

Rural and Regional Affairs and Transport Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
Additional Budget Estimates February 2010
Infrastructure, Transport, Regional Development and Local Government

Question No.: ISTP 01

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Heavy Vehicle Driver Fatigue Laws

Hansard Page/s: 63 (09/02/10)

Senator Back asked:

Senator BACK—I refer to the question of heavy vehicle driver fatigue and the reforms that were agreed to by transport ministers, I think, in 2007 and rolled out in 2008. Can you tell me which states and/or territories have agreed to adopt those reforms?

Ms Riggs—My understanding is that the Australian Transport Council has approved those reforms and that at this time laws relating to driver fatigue based on the model law developed by the National Transport Commission have been passed in Victoria, New South Wales and Queensland.

Senator BACK—Right. So we are about halfway there?

Ms Riggs—I simply reiterate that they have been passed in those three states.

Senator BACK—Where are they in the other states and in the Northern Territory? Do you have any advice for the committee about the status of the process of enacting?

Ms Riggs—No, I do not. I will take that on notice.

Answer:

The new fatigue laws have been implemented in New South Wales, Queensland, Victoria and South Australia. The laws are expected to be implemented in the Northern Territory and Tasmania in accordance with the legislative priorities of the governments in those jurisdictions. Western Australia will continue to regulate fatigue management under its Occupational Health and Safety Laws and the Australian Capital Territory will retain its existing arrangements.

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Question No.: ISTP 02

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Heavy Vehicle Driver Fatigue Laws

Hansard Page/s: 64 (09/02/10)

Senator Back asked:

Senator BACK—Also, drivers can make a defence against a breach of these provisions if they cannot find a reasonable or suitable place of rest on the highway and they find a rest stop after 45 minutes. Is that correct? In other words, if they are driving for 5¼ hours, the required time comes along and there is no suitable place to pull off, a driver can effectively keep going for up to three-quarters of an hour. Is that correct?

Ms Riggs—I regret to say that I am not sufficiently familiar with the detail of the model legislation. I will take the question on notice.

Senator BACK—When you do respond, would you advise me whether in Victoria and New South Wales the above premise is not a defence in the event that a driver has failed to pull up? Can you take that on notice?

Ms Riggs—We will examine how each of those states have implemented their fatigue laws.

Answer:

The model fatigue laws contain a ‘reasonable steps’ defence provision which allows a driver to make a defence for driving up to 45 minutes beyond the required rest break, if they cannot find a suitable place to stop and rest.

The fatigue laws in Victoria and NSW do not permit the use of ‘reasonable steps’ defence by a driver who has failed to comply with the rest break requirement. Queensland and South Australia have implemented the ‘reasonable steps’ defence provision contained in the model law.

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Question No.: ISTP 03

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Heavy Vehicle Driver Fatigue Laws

Hansard Page/s: 64 (09/02/10)

Senator Back asked:

Senator BACK—Thank you. Can you give us an indication of what the differences are between logbook requirements in the different jurisdictions?

Ms Riggs—That is a matter for the parliaments in each of those jurisdictions.

Senator BACK—I am sure that the legislation is a matter for the parliaments, but can you tell us what the differences are, if any?

Senator Conroy—That is a complex question across eight states and territories. I am sure you will understand if the officers would like to take it on notice to ensure we give you an accurate answer.

Answer:

In legislating the new fatigue laws jurisdictions have varied some aspects of the logbook (work diary) requirements from those in the model legislation.

- New South Wales and Queensland have varied the provisions relating to who is required to use a work diary.
- Queensland has varied the duties of officers to annotate a driver's work diary.
- Queensland has varied the penalty provisions for work diary offences.
- South Australia has varied slightly how the driver must record information in the work diary.
- Victoria has varied its electronic work diary provisions.

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Question No.: ISTP 04

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Tasmanian Freight Equalisation Scheme processing backlog

Hansard Page/s: 68 (09/02/10)

Senator Abetz asked:

Senator ABETZ—So it was not my questioning but somebody a little bit earlier on. Until one of the stakeholders in early October drew your attention to it, did the department have any record or any analysis as to how long these claims were taking to be processed by Centrelink?

