



Mr Jose Arredondo
Heavy Vehicle Policy Manager
National Heavy Vehicle Regulator

info@nhvr.gov.au

Kathy Rankin
Policy Director, Business, Economics and Trade
(02) 9478 1008
rankink@nswfarmers.org.au

RESPONSE TO ISSUES PAPER: GRAIN HARVEST MANAGEMENT SCHEMES REVIEW (NHVR)

NSW Farmers' Association

The NSW Farmers' Association is Australia's largest State farming organisation representing the interests of its farmer members. Farmers across New South Wales produce more than \$15 billion worth of food and fibre every year, representing around one quarter of Australia's total agricultural output. NSW Farmers' is a founding member of the National Farmers' Federation.

The Association represents the interests of farmers of all agricultural commodities – from avocados and tomatoes, apples, bananas and berries, through grains, pulses and lentils to oysters, cattle, dairy, goats, sheep, pigs and poultry.

Our focus is not just on issues affecting crops and animals – it extends to the environment, biosecurity, water, economics, trade, rural and regional affairs, and innovation to enhance productivity. To achieve outcomes for agriculture we partner with government, like-minded organisations, universities, and commercial businesses across Australia.

Overview

NSW Farmers' strongly endorses the continuance of a **Grains Harvest Management Scheme (the Scheme)** to provide certainty for all transporters of grains – be they contractors or individual farmers – in recognition of the importance of flexibility, within agreed limits, due to loading in uncertain conditions. Further, a nationally applied GHMS can provide for certainty of application, increased efficiencies due to agreed compliance measures, and a reduction in red-tape and administrative burden.

We consider that a national Grains Harvest Management Scheme must maintain the underlying principle: that current State based schemes provide scope for, and tolerance of, accidental or inadvertent overloading due to the nature of on-farm loading conditions that can, and will vary according to a range of environmental conditions – both weather and load profiles. It is this principle that must be front-of-mind in any review to deliver harmonisation across multiple jurisdictions.

We further note that freight weight limits are applied for driver and other road-user safety. This includes consideration of the impact of freight vehicle use of roads and impact on road surface conditions and maintenance. Consequently it is essential that there is early and ongoing engagement with Local Council and Shire Road Managers, along with State Road Authorities to ensure that, as a minimum, there is no diminution of existing scope and access delivered under the existing State based Schemes.

NSW Farmers' notes that that this scheme must retain its integrity and should continue to be applied to specified conditions, and not enable 'bracket creep' regarding allowable weight limits in general freight movements.

With regard to the specific aspects identified in the Issues Paper, NSW Farmers' provides comment on the questions posed, as follows.

NSW Farmers' Association

ABN 31 000 004 651 PO Box 459 St Leonards NSW 1590 Level 4 154 Pacific Highway St Leonards NSW 2065
Member Service Centre 1300 794 000 T 02 9478 1000 F 02 8282 4500 www.nswfarmers.org.au

NSW Farmers has also been a member of the Grains GHMS Working Group with Grain Growers, Grain Producers Australia, AgForce, Victorian Farmers Federation, and Grain Producers SA which has submitted a separate collective response to the Issues Paper.

Existing State-Based Grain Harvest Management Schemes

The outcome of national harmonisation must be to improve operation, compliance and responsiveness. No jurisdiction should retreat from their existing scheme scope.

Barriers

Grain growers operating close to State borders would welcome a consistent approach to the 'over-load' weight tolerances. With the difference between NSW and Queensland there is disadvantage to NSW growers if their closest end-point is in Queensland, due to the different over-load tolerances in jurisdictions. They are at a disadvantage if the closest grain terminal is in Queensland.

Unless there is an amendment to the Scheme to allow choice of grain terminus, then consistent compliance is challenging and business decisions are constrained. NSW Farmers does not support requirements for the scheme to apply to the nearest receival site and recommends consideration of expansion of the scheme to include 'farm' to 'farm' transport as well as 'farm to grain terminus' to reflect the changing nature of grain trading. This is of particular importance to high users of grain for feed, as evidenced in the intensive livestock sector.

