

9 November 2020

National Transport Commission  
Level 3, 600 Bourke Street  
Melbourne Victoria 3000

By email: [hvnreview@ntc.gov.au](mailto:hvnreview@ntc.gov.au)

Dear HVNL Review Team

## HVNL REVIEW: CONSULTATION ON REGULATION IMPACT STATEMENT

The Australian Finance Industry Association (AFIA) welcomes the opportunity to provide feedback on the Heavy Vehicle National Law (HVNL) Review Consultation Regulatory Impact Statement (RIS) prepared by Frontier Economics and published by the National Transport Commission (NTC) on 25 June 2020 (the Review).

AFIA represents over 100 providers of consumer, commercial and wholesale finance in Australia including retail banks, finance companies and fintechs, which provide innovative consumer products and specialised finance to meet small to medium enterprises (SMEs) working capital, cashflow and investment needs. Our members include vehicle financiers, specialised leasing companies as well as providers of rental vehicles. For more information about AFIA, please see **Attachment A**.

AFIA's role as an industry body is to drive industry leadership and represent members' views, facilitate self-regulation through industry codes, and to work with State and Federal Governments, regulators, and other stakeholders to promote a supportive environment for the financial services industry.

AFIA's members support improved safety, productivity and regulatory efficiency in the management of Australian roads.

Importantly, AFIA for many years has worked with state and territory road transport authorities on behalf of our members in relation to matters such as vehicle safety, rental guidelines and specific industry requests. We would welcome a similar relationship with the National Transport Commission, particularly with respect to some of the recommendations we make in this submission.

## OUR SUBMISSION

We note that while members have contributed to our submission, the position being put by AFIA may not reflect a particular member's organisationally specific position on all the issues. These will get captured through a submission from that organisation.

We understand the object of the Heavy Vehicle National Law is to nationally regulate the use of heavy vehicles (being those of more than 4.5 tonnes gross vehicle mass), with a key goal of promoting safe business practices in the trucking and logistics industry.

We support the NTC's stated goals in relation to this Review being to:

- deliver a modern, outcome focused law for regulating heavy vehicle transport in Australia;
- modernise the law to enhance safety for all road users; and
- provide for simplicity and flexibility to the regulations.

These goals will be achieved through the proposed risk-based approach that is outlined in the new law.

AFIA endorses the NTC's approach as it aligns with our principles of:

- proportionate and scalable regulation;
- a move away from a 'one-size-fits-all', highly prescriptive law; and
- a flexible and risk-based approach to deliver continued value to stakeholders.

We believe that this approach will:

- improve safety for all road users;
- support increased economic productivity and innovation;
- simplify administration and enforcement of the law;
- support the use of new technologies and methods of operation; and
- most importantly, provide flexible, outcome-focused compliance options for all parties within the Chain of Responsibility (CoR).

AFIA's members that are involved in the heavy vehicle industry fall into three categories:

- **financiers:** providing finance to businesses and consumers seeking to purchase heavy vehicles ranging from industrial to agricultural vehicles including trucks, buses, trailers, prime-movers and tractors with finance options including lease, chattel mortgage and commercial hire purchase.
- **fleet management operators (FMOs):** providing fleet management services, which include the management of vehicle fleets (including heavy vehicles), with services ranging from the management of all fleet and asset information, from acquisition through to disposal to enable companies to reduce costs, improve efficiency and ensure compliance across an entire fleet operation.
- **rental providers:** providing short term rentals of vehicles including heavy vehicles (our members here include ORIX, PacLease, Avis Budget Group, Bayswater Car Rental, East

Coast Car Rentals, Europcar Australia & NZ, Hertz Australia, Redspot / Enterprise, and Thrifty Australia & NZ).

There is overlap in the services offered by our members i.e. some financiers are FMOs, and they may also provide short term rental services and vice versa.

The key areas of responsibility within the HVNL can be categorised into three sections:

1. safe driver;
2. safe and efficient vehicle; and
3. suitable route;

with parties within the CoR playing a direct role in one or more of these areas.<sup>1</sup>

We note:

- FMOs and rental providers have some control over ensuring a safe and efficient vehicle but are dependent on third parties to discharge obligations in this area.
- FMOs and rental providers have one element of responsibility within the CoR, that being in relation to safe and efficient vehicle, and specifically the maintenance, upkeep and roadworthiness of the vehicle but rental providers' and FMOs' responsibilities in this area are limited and dependent on other parties.
- Financiers do not have any touchpoints other than to provide finance. We therefore recommend that an explicit exemption is created for financiers.

