

**EFFECTIVENESS REVIEW OF  
THE AUSTRALIAN VEHICLE  
STANDARDS RULES AND  
ADMINISTRATIVE GUIDELINE  
FOR PILOT AND ESCORT  
VEHICLE DRIVER  
ACCREDITATION PROCEDURES**

**FINAL REPORT**

July 2008



National Transport Commission

**Prepared by  
National Transport Commission**

*National Transport Commission*

**Effectiveness Review of the Australian Vehicle Standards Rules and Administrative Guideline for Pilot and Escort Vehicle Driver Accreditation Procedures.**

Report Prepared by: **National Transport Commission**

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## REPORT OUTLINE

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**Title:** Effectiveness Review of the Australian Vehicle Standards Rules and Administrative Guideline for Pilot and Escort Vehicle Driver Accreditation Procedures.

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**Objectives:** To assess the effectiveness of the Australian Vehicle Standards Rules (the Vehicle Standards) and Administrative Guideline for Pilot and Escort Vehicle Driver Accreditation Procedures (the Guideline) in meeting their respective, original objectives.

**NTC Programs:** Maintenance and Review

**Key Milestones:** Submission of the draft report for comment to the Transport Agency Chief Executives in April 2008 and ATC in July 2008.

**Abstract:** This report provides an assessment of the effectiveness of the Vehicle Standards and Guideline in achieving their stated objectives.

**Purpose:** ATC to approve for public release.

**Key words:** Australian Vehicle Standards Rules, Vehicle Standards, in-service, Administrative Guideline for Pilot and Escort Vehicle Driver Accreditation Procedures, uniform, consistent, reforms, standards, streamlining, objectives, vehicle operator, enforcement.

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## FOREWORD

The National Transport Commission (NTC) is an independent body established under the *National Transport Commission Act 2003*. Pursuant to the Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport, it has an ongoing responsibility to develop, monitor, maintain and review uniform or nationally consistent regulatory and operational reforms relating to road, rail and intermodal transport.

The required review encourages a reform's continued relevance and effectiveness, in addition to ensuring it remains vibrant and achieves the best national land transport outcomes. This review covers two reforms – the Australian Vehicle Standards Rules and National Transport Commission (Road Transport Legislation – Vehicle Standards Regulations) 2006 (the combination of both are referred to as the Vehicle Standards in this report) and the Administrative Guideline: Pilot and Escort Vehicle Driver Accreditation Procedures (the Guideline).

The Australian Vehicle Standards Rules were developed by the National Road Transport Commission as a companion to the Road Transport Reform (Vehicles Standards) Regulations. Both were available for implementation in 1999. They apply to all forms of motor vehicles operating on public roads, except certain small or low speed vehicles such as motorised wheelchairs.

The Guideline, developed by Queensland Transport and the National Transport Commission, was completed for adoption in 2004. It was developed to provide an administrative framework for nationally uniform procedures in the accreditation of pilot and escort vehicle drivers.

The review process involved preparation of a report to evaluate what has been achieved against the original objectives of the reforms, and check that those objectives remain relevant. The relevant agencies were consulted during the process, to assist in understanding the mechanisms used to adopt a reform in a jurisdiction. The report is now submitted to the Australian Transport Council for approval and its release as a public document.

I take this opportunity to thank the officers in various state and territory road agencies and industry groups for their assistance with this review. I would also like to acknowledge the work of the National Transport Commission's Project Manager, Julian Del Beato, in the preparation of this report.



Michael Deegan  
Chairman



# SUMMARY

## Introduction

This report assesses what has been achieved against the original objectives of the Australian Vehicle Standards Rules (Vehicle Standards) and the Administrative Guideline: Pilot and Escort Vehicle Driver Accreditation Procedures (the Guideline). It complements a separate evaluation<sup>1</sup> of the Vehicle Standards that assessed the extent to which each jurisdiction's legislation complied with the intent and wording of the model legislation.

The assessments are primarily based on the views of stakeholders, obtained in a national consultation process.

## Background

Both reforms under review in this report were formed as a result of the 1991 Heavy Vehicles Agreement, which established a national heavy vehicle registration, regulation and charging scheme. A subsequent Light Vehicles Agreement, signed in 1992, extended the objective of achieving national uniformity in road regulation to all other road users (subject to net benefits being demonstrated from doing so) and thus facilitated the development of initiatives applying to both heavy and light vehicles, such as the Vehicle Standards and Guideline.

## The need for Australian Vehicle Standards Rules

The primary objective of the Vehicle Standards was to harmonise vehicle standards in each state and territory, thereby eliminating the discrepancies between vehicle standards across borders. Benefits were envisaged as improved productivity for national transport operators, as well as a reduction in costs associated with the need for state and territory road agencies to maintain their own sets of vehicle standards. A single set of uniform model national standards, developed and maintained in conjunction with representatives from each of the road agencies was agreed as being the most effective means of achieving that objective.

The Vehicle Standards were intended to overcome historical problems, such as those experienced by interstate transport operators whose vehicles were required to comply with each of the state and territory vehicle standards. Differences in these vehicle standards led in some cases to either conflicting requirements making compliance difficult, or required compliance with the "lowest common denominator", negating benefits in productivity otherwise available in one state or territory but not in another.

Private operators of light vehicles also inadvertently found themselves subject to enforcement measures on occasions, as a result of travelling to a state or territory with different vehicle standards to that of their own.

As well as national uniformity, the Vehicle Standards had the objectives of improving consistency, safety, efficiency and protection of the environment. In their implemented form, they applied to light and heavy vehicles and their operators who ranged from national transport to private vehicle operators.

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<sup>1</sup> Evaluation of the Implementation of the Vehicle Standards. NTC, March 2007.

## **Results of the review of the Australian Vehicle Standards Rules**

### **Nationally uniform vehicle standards**

There was strong agreement with both the principle of nationally uniform Vehicle Standards and its achievement amongst all types of respondents. Reasons such as the ability to supply the same product or drive the same vehicle across all Australian states and territories were given in support of this objective.

### **Reduced transport costs**

There was mixed agreement on whether the vehicle standards had reduced transport costs. While road agencies agreed that the task of maintaining their own unique set of standards had been reduced, this was offset by the need to contribute to maintenance of the national version. Transport industry respondents had mixed views on whether costs had been reduced.

### **Justified, practical and enforceable vehicle standards**

Road agencies were supportive of the view that the Vehicle Standards were justified, practical and enforceable. Views amongst industry members and others were more mixed for reasons including interpretation, enforcement and implementation of amendments.

### **Enhanced levels of vehicle safety and protection of the environment**

There was strong agreement by all types of respondents that the Vehicle Standards had effectively encouraged practices that enhanced vehicle safety levels and protection of the environment, and had given priority to the most important issues. However, the needs of unprotected road users were also mentioned.

### **Transport productivity**

There was mixed agreement on whether the Vehicle Standards had contributed (or had the ability to contribute) to improvements in transport productivity.

### **Conclusions**

The objective of *nationally uniform or consistent Vehicle Standards and regulations* can, for the most part, be assessed as both remaining valid and having been met.

The objective of *vehicle design and maintenance practices providing for their safe use and protection of the environment* had also been met (some changes were proposed).

The objective of *the provision of justified, practical, up to date and enforceable Vehicle Standards* had been achieved as reckoned by road agencies. However, industry and other types of respondents were more mixed in their support, highlighting issues such as a lack of awareness for the introduction of new or amended rules, or how to participate in their development.

Comments of the objective to *reduce transport administration costs* were relatively more muted. A number of respondents disagreed that the Vehicle Standards were even influential on these matters, or that they should be included as objectives.

The National Transport Commission proposes to refer inconsistencies in the way Vehicle Standards have been implemented by states and territories to the maintenance group.

## **The need for an Administrative Guideline for Pilot and Escort Vehicle Driver Accreditation Procedures**

The Guideline outlines procedures for the accreditation of pilot and escort drivers, with the objective of encouraging national uniformity and mutual recognition. It is intended to simplify and reduce the cost of oversize vehicle travel across state and territory borders.

## **Results of the review of the Administrative Guideline for Pilot and Escort Vehicle Driver Accreditation Procedures**

It was overwhelmingly cited by respondents that pilot and escort vehicle driver accreditation procedures vary significantly between states and territories. This was emphasised by the increasing frequency of cross border transport requiring accompaniment of a pilot and escort vehicle, and difficulties that resulted from operators attempting to comply with varying driver accreditation requirements. Respondents cited this scenario as having imposed incremental costs.

### **Conclusions**

There was significant support for the underpinning objectives of the Guideline and removing the varying accreditation requirements between states and territories.

