

Heavy Vehicle National Law Amendment Bill 2018

Report No. 7, 56th Parliament
Transport and Public Works
Committee
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Transport and Public Works Committee

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Acknowledgements

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Abbreviations

ARTSA	Australian Road Transport Suppliers Association
the Bill	Heavy Vehicle National Law Amendment Bill 2018
COAG	Council of Australian Governments
the committee	Transport and Public Works Committee
CoR	chain of responsibility
the department	Department of Transport and Main Roads
FLP	Fundamental legislative principles
GML	General Mass Limits
GVM	Gross Vehicle Mass
HVNL	Heavy Vehicle National Law
HVNL Act	<i>Heavy Vehicle National Law Act 2012</i>
LGAQ	Local Government Association of Queensland
LRG	Load Restraint Guide
LSA	<i>Legislative Standards Act 1992</i>
the Minister	Minister for Transport and Main Roads
NHVR	National Heavy Vehicle Regulator
NTC	National Transport Commission
OPQC	Office of the Queensland Parliamentary Counsel
PBS	Performance based standards
QTA	Queensland Trucking Association

Chair's foreword

This report presents a summary of the Transport and Public Works Committee's examination of the Heavy Vehicle National Law Amendment Bill 2018.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament.

In addition to recommending that the Bill be passed, the committee has made one additional recommendation. The committee has recommended that a definition of 'PBS' be included in the section 5 definitions in its own right in the HVNL, rather than as a note within another definition.

On behalf of the committee, I thank the Queensland Trucking Association who provided a written submission on the Bill. I also thank our Parliamentary Service staff, the Department of Transport and Main Roads, the National Heavy Vehicle Regulator and the National Transport Commission for their assistance.

I commend this report to the Parliament.

A handwritten signature in black ink that reads "Shane King". The signature is written in a cursive, slightly slanted style.

Shane King MP
Chair

Recommendations

Recommendation 1 **3**

The committee recommends the Heavy Vehicle National Law Amendment Bill 2018 be passed.

Recommendation 2 **21**

The committee recommends the Heavy Vehicle National Law Amendment Bill 2018 be amended to include a more definitive definition of the term 'PBS' in the Heavy Vehicle National Law.

1 Introduction

1.1 Role of the committee

The Transport and Public Works Committee (committee) is a portfolio committee of the Legislative Assembly which commenced on 15 February 2018 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.¹

Section 93(1) of the *Parliament of Queensland Act 2001* provided that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles, and
- for subordinate legislation – its lawfulness.

The Heavy Vehicle National Law Amendment Bill 2018 (the Bill) was introduced into the Legislative Assembly and referred to the committee on 1 May 2018. The committee was required to report to the Legislative Assembly by 28 June 2018.

1.2 Inquiry process

On 4 May 2018, the committee invited stakeholders and subscribers to make written submissions on the Bill. One submission was received. The committee agreed not to hold a public hearing on the Bill.

The committee received a public briefing about the Bill from the Department of Transport and Main Roads (the department), and representatives from the National Heavy Vehicle Regulator (NHVR) and the National Transport Commission (NTC) on 14 May 2018. A transcript is published on the committee's webpage (see Appendix B for a list of officials).

The committee received written advice from the department in response to matters raised in the submission. The submission, correspondence from the department and transcript of the briefing are available on the committee's webpage.

1.3 Policy objectives of the Bill

The Bill amends the Heavy Vehicle National Law (HVNL) contained in the Schedule of the *Heavy Vehicle National Law Act 2012* (HVNL Act).

The explanatory notes identify that the objectives of the Bill are to:

- Implement nationally agreed reforms that include strengthening investigative and enforcement powers for authorised officers, increasing freight volumes where mass is not a constraint, and transferring load restraint performance standards from guidance material to the HVNL
- Make minor or technical amendments resulting from the maintenance process for the HVNL that remove unnecessary administrative or regulatory burdens, and to ensure the HVNL remains contemporary and fit for purpose
- Insert a provision into the part of the Act that governs the application of the HVNL in Queensland to streamline court processes for the prosecution of fatigue-related offences.

¹ *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

The Minister for Transport and Main Roads (the Minister), Hon Mark Bailey MP, advised the Parliament when introducing the Bill that:

The proposed bill amends the HVNL to implement nationally agreed reforms that include strengthening investigative and enforcement powers for authorised officers, increasing freight volumes where mass is not a constraint and transferring load restraint performance standards from guidance material to the HVNL. Some minor amendments are also made to help ensure the HVNL remains contemporary and fit for purpose.

The approach taken to implement national heavy vehicle reform is through adoption of national scheme legislation enacted first by Queensland as host jurisdiction and then applied by participating jurisdictions. All Australian states and territories except for Western Australia and the Northern Territory participate in the reform and have applied the HVNL as a law of their jurisdiction. The proposed amendments were unanimously endorsed by the Transport and Infrastructure Council in November 2017 after being jointly developed by the National Transport Commission and the NHVR in consultation with state and territory transport authorities, enforcement agencies and heavy vehicle industry associations.

While Western Australia and the Northern Territory are not participating jurisdictions, they were consulted during development of the amendments. The investigative and enforcement powers amendments in the bill are third and final stages of the HVNL chain-of-responsibility reforms that were approved by the Transport and Infrastructure Council in November 2015. Reforming chain of responsibility, or CoR, will improve safety outcomes in the heavy vehicle industry by aligning the responsibilities of chain-of-responsibility parties and executive officers more closely with national safety legislation such as the Work Health and Safety Act.

The first phase of amendments changed existing HVNL obligations on all current chain-of-responsibility parties from a reverse onus of proof approach to a positive due diligence obligation to ensure parties to the chain of responsibility comply with their primary duty of care. This means the prosecution will bear a greater evidentiary burden to prove chain-of-responsibility offences. As a result, the prosecution will need sufficient power to gather evidence to prove a breach beyond reasonable doubt, including from third parties who have relevant information. The investigative and enforcement powers amendments contained within the bill will assist the prosecution with this heavier burden of proof by providing authorised officers additional powers to gather information from a person who is not an executive officer. It should be noted that these additional information-gathering powers will be confined to information that is relevant to chain-of-responsibility offences.²

1.4 Government consultation on the Bill

The explanatory notes identify that the amendments were developed by the NTC with the NHVR and state and territory government transport and enforcement agencies and that Western Australia and Northern Territory were consulted, even though they are not participating jurisdictions.³

Consultation was undertaken with peak transport industry organisations and other key stakeholder representatives, including the Queensland Trucking Association (QTA) and the Local Government Association of Queensland (LGAQ). The explanatory notes state that stakeholders indicated support for the amendments.⁴

² Queensland Parliament, Record of Proceedings, 1 May 2018, p 772.

