



National Heavy Vehicle Regulator

# **An industry guide to access under the Heavy Vehicle National Law**

**November 2013**



© National Heavy Vehicle Regulator 2013



<http://creativecommons.org/licenses/by-sa/3.0/au>

This work is licensed under a Creative Commons Attribution-ShareAlike 3.0 Australia Licence.

To attribute this material, cite National Heavy Vehicle Regulator | An industry guide to Access under the Heavy Vehicle National Law.

# Contents

<b>1</b>	<b>About this information pack</b> .....	<b>5</b>
<b>2</b>	<b>About the NHVR</b> .....	<b>5</b>
<b>3</b>	<b>One Regulator, one rule book</b> .....	<b>6</b>
3.1	One point of contact for access permits.....	6
3.2	One point of contact for NHVAS and PBS.....	7
3.3	One set of national laws and penalties .....	7
3.4	One set of national fees.....	7
3.5	National approach to fatigue management .....	7
3.6	National vehicle standards and modifications .....	8
3.7	What’s not changing?.....	8
<b>4</b>	<b>Access roles and responsibilities under the HVNL</b> .....	<b>9</b>
4.1	Industry.....	9
4.2	NHVR .....	9
4.3	State and territory road authorities .....	9
4.4	Road manager .....	10
<b>5</b>	<b>How to apply</b> .....	<b>11</b>
5.1	Step 1 – Plan your journey.....	11
5.2	Step 2 – Complete an application form .....	12
5.3	Step 3 - Login to NHVR access management system.....	16
5.4	Step 4 – Lodge and pay for application .....	17
5.5	Regulator Customer Number (RCN) .....	18
<b>6</b>	<b>Access decision-making under the HVNL</b> .....	<b>20</b>
6.1	Access decisions and restricted access vehicles .....	20
6.2	Access conditions .....	20
6.3	Alternative routes.....	21
6.4	Time limits for decisions .....	21
6.5	Route assessments .....	22
6.6	Statement of reasons .....	22
6.7	Internal review of access decisions .....	22
6.8	Ministerial guidelines .....	23
6.9	Pre-approvals.....	23



6.10	Third-party entities .....	24
<b>7</b>	<b>Transitional arrangements .....</b>	<b>25</b>
7.1	Current notices and permits .....	25
7.2	Current access applications .....	25
<b>8</b>	<b>Support for access applications .....</b>	<b>26</b>
<b>9</b>	<b>Useful links .....</b>	<b>26</b>
9.1	Access links .....	26
9.2	Other useful links.....	26

# 1 About this information pack

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

This information pack has been developed in consultation with industry representatives and is provided for general information only as part of a broader engagement and education program led by the NHVR for industry stakeholders. It is not intended as legal advice.

For more information about the NHVR or the new national law, visit [www.nhvr.gov.au](http://www.nhvr.gov.au) or call 1300 MYNHVR<sup>1</sup> (1300 686 987) to speak directly to one of our case managers for access applications.

# 2 About the NHVR

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

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

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

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



<sup>1</sup> Standard 1300 call charges apply. Please check with your phone provider.

## 3 One Regulator, one rule book

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

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

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

Heavy vehicle operators and drivers will be able to:

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

### 3.1 One point of contact for access permits

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

- We will liaise directly with road managers (state and territory road authorities and local government) to manage applications from start to finish and issue permits.
- For new permits, applicants can use a step-by-step guide to choose the right form and submit application online, by mail or fax.
- We will notify an applicant when consultation and/or consent with another third party may be required under a jurisdictional law.

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

### **3.2 One point of contact for NHVAS and PBS**

- We'll continue to be the single, national administrator for the National Heavy Vehicle Accreditation Scheme (NHVAS). There are no changes to the entry requirements for NHVAS accreditation.
- We'll continue to approve Performance-Based Standards (PBS) Scheme design and vehicle applications (including PBS-approved vehicle access applications) with advice from the PBS Review Panel.

### **3.3 One set of national laws and penalties**

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

### **3.4 One set of national fees**

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

### **3.5 National approach to fatigue management**

- Nationally consistent fatigue management laws and a new approach to Advanced Fatigue Management under the Risk Classification System.

### 3.6 National vehicle standards and modifications

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

### 3.7 What's not changing?

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

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

## 4 Access roles and responsibilities under the HVNL

### 4.1 Industry

Currently, every state and territory has laws that require restricted access vehicles<sup>2</sup> operating on public roads to do so under a notice or permit.

Once the HVNL commences, operators must submit all permit applications to the NHVR for jurisdictions operating under the HVNL. This means that operators must:

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

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

### 4.2 NHVR

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

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

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

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

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

### 4.3 State and territory road authorities

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

---

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

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

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

#### 4.4 Road manager

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

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

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

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

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

The road manager must determine:

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

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

## 5 How to apply

The NHVR will coordinate your access application by liaising directly with road managers (both state and territory road authorities and local government) to manage applications and issue permits.

