

# NHVR Livestock Industry Operators Group (IOG) Communique'

23 September 2016

The 4th meeting of the NHVR Livestock Industry Operators Group (IOG) was held at the NHVR offices in Newstead, Brisbane on Friday 23 September 2016.

The Livestock IOG is a key group of industry representatives for the NHVR. It comprises representatives from across the heavy vehicle industry in the livestock sector, the CEO and senior members of the NHVR.

This communique' highlights key issues from the 23 September 2016 meeting. This meeting was attended by Manager Industry Stakeholder Engagement NHVR, Executive Director (Regulatory Compliance) NHVR, Executive Director AccessCONNECT NHVR, Manager National Harmonisation NHVR, Communication & Engagement Specialists NHVR, Policy and Planning Advisor NHVR, Manager Access NHVR, National Investigations Coordinator NHVR, Fatigue Specialist NHVR; and representatives from the Livestock industry including, Australian Livestock and Rural Transporters Association (ALRTA), Livestock and Rural Transporters Association of Qld (LRTA Qld), Livestock Transporters Association of Qld (LTA Qld).

Apologies noted for the record include CEO NHVR, Manager CoR NHVR, Executive Director Productivity & Safety NHVR, Livestock, Bulk and Rural Carriers Association – NSW (LBRCA NSW), Livestock Transporters Association of Tasmania (LTA Tas), Livestock and Rural Transporters Association of WA (LARTA WA), Livestock and Rural Transporters Association of SA (LARTA SA) Northern Territory Road Transport Association (NTRTA).

Manager Industry Stakeholder Engagement NHVR officially opened the meeting, welcoming members with introductions made around the table.

On behalf of the NHVR, Manager Industry Stakeholder Engagement expressed condolences to the family and the wider livestock industry of Victoria for the passing of Shane Knight. Shane was a great advocate for safety in the industry and will be missed by the NHVR.

Graeme Hoare of Australian Livestock and Rural Transporters Association (ALRTA) chaired the meeting.

The following communique' outlines the key points discussed.

## **Membership and administration**

Manager Industry Stakeholder Engagement NHVR raised membership of the group moving forward encouraging wider participation to get the most out of these meetings and sought clarity around member eligibility. The frequency of the meetings was discussed and members agreed to have bi-annual meetings; but that extraordinary meetings are considered if required.

## **Low and ultra-low volume road access arrangements (tiered approach)**

This issue was discussed at the Livestock and Bulk Carriers Association workshop and re-raised in this group. Industry raised the request for a tiered approach to road assessment and to work with councils to grant access to roads (pre-approvals) particularly for first and last mile access, for example, between farm gates for the purposes of loading and loading. Examples of councils included the South or North Burnett region and Toowoomba. Industry accepts conditions could be applied in turn of the access being granted.

Manager Industry Stakeholder Engagement suggested to industry it provide the NHVR with the top regional councils where benefits could be best realised; and the NHVR approach those councils in the aim to work together to seek pre-approvals. Should these councils grant access and benefits are realised with little to no

impact on safety etc. then collectively we can use those councils by way of example that this type of access-arrangement can work well and benefit industry's productivity and the local economy. National Investigations Coordinator NHVR added that the uptake of Codes of Practice can be used to prove to councils how industry are operating also in the best interests of council and the community by ensuring safety and infrastructure integrity.

### **Fatigue Management and templates**

ALRTA thanked the NHVR for the work done in the space of the fatigue management related templates.

Fatigue Specialist NHVR advised the Long Runs template (template two) went live on 15 August 2016. To date six operators have approached the NHVR for this type of arrangement.

The NHVR has engaged a technical writer to revise the first two templates to make them easier to use; for instance taking on board feedback the templates could look more professional and be less wordy. Suggestions from industry would be greatly appreciated and the NHVR will facilitate this by sending the revised templates to ALRTA prior to their being published.

The updates will not affect the permitted limits or controls in the template, nor will they affect parties previously granted accreditation by the NHVR.

Fatigue Specialist NHVR advised is working on the final template is underway but will need further input from industry for example on cross border issues (WA/SA) and how it will operate.

ALRTA advised industry, operators and government will meet to discuss, then will work with NHVR on mutual recognition.

The third template will use the same model fatigue risk management system, manual and form as the first templates but still needs agreed work and rest limits that reflect the WA Fatigue Management Code of Practice and secondly a risk trading framework to allow operators to offset the higher risks on offer. The NHVR is awaiting feedback from WA operators on the proposed work and rest limits prior to November. When received the NHVR will look to hold an extraordinary meeting with livestock operators (possibly in Perth) to agree the proposed limits and the risk trading framework.

The NHVR to circulate revised templates for feedback to the NHVR in October 2016.

NHVR advised it expects to go live with template three approximately end of first quarter 2017.

### **National Livestock Notices and expiring notices**

The Fatigue Specialist NHVR advised of the expiry of two work and rest hours exemption notices (on 9 February 2017) for drivers who have to manage an animal welfare incident.

There are differences between the two notices and the HVNL and the NHVR are willing to explore a single national notice if it is supported by industry and other stakeholders.

It was noted that, since the NHVR took over responsibility for the NSW notice, the NHVR had not received a single notification of the notice being used. The NHVR will hold further discussions with the ALRTA on the need for the notice and potential terms.

LBCA expressed concern about the paperwork requirement, which they believed was a major disincentive for drivers using the exemption.

ALRTA to caucus members views on the need for a national notice for livestock welfare and the monitoring and risk countermeasures for a potential national notice. The NHVR acknowledged the merit of a national level exemption. The approach will be to look at this state by state initially.

