

31 May 2019

National Transport Commission
Submission – A risk based approach to regulating heavy vehicles
Level 3, 600 Bourke Street
MELBOURNE VIC 3000

SUBMISSION: A RISK BASED APPROACH TO REGULATING HEAVY VEHICLES

Cement Concrete and Aggregates Australia (CCAA) is the peak body for the Heavy Construction Materials Industry in Australia. Our members operate hard rock quarries, sand and gravel extraction sites, cement production and distribution facilities and concrete batching plants. The majority of material producers and suppliers form our membership, ranging from large global companies, to SMEs and family operated businesses.

Our sector is vital to the nation's \$200 Billion building and construction industries and underpins the development of Australia's physical infrastructure, generating approximately \$15 Billion in annual revenue and employing approximately 30,000 Australians directly and a further 80,000 indirectly. In Australia each year, the heavy construction materials industry produces approximately: 200 million tonnes of sand, stone and gravel (ie aggregates); 30 million cubic metres of pre-mixed concrete; and 10 million tonnes of cementitious material (eg cement, flyash).

Most of the material produced by the industry is transported via heavy vehicles (with a minor proportion transported by rail, and with some cement clinker transported by ship via ports) and in relatively short distances in urban and peri-urban areas (eg under 60km per delivery for aggregates and under 15km for pre-mixed concrete). There are about 100,000 average heavy vehicle movements in Australia per day (usually during daylight hours) relating to our industry. Our industry contributes up to 10% of total road freight by volume and operates a fleet of some 6,500 concrete agitators, 2,500 tippers and 1,200 cement tankers.

We welcome the opportunity to provide comment on NTC's first issues paper seeking feedback on the Heavy Vehicle National Law.

OUR VIEWS ON HEAVY VEHICLE REGULATION AND DISCUSSION PAPER 1

Our industry believes significant improvements can be made in the regulation governing heavy vehicles. The management of heavy vehicle regulatory requirements is a major issue for our industry, and an area where significant productivity improvements can be yielded.

We strongly support the sentiments in the Discussion Paper:

- *The HVNL is not nationally consistent: it has not been implemented in Western Australia or the Northern Territory, and every participating jurisdiction has derogated from the HVNL (that is, made local variations or exceptions). Many of our members have operations in several states, or operate over State borders.*

- *The HVNL is prescriptive and inflexible: the primary legislation contains a great deal of detail; and focuses on inputs rather than outcomes.* As outlined in the discussion paper, it is difficult to introduce new approaches or technologies, for example, when amendments to primary legislation can take more than a year. New technologies are moving very quickly and it is vital that the regulatory framework is able to accommodate such change. Furthermore, the law needs to reward industry if it can demonstrate they are going above and beyond to comply (PBS vehicles, Satellite tracking, training) and industry be rewarded with greater access, extra mass, longer work hours etc. Nothing seems to reward industry for complying other than more penalties.
- *The HVNL fails to adapt to the many diverse heavy vehicle uses, domains and operators. It applies a 'one size fits all' approach, which does not recognise the diverse risk profile applicable to heavy vehicle use around Australia.* Our industry's freight task, for example, is dominated by short-haul freight tasks of under 100km, where drivers often undertake a variety of tasks, often in urban and peri-urban settings, and mostly during daytime hours.
- The HVNL is not risk-based or proportionate: many risks are opaque or out of the scope of the law, making true risk management challenging. Even where risk management principles can be applied, the controls used by the HVNL are not proportionate to the risks they seek to managed, with a focus on inputs, are often poorly-targeted to reducing harm. However, it is also important to ensure a fair and transparent compliance approach – a "level playing field"
- *Administration, compliance and enforcement of the HVNL are all difficult. The NHVR must deal with varied powers and requirements across participating jurisdictions, and many local governments, as road managers under the HVNL, are not able to deal with their role of providing access consents.* In particular, our members find local council ability to make decisions on PBS routes, especially first and last mile access issues, particularly variable.

Notwithstanding the above, we believe there is a considerable amount of goodwill and support by industry and within the regulatory community across Australia to improve the HVNL so that the nation's heavy vehicle freight task can be more safely and productively. This provides a good foundation for reform, and we welcome the opportunity to contribute further.

For discuss our submission, please contact Aaron Johnstone on 07 3227 5210 or email aaron.johnstone@ccaa.com.au.

Yours sincerely



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