³ Heavy Vehicle National Law Amendment Bill 2018, explanatory notes p 6.

⁴ Heavy Vehicle National Law Amendment Bill 2018, explanatory notes p 6.

1.5 Should the Bill be passed?

Standing Order 132(1) requires the committee to determine whether or not to recommend that the Bill be passed.

The committee agreed to recommend that the Bill be passed.

Recommendation 1

The committee recommends the Heavy Vehicle National Law Amendment Bill 2018 be passed.

2 Examination of the Bill

This section discusses issues raised during the committee's examination of the Bill.

2.1 Background

The Council of Australian Governments (COAG) has been driving a national program of micro-economic reform in a range of sectors to produce single regulatory environments throughout Australia. As part of these reforms, COAG agreed to establish the NHVR and national law to regulate all vehicles over 4.5 tonnes Gross Vehicle Mass (GVM).

In February 2010, Queensland was named as the host jurisdiction to lead implementation of the national law and the NHVR. The HVNL Act was introduced into the Queensland Parliament in July 2012 and passed in August 2012. The HVNL Act established the NHVR to administer the HVNL.

The reform agenda is a multi-staged process with further amendments made in February 2013, May 2013, September 2015 and November 2016. The NHVR and the majority of the HVNR Act provisions commenced in February 2014.

2.1.1 Chain of responsibility

Amendments to the HVNL in 2016 introduced 'chain of responsibility' (CoR) provisions requiring parties to: focus on overall safety outcomes; enable a more flexible approach to compliance; reduce regulatory burden; and more closely align the HVNL with other national safety laws.

The aim of CoR is to make sure everyone in the supply chain shares equal responsibility for ensuring breaches of the HVNL do not occur. The law recognises that multiple parties may be responsible for offences committed by drivers and operators of heavy vehicles. It also identifies that a person may be a party in the supply chain in more than one way and legal liability applies to all parties for their actions or inactions.⁵

On 12 June 2018, the Queensland Parliament passed the Heavy Vehicle National Law and Other Legislation Amendment Bill 2018 which incorporated further amendments to the CoR laws considered by the committee in its report no 4, tabled on 20 April 2018.⁶ In his second reading speech the Minister advised that the CoR reforms are planned to commence on 1 October 2018 and that he has written advising of this to the relevant ministers in each Australian jurisdiction.⁷

2.1.2 Performance-Based Standards (PBS) scheme

Performance-Based Standards (PBS) vehicles are defined as class 2 heavy vehicles. There are four levels within the PBS Scheme, and these vehicles must meet 20 safety and infrastructure standards and are designed to offer higher levels of safety and productivity. PBS vehicles are able to operate on road networks that have been classified as suitable for their level of performance.⁸

The Queensland Trucking Association (QTA) advised the committee:

In the late 1990's the Queensland Government recognised freight efficiency, asset management and road safety gains in Queensland by introducing Higher Productivity Vehicles and Performance Based Standards and the QTA acknowledges the leadership by the Queensland Government.

⁵ National Heavy Vehicle Regulator, Chain of Responsibility, <https://www.nhvr.gov.au/safety-accreditation-compliance/chain-of-responsibility/about-the-chain-of-responsibility>.

⁶ Refer Transport and Public Works Committee, Report No 4, 56th Parliament, Heavy Vehicle National Law and Other Legislation Amendment Bill 2018, April 2018.

⁷ Queensland Parliament, Record of Proceedings, 12 June 2018, p 1423.

⁸ National Heavy Vehicle Regulator, Classes of heavy vehicles in the Heavy Vehicle National Law, September 2014, p 6.

The QTA's submission cites the joint report of the NHVR and the Australian Road Transport Suppliers Association (ARTSA) detailing the benefits of PBS vehicles which states:

The Performance Based Standards (PBS) scheme is a world-leading program that allows Australia's heavy vehicle industry to match the right vehicles to the right tasks. The scheme gives industry the opportunity to innovate with vehicle design to improve productivity for a given freight task, achieve safer performance and make the least possible impacts on road infrastructure.

PBS vehicles are designed to perform their tasks as productively, safely and sustainably as possible, and to operate on networks that are appropriate for their level of performance. The PBS scheme is all about stretching the boundaries of heavy vehicle design and innovation by testing what's possible and what's not.

ARTSA and the NHVR believe that if a vehicle has been assessed against the strict PBS scheme safety and infrastructure standards and there is evidence that it passes all of them, it should be allowed to operate on the road, subject to road manager consent and individual route assessment if required.

The National Transport Commission (NTC) implemented the current PBS scheme in 2007. Now 10 years later, the benefits can be fully measured. It shows that the scheme is delivering an opportunity to unlock productivity gains and improve safety outcomes. With the road freight task predicted to double from 2006 levels by 2030, PBS will be required to facilitate this growth in the safest, most productive and efficient manner possible.⁹

The NHVR and ARTSA report also notes that PBS vehicles are involved in 46 per cent fewer crashes than conventional vehicles and are designed and built for a specific freight task, approved to operate on specific road networks and use the latest technologies and systems.¹⁰ The report states:

ARTSA and the NHVR want to see further barriers removed that potentially limit this innovation to ensure future generations of PBS vehicles are safer, cleaner and even more productive. ARTSA and the NHVR believe that the current scheme framework can be improved and to ensure future growth.¹¹

2.2 Investigation and enforcement of the HVNL

The policy objective of reducing complexity and improving effectiveness of the investigation and enforcement of the HVNL will be achieved by:

- clarifying the authorised officers' information gathering powers
- removing unnecessary restrictions attaching to certain powers of an authorised officer who is not a police officer to enter and inspect a vehicle involved in an accident
- providing a broader power to require inspection of a heavy vehicle fleet where there is a reasonable belief the class of vehicles does not comply with the HVNL or is defective
- providing for additional sanctions, including the issue of a prohibition notice by an authorised officer and the issue of an injunction by the court where there is non-compliance with the HVNL
- permitting the publication of the NHVR of details of court outcomes
- clarifying the admissibility of evidence obtained in another jurisdiction.

