

ROAD TRAFFIC AMENDMENT (ALCOHOL INTERLOCKS AND OTHER MATTERS) BILL 2014

Consideration in Detail

Clause 1: Short title —

Mrs M.H. ROBERTS: I note that the short title of the bill is the Road Traffic Amendment (Alcohol Interlocks and Other Matters) Bill 2014. Can the minister explain why the words “other matters” have had to be added to the title?

Mr J.H.D. DAY: I am advised that this was the advice of the Parliamentary Counsel’s Office. It primarily relates to division 4 of part 3 of the bill, which amends the Road Traffic (Vehicles) Act 2012. That division does not directly deal with alcohol interlocks, but rather with one of the aspects of the legislation; namely, the ability to impound a vehicle and to suspend the licence of a vehicle, and ultimately to revoke the suspension of the licence of a vehicle. It is a consequence of this legislation, and the overall plan to enforce the use of alcohol interlocks, to ensure that there is some sanction, enabling vehicles to be impounded, for people who do not comply with the requirements of the legislation. That explains why the title is somewhat longer than it otherwise might have been.

Clause put and passed.

Clause 2: Commencement —

Mrs M.H. ROBERTS: This clause provides for the act to come into operation in several different parts. Clause 2(1) states —

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — subject to subsection (2), on a day fixed by proclamation, and different days may be fixed for different provisions.

I would like to know whether the minister has any estimate of what the delay is likely to be between the proclamation of part 1 and that of the rest of the legislation, and why there is a need for different days to be fixed for different provisions. Clause 2(2) states —

No provision of Part 3 may come into operation before the day fixed under the *Road Traffic (Administration) Act 2008* section 2(b).

In asking these questions, I note that the explanatory memorandum states —

Some of the Bill’s provisions will amend legislation that is yet to commence operation, such as the Road Traffic (Administration) Act 2008, the Road Traffic (Authorisation to Drive) Act 2008 and the Road Traffic (Vehicles) Act 2012.

While the minister is on his feet, perhaps he could give us an explanation of why those 2008 acts have not yet come into operation. What is the delay? How long is this whole process going to take? Given that this government has acts from 2008 that have not yet come into operation, are we going to potentially see it take another five or six years before we see the final elements of this bill come into operation?

Mr J.H.D. DAY: I am advised that part 2 will come into operation within a month or two of this bill passing through both houses. Part 2 is fairly straightforward to put into effect. However, part 3 is somewhat more complex because it actually establishes the interlock scheme itself, which needs a longer period—approximately 12 months—because computer systems need to be modified and an accreditation scheme needs to be established for service providers. That administrative process needs to occur within that 12-month period. A range of administrative arrangements need to be put into place. I am sure that everybody would like to see that 12-month period shortened, if that is possible, so I am sure the department and the Office of Road Safety will take that on board. I am advised that the work that needs to be done has already commenced.

Departments are in a catch 22 situation. They cannot really do too much to put legislation into effect until it goes through both houses. We are getting to that point and work has started, and I am sure it will be expedited as much as reasonably possible. The member for Midland asked why section 2(b) of the Road Traffic (Administration) Act 2008 had not come into effect yet. I agree it does appear to be quite a long time since it was passed, presumably in 2009. The advice in the explanatory memorandum to this bill is that a suite of legislation will significantly reform and restructure all of the road traffic legislation in Western Australia. In addition to the act I have referred to, the other acts contained in that suite of legislation are the Road Traffic (Authorisation to Drive Act) Act 2008, the Road Traffic Act 2012 and the Road Traffic (Vehicles) Act 2012. It is necessary for those four acts to commence operations simultaneously.

Mrs M.H. Roberts: When is that going to happen—in about a year or something?

Mr J.H.D. DAY: I am advised April of next year. Substantial work has been done on an extensive list of supporting regulations and consequential regulations. I understand it is a complete rewrite of the whole system. For better or worse that is taking some considerable time, but April 2015 is the expected commencement time.

