

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 01

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Heavy Vehicle Driver Fatigue Laws

**Hansard Page/s:** 110-111 (26/05/10)

**Senator Nash asked:**

**Senator NASH**—It is an extraordinarily high figure. It is not the department's fault. I mean, from the overall perspective of the industry across the country it is extraordinary. Where are the heavy vehicle driver reforms up to at the moment?

**Ms Riggs**—Are you referring to the fatigue laws?

**Senator NASH**—Yes.

**Ms Riggs**—They are exactly where they were whenever we last talked about them, with perhaps one update that I could give you—that is, I understand, without knowing the details of it, that there is an inquiry in New South Wales into the implementation of the fatigue laws in New South Wales and a set of related issues.

**Senator NASH**—Was it Tasmania and Northern Territory that were dragging the chain a bit on that?

**Ms Riggs**—Sorry, I do not have a full set of my previous answers with me. I will take it on notice.

**Senator NASH**—That is fine. It was not actually an answer, it just would have been whatever the status was last time. If you could perhaps just give us a bit more detail around where the fatigue reforms are up to, because I know that has been quite a contentious issue out there for some of the people I have been talking to.

**Ms Riggs**—We did take a question very much like that on notice at the last hearings. If it has changed we will update it. If not I think it stands.

**Answer:**

The new fatigue laws have been implemented in New South Wales, Queensland, Victoria and South Australia. The legislative priorities of the Tasmanian government will determine the timing of introduction of the laws in that jurisdiction. Western Australia will continue to regulate fatigue management under its Occupational Health and Safety Laws and the Northern Territory and the Australian Capital Territory will retain their existing arrangements pending the implementation of national fatigue laws by 1 January 2013 under the single national heavy vehicle regulator and regulation reforms.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 02

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Pedestrian Safety and Bullbars

**Hansard Page/s:** 120-121 (27/05/10)

**Senator Nash asked:**

**Senator NASH**—On vehicle regulations with regard to pedestrian safety: there has been some discussion about whether or not vehicles should be allowed to have a bullbar fitted because of the potential danger to pedestrians. That really was in the short context. Is that something that the department is looking at in terms of rules and requirements that might come into force?

**Mr Mrdak**—I know that a number of manufacturers are moving forward with various technologies to assist in the identification of pedestrians. You can see a number of models of vehicles now starting to hit the top end of the market which actually have assistance measures to identify potential collisions with pedestrians and to take action in terms of those, so the technology is starting to come into production in a number of models. I need to take that on notice, if it is okay, as to where we are at with the regulatory standards.

**Answer:**

The Department is developing a draft Regulation Impact Statement (RIS) to consider adoption of an international vehicle standard on pedestrian safety. The draft RIS will also consider requirements for the fitting of bullbars. (Post market requirements for bullbars are regulated by the states and territories). The draft RIS will be issued for public comment shortly.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 03

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Banning of Bullbars

**Hansard Page/s:** 121 (27/05/10)

**Senator Nash asked:**

**Senator NASH**—Could you take that on notice for me. Speaking as a farm girl, I am very interested in this. There has been a bit of discussion about the difficulties posed for regional people travelling into the cities if, down the track, bullbars are banned. Has there been any consideration of that within the department or is it fully a matter for the state jurisdictions?

**Mr Mrdak**—I think it has been raised by various groups in the past but I am not aware that that it has ever been seriously looked at as a regulatory requirement. Let me take that on notice.

**Answer:**

No consideration is being given to banning bullbars.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 04

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Regulation of Bus Access Steps

**Hansard Page/s:** 121 (27/05/10)

**Senator Nash asked:**

**Senator NASH**—I always do this with ATS. There is always something I ask that is somewhere else. Can you help me out at all?

**Mr Robertson**—With the design rules associated with buses under the ADRs, I am not aware of any recent work in regard to the number of steps associated with bus designs. But we can take that on notice and find out for you.

**Senator NASH**—All right. Perhaps you could find out whether any work has been done lately on the specifications of buses, whether they are appropriate from a safety perspective and, if so, is there any move—

**Mr Robertson**—The safety perspective of the passenger alighting?

**Senator NASH**—The safety of a passenger getting on and off a bus, to be simplistic, and if there is any move to change any of those or have any change in the requirements.

**Mr Mrdak**—Certainly.

**Answer:**

No. There is no plan to change the regulation relating to bus access steps.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 05

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Road transport regulations

**Hansard Page/s:** Written Question

**Senator Macdonald asked:**

I refer to the shambolic state of conflicting land transport regulations that continue to bedevil the interstate trucking sector. It is now over two years and a half years since the Rudd Government was elected with its promise of ‘cooperative federalism’ that was to usher in a new era of sweetness and light and solve the problems of conflicting legislative arrangements that work against an efficient national economy.

The Government’s own Regulatory Impact Statement, A National Framework for Regulation, Registration and Licensing of Heavy Vehicles, dated May 2009 cites the cost of conflicting transport regulation to be \$2.4 billion. Are you aware of that?

Do you accept that figure? How much do you think the regulatory inefficiencies in our federation costs the transport sector?

