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Mr Paul Retter AM  
Chief Executive and Commissioner  
National Transport Commission  
Level 15/ 628 Bourke Street  
MELBOURNE VIC 3000

Dear Mr Retter *Paul*

**RE: Heavy Vehicle Roadworthiness Program Consultation - Regulatory Impact Statement (RIS)**

Further to the NTC's publication of the Heavy Vehicle Roadworthiness Regulatory Impact Statement (RIS), please find attached the Northern Territory's comments on the options proposed to address heavy vehicle roadworthiness nationally.

The Northern Territory is supportive of nationally consistent approach to addressing heavy vehicle roadworthiness, which is flexible enough to take into account the varying operational environments across the nation, delivers positive safety outcomes and doesn't place unnecessary regulatory burden on industry.

Thankyou for the opportunity to provide comment on this important issue, should you have any further queries on this matter, please contact Ms Sandy Beattie, Senior Policy Officer, Transport Policy and Legislation on (08) 8924 7609 or [sandy.beattie@nt.gov.au](mailto:sandy.beattie@nt.gov.au)

Yours sincerely

**Clare Gardiner-Barnes**

*13* April 2015

# Heavy Vehicle Roadworthiness Review

## Regulatory Impact Statement (RIS) Consultation

### OPTION DETAILS

#### Option 1 – status quo

- No changes to current practices.
- Basis for comparison with other options.

#### Option 2 – no changes to regulation

- Proposes a package of measures that are largely informational and do not require legislative changes for the Heavy Vehicle National Law (HVNL) or state or territory based legislation (many of which are currently on the NHVR work program).
- Supports the development of national harmonised education and training for authorised officers, operators and drivers and the creation of new registered codes of practice and guidelines, including published roadworthiness guidance material.

#### Option 3 - focuses on regulatory recognition rather than prescription

- Focuses heavily on regulatory provisions to enable a risk management approach to be applied.
- Proposes flexibility and scalability to tailor different levels of risk e.g. for different geographical areas, industry sectors, operators and load types.
- Includes regulatory NHVAS improvements and power for the NHVR to mandate NHVAS Maintenance Management.
- Proposes power for the NHVR to require scheduled inspections.
- Includes increased uniformity in roadworthy regulation.
- Proposes inserting a specific chain of responsibility duty in the national law requiring parties to ensure that business practices will not cause a heavy vehicle to be used on a road in an unsafe, unroadworthy or non-compliant condition.

#### Option 4- includes similar measures to Option 3 but prescribes procedures and mandates scheduled inspections

- Proposes mandating scheduled inspections for all heavy vehicles at prescribed intervals.
- Proposes inserting a new general duty into the HVNL for Chain of responsibility (CoR) to take all reasonable steps to maintain vehicles in a roadworthy condition.

### NORTHERN TERRITORY RESPONSE

The Northern Territory has not implemented the National Heavy Vehicle Law or Regulator as the benefits to remote Australia have not been clearly demonstrated. However, the Territory supports a nationally consistency approach to roadworthy compliance, which provides certainty for industry, promotes harmonisation across borders and delivers safety outcomes.

The Northern Territory supports a combination of the regulatory and non-regulatory measures identified in Options 2 and 3, and provides the following comments in respect to this:

- The Northern Territory recognises that there is a significant variation in how states and territories currently deal with roadworthiness and supports the proposal for

harmonised training and education packages, as well as the standardisation of inspection processes. However, it is also important that any revised material includes recognition and consideration of remote and regional issues and not place an unnecessary burden on industry.

- The need to support administrative measures such as defect clearance procedures and inspection types by including them in regulation as proposed in Option 3 is not seen as necessary, as measures such as these are best left in guidelines which can be readily updated and approved/endorsed as required administratively.
- The adoption of a risk based approach to implementing programmed inspections and determining frequency is seen on the face of it as a sound basis to addressing the roadworthy concerns which have been raised. However, the practicalities of implementing systems and determining frequency, considering the diverse range of operators, vehicles, transport tasks, commodities carried, would appear to be at this point in time difficult and possibly cost prohibitive.
- Implementing any form of inspection regime based of differing frequencies associated with vehicle type, class, age or industry sector needs to be carefully considered and may be particularly difficult in remote Australia, where prime movers and trailers in road trains are readily moved between different operations with varying levels of risk. Long distance cross border operations transport a wide range of commodities including dangerous goods which could be on just one or all trailers on a road train. These types of operations can result in some trucks clocking up very high kilometres in a single year. In addition the use on unsealed roads can contribute to components wearing out in shorter time frames.
- The Territory currently employs a regime of programmed annual roadworthy inspections for all vehicles over 4.5 tonne, combined with fixed weighbridge and mobile patrols utilising mechanical trade qualified Transport Inspectors. This regime is aimed at addressing the varying operational environments across the Territory.
- Feedback from operators in the NT is that they are keen to see processes streamlined and the recognition of various maintenance regimes and safety management systems considered and recognised for meeting accreditation requirements, for example dangerous goods, fuel distribution, NHVAS and Truck Safe.
- The Territory supports a more rigorous approach to vehicle inspections and audits for accredited operators to ensure safety outcomes are being achieved, providing consideration and recognition of the wider compliance regime in the Territory is taken into account, as well as the limited availability of auditors in remote locations.
- An update of the national registration inspection manual is supported and would provide a consistent approach to inspections.

- Rather than imposing additional complexity and requirements on industry and jurisdictions, the National Heavy Vehicle Regulator may achieve positive results by focusing on those operators with a poor compliance record and working with those operators to improve their management and compliance.