

ROAD TRAFFIC (VEHICLES) BILL 2011

Committee

Resumed from 22 March. The Chair of Committees (Hon Matt Benson-Lidholm) in the chair; Hon Simon O'Brien (Minister for Finance) in charge of the bill.

Clause 52: Dimension requirements: minor risk breaches —

Progress was reported after the clause had been partly considered.

Hon KEN TRAVERS: Last week we covered the intent of the amendments contained in clauses 52 to 54 and I reiterate that the Labor Party will not oppose these clauses. I urge the government to ensure that it is putting in place mechanisms to make sure that these changes will be monitored so that we will know they are not having an adverse impact on the intent of the original legislation. As I said in the second reading debate, we are prepared to go along with the changes that the government has proposed but we must ensure that we monitor them and that they will not have an adverse impact on road safety. There is bipartisan support for this bill because, although it puts some extra obligations on the transport industry, it is about providing a level playing field and improving the safety of that very important industry. They are my concluding remarks on these matters, because we covered them in detail last week when we dealt with what processes the government will put in place to monitor these amendments to ensure that they do not have an adverse impact on the overall outcomes that we hope to achieve from this legislation.

Hon SIMON O'BRIEN: Briefly, I would like to again thank the opposition for its support for the several clauses that we are considering. Again, if I did not say it explicitly the other day, I confirm that Main Roads inspectors will indeed be monitoring all aspects of the new regime. The attitude of this government is that we are not interested at all in introducing changes that might compromise road safety. We certainly do not have any expectation that lower safety outcomes would result from the changes being canvassed.

Hon Ken Travers: When I say “monitoring”, I understand officers on the road will be monitoring; I am looking at the “bigger picture” monitoring to make sure these changes we introduce do not have the opposite impact to what we hope to achieve out of this legislation.

Hon SIMON O'BRIEN: By monitoring, I included that overview of all the results. I do not just mean the bloke on the side of the road. It is a systemic monitoring of everything we do. As we both acknowledged in the second reading debate, this is about improving the systemic issues.

Hon Ken Travers: How is Main Roads doing that “bigger picture” monitoring or systemic monitoring?

Hon SIMON O'BRIEN: It would be much the same way as it does now. It is an evaluation of the consolidated information that comes in from the road. It looks at statistics, what sorts of infringements are being issued and in what quantities, what sorts of offences, and where these things might be occurring. It is the ongoing observation of an entire freight transport system.

Hon Ken Travers: Will they make that information public?

Hon SIMON O'BRIEN: I do not know exactly what the member is asking for. Main Roads, and indeed the government, are more than happy to respond to requests for data about these matters; and we provide it. Every sitting day we are more than happy to provide those, and we will keep doing so.

I think that probably deals with the question immediately before the Chair. As we have just resumed from our last sitting week, I wonder if the Chair might indulge me to provide answers to matters raised before we adjourned last week. Hon Ken Travers asked a question on Thursday, March 22. I will quote the uncorrected *Hansard*, which is probably corrected by now —

The minister talked about consultation with industry between December 2009 and March 2010, and I have also seen reference somewhere to consultation from early December through to 15 January. I am not disputing that the government may have continued to take advice and receive submissions; however, I am intrigued to know whether the minister can tell us when industry was notified of the consultation period and who in industry was notified of the consultation period.

...

I accept that the minister may not be able to give an answer now, but ask whether he is prepared to take the question away and undertake to provide an answer either through the house at a later stage —

Which I am now doing —

or by way of correspondence if no-one else in the chamber is interested. Will the minister advise me who exactly was sent letters advising of the consultation period and when those letters were sent?

I must admit this tested my memory. I have some vague recollection back in December 2009—it is taxing me here—of coming into my office at one point, when we had gone out for consultation, and someone noting that Hon Ken Travers, I think it might have been, had raised a question of some entity in the transport world complaining they had not been notified. It may have happened that someone may have complained to Hon Ken Travers that they had not been notified, and Hon Ken Travers raised that complaint in the public domain. I forget which, but I have some recollection of that. That is about it. In refreshing my memory and seeking advice, I guessed, when we were last discussing this, that there probably were people who did not receive letters and might have felt left out. That was anticipated at the time. I will now advise what actually happened. Noting the whole transport sector is such a big field, we did not set about writing letters to people because that is exactly what would have happened—people would have been left out. The Department of Transport did not write to any specific groups as that was considered problematic given the size of the potential audience. In early December 2009 public notices were placed in the following newspapers informing the community of the consultation period: *The West Australian*, *Countryman*, *Albany Advertiser*, *Bunbury's South Western Times*, *The Geraldton Guardian*, *Kalgoorlie Miner*, *Port Hedland's North West Telegraph* and *The Kimberley Echo*. I have a copy of that public notice if the member would like to see it.