Mrs M.H. ROBERTS: I thank the minister for that explanation. I understand that computer systems will need to be modified and this will take some time, but I am disappointed to learn that it may take 12 months from the time this legislation becomes law. I also appreciate that the accreditation scheme for the service providers needs to be established and that will take time. However, I point out that the Labor Party has supported the principle of this legislation for a very long time, and has been calling upon the government to introduce it. This issue has bipartisan support, so there is no doubt that this legislation will pass through both houses of Parliament. The only stop on that is if the government chooses not to bring it on for debate in the other place. The ball is completely in the government's court. There is no doubt or dispute that this legislation will pass. The opposition and the community have been calling for this legislation. The Labor and Liberal Parties support this bill. I am not aware of anyone who does not support it. Frankly, if other parties did not support it, it would not matter as the numbers are there in support of the legislation. I might say to the minister that it is prudent not to take the Parliament for granted, and the department should be working on the earliest possible implementation of the provisions of this scheme.

What are the costs associated with modifying the computer systems? Do we have any idea of the quantum of the cost? Was money allocated in the 2014–15 state budget for the adjustments that need to be made to computer systems; and, if so, how much money has been allocated for that purpose? Similarly, with the accreditation scheme for service providers, have service providers been identified; and, if so, who? Have any contracts been entered into with any computer experts or consultants for modifications to the computer systems or will all that work be done in-house? Has any expression of interest or similar process been gone into to establish the accreditation scheme? Basically, what work has the department done, if any? Will all the work commence once the legislation has gone through the upper house or will it not commence until such time as part 1 receives royal assent?

Mr J.H.D. DAY: I take the member's point about the time taken to get to this point and like the member I hope that the bill goes through the other place before the end of this year; however, that is out of our control in this place. The Council has somewhat of a backlog of legislation, but as there is cooperation from non-government members in the other place in a range of legislation, I do not see any good reason why this cannot go through before the end of the year; but I have no doubt there will be other ministers who argue that there are other significant priorities as well. Work has commenced on the changes necessary to the computer systems. Scoping is in progress. Most of the work is being done in-house at the moment, and \$1.54 million has been allocated in the current financial year for the Department of Transport and also \$227 000 for alcohol assessment and treatment. The scheme will not get underway in the current financial year, and I was going to say that it would appear that maybe there would not be the need for that expenditure of \$227 000 in the current financial year; however, I am advised that it is for salaries for staff in the Western Australian Alcohol and Drug Authority, as it is currently called, to start developing the scheme.

Mrs M.H. Roberts: If can I inquire, by way of interjection, is that \$227 000 and \$1.54 million provided out of the road trauma trust fund?

Mr J.H.D. DAY: I am advised that \$1.54 million is from the road trauma trust fund and \$227 000 is from the consolidated fund more generally.

Mrs M.H. ROBERTS: The minister said that most of the work on the accreditation process is being done in-house. I also asked whether service providers had been identified; and, if so, are they existing service providers or, if they have not been identified, how they will be identified and what process is involved? The minister also said that most of the computer system work is being done in-house. I am trying to remember what other questions I asked previously that the minister has not answered.

While I am on my feet, I refer to the regulations yet to come into operation under the Road Traffic (Administration) Act 2008 and the Road Traffic (Authorisation to Drive) Act 2008. We are told regulations are being developed. When will those regulations be fully developed? Are they waiting for the passage of this Road Traffic Amendment (Alcohol Interlocks and Other Matters) Bill or will they be complete commensurate with the passage of the bill through the upper house? Is it likely to fit that timetable? Are those regulations available for the opposition or the public to see in either draft or final form? If they are not, are they likely to be; and, if so, when?

Mr J.H.D. DAY: In relation to service providers being identified, I am advised that Department of Transport representatives will soon meet with the three possible providers in the state to discuss the accreditation process and that three companies are eager to be involved in this scheme. Contract documents are being finalised within

the Department of Transport in relation to engaging the providers. Obviously, that cannot be complete until the legislation has passed through Parliament, but I am advised that it is well underway and, I expect, should be finalised not too far into 2015. The regulations I referred to earlier are not publicly available yet, obviously. A consultation process is underway with the relevant stakeholders within government as each draft is received, so that will be across government. If the opposition would like a briefing on the process or the content of the regulations, we would be happy to provide that. The regulations themselves are not complete at this stage.

Mrs M.H. ROBERTS: The minister just advised that the Department of Transport was meeting with three possible providers. How have those providers been identified? Was there an advertising process for people to put up their hand or have these providers contacted the Department of Transport or relevant government agencies and nominated themselves? The minister also said that contract documents are being finalised. I assume those documents are general in nature, not contracts being written up specifically for one particular party. I am interested to know also whether the minister will select a limited number of providers or whether the potential exists for all three of these providers to be accredited or if, indeed, a fourth, fifth or sixth provider is to emerge, they can be accredited as well. Have any of these providers signalled that they would want to provide a service in regional areas?

