

ROAD TRAFFIC LEGISLATION AMENDMENT (REGISTRATION LABELS) BILL 2009

Second Reading

HON ALISON XAMON (East Metropolitan) [11.13 am]: The Greens (WA) support this legislation. It is not an overcomplicated matter; however, I want to make some comments about the bill.

Many would say that the old system of relying on stickers as a way to ensure that light vehicles are registered is probably a little flawed and not entirely helpful, and people forget to replace their stickers. Certainly, when I used to ride scooters, as I have a motorcycle licence—members might laugh about that —

Hon Ken Travers interjected

Hon ALISON XAMON: I suspect that Hon Ken Travers is right.

Hon Robyn McSweeney: I think you are very brave!

Hon ALISON XAMON: I would like to assure the Minister for Child Protection that since having my children, I no longer ride a scooter, although I support people who do because they have a very low carbon footprint. Nevertheless, on my old scooter, I used to have to physically screw in place the container that held the registration, and as I did not have a screwdriver, I would often forget to replace it, which was not helpful to me. I am aware there have been concerns that people will use these stickers and put them onto unregistered vehicles, and perhaps a registration sticker is not a particularly useful indicator of whether a vehicle is registered. Having said that, I am also aware that culturally people have an expectation that they are able to glance at their sticker to ensure that their registration is not out of date. We have a lot of bills that need to be paid and there are always a lot of competing interests in our lives, and sometimes something as simple as chasing up one's car registration may fall through the cracks or, having paid one's registration on time, the sticker is a reminder that the payment has been received.

I raised some of these concerns in the initial briefing, and have received a response. I am satisfied with the response that I received from the department responsible. My concerns were that we might find that people are inadvertently driving around in unregistered vehicles because of an over-reliance on receiving the stickers and having the stickers on their cars to remember when their registration is due or perhaps has not been paid. I have been assured that the system of receiving in the mail a receipt for payment will be continuing and hopefully that will serve as a reminder to people. I have been told people will be encouraged to hold on to that receipt of payment as proof of registration of the vehicle, and also that there will be an education campaign of sorts—I am not quite sure of the scope of that—advising people of the new system and to be aware that they should make sure they note in their diaries when the registration is due. Hopefully, that will mean people will not find themselves inadvertently driving around in unregistered vehicles. It is important with a change like this, however minor, that people are aware of the new expectations and their obligation to ensure their vehicle remains registered. On that note, I do not know how many members will visit their licensing centres, as a lot of the time we go to the post office, but I think it would be useful to state that we may need more staff in our licensing centres. When I have needed to go there, I have seen the staff working incredibly hard and the queues are very, very long. I congratulate them on how well they work under such difficult circumstances, but there is understaffing in these centres and that will need to be addressed at some point because I anticipate the possibility of people wanting to ring up licensing centres to check the status of their registration. I note, however, that moves are afoot to improve the way that people can check their status online, or the like.

The second concern that I raised was what would happen to people who were inadvertently driving an unregistered vehicle. Of course, in the past, there has been some sort of reliance—we know it is not evidence unto itself because a sticker is just a sticker—on looking at the sticker on a car to have some confidence that the vehicle is insured and therefore the driver can feel more confident about driving it. We know that the consequences of being involved in an accident while driving an unregistered vehicle are quite serious, particularly when injury occurs to a third party. It is important that, with the best of intent and goodwill, people can be confident that the vehicle they are driving is registered. On that note, I asked a question again of the department and was satisfied with the response I received. I have been advised that the Insurance Commission of WA has confirmed that it will meet the claim of a victim who was involved in an accident if there is proof of negligence by the driver, and the commission would then pursue that driver for those losses.

My concern was about people being inadvertently caught when other people had been responsible for not registering a vehicle. The stickers were at least an initial indicator of whether a vehicle was likely to have been registered, although, as I have stated, of course, that was not the be-all and end-all of whether a vehicle was registered, because we can get a sticker for anyone's car and put it on our own car. But at least it gives some sort

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of indication. On that note, I feel fairly satisfied that perhaps those who are inadvertently driving an unregistered vehicle will be afforded some level of protection.

Finally, from an environmental perspective, it is my understanding that the department must print well in excess of what is actually required because post offices, and the number of other places where people go to purchase their registration stickers, must have the full range at any given point, and that means, by necessity, they must be disposed of at their expiry. My understanding is that there is quite a considerable waste associated with that. I am pleased to see that the stickers will no longer end up in landfill. It is one of those small but significant side effects of moving away from this sort of process. With those concerns articulated, the Greens will support this bill.

HON KEN TRAVERS (North Metropolitan) [11.22 am]: On behalf of the opposition I rise to indicate that the opposition will not oppose this bill. I come at these issues with the view that the government has a right to make these sorts of decisions. If it wants to change the legislation in this way, as a Parliament, we should allow it to do so. Our job is to question the implications and raise the legitimate concerns of the stakeholders in the community. If the government wants to proceed down a particular path, we should allow it to do so. At the same time, if some of the issues I will outline later come to fruition, that will be on the government's head, so the government will have to accept responsibility for its decision. Sometimes we do not want Parliament too heavily focussed on stopping government from doing what are essentially administrative tasks, and this is an administrative task. But it may have implications that the government can be held accountable for.

Superficially, this legislation sounds like a good idea. However, if we drill down to a little more detail there are some fairly interesting implications that, unless addressed properly, will lead to a worse situation in Western Australia than existed prior to this legislation. As I say, it will be the government's responsibility to put in place appropriate mechanisms to ensure those implications are avoided. I certainly intend to speak to this second reading debate for a relatively short time. I would like the bill to be dealt with in committee, because I want to ask the minister about some of those implications at that stage.

In setting the scene, so to speak, I want to make two declarations to the house. Apart from receiving one Multanova fine once, which is a long story and I can still argue that I could have won a case in court about where signs were placed during some roadworks on the Mitchell Freeway, the only time a police officer has ever written out an infringement notice for me was when I did not have my registration sticker displayed. From that experience, members might think I would be very keen to see the passage of this bill—upon which I would wonder whether I could get a \$50 refund! The second story I want to tell the house today is far more concerning and should make us all wonder as we consider this legislation. That situation arose as I was driving my government-issued vehicle, as a member of Parliament, to my electorate office and I looked across and noticed that my registration sticker had the number six on it, yet it was towards the end of July. When I arrived at my electorate office, I asked my staff to call—I think in those days it was DPC—and find out where the registration sticker for my vehicle was. About half an hour later, we got a very panicky call to my office with the instruction, "Please tell Mr Travers not to drive his vehicle; it is unregistered; we will be going down to the licensing office this afternoon and as soon as we have paid it we will have the sticker couriered out to your electorate office."

Hon Michael Mischin interjected.

Hon KEN TRAVERS: Hon Michael Mischin makes an interesting point. What would have happened had I not known? I would have continued to drive my vehicle around until, potentially, one of two or three things occurred. The first could have been a police officer stopping me and issuing me with an infringement notice for driving an unlicensed motor vehicle. Would the infringement have been waived? That is an interesting question.

The second scenario in which I would have discovered that my vehicle was unregistered was if I had been involved in a serious accident and hurt someone.

Hon Alison Xamon: That would have been terrible.

Hon KEN TRAVERS: It would have been absolutely terrible. Let us think through the implications of that. Hon Alison Xamon has quite correctly made the point that if I had hurt someone, that person would have been covered under the motor vehicle third-party insurance scheme that operates in Western Australia. What would have happened to me as an individual? The Insurance Commission of Western Australia would have pursued me for the damages.

Hon Michael Mischin: It could have.

Hon KEN TRAVERS: It could have or would have? That is an interesting question. Nonetheless, I would have been put in a position in which my assets were on the line. That outlines a very serious scenario. From talking to people, it is surprising the number of people who have used a vehicle registration sticker as a second check. I

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know of many people who have noticed the month on the sticker, realised their vehicle was unlicensed and had to take it over the pits to have it re-licensed. In some of those scenarios we could say the error was of their own making because they had received the renewal notice, put it on the fridge and forgotten about it or lost it in the paperwork around the home. In other cases, it is because they never received the paperwork. That very situation happened to one of my colleague's electorate officers. When she got married and changed her name, the paperwork went astray and her husband was caught driving an unlicensed vehicle. They discovered that that was because the paperwork had been sent to the other people at the wrong address, even though she was able to clearly demonstrate that she had provided all the correct paperwork to the Department for Planning and Infrastructure, and it was an error at the other end, not by her. She had tried to do everything correctly.

Hon Ed Dermer: The postal service is not perfect.

