

HEAVY VEHICLE NATIONAL LAW

A guide for judicial officers
and legal practitioners

JAN 2024



FOREWORD

This guide is intended to introduce judicial officers and legal practitioners to the components of the *Heavy Vehicle National Law* (HVNL), its jurisdictional operation, key concepts, and available penalty orders. This guide includes commentary to assist judicial officers and legal practitioners to become more familiar with the HVNL and elements of submissions that the National Heavy Vehicle Regulator (NHVR) may put to the Court.

The NHVR and HVNL

The NHVR is a legal entity, existing in law independently of those who operate it.

The NHVR is a statutory body corporate established by Division 1 of Part 12.2 of the HVNL. It is established as a memberless body corporate with perpetual succession, having a common seal and is granted capacity to sue and to be sued in its own name.

Section 657(2) of the HVNL provides that the NHVR represents the State.

Section 3—Object of Law

The object of this Law is to establish a national scheme for facilitating and regulating the use of heavy vehicles on roads in a way that –

- (a) promotes public safety; and
- (b) manages the impact of heavy vehicles on the environment, road infrastructure and public amenity; and
- (c) promotes industry productivity and efficiency in the road transport of goods and passengers by heavy vehicles; and
- (d) encourages and promotes productive, efficient, innovative and safe business practices.

Section 4 states the regulatory framework to achieve that object.

The NHVR is established in multiple jurisdictions. The NHVR is not a Commonwealth agency.

Section 659 sets out a range of functions performed by the NHVR, including facilitating access to the road network, compliance and enforcement, investigations, intelligence and the prosecution of breaches of the HVNL.

Importance of regulation

In 2022 there were 996,000 heavy vehicles registered in Australia, up from 920,000 in 2019. The largest number of those are freight-carrying heavy vehicles.

The median age of a heavy vehicle¹ in Australia is 14.3 years, with the average age being 17.7 years.²

In 2021 163 people were killed in crashes involving heavy vehicles in Australia. These included 99 people killed in crashes involving articulated trucks and another 64 in crashes involving heavy rigid trucks.³

Previous data shows that hundreds of heavy vehicle occupants are hospitalised from road crashes each year. High threat to life injuries have previously comprised around 34 percent of total injuries.⁴

From its inception in 2012, the HVNL has aimed to mitigate the risks of speeding, fatigue or drowsiness, distraction and defective vehicles, by regulating drivers and the off-road parties who have responsibility for a party's transport activities, being parties in the Chain of Responsibility (CoR).⁵

Section 10—Interpretation of Law

Section 10 HVNL provides that the provisions in Schedule 1 apply when interpreting provisions in the HVNL.

Section 7 of Schedule 1 to the HVNL provides that in interpreting a provision of the HVNL, the interpretation that will best achieve the purpose or object of the Law (whether or not expressly stated) is to be preferred over any other interpretation.

Consistent with the position at common law, section 8 of Schedule 1 provides that consideration may be given to extrinsic material capable of assisting in the interpretation:

- if the provision is ambiguous or obscure – to provide an interpretation of it; or
- if the 'ordinary meaning' of the provision leads to a result that is manifestly absurd or is unreasonable – to provide an interpretation that avoids such a result; or
- in any other case – to confirm the interpretation conveyed by the ordinary meaning of the provision.

In determining whether consideration should be given to extrinsic material, and assessing the weight to be given to such extrinsic material, regard must be had to:

- the desirability of a provision being interpreted as having its ordinary meaning; and
- the undesirability of prolonging proceedings without compensating advantage; and
- other relevant matters.

¹ Defined as articulated trucks and heavy rigid trucks.

² Bureau of Infrastructure and Transport Research Economics (BITRE), *Road Deaths in Crashes Involving Heavy Vehicles Oct-Dec 2021 Quarterly Bulletin*.

³ *Ibid*.

⁴ Bureau of Infrastructure and Transport Research Economics (BITRE), *Road Deaths in Crashes Involving Heavy Vehicles Oct-Dec 2021 Quarterly Bulletin*. Data from 2018 shows that 510 heavy truck occupants were hospitalised following road crashes that year. High threat to life injuries have previously comprised around 34 percent of total injuries.

⁵ *Heavy Vehicle National Law and Other Legislation Amendments Bill 2016* (Qld), Explanatory Note.

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What is a Heavy Vehicle?

Section 6 of the HVNL defines a 'heavy vehicle' as:

- a vehicle with a GVM or ATM of more than 4.5 tonnes; or
- a combination that includes a vehicle with a GVM or ATM of more than 4.5 tonnes.

Gross vehicle mass (GVM) means the maximum loaded mass of a vehicle where:

- (a) if the registration authority has specified the vehicle's maximum loaded mass – then as specified by the registration authority; or
- (b) otherwise – then as stated by the vehicle's manufacturer.⁶

Aggregate trailer mass (ATM) means the total maximum mass of a trailer, as stated by the manufacturer, together with its load and the mass imposed on the towing vehicle by the trailer when the towing vehicle and trailer are on a horizontal surface.⁷

NB: Rolling stock is not a 'heavy vehicle' for the purposes of the HVNL. 'Rolling stock' is a vehicle designed to operate or move on a railway track and includes a locomotive, carriage, rail car, rail motor, light rail vehicle, tram, light inspection vehicle, self-propelled infrastructure maintenance vehicle, trolley, wagon or monorail vehicle.⁸

INTRODUCTION TO THE HVNL

The HVNL is an applied law scheme whereby:

- (a) Queensland is the host jurisdiction which enacts the model, HVNL as the National Law; and
The participating jurisdictions are Victoria, South Australia, New South Wales, Tasmania, and the Australian Capital Territory.

The applied HVNL scheme addresses the limited power of the host jurisdiction to legislate extra territorially (i.e. with respect to persons, acts, omissions, events, matters, things etc. outside the host jurisdiction).⁹

The HVNL is a schedule to the *Heavy Vehicle National Law Act 2012* (Qld).

Sections 3 and 4 of the HVNL outline the object of the Law and the regulatory framework to achieve that object.

Section 16 of the HVNL states the intention of parliament as to the extraterritorial operation of the Law.

Section 656 of the HVNL establishes the NHVR with the effect that the NHVR is one single national entity, with functions conferred by the HVNL as so applied.

Section 657 establishes the status of the NHVR as a body corporate, and section 659 establishes the functions of the NHVR.

INTRODUCTION TO PRIMARY DUTY OFFENCES

The most serious offences under the HVNL are contained in Chapter 1A of the HVNL. They relate to the primary duty imposed by section 26C – the duty on each party in the CoR for a heavy vehicle to ensure, insofar as is reasonably practicable, the safety of the party's transport activities relating to the vehicle.

The primary duty is a proactive one, expressed as a duty which is personal to each party in the CoR. This duty is a 'non-delegable duty of care'.¹⁰

26C Primary duty

- (1) Each party in the chain of responsibility for a heavy vehicle must ensure, so far as is reasonably practicable, the safety of the party's transport activities relating to the vehicle.
- (2) Without limiting subsection (1), each party must, so far as is reasonably practicable–
 - (a) eliminate public risks and, to the extent it is not reasonably practicable to eliminate public risks, minimise the public risks; and
 - (b) ensure the party's conduct does not directly or indirectly cause or encourage–
 - (i) the driver of the heavy vehicle to contravene this Law; or
 - (ii) the driver of the heavy vehicle to exceed a speed limit applying to the driver; or
 - (iii) another person, including another party in the chain of responsibility, to contravene this Law.
- (3) For subsection (2)(b), the party's conduct includes, for example–
 - (a) the party asking, directing or requiring another person to do, or not do, something; and
 - (b) the party entering into a contract–
 - (i) with another person for the other person to do, or not do, something; or
 - (ii) that purports to annul, exclude, restrict or otherwise change the effect of this Law.

The duty applies to all parties in the CoR, namely:

- (a) if the vehicle's driver is an employed driver—an employer of the driver;
- (b) if the vehicle's driver is a self-employed driver—a prime contractor for the driver;
- (c) an operator of the vehicle;
- (d) a scheduler for the vehicle;
- (e) a consignor of any goods in the vehicle;
- (f) a consignee of any goods in the vehicle;
- (g) a packer of any goods in the vehicle;
- (h) a loading manager for any goods in the vehicle;
- (i) a loader of any goods in the vehicle; and
- (j) an unloader of any goods in the vehicle.

The standard imposed on each party in the CoR is higher than imposed at the common law as each party must ensure the safety of the party's transport activities relating to the heavy

⁶ s 5 HVNL

⁷ s 5 HVNL

⁸ s 6 HVNL

⁹ The States and Territories are able to enact the Law with extraterritorial effect. However, there must be a 'sufficient connection' between the enacting State or Territory and the extraterritorial persons, acts, omissions, events, matters, things, etc. in relation to which the State or Territory Law operates. This requirement flows from the State constitutions and the self-government Acts of the Territories, which relevantly mandate the State or Territory Laws must be for the 'peace, order and good government' of the State or Territory concerned. See generally *Pearce v Florenca* (1976) 135 CLR 507, 517-8; *Union Steamship Co of Australia Pty Ltd v King* (1988) 166 CLR 1, 14; and *Port MacDonnell Professional Fishermen's Association Inc v South Australia* (1989) CLR 340, 372.

