

MEDIA RELEASE



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COAG SHOULD PRESS ON WITH NATIONAL TRUCK LAWS – WITH CHANGES

The Prime Minister, premiers and chief ministers should sign the agreement for the national truck laws tomorrow, but insist on changes to the way they are being drafted, the Chairman of the Australian Trucking Association, David Simon, said today.

Tomorrow's meeting of COAG is scheduled to sign the intergovernmental agreement needed to establish the planned national heavy vehicle regulator and national heavy vehicle laws.

Mr Simon said the ATA had spent the last twenty years lobbying for national truck laws to improve the industry's safety and productivity.

"COAG should sign the intergovernmental agreement, but should also insist on changes to the way the laws are being drafted," Mr Simon said.

"The whole point of having national truck laws is to improve safety and productivity and reduce the compliance burden on the industry.

"But the laws, as drafted, won't achieve these worthwhile aims. The road agency chief executives, NTC officers and the NHVR project office have done an enormous amount of good work to get the draft Bill this far, but they will need to move away from their entrenched positions to create a Bill that will deliver best practice regulation.

"The current draft goes backward on productivity, by allowing the states to impose additional conditions on the use of Restricted Access Vehicles like B-doubles and road trains.

"There is no allowance for any external review of access decisions by road managers, even though improved access to the road system is a fundamental part of the productivity gains identified in the Regulatory Impact Statement.

"The draft Bill also fails on compliance. Under the current draft, every director or officer of a trucking company, and every partner in a partnership, is personally guilty if the business is convicted of an offence under the heavy vehicle laws. They then have to prove their innocence, rather than the prosecution having to prove their guilt.

"This provision is inconsistent with Australian ideas of fairness, and also conflicts with the model work health and safety law. Under the work health and safety law, the burden of proof rests entirely upon the prosecution, which is where it should be.

"COAG must insist that the officials drafting the law listen to the industry and develop provisions that will actually meet its objectives and Australian standards of due process," he said.

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About the ATA: The Australian Trucking Association is the peak body that represents the trucking industry. Its members include state and sector trucking associations, major logistics companies and operators and suppliers with leading expertise in truck technology.