⁹ NHVR and ARTSA joint report, Performance Based Standards – Australia's PBS fleet, May 2018, p 8.

¹⁰ NHVR and ARTSA joint report, Performance Based Standards – Australia's PBS fleet, May 2018, p 2.

¹¹ NHVR and ARTSA joint report, Performance Based Standards – Australia's PBS fleet, May 2018, p 8.

The proposed amendments are being introduced to legislate the third phase of amendments to reform the HVNL CoR and executive officer liability provisions.

The explanatory notes identify that these reforms will require the development of reference material and training for authorised officers as well as education and compliance guidelines for the heavy vehicle industry. The implementation of the Bill will be the responsibility of the NHVR with the support of state and territory road transport and police agencies. However, these implementation costs will be met within existing budget allocations.

The explanatory notes highlight a number of fundamental legislative principle (FLP) issues, particularly in regard to the powers of investigation and enforcement provisions. These issues are considered further in section 3 of this report.

2.2.1 Investigation and enforcement powers

The Minister noted in his introductory speech that:

Throughout development of the chain-of-responsibility reforms, there has been firm support across industry and jurisdictions for introducing a positive duty on all parties in the chain of responsibility to improve the safety of road transport operations. I believe I may speak on behalf of my colleagues when I say that the Transport and Infrastructure Council is committed to ensuring that the implementation of these reforms is a smooth transition for industry. That is why the investigative and enforcement powers amendments in this bill, if passed, plan to commence with the first two phases of the chain-of-responsibility reforms as one cohesive package later this year. The NHVR has assured me that it is ready and able to support the successful implementation of chain-of-responsibility reforms, particularly in providing additional support to address concerns that have been voiced by the agricultural sector and primary producers. I am convinced that these reforms will bring significant improvements for chain-of-responsibility parties managing their obligations.¹²

The department confirmed:

In November 2015 the Transport and Infrastructure Council approved a three-phase approach to reforming HVNL chain-of-responsibility and executive officer liability provisions. Amendments in the bill that strengthen and expand investigative and enforcement powers are the third phase of these reforms. The first phase amended the HVNL so that each party in the chain of responsibility had a primary duty of care to ensure the safety of their transport activities so far as reasonably practicable. A positive due diligence obligation on executive officers was also introduced in relation to the new primary duties obligation. In effect, these amendments changed the existing reverse onus of proof obligation for chain-of-responsibility offences. Due to this positive duties approach, defendants are no longer required to disprove a presumption of their guilt. Following the introduction of chain-of-responsibility reforms, the prosecution will bear the burden of having to prove all elements of the charge.

As a result, there will be a heavier burden of proof on the prosecution to prove chain-of-responsibility offences. In order to help the prosecution with this increased burden of proof, authorised officers are to be given additional powers to gather information from a third party who is not a responsible party. These additional powers will be limited to chain-of-responsibility offences only.¹³

The department advised that the proposed amendments have been designed to ensure there are sufficient investigative powers to adequately enforce the HVNL.

¹² Queensland Parliament, Record of Proceedings, 1 May 2018, p 772-773.

¹³ Department of Transport and Main Roads, public briefing transcript, Brisbane, 14 May 2018, p 2.

The committee noted that the proposed amendments in clause 19 allow an authorised officer to act under the direction of a police officer to enact these powers. The NHVR advised:

At present the law prohibits an authorised officer from entering a vehicle where there has been an incident that has involved a fatality or serious harm. The definition of 'serious harm' is quite broad, so it would include harm that would not necessitate hospital treatment or something like that. In a remote situation where police are a long way away, an authorised officer may be the only person at the scene or the first person at the scene and they often need to have access into the vehicle to obtain documentation such as a work diary or transport documentation. With this new amendment, they would now be able to ring or text a police officer, obtain that authorisation and then commence that investigation.¹⁴

Clause 20 inserts a new subsection 522(1A) which allows an authorised officer to require a category of vehicles to be produced for inspection rather than the existing provisions which only apply to an individual or identified heavy vehicle. The department advised that the reasons for the proposed change will allow inspectors to effectively ground a series of vehicles where there may be a serious safety concern. By way of example, they advised:

...you might have a particular type of prime mover that is not being maintained. They might look at the fleet of that company. They might have 10 of those prime movers and there might be enough of a concern and enough instances where safety has been a concern that the grounding of those vehicles is required to enable them to be inspected to ensure they are safe.¹⁵

Clause 20 extends the operation of section 522(1)(a) from 30 days to 60 days. The explanatory notes state that this overcomes an impediment to assessing compliance with or investigating breaches. The department explained that the extended period allows additional time for non-serious breaches to be rectified. They advised:

A lot of noncompliances with heavy vehicles can be minor in nature and still require rectification but may not be serious enough to ground the vehicle and allow that time for those vehicles to get back from where they are or whatever the case may be.¹⁶

The QTA's submission supports the proposed amendments.¹⁷

2.2.2 Publication of court outcomes

Clause 32 inserts new part 13.3, Division 3, containing new section 726D. The explanatory notes identify that:

New section 726D will provide that the Regulator may publish on its website information about convictions for offences under the HNVL. The details that may be published include the offence and the penalty imposed. The new section also provides that the Regulator may publish information about court orders, other than information that could identify or lead to the identification of a person.¹⁸

¹⁴ NHVR, public briefing transcript, Brisbane, 14 May 2018, p 3.

¹⁵ Department of Transport and Main Roads, public briefing transcript, Brisbane, 14 May 2018, p 4.

¹⁶ Department of Transport and Main Roads, public briefing transcript, Brisbane, 14 May 2018, p 4.

¹⁷ Submission 1, p 3.

