



**NATIONAL TRANSPORT COMMISSION
REFORMS TO HEAVY VEHICLE NATIONAL LAW (HVNL)
CONSULTATION REGULATION IMPACT STATEMENT**

**AUSTRALIAN TRUCKING ASSOCIATION SUBMISSION
24 NOVEMBER 2023**

About the Australian Trucking Association

The Australian Trucking Association is a united voice for our members on trucking issues of national importance. Through our [ten member associations](#), we represent the 59,000 businesses and 200,000 people who make up the Australian trucking industry.

Introduction

On 9 October 2023, the NTC released its consultation regulation impact statement (C-RIS) on proposed changes to the Heavy Vehicle National Law’s approach to fatigue management, access and operator assurance.¹

The release of the consultation RIS followed ministerial endorsement of the decision RIS about high level changes to the law.² It also followed ministers’ endorsement of the findings of the Kanofski review of the HVNL reform process.³

The ATA developed its approach to the consultation RIS through a series of working group meetings in early November 2023, supported by technical advice on the access options from our Industry Technical Council.

Where relevant, this submission uses the same scale for comparing options as the C-RIS.⁴ The scale is set out in figure 1.

Figure 1: NTC scale for comparing options

Significant negative impact	Negative impact	Neutral	Improvement	Large improvement
The option would most likely result in a large decline compared with the baseline option.	The option would most likely result in some (limited or moderate) decline compared with the baseline option.	The option would most likely have a negligible impact compared with the baseline option.	The option would most likely result in some (limited or moderate) improvement compared with the baseline option.	The option would most likely result in a large improvement compared with the baseline option.

¹ NTC, [Reforms to Heavy Vehicle National Law \(HVNL\): consultation regulation impact statement](#). 2023a.

² NTC, [Heavy Vehicle National Law high-level regulatory framework: decision regulation impact statement](#). 2023b.

³ Kanofski, K. [Report to infrastructure and transport ministers](#). 2022.

⁴ NTC, 2023a, table 7. 40.

Overview of the ATA's position

Fatigue management

Pages 3-5 of this submission argue that the **fatigue record keeping options (options 1a and 1b) should be implemented**. In fact, the C-RIS underestimates the positive impact of option 1a, which would reduce the level of dissatisfaction with work diaries.

The **scope of fatigue regulated heavy vehicles should be expanded to include all heavy vehicles with a GVM>4.5 tonnes (option 2d)**, with the retention of the work diary exemption for local work.

The submission argues that the law should be amended to include a package of enforcement changes based on the following options—

- **Option 3a (amended):** A 14 day limit on the timeframe for issuing an infringement notice or court attendance notice for a work and rest hour or record keeping breach
- **Option 3c (amended):** A process to review fines for 'trifling' administrative offences and, as an ATA addition, offences already dealt with under a business's internal procedures
- **Option 3e:** More support for the use of formal warnings for offences relating to work diaries, including minor fatigue risk breaches
- **Option 3g (new ATA option):** A reduction in penalties, with serious offences to be dealt with as safety duty breaches.

Access

The submission argues for—

- **Access option 4b:** An increase in general mass limits (GML) to replace concessional mass limits (CML). The proposed mass increase for ADR 80/04 vehicles would apply in addition to the increase
- **Access option 5a:** An increase in the general access height limit from 4.3 to 4.6 metres, with risk controls to mitigate the rollover concerns raised in the C-RIS
- **Access option 6a (amended).** An increase in the general access length limit to 20 metres, which could be used to improve driver comfort by enabling wider sleeping cabs. The length of 26 metre B-doubles should be extended to 27 metres as a consequential change.

Enhanced operator assurance

The C-RIS looks at options for implementing the agreed National Audit Standard, which would impose stronger requirements on NHVAS auditors.

The submission recommends that the **overarching NAS requirements should be set out in regulations, with the NHVR responsible for working with industry to refine the details (option 7a)**.

Fatigue management

The C-RIS considers three areas for reforming fatigue management—

- record keeping requirements
- the scope of fatigue regulated heavy vehicles, and
- enforcement.

The-CRIS does not consider options for changing standard work and rest hours, even though the Kanofski review put forward a revised work and rest hour schedule.⁵ The Sleep Health Foundation assessed the fatigue implications of the proposal in July 2023 and concluded that it would result in greater sleepiness and safety risks than the current law.⁶

The ATA wrote to the NTC in August 2023 advising that we would support a reasonable extension to the HVNL review timeline to achieve a viable alternative work and rest hour schedule that would suitably offset the risks associated with increased flexibility.

Record keeping requirements

Consultation question 5: Do you agree with the potential impacts of options 1a and 1b? Are there any additional impacts you think should be considered?

Option 1a in the consultation RIS would remove duplicate work diary requirements and streamline offences; option 1b would remove administrative process requirements and offences.⁷

The ATA considers that **options 1a and 1b should both be implemented**, but—

- the C-RIS understates the positive impact of option 1a
- option 1b should have been implemented through a minor new policy process rather than becoming an option in a major review.

Row 1 of table 1 sets out the NTC's analysis of the impact of option 1a.

⁵ Kanofski, 2022. Reform finding 3.3. Attachment A, 9.

