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Proof Committee Hansard

SENATE

RURAL AND REGIONAL AFFAIRS AND TRANSPORT
LEGISLATION COMMITTEE

Oversight of Department of Infrastructure, Regional Development and Cities

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SENATE

RURAL AND REGIONAL AFFAIRS AND TRANSPORT LEGISLATION COMMITTEE

Monday, 3 December 2018

Members in attendance: Senators Gallacher, O'Sullivan, Sterle.

Terms of Reference for the Inquiry:

To inquire into and report on:

Department of Infrastructure, Regional Development and Cities

WITNESSES

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Committee met at 18:29

CHAIR (Senator O'Sullivan): I open this Rural and Regional Affairs and Transport Legislation Committee hearing in relation to oversight of the Department of Infrastructure, Regional Development and Cities. The committee is inquiring into matters of road safety under Senate standing order 25(2)(a). I welcome you all here today. This is a public hearing, and a *Hansard* transcript of the proceedings is being made. I remind all witnesses that, in giving evidence, they are protected by parliamentary privilege. Can we hand this information out sometimes? It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to the committee, and such action may be treated by the Senate as a contempt. It is good to see that Senator Sterle was able to make it here on time this afternoon! The committee prefers all evidence to be given in public, but under the Senate's resolutions witnesses have the right to request to be heard in private session. It is important that witnesses give the committee notice if they intend to ask to give evidence in camera. If a witness objects to answering a question, the witness should state the ground upon which the objection is taken. The committee will determine whether to insist on an answer, having regard to the ground that is claimed. If the committee determines to insist on an answer, the witness may request the answer be given in camera. Such a request may of course also be made at any other time. I remind senators that the Senate has resolved that an officer of a department of the Commonwealth or a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution prohibits any questions asking for opinions on matters of public policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. Officers are also reminded that any claim that it would be contrary to the public interest to answer a question must be made by a minister and should be accompanied by a statement setting out the basis of the claim.

On behalf of the committee, I'd like to thank the officers here today for attending. Before I invite you, Ms Spence, or anyone to whom you delegate, to make an opening statement, with the indulgence of my committee colleagues I'd like to talk about how we approach this this afternoon. This is particularly for you, Mr Hoy, because we've waited for your return—everyone downloaded onto you while you were away! Can I seriously urge you to listen to the substantive element of a question? You won't get a reaction from the committee if your answers are truncated or 'yes' or 'no' or 'maybe', because the committee members will then delve down and unpack it with you themselves. We've got an hour. We want to get it done in an hour. Otherwise—this committee has a reputation—we will simply come back at another time, with another hour and another hour until we get to where we need to be. So I urge you to consider that as we go along. Ms Spence, do you have an opening statement?

Ms Spence: No, Senator. I'm very happy just to answer your questions. The only thing that I would note is that one of the issues that were raised when we were here last time was 'Who was actually consulted?' and we've pulled out an extract from the regulation impact statement that's got a full list of everyone who was consulted and a summary of what they said. I thought it might be useful to table those.

CHAIR: Thank you. Can I open the batting, Senator Sterle?

Senator STERLE: Please do. We're joined at the hip.

CHAIR: Mr Hoy, I think over time the committee has signalled that it supports the introduction of this technology into the industry. I'm not sure that that's inconsistent with the intentions of the government, but no doubt you will let us know what you can about that as we go forward. We know, from briefings we've had—not necessarily from the department—that there has been cost-benefit analysis done across the transport industry, if you like, class by class of vehicle. We are given to understand there may be some real promise around articulated vehicles with this technology, and I'll ask you a specific question on that in a moment. We also hear that the jury

may be out, or has come back, around heavy rigids or some classes of heavy rigids, and the cost-benefit analysis did not support the adoption of the technology in that class of vehicles. We've definitely got an interest to interrogate you as to if that's the case and, if it is the case, on what basis we've arrived at that, because industry sent us signals, at least, that they're prepared to cop the cost on the chin. They didn't regard it as being high, when having regard to the potential outcomes. So let me start with the big-ticket question: are you in a position to advise the committee on whether it is your understanding that government is working towards the adoption of the technology as a compulsory element within the transport industry in a very broad sense? I'm not asking about these categories. We know that it's not going to be on every vehicle.

Senator STERLE: The ESC.

CHAIR: Yes, the ESC.

Mr Hoy: The answer is yes. I know that's a truncated answer.

CHAIR: No, that's all right. That's what we are looking for. We'll delve down into it as we go. Is it fair to say then, as I indicated, that it might not be applied within some classes or all classes—I don't know the answer to my own question—of heavy rigids?

Mr Hoy: That's what we're looking at. We will be relooking at heavy rigids.

Senator STERLE: Just be very careful. We know there are light rigids, medium rigids and heavy rigids. You're talking about all rigids, I assume, Chair. Are you?

CHAIR: You go. I'm not an expert in the field.

Senator STERLE: Senator O'Sullivan has said 'heavy rigids'. Heavy rigids, when we met last time, were excluded—correct?

Mr Hoy: That's correct. There are rigid vehicles, and 'heavy rigid' means anything above 4½ tonnes.

Senator STERLE: Yes, I'm well aware.

Mr Hoy: Then there are categories within that.

Senator STERLE: Are we now looking at all rigids above 4½ tonnes, so we cover light rigid, medium rigid and heavy rigid, or is the jury still out?

Mr Hoy: Above 4½ tonnes, which is known as heavy rigids.

Senator STERLE: Okay.

CHAIR: You can correct me on my terminology, but on the articulated vehicles you have indicated that the government are looking positively at the introduction of ESC there. So we can just set that aside?

Mr Hoy: That's correct. That has already been legislated.

CHAIR: Within the rigid classes, you're relooking at the heavy rigids, or having a first look?

Mr Hoy: Part of the regulated part does cover articulated and it does cover some heavy rigids—what's known as the short-wheel-base heavy rigids. So there's an element of both in what's been legislated now. Yes, we are relooking at all heavy rigids now.

Senator GALLACHER: Chair, can I ask a question which might put this in some sort of perspective.

CHAIR: Sure. Of course.

Senator GALLACHER: Electronic stability control is mandatory in all passenger vehicles, like cars.

Mr Hoy: Yes.

Senator GALLACHER: Then the department, in looking at where it would go next, went to articulated vehicles, and now you're coming back down to light rigids. The question people I know have is this: why did you jump over the next biggest group of vehicles and go to the smallest group? Why did you do that?

Mr Hoy: We didn't jump over them. We considered all of the heavy vehicles, and our recommendation was that, for now, we legislate for articulated or prime movers.

