



NATIONAL ROAD TRANSPORT ASSOCIATION

Submission to the National Heavy Vehicle Regulator (NHVR)

Grain Harvest Management Schemes Review

16 October 2019

## Introduction

1. The National Road Transport Association (NatRoad) is pleased to make comments on the Issues Paper entitled *Grains Harvest Management Review*<sup>1</sup> released by the National Heavy Vehicle Regulator (NHVR) in August 2019.
2. NatRoad is Australia's largest national representative road freight transport operators' association. NatRoad represents road freight operators, from owner-drivers to large fleet operators, general freight, road trains, livestock, tippers, car carriers, as well as tankers and refrigerated freight operators.
3. This submission sets out current NatRoad policy in the context of the matters raised in the Issues Paper. We have decided to provide a submission that incorporates some of the responses to the questions posed in the Issues Paper by way of indication of current NatRoad policy rather than responding to the range of detailed questions. Detailed responses will be provided at the second stage of consultation.

## Purpose of Issues Paper

4. The NHVR is consulting a large range of stakeholders to obtain comment on any part of current state-based Grain Harvest Management Schemes (GHMS) that affect their operations.
5. Feedback on the Issues Paper will then inform the preparation of a NHVR discussion paper. If considered necessary by the NHVR, the discussion paper will present options for a national scheme. It is at that point when NatRoad will provide specific comment on the design characteristics of any proposed national scheme.

## National Regulation Favoured

6. A national scheme makes sense. As with all other policy considerations, having nationally consistent requirements for the operation of heavy vehicles should be the starting point for the design of regulation, including in the current context.
7. NatRoad would support the making of a national notice that harmonises requirements across GHMSs, the consolidation of which is referred to in the Issues Paper as the National Harvest Mass Management Scheme (NHMMS).
8. A national notice must provide a streamlined version of individual notices, in order to reduce and harmonise the number of conditions with which operators need to comply, conditions which, where possible, should be performance based, as discussed below. That will add to the efficiency of regulation and should be the principal design aim.
9. In particular because grain receipt locations are determined by grain receivers at known locations, the NHMMS should be structured so that pre-approved routes for combinations under the scheme are contemporaneously published. NatRoad believes that the establishment of pre-approved routes for particular combinations is the means by which the greatest utility will be achieved in reforming the access regime under the Heavy Vehicle National Law (HVNL), a matter recently raised by NatRoad in the HVNL review.<sup>2</sup> This step would greatly add to the efficiency of the agricultural task, especially the additional pressures on operators and others at harvest time.

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<sup>1</sup> <https://www.nhvr.gov.au/files/201908-1093-grain-harvest-management-schemes-review.pdf>

<sup>2</sup> [https://www.ntc.gov.au/Media/Reports/\(263FEC41-ED59-0B28-1957-4159764910A4\).pdf](https://www.ntc.gov.au/Media/Reports/(263FEC41-ED59-0B28-1957-4159764910A4).pdf)

10. The main differences in conditions imposed on operators will be the requirement for individual grain receivers to have terms and conditions that relate specifically to their site. NHVR asks the question as to whether grain receivers should establish operating procedures and a conditions guide specific to their site. NatRoad notes that it is a current work health and safety obligation on those who operate grain receival facilities that they can demonstrate procedures to ensure truck loading and unloading operations are completed safely and which eliminate the potential for injuries where vehicle and people interaction occurs. This consideration could be covered by general guidelines but must be tailored to individual sites to comply with WHS laws.
11. There appears to NatRoad to be no factors which would prevent national regulation in the current context. In support of national regulation (or at least obtaining uniformity amongst the schemes within scope) NatRoad agrees with this observation from the Productivity Commission which is apposite currently:

*While occasional variations in regulations between jurisdictions might be warranted, Australia is in many respects a relatively 'homogeneous' country. Moreover, differences that might warrant regulatory variations, such as different population densities, climatic conditions or attitudes to risk, often do not correlate closely with state or territory borders.<sup>3</sup>*

### **State-based GHMS**

12. As discussed in the Issues Paper, each GHMS involves a state-specific mass exemption notice issued by NHVR.
13. These notices usually exempt specified heavy vehicles from stated prescribed mass requirements in Schedule 1 of *the Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.
14. A condition of each of the mass exemption notices is participation in a state GHMS, which generally impose further conditions and provide additional administrative obligations for the operation of the GHMS. These state-based schemes vary significantly in their scope, requirements and conditions, as summarised in Appendix B of the Issues Paper. NatRoad has members in each state that operates a GHMS. In the transition to a national scheme, to date NatRoad has had feedback from members about a number of matters that should guide its design, next discussed. But the maintenance of this general structure is not opposed.