¹⁰ *Kondis v State Transport Authority* 1984 HCA 61; (1984) 154 CLR 672.

vehicle. Having regard both to the context and the purpose, the words 'must ensure' should be understood to have their normal or ordinary English meaning – that is 'must guarantee, secure or make certain'.¹¹

The New South Wales Court of Appeal in *De Paoli* considered a company's failure to comply with their primary duty under the HVNL.¹²

De Paoli involved a line-haul trucking company that operated 32 fatigue-regulated heavy vehicles. In addition to the Company being charged, two individuals were charged, one of whom was the sole director and shareholder of the Company and the other acted as a scheduler for the Company.

The case provides guidance for the severity of penalties imposed in relation to the seriousness of the 'assessment of risk caused by the offending conduct' to 'reflect the purpose of the legislation or have due regard to any of the important sentencing principles for this type of offending'.¹³

The decision reinforces the potentially significant consequences for non-compliance with the primary duty outlined under section 26C of the HVNL and the importance of reviewing safety systems and ensuring operations are within the reasonably practicable ambit to eliminate or minimise risks in transport activities. For the list of relevant sentencing principles as referred to in *De Paoli*, refer to Sentencing Principles (page 21).

TRANSPORT ACTIVITIES

The duty provisions in the HVNL apply to a party's transport activities relating to a heavy vehicle. The breadth of this definition is tempered by the principles in sections 26A and 26B that prescribe a party's duty *inter alia* by their capacity to influence and control the elimination or control of risk. Transport activities are defined in section 5 of the HVNL.

Transport activities means activities, including business practices and making decisions, associated with the use of a heavy vehicle on a road, including, for example

- (a) contracting, directing or employing a person-
 - (i) to drive the vehicle; or
 - (ii) to carry out another activity associated with the use of the vehicle (such as maintaining or repairing the vehicle); or
- (b) consigning goods for transport using the vehicle; or
- (c) scheduling the transport of goods or passengers using the vehicle; or
- (d) packing goods for transport using the vehicle; or
- (e) managing the loading of goods onto or unloading of goods from the vehicle; or
- (f) loading goods onto or unloading goods from the vehicle; or
- (g) receiving goods unloaded from the vehicle.

SAFETY

The safety of road users and the wider community is an objective of the NHVR in relation to the use of heavy vehicles and the risks they pose. Safety is explained by reference to three terms: 'public risk', 'public safety' and 'safety risk'.

'Public risk' is defined as a safety risk, or a risk of damage to road infrastructure.¹⁴

'Public safety' is defined as the safety of persons or property, including the safety of:

- (a) the drivers of, and passengers and other persons in, vehicles and combinations; and
- (b) persons or property in or in the vicinity of, or likely to be in or in the vicinity of, road infrastructure and public places; and
- (c) vehicles and combinations and any loads in them.

'Safety risk' is defined as a risk:

- (a) to public safety; or
- (b) of harm to the environment.

A 'safety duty' is a duty imposed under one of the following eighteen (18) provisions of the HVNL:

- section 26C – the primary duty;
- section 26E(1) or (2) – prohibited requests and contracts;
- section 89(1) – use of unsafe vehicles;
- section 93(1), (2) or (3) – tampering with a speed limiter;
- section 129(1), (2) or (3) – contravention of a mass or dimension exemption;
- section 137 – use of a class 2 heavy vehicle without authorisation;
- section 150(1) – contravention of a class 2 heavy vehicle authorisation;
- section 153A(1) – use of restricted access vehicles;
- section 186(2), (3), (4) or (5) – false or misleading documents for goods;
- section 187(2) or (3) – false or misleading information in container weight declarations;
- section 335(1) – tampering with an approved electronic recording system;
- section 336(1) – permit tampering with an approved electronic recording system;
- section 337(2) – Intelligent Access Program reporting entity permit tampering with an approved electronic recording system;
- section 454(1) or (2) – tampering with an approved intelligent transport system;
- section 467 – contravention of BFM or AFM accreditation conditions;
- section 470(2), (3) or (4) – contravention of heavy vehicle accreditation conditions;
- section 604 – contravention of a supervisory intervention order; and
- section 610 – contravention of a prohibition order.

¹¹ *Kirk Group Holdings Pty Ltd and Anor v WorkCover Authority of New South Wales (Inspector Childs)* 2010 HCA 1; (2010) 239 CLR 531 (French CJ, Gummow, Hayne, Crennan, Kiefel and Bell JJ). See also: *Carrington Slipways Pty Ltd v Inspector Callaghan* (1985) 11 IR 467, 470.

¹² *Transport for New South Wales v De Paoli Transport Pty Ltd* [2022] NSWSC 1678

¹³ *Transport for New South Wales v De Paoli Transport Pty Ltd* [2022] NSWSC 1678, at [68]-[69] (Cavanagh, J)

¹⁴ s 5 HVNL

REASONABLY PRACTICABLE

Reasonably practicable, in relation to a duty, means that which is, or was at a particular time, reasonably able to be done in relation to the duty, weighing up all relevant matters including-

- (a) the likelihood of a safety risk, or damage to road infrastructure, happening; and
- (b) the harm that could result from the risk or damage; and
- (c) what the person knows, or ought reasonably to know, about the risk or damage; and
- (d) what the person knows, or ought reasonably to know about the ways of-
 - (i) removing or reducing the risk; or
 - (ii) preventing or reducing the damage; and
- (e) the availability and suitability of those ways; and
- (f) the cost associated with the available ways, including whether the cost is grossly disproportionate to the likelihood of the risk or damage.

The Model WHS Law provides guidance as to what is considered to be 'reasonably practicable', as do the WHS Codes of Practice.¹⁵

In its earlier form, the HVNL included specific guidance about matters which Courts could take into account when assessing whether a party had or had not taken reasonable steps.¹⁶ However, the shift to duties-based offences and the change in the onus of proof required a different approach.

*SafeWork NSW v Assign Blue Pty Ltd*¹⁷ considered the scope of what is reasonably practicable for employers of labour-hire workers.

It highlighted relevant factors for consideration, namely:

- the defendant's knowledge of risk and eliminating risk;
- the defendant's breach of their duty to expose a person to risk of death or serious injury; and
- the defence of honest and reasonable mistake of fact.

Failing to comply with the primary duty

Failing to comply with the primary duty creates a safety risk and triggers offences, categorised by severity as category 1, category 2 or category 3.

Category 1, 2 and 3 offences are risk based offences, not outcome-based offences. The prosecution does not need to prove that there was a manifestation of the safety risk, that there was a near miss or an actual event. The prosecution does not need to prove a causal link to make out a primary duty offence. In order to satisfy a category 1 or 2 offence, the offence is complete once a risk of death, serious injury or illness is in existence and a person is proximate to it. In order to satisfy a category 3 offence, a person need only be exposed to a safety risk. However, the manifestation of the safety risk will generally be evidence of the existence of the safety risk.

The primary duty creates a broad general duty which, although commonly related to a contravention of the mass, dimension, loading, speed, fatigue or vehicle maintenance provisions of the HVNL, is not limited to these contraventions.

¹⁵ *Slivak v Lurgi (Australia) Pty Ltd and Baiada Poultry Pty Ltd v R* (2012) 246 CLR 92.

¹⁶ s 620-624 HVNL (repealed).

¹⁷ *SafeWork NSW v Assign Blue Pty Ltd* [2020] NSWDC 756, (Scotting, J)

¹⁸ s 596 HVNL

¹⁹ *NHVR v Birrell* [2023] SASC 49

²⁰ *Kirk v Industrial Relations Commission (NSW); Kirk Group Holdings Pty Ltd v WorkCover Authority of NSW (Inspector Childs)* (2010) 239 CLR 531.

Although these provisions are modelled on the Model WHS Law, there are important differences.

CATEGORIES OF BREACHES

There are three categories of breaches:

Category 1 – Section 26F HVNL	Category 2 – Section 26G HVNL	Category 3 – Section 26H HVNL
The person: <ul style="list-style-type: none"> • has a duty under section 26C; and • without reasonable excuse, engages in conduct related to the duty that exposes an individual to a risk of death or serious injury or illness; and • is reckless as to the risk. 	The person: <ul style="list-style-type: none"> • has a duty under section 26C; and • contravenes the duty; and • the contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness. 	The person: <ul style="list-style-type: none"> • has a duty under section 26C; and • contravenes the duty.
Maximum penalty: Individual: \$354,639 or 5 years imprisonment, or both. Corporation: \$3,546,390	Maximum penalty: Individual: \$177,321 Corporation: \$1,773,210	Maximum penalty: Individual: \$59,108 Corporation: \$591,080

Note – The maximum penalties available under the HVNL increase each financial year with CPI.¹⁸

Recklessness

The only offence under the HVNL with a mental element is the category one breach of the primary duty under section 26F.

In order to prove a category one breach, the prosecution is required to prove the mens rea element, namely that the defendant was reckless to the risk.

Recklessness is not defined in the HVNL, but in *NHVR v Birrell*¹⁹ the Court held that the text, context and evident purpose of section 26F demonstrate the legislative intention to create an offence when the defendant knows of the risk involving a possibility (rather than a probability) of death or serious injury or illness and nevertheless proceeds to engage in the impugned conduct.

Particulars of a primary duty offence

The particulars of a primary duty offence under the HVNL will include the nature of the breach and the measures that should have been, but were not, taken.²⁰

MASTER CODE

The Master Industry Code of Practice, commonly referred to as 'the Master Code', is an important resource and a registered industry code of practice under section 706 of the HVNL.

It provides guidance and resources to the heavy vehicle industry that assist parties in the CoR to establish policies and procedures to identify, analyse, evaluate and mitigate general risks associated with meeting their obligations under the HVNL.

