



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 6

# Pressures on heavy vehicle drivers and their impact in New South Wales

Report 20

February 2024

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Portfolio Committee No. 6 - Transport and the Arts

# **Pressures on heavy vehicle drivers and their impact in New South Wales**

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Pressures on heavy vehicle drivers and their impact in New South Wales

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Chair: Ms Cate Faehrmann MLC



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## Terms of reference

That Portfolio Committee No. 6 – Transport and the Arts inquire into and report on the pressures on heavy vehicle drivers and the impact of these pressures on driver practice and observance of regulatory obligations in New South Wales, and in particular:

- (a) the characteristics of the heavy vehicle industry in New South Wales that shape driver practice
- (b) the current and future extent, nature and impact of pressures on driver practice and observance of regulatory obligations by heavy vehicle drivers in New South Wales, in particular:
  - (i) its contribution to the ongoing occurrence of over height vehicle incidents and
  - (ii) its impact on the use of rest areas and other fatigue management practices
- (c) the impact, effectiveness and enforcement of current mechanisms to address current and future pressures and their impacts on heavy vehicle drivers in New South Wales, in particular:
  - (i) training requirements for heavy vehicle drivers
  - (ii) training and education requirements for companies employing heavy vehicle drivers
  - (iii) penalties for over height vehicle incidents
  - (iv) other mechanisms to address over height vehicle incidents
  - (v) the availability, suitability and accessibility of, and priority locations for heavy vehicle rest areas in metropolitan Sydney, and rural and regional New South Wales
  - (vi) the suitability of heavy vehicle rest areas in terms of size, facilities, lighting, signage, and safety
  - (vii) the use of heavy vehicle rest areas and emergency stopping bays for fatigue management and logbook obligations
  - (viii) the relevance, practicality and timeliness of existing heavy vehicle rest area strategies and programs given best practice fatigue management and regulatory requirements
  - (ix) identification of international best practice design guidelines and requirements for heavy vehicle rest areas and their suitability for New South Wales
  - (x) the maintenance of heavy vehicle rest areas and management of public use of heavy vehicle rest stop facilities
- (d) the capability for new and emerging technologies to assist in reducing pressures for heavy vehicle drivers and effect driver practice and observance of regulatory obligations, such as through training, implementing safety measures and fatigue management
- (e) any other related matters.

The terms of reference for the inquiry were self-referred by the committee on 7 August 2023.<sup>1</sup>

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<sup>1</sup> *Minutes*, NSW Legislative Council, 22 August 2023, p 376.

## Committee details

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### Committee members

<b>Ms Cate Faehrmann MLC</b>	The Greens	<i>Chair</i>
<b>Hon Sam Farroway MLC</b>	The Nationals	<i>Deputy Chair</i>
<b>Hon Mark Banasiak MLC</b>	Shooters, Fishers and Farmers Party	
<b>Hon Anthony D'Adam MLC</b>	Australian Labor Party	
<b>Hon Dr Sarah Kaine MLC</b>	Australian Labor Party	
<b>Hon Bob Nanva MLC</b>	Australian Labor Party	
<b>Hon Natalie Ward MLC</b>	Liberal Party	

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### Secretariat

Amanda Assoum, Principal Council Officer

Tina Mrozowska, Council Officer

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Emma Rogerson, Director



## Chair's foreword

This inquiry examined the significant pressures on heavy vehicle drivers, particularly managing fatigue and how these pressures impact road safety as well as drivers' ability to meet industry demands and legal obligations.

We considered the legislative and regulatory frameworks underpinning the heavy vehicle industry, including the Heavy Vehicle National Law. The committee heard evidence to suggest that the industry regulatory approach needs to focus on, and enforce, safety outcomes along the supply chain and include improved economic regulations, for example remuneration, to alleviate the pressures on heavy vehicle drivers.

It is clear that driver fatigue is a major safety concern for the heavy vehicle industry. While the use of technology is becoming increasingly common in the industry, the strong message from stakeholders is that heavy vehicle rest areas play a significant role in supporting drivers to manage their fatigue and meet regulatory obligations. However, the availability, accessibility and suitability of current rest areas in New South Wales is a significant challenge for heavy vehicle drivers. There is a significant gap between the number of rest areas currently available and the number required to ensure heavy vehicle drivers effectively manage their fatigue, as required by law. In addition, the use of rest areas and parking spaces by non-heavy vehicles is an ongoing issue for the freight industry, specifically heavy vehicle drivers.

This committee recommends that the NSW Government fund and construct more heavy vehicle rest areas, and parking bays and sites, in metropolitan and regional areas in New South Wales in consultation with the transport and freight industry, to ensure heavy vehicle drivers can effectively manage their fatigue and comply with relevant regulations. We also recommend that the NSW Government consider funding a targeted community education campaign for light vehicle drivers on the importance of rest areas for heavy vehicle drivers to discourage their use by cars and caravans.

The committee also examined the current training requirements for heavy vehicle drivers in New South Wales. It is clear from the evidence that the current training and education requirements do not adequately address industry needs and expectations. Inquiry participants expressed concerns that in many cases new drivers are not receiving adequate training. It was especially concerning to hear that this was particularly the case with regards to measuring a heavy vehicle's height and size, and loading and securing freight. While the standard of training offered by Registered Training Organisations (RTOs) will vary depending on the organisation, the evidence indicates a need for increased regulation of RTOs and standardised testing and assessment of new heavy vehicle drivers to ensure greater consistency of training standards and quality among providers. There is strong industry support for a competency-based driver training program for new drivers and for the use of a cadetship or apprenticeship to help alleviate some of the pressure stemming from industry workforce shortages.

This report recommends that the NSW Government endorse the introduction of competency-based driver training programs for new heavy vehicle drivers and ensure drivers issued with a heavy vehicle licence have the skill sets and experience needed to drive, and manage, a heavy vehicle. The committee also recommends that the NSW Government work with transport and freight industry stakeholders to design, develop and implement a cadetship, or apprenticeship, pathway program that allows, or encourages, people to access the workforce as a heavy vehicle driver.

On behalf of the committee, I would like to thank all participants for their contribution to this important inquiry, including the organisations and individuals who made submissions and gave evidence at the public hearing, and the freight businesses who facilitated site visits by the committee. Finally, I extend my thanks to my fellow committee members for their cooperation and commitment to this inquiry, as well as to the committee secretariat for their assistance.

A handwritten signature in blue ink, appearing to read 'Cate', with a long horizontal flourish extending to the right.

Ms Cate Faehrmann MLC  
**Committee Chair**

# Findings

## **Finding 1**

**49**

That inadequate basic training of drivers in the measurement of height and load of heavy vehicles and how to secure loads is contributing to over-height vehicle incidents.

## **Finding 2**

**49**

That, in considering all the evidence, there is a need for increased regulation of Registered Training Organisations (RTOs) and standardised testing and assessment of new heavy vehicle drivers to ensure greater consistency of training standards and quality among providers.

## Recommendations

- Recommendation 1** **32**  
That the NSW Government fund and construct more heavy vehicle rest areas, whether they be formal or informal rest areas, in metropolitan and regional areas in New South Wales in consultation with the transport and freight industry, to ensure heavy vehicle drivers can effectively manage their fatigue and comply with relevant regulations.
- Recommendation 2** **32**  
That the NSW Government consider the rules and regulations for industrial development in metropolitan Sydney to determine if there should be requirements for particular developments or types of business to include a dedicated percentage of land to allow trucks to be parked overnight.
- Recommendation 3** **32**  
That the NSW Government fund and construct more adequate heavy vehicle parking bays and sites in metropolitan and regional areas in New South Wales, in consultation with the transport and freight industry, to ensure heavy vehicle drivers can effectively manage their fatigue and regulation compliance.
- Recommendation 4** **33**  
That the NSW Government require Transport for NSW to take all necessary steps to:
- find alternative heavy vehicle rest areas, and parking bays when road works or closures are undertaken that result in existing rest stops being inaccessible
  - notify the heavy vehicle industry as early as possible prior to the changes occurring.
- Recommendation 5** **33**  
That the NSW Government fund and run a targeted community education campaign for light vehicle drivers on the importance of rest areas for heavy vehicle drivers to discourage their use by cars and caravans.
- Recommendation 6** **49**  
That the NSW Government consult with relevant national bodies regarding the possibility of requiring Registered Training Organisations (RTOs) to be included as part of the chain of responsibility framework to ensure the provision of quality training.
- Recommendation 7** **50**  
That the NSW Government consider whether the current heavy vehicle licencing regime, based on a knowledge test and a competency assessment is adequate in the absence of a compulsory education/training component.
- Recommendation 8** **50**  
That the NSW Government endorse the introduction of competency-based driver training programs for new heavy vehicle drivers and ensure drivers issued with a heavy vehicle licence have the various skill sets and experience needed to drive, and manage, a heavy vehicle.

**Recommendation 9**

**50**

That the NSW Government work with transport and freight industry stakeholders to design, develop and implement a cadetship, or apprenticeship, pathway program that allows, or encourages, people to access the workforce as a heavy vehicle driver to help alleviate some of the pressure stemming from workforce shortages in the industry.

## **Conduct of inquiry**

The terms of reference for the inquiry were self-referred by the committee on 7 August 2023.

The committee received 24 submissions.

The committee held one public hearing at Parliament House in Sydney.

The committee also conducted site visits to Vellex Logistics and Coastal Transport Services in Western Sydney.

Inquiry related documents are available on the committee's website, including submissions, the hearing transcript and answers to questions on notice.

# Chapter 1      Characteristics of, and pressures within, the heavy vehicle industry

This chapter outlines the key regulatory agencies and frameworks in New South Wales that govern the heavy vehicle industry. It also provides an overview of the characteristics of the heavy vehicle industry that shape driver practice as well as current pressures faced by drivers in New South Wales.

## Key regulatory bodies and framework in New South Wales

- 1.1      The heavy vehicle industry is underpinned by specific legislative and regulatory frameworks, such as the Heavy Vehicle National Law (HVNL). Transport for NSW and the National Heavy Vehicle Regulator (NHVR) have an important role in administering and enforcing the framework in New South Wales.

### Transport for NSW and the National Heavy Vehicle Regulator

- 1.2      Transport for NSW plays a key role in the planning and management of the transport networks and road infrastructure which freight operators use and rely on. Transport for NSW works with the freight and heavy vehicle industry, and other government agencies, to manage road safety outcomes for all road users. The agency is responsible for driver training and licensing, and vehicle registration under the *Road Transport Act 2013*.<sup>2</sup>
- 1.3      The National Heavy Vehicle Regulator (NHVR) is Australia's regulator of heavy vehicles. The NHVR was established in 2013 to administer the Heavy Vehicle National Law (HVNL), which applies in all Australian states and territories except the Northern Territory and Western Australia. The HVNL regulates heavy vehicles for vehicle standards, fatigue management, mass, dimension, loading, road access, and safety duties.<sup>3</sup>
- 1.4      Transport for NSW transitioned its services, including staff, to the National Heavy Vehicle Regulator on 1 August 2022. This includes the Heavy Vehicle Inspection Scheme (HVIS), which the NHVR now delivers on behalf of Transport for NSW under a Memorandum of Understanding.<sup>4</sup>

### Heavy Vehicle National Law

- 1.5      Heavy vehicle operators are permitted to operate on the road network under the Heavy Vehicle National Law (HVNL), which provides a single national system of laws for heavy vehicles over 4.5 tonnes.<sup>5</sup> This set of laws consists of the Heavy Vehicle National Law and the following five sets of regulations:
- Heavy Vehicle (Fatigue Management) National Regulation

<sup>2</sup>      Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 3.

<sup>3</sup>      Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 3.

<sup>4</sup>      Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 5.

<sup>5</sup>      Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 5.

- Heavy Vehicle (General) National Regulation
- Heavy Vehicle (Mass, Dimension and Loading) National Regulation
- Heavy Vehicle (Registration) National Regulation
- Heavy Vehicle (Vehicle Standards) National Regulation.<sup>6</sup>

**1.6** Each state and territory covered by the Heavy Vehicle National Law (HVNL) has passed legislation that modifies some aspects of the HVNL for that state or territory. In New South Wales, the relevant legislation is the *Heavy Vehicle (Adoption of National Law) Act 2013* and the *Heavy Vehicle (Adoption of National Law) Regulation 2013*.<sup>7</sup>

**1.7** The objective of this law is to facilitate and regulate the use of heavy vehicles on roads in New South Wales in a way that:

- promotes public safety;
- manages the impact of heavy vehicles on the environment, road infrastructure and public amenity;
- promotes industry productivity and efficiency in the road transport of goods and passengers of heavy vehicles; and
- encourages and promotes productive, efficient, innovative and safe business practices.<sup>8</sup>

**1.8** The Heavy Vehicle National Law (HVNL) regulates the operation of heavy vehicles, such as the mass and dimensions of heavy vehicles, vehicle safety standards, work and rest rules for heavy vehicle drivers, heavy vehicle accreditation, and the use of intelligent transport systems.<sup>9</sup> The HVNL also places obligations on identified off-road parties involved in the transport and logistics chain (chain of responsibility parties) and includes enforcement powers and administrative provisions.<sup>10</sup>

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<sup>6</sup> National Heavy Vehicle Regulator (NHVR), Heavy Vehicle National Law and Regulations, <https://www.nhvr.gov.au/law-policies/heavy-vehicle-national-law-and-regulations>

<sup>7</sup> National Heavy Vehicle Regulator (NHVR), Heavy Vehicle National Law and Regulations, <https://www.nhvr.gov.au/law-policies/heavy-vehicle-national-law-and-regulations>

<sup>8</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 5.

<sup>9</sup> National Transport Commission, *Heavy Vehicle National Law high-level regulatory framework - Decision regulation impact statement* (May 2023), <https://www.ntc.gov.au/sites/default/files/assets/files/Heavy%20Vehicle%20National%20Law%20High-Level%20Regulatory%20Framework%20Decision%20Regulation%20Impact%20Statement.pdf>, p 12.

<sup>10</sup> National Transport Commission, *Heavy Vehicle National Law high-level regulatory framework - Decision regulation impact statement* (May 2023), <https://www.ntc.gov.au/sites/default/files/assets/files/Heavy%20Vehicle%20National%20Law%20High-Level%20Regulatory%20Framework%20Decision%20Regulation%20Impact%20Statement.pdf>, p 12.



- 1.9** A review of the Heavy Vehicle National Law commenced in 2018 aiming to deliver a 'modern, simplified and outcome-focused law regulating the use of heavy vehicles'. Whilst the review is yet to be completed it has, to date, included extensive stakeholder consultation by the National Transport Commission.<sup>11</sup>
- 1.10** According to Transport for NSW and the National Heavy Vehicle Regulator, industry concerns with the current Heavy Vehicle National Law include the 'complex, highly prescriptive and administrative nature of fatigue management requirements and the efficiency and transparency of access decision-making processes'.<sup>12</sup>

### **The transition to the National Heavy Vehicle Regulator**

- 1.11** The transition of services and regulatory oversight from Transport for NSW to the National Heavy Vehicle Regulator in 2022 resulted in a national regulatory framework for the heavy vehicle industry. During this inquiry, there was recognition that the transition has been encouraging in some respects but that there are still some areas that need to be addressed to improve efficiencies and benefits for both transport operators and drivers in the heavy vehicle industry.
- 1.12** Mr Mark Parry, Managing Director of Ron Finemore Transport Services Pty Ltd, commented that the transition to the National Heavy Vehicle Regulator has been positive in some aspects, but there is still work to be done to streamline the compliance and legal requirement side of things.<sup>13</sup> For example, Mr Parry remarked there is still a significant amount of waste, both in terms of time and cost, with regard to getting permits because every local council ultimately has to make decisions.<sup>14</sup>
- 1.13** Similarly, Mr Trevor Warner, an individual truck driver, noted that the National Heavy Vehicle Regulator (NHVR) is in a key position to help the heavy vehicle industry and its drivers. He commented that the 'NHVR model ... synchronises the industry a lot more' and was of the view that the NHVR was 'playing a key role' in shaping how the industry works.<sup>15</sup> However, in giving his evidence, Mr Warner recognised that some people in the industry do not like working with the NHVR for various reasons.<sup>16</sup>
- 1.14** Mr Brian Turpie, another individual truck driver, recognised that one of the objectives of the National Heavy Vehicle Regulator was to implement a comprehensive chain of responsibility program to combat 'the apparent abrogation of corporate responsibility to the driver'. Whilst noting that the regulator has 'taken this task forward in leaps and bounds', Mr Turpie questioned why truck drivers were 'still bearing the brunt of the culpability'.<sup>17</sup>

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<sup>11</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 7.

<sup>12</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 7.

<sup>13</sup> Evidence, Mr Mark Parry, Managing Director, Ron Finemore Transport Services Pty Ltd, 5 October 2023, pp 34-35.

<sup>14</sup> Evidence, Mr Parry, 5 October 2023, pp 34-35.

<sup>15</sup> Evidence, Mr Trevor Warner, Individual truck driver, 5 October 2023, p 29.

<sup>16</sup> Evidence, Mr Warner, 5 October 2023, p 29.

<sup>17</sup> Submission 3, Mr Brian Turpie, p 1.

- 1.15** The Transport Workers' Union of NSW welcomed, particularly in the space of workplace health and safety and supply chain accountability, a level of regulation that requires participants to be accountable for particular outcomes around safety, compliance and licensing.<sup>18</sup> However, the union noted that there is a lack of enforcement resources in place to actually ensure this is happening.<sup>19</sup>

## **Characteristics of the heavy vehicle industry and the current pressures that shape driver practice in New South Wales**

- 1.16** The unique characteristics of the heavy vehicle industry play a significant role in influencing driver practices. For example, the chain of responsibility, economic pressures, operating conditions, workforce shortages, road infrastructure and access to rest areas, compliance measures, and accreditation requirements, all shape how heavy vehicle drivers navigate their responsibilities to meet industry demands and regulatory obligations.
- 1.17** As Transport for NSW and the National Heavy Vehicle Regulator highlighted, heavy vehicle drivers often undertake long hours of travel with the truck, the road and accessible rest areas forming part of their workplace.<sup>20</sup> Likewise, the Transport Workers' Union of NSW noted that truck driving is 'often a solitary occupation, one with little bargaining power and job control in many cases'.<sup>21</sup> It explained that the pressures faced by heavy vehicle drivers are considerably varied, due to the inherent nature of the industry, and by extension, demands that are placed on drivers through various parties.<sup>22</sup>

### **Chain of responsibility**

- 1.18** Everyone who works with heavy vehicles — from the business that employs a driver or owns a vehicle, to the business that sends or receives goods — is accountable for the safety of the heavy vehicle, its driver, and its load throughout the journey.<sup>23</sup> This is known as the chain of responsibility (CoR).
- 1.19** Any person, business or organisation is a party in the chain of responsibility if they, or their employees on their behalf, perform any of the following ten functions, regardless of a title or job description, or the words of a contract:
1. employ a heavy vehicle driver (employer)
  2. engage someone to drive a heavy vehicle under a contract for services (prime contractor)

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<sup>18</sup> Evidence, Mr Gavin Webb, Chief Legal Officer, Transport Workers' Union of NSW, 5 October 2023, p 3.

<sup>19</sup> Evidence, Mr Webb, 5 October 2023, p 3.

<sup>20</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 3.

<sup>21</sup> Submission 21, Transport Workers' Union of NSW, p 4.

<sup>22</sup> Submission 21, Transport Workers' Union of NSW, p 3.

<sup>23</sup> National Heavy Vehicle Regulator (NHVR), Chain of Responsibility (CoR), <https://www.nhvr.gov.au/safety-accreditation-compliance/chain-of-responsibility>

3. direct the control and use of a heavy vehicle (operator)
4. schedule the transport of goods and passengers in a heavy vehicle, or schedule a driver's work and rest hours (scheduler)
5. consign goods for transport by a heavy vehicle (consignor)
6. receive goods delivered by a heavy vehicle (consignee)
7. pack or assemble goods for transport in a heavy vehicle (packer)
8. manage premises where five or more heavy vehicles are loaded or unloaded each day (loading manager)
9. load a heavy vehicle (loader)
10. unload a heavy vehicle (unloader).<sup>24</sup>

**1.20** The primary duty is the obligation to ensure, so far as is reasonably practicable, the safety of a party's transport activities. Parties must manage the risks and hazards that arise from their transport activities and must not take any actions that could influence drivers and others to speed or breach the Heavy Vehicle National Law.<sup>25</sup>

**1.21** Executives of a business that is a party in the chain of responsibility also have a due diligence duty. An executive must exercise due diligence to ensure that the business complies with its primary duty. The duty also applies to other safety duty provisions in the Heavy Vehicle National Law.<sup>26</sup>

**1.22** Driving is not one of the chain of responsibility (CoR) functions. An employed driver is not a party in the CoR because they drive. Drivers have other duties and Heavy Vehicle National Law obligations.<sup>27</sup> When a driver is performing another CoR function they are a party in the CoR. For example, loading a heavy vehicle or directing the control and use of a heavy vehicle as an operator.

**1.23** The Transport Workers' Union of NSW argued 'that direction from management is often a considerable contributing factor in the shaping of driver practice'.<sup>28</sup> It added that many of the pressures on heavy vehicle drivers are out of their control, and 'are commonly born from the superfluous demands of management'.<sup>29</sup> Examples of this include direction to skip breaks, work longer hours (despite fatigue), take faster routes, an arterial route or avoid toll roads (primarily due to costs) or cut corners (impacting safety), among many others.<sup>30</sup>

<sup>24</sup> National Heavy Vehicle Regulator (NHVR), Parties in the CoR, <https://www.nhvr.gov.au/safety-accreditation-compliance/chain-of-responsibility/the-primary-duty/parties-in-the-cor>

<sup>25</sup> National Heavy Vehicle Regulator (NHVR), The primary duty, <https://www.nhvr.gov.au/safety-accreditation-compliance/chain-of-responsibility/primary-duty>

<sup>26</sup> National Heavy Vehicle Regulator (NHVR), Executive due diligence duty, <https://www.nhvr.gov.au/safety-accreditation-compliance/chain-of-responsibility/executive-due-diligence-duty>

<sup>27</sup> National Heavy Vehicle Regulator (NHVR), Parties in the CoR, <https://www.nhvr.gov.au/safety-accreditation-compliance/chain-of-responsibility/the-primary-duty/parties-in-the-cor>

<sup>28</sup> Submission 21, Transport Workers' Union of NSW, p 4.

<sup>29</sup> Submission 21, Transport Workers' Union of NSW, p 4.

<sup>30</sup> Submission 21, Transport Workers' Union of NSW, pp 4-5.

- 1.24** Mr Richard Olsen, State Secretary, Transport Workers' Union of NSW shared how this power imbalance throughout the supply chain can also lead to poor safety outcomes:

... it is all too common for us [TWU Officials] to witness a situation where a heavy vehicle driver is directed to continue working after they've already completed their hours, with complete disregard towards whatever level of fatigue the worker may be suffering. There have been many instances where a worker has been verbally abused for not wanting to continue work in such a scenario.

In other examples, their very employment has been threatened if they do not continue their work, or take a faster, perhaps more unsafe route on the road. Despite the potential dangers of such unreasonable commands, the worker often feels the need to comply – a compliance that is strictly born out of desperation, or fear of losing their livelihood.<sup>31</sup>

- 1.25** Mr Turpie commented that transport drivers have never had any strength at the negotiating table and 'have been at the mercy of small transport operators who make up the vast majority of the transport fleet'.<sup>32</sup> He argued that freight forwarders, customers and truck owners all exert overbearing influence on the driver to meet demanding schedules and time frames all the while refusing to accept any responsibility when things go wrong.<sup>33</sup>

### **Economic pressures**

- 1.26** Economic pressures were also identified during the inquiry as a relevant influencing factor when assessing driver practice and safety outcomes. These include remuneration for truck drivers and the cost of operating in the heavy vehicle industry. Some of the evidence indicated that these pressures are further exacerbated further down the supply chain and for smaller transport operators.
- 1.27** The Transport Workers' Union of NSW (TWU) acknowledged that safety and efficiency in the transport industry are influenced by how, when and what is remunerated. They also spoke of the 'alarmingly apparent relationship between pay levels, risk behaviour and safety outcomes' as a result of the impacts of remuneration.<sup>34</sup> In the TWU's experience, monetary influence is often a key contributor in what route a driver may take to complete a given run.<sup>35</sup>
- 1.28** Further, due to the largely unregulated remuneration and economic costs in the industry, transport operators are 'effectively engaged in a price-taking exercise when accepting work and contracts'.<sup>36</sup> This can cause significant pressure being placed on the supply chain to undertake work in a way that ensures it is done as quickly as possible and for the lowest possible price in a highly competitive industry.