⁶ NTC, 2023a, 45.

⁷ NTC, 2023a. 46-47.

Table 1: Impact analysis of option 1a

Overall impact	Public safety	Efficiency and productivity	Regulatory burden to industry	Regulatory costs to government	Asset management	Flexibility and responsiveness
1. NTC analysis						
Improvement	Neutral	Neutral	Neutral Reduced time taken for record keeping	Neutral	N/A	Neutral
2. ATA analysis						
Large improvement	Neutral	Neutral	Greater driver satisfaction Reduced time taken for record keeping	Neutral	N/A	Neutral

While assessing option 1a as an improvement, the NTC analysis concludes that its positive effect would be negligible because the reduction in the amount of time required to fill out a written work diary would not be material.⁸

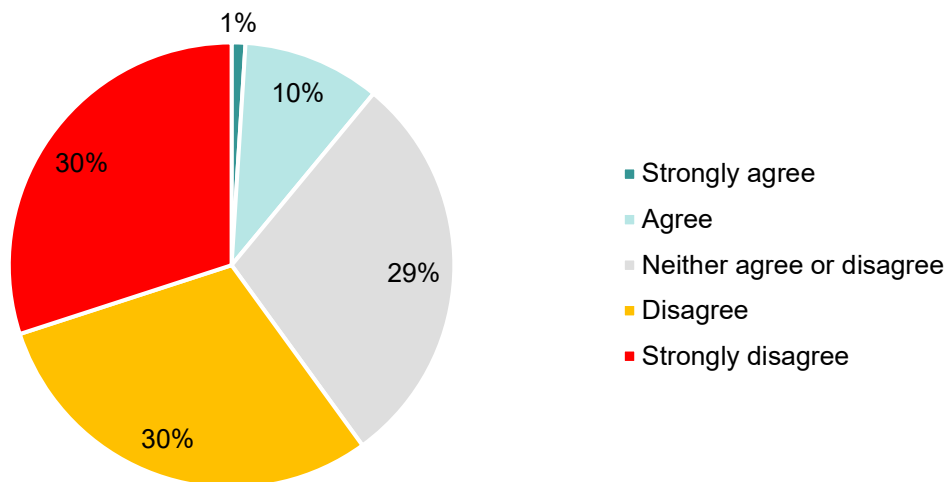
The C-RIS understates the positive impact of the option. The current work diary requirements are a maze of random requirements that must be filled out perfectly every time.

The requirements are an unnecessary stress on good, safe drivers. They discourage people from working in the fatigue regulated sector of the industry – or contribute to their decision to leave.

In 2019, the NTC consulted extensively with the industry about its experience with the HVNL. As figure 2 shows, 60 per cent of the respondents to its survey on fatigue management disagreed or strongly disagreed that work diaries were easy to use.⁹

⁸ NTC, 2023a. 49.

⁹ NTC, [Summary of consultation outcomes: Heavy Vehicle National Law review](#), January 2020. Figure 5.

Figure 1: NTC consultation question: are work diaries easy to use?

Source: NTC, 2020. n=73.

The ATA also ran a consultation campaign in 2019, which we carried out in conjunction with *Big Rigs*. The campaign reached more than 188,000 people and received 119 pieces of constructive feedback via its SMS, email and Facebook platforms.

The feedback from drivers on work diaries included—

I find it too big, full of useless unreadable information and as you use the book more it gets harder to fill in.¹⁰

When you purchase a work diary your details are included at the very front pages of the book, which includes name, address, licence number and most importantly your signature which is collaborated on your licence.

But every day (like a pre-schooler) you have to fill out that detail in your work diary and if you fail to do so then you receive a monetary penalty. In a 100 page book you miss including that small piece of information or missed ticking one of the many boxes regardless of the fact you have done it in multiple pages prior and after an offending page proves nothing else except you made an error.¹¹

Given the results of the NTC survey and the driver feedback to the ATA, the impact analysis of the option should be amended to show it would be a large improvement. Row 2 of table 1 summarises the ATA's analysis.

¹⁰ ATA, *Heavy Vehicle National Law review feedback*. 2019a. 11.

¹¹ *ibid*, 21.

Scope of fatigue regulated heavy vehicles

Consultation question 6: Do you support one or more options to change the scope of fatigue regulated vehicles?

Reform area 2 in the C-RIS looks at five options for extending the scope of the HVNL's prescriptive fatigue requirements—

- **Option 2a:** Prescriptive fatigue requirements for HVs>12 tonnes only, full work diary requirements for HVs >12 tonnes.
- **Option 2b:** Prescriptive fatigue requirements for HVs>12 tonnes only, 'lite' diary requirements for lower-risk operations
- **Option 2c:** Prescriptive fatigue requirements for all HVs>4.5 tonnes, full work diary requirements for all operations.
- **Option 2d:** Prescriptive fatigue requirements for all HVs>4.5 tonnes, work diary exemption for local work (all HVs).
- **Option 2e:** Prescriptive fatigue requirements for all HVs>4.5 tonnes, 'lite' work diary requirements for lower-risk operations.¹²

The ATA supports option 2d.