¹⁸ Explanatory notes, p 11

The NHVR explained that the proposed amendment is similar to the scheme contained in the model workplace health and safety law. The NHVR advised that the purpose of the proposed amendment is to:

...make the public aware of the legal obligations, to provide examples to them of people who have breached the regulations and the type of punishment that has been imposed and also, in some cases, to provide examples of people who have made positive steps to reduce the impact of their noncompliance or to improve their safety to show that those persons may have been dealt with less severely by the courts. It is essentially public education.¹⁹

2.3 Productivity of the road network and freight fleet

The policy objective of improving the productivity of the road network and freight fleet by increasing allowed volume on certain heavy vehicles where mass is not the constraint will be achieved by:

- granting PBS level 1 heavy vehicles travelling at or below general mass limits (GML) the same road access as other heavy vehicles already accessing the road network at these mass limits
- requiring a road manager to grant consent to a mass authority at a mass lower than requested if the higher mass requested is the only grounds for refusal.

The department advised that the proposed amendment should have positive impacts on industry productivity rates:

Performance based standards, or PBS vehicles, are considered safer and more productive because they are tested against a number of stringent safety and infrastructure standards to ensure they are safe and fit the existing road network. The basic principle of the scheme is to match the right vehicle to the right road. However, PBS vehicles are restricted to designated networks, so operators may prefer to use lower performing, less productive heavy vehicles. To overcome this issue and increase the uptake of PBS vehicles, the Transport and Infrastructure Council has approved a policy to grant as-of-right access to specified PBS level 1 vehicles. This will allow these vehicles to access the same road network as heavy vehicles operating under general mass limits without the need for a permit.²⁰

The QTA advised the committee that it strongly supported the Bill which proposed to grant PBS level 1 heavy vehicles travelling at or below GML the same road access as other heavy vehicles already accessing the road network at GML. The QTA submission notes that they continue to advocate for heavy vehicle productivity and encourage government initiatives to reduce permits requirements and improve permit approval timeframes.²¹

The QTA's submission states:

Research has positively indicated economic, environment and safety benefits from use of High Productivity Vehicles, therefore, initiatives to increase Road Freight safety and efficiency must be a priority to support Road Reforms with a strong focus on improving general gazetted road access to reduce the need for individual permits.²²

¹⁹ NHVR, public briefing transcript, Brisbane, 14 May 2018, p 5.

²⁰ Department of Transport and Main Roads, public briefing transcript, Brisbane, 14 May 2018, p 2.

²¹ Submission 1, p 2.

²² Submission 1, p 2.

With regard to access to rural roads, the department confirmed the amendments do not change the specified routes and the proposed amendment is targeted at PBS vehicles and will not interfere with the regime that is currently in place. The department advised:

The provision here allows access to PBS level 1 vehicles on the general access routes. General access is generally your biggest vehicle, so your 19-metre semitrailer. PBS level 1 allows up to 20 metres. There are still general mass limits, so it is the same weight but just slightly longer. It will not have an impact more broadly on things like road trains, B-doubles and those sorts of things. Those routes are defined and are not changing as part of this legislation.²³

The department also advised:

PBS vehicles are obviously assessed under a number of different criteria. There are about 20 criteria that a PBS vehicle is assessed against—all sorts of things from braking and acceleration to swept paths and those sorts of things. Effectively, you have a better performing vehicle which allows you that slightly longer length. As far as freight is concerned, you are probably talking about general freight. You are probably not having a major impact on things like agriculture, per se. It is more often than not general freight that will be on those general access routes.²⁴

The department confirmed that the ability to employ the proposed changes will depend on the vehicle and route combination being utilised. They also confirmed that vehicles will need to continue to meet certain load weights.²⁵

2.4 Streamlining Queensland court processes

The policy objective of streamlining Queensland court processes will be achieved by inserting a new Queensland specific section into Part 4A of the Act which allows a complaint for a fatigue-related offence to be heard where the offence was detected, which is the place where a driver was required to produce their work diary.

The explanatory notes advise that currently, if a person has committed multiple fatigue-related offences in different court districts, then charges must be brought and the defendant is obliged to appear at the courts in each of these districts. This issue is distinct to fatigue offences because the offences are continuing offences with each single journey potentially giving rise to multiple offences, which may be committed in different court jurisdictions.

The proposed amendment will mean that multiple offences can be heard in a single Magistrates Court. This will reduce unnecessary burdens for both defendants and the prosecuting authority. It will also mean that Queensland has a similar approach to that in other jurisdictions where courts have a greater discretion to determine the location of proceedings.

²³ Department of Transport and Main Roads, public briefing transcript, Brisbane, 14 May 2018, p 3.

²⁴ Department of Transport and Main Roads, public briefing transcript, Brisbane, 14 May 2018, p 3.

²⁵ Department of Transport and Main Roads, public briefing transcript, Brisbane, 14 May 2018, p 3-4.

The department advised:

The opportunity is also being taken to insert a Queensland-specific amendment into the application provisions of the HVNL to resolve an issue particular to fatigue offences. Heavy vehicle driver fatigue offences are detected by authorised officers inspecting the entries in a driver's work diary to determine whether a driver has been compliant with driving hour requirements. If a person has committed fatigue offences while driving a heavy vehicle on a journey between, for example, Cairns and Brisbane, the current law requires that each offence be brought in a Magistrates Court district in which the offence occurred, irrespective of where the driver's work diary was inspected. In a recent prosecution, a driver on a journey through Queensland committed fatigue offences that needed to be heard in six different courts. The driver was required not only to appear in each of these courts but also to pay in excess of \$1,000 in court fees, even before any fines were imposed. Although he appeared in four of these courts, warrants were issued for his arrest as he failed to appear in two of the courts. This outcome is disproportionate to the offence committed. The amendment will allow the Queensland prosecution to elect where proceedings for a fatigue offence will be commenced—in either a Magistrates Court district in which an offence occurred or in the Magistrates Court district in which the offence was detected. In this way, multiple offences will be heard in a single court.²⁶

The department confirmed that different jurisdictions have different state based legislation in relation to how they apply court jurisdictions and the proposed amendment is due to Queensland legislation requiring that the offences be heard in the district where the offence was committed.²⁷

The QTA supports the proposed amendment to allow a fatigue related offence to be heard where the offence was detected; that is, the court district where a driver was required to produce their work diary. The QTA advised that the proposed amendment will reduce what they consider to be the unnecessary burden for both the defendant and the prosecuting authority.²⁸

The QTA also notes that the proposed amendment will have a similar approach to other jurisdictions where courts have greater discretion to determine the location of proceedings, aligning Queensland with other states.²⁹

2.5 Operational, minor or technical drafting issues

The explanatory notes state that the Bill addresses several operational, minor or technical drafting issues that will improve roadside enforcement, reduce the compliance burden for industry and reduce the administrative burden for the NHVR, including:

- inserting notes to aid interpretation
- relocating provisions to group related provisions together
- clarifying the operation of some administrative provisions
- transferring load restraint performance standards from guidance material to the HVNL.