The Master Code is published on the NHVR's website and is freely available. However, compliance with the Master Code does not automatically afford a party a defence to an offence. The Master Code provides guidance, however parties in the CoR should use the Master Code in a tailored way that meets their obligations in the specific circumstances of their transport activities.

The Master Code may assist a prosecution to determine what was generally known about industry hazards and methods used to minimise them.

EXECUTIVE OFFICER LIABILITY

Executive, of a legal entity means–

- (a) for a corporation – an executive officer of the corporation; or
- (b) for an unincorporated partnership – a partner in the partnership; or
- (c) for an unincorporated body – a management member of the body.

Due diligence includes taking reasonable steps–

- (a) to acquire and keep up to date, knowledge about the safe conduct of transport activities; and
- (b) to gain an understanding of–
 - (i) the nature of the legal entity's transport activities; and
 - (ii) the hazards and risks, including the public risk, associated with those activities; and
- (c) to ensure the legal entity has, and uses, appropriate resources to eliminate or minimise those hazards and risks; and

(d) to ensure the legal entity has, and implements, processes–

- (i) to eliminate or minimise those hazards and risks; and
- (ii) for receiving, considering, and responding in a timely way to, information about those hazards and risks and any incidents; and
- (iii) for complying with the legal entity's safety duties; and
- (e) to verify the resources and processes mentioned in paragraphs (c) and (d) are being provided, used and implemented.

A duty to exercise due diligence

An executive who fails to exercise due diligence to ensure that their legal entity complies with their safety duty may be charged with an offence under section 26D of the HVNL – even if the legal entity is not charged with a safety duty offence. The executive must exercise due diligence to ensure that the legal entity complies with their safety duty.

Although section 26D of the HVNL creates an offence, the applicable penalty available is the penalty available under the relevant safety duty provision.

The definition of 'due diligence' follows the Model WHS Law definition, which has been the subject of substantial judicial consideration.^{21, 22, 23, 24, 25}

VEHICLE STANDARDS (CHAPTER 3)

Vehicle standards and safety requirements are designed to ensure that only safe and fit for purpose heavy vehicles have access to road networks, in order to minimise risks to public safety. For these reasons, non-compliance with the standards may constitute an offence under the HVNL.

Vehicle standards and safety are managed under Chapter 3 of the HVNL and the Heavy Vehicle (Vehicle Standards) National Regulation. These standards include requirements applying to heavy vehicles, components of heavy vehicles or equipment of heavy vehicles. At times, the NHVR may issue an exemption to the standards as a gazette notice or permit – such notices or permits are limited to very specific circumstances and include conditions which must be complied with.



²¹ *Dawson v Waugh* (1995) NSWIR Comm 14.

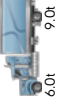
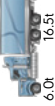
















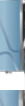
²² *R v Chagot Ltd* (2009) 2 All ER 645.

²³ *Keating v Fry* (2012) WASC 15.

²⁴ *O'Sullivan v New South Wales Department of Education and Training* (2003) 125 IR 361.

²⁵ *Al-Hasani v Kenoss Contractors Pty Ltd (In Liq)* (2015) ACTIR 1 (3 August 2015).

Disclaimer: This chart shows some of the common heavy vehicle combinations used in Australia. In some circumstances, configurations and mass limits may be restricted. Heavy Vehicle Authorisations (Notices) describe these restrictions. Other heavy vehicle configurations may not be represented. Please visit www.nhvr.gov.au/gav for more information.

1. COMMON RIGID TRUCKS - GENERAL ACCESS		Description	Maximum Length (metres)	Maximum Regulatory Mass under GML (tonnes)	Maximum Regulatory Mass under CML (tonnes)	Maximum Regulatory Mass under HML (tonnes)
(a)		2 Axle Rigid Truck	≤ 12.5	15.0	CML does not apply	-
(b)		3 Axle Rigid Truck	≤ 12.5	22.5	23.0	-
(c)		4 Axle Rigid Truck	≤ 12.5	26.0	27.0	-
(d)		4 Axle Twinsteer Rigid Truck	≤ 12.5	26.5	27.0	-
(e)		5 Axle Twinsteer Rigid Truck	≤ 12.5	30.0	31.0	-
2. COMMON SEMITRAILER COMBINATIONS - GENERAL ACCESS						
(a)		3 Axle Semitrailer	≤ 19.0	24.0	-	-
(b)		4 Axle Semitrailer	≤ 19.0	31.5	32.0	32.0
(c)		5 Axle Semitrailer	≤ 19.0	35.0	36.0	37.5
(d)		5 Axle Semitrailer	≤ 19.0	39.0	40.0	40.0
(e)		6 Axle Semitrailer	≤ 19.0	42.5	43.5	45.5
3. COMMON RIGID TRUCK AND TRAILER COMBINATIONS (General access when complying with prescribed mass and dimension requirements)						
(a)		2 Axle Truck and 2 Axle Dog Trailer	≤ 19.0	30.0	-	-
(b)		2 Axle Truck and 2 Axle Pig Trailer	≤ 19.0	30.0	CML does not apply	-
(c)		3 Axle Truck and 2 Axle Dog Trailer	≤ 19.0	40.5	41.0	-
(d)		3 Axle Truck and 2 Axle Pig Trailer	≤ 19.0	37.5	CML does not apply	-
(e)		3 Axle Truck and 3 Axle Dog Trailer	≤ 19.0	42.5	43.5	-
(f)		3 Axle Truck and 3 Axle Pig Trailer	≤ 19.0	40.5	CML does not apply	-
(g)		3 Axle Truck and 4 Axle Dog Trailer	≤ 19.0	42.5	43.5	-
(h)		4 Axle Truck and 3 Axle Dog Trailer	≤ 19.0	42.5	43.5	-
(i)		4 Axle Truck and 4 Axle Dog Trailer	≤ 19.0	42.5	43.5	-





















Disclaimer: The Heavy Vehicle National Law (HVNL) provides for three classes of heavy vehicle as a means of managing access for different types of heavy vehicles. This chart shows some of the most common heavy vehicle combinations that are part of each vehicle class as defined in the Heavy Vehicle National Law (HVNL). It is not a comprehensive representation of the entire Australian heavy vehicle fleet. Other heavy vehicle configurations are used which are not represented. This fact sheet illustrates some common examples from the three different classes of heavy vehicles and is provided for guidance only. Definitions listed within the chart can be found under relevant sections in the Heavy Vehicle National Law (HVNL). For further information, contact the NHVR at 1300 MYNHVR (1300 696 487) or info@nhvr.gov.au or www.nhvr.gov.au/contact-us

Class 1 Heavy Vehicles (examples for illustration purposes)

February 2019

Special Purpose Vehicle (SPV)

Oversize Overmass Vehicles (OSOM)

1		All Terrain Crane	15		Prime Mover and Low Loader (Gooseneck)
2		All Terrain Crane with Dolly	16		Prime Mover and Low Loader with Dolly (Gooseneck)
3		Pick and Carry Crane	17		Prime Mover and Platform Trailer (Gooseneck)
4		Truck Mounted Crane	18		Prime Mover and Extendable Trailer
5		Truck Mounted Drill Rig	19		Block Truck towing Drawn Platform
6		Truck Mounted Concrete Pump	20		Two Block Trucks towing Drawn Platform with Push Block Truck
7		Prime Mover Towing Drill Rig Trailer	HVNL Definitions		
8		Grader	HVNL s116 (1)	HVNL s116 (4) Special purpose vehicle means— (a) A motor vehicle or trailer, other than an agricultural vehicle or a tow truck, built for a purpose other than carrying goods; or (b) a concrete pump or fire truck. HVNL s5 Agricultural vehicle means an agricultural implement or agricultural machine. HVNL s5 Agricultural trailer means a trailer that is designed to carry a load and used exclusively to perform agricultural tasks, but does not include a semitrailer. HVNL s5 Oversize vehicle means a heavy vehicle that does not comply with a dimension requirement applying to it.	
9		Firetruck	(1) A heavy vehicle is a class 1 heavy vehicle if it, together with its load, does not comply with a prescribed mass requirement or prescribed dimension requirement applying to it, and— (a) it is a special purpose vehicle; or (b) it is an agricultural vehicle other than an agricultural trailer; or <i>Note—</i> See subsection (2) for agricultural trailers. (c) it— (i) is a heavy vehicle carrying, or designed for the purpose of carrying, a large indivisible item, including, for example, a combination including a low loader, but (ii) is not a road train or B-double, or carrying a freight container designed for multi-modal transport. (2) An agricultural trailer is a class 1 heavy vehicle , irrespective of whether it, together with its load, does or does not comply with a prescribed mass requirement or prescribed dimension requirement applying to it.		
Agricultural Vehicles (including implements and trailers)			NHVR Notes: Not all SPV's and agricultural vehicles are Class 1 heavy vehicles. SPV's and agricultural vehicles (except agricultural trailers) which comply with prescribed mass and dimension requirements are general access vehicles.		
10		Combine Harvester			
11		Tractor			
12		Grain Auger			
13		Chaser Bin			
14		Cane Haul Out Truck			

Class 2 Heavy Vehicles (examples for illustration purposes)

Freight Carrying Vehicles

Vehicles Exceeding 4.3m in Height (up to 4.6m high as per Schedule 6 of Heavy Vehicle (Mass, Dimension and Loading) National Regulation) (MDL)

ROAD NETWORK ACCESS (CHAPTER 4 OF THE HVNL)

Road network access provisions are managed under Chapter 4 of the HVNL and generally balance productivity enhancement against safety outcomes and the preservation of road infrastructure. Heavy vehicles that do not fit within prescribed dimension and mass limits are not permitted access to the road network without authorisation – whether this be pursuant to an individual permit or in compliance with a gazette notice.

