

Communique

National Operational Strategy and Policy Advisory Group (NOSPAG) and Industry Reference Forum (IRF) #16 – Friday, 10 August 2018

ATTENDEES

Australian Livestock and Rural Transporters Association	Dept. of Transport and Main Roads Heavy Vehicle Industry Australia	Queensland Police Service
Australian Logistics Council	Main Roads, WA	Queensland Trucking Association
Australia Trucking Association	National Farmers Federation	Road Freight NSW
Dept. of Infrastructure and Regional Development and Cities	National Heavy Vehicle Regulator	Russell Transport
Dept. of Infrastructure, Planning and Logistics, NT	National Road Transporters Association	South Australia Road Transport Association
Dept. of Planning Transport and Infrastructure, SA	National Transport Commission	Stategrowth, Tasmania
	NSW Transport Roads and Maritime Services	Tasmanian Transport Association
	NT Road Transport Association	Transport for NSW
		VicRoads

APOLOGIES

ACT Government	Bus Industry Confederation	Crane Industry Council of Australia
AgForce	Civil Contractors Federation	Department of Transport, NT
Australian Local Government Assoc.		

1. OPENING – CHAIR

Raymond Hassall, Executive Director Business Services National Heavy Vehicle Regulator (NHVR) opened the forum and welcomed members. Raymond noted the minutes of the previous meeting and no issues were raised by members.

2. INDUSTRY ITEMS

2.1 Chain of Responsibility Compliance – raised by NatRoad

NatRoad raised concern regarding the level of documentation required under the new COR duties commencing on 1 October 2018, with paperwork required by new parties engaging operators causing them to feel overwhelmed and operators not having a clear understanding of what is necessary for compliance and what is optional. Some operators are seeing the COR negatively as a paperwork burden rather than focusing on the safety outcomes to be achieved. SARTA raised the benefits of getting the message out to industry about how simple COR can be, and that auditors should look for good practice not comprehensive paperwork, suggesting the Australian Logistics Council engage in helping to get the message out to customer groups. NHVR continued discussion around the increased burden by larger operators or distribution centres for operators, requiring detailed questionnaires under the auspices of COR requirements. Australian Livestock and Rural Transporters Association reflected this as positive change. SARTA indicated support for the off-road parties finally taking some responsibility and did not see it as negative. Queensland Trucking Association cautioned that silence is not consent, and raised the concern of companies placing demands on operators requiring them to complete COR training sessions costing \$1,500.00, eg Coles. Russell Transport noted some companies are also requiring operators to install tracking devices in order to comply and industry is seeing customers beginning to dictate and drive how operators work, making operations more costly and difficult. The Master Code of Practice will create industry standards. The NHVR have also had recent discussions with the Australian Logistics Council, and there is an upcoming Summit in September which will discuss the proposed Industry Master Code. Further discussion was held around NHVR COR/SMS training sessions, with 156 sessions held in 2017-18. The NHVR is reviewing messaging and part of the next round of messaging will focus on control and influence for every party in the chain.

2.2 Safe-T-Cam and other Camera Networks – raised by NatRoad

NatRoad raised the issue of the administrative burden placed on its members in responding to Notices to Produce issued by the Safe-T-Cam system. Where there is no infringement issued members confirmed the red tape cost of approximately \$200 per Notice to effectively monitor and respond to the Notices to Produce that the system automatically generates. Other industry raised the question of whether the system can identify registrations with the effort of having notices revoked costing industry a lot of money. NatRoad have provided submissions to the NHVR and to RMS on this issue, with feedback that members should individually approach RMS to alleviate the burden where this is a regular occurrence but that there is no systemic solution to the problem. In addition, the Safe-T-Cam system has recently been used to generate offence provisions where Road Rule 127 relating to minimum distances between long vehicles. The camera system appears to be applying the Rule in a strict sense. The strict application of the requisite distances measured via camera seems overly prescriptive, especially when compared with the test in Road Rule 126 which is practical. NatRoad raised questions around the timing for the roll out of the National Camera Network, how the new technology cameras outside of Safe-T-Cam will talk to the Safe-T-Cam cameras and what links will exist between the two systems. The suggestion was made by NatRoad for a simplified process under a national plate system to be rolled out. Discussion was also held around the Whitelist system for operators.

