

Queensland Department of Transport and Main Roads (TMR)

Submission in response to the National Transport Commission Issues Paper 'Easy access to suitable routes' June 2019

Overall, TMR notes the "*Easy access to suitable routes*" paper incorporates a broad range of issues for stakeholders to consider in providing their preliminary views on ways to improve the regulation of heavy vehicle access arrangements through the Heavy Vehicle National Law (HVNL) review. TMR suggests that in considering potential policy interventions for the problems identified through the review, due consideration be given to whether the problems could be best solved with legislative reform or whether improvement of non-legislative elements (such as improved route assessment processes and systems) could provide a better outcome.

Provided below is information TMR trusts will be helpful in developing policy issues and options for consideration in the upcoming Consultation Regulatory Impact Statement (RIS). It is important that the RIS addresses priority areas aimed at identifying and managing the key risks to achieving HVNL outcomes relating to access. These priority areas include:

- clear HVNL objects
- sound regulatory principles
- practical and appropriate legislation structure
- technology that supports current and future needs
- refining the road manager role.

Note that the information provided in this document raises points for consideration and discussion for the purposes of the HVNL review and does not form government policy.

1. HVNL objects

The purpose of the HVNL is to ensure the safe operation of heavy vehicles on the Australian road network. This needs to be achieved in a way that optimises the sustainable use of infrastructure, vehicles and resources to benefit industry, the economy and the broader community. Agreement of the outcomes and objects of the new HVNL early in the HVNL Review process will provide a solid foundation for the development of effective policy principles and options.

The HVNL objects need to be clear about the priority and interaction of potentially conflicting objectives. This is particularly relevant to access decision-making where ensuring safety and improving productivity can be difficult to achieve simultaneously. The HVNL objects must be clear that where conflicts arise between objectives, safety considerations take precedence. Complementary to road safety, the RIS should also consider clarification of the HVNL objects in terms of impacts for environmental, public amenity and infrastructure outcomes.

Safety focus

This focus on safety has been recognised by the Transport and Infrastructure Council that recently reaffirmed the Councils' strong commitment to the target of zero fatalities underlying the next National Road Safety Strategy and by the establishment of the Office of Road Safety by the Australian Government¹. All Australian governments have adopted the Safe System² approach to managing the risk of death and serious injury on our roads. The new HVNL will be a crucial mechanism for moving towards a Safe System with respect to crashes involving heavy vehicles.

Road transport delivery of goods and services has a significant involvement in road trauma (death and serious injury). In 2018, 53 people lost their lives in crashes involving heavy vehicles on Queensland's roads. That was 20 more than in 2017 and 10 more than the average of the previous five years. In addition to this human impact, crashes impose significant costs to our economy. TMR has adopted the willingness to pay (WTP) approach to assessing crash costs outlined in the national guidelines³. This approach represents crash costs as the value people are willing to pay to avoid being killed or injured in a road accident, inclusive of the physical, emotional and physiological impacts of road trauma combined with vehicle and general costs. In 2018, a fatal accident in Queensland using this the WTP approach was deemed to cost \$9,444,000.

It would be helpful for the RIS to investigate how the presence of heavy vehicles on the roads contributes to deaths and serious injuries. At present there are significant gaps in the issues paper around understanding how Australian heavy vehicle crash rates compare to other countries, how heavy vehicle interactions with other traffic contribute to crash risk and how to best reduce that risk. Note that research from other countries may not always be suitable for direct comparison without qualification as Australia allows the use of larger vehicle combinations that are not permitted in other countries. Research is key in understanding heavy vehicle impacts, so that access can be managed while achieving better road safety outcomes.

¹ Transport and Infrastructure Council [Communiqué](#), 2 August 2019.

² National Road Safety Strategy [Safe System principles](#) (2018).

³ National Guidelines for Transport System Management in Australia Steering Committee (March 2015) [2015 National Guidelines for Transport System Management in Australia - Road Parameter Values \[PV2\]](#) (p20-21).

