

ACRS Submission on National Heavy Vehicle Driver Competency Framework Consultation



About the Australasian College of Road Safety

The Australasian College of Road Safety was established in 1988 and is the region's peak organisation for road safety professionals and members of the public who are focused on saving lives and serious injuries on our roads.

The College Patron is His Excellency General the Honourable David John Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia.

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Introduction

The Australasian College of Road Safety is the region's peak membership association for road safety with a vision of eliminating death and serious injury on the road. Our members include experts from all areas of road safety including policy makers, health and transport professionals, academics, community organisations, researchers, federal, state and local government agencies, private companies and members of the public. The purpose of the College is to support our members in their efforts to eliminate serious road trauma through knowledge sharing, professional development, networking and advocacy. Our objectives include the promotion of road safety as a critical organisational objective within government, business and the community; the promotion and advocacy of policies and practices that support harm elimination; the improvement of relative safety outcomes for vulnerable demographic and user groups within the community; the promotion of post-crash policies and practices; and the promotion of a collegiate climate amongst all those with responsibilities for and working in road safety.

The College believes that we should prevent all fatal and serious injury on our roads; that the road traffic system must be made safe for all road users; that system designers should aim to prevent human error and mitigate its consequences; that life and health are not exchangeable for other benefits in society; and that all ACRS policy positions must be evidence based.

The ACRS welcomes this consultation RIS, and the opportunity to comment on the proposals. As noted in the consultation document, the proposed reforms are aimed at:

- Delivering improved road safety outcomes with respect to heavy vehicles;
- Not compromising the availability of heavy vehicle drivers and supporting the use of high productivity vehicles; and
- Providing reasonable access to heavy vehicle licences for social and personal benefit.

ACRS response to the Terms of Reference/Consultation Draft

The ACRS agrees with the problems described, particularly #1 'Heavy vehicle licensing is not sufficiently focused on key risks', and #3 'Driver licensing is inconsistently applied across jurisdictions'. We note that the National Transport Commission has previously identified jurisdictional differences as an issue, beyond licensing (1-3).

The 3 options – 1) 'competency refresh', 2) 'competency refresh plus eligibility criteria' and 3) 'competency refresh, eligibility criteria plus supervised driving' each appear to have merit and provide viable responses to the three problem areas identified on pages 16-22. The RIS notes that the "key costs are those incurred by license applicants and industry..." and that "Post-license supervised driving should have particular impacts for smaller entities..."(p72). The Australian truck driving industry is dominated by small entities, with estimates that between 70-80% of transport companies operate only one or two trucks, while less than 2% operate fleets of 10 or more and less than 0.5% operate more than 100 trucks.(4-8) The cost of providing training has been noted as a disincentive for smaller operators.(6) Hence, for larger companies, economies of scale may alleviate some of these imposts, while the majority of the industry (i.e., the small operators) are more likely to face financial and practical challenges associated with the proposed options.

Given the existing and anticipated growth of Australia's road freight task, and a potential industry shortage of truck drivers due to high attrition rates and low numbers entering the industry, finding suitable drivers to employ is already a challenge. The C-RIS refer to shortages of heavy vehicle drivers as identified by industry; "While there are approximately three times as many heavy vehicle license holders as there are powered heavy vehicles, industry reports significant shortages of professional drivers" (p24). The imposition of further costs and a more complex process on license applicants and industry may motivate some operators to circumvent a National Heavy Vehicle Driver Competency regime to achieve the short-term gain of reduced costs and access to employee drivers. This is further discussed in response to specific questions below.

Question 2.1 Are there any other key risk factors, other than those discussed in this section and outlined in Box 4 that should be further considered? If so, please explain what they are and how they affect the risk of heavy vehicle crashes and consider providing evidence to support your view.

