

**ROAD TRANSPORT BILL 2013**  
**ROAD TRANSPORT LEGISLATION (REPEAL AND AMENDMENT) BILL 2013**  
**ROAD TRANSPORT (STATUTORY RULES) BILL 2013**

19 February 2013

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**Bills introduced on motion by Ms Gladys Berejiklian, read a first time and printed.**

**Second Reading**

**Ms GLADYS BEREJIKLIAN** (Willoughby—Minister for Transport) [4.19 p.m.]: I move:

That these bills be now read a second time.

I am very pleased to introduce these cognate bills in this Chamber on behalf of my colleague in the other place the Minister for Roads and Ports. The Government is pleased to introduce the Road Transport Bill 2013, the Road Transport Legislation (Repeal and Amendment) Bill 2013 and the Road Transport (Statutory Rules) Bill 2013. These bills consolidate New South Wales road transport legislation and prepare for the eventual adoption of the Heavy Vehicle National Law in this State. These bills not only cut the number and reduce the volume of statutes but also remove anomalies, inconsistency and a degree of complexity in the legislation that impacts on every citizen in New South Wales.

In New South Wales there are 5.5 million licence holders and 5.7 million registered vehicles. These drivers and their vehicles—mostly cars—travelled 66 billion kilometres on New South Wales roads in 2011-12. The legislation that regulates road transport is complex; it regulates all aspects of the road environment from licensing drivers and registering vehicles to road rules, vehicle standards, traffic management, drug and alcohol testing, motorcycle rider training, compliance and enforcement, and a chain of responsibility for heavy vehicles. That complexity was unintentionally magnified by the creation of five Acts and 10 regulations. Provisions relating to demerit points are similarly scattered and it is difficult for a road user to understand what applies to them. Moreover, there are areas of duplication, repetition and extensive cross-referencing. There are different definitions for "drive", "driver", "vehicle", "traffic", "garage address", "heavy motor vehicle" and "foreign driver licence". Some key terms remain undefined. It is for those reasons that these three bills are so important.

The Road Transport Bill 2013 represents a simplification of the structure of legislation without major changes to policy. It amalgamates into one Act the Road Transport (Driver Licensing) Act 1998, the Road Transport (Vehicle Registration) Act 1997 and the Road Transport (Safety and Traffic Management) Act 1999, and the compliance and enforcement provisions of the Road Transport (General) Act 2005 applicable to road transport legislation generally. It is intended to enhance the understanding of New South Wales road users of their legal rights and responsibilities. The changes include the removal of inconsistency, repetition, anomalies and redundancy. In addition, the bill provides for advances in technology, such as traffic management devices, and standardisation of processes for drug and alcohol testing. Some provisions that are currently found in regulations, such as those relating to appeals, will be elevated to the Act for consistency and ease of navigation.

The bill adds the definition of "approved traffic enforcement devices" to cover a variety of equipment, including that used for speed measurement. "First offence" and "second or

subsequent offence" as well as "Australian registered operator" in relation to a vehicle are also defined in the bill. In addition, the total number of regulations has been reduced with the repeal of the Road Transport (Safety and Traffic Management) Regulation and the inclusion of those provisions in a new Road Transport (General) Regulation. The Road Transport Legislation (Repeal and Amendment) Bill 2013 provides for the repeal of existing Acts and makes amendments to certain other Acts and statutory rules. In addition, it prepares for the eventual adoption of the Heavy Vehicle National Law in New South Wales by renaming the Road Transport (General) Act as the Road Transport (Vehicle and Driver Management) Act and confining its operation to mass, dimension and load-restraint requirements for heavy vehicles and to regulating other matters relating to heavy vehicles, such as driver fatigue management.

Members may be aware that on 19 August 2011 the Commonwealth, States and Territories signed the Intergovernmental Agreement on Heavy Vehicle Regulatory Reform. The adoption of Heavy Vehicle National Law and a Heavy Vehicle Regulator is the latest initiative in the reform process and will place regulation of vehicles over 4.5 tonnes under a national body with national template legislation adopted by all jurisdictions. This decision was made in response to industry concerns that difficulties remained in doing business across State and Territory borders. Because of jurisdictional variations in the adoption of previous national model laws, the Heavy Vehicle National Law is template legislation that will be hosted by the Queensland Parliament and then applied or adopted in other jurisdictions. Following the passage of the second bill through the Queensland Parliament later this year, the Heavy Vehicle National Law will be adopted progressively by other States and Territories. The separation of heavy vehicle road transport provisions in the Road Transport (Driver and Vehicle Management) Act paves the way for the application of Heavy Vehicle National Law in New South Wales. This Act and its two regulations will be repealed later in 2013. There will be no major amendments to the new Road Transport Act when that happens.

The Road Transport (Statutory Rules) Bill 2013 makes amendments to certain regulations under existing road transport legislation that will continue under the new Road Transport Act 2013. It also sets out the terms of the proposed Road Transport (General) Regulation 2013, which will be a regulation made under the new Act and, among other things, replaces the Road Transport (Safety and Traffic Management) Regulation 1999. The bill also creates the Road Transport (Vehicle and Driver Management) Regulation 2005 under the Road Transport (Vehicle and Driver Management) Act, as outlined above, and confines its operation to heavy vehicle matters. Road transport legislation regulates all aspects of driver behaviour and vehicle use on our roads. The bills reduce the number of pieces of road transport law, cut red tape and prepare for the introduction of the National Heavy Vehicle Law in New South Wales—another important piece of regulatory reform. This consolidation also makes the legislation easier to use. I trust members will lend their support to the New South Wales Government's proposals. On behalf of my colleague in the other place I commend the bills to the House.

**Debate adjourned on motion by Ms Cherie Burton and set down as an order of the day for a future day.**