



17 September 2021

Mr Pat Conaghan MP  
Chair  
Joint Select Committee on Road Safety  
PO Box 6021  
Parliament House  
Canberra ACT 2600

By email: [Road.Safety.reps@aph.gov.au](mailto:Road.Safety.reps@aph.gov.au)

Dear Mr Conaghan

**Submission to the Joint Select Committee on Road Safety**

The National Heavy Vehicle Regulator (NHVR) welcomes the opportunity to provide a submission to the Joint Select Committee on Road Safety on its Inquiry into Road Safety.

As the inquiry is being undertaken at the same time as the Heavy Vehicle National Law is undergoing 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.

Kind regards

Sal Petrocchio  
**Chief Executive Officer**

**Enc. (1):** NHVR submission to the Joint Select Committee on Road Safety – Inquiry into Road Safety



# Submission to the Joint Select Committee on Road Safety

Inquiry into Road Safety

17 September 2021



## Terms of reference

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

- a. measures to support the Australian Parliament's ongoing resolve to eliminate road crash fatal and serious injuries with a focus on ways to achieving Vision Zero by 2050;
- b. the effectiveness of existing road safety programs across Australia; opportunities to improve them and encourage broader take-up of effective approaches;
- c. opportunities for government policy in health, education, industry, transport, and other areas to contribute to road trauma elimination, integrating Safe System principles;
- d. opportunities to embed road trauma prevention across Australian Government portfolios and agencies; and
- e. opportunities to reduce road trauma in the workplace, working with Work Health and Safety agencies and employers across Australia; including a focus on heavy vehicles and the gig economy.

## Introduction

The National Heavy Vehicle Regulator (NHVR) is Australia's dedicated statutory regulator for heavy vehicles and has a legislative mandate to deliver a national regulatory scheme that promotes the safety, productivity, and efficiency of heavy vehicles.

The NHVR is a modern regulator and is pursuing an ambitious reform agenda that uses a risk based and intelligence led approach focused on addressing the greatest safety risks to achieve the best outcomes for the community.

The NHVR acknowledges that a safe heavy vehicle driver is one who is competent and fit for duty.

The heavy vehicle industry and all parties in the Chain of Responsibility (CoR) can, through their practices, 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 and governments to increase adoption of safer and more flexible fatigue management options
- advocating for increased harmonisation of Australian vehicle standards to allow for the latest designs from origin markets
- 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 with the Commonwealth's Office of Road Safety, and state and territory transport agencies, 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.

We appreciate the Committee's exploration of opportunities to improve road safety, and we look forward to continuing to support the work of the Parliament.

## NHVR's Recommendations

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

### Recommendation One

#### Create positive change in individual behaviours and culture to improve safety outcomes

##### *Formal safety management*

Safety outcomes across the road transport sector could be improved by parties in the chain of responsibility adopting and implementing safety management systems (SMS) in their business, tailored to suit business size and complexity.

To support the greater uptake of SMS, the NHVR has developed guidance material and resources that help businesses build a safety focus and assists them in complying with their safety duty obligations under the Heavy Vehicle National Law (HVNL).

In particular, the NHVR recently released a 9 Step SMS Roadmap that focuses on targeted content to mitigate key safety risks – it can be tailored for companies that are just starting out, improving on existing systems or seeking continuous improvement.

The Roadmap is designed to help businesses to have important safety conversations with staff and customers. It includes a comprehensive suite of quick-guide documents, templates, worked examples, and toolbox talks that any party can download and use.

##### *Improving fatigue management*

Driver fatigue, distraction, and other human factors continue to play a key role in crashes involving heavy vehicles. For many years, industry and governments have been faced with the challenge of how to deal with the subjective element of fatigue from a regulatory perspective (because fatigue is unique to individuals).

The NHVR supports an increased focus on managing driver fatigue safety risks and providing flexibility for a driver to rest when they are fatigued.

Significant work has been undertaken to reduce the barriers to help heavy vehicle operators join the National Heavy Vehicle Accreditation Scheme's Advanced Fatigue Management module. Access to the scheme requires a formal and comprehensive approach to fatigue risk management and allows some flexibility in the regulated hours of driver work and rest.

The NHVR is also seeking changes to the HVNL, including a performance-based accreditation approach through a national Fatigue Risk Management System (FRMS) standard. The FRMS Standard is focused on systematically classifying and managing (through controls) risk factors that result in heavy vehicle driver fatigue.

A FRMS standard could sit under the broader requirements of an effective Safety Management System, both assisting heavy vehicle users to embed better fatigue risk management practices into their operations and providing a framework for continuous improvement.

