

Breach categorisation

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If you need help with any of the steps in this process, please contact us for support.

Categories of breaches

Under the *Heavy Vehicle National Law* (HVNL), mass, dimension, loading and fatigue breaches are categorised based on risk. The categories of risk breaches are:

- **Minor**
- **Substantial**
- **Severe**
- **Critical (fatigue breaches only).**

Mass

Breach categories

The breach categories for mass are proportionate to the level of risk to public safety and the potential damage to road infrastructure – both of which increase with the severity of the breach. The categories are outlined in Part 4.2 Division 2 of the HVNL and are summarised below:

Minor	A minor risk breach occurs if the breach is less than the lower limit of a substantial risk breach (see definition below).
Substantial	The lower limit of a substantial risk breach is the higher of: a. a mass equalling 105% of the maximum mass (rounded up to the nearest 0.1t) b. 0.5t.
Severe	The lower limit of a severe risk breach is defined as the mass equalling 120% of the maximum mass, rounded up to the nearest 0.1t.

Vehicles operating under a notice or permit

If a vehicle operating under a Class 1 or Class 3 notice or permit breaches a mass condition of the notice or permit, the vehicle will be assessed to determine whether the breach impacts on public safety, the environment, road infrastructure or public amenity. If it does, the vehicle will be assessed against the prescribed limits, and not the mass limits stated in the notice or permit. Otherwise, the breach will be treated as a condition offence.

If a Class 2 vehicle breaches a mass requirement, the vehicle will be assessed against the mass limits prescribed in the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* (MDL).

A Class 2 Performance Based Standards (PBS) vehicle that breaches a mass limit will be assessed against the mass limits prescribed in the relevant PBS vehicle approval.

The HVNL s.150 provides for a separate offence for breaching a condition of Class 2 notice or permit.

Mass exceptions

A mass exception is a concession to the general mass limits set out in the MDL that is available for certain heavy vehicles under the HVNL when specific conditions are met. The following mass exceptions are available under the HVNL (refer to Schedules 2 to 5A of the MDL):

- Concessional Mass Limits (CML)
- quad-axle group mass exception limits
- Higher Mass Limits (HML)
- one-tonne tri-axle mass transfer allowance.

What happens if a condition of a mass exception is breached?

If a vehicle operating under a mass exception breaches a condition of that exception, the mass exception does not apply, and the vehicle will be assessed against the relevant prescribed mass limits set out in the MDL.

What happens if a mass requirement of a mass exception is breached?

If a vehicle operating under a mass exception breaches a mass requirement of the mass exception, the vehicle will be assessed against the mass exception limits.

For example, if a driver or operator is claiming to be operating under CML and is compliant with all the conditions of CML, but the vehicle is exceeding a CML mass limit, this is not a condition offence. The vehicle will be assessed against CML mass limits.

Note: “Mass exceptions” – as described in this section – should not be confused with “mass exemptions,” which are provided by a notice or permit.

Dimension

Breach categories

For unladen vehicles and combinations, breaches of permissible dimension limits are treated as individual dimension breaches. They are not categorised breaches.

For laden vehicles and combinations, breaches of dimension limits are categorised. The categories of breaches for dimension are proportionate to the level of risk to public safety and the potential damage to road infrastructure, both of which increase with the severity of the breach.

The categories of breaches for dimension are outlined in Part 4.3 Division 2 of the HVNL and are summarised below.

Overall length	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	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	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	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	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

Note: Dimension breaches detected at night or in hazardous weather conditions causing reduced visibility will be recategorised. For example, a breach occurring at night or in hazardous weather conditions causing reduced visibility – which would otherwise have been a **minor** breach – would be recategorised as a **substantial** breach (HVNL s.106). A breach occurring at night, in hazardous weather conditions causing reduced visibility or with its load projecting in a way that is dangerous – which would otherwise have been a **substantial** breach – would be recategorised as a **severe** breach (HVNL s.107).

Vehicles operating under a notice or permit

If a vehicle operating under a Class 1 or Class 3 notice or permit breaches a dimension condition of the notice or permit, the vehicle will be assessed to determine whether the breach impacts on public safety, the environment, road infrastructure or public amenity. If it does, the vehicle will be assessed against the prescribed limits, and not the dimension limits stated in the notice or permit. Otherwise, the breach will be treated as a condition offence.

