

**Question 1:**

Why do access decision timeframes vary so significantly? To what extent does the HVNL cause or allow access decision delay.

Reply:

Not all road managers are fully aware of their responsibilities under the NHVL, Road managers (especially small rural councils) have never been required to provide access decisions as it was a function of SRA's, staffing issues and lack of experience are all factors in delaying decisions.

The NHVR has been very slow to explain road manager responsibilities and has not provided clear guidelines to road managers,

HVNL has caused access decision delays for the following reasons:

1. The HVNL gave responsibility to the NHVR to manage access framework and has assumed that the model / process implemented by the NHVR was fit for purpose. The model chosen (Portal) was not subject to validation and has not been questioned for either effectiveness or efficiency, the portal does nothing to encourage timely decisions, it does nothing to promote safety (due to poor mapping functionality) and has not achieved any significant benefit to its users. The HVNL should have forced the regulator to prove that the system they would implement meet or exceeded the goals that lead to the creation of the HVNL.
2. The HVNL did not stipulate any KPI's on the regulator – so when delays occur there are no consequences to any party (numerous examples of delays with the regulator both before and after road manager consent).
3. The HVNL requires road managers to give consent for the use of their roads and that all access decisions are based on risk, safety and productivity, The HVNL should then have provided guidelines that meet the original intention of the law. Prior to the HVNL all road managers had to provide consent in one form or another and every single SRA managed to have a process that provided consent in timely manner (usually 24-48hrs), the only difference is that the HVNL introduced the NHVR which has managed to destroy an entire industry and lay blame solely on the HVNL.

**Question 2:**

Most road managers can grant consent within seven days. Given this is the case, should we reduce the 28-day timeframe currently in the HVNL? Should we introduce a mechanism to deal with a nil response?

Reply:

Focus should not be on days to consent rather it should be about what is the consent required for, eg: if the road has previously been approved the road manager should only be asked if the road is different to last time and if not the approval should be automatic.

A nil response from a road manager should be classified as granted after a maximum of two days.

**Question 3:**

Is vehicle classification useful? Does the new HVNL need a vehicle classification system and, if so, should it be different from the current system?

Reply:

Minor amendments maybe required to cover new equipment – more important to upskill road managers with classification definitions and advancements in technology. The current law assumes all parties understand vehicle classifications and the impacts they have on the road network; operators are repeatedly asked to provide explanations to road managers.

**Question 4:**

What are the challenges road managers face under the HVNL access decision-making framework? Which road managers do it well, and why, why are some road managers struggling with access?

Reply:

Standards should have been stipulated and regulated that encourage speedy access decisions.

Road managers are asked repeatedly to grant consent without clear guidelines, some road managers attempt to control every aspect of every journey, some approve or deny requests without any basis other than what they believe (rightly or wrongly), some freely acknowledge that they don't have the expertise and are frightened that they will be held responsible for any mistake.

If we must stay with the current version of the HVNL a lot of work is required to get all road managers trained and competent to make informed decisions – this is fundamentally what causes access decision delays.

The Tasmanian approach appears to work well with the state government supporting local road managers to assess their network and to list suitable roads (on notice). This has seen a massive reduction in permit applications and allows operators greater flexibility to get on with the job.

The function of the NHVR should have been to develop a national framework system that does not require endless consent requests and does not have them processing / micromanaging every single heavy vehicle journey.

**Question 5:**

Should the law allow for external review of access decisions?

All laws should allow for a decision review, I don't think this is a priority as most transport operators could not afford to make a legal challenge without the outside chance of getting a decision overturned. This directly links to the fact that the transport task will take place regardless of consent – it just depends on how many trucks are used to do the job.

### Question 6:

Have we covered the issues with access under the current HVNL accurately and comprehensively? If not, what else should we consider?

Reply:

The HVNL review needs to consider the following:

- The transport task will happen regardless of consent,
- The safety of all road users is put at risk if the permit system is not **simple and efficient**.
- The cost (losses) to the country if no action is taken.
- Consider the customer who requires transport and the consequences of no change, Not once in the OSOM review or now in the HVNL review has the question been raised about who is impacted from poor decision making and poor process, there is a whole chain of effect – We need to look at the transport chain and decide who losses the most from the current system. Operators / manufacturers / construction / mining etc, and what must be done to remedy.

Every aspect of the HVNL review should primarily focus on outcomes that promote safety, efficiency, productivity.

It must then stipulate that all parties are equally responsible to uphold the same value and penalise non-conformance, (this must include- regulators, road managers, third parties and operators, (rather than just operators)

**The current the HVNL encourages transport operators to break the law**, Permit delays are so widely accepted now that operators are forced to move goods without permit by customers who are losing large sums of money or face their own financial downfall if they refuse, this is unacceptable and must be addressed,

### Question 7:

How can the new HVNL work, most likely with other reforms, to best support optimised use of transport assets and vehicles?

