

**ROAD TRAFFIC LEGISLATION AMENDMENT BILL 2014**

*Second Reading*

Resumed from 25 September.

**MRS M.H. ROBERTS (Midland)** [3.01 pm]: The Road Traffic Legislation Amendment Bill 2014 is a relatively small bill that amends quite a number of acts and, hopefully, will have an impact on reducing the number of deaths and serious injuries on our roads. I am particularly using the term “serious injuries”, because those injuries cause much heartbreak for many families and friends of the individuals involved, as well as those who are seriously injured in road crashes.

This legislation, by and large, increases penalties, not only demerit points that people either lose or gain, whichever way you want to term it, but also financial penalties. Many of the penalties that are increased in this bill should have been increased a very long time ago. The opposition has raised these penalties in this place and elsewhere over the last four or five years as anomalies that need to be addressed. Sadly, it has taken this long for the government to address what were some very obvious issues. I will not take issue with the quantum of the amounts in this bill, but I take issue that this bill alone will not prevent death and serious injuries on our roads. To do that, we need a holistic approach. Penalties are only part of the solution, as a range of things need to be done to prevent death and serious injuries on our roads. Of course, it starts with education. Education and community awareness programs are a very important part of the solution. An element, other than penalties, is having an active police presence on our roads. We know that having police on our roads, be they on motorcycles or in vehicles, is a deterrent. Safer roads and safer vehicles also need to be addressed.

We have not seen from this state government a real focus on road safety or a holistic approach to road safety. I have been raising this issue in Parliament for the last three or four years. Every time I raise something like that, members opposite ask me what I did when I was minister. The Labor government introduced a range of initiatives that led the country when we were in government. My first act as minister responsible for road safety was to facilitate the final stages of photographs on drivers’ licences. The legislation had gone through immediately prior to 2001, but regulations needed to be done, and I presided over those. One of the things I did not do was have a let-out clause for people above a certain age. My view was that placing a photograph on a driver’s licence was nothing like the Australia Card. It should not offend anyone and it should not matter what age people were; we needed to make sure that everyone had a photograph on their driver’s licence. I also introduced the default speed limit of 50 kilometres an hour, double demerit points on long weekends and a range of other initiatives—all pretty cutting edge at the time. I also put in place the agreement for the RAC rescue helicopter, so that people who were injured in a crash, largely within a 200 km radius of Perth, could be rescued and have the best possible chance of getting to a major trauma unit as quickly as possible. I know that has saved lives.

The opposition supports the legislation, but increasing the penalties is only part of it. It is a very small part of the bigger picture. The principal focus of the current government has been on increasing penalties, particularly, until now, cash penalties rather than demerit point penalties. It has also put in place a huge number of additional cameras, particularly at intersections. From time to time, the government has said that this has improved the situation and changed people’s behaviour and that this is a good thing as there are potentially fewer crashes happening at intersections. The real impact of the government’s focus has been on increasing revenue into government coffers. I do not take particular issue with that, but I want to place on record that there has been an effective tripling of the amount of money that has been raked in from the community by way of speeding infringements and other fines. The amount collected from fines 10 years ago was around the ballpark of \$30 million a year from speed and red-light cameras. The total take now per annum is around \$90 million, which is a significant increase and an additional impost on the community.

I have always been very much in favour of dealing with the high-end offenders—those people who are hoons and absolutely flout our speeding laws by going 30, 40, 50 and 60 kilometres an hour above the speed limit, essentially thumbing their nose at the law and putting in danger not only their lives, but also the lives of other road users. In my view, those people should not be on the roads and need the toughest penalty.

**The ACTING SPEAKER (Mr I.M. Britza)**: The conversation levels in the house are rising. I would like you to keep them down, please.

**Mrs M.H. ROBERTS**: I know that some other states of Australia have a demerit point penalty for people travelling one to nine kays over the speed limit. In Western Australia, travelling at the lowest level above the speed limit attracts a fine, but zero demerit points. It matters little whether it is a double-demerit period or not;

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there are zero demerit points for going one to nine kilometres over the speed limit. A lot of evidence from road safety researchers indicates that travelling only five kays over the speed limit has an impact in the event of a crash. I also know that it is very easy for people to get a little distracted from time to time and potentially go five, six or seven kays over the speed limit without necessarily thinking about it or being aware of it. In fact, I have been in that situation and I have been caught going seven or eight kilometres over the speed limit. In one case it was after visiting someone who was terminally ill. I was a bit distracted thinking about them and got caught going down East Parade, where there often used to be a speed camera. I acknowledge I was going over the limit. There were very few cars on the road—I think it was a weekend—and I copped a fine but did not lose demerit points for that traffic infringement. People who are on the roads a lot and also young people who are learning to focus on everything on the roads, including the speed limits and their surroundings, can easily go just those few kays over the limit. Of course, we would rather they did not do it, but it is very easy to accumulate points. Accumulating points on a double-demerit weekend can have a significant impact on whether a person is able to retain their licence. The reason I do not support a penalty is partly because I think it is easy for otherwise very good drivers to make the occasional mistake and get caught out. The other reason I am a little loath for a penalty to be imposed is because the public transport alternatives in this state are simply not up to scratch. Getting to work, the doctor or the shops—indeed, anywhere in Western Australia—without a driver's licence is very difficult. People do not move house when they lose their driver's licence. There has been some crackdown, but nowhere near enough of a crackdown, in terms of people being able to get extraordinary licences and the like.

**Mr P.B. Watson:** Member, can you explain to me that if you lose your licence on your points going over, you cannot get a provisional licence, but you can get one for drunk-driving? Is that right?

**Mrs M.H. ROBERTS:** Yes, I believe that is right, but I will let the Acting Minister for Road Safety respond to that during his second reading reply.

In the situation to which the member for Albany referred, and in a situation in which people accumulated points for going just six, seven or eight kilometres over the speed limit, more people would lose their licence. People who live in the heart of Midland in my electorate—in Midland, Midvale and the like—have the opportunity of reasonably decent public transport. They can avail themselves of a train station and a bus service. Five kilometres away is Helena Valley, which, on a good drive, I can get to within the speed limit within half an hour. It is probably a five to 10-minute drive from Midland, but the bus service in Helena Valley is totally and completely inadequate—totally and completely inadequate—and it is not very far away at all. If we consider suburbs further out into the valley or up towards Bullsbrook, such as Gidgegannup and Herne Hill, some of which are not far from the centre of Midland, people cannot get a bus into Midland to get a train into the city or to work or to where they need to go. I think we need to be careful about unduly penalising people and of people in Western Australia losing their licences for a range of more minor offences, especially those that include going between one and nine kilometres over the speed limit.

The member for Hillarys I note is on record as saying that he favoured point-to-point cameras. He said that when he was the Minister for Road Safety, he wanted to introduce point-to-point cameras because he believed they were a fairer way of doing things. When a person travels from Perth to Mandurah or Perth to Bunbury or certain designated areas, the point-to-point cameras show the average speed that someone has travelled. Point-to-point cameras are already being used in places such as Victoria. If, for example, someone has driven from point A to point B—it may be a 10-kilometres distance supposedly at a set speed limit—he may on average have done two, three or five kilometres under the speed limit. The driver might have got distracted at one or two points when he passed a car and might have gone five or 10 kilometres over the limit, but on balance he kept within the limits. Conversely, the point-to-point cameras highlight the person who potentially avoids the occasional speed camera because at the point at which a speed camera is situated, he may have been travelling under the limit, but he subsequently drives at 20 or 30 kays above the limit. Apparently, the advice is that those cameras have been very effective in Victoria and potentially are a fairer way of doing things. The member for Hillarys said on public record that the Premier of this state opposed that move.

Members have said many times in this house—it has often been those in opposition who have said it—that we should take the politics out of road safety. As I have referred to previously, the Acting Minister for Road Safety, the member for Kalamunda, served on a select committee on road safety when he was in opposition. I know that the —

**Mr J.H.D. Day:** It was actually when we were in government in my first term.

**Mrs M.H. ROBERTS:** It was as a backbencher in government. I thank the minister.

**Mr J.H.D. Day:** Yes, indeed.

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**Mrs M.H. ROBERTS:** That is right!

The member for South Perth is also on the public record supporting a bipartisan approach to road safety. I know that you too, Mr Acting Speaker (Mr I.M. Britza), support that approach. When the Acting Speaker and I recently spent a day remembering road trauma victims, we took a bipartisan approach, which I think was appreciated by the families present who had lost loved ones in road crashes. It is very clear, but the difficulty for me at this point is that, yes, we are in opposition, and, yes, I fervently believe that the government has not done enough; indeed, its approach has not been comprehensive enough and it has acted way too slowly. It is not just me who thinks that. Empirical evidence demonstrates that we are now behind just about every state in Australia on every new road safety initiative. I can only assume—I have not spoken to him—that this must be very frustrating to Iain Cameron, who heads the Office of Road Safety. I note that he recently received a special national commendation for his work in road safety over the past couple of decades. I congratulate him on that. But I can only assume that he must be very frustrated because Western Australia has gone from leading the nation in road safety initiatives to now lagging behind. We have certainly lagged behind in introducing these penalties. It has taken a very long time for the government to introduce the Road Traffic Legislation Amendment Bill 2014 to the house and to bring it on for debate. I commend the acting minister for bringing it on at long last. I am very hopeful that the bill will pass through the house this week, but the same situation applied to the drink-driving legislation. I have been imploring the government to get on and do it in recent years.

Yes, I was very keen to introduce fuel immobilisers when I was Minister for Police, which I ceased to be in February 2006. There were two subsequent Labor Ministers for Police and Road Safety in 2007–08 before this government came into office. Unfortunately, that legislation did not progress in those years, but I was very hopeful that in the early years of this government, given that the legislation was largely ready, it would have been progressed quickly. Indeed, I asked a question about it and the response from the previous police minister, the member for Hillarys, was that the introduction of the legislation was imminent—but we waited about four years before it was introduced. I suspect that the reason we waited was to do with cost. I know that when we had the drink-driving strategy, which, frankly, was a more comprehensive strategy than the one dealing with just fuel immobilisers, large costs were attached to implementing it. Often the costs attached to implementing something like that are to do with, to use a vague term, back office computer and technology-style issues that need to be addressed. I understand that no matter who is the minister, there is frustration with how long some of these processes take. But the one thing that the member for Hillarys secured was 100 per cent of fine money from speed and red-light cameras going to the road trauma trust fund. I think he had a real expectation that that meant that the funding would be there to quite quickly implement things like the full drink-driving strategy and the fuel immobiliser legislation. The bill will provide for some increased fines. I would like to think that the increase in fines will serve as a deterrent and, as a result, the government might potentially collect less money. That would be the ideal situation for road safety. However, I suspect that short of a very good advertising campaign and a change of heart by a lot of people, revenue from these penalties will increase rather than decrease the amount of money the government collects through fines. I was quite specific when I referred to revenue from speed and red-light cameras going into the road trauma trust fund. A lot of people in the community do not realise that other fines do not go into the road trauma trust fund. This legislation provides an increase in the fine for defacing a numberplate in some way. A very significant fine now comes to bear if a person is caught trying to alter or obscure a numberplate. I applaud that change but it is a change that comes too late. The fine was \$100 for a long time, whereas speeding fines were much higher. It was certainly a very big anomaly. Someone could potentially commit a speeding offence that incurred a fine of \$500 or \$600 or more, yet if they obscured their numberplate in some way so that it could not be read by a Multanova or other type of speed camera, they would only receive a \$100 fine. That assumes they were actually pulled over and caught. I suspect that in many instances when people got off scot-free, the camera people who were looking at the photos could see only cars with blank or indistinct numberplates. Although I applaud that increase, I note that the money raised will go into the consolidated revenue fund and not into the road trauma trust fund. Revenue from speed and red-light camera fines makes up the largest amount collected through fines but other revenue streams from other forms of fines go directly into the CRF. My understanding is that fines from numberplate offences go directly into consolidated revenue along with the other usual fines such as going through a Stop sign or a Give Way sign, failing to indicate, or a whole range of other offences that people commit.

Some members might sit back and say, “So what if it’s a bit slow? We’re eventually getting there; so what if it has taken three or four years? What’s the rush? We’re getting around to it now!” I do not share that view. Members need to look at the record. It is not a record that is in any way coloured by my judgement; it is just the facts and figures. We really cannot argue about those things. I am a bit surprised to learn that the crash statistics on the WA Police website are not up to date; they are usually about 24 hours behind. The statistics sometimes take into account the preceding weekend. I anticipated that the police website figures would be up to date as at

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Monday, 24 November. When I turn to the police website, the figures are up to date only as of midnight on 20 November 2014. I understand that since then there have been further fatalities and serious injuries.

Let us have a look at the record in Western Australia and how we are going. For the 2014 year to date—as at 11.59 pm on 20 November—there have been 78 fatalities in the metropolitan area and 86 fatalities in country areas. That is a total of 164 fatalities in Western Australia. That total figure of 164 fatalities compares with a total figure for the same time last year of 142. There have been 18 more fatalities this time this year compared with the same time last year. The figures for the country and metro break-up show that there has been only one more death in the metropolitan area than there was at this time last year, but there have been 17 more deaths on country roads than at the same time last year. In the metro area this year to date, there have been 78 deaths and at the same time in 2011 there had been 71 deaths. That figure is up considerably.

As I said at the outset of my speech, I want to focus on critical injuries. These are often the forgotten people and the forgotten families of the road safety debate. I certainly do not want to forget them. Critical injuries have a significant impact on people's lives, particularly on young people's lives. The most vulnerable group of road users on Western Australian roads are young men in the 17 to 25 age group. Sometimes because of their youth, they are more likely to survive a road crash than someone aged 70 or 80 or older. Surviving a crash often involves significant life impacts. Up until 11.59 pm on 20 November 2014, there have been 126 critical injuries in the metropolitan area and 87 in the country. That is a total of 213 critical injuries in Western Australia. Many of those people will be looking at a life in which they cannot work, potentially cannot walk and cannot hold down a job, play footy, or do whatever they were doing before the crash.

When the 2014 figures are compared with 2013, they are significantly up. There have been 126 critical injuries in the metro area this year compared with 101 at this time last year. Twenty-five more people have been critically injured by 20 November this year compared with last year. In the country, 87 people have received critical injuries in the year to date compared with 76 for the same time last year. That is 11 more people. There have been 213 critical injuries in Western Australia in the year to date—20 November 2014—compared with 177 last year. Compared with this time last year, this year 36 more people have received critical injuries as a result of crashes on our roads and 18 more people have died as a result of crashes on our roads. This is the most serious of matters. This year, a total of 54 additional families have had to deal with deaths or critical injuries from accidents on our roads. That is certainly a tragedy. The year has not yet finished but in excess of 18 more families will not have someone sitting around the table for Christmas lunch or a family member may well still be in hospital as a result of receiving critical injuries.

These figures are concerning. Yes, they are just one year of a year-to-year comparison, but we are doing poorly when we look at the trends for Western Australia and compare them to the trends in other states. There is no two ways about it. I have been calling for action for some time and I have been unimpressed with what has happened to the road trauma trust fund money. I got people to dig out of the archives papers that I tabled back in 2003 and 2004. When the former Labor government was under pressure to put all of the money from speed and red-light cameras into the road trauma trust fund rather than one-third of it, I agreed to demonstrate the total amount of money being spent on road safety initiatives. For example, things such as blackspot funding did not come out of the road trauma trust fund; it did come from the one-third of revenue designated to the road trauma trust fund. Under Premier Gallop, we gave a commitment that we would put one-third of the money from speed and red-light cameras into the road trauma trust account, as the fund was then known, as required by legislation. Additionally, we said that if that amount fell due to good road safety initiatives and education campaigns, rather than \$10 million being one-third of, say, \$30 million or one-third of \$28 million if revenue fell to that level, we committed to a minimum of \$15 million a year. We lived up to that. Despite the legislation requiring that only one-third of the money go into the road trauma trust fund, we put in a minimum of \$15 million a year—and we kept that promise. Even in years when one-third was only \$10 million, we put in \$15 million, and that probably equated to 40 per cent or higher. We met a requirement over and above that provided for by way of legislation. Over and above, there were a range of initiatives, particularly out of Main Roads' budget, that were added. In some years, in the order of \$20 million was provided for blackspot funding—an amount well exceeding the amount going into the road trauma trust fund went in for blackspot funding. There were other initiatives, such as rumble strips down the sides of country roads, other major works at intersections and so forth to make them safer, and all of the police patrols and other policing initiatives—none of those were taken out of the road trauma trust fund.

I tabled documents in this place on a couple of occasions that demonstrated that the then government was spending about \$80 million on road safety. Of course, this government has decided to do it the other way round: this government has said that it will put all the money in the fund, but, in doing so, it has actually taken away autonomy from the Road Safety Council. Previously, the Road Safety Council had autonomy as to what it

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wanted to spend that money on. Now, the decisions are made by government. I think not only is it unfair, it is just plain wrong that cabinet has the level of interference that it clearly has in the spending of that money. The Road Safety Council no longer has a say about how to spend that money. The existing Road Safety Council does not effectively work with the legislation changes, because the stakeholders are basically sitting around a table. I refer to people of the highest integrity representing agencies such as Main Roads and WA Police who, in an environment in which they have to face efficiency dividends in their departments, look at ways to continue to fund road safety initiatives from their departments—things that they know will reduce deaths and critical injuries on our roads. They are trying to get that money out of the Road Safety Council. Likewise, I suspect that ministers through the expenditure review process are putting in bids for money for their departments for things they know will provide a safer road environment, but they are not successful in getting that money through the general process. That money appears to be allocated by cabinet out of the road trauma trust fund.

I will not get into it today because of limited time, but, in the last two years, we have had tabled in the house a list of the Road Safety Council recommendations for the expenditure of money that has come into the road trauma trust fund and a list of the money that has actually been allocated post the cabinet process. There are wide diversions there. There are variations of tens of millions of dollars. That is my number one issue here: why have this charade of the Road Safety Council making recommendations? People with considerable expertise and experience give their time and energy to go through all the submissions and make recommendations, I assume largely, if not solely, on the basis of what they think will save lives and reduce critical injuries, yet their recommendations are being overturned as part of the cabinet process. We know that the state budget is under pressure, the debt situation is increasing and that each of the agencies faces considerable efficiency dividends. I can understand the agencies putting out to get money from the road trauma trust fund. In some circumstances it funds police wages. Taking police as one example, I do not think that the road trauma trust fund should fund police patrols. Road traffic patrols should occur with or without road safety funds, but the police have to put up their hands for money for booze buses and the like. I think funding booze buses and the equipment needed for them out of the road trauma trust fund is fine; I do not have an issue with that. But police are now bidding to have the wages of police officers staffing the booze buses and the like also paid for out of the road trauma trust fund. I think that that takes us to a smoke-and-mirrors situation in which money previously funded out of consolidated revenue is now effectively grabbed out at the other end of the road trauma trust fund. I think the government's promise there is very hollow and it is very much a charade.