The key risks identified in the C-RIS are limited to operational skills including securing loads, reversing, coupling and uncoupling trailers, gear changing and steering (p18). The C-RIS also discusses issues associated with hazard perception but relates this to drivers operating in the road environment (p17). At no point does the C-RIS consider or discuss truck driver mental or physical health as a key risk. A word search of the C-RIS shows a nil result for the term 'mental health'. The term 'health' is mentioned on one occasion, however only in the context of a reference to workplace health and safety and post-license supervision (p67). Yet the evidence overwhelmingly identifies mental health and overall driver wellbeing as a significant risk factor for truck drivers both in Australia and internationally.(9-16)

The omission of mental and physical health of truck drivers as a risk factors in the C-RIS leaves a large gap in the capacity of any proposed NHVDCF to address the first objective of 'delivering improved road safety outcomes with respect to heavy vehicles'. This needs to be seen in the context of an occupation which often challenges drivers' capacity to manage their own health through obtaining sufficient good quality sleep between shifts and on a regular basis. Many current truck drivers are older and chronic conditions are common. Problems of obtaining adequate rest and recovery during work will contribute to poorer physical and mental health. Drivers need greater time off between work trips to manage their health so they can be fit to drive.

The C-RIS proposes that Austroads would take responsibility for the development of driver training material. This presents an opportunity to include a core unit addressing driver capacity to perceive mental and physical health as a hazard, and teach them to recognise, manage and take action in response to relevant mental and physical health indicators. This would be an important and valuable inclusion in any driver training material. Linking successful completion of such a core unit to driver progression would see drivers well placed to recognise, manage and respond to changes in their mental and physical health, and as a corollary, reduce their crash risk and contribute to both road safety and NHVDCF objectives.

Question 2.4 Are there any other problems with heavy vehicle driver licensing arrangements relevant to the scope of this Consultation RIS? If so, please provide evidence of these problems.

Increased costs for industry, coupled with a shortage of drivers may motivate some transport operators to consider employee options other than licence applicants undergoing any of the options proposed under the NHVDCF. The C-RIS identifies that “Driver licensing remains a key lever that government has as its disposal to influence whether heavy vehicle drivers are able to safely operate their vehicles” (p24). If the NHVDCF is to achieve its objectives of improved road safety and productivity outcomes, it is crucial that the process cannot be circumvented and that access to heavy vehicle driving employment for drivers who do not possess the necessary qualifications, skills, knowledge or experience, is prevented.

Currently, all but one Australian jurisdiction (Queensland) permits International heavy vehicle licence holders to drive a heavy vehicle in their jurisdiction. Western Australia currently recognises international heavy vehicle driver licences, however, will do so only until at least 28th February 2023. Table 1 provides a summary of relevant legislation within each Australian jurisdiction.

Table 1. Current Australian legislation regarding International licence holders

State	Maximum GVM permitted on international driver licence	Australian driver licence required after	Relevant legislation
NSW	As per International licence	3 months from granting of a permanent visa (CI 94(4)(b))	Road Transport (Driver Licencing) Regulation 2017 CI 96; Road Transport (Driver Licencing) Amendment (Interstate and International Visitors) Regulation 2018
QLD	Max Class C	3 months from grant of residence visa (CI 212)	Transport Operations (Road Use Management – Diver Licencing) Regulation 2021, CI 206
VIC	As per international licence	6 months from taking up residency in Victoria (CI 13)	Road Safety (Drivers) Regulations 2019, CI 12
ACT	As per international licence	3 months from grant of permanent visa (CI91(b))	Road Transport (Driver Licencing) Regulation, 2000, cl 94
TAS	As per international licence	6 months from grant of permanent visa (CI 49(3)(b))	Vehicle and Traffic (Driver Licencing and Vehicle Registration) Regulations, 2021 CI 49
SA	As per international licence	3 months as permanent resident or citizen (CI 97(1)(b)(ii))	Motor Vehicles Act, 1959, Sect 97A(1)(iii) & (iv)
WA	As per international licence.*	3 months from granting of permanent visa (CI 61(4))	Road Traffic (Authorisation to Drive) Regulations 2014 *Road Traffic (Authorisation to Drive) Amendment Regulations 2022 – enacted CI 60A to include a ‘heavy vehicle extended recognition period’ to allow holders of foreign heavy vehicle drivers licences to drive vehicles exceeding 4.5 tonnes GVM to drive in WA but only until 28 th Feb 2023 or, if approved by the DoT CEO, until 31 Aug 2024.
NT	As per international licence	3 months**	Traffic Act 1987, Sect 32 **Not identified in legislation – info as per NT Government website, ‘Driving in the NT for new residents and visitors’ – appears to require NT licence after 3 months residency – no mention of permanent visa etc.

