

National Transport Commission  
Heavy Vehicle National Law review

24/11/2023

Response to the C-RIS

Response to Question set out in the C-RIS

Q1. Record Keeping

The current driver requirement for record keeping appears beyond the range of the Work standards of 28 days. I think the development of the EWD using the relevant 28 day period to be more than adequate.

For a Driver to be infringed for failing to remove a duplicate copy of a work diary page is beyond reasonable or to be infringed for some error from beyond 28 days in the past is a heinous overreach of power by law enforcement.

Q2. Scope of Fatigue Regulated vehicles

Option 2e would be the most reasonable alternative. When a Driver is working daylight hours, there is minimal risk fatigue and therefore should not be required to maintain detailed records.

However, Option 2a would also help to assist in preventing the high risk observed in the industry of working a Day shift and then working a night shift as well for a different Employer.

It has been a source of frustration for a decade, that a full-time Fatigue regulated Heavy vehicle Driver is subject to piercing scrutiny by law enforcement and yet part-time heavy vehicle drivers can basically work 2 or more jobs in any 24 hour period and remain well within legal work hours and relatively safe from incurring an Infringement. The lack of accountability and record keeping allows and even provides encouragement to work as a part-time driver.

This is a regular comment made by former long-distance drivers who have moved to a different division, and drivers exiting the industry.

The Full-Time Long distance truck driver is the subject of discrimination by the very nature of their job, while part-time drivers get a free pass, yet may have worked more hours than their Full-Time colleagues.

Q3. Enforcement

I would support Option 3e.

Critical thinking Heavy Vehicle drivers know there is a biased view towards what is risk.

Minor offenses have absolutely no impact on real safety issues and should not be subject to a Summary Offense regime. However, to find a point of agreement, by implementing the 3 strike principle would still achieve the end goal.

I am also dedicated to the idea of Option 3c, by having an informal review process to provide a balanced approach to law enforcement. We know there are Authorised Officers out there who are black & white, it is strict liability.

The current process of dealing with minor infringements is not fair and many believe the State is using this as a Revenue Raising mechanism. The view that any minor fine is a business decision to simply PAY the fine instead of seeking justice.

Many recent matters have seen the courts Dismiss trifling offenses, while the Defendant has still incurred a significant expense in legal costs. Often these costs are many multiples more than the original fine, with little recourse in recovery of these costs.

This issue alone is causing much anxiety, stress and avoidance of the division of the Transport sector. No other workplace in Australia is subject to such a petty regime of penalties and values.

As we can see by the exodus of Drivers from the industry, people are fed up with this style of discrimination.

Q4. Access- Increasing the load limits for GML.

Option 4a is the most attractive option and provides a balance of equality among transport operators. The equipment used often has been engineered for a greater mass anyway. GML is often touted as revenue raising exercise anyway.

Q5. Height

I still support the base case.

Mainly due to the current infrastructure in place and to provide an alert to drivers of 4.6m vehicles.

I believe the pre-approved route process provided the NHVR is meeting the needs of the Industry.

If 4.6m was to become general access, I believe Drivers and Operators will become complacent and local infrastructure will suffer. As a Driver, It's too easy to forget your vehicle is higher than normal.

Q6. Length increase

Absolutely resounding support for Option 6a, with the caveat that Kingpin to rear overhang of trailers is capped. (as per the current PBS 20m option and 27m Option for B-Doubles).

For far too long the Driver has suffered by Operators adding to the trailers instead allowing for extra cabin space.

There is clearly no reason for vehicle length to NOT be extended to 20m and 27m for B-Doubles.

All this swept path is a nonsense when most Drivers know they can safely navigate the same road network as a 19m single Semi or a 26m B-Double.

Note. We have all seen at some point, a poorly trained Driver fail to navigate a turn in a 19m vehicle on a 26m approved route.

Q7. National Audit Standards

I would support Option 7a for the reasons by having these in the regulations would make it easier to make minor amendments when issues are identified.

