



Australian Government



Australian
**Small Business and
Family Enterprise**
Ombudsman

6 November 2020

National Transport Commission
Heavy Vehicle National Law Review Team
Level 3/600 Bourke St
Melbourne VIC 3000

via email: HVNLreview@ntc.gov.au

Dear Sir/Madam

HVNL review consultation regulation impact statement

My Office has previously made submissions to the National Transport Commission regarding the Heavy Vehicle National Law (HVNL) Review. We support amendments which make the HVNL more flexible for small businesses, including owner-drivers. For example, fatigue management regulation should not permit a person to drive when fatigued but should still be flexible enough to cater for a broad range of scenarios in a sensible way.

The network of options presented in the consultation regulation impact statement (RIS), and the lack of detail on compliance cost increases (or decreases) for each option makes it difficult to identify the sets of options most suitable for small businesses. Further, it is not clear how any changes will be funded and the potential quantum of user fees and charges. Information regarding user fees and charges must be included in the final decision RIS, to enable stakeholders to make an informed assessment of the proposed options and provide considered feedback.

We look forward to providing the National Transport Commission with feedback on the final decision RIS to help ensure the HVNL creates a flexible and safe framework to evolve with the industry and provide more clarity to small businesses, drivers and operators. For example, clarity delivered through the proposed establishment of a code of practice mechanism would make obligations clearer and easier to follow for small businesses, drivers and operators. The development of a code of conduct was recommended in my *Road Safety Remuneration Tribunal Payments* report in 2016.

It will be critical to ensure small businesses are adequately supported through any change. The implementation of any of the options should be staged to allow small businesses to receive advice and make any business changes to adapt to the new regulation.

Thank you for the opportunity to comment. If you would like to discuss this matter further, please contact Mr Rowen Murphy on 02 6213 7448 or at rowen.murphy@asbfeo.gov.au.

Yours sincerely

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Australian Small Business and Family Enterprise Ombudsman

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