




Speech By
Bart Mellish

MEMBER FOR ASPLEY

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HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL

 **Mr MELLISH** (Aspley—ALP) (12.40 pm): I am pleased to have the opportunity to speak on the Heavy Vehicle National Law Amendment Bill. The nature of national reforms across states and national model legislation means that this is not the first time—not even the first time this year—that this House has debated heavy vehicle national law. I am pleased to see that enthusiasm is still here for national heavy vehicle law bills.

I thank the chair of the committee, the member for Kurwongbah, committee members—the members for Bundamba, Hervey Bay, Callide and Traeger—and the minister for carrying this through. I thank witnesses to committee hearings, submitters and the committee secretariat and staff.

Summarised, the objectives of the bill are to implement nationally agreed reforms that include strengthening investigative and enforcement powers for authorised officers; to allow for increasing freight volumes where mass is not a constraint; to transfer load restraint performance standards from guidance material to the heavy vehicle national law; to remove unnecessary administrative or regulatory burdens and to ensure the HVNL remains contemporary and fit for purpose; and to insert a provision into the part of the act that governs the application of the HVNL in Queensland to streamline court processes for the prosecution of fatigue related offences.

Given that there are several components to this bill, I wish to speak on just a few of those. Firstly, on the strengthening of investigative and enforcement powers for authorised officers, this is related to the need to strengthen these powers as a result of a change in the onus of proof from those in the chain of responsibility to those seeking to prosecute. These were as a result of previous proactive primary duty approaches taken in chain-of-responsibility reforms.

These changes will provide authorised officers with additional powers to gather information from a person who is not an executive officer in the chain. They will enable a fleet or class of vehicles to be ordered for inspection—rather than individual vehicles—where there is a reasonable belief the fleet or class is defective. They will empower authorised officers to issue prohibition notices, and they will enable the courts to issue injunctions.

On the matter of increasing freight volumes where mass is not a constraint, the intention is to grant improved road access to heavy vehicles with increased volumetric load capacity but with no increase in mass. This increase in productivity will not be at the expense of road safety or road infrastructure. Industry will benefit from the use of more productive vehicles with greater road network access but without the regulatory burden of permits and other authorisations. To describe what this means, I quote from the Department of Transport and Main Roads from the public hearing—

The provision here allows access to PBS level 1 vehicles on the general access routes. General access is generally your biggest vehicle, so your 19-metre semitrailer. PBS level 1 allows up to 20 metres. There are still general mass limits, so it is the same weight but just slightly longer.

Basically, where the mass is the same it allows vehicles that are one metre longer to not have to go through a burdensome regulatory process. This will allow these vehicles to access the same road network as heavy vehicles operating under general mass limits without the need for an additional permit.

This policy to grant improved road access to heavy vehicles with increased volumetric load capacity but with no increase in mass was agreed to by the Transport and Infrastructure Council. It sounds sensible to me.

I will touch briefly on other components of the bill. Amendments in this bill allow for the Queensland prosecution to commence proceedings for a fatigue offence in a Magistrates Court district in which an offence occurred or in the Magistrates Court district in which the offence was detected. These are Queensland specific provisions. Multiple offences that would otherwise be heard in multiple locations will be heard in a single Magistrates Court. The choice of which court will be at the Queensland prosecutor's election. As the member for Kurwongbah mentioned earlier, this amendment will overcome the problem faced in a recent prosecution, for example, where a driver on a journey through Queensland committed fatigue offences that needed to be heard in six different courts. This is a sensible course of action to reduce unnecessarily duplicated processes.

In summing up, this bill is a sensible next step in the ongoing national heavy vehicle law reform process. Standardised processes ensure industry certainty and reduce overregulation across state boundaries. This is sensible economic reform. It is a straightforward bill. They say that without trucks Australia stops. Without the regular passage of heavy vehicle national law through this parliament, trucks may stop. I am pleased to see bipartisan support for this bill. I commend the bill to the House.