**Answer:**

1,2&3. The Regulatory Impact Statement quotes the 2006 Productivity Commission’s Road and Rail Freight Infrastructure Pricing Report which modelled reforms across a number of areas including PAYGO, transparency of community service obligations, investment decision-making processes and regulation of heavy vehicles. The Productivity Commission’s report indicated that these combined reforms could provide “an indicative 5 per cent productivity improvement in the road freight transport sector. This would lead to an increase in GDP of some \$2.4 billion”.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 06

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Heavy Vehicle Driver Fatigue Laws

**Hansard Page/s:** Written Question

**Senator Macdonald asked:**

How are the heavy vehicle driver fatigue reforms agreed to by transport ministers in early 2007 and rolled out from September 2008 going?

**Answer:**

ISTP 01 answers this question.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 07

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Heavy Vehicle Driver Fatigue Laws

**Hansard Page/s:** Written Question

**Senator Macdonald asked:**

Have Tasmania and the Northern Territory agreed to adopt the reforms yet? When will they take them up? When do you think we will have national heavy vehicle driver fatigue reforms?

**Answer:**

ISTP 01 answers this question.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 08

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Road transport regulations

**Hansard Page/s:** Written Question

**Senator Macdonald asked:**

I have mentioned this before, but I would like an update.

1. Is it still the case that a truck operator carrying hay bales and stacked to its maximum allowable three metre width in Victoria will be over-width in New South Wales where the maximum width is 2.83 metres?
2. Is it still true, therefore, that a farmer in Victoria who loads his truck with hay as wide as legally possible in Victoria should be careful if he drives into New South Wales?

**Answer:**

1. Yes.
2. Yes.



**Rural and Regional Affairs and Transport Legislation Committee**

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**Infrastructure and Transport**

**Question No.:** ISTP 09

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Heavy Vehicle Driver Fatigue Laws

**Hansard Page/s:** Written Question

**Senator Macdonald asked:**

What other anomalies are there with regard to the treatment by Queensland, New South Wales and Victoria regarding the heavy fatigue laws?

**Answer:**

As advised in previous responses to Questions on Notice (ISTP 02 and ISTP 03 from the February 2010 Additional Budget Estimates Hearing):

- The model fatigue laws contain a ‘reasonable steps’ defence provision which allows a driver to make a defence for driving up to 45 minutes beyond the required rest break, if they cannot find a suitable place to stop and rest. The fatigue laws in Victoria and NSW do not permit the use of ‘reasonable steps defence’ by a driver who has failed to comply with the rest break requirement. Queensland and South Australia have implemented the ‘reasonable steps’ defence provision contained in the model law.
- In legislating the new fatigue laws jurisdictions have varied some aspects of the logbook (work diary) requirements from those agreed in the model legislation.
  - NSW and Queensland have varied the provisions relating to who is required to use a work diary.
  - Queensland has varied the duties of officers to annotate a driver’s work diary.
  - Queensland has varied its penalty provisions for work diary offences.
  - SA has varied slightly how the driver must record information in the work diary.
  - Victoria has varied its electronic work diary provisions.

In addition to the differences identified in the earlier Questions on Notice, there are differences relating to:

- how offences are defined and how penalties are applied;
- work and rest hours and how a 24 hour period is defined for the purpose of counting work and rest hours; and
- aspects of the Chain of Responsibility under which parties in the logistics chain that influence drivers to breach driving hour provisions are jointly liable.

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**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 10

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** National Heavy Vehicle Regulation

**Hansard Page/s:** Written Question

**Senator Macdonald asked:**

Has the Government sorted the differences that exist between the States in their treatment of vehicle axle and gross weights, dimensions, vehicle road worthiness and load restraint; to name a few?

**Answer:**

In July 2009 the Council of Australian Governments agreed that a single national body of heavy vehicle law and a National Heavy Vehicle Regulator will be established to regulate all vehicles over 4.5 gross tonnes.

The national heavy vehicle laws are currently being developed by all jurisdictions, through the National Transport Commission.

**Rural and Regional Affairs and Transport Legislation Committee**

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 11

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** National Heavy Vehicle Regulation

**Hansard Page/s:** Written Question

**Senator Macdonald asked:**

I refer to the delayed establishment of a single national heavy vehicle regulator. It has an interesting history.

In the Government's Regulatory Impact Statement, A National Framework for Regulation, Registration and Licensing of Heavy Vehicles, dated May 2009, the Government proposed that a regulator administering the heavy vehicle sector be operational by 2012. But then, it seems that the Australian Transport Ministers could not accept this date, with the timetable slipping to 2013, according to their communiqué dated 22 May 2009.

Now I notice, according to the Government's media release dated 25 February 2009 that Queensland will become the host jurisdiction for the national heavy vehicle regulator.

According to the media release, this regulator will be responsible for putting in place nationwide rules and regulations for all vehicles over 4.5 tonnes, including inspection standards, safe driving hours, mass limits and registration.

All this is very encouraging.

- 1) How many staff will this regulator have?
- 2) Who will be their employer? State Governments? The Federal Government?
- 3) What will be the annual cost of the regulator?
- 4) Who will pay for it?