There was also good agreement that the content of the Guideline was relevant and appropriate. However, it was thought the approach of encouraging national uniformity through the publication of a guideline was ineffective.

In overall terms, it was concluded that the Guideline has been ineffective in achieving nationally uniform procedures, or encouraging mutual recognition. Acknowledgment made by the Guideline of differences between the requirements of states and territories has not encouraged reform to achieve national uniformity, nor the principle of mutual recognition. Such continued variances and a lack of mutual recognition between states and territories are contrary to its objectives. This has reportedly contributed to a reduction in productivity levels for operators of over-dimensional vehicles.

The approach of developing the Guideline as a set of guidelines, rather than model regulations, may therefore be called into question.

The National Transport Commission proposes to:

- include in its work program, as part of the agreed national transport reform agenda, attaining national uniformity in national pilot and escort vehicle accreditation; and
- develop uniform model regulations for pilot and escort vehicle driver accreditation procedures and requirements, based on the principle of mutual recognition between states and territories for consideration by jurisdictions.



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## 1 INTRODUCTION

### 1.1 The purpose of this report

Under the *National Transport Commission Act 2003* (the Act) and the Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport (IGA), the National Transport Commission (NTC) is required to review agreed reforms to ensure that they continue to be relevant and effective, meet the needs of jurisdictions and industry and reflect ‘best practice’.

The Australian Vehicle Standards Rules were developed by the National Road Transport Commission (NRTC) as a companion to the Road Transport Reform (Vehicles Standards) Regulations. Both were approved by the Australian Transport Council (ATC) and available for implementation in 1999. They apply to all forms of motor vehicles operating on public roads, except certain small or low speed vehicles such as motorised wheelchairs.

The Administrative Guideline: Pilot and Escort Vehicle Driver Accreditation Procedures (the Guideline) was developed by Queensland Transport and the National Transport Commission. It was approved by ATC as part of the NRTC’s Third Heavy Vehicle Reform Package and available for adoption in 2004. It was developed to provide an administrative framework for nationally uniform procedures in the accreditation of pilot and escort vehicle drivers.

The Australian Vehicle Standards Rules and National Transport Commission (Road Transport Legislation – Vehicle Standards Regulations) 2006 (the combination of both are referred to as the Vehicle Standards in this report) have now been implemented in all states and territories.

The NTC has commissioned this review of these two reforms in line with its obligations under the Act and the IGA. The review encourages a reform’s continued relevance and effectiveness, in addition to ensuring it remains vibrant and achieves the best national land transport outcomes. Ad hoc maintenance of reforms cannot replace the need for a comprehensive re-examination of a particular reform. This comprehensive NTC review also obviates the need for jurisdictions to conduct their own separate reviews to meet the review obligations imposed by their own legislatures.

This report assesses what has been achieved against the original objectives of both reforms as defined in their respective regulatory impact statements, and how effectively these reforms are functioning and being administered. It complements a separate evaluation<sup>2</sup> of the Vehicle Standards that assessed the extent to which each jurisdiction’s legislation complied with the intent and wording of the model legislation.

The assessments are primarily based on the views of stakeholders, obtained in a national consultation process.

### 1.2 National transport reform background

The 1991 Heavy Vehicles Agreement established a national heavy vehicle registration, regulation and charging scheme. A subsequent Light Vehicles Agreement, signed in 1992, extended the objective of achieving national uniformity in road regulation to all other road users (subject to net benefits being demonstrated from doing so) and thus facilitated the development of initiatives applying to both heavy and light vehicles, such as the Vehicle Standards and the Guideline.

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<sup>2</sup> Evaluation of the Implementation of the Vehicle Standards. NTC, March 2007.

National transport reform including in this case the Vehicle Standards is usually formed as model legislation. This has enabled the states and territories to implement the intent of the model legislation in a uniform manner, while allowing for differences between the legislative policies and instruments of states and territories inconsequential to the reform objectives. This means that legislation may be judged as having been implemented in a uniform manner so long as the meaning and intent of the model legislation was accurately reflected, even though the precise wording may differ.

## **1.3 The Vehicle Standards**

### *1.3.1 Background*

The Vehicle Standards are a combination of what were originally proposed and partially implemented as two separate reforms for light and heavy vehicle standards.

In 1993, Transport Ministers approved the Road Transport Reform (Heavy Vehicle Standards) Regulations. However, in 1995 the draft Road Transport Reform (Vehicle Standards) Regulations for light vehicles was disapproved by Ministers following disagreement over some issues covered in the draft regulations.

In 1998 a combined version of both sets of the above regulations encompassing both light and heavy vehicle standards was submitted to the ATC. The Road Transport Reform (Vehicle Standards) Regulations were approved by ATC in January 1999 and superseded the previously approved Road Transport Reform (Heavy Vehicle Standards) Regulations 1993. It is these Regulations, read in companion with the Australian Vehicle Standards Rules, that are reviewed in this report.

Since their approval in 1999, five amendment packages to the Vehicle Standards have been approved.

### *1.3.2 Scope and objectives*

The Vehicle Standards are the in-service standards for all motor vehicles, trailers and combinations throughout Australia operating on public roads except certain small or low speed vehicles such as motorised wheelchairs. Their objectives are included in Part 1 of the Vehicle Standards:

- (1) The object of the Vehicle Standards is to set standards, about the construction and performance of motor vehicles, trailers and combinations, that are uniform throughout Australia.
- (2) The standards are intended:
  - (a) to promote, throughout the life of motor vehicles, trailers and combinations, their safe use and efficiency and the protection of the environment; and
  - (b) to reduce the cost of transport administration.

There are two major functions of the Vehicle Standards:

1. to extend application of second and third edition Australian Design Rules governing the design and construction of new vehicles to the in-service context; and
2. to prescribe standards for vehicle design and equipment to which a second or third edition Australian Design Rule does not apply.

### 1.3.3 *Relationship with the Australian Design Rules*

Of particular importance to understanding the scope of the Vehicle Standards is their relationship with the Australian Design Rules. As noted above, a major function of the Vehicle Standards is to extend application of second and third edition Australian Design Rules to the in-service context.

The Australian Design Rules are the rules governing the design of vehicles in order that they may be certified for sale in Australia as new vehicles. They apply most directly to vehicle designers, manufacturers and importers, rather than vehicle operators (owners and drivers). It is through the Vehicle Standards that vehicle operators are required to ensure continued compliance with applicable Australian Design Rules throughout the life of the vehicle. This is achieved in practice by effectively maintaining aspects of a vehicle's condition deemed important to its safe operation and protection of the environment (emissions).

Although the Vehicle Standards specifically include a number of requirements or standards for vehicle design, Part 2 (Application of the Vehicle Standards) clarifies that such requirements do not apply to a vehicle when it is subject to corresponding requirements of an Australian Design Rule. A large number of vehicle standards requirements included in the Vehicle Standards therefore do not apply to vehicles built and certified subsequent to the application of second edition Australian Design Rules provisions, which were introduced progressively from 1969. This includes the vast majority of vehicles registered for use on Australian roads.

### 1.3.4 *Areas of particular influence for the Vehicle Standards*

Despite many requirements of the Vehicle Standards deferring to those of the Australian Design Rules, there are several aspects of vehicle design and combinations over which the Vehicle Standards exert primary influence:

1. standards for vehicles built prior to application of a second edition Australian Design Rule, i.e. primarily those built earlier than 1969 (as discussed directly above);
2. matters relating to vehicle combinations, including semi-trailers, B-doubles and road trains. While individual vehicles making up a combination may be required to comply with applicable Australian Design Rules requirements, combined dimensions such as overall length, some aspects of on-road performance of combinations including braking and some additional requirements deemed important to ensuring the safe operation of longer combinations are determined by the Vehicle Standards; and
3. issues more relevant to the in-service context and not otherwise addressed by the Australian Design Rules, including aftermarket products such as window tinting.

### 1.3.5 *Regulatory impact statements*

There were in effect two regulatory impact statements for the Vehicle Standards:

1. Regulatory Impact Statement: Road Transport Reform (Heavy Vehicle Standards) Regulations July 1993 (revised November 1993).
2. Regulatory Impact Statement: Vehicle Standards October 1998.

The first regulatory impact statement supported introduction of the Heavy Vehicle Standards in 1993, with the principal objectives of:

- encouraging efficient, competitive and safe road transport;
- matching the use of the road resource by heavy vehicles to the budgeting and physical constraints faced by road authorities;
- providing justified, practical and enforceable standards;
- achieving adequate enforcement levels while still providing flexibility to operators;
- allowing for the development of industry self regulation where appropriate; and
- developing a system of nationally uniform or consistent standards and regulations.

