

**EXPOSURE DRAFT HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL
AND HEAVY VEHICLE NATIONAL AMENDMENT REGULATIONS**

LRTAV SUBMISSION 21 NOVEMBER 2024

About the LRTAV

The Livestock & Rural Transporters Association of Victoria is the peak rural transport industry body in the state. It is a unique grassroots association that has the motto 'Together We Are Stronger'.

The LRTAV represents hundreds of hard-working road transport companies and drivers, based in the communities of regional and rural Victoria, providing the first and last link of the supply chain for Victoria's agricultural industries.

Submission on Heavy Vehicle National Law Amendment Bill and Heavy Vehicle Amendment Regulations

The six-year HVNL Review process has failed to deliver meaningful reform, leaving many feeling disillusioned. Initially, the review aimed to modernize the overly prescriptive HVNL, which resulted from state-based laws, to improve national outcomes and foster innovation. Although the review began with an expert panel, it quickly shifted to closed-door discussions with state agencies. Despite the engagement of Ken Kanofski in 2021, many of his recommendations were diluted or ignored, leading to outdated, restrictive regulations. This missed opportunity for real reform has wasted public funds and resulted in legislation that sets the industry and safety back.

The importance of industry self-regulation enhances safety, productivity, and animal welfare within Victoria's rural transport sector. The effective programs such as the Victorian Livestock Loading Scheme (LLS), the Victorian High Productivity Livestock Network (HPLV) Accreditation, and soon to be Animal Welfare Accreditation are industry initiatives that address key safety and biosecurity concerns, the sector has made significant progress in these areas through self regulation.

The discussion point of the current high levels of penalties for heavy vehicle offenses is a key area for rural transport as currently the excessive penalties do not effectively promote enhanced safety standards but rather act as a deterrent to operators, particularly in specialized fields such as livestock transport and reform needs to be based around education and flexibility to ensure safety is prioritised not enforcement.

Real reform to the Heavy Vehicle National Law and Regulations can support and formalize these efforts of self-regulation, benefiting road safety, animal welfare, and operational efficiency.

Industry led concepts include:

1. **Fatigue Management Flexibility:** Flexible fatigue management provisions are essential for rural transport operators especially livestock transport drivers, who face unique challenges that can impact timing. Allowing for adaptable rest breaks and scheduling based on real-time conditions would enable drivers to manage fatigue more effectively, ensuring safer driving practices without compromising driver well-being, road safety or animal welfare.
2. **Mass / Height / Length - Safety Study on Static Rollover Thresholds for 4.6-Meter HPV:** Recent research on rollover thresholds for livestock vehicles has identified measures to mitigate rollover risks and improve vehicle stability standards. Regulatory support for these findings would enhance safety by establishing standards for safe operation of 4.6-metre high productivity vehicles, contributing to driver confidence and accident reduction.

3. **High Productivity Livestock Vehicle Accreditation (HPLV):** The HPLV accreditation enables higher productivity vehicles on designated routes, reducing travel times, minimizing environmental impact, and ensuring efficient livestock movement. Expansion of this network under the amendments would increase flexibility and support productivity while reducing animal stress through faster transport.
4. **Livestock Loading Accreditation (LLA):** The LLA program promotes safe loading practices that improve biosecurity and animal welfare by ensuring that livestock are loaded, transported, and unloaded according to best practices. This not only protects animals but also reduces the risk of accidents due to improper loading.
5. **National Ramp Standards:** Led by the livestock industry, the National Ramp Standards are a key driver safety initiative designed to standardize ramp construction for safer loading and unloading practices. These standards enhance safety by minimizing risks associated with livestock handling and improving the efficiency of livestock movement.
6. **Effluent Code of Practice:** The development of an Effluent Code of Practice addresses the need to manage effluent responsibly across the supply chain, reducing biosecurity risks and improving road safety. By guiding operators in handling effluent throughout the transport process, this code of practice supports environmental sustainability and minimizes public hazards associated with accidental effluent spillage.

By endorsing these industry-led programs and adopting flexible regulatory measures, the programs will support a safer, more efficient, and animal welfare-focused rural and livestock transport sector, enhancing outcomes for drivers, animals, and the wider community.

Fatigue

Driving while unfit to drive HVNL Amendment Bill item 60 / Duties related to fatigue creates a duty to not drive a fatigue-regulated heavy vehicle while fatigued.

There is a growing need to make driver medical assessments mandatory at the national level for anyone holding a license to operate a vehicle over 4.5 tons, particularly for drivers over the age of 50. This is crucial to ensure that drivers are physically and mentally fit to operate heavy vehicles, which can pose significant risks to road safety due to their size, weight, and complexity. As drivers age, they may experience changes in their health, such as reduced vision, slower reaction times, or underlying medical conditions, which could impair their ability to safely control large vehicles. By implementing mandatory medical checks, we can identify potential health concerns early, minimize the risk of accidents, and enhance the safety of both drivers and other road users. This measure would also help align safety standards across the country, providing consistent regulations and protecting public safety.

The current inflexibility in driving hours often forces drivers to operate while fatigued, a situation exacerbated by the stringent monitoring measures in place, such as safety cameras and inflexible logbook hours. While these measures are essential for ensuring compliance with safety standards, they fail to account for the complexities of the freight task and the frequent delays beyond a driver's control, such as traffic, weather conditions, animals or unexpected road closures. These factors can place additional strain on drivers, who may feel compelled to continue driving despite fatigue, in order to meet regulatory requirements.

