



11 February 2020

Our Reference: CCF/547 DOC20/4936

Mr Gerry McNally
Committee Secretary
Joint Select Committee on Road Safety
PO Box 6100
Parliament House
CANBERRA ACT 2600

Via email: Roadsafety.sen@aph.gov.au

Dear Mr McNally

Re: National Heavy Vehicle Regulator Submission to the Joint Select Committee on Road Safety

The National Heavy Vehicle Regulator (NHVR) is Australia's regulator for all heavy vehicles over 4.5 tonnes gross vehicle mass. Established in 2013, the NHVR is a statutory authority pursuant to the Heavy Vehicle National Law. Our vision is to have a safe, efficient and productive heavy vehicle industry serving the needs of Australia.

The NHVR welcomes the opportunity to respond to the Joint Select Committee's inquiry into road safety looking at steps that can be taken to reduce Australia's road accident rates, trauma and deaths on our roads.

Considering the inquiry is being undertaken at the same time the Heavy Vehicle National Law is undergoing a back to basics review, our submission focuses on pursuing key safety legislative changes to ensure all parties in the heavy vehicle supply chain are operating as safely as possible.

Specifically, key areas addressed in the submission relate to:

- Encouraging the development of the safety capabilities of industry and the broader supply chain through legislative change, practical guidance and engagement; and
- Recognition of modern approaches and technology that deliver improved safety outcomes, including better approaches to fatigue safety risk management.

The NHVR strongly supports the review and looks forward to working closely with the Parliament, regulatory partners and the heavy vehicle industry to provide input to create safer roads in Australia.

If you have any questions, please don't hesitate to contact me on

Kind regards

Sal Petrocchio
Chief Executive Officer

Enc (1): NHVR'S submission to the Joint Select Committee on Road Safety



Australian Parliamentary Inquiry

Joint Select Committee on Road Safety

Reduce Australia's road accident rates, trauma and deaths on our roads

National Heavy Vehicle Regulator Submission

11 February 2020

Terms of reference

The Joint Select Committee on Road Safety has been established to inquire into and report on:

- a. the effectiveness of existing road safety support services and programs, including opportunities to integrate Safe System principles into health, education, industry and transport policy;
- b. the impact of road trauma on the nation, including the importance of achieving zero deaths and serious injuries in remote and regional areas;
- c. the possible establishment of a future parliamentary Standing Committee on Road Safety and its functions;
- d. measures to ensure state, territory and local government road infrastructure investment incorporates the Safe System principles;
- e. road trauma and incident data collection and coordination across Australia;
- f. recommending strategies, performance measures and targets for the next National Road Safety Strategy;
- g. recommendations for the role of the newly established Office of Road Safety; and
- h. other measures to support the Australian Parliament's ongoing resolve to reduce incidents on our roads, with a focus on the recommendations from the Inquiry into the effectiveness of the National Road Safety Strategy 2011–2020.

Introduction

The National Heavy Vehicle Regulator (NHVR) is Australia's dedicated statutory regulator for heavy vehicles and pursues improvements to safety, productivity and efficiency outcomes across the heavy vehicle transport sector.

The NHVR is responsible for regulatory activities set out in the *Heavy Vehicle National Law* (HVNL). These include, but are not limited to: the National Heavy Vehicle Accreditation Scheme (NHVAS); Performance Based Standards (PBS) Scheme; heavy vehicle access permits; vehicle modifications and vehicle standards exemption permits; national driver work diaries and fatigue management.

The NHVR acknowledges that a safe heavy vehicle driver is one who is competent, fit for duty, authorised, alert and operating safely. Through their practices, the driver and all parties in the Chain of Responsibility (CoR) can positively or negatively influence the factors that contribute to safety.

The NHVR is progressing initiatives that will improve national heavy vehicle road safety, including:

- encouraging industry to adopt risk and safety management systems through continued education;
- targeting and reducing high-risk safety behaviours and repeat offending;
- working with industry to increase adoption of flexible fatigue management options;
- advocating for increased harmonisation of Australian vehicle standards to allow for the latest designs from origin markets; and
- advocating for the increased uptake of newer vehicles fitted with safety technology that assists drivers to operate vehicles in the safest manner.

The NHVR is committed to working collaboratively with the Office of Road Safety to share information regarding safety policy and project development as well as the collection and sharing of road trauma and heavy vehicle incident data. This partnership will deliver further improvements to road safety programs.

