



“Hoons”

Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2004

**Legislative Assembly
Exercise LA1
(Second Reading)**

**Adapted by the Parliamentary Education Office from the
original text of the Western Australian Parliamentary
Debates, 2004**

"Hoons"

TEACHERS' NOTES

Introduction

2004 saw the introduction and passage of legislation aimed at curtailing the anti-social and dangerous behaviour of certain drivers, colloquially referred to as "hoons". Offending behaviours included illegal drag races and burnout competitions on public roads and car parks, and the vandalising of roads, driveways, and lawns by the branding of "doughnuts" or tyre-tracks on their surfaces. Community concern was reflected in letters to newspapers, talkback radio discussions, and electoral pressure on members of parliament to "do something about it". These pressures increased when a number of tragic accidents arose from such "hoonish" behaviours.

The anti-hoon legislation introduced was based on Queensland legislation and was unusually severe in that it allowed the police to immediately impound the accused's vehicle for 48 hours without the matter having gone to trial. In the case of a second offence, the courts could impound vehicles for up to three months, while in the case of a third or subsequent offence within a five-year period, the court could confiscate the vehicle.

The text of this role-play has been adapted from the Parliamentary Debates (Hansard) record of the second reading debate in the Legislative Assembly (the Lower House). It is designed for use during the school's visit to Parliament as a vehicle (no pun intended) for explaining key workings of the Parliament. However, the script and exercise can also be used by the class teacher to assist in the development of a program of learning opportunities and enriching experiences aimed at achieving the outcomes set out in the Society & Environment Learning Area of the Curriculum Framework.

Preparation for Role Play

It is important that the background information contained in the Introduction above and the glossary terms listed below be discussed with the students. Prior to the visit to Parliament, roles can be allocated and rehearsed so that the students can read them with confidence and understanding. This may assist in avoiding potential embarrassment on the part of the reader, but also enables students who do not have reading roles to better understand and follow the debate. Students should also feel comfortable in providing impromptu active support for members of their party with calls of "Hear, hear" (without barracking).

Glossary (Concepts, vocabulary within context of this exercise)

Impound	to take legal possession of (for a period of time)
Confiscate	to permanently seize for the public treasury
Motion	a formal proposal – an application for a ruling
Bill	a proposed law
Hoons	a hooligan
Burnouts	driver deliberately causing excessive noise and smoke to come from the vehicle's tyres
Circumstances of aggravation	aspects of an offence which increase its seriousness
Aye	the old-fashioned word used for voting "Yes" in Parliament
Introduction and first reading	the House formally grants permission to a Member to introduce a Bill and then the Clerk reads the long title of the Bill.
Second reading	the second reading of a passage of a Bill through a house at which time the principle or purpose of the Bill is explained and debated.
Consideration in detail	the stage at which the Bill is considered in detail, often clause by clause. Amendments to the Bill may be moved at this stage.
Third reading	the third reading debate is a summary of the preceding debates and no new matters may be introduced at this stage.

CAST SHEET
PARLIAMENTARY DEBATES EXERCISE
“Hoons”

Mr Peter McHUGH
Clerk of the Legislative Assembly

Hon. Fred RIEBELING
SPEAKER
Member for Burrup
Party affiliation: Labor

Hon. Michelle ROBERTS
Minister for Police
Member for Midland
Party affiliation: Labor

Mr John BRADSHAW
Member for Murray-Wellington
Party Affiliation: Liberal

Ms Katie HODSON-THOMAS
Member for Carine
Party affiliation: Liberal

Ms Margaret QUIRK
Member for Girrawheen
Party affiliation: Labor

Mr John D’ORAZIO
Member for Ballajura
Party affiliation: Labor

Hon. Paul OMODEI
Member for Warren-Blackwood
Party affiliation: Liberal

Mr Terry WALDRON
Member for Wagin
Party affiliation: National

Mr John QUIGLEY
Member for Innaloo
Party affiliation: Labor

LEGISLATIVE ASSEMBLY

“Hoons”

Road Traffic Amendment (Impounding and Confiscating Vehicles) Bill 2004

The following role-playing exercise can be conducted during a non-sitting day visit. It is based on the original text from the Parliamentary Debates, 36th Parliament of Western Australia, Legislative Assembly 2004. It has been adapted by the Parliamentary Education Office to suit the needs of students.

