

ROAD TRAFFIC LEGISLATION AMENDMENT (DISQUALIFICATION FOR LIFE) BILL 2016

Second Reading

MR R.F. JOHNSON (Hillarys) [4.01 pm]: I move —

That the bill be now read a second time.

The Road Traffic Legislation Amendment (Disqualification for Life) Bill 2016 is a very simple bill but one that could have enormous benefits. It sets out to ensure that those irresponsible drivers who are convicted of causing the death of innocent victims, either because they were driving under the influence of alcohol or drugs or through other aggravating circumstances, are banned from driving for the rest of their life. It is a reasonably small price to pay for taking someone's life and it is a measure that has been adopted in many countries throughout the world. The penalties at the moment for causing death or serious injury through driving under the influence of either alcohol or drugs or other aggravated circumstances are quite severe. Those convicted of these offences can face an unlimited fine plus up to 20 years in jail. However, it would be a rare occurrence for a court to impose a 20-year jail sentence without a parole period, and we rarely see a sentence handed out that is longer than a few years. Too many people have killed innocent motorists, only to get behind the wheel once they are out of jail or a short time later.

Take the case of Michael Craig Burvill, who was sentenced to four and a half years in prison after being convicted of dangerous driving causing the death of Perth father Martin Roberts and seriously injuring five others in January last year. Burvill had 11 or 12 beers before getting behind the wheel and driving on the wrong side of the road. He pleaded guilty to dangerous driving causing death, two counts of dangerous driving causing grievous bodily harm, three counts of dangerous driving causing bodily harm, and driving with a blood-alcohol level in excess of .08. However, he received a sentence of only four and a half years' imprisonment and a partially accumulative sentence for all of the dangerous driving charges, and he was fined \$1 000 for the .08 offence and suspended from driving for four years, which begins after his release from jail. In another case, drunk driver Ross Thomas Murray was sentenced to more than five years for a hit-and-run crash, which claimed the life of cyclist Tim Anderson in Cottesloe in March 2012. Ross Thomas Murray slammed into the cyclist after leaving the Swan Hotel in North Fremantle after he was refused service because he was drunk. He had been drinking at the bar for about four hours. Mr Anderson hit the windscreen of Mr Murray's car who claimed to have been so intoxicated that he did not realise he had hit a person. He was arrested the following day after abandoning his car and getting a lift home with a friend. Police calculated his blood alcohol level at 0.171 per cent. The court also heard Murray received spent convictions for drink-driving related offences in December 2003. Despite all of this, he served only three years of his sentence before being released on parole and was disqualified from driving for only four years and three months. It is fair to say that if the courts imposed the maximum sentence available in these cases, justice would possibly have been served. However, this bill ensures that once an offender is released from jail, they can never apply for a driver's licence and possibly commit a similar offence. We owe this simple but powerful measure to not only the victims, but also their families who are hurting and grieving and basically serving a life sentence of pain themselves.

That was the written part of my second reading speech. I will now ad lib and speak from the heart because I do better at that than reading a speech. This bill is a no-brainer, and that is what Gary Adshead said on his program on Monday morning. He said that the morning program was 100 per cent behind my introduction of this bill because he feels very strongly about it. I was contacted by a well-known journalist, Ben Fordham of 2GB in Sydney, who wanted to talk to me about this bill yesterday afternoon, so I conducted an interview with him. Once again he said that this is a no-brainer and should apply to anyone who causes the death of somebody because they are drunk or drugged, or where there are circumstances of aggravation. Those circumstances are if a person drives a stolen vehicle and kills somebody; if a person evades a police pursuit and is caught on the wrong side of the road and kills someone; or if a person drives 45 kilometres an hour over the speed limit and kills someone. They are the three main aggravating circumstances that apply equally to drink-driving and driving under the influence of drugs. More and more people drive under the influence of drugs. I believe that this is a no-brainer. This is a very simple bill that is made up of six clauses.

This morning the year 6 students from the Sorrento Primary School in my electorate came to Parliament House. They had seen me on television over the weekend and found out about this bill that I would introduce today. They had a debate in their class yesterday that continued while they had refreshments in the courtyard here. The teacher asked me to tell them what the bill was about in a nutshell, which was basically what I explained to members today; if a person drinks and drives and kills someone, they lose their licence for life, and I also mentioned the other aggravating circumstances that apply. The teacher said, "Let's make out we are Parliament and let's have a vote. Do you agree with the bill or not?" Everybody put up their hand. If year 6 students can understand a very simple bill and support it, then I think every member of this house should do

the same. I am absolutely delighted and very grateful to the opposition for its 100 per cent support of this bill. Its members obviously feel the same way I do. Life is very precious, especially when it belongs to one of your own—children, father, mother, brother, sister or whomever. When it involves one of your own you have no option but to support this bill.

