

**Rural & Regional Affairs and Transport Legislative Committee**  
**Questions on Notice**  
**Canberra public hearing (Monday 03 December 2018)**

**Questions from Hansard – Department of Infrastructure, Regional Development and Cities**

Question No.	Asked by	Question
1.	Senator Gallacher (p 9)	<p><b>CHAIR:</b> Let me make the point again. We know that there are some vehicles captured by the regulation—so get them out of your head. We know that there are some vehicles that you are relooking at. I will never hold you to it, Mr Hoy, because you are in a difficult position, but you think that there is a positive signal that we may adopt some form of regulation around ESC in relation to that cohort of vehicles. We've got passenger vehicles down at the bottom end, and they've all got it. I'm talking about the ones in the middle—the black box—that do not have it and are not under active consideration. Are we on the same wavelength with that cohort of vehicles?</p> <p><b>Mr Hoy:</b> They are not under active consideration.</p> <p><b>CHAIR:</b> Correct.</p> <p><b>Senator GALLACHER:</b> Do they comprise the majority of the fleet?</p> <p><b>Mr Hoy:</b> I think they comprise a minority of the fleet. I do not have the exact number.</p> <p><b>Senator GALLACHER:</b> The ones not under consideration?</p> <p><b>CHAIR:</b> They are 3½ to 4½.</p> <p><b>Mr Hoy:</b> I think they would comprise a minority.</p> <p><b>Senator GALLACHER:</b> So you don't know. Can you, on notice, give us a dissection of the fleet—what you are looking at now; how many vehicles you'll fix; and what's in the other categories that are outside?</p> <p><b>CHAIR:</b> By weight. Alright?</p> <p><b>Mr Hoy:</b> Yes.</p>

**Response**

The Australian Design Rule (ADR) category of NB1 (over 3.5 tonnes, up to 4.5 tonnes) represents 1.4 per cent of the new vehicle fleet. The status of mandating ESC is set out below for all categories of new Goods (commercial) vehicles, including NB1<sup>1</sup>:

NA Light Goods (up to 3.5 tonnes)	NB Medium Goods (over 3.5 tonnes, up to 12 tonnes)		NC Heavy Goods (over 12 tonnes)		
	NB1 (over 3.5 tonnes, up to 4.5 tonnes)	NB2 (over 4.5 tonnes, up to 12 tonnes)	Long-wheelbase rigid	Short-wheelbase rigid	Prime mover <sup>2</sup>
200,000 new vehicles per year	13,500 new vehicles per year	8,000 new vehicles per year	7,200 new vehicles per year	800 new vehicles per year	6,000 new vehicles per year
20% of the new vehicle fleet	1.4% of the new vehicle fleet	0.7% of the new vehicle fleet	0.6% of the new vehicle fleet	0.06% of the new vehicle fleet	0.5% of the new vehicle fleet
ESC mandated	ESC under review <sup>2</sup>	ESC under review	ESC under review	ESC mandated	ESC mandated

1. The values have been approximated for clarity.

2. Although this includes NB2 category prime movers, there are currently no vehicles being supplied to the market in this category.

