

Rural & Regional Affairs and Transport Legislative Committee

Questions on Notice

Canberra public hearing (Monday 19 November 2018)

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

| Question No. | Asked by | Question |
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| 1. | Senator Sterle (p 11) | <p>CHAIR: I'm trying to look at how many fatalities there are, versus articulated vehicles—</p> <p>Senator STERLE: But they didn't break it up into the heavy rigids, just for the terminology. So if someone doesn't ring in and say—</p> <p>CHAIR: All right. In the two cohorts—those exempted from the design rules versus those not exempted from the design rules—do we have any sense of how many vehicles would have been impacted by this change to the Australian Design Rules?</p> <p>Ms Nyakuengama: We'd have to take that on notice.</p> <p>CHAIR: Could you take that on notice?</p> |

Response

Statistics on the truck categories considered for ESC by the Regulation Impact Statement are set out in the table¹.

| NB Medium Goods (over 3.5 tonnes, up to 12 tonnes) | NC Heavy Goods (over 12 tonnes) | | |
|---|---------------------------------------|-----------------------------------|----------------------------------|
| | Long-wheelbase rigid | Short-wheelbase rigid | Prime mover ² |
| NB2 (over 4.5 tonnes, up to 12 tonnes) | | | |
| 8,000 new vehicles per year | 7,200 new vehicles per year | 800 new vehicles per year | 6,000 new vehicles per year |
| 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 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.

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| 2. | Chair (p 11) | <p>CHAIR: Let's go to this cost-benefit analysis. What was it about the rules or the framework or the architecture of the rules around what you had to consider that somehow took 22 lives, on the same principle that we're arguing with the others. What is it that says to you, 'That impedes my ability to recommend regulatory change around that cohort of vehicles'?</p> <p>Ms Spence: Essentially, under the cost-benefit analysis, if you required all rigid vehicles to be fitted with ESC, that would have doubled the total regulatory burden for the reduction of the 22 lives.</p> <p>CHAIR: Doubled it from what to what, Ms Spence?</p> <p>Ms Nyakuengama: I think it was in the order of \$200 million. I'd have to check.</p> <p>CHAIR: I want individual cases. You must have a sense of individual cases. You heard evidence from the Australian transport authority.</p> <p>Ms Spence: The figures that we've got are on the impact as a whole. We'd have to come back to you on notice for individual vehicles. We looked at the sector as a whole.</p> <p>Ms Nyakuengama: It would have projected the number of new vehicle sales over that period of 15 years and the penetration into the fleet of vehicles fitted with that—</p> <p>CHAIR: And you'll take that on notice?</p> <p>Ms Nyakuengama: Yes.</p> |
| <p>Response</p> <p>The fitment cost of ESC is approximately \$1500 per vehicle, for all the truck categories that were considered by the Regulation Impact Statement (RIS).</p> <ul style="list-style-type: none"> For the truck categories for which ESC has been mandated (all prime movers over 4.5 tonne and short-wheelbase (SWB) rigid trucks over 12 tonne), fitment to approximately 6800 vehicles per year over 15 years of regulation will cost \$57 million and is expected to result in 126 lives saved over 45 years. For the truck types for which ESC has not yet been mandated (all rigid above 4.5 tonne, other than SWB over 12 tonne), fitment to approximately 15,200 vehicles per year over 15 years of regulation would cost \$112 million and be expected to result in 22 lives saved over 45 years of regulation. | | |

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| 3. | Senator Sterle (p 13) | <p>Senator STERLE: No. I just want to add something, through you, Ms Spence. We'd like to know who you're consulting, because it's important for Senator O'Sullivan and I, not only to the 22 lives that could have been saved if ESC had been available on these rigid vehicles. We were told—I didn't get the number from Mr McKinley—there have been 300-plus serious injuries, including road trauma and whatever, and we haven't discussed that yet, so we want to know who's saying no, why and who they are.</p> <p>Ms Spence: Of course.</p> |

Response

Responded to during the Committee hearing held on Monday 19 November 2018.

Hansard references:

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Senator STERLE: Ms Spence, in what you've given us now here, appendix 16, Technical Liaison Group, there's a host of associations and all that there. Were they all consulted in terms of who should cop compulsory ESC, or were some people left out?

Ms Spence: I will actually ask Mr Hoy.

Mr Hoy: They were all consulted, Senator.

Senator STERLE: So we've asked the Australian Motorcycle Council, 'Should trucks have ESC?' Is that how we do it?

Mr Hoy: What we do is that we provide the regulation impact statement and the discussions within a forum where the Motorcycle Council are present, and then they decide whether they want to respond to that.

Senator STERLE: Do they get an even vote? I'm not picking on them. I think what they do for motorbikes is great. What they do for prime movers, I don't know.