Hon KEN TRAVERS: There is also that issue. They are issues that give rise to significant concern that the government needs to address. To ensure we do not cause a potential increase in these scenarios, by way of a question to the minister earlier this year, I suggested the idea of conducting some baseline studies. It is not that difficult because WA Police has the technology that enables it to set up cameras on the side of the road that can digitally read number plates and immediately determine whether a vehicle is licensed; it is quite a sophisticated database. They could actually select 10 or 12 control zones across Perth, operate the cameras over a number of days in those zones, and keep going back every year at the same time to get an indication of whether there is any discernible percentage increase in the number of unlicensed vehicles. That would be one way of ensuring that the legislation will not have an adverse impact, through the sorts of scenarios that I outlined earlier, on the people of Western Australia. I will be asking the minister whether the government intends to go down that path. One of the difficulties is that we are very close to the time of implementation of this new measure—1 January. As an aside, this bill is part of a package of bills that we will try to ram through the house during the last couple of sitting weeks. This initiative was announced by the government in April. There was a day earlier this year when there was no legislation to deal with, yet we have only just received this legislation at the very last moment, even though in a drafting sense it was quite simple legislation to put together. The government needs to think about how it manages its legislation program. Hon Peter Foss made some very good recommendations about legislative programs in his submission on the standing orders of this place.

There is a range of other areas to cover; I do not want to cover them in my contribution to the second reading debate, but I will flag them. I will go through them in detail during the committee stage. There are implications for people travelling to the eastern states. During the briefing from the department, the minister said that he had told other jurisdictions about this initiative. I have taken the trouble to contact a number of the ministers from other jurisdictions, and I received very interesting advice about the impacts that such an initiative may have for the people of Western Australia and the inconvenience it may cause them when travelling to the eastern states. I understand also that a website is being established. I want to ensure that the government intends to have that up and operational from the time of implementation of this legislation. There are issues with police operating in regional Western Australia outside the 3G network coverage and their ability to quickly determine whether a vehicle is licensed. I suspect that many police rely on the registration sticker in certain circumstances. If the police pull a vehicle over, they will use the computer to check registration, but if they are just driving past, they will rely on the registration sticker. That was certainly the case when I was pulled over; the only reason I was pulled over was that the police officer noticed I did not have a registration sticker on my car.

Hon Michael Mischin interjected.

Hon KEN TRAVERS: I have not been pulled over that often! He was a motorcycle cop, and he pulled me over to check on the registration. My vehicle was licensed; I just had not attached the sticker.

There is concern about this legislation in the motor industry of Western Australia. I received a letter from the Motor Trade Association of Western Australia. I might take this opportunity to formally put on the record that the letter was signed by Peter Fitzpatrick. Peter indicated in a radio interview recently that he has tendered his resignation from that organisation, and I think it is an appropriate time to pay tribute to the work that Peter has done as the chief executive officer of the Motor Trade Association of Western Australia over some considerable time. It will be sad to see Peter leave that organisation, but I am sure he has greener pastures to go to. I certainly wish him very well. The letter indicated a number of concerns the Motor Trade Association has about this initiative. There was concern about the lack of consultation with the industry. The government has indicated that it will be open and accountable, so it is quite interesting that a major peak organisation has indicated that there was a lack of consultation with the industry on this initiative. The association also pointed out that registration stickers serve as a very useful reminder to dealers about whether vehicles are registered, and are also useful for checking vehicles that people have brought in for a trade-in value assessment; dealers can look at the sticker to make sure that the vehicle is licensed. The association is worried about the implications for staff driving unlicensed vehicles in such situations. One solution that has been suggested is that people can carry their

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registration papers with them in the vehicle, but it is also suggested that registration papers should not be kept in vehicles for the reason that if a vehicle is stolen, possession of the registration papers will assist the criminal, so that is not a great solution to the problem. The Motor Trade Association is the major motor vehicle organisation in Western Australia, and it has expressed its concern about this legislation.

I have broadly outlined the general issues that the government needs to address. I suggest that if we now go into the committee stage, we can go into a little more detail about how some of the specific issues can be managed by the government. I indicate that the opposition will not oppose the bill for the reasons outlined at the beginning of this debate.

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [11.36 am] — in reply: I thank honourable members for their contributions to the debate. I note that there is no opposition to the bill being read a second time and that the Labor Party would like to explore a number of themes during the committee stage rather than during the second reading debate; that seems a good way of making some timely progress. I will respond in kind by leaving many of those matters until the committee stage. I mention this to indicate that there is no disrespect intended to the chamber if I truncate my remarks now and refer only briefly to some of the items raised during the second reading debate.

I noticed the wording of the Labor Party spokesman, who indicated that the opposition “will not oppose” the bill, which is rather less enthusiastic than saying that the opposition will support the bill; there is a subtle difference, and I understand why. I also accept Hon Ken Travers’ view that the introduction of this sort of initiative is something that governments should be able to proceed with. Indeed, when a government has done such a thing on its own initiative, on its head be it.

Hon Ken Travers: You’ve got the capacity to put in place those mechanisms and we don’t.

Hon SIMON O'BRIEN: Indeed, but as the member says, any administrative regime that affects so many people, vehicles and transactions as the licensing of motor vehicles will be an area of activity in which, no doubt, there will from time to time be occasions when people can say, “Aha! This shows why it was bad to get rid of rego stickers!” Those matters will be raised in due course; I have no doubt that there will be occasions when such things will be raised. People will probably highlight them on talkback radio, and the opposition will do what oppositions do.

Hon Ken Travers: Are required to do!

Hon SIMON O'BRIEN: As it is required to do; it will perhaps exaggerate some of these things and say, “There you are; we told you this would happen.”

Hon Ken Travers: We don’t do that—we just bring things to the attention of the public. We never exaggerate!

Hon SIMON O'BRIEN: Always with a view to being positive and helpful, I know!

Hon Ken Travers: Constructive criticism is all I ever engage in.

Hon SIMON O'BRIEN: Yes. The opposition has enthusiastically embraced the criticism part; if it can apply the adjective “constructive” in future, it will be a major advance. We are already getting good results from this bill! I thank the honourable member for his comments, and I will be more than happy to deal in detail with the issues he wants to raise when we get the committee stage in just a moment.

I did note in passing the member’s concerns about what would be the consequences if his fleet vehicle were to become unlicensed and he was stopped by the police and confronted with the suggestion that he be charged with the offence of driving an unlicensed vehicle. The act does, of course, provide a defence to that. Section 15(3)(b) of the act provides as a defence that—this is relevant in the case of Hon Ken Travers—the person had no knowledge that the vehicle he was driving was unlicensed. Therefore, in the case of that example, and the several other examples that the member has raised, I think we can put the house at ease. We will, no doubt, go into that in more detail in a moment when we go into committee. Those questions will include, I am sure, a re-run of some of the queries that were raised by Hon Alison Xamon. It does not hurt to give those matters a bit of ventilation and get them on the record. Yes, we will talk about the implications for travellers to the eastern states. That is a legitimate matter that we should consider. I assure members that I think we will be able to assuage their concerns so that they can proceed to pass this bill with some confidence.

Hon Ken Travers outlined two tales of woe. He outlined first how he had been fined for not exhibiting a registration sticker on his vehicle. I do not know how recently that occurred, but comfort is at hand in this bill—I am sorry that, for the sake of the member, we did not bring it in previously—and in future others will not need to suffer as the member has suffered in the past.

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Hon Ken Travers: I do not know that I am an orphan in this chamber when it comes to offences of that nature, minister!

Hon SIMON O'BRIEN: This might be just the tip of the iceberg!

The PRESIDENT: Order! I am just very pleased that the Parliament can also act as a confessional!

Hon Ken Travers: Mr President, shall we refer to you as "Father" rather than "President" from now on?

Hon SIMON O'BRIEN: On this occasion, if my agent is to be fining Hon Ken Travers, the fine will continue to be at least \$50; I assure the member it will not be three "Hail Marys"! The government certainly looks to cash whenever it can.

Hon Ken Travers also outlined his reliance on a registration sticker. I think that amounts to a confession, Mr President, because not only has the member previously been fined for driving a car with an out-of-date registration sticker, but also he has confessed to doing it again!

Hon Peter Collier: No!

Hon SIMON O'BRIEN: He is a serial offender, obviously! I will check the statute of limitations and see if we can revisit that—unless, of course, this bill has a rapid passage through the committee, because that may cheer me up a bit!

I thank Hon Alison Xamon for the support of the Greens for this bill. She has told members an interesting story about her delay in changing the registration sticker on her motorbike.

Hon Alison Xamon: It was my fault.

