

**ROAD SAFETY COUNCIL BILL 2001**

*Second Reading*

Resumed from 11 April 2002.

**HON DEE MARGETTS** (Agricultural) [10.46 pm]: I am not the lead speaker for the Greens (WA) on this Bill, but I will speak until the lead speaker for the Greens arrives in the Chamber.

Hon Ken Travers: Tell us about road safety in the meantime.

Hon DEE MARGETTS: I will talk about road safety because obviously it is one of the important issues that we deal with in this Chamber. This legislation is relatively uncontentious. The main contention for the Greens is the hour at which we are asked to consider it. I believe our lead speaker, Hon Jim Scott, is on his way to the Chamber and I am sure he will have a lot more useful information than I have to give the Chamber on this issue.

**HON J.A. SCOTT** (South Metropolitan) [10.47 pm]: I have already spoken in the second reading debate on this Bill. I am waiting for the next stage.

**HON N.D. GRIFFITHS** (East Metropolitan - Minister for Racing and Gaming) [10.48 pm]: It is a great delight to be talking about this Bill, which is essentially non-contentious. I thank honourable members for their contributions. They made a number of observations about the issues concerning road safety. Their contributions were extremely positive and were for the most part interesting and instructive to those who may read *Hansard* in future and take note of what has been said. I am sure the minister in the other place is extremely interested in the observations of honourable members. I thank them for their support of the Bill and I look forward to the Bill becoming law as soon as that can be reasonably achieved.

Question put and passed.

Bill read a second time.

*As to Committee Stage*

**HON ALAN CADBY** (North Metropolitan) [10.49 pm]: I seek the leave of the House to make a brief statement that will help us to move straight away through the further stages of the Bill.

Leave granted.

Hon ALAN CADBY: The Opposition supports the Bill. As the House is well aware, we have been trying to have this Bill passed for a considerable time. We therefore want to move through the final stages of the Bill without going through the committee stage.

The PRESIDENT: There is an opportunity to move in that way but a member has indicated that he wants to raise a matter in committee and we will therefore have to proceed to the committee stage.

*Committee*

The Chairman of Committees (Hon George Cash) in the Chair; Hon N.D. Griffiths (Minister for Racing and Gaming) in charge of the Bill.

**Clauses 1 to 5 put and passed.**

**Clause 6: Membership -**

Hon J.A. SCOTT: This clause describes the membership of the council appointed by the minister. Under subclause (1), the council is to consist of -

- (a) a person to be the chairman of the Council;
- (b) a person to represent users of roads;
- (c) a person to represent local government . . .
- (d) a person employed in the department of the Public Service . . .
- (e) a person nominated . . . by the Minister administering the provisions of the *Road Traffic Act 1974* . . .
- (f) a person nominated under subsection (3) by the Minister administering the *Police Act 1892*;

Members will also be nominated to represent the School Education Act, Health Act, Main Roads Act, Transport Co-ordination Act, Western Australian Planning Commission Act, and Insurance Commission of Western Australia Act.

Hon Dee Margetts; Hon Jim Scott; Hon Nick Griffiths; Hon Alan Cadby; President; Hon Murray Criddle; Hon Barry House; Hon John Fischer

---

The proposed membership of this council seems to include a number of planning people and people more specifically outlined in subclauses (2) to (7). Subclause (2) states -

For the purposes of subsection (1)(e) the person nominated by the relevant Minister must be either the chief executive officer of the department of the Public Service principally assisting in the administration of the provisions of the *Road Traffic Act 1974* that section 5 of that Act defines as the “licensing provisions of this Act” or an officer in that department whose duties relate to driver or vehicle licensing.

Subclauses (3), (4) and (7) deal with people whose duties relate to road safety. Although some members will represent planning, transport, policing and schools, I cannot see that any member will consider the needs of pedestrians and cyclists. Recent road safety figures show that the rising area for injuries and deaths is among pedestrians. I note that subclause (1)(g) states -

a person nominated under subsection (4) by the Minister administering the *School Education Act 1999*;

Could somebody with expertise in pedestrian safety be included under that subclause? The council provides for a member to represent the School Education Act in order for that person to raise issues about the safety of kids crossing roads and the education of children about the safe use of roads. Subclause (1)(d) states -

a person employed in the department of the Public Service principally assisting the Minister in the administration of this Act whose duties relate to road safety;

I ask the minister to give some indication about whether this or another subclause could be used to consider the perspective of cyclists and pedestrians, because an increasing number of these people are being injured. Unless people with that expertise are involved in some way in this decision-making process, we will not get the best decisions. All other interests seem to be well represented, but those two important areas do not seem to be represented. I ask the minister to comment on how those areas could be catered for.

