

ROAD TRAFFIC (VEHICLES) BILL 2011
ROAD TRAFFIC LEGISLATION AMENDMENT BILL 2011

Cognate Debate — Motion

On motion by **Hon Simon O'Brien (Minister for Finance)**, resolved —

That leave be granted for the Road Traffic (Vehicles) Bill 2011 and the Road Traffic Legislation Amendment Bill 2011 to be dealt with cognately.

Second Reading — Cognate Debate

Resumed from 6 March.

HON KEN TRAVERS (North Metropolitan) [12.36 pm]: I am very pleased to stand to indicate the Labor Party will support the Road Traffic (Vehicles) Bill 2011 and the Road Traffic Legislation Amendment Bill 2011. I will go through a range of issues. We are seeking assurances from the government about some of our concerns, but we completely support the principle and policy of these bills. I think I have been given free rein from the government to take as long as I like. I assume that is a standing invitation for me from now on! I appreciate that as well.

Hon Simon O'Brien: If the Deputy President will tolerate an unruly interjection: can I make it clear that the member has unlimited time as lead speaker but he does not have licence to use it all!

Hon KEN TRAVERS: I thought the Leader of the House was inviting me too early, but anyway!

This legislation does two things: it significantly brings to a conclusion a range of reforms to deal with road traffic and vehicle issues in Western Australia, and it introduces what is called the chain of responsibility. The bills also provide an opportunity for this house to acknowledge the contribution that the transport industry, particularly the road transport industry, makes to the community and economy of Western Australia. There is very little that we do and use that is not at some point carried on a truck. It is something that we often forget as a community. It is a good opportunity for the Parliament to acknowledge the transport industry and its contribution, and the people who work in it. As in a lot of other industries, the average age of workers in the transport industry is getting quite high. We need to constantly look at how we replace those workers who are such an essential and important part of our economy and society.

These bills are part of a package that has often been referred to as compliance and enforcement legislation. The other term that is often used to describe these bills introduces the concept of a chain of responsibility. That means it is not only the driver of a vehicle, as traditionally has been the case, who is the person held responsible if that vehicle is not complying with the legislation, it is everybody who is involved in the chain of responsibility. Everybody involved in the supply chain has to accept responsibility. Why do we do that? It is to try to remove pressures constantly put on individual operators to break the law. Now, if that pressure is applied, not only will the driver be held responsible, but also the consignor of the goods can be held responsible if it can be demonstrated they knew that what the driver was doing would have led to breaches such as overloading and other breaches of the legislation governing mass, dimension and the way in which the loads are constrained. That is very important. It is absolutely crucial to ensure we have safe operations. It is my experience that the transport industry is very heavily focused on ensuring and maintaining high standards of safety. There is always an opportunity for a rogue element to operate outside of that. We need to ensure we target those rogue elements and keep them out of the industry. Ultimately, if we allow them to get into the industry, they will put commercial pressure on others to also engage in illegal operations. That results in a breakdown in safety standards. It is also about providing a level playing field to the transport industry for the way it can compete for business out there in the community. It is very important that we are able to do that. One of the interesting things about this legislation is that the vast majority of members of the transport industry whom I have spoken to and had dealings with support the legislation and the concepts contained in it. They see the legislation as being good for them and as assisting them in an industry to maintain the high standards of safety to which they aspire.

As I say, these bills have been a fairly long time in their gestation to arrive at where they are today. I should have probably said at the outset of my speech that these bills are part of a package of national uniform bills. The legislation is not being brought in, therefore, only in Western Australia. The same legislation, based on template legislation, is being introduced into each state and territory around Australia. That again will help members of the transport industry in the efficiency of their operations in that they will not have to learn a new set of rules for every place they go to. Work is continuing to bring that all together with a national heavy-vehicle regulator. I share some of the concerns that the state government has about that process, but we must also work towards the goal of resolving those issues to bring ourselves up to the national standard. The regulator will certainly help industry, although it is probably not as important in Western Australia as it is on the east coast, as the number of

members of the transport industry involved in interstate transport is significantly lower in WA than in Victoria or New South Wales, where members of the industry often cross state boundaries.

The process of implementing this legislation has been in train for a number of years now. It resulted in a package of five bills originally being introduced to this Parliament in 2007, which provided for a significant re-write of the Road Traffic Act. The legislation was broken up into different bills to deal with different elements of road traffic administration in the state. There is, therefore, a separate bill for overall administration of the act; another bill for dealing with authorising people to drive, getting their licence and the like; another bill, the Road Traffic (Vehicles) Bill, which we are dealing with today and which is all about the way the industry is run, securing loads and the like—I will refer later to exactly what that bill does; and, of course, another bill to allow for fees and charges to be applied as taxes over and above cost recovery. That gives us the package of bills.

As I said, the original bills were introduced as a package of five bills back in 2007. Three of those bills have now been proclaimed, although in some cases only in part. Once these two bills we are debating go through Parliament, the remaining parts of those earlier bills that are not currently in operation will come into effect. That will allow us, therefore, to bring forward those parts that have not been proclaimed. I understand that only the Northern Territory and Tasmania have not brought in similar legislation. Hopefully, we can at least beat the Northern Territory and Tasmania at having our package of reforms in place.

Hon Simon O'Brien: They are planning to outlaw the trucks, I imagine, or an alternative!

Hon KEN TRAVERS: Yes!

Of course I should have said, finally, that the Road Traffic Act will remain, which will deal purely with road traffic offences—speeding and all the other issues for complying with the laws of the state. When we look back at the objectives of bringing in these bills, I do not believe there will be any disagreement with them. I assume that at the end of this debate there will be unanimous agreement around the house on the policy of the bills. When the legislation was introduced as a national objective, it was about improving road safety; reducing the damage to our roads and infrastructure such as bridges; improving the deterrent effect that I talked about earlier; reducing the pressure on people to break the law; and having penalties that provide a disincentive to people to break the law, whilst also having a strong enforcement regime to make sure that people who do break the law are caught and prosecuted.

Another objective was to introduce the level playing field that I talked about earlier. If we do not have legislation that forces everybody to compete on the same safety terms, we run the risk of encouraging rogue operators. If a rogue operator undercuts an operator who runs his business in the correct way, it puts commercial pressure on the person who operates correctly to bring his standards down to the standard of the rogue operator. That is a problem. Another objective of the legislation is to improve business efficiency and compliance. There is always a place and a need, unfortunately, for government regulation. But when we regulate, we should do it in a way that minimises the impact that that regulation has on the efficiency of the business community, and we should make it as easy as possible for the business community to comply with the legislation. That is a bit of background to where we got to with the previous bills. It is important that we all understand that.