Hon SIMON O'BRIEN: Another confession, Mr President! But, given that the Greens' support for the bill is unqualified and is far more positive than the support from the Labor Party, I am sure the statute of limitations does apply the case of Hon Alison Xamon.

Hon Alison Xamon: It was a number of years ago. I have bought a screwdriver since then!

Hon SIMON O'BRIEN: There is probably another defence in section 15 for people who cannot put their hands on a screwdriver at the material time! Hon Alison Xamon raised several questions, and she indicated that her queries had been satisfied, so I thank the advisers for that. Indeed, some of those matters may be canvassed by others during the committee stage.

Hon Ken Travers: Are you going to give your confessional next, or just give us the page of *Hansard*?

Hon SIMON O'BRIEN: Okay! I will come clean, because it may help the debate. I once went through a breathalyser on Shepparton Road in Victoria Park.

Hon Kate Doust: That is usually where they get you—not me, but you!

Hon SIMON O'BRIEN: The police seem to have a process of allocating resources called risk assessment. Since Hon Kate Doust has moved to Victoria Park, there have been plenty of booze buses out there to protect her and her family from others who may drink and drive.

Hon Kate Doust: That is right, minister, because I do not drink like you do!

Hon SIMON O'BRIEN: I went through that breathalyser. Of course, it is very often junior police who are put onto booze buses. I am not sure if that is such a good thing, but it is not my business to decide how they do that. Often the police come straight out of the academy and do a stint on the booze buses.

Hon Robyn McSweeney: It is a good training ground, I think.

Hon SIMON O'BRIEN: On the one hand, there is that view. On the other hand, it may not be a good idea. I duly blew negative in the test, as members would expect. However, as police officers are sometimes wont to do when they are standing around very late at night in the cold, and they have examined the driver for his licence or have given him a random breath test and they cannot find anything wrong, they try to find something that is wrong.

Hon Alison Xamon: Only if you look suspicious!

Hon SIMON O'BRIEN: Regardless. I remember an occasion when a police officer put a yellow sticker on a car just because the windscreen washer reservoir was not full enough. Of course that sort of thing does not warrant a yellow sticker. Perhaps that was a case of youthfulness or inexperienced exuberance getting the better of the person. On this occasion, this very young officer said to me that I was free to go, but, by the way, I had neglected to take off my old rego sticker. He then said to me that that is an offence, and he could give me a ticket for \$200,

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or whatever it was, for that. Frankly, I did not think that was warranted. If he was that concerned about it, he might just have said to me that I was supposed to take off the old sticker, and I would say right, I will make sure I take it off. The police should not threaten people in that way. There we go! There is my confession! I had on my car the expired sticker as well as the current sticker.

I want to get back to the point of this debate. The point is that in our society we need to take an extraordinary mega-leap into the twenty-first century and dare to let go of the apron strings of the registration sticker. I think we can do that. The use of registration stickers commenced many years ago when it was decided that governments needed to regulate, and tax, motor vehicles. The only way that governments could do that in those pre-computer days was by issuing a registration label. I do not think they were sticky labels at that time. They were just mounted or displayed at the front of the vehicle. The idea behind the sticker was that it would provide proof that the owner had paid the tax and the vehicle was registered to be on the road. These days, things are not done in that way. It is as simple as that. The window sticker is not lawful proof that the vehicle is registered. Indeed, it contains very little information at all. The need to have a registration label on the window of the vehicle has passed. Section 27 of the act refers to the need to maintain a register of vehicles. The vehicle register of today is a very different instrument from the vehicle register of 80 or 100 years ago. At that time, it would have been an actual ledger. Now it is a computer-based record, and we can find out the information that we need very easily. Therefore, the need to have a sticker on display has well and truly passed. That is why we picked up this measure, which was initially proposed, advanced and planned for by the former Labor government from about 2007. It came from an idea advanced by Dan Barron-Sullivan, the then member for Leschenault. During a parliamentary forum, he asked why we had window stickers, which got everyone thinking and realising that there was no good reason; that is why we can safely get rid of them. As Hon Alison Xamon pointed out, there are even environmental benefits, because a lot of unused stickers are discarded at the end of every month.

We could discuss plenty of other matters of interest, and, as is so often the case with relatively minor or trivial matters such as this, they encourage interest. I am sure there will be a lot of interest in this measure when it is introduced, and I am sure that people acknowledge the odd difficulties that may arise, but I think the benefits outweigh those potential difficulties. I conclude my remarks, and I thank the house for its support of the second reading.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Michael Mischin) in the chair; Hon Simon O'Brien in charge of the bill.

Clause 1: Short title —

Hon KEN TRAVERS: I thank the minister for his comments in response on the Road Traffic Legislation Amendment (Registration Labels) Bill 2009. I have one comment to make about his statement that the previous Labor government was implementing this procedure. The former government certainly was looking at, and may have sought to amend, the legislation to provide the capacity to go down the path that the present government is now taking, but I think there is a difference between putting in place the capacity and actually taking the formal decision to implement it. Obviously, the government has now made that decision. What the current government is doing is different from what the previous government was doing because mechanisms also need to be put in place to ensure that any adverse implications of this decision can be addressed and managed. One of the key things we need to undertake are baseline studies to ascertain whether this decision of and action by government will lead to an increase in the number of unlicensed vehicles on our roads. I do not think that that would be a very difficult thing to do, but I will probably come back to that.

I have general questions on the bill, and I think it is appropriate to ask them now. How will a person who uses a fleet vehicle—they have not purchased the vehicle themselves; therefore they never receive the registration papers—know when the registration is due to expire and continue to maintain, as in the example that I gave, a constantly licensed vehicle, as opposed to an unregistered vehicle?

Hon SIMON O'BRIEN: A person driving a fleet vehicle will have the same onus to have regard to the expiry of the registration of vehicle as is currently the situation. The responsibility for that is with the owner of the vehicle now, as it will be prospectively as well. I invite members to consider that it is easy to come up with potential little ways that there could be difficulties with any regime —

Hon Ken Travers: There are a lot of fleet vehicles out there.

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Hon SIMON O'BRIEN: Indeed there are. I ask the member to consider the following as an example: if someone's vehicle licence was due to expire in December—that is, next month—their vehicle would currently exhibit a sticker with a 12 on it, and the year. If the registration renewal date for that vehicle was 1 or 2 December, people have to be a little careful about how much reliance they place on that sticker, because all it shows is "12". If somebody was to wait—as the member did—until it was next month, the registration would have well and truly expired by the time the member raised the inquiry on that previous occasion, as was recounted by the member before. This is not to say that the sticker, the registration label that currently exists, is some sort of proof against that sort of incident happening; that is, an oversight of an administrative nature has taken place and a registration has not been renewed. I do not think there will be, materially, much difference to the system that is now in place. The responsibility is for a fleet owner to ensure that his or her vehicles are registered, and the entitlement, as a lessor of the —

Hon Ken Travers: The driver. I am neither the lessee nor the lessor; the Department of the Premier and Cabinet is the owner.

Hon SIMON O'BRIEN: That is correct, true, but the driver of that vehicle is entitled to expect that the vehicle he or she is provided with is duly registered, amongst other things.

Hon KEN TRAVERS: I am not sure that the minister has answered my question, which was: how will I know whether the vehicle is registered? Maybe I will go to my next point, so that we can understand why I am asking this question, and then the minister can come back to my first question. Does the minister accept that there are significant implications for a person who is driving an unlicensed vehicle if he or she is involved in a motor vehicle accident; for example, the third party insurance is unable to be claimed against that person as a result of that accident if the vehicle is unlicensed and has exceeded the period of grace that exists after that licence expired?

Hon SIMON O'BRIEN: The member has basically asked two questions. The first is the simpler question: how is the driver of a lease fleet vehicle meant to know whether the registration is current? We might well ask! I would have thought it would be the responsibility of fleet owners to ensure that their vehicles are registered and to notify that to the person taking receipt of the vehicle on lease when it is handed over together with other articles of information. The story is the same for owner drivers of cars who wish to establish when their registration is due to expire. They have their own records, but if they are not confident in their records—they may have lost them or something like that—they can inquire about it.

Hon Ken Travers: At the very least an owner driver should have some licence papers, so I understand that. We are putting the onus back on owner drivers to ensure that they keep those papers in a place where they can check them; I understand that. However, for the person who has a fleet lease vehicle, there is a problem. Maybe the minister should go to the second question because it is what happens at that second point that makes it so important to understand the first question.