## CONSULTATION QUESTIONS

- Q1. C-RIS seems reasonably accurate in addressing the current concerns within the HVNL 1.0
- Q2. The C\_RIS has provided sufficient evidence for intervention
- Q3. I do not see any further barriers for the success to implementation
- Q4. No suggested changes to impact analysis methodology
- Q5. The current driver requirement for record keeping beyond the range of 14 days has absolutely nothing what-so-ever to do with Public Safety and only creates a revenue generating trap.  
I think the development of the EWD using the relevant 14 day period to be more than adequate.  
For a Driver to be infringed for failing to remove a duplicate copy of a work diary page is beyond reasonable or to be infringed for some error from beyond 28 days in the past is a heinous overreach of power by law enforcement.
- Q6. Option 2e would be the most reasonable alternative. When a Driver is working daylight hours, there is minimal risk fatigue and therefore should not be required to maintain detailed records.

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- Q7. I use an EWD these days and found this tool to be far less burdensome than the Paper work diary.
- Q8. Drivers will continue to have issues while ever the burden is placed primarily on them and not the Record-Keeper/Employer.

Drivers typically only do what Management instructs and yet are required to bear the brunt of the enforcement regime.

Q9. I see no reason for these changes to impact Bus Drivers.

Q10. I would support Option 3e.

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Q11. No implications identified.

Q12. Confidence for transport operators to move to an EWD would not be improved given the mindset of many operators out there. The transport industry as divisions within it that simply do not understand or do not WANT to understand the HVNL fatigue section.

“its not our problem” is still far too commonly used by the CoR.

“We take fatigue management very seriously” is also another deflective approach to a difficult working environment of certain divisions of road transport.

For EWDs to be joyfully up taken, would require a significant relaxation of law enforcement and increased flexibility of the Consignor’s and Consignee’s.

Most Driver’s I speak with enjoy their sleep, but the industry itself creates the problem.

While ever the Driver is the Defendant and not the witness, EWDs will remain a challenge.

Sadly, systems like Teletrac and MT Data have poisoned the industry. Where Drivers believe they are tracked and recorded by Big Brother to the point of minute by minute government surveillance.

Driver’s know where the problem lies, but are powerless to impact change, except for seeking a new employer. Interestingly, this is what we are seeing and the industry is now desperate to attract new untainted workers to some divisions.

Q13. I believe any relaxation of prescriptive record keeping, Driver focused enforcement and easier record keeping is a positive.

Driving into Western Australia finds a massive burden lifted from truck driver’s shoulders.

I believe this is because law enforcement is not gunning for the Driver and surveillance is almost non-existent.

Q14. 14 days is more than adequate for road side law enforcement.

Honestly I have never had an Officer go back more than a few days and I formed the opinion they view the work diary beyond 14 days as irrelevant anyway. Unless of course it an attitude adjustment mechanism for the Driver.

Q15. Option 4a is the most attractive option and provides a balance of equality among transport operators.

The equipment used often has been engineered for a greater mass anyway.

GML is often touted as revenue raising exercise anyway, particularly when an easily obtained piece of paper makes it irrelevant.

Q16. The main benefits are increased productivity, due to the removal of the time spent moving loads to meet the GML requirement.

On a recent journey, my departure was delayed for 3 additional hours by the requirement to move freight from a fridge van to achieve the right Axle group weights, when the overall weight was under the maximum allowable CVM.

Q17. No.....We need to keep this simple. There is no logical reason for another level of compliance which only creates a revenue raising point for Road Authorities.

If the roads and relevant vehicle are rated for the HML capacity, then this is still safe..

A piece of paper doesn't change the safety aspect of moving the freight.

The main issue here is that much of the road infrastructure is still back in 1970 when most freight was moved on vehicles <45t... If roads are approved for HML, then just have the 2 levels.

Q18. Reforms should be aimed to simplify transport operations. Purchasing a piece of paper for the extra CML capacity, doesn't change the safety aspect of the task. Given both the road and the vehicle have a safe working load of HML values.