Recognising the importance of safety impacts associated with road access decisions in the RIS will ensure that access can be appropriately managed to achieve better road safety outcomes without imposing an undue regulatory burden on the heavy vehicle industry.

2. Regulatory principles

As outlined in TMR's response to 'A risk-based approach to regulating heavy vehicles', TMR agrees that a set of HVNL regulatory principles is useful in guiding the work of the review, particularly in the development of policy proposals for consideration in the RIS and in the eventual drafting of the new HVNL.

While the draft principles presented in the paper cover a broad range of the issues that should be considered, TMR suggests the draft regulatory principles be refined to focus on legislative reform matters rather than operational issues that may be better addressed by other complementary activities. For example, draft regulatory principles 2 and 3 outline several considerations that are better suited to the task of guiding the development of decision-making guidelines to direct 'how' decisions are made rather than the legislation itself. Draft regulatory principle 1 should also be revised to align with the clear outcomes and objects of the law. Further, support for the economy and competitiveness are encompassed sufficiently within the efficient freight delivery aspect. Provided below are examples of some clear guiding statements that could be considered.

The HVNL access arrangements should:

- Ensure safe heavy vehicle operations
- Optimise sustainable use of the entire transport network
- Support efficient delivery of Australia's transport task
- Manage heavy vehicle impacts on the environment, public amenity and infrastructure
- Be clear, unambiguous and easy to use
- Support efficient and effective decision-making processes that are consistent, fair and transparent
- Ensure the National Heavy Vehicle Regulator (NHVR) and road managers have the tools to mitigate the risks they are responsible for managing
- Not restrict future road user charging models.

3. Legislation Structure

The new HVNL should not necessarily seek to be 'simple'. An approach focussed on simplifying the law would significantly reduce the flexibility of access arrangements under the HVNL and the ability to manage the diverse needs of industry. Instead the goal should be to streamline access requirements, remove redundancy, support future digital applications and make the legislation easy to understand and apply.

TMR believes that the flexibility and responsiveness of the HVNL could be significantly improved by placing obligations as low in the hierarchy of legislative instruments as is appropriate. Further detail on this matter is provided in TMR's submission on HVNL Review issues paper 'A risk-based approach to regulating heavy vehicles'⁴.

TMR suggests that a streamlined legislative framework, similar to the Transport Operations Road Use Management structure prior to the introduction of the HVNL may be a suitable model for consideration. Under this approach the primary legislation is limited to provisions about items such as the heads of power for regulations, key obligations, exemption granting powers and high penalty offences. All other matters are then managed under subordinate instruments such as regulations, standards and notices. For example, under the previous state regime all restricted access vehicle matters in Queensland were addressed through gazetted guidelines, the equivalent of HVNL notices, that were highly specialised, flexible and responsive instruments.

This framework ensures that amendments to matters that are operational or technical in nature, or matters that are likely to require frequent change, can be progressed in a timely manner. Further, TMR considers the use of standards, guidelines or codes of practice as an appropriate method for streamlining access provisions. These documents should be clearly referenced in the legislation and approved by responsible Ministers with appropriate governance and oversight for amendments.

Digital-ready legislation

It would also be beneficial for the legislation to be structured in a streamlined, logic-based way that will support advances in technology. The concepts underlying digital-ready legislation could be applied to the new HVNL to ensure the law is fit for purpose now and to meet the challenges of future changes in technology. The Danish government has outlined seven principles for digital-ready legislation⁵ that could guide the development of the new HVNL. These principles focus on simple and distinct rules, digital communication, enabling automated case processing, consistency and re-use of data and definitions across authorities, data security, public infrastructure, and fraud and error prevention. These concepts are also illustrated through the work undertaken by the NSW Government under the Rules as Code (RAC) projects⁶.