Hon SIMON O'BRIEN: That is what I am coming to. The questions were: What would be the status of the driver of a fleet vehicle—in fact, it would be of any vehicle—if he or she were driving the vehicle out of registration and had an accident? Would the driver be covered for insurance purposes? One would not be covered as a driver for third party insurance—it is my understanding—if the third party cover had expired. Therefore, drivers could be at risk of the Insurance Commission pursuing them, as it might well do if they were the cause of the accident or had been negligent, in just the same way that if the car had been insured for third party coverage and the driver caused the accident through his or her negligence, the Insurance Commission could still pursue the driver for the third party damages it pays out to someone else. I think that answers the second part of the member's question.

Hon ALISON XAMON: I think we are almost there in terms of clarity on this point, but I just want to extend it a little further, if that is okay.

Hon Simon O'Brien: Sure.

Hon ALISON XAMON: This was obviously an issue that I raised at the briefing as well. My big concern is about those people who perhaps have relied on the visual sticker in the past, rightly or wrongly, and I certainly concur with the point made that a sticker in itself is not evidence of a vehicle being registered. However, we recognise that it is an indicator that a lot of us have come to rely on. As Hon Ken Travers relayed in his personal anecdote, it was actually the sticker that alerted him to the fact that there was a problem in the first instance. Therefore, there is the issue of people expecting that, rightly or wrongly. I want to be very clear that when I raised this issue, I received a response from the advisers that I was satisfied with. I would like to see that response on the record, because that would make me feel more comfortable. The response was that the advisers had spoken to the Insurance Commission of Western Australia and the Insurance Commission advised that it

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would meet a victim's claim provided there is proof of negligence by the driver. It would then seek to recover the sum from the driver. That was very clear. My understanding is that is the normal state of affairs, but if the driver could not reasonably have known that the vehicle was unregistered, the owner would be pursued instead of the driver. I think that is the intent—we are almost there—but I want to have it very clear that that is the intent.

Hon SIMON O'BRIEN: The indication provided to me is that the insurer would focus on the driver of a vehicle in seeking further redress if it had to pay out to some third party for an unlicensed vehicle. That is the same as it is right now. The member's raising of the question invites me to canvass this quite central issue—namely, this matter of reliance on having a visual sticker. All of a sudden it appears that foremost in the consciousness of everyone in the state is, "Oh, heck, my rego sticker is the thing that I care about most in the world." That is not the case at all. I am not suggesting that the member is inferring that, but —

Hon Alison Xamon: No, I am not, but I think there needs to be recognition that quite a number of people rely on it.

Hon SIMON O'BRIEN: Indeed there are! Let us put an example up: what is the expiry date on the member's sticker on her car?

Hon Alison Xamon: I have absolutely no idea.

Hon SIMON O'BRIEN: Exactly. Hon Robin Chapple?

Hon Robin Chapple: My sequence number is the sixth month.

Hon SIMON O'BRIEN: I wonder whether anybody knows what the expiry date is on the sticker. The point is made: it is not something that is at the forefront of one's mind. Yes, it is an aid. Yes, we can all recall occasions when we have looked at a sticker and thought, "You know, the rego's going to fall due shortly." There are other occasions when we have looked at the sticker and said, "Oh, heck, that's expired!" I think the example Hon Ken Travers gave was, "Oh, yeah; I must've left it on the fridge and forgotten to put it on."

Hon Ken Travers: Not me, but that is what people do.

Hon SIMON O'BRIEN: The member has already been exposed during the second reading debate as a serial offender in these matters! However, I will not personalise it.

Hon Ken Travers: And try not to trivialise it either, because this is a fairly serious matter.

Hon SIMON O'BRIEN: I am not trivialising this; however, it is substantially a trivial issue. As I concluded and as others have opined, the future of the registration sticker for people's windscreens is not the most earth-shattering question facing our civilisation. It can be demonstrated that its usefulness is well and truly past. To suggest that we will have real problems with not having these stickers stuck on people's windscreens anymore, frankly, is a scenario that I do not think on balance will arise. I am sure members will be able to find someone somewhere who says, "The reason my rego wasn't paid was because I did not have a sticker on my window." Frankly, that is no excuse. If we do not have registration labels, people have to find other ways to keep their affairs in order. The ways in which that reliance factor can be overtaken are as follows: firstly, my department will send, six weeks in advance, a written notice inviting the owner to renew his or her registration.

Hon Ken Travers: A driver of a fleet vehicle will not receive that.

Hon SIMON O'BRIEN: It is the responsibility of the owner of the vehicle to make sure the vehicle is registered.

Hon Alison Xamon: It is also the responsibility of the driver, apparently; and the driver will not have that immediate visual aid in the same way anymore.

Hon SIMON O'BRIEN: But they do not need it. When a person is driving a vehicle and going about his or her normal business, that person does not need to worry about whether or not the registration is paid. First, the owner gets a reminder from the Department of Transport. If that reminder is put to one side and forgotten, the department sends another reminder.

Hon Alison Xamon: Hon Ken Travers has pointed out that we do not —

Hon SIMON O'BRIEN: Please let me advance the matters that have been raised. There are other ways in which people can organise their affairs. When members think about it, they probably already do. I am sure they do. Some people, for example, might enter in a diary when various bills are due. It is a normal housekeeping practice. Vehicle registration is just another expense that comes up periodically. Some people have a calendar—it might be hanging on the side of the fridge—and they note down when the electricity bill, car rego and water rates have to be paid. These are routine ways that people manage their affairs. People do not need to be given

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stickers to put on their window to remind them that the water rates have to be paid. If a person is renting a house, he or she will not know whether the water rates have been paid either because it is the landlord's or the owner's responsibility. Yet life seems to go on. It is the same here. There might be a new reliance necessary for fleet operators to advise their customers as to the status of their licence. But they do not do it now.

Hon Ken Travers: They do, because they send out a sticker. They send that sticker out and that does notify when the registration is due for renewal.

Hon SIMON O'BRIEN: In the honourable member's example they did not send out a sticker —

The DEPUTY CHAIRMAN (Hon Michael Mischin): Order, members! I do not want to interrupt a very fruitful debate but I am concerned that the Hansard reporter may not be able to record all the interjections in a way that makes sense of the minister's responses, and the public will be poorer for it. If members could deal with a question and answer one at a time, that would be helpful for the public record.

Hon SIMON O'BRIEN: There is nothing wrong with the point that Hon Ken Travers raises. The question is: how much weight do we apply to it? I can raise precise counterpoints; for example, the wrong label affixed to a particular vehicle. If stickers were about to be sent out to various drivers who operate vehicles as part of a fleet, and someone were to put the wrong sticker on a vehicle, that could give the driver a false comfort about third party insurance and things like that. That is the corollary to the point that the member advances. I do not dismiss the point raised but I point out that it would happen relatively infrequently. However, for every case that it could hypothetically happen—and the member was able to produce an actual example—there would also be examples of the converse happening when someone places reliance on a sticker that is the wrong one or provides misleading information.

These days labels are not proof of currency. As I said in my remarks earlier when wrapping up the second reading debate, there was a time when the label given out with registration was a whole lot of things. It was something to be affixed to a vehicle to say that the vehicle is registered. That was proof—it was a receipt issued at the same time the tax had been paid. Now, as we know, the registration label that goes on a windscreen is not proof of payment or currency of registration.

We can talk about this forever. I am quite happy to go as long as the house wishes to go, but I have acknowledged already that there will be odd examples. When there are millions of transactions occurring, there will be odd quirks in the system, or at least allegations of quirks in the system. There are now. I do not think that should prevent us from going down this path. I do not think we will see any real change in the level of convenience to people except that a whole lot of Western Australians on more than two million occasions per annum will not have to muck around with razor blades to take off old labels and replace them with new ones.

Hon ALISON XAMON: I did not hear Hon Ken Travers make the claim that stickers were the be-all and end-all in determining whether or not a vehicle is registered. I do not think any member of this place is suggesting that.

Hon Simon O'Brien: No, he did not.

Hon ALISON XAMON: Hence, it has already been indicated that this bill will be supported. There needs to be a recognition that culturally people have relied on registration labels. Whether or not that is a wise idea, that is the way it is. I was interested in the undertakings that were given on how people will make that cultural shift and change the way they think about registration. For example, not that long ago a campaign was initiated encouraging people to check the status of their licence, to take it upon themselves to make sure they had not been captured by too many Multanovas and to check that their licence was current. That is the sort of thing that we need to be proactively looking at.

As I mentioned before in my contribution to the second reading debate, it was indicated to me that there would be an education campaign of some sort to encourage people to alter their behaviour so that they would no longer be reliant on a sticker as part of the process. As I have also indicated, I am aware that the sticker regime can be used fraudulently by transferring the sticker to other vehicles; perhaps unroadworthy vehicles and the like. There can be problems with that regime. People might say that their registration has been lost or they might end up getting hold of two. Stickers are not without their flaws. I have not heard anyone say that they have some desperate attachment to stickers. However, there are issues about making sure that people are not inadvertently driving unregistered vehicles precisely because the consequences of doing that are potentially so very dire.