Hon N.D. GRIFFITHS: This Bill proposes to increase the composition of the council from nine members to 12. The additional members are set out in clause 6(1)(d), (j) and (k). The honourable member has referred to categories of persons whom he thinks should be represented or capable of being represented on this council. Relevant issues that arise about pedestrians, schoolchildren, cyclists and the like will be properly accommodated by the composition of the council as proposed in the Bill. One could argue that those issues are properly dealt with by the current council. I point out that clause 6(1)(b) states -

a person to represent users of roads;

That is a wide term and could be almost anybody. Any of the people nominated will presumably be capable of being a pedestrian, although some may not because of a particular condition. The chairman of the council could arguably be someone with that sort of expertise. Subclause (1)(g) provides -

a person nominated under subsection (4) by the Minister administering the *School Education Act 1999*;

The definition of education matters is fairly wide in this context. It does not just involve the physical use of the road by pedestrians or cyclists but also includes education on issues such as future use of the road, use of the road as a passenger in a motor vehicle, and the wearing of seatbelts. In any event, I am advised that the current council, and I have no reason to envisage that this would change, takes advice from specialist task forces, one of which is called the vulnerable road users task force, which includes cyclists and pedestrian interests. The good that the member seeks to promote is capable of being catered for in the wording as it is now. In any event, it is catered for in practice and it is intended that it continue to be catered for.

Hon MURRAY CRIDDLE: This is an issue that should have a bipartisan or many-party approach. We need to ensure that we reduce the carnage on our roads. I was disappointed to hear the minister in the other House try to claim all the accolades for everything that has happened in road safety over the past five years by saying they were her recent achievements. The restrictions on the use of mobile phones in vehicles, the introduction of 40-kilometre-an-hour zones and black spot funding all were put in place before the minister came along.

Hon N.D. Griffiths: Let us be bipartisan and not refer to matters in the other House.

Hon MURRAY CRIDDLE: I had to point that out to balance the ledger.

Hon N.D. Griffiths: I do not know what was said in the other House.

Hon MURRAY CRIDDLE: I will get back to the issue at hand. Speaking of pedestrians, the membership of the Road Safety Council comprises a number of people who would, I imagine, have spent a lot of time using pavements and crosswalks.

Hon N.D. Griffiths: That is not guaranteed.

Hon Dee Margetts; Hon Jim Scott; Hon Nick Griffiths; Hon Alan Cadby; President; Hon Murray Criddle; Hon Barry House; Hon John Fischer

---

Hon MURRAY CRIDDLE: In most cases, those people would walk now and again.

A number of initiatives were taken in connection with aged people who drive as well as with pedestrians. A raft of initiatives was put in place by the Road Safety Council. That reflects the involvement in the council. The Road Safety Council does a very good job across the State because it takes the initiative to regional areas. During the second reading debate I said that the council is bureaucratically top heavy. By and large, its performance has been very good. I support this legislation. In the long run it will be of benefit to road safety.

Hon J.A. SCOTT: We have the opportunity to extend the membership of the council to people with specific expertise in protecting pedestrians. I realise there is consultation with cycling bodies, but there are many other issues. I give the example of Canning Highway in East Fremantle. There was a proposal to widen the road and put in much larger islands for the safety of pedestrians. The community and a number of experts in planning and road safety believed that that measure was wrong and that it was much better to slow down traffic by narrowing the road.

Hon Murray Criddle: If the member ever becomes a minister, he will find out that if he makes a decision that satisfies 50 per cent of people, he will have done a good job.