The previous bills had passed through Parliament, but there was a change of government, and the new government chose to go back and re-consult industry on elements of that legislation. I must say to the minister that although I do not have a problem with the new government re-consulting industry, I was surprised that it took so very long and that the consultation process took place over the Christmas and New Year period. I do not think that is a very good time for consultation to take place. In fact, it was on Christmas Eve that I suddenly noted there had not been much publicity about the new consultation process and that the process had suddenly reopened. I contacted a number of key industry players and found that I was actually the one notifying them that this further consultation was occurring. For what it is worth, I did not find that to be a particularly good process. I suspect that an element of the industry wanted to go a lot further in winding back this legislation. I am glad that the government listened to the concerns of that element of the industry and accepted some concerns as legitimate and rejected others. I think the majority of the industry rejected some of the concerns that were raised. I am sure that the Minister for Finance—who was the Minister for Transport at the time on these matters—heard from some of those complainants, who were quite vocal at times, but I agree with the minister that it was appropriate to reject a number of the claims because they were not correct. However, the government has picked up on some other areas, modified the legislation and moved forward. Again, the industry needs to be congratulated for its participation in a positive and constructive dialogue on the issues raised. However, as I said, in future it could be done a bit better.

The first bill, which is the Road Traffic (Vehicles) Bill 2011, deals with a range of issues. The second reading speeches in previous debates referred to those issues fairly heavily and dealt with issues relating to providing uniformity and legal defences. I think the bill sets up a good system. In referring to some of the changes that the

government has adopted, though, it is fair to talk about the approach that the Labor Party takes on these matters. We were comfortable with the previous legislation. We are happy that the industry has put forward a view on some minor changes to make the legislation operate better. We are happy to go along with that and allow the changes to pass; we will not oppose them. But we do say that we need to make sure we are monitoring the legislation to ensure that the changes that apply in WA do not lead to a diminution of the original objectives we set out to achieve. If they do, we will be defeating the purpose of this legislation. Having passed the legislation with those changes, a crucial element will be to ensure that as a result of them we are achieving the original objectives. If we do not, we will need to come back here in the future and revisit this legislation. The government and its advisers have gone through the Road Traffic (Vehicles) Bill and they obviously believe that these changes will not diminish it, but make it easier for businesses. In my view, it is a good thing if that is all those changes do. I suspect we will need to go into the Committee of the Whole just to test some of those issues.

Some of the changes to the legislation are revised penalties for minor breaches of loading requirements. The penalties must be sufficient to act as a deterrent—we are talking about the minor breaches. One of the things this bill provides is uniformity for “minor”, “substantial” and “severe”. It categorises the sort of breaches applicable to overloading or non-compliance with securing loads, so that they are treated in a uniform way. At the bottom end, let us see how that goes.

The bill will include in legislation the continuation of the Main Roads WA harvest mass management scheme. I do not have a problem with that scheme. I think it is a good scheme and it assists the industry, but we must be careful that people do not abuse it. Hon Nigel Hallett can smile, but —

Hon Nigel Hallett: Farmers never abuse it.

Hon KEN TRAVERS: If only the world were so perfect, that no-one ever abused things. That scheme attempts to say that the load on the vehicle is X, but it is difficult in a paddock to work out the moisture content to work out the exact weight of a load, so we are allowing a tolerance around it. But the danger is when people start to allow their weights to creep up and say, “No longer is our axle loading X; it is actually X plus 10 per cent.” Then they try to load to X plus 10 per cent. Then they come back to us and say, “We’re always getting pinged for overloading so we need to be X plus 10 per cent.” At that point we undermine the original purpose. I note the smiles from the cockies on the other side. I am sure they themselves do not do that but they may have heard a rumour down the pub of someone who might do that! There are some fairly severe penalties for people whose trucks are overloaded when they arrive at the wheat bins. I think the concept of the scheme is right so long as people apply it in the way that it was intended—it is about a margin for error not about giving an extra 10 per cent on the load.

Hon Brian Ellis: It’s working.

Hon KEN TRAVERS: I think it is working. That is why I am not opposing it. What we need to be a little bit careful about—I do not think enough work has been done on this, and I think members who represent, particularly the Agricultural Region, should be taking a keen interest in this issue—is the impact of that scheme on the roads. We all know that every time we overload a vehicle, it causes damage to the roads. We have axle-load restrictions because, apart from the safety elements, overloaded vehicles impact on the roads. On a main road we as state taxpayers pick up the cost of that impact. If it is on a local road, of which there are many, the local government picks up the cost. We need to be careful that we are not creating a system that causes greater impact on our roads.

I have asked questions in the house on this issue, and I am not convinced that enough work is being done to ensure that scheme is not causing increased damage to the roads and, therefore, an increased cost burden on local governments in the wheatbelt, which I do not think can afford it. Today, those local governments struggle to make ends meet. We will not even get into the tier 3 debate this afternoon. The cost of maintaining those roads into the future will be another cost burden transferred from the state of Western Australia onto local governments in the wheatbelt. I make that comment, not as opposing in any way the harvest mass management scheme, but to say that we need to make sure we constantly monitor the impacts of the scheme on those local governments’ cost structures to make sure it is not likely to increase road damage. Anyone would tell us—I am sure the minister is well aware—that the more we overload vehicles, the greater the damage to our roads. It has an exponential consequence.

Hon Simon O’Brien: Yes.

Hon KEN TRAVERS: Every time a vehicle is overloaded, it increases the damage to the roads.

This legislation will also extend the availability of the “reasonable steps” defence and the way things should be specified in improvement notices. I accept that the intent is to try to make it easier for the industry to understand those things. I generally agree with the concept, but I come back to that proviso that it must not undermine the objectives we are trying to achieve.

I and some elements of the industry have some concerns about—we can test the questions in committee—the increased width limits before there is a breach of the dimensions. When does it go from a minor to a substantial to a severe breach of width? In his second reading speech the minister commented that Parramatta Road was more dangerous than country roads in Western Australia. I reject that, I have to say. I think an overwidth truck travelling at 100 kilometres an hour down a wheatbelt road with a very narrow seal and a caravan coming in the opposite direction is a much more dangerous scenario than trucks crawling down Parramatta Road at possibly five kilometres an hour, from the stories I have heard about vehicles travelling on Parramatta Road. I am not necessarily saying I am completely opposed to what the government is trying to achieve in managing the penalties, but I think exceeding the permitted width of a vehicle is a serious matter that cannot be treated in a flippant way with an analogy of trucks on Parramatta Road. I want to talk in committee in more detail to understand exactly why the government is doing this and what it wants to achieve from it.

The final amendment is some increased axle mass limits for bulk commodity loads. One of the things I support, is, I think, the constant move away from the rigid approach we used to take to vehicles by saying that these are the rules, things must be so many metres apart and there must be so many axles and all the rest of it, to go into what is called “performance-based standards”, so it is about the manufacturers of vehicles coming up with a design for the way a vehicle performs on the road with its turning, braking and all that criteria. If it can be demonstrated that the vehicle can achieve that, it does not matter whether it is 2.4 or 2.5 metres between axles or whatever the specification is. I think the issue is about coming back to outcomes. I support the general push in that direction. Let industry come up with solutions that meet their requirements. If they can do it in a way that enables the vehicle to perform on the road in a safe and efficient manner, we, as the government, should not be directing them to always comply with strict specifications. Setting up the performance criteria is easier said than done, but it is an area in which a lot of work is being done. I think Victoria is leading a push—it certainly has in the past—down that path. If as a government or a Parliament we can assist with those sorts of things in moving down that path, that will be a good outcome.