Ms Riggs—I think my staff had some idea that the time had become longer than we might have preferred. I would have to examine the record to see what form of data and analysis they had undertaken at that point.

Senator ABETZ—If you could take that on notice, and please do not tell me that the information is available on a website. I would appreciate a written answer.

Answer:

The Department receives monthly reports from Centrelink that include information on the number of claims on hand and has regular discussions with Centrelink on processing issues. In early October 2009, the Department was aware that there was a backlog of claims awaiting processing.

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Question No.: ISTP 05

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Tasmanian Freight Equalisation Scheme - Claims

Hansard Page/s: 69 (09/02/10)

Senator Abetz asked:

Senator ABETZ—Is that report available? Can that be made publicly available?

Ms Riggs—I believe that may have been part of our internal considerations, so I would need to consult with the minister about that.

Senator ABETZ—It would be helpful if you could take that on notice.

Answer:

A report was not prepared following the February 2009 consultations.

The verbal and written responses from these consultations were considered by the Department in preparing the next version of draft Ministerial Directions for the Minister's consideration.

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Question No.: ISTP 06

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Tasmanian Freight Equalisation Scheme - Consultations
Hansard Page/s: 69 (09/02/10)

Senator Abetz asked:

Senator ABETZ—That is what I thought. I think we are on the same wavelength there. You might need to check, but I have been advised that freight-forwarding companies such as LINFOX were involved in consultations. In fact, LINFOX does not have any involvement in sea transport to or from Tasmania. Why were they consulted as part of the ministerial direction consultations?

Ms Riggs—I will take some advice on that and take the question on notice.

Senator ABETZ—I accept that that occurred—

Ms Riggs—In advance of my being in the role.

Senator ABETZ—prior to your taking over the issue. However, I understand that Searoad Shipping was not consulted despite the fact that it is involved in sea transport to and from Tasmania. Another company, Southern Shipping, which is now in administration also was not consulted. I would like you to provide to us on notice the reason or rationale for some being consulted and others not—especially if the advice I have is right that, for example, Linfox is not involved in sea transport to and from Tasmania.

Ms Riggs—I will seek to discover those considerations and see what we can provide.

Answer:

LINFOX was consulted as it moves eligible goods across Bass Strait and provides the necessary documentation for its customers to claim TFES assistance.

Representatives of both Sea Road Shipping and Southern Shipping were consulted in April 2008.

Key stakeholders invited to contribute have generally included both claimants and firms which move, or arrange the movement of, goods across Bass Strait and/or issue documents which underpin claims.

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Question No.: ISTP 07

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Tasmanian Freight Equalisation Scheme – Claims Processing

Hansard Page/s: 71 (09/02/10)

Senator Abetz asked:

Senator ABETZ—Right, I think I understand all those distinctions. In your discussions with Centrelink are you encouraging them or asking them to get with it, if I can use that term, and do things electronically? As I understand it, whilst you can lodge electronically, you still need to forward the original plus a photocopy?

Ms Riggs—I am not familiar with the requirement for a photocopy. We certainly ask for original documentation.

Senator ABETZ—It is fair enough that you do not know this detail. Can you take on notice whether the current system requires applicants to forward the original plus a photocopy? Centrelink then returns the original to the claim agent, who then has to return it to the original business.

Ms Riggs—I will inquire.

Answer:

Electronic lodgement of claim forms is available. In January 2010, 43% of claims were lodged using Centrelink's Tasmanian Freight Equalisation Scheme Bulk Upload Service (TBUS).

The current system does not require that claimants provide copies of the original documentation submitted to Centrelink in support of their claim for assistance under the scheme.

Original documents are required for assessment purposes. If a claimant, or a third party acting on the claimant's behalf, requires the original documents to be returned, he or she is asked to provide a copy for Centrelink's records.

In terms of supporting documentation, the Department understands that Centrelink is moving towards a system that would allow the electronic lodgement of supporting documents.