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<sup>31</sup> Submission 21, Transport Workers' Union of NSW, p 5.

<sup>32</sup> Submission 3, Mr Brian Turpie, p 1.

<sup>33</sup> Submission 3, Mr Brian Turpie, p 2.

<sup>34</sup> Submission 21, Transport Workers' Union of NSW, p 7.

<sup>35</sup> Submission 21, Transport Workers' Union of NSW, p 7.

<sup>36</sup> Evidence, Mr Webb, 5 October 2023, p 2.

- 1.29** This was echoed by Mr Turpie, who described how transport owners set the timetable for the driver, the load schedule and remuneration so a truck driver has only two options: 'do the job or find another job'.<sup>37</sup>
- 1.30** Mr Gavin Webb, Chief Legal Officer, Transport Workers Union of NSW told the committee about the importance of regulation and enforceable standards in relation to pay and how such measures can improve safety outcomes:
- What we have seen, both through our own experience and also through the relevant academic research, which ... is that where there is regulation and where there are enforceable minimum, fair and reasonable standards in relation to pay – not just to drivers but also in transport contracts along the supply chain – that actually achieves better safety outcomes. If there is a pressure placed upon transport operators and drivers in relation to costs, particularly labour costs, there are also similar pressures placed upon transport operators in relation to maintenance costs, compliance costs, safety policy procedures and all of those types of matters as well.<sup>38</sup>
- 1.31** As a result of such pressures, the Transport Workers' Union of NSW argued that for 'operators to survive the industry, pay, conditions and safety are all cut, including truck maintenance and fatigue management. This results in transport workers being pressured to work harder, longer and faster'.<sup>39</sup>
- 1.32** In addition to remuneration, tolls roads are one of the most significant contributing costs to the operation of a heavy vehicle on New South Wales roads. According to the Transport Workers' Union of NSW, owner drivers cite toll roads as one of their primary 'cost of living' contributors and concerns, with even large national companies avoiding the use of toll roads due to costs.<sup>40</sup>
- 1.33** In giving evidence, the Transport Workers' Union of NSW identified one example where a large transport operator specifically directed its drivers to not take toll roads when driving in metropolitan Sydney and to take other residential or arterial roads because the cost associated with the toll roads outweighed any cost benefit that might be obtained from taking the safer, and probably quicker, toll road.<sup>41</sup>
- 1.34** Similarly, the National Road Transport Association (NatRoad) noted that the high cost of using privately operated toll roads is a cost over which operators have no control. The setting of tolls is based on commercial considerations rather than on any palpable network efficiency criteria, and many operators avoid toll roads wherever possible.<sup>42</sup>
- 1.35** In giving evidence, Mr Warner commented on the freight rate and how drivers 'can't afford to just sit around', as they are often subject to management direction and delivery timeframes. Mr Warner observed that some drivers do not get paid any wages if the truck doesn't move so there's a financial pressure on drivers to do whatever needs to be done to get the load

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<sup>37</sup> Submission 3, Mr Brian Turpie, p 2.

<sup>38</sup> Evidence, Mr Webb, 5 October 2023, p 3.

<sup>39</sup> Submission 21, Transport Workers' Union of NSW, p 4.

<sup>40</sup> Submission 21, Transport Workers' Union of NSW, p 8.

<sup>41</sup> Evidence, Mr Webb, 5 October 2023, p 8.

<sup>42</sup> Submission 15, NatRoads (National Road Transport Association), p 3.

transported within allocated delivery times, further highlighting the economic pressures on drivers to meet industry demands.<sup>43</sup>

- 1.36** The difference between large and small transport operators was highlighted during the evidence of Mr Parry. As a larger transport operator, Mr Parry noted the economies of scale, the cost advantages gained by companies when production becomes efficient, and paying drivers every day, regardless of what work they do, as a way of potentially mitigating the downward pressure to cut corners.<sup>44</sup> He commented that a single operator running a small fleet may not be getting paid if the truck is not on the road so small operators sometimes need to chase the top line at the risk of margin because they don't necessarily have the power to say 'if it doesn't suit us, we don't do it'.<sup>45</sup>

### **Operating conditions**

- 1.37** The diverse operating contexts in the heavy vehicle industry, varying from metropolitan Sydney to rural and regional New South Wales, play a pivotal role in shaping how drivers navigate their responsibilities. Factors such as traffic congestion, road infrastructure, and geographic distances all contribute to the pressures experienced by drivers.<sup>46</sup> In addition, contractual requirements to meet delivery timeframes, customer expectations and the varying work hours of the transport and freight industry can compound the existing pressures on heavy vehicle drivers.

- 1.38** Ron Finemore Transport Services Pty Ltd described how the characteristics of different operational environments can also influence driver practice, in particular noting:

In metropolitan Sydney for instance, drivers encounter congested traffic, restrictive access, and complex route planning, which can exacerbate pressures and impact regulatory observances. In contrast, drivers in rural and regional areas may face longer distances between rest areas and other amenities, posing challenges to fatigue management and compliance.<sup>47</sup>

- 1.39** Safe, reliable and on-time deliveries of freight are required to meet customer expectations. For drivers of heavy vehicles, this invariably means that they start their shifts at various hours of the day to enable stock to be delivered to customers on time.<sup>48</sup> This results in drivers needing to be at work (driving, loading and/or unloading) during the nominal sleep cycle. This not only adds to the risk of fatigue, it also greatly impacts a driver's home life and results in significant time away from home and family.<sup>49</sup>

- 1.40** In giving evidence, Mr Parry highlighted how in some cases the contractual requirement of transport operators to meet delivery timeframes can result in driver anxiety and contribute to fatigue:

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<sup>43</sup> Evidence, Mr Warner, 5 October 2023, p 26.

<sup>44</sup> Evidence, Mr Parry, 5 October 2023, p 36.

<sup>45</sup> Evidence, Mr Parry, 5 October 2023, p 36.

<sup>46</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 1.

<sup>47</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 2.

<sup>48</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 1.

<sup>49</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, pp 1-2.

... nearly all drivers have to be somewhere within a time limit. If there's any delay, be that unintentional on the road or whatever else, that creates anxiety. The risk for anxious people is they take shortcuts, whether they try to fudge a work diary, whether they don't do their load restraint right or whether they don't even think about it because they're in a rush to get back out. All of those things come into play.<sup>50</sup>

- 1.41** Mr Warner also commented on 'just in time freight' and 'ad hoc freight' and the challenges these different operating conditions can place on a driver. With regard to just in time freight, Mr Warner noted that finding freight efficiencies has led to supply chains using road transport as mobile warehousing.<sup>51</sup>
- 1.42** Mr Warner argued that road transport operations are so diverse and geographically spread out that only the large businesses can afford to provide parking and rest facilities for drivers. Small and medium businesses are faced with lack of infrastructure issues and 'instruct their drivers to wait nearby for further instructions to arrive for the appointment time for the just in time freight'.<sup>52</sup> With just in time freight, the pressure to ensure the load is delivered on-time can encourage some drivers to push themselves beyond their capabilities and fatigue limits.
- 1.43** Adhoc freight is when transport operators do not have a load arranged at a location and place their name on a list with a freight agent.<sup>53</sup> In this scenario, Mr Warner noted that drivers can be seen waiting at truck stops, in side streets and anywhere they can find a parking spot, meaning they may be awake for many hours waiting for a phone call.<sup>54</sup>

### **Workforce and driver shortages**

- 1.44** Another characteristic of the heavy vehicle industry that is shaping driver practice is the shortage of skilled, job-ready drivers. Contributing factors include an ageing workforce, the currently low unemployment rate, challenges attracting, training and retaining drivers, and a growing demand for transport services.<sup>55</sup> The workforce driver shortage creates a significant pressure on supply chains, transport operators, drivers and safety outcomes.
- 1.45** Transport for NSW and the National Heavy Vehicle Regulator referred to a paper titled 'Recruitment Difficulty for Truck Drivers' released by the National Skills Commission (NSC) in April 2022, which found demand for truck drivers is strong and there is a high turnover of drivers in the industry.<sup>56</sup> Since February 2020, online job ads for truck drivers have increased by 101 per cent, compared with 59 per cent for all occupations. Meanwhile, the number of people employed as truck drivers has not substantially increased despite the rising number of online job ads. Given the higher-than-average surge in vacancies, this data suggests that employers

<sup>50</sup> Evidence, Mr Parry, 5 October 2023, p 35.

<sup>51</sup> Submission 16, Mr Trevor Warner, p 2.

<sup>52</sup> Submission 16, Mr Trevor Warner, p 2.

<sup>53</sup> Submission 16, Mr Trevor Warner, p 2.

<sup>54</sup> Submission 16, Mr Trevor Warner, p 2.

<sup>55</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 9.

<sup>56</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 9.

have had trouble filling their vacancies.<sup>57</sup> Transport for NSW and the National Heavy Vehicle Regulator also noted that that driver retention is a current issue for the industry.<sup>58</sup>

- 1.46** Mr Parry gave similar evidence by commenting on the high vacancy rate within the company in comparison to the growth in the fleet. He noted that the industry in general isn't seen to be attractive to new workers, including young people.<sup>59</sup> One contributing factor to this issue is a shift in lifestyle choices in recent times, where drivers want to return home at the end of each working day, as opposed to doing interstate work which may involve staying on the road for days a time.<sup>60</sup> On this point, Mr Parry remarked that the newer generation of drivers may have different expectations and desires than the traditional driver generation and that the driver shortage issue in the industry extends beyond the retention of existing drivers.<sup>61</sup>
- 1.47** An under resourced workforce places additional significant pressure on current truck drivers to fulfil and meet growing supply demands. The Livestock Bulk and Rural Carriers Association remarked that 'the current NSW age and time based graduated heavy vehicle licencing system discourages young people from pursuing a career in road transport and fails to focus on maximising the skill of licence holders'.<sup>62</sup>
- 1.48** Mr Rod Hannifey, President, National Road Freighters Association Inc, commented on the current licencing requirements for older truck drivers, who hold certain heavy vehicle licences, and the need to pass a medical assessment and practical driving every year from age 70 onwards. He noted that the industry is losing older drivers due to fines and penalties related to these requirements and that younger people are deterred from entering the industry for similar reasons.<sup>63</sup>
- 1.49** In terms of the makeup of the heavy vehicle workforce, Transport for NSW and the National Heavy Vehicle Regulator observed that women made up about 9 per cent of the New South Wales heavy vehicle licence holders in 2022, with minimal growth in female representation in the last 20 years. Industry feedback is that lack of amenities for heavy vehicle drivers is a significant barrier to attracting new drivers, particularly women.<sup>64</sup> Structural barriers within organisations including working conditions, recruitment and promotional policies, and societal beliefs about roles in the workforce, can also be deterrent to women entering and staying within the industry.<sup>65</sup>

### **Road infrastructure & rest areas**

- 1.50** The quality of particular roads and highways can also create a challenge and pressure for the trucking industry in terms of congestion, fatigue and safety. The damage to roads, in particular

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<sup>57</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 9.

<sup>58</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 9.

<sup>59</sup> Evidence, Mr Parry, 5 October 2023, p 33.

<sup>60</sup> Evidence, Mr Parry, 5 October 2023, p 34.

<sup>61</sup> Evidence, Mr Parry, 5 October 2023, p 34.

<sup>62</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 3.

<sup>63</sup> Correspondence from Mr Rod Hannifey to the committee, 2 November 2023, p 2.

<sup>64</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 9.

<sup>65</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 9.



caused by natural disasters in recent times, creates both a safety issue and pressure on heavy vehicle drivers.

**1.51** For example, Mr Parry gave evidence that road quality in regional areas such as Dubbo, Parkes and Canowindra have been impacted by flood and rain events, which can result in significant vehicle maintenance costs for transport operators.<sup>66</sup> Mr Parry also spoke of the impacts of driving in metropolitan areas and around highways for drivers and their vehicles:

... getting in and out of metropolitan areas is very, very difficult for transport operators, and does impact on fatigue and drivers' ability to plan their time; and the capacity and access of those satellite roads in and around the major highways are not in good condition and not satisfactory for the movement of heavy vehicles, as they exist today. That's been exacerbated by the heavy flood and rains....<sup>67</sup>

**1.52** Meanwhile, Mr Warner commented how drivers in the transport industry have slowly seen the decline of infrastructure availability in the last 10 years.<sup>68</sup>

**1.53** Mr Hannifey argued that the failure to properly repair road infrastructure and 'patching that is done haphazard' creates a safety risk by 'contributing to a crash or loss of life'.<sup>69</sup> He raised concerns with both the value and lack of accountability of road repairs and how they are done stating 'there often seems to be more spent on "road safety" that does not increase or improve safety of anyone'.<sup>70</sup>

**1.54** In addition to road quality, inquiry participants raised concerns about the availability of parking and appropriate rest areas. For example, Mr Warner explained how parking continues to be a major problem for the trucking industry. For just in time freight deliveries, some drivers find themselves parking in nearby side streets as the nearest truck stop typically has no available parking space for drivers to wait for their delivery time.<sup>71</sup> Mr Warner argued that local area town planning is pushing trucks out of townships by removing unofficial parking spaces, which makes it difficult for drivers to manage fatigue and comply with mandatory rest regulations. To address this, Mr Warner suggested old road surfaces be repurposed to create more parking spaces and/or rest areas when building new roads and planning realignments.<sup>72</sup>

**1.55** The availability, suitability and accessibility of rest areas, in metropolitan Sydney and rural and regional New South Wales, continues to be an area of significant concern for the transport industry, and in particular heavy vehicle drivers. Rest areas are used by heavy vehicle drivers to take long and short rest breaks, use amenities and check loads and vehicles.<sup>73</sup> The provision of accessible and suitable rest areas for heavy vehicle drivers is critical to ensuring compliance with fatigue management regulations and improving safety outcomes for drivers and other road

<sup>66</sup> Evidence, Mr Parry, 5 October 2023, p 34.

<sup>67</sup> Evidence, Mr Parry, 5 October 2023, p 34.

<sup>68</sup> Evidence, Mr Warner, 5 October 2023, p 26.

<sup>69</sup> Submission 9, Mr Rod Hannifey, p 5.

<sup>70</sup> Submission 9, Mr Rod Hannifey, p 5.

<sup>71</sup> Submission 16, Mr Trevor Warner, p 2.

<sup>72</sup> Submission 16, Mr Trevor Warner, p 4.

<sup>73</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 1.

users. The availability, suitability and accessibility of rest areas in New South Wales is discussed in more detail in chapter 2.

### **Penalties & compliance**

- 1.56** Penalties and the punitive nature of enforcement for administrative and minor regulation breaches were also identified as putting pressure on transport operations, in particular heavy vehicle drivers. During this inquiry, evidence was received highlighting the heavy-handed approach to fines and penalties by some regulatory bodies, especially with regard to clerical errors.
- 1.57** Road Freight NSW (RFNSW) commented that the penalties for log-book errors can have a significant impact on driver well-being, when the errors are administrative and have no real bearing on road safety. Further, punitive penalties can be issued days, weeks, or even months after a minor error has occurred.<sup>74</sup> RFNSW proposed that penalties should truly reflect the nature of the error, with one member remarking 'very few workers stand to lose a week's wages for a typo, the wrong colour pen being used, or a crooked line... yet drivers are at risk of this every time they fill-in their logbook'.<sup>75</sup>
- 1.58** Mr Warner observed that heavy vehicle drivers are a cohort of workers who face a unique set of workplace rules, and failure to comply may incur excessive penalties under the Heavy Vehicle National Law.<sup>76</sup> Whilst acknowledging that 'most times these rules work as intended', Mr Warner remarked that in certain circumstances these rules do not provide enough flexibility for the drivers.<sup>77</sup> As Mr Warner explained:
- Whilst law enforcement bodies will say the employer must solve this problem, often it is not possible, and drivers are left to find a solution. Chain of Responsibility (CoR) rules may force a solution to be provided by the employer, but as seen by the amount of CoR prosecutions, employers are rarely held accountable.<sup>78</sup>
- 1.59** In correspondence provided to the committee, Mr Warner remarked that NSW Police are more likely 'to issue a fine based on the written law' and rarely use their available discretion to determine the risk scale and issue a formal warning or simply ask the driver to fix the error immediately.<sup>79</sup> He proposed that fines are more likely to be issued for administrative errors and record keeping practices, for example failing to tick a box in a work diary.<sup>80</sup>
- 1.60** Mr Parry also highlighted the role of police as a regulator in the industry. Whilst recognising that there should be a local police presence in regard to regulation and compliance, Mr Parry noted the frustration of drivers and transport operators when law enforcement officers pull up a driver to 'go through a logbook and find that a date is missing 10 days ago or find something

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<sup>74</sup> Submission 24, Road Freight NSW, p 3.

<sup>75</sup> Submission 24, Road Freight NSW, p 3.

<sup>76</sup> Submission 16, Mr Trevor Warner, p 3.

<sup>77</sup> Submission 16, Mr Trevor Warner, p 3.

<sup>78</sup> Submission 16, Mr Trevor Warner, p 3.

<sup>79</sup> Correspondence from Mr Trevor Warner to the committee, 3 November 2023, p 4.

<sup>80</sup> Correspondence from Mr Trevor Warner to the committee, 3 November 2023, p 4.

is not signed right'.<sup>81</sup> He contended that these breaches have 'nothing to do with fatigue or managing risk' but are rather more focused on 'raising revenue and administrative fees'.<sup>82</sup> In giving evidence, Mr Parry put forward the view that the enforcement focus should be on the basics of mass management, fatigue, speed and ensuring transport operators do not ask, or encourage, drivers to act in a way that breaks the law.<sup>83</sup>

**1.61** When asked about this issue at the hearing, Mr Paul Salvati, Chief Operations Officer, National Heavy Vehicle Regulator (NHVR) objected to the proposition that fines were being issued for 'frivolous' clerical errors such as a misspelling or a wrong date or day.<sup>84</sup>

**1.62** In addition to the punitive nature of the infringement process, Highway Advocates Pty Ltd put forward the view that the volume of legislation, and the complexity of technical terms within it, also presents a significant challenge for heavy vehicle drivers and operators in New South Wales when it comes to compliance. They submitted that legislation must be drafted in a manner that can be easily understood by the majority of those it applies to.<sup>85</sup> Simplifying the language and structure of road transport legislation is essential to ensure that heavy vehicle drivers and operators can comply with the law effectively and without unnecessary confusion.<sup>86</sup>

### **Training and education requirements**

**1.63** The suitability of current training and education requirements for heavy vehicle drivers in New South Wales, and their impact on driver practices, was also examined throughout the inquiry. There are two pathways to obtain a heavy vehicle licence except for the Multi Combination (MC) class. Both pathways start with a Heavy Vehicle Knowledge test for the desired class of licence. Once this test is successfully completed, an applicant can either:

- complete the Heavy Vehicle Competency Based Assessment (HVCBA).
- take a heavy vehicle driving test with a Service NSW officer in areas where the HVCBA is not available, for example, some regional locations.<sup>87</sup>

**1.64** The evidence presented indicated that the current training and education requirements play a significant role in shaping how heavy vehicle drivers navigate their responsibilities on the road and safety outcomes. Training and education requirements for heavy vehicle drivers in New South Wales are discussed in more detail in chapter 3.

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<sup>81</sup> Evidence, Mr Parry, 5 October 2023, p 36.

<sup>82</sup> Evidence, Mr Parry, 5 October 2023, p 36.

<sup>83</sup> Evidence, Mr Parry, 5 October 2023, p 36.

<sup>84</sup> Evidence, Mr Paul Salvati, Chief Operations Officer, National Heavy Vehicle Regulator (NHVR), 5 October 2023, p 58.

<sup>85</sup> Submission 22, Highway Advocates Pty Ltd, p 3.

<sup>86</sup> Submission 22, Highway Advocates Pty Ltd, p 3.

<sup>87</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 6.

## Committee comment

- 1.65** The committee acknowledges that the characteristics of, and pressures within, the heavy vehicle driver industry are distinctive and cover a range of factors, many of which can impact and shape driver practice in varying degrees.
- 1.66** Throughout this inquiry it was evident that the chain of responsibility plays a significant role in shaping and influencing the practices of heavy vehicle drivers. The committee recognises that there are multiple links in the transport supply chain, with drivers often carrying much of the burden to ensure regulatory obligations are met but in some cases have limited control over the structural imbalances in the industry that underpin those decisions.
- 1.67** The committee notes that the economic pressures in the heavy vehicle industry are an important consideration when looking into the practices of drivers and safety outcomes. This includes remuneration for truck drivers and the cost of operating in the heavy vehicle industry. The evidence indicated that the economic pressures can be exacerbated further down the supply chain and, in particular, for smaller transport operators.
- 1.68** It is clear to the committee that there is a workforce shortage in the heavy vehicle driver industry, which is creating a significant pressure on supply chains, transport operators and drivers, especially as demand for transport services increases.
- 1.69** We note that road infrastructure, specifically the quality of particular roads and highways, can also be a challenge for heavy vehicle drivers in terms of congestion, fatigue and safety. The damage to roads, in particular caused by natural disasters in recent times, creates both a safety issue and pressure on heavy vehicle drivers, and result in additional vehicle maintenance costs for transport operators.
- 1.70** The committee received evidence highlighting the heavy-handed approach to fines and penalties by some regulatory bodies, especially with regard to clerical errors. We note that some inquiry participants argued that the punitive nature of enforcement for administrative and minor regulation breaches can have a significant impact on driver well-being, when the errors have no real bearing on road safety. However, we also acknowledge that during the hearing, the National Heavy Vehicle Regulator objected to the proposition that fines were being issued for 'frivolous' clerical errors such as a misspelling or a wrong date or day.
- 1.71** The committee heard evidence to suggest that the regulatory approach in the heavy vehicle industry needs to focus on, and enforce, safety outcomes along the supply chain and include improved economic regulations to alleviate the pressures on heavy vehicle drivers and the impact of these pressures on driver practices and observance of regulatory obligations in New South Wales.
- 1.72** Whilst the committee acknowledges that the transition of services and regulatory oversight for the heavy vehicle industry to the National Heavy Vehicle Regulator in 2022 has been positive in some respects, we conclude that there are still some areas that need to be addressed to improve efficiencies and benefits for both transport operators and drivers in the heavy vehicle industry.

## Chapter 2 Fatigue management and rest areas

This chapter discusses fatigue management for heavy vehicle drivers and the availability, accessibility and suitability of rest areas in metropolitan Sydney and rural and regional New South Wales.