When the current fatigue laws were developed, it was decided to exclude the drivers of trucks between 4.5 and 12 tonnes because there was, at the time, little data on the incidence of fatigue for drivers of these vehicles. It was assumed that long working hours were less of a problem for these drivers.¹³

As a result, there are effectively three levels of prescriptive fatigue regulation under the HVNL—

- the drivers of heavy vehicles weighing more than 12 tonnes who do non-local work are required to keep detailed work diaries, as are drivers working under fatigue accreditation.¹⁴ As figure 3 shows, these vehicles amount to some 22 per cent of the fleet¹⁵
- the drivers and operators of heavy vehicles weighing more than 12 tonnes doing local work under standard hours are covered by the local work exemption. They still need to keep work and rest records, but do not need to maintain official work diaries.¹⁶ These vehicles amount to some 47 per cent of the fleet
- drivers and operators of vehicles weighing between 4.5 tonnes and 12 tonnes are subject to the safety duties in the law but have no work and rest hour or record keeping obligations.¹⁷ These vehicles amount to 31 per cent of the fleet.

¹² NTC, 2023a, 53.

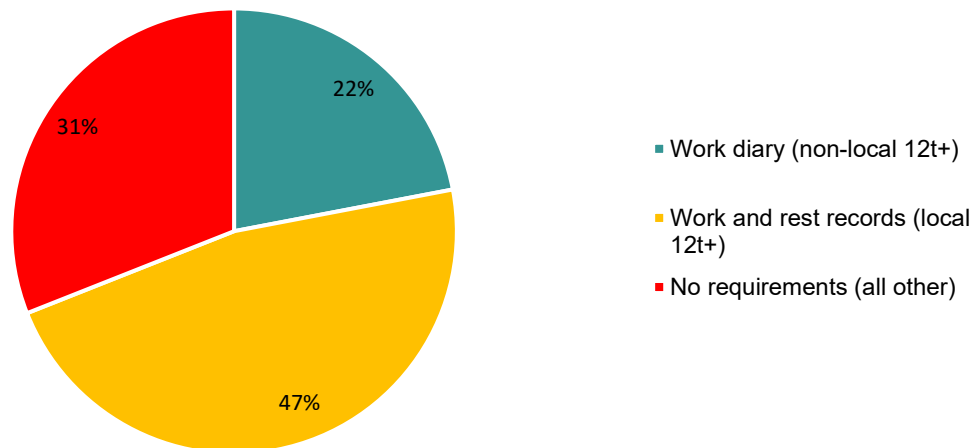
¹³ NTC, *Heavy vehicle driver fatigue – final regulatory impact statement*. December 2006. 72.

¹⁴ HVNL, s 293.

¹⁵ Based on NTC, [Effective fatigue management](#), May 2019. Figure 7, 31.

¹⁶ HVNL, s 319.

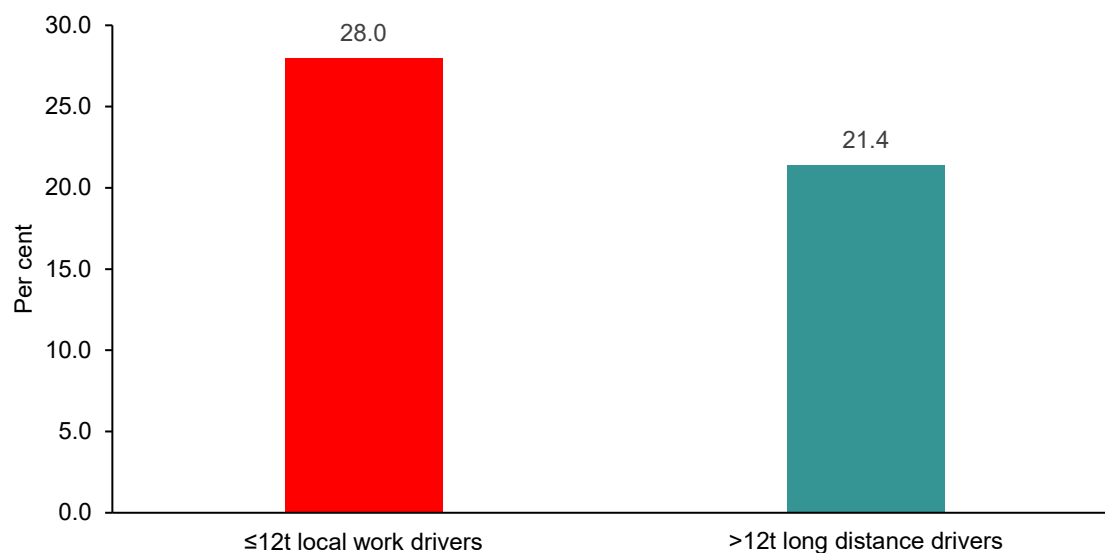
¹⁷ NTC, 2023a, 50.

Figure 3: Heavy vehicle fleet by type of prescriptive fatigue regulation

Source: based on NTC, 2019.

More of the gaps in our knowledge about driver fatigue have now been filled.

