

Senate Standing Committee on Rural and Regional Affairs and Transport
ANSWER TO QUESTION ON NOTICE
Additional Estimates February 2009
Infrastructure, Transport, Regional Development and Local Government

Question No.: ISTP 01

Division/Agency: Infrastructure and Surface Transport Policy

Topic: BITRE TFES Parameter Review

Hansard Page: 84 (24/02/09)

Senator Colbeck asked:

Senator COLBECK—It is disappointing that that did not occur. I know that you have made a decision not to change the parameters, but there was a lot of discussion about the density parameters. When the documentation came out, it indicated that Circular Head Dolomite had indicated that they would be happy to see a discount rate of 30 per cent for the high-density rate. They are quite concerned about that, because none of their submissions—and we have been through them fairly comprehensively—show that. Can you enlighten me as to how that might have appeared through the process?

Mr Sutton—Senator, the Government's decision, as I say, was to leave all the parameters unchanged. We are working through some administrative reforms related to the program that will not impact on the overall expenditure under the program. All the underlying parameters, including the approach to the high-density issues, were left unchanged. I think that reflected the complexities of the program and the linkages between the various elements. Yes, there was no adjustment to the high-density factors, but that is in the context of the overall assistance levels being unchanged. All Tasmanian businesses benefit from those assistance levels being left unchanged. The impact on individual businesses which had particular issues—and I recognise that dolomite and the heavy density factor was one of those—I think needed to be looked at in the context of the overall government decision.

Senator COLBECK—The Government might see it in that light, but they certainly do not, because it limits their capacity to compete on the mainland with similar products, which is effectively the base reason for the scheme in the first place.

Mr Sutton—Yes, Senator.

Senator COLBECK—And the fact that the documentation that came out indicated they would be happy with the 30 per cent discount rate when their submissions do not even consider that at all. They were looking to see the discount rate removed.

Mr Sutton—Senator, can I ask the document to which you are referring?

Senator COLBECK—I have an email from them, and it refers to the Productivity Commission work that was done as well, but it came out in the final work. The BITRE TFES parameter review, page 38, is the reference that I have been given. It is under the paragraph 'What discount should apply to high-density freight'. I have a copy of their submission.

Mr Sutton—Senator, I might have to take that question on notice and look into it in more detail.

Answer:

The statement in the Bureau of Infrastructure, Transport and Regional Economics Tasmanian Freight Schemes parameter review November 2008, page 38, is a reference to the following statement in the Productivity Commission Inquiry Report No. 39, 14 December 2006, page 75 "....a single quote obtained by Circular Head Dolomite (sub. 87, para. 5) comparing

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B-double and single reefer road costs for its high density dolomite suggests a discount of 30 per cent may be more relevant.”

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Question No.: ISTP 02

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Roads – Northern Tasmania

Hansard Pages: Written Question

Senator Bushby asked:

Will the Government commit to the ongoing funding for the Tasmanian Freight Equalisation Scheme and the Tasmanian Wheat Freight Scheme?

Answer:

The Government has moved to provide long-term certainty to Tasmanian industry by deciding to retain the Tasmanian Freight Equalisation Scheme and the Tasmanian Wheat Freight Scheme.

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Question No.: ISTP 03

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Roads – Northern Tasmania

Hansard Pages: Written Question

Senator Bushby asked:

What are the forward forecasts for the funding of the Tasmanian Freight Equalisation Scheme and the Tasmanian Wheat Freight Scheme?

Answer:

This information is available in the Portfolio Additional Estimates Statements 2008-09, page 34.

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Question No.: ISTP 04

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Roads – Northern Tasmania

Hansard Pages: Written Question

Senator Bushby asked:

What date will the \$2.8 million over the forward estimates to extend the Tasmanian Freight Equalisation Scheme to cover shipping movements between mainland Tasmania and King and Flinders Islands be delivered?

Answer:

The election commitment of \$2.8 million over the forward estimates to extend the Tasmanian Freight Equalisation Scheme to cover shipping movements between mainland Tasmania and King and Flinders Islands was implemented through the 2008-09 Budget and is included within the forward estimates. King Island and Furneaux Group assistance has been paid for claims from 1 July 2008.

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Question No.: ISTP 05

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Roads – Northern Tasmania

Hansard Pages: Written Question

Senator Bushby asked:

What date will the \$15.7 million over the forward estimates to increase the Bass Strait Passenger Vehicle Equalisation Scheme (previously announced 9 September 2007) be delivered?

