



CE16/0382

Senator Glenn Sterle
Chair
Senate Rural and Regional Affairs and Transport References Committee
By email: rrat.sen@aph.gov.au

Dear Senator

Inquiry into aspects of road safety in Australia

Thank you for your letter regarding the inquiry into aspects of road safety in Australia, and I apologise for the delay in this reply.

Please find enclosed a response to the Committee's written questions in relation to a traffic incident involving a heavy vehicle on the M5 freeway in February 2016.

The road freight industry plays a critical role in moving goods within New South Wales and across Australia. Safer heavy vehicle operations remain a key focus of the NSW Road Safety Strategy 2012 to 2021.

New South Wales is leading the way with the toughest and most active heavy vehicle enforcement regime in Australia. The State has more than 175,000 heavy vehicles registered and more than 400,000 heavy vehicles use our roads every day so it is absolutely vital unsafe practices are eradicated.

To this end, New South Wales has comprehensive heavy vehicle compliance and enforcement programs, including:

- 300 heavy vehicle regulation inspectors and investigators
- Eight heavy vehicle safety stations with almost 300 other facilities for the inspection of heavy vehicles across NSW
- 24 Safe-T-Cam locations with a network of 27 cameras across NSW targeting both speed and fatigue
- 25 point-to-point enforcement lengths targeting heavy vehicle speeding.

Additionally, New South Wales is developing a Heavy Vehicle Road Safety Action Plan, and will continue to help drive national and intrastate initiatives to increase safety standards.

If you have any further questions, Ms Joanne Treacy, Acting Director Compliance and Regulatory Services at Roads and Maritime, would be pleased to take your call on (02) 8837 0977. I hope this has been of assistance.

Yours sincerely



Peter Duncan AM
Chief Executive

Encl.

8.7.2016

CC: Mr Tim Reardon, Secretary, Transport for NSW

Roads and Maritime Services' Response to M5 Incident involving a Scott's Heavy Vehicle

Committee's Questions	Roads and Maritime Comments
<p>Understanding of the circumstances of the incident</p>	<p>On 5 February 2016, an over-height B Double combination stopped northbound in lane 4 of the M5 Motorway (General Holmes Drive, Kyeemagh). The incident was attended by representatives from Roads and Maritime Services, including a number of Inspector Enforcement Officers (IEOs), Traffic Emergency Patrol Staff (TEPS), and NSW Police.</p> <p>The heavy vehicle was found to be over-height measuring in at 4.6 metres. The driver had stopped before the M5 East Tunnel (which has a 4.4 metre low clearance restriction). While the driver held a Queensland heavy vehicle licence, he was unable to reverse the vehicle to a point where the heavy vehicle could be moved off the Motorway. A TEPS crew member reversed the vehicle to relieve the traffic congestion and allow an investigation to take place.</p> <p>The vehicle, driver and support driver were escorted by Police and TEPS to General Holmes Drive. It was found that the drivers were working in a "2 Up" arrangement, allowing them to share the driving. Operators use "2 Up" arrangements on a long distance trips, reducing the time the vehicle is stopped for rest breaks. It allows the vehicle to be driven almost continuously without a breach of the fatigue management laws.</p>
<p>The role of RMS in responding to traffic incidents</p>	<p>The Transport Management Centre (TMC) responds to traffic incidents and is responsible for coordinating Roads and Maritime and/or Transport for NSW (TfNSW) resources on the road network. The TMC fulfils a traffic management role and allocates Roads and Maritime resources such as field representatives and traffic emergency patrols around the incident area.</p> <p>The role of Roads and Maritime IEOs when responding to these types of incidents generally involves conducting checks on any or a combination of the following:</p> <ul style="list-style-type: none"> • Driver licence check, in all circumstances • Vehicle registration check, in all circumstances • Work Diary checks (fatigue management), when vehicle is 100+kms from home base • Roadworthiness checks (such as brakes, tyres, lights, body/ chassis condition), depending on the circumstances • Load restraint checks, depending on the circumstances • Checks of mass, dimension and access (whether the vehicle is subject to the correct permit to travel on that length of road), depending on the circumstances.

