

Mrs Michelle Roberts; Ms Rita Saffioti; Mr David Templeman; Mr Chris Tallentire; Ms Janine Freeman; Mr Roger Cook; Ms Margaret Quirk; Mr John Quigley; Ms Lisa Baker; Mr Bill Johnston; Mr Fran Logan; Mr Paul Papalia; Mr Peter Watson; Mr Ben Wyatt; Mrs Liza Harvey

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**ROAD TRAFFIC AMENDMENT (IMPOUNDING AND CONFISCATION OF VEHICLES) BILL 2016**

*Second Reading*

Resumed from 23 June.

**MRS M.H. ROBERTS (Midland)** [3.57 pm]: I rise to speak on the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. In doing so, I note that the first Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill was introduced by me on Thursday, 4 March 2004. The impounding of vehicles legislation was not something that the Labor Party signalled in the lead-up to the February 2001 election, but, having become Minister for Police in 2001, I became very strongly aware of the issue of hoon behaviour, and the fact that the current deterrents were not working. As a result, the then government looked for new and innovative ways of dealing with cars committing what we now call hoon-style offences, such as excessive speed, excessive noise and the like. Moving that legislation in this house back in March 2004 was groundbreaking, and allowed the police to take action against a range of individuals they previously were not able to act against. Many other states followed our example after 2004 and introduced similar legislation.

Although it was groundbreaking, that legislation did not receive universal support in this house or the other place at the time. Members of the Liberal Party in the upper house were highly critical of the legislation, and raised quite a number of issues. I do not think any of those members are still in Parliament, but they included Hon Peter Foss, Hon Derrick Tomlinson and Hon George Cash. They all raised concerns, because they saw this as a new concept in dealing with traffic offences. The issue of not being court sanctioned concerned the likes of the former Attorney General Hon Peter Foss and those other members. A clause in there meant that immediate action could be taken. Back then, a car could be seized for 48 hours in the first instance without a conviction and without a person having the right to an adjudication in court. Of course, having an immediate effect was one of the reasons that we wanted to do it in that way because it was certainly my view that, in many traffic offences, the punishment effectively came some time later. For example, in some instances people challenged their speeding ticket or drink-driving charge and they waited for the court process. In waiting for the court process, they would manage to avoid losing their licence. They may be on 10 or 11 demerit points—a high number of points—or up for an offence with a high number of points that would take them over the 12 demerit points. I will not quote their names, but quite a number of high-profile individuals have used or attempted to use that provision. Effectively, they get caught out for an offence; they challenge the offence; and they then get some adjournments in the court process and potentially, six months or more can elapse and they get a few of their demerit points back and they ultimately, in some circumstances, then turn around and plead guilty after all.

With the introduction of the hoon legislation—as it became known—in 2004, our view was that there needed to be an immediate penalty, not a delayed penalty. If people committed an offence one week and perhaps there was a court adjudication, then they would not actually lose their vehicle for two, three or four weeks, or indeed, up to six months. It was always the concept to have this immediate penalty. Of course, people have the right to challenge processes and the like in court, if that is what they choose to do; however, in the meantime, they will not have their vehicles. The vehicle will be removed on the spot and they will have to do something about their transport needs forthwith. That is the context of the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016 coming forward.

Earlier amending legislation has toughened up the hoon laws. I have supported each iteration of those amendments and, again, I support this iteration to toughen up the hoon laws. When we introduced those laws in 2004, there was no readily accepted model of legislation to use as a template. Over the last 12 years, there has been a lot of learning as police have implemented the legislation, dealt with people and found out the legislation's consequences. It was a new concept to immediately take someone's belongings off them as a penalty. At least one Liberal Party member in the upper house at the time suggested that it was the Labor Party supporting mandatory sentencing. They said that it was a mandatory sentence if a person did something and then the car would be taken straight away. In a sense it is, but it is no more a mandatory sentence than if a person speeds by 10 kilometres per hour over the limit—there is a set penalty for that. If they speed by 20 kilometres per hour over the limit, there is a set penalty, and if they go through a Stop sign, there is a set penalty. I think that was a bit of a long stretch for those in the upper house.

The other criticism was the potentially differing levels of penalty. At the time, there was a lot of talk about someone who has a car that might be worth \$40 000 or \$50 000. Being deprived of the use of that car would be a very significant penalty. Again, we thought this provision would be a fairer way to do things because it does not take into account the value of a person's car. When it comes to regular speeding offences—if, for example, someone does 20 or 30 kilometres over the speed limit—if they are wealthy, a monetary fine may mean very little to them. It may be a relatively insignificant penalty. For a lot of my constituents and for most people in the

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community, a hefty fine is a significant deterrent and a significant penalty. For most of my constituents, a \$200 fine is a significant penalty; a \$500 fine is a huge penalty. However, there are others in the community who might see \$200, \$300 or \$400 as spare change and a fine would not serve as a deterrent. I think one of the good things about the impounding legislation and the amendments to the Road Traffic Act is that it is an equal deterrent in that people will lose their cars.

Over time, we have learned of a whole range of issues. In cases where we have already been able to improve the legislation and how it works, we have found that a preponderance of vehicles involved are pretty cheap. If they were sent to auction, they might get \$500 or less. There have been a few celebrated cases of some very, very expensive vehicles. I think that that sends a very strong message that no-one is above the law. A person's vehicle is taken no matter the value of that vehicle.

While we were in government, I followed the legislation very, very closely and also subsequently because we had differing penalties and incremental increases in penalties for a person's second and third hooning offences. The concept was that taking someone's property from them—taking their vehicle—is significant. Because it was a brand-new thing, we implemented it for 48 hours. That was pretty groundbreaking at the time. Since it was a new thing, we hoped that people would realise that this is what could happen. For anyone whose car was removed for 48 hours, they would realise not only that it could happen to them, but also that a subsequent penalty would see the car removed for a longer period and a third offence could result in the loss of the vehicle altogether. Some 12 years later, I think there is now fairly wide knowledge about the ability of police to confiscate and impound vehicles. I think that people broadly accept that that is an appropriate penalty under the Road Traffic Act.

[Interruption.]

**Mrs M.H. ROBERTS:** My words are being set to music!

**The ACTING SPEAKER (Mr I.M. Britza):** Yes. Thank you, Clerk.

**Mrs M.H. ROBERTS:** Thank you, Mr Acting Speaker.

In itself, that is a good thing. We also know that far fewer people go through to the second or third stage. The vast majority of people who commit a hooning offence will commit it only once. The vast majority will not go back and commit a second or third offence. It would appear that the first offence serves as a deterrent and most people learn from it. Sadly, however, there are people who do not learn from it at all and progress to a second offence. A very small number of people go through a third or subsequent offence and from time to time we will hear, through the media, that someone has done something extraordinary such as hooning with a young child in the back of a car or hooning and speeding with a blood alcohol limit that makes us wonder how they can even stand up, let alone get behind the wheel. In some cases there are passengers, including children, in the car. Those are extreme examples. The examples I hear most often are from members of the community and, sadly, there are some areas that are better known for hooning than others. A year or so ago I went to a general policing forum in the High Wycombe Community and Recreation Centre and I would say that 80 per cent-plus of the questions and complaints raised with police related to hoon-style behaviour. All of the residents who attended this meeting knew which roads were most frequented by the hoons and where more people were speeding, screeching tyres and creating smoke and all of the things that accompany hoons. Residents were certainly able to advise which times these behaviours were most likely to occur. It disappointed me that clearly there was insufficient policing of these areas.

Another major event seems to occur now on an all-too regular basis, although it was not heard of more than 10 years ago—it might have happened only once or twice a year. What surprises me is that sometimes it is every week for weeks in a row or at least once a fortnight that a car ploughs into the front of someone's house and people have been injured, or most often, thankfully, it is a case of a narrow escape. In the last few days a car ran off the road into the front of someone's house or garage and there was a near miss for children sleeping in their beds or elderly people sleeping in their front lounge room or something of that nature. This is very much a new and worrying phenomenon and it certainly seems to me that hardly a week goes by that we do not hear of yet another vehicle ploughing into the front of yet another home and not just destroying the front of that home but, as I said, more often than not there is a near miss. Someone will say, "I was sitting in the lounge room only 20 minutes ago and I got up to get a cup of tea," or, "Normally my children would have been in bed at this time." However, there was a delay or the children were somewhere else in the house at the time. That is a concern and it warrants further attention and investigation. There should be an extra investigation into all those instances so that we can find out what really is the root cause here—some information on the condition of the drivers—because this was not previously a weekly occurrence. I would like to know what percentage of those drivers had their blood alcohol level tested and whether they were tested for drugs. We cannot do anything productive about

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it unless we know why this is occurring. My suspicion is that a good proportion of these people are probably driving under the influence of drugs or alcohol. We know that most of these people were driving at excessive speed, otherwise they would not have driven off the road and had that significant impact with the house. I am disappointed not to have heard something further from the government on that front. Maybe, for whatever reason, it cannot do that analysis, but it should be a requirement that when someone drives their vehicle off the road at speed into someone's house or garage they should have their drug and alcohol levels tested so that we can learn whether that is a factor.

Earlier today during question time there was talk about Western Australia having the highest levels of methamphetamine use in the country. That is borne out by quite a number of different pieces of analysis, one being the amount of methamphetamine detected through the sewerage system, and another being the percentage of detainees at the East Perth lockup who test positive for methamphetamine and other drugs compared with lockups in other states of Australia. A lot of evidence indicates that we have the worst meth problem of any state in Australia. Members might be wondering what the link is with the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016, and if I can join the dots for members, it is certainly my belief that some percentage of people out there hooning are under the influence of drugs, and a good proportion of them are under the effects of methamphetamine. More investigation and analysis needs to occur in that area; there is a potential opportunity there.

I turn my attention to the constant and growing complaints from the community about hooning offences. I absolutely support the legislation before us today; that is not in question. What concerns me though is whether the police are using their existing powers to the extent that they can or as often as they can. We get constant feedback from the community. Other members, indeed many Labor candidates running for the election as they move around the community, raised with me the issue of hooning and that it is a constant complaint. It is a major problem in electorates such as Forrestfield. It is a major problem in electorates such as Southern River and indeed many of the southern suburbs and northern suburbs; it is a huge problem. A constant complaint I receive though is that when people call the police about hooning offences they do not see much of a response to it; they do not see police out on patrol or receive the feedback from the police that they would like from their call for assistance. The likely issue here is the so-called new policing model, in which police officers simply do not have the time or resources to chase down all of these hooning offences or have targeted operations. The government announced the so-called hoon cameras a couple of budgets back. It is a small amount of money; I think it was \$30 000 for cameras. Maybe by now the government has invested \$60 000 in cameras. I support the cameras; they have the potential to be a valuable tool, but it is not the be-all and end-all. We have to have actual police resources, actual staff time and police available to follow-up not just what they get on the handheld cameras that they have, but also on the public complaints. I am confident that if anybody living in the suburbs was asked, they could say what times offences largely occur and what streets have the worst problems. There needs to be some proactive policing.

This will be only a short digression: effectively, this government has moved to implement a policing model that is more suited to greater Manchester, from where it emanated. It is suited to a small and intensely populated area like Manchester. It might also suit a small and intensely populated area like New York. Implementing a big-city policing model over a state as vast as Western Australia has had its problems. I question whether this is the policing model that should have been taken up. As members know, police have been split into two teams—that is, the basic response teams, which respond to call-outs, and local policing teams. Little by little, officers have been taken from LPTs and redeployed to frontline response because the demand for frontline response is so high. I have received lots of complaints that the LPTs are not responding to issues. I do not blame police for that. Individual police officers in all districts right throughout the state are doing their best within the model that they are required to work in. It concerns me that they are spending their time being very much reactive rather than proactive. They have to prioritise what they are reactive to. What are deemed to be higher level crimes are getting priority and taking up more police time.

Sadly, hooning offences that have not resulted in people being injured or killed are way down the priority list. It would be good if more police officers were dedicated to the task of following up hoon drivers. The concept of hoon legislation is that police find out who these individuals are and they receive a penalty so that they realise there are very tough consequences for hooning on suburban streets. When caught, most hoon offenders do not reoffend a second time. I have said before in this house that police need to be given the tools to enforce the law; that is, laws to maintain law and order within the community. Police also need to be given the resources and staffing levels to enforce the law. I think the whole hooning situation is falling down at the moment because there are not enough police officers being proactive. There are not enough police looking at where these instances of hooning are occurring and setting in place some proactive strategies to catch out repeat offenders. They are technically not repeat offenders; they are only repeat offenders if they are charged. Mums and dads in

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suburban streets say, “I’ve seen that car out there six, eight, 10, 12, 23 times over the last month or two.” They know that that car is being driven by a repeat offender. It is not until they are caught by police and charged with a hooning offence that they chalk up a first offence. In the eyes of the law they are not repeat offenders until they have been caught more than once.

Hooning has very much been an ongoing problem. It hit a pretty high point during the lead-up to the 2013 state election. This is not new. We knew that the hoon laws needed to be toughened up. We knew that more resources needed to be devoted to this troublesome activity. The Liberal Party knew that too. It was not just the Labor Party that knew it because the Liberal Party promised during the 2013 election campaign to toughen the laws for hooning offences. The Minister for Police admitted that towards the end of her second reading speech when she said —

Mr Speaker, this legislation delivers on several election commitments made by the Liberal Party in 2013.

The shame here is that these issues were all identified by the community well ahead of 2013. They were identified and the current police minister and the current Premier said to the community, “We hear you. We understand hoon drivers are a problem. We have a suite of measures that, if elected, we will put in place.” But right now, on its death knell, this government is bringing on this legislation for debate. I am interested to know from the Minister for Police or the Leader of the House whether this legislation will have the opportunity to pass through the Legislative Council before the end of the year. I certainly hope that it does. Keep in mind that after this week, there are only two more sitting weeks in this house and three more sitting weeks in the upper house. Even if the government gives this legislation priority in the upper house—it certainly will get support from the opposition—these changes cannot become law until 2017. People will have waited the full four years of the current government for laws that were promised at the 2013 election. I do not think that is right. The government said before the last election, “Elect us; and, if you do, we will bring these changes in. We will toughen laws on hoons and we will deal with off-road motorcycles”, which I will turn to in a moment. “We will legislate and make the laws tougher in these areas.” It seems that the government has just sat on its hands for four years. It may say it was investigating. One of the things we often hear is, “It was important to get the legislation right.” At the 2013 election, the government had already been in for four and a half years. It knew there was a problem. It clearly had not developed any legislation before the election. It issued a media statement about a policy. The media statement was that it would toughen up on all these things but it did not actually have the plan or the policy to back it up. If the government had, it would have been able to introduce the legislation in April or May 2013—three and a half years ago. Sadly, this legislation was left on the backburner. It has not been a government priority. It has only now been brought on, nearly four years later, for debate in the Assembly but it cannot be delivered until the next term of government. The community should be rightly disappointed in the government for not introducing this legislation at a much earlier point. If anyone here thinks that has not cost, they are wrong. It has cost a lot of people a lot of worry and a lot of concern. People are very fearful of hooning offences. I am not just talking about elderly people with nothing to do but report some kids squealing their tyres out the front; I am talking about a lot of young families who are concerned about their toddlers playing in the front yard. This is a very important issue to the community. I would be surprised if most members, if not everyone in this house, has not had the issue of hooning raised with them as a major community concern. We will support this legislation very strongly, but I make the clear point that the government has let the community down by taking four years to attempt to fulfil its 2013 promise. Normally, when a government makes a promise at an election, it intends to deliver on the promise within that time, not just change the law at the end of the four years for which it was elected so that the law can be enacted in a subsequent term of government. The government has also let the police down and has cost the community a significant amount of money through its tardiness and delay in bringing forward this legislation.

Another clause of the bill deals with the issue of the sheer number of cars that are currently held by police. I note that the Minister for Police has advised that last year police impounded over 11 000 vehicles. At the time that she gave the second reading speech, she advised that some 1 700 cars had been impounded. This is a big burden on police. We know that a huge number of these cars are never collected. There are requirements in the legislation for the disposal of the vehicles and time limits that the Commissioner of Police or his delegate has to wait before they can be disposed of. That means that the public has to pick up the bill when there is a negative impact on state finances. Although the owner of the vehicle is required to pay the cost of impoundment, in some instances they simply do not come forward to collect the vehicle because it is of a relatively insignificant value. The police who provided advice at the recent briefing advised that many vehicles fail to meet even the \$500 mark, and at the end of that time they are disposed of. Those vehicles can be identified at a much earlier time, and once this legislation becomes law, they will be able to be disposed of at a much earlier time. That will save significant costs in impounding vehicles. To join the dots for people, those costs are not always met by the owner, because often the owners fail to collect their vehicles. There is also the huge matter of managing this issue.

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Another issue that is dealt with in the legislation is unlicensed off-road motorbikes. Again, this is a real bone of contention for many people in the community. I suspect that it is not such a big issue in inner city electorates because they do not have little stretches of bushland and the like, but it is certainly a significant issue in my electorate. This is certainly a significant issue in areas around Stratton and Jane Brook. It is also significant for the environmental integrity of the affected bushland. In many cases, it is reserve bushland. It is potentially Bush Forever land or reserve that has rare plant life, rare wildlife and the like or good urban amenity. Some of that plant life is being absolutely destroyed by off-road motorcycles. In some instances, these areas of bushland abut housing, so people in nearby houses hear the continual drone of the bikes. There are certainly noise issues associated with it. There is also the issue of safety for the mainly young people involved. Occasionally, people have received some really horrific injuries as a result of riding in areas that are not designated for motorcycle riding. It is all happening in a very unregulated way. I know that we have had huge issues with enforcement. Any member in this place who represents an outer metropolitan area or has bushland in parts of their electorate will know the significance of this issue.

One of the issues that have been raised with me is the failure by government to provide appropriate places for people to ride motorcycles or to provide BMX tracks or areas for a whole range of activities. I understand that when these areas are provided legitimately and are run by the state government or the designated local government, there are insurance and liability issues and the like. However, the government cannot just turn a blind eye to this issue. It cannot just let it happen in an unregulated way and not protect people. I am not saying that young boys or girls should not have the opportunity to do some off-ride bike riding and that it is not a good or appropriate activity; it just needs to be done in an appropriate place, in a relatively safe zone and away from built-up residential areas. I will get to the detail of this legislation in a moment and I will raise further details during the consideration in detail stage, but the government also needs to provide some alternatives for the mainly young people—both girls and boys—who want to engage in bike riding. They need to have areas to go to. They should not have to go halfway to Bunbury or Northam. Some areas need to be set aside in the metropolitan area that are accessible for teenagers and others to engage in off-road bike riding so that they are encouraged not to do it in areas where urban development abuts bushland. It is better for the riders, it is better for the nearby residents and it is certainly much better for the conservation values of the land involved.

I think confiscating bikes that have been unlicensed for the previous two years is a relatively neat solution, and no doubt we will draw a little more attention to that matter when we get to the relevant clause of the bill. Again, up until now this issue has been allowed to fester by the government. It has been an ongoing issue for at least the last four or five or more years. It is something that the government promised it would deal with at an earlier stage. What we have in front of us in this legislation will deal with part of the issue, but there is another part that is partly beyond the scope of the Minister for Police to deal with if the government wants to provide designated recreation zones where people can ride bikes. I have spoken to a lot of parents who would like to see facilities available for their teenage children to use.

To summarise, we support this legislation. It has taken too long to come before us. I suspect this will not be the last iteration of a review of hoon laws. I already have a few ideas of ways in which they could potentially be further improved. These amendments are good and we support them. This measure will streamline police management of impounded cars, will sort out some of those financial matters and will mean fewer cars are impounded at any moment in time. The minister, no doubt, will be able to update us on how many cars are currently impounded. In June 1 700 cars were impounded. The minister might put on record how many of those cars can be immediately disposed of when this legislation becomes law. There are a range of other smaller amendments that we also support that we can deal with clause by clause.

Again, we have waited a long time for it, but we applaud the creation of confiscation zones. A school zone, for example, fits into the definition of a confiscation zone. Penalties will be immediate and tougher for people who drive significantly over the speed limit through a school zone or in the 50-kilometre-an-hour or less zones. Zones in which roadworks take place are often zoned down to 40 kays an hour because people working in the vicinity of the road presumably would be included in the definition. It concerns me that people drive at excessive speeds through those areas. Great Eastern Highway has been dug up for some time in the South Guildford and Redcliffe areas. Sometimes people work there; sometimes they do not. It is extremely hazardous for drivers to travel through that area at excessive speed when people are working there, and an appropriate penalty is needed. I question, though, why the speed zones are not amended at times when people are not working there and there is no loose gravel or other reason to maintain that lower speed limit. People get a bit frustrated by that. Most people going through that section of Great Eastern Highway over the last couple of months would have been driving along that quite long stretch of road at just 40 kays an hour. I think most people question why they could not be potentially driving at 60 kays an hour on weekends and evenings. I suspect it is because most roadworks are now done by private contractors. Maybe it is just a matter of them not being bothered or not being compelled to move

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the signs. Maybe they do not want to have to keep putting them out every day. By the same token, there might be greater compliance if signs were principally in place when people actually work there. Driving along that stretch, I notice that most people are pretty compliant with the speed limits when workers are there. However, at other times when workers are not there, I pull over into the left lane and drive at 40 kays an hour and watch other cars speed past me. The minister responsible for Main Roads is not present at the moment, but it is something that Main Roads should look at a little more closely. Most people have a bit of a notion of what is fair. If someone is caught speeding through a 40-kilometre-an-hour zone and workmen are present, people say that a penalty is a pretty fair cop. However, I imagine that some people who drive through there at 60 kays plus when no workmen are present probably may not see that as a fair cop and would like to see some change.

There are other provisions which, of course, we support; for example, the provision to do with a member of the public experiencing harassment or intimidation, fear or alarm. Clause 30 involves the driving of a vehicle at 90 kilometres an hour or more above the speed limit. That seems like an incredible speed to be driving above the speed limit. When we first brought in the impounding legislation, I think I commented during debate that people can be distracted by a whole range of things, such as family circumstances or illness. A lot of things can cause people to be momentarily distracted. They may have had an argument with a relative or friend or might be worried or stressed about something. For whatever reason, anyone can be inattentive and perhaps go five or 10 kays an hour over the limit. However, in most cases, most people would know if they were doing 30, 40 or 50 kays over the limit. There are a few exceptions. Sometimes people do not notice that they are in a special zone. They may not notice, for whatever reason, that they are in a 50-kay-an-hour zone and might assume they are in a 60-kay-an-hour zone. Even so, they are going to get caught out for driving 10 or 15 kays over the limit. If people drive at 40 kays an hour or more over the limit, they really know what they are doing. When we get to that clause in consideration in detail, I might ask the minister to clarify how that figure of 90 kilometres an hour for immediate confiscation was determined. It seems to me to be fairly lenient. However, I understand that at the moment there is no upper limit that results in immediate impoundment. Clause 30 introduces a limit, but I ask why that figure was not 60, 70 or 80 kilometres an hour over the limit. Why has it been set at 90? It would be good if I could have an explanation of that matter.