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

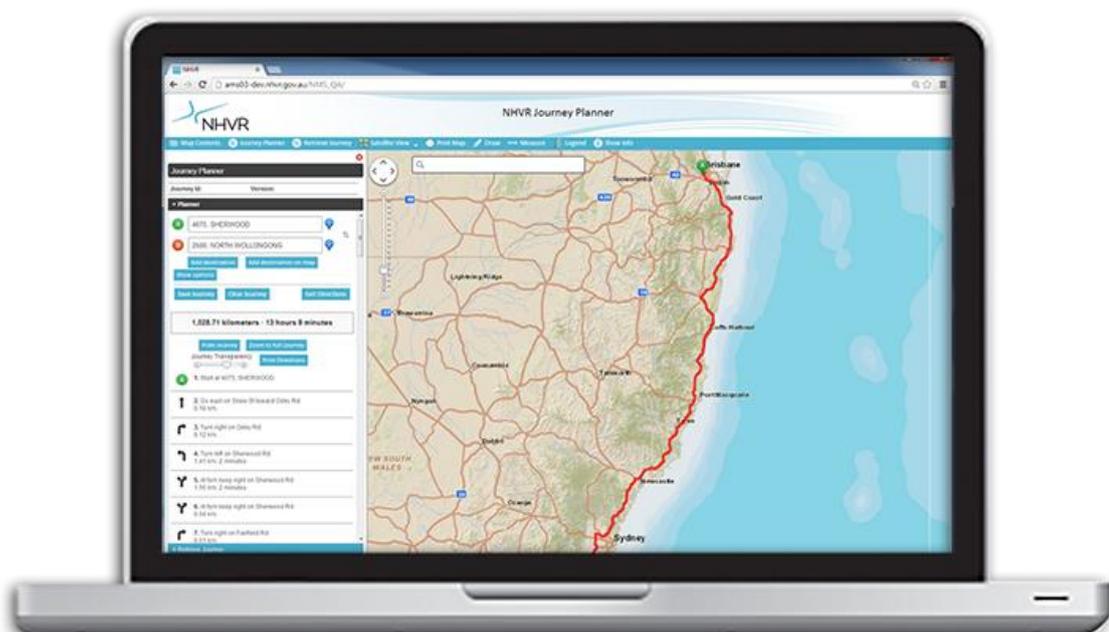
- **Step 1** – Plan your journey
- **Step 2** – Complete an application form
- **Step 3** – Login to our online submission system
- **Step 4** – Lodge and pay for application

### 5.1 Step 1 – Plan your journey

The NHVR Journey Planner is an interactive, online map service which displays declared routes for use by heavy vehicles. You can access the Journey Planner on the NHVR website at [www.nhvr.gov.au/journeyplanner](http://www.nhvr.gov.au/journeyplanner).

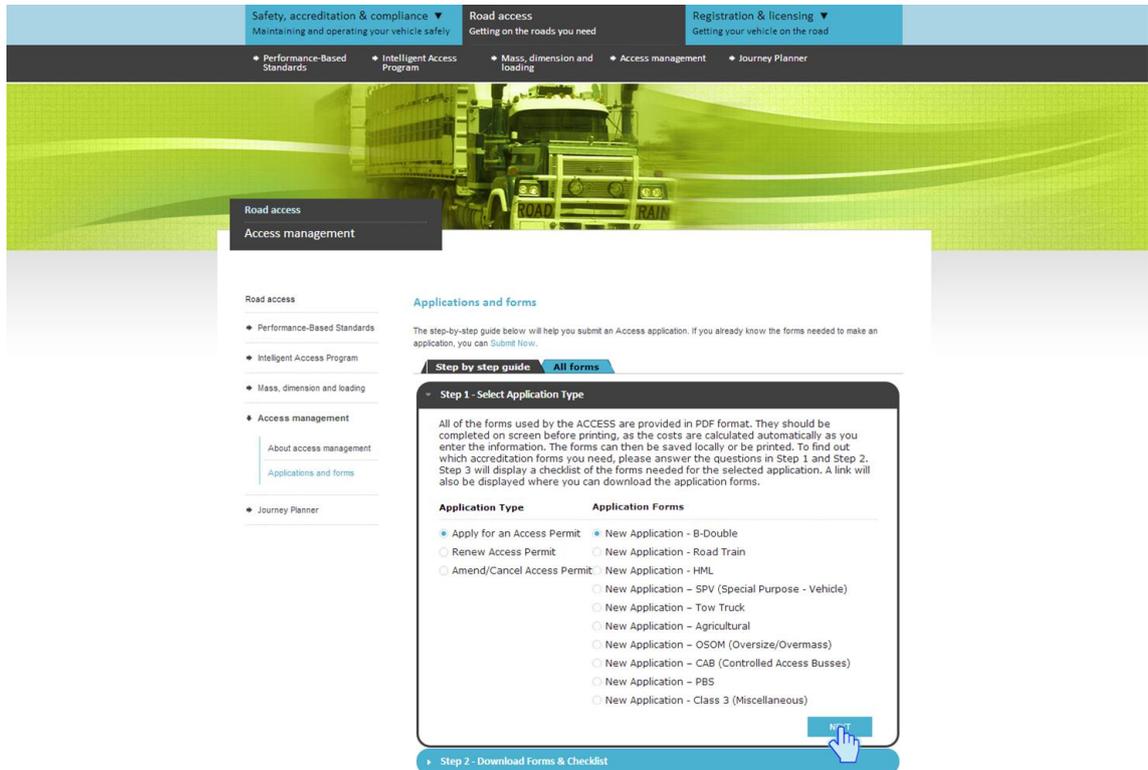
With the Journey Planner you can plan your journey across multiple jurisdictions using one single online tool. Your journey can be compared against approved routes to identify where a permit may be needed. You can save or print out your journey and attach it to your application for an access permit.

