Submission No 13

INQUIRY INTO PRESSURES ON HEAVY VEHICLE DRIVERS AND THEIR IMPACT IN NEW SOUTH WALES

Organisation: Austroads

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The Honourable Cate Faehrmann, MLC
Committee Chair
Portfolio Committee No. 6 – Transport and the Arts
Parliament of New South Wales
Macquarie Street
Sydney NSW 2000

Dear Chair

I write in relation to the *Inquiry into the pressures on heavy vehicle drivers and their impact in New South Wales*. The purpose of this letter is to advise the Committee of what Austroads believes to be key opportunities around heavy vehicle driver training, vehicle technology and heavy vehicle rest areas to support efforts by New South Wales to improve road safety while improving freight productivity.

Austroads is the association of the Australian and New Zealand transport agencies, representing all levels of government. We are owned by Australia and New Zealand's roads or transport departments and the Australian Local Government Association. Austroads helps its members and Australia's local governments to adopt harmonised road safety practices by:

- delivering guidelines on the safe and effective management and use of the road system
- developing and promoting harmonised national practices, and
- providing advice to member organisations and national and international bodies.

Transport Certification Australia (TCA), as a part of Austroads, administers the National Telematics Framework which provides for monitoring and reporting of vehicle movements, speed and mass.

This submission addresses some of the terms of reference, as indicated by headings in the letter.

(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…

Austroads acknowledges bridge strikes are extremely disruptive, and repairs are often costly. They can have significant delay and congestion impacts to the surrounding network. While transport infrastructure can be unique in design, there are some key features that can make an asset more vulnerable or more resilient against impact damage.

A number of preventative measures and repair solutions have been designed and implemented across Australia and internationally, all of which have a variety of applications and associated learnings that would benefit an engineer addressing a bridge strike.

Austroads completed a technical report in 2021 that proposed new signage to divert over height vehicles approaching tunnels. Findings from that work included:

- Drivers do not know the height of their vehicle.
- Drivers do not observe or take cognitive notice of existing signage and warning technologies.
- Not all drivers understand the meaning of road signs.
- Drivers do not know about alternate routes.

- Drivers demonstrate a lack of planning when selecting routes.

(ii) its impact on the use of rest areas and other fatigue management practices.

All Austroads publications are freely available. In 2019 Austroads published *Guidelines for the Provision of Heavy Vehicle Rest Area Facilities.* The guidelines outline the principles of good heavy vehicle rest area design, including their placement and spacing.

Austroads has now commissioned a review of the guidelines. Transport agencies and industry stakeholders have identified opportunities to expand the guidelines to support better fatigue management, increased driver diversity, and planning for new and emerging heavy vehicle types. Stakeholders also highlighted the need to better understand the use of heavy vehicle rest areas to inform planning. Austroads expects to finalise the update in late 2024.

(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

Driver licensing is the legislative responsibility of states and territories. Under the National Driver Licensing Scheme (NDLS), a driver licence issued in one jurisdiction is accepted as valid to drive anywhere in Australia.

Given this acceptance of interstate-issued licences and the relative frequency that drivers, in particular long haul heavy vehicle drivers, move across the country there is a strong case for consistency in training and assessment standards across all jurisdictions. This is reinforced by the relatively higher safety risk posed by heavy vehicles - while they represent approximately 3% of the vehicle fleet and 7% of kilometres travelled, 18% of road fatalities involve a heavy vehicle and more than 500 heavy vehicle occupants are hospitalised each year. Ensuring competent heavy vehicle drivers is a key part of improving road safety outcomes.

The National Heavy Vehicle Driver Competency Framework (the Framework), endorsed by the Standing Committee on Transport in 2011, was intended to deliver a consistent approach. The Framework outlined the competencies and assessment requirements for gaining a heavy vehicle licence.

The Framework has only been implemented in four jurisdictions (NSW is one) and, even where implemented, there are a number of variations.

In the past 10 years, various coroner's reports, independent committees and investigation bodies have identified concerns with the integrity and comprehensiveness of the current approach to heavy vehicle driver licensing.

At the request of Ministers, Austroads, in collaboration with state and territory driver licensing authorities, has been leading a review of the Framework. In undertaking this review, Austroads looked beyond a simple refresh of the skills that heavy vehicle drivers need, and considered broader policy questions including the factors that make some heavy vehicle drivers more likely to be involved in accidents, emerging research on the importance of the driver's attitude and approach to the driving task and safety outcomes, and the pressure on industry to find sufficient competent drivers to meet the transport task.

By taking this holistic approach to the Framework a more robust risk-based approach was developed, which was also responded to broader economic factors. The Austroads work resulted in publication of a Consultation Regulation Impact Statement (Consultation RIS) in August 2022 and subsequent development of a Decision Regulation Impact Statement (Decision RIS) which is in the process of being considered.

