

Rural & Regional Affairs and Transport Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Additional Budget Estimates February 2014

Infrastructure and Regional Development

Question no.: 141

Program: 2.2

Division/Agency: (STP) Surface Transport Policy

Topic: Appointment of a National Independent Expert Panel

Proof Hansard Page: 113 (24/02/2014)

Senator Gallacher asked:

Senator GALLACHER: Last year, the Standing Council on Transport and Infrastructure was chaired by the Deputy Prime Minister. In response to an absolutely terrible crash in Mona Vale, which was the second multiple fatality involving a fuel tanker in New South Wales in only a couple of years, the council determined that the National Transport Commission would bring forward its work to review the inconsistent state and territory laws that deal with roadworthiness inspections—or the lack of them—for heavy vehicles. So the National Heavy Vehicle Regulator will undertake a review of the National Heavy Vehicle Accreditation Scheme, and the Australian government will examine the possibility of future mandating of electronic stability control on new dangerous goods tankers in Australia. Are you familiar with that?

Ms Zielke: Yes, Senator.

Senator GALLACHER: Can you advise the committee if it is the case that a national independent expert panel was appointed some years ago to resolve the inconsistencies between states for roadworthiness so that a consistent rule could be applied under the new national law? I am just asking the question: has there been a precursor to this latest effort?

Ms Zielke: Not that I am aware of. I would need to come back and confirm that on notice.

Answer:

An Independent Expert Panel on Heavy Vehicle Policy was established by transport Ministers in 2010 to provide evidence-based advice on a range of unresolved policy issues for inclusion in the Heavy Vehicle National Law. One of the issues considered by the panel related to the effectiveness of annual heavy vehicle inspections for renewal of registration.

The panel concluded that there was no empirical evidence that crash risks would be reduced by the national adoption of annual or periodic roadworthy inspections, but noted that there would be great merit in jurisdictions working together to adopt a national standard for heavy vehicle safety inspections.

The National Transport Commission is currently reviewing inspection regimes and, following a regulatory impact assessment consultation process, will report to the Ministerial Council in early 2015 with recommended options.

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Division/Agency: (STP) Surface Transport Policy

Topic: Registration of Trailers

Proof Hansard Page: 114 (24/02/2014)

Senator Gallacher asked:

Senator GALLACHER: I have a heavy vehicle licence for Australia, as does Senator Sterle, but we can only renew it in our place of residence, if you like, even if we are operating anywhere in Australia on it. What is the situation with respect to trailers? Can you only register them in the state of operation or of the ownership of the business, or can you choose to register them wherever you like?

Mr Mrdak: I would have to check. I think it varies with the jurisdiction as to whether it has to be in the state of the business registration. But of course a number of companies are registered across jurisdictions.

Answer:

The registration of heavy vehicles is currently a matter for each state and territory Government. The national registration components of the Heavy Vehicle National Law have yet to be enacted. Heavy vehicle registration regulations for each state and territory indicate that trailers are to be registered in the state or territory where they are usually garaged.

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Question no.: 143

Program: 2.3

Division/Agency: (STP) Surface Transport Policy

Topic: Mandating ESC

Proof Hansard Page: 115 (24/02/2014)

Senator Gallacher asked:

Senator GALLACHER: Mr Mrdak, I read some of the industry media. ESC is mandated in a number of countries. Are you aware which ones?

Mr Mrdak: I do not have that information with me. I am happy to take that on notice, if you do not mind.

Senator GALLACHER: The United States, Europe?

Mr Mrdak: I will get you a comprehensive list.

Answer:

The European Union has mandated Electronic Stability Control (ESC) for heavy vehicles, but at this stage has not specified performance requirements.

Of other countries with large vehicle fleets, the United States of America, Canada, Japan and the Republic of Korea have not mandated ESC for heavy vehicles.

NZ requires ESC only for trailers operating in high productivity combinations.

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Question no.: 144

Program: 2.2

Division/Agency: (STP) Surface Transport Policy

Topic: National Heavy Vehicle Regulator – Permits for Over-Dimensional Loads

Proof Hansard Page: Written

Senator Xenophon asked:

Federal legislation has given the National Heavy Vehicle Regulator responsibility for issuing permits for over-dimensional loads. Since the legislation came into effect on 10 February 2014, I understand the regulator has been unable to cope with the number of permits, having a major effect on the mining industry and the renewable energy industry where they often need permits for over-dimensional loads to transport parts and equipment.