2.5.1 Load restraint performance standards

Clause 12 replaces existing section 115 to reflect that the load restraint performance standards will be prescribed in regulation instead of being set out in the Load Restraint Guide (LRG). The department advised the committee the proposed amendment will have positive impacts on industry concerns about the LRG.

²⁶ Department of Transport and Main Roads, public briefing transcript, Brisbane, 14 May 2018, p 2.

²⁷ Department of Transport and Main Roads, public briefing transcript, Brisbane, 14 May 2018, p 3.

²⁸ Submission 1, p 3.

²⁹ Submission 1, p 3.

The department advised:

This document is basically an instruction manual on how to safely secure and transport loads. However, the Load Restraint Guide also contains enforceable load restraint performance standards which are referenced in the HVNL. The dual purpose of the guide has often confused industry as to what exactly the load restraint obligations are. To resolve this issue, the enforceable load restraint performance standards are being removed from the Load Restraint Guide and placed in the HVNL. This will ensure the guide is exclusively guidance only.³⁰

The QTA supported clause 12 and advised:

The QTA supports removing the enforceable load restraint performance standards from the LRG. The LRG should remain as guidance material only and the enforceable elements placed into the HVNL in order to provide clear information to industry on what is a load restraint obligation and what is guidance only.³¹

2.5.2 Other amendments

The department confirmed that there are some minor or technical amendments in the Bill including removing the NHVR's obligation to advertise in national newspapers when amending notices and ensuring annual indexation of penalties is also to operate as intended.³²

The committee queried the reasons behind removing the obligations to advertise in national newspapers and was advised that:

When the act was put together we were, because it is a national system, required to advertise in a national newspaper. Really, it is only the Financial Review and the Australian effectively, so they are not particularly useful. We can advertise locally when there is something that impacts people. Typically we use the website to tell the users of the system when things are going to happen. For any of the important decisions it is gazetted, so there is always a legal record of the decision.³³

2.6 Other issues

While not within the scope of the Bill, the issue of heavy vehicles using roads not designed for such vehicles was discussed at the committee's departmental briefing. The department advised the committee that this issue would be managed by compliance within existing legislation.

The NHVR advised the committee that:

The National Heavy Vehicle Regulator (NHVR) successfully applied for a grant under the Commonwealth Heavy Vehicle Safety Initiative scheme to develop and implement a dedicated heavy vehicle confidential reporting system.

The Heavy Vehicle Confidential Reporting Line (CRL) project has the following objectives:

- *To provide a confidential reporting platform for any individual to alert the NHVR to safety concerns surrounding heavy vehicles;*
- *To protect the identity of the reporting individual (the 'Information Provider') throughout all stages of the process;*
- *To create a system where reported safety concerns are appropriately received, registered, considered and assessed, and where required, further actions initiated*

³⁰ Department of Transport and Main Roads, public briefing transcript, Brisbane, 14 May 2018, p 2.

³¹ Submission 1, p 2.

³² Department of Transport and Main Roads, public briefing transcript, Brisbane, 14 May 2018, p 2.

³³ NHVR, public briefing transcript, Brisbane, 14 May 2018, p 3.

Reportable safety concerns in relation to heavy vehicle operations (to which the Heavy Vehicle National Law applies) would include:

- *An incident or circumstance that affects or might affect the safety of a heavy vehicle or its operation;*
- *A procedure, practice or condition that a reasonable person would consider endangers, or, if not corrected, would endanger, the safety of a heavy vehicle driver, its passengers, other road users or community members; or*
- *A procedure, practice or condition that facilitates non-compliance with the HVNL.*

The CRL is not intended to address matters relating to a serious and imminent threat to a person's health or life which would require police intervention.

It is proposed that the CRL will be operational in the third quarter of the 2017/2018 financial year and a public awareness campaign will form part of the release.³⁴

2.6.1 Committee comments

The committee looks forward to the implementation of the proposed CRL and to the public awareness campaign which will form part of its release.

³⁴ NHVR, correspondence dated 18 May 2018, p 1-2.

3 Compliance with the *Legislative Standards Act 1992*

3.1 Fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* (LSA) states that ‘fundamental legislative principles’ are the ‘principles relating to legislation that underlie a parliamentary democracy based on the rule of law’. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals, and
- the institution of Parliament.

The committee has examined the application of the fundamental legislative principles to the Bill. The committee brings the following to the attention of the Legislative Assembly.

3.1.1 Onus of proof

Section 4(3)(d) of the LSA identifies that whether legislation has sufficient regard to rights and liberties of individuals depends on whether, for example, the legislation does not reverse the onus of proof in criminal proceedings without adequate justification.

3.1.1.1 *Clauses 8 and 21*

Clause 8 of the Bill relocates an existing offence provision from the current section 153 to new section 25A. The existing section 153 is omitted by clause 14 of the Bill. Proposed section 25A(1) requires a person, when driving a PBS vehicle, to keep in their possession a copy of the PBS vehicle approval.³⁵ A maximum penalty of \$3,000 applies.

Proposed section 25A(2) and (3) read:

- (2) *Each relevant party for a driver mentioned in subsection (1) must ensure the driver complies with subsection (1), unless the relevant party has a reasonable excuse.*

Maximum penalty - \$3000.

- (3) *In this section -*

relevant party, *for the driver of a PBS vehicle, means -*

- (a) *an employer of the driver if the driver is an employed driver; or*
- (b) *a prime contractor of the driver if the driver is a self-employed driver; or*
- (c) *an operator of the vehicle if the driver is making a journey for the operator.*

Clause 21 of the Bill will amend the existing provisions in section 568(2) to require a driver to produce their driver licence for inspection by an authorised officer. Proposed new section 568(3) makes it an offence to fail to comply with such a requirement *unless the person has a reasonable excuse*. [Emphasis added.]

