



## HVNL REVIEW CONSULTATION RIS CHAPTER 9: ACCESS

### AUSTRALIAN TRUCKING ASSOCIATION SUBMISSION 25 JANUARY 2020

#### 1. About the Australian Trucking Association

The Australian Trucking Association and its member associations collectively represent 50,000 businesses and 200,000 people in the Australian trucking industry. Together we are committed to safety, professionalism and viability.

#### 2. Introduction and summary

In June 2020, the National Transport Commission released the Heavy Vehicle National Law consultation regulation impact statement,<sup>1</sup> as well as a scenario setting out what the new law could look like.<sup>2</sup>

This submission responds to chapter 9 of the consultation RIS, which deals with access.

The focus of this submission is on the consultation RIS options proposed under chapter 9. It should be read in conjunction with the ATA submission to the HVNL issues paper on easy access for suitable routes.<sup>3</sup>

Additionally, improving access will require improvements to the funding and supply of roads. This submission should also be read in conjunction with the ATA submission to the Heavy Vehicle Road Reform consultation paper.<sup>4</sup>

This submission was developed following extensive consultation with ATA members including access workshops on 1 and 26 October (with Pastin Solutions).

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<sup>1</sup> NTC, [HVNL review consultation regulation impact statement](#). Report prepared by frontier economics. June 2020a.

<sup>2</sup> NTC, [HVNL 2.0: a better law scenario](#). June 2020b.

<sup>3</sup> ATA, [Submission to HVNL issues paper: Easy access to suitable routes](#). August 2019a.

<sup>4</sup> ATA, [Submission to Heavy Vehicle Road Reform consultation paper](#). October 2020.

## Summary of recommendations

In the ATA's view the following options should proceed:

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**Table 1: Consultation RIS options supported by the ATA**

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Option	Description
9.1a	Increase in GML to CML for all operators
9.1d	Increase in general access length
9.2a	Recognise precedent and expand expedited process for equivalent/lower risk applications
9.2b	Allow for opt-in road manager delegation
9.2c	Geospatial map given authority in the law
9.2d	A risk-based approach to vehicle classes
9.2e	Amendment to third party consent requirements
9.3a, Option 2	Statutory timeframe, deemed referral and refusal for nil response New 7-day statutory timeframe for most applications
9.3b, Option 2	External review – referral to an existing tribunal or court
9.4	Move access decision-making process from primary legislation to regulations or standards
9.5a	National scheme – single tiered pilot and escort accreditation

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Additionally, the following options should be rejected:

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**Table 2: Consultation RIS options which should not proceed**

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Option	Description
9.1c	Increase in GML to CML – on board mass installed
9.1e	Introduce “enhanced general access” with more weight, length and height for vehicles with increased safety features and on-board mass
9.2f	Amendment to access decision criteria to allow access decisions to include whole-of-network impacts and strategic network management.

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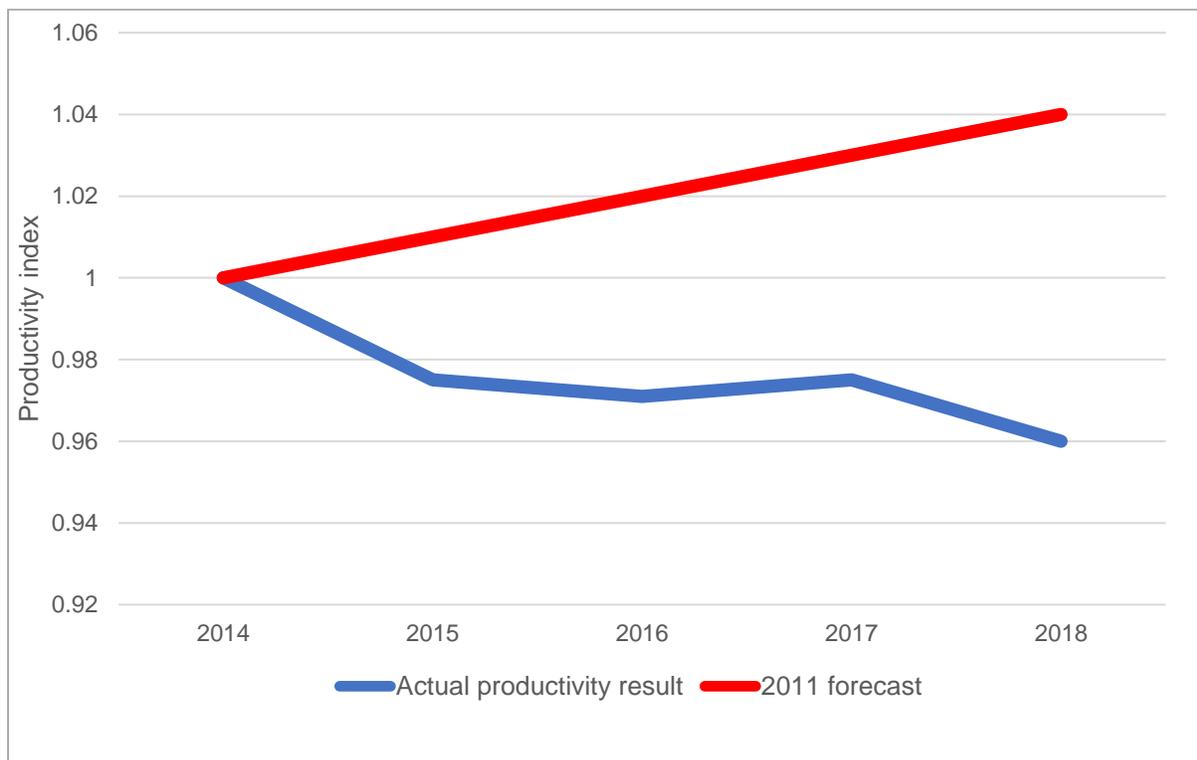
### 3. The case for access and productivity

In 2011, the Heavy Vehicle National Law was predicted to deliver up to \$12.4 billion in economic benefits. Most of the benefits were to be made in gains from harmonising restricted access vehicles, higher mass limits and intelligent access program regulation.<sup>5</sup>

As stated by the NTC at the time, implicit in the benefit calculation was the assumption that the new decision-making framework would promote access.<sup>6</sup>

However, the results have fallen significantly short of these commendable objectives. The productivity of the transport, postal and warehousing sector has fallen steadily since the law came into force in 2014.<sup>7</sup>

Figure 1: forecast and actual changes to industry productivity, 2014-2018



Source: Deloitte Access Economics.

<sup>5</sup> Deloitte Access Economics, [Economic benefits of improved regulation in the Australian trucking industry](#), March 2019, 17.

<sup>6</sup> NTC, [HVNL Regulation Impact Statement](#), September 2011, 57.

<sup>7</sup> Deloitte Access Economics, March 2019, 21.

## Improving productivity is a national economic reform priority

The Productivity Commission's recent report on Australia's long term productivity experience highlights that in 2020 Australia experienced its most severe economic contraction since the Great Depression.<sup>8</sup> The Commission reports that Australia's material living standards depend on the production of goods and services, which depends on how efficiently we use labour and capital (multifactor productivity).<sup>9</sup>

The Commission noted a number of policy implications from the importance of productivity for Australia's living standards, which includes:

- The importance of monetary and fiscal policy to raise investment and lower unemployment in the short term as a response to a negative economic shock
- In the medium term, policies that support participation in the workforce and encourage efficient investment to facilitate economic growth, including the removal of regulations that distort investment
- In the long term, if labour and capital are already utilised then policy can only affect growth through enabling productivity gains.<sup>10</sup>

Reversing the long-term productivity decline in the transport sector must be a reform priority for governments.

