

24 November 2023

National Transport Commission
Level 3/600 Bourke Street
Melbourne VIC 3000
Email: enquiries@ntc.gov.au

Consultation Regulation Impact Statement Heavy Vehicle National Law - October 2023

Dear National Transport Commission,

Gas Energy Australia (GEA) appreciates the opportunity to respond to NTC Consultation Regulation Impact Statement Heavy Vehicle National Law - October 2023. GEA believes a happier driver is a more attentive and safer driver and any duplication or unnecessary regulatory burden that is removed will make operators and most importantly drivers happier in their work.

GEA believes that problem statements in the C-RIS show there is an opportunity to close the gap and create a link between the operators and the drivers' requirements for work diaries by expanding the driver license endorsement structure, rather than using the levers in the HVNL.

GEA is concerned at the proposal to remove the Concessional Mass Limit as it downplays the importance of auditing and assurance for safety and would make existing investments in mass management modules obsolete overnight.

GEA responses to Consultation methodology (Questions 1-4)

Consultation Question 1 asks: to what extent has the C-RIS fully and accurately described the problem to be addressed within the scope of identified issues? While the problem statements cover an internal review of the HVNL operations, they don't address gaps between laws that affect the transport industry.

The simple wording used in the discussion of Option 1a. "Drivers and operators required to complete a work diary" highlights a gap missed by the problem statements.

- The purpose of a work diary is to monitor work hours to ensure safety through alert and attentive drives not affected by fatigue,
- The operator issues and uses a work diary so that a driver under their control can fill in the detail, which is part of their duties,
- The driver is required to complete a diary in each workplace,
- The purpose of a work diary can only be realised if there is a one-to-one relationship between the operator and the driver.

The fatigue policy lever in the HVNL focuses squarely on work diaries for a vehicle and operator, and this may not achieve the intended purpose of safety with alert and attentive drives not affected by fatigue.

GEA suggests that the HVNL problem statements should look at how to close the gap and create a link between the operators and the drivers' requirements for work diaries. While this could be achieved through the HVNL, GEA suggests that the current gap could be closed by reviewing the Australian road rules and expanding the driver licensing endorsement structures contained therein.

The conversation needs to be started about a driver's license which has a more detailed endorsement structure. Driver licenses, already have endorsement structure for heavy vehicle classes and commercial passenger vehicle operations. Expanding commercial passenger operations to include all commercial operations would close this gap. A commercial class would come with its requirements for the driver fatigue hours and have rules they have chosen to have multiple employers. GEA believes this would have advantages for a seamless transition to the application of fitness to drive requirements to all commercial operations. GEA also suggests that dangerous goods licensing could be included in the endorsement structure.

GEA suggests the NTC conduct a review that explores how to fill the gap between an operator logbook and actual driver hours by expanding the driver license endorsement structure.

GEA responses to Consultation focus area – Removing administrative process requirements (Questions 5-7)

GEA supports the options for streamlining record keeping, removing duplication, administrative processes requirements and offences.

In relation to the analysis impacts, drivers don't like crap and removing administrative duplication, GEA suggests would flow through to have a material effect on workforce moral. A happier driver is a more attentive and safer driver.

GEA responses to Consultation focus area – Fatigue management (Questions 7-15)

GEA members prefer Option 2c: Prescriptive fatigue requirements for all HVs over 4.5 tonnes, full work diary requirements for all operations.

The statement that "Record keeping requirements would also create additional costs for operators" holds true for single class fleets. Fleets that operate multiple GMV vehicles have to arrange separate training and administration regimens under the current system.

GEA members prefer a single one size fits all model. It would reduce complexity in training and managing drivers across a multi tonnage vehicle fleet. It has the benefit of simplifying compliance training and enforcement as well.

GEA Members are supportive of all the options outlined in the D-RIS aimed at improving enforcement of fatigue-related breaches.