If a Class 2 vehicle breaches a dimension requirement, the vehicle will be assessed against the dimension limits prescribed in the MDL.

A Class 2 PBS vehicle that breaches a dimension limit will be assessed against the dimension limits prescribed in the relevant PBS notice or vehicle approval.

The HVNL s.150 provides for a separate offence for breaching a condition of Class 2 notice or permit.

Loading

Breach categories

The categories of breaches of loading requirements are outlined in Part 4.4 Division 2 of the HVNL and are summarised in the table below:

Table: Risk categorisation of load restraint breaches

Likelihood	Consequence:	
	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

Loading requirements are outlined in Part 4.4 Division 1 of the HVNL and Schedule 7 of the MDL.

The Load Restraint Guide includes technical information, detailed diagrams and worked examples to help to determine the restraint required for the heavy vehicle load.

What directions can be issued for mass, dimension or loading breaches?

Minor risk breaches

The HVNL s.533 outlines the powers relating to minor breaches of mass, dimension and loading requirements.

Where an authorised officer reasonably believes that a minor breach of a mass, dimension or loading requirement has occurred, the driver or operator may be directed to:

- immediately rectify the breach; or
- move the vehicle (with or without conditions) to a stated place, within a 30-kilometre radius of where the vehicle is located, and not move it until the breach is rectified; or
- move the vehicle to any point along the forward part of the journey.

Substantial risk breaches

The HVNL s.534 outlines the powers relating to substantial risk breaches of mass, dimension and loading requirements.

Where an authorised officer reasonably believes that a substantial breach of mass, dimension or loading has occurred, the driver or operator will be issued a written notice, directing them to either:

- not move the vehicle until the breach is rectified; or
- move the vehicle (with or without conditions) to a stated reasonable place and not to move it until the breach is rectified.

Examples of reasonable place include:

- a place where the heavy vehicle can be loaded or unloaded
- a depot of the heavy vehicle
- a weighbridge
- a rest area
- the intended destination of the heavy vehicle's journey, if appropriate.

Severe risk breaches

The HVNL s.535 outlines the powers relating to severe risk breaches of mass, dimension or loading requirements.

Where an authorised officer reasonably believes that a severe breach of mass, dimension or loading has occurred, the driver or operator will be issued a written notice, directing them to:

- not move the vehicle until the breach is rectified; or
- if there's a risk of harm to public safety or an appreciable risk of harm to the environment, road infrastructure or public amenity, move the vehicle to the nearest stated safe location and not move it until the breach is rectified.

Examples of a safe location include:

- a place where the heavy vehicle can be loaded or unloaded
- a depot of the heavy vehicle
- a weighbridge
- a rest area
- the intended destination of the heavy vehicle's journey, if appropriate.

A direction given by an authorised officer will be in writing, unless the moving of the vehicle is carried out in the presence of, or under the supervision of, an authorised officer, in which case the direction can be given verbally.

Fatigue

Breach categories

Categories of fatigue breaches are outlined in the *Heavy Vehicle (Fatigue Management) National Regulation* and include:

- **Minor**
- **Substantial**
- **Severe**
- **Critical.**

See the [Fatigue Reference Card \(PDF, 403KB\)](#) for risk categories for contraventions of regulated work and/or rest time. The specific breakpoints for each breach category differ, depending on the chosen work and rest hour option.

What actions can authorised officers take?

Authorised officers have powers relating to heavy vehicle driver fatigue requirements, including inspecting drivers' work and rest records.

Enforcement action for any breach of fatigue, work and/or rest hours or work diary requirements will depend on the severity of the breach. Options available to authorised officers include, but are not limited to, education, formal warnings, infringement notices and court-imposed penalties.

Drivers of fatigue-regulated heavy vehicles who are deemed to be driving while impaired by fatigue may face penalties and be prevented from continuing to work, even if they are complying with work and rest requirements.

Drivers of fatigue-regulated heavy vehicles may be directed to immediately stop work and not work again for a stated period, if:

- the driver:
 - is impaired by fatigue; or
 - has committed a work/rest hours breach; or
 - is unable to produce a work diary without a reasonable excuse; or
- the work diary produced cannot be relied on as an accurate record of the time the driver recently spent working or resting.

For more information about heavy vehicle driver fatigue or work diary requirements, visit [Fatigue management](#).