

ROAD TRAFFIC (VEHICLES) BILL 2007

Introduction and First Reading

Bill introduced, on motion by **Ms A.J.G. MacTiernan (Minister for Planning and Infrastructure)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MS A.J.G. MacTIERNAN (Armadale - Minister for Planning and Infrastructure) [12.39 pm]: I move -

That the bill be now read a second time.

The Road Traffic (Vehicles) Bill contains the legislative framework for vehicle licensing, which has been moved from the Road Traffic Act. It also consolidates mass, dimension and load restraint offences and the Commissioner of Main Roads' power to manage access to the road network for oversize and over-mass vehicles, which were previously contained in the vehicle standards regulations. In relation to the provisions contained in the 2003 model Road Transport Reform (Compliance and Enforcement) Bill, the Road Traffic (Vehicles) Bill introduces key compliance components of that bill.

As I said in introducing the previous bill, improved compliance and therefore safety is to be achieved in this bill by extending the level of accountability to include consignors, packers, loaders and consignees or receivers. Currently, the legislation focuses only on owner-drivers. This extended accountability is colloquially referred to as the chain of responsibility and is supported by the introduction of search powers and a broader range of vehicles.

The Road Traffic (Vehicles) Bill will introduce a "reasonable steps defence". This new defence is being made available to all parties in the transport chain and complements the increased legal liability that is the fundamental component of the new regime. The bill will also create risk categorisation of breaches to provide for a more equitable treatment of offenders; give the compliance agency the ability to issue improvement notices to businesses to rectify defective systems that may lead to a breach of the mass, dimension or load restraint requirements; and require container weight declarations for vehicles transporting multi-modal shipping containers. These declarations will assist operators in identifying the appropriate vehicle to transport the container, and drivers will not be permitted to drive these vehicles without a valid container weight declaration. The bill will also introduce commercial benefits penalty orders to allow courts to penalise offenders up to three times the commercial benefit that was gained by the illegal transport activity, providing a disincentive to persons seeking to gain a commercial advantage by operating illegally; enable courts to directly affect the operation of parties involved in road transport by imposing supervisory intervention orders and prohibition orders targeting specific commercial activities; and provide for courts to suspend or cancel vehicle licences where the vehicle has been operated in breach of the mass, dimension or load restraint laws.

This bill will provide a more robust and comprehensive legislative framework to maximise the effect of compliance activities on parties that persistently disregard the mass, dimension and load restraint requirements in order to gain a commercial advantage. I commend the bill to the house.

Debate adjourned, on motion by **Mr T.R. Sprigg**.