The other bill we are dealing with this afternoon is the Road Traffic Legislation Amendment Bill.

Sitting suspended from 1.00 to 2.00 pm

Hon KEN TRAVERS: I was concluding my introductory remarks before the lunch break. I turn now to the Road Traffic Legislation Amendment Bill 2011, the long title of which states that it is a bill for an act —

- to repeal the *Road Traffic (Vehicle Licensing) (Taxing) Act 2001*; and
 - to amend the *Road Traffic Act 1974* and various other Acts as a consequence of the enactment of the *Road Traffic (Administration) Act 2008*, the *Road Traffic (Authorisation to Drive) Act 2008*, the *Road Traffic (Vehicles) Act 2011* and the *Road Traffic (Vehicles) (Taxing) Act 2008*; and
 - to amend the *Road Traffic (Administration) Act 2008*, the *Road Traffic (Authorisation to Drive) Act 2008* and the *Road Traffic (Vehicles) (Taxing) Act 2008*,
- and for related purposes.

Clearly, it is within the general policy of this bill to allow for amendments to any of the abovementioned bills. Members may recall a past issue of contention when we previously dealt with these bills; namely, the release of motor vehicle owners’ personal details to private companies. As a result of the passage of previous legislation, a framework was provided in which such details could be provided; however, at the time the government made it very clear that it was not its intention to provide private operators, such as Wilson Parking, with people’s personal details. Since the passage of that legislation, it has become clear that private companies are now using a method of discovery through the court processes to access people’s private details. The changes that we previously made, with the intent of preventing companies such as Wilson getting access to private details, have been found to be ineffective because those details are finding their way into the hands of companies such as Wilson Parking. I assume that if Wilson Parking has been successful in this, others—including Perth Airport about which the government expressed strong concern—have been too.

I am interested to know why no amendments are contained in these bills to address that issue. I understand that these companies say they are getting the information by way of discovery. I am not questioning whether it is lawful for them to get that information by way of discovery, but it strikes me that amendments can be included in this bill that will prevent private companies from accessing that information by the legal manoeuvres they are currently using. Is it still the policy of the government that companies such as Wilson Parking or other private operators of parking sites should not be able to access motor vehicle owners’ personal private details? If that is still the government’s policy, why are there no amendments in this legislation to deal with that? Would the government even consider an amendment to address the issue as this legislation is passed through the house, or has the government changed its policy and is now happy, ready and willing to accept that those companies can

access those details by the court discovery mechanism? That is a fundamental question to which the government should provide an answer because it strikes me that this is an area in which there is a significant deficiency in the legislation that we are dealing with today to achieve the policies of the package that we talked about previously. Do we or do we not now have an opportunity to address those deficiencies today?

It is unfortunate that until now we have not heard a clear statement from the government about its position. We have heard the minister's words as he avoids answering the question and tries to hide behind the cover of a legal process that we cannot change. Today, we can change it. Today, the government needs to make its policy clear.

Hon Simon O'Brien interjected.

Hon KEN TRAVERS: The member can laugh.

Hon Simon O'Brien: It has nothing to do with this bill.

Hon Ljiljana Ravlich: Yes, it has!

Hon KEN TRAVERS: These bills are about introducing a package of legislation. If the minister does not think this is about that, I will reiterate why it is. When we previously dealt with these bills, it was a part of the policy outcome that we were seeking to achieve. Does the minister accept that?

The DEPUTY PRESIDENT (Hon Michael Mischin): I think the member ought to address his comments through the Chair, rather than interrogate the minister; that is for the Committee of the Whole stage of the debate.

Hon KEN TRAVERS: It has been well known for members to accept an interjection on a point to assist the debate, but I take your wise counsel, minister, and will simply make the point again—I should say “minister-in-waiting” rather than minister, Mr Deputy President.

The DEPUTY PRESIDENT: “Deputy President” will do!

Hon KEN TRAVERS: Yes, Mr Deputy President.

The DEPUTY PRESIDENT: Thank you.

Hon KEN TRAVERS: These bills are the final part of the package. We are correcting, or making changes to, a previous package of bills that went through this house. Within that package, a previously agreed policy outcome was that we would stop private companies accessing people's private information.

Hon Simon O'Brien: Which provision are you talking about?

Hon KEN TRAVERS: If the minister will listen—it could be a new clause.

Hon Simon O'Brien: No, no; you were saying that it was in the package.

Hon KEN TRAVERS: No; I am saying that these two bills are part of a package of five bills. Those five bills amend the Road Traffic (Authorisation to Drive) Act, and the relevant one, which is the Road Traffic (Administration) Act 2008. The second of the two bills that we are dealing with today, the Road Traffic Legislation Amendment Bill, seeks to amend the Road Traffic Administration Act. As a result of this package of legislation, we are dealing with the matters that we need to deal with in order clean up the legislation.

Hon Simon O'Brien: That is the compliance and enforcement legislation, which is not the matter that you are now seeking to introduce.

Hon KEN TRAVERS: These bills are about rewriting the Road Traffic Act.

Hon Simon O'Brien: Yes.

Hon KEN TRAVERS: One of the outcomes that we want when the five bills are proclaimed is for motor vehicle owners' details to not be provided to private companies. The minister may think that we cannot do that but because the second bill, the Road Traffic Legislation Amendment Bill, amends the Road Traffic (Administration) Act 2008, amongst other things, it is my view that there is an opportunity to amend the bill to deliver a policy outcome that will protect people's private details. I am asking whether the government still holds that policy view.

Hon Simon O'Brien: It is quite irrelevant to the bills before the house.

Hon KEN TRAVERS: That is the minister's view.

Hon Simon O'Brien: I am in charge of the bill!

Hon KEN TRAVERS: That does not necessarily make it right. I am sure I have listened to many people on this side of the chamber over the years comment on whether or not the provisions in a bill are within the power. I am

asking whether it still part of government policy. The minister would acknowledge that when these bills were presented, they were set as part of a package of five bills. In the second reading speech the minister stated that these bills were part of a package of five bills; one of those was the Road Traffic (Authorisation to Drive) Bill 2007.

Hon Simon O'Brien: We know that.

Hon KEN TRAVERS: And we are making amendments to it. The question still is: why is the government not seeking to address that issue as part of its total administration? The minister can sit there and tell me that it is because he does not believe it should be part of this legislation. That is fine. That is the minister's opinion. We can go through this point in the committee stage and we can test that. But I would not have thought it would have been too hard to amend the Road Traffic (Administration) Act 2008 by inserting a new class that would protect people's details, their name and address, from being provided to private companies. I do not know why the government would not want to answer that question today, but one of the things we have learnt in this place is that we can ask the questions but the government can always find a reason not to answer them, by telling us to put a question on notice if it is asked in question time or by simply refusing to answer the question. That is the prerogative of the government. The people of Western Australia will then make up their minds about why the government would not answer a question.