NSW Farmers considers that there needs to be recognition that the grower is not always the transporter. The farmer bears the impact of any noncompliance or breach, as this affects their business planning and potential profitability.

In terms of eligibility, NSW Farmers considers that the information on the scope, application and breach implications must be well communicated and publicly accessible to ensure that growers have the same access to information regarding weight tolerances as the drivers. Therefore there must be no requirement for registration to join a scheme and that carriers must be encouraged to ensure they apply appropriate decisions to loading during harvest.

Compliance

NSW Farmers considers there needs to be public accountability. This can only be achieved with certainty through the development of digital recording that is committed to by compliance bodies and not an added cost or responsibility of the scheme users.

Benefits

NSW Farmers' considers that a Grain Harvest Management Scheme be continued – either as a national scheme if appropriate to achieve the intended outcomes or with improvements to existing state based schemes, if a single national scheme is not considered valuable in enhancing the continuance of the scheme.

NSW Farmer members operating under the current NSW scheme advise that the NSW scheme is well understood, that loading is undertaken in accordance with safe practices, and in the main within the existing scheme requirements. It will be important that the good will that has been established is not lost through any national approach to a scheme.

NSW Farmers considers that in the design of national scheme no jurisdiction should retreat. Therefore we seek consideration a national 10% allowance over general mass limit. Rigor must be applied in determining the applicability of this tolerance. We also consider that there needs to be transparency to ensure effective management and compliance action for those who consistently overload to or above the tolerances to ensure that a national scheme remains trusted and valid.

Consideration of escalating non-compliance measures that address behaviours, should be thoroughly investigated and developed to improve practice, potentially through a period of exclusion from the scheme, not simply an escalating fine based regime.

Designing a National Harvest Management Scheme

While there is significant focus by jurisdictions on technology based solutions for safe transport, no operator should be required to meet unrealistic standards for inclusion in the scheme. A focus on the development of a framework for inclusion should be prioritised over a compliance biased regime.

Purpose

Additional to the proposed objectives NSW Farmers considers that **education and outreach**, not only compliance and assistance, must be identified as objectives to ensure that all participants have the appropriate level of knowledge to ensure compliance under a national Scheme.

Structure

NSW Farmers' preferred option is to '*Harmonise existing State-based GHMS notices to create one HMMS national notice, and create one HMMS to replace separate state-based GHMS*' (Option 2). The Association recognises that within each jurisdiction, let alone Local Government Area, there may continue to be restrictions of access due to a range of access and/or topography barriers. However, as the intent of a single national scheme must be to improve certainty and therefore ability to comply, both of the other options run the risk of resulting in added compliance, administration, and lack of clarity.

We caution however, that any move to a national Scheme must be subject to a value, benefit and impact assessment. If there is no improvement to be gained by a single national scheme, then this review must not result in a loss of conditions and therefore benefit, provided by existing State-based schemes. Any parameters set must be based on evidence.

Administration

NSW Farmers' considers that there must be no additional cost or complexity with the development of a single national Scheme and that if it were to progress then the NHVR must be responsible for establishing the business rules that would apply. Further any establishment must not result in any added cost or complexity. Assessment of the existing eligibility and administration arrangements must be undertaken along with an analysis of the capacity to streamline within existing structures (from both a compliance and user perspective), should it be determined that current administrators are best placed to meet any requirements of a national scheme.

A national scheme must be clear, be simple to apply and participate in, be evidence based, and explicit in the way that any breaches will be managed. It must be universally and consistently applied across all growing locations and receival sites. Additionally there needs to be a focus on making clearly an easily accessible information on route options to enable efficient and compliant route planning.

NSW Farmers would also encourage transporters to have evidence of route planning, but not be required to submit documentation for approval by an administrator or local road manager prior to transport.

