

## **SECOND READING SPEECH**

### **THE HON DAVID O'BYRNE, MINISTER FOR INFRASTRUCTURE**

#### **HEAVY VEHICLE NATIONAL LAW (TASMANIA) BILL 2013**

**Mr Speaker,**

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

Mr Speaker, the Bill before the House today allows for the application of the Heavy Vehicle National Law as a law of Tasmania and gives effect in Tasmania to the National Heavy Vehicle Regulator.

This reflects agreement by the Council of Australian Governments in July 2009 to establish a national heavy vehicle regulator underpinned by a single national law. This agreement was formalised by the signing of an Intergovernmental Agreement on Heavy Vehicle Regulatory Reform in August 2011 by each state and territory government, with the exception of Western Australia. Western Australia is expected to introduce mirror legislation to the national law at a later date

Mr Speaker, economists estimate the benefits to the national economy to be up to \$12 billion over the next 20 years, through improved productivity and reduced regulatory burden on industry. Even if only part of that is actually realised, it will still have been worth doing. However, the reality is that the economic benefits of these reforms - at least in the

shorter term - are likely to be greatest for interstate operators who run operations up and down the eastern seaboard.

Mr Speaker, the National Heavy Vehicle Regulator is Australia's first national, independent regulator for all vehicles over 4.5 tonnes gross vehicle mass. The National Regulator has been established to administer one set of laws for heavy vehicles under the Heavy Vehicle National Law and will evolve into a one-stop-shop for heavy vehicle road transport business with government.

Recently Transport Ministers from participating jurisdictions agreed to implement the national law from 1 September 2013, subject to the law being passed by each jurisdiction and systems being in place to support it.

Once the National Regulator is fully operational, operators will be able to:

- apply online for access permits through one national business portal,
- deliver Australia's freight tasks under standardised regulations for mass, dimension and loading,
- operate under harmonised, national standards for heavy vehicle inspections,
- take advantage of mutual interstate recognition of inspections and defect clearances, reducing vehicle downtime; and
- align business with nationally-consistent fatigue management laws.

Mr Speaker, while the National Regulator will be responsible for administering the national law and conducting heavy vehicle regulatory activities, many of these activities will continue to be delivered by Tasmania through service agreements with the Regulator. For example Tasmania's Transport Inspectors will continue to be employed by the Department of Infrastructure, Energy and Resources but will deliver on-road compliance and enforcement of heavy vehicles on behalf of the National Regulator.

This heavy vehicle reform has been funded by a combination of long-term cost recovery from industry, and a one off financial contribution from the Commonwealth to Tasmania of \$1 million towards costs for transitioning to the new regulators for heavy vehicles, rail safety and commercial vessel safety.

Mr Speaker, the purpose of the Bill is to establish a national system of heavy vehicle regulation that brings together model legislation developed through national heavy vehicle regulatory reforms over the last twenty years. This includes fatigue management, accreditation schemes, mass, dimension and loading limits, compliance requirements, chain of responsibility and enforcement powers for all heavy vehicles over 4.5 tonnes.

Harmonisation of heavy vehicle laws aims to facilitate a single national market by removing inconsistencies and duplication in the regulation of the heavy vehicle industry which operates across jurisdictional borders.

The national law also includes such matters as the provisions establishing a national regulator as a corporate entity and the powers and objectives of the National Heavy Vehicle Regulator, which include promoting public safety, managing the impact of heavy vehicles on the environment, infrastructure and public amenity, promoting industry productivity and efficiency in the road transport of goods and passengers by heavy vehicles and encouraging and promoting efficient, innovative and safe business practices.

Mr Speaker, transport companies which operate exclusively within Tasmania, and who already have general access to the road network, are less likely to realise the full productivity benefits that will accrue from nationally harmonised laws. However there is a strong focus on safety in these reforms. In particular, for us here in Tasmania, the introduction of Chain of Responsibility and fatigue management laws should improve awareness and good practice in a range of safety areas. Opportunities to gain accreditation in Basic and Advanced Fatigue Management also allow transport operators greater flexibility in how they manage their fatigue risks, in ways that suit their business.

Mr Speaker, in developing the national law the national project office for the heavy vehicle regulator in conjunction with the National Transport Commission undertook extensive consultation with all interested parties nationwide, including the undertaking of a Regulatory Impact Statement, published in September 2011.

In Tasmania, the Department of Infrastructure, Energy and Resources has actively promoted awareness of this reform amongst the local industry and other stakeholders, and consulted on key changes for the regulations and penalties. The Department has worked in close consultation with local government, including the Local Government Association of Tasmania, and other road owners.

Mr Speaker, like other recent national reforms such as the Rail Safety national law, this law is an applied law scheme. This requires a host jurisdiction to pass the national law as a law of that State (generally included as a schedule to the Bill) and then for other States and Territories to pass legislation applying the schedule in the host jurisdiction's law as their own law.

Queensland was chosen as the host jurisdiction for the national law and home for the Office of the National Heavy Vehicle Regulator. The Heavy Vehicle National Law has now passed the Queensland Parliament as a law of that state with the Heavy Vehicle National Law Bill 2011 receiving Royal Assent on 12 October 2011. A subsequent amendment was passed on 14 February 2013 to clarify some policy and technical matters.