The first question is: is it still the policy of the government not to provide that information; and, the second is, if it is government policy, why has the government not taken the opportunity to include new clauses in this legislation to implement that policy outcome that they have agreed to? They are fairly simple matters. I am sure Mr Deputy President would have called me to order if he did not think what I was saying was relevant to the bills we are dealing with today. The government has an opportunity to answer those questions today—or whenever the minister responds to this debate. The minister may or may not choose to take up that opportunity, and then the people of Western Australia can decide why the government may or may not have taken up that opportunity to answer the questions; and if the government still holds that policy then Western Australians can make up their own minds as to why the government has not taken the opportunity of this legislation going through the house to amend the Road Traffic (Administration) Act 2008 to clarify that intent. That is the point I am making, and depending on the answers the minister gives in his reply to the second reading debate, we can have that debate at the appropriate time in the committee stage of the legislation or the people can decide why the government is not moving on that point.

Before lunch I think I adequately covered the points I wanted to make on the Road Traffic (Vehicles) Bill 2011, and I have now adequately covered the points I wanted to make on the Road Traffic Legislation Amendment Bill 2011. In summary, Labor is happy to support these bills. As I said earlier, they are part of a package of five bills, three of which have been through the Parliament. The government has chosen to make some further amendments to the three bills that have passed through the Parliament, hence the reason we are dealing with this legislation today. The end result of those bills will be to provide a better framework for the way in which we manage motor vehicle registration, licensing, administration and the general compliance and enforcement elements that will make our roads safe whilst also ensuring we maximise the productivity of the players in the industry. As I said, some amendments relate to the previous package of bills that went through this Parliament. The opposition will not oppose those, but we believe they need ongoing monitoring to ensure that the changes that have been made do not result in our not achieving the original objectives of the bill.

I think it is very clear that the opposition is prepared to give it a go, but we believe that we need to be sure, and if there are problems with it the government will need to accept responsibility for that and immediately address it with changes down the track. The opposition is taking it on face value that the government has done the work to ensure that these bills will not have a negative impact when achieving the intended outcomes. I am concerned about one area in particular, and whilst the opposition will not oppose it at this stage we need a more detailed explanation from the minister on how the government arrived at its decision about low widths. I would be pleased to get further explanation on that, because there is real concern in the industry that the impact will be that the objectives of this legislation will be diminished. It is arguable whether the burden being placed on the private sector was greater than was required to achieve the objective. With those comments, I conclude my remarks and look forward to the minister's response and also the committee stage of the bill.

HON PHILIP GARDINER (Agricultural) [2.19 pm]: I rise to speak on the Road Traffic (Vehicles) Bill 2011 and the Road Traffic Legislation Amendment Bill 2011. I will deal first with the Road Traffic (Vehicles) Bill. The National Party supports these bills, but I will go through a couple of the elements that will be discussed during the committee stage, including roads and how they wear. The Road Traffic (Vehicles) Bill is largely about accountability for overloading, which leads to damaged roads, and what will be the impact of the load limitations that are proposed in this bill. The big policy difference between these bills now and what they contained when they were being formed under the previous government is that the line of accountability extends

beyond the driver of the truck. At one stage, that is where it ended. In a business in which people are trying to capitalise on saving costs, it is very tempting to overload a truck beyond its legal limit. I suspect I have been culpable of doing that at some stage, but that was before the introduction of the harvest mass management scheme, about which I will talk later. I think that now with the chain of accountability that is referred to in this bill, it means that someone who is having a product carted and is liaising with either the contractor or the driver of the vehicle carting that product is, or has a chance of being, as equally culpable as anyone else along the chain. I must say that since the harvest mass management scheme has been applied for grain transport it is clear that behaviour has changed. Of course, whenever there is a change of this kind, we always feel a bit affronted because we know what it will do: it will increase costs. At the same time we often tend to overlook that it is in the broader interests of the community because it will not lead to the same damage of roads or possibly other safety issues. Therefore, I am very strongly in support of the concept of the chain of responsibility.

In terms of other things about the way that what is being carted can affect the roads or the environment, I would like to touch a bit on the environment, because in the grain industry in particular this does not apply to all products being carted; the loads are covered. At one time the bulk transporters of grain, and possibly everything, did not even encounter having to put covers over the load to stop it blowing off the back of the truck onto the windscreens of following motor cars. But now, on the grain side at least, it cannot be transported unless it is covered, and that stops that grain coming out. But as technology, and agriculture in particular, has changed, there are other implications of those changes that can, broadly speaking, damage the environment. For example, if there is a weedy crop and one harvests the grain and takes some of the weed seeds into it as well, and it is then transported without a cover and a bit blows out the back, the weed seeds can compromise the environment and those businesses adjacent to the road. Those seeds can lie along the side of the road and germinate, and those seeds may be resistant to particular chemicals used in agriculture. If they are, they can spread the next year, as they tend to do, into the adjacent paddocks. A farmer has then got resistant weeds in his paddock through no fault of his own. That danger is contained because when the grain is being carted, there is a cover over that grain so that it cannot get out. But not all agricultural produce is actually covered. Trucks moving hay, for example, are not covered. When hay is moved, and we have all probably travelled behind trucks carting large loads of hay, there is straw and material flying out just because of the momentum of the truck moving forward. That has the same implications as the load of grain I described earlier: resistant weeds can go onto the side of the roads and germinate, and the story is the same.

I asked a question at the briefing and I will ask it again in the committee stage. I notice in the Minister for Transport's second reading speech in the other place that environment is a factor. He said —

In an effort to foster a culture of compliance within the industry, these reforms include a range of new and innovative penalties that have been tailored to address specific types of offences. For example, the legislation recognises that mass, dimension and load restraint offences pose significant degrees of risk to safety, infrastructure or the environment, depending upon the extent to which a load is over-mass or oversize.

The mass of hay is a huge thing in a truck. That statement might be qualified by whether a truck is over-mass, but if it is qualified it does not deal with the essence to which the minister refers—that is, the environment. Therefore, there is an issue that I will take up in committee.

The other thing that I think is very important about these bills is the extent to which consultation has occurred within the industry, and the government has done extremely well. It is also a demonstration of the time that it takes to make legislation sound. I think this legislation was first conceived in 2007. We are now in 2012; that is a pretty long time, but I am not a great believer that getting things done quickly is always the best course of action. I think it is better to allow a bit of thinking so we can get the wrinkles out of the legislation and it becomes good quality legislation dealing realistically with the situation at hand. Therefore, I think the government has handled that very well.