I had one of my concerns clarified—that is, if I were to be hit by an unregistered vehicle, the Insurance Commission of WA would cover my injuries, which is a good thing. The driver of the unregistered vehicle would be pursued by the Insurance Commission for those costs, as is the normal process.

Hon Nick Goiran: May.

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Hon ALISON XAMON: May be pursued. Obviously I am not here to debate points of law necessarily; but point taken. I am always concerned about the potential, as I am sure the honourable member opposite is as well.

The concern then is about people driving vehicles that they do not own. The issue of fleet vehicles is the main issue that has been discussed. It could equally apply to borrowing a friend's or family member's vehicle or something like that. A driver may get into a vehicle in good faith, expecting that it is covered by at least basic third party protection, and then, of course, if the driver is involved in an accident, he or she will be pursued. Certainly that is a concern the Greens have, and it was also raised by Hon Ken Travers. The minister made reference in the second reading speech to a particular clause. I hope the minister will revisit that as it might help to resolve whether there is a defence for someone driving an unregistered vehicle.

Hon SIMON O'BRIEN: Members are making fine contributions, and I thank them for it. The honourable member is quite right that Hon Ken Travers was not suggesting anything more than that there could be occasions with unexpected consequences. I certainly was not holding out that he had said there would be anything more than that. I was associating myself with the view that generally those occasions in which people point to an absence of a registration sticker on their windscreen as a reason for doing something wrong in process of registering their car would be few and far between. The fact is that it is the owner's responsibility to make sure his vehicle is properly registered and so on. That is not going to change. My point was that we have to be careful that we do not over-invest this change of doing away with window stickers as having a significance or impact beyond that which it will have.

There does need to be an education campaign. That was mentioned to Hon Alison Xamon during the briefing, and I will confirm that now. The member reminded me of a recent campaign indicating where people could check their licence for demerit points and so on. The licensing services business unit will also deal with this. I thank the member for reminding me of that campaign, because it proves that the unit can run education campaigns and that its campaigns work. There will be one for this as well. That will be done in a few ways, including when new notices go out by mail, as they do for all registrations. There will also be some inserts to tell people about what these minor changes are and also to offer some tips and to point out that it is the owner's responsibility to make sure the vehicle is registered and so on.

Hon Alison Xamon: Perhaps it should point out the implications for not being registered as well. I suspect people do not understand how serious it is to drive around in unregistered vehicles.

Hon SIMON O'BRIEN: For some people, not the majority and it is probably a significant number, the member is right. The question of whether we have registration stickers on a windscreen will not make a blind bit of difference to those people. Similarly, the member makes a valid point when she asks the question—as it will surely be asked outside this place if this measure proceeds: how do we really know when we get into a friend's car whether it is properly registered and, therefore, there is third party insurance? Has anyone ever got into a car at someone's invitation—such as leaving a party—and asked the driver to hang on while they whiz around the left-hand side and check the rego sticker? It does not happen, and it will not start happening now regardless of this measure. I do not think we will see great changes in the world as a result of this measure. That is what I am seeking to reassure the chamber. Yes, I acknowledge that someone will say "I did not renew my registration, your worship, because I did not have a sticker on my window." That will happen, but I do not think that should stop us from proceeding with this change.

I refer the member's attention to section 15(3) of the Road Traffic Act 1974, which reads —

Where a vehicle for which there is not a valid vehicle licence granted under this Act is used on any road, a responsible person for the vehicle and any person so using the vehicle or causing or permitting such use commits an offence against this Act, ...

That is not news to anyone; that is there now and what ought to stay in the future. If someone is driving a vehicle under certain circumstances and the vehicle is not registered, that person commits an offence. That is what the law is now, and what it should be and what it will continue to be. However, there are some exceptions. The relevant one is paragraph (b), which states —

it is a defence to a charge of an offence against this subsection against any person other than a responsible person for the vehicle if the accused proves that he had no knowledge that a valid vehicle licence had not been granted in respect of the vehicle;

That would have been the defence if there had been any suggestion that Hon Ken Travers be charged with the offence of driving an unregistered motor vehicle on the occasion that he alluded to in the second reading debate. Once he became aware, though, that the vehicle was unregistered, he needed to make sure that it was registered; and he did that.

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Hon KEN TRAVERS: I know Hon Alison Xamon asked about that, and I accept that. That is not the issue. It is not the opposition's intention to try to extend this debate. I will be asking very succinct questions to which I want very succinct answers so that we can move on with the business of the house, because we are all committed to that. I encourage the minister to think about that when he gives his answers.

I do not think that we want to put in red herrings about the ordinary citizen who has a motor vehicle. I understand that; I accept that. We are saying that the onus is on them, and the government will provide some mechanisms to assist them to work out if their vehicles are licensed. They will get a piece of paper, which is their licence paper, that gives them the day on which their vehicle is due to be renewed. Where this change will have implications, and I want to know what the government will do about those, is with fleet vehicles, of which there is a significant number. I do not know the exact number, but I would hazard a guess that the number runs into hundreds of thousands on the roads in Western Australia. The drivers of those fleet vehicles do not have any way of knowing the date on which the registration expires, other than by the vehicle registration sticker. I want to make that clear in order to set the scene. I understand that they will not be convicted for driving without a vehicle licence under the act. However, can the minister give a commitment to the chamber that the driver of an unlicensed fleet vehicle who was not aware that that vehicle was unregistered will be treated no differently, when making a third party insurance claim to the Insurance Commission of Western Australia, than a person driving a licensed vehicle? That is the question we need to answer. If, say, a fleet vehicle is unregistered without the driver's knowledge, will the Insurance Commission of Western Australia treat that driver identically to the way it would treat the driver of a licensed vehicle? That is the question I want answered in the chamber today.

Hon SIMON O'BRIEN: The member indicated earlier that he wanted to look at things in detail, but I will be brief if he wishes. The question relates to the liability of a driver under third-party insurance if a claim arises from an accident or whatever event. If a driver of an unlicensed vehicle is involved in a crash and damages are paid under third party by the Insurance Commission, the Insurance Commission may pursue the driver to recover those damages. That is in the case of an unlicensed vehicle. That will not change under this legislation.

If a driver of a registered vehicle is involved in a crash and the Insurance Commission pays out third-party damages, the Insurance Commission may pursue that driver to recover those damages. In either situation—a licensed vehicle or an unlicensed vehicle—the Insurance Commission may pursue the driver to recover third-party damages. That is the only advice I can give. I know that is the existing situation and that will not be changed by this bill.

Hon KEN TRAVERS: It may be the only answer the minister can give, in which case he can make it clear to the house that he is unable to answer my question. But he still has not answered the question I asked him: would the driver of an unlicensed vehicle be treated any differently by the Insurance Commission of Western Australia than a person driving a licensed vehicle? It is a very simple, very narrow question and that is the one I want answered.

Hon SIMON O'BRIEN: The only answer I can give to that is that it is my understanding that the Insurance Commission obviously considers each case on its merits. The answer to the question the member raised about whether the Insurance Commission will pursue drivers in different situations differently is a question for the Insurance Commission now. It is a question that the Insurance Commission will no doubt have to consider in the future. That is the answer I can give. I hope that my response to that question is not characterised as a failure to give an answer. It is simply that that is a matter for the Insurance Commission. The important thing to note is that this bill will not change whatever criteria apply now. Whether a vehicle is licensed, the registration paid or unpaid, the driver incurs third-party damages or whatever, the situation will be just the same after the passage of this bill. This bill does not impact at all on considerations of third-party liability or how the Insurance Commission should conduct itself. That is why I am unable to advise the member any more than that. This is a bill to provide that we do not have to stick a rego sticker on our window.

Hon PHILIP GARDINER: I have tried to listen very carefully. Maybe I am missing something; maybe the law is faulty as it stands, because I think that what this bill proposes makes good sense. An owner of a vehicle gets a notice to pay registration and registers the car. I thought the accountability the minister referred to was of the owner. In registering his vehicle, he is also accountable for third-party eligibility. The driver of a fleet car or my son driving my vehicle, for example, would not know whether the registration had been paid. If the driver has an accident, the driver should not be accountable for covering personal costs as a result of the lack of third-party insurance, which, as I think the minister said earlier, should be taken care of by the owner. That is the accountability. The third-party accountability belongs to the owner of the vehicle, not the driver. The driver is accountable for making a mistake, but that is a separate issue altogether. The third party is the issue that I think Hon Ken Travers is talking about. If the law says the driver is accountable when third party insurance has not been paid by the owner, we have a problem—not with this particular bill—and we should correct that problem.

