



Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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TRANSPORT LEGISLATION AMENDMENT BILL; TRANSPORT OPERATIONS (TRANSLINK TRANSIT AUTHORITY) BILL

Mr CRIPPS (Hinchinbrook—NPA) (7.35 pm): I rise to make a contribution to the cognate debate on the Transport Legislation Amendment Bill and the Transport Operations (TransLink Transit Authority) Bill. I reiterate the concerns expressed and the objections recorded by my colleagues from the Queensland coalition who have spoken before me during this debate in relation to these two bills being inappropriately debated cognately. I intend to confine my remarks to the Transport Legislation Amendment Bill.

The Transport Legislation Amendment Bill proposes contentious changes to the Transport Operations (Road Use Management) Act. The bill will amend the Transport Operations (Road Use Management) Act 1995 to adopt the National Transport Commission (Model Legislation—Heavy Vehicle Driver Fatigue) Regulations 2006 in relation to the heavy vehicle driver fatigue reform package. The commission undertook a review of the regulatory approaches to managing heavy vehicle driver fatigue. This bill is a further stage in the implementation of the recommendations of the commission, some of which have previously been considered by the parliament. The stated objective of the reforms is to regulate heavy vehicle driver fatigue in a nationally consistent way.

Fatigue has long been identified as a significant safety concern in the road transport industry, impacting on heavy vehicle drivers and other road users. Fatigue is one of the main causes of accidents involving heavy vehicles. The precise contribution of fatigue in heavy vehicle accidents is difficult to isolate, although the explanatory notes accompanying the bill suggest that estimates range from about 12 per cent to over 60 per cent, while most fatigue experts consider the true figure to be 20 to 30 per cent.

Currently in Queensland the legislation that regulates heavy vehicle driver fatigue sets prescriptive hours of driving and rest, whereas the explanatory notes suggest that more recent research indicates a wider program of reforms is necessary to adequately manage fatigue in the heavy vehicle road transport industry. The current legislation also fails to cater for diversity in the heavy vehicle industry and restricts industry innovation in managing fatigue. The national model places emphasis on rest, fitness and the influence of many parties in the supply chain on driver fatigue. The commission advises that the model also takes into account non-driving activity such as loading and unloading when calculating a driver's allowable work time. In line with the national model, the new provisions contained in the bill relate to heavy vehicles with a gross vehicle mass or gross combination mass of more than 12 tonnes and to buses with more than 12 seats.

The bill supplements existing powers of authorised officers by providing for specialised and tailored powers to deal with on-road breaches of heavy vehicle fatigue requirements. This includes the power to require a person in control of a heavy vehicle found to be in breach of a key fatigue management obligation to take rest breaks or work for a shorter period in their next work period. The bill also includes a power to require a person in control of a heavy vehicle to stop work if the authorised officer reasonably believes the person is impaired by fatigue or if their work diary cannot be produced or relied upon. These supplementary powers are proposed to facilitate the enforcement of the fatigue management reforms by providing immediate on-road remedies where key fatigue management breaches are detected.

The bill also provides for a scheme of extended liability for specified persons in the chain of responsibility who are in a position to directly influence a heavy vehicle driver's compliance with fatigue management laws. For example, in relation to an offence involving a contravention of a driver's maximum work requirement or minimum rest requirement, an influencing person will include the employer, scheduler, consignor, consignee and loading managers. These influencing persons will have the capacity to mount a defence of their position if they are pursued under this chain of responsibility. They will need to establish that they did not know or could not reasonably expect to have known of the breach of the relevant fatigue management requirement and the influencing person either took all reasonable steps or there were no steps that the person could have taken to prevent the breach and, finally, that the person exercised reasonable diligence to prevent the breach.

These proposals were first flagged in the Queensland parliament during debate on the Transport Legislation Amendment Bill in October last year. Under this concept, legal liability was proposed to reach beyond the driver to other parties both within and outside the road transport industry so that all the causes of noncompliance with road transport were targeted. The explanatory notes accompanying the bill indicated that heavy vehicles are significantly overrepresented in crashes causing fatalities relative to other classes of vehicles, but that recent increases in fatal crashes involving trucks can be attributed in part to the increases in the number of trucks travelling on Queensland roads.

