

ROAD TRAFFIC AMENDMENT BILL (NO. 2) 2007

Introduction and First Reading

Bill introduced, on motion by **Mr J.C. Kobelke (Minister for Police and Emergency Services)**, and read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR J.C. KOBELKE (Balcatta - Minister for Police and Emergency Services) [6.08 pm]: I move -

That the bill be now read a second time.

The Road Traffic Amendment Bill (No. 2) 2007 amends the Road Traffic Act 1974 in three key areas, being the penalties applying to hit-and-run cases in which drivers leave the scene of a traffic crash and/or fail to report crashes resulting in death or serious injury; changes to affect the government's novice driver reform package; and the method of reporting breath analysis results to comply with new Australian Standards. The proposed changes in the hit-and-run traffic crash provisions are largely driven by an incident that occurred in 2004 in which an elderly pedestrian was run down and left for dead while walking his dog across a major road. The offending driver, who took extreme steps to conceal the crash damage to the vehicle in an apparent endeavour to escape prosecution, was ultimately convicted of failing to stop and failing to render assistance, but was fined a mere \$800. The tragic loss of Michael Witkowski in these circumstances has led to these amendments being referred to as Mike's Law.

This bill amends the relevant penalties to provide a strong deterrent for leaving the scene of a crash. When a vehicle has been involved in a crash in which bodily harm has occurred to another person and the driver does not stop immediately after the accident or render assistance to the injured person, the driver will be subject to a maximum of 20 years' imprisonment when a person's death has occurred; 14 years' imprisonment when a person has suffered grievous bodily harm; and 10 years' imprisonment in any other case when a person has sustained bodily injury. That should be compared with the current penalty of \$2 500 and/or imprisonment for a term not exceeding 12 months.

The other significant changes are as follows. The penalty on indictment for dangerous driving causing death or grievous bodily harm is to be increased from four years to 10 years' imprisonment, and when a person is dealt with summarily, the penalty is to be increased from 18 months to three years. When a crash has occurred occasioning the death of or grievous bodily harm to another person and the driver does not report the accident to police, the driver will be subject to imprisonment for a maximum of 10 years. Presently, the maximum penalty for a first offence is an \$800 fine, and for a subsequent offence there is a maximum fine of \$1 600 and/or imprisonment for 12 months.

This bill is also the first stage in implementing the government's novice driver initiatives, which will significantly enhance Western Australia's graduated driver training and licensing system. Every year, scores of young people aged 17 to 24 years die on the roads, despite making up only 14 per cent of all Western Australian licence holders. While these young drivers are at particular risk, research shows that novice drivers of all ages carry an increased crash risk due to their inexperience. This bill will introduce the first wave of a series of important safety measures aimed at reducing the wasted loss of young lives. The bill will introduce a zero blood alcohol concentration limit for learners and provisional drivers. We know that alcohol and driving do not mix, but the research shows that younger drivers are more likely to crash than any other age group when they have alcohol in their system. This measure sends a powerful message to novice drivers that while they are accumulating experience and are most at risk of being involved in a crash, they must not consume any alcohol.

The bill also puts in place a graduated demerit point system for learners and provisional drivers. Novices may accrue up to only four demerit points in the time between getting their learner's permit and completing 12 months of provisional driving and up to eight demerit points in the time between beginning and completing the entire provisional licence period.

The bill also creates the power to make regulations to place further conditions on the licence of novice drivers. Following the successful passage of this bill, we will introduce new regulations to require learner drivers to spend a minimum of six months in the second learner phase. This will mean the average supervised driving time is increased. Currently, learner drivers are required to complete 25 hours of supervised driving before moving to the provisional stage. The government has indicated its wish to extend this to 120 hours but will not mandate this until access and equity issues are addressed. These changes will ensure novice drivers spend more time accumulating valuable supervised driving experience in a variety of conditions after they have passed their practical driving assessment. Research shows that once a novice driver begins to drive solo on a provisional licence, he or she is up to 20 times more likely to crash than when the novice driver was driving under

supervision. It is therefore critical that the training and licensing system gives learners as much opportunity as possible to develop the skills and experience that will make them safer drivers once they have received their provisional licence. This regulation-making power will also be used to include night-time driving restrictions for all novice drivers in the first six months of their provisional licence.

The government is also looking to restrict the carrying of peer-age passengers during the first six months of provisional driving.

Point of Order

Mr A.D. McRAE: Mr Speaker, I am having difficulty hearing because the member for Nedlands has got her back to the chamber.

Mr R.F. Johnson: You have only just come in the chamber!

Ms J.A. Radisich: That's not true, member!

Mr A.D. McRAE: The member for Nedlands is constantly harping on in a conversation and talking over the top of the minister on his feet.

The SPEAKER: It is quarter past six. I am sure the member for Nedlands wants to carry on private conversations, and I urge her to do that, but just not in here. So, a little shush and we will get through this as quickly as possible.

Debate Resumed

Mr J.C. KOBELKE: I will start that sentence again.

The government is also looking to restrict the carrying of peer-age passengers during the first six months of provisional driving. The other safety initiatives will be implemented first to see if peer restrictions are necessary and, if peer restrictions are thought necessary, we will engage in wide consultation before proceeding. The safety benefit of this package cannot be denied. We know that these changes will save lives and we also know that the community is demanding changes to the way young drivers are trained and licensed in Western Australia. Similar measures are in place in jurisdictions in other parts of the world and have been shown to deliver long-term reductions in fatalities and serious injuries among novice drivers.

The final area dealt with by this bill is the reporting of breath analysis results. The enforcement of drink-driving legislation relies on a person being required to provide a specimen of breath for analysis into what is known as an evidential breath analyser. The sample is measured in accordance with the provisions of the commonwealth National Measurement Act 1960 under a relevant Australian Standard. In 2003, the National Measurement Institute developed a new Australian Standard for evidential breath analysers. The institute agreed to a sunset clause of five years for total implementation of the new Australian Standard. The sunset clause is due to expire in November 2008. Currently, evidential breath analysers use a calculation to convert a person's blood alcohol concentration to an equivalent of the number of grams of alcohol per 100 millilitres of blood. The new standard requires that evidential breath analysers report blood alcohol concentration as the number of grams of alcohol contained in 210 litres of breath. This measure directly correlates to the number of grams of alcohol per 100 millilitres of blood. This provision of the bill is purely a technical change to reflect the new Australian Standard for reporting breath analysis results.

I commend the bill to the house.

Debate adjourned, on motion by **Mr T.R. Sprigg**.