### Fatigue management

- 2.1** Driver fatigue, defined as driving while feeling sleepy, physically or mentally tired, or lacking energy, is a major heavy vehicle safety hazard.<sup>88</sup> According to Transport for NSW and the National Heavy Vehicle Regulator, fatigue is one of the top three behavioural factors for heavy vehicles involved in serious crashes on New South Wales roads.<sup>89</sup> It impairs drivers by slowing reactions, reducing concentration and can cause fatal microsleeps.<sup>90</sup> Transport for NSW and the National Heavy Vehicle Regulator noted that some studies have shown that fatigue is involved in one-eighth of Australian heavy vehicle crashes.<sup>91</sup>
- 2.2** The Transport Workers' Union of NSW (TWU) stressed that 'fatigue is a serious safety hazard; a fact that is well known and undisputed in every capacity'.<sup>92</sup> In their submission, the TWU referred to a 2023 academic study that found 'prolonged work hours, high-risk work tasks, poor sleep and feelings of loneliness were positively associated with fatigued driving'; conditions that are consistently observed as commonplace in the heavy vehicle industry.<sup>93</sup> In particular, the TWU highlighted that influences such as working hours are often beyond any individual driver's control.<sup>94</sup>
- 2.3** To further support their claims, the Transport Workers' Union of NSW (TWU) also cited an Australian literature review into managing heavy vehicle driver fatigue, which 'noted that workplace management practices are necessary in facilitating a safe driving experience for heavy vehicle drivers'.<sup>95</sup> According to the TWU, 'this finding further validates the idea that fatigue management is not entirely within the control of a heavy vehicle driver themselves, but rather, is dependent on facilitation through management'.<sup>96</sup>
- 2.4** The Heavy Vehicle National Law (HVNL) contains specific provisions related to fatigue management. Under the legislation, the core duty of a driver is that they must not drive a fatigue-regulated heavy vehicle on a road while impaired by fatigue.<sup>97</sup> Fatigue-regulated vehicles are

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<sup>88</sup> National Heavy Vehicle Regulator (NHVR), About fatigue management, <https://www.nhvr.gov.au/safety-accreditation-compliance/fatigue-management/about>

<sup>89</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 3.

<sup>90</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 3.

<sup>91</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 3.

<sup>92</sup> Submission 21, Transport Workers' Union of NSW, p 12.

<sup>93</sup> Submission 21, Transport Workers' Union of NSW, p 12.

<sup>94</sup> Submission 21, Transport Workers' Union of NSW, p 12.

<sup>95</sup> Submission 21, Transport Workers' Union of NSW, pp 12-13.

<sup>96</sup> Submission 21, Transport Workers' Union of NSW, p 13.

<sup>97</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 6.

defined as a vehicle or vehicle combination weighing more than 12 tonnes, or a bus of more than 4.5 tonnes, fitted to carry more than 12 adults including the driver.<sup>98</sup>

**2.5** To assist drivers and operators of heavy vehicles to manage risks associated with driver fatigue, the HVNL sets out four key requirements. Drivers must:

- not drive a fatigue-regulated heavy vehicle on a road while impaired by fatigue. Other parties in the Chair of Responsibility must ensure they prevent a driver from doing this.
- work within set limits and have minimum rest requirements. Other parties must not ask or allow drivers to exceed these limits.
- make an accurate and complete record of their work and rest time in either a National Driver Work Diary or, if driving within area with a radius of 100 kilometres of the driver's base, alternative work records (in some cases this can be done by a driver's record keeper).
- provide their work and rest records to their record keeper within set timeframes. A record keeper must retain these records for three years.<sup>99</sup>

**2.6** The National Heavy Vehicle Regulator is responsible for the administration and compliance of regulated fatigue-related requirements such as counting time, electronic work diary, record keeping, training in fatigue risk management, and work and rest conditions.<sup>100</sup>

**2.7** Fatigue-regulated heavy vehicle drivers and other responsible parties in the supply chain are required by law to count work and rest times in a specific way.<sup>101</sup> The National Heavy Vehicle Regulator specifies work time as including all tasks to do with the operation of the fatigue-regulated heavy vehicle, such as: driving, sitting in the driver's seat with the engine on, waiting in a line of vehicles to load or unload, loading and unloading the vehicle, and inspecting, servicing or repair work.<sup>102</sup> Rest time is any time that is not work time.<sup>103</sup>

**2.8** As the Livestock Bulk and Rural Carriers Association commented, in order to comply with fatigue management legislation that specifies strict resting requirements drivers require suitable heavy vehicle rest area facilities that are regularly maintained.<sup>104</sup>

**2.9** As heavy vehicle drivers often undertake long hours of travel, rest areas are considered to be part of a driver's workplace, so they are a critical part of the transport and freight system in New South Wales.<sup>105</sup> They play a significant role in supporting drivers to better manage their fatigue and meet their obligations under the Heavy Vehicle National Law, in turn improving safety outcomes for all road users.

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<sup>98</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 6.

<sup>99</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 6.

<sup>100</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 6.

<sup>101</sup> National Heavy Vehicle Regulator (NHVR), Counting time, <https://www.nhvr.gov.au/safety-accreditation-compliance/fatigue-management/counting-time>

<sup>102</sup> National Heavy Vehicle Regulator (NHVR), Counting time, <https://www.nhvr.gov.au/safety-accreditation-compliance/fatigue-management/counting-time>

<sup>103</sup> National Heavy Vehicle Regulator (NHVR), Counting time, <https://www.nhvr.gov.au/safety-accreditation-compliance/fatigue-management/counting-time>

<sup>104</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRC), p 2.

<sup>105</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 3.

## Types of rest areas and Austroads guidelines

- 2.10** Transport for NSW maintains a network of rest areas under an Asset Services Plan. There are over 1350 heavy vehicle rest stop locations across New South Wales, which are classified as formal or informal, and are managed by different road managers.<sup>106</sup>
- 2.11** Austroads, the association of the Australian and New Zealand transport agencies, has produced guidelines for the provision of heavy vehicle rest area facilities, which outline the principles of good rest area design, including their placement and spacing.<sup>107</sup> The guidelines, titled *Guidelines for the Provision of Heavy Vehicle Rest Area Facilities* (Austroads guidelines), provide guidance for road managers on assessing the need and prioritisation of heavy vehicle rest areas, as well as promoting consideration of issues relating to planning and design concepts in the initial set out of a rest area.<sup>108</sup>
- 2.12** The Austroads guidelines identify five classifications of formal heavy vehicle rest areas and one type of informal rest area.<sup>109</sup> Formal heavy vehicle rest areas are provided and maintained by road managers to support driver rest needs. Informal rest areas are not established by the road manager, rather they have evolved through ongoing use by heavy vehicles. They may or may not be maintained by the road manager.<sup>110</sup>
- 2.13** The Austroads guidelines also recognise that other rest opportunities may be available:
- at towns (small and large towns along a freight route and where rest by heavy vehicles is permitted and encouraged by the local government in which the town is located) and,
  - commercial facilities (including service centres and roadhouses).<sup>111</sup>
- 2.14** Mr Gavin Hill, Acting Chief Executive, Austroads, advised that the guidelines represent 'best practice' by bringing 'together a body of knowledge and perspectives from a range of stakeholders'.<sup>112</sup>
- 2.15** When questioned as to whether the guidelines should be given more weight or made mandatory Mr Paul Davies, General Manager Programs, Austroads, responded in the affirmative:

<sup>106</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 15.

<sup>107</sup> Submission 13, Austroads, p 2.

<sup>108</sup> Austroads, *Guidelines for the Provision of Heavy Vehicle Rest Area Facilities* (July 2019), [https://austroads.com.au/\\_\\_data/assets/pdf\\_file/0025/160648/AP-R591-19\\_Guidelines\\_for\\_the\\_Provision-of\\_HVRA\\_Facilities-1.1.pdf](https://austroads.com.au/__data/assets/pdf_file/0025/160648/AP-R591-19_Guidelines_for_the_Provision-of_HVRA_Facilities-1.1.pdf), p i.

<sup>109</sup> Austroads, *Guidelines for the Provision of Heavy Vehicle Rest Area Facilities* (July 2019), [https://austroads.com.au/\\_\\_data/assets/pdf\\_file/0025/160648/AP-R591-19\\_Guidelines\\_for\\_the\\_Provision-of\\_HVRA\\_Facilities-1.1.pdf](https://austroads.com.au/__data/assets/pdf_file/0025/160648/AP-R591-19_Guidelines_for_the_Provision-of_HVRA_Facilities-1.1.pdf), p 13.

<sup>110</sup> Austroads, *Guidelines for the Provision of Heavy Vehicle Rest Area Facilities* (July 2019), [https://austroads.com.au/\\_\\_data/assets/pdf\\_file/0025/160648/AP-R591-19\\_Guidelines\\_for\\_the\\_Provision-of\\_HVRA\\_Facilities-1.1.pdf](https://austroads.com.au/__data/assets/pdf_file/0025/160648/AP-R591-19_Guidelines_for_the_Provision-of_HVRA_Facilities-1.1.pdf), p 13.

<sup>111</sup> Austroads, *Guidelines for the Provision of Heavy Vehicle Rest Area Facilities* (July 2019), [https://austroads.com.au/\\_\\_data/assets/pdf\\_file/0025/160648/AP-R591-19\\_Guidelines\\_for\\_the\\_Provision-of\\_HVRA\\_Facilities-1.1.pdf](https://austroads.com.au/__data/assets/pdf_file/0025/160648/AP-R591-19_Guidelines_for_the_Provision-of_HVRA_Facilities-1.1.pdf), p i.

<sup>112</sup> Evidence, Mr Gavin Hill, Acting Chief Executive, Austroads, 5 October 2023, p 19.

Yes, certainly, broader use of the guidelines is desirable because they have been developed to recognise the challenges that are faced by drivers in complying with regulatory obligations and managing fatigue... Each site has its own characteristics and challenges that need to be managed and the guidelines seek to raise for road managers the issues that they should consider when designing heavy vehicle rest areas and spacing heavy vehicle rest areas across the network.<sup>113</sup>

- 2.16** Austroads indicated that the guidelines are currently under review with the aim of expanding the guidelines to better support fatigue management, increased driver diversity and planning for new and emergency heavy vehicle types.<sup>114</sup> Austroads expects to finalise the update in late 2024.<sup>115</sup>

### **Informal rest areas**

- 2.17** The Austroads guidelines also refer to informal heavy vehicle rest areas which are often designated with green reflectors if they meet certain requirements regarding: site conditions; site access; sight distance; placement; and maintenance. This is known as the 3-2-1 Green Reflector Scheme.<sup>116</sup>
- 2.18** The committee heard from Mr Rod Hannifey, President of the National Road Freighters Association Inc, who has, for many years, been advocating for green reflectors sites to highlight safe parking spots.<sup>117</sup> Mr Hannifey explained that the green reflectors are used to indicate informal truck bays across the road network that are safe for heavy vehicle drivers to pull up in.<sup>118</sup> Green reflector sites can be used by drivers to manage fatigue in between formal rest areas and/or to check loads. Mr Hannifey highlighted how the sites can be specifically useful for drivers travelling an unfamiliar route and may not know the location of formal rest stops.<sup>119</sup>
- 2.19** Some participants advocated for greater use of the 3-2-1 Green Reflector Scheme to create more rest opportunities for heavy vehicle drivers. In his evidence, Mr Hannifey argued that the program should be a national system.<sup>120</sup> Similarly, the Livestock Bulk and Rural Carriers Association indicated support of the Green Reflector Scheme as an industry safety initiative, and that the program should be rolled out further.<sup>121</sup> Likewise, Mr Trevor Warner, an individual truck driver, expressed strong support for the green reflector program to be across Australia,

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<sup>113</sup> Evidence, Mr Paul Davies, General Manager Programs, Austroads, 5 October 2023, p 19.

<sup>114</sup> Submission 13, Austroads, p 2.

<sup>115</sup> Submission 13, Austroads, p 2.

<sup>116</sup> Austroads, *Guidelines for the Provision of Heavy Vehicle Rest Area Facilities* (July 2019), [https://austroads.com.au/\\_\\_data/assets/pdf\\_file/0025/160648/AP-R591-19\\_Guidelines\\_for\\_the\\_Provision-of\\_HVRA\\_Facilities-1.1.pdf](https://austroads.com.au/__data/assets/pdf_file/0025/160648/AP-R591-19_Guidelines_for_the_Provision-of_HVRA_Facilities-1.1.pdf), pp 13-14.

<sup>117</sup> Submission 20, National Road Freighters Association Inc, p 2; See also Evidence, Mr Rod Hannifey, President, National Road Freighters Association Inc, 5 October 2023, pp 11-12.

<sup>118</sup> Evidence, Mr Rod Hannifey, President, National Road Freighters Association Inc, 5 October 2023, p 11.

<sup>119</sup> Evidence, Mr Hannifey, 5 October 2023, p 11.

<sup>120</sup> Evidence, Mr Hannifey, 5 October 2023, p 11.

<sup>121</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 2.



commenting that it is 'probably one of the greatest safety initiatives that the industry has put out there in between towns'.<sup>122</sup>

- 2.20** At the hearing, Mr Scott Greenow, Acting Executive Director, Freight, Regional and Outer Metropolitan Division, Transport for NSW, acknowledged that the green reflector sites were a 'critical part of the rest stop network, and it's something that we do actively work with industry to try to encourage'.<sup>123</sup> He explained that the element Transport for NSW contributed to most was 'being able to identify where there are opportunities to utilise existing infrastructure in a way that enables an informal rest stop'.<sup>124</sup> For example:

Wherever there is any road upgrades or planning, the Freight team in Transport for NSW provides insight around what would be valuable opportunities, where those locations could be, what they could look like, and a lot of that is informed by engagement with industry on what those are.<sup>125</sup>

- 2.21** When asked about green reflector sites, Mr Samuel Marks, Policy Director, National Road Transport Association (NatRoad), noted that while informal rest stops play an important role and can be part of the broader picture, they should not be 'an excuse' to not build and install better rest areas on those routes.<sup>126</sup>
- 2.22** During the hearing, there was some discussion around the use of former road corridors as rest stops and potential places that rest stops can be created. When asked about this issue, Mr Hannifey commented on the use of road stockpile sites, which generally have more shade in them than truck stops, as parking bays for trucks.<sup>127</sup> He noted that these sites are generally used 'probably about three months every three years' but if they were marked or signed in some way, for example with green reflectors, drivers could use these sites to park and/or rest.<sup>128</sup>

## Availability and accessibility of rest areas

- 2.23** The provision of dedicated heavy vehicle rest areas that are well positioned and strategically located is fundamental to road safety.<sup>129</sup> As Transport for NSW and the National Heavy Vehicle Regulator noted, '[r]est areas with basic amenities are important in supporting heavy vehicle drivers with managing their fatigue and provide an opportunity for drivers to take mandatory rest breaks'.<sup>130</sup>

<sup>122</sup> Evidence, Mr Trevor Warner, Individual truck driver, 5 October 2023, p 32.

<sup>123</sup> Evidence, Mr Scott Greenow, Acting Executive Director, Freight, Regional and Outer Metropolitan Division, Transport for NSW, 5 October 2023, p 60.

<sup>124</sup> Evidence, Mr Greenow, 5 October 2023, p 60.

<sup>125</sup> Evidence, Mr Greenow, 5 October 2023, p 60.

<sup>126</sup> Evidence, Mr Samuel Marks, Policy Director, National Road Transport Association (NatRoad), 5 October 2023, p 23.

<sup>127</sup> Evidence, Mr Hannifey, 5 October 2023, p 13.

<sup>128</sup> Evidence, Mr Hannifey, 5 October 2023, p 13.

<sup>129</sup> Submission 15, National Road Transport Association (NatRoad), p 5.

<sup>130</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 15.

- 2.24** Rest areas should be readily available and, where possible, offer suitable facilities for drivers to promote rest and well-being and provide opportunities to check freight loads and vehicles. To meet animal welfare obligations, livestock transporters must inspect livestock in transit at least every 3-4 hours.<sup>131</sup> However, the availability and accessibility of rest areas, including parking spaces, in New South Wales is a significant challenge for heavy vehicle drivers. Drivers face a number of difficulties when trying to find a safe and reliable area to rest, park and access services, including the number of, and distance between rest stops.
- 2.25** During the inquiry, a number of participants expressed concerns over the number of available rest areas in New South Wales. In its submission, the Transport Workers' Union of NSW referred to a survey it conducted on rest areas in New South Wales in 2020 which found that of the 269 respondents, 94 per cent were of the view there are not enough rest areas in New South Wales.<sup>132</sup>
- 2.26** Likewise, the Livestock Bulk and Rural Carriers Association (LBRCa) noted that there is a significant gap between the number of rest areas currently available in New South Wales and the number required to ensure drivers of heavy vehicles can manage their fatigue as required by law.<sup>133</sup> As a result, LBRCa advised that there are 'several locations where drivers are engaging in unsafe practices such as sleeping in their vehicles, in emergency stopping bays, a metre from the road edge because of the lack of available rest area opportunities ... [particularly] on the Pacific Highway near Coffs Harbour'.<sup>134</sup>
- 2.27** In addition, the Livestock Bulk and Rural Carriers Association remarked that many heavy vehicle rest areas were closed due to 'road works, road deviation or permanent road closures' which further impacted the ability of drivers to comply with fatigue laws.<sup>135</sup>
- 2.28** In his evidence, Mr Hannifey stated that closed rest stops or parking spaces mean one less opportunity for a truck driver to safely stop to sleep, eat or use facilities.<sup>136</sup>
- 2.29** Furthermore, the lack of available rest areas and parking spaces for heavy vehicles can give rise to non-compliance with regulations and present a danger to heavy vehicle drivers, other road users and freight. For example, Mr Marks noted that if a driver breaches fatigue management regulations, even by just a couple of minutes, there are penalties that can apply. He highlighted that one of the frustrations NatRoad hears from drivers is when they cannot stop because there's physically nowhere to stop, and then they face a fine because they missed their allotted window.<sup>137</sup>
- 2.30** The lack of available rest areas was also highlighted by a 2018 audit, conducted by NSW Roads and Maritime Services, of heavy vehicle rest stops across 15 key regional freight routes.<sup>138</sup> The audit identified inadequacies in the provision of heavy vehicle rest stops across New South

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<sup>131</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCa), p 5.

<sup>132</sup> Submission 21, Transport Workers' Union of NSW, pp 15-16.

<sup>133</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCa), p 4.

<sup>134</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCa), p 7.

<sup>135</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCa), p. 2.

<sup>136</sup> Evidence, Mr Hannifey, 5 October 2023, p 15.

<sup>137</sup> Evidence, Mr Marks, 5 October 2023, p 20.

<sup>138</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 16.

Wales, including the distance between sites, availability of parking spaces for heavy vehicles, and a lack of extra-large parking bays designed for High Productivity Vehicles.<sup>139</sup>

- 2.31** Another concern raised by inquiry participants was the distance between rest areas. For example, the National Road Transport Association (NatRoad) commented that a critical point for consideration is the distance between rest areas.<sup>140</sup> According to Austroads, the optimal spacing between rest areas depends on traffic volumes, rest opportunities and rest area capacity and facilities.<sup>141</sup>
- 2.32** Austroads recommends road managers firstly consider whether existing spacing provides sufficient opportunities for heavy vehicle drivers to comply with fatigue management regulations and secondly whether it is feasible to expand existing heavy vehicle rest areas to meet increasing demands as traffic volumes increase.<sup>142</sup> An inability to find a suitable rest area can lead drivers to inadvertently exceed their regulated fatigue hours.<sup>143</sup>
- 2.33** Austroads also recommends that road managers prioritise investment in those heavy vehicle rest area sites which will support drivers to meet fatigue management objectives.<sup>144</sup> The Austroads guidelines note that consultation with the industry may also help identify spacing that is convenient for drivers, as well as helping to facilitate compliance with fatigue management regulations. As traffic volumes, and therefore demand, increase along freight routes, it may be necessary to reduce spacing and/or increase the capacity of current rest areas.<sup>145</sup>
- 2.34** In their submission, Transport for NSW and the National Heavy Vehicle Regulator commented that the road freight industry is indicating that:
- the inadequate availability of rest stops suitable for heavy vehicles is leading drivers to park in inappropriate areas where the vehicles are not permitted to stop.
  - the situation is causing drivers to persist driving feeling fatigue or exceeding their legally required rest intervals, as they seek a secure and authorised location to pull over.
  - the quality and provisions at existing rest stops are not meeting needs and affecting the ability to adequately rest, sleep and refresh.
  - the lack of quality and availability of rest stops can have a negative effect on attempts to attract people into the industry to address critical driver shortages.<sup>146</sup>
- 2.35** Transport for NSW informed the committee that as part of a targeted stakeholder engagement program, peak road freight industry bodies and heavy vehicle drivers were invited to share their feedback on a range of initiatives to ensure projects meet the current and future needs of heavy

<sup>139</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 16.

<sup>140</sup> Submission 15, National Road Transport Association (NatRoad), p 5.

<sup>141</sup> Submission 13, Austroads, p 4.

<sup>142</sup> Submission 13, Austroads, p 4.

<sup>143</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRC), p 6.

<sup>144</sup> Submission 13, Austroads, p 5.

<sup>145</sup> Submission 13, Austroads, p 5.

<sup>146</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 26.

vehicle drivers.<sup>147</sup> The *Heavy Vehicle Rest Stop Stakeholder Engagement report* provides an overview of the consultation undertaken with the road freight industry between November 2022 and March 2023 and the resulting feedback.<sup>148</sup>

**2.36** In particular, the engagement highlighted the road freight industry's position on the current state of the provision of rest stops in New South Wales and identified a range of challenges and needs, including:

- Capacity issues at existing rest stops – attributed to the growing freight task requiring more vehicles on the road and ongoing issues with recreational and lighter vehicles occupying limited spaces designated for heavy vehicles, particularly during peak holiday seasons. Industry recommends compliance monitoring, signage, separation of heavy and light vehicle parking, and also the use of CCTV [closed-circuit television].  
...
- Growing industry practices – The practice of shuttling has been raised, and a need to consider parts of the network where decoupling, parking of trailers and/or changing drivers as well as areas for drivers to rest are being reported as a need that is not being met.
- More rest stops are needed – More rest areas are needed on the outskirts of major cities and along major freight routes from Sydney to Brisbane, Sydney to Melbourne and to and from the ACT to allow for fatigue management, staging to avoid curfews or congestion and driver changeover. Greater Sydney was also raised as a priority for road freight industry, including the need for heavy vehicle rest stop opportunities in the metro area and parking opportunities to check loads.<sup>149</sup>

### **Rest areas in Greater Sydney and other metropolitan areas**

**2.37** Inquiry participants also spoke of the deficient number of rest areas in Greater Sydney and other metropolitan areas across the state. For example, Road Freight NSW argued that the 'shortage of suitable heavy vehicle rest areas across the Sydney Road network continues to place increasingly physical and mental pressures on truck drivers'.<sup>150</sup> It noted there are no rest areas within the metropolitan area where trucks can park up out of the traffic, while waiting to deliver to/from Port Botany or other major transport hubs.<sup>151</sup>

**2.38** Likewise, Mr Marks commented that 'from a fatigue management point of view, as opposed to truck parking or refuelling ... there's essentially nothing between Pheasants Nest in the south and Wyong in the north'.<sup>152</sup> He added that, historically, governments have seen rest areas as a

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<sup>147</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 15.

<sup>148</sup> NSW Government, Heavy Vehicle Rest Stop Engagement Report – August 2023, <https://www.haveyoursay.nsw.gov.au/heavy-vehicle-rest-stops/engagement-report>

<sup>149</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 26.

<sup>150</sup> Submission 24, Road Freight NSW, p 5.

<sup>151</sup> Submission 24, Road Freight NSW, p 5.

<sup>152</sup> Evidence, Mr Marks, 5 October 2023, p 20.

regional matter which has contributed to the significant 'lack of places where a driver can pull up to manage their fatigue in Sydney – Western Sydney...'.<sup>153</sup>

**2.39** Ron Finemore Transport Services Pty Ltd described how the 'availability and suitability of rest areas, particularly in metropolitan Sydney and rural regions, is crucial for driver well-being and regulatory compliance'.<sup>154</sup> This includes:

- appropriately positioned and designated rest areas, leading into and out of metro areas;
- appropriate parking areas in and around major distribution centres and hubs.<sup>155</sup>

**2.40** Furthermore, Ron Finemore Transport Services Pty Ltd detailed how 'appropriate planning oversight during the design and construction of new and emerging distribution and logistics assets would help in providing heavy vehicle drivers with rest, shower and food requirements' thus relieving some of the current pressures.<sup>156</sup>

**2.41** Similarly, during engagement with Transport for NSW for the *Heavy Vehicle Rest Stop Stakeholder Engagement report*, the road freight industry expressed concern that consideration is not being given to Greater Sydney, metro areas and end-to-end journeys in certain road projects.<sup>157</sup> Drivers currently have limited or no dedicated areas where they can stop and check their loads or take a mandatory fatigue break in Greater Sydney.<sup>158</sup>

**2.42** Transport for NSW advised that it is currently investigating existing and potential future heavy vehicle rest stop facilities in the Greater Sydney area.<sup>159</sup> The rest stop gap assessment will consider travel time between existing rest stops for heavy vehicle trips through Greater Sydney, and trips with an origin or destination in Greater Sydney. It will also investigate parking capacity shortfalls along the urban national land transport network.<sup>160</sup>

### **Parking availability**

**2.43** In addition to rest areas, having adequate parking bays and sites available for heavy vehicles is essential for truck drivers to manage fatigue and compliance effectively.<sup>161</sup> Mr Warner was of the view that 'parking is a major problem for the industry' noting that the 'chronic shortage of suitable parking spaces in NSW towns and cities' is placing an enormous pressure on heavy vehicle drivers.<sup>162</sup> In regards to roadside infrastructure, Mr Warner noted that town planning processes are pushing heavy vehicles away from townships by removing unofficial parking

<sup>153</sup> Evidence, Mr Marks, 5 October 2023, p 20.