Today I am putting in a plea, not to the members on this side of the house but to those on the other side of the house. I know that they will discuss this private member's bill in their party room next Tuesday. I pray to God that they will come to the right conclusion, which is to support this simple bill and to put aside any dislike for me personally because this is above politics and personalities. One or two members on the other side might have a great dislike for me but I tell them to put those feelings aside. If a member of their family were killed by a drunk or drugged driver, would they support this bill? The answer is yes. It is a no-brainer. Everybody says the same.

Mrs M.H. Roberts: The Premier does not say the same. I saw him on TV on the weekend.

Mr R.F. JOHNSON: I hope that he will change his mind, put aside any personal dislike he might have for me and support this bill. I would like the Leader of the House's cooperation on this matter. I have spoken with the Leader of the Opposition and the opposition's manager of business in this place, the member for Midland. I would love for this bill to go through this house in an hour. It is so simple that it could be done. It would take members half an hour to read this bill, if that. If members cannot understand it then they should not be in this place. I want people to realise that I want to take the politics out of this. Some people might say, "Oh yeah, that's just you talking." However, I swear to God that that is what I want to do. I want this bill passed. If the government wants to take over this bill, I will let it have the bill willingly; take it over but get it through the house. I am being upfront and honest now. Next week I will almost certainly move a motion to suspend standing orders to declare this an urgent bill and to allow one hour of government time, which has happened many times in the past, to debate this bill. Half an hour for each side of house is all that will be needed. The Road Traffic Legislation Amendment (Disqualification for Life) Bill 2016 need not be filibustered; the opposition has agreed absolutely that it is prepared not to do that. The opposition said it may not even use half an hour, because it realises the importance of the bill.

I would like to see this bill go through all stages next week and then go to the upper house. I believe the upper house would treat this bill with the same respect and feeling that I hope every member of this house would. If that could be the case, this bill could be through this Parliament before the winter recess. Otherwise, we will have six weeks' winter recess and there will be no telling when this measure will ever be debated again. If we can save only one life in that time because the bill is in operation, surely that is worth it. Surely that is worth it above any other political feelings or any animosity members might have against me. As I say, it is a no-brainer.

To convince government members of what the general public thinks, all they have to do is look on the Facebook pages of Channels Seven and Nine. It was the biggest story on Sunday night. I know about the Premier's story about the soccer match and all the rest of it, but this is more important to me than a soccer match; this is about people's lives. Looking at the Facebook pages, Channel Nine had 49 554 views—that is the interest the public had in this story. It had 1 300-odd "Likes". I am not a great Facebook fan and I do not really use it at all, but other people do. Channel Seven ran the main story, which had 47 168 views and about 1 000-odd "Likes", and it ran another story—the same story, but in another section—that had 16 855 views and, once again, hundreds of "Likes". That is the general public speaking; that is not Rob Johnson speaking. I would love to have a Facebook page that gets that sort of number of views and "Likes"; it would be wonderful and I would consider myself very, very popular!

The truth is that I have been inundated by people supporting this bill and the principle that if a drunk and drugged person goes out there and kills somebody—never mind the other aggravating circumstances; it is mainly drunk or drugged—that person should be disqualified from driving for life. Even the brief ministerial statement of the Minister for Police; Road Safety this morning stated that the majority of people killed on our roads are in the country area. They are—and a lot of them are being killed because of drunk-drivers. I spoke to somebody in the National Party—I will not say who because I do not think that is appropriate—and they said, "This is a no-brainer, Rob. Surely your former party will support this." I said, "Well, I would hope they would. Please, God, they will, because this is above politics; this is about people's lives." I do not want to count my chickens before they are hatched, but I think the National Party, because of the number of people being killed on their roads through drink-driving, will be inclined to support this bill.

This measure will not cost any money. It will not make the debt or budget deficit any bigger. This is a very simple six-clause bill, two of which are the normal things—the title of the bill and when it will be proclaimed and whatever else. The rest of it is so simple that even year 6s could understand it. I urge government members—I now have the agreement of the Labor Party, which is great and I appreciate it—to support the bill. I will be looking to move a suspension of standing orders next week sometime, after the Liberal Party has had

a chance to discuss the bill in its party room. I would not think it would take long if the Liberal Party puts aside all the animosity and nasty remarks it might want to make about me and looks at the substance of the bill and the principle of what we are trying to achieve here. As I say, if the government wants to take the bill over, it can have it willingly, but I would like to see this through this house next week. I am giving some warning that I will be moving a suspension of standing orders next week. I hope that the Leader of the House will talk to the Premier—because I cannot talk him—and he might get some sense into him to support this bill. Forget the animosity and forget the dislike for me; let us look at the victims.

