

10 May 2011

Mr Nick Dimopoulos  
Chief Executive  
National Transport Commission  
Level 15/628 Bourke Street  
Melbourne Vic 3000

Dear Mr Dimopoulos

Re: Heavy Vehicle National Law Draft Regulatory Impact Statement

The National Farmers' Federation (NFF) was established in 1979 and is the peak national body representing farmers, and more broadly, agriculture across Australia. The NFF's membership comprises of all Australia's major agricultural commodities. Operating under a federated structure, individual farmers join their respective state farm organisation and/or national commodity council. NFF also has a number of associate members who participate in the agricultural supply chain. These organisations form the NFF.

Australian farming underpins domestic food consumption and is a significant export industry. In 2008, Australian farm exports were valued at \$31 billion, accounting for approximately two-thirds of Australia's agricultural production. Despite deep and widespread drought, over 2007-08, agricultural product accounted for 15% of Australia's merchandise exports. Exports are projected to grow to \$32 billion over 2009-10. Australia currently produces 93% all food consumed in Australia and 1% of all food consumed in the world. Our nation is responsible for 3% of global seaborne trade – in total Australia feeds 60 million people each day. Land transport and the use of heavy vehicles form an essential link for Australian farmers delivering produce to both domestic and international markets.

The NFF supports the establishment of a single national system of laws for heavy vehicles to improve efficiency in the operation of heavy vehicles and reduce the administrative and regulatory burden for heavy vehicle operators. The NFF notes that the Draft Regulatory Impact Statement identifies a number of areas of legislation which will be impacted by the development of National Heavy Vehicle Law. Consideration and comment on the impact and cost of the changes for farmers and transport operators is best made by farming organisations in respective States and Territories. While the effect of these changes may be minor in some jurisdictions, there are potentially significant implications and costs associated with the changes in regulations for other jurisdictions. Further detail is required as to how the changeover to National regulation may occur, including how the transition will be communicated and supported and what the cost implications may be for the different jurisdictions.

It is important that where harmonised arrangements are developed they do not result in onerous and costly conditions, which would compromise the intent of the development of National Heavy Vehicle Law to reduce the administrative and regulatory burden. In discussing the Draft Regulatory Impact Statement with members a number of concerns and observations were made. Particular concerns were raised regarding the need to preserve local productivity arrangements and seasonal registrations, but also discussion on the implementation of the Heavy Vehicle National Law and the role of the National regulator.

The development and use of local productivity arrangements is an important mechanism for agricultural industries under the current regulatory arrangements. Examples of existing local productivity arrangements include regional higher mass limit concessions, record keeping exemptions for primary producers and exemptions for the movement of oversize loads and equipment. For this reason the NFF supports the proposal outlined in the Draft Regulatory Impact Statement that local productivity variations and concessions should remain in place so as not to disadvantage a particular region, state or territory. It is important that mechanisms exist to consider opportunities to adopt these arrangements more broadly to increase productivity in other regions, and that transparent processes exist which allow the development of new local productivity arrangements.

A significant amount of freight transport occurs locally, and it is important that the move to develop nationally consistent laws for heavy vehicles does not disadvantage local operators or fail to account for local transport needs. Agricultural industries have tended to work with the regulators in the jurisdictions to develop arrangements which support productive industries and minimise unnecessary cost and regulation in transport. An example of this type of arrangement is that while farmers operate a large number of heavy vehicles, they are not necessarily registered year-round, and under current arrangements these vehicles can be registered for relatively short periods under "seasonal registration" arrangements for activities such as harvest. It is important that these types of arrangements are recognised and maintained. In a similar vein, it is important that the road regulator is accessible and can be easily engaged in the development and delivery of local access arrangements or to recognise local differences or issues.

Questions have been raised regarding how the national road regulator will operate and be resourced. In light of the concerns raised by its members, the NFF believes that it is important that further information is made available regarding how the national road regulator will deliver regulation and services, particularly at the regional level. The breadth of the regulator's role and its capacity to engage and provide advice on local road engineering and access issues is also unclear. Further information is also required regarding how transparency in decision making will be assured and how the national road regulator will be accountable. For example, questions have been raised regarding how dispute resolution may occur and how decisions on vehicle access arrangements might be reviewed. The level of resourcing required by the national road regulator is currently not clear, although this is obviously linked to the final scope of the national road regulator's responsibilities.

If you have any comments or questions regarding this submission, please contact Dr Sam Nelson on 02 6273 3855.

Yours sincerely



Mr Matthew Linnegar  
CHIEF EXECUTIVE OFFICER