



NSW Government response

Inquiry into heavy vehicle drivers and their impact in
New South Wales

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Recommendation 1

That the NSW Government fund and construct more heavy vehicle rest areas, whether they be formal or informal rest areas, in metropolitan and regional areas in NSW in consultation with the transport and freight industry, to ensure heavy vehicle drivers can effectively manage their fatigue and comply with relevant regulations.

NSW Government response

Supported

The NSW Government supports the Inquiry's recommendation that the NSW Government fund and construct more rest areas, noting work to progress this is underway.

The NSW Government acknowledges the difficulties heavy vehicle drivers face when finding a safe and reliable area to rest, park, shower and access services. As a priority of the NSW Government, Transport for NSW (Transport) is working to improve the quantity and quality of heavy vehicle rest stops in NSW, in consultation with the road freight industry.

Transport has several projects underway which includes investigation, planning, design and delivery phases to deliver new formal and informal rest areas. Industry feedback is guiding this work to ensure it meets the current and future needs of heavy vehicle drivers and the growing freight task. Some of this work includes:

- The NSW Government's \$30 million commitment to investigate and plan for a Western Sydney Rest Area.
- A Heavy Vehicle Rest Stop Improvement Program to prepare a Strategic Business Case to propose funding for, research, audit, plan and prioritise new heavy vehicle rest area opportunities across the regional and outer metropolitan network.
- A Heavy Vehicle Rest Stop Implementation Plan, which brings together the broad range of work underway across the agency for visibility, including funding and constructing more heavy vehicle rest areas, whether they be formal or informal rest areas.
- Commercial partnerships with industry to develop Highway Service Centres on land owned by Transport.
- Submission of rest stop improvement projects to the Australian Government's Heavy Vehicle Safety and Productivity Program for up to 80 per cent funding.

Recommendation 2

That the NSW Government consider the rules and regulations for industrial development in metropolitan Sydney to determine if there should be requirements for particular developments or types of business to include a dedicated percentage of land to allow trucks to be parked overnight.

NSW Government response

Noted

The requirements of freight vehicles and operators should be taken into consideration from the outset when planning for industrial developments, including internal road design. Industrial developments should be protected from sensitive receivers with appropriate buffer zones or other treatments so as not to inhibit efficient operation of freight.

Individual development Condition of Consent could be an appropriate mechanism to achieve the outcomes sought by this recommendation.

The regulatory burden of requiring preservation of land for the purpose of rest areas may not meet the Better Regulation Principles given the shortage of industrial land in Sydney, with reportedly the lowest vacancy rate in the world. This may have unintended consequences in terms of the impact on availability and use of industrial land.

The NSW Government notes this recommendation for the following reasons:

1. The planning system currently allows for rest areas, roadside facilities and parking provision where planning controls permit those uses.
2. There are existing mechanisms in the planning system that collect infrastructure contributions from development.
3. The planning system cannot require the dedication of land for uses that are not directly related to the use on that land.

Further information about this regulation:

- The regulation to provide overnight parking in industrial developments would be challenging (and costly) to implement and would not necessarily enable the delivery of suitable rest areas for heavy vehicles.
- It is recognised that industrial developments and different types of businesses are going to have varying associated freight/heavy vehicle tasks. Even distribution centres or warehouses will have differing freight requirements with some focused on local deliveries.
- It is recognised that businesses transfer between industrial premises and the overnight parking requirement may then not be suitable or required for future operations. To address this there may be an opportunity for this parking requirement to be considered in broad developments, potentially through developer contributions and establishment of shared facilities.

Recommendation 3

That the NSW Government fund and construct more adequate heavy vehicle parking bays and sites in metropolitan and regional areas in NSW, in consultation with the transport and freight industry, to ensure heavy vehicle drivers can effectively manage their fatigue and regulation compliance.

NSW Government response

Supported

The NSW Government supports the inquiry's recommendation that the NSW Government fund and construct more adequate heavy vehicle parking bays and sites in metropolitan and regional areas in NSW. Transport understands this recommendation has a focus on improving the capacity of existing heavy vehicle rest areas, whether they be formal or informal rest areas, by providing more and longer bays, for heavy vehicles to stop and manage their fatigue to meet regulatory requirements, improve road safety, and improve heavy vehicle driver working conditions.