While state and territory transport ministers are still to decide as to which policy proposals will be progressed to more detailed scoping and implementation, the following describes the underpinning principles and evidence which supports possible changes:

- Recognising the importance of behind the wheel experience in building heavy vehicle driver skills. The changes under consideration include:
  - establishing minimum behind the wheel driving hours as part of driver training

- allowing more rapid progression to drive more complex vehicles for those drivers who have undertaken a minimum number of driving hours, and
- providing a further accelerated licensing pathway for those drivers who have both done a minimum number of driving hours as well as participated in a mentoring program with an experienced heavy vehicle driver.

These changes will deliver safety benefits by ensuring appropriate focus on building driving skills under supervision, prior to driving unsupervised. Focusing on driving experience and skill development as a mechanism for progression is expected to deliver both safety and productivity benefits by allowing those drivers who have built their capability into driving larger vehicles more quickly.

- Acting on the evidence which has found that drivers with a significant recent history of driving offences have a crash rate up to four times higher than other heavy vehicle drivers. The changes under consideration include delaying drivers with a recent significant driving offence history from gaining their first heavy vehicle licence or upgrading their heavy vehicle licence class. This measure will save in the order of 6 – 8 per cent of all serious casualties involving heavy vehicles, and is highly cost beneficial (approximately 15:1 benefit-cost ratio).

- Identifying in detail the competency standards to be met to build a more consistent learning and assessment approach. The changes under consideration include:
  - Setting minimum training times to address the problem of unusually short courses which are found in some parts of the industry. Industry feedback has confirmed Austroads research findings that the current standard of driver training does not adequately prepare a heavy vehicle driver for safe operation of large and heavy vehicles
  - Expanding the current 15 high level competencies identified in the Framework into over 180 specific elements to be trained and assessed to improve clarity of expectations and standards, for example:
    - stepping sequentially through operational and driving tasks from pre-trip in cab checks to night driving and specific vehicle handling techniques (positioning, stability, gravel roads etc)
    - a focus on anticipating hazards to avoid the occurrence of conflicts with other road users, route planning, vulnerable road users
    - building an awareness of driver responsibilities in regulation, such as understanding load and dimension requirements (avoiding low bridges and tunnels) and allowable hours behind the wheel (fatigue management)
  - Describing the progressive stepped approach to building and then applying knowledge and skills which is based on evidence about how people learn
  - Including new components which are focused on building understanding of the importance of driver attitude to safe driving – again based on evidence, and
  - Including online hazard perception training and assessment which specifically targets the hazards which are faced by heavy vehicle drivers. This acknowledges the need for heavy vehicle drivers to have highly developed skills of anticipation, perception and response to hazards.

- Strengthening oversight of outsourced training and assessment providers through promulgation of best practice procedures for approving and monitoring the quality and integrity of training and assessment.

  This change will enhance road safety by supporting those operators who deliver quality training and assessment and reduce the risk of drivers being issued a heavy vehicle licence when they have not undergone a rigorous training and assessment process.

These proposed changes were developed based on evidence and research. If the full package of changes ultimately agreed by Ministers are not implemented by all states and territories, then the full safety benefits will not be obtained.

It is recognised by all licensing authorities that people will ‘border hop’ if there is an advantage to them to do so – for example where they can more easily obtain a licence or avoid a sanction in another. Industry feedback to the Consultation RIS emphasised the importance of moving forward with a harmonised national approach. Austroads will be working closely with jurisdictions to support them in implementing the changes which are ultimately agreed by Ministers.

(ii) training and education requirements for companies employing heavy vehicle drivers

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. 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.

A 2022 decision in the Supreme Court of South Australia found that Cleanaway had failed to sufficiently assess and ensure the competency of a driver to undertake the driving task required of them in their role with the company. Specifically the court decision said:

> *"…holding a heavy vehicle licence is a regulatory requirement which ensures a minimum, but not always sufficient, standard of competence".*

The Consultation RIS proposed an option to require a period of post-licence supervision. In the first few months after gaining a licence, a driver would be supervised by a more experienced driver. A number of employers already do this, however it is less common in small and medium sized businesses and would impose an additional cost burden to either the employer or licence holder (should they need to pay for independent supervision).

Austroads recognises 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.

(iii) penalties for over height vehicle incidents

Austroads does not have a view on penalties for over height vehicle incidents but has undertaken work to assist transport agencies reduce the likelihood of such incidents, outlined under section (b)(i) of this submission.

(iv) other mechanisms to address over height vehicle incidents

There are telematics products on the market that provide over-height warnings to drivers as a feature. These products are largely dependent on the currency and accuracy of the base map data, particularly with regards to height limits. The overall effectiveness of this product feature is dependent on the level of uptake and use by transport operators.