The legislation should support a streamlined regulatory approach with rules that are easier to create, understand, apply, and comply with. Structuring the new HVNL to provide a logic-based prescriptive framework that applies the RAC principles, could potentially 'future proof' the legislation and open up exciting opportunities to have the one codified rule-set being

⁴ TMR (June 2019) [TMR Submission](#) in response to the National Transport Commission Issues Paper 'A risk-based approach to regulating heavy vehicles' (p.6)

⁵ Danish Government (2018) <https://en.digst.dk/policy-and-strategy/digital-ready-legislation/>

⁶ NSW Government (2019) [Emerging Technology Guide: Rules as Code](#)

accessed by multiple agencies and organisations. Such a regulatory approach would support mapping-based access, have relevance now and anticipate future requirements as technology advances and automated vehicles are introduced into the market. For example, by enabling software and systems to access and understand the rules associated with access decisions, we could in future consider enabling automated or semi-automated access application processing and could draw on these same rules to automate compliance monitoring activity, such as detecting vehicles off route. The RAC approach aims to ensure complex information can be easily accessed, consistently interpreted and consumed, resulting in efficiencies for both operators and regulators.

Vehicle Classification system

It is acknowledged that a way of clearly categorising vehicles and organising access is necessary. However, the current class system for restricted access vehicle (RAV) permits and notices is not user friendly, is unnecessarily complex, is difficult to interpret and creates discrepancies and inequities. While the HVNL generally provides a satisfactory approach to allow as of right access for general access vehicles there is still opportunity for significant improvement. However, the treatment of RAVs, and the many exceptions that have developed, have become extremely complex and on the verge of being unworkable in some instances. The HVNL needs to provide a clear approach that allows vehicles to be easily matched to the appropriate access requirements.

When the HVNL was created, *the Heavy Vehicle (Mass, Dimension and Loading) National Regulation* brought together elements of the Mass, Dimension and Loading (MDL) and Restricted Access Vehicle (RAV) model laws. This resulted in requirements for general access and restricted access vehicles being combined in ways that unintentionally created anomalies and discrepancies. For example, there are significant inequities in the way mass and dimension offences are managed under the HVNL, particularly when RAVs are non-complying and intercepted off approved routes.

A suggested approach that could be explored would be to separate general access and restricted access vehicle requirements. This would provide for general access limits to be laid out under a schedule providing as-of-right access for those vehicles that are to be granted access to the whole network. Road managers would still retain the ability to manage access for general access vehicles in unusual circumstances through other mechanisms, such as signage on vulnerable assets or restricted access areas under road rules legislation. RAVs could be managed under a separate schedule or schedules, under a regulation or other appropriate instrument. The application of the RAV schedule(s) and operating allowances would be dependent on the vehicle operating on its approved route. If this condition is not fulfilled, the vehicle would be assessed under the general access prescribed limits for compliance purposes.

This approach provides for a proportionate response to enforcement issues. For example, where a b-double is operating off-route on a general access road, that is only suitable for a vehicle up to 19m long and 42.5 tonne, it would be treated as a severe offence against the prescribed mass and dimension limits. However, if the b-double was operating at two-tonne over its gross mass limit or at 25.3 m long on an approved b-double route, the offence would be considered more proportionately and be in the minor range for mass and dimension offences.

4. Technology

An improved approach to heavy vehicle regulation will be dependent on innovation and the ability to implement new technologies, particularly regarding data sharing and geographic information system (GIS) mapping technologies. Greater access to data and improvements in how data is used and managed will provide the NHVR and road managers with opportunities for better infrastructure planning, more effective decision-making, improved assurance systems for access arrangements and enhanced enforcement capability.

Data sharing and telematics

Data analysis is the key to measuring system performance, policy effectiveness and the benefits of change. The new law should support the NHVR and jurisdictions in sharing information and managing programs to receive, interpret and use data. Investment will be required to ensure that regulators have the capability and capacity to use data effectively, monitor outcomes and detect failures in risk management controls if they arise.