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Question No.: ISTP 08

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Tasmanian Freight Equalisation Scheme – Claims Processing

Hansard Page/s: 71 (09/02/10)

Senator Abetz asked:

Senator ABETZ—Thank you. It seems highly bureaucratic and highly unnecessary. I would have thought that these days there would be the capacity for electronic lodgement, if it is good enough for the Australian Taxation Office with tax returns. By all means do your spot audit, and I encourage you to do so, to ensure that people are not having a lend of the scheme. However, it really is incurring a lot of red tape. I am sure my friends in Australia Post are absolutely delighted with this system, but it really does create a lot of extra paperwork. The Tasmanian paper industry would also be happy as well, I am sure, Senator Colbeck. From a business efficiency point of view it seems unnecessary for this sort of paperwork to be undertaken for these claims. Please take on notice whether what I have outlined is a relatively correct reflection of the process and then, if it is, what the department might consider to be a more streamlined approach to the lodgement and assessment of claims.

Ms Riggs—I will arrange to have that description confirmed or otherwise. I am also aware that, rather than using Australia Post, Centrelink is perfectly happy to accept lodgement of, as I said, the original of the invoice as supporting documentation at any Centrelink office in Tasmania. They then use their internal arrangements for transporting it to the Hobart processing office.

Answer:

See ISTP 07.

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Question No.: ISTP 09

Division/Agency: Infrastructure and Surface Transport Policy
Topic: Statistics for King Island and Flinders Island Claims
Hansard Page/s: 72 (09/02/10)

Senator Colbeck asked:

Senator COLBECK—I am after some information about statistics for the King Island and Flinders Island claims and I would like to get some sense of the commodity groups. Is that information available yet? I do not necessarily need to know who is making the claims. I am just interested to get a sense of the general types of goods being moved.

Ms Riggs—Please forgive me, Senator, but I have not brought that information with me.

Senator COLBECK—I am happy for you to take it on notice.

Ms Riggs—You are interested in the categories of goods that are being supported under the Furneaux Group—

Senator COLBECK—The King and Flinders.

Ms Riggs—The supplementary arrangements?

Answer:

On 1 July 2008, the Tasmanian Freight Equalisation Scheme (TFES) was extended to include King Island and Flinders Island. On 16 September 2008, the TFES was extended from Flinders Island to include all of the islands within the Furneaux Group.

On 7 September 2009, the commodity codes for goods assisted under TFES were changed to provide better reporting on the scheme. The updated codes are available on the Centrelink website.

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Question No.: ISTP 10

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Tasmanian Freight Equalisation Scheme Statistics

Hansard Page/s: 72 (09/02/10)

Senator Colbeck asked:

Senator COLBECK—Yes. With regard to the current stats on the scheme are concerned, the current information on the website is only to 2007. Can you look at that?

Ms Riggs—I will certainly undertake to examine whether it is possible to update the website.

Answer:

The most recent statistical bulletin on the Tasmanian Freight Equalisation Scheme (TFES), which is produced by Centrelink, relates to the 2006-07 financial year.

Centrelink advises that the TFES statistical bulletin for 2007-08 is expected to be released soon.

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Question No.: ISTP 11

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Tasmanian Freight Equalisation Scheme – parameter review

Hansard Page/s: 73 (09/02/10)

Senator Colbeck asked:

Senator COLBECK—I recall that at the time the government announced its position on the review of the scheme a decision was made that the current rates would continue to apply because of concern about potential distortions or changes in returns available to different portions of the market based on the process that occurred. I understand that the government has made a decision on that process. I am starting to have some concerns about the fact that rates have not moved for a period of time. Cost pressures are obviously being felt within the system. The question I am getting is: when is there going to be some action with respect to rates? That is fundamentally my question.

Ms Riggs—I need to correct my earlier advice. The two-yearly examination of the rate of assistance is for the passenger assistance scheme, not the freight scheme. On notice I will draw your attention to any advice that is available about the operation of the scheme and the current rate setting.

