



“Hoons”

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

**Legislative Assembly Exercise
(An exercise designed to outline the passage of
legislation through the lower House.)**

Hoons LA2

(with Consideration in Detail stage)

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

TEACHERS' NOTES

PASSAGE OF LEGISLATION EXERCISE

"Hoons"

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 in response 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 going 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 offence within a five-year period, the court could confiscate the vehicle.

While the hoon drivers are generally male, this is not a gender specific issue as female passengers in these cars have been killed in drag races and, indeed, any innocent member of the public may be at risk. At the time the legislation was before the Parliament, discussion with some Year 11 boys indicated that many of them felt that this legislation was outrageous. They were indignant and felt threatened by it and saw little correlation between the behaviour of hoons and the proposed punishments. The passions raised in this discussion indicated that this topic was worth using as a vehicle (no pun intended) for teaching the legislative process.

How to use the script

It is important that the background information contained in the Introduction above and the glossary terms listed below be discussed with the students. You may wish to allocate roles and rehearse prior to the visit to Parliament so that the students can read with confidence and understanding.

Language – concepts and vocabulary within the context of this exercise

Impound	to take legal possession of
Confiscate	to seize for the public treasury
Motion	a formal proposal – an application for a ruling
Bill	a proposed law
Explanatory memorandum	a paper which explains the purpose and details of bills or regulations, usually in a simple and less technical way.
Hoons	a hooligan
Burnouts	driver deliberately causing excessive noise and smoke to come from the vehicle's tyres
Testosterone-charged males	boys trying to prove their manhood. "Hormone-charged"
Not a whit	not at all; no concern
Gratuitously	unjustifiably or unreasonably
Dissentient voice	a call of disagreement; some-one objects
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 (Lower House)	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.
Notice paper	a document issued each sitting day which lists all outstanding business before the House.
Concurrence	agreement

**CAST LIST (in order of speaking)
PARLIAMENTARY DEBATES EXERCISE
“Hoons” LA2**

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

Ms Margaret QUIRK
Member for Girrawheen
Party affiliation: Labor

Mr Tony McRAE
ACTING SPEAKER
Member for Riverton
Party affiliation: Labor

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

Mr Peter McHUGH
Clerk of Legislative Assembly

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

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

Mr Terry WALDRON
Member for Wagin
Party affiliation: National

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

Mr John QUIGLEY
Member for Innaloo
Party affiliation: Labor

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

LEGISLATIVE ASSEMBLY

“Hoons”

Road Traffic Amendment (Impounding and Confiscating Vehicles) Bill 2004

(WA Parliamentary Debates 2004, Thirty Sixth Parliament, Second Session)

The following script is based on the original text from the Parliamentary Debates. It has been adapted by the Parliamentary Education Office to suit the needs of students.

INTRODUCTION AND FIRST 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 a Bill for an Act to amend the Road Traffic Act 1974 to enable the impounding and confiscation of vehicles in certain circumstances be introduced and read a first time, and I present a copy of the Bill and explanatory memorandum.

(Minister hands a copy of the Bill and explanatory notes to an attendant in the Chamber who will take it to the Clerk.)

The Speaker:

The question is that the Bill be read a first time. 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.

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, and to make related amendments to the -

- Unclaimed Money Act 1990; and
- Road Traffic (Drivers’ Licences) Regulations 1975

(SECOND READING)

The Minister:

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

I am pleased to introduce legislation to the House designed to target “hoons” who threaten other road users by their continual disregard for road rules and safety. These individuals not only risk their own lives but also the lives of their passengers and others.

The Bill amends the definition of “reckless driving” to include speeding that exceeds the posted speed limit by 45 kilometres an hour or more. There can be no justification or excuse for a person driving at 95 kilometres an hour in a 50 zone or 155 kilometres an hour on a country road.

The Bill toughens existing legislation by including penalties for racing another vehicle, attempting to break a speed record and for creating excessive noise and smoke by doing burnouts.

Probationary drivers convicted of such offences will have their licence suspended for three months and must reapply and sit the required tests to regain their licence. The Bill empowers the police to immediately impound an offender’s vehicle for 48 hours. The courts will be able to impound vehicles of repeat offenders for up to three months and, if in the preceding five years the driver has been convicted of two previous 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.

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. In enacting legislation to impound vehicles for 48 hours, it is essential to know that this legislation clearly deals with persistent and repeat offenders, not first-time offenders.

This legislation is very similar to that adopted in Queensland. There, during the first nine months following its introduction 663 vehicles were locked up for 48 hours; 4 vehicles were impounded for three months, and only one case saw a vehicle being confiscated. This kind of legislation sends a clear message to offenders that such 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 road crash deaths; and speed is a factor in 35 per cent of all fatal vehicle crashes and 57 per cent of motorcycle fatalities.