What is potentially even worse is that the budget papers indicate a full intention to keep a considerable amount of money in the fund. At this stage, it is all very well to say that there is about \$90 million in revenue coming into the fund each year and it is expected to continue at roughly that level. The government can no doubt say that this year it will spend \$90 million or \$100 million. This issue is that it has over \$80 million just sitting there, and across the forward estimates there is the intention over the next three or four years to grow that amount sitting in the fund not being used to the order of \$240 million. That is a lot of money collected from speed and red-light cameras being held there. On the radio, I heard the questions: Why would the government do this? Why would the government collect this money into the road trauma trust fund and then not actually spend it on road safety initiatives, especially when that money could be spent on very many worthy road safety initiatives here and now? The only conclusion that I can come to is that because the government has got itself into the most shocking debt situation, having grown state debt from \$3.6 billion to \$22 billion since it came to office and, at this stage, it is on trajectory for well above \$30 billion, in order to balance the books and keep a buffer, the government likes to keep some money in trust accounts so that its overall debt situation does not look as bad as it really is. I think this is an abuse and it has to stop, and the government needs to start being honest and spend the money on those initiatives.

I have called for openness and something to happen in the space for a couple of years. In the past year or two, I have been fobbed off with answers from the Minister for Road Safety saying she had set up a review. The review was entitled "A Review of Road Safety Governance in Western Australia" and it was done by Peter Browne Consulting, the same consulting firm that reviewed police and community youth centres for the government.

We waited and waited for that review by Peter Browne. It took a very long time. We anticipated that the report of that review would be out before the end of last year. It eventually arrived at the ministerial office in March 2014. I note that the document that was presented to government says that it was done by Peter Browne Consulting in March 2014. However, that report saw the light of day only a couple of months ago. The government received the report back in March, and it kept it, as part of some kind of internal process, for five or six months. I do not know what happened to that report during that five or six months. Perhaps if cabinet had been considering that report, it could have said when it presented it, "We have had this report for five or six months. We have considered it and this is what we are doing. This is the pathway forward, this is what our

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intention is and this is how we respond to the report.” But, no, having delayed it by five or six months, the government then just put it out there and said, “Now we would like to know what everyone else thinks about it.” However, nothing has happened. The government could have introduced legislation that would have assisted to progress this matter, but the government has not done that. So yet another year has effectively been lost, because the government has not taken any real action to address the issue of road safety in our state. That is costing lives in Western Australia and it is keeping the number of critical injuries on our roads way too high.

I am not the only person who is saying that. Members should look at what Peter Browne has said. Peter Browne is not of my political persuasion. He headed up the Department of Education for a number of years. I think he was the director general of Education when the current Premier of Western Australia was the Minister for Education. Peter Browne was selected to do that job. Peter Browne has been quite clear in some of his criticisms in the report. He says in the early part of his report, in his “Letter of transmittal” to the Minister for Road Safety —

A key finding of the Review is that the community, economic and road safety landscape has changed considerably in the years since the present governance arrangements were established. Major features of the new landscape are the legislated 100% hypothecation of speed and red light camera fines producing a road safety fund of approximately \$90 million annually and the embracing of the Safe System approach which underpins *Towards Zero*, Western Australia’s road safety strategy.

He goes on to say that the current structure is no longer appropriate. I agree with him on that point. I think most people would agree with that.

He says also, under the heading “Executive Summary” —

In 1990 and on a basis of road fatalities per 100,000 population, Western Australia was ranked second safest of all Australian jurisdictions. By 2012, WA had deteriorated to the second worst position, ...

When he says “the second worst position”, he actually means the worst of all the states, because the only jurisdiction that was worse than Western Australia in that year was the Northern Territory, and the Northern Territory is very much a separate case. Some people think that because of the vastness of our state, safety on our roads will always be worse than is the case in states such as Victoria. I want to highlight that back in 1990 this state was the second best. Between 2001 and 2004, when I was Minister for Police and Emergency Services, Western Australia was very much a mid-ranking state in terms of road safety and we were getting better. I believe that the current government is the beneficiary of some of the road safety initiatives that we put in place between 2008 and 2010. The government sometimes likes to refer back to the last year of our government and say how much better this government is doing than our government did. However, when it comes to the road toll and road crashes, it takes a couple of years for legislation to have an impact. Therefore, in my view, what was happening on the roads between 2009 and 2011 was very much a reflection of the work that was done by our government between 2004 and 2006, because it takes a while for measures to flow through and have an impact. I fear that the last two or three years of inaction by this government will have consequences for this state in the next couple of years, and that any initiatives that it does put in place will take a long time to have an impact.

What we are seeing today with this legislation is still very much what I regard as a piecemeal approach. We saw a bit of the government’s drink-driving strategy a couple of months ago with the introduction of the immobiliser legislation. I do not know what has happened to the remainder of the drink-driver strategy. I do not know what comprehensive plan the government has to reduce drink-driving on our roads. I know that fuel immobilisers are an important part of that strategy. I know that Western Australia is one of the last states to introduce that legislation. There is some validity to the argument that the legislation we are introducing is potentially better than the legislation in the other states, but the point is that the other states have had that legislation for the past few years, and their road safety record has improved considerably as a result.

Peter Browne made 56 recommendations in his report on a way forward. He also made some significant criticisms of how the government is addressing road safety in this state. I feel very strongly about road safety matters. It borders on criminal that the government sat on that report for five or six months and seemingly did nothing. It then just put out the report for public comment, and we will now have to wait until sometime next year to find out what the response to the report is. I do not agree 100 per cent with everything that Peter Browne has said in this report. However, I agree with most of the recommendations in the report. It is a very good report. It certainly presents a very strong way forward. However, it seems that the government is still in a complete hiatus when it comes to taking action on road safety.

Peter Browne is very critical in his report about the expenditure on road safety. He is certainly very critical of the interference of cabinet in the process. He calls for some quite sensible things. Recommendation 8 states —

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*That the long-term strategy for road safety be supplemented by three year Action Plans that provide a sharper focus on priorities, initiatives and programs to address the priorities, and targets that enable progress to be judged.*

At the moment, there is no judgement on the government initiatives at all. I note that Peter Browne referred to these as “action plans”. Talk is cheap. We want to know what the action plan is and we want to see the action plan implemented.

Recommendation 11 states —

*That the Master Action Plan be further refined and developed into a clear reference that documents progress on Towards Zero targets and provides comparative fatalities per 100,000 data with other jurisdictions.*

I have compared how we are doing this year with how we were doing last year. Last year the minister jumped up in this place and said that it was one of the best years on record; we had done much better that year than we had the previous year. However, the minister failed to compare our performance with that of other states. The fairest way of making such a comparison is looking at the trendlines for Western Australia and for each of the other states, comparing the accident figures per 100 000 population. I know a lot of people in the community do not support road safety initiatives. They think it is a bit like lotto out on the road and that people will always be killed. If we say that more people were killed on the roads this year than last year, their attitude is that Western Australia has a lot more cars on the road than it used to have. I make the point that road safety statistics are based on fatalities or serious injuries per 100 000 population when interstate comparisons are done. That is a very sensible suggestion, because we are finding at the moment that New South Wales and Victoria are so far ahead of us. If they can do it, we can do it too.

One of the other lines that crops up in the news media from time to time is that police officers or members of the government basically blame road users. They say they are so frustrated that people are still drinking and driving, speeding and endangering the lives of others, using their mobile phones while driving, driving while fatigued or a whole range of other things. The response to this frustration is a combination of blaming the road users themselves and increasing the penalties so that people will not do these things. However, a lot of evidence shows that when the penalties are increased people still keep offending. That is why we need a more comprehensive approach. Yes, road users have to take some of the blame. Some people say that we are not a nanny state; are we here to protect people from themselves? They do it in Victoria, and in other places. Sensible legislative changes can be made and good education programs can be put in place. Community awareness and advertising programs can be put in place to make people think about changing their behaviour. There is plenty of evidence, particularly in the area of road safety, that people’s behaviour has changed. That change is largely brought about by education initiatives and community awareness initiatives more than penalties.

Take, for example, the area of drink-driving. I talked to a lot of people who say that 20 or 30 years ago they saw drink-driving as something that was pretty acceptable. Routinely, they would have drinks on a Friday night or at some other time over the weekend and then drive home having perhaps had three or four cans of beer, a bottle of wine or several spirit drinks, or a combination of beer, wine and spirits. They would then get in the car and drive home without giving it a second thought. Those same people, and most young people today, now think that that is morally repugnant. They know that people who drive when they are over the limit are putting the safety of other road users at risk, and people need to think about the consequence of that. Now most good and decent people in the community have formed a very real belief that if they drink and drive it is irresponsible and immoral, and they really believe and know that they could potentially kill or critically injure another road user. None of us want to do that.

The challenge is to actually convince the public that some of the other bad driving behaviours could also result in death or critical injury to another road user. Hopefully, that will change driving behaviour. One of the benefits of the fuel immobiliser legislation is that it is aimed at changing behaviour. It tells the driver that not only are we taking away the keys so that they cannot drive, but also they have to learn to drive without drinking. We want drivers to know that when they get in the car they must effectively be breathalysed, and they must repeat that at intervals during the drive and eventually get used to the behaviour of not drinking and driving, as opposed to drinking and driving. That is a good initiative.

I have digressed a little from the specifics of the bill before the house, but I wanted to address the area of road safety holistically. I suppose that I have a couple of pleas to make. One plea is for more of a bipartisan approach to road safety and preventing death and critical injury on our roads. This has not been the way the current government has operated so far, but I encourage it to do so. Maybe I should just blame the Government Media Office or someone, but the initiatives in this bill have all been announced already. The government has taken

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opportunities to issue press releases saying that this is what will happen; we will up the penalty from A to B for obscuring a numberplate, using a mobile phone while driving or whatever. It is routinely happening that the government makes an ad hoc range of announcements about what it is doing, without consultation. I make the point, for everyone in this place, that we are taken for granted in this process. This is not really a debate about the content of this bill. The government has made up its mind. It announced the measures potentially before they were even brought into its own party room, let alone before I had the opportunity to discuss this in the opposition party room with my colleagues. These increases in penalties have been announced essentially as a *fait accompli* by the government. The executive government is basically using Parliament as a rubber stamp. We could die in a ditch over that but, frankly, I am just waiting for any initiatives in road safety from this government and, ad hoc as it is and poor process that it might be, I am prepared to support this bill; doing something is better than doing nothing. I do not think the government has taken the right approach here and I place on record that just about everything in this bill, by way of increases in penalties in either demerit points or fines, has already been announced via press releases from the government. The government has taken its own members for granted and it has also taken Parliament for granted. There is quite a history of executive government taking Parliament for granted and then ruing the consequences. I think that the Westminster system is a good one. Proper debate about initiatives such as this would be good. Using a parliamentary committee or some other process for road safety initiatives would also be a good approach.

My second plea is that I would like to see some progress result from the report that Peter Browne did. I know that there will be competing demands on the government's finances, and that there will be pressure to keep that money in the road trauma trust fund as a buffer for the government's diabolical handling of the state finances. That should not be allowed to happen, and certainly should not be allowed to continue. We need to see some implementation here, but there is no real proper process. The government is not properly involving Parliament or the community. I expect eventually the government will roll up in this place potentially again having announced the initiatives via the media; it will work out what it is doing with the Peter Browne report; it will work out what it is accepting and rejecting for the way forward; it will announce it one Sunday in the media; members sitting opposite will see it in the party room some time later and will therefore be locked into it, as it will have already been announced; and, again, executive government will have taken Parliament for granted.

**Mr R.F. Johnson:** That will now take you to sometime next year; you realise that, don't you?

**Mrs M.H. ROBERTS:** Yes, that is what I am saying.

**Mr R.F. Johnson:** And while that money is sitting there doing nothing, people are dying.

**Mrs M.H. ROBERTS:** We have lost a year in this process. As I have already said, Peter Browne brought his report down in March. The bill was not brought into this house until about September—six months was lost there. At the end of six months, the government had not considered or decided anything.

**MR D.A. TEMPLEMAN (Mandurah)** [4.00 pm]: I always like to take the opportunity to make a contribution when we are considering legislation related to road safety and road traffic. I am therefore pleased to make a contribution to the Road Traffic Legislation Amendment Bill 2014, and I note a couple of points in the comments by the member for Midland as the lead speaker for the opposition. First, this legislation was first read and second read in the house in September this year and has only today been introduced for consideration. The intent of the bill is to address dangerous and high-risk behaviours on roads by increasing the penalties, both monetary and demerit point penalties, and a range of offences will be affected by the amendments associated with this bill. However, it is important to note that the government has very much dragged its feet on bringing this bill to the house for debate. It is unfortunate because we know that this last week of Parliament is one in which usually a range of bills are introduced or brought on for debate, and hopefully conclusion. But the reality is that there is no guarantee that this bill will pass through Parliament this year. We also know that sitting in a very important trust fund, the road trauma trust fund, is a significant amount of dollars that this government has been very tardy in making available for projects, programs and initiatives associated with addressing and reducing road trauma, and also for addressing a number of concerns about road safety in our communities.

It is unfortunate, therefore, that the government is using, I understand, some \$90 million to buffer itself from the already perilous economic state in which it finds itself. We understand that the budget could have a hole of up to \$2 billion. It will be very interesting to note when the Treasurer brings down the midyear review because I suspect that he will choose a time probably a few days before Christmas or maybe just after to mask what we expect will be a horrific set of figures that will have implications for all of us with further budget cuts and further paring back of important programs in various areas of our electorates. However, the fact is that some \$90 million sits in the road trauma trust fund that should be spent on initiatives and projects that have been identified as

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having good, positive outcomes for addressing road safety concerns and indeed for addressing the impact of road trauma on anybody affected or whose family is affected by road trauma or accidents.

There is one aspect of road safety that we cannot ignore in considering this bill. I refer to the number of problem areas in our electorates—I am sure they are in all electorates—to which the government and Main Roads Western Australia in particular have been lax in responding, and which culminate in frustration for drivers and dangerous risk-taking by drivers. Of course we also end up seeing some of these problem areas becoming not only blackspots for traffic crashes and near misses, but also areas of increased risk because they have not been fixed.

I want to highlight two problem areas, which are related to this bill as I have raised them in this house on two occasions. One is the Catalina Drive–Mandurah Road intersection in Lakelands, which is the northernmost suburb of Mandurah. It is largely a growing area, and Catalina Drive is the only major road into the burgeoning suburb. It already has two schools on that main road in and out of Lakelands, yet the Minister for Transport through his department refuses to acknowledge that it is a problem area. Next year parents will be taking students to the fully opened Lakelands Primary School as well as numerous parents and young drivers using the only road into this suburb to access Mandurah Baptist College, yet Main Roads tells me, and the minister told me when I grieved to him earlier in the year, that this intersection does not need treatment. What happens is that people begin to take risks; they get frustrated when they cannot get in or out. The speed limit past this intersection is 80 kilometres an hour, so cars are already travelling at high speed. People trying to get in and out take risks—and they will continue to take risks while this Minister for Transport refuses to do anything. It is not good enough. I have asked in this place on a number of occasions whether it will take a major road traffic accident—there have been accidents at this intersection—or the death of a person or more people before we get any action.

The other intersection is a no-brainer: the Coolibah Avenue–Dower Street–Pinjarra Road intersection right in the middle of the city of Mandurah. I have been asking and calling upon Main Roads and the minister to give us right-hand turn, green-arrow lights northbound along Coolibah Avenue and southbound along Dower Street to that Pinjarra Road intersection. Again, the department tells me that it is not warranted. Pinjarra Road carries a significant number of vehicles, and people are becoming increasingly frustrated when they come from south along Coolibah Avenue or from north along Dower Street to the bottleneck that appears at that intersection. Again, there is no movement by this government through this minister to treat that intersection—even as simple as putting in right-hand turn, green-arrow lights. Every time I ask, they say that it is not warranted.

Part of the problem with drivers, particularly problem drivers in the state, is that sometimes the planning and design of roads add to the issues affecting driver behaviour. Those two intersections, for me, are examples of when driver frustration can and does lead to major risks being taken that ultimately end up in either fatal crashes or indeed major incidents that would not have happened had we addressed those problem areas in a timely manner. As I said, this bill is aimed at addressing dangerous and high-risk behaviour. It is all very well to double fines and increase demerit point penalties, but we have to come to the realisation that a number of people in our communities, unfortunately, should not have a licence; they do not deserve their licence. They are absolutely irresponsible, and many are repeat offenders.

**Mr R.F. Johnson:** Do you know some?

**Mr D.A. TEMPLEMAN:** Yes, they are repeat offenders and they do not have the right to have the privilege of driving on our roads. It dismays me when I see examples of this growing phenomenon in Western Australia and in other states. I do not know whether it is a global issue, but certainly in Australia in the last few years the prevalence of drivers losing control of their vehicles, crashing into houses and nearly missing or killing innocent children and people in their own homes is a blight on our communities. This happens throughout our communities. Mandurah has had a number of examples where cars being driven—not always but sometimes—by people who are drugged out or drunk and have veered out of control, off the road and smashed into houses. We all know the tragedy of baby Nate just over 12 months ago. This is totally unacceptable. This is a case for local planning. It is sad when we see local councils responding after the event to try to put barriers up in front of roundabouts or along fences to try to prevent this happening. The person who gets into a car is responsible for that car.

Another issue that dismays me is the number of people who drive without a licence and with numerous unpaid fines against their licence. Unfortunately, a number of people in our communities do not give a rat's about anyone else; they are the ones we need to get off the road. We need to make sure that we do whatever we can to make sure they do not get behind a wheel until they can demonstrate that they have enough sense in their head to be responsible.

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I am sure that hooning is a problem in many communities. I have had a gutful of hoons. I am increasingly frustrated with the reports about hooning that I get. These reports come from all the suburbs in Mandurah, not just in my electorate, but in the electorate of Dawesville—Falcon, Halls Head, Lakelands, Coodanup, Greenfields and all of these localities. These hoons show total disregard for our communities. I have to tell members that a number of parents know that their own children are doing this. I am not focusing only on young people, by the way, and I will give members an example. A number of parents know that their young bloke is roaring up the street and causing a problem. Unfortunately, many of these parents are doing nothing about it. They are taking no responsibility at all. They have to take responsibility, because not only could their son or daughter be killed, but their son or daughter may be in a car with somebody else who they know is a reckless driver and some other poor innocent person could be killed. The worst thing is that they take the life of some innocent person, who by the fickle finger of fate happens to be in the wrong place at the wrong time, and from that moment on their life and the life of their family is changed because of a road trauma incident. I think about those parents who know their son or daughter is a lead-foot or squeals the wheels; it is time that they took responsibility, too. I not think enough of them are stepping up to the plate, quite frankly, and they need to.

The other problem with the hoon issue is that a lot of people tell me they do not want to get involved. They have the description; they know it is a white Ford or a white Holden and they might even have the numberplate, but they do not want to get involved. They do not want to go to court. I can understand that, because there is also the issue of retribution. We have to ensure that we have mechanisms that allow people to dob. I am not a great fan of dobbing, but we need to dob in people who are habitual offenders and get them off the road. With the new policing model that has been foisted on us in Peel, I am beginning to distribute the mobile phone numbers of local police that have been allocated to each of the suburbs, and I am encouraging every single person who has a problem with hoons to get as much detail as they can and to report that to those numbers and demand action.

One issue that has been put to me is whether we need to trial the system that operates with littering and litter enforcement officers. Members of the community can almost be authorised officers to report hoons. We do it with littering now. People who are authorised littering officers can, through a process, report examples of littering. I wonder whether we need to do the same with hooning, perhaps in a trial situation.