**Answer:**

1,2,3&4. Work is currently underway to define the details of the financial model and service delivery arrangements between host jurisdictions, and possible delivery arrangements through existing other institutions in states and territories, which will support the National Heavy Vehicle Regulator in administering national laws.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 12

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** National Heavy Vehicle Regulator

**Hansard Page/s:** Written Question

**Senator Macdonald asked:**

- 1) What will be the legislative basis for the regulator?
- 2) How will the legislative arrangements work?
- 3) Will States pass template legislation developed by the Federal Government?
- 4) Will States pass legislation that refers to legislation passed by another State, such as Queensland?

**Answer:**

- 1,2&3) The Council of Australian Governments has agreed that national laws will be achieved through a state-based template law model. Under the template law model, the host jurisdiction (Queensland) will pass a body of national law agreed by the Australian Transport Council, with each jurisdiction passing laws that adopt the Queensland legislation.
- 4) Yes.

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**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 13

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** National Heavy Vehicle Regulator

**Hansard Page/s:** Written Question

**Senator Macdonald asked:**

- 1) How will the regulator deal with recalcitrant States that refuse to accept national standards?
- 2) Will it be able to, for example, force States such as Western Australia to join the national heavy vehicle fatigue management reforms?

**Answer:**

- 1&2) The Council of Australian Governments has agreed that national laws will be achieved through a state-based template law model. Under that model, the host jurisdiction (Queensland) will pass a body of national law agreed by the Australian Transport Council, with each jurisdiction passing laws that adopt the Queensland legislation. The National Heavy Vehicle Regulator will administer the national laws.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 14

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** National Heavy Vehicle Regulator

**Hansard Page/s:** Written Question

**Senator Macdonald asked:**

What sanctions or consequences will apply to give the regulator teeth?

**Answer:**

The national regulator will administer the agreed national heavy vehicle laws. The national laws will be largely based on existing agreed model laws.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 15

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Amendments to Regulation 17 of the Motor Vehicle Standards Regulation

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

*Motor Vehicle Standards Act 1989*

*Motor Vehicle Standards Amendment Regulations 2005 (No 1)*

- 1) Is there any current intention to revise the date in Regulation 17 which requires the Minister to approve an application to import a non-standard road vehicle or a vehicle that does not have an identification plate if the vehicle was manufactured before 1 January 1989?
- 2) If there is an intention to revise this date, or has a new date or process for determining a new relevant date (to be substituted for 1 January 1989), been determined? If not, has consideration been given to what that date may be or how it might be determined?
- 3) If it is not the current intention to revise this date, is it intended that the date 1 January 1989 will remain as the relevant date for the purposes of this regulation ad infinitum, regardless of the number of years that pass in the meantime, or is it a matter that has not been considered?

**Answer:**

1 & 3) There is at present no intention to amend regulation 17.

2) Not applicable.

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**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 16

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Numbers of Vehicles imported under Concessional Schemes

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

- 1) How many vehicles were imported under the older vehicle scheme in each of the years 2000 to 2009 inclusive (setting out each year separately)?
- 2) How many vehicles were imported under the RAWS scheme in each of the years 2000 to 2009 inclusive (setting out each year separately)?
- 3) How many vehicles were imported under a Letter of Compliance in each of the years 2000 to 2009 inclusive (setting out each year separately)?
- 4) How many vehicles were imported as personal imports in each of the years 2000 to 2009 inclusive (setting out each year separately)?

**Answer:**

1 to 4) The Department does not hold records of when vehicles are imported. The numbers in the table below are based on the date an approval to import a vehicle was granted.

<b>Year</b>	<b>Older Vehicles</b>	<b>RAWS</b>	<b>Letter of Compliance</b>	<b>Personal Imports</b>
2000	3751		55	2564
2001	3622		74	1749
2002	5617	5 <sup>1</sup>	67	1590
2003	11402	1219	40	1791
2004	18324	4086	31	1862
2005	16478	6031	19	1875
2006	9206 <sup>2</sup>	7645	21	2048
2007	9661	9317	23	2085
2008	10256	8602	43	2256
2009	8942	6810	14	1988

<sup>1</sup> Legislation for RAWS was introduced in 2000. The RAW scheme came into effect on 8 May 2002 with a 12 month transition period.

<sup>2</sup> Regulation 17 was amended in 2005. The criteria changed from vehicles 15 years old or older to vehicles manufactured before 1989.



**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 17

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Numbers of imported vehicles manufactured in 1989

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

How many vehicles manufactured in 1989 were imported in each of the years 2000 to 2009 inclusive (separately setting out the figures for each year and the scheme under which they were imported)?

**Answer:**

The Department does not hold records of the years in which vehicles are imported or an exact date of manufacture.

**Rural and Regional Affairs and Transport Legislation Committee**

ANSWERS TO QUESTIONS ON NOTICE

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 18

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Number of approved Registered Automotive Workshops

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

How many workshops are currently approved under the Registered Automotive Workshop Scheme?

**Answer:**

There are 152 workshops approved under the Registered Automotive Workshop Scheme.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 19

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Evidence of non compliance with standards for post 1988 vehicles

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

What evidence does the Department have that older vehicles manufactured after 1988 do not meet current emissions performance and safety requirements?

**Answer:**

In regulating each new standard, the Department has prepared comprehensive regulation impact statements incorporating information provided from vehicle manufacturers which sets out the costs involved in changing their designs to comply with the proposed standards. An implication which can be drawn is, that in the majority of cases, vehicles manufactured before the introduction of a new standard do not comply with that requirement.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 20

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Standards for pre 1989 Vehicles

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

Does the Department have evidence to suggest that vehicles manufactured before 1989 are generally likely to meet current emissions performance and safety requirements and if so, what is that evidence?

