

**Submission to the National Transport Commission
Heavy Vehicle Roadworthiness Program
Consultation Regulatory Impact Statement**

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**Submission provided by the
Commercial Vehicle Industry Association of WA,
A division of the Motor Trade Association Western Australia.**

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Contents

Background.....	3
Introduction.....	3
The scope of this submission	3
The CVIA WA position –	4
Heavy Vehicle Roadworthiness Program RIS.....	4
Looking at the options put forward.....	4
Chain of responsibility.....	4
Quantitative impact assessment.....	5
A path forward for Western Australia	5
The role of the WAHVAS	6
Summary.....	6

Background

The Motor Trade Association of Western Australia (MTA WA) is the peak industry body for the Western Australian motor industry and represents approximately 1,700 businesses. The membership incorporates all aspects of the motor industry from automotive franchise dealers, used motor vehicle dealers, imported motor vehicle dealers, body repairers and mechanics to heavy transport operators.

A key role of the MTA WA is to advocate on behalf of its members in relation to issues that affect the Western Australian motor industry with government and policy makers at all levels.

The Commercial Vehicle Industry Association of WA (CVIA WA), a division of the of the MTA WA, represents businesses involved with all aspects of building, selling, modifying and maintaining vehicles over 4.5 tonnes GVM.

Introduction

The CVIA WA welcomes the opportunity to provide feedback in regard to the Heavy Vehicle Roadworthiness Program Consultation Regulatory Impact Statement (RIS) as conducted by the National Transport Commission (NTC).

As noted, this Consultation Regulatory Impact Statement (RIS) analyses and invites comments on four packages of options to improve the national heavy vehicle roadworthiness system.

While heavy vehicle condition is only one of a larger number of causal factors in heavy vehicle crashes, mitigating some of the risks associated with defect-related crashes would assist in reducing the overall number of crashes occurring in which heavy vehicles are involved.

The RIS has assessed the impact of a number of measures, regulatory and non-regulatory, designed to raise the standard of roadworthiness across the Australian heavy vehicle fleet.

This submission is a response from the CVIA WA to the request from the NTC for industry submissions on the options put forward as part of the RIS.

The scope of this submission

In developing its response to the Heavy Vehicle Roadworthiness Program Consultation RIS the MTA WA has sought input from the members of the CVIA WA Committee as well as the general membership of both the CVIA WA and the MTA WA.

The MTA WA has also been consulted and provided input to the Commercial Vehicle Industry Association of Queensland (CVIAQ) submission.

This submission references the CVIAQ submission as appropriate, with additional input mainly in relation to the following factors:

- Western Australia (WA) currently being a HVNL non-participating jurisdiction
- Western Australia not currently having any framework for scheduled Heavy Vehicle inspections for vehicles conveying goods on public roads
- The Mandatory accreditation for certain operators, such as RAV Permit holders, under the Western Australian Heavy Vehicle Accreditation Scheme (WAHVAS)

The CVIA WA position – Heavy Vehicle Roadworthiness Program RIS

Looking at the options put forward

In developing its response to the Heavy Vehicle Roadworthiness Program Consultation RIS (the RIS), the MTA WA has sought input from the members of the CVIA WA Committee as well as the general membership.

The MTA WA has also been consulted and provided input to the Commercial Vehicle Industry Association of Queensland (CVIAQ) submission. This submission references the CVIAQ submission as appropriate.

The overarching position of the CVIA WA (and the wider MTA WA) is that all heavy vehicles (over 4.5 tonnes GVM), outside of an approved maintenance scheme such as the Western Australian Heavy Vehicle Accreditation Scheme (WAHVAS), should be physically inspected on at least an annual basis.

This position is consistent with the CVIAQ submission, which essentially notes that to meet the reform objective of better road safety, the introduction of annual inspections across Australia for vehicles 4.5t GVM and above (not registered in an approved maintenance scheme) must occur.

In response to the components of the RIS option “Packages” noted, the CVIA WA position can be distilled down to the following points:

- Prescribed and Standardised Inspection processes and procedures
- Harmonised training as far as is practical.
- A national system for collecting and disseminating real world information on the heavy vehicle fleet
- At a minimum annual scheduled inspections for non-accredited heavy vehicles over 4.5 tonnes GVM
- Mandatory accreditation for certain operators, such as RAV Permit holders.
- inclusion of third party maintenance providers and vehicle or component manufacturers in the chain of responsibility

With the exception of the last component, being *Chain of Responsibility (COR)* the best fit for the position of the CVIA WA is Option 4.

Chain of responsibility

It is important to note that, whilst option 4 would be the catalyst to deliver the greatest improvement in reliability and safety in the vehicle park, as per the position of the CVIAQ submission, CVIA WA also cannot accept the inclusion of third party maintenance providers and vehicle or component manufacturers in the chain of responsibility.

