

ROAD TRAFFIC AMENDMENT (IMPOUNDING AND CONFISCATION OF VEHICLES) BILL 2016

Third Reading

MRS L.M. HARVEY (Scarborough — Minister for Police) [7.31 pm]: I move —

That the bill be now read a third time.

MS M.M. QUIRK (Girrawheen) [7.31 pm]: I want to make a couple of comments and reiterate something I said during the second reading debate because, firstly, the minister did not reply, and, secondly, I was contacted by the Auditor General about some of my comments. I want to amend the record so that it is clear what the Auditor General's role has been in this ongoing and, as yet, unresolved matter. I made an observation in my contribution to the second reading debate about Mirrabooka Avenue and the tragic crash that occurred there earlier in the year. A public meeting was held and attended by the minister and the Road Safety Commissioner. As a consequence, a road safety audit was conducted by the Road Safety Commission and a number of recommendations were made about improving that section of the road. Central to those recommendations was the finding that 70 per cent of people driving on that section of road in Landsdale were speeding. As I drove past there the other day I noted a lot of skid marks and evidence of hooning on the road. I also noticed that the house most proximate to the road had a "for sale" sign on it. It is quite clear that speed enforcement has not improved since the audit, which is a good segue into the second matter that I want to raise.

Members might recall that I raised the fact that I was unable, through the parliamentary process and questions on notice, to establish how many so-called hoon offences had been charged in my electorate in the last year. I made a note in my contribution to the second reading debate that the minister answered —

The response required for this question would take a significant amount of time and resources to collate and process. It is therefore not possible for Police to obtain this information without significantly compromising other core policing activities.

I pointed out that this same information had been provided by the minister in previous years, so I regarded it as an obstructive refusal to answer the question, and, accordingly, I wrote to the Auditor General asking him to inquire whether or not a so-called section 82 notice had been filed by the minister under the Financial Management Act 2006. When I spoke in the second reading debate I said that I had sent an email to the minister's office in August asking whether that had occurred and I said that we were yet to receive a reply. I also said that there had been no reply from the Auditor General. This is where I need to correct the record. The Office of the Auditor General wrote saying that yes, it had written to the minister asking what her response was to my assertions and that it was still waiting on a reply. The Auditor General has done nothing wrong. In accordance with section 82 of the Financial Management Act, the Auditor General has undertaken his duty of contacting the minister and asking why she did not feel it was necessary to explain to this Parliament, to which she is accountable, why she refused to answer a question that she had been able to answer in previous years. That is the second matter that I wanted to raise and I want to apologise to the Auditor General for any embarrassment caused to him by my claim that I had not received a response from him.

The third matter that the minister chose not to respond to in my —

Mrs M.H. Roberts: Can I make it clear that you haven't received the substantive advice with respect to the minister's response to him?

Ms M.M. QUIRK: Apparently there has been no correspondence whatsoever from the minister.

Mrs L.M. Harvey: I have responded to the Auditor General.

Ms M.M. QUIRK: Thank you. When did that occur, minister?

Mrs L.M. Harvey: I could not tell you the exact date because I could mislead Parliament, but I have responded to the Auditor General

Ms M.M. QUIRK: You have done so in the past, minister, so I don't see why you'd make an exception.

Mrs L.M. Harvey: I beg your pardon, member. What are you accusing me of?

Ms M.M. QUIRK: I said you're misleading this Parliament.

Mrs M.H. Roberts interjected.

The ACTING SPEAKER (Ms J.M. Freeman): Members!

Ms M.M. QUIRK: The third thing I would like to raise —

Mrs L.M. Harvey: Isn't that a privilege issue?

Ms M.M. QUIRK: It is an objective fact, minister, and a parliamentary report has been tabled to that effect. If the minister is getting very sensitive, we have got proof. We have got a recording.

Mrs L.M. Harvey interjected.

The ACTING SPEAKER: Members!

Ms M.M. QUIRK: The third matter that I raised that also was not responded to in the second reading reply was my assertion, which was not contradicted after the Community Development and Justice Standing Committee tabled a report, that the number of police on the roads has significantly decreased and a direct outcome of that is, for example, fewer on-the-spot fines. Our finding was that there was something like 50 per cent fewer on-the-spot fines. I am sick and tired of saying in this place that the greatest deterrent to bad driving, including hoon behaviour, is to see police on the roads. The minister does not address that matter when it is raised in this place. She has not denied that the number of traffic police under her responsibility has been substantially reduced, and public statements have been made to the effect that traffic police have been sent off to work in other areas.

I hope I get a response to those matters this time. It has been very disappointing. I asked a simple and basic question about the number of hoon offences in my electorate and the minister cannot answer the question, nor can she judge the performance of police that fall under her responsibility if basic information like that is not at hand.