In a 2006 study, Friswell, Williamson and Dunn found that more drivers of vehicles weighing less than 12 tonnes doing local work reported fatigue as a substantial or major problem than drivers of long distance heavy vehicles (figure 4).¹⁸

Figure 4: Drivers reporting fatigue as a substantial or major personal problem

Source: Friswell, Williamson and Dunn, 2006.

¹⁸ Friswell, R, A Williamson and N Dunn, [Road transport work and fatigue: a comparison of drivers in the light and long distance heavy vehicle road transport sectors](#). NSW Injury Risk Management Research Centre, July 2006. Table 3, 14.

Given this evidence, **there is a strong case for extending a level of prescriptive fatigue regulation to cover 4.5 tonne-12 tonne vehicles.**

The C-RIS considers three options that would regulate these vehicles: options 2b, 2c and 2d. It shows that option 2d would deliver strengthened regulation at the lowest cost to industry.¹⁹

Option 2a should not be considered further

The ATA understands that some stakeholders have argued in favour of option 2a, which would remove the local work exemption for heavy vehicles weighing more than 12 tonnes.

The local work exemption was justified on the basis that the nature of the task involved large numbers of stops, starts and breaks, and that the requirement to record each change of activity would be too onerous.

As the Sleep Health Foundation report notes, a study of truck drivers has found that breaks of 15 to 30 minutes without a nap are protective against both crashes and near misses.²⁰

In addition, option 2a—

- would not address the fatigue issues in the largely unregulated 4.5 tonne-12 tonne sector
- would impose a higher compliance burden on the industry than the ATA's preferred option, option 2d²¹
- cannot possibly deliver a benefit cost ratio greater than 1, since crashes would need to fall by more than 100 per cent to break even with the cost of the compliance burden.²²

¹⁹ NTC, 2023a, 65.

²⁰ NTC, 2023a, attachment C, 17.

²¹ *ibid.*

²² NTC, 2023a, 67.

Enforcement

Consultation question 10: Do you support one or more options to change enforcement of fatigue-related breaches?

Consultation question 13: Taken as a package, would these reforms to fatigue management create a fairer regulatory approach overall?

Consultation question 14: Regarding option 3a, would a timeframe of 14 days or 28 days be more appropriate?

The ATA recommends that ministers endorse a package of enforcement changes based on the following options--

- **Option 3a (amended):** 14 day limit on the timeframe for issuing a fatigue-related infringement or court attendance notice. The NHVR would still be able to use breaches beyond this time limit as evidence in a safety or fatigue duty prosecution
- **Option 3c (amended):** Enable a review of fines for ‘trifling’ administrative offences and, as an ATA amendment, offences already dealt with under a business’s internal procedures
- **Option 3e:** Support the use of formal warnings for administrative offences relating to work diaries
- **Option 3g (new ATA option):** Reduce penalties for work and rest hour and record keeping offences, with serious offences to be dealt with as safety duty breaches.

Option 3a: Limit on the timeframe for issuing a work and rest breach infringements

Option 3a would impose a set timeframe for authorised officers to issue infringement notices at the roadside for work and rest hour breaches. The restriction period would not apply to penalty infringements issue from data collected by the safety camera network.²³

The ATA supports the option with amendments, because it would recognise that aged work diary breaches are not a safety risk.

Our driver feedback also supported this approach—

My question regarding logbooks/work diaries is when they look back through the book sometimes months in the past and find an error and issue fines/court notices HOW can this be safety or fatigue related if there was no incident or accident. It is just revenue raising. Logbooks are just money raising documents.²⁴

Do not allow the police to go back past the last 24 hour break in the book. What happened 2 months ago has nothing to do with my fatigue today.²⁵

²³ NTC, 2023a, 70-71.

²⁴ ATA, 2019a, 8.

²⁵ *ibid*, 36.

The C-RIS considers two options for the restriction period: 14 days or 28 days. We consider **the restriction period should be 14 days**, because—

- As the C-RIS acknowledges, ministers have already decided to adopt the 14 day period.²⁶ Ministers made the decision after considering the findings of the Kanofski review.²⁷ The C-RIS should not reopen decisions that have already been made.
- The standard work and rest hour schedule is based on a 14 day cycle. Drivers are required to take two night rest breaks and two night rest breaks on consecutive days during each fortnightly period.²⁸ Breaches older than 14 days are not an immediate safety risk, provided the driver has taken their two night break. This would be evident from the driver's work diary. Serious breaches outside the restriction period should be considered as evidence to support a safety or driver fatigue duty prosecution.

The restriction period should apply to **prosecutions for work and rest hour breaches** as well as the issue of infringement notices.

Option 3c: Enable a review of fines for 'trifling' administrative offences

Option 3c is based on s 8A of the *Expiation of Offences Act 1996* (SA) and would enable drivers to seek a review of 'trifling' work diary offences.²⁹

Row 1 of table 2 sets out the NTC's analysis of the option.