Hon Ken Travers: If you have a copy, it would be good to table it.

Hon SIMON O'BRIEN: In addition, the consultation information on the Department of Transport's website was viewed over 300 times.

Hon Ken Travers: That was probably me going back and clicking to make sure I was not wrong!

Hon SIMON O'BRIEN: It was probably Hon Ken Travers checking what is happening on it!

Hon Ken Travers: At least a few of them!

Hon SIMON O'BRIEN: It would have been. That is why we make sure we get these things right.

As a result of the public notices, submissions were received from Co-operative Bulk Handling Ltd, representing 4 500 members; the Livestock and Rural Transport Association of WA, with whom I have had many dealings, representing 90 per cent of transport operators in the livestock industry and a large percentage of transport operators in the grain industry; the WA Local Government Association, representing 140 local governments in WA; the WA Farmers Federation, representing more than 4 000 members; the National Road Transport Operators Association, representing 1 100 road transport operators; Transport Forum WA Inc, now known as the Western Australian Road Transport Association, which delivers training to the transport industry; and Croxon Management Solutions. That is what happened. It was well understood over a prolonged period that the government was looking at these matters, seeking input, and indeed received any input that came through.

I notice the Clerk is sitting next to the Chair. I do not know if I want to necessarily table these documents. They are copies of the advertisements. Is there an opportunity to lay these on the table for the remainder of the day's sitting for any members who wish to view them?

The CHAIR: Minister, I do not know that there is any great necessity to have those pages tabled. However, if you could pass it on to one of the chamber Clerks, it may then be passed on to members who may be interested in perusing that information.

Hon SIMON O'BRIEN: Thanks, Mr Chair.

I have another table here in answer to another query. This was a matter Hon Ken Travers raised, again on 22 March. He sought advice on the current penalty for width breaches. At the time, a copy of the relevant legislation was not immediately to hand. With advice at the table, we used a working guess of \$600. We have subsequently gone away and reviewed the legislation. The current infringement penalty is in fact \$400, not \$600. For matters not dealt with by infringement, the minimum is \$400 and the maximum is \$800. We can therefore contrast that with the proposed penalties for a minor breach, a substantial breach and a severe breach.

Hon Ken Travers: It is three, five and a thousand; is that right?

Hon SIMON O'BRIEN: For infringements it is \$300, \$500 and \$1 000 respectively; and the maximum is \$1 000, \$2 000 and \$5 000 respectively. I have that information consolidated here and if the honourable member wants to have a look at it, he is more than welcome.

Thanks for your indulgence, Mr Chair. I think that deals with all the issues that were raised.

Hon KEN TRAVERS: I thank the minister for providing that information. I appreciate him providing that information and the advertisements that were placed in the newspaper. It now explains why a number of the key organisations had obviously missed those adverts, as I had, but I was lucky enough to find them on the website. I reiterate that I contacted a number of organisations, and at least one of the organisations that later put in a

submission. If my memory serves me correctly, it was on Christmas Eve that I realised it was happening and, because the close-off date was 15 January, I contacted them and that was the first they were aware of it. Although the advertisements are a good thing, I would have thought that those organisations could have at least received written notice. We all know that a range of them put in submissions. The livestock carters, the Western Australian Road Transport Association, the long-line freight haulers, the National Transportation Alliance and the Transport Workers Union of Australia are all organisations that have longstanding interests and are well known in this area. I would certainly urge the government in future, if it is doing something like this, that it do right by the major organisations that are involved and have a keen interest in this legislation. Interestingly, my experience is that when I met and talked with almost all those organisations, they were very supportive of this legislation. Although they may have had arguments about the finer details, they are supportive of it, as they see it as enhancing the industry and providing a level playing field in their industry on which they can then compete on other bases rather than seeing the safety of the industry driven down. I think all the responsible operators and all the organisations I have mentioned fit into that category of responsible operators who are keen to ensure that their industry is seen and held in the highest regard. They are not the “cowboys”, as I call them, of the industry; they actually represent the mainstream that wants to see good outcomes. I would urge that in future those organisations be informed in writing. Probably fewer than 15 or 20 letters in total would have covered all the major organisations.

Hon Simon O'Brien: It was a considered decision at the time, even though it has gathered cobwebs now, but there was a lot of regular contact with the whole sector at the time; so, it certainly wasn't the case that we were trying to ignore anyone.

Hon KEN TRAVERS: All I am saying is that about 14 days after the advert in *The West Australian* and a little bit later some of them certainly were not aware of it even then. I just make that comment. I am not holding up the chamber and am happy to move on. I should indicate that I have completed my comments on that bill. I have a couple of things on the Road Traffic Legislation Amendment Bill that I would like to comment on, but I have completed all my remarks on the Road Traffic (Vehicles) Bill.

Clause put and passed.

Clauses 53 to 150 put and passed.

Title put and passed.