Sources: <https://www.legislation.act.gov.au/sl/2000-14/>;

<https://www.legislation.sa.gov.au/lz/path=/c/a/motor%20vehicles%20act%201959>; [https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45459.htm/\\$FILE/Road%20Traffic%20\(Authorisation%20to%20Drive\)%20Regulations%202014%20-%20%5B00-a10-00%5D.html?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45459.htm/$FILE/Road%20Traffic%20(Authorisation%20to%20Drive)%20Regulations%202014%20-%20%5B00-a10-00%5D.html?OpenElement); <https://legislation.nsw.gov.au/view/html/inforce/current/sl-2017-0450>;
<https://legislation.nsw.gov.au/view/pdf/asmade/sl-2018-691>; <https://legislation.nt.gov.au/Legislation/TRAFFIC-ACT-1987>;
<https://nt.gov.au/driving/licence/new-nt-residents-and-visitors/driver-licence-rules-for-new-nt-residents-and-visiting-drivers>;
<https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2021-0112>; <https://www.legislation.vic.gov.au/in-force/statutory-rules/road-safety-drivers-regulations-2019/013>; <https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2021-026>

The table also reveals that the period for which an international heavy vehicle driver licence can be used in Australia is considered only from the time that a person takes up permanent residence or is granted permanent residency or citizenship. Hence, the type of visa on which a person arrives in Australia, some of which allow a non-resident to work for up to 40 hours per week, can see an international heavy vehicle driver licence holder work for many years in Australia without being required to obtain an Australian heavy vehicle driver licence.

International truck driver licence holders, by virtue of the fact that their driver licences are not issued by an Australian government, are not subject to the 'lever' to which the C-RIS refers (p24). Australian jurisdictions are unable to influence the training and competency pathway by which International heavy vehicle drivers have obtained their licence. It also nullifies the deterrence effect of demerit points and licence suspension, cancellation or disqualification, as no Australian authority is empowered to seize, cancel, suspend, disqualify or add demerit points to a truck driver licence issued by an international licencing authority.

Legislative scope exists for jurisdictions to withdraw driving privileges for reasons including accumulation of demerit point offences. However, issues such as inconsistent transcription of driver details, untimely data entry and the need to share data among jurisdictions combine to obfuscate the process to the extent that the deterrent effect of a withdrawal of driving privileges is likely to be only negligible.

The capacity of international truck driver licence holders, who have not demonstrated competency and who are not affected by Australian driver licencing 'levers', to by-pass the NHVDCF and undermine its road safety objectives would be precluded if relevant jurisdictions, as part of their adoption of the NHVDCF, were to introduce (or re-introduce) restrictions on the capacity of international truck driver licence holders to drive vehicles with a gross vehicle mass (GVM) in excess of 4.5 tonnes.

Question 5.7 Are you aware of any implementation challenges associated with any of the components of the 'eligibility criteria plus refresh' option? What type of transitional arrangements would be required to implement the option?

The C-RIS makes reference to a 'high speed driving offence' as one exceeding 25 km/hr (p46). Table 2 shows that only one Australian jurisdiction – Victoria – incorporates a 25 km/hr breakpoint within their speeding penalty regime. It is therefore not possible to determine offences above or below a 25km/hr breakpoint without reviewing the specific facts of each matter. A breakpoint of 29-30km/hr however, appears to be consistent within each Australian jurisdiction, meaning that identification of only the penalty group into which the applicant's driving history has fallen would be required. Such a breakpoint would be likely to be identified on a driving offence record as already exists in most Australian jurisdictions.

