

**Rural & Regional Affairs and Transport Legislation Committee**

**ANSWERS TO QUESTIONS ON NOTICE**

Additional Estimates February 2012

**Infrastructure and Transport**

**Question no.:** 70

**Program:** 2.2

**Division/Agency:** (STP) Surface Transport Policy

**Topic:** National Heavy Vehicle Regulator

**Proof Hansard Page/s:** Written

**Senator Williams asked:**

1. The National Heavy Vehicle Regulator (NHVR) is due to commence on the 1<sup>st</sup> of January, 2013. Is this still the target and how certain is it.
2. What steps need to be completed before the NHVR can commence work?
3. What is the Department's role in managing or monitoring the achievement of this target date?
4. Why did it take seven months from the close of submissions before a BILL was ready to enter the Queensland Parliament?
5. What steps did the Department take to be satisfied that the National Transport Commission had the skills, expertise and resources to perform this task adequately and on time?
6. Is it correct that there were more than 1,000 problems with the first Bill, which needs to be corrected in the second Bill?
7. What is the deadline for this next Bill (the second Bill) to be completed and presented to the Queensland Parliament?
8. Will the bill(s) amend Queensland's other pre-existing heavy vehicle legislation?
9. Has the government accepted the findings of the NTC's regulatory impact statement? If not, which finds do they not agree with?
10. The RIS states that improved access and productivity is more likely to eventuate with targeted investment in infrastructure, particularly directed towards local councils. The RIS estimates that this will require \$800m in net present value terms over 20 years so what funding program are available to deliver this targeted investment?
11. Are all of these funding programs on-going or are they limited-life programs?
12. The National Heavy Vehicle Regulator (NHVR) is due to commence on the 1<sup>st</sup> of January, 2013. Is this still the target and how certain is it.

**Answer:**

- 1.&12. Yes.
2. The Heavy Vehicle National Law Bill, approved by Transport Ministers in November 2011, will be re-introduced into the Queensland Parliament, following the Queensland election. A second Bill is currently being finalised for introduction in mid 2012 (known as Bill 2). Other States and Territories will then pass enabling legislation. The National Heavy Vehicle Regulator Board will be appointed in mid-2012 – the Hon Bruce Baird AM has been announced as the Board's inaugural Chair. A recruitment process is underway to select the Chief Executive Officer.

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3. The Department is represented on the NHVR Project Implementation Board and chairs the Transport and Infrastructure Seniors Officials Committee which advises the Ministerial Council on this reform.
4. The Heavy Vehicle National Law is a complex piece of legislation and it was important that comments raised in the public consultation phase were comprehensively addressed. All Transport Ministers had to agree to the Bill before it was introduced into the Queensland Parliament.
5. The Ministerial Council agrees the NTC's workplan and financial resources each year and agrees the appointment of Commissioners who are expert in their field.
6. No.
7. Mid-2012.
8. The Heavy Vehicle National Law will replace the existing Queensland heavy vehicle law.
9. The NTC provided the Regulation Impact Statement with the Heavy Vehicle National Law to Ministerial Council on 23 September 2011, culminating in a formal vote on the law on 4 November 2011.
10. Local Government will receive \$2.2 billion in Financial Assistance Grants in 2011-12, including \$664 million in untied local road funding. The introduction of national regulatory arrangements for heavy vehicles, will build on the Australian Government's \$36.4 billion investment in Australia's national land transport infrastructure over the period 2008-09 to 2013-14.  
In the recent Budget the Government allocated \$140 million over the next seven years to continue the Heavy Vehicle Safety and Productivity Package to provide rest stops, decoupling bays and strengthen bridges which will assist the trucking industry.
11. Financial Assistance Grants are an ongoing source of revenue for Local Government.

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**Question no.:** 71

**Program:** 2.2

**Division/Agency:** (STP) Surface Transport Policy

**Topic:** National Heavy Vehicle Regulator

**Proof Hansard Page/s:** Written

**Senator Edwards asked:**

With reference to a discussion between Senator Williams and Mr Mrdak from Surface Transport Policy about national regulations for heavy vehicles at October 2011 Estimates. Senator Williams referred to the carting of hay and wool in NSW and that they had recently increased the legal carrying width from 2.5 to 2.7m.

