

**MAIN ROADS AMENDMENT BILL 2023**

*Consideration in Detail*

Resumed from 14 June.

**Clause 37: Section 29 amended —**

Debate was adjourned after the clause had been partly considered.

**Mr R.S. LOVE:** I think we finished on some of the issues around what the land was being used for and the acquisition of land for other purposes. I think the minister was about to respond to something that I had asked when the debate was terminated. We were talking about the acquisition of freehold land by the commissioner and some of the uses for it. I think we had largely concluded debate on this clause. There was a question that the minister was about to answer, but I think it was only a minor matter. With that, I might accept that we have already debated this matter and move to the next clause when ready.

**Clause put and passed.**

**Clauses 38 and 39 put and passed.**

**Clause 40: Part 10A inserted —**

**The ACTING SPEAKER (Ms M.M. Quirk):** The question is that clause 40 stand as printed. The member for Roe.

**Mr R.S. LOVE:** The member for Roe is not here, unfortunately. The member for Moore might do.

**The ACTING SPEAKER:** Sorry—the Leader of the Opposition.

**Mr R.S. LOVE:** As the minister knows, this clause deals with the introduction of costs and charges. I think it is outlined fairly well and we spoke about this a little bit when we talked about the voluntary charges, but these will be imposed costs or costs that are developed with a developer and others. Can the minister explain to me how, when dealing with a developer or other user, the commissioner will develop a framework around the costs and charges that will be applied? Will it be on a case-by-case basis? Will there be standard fees? Will it be a prescribed amount? Perhaps the minister could outline how it will work.

**Ms R. SAFFIOTI:** It will be a combination of the two. Currently, agreements are done on a case-by-case basis, particularly as driveways or other works might interact with the road network. Advertising signs is an example of when there might be a consistent policy. A valuer might value the land and potentially the rental cost, or there might be some sort of mechanism for an agreed way of charging. This will enable the agency to charge for the use of roadsides for commercial purposes. The member talked about rest areas. Rest areas are a major issue for us. It would be great to have the ability for third parties, such as trucking companies, to establish and manage them in the future—or it could be anyone. There are a lot of options for what could be developed in the future. There will be a combination. I suspect it will still be done on a case-by-case basis, because every development will have a unique interaction. There may be different costs and charges for access to private developments. There may be things like a policy for advertising, including limiting it and the type of charge that would be applied.

**Mr R.S. LOVE:** It is fairly well laid out in the explanatory memorandum and in the bill itself. Proposed section 33(1)(f) reads —

a person for the cost of additional wear to a highway or main road on account of the use of that road by a heavy vehicle or for work required in connection with the use of a highway or main road by an oversized vehicle.

There are a couple of questions there. First, could this proposed paragraph be used to introduce a standard toll on a particular road?

**Ms R. SAFFIOTI:** The 2015 bill had that clause, but we excluded it from this bill. This is not about a toll; this is about agreements that could be struck with major companies that may want to use a particular road for their operations to help recover some of the costs of that. As the member knows, that already happens with some local governments across this state, but this is about trying to get a more consistent and fair framework. We specifically excluded a toll from this legislation.

**Mr R.S. LOVE:** I was aware that that had been announced, but from my reading of this, it appears to be a fairly broad power to provide for a cost. How will the cost of additional wear to a highway or main road be calculated by the commissioner? Will it have to match some sort of metric for additional expenditure on the road or could it be any amount of money that may or may not exceed, or even reach, the cost of the additional wear?

**Ms R. SAFFIOTI:** This goes back to our normal maintenance practices. There are already methodologies involved in determining wear and tear—for example, the bulk concessional loading scheme. Main Roads normally looks at the size and weight of the truck and the impact it would have on the road. This is about addressing those issues. Methodologies are already used to work out other costs that are determined by agreement.

**Mr R.S. LOVE:** The minister again mentioned the concessional loading scheme and what that outlines, but that scheme involves a voluntary fee in exchange for using vehicles that are over the normal specification on the road. In this case, the bill merely mentions a heavy vehicle. From my reading of this, any heavy vehicle could become subject to the charge; it would not have to be a heavy vehicle that receives some sort of concession. Could the minister confirm that—yes or no?

