

## HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL

### Message from Governor



**Hon. SA EMERSON** (Indooroopilly—LNP) (Minister for Transport and Main Roads) (12.15 pm): I present a message from Her Excellency the Governor.

The Deputy Speaker read the following message—

MESSAGE

HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL 2012

*Constitution of Queensland 2001, section 68*

I, PENELOPE ANNE WENSLEY AC, Governor, recommend to the Legislative Assembly a Bill intituled—

A Bill for an Act to amend the Heavy Vehicle National Law Act 2012 for particular purposes.

(sgd)

GOVERNOR

Date: 13 NOV 2012

*Tabled paper:* Message, dated 13 November 2012, recommending the Heavy Vehicle National Law Amendment Bill 2012.

### Introduction



**Hon. SA EMERSON** (Indooroopilly—LNP) (Minister for Transport and Main Roads) (12.15 pm): I present a bill for an act to amend the Heavy Vehicle National Law Act 2012 for particular purposes. I table the bill and explanatory notes. I nominate the Transport, Housing and Local Government Committee to consider the bill.

*Tabled paper:* Heavy Vehicle National Law Amendment Bill 2012.

*Tabled paper:* Heavy Vehicle National Law Amendment Bill 2012, explanatory notes.

I am pleased to introduce the Heavy Vehicle National Law Amendment Bill 2012 into the Queensland parliament. The industry has been seeking a national regulator for heavy vehicles and a national law for heavy vehicle regulation for several years now. With the introduction of this amendment bill, the National Heavy Vehicle Regulator reforms reach another milestone. With a strong focus on reducing the regulatory and red tape burden as part of the Newman government's approach to growing the four-pillar Queensland economy, this government continues to recognise the importance of this reform. We have worked closely with the National Heavy Vehicle Regulator Project Office, industry and all other jurisdictions to enable the timely introduction of this bill.

For years now, the heavy vehicle industry has operated under 12 model laws that often lacked consistency across Australia, as jurisdictions adapted the model laws to suit their individual needs and circumstances. This amendment bill refines the single, national law that combined all those 12 model laws into one law that will reduce red tape and greatly improve productivity. As the house may recall, a range of complex policy and technical drafting issues were not able to be satisfactorily resolved in the time frame required to meet the regulator's January 2013 commencement date, so a two-bill approach was adopted.

The Heavy Vehicle National Law Act, which gained assent in late August this year, contained the majority of legislation the regulator is to administer, as well as provisions necessary to allow establishment of the regulator. The amendment bill before you contains several policy refinements and technical amendments, along with significant improvements over the first national law bill, including the following key policy changes:

- the inclusion of an access framework to support more efficient Performance Based Standards vehicles, which currently operate through administrative arrangements;
- a more transparent, robust decision making framework for road access decisions, which includes improved clarity about the matters a road manager may consider, such as safety and what conditions can be applied when granting access;
- alignment with Council of Australian Governments' executive officer liability provisions, which are designed to promote good corporate governance while ensuring that liability for corporate fault is not applied to an individual unfairly or unreasonably;
- executive officer liability offences are a separate matter to chain of responsibility and these amendments do not in any way water down chain of responsibility provisions;
- inclusion of provisions to confirm the regulator as a national system employer for the purpose of the Commonwealth Fair Work Act 2009;
- and, finally, the creation of nationally consistent maximum penalties to replace the penalties implemented through the first bill, which were largely based on Queensland's current penalties.

Development of these national penalties involved extensive consultation with jurisdictions and industry. The Standing Council on Transport and Infrastructure will consider a report from a full review of

maximum penalties at its first meeting in 2014. I would like to invite the parliamentary portfolio committee to consider the new national penalties, and provide advice on whether the penalties are set at appropriate levels or other options that may be applied. I believe this information would be extremely useful in informing Queensland's participation in the upcoming national penalty review.

The regulator will ensure the consistent application of the national law across all jurisdictions resulting in the same outcome in the same circumstances across Australia. The objective of the regulator is to reduce the compliance burden for business, improve Australia's international competitiveness, improve productivity and safety and make it easier for business to operate across borders. This approach recognises the benefits of national consistency in heavy vehicle law and regulations, and the valuable contribution the heavy vehicle transport industry makes to the economy.

The administrative provisions in the national law were proclaimed on 12 October 2012. I can proudly inform the House that the regulator is now an entity in its own right and the regulator board has been established. The honourable Bruce Baird AM, as chairperson, is working hard with other board members to get the regulator up and running to start initial operations in January 2013.

I would now like to take a moment to address the impact of the national law in Queensland with respect to matters that were raised during debate of the first bill in August this year. During debate, there was significant support for Queensland to maintain our practical approach to operational realities and access to the network for industry. I can reassure my colleagues, all local productivity initiatives currently enjoyed by Queensland, such as the livestock volumetric loading and grain harvest management schemes, will be retained following implementation of this legislation. In fact, a key role of the regulator will be to review such initiatives nationally with a view to expanding them to other suitable areas of the country to further promote productivity improvements Australia-wide. The resulting application of productivity initiatives on a national basis, rather than state by state, will yield efficiency gains and a reduction in the cost of regulation.