**Answer:**

See ISTP 19.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 21

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Standards for pre 1989 Vehicles

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

Does the Department have evidence to suggest that vehicles manufactured before 1989 are more likely to meet current emissions performance and safety requirements than vehicles manufactured after 1988 and if so, what is that evidence?

**Answer:**

See. ISTP 19 and 20.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 22

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Regulation 17

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

Given that the Explanatory Statement attached to Select Legislative Instrument 2005 No 78 indicates that one of the policy considerations behind changing Regulation 17 from a 15 year rolling date to 1 January 1989, was that the Government was concerned that vehicles do not meet current emissions performance and safety requirements, why is it that older vehicles which are more likely to fail that test, are not required to take it, whilst those built after 1988 face a more stringent test regarding emissions performance and safety requirements?

**Answer:**

The concession under regulation 17 was introduced in 1992; it caters for the personal importation of older enthusiast, classic or historic vehicles. These vehicles are destined for restoration and hobby use, whether by an individual owner or within a car club.

While these hobby vehicles are not required to meet Australian vehicle standards, the safety and emission costs to the Australian community are kept within practical limits. Hobby vehicles traditionally comprise a niche segment: they are imported in limited numbers and generally perform low mileages, and represent a minimal risk to Australia's overall vehicle safety and emission goals.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 23

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Concessional Import Schemes

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

Given that the Explanatory Statement attached to Select Legislative Instrument 2005 No 78 indicates that one of the policy considerations behind changing Regulation 17 from a 15 year rolling date to 1 January 1989, was that the Government was concerned that vehicles do not meet current emissions performance and safety requirements, why is it that, in respect of cars made after 1988, they can only be imported if they are entered on the Specialist and Enthusiastic Vehicle Scheme (SEVS) Register – even though many cars made after that date and not on that register would meet or even exceed current emissions performance and safety requirements?

**Answer:**

There are a number of schemes through which vehicles made after 1988 can be imported to Australia. Only the Registered Automotive Workshops Scheme requires that vehicles be entered on the Register of Specialist and Enthusiast Vehicles. Other schemes include personal imports under Regulation 13 and letter of compliance under Regulation 12.

Each scheme has specific criteria against which vehicles are assessed. In some cases, emission performance and safety requirements are not considered because of the relatively low numbers of vehicles imported under the scheme.

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**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 24

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Requirements for vehicles to be entered onto the SEVS Register

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

Please detail the requirements that need to be met before a car can be entered onto the SEVS Register.

**Answer:**

Regulations 24 and 25 of the Motor vehicle Standards Regulations 1989 Statutory Rules 1989 No. 202 as amended, cover the eligibility requirements for entry of vehicles on to the Register.



**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 25

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Vehicles to be entered onto the SEVS Register

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

Can a vehicle manufactured after 1988 be successfully entered onto the SEVS Register if it is based on a vehicle sold on the mass market in Australia, but is a special factory edition or a substantially updated altered and improved version of that vehicle and, in that guise, was never sold or available new in Australia, even if the characteristics unique to it being a special factory edition, or related to its substantial updating, alteration or improvement, lead to it being the subject of numerous motoring articles, or relate to its performance, its appearance or unusual design features?

**Answer:**

If the vehicle meets the criteria set out in the Regulations, it can be entered onto the Register.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 26

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Eligible Vehicles for the SEVS Register

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

If not, what is the policy consideration behind not allowing such a vehicle to be entered onto the register, given that the SEVS is intended to allow Australian driving enthusiasts the opportunity to enjoy specialist vehicles not sold here on the mass market and that this policy position means that there are a number of variants of specialist vehicles that were sold elsewhere in the world that Australians are not able to enjoy – for example the 1995 model series 2 BMW M5 (substantial update, new chassis and running gear and different more powerful engine) or the BMW 850CSi – neither of which were available new in Australia and both of which represent the pinnacle of their respective vehicle platforms in terms of performance, appearance and unusual design features. Both also, in those specific variants (that were never sold new in Australia), also featured widely in specialist motoring magazines in 'as manufactured' condition.

**Answer:**

The intention of the SEVS legislation is to assist in regulating the numbers and types of vehicles that are permitted to be imported under RAWs. The department assesses each application on its merits against the criteria.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

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**Infrastructure and Transport**

**Question No.:** ISTP 27

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Compliance with ADR specifications for vehicles on the SEVS Register

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

If a type of vehicle has been entered on the SEVS Register, what emissions performance, safety requirements and other standards will it have to meet to pass a RAWs assessment?

**Answer:**

The Motor Vehicle Standards (Approval to Place Used Import plates) Guidelines 2006 (No. 1) Part 2 sets out the requirements of vehicles for demonstration of compliance with the ADR specifications.

**Rural and Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 28

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Vehicle Assessment with the Registered Automotive Workshop Scheme

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

Does each vehicle of its type have to be assessed to pass the RAWs process, or does the passing of one example allow the subsequent passing of equivalent vehicles without the same full assessment? If the latter, does such a vehicle have to pass a lesser assessment by a registered workshop and, if so, what differences would apply to the level of assessments?