As the heavy vehicle provisions were mostly carried over from the Road Transport Reform (Heavy Vehicle Standards) Regulations, the 1998 regulatory impact statement for the consolidated light and heavy vehicle standards that formed the Vehicle Standards focussed on the impact of introducing nationally uniform light vehicle standards. It had the principal objectives of:

- setting standards, about the construction and performance of motor vehicles, trailers and combinations, that are uniform throughout Australia;
- promoting, throughout the life of motor vehicles, trailers and combinations, their safe use and efficiency and the protection of the environment; and
- reducing the cost of transport administration.

### 1.3.6 Implementation

The Vehicle Standards are model rules, for which implementation by the states and territories is measured by the meeting of their intent, rather than ‘black letter’ law. Provisions contained within the Vehicle Standards have been implemented in different forms by the various state and territory governments, including by the making or inclusion in regulations, gazette notices, information sheets and guidelines.

Implementation of the Vehicle Standards was addressed in the March 2007 NTC report: *Evaluation of the Implementation of the Vehicle Standards*, which reported that:

“The evaluation of the implementation of the reform found that there is a high level of uniformity throughout the jurisdictions. Where there are departures from the national model rules, this is generally because of local factors.”

### 1.3.7 Maintenance

A key part of ensuring the Vehicle Standards continue to meet their objectives is effective maintenance of the reform. The maintenance process is conducted by the NTC, with advice from the Vehicle Standards maintenance group, comprising representatives from each state and territory road agency, as well as the federal government.

The NTC convenes rounds of maintenance on a periodic basis, determined by the level of demand for rule changes. Since its introduction in 1999, five amendment packages to the Vehicle Standards have been approved, with a sixth round in process at the time of writing this report.

Notice of the commencement of a maintenance round is published on the NTC website, as well as the distribution of an NTC web alert, emailed to subscribers. It includes an invitation for submissions on how Vehicle Standards rules are not, or may further meet their objectives. Furthermore, the NTC directly advises relevant peak industry bodies and key trade publication editors. The primary purpose of such communication is to, for a specified period of time, invite public proposals for amendments and issues to the Vehicle Standards.

Proposals are considered by the NTC and the Vehicle Standards maintenance group. Only those proposals demonstrated as likely to materially contribute to further meeting the objectives of the Vehicle Standards are progressed.

Agreed draft amendments are included in a regulatory impact statement and published on the NTC website for public comment, with associated communication to stakeholders. A revised regulatory impact statement is then submitted, along with draft legislative amendments, for formal approval by ATC and inclusion in the Vehicle Standards. This step concludes the round of maintenance.

As the Vehicle Standards represent model rules, there is normally a period of time between their approval and implementation into state and territory legislation. Until implementation occurs, the amendments have no impact on vehicle operators in a given state or territory. It is important to note that state and territory governments on occasion implement amendments in a manner inconsistent with the model Vehicle Standards, including by not implementing them at all.

## **1.4 Administrative Guideline: Pilot and Escort Vehicle Driver Accreditation Procedures**

### *1.4.1 Overview*

The Guideline was initially prepared by Queensland Transport as the lead agency on behalf of the NTC for the Third Heavy Vehicle Reform Package Project 1.4(b) Pilot and Escort Operations. It followed and drew on conclusions of the 2001 Austroads report Mutual Recognition of Competency Based Training Courses – Pilot and Escort Vehicles.

The Guideline was approved by Transport Agency Chief Executives (TACE) in 2004 as a Type 1 category guideline (under the Development of Administrative Guidelines hierarchy) as a response to the identified need for national consistency, including mutual recognition of pilot and escort driver qualifications and accreditation. The provisions of the Guideline are not enforceable, but are intended to facilitate nationally consistent policies and procedures.

Pilot and escort vehicles are addressed in the national model Road Transport Reform (Oversize and Overmass Vehicles) Regulations 1995 and the circumstances under which they are required to accompany oversize vehicles specified in gazette notices and permits issued by the individual state and territory road agencies.

The qualifications and whether accreditation is required for pilot and escort vehicle drivers is also determined by individual road agencies. While national competency standards exist, they are not uniformly required by all states and territories. Some states require accreditation of pilot and escort drivers, while others do not.

Without mutual recognition of accreditation, oversize vehicle operators can potentially be faced with the undesirable circumstances of being required to contract the services of different pilot or escort vehicle drivers when crossing a state or territory border. Such circumstances are not advantageous to transport productivity.

A similar circumstance is when a driver seeks to work (on a more ongoing basis than the above example) outside of their home state or territory.

The Guideline addresses these circumstances by outlining nationally uniform procedures for the accreditation of pilot and escort vehicle drivers, as well as conditions for mutual recognition of accreditation between states and territories. The framework is intended to allow pilot and escort vehicle drivers to operate between states and territories in accordance with individual state and territory requirements.

#### *1.4.2 Defining documentation*

The Administrative Guideline: Pilot and Escort Vehicle Driver Accreditation Procedures is the defining document in this matter. It is published on the NTC website.

#### *1.4.3 Implementation*

The Guideline is a Type 1 administrative guideline under the processes for the development and amendment of Administrative Guidelines approved by the ATC in 1998. This means that it is intended to be used in association with business rules and administrative procedures of road agencies.

### **1.5 NTC reviews of the national reforms**

Under the Act and IGA, the NTC is required to monitor the implementation of agreed reforms and to maintain and review them to ensure that these reforms continue to be relevant and effective, meet the needs of jurisdictions and industry and reflect 'best practice'. Without such a process, national uniformity and consistency would rapidly be lost.

A formal maintenance process was approved in 1999 by the ATC and since then the NRTC and its successor the NTC has carried out implementation evaluations of road transport reforms including the Australian Road Rules, Dangerous Goods, Heavy Vehicle Registration Scheme, National Driver Licensing Scheme and the Vehicle Standards.

### **1.6 Review methodology**

The review sought to evaluate whether the reform has met/is meeting the stated objectives of the reform, whether these objectives remain relevant, and how effectively the reform is functioning and being administered.

Consultation was conducted by notification and distribution of online questionnaires to government road agencies and non-government stakeholders. Publication of the questionnaire on the NTC website ensured its availability to interested members of the public.

Separate questionnaires were prepared for the Vehicle Standards and the Guideline, as well as for government and non-government respondents (four questionnaires). Each proposed a series of statements relevant to the reform/review objectives and invited feedback on the level of agreement with each statement, ranging from strongly agree to strongly disagree. Statements addressed the range of identified objectives for each reform. Respondents were invited to clarify their level of indicated agreement with supporting information and comments.

Effort has been made to categorise responses by government transport agency, transport industry members and other stakeholders. This was intended to provide some indication of the different views and perspectives on the Vehicle Standards and the Guideline. However, the ability to accurately categorise responses was limited by the proportion of respondents selecting the appropriate survey to respond to and choosing to enter their contact details.

Responses have been summarised in this report, reporting on assessments of the degree to which the various objectives of the two reforms had been achieved, as well as any supporting qualitative information provided.

## **2 ASSESSMENT OF THE VEHICLE STANDARDS**

### **2.1 Objectives**

Taking into account the objectives included in the regulatory impact statement for the Road Transport Reform (Heavy Vehicle Standards) Regulations 1993 (revised November 1993) and those of the later regulatory impact statement for the Vehicle Standards (October 1998) that focussed on the introduction of light vehicle standards, NTC identified five key objectives by which the review would measure the effectiveness and relevance of the Vehicle Standards. These were:

- to develop a system of nationally uniform or consistent standards and regulations;
- to reduce the cost of transport administration;
- to provide justified, practical, up to date and enforceable standards;
- to promote, throughout the life of motor vehicles, trailers and combinations, their safe use and the protection of the environment; and
- to encourage an efficient and competitive national commercial road transport system.

### **2.2 Nationally uniform or consistent standards and regulations**

#### *2.2.1 Objectives*

The development of a system of nationally uniform or consistent standards and regulations were intended to:

- minimise the number of unique vehicle standards and regulations in individual jurisdictions, and likewise;
- maximise the proportion of nationally uniform or consistent vehicle standards and regulations; and
- maximise the ability of jurisdictions to adopt them, by developing and drafting them in a manner compatible with the legislative practices and policy objectives of each jurisdiction.

Development of a nationally uniform set of vehicle standards was the primary objective of the Vehicle Standards. Achievement of this objective would substantially reduce the risk of non-compliance for vehicles visiting from another state or territory with different vehicle standards. It was also intended to facilitate a more rigorous process of standards development, drawing on the aggregate knowledge and experience held by the range of vehicle standards officers across Australia.