Answer:

The rebates payable under the Bass Strait Passenger Vehicle Equalisation Scheme were increased on 1 July 2008. The Government has also agreed to index the Bass Strait Passenger Vehicle Equalisation Scheme. These measures fully meet the commitments made by the Government prior to the 2007 Federal election.

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Question No.: ISTP 06

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Roads – Northern Tasmania

Hansard Pages: Written Question

Senator Bushby asked:

Will the increase the Bass Strait Passenger Vehicle Equalisation Scheme be continued beyond the forward estimates?

Answer:

See ISTP 05.

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Question No.: ISTP 07

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Rebuilding Australia's Coastal Shipping Industry
Hansard Pages: Written Question

Senator Williams asked:

I refer to the report Rebuilding Australia's Coastal Shipping Industry: Inquiry into Coastal Shipping Policy and Regulation tabled in October 2008 by the Standing Committee on Infrastructure, Transport, Regional Development & Local Government.

As you will be aware this report made several recommendations regarding competitiveness of the Australian Industry, training of maritime employees and the need to review some existing legislation.

"The Standing Committee in Infrastructure, Transport, Regional Development and Local Government tabled Rebuilding Australia's coastal shipping industry: inquiry into coastal shipping policy and regulation in October. The report was commissioned by the Minister for Infrastructure, Transport, Regional Development and Local Government, Hon. Anthony Albanese MP, on 12 March 2008 to inquire into and report on coastal shipping policy. Public hearings were held in Brisbane, Canberra, Perth, Adelaide, Launceston, Melbourne and Sydney in which 78 witnesses appeared before the Committee. The Report makes a series of recommendations in accordance with the terms of reference on ways to enhance the competitiveness and sustainability of the Australian Coastal shipping sector".

I note the Minister indicated that the Government would consider the recommendations in detail and respond to each of them during 2009 given that Australia's international trade is dependent on shipping.

1. Has the Government considered the recommendations of that report to date?
2. If so, what recommendations is the Government focusing on? If not, what is the timeframe for the Government to consider the report in detail?
3. The committee recommended that the 2000 review of the Navigation Act 1912 be completed and amendments made to Part VI of the Act. Has any work on the review recommenced to date?
4. If yes, what is the progress of this review? If not, what is the anticipated commencement of the review?
5. If there is no anticipated commencement date, why not?
6. The report advocates the establishment of a Reform Implementation Group which would be instrumental in bringing about the industry change and implementing the recommendations of the report adopted by the Government. Has such a group been established to date?
7. If yes, who has been appointed to the Reform Implementation Group? Who is chairing the group?
8. If not, when is it likely a Reform Implementation Group will be put together?

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Answer:

The Australian Government is currently considering the recommendations made by the House of Representatives Standing Committee on Infrastructure, Transport, Regional Development and Local Government. In a media release on 20 October 2008, the Minister for Infrastructure, Transport, Regional Development and Local Government has noted that the submissions to the Committee covered a broad range of issues, demonstrating the complexity of the issues involved in strengthening the industry's competitiveness and sustainability. He has also indicated a response to each of the recommendations will be provided during 2009.

The Minister announced on 16 February 2009 the establishment of a Shipping Policy Advisory Group to assist the Government prepare its response to the *Rebuilding Australia's Coastal Shipping Industry* report produced by the bipartisan Parliamentary Committee.

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Question No.: ISTP 08

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Road Crash Injury Statistics

Hansard Pages: Written Question

Senator Williams asked:

Given that road crashes are a serious issue in Australia, can you please advise that current figures for the number of serious injuries caused by road crashes and explain why the Australian Transport Safety Board has ceased to report this important information?

Answer:

Detailed statistics on serious road crash injuries are published in a series of reports produced jointly by the Department of Infrastructure, Transport, Regional Development and Local Government (the Department) and the AIHW. These can be accessed via the road safety pages on the Department's website: <www.infrastructure.gov.au/roads/safety/>.

On 1 April 2008, the road safety functions of the Department were moved from the Australian Transport Safety Bureau (ATSB) to the Infrastructure and Surface Transport Policy Division, as part of an organisational restructure. Divisional responsibility for reporting road crash statistics was changed accordingly, however no change has been made to the type or frequency of statistical information reported.