The HVNL Review also provides the opportunity to investigate schemes that leverage data to improve access. For example, heavy vehicle access on high risk routes or routes with vulnerable structure issues could be considered if supported by operators sharing telematics data as a requirement or condition of access. The data received would be able to support road use trend research, strategic infrastructure planning and investment, asset management and maintenance systems and inform access risk assessments. These systems could in turn contribute to systems that support transparent and timely access decisions. A conditional requirement such as this would have the potential to benefit road managers, industry and the community through increased community safety, red tape reduction, lower operating costs and more effective network access.

Maps

Improvements in GIS mapping technology has the potential to revolutionise the way information on access to routes and requirements for operation are provided, particularly when information is available direct to drivers and vehicles reflecting real time conditions.

Open source maps and codified access rules using digital-ready legislation principles could provide easy to use information to drivers and operators through enhanced versions of NAVMAN or TomTom type tools. In the foreseeable future, a driver may be able to enter information about their destination and their vehicle combination (dimension, mass, type) and be provided immediately with viable authorised routes and directions, with real time access to information like traffic conditions, road works and road closures.

Future mapping systems need the capability to record and maintain historical data to an evidentiary standard for investigation and prosecution purposes. Information regarding the state of mapping information for a particular route or road sector at a particular date and time would need to be available, including the level of access/vehicle types permitted and any conditions, requirements or restrictions that were applicable. This information would also need to be easily validated for court purposes through methods like evidentiary certificates, for example. The appropriate time for historical mapping information to be maintained would likely need to be at least 5-6 years to support requirements similar to provisions under HVNL section 707A regarding timeframes for proceedings for offences.

The route assessment system that has been implemented by Tasmania's Department of State Growth, goes a long way towards supporting technology approaches such as those outlined above and could provide a template to underpin a national system.

5. Road manager role

Road managers are responsible for the safe operation of their road networks and play a key role in the access decision-making process under the HVNL through the necessary road manager consent mechanism. The ability of road managers to effectively manage their responsibilities, and any associated risks, could be improved under the HVNL by streamlining and consolidating decision-making requirements, providing for strategic network considerations and allowing for the application of vehicle conditions. Fundamentally, TMR believes that road managers must retain accountability for road access consents under the new HVNL.

Streamlined legislation

The new HVNL should look to restructure and consolidate decision-making obligations for the NHVR and road managers. The current legislation contains several areas where essentially the same requirements are repeated in full. There are over 90 sections in the HVNL that govern the provision of notices and permits for Class 1 and 3 vehicles, and Class 2 vehicles, and Higher Mass Limits (HML) arrangements. The legislation could be structured in a way that consolidates the requirements for NHVR decisions and road manager consent, removing redundancies and unnecessary inconsistencies.

Strategic network considerations

The HVNL needs to provide an access decision-making framework that ensures safe heavy vehicle operation while supporting optimum sustainable use of the road network. However, an important part of ensuring the efficient delivery of Australia's transport and freight task is making the best use of the entire transport network.

This means that supply chain factors and multi-modal freight policy implications (both economic and operational) for all modes of transport in the multi-modal transport system need to be considerations in heavy vehicle access decisions where viable alternative modes exist. For example, decisions that significantly increase road access (on routes that are contestable) have the potential to negatively impact on rail freight operations and road safety outcomes if provision of the access triggers modal-shift. This is not necessarily a desirable outcome for the transport system as a whole.

Introduction of HPVs can reduce the number of trucks needed to carry the same freight task. However, if this increased productivity results in price pressures being imposed on other competing modes of transport, the resultant increase in freight requiring road transport may increase the number of trucks needed – resulting in increased safety risk due to traffic volumes. As such, a reduction in freight by modes other than road, especially rail has potential (on contestable routes) to reduce safety and increase the negative effects on the environment and public amenity.