Hon J.A. SCOTT: I understand that is the case with that sort of decision. This State does not place the same emphasis on pedestrian safety as it does on the safety of wheeled traffic on the roads. The definition of "road" that we use is from the Road Traffic Act. It states -

**"road"** means any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island thereon;

It covers all that. There is a greater planning emphasis on people on wheels safely negotiating their way along streets and too little emphasis on the needs of pedestrians. I put on record that I do not think there is sufficient effort going into planning for pedestrians. The effort is directed towards planning for people using vehicles. Cyclists have a lobby group and it is heard. Where is the lobby group for pedestrians? There is not one. It is important that we take this issue much more seriously than we have in the past because, despite the changes that have benefited road safety in this State, the number of injuries is increasing.

Hon Murray Criddle: We used to have the TravelSmart program. It got people out walking and using public transport.

Hon J.A. SCOTT: Cutbacks to that have been a disaster. I will say more about that during the budget debate. That is the sort of thing I am concerned about. Our road safety planners do not consider the needs of people enough. There is far too little spent on that aspect. Any design improvements are usually for people with wheels rather than people with feet. I am not saying that the minister should make any changes to this; there must be a strong emphasis on pedestrian safety and safety for cyclists. Neither of those gets sufficient emphasis. Unless we do that we will not have proper road safety.

Hon BARRY HOUSE: I will not delay proceedings for long. Hon Jim Scott prompted me to respond. He said there was not a lobby group for pedestrians. Hon Murray Criddle mentioned that the Department of Transport worked hard and effectively in promoting pedestrian traffic. When we were in government I was associated with a unit in the then Ministry of Sport and Recreation called Trails West. It did not deal necessarily with pedestrian traffic, but it dealt with foot traffic. It involved all non-motorised transport including walking, bikes and horses. The focus was on recreation rather than transport for transport's sake. It was a very effective program. Hon Murray Criddle mentioned that the Department of Transport's program has been cut; so has Trails West. Its effectiveness as a unit has been severely curtailed because of a cutback in resourcing. Its ability to facilitate the development of a series of walk trails throughout the State has been severely curtailed. That is not a step in the right direction. Although I applaud road safety measures in a range of areas, we must be careful that we do not become overzealous in some other areas. The compulsory wearing of bicycle helmets has been effective in reducing the number of head injuries, but it has been disastrous in another sense because the number of people riding bicycles in this State has declined dramatically since the law came into being.

Hon Murray Criddle: Traffic-calming devices are a nuisance in some cases.

Hon BARRY HOUSE: Yes. Making the wearing of bicycle helmets compulsory is an example of a piece of legislation being counterproductive in a series of other areas. Governments must perform a constant balancing act. We need to beware of becoming overzealous in some aspects of regulations.

**Clause put and passed.**

**Clauses 7 and 8 put and passed.**

Hon Dee Margetts; Hon Jim Scott; Hon Nick Griffiths; Hon Alan Cadby; President; Hon Murray Criddle; Hon Barry House; Hon John Fischer

---

**Clause 9: Duration of appointment as member or deputy -**

Hon ALAN CADBY: Would subclause (3)(a) be used to revoke the membership of a person who had committed a serious driving offence?

Hon N.D. GRIFFITHS: The wording has to do with a person being incapable of carrying out satisfactorily the duties of a council member. I think that is a matter of judgment. The member may have an opinion. I note that he is trying to make a political point and that he has said that he was prepared to agree to proceed to the third reading stage. It seems to me that some members want to engage in endless debate for no reason. I suppose the member is getting in a bit of practice for some late nights. Good luck.

Hon ALAN CADBY: It is a pity that the minister did not take the question in the way in which it was intended. I merely asked whether the clause could be used in that way. None of us would want, and I am sure the minister would not want, a person on the council who had committed a serious driving offence. Would a person be incapable of serving on the council because of his driving record but not because he had lost his voice, broken a leg, died or whatever? I am not trying to make a political point but get a clear answer from the minister. He is very defensive.

Hon N.D. GRIFFITHS: It is not specified but is a matter of judgment. Matters would be dealt with if and when they arise. If somebody had something in his character that would impinge on his capacity to satisfactorily carry out the duties of a council member, no doubt a minister would revoke the appointment, but that is a matter of judgment. That is why we have ministers to exercise judgment.

Hon ALAN CADBY: I am not trying to be clever. Is the minister saying that somebody who has committed a serious driving offence could be a council member?