SARTA suggested the NHVR needs to resolve the policy problem, and provide a system for all operators to go onto the Whitelist and relieve the substantial cost burden to both government and industry. RMS indicated they undertake a robust process regarding the tailgating issue, and all correspondence is very carefully reviewed with strict liability the intent of the law, and action taken from a compliance perspective. Russell Transport supported the need to get more information out to operators on the Whitelist. NHVR confirmed it is currently using the data as an audit tool and by July 2019, the National Safety Camera Network should be ready to go. Further discussions were held around the camera system with the Australian Trucking Association noting that industry needs reassurance that strategic questions are being considered into the future, such as the validity of the driving framework, GPS tracking on all trucks in the country, key strategy questions about where investments are being made, and full mass distance charging.

Action: NHVR to follow up on the Whitelist and come back to industry.

2.3 Integrity and Reliability of Telematics for HV Compliance – raised by SARTA

Discussion was held around industry moving towards the routine use of telematics and online government systems for a range of HV compliance management purposes. Industry raised the expectation that operators and drivers have the right to expect the routes displayed on the NHVR mapping system to be comprehensive, accurate and reliable. Industry also requested speed zone data to be continually updated for GPS systems, to aid effective heavy vehicle speed-management compliance for operators and drivers. NHVR agreed as the industry moves more into Telemetry systems, appropriate standards of management are needed to give information that is correct. The provision of Telemetry needs to be regulated for the purposes of compliance with the law. The NHVR confirmed the program of work to bring One National Map into NHVR control is constrained by some of the issues. The NHVR also confirmed a range of actions in the GIS space, one national map for various layers, with data sources ranging from PDF maps and open data sets, two new staff members working on the GIS route planner, and the One National Map now measurable into state by state. NHVR duly noted the Telematics device issue as raised by SARTA and is meeting next week with Transport Certification Australia for further discussion. With the National Services Transition and harmonisation, each state has a slightly different way of managing data, and the NHVR is heading towards an improved standard of how data is captured in order to provide better availability of information to operators/industry. NSW Transport Roads and Maritime Services confirmed internal processes are being undertaken for more dynamic maps with fortnightly updates and are available to discuss further the relationship between what is on the NHVR site. Discussions continued with the NHVR indicating that a large body of work is occurring in this space, it is closely communicating with state agencies, and is meeting with TCA next week to continue conversation.

2.4 FIRS to National Registration Plate Transfers – raised by SARTA

SARTA sought update from the NHVR on transitional issues regarding data transfer and accessibility between the NHVR and State agencies, particularly administrative ramifications for operators, such as updating their own database, amending insurance records, renewing fuel cards that are linked to registration numbers. SARTA expressed the view that administrative responsibility to implement the transfer from FIRS to National Plates was a government decision and government should shoulder this change in a manner that is seamless for operators. Industry raised the question, are the States happy, can they confirm that registration schemes are talking with the NHVR scheme, so that correct legal registration numbers are clear. RMS recognised the potential issue, particularly in some jurisdictions, less in NSW, of information not being available to authorised officers on the road and is working closely to improve communication and information to officers on the road. TMR Queensland also indicated it is working with NSW and has an agreement across the border and a process in place for NSW to make contact with QLD in the event of an issue, to confirm information between agencies and reduce the flow on risk of mismatched information. SARTA expressed the view that the Government has not adequately prepared for the replacement of FIRS with national plates. The Commonwealth indicated it was a Federal Government decision to close FIRS, and the issue of plates a by-closure of the Federal Government scheme. Jurisdictions are responding collectively to minimise impacts, and Federal contacts with NatRoad are also bringing issues to the fore. SARTA reiterated the question to the registration authorities and NHVR – is it possible for all systems within jurisdictions and the NHVR to see both current registration numbers for trucks, and also the preceding registration numbers of trucks. TMR indicated in the affirmative and NHVR made a commitment to confirm its answer by close of business.

Action: NHVR to confirm an answer to industry by COB 10 August 2018.

Update: In progress

2.5 Implementation of Transport and Infrastructure Council (TIC) Decision to shift to a Risk Based Enforcement Process – raised by SARTA

Industry sought an update from the NHVR on the strategy being adopted to shift to a risk based enforcement process. Industry also requested enforcement activity data to be made available in a format which helps to identify safety/risk trends and facilitate the development of solutions with industry. SARTA is meeting in South Australia with the Police Minister and the Transport Minister to facilitate action on a risk based approach. The NHVR going forward is working with Police in this space. SARTA indicated in SA NHVR enforcement is in place, and the bulk of technical level enforcement that police do is technically correct, but not safety based. Transport for NSW provided clarification that its ministers did not agree to risk based paper, but more towards a compliance approach. Police have met with TISOC and are speaking with transport chief executives. The NHVR also held a recent meeting with Assistant Commissioners of Police covering a range of matters, how we can work more closely to draft the national enforcement policy developed through the National Compliance Enforcements

Operations Forum. Progress is occurring – with the development of MOUs for states, and moving towards closer working relationships with police to pursue a risk based approach. The Industry technical group is working to provide a draft document to address a number of issues, with MOUs being looked at in participating states and territories. Russell Transport reiterated from an operator’s perspective the challenge of inconsistencies across the states causing a high cost to industry but expressed they are pleased to see progress in this space.