## KEY RECOMMENDATIONS

As noted above, on a macro level, we are supportive of the intent and purpose of the Review and to move from a prescriptive, inflexible approach to a risk-based, consistent and national approach in the regulation of heavy vehicles in Australia.

However, members advise they have seen inconsistent application and multiple and differing standards across geography and the industry. This:

- Increases compliance costs by requiring additional resources to manage compliance with the multiple requirements - the impact of higher compliance costs has the potential to limit competition for interstate operators and the potential for an adverse impact of smaller operators who do not have the range or scale of the fleets of larger organisations.
- Can result in management systems that are compliance focussed and unnecessarily complex rather than risk focussed.

In our view, rules should not change for heavy vehicles merely because the heavy vehicle has crossed a state or territory border. There is an opportunity with the review of the HVNL to standardise obligations, responsibilities and requirements for road safety across all states and territories. Our responses to (relevant) questions asked by the RIS are in Attachment B, with our key recommendations predicated on having a national and harmonised law set out below.

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<sup>1</sup> <https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.ntc-hvlawreview.files/6715/9340/9298/HVNL-2.0.pdf>

## RECOMMENDATION 1: CONFIRM FINANCIERS ARE NOT PART OF THE CoR AND ARE EXEMPT FROM THE HEAVY VEHICLE NATIONAL LAW

Cognisant that the CoR is a term referring essentially to the accountability of the parties in a heavy vehicle transportation supply chain, the key definitional requirement for establishing any subsequent accountability should be whether a party has:

1. operational control over a vehicle; and
2. influence over heavy vehicle safety.

As we have discussed above, our members provide finance for heavy vehicles (i.e. through loans, leases, mortgages, hire purchase agreements or operating leases). Currently, the law provides a lack of clarity as to whether financiers are within the CoR.

We recommend that this ambiguity is addressed and given financiers do not have influence or operational control on a financed vehicle they should be excluded.

We note that with the introduction of a new section 26C within the HVNL, all parties in the CoR will be under a positive obligation to ensure the safety of their transport activities “*so far as reasonably practicable*” (the “primary duty”). This contrasts with the standard of duty under the existing regime, where the relevant question is whether a party took “*all reasonable steps*” to prevent a breach occurring.

New section 26C(1) provides:

*Each party in the chain of responsibility for a heavy vehicle must ensure, so far as is reasonably practicable, the safety of the party's transport activities relating to the vehicle.*

Section 26C(2) sets out a number of more specific duties on each party in the chain which are subject to the same standard of “*so far as is reasonably practicable*”, including, for example, a duty to eliminate public risks, and a duty to ensure their conduct does not encourage drivers to exceed a speed limit etc.

On a macro level, we agree that the law should encourage all influential parties to take a proactive approach to managing safety and on the converse, absolve parties that have no influence on the operational management of the vehicle.

Financiers generally are not operators of the heavy vehicles that they finance and therefore should be removed from the operational CoR. This will align with precedent in state laws regulating motor vehicles such as the *Motor Dealers and Repairers Act 2013* and the *NSW Road Transport Act 2013* which provides a specific carve out for financiers from the definition of ‘owner’ or ‘responsible person’. For example:

1. The *NSW Motor Dealers and Repairers Act 2013* provides–
  - A ‘financier’ is exempt from the scope of ‘dealer’ and therefore not regulated or needing a licence to buy or sell motor vehicles – s 5.

- A financier is a business involved in providing credit (NCC regulated or not), the letting of motor vehicle to others for periods of 3 months or more without an option to purchase, a secured creditor holding security interests in motor vehicles and enforcing those security interests – section 4 and Regulation 6.
  - A 'motor vehicle' includes most heavy vehicles – there are some exclusions however, e.g. vehicles for use in transporting passengers or goods other than on a public road, vehicles that cannot be registered under the NSW Road Transport Act, road graders etc – section 9 & Regulation 4(1).
2. The NSW *Road Transport Act 2013* is also relevant in the way it carves out financiers from the relevant definitions of 'owner' and 'responsible person' –
- An 'owner' means a person who –
    - (i) is the sole owner, a joint owner or a part owner of the vehicle, or
    - (ii) has possession or use of the vehicle under a credit, hire-purchase, lease or other agreement, except an agreement requiring the vehicle to be registered in the name of someone else – s 4
  - A 'responsible person' for a vehicle is ..... a person who has a legal right to possession of the vehicle (including any person who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under any such agreement) – s 10(1)((a)(iii).