[Member's time extended.]

**Mr D.A. TEMPLEMAN:** I keep telling people to keep reporting hoons and giving the information to the police and wherever possible, hopefully, the police will continually pull over some of these drivers.

[Quorum formed.]

**Mr D.A. TEMPLEMAN:** I think there is some merit in trialling something of that nature, because if we do not have a genuine impact, we will have increased chaos in some of our neighbourhoods and people will be too scared to do anything, including setting foot outside their front doors. I propose that the minister do something of that nature. I think it could be done on a trial basis in one or two neighbourhoods, maybe in the new policing model that has been foisted on the people in Peel. Hooning continues to be a major problem. I note that the list of penalties that will be effected by the changes associated with this amendment bill involve eight broad groups of penalty categories. There will be an increase in penalties for speeding offences associated with general vehicles and heavy vehicles, and increased fines for failure-to-give-way offences. On that note, I refer to my earlier comments about two intersections. Again, it is all very well to have failure-to-give-way offences, but if people are totally frustrated because the traffic light arrangements for a particular intersection are not as safe and effective as they could be, they may take a risk—many do. I note that disobeying access control signs is on the list. The other one is the failure to keep left and overtaking offences. In the minister's second reading reply, I would be interested if he could give me a bit more detail on this. Although I understand these offences, it is very interesting to travel down the freeway, as I do on a number of occasions to get to this place, and note the significant number of drivers who do not necessarily fit or apply their driving behaviour to comply with the keep-left rule. I can remember many years ago when I think the Court government brought in a law—I may need to be corrected—about keeping left. When lots of people followed that, the opportunity for people to turn into roads became more difficult. Can the minister give me some extra information about the failure-to-keep-left penalty?

I turn to motorcycles. In the past two or three months, we have received the most horrific statistical information or data about motorcyclists being killed on our roads. The spate of motorcyclists killed in the past couple of months is concerning. On the weekend that the minister launched a campaign about motorcycle riding and attempts to reduce fatalities, there were two fatalities associated with motorcycles. Motorcycles are a major issue that needs to be addressed. I would love the minister to explain to me during his second reading reply why Western Australia does not require front-facing numberplates on motorcycles. I understand that in all other

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states, motorcycles are required to have front and back-facing numberplates. There are examples of roadside speed cameras not being effective simply because motorcycles cannot be identified and motorcyclists are already covered by helmets—if they wear them. Of course, identification of a motorcycle without a numberplate is almost impossible if it is caught on a speed camera. A lot of motorcyclists know that. I do not know why we have not exploited or addressed that loophole, but I would love to hear from the minister in his second reading response why we have not moved, as other states have, to require front-facing numberplates. I understand the need to increase penalties for non-helmet use by motorcycle riders. It is my understanding that unless a person has an exemption, and usually it is a medical one that is very narrow, motorcycle helmets are compulsory. Can the minister provide me with a bit of background or clarification of that in his second reading response? I assume that the bill contains simply an increase in the fine for that offence; I think it goes up to a maximum penalty of \$1 200 or something of that nature. If the minister could answer my question about the numberplates, I would be very interested.

The explanatory memorandum refers to in-vehicle distractions. I assume that includes texting and other associated in-vehicle distractions. Can the minister remind the house what in-vehicle distractions currently attract a penalty? I had always thought—perhaps it is a myth—that people were not allowed to eat and drive, yet many people drive while they are having breakfast or a meal. Can the minister provide clarification about what in-vehicle distractions currently attract a penalty or demerit point loss, because I think that would be of interest to members? We know that the phenomena of texting and texting whilst driving can, and does, result in deaths, usually of innocent people, because of driver inattention and driver distraction. Some good campaigns have highlighted the appalling impacts of people who text whilst driving. If the minister could provide a bit of clarification on the in-vehicle distraction issue, I would appreciate that.

Obviously, drink-driving remains a problem in Western Australia. One of the Road Safety Council's recommendations about drink-driving was that there be an extra 40 officers to specifically target drink and drug-driving activities, but that recommendation has not been delivered on. With some \$70 million or \$90 million—or whatever the figure is—sitting in the road trauma trust fund, one would think that that would be an appropriate use of that money. The fact is that if a person gets into a car under the influence of alcohol and is over the limit, there is no excuse. I am interested to know why the government is not pursuing that recommendation for extra officers to undertake increased drink and drug testing.

Finally, I refer to the offences or penalties associated with preventing effective identification of numberplates. I remember the myths that I heard about numberplate obscuring. One involved putting Glad cling wrap on numberplates to avoid being identified by a camera, which I think is a myth. At one stage there were numberplate covers with horizontal stripes that were supposed to obscure identification. In the minister's second reading response, I would be interested to know whether any interesting trends have been noted that have resulted in a crackdown on preventing the effective identification of numberplates. There seems to be an increase—I do not whether it is true, but I think *The West Australian* ran an article on this only recently; it could have been the other day—in the amount of rebadging occurring with stolen cars, and the prevalence of stolen cars. I remember that when immobilisers were introduced, they were going to stop cars from being stolen. It was trumpeted that the issue of car theft had been solved because every vehicle would have an immobiliser. From the weekend paper, I understand that the number of car thefts —

**Mr J.R. Quigley:** Western Australia is the car theft capital of Australia.

**Mr D.A. TEMPLEMAN:** An unbelievable number of vehicles are being stolen in Western Australia and rebadged. Maybe there is an issue about car identification over and above numberplates.

I remember coming out of Bunnings in Mandurah late last year and suddenly noticing that both numberplates on my car—not my lease vehicle, but our personal car—had been nicked. I rang the police 1300 number to report it and was told, “Just go into the licensing centre; it happens all the time.” There seems to be a prevalence of that.

When the minister replies to the second reading debate, I will be interested in his response to the issues I have raised.

**MR P.B. WATSON (Albany)** [4.31 pm]: Thank you for the opportunity to speak on the Road Traffic Legislation Amendment Bill 2014. As a city member has just spoken, I will talk about the regions. It is a little different in the regions. What I would like to see in regional areas is different training for people sitting their driver's licence. It is something that nearly caused a tragedy in our family. It happened when I took my eldest daughter, Kristy, driving. As she was learning to drive, she did everything she was meant to. She did some driving at a normal speed on gravel roads, but not much. One night, while travelling to Borden to visit a friend, she lost control of her car on a gravel road and it rolled three times. How she got out of that car I will never know. In most regional areas when young people get their licence, they will drive on gravel roads. They will also

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drive on roads that have open speed limits. I know they can travel only between certain times and up to a certain speed, but these are some of the differences in regional areas. I am not saying that we should put extra pressure on young people who live 100 to 150 kilometres from Perth, but I am saying that they should do a certain amount of driving on gravel roads. When they get their total number of kilometres up after driving with their parents and things like that, they have to drive on major country roads. After driving about four kilometres from Albany, drivers are on the open highway whichever way they go. I have brought this matter up before at road safety conferences in Albany. A lot of students I spoke to in Albany said that when they were learning to drive, they never learnt to drive on gravel roads. When we look at the number of not only young people, but also adults in regional areas who have had accidents on regional roads and lost their lives and who never had that type of training when they learnt to drive, we can see that it is very important to teach them how to drive on regional roads. There has to be more training and awareness.

Driving from Albany to Perth I have seen young people driving on L-plates and P-plates roar past. I remember going to a funeral for two young footballers. Two boys died as a result of speeding on a gravel road. I spoke at the funeral and told all the young people there to take a lesson from this. After having a couple of beers, do not drive, let alone speed. All of a sudden two of their friends were dead. I drove to Perth about two days later and was passed just outside of Williams by three young guys who had attended that funeral. They roared past me, waving and saying “Hey, Watto!” I caught up with them in Williams and said, “Didn’t you listen to me the other day?” The driver said, “It can’t happen to me. I’m okay; I’m a good driver.” This was someone who was driving on L-plates. I do not know how we will get the message across. There are offences for speeding and all those sorts of things, but we need to get the message through to the people who matter the most—the young people. A large number of young people drive on country roads. I lost a friend recently who went off the road coming home late at night. He had lost his way and hit a tree. Unfortunately, he is another statistic. We have passed last year’s road toll already. We are only in November and the busy season is coming up. Over Christmas, hundreds and hundreds of cars will travel south to Albany.

I want to raise with the Acting Minister for Police the number of police on Albany Highway. When travelling from Albany to Perth, or vice versa, I used to see police cars everywhere. I will probably drive back this week and get pinged, but fewer police are on the roads —

**Mr J.H.D. Day:** Not if you drive within the law, you won’t.

**Mr P.B. WATSON:** No; that was just a throwaway line. I put my car on cruise control at 110 kilometres an hour. I have learnt my lesson from other members of the chamber!

Sitting on a speed of 110 kilometres an hour, people zip past. A lot of the cars passing me are driven by people who come down from Asia—places such as Singapore and Hong Kong—driving people movers. They have no idea about the distances they are travelling—four and a half to five hours; maybe they take six hours. They are used to driving in a place like Singapore where it is 15 kilometres or something from one side to the other. They get in cars with a designated driver who has no idea. These people are driving on international licences. We probably do the same when we travel overseas. It is a huge worry. A lot of drivers do not put their car’s lights on. I was part of a campaign to urge people to put their car’s lights on in regional areas. A lot of seniors got hold of me and said, “Oh, no, we can’t drive with those lights on because we can see the cars coming too far away.” That is what we want. I always tell my children to put their lights on when driving, especially from Albany to Perth, because the lights can be seen from long distances.

I turn to demerit points. I interjected about this when the member for Midland was talking. One of my constituents, a young girl, came to my office the other day. As a result of speeding fines she had lost her driver’s licence for three months, which is fair enough, but she cannot get an extraordinary licence. From what I have been told, if a person loses their licence for speeding, they cannot get a special licence, but a drunk driver can get an extraordinary licence. My office checked this with the Department of Transport and it was confirmed. Could the Acting Minister for Police follow that up for me? I think that a drunk driver is much more dangerous to society and to people on the roads. Obviously someone speeding is dangerous but I do not think there should be a difference between them.

I now refer to the front and rear numberplates on motorbikes. I rode motorbikes for years. People say it is dangerous to have a licence plate on the front of a motorbike but that is absolute rubbish. If the motorcyclist rides safely within the speed limit and is not travelling at 150 kilometres an hour, there should not be a problem. People say it is an issue because the rider can get damaged on the bike and things like that, but that is a load of rubbish.

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Another point I want to raise relates to disobeying access control signs. If one is driving along Albany Highway, for example, and work is being done on the road, a sign is put up indicating a speed limit of 20, 40 or 60 kilometres an hour. After attending Parliament, I drive back to Albany at about four o'clock in the morning. I might come across 20 or 30 of these signs. They are not taken down at night. No-one is working on the roads, obviously, at that time of night. Sometimes the police come out early in the morning before anyone is on the road and they sit there and ping people. I know it is a way of earning a bit of revenue. If no-one is working on the road, those signs are still there. A lot of my constituents have been pinged for travelling over that speed limit at six o'clock or 6.30 in the morning. It is not too hard to take down those signs. If people are working there, the road can be very dangerous and the signs should be up. But when we are driving to Albany at four o'clock in the morning or even driving to Perth at seven o'clock at night, we have to slow down. People get frustrated. Further down the track, they will try to pass. I congratulate the government on putting in the new passing lanes. That makes a huge difference. It is an issue that my constituents raise with me.

**Ms M.M. Quirk:** Albany Highway needs audible edge lines all the way down.

**Mr P.B. WATSON:** They are very good. I have gone back home really late at night a few times. I might tend to wander a bit and if I hit those lines, I wake up very quickly. I hop out of the car straightaway and walk around.

**Mr J.H.D. Day:** In relation to the roadworks issue, you mentioned the signs are still up, even if people are not working there. It may be the road conditions require a lower speed limit because it is only a temporary gravel surface or something like that.

**Mr P.B. WATSON:** A lot of the signs are placed close to the road being worked on. We might travel for 10 or 15 kilometres at 60 kilometres an hour. When driving all the way to Albany, that adds so much to the trip. I can understand why there are signs in those areas but they seem to be placed a lot further out than they need to be. Obviously, the signs are there so people slow down before they get to the workers. I am not talking about the damaged road; I am talking about the sections leading up to it. Obviously, we have to slow down on damaged roads.

We are trying to make things safer on the roads. A group of people from Mount Manypeaks Primary School came to see me recently. That school is about 50 kilometres out of Albany. People drive at 110 kilometres an hour at either side of the approach to Manypeaks. The police advise me that they regularly pick up people going through the town doing 90 or 100 kilometres an hour. The police set up speed traps but they cannot be there all the time. There are old signs in that area but they do not stand out on country roads when people are driving at high speed. There are old-fashioned signs in the town. We have some signs in the City of Albany, though not as many as we would like. I have spoken to the minister about that and he says that we cannot get more signs for two years. The school is very concerned. If an accident is caused by someone driving at those sorts of speeds, we will have a fatality. Someone will not just get bumped. It is not like the metropolitan area where people do not drive any more than 50 or 60 kilometres an hour; people are driving at 100 kilometres an hour. If a young child runs out onto the road chasing a football, bang, we have a situation that everyone would regret. I know that it is not the minister's job, but I want the government to be aware that it is very important to the people of Albany and Manypeaks. It is a shame to see all that money put aside into the road trauma fund—\$90 million—and we cannot afford to put traffic things in that may one day save people's lives.

We talk about highways. The main one that I can talk about is Albany Highway. I can relate a personal incident involving my friend Warrick Proudlove. He was a passenger in a car being driven along Albany Highway one night. I think he was asleep. A horse was on the road. Someone was out there waving their arms to let the driver know. A young bloke came over the crest of the hill. He had to swerve to miss the horse. He went off the road, hit a tree and young Warrick was severely brain damaged. I am not talking about the legislation we should have. Insurance companies came out and said that it was not the horse's fault; it was the tree's fault because the damage was done when the driver hit the tree. If the horse had not been on the road in the first place, nothing would have happened. Under some law that was brought in from the United Kingdom many years ago by the National Party, as long as people who have animals on their property take reasonable care that their animals do not go on the road, they cannot be sued. I know that this has nothing to do with this legislation, but this family is destroyed as a result of road trauma. This family has been to court. Unfortunately, because no legislation is in place, the family had to sue the young driver, who was a friend of Warrick's. That upset a lot of people in Albany. Under the circumstances, the only way they could look after their son and get him funding for the rest of his life was to sue the young boy through his insurance company. We have set up a foundation in Albany for young Warrick. I congratulate the Albany community for doing that but it will not go all the way to help him and his family go forward in the future.

I turn to the failure of drivers to keep left and overtaking offences. When I travel to Perth, I sit on the speed limit and I keep left but everyone is right up my backside wanting to go past me. Drivers in Perth sit right on the

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backside of other cars. Sometimes I would love to put on my brakes really quick. Being in a government car, maybe the car behind me will damage their car but, unfortunately, I cannot do that. People drive right up our backsides. I do not know why there are orange or red lights in Perth because when we come up to an intersection—I might be 50 metres away—and I see the orange light turning to red, I see about four or five cars going through the intersection. I always thought that was against the law. I have never seen one person get pinged for it. I am not saying that they are all city drivers; some country drivers probably do that too. It is something that we have to look at.

[Member's time extended.]

**Mr P.B. WATSON:** The speed limit on North Road in Albany is 80 kilometres an hour. There is an area just near the shopping centre that has a seniors' village on one side, a seniors' village on the other side, another one further up the left-hand side of the road, a primary school, and another seniors' village. We have been trying to get someone to look at the road. We asked Main Roads to come out and check but it says that not enough cars travel along that section of the road. This is probably one of the busiest roads in Albany but Main Roads say that a certain number of cars have to use the road or there needs to be a certain number of traffic offences to show that there is an issue. One of my seniors might be crossing the road with a Zimmer frame or they could be in a wheelchair, or someone who wants to get across the road may all of a sudden, halfway across, get disoriented. In any of those situations, a car or a truck could suddenly come along. This is a huge issue with my seniors. A lot of them will not go across the road to the shopping centre. They will get a taxi and go to a shop in town and use up their taxi vouchers, whereas they could just walk across the road, get the things that they want, be independent, and then come back again. But they will not do that because it is not safe. I have been chasing up this situation for 13 years, and I get the same answer from Main Roads: "You've got to have more people, and more incidents." Albany is a growing city. A lot more people are coming to Albany. A huge number of people came for the Anzac commemorations. Interestingly, when we had the Anzac commemorations in Albany, Main Roads put traffic lights up at the major roundabout. Members who have been to Albany know that traffic lights do not happen.

**Mr I.C. Blayney:** That is crazy.

**Mr P.B. WATSON:** Yes—but people are used to it. My main concern is the main roundabout. Off Albany Highway, there is Hanrahan Road, Chester Pass Road and North Road, and all the schools. Sometimes when I catch the afternoon flight I forget this, but in the afternoon, when all the parents come to pick up their kids from school, there are big trucks on the road. We put out newsletters at the show on how to use the roundabout saying, "This is the way to do it", but people just do not do it. A person can go around the roundabout in the outside lane or the inside lane to go the other way, and suddenly someone from the outside lane thinks, "I have to go there", and they go straight across. Many accidents occur at the main roundabout. The wheat trucks come through because we have no ring-road, which is another issue, minister. I know Minister Nalder would love to give us a ring-road in Albany. A ring-road has been promised for a long period. The previous Labor state government put in the first stage, which made it a lot easier for trucks coming off Albany Highway going through to Chester Pass Road. We will have a bumper grain harvest this year and the heavy vehicle traffic will be a huge issue. The woodchip trucks are not so bad; they are not as big as they were before.

Once again, education is needed. People in Albany do not like traffic lights. People wanted me to set up a protest group when the traffic lights were put up for the three days of the Anzac commemorations. Some people did not go to town because they did not want to use the traffic lights!

**Mr D.A. Templeman:** Do you have people still going by horse and buggy in Albany?

**Mr P.B. WATSON:** Yes, some people do. They would be the people who come up Mandurah Road to Albany for their holidays!

**Dr A.D. Buti:** Are they National Party members?

**Mr P.B. WATSON:** Yes, I am not the sort of person to say that. Following too closely, I fully agree.

**Mr D.A. Templeman:** You've still got decimal currency—sorry, not —

**Mr P.B. WATSON:** Yes, we have decimal currency. I know Mandurah is still on pounds, shillings and pence! Anyway, the member for Mandurah is a city member and this is a regional issue.

**The ACTING SPEAKER (Mr P. Abetz):** Members, perhaps we should get back to the bill.

**Mr P.B. WATSON:** Yes. Could I have some protection from my own side, please?

**The ACTING SPEAKER:** I was going to offer you protection.

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**Mr P.B. WATSON:** There is a huge issue with South Coast Highway. This road goes from my electorate to the Leader of the National Party's electorate and is used by many grain trucks. It is not so much the width of the road, but that both sides of the road just drop down. People go along the highway, with tourists going out to Bluff Knoll and other areas along the highway, and all of a sudden these huge trucks come along the road. Straightaway, they have to swing to the left or to the right, whatever side they are on, but then there are these huge drops. People driving along do not see the major drops. There are potholes. I know that the National Party has so much money from royalties for regions, and the state government has \$90 million in the road trauma trust fund. If we want to encourage people to live in the regions, we should have proper roads. Royalties for regions funding is all right for pumping up National Party seats and putting in swimming pools and things like that, but at the weekend we saw figures indicating that unemployment in regional areas is huge.