Other provisions deal with reckless driving and the like. I have dealt with the provisions on unlicensed motorcycles. There are really important provisions about uncollected vehicles, not just for police and their administration, but for sensible management. Hopefully, they will save the police budget some money and, by doing so, save the law-abiding public some money, too. Questions are always raised—I am confident they will be this time around—about potential unintended consequences and innocent parties being affected. By that, I am talking about someone who does not give permission for their car to be driven by another person and the other person commits the offence. I note the provisions for a case to be made to the Commissioner of Police. I also note that the case needs to be made within 14 days and that the owner of the vehicle needs to make it quite clear that they were not the offender driving the vehicle at the time and that they did not give permission for their vehicle to be used. That provision is in the legislation. When we brought the original legislation to the house, we had a provision for hardship, so that someone could make a case to the commissioner to have a vehicle returned. This provision is especially for people of more limited means with other family members who need the vehicle to transport children, a disabled member of the family or the like, and who could be impacted by the impounding of the vehicle. It is important to keep some sensible provisions in the legislation so that commonsense can prevail and the Commissioner of Police has some discretion on the return of vehicles in exceptional circumstances. These provisions are not to be abused.

I commend the government on the balance of money received—I suppose we could call that profit—from the sale of unlicensed motor vehicles that, under the provisions of this bill, will go into the road trauma trust account. That is a good thing. I always like to see that account bolstered and I think it is a good nexus that the money is appropriately paid there. I am not sure whether it will deliver a lot of money into the road trauma trust account if any money is available. I would be interested to know from the minister how much money she thinks might accrue to the road trauma trust account from the sale of those motorbikes.

I am genuinely interested in the operation of the so-called hoon cameras. The cameras were a relatively cheap government promise. The government got a great media hit out of announcing the cameras in the last two budgets for a dedication of some tens of thousands of dollars. For operational reasons, the locations of the cameras are not revealed, but I cannot see any reason that the minister cannot advise us how many cameras have been purchased, how many of those cameras are deployed currently and how many hours each week they are deployed. Maybe the minister could advise how many people have been prosecuted because of evidence obtained by those cameras and, indeed, whether there are any plans for more cameras. I want to make it very, very clear that I support the cameras and that I think they are a significant aid to police. It is a good initiative, but

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I believe that the biggest deterrent is police intervention—police going around and following up leads from the community, prosecuting offenders to the full extent of the law and hopefully deterring those offenders from continuing to offend.

I will round off with some final words of caution. I believe a lot more work needs to be done on evaluating what is driving our hoon problem and the issue of cars going into the front of houses. I am fearful that before very long we will find out that a child has been killed or an elderly person has been severely injured because a car has gone through the front of a house. My view is that we need much better intelligence about offenders.

Tougher legislation is one thing, but we also need to deal with the causes of crime. I do not want to be diverted and talk about the government's weekend announcement of seven or eight methamphetamine treatment beds, but we really have to deal with the causes of crime. If meth and alcohol are driving the hoons, so to speak, and these hoon offences, it is not just a police responsibility; it is a community responsibility. It is the responsibility of a number of other portfolio areas to reduce the harm that meth and alcohol are doing in our community. The issue is not just about being tough on crime. I support being tough on crime and I support this legislation, but it is about dealing with some of the root causes and drivers of crime. I think that is one area in which this government has let us down.

**MS R. SAFFIOTI (West Swan)** [4.56 pm]: I rise to support my colleague the member for Midland and her comments on the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. I also indicate the opposition's support for this bill. Hoons or reckless driving is an issue of great concern to many members of the community. The member for Midland introduced the first hoon laws a number of years ago to target people who intentionally drive recklessly through our community, endangering community members and making our streets very unsafe places to be.

I am sorry, Mr Acting Speaker, but my glasses are broken and they may fall off halfway through this presentation.

**The ACTING SPEAKER (Mr I.M. Britza)**: I know the feeling, member.

**Ms R. SAFFIOTI**: This is an issue of great concern. When members on this side of the chamber are campaigning, doorknocking and talking to members of the community, hoons and reckless driving is probably the key issue raised on the doorstep. Despite many efforts, it continues to be a major concern. There are a number of different areas of concern. I think some key roads are seen as places for drag races. Many parts of Tonkin Highway are pretty poorly lit, and driving along Tonkin Highway at night is sometimes very dangerous. People drive at extreme speeds and take extreme chances on those roads. I normally find that we see some really extreme behaviour at places such as the Tonkin and Reid Highways—predominantly Tonkin Highway. Often, when driving along those highways at the legal limit, I am overtaken or someone is very close to my bumper. Of course, there are issues with suburban roads, with different issues in different areas. Some of the 1970s and 1980s suburbs—Ballajura is one of those—that have cul-de-sacs attached to key streets that run in a circular pattern through the suburbs have become raceways and people drive at incredible speeds on them.

The member for Midland raised the increasingly important issue of cars ending up in people's front yards. Our newer suburbs are designed so that blocks are far more compact, sometimes with a very reduced verge and normally without elevation either way. There are often a lot of close calls and cars being driven through people's fences because of the design of the suburb and the speed at which people drive on those roads. It is not an easy problem to fix. A lot of it is about education and that people have to understand the consequences of their actions, but there is also road design and road monitoring. There is no doubt that we have not got it right yet, because there is reckless driving on our streets, which many of us have seen. I always wonder how those drivers still have any room for demerit points. Honestly, every night I probably see someone driving in such a reckless manner and I wonder how they can still be on the road legally—if they are on the road legally—because of what I have seen them do in just one minute. I wonder how they can still have a licence. Members of Parliament do a bit of driving because we are often out and about through the electorates and we are all around the suburbs. I know the metropolitan area pretty well nowadays because I drive to meet different groups about different issues. With double demerit point weekends and speed cameras, I do not know how some people who speed regularly keep their licences, because it is very easy to gain demerit points. It continues to surprise me how some people who seem to completely ignore all road signs are still driving. Some people use the main highways as drag strips and that also happens on suburban roads. I have said before that issues with suburban roads are complex. There is the issue of road design and the fact that people completely ignore basic elements of road safety.

I want to touch on road design, because I think it is something we need to continually address. A lot of councils are becoming pretty proactive in this space—I will use that term “in that space”! More pedestrian-friendly areas have been created on major routes. There is always the balance between those people who live and run businesses in the area and those who want to drive through them to get to another destination. I remember that a lot of concern

**Extract from Hansard**

[ASSEMBLY — Tuesday, 18 October 2016]

p7213c-7256a

Mrs Michelle Roberts; Ms Rita Saffioti; Mr David Templeman; Mr Chris Tallentire; Ms Janine Freeman; Mr Roger Cook; Ms Margaret Quirk; Mr John Quigley; Ms Lisa Baker; Mr Bill Johnston; Mr Fran Logan; Mr Paul Papalia; Mr Peter Watson; Mr Ben Wyatt; Mrs Liza Harvey

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was raised when Beaufort Street implemented the more pedestrian-friendly 40-kilometre-an-hour zone. The City of Vincent introduced a number of elements such as painted roads and the creation of more activity to try to reduce the speed of drivers. That has been successfully implemented in places like Beaufort Street and Albany Highway. But there is always that tension between the locals who live there and people going through those areas, particularly on those major routes.

I want to continue to focus on road design. It is very clear that we have to be smart about how we design our roads and that has to be part of the total road safety message. As I have said before in this place—once before only, so that is not too bad!—last year I had the opportunity to hear an address by a significant road engineer who has undertaken a lot of work in many countries. His whole role is to design roads that are fit for purpose and to make sure that the road design helps guide driving behaviour, which I think is important. On straight stretches of major highways there are issues with the angles at which the roads are built and driver vision. The point was made to me that the further a person can see when driving, the faster they will go. If a driver can see a long distance, they are more likely to speed automatically, because it is just in our nature. If a driver can see many kilometres in front of them, they pick up speed automatically. That is why when roads are designed, there have to be slight turns in the design to ensure people keep their eyes and attention on the road continually. That is quite an interesting philosophy. That idea needs to be incorporated into many of our new suburbs and subdivisions. Sometimes roads are built with driveways off them and there is a lot of activity such as children playing in the front yard and kids on bikes. People speed and there are probably not enough traffic calming devices built into the road design or retrofitted. We need to incorporate those ideas. I am of course not saying that drivers are blameless, but we have to look at the entire aspect of road safety—driver behaviour and road design. I think that is pretty pertinent. It is becoming a key issue as councils try to look at some of their key areas of activity and reduce speed through changes in road design.

I want to talk about hooners on our local roads. We need to encourage more people to get on their bikes. We need to encourage more kids to get on their bikes. We need more people walking and doing more activity. I fear that some of this reckless driving puts people off. We do not let our kids play in the front yard or go cycling because of that certain car that comes past every day going too fast. Road safety is not just about when bad things happen and major accidents occur; it is what it impacts. It impacts our feeling of safety and ownership of our community. Too often we see people disregarding the law and the safety of others. Frankly, we need to do more. We need to continue to pursue a number of things. Mobile cameras are one thing, but we need to look at continued surveillance and traffic calming devices. Traffic calming devices are always a bit divisive. People talk about wanting speed humps, chicanes and those sorts of modifications. Many people support them, but initially many people are resistant, particularly to speed humps and their impact on local driving, with lights that flick through windows as cars go over the humps. But they are required and needed in our suburbs to try to calm drivers down.

In my electorate there is a combination of brand-new housing suburbs and subdivisions, some older 1970s and 1980s subdivisions, and older parts of Perth, including the Swan Valley. Each of those areas has its own issues. As I said, Ballajura has the issue of speeding on Illawarra Crescent and other key roadways. There are areas where I believe traffic calming devices would be very valuable—even road signs. I make this point: a number of members of the community have come to me over many years saying that they want road signs to remind people that the speed limit is 50 kilometres an hour on certain roads. We wrote to Main Roads and were told that Main Roads does not do those. We asked the council and it said that we should write to Main Roads. We are currently unable to achieve even some basic forms of road safety such as 50-kilometre-an-hour signs because of the bureaucratic nightmare of dealing with government and councils sometimes. There is probably a better way to manage and implement things like better signage and traffic calming devices so there is some coordination between police, councils and the community to ensure we are continually proactive on this issue. Again, when we write to the Department of Transport saying we need traffic calming devices or road signs in an area because people are speeding, the current response is that people should not be speeding and the police need to patrol the area—that is pretty much what we get. It is a handball from the department, which does not want to do any work to try to make the roads a bit safer, to the police, saying that the police should be patrolling it. One of the latest letters we got, before we had a change of minister, was about Badgerup Road through parts of the east Wanneroo area. We wrote to Main Roads asking that it consider reducing the speed limit on that road, and its response was, “It doesn’t matter if we reduce the speed limit because people speed anyway”, which was an interesting response. That is something I have never seen. The department was saying, “It doesn’t matter what the speed limit is; we’re not going to consider reducing the speed limit because people break the law anyway and police need to patrol it better.” That is the response my electorate is currently getting when we try to get better outcomes for road safety.

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I will quickly turn to the newer suburbs. The roads are narrower, there is more pressure when cars are parked on the side of the road and, again, there are issues with road width and road usage. New pressures are also emerging as a result of smaller verges and potentially greater impacts should a car leave the road and run across a verge.

Another issue I would like to point out is what happens with road safety when there is significant congestion in an area. I am thinking of Henley Brook in my electorate, where congestion means that people waste a lot of time on our roads, which creates a lot of anger and frustration for people as they take longer to get to their homes or to their workplaces or wherever else they are going. It also creates safety issues on nearby roads as people use them as rat runs. Lord Street in my electorate is probably one of the most congested roads in the metropolitan area. If we look at the key congestion “hot spot”—as I call them—areas, Lord Street would be one of the worst, with the amount of traffic it has on a daily basis, the delays and the amount of time it takes people to travel from Ellenbrook or from north of Lord Street down to Reid Highway. The delays are incredible and the wait times are enormous. It has created a lot of rat runs on rural roads, particularly through Henley Brook, as people try to leave the very congested roads and use the rural roads to take a short cut. Of course, that has an impact; those roads were not built for that volume of traffic.

[Member’s time extended.]

**Ms R. SAFFIOTI:** There are also roads there on which people ride horses and undertake other pursuits and, again, that creates major safety issues in those areas. East Wanneroo has the same issue: enormous growth in population around the area and people using rural roads more and more often, creating greater volumes of traffic and greater potential for accidents as people speed along these rural roads. These roads are not designed for such speeding.

I want to now touch on the issue of off-road motorcycles. Many of us in the peri-urban areas—a term I think we have adopted from Victorians, member for Girrawheen—see a lot of unlicensed motorcyclists using parks and roads, creating enormous dangers. Often we will see families trying to enjoy an afternoon in the park when some person on a motorcycle runs across the park, putting people’s lives in danger and creating an unsafe environment that people do not want to be in. As I said, it is about making sure we do not lose that sense of community and hand over the roads and the parks to people who just want to make them unsafe for the rest of us. This is a continuing issue and a continuing problem. We need to work better across the tiers of government, local government and state government, to try to improve road safety and to limit the amount of reckless behaviour on our roads. People get pretty frustrated when they deal with councils, police and the Department of Transport to try to have road modifications and signage put in place to inform driving behaviour. The community gets very frustrated when trying to deal with all of those types of initiatives, and it is sometimes quite frustrating for members of Parliament too. We are trying to achieve outcomes for the community and we basically get pushed from one agency to another, or from one tier of government to another.

The Labor Party supports the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. We want to try to make the roads safer. As I said, road safety is an issue for all of us in the community, whether we are drivers or cyclists, if we want our children to be able to learn to ride a bike on the road and if we want to see people being able to enjoy and walk along the roads and to enjoy our community more.

The issue of confiscation has created quite a bit of public debate, but I think people now understand and accept that some of these deterrents are necessary, particularly for people who enjoy driving hotted-up vehicles. Many people love those vehicles, and that type of deterrent will hopefully do something. But it is not enough. We need to do more because I do not think the real argument has been put out there and understood by the community: that we need to make road safety a continuing priority. We need to make sure that we all work together to achieve that. It is not one person’s responsibility; it is the responsibility of all the different agencies of government, of local government and the state government, working together to make sure we make our roads safer.

**MR D.A. TEMPLEMAN (Mandurah)** [5.18 pm]: I would like to contribute to the debate on the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. I listened to the contribution by the member for Midland and I note that the issue of impounding and confiscating the cars of so-called hoon drivers is one that has plagued suburbia and country areas for some time. A range of things have been attempted to address this issue. I will be interested to hear the Minister for Road Safety’s response to, for one example, the statistical information on secret cameras that have been in operation for, I think, 18 months. Covert cameras have been placed in various areas to film and collect evidence of hoon driving and reckless driving. I would be interested to hear any update about that in the minister’s second reading response or during consideration in detail. It is an issue of some complexity and is a concern to a lot of people. They get absolutely peeved about reckless drivers causing concern and consternation in neighbourhoods, but when push comes to shove and evidence is sought, or people are even asked to appear before courts, many people are very reluctant to do that in the end for various reasons, not just potential recrimination. They balk at becoming involved because they believe it might not be in

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their best interests to appear in court giving evidence against someone who has been identified causing havoc in the streets as a hoon driver. I know that the covert cameras have been introduced, but we have not heard a lot about their effectiveness or otherwise.

Interestingly enough, where I live in Mandurah, we have had some interesting experiences in the past with hoon drivers. My neighbour, who no longer lives there but still owns the house, and I almost set up a vigilante group. Where we lived, there was a T-junction that cars heading to the shops would use as a place to stop, smoke the wheels up and head off. I actually put my own, very rudimentary, handheld —

**Mr P. Abetz:** Machine gun?

**Mr D.A. TEMPLEMAN:** I wanted to mount an AK-47 on the front fence, trained on the T-junction, but of course we have very strict gun laws at the moment, which are under national debate at present!

I put my little camera on the fence post and kept it going for a while, trying to catch the cars that were causing all the havoc. My neighbour, Graham, was very much a vigilante. It is a wonder he was not wearing a red beret. He went to the extent of tracking down places that the owners of these cars were frequenting and building up evidence for the police, at least to identify the drivers and vehicles responsible. Ultimately, the evidence we were able to produce was not enough to establish a conviction. I know that the government introduced another measure, which was covert cameras, so I am interested in the minister's response about any statistical information, particularly how much the cameras might have been used to secure a conviction.

The member for West Swan made some very interesting and pertinent observations. Hoon driving is nothing new. The oldest newspaper in Mandurah is the *Mandurah Coastal Times*. When I first moved to Mandurah 28 years ago, there were two newspapers produced by the same company—one was the *Mandurah Telegraph*, which came out on Tuesdays, and the *Mandurah Coastal Times* came out on Fridays. Since then, the two papers have merged into one called the *Mandurah Coastal Times*. The original *Mandurah Coastal Times* goes back to the 1950s. Ten years or so ago, the newspaper celebrated its fiftieth anniversary, and reprinted some of its front pages from the past. I remember one from 1972, when Mandurah's population would have been no more than 10 000—it is over 80 000 now. The front page of the *Mandurah Coastal Times* in 1972 did not use the word “hoon” driver, but its headline stated “Hickman Road Safety Concerns”. Hickman Road is in Silver Sands. The article was about a hoon, who would have been called a reckless driver or a reprobate in those days, roaring down Hickman Road causing havoc. In 1972, that was probably described as an aggressive young male.

**Mrs G.J. Godfrey:** Was it you?

**Mr D.A. TEMPLEMAN:** No, it was not me. I was too young; I was only in grade 2 then—goodness, gracious!

The person mentioned in that article would now probably be in their 70s, and is now probably complaining about modern-day hoon drivers. I find it ironic that there were examples of that kind of behaviour back in the 1970s. Of course, in the 1970s we did not have seatbelts.

**Mr P. Abetz:** I had seatbelts on my first car.

**Mr D.A. TEMPLEMAN:** In the early 1970s, we did not have them. It may have been the time when they were bringing them in, but in the early 1970s, a lot of cars still did not have seatbelts. I always remember seeing a particular ABC program, when the ABC was celebrating its fiftieth anniversary, which included a picture of a mum putting a baby in the bassinet, and then just plonking the bassinet on the front seat of the car. Just to digress, I recall a wonderful example of how we have progressed. Hotels back then did not allow women into the front bar. I do not know whether they were absolutely forbidden from entering the front bar, but —

**Mr J.R. Quigley:** There was a ladies' lounge.

**Mr D.A. TEMPLEMAN:** There was a ladies' lounge, but I remember an ABC milestone program, celebrating 50 years, featuring a scene of a fellow coming out of the pub with a middy, going to his car parked out the front, and handing it to his wife, who was sitting in the back. It would have been a pony, not a middy.

**Mrs L.M. Harvey:** Or a shandy.

**Mr D.A. TEMPLEMAN:** It could have been a shandy, but it was a pony. He handed it to his wife. How far we have come! We have come a long way, thankfully. The issue of hoons has a history.

The interesting fact is that there are now so many more cars on the road, and so many more suburbs with suburban roads. The point that the member for West Swan made, which I thought was very pertinent, was the role that planning plays in this issue. It is very true to say that the modern layout of streetscapes and designs is part of the issue. We all saw on the news last night how a car came around a corner—I am not sure whose

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electorate this was in—and crashed into the front garage of a house, which was absolutely frightening for the family involved.

This seems to be occurring more prevalently. The number of times we see on the news that hoon drivers have lost control of their cars in suburban streets or on distributor roads and have crashed into the front yards of houses is a major concern. Of course, we know of the tragedy that occurred a few years back when a baby lost his life because a drunk-driver crashed into the front bedroom where he was sleeping. It was an absolute tragedy. It is very frightening for people who live in suburbia to contend with the reckless drivers who lose control of their cars. I think this has happened in numerous places throughout Western Australia, particularly in the metropolitan area.

In terms of the information I have asked for, minister, I am also interested in clause 11 of the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. Proposed new section 62A relates to noise or smoke from vehicle tyres. I am interested in that aspect of this new section because issues associated with young people being able to drive V8s or high-powered vehicles are frequently raised with me in Mandurah, and I am sure with the Minister for Police. I understand that there are limitations on motorcycles, but why young drivers can access high-powered vehicles is almost a perennial issue for debate.

The issue of noise caused by vehicles in general is also regularly raised with me by people in Mandurah. Some people understand that “hotting-up” a vehicle is not legal and they wonder why that is not pursued. I will be interested to find out what this bill might do about that aspect. Again, I ask for any statistical information that the minister may have about the prevalence of this issue.

I think I wrote to the minister earlier this year about another issue. I am sorry that I do not have the correspondence with me, but it was regarding the advertising of cars that had been modified to allow—there was a term for it, but it escapes me at the moment. It allowed vehicles to be advertised as having the capacity to be modified. I will try to dig this letter out for the consideration in detail stage. The constituent who wrote to me raised their concerns about the general advertising of new vehicles and the advertisement of their modifications that ultimately may be perceived as uncondusive to good driver practice. I will try to dig that out; I should have prepared it and I do apologise. I think it is an interesting issue.

I have another issue regarding electric vehicles. A fellow in Mandurah is one of a growing number of Tesla Motors electric vehicle owners, which are manufactured in the United States. I understand that an increasing number of people are purchasing these vehicles.

[Member’s time extended.]

**Mr D.A. TEMPLEMAN:** Earlier this year, I went for a test drive with this gentleman—a Mandurah resident—in his Tesla. I think it was one of the ones that cost \$US180 000. My understanding is that the Tesla Model 3 is being marketed for much less. It is about the size of a Mazda 6 or a Mazda 3 and I think it will retail for around \$30 000 or \$40 000—I think that is US dollars; it may be Australian dollars, but there is not a lot of difference. We went for a test drive. I can assure the police officers in the Speaker’s gallery that it was done legally. There were no illegal things. We went onto Forrest Highway. I am a very cautious driver; I do not like driving fast, quite honestly. Now members will ask me whether I have any demerit points! I better check. He did not do it, but he explained to me that there is a driver category that can be programmed in the Tesla called “insane”. It is true. As he was driving along—again, we did not do anything illegal—he explained to me that he could program the car. The Tesla model is being continually updated and eventually it will be a driverless car. There is a mode in it so the driver can push a button to go what is called “insane”. Apparently in insane mode, the car will go from zero to a hundred kilometres per hour in three seconds. This is an electric vehicle! This is the honest truth. I do not know whether the police officers who are here may have more intelligence on this vehicle, but it was very interesting.

He rang me up and said, “Dave, come down and have a look at this car; I’ve got a Tesla that I want to take you out in!” He was really into it. I went down there and, of course, I was expecting to see a little square ferret-mobile, a bit like out of *Mr Bean*—the old Goggomobil. I expected to see a tiny little tin thing that I would have to extricate myself from and all that. He was sitting there in a beautiful what looked like a mid to high-range Commodore-type vehicle. As we know, these vehicles will be on our roads in greater numbers in the next five years. They are silent; there is a motor, but you cannot hear anything. The “insane” mode to go from zero to a hundred kilometres per hour in three seconds was intriguing. At this point in 2016 when we are implementing legislation, I wonder about the way that motor vehicles are developing so rapidly with new technology every three months and about the now-projected driverless vehicles that we will see, and we can now see in some parts of the world. I think I am going out on the RAC driverless bus in the next month or so and I think some other members are also going out on the driverless bus. I wonder how our legislation can keep up with this technology and the challenges that the new technology will bring.

