



New Road Transport National Compliance and Enforcement Laws

Information Sheet 8 - Sanctions

Sanctions are the actions that can be taken if the Act is breached.

The new legislation introduces increased sanctions for those parties that commit breaches.

While the primary sanctions are very much the same as exist at present, the legislation introduces a power for a Court to impose quite severe sanctions if it is satisfied that the person is a systematic or persistent offender.

Therefore, the most severe sanctions cannot be imposed unless the person repeatedly offends against the road traffic laws.

The following sanctions may be imposed:

Infringement Notice

A modified penalty that may be paid without a conviction being recorded.

Fines

A financial penalty (upon conviction). Note: The penalty for a corporation is up to five times that for an individual.

Improvement Notice

An Improvement Notice requires the person to remedy the contravention or likely contravention. Only approved officers will be able to issue these notices.

Note: Formal warnings are not being legislated for in WA.

Commercial Benefits Penalty Order

A Court may impose an additional fine not exceeding three times the estimated gross commercial benefit received or receivable from the commission of the offence.

Driver Licences

Cancellation, disqualification or suspension the driver's driver licence.

Vehicle Licences

Cancellation or suspension of the vehicle licence; and disqualification of the operator from licensing the vehicle for a specified period.

Supervisory Intervention Order (for a systematic or persistent offender)

A Court may make an order (for up to 12 months) requiring the following (this is a sample list only):

- Appoint or remove staff to or from a particular position
- Provide training and supervision
- Obtain expert advice
- Install equipment
- Implement monitoring and / or managerial practices
- Furnish reports.

These sanctions would all be at the person's expense.



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Prohibition Orders (for a systematic or persistent offender)

A prohibition order restricts a person's opportunity to be involved in the commission of offences. Under these new laws, it could prohibit a person from having a specified role or responsibilities associated with road transport for a specified period. Note: Such an order cannot prohibit a person from driving or licensing a vehicle (this would be dealt with by specific licence sanctions already covered above).

Compensation Orders for Damage to Road Infrastructure

Such compensation orders require a person to pay compensation to the road authority for damage to the road infrastructure. Note: The amount cannot be greater than the jurisdictional limit of the court in civil proceedings.

Minimum Penalties

Western Australia will continue to apply the concept of minimum penalties for breaches relating to mass (as is the current practice).

Grounding Vehicles

The issue of grounding vehicles is covered in Information Sheet 4 Enforcement Powers and is not a sanction. However, as outlined in that information sheet, enforcement officers (Police and Transport Inspectors) will have the authority to prevent vehicles from continuing a journey under circumstances that require that action (primarily for severe risk breaches and where there are safety issues).

Enforcement Officers already have such authority and it is not anticipated that the current policy and practice in relation to the grounding of vehicles will change.

Note: enforcement matters are the responsibility of Main Roads WA.

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