**Mr D.J. Kelly:** What about Pelago?

**Mr P.B. WATSON:** Yes, we could have invested some of that money.

We want people to go to the regions and to live there. Unless we get better roads in regional areas, the road toll will go up, people will not want to live in the regions and tourists will not come. I must admit, as I have said to the minister before, it is good that we have those passing lanes, but there are still lots of issues to deal with. People say that one of the biggest issues is that we should have a two-lane highway from Perth to Albany, but I know that it is ridiculous to do that in one hit—we cannot do that. I would like to see two lanes from Kojonup to Albany, as there are a large number of accidents on that stretch. A person driving to Albany will see all the crosses on the road. I know that a lot of people have been killed between Kojonup and Mt Barker. We had a spate when, I think, we lost seven or eight young children in one hit in one year from one school—St Joseph's College. They were all in that area. A lot of young people from regional areas go to Perth for a weekend and go out on a Saturday, not necessarily drinking, and probably do not get home until two or three in the morning. They are all excited and maybe get only a couple of hours sleep, and then get up and drive back. They might have gone to a concert or something like that. If they drive an hour and a half to Williams, that is not so bad. There are a lot of roos and things like that on the road, which is an issue, as most people driving back to Albany go either after dawn or before dusk. From Williams to Kojonup is another hour's travel—and that is not a bad road either. But when they get to Kojee, which is an hour and a half from Albany, they think, "I'm getting pretty close to home", and they tend to relax a bit. They might stop and get something to eat or drink, but that last hour and a half is really long. It is an hour to Mt Barker. We have had many accidents on that section of road. If members go between Kojonup and Mt Barker, they will see the crosses on the side of road. If they stop and look at the crosses, they will see that a lot of them are for young people. This comes back to what I said at the start, minister: we have to educate people. When people learn to drive in regional areas, they need a bit more training on gravel roads and they need to learn about driving for long periods. The furthest that people who get their licences in Perth will drive is maybe 15 minutes or 20 minutes. This is especially when young people start work at six o'clock in the morning. Fletcher International Exports employs many people in that way. A lot of young people drive out to Fletcher's—I have seen cars with L-plates and P-plates going out there—and it takes them about 25 to 30 minutes.

I mentioned before that it is very important we train these young people early. If we do not train them early, those bad habits go right through. Speeding on regional roads is terrible. Everyone is in a hurry. When I go back to Albany at four o'clock on a Friday morning, I go past the new mine at Brookton, I think it is. An hour and a bit out, there is a turn-off to one of the big mines. I sit on only 90 to 100 kilometres an hour at that time of the morning because of the kangaroos, and I just get swamped by cars going past at about 120 or 130 kilometres an hour. They are all young blokes; they have their utes and flash cars because they are working on the mine. It is just an accident waiting to happen. If there is a bit of fog, no worries; they still pass just as much.

Finally, I think it is great that we are doing these things with speeding offences and heavy vehicles. The major issue that I have is that if a person gets demerit points for speeding—I am pretty sure this is right, but the minister can confirm it for me—they cannot get an extraordinary licence, but a person who has been caught drink-driving can apply for one. I will check with the advisers to see whether I am right, but this is what happened when we followed up for one of my constituents who had lost her job because she could not get an extraordinary licence.

**MR D.J. KELLY (Bassendean)** [5.01 pm]: I am very pleased to make a contribution to debate on the Road Traffic Legislation Amendment Bill 2014. This bill, we are told, is all about improving road safety legislation and in doing so, hopefully, we will see fewer deaths and serious injuries on our roads. On a slightly different topic, but just as important, today is White Ribbon Day, when we try to highlight the terrible state of affairs with domestic violence. I want to particularly mention that I went to a great function this morning run by the Construction, Forestry, Mining and Energy Union; the Australian Services Union; and the

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Australian Manufacturing Workers' Union. It is great to see those unions getting behind making it clear that violence against women by men is simply not acceptable. I just wanted to mention that, with your indulgence, Mr Acting Speaker (Mr P. Abetz).

This bill makes a number of changes to a number of pieces of road safety legislation. It increases the penalties that apply to a number of offences covered in those acts. I will not go through all of them, but a range of offences will attract increased fines, including speeding, failure to give way, disobeying access control signs, following too close, drink-driving, and in-vehicle distractions, which I must say is not a term I had heard before but I understand what it is about. In all, this bill will increase the fines for 10 offences, most of which I mentioned just now. We are increasing the fines because there is an assumption that higher fines act, firstly, as a deterrent, to stop people infringing in the first place and, secondly, when people do infringe, a higher fine—a greater penalty—will act to change their behaviour so that they will not offend again. That is the assumption: higher fines are a greater deterrent and a greater penalty, and a combination of the higher penalty and the higher level of deterrence will result in fewer people offending, and that will make our roads safer. I want to make some comments about that string of assumptions.

One of the things that has often exercised my mind is how fines impact on people in our community with varying incomes. If someone on an income of \$50 000 a year cops a \$500 fine, it stands to reason that that will have a different impact on that person than on someone with an income of \$5 million a year. It seems to me that it is pretty obvious that fines set at a specific dollar level act as a greater deterrent the poorer a person is. That worries me. For a person on a high income, beyond the realms of ordinary people—say, \$500 000, \$1 million or, in the case of a bank CEO, \$10 million—a \$500 fine for speeding or otherwise breaching the road rules is really nothing. It is certainly a flaw in the system if we accept that higher fines make our roads safer. If they act as a deterrent and therefore stop people offending in the first place, or from reoffending after having such a penalty imposed a first time, obviously it would be a lesser deterrent or a less effective behaviour changer to someone on a higher income.

**Mr J.H.D. Day:** That is why we have demerit points. They are not related to income.

**Mr D.J. KELLY:** The minister has just interjected about demerit points. I accept that demerit points act that way, and that is a good thing, but we still have a system in which fines play a substantial role in seeking to change behaviour. If all we had in this area of public policy was demerit points, my argument would be irrelevant, but we do have a system in which fines are meant to act as a deterrent and a penalty. It seems logical to me that there is a flaw in the system when a person is on the sort of income that makes a fine irrelevant or inconsequential.

The other issue that worries me about the reliance on fines is what happens when people default on those fines. In the vast majority of cases, people who default on fines are those on low incomes. As the system currently operates, a lot of people who default on fines ultimately end up in jail.

**Mr J.R. Quigley:** In fact, the largest outstanding fine is on a company whose director is a large contributor to the Liberal Party. He owes \$73 000 in fines, which has not been collected for 12 months.

**Mr D.J. KELLY:** What has the government done about that, member for Butler?

**Mr J.R. Quigley:** Nothing; but if you owe a small fine, you end up like Ms Dhu—in a prison in Roebourne.

**Mr J.H.D. Day:** I can assure you that whether he is a member of the Liberal Party or not has nothing to do with it, and should have nothing to do with it, and if the money can be recovered, it should be.

**Mr J.R. Quigley:** It has not been; nobody has seen the \$73 000.

**Mr D.J. KELLY:** Is that a road traffic fine?

**Mr J.R. Quigley:** No, it is to do with land tax evasion, member. He said, "I'll pay it someday when I sell the land"—a very blasé attitude.

**Mr D.J. KELLY:** It is one of those things that gets back to my original point that if a person's income and wealth is at such a level that the threat of a fine really does not bother them, it shows that our legislation is lacking. Often in this place we hear that fines should be increased in areas that will have a real impact on the financial budgets of poor people, but we do not often hear in this place about tougher fines, say in the corporate sector, for people who have such incomes that they need hefty fines if the fines are to act as a penalty and a deterrent.

I come back to the issue I was dealing with—that is, often low-income earners default on their fines because they simply do not have the money to pay them, and the unfortunate circumstance is that many of them end up being

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put in prison because of that. Members might say that if someone has breached the law, has been fined and does not pay the fine, they should go to jail. But the problem with that logic is that if we thought jail was the appropriate penalty for the offence, we would have given them that penalty in the first place. However, when someone has been fined, it is because as a community we have determined that the offence does not warrant jailing. When that person is too poor to pay the fine for the offence that the community does not believe warrants a jail term, they end up being jailed. For me, that is a very worrying chain of events, because ending up in jail has a range of terrible consequences. Apart from the stigma of going to jail and the loss of personal liberty, there is the disruption to family life, the risk to children and the danger that the employment of a person put in jail will be in jeopardy because it may lead to them losing their job and that, in turn, may lead to them losing their house. A range of consequences follow and it is a very real problem. I am told that one in seven prisoners who have gone into the system since 2008 when this government was elected are in fact fine defaulters. More than 10 per cent of people who go to jail in Western Australia under this government are fine defaulters. I do not have with me the number of those people who are Indigenous, but I would hazard a guess that it is a very large percentage.

**Dr A.D. Buti:** It is very high.

**Mr D.J. KELLY:** The member for Armadale has just interjected that it is very high.

**Dr A.D. Buti:** Actually member, if you don't mind, the member for Warnbro asked a question on notice, which I think was responded to today, which shows that the number of Indigenous women in jail for fine defaults is enormously large.

**Mr D.J. KELLY:** Enormously large!

We are increasing fines in this bill. I am not saying we are opposed to it, but I suppose it worries me at two ends. The fines will not really have much of an impact on people on very large incomes, but at the lower end of the income scale we will set in train a series of events that will lead to low-income earners in large numbers being incarcerated. I believe that we should be doing everything that we possibly can to come up with alternative programs to ensure that people who incur a fine, but who for reasons of poverty probably cannot pay their fine, can instead pay a penalty to the community for what they have done but in a way that does not include incarceration.

**Mr W.J. Johnston:** Is it Sweden that has penalty points based on their income?

**Ms J.M. Freeman:** Sweden, yes.

**Mr D.J. KELLY:** The member for Cannington and the member for Mirrabooka have raised a Swedish —

**Ms J.M. Freeman:** The Swedish model.

**Mr D.J. KELLY:** The Swedish model. I know that a number of members opposite are very interested in the Swedish model in a range of areas, but the interjections from the members for Mirrabooka and Cannington are to the effect that Sweden has a system—I am not familiar with it—for people to incur points based on their income. That may well be something that we could look at in this area. Quite frankly, it worries me that someone on the sort of income who can afford a \$100 000 Jaguar and who takes it for a spin along the freeway does not care about getting a fine.

While I have the opportunity, I will raise a few other issues about this bill. My office was recently approached by a number of residents in Tiber Avenue, Beechboro, who are concerned about the speed at which cars travel along that street. The couple who contacted my office live directly opposite a park. Their kids obviously like to go over to the park from the house and make use of the park, and they worry that the vehicles that come along that street will clean up their children. They have already seen them take out wildlife from the park. A few weeks ago I went out and doorknocked Tiber Avenue in Beechboro to see whether it was a widespread issue, and I spoke to the couple who contacted my office. There is real concern about the safety of that street. I looked at it and I would say it is a pretty standard suburban street. Beechboro is one of those suburbs that was not designed grid-like in straight lines.

[Member's time extended.]

**Mr D.J. KELLY:** It is much more of a spaghetti-type arrangement with lots of cul-de-sacs and the like. I am sure that when it was designed, it was put together in a way that was thought would be more pedestrian friendly. I had a look at Tiber Avenue and I think the problem is that although it is not in a long, straight line, it is quite a long, straight street and is wide enough to be a Formula One racetrack. It is typical of the sorts of suburban streets that were designed 30-odd years ago and on which, I suppose, people at that time did not travel at more than 60 kilometres an hour. However, the street is wide and people are able to drive at much faster speeds than is desirable on a street that runs around a suburban park. We can do a lot of things in the design of our streets to

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make them more pedestrian friendly and less of a racetrack-like arrangement. It is difficult to retrofit roads like that, but we could certainly do something on a street like that. It is difficult when the street is a main traffic run, and one problem with Tiber Avenue is that it has become a de facto main street. It was not designed for that, but that is what has happened. We need to look at what we can do with streets like that as it is a common complaint in a suburb like Beechboro. Residents from Hull Way have also contacted my office and I intend to go there and see what they are experiencing. Even though Beechboro was supposedly designed to be community friendly, because the roads are so wide, whenever there is a decent stretch of road, people are tempted to put their foot down.

I want to raise an issue in another area in the electorate. People have contacted me over their concerns about the safety of an intersection in Ashfield at the corner of Guildford and Colstoun Roads. Colstoun Road runs into Guildford Road approximately where the Ashfield train station is located. Colstoun Road is the main entry point into Ashfield. It is the quickest way to get out of the suburb of Ashfield and onto Guildford Road, where people can head towards Bassendean or into the city. The intersection has no traffic lights at the moment, and because it is opposite the train station it has some pedestrian traffic. It also has a bike path running along the train line, but there is no point at which people can safely leave the bike path and cross Guildford Road to get into Ashfield. A combination of those factors means that from the point of view of residents, that intersection is very unsatisfactory. A group in Ashfield called AshfieldCAN has petitioned the Minister for Transport for traffic lights at that intersection. The response has been that, based on the ranking that is given to intersections in Perth to determine which should be upgraded to have lights, that intersection does not warrant traffic lights. The community is very disappointed about that. The number of accidents at that intersection is quite high, but fatalities have been rare. The community is asking whether it will take some horrific fatalities on that corner before the government takes action. That would be a great shame to members of the community. A number of problems need to be solved. In the community's view there needs to be safe access points for cars leaving or entering Colstoun Road, safe access for cyclists entering and exiting the bike path and at the same time improvement to the pedestrian access across the road and to Ashfield train station. At this stage, it appears that none of that will happen. I hope that there is not a fatality at that intersection, because if there is the community will be asking the government why nothing has been done. I applaud the efforts of members of AshfieldCAN, who have put a lot of work into engaging the local community on that issue, and also members of the board of Cyril Jackson Senior Campus who have also put work into that issue. Students from Cyril Jackson high school get off the train at Ashfield train station. Cyril Jackson is a second-chance high school, if you like, so it attracts students from all over the metropolitan area; it is not only locals who have an interest in safety around that intersection, but also the students and staff of Cyril Jackson Senior Campus who use that train station.

I also raise the issue of the road trauma trust fund. I could be wrong on the exact figures but I understand that about \$80 million is sitting in the road trauma trust fund.

**The ACTING SPEAKER (Mr P. Abetz):** Member, I have given you very wide latitude—perhaps too much—in speaking on a range of issues, with people talking about local streets, which is really not at all related to the Road Traffic Legislation Amendment Bill, which is about penalty points and all of that, so I urge that we focus our attention a little more on the bill.

**Mr D.J. KELLY:** Mr Acting Speaker, I thank you for that advice. You will be pleased to know, given that advice, I will not raise any more issues about local streets, but I will make some comments about the road trauma trust fund, which is relevant to the bill not only because some of the fines we will deal with under this legislation will go into the road trauma trust fund, but also we can tackle the issue of road safety in a number of ways, and making our roads safer by funding an issue through the road trauma trust fund is obviously very relevant. It concerns me that \$80 million or thereabouts is lying idle in the road trauma trust fund. It makes little sense to me to put fines up, if the fines are then going to sit in the road trauma trust fund and do little. It has been raised with me that the reason the money has not been spent is twofold. It cannot be because our roads are safe and the money is not needed. Firstly, the government is keeping that money in the account so that at the midyear economic review or next year's budget, it will be deducted off state debt. If that is the case, it would be a great shame. State debt has been blown out by this government in a range of areas. I have seen what the government has done to the good work that should be done in the Water Corporation, for example. If it is the case that the government is not spending money out of the road trauma trust fund because it wants to use that fund to artificially keep down state debt, that would be a disgrace. The other reason, of course, for not spending the money now is that the government can build the fund up and announce a whole bunch of things leading up to the next state election. The government is using the fund as a 2017 Liberal–National government slush fund. That also would be a disgrace. Having let the fund accumulate, if the government starts announcing in the lead-up to the election all these goodies in electorates that it wants to win, that would be a disgrace. As the member for

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Hillarys said, people are losing their lives on our roads as we speak because we have not spent money from the road trauma trust account. The road trauma trust account exists for initiatives to make our roads safer. If the Liberal-National government is sitting on that money to make its state debt position look better or so that in the lead-up to the state election it can spend money in electorates to improve its chances of being re-elected, I could not think of a strategy that is more disgusting. If that is the government's strategy, it is appalling. As part of this debate, I ask the minister to explain why the money has been allowed to accumulate in the road trauma trust account.

**DR A.D. BUTI (Armadale)** [5.32 pm]: I also rise to contribute to debate on the Road Traffic Legislation Amendment Bill 2014. Like the speaker before me, the member for Bassendean, I will make brief mention of today being White Ribbon Day. We should all be aware of the issue of domestic violence in our communities. Domestic violence is a crisis in Western Australia given the 77 per cent increase in domestic violence offences in the past five years. One could argue that in some respects it is related to the bill in the sense that there are many victims of domestic violence living in cars because they do not have safe homes to live. The roadworthiness of their vehicles is often questionable because of their poverty level and because the domestic violence perpetrator often puts a female victim in a state of great danger by imprisoning her in a car as he drives in a dangerous manner. I acknowledge the issue and hope that the government seeks to be more urgent and comprehensive in its response to domestic violence.

The purpose of the bill before us is to change the penalties for speeding and other traffic offences. The idea is that this will address dangerous and high-risk behaviours on Western Australian roads by amending the monetary and demerit point penalties for various road traffic offences. The explanatory memorandum states that the penalties affected by changes may be broken down into eight broad groups of penalty categories. The first is speeding offences for general and heavy vehicles. My attention was drawn to the heavy vehicles, particularly because I have noticed, being the member for Armadale and living in the electorate, the increase in heavy haulage vehicles travelling on the main arterial routes into Armadale and seeking to bypass Armadale. I despair over the increase of heavy haulage vehicles that has resulted, and will continue to result, due the government's broken promise about the closure of the tier three rail line in the wheatbelt. The problem is coming down Albany Highway and into the intersection of South Western Highway and Armadale Road. It is a disaster waiting to happen, as is the heavy haulage volume on Brookton Highway.

This whole issue is about increasing penalties to deter or change behaviour because, surely, if we set higher penalties, we will be able to deter behaviour. That issue has long been debated in criminal law and in the area of law and economics and law and psychology. When I looked up some references in preparation for my contribution, I came across an article by Eric Morris entitled "Is Driving Drunk Rational?" It is written in the vein of Freakonomics. I am sure members have read the various books about that. The article starts —

I doubt this statement will shock you or light up the blogosphere, but drunk driving is bad. Our own **Levitt** —

Levitt is an economist —

has looked at the costs, and found that those who have had even one drink are seven times more likely to cause a fatal crash, while for those over the legal BAC limit the risk is multiplied by 13. This equates to a cost to society of more than 40 cents per drunk mile driven (2013 dollars), implying that a fine of \$10,500 would be appropriate if drunk drivers were to bear the full cost of their actions.

Of course, the fines imposed in the bill will not come near that, but the argument is that an increase in fines and so forth will change dangerous driving behaviour. The article continues —

This goes to the larger debate about the link between severity of punishment and criminal recidivism, which is not as cut and dried as you might think. In fact, some studies actually show harsher prison conditions *increase* recidivism upon release. For example, it is possible that prison is a "crime school" and that more time behind bars hanging around with other criminals may make one more likely to learn new tricks. Other work shows severe punishments do work, but it is not crystal clear why. Because punishment persuades people crime doesn't pay? Or because incarceration keeps criminals off the street?

