

30 August 2019



Dr Gillian Miles
Chief Executive
National Transport Commission
Level 15/628 Bourke Street
Melbourne VIC 3000
Via NTC portal

GAS ENERGY AUSTRALIA RESPONSE TO VEHICLE STANDARDS AND SAFETY ISSUES PAPER

Dear Dr Miles

Gas Energy Australia (GEA) appreciates the opportunity to respond to the National Transport Commission (NTC) Vehicle Standards and Safety Issues Paper released in June 2019.

GEA suggests that a safe vehicle is one that is registered, suitable for the task, roadworthy and safely loaded and that the safety rules and vehicle standards applying to it reflect the type of load it is carrying.

GEA notes that the type of load carried affects applicable safety rules and vehicle standards and is concerned that this issue is not covered in the Issues Paper. For example, vehicle registration when carrying dangerous goods is not national, and there are regulatory barriers that force state registration. A prime mover and trailer can face different requirements if they are carrying dangerous goods. A prime mover can be nationally, or state registered and deliver dangerous goods in Queensland. But for a trailer to be part of a dangerous good license in Queensland, it can only be registered in Queensland. This is clearly stated on the Dangerous Goods Vehicle Licence Application, which sites a reason for rejecting a dangerous goods vehicle licence in Queensland as: "Vehicles registered interstate cannot be approved for a Queensland Dangerous Goods Vehicle Licence". GEA supports national standards, registration of vehicles and trailers.

GEA offers the following response to specific questions posed in the Issues Paper

Question 1: What risks to safe vehicles that are currently out of scope for the HVNL should be brought into scope? What is in scope that shouldn't be?

GEA suggests that the wording of this question, in particular "what should be brought into scope", highlights the longstanding siloed approach to Australian transport regulation which is one of the biggest problems facing the dangerous goods industry. GEA advocates that all laws should work in concert with no overlap or gaps to deliver a harmonious outcome.

Question 2: Have we covered the issues relating to safe vehicles accurately and comprehensively? If not, what do we need to know?

GEA suggests the need for more clarity around the difference between regulation and guidance. *The Case study 2: Load Restraint Guide interpreted as a standard* highlight the differing interpretation as to the requirements of the law and compliance and what is guidance material only.

Standards Australia notes that "Standards are voluntary documents that set out specifications, procedures and guidelines that aim to ensure products, services, and systems are safe, consistent, and reliable".¹ Standards

¹ <https://www.standards.org.au/standards-development/what-is-standard>

Australia goes on to say that “On their own, standards are voluntary. There is no requirement for the public to comply with standards. However, State and Commonwealth governments often refer to Australian Standards (AS) or joint Australian/New Zealand Standards (AS/NZS) in their legislation. When this happens, these standards can become mandatory.”

GEA suggests education for all parties on the difference between guidance and regulation.

Question 3: How can the future HVNL most effectively deliver safer vehicles to the road? Which aspects of the PBS scheme are working well, and which aren't? What barriers to the broad uptake of safer vehicles exist?

GEA supports adoption of technology in a vehicle that makes the vehicle and the driving task safer, such as:

- including value-add driver support systems;
- providing nationally consistent and regularly updated open source data for speed zones, real time traffic, temporary detours and road condition that can be integrated into vehicle route management systems;
- mandating proven safety enhancements technologies in vehicles and trailers and support this through fleet incentivisation packages; and
- having nationally consistent definitions of a heavy vehicle.

Question 4: How can the future HVNL encourage suitable maintenance programs? How can it most effectively identify and remove dangerous vehicles from the road?

GEA supports the principle outlined in the Issues Paper that the future HVNL should support effective, flexible, risk-based maintenance regimes to improve safety outcomes. GEA considers it should also support efforts to bring consistency to inspections.

Question 5: How can the future HVNL meet the assurance needs of all Australian state and territory road transport authorities in a way that does not unreasonably impose on operators?

GEA suggests that in order to assure authorities that drivers and operators are meeting targets, they need to understand what the targets are.

GEA suggests assurance against a set of nationally agreed performance measures, such as the National Road Safety Strategy reports on key indicators such as road safety performance and roadside drug testing, is a good place to start.

Question 6: Do we need assurances regarding repairs and replacement parts? If so, could these be achieved using standards? Should third-party repairers be explicitly included in the Chain of Responsibility? How can defect clearance processes be reasonably expedited?

GEA supports priority safety systems repair and replacement standards, and notes that while repairs and maintenance by third parties are covered under Australian Consumer Law, this can get lost in translation as regulators like NHVR can only prosecute cases within their legislative bailiwick.

GEA suggests education about the reach of the current law and greater cooperation between regulators.

Question 7: Should the future HVNL apply a risk-to-safety threshold for vehicle standards and loading matters?

GEA supports sanctions that are proportional to safety risk as discussed in the Issues Paper.

Conclusion

GEA urges the review to recognise the benefits that technology and a national approach to registration can add to vehicle standards and safety.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Griffiths', with a horizontal line drawn through the bottom of the signature.

John Griffiths
CEO
Gas Energy Australia