Answer:

The Bureau of Infrastructure, Transport and Regional Economics last reviewed the parameters for the Tasmanian Freight Equalisation Scheme (TFES) and the Tasmanian Wheat Freight Scheme (TWFS) in 2008. The review report was released in November 2008. The review found that in the case of TFES, higher road freight costs had reduced the sea freight disadvantage for many Bass Strait shippers, and that under the current methodology, increasing the Road Freight Equivalent parameter as calculated would directly reduce the TFES assistance paid to most shippers.

On 6 November 2008, Minister Albanese announced that the Government would provide long-term certainty to Tasmanian industry and would retain the TFES and TWFS in their current form. The Minister also announced that the Schemes would be reviewed again in 2011-12.

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Question No.: ISTP 12

Division/Agency: Infrastructure and Surface Transport Policy

Topic: National Heavy Vehicle Regulator

Hansard Page/s: Written Question

Senator Payne asked:

With regard to Government's 'A truly national transport system', why did the Governments not agree to a host national regulator at the recent COAG meeting when 3 states, NSW, VIC, QLD had offered to host it? Why has COAG delayed making a decision on this matter until "the first half of 2010"?

Answer:

On 25 February 2010, Queensland was announced as the host jurisdiction for the National Heavy Vehicle Regulator. The relevant announcement is available on the Minister's website.

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Question No.: ISTP 13

Division/Agency: Infrastructure and Surface Transport Policy

Topic: National Rail Safety Regulator

Hansard Page/s: Written Question

Senator Payne asked:

Please explain why the National Partnership Agreement that would define the national rail safety regulators powers and roles will not be considered until 2010 and 2011?

Answer:

In December 2009, the Council of Australian Governments (COAG) agreed to consider a National Partnership Agreement in 2011 to implement the National Rail Safety Regulator by the end of 2012.

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Question No.: ISTP 14

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Dangerous Goods by Rail, not Road

Hansard Page/s: Written Question

Senator Nash asked:

Unfortunately, over the Christmas period there were a number of fatalities involving trucks. I note that the Rail, Tram and Bus Union are calling for a ban to the long distance road transport of dangerous goods. Hypothetically, if such a ban or a limited ban was to be put in place what kind of additional burden would that put on our rail network?

Answer:

It is not possible to provide a factual answer to this hypothetical question.

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Question No.: ISTP 15

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Dangerous Goods by Rail, not Road

Hansard Page/s: Written Question

Senator Nash asked:

Would our rail networks be any safer in handling dangerous goods?

Answer:

Road and rail transport apply the same set of model regulations and a technical safety code, the Australian Dangerous Goods Code – 7th edition. These requirements, based on United Nations model regulations, are designed to provide a safe transport system which minimise the risks of injury, property damage and environmental harm arising from the transport of dangerous goods, whether by road or rail.

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Question No.: ISTP 16

Division/Agency: Infrastructure and Surface Transport Policy

Topic: Government Response to Rebuilding Australia's Coastal Shipping Industry

Hansard Page/s: Written Question

Senator Nash asked:

I refer to the report Rebuilding Australia's Coastal Shipping Industry: Inquiry onto Coastal Shipping Policy and Regulation tabled in October 2008 by the Standing Committee on Infrastructure, Transport, Regional Development and Local Government. As you will be aware this report made several recommendations regarding competitiveness of the Australian industry, training of maritime employees and the need review some existing legislation.

1. Have the recommendations of that report been considered to date?
2. If yes, which of the recommendations have been considered?
3. Which of the recommendations are yet to be considered?
4. What is the timeframe for the Government to consider the report in detail?
5. What is the status of Recommendation 2 calling on a 2000 review of the *Navigation Act 1912* be completed and amendments made to Part VI of the Act?
6. What is the status of Recommendation 10 recommending the establishment of one national maritime training authority?
7. What discussions have been held with the Department of Education, Employment and Workplace Relations in relation to this investigation?
8. If no discussions have taken place, when will they take place?

Answer:

1. to 6. The Government is considering all recommendations from the Standing Committee's report. A response to the recommendations has not been finalised.
7. to 8. To assist the preparation of the response, the Department has engaged in discussions with a range of stakeholders, including the Department of Education, Employment and Workplace Relations.