He also refers to the various studies done by other economists. The article continues —

These findings are interesting in terms of both psychology and deterring crime. They suggest that increased sanctions for drunk driving—such as lower permissible BAC levels, longer license suspensions, ignition lock systems, and harsher fines—are indeed likely to have additional deterrent effects. In fact, Hansen computes that raising penalties by 10 percent would reduce drunk driving by

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about 4 to 7 percent, and this is just counting the effects on repeat offenders and not deterrence for those who have never been caught. However, there is one catch; the positive impacts of such a learning effect would take a while to play out, as the deterrent will only mount as people get caught and punished over time.

As for psychology, it probably doesn't come as a surprise that criminals suffer from "bounded rationality," and with possible rare exception of a **Bernie Madoff** or a Unabomber probably lack the mathematical acumen to calculate the present and expected future value of their crimes. I'd be quite interested to know if, given that the extra penalty from an aggravated DUI is a "sunk cost" which according to economic theory any rational person should disregard, chronically drunken economists are more likely to reoffend than the rest of us.

Basically, he says that it can be argued that increased penalties, whether they have a monetary value or, in this case, involve demerit points or, in some cases, imprisonment, will deter dangerous behaviour, but that it is not as clear-cut as we would like because people do not always act in a rational manner. The problem with economic theory and law and economics is that one can base it on how the rational individual will behave but, of course, people do not always behave in a rational manner. Another earlier study from the 1980s is titled "The Effectiveness of Legal Sanctions in Dealing with Drinking Drivers" by James Nichols and H. Laurence Ross. This is quite an interesting article. In part, it states —

Criminal sanctions may have several objectives, including general deterrence, specific deterrence, rehabilitation, incapacitation, and retribution. Restitution and program financing may also be objectives of sanctions. By *general deterrence*, we refer to the effect of punishing law violators on the drinking and driving behavior of those not sanctioned, but who are presumably aware of the punishability of the behavior in question. By *specific deterrence*, we refer to the deterrent effect of sanctioning on the specific offenders being punished. Their experience and the fear of future punishment is expected to reduce their drinking and driving behavior. *Rehabilitation* refers to changing the violator's motivation through the experience of the sanction, not through fear of being sanctioned in the future. The rehabilitated driving while intoxicated ... offender no longer wants to drive drunk, whereas the deterred person refrains from such behavior out of fear of consequences. *Incapacitation* refers to denying the offender the opportunity to repeat the DWI offense. Imprisonment accomplishes this during the period of confinement; license withdrawal attempts to do this without confinement.

The article then refers to the issue of general deterrence versus individual reform. In order to make roads safer, we want a general deterrent. It is no good looking at specific individual reform because that will not make roads safer. We want to ensure that people do not engage in drink-driving. There needs to be general deterrence so people will not engage in drink-driving, speeding or dangerous driving of some manner.

I want to refer to something else written in the article. It is stated under "Can Problem Drinkers Be Deterred?" —

With regard to individual reform —

Those who are repeat offenders —

... we have already provided evidence that suggests that multiple offenders who receive jail sentences do not appear to be affected by them, but first offenders may be at least temporarily affected. An issue that has frequently been raised involves the extent to which heavy or "problem" drinkers who are not caught can be deterred by severe penalties. Generally, theorists have speculated that moderate or "social" drinkers are most affected by penalties of any kind and that problem drinkers are unable to modify their behavior. In support of this theory, Voas (1982) showed that six times as many drivers had low to moderate BAC levels —

That is blood alcohol concentration levels —

on U.S. roadways as on Swedish roadways, but that only three times as many crash-involved drivers had these moderate levels. The implication was that Sweden, in comparison with the United States, had significantly reduced the number of social drinking drivers on the road but not the riskier problem-drinking drivers.

I am interested in what the situation is in Australia—whether whatever we have done has been able to deter the serious offender. There are a number of repeat offenders in Western Australia. That is the real problem. The issue is whether increasing the penalties through this legislation will deter the repeat offender. I do not think it will.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 25 November 2014]

p8682d-8718a

Mrs Michelle Roberts; Mr David Templeman; Mr Peter Watson; Mr Dave Kelly; Dr Tony Buti; Mr Chris Tallentire; Ms Janine Freeman; Ms Simone McGurk; Mr Roger Cook; Acting Speaker; Ms Rita Saffioti; Mr John Day

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**The ACTING SPEAKER:** Member for Butler, keep your voice down. It is a little distracting for your colleague.

**Mr J.R. Quigley:** I was just saying what an excellent speech he was making!

**Dr A.D. BUTI:** Very nice, member for Butler.

The issue is whether increased fines and other sanctions will be a deterrent to general behaviour. We have to look at other avenues for serious offenders. The member for Bassendean talked about the ability to pay fines. It could be argued that this is a regressive fine system—obviously it is a greater percentage of the income of a low-income earner than it is a high-income earner. That should not be an excuse for driving in a dangerous manner, but of course the consequences still have to be looked at. That is often the problem in this house—we look at laws in the abstract without looking at how it works in reality, and the consequences.

As the member for Cannington mentioned, Sweden has a proportional fine system based on income. It is highly unlikely that will ever take track during this government's reign in any case; but whether it would be in this Parliament at any time I am not sure. We have to be concerned about fine defaulters going to prison. The member for Warnbro has done some fantastic work on this. The number of people in prison because of their inability to pay fines is a real problem. As stated in some of the works I cited today, going to prison can make people's behaviour more criminal. If people cannot pay fines once these penalties are increased, maybe there needs to be another outcome rather than being sent to prison. Arguably, a strong case could be made that increasing monetary and other penalties for dangerous drivers and drink-drivers is to be applauded, but it should only be applauded if it will have a general deterrent effect. If it will not, it serves no purpose and it may have other consequences. Let us hope that it will have the effect that is sought.

Road safety and people driving in a dangerous manner is of particular importance to us all. As a person who grew up in the Armadale region and as the member for Armadale, it has been a particular issue of urgency and relevance. I think I have mentioned in this house before that I attended Kelmscott Senior High School. When I graduated from Kelmscott high school, in the two years post-graduation between eight and 10 fellow graduates, either a year below or a year above me, died in car accidents. At least half of the accidents were on Brookton Highway. That was in the late 1970s, early 1980s, when there was nowhere near as much traffic on that road as there is now. Brookton Highway is a windy road. When people get to a certain age, they have independence, but what I have never understood, and still do not understand, is why parents buy hotted-up cars or allow their children to buy cars with a particular power-to-weight ratio. It is appalling. Parental responsibility in this area is important. Once a child is a certain age and can buy their own car, I know that parents cannot necessarily stop them, but I have witnessed parents buying hotted-up cars for their children.

[Member's time extended.]

**Dr A.D. BUTI:** In conjunction with these increased penalties, I would like to see an education system put in place for younger drivers who do not have the experience or the necessary skills to handle cars the way that a more experienced driver does. We know that teenagers' brains, especially males, are still developing and they have a greater risk-taking mentality to the way they think and behave. If people think that just increasing the penalties will solve the issue, it will not. I am sure the government is doing other things. I am not seeking to say that this is the only thing it is doing. The resources going to the road trauma trust fund need to be put into play as we speak.

When we look at road safety, we also need to consider other users, not just drivers. The issues surrounding cyclists have become quite topical in recent times. Some weeks ago the Leader of the Opposition announced a summit on cycling safety to be held next year. That should be applauded. I think the government is seeking to come on board. The whole issue of how cyclists and motor vehicles interact is very important—and also runners. The minister knows the hills area very well. He would understand that it is quite difficult for people to cycle or run in that area. For instance, there is no path alongside Mills Road East on which to run. One has to run on the road or try to run on the rough bush track, and that is quite difficult. Road safety is a very complex area. Governments of all persuasions will always battle to make our road system safer for the people who seek to use it.

When we are looking at the whole issue of behaviour on the roads, we are obviously trying to prevent accidents, fatalities and serious injuries. It would be unusual for a member of this house to not know of someone who has either died or received serious injuries as a result of a motor vehicle accident or a road accident, whether they be a driver, pedestrian, cyclist or motorbike rider. Just two days ago—on Sunday—a motorcyclist died on Armadale Road in Forrestdale, which is just out of my electorate. Allegedly, he was stung by a bee. It is something that is with us all the time.

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That brings me to something that has come to our attention over the past week—the whole idea of no-fault third party insurance. I believe that this Parliament needs to bite the bullet and agree to introduce a comprehensive no-fault third party insurance scheme for people affected by road traffic accidents. A few people would argue that if one was at fault and was severely maimed, the state and therefore the taxpayers should not pick up the tab. I think that is a minority view. Very few people would hold that view because, there but for the grace of God go I, it could happen to any of us as we travel home tonight. We could accidentally go through a Stop sign or do something that causes an accident that is our fault. The tragic example that occurred in the member for Albany's electorate is the family that unsuccessfully sought to sue the driver of the car that left their son, the member's constituent, paralysed or a quadriplegic. The family was not able to prove that the driver was at fault so their son does not have a comprehensive insurance scheme to support him. Once a person is severely maimed, incapacitated or has a severe disability, the cost of trying to obtain a life of some dignity is enormous. We cannot expect the family to provide it because most families will not have the economic capacity to provide it.

**The ACTING SPEAKER (Mr P. Abetz):** Member, what you are talking about is very interesting but I am not sure it is germane to the bill.

**Dr A.D. BUTI:** It is germane to the bill and I will tell you why, Mr Acting Speaker. We are talking about dangerous driving. This bill is about dangerous driving—recommending changes to penalties for speeding and other traffic offences. If people drive dangerously, there is an increased chance that they will be injured, perhaps severely. Where will the money that will be raised by these increased fines go? Maybe some of that money could go into seeking to offset a comprehensive third party insurance scheme. That is relevant to the bill. It is surely relevant to the bill to talk about where the money collected from increased fines will go. I imagine it will go into the road trauma trust account, which is to be applauded. Maybe that will decrease the amount of money that needs to be paid out on third party insurance. In any case, I think I have made my point about that.

We need to be very careful if we think that increasing penalties and other fines et cetera is a panacea for dangerous driving. It is not a panacea for dangerous driving. It is certainly a measure available to governments and the Parliament of Western Australia to try to reduce dangerous driving, but it is certainly not a panacea. As studies have shown, the connection between monetary penalties and behaviour is not crystal clear. Human beings do not necessarily behave in a rational manner. It is not rational to go out at night and get completely blind on alcohol and then get into a car. A rational individual does not do that. That rational individual will think before they go out at night and have 20 drinks that if they get in a car and get caught, they might get fined. The problem we have is how we deal with the irrational person. In many respects, we are trying to reduce the amount of irrational behaviour that leads to dangerous driving. We all see it on the roads. How do we deal with people who are not even under the influence of alcohol or drugs? As we know, other substances are even more of a problem than alcohol. There are two issues here. We are trying to deal with those people who seek to engage in dangerous behaviour and those people we want to deter from ever engaging in dangerous behaviour. Most of us would not get in a car if we are drunk. I have no doubt that random breath-testing has a major effect in deterring the general population. When we go to a function at night, I am sure we think about what would happen if we have too many drinks. Let me start again. We will obviously not have so many drinks that would get us to a level at which we are so incapacitated that it would be incredibly dangerous to get behind a steering wheel. However, one of us would have one or two drinks above what we should normally have to ensure that we have our full faculties. If we surveyed people about why they do not drink as much when they are going to drive, would they say it is because they are worried that they will be pulled over and given a random breath test or that they may have an accident? I would tend to suggest it is the former. That is why a random breath test is one of the greatest deterrents that we could possibly have. It has not been foolproof. If it was foolproof, when we go past a breathalyser station, we would not see people who have had too many drinks sitting on the side of the road.

We can never be 100 per cent sure that whatever we do will change human behaviour because the linkage between law and psychology and law and economics is never clear-cut. No doubt penalties, including monetary penalties, will have an effect. Will they have an effect on repeat offenders? That is another issue about which we will have to look at other, more comprehensive measures. We will improve the overall safety of our road system if we have a general deterrent. If the increased penalties result in deterring the general population, they have carried out their purpose. The government cannot expect that this piece of legislation will deter the repeat offender, although I have noticed that it does seem to look at the recidivist speeding offender. We need to look at that and we have to be very clear about what we are trying to achieve. We need to put in place a major education program, particularly for younger people. The people who live in the regions or on the outskirts of the metropolitan area are particularly vulnerable. They generally drive longer distances, there are more open spaces and greater speed is involved. There seems to be a lot more young people in those areas who enjoy their cars and maybe have cars that are more powerful than they can manage safely.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 25 November 2014]

p8682d-8718a

Mrs Michelle Roberts; Mr David Templeman; Mr Peter Watson; Mr Dave Kelly; Dr Tony Buti; Mr Chris Tallentire; Ms Janine Freeman; Ms Simone McGurk; Mr Roger Cook; Acting Speaker; Ms Rita Saffioti; Mr John Day

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*Sitting suspended from 6.00 to 7.00 pm*

**Dr A.D. BUTI:** I have not got very long and there is something that I want to say. In conclusion, I quote the article by Nichols and Ross on the issue of general deterrence —

The impact of any sanctioning policy on the general driving public is much more important than its impact on the offenders who are punished. Programs that result in reduced recidivism by those who are punished are worthwhile to the extent that they reduce impaired driving by these drivers and perhaps improve their general well-being. However, without having some impact on the total population of drinking drivers—particularly those who are not caught—such programs cannot have a major impact on drunk driving and its consequences.

I urge the government to consider that we are talking about not only drunk-drivers, but also dangerous drivers. We want to deter the general population, but we also need to address repeat and serious offenders to try to make our roads system incredibly safe for road users of all types, whether they be pedestrians, drivers, cyclists or motorbike riders.

**MR C.J. TALLENTIRE (Gosnells)** [7.01 pm]: I rise to speak to the Road Traffic Legislation Amendment Bill 2014. I have no doubt that this is a bill of great importance for many of our constituents. People across the state expect this Parliament to do its utmost to improve road safety. I think over time we have seen some degree of improvement in road safety. I recall reading the road toll in the *Daily News*, when that newspaper still existed, and it always struck me that the road toll seemed to correspond with the day of the year. Tragic as it was, on the 270<sup>th</sup> day of the year, we would have 270 deaths. Of course, I was reading that back in the late 1970s. I am pleased that the terrible and tragic road toll statistics have improved, but we need to go so much further.

We have had great innovations in road safety through the advent of improved technologies and the requirement that people wear seatbelts. I think we have seen a strong amount of driver awareness and drivers taking responsibility for road safety. I note that this legislation is introduced to address dangerous and high-risk behaviours. I am particularly concerned about aggressive behaviour on the roads, and I am not convinced that that aspect is addressed in this legislation. Increasing penalties goes some of the way to make people reflect on their driver behaviour, but people of an aggressive mindset, and those who allow themselves to get into a very aggressive mindset—I am talking about a mindset that very quickly verges into a road rage-type mindset—are unlikely to be improved or dissuaded by the sorts of penalty increases in this legislation. That means that we have two options; do we up the penalties even further and imagine that that might somehow deal with the irrational thinking of people who allow themselves to get into a state of heightened anger and aggressiveness, or can we try to tackle the problem of aggressive behaviour? I think that is the better way to go. I do not think the other will work, because we are talking about people in a highly irrational frame of mind.

Addressing dangerous and high-risk behaviours needs a well-targeted, well-considered program that seeks to eliminate the aggressive nature that many people seem to take on when they get behind the wheel. It seems that people can be driving along in a state of relative calm, but with the flick of a switch, they can become incredibly angry and flare up. That is something we have to tackle. People need to be educated to see that when a person makes a mistake in front of them, they are most likely not doing so intentionally—and that the best way to react to it is to calm down and really think about things and not take the flick-of-a-switch anger approach that we see all too frequently on our roads. That behaviour is causing a lot of problems. It is probably a problem not only with regard to behaviour on the roads, but more generally. We have a society that has somehow gained the view that it is reasonable and acceptable to move to anger quickly. That is very damaging, and has all kinds of consequences. Obviously, we have problems with alcohol and drug abuse, and the potential for it to be a recipe for tragedy on our roads. We clearly must tackle that as well. Again, education can be a big part of that.

I had the honour of attending on Wednesday last week the World Day of Remembrance for Road Victims. I commend Southern River College in my electorate for putting on the World Day of Remembrance for Road Victims, which is run by the City of Gosnells road safety committee. The committee does a fantastic job of taking the road safety message to schools. It is a great idea. I know a couple of years ago, the day was held at Lumen Christi College. Last year it was held at Thornlie Senior High School, and this year it was at Southern River College. On each of those three occasions, the presentations have been quite dramatically different in style, presentation and the issues they have focused on. It is an excellent message. That is how the education approach is precious and valuable. I really hope that the Road Traffic Legislation Amendment Bill will raise the necessary funds to ensure that programs such as the World Day of Remembrance for Road Victims are well funded and more extensively presented in our schools.

I will just give members an idea of how valuable the day was. At the presentation on Wednesday at Southern River College was a speaker from the Paraplegic Benefit Fund, Mr Keith Conder. He gave a gripping

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presentation. Keith is a paraplegic and he is in a wheelchair. He told his story. I think he must be in his mid-50s now. He tells the story of what happened to him—the tragic moment nearly 30 years ago after he and friends were celebrating an occasion at the pub, when, with a relatively new driver's licence, he got into the car and thought that he could travel at 130 kilometres per hour, but he did not manage to take a bend. He had bent down to adjust the sound or speed up to the next track on what I think would have been a cassette player in those days. He was distracted from the task of driving while speeding at 130 kays an hour. He admitted that he had had a few drinks as well. The way that Keith told his story was absolutely heart-wrenching, and the consequences of his actions were there for us all to see. But he said that that was not what haunted him every day. He said he had long ago come to terms with the fact that he was in a wheelchair. What really upset him—the way he told the story he did not reveal this straightaway—was the fact that that there were other people in the car he crashed. One of those people was killed. They were on life support for days after the event, but the parents had to make the decision to switch off the life support. It was a very emotional telling of that story. All those year 11 students at Southern River College were listening to that story and I am sure that it will stay with them. They got the message very strongly that getting one's driver's licence is a wonderful thing that gives all kinds of freedom, but with that comes incredible responsibility and a person has to be strong enough to make some sensible decisions. Sometimes a person has to stand up to their peers. If they are pushing someone along to speed or drive after they have been drinking or perhaps taking drugs, that person has to be strong enough to stand up to their peers and say no, that there is something better to be done. It was a very, very emotional presentation—one that connected with the students. That message communicated that that kind of education, getting in the minds of young people who are just at the stage at which they are about to get a driver's licence, is very valuable. It is incredibly valuable and it is clear that the benefit of that as opposed to just focusing on penalties is most important. However, I am not against increasing penalties; there is no doubt that we need to do that, but we have to do it in tandem with improved education. We have to do it in a way that gets that message across. We have to find ways of not just reaching people when it is easy to get them when they are at year 11 at school and they are a captive audience, but also refreshing people's minds. The member for Midland in her speech talked about statistics for young males when they are bit older in their early, mid or late 20s. I think we have to find a way of getting people like Keith Condor to make presentations to that group as well to refresh their minds. Those year 11s certainly took on board the message that Keith gave us on Wednesday, but we have to do something about the fact that over time that message might just drift into the past a bit; we have to refresh those people's memories. I know that the government's standard response on something like this is to run a TV advertising campaign. I do not think that has the emotional impact that Keith's presentation had on the group that was assembled at Southern River College last Wednesday—it does not go anywhere near it. We need to find ways of assembling people in groups and giving them that level of presentation—that intensity of presentation—about the importance of road safety.