The NSW Government is committed to working with the road freight industry to improve the capacity and design of heavy vehicle rest areas across NSW. Transport has several projects underway which includes investigation, planning, design and delivery phases to improve existing formal and informal rest areas. Industry feedback is guiding this work to ensure it meets the current and future needs of heavy vehicle drivers and the growing freight task. Some of this work includes:

- Upgrades to existing rest areas within major highway upgrades, subject to funding.
- Audits of the rest area network across 15 key regional freight routes and the Greater Sydney urban road network have been completed against the Austroads Guidelines for the Provision of Heavy Vehicle Rest areas. The outcomes from the audits are being used to guide prioritisation and identify potential funding sources to further develop options for new or upgraded heavy vehicle rest stops.
- A new dedicated heavy vehicle rest area in Western Sydney is currently under investigation which, subject to funding, would provide a safe and accessible area to enable heavy vehicle drivers to rest and manage fatigue. Feedback from early engagement with road freight industry and heavy vehicle drivers completed in September 2023 is being used to inform location and guide design options.
- A Heavy Vehicle Rest Stop Improvement Program to prepare a Strategic Business Case to propose funding for, and also research, audit, plan and prioritise upgrades to existing heavy vehicle rest areas on the regional and outer metropolitan network.
- A Heavy Vehicle Rest Stop Implementation Plan, which brings together the broad range of work underway across the agency for visibility, including funding and upgrading existing heavy vehicle rest areas, whether they be formal or informal rest areas.

Recommendation 4

That the NSW Government require Transport for NSW to take all necessary steps to:

- Find alternative heavy vehicle rest areas, and parking bays when roadworks or closures are undertaken that result in existing rest stops being accessible.
- Notify the heavy vehicle industry as early as possible prior to the changes occurring.

NSW Government response

Supported

The NSW Government supports the Inquiry's recommendation to identify alternative heavy vehicle rest areas and parking bays when road works and closures (both project and maintenance initiated) result in existing rest stops being inaccessible, including the recommendation that industry are notified as early as possibly prior to changes occurring.

To support this recommendation, Transport will undertake a two-stage approach:

1. Transport will issue internal communications to project and maintenance teams to ensure that impacts to heavy vehicle rest areas and parking bays are considered as part of the Road Occupancy Licence¹ process. The communication will also require teams to notify industry as soon as possible, after the impact is identified and where no alternative is available.
2. Transport will develop and introduce mandatory requirements to ensure planning for all road works assess and identify the impacts to heavy vehicle rest stops. This includes indirect impacts where the existence of any road works has the potential to impact fatigue management plans as part of a heavy vehicle journey.

As part of these mandatory requirements, Transport will also include specific requirements to notify industry of any network disruptions arising from planned road works that restrict or impact access for some or all heavy vehicle classes. These notification timeframes will be aimed at providing industry sufficient time to plan around these disruptions. Further, where works may be for emergency purposes, the risk management associated with the emergency works must consider any risks that may arise due to an impact to a rest area or parking bay.

Recommendation 5

That the NSW Government fund and run a targeted community education campaign for light vehicle drivers on the importance of rest areas for heavy vehicle drivers to discourage their use by cars and caravans.

NSW Government response

Noted

The NSW Government notes the Inquiry's recommendation to run a targeted community education campaign for light vehicle drivers on the importance of rest areas for heavy vehicles drivers or discourage rest stop use. A campaign discouraging use is inconsistent with existing fatigue management campaigns, however the NSW Government will provide active education directly to caravan and motorhome associations on best practice use of rest stops.

As part of the heavy vehicle rest stop program, Transport for NSW will also investigate signage at appropriate rest stop locations to focus on the inappropriate use of rest stops by caravans for long stays. All rest stops in NSW are designated for use by both heavy and light vehicles.

Transport for NSW rest area maps provide information on location and amenities available across the network to assist road users in planning their journey and managing their fatigue by planning rest breaks.

Transport for NSW runs a paid advertising campaign targeting all road users on the behavioural issue of fatigue. Fatigue-related crashes are almost three times as likely to be fatal than crashes not involving fatigue. Being awake for 17 hours has a similar effect on driving performance as a blood alcohol content (BAC) of 0.05. In 2023, preliminary data shows there was 55 fatalities involving fatigue (up from 35 in 2022), which is 16 per cent of all fatalities on NSW roads.

Insights from campaign evaluations reinforces the need for campaign advertising to have focused, clear messages rather than diluting across multiple campaigns and messaging. Transport for NSW's campaign encourages all road users to be aware of the early signs of fatigue and to find a safe place to stop and rest if feeling tired when driving.

The paid campaign is supported through community education initiatives and programs, particularly during holiday periods, encouraging:

- All road users to get a good night's sleep before they drive, take regular breaks and swap drivers if they can.
- 'Test your tired self' before heading out on the road.
- Plan ahead with Transport for NSW's interactive rest area map that shows the location of rest areas across NSW.