## 2.2.2 Stakeholder practices and views

### 2.2.2.1 Road agencies

As identified by the Implementation Evaluation Report<sup>3</sup>, state and territory road agencies have implemented the Vehicle Standards in a highly uniform manner.

Road agencies have indicated their continued support for the national vehicle standards approach. Variations from the model standards have been reported as mostly accounting for specific needs arising from local circumstances. At the same time, South Australia noted that further compromise on the part of states and territories represented scope for the achievement of even higher levels of uniformity, particularly on relatively minor issues.

### 2.2.2.2 Industry

There was strong support for nationally uniform vehicle standards amongst non-government respondents. Industry representative bodies such as the Australian Trucking Association also expressed their support. Industry has advocated national uniformity as an important means for improving the efficiency and decreasing costs associated with interstate transport. Industry reported benefits include reducing the need for vehicle modifications or permit applications to account for variations in state and territory vehicle standards.

The Commercial Vehicle Industry Association of Queensland expressed similar support, but concern for the manner in which the Vehicle Standards had been implemented:

“In principle the standards serve a very important purpose however when implemented by the state and territory jurisdictions they are open to amendment and variation. Sometimes this can defeat the primary purpose of uniformity. Therefore, it creates a maze of regulations for vehicle manufacturers and operators to navigate when specifying a vehicle to operate across borders. Most importantly there is no active mechanism which immediately responds to changes in Australian Design Rules. This is a constant source of frustration to heavy vehicle manufacturers and certifying engineers when they are faced with contradictory regulations and jurisdictions uninterested in actioning the problem.”

A number of industry respondents stated that as a matter of principle, they should be able to operate across all Australian states and territories, without being impeded by the need to consider and account for differences in vehicle standards.

A consultant to the mining industry involved with vehicle modifications stated that conflicting advice from different states and territories on their respective vehicle standards had made several of their projects “immensely frustrating”. He cited the example of varying requirements for vehicle rollover protection systems.

### 2.2.2.3 Other stakeholders

A member of Victoria Police stated that non-uniform state and territory vehicle standards had increased the level of difficulty for the enforcement task.

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<sup>3</sup> Evaluation of the Implementation of the Vehicle Standards. NTC, March 2007

### 2.2.3 Assessment

The Vehicle Standards have been implemented in a highly uniform manner and with widespread support for the underpinning principle of national uniformity. Based on these observations, the objective of nationally uniform or consistent vehicle standards and regulations can, for the most part, be assessed as both remaining valid and having been met.

Other than by government and the transport industry, there been relatively few views expressed on the specific issue of nationally uniform vehicle standards. There have been no submissions critical of the national approach.

## 2.3 Reduction in the cost of transport administration

### 2.3.1 Objectives

The reduction in the cost of transport administration was proposed to have been achieved by means including:

- a reduction in the need for individual road agencies to process exemptions, notices and permits for vehicles visiting from another jurisdiction;
- a reduction in resources required for individual road agencies to develop and maintain their own unique set of vehicle standards and regulations;
- a simplification of the enforcement task, including in the case of vehicles visiting from another jurisdiction;
- a reduction in the number and complexity of administration tasks and processes for transport operators; and
- a simplification in the task of designing, maintaining and modifying vehicles to comply with the respective requirements of each jurisdiction.

One of the justifications for the Vehicle Standards was a reduction in the resources resulting from the replacement of eight separate sets of vehicle standards in each of the states and territories with one set of national standards.

Further cost reductions were proposed to have resulted from a reduction in the need to administer processes facilitating transport between states and territories with variations in their respective vehicle standards. In many cases transport of this nature requires a permit application to be submitted by the operator to the regulating agency in the state or territory being visited. The processing task, including any delays, consideration by agency staff of the application and fees paid, contribute to incremental transport administration costs for both government and industry.

### 2.3.2 Stakeholder practices and views

#### 2.3.2.1 Road agencies

There were mixed views amongst road agency respondents on this objective.

A number of respondents from government road agencies agreed that while uniform Vehicle Standards had some benefits in reducing road agency administration costs, the continued requirement for agencies to participate in the formation and maintenance of national vehicle standards, as well as their implementation, served to offset much of those savings.

There was good agreement amongst road agency respondents that the Vehicle Standards had reduced the need to maintain their own standards; however, South Australia stated that it was still necessary to address issues arising from specialist applications and shortcomings of national modified vehicle standards<sup>4</sup>.

There was good agreement that the Vehicle Standards had contributed to simplifying the enforcement task. However, Victoria expressed concern that variations in the way the Vehicle Standards had been implemented by different states and territories had occasionally detracted from this benefit, particularly for vehicles visiting from interstate.

There was moderate agreement that the task of vehicle design, maintenance and modification had been simplified, yet mixed agreement over whether the cost had been reduced. The Northern Territory argued that the Australian Design Rules were most influential in this regard, rather than the Vehicle Standards.

South Australia commented that many aftermarket equipment manufacturers and vehicle modifiers tended to be ignorant of the Vehicle Standards requirements and did not properly account for them in the process of manufacturing components or modifying vehicles. This often necessitated re-work of those products and resulted in additional associated costs.

Victoria did not believe the Vehicle Standards had much influence over transport productivity levels. However, Tasmania believed that since their introduction the Vehicle Standards had provided vehicle operators with a much simplified task in complying with regulations associated with interstate transport operations and travel.

#### 2.3.2.2 Industry

Non-government respondents (including industry members) were mixed in their support for the view that the Vehicle Standards had contributed to simplifying and reducing the cost of design, modification and maintenance of vehicles. This was broadly in line with the views of government road agency respondents.

The Australian Trucking Association submitted that although the Vehicle Standards had imposed some additional costs on the industry, this was more than balanced by their achievement and benefits associated with national uniformity. They concluded that the Vehicle Standards had therefore reduced costs for the transport industry.

A mining vehicle designer stated that national standards had contributed to cost savings by allowing his company's design operations to be conducted in a centralised location and applied uniformly in all states and territories. Similarly, a manufacturer of truck bodies agreed that nationally uniform vehicle standards allowed a single design and product to service the requirements of all states and territories, and that this was an important factor in cost savings for them.

However, a national tyre distributor stated that current discrepancies between state and territory standards, applicable to tyre selection, had increased the level of complexity, as well as added to the workload for training staff, in order to account for those discrepancies.

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<sup>4</sup> Vehicle modification standards are addressed at the national level by Vehicle Standards Bulletins 6 (Heavy Vehicle Modifications) and 14 (National Code of Practice for Light Vehicle Construction and Modification). They were prepared and maintained by members of the Australian Motor Vehicle Certification Board Working Party. However they are not a form of legislation and serve only as guidelines for development of individual state and territory standards.

A transport operator stated that increased costs resulted from different standards across states and territories, citing the example of varying requirements for spray suppression systems on B-double type heavy vehicles.

A New South Wales vehicle engineering signatory and consultant to organisations working in the mining industry stated that the requirements for certifying light vehicle modifications (such as to Vehicle Standards Bulletin 14<sup>5</sup>), including preparation of supporting paperwork were excessive. It is important to note that Vehicle Standards Bulletins do not form part of the Vehicle Standards themselves. Although acting as a guide for ensuring modifications remain compliant with the Vehicle Standards, the Vehicle Standards Bulletins are administered by the Australian Motor Vehicle Certification Board.

One respondent expressed concern for changes to the Vehicle Standards to effectively render some combination vehicles obsolete.

### 2.3.2.3 Other stakeholders

One respondent stated that over-regulation of non-essential issues was still prevalent.

A member of Victoria Police stated that more stringent requirements implemented by the Vehicle Standards had the effect of vehicle manufacturers incurring additional costs in research and development. He further stated that additional costs were incurred by individual vehicle operators seeking to maintain their vehicle in a compliant condition.

### 2.3.3 Assessment

There were mixed views on whether the Vehicle Standards had contributed to reducing the cost of transport administration, either for government agencies, the transport industry or private motorists. On the whole and due to the wide range of factors to be considered, respondents had difficulty drawing any definite, holistic conclusions on the effect of the Vehicle Standards on transport costs.

A number of respondents cited issues associated with lack of uniformity in the way certain provisions of the standards had been implemented by individual states and territories as having detracted from their effectiveness in reducing costs.

Some road agencies pointed out that while the Vehicle Standards had in principle reduced the need for bureaucrats to administer their own separate sets of standards, this benefit was at least partially offset by their participation in the national process.

Therefore, while at least some transport operators were willing to link nationally uniform standards and a reduced cost of compliance, road agencies were more uncertain that administrative costs had been reduced.