Let us come to the harvest mass management system that deals with agriculture and especially the movement of grain at harvest time. Nearly all this grain goes to Co-operative Bulk Handling, which is the major receiver and handler in Western Australia. I think that system is very good. I will just cover some of the things. I am a little away from the detail these days, but if someone exceeds 10 per cent of the licensed mass for their vehicle more than two or three times in a week or month—I cannot quite remember what it is, but there is a limitation on how often that can occur—the next time a truck goes on the weighbridges at the receival centre and is over the limit, the driver is pulled up and must dispose of that excess grain. It is disposed of without any compensation and it must be declared to whom it is wished that the excess grain over the legal limit be disposed to. Therefore, I think the harvest mass management system is a very good self-regulated system combining the interests of the wheat grower, the truck transporter and the receival centre or organisation, and gives some integrity to what is allowed to go onto the roads.

When it comes to the transport of the product, grain, rocks, gravel or whatever, the important contribution of trucks to any road damage is its axle load—that is, the load is measured in terms of axle loads. I have some information from Main Roads on vehicle limits. The information states that there are four points about vehicle limits that have an impact on the damage and conflict on the roads and therefore heavy vehicles are restricted in these four ways. The document states —

- Length. Long vehicles are less able to negotiate corners and intersections.

More than that, they cause different pressures on the road pavement and road base as they travel along it. I will talk more about that shortly. The other point that we are concerned about is weight. The other two are height and overhang, but we are not too concerned about them; they are already dealt with in other legislation and safety factors. In regards to weight, the document states —

- Weight. Overloaded vehicles are unsafe to drive, inefficient to operate and *cause excessive damage to roads*.

That last bit is the part I wish to deal with. It is all about the pavement life of the roads we have. This information discusses Australian roads, not only Western Australia roads. The information about pavement life states —

Much of Australia's local road network has not been designed for the current number or dimensions of heavy vehicles.

Having spoken to Main Roads out at its laboratory not too long ago, I learnt that it has a very scientific way of assessing the quality of our pavement out there. The specifications under the new integrated services arrangement that Main Roads has with contractors who are maintaining these roads mean that they are right on top of what is being used. But these have only come into play in the last year or so. Before that there was a network system that commenced around 2000 or the late 1990s. They were the first contracts to outsource road maintenance, I think, anywhere in the world. As a result, there were some shortcomings. Those shortcomings meant that there were quality deficiencies in at least some of our roads that were being built. I think of the 10 contracts, two were materially faulty, which led to lesser qualities of the pavements and seals that rendered those roads, and lesser longevity than if they had been maintained using appropriate materials.

As a result of the road network not being designed for the current number or dimensions of vehicles, much of the existing road network is approaching or has exceeded its design life span. This paper, written in 2011, states “pavement condition declines rapidly as it approaches its design life (typically 20 years)”. I also know that that is possibly on the conservative side. It does go beyond 20 years, but we can see that we have to have a continuous upgrading of the roads if they are going to maintain the quality that they should be in for the movement along them of the kind of traffic about which we are talking. That decline after 20 years is a much sharper decline than the first 20 years. Commonsense would tell us all that the enemy of good roads is water. When water gets in, that is when the pressure of the axle loads over these roads causes the problem.

If we are looking to apply laboratory results in practice, how is this measured? The road damage is designed to withstand a certain amount of traffic over its lifetime. The measurement of this traffic is calculated using what is called “equivalent standard axles”. An equivalent standard axle is a dual-tyred single axle. We can imagine travelling behind a trailer or a truck that has an axle and dual wheels—that is what we are talking about. That equivalent standard axle transmits a load of 8.2 tonnes to the pavement. Once we have that standardised measure we can then relate it to any configured vehicle that we have. The wear and tear of this equivalent standard axle is a function to the power of four of the load on the axle group, which is the actual load that it has, divided by the standard axle load. A car has a very low load axle group. A two-tonne car has only 1/2250th equivalent standard axle, so it is minuscule in terms of any wear on the road. But a pocket road train, which is a truck with a trailer—I am pretty sure that is how it is described—with a legal limit of 84 tonnes, has 11.9 equivalent standard axles. That wear by that particular vehicle is equivalent to 25 000 cars. That is the material difference between a heavy road vehicle and how it wears the road and how the cars that we normally drive wear the road. The key to it is the power of four. That is why there is such a steep increase in the wear when there are heavy axle loads going over the road. As Main Roads told me, the power of four is how it works on a normal bitumen sealed road. On a concrete road, although we do not have many of those in Western Australia, it is something like the power of 10; the wear is much greater.

The other thing I learnt from talking to Main Roads is that the wear on the road is also so much of a function of the quality of the materials used, and bitumen comes in a range of different qualities. I was not aware that there was any difference in qualities of bitumen, but there is. On a number of roads under Main Roads' network arrangements with contractors going from 2000 to 2010, different qualities of bitumen were used, which resulted in deterioration at least of the seal of the road. The seals are pretty easy to repair; it is the pavements that are the problem. As I said, pavements last, according to Main Roads, for 20 years at least and then they deteriorate quite quickly after that.

What we have with the harvest mass management system is a system whereby the principles are being laid out and the self-regulation works within the industry. In my view, that is the best way for almost any regulation to work. Once people have the time to sort through and consult with the players and the stakeholders, there can be a commitment to it by each of the stakeholders. That deals with what I wanted to say on the Road Traffic (Vehicles) Bill 2011.

On the Road Traffic Legislation Amendment Bill 2011, I think another breakthrough has been made in regard to a situation in which documents such as the logbook of a driver and owner of a heavy vehicle are taken by Department of Transport officers for whatever reason they want to take them. Whereas at one stage these were held and not released back to the owners and operators for maybe two or three weeks, this bill is now proposing to legislate that copies of these documents must be handed back to the owners straight away. That clears something; it is practical and overrides any personality issues that can arise in this area. Remember, the transport industry is a fairly small industry. The number of officers who are policing this are not that numerous. With any personalities there can be conflicts and irritations, and that can lead to problems. This irons out just one of those particular problems. The National Party is in favour of the bills, and we will support them.

HON LYNN MacLAREN (South Metropolitan) [2.39 pm]: I rise on behalf of the Greens to express our support for the Road Traffic (Vehicles) Bill 2011 and Road Traffic Legislation Amendment Bill 2011. I think the issues have been very well canvassed by Hon Ken Travers and Hon Philip Gardiner.

There are just a couple of things I would like to accentuate in these very brief comments. Hon Philip Gardiner mentioned that quite a bit of time was taken in the development of this legislation. That is a very good point, which I wanted to make as well. Legislation has improved because time has been taken. He also mentioned the trial period of the harvest mass management system and the fact that some of this proposed system has been tried out. Through that trial they have learned that it can be done to allow that tolerance of an extra 10 per cent mass over a controlled and monitored period so that a farmer or whoever is transporting a load can learn what the weight of the product is over two or three opportunities to weigh the load and then get it down to what is an acceptable weight for the roads that we have. I think that was good. It has improved the legislation before the house and, hopefully, improved our trucking system throughout the state, to make it economic and efficient and to prevent it from wrecking our roads.

