



**HEAVY VEHICLE**  
INDUSTRY AUSTRALIA



## **HVIA Submission**

Reforms to Heavy Vehicle  
National Law - C-RIS

**November 2023**

Heavy Vehicle Industry Australia  
Represents and advances the interests of manufacturers  
and suppliers of heavy vehicles and their components,  
equipment and technology.



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## Background

Heavy Vehicle Industry Australia (HVIA) represents and advances the interests of the entire industry involved in the design, manufacture, importation, distribution, modification, sales, service, and repair of on-road vehicles with a gross vehicle mass or aggregate trailer mass over 3.5 tonnes as well as their components, equipment, and technology.

The industry directly employs over 70,000 people and provides some of the world's most efficient, safe, innovative, and technologically advanced vehicles. HVIA seeks to work with government and industry stakeholders to promote an innovative and prosperous industry that supports a safe and productive heavy vehicle fleet operating for the benefit of all Australians.

## General comments

**HVIA strongly supports increases to vehicle mass, height, and length as ways of improving heavy vehicle productivity.** The industry and wider community desperately need these reforms. Without them, the growing freight task will result in greater congestion, negative road safety impacts, and higher emissions.

Specifically, increased mass and dimension limits will provide HVIA's members, and the wider industry in general, with the following direct benefits:

- reduced re-engineering costs for imported trucks
- access to a wider range of trucks from overseas markets
- increased flexibility in designing innovative trailer solutions
- increased flexibility in truck-trailer interoperability within fleets
- reduced administration and costs for operating under permits or other arrangements.

**Notwithstanding, the proposed increases each represent only minor incremental changes to mass and dimensions.** HVIA questions whether they are sufficiently ambitious and considers that their ability to deliver the productivity increases needed to meet the growing freight task is unclear.

In addition, the C-RIS lacks some detail on what is proposed, and most importantly, it does not consider possible responses from road managers (at all levels) to the proposed changes.

This is pertinent, as while some of the access constraints for more productive vehicles are controlled in the Heavy Vehicle National Law (HVNL) and regulations, road managers can also use local signage to restrict access. In the past, some road managers have expressed concerns over the ability of specific infrastructure to cope with even minor increases in mass and dimensions. It is possible that the road manager response to the proposals will include increased use of local signage to restrict access.

In that context, without real improvements to access to enable productivity benefits, the end benefit to industry of the proposals is in doubt. Without road manager support, the proposals may have the negative impact of complicating access and reducing productivity, rather than improving it.

The proposed changes to fatigue management and auditing standards are not key issues for HVIA members and HVIA will not comment on them.

## Responses to specific questions

As fatigue and auditing are not key issues for HVIA members, comments are not provided on Questions 5 to 14, and Question 25. General comments on fatigue and auditing are provided in some responses to other specific questions posed in the C-RIS.

**Question 1** – *To what extent has the C-RIS fully and accurately described the problem to be addressed within the scope of identified issues? What other factors should be considered in the problem statement? Please provide detailed reasoning for your answer.*

The discussion of expanding General Access correctly identifies that expanding its rules in relation to mass and dimensions would result in a productivity increase due to reduced red tape and administrative costs. However, the problem statement does not acknowledge that the Concessional Mass Limits (CML) and Higher Mass Limits (HML) networks are different to the General Mass Limits (GML) networks and that if GML was raised to CML it is possible that road managers could restrict access on key infrastructure by signage. Controlling access in that way increases complexity for industry and limits the realisation of the proposed benefits.

The discussion of the current approach to fatigue correctly identifies several issues with the current prescriptive rules. However, it does not adequately address the use of technology to determine fatigue status prior to commencing work and does not address the use of technology to detect and ameliorate fatigue incidents in real time. HVIA believes these are areas needing further work and the structure of the HVNL needs provisions to enable new technology to be incorporated as it develops and becomes available.

In principle, the idea that audits can be used to increase reliability and confidence makes sense, and removing duplication to reduce administrative burden is also logical but the detail of the proposed changes is needed to be able to understand the relative magnitude of the benefits and costs.

**Question 2** – *Has the C-RIS provided sufficient evidence to support the case for government intervention? What else should be considered and why?*

The case for some government regulation of the heavy vehicle industry is clear cut. The magnitude of the potential impacts to safety and the environment from improper use of heavy vehicles justifies Government playing some role in the regulation of heavy vehicles and the existing objectives of the HVNL are appropriate. Government can play a role in encouraging efficient practices in the industry. However, it is not clear from the C-RIS whether the proposed changes to the HVNL meet those objectives. This is largely due to the difficulty in quantifying the benefits of the proposed changes.

**Question 3** – *In addition to the barriers and constraints identified, what other impediments could impact on the success of implementing options presented in the C-RIS?*

The C-RIS correctly identifies that infrastructure improvements and road pricing are key to improving productivity but are outside the scope of the report. Reducing uncertainty in relation to access for high productivity vehicles, lack of national consistency, and excessive administration and costs are the key barriers to further improvements, which are all in scope for the HVNL review. The C-RIS does not provide sufficient detail on the magnitude of the impacts of the proposed changes.