The NHVR would also like to work with the Office of Road Safety in the development of strategies, performance measures and targets for the next National Road Safety Strategy to ensure alignment with the NHVR's safety program.

We appreciate the Committee's advancement of road safety initiatives, and look forward to continuing to work together.

NHVR's Recommendations

This submission provides eight recommendations in response to the Committee's following Terms of Reference:

- a. The effectiveness of existing road safety support services and programs, including opportunities to integrate Safe System principles into health, education, industry and transport policy.
- h. Other measures to support the Australian Parliament's ongoing resolve to reduce incidents on our roads, with a focus on the recommendations from the Inquiry into the effectiveness of the National Road Safety Strategy 2011–2020.

Note: *The recommendations proposed by the NHVR have also been included in response to the National Transport Commission (NTC) issues papers released as part of the HVNL Review.*

Recommendation One: Ability to address safety issues relating to manufacturers and repairers

The quality of heavy vehicles and their component parts continues to be raised with the NHVR as a key safety issue for heavy vehicle operators.

In particular, operators are concerned that the quality of their vehicles and its parts are not designed or engineered for Australian conditions. Fires, breakdowns and resulting crashes are cited as outcomes from poorly manufactured vehicles and parts.

Whilst the Australian Design Rules (ADRs) specify minimum safety requirements, there are many parts of the vehicle that are not covered by ADRs. Additionally, the Department of Infrastructure, Transport, Regional Development and Communications does not currently have the power to enforce a recall of an unsafe vehicle or change the standards on component parts.

In response to recent major safety incidents which fell outside of the powers of the Federal Department, the Regulator has influenced an international manufacturer to voluntarily improve their componentry.

Introducing the ability for the NHVR to undertake casual factors, or safety, investigations will improve the NHVR's ability to ensure the safety of the heavy vehicle fleet.

The investigative powers should include the power to compel the production of documents and compel persons to answer questions; and providing the ability to investigate safety issues relating to the manufacture, maintenance or repair of heavy vehicles and their components and be paired with appropriate safeguards and protections for persons compelled to provide information and penalties for non-compliance.

Additionally, clear statutory authority for the NHVR to publish safety information or advice derived from an investigation would empower the Regulator to make best use of its findings, without fear of legal action.

Recommendation Two: Introduce a duty for CoR parties to consult with each other

Under the current HVNL, a party in the CoR could hold substantial information regarding a risk to the safety of an activity, but is not required to share the information with other parties.

For example, a consignor may not provide instructions on the load restraint requirements to packers, resulting in uneven packing of shipping containers. Uneven packing may alter the performance of the heavy vehicle during manoeuvring, making safe driving more difficult.

The NHVR believes that a duty to share knowledge/consult across the supply chain would help ensure all CoR parties are fully informed on how to appropriately manage safety risks.

Recommendation Three: Investigate driver attraction and retention

Heavy vehicle driver attraction and retention is a key priority for the NHVR, governments and industry.

Heavy vehicle operators are telling the NHVR that it is already difficult to get 'good' drivers. This shortage of drivers will increase in the future, as the freight task grows and older drivers retire.

The Australian Government forecasts that heavy vehicle traffic will grow by around 50% by 2030¹. If this is the case, applying the same assumptions as the *Twice the Task* report², the NHVR believes that up to 50,000 additional qualified and experienced heavy vehicle drivers will be needed to service this demand over the same period.

Data from the Australia Bureau of Statistics indicates that the average age of truck drivers in Australia is 47, while the average age of bus and coach drivers is 57, with the average age growing by two years in the past five years³. Given that the average retirement age in Australia is 55.3 years, this means that up to 75,000 heavy vehicle drivers may retire by 2030⁴.

It is unclear how the heavy vehicle industry will respond to the demand for up to 125,000 new heavy vehicle drivers by 2030, or the impact on driver's training and development. However, in other industry sectors, skills shortages have resulted in a lowering of competency standards and experience of prospective employees during recruitment.

Lower competency and driving experience could result in poorer safety outcomes and that the new HVNL should provide for improved heavy vehicle driver licencing standards to counter this, while not introducing unnecessarily burdensome new training requirements.

Recommendation Four: Shared responsibility for fitness to drive

The NHVR believes that creating an improved environment for operators and drivers to discuss fitness to drive will deliver better road safety outcomes.

A shared responsibility would require employees to advise employers of factors that may introduce or create a safety risk and require that employers work with their employees to ensure that the risks created by drivers' lifestyle factors are controlled.

