



Mr Howard Hobbs MP
Chair
Transport, Housing and Local Government Committee
Parliament House
George Street
BRISBANE QLD 4000

(by email: thlgc@parliament.qld.gov.au)

Dear Mr Hobbs

Heavy Vehicle National Law Amendment Bill 2012

The Australian Livestock and Rural Transporters Association (ALRTA) is pleased to offer this brief submission upon the Heavy Vehicle National Law Amendment Bill 2012 (Bill 2).

As your Committee will be aware, the ALRTA has been a strong supporter of the creation of the National Heavy Vehicle Regulator (NHVR), the selection of Queensland as the host jurisdiction for the National Heavy Vehicle Law (NHVL), and the placement of the NHVR's Head Office in Brisbane.

Your committee's decision, earlier this year, to expedite your hearing upon the initial NHVL Bill was instrumental in allowing the NHVR to be legally established before the end of 2012.

In our submission of August 2012, the ALRTA welcomed that decision by your Committee. Noting that the NHVR has been established, and its Board and inaugural CEO appointed, I take this opportunity to repeat the ALRTA's thanks and appreciation for your Committee's urgent handling of that initial Bill.

ALRTA position on Bill 2

Turning to the current Bill, the ALRTA strongly supports the enactment of the Bill by the Queensland Parliament, without amendment and without delay.

Urgency in the handling of this Bill remains important.

The Queensland Parliament and Government have made excellent progress in equipping the State to fulfil its role as the host for this reform. However, every participating jurisdiction must enact complementary legislation in order for this reform to be complete.

To facilitate the timely completion and enactment of this complementary legislation, the ALRTA suggests that it is greatly desirable for Bill 2 to be enacted by the Queensland Parliament in its February 2013 sittings. The ALRTA would welcome your Committee highlighting this issue in your report to the Parliament.

Chain of Responsibility provisions, including Executive Officer Liability provisions. The members of your Committee will recall that the first true 'Chain of Responsibility' provisions in road transport law were developed in Queensland, under the Borbidge Government. The 'Chain of Responsibility' concept has been strongly supported by the ALRTA since that time, has been enacted in every State and Territory, and has become one of the most highly-valued elements of contemporary road transport law.

PO Box 615, Belconnen ACT 2616
P: 02 6247 5434 F: 02 6247 0476 E: office@alrta.org.au

ABN: 16 034 545 414

TOGETHER WE ARE STRONGER

It is important to note that the national model Chain of Responsibility provisions have always expressly included the extension of liability to 'Executive Officers'.

The ALRTA's strong view is that Chain of Responsibility provisions have delivered significant safety and operational improvements to our industry, delivering visible improvements to how small trucking companies and individual drivers are engaged and treated by prime contractors and, crucially, by large customers and freight forwarders.

Bill 2 contains a number of departures from the Chain of Responsibility provisions currently found in Queensland State law and in the national model law.

However, Governments have offered industry an assurance that, early in 2013, there shall be established a national Chain of Responsibility Taskforce, involving equal numbers of government and industry representatives – and expressly including a nominee of the ALRTA – which will be tasked with developing a 'new generation' of Chain of Responsibility law that is principally based upon affirmative statutory duties.

Governments have further indicated that any amendments arising from the work of this Taskforce will be available for implementation by not later than end 2014.

The ALRTA's support for the current Bill is entirely contingent upon these commitments from governments.

The ALRTA would greatly welcome your Committee obtaining assurances that these commitments will be fulfilled and then highlighting this issue and these commitments in your report to the Parliament.

ALRTA position on the Regulator

The ALRTA strongly believes that the capability and proper resourcing of the NHVR is at least as important as the content of Bill 2.

The ALRTA is an advocate for the establishment of an effective, expert, and appropriately-resourced national regulator. We consider that, working in partnership with industry, the community and all jurisdictions, a national regulator with these characteristics will make a strong contribution to improving efficiency, productivity and safety in the heavy vehicle sector.

In our view, best-practice heavy vehicle regulation requires a unique blend of leadership, occupational safety, road safety, legal, economic, engineering and technical skills.

The ALRTA regards the establishment of a single, national specialist regulator as the most effective way of bringing together enough of those scarce skills to make a real difference to safety, productivity and efficiency in the heavy vehicle sector.

Traditionally, the road transport industry has been regulated by Road Agencies. In our view, that model is no longer an optimum response to our industry's needs. Road Agencies can never give sustained, top-level leadership attention to heavy vehicles. Not one single State Road Agency currently allocates a full-time Deputy-CEO or even a Division-head level role solely to heavy vehicle issues.

The ALRTA is concerned that governments have not yet provided clarity and certainty about the resourcing and budget that will be available to the NHVR, particularly from 1 July 2013 onwards.

A failure to provide adequate resourcing will have obvious implications for the attainment of the objectives of Bill 2.

The ALRTA would welcome your Committee highlighting this issue in your report to the Parliament and providing continued oversight of this issue during 2013.

The ALRTA thanks your Committee for this opportunity to present these views and trusts this submission will assist your work. Any enquiries can be directed to Liz Schmidt on 07 4778 4488.

Yours sincerely

AUSTRALIAN LIVESTOCK AND RURAL TRANSPORTERS ASSOCIATION



Liz Schmidt
National Vice-President
7 December 2012

About ALRTA

- 1) The Australian Livestock and Rural Transporters Association (ALRTA) is the peak federation representing transport companies who provide the 'first and last' link of the supply chain for Australia's agricultural industries and communities across regional, rural and remote Australia.
- 2) Australian agriculture relies on ALRTA's members in order to access domestic and global markets. Almost all inputs to, and production from, Australian agriculture involves transport by truck.
- 3) The ALRTA is a member of the Australian Logistics Council (ALC), the Australian Trucking Association (ATA), and the Council of Small Businesses of Australia (COSBOA).