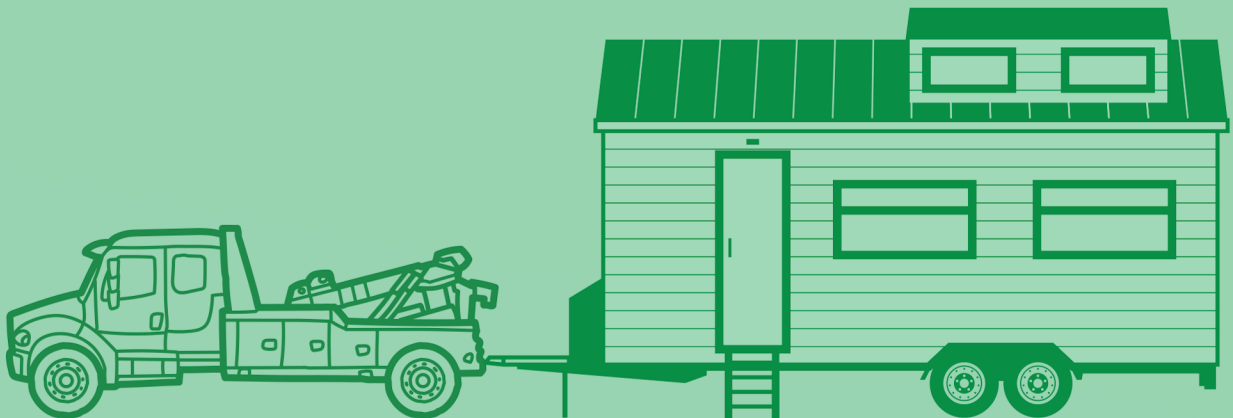




AUSTRALIAN
TINY HOUSE
ASSOCIATION

Tiny Houses and the HEAVY VEHICLE NATIONAL LAW



Australian Tiny House Association Inc (Vic)
ARBN: 648 534 204 / ABN: 93 154 398 036

TINY HOUSES AND THE HEAVY VEHICLE NATIONAL LAW

Information

ATHA has received the following information from the National Heavy Vehicle Regulator. It explains the application of the Chain of Responsibility provisions, and some other relevant parts of the HVNL but does not cover every requirement. For more detailed information, refer to the NVHR website or phone or email their Contact Centre.

When does the HVNL apply?

It applies in every Australian jurisdiction except WA and NT.

The Heavy Vehicle National Law (HVNL) creates obligations for parties in the Chain of Responsibility for a heavy vehicle, as well as detailed requirements about fatigue, mass, dimension, loading and vehicle standards.

When either

- A tiny house is built onto a trailer that has an ATM¹ over 4.5t, or
- A tiny house is being towed by a vehicle with a GVM² over 4.5t, and the tiny house is being transported on a road, then the HVNL applies.

Light vehicles

If your tiny house is built on a trailer that has an ATM of 4.5t or less and is light enough to be transported by a vehicle with a GVM of 4.5t or less, then the HVNL will not apply.

Whether or not the HVNL applies, the suggestions about ways to manage risks to public safety are still useful advice and will help you get your tiny house to its next destination in one piece while keeping other road users safe.

¹ Aggregate Trailer Mass: - the total maximum mass of a trailer, as stated by its manufacturer, together with its load and the mass imposed on the towing vehicle by the trailer when both vehicles are on a horizontal surface.

² Gross Vehicle Mass: - the maximum mass a loaded vehicle may carry as specified by a registration authority, or by the vehicle's manufacturer.

Chain of Responsibility

One part of the HVNL – referred to as “Chain of Responsibility” – imposes a primary duty on ten defined parties, to ensure the safety of their transport activities. Those parties include the operator of a heavy vehicle, the employer or prime contractor of the driver of a heavy vehicle, the scheduler of the vehicle, and the consignor, consignee, loader, unloader, packer and loading manager for goods transported by a heavy vehicle.

