



Speech by

**Mr N. ROBERTS**

**MEMBER FOR NUDGE**

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Hansard 25 August 1999

### **ROAD TRANSPORT REFORM BILL**

**Mr ROBERTS** (Nudgee—ALP) (2.30 p.m.): I wish to make some comments about the proposed new penalties relating to the overloading of heavy vehicles. Firstly, I commend the road transport industry for its positive contribution to the recent road transport reforms. The industry has undergone much change of late and has been both responsible and responsive to these necessary reforms. The proposals that I will be outlining today have the support of the Road Freight Industry Council and the Transport Workers Union, both of whom understand the need to target the activities of a minority of irresponsible operators within the transport industry. This minority has no place in the industry, which is largely represented by honest and diligent operators.

The Road Transport Reform Bill represents a complete restructuring of the approach to heavy vehicle overloading. Previously, the notion of an overloaded vehicle travelling on the State's roads was perceived as an insignificant transgression. Moreover, there seems to have been a general expectation that the degree of overloading on Queensland roads was only of modest concern. Nothing could be further from the truth.

Trucks have been detected on our road system that have been overloaded by up to 30 tonnes. In addition, in Queensland, up to 14% of all heavy vehicles are frequently overloaded. There are three harmful outcomes that this imposes on the community. Firstly, it imposes an intolerable risk to community safety.

**Mr Bredhauer:** We had one picked up the other day—a B-double—21 tonnes over the limit.

**Mr ROBERTS:** As I said, that poses an intolerable risk to public safety on our roads.

Secondly, overloading seriously deteriorates the quality of the State's roads and bridges, causing a significant drain on the public purse to meet maintenance costs. As has been pointed out by a number of speakers, there is always a need to spend more on maintenance. In particular, it has been highlighted that the Federal Government seems to be sadly lacking in coming forward with the money in that field. Thirdly, people who overload are unfairly undercutting honest truckies by carrying more freight at a lower price. Such unfair competition as a result of this undesirable practice puts pressure on honest operators to also break the law or face being forced out of business.

A semitrailer loaded to 160% of its legal mass limit, travelling at 100 kilometres per hour, requires a total of 225 metres to come to a complete halt upon the commencement of braking. That is a 68-tonne juggernaut needing nearly a quarter of a kilometre in which to effectively stop. A person consciously choosing to load a vehicle to this level has forgone the right to use our road network, and certainly has no right to endanger the lives of the community in general. The State therefore needs a penalty system that strongly discourages rogue operators from carrying out such dangerous practices. Fewer overloaded heavy vehicles on our road network will reduce the threat of serious injury or death for all road users, enabling all motorists to travel more safely.

It is often forgotten that one of this State's biggest public assets is our roads and bridges. These assets are paid for by all Queensland taxpayers. The Department of Main Roads estimates that overloaded heavy vehicles cause approximately \$40m in damage per year to our road infrastructure. That is \$40m which could be better spent on hospitals and in our education system.

The road transport industry is well known for being one of the most competitive industries in Australia. Profit margins are tight and every opportunity to gain an advantage has to be considered. In

this environment, an unscrupulous operator willing to carry 20%, 40% or 60% more than the legal limit gains a considerable commercial advantage. Overloading is an unfair and undesirable practice, and reducing the level of overloaded heavy vehicles will ensure a fair go for all those involved in the road transport industry. These new penalties are supported by the industry because they target irresponsible operators who are willing to take as much as double their legal load. Each dangerous double load takes away an entire job from a legitimate operator who is not willing to put profit before safety.

Unfortunately, information collected over the last two to three years indicates that the incidence of heavy vehicles carrying more than their legal capacity has increased. I note with concern that the Commonwealth Government has determined that from 1 July 1999 all heavy vehicles covered by the Federal interstate registration scheme will be granted a load limit increase. This has been agreed to without due consideration and funding support for the impact on Queensland's road infrastructure. The Government is proposing to implement realistic and equitable sanctions to deter operators from acting illegally. Queensland will have the toughest, yet fairest, penalty provisions relating to the overloading of heavy vehicles in Australia. The Bill sets out a three-tier approach to tackle the issue.

The highest and most dangerous category is that small minority of vehicles with extreme overloads. In this category, where a heavy vehicle is carrying greater than 160% of its regulated mass limit, not only is infrastructure damage extremely high but also the safety of other road users is grossly compromised. At this level, there can be no misunderstanding by the operator that he is not complying with the legislation. Accordingly, an appropriate penalty should exist to act as a disincentive for this most serious of offences. It is proposed that a maximum fine of \$6,000 for an individual and \$30,000 for a company will apply. It is further considered necessary that, upon conviction under this section, provision be made for Queensland Transport to be able to apply to the court for an order that the vehicle used in the commission of the offence be forfeited.

The second most severe offence relates to vehicles carrying more than 120% of their regulated mass limit, without exceeding 160%. At approximately 120% of regulated mass, most vehicles have exceeded their manufacturer's rating and, as such, not only are there road wear implications but also public safety has been seriously compromised. It is proposed that a new maximum penalty of \$6,000 for an individual and \$30,000 for a company will apply. Where an operator is caught carrying up to 120% of his regulated legal load, the current penalty is a paltry maximum of \$360. A significant deterrent has been introduced in this Bill. To more accurately reflect the damage done to our road network, a new penalty infringement notice carrying a maximum penalty of \$1,180 will apply. This penalty is more commensurate with the actual cost incurred by the community through damage to infrastructure.

I urge the House to recognise the timeliness, necessity and sense of these provisions. The road transport industry recognises that irresponsible operators cannot be tolerated. I applaud the industry for its support. It is not acceptable that a small percentage of our road users create such large problems for the majority.

As honourable members would be aware, Queensland's road toll last year was the lowest in 42 years. Not since 1956 have so few lives been lost on our roads. The proposals that I have outlined will help continue this trend. The Government is determined to lead the way with regard to road safety initiatives. The new offences for overloaded heavy vehicles will ensure that the incentive for carrying more than legal loads is reduced and, in turn, will see fewer illegally loaded vehicles on our roads.

**Mr Sullivan:** Two minutes to go.

**Mr ROBERTS:** In my final two minutes, I want to say something about the cut and cover option at Nundah. Firstly, I welcome the commencement of the construction activities, which are now well under way. I acknowledge the role of the former Minister in facilitating this project. Of the people who were there back in December 1995—and the members for Clayfield and Chermside were there—who could forget that historic day when the Labor Government, through then Minister Jim Elder, in the park behind the Nundah Post Office announced that the cut and cover tunnel was to go ahead. The overwhelming majority of people in my electorate and in the electorates of the members for Clayfield and Chermside are right behind this project. We all look forward to the tunnel's speedy construction and opening.

I want to recognise briefly a couple of local community organisations that played a significant role in seeing this project to this point: firstly, Nundah's Organisation To Improve Our Neighbourhood—or NOTION—currently headed by President Greg Ferrington, and its members, including local community stalwart Norah Bennett. In addition, the Citizens Reference Group, chaired by Scott Taylor and ably supported by the other members, including local businessperson Margaret Pritchard. Both of those organisations and their members have ably represented the community's views on this very important project for the northern suburbs. Accordingly, I believe that they should play a prominent role in the tunnel's opening ceremony. I know that recently NOTION in particular has written to the Minister on this matter and I hope that he is able to ensure that that organisation in particular receives due recognition at the appropriate time when the tunnel is opened.