

Ms Margaret Quirk; Mr David Templeman; Mr Bill Johnston; Mr Chris Tallentire; Mr Andrew Waddell; Mr John Kobelke; Mr Paul Miles; Ms Janine Freeman; Mr Ian Blayney; Mrs Michelle Roberts; Mr John Quigley; Speaker; Mr Tony Krsticevic; Ms Alannah MacTiernan; Mr Paul Papalia; Mr Rob Johnson

ROAD TRAFFIC AMENDMENT (HOONS) BILL 2009

Second Reading

Resumed from 17 June.

MS M.M. QUIRK (Girrawheen) [4.30 pm]: There is little doubt in the minds of members of the opposition that the so-called hoon laws are a very effective deterrent to persons who are minded to go onto Western Australian roads and break the speed laws, thereby putting at risk not only their own lives but also the lives of other road users. Equally, there is also no doubt that the safety, quiet enjoyment and amenity of many people in our communities, suburbs and towns is being disrupted and trespassed upon by hoon drivers. Those community members demand robust laws that will combat this unacceptable, antisocial and seemingly ubiquitous conduct. What is, however, less clear is whether the existing laws, including those that came into force on 1 July, already pose a sufficient deterrent. How can we be sure that further laws need to be introduced? Having said this, no doubt the opposition will have to wear the claim that we are soft on hoons. Far from it. We in fact first introduced the hoon laws in Western Australia. As I will explain later, we are far from soft on hoons.

The fact of the matter is that death and serious injury on our roads has a disproportionate impact on young men in the 17 to 25 age bracket. These young men tend to make up the profile of hoons on our roads. However, it is clear from recent events that it is not exclusively young men who make up the profile of hoons. In saying that, I am thinking of the freelance journalist who was picked up by the police recently for driving a Ferrari at speed near Gingin, and also of Mrs Wyllie, the A-lister who was also caught driving at a speed that would categorise her as a hoon.

The statistics that the minister's office has been able to provide me with indicate that since the hoon laws have been introduced in this state, although a large number of people have been convicted of a first offence, only a small number of people have been convicted of a second and subsequent offence. The only figures that I have been able to get are for the number of vehicles impounded, but I think they will also reflect the number of convictions. In 2004 there were 150 impoundments, but there was only one second or subsequent offence. In 2005 there were 388 impoundments, and there were only four second and subsequent offences. In 2006 there were 337 impoundments, and there were 16 second and subsequent offences. In 2007 there were 927 impoundments, and there were 19 second and subsequent offences. In 2008 there were 1 634 impoundments, and there were 157 second and subsequent offences. To date in 2009 there have been 1 422 impoundments, and there have been 107 second and subsequent offences. It can be seen from those figures that there is quite a disparity between the number of first offences and the number of second and subsequent offences.

The conclusion that I would draw from those figures is that the existing laws are a good deterrent for repeat offenders. To support this proposition, I will refer to the situation in Queensland. The Queensland hoon laws were introduced in 2002. The Queensland Minister for Transport indicated in a press release about a month ago that although the Queensland police have impounded more than 12 000 vehicles, Queensland has an extremely low rate of recidivism, with only about four per cent of people reoffending.

Therefore, the first point that I need to make, reasonably forcefully, is that the laws that the minister is seeking to introduce today are not only harsh and far reaching, but also may have a disproportionate impact on the very small band of second and subsequent offenders whom this legislation is purporting to target.

I want to refer now to the Liberal Party election policy titled "Liberal Plan for Hoons and Young Drivers". In that document, the Liberal party makes the following commitment —

A Liberal Government will implement a comprehensive package that strikes the right balance between community values, enforcement and education.

This package includes:

- Improved 'anti-hoon' measures;
- New measures to deal with P plate speeding;
- Harsher 'anti-hoon' penalties targeting repeat and serious offenders; and
- Investigation of Power to Weight restrictions.

The policy goes on to say —

Hoon behaviour has exploded in the past several years of Labor government.

In order to help reduce hooning in residential areas, a Liberal Government will provide funding to install mobile speed humps and mobile CCTV cameras . . .

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The policy says also —

We believe that fighting crime at a grass-roots level is the best method of dealing with the growing problem of hoons.

The initiatives would be funded from the Liberal's Western Australian Community Crime Prevention Fund which is designed to give local communities access to funds to improve safety in their community.

The policy further provides —

A Liberal Government will introduce harsher penalties that target repeat and serious offenders who place themselves and their community at risk.

This will ensure that the penalties associated with hoon behaviour reflect the seriousness with which the community views the offence.

A Liberal Government will legislate to hit hoons with:

- One week impoundment of a vehicle for a first offence;
- Three months impoundment for a second offence; and
- Vehicle confiscation after a third offence. . . .

The problem with this policy is that it is based on the false premise that people do not get it the first time around. Clearly the figures I have cited from both WA and Queensland suggest that repeat offenders are a particularly small group of individuals. In terms of meeting the government's election commitments on this policy, I note that the minister has announced that one mobile speed hump has been placed in the suburb of Kingsley. I hope this unit will be mobile and not just stay in Kingsley, and that other mobile speed humps are also being rolled out. I hope also that the widespread rollout of CCTVs for the purpose of catching hoons is in place, and that the minister will be able to tell us in his reply where the funding for that will come from.

There is no doubt that this bill does purport to enshrine the election commitments made by the Liberal Party. However, we would argue that this legislation, in its attempt to impact more harshly on a small number of repeat offenders, will significantly change the balance and focus of our existing laws. We would argue also that these laws will be expensive to enforce and administer, they are not proportional, and they are not evidence based. By evidence based, I mean that there needs to be a real nexus between the penalties in this bill and the road safety outcomes. The Liberal Party policy does not cite any such evidence. Also, my inquiries have failed to disclose that the existing penalties are not adequate, that they are not acting as an effective deterrent, and that they are not leading to fewer instances of hooning and loutish behaviour on our roads.

Part of the rationale behind the existing penalties is that the impounding periods are of sufficient length to act as a real deterrent, they will get offending drivers off the roads immediately, and they will give them time to reflect upon and re-assess their conduct; however, the impounding periods are not so long as to encourage protracted battles in the courts and vexatious challenges to police conduct, and, most importantly, they conform to the doctrine of proportionality. The doctrine of proportionality seeks to limit arbitrary and capricious punishment to ensure that offenders are punished justly. Proportionality goes some way towards achieving this balanced approach by requiring a court to consider various and often competing interests when formulating a sentence commensurate with the seriousness of the offence and the culpability of the offender.

I will address some of the specific clauses with which the opposition takes issue, and which I believe fall short of the basic concept of proportionality. It is the opposition's intention to introduce some amendments—not, as the minister might say, to go soft on hoons, but to get the balance right.

Mr R.F. Johnson interjected.

Ms M.M. QUIRK: I thank the minister.

Mr R.F. Johnson interjected.

Ms M.M. QUIRK: I look forward to seeing them, and I can assure the minister that if they are not what we expected, I will also draft some amendments.

Since the new traffic laws came into force on 1 July 2009, and despite the long lead time, there seems to have been a lack of preparedness for the volume of vehicles that have been caught in the net, and there have been attendant problems with processing the many seizures. There have also been problems with storage and associated administrative tasks; the minister admitted as much today during question time.

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An article that appeared in *The West Australian* on 7 August revealed that fewer than half of the people whose cars had been impounded had bothered to retrieve them, and it was predicted that the ongoing storage of impounded cars would cost approximately \$100 000 a week. Similarly, during the estimates hearings in May, the minister predicted that 15 000 cars would be seized per annum. I think that figure relates to the legislation that came into force on 1 July. The minister might be able to tell me by way of interjection the predicted number of impoundments under this bill.

Mr R.F. Johnson interjected.

Ms M.M. QUIRK: I thank the minister very much.

During the estimates hearings, the minister conceded that no business case had been prepared on the cost implications for this legislative regime, and that he was not able to indicate how the \$8 million a year saving to the police had been calculated. The opposition wanted to know whether the revenue would come from the sale of confiscated vehicles, or whether the government was forgoing the costs ordinarily incurred by the police. If it was the latter, I think the somewhat rubbery figures have been offset by what will be needed in an escalated enforcement effort, if the minister's account is to be believed.

On 26 May, during the estimates hearings, the minister had a reasonably robust discussion with the member for Midland. She, in fact, introduced the first hoon legislation; I should give her credit for that. In reply to a question from the member for Midland, the minister stated —

Mr R.F. JOHNSON: As the member is aware, under the hoon legislation the amendments come into effect on 1 July.

Mrs M.H. ROBERTS: I do not want general dialogue. I want to know whether a business case has been prepared. Has there or has there not been a business case done for each of those?

Mr R.F. JOHNSON: A business case in relation to hoon legislation has not been done yet. WA Police is working on that now and working through what will happen with the towing and storage of the vehicles and the cost implications. We are looking at something I favour: so that there will be no cost to the police in future, that will be contracted out.

Mrs M.H. ROBERTS: Does that rely on legislative changes?

Mr R.F. JOHNSON: I believe there will be some legislative changes for towing contracts and people who are involved in the towing industry. I want to try to ensure that we keep organised crime gangs out of the towing industry. As the member knows, the police have a contract with the company that, if we like, oversees the towing of vehicles. The police officers phone a number and the person who runs the company phones a tow truck operator.

Later during the same hearing, the minister stated —

I have already said that a business plan has not been put in place yet. The police will be working on that. As soon as they have finished, we will highlight it to members opposite in the Parliament. The member asked whether there would be a need for legislation for this to be put in place. There will be a need for legislation, and it is being worked on at the moment. The first drafting is being put in place at the moment and that will come to the Parliament. Regulations will probably need to be attached to that legislation. That legislation is in relation to the hoon legislation, but it will be separate legislation.

The member asked me a question and I am trying to give her an honest answer. The hoon legislation and the activities of the hoons will reflect on costs and cost savings within the police department. The member would be aware that as from July this year there would be a minimum of 15 000 vehicles a year being towed from the roadside. The reason for that is the legislation that the member's government put in place.

I cannot speak for other members, but I am certainly none the wiser about the financial arrangements after hearing that explanation. I am very pleased to hear that the minister will, once and for all, enlighten us, after the many questions we have put to him on this issue. Are these costs forgone or, conversely, are these laws going to be an "earner" for police, to use the minister's parlance? If that is the case, of course the opposition will ask the perennial question that oppositions always ask: "Is this about revenue raising, or is it about making an appreciable difference to the improvement of safety on our roads by deterring repeat offenders?"

I refer to the budget papers; I will not labour this point too much. One of the savings listed under the three per cent efficiency dividend was a saving associated with the hoon legislation. It was predicted that a total of \$32 million would be saved over four years, including \$8 million for this year. It is still pretty unclear as to how

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that figure was arrived at. As we have already heard, there was no business case and it is by no means certain what the financial relationship is.

It will be attempted under the legislation to try to shift costs to the contractor; implicit in these back-of-the-envelope calculations is the assumption that the cars will be of sufficient value, will not be subject to finance and that recovery efforts will be cost effective. I hope that the minister will, in his response, address some of these issues. We heard again during question time today that many of the cars are lemons and are possibly unlikely to recoup much in the way of funds. The minister's catchcry in the coming months might be, "When fate hands you a lemon, make lemonade"!

Given the huge impost of storage and towing, and the volume of vehicles that will potentially be caught under this legislation and the existing laws, I wonder whether consideration was given—as it has been in other jurisdictions—to clamping or immobilisation? They would seem to be other options that could readily be explored.

I want to talk a little about the contract. As I understand it, the proposed amendment contained in this bill will increase the scope of the tasks that the contractor can undertake on behalf of the Commissioner of Police, which includes the disposal of uncollected vehicles. The current towing and storage contract is with AAAC Towing, and it has been extended for 12 months, as is permitted under the terms of the existing contract. Had the current contract not been extended, it would have expired on 18 August 2009. If this bill is passed and comes into effect, an addendum to the contract will be issued and AAAC will undertake the disposal of uncollected vehicles until the expiry of its contract in August 2010. At that time a new contract will be necessary. It is envisaged that WA Police will then have to put out tenders for a new towage and storage contract in February next year. The successful contractor will commence operations in August 2010.

I will digress for a minute. Ordinarily I am not a conspiracy theorist but I am concerned about some of the government's activities in regulating the towing industry. The Minister for Police and the Minister for Transport have set up something called the roadside towing removal advisory committee. As I understand it, this committee is charged with the role of commenting on new tow truck regulations to replace the existing and outmoded towing regulations. The opposition has no problem with that; however, the expressed intention is that that committee will also address the exorbitant prices charged by tow truck drivers. This all sounds relatively non-contentious if it is about protecting the Western Australian public from being exploited or being exposed to unscrupulous operators. Despite this, when the Minister for Transport was asked a question about this committee in the upper house recently, he refused to provide any details. I have, however, received complaints that this committee is far from representative. It is made up principally of representatives of insurers with little representation from the industry itself. The meetings are even held at the offices of the Motor Trade Association and are chaired by an MTA representative. Members need to appreciate that it is in the insurance industry's interests to reduce its overheads and to screw down prices.

On receiving complaints from the industry association about the lack of meaningful representation, the minister's office provided a written response outlining that it had decided not to seek input from any other parties. Members should be mindful that these discussions are taking place in an environment where in excess of 15 000 tows a year are being commissioned by police through tenders to a private contractor. There is an opportunity to influence the whole market conditions for drivers. In the context of the tender next year, we need to scrutinise the process extremely closely because the current negotiations on changing the regulations seem to be clouded in some level of secrecy.

The Road Traffic Amendment (Hoons) Bill also makes provision for profits from the sale of vehicles to go into the road trauma trust fund, which we commend. At present, one-third of the proceeds of speed and red-light camera fines go into this fund. The previous government undertook to top this up to \$15 million a year. As I understand it, the present government is not topping this fund up in the same way; the shortfall is going back into consolidated revenue. Whilst the payment of the net proceeds of car sales under this bill goes into the road trauma trust fund, which is clearly welcomed, it disguises the fact that more revenue from red-light and speed camera fines is not being diverted to road safety. We need to be mindful that this revenue is likely to increase substantially when there is a doubling of speed camera capacity when new cameras are introduced in 12 to 18 months.

There has been much publicity by the minister about the possibility of crushing vehicles. I ask the minister: is there a firm policy when to crush and when not to crush impounded vehicles? How will that be arranged? Will it just be when the minister needs a photo opportunity, or will there be some published policy on when it is deemed appropriate to crush vehicles?

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The opposition will seek amendments to this bill because there are a number of provisions that we are concerned about. Some of these provisions are in fact in the existing legislation, but, now that the impoundment period has extended substantially, we believe that the balance has changed. The level of potential injustice to someone—that is, the loss of financial opportunity by not having a car and a number of other factors—means that some additional checks and balances need to be put in place.

The first amendment sought will be to clause 7, which amends section 78A of the Road Traffic Act. This clause actually removes the so-called “circumstances of aggravation”. The rationale for doing that was expressed by the Minister for Police in his second reading speech —

One of the offences that trigger police impoundment of a motor vehicle is reckless driving whereby the offence is committed in “circumstances of aggravation”—that is, racing, excessive noise or burnouts. These circumstances have to be proven in court in order to trigger the impoundment or confiscation of a vehicle. These circumstances of aggravation create significant logistical problems in respect of the confiscation of vehicles as it is extremely difficult to establish whether these circumstances were proven in court because they are not elements of the actual offence of reckless driving. In addition, behaviour such as being involved in a pursuit with police or doing wheelies on a motorcycle does not fall within the current definition of circumstances of aggravation and therefore would not trigger the impoundment or confiscation of a vehicle.

The bill removes the circumstances of aggravation in respect of reckless driving offences. The effect of this will be that all reckless driving offences will now trigger the impoundment or confiscation of a vehicle.

Again, this broadens the offence. The opposition considers that this amendment effectively lowers the bar. This clause is more about making the life of police easier rather than closing a technical loophole. We will seek an amendment that retains the “circumstances of aggravation” but also expands those circumstances to include the omissions that the minister referred to—wheelies on a motorcycle and being involved in a pursuit.

Mr R.F. Johnson: Is the opposition going to support the legislation?

Ms M.M. QUIRK: We are going to support the legislation, with amendments.

The second amendment sought will be to clause 8, which amends section 78C. This clause would permit a police officer to enter premises without a warrant to seize a car or keys when a surrender notice has been ignored. The opposition certainly does not consider that the exigency is so compelling that this needs to be done without a warrant. We would seek an amendment that permits entry with a warrant when the circumstances exist. There are all sorts of issues about whether, for example, the notice of surrender was in fact received in the first place. I do not think giving police licence to enter premises, even if it is for ignoring a notice, is sufficiently compelling. I might add that the obtaining of a warrant is not an onerous thing. Police should be able to readily justify if those circumstances exist.