Mr J.H.D. DAY: I should clarify what I said earlier about the funding. The \$227 000 for alcohol assessment and treatment has not been called upon so far. It is allocated in the current financial year but it may not be needed until later next calendar year, presumably. It seems that may be rolled over.

Mrs M.H. Roberts: Do you mean in the next financial year because you said it had been allocated for this financial year?

Mr J.H.D. DAY: Yes; possibly later next calendar year. In relation to the potential contract documentation, no specific agreements have been reached at this stage. The documentation, which is being drawn up, is general in nature at the moment. It relates to the accreditation process and criteria that will need to be met. I am advised that there are three well-established companies in this area but there will be an expression-of-interest process in some way during next year. If other providers meet the requirements of the accreditation process, they will be included. There is no intention to limit this in an artificial way. The only limitations will be whether the potential providers meet the accreditation criteria. If there are more than three, that will be a good thing. In relation to more remote parts of the state and regional areas, I am advised that from the discussions held so far, there is quite a degree of confidence that the services will be available in regional areas. I mentioned last night the trial that was in operation in Roebourne.

Mrs M.H. Roberts: I had a briefing on that in August.

Mr J.H.D. DAY: It was one of the three providers who were providing the service there so that is a positive indication, I think, of interest in providing these services outside the south west part of the state. I understand also that the larger providers will have the ability, if they have appropriate arrangements in place, to subcontract to other appropriately skilled people within smaller regional centres or rural centres where necessary.

Mr P. PAPALIA: I am interested to explore that matter a little further. The minister indicated there are some providers outside the city and suggested one in Roebourne is an indication that regional areas are covered.

Mr J.H.D. Day: That was a trial.

Mr P. PAPALIA: The distance of 150 kilometres is not very great, and that is the radius within which the service will be provided and therefore people will have an option to have interlocks as an intervention. Will service providers be in remote locations? If not, what work has been done to identify the number and therefore the percentage of potential offenders for this service who might be subjected to this control mechanism? Do we know where they are located and how many are in remote localities further than 150 kilometres from a service provider and, therefore, may be excluded? Do we know how many will be excluded through that criteria alone?

Mr J.H.D. DAY: It is expected that there will be coverage of at least 90 per cent of the population of the state. That has been the experience in Queensland, as I mentioned last night. There have been some discussions with potential providers, and they are confident that most areas can be covered. It may be more difficult in the really remote parts of the state, such as the far north and so on. As I mentioned last night, anybody who lives more than 150 kilometres from an approved provider will be exempt from the scheme. Assuming that they can establish their bona fides about their residence, they will not be required to be included within the scheme. That is the intention. However, that will be only a small number of people. We expect that coverage will be provided, particularly nearer the large or medium-sized population centres. The department has a map of where existing offenders live—that is, those people who would be caught subject to the provisions of this scheme—and I understand that that has been discussed with potential providers. There is a reasonable degree of confidence that at least 90 per cent of people in the state will be covered.

Mr P. PAPALIA: That is my concern; 90 per cent of the population of the state might exclude the 3.8 per cent of the population of the state who are Aboriginal and represent 40 per cent of the prison population. I am more concerned about the percentage of offenders for whom this may be an option but who will be excluded. If we have a map that shows where they currently live, how many of those people are within 150 kilometres of one of these service providers?

The DEPUTY SPEAKER: Member for Warnbro, we are on clause 2, which deals with the commencement of the bill.

Mr P. PAPALIA: I know, but the legislation does not provide an opportunity to discuss service providers. I have had a quick scan of the legislation and I did not see any clauses that more specifically address service providers. It is a key component of our concerns with this legislation.

Mrs M.H. Roberts: Whether you have a service provider determines when the act can commence. Until you have got everything lined up, you can't do it.

Mr P. PAPALIA: I want to know whether the department has conducted the background work necessary to ensure that this will work. It does not reassure me to be told that people who live outside the 150-kilometre limit will be excluded from this scheme; that is not a good thing. In that way, they will be excluded from having the option of having a driver's licence, so they will drive without a driver's licence, get caught and go to prison. I am keen to find out the mechanism for this to be implemented and what work has been done to identify that this will catch the majority of people who are of concern.