There are strict requirements around heavy vehicle access due to the risk an oversize or overmass heavy vehicle may pose to public safety, public amenity and road infrastructure. For these reasons, travelling on road networks without a permit or outside of the conditions of a permit or gazette notice may constitute an offence under the HVNL.

MASS, DIMENSION AND LOADING (CHAPTER 4 OF THE HVNL)

Chapter 4 of the HVNL and the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* impose strict requirements around the mass, dimension and loading requirements for heavy vehicles.

The primary purpose of these requirements is to decrease risks to public safety and minimise any adverse impact to road infrastructure. This is achieved by imposing limits on the total allowable mass or load of heavy vehicles or particular components of heavy vehicles, limits to the size of heavy vehicles and projection of loads on heavy vehicles, requirements about securing loads and restricting road access for heavy vehicles of a particular size, mass, or configuration.

Mass, dimension and loading offences are categorised into tiered breach categories – minor, substantial and severe. The HVNL sets out how circumstances should be assessed to determine the relevant category, with a focus on the potential risk (see Mass categories of breach and Dimension categories of breach).

Heavy vehicles must comply with the requirements in the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*. Both the driver of the vehicle, and the person who permitted the use of the vehicle may be prosecuted for a mass, dimension or loading offence, which may include the Directors or the Company as an operator of the heavy vehicle.

Heavy vehicles may be exempted from compliance with the statutory mass or dimension requirements. Exemptions are granted by way of Gazette Notice or permit. If a person fails to comply with a condition of a notice or permit, the exemption is disregarded when determining whether a mass or dimension offence has been committed, and the category of the breach.

Loading

The [Load Restraint Guide](#) provides information on how a heavy vehicle's load is to be restrained. The guide includes technical information, detailed diagrams and examples to help to determine the restraint required for the load. The examples were calculated using engineering principles that meet loading performance standards and reflect the latest heavy vehicle technology and appropriate load restraint methods.

*Jesse v Roads and Maritime Services NSW*²⁶ involved an appeal and highlighted the definition of “contained load” in the glossary of the *Load Restraint Guide*.

Mass categories of breach

Minor	A minor risk breach occurs if the breach is a mass up to 4.99% over the permitted mass.
Substantial	A substantial risk breach occurs if the breach is the higher of: (a) a mass equalling between 5% and 19.99% over the permitted mass (rounded up to the nearest 0.1t) (b) 0.5t.
Severe	A severe risk breach occurs if the breach is a mass 20% or more over the permitted mass, rounded up to the nearest 0.1t.



²⁶ *Jesse v Roads and Maritime Services NSW* [2019] NSWCCA 176.

Dimension categories of breach

OVERALL LENGTH	
Category	Applies to overall length where the breach is caused by the load
Minor	Up to 349mm over the maximum permissible length limit
Substantial	350mm up to 599mm over the maximum permissible length limit
Severe	600mm or more over the maximum permissible length limit
OVERALL WIDTH	
Category	Applies to overall width where the breach is caused by the load
Minor	Up to 39mm over the maximum permissible width limit
Substantial	40mm up to 79mm over the maximum permissible width limit
Severe	80mm or more over the maximum permissible width limit
OVERALL HEIGHT	
Category	Applies to the overall height where the breach is caused by the load
Minor	Up to 149mm over the maximum permissible height limit
Substantial	150mm up to 299mm over the maximum permissible height limit
Severe	300mm or more over the maximum permissible height limit
PROJECTING LOADS	
Category	Applies to loads that project from one or both sides of a vehicle where the breach is caused by the load
Minor	Up to 39mm over the maximum permissible width/projection limit
Substantial	40mm up to 79mm over the maximum permissible width/projection limit
Severe	80mm or more over the maximum permissible width/projection limit
REAR OVERHANG	
Category	Applies to rear overhang breaches where the breach is caused by the load
Minor	Up to 349mm over the maximum permissible rear overhang limit
Substantial	350mm up to 599mm over the maximum permissible rear overhang limit
Severe	600mm or more over the maximum permissible rear overhang limit

Loading categories of breach

LIKELIHOOD	CONSEQUENCE	
	Does the loss or shifting of the load involve an appreciable safety risk?	
	No	Yes
When a loss or shifting of the load has occurred	Substantial	Severe
When a loss or shifting of the load has not occurred but is likely to occur	Minor	Substantial

FATIGUE MANAGEMENT

Fatigue in respect of heavy vehicle driving poses a significant risk to drivers and the broader community.

Chapter 6 of the HVNL and the [Heavy Vehicle \(Fatigue Management\) National Regulation](#) set out requirements to manage driver fatigue. The aim is to provide for the safe management of driver fatigue to reduce safety risks – achieved by regulating maximum work hours and minimum rest requirements, and by mandating the recording of this information. Drivers may operate under general schedule standard hours or obtain a form of accreditation that allows for extended driving time.

Driving while fatigued poses a significant risk to drivers, other road users, public amenity and road infrastructure. The tiered breach categories in the HVNL for fatigue offences (minor, substantial, severe and critical) reflect this.

A fatigue-regulated heavy vehicle is defined as any of the following:²⁷

- motor vehicle with a GVM of more than 12 tonnes;
- combination with a GVM of more than 12 tonnes; and
- fatigue-regulated bus (GVM greater than 4.5 tonnes and built or fitted to carry more than 12 adults including the driver).

²⁷ s 7 HVNL

Some vehicles have been specifically excluded from this definition and these include motor vehicles that are:

- built to operate primarily as a machine or implement off-road and are not capable of carrying goods or passengers by road; or
- motorhomes.

For example, a truck with a GVM of 8.7 tonnes towing a trailer with a GVM of 3.4 tonnes (8.7 tonnes + 3.4 tonnes = 12.1 tonnes) would be classed as a fatigue-regulated heavy vehicle.

Tip: The manufacturer specifies the GVM and it may be located on the vehicle identification plate, registration label or papers.

Drivers, schedulers, employers and record keepers of fatigue-regulated heavy vehicles each have positive duties to manage and maintain documents in relation to fatigue management, including recording work and rest times in the driver's National Driver Work Diary (Work Diary), retaining these records and monitoring driving hours.

Drivers can obtain a hard copy Work Diary from the NHVR, or alternatively use an NHVR-approved Electronic Work Diary (EWD).

When does a driver need to carry a Work Diary?

A driver of a fatigue-regulated heavy vehicle is required to carry a Work Diary when they are, or have in the last 28 days, been:

- driving outside a radius of 100km from their driver base (100+km work); or
- working under Basic Fatigue Management (BFM) or Advanced Fatigue management (AFM); or
- working under an exemption.

At the request of an Authorised Officer, drivers must produce their Work Diary records for the previous 28 days.

An Authorised Officer is—

- a police officer declared by a law of a participating jurisdiction to be an authorised officer for the purposes of the HVNL; or
- a person who holds office under the HVNL as an authorised officer.²⁸

Note: some specific State and Territory exemptions exist.

Failure to produce a work diary, in the absence of an exemption could result in a charge under section 293(1)(b) of the HVNL, which attracts a maximum penalty of \$6,000.

It is a requirement that driver's record information in the Work Diary in the manner and at the time prescribed by the *Heavy Vehicle (Fatigue Management) National Regulation*.²⁹ Failure to do so attracts a maximum penalty of \$1500.

What is work time?

Work time includes all tasks to do with the operation of a fatigue-regulated heavy vehicle. In addition to driving, work time also includes tasks such as:

- loading and unloading the vehicle;
- inspecting, servicing or repair work;
- attending to the load or to passengers (on a bus);
- cleaning or refuelling the vehicle;

- instructing or supervising another person including learning to drive a heavy vehicle, learning a new route, making deliveries etc; and
- recording information or completing a document (for example, a Work Diary).

What is rest time?

The definition of rest time "for the driver of a fatigue-regulated heavy vehicle, means "any time that is not work time for the driver".³⁰

Standard hours, BFM and AFM

Standard hours apply to all drivers who do not have accreditation for fatigue management.

TIME	WORK	REST
In any period of...	A driver must not work for more than a maximum of...	And must have the rest of that period off work with at least a minimum rest break of...
5 ½ hours	5 ¼ hours work time	15 continuous minutes rest time
8 hours	7 ½ hours work time	30 minutes rest time in blocks of 15 continuous minutes
11 hours	10 hours work time	60 minutes rest time in blocks of 15 continuous minutes
24 hours	12 hours work time	7 continuous hours stationary rest time
7 days	72 hours work time	24 continuous hours stationary rest time
14 days	144 hours work time	2 x night rest breaks and 2 x night rest breaks taken on consecutive day

Operators with BFM accreditation can operate under more flexible work and rest hours, allowing for (among other things) work of up to 14 hours in a 24-hour period. BFM gives operators a greater say in when drivers can work and rest, as long as the risks of driver fatigue are properly managed.

TIME	WORK	REST
In any period of...	A driver must not work for more than a maximum of...	And must have the rest of that period off work with at least a minimum rest break of...
6¼ hours	6 hours work time	15 continuous minutes rest time
9 hours	8 1/2 hours work time	30 minutes rest time in blocks of 15 continuous minutes
12 hours	11 hours work time	60 minutes rest time in blocks of 15 continuous minutes
24 hours	14 hours work time	7 continuous hours stationary rest time
7 days	36 hours long/night work time	No limit has been set
14 days	144 hours work time	24 continuous hours stationary rest time taken after no more than 84 hours work time and 24 continuous hours stationary rest time and 2 x night rest breaks# and 2 x night rest breaks taken on consecutive days.

