



HEAVY VEHICLE
INDUSTRY AUSTRALIA



**Response to
HVNL Review:
Vehicle Standards and
Safety Issues Paper
September 2019**

Heavy Vehicle Industry Australia
Represents and advances the interests of manufacturers
and suppliers of heavy vehicles and their components,
equipment and technology.



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1) Background

NTC has released a series of papers looking Issues related the review of the Heavy Vehicle National Law. This submission related to the Vehicle Standards and Safety Issues Paper.

2) About HVIA

Heavy Vehicle Industry Australia (HVIA) represents and advances the interests of the entire industry involved in the design, manufacture, importation, distribution, modification, sale service and repair of on-road vehicles with a gross vehicle mass or aggregate trailer mass over 3.5 tonnes as well as their components equipment and technology. The industry directly employs over 36,000 people and provides some of the world's most efficient, safe, innovative and technologically advanced vehicles. HVIA seeks to work with government and industry stakeholders to promote an innovative and prosperous industry that supports a safe and productive heavy vehicle fleet operating for the benefit of all Australians.

3) Review of the Heavy Vehicle National Law (HVNL) – Vehicle Standards and Safety

Question 3: How can the future HVNL most effectively deliver safer vehicles to the road? Which aspects of the PBS scheme are working well, and which aren't? What barriers to the broad uptake of safer vehicles exist?

Question 4: How can the future HVNL encourage suitable maintenance programs? How can it most effectively identify and remove dangerous vehicles from the road?

HVIA believes that the HVNL needs more focus on a safe systems approach to ensure that the vehicle fleet is safe rather than the current focus on using after the event prosecutions of non-compliant vehicles.

HVIA believes that people who contract for transport services should be encouraged to build clauses encouraging the uptake of safety features in their contracts and in their tendering procedures.

To achieve this is imperative that as part of their chain of responsibility obligations **all parties in the chain**:

1. Need to explicitly consider the fleet policies in relation to how and when they (or the parties with which they contract) acquire new vehicles for their fleet , how they modify/ upgrade the vehicles in their fleet and how they retire vehicles from their fleet. This should include minimum vehicle safety features they require in their fleet.
2. Need to explicitly include consideration of the safety and telematics systems that should use in order to monitor vehicle and driver performance.
3. Need to ensure there is a plan for maintenance of the fleet which includes assurances that the parts they use meet applicable standards and that the maintenance practices follow the recommendations of the manufacturer and/or other best practice guidelines.

This needs to be supplemented with a targeted audit program where the NHVR asks operators to demonstrate they have appropriate systems in place to address these issues.

In relation to vehicle defects the National Roadworthiness Baseline Survey clearly demonstrates that older vehicles are much more likely to have defects. The on-road enforcement policies therefore need to target older vehicles and vehicles which do not have safety systems in place. Where

operators are able to demonstrate that they have these systems in place they should be subject to lower levels of on road compliance activity.

HVIA favours reform of the PBS system to prevent the use of older vehicles which do not comply with current ADRs being approved in new PBS combinations

Question 6: Do we need assurances regarding repairs and replacement parts? If so, could these be achieved using standards? Should third-party repairers be explicitly included in the Chain of Responsibility? How can defect clearance processes be reasonably expedited?

HVIA does not favour repairers being put into the chain. The reason for this is that repairers cannot control or influence the repairs. They need to do repairs competently, but they cannot force operators to undertake recommended repairs to the vehicle. They can recommend repairs, but they cannot force the operator to undertake them.

This is the reason that repairers are not currently in the chain. This has been argued through before as part of the last round of changes which introduced the primary duty into the COR provisions of the HVNL.

The operator is responsible under COR for ensuring the repairs are done competently and that the parts used are compliant. The default should be that they use the manufacturer or the manufacturers authorised agent to conduct the repairs and use genuine parts. If they choose not to do this they need to justify why the option they have chosen will produce as safe or safer result as using the manufacturer. We should not be creating a mechanism for operators to shirk their responsibility.

4) Summary

HVIA believes that the key to improving the HVNL is the adoption of a safe systems approach consistent with the approach used in the National Road Safety Strategy. This contrast with the current focus of the law which is centred around after the event prosecution of offenders.