

11 September 2019

Mr Peter Harris
Chair, Heavy Vehicle National Law Review Expert Panel
National Transport Commission
Level 3, 600 Bourke Street
Melbourne, VICTORIA, 3000



Dear Mr Harris

Re: Submission – Vehicle standards and safety

The National Farmers' Federation welcomes the opportunity to provide a submission on the National Transport Commission's issues paper 'Vehicle Standards and Safety'. We also look forward to engaging further with the Review, including providing input on the remaining five issues papers on the Heavy Vehicle National Law (HVNL) review.

The NFF is the peak national body representing farmers and, more broadly, agriculture across Australia. Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. These organisations form the NFF. The NFF is committed to advancing Australian agriculture by developing and advocating for policies that support the profitability and productivity of Australian farmers. This includes road rules that support efficient domestic supply chains which, in turn, contribute to the international competitiveness of Australian agriculture.

As the peak industry body representing Australian agriculture, the NFF has a significant interest in the outcome of the HVNL Review. Agriculture is worth nearly \$60 billion annually to the Australian economy. Essential to the productivity of our industry is the ability of farmers to move machinery and freight on public roads in a safe, efficient and timely fashion.

For these reasons, the NFF welcomes a comprehensive review of the HVNL, including of its foundational principles. This submission builds on the key asks in our submission, '*A risk based approach to regulating heavy vehicles*'.

We note the questions in this issues paper, and provide responses to questions 3, 4 and 7.

- 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?**

PBS scheme

The principles underpinning the Performance Based Standards scheme are consistent with the NFF's preference that the HVNL move away from prescriptiveness and towards risk-based legislation. The PBS scheme allows vehicles to ignore the prescriptive Australian Design

Rules and Heavy Vehicle (Mass, Dimension, Loading) National Regulation and instead meet one of four specified levels of performance standard. The standards a vehicle meets determine its maximum permissible mass and dimensions, and its road access.¹

The 20 standards in the PBS scheme are standards of safety performance and infrastructure protection – i.e. risk. Therefore, the PBS scheme directly links a vehicle's level of access and mass/dimension limits to its level of risk. It also delivers better economic efficiency, since it enables more productive vehicles to operate on a more extensive road network. We note the NTC's findings that PBS vehicles are 24.8 per cent more productive and cause 46 per cent fewer major crashes than their ADS/HV(MDL)NR counterparts.²

We would also draw attention to a point made in our submission to the issues paper '*Easy access to suitable routes*', which is that regulations on heavy vehicles should reflect the fact that the size of the freight task does not change in response to access being granted or denied. These decisions will only affect the types of vehicles used and the number of vehicle movements needed. It is the cumulative impact of all heavy vehicle movements on road infrastructure and public safety that is of concern. PBS vehicles reduce this cumulative risk. When the NHVR approved 2893 PBS vehicles in 2016, the entire heavy vehicle fleet reduced by 900 vehicles.³

For these reasons, we believe the new HVNL should encourage the uptake of PBS approved vehicles as much as possible. We note that it takes operators at least 35 days to have a permit approved.⁴ We suggest that this be reduced, if it is possible to do so without compromising safety. We have no preference on how this should be done.

An effectively functioning system for the approval of PBS vehicles is made even more important by the fact that several of the mass and dimension limits in the ADRs and HV(MDL)NR are below international standards. This means that overseas-designed vehicles with higher safety standards must be redesigned before entering the Australian market. This can delay or altogether prevent the entry of these safer vehicles into Australia.⁵ An effectively functioning PBS scheme would allow these new designs to bypass the prescriptive mass and dimension standards and deliver safer vehicles onto Australian roads.

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

Roadworthiness is enforced by states and territories through vehicle registration and inspections (or by third-party audits if the vehicle is enrolled in an accreditation scheme). While all states and territories use the Heavy Vehicle (Vehicle Standards) National Standards as their standard of roadworthiness, the vehicle registration process and inspection methods/practices vary between states and territories.⁶

¹ National Transport Commission 2019, 'Vehicle standards and safety', p. 35

² National Transport Commission 2017, 'Assessing the effectiveness of the PBS Scheme Discussion Paper', p. 29

³ National Transport Commission 2017, 'Assessing the effectiveness of the PBS Scheme Discussion Paper', p. 26

⁴ National Transport Commission 2017, 'Assessing the effectiveness of the PBS Scheme Discussion Paper', p. 23

⁵ National Transport Commission 2019, 'Vehicle standards and safety', p. 26

⁶ National Transport Commission 2019, 'Vehicle standards and safety', p. 21

One of the primary goals of the HVNL, from its inception, has been national harmonisation. We support this goal. We note that the NHVR is developing a Roadworthiness Program on behalf of the Transport and Infrastructure Committee. The National Heavy Vehicle Inspection Manual has already been adopted by all participating states and territories into their inspection regimes.⁷ This is a step in the right direction. We recommend that the new HVNL mandates, insofar as it can, that states and territories adopt the other three work streams of the NHVR's Roadworthiness Program: a consistent framework for managing and clearing defects, roadworthiness data collection capabilities, and a national risk-based inspection criteria framework.⁸ This would constitute an important step towards national harmonisation.

Recommendation 1: The new HVNL should mandate, insofar as it can, the outcome of the NHVR's Roadworthiness Program.

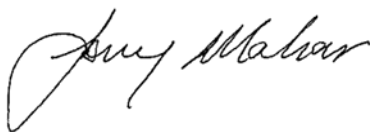
7) Should the future HVNL apply as risk-to-safety threshold for vehicle standards and loading matters?

In our response to the first issues paper in the series we provided support for HVNL Draft Regulatory Principle Five, which requires 'sanctions and enforcement tools that reflect the severity of the risk'. We have also been supportive of the broader HVNL Draft Regulatory Principle One, which requires that 'the future HVNL should not attempt to control immaterial risks or have controls that aren't clearly contributing to risk management.'

For these reasons, we support Vehicle Standards and Safety Draft Regulatory Principle 4, 'Technical breaches that do not pose a safety risk to operators, drivers or other people should be managed proportionally'.

Please do not hesitate to contact Prudence Gordon, General Manager, Trade and Economics (pgordon@nff.org.au, or 0404670434) should you have any questions with regards to this submission.

Yours sincerely



TONY MAHAR
CEO

⁷ <https://www.nhvr.gov.au/safety-accrreditation-compliance/vehicle-standards-and-modifications/national-heavy-vehicle-inspection-manual>

⁸ National Transport Commission 2019, 'Vehicle standards and safety', p. 20