The statistics cited in the explanatory notes accompanying the 2007 bill indicated that the use of trucks to transport freight is forecast to double between the years 2000 and 2020. So without appropriate regulation of the road freight industry this has the potential to significantly impact on Queensland's future road toll. The aim of the bill was to remove any unfair competitive advantage that may result from the breach of those transport regulations. This is where there is a significant inconsistency with the aims of the bill and the reality of the environment in which the state government expects business, industry and heavy vehicle operators to exist. I will mention the statistic that I cited earlier again: the use of heavy road vehicles to transport freight is forecast to double between the years 2000 and 2020. Where are the initiatives and strategies from this government to reduce this reliance on road transport? There are few, if any, except to focus on pursuing heavy vehicle operators. Where is the significant investment in rail or air freight alternatives?

In my electorate of Hinchinbrook, many of the primary industries depend greatly on heavy vehicle transport to move their produce to southern markets. There is a firm view among road transport industry operators and the primary industries that they service that these regulations will increase transport costs and, as a consequence, the cost of the products that these heavy vehicles are carrying. Because trucks from north Queensland are almost always carrying food south to feed millions, that means subsequent increases in the price of groceries, which affects everyone in the community.

The banana industry in my electorate depends on heavy vehicle transport to deliver bananas grown in north Queensland to the southern markets in Brisbane, Sydney, Melbourne, Adelaide and Perth. Every week nearly 300 semitrailers carrying bananas travel from north Queensland to those southern markets. The main concern of the banana industry is that the transport operators servicing that industry will lose demerit points for noncompliance with aspects of these regulations a result of trivial offences, such as spelling mistakes in logbooks. There is already a shortage of heavy vehicle licence holders available to meet the growing demand for road transport. Industry groups in north Queensland are concerned about the changes to these regulations that will extend delivery times to the furthest destinations, such as Melbourne, Adelaide and Perth, from two to three days. This will certainly increase the cost of produce and goods hauled out of north Queensland. In addition to the banana industry, other industries in north Queensland that depend on heavy vehicle transport to deliver their products to southern markets include the cattle industry and a range of other horticultural industries.

Industry groups and transport operators have reported some instances of overbearing transport inspectors and, regrettably, police officers who have been known to go back through logbooks for several weeks in search of trivial breaches such as spelling mistakes and hand out fines and demerit points to drivers for these types of trivial infringements. Others have reported that inspectors are sitting outside the gates of wholesale markets and pulling up drivers as they drive out heading towards the service station roadhouses up the road to have a break where they complete their logbooks. They did not complete their logbooks at the markets because to do so would hold up the operation of those workplaces, which are extremely busy. But because the drivers have not made the entries in their logbooks on site at the markets, where they technically dropped off their loads, they are fined and as a result they lose points.

In considering the proposed changes to this regulation, the lack of rest bays available to heavy vehicles on heavy vehicle transport routes is a major concern. This means that drivers have to time their stops and probably have to pull up short of their allocated driving times because they know that there is not a rest bay or a roadhouse for another couple of hours. There needs to be more bays and these bays ought to have sufficient space to take a number of trucks. I lend warrant to the earlier observations made by the

member for Gregory in relation to the few rest bays that are available being taken up by caravans. In north Queensland during the more temperate months the roads are full of them. The grey nomads, with the annual interest they show in north Queensland, are welcome, but they have to understand that our highways are not tourist routes; they are working roads which keep many people in southern Queensland and throughout Australia fed. There ought to be appropriate facilities provided at these rest bays. The minister has the opportunity to demonstrate that his government is serious about improving road safety by investing in the infrastructure to improve safety and not just focusing on punitive restrictions on heavy vehicle road transport operators.

The opposition certainly does not condone unsafe driving practices, but we are determined to put on the record our concerns about the collateral damage that well intentioned but poorly implemented legislation can have on the industries that they are imposed on. More empathy for and understanding of the plight of truckies who are frustrated and angry is required from this government. The road toll and road safety is a priority and for that reason the Queensland coalition will support this bill. However, I implore the minister and the government to take notice of the concerns raised by the opposition.