Mr J.H.D. DAY: I think the member may be suggesting that people who live outside the 150-kilometre limit will not be able to commence driving again after the period of disqualification. Is that what he is suggesting? Just to make it clear, that is not the case.

Mr P. Papalia: The legislation is intended to provide them with the opportunity to have an alcohol interlock so that they can start driving in accordance with the legislation. If they are not eligible for that particular process, they will be excluded from it, so they will either drive illegally and get caught or be prevented from driving for a longer period than they might otherwise have been.

Mr J.H.D. DAY: No, that is not the case. People in that situation will be subject to the existing law; and, if they are disqualified from driving for a certain period, obviously that will apply. If they live outside the 150-kilometre limit, their licence may be returned at the end of the disqualification period and they will not be required to have an alcohol interlock device, whereas this legislation will enable people in the majority of the state to be required to have an alcohol interlock device when they get their licence back. I agree that it is not the perfect solution. The perfect solution would be to capture everybody in the state. I am sure that, as time goes on, if practical ways are found to ensure that people in, for example, remote Aboriginal communities, whom I think the member largely has in mind, will be included, we can make changes, and that can be done through changes to regulations.

Mrs M.H. Roberts: The point that the member is really making is that a magistrate might be inclined to give someone a provisional licence if they know that there is the option of requiring an alcohol interlock device as part of that provisional licence. Our point is that they may in fact be able to drive again sooner if they can avail themselves of that opportunity, because the magistrate might be more inclined to let them drive if they know they can put this restriction on the provisional licence.

Mr J.H.D. DAY: It will be the case that these devices can be installed voluntarily, as long as they are paid for in some way; the device might be paid for by the community, an Aboriginal corporation or the individual. Voluntary participation is always possible. Discussions are being undertaken between elders in Aboriginal communities and the Office of Road Safety and the Department of Aboriginal Affairs about how the scheme may be implemented in those areas. A reasonable effort is being made to try to ensure that people in remote Aboriginal communities can be included somehow. Unfortunately, we need to be realistic about the vast distances in Western Australia and the substantial remoteness of some communities. I think what has been put forward at this stage is at least a reasonable first step, but it does not mean to say that things cannot change in the future. As I said, discussions are going on at the moment with Aboriginal communities and the Department of Aboriginal Affairs.

Mr P. PAPALIA: I again ask the question about what work has been done to identify the number of potential offenders who would be required to have an alcohol interlock system, regardless of whether they live within the 150-kilometre limit. How many people who are the type of offender we are talking about live in those remote communities and therefore would be likely not to be included in the scheme just because of that provision?

Mr J.H.D. DAY: We do not have that information at the moment. We can endeavour to obtain it. We cannot give an absolute commitment, but if that information is available, we will seek to obtain it. In relation to the relevance, as has been pointed out, we are on clause 2. There are other opportunities to raise these issues later in the bill, particularly under clause 17, which deals with the regulations for the interlock scheme. We may not be

able to get that information today at least, but we may be able to provide it before next week, if we are still debating the bill next week. We will do our best to get it, if possible.

Mr P. PAPALIA: I thank the minister. I will not labour the point too much, but I believe it is a vital bit of information. Essentially, it will indicate the likelihood of any positive impact that the legislation will have. A large number of people will be captured in the coverage area, but a number unknown to us at this moment will not be, purely because of the geographical challenge of rolling out the system. That would be interesting to know. It would also be interesting to know the proportion of overall offenders of this nature that that number of people represents. I thought that aspect would have been looked at. I am pretty certain that the acting minister would be able to provide that information without too much difficulty. If he has a map of where they all live, he would have an idea of which areas would be beyond the scope of the service provider. He would then be able to say what the number is and the proportion of the overall number that we are looking at, and that they therefore represent—I do not know—three per cent, two per cent or whatever of the overall intended target audience. We would then have a better idea of how many are likely to be not even covered.

I recently did some research on incarceration rates for minor offenders and the different nature of offences that result in people going to prison, and how that results in a disproportionate representation in our prison population of women, Aboriginal people and economically disadvantaged people. I am getting the sense that in recent times a number of decisions have been made—perhaps with good intentions—that have resulted in completely unexpected outcomes.

The DEPUTY SPEAKER: Member for Warnbro, I really would like you to link this to the commencement.

Mr P. PAPALIA: I am about to sit down.

The DEPUTY SPEAKER: The minister has indicated that there is a further clause on which you can pursue this.

