



# ***“Hoons”***

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

### ***Legislative Assembly Exercise LA PS (Second Reading)***

***Adapted by the Parliamentary Education Office from  
original texts 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. It is particularly important that roles be allocated and rehearsed prior to the visit to Parliament so that the students can read them with confidence and understanding. This not only avoids potential embarrassment on the part of the reader, but also enables those 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 for a period of time
Confiscate	to seize permanently 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
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 [not covered in this role-play]	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 [not covered in this role-play]	the third reading debate is a summary of the preceding debates and no new matters may be introduced at this stage.

**CAST LIST (in order of speaking)  
PARLIAMENTARY DEBATES EXERCISE  
“Hoons” LAPS**

**Mr Peter McHUGH  
Clerk of Legislative  
Assembly**

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

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

**Ms Margaret QUIRK  
Member for Girrawheen  
Party affiliation: Labor**

**Hon. Michelle ROBERTS  
Minister for Police  
Member for Midland  
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 BRADSHAW  
Member for Murray-  
Wellington  
Party affiliation: Liberal**

**Mr John QUIGLEY  
Member for Innaloo  
Party affiliation: Labor**

**Non-speaking roles:  
Serjeant-at-Arms  
x2 Hansard Reporters**

## LEGISLATIVE ASSEMBLY

### “Hoons” PS Exercise 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 and 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 defines the word “reckless” as, - *driving above the speed limit by 45 kilometres an hour or more*. The Bill also identifies other dangerous driving behaviour which adds to the seriousness of the offence. These actions include racing another vehicle; attempting to break a speed record on a public road; or doing burnouts.

“P” plate drivers convicted of these extra offences will lose their licences for three months and will need to re-sit and pass their tests before driving again.

Of particular importance, the Bill allows the **police** to immediately lock up an offender's vehicle for 48 hours. For a second offence, the **courts** can order the lock-up of vehicles for three months. Offenders will have to pay for the cost of locking-up and storing vehicles. If a driver is convicted twice in five years of these types of offences, the vehicle can be sold and the government keeps the money.

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

**All Members:**

Hear Hear.

**Member for Warren-Blackwood** (*interrupts - 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"*).

Those against say '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 we will not put up with hoonish behaviour.

Mr Speaker, I would like to ask the Minister why does the Bill state that 45 kilometres an hour over the speed limit is the definition of “reckless driving”? Surely even 10 or 20 kilometres an hour above the speed limit is still speeding!

*(stay standing)*

**The Minister** (*remain 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 was not reckless driving. However, at 45 kilometres an hour over the limit, we think it is clear that driver behaviour is absolutely reckless.

**Member for Carine:** *(continues)*

This legislation works. In nine months in Queensland, 663 vehicles were locked up for 48 hours; 4 vehicles were locked up for three months; and there was only one case of a vehicle being sold. Hoons got the message. I commend the minister for this plan.

**Member for Girrawheen** *(Ms Margaret Quirk):*

Mr Speaker.

**The Speaker:**

The Member for Girrawheen.

**Member for Girrawheen:**

Mr Speaker, I welcome this Bill. 95 per cent of road crashes involve driver behaviour as a major cause. Young men account for 61 per cent of all crash deaths.

People in my electorate have complained to me about the increase in reckless and dangerous driving in their area. Letterboxes and walls are being hit, and cars are mounting kerbs and ripping up people's lawns. Residents have begged me to get the Government to control this hooligan behaviour. These laws will radically improve 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 Bill makes youths responsible for their actions. These youths are normal children doing stupid things. The problem is that the stupid things they are doing endanger innocent lives.

At speed meetings around industry sites in Malaga, youths pour oil on the ground before doing burnouts to increase the smoke effects from their cars. However, when they leave, the oil remains on the ground. That is absolutely stupid. Big trucks deliver material to those areas and it 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:**

Let's not get too carried away with this Bill. 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 of Parliament to remember that they were young once and they probably did some of the foolish things that this Bill says we will not tolerate any more.

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

Never! Not on this side of the House.

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

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

**Member for Warren-Blackwood:** *(continues)*

The law must be applied sensibly and I would like to think that police officers will do so 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 locking-up, towing and storing vehicles. We were told these costs were to be charged at a flat rate. What if a car needs to be towed 80 kilometres in the country? Will towing still be charged at a set rate per kilometre or will a scaled rate be used?

Also locking-up a vehicle after a hooning incident might give the police a good chance to inspect the vehicle. The kids might have cars "souped up" and an inspection would locate any illegal modifications. Will the offending driver pay for these inspections?

**Member for Innaloo** *(Mr John Quigley):*

Mr Speaker.

**The Speaker:**

The Member for Innaloo.

**Member for Innaloo:**

Mr Speaker, I know from my work as a solicitor that hoon clients could not care less if they were booked. The first thing they want to know is for how long

can they put off having to face charges? As a solicitor, I had to tell them that if they pleaded not guilty, the trial would be listed for nine months later.

After nine months the offender would come back with another trick to delay things. They try to push the matter way into the future so it won't impact on their lives. I applaud the Minister for introducing this Bill.

**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 believe that it will have a very helpful impact on the community. We do not want to punish people unfairly. We want to alter their behaviour.

I thank the members for Carine, Girrawheen, Ballajura, Warren-Blackwood, Wagin and Innaloo for their speeches, 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")

Those against say "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 the Bill went into the Consideration in Detail stage, after which it went on to its Third Reading.)*