If you or your business owns, or is buying or selling a tiny house, and is sending it or receiving it by road, or is arranging for its transport, then it’s likely that you or your business is one of those CoR parties. If so, then the “primary duty” applies to you or your business. This is a duty -

“to ensure, so far as is reasonably practicable, the safety of (your) transport activities in relation to the heavy vehicle.”

This is a requirement to eliminate or minimise risks to public safety associated with the use of the heavy vehicle on a road. Think of it as WHS on wheels - making sure that the vehicle is safe, the load is secure, the driver is not fatigued, and that the correct route is chosen. The duty also prohibits any conduct or promise that would encourage a driver to speed or that would encourage any person, including the driver, to breach any of the requirements in the HVNL.

Ways to eliminate or minimise risks to public safety

Making the tiny house safe to travel

Take travel requirements into account when designing and building a tiny house. This will be more effective than adapting the final structure for safe transport. Consider whether it would be safer to transport the house before it’s completed, only adding some fixtures once it is at its destination. If it will be necessary to apply restraint equipment to the house for safe transport, incorporate suitably engineered lashing tie-down points into the design.

Make sure that nothing will come loose or fall from the house when it is exposed to the forces of on-road transport. For example, windows may not be made of the laminated glass used in vehicle windshields and may crack or shatter, creating a hazard to other road users. Find a method to prevent cracking or ensure that if glass does shatter, it will not fall from the vehicle. A common practice is to apply duct tape.

Making the tiny house safe to travel cont...

Secure drawers and doors; remove furniture or fittings, batteries, and gas cylinders prior to transport; ensure that any pipes or containers are emptied of fluid, particularly fluids that could create a slip hazard on a road, or fluids or substances categorised as dangerous goods.

Secure gates, awnings or other fittings that could otherwise become loose during travel and swing into the path of another vehicle. Affix roof tiles or sheeting so that they won't be lifted or displaced by wind forces.

Choosing a transport company /driver

Make reasonable enquiries to satisfy yourself that the person or company operates safely, has appropriate vehicles, is experienced in this type of transport activity, and is well run. (e.g., by asking for references, checking their website, or asking them about their safety policies.)

Specifying the destination and a time frame for delivery

Provide the information that will allow the transporter to schedule the trip so that the driver does not need to speed or avoid rest breaks in order to arrive on time. Avoid arrangements that would create incentives for a driver to speed or to drive while fatigued. Be flexible about timing to allow the safest time for travel.

Specifying the mass and dimensions of the house and trailer

Provide accurate mass and dimension information so that the transporter can provide the appropriate towing vehicle and determine whether a permit and/or escort is required.

Many transporters would already be familiar with the process of obtaining a permit for an over-dimension vehicle from the NHVR. For more information see: [Access-management](#)

Providing accurate information about conditions enroute and at the destination

Transporters of oversize loads have an obligation to check a route before travelling, and this is good general practice for transporters of all loads, but if you know something about the route or the destination that might be relevant, share this with the transporter. For example: low powerlines, a sharp corner, soft shoulders, a bridge that needs repairs, livestock on a road, a narrow entrance, a tight turning circle, or limited business hours, special conditions, or induction requirements at the delivery point etc.

Conclusion

These suggestions are basic common sense and risk management. They are in your interests – because they improve the chance of safe delivery – and in the interests of road using public. They may also be a requirement of an insurance contract.

These suggestions are examples, but they are not an exhaustive list. Other circumstances or factors may create different risks, which you would also need to manage, so far as is reasonably practicable, to the extent of your ability to influence and control them.

For general information about managing transport safety, refer to the Master Code, a registered code of practice for the heavy vehicle industry. To understand more about Chain of Responsibility, see NHVR web page: Chain-of-responsibility.

Other legal requirements

Ensuring the trailer is registered for road use and roadworthy

If you built or acquired the trailer on which the house was built or affixed, you need to ensure that the trailer is compliant for use on Australian roads and has the proper authorisation.