### **Considerations in Moving to a NHMMS**

15. NatRoad has sought feedback on considerations which should guide moving to a national scheme. That feedback has emphasised first that any national scheme should be based on performance requirements.
16. By way of example, the NatRoad Owner Driver Group raised an issue with the limitations on vehicle age in respect of the Victorian grain harvest management scheme.<sup>4</sup> It limits the scheme to vehicles manufactured on or after 1 January 2002. But that limitation makes no sense. If older vehicles are properly maintained and meet the technical requirements

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<sup>3</sup> Productivity Commission *Rethinking Regulation* 2006

<https://www.pc.gov.au/research/supporting/regulation-taskforce/report/regulation-taskforce2.pdf> at p 166

<sup>4</sup> <https://www.vicroads.vic.gov.au/business-and-industry/heavy-vehicle-industry/grain-harvest-management-scheme>

associated with safely and efficiently carrying out the relevant task, then performance-based considerations make more sense than an age cut off.

17. This latter factor is not present in the New South Wales scheme. The NSW Grain Harvest Management Scheme provides mass concessions of up to 5% above General Mass Limits for eligible vehicles travelling between farms and participating grain receivers. Eligible vehicles are specified by vehicle configuration and number of axles as outlined in the eligible vehicle document.<sup>5</sup> (There are no age-based requirements for vehicles within the scheme).
18. The rationale for this approach is that eligible vehicles are determined based on:
  - Their usage by industry in transporting grain;
  - Eligibility for Concessional Mass Limits (CML) to ensure they can safely operate at these increased mass limits; and
  - An assessment of their impact on road pavement: a matter which under any national scheme we submit would involve impact on the particular pre-assessed routes as mentioned earlier in this submission.
19. The NSW scheme in its current form, as outlined in the NSW Class 3 Grain Harvest Management Scheme Mass Exemption Notice 2016, is in place until 30 June 2021 and any key decisions around the scheme are made by the Grain Harvest Consultative Committee which comprises representatives of industry, grain receivers and local councils. Hence, the design of the scheme and key decisions are appropriately devolved, a matter that should be considered when designing any national scheme. This Committee will also obviously be integral in any move to a national scheme which should involve a move to the highest concessional mass limits now permitted rather than the 5% in operation in NSW.
20. Whilst NatRoad general policy is for the elimination of stickers and labels from trucks as much as possible, in the harvest context, member feedback is that farm plates should distinguish farm vehicles, a matter outlined at length in the NatRoad submission to the HVNL review relating to vehicle standards.<sup>6</sup>
21. Essentially NatRoad argues that separate farm plates would mean that trucks given substantial financial concessions in exchange for limited use conditions (that differ from State to State) would be more readily identifiable. The application of farm plates would assist to level the competitive playing field if primary production vehicles were better identified in all jurisdictions.
22. We would take this identification process further were a national scheme to be adopted. Members have indicated that they would welcome easy vehicle identification of vehicles in the scheme for on road enforcement and the grain receival sites e.g. vehicle stickers and vehicle records that established compliance with specific scheme requirements.
23. The feedback also indicated that, given the mass concessions which members believe should be at the current highest denominator, the rules for enforcement of breaches of the concessions should be set out in any scheme rules and provide a clear guide to operators and road authorities. The feedback is also that moving to a national scheme should not reduce an individual State schemes more generous concessions: this may therefore be a sticking point to advancing uniformity.

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<sup>5</sup> <http://www.rms.nsw.gov.au/documents/business-industry/heavy-vehicles/grain-transport-eligible-truck-configurations.pdf>

<sup>6</sup> [https://www.ntc.gov.au/Media/Reports/\(376069EA-61C8-2B95-D35C-3E606D1B3F4C\).pdf](https://www.ntc.gov.au/Media/Reports/(376069EA-61C8-2B95-D35C-3E606D1B3F4C).pdf)

24. We note that the concessional allowances vary from 5-10 per cent between States. Obviously, the NatRoad position is that the 10% figure must be retained in any national scheme. If it is not, then a national scheme may not work.

### **Conclusion**

25. NatRoad welcomes the NHVR initiative to make uniform the scheme rules relating to harvest schemes. We have set out a number of considerations which we submit should guide the design of a national scheme which we are happy to elaborate on in discussions.
26. We look forward to publication of the Discussion Paper.