

ACTS AMENDMENT (FINES ENFORCEMENT AND LICENCE SUSPENSION) BILL 2000

Second Reading

Resumed from 17 August.

HON N.D. GRIFFITHS (East Metropolitan) [7.55 pm]: It seems that I am rising with great regularity to support every reasonable measure that is brought before this House and which deals with community safety. That is the consistent position of the Australian Labor Party. This Bill has many worthwhile measures, and Labor's position is very positive about worthwhile measures regarding community safety. It wants to encourage this Government, which has hung around for too long and which we trust will soon depart, to do what it can to enhance community safety, because it has had a very bad record indeed. I do not want to dwell on the Government's record in community safety. If I were to do so, I would speak on this Bill at length because the Government's record is disgraceful.

In this area of fines enforcement and licence suspension, the Australian Labor Party has been pushing the Government for some considerable time to change the law to make it more workable. I am pleased that many of the measures set out in this Bill are ones which the Labor Party has for months, if not years, urged the Government to adopt. On behalf of the Labor Party, I have raised the difficulties with the fines enforcement and licence suspension legislation on many occasions in this House. Many questions have been asked and issues have been raised about the artificial increase - in terms of real criminality - in the numbers of people in prison and the cost to the taxpayer, and the coarsening of those people's lives as a result, perhaps leading them on a road of criminality as a result of the failure of this Government in the area of fines enforcement and licence suspension.

I will make specific references to what is in the Bill. It contains a number of matters that are improvements to the law. I trust that the administration will be in place to back up those improvements sooner rather than later, and I encourage the Government to do that. Unlike Hon Helen Hodgson, I am no fan of the private prison and I am not interested in filling it up. I am concerned that people who do wrong should be punished appropriately. In order for that to be achieved, it is necessary not to have the system clogged up with people who should not be there. This Bill will improve the current regime for fines enforcement and licence suspension. I note that the fines and penalties regime contains a number of measures that are worthy of support. I do not intend to hold up this debate unduly - I do not intend to hold it up at all. I suggest - no doubt it is self-evident - that the Australian Labor Party has been extremely efficient in assisting the passage of reasonable legislation that is worthy of support. The Labor Party has not engaged in any filibusters, and I will not commence that now.

The Bill seeks, among other things, to allow the Fines Enforcement Registrar the discretion to not impose a licence suspension order or to not uplift a licence when an offender faces undue hardship, and to allow a period to pay.

That provision should have been in place from the year dot, but so be it. The Bill seeks to prohibit certain offenders from undertaking work and development orders if they pose a safety risk to the public or supervising community corrections officers. It will give the registrar greater flexibility by allowing a fuller range of enforcement sanctions for the collection of bail surety and moneys. It will also ensure the capacity of the Commissioner of Police to attend rehearing matters.

Importantly, the Bill will amend the Road Traffic Act by creating a separate offence of driving under fine default suspension. This is long overdue. It will also allow for a greater range of sentencing options for the offence of driving under suspension and will provide the police with the capacity to caution in certain circumstances. The Bill addresses an anomaly and will bring the cancellation of probationary drivers licences in line with other drivers licences by providing for such drivers to have their licences suspended rather than cancelled.

The Australian Labor Party is keen to assist this, albeit failing, Government with reasonable community safety measures. This Bill has the capacity to contribute to the wellbeing of our community. I regret that the Government has not already brought in many of these measures. I could spend considerable time recalling the many occasions on which the Opposition urged the Government to act along these lines. I will not do so, as I do not think it should be a matter of controversy. Anyone who has followed the debate in this area will find the point obvious.

HON HELEN HODGSON (North Metropolitan) [8.01 pm]: Changes were made to the fines enforcement legislation last year, and this Bill will tidy up areas of concern that were not addressed at that time. The Auditor General in 1997 discovered serious deficiencies in the collection of fines, with 11 000 fines worth \$9.5m outstanding for over six months. It seems there is still a problem with the collection of outstanding fines. Although the threat of licence suspension has resulted in an increase in fine payments, some people end up in prison as a result of nonpayment of fines. In some cases, their drivers licences are suspended and they are then

imprisoned for driving without a valid licence. That causes serious problems. However, many people in the prison system are imprisoned for economic reasons - the nonpayment of fines - rather than for serious crimes that necessitate removal from society. We should try to keep fine defaulters out of the prison system. The fine is often imposed because the misdemeanour is perceived as not serious enough to warrant a term of imprisonment; yet, nonpayment of that fine will result in imprisonment.