3. NB1 vehicles will be reviewed. Refer to the answer at Question 2 below for more detail.

Question No.	Asked by	Question
2.	Senator O'Sullivan (p 10)	<p><b>CHAIR:</b> We'll explore it. I am trying to capture this and then we can ask questions on notice. They make up a small fraction of the fleet in number; they don't suffer from instability as much as the cohorts above and below; and, insofar as the statistics that guide and inform your work, as a percentage—on their numbers or the amount of miles they do or whatever it happened to be—there are many fewer fatalities and injuries involved. Is that right? Does that capture the three things? After careful consideration, it was decided to put this cohort out to pasture, for want of a better term?</p> <p><b>Mr Hoy:</b> That captures it well.</p> <p><b>CHAIR:</b> I'll beat my colleagues to the punch. We want the stats that show the percentage of the fleet, we want the stats upon which the decision relied—that, pound for pound, there were fewer incidents—and we want the science or the engineering technology that says that they don't have the instability issues, if we can. I can't speak for our colleagues, but we'll stay away from that a little bit until you're able to provide us with that information and we come back together.</p>
<p><b>Response</b></p> <p>Statistics on the fleet are at Question 1. No analysis currently exists to inform a response to this question.</p> <p>The Department proposes to undertake this analysis by including the NB1 category in its current review of ESC (as part of the existing work on Autonomous Emergency Braking (AEB)). This will ensure that all categories of commercial vehicle are fully considered within the current National Road Safety Action Plan 2018-2020 (NRSAP). This work will be completed during 2019.</p> <p>The latest advice from manufacturers is that from the end of 2020 all new NB1 category vehicles in Australia will have ESC fitted as standard without it being mandated. This means that the analysis is not expected to realise any additional benefits, but it will ensure that there is full consideration of this category.</p>		
Question No.	Asked by	Question
3.	Senator Sterle (p 13)	<p><b>Senator STERLE:</b> Okay. Please find out everything about McLean Technical Services. I have a problem when there are consultants who come in and try to determine policy if they're just dealing through their own. You find out everything for me: who they are, where they are, who they represent. What does that say? I can't read that quick.</p> <p><b>Senator GALLACHER:</b> He's saying that the quality and consistency of Australian roads is such that you wouldn't want to put ESC—</p> <p><b>Senator STERLE:</b> Oh, this bloke's a clown. Anyway, you find out who this clown is for me, please, and come back to us. The trouble is—did he have a weighted—</p>
<p><b>Response</b></p> <p>McLean Technical Services is a small engineering consultancy service based in NSW. Its principal is Dr Arnold McLean. To the Department's knowledge it is not affiliated with any of the peak industry bodies that formed the Industry Reference Group as part of the ESC project. The Department has been unable to make contact with the organisation and it appears that it may have ceased operations.</p>		

Question No.	Asked by	Question
4.	Senator O'Sullivan (p 15)	<p><b>CHAIR:</b> What you're going to find is some publicity about this. These are, in my view, unacceptable timelines. I know you can't comment and I am not going try to force you to but it would seem to me there is a resource issue involved. There needs to be more qualified professional people dedicated to the task to bring it out sooner. I'm just expressing my view. I doubt that we'll let this lie. They are inordinate timeframes. In fact, with the other cohort, the 2½ to 4½, it's the never-never. It's the ether. We don't even know for sure whether they are going to make it on to <b>the plan, and, even if they do, the plans are going to be considered</b>—when? In 2020?</p> <p><b>Ms Spence:</b> Yes, in 2020.</p> <p><b>CHAIR:</b> When in 2020? I want to know. I'm interested in whether it will be 31 December 2020. Does this work on calendar years, financial years?</p> <p><b>Ms Spence:</b> There are usually two transport and infrastructure council meetings a year. I would have to take on notice when I am scheduled to have the first one in 2020.</p> <p><b>CHAIR:</b> Let's do that, please. <b>Let's Come back with the date. Even if it does get a jersey, what date might it be in a plan that's presented?</b></p>

### Response

The Transport and Infrastructure Council generally meets in May and November of each year. It is expected that the next National Road Safety Action Plan (for 2021 – 2023) will be considered by the Council no later than November 2020.

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5.	Senator Sterle (p 15 – 16)	<p><b>Senator STERLE:</b> I have one on notice, if I can.</p> <p><b>CHAIR:</b> Yes.</p> <p><b>Senator STERLE:</b> If you can just take this on notice: please provide to the committee the <b>reasons for the minister's decision to take the completely different angle from the rest of the submitters</b> to come up with what he came up with.</p> <p><b>Ms Spence:</b> Yes.</p>

### Response

The Minister's decision was based on advice that:

- During public consultation many stakeholders favoured a greater amount of regulation that would cover more vehicle types (rigid trucks as well as prime mover trucks). However, the net benefits would fall under such an option;
- There are still some technical issues around testing for rigid trucks that could delay the safety gains for the more critical vehicles (prime movers, trailers and buses) if all rigid trucks were to be included at this stage;
- Future work on ESC for rigid trucks could be included as part of the upcoming work on AEB under the current NRSAP; and
- The Australian Trucking Association (ATA) raised additional queries around injury costs. These were addressed directly with the ATA and included in the final Regulation Impact Statement.