

Question on Notice

No. 1212

Asked on Tuesday, 17 June 2016

MR SEENEY asked the Minister for Transport and the Commonwealth Games (HON S HINCHLIFFE) —

QUESTION:

With reference to section 156(3)(a) of the National Heavy Vehicle Law (NHVL) which provides 'The road manager may decide not to give the consent only if the road manager is satisfied' the application 'poses significant risks to public safety arising from heavy vehicle use that is incompatible with road infrastructure or traffic conditions' and section 156(3)(b) which provides 'It is not possible to grant the authority subject to road conditions or travel conditions that will avoid, or significantly minimise' the damage or risk and section 156(6) which requires the road manager to provide the regulator 'a written statement that explains the road manager's decision and complies with section 172' for each application where the department as road manager has refused to grant consent—

Will the Minister advise (a) the legal ramifications and the range of penalties for councils as road managers that do not comply with NHVL and continue to unilaterally refuse to grant consent to applications for heavy vehicles, and (b) what recourse is available to transport operators and their business customers who are negatively impacted by continued non-compliance of a road manager with the NHVL?

ANSWER:

I thank the Member for Callide for the questions.

The Heavy Vehicle National Law does not contain any penalty provisions for road manager decisions and associated road access conditions.

The Heavy Vehicle National Law contains provisions relating to reviews and appeals. Section 641 directly relates to applying for internal review and states, *a dissatisfied person for a reviewable decision may apply to the Regulator for a review of the decision*. For the purpose of the Law a reviewable decision means *(a) a decision mentioned in Schedule 3; or (b) a decision made under the national regulations prescribed as a reviewable decision for the purposes of this Chapter*.