Including financiers in the HVNL would be inconsistent with state law and create additional risk for the financiers (including shareholders) potentially impacting access to credit and reducing appetite to lend.

## **RECOMMENDATION 2: EXPAND THE DEFINED LIST OF PARTIES IN THE COR TO INCLUDE THIRD PARTY SUPPLIERS**

A key touch point of rental providers and FMOs centre around maintenance management. As discussed above, whilst FMOs and rental providers may have responsibility within the CoR to ensure a safe and efficient vehicle, and specifically maintenance, upkeep, and roadworthiness of the vehicle, this is limited.

Rental providers and FMOs conduct a level of due diligence to collate an approved list of repairers and mechanics (third party suppliers) and manage the repair and maintenance approvals process including facilitating payment and keeping service records. Rental providers and FMOs also ensure a maintenance schedule is in place and followed and that repairs are undertaken as required.

Outside of these activities, rental providers and FMOs have limited control over the way in which those works are undertaken as they contract out the maintenance of vehicles to third party suppliers i.e. parties with specialised skills, with a high degree of reliance on repairers to ensure that the vehicle is in good working order, properly serviced and that repairs are done in a suitable manner.

We note that the RIS discusses options for including additional parties within the CoR including maintenance providers and third-party repairers who are not currently part of the chain and we support the inclusion of these third-party providers within the CoR.

### **RECOMMENDATION 3: MANDATE A COMPULSORY ACCREDITATION FRAMEWORK FOR REPAIRERS AND MAINTENANCE PROVIDERS**

There are several accreditation and assurance schemes for heavy vehicle operators, however these schemes are more tailored to internal maintenance management and not entirely transferable to third party providers. We suggest that the use of assurance and accreditation schemes can be improved significantly and agree that the HVNL could make better use of an expanded and enhanced accreditation scheme, with robust audit requirements<sup>2</sup>. A key challenge for our rental and fleet management service providers is identifying 'approved' third party suppliers and we therefore recommend that the accreditation scheme extend to maintenance providers and repairers, with an entitlement by operators to rely on that accreditation to establish compliance with their obligations under the HVNL.

An accreditation process managed by the heavy vehicle regulator where approved third-party suppliers go on a 'list' will go a long way to making the identification of appropriate third parties to supply these services.

### **RECOMMENDATION 4: ESTABLISH A COMPREHENSIVE DATA SHARING FRAMEWORK**

We understand that the use of vehicle generated data was comprehensively canvassed in the discussion paper *Government access to vehicle generated data* issued in May 2020.

We seek to share the perspectives of our members i.e. rental providers and FMOs in the heavy vehicle data chain.

#### *Telematic systems*

Many of our members use telematics systems to gather data primarily in relation to vehicle location, and vehicle activity i.e. to find lost or abandoned vehicles, and to calculate kilometrage for billing purposes. We note that there are many telematics systems in production and in use. We agree with the RIS that the HVNL could recognise a standard setter and assurance provider for telematics technologies and associated data, not just one for the Intelligent Access Program (IAP). We also note and endorse the comments made by the National Road Transport Association in its submission to the RIS dated 2 September 2020, that the HVNL should centre around technology neutral laws that permit parties to use technology to meet performance-based targets.

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<sup>2</sup> We recommend that a maintenance management accreditation scheme such as this one be made mandatory for all repairers and maintenance providers: <https://www.nhvr.gov.au/files/0003-maintenancet-mgmt-accrediation-guide.pdf>

*Clarify data sharing requirements for FMOs and rental providers*

Our members report that there is a significant lack of clarity around how information obtained from systems can be used and, specifically, the privacy implications around data sharing. For example, as noted above, rental providers use telematics to gather data in relation to kilometre usage for billing purposes, however this same information can indicate if a driver has been speeding or driving excessive hours without rest breaks. It is unclear as to the obligations on rental providers and FMOs and whether privacy law allows for that data to be passed on to operators or to the regulator for investigation.

We see real value in developing an overarching framework for the use of data with set principles on when, how, with whom and what data is shared so recommend:

- that a clear data sharing framework be established that provides clarity to all participants in the CoR;
- the framework provides for when and how personal information such as that indicated above can be shared; and
- that there is recognition of a standard setter and assurance provider for telematics and associated data.

