




Speech by
John Grant

MEMBER FOR SPRINGWOOD

Hansard Thursday, 23 August 2012

HEAVY VEHICLE NATIONAL LAW BILL

 **Mr GRANT** (Springwood—LNP) (11.26 am): I rise to speak in support of the Heavy Vehicle National Law Bill 2012. As a member of the Transport, Housing and Local Government Committee, it has become clear to me that the nation cannot afford to continue with all the different conflicting state government legislation and regulations that are currently in force in the road transport sector across our nation.

I would like to acknowledge that much of what I have to say today has been drawn from the explanatory notes to this bill. Those explanatory notes run to nearly 250 pages. There have been moves by all state and territory governments to increase the harmonisation of laws regulating heavy vehicles. In recent years, a number of model laws were developed by the National Transport Commission. For example, national model heavy vehicle driver fatigue laws commenced in New South Wales, Victoria, Queensland and South Australia in September 2008. However, a number of variations in the laws remained. Consequently, in July 2009 a Council of Australian Governments—COAG—agreement was reached to develop and implement national laws for vehicles over 4.5 tonnes that would simplify compliance issues across the states and reduce duplication and inconsistencies in the heavy vehicle transport sector.

COAG decided that, rather than start from scratch in developing a heavy vehicle law, it should be based on those existing model laws developed by the National Transport Commission and the states and the territories. It was further agreed that Queensland would be the host state to introduce the first state legislation. The agreement states—

The Parties agreed on 25 February 2010 that national legislation regulating all vehicles over 4.5 tonnes, and establishing a National Heavy Vehicle Regulator ... will be established under legislation of the Queensland Parliament, with each state and territory passing enabling legislation to give effect to the legislation as passed in the Queensland parliament.

In August 2011, the states and the territories officially signed off on the Intergovernmental Agreement on Heavy Vehicle Regulatory Reform, recognising that all states and territories have a mutual interest in improving outcomes in heavy vehicle regulation. The process has two initial components to implement: firstly, to establish common heavy vehicle laws across all Australian states under the heavy vehicle national law and, secondly, to establish a National Heavy Vehicle Regulator as an independent body responsible for administering the heavy vehicle national law. I want to add here that it is important that we avoid two layers of regulation by ensuring the dismantling of the old layer once the new one is in place, otherwise the savings will not be realised to the fullest extent.

As agreed in the IGA, a single set of laws need to be passed in the host jurisdiction, Queensland. Each of the other jurisdictions will then pass an enabling act which applies to the Queensland law locally. Consequently, the first Heavy Vehicle National Law Bill was introduced to the Queensland parliament in November 2011 but later lapsed following the dissolution of parliament and the calling of the Queensland state election on 24 March 2012. The bill was reintroduced into the Queensland parliament on 31 July by our government and referred to the Transport, Housing and Local Government Committee. When the legislation is passed in Queensland, other states and territories can proceed with passing their own enabling legislation.

The initial time frame anticipated that the NTC was to have the National Heavy Vehicle Regulator established and operating by the start of 2013 with full implementation of the new laws by mid-2013. The principal objectives of the bill are firstly to reconcile variations in state heavy vehicle laws to a single unified practice applicable across all states and territories and, secondly, to establish the National Heavy Vehicle Regulator responsible for the administration of those laws.

The bill marks the culmination of the heavy vehicle reform program which formally began in March 2008 when the Council of Australian Governments committed to a micro-economic reform agenda throughout Australia. The Australian Transport Council proposed a single regulator to administer a body of national heavy vehicle laws. The proposed framework was the subject of a regulatory impact statement developed by the Department of Infrastructure, Transport, Regional Development and Local Government in 2009. The current annual cost of compliance has been estimated by NatRoads at \$17.78 million because the lack of a single administering body currently leaves operators to navigate a maze of government bodies for important decisions around registration, accreditation, vehicle conditions and access. There is no single repository of expertise for the industry to refer to. Hence, operators seeking road access often face ambiguity when identifying appropriate decision makers and where to lodge their various applications. The divergent roles of transport agencies and the road manager may be unclear and operators may face long delays in determinations.

Rights of review have been enshrined in law and administrative mechanisms are inconsistent. Consequently, letters of complaint are often addressed to ministers, chief executives and other officials thought to be relevant in the hope of a favourable response. Some operators may shop around within and between departments in search of advice and information that best suits them. An operator wishing to cross a border into Western Australia may be a member of up to three accreditation schemes all with entry fees and entry requirements, although efforts have been made to streamline the associated auditing and compliance regimes.

An independent cost-benefit analysis was commissioned to ascertain the net benefits possible through adoption of the proposed national heavy vehicle law. Two separate methodologies were used. The first, based on previous regulatory impact statements and the work of the Productivity Commission, estimated total net present value gains of around \$12 billion over 20 years. The second methodology, based on new research and direct consultation, conservatively estimated gains in the order of \$9 billion in net present value over 20 years. These benefits will be predominantly derived through red tape reduction and reduced regulatory burden to industry through the consistent and coordinated administration of a single nationally applied heavy vehicle law.

As provided for in the COAG Intergovernmental Agreement on Heavy Vehicle Regulatory Reform 2011, the costs of establishing the Heavy Vehicle Regulator will be funded by the Commonwealth government. The national law will cover such particulars as vehicle registration, mass and loading, fatigue management, as well as compliance and enforcement. Heavy vehicle licensing laws will not form part of the proposed NHVR laws at present. Licensing laws will remain under the administration of various jurisdictions.

Around 368 variations in current state laws were initially identified by the National Transport Commission. Many of these are caused by factors such as differences in legal and law enforcement systems and drafting practices. Although technically different, they result in similar outcomes. Many of these issues have been resolved by jurisdictions agreeing to use a single drafting approach to be proposed in the NHVR laws.

Research for the planning of this reform began in 2008 and has included a vast amount of work across multiple jurisdictions throughout Australia. We must proceed with this legislation. I look forward to the many benefits that it will bring when other jurisdictions repeal their current legislation and regulations to make way for the new system across the nation. I commend the bill to the House.