

**JOINT STANDING COMMITTEE ON  
DELEGATED LEGISLATION**

**ROAD TRAFFIC CODE AMENDMENT  
REGULATIONS (NO. 2) 2010**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH,  
MONDAY, 13 SEPTEMBER 2010**

**Members**

**Mr Joe Francis (Chairman)  
Hon Robin Chapple (Deputy Chairman)  
Hon Alyssa Hayden  
Hon Jim Chown  
Ms Janine Freeman  
Mr Paul Miles  
Mr Andrew Waddell  
Hon Helen Bullock**

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**Hearing commenced at 10.03 am****LEO, MRS KRISTINE****Acting Commander, Specialist Enforcement and Operations, WA Police,  
sworn and examined:****SAMMELLS, MR CHRISTOPHER****Acting Senior Sergeant, Traffic Policy Unit, WA Police,  
sworn and examined:**

**The CHAIRMAN:** I have a few formalities to start with. Thank you very much for your time. On behalf of the committee I welcome you to the meeting. Before we begin, I will ask you to take either the oath or affirmation.

[Witnesses took the oath.]

**The CHAIRMAN:** You have both signed a document titled “Information for Witnesses”. Have you read and understood that document?

**The Witnesses:** Yes.

**The CHAIRMAN:** These proceedings will be recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record, and please be aware of the microphones and try to talk into them; ensure that you do not cover them with paper or make other noises near them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your evidence is finalised, it should not be made public. I advise you that the publication or disclosure of uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. I ask my committee members to introduce themselves so you know who you are talking to.

I understand that we sent some questions through—no? Then you probably do not even know why you are here! We are looking at a particular instrument concerning child safety restraints and a few other things, and some of our members were curious as to how the police may or may not choose to try to enforce these things.

**Mr P.T. MILES:** One of my first questions relates to the new proposed laws for child restraints and also for passengers in general in motor vehicles. I guess, it is not the adult part of it, as we can tell if someone is old enough to be sitting in a car seat belt, but with the child restraints I have some concerns about how officers would know whether a child is six or seven years old, whether that child may be 20 kilos or 30 kilos and whether or not they are allowed to sit in the front seat of a vehicle. Generally, that is where some of my concerns are and it is your officers who will have to police these regulations that are coming into place.

**Mrs Leo:** I will start with the age issue. I guess, like any judgement call, the officers on the road doing traffic enforcement will have to make a call on age. If they suspect in any way that the child is not sitting in the right restraint, then they do further investigations. But, first off, they would use their own observation skills and commonsense to work out if the child is suitably restrained. On the

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issue of weight, I do not think that we are going to carry around scales; it is, again, on observations and speaking to the parent and trying to ascertain from them what the child's age is.

**Mr P.T. MILES:** That being difficult, because obviously no parent is going to be arguing with a police officer on the side of the road about whether they have a five-year-old or a seven-year-old, and these fines are quite punitive—\$500 for the first child, and then \$100 for each child after that, so it could be \$600. You could invariably have a fine of \$800 if you have three kids under the age of seven who are supposedly not appropriately restrained. That is a huge problem that I have. For instance, I have a six year old, but with two of his friends one could be quite conceivably be seen as an eight-year-old and another as young as four or five years old. This is the problem I have, because this regulation is coming in on age and I think it should be coming in on weight.

**Mrs Leo:** On the age question, again I think we are not going to demand proof of age at the time of infringing, if we do infringe. Certainly, there is the possibility of infringing at a later date after the proof of age has been confirmed. We could possibly send an infringement in the mail once the proof of age has been confirmed.

**Mr P.T. MILES:** If there was that concern, then on the road you could then ask the officer, “I will bring the birth certificate into the local police station”, or something like. Is that what you are thinking of?

**Mrs Leo:** The onus of proof of age, I am not sure if it has been put on the parent or the driver yet.

**Ms J.M. FREEMAN:** Neither.

**Mr Sammells:** Neither at this stage.

**Mrs Leo:** Certainly commonsense would prevail and you would hopefully get proof of age before you have infringed if there was a question over, “Are you six or are you seven?”

**Ms J.M. FREEMAN:** As I understand it—you can correct me if I am wrong—the necessity will be for the police officer to prove that they thought it was that age. It is not that you have reversed the onus at this point. It will not be upon the parent to prove.