The new HVNL should provide the ability for road managers to consider requests for consent with due regard to strategic network considerations and in the context of fleet impacts, that is not limited to the individual application being assessed. Access decisions need to include whole-of-network impacts and strategic network management issues to deliver better safety and transport efficiency outcomes.

Vehicle conditions

Road managers need the ability to apply vehicle conditions where they are necessary to mitigate identified risks. This will improve outcomes for industry as it will allow consent to be provided for access that might otherwise be refused.

Section 156A(1) of the HVNL provides that a road manager may only refuse consent if the authority will, or is likely to cause damage to road infrastructure; impose adverse effects on the community arising from noise, emissions or traffic congestion or from other matters stated in approved guidelines; or pose significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions. Before making the decision to consent or to not consent, a road manager must also consider whether imposing a road and/or travel condition would avoid or significantly minimise the likely damage, adverse effects or risks; and have regard to relevant approved guidelines. In providing consent, a road manager may ask the Regulator to impose a vehicle condition on the authority. Section 162(2) requires the Regulator to consider the request for a vehicle condition but is not required to impose it.

Road and travel conditions are useful tools in mitigating identified risks to the issues considered by road managers in making access decisions. However, there are situations that arise where the identified risks can only be sensibly managed through applying conditions relating to the vehicle itself, which will be critical for the road manager in managing road safety risks associated with the access consent. The inability of road managers to mitigate risks using vehicle conditions, is likely to result in refusal, rather than facilitating access. Examples where a road manager may seek application of a condition for safety or community amenity reasons include:

- To improve the conspicuity of the vehicle through load delineation using visual warning devices such as flags or signs designed for the safety of the public and other road users.
- To reduce noise impacts by imposing lower speed limits near built up areas, or to require vehicles to be fitted with alternative auxiliary braking devices/systems to manage the impacts of engine brake noise.
- To control exhaust emissions by requiring only vehicles with modern emissions control systems on the route.
- Specific suspension requirements, such as air suspension, to traverse vulnerable pavements or structures on a route.

6. Issues Paper Questions

Question 1 - Why do access decision timeframes vary so significantly? To what extent does the HVNL cause or allow access decision delays?

The HVNL itself does not cause delays but identifies the key considerations that must be assessed by the NHVR and road managers in making access decisions. Road manager consent is an essential component of this process. Timeframes for the processing of access applications are predominately impacted by operational issues and are highly dependent on the complexity of the technical assessment required and the resources, expertise and capacity of road managers.

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?

While decisions can be made in shorter time frames, the currently legislated decision-making timeframes for access under the HVNL are necessary to support sufficient time to assess the complexity of applications and make determinations on whether a request for an extension of time is necessary. Requiring decisions to be made within shorter timeframes under the law could lead to complex issues not being adequately considered and may result in inappropriate or 'no' decisions being made to meet timeframes.

TMR has an average response time of less than 14 days. This however is not achievable in all cases as complexity and application volumes change and are not predictable. Rather than reducing the timeframes, the best outcome would be to provide better transparency and information on progress of applications within system such as the NHVR Portal. As such, enhancements to the NHVR portal to include real time processing information would be beneficial for applicants and would hold all responsible parties more accountable for timely decisions. There may be an opportunity for reduced timeframes for access decisions reflecting access at current designation, such as for example, PBS level 2A applications on a current b-double route.

Nil response

TMR supports investigation of potential mechanisms for dealing with road managers who fail to provide a response to requests for consent within 28 days or request an extension of time. While a 'deemed to approve' provision is not feasible due to the very serious safety and infrastructure implications of road manager decisions, using the precautionary principle, investigation of whether a 'deemed refusal' approach may be appropriate.

However, a 'deemed refusal' approach may have the unintended consequences of encouraging some road managers not to respond or externalise the costs of their road manager obligations. The interaction of a 'deemed refusal' and internal review processes would also need to be considered, as there would in effect be no decision process to review. These issues would need to be addressed and appropriate 'next steps' established.