We trust that this submission is helpful to the development of the Heavy Vehicle National Law. We would welcome a bilateral meeting with the National Transport Commission on our recommendations, and on how we can work together to enhance road safety.

If you would like to discuss please contact Naveen Ahluwalia on [naveen@afia.asn.au](mailto:naveen@afia.asn.au) or 0431820914.

Yours sincerely



Karl Turner  
**Executive Director, Policy & Risk Management**

## ATTACHMENT A: AFIA BACKGROUND

The Australian Finance Industry Association (AFIA) is the voice of a diverse Australian finance industry.

AFIA represents over 100 providers of consumer, commercial and wholesale finance in Australia, which includes:

- Major, regional and mutual/community owned banks
- Providers of consumer finance, including home loans, personal loans, consumer leases, credit cards, buy now pay later services, and debt purchasers
- Providers of land finance, including residential and commercial mortgages and bridging finance
- equipment financiers, including commercial equipment financing ranging from agri-equipment to small ticket equipment financing
- Motor vehicle financiers, including consumer motor finance, novated motor finance, small business motor finance and heavy vehicle finance
- Fleet leasing and car rental providers, and
- Providers of commercial finance, including secured and unsecured loans and working capital finance to businesses, including small businesses.

AFIA's members range from ASX-listed public companies through to small businesses providing finance, which operate via a range of distribution channels, including through 'bricks and mortar' premises (physical branches and other outlets), via intermediaries (including finance brokers, dealerships, retail suppliers), and through online access or platforms (traditional financial institutions and fintechs).

AFIA's members collectively operate across all states and territories in Australia and provide finance to customers of all demographics from high to low-income earners and to commercial entities ranging from sole traders, partnerships and across the corporate sector in Australia.

AFIA's members provide a broad range of products and services across consumer and commercial finance, a snapshot of these include:

- Consumer: home loans, personal unsecured loans, revolving products (including credit cards and interest free products coupled with lines of credit), personal secured loans (secured by land or personal property); consumer leases of household assets (including household goods, electrical/IT devices or cars) and buy-now, pay later services.
- Commercial: land, asset or equipment finance (finance/operating lease, secured loan or hire-purchase agreement or novated leases); business finance and working capital solutions (secured loans, online unsecured loans; debtor and invoice finance; insurance premium funding; trade finance; overdrafts; commercial credit cards), together with more sophisticated and complex finance solutions.

For further information about AFIA, please see [here](#).

## ATTACHMENT B: KEY RECOMMENDATIONS

No	Question	Response
<p><b>Context and Emerging Problems with HVNL</b></p> <p>Inconsistencies with regulatory approach, law is overly prescriptive and inflexible, HVNL currently deterrent regime where compliance is primarily monitored through roadside inspections and audits, so regulator lacks general visibility to build a risk profile.</p>		
3.1	Are you aware of any other problems with the effectiveness of the HVNL that are not discussed here or in the problem statements in each of the Chapters that follow relating to the key provisions of the HVNL? If so, please explain and detail any related policy options which you think should be considered as part of the RIS	In our view, repairers and maintenance providers (third party providers) are integral to the contribution of vehicle safety and we support the inclusion of third-party providers in the CoR.
3.2	Do you have any comments, concerns or additional information relating to the impacts of the policy options outlined in section 3.9.3 which have not been assessed in detail in the Consultation RIS?	None have been identified
<p><b>Expanding the parties subject to the COR</b></p> <p>Stakeholders have expressed concern that the current list of parties in the CoR does not adequately reflect the current state of the heavy vehicle supply chain. Third party repairers, heavy vehicle manufacturers, stevedores, freight forwarders, brokers, agents, those who prepare livestock for transport and technology service providers have all been raised as examples parties who influence heavy vehicle safety.</p>		
4.1	Are there other costs or benefits that we should consider in the impact assessment	In our view, repairers and maintenance providers (third party providers) are integral to the contribution of vehicle safety and we support the inclusion of third-party providers in the CoR.
4.2	Are you aware of any data that may assist us in quantifying the magnitude of any of the costs or benefits associated with the options presented in this chapter?	None have been identified
4.3	Are there any other policy options or refinements to these policy options which you think should be considered? If so, please explain what they are,	As above, in our view repairers and maintenance providers (third-party providers) are integral to the contribution of vehicle safety and we support the inclusion of third-party providers in the CoR. The expertise and skill of