The third amendment sought will be to clause 11, which I regard as a little bit of a sleeper. That clause amends section 79. I think this is really the crux of the legislation. The definition of “previous offender” is changed so that it includes persons who have been charged with an earlier offence but have not yet been convicted. Again, this widens the net considerably. We seek an amendment to define “previous offence” to be an offence for which a conviction has been recorded. Clause 11 is a very clumsy clause. I recall a couple of cases in which a person had allegedly committed a second offence before a first offence had been dealt with. That is an issue about process in the courts. It is not about a person being deemed to have a conviction when in fact that person has yet to have the first offence adjudicated upon.

The next amendment is to clause 13, which amends section 79B. This clause deals with the requirement to give a notice of impounding as soon as practicable after the vehicle is impounded. This notice has to be in an approved form. When we asked for clarification, we were told that that was to be approved by the commissioner or someone in traffic but not necessarily provided for by way of regulation. I think it should be set out in the regulations and the form approved in that way. Secondly, but I think more importantly, it would seem that under this notice no reasons need to be given for the basis of the police officer’s reason for suspecting that the driver committed an offence that warranted impounding the vehicle, nor does the notice need to set out that there is in fact a right of review. We think that both of these requirements should be mandated and should be put in an approved form as a notice that is set out in the regulations or as a schedule to the legislation.

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In the proposed regime, under section 79C, a senior officer, whom I understand is at inspector level, is orally informed of the reason that the police officer intends to impound the vehicle but nowhere is that reason required to be written down or produced to the alleged offender. As I said, if the approved form included that information, it would get around this situation and may well save police resources because if that is subsequently contested, it may well be that an inspector has to be taken offline to give evidence in court about what he was told by the officer on the roadside. It seems to be a very clumsy way of dealing with this matter.

Clause 20 amends section 80G. Under new subsection 6A confiscation is mandated, but it states in part —

...unless it is satisfied that the order would cause severe financial or physical hardship to a person, other than the driver of the vehicle, who has an interest in the vehicle or is the usual driver of the vehicle.

I think in the recent roll out of legislation on 1 July there has been a number of highly publicised instances in which innocent third parties, such as small business owners, have in fact been caught in a similar net. This may be in circumstances whereby the third party has made every endeavour to ascertain the driver's status, did not authorise the driver to drive in the manner alleged or did not consent to the use of the car, and this seems unjust. We believe that severe financial or physical hardship should be defined or alternatively a clause could be included that specifically excludes confiscation or impounding occurring where reasonable efforts have been made by a third party to prevent the driving conduct complained of or to make enquiries of the driver's history. Again, one would say, and I suspect the minister's advisers will tell him, that has been the form for the legislation for some time and that is the same form of words that is in the Queensland legislation. However, again we are talking about a much more extended period of impoundment and the bar has been lowered for when confiscations can occur, so in those circumstances we think there needs to be further clarification of the circumstances in which third parties can legitimately reclaim the vehicle.

The next amendment is to insert new section 79F. Given the lack of checks and balances under the new regime and in particular that impounding can occur for an extended period without any conviction, we believe that it is necessary for a provision to enable the court to order compensation when a person has been acquitted of all outstanding charges and—I stress the word “and”—in which the police were found not to have acted in good faith. I expect the occasions on which this would arise would be very rare, but I think it is an incentive for people to act within the terms of the legislation and to ensure that the act is complied with fully. I think it is in the spirit of the legislation whereby the balance, as I said earlier, has changed to being very much in favour of police with very little additional oversight and the potential for misconduct is much greater than in the previous legislation, so we need to insert some additional checks and balances.

I want to raise a couple of other issues and the minister might need to get some instructions from his advisers. The first issue is that I understand there might be some difficulties in getting arrangements for towing or towing contractors in the regions, so we would like some information about what is intended to be done in the regions. Also, and this is consistent with the Liberal Party policy that there will be some form of education as part of its crackdown on hoons, what proposals are there for an education campaign around this new legislation? What lead time does the government anticipate, given the problems that have been raised today about the implementation of the legislation that came in on 1 July? I am curious to know what lead time the minister anticipates for the introduction of this legislation. What money will be set aside for implementation of the legislation, for any changes that need to be made to computers and so on, and for any public education campaign?

To conclude, the overriding concern with the bill is that with the potential for a greater period of impounding and the trigger for confiscation also being lower, there is not the corresponding increase in obligations and responsibilities on police. We believe there is some potential for injustice, so although we support the bill, we believe amendments need to be made and we will move them at the appropriate time.

MR D.A. TEMPLEMAN (Mandurah) [5.06 pm]: I am pleased to make a contribution to the debate this evening on the Road Traffic Amendment (Hoons) Bill 2009. I acknowledge the opposition spokesperson's contribution and particularly her articulation of a number of concerns and issues of clarification, which I am sure the Minister for Police will be able to address in his response to close the second reading debate. The member for Girrawheen has highlighted to this place some of the implications of the bill as they were articulated in the minister's second reading speech.

I, too, am interested in a couple of key areas. One area that I am particularly interested in is the impact, of course, of these new laws on police resourcing. I have looked at the statistics—the minister would know this, and the opposition spokesperson would also know this—which show that Mandurah, unfortunately, and the Peel police district have a fairly dubious history of having some of the worst hooning offences in the past few years. In fact, the Peel police district has had a number of incidents in which hoon activity has been prevalent and indeed has caused, and continues to cause, a great deal of concern for my constituents and indeed for

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constituents in the wider Peel area. I have highlighted this to the minister as well and it relates to not only resourcing but also how we continue to, if we like, bring in new laws and ensure that our police service is able to be resourced adequately to respond to challenges, such as in the bill we are debating tonight.

Very soon we will see the opening of a major highway system in the Peel region; namely, the Perth-Bunbury highway. It is over 70-odd kilometres of additional road network extending from the current Kwinana Freeway through the Baldvis area and, of course, skirting, if we like, the eastern side of the Peel-Harvey inlet and then joining the current dual carriageway that comes up from Bunbury in the south. I have raised in this place—I have written to the minister and he has responded to me; I am waiting on one letter but I am sure that is being processed—the ongoing concerns I have about that road when it is open because it has been said by various people in my electorate that there is concern about the potential for it becoming a hoons' highway. We will have a very long stretch of road that will attract those people in our community who we are very, very despondent about —

Mr J.E. McGrath: Which road is that?

Mr D.A. TEMPLEMAN: The Perth-Bunbury highway.

We are concerned about those people who decide that they will put not only their own lives in danger, but also the lives of community members as well. Quite frankly, I have had a gutful of hoons in my community. I am sick of hearing about and seeing the damage they have done to road infrastructure, and the close shaves they are responsible for. I get reports, as I am sure do many other members in this place, of people hearing at night their unacceptable and abhorrent behaviour. I have had a gutful of it.

Mr R.F. Johnson: Have you had a gutful of it?

Mr D.A. TEMPLEMAN: I have had a gutful of it. I am very serious about this. I have had a gutful of these people in my community, or travelling through my community. In the south of the Peel region, in the electorate of the member for Dawesville, the Old Coast Road has an abhorrent history of fatalities and injuries. It is a terrible road with a terrible history that has caused massive tragedy and great pain for so many families in Western Australia—many of them from my area. I know that the member for Collie-Preston is also concerned about the number of deaths in his community. He has told me that, when he travels from Perth to Collie along the section of Old Coast Road near Lake Clifton, he dreads coming across another tragedy involving people from his electorate. I know that he feels very strongly about this issue, and he has raised it in the house.

I support laws such as this one because I have absolutely had a gutful of the people responsible for hoon behaviour in my community, but I also want to highlight to the minister and to other members that there are implications for these laws, including adequate resourcing of the Western Australia Police. I will be a strong and forceful advocate for police officers in my community when resources are taken away. I will give a recent example. The Peel police traffic unit used to have five motorcycles available to it. At the stroke of a pen, only a few months ago, the government took not just one or two of them off the road; it took the lot of them. There are now no police motorcycles in the Peel police district. This is at a time when one of the most important pieces of road infrastructure in the state is due to be opened in a few weeks, straight through the middle of the Peel region. I would have thought that the government would want to make sure that when the road is opened the police traffic unit has at its disposal the capacity to respond rapidly to issues on that busy road, but one very important resource—the motorcycle unit—has been taken away. I am concerned that we introduce these laws and say why they are so important but on the other hand we take away an important part of the armoury for combating this problem.

The Perth-Bunbury highway is over 70 kilometres of additional road through the Peel region. The two main key connector points to the highway in the northern end of the Peel-Harvey Estuary system are Pinjarra Road and Lakes Road-Gordon Road. These are the only existing east-west roads that will allow people in my electorate of Mandurah and in the Deputy Premier's electorate of Dawesville to connect to the Perth-Bunbury highway. Therefore, the traffic volumes on those two roads will become absolutely critical. The local police service must have the capacity to police those two connector roads. People who have been through Mandurah will know that there is very high traffic congestion at peak periods. At certain times of the day, traffic is at a standstill in Mandurah. In considering the capacity of emergency vehicles, particularly police, to get out onto that highway, one would think that motorcycles would be an important part of the armoury, but they have been taken away. My concern remains that, while we introduce important laws such as this to address the clear concerns of people like me, who have had a gutful, we then take away at another level the financial resourcing of the service that we are asking to police it appropriately.

Mr R.F. Johnson: Those officers are driving cars now.

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Mr D.A. TEMPLEMAN: I am talking about the capacity of police officers to get through some of the congested areas quickly and effectively. I would say that there is a good argument for having at least one or two police motorcycles in the district. They should not all be taken away. To support that, the Mandurah branch of the Western Australian Police Union, which is a very strong and active branch, proposed a motion that I understand was debated at the recent union state conference, calling on the government, through the Commissioner of Police, to reinstate at least two of those motorcycles. I thought they were being a bit lenient—they should have asked for the lot back—in asking for only two. I cannot emphasise too much why I understand the men and women of the Mandurah branch of the police union advocating such a move. There is traditionally a high volume of traffic within the Peel region anyway, because of the growing population, but we must also respond to the large volume of traffic that moves through our communities towards the south west for recreation and, of course, the trucks and heavy haulage vehicles that will also use the Perth-Bunbury highway to access markets in the south west region. I support this legislation, and the minister knows why.

Mr R.F. Johnson: Because you have had a gutful?

Mr D.A. TEMPLEMAN: I have had a gutful of it—absolutely—but I am also very serious about the implications of this legislation, some of which have been mentioned by the member for Girrawheen, because I want to make sure that the police, when they are given these powers, have the resources to do effectively what they are being asked to do. I use the example of the removal of the only five motorcycles from the Peel police district to question whether that can be done effectively. I also wanted to mention that when the Perth-Bunbury highway is opened—I will be interested in the minister's comments on this—I will be interested to know what mechanisms will be put in place to monitor speeds and inappropriate driving behaviour along that road. It is more than 70 kilometres long. I mentioned the two main connectors that influence Mandurah, which are the Pinjarra Road and Lakes Road-Gordon Road access points. There are a couple of others further to the north, including, of course, the connectors at the Pagononi Road interchange—I think the Pagononi interchange is in the member for Peel's electorate —

Mr P. Papalia: Warnbro.

Mr D.A. TEMPLEMAN: Warnbro; I am sorry.

Mr R.F. Johnson: He looks a lot like Norm Marlborough, doesn't he?

Mr D.A. TEMPLEMAN: He looks nothing like him! Just south of Kwinana I think there is another interchange connection also. If police resources are to effectively and adequately police this new, long road, I would like to know what the strategy will be, because I want to articulate that appropriately to my community. The last thing I want to see is a shift of the terrible tragedies that we have seen on Old Coast Road down to the Lake Clifton area, which have been appalling and very tragic. I would hate to see that simply shifted onto a new road that, as I mentioned, some have said will potentially become a hoons' highway, with the capacity for high-speed racing down an open area of road. Therefore, I am pleading, as I do in this place many times, with the minister to take this seriously. I think he will.

Mr R.F. Johnson: I do take it very seriously.

Mr D.A. TEMPLEMAN: I think he understands where I am coming from. I am looking to him for some assurance that —

Mr J.E. McGrath interjected.

Mr D.A. TEMPLEMAN: We probably need to keep some of the member's constituents off the road. They would whisk down there in the plush, sporty Mercedes Benz that all of them in the leafy parts of South Perth seem to have, after they have zoomed past and scared the arachnids in the Zoo on their way to their chardonnay-scoffing activities in the south west. Of course, I want them to stay in the Peel. I want them to visit the Peel rather than go to the south west. Our Peel wines are far superior to those in the quaffing communities of the Margaret River region.

The Perth-Bunbury highway is very important. The commissioner, through the police cuts, has taken away our only five motorcycle units. I want to see how this bill will be resourced in practice and in delivery, so that we can do what we want to do—that is, ensure that my gut ache is dealt with appropriately.

MR W.J. JOHNSTON (Cannington) [5.23 pm]: I want to talk about the Road Traffic Amendment (Hoons) Bill 2009, because, as the member for Cannington, an issue that is raised with me regularly is hooning. It is raised with me more than any other issue. I am pleased that, after a year in office, the government has brought

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some action to us. After only 11 months, it has decided that it is now a priority, and it has brought some legislation forward.

Mr R.F. Johnson: So you're going to support it.

Mr W.J. JOHNSTON: The minister can interject on me again, as he usually does. The shadow minister has explained the Labor Party's position. We believe that there is a set of amendments that would make this bill better for Western Australians. We are happy to receive the minister's support for those amendments, and then we will support the bill with those amendments.

Mr R.F. Johnson: Are you aware that I have actually accepted some of the amendments that the member for Girrawheen has put forward? I have accepted some of them, not all of them.

Mr W.J. JOHNSTON: I am very pleased about that. Again, I am sure that the minister will find what I am going to say very interesting.

Mr R.F. Johnson: I doubt it, because I've had a gutful!

Mr W.J. JOHNSTON: I will be quoting extensively from the minister's own speech, so I imagine it will not be very interesting. I will give an example of the problems that occur in the suburbs that I represent. A gentleman, Dick Ketteridge, from Nicholson Road, came to see me about problems that he is having outside his house. At the corner of Nicholson Road and High Road there is a roundabout. Cars often do burnouts and excessive speed through that roundabout. Dick brought this problem to me. I welcomed the information that was provided to me, and I prepared a little survey, which he distributed to his neighbours. I was very pleased to get a lot of feedback from the people who live close to that intersection, so that I had a proper picture of what happens to them when they suffer hoon-driving experiences outside their houses. I have drawn this to the attention of the traffic branch of Western Australia Police. I was very pleased to also speak to Inspector Zanetti from our local Cannington area, who has undertaken to pay extra attention to that intersection. I understand the feelings of these people in the suburbs. When I talk to people in the suburbs that I represent, such as Queens Park, Cannington, Beckenham, Ferndale, Lynwood and Langford, they always raise with me problems with hoon drivers.

The minister is right when he says that, generally speaking, these drivers are 17 to 24-year-olds. When I am driving home, I see the line-up of grey imports at places like Fabcar. They are very nice cars. As a person who likes motor vehicles and has some experience in this area, it is interesting to see a twin-turbo Toyota Supra. These are interesting cars. Although I personally do not like Japanese imports, I can understand why people do like these cars. However, they must drive them responsibly. If a person has a Nissan Skyline GT or a twin-turbo Supra, it is a nice piece of machinery. I appreciate the technology that has gone into it, and I understand why people are attracted to owning those types of Japanese cars. However, people who have bought these cars need to act responsibly and they need to drive responsibly. Of course, sometimes young people do stupid things, and hooning laws should be designed to remind young people and others that they need to act responsibly.

In a minute I will talk about the effect that the legislation that was passed by the Labor government has had. I will also talk briefly about speed limits, because I know that the minister has been talking about lowering speed limits in certain parts of the metropolitan area. I remind the minister of his contribution to the debate on 8 April 2004 regarding a former hoon bill. He said —

I am all in favour of a safe and reasonable speed limit on suburban roads. However, the minister has got it wrong in some areas. In some instances, there are limits of 50 kilometres an hour where they should be 60 kilometres an hour.

I quote those words back to the minister and say that he should carefully assess whether the area where he is intending to lower speed limits is a dangerous location and whether it is a location where there has been injury and death, because that is an interesting comment that he made on 8 April 2004 regarding speed limits. I point out that if the minister is going to move to deal with these matters, he needs to think carefully about whether it is evidence based. I have read the —

Mr R.F. Johnson: I don't veer from what I said in 2004. In actual fact, you're relating the lowering of speed limits to the ones that were announced over the weekend. That was not up to me; that was up to Main Roads. They're the ones that announced it in *The Sunday Times*, not me.

Mr W.J. JOHNSTON: If the Minister for Road Safety does not have an interest in road safety, that is fine by me.

Mr R.F. Johnson: That is a silly statement. You can do better than that.