It is worth saying as well that the message was quite different, but so valuable, the previous year at Thornlie Senior High School. The focus there was on the danger of a person driving a vehicle and texting. How was that message communicated? It was done brilliantly using drama skills. The students put on a performance piece that communicated the dangers so well. They had four young girls, carefree, driving along, which was all presented on stage very much in the way of a performing arts contribution at a high school. It was beautifully done. There was this carefree feeling that the young girl got, then there was a text message that went out and then there was the tragedy. The way they presented that was brilliant. I know sometimes people talk about performing arts and drama classes as being soft options—that drama is something of a soft option to have in our schools. The subject matter that that particular performance at Thornlie Senior High School dealt with were some of the hardest realities that human beings have to face, so the idea that drama is sometimes an easy option for students is absolutely not true. These students were facing a very challenging issue and were dealing with it in a way that stays with people. There is the quality of the education message that stays with a person when it is delivered in such a way and with such intensity. I have to say that at the event last year I remember that the police minister, who is not with us because of the bereavement of the passing of her husband, gave an excellent presentation. She talked about a relative of hers who had died in a car accident. The level of the emotion that comes across to a group has a very, very strong educative value, and that is something we need to find a means of continuing beyond the school years into adult life as part of our discussion. Perhaps sometimes these messages come across in films that people might see, but I am not sure that they can be relied on. I think people sometimes make odd choices when it comes to the types of films that they watch—the sorts of dramas that do not necessary tackle the really hard issues that our society needs to be constantly thinking of.

Just in passing, on the issue of road safety and road traffic legislation, right next to Thornlie Senior High School is South Thornlie Primary School and then the Catholic Sacred Heart Primary School. Those schools are all squashed together in very close proximity and I am amazed that there are still no flashing electronic school zone

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signs. I know the government's intention and promise is to roll out the electronic school zone signs at all schools, and I applaud that, but the question is about the prioritisation of the rollout and I am disappointed to see that when there could be three for the price of one, virtually, there are still not those signs at Thornlie Senior High School, South Thornlie Primary School and Sacred Heart Primary School.

[Quorum formed.]

**Mr C.J. TALLENTIRE:** I wanted to say a bit more about the good work of the Paraplegic Benefit Fund and its capacity to deliver on this other side of the coin, it might be said. The penalties in our road traffic legislation are one part of things, and the Paraplegic Benefit Fund provides a very valuable service delivery role in ensuring that its members—people connected with the PBF—can provide the education role. Yes, there are penalties, but on the other hand there is the strong educational role. I should acknowledge the work of Sir George Bedbrook, who established the PBF. It was founded in 1984 and Sir George Bedbrook did much work during his professional career with people who were either paraplegic or quadriplegic. I note that the executive officer of the PBF is, I think, his grandson Simon Bedbrook. The good work of Sir George Bedbrook continues on to this day. I was mightily impressed with the way the PBF representative at Southern River College, Mr Keith Conder, was able to communicate the importance of road safety. I acknowledge as well that the member for Morley was also present at the event, and made an important speech, which was a very useful contribution. He relayed a bit about his personal experience of tragic events of road safety. I will leave the member for Morley to tell that story, because he does it so well.

I hear that I am not alone in having concerns about tampering with car registration plates. I had the unfortunate situation of reporting a hoon driver on the 131 444 number. I was sure that I had got the car registration plate accurately and I was able to describe the vehicle as a black Commodore ute.

**Mr D.A. Templeman:** It was a National Party car!

**Mr C.J. TALLENTIRE:** It did not have National Party stickers on it; I was not able to see that!

I phoned 131 444 and was told that the car registration number did not correspond with a vehicle of the description that I was giving. I am concerned about this ongoing problem of tampering with car registration plates. I hope that the penalties now in place are dissuasive, and people will not engage in that deceit. However, I fear there is a growing practice of people using different types of technology to evade detection. It makes me wonder what it is in the mindset of someone who thinks, "I'll just slightly change my number plates, and then I can be free to engage in hooning activity on the roads." I think that is what people are thinking, and that is the motivation for doing this.

[Member's time extended.]

**Mr C.J. TALLENTIRE:** I will talk about road traffic legislation dealing with cyclists. Just this morning I was on an early morning bike ride along Canning Mills Road. I had been through the minister's electorate, Kalamunda, past Lumen Christi College, over the Cargeeg Bridge, and had ridden up Mills Road East. I think I was then in the electorate of the Minister for Local Government, Darling Range. I was travelling along Canning Mills Road when a road train overtook me. I doubt that I had 30 centimetres between me and the truck, which seemed to be an extended semitrailer. Perhaps only the fear in my mind made it appear so long.

**Mr J.H.D. Day:** This is along Canning Road, is it?

**Mr C.J. TALLENTIRE:** It was Canning Mills Road, which joins up at a T-junction with Pickering Brook Road and then joins Welshpool Road East.

**Mr J.H.D. Day:** I think you are actually talking about Canning Road.

**Mr C.J. TALLENTIRE:** Canning Road. Yes, the minister is right.

**Mr J.H.D. Day:** There's no way I'd be riding a bike along there. You're very courageous.

**Mr C.J. TALLENTIRE:** I made an assessment of whether it was a safe cycling environment. I think there is enough space there for all road users to coexist.

**Mr J.H.D. Day:** The speed limit is 90 kilometres an hour. I have suggested it be reduced to 80; I think 90 is too high, actually.

**Mr C.J. TALLENTIRE:** I understand that trucks need to use that section of road, but it certainly gave me a scare today. I note that we were in discussions across the chamber about the idea of a bipartisan cycling summit. We noted the tragic deaths of Paola Ferroni, who was killed not far from here, on Kings Park Road; of Brynt McSwain, who was riding on his own not far from where I am—he was riding on a road in Kewdale; and Tim Anderson. I rode in the memorial ride for Tim Anderson with the member for Kwinana a week ago last

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Sunday. The frequency of these tragic events—I think cyclist deaths number seven or eight for the past 12 months—is too serious a matter to let go. We need to have a bipartisan cycling summit so that we can consider options such as the 1.5 metre passing distance and strict liability. I am not sure that I have the legal term right, but in the cycling community “strict liability” means that when a motorist hits a cyclist, the presumption of guilt will be on the motorist and not the cyclist. The motorist will have to prove that the cyclist was at fault before there will be any question about liability not being on the motorist. However, where does that get us when someone has just lost their life? Nowhere at all. We need a general attitude in the community of sharing the road, and the realisation that cyclists are vulnerable road users. Although for a motorist a minor crash might mean a dent in the car at worst, for a cyclist it means hospitalisation and possibly death. The imbalance in the outcomes of a crash is just enormous. I do not understand why other road users do not understand that point. It is something that we really need to look at.

Another thing that the motoring community does not quite understand is the issue of riding two abreast on the road. I note that regulation 130 of the Road Traffic Code makes it clear that cyclists are entitled to ride two abreast on the road. Somehow, motorists do not think that is fair. I and the people I ride with always try to ride single file when there are cars behind, but sometimes that is not possible. Generally, we do ride single file, to allow people to get through. I wonder whether carrying out that manoeuvre when we say that there is a car behind—“car back” is the call—and then falling into single file is somehow helping to proliferate the idea that cyclists should only ever ride in single file, when in fact the law entitles us to ride two abreast. The reasoning is that when a vehicle overtakes, it will more quickly pass the cyclists if they are two abreast; it would take longer to get past two cyclists riding single file. I raise that as the sort of educative issue we still need to tackle with greater effort and care. The penalties issue is important, and we have to keep coming back to it. I hope those who are found guilty of the deaths of those cyclists I mentioned before will be dealt the full penalties, because that will send a message to the broader community. We definitely need a bipartisan approach to cyclists’ safety.

The bill before us is useful, but I hope a greater emphasis will be placed by the government on countering the problem that I mentioned earlier about aggressive behaviour. That must be tackled with real vigour. It is a problem on not only our roads, but also in society at large. Educating people about the dangers of flaring up and quickly becoming angry about something that happens on the road will perhaps benefit the whole community and help develop a community that realises that being quick to anger when suffering a grievance is not helpful. I look forward to participating in further stages of the debate.

**MS J.M. FREEMAN (Mirrabooka)** [7.29 pm]: I too rise to speak on the Road Traffic Legislation Amendment Bill 2014. The statistics I have been able to get from the Office of Road Safety indicate that, on average, 60 people die each year on our roads due to speed. A further 375 suffer serious life-changing injuries in speed-related crashes. In 2012, speed was a factor in 24 per cent of fatal crashes and 11 per cent of serious injury crashes. Although I am referring to these figures, I know that other accidents happen on our roads that are, obviously, not all related to speed but that have impacts on people. There are other reasons such as road conditions. Although speed is a very large contributing factor to road deaths, the most interesting aspect is that males factor largely in those road deaths. In 10 years to 2013, 81 per cent of those killed as a result of speed were male. Of those, 38 per cent were 17 to 24-year-olds and 34 per cent were 17 to 59-year-olds. I do not know how it works that 38 per cent are 17 to 24-year-olds, but it is the lesser rate of 17 to 59-year-olds. I suppose that is a greater area in terms of statistics.

I am pointing this out because we have been talking about aggression. A number of my colleagues have used the opportunity of speaking on this bill to note that today is White Ribbon Day and that many of the men in our community took a pledge today not to stand by silent when violence is perpetrated against women in our community. I suppose part of that is looking at why violence against women or speeding on our roads are male prevalent behaviours. I am presently sitting on the Community Development and Justice Standing Committee inquiry into fly in, fly out workers. Suicide and its mental health ramifications are very much a risk factor for men in this age bracket. I say that because this bill is seeking to simply impose punitive measures through penalties. It does not deal with behaviour. We are not really seeking to change behaviour; we are seeking to fine people. Although we are saying that people’s behaviour on our roads is not acceptable, it seems to me that there is no evidence in front of us to show that there will be behavioural changes through these punitive measures. I am not suggesting that punitive measures are not part and parcel of what we have to do to set up a safe system of traffic control and transport in our community. However, it must be looked at in the context of a whole. When we look at something like this bill, we are not looking at it in the context of a whole. We are certainly not looking at it in the context of a whole when we know that significant amounts of money have not been expended on road safety, as other speakers have suggested this evening.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 25 November 2014]

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The fact sheet from the Office of Road Safety titled “Enhancement of Penalties Associated With Certain Road Traffic Offences in Western Australia” dated 3 July 2014, under the heading “What is the extent of the penalty changes” indicate that the changes in penalties vary from a \$25 increase for low-level speeding offences up to a \$450 increase for failure to wear a motorcycle helmet. However, with this legislation, it appears that we are changing both the lower and higher penalty rates, the justification of which in the fact sheet is that the Road Traffic Code was last amended in January 2007. The fact sheet states that additional changes to restraints and high level speeding penalties occurred in March 2008. The Office of Road Safety’s argument is that penalties for many other road traffic offences have largely remained unchanged since 1997 and have not been indexed with inflation. We are saying that these increases are greatly overdue. I would not mind the minister confirming that the penalties have not been changed since 1997 or 2007. The fact sheet states —

... drink driving penalties were last amended in 2011, penalties for speeding and some other traffic offences in the *Road Traffic Code (2000)* were last amended in January 2007.

I would like to know whether it was established in 2007, after the fines had been increased from 1997, that there was a significant decrease in speeding and other traffic offence statistics. We are in this place today putting through probably quite significant punitive measures for road safety, but we should not be doing that without some analysis to indicate whether it is effective. I understand this legislation came about because the WA government commissioned research by the Centre for Automotive Safety Research, which is housed at, and part of, the University of Adelaide. I wonder whether the minister can make me aware of whether the commissioned research by the centre is publicly available. When I looked for it online, it did not seem to be available. Frankly, from reading this fact sheet, it seems that this bill is not based on the fact that previous increases in penalties have had the effect of decreasing the number and severity of accidents and the use of mobile phones, speeding, failing to give way, disobeying access control signs, failing to keep left, overtaking offences, following too closely, non-restraint use, non-helmet use by motorcycle riders, in-vehicle distractions—I suppose that refers to mobile phones—drink-driving infringements and preventing effective identification of numberplates. I am interested to know whether, when that research was commissioned, it showed when penalties were previously increased and whether there was a significant decrease in the number of these offences. If it was a long time ago, the high penalty costs may be absorbed because people’s income has increased, so, economically, the cost to people is not too high. I am looking at when the penalties were last increased and whether we have seen evidence of this being an effective way to decrease behaviours that we know place people at risk. That information is essential to determine whether what the government is doing is good policy. Just because something was done in the past does not mean that it should be done in the future. If it failed in the past, it could fail in the future. In a sense, it would be quite ignorant to continue with it. When the CASR did the research to determine what the penalties would be, it found the following —

For each offence category the severities of the penalties were: reviewed in light of the road safety risk associated with the offence ...

I get that. The fact sheet continues —

... compared to offences applying under each broad offence type, reviewed for consistency with the Australian Road Rules and compared to penalties imposed for similar offences in other Australian jurisdictions.

However, none of that tells me that the Centre for Automotive Safety Research looked at whether it was a successful move the last time the fines were increased, whether this is preventive and whether people take note and reduce risky behaviour. Certainly, one of the concerns is that nothing in that research seems to have taken into account the capacity to pay. We have a punitive system that is being used for the purpose of preventing people from engaging in behaviour that puts them and other road users at risk and that can have a very serious and adverse effect on other road users who can least afford it. I suppose it does not come as any surprise that the centre would do that because it is not thinking about people. For some reason, it is just looking at benchmarks. It seems to me that we have benchmarked these fines; we have not looked at performance. We have just looked at whether the fines benchmark against other states. Are they about the same? How does the fine benchmark against the seriousness of the accident? We have not looked at performance. Clearly, we also have not looked at some of the impacts on people who can least afford to pay, and I will go into that a bit when I talk about the impact on some of the culturally and linguistically diverse communities in the Mirrabooka area.

I suppose that comes as no surprise after reading “A Review of Road Safety Governance in Western Australia” by Peter Browne Consulting that was released in March 2014. It states on page 54 that one of the complaints about the Road Safety Council, which was involved in endorsing these new penalty rates to government, was that there was a lack of grassroots consultation. One of the problems is that people are now starting to question

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the Road Safety Council, and that is outlined very briefly in the report. It does not go into it in any great measure, although at page 2 it states —

Feedback to the Review has repeatedly indicated that the current structure of both the Office of Road Safety and the Road Safety Council is fraught with conflicts of interest. In the case of the former, its location within Main Roads WA alone is a major concern.

It seems that that concern is because of its rigid adherence to methodology; it does not have a flexible approach to issues around safety, safety systems and delivering safety in our community. At page 54, the report states —

... rigid enforcement of this methodology —

That is the methodology of looking at some of the demonstrable facts, statistics and research findings based on quantifiable evidence —

can be used to block any initiative deemed not to have sufficient weight of evidence to support it ... A second concern is that too strict an adherence to the evidence requirement works to the detriment of innovation, flexibility, and consideration of evidence of a different order to those mentioned above.

It is a concern that there seems to be almost a bottleneck. There is certainly a feeling in the community that people are concerned about safety. They are concerned about what is happening on the roads around them, but they do not feel as though anyone is listening in an effective manner that will deliver any greater safety. They feel that they are just being punished if they step out of line, but they see lots of people around them step out of line and break rules, and those people might get punished as well but they do not see it. No community of interest is being built up around road safety. There is no community of interest in delivering good safety on our roads. It is more a protection mode so that people do not get a fine; they do it simply because there is a fear of being penalised. If people are willing to suffer that fear and absorb that cost, or, as the member for Gosnells pointed out, if they tamper with their plates, they will undermine the whole purpose of the fines in any event. The fines will not apply to those people who have tampered with their plates, so they really are not of a mind to behave in a community-oriented way because they are not invested in it in any event. No penalty will be afforded to those people because they have changed their plate numbers and so the penalty may not attach— unless a police car with a big blue light pulls them over. They are just not invested in that. Under the Road Traffic Legislation Amendment Bill, which is all about fines and the punitive aspect of trying to deliver safety on our roads, we are doing that in the absence of a greater look at initiatives to create a community of interest about safety on our roads. Certainly, the Road Safety Council should be congratulated for its Towards Zero program. Other members have talked about the Swedish model. The Swedes have enshrined a Towards Zero program in legislation.

[Member's time extended.]

**Ms J.M. FREEMAN:** I was quite taken with the Slow Down and Enjoy the Ride campaign. We all received this glossy book. I believe that changing the way that people think will create a community that can change the way it thinks and behaves. I am a bit of a behavioural economist as well as a behaviourist. I note that the Slow Down and Enjoy the Ride campaign and the Post-it notes campaign that followed it have been absorbed into all the road safety campaigns. They are much more about punitive actions and less about changing behaviour, although the Road Safety Council might debate that with me hotly. It seems that the emphasis on this sort of campaign has waned, if it has not been withdrawn completely, and I think that that is a great shame. That is a great shame for our community, because it is about changing the community consciousness about safety on our roads. It is evident that that has been very successful in other jurisdictions. On that basis, I want to draw the attention of the house to an article in *The Economist* of 26 February 2014 titled “Why Sweden has so few road deaths”. It states —

In 1997 the Swedish parliament wrote into law a “Vision Zero” plan ...

It enshrined it in law. It continues —

Planning has played the biggest part in reducing accidents. Roads in Sweden are built with safety prioritised over speed or convenience. Low urban speed-limits, pedestrian zones and barriers that separate cars from bikes and oncoming traffic have helped.

As a result, deaths have been reduced by half since 2000. The article continues —

The next step would be to reduce human error even further ... through cars ... via built-in breathalysers.

*The Economist* then has a bit of a dig and states —

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Eventually, cars may do away with drivers altogether.

It then points out that Volvo Car Corporation will run a pilot program of driverless cars in Gothenburg in 2017. As with many things in our community, technology solves our problems for us.

I do not understand the lack of 50-kilometre-an-hour speed limit signs in suburban areas. When I ask Main Roads or the local council about it, I am told that they do not have to put signs everywhere to show that the speed limit is 50 kilometres an hour. Further along a road, the speed limit may change to 60 kilometres an hour, but people do not know whether the speed limit is 50 or 60 kilometres an hour in that section of road before the sign. The council and Main Roads say that when a road does not have signage, people should assume the speed limit is 50 kilometres an hour, and we get this roundabout argument. Meanwhile, people want an indication of what is expected of them.

