



Heavy Vehicle (Adoption of National Law) Bill 2013 (Proof)

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Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Duncan Gay.

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Ports) [11.21 a.m.]: I move:

That this bill be now read a second time.

The purpose of the Heavy Vehicle (Adoption of National Law) Bill 2013 is to apply the National Heavy Vehicle Law as a law in New South Wales. This delivers a decision of the Council of Australian Governments [COAG] to establish a single national heavy vehicle regulator [NHVR] to streamline safety and access regulation for heavy vehicles over 4.5 tonnes across Australia, whilst ensuring that the standards which apply to heavy vehicles in New South Wales are maintained and strengthened.

In June 2009, the Council of Australian Governments voted to establish a single national regulator for heavy vehicles, rail safety and marine safety, as well as a national rail safety investigator. New South Wales has already passed applying law for rail safety and domestic commercial vessels, thus leaving only heavy vehicles to attend to. The Heavy Vehicle National Law received Royal Assent in Queensland on 26 February 2013, paving the way for other jurisdictions to follow suit. The bill marks the New South Wales Government's strong commitment to the national reforms and to establishing the National Heavy Vehicle Regulator in New South Wales. In fact, this strong commitment has been on display for some time. The New South Wales Government provided over \$5 million to the then National Project Office to develop and establish the national regulator. In addition, the Government has agreed to provide \$5.2 million to the regulator for the 2014 financial year to help fund the regulator's first full year of operations.

These reforms are part of the National Partnership Agreement to deliver a seamless national economy which aims to reduce costs incurred by business in complying with unnecessary and inconsistent regulation across jurisdictions, enhance Australia's longer term growth, improve workforce participation and overall labour mobility and expand Australia's productive capacity over the medium term, through competitive reform, to enable stronger economic growth.

A single national regulator for heavy vehicles overhauls the situation where, for the past two decades, the heavy vehicle industry has been governed by a dozen nationally approved model laws that lack coherence across jurisdictions. While model laws were agreed, each State and Territory varied them upon introduction, leading to increased red tape for business. This Government is about reducing red tape and making it easier for business to understand what its obligations are under the law.

Much like other national reforms, such as the national registration scheme for health practitioners, the National Transport Regulations Reforms are what is known as applied law schemes. This means that a single host jurisdiction—in this case Queensland—passes the national law, with each other participating jurisdiction then adopting that national law as a law of their own jurisdiction. There will be one set of laws that the National Heavy Vehicle Regulator will administer.

Industry has been seeking a national regulator for heavy vehicles and a national law for heavy vehicle regulation for several years. Industry wants a true one-stop shop. Since 2009, Transport and Roads Ministers from all jurisdictions have been working towards delivering that outcome and the Heavy Vehicle (Adoption of National Law) Bill 2013, once commenced, will make it a reality for heavy vehicle operators. 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 and local governments, to ensure that single access arrangements, with a simplified set of operating conditions for all participating jurisdictions,

can be issued.

The National Heavy Vehicle Regulator commenced initial operation on 21 January 2013, when it began managing the National Heavy Vehicle Accreditation Scheme [NHVAS] performance-based standards approvals at a national call centre. The Heavy Vehicle National Law sets out the functions, powers and objectives of the National Heavy Vehicle Regulator, which include promoting public safety, managing the impact of heavy vehicles on the environment, roads, infrastructure and public amenity, promoting industry productivity and efficiency in the road transport of goods and passengers by heavy vehicles and encouraging and promoting productive, efficient, innovative and safe business practices.

More specifically, the Heavy Vehicle National Law also establishes the National Heavy Vehicle Regulator, provides for the national registration of heavy vehicles, imposes duties and obligations on operators, drivers and other persons whose activities may influence whether the vehicles or drivers comply with requirements in relation to the standards, mass, dimension, loading and speed of the heavy vehicle as well as driver fatigue, and includes measures to allow improved access to roads in certain circumstances.

The Heavy Vehicle (Adoption of National Law) Bill 2013 makes the necessary first round of legislative amendments to establish the National Heavy Vehicle Regulator in New South Wales, which will introduce more consistent regulatory arrangements for heavy vehicle operators across the country and complements the many initiatives already implemented by this Government to reduce red tape, whilst promoting safety and productivity in the heavy vehicle industry.

The PRESIDENT: Order! I ask members of the Government, Opposition and crossbenches to keep the noise level to a minimum so Hansard can accurately record the Minister's second reading speech. Since 2011 the New South Wales Government has implemented many reforms to benefit the heavy vehicle industry. Some of these include: delivering an extra 1,739 kilometres of roads in New South Wales for higher mass limits access since April 2011, with about 25 per cent of these being regional or local roads managed by councils; more than 21,270 kilometres of State, regional and local roads are now open to high mass limits access; abolishing the requirement for transport operators to carry half a dozen truck notices; allowing performance-based standards quad and quin dog trucks to operate on the approved B-double network in New South Wales; delivering modern road train access on select routes east of the Newell Highway; delivering baled agricultural commodities with load width exemptions for wool, hay, straw and cotton; allowing modular B-triples to operate in New South Wales, under a nationally agreed framework, on approved road train routes west of the Newell Highway; abolishing the requirement for New South Wales based transport operators to pay stamp duty on the purchase of new truck trailers; delivering a new livestock loading scheme for New South Wales—something that took 25 years to achieve, but it was worth it—introducing a concessional mass limit exemption for the 2012-13 grain harvest; working in partnership with the NSW Police Force and industry to deliver a 79 per cent drop in the past year in the number of trucks detected speeding at more than 105 kilometres an hour; delivering a two-axle bus-coach mass limit increase from 16.5 to 18 tonnes; and working with Transport Certification Australia to deliver a new, flexible pricing framework and an entry options initiative to help reduce the cost of the Intelligent Access Program.

The bill before us today adds the Heavy Vehicle National Law and Regulations to the long list of initiatives, already delivered by this Government, which benefit both the heavy vehicle industry and the community generally. It applies the Heavy Vehicle National Law and National Regulations as laws of this State and clearly delineates which oversight and administrative provisions apply to functions exercised by a New South Wales government sector agency or employee and the national regulator. Additionally, the bill also contains important definitions and declarations and sets them in a New South Wales context, as contemplated in the national law. Chapter 2 of the national law, which deals with the registration of heavy vehicles, is to commence at a future time. Transport Ministers have agreed that this will commence in mid-2015 once a national system has been developed. Therefore, this bill allows for the continuation of the registration scheme under current New South Wales law until such time as the national framework is available.

Importantly, before the national law commences it will be necessary to enact legislation providing for: the supplementation of, and any modification to, the national law as adopted in New South Wales; consequential repeals and amendments of other Acts; as well as savings and transitional arrangements. Therefore, a second bill is to be introduced early in the spring session to achieve this. It is anticipated that the national regulator will commence full operations on 1 September 2013 once all participating jurisdictions have passed their application law. New South Wales will ensure that the second bill is finalised and passed before that time. The National Heavy Vehicle Regulator and the National Transport Commission have consulted extensively with stakeholders, including industry and union representatives, to ensure that this will be a workable, fair and, importantly, safe national approach to heavy vehicle regulation. I trust honourable members will lend their support to the bill and these proposed amendments. I commend the bill to the House.