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 careering over kerbs and onto lawns and footpaths. Residents have implored 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 just 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 any sudden breaking can cause danger; even a major disaster.

I commend the legislation. It is fantastic. It is not before time. The members of my electorate are absolutely supportive of 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):
Never! Not on this side of the house!

Member for Murray-Wellington (interjects):
Falling asleep at the wheel is more the Government's style!

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? We need to check that matter.

Also, the kids might have non-compliant cars with illegal modifications. Impounding a vehicle following a hooning incident might provide a chance for police to inspect the car. Should the cost of that inspection be borne by the driver?

Let's face it though; youngsters like to have a go in their cars. More opportunities should be provided for this to happen in a controlled environment. Such provisions would complement what the minister is trying to do with this legislation.

Member for Innaloo (Mr John Quigley):

Mr Speaker.

The Speaker:

The Member for Innaloo.

Member for Innaloo:

Mr Speaker, the Scarborough beachfront is in my electorate. Over the years the combination of large car parks, alcohol outlets and testosterone-charged males has seen up to 100 vehicles gather there at weekends. Oil is poured on the road and the hoon behaviour begins. Not matter how many police are sent to the beachfront it never worries these people a whit if they got booked. I know from my experience as a solicitor that the first thing clients want to know is for how long can charges be delayed.

As a solicitor, I will indicate that if the offender pleads not guilty, the trial will be listed for nine months hence. In nine months the offender comes back with another trick to further adjourn the matter. They try to keep rolling the consequences of their conduct so far into the future that it will not have an immediate impact on their lives.

I applaud the Minister and the Government for the introduction of this legislation. It will be a great benefit to the community I represent.

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 signified their support for this Bill. I think it is very good legislation and I am hopeful that it will have a very positive impact on the community. The member for Carine highlighted the fact that in Queensland, similar legislation is having the desired effect. We do not want to punish people in the community gratuitously; 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 support of this legislation. I move the bill be read a second time.

The Speaker:

The question is that the Bill be read a second time.
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.

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, and to make related amendments to the -

- Unclaimed Money Act 1990; and
- Road Traffic (Drivers' Licences) Regulations 1975

The Speaker:

Is leave granted to proceed forthwith to the third reading stage?

Member for Carine:

No.

The Speaker:

Leave is not granted. We now proceed to consideration in detail.

(CONSIDERATION IN DETAIL)

The Speaker leaves his chair and the Member for Riverton moves into the lower central position as Acting Speaker. The minister in charge of the Bill (Minister for Police and Emergency Services) moves to the Table of the House. Two ministerial advisers arrive to sit with the Minister.

Acting Speaker (*Mr Tony McRae, Member for Riverton*):

I note that there is only one amendment (to Clause 12: Section 80) on the Notice Paper in the name of the Member for Carine. The motion is that Clauses 1 to 11 be accepted as printed.

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.

Now to Clause 12. The Member for Carine.

Member for Carine:

Thank you Mr Acting Speaker. Proposed section 80J refers to "disposing of vehicles and items therein". Minister, does the property or "item" mean the vehicle itself or are we talking about someone's university books or something else in the vehicle?

(The Minister confers with the ministerial advisers.)

The Minister:

This refers to the ownership of the vehicle. However items within the confiscated vehicle are also under the control of the Commissioner of Police.

To clarify this for the Member for Carine and for the bill itself, I move -

Page 18, after line 22, to now read as the following -

"**item**" means an item that was in or on a confiscated or uncontrolled vehicle at the time when the vehicle was impounded under section 79.

Acting Speaker:

The motion is, that Clause 12 - Section 80J, as amended, be agreed to.

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

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

I think the ayes have it. The ayes have it.

That being the only motion on the Notice Paper, that concludes consideration in detail.

The Acting Speaker and the Minister return to their normal seats in the Chamber and the Speaker resumes his position in the Speaker's chair.

The Minister:

Mr Speaker.

The Speaker:

The Minister for Police and Emergency Services:

The Minister:

I seek leave to proceed forthwith to the Third Reading of the Bill.

The Speaker:

Is leave granted to proceed forthwith to the third reading stage?

(This time there is no dissentient voice)

Leave is granted.

(THIRD READING STAGE)

The Minister:

I move, that the Bill be now read a third time. I thank the Member for Carine for her comments and cooperation on this Bill. I also thank all members, as well as the officers from the Department for Planning and Infrastructure and the Police Service of Western Australia for their support of the legislation.

The Speaker:

The question is that the Bill be now read a third time.

Those in favour say 'Aye' *(majority of members 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, and to make related amendments to the -

- Unclaimed Money Act 1990; and
- Road Traffic (Drivers' Licences) Regulations 1975

(The Bill, now passed in the Legislative Assembly, is sent to the Legislative Council with an accompanying message seeking the Council's concurrence.)