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Mr W.J. JOHNSTON: I have read and taken on board the comments in the Towards Zero strategy, and all I am saying to the minister responsible for road safety is that before the government starts to deal with speed limits it should assess whether the speed limits are being reduced in those areas that have caused death and injury. The commentary in that strategy makes it very clear that the greatest number of deaths and injuries on our roads occur on country roads. The government should, rather than taking advantage of a media opportunity in Northbridge or Mt Lawley, be focusing on country roads by taking hard action and diverting funds to those roads from royalties for regions. The government would then be taking action to save the lives of Western Australian citizens, which is what the RAC has called for. Applying those funds to country roads that need upgrading will have the greatest impact on improving road safety in this state. It is interesting to consider the Minister for Road Safety's position on Multanovas when he was in opposition. I will again quote from the minister's speech on 8 April 2004 when he was in opposition. He said —

If, just to make things easier, all we rely on is Multanovas to catch people driving recklessly at 45 kilometres an hour over the speed limit, it would be a massive revenue-raising exercise, and I would not mind that. However, I would prefer to have more police officers patrolling those streets than a proliferation of revenue-raising machines in what is seen by the public as a revenue-raising exercise. I hope that that will not be the eventual case.

That is an interesting quote because I understand the minister is doubling the number of Multanovas. I have pointed out to other ministers examples of them behaving in a certain way in opposition and behaving differently in government. The minister went on in that speech about Multanovas —

Mr R.F. Johnson: What year was that?

Mr W.J. JOHNSTON: It was in 2004. The minister said in opposition —

Multanovas are often located in areas that are not dangerous zones or black spots. Often they are placed at the bottom of a hill, where the natural progression of a motor car makes it speed up a little. That is what is deemed by many in Western Australia to be a revenue-raising exercise. I do not want the police to do that. Many speed cameras are placed in areas in which crashes hardly ever occur.

It will be interesting to see whether the minister now thinks the police are placing those Multanovas in locations where accidents do not occur. Perhaps he has changed his position and is now saying that the approach by the police to the use of speed cameras is not about revenue raising, but about road safety. What was good for the goose in opposition is no longer good for the gander in government. I am not saying that the police are using Multanovas to raise revenue. I am pointing out to the minister that he is not the first minister in this government to have said certain things while in opposition but acted differently in government. This minister's actions in government do not demonstrate what he talked about when he was in opposition.

Mr R.F. Johnson: In what way?

Mr W.J. JOHNSTON: When in opposition the minister said that he was opposed to doubling the number of Multanovas. He said that the police used Multanovas to raise revenue.

Mr R.F. Johnson: Was that in *Hansard*?

Mr W.J. JOHNSTON: It is in *Hansard*.

Mr R.F. Johnson: What date was that?

Mr W.J. JOHNSTON: It was on 8 April 2004.

Mr R.F. Johnson: Are you quoting from *Hansard*?

Mr W.J. JOHNSTON: Yes, I am quoting from *Hansard*.

Mr R.F. Johnson: I know how sneaky you can be at times.

Mr W.J. JOHNSTON: I am not being sneaky, minister. I am happy for the minister to continue to chew up the time that has been allocated to me to speak on this bill. If the minister wants me to continue speaking, he should continue to interject. I am very happy for him to extend my time for as long as he wants to.

The minister also said the following in the same speech about police numbers —

All this good legislation is no good unless we have more police officers patrolling the streets and highways to ensure that the laws we pass this day and the next are adhered to and those guilty of contravening laws are brought to account. We need more police officers in the State of Western Australia.

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In the lead-up to the last election the now minister promised 500 extra police for Western Australia. However, now that he is in government he is breaking that promise. It is another example of saying one thing in opposition and doing something different in government.

Mr R.F. Johnson: Do we have more police officers now than we had when you were in government?

Mr W.J. JOHNSTON: If the minister wants me to continue to speak, I have nine minutes remaining and am happy to seek an extension of time.

Mr R.F. Johnson: Tell the truth in this place.

Mr W.J. JOHNSTON: The minister needs to tell the truth for once. The government promised 500 extra police when it was in opposition, and it is delivering 350. It has breached its promise.

Mr R.F. Johnson: It was the same promise you made.

Mr W.J. JOHNSTON: No, the previous government promised 500 extra police and the then opposition matched that figure. Now that this government is in office it is saying that it will now deliver 350 extra police officers. It has come up with 150 auxiliary police officers and nobody knows what an auxiliary police officer is.

Mr R.F. Johnson: You will find out.

Mr W.J. JOHNSTON: I ask the minister to tell me right now what an auxiliary police officer is.

Mr R.F. Johnson: It will be a police officer with certain functions.

Mr W.J. JOHNSTON: Will they be paid the same as a normal police officer?

Mr R.F. Johnson: All will be revealed in the fullness of time.

Mr W.J. JOHNSTON: The minister does not have the capability to explain this government's policy to me. It illustrates that the minister said one thing in opposition but has done something completely different in government.

I will conclude by reminding the minister what he said when he was in opposition. He said —

If a person does 55 or 56 kilometres an hour along such a road, and for the past 20 years that road has had a limit of 60 kilometres an hour, it is very difficult to remember that the speed limit has changed, particularly when there are no signs to say that it is a 50 kilometres an hour zone. There is a saving there because there are fewer signs indicating that the limit in that area is 50 kilometres an hour. I do not have a problem with the lower speed limit on the inner suburban streets.

He also said —

The situation I have described is often a waste of police time. It probably happens because the new officers on the beat have to catch a certain number of people driving over the speed limit;

In that instance he is implying that police are catching people doing five or six kilometres over the speed limit and that is not fair. He went on at some length about this issue. I will not read all of what he said. I suggest that he read what he said. He also said —

We are all guilty of driving at five kilometres an hour over the limit at times—it is unavoidable because the car just gathers a little speed.

That was the minister's view when he was in opposition. I ask that, in his reply to the second reading debate, the minister let us know what is his view as Minister for Road Safety. Does he stand by the view that it is okay for people to drive five kilometres an hour over the speed limit? The minister should not try to interrupt me again because I am trying to get through my speech. As the Minister for Road Safety he will have the opportunity to say that it is okay for people to travel five kilometres an hour over the speed limit. All I am asking the minister to do is to tell us whether he adheres to the position he held in opposition. He is not alone in this issue. He needs to tell the opposition whether what he believed in opposition will be his action in government. I will be very interested to hear the minister say whether he thinks it is okay for people to drive five kilometres an hour over the speed limit.

I turn now to the issue of the effectiveness of the Labor Party's legislation. We need to consider the number of people who reoffend after being caught for a first offence. This legislation should be about pushing people in the right direction and reminding them of their responsibilities. We were all young once and did stupid things that we now regret. We need to remember, as many people recall, that back in the old days the copper would give somebody a clip over the ears and send them home. What is the clip over the ears effect of the Labor

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government's legislation? The shadow minister said that so far this year there have been 1 422 first offences and only 107 second offences. Last year there were 1 634 first offences and only 157 second or subsequent offences. The point I am making is that the existing legislation is having the intended effect. It is clear from the statistics that people who are caught a first time tend not to re-offend. If they do re-offend, well, let us throw the book at them. However, if the length of seizure is increased significantly from seven days to 28 days, it may have a negative effect on people who are caught. Just because people do one stupid thing does not mean they should have to put their job at risk if they need their vehicle for their employment. As I have pointed out, the legislation provides that people can make an application to get their vehicle back if it will have a financial impact on them.

[Member's time extended.]

Mr W.J. JOHNSTON: I am pleased I have been given that extension, because it will make up for the time that has been wasted by the minister!

Mr R.H. Cook: You need it because of all the minister's interjections!

Mr W.J. JOHNSTON: Absolutely!

What we should be doing is telling people not to be stupid and engage in hoon behaviour. To increase the penalty from a seven-day seizure to a 28-day seizure is in my view going beyond what is needed. There are no excuses for people who do stupid things. People who do stupid things, whether it be hooning or graffiti, need to be held accountable for their behaviour. I am not asking that these sorts of people be excused for their bad behaviour. However, whether a 28-day seizure is the right level of penalty is an important question.

Mr R.F. Johnson: What about people who are driving without a licence or when under suspension?

Mr W.J. JOHNSTON: I am referring specifically to people who are hooning. We can have a debate about how we should deal with people who do not know that their licence has been suspended. A person who is driving without a licence needs to be penalised. There is no question about that. I do not have a problem with seizing the car of such a person for 28 days. I am talking about the typical young bloke who gets into his car and does a burnout because he is stupid.

Mr R.F. Johnson: They are the very ones who are driving when their licence has been suspended because they have accumulated too many demerit points!

Mr W.J. JOHNSTON: There is a difference.

Mr R.F. Johnson: They have broken the law once, and they are breaking the law again!

Mr W.J. JOHNSTON: As the minister said in his own speech—the minister should read his 2004 speech again—not every offence should be penalised equally. If the minister wants to see the hypocrisy of the Liberal Party, he should look at his comments about increasing the penalties. The minister said in that speech —

The penalty for an offence that causes grievous bodily harm to somebody must be reflected by not only the prosecution of the police but also the courts. That is far more serious than driving 45 kilometres an hour over the speed limit on a clear road.

The minister's legislation deals only with a person who is driving 45 kilometres an hour over the speed limit on a clear road. The minister is not proposing to increase the penalties for people who cause harm through dangerous driving. There are no increased penalties for that offence. Yet that is what the minister referred to in his speech. If the minister wants to continue to interject on me and give me the opportunity to speak for longer and go into more detail about how he talked about one set of issues when in opposition but is doing a completely different thing when in government, that is fine by me.

Mr R.F. Johnson: I promise never to interject on you again!

Mr W.J. JOHNSTON: It is up to the minister. I am not saying the minister should not interject; I am just saying that if the minister does want to interject, there are consequences.

I am interested also in how the government will be using the additional revenue that it is raising by seizing cars from hoons. This revenue should be directed to the Road Trauma Trust Fund and used to improve road safety, rather than being used to add to the government's bottom line. As the shadow Minister for Police has made very clear, the minister has not explained why this revenue is being used to subsidise the operations of the WA Police rather than being directed to the Road Trauma Trust Fund. It will be interesting to see whether the minister can explain that.

I am also interested to know what will happen if a person who is caught for hooning is driving another person's car. The minister has made some comments about this matter, and so have other members. Just to give an

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example, the former member for Carine, Katie Hodson-Thomas, found herself in a situation where her son borrowed her car and stupidly raced down Canning Highway at 45 kilometres an hour over the speed limit and had the car seized. That was clearly not her fault, and nor was it the fault of the owner of the car—the state government. Will a rich kid from the western suburbs who is driving his dad’s Porsche or his mum’s BMW be penalised to the same extent as a kid from Cannington who is driving his old Datsun 180B? That is a question that needs to be properly addressed. Will this penalty be applied fairly and equitably to everyone? What will happen if the car is owned by a family trust? No-one who lives in Beckenham will be driving a car that is owned by a family trust, but a person who lives in Cottesloe or in one of the other western suburbs may well be driving such a car. What education campaign has the government planned to ensure that everyone will understand what will happen under this legislation and the higher penalties that will apply? I am not making any excuse for people who are involved in hooning behaviour. It is a serious impediment to the simple enjoyment of life of many of the people I represent and that other members represent. However, we need to ensure that people are aware of what will occur under this legislation.

I want to deal also with surrender notices. As I understand it from the explanatory memorandum, if the police turn up to seize a person’s vehicle but they cannot find it because the person has hidden it or has dealt with it in some other way, that will have the effect of cancelling the licence of the vehicle. That seems to be a sensible way of dealing with this issue, because the person will then be driving an unlicensed vehicle, and that will make the person guilty of an even more serious offence. However, I am concerned about the effect of that on third party insurance. If that person, or another person, then drives the car and happens to run over a pedestrian, will that void the third party insurance and mean that the victim cannot be compensated out of that fund? If the minister can explain to me in detail that notwithstanding the fact that the vehicle’s licence has been cancelled, the third party insurance will still apply and there will be no negative effect, that is fine. However, I am concerned that this measure may have a serious effect not on the hoon, but on innocent third parties—pensioners and ordinary folks living in the suburbs and around the state.

With those comments, I support the position outlined by the member for Girrawheen.

MR C.J. TALLENTIRE (Gosnells) [5.50 pm]: The issue of hoons is very much one of concern in the electorate of Gosnells. In common with the experience of other members, seldom are there community meetings in my electorate at which people’s concerns about hoon behaviour do not come to the fore. However, this legislation really misses an opportunity; it misses the point. The complaints I receive very often relate to the actual noise that hoon drivers generate. Sometimes the noise is generated in such a way that it probably would not contravene the law as it is proposed to be amended in this legislation, and I can demonstrate the reasons for this.

I must say that when I read the explanatory memoranda for this legislation, I was optimistic. It outlines penalties for people who wilfully drive a motor vehicle in such a way that it causes excessive noise or smoke. I thought that the provision relating to excessive noise would address the concerns of people in the areas of Thornlie, Gosnells and Huntingdale. However, I then read further. The explanatory memoranda states in part —

These amendments will simplify the definition of what constitutes a “hoon” offence by providing that it is an offence against either section 60 or 62A, both of which involve wilful conduct.

I then went to section 62A of the Road Traffic Act and found that there is no way that that definition would cover the sorts of noise offences that my community is absolutely plagued with and sick of. People’s lives are punctuated by loud muffler noises constantly going through our streets. Section 62A of the Road Traffic Act states—

Causing excessive noise, smoke

A person who wilfully drives a motor vehicle on a road or in a carpark so as to cause —

- (a) excessive noise to be made with one or more of the vehicle’s tyres ...

In other words, for there to be an offence of excessive noise, one or more of a vehicle’s tyres have to be involved. That is invariably not the case. In fact, in many cases the noise is probably caused by a vehicle accelerating from zero to 60 kilometres an hour, which means that it is not committing a speeding offence. It is simply a rapid acceleration that seems to trigger the action of after-market mufflers.

This is an issue that my friend and colleague the member for Southern River raised in a grievance to the minister some time ago, in November last year. I think that the member for Southern River did a very good job of outlining that concern. It is clearly a concern that travels over the boundary between Southern River and Gosnells. The member for Southern River pointed out that the psychological makeup of hoons seems to be that

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they crave and desire, and gain some pleasure from, attention-seeking action. It seems really to suggest that their lives are so devoid of any real meaning that the only time their lives have meaning is when they are making an excessive noise that pollutes the peaceful environment that the general community I represent has every right to crave and desire.

The effect of these mufflers kicks in during rapid acceleration, and the vehicles involved are not always particularly powerful vehicles. This is a real problem for the community, and the member for Southern River very rightly pointed out that one solution could be phasing out in Western Australia retail sales of these after-market mufflers. This solution was pointed out in the member's grievance, but the minister in his response ignored the point; he totally glossed over it. Again, there was another opportunity to deal with this problem and again it was ignored; it has been lost. It is all very well to put forward legislation that may give the minister an opportunity to make a quick media grab to say that the government is getting tough on hoons, but I will be telling the people in my community that that is not the case at all. Yes, tougher penalties are being brought into place, but they will not capture the fundamental concerns in my community about the sorts of noises that are plaguing people's lives. This is something that will continue; this legislation will not tackle the problem at all, yet we had an opportunity to do something about it.

One would think that a government that was really serious about governing the state properly would use legislative tools wherever possible, but would also look to other programs, such as working with the suppliers of after-market mufflers to see how a phase-out could be conducted. It would also look to see how vehicle manufacturers could be coaxed into ensuring that their vehicles are made unsuitable for the retrofitting of noisy mufflers. Perhaps even more importantly, a government that was really concerned about this issue would work with the manufacturers of so-called sports motor vehicles to get them to re-invent their marketing strategies to phase out the whole notion that sports vehicles are acceptable on public roads.

That is what this really comes down to: there is a notion in the Western Australian community that some people are entitled to use public roads for the purpose of "sporty" driving. That is not the case at all; public roads should be reserved for efficient and safe travel. That is what public roads are there for; they are not there for the driving of high-performance vehicles that are better suited to the racetrack. I certainly would not stand in the way of motorsport enthusiasts who wish to pursue that very legitimate activity at racetracks or other venues where the sport can be conducted in safety.

I come to this issue from a background of recent traffic-related deaths in my community. On 18 April 2008 there was the tragic death of baby Grace Moorby, who was killed by Mr Benjamin Alan Butler—whom I believe is now in prison—on Berehaven Avenue, Thornlie. This was the tragic death of a baby simply because someone lost control of a high-performance vehicle. Tragedies such as this will continue unless we attack the fundamental problem of people's attitudes towards using the road.

