

MEDIA RELEASE



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25 National Circuit
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NEW APPROACH NEEDED TO FIX NATIONAL TRUCK LAWS

The Australian Trucking Association (ATA) has proposed a new approach to finalising the national truck laws, with the current drafting process in disarray.

Australia's governments plan to introduce national truck laws in 2012, but the ATA has already identified 245 issues with the current draft. The ATA has today released follow up legal advice raising serious additional concerns.

The Chief Executive of the ATA, Stuart St Clair, said transport ministers should agree to a two-stage approach to finalising the draft laws.

"The ATA and its members have been calling for national truck laws for twenty years. If the trucking industry walks away from the process because of our frustration and anger about poor quality of the draft laws, it will simply play into the hands of some officials in the road agencies who want to remain in the past," Mr St Clair said.

"At the ATA Council meeting this week, industry representatives agreed a draft Bill could be introduced into the Queensland Parliament later this year, but only if:

- as many agreed improvements are made to the Bill as possible;
- it is redrafted to include a clear process for making regulations, and a clear process for parliaments to disallow them. Fixing these provisions is critical, because parliamentary scrutiny of regulations is a key check on the executive; and
- section 562 of the draft is rewritten so it is broadly comparable with the model Work Health and Safety law.

"When Australia's transport ministers sign off the Bill, they should also commit to preparing a package of amendments to the Bill – the second stage of the process. These amendments would need to be introduced into the Queensland Parliament before 30 June 2012, and would need to commence at the same time as the original Bill.

"The amendments would need to address the outstanding policy issues raised by the ATA and its members.

"The National Transport Commission has shown it does not have the capacity to draft complex legislation like the national truck laws, despite its new strategic plan.

"As a result, the responsibility for drafting the amendments and future changes to the law should be transferred to the NHVR Project Board and the Project Director.

"There should be input from a roundtable advisory group consisting of representatives from the Australian and state governments and the ATA and its members. The Government representatives on the advisory group must not outnumber the industry delegates.

“The ATA’s proposal recognises the need to get legislation into the Queensland Parliament before the whole national truck law concept stalls, but it will also ensure those laws deliver results for the industry,” Mr St Clair said.

The ATA Council’s resolution is attached. The ATA’s supplementary legal advice on the draft national truck laws is available at www.atatruck.net.au/publications.html

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**RESOLUTION PASSED BY THE ATA GENERAL COUNCIL, 22 JUNE 2011
HEAVY VEHICLE NATIONAL LAW PACKAGE**

1. In close consultation with the ATA and its members, officials should make as many improvements as agreed with industry as possible to the current Bill, within current time constraints. As it will then represent the best draft Bill available at that time, in August the Ministerial Council should ask relevant governments to progress that Bill and all related repeals processes in line with current deadlines;
2. Before or at the time that the Ministerial Council agrees to the current draft Bill (as modified), the Ministerial Council should be asked to commit to:
 - a. The preparation of an Amendment Bill that must be introduced to the Parliament of Queensland before 30 June 2012, and which must commence at the same time as each relevant part of the original Bill;
 - b. A statement of policy principles, regulatory strategy and performance standards that will inform preparation of this Amendment Bill;
 - c. A new drafting process for this Amendment Bill, which will invite State and Commonwealth Government officers nominated by the Project Board, the ATA and its members to participate jointly in a ‘round-table’ advisory group, with government representatives not to outnumber industry delegates;
 - d. The NHVR Project Board and the Project Director being authorised by, and accountable to, Ministers for the timely and satisfactory completion of the Amendment Bill.
3. The ATA demands that the current Bill must, before it is introduced, be amended as follows:
 - a. It must include a clear process for making and disallowing regulations; and
 - b. Section 562 of the draft Bill must be rewritten so it is broadly comparable with the model Work Health and Safety law.

Moved: Noelene Watson (held NatRoad proxy)
Seconded: Denis Robertson

Carried

Derek Nathan, WARTA, requested the organisation’s vote against the motion be noted.