Table 2: Impact analysis of option 3c: Enable a review of fines for 'trifling' work diary offences

Advantages	Disadvantages
1. NTC analysis	
<p>Encourages a risk-based approach to enforcement</p> <p>Allows operators to challenge fines for low-risk administrative errors in work diaries.</p> <p>Reduced fines for operators</p> <p>Operators are provided with the opportunity to challenge fines for low-risk administrative errors.</p>	<p>More resource intensive</p> <p>Requires additional time for authorities to review fines to confirm 'trifling' offences.</p> <p>Implementation challenges</p> <p>May not be practical to implement across multiple jurisdictions because of differing infringement laws.</p>
2. ATA analysis	
<p>Encourages a fairer approach to enforcement</p> <p>Drivers would be able to seek a review of fines for matters that had already been resolved through their employer's internal systems.</p> <p>Reduced fines for drivers</p> <p>Drivers are provided with the opportunity to challenge fines for administrative errors and fatigue breaches that have already been resolved.</p>	<p>More resource intensive</p> <p>Requires additional time for authorities to review fines to confirm 'trifling' offences.</p> <p>Implementation challenges</p> <p>May not be practical to implement across multiple jurisdictions because of differing infringement laws.</p>

²⁶ NTC, 2023a, 71.

²⁷ Kanofski, 2022. Reform finding 3.5b. Attachment A, 10.

²⁸ *Heavy Vehicle (Fatigue Management) National Regulation*, sch 1 table 1.

²⁹ NTC, 2023a, 73.

The ATA supports the option, but we propose that the HVNL equivalent of s 8A be drafted so drivers can seek a review of offences already dealt with through an operator's internal systems.

It is best practice for trucking industry employers and operators to have systems to monitor driver work and rest times.³⁰ By the time a driver is issued with an infringement notice, their employer may have already identified the non-conformance and acted.

The ATA's assessment of this alternative approach is summarised in row 2 of table 2.

Option 3e: Support the use of formal warnings for administrative offences relating to work diaries

Option 3e would enable authorised officers to increase their use of formal warnings.

The NHVR has advised that officers are challenged by the s 590 requirement that they must, in issuing a warning to a driver, reasonably believe that the driver had exercised reasonable due diligence to prevent the contravention and was unaware of the contravention.³¹

Option 3e would remove this requirement. As a result, an authorised officer would have the discretion to issue a formal warning if they reasonably believed it was appropriate.

Under existing paragraph 590(3)(b), an authorised officer would be able to issue a formal warning for a minor fatigue risk breach, as well as for what the C-RIS describes as 'administrative offences.'

The C-RIS raises the option of preventing officers from issuing formal warnings for these breaches, which include offences such as cutting short a 15 minute rest break.³²

Row 1 of table 3 summarises the NTC's analysis of the option.

³⁰ Safe Trucking and Supply Chains, [Master code](#). Registered under s 706 of the HVNL. 49, 51.

³¹ NTC, 2023a, 74.

³² *Heavy Vehicle (Fatigue Management) National Regulation*, sch 1 table 1.

Table 3: Impact analysis of option 3e: Support the use of formal warnings for offences relating to work diaries

Advantages	Disadvantages
1. NTC analysis	
<p>Encourages a risk-based approach to enforcement</p> <p>Authorised officers would be provided with broader abilities to issue formal warnings, providing less complexity in decision making</p> <p>Reduced cost to operators</p> <p>Drivers may be less likely to receive a fine.</p>	<p>Implementation challenges</p> <p>Implementation would require consideration of a formal warning national database.</p> <p>Police stakeholders have indicated that they do issue warnings and cautions for work diary offences at the roadside. In some jurisdictions, police record these warnings within a database.</p> <p>However, if a driver receives multiple formal warnings from police and the NHVR across different jurisdictions, an authorised officer would not have visibility of this roadside.</p>
2. ATA analysis	
<p>Encourages a risk-based approach to enforcement</p> <p>Authorised officers would be provided with broader abilities to issue formal warnings, enabling them to take a risk-based approach to administrative and minor risk breaches committed for understandable reasons.</p> <p>Reduced cost to operators</p> <p>Drivers may be less likely to receive a fine.</p>	<p>Implementation would not require a national database</p> <p>Every national driver work diary daily sheet has a space for authorised officer comments. Recording formal warnings there as well as in the databases of those states that have them would avoid the need for a complex national database.</p>

The C-RIS argues that option 3e would have implementation challenges, because agencies would need to establish a national formal warning database.³³

The ATA does not agree. Every national driver work diary daily sheet has a comments box for authorised officers to use.³⁴ Formal warnings could be recorded there, as well as in the databases of the states that have them.

Our view of the option is set out in row 2 of table 3. In our view, **the advantages of the option depend on authorised officers being able to issue formal warnings for minor risk breaches.**

This would enable officers to issue warnings for understandable breaches of the law such as—

- a driver cutting a 15 minute rest break short to enable another truck to park in a congested rest area, or
- a driver avoiding a rest area due to concerns about their personal safety
- a driver working an extra half hour to get home at the end of a trip.

³³ NTC, 2023a, 77.

³⁴ NHVR, [National driver work diary](#). Version 1.3, 2023. 35.

Option 3g (new ATA option): Reduce penalties for work and rest hour and record keeping offences, with serious offences to be dealt with as safety duty breaches

As part of their consideration of the Kanofski review, ministers endorsed a review of fatigue offences and fines.³⁵ The review has not been conducted, even though the penalties for work and rest hour and record keeping offences are a key industry concern.