The amendments made to this legislation between the time it was introduced in 2008 and now are very interesting to me; I like the fact that we have taken model national legislation and given it a Western Australian flavour. That is something that is within our mandate to do, and I think we should do it more often. The model national legislation, as Hon Ken Travers pointed out, allows for a certain permissible width for these loads, and the Western Australian Minister for Transport is proposing that we allow a little extra tolerance for those widths. I suppose I was, like Hon Ken Travers, concerned about that: how can things be that different in Parramatta than here? However, I trust that the minister has investigated this for the circumstances in Western Australia, and at least has a rationale to back it up.

In essence, I do not think it is a problem for us to amend model national legislation to make it more practical and relevant to Western Australian conditions. However, I think it is worthy of this house for the minister to go into some detail about why that decision was made, so we can have some justification on the record for straying from the model national legislation. I note that we have recently considered two other bills for which I would have loved for us to stray from the model national legislation; one was the code for the keeping of pigs, for which we made a very good argument to prohibit the keeping of sows in stalls. The other one was the registration of psychologists. In Western Australia, we have a psychologist who is a specialist in a certain field, which the model national legislation that was proposed to us did not accommodate. In this case we have, at last, recognised that there is some rationale for change, and that the house should actually debate that and decide if we are going to accept that modification of the national model legislation as proposed.

As we are talking about road transportation, it would be remiss of me to not point out the benefits of transporting more freight by rail rather than road. In this case, we are dealing only with road vehicles and loading those vehicles up to the point where we are maximising the efficiency of using fuel to transport loads to their destination. But we should always be mindful, when we are looking at any transport-related legislation, that road transport comes at great cost to the environment. Per container, road transport consumes four times as much fuel as rail on the short hauls; on the long hauls, it consumes six times as much—for example, on a long haul across Australia. We need to be mindful that any expenditure on road transport needs to be examined in a cost-benefit framework. If we are getting a better benefit from rail, we should definitely be investing more in rail. In Western Australia we have tier 3 lines that have either been closed or are about to be closed. This is going to cause more road vehicle transportation and result in heavier loads going down our roads, and as Hon Philip Gardiner pointed out, many of our roads are not designed for the new, modern, heavy vehicles that we are seeing more and more often on our roads.

I thank the minister for providing me with a good briefing on the model compliance and enforcement provisions and the amendments that the government is putting forward. It was very hastily organised, and I wish I had had it a bit earlier than I got it, but I managed to squeeze it in during a very busy week; it was to-the-point and answered all the questions I had, so I thank the minister for that.

I also note that the changes proposed to the model national legislation in the bills we have before us—which, for example, provide for copies of the documents and evidence seized if there is a breach—are very sensible, and I commend the government for doing that. Those provisions might actually be in the model national legislation, but I think that that was a good amendment from the 2008 bill that was considered at some point, and made a good change to the new bill that we are looking at now. It is simple things like that that can make a real difference to the lives of Western Australians, who really just want to get on and do their business and not have to deal with layers and layers of time-consuming bureaucracy.

I appreciated Hon Philip Gardiner's contribution in respect of the impact that trucking has on the environment, and the fact that not all loads are required to be covered. In the US there is only one law requiring loads to be covered, and I think it is something to do with not having chicken feathers on the road. Hon Philip Gardiner pointed out that, in a very real sense, the fact is that we have managed without a lot of laws prohibiting loads being carried throughout the country. With the advent of chemical resistant crops and weeds in our environment that are being created through our biotechnology efforts, we have to consider more carefully the impacts of spreading those products far and wide through our transport system. It is great that grain is now required to be covered; I think there are more things that should be covered, and it is something that has been highlighted in my work as transport spokesperson—to look at what else we can cover. There are other acts that deal with the transportation of dangerous goods and hazardous materials, which may have some impacts in that regard. However, in my own mind, when we start talking about grain falling from trucks, it is of most concern to me if we are spreading genetically modified organisms in areas that we really want to keep free from GMOs.

I hope that through the use of amendments to the Road Traffic (Vehicles) Bill 2011 and the Road Traffic Legislation Amendment Bill 2011, which have given powers to inspectors and greater protections to people who are impacted by the breaches, we will tighten up the potential contamination issues that we now find ourselves at risk of through the introduction of GMOs in Western Australia.

The final point I want to make is that this legislation will extend the accountability for overloading loads to not only the truck driver, but also everybody in that transport chain. This is a very important law that the Greens (WA) support. It has immediate relevance to me in my work in trying to improve the welfare of livestock and its long distance transportation. Extending that liability just makes more and more people aware that they have a role to play in ensuring that loads are not overloaded, that the loads are distributed evenly along the axles, that whatever they are carrying in a truck must be transported safely and, in the case of animals, that they are transported in a way that does not cause them undue suffering, or any suffering really.

I will finalise those comments by saying that the eight minor amendments and the changes that we are making to the Road Traffic (Vehicles) Bill and Road Traffic Legislation Amendment Bill are supported by the Greens. I look forward to the minister's response to the various questions that have been raised by previous speakers.

HON SIMON O'BRIEN (South Metropolitan — Minister for Finance) [2.50 pm] — in reply: I thank all members who have contributed to the debate on the Road Traffic (Vehicles) Bill 2011 and Road Traffic Legislation Amendment Bill 2011. Each member has indicated their support for the passage of this legislation, and I thoroughly agree with that point of view as well.

This legislation has had a long gestation period. It started in 2003 when the matters were first contemplated seriously at a national level and were subsequently progressed through an intergovernmental agreement. In 2008 the predecessors of these bills—they were 2007 bills by their title but they came to this house in 2008—were delivered here as a package of five bills. Of course, several of them were subject to the standing order relating to uniform legislation. I was in opposition at that time and Chair of the Standing Committee on Uniform Legislation and Statutes Review. The referral to us was for not just those two or three bills that were uniform bills but the whole package of five bills, together with a dispensation from the house that our committee could inquire into the policies of the bills. We had a good inquiry. We saw a number of witnesses and took a fair bit of evidence via a number of hearings, and in due course we brought a report back to the Parliament. By doing so we truncated dramatically the amount of time that this house would have had to sit in plenary session to deal with the comprehensive amount of legislation contained in those five bills. That is what committees are for, in part; that is, to do that sort of detailed inquiry away from the house.

Hon Ken Travers: How come you guys never let the legislation committee perform that role?

Hon SIMON O'BRIEN: This went to the uniform legislation committee, which, as I said, was very well run at that time, and still is.

Hon Ken Travers: It's a shame the Leader of the House is away on urgent parliamentary business because I am sure he would have said, "Hear, hear".

Hon SIMON O'BRIEN: I thought I heard Hon Ken Travers whisper it under his breath anyway!

The government of the day was not prepared to entertain a few amendments that were put forward as a result of what was in effect a form of sector consultation at that time. There was a great deal of interest, as members would expect, in a package of legislation that, amongst other things, rewrote all the existing law relating to the licensing of drivers and the licensing of vehicles and all matters related to the use of those vehicles. We have heard references today to harvest mass management schemes and all the rest of it. All of these matters were contemplated at great length at that time. The bills before us today are the successors to two of those bills. The reason that they are back before us is that back in June 2008 this house considered the package of bills after they had been returned from the committee. I remember that at the time there was some waffle in the public domain from certain people from another place that this house ought to pass some more legislation or something to that effect. This house, having received a whole lot of legislation, did actually sit a week or two after the Assembly had risen.