This legislation goes further than that introduced into the House last year in that it enables community-based orders to be used in conjunction with or instead of the suspension of drivers licences in appropriate cases. As we have indicated in this place, the Australian Democrats are in favour of non-custodial options, particularly for the nonpayment of fines. In the vast majority of cases, a community-based order would be far more appropriate than a term of imprisonment.

In most of the public discussions surrounding this Bill and in the second reading speech, reference has been made to Aboriginal communities. People in Aboriginal communities must be given the option of remaining in those communities instead of being imprisoned. This legislation will be extremely useful when the community agrees that it is appropriate to have the person there and that an appropriate community-based order can be developed. I also hope that this measure will apply equally to people in metropolitan and less remote areas where various forms of community-based orders can be made in order to ensure that people are not imprisoned unnecessarily.

A provision in the Bill ensures that a discretionary licence can be granted when a disqualification occurs. The Opposition believes that is an appropriate provision because it will assist to keep people out of prison in those circumstances. That will prevent offences mounting on the suspended driver and give the driver a chance. Because of the fine suspension, if the driver is caught once driving without a licence, the opportunity exists to rectify that rather than for that person to continue to drive without the licence. For that reason, it lessens the burdens on individuals and makes it a more manageable regime and will keep many fine defaulters out of the prison system.

The Australian Democrats support the Bill. We believe the Bill will help keep people out of prison for offences that do not endanger the community. We will be happy to see this Bill passed quickly.

HON GIZ WATSON (North Metropolitan) [8.07 pm]: I rise on behalf of the Greens (WA) to support this Bill with the proviso that although it is a welcome shift for the number of people going to prison for driving under suspension sentences, we do not believe that the Bill goes far enough; however, as it stands, it is an improvement on the current situation. Hon Helen Hodgson made the point that an inappropriate number of people are being sent to prison for driving while under suspension. That is the result of an overzealous approach to the application of prison sentences for driving while under suspension.

I will give members an idea of the figures. I am aware that people involved in legal aid and community legal centres are appalled by the number of their clients who are being sent to prison for driving while under suspension. Many of those people who were convicted were not aware when they were stopped by the police that their licences had been suspended. In 1992, approximately 1 800 people were charged with driving while under suspension. For the year ending 30 June 1998, this figure had increased to 9 417. The latter figure is of concern. While contemplating this Bill, those figures have increased. For the first offence of driving under suspension, the penalty is a fine of between \$400 and \$2 000, imprisonment for a maximum of 12 months, or both. For a second or subsequent offence, the penalties provide for a fine of between \$1 000 and \$2 000, imprisonment for a maximum of 18 months, or both.

For the year ending 30 June 1998, 1 093 driving under suspension charges resulted in a sentence of imprisonment. Five hundred and thirty-five of those offenders had their sentences suspended. In May 1999, the Director General of the Ministry of Justice stated that the increased apprehension rate of people driving while under suspension was one of four reasons for the dramatic increase in Western Australian prison numbers. The Ministry of Justice predicted a prison population of between 3 150 and 3 400 by June 2000, which would be an increase from 2 300 in 1998. It is evident that the overzealous imprisoning of people for driving while under suspension is one of the key contributors to overcrowding in prisons and the appalling rate of imprisonment in this State.

The number of people in prison has skyrocketed because more resources have been allocated to traffic law enforcement, which has led to an increase in the detection of traffic offences and the consequent increase in the number of licence suspensions. For example, red light cameras and booze buses are responsible for picking up many people driving while under suspension. One of the interesting points raised with me by a lawyer was that many people, when they are picked up by the police, are not aware that their licence is suspended, because unlike the system of demerit points whereby people are automatically notified if they are over the limit -

Hon Peter Foss: They are notified but they claim they have not been. You can take the comment with a pinch of salt.

Hon GIZ WATSON: Of course, but the anecdotal evidence from lawyers is that people who have been charged are saying that many of them were picked up but did not know their licences were suspended until they were confronted by the police.

Hon Peter Foss: It is like all those drunk drivers who have had only two beers.

Hon GIZ WATSON: I can only report what I have heard.

Hon Peter Foss: I used to hear the story all the time.