Reply:

- New HVNL.02 must focus on its purpose (road safety, increased productivity, simplicity, support of new technology and flexibility)
- New HVNL.02 must consider alternatives for access, HVNL cannot legislate access requirements and then let the regulator design / implement access software that cannot deliver agreed outcomes, - Prior to NHVR portal all SRA's processed and issued permits within 48hrs on average, (N.T & WA still do)so the regulator had every type of system to model from and decided to create a new platform that has clearly not worked, It is not acceptable that the NHVR did not have to prove their model was the most efficient / effective technology available.
- New HVNL.02 must impose minimum standards that all parties must meet, it is unacceptable that we have law that requires permission for a transport task to take place and no consequences if parties being asked do not respond.
- The new HVNL.02 should force the regulator to develop policy only for access – not manage access, it should be the regulators job to oversee road manager activity rather than to be involved in every single application, the regulator should also be given powers to enforce compliance.
- New HVNL.02 must encourage new technology.
- New HVNL.02 must force participating jurisdictions to comply with the law, it is unacceptable that after five years of the current HVNL we still have major operational differences between States under the excuse of State based notices, a good example of this is the current National Class 1 exemption that has no joint agreement between any SRA's on mass, dimensions or pilot conditions.

**Question 8:**

How can the new HVNL expand as-of-right access and generalise access authorisations? Can we remove time limits?

Reply:

As-of-right access can be achieved by creating platforms and timelines

- General access vehicle standards review must have a set period (say every 5 years) – this will promote investment in new technology and increase confidence the industry.
- Access platforms (envelopes) need to be established based on risk. OSOM example:
  - a. Low risk, automatic access up to – 59.5t (3.5W,5.0H,22L)
  - b. Medium risk, 24hr permit process 59.5 – 99.5t (5.0W,5.0H,26L)
  - c. High risk – 7-day permit process Over 100t (or in excess of listed dimensions)

Envelope approach could easily link to an accreditation module.

If adopted this would immediately reduce multiple permit applications and free up resources to concentrate on higher risk applications.

**Question 9:**

Do we have the right tools to implement access decisions? How can we modernise the tools for access authorisations?

Reply:

- No – the NHVR portal is not the right tool  
Yes – Most SRA's had well proven tools to provide access decisions.
- Small / rural Road Managers should be allowed to delegate consent function by agreement to State Road Authority
- This cannot be resolved without substantial government expenditure in training, technology, support and most importantly guidelines (that must be adhered to).
- Look at previous examples that work / worked
  - NWS / SA / VIC / WA / NT all issued permits within 48hrs (WA & NT still do)
- Look at previous examples that didn't / don't work so well
  - QLD – could easily take up to 3 x weeks
  - NHVR – can be anywhere from 2 weeks to 2 months (no way of knowing).

**Question 10:**

How can the new HVNL accelerate access decisions? Is a proactive approach possible?

Reply:

HVNL can quantify minimum standards and have mandated rules around access and the application platform (currently NHVR portal). E.g. all applications should link to previous decisions – if access is granted for a route / vehicle configuration it should be granted automatically to any applicant.

HVNL should state that as soon as a minimum number of consents has been granted for a route then it automatically is put on "notice", currently there is no guideline or pressure to add a road / route to an existing network.

As previously covered, establish platforms (Envelopes) that reduce the overall need for low / medium risk permit applications.

HVNL should mandate road classifications, if this was done roads would automatically form networks for pre-approval / gazette

HVNL must enforce a year on year reduction in permit applications.

**Question 11:**

How should the new HVNL implement access decision-making? Should it specify process and roles? What role is there for the operator? What improvements to access decision-making can be made?

Reply:

If we stay with a similar version of the HVNL where road managers must consent to access, then the HVNL must give decision making power to the regulator. If the regulator is given power to consent this could be utilised for lower risk applications without the need for road manager involvement. The HVNL could also implement a reversed consent process – no response to a consent request means consent is granted.

The HVNL must specify process and roles and accountabilities for the roles, all parties (including regulator) must have clear directions and clear penalties for non-compliance. Operators should be responsible for their activities and should be audited for compliance to permit / access conditions (system must also reward compliant operators and punish noncompliance), this could be achieved through accreditation process as well as on road interception.

**Question 12:**

How do we reach consistent and predictable risk-based access decision-making? How can we make sure decision-making is transparent and fair?

Reply:

The HVNL.02 needs to consider two options

1. Control the entire process in legislation from application to outcome.
2. Legislate who is responsible and apply an enforceable standard that must be adhered to.

Transparent / fair decision-making will only be achieved when HVNL is adopted equally across all jurisdictions (meaning State & Territory governments that sign up must agree to all rules / standards). The current HVNL is still perceived by State Governments as not mandatory to adopt all parts. (QMR is perfect example)

**Question 13:**

How do we best share the risk management responsibilities between parties with a role in heavy vehicle access?

Reply:

Apply enforceable standards to all parties

**Question 14:**

How do we manage the accountability of parties with a role in heavy vehicle access?

Reply:

Apply enforceable standards to all parties

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