Hon N.D. GRIFFITHS: I do not think that I said that. I said that if a particular matter arose which, in the opinion of the minister, impinged on a person's capacity, the minister would take it into account and exercise judgment. The member is putting to me a hypothetical situation. The minister would presumably take the matter into account and exercise his or her mind as to whether the person was incapable of carrying out satisfactorily the duties of a council member. The member can range through a variety of circumstances if he wishes, and he is entitled to do so, but they are purely hypothetical.

Hon ALAN CADBY: I will try one more time. Is there anything in this Bill that prevents a person who has committed a serious driving offence being on the council?

Hon N.D. GRIFFITHS: There is nothing in those terms, but if it were the judgment of the minister that something impinged on somebody's capacity to carry out his duties, the minister would be able to exercise the power.

Hon Alan Cadby: It is easy, is it not, when you try?

Hon N.D. GRIFFITHS: I have given the member the same answer three times.

**Clause put and passed.**

**Clauses 10 and 11 put and passed.**

**Clause 12: Road Trauma Trust Fund -**

Hon JOHN FISCHER: One Nation supports the Bill, but there are one or two matters that I would like the minister to clarify. Before I do that, I would like to correct a member's contribution. It looks as though there will be a "quinpartisan", not a bipartisan agreement, to this Bill. Subclause (2)(a) states -

one-third of each prescribed penalty paid pursuant to a photograph-based vehicle infringement notice for an offence to which the regulations specify that this paragraph applies;

I refer the minister to the second reading speech, which states -

It enables all the proceeds from both red-light and speed camera infringements to be put towards reducing the State's road toll. Those funds will be allocated through not only the road trauma trust fund, but also a range of initiatives aimed at making our roads safer.

Could the minister outline the other range of initiatives? I would like it confirmed that all those moneys will be spent on road safety through appropriate channels.

Hon N.D. GRIFFITHS: One-third of the proceeds will go to the road trauma trust fund and the balance will be expended through the black spots program and the road enhancement program.

Hon Dee Margetts; Hon Jim Scott; Hon Nick Griffiths; Hon Alan Cadby; President; Hon Murray Criddle; Hon  
Barry House; Hon John Fischer

---

Hon ALAN CADBY: I have another simple question. Subclause (2)(a) refers to one-third. Is that one-third from the previous year or is it an estimate for the actual year; that is, is it one-third of the amount for 2001-02 or one-third of the estimated amount for 2002-03?

Hon N.D. GRIFFITHS: It is one-third for each year. If money goes into the trust fund, one-third of the money collected goes out.

Hon ALAN CADBY: In the briefing I received from the minister's adviser, he said that a budget was put in, and that the budget was then cut depending on the amount of income, for example, \$30 million.

Hon N.D. GRIFFITHS: The member will see from the budget papers that they are estimates. When the actual amount comes in, one-third of it ends up being the money that flows out. The budget estimates what the amount of money will be. There may be a rare occasion on which the precise amount of money received is the same as that budgeted. Normally, it is different. However, the amount of money that is utilised is the actual amount.

Hon ALAN CADBY: I want to reinforce this. For 2001-02, the income was \$20 million. The estimate for 2001-02 is \$47 million. For 2002-03, how much can we expect to be spent or placed into this road trauma trust fund? Is it a third of \$44 million or a third of \$20 million?

Hon N.D. GRIFFITHS: Was the member asking a question that relates to figures that were published last year, or was he making a hypothetical examination of the arithmetic?

Hon Alan Cadby: I used a figure so that it would not be hypothetical.

Hon N.D. GRIFFITHS: I am advised that this is what happens: there is a budgeted amount. Over time, one-third of whatever is received into this fund goes as set out in the legislation. Essentially it follows, with a relatively minor amendment, the current practice. By way of elaboration of a previous answer, I have been advised that there is a budgeted amount. If the actual amount received exceeds the budgeted amount, the budgeted amount only is paid out in that year. The one-third that equals the budget is allocated. The balance is retained in the trust account. However, in due course one-third of that balance is dealt with as set out in the Bill. Therefore, the money is not lost. The issue of how the specific figure operates relative to the budget and the actual amount is a budgetary question.

**Clause put and passed.**

**Clauses 13 to 15 put and passed.**

**Schedule 1 put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by Hon N.D. Griffiths (Minister for Racing and Gaming), and passed.