



HOUSE OF ASSEMBLY

TUESDAY 17TH OCTOBER 2017

STATUTES AMENDMENT (VEHICLE INSPECTIONS AND SOUTH EASTERN FREEWAY OFFENCES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 August 2017.)

Mr PEDERICK (Hammond) (20:57): I rise to speak to the Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Bill. The first thing I would like to mention is the fact that we pick on one major road. Yes, it is a road that I have driven down in its various guises before the new sections came through, with the tunnelling and the gradient that does not have a flat spot in it for that seven kilometres coming down from the South Eastern Freeway. In the old days, with Devil's Elbow, it flattened out around Eagle on the Hill. I would have come down that road many tens of thousands of times during my life.

I understand that we are trying to sort out the issues with trucks coming down the bottom of the hill, and some of those have been small six or eight-tonne trucks, and, yes, some have been B-doubles, and I will venture into a bit more of that in a moment. The thing that interests me is that we are making this legislation supposedly around one road.

Will that mean that the next thing we will have is a bill for trucks on Accommodation Hill at Truro? Does that mean that wherever we have a steep descent, we will have a separate piece of legislation? My understanding is that this will have an ongoing effect on the whole state in terms of the vehicle inspection scheme and also vehicles that are to be inspected upon their sale. I am a little bit intrigued about the title, and I am trying to understand what it is trying to fix.

This bill amends the Motor Vehicles Act 1959 and the Road Traffic Act 1961. It has been informed by the work of Deputy State Coroner Anthony Schapel, especially in regard to the death of Mr James William Venning, and I will speak more about that shortly. It has been developed in consultation with the South Australian Police, the South Australian Road Traffic Association, the Transport Workers Union and the National Heavy Vehicle Regulator.

The measures in this bill are designed to target drivers and owners who may put road users at risk by not having heavy vehicles maintained to roadworthy standards. I note that, if you have vehicles on mass management, they are already under a strict regime. As to the B-doubles, again I think it is approximately three tonnes extra on their pay loads because they

go into a heavy compliance scheme already as far as managing the cleanliness of their trucks, managing the fact that they do not have oil leaks, but also managing mechanicals all the way through.

On a weekday, the South Eastern Freeway carries on average 50,000 vehicles, with over 5,000 being trucks or buses. Living at Coomandook, many have come past me on the Melbourne-Adelaide run, which I believe is the fourth busiest highway in the country. It is the government's contention that, if the road is used responsibly by well-maintained heavy vehicles in the correct gear, the road is safe and there should be no problems. Problems, as identified by the industry, are generally caused by a small minority of drivers and truck operators who have poorly maintained vehicles and sometimes poor driving habits as well.

The bill amends the Road Traffic Act 1961 to create two specific offences for drivers of heavy vehicles on the section of the South Eastern Freeway descending into Adelaide, beginning between Crafters and the intersection of Cross, Portrush and Glen Osmond roads. Offence 1 is based on Australian Road Rule 108 of failing to descend the downward track in low gear, and offence 2 is exceeding the set speed limit by 10 km/h or more. Both these are punishable by an expiation fee of \$992, six demerit points and escalating periods of licence disqualification/suspension: six months for a first offence, 12 months for a second and three months in addition for a third or subsequent offence. SAPOL will be able to issue an immediate loss of licence roadside.

In regard to safety camera/speed camera detected offences, the Motor Vehicles Act 1959 will be amended to enable the Registrar of Motor Vehicles to apply for a period of licence disqualification or suspension on expiation. Heavy vehicle owners who fail to nominate an offending driver will also be subject to these penalties. For second or subsequent offences, there is not a fine; instead, in addition to six demerit points, disqualification for no less than three years in addition to a maximum imprisonment of two years, so the penalties are substantial. Previous offences for speed or gears on the freeway will be used to determine penalties.

The penalty that a court may impose on a body corporate on conviction is a fine of no less than \$25,000 up to \$50,000. The fines for bodies corporate that choose not to nominate drivers have been substantially increased to comprise expiation fees, currently just \$300 for other speeding offences and \$25,000 for a speeding offence. This is to encourage bodies corporate to identify the drivers of speeding vehicles.