Increased flexibility in the new HVNL should also recognise the use of technology to deliver improved fatigue safety outcomes. This requires regulatory partners, technology providers, and



industry working together to increase the uptake of Electronic Work Diaries and Fatigue and Distraction Detection Technologies.

## **Recommendation Two**

### **Promote better proactive driver health management**

Given the unique and challenging nature of heavy vehicle operations in Australia, the proactive physical and mental health management of drivers is important. This is particularly the case in the current COVID-19 pandemic and the changing environment in which heavy vehicle drivers operate. 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.

Improved information to assist heavy vehicle drivers in better managing their health and identifying early warning signs associated with their type of work will help improve safety outcomes. This information should be developed in collaboration with industry to ensure it is meaningful and effective.

The Healthy Heads in Trucks and Sheds (HHTS) initiative is an example of industry and customers, with the NHVR and Federal Government's support, working collaboratively to ensure that mental health is a priority across the supply chain. HHTS's overarching objective is to provide a national holistic approach to improving psychological safety and physical wellbeing across the road transport, warehousing, and logistics sectors.

HHTS's three key pillars of Training, Standards and Wellness aim to increase the number of people trained in mental health at transport and logistics facilities, standardise policies and regulation at transport and logistics facilities, and help individuals to be healthier from a diet and mental health perspective. Continued support for such initiatives by industry, the NHVR, and governments will help improve mental and physical health across the road transport and logistics sector.

## **Recommendation Three**

### **Improve current registration systems and driver licensing arrangements**

Improving current systems to ensure they are equipped to manage a modern approach to road transport regulation can deliver improvements to heavy vehicle safety.

The NHVR restates its views on registration and operator licensing provided in response to the National Transport Commission's (NTC) HVNL Review Consultation Regulatory Impact Statement. The concepts of operator enrolment and licensing have been key areas of interest throughout the review process.

#### *Improvements to registration*

Improvements to the current state-based registration systems—to separate heavy vehicles from light vehicles and better recognise heavy vehicle businesses as professional entities—will improve oversight of the national fleet (and improve the flow of information between the NHVR and industry). It will also remove the need for additional systems/industry requirements relating to operator enrolment. While the NHVR can obtain certain levels of visibility over operators who have accessed regulatory services, it does not have an effective means to identify those who have not accessed these services or are reluctant to provide visibility over their operations.



States and territories and the NHVR have invested significantly in the establishment of the Safety and Compliance Regulatory Platform. The Platform provides the base from which to build a modern, single heavy vehicle registration system that has a business-to-business focus and could facilitate future reform. This supports findings that industry strongly desires more timely and integrated information, along with increased availability of online services and payment options.

Several national registration options could be pursued. The most practical option would likely include establishing a national interface that enables industry to do business in one place, with the states and territories still managing the back-end transaction function. The appropriate registration revenue of any national registration system would continue to flow through to the states and territories. It is timely to consider all these options, ahead of developing additional systems for HVNL Review purposes or autonomous vehicle state-based system upgrades.

#### *Upgrades to national licensing framework*

The Australian Government forecasts that heavy vehicle traffic will grow by around 50% by 2030<sup>1</sup>. If this is the case, applying the same assumptions as the *Twice the Task* report<sup>2</sup>, the NHVR estimates 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 years<sup>3</sup>. Given that the average retirement age in Australia is 55.3 years, this means up to 75,000 heavy vehicle drivers may retire by 2030<sup>4</sup>.

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 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 for industry and the broader community. Addressing the current and future driver shortage without compromising safety outcomes is important. Heavy vehicle drivers need to be appropriately trained to drive safely on Australian roads.

Licensing framework improvements that move away from a time served approach to focusing on practical skills training and safety management competencies will lift safety standards across industry. This would require drivers, when seeking their licence, to meet a minimum set of core driving skills including effective fatigue management.

The NHVR considers that the National Heavy Vehicle Driver Competency Framework (NHVDCF) units of competency and assessment processes and methodology 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). The NHVR reaffirms its view that the NHVDCF should adopt a competency-based approach, rather than a progressive or 'time served' approach.

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

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

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

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



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## Recommendation Four

### Improve or expedite the uptake of safety technology in heavy vehicles

The NHVR supports the need to improve or expedite the uptake of safety technology in heavy vehicles.

The NHVR's *Heavy Vehicle Safety and Environmental Technology Uptake Plan* (SETUP) outlines a program of work to accelerate the introduction of new safety and environmental technologies into the Australian heavy vehicle market. In particular, this includes promoting and reducing barriers (such as width and mass) to the uptake of safe new heavy vehicles.