Improvements in safety are mainly driven by improvements in infrastructure (which is outside the scope of the C-RIS), and by increasing the uptake of vehicle safety features, which is being driven by a combination of upgrades to vehicle standards through ADR changes and demand from the industry and community for vehicle safety features.

**Question 4** – *Are there any potential changes to the impact analysis methodology that you would suggest? Please provide reasons and evidence.*

HVIA supports using a qualitative multi criteria analysis approach due to the difficulty in quantifying several of the impacts. HVIA also supports the six impact categories outlined in Table 6 as appropriate for the analysis. HVIA agrees that there is a lack of data (and information on the detail of the changes) to assess costs and benefits accurately.

**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.*

HVIA notes that Government is separately considering increase in mass limits to ensure Euro VI vehicles (and presumably battery electric and hydrogen vehicles that are deemed to comply with ADR 80/04) are able to maintain the same levels of productivity as vehicles complying with earlier emission standards.

HVIA understands that these changes would include increasing steer axle masses for those vehicles to 7.6 tonnes (single steer vehicles) and 12 tonnes (twin steer vehicles) and adjustments to combination mass limits and tyre specifications.

These changes are vital to ensure that there are no incentives to retain older vehicles rather than buy new ADR 80/04 compliant vehicles. Retaining older vehicles would have negative overall outcomes to the community in terms of environmental, safety and long-term productivity outcomes. Therefore, implementing the recommended Euro VI changes should remain the main priority for Governments across Australia.

Because it does not provide sufficient detail to understand how the proposed changes would impact on Euro VI uptake, the analysis in the C-RIS is flawed.

The discussion of Options 4a and 4b in the C-RIS need to explicitly address whether the proposed changes would undermine the changes being proposed to implement Euro VI. There is a significant risk that a simplistic approach to changing mass limits would reintroduce the perverse incentives to retain older vehicles if the changes are not well designed.

In principle, HVIA has a strong preference for option 4b but believes consideration of this option needs to explicitly detail how the proposed changes will ensure that Euro VI vehicles are treated appropriately.

While the C-RIS proposes that Euro VI mass increases could be implemented separately, or in conjunction with general productivity increases, HVIA argues that Euro VI increases must be treated separately, and in addition to general productivity increases.

HVIA is also concerned that the discussion on the mass limit changes in the C-RIS comprise simple examples that do not explore the complexity of the current CML policy, which includes a range of conditions and limitations. It is not clear which (if any) of these conditions may apply to the new GML, once increased.

For example, CML limits do not apply to buses, truck and pig trailer combinations, Class 1 vehicles operating under a permit, notice or exemption that is granted by some other means other than by the HVNL. If a notice or permit contains a condition which 'opposes' CML, the condition in the permit must be complied with. PBS vehicles are limited to any mass limits stated in the PBS approval.

CML is also constrained by the following:

- a maximum 1-tonne increase for vehicles or combinations not exceeding 55 tonnes and up to 2 tonnes for vehicles or combinations exceeding 55 tonnes
- combinations exceeding 85 tonnes but not exceeding 120 tonnes are constrained to CML increases of 3 tonnes and vehicles or combinations exceeding 120 tonnes are constrained to CML (in Queensland only).

Lack of information regarding application of CML conditions may also be problematic for other types of vehicles, including off-road vehicles, which presently cannot access CML due to the inability to fit Front Underrun Protection Systems (FUPS).

Separately, and in addition to the above, there are several other unknowns, including:

- treatment of the current '1 tonne Mass Transfer Allowance' (1TMTA)
- treatment of instances where vehicles are required to comply with the current Bridge Formula (e.g. PBS vehicles and Class 3 truck and dog combinations meeting the formula may cease to do so if mass limits are increased, unless the formulas themselves are modified to compensate).

Even after these uncertainties have been resolved, Options 4a and 4b appear to work on the assumption that road managers will accept the increases without otherwise responding to restrict access to specific infrastructure. This assumption is untested and has not been explicitly endorsed by road managers. This is a fundamental shortcoming in the analysis of these options.

The discussion in the Base Case notes that access is currently constrained by two different methods. Restricted Access Vehicles (RAVs – vehicles which exceed mass and dimension limits) may only use the road system if permitted to do so via a notice or permit, however, road managers may also restrict access using signage.

The C-RIS acknowledges that one of the reasons mass limits exist is to manage road pavement wear. However, it does not acknowledge that protecting infrastructure such as bridges and culverts is another. Under the current access arrangements mass limits on bridges are the main constraint on greater access for RAVs. Road manager concerns underpin the drive for greater oversight of mass, which presently includes accreditation systems, on-board weighing, and vehicle telematics.

If Options 4a or 4b were implemented, road managers would no longer be able to use accreditation and vehicle technology to mitigate overloading. It is not clear how they would react. If they use signage to restrict access to specific infrastructure, the net impact on access would be negative. Until the response of road managers is better understood, it is not possible to comment on the likely benefits and implementation pathways of those options.