Road freight is an enabler of opportunity, allowing businesses to reach domestic and international markets, consumers to purchase goods, farms to sell their produce, and construction materials to enable new developments.

More efficient and competitive supply chains enable increased economic output for other sectors. The Competition Policy Review (Harper Review) found that in relation to road transport:

Even small changes in productivity in this sector can cascade through the economy, boosting productivity and output in other sectors. Also, given the size of the road transport sector, enhanced productivity in road transport can deliver large gains to the economy.<sup>11</sup>

The 2019 Australian Infrastructure Audit reports that our transport networks are vital to our collective economy and productivity, as well as to the quality and cost of living we experience as individuals.<sup>12</sup> It also reports that the World Bank has found that Australia's international trade costs are higher than comparable countries.<sup>13</sup>

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<sup>8</sup> Productivity Commission, [Australia's Long Term Productivity Experience](#). PC Productivity Insights No.3/2020. 19 November 2020. iii.

<sup>9</sup> Productivity Commission, 19 November 2020. 9.

<sup>10</sup> PC, 19 November 2020. 10.

<sup>11</sup> Harper, Anderson, McCluskey, O'Bryan, March 2015, [Competition Policy Review Final Report](#), 38.

<sup>12</sup> Infrastructure Australia, August 2019, [2019 Australian Infrastructure Audit](#), 260.

<sup>13</sup> Infrastructure Australia, August 2019, 351, 323 & 331.

The economic gains from better, more productive heavy vehicle access are well known. Although not achieved, they were a clear rationale for the introduction of the HVNL. They are also cited as a clear aim of Heavy Vehicle Road Reform (HVRR).

HVRR is a joint reform process of the Australian, state and territory governments through the Transport and Infrastructure Council (TIC). The stated aim of HVRR is to turn the provision of heavy vehicle road infrastructure into an economic service, where feasible. It is intended to provide clear links between the needs of users, the charges they pay and the services they receive.<sup>14</sup>

An assessment by Deloitte of the estimated net benefits from HVRR were in the range of \$8.5 billion to \$17.4 billion, assuming a 20-year timeframe.<sup>15</sup> The analysis identifies that the realisation of the net benefit from each potential HVRR end state reform option rests heavily on the assumption that supply-side reforms to the provision of roads are implemented across state and territory jurisdictions.<sup>16</sup>

Access under the HVNL and proposed HVRR reforms are intending to deliver the same outcome – economic gains from more productive heavy vehicle access – but the reform programs are disconnected from each other and disconnected from local road manager decision makers.

A hesitation for local road managers to grant access can be based on the wear and tear of roads resulting from heavy vehicle traffic. An attempt to manage, and potentially prolong the need for maintenance results in a lack of access.

However, heavy vehicles pay for their use of the road network through the fuel-based road user charge and registration charges. That this funding is disconnected from local roads is a problem with the supply of road funding.

In addition to the economic basis for improving heavy vehicle productivity, there are also clear benefits to safety, congestion and the environment. High Productivity Freight Vehicles move the freight task in fewer vehicle movements, often using newer vehicles with the latest in safety technologies and emission standards. An Austroads research report found that in addition to the clear economic benefits, that high productivity freight vehicles were safer and used less fuel.<sup>17</sup>

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<sup>14</sup> Australian Government, July 2018, [Heavy Vehicle Road Reform Changes to heavy vehicle road delivery: Background paper](#), 6.

<sup>15</sup> Marsden Jacob Associates, July 2018, Consultation Regulation Impact Statement: HVRR Phase 2: Independent price regulation of heavy vehicle charges, 9.

<sup>16</sup> Deloitte Access Economics, June 2017, [Economic analysis of potential end-states for heavy vehicle road reform](#), xvii

<sup>17</sup> Austroads, 2014. Quantifying the Benefits of High Productivity Vehicles. i.

## Need for integrated reform to boost heavy vehicle access

The ATA made these arguments about the importance of improving access for productivity in our submission to the HVNL issues paper on easy access to suitable routes. In that submission, the ATA advocated for a national, integrated reform agenda with a strong focus on delivering a modern, more productive and better-connected road freight network.

The ATA recommended that this reform agenda must include:

- Significant reform to access decision making under the HVNL
- Focusing Heavy Vehicle Road Reform on supply side road funding reforms to improve the provision of road infrastructure
- Delivering a national, High Productivity Freight Vehicle network
- Connecting land use and transport planning with heavy vehicle access
- Establishing responsibility for implementing this reform agenda and measuring the progress of improvements to heavy vehicle access.

**The HVNL consultation RIS lacks ambition.** The proposed access reforms are piecemeal at best, and in some options, would impose additional costs or incentivise the reduction of access. Where additional costs are likely, no attempt has been made to quantify the costs of the proposed options.

On HVRR, transport ministers have progressed reform in the right direction, but the process is slow and still requires significant detail.

## Critical need for a national HPFV network

Governments have also failed to place sufficient priority on delivering a national HPFV network. The ATA has long recommended the need for a national HPFV network and the experience of the HVNL illustrates that regulatory change by itself does not deliver an accessible road network on the ground. Governments also need to identify and prioritise delivery of the network and necessary infrastructure.

This should include national leadership by the Australian Government in transitioning the National Land Transport Network, our national highways, to an HPFV network. The Government should:

- Prioritise NLTN upgrades which enable a minimum A-double level of access
- Upgrade the Sheahan Bridge on the Hume Highway to enable A-double access on Australia's busiest road freight corridor, to reduce the number of truck trips
- Replace all one-way bridges on the NLTN, particularly in WA<sup>18</sup>
- Require the NLTN to meet the Austroads guidelines for the provision of heavy vehicle rest areas.

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<sup>18</sup> Western Roads Federation, an ATA member association, has consistently highlighted the need for replacing one-way bridges on the NLTN.

## **Connecting land use and transport planning with heavy vehicle access**

Operators experience the disconnect between land use planning, transport planning and heavy vehicle access as an additional cost of doing business.

Local governments have to meet existing planning obligations. As an example, NSW local governments have legislated responsibilities to produce local strategic planning statements, which set out a vision for land use over 20 years, the character and values that are to be preserved and how change will be managed. The statements implement actions in regional and district plans and the council's own priorities developed under local government legislation. Ultimately, the statements are intended to shape how development controls evolve over time.<sup>19</sup>

However existing planning instruments are effectively incomplete, as they fail to link and fail to plan the connections between land use and heavy vehicle access.

In Victoria, the Victorian Transport Association has analysed local planning strategies and found a significant lack of attention on heavy vehicles.

**As part of their wider land use planning obligations, local government and road managers should be required to produce a heavy vehicle access strategy.** These strategies should link land use with providing better, more productive heavy vehicle access, and how road managers will proactively plan and invest to enable the productive delivery of Australia's freight task.

Failure to plan for heavy vehicle access risks increases in vehicle movements and associated impacts on local communities. These are issues that should be managed through the land use planning system, not the road access approval system under the HVNL.

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<sup>19</sup> NSW Department of Planning and Environment, [Guide to the updated Environmental Planning and Assessment Act 1979: Part 3 – Strategic Planning](#), accessed 13 August 2019.

## Reforming access decisions under the HVNL

The following table highlights ATA recommendations from the issues paper process, and links to consultation RIS options where applicable, illustrating the lack of ambition in the RIS.