Hon GIZ WATSON: The Bill seeks to redress the current limited number of sentencing options, and we welcome the broadening of those sentencing options. We certainly hope that the outcome will be fewer people being imprisoned for driving while under suspension.

Western Australia has such a car-dependent society that people get themselves in a bind if they cannot pay a fine and have their licence suspended, and find it very difficult to maintain a job. Provision is made for extraordinary motor drivers licences, but other aspects could be addressed. For example, the requirements for qualifying for an extraordinary motor drivers licence could be made less stringent. I understand that if people have had their licence suspended, they must currently wait 21 days before they can make an application. Perhaps that time limit could be reduced. A suggestion was made that an application for an extraordinary drivers licence could be contingent on gaining employment, so that at the point at which people gained employment - in 99 per cent of cases people require a car to get to their employment - they could become eligible for an extraordinary licence.

Hon Mark Nevill: I thought you might be asking that the magistrate order them to ride a bicycle.

Hon GIZ WATSON: I shall mention that. I have friends who have taken to bicycles after losing their licence and who look like becoming champion road racers as a result, but that is another story.

Obviously if the city and some of our larger regional centres were provided with public transport options, that would reduce the necessity for people having to take the risk of driving while under suspension. An obvious example is that many people who find themselves in court being sentenced for driving while under suspension are from the areas south of Perth, such as Fremantle and Rockingham. If we prioritise extending the railway line to Rockingham, we might relieve the problem of people driving while under suspension.

The cost of an application for an extraordinary drivers licence is very high. Those who have had their licence suspended for non-payment of fines are probably already in a financial bind.

Hon Peter Foss: It is going to end up painless.

Hon GIZ WATSON: We are putting people in jail and paying to keep them there.

Hon Peter Foss: Most people lose their licence for drunk driving or because they have lost all their points.

Hon GIZ WATSON: A considerable number lose their licence for non-payment of fines.

Hon Peter Foss: Those who drive without a licence tend to be the drunk drivers, not those who have not paid fines.

Hon GIZ WATSON: I appreciate that this Bill will broaden the punishment options. I note that section 106 of the Road Traffic Act deals with the issue, but it appears to allow only for community-based orders involving community service work. Courts should have the power to order a CBO with or without community service work. They should be able to hand down an intensive supervision order, which would obviously be a more stringent requirement than a community-based order. Although that clause is welcome, it is limited. Could it not also include the additional option of an intensive supervision order if circumstances warrant that?

I have had some discussion with the Attorney General about an amendment relating to persons apprehended while driving under suspension. The Bill proposes that such a person be given a permit to travel to a certain place. I would like some flexibility in this provision. For example, if someone is picked up at 2.00 am or 3.00 am, he or she should be issued with a permit to travel directly to his or her home. Although the provision seeks to require those apprehended to go directly to a licensing centre to address the fact that they do not have their licence, if they are picked up outside the centre's operating hours that is not practicable. Does the Attorney General expect those apprehended to drive to a licensing centre and wait until 8.00 am? The permit should specify that the person must go directly to his or her residence.

The final matter I raise on the issue of suspension of licence due to nonpayment of fines is the privatisation of fines collection via warrants of execution. It seems to me that under that arrangement, the company is supposed

to require that people either pay the fine or have a work and development order, but I understand that the company is insisting that the fine be paid. The company involved is Repcol Austwide (WA) Pty Ltd.

Hon Peter Foss: It does not have the right to collect money.

Hon GIZ WATSON: I understand that is not the case.

Hon Peter Foss: Only the fines enforcement agency can take the next step. All it can do is execute under warrant. It has no power to enforce a work and development order.

Hon GIZ WATSON: I will take that as an answer to that query. With those comments, we are happy to support the Bill, but we seek some support for an amendment on the issue of a suspended driver being able to return directly to his or her residence, by way of either the amendment that I have circulated, or an amendment from the Attorney General if he has some other form of words to accommodate that issue.

