

ROAD TRAFFIC (ADMINISTRATION) 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) [12.43 pm]: I move -

That the bill be now read a second time.

The Road Traffic (Administration) Bill introduces various components of the model provisions contained in the Road Transport Reform (Compliance and Enforcement) Bill, required to effectively investigate and enforce breaches of the mass, dimension and load restraint requirements throughout the road transport chain. The bill also incorporates numerous provisions that have simply been moved from the Road Traffic Act 1974. These relate to general and administrative matters and enforcement powers, such as the power to stop vehicles, demand the name and address of a driver, remove vehicles causing obstruction or danger and conduct examinations to ensure compliance with the various vehicle standards.

The bill contains provisions from the model bill that will enable enforcement staff to search vehicles and business premises, under limited circumstances, for the purpose of gathering evidence of suspected mass, dimension and load restraint breaches. The bill will also empower enforcement staff to require various parties connected with the transport of goods to produce documentation, and provide information or reasonable assistance to officers undertaking compliance activities. This bill also provides for the issue of warrants by justices of the peace to enter premises to enable enforcement staff to search for evidence of mass, dimension and load restraint breaches.

Evidentiary provisions have also been considerably expanded to allow the use of averments and the presentation of certificates to support prosecutions. All matters pertaining to the issue and operation of infringement notices for all traffic offences have also been moved to this bill.

The Road Traffic (Administration) Bill will also introduce amendments that will enable infringement notices to be issued for unlicensed vehicle offences under clause 4 of the Road Traffic (Vehicles) Bill 2007, which replaces the current section 15 of the Road Traffic Act 1974. The use of unlicensed vehicles in Western Australia is currently widespread, at an annual cost to the government of around \$1 million in lost licensing fees and \$1.5 million in unpaid compulsory third party premiums. In addition, drivers of unlicensed vehicles place themselves and other road users at considerable financial risk if their vehicle is involved in a road crash that results in a personal injury to a third party or if the other driver's vehicle is not comprehensively insured. Under the current legislation, all unlicensed vehicle offences must be dealt with through the courts. As such, the high cost of prosecuting unlicensed vehicle offences means that some offenders are not prosecuted. The new infringement notice regime within the proposed legislation will overcome this problem by providing a cost-effective enforcement process for both government and offenders. The proposed amendment will allow infringement notices to be issued to the drivers or responsible persons of unlicensed light vehicles. Light vehicles, which account for most offences, are those that weigh less than 4.5 tonnes.

Appeal rights and procedures relating to all road traffic matters have also been consolidated in this bill to provide a single point of reference and consistency in the processes to be followed when dealing with appeals.

The legislative review and restructure of the Road Traffic Act also provided an opportunity to modify some existing provisions to clarify current policy. The authority of the Department for Planning and Infrastructure was extended to allow the prescribing of agencies to which information may be supplied. This was necessary to address privacy issues that may arise with the introduction of privacy legislation in Western Australia. It is necessary for DPI to provide information to local governments and other government agencies relating to vehicle and driver licence records to facilitate those agencies' compliance activities. These agencies include local governments, which require information primarily to enforce parking regulations, the Department of Fisheries and the Department of Consumer and Employment Protection, which frequently require information to support investigations and compliance activities. As the state's sole custodian of all vehicle and driver licensing records, for DPI to deny other agencies access to this information would have a major negative impact on the compliance activities of a vast number of government agencies. I commend the bill to the house.

Debate adjourned, on motion by **Mr G. Snook**.