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<sup>5</sup> Vehicle Standards Bulletin 14 (National Code of Practice for Light Vehicle Construction and Modification).

## 2.4 Provision of justified, practical, up to date and enforceable standards

### 2.4.1 Objectives

The provision of justified, practical, up to date and enforceable standards was proposed to be achieved by:

- introducing new or amending existing vehicle standards that properly consider, account for and balance the needs and concerns of relevant stakeholders – government, industry and general public;
- effectively communicating pertinent issues associated with the development of standards, thereby encouraging effective input by stakeholders and developing understanding and agreement on the rationale and outcomes of reforms;
- allowing operator flexibility in meeting the minimum requirements of a vehicle standard;
- developing clear and simple rules that can be objectively interpreted by vehicle operators and enforcement officers alike;
- periodically reviewing, introducing and amending vehicle standards to ensure they continue to reflect current vehicle technologies, new vehicle regulations, road safety and environmental objectives, and the need for improved productivity; and
- developing and maintaining appropriate penalties for breaches of the regulations.

For standards to be effective they must be formed in a timely manner responsive to newly emergent issues. It is important that the formation and amendments to standards are justified in such a manner that stakeholders are able to understand the rationale and reasoning behind them and whether or not decisions were made in their interest. Failure to justify standards, including the processes used in their formation, increases the risk of loss of support amongst stakeholders and disillusionment with their ability to contribute to and influence decisions.

Separate from their technical integrity, standards must be practical in their ability to be clearly and simply understood by all bodies and individuals to which they apply, and interpreted in a clear and objective manner. Unlike the Australian Design Rules, which were developed for automotive engineers, the Vehicle Standards apply to all vehicle operators including those without specific technical knowledge.

### 2.4.2 Stakeholder practices and views

#### 2.4.2.1 Road agencies

There was a generally good level of agreement amongst road agencies that their views, policies and objectives had been adequately accounted for in development of the Vehicle Standards. Victoria acknowledged the active role of the state and territory road agencies in that process.

There was a high level of agreement that the Vehicle Standards were compatible with the policy objectives of state and territory governments. However, South Australia stated that there was a tendency for the Vehicle Standards to lower requirements in order to achieve the objective of national uniformity, or to appease industry advocates.

There was a high level of agreement that the Vehicle Standards were written in a manner enabling their clear interpretation by enforcement officers and vehicle operators alike.

South Australia stated that while nationally uniform Vehicle Standards had contributed to reducing the enforcement task, this benefit had been mitigated by residual variations between the state and territory vehicle standards. They also stated that while many provisions of the Vehicle Standards were expressed clearly, some were difficult to understand and enforce.

Victoria noted that while most of the standards were sufficiently clear, some of the adopted standards (i.e. those developed by external bodies) would benefit from simplification.

Tasmania noted that there were some discrepancies between definitions made in the Vehicle Standards and other bodies of legislation.

There was significant support amongst road agency respondents for the timeliness and responsiveness of amendments to the Vehicle Standards. However, Victoria disagreed in part, expressing some concern for the often extended lengths of time taken.

#### 2.4.2.2 Industry

There was mixed support for whether non-government respondents felt the views, policies and objectives of their organisation were adequately taken into account. Several respondents raised concerns with the lack of communication between regulatory agencies and industry about Vehicle Standards requirements and notice of amendments. The resulting lack of awareness for changes to vehicle standards was reported to have contributed in some cases to the receiving of infringement notices. One respondent highlighted their unawareness of any communication of changes to the Vehicle Standards addressing vehicle noise limits.

Some industry members stated that they would prefer to be more closely consulted in the development and maintenance of the Vehicle Standards. Some industry respondents reported being unaware of the process for consultation and making submissions, or when such opportunities arose. One suggestion was made to rewrite the entire Vehicle Standards, to more closely account for the views and input of industry members and bodies.

There was mixed support for whether the Vehicle Standards were developed in a sufficiently clear and objective manner. The Australian Trucking Association stated that while some rules were properly justified and well drafted, the interpretation of others were subjective, e.g. forward projection definitions for technically essential projections such as crane hooks and the ten second smoke rule applied to older generation vehicles before fuel sulphur levels were reduced.

Some other operators raised similar concerns with the perceived general lack of clarity and resulting subjectivity in interpretation of the Vehicle Standards. One freight industry member complained that operators in his organisation had been issued with vehicle defect notices as a result of what he believed were differences in the interpretation of Vehicle Standards. In some cases his company had incurred expenses in modifying the vehicle to comply with the standards.

A truck body manufacturer stated that differences in the interpretation of requirements for side lights on truck bodies had been a source of confusion. He identified inconsistencies in the requirements of Australian Design Rule 13 (Installation of Lighting and Light-signalling Devices on other than L-Group Vehicles) and Victorian vehicle standards as the cause of disputes with enforcement officers. Similar concerns over difficulties in objectively interpreting the requirements for side lights were expressed by another respondent from an engineering company.

There was not strong support for the timeliness with which amendments to the Vehicle Standards had been made. The Australian Trucking Association stated that the response to maintenance issues they had raised with the Vehicle Standards was too slow.

Some comments addressed issues around the justification of Australian Design Rules, outside of the scope of this review.

#### 2.4.2.3 Other stakeholders

A number of respondents commented on the excessive lead times for changes to the Vehicle Standards. However, another felt that longer lead times for the adoption of rules amendments would relieve opposition and pressure brought to bear by advocacy groups and individuals.

One respondent stated that the NTC was slow to adopt world's best practice vehicle technologies and innovations. One respondent stated that the introduction of limits for diesel particulate emissions lagged by a number of years the knowledge of their harmful effects on human health. Another stated that NTC was slow to respond to new trends such as electric vehicles, power assisted bicycles and side underrun barriers on trucks.

Some respondents urged placing a greater emphasis on environmental and safety issues, relative to the priority given to transport productivity. Others emphasised closer consideration of the negative effects on local community, including heavy vehicles operating on residential roads and their impact on the safety of light vehicle occupants.

Another stated that the Vehicle Standards were inconsistent with the Australian Design Rules in "some critical areas", such as adoption of the National Code of Practice (vehicle modification guide) and requirements for light transmittance levels through window glass.

One respondent stated that the in-service noise test procedure and regulation did not sufficiently provide for wear and tear on the exhaust systems of motorcycles built prior to the commencement of Australian Design Rule 83/00 (External Noise), in 2005. This reportedly had led to some motorcyclists being fined for "minor technical breaches". Another respondent raised similar concerns over the lack of justification for this rule.

Some comments highlighted the perceived difference in the requirements of the Vehicle Standards and the lower standards enforced in practice.

A New South Wales council road safety officer stated that industry self regulation may be a more effective means of achieving the objectives of the Vehicle Standards than relatively un-enforced regulations.

#### 2.4.3 Assessment

Assessments of the objective for providing justified, practical, up to date and enforceable Vehicle Standards varied. Government road agency respondents were more supportive than others.

There were distinctly different assessments for the level of simplicity and transparency of the Vehicle Standards. Regulators mostly assessed this objective as having been met, while some industry members claimed confusion over the meaning and interpretation of certain rules. It is possible such confusion may have been partly associated with a lack of awareness for changes to rules, with some industry members stating they had not been informed.

Some industry respondents stated that there had been insufficient communication of new and amended Vehicle Standards rules. The role of the NTC is to communicate amendments to the national model rules, as approved by ATC. This is done by the publication of approved

amendments on the NTC website and the circulation of news alerts via email to all subscribers. The information is also circulated to peak industry bodies, interested stakeholders, trade and general media.

The NTC considers these reasonable measures. Although mass media advertising would reach a wider audience, it would not be cost effective. The NTC notes that the implementation of model rules at the state and territory level is the responsibility of state and territory governments. Due to the varying timeframes for implementation, normally at least months after approval of the national model rules, communication is conducted separately and in addition to that conducted by the NTC. However, the NTC will continue to work with the state and territory road agencies to identify means by which it may assist with this process.

Some respondents stated that they had not been made aware of opportunities to provide input on rules amendments. The process for providing such input and the steps taken by NTC to notify the public and key stakeholders is described in section 1.3.7 *Maintenance* of this report. The NTC believes that it provides sufficient notification, but would welcome any suggestions for further improvements.

Where respondents have assessed specific rules as lacking in clarity or justification, these will be referred to the maintenance group for consideration.

Some industry members also assessed amendments to the Vehicle Standards as not being sufficiently responsive. It is NTC policy that any proposals to amend model rules or regulations should be resolved within a period of twelve months. This may include development of a proposal for approval as model legislation, or justification for why it was not accepted. Although amendments assessed as being of an urgent nature may be expedited, this (maximum) period of time is otherwise necessary due to statutory requirements governing the process which includes the involvement of various government departments and public comment periods.

