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Queensland Trucking Association Ltd ABN 64 008 963 053

19th March 2018

Committee Secretary
Transport and Public Works Committee
Parliament House
George Street
Brisbane Qld 4000

Email: tpwc@parliament.qld.gov.au

Dear Committee Secretary

**Submission by Queensland Trucking Association Ltd
Heavy Vehicle National Law and Other Legislation Amendment Bill 2018**

Queensland Trucking Association Ltd

Founded in 1907, the Queensland Trucking Association Ltd (QTA) is the peak industry body representing road freight operators in Queensland. The QTA is committed to advocate for a safe, productive and viable industry with a strong unified voice and actively represents large and small road freight operators across many sectors of the industry, ranging from rural to the ports, from distribution centres to consumers.

Heavy Vehicle National Law and Other Legislation Amendment Bill 2018

On the 15 February 2018, the Hon Mark Bailey MP, Minister for Transport and Main Roads, introduced the Heavy Vehicle National Law and Other Legislation Amendment Bill 2018 into the Queensland Parliament which was subsequently referred to the Transport and Public Works Committee (TPWC) for consideration and public consultation with the report due to Parliament by 20 April 2018.

Previous consultation

Throughout previous consultation periods, the QTA has indicated support for proposed amendments to the *Heavy Vehicle National Law Act 2012 (HVNL)* and the *Transport Operations (Road Use Management) Act 1995 (TORUM Act)*

In particular, support for proposed amendments relating to notifying registered operators of offences, simplifying testing for drug driving offences and the one-off exemption from vehicle registration duty for heavy vehicles transitioning from the Federal Interstate Registration Scheme to the Queensland registration scheme.

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HVNL

Positive executive officer due diligence obligations

The Bill amendments are key to heavy vehicle policy initiatives relating to extending positive executive officer due diligence obligations to all major safety related duties in the HVNL as agreed by the Transport and Infrastructure Council.

The QTA recognises that these amendments will:

- bring executive officer liability under the HVNL more in line with the officers' duty provisions under the Model Work Health and Safety Act (WHS) by focussing the obligation of executive officers on safety related matters;
- encourage a more proactive approach to addressing heavy vehicle safety risks;
- reduce regulatory complexity and compliance costs associated with having two different approaches to executive officer liability in the WHSA and the HVNL;
- limit the obligations on executive officers to those that have a direct safety link; and cover all major safety duties in the HVNL;

The amendments should not increase the range of parties covered or the scope of executive liability.

The QTA supports the amendments which are proposed to align the HVNL and WHSA executive officer liability provisions, reducing compliance costs and administration for businesses.

The Australian Trucking Association (ATA) will provide a more detailed submission in response to the HVNL amendments through their secretariat. The QTA participates on the ATA Council, Board and various committees in a National approach.

Other amendments

The QTA also supports the proposed amendments regarding:

- development of a national operator fleet dataset of registered heavy vehicles;
- allowing Queensland to continue performing registration related functions for heavy vehicles beyond 1 July 2018
- providing a one-off exemption from vehicle registration duty for heavy vehicles transitioning from the Federal Interstate Registration Scheme to the Queensland registration scheme; and
- minor or technical changes resulting from the maintenance process for the HVNL that remove unnecessary administrative or regulatory burdens, i.e. improvements to roadside enforcement, reduce industry compliance burden, clarifying meaning of minor risk, allowing documents to be available electronically, clarifying record keeping requirements for record keepers and drivers, and indexation of new penalties in HVNL.

QTA comment on the REGISTRATION and FEDERAL INTERSTATE REGISTRATION SCHEME (FIRS) amendments.

In conjunction with the proposed amendments to HVNL registration, the Federal Interstate Registration Scheme (FIRS) will be closed. All registration functions for heavy vehicles will be maintained and administered directly by each state and territory, based on a vehicle's garage address.

Legislation to repeal FIRS is expected to be passed by the Australian Parliament before 1 July 2018, in time for Queensland to continue performing registration related functions for all heavy vehicles beyond that date.

The closure of FIRS will require all heavy vehicles registered under FIRS to transition to state/territory-based registration systems during a transition window from 1 July 2018 to 30 June 2019. Consequently, the proposed Bill will also amend the Duties Act (Qld) 2001 to provide a one-off exemption from vehicle registration duty for heavy vehicles transitioning from FIRS to the Queensland registration scheme. FIRS will be finalised and closed to all operators by 30 June 2019.

The QTA and other Industry Associations opposed the Federal Government's decision to increase the stamp duty burden on operators by closing the Federal Interstate Registration Scheme.

While the Queensland Government has proposed a one off stamp duty exemption for existing FIRS vehicles, the exemption will not address the ongoing annual costs for operators who would normally register new vehicles in FIRS.