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Question No.: ISTP 09

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

1. I would like to ask a few questions regarding the establishment of a national scheme for setting minimum safe rates covering both employees and owner-drivers in the heavy vehicle industry. I understand that, according to a joint media release issued by Ministers Albanese, Gillard and Emerson, on 25 July 2008, the National Transport Commission was to investigate methods of payment for heavy vehicle drivers and options to implement a payment system that encourages safe work practices. Is that correct?
2. I further understand that the National Transport Commission completed this report to the Australian Transport Council by October 2008. Is that correct?

Answer:

1 & 2. Yes.

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Question No.: ISTP 10

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

I refer to a Joint Communiqué from Australian Transport Council the dated 7 November 2008, which reads in part:

Ministers agreed that there is a case for investigating a whole of government regulatory approach to address this issue. The Federal Minister for Infrastructure, Transport, Regional Development and Local Government agreed to progress this issue within the Government and provide reports at future ATC meetings.

1. What progress has been made in implementing this decision of the Australian Transport Council?
2. In terms of investigating the “whole of government regulatory approach”, what other agencies are involved in such an investigation?
3. When will it be complete?

Answer:

1. The matter is under consideration. The Minister for Infrastructure, Transport, Regional Development and Local Government will provide a progress report on this matter at the May 2009 Australian Transport Council meeting.
2. The Department of Education, Employment and Workplace Relations and the Department of Innovation, Industry, Science and Research.
3. This is a matter for the Government.

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Question No.: ISTP 11

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

Will the Government report back to the Australian Transport Council on its investigation by May 2009, as proposed by the National Transport Commission on page 46 of its report?

Answer:

The Government will provide a progress report to the Australian Transport Council meeting in May.

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Question No.: ISTP 12

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

I notice that the National Transport Commission in its October 2008 report to the Australian Transport Council flagged four options in implementing a so-called Safe Rates payment system. One option is to leave the existing system in place and simply allow the recently passed heavy driver reforms to generate better safety performance in the heavy vehicle industry.

Another option is to rely on State-based regulation to deal with current payment arrangements.

1. Is that correct?
2. On which State-based regulation will this system be modelled?

Answer:

1 & 2. The National Transport Commission report explores a number of options. The report can be found on the website at www.ntc.gov.au/DocView.aspx?DocumentId=1787.

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Question No.: ISTP 13

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

According to page 39 of the National Transport Commission's report to the Australian Transport Council, South Australia, Tasmania, ACT, Queensland, the Northern Territory and Tasmania do not have owner-driver regulations.

1. What sort of regulations would these jurisdictions have to develop?
2. Under this scenario, what would be the status of owner-drivers?
3. Would this involve some kind of mandated system of freight rates that are imposed on State-registered vehicles?
4. What body would enforce these rates? How would payment rates be calculated?

Answer:

1, 2, 3 & 4. See ISTP 10.

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Question No.: ISTP 14

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

The third option flagged by the National Transport Commission is to establish a body under Federal legislation that will establish and maintain enforceable safe payments for employees and owner-drivers. Is this correct?

Answer:

See ISTP 12.

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Question No.: ISTP 15

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

The final option is to empower the Australian Industrial Relations Commission, or its successor, to establish and maintain the payment system for owner-drivers and employees. This, I further understand, would override existing State-based regulatory regimes and would essentially place the payment system under Federal law.

1. Is this correct?
2. The Transport Workers Union favours this option. Is this correct?

Answer:

1. See ISTP 12.
2. The Transport Workers Union's (TWU) position on safe rates is contained in its submission to the NTC. The TWU's submission can be found on the NTC website.

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Question No.: ISTP 16

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

I understand the National Transport Commission favours option three – ie, to establish some kind of Federal tribunal that will set a minimum level of payment rates. Is this correct?

Answer:

See ISTP 12.

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Question No.: ISTP 17

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

1. What is the Government's favoured option?
2. Does the Government prefer the Transport Workers Union approach?

Answer:

1 & 2. See ISTP 10.

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Question No.: ISTP 18

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

1. How, in practice, does option three and four differ, given that they both propose a Federal authority be given the power to determine payment rates arrangements upon the heavy vehicle industry?
2. How will such an arrangement impact upon State-registered heavy vehicles?
3. What will be the status of owner-drivers under the options three and four?
4. What are the implications upon existing Federal legislation, such as the *Fair Work Bill 2008* or the *Independent Contractors Act 2006*, posed by options three and four?

Answer:

1, 2, 3 & 4. See ISTP 10.