<sup>154</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 2.

<sup>155</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 2.

<sup>156</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 2.

<sup>157</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, citing *Heavy Vehicle Rest Stop Stakeholder Engagement Report* (June 2023), p 13.

<sup>158</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, citing *Heavy Vehicle Rest Stop Stakeholder Engagement Report* (June 2023), p 13.

<sup>159</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 17.

<sup>160</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 27.

<sup>161</sup> Submission 20, National Road Freighters Association Inc, p 2.

<sup>162</sup> Submission 16, Mr Trevor Warner, pp 2-3.

spaces. As a result, access to fresh food and amenities available in most towns is lost as heavy vehicle drivers have nowhere to park to access these facilities.<sup>163</sup>

- 2.44** Mr Hannifey noted several examples of the loss of parking bays and sites for heavy vehicles where new overtaking lanes have been installed across New South Wales.<sup>164</sup> Mr Hannifey also noted the closure of rest areas for use in road works, noting several specific locations where this has taken place including north of Forbes and southbound into Dubbo.<sup>165</sup> He specifically remarked on the lack of truck stops, changeover sites and facilities in Dubbo, as the half way point between Brisbane and Melbourne, as well as the crossroads of New South Wales, for heavy vehicle drivers.<sup>166</sup> Mr Hannifey argued that it is not simply about having a place to stop but having somewhere to get good quality sleep to manage driver fatigue and ensure regulatory compliance. He stated that drivers need 'to be fit, awake and compliant' but this can't be done without suitable facilities.<sup>167</sup>
- 2.45** The National Road Freighters Association Inc also commented that the removal of truck parking bays and sites during the construction of new overtaking lanes as a recurring issue for heavy vehicle drivers.<sup>168</sup> It remarked that whilst there is recognition of the importance of parking bays for heavy vehicles, the trend seems to be in the opposite direction, with fewer available sites.<sup>169</sup>
- 2.46** Furthermore, the Livestock Bulk and Rural Carriers Association highlighted that most rest areas now lack sufficient truck parking space. Consequently, often drivers have no choice other than to keep driving until they find an opportunity to park.<sup>170</sup> The association also put forward the view that there needs to be a greater focus on enforcement of parking restrictions in heavy vehicle rest areas, with illegal parking in these areas being more common at night.<sup>171</sup>
- 2.47** The Transport Workers' Union of NSW (TWU) research on rest areas in 2020 noted that the majority of drivers (42.75 per cent) are sometimes required to keep driving past heavy vehicle rest areas they wish to use because they cannot find an appropriate place to park.<sup>172</sup> Whilst all the rest areas inspected during this research had parking available for heavy vehicles, the TWU found that the availability of parking depends greatly on the time of day, week and year.<sup>173</sup> The TWU proposed that this finding likely underrepresents the availability of parking on the network

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<sup>163</sup> Submission 16, Mr Trevor Warner, p 4.

<sup>164</sup> Submission 9, Mr Rod Hannifey, p 1.

<sup>165</sup> Submission 9, Mr Rod Hannifey, p 2.

<sup>166</sup> Submission 9, Mr Rod Hannifey, p 4.

<sup>167</sup> Submission 9, Mr Rod Hannifey, p 3.

<sup>168</sup> Submission 20, National Road Freighters Association Inc, p 1.

<sup>169</sup> Submission 20, National Road Freighters Association Inc, p 1.

<sup>170</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRC), p 2.

<sup>171</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRC), p 8.

<sup>172</sup> Submission 21, Transport Workers' Union of NSW, p 18.

<sup>173</sup> Answers to questions on notice and additional information, Mr Daniel Peric, Research & Policy Official, Transport Workers' Union of NSW, received 31 October 2023, *Heavy Vehicle Rest Areas in NSW* (30 November 2020), p 11.

during peak times as the research was conducted primarily during non-peak times and in the context of the COVID-19 pandemic.<sup>174</sup>

### *Non-heavy vehicles use of rest areas and parking*

- 2.48** During the inquiry the committee heard how the use of rest areas and parking spaces by non-heavy vehicles continues to be an issue for the freight industry, specifically heavy vehicle drivers. The presence of light vehicles, including cars and caravans, in heavy vehicle rest areas can prevent drivers from exercising proper fatigue management practices and impact the availability of parking at these sites.<sup>175</sup>
- 2.49** From the Transport Workers' Union of NSW (TWU) research on rest areas in New South Wales in 2020, almost all respondents reported seeing cars or caravans parked in heavy vehicle places at some point during the 12 months prior to the survey taking place.<sup>176</sup> A vast majority of drivers said they saw this occurring often (41.64 per cent) or always (33.09 per cent).<sup>177</sup> The TWU shared heavy vehicle driver statements that indicated a clear frustration with light vehicles occupying heavy vehicle areas and how their presence serves as a deterrent for heavy vehicle drivers to use rest areas to exercise proper fatigue management practices.<sup>178</sup> Drivers believe that the use of heavy vehicle parking places, often by caravans or other holiday goers, makes it more difficult for them to find a place to rest well.<sup>179</sup>
- 2.50** In its submission, Road Freight NSW highlighted the need to ensure that rest areas be used for the purpose they are built, rather than being used as parking spots for caravans and light vehicles.<sup>180</sup> Similarly, the National Road Transport Association (NatRoad) remarked that there should be a ban on cars and caravans parking in truck designated areas of any rest area, and road agencies should be prohibited from using rest areas to store roadwork materials.<sup>181</sup>
- 2.51** Meanwhile, the Livestock Bulk and Rural Carriers Association (LBRCA) argued for greater enforcement and penalties for the use of rest areas for trailer parking or for passenger/caravan vehicles using heavy vehicle rest areas and parking spaces.<sup>182</sup> This could include increased monitoring of heavy vehicle rest areas and increased penalties for non-compliance by the public to deter non-heavy vehicles from inappropriately using designated heavy vehicle rest areas.<sup>183</sup> The LBRCA also argued that more signage is required at designated heavy vehicle rest areas to 'ward other vehicles from using the parking areas'.<sup>184</sup>

<sup>174</sup> Answers to questions on notice and additional information, Mr Peric, *Heavy Vehicle Rest Areas in NSW* (30 November 2020), p 11.

<sup>175</sup> Submission 21, Transport Workers' Union of NSW, pp 16-17.

<sup>176</sup> Submission 21, Transport Workers' Union of NSW, p 16.

<sup>177</sup> Submission 21, Transport Workers' Union of NSW, p 16.

<sup>178</sup> Submission 21, Transport Workers' Union of NSW, p 17.

<sup>179</sup> Answers to questions on notice and additional information, Mr Peric, *Heavy Vehicle Rest Areas in NSW* (30 November 2020), p 25.

<sup>180</sup> Submission 24, Road Freight NSW, p 5.

<sup>181</sup> Submission 15, National Road Transport Association (NatRoad), p 5.

<sup>182</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 8.

<sup>183</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 8.

<sup>184</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 6.

- 2.52** With regards to signage, Mr Hannifey stated that even though there might be a truck sign on a rest area to indicate the area is for heavy vehicles, that does not mean cars won't use it.<sup>185</sup> Mr Hannifey gave evidence that whilst truck drivers do not want tired car or caravan drivers on the road, when a heavy vehicle rest area is used by a light vehicle it becomes unavailable for heavy vehicle drivers, who have limited opportunities to stop and comply with fatigue management regulations.<sup>186</sup>
- 2.53** Both the Livestock Bulk and Rural Carriers Association and Mr Hannifey advocated for an advertising campaign to educate the public, in particular light vehicle drivers, about the importance of rest areas for heavy vehicle drivers and to limit usage by cars and caravans.<sup>187</sup>
- 2.54** During the hearing, Transport for NSW and the National Heavy Vehicle Regulator (NHVR) were asked about community education initiatives for non-heavy vehicle road users around rest areas. The NHVR gave evidence that there are two major campaigns that have been running for a while. The first is called Don't Muck with a Truck, which is targeted at new drivers (for example learners and P-platers) and aims to educate them on how to actually drive around heavy vehicles.<sup>188</sup> The second campaign is called We All Need Space, which is targeted at the broader community. This campaign is about how to drive around heavy vehicles, addressing things like stopping distance, overtaking time and the turning circle of a heavy vehicle.<sup>189</sup>
- 2.55** Transport for NSW noted that it also contributes to education and awareness for the community around trucks and has a flagship program called Be Truck Aware. This program aims to generate awareness of the particular challenges that face heavy vehicle drivers, including larger blind spots and increased stopping distances.<sup>190</sup>

## Suitability of rest areas and facilities

- 2.56** Another key issue raised by participants during the inquiry was the suitability of rest areas. In addition to the number of, and distance between, rest stops it is also important to consider the design and nature of a rest stop area, including its facilities.
- 2.57** The Austroads *Guidelines for the Provision of Heavy Vehicle Rest Area Facilities* provide advice on the provision of amenities at rest areas, including all-weather seal, tables and benches, natural shade, shelter, rubbish bins, lighting, toilets, water, visitor information boards and managed livestock effluent disposal sites.<sup>191</sup> The guidelines also provide advice for road managers on the maintenance considerations of heavy vehicle rest area facilities.<sup>192</sup> Furthermore, in their

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<sup>185</sup> Evidence, Mr Hannifey, 5 October 2023, p 14.

<sup>186</sup> Evidence, Mr Hannifey, 5 October 2023, p 14.

<sup>187</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 8. See also Evidence, Mr Hannifey, 5 October 2023, p 14.

<sup>188</sup> Evidence, Mr Paul Salvati, Chief Operations Officer, National Heavy Vehicle Regulator (NHVR), 5 October 2023, p 59.

<sup>189</sup> Evidence, Mr Salvati, 5 October 2023, p 59.

<sup>190</sup> Evidence, Ms Sally Webb, Acting Deputy Secretary, Safety Environment and Regulation, Transport for NSW, 5 October 2023, p 59.

<sup>191</sup> Submission 13, Austroads, p 5.

<sup>192</sup> Submission 13, Austroads, p 5.



submission Austroads recommended road managers only provide amenities and facilities where they can be reasonably maintained.<sup>193</sup>

- 2.58** The Transport Workers' Union of NSW explained that the most basic requirement of heavy vehicle rest areas is for a heavy vehicle to safely enter and park somewhere. However, some rest areas also include bathrooms, shade, rubbish bins, the separation of vehicle types, security lighting and water.<sup>194</sup>
- 2.59** Meanwhile, the Livestock Bulk and Rural Carriers Association commented that the 'size of a heavy vehicle rest area should be determined by its required capacity and accommodate current and expected future demand'. It argued that 'minimum facilities must include shade, rubbish bins and a flat surface' as well as 'access to a clean toilet every 50-75 kilometres'.<sup>195</sup>
- 2.60** Despite the Austroads guidelines and basic requirements of heavy vehicle rest areas, inquiry participants informed the committee that many heavy vehicle rest area facilities were inadequate and poorly maintained. For example, Mr Hannifey gave evidence that the design of rest areas and parking bays impacts a truck drivers ability to gain quality sleep due to lack of shade or access bathroom facilities. By contrast, Mr Hannifey noted that most car rest areas have bathroom facilities and shade but are signed 'no trucks' so cannot be accessed by heavy vehicle drivers.<sup>196</sup>
- 2.61** According to the Transport Workers' Union of NSW (TWU), it is not uncommon for rest areas to host a bathroom that is in 'borderline unusable condition, due to any combination of factors ranging from being unclean, "broken" to any given capacity, [or] vandalised, among other reasons.<sup>197</sup> The TWU expressed the view that the poor standard of heavy vehicle rest areas in New South Wales must be addressed.<sup>198</sup>
- 2.62** During their 2020 research on heavy vehicle rest areas, the Transport Workers' Union of NSW (TWU) assessed the availability of key safety features and conditions of included amenities. The checklist used to guide these assessments was based on the Austroads *Guidelines for the Provision of Heavy Vehicle Rest Area Facilities*.<sup>199</sup>
- 2.63** Some findings on rest areas in New South Wales from the TWU's research include:
- HVRA's [rest areas] with bathroom facilities were often poorly maintained, had no soap, no hand drying facilities, no sanitary bins or sharps disposal containers and smelt strongly of urine and faeces.
  - The TWU observed evidence that drivers often resort to leaving faeces, urine and toilet paper on the ground at HVRA's where facilities are not provided (or where they are in poor condition), and also on the ground between HVRA's where there is nowhere else to go.

<sup>193</sup> Submission 13, Austroads, p 5.

<sup>194</sup> Submission 21, Transport Workers' Union of NSW, p 13.

<sup>195</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRC), p 6.

<sup>196</sup> Evidence, Mr Hannifey, 5 October 2023, pp 15-16.

<sup>197</sup> Submission 21, Transport Workers' Union of NSW, p 13.

<sup>198</sup> Submission 21, Transport Workers' Union of NSW, p 20.

<sup>199</sup> Answers to questions on notice and additional information, Mr Peric, *Heavy Vehicle Rest Areas in NSW* (30 November 2020), p 8.

- There was a lack of appropriate sanitary bins in (then) current bathrooms and a lack of dedicated female bathrooms across the network, despite a growing number of female transport workers.
- Only 11% of rest areas provided drinking water. Rainwater tanks were commonly used across the network, but these were often empty and unable to be used.
- A large proportion of rest areas contained rubbish bins and places to leave rubbish, however, these were often observed full, or unused.
- Adequate lighting was available at only 31% of rest areas. Half of the inspected HVRA had well maintained tables and benches. These were often the only source of shade available to drivers at locations where there was a limited number of trees.
- Only 13% of rest areas inspected had security features of any kind, including CCTV [closed-circuit television] or security staff.
- Light and heavy vehicles were structurally separated in only 22% of inspected rest areas. In these rest areas, it was observed that light vehicles (often with caravans and trailers attached) were using dedicated heavy vehicle parking spaces 12% of the time.
- A number of HVRA [rest area] locations had discarded needles. This presented an obvious risk to the health and safety of workers, and serves to further demonstrate the unkept condition of the areas.<sup>200</sup>

**2.64** The study conducted by the Transport Workers' Union of NSW (TWU) also observed the attitudes of workers towards rest areas, and what kind of impact the condition of rest areas had on drivers. The majority of drivers rated the overall quality of rest areas as poor (39.03 per cent) or very poor (18.59 per cent).<sup>201</sup> Only 11.16 per cent of drivers rated the quality as good or very good.<sup>202</sup> The TWU asserted that, at the time the research was conducted and at the time of their submission to this inquiry, 'there is an unacceptably high number of poor heavy vehicle rest areas that do not allow workers to rest well'.<sup>203</sup>

**2.65** Ron Finemore Transport Services Pty Ltd argued 'adequate facilities with proper lighting, signage and safety features are necessary to encourage the utilisation' of rest areas to better manage fatigue for heavy vehicle drivers.<sup>204</sup> Limited rest area availability and unsuitable facilities, especially in high-traffic areas, can result in drivers struggling to adhere to mandated rest periods.<sup>205</sup>

**2.66** In regards to design, the type of freight being moved can affect the design and requirements of a heavy vehicle rest area. Some types of freight have additional requirements. For example, livestock involves animal welfare issues, refrigerated freight is noisy and dangerous goods are required to be separated from other vehicles.<sup>206</sup>

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<sup>200</sup> Submission 21, Transport Workers' Union of NSW, p 14.

<sup>201</sup> Submission 21, Transport Workers' Union of NSW, p 15.

<sup>202</sup> Submission 21, Transport Workers' Union of NSW, p 15.

<sup>203</sup> Submission 21, Transport Workers' Union of NSW, p 20.

<sup>204</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 2.

<sup>205</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 3.

<sup>206</sup> Evidence, Mr Davies, 5 October 2023, p 21.

- 2.67** Mr Warner observed that rest area design has not really progressed past single semitrailers, which can make it difficult for drivers of bigger combinations to find a safe place to stop and rest.<sup>207</sup>
- 2.68** Given the growing labour shortages, Road Freight NSW specifically highlighted the need for investment in the construction of safe, hygienic rest areas, where women drivers are well-catered for, in a safe environment, to help attract more female drivers into the industry.<sup>208</sup> This was supported by Ron Finemore Transport Services Pty Ltd who noted that inadequate facilities is often cited as a cause for females not entering the industry.<sup>209</sup>
- 2.69** The engagement between Transport for NSW and the road freight industry between November 2022 and March 2023 identified the following challenges and needs in regards to the suitability of rest areas and the facilities provided:
- The design of heavy vehicle rest stops needs to be fit for purpose. Some existing rest stops do not meet industry needs. Parking configuration needs to be assessed against how drivers use, or would use, a particular rest stop as part of their journey, whether for a short rest or long break for sleep.<sup>210</sup> The industry also called out for separation of vehicle types (light and heavy, livestock and refrigerated), and consideration for modern, longer high productivity vehicles, dangerous goods and oversize overmass vehicles.<sup>211</sup>
  - The lack of access to, or provisions of, basic amenities. Drivers are calling out for more flushing toilets, showers, rubbish and recycling bins, shade and flat parking areas for sleeping, location and proximity to food and beverage services and access to towns, reliable telecommunications services, better lighting, and the need for improved cleaning and maintenance of facilities.<sup>212</sup>

## Use of technology to manage fatigue

- 2.70** During the inquiry, there was some discussion around the use of technology to manage fatigue for heavy vehicle drivers. Seeing Machines Ltd, an industry leader in Driver Monitoring Systems, argued that 'there is ample evidence that driver monitoring technology can support operator safety and thereby reduce pressures that heavy vehicle drivers face'.<sup>213</sup> Seeing Machines' Guardian technology includes a driver-facing camera that is fitted into a car or truck cabin and 'uses sophisticated face and eye tracking algorithms to measure drivers' head position, eye gaze and eye closure'.<sup>214</sup>
- 2.71** Seeing Machines Ltd commented that fatigue is dynamic, with many environmental and individual factors contributing to its development.<sup>215</sup> They argued that 'managing fatigue risk

<sup>207</sup> Evidence, Mr Warner, 5 October 2023, p 28.

<sup>208</sup> Submission 24, Road Freight NSW, p 5.

<sup>209</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 2.

<sup>210</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 26.

<sup>211</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 26.

<sup>212</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 26.

<sup>213</sup> Submission 18, Seeing Machines Ltd, p 3.

<sup>214</sup> Submission 18, Seeing Machines Ltd, p 3.

<sup>215</sup> Submission 18, Seeing Machines Ltd, p 5.

cannot be achieved by simply equating time spent driving with risk'.<sup>216</sup> According to Seeing Machines Ltd, 'fatigue monitoring technologies provide an additional layer of protection for drivers who are fatigued due to reasons beyond how long they have been driving'.<sup>217</sup>

**2.72** Similarly, Ron Finemore Transport Services Pty Ltd commented that new and emerging technologies hold promise in reducing pressures on heavy vehicle drivers. It was argued that 'implementing advanced safety measures, electronic logbooks and real time monitoring systems can enhance compliance and mitigate risks associated with fatigue and over-height incidents'.<sup>218</sup>

**2.73** According to Ron Finemore Transport Services Pty Ltd:

The continued support and recognition that investments and utilisation of fatigue management technologies (such as Guardian Seeing Machines) in conjunction with real time monitoring and electronic logbooks, should and can allow drivers the flexibility to drive when they feel fit and able to do so and rest when they feel tired. These technologies and this approach are increasing demonstrating that it is safer and more effective to allow drivers this flexibility as opposed to the current prescriptive driving hours regulations.<sup>219</sup>

**2.74** In their submission, Ron Finemore Transport Services Pty Ltd also noted that the integration of these technologies into driver training and education is essential for effective implementation.<sup>220</sup> When asked about whether training has kept up pace with technology, Mr Mark Parry, Managing Director, Ron Finemore Transport Services Pty Ltd indicated there is sometimes a gap between advancements in technology and training for heavy vehicle drivers.<sup>221</sup> He commented that 'the technology in the trucks continues to evolve... the training needs to continue to evolve and improve as the technology and the equipment does'.<sup>222</sup>

**2.75** During the hearing, Mr Parry spoke about technology 'as a sword and a shield':

If you're over-speeding when you have an accident, if you're on a mobile phone, if you're distracted, our technology will tell us and it will tell the law enforcement agencies. I can tell you it's almost the 80-20 rule: Eighty per cent of the time the technology is actually used as a shield. The ability to show a driver a video of them having a fatigue event is a very sobering thing because when you first ask them they say it hasn't happened. But we know it has happened because we're monitoring and measuring it every day. Every trucking company on the road and every driver at some stage is having a fatigue event. Despite all of that technology and our training, we still have drivers who use mobile phones even though they know they're being detected, which is the sword. Having the technology allows you to identify the societal issues that exist in your business and try and change behaviour.<sup>223</sup>

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<sup>216</sup> Submission 18, Seeing Machines Ltd, p 6.

<sup>217</sup> Submission 18, Seeing Machines Ltd, p 6.

<sup>218</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 4.

<sup>219</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 4.

<sup>220</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 4.

<sup>221</sup> Evidence, Mr Mark Parry, Managing Director, Ron Finemore Transport Services Pty Ltd, 5 October 2023, p 37.

<sup>222</sup> Evidence, Mr Parry, 5 October 2023, p 37.

<sup>223</sup> Evidence, Mr Parry, 5 October 2023, pp 37-38.

- 2.76** Mr Parry was also asked whether the use of technology and monitoring, to encourage safer behaviours, can create a different anxiety for drivers, that somehow may need to be mitigated. Mr Parry gave evidence that there is 'a lot of work involved in managing change' and 'we had a very slow start to introducing this technology. We did through voluntary basis, and then we educated people'.<sup>224</sup> He argued that the important part is that drivers are not being constantly monitored.<sup>225</sup>
- 2.77** According to Transport for NSW and the National Heavy Vehicle Regulator, the use of Fatigue Distraction and Detection Technologies (FDDT) is becoming increasingly common due to its ability to monitor biological and behavioural indicators associated with fatigue.<sup>226</sup> The technology provides 'in cab warnings to drivers ahead of an incident occurring'.<sup>227</sup>
- 2.78** In their submission, the National Heavy Vehicle Regulator recognised the benefits of this technology as an important tool in managing fatigue risk management, as long as it is supported by a safety management system and appropriate company response in managing the immediate fatigue or distraction incident and supports long term positive fatigue behavioural changes.<sup>228</sup>

## Committee comment

- 2.79** It is clear to the committee that driver fatigue is a major safety concern for the heavy vehicle industry. In the committee's view, in order to comply with fatigue management regulations, heavy vehicle drivers require access to available and suitable heavy vehicle rest area facilities that are regularly maintained.
- 2.80** The committee acknowledges that the availability and accessibility of current rest areas in New South Wales is a significant challenge for heavy vehicle drivers. Throughout this inquiry it was evident that there is a significant gap between the number of rest areas currently available and the number required to ensure heavy vehicle drivers effectively manage their fatigue, as required by law.
- 2.81** The committee recognises the importance of informal heavy vehicle rest areas, such as the 3-2-1 Green Reflector Scheme, and their role in supporting fatigue management for drivers and improving safety outcomes for all road users. The committee notes informal rest areas should not be used as a justification for not providing suitable formal rest areas where they are needed along freight routes. Therefore, the committee recommends that NSW Government fund and construct more heavy vehicle rest areas, whether they be formal or informal rest areas, in metropolitan and regional areas in New South Wales in consultation with the transport and freight industry, to ensure heavy vehicle drivers can effectively manage their fatigue and comply with relevant regulations.