We can talk about all sorts of road safety schemes. I know that there are proposals to invest many hundreds of millions of dollars in improving the road network so that it becomes safer. There may be some legitimacy in that argument, but I think the fundamental problem is the attitude of drivers towards driving. The problem is particularly pronounced amongst young males; there is no question about that. The statistics show that young males are the most likely to kill themselves on the road, and they are probably also the most likely to commit hoon-type offences.

I know that the New South Wales state government attempted to tackle the problem of driver attitude and the bizarre notion that it is somehow macho to drive a car very fast along a suburban street. As I understand it, the advertising campaign in New South Wales sought to point out the actual inferiority of those drivers who take this approach. The television campaign pointed out the inadequacy of these young males and sought to mock them to some extent. I think it was probably an effective campaign—the sort of campaign that this government, if it were serious about tackling this problem, should also look at adopting. One aspect of the campaign was to suggest that young males engaging in hoon behaviour were probably possessed of a small penis. There was the opportunity for people offended by a hooning incident to make a gesture to the hoon driver to suggest that he perhaps had a small penis! That sort of creative, attention-grabbing initiative is the sort of thing that this government should look at to make sure that we attack this very serious issue. That campaign was one that caught the imagination; it actually achieved some cut-through.

Sitting suspended from 6.00 to 7.00 pm

Mr C.J. TALLENTIRE: I was lamenting the government's very narrow focus on this important issue of road safety, which involves cracking down on this terrible blight on our society of hooning. I was saying that we need an approach that goes much wider than simply toughening penalties. Toughening penalties is, in itself, a measure

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that the opposition will support, with some amendments to the legislation, but it is a tiny part only of the overall solution. We really need to be working at bringing about a change in the attitude of people's use of roads. In other words, we really should be addressing the root cause of the problem. The root cause is the attitude of some drivers towards public roads. Some drivers regard public roads as an opportunity and a place for them to engage in some kind of sporting activity, which is totally inappropriate on public roads. It also involves a change in attitude to what these hooners see themselves achieving when they bring attention to themselves with the excessive noise that comes from the engines of some vehicles.

A number of streets in the electorate of Gosnells are known as hoon strips. I am working with the City of Gosnells and we are desperate to do something about those so-called hoon strips. One proposed measure is the introduction of mobile speed humps. It was really disappointing for people in my electorate to hear that the City of Gosnells does not receive adequate funding from the state government to implement these mobile speed humps as a measure against hooning. Instead, this government hopes to get kudos out of claiming that it is toughening up the hoon legislation. However, when it comes to taking practical measures that could make a big difference, the funding is just not there. That is another extremely disappointing part of this legislation. I will stand to be corrected if the minister says that the changes to the legislation are a tiny part of the overall package and that there will be a huge education program that will seek to belittle these people who hoon, which will somehow turn around their attitude towards the use of public roads. However, so far there has been no sign of that. The fact that the City of Gosnells is struggling to receive the funding to put in these mobile speed humps is pretty good evidence that the money is not there to back up the rhetoric. That is extremely disappointing.

I will summarise the issues I have touched on. We have to do something about this noise problem. We have to tackle the issue of the availability of after-market exhausts. We have to tackle the actual manufacturers who are intent on producing vehicles that have a power that goes way beyond that which anyone could require on public roads and selling them to young people. We have to ensure that we really address the whole culture of hooning, which is connected to the attitude and culture of using public roads as some sort of sports facility for wannabe motor sports enthusiasts. Instead, they need to be directed to the appropriate places for that sort of sporting pursuit, which are racetracks and such places where they can engage in their activity without endangering the lives of others.

In this speech I mentioned one tragic case that occurred in the Gosnells area, which was a direct result of the sorts of hooning that I do not believe, unfortunately and tragically, will be solved by this legislation. I believe that if we took a much greater and more holistic approach we could have some hope of solving the problem, but at the moment the approach being taken is very narrow in focus. I hear that there are some ambiguities in the changes to the legislation in that, at the moment, a police officer can report in and give a verbal description of an offence to an inspector back at the police station. There seems to be some potential there for that reporting to go wrong. Perhaps that problem would be easy enough to solve by making sure that the officer on the spot documents a few points when pulling over a hoon driver, makes it clear exactly what the offence is and writes it down so that no ambiguity is caused later by the verbal presentation of the offence. There is definitely a need for action on this issue. Unfortunately, the government's action is more about making noise than it is about doing the hard work that involves bringing about cultural change and change in the mentality of younger drivers, especially younger male drivers. This is a legislative change that is without the money that is required to solve the problem.

I hope to hear over the course of this debate, especially from the minister, that there are other aspects to this overall attack on hooners, but I fear that we are simply looking at a very narrow piece of legislation and nothing else. However, I would be delighted to hear that there is a much bigger package that will tackle the issues that I have outlined.

MR A.J. WADDELL (Forrestfield) [7.07 pm]: On behalf of the people of Forrestfield I can honestly say without any doubt in my mind that they hate hooners. If there is a number one issue that I get in my office it is how much they hate the local council. The number two issue is hooners. Hooners are hated for many reasons. They are hated because, as my friend the member for Gosnells said, they make an unbelievable amount of noise. They give the community a sense of not being safe in the streets. However, mostly hooners are a danger: they are a danger to themselves, they are a danger to other users of the roads, they are a danger to children and they are a danger to the elderly. There is absolutely no excuse whatsoever for their behaviour. I am therefore happy to embrace this legislation. I am happy to embrace any legislation that will result in the number of hooners in the streets reduced, but—there is always a but—I must ask myself whether this legislation will do that. Will tougher laws be the solution? They are certainly part of the solution, but I think we need to look at the big picture. We need to ask ourselves: what is motivating these mostly young people to behave in this way? What tools do we as a society provide to actually carry out the hobby, if that is what we call it? Why does a hooner think it is

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acceptable to drive a V8 ute onto the local football oval and do doughnuts and burnouts there, destroying the turf that is enjoyed by other members of the community? Why do hooners have absolutely no sense of responsibility? Why do they have no sense of civil duty? Why do they not care about others? Why are we raising generation after generation of people who are so disconnected from the rest of society that they feel that this is acceptable behaviour? Perhaps they do not care that it is not acceptable behaviour. How is it that these people have no sense of consequences? They have no sense of the consequences of what they do. They do not worry about hurting other road users. They do not worry about tearing around the corner and killing an innocent child on his bike. They do not care about consequences. I wonder whether they will care about the consequence of their vehicle being confiscated. That is my big worry—that we are dealing with an element in society that does not think very clearly; that is not thinking about the consequences of their actions. Hoon drivers are not worried about whether or not they are going to be caught and they are not worried about what will happen to their vehicle.

The minister indicated that many hoon drivers drive without a licence. Clearly, they have already been caught up in the system, they have already been punished by the system and yet they continue to behave in a certain way. The response in this instance is: we will take away the tools of their trade, the weapons of destruction that they are throwing around our neighbourhoods—we will take away their vehicles. Unfortunately, there are a lot of other vehicles out there. Some of these people will not hesitate getting into the next car; they will not hesitate doing this with the next junk car that they can purchase for \$500. That is what worries me. If we ramp up the length of time that cars can be impounded from 28 days to three months, in the case of a second offence, we may actually create an economic circumstance where it makes sense for them to go out and get another vehicle rather than wait. I think we need to do more. I am not suggesting we do not do what the minister is proposing to do but I am saying we need to do something with those individuals. We need to retrain them.

Mr R.F. Johnson: I am very happy with what the member has said. I can assure the member that the majority of vehicles used for hooning are not the old \$500 junk heaps; they are quite expensive utes and that sort of thing. The vehicles are worth far more than the cost of towing and impounding them. It is the unlicensed drivers' vehicles that are very often the \$500 or \$1 000 bombs. If those people get another vehicle and drive that vehicle under suspension, and are caught, that vehicle gets impounded. They will have their suspension extended even longer. Eventually they will learn that that sort of behaviour is not acceptable.

Mr A.J. WADDELL: That is good but I think we need to go a step further. We need to scare them straight, so to speak. We need to introduce mandatory education so they start to face the consequences of what they are doing. I want these people dragged through the Royal Perth Rehabilitation Hospital at Shenton Park. I want these hoon drivers to see what a quadriplegic's life is like. I would like these people to deal with the grief of a family that have had their five-year-old child knocked over by a car. I want them to see the horror of what it would be like to be asleep in your bedroom and have a car crash through the front of it. I would like these people to face the consequences of their actions. We need to go further for that to occur.

The minister made the point that hoon drivers have expensive, over-powered cars. I take that on board. If a person were to buy a motorcycle in the first instance, that person is licensed to ride up to 200cc, or something like that—there is a certain size engine that that person is allowed to ride. That motorcycle has to be ridden for at least two years before a more high-powered motorcycle can be ridden. A person needs to demonstrate that he is capable of doing that. Surely in this day and age, when we are concerned about high-powered vehicles on the roads, we should be considering a graduated level for an ordinary vehicle as well. Let us make it difficult. We have to ask ourselves: why do we need these powerful cars on our roads? In these days of environmental concerns—fuel prices are rising and we want to reduce our greenhouse footprint—why do we want such large fuel-guzzling vehicles on our roads? Those members who represent rural areas would make a very powerful argument as to why they have a need for it, but I doubt there is a need for such vehicles in areas such as South Perth or even in my area of Forrestfield. Most people commute small distances from here to there and do not need a powerful vehicle. It would be adequate for us to discriminate against people in the first instance until they demonstrate a capacity and a record for handling a vehicle. That is another thing that we should begin to look towards.

My friend from Gosnells raised the question of mobile speed humps and closed-circuit television. As I said, my electorate will embrace anything that reduces hoon drivers from our roads but they will also look at this legislation in the way they looked at legislation from the previous government, with an element of cynicism—that these are just words that we put on paper and, unless we back them up with action, it is pointless. Constituents have contacted me with stories of hooners doing burnouts around their street night after night after night. They contact the police. By the time the police get there, the hoon drivers are long gone; they are history. There is no way for these individuals to get caught if it is up to the person who lives at the address to catch them,

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photograph them, or whatever. We need to put in things that will discourage hoon behaviour from residential areas, such as mobile speed humps and random events so drivers do not know what is coming up. Drivers have to pay attention to the road and not treat roads like they are racetracks. That is quite common in some of the newly designed suburbs that have not been thought through properly. We also need to use CCTV to capture people who are hoon driving. We need to see it occurring, get them, record it on film or videotape, and then the police can follow up with the photographic evidence. Much in the same way we do with Multanovas or red-light cameras, we need to use technology to capture people. I would not say that hoon drivers are not stupid, but they are street smart enough to know that at certain times they are less likely to be caught. They are able to avoid areas where police are active. I would not be surprised to hear that there are networks of people communicating with each other to indicate what areas they should avoid at a particular time.

That takes me to another point; that is, the question of the confiscation of vehicles. I support the idea of the confiscation of vehicles because I want to see the vehicles of hoon drivers off the roads. I want to see the hoon drivers' ability to commit any further activity removed. I worry about the fact that we are towing and storing all these vehicles. I wonder about the costs associated with it. I appreciate that this legislation attempts to recover the costs of that activity. That seems to be somewhat of a double-double charge. I wonder whether we need to go through all that effort when we could simply confiscate a vehicle's registration plates and force a person to leave the vehicle on the front verge for the confiscation period. The advantage would be that, in order for a person to get the vehicle back on the road after the confiscation period had elapsed, the person would need to take the vehicle through the full inspection process to ensure that the vehicle was roadworthy. We should encourage anything that can be done to remove from our roads vehicles that are not roadworthy. That way we can take a negative and turn it into a positive. That is something else we should consider, particularly when we are dealing with vehicles that may not in fact be owned by the perpetrator—it may be a family or business vehicle. If we confiscate a vehicle's plates, it means that the plates could be returned to the rightful owner and the overall cost of the process would be relatively minimal as opposed to what presently exists. Presently, when a car is taken away and stored for a time, another person may make an application to the court, explaining that the vehicle is in fact his and its impoundment would cause him great hardship et cetera. A cost has been incurred in that instance, whereas if we just took the plates away, there will not be any cost. Although we are trying to protect members of the community, we should not impose excessive costs on them. I note in the minister's second reading speech a reference about the proceeds going to the road trauma trust fund, which is admirable. However, is the overall quantum of money that goes into the road trauma trust fund in a given year the same amount? Are we pushing money in one side and pulling it out from the other? Will more money go into the road trauma trust fund? I certainly hope that it will.

MR J.C. KOBELKE (Balcatta) [7.20 pm]: I support the Road Traffic Amendment (Hoons) Bill 2009. In bringing forward this legislation, the minister is clearly seeking to fulfil an election commitment that the Liberal Party made prior to the last election. It must be acknowledged that this legislation delivers on that commitment. The antihoon legislation was introduced by a Labor government. The member for Forrestfield and others have said that hoon driving is a major issue in many of our electorates. It is probably the number one issue in the electorate of Balcatta, and particularly in the suburb of Balcatta. People feel that their safety is threatened by the way in which some people drive. The peace in people's homes is disturbed by the noise the hoons make. It is a blight on some of our suburbs when this type of activity occurs on an almost regular basis. However, it is not so regular that the police can necessarily easily set a trap to catch those people. Part of the reason why we need tough laws is that the opportunity for the police to apprehend someone in the act is limited. Therefore, when an offender is apprehended, we want quite severe penalties to apply to drive home the lesson and hopefully prevent other people from doing it. Antihoon legislation was a Labor initiative, and we support making sure that we have tough antihoon laws. Later I will say more about talking tough but not necessarily delivering better laws.

The government gave an election commitment to introduce this type of legislation, and one hopes that it will work. If the government does not follow through with the administration of it and if the government does not monitor how the legislation will work and make sure that it is properly implemented, it will potentially backfire and cause more problems than it will solve. When the now Minister for Police was in opposition, he put forward a range of proposals that were not sincerely aimed at fixing the problem; they were aimed at making the Liberal Party look like it was being tough on the issue and that it would do something about it if elected. Only time will tell if it will do something. Hopefully the necessary monitoring will be in place to determine whether this legislation will be effective or whether it has overstepped the mark in some ways and will be counterproductive. I hope that it will work and will lead to making sure that we have fewer hoons on our roads, but only time will tell.

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I will very briefly go through the history of the hoon legislation. The Labor government first introduced this type of legislation. At our first attempt at introducing it, the Liberal Party used its numbers in the other place to water down the legislation. The key provision the Liberal Party took out was the ability for police to impound a vehicle when evidence of the offence was provided by a third party. I think that Hon Peter Foss was the then Leader of the Opposition in the other place. He managed to get the minor parties to join with the Liberal Party and take out that provision from the legislation. It was weakened initially by the Liberal Party.

Mr R.F. Johnson: He was not the leader. He was the shadow Attorney General.

Mr J.C. KOBELKE: I thank the minister for correcting me. After winning the 2005 election, the Labor Party had a very clear mandate to insert in its antihoon legislation a provision to allow the police to impound a vehicle when they had received evidence from a member of the public. Within just a week or two of the passage of that legislation, the police in Kalgoorlie were able to impound a vehicle when they received evidence from witnesses. Several witnesses had rung the police about a clear example of hoon driving. From what the police related to me, it also helped that when the police went to the hoon driver's home, he as much as admitted to having done it. The police were able to use that information, whereas they were unable to do that under our first antihoon legislation, which had been watered down by the Liberal Party.

Pressure was brought to bear to do more about hoon behaviour because it was a continuing problem. I acknowledge that when the minister was in opposition, he proposed to extend the period of impoundment from 48 hours to seven days. We initially rejected that, and I will explain that in more detail later. Realising that the problem needed to be dealt with, we took up his suggestion and extended the period in our second review and strengthened the legislation to increase the impoundment period to seven days. However, we did far more than that. We extended the range of issues that represented a hoon offence for which a vehicle could be impounded. We also extended the legislation so that a vehicle could also be impounded when a person drove without a licence under three specific provisions. We ended up with much tougher legislation, but it was not implemented by the time of the election. Later I will talk about the implementation period and about the comments made by the minister in question time today. The strengthening of the legislation meant that a vehicle could be impounded for seven days, and the impoundment could be for a wider range of offences, including driving at 45 kilometres or more over the speed limit. Therefore, driving through a 40 kilometre an hour school zone at 85 kilometres an hour would be an impounding offence.

There were a range of other areas, which I will not go into in detail, that we extended to catch people for what was considered to be a hoon offence. We extended the provisions to include people who continued to drive after their licence had been either suspended or cancelled by a court. In general terms, three specific provisions related to unlicensed driving. We also extended the period of impoundment from 48 hours to seven days. That legislation went through the house at about the middle of last year. I was certainly pressuring the police to implement that system as soon as possible. The police needed time to make sure that it was working properly, mainly for two reasons. The first related to the ability to impound the vehicle of an unlicensed driver because of one of the three provisions that I have talked about generally. Those provisions meant that the police had to extract certain information from the then Department for Planning and Infrastructure's licensing system to ensure that the impoundment related to the loss of licence for the correct reason. For instance, a vehicle could not be impounded simply because a driver's licence had expired because the driver had not paid it. There were issues involved in developing software systems between the databases to make sure that when a police officer found that a person was not licensed, the issue for which a court had removed the licence was the basis for the impoundment, and not another issue. The police wanted a fair bit of time to do that. I was assured that the police could have that system up and running by about November last year. The minister has failed to push this matter hard enough, because we had to wait until July this year before he was able to implement it. I very much wanted that system implemented quickly.