**Mrs Leo:** That will be an element of the offence: the police officer has to prove the age. Of course, if the infringement is given, there is a legal process to go through court, and there may be evidence provided at that stage that will justify or negate the infringement.

**Ms J.M. FREEMAN:** Our difficulty with this is that having young children in a car at the end of the day—you have picked them up from child care or school—it is arsenic hour and they want to be fed and you are busy, and suddenly you are on the side of the road having an argument with a police officer about whether the restraint is a suitable restraint. As I understand it, “suitable” is also a subjective determination that the police officer will have to make on the side of the road at the time of stopping the car. I suppose the intention here was to understand how it is proposed that the police will police or determine these sorts of issues in regulations.

[10.12 am]

**Mrs Leo:** I am not sure if suitability of the restraints is a subjective issue. From my reading of the legislation, it is fairly well defined what levels of restraint there are. I guess if a police officer is apprehending, say, in your scenario, a mother with kids on the way home from school, it will be fairly clear whether or not they are restrained. That is my reading of the legislation.

**Ms J.M. FREEMAN:** They could be in a harness with a booster seat and that could be classified as unsuitable, could it not?

**Mrs Leo:** A harness or a seatbelt?

**Ms J.M. FREEMAN:** A seatbelt.

**Mrs Leo:** A seatbelt on its own?

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**Ms J.M. FREEMAN:** No, with a booster seat.

**Mrs Leo:** I will refer to Chris on that.

**Mr Sammells:** I guess the initial actions by the officer will be by observation. If we are looking at a child that does not appear to be safely restrained in the vehicle, then we are going to take that action a little bit further. It may not necessarily be the issue of age; it may be an issue of the child's height. If they are in, say, an adult seatbelt and that seatbelt cuts across their neck, that is going to be an obvious unsafe situation. So then the gathering of evidence would then progress from there. It is quite feasible that some children could be in a booster seat with an adult seatbelt. If that seatbelt is cutting across their neck, it is clearly unsuitable.

**Hon JIM CHOWN:** I am just wondering what the current practice is in regard to the legislation requiring child restraints now before we get into the pending restraint legislation. Would you be aware of how many fines have been imposed on unrestrained infants or young people under seven?

**Mrs Leo:** No, not at the moment.

**Hon JIM CHOWN:** How many cautions have been issued?

**Mrs Leo:** No.

**Hon JIM CHOWN:** When officers go out, why would they stop a motor vehicle? Would they stop a motor vehicle just to check child restraints, or would they be stopping a motor vehicle for other reasons and then looking at child restraints?

**Mrs Leo:** Either scenario could be possible.

**Hon JIM CHOWN:** So there are not any directions to go out and actually check child restraints outside schools or preschools or anything like that?

**Mrs Leo:** There may be a targeted campaign, like we do for every offence at some stage of the year, but it could depend on the priorities and the targets of the particular traffic unit.

**Hon JIM CHOWN:** Under your Constable Care program, do they go into schools and educate parents and children?

**Mrs Leo:** Constable Care is not actually a WA Police section; it is an incorporated body.

**Hon JIM CHOWN:** It is mainly pre-schools because most of these children are under seven.

**The CHAIRMAN:** If I can just follow on from that, Christine, you have spent at least 15 years in the police force; I can tell by your gongs. Have you ever known of a campaign to target child restraints outside a school?

**Mrs Leo:** Not child restraints specifically, no.

**The CHAIRMAN:** So targeted campaigns outside schools are generally to do with speeding in the school zone.

**Mrs Leo:** Yes.

**Mr P.T. MILES:** But this law is not in yet, so therefore the officers would not be doing a targeted campaign.

**The CHAIRMAN:** No. There was still a requirement, before this law came into force, to have them restrained properly.

**Ms J.M. FREEMAN:** No. As I understand, there is no requirement at this present time to have people restrained necessarily. Is that the case?

**Mr Sammells:** Under 12 months, it is specific for a capsule. But above 12 months, I guess it is still legally possible to have a two-year-old sitting in an adult-size seatbelt.

**Hon ROBIN CHAPPLE:** But still everybody is supposed to be restrained in a car, are they not?

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**Hon ALYSSA HAYDEN:** Yes, just by a normal seatbelt though.

