



Minister for Transport and Main Roads

Our ref: PET 41409
Your ref: A685324

10 June 2021

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Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to petition 3458-21 lodged with the Legislative Assembly by Mr Mark Boothman MP, Member for Theodore on 11 May 2021 about increased penalties for unsafe vehicle loads.

The Palaszczuk Government is committed to maintaining a robust regulatory framework to ensure vehicles used on Queensland roads are safely loaded, however does not agree that the penalties for unsecured or inappropriately loaded vehicles need to be harsher.

The penalties for unsafe loading of light vehicles are under the Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010, and under the Heavy Vehicle National Law (HVNL) for heavy vehicles. The HVNL was established in 2014 to create a uniform national law for heavy vehicle operations. As a result of the separation of the light and heavy vehicle legislation, there are different penalties that apply to light and heavy vehicles.

The maximum court-imposed penalty for a person in control of a 'light vehicle' not ensuring a load on it is stable, safe, and secured is \$2669 for a private vehicle, or \$4003.50 for a prescribed vehicle. A prescribed light vehicle includes a public passenger vehicle, a dangerous goods vehicle, or licensed driver training vehicle.

The maximum court-imposed penalties for unsafe loading of a 'heavy vehicle' under the HVNL are categorised based on the severity of the breach. The maximum penalty is \$3000 for a minor risk loading breach, \$5000 for a substantial risk breach, and \$10,000 for a severe risk breach.

Penalty Infringement Notices (PINs) are on the spot fines that may be issued at the discretion of the issuing officer for some offences. A PIN carries a lower penalty and allows the person who is issued a PIN to assume guilt and pay the lower penalty without attending court. The PIN amount for unsafe loading are:

- \$400 (three penalty units) for a light prescribed vehicle
- \$266 (two penalty units) for other light vehicles
- \$341 for a heavy vehicle minor breach
- \$571 for a heavy vehicle substantial breach
- for a heavy vehicle severe breach, there is no PIN as the breach must be heard in a court.

Penalties for traffic offences in Queensland are determined according to the risks and dangers associated with the behaviour by linking the severity of the penalty with the degree of the crash risk. Coupled with financial penalties, demerit points provide a way of sanctioning drivers who persistently drive unsafely.

Demerit points are primarily applied to offences that relate to the operation of a vehicle and are intended to provide drivers with a strong incentive to correct unsafe driving behaviours before escalation to harsher penalties, such as licence suspension. The offence for unsafely loading a light vehicle does not carry demerit points as it applies broadly and can include persons other than a driver.

The petitioners' request to increase penalties equivalent to mobile phone use while driving would result in penalties not equitable to the road safety risk posed by unsafe loading. In cases where there are identified severe road safety risks, there are options for courts to impose higher penalties than for mobile phone use.

Compliance officers from the Queensland Police Service and Department of Transport and Main Roads will continue to undertake compliance and enforcement activities throughout Queensland to manage the risk of unsafe loading practices.

I would like to thank all petitioners for bringing their concerns to the attention of the House and I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Mark Bailey', with a long, sweeping underline that extends to the right and then curves downwards.

MARK BAILEY MP
Minister for Transport and Main Roads