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I will conclude my comments there, but I really am interested in seeing at some stage any data the minister might have on those hidden cameras. I understand that they could be anything: they could be dressed up as a tree—I do not know about a tree—or as a telephone or one of those green boxes; it could be anything that disguises a camera. I am interested in their effectiveness and also their placement. Originally, I was told that a police district put in a request for those cameras. I would be interested in an update on the hidden cameras when we get to the minister's second reading response. With that, I am very happy to conclude my remarks.

**MR C.J. TALLENTIRE (Gosnells)** [5.40 pm]: I rise to speak to the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. It strikes me that the success of impounding and confiscating motor vehicles really lives or dies on the manner in which a vehicle owner values their vehicle. It is safe to say that many people are potential hoon—that is, those people who drive dangerously on the roads tend to be people who have a particular fondness for their vehicle, so this penalty can weigh heavily on them. It is a penalty that should be quite effective because it hits a raw nerve with the people whose vehicle is confiscated or seized.

The logic behind this kind of legislation stands up. However, I have concerns when I consider the amount of hoon driving that goes on in my electorate. When I ask the people of Gosnells, Thornlie and Maddington what concerns them, they inevitably say that they are concerned about hoon driving. I looked at the minister's second reading speech and saw the figures on the number of vehicles that were impounded only last year—11 000 vehicles. I wonder whether this policy is really having the impact that we would like to think it would have, given the logic behind it, that we are targeting people who are committing offences and imposing a penalty that we imagine they would feel particularly upset about. The penalty is the loss of their vehicle, but of course they have to commit a certain level of offence for that to happen. I note that that would follow conviction for a first hoon offence. A court will then be empowered to order the confiscation of a vehicle used to commit the offence if the offence was committed in an active school zone—we understand that is an area in which people should drive at no more than 40 kilometres an hour—or if the person drove the motor vehicle on a road at 90 kilometres an hour or more above the speed limit. I find that amazing. In the media we occasionally see reports about people who have driven at 90 kilometres an hour above the required speed limit, but that strikes me as a very frightening situation. It makes me wonder how people can drive more than 90 kilometres an hour above the normal speed limit of 110 kilometres an hour. It means that we have vehicles that have a power capacity way beyond what any normal person would need in their day-to-day driving. There is a segment of our society who want to use motor vehicles for something far more than simply getting from A to B.

When we look at the marketing of companies that were once described as being Australian—Holden and Ford; I do not think anyone would really describe them as that now, as Ford rolled out its last vehicle manufactured here and I think that will happen with Holden quite soon—we have to ask whether it responsible marketing? If we look at the back page of *The West Australian* on any day of the week under the sports headline of the day, we will see Holden Commodores and Holden Maloo utes marketed for the amazing horsepower—I do not think it is called that; it is the kilowatts—that the vehicles have been given. It is clearly marketed at a demographic that wants a vehicle that is capable of going 90 kilometres an hour above the 110-kilometre-an-hour speed limit. Why would anyone do that? Perhaps some people have a legitimate need for vehicles that have that capacity because they have to tow a horse float or something of that nature. I do not think that is the case with these vehicles. These town utes are generally marketed at people who do not put a bale of hay in the back or pull a horse float; they just drive around town and, perhaps normally respecting the speed limit, seem to take great delight in having the sound of a very powerful engine at their disposal. These vehicles are very expensive; I noticed they are around the \$70 000 price range. Why would someone want to put so much money towards a power capacity that they will not legally use? The only time they would be able to legally use it is when they drove on a racetrack. Maybe some people use these vehicles for their normal commuting—going to work and sporting events, and visiting family—and then occasionally they manage to take it to a racetrack. I suppose it is their right to enjoy that sport, but at what cost to our society do we have those vehicles that are so excessively high powered? The general description of them is high performance vehicles. I just do not know that they are necessary. Looking at the complaints I get, so many people are affronted by the speed at which these vehicles are capable of travelling.

I want to comment on proposed section 62A—the deletion of the current section 62A, and the inclusion of a new section 62A. No doubt when we go into consideration in detail, this section will be given some very careful scrutiny. It strikes me—I have raised this in this place before—that an element is missing, which is the speed with which a vehicle can accelerate. It is all very well for someone to remain below the speed limit of 60 kilometres an hour, but if they have accelerated at a very rapid rate to get there—going from zero to 60 kilometres an hour with that very rapid acceleration—I would argue that there is a point at which that vehicle is no longer under the control of the driver. That is even with all the very best in anti-lock brake systems and

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other technologies that stabilise a vehicle's movements. That rapid acceleration is dangerous. I see that a lot around my area—along Spencer Road just outside my office in Thornlie, along Corfield Street and at the traffic lights along Fremantle Road. Some people take great delight in accelerating away from those traffic lights at a speed that I would describe as excessive. I do not think these amendments will deal with that problem at all. Proposed section 62A is all about causing excessive noise or smoke from vehicles' tyres. We are being very specific here. It has to be noise or smoke from the tyres of the vehicle; it has nothing to do with the excessive noise that comes from the engine, which is the primary complaint that I get from people. People ask why they have to halt their conversations out in the street, as members of Parliament often do, when the noise from the engine of a vehicle that goes by—it has nothing to do with the tyres—is so excessive. That is an intrusion, but a momentary one, so people quickly forget it and move on, as they have other priorities in their lives. If we are worried about excessive noise, the issue of excessive noise from engines has to be dealt with, but I do not see it in this legislation.

I should go into the issue of noise from motorbikes. The excessive noise from the engines of vehicles really should be tackled, but the excessive noise from some motorbikes is disgraceful, yet this government does nothing about it. If one of these motorbikes goes past a cafe, people do not have to just momentarily halt their conversation; they have to halt their conversation from the moment the motorbike is perhaps 200 metres up the street from the cafe until it is 200 metres down the street. That is a distance of 400 metres, and the motorbike might not even be going that fast. I gather that these motorbikes are not high-performance motorbikes. They are not like the MotoGP-type motorbikes. They are not capable of performing particularly well on a racetrack. They just make a dreadful noise that blights our community. I am sorry to say that the government is not tackling this issue and I do not know why. Is it because the government is fearful of the people who ride these motorbikes? Do we have a government that is not prepared to take on people who ride motorbikes that make excessive noise? Why is that? Why would it be fearful of that? This government likes to beat its chest and say that it is tough on crime, but that is an area that it has not dared to go into. That is extremely disappointing.

Limiting the issue of noise to just noise from vehicle tyres deals with just one segment of the overall problem. I agree that it is an issue; no-one likes to hear the squealing of tyres. It could be said that if the tyres are squealing, the vehicle is out of control and the braking system is not functioning properly so the car planes in a way that it is not designed to and fishtails and the like. That sort of thing is clearly dangerous. To that extent, I support proposed section 62A, but it does not deal properly with the breadth of this problem. I am very concerned about that. I think a lot of the issue relates to the way in which vehicles are allowed to be marketed. I suppose it would be unrealistic for a state government to have legislation that deals with how vehicles are marketed, but if we were much tougher on the manufacturers of vehicles and much tougher on the supply of after-market gadgets or modifications for vehicles, we could make a real difference. People call one of these things a milo tin. We tend to see them not on Fords and Holdens, but on Japanese cars, and I will try to remember the various makes.

**Mr I.C. Blayney:** They're a Nissan.

**Mr C.J. TALLENTIRE:** Some of them are Nissans.

**Mr I.C. Blayney:** A Skyline.

**Mr C.J. TALLENTIRE:** I think all the big Japanese manufacturers have some sort of after-market treatment so that the vehicles make a lot of extra noise. There is a sort of whooshing noise when a person changes gear.

**Mr P.T. Miles:** I think it's good.

**Mr C.J. TALLENTIRE:** Does the member for Wanneroo like that noise? I have no interest in the technicalities of this, but can the member explain to me the benefit of that?

**Mr P.T. Miles:** It's the personal enjoyment of the individual's car. It's called a free society.

**Mr C.J. TALLENTIRE:** But those vehicles are driven at excessive speed.

**Mr P.T. Miles:** No. You say they are, but if they are, the police will pull them over.

**Mr C.J. TALLENTIRE:** So why are 11 000 vehicles impounded each year, yet we are still dealing with this problem? Impounding 11 000 vehicles has not really tackled the problem. I still have a massive hooning problem in my electorate. People who drive these vehicles invest their personal identity in the vehicles. Surely the purpose of a public road is for people to get from A to B. It should not be a place where people use the equivalent of peacock feathers to describe who and what they are. That is basically what we are dealing with. The member likes the peacock feather of the whooshing noise that comes from the after-market milo tin fitted to the Nissan vehicle, but I think it is a sign of a lack of a sense of self-worth or a lack of identity for someone to

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invest in the vehicle to display their identity. I think it is a sign of weakness. That is a problem. The member for Wanneroo might admire these sorts of vehicles and think that is a legitimate way for people to behave, but the fact is we have a road safety problem. I think our general message should be about people driving to their limits, recognising what their driving capabilities allow and having some respect for the rest of the community. The vehicles that make excessive noise cause a lot of upset. It is quite unnecessary. It is not pleasant for others to have to endure. As I say, I do not think it is good if a person has to halt their conversation with someone simply because a noisy vehicle goes by. It is just not reasonable. That is one issue that I wanted to raise.

I note that trail bikes were referred to in the second reading speech. Yet again I remind the house that this government made all sorts of commitments to bring in a state trail bike strategy, but we have seen nothing of that. The minister said in her second reading speech that trail bikes are being used for recreational purposes on our roads and in public spaces. She said that it is a disturbing trend that there have been some 3 900 complaints about unlicensed trail bikes being used on our roads and in public spaces. I can certainly back that up.

[Member's time extended.]

**Mr C.J. TALLENTIRE:** In May 2013, I released a media release in which I raised the issue of hoon trail bikes in Walter Padbury Park in Thornlie. I highlighted how the state trail bike strategy was nowhere to be seen and I quoted the minister. I stated —

“Police Minister Liza Harvey said during the State election campaign that people were ‘sick and tired of this behaviour’. Well, she’s right, but there’s no action from her Government when it comes to investing in facilities to provide safe riding environments, nor boosting the Police’s ability to deal with lawbreakers.

“I have no faith at all in the Barnett Government’s ability to focus on the right priorities for those of us who live in Gosnells and Thornlie.”

That was in May 2013 and now it is October 2016 and still there is no state trail bike strategy. It has not emerged and still we have a problem with the illegal use of trail bikes. I note that the legislation will give police the power to seize and confiscate unlicensed motorcycles, and I presume that that means trail bikes as well. The problem is that the seizure and confiscation of those vehicles would have to occur on a public road. I often hear from my constituents that they know where the rider of an unlicensed trail bike resides and they would love to send the police to that house to confiscate it. It might be in the carport and they know that it gets used at 5.30 every Wednesday afternoon. It is very dangerous and difficult for police to stop those people when they are in a riding frenzy. We have seen cases in which dedicated police officers have attempted to intervene in the illegal use of a trail bike and it is very difficult to stop someone who has a helmet on and is going full tilt through a park and they have all the manoeuvrability that a trail bike offers them.

*Sitting suspended from 6.00 to 7.00 pm*

**Mr C.J. TALLENTIRE:** I want to continue my remarks on this legislation and especially the issue of hooning in connection with the illegal use of trail bikes. The current government has not been able to build on some good work done in 2007 at the time of the Carpenter government with the release of the draft state trail bike strategy. Some ideas were put forward in that document on how we might control this problem of illegal trail bike use and how the matter could be policed. This dates back to 2007. I should tell the minister that I had cause to complain about quad bikes on the Roe Highway bike path only a couple of weeks ago. One expects the way to be fairly safe on a bike path and certainly free of motorised vehicles, but there in front of me were, if my memory serves me, three quad bikes that had come up from the Canning River and were on the bike path. I phoned 131 444 and registered a complaint. I have not heard back. It is quite possible that I made my complaint, a vehicle was dispatched to investigate and no sign of the quad bikes was found. That is quite possible, but it would have been nice to have had some indication that some investigation had been undertaken. I understand that police resources are very stretched and that returning a call to me was not deemed to be a priority. I was certainly very clear about where the incident occurred and I gave all the necessary details, but there was no news. That is just one example of how prevalent the problem of the illegal use of trail bikes is and how difficult it is to police.

Yes, it is encouraging to see these confiscation powers in the legislation, but as I said before the break, I fear that these confiscation powers will be valid only, say, if officers had apprehended the quad bike riders who I saw on the bike path there and then—a confiscation could then have taken place. But if it was a matter of the quad bikes being found at a private residence, I do not believe they could be confiscated, even if we were sure that those were the quad bikes that I had previously spotted. This issue of being sure that the police have got the bike that was really the one involved in a particular offence is becoming an easier one to resolve, especially with the use of dash cams and the like. Indeed, I have cameras on my bike—I have a Fly6 on the back and I am thinking of

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upgrading to a Fly12 on the front. It is quite common for cyclists to have cameras now. Perhaps in the future horseriders will have them as well. It is a very useful thing. I notice that quite a few motorbike riders on the road, and not just police officers, also have cameras on their helmets. In fact, they seem to make a feature of it so that motorists are, if you like, put on notice that they will be recorded should there be a problem. It is becoming more and more common. I get mixed reports about how helpful police officers are when this photographic or filmed evidence is presented to them. I heard of one case in which a hoon driver overtook a cyclist on a roundabout. It was all filmed on a Fly6 rear camera. The police took the filmed evidence on a laptop to the address where the offender lived. The offender saw the evidence that he had overtaken another vehicle on a roundabout—a clear offence—and he just copped the fine and demerits and that was that. But I hear of other cases in which it has not been as successful, when people have put a case to police officers and they have not got a particularly sympathetic hearing. That is unfortunate. This is something that government is going to have to attend to, because more and more people will be presenting evidence that they have filmed themselves and they will be expecting some degree of assistance. I gather that various police stations are geared up to deal with this and that they even have a standalone computer so that they do not risk infecting their main system with the SIM cards or micro SIMs that are presented to them, just in case there is a virus on them. There is much work to be done there.

I wanted to say a little about the prevalence of cars crashing into houses in Western Australia. I am led to believe that this is something that is much worse in WA than in other states; that is, out-of-control hoon drivers who end up crashing across a garden and literally into someone's house, and sometimes with tragic consequences. We do not hear about this as much in other states. Why is it particularly prevalent in Western Australia? That is something that has to be investigated. Why should somebody who lives on a corner block be fearful of having a car potentially coming through their living room on any given day? That is a very frightening circumstance. People are now building retaining wall-type structures or substantial walls around their properties because they see that as a way of making themselves feel a little safer.

[Quorum formed.]

**Mr C.J. TALLENTIRE:** I believe that there are elements of this legislation that will be helpful, but the bill really exposes the inaction of the government on this issue of hooning. We still have a serious hooning problem. We have been considering it for years. We have spent many hours in this place debating legislation designed to tackle the problem of hoons, yet we still face a serious problem. Even though 11 000 vehicles are confiscated each year, we do not seem to be making any real progress on this matter. I think the real challenge for us is to get people to alter their attitude towards how they use public roads. That is where we have a lot of work to do. Public roads should be used, first and foremost, in a very safe fashion and in a fashion that respects the rights of other community members. The issue I raised earlier about the noise levels that come from some vehicles is just one example of a lack of consideration. It could be argued that legislation should not be there to implement decent behaviour. However, when we have a behavioural problem, there are times when the power of legislation has to be used to make people reflect on how they treat other citizens and on the rights of other citizens to a peaceful neighbourhood. That is really what is at stake here. People often say to me that their right to a peaceful neighbourhood is being compromised by inconsiderate road users. It would certainly rate with concerns about burglaries and break and enters. The issue of hooning is one of the most common police-type complaints that I get; people are well and truly sick of it.

Whether these amendments will make a substantial difference remains to be seen. In my view, we have not tackled some aspects of noise. I highlighted the deficiencies in proposed section 62A and we will go into that in more detail at a later stage. The government has the opportunity to, perhaps, amend proposed section 62A so the issue of noise is not confined to tyres but is viewed more broadly and captures the issue of engine noise and the blight of that on our neighbourhoods. We do not want to see our neighbourhoods dominated by boy racers—as some members may have styled themselves at one stage—or hoons. We want people to be responsible and considerate road users who do not impose on the wellbeing of the neighbourhood. I hope that people will soon become confident in the safety of streets like Helm Street in Maddington as they go about their daily business.

**MS J.M. FREEMAN (Mirrabooka)** [7.12 pm]: I rise to speak very briefly on the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. I thank the previous speakers, in particular, the member for Midland who has a history of successfully meeting some of the challenges of the road users whom we coin hoons. It is a very Australian and New Zealand term.

Several members interjected.

**Ms J.M. FREEMAN:** They are called boy racers in New Zealand and hoons in Australia. They would just be considered damn nuisances in other countries!

Several members interjected.

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**Ms J.M. FREEMAN:** I suggest that they are probably predominantly of a particular gender, but these days that may be, I suppose, shifting. In the interest of being quicker and not getting into the definition of things, I will move on.

I also want to commend the contribution of the member for West Swan and in particular her discussion about road design. Having an occupational health and safety background, as I have talked about in this place before, I know the importance of design in designing out hazards and capacities. She gave a very good description of how on a straight road where the horizon can be seen, there tends to be speeding behaviour that puts people at risk, not just those drivers who speed, but also their fellow drivers. I have spoken to the president of the RAC about the road toll in remote and regional communities and the impenetrability of getting the message through about safe driving. Often we look at individuals and say that they are at fault. We can fall into saying that about workplaces as well as roads, but if workplaces are designed so that people have to make safe choices, safety is being set up for not only people who may make foolish choices, but also everyone in that environment. That aspect of design is really important.

In the previous Parliament, I had the opportunity to travel to India with the previous Speaker on a Speakers tour. We went to Mumbai where a great new bridge had been built to get people into the city quicker. When we remarked on what an amazing project it was, some of the governors remarked that the problem now was that there was drag racing along it. I understand that also became a problem in Indonesia with the new bridge that was built in Bali. By designing a road for efficiency and an ability to transport people, they have designed an unsafe process. Despite the fact that we say people should not make those choices, if those choices are designed out, they cannot make those choices. That happens in the workplace as well. For example, there is machinery from which the guards can be removed. Often people think, "It's not me who the guards are for. It's not me who shouldn't be speeding. I can control this car; this is fun. It's not me who doesn't need to take off those guards; it's that other person who doesn't know how to use this machine." I have said in this place that I still remember the bloke who came in with three fingers missing because he took off the guard. My comment to the employer was, "How can you even take the guard off the machine? Why should you be able to do that so easily?" We have to think about aspects like that in our road design too.

**Mr W.R. Marmion:** As a former road designer, when we're designing a freeway, should we design it for only 80 kilometres instead of 100? What is the solution?

**Ms J.M. FREEMAN:** I am no expert on this. I noticed today an article that stated we should have more parliamentarians who are scientists because they will look at things in a much more systematic manner with evidence and thoughtful processes that will lead us to outcomes that can answer those sorts of questions. I assume that people in the Road Safety Commission, the police and Main Roads are trained in that. What I am trying to say and put to this Parliament as a policymaker is that instead of responding to the idea of needing to get there quicker, we should change our mindsets to needing to get there safely. It is the "better to be late than dead on time" concept. That relates to road safety design, and I will talk about that later on. Every time the speed limit is reduced, the risk is reduced.

**Mr W.R. Marmion** interjected.

**Ms J.M. FREEMAN:** I am not sure that the minister is keen for the member for Nedlands to interject!

There is no doubt that in the next parliamentary term—hopefully, when we are in government, but either way—parliamentarians and policymakers would be advantaged by having summits in which we all contribute to discussion about road design and road safety. We have to talk to our constituents about these issues all the time and often we do it based on a formation of views that is Smith versus Jones. We think it is commonsense, but it might not necessarily be commonsense.

**Mr W.R. Marmion:** A good example is the Brookton Highway, because it's a dangerous and difficult road to drive. People who are used to driving in the country prefer to drive that, because they have to be attentive. The counterargument for the environmental speed is that you have to be attentive if you go round a corner so you do not have an accident. The other argument is that a person who has never been on a country road, a city person, has an accident going round the corner because they do not know how to handle a corner.

**Ms J.M. FREEMAN:** That is correct, minister, and I am sure much money has been spent on that. When we are talking about hooning behaviour, we also need to look at road design. Let us have a punitive system that says that hooning is unacceptable behaviour in our community and the repercussion of this unacceptable behaviour is that the offender's vehicle will be confiscated. Both sides of Parliament agree on that, but it is not a preventive measure; it just means that many community members are inconvenienced and have to deal with this inappropriate behaviour. We could look at the issue in a holistic way and we could design out the opportunity for such behaviour to occur, such as in the manufacture of a vehicle. As policymakers, we should always endeavour to do that, because it will benefit the community as a whole.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 18 October 2016]

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Mrs Michelle Roberts; Ms Rita Saffioti; Mr David Templeman; Mr Chris Tallentire; Ms Janine Freeman; Mr Roger Cook; Ms Margaret Quirk; Mr John Quigley; Ms Lisa Baker; Mr Bill Johnston; Mr Fran Logan; Mr Paul Papalia; Mr Peter Watson; Mr Ben Wyatt; Mrs Liza Harvey

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I welcome the changes to give police the power to seize and confiscate a motorcycle that has been unlicensed for two years or more that has been ridden on a road. My question to the minister relates to an unlicensed motorcycle that is ridden on a park. In Koondoola Park and Balga Reserve we repeatedly have problems with people driving motorbikes on parklands. These motorcycles can pretty well ride through parklands or on shopping centre land to get through to the shopping centre. They are not riding on a road as such, although I could be corrected if a car park in a shopping centre is considered to be a road reserve. Apart from the fact that motorcycles are dangerous and noisy and are not welcome in parks because they will interact with children playing in parks, they are often unlicensed. I have no doubt that they are also used in criminal behaviour. I know that the Edmund Rice Centre regularly uses Koondoola Park for its sports programs, and that some weeks ago one of the officers who was assisting the kids in the sports program had their bag snatched off the ground. I attended the opening of the Koondoola Community Centre only the other day and whilst we were there, motorbikes were being ridden on the park. I would be interested to know how this bill deals with unlicensed motorcycles being ridden on parkland and in bushland, such as Mirrabooka and Koondoola bushland. I am not as concerned about that, although it is not good for the bushland, given that there are not places for trail bike riding. I acknowledge that as long as trail bikes are ridden safely and do not do too much damage that may be something that although it is not permitted, we can acknowledge it goes on but we do not need to put too many police resources into it. But when motorbikes are ridden on parkland and in shopping centre car parks, it is invasive and dangerous and quite concerning for a community such as Koondoola and is an issue that is raised with me quite often.

I also note that the bill will allow a court to confiscate a vehicle in instances in which hooning is of a nature or in a place where the act is inherently dangerous, damages property or causes fear, harassment or distress to other members of the community—for example, in a school zone when someone drives 90 kilometres or more above the speed limit, which is pretty amazing. Why do we need cars that can drive 90 kilometres above the speed limit? I suppose that if it is a 40-kilometre-an-hour speed zone, cars can drive 130 kilometres an hour. Most importantly, this will cover an offence that occurs in a speed zone of 50 kilometres an hour. Like the member for West Swan, I have had repeated dealings with councils and Main Roads about putting 50-kilometre-an-hour signs in community streets. Often people need reminding that the speed limit is 50 kilometres an hour. People's awareness of this is becoming more commonplace, but many people have requested signage because they live in streets that have become through roads or rat runs. If people are going to rat-run, they at least can be reminded to do so at 50 kilometres an hour. A speed sign will trigger their memory. Those things are important for the community to know and acknowledge that hooning occurs in their streets. The City of Stirling has introduced a project because people have been complaining about hooning and rat runs in their streets. It involves getting people in the street to sign on and commit to making sure that they do not speed in their street to demonstrate appropriate behaviour.