HON MARK NEVILL (Mining and Pastoral) [8.22 pm]: I support the Bill, but will make a few general comments. The second reading speech states that the Bill will allow the Fines Enforcement Registrar the discretion to not impose or uplift a licence when there is undue hardship on the offender, and to allow a period of time to pay. I understand that magistrates can grant a period of time to pay, or to make payments in instalments, but this option is often not put to defendants and they just get a fine of \$100, or thereabouts, which in the case of many Aboriginal offenders they cannot pay. A lot of magistrates have erred in not offering offenders the capacity to pay over time. The part of the Bill which interests me the most is the amendment to section 106 of the Road Traffic Act, which will give the courts the option of a sanction other than a fine or imprisonment. I have mentioned in debate for about 18 months that this section should be amended, and it is good that that provision is in the Bill. Some time ago I asked the Aboriginal Legal Service to draft an amendment for me, but that never eventuated -

Hon Peter Foss: Mine took a long time to come too.

Hon MARK NEVILL: On a private trip to Berlin, I spoke to some people in one of the prisons there. In Berlin, people are not jailed for driving without a licence or for drink driving but must attend a group therapy session every Saturday where they are forced to confront the consequences of their behaviour. This might happen for six or seven weeks, which is quite a long time -

Hon Ken Travers interjected.

Hon MARK NEVILL: It is a group therapy I can do without. I have the luxury of focusing on solutions rather than the process. Those sessions do not cost the State much, other than the salary of the group leader, but they are quite inconvenient for the offenders, because they usually take place in their own time, and they are not missing out on work unless they are shift workers.

Other things could be done with these people. They could be taken on a tour of the accident and emergency section of Royal Perth Hospital or they could be put on ambulance duty for 10 weekends. These people would then be shown the carnage that can happen to people who speed, drink drive, or whatever might be appropriate. That is when the alternative sanctions that magistrates give must be more sophisticated. A magistrate must consider what he could do to make an offender confront the consequences of that type of behaviour.

Demerit points were discussed earlier. I have visited many Aboriginal communities and have seen electoral enrolment and failure to vote letters in a big bundle in the bin. The same thing happens with letters from the Fines Enforcement Registry. Many of these do not get to Aboriginal offenders. The administrator in the office often finds it easier to put the letters in the bin. The prospect of that sort of information being received by an offender in an Aboriginal community is not what it is in towns or other sections of the community.

Hon Peter Foss: A last amendment would help that through, though.

Hon MARK NEVILL: It is a good piece of legislation and I am pleased to support it, and to see it here.

HON PETER FOSS (East Metropolitan - Attorney General) [8.26 pm]: I would like to correct a couple of misapprehensions. The first concerned fines enforcement and the criticism of the Ombudsman. Those outstanding fines related not to the fines enforcement system but to the old system. One of the biggest problems the Fines Enforcement Registry had was to collect fines left over from the old system and find out what they were. Under the old system, fines were converted to warrants and sent to police stations. They were seldom seen again. Unless somebody came into a particular police station, which happened to have a warrant for that person, the police would not execute the warrant. In other words, if a person went to the station on another charge, he would collect the fine. One of the first things that was done under the new system was to call those warrants back in, cancel them and register them on the fines enforcement system. The system ended up with something like 10 times as many fines - pretty mouldy, old ones - than were coming through the system. It was

a huge backlog. The Auditor General advised that there should be a proper writing-off process. There was one in place but it was made stricter after that. Most of the fines were written-off because they were uncollectable.

The good thing under the new system is that more people pay without any form of enforcement whatsoever. Up to 95 per cent pay infringement notices without the notices having to be registered. That is the ideal enforcement system - the one that does not require enforcement. In the court system, about 45 per cent of fines are paid without any form of enforcement. People pay the fines without going on the registry.

The second point I pick up on was the one mentioned by Hon Giz Watson. She said that people drive around, not knowing that their licences have been suspended. I am sure there are some cases like that. That is why it has been catered for in this Bill. Before we had breathalysers, I can remember as a young lawyer that it was amazing the number of people who said they only ever had two beers but who were charged with drink-driving. They never had more than two beers! It was the universal excuse given by every drunk driver. Then I would hear the police evidence about how that person had been observed and why he was picked up. The driver had teetered from one side of the road to the other, had smashed into a lamppost, got out of the car and could not stand up. It was clear that he had consumed more than two beers but that was the -

Hon Helen Hodgson: He just had a low body weight.

Hon PETER FOSS: Yes, I am sure.

Hon N.D. Griffiths: Didn't you accept your client's instructions? It was your job to defend your clients.

Hon PETER FOSS: Exactly. I know.

Hon N.D. Griffiths: That is outrageous.