**Answer:**

The Registered Automotive Workshop Scheme (RAWs) requires approval for each vehicle.

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**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 29

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Assessing of Vehicles on the SEVS Register by a Registered Automotive Workshop

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

Can any registered workshop assess any vehicle that is on the SEVS Register? If not, what steps would be required before a registered workshop could assess a particular vehicle that is listed on that register?

**Answer:**

No.

Vehicles listed on the SEVS register are available to any Registered Automotive Workshops (RAW) to add to their schedule of approved vehicles.

For a RAW to add a particular make/model to its schedule of approved vehicles;

- the RAW would have to apply to import a sample vehicle of the new make and model; and
- amend their practices and procedures to cover any modifications that may be necessary for the new vehicle; and
- prepare evidence as detailed in The Motor Vehicle Standards (Approval to Place Used Import plates) Guidelines 2006 (No. 1); and
- submit a Vehicle Inspection Certificate to the Department, at which time the Department may arrange an onsite inspection of the vehicle and documentary evidence. When the Minister is satisfied that the RAW has appropriate evidence and procedures to ensure that vehicles of this type comply, the Minister may vary the RAW approval to add the new make and model to the RAW's schedule of approved vehicles.

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**ANSWERS TO QUESTIONS ON NOTICE**

Budget Estimates May 2010

**Infrastructure and Transport**

**Question No.:** ISTP 30

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic: Criteria for Regulation 13**

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

What are the requirements that need to be met for an Australian to be eligible to import a vehicle from another country under the personal import scheme? Please answer this question in full, in the sense that if all requirements as set out in your answer were met, such an Australian would have certainty that they could import such a vehicle.

**Answer:**

Criteria for the personal imports scheme are set out under regulation 13 of the Motor Vehicle Standards Regulations 1989. Under these criteria, the Minister must be satisfied that:

- (aa) the applicant owns the vehicle at the time the application is made; and
- (ab) the applicant acquired ownership of the vehicle overseas; and
- (ac) the applicant owned the vehicle while overseas and owned it for a continuous period of at least 12 months immediately before arriving in Australia for the purpose of remaining in Australia indefinitely as mentioned below; and
- (ad) during that period of ownership the vehicle was available to the applicant for use in transport; and
- (a) the application is made not later than 6 months after the applicant arrived in Australia for the purpose of remaining in Australia indefinitely as mentioned below; and
- (b) at the time the application is received by the Minister, the applicant is:
  - (i) an Australian citizen or permanent resident and provides evidence that he or she intends to remain in Australia indefinitely; or
  - (ii) a person who has applied to become an Australian citizen or permanent resident and provides evidence that he or she intends to remain in Australia indefinitely if granted Australian citizenship or permanent residency; or
  - (iii) a person who is entitled to remain in Australia indefinitely and provides evidence that he or she intends to do so; or

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- (iv) the holder of a visa that entitles him or her to apply to become a permanent resident (whether or not after a specified period or in specified circumstances) and provides evidence that he or she intends to remain in Australia indefinitely; and
- (c) the applicant is of an age that entitles him or her to hold a licence or a permit to drive a road vehicle of that type; and
- (d) the applicant undertakes to comply with any requirements as to road safety that are imposed in respect of the vehicle by the Minister; and
- (e) the applicant has not been granted an approval under this regulation within the period of 5 years ending on the day on which the vehicle in respect of which the application is made is landed in Australia. \*

\* Subregulation (e) is subject to transitional provisions.

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**Question No.:** ISTP 31

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Changes to Import Schemes

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

What specific changes have been implemented, either through regulation or practice, affecting the requirements that need to be met in order to import a vehicle into Australia under any of the Letter of Compliance, personal import, older vehicle, or RAWS schemes, since November 2007?

**Answer:**

Amendments to various import schemes were made by the Motor Vehicle Standards Amendment Regulations 2009 (No. 1). These amendments came into effect on 18 November 2009.

Information is available from the Explanatory Statement to the 2009 amendments which can be found at:

*<[http://www.frli.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/19491DD3D112DBE8CA25767000197288/\\$file/F2009L04162.pdf](http://www.frli.gov.au/ComLaw/Legislation/LegislativeInstrument1.nsf/0/19491DD3D112DBE8CA25767000197288/$file/F2009L04162.pdf)>.*

In addition, the Australian Government Department of Infrastructure, Transport, Regional Development and Local Government makes changes to the administration of schemes from time to time. Such changes might be designed to improve the processing of applications or to reduce instances of abuse of the intended purposes of the schemes once they have been detected.



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**Question No.:** ISTP 32

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Changes to Import Schemes

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

Have any changes been made to the operation of these schemes which affect the timelines available to apply to import a vehicle into Australia?

**Answer:**

Yes. The following changes were made to the personal imports scheme by the Motor Vehicle Standards Amendment Regulations 2009 (No. 1).

New paragraph 13(aa) clarified that the applicant must own the vehicle at the time the application is made.

New paragraph 13(ac) clarified that the applicant must have owned the vehicle (while overseas) for a continuous period of at least 12 months immediately before arriving in Australia.

New paragraph 13(a) clarified that the application must not be made later than six months after the applicant arrives in Australia.