The Regulator observes whilst the HVNL provisions create positive safety duties similar in some respects to work health and safety laws, they do not provide for shared responsibility between drivers and other heavy vehicle users. The Regulator's experience is that lifestyle factors that may impact road safety are inconsistently managed because of this.

In the absence of a shared responsibility, drivers are reluctant to share information in fear of reprisals or loss of income and operators do not make themselves aware of driver lifestyle factors that may make drivers potentially unsafe for their proposed duties. This means that lifestyle factors of drivers that may increase the risk of drivers being unfit for their proposed duties or the risk of becoming impaired by fatigue are difficult to control and mitigate.

Recommendation Five: Promote better proactive driver health management

Given the unique nature of heavy vehicle operations in Australia and the requirement for shift work, the NHVR believes Improved information to assist heavy vehicle drivers in better managing their health and identifying early warning signs associated with this type of work will contribute to improved safety outcomes.

Recognised health impacts of insufficient and poor-quality sleep caused by shift work include sleep difficulties, diabetes, cardiac disease, gastrointestinal disorders, anxiety and depression, high blood pressure and cancer.

This information should be developed in collaboration with industry to ensure it is meaningful and effective.

Recommendation Six: Adopt a competency based approach to licensing

There is a need to strengthen the National Heavy Vehicle Driver Competency Framework (NHVDCF) units of competency and assessment processes and methodology. The NHVR has recommended that the NHVDCF units of competency should include a greater focus on non-technical driving skills that are key elements of safe heavy vehicle operations (e.g. driver fatigue and distraction management). Accordingly, the NHVR believes that the NHVDCF should adopt a competency-based approach, rather than a progressive or 'time served' approach.

¹ Department of Infrastructure and Regional development Infrastructure Australia (2013), *Trends: Infrastructure and Transport to 2030*. Canberra, Australia, p10.

² National Transport Commission (2005), *'Twice the Task' A review of Australia's freight transport tasks*. Melbourne, Australia.

³ Australian Bureau of Statistics (2016), *Census – 2006, 2011, 2016*. Canberra, Australia.

⁴ Australian Industry Standards (2018), *Skills forecast 2018: Transport and Logistics*. Melbourne, Australia, p24.

Recommendation Seven: Investigate, and develop regulatory guidance on, distraction detection technology

The NHVR is undertaking a Fatigue Monitoring Trial to assess the potential role of fatigue monitoring technologies in improving fatigue management. The trial commenced in early 2019 and is due to be completed in 2020.

The trial indicates that some currently available continuous operator monitoring technologies are also able to detect driver distraction by measuring changes in eye movements and focal attention. When the system detects that a heavy vehicle driver's focal attention is outside of a predefined range because the driver is looking away from the driving task, an in-cab alarm is sounded and a distraction event recorded.

It is clear, even in these early stages that there are potential fatigue safety benefits from regulatory recognition. The Regulator believes this recognition is essential if these technologies are to be taken up by the majority of heavy vehicle operators.

The NHVR will soon publish the results of the Fatigue Monitoring Trial, including recommended concept of operations for regulatory recognition.

Recommendation Eight: Continue to fund initiatives that will deliver safety benefits for the heavy vehicle industry and other road users through the Heavy Vehicle Safety Initiative

The Heavy Vehicle Safety Initiative (HVSII) program funds initiatives that will improve road safety for all road users, reduce road accidents, and reduce health and wellbeing impacts on heavy vehicle drivers.

It is administered by the NHVR on behalf of the Commonwealth Government and has provided \$17.3 million for 62 HVSII grants over the past four years, with an additional \$16.66 million in funding allocated to the end of 2022–23.

To date, the HVSII has funded:

- delivery of road safety education and awareness campaigns, including websites, videos, apps and virtual reality technology to inform new and experienced drivers about how to share the road safely with heavy vehicles, including the NHVR's *We Need Space* campaign;
- delivery of regulatory framework education and awareness campaigns, including educating heavy vehicle industry stakeholders about their compliance obligations under the HVNL;
- development of the Master Industry Code of Practice;
- investigations into heavy vehicle driver physical health and mental wellbeing to provide pathways for operators and drivers to increase their awareness and ability to take proactive steps to address personal health issues
- investigations into new heavy vehicle driver pre-licence training to determine whether existing training programs deliver the necessary driver competencies to support road safety.

The NHVR thanks the committee for the opportunity to provide a submission and looks forward to working with the government and the parliament on future road safety initiatives.