During peak holiday periods use a Driver Reviver site for a safe place to stop for a cup of tea or coffee.

Recommendation 6

That the NSW Government consult with relevant national bodies regarding the possibility of requiring RTOs to be included as part of the chain of responsibility framework to ensure the provision of quality training.

NSW Government response

Noted

The NSW Government notes that the role of Registered Training Organisations (RTOs) is to provide training and assessment for heavy vehicle licensing. Chain of Responsibility (CoR) and driver licensing are implemented through separate legal frameworks.

CoR legislation sits under the Heavy Vehicle National Law (HVNL) which directs that all parties across the supply chain play a role in maintaining the safety of heavy vehicles on the road.

Options to specify additional parties in the CoR have been considered by the current National Transport Commission led HVNL review. The 2020 Consultation Regulation Impact Statement considered specifying additional parties in the CoR where there is evidence that these parties have a direct and significant influence on the safe operation of the vehicle. Transport supported this approach.

RTOs do not currently form part of the CoR. They are accredited by governments and government agencies to provide training services. In NSW, the main way to get a heavy vehicle licence is to complete a Heavy Vehicle Competency Based Assessment (HVCBA) with a Transport accredited RTO. The NHVR also approves RTOs to deliver and assess fatigue management courses.

While the standard of training provided by RTOs will influence the operation of the vehicle, the level of direct accountability for RTOs in ensuring compliance with CoR legislation would be difficult to ascertain. This issue would be exacerbated over time, noting that RTOs may have no role in operations following the completion of the training course and are not responsible for ensuring ongoing compliance with legislation.

TfNSW is concerned that expanding the CoR to capture RTOs may dilute responsibility from those with day-to-day oversight of the transport task. The inclusion of RTOs is not supported as specified CoR parties under the HVNL, given government agencies already have significant oversight of RTOs and the content that they deliver.

Training providers, on the other hand, have an indirect and non-immediate link. Incidents may occur well after training is provided, which would make it unreasonable for the training provider to be in the CoR. It could be foreseen that adding CoR status could dissuade some providers from delivering training in this field and could impact the number of training providers in the market.

RTOs are required to hold public liability insurance to cover training and/or assessment activities as part of their accreditation under the ASQA RTO Standards (s.7.4).

The NSW Government supports the need to raise safety standards by addressing poor-quality RTO practices that may arise. This could be further assisted through increasing uptake of apprenticeship and traineeship pathways that apply to the qualification including the existing traineeship (Certificate 3 in Driving Operations). Apprenticeship and traineeship pathways are subject to regulatory oversight, offering protections under the *Apprenticeship and Traineeship Act, 2001* to benefit the learner and include supports such as monitoring, to effectively reduce risk.

Recommendation 7

That the NSW Government consider whether the current heavy vehicle licencing regime, based on a knowledge test and a competency assessment is adequate in the absence of a compulsory education/training component.

NSW Government response

Supported

The main way to gain a heavy vehicle licence in NSW is to complete a Heavy Vehicle Competency Based Assessment (HVCBA) with a Transport for NSW accredited Registered Training Organisation (RTO).

The HVCBA has a training element and an assessment element called the Final Competency Assessment.

The HVCBA is based on the National Heavy Vehicle Driver Competency Framework (NHVDCF). Austroads first published the Framework in 2011, which was adopted by NSW, Tasmania, Victoria and the Northern Territory. The NHVDCF was developed collaboratively by governments to establish minimum licence training, competency, and assessment standards for heavy vehicle drivers across Australia.

There is also the Certificate III in Driving Operations. The traineeship pathway has market coverage consisting of nine providers delivering across 20 NSW locations, including non-metropolitan areas such as Central West and Orana, Riverina, New England and North-West, Mid-North Coast, Hunter Valley (excluding Newcastle), Southern Highlands/Shoalhaven, and Capital regions.

RTOs (including TAFE NSW) deliver a variety of fee-for-service training to support the sector.

Heavy vehicle driver training and competency assessments are available to applicants in most areas of NSW where there are RTOs. It is only in regional and remote areas that a training component would be unavailable. In such cases, applicants may be able to take a heavy vehicle driver test with a Service NSW testing officer. Not providing an alternative pathway for drivers without access to an RTO would result in access and equity issues for regional and remote drivers.

Recommendation 8

That the NSW Government endorse the introduction of competency-based driver training programs for new heavy vehicle drivers and ensure drivers issued with a heavy vehicle licence have the various skill sets and experience to drive, and manage, a heavy vehicle.

