

## SECOND READING SPEECH – THE HON DAVID O’BYRNE MHA

### REPEAL OF REGULATIONS POSTPONEMENT BILL 2013

**Mr Speaker,**

**I move that the Bill now be read a second time.**

Mr Speaker, the purpose of this Bill is to enable two sets of Regulations – namely the *Vehicle and Traffic (Vehicle Standards) Regulations 2001*, and the *Vehicle and Traffic (Vehicle Operations) Regulations 2001* - to continue to operate until 1 July 2014.

Mr Speaker, the *Vehicle and Traffic (Vehicle Standards) Regulations 2001* are due to expire on 1 July 2013. The life of these Regulations has previously been extended. These Regulations specify nationally set detailed technical safety and environmental emission standards for the construction of light and heavy vehicles in Australia. This includes passenger cars, motor cycles, buses, trailers and combinations.

The Vehicle Standards apply to all vehicles, which are intended for use on public streets and where applicable, call up various national standards, such as the Australian Design Rules and other Australian and international standards. The Australian Design Rules are generally performance based and cover issues such as occupant protection, structures, lighting, noise, engine exhaust emissions, braking and a range of miscellaneous items. The Australian Government sets and administers these standards. These Regulations reflect current standards, and are reviewed and revised in light of national and international best practice.

The Vehicle Standards also provide for related incidental matters, such as specifications for the mechanical connections between vehicles, requirements for the construction and fittings on buses, heavy vehicle speed limiting, school bus warning lights and signs and provide offence provisions.

The *Vehicle and Traffic (Vehicle Operations) Regulations 2001* are due to expire on 1 July 2013. The life of these Regulations has previously been extended. They prescribe mass and dimension limits for vehicles and combinations, standards for securing loads, exemptions and safety provisions for oversize loads, requirements for pilot and escort vehicles, the use of warning lights and signs, driver fatigue management and requirements for keeping driving hours records, offence and penalty provisions and a number of related vehicle operations matters.

The Department of Infrastructure, Energy and Resources originally intended to review and remake the *Vehicle and Traffic (Vehicle Standards) Regulations 2001* and the *Vehicle and Traffic (Vehicle Operations) Regulations 2001* as part of the implementation of the *Heavy Vehicle Road Transport Act 2009* which was to implement nationally agreed model heavy vehicle legislation developed by the National Transport Commission. The *Heavy Vehicle Road Transport Act 2009* was not commenced because in July 2009, the Council of Australian Governments agreed to establish a single national system of laws for heavy vehicles which would include the matters covered by this Act and be administered by an independent authority based in Queensland known as the National Heavy Vehicle Regulator (NHVR).

Each state and territory government (with the exception of Western Australia) signed an Inter-Governmental Agreement on Heavy Vehicle Reform in August 2011. Western Australia is expected to introduce mirror legislation to the national law at a later date.

At the time of seeking Parliament's approval for the *Repeal of Regulations Postponement Bill 2011*, the national system of laws for heavy vehicles was planned for implementation on 1 January 2013. Whilst the NHVR came into effect under limited operations on 21 January 2013, due to delays in the passage of national laws in Queensland (the host jurisdiction), full operation of the NHVR under national laws is not likely until 1 July 2013 at the earliest.

Critically, the NHVR reforms have involved the drafting of a single set of national heavy vehicle legislation, for which a consolidated Amendment Bill was passed by the Queensland Parliament on 14 February 2013. This then requires each of the other signatory jurisdictions, including Tasmania to enact enabling legislation to apply the Queensland law locally and to separate out their current heavy vehicle legislation for repeal from their light vehicle legislation and make necessary consequential amendments. This is proving to be a complex and resource intensive task, and it is clear that the new single set

of national laws contain some variations to the model law previously agreed to by Transport Ministers.

For Tasmania, the enabling legislation to apply the Queensland law locally and the necessary consequential amendments will be introduced into the Tasmanian Parliament this current Autumn Session. This will leave insufficient time to review and remake the *Vehicle and Traffic (Vehicle Standards) Regulations 2001* and the *Vehicle and Traffic (Vehicle Operations) Regulations 2001* prior to their expiry before 1 July 2013.

Extending the repeal date for the *Vehicle and Traffic (Vehicle Standards) Regulations 2001* and the *Vehicle and Traffic (Vehicle Operations) Regulations 2001* for a second time until 1 July 2014 will allow for any slippage with the NHVR project and time for the Department of Infrastructure, Energy and Resources to turn its attention to reviewing and remaking the two sets of remaining light vehicle legislation.

**Mr Speaker, the Government fully supports the introduction of this Bill.**

**I commend this Bill to the House.**