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Hon SIMON O'BRIEN: Implicit in Hon Phil Gardiner's remarks is a request for me to respond. There may well be some law somewhere but this bill, as he pointed out, does not apply to that issue. This bill is about whether registration labels go on people's vehicle windows. While it is right that we air these concerns, nothing in this bill will change what exists in terms of liability when it comes to a registered versus an unregistered vehicle. The member gave the example of a relative or a friend driving his vehicle. Again, that person may not know whether Hon Phil Gardiner has paid his registration and there could be implications for the driver if something happened. That is the situation right now. This bill does not touch on that at all. That is why I say we do not want to read more into this than is required. The question that is rightly raised by members is: will doing away with the registration label somehow aggravate situations that arise from time to time? The government does not believe that the bill will have any material effect and that is why we are proceeding with this measure.

Hon ALISON XAMON: We are digressing all over the place in terms of where the onus lies when it comes to driving an unregistered vehicle. I want to respond quickly to Hon Phil Gardiner's comments. I accept that there should not be a blanket provision whereby the owner of a vehicle is held automatically liable should his unregistered vehicle be driven. That would be most unwise because it almost gives people permission to grab an unregistered vehicle that they do not own and drive around without any concern about recourse. My understanding is that the section cited, section 15(3) of the Road Traffic Act, gives a defence to someone who is inadvertently driving an unregistered vehicle. Just to be clear, the concerns that have been raised are about how the Insurance Commission will handle the recovery of moneys in such situations. The sticker has been a useful way of determining whether we are at risk because we are inadvertently driving around in an unregistered vehicle. As I have indicated, I think work needs to be done by the department and the government to assist in that cultural shift, and the government has made undertakings that that work will occur. We are not trying to change the intent of the legislation concerning the onus on drivers to ensure that they are not driving unregistered vehicles. People have legitimate concerns about not wanting to be caught up by this when they are trying to do the right thing. I think that is something that should concern all members. I am hearing more and more war stories, even from my colleagues, about the fact that people have been inadvertently driving around in unregistered vehicles. I am tempted —

Hon Simon O'Brien: What are their names?

Hon ALISON XAMON: I am tempted to check my own vehicle's registration after this debate is finished to ensure that I am not driving around in an unregistered vehicle! This certainly highlights the importance of very easy mechanisms through which people can check the status of the registration of any vehicle—their own vehicle or otherwise. That point has been repeatedly made, and I make it again. It is something that we need to be very mindful of. I am aware that that defence exists within the current act, and will continue to exist, but people are concerned about how that defence will be treated and are seeking an undertaking from the Insurance Commission that in situations in which people have a legitimate defence under the act, the owner will be pursued rather than the driver, although I suggest that that is beyond the scope of this particular debate.

Hon SIMON O'BRIEN: I am keen to assist members who wish to discuss this matter, but I think we have had quite a wide-ranging debate on matters that are very much at arm's length. This bill is not about changes to aspects of insurance and so on, so we do not want to overemphasise that particular aspect. However, I will respond by pointing out to Hon Alison Xamon that, as she says, an education campaign for this initiative is a good idea and that it will be pursued; it was always going to be pursued. When a change of this nature is made—I do not think it is an earth-shattering change—it gives us an opportunity to remind people through the provision of information of their responsibility to ensure that their motor vehicle is registered.

I hark back to a concern raised by Hon Ken Travers. It is important to note that the education campaign must also be addressed to fleet managers. I do not know offhand how many fleet vehicles there are in Western Australia; I am sure there are a lot, and I am sure that the vast majority of them are properly registered at all material times, and that the concerns that we have been kicking through will not arise. However, there are isolated incidents—Hon Ken Travers provided us with an example of one—that can occur under the present legislation. Not only is it possible that it could occur in the future, it could occur now, so this is a good time to provide a bit of education about people's responsibilities in such cases. That is a useful thing to have come out of this committee debate.

Hon ROBIN CHAPPLE: An incident occurred to me some time between 2002 and 2004; I think it was in 2003. At the time I drove a government fleet vehicle in Broome that was serviced and maintained at Broome Toyota. Every time the vehicle was left for me to pick up to drive to another location, I would check the registration because there was no paperwork in the vehicle and it was a fleet vehicle. On one occasion I was about to leave Broome Toyota in the vehicle when I checked the rego and discovered that it was out of date. I phoned the fleet company, only to discover that the company had changed since the time I originally had the vehicle and that the contract had been re-let. I spent a couple of hours phoning back and forward to find out who the new fleet

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contractors were. When I contacted the new company, I was told that it did not know where the vehicle had been because it had not been registered. In that situation, if I had not had a registration sticker on the windscreen—I do not happen to support keeping these stickers on windscreens—I would not have known. I hope that there will be some education process to enable people who drive fleet vehicles to be made aware if the fleet company changes. If people are driving fleet vehicles for maybe four or five years, they should be able to get some assurance that the registration is up to date, as the registration papers will not be in the vehicle because they belong to the fleet. I would like to know whether the minister will propose to fleet companies some methodology through which drivers can be assured that their vehicles are duly licensed.

Hon SIMON O'BRIEN: That is an interesting story. Hon Robin Chapple tells us that he relied on the registration sticker.

Hon Ken Travers: Based on this chamber, one in 18 people rely on the sticker to ensure that their car is licensed!

Hon SIMON O'BRIEN: It is interesting that the member says that; I am not trying to be picky, but let us work through this. I am not so sure that it is the case that the member checked his registration every time he hopped in the vehicle. When he made the inquiry of the fleet manager, he found out that ownership had changed, and was then told by the new owners that they did not know where the vehicle was—which is a bit of a worry in itself—and that they therefore had not bothered to re-register the vehicle. In other words, the sticker that he had been relying upon up to that point was absolutely useless, because it did not betray the fact that the vehicle's registration had lapsed.

Hon Adele Farina: Surely that depends on the timing.

Hon SIMON O'BRIEN: Indeed it does, because a month may be 31 days. If the registration date is on the first or second day of the month, one could gain false comfort from having the current month sticker, even though the vehicle's registration may have lapsed nearly four weeks earlier. All the issues raised by the member are of concern. There are some fairly shoddy management practices and interesting ways of going about business, but they do not have anything at all to do with any of the changes that are proposed in this bill. If that is the sort of thing that people are doing now—in common with the member, I would not have thought much of that leasing agent —

Hon Robin Chapple: I wasn't impressed.

Hon SIMON O'BRIEN: No, and I do not blame the member, for a range of reasons. However, that is not impacted upon by this bill. If there were useless fleet managers in the past, there will probably be useless fleet managers in the future. The concerns that this gives rise to are far more substantial than whether someone has put the correct sticker on the windscreen of the vehicle. Again, we need to look at what this bill is about. We all have a story to tell. I do not think we will be well served if we just swap stories all afternoon about rego stickers. This bill is far narrower than that.

Hon KEN TRAVERS: I agree. I want to try to move the debate on. I think we have probably arrived at the view that driving an unlicensed vehicle may have implications for third party insurance. However, if the person was not aware that his vehicle was unlicensed, he might find that the Insurance Commission will take that into consideration. I urge the minister to take up that matter with the Insurance Commission and advise the house, perhaps even at a later date, whether, if the person is able to demonstrate that he genuinely did not know that the vehicle was unlicensed, that would be one of the factors that the Insurance Commission would take into consideration before it pursued the person for damages.

I want to make it clear that I accept that, like the uncorrected version of *Hansard*, the registration sticker is an aide-mémoire. It is not in itself the only mechanism that is available. It may also not be reliable. If we want to get into technical points, the minister is right. There may be circumstances in which even the registration sticker does not guarantee that the vehicle is licensed. But in the main, it gives a pretty good indicator. Today, at least two members out of a chamber of 36 members have given examples of how the sticker has assisted them to ensure that they are driving a licensed vehicle. If the government wants to get rid of registration stickers, that is a decision for the government. I can cop that. However, I would like to get some more detail about what mechanisms will be put in place to give people an alternative method of ensuring that their vehicle is registered. One issue that has been discussed is fleet operators. I would encourage the minister to write to the fleet operators and suggest that when they issue people with a new vehicle, they give them a piece of paper that says that the vehicle registration will run out on such and such a date. That will mean that people like Hon Robin Chapple and me who want to take a bit of extra responsibility to ensure that they are driving a licensed vehicle will be able to do that.