The ATA has argued throughout the HVNL review process that penalties are too high.³⁶

As one driver said—

Fines for relatively minor infringements are extremely out of proportion. I started in this industry wanting to learn and aim for 100% compliance and placing my own limits on myself because of my relative inexperience.

After 18 months I feel resentful, consider it is virtually impossible to avoid 'non-compliance' due to the level of petty nit-picking, and find myself as a result, being tempted into avoidance or cheating strategies. I should not feel so afraid of or resentful toward the authorities when I have started out with a determination to do the right thing. This tells me that the current system is counterproductive.³⁷

Another truck driver, Chris, reported that he took a seven year break from driving trucks after incurring two fines for minor mistakes. The fines cost him a week's wages—

I stopped driving trucks seven years ago following two fines I received for 15 minute errors in my old log book that I carried in my truck for 28 days – as per law. On my way from Queensland on a Friday, I got stopped at Goondiwindi and Dubbo by RMS both in one day and fined for separate offences both over one month old. Simple mistakes, well in the past, that cost me a week's wage.³⁸

One of the reasons that penalties are so high is that they were set before the safety duty offences in Chapter 1A came into force in 2018. A worst case chain of responsibility offence can now be prosecuted as a safety duty offence. Worst case driver fatigue offences should be prosecuted under s 228 or the general road traffic law.

The ATA and some of its members have written to transport ministers seeking an extension of time for the review so the NTC can run a formal review process about the level of penalties.

As part of the review, the NTC should also consult on Kanofski review finding 7.5, which called for the addition to the law of specific regulatory offences for off-road parties.

³⁵ Kanofski, 2022. Reform finding 3.5b. Attachment A, 10.

³⁶ ATA, [Effective fatigue management](#). HVNL review issues paper 2 submission, August 2019b. 13-14.

³⁷ ATA, 2019a, 7.

³⁸ Cited in B Magill, *The driver shortage approach – reformed*. Daimler Truck and Bus Future Leaders' Program report, 2019.

Options 3b, 3d and 3f should not be considered further

Option 3b (establishing risk profiles for work and rest breaches) would require the NHVR, the police and drivers to keep track of multiple incidents and how they add together to deliver one of five breach levels.³⁹

The option would be resource intensive and introduce another more complexity and uncertainty to fatigue regulation.

Option 3d would establish a driver defence for minor administrative errors. Although the ATA advocated a version of this option in our 2019 fatigue management submission,⁴⁰ our members consider that option 3c would be a better approach, particularly with the amendment proposed on page 10. Options 3c and 3d cannot both be implemented.⁴¹

Option 3f would empower an authorised officer to require a first time offender to undertake formal work diary training, perhaps through a nationally recognised unit of competency.

Like option 3b, option 3f would add more complexity to enforcement and require the development a national database.⁴² It would impose more demands on drivers, including the effort involved in proving that they didn't need the training or had already done it.

³⁹ NTC, 2023a, 72.

⁴⁰ ATA, 2019b, 11.

⁴¹ NTC, 2023a, 69.

⁴² NTC, 2023. 74.

Access

Productivity growth is the key driver of improvements in living standards over the long term,⁴³ but Australia's productivity growth has sagged since the 1990s from an average of 2.2 per cent per year to 1.4 per cent per year.⁴⁴ Productivity in the freight sector has stagnated.⁴⁵

The Kanofski review noted that the industry's concerns about heavy vehicle access went to operational and systems deficiencies as opposed to problems with the law. The review noted that the industry's concerns also related to broader road reform issues such as how infrastructure spending is prioritised.⁴⁶

Nonetheless, the review recommended, and the C-RIS considers, three access reforms—

- increasing the general mass limit to replace the current concessional mass limit
- increasing the general access height limit from 4.3 metres to 4.6 metres, and
- increasing the general access length limit from 19 metres to 20 metres.

Increase in general access vehicle mass limits

Consultation question 15: Which option (either Option 4a or 4b) would deliver the greatest benefit? Which would have the simpler implementation pathway? Please give reasons in your response.

The C-RIS considers establishing a new general mass limit (GML) by increasing it to match the current concessional mass limit (CML).

As table 4 shows, the two options in the C-RIS differ in how they would handle the mass increase for Euro VI vehicles, which is being considered as a separate project.

Under option 4a, Euro VI vehicles would not receive an increase to their total mass to compensate for the weight of their emissions technology and other mandated equipment. In contrast, option 4b would add 500kg to the total combination mass allowed for these vehicles.

Table 4: Proposed total combination mass for a simple prime mover and semitrailer

	Current (tonnes)	All vehicles (tonnes)	Euro VI (tonnes)
Base case	43.0	43.0	43.5
Option 4a	43.0	44.0	44.0
Option 4b	43.0	44.0	44.5

Rows 1 and 3 of table 5 set out the NTC's qualitative analysis of the two options. The ATA's view is set out in rows 2 and 4.

⁴³ Commonwealth of Australia, [Working future: the Australian Government's white paper on jobs and opportunities](#), September 2023. 75.

⁴⁴ Productivity Commission, [Productivity growth and wages – a forensic look](#). PC productivity insights, September 2023. 5,7.

⁴⁵ Transport and Infrastructure Council, [National freight and supply chain strategy](#). August 2019. 11.