To help you use the Journey Planner, we have produced a user guide and e-learning videos that give you an overview of the Journey Planner and guide you in using each feature.



## 5.2 Step 2 – Complete an application form

When the HVNL commences, a step-by-step guide to completing and submitting an access application will be available on the NHVR website, as set out below.



Choose your form depending on the type of vehicle or whether you are renewing or amending a current permit.

Form	Purpose
B-double	Use when applying for a road outside of the gazetted Restricted Access Vehicle network for B-doubles
Road train	Use when applying for a road outside of the gazetted Restricted Access Vehicle network for road trains
HML (Higher Mass Limits)	Use when applying for a road outside of the gazetted HML network, or for applying for a HML permit in a state that has no gazetted notice for HML (i.e. NSW)
SPV (Special Purpose Vehicle)	Use when your SPV falls outside the limits specified in the applicable SPV Notice and a permit is required. Two forms of permits can be issued depending on your vehicle's mass dimensions and area of operations: <ul style="list-style-type: none"> <li>• period permit (network access)</li> <li>• trip permit (specific route).</li> </ul>
Tow truck	Used when your tow truck falls outside the statutory mass and dimension limits, and is issued based on an area of operation.

Form	Purpose
Agricultural	Use when your agricultural vehicle falls outside of the applicable agricultural notice and requires access to the road network. Two forms of permits can be issued depending on your vehicle's mass dimensions and area of operations: <ul style="list-style-type: none"> <li>• period permit (access zone)</li> <li>• trip permit (specific route).</li> </ul>
OSOM (Oversize/Over mass)	Use when your OSOM load-carrying vehicle (e.g. low loader) falls outside the limits specified in the applicable OSOM notice and a permit is required. Two forms of permits can be issued depending on your vehicle's mass dimensions and area of operations: <ul style="list-style-type: none"> <li>• period permit (network access)</li> <li>• trip permit (specific route).</li> </ul>
CAB (Controlled Access Bus)	Use when applying for a road outside of the gazetted CAB network
PBS (Performance-Based Standards)	Use to apply for road access for your approved PBS vehicle. This can be completed: <ul style="list-style-type: none"> <li>• once design approval has been obtained (request for approved access); and</li> <li>• once the vehicle is built, certified and final approval issued (request for permit).</li> </ul> For more information, about PBS, visit <a href="https://www.nhvr.gov.au/road-access/performance-based-standards/pbs-applications">https://www.nhvr.gov.au/road-access/performance-based-standards/pbs-applications</a>
Class 3 (Miscellaneous)	Use when applying for access for any vehicle that falls outside the statutory mass and dimension limits, and which is not covered under any other vehicle category above.
Renew application	Use when a permit is due for renewal. A renewal can only be issued a maximum of six (6) weeks before the expiry of the previous permit. If renewing a non-NHVR permit, provide a copy of the permit with your application.
Amend or cancel access permit	Use when a permit is no longer required and needs to be cancelled, or amendments are required to the following aspects of the permit: <ul style="list-style-type: none"> <li>• alterations to the route/areas</li> <li>• changes to the vehicles listed on the permit (please note that any additional vehicles must be the same)</li> <li>• road/travel conditions.</li> </ul> These amendments can only be processed if: <ul style="list-style-type: none"> <li>• there has been an error made; or</li> <li>• another reason deemed valid by the NHVR.</li> </ul>

Once you have selected a form, our checklist will help you to prepare your application.

The screenshot displays the 'Access management' section of the NHVR website. The left sidebar contains a navigation menu with the following items: 'Road access', 'Performance-Based Standards', 'Intelligent Access Program', 'Mass, dimension and loading', 'Access management' (selected), 'About access management', 'Applications and forms' (highlighted), 'Notices and LPis', 'Permit schemes and guidelines', and 'Journey Planner'. The main content area is titled 'Applications and forms' and includes a sub-section 'Step 2 - Download Forms & Checklist'. This section contains a printable checklist to assist in the preparation of an application, with a 'Next Steps' list of instructions. At the bottom of the checklist area are 'BACK' and 'SUBMIT NOW' buttons.