²⁸s 5 HVNL
²⁹s 296 (1) HVNL
³⁰s 221 HVNL

AFM is the most flexible work and rest hours option available. Rather than using prescribed work and rest hours, AFM offers operators the flexibility to propose a driver's hours, as long as the fatigue risks of those hours are offset by sleep, rest and other management practices in a compliant fatigue risk management system.

Rules for counting time

It is a requirement to accurately record working times and rest times to manage risks in relation to fatigue. To assist in accurately recording this information, there are rules to assist in counting time.

Time periods are always counted forward from the end of a rest break.

Relevant major rest break

A 'relevant major rest break' means rest time of at least 5 continuous hours.³¹

24-hour periods

Periods of 24 hours must be counted forward from the end of a relevant major rest break. When applied to a 24-hour period a relevant major rest break is the longest continuous rest break required for the hours option.

In *Police v Barnes*,³² Justice Doyle acknowledged that there can be two 24-hour periods running simultaneously and that a major rest break does not 'reset' the 24 hour period for a work hours offence.³³

His Honour said at [37]:

'Nor in my view is there anything in the legislation that suggests that the counting of work time must stop and recommence each time the driver subsequently has a major rest break. In the context of the present case, there is nothing in the legislation that suggests that the counting of work time was to stop when the respondent took a major rest break from midnight on 29 November 2014 and to recommence when he resumed work at 7.45 am on 30 November 2014. While work time may also be counted from that time, that need not be to the exclusion of the earlier period continuing to run.'

Rules for recording time in different time zones

All periods of time (work time and rest time) must be counted in 15 minute blocks relative to the time zone of the driver's base. For example, a driver based in Queensland who drives into NSW during daylight savings time must record their work and rest hours in Queensland time.

Work time is rounded up

Work time limits are maximum limits, so work time is always rounded up to the next 15 minute interval. For example:

- 10 minutes work is counted as 15 minutes of work time; and
- 2 hours and 21 minutes work is counted as 2 hours and 30 minutes of work time.

The image shows a 'NATIONAL DRIVER WORK DIARY DAILY SHEET' for driver Greg Smith on 4/9/19 (Saturday). It includes fields for driver name, license, number plate, date, and time of daily check (7:30pm). The main section is a grid for recording activities, with a bar chart below it showing 'My Work' and 'My Rest' periods. A large watermark reads 'DO NOT DRIVE IF YOU ARE IMPAIRED BY FATIGUE'. The bottom section contains driver identification and signature fields.

Rest time is rounded down

Rest time limits are minimum limits, so rest time is always rounded down to the last 15 minute interval. For example:

- 12 minutes rest does not count as rest time; and
- 6 hours and 40 minutes rest is counted as six hours and 30 minutes of rest time.

³¹ *Roads & Traffic Authority of NSW v Frank Trinci* [2011] NSWSC 211.

³² *Police v Barnes* [2007] SASC 196.

³³ *Police v Barnes* was subsequently cited with approval in *NHVR v Turnbull* [2021] SASC 37 at [22] and followed in *Ballantyne v National Heavy Vehicle Regulator* [2019] SASC 135.

Fatigue categories of breach

STANDARD HOURS – SOLO DRIVER	
Work more than ...	Category
5 ¼ hours in 5 ½ hours	Minor
7 ½ hours in 8 hours	Minor
10 hours in 11 hours	Minor
10 ¾ hours in 11 hours	Substantial
12 hours and up to 12 ¾ hours in 24 hours	Minor
12 ¾ hours and up to 13 ¼ hours in 24 hours	Substantial
13 ¼ hours and up to 13 ½ hours in 24 hours	Severe
13 ½ hours in 24 hours	Critical
72 hours and up to 73 ½ hours in 7 days	Minor
73 ½ hours and up to 74 ½ hours in 7 days	Substantial
74 ½ hours and up to 75 hours in 7 days	Severe
75 hours in 7 days	Critical
144 hours and up to 145 ½ hours in 14 days	Minor
145 ½ hours and up to 146 ½ hours in 14 days	Substantial
146 ½ hours and up to 147 hours in 14 days	Severe
147 hours in 14 days	Critical
Rest (continuous) less than ...	
7 hours stationary rest in 24 hours	Minor
6 ¼ hours stationary rest in 24 hours	Substantial
5 ¾ hours stationary rest in 24 hours	Severe
5 ½ hours stationary rest in 24 hours	Critical
24 hours stationary rest in 7 days	Minor
23 ¼ hours stationary rest in 7 days	Substantial
22 ¾ hours stationary rest in 7 days	Severe
22 ½ hours stationary rest in 7 days	Critical
Night rest breaks with less than ...	
7 hours stationary rest in 14 days	Minor
6 ¼ hours stationary rest in 14 days	Substantial
5 ¾ hours stationary rest in 14 days	Severe
5 ½ hours stationary rest in 14 days	Critical
Consecutive night rest breaks with less than ...	
7 hours stationary rest in 14 days	Minor
6 ¼ hours stationary rest in 14 days	Substantial
5 ¾ hours stationary rest in 14 days	Severe
5 ½ hours stationary rest in 14 days	Critical

STANDARD HOURS – SOLO DRIVER OF A FATIGUE-REGULATED BUS	
Work more than ...	Category
5 ¼ hours in 5 ½ hours	Minor
7 ½ hours in 8 hours	Substantial
10 hours in 11 hours	Minor
10 ¾ hours in 11 hours	Substantial
12 hours and up to 12 ¾ hours in 24 hours	Minor
12 ¾ hours and up to 13 ¼ hours in 24 hours	Substantial
13 ¼ hours and up to 13 ½ hours in 24 hours	Severe
13 ½ hours in 24 hours	Critical
288 hours and up to 289 ½ hours in 28 days	Minor
289 ½ hours and up to 290 ½ hours in 28 days	Substantial
290 ½ hours and up to 291 hours in 28 days	Severe
291 hours in 28 days	Critical
Rest (continuous) less than ...	
7 hours stationary rest in 24 hours	Minor
6 ¼ hours stationary rest in 24 hours	Substantial
5 ¾ hours stationary rest in 24 hours	Severe
5 ½ hours stationary rest in 24 hours	Critical

Six night rest breaks in 7 days: Less than ...	
7 hours stationary rest	Minor
6 ¼ hours stationary rest	Substantial
5 ¾ hours stationary rest	Severe
5 ½ hours stationary rest	Critical
Four x 24 continuous hours stationary rest in 28 days: Less than ...	
24 hours stationary rest	Minor
23 ¼ hours stationary rest	Substantial
22 ¾ hours stationary rest	Severe
22 ½ hours stationary rest	Critical

STANDARD HOURS – TWO-UP DRIVER	
Work more than ...	Category
5 ¼ hours in 5 ½ hours	Minor
7 ½ hours in 8 hours	Minor
10 hours in 11 hours	Minor
10 ¾ hours in 11 hours	Substantial
12 hours and up to 12 ¾ hours in 24 hours	Minor
12 ¾ hours and up to 13 ¼ hours in 24 hours	Substantial
13 ¼ hours and up to 13 ½ hours in 24 hours	Severe
13 ½ hours in 24 hours	Critical
60 hours and up to 61 ½ hours in 7 days	Minor
61 ½ hours and up to 62 ½ hours in 7 days	Substantial
62 ½ hours and up to 63 hours in 7 days	Severe
63 hours in 7 days	Critical
120 hours and up to 121 ½ hours in 14 days	Minor
121 ½ hours and up to 122 ½ hours in 14 days	Substantial
122 ½ hours and up to 123 hours in 14 days	Severe
123 hours in 14 days	Critical
Rest (continuous) less than ...	
5 hours stationary rest in 24 hours	Minor
4 ¼ hours stationary rest in 24 hours	Substantial
3 ¾ hours stationary rest in 24 hours	Severe
3 ½ hours stationary rest in 24 hours	Critical
10 hours stationary rest in 52 hours	Minor
9 ¼ hours stationary rest in 52 hours	Substantial
8 ¾ hours stationary rest in 52 hours	Severe
8 ½ hours stationary rest in 52 hours	Critical
24 hours stationary rest in 7 days	Minor
23 ¼ hours stationary rest in 7 days	Substantial
22 ¾ hours stationary rest in 7 days	Severe
22 ½ hours stationary rest in 7 days	Critical
Night rest breaks with less than ...	
7 hours stationary rest in 14 days	Minor
6 ¼ hours stationary rest in 14 days	Substantial
5 ¾ hours stationary rest in 14 days	Severe
5 ½ hours stationary rest in 14 days	Critical
Consecutive night rest breaks with less than ...	
7 hours stationary rest in 14 days	Minor
6 ¼ hours stationary rest in 14 days	Substantial
5 ¾ hours stationary rest in 14 days	Severe
5 ½ hours stationary rest in 14 days	Critical
Rest 24 hours (stationary in blocks of at least 7 hours continuous)	
Less than 24 hours rest in blocks of 7 hours continuous rest in 7 days	Minor
Less than 7 hours stationary rest in 7 days	Minor
Less than 23 ¼ hours rest in blocks of 7 hours continuous rest in 7 days	Substantial

Less than 6 ¼ hours stationary rest in 7 days	Substantial
Less than 22 ¾ hours rest in blocks of 7 hours continuous rest in 7 days	Severe
Less than 5 ¾ hours stationary rest in 7 days	Severe
Less than 22 ½ hours rest in blocks of 7 hours continuous rest in 7 days	Critical
Less than 5 ½ hours stationary rest in 7 days	Critical