**Mr Sammells:** Up to the capacity of the vehicle.

**Ms J.M. FREEMAN:** For clarity's sake, when a new law is brought in, it is often a case that you do targeted campaigns.

**Mrs Leo:** Depending on what the law is, yes.

**Ms J.M. FREEMAN:** One of the issues that came up in the other public hearing—it is an uncorrected proof that we currently have—was with respect to the size of cars and being able to get three child seats across the back of a car. It came down to a definition of what “occupied” would be. If you had children under the age of four and you could determine that the three seats were occupied because the two big car seats were taking up the space so you could not get a third one in, then you could have a child sitting in the front seat, as I understand. I could be wrong; you still might not be able to put a four-year-old in the front seat, but I think that is how it works. It came down to that issue of, again, if you are in a situation of being a parent, either male or female, and driving your child home from school, or probably child care if they are all under four, and suddenly you are in a situation of having to say to a police officer, “But technically I couldn't get the third car seat into that seat, so technically it's occupied because of those two areas.” Has there been training on that, or is it just going to be assumed that people should be able to get three seats in the back of a car?

**Mrs Leo:** Police will deal with if the seat is occupied. If there is an under four-year-old in the front, then that will be infringed.

**Ms J.M. FREEMAN:** Okay; it will just be infringed.

**Mrs Leo:** There is an element of officer discretion in each individual circumstance, but from my perspective, if we are saying there is a child under the age of four in the front, that would be infringed.

**Ms J.M. FREEMAN:** If the three back seats were occupied, so if there were —

**Mrs Leo:** Four kids under four?

**Ms J.M. FREEMAN:** Yes.

**Mrs Leo:** The same reasoning and the same infringement.

**Ms J.M. FREEMAN:** You will still infringe them if they have a four-year-old in the front.

[10.20 am]

**Ms J.M. FREEMAN:** That will also mean that if they are unrestrained in the back of something like a station wagon, if there is three children in the back, you will not be able to even put them in the back of a station wagon, if they are unrestrained.

**Mrs Leo:** If there are seats in the back?

**Ms J.M. FREEMAN:** No.

**Mrs Leo:** No seats? No, that is not restrained, either.

**Ms J.M. FREEMAN:** So it is very black and white for the police—you see it as a very black-and-white issue?

**Mrs Leo:** The legislation is black and white, and what we teach our officers is black and white. I guess I cannot comment on officers' discretion out on the street. Personally, it would be a tough call, but I guess we enforce the law as it is written.

**Mr P.T. MILES:** You were saying that there has not been any blitzing or anything done, obviously because the laws are not there yet. Once these laws come into play—I think they are looking at 1 October for these to come into play—you could then effectively have a couple of officers outside a

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couple of schools throughout the whole metropolitan area and basically just blitz people there and then; it would be a very easy target area to achieve the results required, would it not?

**Mrs Leo:** Depending on what you deem the “results required” to be.

**Mr P.T. MILES:** Infringements being issue. Clearly, a lot of parents car pool, and this would probably prevent that. A lot of parents are sometimes at the last minute running late and need somebody else to pick up their child; this would prevent that. This is where I am coming from; whilst the idea of keeping our children safe and secure is something we all want, there are a lot of parents out there who are probably not in the same situation as most of us in this room, who can afford the right sort of vehicle, the right sort of car. As you say, the law is black and white. If there are four kids in the car, only three can sit in the back. They cannot sit in the front unless they are over the age of seven.

**Mrs Leo:** Over the age of four.

**Mr P.T. MILES:** But they would still need a booster seat and all the rest of it in the front.

**Mrs Leo:** Yes, so between four and six years old, they would still need a sufficient restraint in the front.

**Mr P.T. MILES:** When I was brought up, five of us would sit in the back of the car and mum and dad would sit in the front. I know that you have had consultation within this, but we are saying to people with this law that they will have to buy a new car.

**Mrs Leo:** Or get suitable restraints, I guess.

**Mr P.T. MILES:** You would not be able to put more than three restraints in the back of a vehicle, so if you have four children and you want to go out as a family, you cannot.

**Mrs Leo:** That is right.

**Hon ALYSSA HAYDEN:** Have the police been involved in consultations on this process?

**Mrs Leo:** Yes, Chris’s unit has been the touchpoint for the consultations. I will let him talk about that, if he is aware of the level.