**Access management**

Road access

- Performance-Based Standards
- Intelligent Access Program
- Mass, dimension and loading
- Access management**
  - About access management
  - Applications and forms**
  - Notices and LPis
  - Permit schemes and guidelines
- Journey Planner

### Applications and forms

The step-by-step guide below will help you submit an Access application. If you already know the forms needed to make an application, you can [Submit Now](#).

**Step by step guide** | **All forms**

▶ **Step 1 - Select Application Type**

▼ **Step 2 - Download Forms & Checklist**

This screen contains a printable checklist to assist you in the preparation of your application. Applications are in PDF format and can be downloaded by clicking on the [Download Forms & Checklist](#) link. Please ensure you have read the relevant guidelines and followed the instructions before proceeding.

You will need the following:

**Next Steps**

- This form is to be used whenever applying for a road outside of the gazetted Restricted Access Vehicle network for B-Doubles.
- Operators should check that their requested route is not an existing approved B-double route which they can continue to operate under a National Notice.
- Operators should check that their vehicle complies with the schedules and conditions in the National Notice as the permit relevant to this application will reference these same conditions.
- Operators can nominate and save the intended route on the NHVR Journey Planner. The journey can be saved with a Journey ID and this number referenced on the application form. The Journey Planner can be accessed by clicking [here](#).
- The NHVR will have access to the map through the saved Journey ID, which means you do not need to attach a map with the application. If the Journey Planner is not utilised an operator must supply full route description (listing ALL roads travelled on) or attach a clear map of the intended route with the application form.
- Complete the application form in full and submit either online, fax or mail.
- If the application is not signed you will be advised to re-send another signed application page. This delays the application processing if not completed.
- Complete Vehicle Details list (on the application form) if the application is for vehicles operating under a Livestock Loading Scheme.
- An application fee applies and payment can be made by credit card, money order or cheque.
- If you are applying online and already have a Regulator Customer Number you do not need to complete Section 1 and 2 of the application form.

[Download Forms](#)

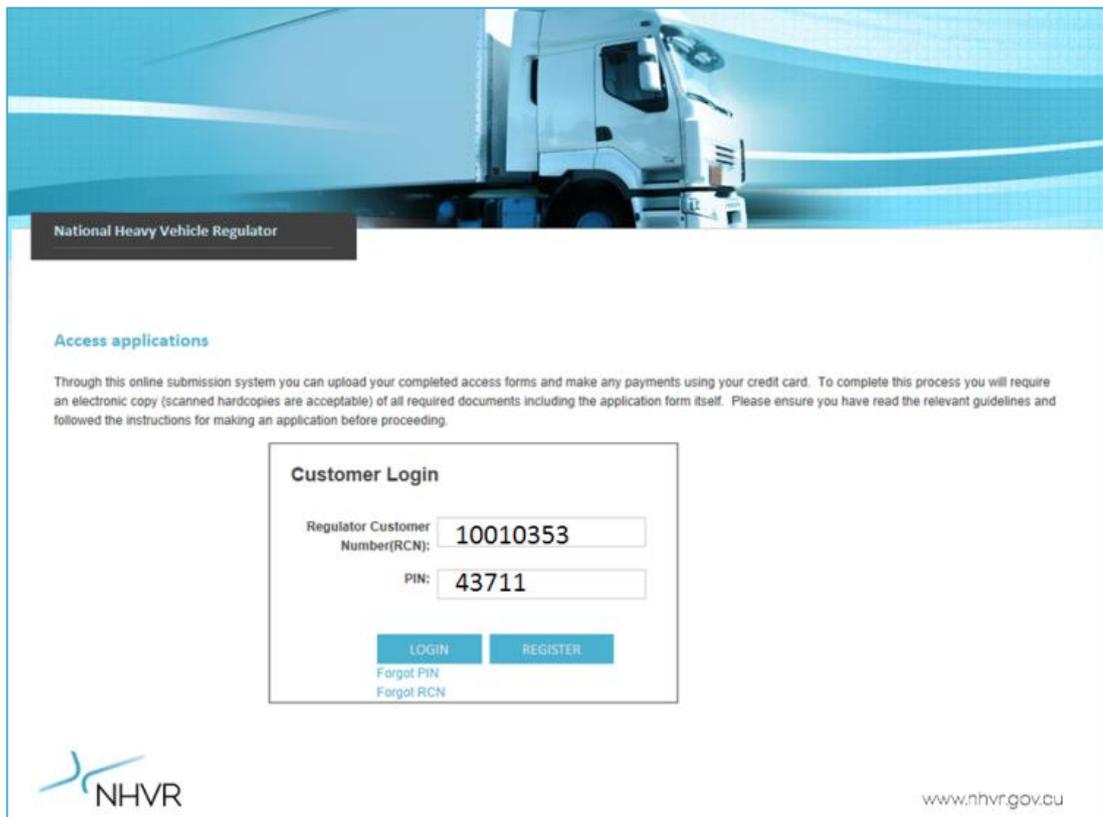
[BACK](#) | [SUBMIT NOW](#)



### 5.3 Step 3 - Login to NHVR access management system

If you have a regulator customer number (RCN) and PIN, enter it into the access applications page on the NHVR website (as shown) and our access management system will recognise you as an existing customer.