Mr Hoy: It's not a vote, but they didn't respond to this impact statement.

Senator STERLE: Okay.

Ms Spence: These are the people that we approached and gave the details to, but whether they respond or not—there's an attachment that sets out the number of submissions that were received as well.

Senator STERLE: Sure, but I haven't had a chance to go through that yet. Did the New Zealanders have a say in it?

Ms Spence: It is the same as well. We approached them with the information.

Senator STERLE: But did they? Did they, Mr Hoy? Did the New Zealanders say it's a good idea or a bad idea?

Mr Hoy: The New Zealanders are part of the forum, but they didn't make a submission.

Senator STERLE: So they didn't have any input into it at all?

Mr Hoy: Not into that response to the impact statement.

Senator STERLE: That's great. I'm happy with the ESC, where that's going. That's understandable now. And we were talking about AEB and all sorts of other stuff too. I know that, with Ms Nyakuengama, Senator Gallacher and I were following down the autonomous emergency braking stuff. What I really wanted to get to is: we have to have a regulatory impact statement, and I want to know who's saying, 'No, we don't want it,' and what reasons they have. Does that regulatory impact statement mean that I can sit here and waffle on about 1,200 lives lost in a year—it's not waffle; it is true—the myriad of accidents and reasons why, and 35,000 people getting injured each year? Explain to me how you work out a regulatory impact statement when we talk about these road safety initiatives in vehicles?

Ms Nyakuengama: The Technical Liaison Group is a standing consultative forum that we have on ADR, so it wasn't established specifically for this regulatory impact statement. However, we consult it all the time on any ADR development. This is the standing consultative forum. On the second page, our appendix 17, was the industry reference group specifically for the National Heavy Vehicle Braking Strategy.

Senator STERLE: Great, thank you. I didn't want to start reading while you were talking, Mr Hoy. That's why I didn't—that's great. Keep going.

Ms Nyakuengama: That's a more limited group. Everybody was consulted generally. This was more targeted consultation with this specific group.

Senator STERLE: That makes a lot of sense. Let's go through this.

Ms Nyakuengama: If we go into just a general level, the technical requirements were developed over a two-year period in consultation with all of these people. We held a seven-week public consultation period in 2017-18 with a media release, and we sent out to all stakeholders in those vehicle safety forums, including a media release by the minister and the department. There were 11 submissions that were received, and that's in the next—

Senator STERLE: That is the next page, is it?

Ms Nyakuengama: The summary of those is in the landscape part of that appendix 18. Appendix 18 has a summary of all the submissions received.

Senator STERLE: Okay, so we've got Air Brake Systems Pty Ltd. Are they part of that suppliers association?

Ms Nyakuengama: They would have made an individual submission—is that correct, Steven?

Senator STERLE: What did they say? They don't support 6A?

Ms Nyakuengama: We understand they belong to ARTSA, so the—

Senator STERLE: That's the first one. I just need to understand how this all works. So appendix 18 is the summary of public comments—

Ms Nyakuengama: Yes. They belong to the Australian Road Transport Suppliers Association.

Senator STERLE: Yes, that's fine, no worries. I can flick through one by one, but I don't want to take up the committee's time and yours. Was there anyone, of these, who was opposed to it?

Ms Nyakuengama: It came back with what was supported. Three industry bodies, peak bodies, favoured option 6A, which is inclusive, so that was the Livestock—

Senator STERLE: The ATA, the livestockies and—

Ms Nyakuengama: And NatRoad.

Senator STERLE: Keep going, sorry.

Ms Nyakuengama: One state government, New South Wales, favoured—

Senator STERLE: We've got the three associations and—for you, Chair, we got an answer back. Did you see that the ATA came back and showed their representation through their state organisations, associate members and all sorts, so they do represent a large chunk—

CHAIR: That's this document here?

Senator STERLE: Yes. That was the crew. They do represent a huge chunk—and NatRoad, of course, and the livestockies, with the livestock. Sorry, Ms Nyakuengama, keep going. What else were you saying?

Ms Nyakuengama: Then one state government, which is New South Wales, favoured 6A, which was the broad regulation option including rigids. One brake systems supplier or consultant supported option 6C, and that was—

Senator STERLE: I saw that. Can you tell me why only 6C?

Ms Nyakuengama: That's ABS Pty Ltd.

Senator STERLE: Yes. What was their reason for only going to 6C, which—help me out—was more narrow, wasn't it?

Ms Spence: It was just the prime movers.

Senator STERLE: So tell me why the braking association or the systems—

Ms Nyakuengama: That's the first entry there, on page 178 of that excerpt—

Senator STERLE: Yes.

