

ROAD TRAFFIC LEGISLATION AMENDMENT (DISQUALIFICATION FOR LIFE) BILL 2016

Second Reading

Resumed from 23 June.

MRS L.M. HARVEY (Scarborough — Minister for Police) [4.01 pm]: I rise to make a contribution to the second reading debate on the Road Traffic Legislation Amendment (Disqualification for Life) Bill 2016. The Liberal–National government has taken a position to vote against this bill. I will outline the reasons why. This is not a reflection in any way, shape or form on the member for Hillarys. All members in this house would acknowledge that road safety is a matter that is personally important to him. The Liberal Party is not supporting the bill for the following reasons. The bill has been drafted without full consideration of other legislation that it will affect. It focuses solely on the matter of licence disqualification and does not achieve its intended purpose for lifetime disqualification.

The language used by the member for Hillarys in his second reading speech with a proposed amendment implies that an offender can never apply again for a driver’s licence. However, section 24 of the Road Traffic (Authorisation to Drive) Act 2008 specifies that a permanent disqualification is regarded as a disqualification for more than 20 years. After 10 years of the period of disqualification, the person may apply to the courts for the removal of the disqualification. This house is being asked to consider an amendment to the act that does not deliver what the member for Hillarys has told us it would. I would be interested to know, now that the member for Hillarys is aware of this advice, whether he will be bringing forward a further amendment to address this. I also have advice that states that the bill does not address interstate convictions for offences equivalent to dangerous driving causing death, leading to possible inconsistencies in the way that offences committed in Western Australia and offences committed interstate are dealt with. Under regulation 59 of the Road Traffic (Authorisation to Drive) Regulations 2014, the CEO must recognise a licence or other authorisation granted to a person under the law of another jurisdiction. Under regulation 14, disqualifications in another state are recognised in WA. However, the regulations do not currently provide for the disqualification in WA for offences committed in other states. This bill has been drafted without consideration of its effects on other road traffic legislation. It does not deliver what the member for Hillarys has stated to this house that it will do.

When I speak to victims of crime, they usually take issue with the period of incarceration given to the offender. This is what Martin Roberts’ daughters raised with me when I met with them. They found that the 2015 sentence of four and a half years for their father’s killer, with eligibility for parole in December 2017, was unacceptable. To give this house some idea of the average sentences handed down by the courts, I have averages for the calendar years of 2014 and 2015. For dangerous driving causing grievous bodily harm under circumstances of aggravation, being alcohol and/or drugs, for the calendar years of 2014 and 2015, the average detention given by the Children’s Court was 11 months; for the District Court and Magistrates Court, it was 21 months and 15 months respectively. For dangerous driving causing death under the influence of drugs or alcohol, or both, for the calendar years of 2014 and 2015, the average detention given by the Children’s Court was 18 months; for the District Court, it was 42 months. While these are the average terms for imprisonment, there are offenders who only receive a suspended sentence. The maximum penalty available to the courts is 14 years for grievous bodily harm and 20 years for causing death. I believe that this is more of a concern to the community and it is something that I have asked my office and agencies to look into further.

This amendment does nothing to address the issues of lenient sentencing by the courts. If we want to punish an offender, we take time away from them. This leads to our next objection to this bill. A disqualification for life is not only a penalty on the offender; it is a penalty on their families and on society. We believe that taking a driver’s licence from an offender for life will be of little deterrent or punishment to the individual. It will also be a punishment on the families of these offenders who will have to drive the offender around. It will also be a punishment to the taxpayer, because in Western Australia it is hard to get full-time employment without a driver’s licence, especially in regional WA. This will mean that it will be likely that the offender will end up on welfare and will never be able to contribute to society.

According to a study published in 2003 by the UWA Crime Research Centre titled “The Disqualified Driver Study”, it was found that by far the biggest impact of licence disqualification felt by all participants was on employment. The loss of licence made it difficult to get to work, to keep work, especially for those requiring a licence for the job, and to find work. If the member for Hillarys’ bill was actually for life, then it would not only remove a driver’s licence for life, but also it would remove the primary form of access to employment for life. Can members on either side of the house really vote for that?