If this is the first time you are submitting an access application to the NHVR, you must register your details to obtain an RCN. See section 5.5 for advice on how to obtain an RCN.



The screenshot shows the NHVR website's 'Access applications' page. At the top, there is a banner image of a white truck. Below the banner, the text 'National Heavy Vehicle Regulator' is displayed. The main heading is 'Access applications'. Below this, there is a paragraph of text: 'Through this online submission system you can upload your completed access forms and make any payments using your credit card. To complete this process you will require an electronic copy (scanned hardcopies are acceptable) of all required documents including the application form itself. Please ensure you have read the relevant guidelines and followed the instructions for making an application before proceeding.' Below the text is a 'Customer Login' form. The form has two input fields: 'Regulator Customer Number(RCN):' with the value '10010353' and 'PIN:' with the value '43711'. Below the input fields are two buttons: 'LOGIN' and 'REGISTER'. Below the buttons are two links: 'Forgot PIN' and 'Forgot RCN'. At the bottom left of the page is the NHVR logo, and at the bottom right is the website address 'www.nhvr.gov.au'.

National Heavy Vehicle Regulator

#### Access applications

Through this online submission system you can upload your completed access forms and make any payments using your credit card. To complete this process you will require an electronic copy (scanned hardcopies are acceptable) of all required documents including the application form itself. Please ensure you have read the relevant guidelines and followed the instructions for making an application before proceeding.

#### Customer Login

Regulator Customer Number(RCN):

PIN:

[Forgot PIN](#)  
[Forgot RCN](#)

 [www.nhvr.gov.au](http://www.nhvr.gov.au)

## 5.4 Step 4 – Lodge and pay for application

Once you have logged in using your RCN and PIN you can submit your application.

You can now do the following;

- select your application type
- upload your application form and any supporting documentation (if applicable)
- complete your payment by using a credit card.

Once your application has been submitted, we will send you an acknowledgement e-mail and will keep you informed throughout the application process.

**National Heavy Vehicle Regulator**

Part 2 - Application details

Customer Information [LOGOUT](#)

Company Details	Contact Details	Billing Details
Regulator Customer Number: 10001177 Company Name: Truckson Haulage ACR: Trading As Name: Truckson Haulage Registered Address:	Primary Contact Name: Joe Truckson Primary Contact Title: Mr Mobile Number: 0406 524 221 Email Address: <a href="mailto:jtruckson@gmail.com">jtruckson@gmail.com</a> Preferred Contact Method: email Postal Address: 421 Axle Lane Spring Hill QLD 4016 Australia	Billing Contact Name: Joe Truckson Billing Phone Number: 0406 524 221 Billing Address: 421 Axle Lane Spring Hill QLD 4016 Australia

**Application Information \***

New Application - B-Double

Application Total  
\$ 70.00 AUD

**File Uploads**

Add a new file \*

No file selected [browse](#)

Files must be less than 2 MB.  
Allowed file types: pdf zip gz gif jpg jpeg png gif html txt osw doc doox xls xlsx ppt ppix rtf odf.

**Make Payment**

How would you like to make this payment? [Credit Card](#)

Credit Card Number\*

CVV Code\*  [What's this](#)

Name on Card\*

Expiry Date\* [-Month](#) [-Year](#)

Amount \$ 70.00 AUD

[PAY NOW](#)

