




Speech By
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MEMBER FOR KURWONGBAH

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HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL

 **Mr KING** (Kurwongbah—ALP) (12.25 pm): I rise today to make a contribution to the Heavy Vehicle National Law Amendment Bill 2018. As we are the host jurisdiction for the HVNL, our Queensland parliament must first consider and pass amendments to the national law before it can be applied by the other participating jurisdictions. Here we are again with some more exciting amendments to the heavy vehicle national law.

This particular bill seeks to implement nationally agreed reforms that include strengthening investigative and enforcement powers for authorised officers, increase freight volumes where mass is not a constraint—I will speak more on that later—and transfer load restraint performance standards from guidance material to the HVNL. It will make minor or technical amendments resulting from the maintenance process for the HVNL, that will remove unnecessary administrative or regulatory burdens and will ensure the HVNL remains contemporary and fit for purpose. Finally and most importantly in my eyes, it will insert a provision into the part of the act that governs the application of the HVNL in Queensland to streamline the court processes for the prosecution of fatigue related offences.

In keeping with the proactive chain-of-responsibility reforms that come into effect from 1 October, the reforms in this bill reformulate executive officer offence provisions from a reverse onus of proof obligation. This will mean executive officers will no longer be required to disprove a presumption of their guilt and the prosecution will bear the burden to prove all elements of the charge. As a result, there will be a heavier burden of proof on the prosecution to prove liability in chain-of-responsibility offences.

The investigative and enforcement power amendments assist the prosecution with this heavier burden of proof by providing authorised officers additional powers to gather information from a person who is not an executive officer. These information-gathering powers will be confined to information that is relevant to the chain-of-responsibility offences.

I turn to the increase in mass amendments I mentioned before. They will serve 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. This takes me back to when I worked in the mines. In iron ore mines there is a certain truck with a certain capacity. In a coalmine we see the same truck but the tray is three or four times bigger. It is carrying the same weight but is physically bigger. That is what we are looking at here. That example may illustrate this exciting news a little better.

The current provisions impose hardship on drivers of heavy vehicles who may have to respond to similar offences in separate court locations on different days throughout Queensland. This is important. The current law requires each offence to be brought in the Magistrates Court district in which the offence occurred, irrespective of where the driver's work diary was inspected.

The sensible 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 a Magistrates Court district in which the offence was detected. Therefore, multiple offences that would otherwise be heard in multiple locations can now be heard in a single Magistrates Court. The choice of which court will be at the Queensland prosecution's election.

The amendment will overcome the problem faced in a recent prosecution where a driver on a journey through Queensland committed fatigue offences that needed to be heard in six different courts. The driver was not only required to appear in each of these courts but also required to pay in excess of \$1,000 in court fees even before any fine was imposed. Although he appeared in four of these courts, warrants were issued for his arrest as he failed to appear in two of the other courts. This outcome is disproportionate to the offences committed. Submitters were very happy to see these amendments, and that is what I was referring to earlier.

I would like to thank the members of the Transport and Public Works Committee for their input on this report and the other HVNL reports we have done. Thanks to the deputy chair, the member for Hervey Bay; the member for Aspley; the member for Bundamba; the member for Callide, who I heard recently went for a drive with the shadow minister in his old truck—good on you, well done—and the member for Traeger.

Mr Millar interjected.

Mr KING: In his old rig.

Mr Millar: Mack Super-Liner.

Mr KING: Mack Super-Liner. It was probably made in Inala years ago—in 1984 apparently. I would also like to thank our hardworking secretariat—Deb, Margaret, Mishelle and Lyn—for their hard work on this, another heavy vehicle national law amendment bill.

We made two recommendations. One was that the bill be passed, as was described earlier. The second was that the term 'PBS', performance based standards, should be better defined. I know it is only a technicality. The number of acronyms that we have make a lot of people's lives and jobs easier, but they can make it very complex for others. We thought it would be better to have that more clearly defined because we were scratching our heads. There are a lot of acronyms, so we made that recommendation and we are pleased to see that it was accepted. I commend the bill to the House.