

DRAFT SECOND READING SPEECH

HON. M.T. (RENE) HIDDING MP

Heavy Vehicle National Law (Tasmania) Amendment Bill 2016

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

Madam Speaker, this Bill amends the *Heavy Vehicle National Law (Tasmania) Act 2013* (the Act). The primary purpose of the Bill is to enable the Minister administering the *Roads and Jetties Act 1935* to delegate his powers relating to road manager and road authority under the Heavy Vehicle National Law and to remove ambiguity in the definition of road manager.

The *Heavy Vehicle National Law (Tasmania) Act 2013* applies the Heavy Vehicle National Law as a law of Tasmania and commenced in participating jurisdictions, including Tasmania, on 10 February 2014.

The first amendment is to clarify the intent of section 16(a). The intent was that only those roads proclaimed under section 7 of the *Roads and Jetties Act 1935* were to be captured by section 16(a). The amendment clarifies that the Minister, and using the powers of delegation mentioned previously, the Department of State Growth, is road manager for these roads only. This removes any ambiguity in the current wording of section 16(a) and will ensure consistent interpretation across jurisdictions that have implemented the national law.

The second amendment is to allow for the delegation of certain powers. The Act, in sections 15(b) and 16(a), appoints the Minister administering the *Roads and Jetties Act 1935* as the road authority and road manager for roads controlled by the State.

Both the functions of road authority and road manager are set out in the Heavy Vehicle National Law and any decisions made in these roles must have regard to Ministerial Guidelines.

Road managers under the Heavy Vehicle National Law are primarily responsible for deciding whether or not to grant access to the road network and determining the conditions that may need to be applied for that access.

The role of the road authority has some power to override decisions of road managers and to perform other functions relating to Performance Based Standards and vehicle standards exemptions to facilitate efficiencies for industry.

Given the administrative nature of these functions, the policy intention was that the road authority and road manager roles were to be exercised at officer level under delegation by the Minister. The amendments in this Bill allow for this delegation to occur.

I commend this Bill to the House.