Mr R.F. Johnson: I was told that that was the date you had agreed to.

Mr J.C. KOBELKE: No, I did not. I wanted it up and running in September but was told that it was not possible. I then said that I wanted it implemented by October or November because the election was held in September. I was pushing to make sure that it was implemented in 2008. I realised that that was putting pressure on the police because of the complexities involved with getting information from the DPI's database onto the police system, which then was to be made available through Tardis to police vehicles —

Mr R.F. Johnson: That was beyond their control at that stage.

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Mr J.C. KOBELKE: I was no longer the minister after September and I do not know what other issues might have arisen since then. I was very keen for that system to be brought in very quickly. That was one reason why there was a delay.

The second reason for the delay was that the towing and impounding yards were contracted out. We had a contractor under the old impounding legislation, but far fewer vehicles were impounded under the old legislation and therefore the private provider's facilities were quite limited. People had to tender for the job of towing and impounding the vehicles, which would have taken some time. I was aware of that. From travelling throughout regional Western Australia, I was also aware that the police officers in those areas did not necessarily have a contractor who could tow and impound a vehicle. We needed to put in place other arrangements in rural Western Australia whereby someone would be willing to take on that business and to make money from it.

During question time today the Minister for Police indicated that he thought that the former Labor government had somehow hidden what the costs would be for impounding vehicles. I can assure the minister that there was absolutely no hiding of costs whatsoever. In the earlier legislation we had taken steps to try to minimise the cost of the process to the police, because in the first version of the legislation, which had a period of impoundment of 48 hours, two problems were created for the police. The first problem was that, under the law, police were legally bound to release the vehicle after 48 hours, and people may not pay the money. If the money was only \$200, \$300 or \$400, the legal process of seeking to recover payment of that money would cost more than the payment. That was a huge administrative issue. The police did not want the job of having to try to reclaim the impoundment and towing fees from someone who had the right to pick their vehicle up after 48 hours and did not have to pay the money. The legislation was changed to state that the vehicle would be released only on payment of all fees.

The second problem was that the vehicle was impounded for 48 hours. If a vehicle was impounded on a Thursday night, the 48-hour time period would end at the same time on the Saturday night, and legally the owners could claim the vehicle back. The legislation was changed to make it the first period of normal working hours after the 48 hours had ended. We saw those new measures as potentially removing not all, but most of the costs that the police would have to pick up. No submission was made to cabinet seeking extra money for the police to be able to administer the hoon laws.

Mr R.F. Johnson: Not for the hoon laws; the ones in relation to unlicensed drivers. I think you know full well that no submission was put to cabinet when you put forward the cabinet submission. That is the one that catches so many.

Mr J.C. KOBELKE: I will tell the minister the story. There was no backing off there. The issue of the impoundment of vehicles for unlicensed drivers was part of a package to do with repeat drink-drivers. That package for repeat drink-drivers was already committed to by the government when I became the police minister three years ago. The process of getting that legislation through was incredibly slow. The Office of Road Safety was very frustrated by it; I was very frustrated by it. It came down to the fact that so many amendments to the Road Traffic Act had to be made. Another difficulty in putting that in place was the tendering for the equipment that would go in the cars, so that repeat drink-drivers actually had to blow into the machine before they could drive the car.

Mr R.F. Johnson: The alcohol interlock system.

Mr J.C. KOBELKE: Yes, the interlock system; I presume the minister is still working on it. For a range of reasons efforts to bring it forward were frustrated. The money for that was incorporated into the police budget about four years ago. Millions of dollars were allocated so that the police could implement that scheme. I simply took it that that money had already gone into the police budget. I am sure it had been used on other things, although I was asked whether it was still there, ready to be used to install interlock systems for repeat drink-drivers. The money had been allocated in the police budget. Because we did not have clear figures on how many people would have their vehicles impounded if they were caught driving unlicensed, we did not actually put any money into it. The budget submission, as I remember it, did not even mention any money. In earlier discussions, we had said that the money for the scheme dealing with repeat drink-drivers and interlocks—of which impounding vehicles for unlicensed driving was one key element—had been allocated three or four financial years previous; therefore, we did not consider any money at that time.

Mr R.F. Johnson: How much funding are you saying was allocated over that three or four years?

Mr J.C. KOBELKE: It was a long time ago, but one figure that sticks in my mind is \$3.7 million. I cannot remember if that was for the first year, or if it was the total amount.

Mr R.F. Johnson: I will check on that, but that is nowhere near enough.

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Mr J.C. KOBELKE: That is because the minister is judging it on the basis of the number of vehicles being impounded because of unlicensed drivers; is that correct?

Mr R.F. Johnson: Yes, but the member's legislation was based—I accept it was good legislation—on the New Zealand model, as I understand. There was evidence from New Zealand that gave a good estimate of the number of vehicles that would be pulled off the road.

Mr J.C. KOBELKE: The difficulty with that is that the repeat drink-driver and the interlock was a total and complex package. If the small element of the impoundment of vehicles for unlicensed drivers was taken out, it became very hard to do the figures on what it might mean. All the different factors of the total package worked with each other, and removing that element produced a different result from just the impounding for the unlicensed drivers.

Mr R.F. Johnson: I disagree.

Mr J.C. KOBELKE: Getting those people off the road is fundamental to safety.

Mr R.F. Johnson: Absolutely.

Mr J.C. KOBELKE: How much money does it save in other costs? People driving unlicensed usually have very poor driving habits and are much more likely to be involved in accidents. A lot of police work results from those accidents. There are wins and losses, and the former government was very keen to push ahead with that program; it was a big priority for me. I asked my staff on a weekly basis—if not more often—what the details were in bringing this in and how we could ensure it was pushed and put in place as quickly as possible. I have to admit that when the minister allowed it to be put off until July this year, I was most disappointed. I expressed that disappointment to the member for Girrawheen and my other colleagues. I thought that the minister was taking it easy or that he had been conned about some of the administrative issues. I would have been pushing very hard to ensure that that legislation was in much earlier than it was.

Mr R.F. Johnson: I will certainly check on that, member for Balcatta, because I would hate to think I had been conned. I clearly believe that the message I was given was that it was scheduled to take effect from 1 July this year. That was what you were a party to. From memory, that is what I was told. I will check on that.

Mr J.C. KOBELKE: The legislation went through in about June 2008.

Mr R.F. Johnson: Yes, to take effect from 1 July. That is what I was told.

Mr J.C. KOBELKE: I would have liked it in July 2008, but I had to accept that there were administrative issues. I was certainly pushing very hard to get that in as early as possible. As I explained, complexities with both the transfer of data between computer systems and a lot of the other legislation relating to the Road Traffic Act created problems in putting that in place.

I will explain now why, when the present minister suggested a longer impoundment period, I had some concerns about that, and why my concerns remain, particularly now that the impoundment period has been extended to 28 days. It seems to me that we will catch very low-level hoon offences. I will raise a number of issues when we go into consideration in detail, and I would like to get quite specific information from the minister. The problem is that if tougher laws apply to lower-level offences, there may be two possible consequences that could undermine what is trying to be achieved—that is, a reduction in the amount of hoon driving and unlicensed driving on our roads. Those two negative consequences go to the fact that when a vehicle is impounded for a longer period, it is likely that there will be more legal challenges to it.

[Member's time extended.]

Mr J.C. KOBELKE: That concern I have might not be well-founded, and over the next five years we might find that there will be no hassles in that area at all; I hope that is the case. But the fact is that this is a tougher penalty, and we have to keep in mind that the police will be imposing a penalty without the matter going to court. We generally have a clear separation between the police, as the investigative and, to a certain extent, prosecutorial arm of justice, and the court system, which is independent and able to hear the case on the facts and determine what the penalty might be if a person is found guilty. However, in this area of legislation the police are the witnesses, the prosecutors and the judge, because the impoundment happens without it going to a court. The former Labor government accepted that in special circumstances it was an appropriate way to deal with the issue, but when we start to make it much tougher by increasing the impoundment to 28 days, when we start to pick on people at the very bottom end of the concerns —

Mr R.F. Johnson: That was what you did in your legislation. You introduced the 28 days for unlicensed drivers. What is the difference?

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Mr J.C. KOBELKE: The minister makes a good point, but there is a difference. The provision for unlicensed drivers, I pointed out, was for three specific offences that had been through the courts. It applied when the licence had been removed by the courts, not because the offender did not pay a fine. People can be charged with hoon offences on advice from the public or upon the offences being witnessed by a police officer, and a penalty of 28 days' impoundment can be imposed without a court being involved at all. We thought that for special circumstances that was a good thing. Lawyers were very upset with me; they made it very clear that they disagreed with it. I pointed out to them that it was worthwhile because getting those cars off the road was important for the safety of other drivers on the road. I am saying to the minister that I hope it will work but he should be aware of my concerns that he may now find more people willing to challenge it because of the severity and length of the penalty, and the fact that people can have quite different interpretations of the facts, and there is no court to sieve that.

There is a second reason why I have a great concern. For nearly eight years the Labor government—I followed on from the member for Midland, Hon Michelle Roberts—supported the work of the current commissioner, who I think is an outstanding commissioner, to make sure that there was real respect and support for our police in the wider community. We have a situation with these laws that could happen with other laws where the police, who are the investigators or the people who see the incident, directly determine the penalty, and when they make mistakes—they are human and we all make mistakes—some members of the community lose respect for them. We need to guard very carefully against that. We have a fantastic group of police; they are a wonderful group of men and women. They do an incredibly difficult job. When we put them in a situation where they have to make a judgement in a very short time—take the example of the superintendent—and a vehicle is impounded, if they get it wrong, consequences flow from that because by the time the person affected finds out how to appeal or tries to point out the special circumstances to the commissioner, it could be a week, two weeks or three weeks before the police officer is shown to have made a mistake. That can happen when only two days have passed. When 28 days have passed, there is the potential for simple mistakes to really backfire in terms of the community's view of our police, who do such a fantastic job.

Mr M.J. Cowper: The police have to make split-second decisions on life and death matters. They are not always going to get them right but they are acting in good faith. You have to be supportive of them, right from the commissioner through to the government of the day. I take your point but they are not always going to get it right, as you rightly put it.

Mr J.C. KOBELKE: I accept that. As the member well knows, that is part of being a police officer. It is a burden that our police officers carry. If they delay too long and make a mistake, they get criticised for that. If they act quickly and in good faith to try to do the right thing, but on the spur of the moment make the wrong decision, everyone judges that in fine detail weeks or days later with the benefit of hindsight, and they get criticised again. As the member well knows, it is a very difficult job. The training, expertise, personal integrity and character of our officers are such that I have great confidence in them. We always know that we are human and that people make mistakes. If we set up a legal system—I have some concerns about that—it will set police up to have their reputations sullied by the odd little mistake, because they will no longer have all the checks and balances of having to go through a prosecution and go through the courts. In our original hoon legislation we put an extra responsibility on our police. Because of the length of time involved and the low level offences, it means that the small mistake they might make gets amplified. That is my concern.

I would like to go into some of the details of the impoundment when we go into consideration in detail of the bill. It is my understanding that the 28-day impoundment applies for the very lowest level of what we potentially call hoon driving. For example, a person who is out driving on a Friday night, not under the influence of alcohol and not breaking any other law, puts his foot down when the lights go green. He does not go beyond 60 kilometres an hour, but he puts his foot down and a bit of smoke comes up from the wheels. I understand that that is a hoon offence. He did not zigzag or speed but he took off from the lights, planted his foot for a couple of seconds and a bit of smoke came out from the wheels. Under this legislation—the minister can correct me—he has to have his vehicle impounded for 28 days.

Mr M.J. Cowper: They can be charged with making undue excessive noise. I think it is four demerits and \$300.

Mr J.C. KOBELKE: My understanding is that the minister is changing the legislation from saying the officer has the discretion to impound to saying the officer has to impound.

Mr M.J. Cowper: It is only when it is attended by the circumstances —

Mr J.C. KOBELKE: That is why I want to go into it in detail. I am not an expert on this. It is an amendment to a bill and it is hard to get the exact sense of it. Therefore, I will be keen for the minister to clarify this. My reading—I acknowledge that it is not expert reading—is that it says that the lower level of hoon offences will

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still attract the 28-day impoundment. A hoon offence can be classified as having smoke come off a car's tyres, not exceeding the speed limit or zigzagging across the road. The member for Murray-Wellington has been a traffic officer. Perhaps he would consider putting one's foot down to be dangerous driving.

Mr M.J. Cowper: For it to be considered dangerous driving, it has to be dangerous to some other person. If he was out in the car by himself —

Mr J.C. KOBELKE: If he accelerated for two or three seconds, some people might consider that to be dangerous. Police officers have to consider those issues.

The other issue that, even with our earlier legislation, creates a potential problem is what happens when the vehicle being confiscated, not just impounded, is not necessarily the vehicle owned by the driver. We need to make sure that there are ways of considering that case. We do not want someone simply borrowing someone else's car—a friend's car or mum or dad's car—deliberately hooning, and thinking he can get out of it because it is not his car. We took the approach of the law; I still accept and support that. That is, if the hoon driver has someone else's car, that car is still liable for impoundment and, after multiple offences, confiscation. The difficulty we have now is that it is impounded for 28 days and therefore it is an even greater problem. If it is someone else's car and it is confiscated for two days or even seven days, that person might say that it is a huge inconvenience and he wants to make his case to the commissioner or wait until he gets to court. The police might accept that the car was stolen but that is difficult if it is owned by a friend or family member. Does he dob the person in and say that he did not get permission to use the car and that he wants the police to charge the person with stealing the car? All those issues get caught up with it. The police already have to deal with those cases under the existing law. I again point out that when the period of impoundment is extended and it is toughened up, where there is seen to be a miscarriage of justice because the person whose car was impounded really had nothing to do with it and did not lend the car, a much more severe penalty will be imposed on him.

We certainly support tougher laws with respect to hoon driving. I am just concerned that this legislation has been put together because it needs to be seen as tough talk rather than a really thought-out process to make sure that our laws will be tougher and produce the results we want, which is to get hoon drivers and unlicensed drivers off the road. We are not just talking about one or two types of people. It is also caught up with a range of social problems, such as how we change attitudes. Earlier, one of the members talked about the fact that we need to deal with those wider issues. Sometimes the tough talk and thinking that we can use a big stick and get a result can be counterproductive. We need to make sure that we catch those people with the tough laws who do not accept their responsibilities on the roads, those people who are continually doing things that are unsafe to road users other than themselves, and we need to get them off the roads. Lots of people are in the grey area in between, such as young kids driving who just do it once and they are unlucky to be caught. If the 28-day impoundment teaches them a lesson, and quite often it does, that is good. We are dealing with people caught up in a range of social issues.

I certainly wish the government well in making sure that these tougher rules are going to work. I have expressed openly to the minister in the house that I have some concerns that there is too much tough talk and not enough tough, hard thinking to make sure that we have laws that will deliver what we want; not just a political message that the government wants everyone to see that it is tough on this type of behaviour, which I am sure is totally unacceptable to all members in this house.

MR P.T. MILES (Wanneroo) [7.50 pm]: I support the legislation wholeheartedly. In the past 10 years or so there has been an alarming trend of antisocial behaviour on our roads by a small but worrying percentage of motorists. I imagine that most of us have been on the receiving end of an episode of road rage at some time and know what a frightening experience this can sometimes be. I regularly receive reports from my constituents in Wanneroo that the peace of their suburban streets is being disturbed by motorists racing or doing burnouts and similar, usually in the middle of the night when ordinary folk are trying to sleep. I believe the provisions of this bill will allow our police to take a much tougher stance against the unwelcome behaviour of such individuals.

My electorate of Wanneroo is an interesting mix of built-up suburban areas around the town site of Wanneroo on one hand and the older style rural roads through rural and semi-rural areas on the other hand. In the past 18 months to two years in the suburb of Carramar alone there have been at least three incidents when cars have ended up in some unfortunate home owner's front room or bedroom. Each one of these incidents has happened because the motorists were hooning in a built-up area, which, I may add, is home to hundreds of young children. In the rural areas of Wanneroo, roads like Sydney Road, Lenore Road, Hawkins Road, Caporn Street, Pinjar Road and many others are all too often used for irresponsible hoon behaviour, to the danger of local residents. In these areas many people walk along what is usually a quiet rural road. Some exercise their horses or move their tractors on these roads. It does not take much imagination to understand the safety implications when a speeding,

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reckless driver is added to that picture. The older style rural roads were not designed for large traffic flows. Many of them have no warning signage of approaching bends and the road shoulder is often very ragged with lots of loose gravel on the side. Most designated rural roads operate under the state default speed limit of 110 kilometres an hour, which further adds to the potential for disaster in the rural areas of Wanneroo.

