

ROAD TRAFFIC AMENDMENT BILL 2001
ROAD TRAFFIC AMENDMENT (VEHICLE LICENSING) BILL 2001
ROAD TRAFFIC AMENDMENT (VEHICLE LICENSING) (TAXING) BILL 2001

Cognate Debate

On motion by Hon Kim Chance (Leader of the House), resolved -
That leave be granted for the Bills to be debated cognately.

Second Reading

Resumed from 2 August.

HON ALAN CADBY (North Metropolitan) [9.41 pm]: In keeping with a responsible Opposition that bends over backwards to assist this Government to pass its legislative program, we will endeavour to keep our remarks brief to assist the passage of the Bill.

Hon Kim Chance: Where have you been all my life?

Hon ALAN CADBY: I have been sitting in this place very quietly since 22 May.

The transport industry is of vital importance to the people of Western Australia. It is imperative that we ensure well-managed regulation of the industry in times of major technological changes. The Bill will assist in making regulations to promote the safe and efficient transportation of goods within and across the State. The Liberal Party supports the Bill, which makes minor amendments to the Road Traffic Act that are necessary to support the making of regulations to accommodate two national road transport reforms in Western Australia. The first reform relates to national standards in such areas as design, construction, equipment, noise and exhaust emissions. The second reform is the implementation of operating standards for heavy vehicles on public roads to ensure the safety of other users.

The Bill gives power to the Director General of Transport to grant exemptions to enable activities such as city parades to continue despite modifications made to vehicles in the metamorphoses from heavy vehicles to designer floats. The recommendation by the Standing Committee on Legislation to limit the adoption of external driving changes from time to time via the inclusion of line 5 of clause 6 on page 4 of the Bill is acceptable to the Opposition. We therefore support the addition of proposed section 111(2)(d) and (daa).

I move now to the Road Traffic Amendment (Vehicle Licensing) Bill and the Road Traffic Amendment (Vehicle Licensing) (Taxing) Bill. The Opposition believes that these are good Bills that are needed to clarify the dynamics of the licensing of vehicles, especially vehicles used in the agricultural industry and interstate transportation.

Because my experience in this area is limited, the main opposition speaker on this legislation will be Hon Bill Stretch. The pro rata licensing proposition in clause 9 will be beneficial to farmers, who will have the opportunity to licence vehicles for the period of usage rather than for a fixed term. It will also give more certainty to the licensing requirements of their tools of trade by providing increased flexibility through regulation. The legislation will stop transport operators from shopping around to find the cheapest licensing State for their vehicles. The notion of proof of residence by showing a drivers licence and the idea of a garage address, as contained in the legislation, will hopefully stop this practice. As the legislation was initiated by the coalition, the Opposition will support the Bills through this House.

The committee reported that it accepted that it is preferable that definitions of terms be defined in the Act, rather than in regulations. We support recommendations 2, 3 and 4 to amend this legislation. From our briefing, it was determined that the advantage of the Bills was in creating flexibility for users. By putting these provisions in the Act, rather than in regulations, it is hoped that the flexibility of the Bills will not be affected.

HON M.J. CRIDDLE (Agricultural) [9.46 pm]: As members may know, I have had a fair bit to do with these Bills.

Hon Derrick Tomlinson: Are they the member's Bills?

Hon M.J. CRIDDLE: It could be said that they have gone through a process. It has taken some time to get them through the national process. The member would be well aware that all heads of government entered into a national agreement. The transport ministers conference agreed to national standards for vehicles. That is the origin of the Bills.

This is very good legislation. The Road Traffic Amendment Bill deals with standards for construction equipment, noise levels and exhaust emissions. We need to have a clear understanding of the way exhaust emissions are measured and the necessity for commonsense. I hope members recognise that the 10-second rule for exhaust emissions needs to be applied sensibly so that vehicles are able to operate in a reasonable fashion and the industry can proceed without any unnecessary regulation being placed on it. Uniformity should be achieved.

The other scheme regulates heavy vehicles to achieve easier cross-border movement. Many provisions are designed to allow vehicular traffic to flow. It will eliminate the unnecessary duplication of resources and regulations in the vehicle licensing process. It will streamline the process and contribute to efficiency by removing the differences between the States. It is something we all want to see.

A member mentioned the need for flexibility. That needs to be recognised. Vehicles, farm machinery and the construction industry change from time to time. We need to make changes at appropriate times to accommodate such vehicles and machinery. There has been some debate about that, and it should be allowed to take place. I have said from the outset that I am very comfortable with this legislation. It will provide the transport industry across Australia with the uniformity it requires and will enable vehicles to move from State to State. Some sectors of the heavy haulage industry in Western Australia have unique features, and they also need to be accommodated. There was a necessity for this State to have some differences, but by and large this is very appropriate legislation for the present.