**Mr Sammells:** Public communication, or just with development?

**Hon ALYSSA HAYDEN:** Yes, development.

**Mr Sammells:** It was not me personally who was involved; an officer from our unit was a member of the committee that assisted in developing the package with the Office of Road Safety. I believe the former officer in charge of this section is involved with the Australian Road Rules Maintenance Group, which I believe was involved in this as well.

**Hon ALYSSA HAYDEN:** In your opinion, do you think your involvement was sufficient? In the uncorrected *Hansard* it is mentioned that there was no proper consultation between police.

**The CHAIRMAN:** I just remind committee members that if they are going to refer to uncorrected *Hansard*, they have to say so every single time. Also, that is a question that you obviously do not have to answer because it is a matter of opinion.

**Mr Sammells:** I was not personally involved, but we had somebody who was involved with the Office of Road Safety in that committee working on this legislation.

**Hon ALYSSA HAYDEN:** Okay. Thank you.

**Mr P.T. MILES:** At the moment I understand that you can have six adults or young people in a car, and providing all seat belts are being used, you could then have somebody sitting on the lap of another person in the back. Is that right?

**Mrs Leo:** No, there has to be a restraint per person, currently.

**Mr Sammells:** The current legislation?

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**Mr P.T. MILES:** Yes, that is right.

**Mr Sammells:** Providing all seating positions and all seat belts are filled, then yes, you could have other people in the vehicle.

**The CHAIRMAN:** So this will correct that? I have always found that amazing. I am not sure where you are aware, but this is the last state in the commonwealth to address this issue.

**Ms J.M. FREEMAN:** Northern Territory.

**The CHAIRMAN:** In the Northern Territory, as long as all the seats are taken, you can still have unrestrained passengers.

**Hon ROBIN CHAPPLE:** Obviously one of the issues that is a problem because of its impact but also because of what this might do is the use of private vehicles in Indigenous communities. I am well aware of places that are not on the main road system and large numbers of people travel around in vehicles, and it does lead to unfortunate accidents. A large number of children associated with families are going to be very, very limited in how they can move between communities by this legislation. It is correct at one level, but it is also an incredible impost on a very disadvantaged sector of the community. How are the police going to deal with what has inherently always been a problem, given the new regulations?

**Mrs Leo:** I agree that it is going to be a huge impost on the general community, and especially for those communities in regional Western Australia. We will deal with them the same way that we deal with people in metropolitan areas. Because of their geographical location, they are restricted in where they can go and what vehicles they can use, but we will be using the same legislation in the same manner.

**Hon ROBIN CHAPPLE:** The other point that I wanted to question was that there are some vehicles that, I believe, because of their age are not required to have seat belts. How will this law or regulation affect those vehicles?

**Mr Sammells:** I believe that in many cases child anchor points can be retrofitted to those vehicles. My understanding is that under the legislation, children under four will not be allowed in those vehicles.

**Ms J.M. FREEMAN:** Unless they have a restraint.

**Mr Sammells:** Unless there is a proper child anchor point and restraint.

**Hon ROBIN CHAPPLE:** So this will override that exemption; the exemption will not override this?

**Mr Sammells:** Yes, I believe so.

**Ms J.M. FREEMAN:** Volvos have a car seat that is completely outside of that, and somewhere I read they are okay in Queensland. In Queensland fold down seats and those restraints will be considered to be suitable. Will that be the same here?

**Mrs Leo:** I am not sure about the Volvos. I guess it is compliant with the Australian and New Zealand standards, that is what we will be judging it on.

**Mr Sammells:** It is a similar situation with the dicky seats that can be fitted to the rear of station wagons.

**Ms J.M. FREEMAN:** Some of them are not compliant?

**Mr Sammells:** If the seat is of a suitable size, then a specific child restraint can be overlooked, again, taking into account the observations of the police officer at the time about whether the restraint fits properly, is in the right position, and is fitted in a way that will save the child's life.

**Ms J.M. FREEMAN:** That comes back down to the fact that it will be the decision of a police officer versus a parent in that aspect, and it can lead to disputes between the two on the side of the

road, mostly, or just outside a school. The only way a parent will be able to question the police officer's judgment would be to challenge it in the Magistrates Court. The fine will be issued, and the only way to challenge it will be in the Magistrates Court.