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Question No.: ISTP 19

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

1. The heavy freight sector is extra-ordinarily diverse, with a variable array of freight tasks involving a range of transport types. Given this reality, how would payment rates be calculated?
2. Who would calculate them?
3. How would industry be involved?

Answer:

1, 2 & 3. See ISTP 10.

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Question No.: ISTP 20

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

Regarding option three and the establishment of a payment body, what would be its membership?

1. What would be its powers?
2. Will industry pay for it?
3. What consideration has been given to the legislation that will establish it?
4. Under what portfolio would this legislation sit?

Answer:

1, 2, 3 & 4. See ISTP 10.

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Question No.: ISTP 21

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

Has the Government done any calculations regarding the cost of a safe rates system upon the heavy vehicle industry?

Answer:

See ISTP 10.

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Question No.: ISTP 22

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

What will be the cost of option three?

Answer:

See ISTP 10.

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Question No.: ISTP 23

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

What are the implications upon the competitiveness of the heavy vehicle industry of a safe rates system?

Answer:

See ISTP 10.

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Additional Budget Estimates February 2009
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Question No.: ISTP 24

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

What is the basis by which the National Transport Commission has concluded that the current system of pay determination in the heavy vehicle sector is causing unsafe driving practices?

Answer:

See ISTP 12.

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Question No.: ISTP 25

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

Is it correct that the recently passed heavy vehicle reforms are designed to stamp out unsafe driving practices?

Answer:

A range of ongoing reforms to heavy vehicle regulations seek to improve the safety of the Australian transport system.

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Question No.: ISTP 26

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Safe Rates

Hansard Pages: Written Question

Senator Heffernan asked:

Why cannot the Government give time to see the result of the recent heavy vehicle fatigue reforms and see how they unfold?

Answer:

See ISTP 10.

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Question No.: ISTP 27

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

1. I refer to the recent Regulatory Impact Statement entitled *A National Framework for Regulation, Registration and Licensing of Heavy Vehicles* put out by the Minister's department. This document, released late last year, arises from yet another declaration by COAG, made the previous May, that we want a national transport system with uniform laws. The various ways in which this could be achieved are canvassed in this Statement which is to be considered by the Australian Transport Council sometime in 2009. Is that correct?
2. When will the Australian Transport Council consider it? December 2009 or early 2009?
3. When will the Council of Australian Governments consider this issue?

Answer:

1. Yes.
2. The Australian Transport Council will consider a final draft Regulatory Impact Statement on Heavy Vehicle regulation in May 2009.
3. COAG is expected to consider the final Regulatory Impact Statement later this year.

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Question No.: ISTP 28

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

1. Does this Government stand by the decision of the Council of Australian Governments, issued in its communiqué on 10 February 2006, to *harmonise and reform rail and road regulation within five years...?*
2. Five years is 2011. It is now 2009. That is two years away. Will that decision be achieved?

Answer:

1. The Australian Transport Council reports to the Council of Australian Governments each six months on progress towards road and rail regulation harmonisation.
2. The details of each jurisdiction's implementation of model laws prepared by the National Transport Commission are matters for the jurisdiction.

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Question No.: ISTP 29

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

1. Is it correct that Queensland, New South Wales and South Australia have provided a six months transition arrangement, so that drivers have time to shift their operations to the new daily standard of 12 hours driving in total?
2. Do you have any details on these transition arrangements?
3. Is it correct that Victoria has not implemented any transition arrangements?

Answer:

- 1, 2 & 3. The details of each jurisdiction's implementation of model laws prepared by the National Transport Commission are matters for the jurisdiction.

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Question No.: ISTP 30

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

I understand that under section 47 of the *National Transport Commission Model Legislation – Heavy Vehicle Driver Fatigue Regulations*, that a driver working standard hours must take a short break after 5 ¼ hours of work. I understand that a driver may make a defence against a breach of these provisions if that driver cannot find a suitable place of rest on a highway and the driver finds a rest stop after 45 minutes after that time. Is it correct that in Victoria and New South Wales this is not a defence?

Answer:

The details of each jurisdiction's implementation of model laws prepared by the National Transport Commission are matters for the jurisdiction.

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Question No.: ISTP 31

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

Is it correct that drivers of vehicle over 12 tonnes in Victoria and South Australia who work within 100 kilometres of their base do not have to fill out a work diary, but for New South Wales, heavy truck drivers must fill out a diary even for local work?