## 5.5 Regulator Customer Number (RCN)

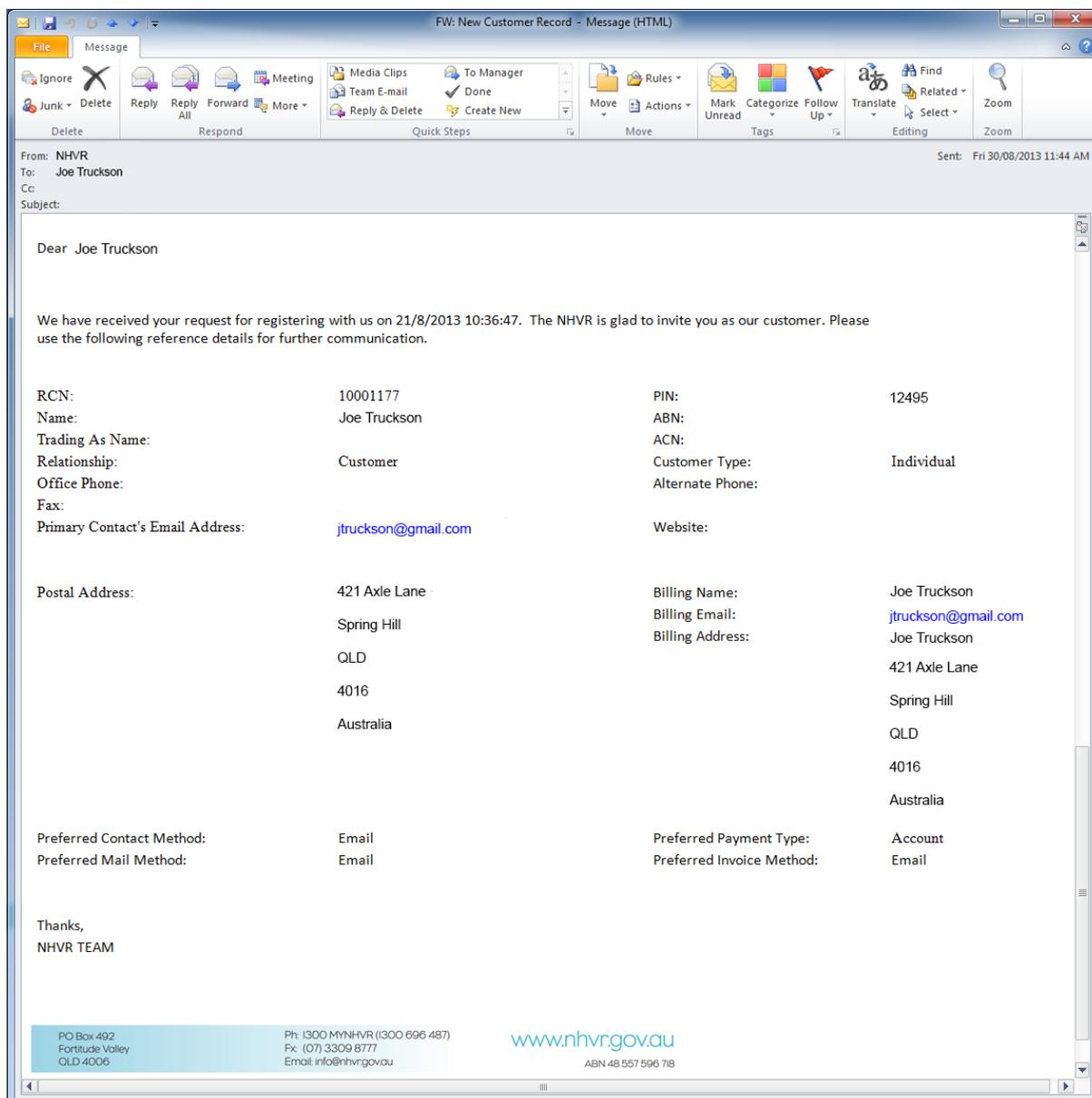
The first time you submit an access application online with the NHVR, you must register your details to obtain an RCN. Enter your details on the screen, as shown below.

If the first time you submit an access application is through mail or fax, we will generate an RCN and PIN and send it out to you.

The screenshot shows the National Heavy Vehicle Regulator website header. Below the header, there is a section titled "Access applications" with a brief description of the online submission system. Below this is a "Customer Login" form with two input fields: "Regulator Customer Number(RCN):" and "PIN:". Below the input fields are two buttons: "LOGIN" and "REGISTER". Below the "LOGIN" button is a link "Forgot PIN" and below the "REGISTER" button is a link "Forgot RCN".

The screenshot shows the "Online Customer Registration" form. The form is divided into several sections, each circled in red: "Applicant Details", "Contact Person Details", "Permit Details", and "Billing Preferences". The "Applicant Details" section includes fields for ACN, Applicant Name, Trading As Name, Registered Company Address, and Operator Postal Address. The "Contact Person Details" section includes fields for Full Name, Title/Position, Phone Number, Fax Number, and Mobile Number. The "Permit Details" section includes a "Preferred Method of Contact" section with radio buttons for Email, Post, Fax, Phone, and Mobile. The "Billing Preferences" section includes a "Billing Contact" section with a radio button for "Same As Contact Person Details" and a "Full Name" field. At the bottom of the form, there is a question "How would you like your Tax Invoice issued to you?" with radio buttons for "Email", "Post", and "Fax".

Once you are registered, we will send you an e-mail providing you with your PIN which you can use for future applications (as shown).



## 6 Access decision-making under the HVNL

### 6.1 Access decisions and restricted access vehicles

Under the HVNL, restricted access vehicles have three classes - Class 1, Class 2 and Class 3 heavy vehicles.

Certain types of heavy vehicle (restricted access vehicles) may only be used on a public road if the operator can operate under a mass or dimension authority (either by notice, declaration or a permit).

Examples of restricted access vehicles include agricultural vehicles and mobile cranes (Class 1), B-doubles and road trains (Class 2), and truck and dog combinations that exceed mass and dimension limits (Class 3).

### 6.2 Access conditions

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

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

#### **Travel conditions**

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

Where escort vehicles must accompany the vehicle, the operator must arrange the relevant level of escort vehicle.