**Mr Sammells:** That is correct, yes, but the proposed legislation has specific exemptions, and that would be one of them, so it would not be purely a subjective matter of a police officer looking at a car full of children and saying, "I think that's okay" or "I don't think that's okay". They would be referring back to the proposed legislation.

[10.30 am]

**Ms J.M. FREEMAN:** They are regulations.

**Mr Sammells:** If it was legal, the police officer would not take any action. If what was done was illegal, the police officer would apply discretion as to whether he would take further action. The discretion would not be based so much on the law as on the circumstance.

**Ms J.M. FREEMAN:** Will there be specific training? Correct me if I am wrong, and maybe I have this impression because of my lack of understanding, but it tends to be the case that police work in traffic early on in their service. Are they getting training about their discretion and about the suitability of those things when they are in the academy?

**Mrs Leo:** WA Police has a traffic enforcement group that consists of about 50 people in our portfolio. That is a central enforcement group. Each of the 14 districts around Western Australia—seven metro and seven regional—have their own traffic enforcement unit or group. Traffic work is probably the role of every officer on the front line, so we are talking 3 000 plus. The traffic enforcement group I have certainly does not consist of all young people. From perceptions, it may look like young people are giving infringements.

**Ms J.M. FREEMAN:** Because I look so old now!

**Mrs Leo:** I would not say it is a young officer's role to do traffic enforcement. Discretion is something that is taught for every crime or for every incident that police attend, not just traffic. Officers are taught very early on during the academy course. I do not think there is a lecture called discretion but during their course at the academy and during their probationary period they are taught that use of discretion is up to the individual.

**Ms J.M. FREEMAN:** That leads me to a substantive equity question about discretion for a newly-arrived African humanitarian who has a large number of children and does not do the forward planning when it comes to children; it is very much part of their culture. They will be faced with whether they have understood or are aware of the new legislation. I digress. Prior to our hearing attended by officers from the Office of Road Safety and the Department of Transport, I rang some of the community agencies in the area that I represent. They said that whilst communities were fully aware that they had to restrain under ones in baby capsules, the general consensus was that once they got to a certain age, a seatbelt was fine. It is a long way of asking how you ensure that that discretion also has an aspect that is equitable and takes into account backgrounds and all of those aspects of people's decision making?

**Mrs Leo:** I do not think you can. Discretion is discretion; you cannot introduce words around discretions. You have the legislation, which are the words, and discretion is something that is overlaid on that. I do not think you can overlay anything on top of discretion.

**Ms J.M. FREEMAN:** Is it not by its very nature taking into account circumstances?

**Mrs Leo:** Yes, but I am not sure how you legislate that.

**Ms J.M. FREEMAN:** I am not asking for anyone to legislate that. I am asking how you have those discussions in the academy about circumstances and judgements.

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**Mrs Leo:** Along those lines. A lot of the training in the academy is now scenario based. You will give a scenario like that. Officers use discretion for all sorts of reasons, and this is a prime example where they will. I cannot tell my traffic enforcement unit on the road to exercise that discretion because that is their choice.

**Hon ROBIN CHAPPLE:** I have two questions. One of your officers has pulled over a vehicle and there is a unsuitably restrained child in that vehicle. Mum is on the way back from day care or whatever. What does the officer do in relation to allowing the vehicle to proceed or not proceed and how does the officer deal with the one or two children who are unrestrained? Does the officer put those children in his vehicle?

**The CHAIRMAN:** They are still not suitably restrained.

**Hon ROBIN CHAPPLE:** I am trying to figure out what you do. Does the mother and her children sit by the side of the road until somebody collects them?

**Mr Sammells:** In the current regulation there is a facility for police to allow the driver to continue driving to a place of safety. That would accommodate a duty of care issue. My understanding is that that facility is carried on into the new regulations.

**Hon ROBIN CHAPPLE:** There is an exemption for people not to wear a seatbelt if they are travelling under a certain speed and moving from point to point for the purpose of delivery. Would that apply?

**Mr Sammells:** I am not too sure I understand the question. There is an exemption that enables them to travel under 25 kilometres an hour if they are doing door-to-door deliveries and they are getting in and out of the vehicle.

**Hon ROBIN CHAPPLE:** I am thinking of a young child who is helping his father deliver papers or whatever else. Can that person be unrestrained?

