



Heavy Vehicle Roadworthiness, Vehicle Registration and Driver Licensing

Roadworthiness and Vehicle Standards

Ensuring that the vehicles in your fleet are roadworthy, well-maintained and safe for use on the road is not just a legal requirement it also makes business sense. From an enforcement perspective, safe and reliable vehicles are stopped less often and for a shorter time when they are intercepted. From a commercial perspective, safe and reliable vehicles allow operators to meet contractual demands and avoid or reduce downtime caused by defects and mechanical failure. Having safe and roadworthy vehicles on our roads also meets community expectations and helps to overcome opposition to the expansion of heavy vehicle access.

There are, broadly speaking, two categories of roadworthiness standards, both of which must be met by operators:

- **The prescribed Vehicle Standards**
- **The other aspects of mechanical condition of a heavy vehicle that may impact upon the safe use of the vehicle on a road.**

The first category is prescribed by section 60(1) of the Heavy Vehicle National Law (HVNL) which provides that:

A person must not use, or permit to be used, on a road a heavy vehicle that contravenes a heavy vehicle standard applying to the vehicle.

The Heavy Vehicle (Vehicle Standards) National Regulation 2013 (the VS Regulation) prescribes various heavy vehicle design and construction requirements, including the equipment that must be fitted to the vehicle. The VS Regulation also requires compliance with the Australian Design Rules (ADRs) and other Standards that applied at the time vehicle was first supplied to the Australian market.

An operator's roadworthiness obligations are not restricted to the things prescribed in the legislation. Section 89 HVNL creates a general safety requirement and provides that:

A person must not use, or permit to be used, on a road a heavy vehicle that is unsafe.

Section 89 goes beyond mere compliance with the prescribed vehicle standards and imposes a broader duty on operators and drivers to ensure that their vehicle is safe for operation on a road. This ensures that even if the prescribed vehicle standards do not cover a particular situation the obligation for *safe operation* is still met by operators.

The National Heavy Vehicle Regulator (NHVR) in collaboration with state and territory road agencies has developed the **Heavy Vehicle Inspection Manual (HVIM)** to inform and assist operators (and others involved in vehicle maintenance) to meet their obligation. The HVIM sets out practical steps to be followed in undertaking a heavy vehicle inspection by regulatory inspectors and establishes nationally consistent criteria for assessing heavy vehicle roadworthiness

An operator's roadworthiness regime should not be focused just on compliance with the regulations but on ensuring that all heavy vehicles being used on the road are safe. Asking yourself the following sorts of questions may assist:

- What roadworthiness inspections and maintenance arrangements do you have in place to deal with:
 - Routine matters?
 - Preventative maintenance?
 - Major problems?

- What level of staff, budget and other resources are applied to managing the roadworthiness of your fleet? Is this sufficient? How do you know?
- What processes are in place for drivers and operations and maintenance staff to report problems and defects? Does the system work? Is it easy for relevant staff to report a problem? Will problems that have been reported get the right sort of attention? Do you have a mechanism for identifying whether a problem or defect is isolated or may have implications across the fleet? If not, why not? If you do, is it working effectively?
- Do supervisors understand that they must support drivers and other staff who report roadworthiness concerns? Are supervisors equipped to properly respond to these problems – can they take a vehicle off the road? Can they authorise expenditure on repairs? Can they reschedule a pick up or delivery to take account of the time needed for repairs, adjustment or rectification of a problem or defect?
- Do drivers, operations staff, maintenance staff and supervisors have the support of senior management to put roadworthiness and road safety ahead of commercial concerns? Can they be confident that a decision to take a vehicle off the road for repairs, adjustment or rectification will be backed by senior managers?
- Do the people involved in repairs and maintenance (whether internal or external) have the skills, knowledge and equipment to deal with the broad range of roadworthiness issues that will arise during your on-road operations? How do you know? What quality assurance process(es) have you implemented to ensure that roadworthiness is built in to your operations not added on afterwards?
- Adherence to Vehicle Standards is essential but is not enough to ensure that your operations are fully compliant with the law. What procedures do you have in place to ensure that your vehicles are not unsafe? Who has responsibility for determining the safety of the fleet (and the authority to ensure safety problems are immediately rectified)?