#### **Road conditions**

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

A road condition may require that:

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

## Vehicle conditions

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

A road manager may request that the NHVR impose vehicle conditions to manage a risk, being:

- with potential damage to road infrastructure,
- adverse effects on the community arising from noise, emissions or traffic congestion; or
- significant risks to public safety arising from the use of the restricted access vehicle in a manner incompatible with road infrastructure or road conditions.

The NHVR may decide to modify or not impose a vehicle condition and should only impose a vehicle condition requested by the road manager if it believes the condition mitigates the risk.

## 6.3 Alternative routes

When deciding whether to grant access, local government road managers will be mindful of road network-wide considerations for asset protection, public safety and public amenity. With this in mind, the road manager may offer an alternative route if required.

The HVNL does not explicitly provide for alternatives to be substituted for the requested route, and if an applicant does not agree to an alternative, a decision will still be required on the applicant's route(s).

## 6.4 Time limits for decisions

A road manager has up to 28 days to respond to a request from the NHVR. However, we expect that most heavy vehicle access applications will be straightforward and will be responded to well within this timeframe. The NHVR will work with local governments to help them manage their workload and meet timeframes.

If there is no response within 28 days, the road manager is deemed to have refused to consent.

There are two exceptions to this 28-day rule:

1. The NHVR seeks to renew an **existing** grant of access using an **expedited procedure** if a restricted access vehicle of the same type or configuration has been previously allowed access to the same roads. This process requires the road manager to respond within 14 days, or 28 days if the road manager requires an extension of 14 more days, failing which the road manager is deemed to have **consented** to the use of the restricted access vehicle.
2. The road manager requests an extension of up to six (6) months to consider the application and the NHVR agrees to the extension.

The NHVR exercises discretion with regards to extensions. The ministerial guidelines, yet to be approved and published, will include information about the factors that the NHVR should consider when deciding whether to agree to the extension.

## 6.5 Route assessments

The HVNL recognises that the 28-day limit for a road manager to respond to a request for consent to a grant of access may be extended by agreement with the NHVR for up to six (6) months if the road manager considers that a route assessment is necessary to decide whether to grant the consent.

A route assessment is an assessment of the impacts, or likely impacts, of relevant restricted access vehicle use on road infrastructure in the areas or on the routes requested in the application for access.

This can include structural assessments on bridges, pavements, culverts, tunnels and the like, as well as geometrical assessments such as swept paths at intersections, stacking distances and overtaking provision. It does not include assessment on non-road infrastructure elements, including amenity issues or public consultation processes.

## 6.6 Statement of reasons

If a road manager decides to refuse access or to impose road or travel conditions, the road manager is required by the HVNL to provide a written statement of reasons (an 'information notice') to explain its decision to the applicant.

The written statement must outline the findings of material facts, the evidence or other material supporting these findings, and identify every document that is relevant to the decision.

## 6.7 Internal review of access decisions

The HVNL provides that the following decisions made by road managers are subject to internal review:

- a decision by a road manager to not consent to a grant of access;
- a decision by a road manager to consent to a grant of access subject to a road condition or conditions;
- a decision by a road manager to consent to a grant of access subject to a travel condition or conditions;
- a decision by a road manager to request an access notice be amended or cancelled; and
- a decision by a road manager to request that a permit be amended or cancelled.

A dissatisfied applicant has 28 days from the day they were notified of the decision to seek an internal review. If, however, the applicant was not provided with a statement of reasons by the NHVR, then they have 28 days from the date they receive the statement.

A dissatisfied applicant must apply in writing to the NHVR for an internal review of the decision made by the road manager.

The NHVR must within two (2) business days forward that application to the road manager who then has 28 days to review the decision unless the NHVR and the road manager agree that the road manager may have an extension of time of up to three (3) months.

The internal review of the road manager's decision cannot be made by the same person who made the original decision or a person holding a less senior position. Additional information may be considered by the reviewer and the dissatisfied applicant must be given an opportunity to make written or oral representations to the reviewer. The internal review may result in the original decision being confirmed, amended or substituted.

Unlike decisions made by the NHVR, decisions made by road managers are not subject to external review by courts or tribunals under the HVNL. Dissatisfied applicants are advised of this when they receive the outcome of the internal review.

## 6.8 Ministerial guidelines

The NHVR has developed guidelines for access for consideration and approval by Australian transport ministers.

The guidelines, if approved, will provide guidance to both the NHVR and road managers about how to manage and make access decisions. The HVNL provides that both the NHVR and road managers must take the guidelines into account when making access decisions.

Matters covered in the guidelines will include:

- explanation of the roles and responsibilities of the NHVR, road authorities and road managers;
- high-level principles for making access decisions;
- guidance on public safety, amenity and efficiency and productivity;
- guidance on the process for making access decisions; and
- guidance on the different types of conditions.

## 6.9 Pre-approvals

Road managers will be able to set up pre-approved routes, initially linked to one-off trip permits and eventually notices. This concept is similar to a bulk consent and operates in a similar fashion to a notice, where an arrangement is put in place outlining:

- category(ies) of vehicles to which the arrangement applies; and
- declaration of routes and/or areas on which the specified vehicles are able to operate.