The member for Hillarys subsequently amended the bill to exclude certain types of vehicles from permanent disqualification, specifically two-wheeled vehicles with an engine power output of 110cc or less. However, a number of motorcycles have an engine capacity of 110cc or less, including scooters, dirt bikes and “urban” type motorcycles. In order to legally ride these vehicles within the road system, the person would currently

Extract from Hansard

[ASSEMBLY — Wednesday, 17 August 2016]

p4763b-4771a

Mrs Liza Harvey; Mrs Michelle Roberts; Mr Rob Johnson

require an R-E class licence and the vehicle would need to be registered. However, the R-E class licence does not restrict the engine output to 110cc. Therefore, a new class of motorcycle licence would need to be created and an administrative system established by the Department of Transport to implement these changes in licensing. It is also questionable whether permitting a person to ride such a motorcycle would reduce the impacts on those who might be dependent on them. For example, it would not allow a parent to take their children to school or elderly parents to medical services. This would of course be amplified in regional and remote areas where there is little or no access to public transport.

As well as this, the bill removes the discretion of a court to deal with exceptional circumstances, as under proposed section 59(4C). A permanent disqualification must be imposed if the requirements of proposed section 59(4C)(a) are met. This again could have unnecessarily harsh consequences, particularly for the families of people who receive a permanent disqualification.

The bill also removes the ability of a court to grant an extraordinary driver's licence under section 27 of the Road Traffic (Authorisation to Drive) Act.

I will read members a quote from a news story about this bill from PerthNow dated 13 June 2016. It states —

We have been waiting for someone and for something to happen to stop drunk drivers ever getting behind the wheel again," Ms Roberts said.

Unfortunately, this bill does not deliver on Ms Roberts' request or expectations.

Unfortunately, some repeat drink-drivers will get behind the wheel of a car regardless of whether they hold a driver's licence. The alcohol interlock scheme, which will start in October, is a measure put in place by this government to prevent drink-drivers getting behind the wheel of a motor vehicle.

There is certainly scope to increase the licence disqualification period for people convicted under these circumstances. However, any amendments need to be made with full consideration of the current legislative framework and involve thorough consultation with all stakeholders to ensure that any unintended consequences can be avoided.

I believe that for the reasons I have outlined today, this house should not vote to support this bill.

MRS M.H. ROBERTS (Midland) [4.10 pm]: I also want to contribute to the debate on the Road Traffic Legislation Amendment (Disqualification for Life) Bill 2016. What a disappointment! I think the Minister for Police protesteth a little too much. The minister opened her comments on this bill by saying that it was not personal. However, everything that the minister said subsequently indicated to me that it was personal. The minister and her government are not supporting this legislation because they do not like the member for Hillarys. That is because he was formerly a Liberal member and now is an Independent. The member for Hillarys has taken up a major community issue. If the minister was listening, she would know that this is a major community concern. The member for Hillarys has brought legislation before this Parliament to deal with this issue, and he has widespread community support for this legislation.

The minister has focused on little technicalities in the bill. That shows how obstructive the minister is intent on being. The fact of the matter is that the member for Hillarys brought this legislation into the house on 15 June—that is when he tabled this bill. This bill comprises only a couple of pages and has only a few clauses. The minister had had a couple of months since 15 June to work out how to get around those technicalities. If the government really supported the intent of the bill, and if it really wanted to support the children of Martin Roberts, and every family member who has faced a similar outcome, she would have proposed some amendments to this bill. Given that the minister has her own Road Traffic Legislation Amendment Bill before the house, the minister could have used the resources that are available to her in the Office of Road Safety, the police department, and the appropriate division in the Department of Transport, to sort out those things. If these were the real issues with the bill, the minister could have sorted them out.

Community opinion is one way on this issue. It is interesting that the minister has focused on saying that this is not the best way of punishing an offender—thereby implying that a better way of punishing an offender would be to lock them up for longer. However, the minister does not propose to lock up offenders for longer. The minister has put no proposition of that nature. In saying that, the minister has missed one of the key points of this legislation. Minister, it is about protecting the community. It is about not allowing the same person to get behind the wheel of a vehicle again and kill or maim another person. That is what this bill is about. That is a core part of the bill. Yes, it is about providing a penalty. However, it is also about protecting the community. Most people in the community do not want to drive on the same road as a drunk driver who has killed someone, let alone a repeat drunk driver. The minister cannot say that she does not know what this bill is about. In the member for Hillarys' second reading speech, he quotes the case of Michael Craig Burvill. He also quotes the case of

Mr Anderson, who was disqualified from driving for only four years and three months. We hear over and over again how a person has been given one disqualification after another disqualification.

