

Dr Kilian Perrem
Inquiry Secretary
House Standing Committee on Infrastructure and Communications
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Dr Perrem

I refer to the Inquiry into the Road Safety Remuneration Bill 2011 and the Road Safety (Consequential Amendments and Related Provisions) Bill 2011.

Transport for NSW (TfNSW) supports the stated premise of the above Bills, that is, to promote safety and fairness in the road transport industry. However, it is noted that there are a number of factors covered in multiple legislative and regulatory frameworks which should work together to ensure the industry's safety. This includes provisions in road transport law, workplace health and safety law and industrial relations law. At the same time, there are also Council of Australian Governments (COAG) approved reforms to harmonise national regulations by the establishment of a National Heavy Vehicle Regulator and National Heavy Vehicle Law. These are due to commence in early 2013.

From a TfNSW perspective, it is important that in finalising the above Bills, these interrelationships between the various legislative requirements are clearly understood, both by industry and governments. In reviewing the draft Bills, some conflicts were noted. For example, while the expressed intention of the Bill is to operate concurrently with State or Territory laws (see clause 10), the effect of clause 11 is that, if there is any inconsistency between enforceable instruments made under the Bill and a State or Territory law then the instrument will prevail.

Therefore, given the new Tribunal can make orders that, among other things, relate to waiting times and working hours (clause 27) it is possible that an order could be made that is inconsistent with the fatigue management provisions of the proposed National Heavy Vehicle Law.

Because the Bill has the potential to cut across the National Heavy Vehicle Law and state based industrial jurisdiction (the Industrial Relations Commission in NSW), TfNSW recommends further consideration of these issues and in particular how industry is to respond to the various requirements to ensure compliance. To assist in this further analysis it is recommended that consultation with the National Heavy Vehicle Regulator Project Office occur to establish clear delineations between the two pieces of legislation and how in a practical sense they will complement each other once implemented.

As the Bill applies to road transport drivers, employers, hirers and participants in the supply chain, the application of the Bill must both meet industry's commercial needs and the safety of road users on NSW roads.

If you require further information, please contact Dr Natalie Pelham, General Manager, National Strategic Review, on

Yours sincerely

Les Wielinga ~
Director General

10.02.12