Queensland supports the adoption of national fatigue model laws through the national law which will improve national consistency of compliance obligations placed on operators and drivers. The fatigue management approach in the national law flows from the national fatigue model laws that were approved in August 2008 and were implemented by Queensland, New South Wales, Victoria and South Australia through existing state based laws. Under the national law, all states and territories, with the exception of Western Australia, will adopt the national fatigue laws when this legislation is applied in their jurisdiction. National fatigue laws have been the subject of extensive expert advice and industry consultation and are considered to provide an appropriate balance between flexibility and productivity opportunities for industry, while managing the road safety risks of driver fatigue. Western Australia has indicated it will not adopt the national law in so far as it applies to fatigue management of heavy vehicles and will maintain their existing code of practice approach under occupational health and safety laws.

All transport operators, including smaller businesses and those operating in regional areas, will benefit from improvements that are planned for advanced fatigue management following national commencement of this legislation. This will include a simplified risk management classification system and the development of templates to assist operators in applying these new and flexible approaches in their own businesses, thereby greatly reducing costs and administrative burden, and increasing accessibility to the scheme.

As mentioned earlier, industry has been calling for a national regulator for many years now, and understandably they have been heavily involved in development of the regulator from day one. Industry representatives have been provided with regular iterations of the draft amendment bill as it was developed, and their involvement in the project implementation board, the policy analysis working group and the industry advisory group, which is a formal industry consultation body for the regulator reform, has proven invaluable. Their hands-on experience and knowledge of the problems faced by heavy vehicle operators and drivers has humanised the issues and ensured the reform will deliver real benefits for industry.

I look forward to continuing to work collaboratively with industry, stakeholders and my interstate colleagues to reduce the regulatory burden on industry, maximise the opportunities to promote optimal use of the road network and deliver the great productivity potential of this reform. I commend this bill to the House.

### First Reading



**Hon. SA EMERSON** (Indooroopilly—LNP) (Minister for Transport and Main Roads) (12.24 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.


Bill read a first time.

## Referral to the Transport, Housing and Local Government Committee

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Transport, Housing and Local Government Committee.

## MOTION

### Referral to the Transport, Housing and Local Government Committee

 **Hon. SA EMERSON** (Indooroopilly—LNP) (Minister for Transport and Main Roads) (12.25 pm), by leave, without notice: I move—

That the Transport, Housing and Local Government Committee, whilst considering the Heavy Vehicle National Law Amendment Bill 2012, also consider the appropriateness of the proposed national penalty regime in Queensland.


Generally penalties in the heavy vehicle national law appear consistent with the current penalties applicable in Queensland but I want to be sure that the penalties are fair and do not result in an unreasonable burden on the heavy vehicle industry in Queensland.

Question put—That the motion be agreed to.

Motion agreed to.

## ~~HOUSING AND OTHER LEGISLATION AMENDMENT BILL~~

### ~~Introduction~~

 **Hon. BS FLEGG** (Moggill—LNP) (Minister for Housing and Public Works) (12.25 pm): I present a bill for an act to amend the Housing Act 2003, the Building Act 1975 and the Plumbing and Drainage Act 2002 for particular purposes, and to make minor amendments of the acts mentioned in the schedule. I table the bill and the explanatory notes. I nominate the Transport, Housing and Local Government Committee to consider the bill.

*Tabled paper:* Housing and Other Legislation Amendment Bill 2012.

*Tabled paper:* Housing and Other Legislation Amendment Bill 2012, explanatory notes.

It is an honour to introduce the Housing and Other Legislation Amendment Bill 2012. It has been many years since a Liberal National government has been in a position to progress reforms to the housing assistance system, and, as the House is well aware, these reforms are well overdue.

Over several years, housing ministers from all states and territories have been debating how to arrest the decline of Australia's once proud and robust public housing system. Now is the time for action. Supported by our respective governments, my interstate colleagues and I have taken the decision to embark on what is potentially the biggest reform to the housing assistance system since the state housing commissions were formed across Australia in 1945 to deliver public housing and to contribute to postwar reconstruction and development.

Queensland and other participating jurisdictions have signed an intergovernmental agreement to establish a consistent regulatory environment supporting the growth and development of community housing nationally, with the aim of: improving outcomes for tenants; protecting government funding in social housing; and enhancing the confidence of persons, including investors and financiers, who have dealings with registered providers of community housing.

Unlike some other national systems, the National Regulatory System for Community Housing does not refer any power to the Commonwealth. Each participating jurisdiction implements this system by mirroring or applying the provisions of the model national law as made by the parliament of New South Wales. This bill enacts the national regulatory system in Queensland by mirroring the model national law provisions in the Housing Act 2003.

There is an existing state based registration system under our act; however, it does little to assure government and other investors that providers of community housing are independent, robust and viable businesses. The bill will create a new relationship between the state and providers that is mature, business focused, performance based and delivers real outcomes.

The bill removes the state's existing registration provisions for community housing organisations and replaces them with provisions modelled on the national law. Under these provisions, a community housing registrar is appointed, and makes decisions independent of the minister or the chief executive about the registration and regulation of community housing providers. The registrar's functions and powers include making decisions on the registration of providers, monitoring their performance against a national industry code, taking action on non-compliance and providing information and advice to the minister and the chief executive about the performance of registered providers and the regulated sector.