The other bizarre thing that the minister said is that this bill will prevent a person from applying for an extraordinary driver's licence. That means that a person can get smashed and as drunk as, drive recklessly on the road and kill an innocent bystander or a person in another vehicle, and after they have served jail time, or a three or four-year suspension, or maybe only a 12-month suspension, they can get behind the wheel and drive again. Maybe the minister thinks such a person should be able to apply for an extraordinary driver's licence. That is the only import I can get from that. Maybe the minister thinks it is okay—the person has served their time, and they should be able to get an extraordinary driver's licence. I will tell the minister what the people in this state think. They think it is too easy for a person to get an extraordinary driver's licence. There are people who, under this minister's watch, have obtained an extraordinary driver's licence for a fourth, fifth or sixth time. I am not saying we should abolish extraordinary driver's licences altogether. If a person is smashed and blind drunk and kills someone's father, daughter, sister or best friend, they should not be given an extraordinary driver's licence. However, if an 18, 19 or 20-year old loses their licence for a first offence and they need to drive to get to work or to do an apprenticeship or training, yes, they should be given a chance and given an extraordinary licence. A person who has lost their licence not because they have caused significant harm, but because of an accumulation of points or other circumstances, should also be given a chance and given an extraordinary driver's licence. Part of the reason I say that is because we live in a vast state, and we do not have good public transport. Some members might disagree with me with respect to public transport. I can tell members here and now that not even just in the outer metropolitan area, but in anything beyond the inner city area, public transport is poor. It is particularly poor on weekends, and early in the morning and late at night. Also, under this government, even more bus routes are being taken out. Therefore, a person who needs to get to work or to training needs to be able to drive a vehicle. However, should people be given a second, third, fourth or fifth chance? I do not think so. People should be given a one-off, short sharp lesson where they say, "Hell, I didn't realise that what I was doing was going to cost me my licence, and this is having big consequences for me or my family". People should not get an unlimited number of chances. If a drunk driver kills another person, there should be no second chance. The member for Hillarys has acknowledged the issue for people in country areas or in areas in which public transport is not an option by amending the bill to enable people who have been convicted of a drink-driving offence to hold a licence for a vehicle with an engine output of less than 110cc. I am sure the member for Hillarys will have more to say about that.

I do not intend to talk for long on this bill. I am very disappointed in the government's attitude. The minister has just played politics with this bill. She has played the man. That is sad to see. If the minister was acting in the interests of road safety and wanted to be fair, she would bring in some amendments to rectify what she believes are the shortcomings in the bill that the member for Hillarys has put forward.

Mrs L.M. Harvey: It can't be fixed.

Mrs M.H. ROBERTS: Do not say it cannot be fixed. The minister sounds like a fool when she says that. The fact of the matter is the minister has her own legislation before the house—the Road Traffic Legislation Amendment Bill (No. 2) 2015. The amendment bill that the minister has before this house this very day seeks to amend the Road Traffic Act 1974, the Road Traffic (Administration) Act 2008, the Road Traffic (Authorisation to Drive) Act 2008 and the Young Offenders Act 1994. Had the minister wanted to support the intent of the member for Hillarys, she could have exerted some effort and issued a single instruction to rectify this situation.

What the government has done is just a cop-out. It has used some little technicalities to say that that is the real reason it is not doing it. What nonsense. If the government had the will to do it, it could have done so. Not only that, the government could have done it very easily because there is nothing that could not be rectified by inserting it in the government's very own bill. It is nonsense. The Minister for Road Safety plays politics with people who have found themselves in the same circumstances as Martin Roberts' daughters. Sadly, more people—it is just a matter of whether it is next week, next month or a few months' time—will face exactly the same circumstances. When they wonder why—it could happen any week, any month—somebody who has already lost their licence time and again for drunk-driving and someone who has potentially already killed or seriously maimed someone is back there on the roads because of the system that prevails, I hope the Minister for Road Safety looks them in the eye and says, "I had the opportunity to do something about this, but I did not do it." Maybe it will take another very tragic circumstance before the Minister for Road Safety deals with the issue, rather than playing base politics with the member for Hillarys.