BFM HOURS – SOLO DRIVER	
Work more than ...	Category
6 hours in 6 ¼ hours	Minor
8 ½ hours in 9 hours	Minor
11 hours in 12 hours	Minor
11 ¾ hours in 12 hours	Substantial
14 hours and up to 14 ¾ hours in 24 hours	Minor
14 ¾ hours and up to 15 ¼ hours in 24 hours	Substantial
15 ¼ hours and up to 15 ½ hours in 24 hours	Severe
15 ½ hours in 24 hours	Critical
36 long/night hours in 7 days	Minor
36 ¾ long/night hours in 7 days	Substantial
37 ¼ long/night hours in 7 days	Severe
37 ½ long/night hours in 7 days	Critical
144 hours and up to 145 ½ hours in 14 days	Minor
145 ½ hours and up to 146 ½ hours in 14 days	Substantial
146 ½ hours and up to 147 hours in 14 days	Severe
147 hours in 14 days	Critical
Rest (continuous) less than ...	
7 hours stationary rest in 24 hours	Minor
6 ¼ hours stationary rest in 24 hours	Substantial
5 ¾ hours stationary rest in 24 hours	Severe
5 ½ hours stationary rest in 24 hours	Critical
24 hours stationary rest after no more than 84 hours work in 14 days	Minor
23 ¼ hours stationary rest after no more than 84 hours work in 14 days	Substantial
22 ¾ hours stationary rest after no more than 84 hours work in 14 days	Severe
22 ½ hours stationary rest after no more than 84 hours work in 14 days	Critical
24 hours stationary rest in 14 days	Minor
23 ¼ hours stationary rest in 14 days	Substantial
22 ¾ hours stationary rest in 14 days	Severe
22 ½ hours stationary rest in 14 days	Critical
Night rest breaks with less than ...	
7 hours stationary rest in 14 days	Minor
6 ¼ hours stationary rest in 14 days	Substantial
5 ¾ hours stationary rest in 14 days	Severe
5 ½ hours stationary rest in 14 days	Critical
Consecutive night rest breaks with less than ...	
7 hours stationary rest in 14 days	Minor
6 ¼ hours stationary rest in 14 days	Substantial
5 ¾ hours stationary rest in 14 days	Severe
5 ½ hours stationary rest in 14 days	Critical

BFM HOURS – TWO-UP DRIVER	
Work more than ...	Category
14 hours and up to 14 ¾ hours in 24 hours	Minor
14 ¾ hours and up to 15 ¼ hours in 24 hours	Substantial
15 ¼ hours and up to 15 ½ hours in 24 hours	Severe
15 ½ hours in 24 hours	Critical

70 hours and up to 71 ½ hours in 7 days	Minor
71 ½ hours and up to 72 ½ hours in 7 days	Substantial
72 ½ hours and up to 73 hours in 7 days	Severe
73 hours in 7 days	Critical
140 hours and up to 141 ½ hours in 14 days	Minor
141 ½ hours and up to 142 ½ hours in 14 days	Substantial
142 ½ hours and up to 143 hours in 14 days	Severe
143 hours in 14 days	Critical
Rest (continuous) less than ...	
10 hours stationary rest in 82 hours	Minor
9 ¼ hours stationary rest in 82 hours	Substantial
8 ¾ hours stationary rest in 82 hours	Severe
8 ½ hours stationary rest in 82 hours	Critical
24 hours stationary rest in 7 days	Minor
23 ¼ hours stationary rest in 7 days	Substantial
22 ¾ hours stationary rest in 7 days	Severe
22 ½ hours stationary rest in 7 days	Critical
4 x night rest breaks with less than ...	
7 hours stationary rest in 14 days	Minor
6 ¼ hours stationary rest in 14 days	Substantial
5 ¾ hours stationary rest in 14 days	Severe
5 ½ hours stationary rest in 14 days	Critical
Rest 24 hours (stationary in blocks of at least 7 hours continuous)	
Less than 24 hours rest in blocks of 7 hours continuous rest in 7 days	Minor
Less than 7 hours stationary rest in 7 days	Minor
Less than 23 ¼ hours rest in blocks of 7 hours continuous rest in 7 days	Substantial
Less than 6 ¼ hours stationary rest in 7 days	Substantial
Less than 22 ¾ hours rest in blocks of 7 hours continuous rest in 7 days	Severe
Less than 5 ¾ hours stationary rest in 7 days	Severe
Less than 22 ½ hours rest in blocks of 7 hours continuous rest in 7 days	Critical
Less than 5 ½ hours stationary rest in 7 days	Critical

AFM HOURS – THRESHOLDS FOR ESCALATED RISK CONTRAVENTIONS	
In any period of 24 hours	
A driver must not work for more than	
15 ½ hours work time	
A driver must not rest for less than	
7 continuous hours stationary rest time (or in the case of a driver who is a party to a two-up driving arrangement, 7 continuous hours of stationary rest time or rest time in an approved sleeper berth while the vehicle is moving).	
In any period of 14 days (336 hours)	
A driver must not work for more than	
154 hours work time	
A driver must not rest for less than	
30 continuous hours stationary rest time that includes the periods 12am to 6am on a day and 12am to 6 am on the following day, using the time zone of the driver's base.	
In any period of 28 days (672 hours)	
A driver must not work for more than	
288 hours work time	

AFM HOURS – CATEGORIES OF CONTRAVENTIONS FOR ESCALATED RISK CONTRAVENTIONS

In any period of less than 7 days	Category
If the driver has exceeded the maximum work time by	
Up to and including 15 minutes	Substantial
More than 15 minutes and up to 30 minutes	Severe
More than 30 minutes	Critical
If the driver has had less than the minimum rest time by	
Up to and including 15 minutes	Substantial
More than 15 minutes and up to 30 minutes	Severe
More than 30 minutes	Critical
In any period of 28 days if the period is 7 days or more	
If the driver has exceeded the maximum work time by	
Up to and including 30 minutes	Substantial
More than 30 minutes and up to 1 hour	Severe
More than 1 hour	Critical

AFM HOURS – CATEGORIES OF OTHER CONTRAVENTIONS CONT.

In any period of less than 7 days	Category
Up to and including 45 minutes	Minor
More than 45 minutes and up to 75 minutes	Substantial
More than 75 minutes and up to 90 minutes	Severe
More than 90 minutes	Critical
If the driver has had less than the minimum rest time by	
Up to and including 45 minutes	Minor
More than 45 minutes and up to 75 minutes	Substantial
More than 75 minutes and up to 90 minutes	Severe
More than 90 minutes	Critical
In any period of 28 days if the period is 7 days or more	
If the period has exceeded the maximum work time by	
Up to and including 1 ½ hours	Minor
More than 1 ½ hours and up to 2 ½ hours	Substantial
More than 2 ½ hours and up to 3 hours	Severe
More than 3 hours	Critical

EXEMPTION HOURS

In any period of less than 7 days	Category
Up to and including 45 minutes	Minor
More than 45 minutes and up to 75 minutes	Substantial
More than 75 minutes and up to 90 minutes	Severe
More than 90 minutes	Critical
If the driver has had less than the minimum rest time by	
Up to and including 45 minutes	Minor
More than 45 minutes and up to 75 minutes	Substantial
More than 75 minutes and up to 90 minutes	Severe
More than 90 minutes	Critical
In any period more than 7 days	
If the period has exceeded the maximum work time by	
Up to and including 1 ½ hours	Minor
More than 1 ½ hours and up to 2 ½ hours	Substantial
More than 2 ½ hours and up to 3 hours	Severe
More than 3 hours	Critical

EVIDENTIARY CONSIDERATIONS

Listed below are provisions of the HVNL that are designed to complement the various Evidence Acts of the participating jurisdictions to assist in proving elements of an offence. These aid to prove are:

- Section 115 – Proof of contravention of loading requirement;
- Section 224 – Matters the Court can consider in deciding whether person was impaired by fatigue;
- Section 588 – Evidential immunity for individuals complying with particular requirements;
- Section 632 – Deciding whether person ought reasonably to have known something;
- Section 632A – Using code of practice in proceeding;
- Section 633 – Multiple offenders;
- Section 634 – Multiple offences;
- Section 635 – Responsibility for acts and omissions of representative;
- Section 636 – Liability of executive officers of corporation;
- Section 639 – Liability of registered operator;
- Section 708 – Proof of appointments unnecessary;
- Section 709 – Proof of signatures unnecessary;
- Section 710 – Averments;
- Section 711 – Evidence by certificate by Regulator;
- Section 712 – Evidence by certificate by road authority;
- Section 713 – Evidence by certificate by Regulator about matters stated in or worked out from records;
- Section 714 – Evidence by certificate by authorised officer about instruments;
- Section 715 – Challenging evidence by certificate;
- Section 716 – Evidence by record about mass;
- Section 717 – Manufacturer’s statements;
- Section 719 – Transport and journey documentation;
- Section 725 – Documents produced by an approved electronic recording system;
- Section 726A – Evidence of offence;
- Section 726B – Evidence obtained by police using other powers; and
- Section 726C – Evidence obtained in another jurisdiction.

SUMMARY AND INDICTABLE PROCEEDINGS

Offences under the HVNL are summary offences, with the exception of a section 26F offence, which is a category 1 failure to comply with a duty under section 26C.³⁴

Notwithstanding sections 707 and 707A of the HVNL, summary and indictable prosecutions are subject to the criminal procedure rules, evidentiary rules and the sentencing regime of the relevant jurisdiction.