Answer:

The details of each jurisdiction's implementation of model laws prepared by the National Transport Commission are matters for the jurisdiction.

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Question No.: ISTP 32

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

Are you aware that the States have established different treatment of employers should their drivers be breached of the requirements of the heavy vehicle driver fatigue laws?

Answer:

The details of each jurisdiction's implementation of model laws prepared by the National Transport Commission are matters for the jurisdiction.

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Question No.: ISTP 33

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

In New South Wales, Queensland and South Australia, an employer may provide a 'reasonable steps defence' to a court if such a breach occurs. That is, if the employer can satisfy a court that he or she has taken reasonable steps to ensure that their drivers do not break the laws, they have a defence. In Victoria, no such defence exists. Is that correct?

Answer:

The details of each jurisdiction's implementation of model laws prepared by the National Transport Commission are matters for the jurisdiction.

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Question No.: ISTP 34

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

What other State-based inconsistencies exist in the heavy vehicle fatigue management laws?

Answer:

The details of each jurisdiction's implementation of model laws prepared by the National Transport Commission are matters for the jurisdiction.

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Question No.: ISTP 35

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

1. Is it true that in New South Wales, rigid, semi-trailers and B-doubles may be loaded to a width of 2.83 metres only, but in Victoria, these trucks can be loaded to three metres?
2. Where does this leave a truckie in Victoria who loads up his truck with, for example – hay - as wide as legally possible, and then drives to New South Wales?
3. What are the other inconsistencies exist between the States and Territories with regard to the height of loads?

Answer:

- 1, 2 & 3. The details of each jurisdiction's implementation of model laws prepared by the National Transport Commission are matters for the jurisdiction.

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Question No.: ISTP 36

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

The Regulatory Impact Statement on page 20 quotes a study commissioned by the National Transport Commission that was published in May 2006. The relevant quote, drawing from this study makes interesting reading. It states:

A formal review commissioned by the National Transport Commission of the mass and loading, oversize and over-mass and restricted access regulations published in May 2006 for example, found that ten years after their development, approximately half the mass and loading provisions and only a third of the over-size and over-mass provisions have been implemented in a completely consistent matter.

Can you explain to this Committee what those regulatory anomalies are?

Answer:

Details of the National Transport Commission's (NTC) findings are available in reports prepared for the NTC as detailed in the Regulatory Impact Statement.

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Question No.: ISTP 37

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

According to its website, the purpose of the National Transport Commission when it was established in 2003 is to—

...develop, monitor and maintain uniform or nationally consistent regulatory and operational reforms relating to road transport, rail transport and intermodal transport.

What will the Government do to better equip the National Transport Commission to meet its charter?

Answer:

A review of the National Transport Commission as required by the *National Transport Commission Act 2003* is currently underway. The terms of reference, inter alia, require the Review recommend “the appropriate level of resourcing for the future body”.

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Question No.: ISTP 38

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

What power does the National Transport Commission have in dealing with individual jurisdictions that diverge from national reforms?

Answer:

The National Transport Commission monitors and reports on each jurisdiction's progress on implementation of agreed reforms to Australian Transport Council. It does not have power to direct the actions of governments.

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Question No.: ISTP 39

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

Is it true that the National Transport Commission can only try and persuade State jurisdictions not to stray from national policy reforms?

Answer:

The National Transport Commission monitors and reports on each jurisdiction's progress on implementation of agreed reforms to Australian Transport Council. It does not have power to direct the actions of governments.

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Question No.: ISTP 40

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

The former Coalition Government was successful in driving a number of national reforms in key areas such as energy, water and business regulation through a system of national competition payments. This approach provided a carrot and stick approach to the States to implement vital nationally-consistent laws to lift Australia's productivity and competitiveness.

1. What approach will the Government take to ensure the States meet their responsibility in building a nationally consistent body of transport regulations?
2. Will the Government consider a system akin to national competition payments to encourage regulatory consistency?
3. Will the Government simply rely on persuasion?
4. Is that enough?

Answer:

- 1, 2, 3 & 4. Details of the Inter-governmental Agreement on Federal Financial Relations and the National Partnership agreement to deliver a seamless national economy are available on the Council of Australian Government's website at < www.coag.gov.au >.

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Question No.: ISTP 41

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

1. Mr Wilson, in his statements to this Committee during the Supplementary Budget Estimates on Tuesday 21 October last year stated that according to the Productivity Commission, the cost of these regulatory inconsistencies was \$2.6 billion per year. What was the basis of these figures?
2. Is that \$2.6 billion in lost productivity?
3. Did it measure time lost by businesses in having to adjust their practices to conform to contradictory state regulations?