I also want to talk briefly about the need to think about road safety and speeding and therefore hooning in a more holistic way and not just in a punitive way. I pull out this brochure regularly, but some years ago the Office of Road Safety released the Enjoy the Ride campaign. Every now and again I see this campaign on the telly, but the concept of getting people to change their behaviour has lessened as we have gone towards being more punitive. I would appreciate the minister advising what has happened with the Enjoy the Ride campaign and its resources. It is a really important way of looking at how our community interacts, especially when a community feels it is at greater risk of road rage. We should be talking to people about what is appropriate behaviour on the roads and how to focus on the journey not the destination in a manner that is not detrimental to the community as a whole, particularly if someone is hooning. That sort of campaign is supported by the University of New South Wales study "Towards a Holistic Framework for Road Safety", which was published in February 2010 and which refers to reframing the approach to how we connect to road safety as occurred with the smoking and drink-driving campaigns. We have had successful campaigns around those issues and we need to look at the way we frame our road safety laws in that broader context and not just in a punitive context.

It is difficult for police, because we always call them when we have a problem with hooning or motorbikes, and they have to react in that punitive framework, hence the bill before us, but we cannot keep introducing laws such as this without talking about the broader framework of changing people's behaviour in the community. Frankly, we cannot legislate for good behaviour; we have to create an environment that enables the behaviours we want in our community. This report goes to some of those issues. It refers to the increased need for public transport; the need for mobility management; and vehicle design and advertising. The report states that the TravelSmart campaign has been successful in changing people's behaviour and has significant value in improving road safety. It goes on to state —

Professor Peter Newman suggests that the importance of the TravelSmart program in bringing about a transition to more resilient cities should not be underestimated. In the TravelSmart Belconnen project run in 2006–2007, car travel was reduced by 12.7% in terms of vehicle kilometres travelled.

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The report refers also to the importance of the walking school bus program in developing children's views around road safety. The originator of the walking school bus program, David Engwicht, has referred to a cultural revolution in which it becomes the social norm to be civilised and a good citizen.

We have talked about the effect of speed on the probability that a person will suffer an injury. Pedestrians have a 90 per cent chance of surviving a car crash at a speed of 30 kilometres an hour or less, but a less than 50 per cent chance of surviving a car crash at a speed of 45 kilometres an hour or above. That comes at a time when the community continues not to support a reduction in speed limits. The report outlines percentages that show that 70 per cent of people want speed limits to stay the same as they are now. Therefore, we need to have a proper conversation with the community about the impact of speed limits on road safety. The report outlines also that about 30 per cent of us do not consider ourselves to be speeding even if we are driving at 10 kilometres above the speed limit.

**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [7.32 pm]: It is not often that I get up to speak on police-related bills, and I do not pretend to be an expert on the legal issues that are discussed in the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. However, like a lot of people, I am impacted by the issues raised in this bill. Therefore, I want to make some comments on the hooning laws. We do not need to be experts in vehicle or traffic law to understand how insidious the act of hooning is. Apart from the entertainment value for the person who is hooning, I consider hooning to be an act of violence. If we are in a crowded place or any sort of venue and a person is shouting at us, approaching us in an aggressive manner, or conducting themselves in such a way as to intimidate us, in my view that is an act of violence. I believe hooning is also an act of violence. It is loud. It is aggressive. It is about a person imposing himself or herself on others in a dominant manner. It is not surprising, therefore, that people respond negatively to the act of hooning and react positively to these sorts of bills. Member for Nedlands, I thought for a second it was called boy banding.

**Mr W.R. Marmion:** It is boy driving.

**Mr R.H. COOK:** It is boy driving, is it? I still cannot get my head around it.

From that point of view, I am very pleased that the opposition is supporting this legislation. I have never been a great supporter of punitive legislation. However, it is important that we empower police to take measures that will reflect the punishment that people would most dislike in this case. For that reason, this legislation is not a bad response to the offence of hooning. I do not know whether hoons have self-esteem issues or something like that. Clearly they use their car or their motorbike to express their personality in a manner that is intimidating or aggressive towards other folk. Therefore, from that point of view, this is an appropriate piece of legislation. I understand that this bill will go some way towards improving and streamlining hooning legislation.

I have a pretty negative view of people who use their car to act in an aggressive manner. However, that pales into insignificance with how I feel when a person ploughs up and down my street or cuts across a park on a trail bike. That is a flagrant abuse not only of the law but of people's right to quiet enjoyment of their community. The drivers of trail bikes are particularly insidious, because they come and go very quickly and often cause a lot of damage by digging up gardens and parkland. The drivers of trail bikes are often very aggressive. I believe they represent an even greater threat to peace in our communities. Recently, I campaigned on behalf of the community at Calista Primary School to get their oval fenced off, not to keep the kids in, but to provide them with an extra element of security. One of the teachers made the point to me that the reason they want the oval to be fenced is because people on motorbikes are cutting across the school oval at lunchtime while the kids are playing. That reflected the story that I was told at North Parmelia Primary School, where there is also no fenced-off area and motorbike hoons are cutting across the oval.

It is around trail bikes that I have swiftly come to support this bill. I hate trail bikes, and people in the community hate trail bikes. People hate the way in which particularly young kids—kids who often are not old enough to hold a driver's licence—use trail bikes to act in an aggressive and I believe violent manner. As I have said, I do not know whether this is a self-esteem issue or something like that. I hope this bill will go some way towards addressing that issue.

Madam Acting Speaker (Ms L.L. Baker), you have been very vocal on the issue of off-road trail bikes. In February 2011, Ms Baker, the member for Maylands, asked the then Minister for Police, the member for Wagin, the following question on notice —

- (1) Has any funding been allocated for the implementation or rollout of the Western Australian State Trail Bike Strategy; and

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- (a) if yes, how much has been allocated and what is the proposed time line for the rollout of the Strategy?

Sniffing an almost imminent implementation of the strategy, the minister enthusiastically responded as follows —

- (1) A Joint Agency Implementation Committee has developed a fully costed implementation plan. Further work is being undertaken with key stakeholders to develop funding models for the strategy's implementation.

The trail bike strategy that the minister alluded to was the one that had been completed under the previous government. To be fair, I think it was all but completed, and the member for Darling Range had a bit of a role when he was on the backbench in taking some of the "implementation" ideas forward. The trail bike strategy is a very simple policy. As I said, it was put together under the previous Labor government in a very commonsense approach to addressing an insidious disturbance. If a registration fee or a fee of some sort was put on trail bikes, a pool of funds could be pulled together that could then be used to provide off-road vehicle areas. That is an important policy approach, because, as we know, a lot of people utilise local parklands or bushland to enjoy their off-road trail bike adventures, as they say there are no local areas for it. Some land is set aside. There is land in my area of Medina, and I think there are areas in Pinjar and Gnangara, but they have not been, for want of a better term, curated or constructed to accommodate high-level use. In fact, the area in Medina is highly degraded. It is very sandy and boggy, and quite an unpleasant little patch of ground. Despite the fact that it is very sandy and therefore not particularly well suited to off-road trail bikes, it is perhaps used more than any other piece of sporting infrastructure in Kwinana. Literally hundreds of bike riders use it each weekend because it is a great place to take the kids so they can learn to ride trail bikes. Older trail bike riders love it because it provides them with some capacity to utilise their trail bikes in an area close by.

The other idea of the trail bike strategy is that it gives police the capacity to track these trail bikes, understand where they are and make sure they can better police them, particularly when people believe that those trail bikes have been stolen. The police can say that they know it is 6 Smith Road and that no-one at Smith Road on their books owns a trail bike, so there is an opportunity to knock on the door at 6 Smith Road and see what is going on. In that way there is a handle on trail bikes utilised in this very antisocial manner. It is a pretty straightforward, commonsense approach and, by and large, it is accepted right across the community. As I have said, this strategy was waiting for the Barnett government when it came in. The newly minted Minister for Sport and Recreation was in a position to take this policy forward pretty much straightaway. It was already written and ready to go. Despite the fact that in 2011 the minister spoke with much enthusiasm about the implementation of the strategy, we have seen very little action since.

I go forward to September 2012 when the member for Collie–Preston asked the Minister for Sport and Recreation a question in reference to the June 2008 report "Back on Track: WA State Trail Bike Strategy" commissioned by the state government. He asked —

- (1) When will funding be available to allow for the implementation of the recommendations of this four-year-old report?
- (2) When will the recommendations formulated around the six key focus areas be implemented?
- (3) Is it true that the minister is going to tax trail bike riders to implement the recommendations?

I think is fair to say that the minister was still enthusiastic, but perhaps not quite as effusive and confident about the approach. He said —

The cabinet noted the submission I made concerning trail bikes.

It must have been extremely comforting for the minister to know that the cabinet had noted it because it certainly did not do much after that. The minister's answer went on —

Part of what we wanted to try to do with trail bikes was introduce a new fee and licensing regime. We have decided that we need to take further action on the licensing side of this. There are quite a few issues. The Minister for Transport and the transport department have been finalising a review of the proposed licensing and registration regime. To implement that, I think exemptions would need to be made. There are issues with what we charge and issues with how that helps finance the trail bike strategy itself.

Later in his answer the minister said —

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There are some issues with licensing et cetera, and we are trying to work through those issues. We want to assess the legislative implications also in implementing and enforcing the registration of off-road vehicles; we are also looking at that.

It goes on. A question was asked in February 2011 and this question was asked in September 2012, yet we have still heard nothing from this government about implementing the strategy that all stakeholders agreed would be the most effective way to accommodate off-road trail bikes and potentially get rid of trail bike hoons. In March 2011 there was also an extensive debate in this place. Several other members of Parliament and I were putting the government under as much pressure as we could to get it to shift off its behind and get on with implementing the strategy. When the member for Darling Range, who I think at that point was a parliamentary secretary, was getting particularly excited, protesting my suggestions that the government had squibbed, he said —

No, I have not, member for Kwinana.

This report is now at the stage at which it is getting close to the pointy end.

I am not quite sure what “getting close the pointy end” means, but I think it means that the government was just about to implement the strategy, because the member for Darling Range then said —

The budget is coming out, —

This must have been the May 2011 budget —

and there might be a nice surprise in the budget process ...

**Mr P.B. Watson:** There was; there was nothing.

**Mr R.H. COOK:** There was a surprise in the budget; there was absolutely nothing. It is not surprising, and it is not without some justification, that we are a little cynical when the government comes forward with another piece of legislation that it says will fix the problem of hooning motorbikes, when it is clear that the government has done absolutely nothing to date after it had adopted a clear strategy. The government adopted it and said that that was what it wanted to do, yet it has done nothing. Here we are just before the end of the government’s second term and only now has it come up with what it hopes will be a politically popular quick-fix idea about the confiscation and destruction of vehicles as part of a glib political exercise. The government knows that it was not up to the hard task and hard work of implementing a much more comprehensive process for trail bikes. That may not be the responsibility of the Minister for Road Safety; it has passed through the hands of a range of ministers. I think that the Minister for Sport and Recreation was responsible for it at one time, and the Minister for Local Government was for a while, but it is clear that they are collectively responsible for doing absolutely nothing. It is particularly disappointing that we missed the opportunity that the Back on Track trail bike strategy provided.

[Member’s time extended.]

**Mr R.H. COOK:** I want to seek clarity from the minister, as did the member for Mirrabooka, on off-road trail bikes. I want to understand whether this legislation will be effective in policing off-road motorbikes, particularly bikes that are not being used on the road. Trail bikes are ridden aggressively on the road and people are, from time to time, guilty of what we term “hooning” on motorbikes, but as the member for Mirrabooka pointed out, a bigger concern by far is when they are used in off-road situations. I noted in the minister’s second reading speech that there will be powers to seize motorbikes in situations in which —

... the motorcycle is being used on a road and its use would constitute an offence of using an unlicensed vehicle on a road and the motorcycle had not been licensed or subject to a road-use permit in the preceding two years.

**Mr P.B. Watson:** Member, one of the things is when they use their bike to get to where they’re going, they hop on their bike to go to the track, ride it wherever they’re going to ride it, and then ride it back home, and that’s the dangerous part.

**Mr R.H. COOK:** I think that is right, member for Albany. The example I am most familiar with is the Medina track. Helpfully or not, depending on one’s perspective, it has a bike trail that goes from the township of Kwinana to the off-road vehicle area, so we know what path they use to get there. Technically, it is a shared path; it is not just a cycle path and a footpath, so we can understand what route they use to get to the off-road vehicle area. The car park—such as it is, because it is really just a part of the track that has no trees on it—typically has a lot of trailers and utes parked in it, which people have used to transport their bikes, but as the member for Albany says, a lot of people get there utilising parks, footpaths and other routes, which is a danger. It also devalues the community because, as I said in my opening remarks, I think it is an act of violence. From that point of view, anything we can do to stamp it out is important.

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Another matter I seek clarity on is the capacity for the Commissioner of Police to dispose of a vehicle in the event that it has remained uncollected seven days after the impounding has ceased, rather than the current 28 days. Obviously, a lot of people work away from home; they may be in a fly in, fly out situation or otherwise be unable to collect their car within seven days. Does that mean they risk having their car disposed of before they come back off shift, or before they are in a position to retrieve their car? There are other issues relating to removing the requirement for a court outcome prior to the Commissioner of Police disposing of an uncollected vehicle. I can understand the rationale for that because court processes often take a long time and the state could have a whole bunch of cars when there could be a fairly straightforward legal procedure. I am just wondering about safety in the sense of legal clarity around that issue.

As we have indicated —

**Mrs L.M. Harvey:** Member, if I can clarify by way of interjection. When a vehicle is impounded, the person who is in charge of the vehicle receives a notice saying there's a 28-day impoundment period, so in effect they're given 28 days' notice of when that period ends. If, seven days after the end of that 28-day period, the vehicle remains uncollected, that's when we start disposal proceedings. Previously we've had to wait for a further 28 days and then we started disposal proceedings, so in effect, when the vehicle is confiscated, the person who's got custody of the vehicle is given 28 days' notice of when they can collect the vehicle.

**Mr R.H. COOK:** That is great; I thank the minister very much for that.

As we have indicated, we are supporting the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. It is legislation that I am sure makes sense to a lot of people, because no-one likes having their community devalued by the activities of hooners. No-one likes to have the peaceful enjoyment of their neighbourhood undermined by the actions of the few. In particular, no-one wants a situation in which their safety and that of their children is compromised by the sort of behaviour that this bill seeks to address. But it is incumbent upon the government to explain why it has not made more progress around the trail bike strategy because although, as the minister indicated, this bill will allow the issue of hooners on motorbikes to be addressed, the government has had plenty of instruments and policy opportunities to address that very issue. As I said, I know that is not the responsibility of this particular minister, but it is a responsibility of the government and I am sure that many members in this place share my disappointment that more action has not been taken regarding off-road motorbikes.

I just want to say that there is one exception to the rule with regard to off-road parks and that is the Pinjar off-road vehicle area. I highly recommend that members simply have a look at the YouTube video for that facility. It is a great facility but, most importantly of all, it is a great community facility. It allows members of the community to impress upon younger people the appropriate way to behave with off-road motorbikes, it allows members of the community recreation in an appropriate space, and it also provides funds for members of Pinjar off-road vehicle and motorbike clubs to put resources back into the park. As I said, it is a great success and I think it is run by the Department of Parks and Wildlife. In that sense, it is another version of the theme, but it obviously highlights that we can address these issues through a comprehensive, cross-government approach. Sure, punitive approaches are one part of it, but there are a lot of other parts. Local government has to play its role; rangers have the authority to undertake some of these measures, and they should use it. The Department of Parks and Wildlife has a lot of land that it potentially could make available for these sorts of facilities.

I ask the government to look at other off-road vehicle areas that are particularly degraded. As I said, the Medina off-road vehicle area is highly used. Every weekend there are people there, but no resources are put in by either the state or the local government to maintain the area so that we can continue to utilise the area in the way intended, but not to the point at which it completely degrades the bushland and the paths and tracks. This legislation is one part of the equation, but it is a small part. I would like to see the government implement the Back on Track strategy, and make the resources available to police off-road trail bikes and provide the facilities for the community. People will then see how positive these trail bikes can be, and what a positive contribution they can make to the community. At the moment, the overriding attitude in the community is that they hate trail bikes. A lot of people use trail bikes or four-wheel drives on the weekend, and we should give them opportunities to recreate in that way without bashing bushland or utilising facilities that are unable to deal with them.

As I said, the opposition supports this legislation, but it is just one part of the overall puzzle. I look forward to the government setting out its plans for the Back on Track strategy, and, if it is not prepared to implement the strategy, perhaps the next government will.

**MS M.M. QUIRK (Girrawheen)** [8.02 pm]: The Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016 is one of a succession of anti-hoon laws introduced by successive governments. As the minister's second reading speech mentions, one of the mischiefs that this legislation is supposed to address is the

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number of impounded vehicles awaiting collection. The second reading speech quotes a figure of 1 700 vehicles awaiting collection out of a total of 11 000 impounded. That is an issue for the police in terms of expense and administration. This legislation is supposed to streamline the number of cars awaiting collection, and shortly I will discuss that further.

Every legislative reiteration of hoon laws stresses the need for deterrence. That is why it is stated that tougher laws are needed to more adequately deal with would-be hoon drivers. I think that the community generally accepts the need for harsher sanctions. I suspect that in every crime and police forum that the minister attends—certainly in a number that I have attended—enforcement of hoon laws is always a very live issue wherever we go. Although these harsh laws are welcomed by the community, implicit in that consensus is the understanding that these laws will be adequately enforced. As we know, the greatest deterrent for an offender is the prospect of being caught. We approach the introduction of this bill with a level of cynicism when the number of dedicated traffic police officers has been reduced. Even those who are notionally still deemed to be traffic police are not necessarily carrying out 100 per cent traffic enforcement duties. They may be allocated to other duties as required to fill gaps in other areas of law enforcement. We need to make the point that, at a time when so-called harsher laws are being introduced, there are fewer police on the road, and there are fewer police to enforce those laws. That leads to a level of frustration in the community, not least in my electorate, which I will talk about shortly.

Members will also be surprised—perhaps they will not be surprised, in view of the observation that I have just made—that one-third of all hoon drivers are caught, not by traffic police on the road, but by Multanova cameras. I asked a question on notice of the then acting Minister for Police in 2014. Hon John Day was acting in that role while the minister took leave for compassionate reasons. The question asked how many charges had been laid in the 2013–14 financial year, and how many and what percentage of these offences were detected by Multanova cameras. In that financial year, there were 2 457 so-called hoon offences of which 900—more than 30 per cent—were detected by Multanovas. We need to be mindful of that when enforcing these laws. If one-third of the offences are in fact detected by Multanovas, that offending behaviour is not stopped at the point at which it poses the greatest risk, but subsequently when the digital photographs are processed and it is realised that a number of people were breaking the speeding laws so as to constitute a hoon offence. Similarly, I have heard informally from various police officers that the focus is on main distributor roads rather than local roads. Most members in this chamber would have had feedback from constituents indicating that the majority of speeding and hoon behaviour quite often occurs on these local roads. Again, there is a disjunct between where the conduct is occurring and where the enforcement is taking place.

Secondly, in this context, members should be mindful that under the so-called local policing model, police are, in many circumstances, further away and less able to respond in a timely fashion. For example, in the north eastern portion of my electorate, in Landsdale, I receive many complaints about hooning behaviour, but under the local policing model, its local police station is not Warwick, which is some six kilometres away, but Wanneroo, which is 17 minutes or 14 kilometres away. We have a situation in which police cannot respond at the time the offence is occurring, and they are overworked so their capacity to follow things up is also limited.

Tragically, early this year, there were fatalities on Mirrabooka Avenue in Landsdale. This led to a public meeting attended by the Minister for Road Safety as well as the Road Safety Commissioner, Mr Papalia. One of the commitments made at that meeting was to undertake a road safety audit of the stretch of road that was causing the problems. That road safety audit, which I was only able to obtain through freedom of information action, found that 70 per cent of the traffic in that section of Mirrabooka Avenue was speeding. Existing laws are being honoured in the breach. It is all very well for us to spend our time in this place giving enhanced enforcement powers but if they are not being used, one has to wonder why we bother.

I want to go into a little detail about the complaints from my electorate and the gulf between the number of complaints I get and the number of arrests and charges that are laid. In June 2014, I asked a question of the then Minister for Police—question on notice 2299. I asked whether the minister could advise the number of persons charged with so-called hoon offences for each financial year from 2012–13 to 2013–14 to date inclusive for each of the following suburbs: Marangaroo, Warwick, Girrawheen, Darch, Madeley and Landsdale. In Marangaroo in 2012–13, there were four charges, and in the next year, there were five. In Warwick, there were three charges in 2012–13, and nine charges in 2013–14. In Girrawheen, there were eight charges in 2012–13 and seven charges in 2013–14. In Darch, from which I receive a lot of complaints, there were four charges in 2013–14 and four charges in the subsequent year. In Madeley, there were four charges in 2012–13 and six charges in 2013–14. In Landsdale, there were 19 charges in 2012–13 and a mere three charges in the next year to date. The note to the question states that the total number of offenders charged may include the same offender multiple times if they have committed offences in multiple suburbs and/or across years. That adds a layer of complexity to those figures. A handful of offences were charged in a number of areas in my electorate from which I receive many,

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many complaints. There is a gulf between the number of complaints laid and the number of offences charged. A lot of people have told me that they have given up ringing the police. They tell me that the computer-aided dispatchers say things like, “There’s no point in you ringing up because they’ll be well and truly gone.” That talks many people out of laying formal complaints. People have become a bit cynical as to whether they can expect anything to be done.

In September 2015, I asked the same question for 2014–15. In Marangaroo, there were 15 charges; in Warwick, there were six charges; in Girrawheen, there were 11 charges; in Darch there was one charge; in Madeley, there were three charges; and in Landsdale, there were 14 charges. That was the subsequent year, so police did a bit better.

In February 2016, I asked the same question and I was told —

WA Police record phone reports concerning alleged offences for Reckless Driving..., Dangerous Driving ..., Careless Driving ..., and Causing Excessive Noise or Smoke ... on the Computer Aided Dispatch ... system as a ‘Traffic Breach’. CAD does not record these offences to the specificity requested in the question.

This was even though the question was able to be answered in previous years. I was then given the numbers for traffic breaches that were not necessarily just hooning offences; they could be broader than that. I think it was apparent at that stage that I was concerned at the low numbers of offences that were being charged. In May of this year, I again asked the same question and I got a very surprising answer. It states —

The response required for this question would take a significant amount of time and resources to collate and process. It is therefore not possible for Police to obtain this information without significantly compromising other core policing activities.

That answer leads me to two observations. Firstly, the information was able to be provided every other year, so why was it not able to be provided? Secondly, this evidence should be readily available to hand if police are going to conduct what they call evidence-based policing. How do police officers know where to target their activities and where to deploy their personnel if they do not know where the hotspots are and they are not able to readily access this information? As you would appreciate, Madam Acting Speaker, I was somewhat cynical about this answer so, given that the minister had been able to answer the question in previous years, I wrote to her in June of this year. The letter states —

I refer to your refusal to answer Question on Notice 5155 dated 10 May 2016 on the basis that it would take too many resources to respond ...