1. Can you advise me of how many permit requests the NHVR has received since the legislation came into effect?

Recently in South Australia we had the issue arise that there was no movement of over-dimensional loads for some 7 days due to the delay in processing permits.

2. What are the NHVR's KPIs in regards to the processing of permits?
3. What is the average time frame for the processing of permits?
4. What measures are in place to give state Governments delegated authority to issue permits if situations arise when there are delays in the issuing of permits?
5. Will the Department provide compensation for businesses that are unable to operate due to the delay?
6. What measures is the Department taking to speed up processing of permits?

I also understand that in addition to the delay in issuing of permits, a number of transport officers have been involved in issuing expiration notices for non-compliance.

7. Can the Department provide the number of expiration notices for non-compliance issued after February 10, 2014?
8. Can the Department provide the number of expiration notices for non-compliance issued in the month prior to February 10, 2014?

Answer:

Q 1-6: The National Heavy Vehicle Regulator (NHVR) was established in 2013 under the Heavy Vehicle National Law, as enacted in states and territories. Its functions are outlined in that legislation and more information about the NHVR's functions can be found at <www.nhvr.gov.au>. The NHVR is a statutory body corporate with perpetual succession. It is neither a government corporation nor a departmental body and there are no shareholders. The NHVR is governed by the NHVR Board which in turn is accountable to state, territory and Commonwealth transport Ministers. The Australian Department of Infrastructure and Regional Development (the Department) and the Minister for Infrastructure and Regional Development do not have an operational role under the Heavy Vehicle National Law (the National Law).

The National Law is state legislation that was passed by Queensland (as host state for the reform) and then enacted by other states and territories. The regulatory provisions in the National Law came into effect in New South Wales, Victoria, Queensland, South Australia, Tasmania and the Australian Capital Territory on 10 February 2014.

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The National Law provides authority for the NHVR to manage the approval and issuing of road network access permits for vehicles that are of a size or mass that exceeds the general limits for automatic access to the road network. The National Law requires that all road managers along a proposed journey provide consent prior to the issuing of an access permit. The NHVR has advised that it seeks to provide permit applications to road managers within four hours. The National Law includes an outer limit of 28 days for road managers to provide access consent; however, the NHVR has advised that most road manager consents are gained well within this timeframe.

The NHVR has advised that from 10 February 2014 to 19 March 2014 it received 3,614 access permit applications and that the average time taken to process applications, seek and gain road manager consents and issue permits was 12 days.

This timeframe has not met industry expectations. To address industry concerns about delays, the NHVR has delegated authority to state governments to process new applications for oversize and over mass vehicles, and special purpose vehicles and some other categories of restricted access vehicles for travel wholly within a state. Applications relating to interstate journeys continue to be managed by the NHVR. On 25 February 2014, the Transport and Infrastructure ministerial council agreed that these delegations would remain in place until the NHVR's systems and processes are operating at the standard envisaged by Governments and expected by industry.

The NHVR is currently working with states and territories to address the key process concerns, including improving website functionality, process and system improvements, and working with local governments to implement a larger number of pre-approvals for key routes to improve time frames for consents for a greater proportion of routes.

Q 7-8: Data on expiation notices issued for non-compliance before and after the commencement of the National Law is collected by individual state and territory Governments and is not held by the NHVR or the Department.

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Program: n/a

Division/Agency: (STP) Surface Transport Policy

Topic: Road Safety

Proof Hansard Page: Written

Senator Sterle asked:

Has the Department provided advice on reform to the Road Safety Remuneration Tribunal as an area for deregulatory action? If yes, can you provide the advice (or an outline of the advice)?

Answer:

No.

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Division/Agency: (STP) Surface Transport Policy

Topic: Coastal Shipping

Proof Hansard Page: Written

Senator Sterle asked:

Has the Department provided advice on reform to coastal shipping regulation as an area for deregulatory action? If yes, can you provide the advice (or an outline of the advice)?

Answer:

Yes. The Department has advised that a review of current coastal trading policy could be conducted in consultation with a broad range of stakeholders.