**Table 3: Comparison of ATA recommendations and consultation RIS options**

<b>ATA recommendation</b>	<b>Consultation RIS option</b>
Enforceable standards and orders	Option 9.4
Single online mapping resource for route planning	Option 9.2c
Adoption of ARRB's RAVRAT system at all road manager levels in the assessment of restricted access vehicle permits	Not included
Reduction of permit processing times to 48 hours, with justification from road managers required to extend this period to longer than 7 days	Option 9.3a, Option 2 would see a 7-day statutory timeframe for some applications, and 28-days for applications such as OSOM
Mechanism to refer access permits which do not receive a response to a higher authority (such as the NHVR) for decision	Option 9.3a would see a deemed refusal for a nil response. This submission recommends that instead, it should be deemed approval
Ability for local government to delegate their access decision-making role	Option 9.2b
External review of decisions	Option 9.3b, Option 2
Expanding as-of-right networks	Options under 9.1 would see changes to general access, but there is limited improvements to the provision of as-of-right networks for RAVs
Acknowledging precedents in decisions	Option 9.2a, although the proposed option still requires submission of a permit application and unnecessary regulatory burden on industry
Extending the period and applicability of authorisation	Not included
Transition of routes from permit approval to as-of-right access, where the road infrastructure is suitable	Not included
Replacing pre-approved routes with a notification network	Not included. The consultation RIS fails to appropriately emphasise the need to reduce the number of permit applications.
Not duplicating bridge assessments	Not included
Continued OSOM review reforms	Not included
Providing PBS access within an envelope	Not included
Farm gate / low volume access	Not included
Reforming amenity consideration to be a presumption in favour of more productive vehicles	Not included

#### 4. Analysis of option 9.1 (and sub-options): changes to general access

**Table 4: Overview of option 9.1 sub-options**

Sub option	Description
9.1a	Increase in GML to CML for all operators
9.1b	Increase in GML to CML – enrolment
9.1c	Increase in GML to CML – on board mass installed
9.1d	Increase in general access length <ul style="list-style-type: none"> <li>- Option 1 all vehicles</li> <li>- Option 2 vehicles with safety features</li> <li>- Option 3 additional space for the sleeper cabin</li> </ul>
9.1e	Introduce “enhanced general access” with more weight, length and height for vehicles with increased safety features and on-board mass

The ATA **supports options 9.1a and 9.1d. Options 9.1c and 9.1e should NOT proceed.**

#### Assessment of option 9.1: expand as of right general access

The consultation RIS argues that option 9.1 would allow for increases in mass and dimensions for general access vehicles. These options all recognise that mass and dimension limits have not kept pace with advances in the heavy vehicle fleet during the past 30 years.

Current regulations impose access restrictions relating to:

- General access and the kinds of vehicles that qualify for such access.
- Restricted access and the process for which such vehicles can obtain access to public roads (authorisations, permits and notices).

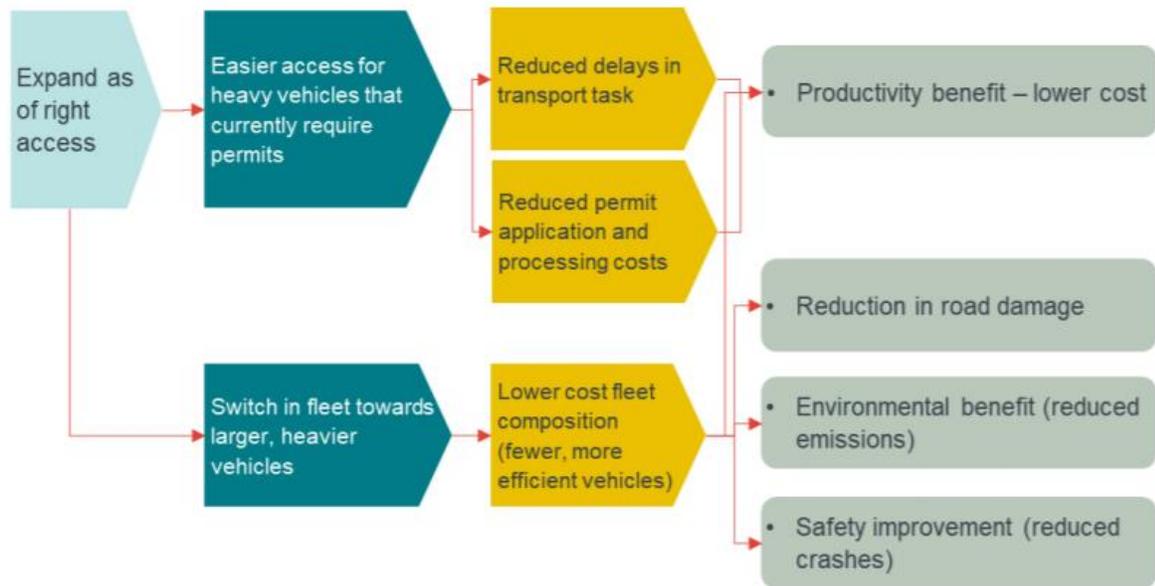
The HVNL review has identified concerns that current access arrangements for RAVs are:

- not timely or efficient, and are imposing excessive transaction and compliance costs on heavy vehicle operators, the NHVR and local government; and
- the conditions of general access to roads may be more stringent than required (given advances in vehicle design) to ensure safety and avoid damage to road pavements and infrastructure (i.e.: they are unnecessarily risk averse).

Delays in access impose economic costs in supply chains and other industries, as they slow the efficient movement of goods and potentially distort the choice of vehicles towards those that are less efficient — for example, because of their reduced capacity, multiple movements may be required— but meet general access requirements.

The consultation RIS identifies a number of generalised benefits from improvements to as of right access. Figure

Figure 2: Overview of general benefits from improved as of right access (Figure 17 from the consultation RIS)



Whilst implied in these benefits, it should also be clearly stated that improving as of right access for more productive combinations would reduce the number of vehicle movements required to move the freight task.

**The real assessment of the sub-options under 9.1 is to what extent they will deliver the overall benefits which are intended.** The following table provides an overall assessment of the impact on access of the proposed options.

**Table 5: Access benefits from proposed options**

Sub option	Description	Access benefits
9.1a	Increase in GML to CML for all operators	Expansion of as of right access
9.1b	Increase in GML to CML – enrolment	Access improvements limited to enrolled operators
9.1c	Increase in GML to CML – on board mass installed	Access improvements subject to significant new regulatory cost
9.1d	Increase in general access length <ul style="list-style-type: none"> <li>- Option 1 all vehicles</li> <li>- Option 2 vehicles with safety features</li> <li>- Option 3 additional space for the sleeper cabin</li> </ul>	Expansion of as of right access (and/or improvements for managing fatigue)
9.1e	Introduce “enhanced general access” with more weight, length and height for vehicles with increased safety features and on-board mass	Access improvements subject to significant new regulatory cost

**The ATA supports option 9.1a** (mass from GML to CML for all vehicles) with a one metre length increase (**option 9.1d**) with 4.6 metres high dimension.

If governments ignored this recommendation and implemented option 9.1b, then enrolment would need to be broader than the National Heavy Vehicle Accreditation Scheme (NHVAS). This should be consistent with reform to implement a comprehensive new accreditation system based on option 7.4 (multiple regulatory certification schemes) in the RIS.