The problem is at its worst where these rural areas abut newly developed residential areas and a rogue element of drivers speed through the area at speeds that would make one's head spin. In one such instance I sought the assistance of Main Roads WA in recommending to the local council that the speed limit on Wells Street, Mariginiup, be lowered from the original 110 kilometres an hour to 60 kilometres an hour. That road is about only 300 or 400 metres in length. At the Regent Waters estate, Pearsall, local residents were up in arms about the huge number of reckless and hooning drivers using their suburb during morning and evening peak hours as a shortcut from Ocean Reef Road to the Wanneroo town site. There were so many traffic incidents in this usually quiet suburb that they sought my help to petition the City of Wanneroo for the closure of the main access road into the estate, which is going to happen. I am also aware that in the suburb of Madeley, which, like Carramar, has a very large population of primary school aged children, constituents are sick and tired of drivers hooning through some of the longer connecting streets and putting pedestrians and other drivers at great risk. These are just a few examples of the sorts of problems that residents in my electorate have had to endure.

Although I know that these new laws will not fix the problems overnight, I am confident that with the passage of this bill the message will soon get out onto the streets that hooning does not pay. Having a car impounded for seven days will make a big impact on offending drivers. Having a car impounded for 28 days will make an even bigger impact on this errant group. If they refuse to learn the lesson and continue to reoffend, having their car sold off or crushed will send the strongest message of all. The Minister for Police summed it up perfectly when he said that people who repeatedly drive recklessly, putting lives at risk in the process, do not deserve to be on our roads. As the government's stance of zero tolerance for hoon behaviour gathers impetus I believe that we will see a reduction in the number of drivers prepared to risk their precious vehicles for a few cheap thrills by doing burnouts on suburban streets or speeding through residential areas.

I strongly support this legislation and look forward to the positive impact it will have on the peace and safety on the streets for ordinary, law abiding Western Australians.

MS J.M. FREEMAN (Nollamara) [7.57 pm]: The member for Balcatta summed up this legislation when he said it was about tough talk and not tough thinking, and he knows its history very well. It appears that way to me, too. I need to make it clear that I do not support reckless driving or the behaviour that has led to this type of legislation. However, the community of Nollamara, which I represent, had not raised it as an issue with me. I thought it was a bit odd and that maybe I had missed something because I had not talked to the right people. I go to similar seniors clubs that other members go to. I visit schools and other places. I talk to people about many issues that are raised, including transport and traffic. I had a public meeting about a traffic issue in the area. However, the issue of hoons had not been raised. It seemed a little odd to me, but I then noticed that the police budget for 2009-10, at page 562 of the budget papers, refers to the outcome of lawful road-user behaviour and basically states that the extent of the community that thought speeding cars and dangerous and noisy driving was a problem in their neighbourhood was about only five per cent. That confirmed what I sensed. I think that because we already have good working legislation, people feel it is meeting their needs. That is certainly the feedback I get from the community, because on the few occasions when it has been raised and I have talked about the hoon legislation, people's biggest concern is about making reports and the police acting on those reports and attending in a timely manner.

One difficult situation that was repeatedly raised with me turned out, on further examination, to be a neighbourhood dispute. The kids across the road were getting into their cars and hooning across their neighbour's front verge. That amounts to almost criminal behaviour, because there was intent and property damage involved.

Mr R.F. Johnson: And intimidation.

Ms J.M. FREEMAN: Exactly. The current legislation seems to be working effectively. The government appears to be introducing this legislation so that it looks as though it is doing something. However, we will not really be doing anything but probably imposing a lot of consequences on people in how they deal with their families, work and meet their obligations, all because they may have one foolish moment, as the member for Balcatta pointed out. Young people often have one foolish moment and, as the present legislation would show, once they have their car impounded for a period of time, the repeat offender rate drops markedly by more than half to three-quarters.

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The issues on road safety that I hear about when people approach me are about changing the speed limits. For example, the speed limit on Alexander Drive goes from 60 to 70 to 60 to 70 kilometres an hour at crazy places, such as a set of stop lights where the speed limit is 70 kilometres an hour down a hill. Clearly, when people increase their speed to 70 kilometres an hour, they have momentum—that is what happens in cars—and suddenly they are travelling over the speed limit. They are speeding, but they are not hooning necessarily.

Mr R.F. Johnson: They would not be done for hooning in that situation.

Ms J.M. FREEMAN: I accept that. This legislation is not addressing community concerns about road safety, which is the real issue in the community; it is not necessarily hooning. We have legislation. It is good legislation. It is operating legislation.

The design of roads is also an issue. Nollamara Avenue has a blind spot that causes people great concern. When I talk to my constituents and ask them if people are hooning, the response is no, they are travelling at speed. This occurs because the speed limit on Nollamara Avenue changes at the blind spot and people are not prepared. We have a systemic design problem. The solution is not to suddenly impose legislation on the community, when the problem is different from what the legislation is addressing.

I was very pleased to hear the new appointee to the Office of Road Safety talk about systematic solutions to a lot of the problems that exist on our roads that will not disadvantage certain social groups in the long term. These laws do and will disadvantage certain social groups. Impounding cars for 28 days will result in a lot of people making a decision to leave their cars in the impound yard because, frankly, it will be cheaper to buy another bomb than it will be to get their car.

Mr R.F. Johnson: They are still responsible for the fee.

Ms J.M. FREEMAN: If the minister goes after them to pay that impound fee, they will receive a fine, and when they cannot pay that they will end up in the justice system. That is not a proper and sustainable solution to this problem. It is not thinking about the problem; it is just making a lot of statements without looking at the ramifications and how our community wants to operate.

My colleague the member for Forrestfield suggested taking the vehicle plates. I loved the book *Freakonomics*. All members have probably read *Freakonomics*; it was a best seller. It is true that if a punishment is excessive, like impounding a bomb for 28 days, that vehicle will not be used. But if we take away something that is in someone's possession that he cannot use at that particular time, that creates an economic cost to fix that problem and to work with that. Taking away the plates might be a better way of dealing with the problem. It does not seem as though the government has considered any alternatives. What about different levels of drivers' licences, as we have for motorcycle licences? I cannot understand why we do not consider the fact that these laws predominantly target young males of 25 years or younger. Perhaps we should have different levels of drivers' licences, so that someone could not get into a powerful vehicle unless he had a licence that showed he had the competence and capacity to take control of that sort of vehicle. In that way we might be able to look at something that is much more long term and sustainable so that we build a community while addressing the problems.

Mr R.F. Johnson: You had eight years to do something like that and you never bothered.

Ms J.M. FREEMAN: I have not had eight years, minister. I would be happy to have eight years in government! If the minister were on this side of the house and I on the other, I would be happy to have eight years. Give them to me now!

Mr R.F. Johnson: You are not up to the job yet—maybe in about 12 years' time.

Ms J.M. FREEMAN: I have made my point.

MR I.C. BLAYNEY (Geraldton) [8.03 pm]: I will speak briefly in this debate. I understand that Geraldton is currently second in the number of cars impounded under the hoon laws. It is running a close second to Kalgoorlie!

The local police told me that when the new laws came into place at midnight, by sunrise they had already taken in six cars. I live on top of one of the hills in Geraldton and it frankly used to amaze me that at all hours of the night and in the early morning I would hear people screaming around the streets. However, within a week of the law coming in that had died back to almost nothing.

Mr P.B. Watson: It was probably Shane Hill in his ute!

Mr I.C. BLAYNEY: They have not got him yet!

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Quite a few people from all sorts of backgrounds have come into my office to support what the government is doing with the hoon laws. They have been quite complimentary. One of those people was a worker from the local hospital who had come in to talk about pay negotiations, but as soon as we slipped onto the hoon laws, he was on the government's side.

Mr W.J. Johnston interjected.

Mr I.C. BLAYNEY: He was more worried about hoons.

Mr W.J. Johnston: Then why did he make an appointment about the wage rise?

Mr I.C. BLAYNEY: He started to talk about hoons when he got into my office. We dealt with the wage offer and then he wanted to talk about hoons.

A considerable number of people have reported local hot spots to my office, mainly through the local Neighbourhood Watch committee. I was recently in Karratha, and on my morning run I noticed a car yard full of quite nice looking newish cars with stickers across their windscreens indicating they had been impounded for hooning. I thought it was useful to have these cars displayed in a prominent place in the local central business district.

We brought in these laws because we care about young people and other road users. We want them to live to a ripe old age. We do not want them to become a statistic. If hoon drivers have 28 days of having to walk, catch a bus or ride a bike, they will think more carefully before they commit a hoon offence again. The government has done a good thing with these laws, and I look forward to seeing the new laws in place. As I said, the police in my area are pleased with and supportive of the legislation.

MRS M.H. ROBERTS (Midland) [8.06 pm]: I rise to speak on this legislation, which has been brought forward by the government so that it can associate itself with successful legislation brought in by the former government. As has already been mentioned in this debate, as police minister I was the first person to introduce hoon laws into the Parliament of Western Australia, and subsequent to that the member for Nollamara, as a later police minister, introduced amending legislation. This is the third tranche of hoon laws. It was probably never possible to get the first tranche of hoon laws perfect, because it was a first. It was a first in this state; and, in fact, we were only the second state in Australia to introduce laws to deal with hoons.

Without doubt hooning creates a significant problem in the suburbs. People who hoon and contravene the existing legislation are a menace on our streets. They put the lives of young children and others in our community at risk. They make living in the suburbs unpleasant, and they strike fear into the hearts of parents in just about every community in the state as they worry about the safety of their children, the safety of the elderly and their own safety.

I have had a look at this legislation and to me it seems rather cobbled together. It seems it has been cobbled together to achieve a couple of important things. The worthwhile parts of this legislation actually strengthen some technical aspects within the legislation and improve it. I am not sure how either effective or fair the provisions that are touted as being even tougher on hoons will be.

In the first instance I want to turn to the statistics, because other than the provisions that clarify the intention of earlier legislation, the significant difference in this legislation, as the minister pointed out in the second reading speech, is that for a first offence the impoundment period will be increased from seven to 28 days. When I first introduced the legislation, the impounding period for a first offence was just 48 hours. It was only last year that the legislation was amended to increase that to seven days and, in fact, that legislation has been in effect for only a very short period of time—too short a period of time to draw any conclusion as to its effectiveness.

When I introduced this legislation in the first instance, it was not so much about punishing people but about improving behaviour. There is no particular joy in punishing people for the sake of punishing people. The real intention of the legislation was to stop people from hooning; to prevent bad behaviour from occurring; and to deter people from engaging in hooning behaviour so that we would not have hoons on the road or, indeed, would have as few hoons as possible on the road engaged in that kind of activity. That is why the legislation was set up with incremental increases in punishment for each offence. The concept was to give people engaged in hoon behaviour, as described in the legislation, a short, sharp slap on the wrist so that they would appreciate the community's point of view and understand that their vehicle would be impounded if they engaged in that behaviour again. It was not about taking a vehicle off a person for a very long period of time. It was not about removing the driver's licence or a whole range of other potential deterrents. There are already deterrents for a great number of offences, some of which are covered by the hoon legislation. Indeed, there have always been

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significant financial deterrents for some behaviours, such as excessive speeding and excessive noise and a range of other offences when people engage in that behaviour.

There is a range of offences under the Road Traffic Act for which one can lose one's driver's licence. Members will have noted in recent times that yet again there have been cases of people who have driven without a driver's licence because, for whatever offences they committed, they have had their driver's licence revoked—yet still they drive. Those who are most inclined to continue to drive are those who have been convicted of drink-driving offences. The evidence suggests that those people convicted of drink-driving offences reoffend and continue to drive without a licence because the vast majority of those persons are alcoholics. They are alcoholics who have another drink or two or three and who, as a result of that, begin to lose judgement. As a former police minister, I had begun to look at the immobiliser schemes for people who are habitual drink-driving offenders, because, patently, the existing penalties do not work. For alcoholics who get caught drink-driving, the potential penalties at this time are to either revoke their driver's licence and/or to sentence them to jail. If the essential problem is that the person is an alcoholic, we have to question whether putting the person in jail is the right response and whether, as a result of a period of imprisonment, his behaviour will be affected post-jail; that is, when he comes out of jail, will he still drink and drive and pose a risk to other people in the community? The concept behind the immobiliser is to get people to change their behaviour. The government says that it is making progress in that direction, but it is not there yet.

When I proposed those changes about three years ago, Western Australia was leading the nation. I now note that other states have moved well ahead of Western Australia and that when we eventually get fuel-immobiliser legislation in place we will be one of the last states in Australia to do so. Indeed, on most road safety matters prior to 2001 we were generally the last state in Australia to move ahead on road safety initiatives. I note that a number of initiatives taken up in other states are still to be taken up in Western Australia.

The concept behind the hoon legislation was to change the behaviour of those people who engage in hoon offences. Do I want to see young people punished for long periods? No. I want to see behavioural change. I want to see streets in the suburbs in my electorate, and everyone else's electorate, made as safe as possible by a reduction in the number of people involved in hooning activity. This is about road safety. It is about saving lives. It is about people feeling secure and safe in their home environment. The concept was to do something different. It was not to have the threat of a fine—even a large fine—or the revocation of a licence, but to take something belonging to the individual; that is, to take a material possession from the individual, in this instance their vehicle, for a period of time to give the person concerned that short, sharp message. I note that this being done by the legislation that we put in place rather than through a court of law was opposed by the Liberal Party in the upper house. Hon Peter Foss, and indeed numerous other Liberal members in the upper house at the time, spoke against the legislation. Indeed, they amended and softened the original legislation because, as was expressed at the time—and it is all in the *Hansard* record—they did not believe that police officers should simply be able to impose these kinds of laws; namely, to take someone's hard-earned possession off them, even if only for three days, as proposed in the original legislation, without such an action having been determined by a court of law.

When this legislation was reviewed by our government, we determined to bring to the Parliament legislation that increased the period of vehicle impoundment to seven days. I note that the member for Balcatta spoke about this at some length and I do not intend to cover the ground that he has already covered on this. Once again, at the time that we introduced the amendment, there were suggestions that the impoundment could be for a longer period—perhaps 14 days or perhaps the 28 days that the government has now opted for. I draw members' attention to the short, sharp message and say that if the government is trying to change people's behaviour, the legislation in place is in fact already doing that. I think that all we are seeing from this government is window dressing as it tries to say, "We are tougher than you were on hoons." I do not think that that is the case. I think that it is a matter of being seen to be tough or being tough for tough's sake. I note that in this state, as has happened in other states, the legislation's imposition of a short period of impoundment for a first offence has proved to be effective. In 2004, 150 people received a three-day suspension.

Mr R.F. Johnson: The 48-hour suspension.

Mrs M.H. ROBERTS: Sorry; the 48-hour-suspension. Only one of those people committed a second offence. That short, sharp 48-hour deterrent, taking the vehicle off the offender and saying if they did it again they would lose the vehicle for longer next time, actually worked. A total of 149 people did not reoffend with a hooning offence. In 2005, 388 people had their cars impounded for 48 hours and four reoffended. The fact that people were offending a first time but not offending a second time is evidence that the penalty was remarkably successful. Had their licence been taken from them, they would have driven without a licence. Had they been fined a sizeable fine, they would have done it again and paid another fine and perhaps a third fine. However, with the very real prospect of impoundment of their vehicle for a longer period, they actually changed their

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behaviour. If the minister is interested in having success with road safety, he must aim to change people's behaviour. In 2006 there were 337 first offences and only 16 second and subsequent offences. In 2007 there were 927 first offences. That is a lot of first offences, but how many of those offenders reoffended? Does the minister think perhaps 10 per cent?

Mr R.F. Johnson: Quite a few of them.

Mrs M.H. ROBERTS: If it had been 10 per cent it would be 92, yet it was only 19. On my rough calculation that is about two per cent of people who offended a second time. Therefore, 98 per cent of offenders got the message by having that short, sharp period of impoundment of their cars. I would say that if 98 per cent got the message, that was pretty successful. I wonder what the real, logical argument is for that first longer period of impoundment of a vehicle. In 2008 there were 1 634 cars impounded for a first offence and 157 of those cars were impounded for a second and subsequent offence. Apparently in this year to date there have been 1 422 first offences, yet only 107 second and subsequent offences.

Mr R.F. Johnson: Only 107! You make that sound as though it is respectable.