⁴⁶ Kanofski, 2022. 3-4.

Table 5: Impact analysis of options 4a and 4b

Overall impact	Public safety	Efficiency and productivity	Regulatory burden to industry	Regulatory costs to government	Asset management	Flexibility and responsiveness
1. NTC analysis of option 4a: New GML replaces CML. No additional mass for Euro VI vehicles						
Improvement	Improvement	Improvement	Improvement	Improvement	Negative impact	Improvement
General freight vehicles overall benefit.	Increased mass may have negligible impacts in most cases and in some cases may contribute to greater risk (eg loads with a higher centre of gravity), but it is assumed that this would be offset by reductions in vehicle movements.	Proposed options are assumed to increase take-up of higher general mass limits (ie equivalent to the current CML). There may be lower administrative costs which improves efficiencies.	Reduced regulatory requirements for operators currently accessing concessional mass limits.	Reduced number of operators in the (mass) accreditation scheme.	Increased costs of road wear from assumed greater uptake of concessional mass limits. However, if there are fewer trips then this may reduce the impacts. If operators leave the accreditation scheme, there is a potential for greater variability in loading.	Removal of accreditation requirements simplifies and improves flexibility for CML operators.
Benefits would be greater for Euro VI vehicles.						
2. ATA analysis of option 4a						
Improvement	Improvement as above	Improvement	Improvement as above	Improvement as above	Negative impact as above	Improvement as above
Benefits would be smaller for Euro VI vehicles and would diminish over time		Option 4a would deliver productivity gains, but these would diminish over time as the fleet upgrades to Euro VI.				
3. NTC analysis of option 4b: New GML replaces CML. Additional mass for Euro VI vehicles						
Improvement	Improvement as for 4a	Improvement as for 4a	Improvement as for 4a	Improvement as for 4a	Improvement as for 4a	Improvement as for 4a
General freight vehicles overall benefit.						
Benefits would be greater for Euro VI vehicles.						

Overall impact	Public safety	Efficiency and productivity	Regulatory burden to industry	Regulatory costs to government	Asset management	Flexibility and responsiveness
4. ATA analysis of option 4b						
Large improvement with the productivity gain sustained over time.	Improvement as for 4a	Larger productivity increase than option 4a. Improvement sustained over time as the fleet upgrades to Euro VI.	Improvement as for 4a	Improvement as for 4a	Improvement as for 4a	Improvement as for 4a

The ATA agrees with the NTC that option 4a would be an improvement on the base case. **Option 4b is the ATA's preferred option**, though, because—

- option 4b would deliver the same productivity increase for Euro VI trucks as for Euro 0-V trucks
- the industry-wide productivity improvement would be maintained as the fleet is upgraded. In contrast, the productivity benefits of option 4a would dwindle over time.

Increase general access vehicle height limits

The C-RIS considers an increase in the general access vehicle height limit from 4.3 to 4.6 metres. As the C-RIS notes, many 4.6 metre trucks operate under permit or notice now, including livestock carriers, construction semitrailers and vehicle carriers.⁴⁷

The NTC's qualitative analysis of the option rates it as an improvement compared to the base case, although it does raise potential safety concerns including rollover stability and the dynamic effects of increasing a vehicle's centre of gravity.⁴⁸

The quantitative analysis notes that the option would remove the need for operators to apply for some 1,143 permits a year. It would save the industry \$95,000 per year in permit fees and deliver time savings worth \$91,000 per year.⁴⁹

The ATA supports option 5a. We consider that the NTC's safety concerns can be controlled through the measures set out in our response to consultation question 20.

⁴⁷ NTC, 2023a, 97.

⁴⁸ NTC, 2023a, 98.

⁴⁹ NTC, 2023a, 99.

Consultation question 20: Could reforms that make it easier for operators to operate at increased vehicle height limits lead to any adverse outcomes to road safety or road infrastructure? Are there options to mitigate any increased risk of adverse outcomes?

To counter the rollover risk associated with option 5a, we consider that—

- general access 4.6 metre trailers should be required to have ADR 38/05 compliant trailer electronic braking systems, including rollover control. ADR 38/05 became mandatory for new heavy trailers in 2019. The requirement would encourage potential operators of 4.6 metre trailers to purchase new equipment or to retrofit their existing trailers, and accelerate the rollout of this important safety technology
- the lower deck of a general access 4.6 metre mezzanine deck trailer should be required to be full before the upper deck is loaded.

General access vehicle length increase

Option 6a in the C-RIS looks at increasing the general access length limit from 19 metres to 20 metres. Row 1 of table 6 sets out the NTC's analysis of the option.