HON J.A. SCOTT (South Metropolitan) [9.50 pm]: Remarkably, the uniform nature of the legislation is matched by the uniform feelings in the Chamber. The Greens (WA) also support this legislation. It is sensible legislation which makes the different state descriptions of road vehicles uniform, it improves efficiency and it is designed to create safer roads for us all. It is very sensible legislation. Having sat through the delegated legislation committee's consideration of the regulations involved with the fastening of loads, I have one niggling concern. That was probably some of the most complicated delegated legislation I have seen, in that it expected truck drivers to understand G-forces, the forces at which they could travel around corners and the effects on the strappings of their loads and so forth. I hope that the regulations that come with this legislation are not only good regulations, but also are easily understood by the people driving trucks. I do not wish to cast aspersions on truck drivers, but not everybody who drives a truck understands physics. I hope the regulations are sensible in their descriptions. I support the legislation.

HON W.N. STRETCH (South West) [9.52 pm]: Again, this legislation shows the value of the committee system. This Bill came through the Legislative Assembly with a slight amendment. The committee looked at it very hard and actually moved that the lower House amendment be dropped, so it reverted to its original form. This legislation was well researched by the committee, ably assisted by some excellent staff and advisers from the ministerial departments. In the end, we came up with some pretty good recommendations. You in particular, Mr President, would not be surprised to know that since the report came out I have had second thoughts about yet another report of a committee in which I participated. I believe that the definition referred to by Hon Murray Criddle has been taken out and put into this legislation. In retrospect, it is probably better dealt with by regulation. That was brought home to me very clearly when we decided that motorbikes and off-road vehicles should be listed by description in the Road Traffic Amendment Bill, later to become the Act. That seemed a sensible idea at the time because we are very suspicious about Henry VIII-type legislation. I then went back to my electorate, which is my wont, and was confronted by a farm motorbike which was also registered to go on the roads and which defied description under the proposed legislation. I thought I had better look at this, because what was normally a two-wheel motorbike had become a four-wheel motorbike, of which there are many; and, bless my heart, I then saw a six-wheel motorbike. I thought that the committee would have to bring this damn legislation back to the Parliament and amend the definition of motorbikes to include six-wheel motorbikes, but we could live with that. However, I went to a recent agricultural show and I saw a machine called a Gator, which had eight wheels. It was getting faintly ridiculous. When I looked at off-road vehicles it was mind-boggling. They can include Volkswagens that have been cut down and have all sorts of modifications, but which can be licensed to move around. I then saw one vehicle with dual wheels, which goes better around the sandhills. I was concerned that the Parliament would have to spend all its time amending the legislation to keep up with the imaginative or, at least, innovative inventors of these sorts of vehicles - and that is only motorbikes.

Hon Kim Chance: To complicate matters, certain horticultural trucks are licensed as motorcycles, whereas other trucks of the same description are licensed as trucks, or in some cases tractors.

Hon W.N. STRETCH: Yes, it is complicated. I hesitate to think what our friends the Democrats might do if they got into GST-type legislation: what is a truck or a motorbike; if it is a garden tractor, will it attract GST or not; and does it do all sorts of things? Perhaps if it is used on the farm it will not attract GST, but if it is used in the garden it will, and vice versa.

Hon Kim Chance: The Commonwealth's import regulations are even more confusing.

Hon W.N. STRETCH: That is true. The driving force behind this legislation was to create national standards. That is admirable, but it also brings complications. They arise in the case of agricultural equipment, in which I am very interested, of course. At the moment a great number of our agricultural implements and mining machinery are made overseas. In fact, the Australian market for combine harvesters and tractors, as a share of the world market, is about one per cent. The difficulty is that most of this equipment is manufactured according to European or American standards. If we automatically accept the Australian design standard, many of those vehicles will not be compatible with overseas manufacturing standards. Take for argument's sake stop lighting on agricultural vehicles. That was straightforward when one had only to put one's foot on the brake pedal and the stoplights went on. We now have hydrostatic drive, which does not use brakes, so we do not have brakes. What do we do about the standard for stoplights when many of the vehicles are not fitted with stoplights? That means all sorts of modifications. In most farm machinery airconditioners are fitted as standard. However, they are not designed for Australian conditions. They are made to work to a maximum temperature of about 80 degrees Fahrenheit. When they are used in Australian conditions, the temperature in the harvester's cab can be 140 or 150 degrees, and the dear old things just die - the airconditioning units, not the drivers! The drivers usually take evasive action some time before that. Unfortunately, if we cannot modify those machines without some sort of simplified code, or easily understandable, recognisable and alterable regulation, we will run into trouble. It is not only a matter of regulation in these instances, but also in the ever-changing market and demand for modifications in niche markets. Australia has only one per cent of the world market, and it needs a flexible system. Parliament does not want to be racing in with new regulations all the time. Western Australian agricultural conditions are much harsher than in not only North America, Canada and Europe, but also the eastern States, with the possible exception of Queensland, where the problem is often humidity, rather than the straight-out hot, dry temperatures experienced in Western Australia.

We have the same problem with cooling radiators and cooling systems in imported machinery. Many of the radiators fitted as standard are simply not adequate. Wider fin spacings, a bigger fan draw and a heap of other things are needed, and they are not covered under the standards for manufacture in Europe.

Debate adjourned, pursuant to standing orders.