MRS M.H. ROBERTS (Midland) [7.38 pm]: I rise to speak on the third reading of the Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill 2016. We had extensive debate during the second reading stage and during consideration in detail on this bill, which amends a number of acts of Parliament. This bill builds upon the legislation that I first brought into this place in 2004 whereby drivers can have their cars impounded for hoon-type offences. Several amendment bills since 2004 have further strengthened the provisions. I do not intend to go into a lot of detail but given that during the consideration in detail stage of the bill we asked a lot of questions and went through a lot of provisions, this bill is not likely to be perfect and it may require further amendment.

However, this bill makes considerable progress. The bill contains some elements that certainly are to be commended and that streamline the procedures that are currently in place. We welcome the fact that, for the first time, there will be laws to deal with unlicensed motorcycles that are being used, or are reasonably suspected of being used, on a road in contravention of the Road Traffic (Vehicles) Act 2012. That is very welcome to many people in the metropolitan area, and no doubt also in country areas, who have to put up with the drivers of unlicensed motorcycles creating a menace in their neighbourhood. That is a considerable annoyance to people who are trying to enjoy quiet amenity in their home. It is also potentially a hazard for not only the drivers of those unlicensed motorcycles but also people who want to enjoy local bushland or similar areas. The comment was made by me and other members that the government needs to do more to provide appropriate places at which people who want to have fun on a motorcycle can legitimately have that fun without digging up natural bushland and without creating an annoyance for people who live in a residential area. Therefore, that provision is certainly very welcome and I will be interested to see how it progresses. However, as is the case with a lot of legislation, penalty is one thing. Dealing with the cause of the problem and providing some alternatives is often where this government falls down.

The bill also contains some technical amendments to empower the Commissioner of Police to enter into contracts for services, and to simplify and expedite the sale of uncollected impounded vehicles and the like. These amendments certainly appear to be commonsense.

The bill also introduces the concept of a confiscation zone—namely a zone in which the speed limit is 50 kilometres an hour, or less. The opposition commends the government for creating confiscation zones. We believe this is very worthy and hopefully will prevent death or serious injury within those zones. However, unfortunately, people who offend are often not cognisant of the penalties. We therefore need to pay more attention to why people speed, sometimes excessively, through confiscation zones. As was canvassed during the earlier stages of the debate, many of these people may be affected by drugs, particularly methamphetamine. If that is the driver of their behaviour, the fact that there will now be an increased penalty for that behaviour will probably have little effect, because I suspect that people who are hyped up on methamphetamine do not necessarily think about the consequences of their actions or what the penalties are. I suppose at best they hope they will not be caught.

That brings me to the final point that I want to make about this legislation. It is all very well to have good laws in place to deal with people who hoon, be it in residential areas or in the new confiscation zones and be it with a licensed or unlicensed vehicle or motorcycle, but we need to have police on the ground to respond. One of the things that people take into account if they are thinking rationally about their speeding or other hooning behaviour is the prospect of getting caught. If people who hoon think there are no police about and there is not

likely to be a response, and they get away with it week after week, they may well continue with that behaviour. I field complaints from constituents, and I also get a lot of feedback from my colleagues—as some members mentioned during the course of this debate—that people call 131 444, which is the main police contact number, to report hooning events, and yet the same drivers and the same vehicles are out night after night on their suburban streets, engaging in that behaviour.

I note that the government has put in place some initiatives to catch people who hoon. One of those initiatives is the so-called hoon cameras. We do not know the hours of operation of those hoon cameras or where they will be deployed. I think the government's commitment totals about \$120 000 for the purchase of these cameras, and it is being rolled out at a cost of about \$30 000 a year. If we compare that with the wage of a police officer, that is certainly a cheaper option for the government in dealing with this issue. If it is cheaper, but effective, great; however, there needs to be follow-up and we need to know that it is dealing with the problem. I am sure that we will get advice about the number of people who are caught through the use of those hoon cameras. However, we need to know what percentage of the total number of hooning offences that are occurring is being caught by those cameras. Sadly, whenever I go to a community forum, well over half of the community members who raise a policing issue complain about the lack of police response to hooning activity on their streets. I note it is the same at the community forums that are called by the Minister for Police and the Commissioner of Police. It is commendable that the government is amending the legislation to put in place tougher laws. However, we certainly cannot be complacent about the problem of hooning.

The bill also contains some elements that are quite complex. The bill retains the existing provisions for people who have had their car confiscated, or have committed the hooning offence in another person's vehicle, and are in a circumstance of genuine hardship and need access to a car—potentially people with children, people with a disability, or the elderly—by providing for substitute vehicles to be surrendered and the like. However, whenever we make a law, there is always a person who will try to find a loophole in that law or will try to game the system. Only time will tell whether there are any aspects of undue hardship as a result of this legislation; and, if there are, no doubt a subsequent Parliament will look at that matter.