Senator GALLACHER: Why did you move from the largest fleet—

CHAIR: His evidence isn't that they did.

Ms Spence: Can I just make a point: prime movers are almost 13 times as likely to incur a fatality in a loss-of-control or rollover crash as rigid vehicles, and prime movers are over six times as likely to incur a serious injury in a loss-of-control or rollover crash as rigid vehicles.

Senator GALLACHER: How much of the fleet do they represent in percentage terms?

Ms Spence: I don't know in percentage terms.

Senator GALLACHER: Well, it's a very small percentage of the fleet if you look at rigid vehicles. That's the argument that safety regulators put to me: the department went not to the next level of vehicles that would benefit the most from ESC but to the smallest group at the heavier end of the vehicle chain. That's the only question I have.

CHAIR: Can I do this just to keep this heading in a direction: I'd like to establish where we are with each of these classes first, and then senators, including me, might want to have you explain the journey. But we've already established that, for some heavy rigids and articulated, it's been introduced in legislation; it's compulsory. I've got some questions about whether there are any exemptions in that space, override capacity and so on. But now we're back, and we know from the light motor vehicles that it's compulsory; correct?

Mr Hoy: Correct.

CHAIR: Now we're looking at the gap in the middle: bigger than a car; smaller than a semitrailer. It seemed like you broke the heavy rigid into a couple of categories; is that correct? There were ones that have been accommodated in the legislation and the ones that are now the subject of further consideration; is that right?

Mr Hoy: That's correct.

CHAIR: We'll call them the heavy-rigid remainder mob. And there are vehicles then that are light rigid, medium rigid or what?

Senator STERLE: We've got the 4½ tonnes, everything from 4½ tonnes, but we've missed the light trucks, yes.

CHAIR: Yes. So the heavy rigids that are in the legislation are 4.5 tonnes and above. Is that right? Have I got that right?

Mr Hoy: The legislation covers braking of all heavy vehicles, so we're talking about the ESC component of that. The ESC component will cover all prime movers, and we know that prime movers are virtually all over 12 tonnes.

Senator STERLE: Sorry, Mr Hoy, we know about this—

CHAIR: No, I don't, Senator. Sorry, I don't. So they're over 12 tonnes, yes.

Mr Hoy: Over 12 tonnes, and we are now looking at or relooking at—

CHAIR: Before you go there: you said that there are some heavy rigids that are captured in that legislation.

Mr Hoy: Sorry, yes—

CHAIR: Are you telling me now that heavy rigids have to be over 12 tonnes to be caught?

Mr Hoy: Yes, they do. Yes.

CHAIR: So what we've got is that—let's not even talk about heavy rigid—every vehicle over 12 tonnes is captured by the legislation?

Mr Hoy: Not long wheelbase over 12 tonnes, Senator. I'm sorry; it is a bit complicated.

CHAIR: All right; we'll come back to that. But then you have heavy rigid vehicles that are sub 12 tonnes; is that right?

Mr Hoy: You do, but they are not captured by this.

CHAIR: No, I understand they're not captured, but I understood you to say that you were relooking at that—

Mr Hoy: That's correct, yes.

CHAIR: cohort of trucks.

Mr Hoy: Yes.

CHAIR: Are there some other cohorts of trucks that weren't captured by the legislation and are not the subject of any current consideration—a medium rigid, a light rigid or something else?

Mr Hoy: There will be, between, a light commercial vehicle and a mid-weight commercial vehicle between 3½ and 4½ tonnes that we're not looking at.

CHAIR: Okay. So we're relooking at the vehicles now from 4½ tonnes through to 12 tonnes?

Mr Hoy: And above.

CHAIR: And above—no, I got that. Well, I thought the above ones had been captured.

Mr Hoy: Some of the rigids have, but some of them have not.

Ms Spence: The short-wheelbase rigids over 12 tonnes have been captured, but the long wheelbase over 12 tonnes have not.

CHAIR: We'll come back to them. But then, below 4½ tonnes—so we're talking about four-tonners, three-tonners and two-tonners—they're not under active consideration at the moment. They have been considered, and the decision was taken not to recommend that they be captured by the legislation?

Mr Hoy: They have been considered up to 3½ tonnes. There have been two areas of regulation—and this is worldwide—looking at lighter vehicles, passenger cars. That's extended up to what's called light commercial vehicles, up to 3½ tonnes, and in the other direction from the very heavy vehicles. There's a group right in the middle, 3½ to 4½ tonnes, that are not being considered, just because of their characteristics.

CHAIR: But had they been considered, or were they exempted from the very early consideration of vehicles for this technology?

Mr Hoy: They were exempted from the early consideration, so—

CHAIR: So, when the industry tell us that some classes were exempted because cost-benefit analysis—they said that your department has told them—didn't support the argument for the inclusion of the technology, is it fair to say they are the ones you are now relooking at?

Mr Hoy: That's correct.

CHAIR: Okay. I'm now clear.

Senator STERLE: Ms Spence, in what you've given us now here, appendix 16, Technical Liaison Group, there's a host of associations and all that there. Were they all consulted in terms of who should cop compulsory ESC, or were some people left out?

Ms Spence: I will actually ask Mr Hoy.

Mr Hoy: They were all consulted, Senator.

Senator STERLE: So we've asked the Australian Motorcycle Council, 'Should trucks have ESC?' Is that how we do it?

Mr Hoy: What we do is that we provide the regulation impact statement and the discussions within a forum where the Motorcycle Council are present, and then they decide whether they want to respond to that.

Senator STERLE: Do they get an even vote? I'm not picking on them. I think what they do for motorbikes is great. What they do for prime movers, I don't know.

Mr Hoy: It's not a vote, but they didn't respond to this impact statement.

Senator STERLE: Okay.

Ms Spence: These are the people that we approached and gave the details to, but whether they respond or not—there's an attachment that sets out the number of submissions that were received as well.

Senator STERLE: Sure, but I haven't had a chance to go through that yet. Did the New Zealanders have a say in it?

Ms Spence: It is the same as well. We approached them with the information.

Senator STERLE: But did they? Did they, Mr Hoy? Did the New Zealanders say it's a good idea or a bad idea?

Mr Hoy: The New Zealanders are part of the forum, but they didn't make a submission.

Senator STERLE: So they didn't have any input into it at all?

Mr Hoy: Not into that response to the impact statement.