Hon Ken Travers: We look forward to the day when you will have a whole week's worth of legislation for us, minister!

Hon SIMON O'BRIEN: Just because a Parliament is legislating does not mean it is all positive. All of our legislation will be quality and necessary legislation.

Hon Ken Travers: Have you stopped Rob Johnson from producing legislation now?

Hon SIMON O'BRIEN: Mr Deputy President, I assure you that I will not be distracted by these unruly interjections!

At that time this house actually sat an extra week or more and completed a number of bills, including the five bills that were in the original road traffic legislation package. However, some amendments were made to a couple of those bills. They were fairly incidental, mechanical amendments, from memory, and were moved by the government of the day. The bills themselves satisfactorily negotiated this place. Why, then, are we back here doing them again some time afterwards? The reason is that the Assembly did not return for a day to receive amendments from this house. It would have returned in about the second week in August, but on about 6 or 7 August the then Premier had a rush of blood and went off to the Governor and called an early election, so all the good work that had been done by this house to assist the then government's legislative program went straight out the window. That is why this legislation was not progressed at that time. Three of the bills that had not been amended were assented to by the Governor, but obviously the other two had not been dealt with. None of the legislation has been proclaimed and we await these two bills progressing so that the whole package can be proclaimed in due course.

Hon Ken Travers: They have been proclaimed but not all elements have come into operation.

Hon SIMON O'BRIEN: No, I think the member will find that three have received royal assent but I do not believe that any of their provisions have been proclaimed. There have, I think, been some other peripheral changes to the principal legislation. Now there are changes to some of the acts that are yet to be proclaimed—they have evolved a little more. The compliance and enforcement package remains to be implemented. That is what we are progressing just now. We will do that.

I had the privilege to be sworn in as Minister for Transport in September 2008, so then the shoe was on the other foot. I examined this thoroughly in opposition and we supported the bills with some amendments. In due course we revisited this matter. It is not an easy thing to start again with such complex legislation. In due course we set about the necessary consultation processes to try to give effect in the best way possible to the views, which we supported as a government, that had been raised during our contemplation of the earlier packages of the bills. The two bills in front of us are in very general terms reproductions of the couple of bills that were not assented to, plus they have some additional elements. Specifically, I am sure that the amendments we propose to make now will form the basis of attention. Those amendments have been alluded to in the second reading speech.

Hon Ken Travers indicated the Labor Party's support for these bills and well he might seeing as they were introduced by the government of which he was part. I have already recalled that I was Chair of the Standing Committee on Uniform Legislation and Statutes Review.

Hon Ken Travers: You should have mentioned that earlier.

Hon SIMON O'BRIEN: I mentioned that earlier, if the member was paying attention.

Hon Ken Travers: I was being facetious, minister.

Hon SIMON O'BRIEN: That is not like the member.

Hon Ken Travers: No, it is not, but on this occasion I made an exception.

Hon SIMON O'BRIEN: The Parliamentary Secretary to the Minister for Planning and Infrastructure, as it then was, was Hon Adele Farina, who was most insistent that these bills be passed. I am quite glad to see that, because she is now the Chair of the Standing Committee on Uniform Legislation and Statutes Review.

Hon Ken Travers reminded us of the importance of the road transport industry. He is quite correct; we rely heavily on road transport in this state. It is a feature of Western Australia's economy and it is driven by both our geography and our demography; an understanding of both those things is necessary if one is to have an understanding of how Western Australia's economy works. It soon becomes apparent that road transport and other modes of transport are absolutely critical to Western Australia's success. It also becomes obvious that Western Australia's transport solutions are different from that of other jurisdictions and that WA needs its own individual consideration, particularly when we are contemplating a harmonised or a uniform scheme. I am glad that Hon Ken Travers understands that, because it is necessary to have that understanding on both sides of the house.

The member also made the pertinent observation about the rationale behind the chain of responsibility agreement and, of course, I think the point implicit in his discussion of that was echoed by Hon Philip Gardiner in his contribution; that is, one of the key points in creating a full chain of responsibility is to thereby induce change to the system overall. There is nothing like a personal imperative to change the viewpoint of depot managers or transport bosses.

Hon Ken Travers: Older brothers will always try to get younger brothers to do things unless they think they are going to get into trouble for it themselves; that is the moral.

Hon SIMON O'BRIEN: Ken Travers clearly has a mature understanding of what we are talking about and he has just summarised it very, very succinctly.

All these things have been debated at length, whether in 2008 or on other occasions. In the second reading contributions from members there was not a desire to go through all of this quite detailed legislative machinery, but it was suggested that instead we focus on the things about the current bills that make them different from those that the house has previously considered at great length. I will stick with that theme. I note that there is some desire for at least a brief committee stage. Obviously, I am more than willing to do that and I am looking forward to it. I am sure that it will be a lot briefer than the last committee stage we did on this, but even that was truncated because we had the benefit of a genuine and open inquiry by a bipartisan committee.

To return to Hon Ken Travers' remarks, he noted that we consulted about this; he observed that the consultation period was over Christmas and New Year. One of the things about being in opposition is that opposition members can see conspiracy theories in anything; they have to find something to complain about. My recollection is that we wanted to get on with it because these things take longer than we think. We were keen to get a consultation process underway before the end of that year, whichever year it was; it must have been 2009.

Hon Ken Travers: It was a long time ago, minister.

Hon SIMON O'BRIEN: It was. Therefore, even though it was to be over the Christmas–New Year period, we still wanted to get on and do it.

Hon Ken Travers: The key industry players did not know about the consultation on Christmas Eve and they were due to report by 15 January.

Hon SIMON O'BRIEN: No; the fact of the matter is that the consultation process was not unduly restricted. It was communicated and, as far as I am aware, it even proceeded way after the closing date—whenever it was—because it was simply a matter of getting in the information.

Hon Ken Travers: There was originally a formal close-off period of 15 January.

Hon SIMON O'BRIEN: Yes, we had to have a deadline. We had to have some reasonable sort of date. If we had decided on the middle of June as the close-off period, we would have been criticised for taking too long. Hon Ken Travers made the point that extensive consultation took place. The consultation period for written submissions was initially announced in December 2009 and ended formally in March 2010. The department has subsequently welcomed any comment since that formal consultation period ended. That is reflected in the bill before us now.

Hon Ken Travers asked about compliance. As part of its normal business, Main Roads will monitor compliance outcomes, as it does now whenever new laws or procedures are implemented. The member would be familiar with the operations of Main Roads in that respect. I am bit hurt about the issue of Parramatta Road. Hon Ken

Travers raised the issue of the Parramatta Road analogy in the second reading speech. I am particularly hurt, but I will get over it. The analogy was in the second reading speech in another place, but it was not in the one that was delivered here. I requested that it be taken out for fear that it might confuse some people. It looks like I might have been right. It might have been a distraction.

