

MEDIA RELEASE



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INNOCENT TILL PROVEN GUILTY

The directors and managers of trucking businesses should have the same rights as other Australians. They should be innocent until proven guilty of offences under the national truck laws, the Chief Executive of the Australian Trucking Association, Stuart St Clair, said today.

The recommendation is part of the ATA's submission to the Queensland parliamentary inquiry into the National Heavy Vehicle Law Bill. Submissions to the inquiry close today.

Under clauses 576, 578 and 579 of the draft laws, every director, executive officer, partner or unincorporated business manager automatically commits an offence if their business commits an offence.

They are all presumed to be guilty and must prove their innocence.

For example:

- the finance manager of a trucking business would be presumed guilty of an offence if the business was convicted of fatigue law breaches, even if he had nothing to do operating trucks;
- in many small, unincorporated trucking businesses, one partner drives a truck and the other does the books and organises work from home. The partner staying at home would be presumed guilty of an offence if the driving partner was caught speeding.

"The presumption of innocence is the golden thread that runs through our legal system. Trucking business directors and managers should have the same legal rights as other Australians," Mr St Clair said.

"The ATA submission puts forward detailed amendments to the Bill, so they could still be prosecuted personally for road transport law breaches. But the prosecution would have to prove its case. That's the way we do things in Australia."

Mr St Clair said the recommendations in the ATA submission would improve safety by imposing positive duties on businesses and individuals to prevent overloading.

"Under our amendments, trucking businesses, loading managers, and people delivering and receiving freight would all have clear duties about preventing mass, dimension and load restraint breaches. This would improve compliance and safety on our roads," he said.

More than half the economic benefits of national truck laws are expected to come from increasing the industry's productivity by improving the use of restricted vehicles on the road network.

"The access measures in the Bill are not strong enough to deliver the improvements in government decision-making necessary to achieve the expected productivity gains," Mr St Clair said.

"Unless the Bill is amended, the whole National Heavy Vehicle Regulator project will be a failure, because its success will largely hinge on the regulator's ability to promote better road access decisions.

A safe, professional and viable trucking industry

“The ATA submission recommends four sets of amendments to improve the road access provisions.

“Most importantly, the amendments would enable dissatisfied applicants for road access to appeal to an independent, external review body. The submission draws on Australian and international experience to show that the internal appeals model proposed in the Bill is inadequate,” he said.

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About the ATA: The Australian Trucking Association (www.truck.net.au) 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.