

HEAVY VEHICLE ROAD TRANSPORT BILL 2008

Second Reading

Mr Sturges (Denison – Minister for Infrastructure – 2R) – Mr Speaker, I move

That the bill be now read the second time.

I am pleased to present to the House today the Heavy Vehicle Road Transport Bill 2008.

Mr Speaker, the heavy vehicle road transport industry is a multi million dollar industry, worth approximately 5.6 percent of Australia's gross domestic product. Almost all goods produced and consumed in the Australian economy are transported by road at some stage and it is important that we have in place legislation that keeps the industry safe, fair and efficient and competitive. The Heavy Vehicle Road Transport Bill does just that.

The bill applies to vehicles with a gross vehicle mass of over 4.5 tonnes and buses that can carry more than 12 passengers. It will bolster provisions applying to heavy vehicles under existing Tasmanian legislation. It is based on model legislation developed by the National Transport Commission, in consultation with each of the States and territories and heralds a nationally consistent approach to regulation of the road transport industry.

Mr Speaker, the bill is about improving compliance. Increased on-road compliance means increased safety. It means that heavy vehicles traveling on our roads do not have their performance and handling compromised from being over mass, over sized or incorrectly laden. One of the principal aims of this bill is to improve compliance with and accountability for road laws to enhance the safety of motorists, the environment and Tasmania's road infrastructure.

Drivers and operators of heavy vehicles will need to comply with all of the usual rules associated with driving a vehicle on our roads. However, the responsibility for complying with those laws will not stop with them. All parties in the road transport chain of responsibility will have obligations under this bill to take positive and reasonable steps to ensure road laws are not being breached.

Mr Speaker, in this way, the bill improves fairness in the heavy vehicle road transport industry. For too long, heavy vehicle drivers have been held responsible for on-road breaches even where other parties have significantly contributed to the breach. Under this bill, it will no longer be acceptable for a party to simply blame a driver for an on-road breach. The chain of responsibility concept will ensure that everyone associated with road transport, both off the road and on the road, is responsible and accountable. If a non-compliant heavy vehicle travels on our roads, it will be up to all parties who had a

role in putting it there to demonstrate that they took reasonable steps to prevent the non-compliance.

Our enforcement officers will be equipped with innovative powers to investigate on-road breaches right along the chain of responsibility and to prosecute a party whose actions, inactions or demands have caused a breach to occur. A party can be prosecuted for a mass, dimension or load restraint offence even though he or she may not have been physically involved in the breach. It will be up to all parties in the road transport industry to demonstrate that their business practices include reasonable steps to avoid breaches and improve compliance.

The bill improves an authorized officer's ability to enforce road transport laws. There are improved inspection and search powers that give enforcement officers better access to heavy vehicles and premises to search for evidence of a road law breach. Authorised officers will be empowered to direct responsible persons to produce records, transport documentation, or information about a heavy vehicle, combination, or load and to require reasonable assistance in performing their duties. The bill will give enforcement officers the tools to move to a more systematic and strategic approach to enforcing road transport laws, particularly where non-compliant parties are gaining a commercial advantage over compliant parties.

In this way, Mr Speaker, this bill also improves competition. Parties who have, in the past, encouraged other parties to breach mass limits in order to cut costs, save time or gain a competitive advantage over other operators, will no longer find it profitable to do so. The bill provides better recognition of the pressure that off-road parties can exert over drivers and operators to operate outside of legal limits. A commercial benefits penalty worth up to three times the amount that might have been saved by inducing a road law breach can be made against those parties. It simply will not pay to break the law.

Parties who continue to breach road transport laws will find that there are a range of new penalties and sanctions available to enforcement officers and our courts thanks to this bill.

For the first time, enforcement officers will have the ability to issue improvement notices to a party in the chain of responsibility, which identify improvements that they can make to their business system to ensure compliance.

The bill also makes provision for the issue of formal warnings, which may be applied in certain circumstances where a minor breach has unintentionally occurred.

Infringement notices and court-imposed fines for specific offences will continue to apply. And, in addition to fines, courts will have the ability to impose a range of additional sanctions, including intervention orders, registration sanctions, prohibition orders, and, in appropriate cases, commercial benefits penalties. The model national provisions adopted in the bill will also allow recognition and effective enforcement in Tasmania of sanctions imposed by other Australian jurisdictions, and vice versa.

Mr Speaker this bill is the first in a range of reforms of the heavy vehicle road transport industry aimed at improving national consistency. There is evidence from other jurisdictions who have implemented these reforms to suggest that it does improve compliance. The evidence also shows that parties who fail to do the right thing can be appropriately targeted. Prosecutions in New South Wales have been successfully mounted against a number of parties in the chain of responsibility, including directors of companies who would previously have been protected by the corporate veil.

The message from the bill is clear and simple. 'Improve your business practices to improve compliance'.

Mr Speaker, the introduction to Parliament of this bill today represents a significant step in fulfilling Tasmania's commitments to COAG and the Australian Transport Council, who have both endorsed the policies behind this bill.

In the coming months, we intend to introduce further national reforms that will apply the general provisions set out in this bill to fatigue management and speeding compliance in the heavy vehicle road transport industry.

We will also introduce a regulatory system for the Intelligent Access Program, which will use vehicle telematics to remotely monitor the on-road compliance of heavy vehicles.

Mr Speaker all of these reforms have been the subject of lengthy consultative process with industry, enforcement agencies and motoring organizations. Tasmania's take up of these laws is an important step towards preparing the State for the expected doubling of the freight task by 2020. I commend this bill to the House.