Mrs M.H. ROBERTS: More than 90 per cent of people got the message the first time around. The minister can interject now, if he wants to, but I would be very interested to hear his interjections next year or the year after once this legislation has passed through both houses. I do not believe that the second and subsequent offence rate will reduce by very much at all. We will not be able to prove it in this place tonight. The proof of the pudding will be in the eating, as it always is, once this government's legislation is in place for one, two or three years. We will then see whether the number of second or third offences has reduced. If it has not, this legislation will have been in vain. Unless this legislation changes hooning behaviour, it will do nothing. Perhaps the minister can say, since he is so very willing to interject, how long the seven-day period of impoundment has been in place. What experience has the minister had of that so far? How many months has it been in place?

Mr R.F. Johnson: Since you introduced it. Your legislation was passed that increased it to seven days.

Mrs M.H. ROBERTS: It was passed. When was it proclaimed?

Ms A.J.G. MacTiernan: I will give the minister a clue. It starts with a "J".

Mr R.F. Johnson: The candidate for Canning is back! Welcome back!

Mrs M.H. ROBERTS: Was it July this year or was it another time?

Mr R.F. Johnson: No. What came into force on 1 July this year was your legislation in relation to the 28-day impoundment for driving without a licence. You know that.

Mrs M.H. ROBERTS: Is the minister saying that that is the first date on which the seven-day impoundment came into force? What was the first date?

Mr R.F. Johnson: No; don't be stupid.

Mrs M.H. ROBERTS: What was the first date?

Mr R.F. Johnson: Don't be stupid.

Mrs M.H. ROBERTS: Tell me.

Mr R.F. Johnson: I cannot remember what day it was proclaimed, to be honest.

Mrs M.H. ROBERTS: Last year some time?

Mr R.F. Johnson: Yes, of course it was. When do you think it was?

Mrs M.H. ROBERTS: The minister therefore has no evidence—

Mr R.F. Johnson: When do you think it was?

Mrs M.H. ROBERTS: It is interesting that if the minister suggests that —

Mr R.F. Johnson: It was your legislation, not mine, my friend.

Ms A.J.G. MacTiernan: But you are in government; you are in charge of proclamation.

The SPEAKER: The member for Midland has the call.

Ms Margaret Quirk; Mr David Templeman; Mr Bill Johnston; Mr Chris Tallentire; Mr Andrew Waddell; Mr John Kobelke; Mr Paul Miles; Ms Janine Freeman; Mr Ian Blayney; Mrs Michelle Roberts; Mr John Quigley; Speaker; Mr Tony Krsticevic; Ms Alannah MacTiernan; Mr Paul Papalia; Mr Rob Johnson

Mrs M.H. ROBERTS: We can see from the figures that were provided—I think by the minister’s office or by the government—that there has been no reduction in second and subsequent offences since the longer period of impoundment for a first offence has been in existence.

Mr R.F. Johnson: So are you saying your legislation was a failure?

Mrs M.H. ROBERTS: I am asking the government what the justification is for increasing it to 28 days. We have had very little experience of the seven-day impoundment. It was moved from 48 hours to seven days, and there has been very little experience of the seven-day impoundment so far. There is very little by way of statistics or information on the effectiveness of taking the first impoundment period from three days to seven days, yet this government wants us to take a giant leap of faith and agree that a 28-day impoundment will provide a better outcome. There is simply no empirical evidence to back that up.

[Member’s time extended.]

Mrs M.H. ROBERTS: My view is that the emperor has no clothes, because there is no scientific or empirical argument to back up what the minister is suggesting. As most of the members on my side of the house know, I would be the first in this house to say that if this new so-called tougher legislation would change behaviour, would be likely to change behaviour, would drive a better outcome or would reduce the number of hoons on the roads, of course it would be worth supporting. However, there is no evidence to suggest that it will, in the way that the figures for the legislation that provided the first short, sharp impoundment—provided by the government or the minister’s office—that I read out seem to indicate.

Mr R.F. Johnson: Young hoons were laughing at your 48-hour impoundment; they wore it as a badge of honour.

Mrs M.H. ROBERTS: Have a look at it. In 2004, when we introduced it, 150 people offended for a first time. One person, having had a 48-hour impoundment, came back for a second time. The government simply has not done the research. This legislation is not about getting better outcomes for the community or about changing the behaviour of drivers on the roads; it is about being seen to be tough for the sake of being seen to be tough—nothing more than that. This Minister for Police does not have a host of other worthwhile legislation ready to go yet. He has talked a lot about it. He has delivered nothing much. Because the police already had many of these simple and consequential amendments drafted, he regards this legislation as some legislation that was ready to be brought forward. The only significant change to the legislation is the period of initial impoundment, for which I have yet to see reasonable justification. In addition to that, the minister has dressed this legislation as some kind of budget measure that will raise more money.

Mr R.F. Johnson: No, I have not.

Mrs M.H. ROBERTS: There is some conflict between what he said in the budget process and what he said in Parliament earlier today. He said in the budget process that this would be a revenue-raising measure. We said that was very interesting because he had not introduced the legislation at that stage. At this stage he has introduced the legislation, it has to go to the other place and, if we are lucky, it will be through both houses before the end of the year. Who knows when the legislation will be enacted? I really do not know how the minister can claim a budget dividend as part of the budget process, especially when that claim is put side-by-side with the comments the minister made in the house today, which were to the effect that the value of many vehicles impounded simply would not meet the cost of impoundment, particularly if they were impounded for 28 days or longer.

In looking through this legislation before the house, a number of other questions arise. I will raise a number of these questions during the committee stage of the bill. On page 20 of the bill, proposed section (6A) states —

The court is required to grant an application for an order that it may make under section 80A(1) unless it is satisfied that the order will cause severe financial or physical hardship to a person, other than the driver of the vehicle, who has an interest in the vehicle or who is the usual driver of the vehicle.

I think I know what severe financial hardship is, but physical hardship needs some explanation and I cannot see it defined in this legislation. I am not sure what legislation it is defined under. We will look forward to hearing an explanation from the minister when he replies to the second reading debate about what the definition of physical hardship is.

Clause 20(7) states in part, “dispose of any interest that the person has in the vehicle unless a court has made an order approving of the proposed disposal”, or do a restricted act and so forth. Proposed section (7A) states —

A person does a restricted act in respect of the vehicle if the person —

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- (a) disposes of any interest that the person has in the vehicle; or
- (b) does anything, or causes or permits another person to do anything, that results or will result in a reduction in the value of the vehicle.

I understand these issues because I had some concerns about them. I understand that in Queensland a significant number of parts were removed from a vehicle. The engine, stereo system and brakes were removed. The state was left with the shell of a vehicle; it was just the body of a vehicle with number plates. All the other things of value on the vehicle, such as the wheels, the engine, the brakes and the stereo system, had been removed. That had not been foreseen when the original hoon legislation was drafted. I note that under the heading “Devaluing vehicles” in the minister’s second reading speech, he says that the penalty for that type of offence is a fine of up to \$2 500. It is patently clear to me that a person could remove more than just \$2 500 worth of materials from a vehicle. It might even be an incentive for people to remove things of value from an expensive vehicle.

Another section in the second reading speech deals with the disposal of vehicles. Recently a very expensive vehicle was caught for a hoon offence. A vehicle worth \$100 000 could be disposed of rather than handed in. Under this legislation, if the police pulled over a hoon in a country region and the police officer was more than two hours away from where he could reasonably impound a vehicle, he could serve the driver with a notice and the driver would have seven days in which to hand the vehicle in to be impounded. If in the meantime the vehicle was disposed of—the vehicle could be worth \$100 000—the minister has explained to the house that the penalty is just \$2 500. That is the maximum penalty. If it is someone’s first offence—the lawyers in the chamber might want to contradict me—I am guessing that the offender is highly unlikely to get the full penalty of the \$2 500. The driver might be penalised just half that amount. Wealthy people who own a Maserati or a Porsche worth more than \$100 000 or \$200 000—I do not know what they cost—who are caught for a hooning offence on an open road in Kalgoorlie or wherever and who are served a notice and do not hand in the vehicle within seven days can pay a penalty of up to \$2 500. How tough is that? I agree that these provisions always needed to be tightened up. No doubt these provisions were recommended by the police service. I agree with these provisions and I agree that people should not be able to remove significant parts of the car that devalue the car. I agree also that people should not be able to dispose of a car. Having decided that these are worthwhile things to do—I agree that they are worthwhile things to do because these loopholes need to be tightened—I fail to see why the penalty for either disposing of a vehicle or for taking property worth a significant value from a vehicle that is supposed to be impounded is subject to a fine of up to a paltry \$2 500.

I do not have much time left to talk about this. This legislation is largely a sham. I support the provisions that close some of the loopholes. As I said at the beginning of my speech, there were always going to be loopholes in groundbreaking legislation. It was so groundbreaking that it was not fully supported by the Liberal Party when it was introduced into this house after the 2001 election. Indeed, significant parts of the bill were opposed in the upper house. The former Minister for Police, the member for Balcatta, had to introduce legislation into the house about a year ago, in part to rectify those wrecking amendments that were moved by the Liberal Party in the upper house.

MR J.R. QUIGLEY (Mindarie) [8.36 pm]: I rise to criticise some of the central elements of the Road Traffic Amendment (Hoons) Bill 2009. Its premise is bad legislation but, politically, I can see why the government would want to pass this legislation through Parliament. It is because it will be populist and will gain the government support in the community in the short term. This legislation will be like the so-called bikie legislation that will be introduced presently. I have studied that legislation in the other states. I will come to that later in the year when the government introduces its legislation. The title of that legislation is fraudulent. It is called “bikie legislation”. After reading the New South Wales and South Australian bikie legislation, I ask you rhetorically, Mr Speaker—I would not be so impertinent to take you on after I was called to order earlier today for my comment about “custard guts”—how many times is “outlaw motorcycle gang”, “bikie”, “bikie outlaw” or “bikie club” mentioned? It is not mentioned at all. When the government introduces its legislation in Western Australia, it will get a great headline on Channel Seven such as “government introduces bikie legislation”, which will be wrong. That is how the government will sell it. It is the same with this legislation. It is being sold to us as the Road Traffic Amendment (Hoons) Bill 2009. Immediately the government attaches to the title of this legislation “hoons”, whom we all hate in our suburbs. The member for Ocean Reef is looking at me. I represented the area that the member now represents and I know of the community anger directed at the hoons in Connolly Drive and Marmion Avenue. I do not have to go through all the streets where the problems are because my Liberal friend from Ocean Reef knows them well. This legislation will be very popular in his electorate and in the electorate of Hillarys and others. However, the title of the bill is fraudulent and its endeavour is fraudulent. The community understands that the word “hoon”, which the government now uses in the title of the bill, embraces the sort of antisocial driving that is so inexplicable, unnecessary and mindless. That sort of driving is

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characterised by people doing burnouts, putting oil on the road and spinning their car's wheels, or perhaps doing burnouts without putting oil on the road. Members know what I am talking about. These people also accelerate their vehicles and drive under heavy acceleration, causing excessive noise. I will not mention the name of my dear constituent—she is a widow of only several weeks—whose story this is. People were hooning, travelling west on Hester Avenue. They turned right onto Marmion Avenue at the Hester Avenue roundabout. They had been racing, and they decelerated and took off up Marmion Avenue. My constituent's husband, who she had met overseas when she was 19 years old—they had been married for 20 years—was on the way to get a pint of milk on a Saturday evening when he got T-boned on the corner of Santa Barbara Parade and Marmion Avenue. The noise of the explosion brought my constituent, as well as her neighbours, outside, and she and her teenage son cradled their husband and father as he was dying in the wreckage, having been T-boned by this hoon.

No-one in this Parliament is more committed to eradicating hoon behaviour than I. However, the Road Traffic Amendment (Hoons) Bill 2009 takes hoons out of the bill. It is part of the title, but its real effect is removing from the bill the requirement to show that the offenders were racing or carrying on creating excessive noise, or doing burnouts—the sort of behaviour I was talking about earlier that the whole community immediately identifies as hoon behaviour—is no longer a requirement of this defence. Sure, it will be captured, but it is no longer a requirement.

Mr R.F. Johnson: You can tell you're a defence lawyer.

Mr J.R. QUIGLEY: The legal effect of the bill is to lower the bar. I might be a defence lawyer, member for Hillarys, but I am not a barking fool!

Several members interjected.

Mr J.R. QUIGLEY: May I seek the protection of Mr Speaker?

The SPEAKER: I am about to offer it to you, member for Mindarie. Please continue.

Mr J.R. QUIGLEY: It leaves the word “hoon” in the legislation, but takes out the conduct. The police do not have to prove hoon driving anymore; they only have to prove intentional dangerous driving. At the briefing the police said they were taking out hoon behaviour because they said it created logistical problems, as referred to in the second reading speech, in terms of trying to prove the hoon behaviour. They would have trouble proving that there was a burnout, that there was excessive noise, or that there was racing. As the police would have trouble proving hooning, it has been removed from the bill. What is left in the bill is a definition that anyone who drives recklessly will be regarded as a hoon.

As stated in “Traffic Offences and Accidents”, the legal definition for reckless driving is dangerous driving with intent. Therefore, anyone who drives intentionally dangerously is recklessly driving and will be regarded as a hoon.

Mr M.J. Cowper: Wilfully.

Mr J.R. QUIGLEY: Will be regarded as a hoon.

Mr R.F. Johnson: He said “wilfully”.

Mr J.R. QUIGLEY: Yes, wilfully is the same as with intent. It is the same as wilful murder. Wilful is no more than intending to do something. Anyone who drives dangerously, with intent to drive dangerously—wilfully drives dangerously—is reckless, and therefore is captured by these laws.

Let us consider the types of driving that will now be captured by the law. If one of the members' constituents is driving down the road with her two children in the back of the car and her mobile telephone goes off to indicate an SMS, and she looks down and opens up the SMS, that is dangerous driving. If she picks up the phone and reads the SMS, that is classified as intentionally dangerous driving. If she is caught doing that, she will lose her car on the spot for 28 days. That is what the bar is being lowered to. She will be classed as a hoon driver. Her actions could be construed as dangerous driving.

Mr M.J. Cowper: Careless.

Mr J.R. QUIGLEY: No, it can be dangerous driving.

Mr R.F. Johnson: You've got no faith in our police, have you? None at all.

Mr J.R. QUIGLEY: Anyone who drives on a road in a manner that is dangerous to any other person is engaging in dangerous driving. I spent 28 years in the courts and I know that anyone who drives on a road in a manner that causes danger to anybody else is classed as a dangerous driver. A person who operates a mobile handset can be charged with an infringement, or can be charged with dangerous driving—either way.

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A woman who opens up a text message could be stopped kerbside, with her children, whilst the car is seized. That has not been explained to the community. If members go to the Central Law Courts and listen to the number of cases that are heard for reckless driving, they would have no doubt that the housewives or whoever—I should not pick on women—might drive in a manner which could be objectively judged to endanger other people. I am not picking on women.

Mr R.F. Johnson: It sounds like you are.

Mr J.R. QUIGLEY: No, I love them. I am having another baby girl in four and a half weeks, and she will be my fourth child, so there will be five women in the house! I love them; I am not picking on them! I have seen guys do crazy things, too, but I have observed a woman applying her lipstick whilst driving. That is not an uncommon sight, but it is classified as dangerous driving and she could lose her car because of it.

Several members interjected.

Mr J.R. QUIGLEY: I will ask the Minister for Police that in a written question before the sun comes up tomorrow, and the minister will tell me tomorrow because he is obliged to.

The category of dangerous driving encompasses not just preventing managing one's vehicle like an unguided missile around the streets, it also encompasses a lot of low-grade driving that technically and theoretically could present a danger to anybody else. Before that person is before the court, they lose their car for 28 days. Should that person apply a bit of mascara the next day and be seen by the policeman, who says, "You did your lippie yesterday, honey; now you're applying mascara, which is dangerous as well", that person would lose her licence for three months and she has not even been to court.

Mr M.J. Cowper: You have no faith in the police at all.

Mr J.R. QUIGLEY: I have faith in the police and I have a lot of friends who are police.

Mr R.F. Johnson: Not these days, not after your outrageous comments.

Mr J.R. QUIGLEY: There are fewer police who are my friends these days because instead of being on their payroll —

Dr K.D. Hames: Name one.

Mr J.R. QUIGLEY: I will not embarrass those police by naming them in Parliament.

Mr R.F. Johnson: You've had no problem in the past, my friend, have you?

Mr J.R. QUIGLEY: Michael Dean is one. I will not go through the rest. The minister should ring him up now.

Mr R.F. Johnson: He's not a police officer; he's a civilian now.

Mr J.R. QUIGLEY: The minister would not like him because he is not a copper. Actually, he is a civilian in the Liberal Party.

