

## **INQUIRY INTO HEAVY VEHICLE SAFETY AND USE OF TECHNOLOGY TO IMPROVE ROAD SAFETY**

**Organisation:** National Transport Commission  
**Name:** Mr Paul Retter  
**Position:** Chief Executive and Commissioner  
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30 January 2018

Mr Greg Aplin MP  
Chair  
Staysafe Committee (Joint Standing Committee on Road Safety)  
Parliament of New South Wales  
Macquarie Street  
SYDNEY, NEW SOUTH WALES 2000

Dear Mr Aplin,

**Inquiry into heavy vehicle safety and use of technology to improve road safety**

Thank you for your invitation of 17 November 2017 for the National Transport Commission (NTC) to make a submission to the Staysafe Committee inquiry into heavy vehicle safety and the use of technology to improve road safety. We propose to focus our response on reform work we are undertaking that is related to the first two points under your terms of reference, namely:

- a) The management of heavy vehicle driver fatigue and other safety risks through in-vehicle technologies, including benefits, costs, availability and adoption by industry; and
- b) The development of connected and automated vehicle technologies specific for the heavy vehicle industry and opportunities for further development in this space.

The NTC was established under the *National Transport Commission Act 2003* (NTC Act). The NTC Act, together with the *Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport Intergovernmental Agreement* (IGA) give us the authority to develop and propose national or model laws related to land transport. If the proposed law changes are agreed by the Transport and Infrastructure Council, they are adopted by state and territory governments.

The national law relevant to your inquiry is the *Heavy Vehicle National Law* (and Regulations). The Heavy Vehicle National Law (HVNL) is reviewed annually and New South Wales had adopted these laws as Heavy Vehicle National Law (NSW).

The HVNL is the one rule book for heavy vehicles over 4.5 tonnes gross vehicle mass. It takes a consistent approach to managing heavy vehicles and is currently in force in Queensland, New South Wales, Australian Capital Territory, Victoria, Tasmania, and South Australia.

The HVNL is underpinned by four regulations, including the Heavy Vehicle (Fatigue Management) National Regulation.

The HVNL aims to manage the fatigue of heavy vehicle drivers through to two main mechanisms:

- imposing duties on drivers of fatigue-regulated heavy vehicles, including completing work diaries and complying with prescribed work and rest periods; and
- imposing duties on other parties in the supply chain to ensure that their actions do not cause or contribute to the driver driving while impaired by fatigue (or in contravention of road transport laws). This is known as Chain of Responsibility.

Our current work program includes several pieces of work relevant to your terms of reference as follows:

- a) *The management of heavy vehicle driver fatigue and other safety risks through in-vehicle technologies, including benefits, costs, availability and adoption by industry*

Until recently, we have not known enough about how the current laws are impacting heavy vehicle driver fatigue and related road safety risks, as we did not have the scientific technology to measure this impact. With the development of increasingly accurate alertness monitoring devices, we now have the capability to undertake research to objectively measure drivers' alertness across a work schedule, to monitor driving impairment indicators, and to measure the quality and quantity of drivers' sleep during minimum rest periods, so enabling us to provide quality data and evidenced guidance in support of any future reforms.

The NTC has formed a [partnership](#) with the Alertness Co-operative research centre (CRC) to evaluate the impacts of the HVNL on heavy vehicle driver fatigue.

The study has commenced and is measuring driver drowsiness and sleeping patterns, both on the road during real-world work shifts and in laboratory settings. The research is using state-of-the-art alertness measurement technologies and a unique combination of research and industry based expertise that is made available through the Alertness CRC. The results of the research will be used to identify and address priority fatigue issues and will help us to advise transport ministers about whether the current regulations are fit-for-purpose.

- b) *The development of connected and automated vehicle technologies specific for the heavy vehicle industry and opportunities for further development in this space*

The NTC is working collaboratively with the Commonwealth, state and territory governments, industry, local authorities and police agencies to prepare for the safe deployment of automated vehicles. In November 2017, the Transport and Infrastructure Council agreed that Australian governments will aim to have end-to-end regulation in place by 2020 to support the safe deployment of automated vehicles. Australia aims to be at the forefront of international regulation for automated vehicles. A range of NTC projects are underway to support the Council's aims, including:

- the development of a performance-based safety assurance system to approve automated driving systems
- changing driving laws to recognise when an automated driving system is responsible for an automated vehicle, including potential changes to the Heavy Vehicle National Law



- clarifying the application of compulsory third party insurance to automated vehicles
- clarifying the regulation of government access to data generated by automated vehicles.

In addition to these projects, the NTC is working with Austroads on related projects, including impacts of automated vehicles on network operations, registration and licensing processes and infrastructure requirements needed to support the safe deployment of automated vehicles.

We would be happy to provide further advice as required to the Joint Standing Committee. The contact at the NTC will be Ms Melissa O'Brien, Acting Project Director, Productivity, Safety and Environment on [REDACTED]

Yours sincerely

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**Paul Retter AM**  
**Chief Executive and Commissioner**