More detail about vehicle standards is available at rms.nsw.gov.au/roads/registration/get-nsw-registration/modified-nonstandard





Vehicle Registration

For most heavy vehicles, it is a requirement that to operate lawfully on the road the vehicle must have current registration in NSW or another Australian state or territory or under the Federal Interstate Registration Scheme.

It is the responsibility of the registered owner of the vehicle to ensure that current registration is maintained and that all requirements for registration are met. In addition to the penalties that can be imposed on the owner of an unregistered vehicle, and on the driver, there can be significant adverse commercial impacts resulting from the vehicle being off the road.

More detail about vehicle registration is available at rms.nsw.gov.au/business-industry/heavy-vehicles/registration

Conditional registration

Conditional registration is available to specified types of vehicles, generally where its use is limited to specific functions or to specific areas. A person operating a conditionally registered vehicle must comply with all of the conditions of use for the vehicle.

More detail about conditional registration is available at rms.nsw.gov.au/roads/registration/get-nsw-registration/conditional.html

Federal Interstate Registration Scheme

The Federal Interstate Registration Scheme (FIRS) is available in relation to heavy vehicles that are used in trade or commerce between the states or between a state and a territory.

Vehicles registered under FIRS are entitled to operate on NSW roads only if they are involved in the interstate carriage of goods or passengers (or carriage between a state and a territory) or for a purpose that is incidental to the carriage of passengers and goods in interstate trade or commerce (or between a state and a territory).

In NSW FIRS is administered by Roads and Maritime Services.

Where a FIRS vehicle is used for work that does not involve the interstate carriage of goods or passengers (or carriage between a state and a territory) or an incidental purpose the vehicle is taken to be unregistered and action can be taken by Roads and Maritime Inspectors or NSW Police.

Heavy vehicle modifications

The Heavy Vehicle National Law (HVNL) provides for the approval of modifications to heavy vehicles. Generally speaking there are three types of modifications: minor modifications; section 86 modifications; and section 87 modifications.

Minor modifications

Minor modifications include the fitting of optional equipment or alterations to a vehicle within the manufacturer's specifications that do not cause the vehicle to be non-compliant with an applicable heavy vehicle standard.

Section 86

Section 86 allows Approved Vehicle Examiners (AVEs) to approve modifications which are covered by the Code of Practice for the *Approval of Vehicle Modifications* (the Code) issued by the National Heavy Vehicle Regulator (NHVR).

Vehicles modified in accordance with the Code must meet the technical requirements of Part B – Technical Aspects of Vehicle Standards Bulletin 6 (VSB 6) published by the Commonwealth Department of Infrastructure and Regional Development.

Section 87

Modifications under section 87 of the HVNL which require the approval of the NHVR are those where the modification would result in a vehicle not being fully compliant with the applicable heavy vehicle standards and have not been carried out in accordance with the prescribed standards and this Code.

More information about heavy vehicle modifications is available at rms.nsw.gov.au/roads/registration/get-nsw-registration/modified-nonstandard.html

Heavy vehicle driver licence

Heavy vehicle driver licences are issued on a national basis by road authorities. A driver must ensure that she or he has the appropriate class of licence for the vehicle or combination being driven.

Operators face a risk where a driver's licence has expired or it has been cancelled or suspended.

Three useful measures that an operator can implement to address this are:

- (i) To sight the driver's licence when the person is engaged to confirm the licence class and to ensure that there are no licence conditions or restrictions that would prevent the driver driving the operators vehicles
- (ii) Including employment or contract conditions that require the driver to inform the operator if the driver's driver licence has been downgraded or has expired or is about to expire or if the driver has been served with a notice informing the driver that the licence has or is about to be downgraded, suspended or cancelled. Requiring the driver to actively keep the operator informed about licence status emphasises to the driver the importance of driving in a manner that does not lead to a loss of licence
- (iii) Roads and Maritime Services offers a Driver Licence Check (DLC) facility that enables a person authorised by the driver to check on the status of the licence. For an operator the DLC facility provides an opportunity for regular assurance that drivers are currently licensed. Access to the DLC is permitted only for the purpose of checking that a driver is eligible to drive the operator's vehicles and is subject to strict privacy controls.

More information on the DLC and how to obtain authorisation to check driver licence status is available at <https://myrta.com/tpe/>