MR R.F. JOHNSON (Hillarys) [4.21 pm] — in reply: I will take advantage of my opportunity to respond to an extremely good speech by the member for Midland and a dreadful contribution by the minister. I am sure that that does not come as any surprise. I start by saying that the reason I brought this bill before the house was that there was a lot of demand in the community for something to be done about drunk drivers, drug-drivers, drivers who evade police pursuit and reckless drivers who get away with murder. They are getting away with murder,

because that is what it is when they kill somebody on our roads. It is murder by a driver behind the wheel of a vehicle. I refer to the families whom the member for Midland has mentioned. I have met Martin Roberts' family a few times now. Catherine and Michelle Roberts are two extremely intelligent, delightful and very thoughtful young women who, quite frankly, are still grieving to this day. I spoke to them just a short while ago. Not today, but a few days ago, I had a conversation with them and they were hoping beyond hope that the minister and the Liberal Party would support this bill.

I am not surprised that no member of the Liberal Party—it looks like no member of the National Party either—has had the guts to get up and speak against this bill. Let me tell members that this will be used at the next election. The government is supporting drunk drivers who go out and kill people and do not lose their licence for life. It is a very serious issue. Members may be affected and people in their community will be affected, I assure members. Government members will not support a bill such as this simply on the base grounds of dirty politics against me. I know I am not liked by many people. I know I am as popular as an acute attack of flatulence in a spacesuit as far as many Liberal Party members are concerned. That is fine. That is their problem, not mine. I will speak up for my community and the people of Western Australia every single time because that was what I swore to do when I took my oath of office in front of the Governor of this state in the chair in which you are sitting now, Mr Acting Speaker (Mr I.M. Britza), and I will continue to do it for as long as I possibly can.

This will be an issue for a long time to come. Why would anybody in this house want to allow a person to drive a vehicle again after they have murdered somebody? It is not wilful murder, but they have murdered somebody. That is what it is when a person kills someone; it is murder. It is not manslaughter; it is murder. I find it extraordinary. The minister has had extensive notes from her office, WA Police, the Department of Transport and so on and so forth. They are all geniuses; they know what the law is. As the member for Midland said quite rightly, the same draftspeople who drafted this bill drafted the Dangerous Sexual Offenders Legislation Amendment Bill and sat at that table just before the winter break-up. It was the same people, yet the minister said then that there are serious flaws in my bill. She had not even had a chance to look at it. Since then, in the last two months, I suppose it is now, she has had a chance to look at it. She has had her staff look at it and I am sure the Road Safety Commission has been looking at it and been given instructions to come up with all the reasons why the government should not support this bill. I say a pox on all your houses, members, for allowing the Minister for Police; Road Safety to get away with convincing them. I am not surprised. I did not hold out great hope that she would support this bill. I knew she would not. She says it is not a personal thing. Of course, it is a personal thing.

She brought up things such as interstate regulations and not recognising those people who have driving bans for drunk-driving and killing someone in another state coming to this state. That can be dealt with later. I want to deal with this state first. I want to deal with those drunk drivers who kill people in this state and who are licensed in this state. We can do that quite simply with this bill. It is a very simple bill. It can even be amalgamated with other legislation. Tomorrow I may move this as an amendment to the bill already before the house, which we have been discussing. It will not be the same; it will be slightly different. I want this debated again and again because I am determined to get something done for the victims and families who lose a loved one because of drunk drivers.

The minister's bleeding heart says that we should look after the families of those drunk drivers and drug-drivers, those drivers who have evaded police pursuit and reckless drivers. She says that we should do something for the family of that drunken or so-and-so driver. I think we should. That is why I moved to suspend standing orders before we broke for the winter recess to ensure that there was some form of transport. We cannot rely on public transport all the time. I moved that motion to suspend standing orders before we had the winter break, because I wanted that to be in the main part of the bill. I said that they should not be able to get behind a high-powered vehicle again—a car of any description—but we should let them have the opportunity to ride a motorcycle with a limit of 110 cubic centimetres. I call it a postie bike. They can go quite fast. A postie bike can go from A to B and down the freeway. People cannot go on the freeway on scooters, which are 50cc.

