

NTC HVNL Review submission by ADC Consulting:

Question 1

Variation in time frame can be attributed to the potentially infinite variation in heavy vehicle configuration assessed against an array of bridges and pavements built for local conditions with separate technical considerations influenced dynamically by age and condition. This combined with the vast number of road managers across jurisdictions and their widely varied capacities to handle administrative and technical requirements. Some attribution lies with operators too and the variation in the quality of applications submitted and the timeliness of the application against expectation for access approval turnaround. For longer freight routes there can often be little coordination among road managers to share technical appreciations and learnings from experience can easily be lost.

The HVNL access model empowers road managers as primary access decision makers. This was done in an expectation that road managers would be fully informed about the road asset they manage and in a strong position to make informed decisions about managing the wear of heavy vehicles versus the economic performance of the asset. This turned out to be less the case than anticipated – in many cases current data to understand the asset in these terms simply wasn't or isn't available without individual assessment – this is a primary driver of time and indecision.

28 days within legislative models is a fairly normal model for an administrative time frame, so too are the merit-based review frameworks discounting Judicial review because of its impracticality. The challenge is that industry access requirements often don't apply to such timelines. A bid for a new haulage contract may require a much faster turnaround. Therefore, the submit, assess, pass on, assess (multiplied by road manager) and then decide model doesn't, in many cases, meet industry needs relative to the realities of the industry.

Statement of reasons requirements are sensible but difficult to perform meaningfully. Again, in theory, every no decision should have a statement of reasons. But this must be difficult for road managers who may be deficient in their knowledge of the vehicle and or the asset. Compiling these take time too.

The hierarchy of access instruments is logical, but it can be very difficult to see a migration from the lowest common denominator which is the permit through higher echelons of access such as preapprovals and notices. It's easy under the legislative model to just keep repeating the permit cycle for very similar access requirements.

Question 2

As alluded to above 28 days does seem excessive for the needs of industry. Given the experience now gained by all parties since the inception of the HVNL, a reduction to 7 days or a period suitably negotiated would seem a sensible step to improve efficiency. Of course, should there be a need for extension of time then the basis for this should clearly be laid out.

A nil response should in most cases be treated as a No so that in that case the No response can be interpreted legislatively and the Road Authority and or the NHVR can respond. At the moment its possible for a nil response to be interpreted as the access request is under active consideration by the road manager when clearly this may not be the case. The shelving of an application occurs for a variety of reasons, therefore, these need to be assessed and strategies worked out to address the deficiencies in the process identified.

Question 3

The prescriptive vehicle classification is archaic and needs consideration of new policies and mechanisms to transition to the PBS system. PBS offers a performance-based assessment that favours safety, innovation and productivity. It should be a simplified classification system offering four primary tiers of PBS access. The HVNL establishes the foundations of PBS which were relevant to the evolution of PBS policy at the time but the next iteration of access under the HVNL should be a constructive step toward making PBS the shop front for all forms of access.

Question 4

One of the key challenges for road managers is that before the HVNL many of them had little or no interaction with the approval of a heavy vehicle access. The advent of the HVNL compelled them into the role of an informed decision maker at a time when for many they simply didn't have the strategic, policy, technical, administrative and cultural capacities to handle such a role. The key role players in local government can sometimes be people thrust into the role without an understanding of the challenges of the freight task and the needs of the industry to productively and efficiently perform their freight tasks. For some, the implications of the wider economic impacts are lost in the challenges of day to day operations and pressures. Historically, local governments who are resource poor have looked at the road asset as a resource to be protected rather than managed. Understanding that wear is a given and acceptable consequence of access for economic well being can be difficult when there is no obvious price attribution for that use. Unfortunately, pricing the use of the asset and the attribution of road funding in a more meaningful way is beyond the scope of this paper but inherently lies as a foundation issue that challenges the empowering of road managers as decision makers under the HVNL.

Question 5

There is a sound argument to say yes, road managers' decisions should be subject to external review unless as an alternative Road Authorities can be encouraged to play more of a stewardship role over the network stepping in, in partnership with the NHVR to more proactively assist with decisions that need review. This is possible now but probably doesn't happen very often from a range of reasons. Any review process though needs to consider the knowledge requirements for the parties to meaningfully and quickly intervene. Vehicle, pavement and bridge considerations can be very technical and very complex so anyone taking on the role of reviewer needs to be able to tackle these challenges proficiently and consistently.

Question 6

I think this has been a reasonable consideration of the current access requirements. I think it is important to consider that the HVNL originated out of a drive to improve the nation's productivity. Safety although always a paramount consideration was not the primary motivator for reform. If we consider the performance of the HVNL access model safety must remain paramount but any assessment must also be mindful of the need to fuel and improve the nation's transport productivity as a major contributor to our nation's economic welfare. Reforms must help to improve the efficiency and the productivity of the transport industry by empowering them to safely best perform the freight task as they see it reflecting the needs of the consignor and the consignee.

