

1 November 2013

Heavy Vehicle Compliance Review
National Transport Commission
Level 15/628 Bourke Street
MELBOURNE VIC 3000

Dear Sir/Madam

HEAVY VEHICLE COMPLIANCE REVIEW

The National Farmers' Federation (NFF), as the peak representative body for the farming sector, notes the importance of exploring opportunities to better encourage, promote and enforce compliance within the heavy vehicle industry. Each day farm businesses battle through a myriad of hard to understand, complex or duplicative regulations, making it difficult for farmers to ensure Australia has an ongoing, reliable and sustainable source of domestically produced food and fibre. It is important that each area of regulation, such as those surrounding the use of heavy vehicles, is regularly revisited to ensure efficiency and minimal imposition on businesses.

The NFF welcomes the opportunity to provide comment on the Heavy Vehicle Compliance Review consultation draft. A response to relevant recommendations is provided below:

Recommendation 1

Anecdotally, the knowledge of Heavy Vehicle National Law is limited among the farming community, particularly smaller producers. It is hard for businesses to comply with regulatory regimes they are not familiar with and at the heart of all compliance needs to be communication and education, targeted at the needs of individual businesses. It is important that regulators explore opportunities to engage with industry and disseminate information, including through peak bodies, as supported the recent Productivity Commission report on regulator engagement with small business. The NFF would support the National Heavy Vehicle Regulator (NHVR) funding and providing sector-specific advice to the agricultural industry, through peak bodies.

Recommendation 2

The NFF would, in principle, be open to the NHVR developing and publishing compliance and enforcement policies. However, in any such process tangible and measurable benefits for industry need to be identified prior to any work starting. It is important that another bureaucratic process is not initiated without tangible outcomes identified.

Recommendation 3

It is important that enforcement approaches are consistent across multiple agencies with authority and the NFF recognises the important role the NHVR may play to

support this.

Recommendation 6

It may be worthwhile considering whether a study on recidivism is undertaken prior to work on responses to non-compliance (as per Recommendation 5).

Recommendations 8 and 9

The NFF recognises the importance of chain of responsibility approaches to heavy vehicle regulation and the important role all members of the supply chain play. However, the unique operating environment of many areas in Australia (such as northern Australia pastoral areas) also needs to be considered, and producers operating in these unique environments should not be penalised due to the location of their business. The NFF affirms it is reasonable to expect that all parties along the supply chain are fulfilling their responsibility. For example, a producer expects a truck driver to have a roadworthy vehicle, drive with care, comply with fatigue and other regulations and so forth. Equally, the truck driver should expect a loading ramp on farm should be safe. These 'reasonable' expectations of chain of responsibility should not deter individual players in agricultural freight from wanting to participate or be too onerous on any party to the chain of responsibility.

Building greater flexibility into the chain of responsibility would result in benefits to many industries, not just agricultural producers. Greater flexibility within the chain of responsibility would assist in promoting safer road practices. Currently the chain of responsibility is not flexible enough and does not provide adequate arrangements to allow for certain activities, such as unloading a grossly overloaded vehicle (for example, over a Grain Harvest Management Scheme rejection limit) at a grain receival depot. A preferable system would allow the truck to be unloaded, but would provide sufficient penalty so that the owner of the truck and owner of the grain would be deterred from overloading again. The reasoning behind this is that should the vehicle be prevented from unloading the grain due to being over the load limit, the travel back to the farm or alternative storage facility will do further damage to the road, thereby resulting in an unintended consequence and practical anomaly.

Generally, in an agricultural supply chain, costs incurred throughout system are passed back to the farmer. The case is no different in transport regulation and consideration needs to be given as to how best to minimise costs incurred through chain of responsibility process. These factors need to be taken into account with any work undertaken on greater compliance efforts around chain of responsibility requirements.

Recommendation 18

The NFF notes that while harmonisation of regulation is important, it requires significant resources of time, money and goodwill. It is important that any harmonisation process takes into account the needs of individual businesses and the lowest common denominator is not used as a default. Harmonisation needs to be viewed in the context of impact on individual businesses (this include large and small) and the impacts on productivity. The NFF would support a project that seeks to further harmonise Heavy Vehicle National Law with dangerous goods, animal welfare and food handling, noting the importance of industry regulatory impact being central to the work. At a practical level, it may be appropriate for such work to include case studies from a range of business scenarios, to understand likely impact of any changes.

Recommendation 20

Any research on rewards and concessions as a compliance tool, needs to consider the particular circumstances faced by smaller operators (such as farmers), as well as larger interstate operators.

The NFF and its members look forward to working with the National Transport Commission and NHVR to ensure the needs of farmers are addressed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Matt Linnegar', written in a cursive style.

MATT LINNEGAR
Chief Executive Officer