The main thing that members of the community are looking for is a quicker police response to hooning offences. They want to see those people caught, because the suspicion is that many times it is the same people and the same vehicles that are committing the hooning offences. I note that one of the successes of the hoon legislation, probably since the beginning, is that very, very few people—I think it is single digit figures a year—progress to a third offence. Hooning offences need to be taken seriously. They can cost people's lives. People hooning in a pedestrian or school zone run the risk of pedestrians being killed or seriously injured. Obviously, in school zones children's lives are at risk. This is important legislation. Given it was promised as part of the Liberal Party's 2013 election commitments, it is somewhat disappointing that it has brought the legislation into this house only in June this year and that it is yet to go before the upper house. In the past, we have asked where this legislation was and we have waited and waited for it. It has been announced and re-announced and so forth. It will become law, potentially, only in the very final days of this term of government. Given we have done our best to expedite this legislation through the house and that the minister introduced it in June and her government brought it on for debate only at the end of October, I would be keen to get a commitment from the minister that the upper house will deal with this matter in the next three weeks. I think it is important, and the Legislative Council has only three sitting weeks left. I am not aware that any of my colleagues will speak on the third reading stage tonight. We are keen to deal with this promptly and see the bill progress to the upper house. We hope it can be passed expeditiously and, potentially, become law before the new year.

MRS L.M. HARVEY (Scarborough — Minister for Police) [7.52 pm] — in reply: I thank members for their contribution to the debate on this Road Traffic Amendment (Impounding and Confiscation of Vehicles) Bill. It was a government election commitment during the last election campaign. I have had carriage of a very busy legislative schedule, and I am very pleased to see that this legislation will progress from this Legislative Assembly chamber to the Legislative Council.

Members raised some questions about some specifics during consideration in detail and I undertook to provide that information during the third reading debate. In 2013, the government committed to fund 24 covert remote CCTV cameras to assist police in providing evidence against antisocial road users; for example, hoon drivers. Four covert cameras are deployed on a regular basis to obtain evidence on hoon motorists, recidivist drivers and unlicensed trail bike riders. They have been in operation since May 2015. A further eight cameras are being constructed as a result of that successful trial and that will bring the total number to 12. The police do not like releasing information about where covert cameras are specifically deployed. They are often deployed to places frequented by hoons and the police do not want to compromise the integrity of the deployments as that could jeopardise future deployment methodology. Approval has been given for the remaining cameras to be purchased in the 2016–17 and 2017–18 financial years. WA Police are looking at expediting the acquisition of the

additional 12 cameras and associated resources required during the 2016–17 financial year. It is obviously about not only the cameras but also the human resources required to process the information the cameras collect.

During consideration in detail, members asked about vehicles that had been surrendered. The member for Hillarys, who I note is not in the chamber, requested information for the last five financial years. In 2011–12, 213 vehicles were surrendered; in 2012–13, 233; in 2013–14, 285; 2014–15, 311; and in 2015–16, 300. The member for Midland asked about proceeds from confiscated sales that have gone into the road trauma trust account. In the 2011 financial year \$344.04 went to the RTTA from sales; in 2012, \$666.67; in 2013, \$6 986.78; in 2014, \$743.42; and in 2015–16 no proceeds from confiscated sales went into the road trauma trust account. The number of vehicles impounded for no authority to drive in 2011–12 was 7 800; in 2012–13, 8 054; in 2013–14, 8 248; in 2014–15, 9 157; and for 2015–16, 9 256. The other question asked by the member for Hillarys was whether the Commissioner of Police could claim from an offender the difference between what WA Police get for the vehicle at auction or for scrap against the cost of impounding the vehicle. The answer to that is yes—under sections 80K, 80LA and, after this bill has passed, section 80W, the commissioner will be able to claim from the offender the gap between what is recovered from the vehicle at auction or for scrap from what the offender owes for the impounding cost of the vehicle. We progress and ensure that in a more timely manner, we can get rid of vehicles that are unroadworthy and vehicles that have been impounded and remain uncollected. This legislation is very important for police. It will save the police and therefore the taxpayer considerable costs in allowing us to release these vehicles and recover some costs at an earlier point than was previously available. I commend this legislation to the house and thank members for their cooperation and their contribution to the debate. I hope also that this bill sees a speedy progress through the Legislative Council so that the legislation can become law by the end of the year. I thank members for their contributions to the debate.

Question put and passed.

Bill read a third time and transmitted to the Council.