For **option 9.1d**, the ATA supports increasing length for all vehicles (option 1) and increasing length for sleeper cabins (option 3). The consultation RIS suggests these options could be combined, whilst not making it clear whether or not that is the case. NatRoad has proposed combining the options would be possible within a broader policy framework of increasing volumetric load capacity.<sup>20</sup>

The ATA support for option 3 under option 9.1d to provide additional length for sleeper cabins is a high priority. Managing fatigue and providing quality rest for drivers are critical road safety issues.

As recommended by the ATA HVNL review issues paper submission on fatigue, the ATA considers that the best way to give effect to a sleeper cab incentive would be to allow bonneted prime movers with sleeper cabs of more than 1,220 mm nominal width to be coupled to 13.2 metre reference dimension trailers throughout the network as well as 12.3 metre reference dimension trailers.<sup>21</sup>

<sup>20</sup> NatRoad, 2020. [HVNL review consultation RIS submission: Access](#). Paragraph 39.

<sup>21</sup> Reference dimensions are taken from the kingpin to the rear of the trailer. A 12.3 metre reference dimension trailer is a 45 foot trailer; a 13.2 metre reference dimension trailer is a 48 foot trailer.

The incentive would be available for sleeper cabs up to 1,320 mm wide.

At present, a 13.2 metre trailer can only be used if the total length of the combination falls within the dimensional limits prescribed in the national regulation. For example, the dimensional limit for a semitrailer is 19 metres.<sup>22</sup> The incentive would represent a small relaxation of the overall dimensional requirement.

The primary technical issues that need to be considered in any length increase are overall length and low speed off-tracking (LSOT) performance.

Given the small size of the dimensional increase, overall length is not considered to be a major hurdle.

LSOT performance needs to be considered more closely, however. To validate the concept, the ATA modelled the LSOT performance of five combinations using the Queensland DTMR's VPath package.<sup>23</sup>

Table 6 summarises the results and shows that all the combinations modelled achieve an LSOT performance that is better than the Austroads reference vehicle (7.5 metres) and in line with the PBS level 1 performance standard (7.4 metres).<sup>24</sup>

The detailed modelling results were provided in attachment B to the ATA submission to the HVNL review on the fatigue issues paper.<sup>25</sup>

**Table 6: VPath analysis of bonneted prime movers with wide sleeper cabs**

Prime mover	Sleeper (mm)	Trailer (m)	Overall length (m)	Swept path (m)
Austroads reference	N/A	12.30	19.00	7.5
Mack Superliner	1,320	13.20	19.80	7.4
Kenworth T909	1,270	13.20	19.75	7.3
Kenworth T659	1,270	13.20	19.95	7.4
Freightliner Coronado 122	1,320	13.20	19.82	7.4

Source: ATA engineering analysis using DTMR VPath model

The results of this modelling illustrate that the ATA proposal for increased length to incorporate sleeper cabs is technically possible and would be in line with (or better than) existing performance.

<sup>22</sup> *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*, sch 6 s 3(1)(a).

<sup>23</sup> Department of Transport and Main Roads [Qld]. [Vehicle path](#).

<sup>24</sup> NHVR, [Performance-based standards scheme – the standards and vehicle assessment rules](#). 10 November 2008. 37.

<sup>25</sup> ATA. [Effective fatigue management submission: HVNL review issues paper](#). August 2019b. Attachment B.

**Additional costs for some options have not been assessed by the consultation RIS.**

Options 9.1c and 9.1e would require the installation of on-board mass (OBM) systems, at significant cost to industry. There is no evidence that the benefits from improved access would outweigh the increased regulatory cost of on-board mass.

As outlined in the NatRoad submission, there are grounds for significant concern about the cost burden on industry as a result of requiring the installation of on-board mass systems. NatRoad estimate a potential cost of just under \$2.8 billion, not including ongoing costs.<sup>26</sup>

Additionally, there are significant concerns about the use of OBM systems as an enforcement measure. This includes the potential for minor inaccuracies, resulting in technical punitive breaches which do not achieve improvements in safety.<sup>27</sup>

OBM systems should not be introduced as an afterthought based on insufficient assessment. The costs involved, the inspection approach and all related enforcement issues would need to be considered as part of a broader reform agenda to heavy vehicle enforcement.

Option 9.1b proposes a system of enrolment, again without assessment of the cost benefit analysis.

These options cannot proceed due to the insufficient assessment.

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<sup>26</sup> NatRoad, 2020. Paragraph 28.

<sup>27</sup> NatRoad, 2020. Paragraphs 27 to 34.

Table 7: Qualitative analysis of option 9.1 alternatives

Industry		Government and community		Other
Compliance costs	Improvements in operational efficiency	Enforcement and compliance costs	Changes in road infrastructure damages	Change in costs associated with vehicle crashes
<b>1. Consultation RIS assessment of option 9.1a: Mass from GML to CML (All heavy vehicles-decreases the number of vehicles that need to apply for a permit)</b>				
	5% increase in allowed mass reduces number of trips required and vehicle kilometres driven.		Unclear. Heavier vehicles can increase road wear and damage costs on a per km travelled basis. Cost depends on axle loading, pavements and other factors. However, fewer movements will mean reduced damage if +ve relationship between vehicle kms and costs of road damage.	Unclear. Heavier vehicles can increase costs of crashes. However, fewer movements will mean reduced crashes.
<b>2. ATA assessment of option 9.1a: Mass from GML to CML (All heavy vehicles-decreases the number of vehicles that need to apply for a permit)</b>				
	Agreed, likely to reduce the number of trips required.  However, not all CML equates to 5% clarifying for operators.	Sensitivity with local road managers may add additional limits to access  Cross border issues for B-doubles	Must do bridge assessments – gap analyses  Lack of assessment of cost on infrastructure undermines credibility of the RIS.	Whilst a step in the right direction, this option may not achieve the intended benefits as it does not incentivise road managers to provide access.
<b>3. Consultation RIS assessment of option 9.1b: Mass to CML on enrolment with NHVR</b>				
Costs of enrolling, maintaining enrolment.	5% increase in allowed mass reduces number of trips required, vehicle kms (fewer vehicles benefit compared to (a)).	Costs of administering enrolment system.	As above (Row 1).	As above (Row 1).

Compliance costs	Improvements in operational efficiency	Enforcement and compliance costs	Changes in road infrastructure damages	Change in costs associated with vehicle crashes	
<b>4. ATA assessment of option 9.1b: Mass to CML on enrolment with NHVR</b>					
Enrolment is a regulatory burden for industry	CML is a benefit afforded under Mass Management Accreditation through NHVAS.  CML is not currently a permit-based productivity gain, hence there would be no permit related gains.	Agreed.	Unclear.	Unclear	
<b>5. Consultation RIS assessment of option 9.1c: increase in GML to CML – on board mass installed</b>					
Costs of installing OBM equipment, if not already installed.	5% increase in allowed mass reduces number of trips required, vehicle kms (fewer vehicles benefit compared to either (a) or (b)).	NHVR incurs some costs to monitor whether only vehicles with OBM obtain CML. As above. Additionally, improved ability to monitor routes and avoid damage.	NHVR incurs some costs to monitor whether only vehicles with OBM obtain CML. As above. Additionally, improved ability to monitor routes and avoid damage.	NHVR incurs some costs to monitor whether only vehicles with OBM obtain CML. As above. Additionally, improved ability to monitor routes and avoid damage.	
<b>6. ATA assessment of option 9.1c: increase in GML to CML – on board mass installed</b>					
The benefits of CML would not outweigh the costs of OBM for operators.  This option cannot proceed without a proper cost benefit analysis.	Benefits unlikely to be greater than regulatory cost.	Additional costs of monitoring and establishing the system.	Needs proper cost benefit analysis.	Needs proper cost benefit analysis.	ATA members have reservations as to the benefits of OBM providing adequate reliable information to influence investment and planning. Investment and planning should be guided by the benefits of HML.