No	Question	Response
	and the advantages and disadvantages compared to the options set out in this chapter	third-party providers are relied on and these parties exert significant influence on the road worthiness of a vehicle.
4.4	What are the advantages and disadvantages of establishing a WHS-style worker duty for drivers in the HVNL? What evidence can be shown to suggest this may incentivise safer driver behaviour?	No comment from our members
4.5	Do you consider there are any benefits that would arise from the NHVR having the ability to prosecute against a separate driver duty that substantially replicates the duty of workers under s 18 of the model WHS Laws in lieu of the relevant jurisdictional WHS authorities?	No comment from our members
4.6	What are the advantages and disadvantages of specifying that the primary duty covers driver competency and fitness for work? Do you consider this will be sufficient to clarify obligations under the primary duty?	No comment from our members
4.7	Do you have any evidence or examples of the additional parties that would be captured under the CoR under Option 4.1 (such as vehicle manufacturers, third party repairers, stevedores, freight forwarders, those who prepare livestock for transport, brokers and agents) currently acting in ways that are impacting on the safety of heavy vehicle transport activities?	No comment from our members
4.8	Would there be any advantages or disadvantages to expanding the defined list of parties in the CoR (as per Option 4.1b) relative to expanding the application of the primary duty to parties who influence the safety transport activities (as per Option 4.1)?	We recommend that financiers be exempt from the CoR. We also recommend third party providers be included in the CoR.
<b>Regulatory Tools</b>		
Suggestion is to develop Codes of Practice; a safety standard mechanism, remote zone, data sharing mechanisms		
5.1	Are there other costs or benefits that we should consider in the impact assessment	No comment from our members

No	Question	Response
5.2	Are you aware of any information or data that may assist us in quantifying the nature and scope of any potential costs or quantifying the magnitude of any of the costs or benefits associated with the options presented in this chapter? Please note we are particularly interested in receiving submissions on the impacts shaded in grey in the impact tables	No comment from our members
5.3	Are there any other policy options or refinements to these policy options which you think should be considered? If so, please explain what they are, and the advantages and disadvantages compared to the options set out in this chapter	No comment from our members
5.4	What would be the implications of changing the process associated with industry developed codes of practice in line with sub-option 5.1b as outlined in this chapter? Would this be beneficial relative to maintain the current arrangements	No comment from our members
5.5	Are there any other implications or unintended consequences that may arise from the NHVR becoming a law enforcement agency under the HVNL?	No comment from our members
5.6	Do you consider that establishing codes of practice or safety standard mechanisms in the HVNL is likely to enable a move toward a risk-based approach to compliance and enforcement? If so why or why or not?	<p>AFIA sees significant value in industry-based codes and relevantly administers the Car Rental Code of Practice. A copy of the Code can be found here:  <a href="https://afia2020.morwebcms.com/files/galleries/Car+Rental+Conciliation+-+Code+of+Practice-0001.pdf">https://afia2020.morwebcms.com/files/galleries/Car+Rental+Conciliation+-+Code+of+Practice-0001.pdf</a></p> <p>While the current draft Code is focused on setting standards in customer management (including the administration of customer complaints), the Code is currently in review and there is scope to include safety risk standards and obligation (for example in relation to maintenance) in line</p>

No	Question	Response
		with the HVNL. We would welcome a discussion with the NTC as an aspect of our Code review.
5.7	How effective is preventative compliance action by the regulator in improving risk management practices of operators beyond what is possible through the regulator running education campaigns?	No comment from our members
5.8	Are there any unintended consequences associated with any of these options i.e. establishing codes of practice or safety standard mechanisms in the HVNL?	No comment from our members
<b>Technology and Data</b>		
Proposal to develop an overarching data framework		
6.1	Is there value in an over-arching data framework and, if so, to what levels of data assurance requirements should it apply?	Yes, there is value in an overarching framework as noted in our covering letter.
6.2	In relation to option 6.1, is TCA, the NHVR or another entity, best placed to take on the technology and data assurance role	No comment from our members
6.3	In relation to option 6.1, do the chapter 7 data handling privacy provisions provide enough clarity? Should they be expanded to cover more, wound back or be removed from the law?	Data handling provisions require further clarity, particularly from the point of view of FMO and rental providers who collect data such as speed and kilometers via telematic devices
6.4	In relation to option 6.1, what specific technologies would industry be expected to bring forward under this option and what would the implications be for safety and productivity?	No comment from our members
6.5	In relation to option 6.2a, what documents would operators and drivers prefer to carry electronically? What is the current cost of carrying these documents in paper form? What do you estimate the cost to be to carry them electronically?	No comment from our members
6.6	In relation to option 6.2a, what do NHVR authorised officers and police require in order to access electronic information at the roadside	No comment from our members