Senator STERLE: That's great. I'm happy with the ESC, where that's going. That's understandable now. And we were talking about AEB and all sorts of other stuff too. I know that, with Ms Nyakuengama, Senator Gallacher and I were following down the autonomous emergency braking stuff. What I really wanted to get to is: we have to have a regulatory impact statement, and I want to know who's saying, 'No, we don't want it,' and what reasons they have. Does that regulatory impact statement mean that I can sit here and waffle on about 1,200 lives lost in a year—it's not waffle; it is true—the myriad of accidents and reasons why, and 35,000 people getting injured each year? Explain to me how you work out a regulatory impact statement when we talk about these road safety initiatives in vehicles?

Ms Nyakuengama: The Technical Liaison Group is a standing consultative forum that we have on ADR, so it wasn't established specifically for this regulatory impact statement. However, we consult it all the time on any

ADR development. This is the standing consultative forum. On the second page, our appendix 17, was the industry reference group specifically for the National Heavy Vehicle Braking Strategy.

Senator STERLE: Great, thank you. I didn't want to start reading while you were talking, Mr Hoy. That's why I didn't—that's great. Keep going.

Ms Nyakuengama: That's a more limited group. Everybody was consulted generally. This was more targeted consultation with this specific group.

Senator STERLE: That makes a lot of sense. Let's go through this.

Ms Nyakuengama: If we go into just a general level, the technical requirements were developed over a two-year period in consultation with all of these people. We held a seven-week public consultation period in 2017-18 with a media release, and we sent out to all stakeholders in those vehicle safety forums, including a media release by the minister and the department. There were 11 submissions that were received, and that's in the next—

Senator STERLE: That is the next page, is it?

Ms Nyakuengama: The summary of those is in the landscape part of that appendix 18. Appendix 18 has a summary of all the submissions received.

Senator STERLE: Okay, so we've got Air Brake Systems Pty Ltd. Are they part of that suppliers association?

Ms Nyakuengama: They would have made an individual submission—is that correct, Steven?

Senator STERLE: What did they say? They don't support 6A?

Ms Nyakuengama: We understand they belong to ARTSA, so the—

Senator STERLE: That's the first one. I just need to understand how this all works. So appendix 18 is the summary of public comments—

Ms Nyakuengama: Yes. They belong to the Australian Road Transport Suppliers Association.

Senator STERLE: Yes, that's fine, no worries. I can flick through one by one, but I don't want to take up the committee's time and yours. Was there anyone, of these, who was opposed to it?

Ms Nyakuengama: It came back with what was supported. Three industry bodies, peak bodies, favoured option 6A, which is inclusive, so that was the Livestock—

Senator STERLE: The ATA, the livestockies and—

Ms Nyakuengama: And NatRoad.

Senator STERLE: Keep going, sorry.

Ms Nyakuengama: One state government, New South Wales, favoured—

Senator STERLE: We've got the three associations and—for you, Chair, we got an answer back. Did you see that the ATA came back and showed their representation through their state organisations, associate members and all sorts, so they do represent a large chunk—

CHAIR: That's this document here?

Senator STERLE: Yes. That was the crew. They do represent a huge chunk—and NatRoad, of course, and the livestockies, with the livestock. Sorry, Ms Nyakuengama, keep going. What else were you saying?

Ms Nyakuengama: Then one state government, which is New South Wales, favoured 6A, which was the broad regulation option including rigids. One brake systems supplier or consultant supported option 6C, and that was—

Senator STERLE: I saw that. Can you tell me why only 6C?

Ms Nyakuengama: That's ABS Pty Ltd.

Senator STERLE: Yes. What was their reason for only going to 6C, which—help me out—was more narrow, wasn't it?

Ms Spence: It was just the prime movers.

Senator STERLE: So tell me why the braking association or the systems—

Ms Nyakuengama: That's the first entry there, on page 178 of that excerpt—

Senator STERLE: Yes.

Ms Nyakuengama: so the content summary. They support mandating of automatic slack adjusters on all trailer brake systems. We have only been talking about heavy rigid and prime movers today, but the RIS actually covered buses and heavy trailers as well.

Senator STERLE: To help you out, Ms Nyakuengama, this is where I'm going to, if you can help me. Tell me why someone would not want to support the hamburger with the lot when it comes to making these vehicles as safe as possible. If you don't have that, I can go—

Mr Hoy: It didn't come through their submission, but I know that they are technical experts in braking and that they've been involved over a number of years over some compatibility issues and some technical issues.

Senator STERLE: Do you have a breakdown of all their reasons why they wanted to support 6C? Let me put this to you, Mr Hoy—and I don't want to bore people. I've thrown a road train off the road, and it frightens the living daylights out of you; trust me. You couldn't imagine how scary that is. So I'd really like to know why a technical company would want only the prime movers and didn't want the full lot to back in the transport industry. They may have a very good reason; I just want to know why.

Mr Hoy: They wanted the prime movers, but, as you recall, 6C includes the trailers as well, and that was a big concern of those—

Senator STERLE: They wanted what? Sorry, you're a bit hard to hear.

Mr Hoy: The prime movers and the trailers, so the articulated unit as a whole, and all the trailers as well—they were supporting that. I think that they recognised two things. They recognised the difficulty of the proposal of developing heavy-vehicle braking generally, so they saw that this was a very good proposal to take us the next step. They also had concerns generally about compatibility between new vehicles and older vehicles, and there was a lot of work that the industry did on that. They also understood that there might be some or there would be some difficulties with the heavy rigid vehicles—the test requirements for it—and there were still some things that had to be sorted out.

Senator STERLE: So did it come down to a cost thing? Look, it's simple. I always find the easiest way is: for all new vehicles onwards. I think that is always a fair way so you're not ambushing people and all sorts. To cut it short, were they favourable about, 'Hang on, if we're moving to all new vehicles,' because you've touched on vehicles that are already out there and all that?

Mr Hoy: What I guess I didn't make clear was: no, they were talking about the different types of vehicles, and they were talking about the difference between having a car with ESC that goes on the road that works independently and having a truck with ESC that then has to couple up with a trailer that may or may not have ESC. As you're aware, with heavy vehicles, compatibility is a real issue between older and newer vehicles.

Senator STERLE: Well, I understand with older trailers and newer trailers, but your prime mover is still the same up the front. But, okay, I get that. All right, so we've got them. Tell me who else were making comment and who weren't. So we've got three absolutely in favour of 6A, four with the New South Wales government; the brake people were 6C for their reasons. Who else?

Ms Nyakuengama: There was a tyre services consultant, TyreSafe Australia, that favoured 6A.

Senator STERLE: TyreSafe, and who are they?

Ms Nyakuengama: They are a consultancy.

Senator STERLE: Okay; that's fine. And they fall under the suppliers association, I assume. Is that right?