Given that in previous years you have answered questions in similar terms, it is my view that this response constitutes a refusal to answer.

As such, I write to ask whether you have notified the Auditor-General pursuant to section 82 of the *Financial Management Act 2006* of this refusal?

If not, I request that you do so and provide me a copy of that advice at your earliest convenience.

In August of this year, we sent an email to the minister’s office that noted we had not received a response to that letter and asked when we might receive a reply. We are yet to receive a reply. On 12 August, I then wrote to the Auditor General to advise him that I had written to the minister and, despite a follow-up email, I had received no reply whatsoever. The final paragraph of my letter to the Auditor General states —

In the circumstances I would be grateful if you could take whatever action you consider appropriate to ensure either a response to my initial question or the Minister to undertake her legal obligations to give reasons for her refusal.

I am still waiting for a response from either the minister or the Auditor General.

With this lack of enforcement, the pressure then shifts to local governments to institute engineering solutions. That means quite expensive engineering solutions need to be put in as traffic calming measures. As I said, this has cost implications and it also creates other problems. For example, if emergency vehicles such as ambulances or fire-fighting appliances have to attend particular premises, they may have great difficulty accessing them because of traffic calming measures. That is likewise for public transport; buses often have some difficulty if there are traffic calming measures.

The other issue with not collecting decent information on the number of charges and offences in a particular area goes back to an issue that the Community Development and Justice Standing Committee looked at in its report, “Are we there yet? How WA Police determines whether traffic law enforcement is effective”, which was tabled in June 2015.

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[Member's time extended.]

In that report, the committee found that police did not have adequate key performance indicators as to whether they were doing a good, bad or indifferent job. I think for hooning, the minister would have fewer issues when she went to crime forums if she was able to say, "These are our performance measures and we are meeting them", but they are simply not there. Recommendation 10 of the report is to reinstate the Western Australian driver attitude surveys as a matter of priority. The reason that is important is that it is another way of gauging how effective particular laws are: What is the community's attitude? Do members of the community believe that they have a real likelihood of being caught? Are they largely compliant with the laws or do they regard it as unlikely that they will be apprehended and therefore continue to flaunt the laws? The government's response to recommendation 10, in late 2015, states —

A new evaluation tool for measuring the effectiveness of community education campaigns and driver attitudes is in development for commencement in 2015/16.

We are now in October 2016 and I am not quite sure what that tool is and how we evaluate the success or otherwise of law enforcement.

As my colleagues have said, we certainly support the tenor of these laws and I am concerned, as was raised by the member for Kwinana, that the contraction of time after which a vehicle can be disposed of after impoundment may cause some issues. I am not defending hoon drivers, but we have probably all had constituents come into our offices who do not have the money to retrieve their vehicle. I suppose one answer to that is that maybe they should not be committing an offence in the first place, but they genuinely want to retrieve the vehicle and they may need longer to pay the impoundment fees and what have you. With this contraction of the time before a vehicle can legitimately be disposed of, it would not be bad to have a mechanism by which people can pay by instalment or likewise or at least indicate their intention to collect the vehicle. If that is considered bona fide, maybe hold off on the disposal and have the owner pay fees for the longer period in which the car is impounded. I would be keen to get an answer from the minister. Her second reading speech states —

It will empower the Commissioner of Police to enter into contracts for services relating to the sale or disposal of vehicles.

I would like to know the mechanism for appointing a person to do that. Will it go to tender? Will it be publicly available? I raise that because certain questions were raised on this legislation and the appointment of a tow truck operator on behalf of the police. There were numerous concerns about the process of appointing that particular tow truck operator. I make the point that I hope that the Commissioner of Police's appointment of a person to sell or dispose of the vehicles was transparent and subject to an open tender. I also make the point that one of the *raison d'être* for this legislation is that cars are not being collected from the pound and that is causing undue expense and administrative difficulties for police. This is by no means a new problem. In May 2010, I asked the then Minister for Police, Rob Johnson, how many vehicles were impounded and how many remained uncollected. There were 8 173 vehicles impounded from July 2009 to March 2010, of which 945 were uncollected. That represents 11.5 per cent of all vehicles seized and police incurred a cost of \$873 180. This has been a problem that has been around for some time, and the government should not be congratulated for taking this long to bring in some changes that are obviously needed to streamline the process.

Finally, the member for West Swan mentioned an important point about the lack of enforcement of hoon laws. It meant that some parents were reluctant to have their children ride bikes. That is a great pity. In fact, I had a school chaplain tell me the other day that in their experience from talking to people at schools, there are a growing number of kids who cannot ride a bike because their parents are not teaching them. Again, it is a sad state of affairs that parents are apprehensive, for whatever reason, about their kids going off on their own on their bikes, so they are never taught to ride a bike in the first place.

I commend the bill. I have reservations, unless sufficient police personnel are allocated to enforce these laws. I hope that I get an answer to my question from May this year in due course and the minister understands her obligation to be open and accountable, even if the police are not catching the hoons.

**MR J.R. QUIGLEY (Butler)** [8.26 pm]: I rise to voice my support for the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. In doing so, I would like to bring a few things to the attention of the chamber. First and foremost, I do not intend to go through all the clauses of the bill; I would like to speak in generalities because I expect this will go into consideration in detail and will remain there for some while as we go through the details of the provisions. I would like to make the general observation that this bill, which is now before the chamber in the third last week of this Parliament's life and in the third last

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parliamentary week of eight years of the Barnett government's life, has been brought in very late indeed. Indeed, much of this bill was flagged or promised at the last election and it is only right at the end of the sitting that the matter is presented to Parliament. I note that there have been other matters before the chamber of less consequence than this, and although graffiti is something that irritates us all, it does not kill anyone, and it is not responsible for mayhem and serious injury, yet that took precedence and days of this chamber's time in advance of the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016.

The bill is technical in the amendments it makes in strengthening the provisions of both confiscation and disposal of vehicles and extending the situations in which vehicles can be confiscated. However, what happens in this chamber is sometimes not reflective of what is happening in the community. We can have a bill as worthwhile as this bill is and as necessarily technical to fill in gaps in the law and to extend the law, but what is happening on the streets affects the population and, in particular, my constituents. There would not be a week that goes by during the times that I see constituents in my electorate office, when not sitting in Parliament, that a constituent does not come in to complain about hooning in their area. This would be common to most members of this chamber. It is a particular problem in Butler. As I said, although this bill is full of legislative and technical virtue, we are lightly policed in Butler. When I say that Butler is lightly policed, I mean, of course, Butler and its northern most regions of Yanchep and Two Rocks and all the suburbs along that north west coastal stretch of the metropolitan area. That area has some of the most gorgeous beaches in Perth, unknown to a lot of people, but they are not on the way to somewhere, as is Mandurah or Secret Harbour. Many people drive through those locales to go somewhere else—down south or wherever. Of course, that is also true of police patrolling patterns. People going to regional centres who pass through the outer metropolitan ring see more police than we do in Butler. At the moment, Butler is a dormitory suburb—I have complained about this before—without a lot of employment, so it is an end destination for many people. I might add that it is a gorgeous end destination, with fantastic golf courses, national parks and beaches; nonetheless, it does not attract the police traffic that localities in the metropolitan area would, which both people and police pass through all the time when traversing the metropolitan area to get somewhere else. It has to be a special trip to Yanchep and Two Rocks. They are not places that people normally go through. And so it is with police patrolling patterns; we do not get the patrol cars that would see hoons while they are on the way to somewhere else. Yanchep Police Station of course is on limited operating hours and Clarkson Police Station operates for a bit longer, but the traffic cars come from further south again. As I have mentioned in this chamber before, Joondalup is closer to Perth than it is to Two Rocks, so it is a stretch, and that is why I think we do not see the patrol cars out there, as we do in other areas of Perth.

There is another issue as well. As I have said before in this chamber, we have only one major road running through the electorate. Before the member for Wanneroo interjects and says that is not true, yes, we have Wanneroo Road on the eastern boundary of the electorate where there are no houses, but that does not run through any part of the electorate as such. All the traffic is on Marmion Avenue, and people to the east and west of Marmion Avenue who travel north have to drive into the estates of Eden Beach, which is a Satterley Property Group estate; Shorehaven, which is a Peet Ltd estate; Amberton, which I think is a Lendlease Corporation estate; and Allara, which is an incredible area and another Satterley estate to the south of Yanchep. There is hooning along both sides of Marmion Avenue. As I said earlier, it does not matter what is in the legislation; whether the social problem that my constituents are facing will be repressed really depends on the police resources in these suburbs. As the constituents tell me, the police are rarely seen.

We support this bill. I could draw a loose parallel with the Criminal Organisations Control Bill, or the bikie bill, that the government introduced in the term before last. That bill took up days and days of debate in this chamber. The government tried to challenge us when we scrutinised that bill—we did not oppose it—and called us soft on crime, but, at the end of the day, the legislation has never been used. For all its legislative virtue and technicality and for all the time that was taken up in this chamber, there has never been one organisation declared a criminal organisation and there has never been one prosecution under that act. There has never been an application under that act, despite all the pomp and circumstance that preceded it, all the high words spoken about it and all the time taken in this chamber on it. It worries me that this bill is full of legislative virtue, but I would report to my constituents that the law, belated as it is, is moving in the right direction, if only we could get the police out there to enforce it.

Another issue sickens me for its cynicism, and one of the members mentioned it earlier—that is, planning issues and what the layouts of roads can do to assist us in suppressing this terrible community problem. I will give an example. The government is in the process of constructing the freeway extension north, but, unfortunately, not into the area of Butler. We are done in the eye again. It will be extended only as far as the boundary of the last Liberal seat at Burns Beach; it will stop at Hester Avenue. Masses of traffic will come off the freeway at Hester Avenue and move down to Marmion Avenue, which I will talk of shortly. The freeway will terminate at

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Hester Avenue just—I am talking only about 100 metres or so—to the east of Cambrai Village. The residents of that village and in the surrounding area have pleaded with the government for traffic-control devices at the intersection of Baltimore Parade and Hester Avenue. Members will recall that it was at this intersection that my late infant constituent—he was not of voting age—Nate Dunbar was mowed down while in bed. A little child was mowed down while in bed by a driver who was inebriated and driving in a reckless manner and who drove onto the wrong side of Hester Avenue and then into Nate’s parents’ house and killed Nate while he was in bed. I can remember the government—this is why I say that the cynicism creeps in—and the Deputy Premier and honourable Minister for Police going big in the media at that time and saying, “We stand with Nate; we are going to do it for Nate”, so that this sort of driving and needless deaths such as this one would be crushed.

**Mrs L.M. Harvey** interjected.

**Mr J.R. QUIGLEY:** I will take the minister’s interjection at the end. She can make her speech. I have limited time this evening. We well remember what she said. When Nate’s parents and other people in Baltimore Parade pleaded for traffic signals or other traffic-control measures at the intersection of Baltimore Parade and Hester Avenue, they were quickly rebuffed. It is the same with the aged people in Cambrai Village, who come out of Baltimore Street, right next to the late Nate’s house, and have to try to turn right onto Hester Avenue to get to the medical centre et cetera. They are taking their lives in their own hands. I bought up that issue in a grievance in this place. Those people were appalled at the government’s quick dismissal of their very real concerns. This was not an isolated incident. Baltimore Street is a well-known hoon stretch. However, what steps has the government taken in a physical sense to ameliorate this problem, apart from this bill? Not long after Nate’s death, a young man, William Maker, was standing in Baltimore—the same street that the government has done nothing about—on a Saturday morning, waiting for the bus, when a hoon deliberately ran him down. The hoon was speeding on Baltimore Street, and when William Maker waved to this person and shouted to him to slow down, the hoon just flipped around the roundabout and ran him down and killed him. No clause in this bill would have saved William Maker. Better traffic suppression at this known death corner clearly would have saved him. However, the government just rebuffed the petitioners who are seeking these reasonable measures. Therefore, although this is good legislation, in the same way that the bikie legislation can be said to be good legislation, without appropriate police enforcement and other measures, tragedies such as these will be repeated.

Last night, I went to a public meeting at Alkimos. We were dealing with a number of issues at the Peet Shorehaven estate at Alkimos. I have raised this issue in this chamber previously, and it got a lot of bite-back from Peet. I am dealing now with an issue that involves both the government and what I regard as a delinquent developer—those are strong words, I know, but a delinquent developer. The structure plan that went in for Shorehaven at Alkimos showed an orderly road layout for traffic.

[Member’s time extended.]

**Mr J.R. QUIGLEY:** I will repeat what I have said in this chamber on an earlier occasion. There is a Lendlease estate to the north called Amberton, which has not yet broken through to the beach. Immediately to the south there is Shorehaven at Alkimos. The minister signed off on the structure plan for the area. That shows Leeward Avenue as the main street between those two estates. However, the developer has decided not to build at this stage, or into the near future, all of Leeward Avenue. That means that there is Leeward Avenue at Amberton, which is a reasonably major thoroughfare. There is then a 55 or 60-metre stretch of road—I might be exaggerating, but it is at least 50 metres—missing. There is then Leeward Avenue at Shorehaven. The traffic that wants to go to the beach, to the only petrol station in the area, and to the only shopping centre in the area, which has a BWS bottleshop and an IGA supermarket, and other shops are going in there now, cannot go along Leeward Avenue, because there is a 50-metre gap in that road, but has to thread its way through little suburban streets, principally Helmsman Street. The houses in Helmsman Street are built on what are commonly called cottage blocks. Those blocks have little play area on the land allotment and children have to go to local parks if they want to play. All this traffic, including hoons, is not using a road that is designed for that traffic but is using these little quiet streets. I brought this to the attention of the chamber when I was talking about Peet. I pointed out in August last year when I raised this issue in this chamber that in 2014, Peet’s net profit was \$880 000. I would love you to guess, Madam Acting Speaker (Ms J.M. Freeman), what Peet’s net profit was in 2015, after it had made \$880 000 the year before. That was only a rhetorical question that I directed to the Chair. It was \$30.25 million. Yet the board of directors of Peet Ltd, led by Mr Tony Lennon, who is ensconced in leafy Peppermint Grove, are too lousy to build the 50 metres of road that would take all this traffic away from the residents to whom Peet sold these cottage blocks.

Last night, the residents called a public meeting at McCafé to discuss this issue and invited Peet to come along. No-one from Peet was willing to come to that meeting. Peet then had a spin doctor, Ms Marie Mills, ring me to try to calm me down. I said hundreds of cars a day, and huge trucks, are going along Helmsman, which is a little quiet

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street. She said there are not that many cars. I said that the last traffic count for this little quiet street—not a through street—was 982 cars and trucks in one day. I said to Ms Mills that people had looked at the structure plan and had chosen to buy into these little quiet streets and raise families in these cottage blocks. Do members know what Ms Mills' reply was? She said, "These parents are irresponsible if they let their children out of their house." Irresponsible! I will tell members who is irresponsible! Mr Lennon and his co-directors at Peet are the ones who are irresponsible. They have made \$30 million, and they will not build 50 metres of road that will alleviate this chronic traffic problem. We cannot have police officers sitting at the top of Helmsman Street 24/7, trying to regulate this traffic. We cannot put this at the doorstep of the police. This is because the developers put in a plan and had it approved. I raised this with the Minister for Planning. I said that no more planning approvals should be granted by the Western Australian Planning Commission until Peet finishes the 50 metres of road that will save children's lives. The Liberal Minister for Planning said, "There's nothing we can do" and just flicked me away.

I said to my electorate secretary that a lot of these people have just moved in and they will not know how hard I have been fighting on this issue, so print me 30 or 40 copies of the speech and I will take it to the cafe, including a copy of the newspaper article showing semitrailers going along Helmsman Street. She said, "John, it doesn't start until six o'clock on the beach, and it's a cold night, so you might need only 20 of these." I had 50 copies, and they went like that! There was a mob there. They wanted the developer to be prosecuted for false pretences.

The government talks about hoons! When developers build football ovals and parks on other estates, they put posts around them to stop traffic getting onto them. If members were to go out to Shorehaven to look at the park and the football oval, they would see they have been lacerated by people doing wheelies on them. It is no wonder that the developers of the Shorehaven estate made \$30 million. They will not even put in little pine posts to keep the traffic off the park where kids play. Someone will turn around and say, "Why aren't the police keeping the traffic off the parks?" It is because the developers of this estate have dropped the ball. They would not come out to their own estate to talk to the residents. They got there early, left a pile of newsletters and fled back to Peppermint Grove before their own customers and residents turned up to discuss these traffic issues. Look at what is happening at the corner there. Residents take their lives into their own hands getting out of that estate because this government has not dualled Marmion Avenue. Madam Acting Speaker (Ms J.M. Freeman), I am not talking about the Yanchep that you used to know as a younger woman than the young woman you are now! I am talking about the Yanchep that is one of the fastest growing localities in the metropolitan area. Just before the redistribution, I hit over 35 000 constituents against the targeted average of 24 000 so they cut it down. They took Clarkson and Banksia Grove away from me to try to cut it down to 24 000. This is a rhetorical matter, Madam Acting Speaker, I am sorry. Do members know how many new electors' letters went out in just one month? It was 1 890.

*Point of Order*

**Mr J. NORBERGER:** Madam Acting Speaker, I have a point of order under standing order 94, if I may. We are hearing about these new electors' letters, Marmion Avenue and dualling. However, I do not believe we are anywhere near the actual subject of the debate, so I seek your ruling.

Several members interjected.

**The ACTING SPEAKER (Ms J.M. Freeman):** Are you finished? Member for Butler, you have the floor.

*Debate Resumed*

**Mr P.B. Watson** interjected.

**The ACTING SPEAKER:** Member for Albany, I am going to call you for the second time.

**Mr J.R. QUIGLEY:** The Liberal member for Joondalup's contribution to this debate so far has been just trying to silence me. That is the Liberal member's contribution—to try to silence me.

**Mr J. Norberger** interjected.

**The ACTING SPEAKER:** Member for Joondalup, I call you for the first time. Member for Butler, you have the floor.

**Mr J.R. QUIGLEY:** We have got traffic pouring down from Yanchep and pouring down from Allara. The residents all have to take their lives into their own hands to turn right on to Marmion Avenue in the morning. If members compare this development to Allara further up the road, where the developer has done a big development of Marmion Avenue outside the development, they will see that no planning thought by the developer has been put into this intersection. I promised the people at the meeting last night that I would use the first opportunity given to me by this august chamber to raise their concerns about the traffic dangers in their

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suburb. Although I applaud the measures being taken in this bill, without a multifaceted approach to suppressing hooners, it will not happen. For all the fine words in this bill, there is nothing that will keep the speeding drivers out of Helmsman Avenue who are frustrated and weaving their way through densely populated areas with families sitting on cottage blocks with their kids trying to get to a local park where the cars are doing burnouts on the grass. Nothing in this bill will suppress that; it has to be multifaceted. There has to be a bigger police presence in Butler to enforce the measures in this bill and there has to be a requirement for developers not just to look at the bottom line.

Besides Bob Dylan, one of the other Nobel laureates was a Canadian economist who wrote on the remuneration of company employees and directors. He said remuneration could not be based on bonus shares and bonus decisions because that did not promote performance. All it does is have directors look at the bottom line and how much money the company can make because that will boost their income by way of directors' bonuses. Who are the people who suffer in this particular instance? All the people who bought homes on Helmsman Avenue and all the people in Shorehaven who have traffic pouring down their streets will suffer. They told me last night that they had tried to sell out of the area but the buyers just come and look at the traffic pouring through and shy away. There has to be planning, enforcement and legislation. This government, very late in the day, has brought forward the legislation but has been neglectful of both enforcing the planning and providing the police force with enough resources in Butler.

**MS L.L. BAKER (Maylands)** [8.57 pm]: I want to rise to contribute to this debate on the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016 with particular reference to the issue of motorbikes. I think there has probably been more discussion and debate on motorbikes tonight than in the last four years in this place. It is fantastic that the government has chosen to look at giving police a better chance at impounding and confiscating vehicles and a much better process for undertaking that job. However, I am concerned that this is not about off-road vehicles. I have read through the clauses in the bill and see that they are specifically about impounding and confiscating unlicensed motorcycles used on roads. Clause 800, "Police power to impound unlicensed motor cycle used on road" states —

- (1) This section applies if a police officer reasonably suspects that —
  - (a) a motor cycle is being used on a road;

This makes complete sense because I am sure there are lots of problems with people riding unlicensed vehicles on roads. The problem that we have in my electorate is people using motorbikes not on roads, but unlicensed bikes—trail bikes particularly—on footpaths, in parks, down laneways, in side streets, on railway verges and through the bush. Unless I am wrong, none of that is covered by this particular bill or the proposed amendments to this bill. I want to talk a little bit about that. We have heard from others tonight about the need to have a better process for regulating recreational trail bikes in particular. I think it has been about four or five years since I brought up the subject in the house, but in my first term in office I brought it up quite regularly, and for very good reason. I have a letter from Jason Garbin, a constituent of mine from Maylands, that I read into *Hansard* in 2011. I will again highlight the issues that he raised. The letter states —

....

I am a father of 3 children and live in your electorate. My wife ... and children ... all ride trail bikes and garner a great deal of benefits from riding—socially, mentally and physically.

Trail bike riding needs to be better recognised as a recreation enjoyed by thousands of people in WA. But there are many issues that are not being managed.

- constantly decreasing places and trails to ride,
- nowhere to ride with your kids except the run down and dangerous off-road vehicle areas, that are littered with rubbish from illegal dumping.
- the idiot few spoiling it for many,
- confusion over where you can and cannot ride,
- being treated like a criminal by rangers,
- paying for registration but having nowhere to ride,
- rider safety and injuries,
- conflict with other trail users

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- riders being told they can't ride in an area because it is 'environmentally sensitive'—right up to the time that the bulldozers flatten it for housing or logging!]

Jason finished that letter by saying —

The State Trail Bike Strategy can't begin to address the issues until the government formally endorses it and allocates the necessary funds.

There are many responsible people like us that ride, but a few out there that ruin it for the many. I know there are no riding areas in your electorate but would like you to support funding the WA State Trail Bike Strategy.

As I said, this is some years ago now, back in 2011. I have not seen Jason for some time. My guess is that he is not particularly impressed with the lack of action that resulted from the private members' business debate over several hours on Wednesday, 23 March 2011. Again, there were lots of assurances from the hail-fellow-well-met minister of the day, "Tuck" Waldron, the member for Wagin, and from Tony Simpson, the member for Darling Range, when he took over as local government minister. It was really good; they understood the problems. They clearly understood the "Back on Track" report and the strategy in it, but they were seemingly totally incapable of making it work. They were totally incapable of making the changes that were needed. Although I understand that the bill we are debating today is about hooning, which I will talk about in a minute, it is also about impounding unlicensed motorcycles used on roads. This is just a tiny problem. If statistics were compared, I assume there would be a massive number of complaints from people about off-road trail bikes and motorbikes.