Hon Ken Travers: No. The point is that the minister, not you in your representative capacity, but the Minister for Transport, uses that analogy.

Hon SIMON O'BRIEN: Not in the second reading speech that was delivered in this house. He has used it elsewhere.

Hon Ken Travers: I'm not surprised that the government's removed it because it's a stupid analogy and we agree on that point, but the current Minister for Transport still believes that the —

Hon SIMON O'BRIEN: I did not say that it was a stupid analogy; I thought it was one that some people might misunderstand because I understand people in this house.

Hon Ken Travers: If it was a good analogy, why wouldn't you have left it in? We agree again, minister.

Hon SIMON O'BRIEN: I have never seen Hon Ken Travers searching so desperately for points of agreement with us. It is most refreshing.

The reference to Parramatta Road by the Minister for Transport was a reference to its limited infrastructure. Hon Ken Travers would be aware, from his examination of these matters, that the maximum width for a vehicle is 2.5 metres. The minister, in the analogy that he drew, said that the width dimensions of Parramatta Road are very different from those of the roads that multi-combination vehicles travel on in Western Australia. That is true. Most of us in this house are probably not aware of that. Certain sections of Parramatta Road are 2.5 metres wide. That is lane width.

Hon Ken Travers: We have roads in the wheatbelt that are five metres sealed. Divided in half, that is 2.5 metres, minister.

Hon SIMON O'BRIEN: I see the point that the member is making but Parramatta Road is in a totally different environment. It is in a built-up environment.

Hon Ken Travers: We've got roads in Perth where the lanes are only 2.5 metres wide.

Hon SIMON O'BRIEN: But they are generally not B-double routes.

Hon Ken Travers: Is Parramatta Road a B-double route?

Hon SIMON O'BRIEN: I understand that sections of it are.

Hon Ken Travers: Semis go down Parramatta Road. I would be surprised if B-doubles do because I understand that New South Wales has very restrictive road practices. One of the reasons there is an intermodal terminal out at Dubbo is that they don't allow heavy vehicles east of the Blue Mountains.

Hon SIMON O'BRIEN: Be that as it may, the profile of using multi-combination vehicles in New South Wales is quite different from the way that they are employed here and the areas that they travel to. That gives rise to other matters that will no doubt be debated in due course; that is, other aspects of heavy regulation that are not covered by this bill. There are issues in Western Australia that are quite different from the general experience in many other parts of Australia. Hon Lynn MacLaren recognised that quite often there needs to be some variation to national standards to accommodate the unique needs of Western Australia. Indeed, the original intergovernmental agreement actually provides for some capacity for variation by local jurisdiction. We can talk about that more if anyone particularly wants to.

Hon Ken Travers also raised the question of the release of private details about licence holders to private firms. This was a matter of great concern and was quite an issue of the day. It remains an important concern of government. This is not dealt with in the bill. That is a point that the member made.

Hon Ken Travers: No, I didn't make that point. I said I believed that it could be. This legislation does deal with that. In fact, when we get to the committee stage, I will take you to some of the clauses in this bill that deal with the release of information to other parties.

Hon SIMON O'BRIEN: The member can do that but the government made it quite clear when I was minister that we were not prepared to give out or sell, as it was sometimes represented, licence information to other parties such as parking firms. The policy view on that matter has not changed. Some seeking that information have resorted to using other avenues, in particular, taking their business to the Supreme Court for orders to release information in connection with their legal attempts to recover debts. That is the device that has been

used. That is quite different from going along to the department and saying, “Can we have these 10 000 records please and we will pay you 50c or \$1 or whatever it is for them.”

Hon Ken Travers: The end result is they're getting the records; that's the issue.

Hon SIMON O'BRIEN: There is an avenue for them to do that. That was the case under the Labor government when the matter first arose. The Supreme Court still has the power to order release of information when parties are pursuing legal action in a debt recovery case, for example. That is not something that we can counter by an amendment to this act when considering the bill that is before us now. I think the honourable member understands that. Certainly, it is not contemplated in these bills. We will not seek to introduce it into these bills because the government has not decided whether it wants to attempt to legislate in that respect. It is not just a simple matter. I would reject that view if that is the view that is being put forward. It will not be pursued today. If the member has some clause that he wants to ask about that he thinks touches upon this, I suppose he can. I make it quite clear before we conclude the second reading debate that we are not going down the path of seeking to close off the avenue that has been described in this legislation. That is a matter for another day and another process.

I think that has covered the matters that Hon Ken Travers raised. I acknowledge that he said some other things when describing the processes at work. He was quite correct in what he said when he reminded members of the house about how the transport system operates. I noted his remarks about the effects of varying actual loads on roads. All those observations are correct and indicate that he knows what he is talking about in that respect.

Hon Phil Gardiner also commented on a couple of matters that I wish to respond to, apart from acknowledging his general contribution. I do not think I have any answers for him today or through this legislation about the possible cross-contamination of seed stock. The reason I do not have an answer is that this is not the vehicle—no pun intended; this is not the legislation—by which the government would choose to try to effect that. It is probably more of an issue for the Minister for Agriculture and Food to consider. I am sorry that I cannot provide the member any direct assistance by way of this legislation.

Hon Philip Gardiner also referred to the harvest mass management scheme. That was trialled, and had been trialled about the time the initial package of legislation was introduced. As I indicated earlier, it was very much an issue of the day and there was some reticence in various quarters within government about engaging, in any way, in a harvest mass management scheme. From memory, it was in fact virtually a semi-official trial for a season. When I became minister, I insisted that we proceed with a harvest mass management scheme. That scheme has gone ahead. It has been well received. The sky has not fallen. It is now an accepted and standard feature of road transport during harvest times and indeed throughout the year. And I am rather proud that I insisted that that be the case because it is to the betterment of an industry that needs assistance both in good seasons and bad. Therefore, I am very pleased that I was able to contribute to that and I thank the member for his remarks.

The vehicles bill provides, I think, a rather neat mechanism whereby we do not attempt to prescribe the harvest mass management system and chisel it into legislative stone. What this legislation does is guarantee that there will be a harvest mass management scheme, and through the mechanism in the bill—which we may discuss further if the member wishes—the scheme can, in response to the evolution of technologies, be quite easily changed by way of a notice put out by the Commissioner of Main Roads. I think we have the best of all worlds. We can respond to our experiences as the system matures over successive seasons, because no two seasons in grain are the same—there are good years and bad years; different crop yields in different parts of the state; different road transport tasks in different regions; and so on. The scheme needs to be responsive and I think that we have struck on the desired outcome in this legislation.

I have already acknowledged the contribution of Hon Lynn MacLaren, who is elsewhere on urgent parliamentary business. I thank her for her support, and I look forward to the house supporting the second reading of both these bills.

Questions put and passed.

Bills read a second time.