

SECOND READING SPEECH – THE HON DAVID O’BYRNE MHA

REPEAL OF REGULATIONS POSTPONEMENT BILL 2011

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 2013.

Ordinarily these Regulations would cease to operate at the end of 2011, by virtue of the *Subordinate Legislation Act 1992*. That Act automatically repeals subordinate legislation on the tenth anniversary of the day on which their making was notified in the Government Gazette.

Until 2004 it was possible under the Act for the repeal date to be deferred for one year by an Administrative Order and any longer deferral needed to be put to Parliament for approval. That provision has now ceased to operate and accordingly all deferral of expiry dates of subordinate legislation need to be approved by Parliament.

Mr Speaker, the *Vehicle and Traffic (Vehicle Standards) Regulations 2001* are due to expire on 24 October 2011. The life of these Regulations has not 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 19 December 2011. The life of these Regulations has not 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.

As part of the standard review process prompted by the *Subordinate Legislation Act 1992*, my Department examined these Regulations. It has advised me it intended to remake both sets of Regulations as part of the implementation of the *Heavy Vehicle Road Transport Act 2009*, which when commenced, would implement nationally agreed heavy vehicle reforms established by the National Transport Commission. However, it now seems unlikely that the *Heavy Vehicle Road Transport Act 2009* will be implemented in that form because in July 2009 the Council of Australian Governments (COAG) agreed to establish a single national system of laws for heavy vehicles.

COAG's decision to establish a National Heavy Vehicle Regulator (NHVR) was made with the aim of increasing road transport productivity and safety, to make it easier for the transport industry to operate across State and Territory borders and to improve Australia's international competitiveness.

The proposed new laws for the NHVR, to be based in Queensland and be operational from the end of 2012, would include the matters covered by the *Heavy Vehicle Road Transport Act 2009*, including amendments to address inconsistent implementation in jurisdictions.

While the Government is yet to commit to going down the NHVR path, it is now considered not to be a good use of Departmental and Parliamentary Counsel resources to remake the Regulations only to have to undo much of it should the NHVR be adopted in Tasmania. Implementation of the NHVR would require a significant lead time due to the extent of regulation changes required to be made to support the NHVR and the law, industry education issues, staff training and systems changes. In the event that the Government does not take up the NHVR model, the Regulations will be remade well before the 1 July 2013 expiry deadline in the Bill.

Mr Speaker, in summary the ability to defer the automatic repeal of regulations when necessary is essential for the effective operation of government and administration of legislation. The making of interim regulations to take effect between the automatic repeal of one set of regulations and the commencement of new regulations often under revised or new Acts is an unnecessary waste of resources. Therefore postponing the repeal of these regulations is an appropriate course of action at this point in time.

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

I commend this Bill to the House.