

28 October 2022

AustRoads
Level 9, 570 George Street
SYDNEY NSW 2000, Australia
Email : driver@austroads.com.au

GEA Response: AustRoads - Consultation RIS – National Heavy Vehicle Driver Competency (NHVDC) Framework

Dear Geoff,

Gas Energy Australia (GEA) appreciates the opportunity to respond to AustRoads: Consultation RIS – National Heavy Vehicle Driver Competency Framework (RIS). GEA supports a future NHVDC however there is much work that needs to be done before this could process could start.

GEA is the national peak body representing the downstream gas fuels industry, encompassing Liquefied Petroleum Gas (LPG), Liquefied Natural Gas (LNG), Compressed Natural Gas (CNG) and Hydrogen (H₂). The industry comprises major companies and small to medium businesses in the gaseous fuels supply chain, including refiners, fuel marketers, equipment manufacturers, gas transporters, consultants, and service providers to the industry.

Our members transport gas on Australian roads every day and what seems like a small ripple of change for the General Freight Industry becomes a tsunami when it meets Dangerous Goods freight. The RIS lands squarely where legislative instruments meet and frequently overlap, namely the various State and Territory Road rules, the National Heavy Vehicle law (Chain of Responsibility (COR), and Workplace Health and Safety Regulation, which also includes Dangerous Goods regulation. The proposal seems to overlay the same requirements on our industry that already exist in other legislation.

As an example, the licensing of a driver of a dangerous goods vehicle requires them to be medically fit, have a satisfactory driving history for five years, and having completed a mandatory assessment of competencies relevant to driving a Dangerous Goods Vehicle¹. This sounds very familiar to the proposed framework for the NHVDC.

GEA is concerned that the NHVDC, as outlined, relies on the Australian National Drivers Licensing Scheme, which is not uniformly adopted and is plagued by jurisdictional differences. These include differences in:

- Hours of experience (e.g. Qld 100 hours, NSW 120 hours)
- Driving restrictions (e.g. occupants, speed, towing and mobile phone use for passengers)
- Mutual recognition is not universally applied (e.g. NSW RMS allow interstate P plate drivers to operate to their license restrictions speed², Victoria applies different conditions on passengers³)

GEA contends that if you are trying to build a consistent, uniform national licensing framework, it must be built on a solid foundation. GEA queries how governments can build a uniform national driver license

¹ <https://www.service.nsw.gov.au/transaction/apply-dangerous-goods-drivers-licence>

² <https://www.nsw.gov.au/driving-boating-and-transport/driver-and-rider-licences/visiting-or-moving-to-nsw/learner-and-provisional-licence-holders>

³ <https://www.vicroads.vic.gov.au/licences/your-ps/p1-and-p2-probationary-licence-restrictions>

for the diverse and complex national heavy vehicle sector, when they have been unable to do so for regular licenses.

The regulation in our industry (Dangerous Goods regulation) already requires an experienced and medically fit driver with a satisfactory driving history to be licensed, in addition to their jurisdictional driver's license. This means drivers are older when they make the transition to hold a dangerous goods license. The implementation of a NHVDC, as stated, would mean our industry waits an additional 18 months to two years on top of the five-year driving experience before they could apply for dangerous goods driver's license.

With our workforce already at the older end of the spectrum, any implementation of a NHVDC would exacerbate prevailing driver shortages and magnify them for our industry into the future as there would be no eligible candidates to drawn on for at least two years.

In response to *Section 7 Impact Assessment*, GEA asserts that the delays in getting licensed drivers through a NHVDC process and then into the dangerous goods sector, will deepen and entrench driver shortages. This has not been adequately considered in the RIS.

Section 2 What is the problem? This does outline some of the key areas of concern, and GEA suggests that other data sources, such as the National Truck Accident Research Centre⁴ (NTARC), which has published accident data, also be considered. The NTARC report contains insightful data with analysis stating: *"In 2021 this proportion decreased to trucks being not at fault in 70% of fatal truck and car crashes, this is the lowest in the history of recording this statistic however still reflects that in the significant majority of these crashes, the truck is not at fault."*

GEA also suggests that while the original investigation cites 2016 data that this should be reviewed in conjunction with the latest information from BITRE⁵ Road Trauma Involving Heavy Vehicles—Annual Summary 2020. This latest report now includes a breakdown of bus accident information in the data.

The NTARC report points to failures by a third party and this, combined with a low number of fatal incidents attributable to buses in the latest BITRE data (2020 report - Heavy Vehicles 153 fatalities, Buses 11 fatalities), suggests further work is required. The bus accident data adds a new dimension, and GEA wonders if the specific road rules in the Australian Road Rules⁶ that give buses greater protection than your average heavy vehicle, make a difference. These include Section 77 Giving way to buses, and Section 154 Bus lanes. GEA suggests that that buses have protections under the Australian Road Rules that are not afforded to other classes of heavy vehicles, and this should be explored as a means to reduce heavy vehicle accidents.

Section 2 of the RIS explores the issue of driving behaviour. With issues outlined in *Box 10: Implementation challenges for eligibility criteria relating to driving history*. GEA has concerns with a licence applicant's driving history and offences.

Currently, dangerous goods licensing relies on the individual applying for a dangerous goods license to submit "certified records of your driving history for the previous 5 years from each licensing authority that issued you a driving licence in that time". This is one department in the NSW Government asking for certified copies of information held by another NSW Government department and relying on it to be

⁴ <https://www.nti.com.au/better-business-hub/ntarc/ntarc-2022-report>

⁵ <https://www.bitre.gov.au/publications/ongoing/road-trauma-involving-heavy-vehicles>

⁶ <https://pcc.gov.au/uniform/Australian-Road-Rules-10December2021.pdf>

submitted by a party with a vested interest. Not an ideal situation, which would be addressed by a national database.

Offences, which result in on the spot fines, may not always be notified to the registered vehicle owner for fear of disciplinary action. This is not an issue for a private licensee or owner driver, but where the vehicle is being operated on behalf of a company, the organisation needs to be made aware of infringements rather than relying on the driver. This situation could be resolved with offences being registered against a vehicle registration as well as the driver's license.

GEA is concerned that the outdated 2016 data, along with the RIS, paints heavy vehicles as villains with the effect of this characterisation pushing regulators towards a rules-based process that will not have the desired outcomes. Our members are concerned that by the time this ripple goes through the transport industry, it will be the dangerous goods sector, in particular, that takes the wavefront of driver shortages and increased costs.

GEA recommends that Austroads investigate Australian Road Rule protections afforded to buses as a potential short-term solution and, amend the Australian Road Rules, to help reduce heavy vehicle accidents. Furthermore, that Austroads recommend to Ministers a project to harmonise the foundations of a future NHVDC framework that would include a uniform Australian National Drivers Licensing Scheme, a national vehicle registration database and national licensing databases. Only then can a modified NHVDC, free from disjointed regulatory, jurisdictional differences or various interpretations, be contemplated with the hope of delivering the desired outcomes.

For your consideration.

Kind regards,

A handwritten signature in black ink, appearing to read "Brett Heffernan".

Mr Brett Heffernan
Chief Executive Officer
Gas Energy Australia