**Mr Sammells:** If that was the nature of the business, I believe so but only within those parameters. If the vehicle was being driven to another area exceeding 25 kilometres an hour, all occupants should be restrained.

**Hon HELEN BULLOCK:** I understand that there are no written instructions for lots of things. Sometimes we just have to use our commonsense. Is that part of your training program? When you were given a scenario in your training, did your instructor tell you to use your commonsense rather than base your action on such an instruction?

**Mrs Leo:** In my personal training I think I got told that several times but I do not think you can teach commonsense.

**Hon HELEN BULLOCK:** That is my point. We are regulating some of the commonsense.

**Mrs Leo:** I do not know if you are.

**Hon HELEN BULLOCK:** Not everyone has commonsense; that is why we put lots of things in the legislation. Anybody with those regulations and rules can make a judgement based on commonsense. Do you use that quite often in your job?

**Mrs Leo:** The traffic enforcement officer on the road would use their commonsense quite a bit.

**Hon ALYSSA HAYDEN:** During the police training you do scenario training and role plays and that is all based on your commonsense and the position of the day and what the theme is and what is happening. You are trained to use your commonsense. You are trained to use your good judgement. Surely that passes through to the rest of the stuff you do in your work.

**Mrs Leo:** Yes.

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**Hon HELEN BULLOCK:** Basically, I am saying that a lot of the scenarios we gave to you today are very unusual circumstances. They are not the same as your daily cases. Sometimes when things like that come up, you just have to use your commonsense.

**Hon JIM CHOWN:** I am a recent resident in the metropolitan area and I have noticed that when school is in recess or during school holidays, the traffic seems to dissipate considerably compared with the morning and the afternoon. When school recommences, mums and dads are racing everywhere dropping children off at preschool and kindergarten and trying to get back to work. I am very concerned about these regulations because I think they will force law-abiding citizens to break the law. As anybody who has had children attending schools in the metropolitan area knows, we do use car pooling and pick up other parents' children and drop them off and act very responsibly.

[10.40 am]

Have any studies been done on the increase in density of traffic during these times, because under these regulations, unless you have the right number of seats and the appropriate seats, you are up for a \$500 fine, as Paul said here, going up to \$800. So if you take that risk, fine; otherwise, there will be more cars on the road on an already overwhelmed traffic system in the metro area, especially outside schools.

**Mrs Leo:** I am not aware of any studies about traffic density that have been done.

**Hon JIM CHOWN:** My point is that if everybody has to drive their child to school or pick them up with the appropriate seating, the traffic density will increase, especially around those areas, so there may not be an offset for safety reasons because the denser the traffic, the more propensity there is for an accident, especially in the arsenic hour as —

**Ms J.M. FREEMAN:** The arsenic hour is at that time of the evening when they want to be fed and you want to feed them arsenic!

**Hon ALYSSA HAYDEN:** I was wondering where you got that one from!

**Ms J.M. FREEMAN:** Do not put that one in.

**Hon ROBIN CHAPPLE:** Strike that from *Hansard*, please!

**Mrs Leo:** I am not aware of any studies that have been done; I am not sure —

**Ms J.M. FREEMAN:** Have you never heard that? It is a very coined parental term.

**Hon JIM CHOWN:** But you would agree that even now around schools, preschools and kindergartens at those times of the day, the traffic is considerable.

**Hon ALYSSA HAYDEN:** And there are a lot of Taragos and four-wheel drives.

**Mrs Leo:** Yes, I think that will occur too; the change in car use will occur.

**The CHAIRMAN:** One of the questions that have been raised in the past, when we were looking at this, is what would be the situation if the parent was unable for whatever reason—put back at work—to pick their kids up from school. If I rang Robin and said, “Robin, while you’re picking your kids up, can you pick up mine” and they live only 200 metres down the road—I think someone explained a situation where it was a dead-straight road, there were no T intersections, nothing that could really cause a risk to this car if you applied the commonsense test—Robin would say, “Well, look, I can’t do it; I don’t have a spare seat.” There was a suggestion that perhaps the seat could stay with the kid. No school is going to look after 600 kids’ seats every single day; you can imagine the nightmare that would cause! So it would put us in a situation where if I could not pick my kid up from school and I could not find someone else to pick them up, because they did not have a suitable car seat, I would be asking my friend to break the law.

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**Hon ROBIN CHAPPLE:** And I would have to get a stat dec from him to identify the age of the children anyway.