Compliance costs	Improvements in operational efficiency	Enforcement and compliance costs	Changes in road infrastructure damages	Change in costs associated with vehicle crashes
<b>7. Consultation RIS assessment of option 9.1d: Increase in allowable vehicle length – Option 1 All vehicles</b>				
Nil.	Estimated that allowing an extra metre for a general access would allow a 10 per cent increase in volume per trip, resulting in fewer trips needed. Reliant on investment in longer vehicles and “as of right” access for PBS vehicles at this length. This cost can be assumed to be outweighed by efficiency benefits as otherwise operators will not seek to increase vehicles lengths.	Nil.	No change expected. Road managers have already allowed general access for 20-metre PBS combinations.	Change in fleet composition would reduce trips needed and therefore crashes.
<b>8. ATA assessment of option 9.1d: Increase in allowable vehicle length – Option 1 All vehicles</b>				
	A further benefit of this being allowing the additional length allows design to migrate to a slightly longer trailers which, for bulk DG, allows CoG height to be reduced improving roll stability. Eg: limit kingpin to rear dimensions to a maximum of 14.6 metres.			Strong support to increase the length of short B-doubles from 19 to 20 metres with <b>a dimension control</b>
<b>9. Consultation RIS assessment of option 9.1d: Increase in allowable vehicle length – Option 2 Vehicles with safety features</b>				
Safety features would require some certification / approval.	As above. But fewer vehicles may benefit if safety requirements are costly.	Costs of administering certification / approval.	As above.	As above. Potentially offers a higher level of safety as ensures all vehicles have safety features.

Compliance costs	Improvements in operational efficiency	Enforcement and compliance costs	Changes in road infrastructure damages	Change in costs associated with vehicle crashes	
<b>10. ATA assessment of option 9.1d: Increase in allowable vehicle length – Option 2 Vehicles with safety features</b>					
		Possible costs of administering certification / approval.			
<b>11. Consultation RIS assessment of option 9.1d: Increase in allowable vehicle length – Option 3 for some RAVs for additional sleeper cabin only</b>					
May require some certification / approval		Possible costs of administering certification / approval	As above.	As above. Potentially offers a higher level of safety as helps address fatigue risk. But will depend on uptake.	
<b>12. ATA assessment of option 9.1d: Increase in allowable vehicle length – Option 3 for some RAVs for additional sleeper cabin only</b>					
The cost of new vehicles would only be incurred by operators who see an overall benefit.	Improved access to appropriate rest for drivers.			Improvements in fatigue related safety outcomes.	There is no evidence that this option should be restricted to RAVs.
<b>13. Consultation RIS assessment of option 9.1e: Introduction of enhanced general access category</b>					
Compliance costs associated with qualifying for enhanced general access.	As above. Fewer vehicles may benefit if safety and other requirements are costly.	Costs of developing and administering new system.	Potentially mitigate any additional road damage from higher mass.	Potentially offers a higher level of safety as ensures enhanced vehicles have safety features.	
<b>14. ATA assessment of option 9.1e: Introduction of enhanced general access category</b>					
Additional costs to comply	Unclear, potential benefits may be outweighed by cost of on-board mass systems	Additional costs to administer	Unclear		

## 5. Analysis of option 9.2 (and sub-options): permits and authorisation processes

**Table 8: Overview of option 9.2 sub-options**

Sub option	Description
9.2a	Recognise precedent and expand expedited processes for equivalent/lower risk applications
9.2b	Allow for opt-in road manager delegation
9.2c	Geospatial map given authority in the law
9.2d	A risk-based approach to vehicle classes <ul style="list-style-type: none"> <li>- Option 1 – Freight and passenger, OSOM</li> <li>- Option 2 – Existing authorisation category, exemption categories</li> </ul>
9.2e	Amendment to third party consent requirements <ul style="list-style-type: none"> <li>- Option 1 – Remove third party consents</li> <li>- Option 2 – capture third parties in access decision making</li> </ul>
9.2f	Amendment to access decision criteria to allow access decisions to include whole-of-network impacts and strategic network management

### Assessment of option 9.2

The current system results in too many permit applications. In 2019-20, the NHVR received a total of 78,622 permit applications, representing an additional 10,609 permit applications when compared to 2018-19.<sup>28</sup> This number is not a measure of success, instead, it is a measure of the growing regulatory burden on industry.

The NHVR also reported a decrease in end-to-end processing time (including road manager approval processes) for all types of road access applications from 18.59 days in 2018-19 to 16.83 days in 2019-20.<sup>29</sup> The slight reduction in processing time is welcome, but still represents a significant drag on economic activity, on a growing number of permit applications.

Similarly, the granting of access permits within the statutory 28-day approval period in the HVNL is not a measure of success, although approvals beyond this timeframe represent a significant failure. The Inquiry into National Freight and Supply Chain Priorities recommended reducing the approval period for key freight routes to 24 hours as a key priority.<sup>30</sup> In the ATA submission to the HVNL review issues paper on easy access to suitable routes, it was made clear that the HVNL should enable a modern, on-demand economy. Decisions beyond 48 hours should be rare, and approvals taking longer than 7 days should be justified.<sup>31</sup>

Ultimately the access system needs to focus on not just what type of heavy vehicle combination uses a particular route, but also on how many vehicle movements will be needed to move the

<sup>28</sup> NHVR. [Annual Report 2019-20](#). September 2020. 23.

<sup>29</sup> NHVR. September 2020. 23.

<sup>30</sup> Commonwealth of Australia. [Inquiry into National Freight and Supply Chain Priorities Report](#). March 2018. 9.

<sup>31</sup> ATA. August 2019a. 15.

freight task. A decision to refuse access can increase impacts on the network by increasing the number of vehicle movements.

The consultation RIS outlines that the sub-options under option 9.2 are expected to make access decisions more risk-based, outcomes focused and result in faster access decisions.<sup>32</sup> The consultation RIS provides the following overview of expected benefits.

**Figure 3: Overview of expected benefits from option 9.2**  
(Figure 18 from the consultation RIS)



Similar to the assessment of sub-options under option 9.1, these sub-options should be assessed to ensure they are likely to deliver the intended benefits.

Table 9 provides an overview of the impact of the proposed options on making faster access decisions.

<sup>32</sup> NTC. June 2020a. 135, 136.

**Table 9: Impact of proposed options on reducing access decision delays**

Sub option	Description	Impact on making faster access decisions
9.2a	Recognise precedent and expand expedited processes for equivalent/lower risk applications	Recognising precedent for similar and lower risk applications would reduce the assessment required for these applications.
9.2b	Allow for opt-in road manager delegation	May result in faster decisions, dependent on which road managers may make use of the option, and dependent on the actions of the delegated agency.  Road managers may not be willing to delegate.
9.2c	Geospatial map given authority in the law	Providing a single source of truth for road access will improve the information available to industry from which to make permit applications.
9.2d	A risk-based approach to vehicle classes	These options would likely contribute to improvements in the risk assessment of applications, making better use of road manager resources.  The potential to develop relevant envelopes for each relevant vehicle category would also promote timely assessments.
Option 1	Freight and passenger, OSOM	
Option 2	Existing authorisation category, exemption categories	
9.2e	Amendment to third party consent requirements	These options would reduce the time impact from third party consent requirements
Option 1	Remove third party consents	
Option 2	Capture third parties in access decision making	
9.2f	Amendment to access decision criteria to allow access decisions to include whole-of-network impacts and strategic network management	The consultation RIS references the potential for this option to reduce access, and the complexity potentially involved. <sup>33</sup>

**The ATA supports options 9.2a to 9.2e**, noting that further consultation would be necessary for some options and that the package requires a staged approach to implementation.