2.6 Oversize Overmass Review – raised by the Commonwealth

The Department of Infrastructure, Regional Development and Cities is funding an independent review of current arrangements for Oversize Overmass (OSOM) heavy vehicle access to the road network. The Department provided an overview of the work done to date by WSP Australia, and obtained industry input on key issues and potential approaches for the Review. This Review reflects concerns from the Deputy Prime Minister, the Hon Michael McCormack and from various parts of industry that the current process of ensuring safe and timely access to the road network by oversize overmass vehicles, is not working as well as hoped. The Department has procured the services of consultancy group WSP Australia, with Mr. Pascal Felix to lead the review. The Department has also engaged the assistance of several subject matter experts for an Expert Reference Group, which will act in an advisory capacity. The OSOM Review will complement, not replace, the broader National Transport Commission review of the Heavy Vehicle National Law. Clear themes include process with the NHVR portal, and the need for room for improvement within the process. General feedback from industry was invited with strong interest and submissions with agricultural features a key part of this. Within 5 themes – some are short term, medium and long term solutions, some will dovetail into the National Transport Commission NHVL Review, the aim being to ease and deal with delays and decrease the number of permits. The Review has been welcomed by industry and road managers, with further discussion and industry (Russell Transport) raising questions around how it will change the way road managers operate on the road from one state to the next. The Commonwealth indicated that WSP Australia are conducting an independent review with dedicated working groups and will provide recommendations to go to TIC or TISOC, with more focus work highly likely to continue after the review is released.

3. NOSPAG ITEMS FOR NHVR UPDATE

3.1 Preparation for Chain of Responsibility commencement on 1 October 2018 – raised by TMR

Item covered earlier in meeting, merged with Item 2.1

3.2 Roadworthiness Program and Risk Based Inspection Framework – raised by TMR

The NHVR provided an update on the Roadworthiness project which has transitioned to BAU and the RBIF is awaiting regulatory platform development to progress further, also accept the offer of jurisdictions to trial and validate information. Management and clearance of defects will be progressed through both Regulatory Compliance and Vehicle Standards (productivity and Safety). The Approved Vehicle Examiners element of the roadworthiness project will be developed through the PBS review including accreditation of third party providers, developed within the program along with the inspector competencies framework.

3.3 Electronic Work Diary (EWD) approvals – raised by TMR/RMS

The NHVR provided an update of all work completed to date – currently awaiting a provider of EWDs to come to us for approval. There is a lag between standards complete and for providers to modify existing systems or new providers to develop a system that meets standards. To date 47 providers have registered an interest or are developing an EWD system, or modifying to meet out requirements. About 2/3 are commercial providers, 1/3 private. Approval process, we have developed our own, people on board, as well as utilising ARB with questions around technology. NHVR have invited Police to the approval process, completed training of police and training of roadside officers. Russell Transport raised the question around timeframes for audit checks and NHVR indicated 2-4 weeks, depending on whether an audit needs to be conducted. Assessing outcome, does it meet standards, most existing telematics providers should be fairly advanced and we anticipate it won’t take as long as new systems. RMS raised the question are both police and jurisdictions invited to the process. NHVR noted it will keep this in mind. Russell Transport raised questions around how it will work and the need for enforcement agents to understand the difference between old systems and new. SARTA also raised discussion around EWD use being optional for drivers and NHVR noted that a small percentage of drivers may move between operators, however most operators will require EWDs. SARTA raised further questions around how operators will know if a particular system is approved, and NHVR discussed the website which will show approved systems and will also be advising providers and communicating through our processes. Industry (SARTA and Russell Transport) also raised concern around how to educate their people to know the difference on the road between an approved EWD box and one that might look the same but not be approved. Telematics providers will show the difference and NHVR raised an action item to take industry feedback on board.

Action: NHVR will take industry feedback on board.

