

Duties – short form submissions received on HVNL review microsite

V4: 23/11/2020

| Contribution ID | Date | Name | Organisation | Which duties options do you prefer and why? | Which duties options do you least prefer and why? | Do you have any further comments about duties? |
|------------------------|-------------|--------------------------|--|---|--|--|
| 714 | 20/08/2020 | Sean Minto | Supply Chain Safety Excellence | <p>4.1 Expand the application of the primary duty to parties who influence the safety of transport activities.</p> <p>I agree this provides the best approach to capturing a broader range of other parties under this umbrella.</p> <p>I would however recommend defining the term in the s5 Definitions including a list of examples.</p> | <p>4.1b Add specified parties to the defined list of CoR parties.</p> <p>I agree this may be to prescriptive and as such limiting in nature. There is a risk not all parties may be identified now or in the future.</p> | <p>I think some of the definitions of the existing parties in the chain of responsibility could be more clearly and better defined, for the Scheduler is one that creates confusion, in particular the scheduling of goods. If a consignor "tenders" a load for transport by a heavy vehicle to be picked at a certain time (within reason) and delivered to a destination by a certain date/time (taking into consideration standard journey times) does this make them a scheduler? As it is currently unclear with many consignors.</p> |
| 717 | 20/08/2020 | Dr. Santosh Kumar Mishra | Population Education Resource Centre (PERC), | <p>The Heavy Vehicle National Law (the HVNL) should ensure that no vehicle shall be driven, stopped or parked</p> | <p>The HVNL should necessarily discourage, through appropriate measures (using existing national laws and</p> | <p>The HVNL should ensure that:</p> <p>(a) While approaching an uncontrolled pedestrian</p> |

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| | | | Department of Lifelong Learning and Extension, S. N. D. T. Women's University, Mumbai, India (Retired on June 30, 2020) | <p>on a road or in a public place in such a manner as is likely to endanger the safety of, or cause inconvenience to, other road users.</p> <p>Reasons/Rationale: The above mechanism will ensure that there is hassle free flow of vehicular traffic on roadways.</p> | <p>regulations, unnecessary use of horn by drivers.</p> <p>Reasons/Rationale: Unnecessary use of horn causes (add to) noise pollution which is health hazardous for people of all age-groups,</p> | <p>crossing, the driver shall slowdown, stop and give way to pedestrians, users of invalid carriages and wheelchairs.</p> <p>(b) If traffic has come to a standstill, the driver shall not drive the vehicle on the pedestrian crossing if he is unlikely to be able to move further and thereby block the pedestrian crossing.</p> <p>(c) When any road is provided with a footpath or cycle track, no vehicle shall drive on such footpath or track, except on the directions of a police officer in uniform or where traffic signs permitting such movement have been displayed.</p> |
| 718 | 21/08/2020 | Geoff Taylor | | | | I have recently been driving in the Pilbara. It is essential to know the length of a road train you intend to pass. Or the length of the train |

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| | | | | | | <p>passing you in a situation where lanes are about to merge.</p> <p>The length of the train, and the number of units in the train should be clearly marked on the rear and each unit of the train.</p> |
| 721 | 23/08/2020 | Rick | Driver | Legal ones. Ones that don't involve phone calls from the National transport office in the middle of the night to keep driving so they don't have to pay extra to get the truck unloaded | Ones that involve direction from managers and staff who do not consider what the driver needs to complete the allocated tasks legally and efficiently. | The Log book rules for counting time on page 21 of the National Driver work diary has allowed unscrupulous operators to exploit driving hours. |
| 723 | 27/08/20 | Peter Koutelis | Driver Training Solutions Australia Pty Ltd. | All | None | Not as yet |
| 731 | 22/10/20 | TREVOR WARNER | Employee Driver | <p>Option 4.1</p> <p>Duties of the Drivers is sufficiently provided for in other sections of the HVNL. Drivers generally have little control or influence over their schedules.</p> <p>Other CoR parties apply far more pressure on the Drivers, than Drivers place upon themselves.</p> | <p>Option 4.2</p> <p>Drivers are already are tasked with complying with so many other sections, yet have the least amount of control or influence over the freight task.</p> <p>Primary Duty is already provided for under sect 228(1). and associated sections relating to Speeding and Work/Rest options.</p> | <p>Placing the driver in the CoR has been tried in 2008 and has failed.</p> <p>Stakeholders have failed to adequately address Public Safety by attacking the driver. The Transport Operators continue to pass the buck on Fatigue instead of addressing the real cause of Driver Fatigue. Poor Scheduling, Poor sleeping Environment and Poor communications from management, are the 3</p> |

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| | | | | | | <p>biggest issues.</p> <p>Drivers are the Employee's who keep management out of jail.</p> <p>Drivers are the Employee's who have to find a balance between poor management decisions and still control their stress levels in order to get quality sleep..</p> <p>The biggest impact to sleep is STRESS...this needs to be reduced, not increased by placing more burdens on the driver.</p> |
| 735 | 30/10/20 | David Leinen | | I support expanding the application of primary duties to parties who influence the safety of transport activities, as this was the original intention of CoR laws. | I strongly oppose expanding the application of primary duties to include drivers, as this would undermine the original legislative intention of CoR laws. The original intention of the CoR laws were to ensure parties with an influence over the transport activity are accountable for their influence. Adding drivers as a responsible party makes the primary duties provision redundant for all other influencing parties, as they will simply put all liability back on the driver by requiring them to sign CoR declarations. Drivers have the | |

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| | | | | | least control over the transport task - They are required to sleep when they are told to sleep and drive when they are told to drive. The parties who influence this need to remain accountable, not the drivers. | |
| 741 | 3/11/20 | Residential Traffic Safety Council | Residential Traffic Safety Council | | | COR is a joke on local Roads (council owned but not managed). You've got pilots and Guardian Traffic Management putting OSOM vehicles on roads without permits. You've got stop/go people allowing 40 tonne trucks on 5 tonne local roads without a care in the world that it's a severe mass breach. Council as a road manager. if complicit as is Lake Macquarie in NSW, has no accountability. The NHVR hotline won't do anything and State won't regulate on local roads so residents suffer. |
| 759 | 20/11/20 | Leah Stapleton | Qube Logistics | 4.1B Add specified parties to the defined list of parties in the CoR which defines all parties with influence on transport activities. Subject to a degree of influence. Given that that the HVNL COR is already exhaustive, and business (industry) is | 4.2 Apply the primary duty (s 26C) to drivers The impacts of this option are unable to be quantified. More information would be required before this option could be viable. Yet addition of both driver and maintenance provider | Concerns though, that the list could become too large and be determined unmanageable. We agree with the inclusion of the driver & maintenance provider. However, if we add specific other parties, COR becomes irrelevant as |

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| | | | | <p>constantly changing the additional parties could become irrelevant. Furthermore the COR structure is well established therefore further changes (parties) adds further cost burden in auditing or engaging potential influencers.</p> | <p>should be considered as an inclusion given direct impact in managing supply chain duties.</p> | <p>EVERYONE is included. This would cause confusion for parties on where their role falls within the chain.</p> |