



Speech by


Hon. Anastacia Palaszczuk

MEMBER FOR INALA

Hansard Tuesday, 15 November 2011

HEAVY VEHICLE NATIONAL LAW BILL

Message from Governor

 **Hon. A PALASZCZUK** (Inala—ALP) (Minister for Transport and Multicultural Affairs) (12.09 pm): I present a message from Her Excellency the Governor.

The Deputy Speaker read the following message—

MESSAGE

HEAVY VEHICLE NATIONAL LAW BILL 2011

Constitution of Queensland 2001, section 68

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

A Bill for an Act providing for the adoption of a national law regulating the use of heavy vehicles.


(sgd)

GOVERNOR

Date: 15 NOV 2011

Tabled paper: Message, dated 15 November 2011, from Her Excellency the Governor recommending the Heavy Vehicle National Law Bill [\[5875\]](#).

Introduction and Referral to the Transport and Local Government Committee

 **Hon. A PALASZCZUK** (Inala—ALP) (Minister for Transport and Multicultural Affairs) (12.10 pm): I present a bill for an act providing for the adoption of a national law regulating the use of heavy vehicles. I table the bill and explanatory notes. I nominate the Transport and Local Government Committee to consider the bill.

Tabled paper: Heavy Vehicle National Law Bill [\[5864\]](#).

Tabled paper: Heavy Vehicle National Law Bill, explanatory notes [\[5865\]](#).

I am pleased to introduce the first Heavy Vehicle National Law Bill. This is the first piece of legislation from a major reform process that will transform regulation of the heavy vehicle industry in Australia. It has been a long-term goal of the Australian, state and territory governments, along with the heavy vehicle industry, to work towards greater harmonisation in heavy vehicle regulation.

The Council of Australian Governments, known to many as COAG, is driving a national program of micro-economic reforms in a range of sectors to produce single regulatory environments for the Australian economy. The reforms aim to improve productivity and international competitiveness and reduce compliance burdens for business and workers, making it easier to operate across state borders.

In July 2009, as part of the national reforms to deliver a seamless national economy, COAG agreed to establish a National Heavy Vehicle Regulator to administer a national body of law to govern the regulation of all heavy vehicles. This recognises the importance of national consistency in heavy vehicle law and regulations and the huge contribution made by the transport industry to the national economy and the fact that the majority of the freight task in Australia cross state and territory borders. Preliminary

estimates indicate that the net benefits to Queensland from the establishment of the regulator and the national law are approximately \$1.47 billion in present value terms over a 22-year period.

In recognition of Queensland's positive working relationship with industry and our strong support and adoption of previous national heavy vehicle model laws, Queensland was named host jurisdiction for this regulatory reform in February 2010. This meant Queensland would help lead implementation of the regulator reform in conjunction with the regulator project office, the National Transport Commission and all jurisdictions.

Queensland will be the first state to introduce the new national heavy vehicle law that will ensure a safer and more productive heavy vehicle industry. The COAG endorsed intergovernmental agreement for this reform requires national law legislation to be passed by the Queensland parliament by 31 March 2012.

In the past, the heavy vehicle industry was governed and regulated by a dozen model laws that had been nationally approved over the last two decades. Despite being introduced with the best of intentions, these model laws often lacked conformity as jurisdictions would often adapt the model laws to suit their individual needs and concerns.

With this bill we will now have one single national law to be adopted in a consistent manner in every jurisdiction as template law, with the exception of Western Australia, which is planning to mirror the legislation. All jurisdictions will pass legislation to ensure the national law, as enacted by Queensland, is effectively applied as law in their own jurisdiction.

The national law will provide provisions to create a single national regulator and give the regulator authority to perform all regulatory functions for Australia's heavy vehicle industry, with the exception of administering a national heavy vehicle driver licence and the harmonisation of dangerous goods laws. The regulator will commence operations on 1 January 2013 and will be responsible for administering the new law for heavy vehicles on matters such as registration, mass and loading, fatigue management, vehicle standards, and compliance and enforcement.

This new national law includes provisions to create a national regulator that will have responsibility and authority to perform all the regulatory duties for Australia's heavy vehicle industry. The regulator will commence operations on 1 January 2013 and will be responsible for administering the new law for heavy vehicles on matters such as registration, mass and loading, fatigue management, and compliance and enforcement. The national law will apply to all heavy vehicles over 4.5 tonnes, with the exception of heavy vehicle driver licensing.

As Queensland had diligently applied the previous model laws, the only significant new inclusions for Queensland from previous model legislation are the provisions necessary to create the regulator as a separate corporate entity, including human resourcing, financial controls and governance structures.