Mr D.C. Nalder: You can go up the Gibb River Road too.

Mr R.F. JOHNSON: They are fantastic! The police raise a lot of money riding postie bikes up in the north west on the Gibb River Ride. Postie bikes are perfectly capable of getting people from A to B to carry out their job and provide for their family because their family should not suffer; I agree with that. The perpetrator, the guilty person, the drunk driver or the drug-driver are the ones who should suffer. I think that they certainly would suffer under the bill that I have put before the house today.

At the end of the day, those people can carry out a job. They will be able to do a job. Part of the reason I moved that amendment, apart from looking after families, was for people in country areas. I was thinking of the National Party mainly and Liberal Party country members who have constituents. We get a few drunk drivers out in the regional and country areas, unfortunately. We lose most of our citizens' lives on country roads. So that

they can carry on their jobs on farms, in factories or in shops in the main cities and in the regional towns, they can ride a motorcycle. I will call it a postie bike because that is what it is. If they killed anyone on that postie bike, it would probably be themselves. If they got drunk again and got on one of those and started behaving stupidly, they would kill themselves. That is tough. It is tough on their families. I do not believe that they would actually cause a crash and kill people, which they would if they got behind the wheel of a high-powered car. Some of these people never learn.

The member for Midland was talking about extraordinary drivers' licences. I was seriously looking at abolishing them completely when I was a minister because I think they are a bit of a joke. They are abused extensively. If someone has a good lawyer and goes before the court, they will get an extraordinary driver's licence. Is that justice? Is that what the law should be? I do not believe it is. I do not believe for one minute that that is what the law should be. That is not justice for those families. It is totally wrong.

We talk about sentencing. Under the legislation of which this minister has charge, if a drunk driver, drug-driver or whoever else kills someone with their motor vehicle, the maximum penalty is 20 years in jail. Not in a blue fit will we ever see anyone get 20 years' jail. The minister was quoting some average lengths of sentences over the past two years. The most I can remember someone getting was five and a half years; that was one very serious case. By the time they get parole, they are out in about three and a half years. They then have a fairly short driving ban. Is that justice? What is a life worth? What is the life of any of our family members worth? Is it three and a half years in jail and a couple of years' driving ban? Is that what members opposite value them at? I value my family members far more than that, and I hoped that members opposite would as well.

I know that members opposite have met in the party room and have made a decision to oppose this bill. Believe it or not, I still know what goes on in the party room. I have a microphone in there that tells me! No, I do not, really; I do not have it bugged, but "loose lips sink ships", and that is what happens, so I do know what goes on in the party room. I know the nonsense the minister put forward. She told everybody that there was no such class as 110cc. I know there is not. Does she think I am stupid? There is the next class up and there is simply a written statement on the back of the driver's licence, like one would have if it was an extraordinary driver's licence, which states that the driver is allowed to drive only between the hours of X and Y; or that the driver is allowed to drive only between A and B. There is the same thing on a motorcycle licence: "This driver is not allowed to ride any motorcycle exceeding 100cc." It is pretty simple. One does not need to be a brain surgeon to work these things out. I say to members opposite: do yourselves a favour, guys. They should think with their conscience this time. They should not just be a party hack and go along with —

Mrs M.H. Roberts: Member for Hillarays, can I just say by way of interjection that if it was not a matter of just personal contempt for you, the minister would be in the chamber now, but she left the chamber at the start of your speech. The Minister for Road Safety walked out the moment you got to your feet.

Mr R.F. JOHNSON: Member for Midland, nothing surprises me with this minister—nothing whatsoever. She read a predetermined statement, which her officers had prepared for her. No personal thought has gone into it whatsoever. They are not her notes; they are the notes from her office. I suggest they are from the Department of Transport, Police and the Office of Road Safety, and we know the problems we have had there.

The other point the minister made is that this legislation is not needed because alcohol interlock systems will be brought in in October. I have to tell members that I do not believe that will happen.