The focus on reducing barriers is also addressed in the Office of Road Safety's draft *National Road Safety Strategy 2021-2030* action plan and the *Safer Freight Vehicles - Discussion paper* released by the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications. The Safer Freight Vehicles paper identifies possible changes to the Australian Design Rules to facilitate an increased take-up of safer and/or more efficient heavy freight vehicles in Australia.

The NHVR also continues to promote the uptake of Performance Based Standards (PBS) vehicles, which are found to be safer and more productive than their conventional equivalents. The NHVR is developing the policy framework for PBS 2.0, expanding gazetted networks, and improving design and vehicle approval processes.

## Recommendation Five

### Identify opportunities for more effective data capture and data linkages to allow for a more comprehensive understanding of heavy vehicle road safety, including causation data

The NHVR supports improving access to useful datasets in a timely and reliable manner to improve understanding of the factors that contribute to crash-related fatalities and serious injuries. A key deliverable of the NHVR's *Corporate Plan 2021-2024* is to implement a model for sharing NHVR data with transitioned jurisdictions, other regulatory agencies and industry.

The NHVR supports the Office of Road Safety's draft *National Road Safety Strategy 2021-2030* evidence-based approach to identifying national priority road safety actions. The establishment of a National Data Hub by the Office of Road Safety will help target road safety investment and facilitate evaluating the effectiveness of infrastructure investment and other countermeasures in reducing crash-related deaths and serious injuries.

#### *Benefits of data sharing*

Including heavy vehicle crash statistics in the NHVR's Safety and Compliance Regulatory Platform provides a valuable opportunity to further leverage this information and better address the causal factors of safety incidents on our roads. For instance, connections between infringements and defects and crashes can start to be identified, which will enable a targeted focus on areas that need addressing from a safety education and compliance perspective.

The Productivity Commission, in its report *National Transport Regulatory Reform* released in October 2020, recommended that governments and regulators should aim to facilitate operators' adoption of technologies to generate and share data by:

- providing legal assurances about the acceptable use of such data
- clarifying the value to individual operators of their participation in data-sharing regimes.

#### *Types of data to be collected*

Data collection that helps identify the causal factors of crashes where a heavy vehicle is at fault would be useful. From a heavy vehicle perspective, it is important to collect comprehensive data on the heavy vehicles involved in a crash, and the causal factors that have contributed to a crash. This is particularly important given that in 2020, for instance, heavy vehicles were not the identified at-fault party in 78.3% of fatal crashes between cars and heavy vehicles<sup>5</sup>.

Anecdotally, some crashes are recorded as “a truck” rollover. This information provides limited insight into the type of heavy vehicle involved. It would assist the NHVR if crash reporting included load and vehicle types (e.g. double road train, modular b-triple, livestock, etc). This would, over time, provide a better view of vehicle type performance.

#### *Public availability of crash data*

In the interests of transparency and accountability, crash data and findings should be reported publicly on a national level, provided the privacy of the parties involved in the reported crash data is safeguarded. The NHVR can present this information nationally through the NHVR website and the NHVR Portal (the online tool used by the heavy vehicle industry to lodge truck access and other applications). Appropriate privacy safeguards are necessary to facilitate the provision, collection, and reporting of crash data.

## **Recommendation Six**

### **Improve understanding of how to safely share the road with heavy vehicles**

The NHVR considers that improving road safety outcomes related to the operation of heavy vehicles will require an improvement in all road users’ understanding of driving safely around heavy vehicles. This will require the development and promotion of road safety awareness initiatives about sharing the road safely with heavy vehicles.

According to the National Transport Insurance National Truck Accident Research Centre – Major Accident Investigation 2021 Report<sup>6</sup>, in 61.6 per cent of unintentional fatal multi-vehicle crashes involving heavy vehicles and light vehicles, fault is attributable to the light vehicle driver.

Educational and awareness campaigns, such as the NHVR’s *We Need Space*, improve light vehicle driver awareness of heavy vehicle blind spots, longer stopping distances, and lack of manoeuvrability. These campaigns help improve the safety of light vehicle interactions with heavy vehicles and reduce multi-vehicle crash deaths and fatalities involving heavy vehicles.

The NHVR will continue to undertake and support educational and awareness campaigns, such as *We Need Space*. The NHVR is extending this campaign to focus on improving young vehicle drivers’ understanding of how to drive safely around heavy vehicles.

<sup>5</sup> National Transport Insurance (NTI) and National Truck Accident Research Centre (NTARC) (2021), *Major Accident Investigation 2021 Report*. p17.

<sup>6</sup> National Transport Insurance and National Truck Accident Research Centre – Major Accident Investigation 2021 Report, 10 June 2011.