Our industry operates under the HVNL and the Dangerous Goods Code of Practice. A driver may have a scheduled rest stop, however upon arrival there may already be a dangerous goods vehicle parked for a rest break which limits parking options. The driver then must make a decision about which law to break. Does the driver park and breach Dangerous Goods Regulations or does the driver continue driving and breach the fatigue requirements in the HVNL. This would be handled much more effectively under the risk profile or formal warnings options outlined in the C-RIS. A dashboard of compliance should not be an ending, and GEA suggests this should start more detailed investigations into why breaches occur as addressing influencing factors should be part of the HVNL.

Consistent breaches at a similar location should drive investigation into whether the infrastructure supporting transport is fit for purpose. Does there need to be more parking areas provided or is the congestion, weather or road conditions making journey times longer and road improvements are required. Furthermore, the C-RIS discusses in section 4.4 Barriers and constraints, the need for better

understanding of infrastructure to support transport. GEA urges the Infrastructure Ministers not to look at compliance data as simply a scorecard but to explore further as it could point to areas where infrastructure needs to be upgraded.

GEA members would prefer EWDs to be made mandatory rather than tinker around the edges with proposed changes to enforcement of fatigue related breaches. This would create a fairer regulatory approach overall.

GEA response to Consultation focus area – Access (Questions 16-24)

GEA members do not support the removal of the Concessional Mass Limit (CML). Removing the eight administrative controls required for CML accreditation as outlined in the Mass Management module is not discussed at length except to say in general it may contribute to greater risk, but this is offset by fewer vehicle movements.

The removal of CML appears to be based on an assessment of road damage and not safety improvements born from an accredited management structure. The question GEA has is that by removing CML are Infrastructure Ministers saying that safety management systems and operator assurance scheme do not enhance safety by any measurable effect.

Furthermore, CML is seen as a safety and commercial advantage. Concessional mass gains come with administrative and auditing costs to achieve and maintain, and operators have invested in systems to ensure compliance and assurance. The removal of the CML would make these investments obsolete overnight, not to mention question the benefits of having mass management controls in place.

GEA members are also concerned that removal of CML and retaining of Higher Mass Limits (HML) will remove one accreditation (CML) which has the majority of jurisdictions aligned and with retain HML where there are differences in requirements between states. A vehicle running HML in Victoria and transiting through or into NSW will have to offload 2 tonnes to meet the NSW requirements because the jurisdictional difference requires IAP or TMA operations.

In relation to increasing the specific:

- prescribed height limit of vehicles from 4.3m to 4.6m, GEA members expressed concerns as to the ability of both existing infrastructure and mapping and route data to be able to accommodate this increase in height.
- prescribed length limit of vehicles currently limited to 19m to 20m, GEA members supported this increase offering no adverse comments.

GEA response to Consultation focus area – Enhanced operator assurance (Question 25).

GEA has nothing further to add on the potential impacts described regarding the potential inclusion of NAS requirements in regulations.

In Summary

GEA believes that problem statements in the C-RIS show there is an opportunity to close the gap and create a link between the operators and the drivers' requirements for work diaries by expanding the driver license endorsement structure rather than using the levers in the HVNL.

GEA prefers a one size fits all model and recommends the adoption of prescriptive fatigue requirements for all HVs over 4.5 tonnes, full work diary requirements for all operations.

GEA urges the Infrastructure Ministers not to look at compliance data as simply a scorecard but use this information to drive infrastructure investment.

GEA members would prefer EWDs to be made mandatory.

GEA is concerned at the proposal to remove the Concessional Mass Limit as it downplays the importance of auditing and assurance for safety and would make existing investments in mass management modules obsolete overnight.

GEA is pleased to provide feedback on this worthwhile project. Please feel free to contact our Manager Technical Development Darryl Ramm at dramm@gasenergyaus.au if you have any questions.

Kind regards,

A handwritten signature in black ink, appearing to read "Brett Heffernan".

Mr Brett Heffernan
Chief Executive Officer
Gas Energy Australia