The Motor Vehicles Act 1959 and the Road Traffic Act 1961 will be amended to allow all heavy vehicles to be subject to periodic and frequent safety checks for high-risk heavy vehicles. I will talk about that because there would be a lot of heavy vehicles that do not even come down the South Eastern Freeway, yet this bill will impact trucks right across the state. I wonder whether any thought has been given to that. I am not saying that they should not be compliant, but I can tell you, as someone who has lived with the Dukes Highway dissecting their property for the whole of their life, I know that if they want to defect brand-new trucks being driven from Melbourne to Adelaide, they will. They will pull them in at Monteith near Murray Bridge, they will go over them and they will defect them—brand-new trucks.

The Hon. P. Caica interjecting:

Mr PEDERICK: Well, you've got to wonder. Yes, it's a defect. You will get a chance if you want to speak. You just have to wonder what is going on there.

The Hon. P. Caica: I'm wondering what you're doing.

Mr PEDERICK: Well, you can speak in a minute. Compliance frameworks for inspections will also be more robust, with penalties for breaches of the code from \$5,000 to \$10,000. To ensure that the costs in the regions are consistent with metropolitan costs, a cap will be set on private inspection station fees. A pilot heavy vehicle inspection scheme began on 1 January this year, requiring all heavy vehicles older than three years and with a gross vehicle or aggregated trailer mass of 4½ tonnes or more (a pretty small truck) to be inspected on a change of ownership. As of May, 600 vehicles have been inspected, and it is noted that there was a 50 per cent failure rate.

There have been some high-profile accidents. There are 800,000 movements descending into Adelaide per year. SARTA and the TWU are both supportive of the more stringent controls in regard to penalties for offenders. In relation to this bill, I want to talk about part of the human side of why this bill came about. I note that smaller trucks have taken lives coming down to the intersection of Cross Road, Glen Osmond Road and Portrush Road, but I want to talk about James William Venning, a constituent from Pinnaroo.

Yes, the wrong thing happened while he was in control of a B-double and, allegedly, he hit the wall. I have seen the video footage from the *Today Tonight* shorts showing that he hit the wall at Glen Osmond doing 145 km/h. That killed him, a 42 year old from Pinnaroo, a great football club man. They have a sign on the edge of the oval at Pinnaroo acknowledging James William Venning, or Storky as he was known, for his contribution to the club both as a coach and a supporter. Yes, he did the wrong thing and he paid for it dearly, but he did not take anyone else out, which may have been a bit of luck.

I will make some comment about that. Counsel assisting the coroner, Rosie Thewlis, said that Mr Venning was travelling along the South Eastern Freeway when he turned left into Cross Road and the semitrailer (I believe it was a B-double) tipped on its side and hit the wall. He died from blunt head trauma, and no-one else was injured in the collision. He was travelling above the speed limit of 60 km/h as he travelled on the freeway below the Heysen Tunnels. I know that the inquest looked at whether the correct gear was selected and whether the truck suffered a brake malfunction.

Giving evidence, Brevet Sergeant Fred Bakker from SAPOL's Major Crash Investigation Unit said that Mr Venning held an appropriate truck licence but, as the sergeant said and as I know, Mr Venning usually drove via the Riverland on the route from Pinnaroo to Virginia, so he came around the top road, the Sturt Highway. The sergeant said that it seemed that Mr Venning had not done the run down the South Eastern Freeway before. On the day that James made the fatal trip, there were bushfires in Loxton, and it appeared that the company Mr Venning worked for erred on the side of caution in relation to road closures.

According to the police, a fellow truck driver on the freeway noticed smoke coming from the back of Mr Venning's truck as he left the Heysen Tunnels. Another witness described his

truck as having the brake lights constantly on. As I said, there was a calculation that he was doing up to 145 km/h at the time he hit the wall at Glen Osmond. A speed camera at the Mount Osmond turn-off captured the truck driving at 104.6 km/h in the 60 km/h zone. He could have taken one of the arrester beds, but for some reason he did not. There is other commentary about other accidents that have happened down that length of the road.

I only brought a dozen loads down the old route when it went through Eagle on the Hill, back in 1992-93 bringing grain into Adelaide and, yes, you do have to select the right gear, absolutely. When you were in an old R-model Mack, it was fourth gear and you just took it gently down the hill. The old Macks had something called a dynatard; they did not have a Jake brake. You would have been better off throwing your foot out the side and using that as a brake because the dynatard brake was basically useless. You did depend on your gears, and that is essentially what happened. If you did try to go down there even one gear higher, you ran the risk of losing your brakes and they would start smoking. I do understand about being in the right gear. From what I understand, the trucks now with the automatic gearbox, drivers can manage that for coming down the hill as well.