<sup>224</sup> Evidence, Mr Parry, 5 October 2023, p 38.

<sup>225</sup> Evidence, Mr Parry, 5 October 2023, p 38.

<sup>226</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 20.

<sup>227</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 20.

<sup>228</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 20.

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**Recommendation 1**

That the NSW Government fund and construct more heavy vehicle rest areas, whether they be formal or informal rest areas, in metropolitan and regional areas in New South Wales in consultation with the transport and freight industry, to ensure heavy vehicle drivers can effectively manage their fatigue and comply with relevant regulations.

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- 2.82** The committee considers that, in addition to rest areas, heavy vehicle drivers also need access to adequate parking bays and sites to manage their fatigue and ensure regulation compliance. The committee acknowledges that town planning and industrial development needs to consider heavy vehicle parking. Therefore, the committee recommends that the NSW Government consider the rules and regulations for industrial development in metropolitan Sydney to determine if there should be requirements for particular developments or types of business to include a dedicated percentage of land to allow trucks to be parked overnight. The committee also recommends that the NSW Government fund and construct more adequate heavy vehicle parking bays and sites in metropolitan and regional areas in New South Wales, in consultation with the transport and freight industry, to ensure heavy vehicle drivers can effectively manage their fatigue and regulation compliance.
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**Recommendation 2**

That the NSW Government consider the rules and regulations for industrial development in metropolitan Sydney to determine if there should be requirements for particular developments or types of business to include a dedicated percentage of land to allow trucks to be parked overnight.

**Recommendation 3**

That the NSW Government fund and construct more adequate heavy vehicle parking bays and sites in metropolitan and regional areas in New South Wales, in consultation with the transport and freight industry, to ensure heavy vehicle drivers can effectively manage their fatigue and regulation compliance.

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- 2.83** It is clear from the evidence before us that the removal of truck parking bays and sites, especially during road construction and infrastructure projects, is creating additional pressures on heavy vehicle drivers. Therefore, the committee recommends that the NSW Government require Transport for NSW to take all necessary steps to find alternative heavy vehicle rest areas, and parking bays when road works or closures are undertaken that result in existing rest stops being inaccessible. Transport for NSW should also take steps to notify the heavy vehicle industry as early as possible prior to the changes occurring.

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#### **Recommendation 4**

That the NSW Government require Transport for NSW to take all necessary steps to:

- find alternative heavy vehicle rest areas, and parking bays when road works or closures are undertaken that result in existing rest stops being inaccessible
  - notify the heavy vehicle industry as early as possible prior to the changes occurring.
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- 2.84** The committee acknowledges that another key issue raised during this inquiry is the suitability and maintenance of rest areas, including the design of, and facilities at, a rest stop. We note that the Austroads' *Guidelines for the Provision of Heavy Vehicle Rest Area Facilities* provide guidance to road managers on issues relating to planning heavy vehicle rest areas and highlight some of the key aspects to consider when designing different types of rest areas.
- 2.85** The committee also received evidence that the use of technology, such as Fatigue Distraction and Detection Technologies (FDDT), is becoming increasingly common to manage fatigue for heavy vehicle drivers. The committee recognises that fatigue monitoring technologies can provide an additional layer of protection for drivers, however we note that the use of this technology may create a different anxiety for some drivers if used inappropriately.
- 2.86** It is clear from the evidence before us that strategies for heavy vehicle rest areas in New South Wales should be considered and developed in consultation with the transport and freight industry to address the number and location of available rest areas across the state, opportunities for new rest areas to be developed where gaps exist and the suitability and maintenance of rest area facilities.
- 2.87** The committee supports the view that the use of rest areas and parking spaces by non-heavy vehicles continues to be an issue for the freight industry, specifically heavy vehicle drivers. It is clear from the evidence that the presence of light vehicles, including cars and caravans, in heavy vehicle rest areas creates an additional pressure on heavy vehicle drivers and may lead to them being unable to comply with fatigue management regulations. The committee notes that Transport for NSW and the National Heavy Vehicle Regulator are currently running community education initiatives for non-heavy vehicle road users to raise awareness of heavy vehicles. The committee recommends that the NSW Government consider funding a targeted community education campaign for light vehicle drivers on the importance of rest areas for heavy vehicle drivers to discourage their use by cars and caravans.
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#### **Recommendation 5**

That the NSW Government fund and run a targeted community education campaign for light vehicle drivers on the importance of rest areas for heavy vehicle drivers to discourage their use by cars and caravans.

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## Chapter 3 Training requirements

This chapter outlines the current training requirements for heavy vehicle drivers in New South Wales and examines their adequacy to address the pressures on heavy vehicle drivers, including their impact on driver practices and road safety. It also briefly considers the training and education requirements for companies employing heavy vehicle drivers.

### Current training requirements and licence classes

- 3.1** To hold a heavy vehicle driver licence, a person must meet certain conditions and training requirements. Transport for NSW is responsible for administering heavy vehicle driver licensing and training requirements in New South Wales.
- 3.2** There are 5 different classes of heavy vehicle licences:
- Light Rigid (LR) – small buses or trucks.
  - Medium Rigid (MR) – medium rigid trucks or buses.
  - Heavy Rigid (HR) – heavy rigid trucks or buses (including articulated buses).
  - Heavy Combination (HC) – heavy articulated vehicles.
  - Multi Combination (MC) – B-doubles, prime mover, low loader dolly and low loader combinations, road trains.<sup>229</sup>
- 3.3** Each class has minimum requirements that must be met to upgrade a licence to the next class. The requirements vary depending on the licence class.<sup>230</sup>
- 3.4** There are two pathways to obtain a heavy vehicle licence in New South Wales, except for the Multi Combination (MC) class. Both pathways start with a Heavy Vehicle Knowledge test for the desired class of licence.<sup>231</sup> Once a driver successfully completes this test, they can either:
- Complete the Heavy Vehicle Competency Based Assessment (HVCBA). A MC class licence must be completed via the HVCBA.
  - Take a heavy vehicle driving test with a Service NSW officer in areas where the HVCBA is not available; for example, some regional locations.<sup>232</sup>
- 3.5** The Heavy Vehicle Knowledge test assesses knowledge of the road rules, including those that relate only to heavy vehicles, and includes questions relevant to vehicle height road rules. A person must pass the test before they can get a Heavy Vehicle Competency Based Assessment

<sup>229</sup> NSW Government, *Getting a heavy vehicle licence*, <https://www.nsw.gov.au/driving-boating-and-transport/driver-and-rider-licences/heavy-vehicle-licences/getting-a-heavy-vehicle-licence>

<sup>230</sup> NSW Government, *Getting a heavy vehicle licence*, <https://www.nsw.gov.au/driving-boating-and-transport/driver-and-rider-licences/heavy-vehicle-licences/getting-a-heavy-vehicle-licence>

<sup>231</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 6.

<sup>232</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 6.

(HVCBA) Learner's Logbook and enrol in the Heavy Vehicle Competency Based Assessment (HVCBA) program.<sup>233</sup> The knowledge test pass is valid for 36 months.<sup>234</sup>

- 3.6** Transport for NSW administers the Heavy Vehicle Competency Based Assessment and provides readiness resources for drivers seeking to undertake the heavy vehicle driver test through a Service NSW centre.<sup>235</sup>
- 3.7** The Heavy Vehicle Competency Based Assessment program is delivered using accredited Registered Training Organisations (RTOs) and assessors. It includes the assessment of 15 criteria, noting that criteria 14 is only relevant to a Heavy Combination (HC) or Multi Combination (MC) class of licence, and has a training and assessment element called the Final Competency Assessment (FCA).<sup>236</sup> Transport for NSW is responsible for determining minimum training course times conducted under the program.<sup>237</sup>
- 3.8** According to Transport for NSW, as at July 2023, 17 RTOs and 335 assessors deliver the HVCBA and 25,773 heavy vehicle licence assessments were carried out in the 2022-23 financial year.<sup>238</sup>

### **National Heavy Vehicle Competency Framework**

- 3.9** The National Heavy Vehicle Driver Competency Framework has been in place since 2011 and was developed by governments to establish minimum competency and assessment standards for heavy vehicle drivers across Australia.<sup>239</sup> The framework outlines the competencies and assessment requirements for gaining a heavy vehicle licence.<sup>240</sup>
- 3.10** Differences in jurisdictional training requirements and practices, especially with regard to heavy vehicle licensing, continues to be a challenge for the transport industry. While the National Heavy Vehicle Driver Competency Framework (NHVDCF) was intended to apply in all states and territories, it has only been implemented in four jurisdictions: New South Wales, Tasmania, Victoria and the Northern Territory.<sup>241</sup> Even in jurisdictions where the NHVDCF has been implemented there is variation in practice.<sup>242</sup>

<sup>233</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 7.

<sup>234</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 7.

<sup>235</sup> Answers to questions on notice, Mr Mitch Dudley, Manager, Parliamentary Services, Office of the Secretary, Transport for NSW, 3 November 2023, p 7.

<sup>236</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 7.

<sup>237</sup> Answers to questions on notice, Mr Dudley, p 7.

<sup>238</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p. 7.

<sup>239</sup> Austroads, *Review of the National Heavy Vehicle Driver Competency Framework* (19 December 2023), <https://austroads.com.au/drivers-and-vehicles/registration-and-licensing/heavy-vehicle-driver-competency-framework>

<sup>240</sup> Submission 13, Austroads, p 2.

<sup>241</sup> Austroads, *Review of the National Heavy Vehicle Driver Competency Framework* (19 December 2023), <https://austroads.com.au/drivers-and-vehicles/registration-and-licensing/heavy-vehicle-driver-competency-framework>

<sup>242</sup> Austroads, *Decision Regulatory Impact Statement – National Heavy Vehicle Driver Competency Framework* (20 March 2023,

- 3.11** Austroads noted that under the National Driver Licensing Scheme a driver licence issued in one jurisdiction is accepted as valid to drive anywhere in Australia.<sup>243</sup> They argued that 'given this acceptance of interstate-issued licences and the relative frequency that drivers, in particular long haul drivers, move across the country there is a strong case for consistency in training and assessment standards across all jurisdictions'.<sup>244</sup>
- 3.12** Austroads has undertaken a review of the National Heavy Vehicle Driver Competency Framework, which informs the NSW Heavy Vehicle Competency Based Assessment.<sup>245</sup> The review aimed to identify a harmonised Australian licence training and assessment framework that produces safe and competent heavy vehicle drivers and reflects the current and future needs of heavy vehicle operators and the future freight task.<sup>246</sup>
- 3.13** In December 2023, Australia's Transport Ministers agreed in-principle to an improved, nationally-consistent approach to the training and licence progression of heavy vehicle drivers, that improves road safety and productivity.<sup>247</sup> The in-principle changes were approved through the agreement by the Infrastructure and Transport Ministers Meeting (ITMM) to endorse the *National Heavy Vehicle Driver Competency Framework Decision Regulation Impact Statement* (Decision RIS).<sup>248</sup>
- 3.14** The consultation feedback and proposed options for the framework were documented by Austroads in a *National Heavy Vehicle Driver Competency Framework Decision Regulation Impact Statement* (Decision RIS).<sup>249</sup> The Decision-RIS proposals include:
- strengthening heavy vehicle driver skills and knowledge through redesigned learning and assessment requirements specific to each licence class
  - requiring minimum course lengths and minimum behind-the-wheel time
  - delivering some training and assessment online to allow licence applicants flexibility to undertake the training when and where it best suits them and reduce costs
  - introducing new experience-based licence-progression pathways to allow drivers to gain higher licence classes more rapidly. For each licence upgrade, drivers would be able to

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[https://austroads.com.au/\\_\\_data/assets/pdf\\_file/0032/616964/NHVDCF\\_Decision\\_RIS.pdf](https://austroads.com.au/__data/assets/pdf_file/0032/616964/NHVDCF_Decision_RIS.pdf), p 16.

<sup>243</sup> Submission 13, Austroads, p 2.

<sup>244</sup> Submission 13, Austroads, p 2.

<sup>245</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 8.

<sup>246</sup> Austroads, *Review of the National Heavy Vehicle Driver Competency Framework* (19 December 2023), <https://austroads.com.au/drivers-and-vehicles/registration-and-licensing/heavy-vehicle-driver-competency-framework>

<sup>247</sup> Austroads, *Ministers approve reform package to improve road safety and productivity* (19 December 2023), <https://austroads.com.au/latest-news/ministers-approve-reform-package-to-improve-road-safety-and-productivity>

<sup>248</sup> Austroads, *Ministers approve reform package to improve road safety and productivity* (19 December 2023), <https://austroads.com.au/latest-news/ministers-approve-reform-package-to-improve-road-safety-and-productivity>

<sup>249</sup> Austroads, *Review of the National Heavy Vehicle Driver Competency Framework* (19 December 2023), <https://austroads.com.au/drivers-and-vehicles/registration-and-licensing/heavy-vehicle-driver-competency-framework>

choose a different pathway option: tenure, driving experience, or completion of a supervision program.<sup>250</sup>

- 3.15** With regards to the framework review, Transport for NSW noted that if the changes were adopted, implementation is expected to take several years and requires additional resources.<sup>251</sup> According to Transport for NSW, implementation would involve amending training materials, assisting Registered Training Organisations (RTOs) transition to the revised scheme, legislation changes to allow alternative pathways and making changes to DRIVES, the New South Wales licensing and registration system.<sup>252</sup>

### **BlueCard Skills Training Passport System (BlueCard)**

- 3.16** The BlueCard Skills Training Passport System (BlueCard) is a transport and logistics industry workplace health and safety (WHS) training program and skills passport. It has been designed in response to the challenges faced by the industry in incorporating national competency standards within the transport and logistics industry.<sup>253</sup> A BlueCard provides evidence that an individual has completed training in an industry-specific, nationally accredited unit of competency in WHS.<sup>254</sup> The program reinforces the WHS roles and responsibilities of employees and employers, raising the safety standard in organisations and aims to produce attitudinal change within participants.<sup>255</sup>
- 3.17** The BlueCard is issued and administered by Transport Education Audit Compliance Health Organisation (TEACHO) Ltd, a not-for-profit company established by industry stakeholders to improve research, training and compliance related to the health and safety of transport workers in Australia.<sup>256</sup> BlueCard training is delivered by licensed Registered Training Organisations, who are endorsed and have written agreement with TEACHO Ltd.<sup>257</sup>
- 3.18** Mr Simon Earle, Chief Executive Officer and Company Secretary, Transport Education Audit Compliance Health Organisation (TEACHO) Ltd explained that the BlueCard system establishes a minimum level of occupational health and safety training for all workers in the transport industry.<sup>258</sup> Unlike other industries such as rail and maritime, the BlueCard is not mandated in the transport industry.<sup>259</sup> However, Mr Earle noted that in New South Wales there

<sup>250</sup> Austroads, *Ministers approve reform package to improve road safety and productivity* (19 December 2023), <https://austroads.com.au/latest-news/ministers-approve-reform-package-to-improve-road-safety-and-productivity>

<sup>251</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 8.

<sup>252</sup> Submission 23, Transport for NSW and the National Heavy Vehicle Regulator, p 8.

<sup>253</sup> BlueCard, *About Us*, <https://bluecard.com.au/about-us/>

<sup>254</sup> BlueCard, *About BlueCard*, <https://bluecard.com.au/wp-content/uploads/2023/07/BlueCard-Information-for-Industry-20230407.pdf>, p 2.

<sup>255</sup> BlueCard, *About Us*, <https://bluecard.com.au/about-us/>

<sup>256</sup> BlueCard, *About Us*, <https://bluecard.com.au/about-us/>

<sup>257</sup> BlueCard, *About BlueCard*, <https://bluecard.com.au/wp-content/uploads/2023/07/BlueCard-Information-for-Industry-20230407.pdf>, p 5.

<sup>258</sup> Evidence, Mr Simon Earle, Chief Executive Officer and Company Secretary, Transport Education Audit Compliance Health Organisation (TEACHO) Ltd, 5 October 2023, p 41.

<sup>259</sup> Evidence, Mr Earle, 5 October 2023, p 41.

is a contract determination for contract workers whereby there is an obligation of employers who are employing those contract workers to undertake a BlueCard training program.<sup>260</sup> There are also a number of employers that may have embedded such training in their industrial agreements.<sup>261</sup>

- 3.19** The 'Transport Workers' Union of NSW noted that the BlueCard is designed to promote awareness and understanding of basic safety needs and procedures.<sup>262</sup> It commented that 'regarding transport and logistics in particular, BlueCard can improve the health and safety of heavy vehicle drivers in ultimately delivering a safer, more efficient and sustainable supply chain'.<sup>263</sup>
- 3.20** According to the 'Transport Workers' Union of NSW, in obtaining a BlueCard:
- ... a truck driver will have gone through thorough training in being exposed to WHS education, identifying key hazards, understanding their vehicles, and other important factors relevant for competency that will make a significant difference in preventing incidents such as over height truck collisions, among many others.<sup>264</sup>
- 3.21** Whilst recognising the value of the BlueCard, the 'Transport Workers' Union of NSW also highlighted the importance of having accredited Registered Training Organisations, such as TEACHO, training transport workers noting '... regulation is required for the BlueCard space, as it is not void of dubious operators'.<sup>265</sup>

## Adequacy of current training requirements

- 3.22** As the freight industry continues to grow, well-trained, skilled and licensed heavy vehicle drivers are required to meet industry demands and help address the workforce driver shortage discussed in chapter one. Therefore, the suitability of current training and education requirements is an important consideration when examining the pressures on heavy vehicle drivers and how they navigate their responsibilities on the road.
- 3.23** There is a strong recognition in the transport industry of the importance of training for heavy vehicle drivers, and its impact on road safety. Mr Peter Hill, Chief Executive Officer, Sutton Road Training Centre, commented that 'road safety starts at the steering wheel; it starts with the driver and education'.<sup>266</sup> Similarly, Austroads noted that ensuring competent heavy vehicle drivers is a key part of improving road safety outcomes.<sup>267</sup>
- 3.24** The Transport Industries Skills Centre (Sutton Road Training Centre) cited a driving health study completed by Monash University that showed:

<sup>260</sup> Evidence, Mr Earle, 5 October 2023, p 41.

<sup>261</sup> Evidence, Mr Earle, 5 October 2023, p 41.

<sup>262</sup> Submission 21, Transport Workers' Union of NSW, p 11.

<sup>263</sup> Submission 21, Transport Workers' Union of NSW, p 10.

<sup>264</sup> Submission 21, Transport Workers' Union of NSW, p 11.

<sup>265</sup> Submission 21, Transport Workers' Union of NSW, p 11.

<sup>266</sup> Evidence, Mr Peter Hill, Chief Executive Officer, Sutton Road Training Centre, 5 October 2023, p 40.

<sup>267</sup> Submission 13, Austroads, p 2.

... drivers who had high levels of OHS [occupational health and safety] and advanced driver training were more likely to have a higher work ability and lowers levels of stress and thus were more likely to stay with the industry providing safer, healthier drivers for longer'.<sup>268</sup>

**3.25** The Transport Workers' Union of NSW (TWU) noted that 'the knowledge required to operate a heavy vehicle on NSW roads is not instinctive. The necessary, practical knowledge is earned through comprehensive and serious safety training'.<sup>269</sup> The TWU expressed the view that 'the current standards for accreditation for heavy vehicle drivers does not reflect that transport is Australia's deadliest industry'.<sup>270</sup> Regarding the Heavy Vehicle Competency Based Assessment (HVCBA) specifically, the TWU noted, based on its experience and observations, 'it is common for the HVCBA to be conducted to an otherwise unacceptable standard considering the responsibility of a truck driver, as well as the nature of the job'.<sup>271</sup>

**3.26** Mr Rob Rasmussen, TWU Official and Campaign Coordinator, shared his experience when obtaining his own heavy vehicle licence:

... when I went to complete the competency assessment [HVCBA], it was shockingly simplistic. I was put behind the wheel of the truck, and the instructor sat in the passenger seat... from his yard, we drove to a nearby McDonalds. The instructor ordered food, sat in the passenger seat and ate while reading a paper for an extended period of time... and then, we drove back to his yard. After that, he said words to the effect of; 'Yeah, you're good enough mate.', and that was virtually the end of it.

That was a quite a sobering moment. I thought; 'Was that it...?' Completing a HVCBA and obtaining a truck driver licence is too simple. And after that, in the common case of the average truck driver, you're essentially thrown to the wolves.<sup>272</sup>

**3.27** Mr Gavin Webb, Chief Legal Officer, Transport Workers' Union of NSW, commented on the 'low barriers of entry' for new truck drivers and the lack of support and training upon entry into the transport industry.<sup>273</sup> Mr Webb gave evidence that there 'should be some level of competency and training ... that is greater than the existing framework before someone gets behind a ... heavy vehicle'.<sup>274</sup>

**3.28** The Transport Workers' Union of NSW noted heavy vehicle drivers are not trained on how to measure a truck and highlighted the lack of emphasis on awareness of a truck's size.<sup>275</sup> At the hearing, Mr Webb explained that:

... in order to obtain your heavy vehicle licence there's no requirement to have any specific knowledge about vehicle height, load requirements and the like. That

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<sup>268</sup> Submission 19, Transport Industries Skills Centre (Sutton Road Training Centre), p 2.

<sup>269</sup> Submission 21, Transport Workers' Union of NSW, p 11.

<sup>270</sup> Submission 21, Transport Workers' Union of NSW, p 6.

<sup>271</sup> Submission 21, Transport Workers' Union of NSW, p 8.

<sup>272</sup> Submission 21, Transport Workers' Union of NSW, p 9.

<sup>273</sup> Evidence, Mr Gavin Webb, Chief Legal Officer, Transport Workers' Union of NSW, 5 October 2023, p 6.

<sup>274</sup> Evidence, Mr Webb, 5 October 2023, p 6.

<sup>275</sup> Submission 21, Transport Workers' Union of NSW, p 10.

responsibility is being placed upon either operators themselves or, if they are employees and sub-contractors, their principal contractors or employers.<sup>276</sup>

- 3.29** The Transport Workers' Union of NSW also highlighted that heavy vehicle drivers work with specialised industries, such as the transport of livestock or dangerous goods, noting that many of these industries 'maintain unique elements that are challenging, and would realistically demand formal training'.<sup>277</sup>
- 3.30** On a similar note, Road Freight NSW commented that 'drivers entering the industry aren't being properly trained and educated – with no formal requirements for 'basics', such as learning how to measure a heavy vehicle's height and load; or how to load and secure the load'.<sup>278</sup> Road Freight NSW argued that the 'increase in inexperienced drivers getting behind the wheel is compromising safety for all road users and leading to incidents such as over-height vehicles obstructing traffic on tunnel roads'.<sup>279</sup>
- 3.31** Road Freight NSW proposed that training providers need to be regulated because the current education and training requirements are 'simply not good enough'.<sup>280</sup> Road Freight NSW put forward the view that training providers should be included in chain of responsibility legislation to ensure quality courses and avoid a 'tick and flick' system of training for new drivers.<sup>281</sup>
- 3.32** Meanwhile, Mr Trevor Warner, an individual truck driver, commented that 'driving a heavy vehicle has its own set of unique challenges, from laws to load restraint that are difficult to be taught but are learned over time'.<sup>282</sup> Mr Warner stated, 'driving schools may educate a driver to pass their test, but the true test is out there on the roads'.<sup>283</sup> He expressed the view that training takes time and money and that freight rates must be increased to facilitate the requirement for safer truck drivers.<sup>284</sup>
- 3.33** During the hearing, Mr Warner advocated for more stringent training requirements, specifically noting the pressure drivers are put under to meet industry demands and timeframes in some contexts like market and supermarket deliveries.<sup>285</sup> He expressed concern with the 'tick and flick' nature of one-day training courses and the lack of requirements for behind the wheel experience before allowing a person to progress from one heavy vehicle licence to the next.<sup>286</sup>
- 3.34** Mr Brian Turpie, another individual truck driver, commented that there are so many inexperienced and poorly trained drivers in the industry today that it has experienced drivers worried for their own safety.<sup>287</sup> However, Mr Turpie highlighted that fault cannot be placed on

<sup>276</sup> Evidence, Mr Webb, 5 October 2023, p 8.

