

MEDIA RELEASE



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MORE WORK NEEDED ON DRAFT TRUCK LAWS

The draft national truck laws should be reworked in consultation with industry before governments consider them further, the Chief Executive of the Australian Trucking Association, Stuart St Clair, said today.

Mr St Clair was releasing the ATA's submission on the draft heavy vehicle national laws. He said the draft laws were not fit for purpose.

"The ATA has identified 245 issues with the draft laws, ranging from provisions that ignore fundamental principles of corporations law through to problems with the approach taken to chain of responsibility," Mr St Clair said.

"The ATA supports the concept of national heavy vehicle laws. Governments have made many good policy decisions as part of developing them. But the laws, as drafted, **should not be submitted to ministers** for approval until they are reworked and another round of industry consultation has been completed," he said.

Decisions about road access

The ATA submission sets out 91 recommendations about the draft laws, including the recommendation that **road access decisions** by local councils should be subject to **external, merits based review**.

"The greatest economic benefits from national truck laws will come from improving access to the road system, particularly to the local roads at the beginning and end of a journey. The industry's ability to use these roads is often subject to arbitrary and inconsistent decisions by local councils," Mr St Clair said.

"The draft laws would not change this situation, because there would be no external, merits-based review of those decisions."

Fatigue management

Mr St Clair said there needed to be further consultation with industry about the **fatigue provisions** in the draft laws.

"Western Australia and the Northern Territory regulate driver fatigue through their work health and safety laws rather than their transport law. Their driver fatigue systems work well, and it's essential they are recognised under the national truck laws," Mr St Clair said.

"There also needs to be further consultation about making Advanced Fatigue Management (AFM) more workable for trucking operators. Under AFM, highly-trained drivers who work for trucking businesses with sophisticated fatigue management systems have access to longer work hours.

"AFM has been tested and works on the road, but the panel looking at fatigue has proposed as-yet unspecified changes. These need to be resolved before the draft laws are completed."

The ATA submission welcomes the inclusion of the **short rest defence** in the national truck laws. Under this defence, truck drivers working under standard hours can continue driving for up to 45 minutes if they cannot find a safe place to stop for a mandatory short rest break. This defence is not currently available to drivers in Victoria.

Chain of responsibility

The ATA submission recommends the national laws and the National Heavy Vehicle Regulator should have the power to deliver the **full benefits of chain of responsibility**.

“Under chain of responsibility, trucking businesses and the industry’s customers can be held to account if their actions or lack of actions cause safety violations on the road. When properly enforced, it’s these laws that will stop customers demanding unrealistic schedules or unsafe working arrangements from the industry,” Mr St Clair said.

“The submission also supports the **abolition of the ‘three strikes’ policy** in New South Wales, which is redundant now that chain of responsibility prosecutions are available.”

TruckSafe and NHVAS

The ATA submission calls on governments to provide operators in the industry’s TruckSafe safety accreditation program with the **same regulatory benefits** as operators in the government-run National Heavy Vehicle Accreditation Scheme (NHVAS).

“Trucking operators in NSW accredited under NHVAS do not have to put their trucks and trailers through periodic inspections, but independent statistics show TruckSafe accredited vehicles have fewer major defects than vehicles accredited under the government scheme,” Mr St Clair said.

“The national truck laws must provide a level playing field for TruckSafe, because it delivers better results than NHVAS.”

Intelligent Access Program

The ATA submission recommends the national truck laws should **ban state governments from imposing the Intelligent Access Program** (IAP) as a condition for operating trucks at Higher Mass Limits (HML).

Under IAP, trucks are fitted with regulatory GPS devices that track their position. Trucks that leave defined HML routes are automatically issued with a non-compliance report.

“The decision by some states to impose IAP as a condition for operating at HML has seen many operators return to general mass limits, because the costs don’t justify the benefits. As a result, they are using more trucks for the same job, which adds to congestion and reduces the industry’s productivity.

“In addition, IAP should not be a requirement for modular combinations assembled from standard vehicles, such as BAB-quads,” Mr St Clair said.

The ATA submission can be downloaded from www.atatruck.net.au/policies_submissions.html.

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