**Ms R. SAFFIOTI:** It has that potential down the track, but the point is to look at both the size and number of vehicles, because they are the two factors that would have an impact on wear and tear. A mining operation might want to send a certain volume along a particular road, and it might be a high volume that would potentially have an impact on the road network. As I said, we see this as a way of making sure that if there is extraordinary use of a road that would cause particular wear and tear, there is an ability to recover the additional costs. It is an issue that local governments raise with me all the time. It relates to the state network, but there is an issue about how we can better support road maintenance across the regions.

**Mr R.S. LOVE:** Is the minister suggesting that this charge could be used by the commissioner for a local government road, as well as a main road?

**Ms R. SAFFIOTI:** No. I am saying that the issue has been raised with me a lot by local governments. They care about the condition of state roads in their areas. I know that there is a lot of concern in the Yilgarn area, particularly about Great Eastern Highway for example, as more and more mineral resources are developed in that area. One issue that shires in that area have raised with me is heavy usage on some of the roads, particularly usage by major resource companies.

**Mr R.S. LOVE:** Just on the final part of proposed paragraph (f), it mentions the words “in connection with the use of a highway or main road by an oversized vehicle”. Can the minister outline what sort of work that might be? Might it potentially be the raising of powerlines or the widening of roads or bridges? What sort of work is being referred to there?

**Ms R. SAFFIOTI:** Yes; they were good examples.

**Clause put and passed.**

**Clauses 41 and 42 put and passed.**

**Clause 43: Part 12 replaced —**

**Mr R.S. LOVE:** This clause will delete part 12 and insert a new part 12 with protection from liability for wrongdoing. The explanatory memorandum explains that, by its nature, the road business is risky. Will this protection from liability for wrongdoing extend to commercial activities proposed to be introduced to the remit of the Commissioner of Main Roads under this legislation?

**Ms R. SAFFIOTI:** This relates to only Main Roads WA employees; it will protect direct employees from being sued. I understand that it will not protect the commissioner or the state. Action could still be taken against the commissioner or the state, but not directly against an employee.

**Mr R.S. LOVE:** Under proposed section 37(3) —

... regulations may be made for any or all of the following purposes —

- (a) prescribing matters for or in respect of which fees may be charged under this Act and prescribe the amount of those fees (including fees for access onto highways and COA road sections);

The fee is not calculated on the actual cost. Could the minister give an indication of the nature of things that could be applied to develop those prescribed matters?

**Ms R. SAFFIOTI:** The team will be developing further policies around this, but I suspect it will take into account, in some instances, what would be seen as the land value, an appropriate rate of return or rental return and also the purpose for which the fee is set. We are developing policies, but, of course, a number of issues will be considered to make sure they are appropriate.

**Mr R.S. LOVE:** Proposed section 37(3)(e) states —

regulating the removal, storage, forfeiture and sale or other disposal of vehicles, goods and animals left on designated places;

Has there been a particular issue with this? I do not see roadsides littered with abandoned cars, goods or animals. Perhaps the minister could explain why that proposed paragraph is necessary.

**Ms R. SAFFIOTI:** This is a key issue for road train assembly areas, where people might camp and leave a lot of goods. One of the complaints from truck drivers is that dedicated truck areas are being used by illegal campers. That seems to be a big area of concern for truck drivers and the trucking industry.

**Clause put and passed.**

**Clause 44 put and passed.**

**Title put and passed.**

*As to Third Reading — Standing Orders Suspension — Motion*

On motion without notice by **Mr D.A. Templeman (Leader of the House)**, resolved with an absolute majority —  
That so much of the standing orders be suspended as is necessary to enable the third reading of the Main Roads Amendment Bill 2023 to be moved forthwith.

*Third Reading*

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [10.36 am]: Madam Acting Speaker —

**Mr R.S. Love:** Was that motion to suspend the standing orders to move the motion?

**Ms R. SAFFIOTI:** Yes, so I will now move that the bill be read a third time. That will give the Leader of the Opposition an opportunity to speak.