707 Proceeding for indictable offences

- (1) The prosecution may bring a proceeding for an indictable offence-
 - (a) on indictment; or
 - (b) in a summary way.
- (2) However, a Court of summary jurisdiction must not hear and decide an indictable offence in a summary way if-
 - (a) at the start of the hearing, the defendant asks for the charge to be prosecuted on indictment; or
 - (b) the Court is satisfied.
 - (i) after hearing submissions from the prosecution and defence at any stage of the hearing, that the defendant, if convicted, may not be adequately punished for the particular offence on a summary conviction; or
 - (ii) on an application made by the defence, that the charge should not be heard and decided in a summary way because of exceptional circumstances.
- (3) If the Court decides that the offence be prosecuted on indictment-
 - (a) the Court must conduct the proceeding as a committal proceeding; and
 - (b) any evidence given in the proceeding, before the Court decided that the offence be prosecuted on indictment, is taken to be evidence in the committal proceeding; and
 - (c) the Court must disregard any plea that the defendant made at the start of the proceeding.

707A Proceeding for other offences

- (1) The prosecution must bring a proceeding for an offence against this Law, other than an indictable offence, in a summary way.
- (2) The proceeding must start—
 - (a) within 2 years after the offence is committed; or
 - (b) within 1 year after the commission of the offence comes to the complainant's knowledge, but within 3 years after the offence is committed.
- (3) A statement in a complaint for an offence against this Law that the matter of the complaint came to the complainant's knowledge on a stated day is evidence of when the matter came to the complainant's knowledge.

JURISDICTION

The HVNL commenced on 10 February 2014 in the Australian Capital Territory, Victoria, Queensland, Tasmania, South Australia and New South Wales. The adoption of the HVNL in these jurisdictions is via the following state legislative instruments:

ACT	<i>Heavy Vehicle National Law Act 2013 (ACT)</i>
VIC	<i>Heavy Vehicle National Law Application Act 2013</i>
NSW	<i>Heavy Vehicle (Adoption of National Law) Act 2013</i>
SA	<i>Heavy Vehicle National Law Act 2013 (SA)</i>
TAS	<i>Heavy Vehicle National Law Act 2013 (TAS)</i>
QLD	<i>Heavy Vehicle National Law Act 2012 (QLD)</i>

Victoria

The HVNL is applied in Victoria by the *Heavy Vehicle National Law Application Act 2013 (Vic)*, which excludes the Interpretation of *Legislation Act 1984 (Vic)* from applying to the HVNL.

Section 50 of the *Sentencing Act 1991 (Vic)* sets the imposed by a Magistrates Court. The general rule restricts the maximum total sentence that may be imposed in any Magistrates Court to fines of up to 500 penalty units (\$90,870) for individuals, and up to 2,500 penalty units (\$454,350 for corporations where an individual or corporation has been convicted of an indictable offence tried summarily.³⁵

However, there is nothing within sections 50, 112, 112A or 113D of the Sentencing Act that permits the maximum penalties in sections 26G and 26H to be read down. The *Sentencing Act* provisions clearly contemplate the possibility that some summary offences will have maximum fines above those provided in that Act. There appears to be no limit on the scope of section 50(1)(a) for summary offences.

South Australia

The HVNL is applied to South Australia by the *Heavy Vehicle National Law (South Australia) Act 2013 (SA)*, which excludes the *Acts Interpretation Act 1915 (SA)* from applying to the HVNL.³⁶

The Magistrates Court is limited to imposing a maximum sentence of imprisonment of 5 years for a single offence, or 10 years for more than one offence. It is further limited to imposing a fine of no more than \$150,000, regardless of whether the offence is an indictable or summary offence.³⁷ If the Court is of the opinion that a higher sentence is called for, it may remand the defendant to appear for sentence before a superior Court. These provisions override the maximum penalties stipulated within sections 26G and 26H of the HVNL, such that the maximum fine which can be imposed by a magistrate is \$150,000 (for an individual guilty of a section 26G offence) and \$50,000 (for an individual guilty of a section 26H offence).

The Magistrates Court has the power to impose a sentence in respect of minor indictable offences (such as a charge under section 26F of the HVNL). It may also commit the defendant to a superior Court. Subject to section 116 of the Criminal Procedure Act 1921 (SA), it may sentence a person for a minor or major indictable offence in the same way as for a summary offence.

³⁴ s 5 HVNL**

³⁵ One penalty unit is \$181.74 for the period 1 July 2021 to 30 June 2022.

³⁶ The *South Australian Application Act*, s 7(1).

³⁷ *Magistrates Court Act 1991 (SA)*, section s 9(4) & (6). If no fine is prescribed by the statute creating the offence, maximum fines are set by section s 119 of the *Sentencing Act 2017 (SA)* depending upon the sentencing Court. 52 S 9(7).

New South Wales

The HVNL is applied in New South Wales through the *Heavy Vehicle (Adoption of National Law) Act 2013* (NSW).

Proceedings against the HVNL or the regulations must be dealt with summarily before the Local Court.³⁸

Although nothing within the NSW Application Act affects the operation of sections 707 and 707A of the HVNL, which allow proceedings to be brought for an indictable offence either on indictment or in a summary way, the *Criminal Procedure Act 1986* (NSW) requires that an offence must be dealt with summarily if, relevantly, the maximum penalty does not include a period of imprisonment for more than 2 years.³⁹ Section 26F is the only offence in the HVNL which carries a maximum penalty greater than 2 years imprisonment. The maximum allowable fine is the maximum amount fixed under the HVNL offence provision.

Australian Capital Territory

The HVNL is applied as a Law of the Australian Capital Territory by the *Heavy Vehicle National Law (ACT) Act 2013* (ACT), which excludes the *Legislation Act 2001* (ACT) from applying to the HVNL.

The Court may impose a penalty for an offence is the penalty provided under the *Crimes (Sentencing) Act 2005* (ACT) or any other Territory Law. The maximum allowable fine is the maximum amount fixed under the HVNL offence provision.

Tasmania

The HVNL is applied to Tasmania by the *Heavy Vehicle National Law (Tasmania) Act 2013* (Tas), which excludes the *Acts Interpretation Act 1931* (Tas) from applying to the HVNL.

The *Sentencing Act 1997* (Tas) sets out sentencing laws in Tasmania. However, it expressly denies derogating from the powers a Court may exercise under any other enactment or law for, or in relation to, the sentencing of offenders. The maximum penalty is fixed under the offence provision of the HVNL.⁴⁰

The maximum allowable fine is the maximum amount fixed under the HVNL offence provision.

Queensland

The HVNL is applied in Queensland by the *Heavy Vehicle National Law Act 2012* (QLD), which excludes the *Acts Interpretation Act 1954* (QLD) from applying to the HVNL.⁴¹ The *Heavy Vehicle National Law (QLD)* is set out in the schedule of the *Heavy Vehicle National Law Act 2012* (QLD).

Pursuant to the *Penalties and Sentences Act 1992* (QLD), The Magistrates Court can impose a maximum penalty applicable under a provision of the *Penalties and Sentences Act 1992* (QLD) or another Act relating to the offence.⁴² The maximum penalty applicable is the maximum penalty fixed under the HVNL offence provision.⁴³

Jurisdiction	Appropriate Court	Maximum penalty: s 26G	Maximum penalty: s 26H
ACT	ACT Magistrates Court	\$1,893,210 (corporation) \$189,321 (individual)	\$630,060 (corporation) \$63,006 (individual)
NSW	Local Court	\$1,893,210 (corporation) \$189,321 (individual)	\$630,060 (corporation) \$63,006 (individual)
SA	Magistrates Court of South Australia	\$150,000 (corporation) \$50,000 (individual)	\$150,000 (corporation) \$50,000 (individual)
TAS	Court of Petty Sessions	\$1,893,210 (corporation) \$189,321 (individual)	\$630,060 (corporation) \$63,006 (individual)
VIC	Magistrates Court of Victoria	\$1,893,210 (corporation) \$189,321 (individual)	\$630,060 (corporation) \$63,006 (individual)
QLD	Magistrates Court of Queensland	\$1,893,210 (corporation) \$189,321 (individual)	\$630,060 (corporation) \$63,006 (individual)

SENTENCING

Sentencing Principles

The HVNL does not displace the relevant statutory sentencing provisions available in each jurisdiction.

In relation to WHS sentencing, the New South Wales Court of Criminal Appeal held in *Bulga Operations v Nash*⁴⁴, that employers must take the obligations imposed very seriously. The community is entitled to expect that both small and large employers will comply with safety requirements. General deterrence is a significant factor when safety obligations are breached.

Matters central to a proper assessment of the offending for a breach of the primary duty by a corporate defendant include identifying with particularity:

- the nature and extent of the relevant corporate transport activities; and/ or
- the nature and extent of the relevant corporate failures.

For an individual defendant:

- the nature and extent of the relevant transport activity, or activities, of each of the defendants in person; and, or
- the nature and extent of the relevant failures of each of the defendants in person.

The following matters are relevant to the objective seriousness of the corporate or individual defendant's offending:

- the structured nature of the offence creating provisions – that is, the three (3) categories of offending;
- the role of the corporate defendant or the individual defendant; the nature and extent of the duty;

³⁸ *Heavy Vehicle (Adoption of National Law) Act 2013* (NSW) s 29.

³⁹ *Criminal Procedure Act 1986* (NSW), s 6(1).

⁴⁰ s 15(a).

⁴¹ With the exception of section 20C of the *Acts Interpretation Act 1954* which does apply as per section 5(3) of the *Heavy Vehicle National Law Act 2012* (QLD).