[Penalties are:

- (a) *for a requirement under paragraph (2)(a) - \$6000*
- (b) *for a requirement under paragraph (2)(b) - an amount equal to the amount of the maximum penalty for an offence of failing to keep the document, device or other thing in the driver’s possession.]*

As noted in the explanatory notes, these clauses, although not new offences, each contain a provision reversing the onus of proof – in each case, by providing that the defendant must provide the reasonable excuse. This raises an issue of fundamental legislative principle.

³⁵ PBS stands for performance based standards – see section 5 of the HVNL.

Section 4(3) of the LSA provides that whether legislation has sufficient regard to the rights and liberties of individuals depends on whether, for example, it:

(d) *does not reverse the onus of proof in criminal proceedings without adequate justification*

Legislation should not provide that it is the responsibility of an alleged offender in court proceedings to prove innocence.³⁶

Committee comment

The question for the committee was whether there is adequate justification for the reversal of the onus of proof.

The committee noted the fact that the provision already exists in the principal legislation and has no conclusive relevance to the application of issues of fundamental legislative principles, in the sense that the requirements in the LSA still apply.

The committee also noted that, in regard to the reversal of proof, the explanatory notes state:

...this can be justified on the basis that the defendant is best-placed to provide such an excuse and the excuse is within the defendant's knowledge. The amendments retain the operation of these existing provisions and these provisions remain consistent with the operation of other offences in the HVNL.³⁷

This type of provision is canvassed in the Office of the Queensland Parliamentary Counsel (OQPC) Notebook:

Generally, for a reversal to be justified, the relevant fact must be something inherently impractical to test by alternative evidential means and the defendant would be particularly well positioned to disprove guilt.³⁸

For example, if legislation prohibits a person from doing something 'without reasonable excuse', it is generally appropriate for a defendant to provide the necessary evidence of the reasonable excuse if evidence of the reasonable excuse does not appear in the case for the prosecution.

Further, in the present case, the Bill is re-locating an existing provision.

In that light, the committee is satisfied that any reversal of the onus of proof is justified and therefore is not unduly concerned about clauses 8 and 21.

3.1.1.2 Clause 38

Clause 38 of the Bill seeks to amend schedule 4 of the HVNL to specify that the new offence (in proposed section 576C) of failing to comply with a direction or a prohibition notice is one for which an executive officer of a corporation may also be prosecuted (under section 636(2) of the HVNL).

Clause 25 inserts new sections 576A to 576E. New section 576C provides that it is an offence not to comply with a direction under section 576A(2) or a prohibition notice, with a penalty of \$10,000.

New section 576A permits an authorised officer to issue a prohibition notice to a person where the authorised officer reasonably believes there is an activity occurring (involving a heavy vehicle) that involves or will involve an immediate or imminent serious risk to a person. The prohibition notice prohibits the carrying out of that activity until the matters giving rise to the risk have been remedied.

³⁶ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, p 36.

³⁷ Explanatory notes p 4.

³⁸ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, p 36.

Clause 38 thus extends the reach of the executive liability provisions in the HVNL. [Section 636(1) provides that if a corporation commits an offence against a provision of the HVNL specified in column 2 of Schedule 4, each executive officer of the corporation who knowingly authorised or permitted the conduct constituting the offence also commits an offence against the provision.]

Provisions creating executive officer liability involve a reversal of the onus of proof.

Section 4(3)(d) of the LSA provides that legislation should have sufficient regard to the rights and liberties of individuals and in this regard should not reverse the onus of proof in criminal proceedings without adequate justification.

Legislation should not provide that it is the responsibility of an alleged offender in court proceedings to prove innocence.³⁹

Committee comment

The committee notes that the issue of executive liability traverses the issues in much the same manner as when it was considered by the committee in its recent report on the current Heavy Vehicle National Law and Other Legislation Amendment Bill 2018.⁴⁰

The question for the committee was whether the reversal of the onus of proof is justified and whether adequate justification has been provided for extending executive liability in these instances.

The proposed provision extends the reach of provisions establishing executive liability in the HVNL. There are numerous such 'executive liability' provisions currently in the HVNL. These provisions have been considered by previous committees in considering the Bills containing those earlier provisions.⁴¹

The explanatory notes for the present Bill do not traverse the issue. Explanatory notes for the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018* state (regarding executive liability provisions in clause 16 of that Bill):

*The extension of executive officers liabilities to due diligence requirements [is] consistent with the executive officer liability scheme as agreed between the jurisdictions for the HVNL - there are already extensive executive officer liabilities under the HVNL (that were inserted via an amendment Bill in 2016) and the extension of that liability to due diligence requirements is 'Phase 2' of those reforms. Executive officer liabilities are a potential fundamental legislative principles (FLP) breach, but it is justified on the basis that the requirements ensure positive steps are taken by executive officers to ensure their organisation meets safety obligations under the HVNL.*⁴²

The committee is satisfied with the extension of executive liability (and the associated reversal of the onus of proof).

3.1.2 Protection against self-incrimination

Section 4(3)(f) of the LSA identifies that whether legislation has sufficient regard to rights and liberties of individuals depends on whether, for example, the legislation provides appropriate protection against self-incrimination.

³⁹ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, p 36.

⁴⁰ Transport and Public Works Committee, Report No 4, 56th Parliament, Heavy Vehicle National Law and Other Legislation Amendment Bill 2018, April 2018.

⁴¹ Transport, Housing and Local Government Committee Report No 4, *Heavy Vehicle National Law Bill 2012* and Transport, Housing and Local Government Committee Report No 16, *Heavy Vehicle National Law Amendment Bill 2012*.

⁴² Explanatory notes, p 7.

3.1.2.1 Clauses 23 and 24

Clause 23 amends the existing power of an authorised officer to require information under section 570 (Power to require information about heavy vehicles) by adding a new section 570(1)(c) to extend this power to include:

*personal details known to the responsible person about anyone else the responsible person reasonably believes holds information about the heavy vehicle.*⁴³

Clause 24 amounts to a re-statement of the existing section 570A in the HVNL to recognise the terminology and expanded executive officer liability provisions related to safety duties contained in the Heavy Vehicle National Law and Other Legislation Amendment Bill 2018. The substantive effect of section 570A is unchanged.

As observed in the explanatory notes, the two provisions to be amended by clauses 23 and 24 (sections 570 and 570A) currently include a stipulation that it is not a reasonable excuse for not complying with a requirement, that to do so might tend to incriminate the individual.⁴⁴ This position will continue under the amended provisions.

