is different to the vehicle described in the application, it will be classified as a new vehicle, and you will need to re-apply. The NHVR will need to re-assess the vehicle to ensure it meets relevant vehicle standards, access requirements and is able to meet registration requirements of the local registration authority. The NHVR will notify the operator of the result of the assessment in the form of a Rejection or Approval and including any new conditions that may be imposed.

To arrange a supervised weigh please contact the relevant road authority as listed below

- QLD – Department of Transport and Main Roads – 13 23 90
- NSW – Roads and Maritime Services – 13 22 13
- VIC – VicRoads – 13 11 71SA – Department of Planning, Transport and Infrastructure – 1300 882 247
- TAS – Department of Infrastructure, Energy & Resources – (03) 6322 5403xxx – phone number
- ACT – Road Transport Authority – 13 22 81

5.4 Step 4 – Register vehicle with local jurisdictional authority

Following completion of the supervised weigh, SPV's that do not differ from the initial request, the operator can apply directly to NHVR for their access permit. A Vehicle Standards exemption will be issued if required. To register the vehicle you will need to have a vehicle standards exemption permit and an access approval. Please contact your local registration authority to register your vehicle. Inspection services provided by jurisdictions may incur a fee.

5.5 Step 5 – Apply for road access permit with NHVR

Vehicle standards and access applications are assessed on their own merits according to the vehicle standards and access exemptions requested. The assessments will be undertaken in accordance with the requirements of HVNL.

An access exemption for a specific heavy vehicle shall not be issued if a linked vehicle standards exemption application is rejected on the grounds that the heavy vehicle would pose a significant risk to public safety. Where an application concerns a heavy vehicle operating under an existing access exemption permit, the applicant must notify the NHVR of the existing permit. If the vehicle standards exemption application is rejected, the access exemption may also be suspended or cancelled.

To apply for road access permit, please complete an online application form, lodge and pay for your application. Where possible one exemption document will be issued where there is both a heavy vehicle standards and access exemption permit required to operate.

6 Access Roles and Responsibilities under the HVNL

6.1 Industry

Currently, every state and territory has laws that require restricted access vehicles² operating on public roads to do so under a notice or permit.

Under the HVNL, industry will be required to submit all permit applications to the NHVR for states operating under the HVNL. This means that operators must:

- ensure that their planned route is suitable for their particular combination;
- provide all required information requested on the application form;
- identify and obtain any third party consents required (refer to section 6.10 for more information); and
- gain approvals directly from non-participating jurisdictions.

Any other requirements outside the HVNL must also be adhered to.

6.2 NHVR

In the states and territories where the new national law is in place, the NHVR is the only entity that may issue a mass or dimension authority (by gazette notice or by issuing a permit).

The NHVR may only grant a mass or dimension authority if:

- it is satisfied that the use of the heavy vehicle on a road will not pose a significant risk to public safety;
- each relevant road manager has consented to the grant; and
- it is satisfied that all other consents required by local legislation (such as from police or railway operators) have been obtained or given.

The NHVR may grant an access permit subject to conditions. Only the NHVR has the power to decide whether to impose vehicle conditions, although the road manager may request them.

The NHVR must, however, impose road or travel conditions if requested by a road manager.

6.3 State and territory road authorities

In the states and territories where the new national law is in place, road transport authorities will now become partners in determining heavy vehicle access to the road network. They will also still be responsible for providing information on roadworks, road closures and traffic conditions.

² A restricted access vehicle is any heavy vehicle that is subject to restrictions to ensure that the use of these vehicles does not endanger public safety and to minimise any adverse impact on road infrastructure and public amenity.



Under the HVNL, state and territory road transport authorities have a dual role: as road managers responsible for a section of the road network and as a ‘road authority’.

As a road authority, these agencies will have some power to overrule the decisions of other road managers. It is expected that those with delegated authority to act as the ‘road authority’ will be separate from those acting as the ‘road manager’.

6.4 Road manager

For the first time in road transport law, the HVNL expressly identifies a road manager as having particular responsibilities regarding decision-making for heavy vehicle access to the road network. This includes deciding which vehicles access the road network and the conditions under which they will operate.

