

ROAD TRAFFIC AMENDMENT (IMPAIRED DRIVING AND PENALTIES) BILL 2019

**855. Ms M.M. QUIRK to the Minister for Road Safety:**

Minister, good answer. I refer to the McGowan Labor government's reforms, introduced today, that will target drink and drug-driving in Western Australia.

- (1) Can the minister update the house on how these laws compare with laws implemented in other states?
- (2) Can the minister advise the house how these reforms will help improve road safety in Western Australia?

**Mrs M.H. ROBERTS replied:**

I thank the member for Girrawheen for her question, and for her very long-term commitment to road safety.

- (1)–(2) I certainly can give the member some comparisons with other states. A number of the measures introduced in the legislation I brought into the house today should have been put in place years ago, if we had had a minister in the former government who was committed to road safety. The fact of the matter is that this legislation implements an immediate 24-hour driving ban for a driver who tests positive at a roadside drug test. You would think that that seems pretty logical, and most other states, once they introduced drug testing, in the same way that alcohol testing was put in place, moved to put those immediate bans in place. Who wants to think that someone who has tested positive for methamphetamine can drive away after they have tested positive? Legislation like that was introduced in New South Wales in 2006, in South Australia in 2006, in Victoria in 2007, the Northern Territory in 2008 and the Australian Capital Territory in 2010. Over 10 years ago, most of those states actually put that ban in place. We have had a real anomaly here, one that was drawn to the attention of the former government and one that it chose not to act on.

I know that the other key amendment in this legislation is one that the member for Girrawheen feels quite strongly about, because I well recall the excellent report that the Community Development and Justice Standing Committee did in 2015. Recommendation 8 in that report stated —

That the Minister for Police introduces amendments to the *Road Traffic Act (1974)* to:

- establish an offence for the combined use of alcohol and illicit drugs;

What was the response from the government of the day? The response was —

The Road Safety Commission will be conducting a review into drug driving legislation, in conjunction with police and other key stakeholders.

Nothing happened. In a couple of years since that was pointed out, did anything happen? No. Victoria moved on that, and it is the Victorian model that we are looking to in the legislation that we have brought forward. It was an excellent report, titled “Are we there yet? How WA Police determines whether traffic law enforcement is effective”. What was pointed out in the committee report, and what is well known and well researched, is that where there is a combination of drugs and alcohol, the risk goes up exponentially. These kinds of changes are very necessary.

The other thing that the former Minister for Road Safety sat on her hands about was the penalties for drink and drug-driving. They lag so far behind other states. The member for Girrawheen asked for the comparison. For example, this is where they currently sit: a blood alcohol content of 0.05 per cent in Western Australia attracts a \$500 fine, compared with \$1 000 in South Australia, \$1 828 in Queensland, and \$3 223 in Victoria. It lags at only \$500 here. These are some of the things that we are now moving to address because we had a previous Minister for Police; Road Safety who took no interest in road safety, showed no leadership and did nothing, just like she did not do anything about the calculation of breath tests. She said she was looking into that in about 2014 or 2015, but she did nothing there either. By comparison, we are moving ahead. It is sad that we are having to play catch up with other states, but the problem is that we had a previous minister who did nothing and did not show any leadership.