Ms Nyakuengama: Another peak industry body, the Truck Industry Council, supported option 6C, which was the narrower one, with consideration of 6A in the next phase of work in consultation with industry. So the next phase of work will include the broader option for heavy rigids as part of our consideration of automated emergency braking.

Senator STERLE: So the Truck Industry Council—help me out—they're the manufacturers?

Ms Nyakuengama: Truck manufacturers, yes.

Senator STERLE: Okay. And why did they not want to go to 6A—'the hamburger with the lot', my words—to start with if the client's prepared to pay?

Mr Hoy: There are probably a couple of answers to that 'if the client's prepared to pay'. It's not certain whether the client would pay or whether they would absorb the costs.

Senator STERLE: I should rephrase that. I'm sorry, Mr Hoy, that's not fair on you. If it was decided that the government would mandate ESC into these vehicles, why did they prefer the 6C option?

Mr Hoy: I'm being careful not to speak for these organisations; I'm just giving my understanding of what they thought.

Senator STERLE: Okay.

Mr Hoy: My understanding is that it was similar to the brake specialists—that is, the package as it stands is a very good package to put through now, and that there are some residual technical issues around the rigid vehicles.

Senator STERLE: Let me come back to you as I'm just a bit lost there. The Truck Industry Council represents the manufacturers, so it's not just brand new trucks? Are they also representing the second-hand fleet? I didn't think they were, but are they?

Mr Hoy: They're representing brand new manufacturers and importers.

Senator STERLE: So why would they want to run an argument, to the best of your knowledge, Mr Hoy, that it's a little bit too hard because there are different systems that are already out there if we're talking about all new vehicles coming into this country, either by import or being manufactured here? I'm completely lost to their argument so far.

Mr Hoy: I mentioned before that they still saw some residual testing and technical issues with the heavy rigid vehicles.

Senator STERLE: So they were all right on the prime movers?

Mr Hoy: Yes.

Senator STERLE: But on the rigids, they have a testing thing?

Ms Spence: Probably a better way of phrasing it is that they were keen to get the benefits quickly on the prime movers and trailers, so mandate now, but do some further work to make sure that you were getting it right on the others. It wasn't that they weren't supporting it; there was just a timing issue that they wanted to work through.

Senator STERLE: All right; that makes that easier for me. There we go; that's three, four, five, six, six, seven. Keep going.

Ms Nyakuengama: The next one is a state government that supported 6C but expressed a favour for 6A. That was South Australia.

Senator STERLE: Excuse me for a second; I'll just talk to Mr Adelaide. You need to sort that out.

Senator GALLACHER: No, these people need to sort themselves out, mate. This is the problem here.

Senator STERLE: Keep going. So they're happy for six—

Ms Nyakuengama: They favoured the 6A, but supported the recommendation of 6C because of the cost-benefit analysis.

Senator STERLE: Let's go. I don't know what could possibly go through the South Australian minds at this stage. So they like the 6A but because of the cost-benefit analysis they go for 6C. What is their logic for that?

Ms Spence: It's very difficult for us to speak on behalf of those people making the submissions.

Senator STERLE: Absolutely; sure.

Ms Spence: We're reporting what advice they included in the submissions as to what their position was, but I don't think it's really reasonable for us to try to go beyond what they actually included in their submissions.

Senator STERLE: Okay; I accept where you're coming from. This is where I have a problem: because these people have a weighted voice or something, for a government that is happy—not 'happy', but a government is losing people on the roads or trucks are rolling over, and yet it can be convinced that it must go for the cheaper option because someone got in its shell-like. I don't expect you to answer that, but I really have a problem with that. The laws need to be fixed up so that you have the ability to say, 'Hang on, now prove the benefit of what the cost-benefit bulldust is here.'

Ms Spence: I like to look at it that we've taken the immediate decision around those ones where there were no questions, and now we're looking at the remainder, once you get rid of the below 4.5. As part of the AEB work, we're looking at which other trucks you should mandate ESC.

Senator STERLE: I think that's a fair question for us to ask the South Australian people—that is, what are their reasons around this—because they do have a say in this and they're influencing federal—I don't think I need to go on; I think everyone knows what I think about that. Who else have we got?

Ms Nyakuengama: Last one; it's one more state government. It favoured option 6B, which was part way between 6C and 6A, so another mid-range. I'm not sure exactly what was included in 6B.

Senator STERLE: Who was that?

Ms Nyakuengama: That was Queensland. So 6B is not all vehicles, but a larger group than what was in 6C.

Senator STERLE: That's thrown a curve ball at me. What's the 6B?

Mr Hoy: 6B includes all of the heavy rigids over 12 tonnes.

Senator STERLE: Oh, so prime movers and heavy rigids over 12 tonnes.

Ms Nyakuengama: Yes, so short and long wheelbase.

Senator STERLE: Okay.

CHAIR: Which is the option that was adopted?

Mr Hoy: The option that was adopted did pick up the short wheelbase versions of those heavy rigids above 12 tonnes.

Ms Spence: But not the long wheel.

Senator STERLE: So which one got adopted?

Ms Nyakuengama: 6C-plus, after consultation on the RIS. We moved some of the heavy into 6C, so it became 6C-plus.

Senator STERLE: So we've gone for the poverty pack; we've gone for the easiest way, just the prime movers. Is that what we've done?

Ms Nyakuengama: We've done prime movers, plus heavy rigid vehicles with a short wheelbase.

Senator STERLE: What six is that?

Ms Nyakuengama: Sorry?

Mr Hoy: It was post—

Senator STERLE: This is 6C-plus? You people have a language all of your own.

Mr Hoy: It wasn't one of the options, but it was post consultation when we got the feedback.

Senator STERLE: This is like *Yes Minister*. Sorry; keep going.

Mr Hoy: Then we worked with the ATA and the TIC, the manufactures and the ATA, on a compromise, a 6C-plus, that brings in some more vehicles—on the ones that they were particularly concerned about.

Ms Spence: Which was actually welcomed by the ATA at the time of the announcement.

Senator STERLE: You know why? Because they've actually thought, 'We've finally got something moving in the right direction.' But I mean, you know, Jesus! I shouldn't say that. I should say shit. We're talking about new bloody vehicles coming in.

Senator GALLACHER: It's reported here that selected heavy vehicles be mandated July 2019, and some buses. Which selected heavy vehicles will be mandated in July 2019?

Mr Hoy: That's the prime movers and short wheelbase rigids above 12 tonnes.