1. Is Queensland the only state to have legislated for the National Heavy Vehicle Regulations?
2. Do you know what the situation currently is in SA with regard to the progress of implementing the National Heavy Vehicle Regulations?
3. Will the new regulations deal with the following things?
  - a) New transport code for 4X3X8 bales which are very popular in SA, they are medium sized bales, SA already has a code for 4X4X8 which are large bales
  - b) Establishing routes for B-Doubles
  - c) A network for night time travel, which is likely to mirror the route for B-Doubles
  - d) Flashing lights at night – which can be a safety hazard for other road users who may be worried about what’s coming toward them in the middle of the night and panic, risking an accident or alternatively become complacent and not worry about these types of hazards because they become desensitised to the flashing lights.

**Answer:**

- 1&2. Queensland is the host jurisdiction for the Heavy Vehicle National Law. Once the relevant legislation has passed through the Queensland Parliament, other jurisdictions will pass relevant application laws.
3.
  - a) The existing South Australian notice which provides for the carriage of 8X4X4 bales at a width of 2.7 metres by single semi-trailers will continue under the national law.
  - b) Yes.
  - c) Under the national law, notices for Class 2 vehicles (which includes B-Doubles), may include conditions that specify route and time of day restrictions.
  - d) Under the national law, heavy vehicles, other than vehicles exempt under the law (such as emergency vehicles and police vehicles) cannot be fitted with flashing lights other than as required or permitted by the law. The law will provide for dimension exemptions, such as in the movement of oversize loads - permits or notices issued for this purpose may require the use of flashing lights to warn other road users.

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**Question no.:** 72

**Program:** 2.2

**Division/Agency:** (STP) Surface Transport Policy

**Topic:** Seamless National Economy

**Proof Hansard Page/s:** Written

**Senator Heffernan asked:**

I refer to the COAG Reform Council's Report from late last year, the Seamless National Economy: Report on Performance, the Report highlighted 12 reforms were falling behind and were unlikely to meet their deadlines. A number of these were in the transport and infrastructure portfolio For the following areas can you provide an update:

1. **Port regulation – WA and NT haven't complied**
  - (a) Can you give me a bit of background about the work that the Department has been doing in this policy area?
  - (b) What progress is underway to ensure WA and NT's compliance with the new system?
  - (c) Will the deadline be met? If not, why?
2. **Rail access regime** – Victoria has not submitted a rail access regime nor repealed its grain and port access regimes as planned
  - (a) Can you give me a bit of background about the work that the Department has been doing in this policy?
  - (b) What progress is underway to ensure Victoria's compliance with the new system?
  - (c) Will the deadline be met? If not, why?
3. **Heavy vehicle regulator** - We have a signed COAG intergovernmental agreement and a hunt is underway for the CEO of the national heavy vehicle regulator.
  - (a) What further steps are required for implementation of the NHVR?
  - (b) What progress is underway to ensure that the deadline is met?
  - (c) Will the deadline be met? If not, why?
4. **Rail safety regulator** -Similarly for the rail safety regulator, we have a signed COAG intergovernmental agreement.
  - (a) What further steps are required for its implementation?
  - (b) What progress is underway to ensure that the deadline is met?
  - (c) Will the deadline be met? If not, why?
5. **Maritime safety regulator** -Finally, the maritime safety regulator, we have a signed COAG intergovernmental agreement.
  - (a) What further steps are required for implementation of the national maritime safety regulator?
  - (b) What progress is underway to ensure that the deadline is met?
  - (c) Will the deadline be met?