Ms Nyakuengama: so the content summary. They support mandating of automatic slack adjusters on all trailer brake systems. We have only been talking about heavy rigid and prime movers today, but the RIS actually covered buses and heavy trailers as well.

Senator STERLE: To help you out, Ms Nyakuengama, this is where I'm going to, if you can help me. Tell me why someone would not want to support the hamburger with the lot when it comes to making these vehicles

as safe as possible. If you don't have that, I can go—

Mr Hoy: It didn't come through their submission, but I know that they are technical experts in braking and that they've been involved over a number of years over some compatibility issues and some technical issues.

Senator STERLE: Do you have a breakdown of all their reasons why they wanted to support 6C? Let me put this to you, Mr Hoy—and I don't want to bore people. I've thrown a road train off the road, and it frightens the living daylights out of you; trust me. You couldn't imagine how scary that is. So I'd really like to know why a technical company would want only the prime movers and didn't want the full lot to back in the transport industry. They may have a very good reason; I just want to know why.

Mr Hoy: They wanted the prime movers, but, as you recall, 6C includes the trailers as well, and that was a big concern of those—

Senator STERLE: They wanted what? Sorry, you're a bit hard to hear.

Mr Hoy: The prime movers and the trailers, so the articulated unit as a whole, and all the trailers as well—they were supporting that. I think that they recognised two things. They recognised the difficulty of the proposal of developing heavy-vehicle braking generally, so they saw that this was a very good proposal to take us the next step. They also had concerns generally about compatibility between new vehicles and older vehicles, and there was a lot of work that the industry did on that. They also understood that there might be some or there would be some difficulties with the heavy rigid vehicles—the test requirements for it—and there were still some things that had to be sorted out.

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Senator STERLE: Well, I understand with older trailers and newer trailers, but your prime mover is still the same up the front. But, okay, I get that. All right, so we've got them. Tell me who else were making comment and who weren't. So we've got three absolutely in favour of 6A, four with the New South Wales government; the brake people were 6C for their reasons. Who else?

Ms Nyakuengama: There was a tyre services consultant, TyreSafe Australia, that favoured 6A.

Senator STERLE: TyreSafe, and who are they?

Ms Nyakuengama: They are a consultancy.

Senator STERLE: Okay; that's fine. And they fall under the suppliers association, I assume. Is that right?

Ms Nyakuengama: Another peak industry body, the Truck Industry Council, supported option 6C, which was the narrower one, with consideration of 6A in the next phase of work in consultation with industry. So the next phase of work will include the broader option for heavy rigids as part of our consideration of automated emergency braking.

Senator STERLE: So the Truck Industry Council—help me out—they're the manufacturers?

Ms Nyakuengama: Truck manufacturers, yes.

Senator STERLE: Okay. And why did they not want to go to 6A—'the hamburger with the lot', my words—to start with if the client's prepared to pay?

Mr Hoy: There are probably a couple of answers to that 'if the client's prepared to pay'. It's not certain whether the client would pay or whether they would absorb the costs.

Senator STERLE: I should rephrase that. I'm sorry, Mr Hoy, that's not fair on you. If it was decided that the government would mandate ESC into these vehicles, why did they prefer the 6C option?

Mr Hoy: I'm being careful not to speak for these organisations; I'm just giving my understanding of what they thought.

Senator STERLE: Okay.

Mr Hoy: My understanding is that it was similar to the brake specialists—that is, the package as it stands is a very good package to put through now, and that there are some residual technical issues around the rigid vehicles.

Senator STERLE: Let me come back to you as I'm just a bit lost there. The Truck Industry Council represents the manufacturers, so it's not just brand new trucks? Are they also representing the second-hand fleet? I didn't think they were, but are they?

Mr Hoy: They're representing brand new manufacturers and importers.

Senator STERLE: So why would they want to run an argument, to the best of your knowledge, Mr Hoy, that it's a little bit too hard because there are different systems that are already out there if we're talking about all

new vehicles coming into this country, either by import or being manufactured here? I'm completely lost to their argument so far.

Mr Hoy: I mentioned before that they still saw some residual testing and technical issues with the heavy rigid vehicles.

Senator STERLE: So they were all right on the prime movers?

Mr Hoy: Yes.

Senator STERLE: But on the rigids, they have a testing thing?

Ms Spence: Probably a better way of phrasing it is that they were keen to get the benefits quickly on the prime movers and trailers, so mandate now, but do some further work to make sure that you were getting it right on the others. It wasn't that they weren't supporting it; there was just a timing issue that they wanted to work through.

Senator STERLE: All right; that makes that easier for me. There we go; that's three, four, five, six, six, seven. Keep going.

Ms Nyakuengama: The next one is a state government that supported 6C but expressed a favour for 6A. That was South Australia.