No	Question	Response
6.7	In relation to option 6.2a, to what extent do industry already have the necessary equipment and systems to be able to produce electronic documentation	No comment from our members
6.8	In relation to option 6.2b, would operators and drivers exercise the ability to produce documents after a roadside inspection, or would this impose an additional burden	No comment from our members
6.9	In relation to option 6.2b, which documents would be appropriate to be produced in a specified period and which are required at the roadside for safety reasons	No comment from our members
6.10	Are there other costs or benefits that we should consider in the impact assessment?	No comment from our members
6.11	Are you aware of any data that may assist us in quantifying the magnitude of any of the costs or benefits associated the options presented in this chapter?	No comment from our members
6.12	Are there any other policy options or refinements to these policy options which you think should be considered? If so, please explain what they are, and the advantages and disadvantages compared to the options set out in this chapter	See our recommendations above.
<b>Assurance and Accreditation</b> Proposal to improve assurance and accreditation schemes or remove current framework and rely on performance standards. Assurance scheme, performance standards or accreditation		
7.1	Are you aware of any data that may assist us in quantifying the magnitude of any of the costs or benefits associated the options presented in this chapter?	No comment from our members
7.2	Are there any other policy options or refinements to these policy options which you think should be considered? If so, please explain what they are,	We recommend a standard accreditation framework for all repairs and maintenance and supplier networks utilised to maintain vehicles under

No	Question	Response
	and the advantages and disadvantages compared to the options set out in this chapter.	CoR; as well as development of a register to allow financiers/rental providers to reach into the network/ partner with compliant providers
7.3	Is there additional information that the NHVR could obtain through mandatory operator enrolment or operator licensing that would enable it to better target compliance and enforcement efforts? Please outline the data that could be obtained and how it would assist with targeting compliance and enforcement activities	No comment from our members
7.4	Are there any preventative risk management actions, or safety related obligations that the NHVR could mandate to improve operator risk management (beyond NHVR education campaigns)? Could these be applied to all operators, irrespective of the context in which they operate	No comment from our members
7.5	Would operator licensing, with an associated ability to withdraw or cancel a license be an effective regulatory instrument for driving compliance? Would it be more effective than relying solely on current penalties in the HVNL?	No comment from our members
7.6	Would flexibility around the method for compliance through the introduction of performance-based standards which replace some prescriptive requirements within the HVNL (see section 7.2.3), be of value to industry? Would this increased flexibility introduce uncertainty about compliance for operators, the regulator or other enforcement agencies? What measures could be taken to lessen any uncertainty about compliance?	No comment from our members
7.7	Under option 7.2 it is likely that the NHVAS AFM module would be discontinued. What costs or operational inefficiencies might result from this change?	No comment from our members

No	Question	Response
7.8	Under option 7.3 the NHVAS would be enhanced so that it better links to obligations under the primary duty and is explicitly framed around risk management roles. This is likely to require additional or revamped modules to be developed. What additional matters should be covered in the modules?	No comment from our members
7.9	Options 7.3 and 7.4 remove the need for duplicative customer audits of suppliers. How significant is this problem?	No comment from our members
7.10	Option 7.4 would allow multiple certification schemes to be accredited by the NHVR. What, if any, benefits do you think there would be from allowing multiple schemes to be recognized.	No comment from our members
<b>Fatigue</b>		
Fatigue management under the HVNL is highly prescriptive and lack flexibility. Proposal is to make it less complex		
8.1	Are you aware of any evidence on the significance of driver health and fitness for duty as a contributing factor to the risk of heavy vehicle crashes?	No comment from our members
8.2	Do you consider this chapter accurately describes the key risks and problems associated with the management of fatigue under the HVNL	No comment from our members
8.3	Do you consider it would be beneficial to widen the scope of drivers/vehicles that are subject to the fatigue provisions	No comment from our members
8.4	Do you think that a driver self-assessment and declaration of fitness to work would be effective in encouraging drivers to self-identify when they are not fit for work	No comment from our members
8.5	Are there other costs or benefits that we should consider in the impact assessment relating to the options presented?	No comment from our members