3.4 Heavy Vehicle Safety Accreditation Scheme Review – raised by TMR/RMS

Peter Medlock presented outcomes of the initial report to the last Industry Reference Forum – jurisdictions have also had visibility of the report. The NHVR directed Peter to take recommendations to a broader audience for feedback– he has been to 30 plus state government departments and industry and operators to get their thoughts on the report and recommendations. The NHVR received the report on the consultation in the last couple of days, with broad support indicating

that some recommendations require detail to be worked out going forward. There is unanimous support for common accreditation framework – methodology is subject for further discussion. A working group of jurisdictions and industry will dissect and prioritise how it will work. There is very good broad support for the recommendations, with most debate purely around detail. The consultation report includes 10 recommendations, one modified slightly based on consultation. Peter Medlock asked the NHVR to thank all who participated. TISOC and TIC approval review of the law should consider whatever recommendations are supported in the future and feed into the consultation process.

3.5 Effluent and Load Restraint - raised by Australian Livestock and Rural Transporters Association

ALRTA raised the issue of effluent and load restraint, and the concern that a formal consultation process has taken place with no resulting action. To date there has been no legislative change, and we have an obligation to a sensible enforcement regime. Industry expressed disappointment with the current status, inviting comment and discussion about how to move forward. The National Transport Commission indicated two broad papers released by the Queensland parliamentary committee, looking at animal effluence, ventilation, welfare issues, and evidence of safety risks, noting that no one has been able to show actual evidence of the safety risk occurring, partly in due to there being no commercial product on the market for containing/preventing animal effluence from flowing out of trucks, with no state or territory support for a change to the law. The NTC recommendation is likely to be a focus on guidance rather than enforcement guidelines. Industry expressed the development of enforcement guidelines as a viable way forward. Discussions continued around the framework and need for an enforceable code of practice, with effective solutions involving all parties being included in the chain to be held accountable and responsible. The Chair closed the item with agreement that discussions will need to continue.

3.6 National Harmonisation Program – raised by TMR

NHVR provided an update on the National Harmonisation Program. This program comprises the harmonisation of several notices and consolidation of schedules for B-doubles, HML, Road Trains and Class 3 agricultural vehicles:

1. The National B-double notice is doing well. To date we have had a 91% response rate from Road Managers.
2. In relation to HML, Road and road trains relevant states and territories are finding it hard to reach agreement on harmonised conditions. The NHVR will escalate specific issues accordingly with jurisdictions and the Commonwealth.
3. Agricultural Notice – States will be meeting to work out the last remaining conditions in contention – most complex. The NHVR reiterated that sometimes industry can forget that even with consent from road authorities, road managers will not always agree.

There are a few transitional and other types of notices expiring in early 2019. The NHVR will be renewing these notices on Q3 of 2018. Industry (SARTA) expressed frustration that they still do not have national uniformity, Qld Police noted advancements are being made. NHVR emphasized the system is not designed to produce rapid harmonisation and there is a very important role for industry lobbying in this area.

3.7 NHVR Response to Drought Conditions – raised by NHVR

NHVR is responding to the drought condition with significant truck movements into NSW from WA, TAS through VIC into NSW, with special priority given to permit applications, liaison with RMS to service the fodder needs. We have an internal system to prioritise permits for carriers of feed, waiving some permit fees, and are aiming to move permits within a day for drought relief. Police and jurisdictions have been advised, formal warning notices can be issued; notices are being prepared for members being affected. We can provide more information, urgent permits or advice on compliance, please communicate with John Gilbert or Andrew Berkman to provide information, and exercise common sense. Industry (Russell Transport) indicated from the point of rain it will be three months before feed will grow, but were pleased to hear work being done in this space (ALRTA). RMS also raised the centralised government steering group formed to identify future needs with work to continue in how to support farming communities when things start to improve. The drought was well recognised to be a multi-year problem.

4. NHVR ITEMS

4.1 HV Confidential Reporting Line

NHVR provided an update which came out of a Commonwealth initiative to provide funding for the Confidential Reporting Line for 6 months. The NHVR engaged Crime Stoppers to run the line, as they have a background in dealing with matters across a variety of policing areas and other industry areas. The line was operational on 2 July, includes an initial process for triaging information, including the contact numbers and details of callers, any clear or immediate threat is sent to Police for action, the rest comes through to the NHVR to assess and action with jurisdictions where appropriate and to include in the NHVR Intelligence System to inform compliance processes. In July 89+ calls were received resulting in 64 intelligence submissions distributed. NHVR will monitor what comes back in the delivery side of the compliance effort. It provides an avenue for parties in the chain to report, while anonymity is protected. The NHVR will continue to monitor and track to seek how processes can be improved as we receive feedback. Qld Police raised how the NHVR can assess or gauge the initial user experience. The NHVR noted that callers have the opportunity to call back for follow up and confirm that their call has been received and actioned. RMS has a similar system in NSW which will continue to operate. The confidential reporting line is not replacing their system. This is a national system which operates on behalf of the NHVR, and the NHVR are specific about what we believe should be reported, including environmental and systemic issues, particularly significant and immediate issues within the industry. RMS indicated that it is looking at the extent of possible duplication between the two systems, NHVR

confirmed it would be tracking the intel reports generated as to actions taken and emerging trends. The NHVR also indicated it may be in a position to publish trend data down the track. For more information, there are brochures available and the website.