New paragraph 13(e) extended the qualification period under regulation 13, from 12 months to five years. Applicants may only import one vehicle (exempted under Regulation 13) every five years.

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**Question No.:** ISTP 33

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Types of Visas for the Personal Imports Scheme

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

What specific visa types allow migrants to qualify to personally import a vehicle into Australia? How long would such a migrant have to apply to import a personally owned vehicle?

**Answer:**

Under paragraph 13(1)(b) of the Motor Vehicle Standards Regulations 1989, the Minister must be satisfied that, at the time the application is received by the Minister, the applicant is:

The holder of a visa that entitles him or her to apply to become a permanent resident (whether or not after a specified period or in specified circumstances) and provides evidence that he or she intends to remain in Australia indefinitely.

Under paragraph 13(1)(a) of the Regulations, the Minister must be satisfied that the application is made not later than 6 months after the applicant arrived in Australia.

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**Question No.:** ISTP 34

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Timeline for the Personal Imports Scheme

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

Does the timeline available to such a migrant to apply to personally import a vehicle commence upon their entry into Australia, or from the date they are awarded a visa of a type that qualifies them to apply to personally import a vehicle?

**Answer:**

Under paragraph 13(1)(a) of the Motor Vehicle Standards Regulations 1989, the Minister must be satisfied that the application is made not later than 6 months after the applicant arrived in Australia for the purpose of remaining in Australia indefinitely.

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**Question No.:** ISTP 35

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Timeline for the Personal Imports Scheme

**Hansard Page/s:** Written Question

**Senator Bushby asked:**

If a person is in Australia and, whilst here, first obtains a visa of a type that qualifies them to apply to personally import their vehicle, will any rules, practices or regulations limit their ability to do so if they have been in Australia for 6 months or more when they obtain that visa? If so, please advise what rules, practices or regulations would so limit that ability.

**Answer:**

Yes.

A number of scheme criteria concern the issue of vehicle import approvals for migrants.

Under paragraph 13(1)(ac) of the Motor Vehicle Standards Regulations 1989, the Minister must be satisfied that the applicant owned the vehicle while overseas and owned it for a continuous period of at least 12 months immediately before arriving in Australia for the purpose of remaining in Australia indefinitely.

Under paragraph 13(1)(a) of the Regulations, the Minister must be satisfied that the application is made not later than 6 months after the applicant arrived in Australia for the purpose of remaining in Australia indefinitely.

Under paragraph 13(1)(b) of the Regulations, the Minister must be satisfied that, at the time the application is received by the Minister, the applicant is:

- (i) an Australian citizen or permanent resident and provides evidence that he or she intends to remain in Australia indefinitely; or
- (ii) a person who has applied to become an Australian citizen or permanent resident and provides evidence that he or she intends to remain in Australia indefinitely if granted Australian citizenship or permanent residency; or
- (iii) a person who is entitled to remain in Australia indefinitely and provides evidence that he or she intends to do so; or
- (iv) the holder of a visa that entitles him or her to apply to become a permanent resident (whether or not after a specified period or in specified circumstances) and provides evidence that he or she intends to remain in Australia indefinitely.

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Finally, under paragraph 13(1)(e) of the Regulations, the Minister must be satisfied that the applicant has not been granted an approval under this regulation within the period of 5 years ending on the day on which the vehicle in respect of which the application is made is landed in Australia.

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**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Converted Vehicles under the Pre-1989 Scheme

**Hansard Page/s:** Written Question

**Senator Nash asked:**

According to the DOTARS information bulletin entitled Importation of converted vehicles under the pre 1989 scheme a ‘...if a vehicle has been modified or converted after original manufacture – so that the vehicle no longer meets original specifications – the date of manufacture is taken to be the later date of conversion.’

This is contrary to previous understandings relating to the importation of converted vehicles.

How does:

- an engine swap;
- a brake upgrade; and
- a suspension swap or upgrade;

change a vehicle’s MFG identity, when if we apply a common sense test it still retains its original body/chassis?

The DOTARS interpretation seems to be at odds with accepted practice within the competent State and Territory vehicle registration authorities. Modified production vehicles, and their modifications, are subjected to the various standard registration formalities requiring an engineer’s certification resulting in the vehicle being accepted as a particular year’s make and model – notwithstanding the modifications.

(NB: the exception to this rule is a different body sitting over a different chassis model or chassis year. This is when the identity is deemed to be the make/year of chassis.)

If State and Territory vehicle registration authorities are not required to reflect date of modification, what is the purpose of this change in regulation? What prompted the need for this change in regulation? What of the concerns of those who wish to sell their vehicle?

Under the changed/modified regulations a vehicle that has been the subject of a post-production modification prior to entering Australia affectively suffers a change of birth date. If the vehicle was manufactured in 1970 and the modifications had been carried out in 2010, according to the regulations set out by DOTARS, the vehicle – e.g. an iconic 1970 Ford Mustang on landing in Australia becomes recognized as a 2010 Ford Mustang for DOTARS purposes. Does this not complicate issues between federal and state/territory registration authorities as to the provenance of a vehicle?

**Answer:**

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Regulation 17 of the Motor Vehicle Standards Regulations 1989 allows the importation of road vehicles manufactured before 1 January 1989. The scheme is a concessional importation scheme, and allows for the import of vehicles outside of normal certification arrangements. In practice, the scheme is designed to cover older historic and enthusiast vehicles – for example, vehicles destined for restoration or hobby use, whether by an individual owner or within a car club.