**Option 9.2f (Amendment to access decision criteria to allow access decisions to include whole-of-network impacts and strategic network management) should NOT PROCEED.**

The Productivity Commission has concluded that the choice of mode is a commercial decision, and that government regulation should be neutral. The Commission also reported that it is difficult to estimate the degree of substitutability between road and rail, particularly as it is not possible to assume that all freight traffic on a given highway could be replaced by rail, as trucks may enter and exit at various points.<sup>34</sup>

<sup>33</sup> NTC. June 2020a. 150.

<sup>34</sup> Productivity Commission, [National transport regulatory reform draft report](#). November 2019. 302, 303.

As referenced in the above table, the consultation RIS recognises that assessments under this option would be complex and have the potential to reduce access. This is an understatement. Inserting modal shift preferences, in conflict with the Productivity Commission recommendation for mode neutrality in government regulation, into individual access decisions will reduce access. It is only a question of by how much.

**Ultimately local road managers are not equipped to make commercial decisions about how to transport a specific freight task.** A decision to refuse access for a more productive heavy vehicle – on the basis of encouraging mode shift to rail – is most likely to result in either the economic activity not going ahead, or the task being moved in less restricted truck combinations (resulting in more truck trips on the network).

That the consultation RIS fails to cost this identified impact, and packages it up in a series of options intended to promote better access, is a significant failure of assessment. Option 9.2f would conflict with the rationale for reforming the HVNL – to provide a much-needed boost to productivity.

This option represents the wrong mechanism to strategically consider whole-of-network issues. As recommended in section three of this submission, local government and road managers should be required as part of their land use planning obligations to produce a heavy vehicle access strategy.

Ultimately the question of whole-of-network considerations needs to focus on improving heavy vehicle productivity to reduce vehicle movements required to move the freight task. Other modes, such as rail, should also be planned for in a strategic manner (but not in terms of having governments making commercial modal decisions), with particular attention paid to the intersections between modes (for example, ensuring intermodal terminals have road access for High Productivity Freight Vehicles).

Option 9.2f would be similar to asking local governments to review their longer-term strategic land use plans every time they receive an individual development application for a new house. It would be the wrong mechanism that would over complicate individual applications and fail to appropriately provide strategic planning.

In seeking to achieve both aims together – it would achieve neither. Option 9.2f would similarly undermine the heavy vehicle access approval system.

**Table 10: Qualitative analysis of option 9.2 permits and authorisation processes**

Industry		Government and community			Other
Compliance costs	Improvements in operational efficiency	Enforcement and compliance costs	Changes in road infrastructure damages	Change in costs associated with vehicle crashes	
<b>1. Consultation RIS assessment of option 9.2a: Recognise precedent and expand expedited process for equivalent/lower risk applications</b>					
More consistent decisions and simpler vehicle classifications reduce compliance burden.	Faster access decisions, particularly for renewals / lower risk, with associated productivity benefit.	Reduced permit approval burden.	No change.	No change.	
<b>2. ATA assessment of option 9.2a</b>					
Agreed	Agreed	Agreed			Still requiring permit applications where the route has already been assessed represents a lack of ambition of the RIS and unnecessary regulatory burden.
<b>3. Consultation RIS assessment of option 9.2b: Allow for opt-in road manager delegation</b>					
Reduce compliance burden. Dependent on whether opt in occurs.	Associated productivity benefit. Dependent on whether opt in occurs.	Allowing delegations would likely reduce costs.	No change.	No change.	
<b>4. ATA assessment of option 9.2b: Allow for opt-in road manager delegation</b>					
Agreed	Agreed	Agreed			Unclear how successful take up of this option would be.
<b>5. Consultation RIS assessment of option 9.2c: Geospatial map given authority in the law</b>					
Significant reduction expected.	Significant reduction expected.	Costs of establishment would be significant.	No change.	No change.	

Compliance costs	Improvements in operational efficiency	Enforcement and compliance costs	Changes in road infrastructure damages	Change in costs associated with vehicle crashes
<b>6. ATA assessment of option 9.2c: Geospatial map given authority in the law</b>				
Agreed	Agreed	While there would be costs of establishment, the positive impact would be significant.		Necessary reform to bring the HVNL into the 21 <sup>st</sup> century.
<b>7. Consultation RIS assessment of option 9.2d: A risk-based approach to vehicle classes – Option 1 and 2</b>				
Simplification expected to reduce costs.	Simplification expected to reduce costs.	Upfront cost to agree and implement changes to classifications, ongoing benefits from simpler authorisation process.	No change.	No change.
<b>8. ATA assessment of option 9.2d</b>				
Any changes to the current classifications would need to be considered to the extent that they would facilitate better access (changes to the classifications, if it resulted in existing vehicles losing access, would not be supported by the ATA) and if they would be nationally consistent.		These options would likely contribute to improvements in the risk assessment of applications, making better use of road manager resources.  The potential to develop relevant envelopes for each relevant vehicle category would also promote timely assessments.		
<b>9. Consultation RIS assessment of option 9.2e: Amendment to third party consent requirements</b> – Option 1 – Remove third party consents – Option 2 – Capture third parties in access decision making				
No change.	Reduced delays in permit decisions would improve efficiency.	Unclear. Would likely increase responsiveness of third parties but potentially impose cost - would carry with it risks of liability that would need to be managed.	Unclear. May increase risk of inappropriate access where third party is assumed to have provided consent.	No change.

Compliance costs	Improvements in operational efficiency	Enforcement and compliance costs	Changes in road infrastructure damages	Change in costs associated with vehicle crashes
<b>10. ATA assessment of option 9.2e: Amendment to third party consent requirements</b> – Option 1 – Remove third party consents – Option 2 – Capture third parties in access decision making				
	Agreed.  Operators currently do significant work attempting to line up necessary approvals.			Consideration should be given to tasking case managers to handle and drive a permit from application to approval.  Onus should rest on the third-party asset. Assets should be registered or access deemed as “as of right” if not registered or consent given.
<b>11. Consultation RIS assessment of option 9.2f: Amendments to access decision-making criteria - network management</b>				
Risk that will delay access decision making.	Unclear - may reduce access but could also enhance network efficiency.	No change.	May improve ability of road managers to take account of broader strategic network access concerns.	
<b>12. ATA assessment of option 9.2f: Amendments to access decision-making criteria - network management</b>				
Likely to increase access decision making delays.	Increasing regulatory constraints on road transport to encourage modal shift – where that option was not already the commercial preference – would increase freight costs.	Increased complexity for road managers for individual permit applications.  Strategic planning should instead be done on that basis, and mode neutral – not as a response to individual access applications.	Reducing access to encourage modal shift, where that option is not already commercially preferred, is likely to just increase truck vehicle movements on less productive combinations.  This would increase infrastructure damage costs and risk higher safety costs.	Option breaches the need to improve productivity, and breaches PC recommendation for government regulation to be mode neutral.