The following issue was discussed at the Livestock and Bulk Carriers Association workshop and re-raised in this group. Industry raised concerns having to fulfil work diary requirements when driving bob-tail and not undertaking paid work (for instance when driving from sale yard to home and not earning an income. NHVR advised a correction in response to this LBCA Temora Meeting enquiry; and after investigating further, the NHVR confirms that the NSW Government have created a variation in the HVNL that allows drivers limited private use of their unladen prime mover (i.e. bobtail) when in NSW. The relevant legislation is covered by section 248B of the HVNL in NSW.

### **Chain of Responsibility – effluent & loading infrastructure**

Industry raised there has been developments in the space of effluent management. Industry asked if effluent be de-classified as a load restraint under the Load Restraint Guidelines.

Executive Director Regulatory Compliance NHVR responded by advising that NHVR supported ALRTA's request to amend the HVNL to include effluent and that it is covered under Chain of Responsibility legislation. For a conviction to be found a line of proof and evidence is required. In light of this, investigations and prosecutions in this space are challenging.

NHVR encourages the promoting of Industry Codes of Practice to industry to support the issue of effluent. It provides opportunity to clarify legal aspects and manage risks.

Industry asked how they ensure other parts of the chain comply with Chain of Responsibility legislation.

Real life scenario example provided around grain harvesting 'from terminal to grain grower; and with respect to operators (from truck driver to terminal operator) that by identifying their risk, demonstrating treatment to the risk and reviewing treatments can go a long way to proving compliance with Codes and/or other laws that cross over.

NHVR reminded industry of the CoR survey on the NHVR website. Industry acknowledged and has shared with members.

ALRTA invited the NHVR to an upcoming workshop in Canberra.

### **Industry Codes of Practice**

Executive Director (Regulatory Compliance) NHVR provided an update on the status of the draft guidelines and the process for Codes of Practice. A presentation followed providing the following key points:

- Ministers have asked for a move towards and a closer alignment with WH&S approaches, and therefore a consistent national risk-based approach; which supports co-regulatory arrangements for industry to manage their own risks and adopt safe business practices
- Providing consistent industry standards to improve safety, referencing ISO 31000
- Benefits include: national consistency, improved compliance and safety, education and guidance for industry and clarity for courts
- Manages statutory obligations and provides opportunity for red tape reduction.
- Provides a framework for auditing, but the auditing is not done by the NHVR.

The NHVR are holding an Industry Reference Forum (IRF) on 5 October to focus on progressing the guidelines to develop a final Draft.

The NHVR shared the sentiment that we need to encourage behavioral change by industry developing Codes; it's not just convictions that will shift the change; Codes can facilitate changed behavior up and down the supply chain.

### **AccessCONNECT and Portal**

Executive Director AccessCONNECT NHVR provided an update on the Customer component of the NHVR Portal which went live on 1 August 2016 with a 95% uptake as of 14 October 2016.

The migration of existing permit data is well underway and will also provide efficiencies in the long run. NHVR is decommissioning more redundant technology such as emailing applications and is encouraging industry to register with the portal, however will continue to provide support to those who are yet to transition.

The NHVR Portal is a web-based solution that is focused on reducing administrative burden for the heavy vehicle industry and government organisations involved in heavy vehicle access management.

The key objectives that are guiding the design of the NHVR Portal include:

- Reducing administrative overheads for all stakeholders
- Improving business intelligence and operational performance for Access issues
- Allowing improved oversight of the Access Management tasks
- Providing regulatory transparency and decision making
- Storing consent records centrally, in a secure, auditable and traceable repository
- Improving decision making abilities for governments.

Industry asked about map improvement. The NHVR acknowledged the improvements that can be made and they rely on data from council/jurisdictions and Google data; though road to road pin mapping is improved.

The group had discussions around the process and transparency around refusals.

Industry raised an issue regarding space for additional notes/justification of a route. Executive Director AccessCONNECT advised there is a notes field to provide such information. The NHVR is here to assist with navigating around the Portal and welcomes all feedback.

### **Access – Operational and Permits**

Industry raised three current operational permit related examples of concern:

1. Allegedly, permits are being granted for some operators and not others on Gatton/Esk Roads that access the local abattoir. This poses an issue with consistency in the issuing of permits and road manager approvals.
2. Issue with road managers not granting consent in some local streets/back roads, in particular during problematic flood periods; though recent history has shown consent has been granted for local festival. Industry wish to understand how these decisions are made.
3. Industry raised the process for communicating the gazettal of roads. An example provided was that an application was submitted for a road in local NSW that was gazetted by council (the applicant did not know it at the time), but because the road was gazetted and council had not informed the state jurisdiction the application process was held up. Industry would like to see improved communication in these instances.

In response, Manager Access NHVR requested that industry provide the NHVR with a list of examples for the NHVR to investigate and work with road managers to provide solutions.

In addition to the above, industry would like to see transparency of road managers' decision making process for applications that are not granted.

Manager Access NHVR reminded the group that he and his advisors are always here to assist and the Road Manager Portal will help to improve some of the concerns being shared.

#### **Open discussion**

The NHVR acknowledged the issue raised by industry regarding route classification guidelines for level 1 and level 2 PBS B-Double's, which includes height restriction differences. The NHVR will communicate with industry during the review process.

The Chair expressed thanks and appreciation to the NHVR and the access team from livestock organisations; and the NHVR in return with industry's patience.

Manager Industry Stakeholder Engagement NHVR raised the need to focus on what we are going to discuss in this group for future meetings; to think about what it is we are going to focus on that are 'whole of industry' matters; noting the operational type issues can be better managed offline

Manager Industry Stakeholder Engagement NHVR thanked members for attending and for contributing to productive discussion.

The Chair closed the meeting.

#### **Next Meeting**

The next meeting will be scheduled for early 2017 (approximately February/March, to be confirmed).

The agenda for the first meeting in 2017 is yet to be confirmed.