Senator GALLACHER: So we've approved ESC in the passenger fleet, the car fleet. It's accepted in the United States and the European Union that it's fundamental to the commercial fleet. And we went from cars to prime movers and—what is it? A long wheelbase review?

Senator STERLE: A short wheelbase over 12 tonnes.

Senator GALLACHER: Why don't we just do what the European Union's looking at, which is to make it compulsory for commercial vehicles? Why do we dissect things into tiny slivers when we know fundamentally that ESC works? There's no dispute about that at the table, is there? Does anybody at the table dispute that electronic stability control works for all vehicles? Does anybody dispute that?

Mr Hoy: Senator, it works, but it works in different ways and for different amounts, and it costs different amounts for different classes of vehicles.

Senator GALLACHER: I accept both of those contributions. It works differently, and it costs. So given that 200-odd people die in heavy vehicle accidents a year, and some of the reports I see say that electronic stability control can 'impact significantly on loss of control and single vehicle rollovers, potentially saving 126 people a year', are we talking about a cost there, because that cost employs a lot of money?

Ms Spence: That 126 figure is the estimated lives saved as a result of the regulations that have been mandated. So that's for the prime movers and the short wheelbase heavy rigid trucks.

Ms Nyakuengama: And it's over 45 years, not one year.

Senator GALLACHER: Sorry?

Ms Nyakuengama: It's over 45 years as the outcome of 15 years worth of regulation of mandating for new vehicles.

Senator GALLACHER: If it's proven in the passenger fleet or the car fleet, why do you move to segments of the commercial fleet? Why don't you take a whole-of-commercial-fleet approach? You've said one is cost and, two, it works differently. But can we go into how it works differently? It is still positively beneficial. It doesn't work backwards, does it? Has electronic stability proven to be more or less safe in commercial vehicles?

Mr Hoy: No, Senator.

Senator GALLACHER: That's a great answer; you've listened to the chair.

CHAIR: Let's put aside the vehicles that are captured by the legislation and regulation and let's put aside the vehicles that are currently under reconsideration—if that's the term. Do you personally believe that that cohort of vehicles that you are revisiting will end up being captured by this legislation or like legislation or regulation? Do you think that's where it might end up?

Mr Hoy: My sense is that it will.

CHAIR: Alright; let's just put them aside. Now we have put all the motor cars and passenger vehicles to the side, we are left with this 3½ to 4½ tonne category of vehicles—correct?

Mr Hoy: I think we might be talking about different categories of vehicles. There are 3½ to 4½ tonnes—

CHAIR: Yes.

Mr Hoy: That was not part of the original—

CHAIR: Let me make the point again. We know that there are some vehicles captured by the regulation—so get them out of your head. We know that there are some vehicles that you are relooking at. I will never hold you to it, Mr Hoy, because you are in a difficult position, but you think that there is a positive signal that we may adopt some form of regulation around ESC in relation to that cohort of vehicles. We've got passenger vehicles down at the bottom end, and they've all got it. I'm talking about the ones in the middle—the black box—that do not have it and are not under active consideration. Are we on the same wavelength with that cohort of vehicles?

Mr Hoy: They are not under active consideration.

CHAIR: Correct.

Senator GALLACHER: Do they comprise the majority of the fleet?

Mr Hoy: I think they comprise a minority of the fleet. I do not have the exact number.

Senator GALLACHER: The ones not under consideration?

CHAIR: They are 3½ to 4½.

Mr Hoy: I think they would comprise a minority.

Senator GALLACHER: So you don't know. Can you, on notice, give us a dissection of the fleet—what you are looking at now; how many vehicles you'll fix; and what's in the other categories that are outside?

CHAIR: By weight. Alright?

Mr Hoy: Yes.

CHAIR: The point I am interested in is why these vehicles—and we'll call them the 3.5s to 4.5s, just to give them a name—come under active consideration for the application of this technology in the first place? I heard a lot of questions and a lot of answers, but give it to me in as plain English as possible. Why weren't they in active consideration at the very beginning?

Mr Hoy: In as plain English as possible, they are a class of vehicles where there are very few crashes. They are generally bigger and heavier than the smaller vehicles, so they come off a lot better in a crash, but they are not big enough to have stability issues like heavy-rigid vehicles.

CHAIR: So, boys, we have a snapshot there. Did you hear that?

Senator GALLACHER: Yes.

CHAIR: Let me reinforce it.

Senator GALLACHER: I understand that.

CHAIR: There are fewer fatalities or injuries related to their movements.

Senator GALLACHER: I don't accept—

CHAIR: You don't need to accept it.

Senator GALLACHER: There needs to be evidence, though, to make a statement.

CHAIR: We'll explore it. I am trying to capture this and then we can ask questions on notice. They make up a small fraction of the fleet in number; they don't suffer from instability as much as the cohorts above and below; and, insofar as the statistics that guide and inform your work, as a percentage—on their numbers or the amount of miles they do or whatever it happened to be—there are many fewer fatalities and injuries involved. Is that right? Does that capture the three things? After careful consideration, it was decided to put this cohort out to pasture, for want of a better term?

Mr Hoy: That captures it well.

CHAIR: I'll beat my colleagues to the punch. We want the stats that show the percentage of the fleet, we want the stats upon which the decision relied—that, pound for pound, there were fewer incidents—and we want the science or the engineering technology that says that they don't have the instability issues, if we can. I can't speak for our colleagues, but we'll stay away from that a little bit until you're able to provide us with that information and we come back together.

Mr Hoy: Could I add one thing, Senator?

CHAIR: Sure.

Mr Hoy: Sorry to interrupt. Yes, we're happy to provide that. As to that class of vehicles, we said we're not going to do anything them about in the future. We've concentrated on—

CHAIR: Let me ask you that question, then. We know that there's a cohort under active reconsideration.

Mr Hoy: Correct.

CHAIR: Are you suggesting that they could well be the next cab off the rank to have a rethink, a relook?

Mr Hoy: Yes, Senator, they could.

CHAIR: The evidence and the science said to us, 'Look, they're not as significant as the others, but now we'll bring them back in for a relook.' Is it coming from industry or is it coming from us—the continued interest in relation to this? What's driving the revisit on this cohort of vehicles?

Mr Hoy: The potential revisit would be from a variety of sources, including yourself, including what is happening in other markets, including any kind of road safety research, including from industry and operators. So it's from a variety—

Senator GALLACHER: Can I ask a question on that?

CHAIR: Yes, of course.