The City of Stirling runs a campaign whereby people pledge—we have talked about pledges already tonight—that they will drive safely in their area and will adhere to the speed limits. They pledge that they are part of the community and want to improve road safety. I think that is great. However, if someone does not know or is not reminded of the speed limit, they may inadvertently drive faster than the limit. I thought: okay, no signs, because, “Sign, sign, everywhere a sign”, as the song goes. I get that. People were concerned that drivers were not adhering to the 50-kilometre-an-hour speed limit for a certain road in an unsigned suburban area. Therefore, I put to the City of Stirling that the council should paint a 50-kilometre-an-hour sign on the road, as it does for Stop signs. When we come up to a Stop sign, we see that there is a painted bold line, and for a Give Way sign, we see that there is a broken line. Why can we not paint some speed limit signs on the road? That seems like a logical way to deal with this. Main Roads does not do that because it is worried about maintenance and not being able to change the sign easily. There was a constant push-back at the community’s very simple request to install a 50-kilometre-an-hour speed limit sign to make safer the surrounding area for the community that accesses those suburban streets. From speaking to the member for Mindarie, I understand that there might be a problem with painting a sign on the road, because painted roads become slippery when wet for motorcyclists. I would have thought that in this day and age nanotechnology would ensure that paint is rough so that it is not slippery. I know the minister will stand and say that this issue has nothing to do with the punitive increase in fines, which, basically, will lead to a whole bunch of fine defaulters, and that is all we are worried about here. We need to look at how we can effectively deliver to our communities to ensure safety on our roads.

These punitive penalties impact on those who can least afford them. Mirrabooka has a large and diverse community of people who speak a language other than English. Some great programs in the area teach people to drive. As members can imagine, all our laws are set around thinking that the only people who learn to drive are 18-year-olds. My 18-year-old son is learning to drive as we speak and has his driving test in a week. We require learner drivers to spend many hours of supervised driving. A newly arrived humanitarian refugee or a business visa holder who comes to Australia, and who has driven in some of the busiest cities in the world, are not given a licence in Australia. They have to go through a tortuously slow process to get a driver’s licence so that they can drive to work and take their children to school and operate and function in the community. We are very lucky because a couple of programs are funded to help newly arrived Australians with driving lessons and getting their licence; they especially help learners accrue the requisite hours. One such program is funded by the federal government, but only until the end of February 2015, so there is some uncertainty about that program. I asked Stephen Bowman from Edmund Rice Centre Mirrabooka what he thought would happen as a result of further fine increases, which is the point of the bill. He is happy for me to quote him. He states —

Obviously any further increases will probably result in people on low incomes being unable to pay the fines and I suppose they will end up in court or worse still be incarcerated such as the poor lady in Port Hedland recently.

People on low incomes already suffer financial stress resulting in problems within the family unit such as domestic violence, etc. More pressure will just increase social problems. I suppose I’d be asking what is the evidence that increasing fines will reduce the number of offences.

That is the same question I am asking.

Fines are already pretty hefty! I don’t believe that our clients in the main deliberately set out to break the law. I’d be targeting hoon drivers and those who deliberately set out to flaunt the law and endanger the lives of others.

That is from someone at the coalface who deals with these issues on an ongoing basis. When we are told that one in seven prison admissions are for fine defaulting, we have to question the potential results of this bill before us and whether that is what we want to achieve in addressing safety on our roads. It may deliver safety on the roads because people are incarcerated, but that is no way to deliver safety on our roads.

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I will finish by talking about a report, again from the Centre for Automotive Safety Research, titled “Access to safer vehicle technologies by young drivers: factors affecting motor vehicle choice and effects on crashes”. This report looks at ways of achieving road safety other than punitive fining. The centre surveyed quite an extensive body of young drivers and their parents. The report states —

The survey data suggests that young drivers tend to drive older and inexpensive cars.

Remember that 38 per cent of those killed as a result of speeding were aged between 17 and 24 years old. The report continues —

The majority are worth less than \$5000, and the average vehicle age was 12–13 years. This supports the proposition that vehicle cost is the primary factor in vehicle choice.

We now have \$80 million in the road trauma trust account. Maybe we could have a complimentary first car buyers’ scheme, similar to the first home owner scheme. If we want to deliver safety on our roads and one of the primary factors is that 17 to 24-year-olds are in a high-risk group and drive cars that place them at risk, is that not something we should address? We should not address road safety through only fines; we should do something that creates safer roads and a safer environment.

One of my bugbears relating to safer roads is bus bays. Can we please have bus bays so that the buses pull off the road and cars can go past? I talked to Transperth about that issue and it said that it does not like buses pulling off the roads as it causes the buses to run a bit late. Instead, people drive erratically around buses, especially when parents are trying to drop kids at school. Again, it is a planning issue concerning two competing aims—the bus driver is trying to run on time. However, at the end of the day, we have to ask: what outcome are we looking for? If it is about safer roads, the system needs to deliver that. The system does not need to deliver more fines that will not create safer roads. I will not believe that it will unless I am shown otherwise. If we look at the road accident statistics, it does not appear that increasing fines creates safer roads.

**MS S.F. MCGURK (Fremantle)** [7.59 pm]: I take this opportunity to make a brief contribution to the second reading debate on the Road Traffic Legislation Amendment Bill 2014. A number of other members on this side of the house have raised some serious questions, and I look forward to hearing the Acting Minister for Police answer them in his response to the second reading debate. One of the main questions is: will an increase in fines actually change driver behaviour? What is the research behind that central question? Presumably, that is the objective of this legislation, if it is not an income-generating exercise. I have not done any research into what sorts of increases in government income can be expected from these fine increases, but they are quite significant. People on fixed or lower incomes will feel some of these fines quite keenly, and I understand that one of the objectives of the legislation is that the fines will be felt quite keenly. However, as other members have pointed out, for people on higher incomes, the current fines and the increased fines that are proposed by this bill will not be any deterrent at all. The question is about whether increasing fines will actually achieve the objective of changing driver behaviour, particularly in relation to speeding and other forms of dangerous driving. It is a central question and, as I said, I look forward to hearing what the acting minister has to say about it.

The member who spoke before me, the member for Mirrabooka, referred to a number of studies, as did the member for Armadale. I also did some brief research on a report by the New South Wales Bureau of Crime Statistics and Research. The report is a few years old, from 2007, but it is a significant study, carried out between 1998 and 2000, that identified more than 70 000 New South Wales residents who had received court-imposed fines for driving offences. The researchers then followed the subjects of the research for a period of five years to see whether they committed any further driving offences. The report states, in part —

After controlling for a wide range of other factors likely to influence re-offending, the Bureau found no relationship between the magnitude for the fine imposed and the likelihood of a further driving offence.

The same negative result was obtained for drink-drive (PCA) offences, drive while disqualified offences, exceeding the speed limit and ‘other’ driving offences.

For most of these offences the Bureau also found no relationship between the period of licence disqualification and the risk of a further driving offence.

The only exception to this generalisation concerned speeding offences. In this instance, longer disqualification periods were associated with a higher risk of re-offending.

So the longer someone is disqualified, they either crumble towards the end, or they just think, “This period is just too difficult; I’m going to run the gauntlet.” I think that some of the detection methods now used by police in identifying people whose licences have been suspended are probably quite formidable; of course, they only detect the car, not the person behind the wheel.

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This report seems to me to be a quite significant study into the very matters being considered in the bill before us. It concluded that, contrary to popular opinion, tougher penalties did not reduce the risk of reoffending. The director of the Bureau of Crime Statistics and Research, Dr Don Weatherburn, is quoted in the report as saying —

“The best way to reduce the risk of recidivism amongst driving offenders is to increase the perceived likelihood of apprehension”, he said.

I suppose that is similar to the thinking that applies to booze buses. If people have the perception that there is an increased likelihood that they will get caught, it actually has more of an effect than does increasing fines.

A similar conclusion was drawn in a research article published in March 2014 in the *Journal of Criminology*, which looked at traffic fines in the Netherlands in 2007–08. The study looked at two categories: speed measuring systems and mechanisms for following fine defaulters, and people whose speeds were detected by police. The study concluded that motorists make moderate adjustments in their behaviour when fines are increased, but only if the risk of being caught is high. Again, the conclusion is that people make moderate adjustments to their behaviour, but only if they think they are going to get caught. Fines can be increased, but if people think they are going to get away with it and that they are not going to be picked up by Multanova radar or by police on the road, it does not really matter what the fines are.

Neither of the studies I have just referred to arrive at the conclusion that the best approach for dealing with dangerous driving and speeding is to simply increase the fines. I know that is not the only mechanism that the state government uses to deal with this issue, but the increases that we are looking at in this bill are significant. As I said, I will be interested to hear the acting minister explain the research and thinking behind these increases that were briefly referred to in the second reading speech. I would also be interested to hear about some of the other mechanisms that the state government relies upon to increase safety on our roads.

Another issue that members have referred to is the issue of planning our roads and how they are constructed or modified to assist drivers and to moderate driver behaviour. In my experience—I am sure it is the same for all members in this house—the pressures of congestion and poor road design are contributing factors to people’s poor driving behaviour. I want to take a minute to address some of those issues in my electorate.

Fremantle is an old area, so we are constrained by road designs that are some of the oldest in Perth. Fremantle is also closely surrounded by old buildings, some of them heritage buildings, so there are further constraints. There is a particular road for which I need to find out more about the current flow of traffic, what the government projects for its future and what the Department of Transport has planned, and that is Hampton Road, which is a key north–south arterial road in Fremantle. It is used by people coming to and from Fremantle and, increasingly, by people living in the high-growth areas of North Coogee and other areas just south of Fremantle. The population of those areas has grown considerably in the last couple of years and is projected to continue to grow quite significantly. Hampton Road is the only road that is accessible for people who drive the north-south route. That road is already starting to be mentioned on morning and afternoon radio traffic reports, particularly the intersections of Hampton Road with South Street and Wray Avenue. Parts of that street, particularly because of the design of buildings in that area, are narrow. Most of the road is two lanes, and part of the construction of the road has a bus lane going up and down. As I say, it is congested now, but significant population increases are projected for areas south of Fremantle that will use Hampton Road as a major thoroughfare and I am concerned about how that road will cope with an increase in traffic. The City of Cockburn’s community profile website includes some statistics for the forecast residential development from 2011 to 2036, and Coogee and North Coogee—the area I am speaking about—is expected to increase by over 400 per cent in that period. Building is now being started in new developments at Emplacement and Robb Jetty and thousands more residents are expected in that area. There are some bus routes along Hampton Road and there are plans for a bus lane along the road in that area. I am told by Landgate that there is provision for some light rail. Where there is life, there is hope, I suppose, and people might think that one day there will be light rail in Fremantle. Hope springs eternal. In any case, the planning is for buses only at the moment, but that will not be sufficient, and I am concerned about the road construction along that area.

Another contributing and difficult factor in that area is the movement of heavy trucks that often utilise that stretch of road. Trucks use that area because the state government has not been able to resolve the intersection between Stirling Highway and High Street. The road redesign that has been the subject of debate for well over a decade in that community has not been resolved, and is now being subsumed into the Perth Freight Link. I can hear the Minister for Transport saying, “Fear not, the Perth Freight Link will resolve all those issues,” but of course that will attract only more trucks into the area—it will not be good, is a very poor design for the surrounding community and does nothing to put freight on rail, which is one of the key solutions and strategies that needs to be acted upon and not just spoken about by the government. The Perth Freight Link is no solution

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to the increased issue of trucks on our roads and freight in and out of Fremantle port. Those trucks often carry one or two 20-foot equivalent units—I think that is what those large containers are called. Massive trucks are using suburban roads through the middle of Fremantle and it is a matter of real concern.

I raise all of those issues because planning, road design, population projections, and trying to manage the freight in and out of the port are real issues for the Fremantle community and the surrounding suburbs. That is certainly no excuse for bad driving behaviour, but I am almost certain that they will be contributing factors to people's poor driving behaviour when they feel frustrated at congestion and feel that the road planning design has not been thought through, and they have to endure that every day they come and go in their cars. Of course, it would be good to have more public transport in that area. There are buses. As I said, a bus lane goes down Hampton Road, and there is provision for bus routes up and down that road for the new developments in North Coogee, but the reality is that cars will be relied upon heavily. It is my view that some of the poor design and congestion contributes to poor driver behaviour, and that is relevant to the bill.

I am looking forward to hearing the acting minister enlighten us in more detail how significantly increasing fines, which is what we are being asked to consider in the bill, will affect driver behaviour, because that is what we would like to see improved. Hopefully, it will have an impact on safer roads for all of us.

**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [8.17 pm]: I take great pleasure in speaking in the debate on the Road Traffic Legislation Amendment Bill 2014 this evening. Before I do, I commend the Acting Minister for Road Safety for bringing yet another piece of legislation to this place. He has a great work ethic. As the acting minister, he has brought more legislation to this place than the Minister for Health has brought in the entire time he has been in the permanent role of Minister for Health.

**Ms S.F. McGurk:** The kiss of death, getting a compliment from you!

**Mr R.H. COOK:** Ha! Each time he brings legislation forward, he is always very patient and hears us out.

[Quorum formed.]

**Mr R.H. COOK:** As I said, the acting minister has done a great job in again bringing legislation to this place. I only wish that some of his colleagues who are permanent ministers would have the same work ethic. He sets a glowing example of how people should perform in this place. While we are in the season of speculation —

*Point of Order*

**Mr D.A. TEMPLEMAN:** On a point of order, I wish I had not called them in, because I cannot hear the member.

**The ACTING SPEAKER (Ms L.L. Baker):** I quite agree. Members, would you please stop the conversations.

*Debate Resumed*

**Mr R.H. COOK:** I will get past my opening remarks soon.

As we are in the season of speculating who will take over from the Minister for Sport and Recreation and so forth, I think this sets a great example for those members looking to take on that role. I note that the member for Kingsley is well and truly in the frame as far as the political journalists are concerned. Unfortunately, we may have a stranger in the house, as I noticed that Andrew as opposed to Andrea Mitchell, MLA, is in the chamber at the moment. I am sure that when Andrew Mitchell comes to this place, he will perform that job very well, but none will perform that role as well as the acting minister. He has done a great job bringing yet another piece of legislation to this place.

**Mr P. Papalia:** Safe hands.

**Mr R.H. COOK:** Yes, safe hands. Acting minister, I think the message is: “Don't go, because they need you.” No legislation will pass this place without the acting minister. My opening remarks were that as acting minister he has brought more legislation to this place than the permanent minister has done in the course of his time.

**Dr K.D. Hames:** I got the bill in.

**Mr R.H. COOK:** Yes, the minister got the bill in by the skin of his teeth. It is pleasing to see that it is only 103 years since that act was originally struck, and only six years since the minister solemnly promised to bring it into this place, but it is here at last. I look forward to seeing the new health bill at some point in time.

Several members interjected.

**Mr R.H. COOK:** This bill is about increasing fines. Tonight, we heard from a number of members who have described it that way. The question is, I suppose, for members in this chamber: is this bill about increasing road

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safety? I think that most members in this place are concerned about that. On this side of the chamber, we have a very strong conviction about road safety. I have a particularly strong conviction about the relationship between speed and road safety. I am perhaps a bit of a fuddy-duddy —

**Dr K.D. Hames:** I noticed you speeding past my car today.

**Mr R.H. COOK:** When I was running?

**Dr K.D. Hames:** In your joggers.

**Mr R.H. COOK:** Yes, in my joggers. The minister must have been going very slowly. In that heat out there, I dare say the minister must have been in reverse if I was passing him.

**Mr P.B. Watson:** Is this a private member's bill you two are talking about?

**Mr R.H. COOK:** I thank the member for Albany.

Many of us are struck by the impact that speeding has upon the lives of people in our communities and electorates. It is not only the risk speeding drivers pose to other road users, but also their interaction with people who live next to or walk along those streets—speed and its relationship to community safety. A sense of community safety is a very important aspect of this particular policy area. The members for Mirrabooka and Fremantle's contributions described in some detail how a range of policy and research papers have been written about the very tenuous relationship between the imposition on, and collection of, fines from speeders and changes in their behaviour. Behaviour change should be the nub of what we are debating tonight. It is one thing to adjust fines and we accept that that has a role to play in changing driver behaviour, but we know that it is not the most effective aspect to bring about changes in driver behaviour. The member for Fremantle spoke about the most significant measures for changing people's behaviour—that is, a perception of a higher likelihood of being caught. This is particularly pertinent in relation to drink-driving. We know from research that people's perception of the likelihood of being breathalysed, being trapped by a booze bus or being pulled over and breathalysed, impacts most highly upon their attitude about whether they will get into a car after they have had a few drinks. It was not surprising to hear from those members that there is research on the role that speeding plays in driver safety and the role that fines play in changing drivers' attitudes and behaviour.

There are a range of things that we should look at if we are serious about road safety. One of those things has to be the design of roads and the speeds at which we allow people to drive on those roads. In particular, I am struck by Thomas Road, in my electorate of Kwinana. To the west of Kwinana Freeway, Thomas Road is a dual carriageway with shoulders aplenty for exiting and entering traffic to seek refuge and has a speed limit of 80 kilometres an hour. I can understand the danger that many of the heavy vehicles using those arterial roads present, particularly those coming from the heavy industrial area of Kwinana. They travel at speeds of up to 80 kilometres an hour. Remember, this is on a dual carriageway. Once Thomas Road passes over Kwinana Freeway, it narrows to a single lane in either direction. Businesses line the road and there is a large residential community at Marri Park. The roads feeding into Thomas Road east of the Kwinana Freeway have no shoulders and simply enter directly into Thomas Road, yet the speed limit at this point changes to 90 kilometres an hour. I do not understand what exists in the minds of the staff at Main Roads Western Australia to increase the speed limit along that particular stretch of road to allow traffic, much of which is heavy haulage traffic, to travel at 90 kilometres an hour past businesses and residential properties. It is not surprising that a lot of heavy trucks involuntarily leave this particular road because they are going too fast. Main Roads has reviewed this particular section of Thomas Road and described the inappropriateness of its camber and design, yet the government refuses to reduce the speed limit of traffic to increase the safety of drivers on that road. A range of drivers do well in excess of 90 kilometres an hour because they believe that at that point they have left the built-up area of Kwinana and are on a quasi-country road and feel that they can open the throttle. Policing this particular stretch of road is an important part of increasing the safety of people who live, work and travel along the road.

It is incumbent upon the government to describe what else it is doing to increase road safety. I am also continuously confronted with people in my electorate describing the impact that hoons have had on their quality of life. Quality of life is about not only people's quiet enjoyment of their community, but also their perception of safety as they interact with the roads in and around their community. Hoons continually undertake risky behaviour on quiet streets because their cars allow them to get up to very high speeds and brake very quickly. They feel they are in a position to safely speed and brake on roads that are, quite frankly, not built for traffic to go at that pace. As I said, that has an impact on not only the physical safety of people who live in the community, but also their quiet enjoyment. They sit in their homes at night listening to the traffic going at high speed and that impacts upon their perception of their safety not only in terms of road usage, but also of sitting in

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their homes at night. I am very concerned that we, as lawmakers, continually monitor the behaviour of people on our roads and take steps to ensure that people who use our roads in modified, modern cars are using them according to the rules and behaviours we would like to see represented amongst our road users, particularly in built-up community areas. Although we on this side of the chamber accept that fines have a role, we understand from the research that they have a small role to play in changing driver behaviour. In his response, the minister needs to explain to the members for Mirrabooka and Fremantle why an increase in fines is being relied on so heavily. Many people in my community would regard that as a cynical revenue-raising exercise rather than a safety exercise. I accept that there are very legitimate safety concerns in raising fines, but there is a perception in the community that this is about revenue raising and has nothing to do with road safety. That leads to people treating our road safety laws with more contempt rather than with greater seriousness. We know that the secret to changing driver behaviour is to increase the level of policing on our streets to make sure that the likelihood of people getting caught for speeding and risky behaviour is increased, rather than simply relying on some rather distant cognitive process whereby it is thought that by increasing fines, people will slow down. As we know, the research suggests that that is not necessarily the case. As the shadow Minister for Road Safety said, we support this legislation because we believe any measure that increases road safety is worthy of support, but the government needs to make the case that this is simply not revenue raising and it needs to describe what other measures it will use, be it the demerit point system, policing or driver education, to ensure that we increase road safety and drive down the incidence of death and trauma on our roads.

