

Submission to the National Transport Commission

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03/11/2020

Introduction

Previous experience in Heavy Haulage, Transport Industry

Heavy Commercial Vehicle Mechanic, Heavy Haulage OSOM operator, Heavy Haulage Allocator, Heavy Haulage Operation Manager

HVNL Review: Consultation Regulation Impact Statement: Access

9.6 Amendments to permit timeframes and procedures (Option 9.3)

(1) Under the HVNL there are no implications for road managers from access decisions that exceed statutory timeframes. In addition, decisions by road managers are open to internal review only, but with the NHVR's decision subject to external review.

(2) Is there a consistent approach to the issue of consent both across and within each road manager's jurisdiction?

Statutory timeframe, deemed referral and refusal for nil response (Option 9.3a)

(3) Option 9.3(a) contains two sub-options that relate to proposed amendments to statutory requirements. The existing period of 28 days is retained in each.

A suggested period of **7 days** would be preferable to industry as an industry we cannot sustain these lengthy time frames.

Option 1

If the road manager failed to advise that a route assessment was required (within 7 days) or failed to make a decision within the 28-day period, the NHVR would deem the road manager to have referred the access decision and forward the request to the road authority (considered a deemed referral). The NHVR portal would send an automatic notification to the applicant advising them the application was referred due to a nil response by the road manager

The problem with the proposed process is that failure to make a decision within the 28 day period for road managers and road authorities are deemed refusals. I Believe that they should be **deemed acceptances**.

Deemed refusal

If a decision is not made by the road authority within the statutory timeframe, it would be considered a deemed refusal. The portal would send an automatic notification to the applicant advising the application has been refused due to a nil response by the road authority.

A deemed refusal with the ability to seek an external review would reflect the approach used in land use planning. This is a concept that state and local government is familiar with. For example, section 8.11 of the Environmental Planning and Assessment Act 1979 (NSW) provides that if an application is not determined within the period prescribed by regulation then the application is taken to have been refused. Periods range between 40, 60 and 90 days.

Option 2

Acknowledges that a 7-day time frame is more appropriate for access requirements.

A 28-day statutory timeframe would be imposed on OSOM or exemption category access applications (including deemed refusal for a nil response) and 7-day statutory timeframe would be imposed on freight and passenger vehicles or authorisation category access applications.

28 days is far too long to trigger a deemed refusal or a deemed acceptance.

A suggested period of **7 days** would be preferable to industry.

Road managers and Councils need to be held accountable for being part of the problem. They don't seem to be interested in having anything to do with dealing with the Heavy Haulage Companies and some have no understanding of the different Low Loaders/Dolly sizes or even what they are.

As an industry 90% of the roads would be utilised by all of us to Access mines and OEM's but each permit route is assessed on an individual basis even though a permit has been issued previously covering the same parameters. Most applications are approved, most journeys have in part been travelled before so the risks are known, historical approvals on a route should be used to streamline future approvals.

The NHVR was supposed to be the one stop shop for industry when applying for permits but is very difficult when NHVR have no responsibility in decision making for granting access.

The current process makes it difficult for transport operators co-ordinate moves on a day to day basis.

There was a review of OSOM access arrangements in September 2018. What if anything has changed out of the findings of this review?