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Road Transport (General) Amendment (Heavy Vehicle User Charges) Bill 2007

Road Transport Legislation (Breath Testing and Analysis) Bill 2007

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ROAD TRANSPORT (GENERAL) AMENDMENT (HEAVY VEHICLE USER CHARGES) BILL 2007 ROAD TRANSPORT LEGISLATION (BREATH TESTING AND ANALYSIS) BILL 2007

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Agreement in Principle

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [8.45 p.m.], on behalf of Ms Reba Meagher: I move:

That these bills be now agreed to in principle.

The Road Transport (General) Amendment (Heavy Vehicle User Charges) Bill 2007 and the Road Transport Legislation (Breath Testing and Analysis) Bill 2007 were introduced in the other place on 28 November 2007. The second reading speech appears at page 11 of the *Hansard* proof for that day. The bills are in the same form as introduced in the other place. I commend the bills to the House.

Mr DARYL MAGUIRE (Wagga Wagga) [8.46 p.m.]: The Opposition will not oppose the Road Transport (General) Amendment (Heavy Vehicle User Charges) Bill 2007 and the Road Transport Legislation (Breath Testing and Analysis) Bill 2007. The Road Transport (General) Amendment (Heavy Vehicle User Charges) Bill 2007 amends the Road Transport (General) Act 2005, the Road Transport (Heavy Vehicle Registration Charges Act) 1995, and regulations with respect to incremental pricing for heavy vehicles and evidence relating to intelligent transport systems. Incremental pricing is to be based on variations in use and cost impact of activity, for example, increased road wear, which is not covered by heavy vehicle registration fees. Currently heavy vehicles are charged through registration fees and a fuel tax component. The operation of vehicles above the prescribed mass limit is allowed only in limited exceptional circumstances. The bills will allow an extension to this arrangement to exempt a vehicle from a dimension, load restraint and/or access requirement.

Currently drivers are unable to buy a daily excess limit permit. This means that truck drivers, who may be carrying excess mass only for a short time, will have to purchase over the long term. That disadvantages the industry, particularly contractors who have managed to gain a haulage load from point A to point B where the mass exceeds the load limit. However, they are forced to pay this long-term fee so there is a disadvantage. The over-mass vehicle operators are already paying more for road damage in their registration fees and fuel tax, which is taken into account with regard to the weight and dimensions of their trucks. Victoria has higher mass limits than New South Wales at no extra charge. We suggest that there should be a national pricing system.

The cognate bill, the Road Transport Legislation (Breath Testing and Analysis) Bill 2007, embraces a national system for breath testing. As someone who has had quite a bit to do with the trucking industry through Staysafe committee inquiries, through friends and relatives who operate in the trucking industry and through industry operators in Wagga Wagga, I have come to understand the issues. In particular, New South Wales quite often has such different regulations and there is no continuity from State to State. For example, the Victorian mass limit is higher at no extra charge, and in New South Wales there is a difference. I raise an issue on behalf of the Opposition. Some 30 gas-powered buses have been built by Custom Coaches for the State Transit Authority. We question whether this bill will allow the purchase of permits for these buses, which I understand are over the maximum weight restriction of 16 tonnes, to operate full-time. One must question whether this is a way around the problem.

The bill also refers to the Intelligent Access Program. This program introduces a new way of managing heavy vehicle access and compliance using global positioning systems. Thousands of drivers have pre-enrolled to use the system. Drivers will be monitored and fined if the system detects the use of non-approved roads. The Staysafe committee has been examining this issue and this morning the committee chairman raised the intelligent road user system and speed limiting motor vehicles. The technology exists and it is being utilised by some companies. The Staysafe committee's inquiries about this issue have been beneficial to my understanding of the advantages of this technology. To its great credit, the industry is embracing these new technologies.

I pay tribute to the industry, which is working hard to improve its efficiency and road safety. I acknowledge that from time to time the industry has been portrayed in an unfavourable light. Every industry has its cowboys, but the number is small. Sadly they tarnish a great industry involving decent people and great family and national companies that contribute to our economy. If the wheels of the trucking industry stop turning, Australia stops turning. The Intelligent Access Program is available, but the industry would prefer greater law enforcement. That means more police officers on our roads. Of course, we know there are fewer highway patrol officers operating now than there were in 1984. I believe there are 970 highway patrol officers now, whereas the figure in 1984 was 990. There is no better deterrent than having a visible police presence on the roads and having officers penalising motorists and upholding the law and road rules.