It is important to note that, subsequent to the approval of model law, there is also a period of time before it may be implemented as legislation by individual state and territory governments. This period is beyond the control of the NTC and scope of this review.

## **2.5 Promotion, throughout the life of motor vehicles, trailers and combinations, of their safe use and protection of the environment**

### **2.5.1 Objectives**

The promotion, throughout the life of motor vehicles, trailers and combinations, of their safe use and the protection of the environment, was proposed to be achieved by:

- development and maintenance of vehicle rules and regulations to specify a “minimum performance level” that is sufficient to encourage vehicle design and maintenance practices that provide for their safe use and protection of the environment; and
- giving priority to the regulation of issues and areas of vehicle design and maintenance that are demonstrated to have the greatest influence, in practice, on vehicle safety and environmental performance.

The purpose of the Vehicle Standards is broadly twofold:

- to regulate minimum levels of vehicle safety; and
- the environmental protection for the in-service vehicle fleet.

Other regulatory matters relating to vehicle condition, such as reliability and build quality not affecting the objectives defined here are addressed by separate measures, such as the Trade and Fair Practices Acts, as well as state and territory regulation of motor car trading practices.

In order to maximise achievement of these objectives, it is necessary to prioritise the regulation of vehicle design and construction matters. This recognises the distinction between a theoretical approach to the development of vehicle standards and one that recognises and addresses those issues that are demonstrated to have the greatest effect on meeting the defined objectives, in practice.

## 2.5.2 Stakeholder practices and views

### 2.5.2.1 Road agencies

There was a good level of agreement amongst road agency respondents that the Vehicle Standards had encouraged vehicle design and maintenance practices providing for their safe use and protection of the environment.

Victoria noted that it was predominantly the role of the Australian Design Rules to set standards for vehicle safety and environmental protection. While the Vehicle Standards had an important role in requiring that vehicles continued to comply with those requirements, the Vehicle Standards had no influence over their determination.

South Australia expressed concern with routine disregard for environmental protection exhibited by some aftermarket equipment suppliers.

### 2.5.2.2 Industry

There was good agreement amongst non-road agency respondents that the Vehicle Standards had been effective in encouraging vehicle safety and protection of the environment. There was fair agreement that they had given priority to the most important issues.

The Australian Trucking Association stated that modern vehicle technologies had made modifications affecting engine emissions levels more difficult. This had the effect of reducing the impact of the Vehicle Standards on vehicle emissions levels, which were influenced primarily by the Australian Design Rules.

One respondent stated that the introduction of new standards and their amendments were made without proper assessment or analysis of their effectiveness in practice. Another stated that achievement of the Vehicle Standards objectives would only be possible with stronger compliance and enforcement targeting smaller transport organisations.

### 2.5.2.3 Other stakeholders

Views expressed by respondents other than those representing government agencies and the transport industry predominantly addressed issues associated with the crash compatibility of heavy and light vehicles (including bicycles) sharing the road, as well as influence of the Vehicle Standards on protection of the environment.

A number of bicycle and pedestrian advocacy groups, as well as individual respondents submitted comments on the need for the Vehicle Standards to improve the safety of unprotected road users. Issues raised included the lack of side underrun protection on heavy vehicles, the proliferation of bull bars and frontal geometry of light vehicles.

However, one respondent stated that the Vehicle Standards had generally reduced hazards to unprotected road users, with the continued use and fitment of bull bars being an exception.

Another respondent believed that disallowing the fitment of bicycle racks on buses was inconsistent with standards that allowed fitment of bull bars on four wheel drives.

Aside from specific issues as described above, comments by bicycle and pedestrian advocacy groups included concern for the perceived, general lack of consideration and emphasis on the needs of unprotected road users in development of the Vehicle Standards. One respondent pointed out that Australia trails some other countries in this regard.

The Wheels of Justice Cycling Safety Advocacy Group recommended that “NTC act closely with the BFA (Bicycle Federation of Australia), as the federal peak body of recreational and utility cycling to ensure views and objectives are adequately accounted for in the process of forming and amending vehicle standards, especially for heavy goods vehicles and large recreational utility vehicles.”

One respondent expressed concern for shortcomings in design of car pillars that obstruct the driver’s view of unprotected road users. The same respondent was also concerned about the poor performance of direction indicators with clear lenses in conditions of glare, and the inability of other road users to determine the driver’s intentions.

One respondent stated a belief that development of the Vehicle Standards was performed in a manner that placed relatively higher priority on the commercial interests of heavy vehicle operators than on improving vehicle safety levels and their protection of the environment. He proposed that NTC adopt a ‘zero tolerance’ approach to requiring vehicles to comply with world’s best practice safety and environmental standards.

A number of respondents commented on the need for the Vehicle Standards to place greater emphasis on protection of the environment, by means of including fuel consumption standards, more stringent vehicle emissions standards and regulating to reverse the trend for the proliferation of larger vehicles with high fuel consumption levels, such as four wheel drives.

One respondent commented that the maximum noise limit applicable to motorcycles was too low. He proposed that raising the limit would improve the level of safety for riders by improving the level of awareness of their presence amongst other motorists in nearby proximity.

Other responses included that:

- there was a need for the Vehicle Standards to better facilitate or allow adoption of innovative, new technologies in general;
- the Vehicle Standards had “been a major factor in dramatic improvement of vehicle ergonomics over the past thirty years or so”;
- the Vehicle Standards should mandate some features such as automatic driver notification of vehicle lamp failures;
- the Australasian New Car Assessment Program (consumer crash testing) had been more effective in encouraging the design and sale of safer vehicles than the Vehicle Standards;
- four wheel drives should be made to comply with the same standards as other types of vehicles; and

- the technical requirements applicable to modifications of four wheel drives were inappropriate; specifically that they did not achieve the objective of maintaining or improving vehicle safety levels.

### 2.5.3 Assessment

Overall, there was a good level of agreement amongst all types of respondents that the Vehicle Standards had encouraged vehicle design and maintenance practices providing for their safe use and protection of the environment.

A number of responses addressed vehicle design issues and features over which the Vehicle Standards had limited influence, and which are primarily influenced by other sets of regulations such as the Australian Design Rules for new vehicles. Such issues, primarily those relating to vehicle design, are beyond the scope of this review. It is important to note that the Vehicle Standards predominantly act to ensure continued compliance with applicable Australian Design Rules and may not redress perceived shortcomings of the latter.

However, the Vehicle Standards have relatively greater ability to address vehicle design issues relevant to their in-service use, such as aftermarket modifications. Suggestions such as those relating to the fitment of bull bars have been referred to the Vehicle Standards maintenance group for further consideration.

A number of respondents questioned whether development of the Vehicle Standards had appropriately accounted for the needs of unprotected road users and whether sufficient priority had been given to protection of the environment. It is noted that there already exist a range of provisions within the Vehicle Standards addressing these issues. Nevertheless, these responses are acknowledged and will be forwarded to maintenance group members for further consideration.

## 2.6 Encouragement of an efficient and competitive national commercial road transport system

### 2.6.1 Objectives

The encouragement of an efficient and competitive national commercial road transport system was proposed to be achieved by:

- the response to demand for improvements in transport productivity by making appropriate and timely amendments to vehicle standards, where practical and possible; and
- matching the road resource usage by heavy vehicles to the budgeting and physical constraints faced by road authorities.

This objective reflected influence of the Vehicle Standards on the need for national transport productivity improvements, as identified in the NTC's mandate. However, this objective needed to be balanced with the limitations in resources of the road and transport authorities, in both administrative terms as well as the need for infrastructure protection.

The Vehicle Standards influence transport productivity, particularly by regulating issues such as dimensional limits for vehicles including combinations, which in turn influences their load carrying capacity.

## 2.6.2 Stakeholder practices and views

### 2.6.2.1 Road agencies

There was a moderate level of agreement amongst road agency respondents that the Vehicle Standards had adequately responded to demand for improvements in transport productivity with appropriate and timely amendments; however most responses were neutral.

South Australia commented that the protection of infrastructure had been compromised in the interests of meeting the objective of improvements to transport productivity.

Tasmania did not believe it was the role of the Vehicle Standards to deliver productivity improvements to the transport industry.

### 2.6.2.2 Industry

There was moderate disagreement amongst non-road agency respondents that the Vehicle Standards had adequately responded to demand for improvements in transport productivity with appropriate and timely amendments. Just under half of non-road agency responses were neutral.

