

# Submission to the NHVL Consultation Regulation Impact Statement

November 2023

The Australian Logistics Council (ALC) is pleased to make a brief submission on the Heavy Vehicle National Law Consultation Regulation Impact Statement (the C-RIS).

ALC is the peak national body representing major companies participating in the end-to end freight supply chain and logistics industry with a focus on delivering enhanced supply chain safety, efficiency and sustainability.

Freight affects every Australian, every day, everywhere. Common goods purchased by Australians such as food, clothing, household appliances and medicine all need to be transported by freight operators. Australia's population is expected to grow by 10 million by 2040, an increase which must be supported through proactive investment in infrastructure.

It makes the following observations on the C-RIS:

## Record keeping

Fatigue management is an important part of ensuring safety on Australia's roads.

The current HVNL imposes the requirement for operators to safely manage heavy vehicles of more than 4.5 tonnes, and a fatigue-regulated heavy vehicle with a GVM of more than 12tonnes.

National Safety T Cam networks, and heavy vehicle checking stations have been implemented in certain jurisdictions to better improve detection and targeting of unsafe and non-compliant operators.

However, these systems impose a greater level of compliance on a small percentage of heavy vehicle operators.

Driving whilst tired poses a risk to road users, irrespective of the size of vehicle.

ALC members strongly believe there is a need for a nationally consistent approach to fatigue management and so therefore supports the concept of option 2e, as set out on page 55 of the C-RIS, which will impose gradations of fatigue regulation on all heavy vehicles over 4.5 tonnes.

ALC members also believe the recordkeeping burden imposed on drivers would be reduced if use of electronic work diaries were mandated.

This is a proposition out of scope of the RIS but is something that should be considered in the next tranche of regulatory reform.

However, given the continuation of written diaries in the immediate future, if something like option 2e was adopted then as a matter of fairness it would be appropriate for the steps set out in options 1a and 1b of the RIS (which proposes a review and consolidation of the contents of written diaries) and to remove several of the current administrative process requirements and offences (as proposed in the various sub options of option 3 and set out on page 10 of the C-RIS).

These provisions cause driver discontentment without producing any measurable improvement in safety outcomes.

## Access

ALC members generally agree with the proposals contained in options 4b, and 6 to develop a new general mass limit (GML) to effectively replace the current concessional mass limit (CML), whilst providing an allowance for operators with Euro VI vehicles to gain access to the same extra payload as non- Euro VI vehicles, and to increase prescribed length limits for vehicles currently limited in length to 19 metres to 20 metres.

Modern heavy vehicles are increasingly safe to operate. Whilst there is always an inherent risk in the operation of any form of machinery, any costs arising from the contingent possibility of damage to infrastructure or rollovers is offset by the increase in the load capacity of vehicles.

Adopting these options could also reduce the number of heavy vehicles operating on Australian roads, reducing the levels of road congestion and carbon in the environment.

The last point is important. The decarbonisation of the Australian economy forms an important element of the Australian Government's intention to achieve net zero emissions by 2050.

The Government has said:

*Noxious emissions from road vehicles (such as oxides of nitrogen and particulates) affect the quality of the air we breathe. Prolonged exposure to these air pollutants can increase the risk of heart and lung disease, cancer and premature death.*

*The new ADR (ADR 80/04, introducing the Euro VI standard) is expected to reduce the burden of disease attributable to noxious emissions from heavy vehicles by \$7.4 billion over the period to 2050. These benefits will increase over time as older vehicles are replaced with newer, cleaner vehicles.*

It will also produce a 70 percent reduction in emission limits for hydrocarbons as well as a 77-80% reduction in the emission limits of nitrogen oxides<sup>1</sup>.

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<sup>1</sup> <https://www.infrastructure.gov.au/infrastructure-transport-vehicles/vehicles/vehicle-safety-environment/questions-and-answers-new-adr-8004>

To introduce an increase in GML in a manner that would provide a load advantage to older Euro V vehicles would prejudice the early uptake of Euro VI vehicles and so defeat the Government's net zero policy objectives.

Safety outcomes will not be prejudiced in option 4b is adopted.

ALC agrees in principle with the proposal to increase the prescribed height limit to 4.6 metres.

The reservation is that ALC members report that current commercially available network route mapping available for heavy vehicles across all do not clearly identify accurate height clearance on infrastructure on all public roads.

For this reason, whilst noting that there are some national notices that permit the operation of some operators to use 4.6 metre high vehicles, as discussed on page 97 of the C-RIS, the introduction of this option for general access vehicles may need to be made subject to NTC being satisfied that available route mapping products have accurately recorded a significant proportion of the infrastructure that requires the imposition of height clearance restrictions.

## National auditing standards

ALC has strongly advocated the development of national auditing standards as one of the steps necessary to allow a safety audit conducted for one compliance or assurance scheme to be used by others, and so reduce costs on operators who must undertake multiple safety audits to be able to provide services to the widest range of clients possible.

The six core requirements for a national auditing scheme set out on pages 111-112 appear to be satisfactory, with option 7a (a national auditing scheme being prescribed in primary law with requirements included in regulations) the appropriate manner to develop national auditing standards.

It is noted that issues relating to the sharing of audit information and auditor training requirements are out of scope for this C-RIS. However, ALC hopes that consideration of these issues will form part of the next tranche of regulatory development so as to facilitate the use and uptake of safety management systems as a tool to manage safety outcomes.

Thank you for the opportunity to make a submission on the C-RIS.