Senator STERLE: Excuse me for a second; I'll just talk to Mr Adelaide. You need to sort that out.

Senator GALLACHER: No, these people need to sort themselves out, mate. This is the problem here.

Senator STERLE: Keep going. So they're happy for six—

Ms Nyakuengama: They favoured the 6A, but supported the recommendation of 6C because of the cost-benefit analysis.

Senator STERLE: Let's go. I don't know what could possibly go through the South Australian minds at this stage. So they like the 6A but because of the cost-benefit analysis they go for 6C. What is their logic for that?

Ms Spence: It's very difficult for us to speak on behalf of those people making the submissions.

Senator STERLE: Absolutely; sure.

Ms Spence: We're reporting what advice they included in the submissions as to what their position was, but I don't think it's really reasonable for us to try to go beyond what they actually included in their submissions.

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Senator STERLE: I think that's a fair question for us to ask the South Australian people—that is, what are their reasons around this—because they do have a say in this and they're influencing federal—I don't think I need to go on; I think everyone knows what I think about that. Who else have we got?

Ms Nyakuengama: Last one; it's one more state government. It favoured option 6B, which was part way between 6C and 6A, so another mid-range. I'm not sure exactly what was included in 6B.

Senator STERLE: Who was that?

Ms Nyakuengama: That was Queensland. So 6B is not all vehicles, but a larger group than what was in 6C.

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| 4. | Chair (p 14) | <p>CHAIR: If my uncle wore a skirt he'd be my aunty, Ms Spence. I'll tell you what: this committee has been exercised about these things before. I will give you a dozen people to ring if you want to know how we react when it seems like there's not reasonable and sensible attention being paid to something. So, Ms Spence, I will ask you to have a pretty serious look at the environment of the available technology in relation to this coroner's recommendations, not just on sensors that set an alarm off inside the cab but the ones that set an alarm off outside. Let me ask this: why do we put an alarm on a truck that's backing up? It makes a beeping noise. Why do we do that? It's a serious question. I'll tell you why we do it. We do it to alert any work man or work woman around the site that a truck's backing up. We've got them on bobcats and on forklifts—we've got them on everything. By the time you come back, you'd better be ready to tell me why, if it works going backwards at a slow rate, it won't work going forwards at a slow rate.</p> <p>Ms Spence: We'll look at that and we'll also look at the technology that's available.</p> <p>CHAIR: If you're having a problem, give CASA a ring and ask them what happens with this committee if they ignore the reasonable questions around safety. If they won't give you an answer, give the Australian Beef Association a ring. If they don't want to work with you, I'll give you a list of about a dozen who've pissed us off over time. I'm not suggesting that we're at that point. But I'm not going to accept an argument that some sort of sensor in the cab won't cause someone to attempt to terminate the movement of that vehicle. I'm not going to cop it.</p> <p>Ms Spence: As I said, we'll certainly look at the technology.</p> |
| <p>Response</p> <p>Under the new National Road Safety Action Plan 2018-2020, state and territory governments are reviewing the interaction of Vulnerable Road Users (VRUs) and heavy vehicles through city construction contracts. This includes the use of education and the trial and fitment of safety technology. Similar programs such as the Construction Logistics and Community Safety (CLOCS) program in the UK have been highly successful. CLOCS is a broad-based approach to the issue that defines the primary requirements placed upon those associated with construction projects. It places responsibilities and duties on regulators, clients, principal contractors controlling sites and the supply chain, including the operator of any road vehicles servicing that project.</p> <p>Internationally, the United Nations (UN) World Forum for standards development has established a working group on VRU interactions with slow moving vehicles. It has been reviewing the use of sensors and driver information systems to help in crashes between heavy vehicles and VRUs. The research has found that:</p> <ul style="list-style-type: none"> • Alarm warnings for drivers generally cannot be activated early enough to account for driver reaction – the accident cannot be avoided despite the warning. • Information systems can be activated sufficiently early enough, and they help the driver rather than annoy. <p>The UN is developing a regulation on the topic that is expected to be ready towards the end of 2019. The Department is keeping a watching brief on this work.</p> <p>Reversing alarms are used to alert where a vehicle is (perhaps unexpectedly) traveling in reverse and so the driver has less vision and is moving the vehicle against the normal expected traffic flow. These types of alarms are effective at warning road users and others about reversing movements of single vehicles, but are of limited use regarding forward movements, especially where multiple vehicles are involved (such as at traffic lights). This is because the vehicle(s) will be moving in the expected direction and the general increase in engine noise as the driver accelerates will indicate the start of this. Where there are multiple vehicles waiting to move off, there would be the additional problem of overwhelming noise from the multiple alarms being combined with this engine noise.</p> | | |