The date of manufacture is the date the vehicle was first driven or moved from the manufacturer's production line or production facility, after the vehicle's body shell and powertrain assemblies were joined. This is equivalent to the concept of the build date (as developed and used by Australia's automotive industry).

If a vehicle has been converted after original manufacture, the date of manufacture is taken to be the later date of conversion. The concept of conversion is based on the concept of manufacture (or, in this case, re-manufacture). A vehicle is converted if different body shell or powertrain assemblies – that are outside original specifications – are joined. For example, one indication of a vehicle no longer meeting original specifications is where the vehicle acquires a different make, model or category. In effect, the vehicle is converted into a different product.

Vehicle conversions can take different forms, for example, the production of replica cars from components of different makes or models or the assembly of a vehicle from different parts to create a new type of vehicle. Typical examples include the conversion of a passenger sedan into a custom car, a drag racing car or a hot rod.

There has been no change in the definition of when a vehicle is modified or converted after original manufacture. Nor has there any amendment to the Regulations.

The Australian Government Department of Infrastructure and Transport (the Department) has recently tightened administration of the scheme after abuses were detected. These abuses involved vehicles that have been so substantially modified as to constitute newly manufactured vehicles. Newly manufactured vehicles do not qualify for concessional importation under the pre-1989 scheme.

Vehicle registration is the responsibility of the state or territory registering authorities.

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**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Seamless National Economy National Partnership

**Hansard Page/s:** Written Question

**Senator Nash asked:**

- 1) What involvement does the Department have in the implementation of the Seamless National Economy National Partnership initiative as part of the 'Infrastructure Challenge' enunciated in the Minister's portfolio statement?
- 2) How many of the 27 deregulation priorities and 8 major competition reforms fall within the purview of the Department?
- 3) What are the relevant deregulation and major competition priorities?

**Answer:**

1 to 3) There are two deregulation priorities and two competition reforms in COAG's *Seamless National Economy* National Partnership initiative that fall within the purview of the Australian Transport Council (ATC) for which the Department provides coordination and secretariat services and policy input.

A further deregulation priority falls under the purview of the Local Government and Planning Ministers Council, which is now the responsibility of the Department of Regional Australia.

In the context of the "Infrastructure Challenge" enunciated in the Minister's portfolio statement and, in particular, "modernising the regulatory and planning framework", the relevant deregulation priorities are 7 – Rail safety regulation, 14 – Development assessment and 24 – Maritime safety regulation, and the relevant competition reform is 7 – National transport reforms. In addition, the ATC is responsible for competition reform 8 – Road policy reforms.

The Department is leading the development of the National Partnership Agreements to establish single national regulators for maritime safety, rail safety and heavy vehicles.

The Department is also coordinating the work being undertaken by jurisdictions to reform land use planning systems, including more efficient development assessment processing, which will contribute towards increasing the supply and improving the affordability of new housing.



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**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Coastal Shipping Review

**Hansard Page/s:** Written Question

**Senator Nash asked:**

I refer to the report *Rebuilding Australia's Coastal Shipping Industry: Inquiry onto Coastal Shipping Policy and Regulation* tabled in October 2008 by the Standing Committee on Infrastructure, Transport, Regional Development and Local Government. This report made several recommendations regarding competitiveness of the Australian industry, training of maritime employees and the need review some existing legislation. In the budget the Department committed to completing the advice to Government on response to the HoR Standing Committee with recommendations in the 2010-2011 financial years.

- 1) What is the status of the Department's consideration of the Report's recommendations?
- 2) Which of the recommendations have been considered?
- 3) Which of the recommendations are yet to be considered?
- 4) What is the timeframe for the Government to consider the report in detail?
- 5) What is the status of Recommendation 2 calling on a 2000 review of the *Navigation Act 1912* be completed and amendments made to Part VI of the Act?
- 6) What is the status of Recommendation 10 recommending the establishment of one national maritime training authority?
- 7) What discussions have been held with the Department of Education, Employment and Workplace Relations in relation to this investigation?
  - a) If discussions have taken place, have they concluded?
  - b) What was involved?
  - c) Who was consulted?
  - d) If no discussions have taken place, when will they take place?
  - e) Who will be consulted?

**Answer:**

In the 2010 Federal election, Federal Labor announced its coastal shipping policy that dealt with the recommendations of the House of Representatives Standing Committee's Inquiry into coastal shipping.

The Government is committed to delivering on its election commitments.

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**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Transport Reform – National Maritime Safety System

**Hansard Page/s:** Written Question

**Senator Nash asked:**

- 1) What is the current status of progress towards the national maritime safety regime?
- 2) What industry consultation has been conducted with relevant stakeholders?
- 3) Who has been consulted?
- 4) What consultation has been undertaken with relevant State/Territory Governments?
- 5) When will it be finalised by AMSA and the Department and seeking COAG approval?
- 6) When is it anticipated that the changes will be made public?
- 7) What allowances will be made for industry participants to adapt to the new requirements?
- 8) When is it anticipated that the requirements will be brought before COAG?
- 9) Will the changes be implemented from 1 January 2013?
- 10) If not, when will the changes take effect?

