



PORT OF BRISBANE RESPONSE TO THE NTC  
CONSULTATION REGULATION IMPACT  
STATEMENT FOR THE NEW HVNL

NOVEMBER 2020

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## National Transport Commission

### Port of Brisbane Submission to National Transport Commission Consultation Regulation Impact Statement.

The Port of Brisbane Pty Ltd (PBPL) welcomes the opportunity to comment on, and contribute to, the National Transport Commission (NTC) Consultation Regulation Impact Statement (RIS) for the new Heavy Vehicle National Law (HVNL).

This submission focuses on the Suitable Routes access aspects of the RIS only.

It builds on PBPL's 16 August 2019 Submission on the Issues Paper 'Easy Access to Suitable Routes', which identified deficiencies in existing access arrangements. These deficiencies have been further articulated in the Productivity Commission's Inquiry into National Transport Regulatory Reform.

PBPL comments on the RIS are set out below.

#### Approach

PBPL generally supports the options set out in the RIS to ensure the new HVNL facilitates simpler, more transparent and more efficient access options.

The reform of HVNL, especially in relation to heavy vehicle access, is very important to the Port, because it relies on efficient, cost effective access for heavy vehicles to do its job of facilitating import and export trade.

Comments on the various options are set out below.

#### Option 9.1

We support options 9.1a and 9.1d because they are the simplest and easiest options to implement and offer productivity gains at little cost. In addition, longer vehicles with CML masses present no issues for Port of Brisbane infrastructure, as most vehicles which access the port are 30m long and are either at HML masses or greater (in the case of 109t or 117t super b doubles). However, the extra mass and length needs to be considered in determining road access charges in the development of HVRR.

We are unsure if the increase in general length and mass would decrease the number of permits.

We do not support the use of OBM (9.1c) as a condition of gaining access to CML because it is too expensive and the cost to operators would outweigh the productivity gains. Notwithstanding we acknowledge the benefits of OBM. We relied on OBM data from PBS A doubles provided by Queensland Transport and Main Roads to consent to A double access to the Lucinda drive bridge at HML, without the need to impose any restrictions.

## Option 9.2

Option 9.2a. We support this option because it makes no sense to re-consider applications for relatively low risk vehicles which have previously been consented to. This will significantly reduce the time it takes to get permits for many vehicles.

We have pre-approved a range of heavy vehicles, including OSOM vehicles, for access to Port roads, which produces the same result as Option 9.2a and is arguably a cost-effective alternative.

Option 9.2b. We support this option because it provides an opportunity for road managers to delegate access decisions to a person or entity which can carry out this function more efficiently. It could be especially useful for Councils which do not have the resources to consider requests for consent in a timely manner and provides an opportunity for a range of Councils to delegate this function to an entity and share the costs of doing so.

We would not delegate access to Port roads because access to Port roads for freight vehicles is a core Port function as efficient freight access is core Port business. To improve efficiency and reduce the resources required by PBPL to provide access for vehicles requiring permits, we have pre-approved access to Port roads for a range of heavy vehicles, including OSOM vehicles. We have also developed a special Notice for the carriage of OSOM cargo on floats and low loaders, which negates the need for permits at all.

Option 9.2c. This option seems like a sensible progression into the geospatial, digital world but requires further analysis to better understand its impact on operators and PBPL. Operators would likely be the major beneficiaries of this option. Irrespective we would be prepared to provide data on Port roads and accept responsibility to keep it up to date.

Option 9.2d. We support option 1 because it will enable vehicle classifications to be simplified, the benefits of which are well articulated on pages 149 and 150 of the RIS. This will be especially beneficial for road managers and some NHVR staff who do not have detailed knowledge or expertise about heavy vehicles and their classifications.

Option 9.2e. We support option 1. Option 2 would inevitably slow down permit decisions and there is no guarantee it would increase the responsiveness of third parties. In addition, it would take NHVR away from its core business of getting road manager consents and issuing permits.

Option 9.2f. We do not support this option because although laudable, it is impractical, as it asks road managers to consider broader network access issues. Most are not in a position, not are they incentivised, to do this. However, at the Port of Brisbane, we do consider broader network issues because, as part of a recently-declared Port Freight Precinct, access isn't just about Port roads but also roads connecting import/export supply chains which extend well beyond the Port.

## Option 9.3

Option 9.3a. We support option 2 as it takes a risk-based approach to consent timeframes. It makes sense to allow a longer timeframe for OSOM vehicles as they are more complex and sometimes require engineering assessment. The 7 day statutory timeframe will also encourage Councils to make their processes more timely and efficient or delegate the function.

A major issue with option 1 is that deemed decisions could be referred to the road authority ie, Transport and Main Roads (TMR). We would be concerned about TMR making decisions regarding access to Port of Brisbane roads. It could also raise legal issues.

Option 9.3b. We support option 1. The new HVNL needs to enable road manager decisions to be reviewed, and it needs to be a simple, quick and inexpensive process, and this option achieves this. It is important that the proposed review panel not be able to override a road manager's decision: we would not accept our decisions being overridden. Option 2 would be overly legalistic, time consuming and probably expensive.

We would have no objection to our decisions being subject to review and being required to explain them, provided they cannot be over-ridden.

## Option 9.4

We support option 9.4. Changes to existing access arrangements are hamstrung by being tied to legislation. Sensible changes simply do not get implemented because the existing process is too time consuming. The proposal in option 9.4 to move the access decision-making process to regulation or standards will improve responsiveness and flexibility.

## Option 9.5

The argument for harmonised pilot and escort arrangements is clear and unequivocal and was well articulated in the Commonwealth OSOM Review. On that basis either option 9.5a or 9.5b would work. However, the differences between the two options are not clear and therefore we have no view on which is better.

A major issue in Queensland are the legislative arrangements and requirements for escorts provided by the Queensland Police Service (QPS) which fall outside the remit of HVNL. These arrangements hamper harmonisation. It would therefore be advantageous if the provision of escorts could be brought under the HVNL umbrella.

## Summary

Yours sincerely



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