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**Answer:**

1. (a) The reforms in the area of port regulation referred in this question are being managed under the Competition and Infrastructure Reform Agreement (CIRA) which is coordinated through the Commonwealth Treasury.  
(b) The CIRA commitments are reflected in the implementation plan for the National Partnership Agreement to Deliver a Seamless National Economy and progress is monitored by the COAG Reform Council (CRC), which reports annually to the Council of Australian Governments (COAG).  
(c) Treasury have advised that it is the responsibility of each jurisdiction to ensure that they comply with their obligations under the CIRA.
2. (a) Reforms in the area of Rail access regimes referred in this question are being managed under the Competition and Infrastructure Reform Agreement (CIRA) which is coordinated through the Commonwealth Treasury.  
(b) The CIRA commitments are reflected in the implementation plan for the National Partnership Agreement to Deliver a Seamless National Economy and progress is monitored by the COAG Reform Council (CRC), which reports annually to the Council of Australian Governments (COAG).  
(c) Treasury have advised that it is the responsibility of each jurisdiction to ensure that they comply with their obligations under the CIRA.
3. (a), (b) and (c) See Question on Notice 70.
4. (a) and (b) The Rail Safety National Law Bill, agreed by Transport Ministers in November 2011, will be introduced into the South Australian Parliament in March 2012. Other States and Territories will pass enabling legislation. A global recruitment process is underway for the full time Regulator/Chief Executive Officer and a domestic search for two part-time non-executive Directors.  
(c) All jurisdictions are working to meet the commencement date agreed by COAG.
5. (a) The steps required to implement a national maritime regulator are:
  - i. The development, introduction and passage of Commonwealth legislation establishing the Regulator and enabling the National System to function;
  - ii. The development and implementation of regulations, marine orders and delegations; and
  - iii. The development and implementation of service delivery arrangements agreed between the National Regulator and its delegates (the state and territory maritime jurisdictions).  
(b) Progress underway to ensure that the deadline is met:
  - i. An exposure draft of the Marine Safety (Domestic Commercial Vessel) National Law Bill (the National Law) has been developed and was released for public comment in February 2012. All Australian jurisdictions are actively involved in discussions aimed at finalising the Bill and ensuring that it reflects and gives effect to the Intergovernmental Agreement for Commercial Vessel Safety;
  - ii. The development of regulations, marine orders and delegations to support the national system has commenced within the Australian Maritime Safety Authority (AMSA); and

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- iii. A project to identify and agree the service delivery arrangements for the national system is underway involving AMSA and all Australian maritime jurisdictions.
- (c) Implementation of the National Maritime Regulator is dependent on the passage through the Commonwealth Parliament of the Marine Safety (Domestic Commercial Vessel) National Law Bill (the National Law). Unanimous agreement by all Australian jurisdictions to the draft National Law is required before it can be introduced to the Commonwealth Parliament.

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**Question no.:** 73

**Program:** 2.2

**Division/Agency:** (STP) Surface Transport Policy

**Topic:** Mandatory CO<sub>2</sub> Standards for Light Vehicles Equivalent to EU in 2020

**Proof Hansard Page/s:** Written

**Senator Milne asked:**

Detail the barriers to Australia adopting mandatory fuel efficiency standards equal to the European Union by 2020

**Answer:**

The Department has engaged an internationally recognised expert to provide advice on the scope for improvement in CO<sub>2</sub> emissions from the Australian light vehicle fleet. This advice will be used to inform the preparation of an Implementation Regulation Impact Statement (RIS) which is expected to be released for public comment in mid 2012. The RIS will include analysis of feasible targets in the context of standards being implemented internationally.

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**Question no.:** 74

**Program:** 2.2

**Division/Agency:** (STP) Surface Transport Policy

**Topic:** Capacity for Local Manufacturers to Meet Targets Equivalent to US Standards

**Proof Hansard Page/s:** Written

**Senator Milne asked:**

Given that Toyota, General Motors and Ford have agreed in the USA to meet 100gn/km CO<sub>2</sub> by 2025 at 156gn/km by 2016, why would we not expect the same from Australian plants of the same companies?

**Answer:**

The published targets for 2016 and 2025 set by the US standards apply to new light vehicle sales overall, not the sales from individual manufacturers. The US standards are “attribute” or “utility” based standards whereby the target that individual manufacturers are required to meet is set according to a specified formula linked to the size of a vehicle. Each manufacturer’s target will therefore vary depending on the size mix of models that the manufacturer supplies to the market in the target years, and the three companies mentioned in the question will have different individual targets.