A heavy trailer i.e., a trailer with an ATM¹ over 4.5t, must comply with applicable Australian Design Rules (ADRs) and must have commonwealth approval either by Vehicle Type approval, or low volume pathway. See:

<https://www.infrastructure.gov.au/infrastructure-transport-vehicles/vehicles/rvs/high-atm-trailers>

Generally, a light trailer i.e., a trailer with an ATM of 4.5t or less must comply with Vehicle Standards Bulletin 1 and must comply with dimension and other requirements for registration in the relevant state or territory. You need to check those requirements with the relevant road authority. If operating under a Notice or Permit, you must ensure compliance with all the conditions stated in the notice or permit.

Other HVNL requirements

Apart from your duty as a party in the Chain of Responsibility, you should also be aware of the following HVNL requirements which can apply not only to the driver of a heavy vehicle or combination but also to a person who “permits” the person to drive that vehicle.

Mass Limits

Heavy vehicles must comply with overall mass limits and limits for axles and axle groups.

For information about mass limits see: Schedule 1, [Heavy Vehicle \(Mass, Dimension & Loading\) National Regulation](#) or NHVR web pages: [Mass-dimension-and-loading/general-mass-and-dimension-limits](#)

Dimension Limits

There are prescribed dimension limits for different types of heavy vehicles. Vehicles that exceed those limits need a permit or notice to travel.

For information about dimension limits see: Schedule 6, [Heavy Vehicle \(Mass, Dimension & Loading\) National Regulation](#) or NHVR web pages: [Mass-dimension-and-loading/general-mass-and-dimension-limits](#)

Load Restraint

As for any load transported on or in a heavy vehicle, the tiny house and its contents will have to be restrained in a way that meets the “Loading Requirements and Loading Performance Standards” in Schedule 7, [Heavy Vehicle \(Mass, Dimension & Loading\) National Regulation](#).

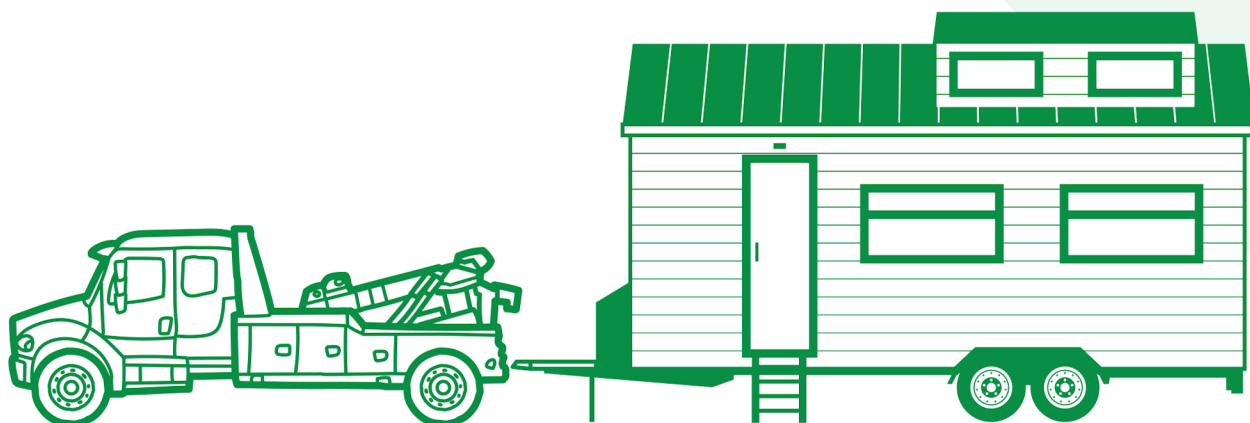
For more information about load restraint, see the [Loading](#) page on the NHVR website.

The above information is not exhaustive of all relevant HVNL requirements. If in doubt, check with a heavy vehicle transport professional, or contact the NHVR [Contact Centre](#) for more information.

More information

Get connected with the Australian Tiny House Association by visiting tinyhouse.org.au or drop us a line at admin@tinyhouse.org.au

Join
ATHA
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stronger
together!



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