<sup>277</sup> Submission 21, Transport Workers' Union of NSW, p 9.

<sup>278</sup> Submission 24, Road Freight NSW, p 6.

<sup>279</sup> Submission 24, Road Freight NSW, p 6.

<sup>280</sup> Submission 24, Road Freight NSW, p 6.

<sup>281</sup> Submission 24, Road Freight NSW, p 6.

<sup>282</sup> Submission 16, Mr Trevor Warner, p 6.

<sup>283</sup> Submission 16, Mr Trevor Warner, p 6.

<sup>284</sup> Submission 16, Mr Trevor Warner, p 6.

<sup>285</sup> Evidence, Mr Trevor Warner, Individual truck driver, 5 October 2023, p 28.

<sup>286</sup> Evidence, Mr Warner, 5 October 2023, pp 27-28.

<sup>287</sup> Submission 3, Mr Brian Turpie, p 5.

those inexperienced drivers as the '...lax standards and testing regimes are not the fault of the driver...'.<sup>288</sup>

- 3.35** Ron Finemore Transport Services Pty Ltd noted that 'over height incidents remain a concern, often linked to time constraints and inadequate training on load securing'.<sup>289</sup> In order to mitigate these challenges, they suggested 'a multi-pronged approach is required, including enhancing driver training to cover not only operational skills but also load securing practices and route planning'.<sup>290</sup>
- 3.36** The current standard of training being offered by Registered Training Organisations (RTOs) appears to vary depending on the organisation. RTOs determine their own pricing schedules for heavy vehicle training and assessment costs.<sup>291</sup> Transport for NSW conducts audits of RTOs under contract, and a procurement process for RTOs to deliver the Heavy Vehicle Competency Based Assessment (HVCBA) program is undertaken every 3-5 years.<sup>292</sup>
- 3.37** Mr Andy Hughes, Senior Heavy Vehicle Driver Trainer, Sutton Road Training Centre, commented that their particular organisation has a 'very firm relationship and understand[ing] of heavy vehicle competency-based assessment' that is 'rigorous' and 'detailed'.<sup>293</sup> Mr Hughes advised that people who come to Sutton Road Training Centre with 'an expectation that they [can] get a licence quite easily because that seems to be the accepted practice, ... are set straight very quickly'.<sup>294</sup>
- 3.38** The committee heard evidence to indicate that in some cases it is quite easy for a person to obtain a heavy vehicle drivers licence in New South Wales. Mr Hill explained:

... a driver can come in and ask to be assessed for their licence. We will undertake that assessment, which lasts an hour and a half, and then with that completed paperwork they can go to Service NSW, or whatever, and have their licence issued to them. That's basically without any training whatsoever. That's the possibility... We won't do that. If somebody comes to us, we insist on doing a two-hour training session with them to start with, just to see where they are at.<sup>295</sup>

- 3.39** However, Mr Hill noted that there was nothing to stop an individual from going to another registered training organisation (RTO), and being assessed without training in order to get a licence:

... if the pressure is on him to get his licence... He could go to another RTO, pay an extra \$800 and he will pick up his paperwork that afternoon and then be able to progress that through to his licence.<sup>296</sup>

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<sup>288</sup> Submission 3, Mr Brian Turpie, p 5.

<sup>289</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 3.

<sup>290</sup> Submission 5, Ron Finemore Transport Services Pty Ltd, p 4.

<sup>291</sup> Answers to questions on notice, Mr Dudley, p 7.

<sup>292</sup> Answers to questions on notice, Mr Dudley, p 7.

<sup>293</sup> Evidence, Mr Andy Hughes, Senior Heavy Vehicle Driver Trainer, Sutton Road Training Centre, 5 October 2023, p 42.

<sup>294</sup> Evidence, Mr Hughes, 5 October 2023, p 42.

<sup>295</sup> Evidence, Mr Hill, 5 October 2023, p 42.

<sup>296</sup> Evidence, Mr Hill, 5 October 2023, p 43.



**3.40** Similar sentiments were shared by Mr Warner who described how easy it can be to obtain a heavy vehicle licence from some registered training organisations by paying between \$800 to \$1500:

I've heard some shocking stories where it's basically that old mate has sat on the side of the road and the trainee has done laps of a car park. Old mate is on Facebook. He don't care. As long as the guy ticks the boxes, there he is. He's in a B-double the next night.<sup>297</sup>

**3.41** When questioned as to why some registered training organisations could operate and provide the necessary paperwork for a heavy vehicle licence without offering training, Mr Hill stated:

... to be a heavy vehicle assessor for New South Wales, you can simply be an assessor. You don't need to be an RTO. That training doesn't have to take place. And attached to the training for the licence class that you're going for—there's not necessarily a national qualification attached to that. Currently we do that. I'm not trying to sell TISC, but TISC is the RTO. We attach a qualification to the licensed training as well. That means that our training then has to be longer and better because it is regulated. But most RTOs that we've checked into don't necessarily offer that qualification. They offer the training if needed, but they offer the assessment more than anything else. Again, the assessment is where the money is. For an RTO that is commercially looking forward to make the money to build their business, they'll do the assessment.<sup>298</sup>

**3.42** A number of submissions commented on the use, and recognition, of international heavy vehicle licences and the lack of training requirements for overseas drivers to understand local road rules and industry requirements in New South Wales, such as fatigue management practices.

**3.43** Both Mr Turpie and Mr Rod Hannifey, individual truck drivers, expressed concerns around overseas drivers being permitted to drive heavy vehicles without competency-based testing and training to ensure an understanding of the New South Wales road signs and regulations.<sup>299</sup>

**3.44** In reference to a Federal Government announcement in 2022 to recognise New Zealand truck licences in Australia, the Transport Workers' Union of NSW expressed similar concerns around the use of international drivers without a more in-depth system for obtaining a heavy vehicle licence in New South Wales.<sup>300</sup>

**3.45** When asked about this issue at the hearing, Mr Paul Davies, General Manager Programs, Austroads, noted that broadly speaking 'heavy vehicle driver training in Australia is currently insufficient ... not only for overseas driver licence holders but also those who progress through the rankings in Australia as well'.<sup>301</sup> According to Mr Davies, Austroads' work on the National Heavy Vehicle Driver Competency Framework (NHVDCF) is designed to 'recognise experience as the primary pathway to move through heavy vehicle driver licence classes'.<sup>302</sup>

<sup>297</sup> Evidence, Mr Warner, 5 October 2023, p 28.

<sup>298</sup> Evidence, Mr Hill, 5 October 2023, p 43.

<sup>299</sup> Submission 3, Mr Brian Turpie, p. 5; Submission 9, Mr Rod Hannifey, p 6.

<sup>300</sup> Submission 21, Transport Workers' Union of NSW, p 9.

<sup>301</sup> Evidence, Mr Paul Davies, General Manager Programs, Austroads, 5 October 2023, p 23.

<sup>302</sup> Evidence, Mr Davies, 5 October 2023, p 23.

- 3.46** Inquiry participants also discussed the use/introduction of a competency-based driver training program for new drivers. For example, Mr Samuel Marks, Policy Director, National Road Transport Association (NatRoad), expressed support for a competency-based driver training program. He commented that there is a broader skills shortage in the industry and operators want to know that when a person has a heavy vehicle licence they can actually drive a truck, have experience doing so and have the various skill sets that are needed with that.<sup>303</sup>
- 3.47** Likewise, Mr Mark Parry, Managing Director, Ron Finemore Transport Services Pty Ltd, expressed support for competency-based training. During the hearing, Mr Parry gave evidence that the 'current system allows people at a certain age to get into a truck, get some training, and be on the road in a very short space of time without necessarily being competent'.<sup>304</sup> Mr Parry noted that competency-based training does not necessarily need to be age limited and suggested an apprentice-style system to better support new entrants in the industry.<sup>305</sup>
- 3.48** Mr Paul Ryan, Chair, Transport Education Audit Compliance Health Organisation (TEACHO) Ltd, also expressed support for a competency-based driver training program for new drivers. He informed the committee that the 'industry is taking steps to develop an apprenticeship in conjunction with the Federal Government', noting that driving is simply one component of an enormous industry.<sup>306</sup>

### **Cadetships and apprenticeships**

- 3.49** During the inquiry, there was some discussion around whether the use of a cadetship would help alleviate some of the pressure stemming from workforce shortages in the heavy vehicle industry. Transport for NSW gave evidence that it has 'investigated, in conjunction with industry, the potential for a cadetship ... as a pathway that allows, or encourages, younger people to be able to access the workforce as a heavy vehicle driver'.<sup>307</sup>
- 3.50** As previously stated in chapter 1, the Livestock Bulk and Rural Carriers Association (LBRCA) noted that 'the current NSW age and time based graduated heavy vehicle licensing system discourages young people from pursuing a career in road transport and fails to focus on maximising the skill of licence holders'.<sup>308</sup> According to the LBRCA, 'licensing rules are rigid and a high barrier to entry' as young people in New South Wales currently cannot operate common heavy vehicle combinations until they are 21 years old.<sup>309</sup> The LBRCA argued that the

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<sup>303</sup> Evidence, Mr Samuel Marks, Policy Director, National Road Transport Association (NatRoad), 5 October 2023, p 21.

<sup>304</sup> Evidence, Mr Mark Parry, Managing Director, Ron Finemore Transport Services Pty Ltd, 5 October 2023, p 35.

<sup>305</sup> Evidence, Mr Parry, 5 October 2023, p 35.

<sup>306</sup> Evidence, Mr Paul Ryan, Chair, Transport Education Audit Compliance Health Organisation (TEACHO) Ltd, 5 October 2023, p 44.

<sup>307</sup> Evidence, Mr Scott Greenow, Acting Executive Director, Freight, Regional and Outer Metropolitan Division, Transport for NSW, 5 October 2023, p 56.

<sup>308</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 3.

<sup>309</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 3.

challenges are heightened in regional and rural areas and leaves no opportunity for most transport businesses to employ school leavers.<sup>310</sup>

- 3.51** The Livestock Bulk and Rural Carriers Association (LBRCA) expressed its support for establishing a heavy vehicle driver cadetship based on hours not tenure where new drivers would benefit from on-the-job mentoring, training, supervision and guidance.<sup>311</sup> In its submission, the LBRCA stated:

The cadetship presents benefits for young and interested individuals, regional transport businesses, and communities by creating employment opportunities, fulfilling gaps in an ageing workforce, and creating safer roads by instilling safe learning habits from the outset of an individual's career.<sup>312</sup>

- 3.52** Mr Paul Pulver, past president of the Livestock Bulk and Rural Carriers Association, noted the advances in trucking systems and technology and how this may help recruit safer young drivers.<sup>313</sup>
- 3.53** In regards to apprenticeships, Mr Earle proposed that one aspect to consider is school-based apprenticeships to facilitate the introduction of the knowledge component, and some practical skills, to potential young drivers while they are still at school.<sup>314</sup> While Mr Hill was of the view that there needs to be industry buy-in for apprenticeships.<sup>315</sup>
- 3.54** In terms of Registered Training Organisations (RTOs) and training, according to Mr Earle there is a need for 'industry-experienced trainers'.<sup>316</sup> Mr Earle gave evidence that the Transport Education Audit Compliance Health Organisation looks for trainers who can impart on-the-job experience and knowledge to new drivers.<sup>317</sup>

## Training requirements for employers

- 3.55** The Heavy Vehicle National Law imposes responsibilities upon employers to ensure that their drivers are competent to undertake the duties they are engaged to deliver.<sup>318</sup> Regarding heavy vehicle drivers, employers cannot assume that anyone with the relevant licence class is able to carry out the full range of expected driving duties and situations.<sup>319</sup>
- 3.56** The Transport Workers' Union of NSW (TWU) noted that there is no requirement within the heavy vehicle licence training on how to safely load a heavy vehicle, secure and strap in the load,

<sup>310</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 3.

<sup>311</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 3.

<sup>312</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 3.

<sup>313</sup> Evidence, Mr Paul Pulver, Past President, Livestock Bulk and Rural Carriers Association (LBRCA), 5 October 2023, pp 14-15.

<sup>314</sup> Evidence, Mr Earle, 5 October 2023, p 45.

<sup>315</sup> Evidence, Mr Hill, 5 October 2023, p 45.

<sup>316</sup> Evidence, Mr Earle, 5 October 2023, p 45.

<sup>317</sup> Evidence, Mr Earle, 5 October 2023, p 45.

<sup>318</sup> Submission 13, Austroads, p 4.

<sup>319</sup> Submission 13, Austroads, p 4.

or how to manoeuvre the vehicle with the load on board. These factors become the responsibility of the employer.<sup>320</sup> The TWU argued 'it is all too common for this responsibility to not be met by employers'.<sup>321</sup> In the experience of the TWU, it is common for a heavy vehicle driver to be allocated an over height vehicle without any prior training or education on the specific vehicle they are operating.<sup>322</sup>

**3.57** The Transport Workers' Union of NSW observed:

For a heavy vehicle driver, there is a significant level of reliance on managers of the business, loaders and allocators to make sure that everything is loaded on their truck properly, or that everything in the context of a given run has been allocated appropriately. In many cases, a driver is incapable of inspecting their own load once it is on the truck, as it has already been secured. On the road, however, these drivers are considered 'responsible' for their load.<sup>323</sup>

**3.58** In their submission, Austroads recognised 'the benefits of employers taking an active role in enabling drivers to build the knowledge and skill they need to competently and safely undertake the driving task for which they are employed'.<sup>324</sup>

**3.59** Mr Warner commented that there are transport operators who have no training schemes in place and 'expect the government to furnish trained drivers for employment opportunities'.<sup>325</sup> In his submission, Mr Warner remarked that 'drivers are being accepted for driving positions, only to be handed the keys to an unfamiliar vehicle, a GPS and a list of instructions'. In this scenario, employers are expecting the driver to 'know all there is to know regarding the task at hand'.<sup>326</sup>

**3.60** As part of Austroads' review of the National Heavy Vehicle Driver Competency Framework (NHVDCF), they published a *Consultation Regulation Impact Statement* (Consultation-RIS). The Consultation-RIS proposed an option to require a period of post-licence supervision, where in the first few months after gaining a licence, a driver would be supervised by a more experienced driver.<sup>327</sup> During the consultation, significant push back and strong concerns were raised about this proposal. The main concerns included:

- Benefits are limited as the industry already implements (or is expected to) similar requirements. A number of industry associations have already implemented, or are progressing implementation of, voluntary programs that have a strong focus on behind-the-wheel components. In addition, most larger transport operators already have in place new employee programs that include supervised driving.
- There may be a significant cost impost for smaller operators and those with limited vehicle fleets. A significant proportion of heavy vehicle drivers do not work for transport

<sup>320</sup> Submission 21, Transport Workers' Union of NSW, p 9.

<sup>321</sup> Submission 21, Transport Workers' Union of NSW, p 9.

<sup>322</sup> Submission 21, Transport Workers' Union of NSW, p 9.

<sup>323</sup> Submission 21, Transport Workers' Union of NSW, p 10.

<sup>324</sup> Submission 13, Austroads, p 3.

<sup>325</sup> Submission 16, Mr Trevor Warner, p 6.

<sup>326</sup> Submission 16, Mr Trevor Warner, p 6.

<sup>327</sup> Submission 13, Austroads, p 3.

operators, or work for small-to-medium entities that have limited capacity to support post-licence supervised driving.

- There may be operational and compliance issues for jurisdictions. There may be significant legislative, policy and system complexity in managing licence regression if supervision requirements are not met. Further, there are expected to be significant administration and compliance costs in ensuring that supervision was properly undertaken.<sup>328</sup>

**3.61** During the hearing, Mr Parry told the committee how the company, a larger operator in the industry, does its own assessment to ensure new drivers meet the company's standards and requirements.<sup>329</sup> This involves 'a full driver assessment and a number of criminal, medical and other checks ... [before completing] a four week induction of buddy runs regardless of how long they've been in the industry'.<sup>330</sup> Mr Parry noted that the quality of Registered Training Organisations (RTOs) will vary, stating 'the only way to see if someone is truly capable is to assess and test them with our driver trainers'.<sup>331</sup>

**3.62** In regards to operators training potential new drivers to a licensed standard, Mr Hill commented that this may not be possible for smaller operators.<sup>332</sup> Whilst larger operators may have the resources to check the competency of new drivers in relation to what they want them to do, Mr Hill argued that there is a gap as to what small operators can do in this scenario to assess the competency of new drivers.<sup>333</sup>

**3.63** On the other hand, the Livestock Bulk and Rural Carriers Association (LBRCA) remarked that 'almost every business in some way provides education, advice or training to staff to help ensure they remain safe at work and don't contribute to causing some form of safety incident'.<sup>334</sup> The LBRCA also noted that there is 'no single requirement for training and education for companies employing heavy vehicle drivers'.<sup>335</sup> They added that:

Most companies employing heavy vehicle drivers are part of an accreditation scheme, the most common is the National Heavy Vehicle Accreditation Scheme (NHVAS). The NHVAS is a national formal process for recognising operators who have robust safety management systems in place.<sup>336</sup>

**3.64** In addition to accreditation schemes, the Livestock Bulk and Rural Carriers Association proposed that it is becoming more common for transport businesses to use a safety

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<sup>328</sup> Austroads, *Decision Regulatory Impact Statement – National Heavy Vehicle Driver Competency Framework* (20 March 2023), [https://austroads.com.au/\\_\\_data/assets/pdf\\_file/0032/616964/NHVDCF\\_Decision\\_RIS.pdf](https://austroads.com.au/__data/assets/pdf_file/0032/616964/NHVDCF_Decision_RIS.pdf), p 39.

<sup>329</sup> Evidence, Mr Parry, 5 October 2023, p 35.

<sup>330</sup> Evidence, Mr Parry, 5 October 2023, p 35.

<sup>331</sup> Evidence, Mr Parry, 5 October 2023, p 37.

<sup>332</sup> Evidence, Mr Hill, 5 October 2023, p 45

<sup>333</sup> Evidence, Mr Hill, 5 October 2023, p 45.

<sup>334</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 4.

<sup>335</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 4.

<sup>336</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRCA), p 4.

management system to meet their safety obligations under the chain of responsibility and Heavy Vehicle National Law.<sup>337</sup>

### **Mental health awareness training**

**3.65** In regards to training, a related issue put before the committee was the consideration of mental health awareness training for heavy vehicle drivers, and employers. During the hearing, Mr Ryan highlighted the need for mental health awareness training in the industry, noting 'as an industry we don't do that very well'.<sup>338</sup> Mr Ryan commented that, while some companies will have mental health awareness training, '...I'm pretty sure that most of the RTOs [registered training organisations] don't run any training around mental health awareness'.<sup>339</sup>

**3.66** The Transport Education Audit Compliance Health Organisation (TEACHO) argued that all heavy vehicle drivers and companies should participate in mental health awareness training, stating:

Mental health training in the workplace is a proactive approach to mitigating psychosocial risk and building awareness, resilience, and capacity. By promoting good mental health and workplace wellbeing, all people in the industry can feel safe both physically and mentally.... All companies should participate in Mental Health training including, how to develop a Mental Health Plan, policies, and procedures as well as training to build skills and capacity within the company, of individuals, to support employees.<sup>340</sup>

**3.67** According to TEACHO, targeted mental health training programs, specifically tailored to the heavy vehicle industry, 'support the development of workplace cultures where mental health and wellbeing are prioritised, normalised and workers feel safe and develop the skills to voice their concerns and seek help'.<sup>341</sup>

### **Committee comment**

**3.68** The committee recognises that the heavy vehicle industry is in need of well-trained, skilled and licensed heavy vehicle drivers to help address the workforce driver shortage discussed in chapter 1. The committee notes that allowing untrained and inexperienced heavy vehicle drivers on the road creates a safety risk for all road users and can lead to an increase in over-height incidents.

**3.69** Whilst the committee notes that the National Heavy Vehicle Driver Competency Framework (NHVDCF) was developed by governments to establish minimum competency and assessment standards for heavy vehicle drivers across Australia, we acknowledge that differences in jurisdictional training requirements and assessment practices, especially with regard to heavy vehicle licensing, is a challenge for the transport industry.

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<sup>337</sup> Submission 14, Livestock Bulk and Rural Carriers Association (LBRC), p. 4.

<sup>338</sup> Evidence, Mr Ryan, 5 October 2023, p 44.

<sup>339</sup> Evidence, Mr Ryan, 5 October 2023, p 44.

<sup>340</sup> Answers to questions on notice, Mr Simon Earle, Chief Executive Officer, Transport Education Audit Compliance Health Organisation (TEACHO) Ltd, 1 November 2023, p 1.

<sup>341</sup> Answers to questions on notice, Mr Earle, p 1.

- 3.70** It is clear from the evidence before us that the current training and education requirements do not adequately address industry needs and expectations. The committee recognises the concerns expressed by inquiry participants that in many cases new drivers are not receiving adequate training, specifically in regards to measuring a heavy vehicle's height and size, and loading and securing freight. Throughout this inquiry it was evident that in some cases it is quite easy for a person to obtain a heavy vehicle drivers licence in New South Wales without any type of training, and that more rigorous training requirements are needed. The evidence before us indicates that inadequate basic training of drivers in the measurement of height and load of heavy vehicles and how to secure loads is contributing to over-height vehicle incidents.

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**Finding 1**

That inadequate basic training of drivers in the measurement of height and load of heavy vehicles and how to secure loads is contributing to over-height vehicle incidents.

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- 3.71** The committee acknowledges that the standard of training offered by Registered Training Organisations (RTOs) will vary depending on the organisation. The evidence before us indicates there is a need for increased regulation of RTOs and standardised testing and assessment of new heavy vehicle drivers to ensure greater consistency of training standards and quality among providers. Therefore, the committee recommends that the NSW Government consult with relevant national bodies regarding the possibility of requiring Registered Training Organisations (RTOs) to be included as part of the chain of responsibility framework to ensure the provision of quality training.

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**Finding 2**

That, in considering all the evidence, there is a need for increased regulation of Registered Training Organisations (RTOs) and standardised testing and assessment of new heavy vehicle drivers to ensure greater consistency of training standards and quality among providers.

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**Recommendation 6**

That the NSW Government consult with relevant national bodies regarding the possibility of requiring Registered Training Organisations (RTOs) to be included as part of the chain of responsibility framework to ensure the provision of quality training.

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- 3.72** The committee recognises that there is strong industry support for a competency-based driver training program for new drivers. The committee understands that transport operators want confidence that when a person is issued a heavy vehicle licence, they have the necessary skills and training needed to drive a heavy vehicle. The committee also notes that there is industry support for the use of a cadetship or apprenticeship to help alleviate some of the pressure stemming from industry workforce shortages. Therefore, the committee recommends that the

NSW Government consider whether the current heavy vehicle licencing regime, based on a knowledge test and a competency assessment is adequate in the absence of a compulsory education/training component. The committee also recommends that the NSW Government endorse the introduction of competency-based driver training programs for new heavy vehicle drivers and ensure drivers issued with a heavy vehicle licence have the various skill sets and experience needed to drive, and manage, a heavy vehicle. In addition, the committee recommends that the NSW Government work with transport and freight industry stakeholders to design, develop and implement a cadetship, or apprenticeship, pathway program that allows, or encourages, people to access the workforce as a heavy vehicle driver to help alleviate some of the pressure stemming from workforce shortages in the industry.

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**Recommendation 7**

That the NSW Government consider whether the current heavy vehicle licencing regime, based on a knowledge test and a competency assessment is adequate in the absence of a compulsory education/training component.

**Recommendation 8**

That the NSW Government endorse the introduction of competency-based driver training programs for new heavy vehicle drivers and ensure drivers issued with a heavy vehicle licence have the various skill sets and experience needed to drive, and manage, a heavy vehicle.