Confusion also exists about B-double roads. Drivers have problems identifying which roads they can access. Up-to-date maps are available, but only on the Internet and country roads are not clearly marked. I am a member of the Wagga Wagga Traffic Committee and we are forever dealing with applications from companies wanting access for B-doubles to deliver fertilisers and other products. This is a major issue and the State Government must do a great deal more work to coordinate that information and make it available to operators. They need to know on which roads their B-doubles can travel.

[Interruption]

The member for Shellharbour interjects. I am more than happy to make my notes available to her because she might learn, first, how to make a contribution without reading a prepared speech and, second, about the importance of the trucking industry. The second bill in this legislative package is the Road Transport Legislation (Breath Testing and Analysis) Bill 2007. This bill amends the Road Transport (Safety and Traffic Management) Act 1999 to allow reporting of concentrations of alcohol in both a person's blood and/or breath to reflect changes to the national standards. I refer again to the point I raised in the first part of my contribution. We are dealing with an appropriate national standard and, as I said, the Coalition will not oppose this measure. Multi-State agreements are very important in the trucking industry.

The State Government must examine many more issues to ensure that trucking operators can work efficiently across borders without being penalised because they are registered in New South Wales, because they operate from New South Wales or because the regulations and laws in New South Wales impede their activities. The Government must do more. I have said previously in this place that this Government is always the last State government to implement legislation. This bill will allow for the measurement of blood-alcohol levels, which are expressed in terms of grams of alcohol per 100 millilitres of blood. New South Wales and all other States and Territories are bound by the National Measurement Act 1960 and its regulations. Under that Act, the National Measurement Institute has amended the provisions dealing with breath analysis. The changes enable reporting of concentrations of alcohol in blood measured using breath analysis equipment to continue to be admissible in court. References to blood will be retained for occasions when police need a blood sample. The current level of prescribed concentration of alcohol for offences is unchanged.

Drink-driving is an important issue and it is important that warning messages be reinforced in all legislation dealing with the ability of those in authority to test and to report. Motorists must heed those warnings. We have passed legislation in this place dealing with P-plate drivers and nil alcohol limits. I know the member for Tweed has introduced a bill dealing with P-plate drivers from Queensland entering New South Wales and finding a loophole in the law. Drink-driving is a crime, it is inappropriate and unacceptable, and it kills people. If this bill assists those in authority to stamp it out then the Opposition certainly will not oppose it. These bills are important. As I said, I want this Government to work more closely with the trucking industry to ensure that its concerns are heard. The industry makes an enormous economic contribution to this State and to Australia.

At the conferences I have attended I have heard genuine dialogue and attempts to address some of the concerns that I have raised about this legislation. However, there are wider concerns. While we are encouraging companies to implement safer driving practices by managing working hours and inquiring into demands by some unscrupulous operators, other things need to be done. One such issue is ensuring there are enough truck stops on the highways and byways to allow drivers to take breaks as dictated in the legislation. That is an important measure. The Government should grasp the fact that truck drivers must change over their trucks and trailers in safety. A number of truck stops have been built on major highways, but there are no such facilities in towns and cities. Trucks and trailers are being changed over in side streets and other inappropriate and unsafe places. I urge the Parliamentary Secretary and the member for Shellharbour—who is now listening to me intently—to encourage their Government to ensure that truck drivers can change over their loads safely and thereby improve road safety.

I challenge members to go to any country town. They will see on entry to the town trailers lined up by the dozens. Trucks will be lined up, being serviced, et cetera. The way it is done is dangerous for motorists and for operators. If ever there were a policy initiative that should be embraced by this Government, this is it. This is one where the Government can work with councils and the Roads and Traffic Authority to ensure a plan is developed to enable safe changeovers in the trucking industry. I do not oppose this bill.

Mr MICHAEL DALEY (Maroubra—Parliamentary Secretary) [9.01 p.m.], in reply: I thank the member for Wagga Wagga for his contribution to this debate. He was enlightening, as usual. The object of the Road Transport (General) Amendment (Heavy Vehicle User Charges) Bill 2007 is to implement the first phase of the national Council of Australian Governments road plan as announced in April this year. The Council of Australian Governments road plan is about fundamental reform to heavy vehicle pricing to achieve a more efficient pricing regime through direct road user charges for heavy vehicles—that is, getting the right truck on the right road for the right price.