Hon PETER FOSS: I did as I was told but it became extremely difficult when I was told to say that my client had had only two beers and I then heard the police evidence that my client might have had only two beers, but they appeared to have had a strange effect on him.

Hon N.D. Griffiths: They were big beers.

Hon PETER FOSS: Some of these things must be taken with a grain of salt because that is the excuse that one would expect. It is catered for in this Bill. If that is the case, the police can give the driver the notice and he will not get a second go.

Another issue is the supposition that all the people driving around without a licence have lost their licences due to non-payment of fines and they are the ones who are sent to jail. I have not carried out a scientific study, but on a couple of occasions when this issue has arisen, I have checked the people currently in jail or involved in court proceedings. I have generally found the magistrates will not send people to jail for driving without a licence unless they are repeat offenders. They will not send people to jail for the first offence.

Hon N.D. Griffiths: Are these occasions, like the beers, a couple of occasions?

Hon PETER FOSS: Usually a number of occasions. I think one magistrate will always send them to jail on the third occasion.

Hon Helen Hodgson: I understood it was mandatory that they went to jail on the third occasion.

Hon PETER FOSS: No, there is a mandatory sentence on the third occasion, but it is either a \$1 000 fine or jail. The reason for the amendment to section 106 is that there is nothing in between those penalties. Some people say it is a waste of time imposing another \$1 000 fine, because the offender may not have the wherewithal to pay it. I checked with Bandyup Women's Prison, for instance, and found that all women who were imprisoned for driving under suspension had multiple convictions for drunk driving or multiple loss of points. I did not find anyone who had been imprisoned due to non-payment of fines. The anecdotal evidence is not supported by further research.

People who are sent to jail for non-payment of fines tend to be in an aggravated, repetitive system, and the same applies to people who want extraordinary licences. A lot of these people are repeat drunk drivers. Another provision dealing with that, as proposed by Hon Mark Nevill, compels some people to have some form of treatment. What do we do with multiple drunk drivers? We cannot let them back on the road because driving when under the influence is extremely dangerous indeed, and it may be sheer luck that they have not killed anyone to date.

The point made by Hon Giz Watson regarding additional forms of alternative penalty could have been done, but it would have made quite a radical change to the whole Road Traffic Act. We would be shifting section 49 into an existing provision. If we did that, we would have to amend it altogether. That would mean my getting involved in the policy of another minister's Act. Not only is the Minister for Transport involved with this policy,

but also the police. As Hon Mark Nevill has said, it has taken me long enough to get this legislation before the House as it is, and I would prefer to shift it from one part of the Act to another.

At least the community-based orders are an alternative. The magistrates should not say they have the choice of only a fine or imprisonment for offenders. They should not say they cannot impose a fine because the offender cannot pay it and, therefore, send him to prison. However, the last amendment made, allowing the courts to go straight to work and development orders, has meant that a fine is a reasonable alternative. There is no reason now that a magistrate cannot impose a \$1 000 fine. If he has evidence before him to indicate that the person does not have the means to pay and does not have a licence, he instantly has full authority to convert the fine to a WDO. It will still go on their record as a fine and the offender will receive an immediate WDO.

Another point I raise is the question of people having time to pay. Many alternative arrangements have been made giving people time to pay. It is mentioned in the court that they can make an arrangement with the clerk, but people never think to do it until their licence is suspended. It is a typical occurrence. Offenders receive a letter stating that they owe money for a fine. It is not until they receive a subsequent letter stating that they have lost their licence that they start paying attention because they need their licence. As the Act currently stands, once a licence has been suspended, the courts do not have the power to return it to offenders. Now they have the power to do that. I do not want people to keep putting off payments time and again. We want people at the earliest possible moment to make arrangements for time to pay. They must still satisfy the registrar as to why they have not paid their fine previously but, obviously, once they have had the shock of losing their licence, people will tend to make arrangements to pay the fine. The Government would prefer them to do it earlier and make a reasonable arrangement, and then it would never reach the stage of their licence being suspended.

As to enforcement, we are getting much better results having people collect warrants of execution. There is nothing unusual about that. I did that as a holiday job when I was in law school, and it was quite remunerative, if I remember rightly. The order is that the warrant must be returned nulla bona before one then goes to the next step, which is the work and development order. One of the big things we did was to remove the easy option of people doing a WDO when we knew they could pay, because it is very expensive for us to have WDOs. We would much prefer that the people pay the fine - most of them can - so we did not want to make it their option to do a WDO.