Further, the use of the term 'high risk court offence' would need further clarification. Differences in terminology and legal processes among Australian jurisdictions may result in inconsistent determination of similar matters.

Table 2. Speed penalty breakpoints across Australian jurisdictions

STATE	Speed penalty breakpoints
NSW	10km/h increments, then 30 to 45km/h, then over 45km/h (eg; 20-30km/h)
QLD	10km/h increments, then more than 40km/h (eg; 20-30km/h)
VIC	10-24km/h, 25-29km/h, then upwards in 5km/h increments to 45km/h, then more than 45km/h. (eg; 25-29km/h) Also includes suspendable offence for exceeding 100km/h area by 20-24km/h.
ACT	15km/h increments then more than 45km/h (eg 15-30km/h)
TAS	Less than 10km/h, then 10 to 14km/h then 7km/h increments (23-29km/h) then 45km/h or more
SA	10km/h increments, then 30 to 45km/h then over 45km/h (eg; 20-30km/h)
WA	9km/h then 10km/h increments up to 40km/h, then over 40km/h (eg,20-30km/h)
NT	15km/h increments then more than 45km/h (eg 15-30km/h)

Sources: <https://www.accesscanberra.act.gov.au/s/article/demerit-points-tab-penalties-for-offences>;
<https://www.myllicence.sa.gov.au/road-rules/offences-and-penalties#summaryofoffences>;
<https://www.wa.gov.au/organisation/road-safety-commission/speeding#offences-and-penalties>;
https://www.nsw.gov.au/sites/default/files/2021-11/Speeding_offences.pdf; <https://nt.gov.au/driving/driving-offences-and-penalties/traffic-offences-and-penalties#speeding>; <https://www.tmr.qld.gov.au/Safety/Driver-guide/Speeding/Speeding-fines-and-demerit-points>; https://www.transport.tas.gov.au/licensing/demerits_and_offences/find_a_traffic_offence/lister_full;
<https://www.vicroads.vic.gov.au/safety-and-road-rules/road-rules/a-to-z-of-road-rules/speed-limits>

Question 7.7 Do you have any concerns or envisage any other challenges associated with introducing eligibility criteria relating to either a licence applicant’s history of serious driving offences and/or crash history linked to an offence?

Driving histories of Australian driver licence holders are relatively easy to access for the purpose of demonstrating and assessing compliance with the proposed eligibility criteria. However, driver licencing authorities receiving applications by international driver licence holders to convert or upgrade their licence to an Australian heavy vehicle licence are faced with challenges in accessing driver licence status and driving history records which may affect the capacity to determine an applicant’s compliance with the eligibility criteria.

Access to international driver licence records can be a complicated and time-consuming process, particularly where the applicant is from an LMIC. One possible solution may be to place the onus on the applicant to obtain and provide a copy of their driving history, however, this may not be possible, particularly for those who have arrived in Australia as refugees. While most Australian jurisdictions appear to require applicants to pass a driver knowledge test and practical driving assessment to convert an international driver licence into an Australian heavy vehicle driver licence, the challenge of demonstrating compliance with the eligibility criteria remains (Table 3).

Other options for resolving this issue could include exploring a criterion for exemption, perhaps in concert with the need to undertake a further safety knowledge test.

Table 3. Information from relevant jurisdictional websites regarding heavy vehicle driver licence conversion