Senator GALLACHER: I'm really interested in how you do your—for want of a better description—target selection: how it works within the department; how you actually decide where you utilise your criteria. If you take electronic stability control, I know from personal experience that it was delayed because Mitsubishi couldn't do it in Adelaide. We don't have that constraint anymore. We've now got it in every car. We've now got it in every motorbike. My contention is that you did a whole round of tests—I think with Mr Foulds—and someone selected that we look at ESC for motorbikes, which have never been manufactured in Australia and it was proven overseas, but we had to do our own ADR selection and evaluation. So I have no clarity on how you do make the decision. The chair's just asked you: how do you prioritise stuff that's really critical and important? And is it based on evidence about the size of the fleet, the level of the risk and the improvements gained? If you want to take that on notice, I'd be happy to read the answer.

CHAIR: Well, to a certain extent Mr Hoy has addressed those things.

Senator GALLACHER: How did they get to motorbikes before trucks?

CHAIR: No. That wasn't the burden of your question.

Senator GALLACHER: Yes, it is. There's no clarity.

CHAIR: The burden of your question, with my ear to it, was: how was this cohort left out of the exercise? Mr Hoy has covered that.

Mr Hoy: Yes.

CHAIR: We could ask specifically, and we should. So, now that Senator Gallacher's clarified this—what brought motorbikes into it—what got them in the exercise?

Ms Nyakuengama: We can clarify. Electronic stability control is not mandated for motorcycles. It was ABS, the anti-lock braking system. So that's a different technology.

Senator GALLACHER: That was the target selection of your department. That was the big issue you were working on—

Ms Nyakuengama: It's not our department, Senator. We develop our priorities under the National Road Safety Strategy, through the transport and infrastructure—

Senator GALLACHER: Who selects?

Ms Nyakuengama: We do it based on data from evidence of what vehicles are involved in crashes and the types of failures of vehicles that result in those crashes. So, ESC itself—

Senator GALLACHER: Who signs off on it? Is it the director or Ms Spence?

Ms Nyakuengama: It's the Transport and Infrastructure Council of ministers, state and territory—

Senator GALLACHER: They sign off on it?

Ms Nyakuengama: Yes; on what the priorities are that we work on.

Ms Spence: There's a National Road Safety Strategy, and every three years there's an action plan that takes forward the commitments that are set out in the strategy.

Senator GALLACHER: So, that plan said: 'ABS on motorcycles is the most important issue.' With the ADR issue we've got—despite the fact we don't make motorcycles—we could simply take the overseas evidence and say: 'It's mandatory; we decided to do that.'

CHAIR: In fairness, we should ask Ms Spence to comment on this. It seems to me, sadly, that we rarely take any—it doesn't matter whether it is drugs going on to the PBS or medical technologies; we had it with the APVMA—real notice of the work done by other developed nations around the approval of these sorts of things. I would be happy for you to comment on that, Ms Spence, if you're able.

Ms Spence: What I would say is we're actively looking at—and, again, there was a review of the Road Safety Strategy, and one of the recommendations that came from that was that we need to do more to introduce new technologies that might improve safety outcomes faster; that we need to—

CHAIR: That's not what we're—sorry.

Ms Spence: It does tie in, yes.

CHAIR: There's a sting in the tail; I understand that. However, right now—and I'm with Senator Gallacher on this—if there's a new technology, say, developed in Germany and it goes through rigorous testing, audit, due diligence and a whole range of things before it's allowed into the European marketplace and there's a whole body of peer reviewed technical evidence, what Senator Gallacher is saying is: if you've got a country that's been through a rigorous program, why don't we just adopt it if it's good? That's my first question. And, in the absence of doing that—and it would seem there is an absence in many parts of government decision-making—to what extent is their work reviewed again by us and parts, or all of it, adopted in our decision-making process, whether this is a good thing or not? They're two separate questions but related.

Ms Spence: On the first one, you're right: we don't just adopt what's happening internationally, but we are looking at: are there better ways that we should be making our decisions? That includes: is there greater weight that we can give to what's signed off internationally? I'll let Mr Hoy go into more detail, but, yes, we do draw on what research and decisions have been made internationally in the way in which we currently make our decisions around what's mandated and what's not.

Senator STERLE: You remember the inquiry we did on this? I made the statement that we dumb cars down to bring them into this nation. The technology is out there. It's done through the US, through the EU, but somehow we Aussies think: 'Well, we're probably smarter than they all are.'

CHAIR: Well, Ms Spence has just looked at that, but I'm—

Senator STERLE: I'm not having a go at these poor people; they're just implementing the policy.

CHAIR: pleased to hear the process is under review. To the extent that we might have a view about it, I really think in developed nations, particularly those with superior technologies—the Japans and the Germanys of the world—we need to find a way to give greater weight to the journey they've taken to arrive at a point. Mr Hoy was invited to make a—what's your discipline, Mr Hoy? Are you an engineer?

Mr Hoy: Yes, I am, Senator.

CHAIR: Are you a process engineer? Technical—what sort?

Mr Hoy: I'm a mechanical engineer.

CHAIR: I think Ms Spence was hoping you might contribute to this process of evaluation.

Ms Spence: Correct me if I'm wrong!

Mr Hoy: I agree with Ms Spence. We take as much international information as we can. Ultimately, like every country, we have to justify it on our own crash statistics, the vehicles that are being brought in and the configuration of the vehicles that are being brought into Australia. So, can I say that the US has mandated ESC for heavy vehicles, prime movers, only. They will be in the future looking at rigid vehicles, so we're similar to the US in that respect.

CHAIR: Are there operating conditions here, both the environment of the operation and the nature and type of the operation, speed limits, road surface types and freight that might dominate a particular market, where the freight—we move a lot of cattle, and it doesn't amaze me that when 50 tonne of cattle all move over to one side of the truck on a slope it's not long before it will go over. Does that inhibit the ability to adopt someone else's application of a technology for us?

Mr Hoy: Yes, it does. Those environmental conditions—you're quite right. And there's also the configuration of the vehicles in Australia. With heavy vehicles, as you probably know, there's a blend of US-type designs, European-type designs and Japanese-type designs. There are all sorts of compatibility issues around that, such as the voltages that the systems work at et cetera. With heavy vehicles, there's that unique characteristic of it being a mix of things from around the world that are meeting slightly different standards, and we're trying to smooth that out for use in Australia. With regard to the environment, yes, there was an issue with the robustness of systems like ESC and ABS when used on the rougher roads in Australia, particularly regional and unmade roads. We did a lot of work with industry over reliability. We went and visited around Australia to see what the issues were et cetera. There are differences.

