

OUR REGULATORY APPROACH

SEPTEMBER 2022



NHVR Statement of Regulatory Approach

Purpose

This Statement of Regulatory Approach sets out the principles that guide and direct the National Heavy Vehicle Regulator (NHVR) in the performance of its regulatory functions and the exercise of its regulatory powers under the Heavy Vehicle National Law (HVNL) and associated legislation.

Statement of Approach

The NHVR is a modern regulator that supports the heavy vehicle industry to the fullest extent possible. The NHVR regulates the heavy vehicle industry in collaboration with jurisdictional partner agencies and other stakeholders and provides support for industry in taking responsibility for the safety of their operations. In doing so, the NHVR works collaboratively with industry participants, partner agencies, road managers and others to secure a safe, productive, efficient and innovative heavy vehicle industry. To achieve this, the NHVR implements targeted actions for each of the following key objectives:

- **Safety** – promote public safety.
- **Productivity** – promote industry productivity and efficiency in the road transport of goods and passengers by heavy vehicles.
- **Sustainability** – manage the impact of heavy vehicles on the environment, road infrastructure and public amenity.
- **Regulatory Capability** – encourage and promote regulatory capability through productive, efficient, innovative, and safe business practices.

In accordance with these key objectives, NHVR employees will adhere to the following principles when carrying out regulatory activities:

- 1 The NHVR recognises that safety is primary**
The NHVR promotes public safety and empowers industry to better manage safety within their own businesses and comply with the primary duty under the HVNL.
- 2 The NHVR promotes industry productivity and efficiency, as well as manages the impact of heavy vehicles on the environment, road infrastructure and public amenity**
The NHVR works closely with jurisdictions, road managers, and industry to increase road network access based on improved vehicle performance, and only require permits for higher-risk movements with special conditions. The NHVR aims to improve access for innovative and high-productivity vehicles including increased uptake of vehicles fitted with safety and environmental technologies.
- 3 The NHVR strives to simplify administrative processes and assist in reducing the regulatory burden placed on industry**
The NHVR strives to reduce any unnecessary regulatory burden placed on industry (including all parties in the chain of responsibility) by understanding the impact of regulation and considering a variety of means by which to achieve safety and other regulatory outcomes. The NHVR will assist in delivering tailored schemes and legislative instruments that recognise that industry participants are best placed to manage their own safety.
- 4 The NHVR adopts a risk-based and proportionate approach in determining the appropriate mix of regulatory activities to manage safety risks**
The NHVR adopts a risk-based approach to regulation that provides a structured framework to identify, analyse, prioritise, and respond to risks across the heavy vehicle industry. The NHVR seeks optimal safety outcomes in the exercise of its regulatory powers and ensures that regulatory intervention is appropriate and proportionate to the nature of the safety risk and the behaviour of the industry participant. The NHVR applies a continuous improvement model to ensure that the heavy vehicle industry can benefit from reducing risk and improving safety culture.

5 The NHVR strives to be data-driven and intelligence-led by remaining agile in the face of emerging technologies

The NHVR harnesses data and intelligence to identify emerging risks and trends and to inform the prioritisation of regulatory activities. The NHVR embraces technology to capture more comprehensive and indicative data sets on a national scale to strengthen its risk-based, data-driven, and intelligence-led approaches through a comprehensive analysis of safety risks and trends.

6 The NHVR communicates with and educates the heavy vehicle industry to ensure that industry participants understand how best to comply with the HVNL

The NHVR delivers clear communication and education to industry participants to assist them in understanding their obligations under the HVNL and provide good practice advice on how best to comply. The NHVR recognises that clear communication promotes voluntary compliance, which in turn requires less frequent, or less invasive, direct regulatory action, thus benefiting the operations of those with a strong safety culture and history of compliance.

7 The NHVR enforces the HVNL where necessary to encourage a return to compliance

The NHVR is committed to finding the balance between encouraging industry to voluntarily comply with the law and the need to deter unlawful behaviour by enforcing the HVNL where necessary. Intervention responses are applied based upon an analysis of the individual circumstances, including the seriousness and prevalence of offending.

8 The NHVR balances the need for flexibility with the need to be consistent when undertaking regulatory activities, and is accountable, transparent, and timely in its decision-making

The NHVR applies consistent processes and procedures when undertaking regulatory activities and embraces the principles of best-practice administrative decision-making, whilst ensuring that individual circumstances are fully and fairly considered. The NHVR champions transparency, accountability, and timeliness when making regulatory decisions and communicating these decisions to industry and other stakeholders.

9 The NHVR clearly defines regulatory outcomes and evaluates regulatory performance

The NHVR establishes a clear set of guidelines for developing fit-for-purpose performance measures to allow it to clearly define regulatory outcomes and evaluate regulatory performance. The NHVR ensures that the relevant data is collected, analysed, and reported on to evaluate the extent to which regulatory activities contribute to the NHVR's regulatory performance.

10 The NHVR reflects its organisational values when regulating and interacting with the heavy vehicle industry and maintains trust and respect through collaboration and consultation

The NHVR interacts with industry participants in a manner that puts safety and the customer first, builds strong partnerships, ensures that people matter and focuses on adding value. The NHVR's organisational values provide guidance for how the NHVR interacts with regulated entities whilst adhering to the principles outlined in this document. However, the NHVR understands the regulatory nature of the relationship between itself and the heavy vehicle industry, including the NHVR's mandate to monitor compliance and enforce the HVNL where necessary.

11 The NHVR fosters collaborative partnerships with all stakeholders

The NHVR is committed to building and maintaining the trust and cooperation of all stakeholders, including the heavy vehicle industry and all parties in the chain of responsibility, jurisdictional partner agencies, policing agencies, local governments, road managers, and all road users. The NHVR develops and fosters collaborative partnerships with all stakeholders to promote public safety across the heavy vehicle industry, whilst encouraging productivity and managing the impact of heavy vehicles on the environment, infrastructure, and public amenity.

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