State	Converting from international HV Licence (as per relevant State/Territory website)
NSW	If you are applying for a heavy vehicle licence (classes LR, MR, HR, HC or MC) there are no exemptions. You must pass the relevant knowledge and driving tests, even if you hold an equivalent class licence from a recognised country or jurisdiction.
QLD	Heavy vehicle licences (class LR, MR, HR, HC or MC) You will need to pass a road rules test and a practical driving test
VIC	If you have an overseas heavy vehicle licence you can complete a heavy vehicle licence assessment. To get a heavy vehicle licence you need to successfully complete a knowledge assessment and a practical assessment, including an on-road driving and an off-road skills assessment.
ACT	If you are a holder of a full driver licence and from an approved country or jurisdiction or a holder of a full driver licence and from an experienced driver recognised country or jurisdiction and are 25 years of age or older no tests are required. Full driver licence holders from non-approved countries or jurisdictions or from an experienced driver recognised country or jurisdiction; but under 25 years of age must undertake and pass a road rules knowledge test and complete the Pre-Learner Licence Course before completing a one-off practical driving assessment.
TAS	The way you can convert your overseas car and/or motorcycle licence into a Tasmanian licence depends on which country your licence is from. Heavy vehicle licences are not recognised.
SA	You can transfer your licence to a South Australian driver's licence. If you have moved to South Australia, you must do this within 3 months of becoming a South Australian resident. A practical driving test is required to transfer a licence class other than car or motorcycle – eg a truck licence.
WA	If your driver licence is issued by an experienced driver recognised country and you are 25 years of age or older, WA will recognise your overseas driving experience This only applies to vehicle classes C and R (if held). You must pass a theory test and Practical Driving Assessment for any other class of vehicle you wish to drive.
NT	You must transfer your overseas driver licence or motorcycle licence within 3 months of living in the Northern Territory (NT). If you have an overseas heavy vehicle licence, you must get an NT driver licence before you can apply to get your heavy vehicle licence.
NOTE	Each jurisdiction lists recognised countries from which applicants may be exempted from certain parts of the licence conversion process, such as practical driving tests.

Sources: <https://www.accesscanberra.act.gov.au/s/article/act-driver-licence-information-tab-visiting-or-moving-to-the-act>;
<https://www.sa.gov.au/topics/driving-and-transport/licences/interstate-and-overseas/overseas-licence-transfer/licence-check>;
<https://www.transport.wa.gov.au/licensing/transferring-your-overseas-licence.asp?>;
<https://nt.gov.au/driving/licence/new-nt-residents-and-visitors/transfer-your-overseas-licence#:~:text=You%20must%20transfer%20your%20overseas,get%20your%20heavy%20vehicle%20licence.;>
<https://www.nsw.gov.au/driving-boating-and-transport/driver-and-rider-licences/visiting-or-moving-to-nsw/moving-overseas-licence/knowledge-and-driving-test-exemptions>;
<https://www.qld.gov.au/transport/licensing/driver-licensing/overseas/transfer/exempt-countries>;
<https://www.vicroads.vic.gov.au/licences/licence-and-permit-types/heavy-vehicle-licence/heavy-vehicle-licence-assessment>;
<https://www.vicroads.vic.gov.au/licences/new-to-victoria/overseas-licence-conversion-result>;
<https://www.transport.tas.gov.au/licensing/interstate-or-overseas-licences/convert-an-overseas-licence>;
<https://www.service.tas.gov.au/services/transport/driver-and-rider-licences/convert-an-overseas-driver-licence#:~:text=A%20heavy%20vehicle%20licence%20cannot,here%20on%20a%20temporary%20visa>

Conclusion and Recommendations

The ACRS supports the overall objectives and options discussed in the C-RIS. We note:

- While it is acknowledged that the Government, licence applicants and industry will bear costs, as discussed within the C-RIS (p72), it is the licence applicants and industry that are the beneficiaries of the reforms.
- The mental and physical health of truck drivers must be considered as part of this NHVDCF, which may be through driver training materials, and through reviewing current hours of service and opportunities for drivers to manage themselves to be fit for duty.
- International heavy vehicle driver licence holders are not subject to the same level that is described in the C-RIS as being able to influence the safe operation of heavy vehicles in the way that Australian licence holders are. It is crucial that the NHVDCF objective of improving road safety is not undermined by this.

The ACRS appreciates the opportunity to comment on this C-RIS and contribute to improved heavy vehicle safety. We acknowledge the contributions of ACRS members Gregory Casey and Melissa Weller in the preparation of this submission. Please do not hesitate to contact us if you need any further information.



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