

# View from Canberra



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## Better Safety Record means one size does not fit all in HVNL

The BIC and Bus Australia Network (BAN) are currently participating in the Review of the Heavy Vehicle National Law (HVNL) being undertaken by the National Transport Commission (NTC). The BIC and the State Associations have formed a Working Group to develop Industry responses to each discussion paper.

This involves responding to 8 discussion papers over the next few months on behalf of Industry. Considering this relates to the regulation that your businesses are subject to every day, it is a vitally important exercise for Industry to make a contribution on your behalf.

Currently there are 4 discussion papers out for comment:

1. Risk Based Regulation
2. Effective Fatigue Management
3. Easy access to suitable routes
4. Safe People and Practices.

The BIC has submitted its response to the Risk Based Regulation discussion paper which is available on the BIC website, but the key principles and points made are:

1. The HVNL should recognise that one size does not fit all when it comes to Heavy Vehicle National Law – different sectors have different needs – HVNL needs to recognise the difference between truck and bus and the task undertaken including the vastly better safety record of the bus and coach Industry, technical issues with vehicles and contracted operations – including specific recognition of a national minimum safety standard for accreditation for buses and coaches.
2. The HVNL needs to have a stronger performance and risk-based approach, that provides operational flexibility, is less prescriptive and offers performance based /alternative compliance and reward for effort approaches for operators. This should include incentives to do so and recognise good compliance performance. This should include greater acceptance of technology as a compliance tool – The HVNL should not prescribe the technology only the compliance performance outcome and establish an appropriate alternative compliance enforcement regime that allows on road enforcement resources to be better targeted and for good operators to get on with the job.
3. The HVNL maintenance group is unnecessary –the law should be allowed to work and not be under constant scrutiny and review (generally by jurisdictions) where there are issues raised or problems, due to things like idiosyncratic industry operational needs or state differences. This would be better dealt with through NHVR and specific regulation to address these types of issues. The HVNL maintenance group is a contributing factor to promulgating state by state HV laws and undermining national uniformity.
4. The HVNL should be considered, when it comes to buses, in the context of the future passenger task and future impacts on the task such as population growth and congestion and automation and the efficient functioning, for example, of cities and the transport network and not in isolation of these broader societal outcomes.
5. The HVNL should become more focused on the use of technology to manage legal access by different productive vehicles to use the road network – the current arrangements are inadequate in managing and monitoring access.

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6. A PBS for bus system is required. The current PBS system is not suitable for buses, limits productivity for buses and adds costs because it is based on “old school paradigms” about infrastructure, safety, environment rather than an approach that focusses on productivity and positive societal outcomes that passenger transport can deliver.
7. Existing exemptions to the HVNL should be retained and only reviewed in the context of adoption nationally as part of the HVNL review.

The BAN broadly agreed with the six draft regulatory principles outlined in the Issues Paper; namely, that the new HVNL should:

1. be risk based
2. consider good regulatory practice from other transport modes and jurisdictions
3. provide operators with the flexibility to choose the most suitable compliance option
4. recognise the diverse risk profile and business models of industries, operators and parties
5. target the most significant risks associated with heavy vehicle operations
6. deliver better safety, productivity and regulatory efficiency outcomes.

The BAN did add that the vastly better safety performance of the bus and coach industry should be recognised as a seventh regulatory principle to clearly highlight the different task undertaken and regulatory requirements to operate and how this will assist greatly in recognising that the one size fits all approach to heavy vehicle regulation is not a fair or equitable approach.

The BAN submitted that if the foregoing principles are followed, it will go a long way to ensuring that there is a better melding of Commonwealth, State and Territory obligations on operators, hopefully meaning less confusion and duplication.

The BIC National Conference is being held in Canberra November 17-20. The theme, *Moving People - a National Priority* is to emphasise the role of the federal government and national organisations like the National Transport Commission and National Heavy Vehicle Regulator in public transport and the bus and coach industry.

I hope we will see you in Canberra to highlight the unity and strength of Industry and our commitment to achieving our national policy objectives.

### Bus Australia Network