The Clerk:

A Bill for an Act to amend the Road Traffic Act 1974 to enable the impounding and confiscation of vehicles in certain circumstances.

SECOND READING (Thursday, 4 March 2004)

The Speaker (*Hon. Fred Riebeling*):

The Minister for Police and Emergency Services.

The Minister (*Hon. Michelle Roberts, Member for Midland*):

Mr Speaker, I move that the Bill be now read a second time.

This Bill targets those people who threaten other road users by holding drag races and burnout competitions on our streets. These people, commonly known as “hoons”, not only risk their own lives but also the lives of others.

The legislation amends the definition of “reckless driving” so that driving which exceeds the speed limit by 45 kilometres an hour or more is automatically defined as “reckless”. The Bill also introduces “circumstances of aggravation” which have the effect of increasing the seriousness of an offence. Such circumstances include racing another vehicle; attempting to break a speed record on a public road; or doing burnouts.

Probationary drivers convicted of aggravated offences will have their licence suspended for three months and must sit the required tests again before regaining their licence.

Of particular importance, the Bill allows the police to immediately impound an offender's vehicle for 48 hours. For a second offence, the courts can impound vehicles for up to three months. In the case of a driver who has been convicted twice in the previous five years of impounding offences, the vehicle can be confiscated. Responsibility for the costs of impounding and storing vehicles will rest with the offenders.

This is tough but fair legislation. I commend the Bill to the House.

All Members:

Hear Hear.

Member for Warren-Blackwood (*interjects - remains seated*):

Not before time.

Member for Murray-Wellington (*Mr John Bradshaw*):

Mr Speaker.

The Speaker:

The Member for Murray-Wellington.

Member for Murray-Wellington:

Mr Speaker, I move that the debate be adjourned.

The Speaker:

The question is that the debate be adjourned, Those in favour say 'Aye',
(*some members say "Aye"*).

To the contrary 'No" (*nobody says "No"*).

I think the ayes have it.

The ayes have it.

(SECOND READING DEBATE RESUMES THURSDAY 8 APRIL 2004)

Member for Carine (*Ms Katie Hodson-Thomas*):

Mr Speaker.

The Speaker:

The Member for Carine.

Member for Carine:

Mr Speaker, the Opposition will support the Bill. The minister is sending a clear message that hoonish behaviour will not be tolerated.

Mr Speaker, I would like to ask the Minister why was it necessary to specify 45 kilometres an hour over the posted speed limit as the definition of "reckless driving" in the legislation? The Road Traffic Act refers to a person who drives a motor vehicle in a manner that includes speed. That could be 10 kilometres an hour above the speed limit.

The Minister (*remains seated*):

People could argue in court that they were driving 20 kilometres an hour over the limit, but it was a fine day, the road was good, their vehicle was good, and, although what they were doing was wrong, it did not constitute reckless

driving. However, at 45 kilometres an hour over the limit, we thought it should be a given, and the onus should not be on the police to prove that it was also reckless.

Member for Carine: *(continues)*

This legislation is very similar to that in Queensland. There, during its first nine months, 663 vehicles were impounded for 48 hours; 4 vehicles were impounded for three months; and there was only one case of a vehicle being confiscated. Clearly this sends a clear, sharp message to offenders that this type of behaviour will not be tolerated. I commend the minister for taking up this initiative.

Member for Girrawheen *(Ms Margaret Quirk):*

Mr Speaker.

The Speaker:

The Member for Girrawheen.

Member for Girrawheen: Mr Speaker, I welcome this legislation. 95 per cent of road crashes involve driver behaviour as a major contributing factor. Young men between the ages of 17 and 39 account for 61 per cent of all crash deaths; and speed is a factor in 35 per cent of all fatal crashes and 57 per cent of motorcycle deaths.