I was doorknocking in my electorate a few weeks ago around R.A. Cook Reserve near Walter Road. I was wandering along and some sports were happening on the oval. It was a Sunday and it was a fairly wet day. As I was wandering along I could hear this annoying buzzing noise that was getting louder and louder, and lo and behold, just within 20 feet of me a kid whizzed by on a mini trail bike in the middle of Maylands. I was absolutely flabbergasted. He was probably doing about 20 kilometres an hour on the grass around the side of the oval. There were kids playing sport; there were all sorts of things happening. Of course, we were incapable of stopping this kid. Most people who were there said that they thought they knew where he came from. A person can report it and the police have to go out and hassle the parents and whatever else, and they might get somebody, but this bill will not impact that in any way because it is about motorcycles being used on roads. The real problem in the community is the illegal use of bikes in off-road areas.

The other reason I am very, very committed to the state trail bike strategy, and in particular the "Back on Track" report, is that it was written by some friends of mine, Steve and Val Pretzel, who I think at the time were at the head of the Recreational Trailbike Riders' Association. They are old friends of mine from way back and they did an amazing job producing the report, which is now nine years old and probably out of date. The recommendations are still very valid and pertinent, and could still be enforced if the government had the will to do so. The other issue for me is that Rick Gill from Motorcycling Western Australia is in my electorate. His offices are in Maylands shopping complex just off Guildford Road. I was having many conversations back in those days with both those groups of people about issues of trail bike riding and off-road riding.

I was particularly interested in the specifics that came to light in that very well researched paper "Back on Track". I want to remind members of some of the key recommendations and results in that paper because I think they are still pertinent. Five well differentiated results areas were in the report and I will go through them quickly. The key focus of insurance liability and risk management is obviously right up there as an important issue. The "Back on Track" report acknowledged that trail bike riding, like many other sports and activities, has inherent risks. Some of the recommendations in the report are to develop a greater master risk management planning kit so it can be applied and tailored to individual off-road vehicle areas and designated trail areas. None of that has yet happened so far as I am aware. The risks are still there and insurance and liability are still a very real threat for recreational riders. The key recommendations under that results area were things such as developing a risk and liability information kit for riders, including advice about personal accident insurance, income insurance, ambulance cover et cetera. Other recommendations included the development of a trails, planning, design and signage kit to maximise user satisfaction and reduce risk; the development of management plans for existing off-road vehicle areas to reduce the risk of injury and litigation; the encouragement of adoption of adventure activity standard principles by riding groups; commissioning the Insurance Commission of WA or another insurance provider to develop a third party personal package for off-road and private property cover; and the exploration of state underwriting of liability to provide protection to local shires and councils. The last one in that result area was to develop and run a risk management liability and insurance seminar for land managers, local councils and potential providers of managers of trail riding facilities. That is just the first results area. Since I started talking about this six years ago, the number of fatalities from

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illegal off-road and recreational trail bike riding has not gone down; the annual rate of fatalities has remained pretty much the same. Next to riding horses, I think it is still one of the most major critical incidents that Royal Perth Hospital's emergency department has to deal with—that is, accidents caused by illegal trail bike riding. I put on record my personal experience with this. I lost a good friend. He was 27 years of age and out riding his trail bike. His wife was at home, six months pregnant, and he never came home. I remember that and I will never forget the impact it had on not only Eva and her family but also the whole close-knit hills community. That is the kind of incident that has not diminished over the years. People are still getting killed while riding off-road motorbikes on tracks that are simply not safe and are extremely dangerous.

Another results area was in trail planning and the question of where unlicensed bikes and quad bikes that are not registered could be allowed to be ridden or where riders who do not have licences could be allowed to ride. The Recreational Trailbike Riders' Association of WA Inc said that this category was much more straightforward and that there were two categories of places where unregistered bikes and unlicensed riders could legally go: firstly, private property, with the consent of the landowner; and secondly, a designated off-road vehicle area.

Those still carry some risk, but there is a certain amount of self-management in that, of course. In the strategy there are recommendations about having trail inventories and making sure that trail bike users know where the legal trails are and can access them, that they have safe trails to ride on and better sets of facilities across the state.

During this debate we have heard members talk about tracks in Perth, Medina, Pinjar, Gngara and the big one up at Lancelin. There is also a bike track up in Mt Helena or Sawyers Valley where lots of parents take their kids. In respect of my personal feelings about recreational trail biking in the forest, I was amazed to hear somebody say to me that they chose the sport because it is so wonderful and peaceful riding through the forest. Quite frankly, I do not know how they can hear a bloody thing when they are on the back of a trail bike. When they come through the forest near my back garden, I cannot hear a thing except a screaming engine. Certainly, when I am riding my horse, it is more than likely that, upon hearing a trail bike, the three of us—that is, the bike, me and the horse—will go in different directions with varying degrees of speed, and whether or not we manage to catch each other at the appropriate time and prevent injury is simply a matter of chance. I am very lucky that I have a very speedy horse who manages to spin and get out of the way pretty quickly.

I say that with amusement; however, police in the hills have told me about many accidents in which horseriders, horses and bike riders have all come off with serious injuries, if not death, as a result of meeting and conflicts on trails. There is still very real concern within the community about the lack of properly regulated trail bike facilities. Although this is a worthy piece of legislation and certainly clearly allows the police to take steps to confiscate motorcycles when they are being ridden illegally on roads, the question I ask is: what are we going to do about the real problem causing the real accidents and the real concerns in our community, which is the illegal use of trail bikes off-road? That is where the pain is really being felt across the whole community.

Many members have spoken about trail bikes in their electorates including you, Mr Acting Speaker (Mr P. Abetz). Many of us have had the same experience and many of us are waiting for some sign that this government will make good on its various promises. Every time we have pursued the government on this matter, the government has held its hand on its heart and said, "Of course, we're coming your way with funding. We're coming your way with a solution. We're coming your way with a much more coordinated effort to manage this problem." Lo and behold, here we are, eight years into this government, and we are still talking about that mystical creature, the Back on Track strategy and why it is that it has never been implemented by the government. Ministers will say, "Oh, it's difficult." Well, so is government. Sorry, but the government has to be able to lead on this issue. At some point there has to be a grown-up in the house who can say, "You know what? All you competing, conflicting departments who are refusing to get on board with this, quite simply do it, and this is how you're going to do it. Let's move forward."

That is the point I would like to finish on tonight. The opposition is supporting this amendment bill, so I look forward to consideration in detail and perhaps getting a bit more information about police powers of confiscation for motorbikes on-road.

**MR W.J. JOHNSTON (Cannington)** [9.15 pm]: I rise to make some comments on the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. I want to start off on the question of unregistered motorbikes. I have not been in this house that long but I have enjoyed watching the member for Murray–Wellington bring in petition after petition calling for the implementation of the off-road motorcycle strategy that was developed during 2007–08. It included a model for the implementation of off-road motorcycle areas in this state. It was a great plan, developed by the former Labor government, and it was effectively ready to be implemented from late 2008. As I said, and as I am sure Mr Acting Speaker will remember, the member for Murray–Wellington has frequently brought to this chamber petitions from many people across the state, calling for the implementation of these

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off-road biking areas, yet despite the fact that at one time he was even a minister of the current government, the government has not implemented these off-road motorcycling areas, and that is a pity.

Recently my son made an off-road motorbike as part of his year 12 metalwork course. That off-road motorbike sits in the tin shed in our backyard unused because, of course, there is effectively nowhere for him to ride it. That is tragic because I think people are to be encouraged to ride safely and sensibly on off-road motorbikes because it is a great hobby; it is not one that I have personally been part of, but I know many people who have enjoyed riding off-road motorcycles. Indeed, when my son completed the bike he was allowed to ride it around the school for one day, and he has ridden it in our small backyard, but for all practical purposes he cannot ride it. It was a great disappointment to him when my wife and I had to explain to him that he was not allowed to ride it outside our house because that would be breaking the law. We pointed out the problems faced by the teenager up in Queensland; I am sure Mr Acting Speaker remembers the story. A young teenage guy on an off-road motorcycle clipped a woman in a shopping centre and the woman tragically died. We had to point out the serious consequences of riding an unlicensed motorcycle and why we would not let him do that, and we do not let him do it. But there should be areas of the state where people can ride off-road motorcycles. The idea with the off-road motorbike strategy was that there would be locations in the state to which people could turn up, ring a number, get an insurance policy for a day or half a day, or whatever was needed, to allow people, including young people, to ride in that off-road motorcycling zone and, in a safe and controlled manner, have use of off-road motorcycles. Like many members in this chamber, I have many local residents coming to my office to complain about off-road motorcycles being used in parks and recreation reserves in the electorate. In my electorate that happens particularly in the Hester Park area along the Canning River in Langford, where there are walk trails near the river. People often complain about the use of off-road motorcycles in those areas. I am happy to work with the local police to highlight the problem. They react quickly and carry out patrols to cut down the practice, but it is not really possible for the police to be there constantly. They have many issues to cover, and they cannot know from one day to the next whether someone is going to be illegally riding an unregistered motorbike in the parklands. We cannot expect the police to be there all the time. We are lucky, as I said, that the police react to complaints on these issues, and they work to ensure proper safety standards for people using off-road motorbikes. In suburbs like Cannington and Queens Park, unlicensed motorbikes are occasionally used in recreational parklands. Sometimes it is a problem, because they will ride through laneways from one side to the other, where the police cannot pursue them, and they can get away from the police. This is not a criticism in any way, it is just a fact of physics; obviously, a police car cannot be driven through a laneway, whereas a motorbike can be ridden through a laneway.

Older people find these things very distressing, and I can understand why they do not want to see unlicensed motorbikes being ridden in a dangerous manner through parks and recreation areas, particularly Hester Park, which is a fabulous location next to the Canning River, which flows through the middle of my electorate. It is fair to say that Hester Park needs a bit of an upgrade overall, but having motorbikes riding along the walk trails next to the river is a completely negative position. It would be a much better environment if these things did not happen.

Equally, having some areas set aside for the use of these unregistered bikes would be great. I am surprised that, after eight years of that report sitting on the shelf, the government has not taken any action, particularly given that it has run that campaign through the member for Murray–Wellington collecting signatures on petitions for all those years, tabling them in this chamber and giving the appearance that the government is interested in acting. Now we find, after eight years of the current government, that this is another area in which a tired government has run out of ideas and is not moving forward on this important topic. It is appropriate; it is a fun occupation. I am sure that many of us know people who ride competitively in off-road motorcycle racing, who can talk about the great entertainment and enjoyment they get out of that pastime. Of course, that is in regulated competitive situations, but not everybody wants to join a motorcycle club and go to a racetrack and be involved in that way. Some people just want to ride an off-road bike for the joy of it, and there should be areas for them to do that.

I am sure, Mr Acting Speaker (Mr P. Abetz), you have seen the extraordinary footage that can be found on YouTube of incredible feats by people riding off-road motorcycles, and the staggering performance that some of these people put on—backflips and huge jumps that we cannot believe can be survived, but they are. We see GoPro images of people riding down the sides of steep hills in America. It is just extraordinary, so it is no wonder that people get something out of that. At the age of 54, I think I am about 40 years too old to do any of that, because I think it is a young person's occupation. I once took my son to the Burswood Dome to see one of those displays.

[Quorum formed.]

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**Mr W.J. JOHNSTON:** Thank you very much, Mr Acting Speaker; I am very pleased that we now have an audience.

As I said, it is not a pastime that I personally engage in, but I understand exactly why people want to do it, and therefore there should be an effort to expand the opportunities for people to be involved in that way. It has always been a strong argument, and I think it has been quite justified, that giving people opportunities to do these sorts of mad, off-road motorcycling activities in a controlled and safe environment—I do not have any scientific research; this is just a belief—reduces the need for people to break the law to involve themselves in those activities, because they are dangerous. Just as importantly, they do not have insurance, and the consequences of an accident, no matter at what age, but particularly for a young person, can be very traumatic.

This bill deals with the question of the disposal of seized vehicles. I must start on this topic of hoon driving by complimenting the member for Midland, who was the Minister for Police who introduced hoon driving laws in Western Australia. It was a great achievement of the Labor government, and we are pleased that the Liberal Party continues to support that great initiative of the member for Midland and the Labor Party. Often, when the question of seizing vehicles arises, there is discussion in the media of the Lamborghini that was driven at excessive speed. We can all remember, when the member for Hillarys was the Minister for Police, that there were extensive discussions in this chamber about the question of seizing a Lamborghini. As we know, the issue that this bill seeks to deal with is that many of the vehicles seized for hooning offences are not worth tens of thousands of dollars or, in the case of the Lamborghini, over \$100 000. They are very low-value vehicles indeed, and the police are left with a situation in which the owner of a vehicle does not intend to recover it, and it is not possible to recover the cost of impounding the vehicle because the vehicle, if disposed of at auction, will fetch a price less than the cost of the storage. This bill contains a new procedure to allow for the early disposal of a vehicle that the owner does not intend to recover.

That is a sensible change because why would police want to spend their resources to pay for storage of vehicles when they should be using them for the purpose of policing the state? That step is a sensible addition to the process of seizing hoon vehicles. Like the changes to the offences that can lead to a court ordering the confiscation of a vehicle, the addition of this step is sensible and it will improve the protection of the community. When I hold street corner meetings and other discussions with people in the community of my electorate, particularly in the suburb of Beckenham, I receive a lot of complaints about hoon driving. Traffic-calming measures are often put in by local governments to try to reduce excess speeding on suburban streets, but the problem is that traffic-calming measures can often become quite severe and therefore inconvenience the people who use the street in a lawful manner. Some of the residents in my district are truck drivers who park their vehicles at their homes. They are just small business people who run trucks as their source of revenue and they have to park them somewhere, so they park them at home. Sometimes the traffic-calming devices make it very difficult for them to safely manoeuvre their trucks down these streets to their homes. Although traffic calming is a good idea and when residents raise it with me, I discuss it with the councils and encourage them to put in traffic-calming measures, it is not a complete solution.

I also draw the chamber's attention to the problem of Station Street in East Cannington. There is a swale on Station Street to try to slow traffic coming south from Welshpool Road. East Cannington, like Beckenham, Queens Park and Cannington, has a lot of infill going up with a lot of small apartment developments and home units. A lot of trucks carry bricks to the construction sites in those suburbs and they come from Welshpool Road down Station Street to get into East Cannington. The trucks cannot make the turn—the little wiggle—to get around the swale. A particular constituent has complained about this. The truck then runs over the kerb, which does two things. Firstly, it causes noise for the residents who complain strongly about it. I can completely understand and appreciate that problem. This particular resident has had to rearrange her living to move out of the front of the house into the back, which is clearly not a good outcome. Secondly, the trucks then break up the kerb. A regular suburban kerb cannot stand the weight of a fully laden brick truck running over it. People then end up with the kerbing at the front of their houses having 10 or 12 cracks in it and then the kerbing along the swale also breaks up.

[Member's time extended.]

**Mr W.J. JOHNSTON:** That really is ugly. It is not what a person living in a great suburb like East Cannington wants. There is noise from the trucks, kerbs are broken up at the front of their houses and crossovers are damaged by trucks going over them. Although traffic calming is one solution to hoon driving, it is not the only solution and there are negative consequences. The resident I am talking about in Station Street also has a problem in periods of intense rain when there is a build-up of water in the swale as well. She has complained to me that mosquitoes and insects will then breed in the water, as well as it being ugly and unsightly for her, right in front of her house. That is all understandably a problem for her. I have written to the City of Canning council

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on her behalf to raise those issues and I look forward to its reply about how to solve them. Like all these things, they are all compromises, so it is not clear what alternatives there are. Removing the swales will probably increase average traffic speed, and other residents in the same section of Station Street have complained about speeding vehicles. It is never easy to come up with an answer to these things that will solve every problem.

I note that on the second page of the minister's second reading speech, she states —

This power is needed to address the increasing number of complaints police are receiving about the danger, noise and disruption caused by unlicensed, and, in the majority of instances, unroadworthy, motorcycles and trail bikes that are being used for recreational purposes on our roads and in public open spaces. It is a disturbing trend that between 2012 and 2015, complaints to WA Police about this type of behaviour increased by 90 per cent to approximately 3 900 complaints.

I agree with the minister that it is very disturbing that the number of complaints has increased by 90 per cent since she has been minister. It would be great to see some action to reduce this problem that has grown so strongly during her time as the minister responsible for these issues. Increasing penalties is probably a reasonable step. Of itself, increasing penalties will probably not solve the problem, but it is a reasonable step.

Regarding the seizing of a vehicle, there are some problems with the process. I have outlined this before and I will not go through all the details on this occasion, but it occurs when the owner of a vehicle has taken reasonable steps to ensure that the driver of a vehicle is acting in accordance with the law, but, in fact, they have driven unlicensed and therefore the vehicle has been seized. As I said, I will not go through all the details because I have done that once before, but, at this time, this problem is not fully resolved. An employer may allow a person to drive and take reasonable steps to see that the person has a valid licence but, in fact, that licence has been suspended and the vehicle owner was not aware of that even though they took steps to find out. If the vehicle is then seized because the driver is unlicensed, the business owner will not have access to their work vehicle for the period of the seizure. That is still an unresolved problem and we still need to deal with it. I understand why we want to have the penalty but, at the moment, there is still this problem that the person being punished is not always the guilty party. Again, I will not go through all those details but I will raise the issue because this is my opportunity to do so. We do want to be tough on hoon drivers, but we want to make sure that we are fair and reasonable in the approach that we take to these situations.

I promised the people of Beckenham that I would raise in Parliament the problem of hoon drivers. Because Beckenham is an older suburb, the roads run parallel to each other. William Street is the main street through the middle of Beckenham, but other streets run parallel to it. In the morning, when the traffic builds up on William Street, people speed down the side streets to avoid the traffic snarls. I have also raised the problem with the council. I will not go over all that again, but, as I have said, not every problem is solved by traffic calming. Indeed, in some spots in Beckenham there are now chicanes. Effectively, there is one lane, so cars travelling in one direction have to come to a complete stop to let the cars travelling in the other direction pass. That is probably the most extensive type of traffic calming, but it does not always work.

In Ferndale, there is lots of traffic calming. Again, there is a problem with the plastic speed bumps, which are wide enough to allow a four-wheel drive to pass straight over them without slowing down. I understand why that is done. The trouble is that the buses travelling along those streets need to get through and the kerb-to-kerb speed bumps cause a problem for buses. Although ordinary cars have to slow down to go over the speed bumps, four-wheel drives are wide enough that they do not have to slow down, so there is a continuing problem of hoon driving even after traffic calming has been installed. In some spots, there can be five or six traffic-calming devices in the space of maybe 800 metres. Because of the turns in and out of the road, the traffic-calming devices are relatively unsightly, but the problem, of course, is that if there are no traffic-calming devices, people speed.

We also have a problem with school zones. The difficulty is that sometimes it is not just the streets that are restricted to a speed limit of 40 kilometres an hour that school kids cross. Bannister Creek Primary School in Lynwood is on the eastern side of Metcalfe Road, and Lynwood Senior High School, which is actually in Parkwood, is on the western side of Metcalfe Road, so school kids from Lynwood have to cross Metcalfe Road and then High Road and primary school kids from Ferndale have to cross Metcalfe Road to get to Bannister Creek Primary School, but there is no provision for school kids to cross that major road. Although there is a lollipop person outside Parkwood Primary School, which is next to the high school, and there is a 40-kilometre-an-hour zone there and there is a 40-kilometre-an-hour zone on High Road outside Lynwood Senior High School and there is a 40-kilometre-an-hour zone around Bannister Creek Primary School, Metcalfe Road continues to be a 60-kilometre-an-hour zone, yet just as many school kids cross in both the morning and afternoon but it has no controlled point and no school speed zone. That is a difficulty for residents in Ferndale and Lynwood that gets raised with me from time to time. Again, I promised the parents who raised

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this problem that I would point it out in the chamber. Although we are increasing the rules and penalties for people who hoon drive in a school zone, that is not the end of the problem for school students who need to get to and from school at the times that they need to.

I look forward to listening with interest to the consideration in detail stage of the bill. I am glad that, after eight years in government, the government is taking action. I am shocked that, after eight years in government and after tabling many, many petitions on the topic, there has been no action on the off-road motorcycle areas that have so often been called for by the member for Murray–Wellington. I am surprised to see that, during the time that the current minister has been in office, there has been a 90 per cent increase in complaints about off-road motorbikes being used in a dangerous way on our streets and in our suburbs. I look forward to the consideration in detail stage.

**MR F.M. LOGAN (Cockburn)** [9.46 pm]: I rise to add my contribution to the debate on the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. I congratulate the government for its introduction, particularly subdivision 5, “Impounding and confiscation of unlicensed motor cycles used on roads”, which I will talk to. I will also talk to the issue of hooning, as it is an issue that I have raised directly with the minister on previous occasions.

First of all, I will talk about subdivision 5, “Impounding and confiscation of unlicensed motor cycles used on roads”. For the life of me, I cannot understand why the police department, the minister or anybody involved in drafting legislation for the control of off-road motorcycles that are used on public roads and to provide powers for police officers to confiscate and deal with those motorcycles did not look at the Control of Vehicles (Off-road Areas) Act 1978 and try to effectively marry the two pieces of legislation so that they relate to each other, because obviously they relate to each other. This has not been done, and I cannot understand why. Some time ago I raised the existence of this act in a grievance to the Minister for Local Government, because the Minister for Local Government basically has responsibility for the Control of Vehicles (Off-road Areas) Act 1978. This act deals with the issue that many members on this side of the house and, obviously, the member for Murray–Wellington have raised over the control of motorcycles using public space to basically rip and roar around. This is the legislation that controls that. I will read out once again, as I read to the Minister for Local Government at the time, the provisions of this part of the Control of Vehicles (Off-road Areas) Act 1978. That act comes under the jurisdiction of the Minister for Local Government and is binding on all local governments in Western Australia. Section 5 of the act is headed “Local government’s functions”, and it states in subsection (1) —

Subject to the Minister, and in co-operation with the Director General, it shall be the duty of a local government to administer and enforce the provisions of this Act within its district.

All local councils and shires in Western Australia are bound by this act. Their districts and their powers are defined. As I have just read into *Hansard*, it is crystal clear that local government councils and shires are bound to administer and enforce the provisions of this act.

**The ACTING SPEAKER (Mr P. Abetz)**: Member for Cockburn, if I may interrupt you for a moment. People in the gallery, I just remind you that you are not to take photos of the chamber. Please adhere to that. Thank you.

**Mr F.M. LOGAN**: Section 6 is headed “Driving and using off-road vehicles, offences”, and it states in subsection (1) —

A person shall not drive or use an off-road vehicle —

That includes motorcycles, I might add —

in any area to which this section applies otherwise than —

- (a) on private land by consent; or
- (b) on land comprised within a permitted area, unless permitted to do so pursuant to section 8(4) or deemed to have been permitted to do so pursuant to subsection (5) of that section.

Penalty: \$500.

That is basically saying that a person who drives an off-road motorcycle on land within a permitted area or on private land when they do not have authority to do so commits an offence. The act goes on to give authority to councils, and to allow councils to delegate that authority to any authorised officer within the council, which can be any person, including councillors, to issue a fine against any person who is illegally riding a motorcycle on public land. The act also allows the police to enter property—without a search warrant, minister—and impound the motorcycle. That is dealt with under an existing act of Parliament. The bill that we are dealing with tonight seeks to give similar powers to police officers. However, there is no relationship to, or even mention of, the Control of Vehicles (Off-road Areas) Act, which also gives these powers to police officers if a motorcyclist has been riding illegally in public open space and driving people berserk. How do they get to that public open space?