I believe any reform should be focused on having a Standard operating requirement as an entry level and the HML option, subject to the relevant requirements.

- On-board scales (air or electronic sensors)
- Relevant vehicle suspension
- Specified routes
- Load records

We have the technology these days to record this data in a hands-free manner or at a minimum using a manual input Mobile Application (electronic form)

Q19. I don't believe height regulation should NOT be altered. Primarily because of the existing infrastructure creates a situation where drivers can easily forget where they are and the height of their vehicle. New Drivers who may not be familiar with a particular area, can easily find themselves off-route and in an area of 4.3 designed infrastructure. Powerlines are obviously the greatest safety hazard, but above ground telephone line disruption has a serious impact on society, albeit not a safety hazard.

Q20. By having the existing permit system and designated high vehicle routes, it encourages Transport operators to make an informed decision on which vehicle will be designated for the freight task.

It's too late when a Driver finds themselves in a dire situation because management becomes complacent of vehicle height...By keeping the current system, it forces attention to be paid to the freight task. Transport Operators are renowned for throwing Drivers under the bus, by leaving them to their own resourcefulness to get the job done safely.

Q21. The biggest complaint by Drivers, in particular Long-Distance Drivers who are on the road for days or weeks, is that Sleeper berth size is reduced to accommodate extra payload.

The current PBS 1.0 values of 20m and 27m with fixed trailer length values, provides an opportunity for operators to buy larger sleeper berth. Whilst this may not impact the physical safety of the vehicle, it does provide for a happier and functional workplace for the Driver.

Mental health is a serious problem in the transport industry as identified by Monash University recent study, headed by Dr Ross Iles.

<https://research.monash.edu/en/publications/driving-health-study-report-no-6-survey-of-the-physical-and-menta>

Experienced drivers get extremely frustrated with the current standard dimension rules because we know a large sleeper berth truck impose no additional risk to road safety. The driver spends many hours in their vehicles and having that extra space may seem unimportant to lawmakers, but to a long distance driver, it means a lot. Happy drivers are safe drivers.

It seems nonsensical to allow a 30m PBS Long vehicle on the same road as a 26m B- Double and still claim that an increase to 27m carries a greater risk and illegal.

Q22. The current combinations struggle with overweight issues at present. Increasing overall length will exacerbate this problem. What most drivers want (who voice their opinions) the freedom to have big sleeper berths. 19m and 26m vehicles should maintain the current trailer length of 20.6m from Kingpin to rear overhang.

This keeps the existing trailer capacity but allows for larger sleeper berths.

We all know from past experience that operators will just increase trailer capacity unless trailer length is specified. I have the most issues with Drive axle group weights, not so much the tri axle groups of a B-Double combination

This measure would address;

- Driver Fatigue
- Mental health
- Increase public safety.

Q23. I do not believe any additional controls need to be in place to allow for safe operation of 20m and 27m heavy vehicles.

The focus should be on driver training!

We have all witnessed drivers using B-Double routes have near misses at intersections in 19m vehicles with trailers missing traffic lights and signs by centimetres.

There have been times in most drivers careers where you intentionally find yourself in tight roadways and off-route for 26m vehicles. The successful extraction from these incidents comes down to the driver. Roadway design and vehicle overall length isnt neccessily an issue when tackled by a competent driver.

Increasing length to 20m and 27m for B-Doubles in my professional opinion will NOT increase any risk to public safety or Infrastructure.

I am supremely confident that an experienced driver can operate their 27m vehicle anywhere a 26m combination can travel.

One example which makes a mockery of this current rule is if a 20m vehicle is illegal on 26m approve route, but if they connect a road-train dolly and fit "Long Vehicle" signage, they instantly become legal.

Q24. No further comment

Q25. No Further comment

Trevor Warner  
Po Box 291 Woombye Qld 4559

Email - [trevorwarner101@yahoo.com.au](mailto:trevorwarner101@yahoo.com.au)

Long Distance truck driver  
TWU member  
NRFA Board member