One other option not considered within the C-RIS would be to simply remove the requirements for accreditation for operators operating under CML but retain the ability of road managers to specify CML routes. This would reduce regulatory burden but may offer a lower risk for road managers.

**Question 16** – *What are the main benefits for industry in simplifying mass limits to GML and HML?*

Provided that GML are raised to account for the removal of CML, the main benefits will be improved productivity for mass-constrained vehicles and loads. Associated benefits are reduced congestion, reduced emissions, less infrastructure wear and improved safety. The removal of the requirement to achieve NHVAS accreditation to operate at CML would reduce operator administration and costs.

**Question 17** – *Alternatively, would there be value in creating a 'new CML', as an incentive for mass accreditation, between the proposed "new GML" and current HML?*

Provided that GML raises, the difference between the new GML and the current HML would not be large. The attractiveness of a 'middle option' may therefore be limited, particularly if it is tied to an accreditation requirement.

**Question 18** – *Could reforms that make it easier for operators to operate at CML without the need for accreditation lead to any adverse outcomes to road safety or road infrastructure?*

The potential impacts of removing accreditation on road safety and infrastructure are difficult to quantify. The most relevant recent study into heavy vehicle accreditation in Australia was conducted by Fellows Medlock and Associates for the NHVR in 2018<sup>1</sup>.

The study found that available evidence points to improvements in safety, efficiency, and productivity outcomes for accredited operators, but noted that the evidence is not clear-cut and given the occurrence of several major heavy vehicle crashes, concerns were raised about the robustness of current accreditation schemes. Accordingly, it is not possible to comment definitively on the possible negative consequences of accreditation removal.

One option not considered in the C-RIS is removing the accreditation requirement for CML but retaining the ability of road managers to specify CML routes. This would reduce the regulatory burden but may lower the overloading risks for road managers in comparison to Option 4a or 4b.

**Question 19** – *Given increased vehicle height limits already available to operators through existing laws and notices targeted at specific supply chains, would a general increase in vehicle height allowances provide material productivity benefits (i.e., reductions in heavy vehicle trips)?*

Evaluation of the benefits of vehicle height increases has many of the same problems as mass increases. Road managers may simply increase signage to warn drivers of low clearance structures, creating compliance issues. If signage increases, the net benefit when compared against gazetted routes for 4.6-metre-high vehicles is unclear.

Reducing the time frame and streamlining the process for over height permit applications for 4.6-metre-high vehicles may be a better method of delivering productivity increases.

It is also unclear whether current conditions and mass limitations that apply to 4.6-metre-high vehicles will remain. Current regulations restrict 4.6-metre-high combinations from operating at greater than 90% of their applicable total combination mass limit, due to stability concerns for some loads. The C-RIS does not explore that limitation, nor comment on it.

**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 (e.g., vehicle or load type limitations) to mitigate any increased risk of adverse outcomes?*

See response to question 19.

**Question 21** – *Given increased vehicle length limits already available to operators through existing PBS scheme and notices, would a general increase in vehicle length limits provide material productivity benefits (i.e., reductions in heavy vehicle trips)?*

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<sup>1</sup> Analysis of Heavy Vehicle Safety Accreditation Schemes in Australia, Fellows Medlock and Associates, February 2018 <https://www.nhvr.gov.au/files/201812-0966-analysis-of-hv-safety-accreditation-schemes-in-aus.pdf>

Productivity benefits will be available to sectors of the industry that are currently volume-constrained, which some estimates consider to be the majority of road freight in Australia. If that is accurate, the productivity benefits could be substantial and impactful.

An additional benefit alongside the outright improvement to productivity is the ability for industry to opt for the length increase to be taken up by the prime mover. This may be done for reasons of amenity (e.g., larger vehicle cabins for improved fatigue outcomes, longer wheelbase for improved driving comfort), driver safety (e.g., bull bar fitment for protection when driving in remote areas), or interoperability (e.g., use of a longer B-double or Road Train prime mover to tow a standard size semi-trailer).

Notwithstanding, a small portion of operators who would realise productivity benefits from operating 20-metre vehicles may have already done so under the PBS scheme, although it is noted that PBS adoption as a portion of total fleet remains very low, so this is unlikely to be a substantial limiting factor.

**Question 22** – *Could an increase in vehicle length limits enable newer, more innovative vehicle/trailer designs? What types of supply chains could benefit?*

As PBS has existed as an avenue for innovation for more than a decade, it is considered unlikely that a change from 19 metres to 20 metres overall length for General Access would suddenly trigger a new wave of vehicle innovations. It is much more likely that existing PBS designs would begin to proliferate outside of the PBS scheme.

**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?*

Given the widespread positive experience with 20-metre vehicles under PBS, increasing General Access vehicle length to 20 metres is not expected to present road safety and infrastructure risks.

**Question 24** – *Do you have any comments on the cumulative impact of increasing general access limits for vehicle mass, length and height? Please give reasons and evidence where possible.*

HVIA does not have any additional data to add to the analysis contained in the C-RIS.