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Hon Liz Behjat: Perhaps they could issue a sticker of their own, like the one that shows when the next service is due.

Hon KEN TRAVERS: That might be what they will do as a service to their clients. I suggest to the minister that in implementing this change, it would be a good idea to write to the fleet operators and ask them to think about how they might be able to advise their customers about when the vehicle registration is due. That might also enable their customers to do a bit of a double-check for them. If a good customer were to ring the fleet operator and say that the registration on his vehicle has not been renewed, that might flag to the operator that there is an internal problem with the system and there are 10 other vehicles in the yard that have not had their registration renewed.

I want to raise one key issue that the government needs to deal with. I am keen to find out from the minister what mechanisms the government will be putting in place to enable it to determine in future years whether, as a result of this policy, there are more unlicensed vehicles on the roads in Western Australia than there are today. That will ensure that we will know whether this policy change has led to an increase in the number of unlicensed vehicles. It may in fact even lead to a reduction in the number of unlicensed vehicles, in which case I am sure we will see a press release to that effect! This is very important because of the implications of having unlicensed vehicles on our roads. If there are more unlicensed vehicles on our roads, and if the Insurance Commission has to pay out on those claims, those of us who are licensing our vehicles may find that our premiums will go up to cover the cost of the unlicensed vehicles. I therefore ask the minister to give a brief explanation of how the government intends to monitor whether this policy change will have any implications for the number of unlicensed vehicles on the roads of Western Australia.

Hon SIMON O'BRIEN: I give an undertaking that we will communicate with fleet managers. Many of the things that have been teased out in this committee stage have been very useful. If fleet managers want to put a sticker alongside the servicing sticker to remind the driver that the vehicle will need to be registered by a certain date, we would encourage them to do that. We would encourage all private citizens to work out their own affairs and make sure they have put in a change of address form, if that applies to them, so that they get their six-week advance notice to renew their vehicle registration. People can back that up, if they wish, with a diary entry or a journal entry, or a sticker on the side of the fridge or on a calendar, so that they can make sure that their car is registered.

In relation to baseline studies of the number of unlicensed vehicles on our roads, in these days of computers it is fairly easy to determine how many licensed vehicles are on our roads, and how many vehicles that were registered a certain time ago are now not registered. However, that is all it tells us.

Hon KEN TRAVERS: But those vehicles are still on the roads.

Hon SIMON O'BRIEN: We do not know if they are still on the roads, for a range of reasons—a car might be written off in a prang, a car might be sent interstate or overseas, a car might not be registered because it is just being used on a farm or off-road, or the car owner might have gone overseas and allowed the registration to lapse. I do not know, therefore, that we rely on the stickers that we are talking about today to determine how many vehicles are licensed or unlicensed.

Hon NICK GOIRAN: I realise that a number of issues are being discussed, but the one that is taking the majority of time this morning is the Insurance Commission of Western Australia's right of recovery, particularly with respect to unlicensed vehicles. I draw members' attention to section 8(3) of the Motor Vehicle (Third Party Insurance) Act. The date I have written down is 1943. I trust that is correct. I am sure the minister will correct me if I am wrong. Subsection (3)(i) deals with a defence for an owner of a vehicle. I would love to be able to quote that to members, but because of the inordinate amount of time it has taken me to get to my feet, my laptop battery has died. But I note that we are not far from the break for lunch, so no doubt members will be able to familiarise themselves with those provisions during the break.

Hon Simon O'Brien: Is that the 1943 act—the one we are all familiar with?

Hon KEN TRAVERS: We have been given some homework to do during the lunch break!

I want to get back to the point I was making earlier. I understand what the minister has said about a database. However, the police department owns the traffic cameras. The police should be able to use those cameras to record the numberplate of a vehicle and check it against a database to determine whether the vehicle is licensed or unlicensed. It would seem to me that it would be a good thing to check up on that anyway, perhaps by setting up cameras at a couple of control points every couple of years, or perhaps even every year or every six months, to record the numberplates of vehicles at different points across Perth, so that we can get an idea of how many unlicensed vehicles are on our roads. That would also give us an indication of whether, as a result of this change, there has been an increase in the number of unlicensed vehicles on our roads. It has been demonstrated here

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today that some people use the registration sticker to determine whether their vehicle is licensed or whether it is unlicensed and they need to get things back into order. All I am asking is that the government think about doing that. It would be a part of normal policing duties anyway, in my view. That sort of monitoring and recording would certainly enable us to determine whether there has been any adverse impact as a result of this policy decision.

Sitting suspended from 1.00 to 2.00 pm

Hon KEN TRAVERS: Members might recall that before the suspension I asked a question of the Minister for Transport. Will the minister advise us whether there is any likelihood that the government can use the cameras it has and whether the minister will talk to the Minister for Police and put in place a mechanism to establish a baseline figure so that we can know over the forward estimates whether as a result of this change there has been an increase in the number of unlicensed vehicles driven on our roads?

Hon SIMON O'BRIEN: We can probably acquiesce to what the member is asking for to the extent that the technology allows us. Red light cameras, and Multanovas in particular, already reveal a certain proportion of offences that are committed involving unlicensed vehicles. That is the sort of technology that the member is talking about. We will investigate the possibility of doing that because I agree with the member that if we can find some baseline information, that will enable us to determine the success or otherwise of this measure, which would be a very good thing to do.

Hon KEN TRAVERS: I thank the minister. It would not be necessary to bring back licence stickers but other strategies might be put in place to reduce the number of unlicensed vehicles on the road. I consulted with a range of people. To provide evidence to the minister that people use stickers as a cultural thing, I have been told that parents check the sticker before they let their teenagers get into a car, to ensure that their children are driving a registered vehicle. I will ask the minister about the website in a minute. It was suggested to me that a car's registration number could be text messaged to a number and a message sent back to show that the vehicle was registered and expires on such and such a date. Will the minister also provide a brief outline of the education campaign that the government is planning to implement as part of this, including the website, and when the website will be up and running? Is there a budget for the education campaign; and, if so, what is it and what is the expected cost of the ongoing education campaign?

Hon SIMON O'BRIEN: I will be brief, Mr Deputy Chair, because I know that you are keen to put the question that clause 1 be agreed to, as indeed are we all. The member has raised very pertinent questions. The proposed education campaign, as I have already indicated, will include some written matter such as pamphlets and the like that are easy to read. They will be provided when a person renews the licence, because that will continue to happen. I predict that people will be notified also by other media in due course. The member mentioned the website. That certainly will be up. When it is up will depend on when this legislation is passed because these measures are proposed for 1 January 2010.

Hon Ken Travers: Can you give us a commitment that this legislation will not be introduced unless there is a website up and running to correspond with the introduction of the legislation?

Hon SIMON O'BRIEN: I can give the member a commitment that it is our intention to ensure that we have a website that coincides with these measures, whether it be a new website or an adaptation of the existing website.

Hon Ken Travers: Will people be able to check vehicle registrations on it?

Hon SIMON O'BRIEN: Yes. We will also do other things as we move into the twenty-first century. I will answer a couple of the member's anticipated questions while I am on my feet so that we can quickly go ahead with this. A number of mechanisms will be available to people to check on the status of their motor vehicle registration. We have already seen some success with other matters such as demerit points and the like. People are able to telephone the call centre but we are trying to provide other ways for people to get information rather than a lot of calls being made to call centres, although that avenue will remain available. People can also go into the licensing centres to check the status of their motor vehicle registration, and they will continue to be able to do that. However, we want to relieve the workload of the licensing centres. As part of a wider set of new initiatives in the licensing area, we are investigating also a far greater reliance on online facilities for people to check on the status of their car licence, rego and demerits, and to pay online. It was only a month or two ago when we introduced BPAY, for example. Those types of things will continue and are all directly relevant to easing the concerns people might have about bumper stickers. I understand that the licensing website will have on it information to educate the public before the 1 January implementation date. After 1 January 2010 people can ring a special number—131156—to check those things. In due course, as I mentioned, some online checks will be developed for a range of things.

Hon Ken Travers: What will the website that is up and running involve?

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Hon SIMON O'BRIEN: Does the member mean what will be on it?

Hon KEN TRAVERS: The minister said that he would have a website up and running before he introduced the legislation. Will people be able to go online and check whether their vehicle is registered?

Hon SIMON O'BRIEN: No. I will make an important clarification if it was not clear. There will be a licensing website with information on it that people can go to before 1 January. However, the website to which people can go online to do their own online checks will not be available until after 1 January. For now, people can call the 131156 number that I gave earlier to make a personal inquiry in pursuit of information.

Hon Ken Travers: Will you look at text messaging?