A key building block of the first phase of the Council of Australian Governments plan is the review and voluntary trials of incremental pricing by the end of 2008. This will see heavy vehicles directly paying for the cost impact of their vehicle activity, subject to the condition that they produce improved safety outcomes. The revenue returned directly to New South Wales from heavy vehicle charges does not reflect the cost impact of heavy vehicle activity throughout this State. The Council of Australian Governments plan and this bill represent an opportunity to address this imbalance. The Council of Australian Governments plan will enable the development of heavy freight road user charges that promote the efficient, safe and sustainable use of infrastructure, vehicles and transport modes, and it will provide an opportunity for individual heavy vehicle operators to pay only for the roads they use and not the activity of other trucks.

Under the current charging arrangements, heavy vehicles pay an annual registration fee and a fuel tax component based on the past road expenditure of the State and local governments. As the Productivity Commission noted in its review last year, the averages and assumptions applied through this process result in some vehicles paying for the activity of other vehicles through cross-subsidies. Under incremental pricing, any additional charges to be applied to any operator that elects to participate will be based on the actual additional cost impact of the activity of that vehicle. By definition, such additional costs would not have been paid for through the current registration and fuel tax charges. Adjustments to the calculation to registration and fuel tax charges will ensure that heavy vehicles will have to pay for the same thing twice as a result of incremental pricing.

The Opposition also raised a concern that operators may need to purchase excess permits for a longer term than they need. The charges to be applied under incremental pricing will relate to the actual cost impact caused by the heavy vehicle activity in question. Also, the bill makes provision for the Roads and Traffic Authority to issue a refund to an operator should he or she purchase an excess permit and not fully use it. This is an important point. Incremental pricing will enable New South Wales to move ahead with economic productivity initiatives. I note that we already have considerable progress in this area.

The Opposition also raised the concessional mass limits available in Victoria at no extra charge. I am pleased to remind members that the national concessional mass limits scheme was implemented in full and on time by this Government on 1 July 2006. I also note that this Government is delivering road safety and productivity gains to the bush through the Road Train Modernisation Program, and through the use of B-triples in the Far West of this State offering our primary producers a safer and more productive alternative to traditional road trains. The bill will allow the Government to develop further productivity initiatives in cooperation with the heavy vehicle industry and other relevant stakeholders. These productivity initiatives will be subject to improved safety outcomes and the relevant stakeholders will be appropriately compensated.

For the first time local councils and the Roads and Traffic Authority will be able to receive compensation from heavy vehicles directly related to the cost impact of specific heavy vehicle activity. The routes to be used by vehicles operating under incremental pricing will be subject to assessment by the relevant road authorities to ensure that these routes are suitable for the task. As per the current arrangements for heavy vehicle access, local council approval will be required before these vehicles can operate on council roads. The Council of Australian Governments road reform plan also includes a specific project on attaining the efficient abatement of externalities created by heavy vehicle activity. This includes greenhouse gas emissions.

The bill will also strengthen the evidentiary provisions of the Intelligent Access Program by specifying that only a person who has relevant specialised knowledge may rebut evidence under the program. Although not directly relevant to the Intelligent Access Program, I note the concerns of the Opposition in relation to the availability of up-to-date maps for heavy vehicle operations. The Roads and Traffic Authority gives away its mapping data free of charge to mapping companies and to the heavy vehicle industry so that those best placed to meet the needs of the industry in this area can do so. I am advised that a number of companies now produce excellent products specifically tailored to meet the needs of truckies. This bill enhances the Government's commitment to improving productivity for the road freight industry while maximising road safety and managing the infrastructure of the people of New South Wales.

The Road Transport Legislation (Breath Analysis) Bill 2007 will allow the New South Wales Police Force to measure and report concentrations of alcohol in both a person's blood and/or breath. The bill will ensure that New South Wales continues to meet national standards concerning evidential breath analysers, and it will ensure that results from these breath analysing instruments are admissible in court, as one would expect they would be. The amendments in this bill are sensible and necessary and send a clear message that drinking and driving will not be tolerated in New South Wales. The New South Wales Government is committed to improving the safety of all road

users and this bill further strengthens that commitment. I commend these bills to the House.

Question—That these bills be now agreed to in principle—put and resolved in the affirmative.

Motion agreed to.

Bills agreed to in principle.

Passing of the Bills

Bills declared passed and returned to the Legislative Council without amendment.

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