



Australian heavy vehicle regulation domain roadmap

Here is my roadmap describing the organisations and authorities on the Government side that determine the rules in the Australian heavy vehicle road transport sector.

New Vehicle Regulation

The Federal Government's authority is specified in the Motor Vehicle Standards Act and applies up until the day that a vehicle is first used in road transport, which could be after it is registered. The administration of the supply of new vehicles to the Australian market rests with the Vehicle Standards Section (VSS) within DIRD, which also issues import approvals and develops the national vehicle standards, the Australian Design Rules. VSS issues model approvals under a system called the Road Vehicle Certification System (RVCS), and the compliance plate on a new vehicle carries an approval number that can be searched on the RVCS website.

The Federal Government has a policy of harmonising the design rules with the United Nations ECE Regulations. Currently, about two thirds of the heavy-vehicle ADRs have been harmonised, and there are about 20 UN ECE Regulations that could be adopted but have not been. The Australian Government accepts vehicle approval certificates for UN ECE Regulations (international), but not for national standards such as the

European Union, Japanese or the US rules. European test houses can issue UN ECE certificates for tests witnessed in Australia on parts such as seats, glazing and couplings.

The Federal Government also administers voluntary and mandatory safety recalls. Vehicles and parts must be fit-for-purpose, a requirement that is no substitute for compliance with technical standards. However, the Federal Government has no authority to regulate replacement parts. VSS operates under the assumption that the manufacturers are technically competent and so it does not assess most technical aspects of vehicle design.

Dealers

Dealers supply new vehicles, but they also act as agents for the vehicle manufacturers, called Licensees in the RVCS. Many heavy vehicles are modified before first use and dealers are likely to arrange or maybe perform the modifications. Although purchases may assume that dealers operate under 'supervision' of the vehicle OEM, this is rarely true. Dealers often have registration privileges that come with being licenced traders, allowing them to register modified heavy vehicles by 'ticking the boxes'. This is no longer acceptable because the National Heavy Vehicle Law (NHVL) requires that all substantial modifications are approved

by an accredited Approved Vehicle Examiner (AVE).

National Heavy Vehicle Regulator

The states and territories have jurisdiction over in-service vehicles. Generally, they own the roads. In an attempt to achieve consistent national approaches QLD, NSW, ACT, VIC, SA and TAS have delegated many powers relevant to heavy vehicles (> 4.5t) to the National Heavy Vehicle Regulator (NHVR) by enacting near identical legislation described in each jurisdiction as NHVL.

WA and the NT have kept their own permit systems and operating rules for heavy vehicles, but in many aspects these two jurisdictions are prepared to co-operate with the NHVR.

Whilst it might seem that the new Regulator has a lot of power, it must consult with the participating jurisdictions on a daily basis to administer the in-service vehicle space. The Regulator is attempting to engage with industry to achieve a co-operative approach.

Roadworthiness

The NHVR has developed the National Heavy Vehicle Inspection Manual (NHVIM), which describes pass and fail criteria for roadworthiness inspections. The NHVIM has not been adopted in legislation but roadside inspectors, who operate as agents for the NHVR, are

using it. Operators sometimes complain about inconsistent or wrong assessments. There is no right of appeal, and there is currently no national agreement about the frequency of periodic vehicle roadworthiness inspections. The NHVR is working on a 'risk-based' regime for inspections that will result in inspection frequency being greater for older and higher-risk vehicles or operators.

Heavy vehicle accreditation

The idea is that operators who manage compliance to agreed procedures will obtain benefits. The National Heavy Vehicle Accreditation Scheme (NHVAS) has four modules that participants can select, which are Mass Management, Maintenance Management, Basic and Advanced Fatigue Management. Participation in the Mass Management module allows accredited operators to operate at Higher Mass Levels (HML) typically operating with an extra 2.5 tonne of mass on a tri-axle group. Operators participating in the Maintenance Management module are exempted from periodic statutory roadworthiness inspections, and Fatigue Management participants can operate with some flexibility in driving-hours limits.

The NHVAS is being reformed to lift compliance standards, correct some auditing procedures and introduce technical inspection of vehicles during audits.

Regulation of replacement parts

The NHVL requires that a vehicle continues to comply with the ADRs that it was built under, which tend to be 'system' technical standards and not part-level standards. Therefore, the ADRs do not specify tests for most parts and there are few tests standards that could be applied to replacement parts. There is an urgent need for Australia to develop

test and certification procedures for safety critical replacement parts, such as brake components, steering boxes and links, wheel rims and tyres and suspension parts. The sensible approach would be to put these standards into the ADRs, but the Federal Government has no authority to regulate replacement parts. The jurisdictions often argue that parts-related failures are only a factor in about five per cent of crashes, which is also the estimate in the National Transport Insurer's safety reports. This ignores that operators are vulnerable in court for failing to maintain ADR compliance when a crash occurs.

Modifications

The majority of new heavy motor vehicles are modified before sale. Rigid trucks get a body installed and prime movers get a coupling. This work now needs to be approved by an AVE. In the past, dealers sometimes modified trucks without having the modification signed off, but this is no longer acceptable and it is both the dealer and the operator that are vulnerable. Any modification that is described in the National HV Modification Code of Practice, previously called VSB 6 must be approved by an AVE. Unfortunately, professional modifier companies cannot get status in their own right to approve the modifications that they do. Recently, Victoria started trialling a scheme whereby it would recognise approvals by nominated individuals within the modifier company without individual insurance policies being needed. The person's AVE status is tied to the employment. This approach makes a lot of sense, and hopefully NSW will follow suit.

Reform activities

Reform proposals are developed by the National Transport Commission

(NTC), which is owned by the Federal Government and answers to the transport ministers meeting together as the Australian Transport Council (ATC). Originally called the National Road Transport Commission, the NTC is now also responsible for developing reform proposals for rail and coastal shipping.

The NTC has no power to regulate; its role is to develop reform proposals that the jurisdictions can support, and to develop national frameworks and procedures. The NTC does the development work and the NHVR does the implementation work. The NTC does good work, but can only spend a limited resource sparingly on heavy road transport. Most importantly, the NTC is responsible for proposing road-user charges (registration costs) that pay for the road damage done by heavy vehicles.

Research and support activities

AustRoads is owned by the state and territory road agencies and funds specific research intended to support safety and productivity improvements via regulation changes. For example, it is currently funding a project to develop an endurance brake standard for PBS trucks. AustRoads manages the National Exchange of Vehicle and Driver Information (NEVDIS), collecting all new VIN numbers from manufacturers, state road agencies and the imports group within VSS. If the VIN is not in NEVDIS, the vehicle cannot be registered. AustRoads also funds some work done by the ARRB Group. Formerly called the Australian Road Research Board, ARRB Group is owned by the road agencies and conducts research into safety and infrastructure matters.

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