

## ROAD TRAFFIC (HEAVY VEHICLE DRIVER FATIGUE) AMENDMENT BILL

April 29, 2008

**Mr PEDERICK (Hammond) (12:02):** I rise to make a few comments on this legislation. First, I would like to read a letter, which I believe the minister was not aware of, that went out from his department three weeks ago regarding the introduction of the new fees under this scheme. It states:

*Proposed introduction of mass management and maintenance management fees. As a currently accredited member of the National Heavy Vehicle Accreditation Scheme (NHVAS) in either mass management and/or maintenance management, we are writing to advise you of the proposed introduction of fees to administer these modules.*

*From 1 July 2008, operators will be charged \$80 per module and \$25 per vehicle (upon nomination in mass and/or maintenance). The same fees will be charged to process the renewal of an operator's nomination, at the expiration of each two-year accreditation period.*

*( An honourable member interjecting:)*

**Mr PEDERICK:** Yes; read Hansard. Continuing:

*The Department for Transport, Energy and Infrastructure has administered the NHVAS mass management and maintenance management modules without fee, since their introduction in 2000. The new fees will partially recover the costs of administering the scheme in South Australia and are broadly consistent with those charged in other states.*

*There are many advantages to participating in accreditation for both the heavy vehicle industry and other road users. Austroads' research on the safety benefits of accreditation indicates that participation in accreditation modules not only improves business profitability but also increases substantially the safety of the operator's fleet. Vehicles in NHVAS modules are less likely to be involved in a crash compared to vehicles of non-accredited operators.*

*Membership in the mass management and maintenance management module of NHVAS helps members manage their business more efficiently and experience less down time associated with breakdowns and annual inspections as a result of documented procedures, ensuring vehicles are regularly maintained.*

*In addition to the commercial and safety benefits of accreditation, membership in the mass management and maintenance management modules of NHVAS will continue to qualify operators for regulatory concessions in South Australia. This includes enabling members to operate at higher mass limits on approved routes in South Australia. To improve service delivery to the heavy vehicle transport industry DTEI will make a number of significant changes to the application processes and systems that manage the NHVAS modules. These changes are expected to be delivered over the 2008 and 2009 financial years with the new systems fully operational by June 2009.*

*Membership of NHVAS is not compulsory. The decision to enter into or remain in the scheme will be at the operator's discretion, allowing you to measure the cost of entry against the benefits gained from membership. The fee structure will automatically scale its impact to the size of each operation. As an operator you are required to do very little in regards to the introduction of the fees [apart from pay them]. If currently in mass and/or maintenance the fees will be applied on application for either module from the expiry date of your current accreditation period.*

*For example, if your mass management accreditation period expires in June 2009 a fee of \$80 plus \$25 for each nominated vehicle will apply to process re-accreditation on expiry. If you are also in the maintenance management module and the expiry date is August 2009 an \$80 application fee will apply at that time, as well as a \$25 fee for any additional vehicles that have not already been nominated and paid for in the mass management module. For new entrants to NHVAS the fee will be applied on processing an application to enter either mass management and maintenance management or both modules, with an \$80*

application fee for each module and a \$25 fee for each vehicle whether nominated in mass, maintenance or both.

*An important issue that operators may wish to consider at this time is their alignment of the mass management and maintenance management modules. If an operator is in both mass management and maintenance management modules they may wish to take this opportunity to consider aligning the expiry dates of both modules before re-accreditation. This can be done by simply advising DTEI in writing that you wish to align the expiry date of the modules and this will provide the benefit of a common expiry date for your fleet and reduced administrative burden for both you and the DTEI Heavy Vehicle Accreditation and Audit Team.*

The letter continues, and this is the crunch:

*To enable the fees for administering NHVAS to be introduced in South Australia a new law is to be put before the South Australian parliament shortly. Regulations regarding the fee structure are presently being drafted and will be subject to cabinet and parliamentary processes and approvals. Once the legislation comes into operation it will be made available online. Information about the NHVAS can be accessed from the National Transport Commission's website...or specific information about operation of the scheme in South Australia is available from the DTEI website...*

The letter is signed, 'Yours sincerely, Brian Hemming, Director, Transport Safety Regulation', and is dated 7 April 2008. Sending letters such as this to transport operators long before the matter is even debated, let alone knowing whether or not the legislation and regulations will be approved, demonstrates the complete arrogance of this government. It is just outrageous.

These are just more fees that operators will need to pay. One heavy operator who operates 10 prime movers already pays about \$80,000 a year in registration costs just for prime movers and trailers and believes that any extra fees are just another tax burden on them. What I will comment upon is the surprising flexibility in the proposed legislation with respect to the three-tiered approach. That does give operators some flexibility—whether they work on standard hours, that is, a 12 hour break in a 24-hour period or they go into basic fatigue management or advanced fatigue management schemes.

As a rural member, I am certainly concerned how it will apply to operators in grain silo line-ups, because I know from experience that, you can arrive at a line-up at 3am or 4am and not be unloaded until to midday. How will that time in the silo line be classified? We do not need any impediment to our rural producers in these tough times, with drought impeding most of the country since 2002. I am also concerned that livestock transport operators receive the appropriate exemptions so that they can continue transporting livestock safely and in an appropriate manner.

I live on the Melbourne to Adelaide route and I am well aware of what goes wrong, whether it is truck drivers or people driving passenger vehicles going to sleep. I have witnessed the impact of a sports car going under the tandem axles of a bogey-drive flat-top truck: it is very tragic to see the results. In relation to that specific case, it was thought that obviously the driver had fallen asleep. I have also seen the result of where it seems apparent that suicides have occurred when people have decided to drive into the front of heavy vehicles, without any thought for the driver of that vehicle and the nightmares that he may have in ensuing years over what happened that day when his truck lit up because someone decided to end their life.

I have also seen the foolishness of some truck drivers. Thousands of trucks travel the Melbourne to Adelaide route in both directions every day and 99.99 per cent of them do the right thing, but I have seen the result of truck drivers falling asleep at the wheel and waking up in a paddock hundreds of metres off the road. I have also witnessed the results of when a truck driver goes to sleep and slams into a B-double, and incinerates the whole truck, driver and all—very tragic.

I think this legislation is commendable. We do need fatigue management, but it does need to be the right management. The right operators need to be able to have exemptions to make it work practically, especially in rural areas. In closing, I refer to remarks made by the member for Giles about the Adelaide to Darwin rail line. National carriers were contracted to

that line from the start. They became sick and tired of goods being damaged because parts of the track were uneven and subsequently they have bought fleets of trucks. That is part of the answer for what happened.

There is no point getting goods to the other end when you cannot even read the labels on a tin of fruit because they had been rattled off—and I am not talking about one of Allan Scott's companies.

*The Hon. P.F. Conlon interjecting:*

**Mr PEDERICK:** He might own it, who knows? As I said previously, I do commend the bill. Hopefully, it does control management. We have to put the right structures in place, but we also need to have flexibility for people who need the exemptions and we also need better facilities for people using the roads. There are good truck parks on both sides of the freeway, but they do not have toilet or bathroom facilities for drivers. I think it would be very appropriate for these facilities to be built.