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22 October 2019

Mr Paul Retter AM
Chief Executive Officer
National Transport Commission
Public submission – Effective enforcement
Level 3, 600 Bourke Street
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Dear Mr Retter

Thank you for the opportunity to provide a submission on the *Effective enforcement September 2019 – Issues paper*.

Attached is Council's response to the six questions raised in the paper.

Ensuring that the heavy vehicle industry complies with Heavy Vehicle National Law (HVNL) requirements is important because issues such as driver fatigue, vehicle overloading and large trucks illegally using non-freight travel routes can lead to reduced road safety, damage to road infrastructure, and impacts on residential amenity.

However, assisting heavy vehicle operators to comply with the HVNL is also important (e.g. a heavy vehicle driver navigating a complex route through a major city network) and needs to be part of the solution.

Existing and emerging technologies such as onboard mass and driver fatigue monitoring provide an ideal opportunity to improve road safety and other key outcomes as technology can:

- assist heavy vehicle operators to comply with the HVNL
- provide real-time monitoring of the whole freight vehicle fleet, which experience in Queensland has shown in relation to mobile cranes dramatically improves compliance and reduces the need for enforcement action.

Achieving the above outcomes requires both system improvements (e.g. inclusion of approved routes and associated conditions in onboard GPS navigation systems) and legislative changes (e.g. how heavy vehicle tracking data is collected, shared and used).

If you have any further questions regarding Council's submission, please contact Ms Marie Gales, Manager, Transport Planning and Operations, Brisbane Infrastructure, on (07) 3178 1418.

Yours sincerely

Colin Jensen
CHIEF EXECUTIVE OFFICER

Council's response to questions raised in the issues paper

No.	Question	Response
1	Which compliance obligations in the HVNL that do not link to safety and efficiency are most important for us to remedy as part of this review?	<p>Industry compliance is likely to be maximised when the following compliance regime is implemented.</p> <ol style="list-style-type: none"> (1) Legal requirements are understood (e.g. the need to simplify rules and educate industry on these rules). (2) Systems are in place to assist compliance (e.g. an onboard mass monitoring system enables a driver to easily comply with legal load limits). (3) There is a reasonable likelihood that non-compliance will be detected (e.g. regulatory agencies use continuous, real-time, fleet-wide electronic monitoring rather than infrequent mobile patrols). (4) Penalties are proportionate to the potential risk or impact of non-compliance. <p>The highest priority area for improvement to the HVNL is for (3) above in relation to guiding and assisting the development and implementation systems and processes for collecting, sharing, and using data for vehicle monitoring, enforcement and infrastructure planning purposes (also, see response to Question 3 below).</p>
2	How can the law better support a risk-based regulatory approach to enforcement? How can the law support consistency, predictability and proportionality in enforcement responses?	No comment.
3	Are all enforcement tools being used effectively? If not, why not? Could a different set of enforcement tools give us better compliance outcomes?	<p>Onboard monitoring systems are a very useful tool (and possibly the only fully effective tool) for comprehensively monitoring industry compliance with relevant parts of the HVNL. Council believes broader use of this system has real potential to significantly improve compliance outcomes (see example in Council's response to Question 4).</p> <p>The rate of adoption by industry is influenced by various factors including system cost, the attractiveness of any incentives offered (e.g. increased payload), and whether the system is mandated by a regulatory agency.</p> <p>The HVNL could possibly be improved to better assist the development and implementation of these systems by:</p> <ol style="list-style-type: none"> (1) specifying performance-based standards that any compliance and/or enforcement system needs to meet (2) specifying rules around the collection, sharing and use of real-time heavy vehicle data (3) giving the heavy vehicle operator 'right of access' to data collected on his/her fleet to assist compliance, demonstrate transparency, and help build collaborative relationships between industry and regulatory agencies.
4	How can data and information be better used to support enforcement under the HVNL? Who should own the data, who should be able to access it, and how should privacy and security concerns be managed?	<p>The Queensland Government's Department of Transport and Main Roads (TMR) uses onboard GPS tracking technology to monitor the movement of all mobile cranes on TMR's road network in Queensland. TMR claims that it achieves >99% voluntary compliance and a very high level of cooperation with crane operators on the rare occasion when a breach occurs.</p> <p>This would be an example of how real-time, fleet-wide data collection and monitoring can be used to achieve a high level of voluntary compliance.</p>

No.	Question	Response
		<p>Council and six other road managers with roads in the Brisbane Local Government Area are currently involved in a trial with the aim of replicating this approach across all roads in Brisbane.</p> <p>In relation to data management issues for real-time monitoring systems:</p> <ul style="list-style-type: none"> (1) road managers would ideally like to have access to de-identified data for transport planning purposes (e.g. how many cranes use a particular road/bridge each year) (2) enforcement agencies need vehicle-specific data for enforcement purposes (3) heavy vehicle operators should probably be given the right to access data on their heavy vehicle fleet to assist transparency, help them manage their drivers, and help build collaborative relationships with road managers and enforcement agencies.
5	<p>Have we covered the issues relating to supporting compliance through effective enforcement, technology and data accurately and comprehensively? If not, what do we need to know?</p>	<p>Road network access is becoming very complex and depends upon many factors including axle loads, vehicle configurations, location of noise sensitive land uses, asset capacity and changing asset condition. Rather than using paper-based permits, heavy vehicle operators ideally need access to onboard GPS-based mapping systems which automatically show the driver the approved route and various conditions that apply to each section of the route. While this is mainly a system development and implementation issue, there may be aspects that the HVNL review needs to address such as:</p> <ul style="list-style-type: none"> (1) legally recognising these systems as 'permit or route gazettal' delivery systems (2) placing the responsibility on the National Heavy Vehicle Regulator and/or road managers to input the correct permit or route gazettal information into these systems (3) placing the responsibility on heavy vehicle operators to follow the route and permit information provided by these systems.
6	<p>What are some options for the future law to improve the current compliance and enforcement approach? How can the law best support enforcement strategies aligned to a risk-based approach to regulation?</p>	<p>See responses to Questions 1, 3, 4 and 5.</p> <p>In terms of moving towards technology-based monitoring and compliance systems, the HVNL could incentivise heavy vehicle operators to voluntarily adopt these systems (e.g. by giving them greater access to the network (under certain circumstances)).</p>