The National Heavy Vehicle Regulator commenced initial operation on 21 January 2013, when it began managing on behalf of Tasmania, the National Heavy Vehicle Accreditation Scheme and performance-based standards approvals under delegated arrangements.

The National Heavy Vehicle Regulator is an independent statutory body accountable to responsible transport ministers. As the single contact point for operators, the Regulator will improve productivity and safety and streamline regulatory arrangements. In addition the Regulator will act as a central link between state road authorities, local governments and other road owners to ensure that single access arrangements, with a simplified set of operating conditions for all participating jurisdictions, can be issued.

Mr Speaker, the introduction of the Heavy Vehicle National Law in Tasmania incorporates the provisions of the *Heavy Vehicle Road Transport Act 2009* (Tasmania). This Act was passed by the Tasmanian Parliament but not commenced in light of the COAG agreement of 2009, which I touched on earlier. Following the COAG decision, it made little sense to disrupt stakeholders and expend resources at that time only to duplicate a similar implementation program for the national reforms.

I am pleased, that aside for some minor aspects and transitioning provisions, Tasmania will be adopting the Heavy Vehicle National Law in its entirety.

The new national law will introduce to Tasmania some key changes already in place in most other States and Territories. In particular, these will relate to Chain of Responsibility requirements and National Fatigue Laws. These are significant changes that will require a modification to current business practices and processes to make the operation of heavy vehicles on our roads safer and fairer.

The introduction of fatigue under the national law will see changes to the work and rest limits for heavy vehicle drivers. Following consultation with industry, Tasmania will provide an additional 6 month transition period to facilitate a smooth introduction of these important changes. This will provide operators with additional time to assess their business operations against the work and rest arrangements and make any necessary changes to their business in order to comply with the law.

I am also pleased to announce that Tasmania will adopt the national law in relation to the 100km radius exemption requirements relating to national work diaries. That is, drivers who operate within a 100km of their base will not be required to fill out a work diary. Previously Tasmania was out of step with the national position and was proposing that work diaries would be required without exemption. Following industry consultation and independent expert advice, provided by the Centre for Automotive Safety Research, Tasmania will now adopt the national law in regard to this provision.

Tasmania will maintain the current standard for warning signs and lights on school buses rather than adopting those under the national law. The Tasmanian requirements reflect a safety initiative championed by the Tasmanian Bus Association and Department of Infrastructure, Energy and Resources from 1996.

Mr Speaker these variations will in no way undermine the intent of the Heavy Vehicle National Law and in the case of the national work diary further shows national consistency of approach for operators.

I would also like to assure industry that productivity gains already granted on the Tasmanian network will be preserved and transitioned across. All heavy vehicle permits, exemptions and accreditations that currently exist under Tasmanian law have been specifically identified in the Bill to be recognised under the national law. This will provide certainty for industry that these instruments continue to be valid under the Heavy Vehicle National Law. Local productivity initiatives (LPI) are currently being reviewed for possible national harmonisation, which will involve replacing state specific notices with single national LPIs. This aims to achieve consistency for industry.

On commencement the Regulator will be responsible for gazette notices and issuing access permits. Under the national law the Regulator will need to gain the prior consent of all road managers, including the Department of Infrastructure, Energy and Resources for state roads, councils for local roads, and any other road owners for example forestry or port authorities.

Further in Tasmania, under the national law, Police and local Transport Inspectors will continue to enforce heavy vehicle offences within the national law.



While most aspects of heavy vehicle regulation will fall under the national law, it is important to note that several aspects of heavy vehicle regulation will continue be provided for by state based laws. This includes driver licensing, public passenger accreditation, road rules and matters related to dangerous goods vehicles and also traffic movements.

Additionally chapter 2 of the national law, which relates to the registration of heavy vehicles, will remain switched off, and therefore continue to be the responsibility of jurisdictions. A target date of July 2015 has been initially identified for the introduction of registration.

Mr Speaker, the Heavy Vehicle National Law (Tasmania) Bill 2013 makes the necessary legislative amendments required to establish the National Heavy Vehicle Regulator in Tasmania, which will promote productivity, improve safety and reduce the burden and cost of regulation for Australia's heavy vehicle industry.

Finally Mr Speaker, to place on the record explanations of the provisions of the National Law which this Bill applies, I seek leave to have the explanatory speeches and explanation notes of the Heavy Vehicle National Law (Queensland) Bill 2011 and the Heavy Vehicle National Law Amendment Bill 2012 as presented to the Queensland Parliament incorporated into *Hansard* without my reading it.

I commend this Bill to the House.

## Queensland Hansard reference:

<http://www.parliament.qld.gov.au/documents/tableOffice/HALnks/111115/HeavyVehicle.pdf>

<http://www.parliament.qld.gov.au/documents/tableOffice/HALnks/121113/Heavy.pdf>

<http://www.legislation.qld.gov.au/Bills/53PDF/2011/HeavyVNatLawB11Exp.pdf>

<http://www.legislation.qld.gov.au/Bills/54PDF/2012/HVNatLawB12Exp.pdf>