Under the HVNL, a road manager cannot grant a mass or dimension authority (i.e.: issue a permit or make a notice). Instead, the road manager is responsible for deciding whether to consent to the use of restricted access vehicles on its roads and may require that travel conditions and road conditions must be included in a mass or dimension authority.

The actual notice or permit that allows a restricted access vehicle to use local roads must be issued by the NHVR.

The HVNL provides that a road manager may decide not to give consent if satisfied that the mass or dimension authority will, or is likely to:

- cause damage to road infrastructure; or
- impose adverse effects on the community from noise, emissions or traffic congestion; or
- pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions; and
- it is not possible to consent to the grant subject to road or travel conditions that will avoid or significantly mitigate one of the above relevant risks.

The road manager must determine:

- if the use of restricted access vehicles will cause damage to road infrastructure or have adverse impacts on the community (amenity); and
- whether the restricted access vehicle can be used safely on its road network.

Under the HVNL, road managers do not have to ensure that applicants consult with or obtain the consent of other entities such as electricity, gas and telecommunications utilities. That is the NHVR’s responsibility. However, it is expected that the road manager will often consult with these entities in making their decision to grant access.

6.5 Access conditions

The HVNL introduces the concepts of vehicle, road and travel conditions. Previous legislation did not distinguish between different types of conditions.



Under the HVNL, vehicle conditions are the responsibility of the NHVR, while road and travel conditions are primarily the responsibility of road managers.

Travel conditions

Travel conditions are conditions that limit access to a road to particular days or hours or specify the direction of travel. Time of travel and direction of travel restrictions are imposed by travel conditions.

In instances where escort vehicles are required to accompany the vehicle, it is the responsibility of the operator to arrange the relevant level of escort vehicle to accompany the vehicle.

In instances where escort vehicles are required to accompany the vehicle, it is the responsibility of the operator to arrange the correct level of escort vehicle to accompany the vehicle.

Road conditions

Road conditions are conditions to ensure that the use of a restricted access vehicle on the roads for which the road manager is responsible does not endanger road infrastructure, impose adverse effects on the community or pose significant risks to public safety.

A road condition may require that:

- the vehicle not use particular bridges or sections of the otherwise approved route;
- the vehicle only carry particular loads;
- the vehicle be limited to a particular speed;
- the vehicle's operator participates in an intelligent access program.

Vehicle conditions

Vehicle conditions are conditions about the operation of the vehicle and in particular will regulate the configuration and fitting of equipment to restricted access vehicles.

A road manager may request that the NHVR impose vehicle conditions but cannot refuse consent to an access decision because the NHVR declines a request to impose the condition.

7 Transitional arrangements

7.1 Current vehicle standards exemptions

The HVNL provides that instruments under repealed road transport laws that correspond to HVNL vehicle standards exemptions are to be treated as authorities issued under HVNL. If they were issued prior to the commencement of the HVNL they will have effect:

- For an exemption notice, the period specified in the notice or 5 years from the date of commencement of the HVNL whichever is the sooner;
- For an exemption permit, the period specified in the permit or 3 years from the date of commencement of the HVNL whichever is the sooner; or
- Until the HVNL replaces the exemption notice or exemption permit.

8 Useful links

- One regulator, one rule book <https://www.nhvr.gov.au/news-events/one-regulator-one-rule-book>
- General information about access under the NHVR <https://www.nhvr.gov.au/road-access>
- Access permits – draft forms www.nhvr.gov.au/road-access/access-permits
- National notices and local productivity initiatives www.nhvr.gov.au/lpi
- NHVR HVTV – local government webinar <https://www.nhvr.gov.au/news-events/webcast-hv-tv>
- Fees – NHVR fees and current NHVAS fees schedule www.nhvr.gov.au/law-policies/fees-schedule-by-a-z
- HVNL penalties and infringements summary www.nhvr.gov.au/law-policies/penalties
- *On the Road* (NHVR newsletter) <https://www.nhvr.gov.au/news-events/nhvr-newsletter>



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