This raises an issue of fundamental legislative principle, as section 4(3)(f) of the LSA provides that legislation should provide appropriate protection against self-incrimination. The OQPC Notebook states:

*...this principle has as its source the long established and strong principle of common law that an individual accused of a criminal offence should not be obliged to incriminate himself or herself.*⁴⁵

Committee comment

Previously, committees have considered whether provisions which deny the privilege against self-incrimination allow for the use of immunity and derivative use immunity.⁴⁶ Denial of the protection afforded by the self-incrimination rule is only potentially justifiable if:

- (a) the questions posed concern matters that are peculiarly within the knowledge of the persons to whom they are directed and that would be difficult or impossible to establish by any alternative evidential means
- (b) the legislation prohibits use of the information obtained in prosecutions against the person
- (c) in order to secure this restriction on the use of the information obtained, the person should not be required to fulfil any conditions (such as formally claiming a right).⁴⁷

⁴³ Clause 23, Heavy Vehicle National Law Amendment Bill 2018.

⁴⁴ For example, section 570A(6) of the HVNL states 'it is not a reasonable excuse for the person to fail to comply with a requirement made under this section on the ground that complying with the requirement might tend to incriminate the person or make the person liable to a penalty.' Section 570(5) is in virtually identical terms.

⁴⁵ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, p 52.

⁴⁶ Office of the Queensland Parliamentary Counsel, *Fundamental Legislative Principles: The OQPC Notebook*, p 53.

⁴⁷ See, for example, Scrutiny of Legislation Committee, *Alert Digest 2000/1*, p 7, para 57; *Alert Digest 1999/31*; and *Alert Digest 1999/4*, p 9, para 1.60.

The explanatory notes assert that these provisions are consistent with these existing and other offences in the HVNL and that ‘additionally, use and derivative use immunity is provided for as is legal professional privilege.’⁴⁸ The explanatory notes also observe that the present amendments do not alter the original intent of the relevant provisions, and to note that those provisions when introduced were justified against the relevant fundamental legislative principles in this way:

*Proposed section 588 delineates the evidential immunity available for individuals complying with particular requirements under the Act. Use and derivative use immunity is provided in sub-section (2) for information required by an authorised officer to be provided under proposed sections 570 or 577. The effect of this subsection is to prevent information provided by the individual in response to the named requirements being used against the individual in criminal proceedings. Sub-section (3) applies to abrogate the privilege in relation to documents required by an authorised officer to be produced under sub-section 569(1)(c) to (f) or section 577. Sub-section 588(3) concerns specified documents, directly related to the National Law and regulatory scheme that have been required by an authorised officer to be produced by an individual. It provides that documents produced by an individual in compliance with the authorised officer’s requirement are not inadmissible in evidence against the individual in a criminal proceeding on the ground that the document might incriminate the individual. This abrogation of the privilege against self-incrimination is necessary for compliance and enforcement purposes. In the absence of a provision compelling the production of specified documents by an individual, and further providing for the use of those documents as evidence, prosecuting breaches of the National Law would require far greater investigative resources. This applies particularly to offences detected during the course of on-road enforcement activities. Public safety is liable to be compromised if prosecution of heavy vehicle offences is more difficult under the National Law than existing jurisdictional laws.*⁴⁹

The explanatory notes state:

*It is considered that these original justifications still stand.*⁵⁰

Given the rationale for the provisions, and the limited restriction on the privilege, the committee considers that the potential breach of fundamental legislative principle is justified.

3.1.3 Powers of search, seizure and inspection

Section 4(3)(e) of the LSA identifies that whether legislation has sufficient regard to rights and liberties of individuals depends on whether, for example, the legislation confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer.

3.1.3.1 Clause 20

Clause 20 would amend section 522 of the HVNL to allow an authorised officer to require a category of vehicles to be produced for inspection under certain circumstances.

Current section 522 provides that an authorised officer may, by notice, in certain circumstances, require a heavy vehicle to be produced for inspection at a specified place and time. Under section 522(4), an inspection may include any tests an authorised officer considers appropriate. Failure to comply incurs a maximum penalty of \$6000.

⁴⁸ Explanatory notes, p 5.

⁴⁹ Explanatory notes, p 5, in turn quoting from page 6 of the explanatory notes for the Heavy Vehicle National Law Amendment Bill 2012.

⁵⁰ Explanatory notes, p 5.

The existing provisions only apply to a specified individual heavy vehicle. Clause 20 would extend this power to require production of a fleet of vehicles by providing:

- (1A) An authorised officer may, by notice under subsection (2), require to be produced for inspection at a place and time stated in the notice, vehicles in a category of heavy vehicles that the officer reasonably believes have within the preceding 60 days been used or will be used on a road if the officer reasonably believes that -*
- (a) the vehicles in that category do not comply with this Law; or*
 - (b) the vehicles in that category are defective heavy vehicles as defined in section 525.*
- (2) A notice must be served on—*
- (a) the person in charge of the heavy vehicle or category of heavy vehicles; or*
 - (b) the registered operator or, if the heavy vehicle or category of heavy vehicles is not registered, an owner.⁵¹*

Note that by virtue of proposed section 522(6), clause 20 will also provide that the powers of an authorised officer under new subsection 522(1A) can only be exercised where the officer is specifically authorised. This is consistent with existing provisions regarding inspection of an individual vehicle.

- (6) An authorised officer may act under subsection (1A) only if -*
- (a) for an authorised officer who is a police officer - the officer has the relevant police commissioner's written authority to act under subsection (1A); or*
 - (b) for an authorised officer who is not a police officer - the officer's instrument of appointment provides that the authorised officer may act under subsection (1A).⁵²*

A number of other powers in the HVNL can be potentially exercised in relation to an inspected vehicle.

In giving power to officers to compel production of a vehicle or category of vehicles, without the need for consent or a warrant, the clause raises an issue of fundamental legislative principle regarding the rights and liberties of the individual. Section 4(3) of the LSA provides that whether a legislation has sufficient regard to rights and liberties of individuals depends on whether, for example, the legislation:

- (e) confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer⁵³*

Committee comment

The explanatory notes state that this amendment is to:

...address those situations where there is a reasonable belief that a fleet of vehicles may (for example) be defective but the authorised officer has not physically sighted each individual vehicle. The proposed amendment closes a loophole in the existing provisions and allows serious safety concerns to be addressed appropriately.⁵⁴

⁵¹ Clause 20(2), Heavy Vehicle National Law Amendment Bill 2018.