## 6. Analysis of option 9.3 (and sub-options): timeframes and reviews

**Table 11: Overview of option 9.3 sub-options**

Sub option	Description
9.3a	Statutory timeframe, deemed referral and refusal for nil response <ul style="list-style-type: none"> <li>- Option 1 – 28-day statutory timeframe with deemed referral and deemed refusal for nil response</li> <li>- Option 2 – Varying timeframes for different vehicle categories, including 28 days on OSOM or exemption category applications and a 7-day statutory timeframe on freight and passenger vehicles</li> </ul>
9.3b	External review of access decisions <ul style="list-style-type: none"> <li>- Option 1 – Independent review panel</li> <li>- Option 2 – Referral to an existing tribunal or court</li> </ul>

### **The ATA supports option 2 under option 9.3a and supports option 2 under 9.3b.**

Decision makers have a responsibility to deliver justified, consistent decisions in line with the objectives of the new HVNL. There are too many instances of operators having to navigate lengthy timelines or inconsistent refusals which appear to be linked to issues with the decision maker, such as lack of resourcing and lack of understanding of the application of heavy vehicle combinations and their impact on infrastructure.

### **Assessment of option 9.3**

The consultation RIS assessment of the options under 9.3 outlines expected benefits will include:

- reduction in delays associated with the issuing of permits
- reversal of access refusals where the refusal is not justified
- few direct costs.

The assessment assumes that gains in reducing delays would be greater under option 9.3a, option 2.

In the ATA's view, this assessment is dependent on implementing option 2 under both option 9.3a and 9.3b.

### **Option 9.3a**

Option 1 under option 9.3a would risk not achieving the intended benefits. Leaving the statutory timeframe for all vehicles at 28 days, with a deemed refusal for a nil response, may only achieve minor improvements to access decision delays. The statutory timeframe would remain far and above the needs of a modern, on-demand economy.

Option 2 under option 9.3a would implement a 7-day statutory timeframe for a significant number of vehicles. This will be more likely to achieve the intended benefits of reducing access decision delays.

In the ATA's view, decisions that remain with a 28-day timeframe (such as OSOM), should still be required to provide justification within 7 days as to why the longer assessment will be required.

Additionally, **the option should be amended to provide for nil responses to be a deemed grant of access.** Otherwise, the system would create the ability for road managers who wish to refuse access, without justification, to simply not respond.

The statutory timeframe should also commence from when the application is made, not from when the road manager receives it from the NHVR.

### Option 9.3b

Option 1 (independent review panel) is unlikely to achieve the intended benefits. The consultation RIS assessment sets out that the decisions of a review panel would only be advisory and would not be binding.<sup>35</sup> The assessment suggests that there may be more reviews due to the costs of the process being lower, but this needs to be balanced against the non-binding nature of the decisions. The system would involve an extra cost, and even if the decision was in favour of overturning an access refusal, there is no guarantee that would be the outcome. Operators may well choose not to apply for a review which will impose some costs for no potential outcome.

**Instead, appeals should go to the relevant state administrative appeals tribunal, as the HVNL provides for other appeals (Option 2: referral to an existing jurisdictional tribunal or court).**

Decision makers under the HVNL should be responsible for their decisions. In the ATA's 2011 submission on the HVNL we said that in order to deliver a significantly improved decision-making framework for access, that it is absolutely critical that the decisions by road asset managers are subjected to external review.<sup>36</sup> In considering how the HVNL has failed to deliver the level of productivity gains from better access that were intended, the ATA recommendation on external review should be revisited and included in the new HVNL.

Road asset manager decisions are critical decisions, and these should be transparent and accountable. Transparency would be improved if an access applicant can request a statement of reasons and request a review by an alternative decision maker. These obligations are common to Commonwealth agencies and have demonstrated enhanced decision making. Reviews should be limited to applicants, and not any party.

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<sup>35</sup> NTC, June 2020a, 151.

<sup>36</sup> ATA, May 2011, [Submission on the draft HVNL and Regulatory Impact Statement](#), 14.

The ATA's previous specialist legal opinion on this issue of the 2011 RIS position of not extending decisions to external review stated that:

The justification for restricting road manager decisions to internal review only is brief with little supporting argument. The RIS states that it is not feasible at this juncture as Councils would be required to source second opinions and legal expertise likely to be outside their budgetary reach.

This is an unusual justification. There are many decisions that Councils make which, if subject to external review, would require them to source second opinions and legal expertise and which would not fall with any fixed budgetary allocation.

The opinion also stated that:

These decisions have to be based on infrastructure protection and public amenity and the RIS implies that Councils are reluctant to grant access on either ground as refusal is a safe decision.." and that "The prospect of external review is, in our view, more likely to result in better informed and careful access decisions and made in accordance with the comprehensive evaluative tools mentioned in the RIS.<sup>37</sup>

The experience of the HVNL adds weight to this view. The HVNL access issues paper includes a case study experienced by the South Australian Road Transport Association (SARTA), an ATA member association.

In this case study, it appears that the local government was seeking to block an access application without having a reasonable or logical cause. The NHVR did not have the power to do anything except try and persuade the council staff, and the portal system effectively allowed the application to reach 114 days without being flagged for urgent attention.

Ultimately the council's objections were not based on defensible grounds, and the application was granted more than 200 days after the operator applied for the permit.<sup>38</sup>

A non-binding review panel falls short of a genuine system of external review.

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<sup>37</sup> 2011 advice by Special Counsel, Tony Hulett, of Lord Commercial Lawyers, as included in the ATA 2011 submission on the draft HVNL and RIS.

<sup>38</sup> South Australian case study, NTC, June 2019, HVNL review issues paper: Easy access to suitable routes, 50.

Table 12: Qualitative analysis of option 9.3 alternatives

Industry		Government and community			Other
Compliance costs	Improvements in operational efficiency	Enforcement and compliance costs	Changes in road infrastructure damages	Change in costs associated with vehicle crashes	
<b>1. Consultation RIS assessment of option 9.3a Statutory timeframe, deemed referral and refusal for nil response</b> - Option 1: standard timeframe of 28 days - Option 2: varying timeframes for risk					
No change.	Potential for reduction in delays associated with the issuing of permits from clarity of decisions.	Unclear. May impose some increased cost to meet statutory deadlines.	No change.	No change.	
<b>2. ATA assessment of option 9.3a Statutory timeframe, deemed referral and refusal for nil response</b> - Option 1: standard timeframe of 28 days - Option 2: varying timeframes for risk					
More clarity on access decisions and improved timeframes would likely reduce costs.	Agreed.	As above.			Benefits will be greater if timeframe reduced to 7 days under option 2.  Amendment needed so that nil responses are a deemed grant of access.
<b>3. Consultation RIS assessment of option 9.3b External review of access decisions</b> - Option 1 – Independent review panel - Option 2 – Referral to an existing tribunal or court					
Potential increase related to challenge of decisions.	As above. Where decisions are overturned may result in benefits from increased access.	Increase in costs to set up and operate review panel, and/or further tribunal/court funding. Increase in legal or other costs for road authorities to defend decisions.	No change.	No change.	

