

SECOND READING SPEECH

THE HON LARA GIDDINGS MP

MINISTER FOR INFRASTRUCTURE

Heavy Vehicle Road Transport Amendment Bill 2010

Mr Speaker,

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

I am pleased to present to the House today the *Heavy Vehicle Road Transport Amendment Bill 2010*, which amends the *Heavy Vehicle Road Transport Act 2009* (the Principal Act).

Mr Speaker, the heavy vehicle road transport industry is a multimillion dollar industry, worth approximately 5.6% of Australia's gross domestic product. Almost all goods produced and consumed in the Australian economy are transported by road at

some point and it is important that we have in place legislation that ensures the industry is **safe, fair, efficient and competitive**.

The Bill 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 fatigue management and speed compliance in the heavy vehicle road transport industry.

The Bill also provides the basis for a regulatory system for the Intelligent Access Program developed by the National Transport Commission, which uses vehicle telematics to remotely monitor the on-road compliance of heavy vehicles.

Mr Speaker the amendments made by this Bill and the regulations to be made with respect to fatigue management apply to vehicles with a gross vehicle mass of over 12 tonnes or a combination over 12 tonnes or a bus with more than 12 seats including the driver. A regulated heavy vehicle, for the purpose of speed compliance, is a

motor vehicle or trailer combination that has a gross vehicle mass greater than 4.5 tonnes.

Mr Speaker, this Bill like the Principal Act is about improving compliance. Increased on-road compliance means increased safety. It will mean that heavy vehicles traveling on our roads do not have their performance and handling compromised by the driver being fatigued or by being put in a position of having to speed to meet unrealistic timeframes for delivery of loads.

Under this Bill all parties in the road transport *chain of responsibility* will have obligations to take positive and reasonable steps to ensure road laws for fatigue management and speed are not being breached.

The reform imposes a general duty to manage fatigue that requires all parties in the supply chain to take all reasonable steps to avoid an offence.

Mr Speaker under this legislation 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 fatigue management or speeding offence even though he or she may not have been physically involved in the breach. Under the approach proposed by this Bill 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.

Mr Speaker this Bill changes the focus from regulating hours, to managing fatigue. More flexible working arrangements are offered to those parties who can clearly demonstrate proper management of driver fatigue issues.

This legislation is underpinned by a scientific understanding of fatigue with restrictions on the working of night hours and measures to prevent the accumulation of a sleep deficit.

Current productivity levels can be maintained simply by planning trips and rest breaks, checking records, and training staff to understand the causes of driver fatigue.

In particular the regulations under the Bill will provide for shorter standard working hours than currently exist, with longer and more frequent rest breaks for restorative sleep. Longer working hours and greater flexibility are also permitted, but they are accompanied by accreditation requirements, safety management systems and increased accountability for the operator and other parties in the chain of responsibility.

There are three options for maximum work time and the minimum rest time to choose from:

The Standard Hours option sets default limits for work and rest. It allows a maximum of 12 hours work time in 24, with minimum rest periods required within set intervals;

Basic Fatigue Management accreditation and Advanced Fatigue Management accreditation allow for increased flexibility of work and rest hours for operators with systems and practices to safely manage the risk of driver fatigue, in accordance with fatigue management standards and business rules.

The regulations under the Bill will also provide for strengthened record-keeping requirements. A new work diary replaces log books and driving hours records. The work diary is a nationally uniform document. It is also an accountable document; each diary has a unique number and is linked to a driver's licence.

The legislation also creates a rigorous systems-based approach to the management of fatigue-based risk. Penalties imposed under the regulations adopt a risk-based approach to the categorisation of driver fatigue offences.

Mr Speaker better heavy vehicle speed management and the reduction of fatalities and injuries involving speeding heavy vehicles is an objective of the National Heavy Vehicle Safety Strategy 2003-10, which was approved by the Australian Transport

Council and has the commitment of the Commonwealth, State and Territory Governments.

Despite the presence of many responsible operators, speeding heavy vehicles remain a problem within the road transport industry from a road safety perspective. Available data shows that speed is a significant contributing factor in heavy vehicle crashes. Research has shown if a vehicle is travelling at, or below, the speed limit when an accident occurs, the result of the crash will be less severe than if the vehicle was speeding.

The National Transport Commission has estimated that if all heavy vehicles comply with speed limits, there would be a 29 per cent reduction in crashes involving them. Implementation of the model legislation will contribute to improved road safety and reduced deaths and injuries through increased compliance of heavy vehicles with speed limits.

The primary purpose of the model speeding heavy vehicle legislation is to adopt a chain of responsibility approach in relation to heavy vehicle speed compliance to ensure that those who are in a position to influence a decision to breach speed limits are held accountable for their actions. This means a person upon whom a

duty to prevent a breach of speed limits is imposed must actively consider whether the way in which they intend to carry out their activities will satisfy that duty.

It is important to bear in mind that drivers of heavy vehicles are not included under this legislation as there is already an existing framework and roadside enforcement that targets drivers. The focus of this chain of responsibility legislation for speed compliance is on off-road parties and although the duties vary somewhat for each party, the core obligation remains the same, which is to take 'all reasonable steps' to ensure that the party's activities will not cause, contribute to causing, or encourage a driver to speed;

An enhanced range of sanctions and penalties is made available to enforcement officers and courts. These range from fines under an infringement notice to court imposed penalties and loss of demerit points.

Mr Speaker this Bill will give enforcement officers the tools to move to a more systematic and strategic approach to enforcing road transport laws,

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 as I previously indicated this Bill also provides for the making of regulations to govern the Intelligent Access Program, which will allow Tasmania to embrace new and emerging technologies to help enforce road transport laws.

The Intelligent Access Program uses existing vehicle telematics which comprise a combination of global positioning systems, in-vehicle sensors and transmitters, and communications technology to transmit vehicle performance data to a base station for downloading and analysis.

The Intelligent Access Program is a voluntary program that uses vehicle telematics technology, through certified service providers, to remotely monitor heavy vehicles to ensure they are complying with their agreed operating conditions and report non-compliance information to relevant road authorities to an evidentiary standard. The regulations will provide for road authorities to be able to use the Intelligent Access Program as a condition of increased or extended access under existing concessions, permits and schemes and offers compliance assurance to the public and road authorities for this increased access.

Mr Speaker this Bill is part of a range of reforms of the heavy vehicle road transport industry aimed at improving national consistency.

The message from the Bill is clear and simple. “Improve your business practises to improve compliance with fatigue management and speeding provisions”.

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

Mr Speaker all of these reforms have been the subject of lengthy consultative processes with industry, enforcement agencies and motoring organisations. 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.