Question 7

This response has already acknowledged the relevance of pricing and attribution of road funding and the paper recognises these issues but acknowledges they lie somewhat out of scope. I think any contribution the HVNL access review can make toward enhancing or enabling some improvements in the trade-off between heavy vehicle use and consumption of the road asset would be ground-breaking to unlocking some of the access challenges that have remained for the last few decades. Whether this is by enabling pricing trials in a legislative context or as mentioned trading data for alternative access arrangements. Perhaps it would be possible to enhance the capacity of road managers to negotiate individual asset contracts where innovation can show benefits that help drive wider reform.

The other paramount consideration is the transition to enabling PBS to become the paramount access framework. This seems entirely appropriate given the success of the PBS scheme and current review of PBS taking it forward. Policy, technical and administrative reforms in PBS should work hand in hand with legislative reform.

Question 8

There should be some consideration of legislative mechanisms that assist the transition of permits into higher orders of access. Empowering the NHVR to be more determinative with the strong support of Road Authorities, addresses one of the weaknesses of the current system. This could leverage on a stronger sense that Road Authorities are custodians of the entire road network, not just the roads they own/manage. Imposing sunset arrangements around permits and pre-approvals, where they transition to Notice seems feasible from a risk perspective as results on the ground would substantiate any transition. There would need to be a consultation mechanism to help ensure road managers don't feel disempowered and to take into account any external considerations by a process of submission.

Another consideration is a comprehensive review of what are Federal, State Roads and local roads relative to their importance to the freight task nationally and regionally. It is likely that active consideration of this on a wide scale hasn't been undertaken consistently because of resource requirements. Sometimes there are roads which, although local, show themselves to be of a very serious consequence regionally or nationally to the freight task.

Reviewing general access, CML and HML as a hierarchy could also be simplified but I think this could be a product of PBS reform where it transitions to be the primary assessor scheme for access.

Question 9

In terms of tools for assessment, much could be done to improve the use of data both from the asset owner and industry perspective. The capacities of modern information management in real-time now means we can be much more powerful and dynamic in our use of data to support industry innovation and policy reform. Legislation development has a tendency to lag advances in technology so this would support ensuring subordinate laws and instruments can more quickly be established to make our laws more responsive to technology advances.

Austroroads and ARRB continue to make advances in improving road data and the capacities of road agencies to standardise and modernise data sets. Also, the models and techniques used for bridge assessments and the interpretation of vehicles against bridges is another area undergoing significant

review. These reforms complement a more progressive consideration of policy and legislation reform. Making data and access tools more generally and openly available assists with improved transparency, understanding and the mitigation of risks.

Question 10

Reviewing road ownership between the Federal, State and local authorities for key freight corridors would help ensure the more capable and resourced road managers as decision makers are aligned to the freight corridors of greatest significance. Completion of a comprehensive review of all roads in terms of their determination as a PBS route would help significantly in reducing some of the unknown for industry operators in decision making. Similarly ensuring there is more common approaches to interpreting vehicles to pavements and bridges wherever practical would help eliminate perceptions of inconsistency by industry.

Question 11

Giving operators the ability to self-assess and enable a permit for access where complete data sets can be established with check boxes for conditional options to vary the terms of access would be an interesting trial that could be monitored and assessed for wider application. (This aligns with some of the projects looking into bridge and pavement assessment harmonisation and in particular Austroads project NEF6133)

Perhaps the role-play of processes currently defined in the Act could be transitioned to subordinate legislation making it much more practical to fine tune and adjust or reform the access process as knowledge and practices improve.

Question 12

Again, data availability is a critical enabler to improving the speed and consistency of decision making. Enabling access contracts even as trial arrangements initially might help facilitate innovation in access that then is accommodated more broadly. PBS offers much in the way of creating an envelope of access opportunity in which operators can innovate safely in order to come up with the best freight task solution. If the PBS reforms can be carried through and the reforms further translated into legislative reform then this should significantly enhance transparency, fairness and accountability. PBS vehicles are assessed under known performance standards and a defined approval process. Once established they can serve as blueprint vehicles for future access transactions.

Question 13

Recently there have been changes in the HVNL law to further encourage the adoption of Codes of Practice by industry. This is a very practical way to better identify and share the risks amongst drivers and those in the chain of responsibility. Creating reward in access terms with improved processing efficiency might be one way to incentivise further adoption of codes of practice. Promoting self-management and regulation of practices and behaviours offers the industry the opportunity to become more engaged and understanding in risk methodologies and the legislative obligations around safety duties and legislative obligations.

Question 14

It would be useful to define more openly a statement of accountabilities such that this becomes part of the undertaking for any access transaction. Access arrangements focus on vehicle specifics, routes and conditions but it would also be an opportunity to reinforce safety duties and legislative

accountabilities more generally ensuring that parties to the access transaction understand that they are signing off not only to a right of access but also to a commitment to fulfil their accountabilities.