Queensland has only varied from previous national model laws where necessary to cater for the unique nature of operations in the state or Criminal Code requirements. There are few policy changes required to bring Queensland completely in line with the national legislation. In determining how to approach the task, the Australian Transport Council determined that in developing the national law the focus would be squarely on consolidating the previous model laws and not substantially reviewing existing policy positions.

The basic objective driving the introduction of the uniform national heavy vehicle law was to achieve the 'same outcome in the same circumstances' across all jurisdictions and to reduce the legal and administrative costs of compliance. In order to ensure this goal did not lead to an increase in the regulatory burden on operators, a regulation impact statement was produced for national consultation on this reform. The purpose of this rigorous national consultation process was to explore the potential impact of the national law and to provide an opportunity for governments and industry to comment on the reform.

Due to the extremely complex nature of combining a dozen pieces of heavy vehicle legislation, it was necessary to split the national law into two separate bills. The bill introduced today contains the vast majority of the legislation the regulator will administer and establishes the regulator itself. A second bill will be introduced in mid-2012, which will contain a range of technical amendments and policy refinements.

Enshrining the bulk of the agreed legislation within COAG time frames will allow the corporate structures of the regulator to be established from July 2012, as required. It also sends a clear signal to stakeholders that governments are committed to the regulator reform. This approach will also maximise the opportunity for other jurisdictions to draft and enact the legislation within agreed time lines.

Critical to the success of the regulator reform was industry consultation and engagement. An early priority of the regulator board was to establish an industry advisory group in October 2010. Industry have been actively consulted and have worked with jurisdictions to devise a forward work program. The forward work program will address policy and technical issues in the second amendment bill, as well as matters to be addressed following implementation of the regulator.

Other mechanisms were adopted to ensure that consultation and engagement was broad ranging and reached out to communities and industry, including face-to-face meetings and public forums in key regional centres.

The regulator will provide a platform for industry and governments to adopt a unified approach based on evidence and applied to all aspects of heavy vehicle regulation. As an independent entity, the regulator has the potential to assist with identifying issues and trends and ascertain measures that will meaningfully improve safety, promote more productive and innovative arrangements, and make customer service more efficient.

The regulator will enable owners and operators to conduct heavy vehicle business with governments at one place. For example, this one-stop shop will allow registration renewals and the issue of access permits to be coordinated through a single point of contact, cutting down on unnecessary costs and time for operators.

At the moment heavy vehicle operators and drivers need to comply with different regulations in each state and territory they drive through. For example, an interstate operator taking freight from Townsville to Melbourne would need to contact and receive access approvals from three state jurisdictions—jurisdictions that could potentially apply their own specific access requirements. These different requirements create extra cost, red tape and confusion.

The regulator will facilitate negotiations with asset owners across jurisdiction borders and local governments to ensure that a single permit with a simplified set of operating conditions for all participating jurisdictions is issued. Queensland operators will be able to contact one central regulatory agency for advice on logbooks, escort requirements for wide loads, or to gain access permits on their long cross-border journeys south or west. I cannot stress enough how positively this new, simplified approach to transport regulation is being received by the hardworking owners, operators and drivers of Queensland's freight industry.

Queensland has a long history of working with industry to find practical solutions to operational realities. This has resulted in the implementation of a number of local productivity initiatives to suit Queensland conditions, which vary from productivity initiatives implemented in other jurisdictions.


A good example of this is the Grain Harvest Management Scheme. This scheme recognises the inherent difficulties of transporting a bulk commodity where varying moisture contents and densities can prevent an accurate load calculation. The Grain Harvest Management Scheme relieves this element of uncertainty by providing scheme participants with a certain amount of flexibility above normal mass limits. Through the use of agreed administrative processes and compliance activities, industry and my Department of Transport and Main Roads can ensure the conduct of an efficient grain harvest and protection of road infrastructure.

A further example is Queensland allowing access for innovative multicomination vehicles on designated routes in Queensland through the use of multicomination guidelines. These high-productivity combinations are safer than comparable sized road trains and provide greater efficiency as fewer trips are required to complete the same freight task.

The national law will allow for existing local productivity initiatives such as these to continue, with an added benefit to industry being that the regulator will assess the benefits of applying local productivity initiatives across other jurisdictions.

In conclusion, Queensland can be rightly proud of the role we have played in developing heavy vehicle regulation over the past few decades. That commitment to ease the burden on industry and improve safety continues with the national heavy vehicle regulator reform. I wish to finish by acknowledging the incredible amount of work put into this reform by the national regulator project office, the National Transport Commission, all jurisdictions, industry organisations, unions, and in particular members of my department for their ongoing commitment to this reform.

First Reading

 **Hon. A PALASZCZUK** (Inala—ALP) (Minister for Transport and Multicultural Affairs) (12.20 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.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! In accordance with standing order 131, the bill is now referred to the Transport and Local Government Committee.