Residents of my electorate have complained to me concerning the increase in reckless and dangerous driving in their locality. Letterboxes and walls are being hit, and cars are proceeding over kerbs and onto lawns that have been carefully manicured. Residents have begged me to see whether the Government can control this hooligan behaviour. I look forward to these laws radically improving the situation in our suburbs.

Member for Ballajura (*Mr John D'Orazio*):

Mr Speaker.

The Speaker:

The Member for Ballajura.

Member for Ballajura:

Mr Speaker, this legislation is about making youths responsible for their actions. These youths are normal children doing stupid things. The problem is that the stupid things they are doing do not just endanger their own lives; they endanger innocent people in the community.

At speed meetings in the Malaga industrial areas, youths pour oil on the ground before doing burnouts to enhance the smoke effects from their cars. However, when they leave, the oil remains on the ground. That is absolutely stupid. These youths must understand that big trucks deliver material to those industrial areas and could cause a major disaster if they have to brake suddenly.

I commend the legislation. It is fantastic. It is not before time. The members of my electorate absolutely support it.

Member for Warren-Blackwood (*Hon Paul Omodei*):

Mr Speaker.

The Speaker:

The Member for Warren-Blackwood.

Member for Warren-Blackwood:

I support the legislation, but let us not get too carried away with it. Although the Bill is well intentioned, there is an element of politics in it. The Labor Party wants to be seen to be tough on crime, but its history does not bear that out. Regardless of that, I support the legislation. However, I ask members to admit that members of Parliament were young once and probably did some of the very things that this Bill says we will not tolerate any more.

Member for Girrawheen (*interjects - remains seated*):

Never! Not on this side of the House.

Member for Murray-Wellington (*interjects - remains seated*):

Falling asleep at the wheel is more the Government's style.

Member for Warren-Blackwood: (*continues*)

The law must be applied in a sensible and practical way and I would like to think the officers in our Police Force would administer it with commonsense.

Member for Wagin (*Mr Terry Waldron*):

Mr Speaker.

The Speaker:

The Member for Wagin.

Member for Wagin:

Mr Speaker, the National Party will support this legislation. However, a couple of issues concern me. One is the cost of impounding, towing and storage. We were told this is to be charged at a flat rate. However, a car might need to be towed 80 kilometres in country areas. Will brackets of cost apply, or will it be a going rate?

Also impounding a vehicle following the hooning incident might provide the police a good opportunity to inspect the vehicle. The kids might have cars “souped up”. Should the cost of that inspection be borne by the driver?

Member for Innaloo (*Mr John Quigley*):

Mr Speaker.

The Speaker:

The Member for Innaloo.

Member for Innaloo:

Mr Speaker, I know from past experience as a solicitor that hoon clients could not care less if they were booked. The first thing they would want to know was for how long could they delay having to face charges. As a solicitor, I was bound to say that if the offender pleaded not guilty, the trial would be listed for nine months hence. In nine months the offender would come back with another trick to delay the matter. Perhaps they thought they could keep rolling the consequences of their conduct so far into the future that it would not have an immediate impact on their lives. I applaud the Minister for introducing this legislation.

The Minister:

Mr Speaker.

The Speaker:

The Minister for Police and Emergency Services.

The Minister:

Mr Speaker, it is great that the Labor Party, the Liberal Party, the National Party and the Independents have all supported this Bill. I think it is very good legislation and I am hopeful that it will have a very positive impact on the

community. We do not want to punish people in the community unreasonably. We want to alter their behaviour.

I thank the members for Carine, Girrawheen, Ballajura, Warren-Blackwood, Wagin and Innaloo for their contributions, and all parties and members of this House for their support of this legislation. I move that the Bill be now read a second time.

The Speaker:

The question is, That the Bill be now read a second time.

Those in favour say 'Aye' *(most say "Aye")*

To the contrary 'No'.

I think the ayes have it.

The ayes have it.

The Clerk:

A Bill for an Act to amend the Road Traffic Act 1974 to enable the impounding and confiscation of vehicles in certain circumstances.

(Presenter explains that in reality the Bill went into Consideration in Detail, after which it went on to its Third Reading.)