

## LEGISLATIVE ASSEMBLY

### TRANSPORT LEGISLATION (AMENDMENT) BILL

#### (Amendments to be moved by Mr. Mulder)

1. Clause 41, page 57, lines 19 and 20, omit ", penalties and defences" and insert "and penalties".
2. Clause 41, page 58, line 18, omit "less" and insert "not more".
3. Clause 41, page 58, line 24, omit "less" and insert "not more".
4. Clause 41, page 58, line 28, omit "5% or more" and insert "more than 5%".
5. Clause 41, page 73, lines 16 to 23, omit all words and expressions on these lines and insert -  
    "(3) A person charged with an offence under this section has the benefit of the reasonable steps defence."
6. Clause 41, page 74, lines 6 to 13, omit all words and expressions on these lines and insert -  
    "(3) A person charged with an offence under this section has the benefit of the reasonable steps defence."
7. Clause 41, page 81, lines 26 to 34 and page 82, lines 1 to 17, omit proposed clause 180.
8. Clause 41, page 117, after line 19 insert -

#### **"Division 5A—Formal Warnings**

##### **212A. Formal warnings**

- (1) An inspector may, instead of taking proceedings against a person for a contravention of a relevant heavy vehicle offence, formally warn the person if the inspector believes—
  - (a) the person had taken reasonable steps to prevent the contravention and was unaware of the contravention; and
  - (b) it is appropriate to deal with the contravention by way of a formal warning under this section.
- (2) A formal warning must be in writing.
- (3) A formal warning may not be given for a substantial risk breach or a severe risk breach of a mass, dimension or load restraint limit or requirement.
- (4) In this section, "**proceedings**" includes action by way of an infringement notice.

#### **212B. Appeals against formal warnings**

- (1) A person to whom a formal warning is given may, within 28 days after the warning is given, appeal in writing against the giving of the warning to the Magistrates' Court.
- (2) After inquiring into the circumstances relating to the giving of the warning, the Court may—
  - (a) affirm the warning; or
  - (b) cancel the warning.
- (3) A cancelled warning is to be treated as if it had never been issued.

#### **212C. Withdrawal of formal warnings**

- (1) A formal warning may be withdrawn by a person who is, or who is a member of a class of person that is, authorised to do so by the regulations by serving on the alleged offender a written notice of withdrawal within 21 days after the formal warning was given.
- (2) After the formal warning has been withdrawn, proceedings may be taken against the person for the contravention.
- (3) In this section, "**proceedings**" includes action by way of an infringement notice.'.