




Speech By
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MEMBER FOR CALLIDE

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HEAVY VEHICLE NATIONAL LAW AND OTHER LEGISLATION AMENDMENT BILL

 **Mr BOYCE** (Callide—LNP) (11.55 am): I rise to speak on the Heavy Vehicle National Law and Other Legislation Amendment Bill. The Heavy Vehicle National Law and Other Legislation Amendment Bill has been examined by the committee. The bill seeks to increase penalties for driving offences involving death or grievous bodily harm. It recommends increases in the maximum penalty from \$5,046 or six months imprisonment to \$10,092 or one year's imprisonment. These changes reflect the potential serious consequences of careless driving and provide the courts with the discretion to apply these higher penalties. We recognise that careless driving offences can result from a wide range of circumstances, and it is the courts who are best placed to deal with and determine how these penalties should apply.

The committee also recommends that the government consider an amendment to include the term 'negligent' to better reflect the intention of tiered offence provisions to close the gap between the existing offence of dangerous driving and driving without due care and attention.

The bill also implements a mandatory minimum driver disqualification for careless driving offences that cause death or grievous bodily harm to six months and seeks to extend that to 12 months. I note that the Queensland Law Society is opposed to any form of mandatory punishment as it prevents the courts from exercising their judicial discretion as to the facts and circumstances of each individual case. However, public sentiment demands harsher penalties for such offences.

The bill also allows for a police officer who conducts a roadside saliva test to conduct any subsequent saliva test. From a practical point of view, this allows a single police officer to fully complete roadside drug testing particularly in regional and remote Queensland where there may be only one officer deployed. The bill clarifies the duties of a driver involved in a crash where someone is dead or apparently dead: they must remain at the scene. It addresses a driver's duty to provide information to police and others involved in a crash.

The bill aims to improve the customer experience for persons participating in the learner licence online training and assessment program by allowing for their photo and signature to be retained for up to one year to cater for those who may have taken the maximum permitted period to complete online training and assessment programs, PrepL. The bill also allows for the registered owner-operator of a vehicle to be notified of offences committed in their vehicle by another person. This allows people to be aware of what is happening with their vehicle. For example, when children drive their parents' car and commit a driving offence, the parents will be notified.

The Heavy Vehicle National Law and Other Legislation Amendment Bill recommends that the minister consider the issue of stakeholder support for a timely review of the heavy transport law in consultation with the Transport and Infrastructure Council.



Mr BOYCE (Callide—LNP) (3.01 pm), continuing: I rise to conclude my address on the Heavy Vehicle National Law and Other Legislation Amendment Bill. The bill recommends that the minister consider the issue of stakeholder support for a timely review of the heavy transport law in consultation with the Transport and Infrastructure Council. This would allow for a review of heavy transport requirements and laws that have become outdated and do not address the requirements of the transport industry as time has moved on, and laws and regulation need to be uniform across the industry.

The bill also addresses the encouragement of a more proactive approach to addressing heavy transport safety risks and executive officer liability and responsibilities to be more in line with provisions under the model Workplace Health and Safety Act. It reduces regulatory and compliance costs associated with having two different approaches in regard to executive officer liability in the Workplace Health and Safety Act and the heavy vehicle national law.

It is noted that the agricultural sector, through AgForce and the National Farmers' Federation, has concerns regarding the communication of these changes and the sector's ability to adequately prepare for them. Within the agricultural industry there are overwhelming misconceptions as to the impact these changes will have upon on farm operations. The NHVR has some primary producer specific information that starts to distil the difference between how a primary producer is expected to behave when they contract a transport service versus how they are expected to behave when their staff and their vehicles are being used to undertake a transport task on the road network. AgForce has advised the committee that primary producers have a role to play in improving safety outcomes. I own a road train which I operate within my own private business with my sons. I can assure the House that we are forever aware of safety concerns when operating large machinery on the road network.

The bill also provides for the NHVR to maintain a database of heavy transport vehicles. This will allow Queensland to continue to perform registration related functions for heavy transport vehicles. It will provide for a one-off exemption for registration duty for heavy vehicles transitioning from the federal interstate registration scheme to the Queensland registration scheme.

In conclusion, there is an amendment to be moved by the Minister for Transport and Main Roads. The objective of the amendment to the Waste Reduction and Recycling Amendment Act 2017 is to defer the commencement date for the Container Refund Scheme from 1 July 2018 to 1 November 2018. I do not have a problem with this amendment, but I concur with and reiterate the member for Chatsworth's comments to the House about the untimely introduction of this amendment and wonder why this has happened. Perhaps it has something to do with family friendly hours being forced upon us by the House.