Compliance costs	Improvements in operational efficiency	Enforcement and compliance costs	Changes in road infrastructure damages	Change in costs associated with vehicle crashes
<b>4. ATA assessment of option 9.3b External review of access decisions</b> - Option 1 – Independent review panel - Option 2 – Referral to an existing tribunal or court				
Ability to challenge inconsistent decisions may ultimately lead to lower costs.	Ability to challenge access refusals which are not consistent or based in appropriate standards is likely to improve access and operational efficiency.	Costs to government may reduce if external review leads to more consistent decisions.	Justified access decisions which do not unnecessarily restrict access for more productive vehicles will allow the freight task to be moved in less vehicle movements.	<b>The benefits of this option are dependent on option 2.</b>
However, the benefits of this option are unlikely to be achieved under option 1, which would only produce non-binding decisions. Binding decisions are necessary to establish a genuine external review panel.				

## 7. Analysis of option 9.4: access decision making

The ATA supports option 9.4, which follows the ATA recommendation for enforceable standards and orders on access to be incorporated into the HVNL.

This option should be implemented in line with the ATA's recommended new option 5.6 for transferring provisions to regulations, as outlined by the ATA submission on chapter 5 of the consultation RIS.<sup>39</sup>

This would involve the NHVR's *Approved Guidelines for Granting Access* being developed into regulation, under the national regulations provision proposed by the ATA's recommended option 5.6.

### Assessment of option 9.4

The consultation RIS sets out that the primary benefit of this option would be to make the access decision making framework more responsive to changes in areas such as technology.<sup>40</sup> Whilst the ATA does not disagree with this benefit, the assessment fails to include the most significant benefit of this option.

As put forward in the ATA access submission in the HVNL review issues paper process, central to industry's concerns about the access decision-making process is the application of inconsistent decisions and route assessments and the lengthy timeframes that apply for some permit applications. Inconsistent decision-making processes directly lead to inconsistent decision timeframes.

The HVNL review access issues paper identified no consistent route assessment process is applied by road managers, with use of the *Restricted Access Vehicle Route Assessment Tool* not mandatory and inconsistent criteria used when assessing routes.<sup>41</sup>

The NHVR's *Approved Guidelines for Granting Access* are also not used consistently.<sup>42</sup> Even though road managers are required, by law, to have regard to the guidelines, they are not available on the NHVR website (as of the end of July 2019).

The reasons for access refusal also illustrate deficiencies with the system. Independent reports have found:

- Consent decisions from local government road managers often lack evidence of risks to infrastructure.<sup>43</sup>
- Road managers can use grounds in the HVNL without compelling reasons, such as refusing access for risks to safety without specifying or substantiating what those risks are.

<sup>39</sup> ATA. [HVNL Review Consultation RIS Chapter 5: Regulatory Tools submission](#). November 2020. 15.

<sup>40</sup> NTC. June 2020a. 151.

<sup>41</sup> NTC. [HVNL review issues paper: Easy access to suitable routes](#). June 2019. 45.

<sup>42</sup> NTC. June 2019. 49.

<sup>43</sup> Queensland Audit Office, June 2016, [Heavy vehicle road access reforms, Report 20: 2015-16](#), 4.

- Statements do not always include what access is available if risk-mitigation conditions were applied; for example, if reduced mass or a route variation would be accepted. Instead, operators need to make multiple applications to guess what would be acceptable.<sup>44</sup> Road managers should not make assumptions about what the applicant would or would not agree to in terms of conditions.

By developing the NHVR's *Approved Guidelines for Granting Access* into regulations, the primary benefit of option 9.4 would be in improving the consistency and justification of access decisions.

Local government access decisions have an impact beyond their own road network, impacting other road networks, the economy and the ability to freely move goods about within the wider Australian community. Decisions to limit access for more productive vehicles increases vehicle movements.

As such, it is reasonable to impose enforceable standards on granting access on the role of local government decision-makers as their decisions have ramifications beyond their own road network.

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<sup>44</sup> Austroads, February 2018, Local road access for High Productivity Freight Vehicles, 31, 70.

**Table 13: Qualitative analysis of option 9.4 alternatives**

Industry		Government and community			Other
Compliance costs	Improvements in operational efficiency	Enforcement and compliance costs	Changes in road infrastructure damages	Change in costs associated with vehicle crashes	
<b>1. Consultation RIS assessment of option 9.4 Move access decision-making process from primary legislation to regulations or standards</b>					
No change.	Access framework should become more responsive to changes.	Fewer costs from parliamentary oversight of access provisions.	No change.	No change.	
<b>2. ATA assessment of option 9.4 Move access decision-making process from primary legislation to regulations or standards</b>					
Improved consistency and reliability of access decisions should reduce compliance costs for operators.	Improved consistency of access decisions will better enable operational efficiency and planning.			If leads to better access for more productive vehicles, will reduce infrastructure damage and vehicle crash costs.	

## 8. Analysis of option 9.5 (and sub-options): pilots and escorts

**Table 14: Overview of option 9.5 sub-options**

Sub option	Description
9.5a	National scheme – single tiered pilot and escort accreditation
9.5b	National scheme – dual-tiered pilot and escort accreditation

### Assessment of option 9.5

Different states and territories have different training and accreditation requirements for pilot and escort vehicle drivers, yet there are no formal arrangements to recognise driver accreditation when loads are moved across state and territory borders. This inconsistency creates inefficiencies and frustrations for transport operators as it complicates an already complicated process. The function of road agencies and the NHVR providing escort services in jurisdictions has led to a major cost component of OSOM movements. This inconsistency results in significant coordination with each state and territory to organise escorts and pilots that meet the requirements as well as managing the timeliness and costs of the movements.

The OSOM review, identified problems with respect to jurisdictional consistency and harmonisation of regulations. The OSOM review contained three relevant recommendations pertinent to this HVNL review:

- Recommendation 17 - Transport and Infrastructure Council agree to implement harmonised national standards for pilot and escort vehicle arrangements.
- Recommendation 18 - Transport and Infrastructure Council agree to harmonise inconsistencies around accreditation for Pilot drivers by 2020.
- Recommendation 19 - Transport and Infrastructure Council agree to simplify pilot and escort process to remove layers to the consent process. NHVR, Department of Transport and Main Roads and Queensland police to undertake a process improvement project.

**The ATA supports option 9.5: Implement 9.5a National scheme – preference to have a single tiered pilot.** However, the proposal to develop a national pilot and escort scheme should be subject to a cost benefit analysis.

Establishing a nationally harmonised pilot and escort accreditation scheme to be administered by the NHVR. The approach for pilot competency would be based on the single tier model.

The ATA agrees with the consultation RIS assessment that the benefits of a national pilot and escort scheme would reduce the complexity inherent in the existing multiple jurisdictional-based schemes.<sup>45</sup>

Reform options should also not be restricted to developing a national accreditation model. At a minimum, governments should ensure reform is delivered to achieve mutual recognition and harmonisation across state and territory borders.

<sup>45</sup> NTC. June 2020a. 152.

**Table 15: Qualitative analysis of option 9.5 alternatives**

Industry		Government and community			Other
Compliance costs	Improvements in operational efficiency	Enforcement and compliance costs	Changes in road infrastructure damages	Change in costs associated with vehicle crashes	
<b>1. Consultation RIS assessment of option 9.5a: National scheme – single tiered pilot</b>					
Reduction in compliance costs for national operators, interstate traffic.	Lower cost OSOM movements.	Some upfront cost, offset by regulatory simplification and consistency.	No change.	No change.	
<b>2. Consultation RIS assessment of option 9.5b: National scheme – dual-tiered pilot</b>					
As above Dual tiering may have lower costs for smaller movements.	As above.	As above.	No change.	No change.	
<b>3. ATA assessment of option 9.5a and 9.5b</b>					
Reduction in compliance costs for national operators, interstate traffic.	Lower cost OSOM movements.	As above.			