When the police were paying me \$2 500 a day, I am happy to say that I believed anything they told me. Now that I am representing the people of Mindarie, I put a ruler over what the police say to check it because everyone in society and every government agency has its own agenda. I will invite the member for Hillarys to the Clarkson shopping centre and he can spruik that there has never been a heavy-handed policeman in my electorate. There has never been a policeman who has acted inappropriately. The commissioner has teams of people to investigate those people who act inappropriately. I used to make quite a lot of money defending the people who acted inappropriately.

Mr R.F. Johnson interjected.

Mr J.R. QUIGLEY: I can hear a dog in the chamber. Can you stop the barking please, Mr Speaker? Can you call the canine to order? There is mad barking going on.

Dr K.D. Hames: These two upstarts next to you can only get three per cent. You should be sitting over there.

Mr R.F. Johnson: We want you to be the leader.

Mr J.R. QUIGLEY: I am not even a contender. Did the minister not read *The West Australian* today? I am not a contender because I support the leader of the Labor Party 101 and a half per cent and I always will.

Cutting back to the chase, this bill hands unlimited powers to the police without any checks and balances, as the Liberal Party always wants to do. That has always been the way of the Liberal Party in Western Australia. One has only to go back to the government of Sir Charles Court and Mr Hassell when they introduced section 54B to give the police unlimited power over people talking on street corners. The member for Murray-Wellington was

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probably one of the Gestapo who arrested them on the street corners. When the Aboriginals wanted to protect their lands at Noonkanbah, the Liberal government authorised millions of dollars to send a police contingent to Noonkanbah. That is the history of the Liberal Party, and this will go on for quite some time because initially these laws —

Mr R.F. Johnson: You were going to join the Liberal Party but you weren't offered a seat.

Mr J.R. QUIGLEY: I wish to have an extension of time, Mr Speaker.

Mr R.F. Johnson interjected.

Mr J.R. QUIGLEY: There was a dog in the chamber; now there is a monkey. This chamber is filling up with them.

The SPEAKER: I will grant the member for Mindarie the extension but I would request that he return to the core of the legislation proposed in his discussion.

[Member's time extended.]

Mr J.R. QUIGLEY: The government was taking me away from the legislation, suggesting that I was going to join the Liberal Party. The government seduced me off my line. I had those opposite right on the tops of their toes.

This legislation so lowers the bar and so empowers the police to destroy people by charging them with a second offence of reckless driving, knowing that their car will be taken off them for three months before they go to court and at the same time knowing that they can do this without ever having to face compensation. That is what that laggard Caporn did. He thought he could go and arrest Mallard because Mallard could not get any compensation. He could go and arrest him and be beyond the reach of the law, the fool. The police are now empowered to seize vehicles in certain situations for up to three months without the person ever having been to court at all. The Liberal Party says that it is happy with that. Once upon a time when I was a little tacker and my dad was a Liberal and his dad was a Liberal and his father's father was a Liberal, he took me aside and with his second-last breath, he sucked in and gave me a kiss, and with his last breath, he said, "You're doing a good job." That was on 8 May last year. He was a Liberal all his life. He took me aside to tell me something about Liberal values when I was young. He said the thing that we always find about the Liberals is that they value the liberty and the right of the individual over the state whereas the parties that come out of the left value the state over the rights of the individual and believe that the individual is only a worker for the state. That is what my father explained to me. The Liberal Party lost its way. It no longer values the rights of the individual; it values its own popularity over the rights of the individual. It values its own popularity over decency and the rights of the individual. A tenet of Liberal philosophy used to be not only the freedom of the individual, but also the freedom of the individual to own property, to work for a living and to build himself up. That would be taken away only when the state presented a case to a court and an independent judge thought it was worthy or the circumstances warranted taking it away. The Liberal Party does not believe in that any more.

The SPEAKER: I hope the member for Mindarie is returning to the core of this legislation.

Mr J.R. QUIGLEY: Mr Speaker, I can take you straight to the two clauses to do with the Liberal Party now enacting legislation that will take a person's car away from them for the most minor driving offence, for a low-end dangerous driving offence, if it is done intentionally. It will happen —

Mr J.M. Francis interjected.

Mr J.R. QUIGLEY: I will get called to order if I use the expression "custard guts" again, so I will not use it.

The police will take cars off people for 28 days initially and then without ever going to a court, for an alleged second offence cars will be taken off people for three months.

Mr R.F. Johnson interjected.

Mr J.R. QUIGLEY: Mr Speaker, would you help me? I have only nine minutes left. The minister is uncontrollable.

Point of Order

Mr D.A. TEMPLEMAN: I raise a point of order. The member is asking that he be able to continue his contribution.

The SPEAKER: I suggest to the member for Mindarie that it might be the best course of action not to engage people on the government side of the house but to deliver the points he wants to make.

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Debate Resumed

Mr J.R. QUIGLEY: The Liberal government has wandered so far from these core principles that its founding father, Sir Robert Menzies, delivered the party with that it will now take a person's vehicle off him without him ever going to court. Before he gets to court on that offence, on a second offence, his vehicle will be taken off him for three months. There are 4 999 coppers out there but the minister could get the crooked one and lose the government car. We just do not know. He would want to be able to go to court and explain his position. He would say that the copper got it wrong because he was looking at the wrong person. I am not saying that it happens every day but people are regularly acquitted in court of reckless driving. This legislation would mean that their car could be taken for four months, because they could lose it for 28 days and then cop a second allegation and get a cumulative three months. This could mean that a single mother could not care for her children. The dad would go to the Family Court and take the children.

Dr K.D. Hames: You would be good at maths. You are an extrapolator all the time.

Mr J.R. QUIGLEY: That sounds very painful. Is that a medical term? The Labor Party introduced the hoon laws and the seizure of vehicles. We are against hoons. We try to do everything we can to stop them in the street, but there must be a balance in any legal system. That is why we have adopted a principle from the United Kingdom, where the member for Hillarys once lived before he was transported. The symbol of United Kingdom courts was always a blindfolded maiden holding the scales of justice, evenly balanced and unbiased. That is what the Labor Party is all about. It is about a fair balance between the innocent people in this society and the state. That balance is achieved by having what developed at Westminster all those centuries ago in Westminster Hall where independent courts of justice would decide between the innocent citizen and the state. This legislation tears that principle up. What the Liberal Party stands for with this legislation is not antihooning, because that has been thrown out of the bill, but the power of the jackboot.

MR A. KRSTICEVIC (Carine) [9.01 pm]: The member for Mindarie made a very valid point when he said that hoons kill people. Hoons kill people all the time and they cause accidents. On many occasions innocent third parties get injured and hoons go on their merry way laughing and enjoying the incidents that have occurred. It is important to remember that we are talking about people who use vehicles as deadly weapons every day to hurt people or damage property. They have no respect for the people they harm. When we talk to constituents in our electorates every one of them asks what we are doing about hoons and why nothing has ever been done about hoons. The member for Mindarie talked about the bar being lowered. Many of my constituents have said to me that if there is a bar, we should give it to them and they will show us how justice for hoons should be dispensed in the community. To imply that the laws we are proposing go too far is a joke. If we talk to people in the community, they would tell us that we need to go much further and do much more. We need to protect the community and send a strong message that tells people that it is unacceptable behaviour, that we are sick and tired of it and that we need to take an extreme measure to deal with it.

The member for Midland talked about people not re-offending and the fact that they are not being caught. Hoons operate 24/7, at three and four o'clock in the morning and at weekends. The police cannot be everywhere and people in the community cannot keep an eye on things at three o'clock in the morning when hoons are doing burnouts in streets or in local parks. We need to make sure that hoons clearly understand that if they get caught a first time, they will be charged with a serious offence. If they get caught a second time, the offence will be even more serious. The message must get out there clearly to everybody.

Mr W.J. Johnston interjected.

Mr A. KRSTICEVIC: Hoons will get caught. They are not getting caught in the numbers they should be. The bill will send a clear message to hoons. It will be an opportunity for the police and the community to see what is happening. We have had eight years of the Labor Party being soft on crime. The community is delivering that message, not us. The Liberal Party is not delivering the message that the Labor Party is soft on crime. Everybody in the community believes it. They are sick and tired of criminals being given the upper hand over law-abiding citizens. It is about time we stopped protecting the criminals and started protecting the majority of the community.

Mr W.J. Johnston interjected.

The SPEAKER: Order, member for Cannington!

Mr A. KRSTICEVIC: Whether criminals are first-time offenders or criminals who have been committing crimes continually in many different areas, we need to take the matter seriously. It is disappointing that the Labor Party had no alternatives to this over the past eight years to initiate a genuine and real change in the community. We are making better legislation, which is a step in the right direction. The bottom line is that if

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members opposite talk to people in the street, which I hope they do from time to time, people will tell them that not enough is being done. They will say that there are not enough laws protecting the community. They will ask why hooners are continually doing this day in and day out, killing people on the streets and still being allowed to be on the streets. They will ask why they have licences, let alone cars. The message from the community is very clear: they expect us to take real action in this area.

I commend the Minister for Police for pushing this issue so strongly. I have no doubt that if this legislation does not change behaviour, things will get tougher and laws will be passed that will send even clearer messages. The police and the community will be supported to make sure that these issues are dealt with. Real justice will be dispensed in the community. People will see justice, as they are seeing justice already with cars being impounded. That is sending clear messages. Parents will also take note of this more than they have in the past. We need to strongly support this legislation and the community. We must make sure that we deliver a better result for law-abiding citizens.

MS A.J.G. MacTIERNAN (Armada) [9.08 pm]: I just want to ask the minister whether he could clarify for me one area of concern that I have. Members tonight have articulated both our support for the notion of hoon legislation and our complete and utter agreement that hoon behaviour is deeply distressing to the community and that it engenders very well-founded fears for people's safety, and also a larger fear about a general lawlessness among a group in the community. I think it has an incredibly powerful negative effect on our community to see this behaviour go unchallenged. I agree with the comments that the shadow Attorney General and the member for Midland have set out tonight on the need to get the balance right.

There is one area that I am wondering whether perhaps the minister could give some clarification on, and that is the consequence for employers. It is perfectly reasonable that employers be expected to seek driver's licence details and verification from a person whom they are employing and who will be driving a company vehicle. They should do so, because that they check that their employee has a valid licence is a precaution that they can reasonably be required to take. The difficulty is that it is completely unreasonable to expect that employers check every day that all their employees have valid licences, particularly where a fleet of vehicles is setting out early each morning. It would be physically impossible to check every day that a fleet's 20 drivers are still validly licensed. There needs to be some mechanism by which an employer, with the employee's permission, can be alerted of a suspension. I would like the minister to comment on that, as it seems it is possible to provide that facility and to charge a company for the cost recovery of such a system. It would not offend privacy because the employee would have to approve of that. However, the situation in which that Jiffy Foods van—I know there were some other elements in that case—was impounded and its load of produce destroyed had consequential impacts on people who were expecting their supplies that morning. We have to be careful, in taking strong action, that we do not create these manifest injustices in other areas, particularly where, with a little bit of imagination, we can devise systems that will deal with that.

MR P. PAPALIA (Warnbro) [9.11 pm]: I rise to address the Road Traffic Amendment (Hooners) Bill 2009 very briefly. I had not intended to, but I entered the chamber in time to witness the member for Carine's contribution to the debate. Some of the things he said concerned me, and I felt obliged to—I thought I would be negligent if I did not—make a contribution on a cautionary note on what appears to be a general philosophical approach to any law and order issue in this state. This bill is only the latest iteration of what appears to be a consolidated approach to any issue in relation to law and order.

I know that in elections short phrases and very short grabs in the media that sound catchy can be beneficial. I know that as a consequence of a number of those catchy grabs the current government benefited greatly during the election campaign. It was able to keep a small target, throw out a number of pithy phrases and benefit from the fact that people in the community can catch hold of those phrases and feel that they are being listened to and that somehow members opposite were reflecting their views or their fears.

My contribution this evening is, firstly, to say that the opposition supports this legislation. We are not opposing it. We are supporting the legislation that may notionally have some impact on hoon behaviour, although I doubt it. I have not seen in the course of the debate—I have been watching it—any evidence to suggest that the current legislation will be in any way enhanced by this change. It may make some people feel that they are being listened to and that the perpetrators of this antisocial behaviour are being punished more thoroughly. It may make people feel a little better because more retribution is being handed out, but I do not feel it will necessarily result in any better outcome in a reduction in crime or the offence that is being committed at the moment.

I am concerned that this particular legislation, in conjunction with other legislation, such as mandatory sentencing, and with the other contributions to the public debate that have been made by this minister and other ministers who speak frequently in the media in regard to any issue relating to law and order, will have a

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detrimental long-term negative impact on the psyche of Western Australians and the quality of life in our society. I admit that we, in government, were guilty of engaging in that tough-on-crime debate in an effort to garner some short-term populist advantage, and I know that the minister in opposition made an art form of engaging in that form of debate. However, we cannot continue to do that on a long-term basis for what will, in effect, be almost a decade or more, when one considers that both sides of politics have been engaged in it, and expect people in Western Australian society to adopt a positive, optimistic outlook for their society. We cannot expect them to not be fearful. We cannot expect them to one day wake up in the morning and say, thank goodness, the government has done the right thing and has actually reduced crime; thank goodness the government has done the right thing and has encouraged our young people to engage with society and do positive things. We cannot expect them to do that if all they ever hear from people in positions of authority is negative commentary regarding young people and what it is to live in Western Australia and negative and fearful commentary regarding the nature of our crime statistics.

The chief justice put the lie to this argument. We have all been put on notice. All of us who have engaged in this tough-on-crime debate have been told by people who know that it does not work: firstly, that it is not actually true and that there is not an increase in crime; secondly, that we actually incarcerate more people in Western Australia per head of population than any other state in the nation; and, thirdly, that deterrence alone does not work. If deterrence alone worked, we would have a diminishing population in our prisons; however, as of last week we broke all records of population in our prisons. The prison muster is out of control. Three years before Labor took government there was a growth rate of 100 prisoners a year in the prison muster. If we discount the artificial drop and then rise again when Labor first took government and draw a straight line from that point three years before we took office until last year, when we lost office, the rate of prison growth in this state was 100 prisoners a year. In the past six months that rate of growth has risen to 600; that is 1 200 a year! What is causing it? It may be that the Attorney General appointed a judge who is responding to his rhetoric and refusing to provide parole to prisoners. It may be that, more widely, the judiciary are responding to the rhetoric from the Minister for Police and other ministers in this government, including the Premier, who criticise them and consistently say that they are out of step with the attitudes of the population of Western Australia.

Mr R.F. Johnson: What does the public say?

Mr P. PAPALIA: The minister can get his populist benefit now, but I am talking about a long-term vision that the minister should have as a responsible representative of the people of Western Australia.

Mr B.J. Grylls: That you did not have when you were in government!

Mr P. PAPALIA: I have already conceded that we engaged in that, but I am not in government right now. In the past six months the prison muster has increased to 600 in six months and it will be 1 200 a year. How is the Minister for Regional Development going to fund it? Where is the royalties for regions money going to come from when the government is building so many prisons? Even if all of the 1 657 additional beds in the prison system that it budgeted for in four years were built tomorrow, by August next year, at 1 200 a year, they would all be full. What is the government going to do about it? Is that responsible, Minister for Regional Development? The member for Central Wheatbelt is a minister now.

Mr W.J. Johnston: You are not talking to the bill.

Mr P. PAPALIA: Minister for Police, I wanted to make a short contribution with a cautionary note. I fear that this bill joins other bills that the government has already introduced and that it intends introducing, and it links up with the public debate. The government is connecting the dots and telling people that Western Australia is not a good place in which to live because they should be afraid. The sad part is that if people suddenly feel that they are not afraid and the government has achieved its objective, this strategy does not work. The government wants people to remain afraid. It wants people to continue in a state of fear because that is how the strategy works. One day when the government wakes up and has a revelation that it would be good to convince people that this legislation has worked and that there are fewer hoons, and that it would be good to convince people that mandatory sentencing has somehow worked and that we have less crime, how will the government convince the people of Western Australia that those things are true? The people will not believe them. The government has succeeded in denigrating the quality of life in this state to such a level that it is an accepted wisdom that it is not a good place in which to live. I warn the government about that as this legislation will contribute to it.

MR R.F. JOHNSON (Hillarys — Minister for Police) [9.20 pm] — in reply: I will make a couple of very brief comments now because I want to do justice to the relevant comments that members on the other side of the house have made during the second reading stage of this bill. I will not respond to the ridiculous comments that some members made, but I will make some serious comments to those members who raised, and had the right to raise, some serious concerns. I do not want to delay the house now. Obviously my advisers have been taking

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notes of all the comments and queries that members have made. I am giving an assurance that I will respond, but I can do that only if the house agrees to give me leave to continue my remarks at the next sitting of the house. I therefore seek leave to continue my remarks at the next sitting of the house.

[Leave granted for the member's speech to be continued at the next sitting.]

Debate thus adjourned.