Another matter I want to mention is that there has been a major difference in the number of people going to jail for non-payment of fines. We have dropped that number from about 6 000 to 600 a year. I would like to see it go lower. Unfortunately, a large number of the people still going to jail for the non-payment of fines are federal offenders, and that is something over which we do not have a great deal of control. Some legislation requires a default period in jail to be specified. For instance, we have 40 to 50 Indonesian fishermen in the system at any one time, all of whom are there on fine defaults, and there is nothing we can do in this Parliament to change that situation. They are jailed under federal law, we have to take them under federal law, they go under our statistics and we have no choice in the matter. Overall, I think Western Australia is leading in Australia with the non-jailing of people for the non-payment of fines. We still have a very serious problem with jailing people for driving offences, but that is a problem that will not be solved by this legislation, because it relates to another problem with Aboriginal people. We are currently working with the Department of Transport, Police Department and Ministry of Justice to try to address the problem Aboriginal people have with losing their licences.

I thank everybody for their support. As I mentioned to Hon Giz Watson, I would be happy to entertain her suggestion of an amendment to the clause about people going home.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair; Hon Peter Foss (Attorney General) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 48 amended -

Hon HELEN HODGSON: I have a point of clarification that I did not pick up during the second reading speech. Clause 7 deals with the chief executive officer making a WDO, but there are two conditions and I am wondering what rights the offender may have if he is not satisfied with the determination of the CEO - whether any appeal rights or any natural justice provisions may be applied.

Hon PETER FOSS: No.

Clause put and passed.

Clauses 8 to 14 put and passed.

Clause 15: Section 49A inserted -

Hon GIZ WATSON: I move -

Page 15, lines 14 and 15 - To delete the lines.

Hon PETER FOSS: The problem raised by Hon Giz Watson is a legitimate one. It was discussed. The final wording was the result of the insistence of the police. I am not sure I agree with them. Proposed section 15(4) states -

If it is impracticable for the suspended driver to cease driving at the time the caution is issued, the caution must include a permit for the suspended driver to drive by the shortest practicable route from the place where the caution is issued to a place specified in the permit where he or she can make arrangements to have the relevant licence suspension order cancelled.

It could include a person's home but it is probably better to delete the last two lines and to specify a destination in the permit. If the suspension occurs in the middle of the night, a person would not be able to make arrangements to have the suspension cancelled. I am not sure why the last two lines are there at all.

Hon GIZ WATSON: I am happy to look at that as a way of achieving the same end. As the proposed subsection reads at the moment, a person does not have the option of first driving home and then later driving to a place to make arrangements to have the licence suspension order cancelled. I am happy to include options within the permit as to where a person can drive so if, for example, a person is picked up in the early hours of the morning, he can drive directly home.

Hon Peter Foss: A person may be in the north west of the State and nowhere near his home.

Hon GIZ WATSON: Yes. It is reasonable to leave to the circumstances at the time what the permit may prescribe in respect of the shortest route to a destination.

Hon MARK NEVILL: The Attorney General's amendment is preferable. Some members have alluded through interjection that a person's home, for example, may be 300 kilometres from the nearest town - it might be an Aboriginal community. There is also a presumption that the car belongs to the person driving it. If a car does not belong to the driver, will he then be given the right to drive the car to its owner?

Hon Peter Foss: This ties in with the Motor Vehicle (Third Party Insurance) Act. If he drove with a suspended licence, he would be driving uninsured. The Government is concerned about people driving without insurance.

Amendment put and passed.

Hon MARK NEVILL: When I visited the Balgo community recently, a person had to appear at the court at Halls Creek, which is about 300 kilometres away. He attended but the Aboriginal Legal Service officer did not turn up. He had to travel the 300 kilometres back to the community. I asked whether the case had been dealt with - it was a drink-driving offence. He told me that it had not been as the ALS officer had not turned up. I asked whether that happened very often and was told that it happened quite often. These unfortunate people often have to drive long distances to court but their lawyers do not turn up. Cases are often adjourned in the hope that a lawyer will turn up for the re-listed hearing. It is something that should be addressed.

Clause, as amended, put and passed.

Clauses 16 and 17 put and passed.

Title put and passed.

Report

Bill reported, with an amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Peter Foss (Attorney General), and returned to the Assembly with an amendment.