



New Road Transport National Compliance and Enforcement Laws

Information Sheet 1 - An overview of the new laws

National model legislation covering road transport of goods and passengers is to be introduced throughout Australia.

The new laws have been developed by the National Transport Commission in consultation with all Australian licensing jurisdictions and industry representatives.

Key objectives of the reforms

The key objectives of the reforms are to:

- improve road safety;
- reduce damage to infrastructure;
- promote a 'level playing field' for industry;
- improve deterrence and enforcement; and
- improve business efficiency and compliance.

Key components of the model legislation

The above objectives will be achieved by:

- Creating legal accountability throughout the transport chain (see Information Sheet 2).
- Defining categories of risk for breaches (see Information Sheet 3).
- Expanding enforcement powers (see Information Sheet 4).
- Providing increased legal defences (see Information Sheet 5).
- Widening general liability (see Information Sheet 6).
- Introducing a requirement for container weight declarations (see Information Sheet 7).
- Increasing the range of sanctions available (see Information Sheet 8).

Aspects not being implemented in Western Australia

Many people in the industry will be fully aware of the extent of the national model legislation. However, because many aspects are already covered in existing Western Australian laws, we will not be implementing all of it.

The following will not be implemented in Western Australia:

- **Registration of Codes of Practice**

Various industries have codes of practice that formalise and document procedures aimed at maintaining consistency and quality control. However, in most instances, businesses do not have to comply with such codes. The model legislation provides for authorities to register codes of practice. Although Western Australia will not be doing this, in the event of an alleged road transport offence, businesses and individuals may be able to defend their actions on the basis that they were complying with a code of practice.

- **Declared Routes and Zones**

The model legislation provides for the Minister to gazette transport routes and zones that may be used by various vehicle combinations under concessional loading schemes etc.

In Western Australia, this is already managed through the Permit and Notice system operated by Main Roads WA.



New Road Transport National Compliance and Enforcement Laws

- **Formal Warnings**

Because Main Roads WA already operates an administrative warning system for minor breaches, the Formal Warning component of the new legislation will not be introduced in Western Australia.

- **Sudden and Extraordinary Emergency Defence**

The legislation provides a defence against an alleged offence on the basis that the operator was responding to a “sudden and extraordinary emergency”. This component of the new legislation will not be introduced in Western Australia because this defence has always been available and will continue to be available under the Criminal Code.

- **Limitation to Heavy Vehicles**

The model legislation applies only to heavy vehicles (those over 4.5 tonnes). Western Australia believes that to gain maximum road safety benefits, it is essential that this aspect of the legislation apply to all vehicles regardless of their size. Therefore, Western Australia will expand the legislation so that it also applies to light vehicles and so that all parties in the transport chain can be held accountable for offences.

Further information

The model legislation is available on:

The National Transport Commission web site at:

www.ntc.gov.au/filemedia/Reforms/RTRCandEBill3Nov203.pdf

The Department for Planning and Infrastructure web site at:

www.transport.wa.gov.au

If you have further questions, you may e-mail us on: cande@transport.wa.gov.au