**Recommendation 9**

That the NSW Government work with transport and freight industry stakeholders to design, develop and implement a cadetship, or apprenticeship, pathway program that allows, or encourages, people to access the workforce as a heavy vehicle driver to help alleviate some of the pressure stemming from workforce shortages in the industry.

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- 3.73** The committee acknowledges that the Heavy Vehicle National Law (HVNL) imposes responsibilities on employers to ensure that their drivers are competent to undertake their assigned duties. Whilst we recognise that there are benefits to operators taking an active role in training new drivers to a licensed standard, the committee notes that this can create additional pressure on smaller operators who may not have the resources to check the competency of new driver.



## Appendix 1 Submissions

No.	Author
1	Confidential
2	Truck Moves Australia
3	Mr Brian Turpie
4	Name suppressed
5	Ron Finemore Transport Services Pty Ltd
6	Mr Bruce Skelton
7	Name suppressed
8	Name suppressed
9	Mr Rod Hannifey
10	Australasian College of Road Safety
11	Netstar Australia
12	Australian National
13	Austroads
14	Livestock Bulk and Rural Carriers Association (LBRCA)
15	NatRoad (National Road Transport Association)
16	Mr Trevor Warner
17	Dr Arnold McLean
18	Seeing Machines Ltd.
19	Transport Industries Skills Centre
20	National Road Freighters Association Inc.
21	Transport Workers' Union of NSW
22	Highway Advocates Pty Ltd
23	Transport for NSW and the National Heavy Vehicle Regulator
24	Road Freight NSW

## Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
<b>Thursday 5 October 2023</b> <b>Macquarie Room</b> <b>Parliament House, Sydney</b>	Mr Gavin Webb	Chief Legal Officer, Transport Workers' Union NSW
	Mr Daniel Peric	Research & Policy Official, Transport Workers' Union NSW
	Mr Rod Hannifey <i>(via videoconference)</i>	President, National Road Freighters Association Inc.
	Ms Julie Downey <i>(via videoconference)</i>	Board Member, National Road Freighters Association Inc.
	Mr Paul Pulver <i>(via videoconference)</i>	Immediate Past President, Livestock Bulk and Rural Carriers Association
	Mr Simon O'Hara <i>(via videoconference)</i>	CEO, Road Freight NSW
	Mr Samuel Marks	Policy Director, NatRoad (National Road Transport Association)
	Mr Paul Davies <i>(via videoconference)</i>	General Manager Programs, Austroads
	Mr Gavin Hill	Acting Chief Executive, Austroads
	Mr Trevor Warner	Long distance truck driver
	Mr Mark Parry <i>(via videoconference)</i>	Managing Director, Ron Finemore Transport
	Mr Paul Ryan	Chair, Transport Education Audit Compliance Health Organisation (TEACHO)
	Mr Simon Earle	Chief Executive Officer and Company Secretary, Transport Education Audit Compliance Health Organisation (TEACHO)
	Mr Andy Hughes	Senior Heavy Vehicle Driver Trainer, Sutton Road Training Centre
Mr Peter Ross Hill	Chief Executive Officer, Sutton Road Training Centre	

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<b>Date</b>	<b>Name</b>	<b>Position and Organisation</b>
	Mr Peter McAlpine	Chief Technology Officer, Netstar Australia
	Mr Michael Emanuel	Managing Director, Netstar Australia
	Ms Sally Webb	Acting Deputy Secretary, Safety Environment and Regulation, Transport for NSW
	Mr Scott Greenow	Acting Executive Director, Freight, Regional and Outer Metropolitan Division, Transport for NSW
	Mr Paul Salvati	Chief Operations Officer, National Heavy Vehicle Regulator (NHVR)

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## Appendix 3 Minutes

### Minutes no. 2

Monday 7 August 2023

Portfolio Committee No. 6 – Transport and the Arts

Room 1136, Parliament House, Sydney, 11.01 am

#### 1. Members present

Ms Faehrmann, *Chair*

Mr Farraway, *Deputy Chair* (via video conference)

Mr Banasiak (via video conference)

Mr Buttigieg (substituting for Mr D'Adam) (via video conference, from 11.05 am)

Dr Kaine (via video conference)

Mr Nanva (via video conference)

Mrs Ward (via video conference, until 11.17 am)

#### 2. Previous minutes

The committee noted that draft minutes no. 1 were confirmed via email on 9 June 2023, as per a previous resolution of the committee.

#### 3. Correspondence

The committee noted the following items of correspondence:

##### *Received*

- 1 August 2023 – Letter from Ms Cate Faehrmann MLC, Hon Mark Banasiak MLC and Hon Dr Sarah Kaine PhD MLC requesting a meeting of Portfolio Committee No 6 to consider a proposed self-reference into pressures on heavy vehicle drivers and their impacts in New South Wales.
- 3 August 2023 – Letter from Hon Mark Banasiak MLC, Ms Cate Faehrmann MLC, Hon Natalie Ward MLC requesting a meeting of Portfolio Committee No. 6 to consider a proposed self-reference into the current and future public transport needs in Western Sydney.

#### 4. Consideration of terms of reference – Pressures on heavy vehicle drivers and their impact in New South Wales

The Chair tabled a letter proposing the following terms of reference for the inquiry into pressures on heavy vehicle drivers and their impact in New South Wales:

That Portfolio Committee No. 6 – Transport and the Arts inquire into and report on the pressures on heavy vehicle drivers and the impact of these pressures on driver practice and observance of regulatory obligations in New South Wales, and in particular:

- (a) the characteristics of the heavy vehicle industry in New South Wales that shape driver practice
- (b) the current and future extent, nature and impact of pressures on driver practice and observance of regulatory obligations by heavy vehicle drivers in New South Wales, in particular:
  - (i) its contribution to the ongoing occurrence of over height vehicle incidents and
  - (ii) its impact on the use of rest areas and other fatigue management practices
- (c) the impact, effectiveness and enforcement of current mechanisms to address current and future pressures and their impacts on heavy vehicle drivers in New South Wales, in particular:
  - (i) training requirements for heavy vehicle drivers
  - (ii) training and education requirements for companies employing heavy vehicle drivers
  - (iii) penalties for over height vehicle incidents
  - (iv) other mechanisms to address over height vehicle incidents

- (v) the availability, suitability and accessibility of, and priority locations for heavy vehicle rest areas in metropolitan Sydney, and rural and regional New South Wales
  - (vi) the suitability of heavy vehicle rest areas in terms of size, facilities, lighting, signage, and safety
  - (vii) the use of heavy vehicle rest areas and emergency stopping bays for fatigue management and logbook obligations
  - (viii) the relevance, practicality and timeliness of existing heavy vehicle rest area strategies and programs given best practice fatigue management and regulatory requirements
  - (ix) identification of international best practice design guidelines and requirements for heavy vehicle rest areas and their suitability for New South Wales
  - (x) the maintenance of heavy vehicle rest areas and management of public use of heavy vehicle rest stop facilities
- (d) the capability for new and emerging technologies to assist in reducing pressures for heavy vehicle drivers and effect driver practice and observance of regulatory obligations, such as through training, implementing safety measures and fatigue management
- (e) any other related matter.

Resolved, on the motion of Dr Kaine: That the committee adopt the terms of reference.

## 5. Conduct of the inquiry into pressures on heavy vehicle drivers and their impact in New South Wales

### 5.1 Closing date for submissions

Resolved, on the motion of Mr Nanva: That the closing date for submissions be Monday 18 September 2023.

### 5.2 Stakeholder list

Resolved, on the motion of Dr Kaine: That:

- the secretariat circulates to members the Chair's proposed list of stakeholders to be invited to make a submission
- members have two days from when the Chair's proposed list is circulated to make amendments or nominate additional stakeholders
- the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

### 5.3 Approach to submissions

Resolved, on the motion of Mr Buttigieg: That to enable significant efficiencies for members and the secretariat while maintaining the integrity of how submissions are treated, in the event that 50 or more individual submissions are received, the committee may adopt the following approach to processing short submissions:

- All submissions from individuals 250 words or less in length will:
  - have an individual submission number, and be published with the author's name or as name suppressed, or kept confidential, according to the author's request
  - be reviewed by the secretariat for adverse mention and sensitive/identifying information, in accordance with practice
  - be channelled into one single document to be published on the inquiry website
- All other submissions will be processed and published as normal.

### 5.4 Inquiry timeline

Resolved, on the motion of Mr Farraway: That the timeline for hearings and site visits be considered by the committee following the receipt of submissions. Further, that three dates for hearings and site visits be determined by the Chair after consultation with members regarding their availability.

Resolved, on the motion of Dr Kaine: That the reporting date be Friday 16 February 2024.

**6. Consideration of terms of reference – Current and future public transport needs in Western Sydney**

The Chair tabled a letter proposing the following terms of reference for the inquiry into the current and future public transport needs in Western Sydney.

1. That Portfolio Committee No. 6 – Transport and the Arts inquire into and report on the current and future public transport needs for Western Sydney, particularly the:

- (a) availability and accessibility of public transport services across Western Sydney, the adequacy of connectivity between public transport hubs and commercial hubs and any gaps in services
- (b) current and anticipated levels of demand for public transport services and the public transport requirements to meet this demand
- (c) changing nature of public transport needs due to shifting demographics, new suburbs, planned infrastructure and increased density
- (d) social, economic and planning impacts of vehicle dependency and poorly integrated public transport
- (e) affordability compared with other areas of Greater Sydney and New South Wales and relative to means
- (f) role of public transport and future transport technologies to reduce car dependency in Western Sydney, including barriers to improving public transport services
- (g) role of the public and private sector, including local government, in public transport provision
- (h) staffing and future workforce planning, taking into account predicted service demand based on predicted population growth in Western Sydney
- (i) any other related matters.

2. The committee reports on its findings by 29 March 2024.

Resolved, on the motion of Mr Nanva: That paragraph 1 (g) of the terms of reference be amended by inserting the words 'and the use of innovative funding models, such as transit oriented development and value capture mechanisms' after 'including local government'.

Resolved, on the motion of Mr Banasiak: That the committee adopt the terms of reference, as amended.

**7. Conduct of the inquiry into the current and future public transport needs in Western Sydney****7.1 Closing date for submissions**

Resolved, on the motion of Mr Farraway: That the closing date for submissions be Monday 18 September 2023.

**7.2 Stakeholder list**

Resolved, on the motion of Mr Banasiak: That:

- the secretariat circulates to members the Chair's proposed list of stakeholders to be invited to make a submission
- members have two days from when the Chair's proposed list is circulated to make amendments or nominate additional stakeholders
- the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

**7.3 Approach to submissions**

Resolved, on the motion of Mr Farraway: That to enable significant efficiencies for members and the secretariat while maintaining the integrity of how submissions are treated, in the event that 50 or more individual submissions are received, the committee may adopt the following approach to processing short submissions:

- All submissions from individuals 250 words or less in length will:
  - have an individual submission number, and be published with the author's name or as name suppressed, or kept confidential, according to the author's request

- be reviewed by the secretariat for adverse mention and sensitive/identifying information, in accordance with practice
- be channelled into one single document to be published on the inquiry website
- All other submissions will be processed and published as normal.

#### 7.4 Online questionnaire

Mr Farraway moved: That the committee use an online questionnaire to capture individuals' views, and that the draft questions be circulated to the committee for comment, with a meeting on request from any committee member if there is disagreement on the questions.

Question put.

The committee divided.

Ayes: Mr Banasiak, Ms Faehrmann, Mr Farraway

Noes: Mr Buttigieg, Dr Kaine, Mr Nanva.

Question resolved in the affirmative on the casting vote of the Chair.

Resolved, on the motion of Mr Banasiak: That:

- the committee not accept proformas
- the media release announcing the establishment of the inquiry and emails to stakeholders note that there will be an online questionnaire to capture individuals' views
- that the following wording be included on the committee's website:
  - **Submissions**  
Individuals are invited to submit their comments on the terms of reference here [[hyperlink to online questionnaire](#)]. This is a new way for individuals to participate in inquiries and it means we will no longer accept proformas.

Resolved, on the motion of Mr Banasiak: That the secretariat prepare a summary report of responses to the online questionnaire for publication on the website and use in the report, and that:

- the committee agree to publication of the report via email, unless a member raises any concerns
- individual responses be kept confidential on tabling.

#### 7.5 Hearing dates and site visits

Resolved, on the motion of Mr Farraway: That the timeline for hearings and site visits be considered by the committee following the receipt of submissions. Further, that two initial hearings in Sydney and Western Sydney be held by the end of November on dates to be determined by the Chair after consultation with members regarding their availability.

### 8. Adjournment

The committee adjourned 11.45 am, *sine die*.

Rhia Victorino  
Committee Clerk

### Minutes no. 4

Thursday 5 October 2023

Portfolio Committee No. 6 – Transport and the Arts

Macquarie Room, Parliament House, Sydney, 9.00 am

#### 1. Members present

Ms Faehrmann, *Chair*

Mr Farraway, *Deputy Chair* (from 11.07am)

Mr Banasiak (until 4.53pm)

Mr Buttigieg (substituting for Mr D'Adam until 3pm)  
Dr Kaine  
Mr Murphy (substituting for Mr D'Adam from 3pm)  
Mr Nanva  
Ms Munro (substituting for Mrs Ward)

## 2. Correspondence

The committee noted the following items of correspondence:

### ***Received:***

- 15 August 2023 – Correspondence from Mr Barry Jenner to the committee, titled Road Transport 2027, White Paper in response to the inquiry into the pressures on heavy vehicle drivers and their impact in NSW
- 30 August 2023 – Email from Mr Greg Casey, PhD Candidate – Policing, School of Social Sciences, Western Sydney University, to the committee, declining the invitation to make a submission to the inquiry into the pressures on heavy vehicle drivers and their impact in NSW due to incomplete research
- 30 August 2023 – Email from Mr Daniel Peric, Research & Policy Official, Transport Workers' Union of NSW to the secretariat requesting a submission extension for the inquiries into the pressures on heavy vehicle drivers and their impact in NSW and the current & future public transport needs in Western Sydney
- 15 September 2023 – Email from Mr Simon O'Hara, CEO, Road Freight NSW, to the secretariat requesting a submission extension for the inquiry into the pressures on heavy vehicle drivers and their impact in NSW
- 15 September 2023 - Email from Mr Mitch Dudley, Manager, Parliamentary Services, Transport for NSW to the secretariat requesting a submission extension for the inquiry into current and future transport needs in Western Sydney
- 18 September 2023 - Email from Mr Mitch Dudley, Manager, Parliamentary Services, Transport for NSW to the secretariat requesting a submission extension for the inquiry into the pressures on heavy vehicle drivers and their impact in NSW
- 25 September 2023 - Email from Ms Justine Bouffler, Executive Assistant, Ron Finemore Transport Services Pty Ltd, to the secretariat confirming publication status of the submission from confidential to public for the inquiry into the pressures on heavy vehicle drivers and their impact in NSW
- 27 September 2023 – Email from Office of the Hon Chris Rath, Opposition Whip to the secretariat, advising that Ms Jacqui Munro will be substituting for Mrs Natalie Ward at the hearing on 5 October 2023 for the inquiry into the pressures on heavy vehicle drivers and their impact in NSW.
- 28 September 2023 – Email from Mr Mike Lenne, Chief Science & Innovation Officer, Seeing Machines to the secretariat, declining invitation to give evidence at the hearing for the inquiry into the pressures on heavy vehicle drivers and their impact in NSW on 5 October 2023 due to staff shortages
- 30 September 2023 – Email from the author of confidential submission no. 1, declining the invitation to appear in camera for the inquiry into the pressures on heavy vehicle drivers and their impact in NSW because of concerns about his company's ongoing relationship with transport regulators
- 4 October 2023 – Email from the Office of the Hon Bob Nanva, Government Whip to the secretariat, advising that Mr Buttigieg will be substituting for Mr D'Adam until 3pm, and Mr Murphy will be substituting for Mr D'Adam from 3pm for the hearing on 5 October 2023 for the inquiry into the pressures on heavy vehicle drivers and their impact in NSW
- 4 October 2023 – Email from Mr Brian Turpie, individual to secretariat, advising he is no longer able to appear at hearing on 5 October 2023 for the inquiry into the pressures on heavy vehicle drivers and their impact in NSW.

### ***Sent:***

- 30 August 2023 – Email from the secretariat to Mr Greg Casey, PhD Candidate – Policing, School of Social Sciences, Western Sydney University, acknowledging receipt of his decision to not make a



submission to the inquiry into pressures on heavy vehicle drivers and their impact in NSW due to incomplete research

- 31 August 2023 – Email from the secretariat to Mr Daniel Peric, Research & Policy Official, Transport Workers' Union of NSW, granting the submission extension date requested for the inquiry into the pressures on heavy vehicle drivers and their impact in NSW
- 31 August 2023 – Email from the secretariat to Mr Daniel Peric, Research & Policy Official, Transport Workers' Union of NSW, granting the submission extension date requested for the inquiry into the current and future public transport needs in Western Sydney
- 15 September 2023 – Email from the secretariat to Mr Simon O'Hara, CEO, Road Freight NSW, granting the submission extension date requested for the inquiry into the pressures on heavy vehicle drivers and their impact in NSW
- 18 September 2023 - Email from the secretariat to Mr Mitch Dudley, Manager, Parliamentary Services, Transport for NSW granting the submission extension date requested for the inquiry into the pressures on heavy vehicle drivers and their impact in NSW
- 19 September 2023 - Email from the secretariat to Mr Mitch Dudley, Manager, Parliamentary Services, Transport for NSW granting the submission extension date requested for the inquiry into current and future public transport needs in Western Sydney
- 22 September 2023 – Email from the secretariat to Ms Justine Bouffler, Executive Assistant & Mr Mark Parry, Managing Director, Ron Finemore Transport Services Pty Ltd, confirming the publication status of the submission for the inquiry into the pressures on heavy vehicle drivers and their impact in NSW
- 25 September 2023 – Correspondence from the Chair to the Hon. Jo Haylen, Minister for Transport NSW (inquiry into current and future public transport needs in Western Sydney), requesting the Minister provide the following document in their possession, custody or control by 5.00pm, Thursday 28 September 2023: A copy of the final report of the expert panel commissioned by the Australian Government into Western Sydney's transport infrastructure needs that is in the possession of the NSW Government, as reported in the Sydney Morning Herald article 'Secret western Sydney infrastructure review ignored in federal budget', dated 2 September 2023
- 25 September 2023 – Correspondence from the Chair to the Hon. Catherine King, Minister for Infrastructure, Transport, Regional Development and Local Government for NSW (inquiry into Chair current and future public transport needs in Western Sydney), requesting that the Minister provide the following document in their possession, custody or control by 5.00pm, Thursday 28 September 2023: A copy of the final report of the expert panel commissioned by the Australian Government into Western Sydney's transport infrastructure needs.

Resolved, on the motion of Mr Buttigieg: That the committee keep confidential the correspondence dated 30 September 2023 from the author of submission no. 1 for the inquiry into the pressures on heavy vehicle drivers and their impact in NSW.

### **3. Inquiry into pressures on heavy vehicle drivers and their impact in New South Wales**

#### **3.1 Media release distribution**

The committee noted the distribution of the media release to the following trucking publication media outlets:

- Big Rigs – targets road transport sector; publishes fortnightly
- Power Torque – truck and trailer magazine; bi-monthly publication
- Prime Mover Magazine – targets commercial road transport industry
- Truck and Bus News, Transport and Trucking Australia – targeted at fleet owners, service managers, owner/drivers; published bi-monthly
- Australasian Transport News (Fully Loaded) – road transport management magazine
- Owner Driver – national trucking publication.

### **3.2 Public submissions**

The committee noted the following submissions were published by the Committee Clerk under the authorisation of the resolution appointing the committee: submission nos. 2, 4, 6 – 23.

Resolved, on the motion of Mr Banasiak: That the committee authorise the publication of submission nos. 5 and 24.

### **3.3 Partially confidential submissions**

Resolved, on the motion of Ms Munro: That the committee authorise the publication of submission no. 3, with the exception of potential adverse mention, which is to remain confidential, as per the recommendation of the secretariat.

### **3.4 Confidential submissions**

Resolved, on the motion of Mr Buttigieg: That the committee keep submission no. 1 confidential, as per the request of the author as it contains identifying and/or sensitive information.

### **3.5 Public hearing**

#### ***Sequence of questions***

Resolved, on the motion of Dr Kaine: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Mr Gavin Webb, Chief Legal Officer, Transport Workers' Union NSW
- Mr Daniel Peric, Research & Policy Official, Transport Workers' Union NSW

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Rod Hannifey, President, National Road Freighters Association Inc. (via videoconference)
- Ms Julie Downey, Board Member, National Road Freighters Association Inc. (via videoconference)
- Mr Paul Pulver, Immediate Past President, Livestock Bulk and Rural Carriers Association (via videoconference)
- Mr Simon O'Hara, CEO, Road Freight NSW (via videoconference)

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Samuel Marks, Policy Director, NatRoad (National Road Transport Association)
- Mr Paul Davies, General Manager Programs, Austroads (via videoconference)
- Mr Gavin Hill, Acting Chief Executive, Austroads

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Trevor Warner, Long distance truck driver

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Mark Parry, Director, Ron Finemore Transport (via videoconference)

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Paul Ryan, Chair, Transport Education Audit Compliance Health Organisation
- Mr Simon Earle, Chief Executive Officer, Transport Education Audit Compliance Health Organisation
- Mr Andy Hughes, Senior Heavy Vehicle Driver Trainer, Sutton Road Training Centre

- Mr Peter Ross Hill, Chief Executive Officer, Sutton Road Training Centre

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Peter McAlpine, Chief Technology Officer, Netstar Australia
- Mr Michael Emanuel, Managing Director, Netstar Australia

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Sally Webb, Acting Deputy Secretary, Safety Environment and Regulation, Transport for NSW
- Mr Scott Greenow, Acting Executive Director, Freight, Regional and Outer Metropolitan Division, Transport for NSW
- Mr Paul Salvati, National Heavy Vehicle Regulator (NHVR)

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.05 pm. The public and the media withdrew.

### **3.6 Site visit – Friday 6 October 2023**

The committee noted that it agreed, via emails dated 21 and 25 September 2023, to conduct a site visit to the following trucking companies in Western Sydney:

- Vellex Logistics, Wetherill Park
- Coastal Transport Services, Wetherill Park
- Linfox, Chullora.

Linfox were invited to host a site visit but have declined due to scheduling issues with having appropriate personnel on site to speak to the committee.

Resolved, on the motion of Dr Kaine: That the committee adopt the itinerary for the site visit in Western Sydney on Friday 6 October 2023.

## **4. Inquiry into current and future public transport needs in Western Sydney**

### **4.1 Public submissions**

The committee noted the following submissions were published by the Committee Clerk under the authorisation of the resolution appointing the committee: submissions nos: 2, 3, 4, 6, 8, 11, 13, 16-48, 51-55, 58-62, and 64-65.

### **4.2 Partially confidential submissions**

Resolved, on the motion of Mr Banasiak: That the committee:

- keep the following information confidential, as per the request of the author: names in submissions no. 1, 5, 7, 9, 10, 12, 14-15, 49, 56, 57.
- authorise the publication of submissions no. 50 and 63 with the exception of sensitive or identifying material or potential adverse comments that have been highlighted by the secretariat.

## **5. Other business**

Dr Kaine declared that a family member was a Transport Workers' Union member in another jurisdiction and she has previously worked with the Transport Education Audit Compliance Health Organisation (TEACHO) in a research capacity.

## **6. Adjournment**

The committee adjourned at 5.07pm until Friday 6 October 2023, 8.15 am, Macquarie Street, Parliament House, Sydney (Inquiry into pressures on heavy vehicle drivers and their impact in New South Wales – site visit to Western Sydney).

