

**ROAD TRAFFIC LEGISLATION AMENDMENT BILL 2011**

*Receipt and First Reading*

Bill received from the Assembly; and, on motion by **Hon Norman Moore (Leader of the House)**, read a first time.

*Second Reading*

**HON NORMAN MOORE (Mining and Pastoral — Leader of the House)** [9.25 pm]: I move —

That the bill be now read a second time.

The Road Traffic Legislation Amendment Bill 2011 is part of an important suite of legislation that will enable the introduction in Western Australia of outcomes contained in the model Road Transport Reform (Compliance and Enforcement) Bill unanimously endorsed by Australian Transport Council ministers.

As members heard during my speech regarding the Road Traffic (Vehicles) Bill 2011, the reform will broaden liability for breaches of vehicle mass, dimension and load restraint requirements. Too often, targeting drivers and owners does not have the effect of promoting improved practices along the transport chain. For this reason, the reform will enable other parties who have also had control over a step or steps in the process of distributing goods by road to be held responsible for such breaches in relevant circumstances.

Introduction of the reform has necessitated a restructure of the Road Traffic Act 1974. Currently, the Road Traffic Act 1974 contains provisions regulating driver and vehicle licensing and traffic matters. Under the restructure driver licensing provisions will be deleted from the Road Traffic Act 1974 by this bill and will form the substance of the Road Traffic (Authorisation to Drive) Act 2008, which has been passed and is awaiting commencement; and vehicle licensing provisions will be deleted from the Road Traffic Act 1974 by this bill and will form the substance of the legislation that is now before this house in the form of the Road Traffic (Vehicles) Bill 2011; and traffic regulation matters will be contained in what remains of the Road Traffic Act 1974; and administrative matters pertaining to all three statutes will be contained in the Road Traffic (Administration) Act 2008, which, again, has been passed and is awaiting commencement.

The Road Traffic Legislation Amendment Bill 2011 will also amend the Road Traffic Act 1974 to make terms used in it consistent with terminology in the Road Traffic (Authorisation to Drive) Act 2008, the Road Traffic (Vehicles) Bill 2011 and the Road Traffic (Administration) Act 2008; and make necessary consequential amendments to all other Western Australian statutes impacted by the introduction of the reform.

Finally, this bill will make a number of minor amendments to the Road Traffic (Administration) Act 2008. Two in particular are worthy of mention as they have been included in response to industry concerns raised during extensive consultation undertaken by this government.

Clause 218 of this bill will amend section 70 of the Road Traffic (Administration) Act 2008, which deals with new laws relating to the seizure of evidence. Industry expressed concern that section 70 will not impose any requirement upon an officer to provide copies to a person who is or appears entitled to possession of documents seized as part of an investigation. Such documents could include transport manifests, loading schedules, journey documentation and contracts, all of which can be crucial to transport operations. To address this concern, the bill will amend section 70 to enable an entitled person to obtain copies of any documents seized by an officer in the course of an investigation.

Clause 219 of this bill will amend section 105 of the Road Traffic (Administration) Act 2008, which concerns who may commence prosecution proceedings for offences created under the reforms. I have already explained that the Road Traffic (Vehicles) Bill 2011 will extend the current liability for breaches of vehicle mass, dimension and loading requirements from drivers and vehicle owners to other parties throughout the transport chain. This is to ensure that all parties with responsibility for activities that affect compliance with these requirements will be held accountable if they do not meet those responsibilities. During the consultation I have referred to, industry expressed the strong view that this policy stance needs to be balanced by measures that will ensure that these new laws are enforced appropriately and in accordance with the spirit in which they have been developed. To address this concern, clause 219 of this bill will amend section 105 to provide the safeguard that a prosecution for a breach of a vehicle mass, dimension or loading requirement will require the approval of a prescribed person or a person of a prescribed class, such as a senior officer.

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party. Nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 4291.]

Debate adjourned, pursuant to standing orders.