The Australian Trucking Association stated that improvements to productivity had been compromised by a lack of responsiveness in maintenance of the Vehicle Standards.

An importer of wheels stated that the Vehicle Standards should strengthen the regulation of imported wheel quality. This issue has been referred to the maintenance group for consideration.

The Queensland Bus Industry Council submitted their disagreement with the “16 tonne Gross Vehicle Mass limit for two axle vehicles”. They believed that the limit should be increased to 18 tonnes. As this is not an issue directly related to the Vehicle Standards, NTC will address it as part of broader investigations into the development of policy for proposed increases to axle mass limits.

## 2.6.3 Assessment

In overall terms, responses indicated that the Vehicle Standards had only a minor influence on transport productivity. The Australian Trucking Association commented that a lack of responsiveness in maintaining them had compromised productivity.

It is noteworthy that most of the regulatory reforms with the objective of increasing road transport productivity were implemented using legislative instruments other than the Vehicle Standards. Nevertheless, timely amendments to the Vehicle Standards are contributors to transport productivity and the NTC, in consultation with the maintenance group, will examine options for further streamlining of the maintenance process.

## 2.7 Conclusions

The Vehicle Standards have been implemented in a highly uniform manner and with widespread support for the underpinning principle of national uniformity. Based on these observations, the objective of nationally uniform or consistent vehicle standards and regulations can, for the most part, be assessed as both remaining valid and having been met.

There were a large number of responses on whether the Vehicle Standards had encouraged vehicle design and maintenance practices providing for their safe use and protection of the environment. A diverse range of views were expressed, proposing changes to rules and policy

direction. However, in overall terms there was a good level of agreement amongst all types of respondents that this objective had been achieved.

There were mixed views on the provision of justified, practical, up to date and enforceable Vehicle Standards. Road agencies mostly assessed this objective as having been achieved. However, industry and other types of respondents were more mixed in their support, highlighting issues such as a lack of awareness for the introduction of new or amended rules, or how to participate in their development. Suggestions for how interested parties may be kept more up to date with the Vehicle Standards were offered.

Views on issues such as whether transport administration costs had been reduced or whether transport productivity needs had been accounted for were relatively more muted. A number of respondents disagreed that the Vehicle Standards were even influential on these matters, or that they should be included as objectives. Others linked the success of these objectives to others such as national uniformity and the development of appropriate provisions.

## **2.8 Proposals**

The National Transport Commission proposes to refer inconsistencies in the way Vehicle Standards have been implemented by states and territories to the maintenance group.

### **3 ASSESSMENT OF THE GUIDELINE FOR PILOT AND ESCORT VEHICLE DRIVER ACCREDITATION (THE GUIDELINE)**

#### **3.1 Objectives**

Objectives of the Guideline are to:

- effectively outline practical and enforceable guidelines, suitable for adoption and implementation by each respective jurisdiction;
- reduce the cost of administration for jurisdictional road authorities in administering pilot and escort vehicle drivers;
- provide a simple and flexible framework;
- contribute to increasing the safety of travel associated with oversized vehicles requiring accompaniment of a pilot or escort vehicle; and
- contribute to reducing costs for operators required to employ the services of pilot and escort drivers, including particularly where inter-jurisdictional travel is required.

#### **3.2 Effective outlining of practical and enforceable guidelines**

##### *3.2.1 Objectives*

The Guideline was intended to effectively outline practical and enforceable guidelines, suitable for adoption and implementation by each respective jurisdiction.

##### *3.2.2 Stakeholder practices and views*

###### *3.2.2.1 Road agencies*

There was strong agreement amongst road agency respondents on the importance of nationally uniform procedures for the accreditation of pilot and escort vehicle drivers. For example, a VicRoads respondent stated that:

“Particularly now that pilots are more frequently travelling all over Australia into different jurisdictions it is even more relevant that pilots are better recognised, professional, proactive and accordingly trained.”

VicRoads also pointed out that some provisions of the Guideline had not been implemented, nor had there been any relevant communication between states and territories on such matters.

There was also strong agreement that the Guideline was drafted in a manner as to be appropriate, practical and relevant to the meeting of its objectives.

However, there was only mixed agreement on whether provisions of the Guideline were compatible with policies of the respondent’s state or territory.

Slightly less than half of the respondents stated that they had used the Guideline in developing relevant policies of their own state or territory. Some road agency respondents were unaware of the Guideline’s existence.

###### *3.2.2.2 Industry*

There was strong agreement amongst industry respondents on the need for nationally uniform pilot and escort vehicle driver accreditation procedures and that the Guideline was appropriate, practical and relevant to achieving that objective.

However, the lack of uniformity in accreditation procedures and requirements between states and territories was highlighted by industry respondents as a source of frustration and confusion for operators seeking to work across state borders.

There was also strong agreement that provisions of the Guideline were appropriate, practical and relevant to the objective of determining accreditation procedures for pilot and escort vehicle drivers.

The National Pilot Vehicle Drivers Association stated that the Guideline would form a suitable basis for a nationally uniform set of accreditation requirements, in addition to the Western Australian Traffic Control Program for Pilots.

The Australian Trucking Association questioned whether sufficient justification had been made of the need for accreditation of pilot and escort vehicle drivers.

### **3.2.3 Assessment**

There was a fairly high level of agreement that the Guideline had outlined practical and enforceable provisions. On the basis of comments received from industry members, it would appear that a strong preference for nationally uniform requirements was a significant motivating factor in support for the Guideline.

However the lack of uniformity between accreditation requirements of states and territories was widely cited by industry respondents as a major concern. Therefore it is clear that the Guideline has not led to an outcome of national uniformity in accreditation requirements or procedures.

The approach of developing a set of guidelines rather than model regulations or rules may therefore be questioned. While respondents from the road agencies were supportive of the principle for national uniformity, the Guideline itself does not specify precisely what form nationally uniform requirements may take. As a result, states and territories have interpreted the requirements differently. A more positive approach may therefore be needed.

## **3.3 Reducing the cost of administering pilot and escort vehicle drivers**

### **3.3.1 Objectives**

The Guideline was intended to reduce the cost of administration for jurisdictional road authorities in administering pilot and escort vehicle drivers.

### **3.3.2 Stakeholder practices and views**

#### **3.3.2.1 Road agencies**

There was a fairly neutral response from road agency respondents as to whether the Guideline had contributed to reducing the cost of administering pilot and escort vehicle drivers.

VicRoads stated that adopting some provisions of the Guideline would incur additional, rather than reduced, costs. However it agreed that in the longer term more uniform procedures would reduce administrative costs for road agencies.

### **3.3.3 Assessment**

There was a lack of support for whether the Guideline had reduced administration costs for road agencies. This may have been linked to the accreditation procedures of individual states and territories being developed independently of the Guideline, as well as its inconsistent implementation.

### **3.4 Providing a simple and flexible framework**

#### **3.4.1 Objectives**

The Guideline was intended to provide a simple and flexible framework. Unlike other reforms such as the Vehicle Standards, the Guideline was not developed as a national set of rules, but rather a flexible framework to facilitate mutual recognition for the respective accreditation procedures already implemented by each of the states and territories.

#### **3.4.2 Stakeholder practices and views**

##### **3.4.2.1 Road agencies**

There was a mixed response from road agency respondents on whether the Guideline was sufficiently flexible to allow for minor differences in policy between states and territories.

VicRoads agreed that the decision to produce the Guideline in that form, rather than a regulation, appropriately enhanced its flexibility.

#### **3.4.3 Assessment**

There was mixed agreement over whether the Guideline was developed in a flexible manner. Due to inconsistent implementation of the Guideline the objective of flexibility itself was questioned.

### **3.5 Contributing to an increase in the safety of travel**

#### **3.5.1 Objectives**

The Guideline was intended to contribute to increasing the safety of travel associated with oversized vehicles requiring accompaniment of a pilot or escort vehicle.

#### **3.5.2 Stakeholder practices and views**

##### **3.5.2.1 Road agencies**

There was moderate agreement from road agency respondents that the Guideline had increased the safety of travel associated with pilot and escort vehicles.

Northern Territory stated that oversize load movements had not featured prominently in crashes occurring in remote areas of Australia.

##### **3.5.2.2 Industry**

There was overall a good level of agreement amongst industry respondents that the Guideline had contributed to increasing the safety of travel associated with oversized vehicles requiring the accompaniment of a pilot or escort vehicle.

However, the National Pilot Vehicle Drivers Association stated that as the Guideline had not been adopted by states and territories, it had not had any effect on the safety of over dimensional vehicle travel.

