



# NATROAD

National Road Transport  
Operators Association

*Incorporating Australian Road Train Association*

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The Secretary  
Department of Transport  
cande@transport.wa.gov.au

Dear Sir

## **RE: COMPLIANCE AND ENFORCEMENT LEGISLATION: ROAD TRAFFIC (VEHICLES) BILL 2009**

NatRoad is the National Road Transport Operators' Association. Our members range from owner drivers through to multinational fleet logistics providers.

Under its Mission Statement, NatRoad is committed to provide leadership, support and development of its members, staff and stakeholders in the road transport industry. It strives to maximise members' long term viability by providing tools, networking opportunities and industry education within the following core values:

- National Uniformity of Regulation;
- Promotion of Safety and Compliance;
- Environmental Sustainability;
- Positive Community Awareness;
- Fair and equitable Industrial Relations framework.

We wish to comment about the proposed Compliance and Enforcement provisions in the Road Traffic (Vehicles) Bill 2009. We support the key objectives of the provisions, which 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.

Since its inception, we have endorsed an effective legislative framework to support the Chain of Responsibility (COR) concept. At the time of developing COR through the consultation process by the National Transport Commission, we supported the COR proposals with some reservations.

These reservations were:

1. The legislation must be uniform in all jurisdictions. This recognises that a significant component of the industry operates across state/territory boundaries and the benefits to the industry and the broader community that flow from a nationally uniform approach to the policy and its implementation. For this reason, we would prefer that provision is made for codes of practice to be registered.
2. That a reasonable steps defence is available to all parties in the chain, irrespective of the level of breach committed. This recognises the role that courts can play in reaching a determination regarding the validity of any defence.

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3. That agencies with responsibility for enforcement ensure adequate resources, including well trained staff, are available to properly enforce the legislation to all participants in the chain and that there is a conscious effort made to:

- a. Target parties along the chain aside from operators and drivers;
- b. Shift the focus from enforcement to compliance through proactive measures, such as encouraging alternative compliance;
- c. Shift the focus in the area of enforcement from road side enforcement;

NatRoad strongly believes that these are key elements in the bill and are essential to enable a practical and effective outcome. We strongly urge you to work with industry and relevant regulatory agencies to ensure that these elements are addressed. You can be assured of NatRoad's support in achieving such an outcome.

Yours faithfully

A handwritten signature in black ink, appearing to read "B O Belacic". The signature is written in a cursive, somewhat stylized font.

Bernard Belacic  
Chief Executive Officer