**The ACTING SPEAKER (Ms M.M. Quirk):** It was so that the minister could move that the bill be read a third time.

**Mr R.S. Love:** I thought we were going to discuss it further and not rush it.

**The ACTING SPEAKER:** Sorry; if you would like to come up here, I have other things I could do. The minister has the call.

**Ms R. SAFFIOTI:** I move —

That the bill be now read a third time.

**MR R.S. LOVE (Moore — Leader of the Opposition)** [10.37 am]: I will speak briefly to the third reading of the Main Roads Amendment Bill 2023, but in doing so, I just highlight that we have passed a suspension of standing orders motion to enable discussion of the bill. Perhaps the minister might explain why that was necessary.

**Ms R. Saffioti:** Because you asked for it to be deferred the other day. Otherwise, we could have done it the other day.

**Mr R.S. LOVE:** I did not ask for it to be deferred the other day.

**Ms R. Saffioti:** You did! You said you were not here; that is why we could not go into consideration in detail.

**Mr R.S. LOVE:** I do not recall which day the minister is talking about.

**Ms R. Saffioti:** It was budget day. I was ready to deal with it all day.

**Mr R.S. LOVE:** I was here on budget day.

**Ms R. Saffioti:** No. Parliament was sitting. I was prepared to debate the bill all day. The Whip was informed that you wanted —

**Mr R.S. LOVE:** The minister can get up and explain that on her feet at the appropriate time.

**Ms R. Saffioti:** Okay, I will. Don't ask for a deferral and then complain about it.

**Mr R.S. LOVE:** Perhaps I might be able to make my contribution now.

**The ACTING SPEAKER:** Leader of the Opposition, you asked for that. You can proceed. I now understand that you do not want interjections, but if you make inflammatory comments, that is what you are going to get, especially from that member.

**Mr R.S. LOVE:** Thank you for your very limited protection, Acting Speaker.

We dealt yesterday with a quite substantial amendment to the bill. I was not offered a briefing on that, which was disappointing. I made that point. I am outlining this because there was an amendment —

**Ms R. Saffioti:** It was on the notice paper for three weeks.

**Mr R.S. LOVE:** The amendment was quite far reaching and the opposition should have been given a briefing on it. The minister said that yesterday, so I ask her not to contradict herself. In view of that, I think there could be an explanation of the proposal for next week. The government had to move the suspension of standing orders motion today so that the bill can go to the Legislative Council. Will the government perhaps try to rush the bill through the other place next week? That is what I am wondering, so that I can prepare my colleagues in that place for the

process going forward. It is fair enough for our side to ask a question about the timing of the process. If that is the case, we will have to have further briefings in that time. I am asking the minister whether she can outline that, because the amendment was quite substantial and could be controversial in some areas. We need to have the opportunity to understand the amendment and know when the bill might be coming on for debate so that we can be prepared and talk to relevant groups about the issues that it encapsulates.

In closing, I will say that until now we have had quite good discussions through consideration in detail. I think that everything that needed to be said about the bill and some of its implications were laid out in the second reading debate and consideration in detail stage. I invite anybody who wants to go into the detail of the intentions of the clauses to look at the consideration in detail debate. I thank the minister for her answers throughout consideration in detail. I would also like to thank the advisers who contributed throughout that time; I appreciate that they had to come back for a second day for a fairly short period so that we could conclude the consideration in detail stage. As always, I thank them for their professionalism and good advice to the chamber.

With that, I will conclude my contribution and allow the minister to wrap up.

**MR D.A. TEMPLEMAN (Mandurah — Leader of the House)** [10.40 am]: I am happy to respond to some of the questions about the progress of the Main Roads Amendment Bill 2023, which I think is important.