NSW Government response

Supported

The main way to gain a heavy vehicle licence in NSW is to complete a Heavy Vehicle Competency Based Assessment (HVCBA). In regions where the HVCBA is not available, a driver can take a heavy vehicle driving test with a Service NSW testing officer. However, an MC licence can only be obtained via an HVCBA. The aim of the HVCBA is to provide a competency-based driver training programs for new heavy vehicle drivers and ensure drivers issued with a heavy vehicle licence have the various skill sets and experience to drive and manage a heavy vehicle.

The HVCBA aligns with Australian best practice and contains up to 14 compulsory competency-based criteria (depending on HV licence class), with an additional criterion specific to buses. Each criterion relates to a specific part of the management of the heavy vehicle and comprises several steps or points.

As part of the HVCBA, an applicant is given credit for the skills (criteria) that are performed correctly. Once all the criteria have been recorded as correctly completed, the applicant can undertake a Final Competency Assessment to achieve a Certificate of Competence in the licence class that they have been assessed for.

Recommendation 9

That the NSW Government work with transport and freight industry stakeholders to design, develop and implement a cadetship or apprenticeship pathway program that allows, or encourages people to access the workforce as a heavy vehicle driver to help alleviate some of the pressure stemming from workforce shortages in the industry.

NSW Government response

Supported

The NSW Government recognises the importance of working with industry to identify opportunities to develop career pathways to address heavy vehicle driver shortages.

The heavy vehicle industry is in need of well-trained, skilled and licenced drivers which will be considered as part of the NSW Freight Policy Reform Program along with Transport's development of a Heavy Vehicle Driver Pathways policy.

A cadetship or apprenticeship pathway program will be considered as part of a suite of options to address workforce shortages in the industry; however, it is not the only solution that will be considered. Consultation with industry and other stakeholders will inform development of options and the final recommended policy approach.

A current traineeship pathway is already in place to support heavy vehicle drivers (Certificate III in Driving Operations). The Department of Education can work with industry partners to investigate ways to increase participation and completion rates under the Apprenticeship and Traineeship Roadmap 2024-2026.

Transport regularly engages with key stakeholders, including transport and freight industry operators, to understand the impacts of the current heavy vehicle driver shortage and potential mitigation measures.

It is widely recognised that the driver shortage has affected service delivery in both passenger and freight sectors, and the Committee's findings that this shortage is also adding pressure to existing heavy vehicle drivers is consistent with stakeholder feedback received by Transport.

It is noted that the driver shortage was particularly acute during the COVID-19 pandemic, during which time job vacancy rates in the transport sector reached a record high. This trend was seen across a broad range of other critical industries as well. The Australian Bureau of Statistics' data since the pandemic has eased suggests that this acute driver shortage is also starting to ameliorate, however vacancy rates remain well above pre-pandemic levels.¹

Transport has been exploring a range of options to improve pathways for new drivers entering the industry. This has included consideration of licensing elements of some industry-led "cadetship" proposals noted by the Committee, which advocate for licensing progression "based on hours not tenure".²

There is broad consensus on the road safety benefits of increased experience and supervised driver training compared to the current tenure-based framework for licence progression.³ In December 2023, Australian Transport Ministers agreed in principle to a range of reforms to the

¹ ABS, 2023, Job Vacancies, Australia, accessed at <https://www.abs.gov.au/statistics/labour/jobs/job-vacancies-australia>.

² New South Wales Parliament, Legislative Council, Portfolio Committee No. 6 – Transport and the Arts. Report no. 20., Pressures on heavy vehicle drivers and their impact in New South Wales p.45.

³ Frontier Economics, 2023, Decision Regulatory Impact Statement – National Heavy Vehicle Driver Competency Framework, p.8.

National Heavy Vehicle Driver Competency Framework to improve safety and job readiness.⁴ This included introducing experience-based pathways for licence progression as an alternative to the current tenure period. NSW supported this approach in principle. Work has commenced to determine how to implement these changes and whether it can be done cost effectively.

Transport is also considering a range of other options to help the road transport sector respond to the heavy vehicle driver shortage, focusing in particular on opportunities to improve workforce diversity. Currently, road transport has one of the lowest rates of female participation of any sector, with women comprising around only two per cent of current multi-combination licences holders in NSW. There is a significant opportunity for industry to respond to the driver shortage and reduce pressure on existing heavy vehicle drivers by improving pathways for women and other underrepresented groups.

⁴ Austroads, 2023, "Ministers approve reform package to improve road safety and productivity". Accessed at <https://austroads.com.au/latest-news/ministers-approve-reform-package-to-improve-road-safety-and-productivity>.