#### **3.5.3 Assessment**

There was overall moderate agreement that the Guideline had contributed to safer travel associated with pilot and escort vehicles. This may be viewed as further endorsement of the appropriateness of provisions contained within the Guideline, as addressed above in section 3.2 *Effective outlining of practical and enforceable guidelines*. However, poor

implementation of provisions contained within the Guideline was cited as evidence that it had not improved safety.

### **3.6 Contributing to a reduction in costs for operators**

#### **3.6.1 Objectives**

The Guideline was intended to contribute to reducing costs for operators required to employ the services of pilot and escort drivers, including particularly where inter-jurisdictional travel is required.

#### **3.6.2 Stakeholder practices and views**

##### **3.6.2.1 Road agencies**

There was mixed agreement amongst road agency respondents as to whether the Guideline had reduced costs for pilot and escort vehicle operators.

Northern Territory stated that increased mutual recognition that followed adoption of the Guideline principles had produced benefits for cross-border pilot and escort vehicle operations. VicRoads felt that full implementation of the Guideline would in the future produce further benefits for operators.

##### **3.6.2.2 Industry**

There was overall fair agreement amongst industry respondents that the Guideline had reduced costs for operators.

However, the National Pilot Vehicle Drivers Association stated that as the Guideline had not been implemented by states and territories, it had not contributed to reducing costs for pilot and escort vehicle operators. The Association recommended that the objective of nationally uniform pilot and escort accreditation requirements be increased in its level of priority as a national reform initiative.

#### **3.6.3 Assessment**

As for other objectives, respondents linked implementation of Guideline provisions to its effectiveness, in this case in terms of reducing costs for pilot and escort vehicle operators. While the Northern Territory government cited benefits associated with mutual recognition of accreditation across state borders, the National Pilot Vehicle Drivers Association highlighted the lack of uniformity in state and territory accreditation requirements as the key reason why costs had not been reduced.

### **3.7 Conclusions**

There was strong support for the objective of nationally uniform pilot and escort vehicle driver accreditation procedures. There was some support for the contribution made by the Guideline to meeting that objective. However, existing significant variations in driver accreditation requirements between states and territories were reported to have caused difficulties for pilot and escort vehicle drivers involved in cross border transport. Such variations were also cited by some respondents as reasons for assessing the objective of national uniformity as not having been met.

For other objectives, such as reduced costs and increased safety, there was a view that success of the Guideline was also linked to its effectiveness in achieving national uniformity in accreditation requirements and procedures.

There was some evidence of disagreement or confusion for the purpose and objectives of the Guideline. While some respondents assessed provisions contained in the Guideline as appropriate, others cited the lack of uniformity between state and territory accreditation requirements as evidence that its objectives had not been met.

In overall terms, it is clear that the Guideline has been ineffective in achieving nationally uniform procedures, or encouraging mutual recognition. Acknowledgment made by the Guideline of differences between the requirements of states and territories has not encouraged reform to achieve national uniformity, nor the principle of mutual recognition. Such continued variances and a lack of mutual recognition between states and territories are contrary to its objectives.

The approach of developing the Guideline as a set of guidelines, rather than model regulations, may therefore be called into question.

### **3.8 Proposals**

The National Transport Commission proposes to:

- include in its work program, as part of the agreed national transport reform agenda, attaining national uniformity in national pilot and escort vehicle accreditation; and
- develop uniform model regulations for pilot and escort vehicle driver accreditation procedures and requirements, based on the principle of mutual recognition between states and territories for consideration by jurisdictions.

## 4 RESPONDENTS TO THE REVIEW

The following individuals provided responses to the online surveys used to gauge government, industry and others' views on the Vehicle Standards and Guideline.

There were a total of 306 respondents to the Vehicle Standards survey and 92 for the Guideline.

### 4.1 Respondents to the review of the Vehicle Standards

Mr. Roland Earl, South Australian Government  
Mr. Ian McCulloch, Queensland Ambulance Service  
Senior Constable Scott Woodford, Victoria Police - Stonnington Traffic Management Unit  
Mr. Peter Giudice, Environment Protection Authority – Victoria  
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Mr. Peter Major, Australian Capital Territory Government  
Mr. Terry Moore, Road and Traffic Authority, New South Wales  
Ms. Lynn Muir, New South Wales Government  
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Mr. Keith Negus, Fleet Services Manager, Powerlink Queensland  
Mr. Jim Bullard  
Mr. Arnold McLean, Faculty of Engineering, University of Wollongong  
Mr. David Clark  
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Mr. Mike Barnett, Compliance Manager, Freight Specialists of Australia  
Mr. Alan Hill-Hartporter, Technical Officer, Safety Engineering, Origin Energy  
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Mr. Richard Hockey, University of Queensland  
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Mr. Graeme Miller, Scania Australia  
Mr. Dave Thomas, New Equipment Sales, Schwing Australia Pty. Ltd.  
Mr. Lesley Campbell, General Manager, Telford Tours  
Mr. Tim Hall, Owner, Supersonic Couriers  
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Mr. Greg Finster, Bus Driver  
Mr. Mike Upton, Manager Vehicle Policy, Royal Automobile Club of Western Australia  
Mr. Paul Smith  
Mr. John Wilson, Engineering Signatory, AKZ Vehicle Engineering  
Mr. Peter Bedson, Truck Driver Trainer, Armstrong's Driver Education  
Mr. Alan Norton, Alan's Unique Car Carriers Pty. Ltd.  
Mr. Bob Moore, President, Leichhardt Bicycle Users Group  
Mr. Duncan Bone, Spare Parts Manager, Hardmans of Armidale  
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Mr. Rod Martin, Transport Manager, Tabeel Trading  
Mr. David Tape, Executive Director, Queensland Bus Industry Council  
Mr. Warren Bush, transport coordinator, Alfasi Transport

Mr. Sean Coutts  
Laurie Dacey  
Mr. Martin Geliot, Senior Engineer, Raytheon Australia  
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Mr. Duncan Bourne, Studio Supervisor, Photomedia, Sydney College of the Arts  
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Mr. John Henderson  
Mr. Bruce Eales  
Mr. John A. Schmidt  
Mr. Noel O'Kell  
Mr. Alan A. Parker  
Mr. William J. Taylor, VicRoads VASS signatory  
Mr. Tim Stredwick, cyclist, Bicycle Tasmania  
Mr. Andrew Selby Smith  
Mr. Glenn Beesley, Transport Supervisor, Sunchip Transport  
Mr. Matt Johnson  
Mr. Stefan Slattie, Employee, Armesto's Transport  
Mr. Michael Musgrave, consultant  
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Mr. Milton Watters, MG HL Watters, Partner  
Mr. Paul Rice, Manager, MC Aleese Transport  
Mr. Warwick Milne, Administration Officer, Faculty of Business, University of Southern Queensland  
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Dr. Dorothy L. Robinson, Cycle-Safe, Armidale  
Mr. Craig Day, Days Transport Service Pty. Ltd.  
Mr. Graham Bradshaw, executive officer, Retail Cycle Traders Australia  
Mr. Daniel Endicott, co-ordinator of Newcastle Bike Ecology Centre  
Mr. Noel Broadhead, BelleToni Association for Child Passenger Safety  
Mr. Dwayne Noack, national compliance manager, Hi-Trans Express  
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Mr. Keith Bell, Proprietor, CBC Interstate  
Mr. Mark Poynter, Toll AutoLogistics  
Mr. Rob Ackland, partner, ACG Global  
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Mr. Nicholas Wade  
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Mr. David Butlin  
Mr. Samuel Russell, admin officer, School of History and Philosophy, University of New South Wales  
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Mr. Andrew Harris, University of Melbourne  
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#### **4.2 Respondents to the review of the Guideline**

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Mr. Lloyd F. Halcrow, manager, Halcrow Bros Transport Specialists Pty. Ltd.  
Mr. Ron Burns, owner-operator, BRM ODL Pilot Service  
Mr. Jim Prentice, Heavy Haulage Operator  
Mr. Darryl Bauer, driver-trainer, Jensam Services  
Mr. Robert Barbary-Clark, freelance driver  
Mr. Michael Lees, training consultant, Direct Training Australia  
Mr. Steve Knagge, trainer assessor, Transqual Logistics Training  
Mr. Allan Egan Transqual Pty. Ltd.  
Ms. Sylvia Smart, president, National Pilot Vehicle Driver's Association

Mr. David Coonan, Australian Trucking Association

Mr. Jack Brooks, G.J. Trans-Training Transport Services

Mr. Peter Phillips, fleet allocator, heavy haulage, Kingston Industries

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Mr. Michael French, manager, Strategic Transport Services

Mr. Stephen Marsh, transport training coordinator, Transport Training Centre

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