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<p>Actions taken by RMS in responding to the incident</p>	<p>As a result of Roads and Maritime's attendance at this incident, two Penalty Notices were issued. One for the truck being off-route (a restricted access vehicle subject to a permit may only travel along an approved route) and one for disobeying the low clearance sign leading up to the tunnel – totalling \$2826. Six demerit points were also applied to the driver's licence.</p> <p>Roads and Maritime suspended the visiting rights of the driver and the three units making up the B-Double combination for three months from 21 March 2016.. This suspension means the driver cannot drive heavy vehicles in NSW and the units cannot be used in NSW. (Note: As Roads and Maritime has no power to suspend a driver licence or registration issued in another State, it instead suspends the recognition of those interstate products in NSW – hence 'visiting rights').</p> <p>Roads and Maritime has a comprehensive heavy vehicle compliance and enforcement program that is led by 300 front-line heavy vehicle regulation inspectors and investigators.</p>
<p>Arrangements for the recognition of overseas drivers' licences in NSW, including heavy vehicle drivers' licences</p>	<p>An overseas licence holder seeking to drive in Australia for commercial purposes must obtain an Australian issued licence (i.e. in NSW they must obtain a licence through the National Heavy Vehicle Competency Based Assessment (HVCBA) framework as outlined below) prior to commencing employment.</p> <p>Under Federal Government immigration law, a heavy vehicle driver is not an eligible occupation under the 457 visa program.</p> <p>If an applicant: holds an overseas heavy vehicle licence; does <i>not</i> hold a 457 visa; and is applying for a NSW heavy vehicle licence, all pre-requisite requirements including knowledge and driving tests must be successfully completed in order to obtain the NSW heavy vehicle licence. If the applicant is from a 'recognised country' (a country assessed by Austroads to have licensing of an equivalent standard to Australia) this will initially involve converting to a NSW car licence, then upgrading to a NSW heavy vehicle licence via the Heavy Vehicle Competency Based Assessment (HVCBA).</p> <p>As per the national Austroads arrangements – overseas visitors may drive in NSW without converting to a NSW licence as long as their overseas licence remains current, is recognised in NSW, and they continue to hold a temporary visa (non-resident status). They may drive vehicles of the class permitted by their overseas licence.</p>

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	<p>Overseas visitors temporarily in Australia may convert to a NSW licence if they have a temporary visa (non-resident status), but are not required to do so. The licence that is issued will have a "Q" condition displayed on the licence card to indicate the person does not hold permanent residency. A permanent resident must take up a NSW licence within three months of being granted permanent residency if they wish to continue to drive in NSW.</p>
<p>Obtaining a NSW heavy vehicle driver licence</p>	<p>The principal method for obtaining a NSW heavy vehicle driver licence is through Heavy Vehicle Competency Based Assessment (HVCBA). Under the HVCBA scheme, drivers are assessed against a set of national competencies developed by the Transport and Logistics Skills Council (TLISC) for heavy vehicle driving.</p> <p>All heavy vehicle competencies are approved by the Australian Skills Quality Association (ASQA) and the national regulatory body for the vocational education and training (VET) sector, and cover all areas of heavy vehicle driving, including driving under load.</p> <p>Roads and Maritime uses the National HVCBA Framework. Under this Framework, qualified heavy vehicle driving instructors who are approved assessors with a Registered Training Organisation (RTO) are able to perform training and assessment for heavy vehicle licencing.</p> <p>The Framework also allows for private instructors (i.e. not approved assessors with a RTO) to provide training for heavy vehicle licencing if they hold a NSW driving instructors licence and a heavy vehicle licence of a class equal to or higher than the class they are providing instruction in. A private instructor is not able to receive any form of payment or reward for providing the instruction.</p> <p>Assessments (as distinct from 'training') for heavy vehicle licencing may only be performed by qualified heavy vehicle driving instructors who are approved as assessors with a RTO. There are two options for completing HVCBA including:</p> <p><u>Final Competency Assessment (FCA)</u></p> <p>The applicant's progress in training and assessment is recorded in the HVCBA learner log book against set criteria. Once all criteria are complete, the applicant undergoes a FCA and if successful, the applicant is issued with a Certificate of Competency which provides the applicant with the heavy vehicle licence.</p>