In essence, there is already sufficient regulation and control on the repair and modification sector of the industry, directly via the various state and territory government led and industry based inspection schemes, repairers licensing, VSB6 based Vehicle Examiner and modification Schemes and indirectly via the Australian Consumer Law, insurance constraints and duty of care obligations.

The position of both the national body, the Commercial Vehicle Industry Association of Australia (CVIAA) and the CVIA WA regarding the use of the chain of responsibility in relation to vehicle standards has been previously covered in more detail in the following submissions:

- The CVIAA response to the Chain of Responsibility and Vehicle Standards Stakeholder Brief submitted in *August 2014*
- The 2015 CVIAQ submission dated January 2015 in response to the Chain of Responsibility: Duties Review Discussion Paper November 2014.

There is an added complication with this in respect to any mooted introduction of any such CoR extensions in WA, as the scope of the WA specific CoR legislation, which becomes operational on the 27th of April 2015, is restricted to mass, dimension & load restraint breaches regardless of the GVM/GCM of the motor vehicle.

For the above reasons the CVIA WA concurs with the CVIAQ in regard to the introduction of a modified version of Option 4, with a revision to the chain of responsibility clause so to not include the manufacturing, sales, service, repair and modification sector of the transport industry.

Quantitative impact assessment

It is worthy of note to point out that from the current position of Western Australia, within the quantitative impact assessment comparing option 3 (the NTC preferred option) to option 4 the cost modelling is largely considered moot in regard to delivering cost savings, as any change will incur increased costs in the Western Australian market.

Option 3 requires the approach of actively applying criteria as an ongoing process to determine precisely which heavy vehicles are to be inspected and under what terms.

In such circumstances, a high level of a high level of adaptability and diligence would always be required, as there is always concern that heavy vehicles that the community would expect to be part of such a regime could slip through due to a variety of reasons.

For simplicity, robustness and to keep the treatment of heavy vehicles on a common playing field, targeted inspections should only be seen as a stepping stone to a fully encompassing regime in jurisdictions where a comprehensive inspection regime is not currently in place.

A path forward for Western Australia

Having options for stepping stones to achieving a full inspection regime is important from the WA perspective as a very real issue for the WA market currently is the lack of capacity or expertise to ensure that all heavy vehicles could be inspected

This issue has also been a significant roadblock in regard to pursuing such an outcome in WA. As such, a phased in approach to the introduction of an inspection regime has merit.

In addition to a phased approach using the option 3 methodology in terms of targeting the highest risk vehicles (as noted in the above section), there is another option that could be considered.

The utilisation of a recognised/accredited maintenance regime, underpinned by manufacturer's specifications, could be as another platform to aid with ultimately achieving complete coverage of the heavy vehicle fleet.

The Repairers Licensing system in WA, as per the Motor Vehicle Repairers Act 2003, provides a backstop to this option and a basis where such a regime could be a practical measure in the interim term.

Longer term, given sufficient frameworks, resources and a sufficient phase-in period the WA market could meet the needs of increased demand from those vehicles outside of any accredited schemes.

The role of the WAHVAS

In an environment where all heavy vehicles, outside of an approved maintenance scheme, are physically inspected on an annual basis the rigour of any such scheme in ensuring real world roadworthiness needs to be examined.

As such the CVIA WA is very keen to see physical inspections of random samplings of actual vehicles included in this process, as the shortcomings of a paper based system have been made apparent in various well publicised incidents across Australia in recent times.

Summary

It is the position of the CVIA WA that a structured regime be in place so that all vehicles over 4.5 tonnes are inspected by a person (who has been appropriately deemed capable of doing so) on a regular basis. Outside of the WAHVAS this would be at a minimum yearly.

Within the WAHVAS, there should be a provision to physically inspect a random sampling of as many vehicles as practical over a structured period.

This would provide a robust, consistent baseline regime which could not be circumvented and upon which targeted inspection regimes could be added.

Whilst option 4 would be the catalyst to deliver the greatest improvement in reliability and safety in the wider sense the CVIA WA cannot accept the inclusion of third party maintenance providers and vehicle/component manufacturers in the chain of responsibility.

Additionally, the current scope of the WA CoR legislation, which becomes operational on the 27th of April 2015, would effectively rule out any extension of CoR to such as extent.

For the above reasons the CVIA WA concurs with the CVIAQ in regard to the introduction of a modified version of Option 4, with a revision to the chain of responsibility clause so to not include the manufacturing, sales, service, repair and modification sector of the transport industry.

The CVIA WA looks forward to continued participation in the evolvment and improvement of heavy vehicle safety in Australia.