Answer:

- 1, 2 & 3. Details of the Productivity Commission's (PC) work are available in the Commission's Inquiry report *Road and Rail Freight Infrastructure Pricing* which was released on 13 April 2007 and is available on the Commission's website at <www.pc.gov.au>.

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Question No.: ISTP 42

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

1. The Regulatory Impact Statement flags four options to build a national system of heavy vehicle regulation. The first is the status-quo, which is plainly unacceptable, the second is a non-statutory body to foster consistency in the administration of current model laws, the third is passing national uniform legislation in a host jurisdiction which others will copy and the fourth option is to establish a single national, statutory regulator. Is this a correct summary?
2. How would option two prevent jurisdictions continuing to vary future model laws?
3. How would option two prevent the States from applying model laws differently?

Answer:

1. Yes.
2. & 3. Under option 2, existing arrangements for creating and adopting model law would continue.

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Question No.: ISTEP 43

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

1. Is it correct that not every State recognises as roadworthy a vehicle inspected in another State, even though the same Roadworthiness Guidelines are used?
2. What are the details of this anomaly?
3. Which jurisdictions do not recognise the validity of a vehicle inspection conducted by another jurisdiction?

Answer:

- 1, 2 & 3. The details of each jurisdiction's implementation of model laws prepared by the National Transport Commission are matters for the jurisdiction.

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Question No.: ISTEP 44

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

1. How would option three prevent different administrative practices causing jurisdictional distortions?
2. How would it stop problems with other jurisdictions passing variations through their own legislative processes?

Answer:

1. Under option three, jurisdictions would be responsible for the implementation of nationally-uniform law; administrative arrangements would be a matter for each jurisdiction.
2. Option three provides for a body of nationally-uniform law, not model law as adopted by each jurisdiction.

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Question No.: ISTP 45

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

1. Option four, according to the Regulatory Impact Statement involves the establishment of a National Heavy Vehicle Regulator that will apply and administer all relevant heavy vehicle law by one body. Is this correct?
2. Would such a body have law making powers?
3. Would it involve the consolidation of heavy vehicle regulation into a new national body of heavy vehicle laws?
4. What would be the role of State and Territory parliaments with regard to this heavy vehicle regulator?
5. Would it involve the reference of transport powers by the States to the Commonwealth?
6. Is the Commonwealth seriously contemplating such a course?
7. Are the States?

Answer:

- 1.-7. The Council of Australian Governments will consider the Regulatory Impact Statement later this year.

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Question No.: ISTP 46

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

Are you confident that decisions arising from the consideration of this Regulatory Impact Statement will deal with the bizarre contradictions between the States regarding heavy vehicle heights and width regulations?

Answer:

The Council of Australian Governments will consider the Regulatory Impact Statement later this year.

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Question No.: ISTP 47

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Regulatory Inconsistencies in the Heavy Vehicle Sector
Hansard Pages: Written Question

Senator Heffernan asked:

1. When will the Government make a decision about these options?
2. Which option do you think is most desirable?

Answer:

- 1 & 2. The Council of Australian Governments will consider the Regulatory Impact Statement later this year.

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Question No.: ISTP 48

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Heavy Vehicle Safety and Productivity Program

Hansard Pages: Written Question

Senator Heffernan asked:

Has the need for rest areas on our highway system increased given the recent passage of the heavy vehicle fatigue reforms?

Answer:

The details of each jurisdiction's implementation of model laws prepared by the National Transport Commission are matters for the jurisdiction.

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Question No.: ISTP 49

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Heavy Vehicle Safety and Productivity Program

Hansard Pages: Written Question

Senator Heffernan asked:

What are truckies meant to do if the law requires them to stop, but there are no rest areas available?

Answer:

See ISTP 48.

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Question No.: ISTP 50

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Heavy Vehicle Safety and Productivity Program

Hansard Pages: Written Question

Senator Heffernan asked:

1. What stage are you up to with the “black box” trials?
2. Have field trials started yet?

Answer:

The November 2008 meeting of the Australian Transport Council agreed that in the first half of 2009 officials would develop a possible regulatory framework, a business case and Australian performance-based specification for electronic devices to monitor heavy vehicle speed and fatigue. A Regulatory Impact Statement is to be developed in the second half of 2009.