Ms M.M. Quirk: Which year, member?

Mr R.F. JOHNSON: It could be in the year 2030 perhaps? I am not a great fan of alcohol interlocks, but I supported them because that is what the Road Safety Council put forward. I am told it was put forward on very good advice, so I was prepared to dismiss my own personal feelings and progress it. I tried for four years to get the legislation into this house. Every few months the draftspeople would say that this was very complicated legislation and that they could not do it; it was too difficult; they would have to leave it and it would take longer and longer. For four years they were the excuses they gave me. I had no option but to accept them because they are the professional draftspeople. These are the people who have now come up with the legislation that the minister is bringing before the house. I wonder just how good that will be. I do not think interlocks are the panacea to all the problems of drink-drivers—I really do not; there are so many ways around it. People could have somebody else blowing in the bag. They are going to have to come up with something different, something unique, other than alcohol interlocks, to stop drink-drivers getting behind the wheel of a car and physically driving that vehicle.

My own personal prejudice—or rather, I should say doubts—about alcohol interlocks remains, but I would always listen to the experts. Unfortunately, the Minister for Road Safety does not listen to the experts. She has basically disbanded the Road Safety Council. As I said earlier in a previous speech, there is now no independent chairman whatsoever. If there was a commissioner—he is not in the room now either—who was established under legislation

of this Parliament and who had to report to the Parliament like the commissioner for cameras in Victoria, I would be much happier because he would report to Parliament, not just to the minister. He would do whatever she wanted him to do. There is no obligation whatsoever on him to report to Parliament but there is an obligation on him to report to the minister and to carry out her instructions. She has not got the best record in road safety, let me tell members; her own personal record is atrocious. I have no faith in that particular office at the moment. Hopefully, after the election there will be a different road safety minister who will take this very seriously and who I hope will bring legislation before the Parliament that will ensure that the Road Safety Commissioner—it is too late to change now—will report to Parliament rather than to the minister so that there is some accountability. It would be a bit like the Commissioner for Children and Young People, who reports to the Parliament.

I asked the minister how often the Road Safety Council meets now. She said it met about a week or so ago. I asked when was the time before that. She did not know. It was months and months ago, because, basically, it does not meet anymore. It is an advisory committee now. There are no statutory obligations on it whatsoever, yet the Road Safety Council Act has not been changed; it is still as it was. I think the minister is working outside the Road Safety Council Act, which I think should be amended or repealed, because we no longer have the council.

I have already covered to some extent dangerous driving causing death. I was not so much interested in grievous bodily harm because I think that is covered reasonably well within the existing legislation. It is just that dangerous driving causing death is not being enacted in the way this Parliament intended it to be. People can blame the magistrates and judges for that, and I do. They should be carrying out the law—the law of this Parliament. The law of this Parliament said that drunk drivers and drug-drivers who cause the death of an innocent person on our roads are liable to a maximum penalty of 20 years. They do not even get half of that. They do not even get a quarter of that after parole. They get about three and a half years if we are lucky, and sometime it is less than that. I say again: what price for a life? What price for the life of your loved ones, members? I am sure they value them more than that, surely? I plead with members opposite to cross the floor on this one. In my view, this is a conscience vote more than anything. Government members should cross the floor and show people in their electorates that they care about them; that they care about their loved ones. If they do not do that, they will support the minister and they will vote this bill down. The minister has many concerns about this bill, but the parliamentary draftspeople did not; they had no concerns whatsoever. They thought that what would be delivered would be the intent of the bill, and that is to have a lifetime ban for people who were caught drunk-driving causing death, and so on and so forth. That is what the intent was. If the minister was really serious about this not being adequate legislation, why did she not move amendments? I am happy to take any amendments. I will take anything that will save people's lives—anything. Does anybody on the other side want to get up and move an amendment? They will not get to it, because this bill will be defeated by division, I can assure them. At election time I will be using this against the Liberal candidate for my seat to show that that person voted down a bill that would stop a drunk driver who killed somebody from being able to drive again. I assure members that I will use this in the electorate of Hillarys, but I think it could be used in many Liberal electorates. If I were the Labor Party, I would use it against anybody who votes this bill down—absolutely.