To better protect the welfare of drivers, it is crucial to consider a more holistic approach that goes beyond merely assessing the time taken to complete a task. Flexibility within the framework of driving hours is essential to accommodate these unforeseen delays and provide drivers with the necessary rest periods to ensure their health and safety. A more adaptive system would allow for a more realistic reflection of the demands placed on drivers, while also promoting safer working conditions and reducing the risk of fatigue-related accidents.

Alternative compliance hours

The proposed outer limits do not align with the Minister's intent to integrate current work and rest hour limits for AFM operators into future law. These new limits are more rigid than the existing AFM rules and would require rural operators to reduce their hours and forcing them to be non compliant to conduct the freight task.

Strict fatigue limits contradict the reform goals, which are to:

- Offer industry flexibility by focusing on safety outcomes instead of rigid rules
- Establish technology-neutral laws that support innovation
- Create adaptable laws that evolve with new technologies and risk management practices.

The LRTAV believes there is no need for regulated maximum work hours or minimum rest periods. The NHVR should retain discretion to make safety decisions for businesses under fatigue alternative compliance accreditation, especially as fatigue management and driver distraction technologies continue to advance.

Codes of Practice

The HVNL Amendment Bill, item 173, proposes changes to the process of developing and approving codes of practice. Codes provide guidance for meeting work health and safety duties but are not mandatory; businesses must meet safety standards equal to or higher than the code's requirements. Currently, the HVNL allows the regulator to register industry-developed codes, with the NHVR taking over this role in July 2024.

While the LRTAV agrees with NHVR's responsibility for developing codes, the bill should be revised to involve responsible ministers in approving them, not just the NHVR. Additionally, the proposed 28-day consultation period for draft codes does not meet best practice standards. We recommend extending this to 42 days, in line with the Office of Impact Assessment's guidelines and common practice in the road transport industry.

Mass / Height / Length

4.6m height

The Livestock and Rural Transport Association Victoria (LRTAV) and the Department of Transport & Planning Victoria (DOTP) engaged Tiger Spider to help develop an extended livestock high productivity network for livestock vehicles in Victoria.

LRTAV's goal was to achieve better access for rural operators throughout Victoria. After consultation with the LRTAV and detailed analysis Tiger Spider have proposed an extended livestock network for B-triples, A-double and AB-Triples which will better connect farms and interstate networks to Victorian saleyards, abattoirs and ports. The proposed network is based on the points of interest for livestock vehicles and is a starting point for consideration by DOTV.

The following four combinations are the subject of this study.

- 91.6 tonne B-triple (12s3s3s3)
- 91.6 tonne A-Double (12s3-3s3)
- 86.1 tonne A-Double (12s3-2s3)
- 114.1 tonne AB-Triple (12s3-3s3s3)

The analysis is based on the existing requirements for heavy livestock vehicles as per the (Heavy Vehicle National Law, 2019).

1. The maximum load space for a semi-trailer is 12.5 m and a total of 18.8 m for a B-double.
2. 4 m between the centre of the steer axle to the centre of the rear axle of the prime mover.
3. 6.2 m from the rear axle of the prime mover to the first axle of the semi-trailer.

Over Length

With the proposed change in the maximum allowable length of a semi-trailer combination from 19 meters to 20 meters, it is essential to reconsider the point of measurement for the overall vehicle length. Currently, the length is measured from the front of the prime mover to the rear of the trailer. However, shifting the measurement to be taken from the centre of the kingpin to the rear of the trailer would provide a more suitable option for driver comfort.

This adjustment in the measurement method would offer a significant opportunity to extend the cabin length of the prime mover. Such an extension would prioritize driver comfort without compromising vehicle productivity or efficiency. By increasing cabin space, drivers would benefit from improved ergonomics, better rest areas, and enhanced overall working conditions, which could lead to greater well-being and reduced fatigue during long-haul operations.

Furthermore, this adjustment would align with broader industry goals of improving driver retention and safety while maintaining the operational flexibility and productivity necessary for the sector's growth. The proposed change offers a practical solution that balances both driver welfare and operational performance.

Penalties

The current high levels of penalties for heavy vehicle offences are having an adverse effect on the industry, leading to a decline in the number of experienced individuals staying in the sector and discouraging new entrants. These penalties, rather than fostering improved safety standards, often create a punitive environment that undermines the willingness of operators to continue their work, particularly in specialized areas such as livestock transport, where a high degree of skill and expertise is required. Consequently, this has resulted in a shrinking pool of operators who are willing to take on the demanding and often complex nature of freight tasks.

Moreover, the imposition of penalties for administrative errors is disproportionate and counterproductive. Instead of resorting to fines, a more constructive approach would be to implement re-education initiatives for operators. These programs would provide opportunities for learning and improvement, ensuring that operators understand the regulations and can avoid future mistakes. Technology can play a crucial role in supporting this process, offering tools to monitor compliance and provide real-time guidance, which would not only help operators meet safety standards but also reduce the likelihood of errors. This approach promotes a more supportive and educational environment that prioritizes safety and compliance while also encouraging the long-term sustainability and growth of the industry.