Support and training for road managers may improve response outcomes. For example, the establishment of a peer review panel or other forum where road managers could support each other or share resources could be investigated. This type of environment would enable knowledge sharing and hold road managers to account and encourage timely responses.

Third party entities

Consideration should also be given to whether the obligations on third party entities (see sections 157 and 158) are satisfactory. Such as, should timeframes for approvals be required and should third party entities be recognised more formally under the HVNL as approvers in the access decision-making process. The development of frameworks and guidelines to support these processes would be beneficial, with or without legislative amendments.

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?

Refer to comments under Section 3 'Legislation Structure'. Other matters that could be considered in the analysis of the current classification system include:

- Replacing the class system with practical vehicle categories that support digital-ready legislation principles and align with on-road enforcement and traffic monitoring systems (current in road systems rely on axle mass and spacing to identify vehicle types, newer scanning and camera technology may have increased functionality).
- Definitions and prescribed limits for Type 1 road trains and RAV truck and dog combinations.
- If the class system is retained, the separation of Performance Based Standards (PBS) from other Class 2 vehicles and the application of the Class 1 conditions schedule to Class 3 vehicles should be considered.

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?

Key challenges experienced by road managers include obtaining and maintaining detailed knowledge of the condition of their road networks, and access to adequate funding, resources and expertise needed to perform effectively within the timeframes. Standard or common requests are easier and faster to process and can generally be expedited quickly. However, innovative or more complex requests can be time consuming and difficult to assess as vehicles, assets and conditions vary significantly. It should be noted, that overtime, as more vehicles are provided with access through as-of-right mechanisms such as notices, the remaining permit applications will increasingly require more and more complex assessments.

Question 5 - Should the law allow for external review of access decisions?

The matter of external review of road manager decisions was carefully considered when the HVNL was first drafted. At that time, it was agreed that this approach was not appropriate, as it allowed for an external body to overrule the decisions of qualified road managers on technical matters, and it was not necessary to ensure a fair and equitable process.

Given the low number of access applications that are denied, and the effectiveness of the current internal review approach, there is little evidence to support the introduction of an expensive external review framework for road manager decisions. In addition, administrative review bodies generally do not possess the technical expertise necessary to review access decisions. It is also likely that reviewers would lack the necessary local knowledge about the

infrastructure and road conditions that impact on decisions. For a decision to be reversed, it would mean that the reviewing body has overruled the expert knowledge and robust processes followed by the qualified road managers. Any conflict in advice from the road manager and reviewing body, could prove difficult to decipher and costly for both road managers, complainants, the community and the state.

Robust processes, including clear and publicly available decision-making guidelines, improved communication between parties, and the existence of an internal review option mitigates the need for external review, noting that these complex cases could contribute to clogging up the courts or tribunals.

Question 6 - Have we covered the issues with access under the current HVNL accurately and comprehensively? If not, what else should we consider?

There are many operational and administrative processes discussed in this paper which sit outside of the HVNL, that could be improved to assist in the timely processing of access applications, such as the NHVR assessment of vehicle safety matters prior to requesting consent from road managers. Consideration could be given to developing a safety matrix or operational guidelines to assist in a quality check being performed prior to the application being assessed by the road manager. Removing incomplete and unsuitable applications earlier in the process will reduce unnecessary work for road managers and contribute to efficiencies. Any changes to operational processes should result in streamlined, consistent, fair and transparent decisions being made in a timely manner.

Question 7 - How can the new HVNL work, most likely with other reforms, to best support optimised use of our transport assets and vehicles?

Due consideration also needs to be given to future technologies, including projects such as the Co-operative and Automated Vehicle Initiative (CAVI).