Mr A. Krsticevic interjected.

Mr R.F. JOHNSON: The member for Carine laughs. He thinks this is a laughing matter. Well, good luck to you, sunshine. He will not do so well at the next election, I can tell him. This is a serious issue. It is about life and death. This is not some frivolous matter that we can laugh at; this is life and death. If one of his family members were killed by a drunk driver, he would have a different view. He would walk the walk with me then, I assure him. He would not sit there just carrying out orders that are dictated to him by the minister and the powerbrokers who are running the party now.

Mr A. Krsticevic: I'd put them in jail.

Mr R.F. JOHNSON: Why does the member for Carine not put that to the minister? If the member makes the prison term mandatory, I will withdraw the other parts of the bill.

Mr A. Krsticevic: It is a suggestion.

Mr R.F. JOHNSON: He should do it.

Mr A. Krsticevic: I'll talk to her. I'll talk to the minister about it.

Mr R.F. JOHNSON: She is not even here. She has walked out of the chamber. It just shows the interest the minister has in the death of innocent people on our roads by drunk and drug-drivers.

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine, the member for Hillarys has the call.

Mr M.P. Murray: Why don't you get up and get yourself in *Hansard* for a change?

Extract from Hansard

[ASSEMBLY — Wednesday, 17 August 2016]

p4763b-4771a

Mrs Liza Harvey; Mrs Michelle Roberts; Mr Rob Johnson

Mr R.F. JOHNSON: He cannot now; it is too late. I do not blame members opposite for not wanting to make any contribution to this debate. If I were in their position and I was following the instructions of the emperor, the minister and other people, I would not want to get up and say something against a bill like this. I really would not, because I think it would cost me at election time. If the Labor Party had any sense, I am sure it would use this against any sitting member of the Liberal Party who votes against this legislation. I am trying to give you guys a chance now to show your mettle, to show you have some conscience and responsibilities, and to show that you care about your community and anyone who is killed by a drunk driver, a drug-driver or any of these things. When it happens, I can tell members that it will knock them sideways. It can take people a lifetime to get over it. I do not know when the two young ladies, the Roberts sisters, will get over it, if ever; they told me that they would never get over it. They were a very loving and close family. I appreciated their input. I ran the amendment past them before I moved it to see whether they thought that it was fair. They said that it was fair enough as long as people could not get behind the wheel of a high-powered car again and possibly kill somebody. They can drive a two-wheeled motorcycle—a postie bike, as I call it—because, as I said, they would kill only themselves if they drove it recklessly. I do not think that if they were riding a postie bike, they would kill anybody other than themselves by bashing into a car, but at least they could carry on a job.

The minister's comments were basically puerile. She quoted the average length of sentences for children in the District Court and all the rest of it. In the District Court, the sentence is 42 months; that is all. If a person kills somebody, they go away for 42 months. That is three and a half years. I would say that that is the average or perhaps the maximum sentence that the court delivers. I think we really need to address the adult courts because adults normally get drunk more than children facing the Children's Court. They are not supposed to drink before they are 18 years old anyway. I think the minister said something to the effect that to take time away from them is little punishment. I do not want to misquote her, but I think she said something along those lines. I was desperately trying to scribble down the notes she was reading from, but she was reading from typewritten stuff done by her office. She was reading quite quickly so it was difficult to take notes all the time of what she was saying. However, she said words to that effect. The Roberts sisters met the minister, I think in January. They went to a forum on road safety. The minister said to them, "Yes, that's terrible. I really do sympathise at the loss of your father and I'm going to do something about it." Six months later, she has done absolutely zilch—nothing. I can tell members that those two young ladies are very disappointed with the minister. They do not think they were told the truth. They think she was just trying to pacify them and make them go away. Let me tell members that they will never go away; they will always, always grieve for their father. It is not just the daughters but also the wife and brother. Mr Roberts' brother was in tears, and how can we blame him? There is almost a permanent memorial on Karrinyup Road. They go past it every day and renew the flowers and things there every week. I am sure that that will happen for many years to come.