Table 6: Impact analysis of option 6a

Overall impact	Public safety	Efficiency and productivity	Regulatory burden to industry	Regulatory costs to government	Asset management	Flexibility and responsiveness
1. NTC analysis						
Improvement	Negative impact Increased risk of crashes for 20m vehicles due to expanding access to road network and more vehicles at 20m. This is partially offset by a reduction in vehicle trips.	Improvement Proposed option is assumed to increase take-up of 20m long vehicles which increases volumetric load capacity.	Improvement Reduced regulatory requirements for 20m long vehicles that are currently permitted.	Improvement Reduced number of permits and notices.	Negative impact Increased risk of damage to road infrastructure from assumed greater uptake of 20m vehicles.	Improvement Simplifies and improves flexibility for operators.
2. ATA analysis of our amended option						
Large improvement	Improvement Potential for drivers to have better rest	Improvement as above	Improvement as above Increased driver comfort with wider sleeper cabs	Improvement Reduced number of permits and notices.	Neutral ATA VPath modelling shows no increase in LSOT.	Improvement Simplifies and improves flexibility for operators

The ATA supports option 6a as row 2 of table 6 shows, but we consider that the C-RIS analysis does not include the option's most important benefit: **the potential to make sleeper cabs wider and more comfortable for drivers.**

The drivers we consulted during the review strongly supported this approach—

Want drivers to have a better rest to help reduce fatigue? Give them something better to rest in. Give them a decent size sleep cab. Need to abolish overall vehicle length limits, if you had trailer and trailer combination limits and unlimited prime mover's length, you could afford to have a bigger and more comfortable sleeper cab without losing the ability to be competitive in the market.⁵⁰

Change the laws surrounding combination lengths to allow transport companies/owner drivers to buy trucks with decent wheelbases and bunks to give drivers more comfort while maximising freight capacity.⁵¹

In our view, the proposed one metre extension to vehicle length should not only apply to prime movers and semitrailers. **It should apply to B-doubles as well**, with an increase from 26 to 27 metres.

Consultation question 23: Could reforms that make it easier for operators to operate at increased vehicle length from 19 to 20m lead to any adverse outcomes to road safety or road infrastructure? Which risks would any regulatory conditions mitigate and what controls could be put in place?

The engineering modelling undertaken by the ATA earlier in the review did not support the concerns raised in the C-RIS about safety and roadside infrastructure damage.

In our 2019 fatigue management submission, we noted that the principal technical issue that needed to be considered in examining any length increase was low speed off-tracking (LSOT) performance.

Given the small size of the dimensional increase, overall length was not considered to be a major hurdle.

The ATA modelled the LSOT performance of five 20 metre combinations using the Queensland DTMR's VPath package,⁵² as part of proving up an incentive to allow bonneted prime movers with sleeper cabs of more than 1,220 mm nominal width to be coupled to 13.2 metre reference dimension trailers throughout the network, as well as 12.3 metre reference dimension trailers.

Table 7 shows that all the combinations modelled achieved an LSOT performance better than the Austroads reference vehicle (7.5 metres) and in line with the PBS level 1 performance standard (7.4 metres).⁵³

⁵⁰ ATA, 2019a, 18.

⁵¹ ATA, 2019a, 20.

⁵² ATA, 2019b, 16-17, 21-25.

⁵³ NHVR, [Performance-based standards scheme – the standards and vehicle assessment rules](#). 10 November 2008. 37.

Table 7: VPath analysis of nominal 20 metre prime mover and semitrailer combinations

Prime mover	Sleeper (mm)	Trailer (m)	Overall length (m)	Swept path (m)	Safety result
Austroads reference	N/A	12.30	19.00	7.5	
Mack Superliner	1,320	13.20	19.80	7.4	✓
Kenworth T909	1,270	13.20	19.75	7.3	✓
Kenworth T659	1,270	13.20	19.95	7.4	✓
Coronado 122	1,320	13.20	19.82	7.4	✓

Source: ATA engineering analysis using DTMR VPath model

Enhanced operator assurance

Consultation question 25: Do you agree with the potential impacts described regarding the potential inclusion of NAS requirements in regulations? Are there additional impacts you think should be considered?

In June 2023, ministers agreed that the amended HVNL should empower them to approve a national audit standard (NAS).⁵⁴

The NAS would provide a framework for consistent and standardised auditing practices.

The C-RIS describes the benefits of the NAS in terms of NHVAS accreditation,⁵⁵ but the ATA considers that its main benefit would be in helping businesses demonstrate their compliance with the primary duty.

The high-level regulatory framework D-RIS emphasised that the NAS could be used for non-accreditation audits to establish compliance with the primary duty. The amended HVNL will specify that a court may consider an audit conducted under the standard as part of determining whether the primary duty has been met.⁵⁶

The C-RIS asks if the overarching requirements for developing the NAS should be left to the NHVR in consultation with industry and jurisdictions (the base case) or if those requirements should be set out formally as regulations (option 7a).

The ATA recommends that **option 7a be adopted**.

In our view, the HVNL should include a head of power for regulations relating to the NAS, because—

- it may be considered necessary to set out how the NHVR should consult with the industry, jurisdictions and other parties, particularly if the HVNL does not include a statutory consultation obligation as the ATA has recommended⁵⁷
- it may be appropriate to transfer the offences relating to auditors in s 478 of the HVNL to these regulations, or to establish additional regulatory offences.

⁵⁴ NTC, 2023b, recommendation 2b. 85-86.

⁵⁵ NTC, 2023a, 109-110.

⁵⁶ NTC, 2023b, 86.

⁵⁷ ATA, [HVNL review consultation RIS: chapter 5: regulatory tools](#). November 2020. 11-12.