CHAIR: On that point, I want to ask you a question, and these guys may follow through. I had livestock transport operators in my office this afternoon. If they've slowed down to go into a crossing of a gully, for example, where there may be some stability issues but they're only travelling at some small pace, it can trigger these systems. They thought that one of the options might be to have an override capacity in the truck. The other one I had was from, again, a livestock operator out of the Northern Territory some weeks ago, who talked about—Glen will probably have anecdotal evidence to contribute. If they come along and there are 100 kangaroos in drought time sitting in the middle of the road, or 10 bullocks, it's not an option to do anything but plough into them. At that point, they were against the use of the brakes. They thought that this system—I don't pretend to understand exactly what it does—would do more harm than good. Is there any consideration about the capacity of the operator to override in certain circumstances, including emergency overriding capacity if they see a mob of bullocks and they can't—

Mr Hoy: Yes, Senator, there is. With running into the bullocks or the kangaroos, that might be more about AEB, the automatic braking systems; whereas ESC is just trying to keep the vehicle stable on the road. You're right about moving at low speed through paddocks. That was a particular issue raised. We've dealt with that in the regulation. We do allow for a switch to switch it off. The counter to that is people who say, 'We don't like having safety systems where you switch them off.' That's the counter to it. What we've done is that it automatically comes back on above—it was agreed through industry—40 kay. It will automatically reset and come on again.

CHAIR: Alright. Gents, without limiting—we're just about out of time—I'm wondering whether you have any specific—

Senator STERLE: I want to mop up, so that I'm clear.

CHAIR: We can do that, but I'm asking you to take into account whether you've got any questions on notice that we'd like them to supply us with data or information on. It's your call.

Senator STERLE: In summary, we had nine participants through the public consultation period?

Ms Nyakuengama: 11.

Senator STERLE: I only have nine, so I'm missing two. I have three associations, New South Wales government, the braking mob, Tyre Safety Australia, Truck Industry Council, South Australian government and Queensland government. I've got nine.

Ms Nyakuengama: We've got another peak industry body, HVIA, Heavy Vehicle Industry Association.

Senator STERLE: Who are they?

Ms Nyakuengama: They represent a lot of trailer manufacturers and vehicle body finishers.

Senator STERLE: I thought you meant it was a trucking mob. Okay.

Ms Nyakuengama: They do a lot of truck body finishing. They represent people like that.

Senator STERLE: Thank you. So, they make dollies and do all that sort of stuff?

Ms Nyakuengama: Yes. They supported option 6C but favoured 6A, similarly to others. They supported the analysis.

Senator STERLE: No, no, that's good.

Ms Nyakuengama: The final one was an engineering consulting organisation that opposed all regulatory options.

Senator STERLE: Tell me who this character is or characters are?

Ms Nyakuengama: McLean Technical Services. It's in the summary.

Senator STERLE: Mr Hoy, did you meet with this mob? Were they there or did they just drop a submission in, saying, 'We don't want anything'? What did they do?

Mr Hoy: They sent a submission in, Senator.

Senator STERLE: Did they appear? Did they talk to it or anything like that?

Mr Hoy: No, they didn't.

Senator STERLE: Who are they? I don't have them here, do I?

Ms Nyakuengama: It's on page 185.

Senator STERLE: They're in the middle. Okay. Thank you. Who are McClean Technical Services?

Ms Nyakuengama: They're an engineering consulting—

Senator STERLE: You told me that. Who are they? Is it one fella sitting in a bedroom somewhere on the coast? What are they?

Ms Spence: We don't have that detail, but we can find out.

Senator STERLE: Okay. Please find out everything about McLean Technical Services. I have a problem when there are consultants who come in and try to determine policy if they're just dealing through their own. You find out everything for me: who they are, where they are, who they represent. What does that say? I can't read that quick.

Senator GALLACHER: He's saying that the quality and consistency of Australian roads is such that you wouldn't want to put ESC—

Senator STERLE: Oh, this bloke's a clown. Anyway, you find out who this clown is for me, please, and come back to us. The trouble is—did he have a weighted—

Ms Spence: No.

Senator STERLE: Did you just say, 'Let's just ignore him'? What happens?

Ms Spence: I think as Mr Nyakuengama indicated, it's not a voting system. We'd look at the arguments that people would present. If they're not sensible arguments, it's not going to influence the outcome.

CHAIR: Just like we do.

Senator STERLE: Like we do.

Ms Nyakuengama: The departmental response is in the right column.

Senator STERLE: Ministers don't sit around and say—

Ms Nyakuengama: No.

Senator STERLE: Thank goodness for that! I'm going to ignore that one. Let go back here. We've got six that either straight out 6A or favoured 6A—there were two of them that favoured 6A but went for 6C. We have three that favoured 6C—sorry, I'm just trying to count. Six that favoured 6A, and, of those six, two ended up saying they did favour it but they'd go with 6C. Of the 6C, we have three. Then we have one that wanted 6B, which was Queensland. This gets put onto the ministerial—what do you call it? Where all the ministers come around. It's not the federal government.

CHAIR: COAG.

Senator GALLACHER: Australian Transport Advisory Council.

Ms Nyakuengama: No, we don't go back to the transport and infrastructure ministers council on the RIS outcomes for this. They prioritise the work to be done. The RIS informs our recommendation to the minister, who administers the Motor Vehicle Standards Act, who makes the Australian Design Rules.

Senator STERLE: So our federal minister took all of that and then made the decision?

Ms Nyakuengama: Yes, that's right.

CHAIR: Can I ask, Mr Hoy—again, this question is without prejudice, so either answer it as faithfully as you can or don't answer it at all. Listening here today, we're not ruling out the possibility that this technology will be in every vehicle at some stage in the future. We've got it in some. We're reviewing our decision around some, and we think that, maybe—we're looking positive. Then we've got this remaining cohort of all the rest, where you've indicated it is intended to bring them back into the decision-making fold at some time in the future. It's not beyond the realms of possibility that every vehicle in the country potentially will have this technology.

Mr Hoy: That's a good summary, Senator.

Senator GALLACHER: Yes, but what decade? Because you're taking a tiny segment and you're doing it very, very slowly. What will happen is there won't a vehicle made without ESC by the time you complete your process.

CHAIR: Hold on, Alex. Let's ask them. Do you have any sense of how long this task will take? Let's break it into two parts. You have a current revisit on a category. Do you have any sense of when you would like to be in a position to recommend to the minister—or however it's done—in relation to that?

Mr Hoy: My sense would be, yes, the group that we're currently looking at is within the action plan. The current action plan, which was agreed by ministers in May, takes us to 2020. We will, before that time ends, be looking at the next road safety strategy and action plans and we will be looking at what the critical items there are and the next thing to work on will be.