⁴² s 45 *Penalties and Sentences Act 1992* (QLD)

⁴³ s 45(3)(a) *Penalties and Sentences Act 1992* (QLD), and s 22A(b) *Justices Act 1886* (QLD)

⁴⁴ *Bulga Underground Operations Pty Ltd v Nash*

- the nature and extent of the breaches or failings;⁴⁵
- the likelihood of the risk of death or serious injury eventuating as a consequence of the defendant's breaches or failings;⁴⁶
- the continuing nature of the corporate/individual defendant's breaches or failings;
- the ease with which the defendant's breaches or failings could be remedied;⁴⁷
- the significant role of general and specific deterrence relating to this type of safety legislation;⁴⁸ and
- the absence of an incident resulting in death or serious injury is not a matter to be taken into account in mitigation.⁴⁹

Additionally, further guidance in respect of HVNL sentencing principles were identified in the appeal of *Transport for New South Wales v. De Paoli Transport Pty Ltd*⁵⁰, which are the:

- (1) Objective seriousness of the offending
- (2) Circumstances of the respondent
- (3) Category of offence (consideration of the elements ie. category 1, 2 or 3 charges)
- (4) Nature and extent of the contravention of the primary duty
- (5) Actual conduct of the respondent in failing to comply with the duty
- (6) Particulars of the failures when considered as a whole
- (7) Time period of failures and the number of vehicles involved
- (8) Response of the respondent, namely if they acted quickly and thoroughly to remedy its non-compliance
- (9) Offence didn't result in a death, serious injury or illness (small consideration / minimal weight attributed)
- (10) Specific and general deterrence
- (11) The maximum penalty of the offence, noting it's a yardstick which reflects the legislatures views on seriousness
- (12) Contrition or remorse
- (13) Any other mitigating or aggravating features (ie. Prior offending).

Matters Court must consider when imposing sanctions for particular offences

In assessing the available, appropriate sanctions for a mass, dimension or loading offence the Court must consider matters outlined in section 594(2) of the HVNL. The matters to be taken into account will depend on the category of the relevant mass, dimension or loading offence.

594 Matters Court must consider when imposing sanction for non-compliance with mass, dimension or loading requirement

- (1) The purpose of this section is to bring to a Court's attention the implications and consequences of a contravention of a mass, dimension or loading requirement when deciding the kind and level of sanction to be imposed for the contravention.
- (2) In deciding the sanction, including the level of a fine, to be imposed for the contravention, the Court must consider the following matters—
 - (a) a minor risk breach of a mass, dimension or loading requirement involves either or both of the following—
 - (i) an appreciable risk of accelerated road wear;
 - (ii) an appreciable risk of unfair commercial advantage;
 - (b) a substantial risk breach of a mass, dimension or loading requirement involves 1 or more of the following—
 - (i) a substantial risk of accelerated road wear;
 - (ii) an appreciable risk of damage to road infrastructure;
 - (iii) an appreciable risk of increased traffic congestion;
 - (iv) an appreciable risk of diminished public amenity;
 - (v) a substantial risk of unfair commercial advantage;
 - (c) a severe risk breach of a mass, dimension or loading requirement involves 1 or more of the following—
 - (i) an appreciable risk of harm to public safety or the environment;
 - (ii) a serious risk of accelerated road wear;
 - (iii) a serious risk of damage to road infrastructure;
 - (iv) a serious risk of increased traffic congestion;
 - (v) a serious risk of diminished public amenity;
 - (vi) a serious risk of unfair commercial advantage.

45 in *R v ClGC*. See also: *Attorney General of New South Wales v Tho Services Limited (In Liquidation) (ACN 000 263 678)* [2016] NSWCCA 221 per Harrison J (with whom Hoeben CJ at CL and Campbell J agreed) at [69] – [74]; and *Morris McMahon & Co Pty Ltd v SafeWork NSW* per Schmidt J. (with whom Hoeben CJ at CL and Adamson J. agreed) at [32] to [36].

46 *Nash v Silver City (NSW) Pty Ltd* at [53];

47 *Ibid*.

48 *R v Irvine*; *R v Dynamic Industries Pty Ltd*; and *R v Cini* [2009] VSCA 239; *Bulga Underground Operations Pty Ltd v Nash* at [202]; *Capral Aluminium Limited v WorkCover Authority of New South Wales* [2000] NSWIRComm 71 [(2000) 49 NSWLR 610] at 644.

49 *Nash v Silver City (NSW) Pty Ltd* at [53].

50 *Transport for New South Wales v. De Paoli Transport Pty Ltd* [2022] NSWSC 1678,

Penalties

The [maximum penalties](#) for offences under the HVNL are indexed and adjusted every year.⁵¹ The maximum penalties are published on the NHVR's website for all offences in the HVNL and its regulations.

Infringeable offences are subject to an infringeable penalty that is 10% of the maximum penalty available.

A small number of fatigue and defective vehicle offences also incur demerit points.

The maximum penalty for a body corporate is 5 times the maximum penalty stated.⁵²

596 Body corporate fines under penalty provision

- (1) This section applies to a provision of this Law that prescribes a maximum fine for an offence; and
 - (a) does not expressly prescribe a maximum fine for a body corporate different to the maximum fine for an individual.
- (2) The maximum fine is taken only to be the maximum fine for an individual.
- (3) If a body corporate is found guilty of the offence, the Court may impose a maximum fine of an amount equal to 5 times the maximum fine for an individual.

Additional sentencing orders

In addition to the penalties prescribed for each offence and available under the sentencing legislation in each participating jurisdiction, the HVNL provides a number of other options available to a sentencing Court. Those options are found in Chapter 10 of the HVNL.

Supervisory Intervention Order – section 600

The court may make an order, a Supervisory Intervention Order (SIO), requiring a defendant to change their behaviour through training and education on the requirements of the HVNL. The defendant is monitored by the NHVR throughout the period of the SIO and subsequently to ensure their behaviour has changed. SIOs may be made if there is a history of offending, or if there will likely be further offending without intervention.

Examples of circumstances in which SIOs have been ordered are set out below.

- An operator of a heavy vehicle fleet was ordered to engage in education regarding vehicle standards and maintenance of heavy vehicles at his own expense and to provide evidence of such engagement to the NHVR.
- A heavy vehicle operator was ordered to have the entire heavy vehicle fleet inspected at an authorised inspection station within a specified time frame. All and any repairs were to be rectified at the owners' expense. If a heavy vehicle was found to be unroadworthy then it was to be repaired and re-inspected before being used on a public road.
- A company was ordered to engage an expert in the field of Chain of responsibility. The expert was to develop and deliver training in relation to:

- fatigue management;
 - policies and procedures for fatigue management;
 - Safety Management Systems;
 - induction and training templates; and
 - CoR gap analysis, including reports and action plans.
- Multiple individuals have been ordered to obtain Electronic Work Diaries (EWD) following the prosecution of work diary offences. EWDs are a new technology which allows operators to monitor driver work and rest hours more accurately. EWDs also allow auditing on the roadside by Law enforcement agencies.

Prohibition orders – section 607

The Court may, on application by the prosecutor or the Regulator, make an order prohibiting the convicted person, for a stated period of not more than 1 year, from having a stated role or responsibility associated with road transport.

However, the Court can not make a prohibition order prohibiting the convicted person from driving a vehicle or having a vehicle registered or licensed under an Australian road Law in the convicted person's name.

Compensation orders – section 611

If damage is caused to road infrastructure as a result of – a conviction of – an offence against the HVNL, the defendant is to pay compensation to the road manager.

Cancel registration – section 598

The Court can cancel or suspend the registration of a vehicle following proceedings for mass, dimension or loading offences. The Court can also disqualify a person or an associated person from applying for registration and can summons a party to show cause why the Court should disqualify a person to apply for registration.

DEFENCES

The below are statutory defences prescribed by the HVNL:

Section 252 – Defence relating to short rest breaks for drivers operating under standard hours;

Section 627 – Defence for owner or operator of vehicle if offence committed while vehicle used by unauthorized person;

Section 628 – Defence for driver of vehicle subject to a deficiency;

Section 629 – Defence of compliance with direction;

Section 630 – Sudden or extraordinary emergency; and

Section 631 – Lawful authority

⁵¹ s 737 HVNL
⁵² s 596 HVNL

GLOSSARY

ADR	Australian Design Rules
AFM	Advanced Fatigue Management
BFM	Basic Fatigue Management
CML	Concessional Mass Limits (Schedule 2 MDL Regulation)
CWD	Container Weight Declaration
DMA	Dimension Measurement Adjustment
EWD	Electronic Work Diary
FRHV	Fatigue Regulated Heavy Vehicle
GML	General Mass Limits (Schedule 1 MDL Regulation)
GVM	Gross Vehicle Mass
HML	Higher Mass Limits (Schedule 5 MDL Regulation)
HV	Heavy Vehicle – a vehicle over 4.5t GVM
HVNL	Heavy Vehicle National Law
LRG	Load Restraint Guide
MDL	Mass Dimension and Loading
MMA	Mass Measurement Adjustment
NHVR	National Heavy Vehicle Regulator
NHVAS	National Heavy Vehicle Accreditation Scheme
NHVIM	National Heavy Vehicle Inspection Manual
PBS	Performance Based Standards
RAV	Restricted Access Vehicle
RTO	Registered Training Organisation
SIO	Supervisory Intervention Order
SPV	Special Purpose Vehicle
VSB	Vehicle Standards Bulletin

For questions about this guide or more information;

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