Amanda Assoum  
**Committee Clerk**

### **Minutes no. 5**

Friday 6 October 2023

Portfolio Committee No. 6 – Transport and the Arts

Macquarie Street, Parliament House, Sydney, 8.20 am

#### **1. Members present**

Ms Faehrmann, *Chair*

Mr Farraway, *Deputy Chair*

Mr Banasiak

Dr Kaine

#### **2. Apologies**

Mr D'Adam

Mr Nanva

Mrs Ward

#### **3. Inquiry into pressures on heavy vehicle drivers and their impact in New South Wales**

##### **3.1 Site visit to Western Sydney**

The committee attended the following trucking companies in Western Sydney and were met by the following:

- Vellex Logistics: 9-41 Frank Street, Wetherill Park NSW 2164
  - Austin Vella, CEO
  - Craig Horgan, General Manager
  - Stephen Humphreys, National Sales Manager
  - Vellex Truck Driver
- Coastal Transport Services: Unit 9, 8 Metters Place, Wetherill Park NSW 2164
  - Kyle Elphinstone, Transport Manager
  - Chris Lewis, Safety and Compliance Coordinator

The trucking companies provided a briefing on trucking operations at each company and the pressures on heavy vehicle drivers in the industry, including the use of, and access to, rest stops.

#### **4. Adjournment**

The committee adjourned at 11.45 am until Wednesday 1 November 2023, TBC, Parliament House (Budget Estimates – Regional Transport and Roads public hearing).

Amanda Assoum  
**Committee Clerk**

### **Minutes no. 6**

Wednesday 18 October 2023

Portfolio Committee No. 6 – Transport and the Arts

Room 1136, Parliament House, Sydney, 1.31 pm

#### **1. Members present**

Ms Faehrmann, *Chair*

Mr Farraway, *Deputy Chair*

Mr D'Adam

Mr Donnelly (substituting for Mr Nanva)  
 Dr Kaine  
 Mrs Ward

## 2. Inquiry into Budget Estimates 2023-2024

### 2.1 Witnesses for Regional Transport and Roads hearing

Mr Faraway moved: That the committee invite the following witnesses to the Regional Transport and Roads hearing (1 November):

- Mr Richard Host, A/Deputy Secretary, Customer, Strategy and Technology, Transport for NSW
- Mr Alistair Lunn, Director West, Community and Place – West Region, Regional & Outer Metropolitan, Transport for NSW (from 2.00 to 5.30 pm only)
- Ms Sam Knight, Director South, Community and Place – South Region, Regional & Outer Metropolitan, Transport for NSW (from 2.00 to 5.30 pm only)
- Ms Anna Zycki, Director – North, Community and Place – North Region, Regional & Outer Metropolitan, Transport for NSW (from 2.00 to 5.30 pm only)
- Mr Tom Grosskopf, Executive Director Network & Assets, Regional and Outer Metropolitan, Transport for NSW (from 2.00 to 5.30 pm only)
- Ms Andrea Mears, Director Program Management, Regional and Outer Metropolitan Division, Transport for NSW (from 2.00 to 5.30 pm only)
- Ms Barbara Wise, Executive Director, Transport Partnerships, Transport for NSW (from 2.00 to 5.30 pm only)
- Mr Ed Debnham, Executive Director, Customer, Strategy and Technology, Transport for NSW (from 2.00 to 5.30 pm only)
- Mr Lewis Clarke, Executive Director, Customer Systems and Operations, Transport for NSW (from 2.00 to 5.30 pm only)

Question put.

The committee divided.

Ayes: Ms Faehrmann, Mr Faraway, Mrs Ward.

Noes: Mr D'Adam, Mr Donnelly, Dr Kaine.

Question resolved in the affirmative on the casting vote of the Chair.

### 2.2 Witnesses for Transport hearing

Resolved, on the motion of Mrs Ward: That, for the Transport hearing (7 November), the committee:

- invite Ms Susan Carroll, Chief of Staff, Transport for NSW
- advise the Minister that the following witnesses are only required to appear from 2.00 to 5.30 pm:
  - Ms Camilla Drover, Deputy Secretary, Infrastructure and Place, Transport for NSW
  - Mr Richard Host, A/Deputy Secretary, Customer, Strategy and Technology, Transport for NSW
  - Ms Sally Webb, A/Dep Secretary, Safety Environment & Regulation, Transport for NSW
  - Mr Anthony Wing, Commissioner, NSW Point to Point Commission
- advise the Minister that Dr Caroline Butler-Bowdon, A/Deputy Secretary, Cities and Active Transport, Transport for NSW is not required to attend.

Dr Kaine moved: That the committee accept the Minister's nomination of Ms Brenda Hoang, Group Chief Financial Officer, Transport for NSW and Ms Trudi Mares, A/Deputy Secretary, Greater Sydney, Transport for NSW, to appear as witnesses at the Transport hearing (7 November).

Question put.

The committee divided.

Ayes: Mr D'Adam, Mr Donnelly, Ms Faehrmann, Dr Kaine.

Noes: Mr Farraway, Mrs Ward.

Question resolved in the affirmative.

### **2.3 Witnesses for Special Minister of State, Roads, Arts, Music and the Night-time Economy, Jobs and Tourism hearing**

Resolved, on the motion of Ms Ward: That, for the Special Minister of State, Roads, Arts, Music and the Night-time Economy, Jobs and Tourism hearing (9 November), the committee:

- invite the following witnesses:
  - Mr Anthony Keon, CEO of Hospitality and Racing
  - Mr Chris Roach, Director of the Office of ILGA
  - Ms Susan Carroll, Chief of Staff, Transport for NSW (from 2.00 to 5.30 pm only)
  - Dr Michael Brand, Director, Art Gallery of NSW (from 2.00 to 5.30 pm only)
  - Dr John Vallance, FAHA State Librarian (from 2.00 to 5.30 pm only)
  - Ms Lisa Havilah, CEO, MAAS Trust (from 2.00 to 5.30 pm only)
  - Ms Mary Darwell, Interim CEO, Museums of History NSW (from 2.00 to 5.30 pm only)
  - Ms Emily Collins, Interim Head, Sound NSW (from 2.00 to 5.30 pm only)
- advise the Minister that the following witnesses are only required to appear from 2.00 to 5.30 pm:
  - Ms Sally Webb, Acting Deputy Secretary, Safety Environment & Regulation, Transport for NSW
  - Mr Bernard Collin, Chief of Centre for Road Safety, Transport for NSW
  - Group Deputy Secretary for Arts and Tourism, Department of Enterprise, Investment and Trade (with clarification to be sought as to who currently occupies this position)
- advise the Minister that Mr Matt Fuller, Deputy Secretary, Regional and Outer Metropolitan, Transport for NSW is not required to attend.

Dr Kaine moved: That the committee accept the Minister's nomination of Ms Brenda Hoang, Group Chief Financial Officer, Transport for NSW to appear as a witness at the Special Minister of State, Roads, Arts, Music and the Night-time Economy, Jobs and Tourism hearing (9 November).

Question put.

The committee divided.

Ayes: Mr D'Adam, Mr Donnelly, Ms Faehrmann, Dr Kaine.

Noes: Mr Farraway, Mrs Ward.

Question resolved in the affirmative.

### **2.4 Organisation chart – Transport for NSW**

Resolved, on the motion of Mrs Ward: That the committee write to the Minister for Transport to request an organisation chart and/or list of all Executive Directors and Regional Directors in Transport for NSW, including their names.

## **3. Inquiry into pressures on heavy vehicle drivers and their impact in New South Wales**

### **3.1 Site visit to Dubbo**

Resolved, on the motion of Dr Kaine: That the committee not go ahead with the site visit to Dubbo on Tuesday 14 November 2023.

## **4. Adjournment**

The committee adjourned at 1.53 pm until Wednesday 1 November 2023, 9.00 am, Preston Stanley Room, Parliament House (public hearing – Budget Estimates 2023-2024).

Arizona Hart  
**Committee Clerk**

**Minutes no. 10**

Monday 4 December 2023

Portfolio Committee No. 6 – Transport and the Arts

Macquarie Room, Parliament House, 8.48 am

**1. Members present**Ms Faehrmann, *Chair*

Mr D'Adam (via videoconference)

Ms Merton (substituting for Mr Farraway)

Mr Nanva (via videoconference) (from 8.48 am to 9 am), in-person from 1.40 pm

Dr Kaine (from 8.48 am to 2.15 pm) (from 4.04 pm)

Mrs Ward (via videoconference)

**2. Apologies**

Mr Banasiak

**3. Previous minutes**

Resolved, on the motion of Mrs Ward: That draft minutes nos. 4, 5, 8 and 9 be confirmed.

**4. Correspondence**

The committee noted the following items of correspondence:

***Received***

- 6 October 2023 – Correspondence from Mr Brian Turpie, Individual truck driver, to the secretariat providing additional information for the committee in lieu of his appearance at the hearing on 5 October 2023 for the inquiry into pressures on heavy vehicle drivers and their impact in NSW.
- 24 October 2023 – Correspondence from Mr Peter Woodford, Engineering Director/CEO, LSM Technologies Pty Ltd, to the Chair providing information for the committee's consideration in relation to the inquiry into pressures on heavy vehicle drivers and their impact in NSW.
- 2 November 2023 – Correspondence from Mr Rod Hannifey, President, National Road Freighters Association Inc, to the secretariat providing additional information post-hearing for the committee's consideration in relation to the inquiry into pressures on heavy vehicle drivers and their impact in NSW.
- 3 November 2023 – Correspondence from Mr Trevor Warner, Individual truck driver, to the secretariat providing additional information post-hearing for the committee's consideration in relation to the inquiry into pressures on heavy vehicle drivers and their impact in NSW.
- 6 November 2023 – Correspondence from the Hon. Catherine King MP, Australian Minister for Transport Infrastructure, Transport, Regional Development and Local Government to the Chair responding to the written request, sent on 25 September 2023, for a copy of the final report of the expert panel commissioned by the Australian Government into Western Sydney's transport infrastructure needs for the inquiry into the current and future public transport needs in Western Sydney.
- 10 November 2023 – Letter from Ms Kate Boyd PSM, Deputy Secretary, General Counsel, The Cabinet Office to Clerk, enclosing documents requested by committee at the Budget Estimates hearing with Minister Graham on 9 November 2023.
- 21 November 2023 – Email from Mr Stephen Fenn, Head of Policy, Planning and Research Urban Taskforce Australia, to the committee declining invitation to give evidence at the hearing on 4 December for the inquiry into the current and future public transport needs in Western Sydney.
- 21 November 2023 – Email from Mr Glenn Moore, Ministerial and Government Liaison, VenuesNSW, to the committee declining invitation to give evidence at the hearing on 4 December 2023 for the inquiry into the current and future public transport needs in Western Sydney.
- 23 November 2023 – Email from Andrew Smithwick, Manager City Plan and Transformation, Canterbury Bankstown Council to the committee declining invitation to give evidence at the hearing on 4 December 2023 for the inquiry into the current and future public transport needs in Western Sydney.

- 27 November 2023 – Email from Opposition Whip to the secretariat, advising the Hon. Sarah Merton will be substituting for the Hon. Sam Faraway at the hearing on 4 December 2023 for the inquiry into the current and future public transport needs in Western Sydney.
- 4 December 2023 – Email from the Hon. Mark Banasiak to the secretariat, advising that he will be apology at the hearing on 4 December 2023 for the inquiry into the current and future public transport needs in Western Sydney.
- 4 December 2023 – Email from Ms Naomi Wood, Acting Senior Executive Assistant, Blacktown City Council to the secretariat, advising that due to illness Mayor Anthony Bleasdale OAM, Blacktown City Council is no longer able attend the hearing on 4 December for the inquiry into the current and future public transport needs in Western Sydney.

The committee noted that it agreed via email to publish the following correspondence:

- 11 October 2023 – Correspondence dated 6 October 2023 from Mr Brian Turpie, Individual truck driver, to the secretariat providing additional information for the committee in lieu of his appearance at the hearing on 5 October 2023 for the inquiry into pressures on heavy vehicle drivers and their impact in NSW.
- 13 November 2023 – Correspondence dated 2 November 2023 from Mr Rod Hannifey, President, National road Freighters Association Inc, to the secretariat providing additional information post-hearing for the committee's consideration in relation to the inquiry into pressures on heavy vehicle drivers and their impact in NSW.
- 13 November 2023 – Correspondence dated 3 November 2023 from Mr Trevor Warner, Individual truck driver, to the secretariat providing additional information post-hearing for the committee's consideration in relation to the inquiry into pressures on heavy vehicle drivers and their impact in NSW.

Resolved, on the motion of Mr D'Adam: That the committee authorise the publication of correspondence from Ms Kate Boyd PSM, Deputy Secretary, General Counsel, The Cabinet Office regarding documents requested by committee at the Budget Estimates hearing with Minister Graham on 9 November 2023, dated 10 November 2023.

## **5. Inquiry into pressures on heavy vehicle drivers and their impact in New South Wales**

### **5.1 Answers to questions on notice, supplementary questions and additional information**

The following answers to questions on notice, supplementary questions and additional information was published by the committee clerk under the authorisation of the resolution appointing the committee:

- Answers to questions on notice and supplementary questions, Mr Steve Smith, Manager Intergovernmental Relations, National Heavy Vehicle Regulator (NHVR), received on 24 October 2023.
- Answers to questions on notice and additional information, Mr Daniel Peric, Research & Policy Official, Transport Workers' Union of NSW, received on 31 October 2023.
- Answers to supplementary questions, Mr Simon Earle, Chief Executive Officer, Transport Education Audit Compliance Health Organisation (TEACHO), received on 1 November 2023.
- Answers to questions on notice, Mr Mitch Dudley, Manager, Parliamentary Services, Office of the Secretary, Transport for NSW, received on 3 November 2023.

### **5.2 Transcript clarification**

Resolved on the motion of Mrs Ward: That the committee authorise:

- the publication of correspondence from Mr Steve Smith, Manager Intergovernmental Relations, National Heavy Vehicle Regulator (NHVR) clarifying the evidence of Mr Paul Salvati, Chief Operations Officer, National Heavy Vehicle Regulator (NHVR), at the hearing on 5 October 2023.
- the insertion of a footnote to page 59 of the transcript from 5 October 2023, as requested by Mr Steve Smith, Manager Intergovernmental Relations, National Heavy Vehicle Regulator (NHVR).

## **6. Inquiry into the current and future public transport needs in Western Sydney**



### 6.1 Online questionnaire

The committee noted that, the secretariat, as authorised by the committee via email, published online a report of responses to the online questionnaire.

### 6.2 Hearing dates

Resolved, on the motion of Ms Merton: That the 5 February and 9 February dates, previously confirmed by the committee, both be hearings in Western Sydney.

### 6.3 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Mr David Harding, Executive Director, Policy and Advocacy, Business NSW
- Mr David Borger, Executive Director, Metropolitan NSW, Business Western Sydney.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Charles Casuscelli RFD, Chief Executive Officer, Western Sydney Regional Organisation of Councils (WSROC) Ltd
- Dr George Greiss, Chair, Mayoral Forum, The Parks, Sydney Parklands Councils
- Mr Ben Taylor, Chair, General Managers Committee, The Parks, Sydney Parklands Councils.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Mr Steve Mann, Chief Executive Officer, Urban Development Institute of Australia NSW.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Mick Owens, General Manager, Greenfields Development Company No.2 Pty Ltd
- Mr Mark Peric, Director, Greenfields Development Company No.2 Pty Ltd.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr David Niven, Director City Delivery, Fairfield City Council
- Mr Andrew Mooney, Executive Strategic Planner, Fairfield City Council
- Ms Kate Stares, Strategic Partnerships Manager, Campbelltown City Council
- Mr Kerry Robinson, Chief Executive Officer, Blacktown City Council.

The following witness was examined on their former oath:

- Dr George Greiss, Mayor, Campbelltown City Council

Mr Kerry Robinson tendered the following document:

- Independent Panel Report entitled 'Western Sydney Transport Infrastructure Panel', commissioned by the Australian Government, dated April 2023.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Dr Joshua Bird, Director, Policy and Programs, Western Sydney Community Forum
- Mr Shrivankumar Guntuku, Manager, Policy and Programs, Western Sydney Community Forum
- Mr Adam Leto, Chief Executive Officer, Western Sydney Leadership Dialogue
- Mr Luke Turner, Executive Director, Policy & Advocacy, Western Sydney Leadership Dialogue.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Roydon Ng, Convenor, Restore Inner West Line and Save T3 Bankstown Line
- Mr Steve Longhurst, Member, Sydenham to Bankstown Alliance (SBA)
- Mr David Reynolds, Member, Sydenham to Bankstown Alliance (SBA).

Mr Roydon Ng tendered the following documents:

- Bundle of documents relating to inquiry and T3 Sydenham to Bankstown metro conversion.

Mr Steve Longhurst tendered the following documents:

- The Conversation article entitled 'Which lines are priorities for Sydney Metro conversion? Hint: it's not Bankstown', dated 13 March 2019.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr John Brockhoff, National Policy Director, Planning Institute of Australia (PIA)
- Mr Tym Piegłowski, Planning Institute of Australia (PIA)
- Mr Colin Schroeder, Committee Member, EcoTransit Sydney
- Mr Matt Doherty, Committee Member, EcoTransit Sydney.

Mr Colin Schroeder tendered the following document:

- Additional information to the committee, EcoTransit.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Alex Claassens, Branch Secretary, Rail, Tram and Bus Union (NSW)
- Mr David Babineau, Tram and Bus Divisional Secretary, Rail, Tram and Bus Union (NSW)
- Mr Richard Olsen, NSW/QLD State Secretary, Transport Workers' Union of NSW
- Mr Daniel Peric, Research & Policy Official, Transport Workers' Union of NSW.

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 5.02pm.

The public and the media withdrew.

#### **6.4 Tendered documents**

Resolved, on the motion of Ms Merton: That the committee accept and publish the following documents tendered during the public hearing:

- Independent Panel Report entitled 'Western Sydney Transport Infrastructure Panel', commissioned by the Australian Government, dated April 2023
- Bundle of documents relating to inquiry and T3 Sydenham to Bankstown metro conversion
- The Conversation article entitled 'Which lines are priorities for Sydney Metro conversion? Hint: it's not Bankstown', dated 13 March 2019
- Additional information to the committee, EcoTransit.

### **7. Adjournment**

The committee adjourned at 5.03 pm, *sine die*.

Lauren Evans  
**Committee Clerk**

**Draft minutes no. 13**

Monday 12 February 2024

Portfolio Committee No. 6 – Transport and the Arts

Room 1254, Parliament House, Sydney, 10.01 am

**1. Members present**Ms Faehrmann, *Chair*Mr Faraway, *Deputy Chair* (via videoconference)

Mr D'Adam (via videoconference, from 10.12 am)

Mr Nanva (via videoconference)

Dr Kaine

Mrs Ward (via videoconference)

**2. Apologies**

Mr Banasiak

**3. Inquiry into pressures on heavy vehicle drivers and their impact in New South Wales****3.1 Consideration of Chair's draft report**

The Chair submitted her draft report entitled '*Pressures on heavy vehicle drivers and their impact in New South Wales*', which, having been previously circulated, was taken as being read.

**Chapter 2**

Resolved, on the motion of Dr Kaine: That paragraph 2.42 be amended by omitting 'The gap stop assessment will assess travel time' and inserting instead 'The rest stop gap assessment will consider travel time'.

Resolved on the motion of the Dr Kaine: That paragraph 2.82 be omitted 'The committee considers that, in addition to rest areas, heavy vehicle drivers also need access to adequate parking bays and sites to manage their fatigue and ensure regulation compliance. It is clear from the evidence before us that the removal of truck parking bays and sites, especially during road construction and infrastructure projects, is creating additional pressures on heavy vehicle drivers. Therefore, the committee recommends that the NSW Government fund and construct more adequate heavy vehicle parking bays and sites in metropolitan and regional areas in New South Wales, in consultation with the transport and freight industry, to ensure heavy vehicle drivers can effectively manage their fatigue and regulation compliance', and the following new paragraph be inserted instead:

'The committee considers that, in addition to rest areas, heavy vehicle drivers also need access to adequate parking bays and sites to manage their fatigue and ensure regulation compliance. The committee acknowledges that town planning and industrial development needs to consider heavy vehicle parking. Therefore, the committee recommends that the NSW Government consider the rules and regulations for industrial development in metropolitan Sydney to determine if there should be requirements for particular developments or types of business to include a dedicated percentage of land to allow trucks to be parked overnight. The committee also recommends that the NSW Government fund and construct more adequate heavy vehicle parking bays and sites in metropolitan and regional areas in New South Wales, in consultation with the transport and freight industry, to ensure heavy vehicle drivers can effectively manage their fatigue and regulation compliance.'

Resolved, on the motion of Dr Kaine: That the following new recommendation be inserted after paragraph 2.82:

**'Recommendation X**

That the NSW Government consider the rules and regulations for industrial development in metropolitan Sydney to determine if there should be requirements for particular developments or types of business to include a dedicated percentage of land to allow trucks to be parked overnight.'

Resolved, on the motion of Dr Kaine: That the following new paragraph be inserted after paragraph 2.82:

'It is clear from the evidence before us that the removal of truck parking bays and sites, especially during road construction and infrastructure projects, is creating additional pressures on heavy vehicle drivers. Therefore, the committee recommends that the NSW Government require Transport for NSW to take all necessary steps to find alternative heavy vehicle rest areas, and parking bays when road works or closures are undertaken that result in existing rest stops being inaccessible. Transport for NSW should also take steps to notify the heavy vehicle industry as early as possible prior to the changes occurring.'

Resolved, on the motion of Dr Kaine: That the following new recommendation be inserted after paragraph 2.82:

**'Recommendation X**

That the NSW Government require Transport for NSW to take all necessary steps to:

- find alternative heavy vehicle rest areas, and parking bays when road works or closures are undertaken that result in existing rest stops being inaccessible
- notify the heavy vehicle industry as early as possible prior to the changes occurring.'

**Chapter 3**

Resolved, on the motion of Dr Kaine: That paragraph 3.70 be amended by inserting at the end: 'The evidence before us indicates that inadequate basic training of drivers in the measurement of height and load of heavy vehicles and how to secure loads is contributing to over-height vehicle incidents.'

Resolved, on the motion of Dr Kaine: That the following new finding be inserted after paragraph 3.70:

**'Finding X**

That inadequate basic training of drivers in the measurement of height and load of heavy vehicles and how to secure loads is contributing to over-height vehicle incidents.'

Resolved, on the motion of Dr Kaine: That paragraph 3.71 be amended by inserting at the end: 'Therefore the committee recommends that the NSW Government consult with relevant national bodies regarding the possibility of requiring registered training organisations (RTOs) to be included as part of the chain of responsibility framework to ensure the provision of quality training.'

Resolved, on the motion of Dr Kaine: That the following new recommendation be inserted before paragraph 3.72:

**'Recommendation X**

That the NSW Government consult with relevant national bodies regarding the possibility of requiring registered training organisations (RTOs) to be included as part of the chain of responsibility framework to ensure the provision of quality training.'

Resolved, on the motion of Dr Kaine: That paragraph 3.72 be amended by inserting 'Therefore, the committee recommends that the NSW Government consider whether the current heavy vehicle licencing regime, based on a knowledge test and a competency assessment is adequate in the absence of a compulsory education/training component.' after 'alleviate some of the pressure stemming from industry workforce shortages.'

Resolved, on the motion of Dr Kaine: That paragraph 3.72 be amended by omitting 'Therefore, the committee recommends' and inserting instead 'The committee also recommends' before 'that the NSW Government endorse the introduction of competency-based driver training'.

Resolved, on the motion of Dr Kaine: That the following new recommendation be inserted after paragraph 3.72:

**'Recommendation X**

That the NSW Government consider whether the current heavy vehicle licencing regime, based on a knowledge test and a competency assessment is adequate in the absence of a compulsory education/training component.'

Resolved, on the motion of Dr Kaine: That:

The draft report, as amended, be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, submissions, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;

Upon tabling, all unpublished transcripts of evidence, submissions, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;

Upon tabling, all unpublished transcripts of evidence, submissions, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;

The secretariat is tabling the report on 16 February 2024;

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

#### **4. Adjournment**

The committee adjourned at 10.22 am until Friday 23 February 2024, Macquarie Street, Parliament House (Budget Estimates Additional Transport Hearing).

Amanda Assoum  
**Committee Clerk**