Should the NHVR consider that a model of State Farming Organisation administration, as it currently applies in Queensland through AgForce, is an option, NSW Farmers would be interested in developing this further with regards to administration of a national Scheme in this State.

Registration

NSW Farmers would not support a compulsory registration scheme as this is not a current requirement in this State. However, documentation that fits with in risk-management framework to promote good practice would result in improved, certainty of effective use of the benefits of the scheme by both producers and transporters.

To manage understanding of the potential scope of a scheme, if a strategy to record '*intent to transport grain*' were to be required then it should apply to both growers and transporters. Similarly, those who disregard the integrity of the scheme should be excluded; this may be through a caveat on their vehicle registration. For a national scheme to operate effectively all those with transport management (local, state and national), must have an effective voice in designing an effective scheme.

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Commodities

To ensure the integrity of the intent of the existing schemes the allowable commodities should be those that are defined as agricultural bulk loose commodities loaded from a farm. Adoption of such a definition would recognise the changing crops being planted and therefore harvested in seasonal rotation and remove any requirement for a narrow definition, but allow for the inclusion of various grain types, pulses, and oilseeds should they be transported as loose bulk.

Consideration should also be given to inclusion in a national scheme of harvested produce cut on-farm, such as silage, when bulk delivered to feedlots, due the variability of weight due to moisture.

Vehicle Types

NSW Farmers' considers that all vehicle types should be included in a national scheme – regardless of age or configuration. If vehicles are registered and have undergone roadworthiness testing that should be the basis for eligibility. The Association does not support the inclusion of Performance Based Standards (PBS) vehicles as the intent of the scheme is to address issues of unintended overloading.

Mass Allowances

As a principle, NSW Farmers' considers that the development of a national scheme must not reduce the existing permitted tolerances. Therefore our position would be active consideration of a Mass Allowance of 10%. This would be applied to all vehicle types and allow for 10% on axle limits. An analysis of any historical data from existing scheme operations would aid in understanding the appropriate level of mass allowance.

Compliance and Reporting

NSW Farmers' recognises the importance of compliance and reporting and encourages the NHVR to ensure that information on loading is available to transporters, producers and receivers equally through a digital platform. This would provide real-time sharing of information and aid management of In-farm loading without adding additional administrative burden.

Compliance action should only be undertaken when and if the allowance is exceeded, and if a delivery is refused due to excess over the limit, the grower must be immediately notified. A digital recording and reporting solution would also allow for potential over-loading issues to be managed in a timely manner without the grower being unduly penalised

NSW Farmers does not support trucks overloaded beyond the allowances should be refused access to unload as this potentially impacts Chain of Responsibility obligations, but importantly is also a safety risk. Forfeiture of the proportion in excess of the allowance to a charity could be considered as long as the grower is aware of the rules that would govern such a forfeiture. If adopted this should be universally applied to all receivers. Such a scheme must not add compliance burden to the grower.

Any new scheme must not be based on compliance auditing, but in accord with the intent of other NHVR freight improvement strategies be undertaken within a risk management framework to provide for effective oversight and continuous improvement.

Routes

NSW Farmers' considers that rather than pre-approved routes there needs to be a focus on improving real-time availability of roads across the national road network, similar to that being implemented under the National Class 1 Agricultural Vehicle Notice. No additional complexity, compliance, or administrative burden should be imposed for those compliant with a national Grains Harvest Management Scheme. Focus should be on engaging the road managers to improve access where conditions are allowable.

Additionally the requirement for nearest approved PGR should not apply if the scheme is to support productivity and complement essential farm business decisions.

Timing

NSW Farmers' considers that the scheme should operate all year round. This would recognise the changing growing patterns based on weather variabilities, optimum growing times for a variety of grains, oilseeds and pulses, and increasing opportunities for on-farm storage to manage the business of the farm.

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