⁵² Clause 20(3), Heavy Vehicle National Law Amendment Bill 2018.

⁵³ Section 4(3)(e), *Legislative Standards Act 1992*.

⁵⁴ Explanatory notes, p 6.

In acknowledging the potential issue, the explanatory notes state:

Authorised officers must however have a reasonable suspicion of wrong-doing, and the exercise of the powers in section 522 are subject to the existing safeguards in Chapter 9 of the HVNL, including no use of force and no authority to enter premises. Further, the powers of an authorised officer under new subsection 522(1A) can only be exercised where the officer is specifically authorised.

The proposed amendment to section 522 will improve the ability for authorised officers to respond to known safety issues and address systemic failures. On this basis the proposed provisions are justified.⁵⁵

The committee considers that the extension of existing inspection and ancillary powers from an individual vehicle to a fleet or category of vehicles is justified in the interests of road safety.

3.2 Proposed new or amended offence provisions

The following table details the proposed new or amended offence provisions⁵⁶:

Clause	Offence	Proposed maximum penalty
8	<p>Insertion of new s 25A</p> <p>Part 1.4— <i>insert—</i></p> <p>25A Keeping copy of PBS vehicle approval while driving</p> <p>(1) The driver of a PBS vehicle must keep a copy of the PBS vehicle approval in the driver’s possession while driving the PBS vehicle. Maximum penalty—\$3000.</p> <p>(2) Each relevant party for a driver mentioned in subsection (1) must ensure the driver complies with subsection (1), unless the relevant party has a reasonable excuse. Maximum penalty—\$3000.</p> <p>(3) In this section— relevant party, for the driver of a PBS vehicle, means—</p> <p>(a) an employer of the driver if the driver is an employed driver; or</p> <p>(b) a prime contractor of the driver if the driver is a self-employed driver; or</p> <p>(c) an operator of the vehicle if the driver is making a journey for the operator.</p>	<p>\$3,000.00</p> <p>\$3,000.00</p>

⁵⁵ Explanatory notes, p 6.

⁵⁶ The penalty amounts in provisions regarding the HVNL are expressed in dollar terms, not penalty units, to ensure consistency across jurisdictions.

21	<p>Amendment of s 568 (Power to require production of document etc. required to be in driver's possession)</p> <p>(1) Section 568(2) and (3)— <i>omit, insert—</i></p> <p>(2) An authorised officer may, for compliance purposes, require the driver of the heavy vehicle to produce for inspection by the officer—</p> <p>(a) if the driver is required by another law of this jurisdiction to keep their driver licence in their possession while driving the vehicle—the driver's driver licence; or</p> <p>(b) a document, device or other thing the driver is required under this Law to keep in the driver's possession while driving the vehicle.</p> <p><i>Examples—</i></p> <ul style="list-style-type: none"> • a copy of a Commonwealth Gazette notice or permit • a work diary <p><i>Note—</i></p> <p>Section 17 of Schedule 1 and section 490 deal with the production of documents and other information kept electronically.</p> <p>(3) A person of whom a requirement is made under subsection (2) must comply with the requirement, unless the person has a reasonable excuse.</p> <p>Maximum penalty—</p> <p>(a) for a requirement under paragraph (2)(a)— \$6000; or</p> <p>(b) for a requirement under paragraph (2)(b)— an amount equal to the amount of the maximum penalty for an offence of failing to keep the document, device or other thing in the driver's possession.</p>	\$6,000.00
25	<p>Insertion of new Pt 9.4, Divs 5A and 5B</p> <p>Part 9.4— <i>insert—</i></p> <p>Division 5A Prohibition notices</p> <p>576C Compliance with prohibition notice</p> <p>A person given a direction under section 576A(2) or a prohibition notice must comply with the direction or notice.</p> <p>Maximum penalty—\$10000.</p>	\$10,000.00

3.3 Explanatory notes

Part 4 of the *Legislative Standards Act 1992* requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly, and sets out the information an explanatory note should contain.

Explanatory notes were tabled with the introduction of the Bill. The notes are fairly detailed and contain the information required by Part 4 and a reasonable level of background information and commentary to facilitate understanding of the Bill's aims and origins.

Committee comment

Two minor criticisms can be noted.

Firstly, the term ‘PBS’, which stands for performance based standards, is used, but not defined, in the explanatory notes. The explanatory notes would be of more assistance if they included a definition for this acronym, particularly given that the term is not defined in the Bill. The committee is aware that it does not need to be, as it is defined in the principal Act, though arguably somewhat obliquely.⁵⁷

Given the extensive use of the term within the Bill and in the HVNL Act, and to assist with usability, the committee recommends that the definition of ‘PBS’ be included in the section 5 definitions in its own right in the HVNL, rather than as a note within another definition.

Recommendation 2

The committee recommends the Heavy Vehicle National Law Amendment Bill 2018 be amended to include a more definitive definition of the term ‘PBS’ in the Heavy Vehicle National Law.

Secondly, it would be helpful if the explanatory notes identified the specific clause(s) being discussed, when identifying the fundamental legislative principles (specifically regarding clauses 8 and 21.)

⁵⁷ The *Heavy Vehicle National Law* contains definitions in section 5, including a definition of the term ‘PBS design approval’. There is no stand-alone definition of ‘PBS’. It is only in a note to that definition that one sees advice that ‘PBS’ stands for performance based standards.

Appendix A – Submitters

Sub #	Submitter
001	Queensland Trucking Association

Appendix B – Officials at public departmental briefing – 14 May 2018

Department of Transport and Main Roads

- Ms Mike Stapleton, Deputy Director-General, Customer Service, Safety and Regulation
- Mr Andrew Mahon, General Manager, Transport Regulation Branch

National Heavy Vehicle Regulator

- Mr Ray Hassall, Executive Director, Regulatory and Legal Services
- Ms Jennifer Rotili, Principal Legal Officer

National Transport Commission

- Mr Robert Chamberlain, Manager Legal