CHAIR: Which would be this other cohort. So there's no prospect of this remaining cohort—the missing children—being considered between now and 2020 or now and when the next plan is adopted?

Mr Hoy: It's not in the plan.

CHAIR: Okay. All right. That's good. So you have helped him timeline this? You're hoping to have it in the next plan, but that's not black and white at this point in time?

Ms Spence: It's very difficult to say definitively. I suppose we are focusing on the next big cohort, which are the ones that we were talking about that are under review at the moment, and we would be expecting the RIS of that to be completed by the middle of next year. The timeframe is for after the RIS is completed but before an ADR comes into effect. That is around 12 to 18 months?

CHAIR: Senator Gallacher is right to raise it. It will be two years-ish on the second category that is under consideration and definitely more than two years with respect to the others. If there is some road safety imperative in relation to this, the safety of lives and injury—I am going to join Senator Gallacher—that seems to me to be a long time to deal with this. I mean, is there no way that it can be elevated and dealt with more quickly? And do you tell me you can't revisit the plan to incorporate this other cohort of vehicles before 2020, even if it makes it into the plan? Is that what we're hearing?

Ms Spence: One thing I would note is there are a number of other safety matters that we're looking at in the context of what's in the plan. So we will continue to review the data. If there was an increase in accidents in that cohort—we're missing out on the 3½ to 4½—where you thought an ESC would make a difference, they are the sorts of things that would trigger us to work with our colleagues to revisit that process.

CHAIR: I don't get this. Is this a resource issue?

Senator GALLACHER: Yes.

CHAIR: Is this a resource issue within the department to be able to get across this stuff in a more timely fashion?

Ms Spence: There are certain timeframes. When you are undertaking public consultation processes, there are timeframes.

CHAIR: We do it all the time, Ms Spence. This committee does it all of the time, and it's measured normally in months, not years. We're talking about years.

Ms Spence: I think there's a combination of the time it's taken to do the actual work, which we're measuring in months, but then there's the lead time. I fully appreciate there's going to be a reaction to this but there is a timeframe between actually making the decision and industry being prepared and implementing it.

CHAIR: What you're going to find is some publicity about this. These are, in my view, unacceptable timelines. I know you can't comment and I am not going to try to force you to but it would seem to me there is a resource issue involved. There needs to be more qualified professional people dedicated to the task to bring it out sooner. I'm just expressing my view. I doubt that we'll let this lie. They are inordinate timeframes. In fact, with the

other cohort, the 2½ to 4½, it's the never-never. It's the ether. We don't even know for sure whether they are going to make it on to the plan, and, even if they do, the plans are going to be considered—when? In 2020?

Ms Spence: Yes, in 2020.

CHAIR: When in 2020? I want to know. I'm interested in whether it will be 31 December 2020. Does this work on calendar years, financial years?

Ms Spence: There are usually two transport and infrastructure council meetings a year. I would have to take on notice when I am scheduled to have the first one in 2020.

CHAIR: Let's do that, please. Let's Come back with the date. Even if it does get a jersey, what date might it be in a plan that's presented?

Ms Spence: The other thing—if the committee would think there would be value in it—would be to provide the bigger picture about what other ADRs we are looking at in the context of what's already in the action plan so people don't think that we are just sitting and waiting for—

CHAIR: We're not challenging the fact that all of your people have properly applied.

Ms Spence: No. I thought it might be useful—

CHAIR: I will be writing to the minister personally on this, right? Because at first I was about to defend everyone when Alex asked the question. But I'm going to write to the minister and put on the record I think it is unacceptable that we are years away from potential consideration about the adoption of technologies that clearly can save lives. In fact—I am not directing this at you, Ms Spence, or you, Mr Hoy—it now confounds me why they weren't in the earlier assessments. If they are about to be reassessed and adopted, why weren't they in the earlier assessments? Our committee will take this up with the minister. That is not your problem. I want to ask you this: if we're able to persuade the minister and resources were not an issue, can you do anticipatory work in relation to this other cohort that is sitting out in the cold at the moment? Could you do the work if you had the resources? It's not on the plan so forget about it; it may never be on a plan. You would be able to do the work if you were properly resourced around this particular question, correct?

Ms Spence: I suppose. If we had additional resources, there are other things we would be doing but—

CHAIR: I am not going to put you into an uncomfortable position. You have answered my question.

Senator GALLACHER: I would like to put on the record I think people on that side of this hearing actually know the benefits of this technology better than everyone on this side. This is a process and resource problem, but it's not confined to ESC. It will be the same with AEB. It will be the same with any technology that we want you to be nimble on—the process doesn't allow you to do it.

Ms Spence: I suppose that's the point I was trying to make. We will look at the data and find out where the most effective interventions actually are. Doing an ADR, which mandates ESC for vehicles in that 3.5 to 4.5 category, might not be the best area to be focusing on. There may be other safety features.

Senator GALLACHER: But you can't give us evidence on that today?

Ms Spence: No, I can't.

Senator GALLACHER: Had you done the assessment and said, 'Clearly the benefit is here', then we would have accepted that. The cost benefit analysis or if that is the wrong description—

CHAIR: They did do an assessment and determined it wasn't there so that isn't a fair observation. They did it and determined it wasn't there. This is—

Senator GALLACHER: They can't supply it.

Ms Spence: We said we would supply it on notice.

CHAIR: They will supply it on notice. I have two problems: one is that, around road safety, if there is any technology that can save a life, we need to consider it, particularly when industry is not resisting—they are prepared to pay for it they tell us. They are the briefings I have had. Is that consistent with what you guys have had from the industry? The second one is it seems to take an inordinate period of time to do these assessments. Look, we don't have any more time. We're at time.

Senator STERLE: I have one on notice, if I can.

CHAIR: Yes.

Senator STERLE: If you can just take this on notice: please provide to the committee the reasons for the minister's decision to take the completely different angle from the rest of the submitters to come up with what he came up with.

Ms Spence: Yes.

CHAIR: You have questions on notice. The committee so resolves 17 December to have them answered. Please do what you can for us there. If you have difficulty with any of them, do what you can with as much as you can so we don't hold the whole bundle up, because we just love sitting around on Christmas Day reading answers to question on notice. My Hoy, thank you for your effort. I found you to be a very acceptable witness and you did respond to our indicators, as with the rest of the panel but I know that today was about you. I don't think this is at an end. I will be writing to the minister, I suspect, if I get the support of my colleagues, to point out a few things, and, no doubt, he will call on you for a cup of tea.

Committee adjourned at 19:40