**Answer:**

- 1) On 2 July 2009, the Council of Australian Governments (COAG) agreed to implement national regulation for maritime safety, with the Australian Maritime Safety Authority (AMSA) to become the national safety regulator for all commercial vessels in Australian waters.

On 30 April 2010, the Australian Transport Council (ATC) agreed to forward for COAG consideration a draft National Partnership Agreement (NPA) for the national system.

On 24 September 2010, ATC agreed on a preferred approach for legislative, governance and administrative frameworks for the single national system of maritime safety regulation.

- 2) and 3) Over 1400 stakeholders participated in 22 public meetings around Australia in 2008/09 as part of the Regulatory Impact Statement (RIS) consultations for this reform. A total of 97 submissions were received.

Industry stakeholders have also been engaged in the development of the reform through maritime industry forums operated by the Australian Maritime Safety Authority, National Marine Safety Committee, Australian Maritime Group and state governments.

The Department, AMSA and most state governments host public web pages covering the reform. AMSA has also commenced a newsletter to keep industry apprised of developments.

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- 4) State and territory governments are key participants in the reform which, as a COAG process, requires close and ongoing cooperation between the Commonwealth and state/territory governments. COAG's decision making role is supported by the work of ATC, the Standing Committee on Transport and the Australian Maritime Group, all of which include representatives of all jurisdictions.
- 5) See response to question 1.
- 6) NPAs are generally made public following their approval by COAG at the Ministerial Council for Federal Financial Relations website <[www.federalfinancialrelations.gov.au](http://www.federalfinancialrelations.gov.au)>. The COAG and ATC communiqués outlining meeting outcomes are available on the respective websites. Normal processes for changes to Commonwealth legislation will be followed.
- 7) Transitional provisions are being negotiated in the context of the NPA.
- 8) It is anticipated that the draft NPA will be considered at the next COAG meeting.
- 9) Yes.
- 10) Not applicable.

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**Question No.:** ISTP 40

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** The Distinction between Truck and Bus Charges

**Hansard Page/s:** Written Question

**Senator Ludlam asked:**

Regarding the decision of the Australian Transport Council on heavy vehicle charges, what steps are being taken within the new regulatory framework to recognise the distinction between trucks and buses?

**Answer:**

The recent Australian Transport Council decision establishes the annual adjustment to charges that apply to all heavy vehicles from July 2010 to ensure continuing recovery of heavy vehicles' share of road construction and maintenance costs. Heavy vehicle charging arrangements define classes of trucks and buses separately and calculating charges according to the impact of each vehicle class on the road network.

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**Question No.:** ISTP 41

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Similar measures to the Green Car Innovation Fund for the heavy vehicle sector

**Hansard Page/s:** Written Question

**Senator Ludlam asked:**

What if any similar measures to the Green Car Innovation Fund can be made available for the development of green and innovative vehicle technologies for the heavy vehicle sector, in particular public transport vehicles?

**Answer:**

There are no expenditure programs in this portfolio for the development of vehicle technologies for light or heavy vehicles, including public transport vehicles.

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**Question No.:** ISTP 42

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** National Guidelines for Passenger Transport and Land Use Planning Integration

**Hansard Page/s:** Written Question

**Senator Ludlam asked:**

What is the schedule for adoption of the National Guidelines for Passenger Transport and Land use Planning Integration within State Departments and the Commonwealth Departments of Transport, Planning?

**Answer:**

The National Guidelines for Passenger Transport and Land Use Planning Integration are guidelines for national best practice. Each jurisdiction is responsible for their implementation as appropriate. The Guidelines were endorsed by the Australian Transport Council (ATC) in April 2010 and were referred to the Local Government and Planning Ministers' Council (LGPMC) for counter endorsement at its September 2010 meeting.

Should the Guidelines be endorsed by LGPMC in September 2010, they will be available for use by jurisdictions from that time. The Guidelines will be published as an addendum to ATC's National Guidelines for Transport Systems Management in Australia.

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**Question No.:** ISTP 43

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** National Guidelines for Passenger Transport and Land use Planning  
**Integration**

**Hansard Page/s:** Written Question

**Senator Ludlam asked:**

Will these Guidelines be superseded by the upcoming COAG agreement on Capital City Strategies?

**Answer:**

No.

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**Question No.:** ISTP 44

**Division/Agency:** Infrastructure and Surface Transport Policy

**Topic:** Visibility of Strategically Important Data

**Hansard Page/s:** Written Question

**Senator Ludlam asked:**

What is the progress on the actions agreed to by the ATC on the “visibility of strategically important data?”

**Answer:**

The Australian Transport Council (ATC) has given the Network Performance Standing Sub-Committee, a group of senior officials who report directly to the Standing Committee on Transport, overall responsibility for oversight of this project.

The work is being conducted by a working group of transport data specialists, the Australian Transportation Data Action Network (ATDAN), which is chaired by the Australian Bureau of Statistics.

ATC has endorsed a pilot metadata web portal to action its visibility needs. ATDAN has tested the portal and consulted widely with jurisdictions and other stakeholders. The portal will be operational in the second half of 2010.

It is intended that the contents of the portal will be reviewed and revised from time to time, as needs emerge and are agreed across the jurisdictions.