We have to ask ourselves only one question: who do we stand up for; do we stand up for the drunk-drivers who kill people or do we stand up for the victims and their families? I have met many families of victims. I do not think any other member in this house has spent more time at the Shenton Park rehabilitation service than I have. I know the outcomes of dreadful traffic trauma. When you lose a dear and valued member of your family, you never get over the grieving. If you are lucky enough to have your loved one stay with you, that is great—but if you lose them forever, you have lost them forever; you can never bring them back. One person said to me, “Ah, but everybody deserves a second chance.” I said to that person, “In many cases, yes, but doesn’t the victim deserve a second chance, because they will never get it?” That person said, “Oh, I see what you mean, yes.”

At the blessing of the roads last year, the mother of baby Nate said, “You make the decision to drink and drive when you’re sober.” People decide before they get in their car that they are going somewhere to drink. That is when they should decide not to drive. People make that decision when sober.

I do not want to take up too much of the house’s time, and I am very grateful to the opposition for allowing me to have this private members’ time. I urge members to look at the Facebook pages of Channels Seven and Nine on this story. If any member wants to stand and disagree with this, good luck to them at election time because I think it will come back to bite them. I do not want this to be political. I want every member to get behind it. I say again that if the government wants this bill, it can handle it; I do not mind. I give notice today so that the government has some idea of what will happen. I will move to suspend standing orders next week. We can either waste an hour on why standing orders should be suspended or we can spend an hour constructively making some comments in support of this bill, ideally, so that it can go through all stages.

Mrs M.H. Roberts: You could put the bill through in less than an hour.

Mr R.F. JOHNSON: I appreciate the comment of the manager of opposition business, who said to me that the Labor Party may not take even half an hour. It is very simple, but it is such a significant bill. I want to make sure this bill goes through both houses, if I can. If I can achieve that, I will have achieved something very worthwhile. This bill could be proclaimed very, very quickly, and if we can save one life—one life—during the winter recess when we take time off to go over to Europe or wherever we might go to do whatever we want to do, that would be worthwhile. But people could lose their lives during that time. If we can save one life, the effort of supporting this bill is very worthwhile.

That is basically, I think, everything I wanted to say. Life is very precious. Other members of this chamber may know people who have been affected by road trauma; they may even have had relatives who have died from road trauma. If they have, I think they would support this bill even more. I have spent a lot of time with the two daughters of Martin Roberts, who was killed in that tragic accident, and I can tell members that they have almost a shrine on Karrinyup Road with a white cross. We see far too many white crosses these days. They take flowers and attend there every week. They drive past it every week when they go to work. That is a constant reminder for them. I am trying to help them find a permanent place in the Pinnaroo Valley Memorial Park so they can be with their father in peace and quiet without traffic going past. But that cross is there at the moment, and they are grieving. They are young women aged 21 and 23 years. When it happened, they were aged 19 and 21, which is very young to lose their father whom they love very dearly obviously. It was a very close-knit family, with a wonderful father and husband. That life was lost because of an irresponsible driver who simply got drunk. He had 11 or 12 beers, did not think about the consequences and got out there. Those people do not deserve to have a driver’s licence.

I have two reasons for wanting this bill to be brought forward and passed. I want not only some punishment for people who drive irresponsibly, but also justice for the victims and for their families who will grieve forever. When you lose somebody, you grieve forever—you do not get over it if it is a close family member. That is why I brought this bill to the house. The Leader of the House has just come into this place, and he may or may not know what I said I will be doing next week. I wanted to flag it so that the Leader of the House is not surprised. I do not want to pull any stunts, Leader of the House, but next week I will move a motion to suspend standing orders to bring this bill forward in government time and allow one hour’s debate—half an hour on each side. The opposition said it probably will not even take half an hour. It is a six-clause bill. I hope that the Leader of the House may get through to the Premier; I cannot, obviously. I am sure that the Leader of the House is a compassionate member in this house. He is a family man and I think that he would want to support the victims

and particularly the families of victims who are killed by drunk-drivers. As I said, I do not want to pull any stunts. I am giving the warning now. We can spend an hour on why we want to suspend standing orders, but I do not want to waste that time. I hope the Leader of the House can get through to the Premier and I hope government members will have a good read of the bill. It will take about half an hour, if that. I hope that at the Liberal Party meeting next week the Minister for Road Safety; Police will support this bill. I am not going to make any political comments, but I hope to God that all government members support the bill. I know I have support on this side of the house and I cannot tell members how grateful I am, because road safety means a lot to me, as some members may know. Who do members put first—a drunk driver who killed somebody or the victims and their families? I commend the bill to the house.

Debate adjourned, on motion by **Mr A. Krsticevic**.