As the member for Moore would know, on Fridays I write to the opposition about the intended program that will be debated by this house. Included in the letter, of course, is the list of legislation for debate and the government's intention to pass a certain number of bills by the close of business on Thursday. It was always the government's intention to pass this bill by the close of business today, and that was made apparent in the letter that I sent to the manager of opposition business on Friday. We could have dealt with the bill by sitting a bit later last night. The intention, though, was always to pass this bill today. The procedural motion to suspend standing orders was simply to allow us to go forth with the third reading at the conclusion of the consideration in detail stage, according to the wording of the motion that we passed, so that the third reading of the bill could be passed today and the bill could then go to the other place. It was certainly not our intention to rush this bill at all. If we pass the third reading, the bill will simply progress to the other place, which will deal with the bill as it sees fit in its program. I assure the house that there is no intention to rush the bill.

The manager of opposition business is in the chamber now, and he will be aware of the letter. I was just referring to the letter that I write to him each Friday about the following week's legislative program. This bill was listed, and the intention was to pass it through all stages by the close of business today. I do not have the letter in front of me, but if he refers to the letter, he will see that I highlighted that if further time was required by the opposition, we would make those arrangements available. That opportunity was, of course, there last night if required, but we have dealt with the bill in consideration in detail and we are now debating the third reading. I hope that assurance is understood.

**MS R. SAFFIOTI (West Swan — Minister for Transport)** [10.43 am] — in reply: I thank members for their contributions to the Main Roads Amendment Bill 2023. I also thank the advisers at the table: Murray Robinson, Charlie Marks and Simone Bloom. It is a bill to help modernise the Main Roads Act and allow Main Roads to undertake activities and help support road construction and maintenance.

While I am on my feet, I want to outline that I do not mind that we have a very nice Leader of the House and a very nice Whip who go out of their way to support the opposition. They do, and we all acknowledge that. I always say that the Leader of the House and the Whip are too nice and are too conciliatory, but we all accept that because we want to live in a harmonious chamber. We know that it is tough having only six members on the other side, and that is why they go out of their way.

When I was ready to go into the consideration in detail debate and the Whip said that the Leader of the Opposition would not be around so we could not do that, I accepted that and did not make a point of it. To ensure that we could manage our legislation, we moved a simple suspension of the standing orders today to allow us to do the third reading after the consideration in detail stage. I do not expect to be criticised for that or for the opposition to play the victim. The only reason this is happening is because we facilitated the opposition's management of its duties. Do not do that; do not get an agreement to defer something to satisfy the opposition's duties—I will not say exactly what duties I think they were—and then come back and criticise us. That is completely unfair. The opposition then played the victim and said, "Oh, they are rushing this through!" We are doing this only because of the opposition. I was ready. I would have preferred to do other things today, but I am here debating this bill because of the way the opposition wanted to manage its time. We are doing it, and we are debating this bill.

Yes, we should have offered a briefing on the amendment, but it has been on the notice paper for three weeks. The opposition did not request a briefing either. Again, we would have offered a briefing, and we will offer a briefing for the upper house.

I am very proud of this bill. The opposition should not come in here and play the victim and accuse us of doing this and that. The Leader of the House and the Whip go out of their way to help the opposition; they stand up to give

the opposition the numbers it needs for a motion to attack us for an hour. The opposition would never have done that in government—I tell you that!

**Mr D.A. Templeman:** I am far too generous. It is a wonder I haven't been expelled!

**Ms R. SAFFIOTI:** He is far too generous. He stands up to join motions condemning us. One day, someone will look back at *Hansard* and say, "What a disloyal Leader of the House we had! He was standing up and joining the opposition."

**Mr D.A. Templeman:** Can you imagine what they'll say for my condolence motion?

**Ms R. SAFFIOTI:** They will be reading it and thinking the former member for Mandurah was a theatrical type who seemed very disloyal as he joined the opposition on 27 occasions to condemn his own cabinet for its performance.

Please do not criticise us for these types of things. The opposition should understand the deals it has done and understand that we go out of our way to help opposition members manage their diaries. It should not come in here and criticise and play the victim.

I thank everyone very much for their support for the bill. I thank everyone for the third reading.

Question put and passed.

Bill read a third time and transmitted to the Council.