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	<p data-bbox="864 153 1077 177"><u>Competency Test</u></p> <p data-bbox="864 185 2051 352">Applicants who already hold Light Rigid, Medium Rigid or Heavy Rigid licences are not required to undertake heavy vehicle driving training and may undertake a heavy vehicle driving assessment by taking a Competency Test with a RTO qualified assessor. Candidates must demonstrate their competency in all criteria on one occasion. If successful the applicant is issued with a Certificate of Competency, which provides the applicant with the upgraded class of heavy vehicle licence.</p> <p data-bbox="864 392 2051 528">The accredited RTO assessor conducting an applicant's FCA and the accredited RTO assessor that conducted the training must be a different person. In geographical areas where HVCBA is not available, an applicant may take a heavy vehicle driving test with a Service NSW (SNSW) Heavy Vehicle Testing Officer, where available.</p> <p data-bbox="864 568 2051 671">Applicants for a heavy vehicle multi combination (MC) licence are not eligible to complete a heavy vehicle driving test with Service NSW as this heavy vehicle licence class requires a higher competency level. Applicants for a class heavy vehicle MC licence must complete HVCBA.</p> <p data-bbox="864 711 2051 815">Training Quality Assessments or unannounced Field Visits are undertaken by Roads and Maritime to observe FCAs as they occur. Where breaches and/or inconsistencies are observed, Roads and Maritime may require remedial action to be taken by the HVCBA Assessor and their RTO.</p> <p data-bbox="864 855 2051 959">The Minister for Roads, Maritime and Freight Duncan Gay has requested Austroads include increased practical training in the national heavy vehicle driver training program. It is understood Austroads will be providing a report to Transport Infrastructure Committee in November 2016.</p>
<p data-bbox="192 1002 842 1058">Enforcement or monitoring activities undertaken in relation to heavy vehicle licences</p>	<p data-bbox="864 1002 2051 1310">When a heavy vehicle is checked, one of the first documents an IEO will direct the driver to produce is their heavy vehicle driver licence. This involves checking the photo identification of the driver and subjecting the vehicle to 'Truckscan', a risk based technology program used by Roads and Maritime as a compliance and enforcement tool for checking and monitoring the States heavy vehicle fleet across areas such as mass, dimension, logbook compliance etc. IEOs will immediately "ground the driver" and seek assistance from the NSW Police in circumstances where the driver's details or identification cannot be verified. For example, if the driver cannot produce a licence, or their International Licence is not in English and the driver does not have supporting documentation to enable identification to be confirmed.</p> <p data-bbox="864 1350 2051 1374">In circumstances where the driver holds a valid heavy vehicle licence from another country or</p>

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	<p>another Australian State or Territory, IEOs may require additional documents to be produced to verify the identity of the driver, the licence itself, or that the driver is operating within the laws that apply and within the conditions of their licence. Documents requested may include any form of photo identification, and may include visas when appropriate.</p> <p>Audit of RTOs and qualified heavy vehicle driving instructors approved as accredited assessors with the RTOs is the responsibility of Roads and Maritime's Safety and Compliance Division. The monitoring of SNSW Heavy Vehicle Driver Testing Officers is currently the responsibility of SNSW.</p> <p>Roads and Maritime regularly undertakes enforcement safety campaigns operations, in collaboration with NSW Police.</p> <p>Roads and Maritime could consider updating the level of practical training within the training and assessment process.</p>