What this emphasises is our Globe Link policy. I know it has been discussed here earlier tonight with other members. We want to put a diversion from Monarto around the back of the Hills—perhaps come in around Two Wells and dodge all the hills, dodge all that risk—along with a railway line and a potential airport at Monarto in my electorate. It is a big plan, a big vision from this side of the house, and it could cost \$9 billion or \$10 billion over time, but at least it is forward thinking and not pushing everything—

The Hon. P. Caica: Which no-one agrees with.

Mr PEDERICK: You can speak in a minute, if you want. You will have 20 minutes if you want to have a go.

The DEPUTY SPEAKER: Order! I am going to protect the member for Hammond.

The Hon. P. Caica interjecting:

The DEPUTY SPEAKER: I am going to protect the member for Hammond. Member for Colton, that means you are not allowed to speak.

Mr PEDERICK: Chuck him out. Thank you, Madam Independent Deputy Speaker. I always appreciate your protection; I am only a little guy. This will take freight off the road. I have talked to plenty of freight operators who want to divert around there. We need this vision, and not just for road freight. We need it to get rail freight out of the Hills. I note the minister today talked about supposedly hundreds of kilometres of road freight upgrades throughout the state. He needs to get out and look at what has happened to those Mallee roads where we have no grain freight on rail anymore because the rubble is coming through the bitumen.

We have road train access out there now, bringing grain in from Pinnaroo, and those roads are getting torn up, torn to pieces with the extra freight that could well and truly go on rail. That is a poor decision that is going to cost consecutive governments millions and millions of dollars over time into the future instead of getting that track at least up to a reasonable standard so that we can run trains out of the Mallee, and better than the 25 km/h that they

used to run. They had to run at night because they could not even run in the heat in the end, because of the lack of maintenance, out to Pinnaroo and through to Karoonda and Loxton. Lots of money will be needed. It will run into hundreds of millions over time for these roads that have had trucks put back on them. We have had a good look at what can be done to get freight around Adelaide and coming to the north, by rail, road and air.

Finally, I want to talk about the inspection regime. I hope the minister addresses this in his speech because, as I said at the start of my contribution, this is about the South Eastern Freeway, but there will be plenty of trucks that operate to the north of the city and to the north of the state, even out to the east of the state and to the South-East, that will never come down the hill into Adelaide. I can understand that we want road safety, but this will be a blanket across all those trucks, and obviously there will be a lot of interstate registered trucks coming across, as they do, on one of the busiest freight routes in the country, between Melbourne and Adelaide. I acknowledge that for a nine-hour, one-way run, it is more efficient than rail for those distances.

While we are supporting this bill, I acknowledge that there will be some compliance costs that are going to have to be borne by industry and that will be passed on to consumers. There is absolutely no justification for seeing innocent people die at the bottom of the freeway, but there are a few cowboys in the industry who spoil it for everyone. They spoil it for everyone and what happens is that you have more legislation, more compliance and more regulation. Some of these trucks are just little trucks that cruise up to Mount Barker and back, and they might be six or eight-tonners or they might be septic pump trucks, or they might be concrete trucks.

We saw one the other day that had vice grips holding his brakes together, and that is not good enough. It is absolutely not good enough. People traverse that road. When I am in Adelaide I am always going through that intersection of Cross Road, Glen Osmond Road and Portrush Road. People should be able to know that they can go through that intersection in whatever lane and not be killed or injured.

I also note that most of the truck drivers—and when I say most, 99.9 per cent of them—do the right thing: they hang in the left lane until they get near the bottom and then they slowly want to edge out if they are heading up Portrush Road and they have to go across two lanes. It is also about education for car drivers coming into the city so that they can understand why the trucks have to pull out of the left-hand lane and get into the right-hand lane and why they want to go up Portrush Road—because that is the truck route at the moment. It causes some confusion and some angst.

That is another reason why, on our side of the house, we pursue the Globe Link policy to get freight out of the Hills. It will not get it all; some of it will go in direct, but we can divert one heck of a lot of freight around that intersection and away from that long seven-kilometre slope and keep some more people alive.