No	Question	Response
8.6	Are you aware of or do you have any data that may assist us in quantifying the magnitude of any of the costs or benefits associated the options presented in this chapter?	No comment from our members
8.7	re there any unintended consequences that have not been identified with any of the policy options considered? If so, please explain	No comment from our members
8.8	Are there any other policy options or refinements to these policy options which you think should be considered? If so, please explain what they are, and the advantages and disadvantages compared to the options set out in this chapter	No comment from our members
<b>Access</b>		
Regulation of access		
9.1	Is it reasonable to increase mass and dimension limits for general access? Under option 9.1, which sub-option would be the preferred way to increase mass and dimension limits?	No comment from our members
9.2	Under sub-options 9.1a to 9.1c, how much would an increase to CML reduce to need to apply for permits?	No comment from our members
9.3	Under sub-option 9.1c, would the benefits of CML outweigh the costs of OBM for operators? Would the data provided by OBM systems provide regulators and road managers with the right information to make investment and planning decisions	No comment from our members
9.4	Under sub-option 9.2a, what would be the costs and benefits of a precedent approach for operators and road managers?	No comment from our members
9.5	Would road managers exercise the delegation power proposed in option 9.2b? Why or why not?	No comment from our members

No	Question	Response
9.6	Would operators benefit and use a geospatial map as proposed in option 9.2c? What would be the costs for road managers to input the data and keep it updated?	No comment from our members
9.7	Under option 9.2d, which option would make it easier to adopt a risk-based approach to vehicle classification	No comment from our members
9.8	Under option 9.3a, which option would provide more transparent, quick and cost-effective decisions	No comment from our members
9.9	Under option 9.3b, which option would provide the right level of review? Would operators and road managers spend time and money seeking an external review?	No comment from our members
9.10	Would the structure proposed in option 9.4 be responsive to future changes?	No comment from our members
9.11	Would a single or dual-tiered pilot approach be preferred under option 9.5?	No comment from our members
9.12	Are there other costs or benefits that we should consider in the impact assessment	No comment from our members
9.13	Are you aware of any data that may assist us in quantifying the magnitude of any of the costs or benefits associated the options presented in this chapter?	No comment from our members
9.14	Are there any other policy options or refinements to these policy options which you think should be considered? If so, please explain what they are, and the advantages and disadvantages compared to the options set out in this chapter	No comment from our members
<p><b>Safer Vehicle Design</b></p> <p>Performance Based Standards Scheme – purpose of scheme is to make freight transport safer and more productive. PBS approval requires that a vehicle be tested against stringent safety standards and infrastructure standards to ensure they fit the existing road network and are safe</p>		

No	Question	Response
10.1	Are there any other costs or benefits that we should consider in the impact assessment?	N/A because members are financiers or rental providers and not manufacturers
10.2	Are you aware of any data that may assist us in quantifying the magnitude of any of the costs or benefits associated the options presented in this chapter?	No comment from our members
10.3	Are there any other policy options or refinements to these policy options which you think should be considered? If so, please explain what they are, and the advantages and disadvantages compared to the options set out in this chapter	No comment from our members
10.4	In relation to option 10.1, do you have any comments on specific sub-elements of the option or the optimal composition of this option	No comment from our members
10.5	In relation to option 10.3, do you have any comments on how and whether the increased vehicle width option could be linked to meeting newer safety standards (e.g. side-underrun, blind spot sensors, electronic stability control and anti-lock brake system	No comment from our members
<b>Roadworthiness</b>		
11.1	Are there any other costs or benefits that we should consider in the impact assessment?	No comment from our members
11.2	Are you aware of any data that may assist us in quantifying the magnitude of any of the costs or benefits associated the options presented in this chapter	No comment from our members
11.3	Are there any other policy options or refinements to these policy options which you think should be considered? If so, please explain what they are, and the advantages and disadvantages compared to the options set out in this chapter	FMOs and rental providers are reliant on third party suppliers to ensure roadworthiness of the vehicle. As above, we recommend that the CoR be extended to repairers and maintenance providers and that an accreditation scheme for repairers and maintenance providers be established.

No	Question	Response
11.4	Do you have any new evidence on the effectiveness or otherwise of existing jurisdictional approaches to random and periodic vehicle inspections	No comment from our members
11.5	Are there any unintended consequences associated with any of the options identified?	No comment from our members