The National Telematics Framework, which is administered by TCA on behalf of transport authorities, provides assurance for telematics devices and applications that can be used as part of regulatory and non-regulatory telematics schemes. While height warnings are not a feature currently administered under the framework, TCA does provide administration and assurance for a range of related telematics applications and data services, and is well placed to support any initiatives related to the assurance and uptake of a height-warning feature.

Austroads and TCA are working with road authorities and road managers to enhance access decisions for restricted access vehicles. This work will consider the risk of over-height vehicle incidents for restricted access vehicles.

(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

The optimal spacing between rest areas depends on traffic volumes, rest opportunities and rest area capacity and facilities. Austroads recommends road managers firstly consider whether existing spacing provides sufficient opportunities for heavy vehicle drivers to comply with the fatigue management regulations, and secondly whether it is feasible to expand the existing heavy vehicle rest area to meet increasing demands (as traffic volumes increase).

(vi) the suitability of heavy vehicle rest areas in terms of size, facilities, lighting, signage, and safety

The Austroads *Guideline for the provision of Heavy Vehicle Rest Area Facilities* provides 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. The Guideline also provides advice for road managers on the maintenance considerations of heavy vehicle rest area facilities.

(vii) the use of heavy vehicle rest areas and emergency stopping bays for fatigue management and logbook obligations

Austroads recommends road managers identify and prioritise heavy vehicle rest area sites that will help meet fatigue management objectives, including those suitable for commercial development.

(viii) the relevance, practicality and timeliness of existing heavy vehicle rest area strategies and programs given best practice fatigue management and regulatory requirements

Austroads recommends road managers prioritise investment in those heavy vehicle rest area sites which will support drivers to meet fatigue management objectives. The Guideline notes that consultation with 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 rest areas.

(ix) identification of international best practice design guidelines and requirements for heavy vehicle rest areas and their suitability for New South Wales

Austroads is undertaking a project to identify international best practice design guidelines and requirements for heavy vehicle rest areas across Australia and New Zealand. This project is designed to deliver an update the Guidelines by late 2024.

(x) the maintenance of heavy vehicle rest areas and management of public use of heavy vehicle rest stop facilities

Austroads recommends road managers only provide amenities and facilities where they can be reasonably maintained, and notes the challenges around the use of heavy vehicle rest areas by light vehicle drivers.

(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

The National Telematics Framework, which is administered by TCA, has been used by Transport for NSW (TfNSW) to enable a range of regulatory telematics schemes which support operators and drivers to comply with their regulatory obligations. For example, TfNSW has used regulatory telematics applications to provide high productivity vehicles with access to more of the road network. These vehicles are typically safer, and also reduce exposure to safety risks by enabling more goods to be moved with less trips.

Telematics data collected from vehicles operating in the National Telematics Framework can provide valuable insights into the patterns and trends in the use of heavy vehicles (and behaviour of heavy vehicle drivers), which can identify risks and issues on the road network. Insights using aggregated data are now routinely made available by TCA to road agencies (such as TfNSW) and other parties.

Telematics devices and On-Board Mass systems, which are approved by TCA, are often specified by consigners of transport services through procurement services. This reflects the legal duties of consigners (and other parties in the supply chain) and their conformance with Chain-of-Responsibility requirements under the Heavy Vehicle National Law, and the need to have assurance in the use of digital technologies which generate data. Transport agencies (including TfNSW) have leveraged the Smart On-Board Mass feature to support road asset protection, and to help operators to load their heavy vehicles to safe and permissible mass limits.

States and territories, including NSW, could work with TCA to broaden the range of technologies and data services that are currently administered and assured under that National Telematics Framework. This could include systems and data that enable in-vehicle information and warnings to heavy vehicle drivers, such as for over-height limits and driver fatigue.

Given TCA's unique relationship with telematics service providers, and its experience in developing and deploying telematics schemes in collaboration with transport authorities, we are well placed to work with authorities and industry on investigating and trialling innovative telematics-based applications that could effectively contribute to the desired safety outcomes.

Conclusion

Safe and productive use of heavy vehicles depends on competent and job-ready drivers. An improved National Heavy Vehicle Driver Competency Framework can aid with both, through an improved and nationally-harmonised training framework that recognises experience and safe driving record.

Driver rest areas are critical for drivers. They should be readily available and, wherever possible, offer broader amenities for drivers to promote rest and well-being.

Technology, in particular telematics, can provide advice to drivers and information to transport authorities on safe heavy vehicle operations. Transport Certification Australia can work with Transport for NSW to develop and promote schemes that address the safety risks of heavy vehicle operations.

Yours sincerely

GEOFF ALLAN
Chief Executive