TMR agrees that funding considerations are out of scope for this review. However, the new HVNL should support, or at a minimum not restrict, future heavy vehicle road reform and road user charging mechanisms. The challenge will be in establishing such a framework in the interim that is able to effectively manage heavy vehicle transport externalities such as additional road wear costs, emissions and congestion.

Question 8 - How can the new HVNL expand as-of-right access and generalise access authorisations? Can we remove time limits for notices, for example?

Refer to comments under Section 3 'Legislation Structure' concerning placing the obligations as low in the hierarchy of legislative instruments as appropriate.

While notices are a practical outcome in improving as-of-right access, they need to be regularly reviewed to ensure they continue to be fit for purpose and are supported by current policies and data. The current time frames are appropriate.

Performance Based Standards (PBS)

With improvement in asset knowledge and assurance systems, opportunities may exist in future to expand as-of-right access for vehicles under the PBS scheme. However, this is unlikely to occur if the ability for the NHVR to grant exemptions from PBS standards is retained in the new HVNL. An alternative approach would be to review and maintain the PBS standards to ensure they remain fit for purpose.

This exemption ability seriously undermines road manager assurance frameworks and future potential for as-of-right access for PBS vehicles to pre-approved PBS networks. The integrity of the PBS scheme needs to be retained if road managers are to be confident in consenting to access. Where a vehicle does not meet the PBS standards, access should be provided under a permit or notice (currently class 3) and not a modified PBS approval. These vehicles have undergone a PBS-style assessment to assist with the decision-making process but are not 'PBS vehicles' as they do not meet the PBS standards.

Question 9 - Do we have the right tools to implement access decisions? How can we modernise the tools for access authorisations?

Refer to comments under Section 3 'Legislation Structure' about digital-ready legislation.

Question 10 - How can the new HVNL accelerate access decisions? Is a proactive approach possible?

Refer to comments under Question 12.

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?

Refer to comments under Question 12.

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?

TMR supports better collaboration between all responsible parties, including the NHVR, local governments, road authorities and local government associations, to avoid situations that result in unnecessary delays or 'nil' responses from road managers. Options that could be investigated include:

- Support and training for smaller road managers to build capability and expertise
- Access to a pool of qualified engineers with local knowledge and expertise
- Development of frameworks to support better and more efficient assessment processes
- Peer review panels for road managers to support each other
- Allocation of appropriate funding for road manager functions
- Revised guidelines for the NHVR and road managers

Road manager delegation

Some road managers have limited resources to undertake assessments and to respond to consent requests within the required timeframes. While the concept of delegating road manager decisions may be attractive, it is not practical or appropriate as the responsibility for safe operation of vehicles on the road remains with the road manager.

An alternative proposal may be to establish a pool of qualified engineers with expert local knowledge that would be able to perform assessments and provide reports and recommendations for consideration by road managers. This approach is already supported

by the current legislation as the consent decision remains with the road manager. Appropriate funding and support is the key consideration in successfully implementing this approach.

Question 13 - How do we best share the risk management responsibilities between parties with a role in heavy vehicle access?

Refer to comments under Question 14.

Question 14 - How do we manage the accountability of parties with a role in heavy vehicle access?

Risk management is the central concept underlying the access management framework. This framework could be improved by streamlining and clarifying obligations under the HVNL, supported by practical guidelines, to assist all parties involved in the access application and decision-making process. Evidence-based decisions would be underpinned by access to information on asset/network condition and fleet activity through telematics data.

Consideration could be given to proportionate sanctions to manage extreme or repeat offending such as:

- Assurance and compliance management mechanisms for monitoring and auditing
- Restrictions on or withdrawal of access, for example, cancelation of permits for non-compliance with conditions
- Use of technology, for example, mandatory on-board mass or telematics systems
- Heavier penalties for false or misleading information in access applications
- Guidelines for seeking supervisory intervention orders

The information provided in this document raises points for consideration and discussion for the purposes of the Heavy Vehicle National Law Review and does not form government policy.