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They drive down roads or down the pavement. We all know that, because we have all seen it. They are on either mini bikes or trail bikes. They go ripping down the pavement or the roads, with or without helmets, and get to public open space and go ripping around the park, the bowling club, the cricket pitch or the school oval. We all know about that; that happens in all our electorates.

Why were these two pieces of legislation not melded to ensure that they related to and referenced each other, so that they could be used in conjunction to try to clamp down on and stamp out this menace? Why was that not done? Was it because the minister was unaware of the act that I referred to, the Control of Vehicles (Off-road Areas) Act 1978? I raised it in this house on numerous occasions with the Minister for Local Government. I do not know whether it was the Minister for Police, the Western Australian police force, the State Solicitor or the people who drafted the bill who was unaware of the act, but I just cannot understand why these two pieces of legislation—one in force and one proposed—do not refer to one another, because one would assume, logically, that they should. I would like to hear the minister's response on that to me. The overall bill is obviously going in the right direction and I support clause 44 with respect to the powers that are going to be given to the police to impound and confiscate unlicensed motorcycles used on roads. However, drafting time and the effort that is needed to bring legislation to this house should not be wasted. Ministers should try to get as much effectiveness and bang for their buck out of the legislation that they bring in when they possibly can. As the minister knows herself, a four-year term is not a long time when one is trying to get legislation through the house, so when there is an opportunity to do so, ministers should try to get as much effectiveness out of that legislation as they possibly can. The minister has missed a golden opportunity here to ensure that there was correlation between an existing piece of legislation—the Control of Vehicles (Off-road Areas) Act 1978—and the bill. I cannot believe that that has not been done.

The second issue I wish to come to relates to the impounding of vehicles, which is the bulk of the bill, and the further powers that will be given to the police to impound and deal with vehicles, particularly for offences committed under the Road Traffic Act. That relates mostly, of course, to the manner in which those vehicles are used, which ends up with the impounding of the vehicle. Most of those offences against the Road Traffic Act are deemed as hooning in a motor vehicle, as opposed to a motorcycle. An issue I raised with the minister some time ago—the minister will remember this—was as a result of a campaign I undertook in my electorate of Cockburn over the continued pattern of hooning by vehicle users in and around the suburbs of Cockburn. I called on the local government, the City of Cockburn, to seek to have its powers broadened to allow the videoing of hoon drivers by way of mobile cameras, whether those cameras were hidden or out in the open. The petition campaign that I ran in my seat of Cockburn was very effective. More than 4 000 people signed petitions calling on the City of Cockburn to purchase mobile hoon cameras and negotiate with the police and the Minister for Police for the power to use those cameras to collect evidence that could then be presented to the police for prosecution under the Road Traffic Act.

The idea of the mobile hoon camera, as we talked about, came about as a result of looking at equipment that Main Roads uses to record vehicles that are passing Main Roads' operations, such as roadwork or potential roadwork sites. A small mobile camera mounted on the back of a trailer is left in certain places in the suburbs of Perth and across Western Australia and records traffic movements. After looking at the Main Roads' technology and speaking to the company that supplied that technology to Main Roads, I asked whether it was possible to use it as a mobile hooning camera that could be switched off and on remotely. I was told that certainly was possible and, as a result, I launched a petition campaign aimed directly at the City of Cockburn—rather than the state Parliament—calling on the City of Cockburn to purchase a number of those mobile cameras to collect evidence of hooning drivers in the suburbs of Cockburn.

When the issue was brought to the minister and Western Australia Police, both the police and the minister indicated that no, that was not possible. They said, "No, we could not do that. No, we can't use mobile hoon cameras." When this type of equipment was used in the eastern states, the evidence that had been collected by those cameras was challenged. That evidence was collected by a council, by the way. In New South Wales the evidence was challenged in a court and was found insufficient to convict. Therefore, it was unusable. At the time the minister also said that both the police force and the government were not looking at mobile hoon cameras. Yes, that is right, minister; that is what was said. When I raised it here, the answer was: no, that form of technology was not to be used.

[Member's time extended.]

**Mr F.M. LOGAN:** About six or seven months after I walked in here and got knocked back on the mobile hoon cameras, what did the government do? It announced that the WA Police force would have mobile hoon cameras. That was only a few months after telling me that, no, that would not work and the government could not do that. The police force said the same thing: "No, we do not do that sort of thing." The next minute the government

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made the announcement that we would have mobile hoon cameras. I do not know the success of the minister's fleet of mobile hoon cameras, but I put it to the minister that this bill tonight was the minister's opportunity to give shires powers in the same way that shires have been given powers under the Control of Vehicles (Off-road Areas) Act. That is an extensive set of powers given to shires and councils to enforce what are effectively similar rules to those in the Road Traffic Act, but which apply in public areas but not on public roads. The powers that have been given to local councils could be reflected in powers for the use of mobile hoon cameras, which is an issue that I brought to the attention of the minister in this house a number of years ago. That power could be given to local councils to collect evidence and to provide that evidence to Western Australia Police for the purpose of convicting hoon drivers under the Road Traffic Act. That is not giving the power to local governments to become a police force or for WA Police to delegate its powers to local councils or calling on the minister to give local councils the power to enforce the Road Traffic Act. I am not suggesting any of those things. All I am putting to the minister is that had the government thought about this bill at length and considered some of the issues that had been raised in this house before about the control of hoons and the effective enforcement of this legislation, the bill could have been enhanced by giving local councils the power to collect information and provide that information by way of video evidence to police through the ownership and use of mobile hoon cameras in the way that I suggested to the minister a number of years ago. This would have been a great opportunity to do that.

I do not know how many mobile hoon cameras are out across Western Australia. Perhaps the minister can tell the house how many cameras are placed around the suburbs of Perth and how many convictions have been successful as a result of using those hoon cameras. I would like to hear that evidence. Surely, the work of police could be aided and assisted if they had the support of local councils that had similar equipment and were providing evidence to police to catch hoons in the suburbs that are affected by hoons. Surely, that would have been a simple and easy addition to the bill before the house tonight that would broaden the capacity to catch hoons and make it far more effective. Surely, that would have been a much better way to go about this. It is not as though the minister is unaware of that because she knows that I have raised this matter in the house on a number of occasions, only for my suggestions to be knocked by the minister and WA Police. I am disappointed that this opportunity has not been undertaken, firstly, to marry the powers of this bill with the Control of Vehicles (Off-road Areas) Act 1978, thereby making both pieces of legislation far more effective in the control of illegal motorcycle riders who drive everybody berserk both on and off the road. It would have been a very simple process to ensure that both pieces of legislation related to one another. Secondly, the minister has missed the opportunity to broaden the effectiveness of the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill by giving powers to local councils to put in place in and around their jurisdictions mobile hoon cameras for the purpose of collection of information on people breaching the Road Traffic Act, and providing that information to the police for the purpose of prosecution. The minister has missed both those opportunities and she will not have another opportunity to make that change in this term of government.

**MR P. PAPALIA (Warnbro)** [10.10 pm]: I rise to make a contribution to the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. It is interesting to watch this tired, worn out government's actions in its dying days and in particular to take a look at the legislation it chooses to introduce to this place, noting that it only has a few weeks left. It is also interesting to see what legislation the government prioritises and the type of legislation it chooses to put into the house. It often does so in a dysfunctional manner, as we saw today with the upper house trying to introduce a money bill and being knocked back. There is clearly incompetence on behalf of the government in its inability to identify that that was never going to work. This bill gives an interesting insight. I was looking at it and wondering why after eight long years in office, having benefited from the member for Hillarys introducing hoon legislation in the government's first term of office, which basically followed on from hoon legislation introduced by the member for Midland in the previous government, the government would introduce this bill. There is a good insight into why in the last sentence of the second reading speech. The minister said —

Mr Speaker, this legislation delivers on several election commitments made by the Liberal Party in 2013.

There is not a list of the specific commitments it delivers on and there is not a reference to the promises made at the 2013 election trumpeting their success in this term of government. As I said, we are in the dying days of this government. We are at the point at which any legislation of this nature introduced will barely have any impact or effect before the Barnett government is thrown from office, possibly, at the next election.

**Mr R.S. Love** interjected.

**Mr P. PAPALIA:** The member for Moore laughs. Pretty confident over there, member for Moore! That is a good thing to see.

**Mr D.A. Templeman** interjected.

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**Mr P. PAPALIA:** The member for Mandurah is suggesting that we might have to discuss preferences! That would be an interesting conversation, would it not?

The point is that this legislation is going to have no impact. Why was it introduced? Because there is a desperate scramble in its last few days for the government to look as though it has implemented at least some of the commitments made at the last election. But the truth is that this legislation addresses some of the broken promises from the first term of the Barnett government. It only partially addresses them, and I will go into that in a bit more detail shortly, but it obviously addresses the failed promise in the first term of the Barnett government to do something about off-road motorcycles being used illegally on roads. It does not do that in a comprehensive fashion; it does not keep the promise from 2008. That is not even referred to; there is no reference to it in the second reading speech. All we get in the second reading speech is an almost apologetic sentence in the last line referring to some commitments that had been made by the Liberal Party in 2013, not specifying which ones, because the minister did not want to concede that most of the commitments made in 2013 were completely ignored and the government has failed to implement them.

When the minister gets the opportunity to respond to the second reading debate or perhaps in consideration in detail, I would be interested to hear from her—she has left the chamber probably by necessity—what the genesis of this bill was. There is a justification for that in the second reading speech. The second reading speech refers to a statistic that other members have drawn to the attention of the chamber, and that is the sentence that states —

It is a disturbing trend that between 2012 and 2015, complaints to WA Police about this type of behaviour increased by 90 per cent to approximately 3 900 complaints.

That statistic refers to trail bikes that are used in an illegal fashion. I would like to know why that particular snapshot for between 2012 and 2015 was chosen. I have a great deal of scepticism in the use of statistics by police. I do not believe they do it in a very transparent fashion and that they often do it in a way that prevents historical comparisons. In this case, it is probably not necessarily the police that did that; it may have been the government. That statistic is a significant increase and looks bad and is not good, but why was the period 2012 to 2015 chosen? What was the change between 2008 and 2016? Has there been a more significant change over that period? Was between 2012 to 2015 chosen because, although the statistic is 90 per cent and 3 900, that is a small number and it would not have as substantial an impact publicly as a greater figure would have had, had it been revealed for a greater period of time other than from 2012 to 2015? Was it just an appropriate period because there was a significant change and the statistics were not employed in a reasonable fashion on this occasion? I would like the minister to answer why that particular time and why those particular figures were chosen.

In the course of this government, the police have changed their methodology of measuring statistics so that future governments, or current oppositions, are incapable of comparing historical data. We have not been able to compare apples with apples or oranges with oranges and, therefore, the government and the police have not been held to account for their failures. We have not been able to determine whether or not strategies or even tactics being implemented by police or the government—because the police are public servants who implement government strategies—have been effective. If criteria are changed part way through a government, historical analysis is prevented. It also prevents the comparison of this government with previous governments. It prevents the comparison of strategies currently employed to combat crime with historical strategies in a fair, transparent and honest way. It actually stops any real, fair analysis of whether what we are doing now is even working. I think that is a great failure. It cannot be fixed in the dying days of the government, but I take the opportunity to draw the minister's attention to the government's failure to behave in a proper way and also in the way it has introduced this legislation. I would have thought that if there had been a reasonable justification or expectation that this bill as it is structured would have a positive impact and a good likelihood of success to combat the specific crimes and anti-social behaviours that have been identified, there would be evidence to suggest that. I would have expected that along with the legislation, evidence would be presented in Parliament by the responsible minister. I would have expected that the minister would have demanded that evidence of the department. I would have expected, in fact, that the Commissioner of Police would have demanded it of his own department prior to providing any legislation to government.

In the absence of that, what we got was a fairly flimsy second reading speech. There are some commendable and reasonable-sounding objectives and some reasonable-sounding problems to be addressed, but no real evidence of any analysis or deep thought being put towards whether this legislation is going to have a positive impact, other than to enable the government to say that it has addressed some of the promises it made in 2013, but it is a little embarrassed about how many promises it has not addressed, so it has not specified in the second reading speech which promises it is addressing with this legislation.

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I hope the Minister for Police will respond in her reply to the second reading debate or during consideration in detail with some explanation of how these changes were arrived at; what evidence was employed to determine that they may be successful; what the likelihood of success is; and how, post-implementation of this bill, the outcomes will be analysed to ensure that future governments can determine whether it has worked. I would also like the minister to provide a time frame for that analysis so that we know there is going to be a period within which the legislation will be reviewed and assessed and we can determine whether it has worked. If it does not work, we can do something else; if it does work, we can commend those who drafted it and implemented it and say what a good job they have done.

I would like to address some specific components of the bill now. In light of what happened last week in the suburb of Secret Harbour in my electorate of Warnbro, it is timely to consider the reference made by the minister in her second reading speech to hoon offences. She stated —

First, following a conviction of a first hoon offence, a court will be empowered to order the confiscation of a vehicle used to commit the offence if the offence was committed in an active school zone; ... or the offence occurred in a speed zone of 50 kilometres an hour or less and resulted in, or was likely to result in, a member of the public experiencing harassment, fear or distress or damage to any property including the road.

I would hope what happened in Secret Harbour last week would meet those criteria. It has been reported to me over time and I have reported to the minister more than once—only once this year, but I wrote to her last year about the same incidents at the same location—about people threatening and abusing crossing guards from their vehicles and acting in an intimidatory fashion. I would hope that they would be captured by the changes in this legislation—it looks like they will be—to ensure that they are deemed guilty of hoon offences. The problem, of course, is: Who is going to catch them? How do we actually enforce this law in the situation we encountered last week and have encountered over a period of probably the better part of a year at the school crossing next to Secret Harbour Primary School on Warnbro Sound Avenue, Secret Harbour? If there is no-one there other than the crossing guards—which is frequently the case—there will be no real evidence and no-one to apprehend the offenders. Particularly given that location, we cannot have police there all the time. I acknowledge their efforts and it is very commendable that they have responded on the occasions that we have raised these matters when situations have become quite intense and the crossing guards have become concerned, but that is not going to solve the problem. We are going to need something like some fairly sophisticated fixed cameras to actually capture the evidence so that this law can be implemented. In the absence of that, unless a police officer happens to be in the particular location, we will not catch these people. The law will then become kind of irrelevant. It is good that it is capturing, I hope, instances in which people who are doing the incredibly commendable job of protecting young children going to school are verbally threatened, intimidated and physically threatened by drivers and their vehicles, so that they can be protected by the law. That would be a good thing, but the law will only work if it is enforced.

I found it quite extraordinary last week when on the Monday of the term recommencing, children going to school were crossing the very busy dual carriageway, a known location for hoon activity, and were experiencing threatening, dangerous and quite extraordinary behaviour by a small number of individuals. Why those children were allowed to go to school for three days without any crossing guard escapes me. The explanation from the crossing guard office—I cannot remember the exact name of that office—was that the crossing guards had been threatened, which is a reasonable observation, and the response was that they would remove the crossing guards from that location. As I said when I was there the day after—I had spoken on the Monday when there was a lot of media attention—the response cannot ever be to give up and not enforce the law. The response must be to enforce the law. I understand that police cannot be there all the time, so we must think more laterally about how we can enforce the law in the absence of police officers. It must be through the use of technology such as a fixed camera. I imagine there is capacity. I know it is costly but it would not need to be monitored 24/7; it is not that type of feature.

[Member's time extended.]

**Mr P. PAPALIA:** We are looking at something that can be retrospectively used to garner evidence necessary to prosecute people in accordance with this legislation. As an aside, while we are discussing this subject and post-last week, which event drew national attention due to poor behaviour, I urge the government to consider the next step. It is not appropriate to place crossing guards there again without giving them adequate protection. I think that requires something further—possibly some physical infrastructure at the site beyond what is currently there. I imagine also that some remote cameras ultimately need to be part of the solution and we need to promulgate the fact that they are there all the time so that we can deter people from that behaviour.

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As I said at the outset, it was interesting to note the last line in the minister's second reading speech proclaiming that the legislation hinges on several election commitments but not saying which ones they were. I imagine the minister did not want to acknowledge that the government did not keep a lot of other promises from the 2008 and 2013 elections. But I think what is most prominent, as has been identified and acknowledged by many other speakers and no doubt will be by further speakers to come from our side at least because we are interested in the state trail bike strategy, is the absence of a state trail bike strategy under this government. In this place prior to 2008, I observed the member for Murray–Wellington's behaviour—laudable behaviour in opposition at that time—when he was demanding action from the previous Labor state government on trail bikes and a state trail bike strategy, which was ultimately delivered in June 2008. However, subsequently, when the same member was in office, he disappeared off the radar and was completely missing in action on the issue of trail bikes. He was not alone, of course, because the entire government disappeared on this issue. It was only natural that the issue drew this attention when the government introduced this legislation and talked about the problems associated with unlicensed trail bikes being ridden on roads and verges and creating havoc across most suburbs, particularly outer metropolitan suburbs. All through Port Kennedy, Secret Harbour, Baldivis and Warnbro we have encountered this problem.

**Mrs L.M. Harvey:** It is even a problem in Scarborough, member.

**Mr P. PAPALIA:** I would suggest that we would get more of it in the electorate of Warnbro than they would in Scarborough. Possibly, they get a bit, on the beach. Certainly down in Port Kennedy, and along the coastal strip—the electorate of Warnbro covers the entire coastal strip—is where it can be really bad. There have been instances recently in which people have been run down on footpaths and bike paths and the like. It was always going to draw attention. The government is mentioning the issue and seeking to partially deal with it in this legislation when we know that no one law, amendment or change to legislation is going to solve the trail bikes issue, particularly the unlicensed use of trail bikes and the unlawful use of trail bikes. It is not going to solve the problem. That is why there was a state trail bike strategy. That is why a lot of time, effort and engagement with stakeholder groups was undertaken in 2008 in the lead-up to the strategy, and prior to that time, and then the strategy was published, with a view to moving ahead and enacting the recommendations of that strategy.

Now, sadly, eight years later, we can go to the Department of Sport and Recreation website, and we can google “State Trail Bike Strategy” and we will see reference to the fact that there is a strategy, but essentially there is no further action. Anyone who has anything to do with this matter knows the frustration of the stakeholder groups involved. They have undertaken a lot of work of their own volition along the lines of the recommendations of the initial strategy, but there has been no government funding or drive. Nobody has championed the cause of the state trail bike strategy, and we languish where we were in 2008, effectively.

This legislation will not fix the problem. As was identified at the time, it is a big problem; it is massive, and we cannot just pass a law and expect it to work in solving the problem. We must have an entire strategy, and it must provide suitable, safe, supervised areas for people who want to lawfully use trail bikes in an off-road environment. We must provide those. We must support young people and people engaged in this activity to do the right thing. They must be provided with the capacity to do it, and all the facilities they need.

When the state trail bike strategy was published, a warning was attached to it. Page 8 of the executive summary is titled “The Risks of Inaction”. It refers to environmental, social, economic and political consequences. The final dot point reads —

- An incomplete solution—Attacking the issue with anything less than a comprehensive approach is not likely to achieve results, as each Key Focus Area identified in the Strategy relies on the support of the others.

In summary, this issue has been increasing over the last thirty years, and without serious attention, conflict, and serious injury will continue to increase.

It is commendable that something is being done, even though it is only a piece of legislation, but it is a piecemeal response. It contradicts all the directives and recommendations of the state trail bike strategy, which was the result of a lot of hard work by a lot of dedicated people in multiple departments: the then Departments of Sport and Recreation; Environment and Conservation; Planning and Infrastructure; and Local Government and Regional Development. It included, of course, the key stakeholder groups from Trail Bike Management Australia, and Motorcycling Western Australia. They were all participants in the development of a comprehensive strategy that had a chance of working, but nothing has been done about it. All that happened was that it was shelved. I do not know what the member for Murray–Wellington did to offend the government so egregiously, but he looked to have been silenced. I think initially he was gagged to some extent after the Liberal Party got into government. He had plenty of voice when the Liberal Party was in opposition. Almost weekly he was in this place complaining about the then Labor government not having implemented the state trail bike strategy; even once it was developed

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and promulgated, he still criticised the then government. Then when the Liberal Party got into government, he disappeared. I suspect he was told, “If you keep quiet and don’t cause trouble, you might become a minister.” Ultimately, he did for a short period of time. I do not know what happened after that, because there was an opportunity, when he was no longer a minister, for him to grasp a hold of this issue again and take it up on behalf of his constituents and those around the state he had given some hope to.

[Quorum formed.]

**Mr P. PAPALIA:** I note that the member for Murray–Wellington has returned to the chamber. I was talking about the state trail bike strategy and its absence from the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. A component of the legislation purports to deal with the use of off-road bikes or trail bikes in an illegal fashion on the roads, but the member would be aware that that in no way comprises a strategy. I was referring to the warnings from the original strategy’s executive summary with respect to the risks of inaction and incomplete solutions. They almost nailed the member. The people who prepared the original strategy knew in advance; it was like they were psychic and anticipating what the government was going or not going to do. The warning was that if the issue was attacked with anything less than a comprehensive strategy, failure would be risked and there would be an increasing likelihood of injury—potentially death. That looks to have been what has happened.

I know the member cannot speak because he is not in his seat, but I initially wondered what happened. The member was so vocal in 2007–08 with respect to the state trail bike strategy—it was one of his key stump speeches at the time—and yet once in office it seemed to diminish in importance as a focus for the member. I was speculating that perhaps that was because the member was promised something—if he kept quiet and did not rock the boat, he might become a minister, which he did. I was then wondering what happened after that, because there was an opportunity to return to the subject and give the government a bit of grief. I knew that the challenges associated with not implementing a state trail bike strategy issue were close to the member’s heart. I thought that post the member’s loss of his portfolio, he might have returned to this subject and given it a bit of a push along from inside the government. I was disappointed that that did not happen. This legislation does not implement a state trail bike strategy. It will not provide a comprehensive response. It will not provide a solution. It will provide a law under which, notionally, someone can be prosecuted. However, as with the application for crossing guards in Secret Harbour or any other hoon-type offence, it cannot be enforced unless someone is there to capture the evidence at the time and to prosecute the individuals responsible. In effect, this is like what this government has done with a lot of legislation or any action regarding crime and punishment; essentially, it is all about the show and the promulgation of a law—the talk, the spin—and very little substance. Unless a law can be implemented, it will have no effect. Unless people can be caught, they will not be deterred. If people feel that they can get away with breaking the law, they will. Prisons are full of people who thought that they would not get caught. It is only people who get caught whose behaviour will change. In this case, the legislation will not be effective, particularly for trail bikes being used illegally, unless a significantly more comprehensive response is made to give people options and to encourage good behaviour as well as capture the bad.

**MR P.B. WATSON (Albany)** [10.41 pm]: It gives me great pleasure to talk about the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016 tonight. Like everybody else, I would like to congratulate the government for bringing this bill forward. Hooning has been a big issue in my electorate for a long time. I remember that we tried to stop hoon driving when we were in government. We asked people to report hoon drivers in particular areas in my electorate. The only trouble was that by the time people got outside to look and report them, all they could see was a car going up the road at night with its lights on. I must admit that the police in Albany did a great job. When we found particular areas where drivers were hooning, they put patrols out there. We need to change the culture of these young people.