It has been estimated that the current FIRS stamp duty exemption saves trucking operators \$6.2 million annually which therefore means the industry will now have an annual tax increase of \$6.2 million on new heavy vehicles.

The industry requires incentives for investment in new vehicles and not new taxes. In particular, Governments can set the tone with suitable road networks for high productivity vehicles, which are safer, more productive, and reduce the impacts of trucks on roads and the environment. Particularly in a state such as Queensland with a strong heavy vehicle manufacturing industry.

Separate to this Tax increase by the Federal Government, in Queensland during the recent State Election, the Palaszczuk Government made a commitment that there would be an increase in the Vehicle Registration Duty (Stamp Duty) of an additional \$2 per \$100 of dutiable value for premium motor vehicles worth more than \$100,000. This is to commence on 1 July 2018.

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QTA representations and ongoing discussions have revealed that while the changes to the legislation (Duties Act) for this election commitment are yet to be enacted, the final position by government will only be clear when legislation is introduced in the Budget sitting of Parliament in June. The QTA have an understanding that heavy vehicles will not be included in the election commitment increase to the stamp duty tax.

Currently, heavy vehicles do not pay stamp duty in Queensland if they are registered under FIRS. However when FIRS closes from 1 July 2018, there will be a requirement for Queensland heavy vehicles currently registered under FIRS to transition back to Queensland registration and pay stamp duty. These vehicles would attract stamp duty at the current rate if applicable.

The QTA oppose the increase in taxation by the Turnbull Government but acknowledge the relief provided by the Palaszczuk Government in not including heavy vehicles in the proposed stamp duty increases proposed for the 2018/19 Budget.

The QTA supports the amendment that at least provides a one-off exemption from vehicle registration duty for heavy vehicles transitioning from the Federal Interstate Registration Scheme to the Queensland registration scheme.

TORUM ACT 1995 and TPC ACT 1994 AMENDMENTS.

Transport Operations (Road Use Management) Act 1995 (TORUM Act) and the Transport Planning and Coordination Act 1994 (TPC Act) have been amended with the aim to improve road safety by:

- Increasing penalties for driving offences involving death or grievous bodily harm;
- Allowing a registered operator of a vehicle to be notified of offences committed in their vehicle by another person; and
- Allowing a police officer who conducts a roadside test for drug driving to also conduct any subsequent saliva analysis.
- Amending the duties of drivers involved in crashes

Allowing a police officer who conducts a roadside saliva test of a driver to also conduct any subsequent saliva analysis.

Currently, under section 80(8J) of the TORUM Act, when testing for drug driving offences, the police officer who operates a subsequent saliva analysing instrument must not be the same officer who arrested the driver or who performed the preliminary roadside saliva test.

With technological improvements to the saliva analysing instruments it should not be necessary for two police officers to perform a road side test and any subsequent analysis, particularly in remote areas of Queensland where, in some circumstances, only a single police officer may be present and not have access to other authorised personnel within a reasonable distance.

The QTA supports this amendment to allow one officer to perform the roadside saliva test of a driver and to conduct any subsequent saliva analysis.

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Allowing the registered operator of a motor vehicle to be notified of any driving offences committed in their vehicle.

The QTA has been in discussion with the Queensland Department of Transport and Main Roads since 2015 seeking regulatory provisions in Queensland, to provide operators with improved online access to information regarding employees holding a heavy vehicle licence.

The QTA has a strong view that only a minority of people need be concerned about these changes. In order for the industry to continually improve road safety outcomes we seek your support in introducing this legislation into Queensland as a matter of priority.

There are currently no provisions within the TORUM Act that support the release of "other driver" driving offences information committed in a registered owners vehicle.

The QTA recognises the potential benefit *under Queensland's Road Safety Action Plan 2017-19* in supporting young people becoming safe and responsible drivers while driving a relatives or other persons vehicle by notifying the registered owner of irresponsible driver behaviour which will then allow remedial action to be taken to modify driver behaviour.

Similarly, for the trucking industry and fleet operators where a registered operator (employer) permits another person (employee) to drive their commercial vehicle.

Currently a registered operator of the vehicle can be notified of offences if they are detected by camera, however registered operators may not be aware of road side intercepted offences that drivers have incurred.

This amendment will allow registered operators to be made aware of driving offences occurring in their vehicle and to take remedial action with the employee, as it is the responsibility of the owner of the vehicle to ensure that their vehicle is operated safely on the road at all times.

QTA is strongly supportive of this amendment to TORUM which will provide the registered operator of a motor vehicle with notification of any driving offences committed in their vehicle.

The QTA thank the Transport and Public Works Committee for considering our comments in this submission to assist with the committee's inquiry and report to Parliament regarding the Heavy Vehicle National Law and Other Legislation Amendment Bill 2018

I am pleased to be available to give evidence before the Committee and or provide any other information you may require.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Gary Mahon', is written over a white background.

Gary Mahon
Chief Executive Officer