**Hon JIM CHOWN:** In the United Kingdom they have a short distance exemption under these regulations for exceptional circumstances. I am unaware what a short distance is or what an exceptional circumstance is, but that would go a long way to alleviate what you are saying.

**The CHAIRMAN:** I do not want to ask you for an opinion, but you can no doubt see —

**Mrs Leo:** I can see the issue there and certainly the exemption that you just mentioned would alleviate some of those problems, if that was written into the legislation.

**Hon JIM CHOWN:** Absolutely; yes, I could not agree more.

**The CHAIRMAN:** Any other questions? Thank you very much for your time. I remind you that you will be given a proof of the transcript to correct —

**Hon JIM CHOWN:** I have one more question. Under the current seat restraint laws, could you get some statistics to us, if possible, how many cautions are issued and how many \$500 fines have been issued in the past 12 months?

**Mrs Leo:** I am not sure about cautions.

**Mr Sammells:** It may not be possible because they are not usually recorded; they may be purely verbal.

**Hon JIM CHOWN:** Okay, cautions are not recorded; fines will be fine.

**Mr Sammells:** Yes, fines—the infringements can be recorded.

**Hon JIM CHOWN:** I would appreciate that.

**The CHAIRMAN:** If they are willing to provide that later, that is fine.

**Hon JIM CHOWN:** What happens if these people cannot afford the fine?

**Mrs Leo:** They get summoned to appear —

**Mr P.T. MILES:** They lose their licences.

**Mrs Leo:** Demerit points and that sort of thing, so there is a variety of different mechanisms that may occur should they not pay it.

**Ms J.M. FREEMAN:** And at the end of the day, they may also have their car impounded if they do not pay their fine—is that the case?

**Mrs Leo:** Not for those sorts of offences.

**Hon JIM CHOWN:** So what you are saying is that in reality if somebody does not comply with these new regulations, they could be up for \$800—a mother, a young family—and they could lose their right to drive?

**Mrs Leo:** Some demerit points; an \$800 fine does not equate to all of your licence.

**Mr P.T. MILES:** It is four points.

**Hon JIM CHOWN:** It is a fine and four points; it is not “or the” or “other than”.

**Hon ALYSSA HAYDEN:** But no more.

**Mr P.T. MILES:** Commander, would you be looking at doing a blitz on this sort of thing, like you do the booze buses?

**Mrs Leo:** It is not my intention to; certainly, it is not a high priority. A lot of our philosophy with traffic policing now is intelligence-led, so we will target particular problem areas and problem offences. I am not sure that this has come out on the intelligence ratings as a problem or an identified issue for us at the moment.

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**Mr P.T. MILES:** With the stats that we have been given, it is not a big issue either; that is why we are sort of a little anti it.

**Mrs Leo:** I guess we go back to the argument that there is a need for further restraints because the current legislation as it stands does not account for two-year-olds to six-year-olds in many ways.

**Hon ROBIN CHAPPLE:** I do not think that any of us are concerned about the fact that they should be restrained, it is just that we are seeing issues here that might cause some problems.

**Ms J.M. FREEMAN:** In terms of that, do you give feedback? At the end of a period of time is there a feedback loop to road safety about the application of these regulations? How do you get that feedback from police on the beat and how is that fed back in?

**Mrs Leo:** I think any legislation—Chris may correct me—has a period of review and at those periods of review, feedback is provided through the traffic enforcement group.

**Ms J.M. FREEMAN:** I am not sure if this one has.

**Mr Sammells:** I am not too sure. I know with things such as the novice driver legislation, we have an evaluation officer who looks at novice driver issues. It would be my understanding with this legislation, these regulations, that once they are in, they are in. To a certain degree they are sort of changing definitions and filling a few holes, rather than drastically changing the legislation or the regulations in one way.

**Hon JIM CHOWN:** Could you list the priorities in regard to traffic management? Say, number one would be speeding, number two would be drink-driving, number three would be —

**Mrs Leo:** And seatbelts; they would be the top three.

**The CHAIRMAN:** Is that all? Thank you once again. I remind you that the transcript will be sent to you for correction. Until such a time as the transcript of your evidence is finalised, it should not be made public. Thank you very much for sending in that further information that was requested, that will be great.

**Hearing concluded at 10.47 am**

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