I was talking to one of my constituents the other day about the off-road motorbikes that people are using in the wrong areas. He said that he had seen a sign in an area outside the town of Esperance that read “Warning to off-road vehicle users”. It mentioned the following: your safety is your responsibility; off-road vehicle use can be dangerous; travel safely around the dunes; make sure you are familiar with surrounds before travelling at speed; never ride over a crest without knowing what is on the other side; always travel with a friend; keep a look out for other vehicles; always ride within your capability; do not drink and drive; do not sit on the tailgate or the roof of, or hang off, a moving vehicle; seatbelts must be worn at all times; and always wear protective clothing. I will not quote the gentleman’s name but he said that these signs would be great at Cheynes Beach, Bluff Creek, Nananup Beach and possibly a few small areas and beaches, including Hooper Road, Muttonbird Beach, and Prescottvale Road closer to town. He said that he is the uncle of some messed up kids from very dysfunctional families and that motorcycling is the one thing that they can enjoy out of trouble. With nowhere that they can legally ride, they are still technically doing the wrong thing. They are breaking the law and getting away with it,

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and they are also getting used to it. He hopes for a better future for motor enthusiasts. He is more or less saying that a lot of times these young people ride on the roads because there are no off-road facilities. I think we have to look at the overall picture for some of these young people being on the road. I have seen some young people in Albany riding their bikes on the road to get into the bush. That is where the danger is. And they do not have their helmets on. As we know, young people think they are bulletproof.

The Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill is good. I am not criticising it, but I think we need things in it to ensure it is safer for people who want to ride off-road. We were trying to get a Motorplex in Albany so that drivers can drive as fast as they like. Unfortunately, there have been a few hiccups with that recently. Hopefully, Albany can get something like that in the future. Young people will always drive fast. We have to provide facilities for them so if they want to do these sorts of things, we can get them off-road. Collie has a very good complex and there are some in Perth. Regional areas have to look at getting people off the road and into proper facilities so that they are not hooning.

There is nothing worse than hoon driving for seniors. Seniors ring me up and say, “I was trying to cross Target Road yesterday and this car went roaring past me at about 80 or 90 kilometres an hour in a 50-kilometre zone.” Under this legislation, a vehicle can be confiscated if the driver is hooning in a 50-kilometre zone. Minister, is it only in 50-kilometre zones? If it is a 60-kilometre zone, do they lose their car?

**Mrs L.M. Harvey:** It is a built-up zone; so it is 50 or less.

**Mr P.B. WATSON:** Say it is a 60-kilometre zone. North Albany Senior High School and TAFE come out onto Albany Highway but it is an over 60-kay zone. Would drivers have their cars confiscated in an area like that?

**Mrs L.M. Harvey:** It would depend on the circumstances. There is a possibility they could.

**Mr P.B. WATSON:** Do they have to reach a certain speed?

**Mrs L.M. Harvey:** It is probably easier to get to that in consideration in detail. I am not really familiar with that stretch of road.

**Mr P.B. WATSON:** There is an issue on Albany Highway with young people trying to cross the road from North Albany Senior High School and TAFE. Main Roads WA has put in a “Left Turn Only” sign; so school buses are parked on the other side of Albany Highway. Young people have to walk across a very busy street. It is exactly the same in North Road—seniors are on one side and the shopping centre is on the other. Main Roads said not enough cars travel along that road to put in a crossing. Seniors try to get across that road on gophers. Main Roads put a little island in the middle but for seniors sitting on a gopher in the middle it is very difficult to cross that road with cars coming along at 60 kilometres an hour.

In relation to trying to get off-road motorcycles included, there were also issues with that when we were in government. Everybody was saying, including local government and the Department of Sport and Recreation, that it is somebody else’s fault. The sooner we work out who is responsible for this the better, whether it is local government or sport and rec. We have a situation at the moment at Flinders Park Primary School. It is private land at the back of the school. People can roar along there. Young children coming out of school drift up there on their way home. All these young people are riding motorbikes; not only young people, adults too. How there has not been an accident there, I will never know. The people who do it have no respect for anybody else. The stronger we can make this legislation, which the government has done, the better.

It states here that the person drove the motor vehicle on a road at 90 kilometres or more above the speed limit, so I have answered the question myself.

**Mrs L.M. Harvey:** I said that it would depend on the circumstances.

**Mr P.B. WATSON:** Yes. That was through a school zone.

Between 2012 and 2015, complaints have gone up by 90 per cent. As I said before, a lot of people do not complain because they do not get the opportunity to find out who the person is. Some of my seniors have said to me that they know who it is, but they do not want the person coming around and throwing rocks through their window. It is very hard for people to come forward, especially in a country town where people know everybody.

I note that when the motorcycle is seized, the person responsible for the motorcycle will be given a notice specifying the time and date that the vehicle was impounded and where it will be stored. How will they be notified? Will it be by email? With the snail mail these days, it takes 10 days for a letter to get from Albany to Perth.

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**Mrs L.M. Harvey:** Member, I said previously that when a vehicle is impounded, the person driving the vehicle that is impounded is given a notice stating the period of impoundment. Effectively, they are given 28 days' notice of when the impoundment period will end. Then there will be a seven-day grace period before we can start proceedings to dispose of the vehicle. Presently, it is a 28-day grace period. It just means that we are shortening that grace period.

**Mr P.B. WATSON:** If they do not pick it up, are there options for it to be sold or for them to pay for the storage?

**Mrs L.M. Harvey:** We will notify them that we are going to dispose of the vehicle and then there will be a period of 14 days within which they can respond. If they do not respond, we then proceed to sell the vehicle. We are basically truncating the process from 70 days to 49 days.

**Mr P.B. WATSON:** That is fair enough. Does the Commissioner of Police have the right to sell it, as is the case in other state auctions for cars that have been used? Would it be an auction like that or would it be a specific one?

**Mrs L.M. Harvey:** It would be whatever is the most convenient way to dispose of the vehicle. The proceeds will go first of all towards settling the debt and anything left over will go into the road trauma trust account.

**Mr P.B. WATSON:** Thank you very much, minister. I fully support the bill. It is disturbing that complaints have gone up by 90 per cent to 3 900. It is disturbing that that sort of thing is happening. I think this is great. I support the bill.

**MR B.S. WYATT (Victoria Park) [10.53 pm]:** I rise to make a contribution to the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. As the member for Albany pointed out, it is a bill that the opposition supports. Indeed, we are quite pleased to do so, because it attempts to deal with one of the scourges of, I think, every member of Parliament—that is, hoon behaviour on our streets. Interestingly, the legislation seeks to do a couple of other things to deal with unlicensed motorcycles being used on streets and in public spaces. This is not confined to the larger electorates on the urban fringe; it happens very regularly, even in my own electorate. It is usually kids on motorcycles running around places such as Bentley and St James in my electorate, causing a great sense of frustration to all members of my community.

I am interested also in the confiscation of vehicles. The minister may be able to respond to this by way of interjection. The minister states in her second reading speech —

A court will be empowered to order the confiscation of a vehicle used to commit the offence if the offence was committed in an active school zone; or the person drove the motor vehicle on a road at 90 kilometres an hour or more above the speed limit; or the offence occurred in a speed zone of 50 kilometres an hour or less and resulted in, or was likely to result in, a member of the public experiencing harassment, fear or distress or damage to any property including the road.

I assume that would capture road rage-style incidents.

**Mrs L.M. Harvey:** Potentially, yes.

**Mr B.S. WYATT:** I am very pleased about that. The speed limit on Albany Highway on what we call the cafe strip between the Causeway and the intersection with Shepparton Road and Welshpool Road is 40 kilometres an hour. Although that strip of road is called Albany Highway, it is very narrow, and the council has over many years thought about changing the name of that road to Albany Road. There has been an increasing number of road rage incidents on that road. Those incidents are completely unreasonable. I am very keen to see any legislation that will crack down on the growing impatience of drivers and the aggressive responses of those drivers to others on the roads. Some drivers have a sense of entitlement to ownership of the road and believe they are entitled to behave in any way that justifies their ownership of the road. That includes not only assaulting and abusing people but aggressively following people in cars while remaining on the horn, and throwing things from the car at others. I note that occurs not just on Albany Highway. However, the speed limit on Albany Highway is 40 kilometres an hour, and I am pleased that will capture road rage-style behaviour in my electorate.

I am interested also that the legislation seeks to deal with the financial impact caused by WA Police having to pay the storage costs for impounded vehicles. I could not support that more strongly. I am reminded of my short time at the Office of the Director of Public Prosecutions dealing with the Criminal Property Confiscation Act. Over the years some changes have been made to that act to deal with the significant amount of property that is confiscated under that legislation. If a person had been declared a drug trafficker, all the property that they own is automatically confiscated. There is no process as such—under the legislation, it is automatically confiscated. I remember the frustration of the police in effectively having to become property managers. The court action would often take a lengthy period of time, and, if the person was not convicted, the property had to be returned

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to that person. That meant inevitably that if cars had not been used for 12 or 18 months or two years, compensation would have to be paid. I think we have dealt with that legislation in the Parliament. I am pleased that we are also dealing with that in this legislation and that the police will not be required to manage property—in this scenario, motor vehicles and presumably also motorcycles—for a great length of time, but the property can be sold by the police and the person can be compensated if they are ultimately acquitted.

I note by way of aside that tomorrow's *The West Australian*—copies of which have been in the chamber for the last hour or so—has an article about the continued success of the criminal property confiscation unit at the office of the DPP.

**Mr W.J. Johnston** interjected.

**Mr B.S. WYATT:** I have just been talking about that, member for Cannington. The article is headed "Crime proceeds haul tops \$100m". The article notes —

Cash seizures and the sale of shares and expensive vehicles last financial year drove the total proceeds confiscated from criminals over the past 15 years to more than \$100 million.

This article is on the back of the Office of the Director of Public Prosecutions' annual report, which was recently tabled in Parliament. Without having gone through the DPP's annual report, I dare say that a significant amount of the value still comes from declared drug traffickers. Once someone has been caught with an amount of a drug over a certain limit—it varies depending on the drug—they are automatically declared a drug trafficker and all their property is confiscated by the state. It is a very strong piece of legislation. I dare say that that provides the vast majority of the \$100 million. The article makes the point —

... \$5.26 million came from frozen property from crime-used or derived grounds, which is forfeited to the State after conviction.

Crime-used has to have a direct link to the crime, but unexplained wealth applications are not mentioned in this article. Unexplained wealth applications are more problematic and difficult because although we can get a freezing order on the basis of unexplained wealth, making the case later is much more difficult, as I found out way back in 2005 when the legislation was still new and there was not much precedent around. It was particularly problematic at the time. No doubt, over the years more precedent is in place around that.

Coming back to the legislation, I think that most members of Parliament who have spoken have outlined particularly problematic streets in their electorates for hoon behaviour. I will take a few minutes to do the same.

Simply because my electorate is an inner city electorate, it is suffering from a dramatic increase in population, and it will continue to do so. Perth and Peel@3.5 million demands a doubling of the Victoria Park population by 2050, so this issue is not going away. Generally, in Victoria Park, particularly around Carlisle, less so Lathlain, and East Victoria Park, there are long stretches of very straight road running between Jarrah Road, Berwick Street, Albany Highway, Shepparton Road, Orrong Road, Oats Street and Rutland Avenue. Those long and straight roads seem to be very popular for hoon behaviour. With much frustration, the people on Star, Mars and Planet Streets in Carlisle contact my office because they live on long streets that do not have adequate traffic-calming mechanisms. Rutland Avenue, which runs alongside the train tracks through Lathlain and Carlisle, has a similar problem.

Perhaps the most problematic street in my electorate is Basinghall Street, because it not only is long but also has a helpful rise just after the turn-off from Berwick Street, and drivers like to launch their cars off that rise at pace. The residents of the houses along the rise and on the other side are forever contacting my office because their mirrors have been smashed off as cars have gone flying by. Generally, a lot of families live in that area and the frustration with Basinghall Street and the behaviour of those hoons continues. However, I will continue my advocacy with the Town of Victoria Park and no doubt in due course, simply because of the weight of numbers, we will see some traffic-calming strategies on Basinghall Street. Similarly, Jarrah Road in East Victoria Park and Fern Road in Wilson are long and open streets that seem to attract people to participate in behaviour that by and large the vast majority of people simply hate and find incredibly frustrating, particularly when many of these streets have children coming to and from school.

I note that the minister has made a school zone a confiscation zone, which is very good and strongly supported. I have a question for the minister about the motorcycles used on roads. No doubt we will get the chance to deal with this in detail in due course. I note the police power to impound an unlicensed motorcycle used on-road. As I said, this is a good change because in Bentley and St James in particular I have some nightmare reports of motorcycles being used across school grounds, cricket ovals and streets. The bill refers to a police officer reasonably suspecting that a motorcycle is being used on a road. Does that mean the police

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officer has to catch the person on the bike whilst it is being used? I note later on the police officer may seize and impound the vehicle within a period of 28 days. It obviously does not have to be Johnny-on-the-spot, “We’ve caught you”; it can be that witness statements will trigger the ability for police officers to impound that vehicle.

**Mrs L.M. Harvey:** That is why we structured the wording in the way it is, because the feedback from people in the community is that they all know it is difficult to catch these riders while they are on the trail bike on the road, but often neighbours, or people from up and down the street, say that it is that kid on that trail bike from that house, which is enough of a reasonable suspicion for us to seize that trail bike.

**Mr B.S. WYATT:** That is good because that is the perpetual frustration. We all see it, and it is usually a kid on a motorcycle fanging around an oval, but the police do not arrive in time and the motorcyclist is inevitably not caught. I have one other quick question and then we can deal with consideration in detail. The bill refers to a motorcycle not being licenced for a period of two years before it was used. I am curious about that time.

**Mrs L.M. Harvey:** It was an arbitrary time frame in the event that the licence of a trail bike that was registered for road use—some bikes are licensed to go on the road—had lapsed for a period of time. We considered that a two-year period was a significant period and that we could assume the owner had no intention of renewing that registration.

**Mr B.S. WYATT:** That is fair enough. Either way, I strongly support that particular change because, as I said, it is not just those electorates that might be beyond the fringe of the metropolitan area and therefore have bush trails et cetera. In my own electorate, which is geographically small, this is a common problem causing a lot of anger and frustration, so I am pleased that the police have now been given the opportunity to grab those motorbikes. It worries me that we could get a scenario in which somebody may, if you like, react and take the law into their own hands in responding to some of these, usually, kids who are riding motorbikes around the area. I do not want to see that happen at all, because ultimately that is the role of the police.

My frustration is clearly shared by many. I note the minister’s second reading speech highlighted that complaints to WA Police around unlicensed motorcycles being used on roads and in public open spaces had exploded over the last few years. I note the minister said that between 2012 and 2015 complaints to WA Police about the inappropriate use of unroadworthy motorcycles had increased by 90 per cent. That is a huge increase that perhaps highlights that people are more willing to make complaints, but I dare say also an increase in behaviour from people on motorbikes. I am pleased to support this legislation.

Finally, I want to say thank you to the officer in charge of Kensington Police Station who has just left, Senior Sergeant Ash Goy, who was in Kensington for four or five years. He is a fantastic community police officer, who was very reactive to any inquiry from my office. When I got in touch with him about the hooning and other behaviour on streets such as Mars, Star, and Planet in Carlisle, Jarrah Road and Etwell Street in East Victoria Park and Fern Road, Wilson—some of those areas overlapped with Canning police district—he was very reactive and responsive to the complaints I sent his way. He was a very, very strong community police officer as well. I wish Ash Goy all the very best and I am delighted that the new officer in charge, Sergeant Ray Thompson, has joined Kensington. For a while, Kensington had a regular turnover of officers in charge, so having Ash there for four or five years was very good for the local leadership and the local response to local crime issues. His use of social media by Kensington police, which is their Twitter handle, has been taken up with great gusto by the local community—it is all over the place. Usually, I find it is now used very effectively locally to track down bike owners whose bikes have inevitably been stolen and ended up at Kensington Police Station. It is a very effective way of reuniting bikes with their owners. I wish Ash all the best. I note that Ray Thompson has a long background in regional WA, which I am particularly pleased about, including in Laverton Police Station, where I started my education. I welcome Ray to Kensington. From my brief encounter with him, I have no doubt that he will be an effective local community police officer as well.

With those few words, I am pleased to support this legislation because it attempts to deal with one of the common problems we all face—that is, the inappropriate behaviour of people in cars and on motorbikes. As I said, that happens particularly on the Albany Highway cafe strip in Victoria Park, where there has been increased road rage—style behaviour, and I will support whatever can be supported to stamp out that behaviour, because nothing angers me more than people who feel as though they have the right to aggressively respond to somebody on the road, to terrorise them and sometimes assault them by following them and terrorising them in cars. Even if that person has done something wrong, as we have all done, it does not give anybody the right to behave in that way. I will support whatever we can do to deal with what we all call road rage incidents. We see that behaviour all the time thanks to the prevalence of cameras, and I find it cowardly. Those people behave in

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a car in a way that I am confident they would not in a personal encounter with somebody on the street, in a bar or in a restaurant, but for some reason when they feel they have been offended or disrespected in a car, they decide to behave like thugs. I strongly oppose any of that type of behaviour and I support legislation to try to remove it from our roads.

**MRS L.M. HARVEY (Scarborough — Minister for Police)** [11.13 pm] — in reply: It gives me great pleasure to rise to close debate on the second reading of the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. I thank members for their contribution and their support for this legislation. Members covered a wide range of issues in the second reading debate, and as I have found in my eight years in this place, that appears to be customary. However, I will address the specific issues that were raised about the legislation and answer some questions. The government intends to pass this legislation through both houses of Parliament this year. I have discovered in my short time here that Parliament is an unpredictable beast, but that is our intention.

Regarding the member for Midland's query about how 90 kilometres an hour above the speed limit was arrived at as the speed at which the ability for the confiscation of a vehicle on a first offence can occur, it came out of those rare instances of people being captured on freeways speeding well in excess of the posted speed limit at speeds of sometimes 200 kilometres an hour. That behaviour is inherently dangerous and we believe that in that circumstance the vehicle should be confiscated on the first offence. We need to set a limit at some point. For example, the limit for reckless driving is 45 kilometres an hour above the posted speed limit, so we arrived at 90 kilometres an hour as a level at which permanent confiscation of the vehicle on a first offence should occur.

We do not expect that the proceeds from the sale of vehicles confiscated and impounded by police will result in a huge windfall. Indeed, the savings to police will come from being able to release the vehicles from impoundment earlier. We expect, and indeed our experience is, that most of the vehicles that remain uncollected after a period of impoundment will be generally of low value, which is part of the reason owners fail to collect them. Some of the money raised from realising the value of those vehicles will go towards cost recovery and any surplus will go into the road trauma trust account for road safety initiatives. This is one of the many strategies the government has put in place to assist police to give them the tools they need to crack down on antisocial drivers and hoon behaviour in the community. It is by no means the only tool we give police. Much has been said about resourcing police appropriately to enforce this legislation. That is the reason the government committed to the growth program, with police to add those additional 1 050 police officers and ancillary officers over our eight years in government.

A lot has been said around trail bikes and the trail bike strategy. This legislation never purported to address the trail bike strategy. I would like to acknowledge that there are a large number of people in the trail bike community. Indeed, the member for Maylands and others in this place have advocated for that community for some time. Generally, the people who are part of organised trail bike groups behave lawfully. The people whom we expect this legislation will target are that small cohort of people who often steal trail bikes, for example, or use them unlawfully and deliberately on the roads to cause havoc. This bill was never intended to target trail bike riders who behave lawfully; it is to target trail bike riders who ride on gazetted roads, footpaths and generally tear up neighbourhoods, who cause fear and alarm in the community and who drive through the amenity of our suburbs.

The legislation has been specifically worded so that police do not necessarily have to catch the trail bike rider in the act of riding a bike on a gazetted road. They can form a reasonable suspicion that the trail bike has been ridden on a road, which goes towards taking statements, for example, from neighbours who may say that they have witnessed a particular offender driving an unlicensed trail bike on a gazetted road. In those circumstances, police will be able to confiscate that trail bike. We have done that deliberately. It is difficult to catch trail bike riders in those acts, and, in fact, police have a policy to not pursue in particular young people on trail bikes because it is an inherently unsafe thing to do. Generally, people who are pursued in that manner behave unpredictably, often dangerously, and put their lives at risk. Police are not really interested in being part of that element of risk for offenders whom they may have an opportunity as a result of this legislation to follow up at a later point.

The member for Cockburn raised an issue about the Control of Vehicles (Off-road Areas) Act, which specifically covers local government responsibility for trail bikes and the management of trail bikes in parkland and local government areas. That act does not give police the power to confiscate vehicles or deal with motorbikes in the way that this amending legislation will do. They are two different pieces of legislation. The provisions of the Control of Vehicles (Off-road Areas) Act apply to local government officers and employees and do not give police the power to impound or permanently confiscate, for example, which this amending legislation will do.

There was a lot said about road safety in general and hooning. Many issues were raised about local roads. Ultimately, local roads are the responsibility of local government, and local governments have a responsibility to

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engineer their local roads to have the environment on the roads match the posted speed limit and the speed limit, by default, is 50 kilometres an hour in built-up areas.

An issue was raised about how the impounding legislation would work and how the vehicles would be disposed of. Any company involved in that kind of program would be bound by the standard government tendering rules with regard to those contracts being awarded, as is consistent with all the WA Police contractual arrangements. When it comes to road treatments, I must say that criminals tend to act in a criminal way regardless of road treatments and other initiatives and that is why, unfortunately, we need legislation like this to assist police in keeping the community safe.

We resource police effectively and there are targeted policing strategies with respect to hoons. If members care to read the early edition of tomorrow's *The West Australian*, they will see the results of Operation Nimrod, which was an operation put together by WA Police specifically to target hoons, reckless drivers and drivers who drive when their licence is suspended. Since December 2014, police have seized 1 600 vehicles from reckless or suspended drivers and they have laid 1 100 charges for driving without a valid licence, 815 charges for reckless driving, and 125 charges for hoon-type offences, such as excessive smoke and noise. Targeting offenders who like to drive in this manner and behave contrary to the law has proved to be very effective, and Operation Nimrod goes some way towards showing we are resourcing police to enforce the legislation we have put in place to try to keep our roads safe.

I thank members once again for their contributions. Members will notice that there are some amendments on the notice paper. They have been placed there to remedy inadvertent drafting errors that have occurred as a result of the simultaneous passage through the Parliament of the Road Traffic Legislation Amendment Bill and the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. This can sometimes happen, particularly with complicated legislation such as this, so those amendments placed on the notice paper are to reflect the changes to the act that have occurred subsequent to this amending legislation being read into Parliament and being debated. I am sure that we can go into that in some detail during consideration in detail, should members wish to have further clarification.

I have circulated the explanatory memorandum linked to those amendments on the notice paper already, but I would like to table that explanatory memorandum for the benefit of members.

[See paper 4786.]

**Mrs L.M. HARVEY:** I thank members for their contributions to the debate and, indeed, their enthusiasm to see this legislation passed through the Parliament. The police are certainly eagerly awaiting its passage so that they can start to have an effect on these illegal trail bike riders, hoons and other reckless drivers in our community. I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

*House adjourned at 11.25 pm*

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