Hon SIMON O'BRIEN: We are prepared to look at a range of technologies. We want to do that to make it easier for our customers to access information or conduct their transactions to take some of the pressures off our overworked licensing staff. I hope that clause 1 will find favour after all that.

Hon ALISON XAMON: I thank the minister for that explanation. Can he confirm that the website that will be set up so that people can readily determine the registration of a vehicle, which is a good idea, will be subject to the normal privacy provisions in the sense that there will be no details of the owner of the vehicle; it will just be a matter of people putting in the registration number of the vehicle and confirming whether the registration is current and when it will expire? I am sure that that was the intent, but I would just like the minister to confirm that.

Hon SIMON O'BRIEN: This issue is not relevant to any part of the bill, I do not think. Extensive briefings and so on have been made available to members. Although it is an interesting subject, we must return to the bill if we are to make progress. We have had undertakings from members of all parties that they will either support the bill or not oppose it. I certainly assure the member that we are acutely aware of security of personal information issues and that any website access should have due regard for those issues, as indeed do many websites that provide people with the capacity to make personal inquiries. There will be safeguards to make sure that only the right people get the information available.

Hon ALISON XAMON: I assure the minister that I raised this issue in the briefing. It was not completely new. At that point I was not clear on the decision about the content of the website. But I assure the minister that I have previously raised this issue.

Hon Simon O'Brien: I am very glad.

Hon KEN TRAVERS: The next area I want to briefly touch on is the implications for Western Australians driving their vehicles in the eastern states. What does the minister expect the implications to be, and what action has the government taken to inform other jurisdictions of this impending change?

Hon SIMON O'BRIEN: The government does not believe that there will be any change; in fact, people will still be able to drive their Western Australian-registered cars in other Australian jurisdictions, just as people from other jurisdictions can drive their vehicles in this state. There will be no real change. I note that the member has spoken to ministers —

Hon Ken Travers: I have corresponded with them, actually.

Hon SIMON O'BRIEN: I met with them at the Australian Transport Council meeting the other day, although that meeting was not about this issue. The short answer to the member's question is that other jurisdictions have most certainly been contacted and consulted by the department. They are aware of it. We do not foresee any problems. That is not to say that the people the member corresponded with are necessarily right across what we are doing in our state, but we do not foresee any problems for our motorists travelling interstate, just as there are no problems now.

Hon KEN TRAVERS: I thank the minister for that response. In terms of driving the vehicles, I think that is right. I want to place on the record that I have received correspondence after contacting the respective transport ministers around the country—I have not received a response from all of them—and the two who have responded to me have both indicated that they see some complications in that the police will need to radio in, whereas currently they rely on the registration sticker of the vehicle that they pull over. The police will have to do manual checks of the vehicles and that will cause some delays and have implications for Western Australia. They are not huge issues, but that is the advice that I received from those ministers. In fact, the Queensland Minister for Transport indicated that she had sought advice on the impact from the Queensland Police Service, which indicated that police do not currently have the capacity to do checks with their in-car computers. The Queensland police would need to confirm the registration of every Western Australian-licensed vehicle that they stopped, whereas currently they do not need to do so; they rely on the registration sticker.

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Hon Simon O'Brien: Which is not always a good guide.

Hon KEN TRAVERS: That may be the case. I know that people say that this is not the case, but I think this is a sign that police services rely on registration stickers as a prima facie case. Police in outlying regions in Western Australia that are beyond the 3G mobile coverage area can confirm that a vehicle is licensed only by its registration sticker. The sticker is a risk management tool; it does not guarantee that the vehicle is registered, but the police can look at a sticker and know that there is a good chance that the vehicle is licensed. As I understand it, if a vehicle is pulled over in Western Australian regions with no 3G mobile coverage, the only way that the police can confirm that the vehicle is licensed is to either record the details and check them when they get back to the station or use a satellite phone. Even the radio network coverage in a lot of regions of Western Australia is not particularly good. Again, it is only a small issue, but I wish the government could give us a bit more comfort about how these things will be managed.

Hon SIMON O'BRIEN: The honourable member will be delighted that I can give him comfort about how these things will be managed. The fact is that the Commissioner of Police in Western Australia is quite happy for this provision to go ahead. A few years ago he had some doubts about it, but as long ago as December 2007 he indicated that he had no objection to these measures, so I hope that puts members' minds at rest. The registration of a motor car has not been the responsibility of the police for many, many years. They do not care. If the police want an excuse to stop a vehicle to conduct a licence check or whatever they want to do, it may be convenient to start from the point that they suspect it might be unregistered. The fact is that these days the police just do not do that; it is not a function that they pursue. If they need to stop a car to examine the driver, subject him to a random breath test, check his licence or whatever it might be, they can just do it. It will not inconvenience the police, and I am sure that members will be relieved to know that. Hopefully, we can now endorse this clause.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Section 27AA inserted —

Hon KEN TRAVERS: I have a very quick question. I know that the intention of the government, as part of the national agreement, is to continue to issue registration stickers for vehicles weighing more than 4.5 tonnes. Will that include the trailers for heavy vehicles? Currently, the trailer must have one of those licence disks that Hon Alison Xamon spoke about. Will the trailers still be required to have a licence label, and is that part of the national agreement?

Hon SIMON O'BRIEN: The question of heavy vehicles is, as the honourable member points out, part of an intergovernmental or national harmonisation agreement. It is not only for that reason that we will be retaining what we will be calling labels for heavy vehicles. Others reasons include the fact that those labels now contain, and will continue to contain, a variety of other information that is not of the sort that people have on the registration sticker of their passenger motor car.

Hon Ken Travers: That is the case for a prime mover, but is it the case for trailers of heavy vehicles?

Hon SIMON O'BRIEN: Yes, it is. By prospectively creating a new section 27AA, the clause creates a regulation power to deal with matters of issuing labels and to prescribe which vehicles will be required to display a label, and matters relating to the affixing of such a label, its display, content and whatever. A trailer is also a vehicle. Even though a trailer is not self-propelled, it is still a vehicle. In fact little, 4 x 6, single-axle box trailers that are used domestically currently require a sticker. They are the deuced difficult little ones that, as Hon Alison Xamon knows, people need a screwdriver to undo. Our anticipation is that they will not be required to have a label after this, but heavy vehicle trailers will because they are heavy vehicles in their own right and because it is part of the national harmonisation agreement.

Hon KEN TRAVERS: I will be happy if the minister can maybe undertake to provide the information at a later date, but I am keen to get the number of complaints that the department receives about people not having received a renewal notice in the post or claiming that they have given a change of address but not received a renewal notice. I do not expect it now, but again if the minister could give it to me at a later stage, if it is possible, I would like the annual number of vehicles that go over the pits because their licence has expired.

Hon SIMON O'BRIEN: Yes, of course we will seek to provide whatever information we can and we will do it out of session. The senior adviser here will be in touch independently with the member, if that fits the bill. I am sure that we can certainly tell the member how many vehicles have to go over the pits after falling out of registration. As to the first inquiry, that may be a little more difficult to pin down, at least in a meaningful way, for the member, but we are quite happy to seek to provide that information.

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Hon KEN TRAVERS: Just in conclusion, the other question I had was on taxis. Will taxis and small charter vehicles still be required to have a licence sticker or is it intended to do away with those under these regulations?

Hon SIMON O'BRIEN: As light vehicles, yes, we will be doing away with windscreen-affixed registration labels of the type that we have been talking about. There are other categories of vehicles for hire and reward, such as taxis, omnibuses and small charter vehicles. They may, quite separately from any legislation we are considering today, also have requirements to display certain identifying signs or even labels, including some that licence them to be things other than just a motor car. The general answer to the question therefore is yes, we are doing away with windscreen registration stickers in the same way as we are for other light passenger vehicles.

Clause put and passed.

Clauses 6 to 11 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Leave granted to proceed forthwith to the third reading.

Third Reading

HON SIMON O'BRIEN (South Metropolitan — Minister for Transport) [2.28 pm]: I move —

That the bill be now read a third time.

HON KEN TRAVERS (North Metropolitan) [2.28 pm]: Just before we pass this bill, I certainly appreciate some of the commitments that the minister has given to try to change the culture and ameliorate some of the potential adverse impacts. I believe that the education campaign probably needs to be slightly larger than the minister outlined to us, to get across to the community that the system has changed and that people will need to use other mechanisms. I urge the government when it implements this bill to do a little more to make sure that members of the public are aware that they need to use the new systems. I hope that we can get those new systems in place sooner rather than later, once this bill is passed and gazetted and new regulations are put in place.

Question put and passed.

Bill read a third time and transmitted to the Assembly.