



# New Road Transport National Compliance and Enforcement Laws

## ***Information Sheet 4 - Enforcement Powers***

### **Parties with Enforcement Powers**

The new laws empower various parties to undertake enforcement action. Primarily, these are:

- Police Officers;
- Authorised Officers (commonly referred to as Transport Inspectors);
- The Licensing Authority (the Department of Transport); and
- Other parties delegated (which will include Main Roads WA).

### **Changes to enforcement powers**

Enforcement powers are being expanded to make the new laws more effective and more easily applied.

This will also enable investigations to cover all parties in the transport chain; and will include the following powers in relation to vehicles, premises and people:

#### **Vehicles**

- Stop
- Direct movement
- Move (by the enforcement officer)
- Examine
- Search
- Order driver to leave
- Instruct to rectify breaches
- Prevent continuation of journey.

#### **Premises (Business premises when occupied during business hours)**

- Enter
- Inspect
- Search
- Seize or copy information/documentation
- Require persons to assist

#### **Persons**

- Require their name and personal details
- Require production of documentation and driver's licence
- Require them to provide other information (within the scope of the law).



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The most significant change in enforcement powers is the introduction of the authority to enter, inspect and search premises and to seize documents.

Officers are already able to inspect vehicles, require the production of drivers' licences and demand a driver's name and address.

For investigations of parties in the chain of responsibility to be effective, enforcement officers must have sufficient authority to gather evidence (usually documents) so they can establish the role of each party in relation to the alleged breach.

Powers to enter and search without warrant apply only to business premises when they are occupied (ie during business hours). In any other situation, a warrant would be required which would have to be issued by a Justice of the Peace.

While these powers may seem extensive, they are very similar to those that already exist within Western Australia.

For more detailed information on this subject, please refer to Parts 2, 3 and 4 of the legislation.

## Further information

The model legislation is available on:

The National Transport Commission web site at:

[www.ntc.gov.au/filemedia/Reforms/RTRCandEBill3Nov203.pdf](http://www.ntc.gov.au/filemedia/Reforms/RTRCandEBill3Nov203.pdf)

The Department of Transport web site at: [www.transport.wa.gov.au](http://www.transport.wa.gov.au)

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