An agreement will be put in place between the road manager and the NHVR outlining the above.

Pre-approvals will be processed by the NHVR as part of the validation checks on incoming applications. If the vehicle and routes requested in an application match an existing pre-approval arrangement, the NHVR will use the arrangement in place instead of sending an individual request for consent to the road manager. If a permit is issued for the application, the road manager will be notified that a permit has been issued.

## 6.10 Third-party entities

A number of other entities other than declared road managers exist. They each have a part to play in the access decision-making process.

These third party entities are sometimes required by other laws outside the HVNL to provide consent, or to be consulted for access. Examples of third party entities include:

- Rail infrastructure managers - the movement of oversize heavy vehicles across level crossings or restricted access vehicles near rail infrastructure may create risks that need to be managed.
- Utilities – restricted access vehicles may have adverse effects on utilities' infrastructure with over height vehicles and telecommunications/ power lines being a common concern.

The applicant has a responsibility to undertake the consultation and/or obtain consent. In most cases evidence of the consent will need to be supplied to the NHVR before a permit is issued.

From the commencement of the HVNL, the NHVR will notify an applicant when consultation and/ or consent with a third party are required under a jurisdictional law.

Seeking consent from a third party need not delay the permit application process. Under the HVNL, the NHVR may progress an access application while the applicant concurrently seeks third party approvals. However, when third party approval is required and is not yet granted, any written consent from the relevant road managers will be inoperative and the NHVR cannot issue a permit.

However, in order to assist applicants in the future the NHVR will provide a list of the most commonly affected third parties and their general area of operations with contact details or links to web-based application forms. While the operator must scope their route and identify affected parties, the NHVR will endeavour in the future to assist in engaging third parties.

## 7 Transitional arrangements

### 7.1 Current notices and permits

Once the HVNL commences, all existing jurisdictional notices and permits that allow the use of restricted access vehicles will continue to have effect.

Current notices are valid until:

- their stated expiration date or five (5) years after commencement of the HVNL (whichever comes first); or
- they are replaced amended or cancelled by the NHVR.

Current permits are valid until:

- their stated expiration date or three (3) years after commencement of the HVNL (whichever comes first); or
- they are replaced, amended or cancelled by the NHVR.

There is no need for operators of restricted access vehicles to apply for new permits as soon as the HVNL commences. After commencement, however, operators must submit their application directly to the NHVR.

### 7.2 Current access applications

State and territory road authorities will continue to process access permit applications under current jurisdictional law until the HVNL commences. Any applications not finalised by that date will transfer to the NHVR for assessment under the new national law. The NHVR will then coordinate any outstanding approvals from road managers and, if appropriate, issue a permit.

Operators should continue to lodge their access application with current state and territory road transport authorities, until the HVNL commences.

## 8 Support for access applications

The NHVR is supporting road managers and industry by implementing a day-to-day case management approach to processing permit applications and providing technical and specialist advice.

The NHVR has a dedicated access applications team that is ready to assist with:

- management and advice on day-to-day applications
- specialist expertise for more extensive advice
- help with complex technical queries and issues
- road manager queries about road consent
- clarification about legislation and policy requirements.

## 9 Useful links

### 9.1 Access links

- One Regulator, one rule book <https://www.nhvr.gov.au/news-events/one-regulator-one-rule-book>
- General information about access under the NHVR <https://www.nhvr.gov.au/road-access>
- Access permits – draft forms [www.nhvr.gov.au/road-access/access-permits](http://www.nhvr.gov.au/road-access/access-permits)
- National notices and local productivity initiatives [www.nhvr.gov.au/lpi](http://www.nhvr.gov.au/lpi)
- NHVR HVTV – industry webinar <https://www.nhvr.gov.au/news-events/webcast-hv-tv/industry-webinar-16-august-2013>
- NHVR HVTV – local government webinar <https://www.nhvr.gov.au/news-events/webcast-hv-tv>

### 9.2 Other useful links

- Fees – NHVR fees and current NHVAS fees schedule [www.nhvr.gov.au/law-policies/fees-schedule-by-a-z](http://www.nhvr.gov.au/law-policies/fees-schedule-by-a-z)
- National Driver Work Diary [www.nhvr.gov.au/workdiary](http://www.nhvr.gov.au/workdiary)
- HVNL penalties and infringements summary [www.nhvr.gov.au/law-policies/penalties](http://www.nhvr.gov.au/law-policies/penalties)
- *On the Road* (NHVR newsletter) <https://www.nhvr.gov.au/news-events/nhvr-newsletter>





For more information

- subscribe** [www.nhvr.gov.au/subscribe](http://www.nhvr.gov.au/subscribe)
- visit** [www.nhvr.gov.au](http://www.nhvr.gov.au)
- email** [info@nhvr.gov.au](mailto:info@nhvr.gov.au)
- fax** 07 3309 8777
- post** PO Box 492, Fortitude Valley Q 4006
- tel** 1300 MYNHVR\* (1300 696 487)

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