4.2 Compliance and Enforcement Policy

The NHVR informed and updated IRF members on progress in the development of the draft National Compliance & Enforcement Policy and consultation undertaken to date with industry, jurisdictions, and police, including comments currently being sought from an industry technical group. SARTA and the Australian Trucking Association expressed an interest in greater involvement in the consultation process, as discussions with owner operators may be very different to input from tech users. The NHVR noted the request from industry and will take this request into consideration in the consultation process. NOTE:

- SARTA was provided a copy of the current draft policy at a briefing with senior NHVR representatives in Adelaide on 8 August.
- ATA was provided a copy on 17 August for consideration by the ATA Council.
- Once the comments of the Industry Technical Group and other feedback has been received and considered, the revised draft will be forwarded to members of the Industry Reference Forum for their information and comment.

4.3 Amendments to the HVNL and Regulations

NHVR informed the group on about upcoming amendments to the HVNL and Regulations:

- 4.3.1 Replace the requirement for the NHVR to give a statement of reasons for access and vehicle standards exemption permits that are issued with conditions or for a period of time less than that sought, with a requirement to notify the applicant in writing of their right to request a statement of reasons. The NHVR noted most people phone, and this system is seen as being not used or wanted. RMS indicated there is not jurisdictional consensus on this position – there is benefit in transparency¹, they are keen to hear from industry what is the benefit for industry, decision making is contested less often when reasons are provided and the importance of understanding statements of reasons, as to the basis of permits. Industry (SARTA) raised questions around the average operator not understanding why they do not receive all the information and (Hopkins Bros) also raised the question of who the road managers are accountable to. RMS indicated the level of accountability is important, the condition of access that goes to safety is important, and may help understanding as to reasons and due process for decisions. The NHVR noted the request from industry and will look at ways to incorporate this in future policy direction.
- 4.3.2 Limit the time for an applicant to request a statement of reasons to 28 days from the date the notice of the decision is given to the applicant, with the NHVR inviting industry to communicate any concerns around this earlier rather than later².
- 4.3.3 Recognise heavy vehicle modifications approved by non-HVNL jurisdictions that comply with the NHVR's approved Code for vehicles modifications, Vehicle Standards Bulletin 6 (VSB6), the NHVR advising this as an obvious area for efficiency.
- 4.3.4 Fix up inconsistencies between Vehicle Defect Notices and Self Clearing Defect Notices.
- 4.3.5 Allow NHVR and authorised officers to provide advice and education to duty holders about compliance with their obligations under the law. Queensland Police agreed this is an education role within the HVNL.
- 4.3.6 Clarify wording that reference to axles being fitted with dual tyres is not limited to one set of dual tyres.
- 4.3.7 Clarify wording to ensure a 1:1 towing ratio between a towing vehicle and a tag trailer. The NHVR noted 4.3.6 and 4.3.7 as two prospective issues for those interested in proposed amendments or policy material to show industry for further discussion.

Action: NHVR to review consultation to date and consider IRF input.

5. OTHER BUSINESS

The National Transport Commission raised discussion around the Memorandum of Understandings being clear, in line with the decision of Councils, proposed amendments to streamline business operations, reducing compliance costs and administrative burdens. NatRoad raised the HV safety initiative funding from previous year showing interest in feedback on how people have progressed with their funding. The NHVR agreed to follow up with the Commonwealth to provide administration and come back to industry with feedback. The National Farmers Federation confirmed the next round of HVSI funding has just been announced. NHVR regarding the safety and compliance database – are looking for operators to test it in the Beta version – late August/early September, will be sending invitation to attendees to share with your members.

Action: NHVR to send invitations for operators to test the safety and compliance database in the Beta version.

NEXT MEETING - TBA

The Chair thanked all for their collaboration and engagement, next meeting to be advised. The meeting finished at 2.30pm.

¹ All jurisdictions have now confirmed they support this amendment.

² No concerns have been raised by industry through the maintenance advisory group process.