




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

Record of Proceedings, 13 June 2018

HEAVY VEHICLE NATIONAL LAW AND OTHER LEGISLATION AMENDMENT BILL

 **Mr WEIR** (Condamine—LNP) (3.32 pm): I rise to make a contribution to the debate on the Heavy Vehicle National Law and Other Legislation Amendment Bill 2018. There is not a more important industry in the seat of Condamine than the transport industry. With agriculture being the largest industry in the region, be it grain, cotton livestock or the other associated industries, all rely on the heavy transport industry.

The Heavy Vehicle National Law and Other Legislation Amendment Bill 2018 was introduced into the Legislative Assembly and referred to the committee on 15 February 2018. In February 2010 Queensland was named the host jurisdiction to lead the implementation of the NHVL. The Heavy Vehicle National Law Act 2012 was introduced into the Queensland parliament in July 2012. In 2016 amendments introduced chain-of-responsibility provisions which require parties to focus on overall safety outcomes, enable a more flexible approach to compliance, reduce the regulatory burden and more closely align the HVNL with other national safety laws. The bill amends the HVNL to expand positive due diligence obligations on executive officers to apply to all safety related offences with respect to the operation of heavy vehicles. The National Road Transport Association explained—

Chain of responsibility provisions in transport law are designed to ensure that any party in a position to control and influence on-road behaviour, including our friends from the primary production sector, are held accountable. CoR provisions recognise that on-road behaviour and safety outcomes are often influenced by the actions of parties within the transport industry other than the driver.

The Australian Trucking Association advised that they and the Australian Logistics Council with support from the Australian government, the NHVR and extensive consultation with those involved in the supply chain are developing a master registered industry code of practice, which is nearing completion, to help businesses comply with the law.

AgForce stated that the agriculture sector had raised concerns regarding the communication of the changes and the sector's ability to prepare for them. They stated—

Unfortunately, and as is often the way, some negative media started to talk about the idea of all responsibilities being pushed onto a farmer. A classic example is thinking if a farmer pays for a contractor to undertake a transport task and they are now responsible for ensuring the road worthiness of that vehicle is up to scratch, that the logbooks are in order and that the driver is not impaired by drugs, alcohol or fatigue. Naturally, producers were absolutely aghast at how that is legal or fair and reasonable.

In its response, the NHVR stated—

The NHVR continues to work with industry and participating jurisdictions to ensure a smooth transition to the new approach to Chain of Responsibility in the lead up to a commencement date being announced.

The explanatory notes identify that in conjunction with proposed amendments to the HVNL registration, the Federal Interstate Registration Scheme will be closed and all registration functions will be maintained and administered directly by each state and territory based on a vehicle's garage address. The explanatory notes also identify that the legislation to repeal FIRS is expected to be passed

by the Australian parliament before 1 July 2018. The closure of FIRS will require all heavy vehicles registered under FIRS to transition to state or territory based registration systems during the transition period from 1 July 2018 to June 2019.

With reference to the heavy vehicle database, clause 13 amends section 4 to include the keeping of a database of heavy vehicles by the NHVR. This is a consequential amendment resulting from the omission of chapter 2. Clause 39 inserts new sections requiring the NHVR to maintain a database of heavy vehicles. This amendment is intending to enable the identification of a heavy vehicle registered under a law of a participating jurisdiction and to allow great information sharing of registered owners of heavy vehicles.

The National Heavy Vehicle Regulator, along with the Queensland Trucking Association, the National Road Transport Association and AgForce, expressed the need for a review of the HVNL. The NHVR advised the committee—

You would have heard industry say that the NHVR is hamstrung by the way that the law was written when we were established. There are simple small changes that can be made as bandaids to the problems that arise in areas like government decision-making, but the law needs to be reviewed in its entirety and reviewed now. It is more than five years since the law came into effect, and it is time that it was assessed for its effectiveness in delivering safety and productivity through harmonisation.

This bill will also increase penalties and licence suspensions for careless driving causing death. All would agree that as legislators we should do all in our power to ensure that all road users in the state arrive safely at their destination. Having been involved in an accident while driving a heavy vehicle, I know only too well how quickly life-threatening situations can occur. I remember the occasion very well.

I was driving a truck that was loaded with grain. I was going to Dalby. A small car, a Gemini, came to an intersection. It basically came to a stop, and then it pulled out onto the road in front of me. I thought, 'If this car turns to the left we could get away with this,' because there was no indicator on, but it turned to the right and directly in front of me so I knew that we were going to have a serious accident. There was no way of avoiding it. I could not stop. I was going to hit the car.

I concentrated as much as I could to hit the car as far forward as I could because I knew if I hit it further back near the driver door nobody would survive. I managed to hit it just in front of the front door. I then ran off the road. I eventually stopped the truck without rolling it, which was a miracle. I jumped out of the truck, ran back and the car was already on fire; it must have ruptured a fuel hose. There was a heavily pregnant woman in the front seat who was unconscious without a seatbelt. All of the dash was on fire. I did not know how badly she was injured, but I knew I could not leave her there, so I picked her up and I carried her away.

Thankfully, she and the child recovered well. Young Josh played soccer with my son and I knew the lady, but in the instant she disappeared beneath my bull bar she still had not seen the truck. If I had hit the car another metre back from where I did there would have only been one witness to that accident: me. That is how accidents can happen so quickly, and that is why I was pleased to see the committee recommend that the government consider an amendment to include the word 'negligent' to better reflect the intention of the tiered defence provisions to close the gap between the existing offence of dangerous driving and driving without due care and attention.

The committee also noted that whilst many stakeholders have called for mandatory jail sentences, the bill does not impose this and leaves it to the discretion of the courts, who are best positioned to consider all of the facts that apply in each particular case. I fully understand the trauma that people go through when they lose a loved one but, having been through that experience, I know how quickly these things can happen. I was completely absolved of any responsibility.