I will not waste any more of the house's time because it is quite obvious that the government is not interested in trying to save people's lives by banning drunk drivers and drug-drivers from driving vehicles again. That is quite obvious. I may well move an amendment tomorrow in debate on the Road Traffic Legislation Amendment Bill to try to encompass some of these provisions, but I am pretty sure that the minister will oppose that as well. I will never give up trying to save people's lives on our roads. I promise members that I will never, ever give up. I make the pledge today that I will keep on and on; I will be a thorn in whatever side takes government at the next election, whether it is the Liberal Party or the Labor Party. I will be there pushing either one of them, whichever one takes government, that we should be doing more in road safety. There is \$147 million sitting in the road trauma trust account doing absolutely nothing and people are dying on our roads. Eight people have died in two days. That is an appalling record. We are the worst state in Australia for deaths and critical injuries on our roads—for road safety. I introduced the Towards Zero policy, which, I must say, was started under the previous Labor government. I think John Kobelke was its architect, or at least he had carriage of it, but the problem was that he did not introduce the legislation in time. He should have done and I was a bit critical that he did not. When I became the minister in 2008, I made a commitment to introduce that policy, which is acclaimed worldwide. It is a nonsense now because of the inaction, inappropriate underspending and diversion of funds from the road trauma trust account. There is \$147 million sitting there doing nothing. People are dying on our roads and people are being critically injured on our roads. I say to the minister and I say to the emperor, shame on you both. I have to say to members opposite, if they do not support this bill, shame on them as well. I think it will come back and bite them in one way or another, and I hope it does. Members opposite should have the guts and the fortitude to cross the floor on this and do what their conscience thinks is right. I would think that the consciences of most members opposite say that they should support this bill and not just go on what is said in the party room. They should make up their own mind in this place. I am delighted that I am now an Independent Liberal and I can make up my own mind and speak on behalf of not only my community, but also the community of Western Australia. I will do that for as long as I am in this Parliament. Who knows how long that will be? I am sure that there will be a division in just a moment.

Division

Extract from Hansard
[ASSEMBLY — Wednesday, 17 August 2016]
p4763b-4771a

Mrs Liza Harvey; Mrs Michelle Roberts; Mr Rob Johnson

Question put and a division taken, the Acting Speaker (Mr P. Abetz) casting his vote with the noes, with the following result —

Ayes (19)

Mr R.H. Cook	Mr D.J. Kelly	Mr P. Papalia	Mr C.J. Tallentire
Ms J. Farrer	Mr F.M. Logan	Mr J.R. Quigley	Mr P.C. Tinley
Ms J.M. Freeman	Mr M. McGowan	Ms M.M. Quirk	Mr B.S. Wyatt
Mr R.F. Johnson	Ms S.F. McGurk	Mrs M.H. Roberts	Mr D.A. Templeman (<i>Teller</i>)
Mr W.J. Johnston	Mr M.P. Murray	Ms R. Saffioti	

Noes (32)

Mr P. Abetz	Ms M.J. Davies	Mr A.P. Jacob	Ms A.R. Mitchell
Mr F.A. Alban	Mr J.H.D. Day	Dr G.G. Jacobs	Dr M.D. Nahan
Mr C.J. Barnett	Ms E. Evangel	Mr S.K. L'Estrange	Mr D.C. Nalder
Mr I.C. Blayney	Mrs G.J. Godfrey	Mr R.S. Love	Mr J. Norberger
Mr I.M. Britza	Mr B.J. Grylls	Mr W.R. Marmion	Mr D.T. Redman
Mr G.M. Castrilli	Dr K.D. Hames	Mr J.E. McGrath	Mr A.J. Simpson
Mr V.A. Catania	Mrs L.M. Harvey	Ms L. Mettam	Mr M.H. Taylor
Mr M.J. Cowper	Mr C.D. Hatton	Mr P.T. Miles	Mr A. Krsticevic (<i>Teller</i>)

Pairs

Ms L.L. Baker	Ms W.M. Duncan
Dr A.D. Buti	Mr J.M. Francis
Mr P.B. Watson	Mr N.W. Morton

Question thus negatived.

Bill defeated.

The ACTING SPEAKER (Mr P. Abetz): Members, before the member for Midland resumes, please find yourselves a seat as there are too many people having conversations in this chamber for us to proceed.