**MS R. SAFFIOTI (West Swan)** [8.33 pm]: I rise to make a very short contribution to the debate on the Road Traffic Legislation Amendment Bill 2014, so the Leader of the House should not get too angry about me jumping up! I want to make a couple of quick comments in relation to —

**Mr P. Papalia:** He can be striking when he is angry!

**Ms R. SAFFIOTI:** I know; I do not like seeing the Leader of the House angry.

Several members interjected.

**Ms R. SAFFIOTI:** Yes, he has too many portfolios on his plate! I understand he will be Minister for Sport and Recreation, too, tomorrow! Before he knows it, he might be Minister for Health, so hopefully he keeps an empty diary.

**Dr K.D. Hames:** He has been there, done that.

**Ms R. SAFFIOTI:** I remembered that he hated it, too.

**Mr J.H.D. Day:** No, I did not hate it at all.

**Ms R. SAFFIOTI:** I think he did.

**Mr P.B. Watson:** You disliked it intensely!

**Ms R. SAFFIOTI:** He disliked it intensely!

**The ACTING SPEAKER (Ms J.M. Freeman):** Members, can we just get on with it, please.

**Mr J.H.D. Day** interjected.

**Ms R. SAFFIOTI:** I thank the acting Minister for Sport and Recreation; Racing and Gaming; Women's Interests! Anyway, as I said, that is more portfolios than I think I have ever seen —

**Mr P.B. Watson:** This is the longest quick talk I have ever heard!

**Mr P. Papalia:** Minister for safe pair of hands!

**Ms R. SAFFIOTI:** Whitlam government—esque!

The member for Albany will be happy to know that I will make just a couple of quick comments on the Road Traffic Legislation Amendment Bill. This, of course, is a serious topic and the impact that road accidents and trauma have on families around Western Australia is serious. I want to start by saying that the government should be embarrassed about what we have seen over the last couple of years in relation to the road trauma trust account. It pulled a major publicity stunt by saying that 100 per cent of speed and red-light camera revenue would go into the road trauma trust account, but it has not spent 100 per cent of the funds in the road trauma trust account. Basically, the government is using it as an offset to some of its debt issues in its budget. I remember the government said that 100 per cent of speed and red-light camera revenue would go into the road trauma trust account—the road trauma trust fund—but the government is not actually spending that per annum. It is accumulating funds to try to offset its \$22 billion of debt. We have seen that in a number of instances and in particular in this instance when the road trauma trust account money should be spent in the community to

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prevent injury and death on our roads. The government should be embarrassed about that and I think it will continue to be an issue for it as more people around the state realise what this government is doing.

I want to make a couple of broad comments about some of the dangerous and reckless driving we continue to see on our roads. I am always surprised and shocked to see that, despite the demerit point system and despite the massive fines, which this bill will increase, people still seem to keep their licences while driving on our roads like absolute maniacs. All I can say is that this is being allowed to happen because either we do not have a great enough police presence or patrols are being cut. I will highlight a couple of examples. One example is following another car too closely, which is mentioned only in the explanatory memorandum. I cannot count the number of times I have been tailgated or have seen people tailgated. It is particularly disturbing when children are in the back of the car and someone is right behind. I hate to say it, but they force the driver in front to make stupid decisions sometimes, because they are so close that they basically bully people on the roads. That happens throughout the community and I have never seen anyone pulled up for it. There are people who tailgate all the way through the community on all our streets and I have never seen anyone pulled up for it. I think it is something we need to concentrate on, because, as I said, not only does tailgating create some significant rear-end collisions, but also it bullies the driver in front into making stupid decisions, particularly if the driver is not experienced or is new to our roads. I continue to be amazed that these people are still on our roads. We talk about hooning behaviour—reckless and dangerous behaviour—and, again, why can we not seem to do more to try to get hoons off our roads, whether it be by a targeted police response or fixed cameras in particular areas over a period of time? Why more cannot be done amazes me. We have all heard people complain about hoons on particular roads in our community. There are a number of such areas in my electorate, and there is one particular rural area that is under increasing pressure from urbanisation. The area has rural roads and cars continuously drive erratically and very fast around local streets. I am not sure why fixed cameras cannot be put there for a period of time to basically cut it out; it could be done in specific circumstances. After people are photographed 10 times in a couple of months driving at 100 kilometres an hour on a street with a speed limit of 60 kilometres an hour, it would be thought that they would lose their licences and be off the streets. I am not sure why we cannot do that. We continue to raise revenue from these fines, so why can we not dedicate some of that revenue to better enforcement? It is simply not fair that our roads are not safe because some in the community believe that getting into a car gives them the freedom to act above the law, endangering everyone's lives—in particular innocent people in their cars, who get caught up in absolutely tragic circumstances.

As I said, I just want to make a couple of points. Many of my colleagues have raised issues about increasing fines and the pressures that that can put on some members of the community. I do not think we are doing enough. When I am driving along and I see someone tailgating, doing 100 kilometres an hour in a 60-kilometre-an-hour zone, making U-turns or burning rubber, I do not understand how they can be on the road. People lose their licences through accumulation of points all the time, and those people may stray and speed occasionally, but these people who drive dangerously on purpose continue to be on our roads. I do not think we are being targeted enough, and I do not think we are using community information enough, particularly in relation to hoons. Hotspots do occur; they may be due to roadworks, particular road conditions or some other reasons. If we act more promptly and work with the community and try to stop some of this dangerous behaviour, we will get a better result.

Those are my very brief comments, member for Mandurah.

**Mr P.B. Watson:** You've used eight minutes.

**Ms R. SAFFIOTI:** It was eight minutes, but two minutes of that was a bit of repartee at the beginning.

As I said, this is a serious issue. We all want to try to reduce death and trauma on our roads. I do not think enough is being done. We can be smarter, more effective and more targeted in what we do, to try to ensure that the people who should be losing their licences actually lose their licences, and the people who should be taken off the roads are actually taken off the roads. As I said, I am always amazed that some people are still on the roads when it is clear that they have absolutely no respect for the rules and also, most importantly, no respect for the lives of the people who share the roads they drive on.

**MR J.H.D. DAY (Kalamunda — Acting Minister for Road Safety)** [8.42 pm] — in reply: I thank members of the opposition for their support for and comments on the Road Traffic Legislation Amendment Bill 2014. It has been quite a wideranging debate, raising a variety of issues on road safety. The purpose of the bill is quite specific. It is mostly to enable an increase in the penalties for some offences. It is important to remember that increased penalties for a range of road traffic offences came into effect about two months ago. To achieve some of the intended increases, it is necessary to pass this legislation, in addition to the regulation changes that took effect a couple of months ago.

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Specifically, the bill increases the maximum modified penalty that can be applied under the Road Traffic Act from 20 penalty units, which is the equivalent of \$1 000, to 40 penalty units, which is the equivalent of \$2 000. That is provided for in section 102 of the act. This will allow the proposed penalty for drivers speeding in excess of 40 kilometres an hour above the speed limit to increase from \$1 000, as it is at the moment following the changes a couple of months ago, to \$1 200, and will also introduce a \$1 200 penalty for the new offence of deliberately obscuring a numberplate. The bill also allows for future growth in the modified penalty for developing road safety issues by allowing for a penalty of up to \$2 000. That is not intended to be put in place at the moment, but as time goes on there will presumably be some further increases.

Secondly, the bill enables an increase in the maximum penalties that can be imposed by a court for offences made under the regulations from 24 penalty units, or \$1 200, to 64 penalty units, which is the equivalent of \$3 200, for a first offence, and from 48 penalty units, or \$2 400, to 96 penalty units, or \$4 800, for a subsequent offence. That is provided for in section 111 of the Road Traffic Act. This change will allow an increase in the maximum penalties for speeding by light and heavy vehicles from the current level of \$1 200 to \$3 200, and an increase in the maximum court-imposed penalties for the non-use of restraints or the non-wearing of motorcycle helmets from \$1 200 to \$2 800. The latter examples that I gave are in the case of penalties imposed by a court, when an alleged offender opts to have their case heard by a court. The earlier examples are in cases when a driver receives and acts upon a traffic infringement notice.

Thirdly, the bill contains some consequential amendments to the Road Traffic (Administration) Act 2008, the Road Traffic (Authorisation to Drive) Act 2008 and the Road Traffic (Vehicles) Act 2012, referring to the location of certain provisions, and deletion of an obsolete provision. They are really technical changes to ensure that the legislation is effective and logical.

I will now respond to some of the specific issues raised by members in debate. A couple of members raised the issue of not being able to obtain an extraordinary driver's licence in the case of suspension for acquiring an excessive number of demerit points. I am advised that that is the case, and that it applies because, when drivers are facing the loss of their licence due to excessive demerit points, they can elect to go on the good behaviour program, which applies for a 12-month period. If in that period they incur no more than one demerit point, they will not lose their licence. On the other hand, if they incur two or more demerit points during that period, they will lose their licence for double the suspension period. This is the so-called double-or-nothing provision that, if I remember rightly, was introduced in the time of the previous government, I am sure with opposition support.

**Mr P.B. Watson:** There's a time limit for when you have to put in for that. Is that where my constituent slipped up—she did not get in in time to claim that, so she had to take the three months?

**Mr J.H.D. DAY:** Yes.

**Mr P.B. Watson:** Thanks, minister.

**Mr J.H.D. DAY:** I go now to the issue of failing to keep left, and what penalties apply in that situation. The current regulation is that drivers need to keep left on a road with more than one lane, where the speed limit is 90 kilometres an hour or more.

**Dr K.D. Hames:** Ninety? I thought it was 80 kilometres an hour.

**Mr J.H.D. DAY:** Ninety kilometres an hour is what I am advised. Drivers also need to keep left if there is a "Keep left unless overtaking" sign, which makes sense. The penalty for this offence has not been increased in recent times. It is two demerit points and a \$50 fine. I do not think that is a major road safety issue; it is certainly a driving annoyance issue and can potentially lead to a road safety issue, but it is certainly not a high-level road safety offence.

There was also the issue raised by the member for Mandurah about motorcycles not having front numberplates. The suggestion was made that motorbikes are required to have some identification on the front in other states of Australia. I am advised that that is not the case and, in this state at least, front numberplates have not been required since the 1970s. That is because, given the design of motorbikes these days, it is very difficult to fit them in some cases and, as I understand it, it could cause some instability. Motorbike design has changed substantially in recent years and certainly since the 1970s. I am advised also that although there has been consideration nationally to requiring some other form of identification, including a sticker on the front of bikes, a solution has not been found that could be universally achieved because, unfortunately, a location is not available on all motorbikes.

**Mr D.A. Templeman:** I am surprised that we don't have something like the toll road e-tag technology, which gives cameras the capacity to pick up a tag or an identity. That technology is a small, scannable panel that would surely solve the problem. I am surprised that hasn't happened.

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**Mr J.H.D. DAY:** I think that is a valid point. I gather it is known as RFID, which I think stands for radio frequency identification. It has been considered. I am not sure whether it is being actively considered at the moment, but I think it is something that should be further considered in this state, if not at a national level. I am sure that the officers who are here will take back that message and ensure that some further consideration is given to this issue.

It is also relevant to note that speed cameras at least can, and some speed cameras do, take photographs from the rear, which is relevant to motorbikes, obviously. Owner-onus legislation is in effect in this state, but it needs to be strengthened, and I think there is general acceptance of that. We are waiting for a draft cabinet submission to come from police for that to be further dealt with.

The member for Mandurah also raised the question of what distractions attract a penalty.

**Ms R. Saffioti:** Kids are the most distracting in the car.

**Mr J.H.D. DAY:** They can be and have caused major crashes in the past. Drivers, obviously, need to be focused and attentive. That is an ongoing issue. Specifically in relation to technology, the use of display units that are visible to the driver constitutes a distraction; for example, TV screens or DVD players, if people are stupid enough to have them in the front of their cars, would be an offence. Mobile phones are regarded as a distraction. Everything except making and receiving a call and using it as a GPS device will be an offence, unless the destination has been inputted in advance and the driver does not need to touch the screen while driving.

**Ms R. Saffioti:** If you're looking at the phone, that's okay?

**Mr J.H.D. DAY:** If one is looking at a GPS device.

**Ms R. Saffioti:** You can look at the GPS on your phone but you can't touch it; fair enough. You can't input, but if you're looking at it, it's okay?

**Mr J.H.D. DAY:** It is the same as though one is looking at any other GPS device if it is appropriately located in the vehicle.

**Ms R. Saffioti:** It's bizarre.

**Mr J.H.D. DAY:** It is acting as a GPS device, so it is effectively the equivalent of a dedicated GPS device, some of which are built into cars these days.

**Ms R. Saffioti:** I think the whole mobile thing is a bit tricky, as in the consistency of —

**Dr A.D. Buti:** We all need to be chauffeured around.

**Mr J.H.D. DAY:** I can assure the member for Armadale that, by choice, I am not chauffeured around all the time, although sometimes I am. It is my observation that trying to use a mobile phone as a GPS device while driving is potentially a recipe for disaster. It is my observation that they are not always accessible or easy to see.

There is the question of what trends have been seen in deliberately obscuring numberplates, which has been introduced as quite a high-level offence, and with the enactment of this bill, the penalty will be \$1 200. It is now \$1 000 and applies when people deliberately take action to obscure a numberplate. That has been a trend in recent times, which is why action is needed. For example, firstly, people add tape to the numbers on their numberplates to alter the number that is recorded; secondly, there are examples of people bending the numberplate so that they cannot be properly photographed or recorded; and, thirdly, some offenders have fitted devices that flip the numberplate when a driver sees a speed camera. There are examples of that; in fact, I was involved in a media event to publicise this issue six or eight weeks ago at the traffic operations centre in Midland when some examples were shown of that deliberate obscuring. That is an important change that has been introduced.

The member for Gosnells raised the issue of aggressive behaviour—road rage—type activities. I am advised that section 78A of the Road Traffic Act provides for road rage as, potentially, an impounding offence. That is something some people should keep in mind.

The question was raised by the member for Mirrabooka, the member for Kwinana and, I think, the member for Fremantle about what evidence there is to show that increasing penalties leads to a change of behaviour. Firstly, it is worth observing that some of the penalties that have been increased in the last couple of months had not changed since 1997, so I think, intuitively, we should expect there will be some increase to take account of inflation in that time as a greater level of deterrence. More specific evidence, I am advised, is that an examination of speeding offence numbers before and after the 2007 penalty changes showed that there was at

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least a 15 per cent reduction in speeding violations in the first year and a 10 per cent reduction in the second year.

**Mr P. Papalia:** Can you table that analysis, please?

**Mr J.H.D. DAY:** I do not have it with me.

**Mr P. Papalia:** It is okay for advisers to advise you of that and the claim be made, but without the opportunity to analyse it ourselves, we can only take your word for it. It is not your integrity I am questioning —

**Mr J.H.D. DAY:** I understand that; all I can do is provide the information I have been given. I do not have the research to table, but if that is reasonably available —

**Mr P. Papalia:** I think it's a reasonable request.

**Mr J.H.D. DAY:** That can be attended to at a later time if it is available.

I am also advised that the number of deaths in crashes in which non-restraint wearing was a factor has fallen 35 per cent since early 2008 when the restraint penalty was raised to \$500. I well recall that was done when Alan Carpenter was Premier. The member for West Swan will probably remember that. I regarded it as quite a savage increase and wondered whether it was justified in going up to the extent it did. Clearly, people need to be encouraged and required to wear seatbelts, but it was a substantial increase then. The advice I have is that there has been a 35 per cent reduction in fatalities related to that issue since that time.

That deals with most of the issues raised. The government is relying on other mechanisms to address deaths and serious injuries. Obviously, a penalty regime is part of the response but it is only a part. There needs to be an adequate—ideally a high—level of enforcement activity on the roads by police. There are targeted campaigns and there is a major presence on the roads, albeit they cannot be everywhere. I think all of us would like to see the police in places where they are not sometimes. I share the concern of the member for West Swan in her comments about hooning activity. I would like there to be a greater impact on reducing that completely unacceptable behaviour. My recollection is that the police have recently acquired additional covert camera systems and will use them, so that will hopefully have the desired effect.

Wider than that activity, there also needs to be a substantial level of public education campaigns. I think that we could be doing more in that area, and I am sure that that will be considered in the early part of 2015, with advice provided by the Office of Road Safety and no doubt considered by the Minister for Road Safety. We have had some substantial public education campaigns in the past and some are underway at the moment, but perhaps we could be doing more in that respect. Programs are also provided through schools, regional community networks and so on.

The final issue I will comment on is the road trauma trust account and the amount of funds that flow into that account. As is well recognised, all of the money from red-light and speed-camera fines goes into the road trauma trust account. In the current financial year, about \$101 million is budgeted to be expended out of the account, and that compares with revenue into the account of about \$90 million. In the current financial year, it is expected that more than the total amount of revenue going into the account will be spent. That will therefore draw down the balance of the account to some extent. I accept that there will still be a balance.

**Ms R. Saffioti:** How much will the balance be?

**Mr J.H.D. DAY:** I do not have that figure at the moment. I think the member said that it was about \$80 million.

**Ms R. Saffioti:** No, I did not, but I think that is what the figure is.

**Mr J.H.D. DAY:** I do not have that figure. Obviously, it is the case that when the money is there and unspent, it has a positive impact on state debt levels, which is an ongoing issue for the state, but action has been taken to ensure that more than the amount flowing into the account will be expended this year. We need to have a regime whereby the funds are effectively spent. A review has been undertaken by Peter Browne Consulting, which has made recommendations about changes to the governance of the whole account, bearing in mind that when it was established, the amount of funding going into it was far less than is the case at the moment. It has become a much bigger system than I think was envisaged 15 or 20-plus years ago.

**Ms R. Saffioti:** You changed the whole model.

**Mr J.H.D. DAY:** Yes, the whole model has changed, and the governance model needs to change and that is happening.

**Extract from *Hansard***

[ASSEMBLY — Tuesday, 25 November 2014]

p8682d-8718a

Mrs Michelle Roberts; Mr David Templeman; Mr Peter Watson; Mr Dave Kelly; Dr Tony Buti; Mr Chris Tallentire; Ms Janine Freeman; Ms Simone McGurk; Mr Roger Cook; Acting Speaker; Ms Rita Saffioti; Mr John Day

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With those comments, I again thank members of the opposition for their support for the bill. Because the member for Midland is not in the chamber, I have agreed that we will not proceed with the consideration in detail stage this evening.

Question put and passed.

Bill read a second time.