




Speech By
Bart Mellish

MEMBER FOR ASPLEY

Record of Proceedings, 13 June 2018

HEAVY VEHICLE NATIONAL LAW AND OTHER LEGISLATION AMENDMENT BILL

 **Mr MELLISH** (Aspley—ALP) (3.29 pm): Heavy vehicle related amendments in the proposed bill were developed by the National Transport Commission in consultation with the National Heavy Vehicle Regulator and all state and territory road transport authorities, and they received unanimous agreement from the Transport and Infrastructure Council. Queensland is the home jurisdiction for the National Heavy Vehicle Regulator and heavy vehicle national law—law which is the cornerstone of COAG's heavy vehicle reform agenda. The proposed bill amends the Heavy Vehicle National Law Act 2012 to implement: nationally agreed reforms to executive officer liability provisions, development of a national operator fleet dataset of registered heavy vehicles, and amendments to application provisions allowing Queensland to continue performing registration related functions for heavy vehicles beyond 1 July 2018.

The bill also introduces amendments to improve road safety by increasing the penalties for driving offences involving death or grievous bodily harm, simplifying testing procedures for drug driving, allowing the registered operator of a motor vehicle to be notified of any driving offences committed in their vehicle by another person and improving the customer experience for persons participating in the learner licence online training and assessment program.

With regard to the heavy vehicle national law, the amendments are part of an ongoing review and maintenance process. The bill amends the laws to implement nationally agreed upon reforms. The major changes are: extending executive officer liability due diligence obligations, ongoing registration of heavy vehicles under the legislation of participating jurisdictions and development of a national operator fleet and dataset of registered heavy vehicles. Stakeholders were by and large supportive of these changes, which are sensible reforms.

With regards to the extension of executive officer liability due diligence, these were largely seen as the extension of existing workplace health and safety laws and regulations into the transport sector. I also congratulate the NHVR on their communications and awareness campaign on this in making sure all stakeholders were aware of what was happening at each step of the process, particularly for primary producers.

It is also pleasing to see a recommendation of the committee regarding the NHVR has, in fact, already been acted on. Consistent feedback from all sides of the industry was that the pending review of the NHVR should be brought forward. We heard this in our written submissions as well as during the public hearings. The committee was more than happy to recommend this in the report, which has led to the recent Transport and Infrastructure Council agreeing to bring forward the review from 2020-21 to 2018-19—the next financial year—with the terms of reference for the review to be shortly finalised.

The bill also contains certain amendments relating to driving offences. The views of families and friends impacted by fatal crashes where the offending driver had committed a careless driving offence have been expressed through correspondence to the government, public forums and the media over a period of time. We also heard firsthand from those families in the committee hearings. I certainly congratulate those families who appeared before the committee.

There is a community view that the current penalties for careless driving offences resulting in death or grievous bodily harm are inadequate. There have also been calls for lengthy or lifetime licence disqualification periods from some members of the community and family members impacted by fatal crashes. It is therefore pleasing to see that it is proposed that penalties for certain driving offences involving death or grievous bodily harm be increased. This bill also consolidates the duties of drivers following a crash, including clarifying that drivers involved in a crash where there is a fatality must remain at the scene.

The penalties for careless driving offences will be significantly increased in the event of the death or grievous bodily harm of a person, with a further increase to apply where at the time of the offence the offender was also unlicensed. There are also two new offences related to careless driving: a one-year maximum term of imprisonment for careless driving resulting in death or grievous bodily harm and a two-year maximum term of imprisonment for careless driving resulting in death or grievous bodily harm where the driver is unlicensed.

In conclusion, this is sensible legislation; these are sensible reforms. I commend the bill to the House.