Mr P. PAPALIA: That is right. Actually, I looked at clause 17. I do not think it is any more relevant than the current clause for discussion of service provision.

Mr J.H.D. Day: At least it refers to interlocks.

The DEPUTY SPEAKER: Yes; so can you confine yourself to the commencement, please—clause 2.

Mr P. PAPALIA: Yes. The consideration in detail stage is an opportunity to pass some messages to the people who drafted this legislation and this legislative change and let them know if they have not made some considerations, as it is not the minister's own portfolio. I know that he is acting as the minister, but he may well not be as familiar with it as he is with some of his other portfolios.

The DEPUTY SPEAKER: Member for Warnbro, consideration in detail is to consider clauses in detail —

Mr P. PAPALIA: So I think it is a worthwhile process to suggest to people that if they have not looked at some —

The DEPUTY SPEAKER: Please do not speak over the top of me; thank you.

Mr P. PAPALIA: Okay.

The DEPUTY SPEAKER: In consideration in detail we are talking about clause 2, which is the commencement of the act. It is not an opportunity to send a message to the department; it is an opportunity to explore that particular clause. If you can link your remarks to the commencement, I would appreciate it.

Mr P. PAPALIA: Okay. Before the government commences a bill, it should know on whom it is going to impact and the exact number of people it is intended to impact. It should know whether it will be effective, whether it will waste taxpayers' dollars, whether it will impose an additional burden on the prison system and whether it will impose an additional negative consequence on the remote communities of this state, as has been done in recent years through lack of forethought on behalf of the government and departments that advise it.

Mr J.H.D. DAY: I will make a brief response. The total number of people expected to be included in the scheme as it stands at the moment is approximately 4 600 in the first year. The department has a reasonable amount of information about where people live. It does not necessarily have complete information, particularly about remote areas. However, as I explained earlier, the intention is to get the scheme underway covering most of the state, and to then develop it further as either technology or service provision and training of appropriate people is undertaken so that, hopefully, 100 per cent of the state will be covered. It is not as though this will be a static, unchanging scheme. A lot is included within the regulations, which are much easier to amend, of course. Also, as experience assists and other changes occur, the scheme will be modified to make it as relevant as possible to everyone in the state.

Ms M.M. QUIRK: I, too, want to ask about clause 2(2). I think the minister answered questions from the member for Midland, and I am sorry I was absent from the chamber, but what needs to be done before the rest of the act can effectively come into force?

Mr J.H.D. DAY: I presume the member means the Road Traffic (Administration) Act 2008, as listed in subclause (2).

Ms M.M. Quirk: Subclause (2) and the rest of it, yes.

Mr J.H.D. DAY: As I mentioned earlier, four acts need to come into operation simultaneously and a large number of regulations have to be drafted. That is well underway, and it is expected that the act referred to in subclause (2), as I mentioned earlier, will come into operation in April next year. It is a little later than expected. Just to clarify that, is the member talking about when this new act will come into operation?

Ms M.M. Quirk: Yes.

Mr J.H.D. DAY: Okay. As I also mentioned earlier, it will take about another 12 months, we expect, after it has completed passage through both houses. Even if it does not go through the Council until next year, I think the work can be substantially completed. Regulations have in fact been drafted and a lot of work has already been done. As I mentioned earlier, clause 2(2) of this bill will come into operation within one to two months of passage through Parliament, but the rest of it will take about 12 months.

Ms M.M. QUIRK: In addition to the legislative requirements and the drafting that has to be undertaken, what administrative steps need to be taken, including, for example, negotiating the contracts prior to being able to commence the scheme?

Mr J.H.D. DAY: There are three aspects really. One is appropriate programming of the computer systems, and, as I mentioned earlier, scoping work has commenced for that to be completed; an accreditation process needs to be finalised for service providers; and a range of administrative activities need to occur, such as the finalisation of forms and training of providers, and there needs to be a public education campaign for those who will be potentially affected by this legislation. All those things need to occur, and that would be during 2015.

Ms M.M. QUIRK: I walked into the chamber as the minister was talking to my colleague the member for Midland about this, but have tenders been let for providers; and does the minister contemplate that there is likely to be more than one?

Mr J.H.D. DAY: To repeat what I said earlier, we certainly expect there to be more than one. There are three well-established companies at the moment. Service providers will need to meet the accreditation criteria. If there are eventually more than three, that will be a good thing, but at this stage we expect there to be at least three. What was the other point? Was it about whether contracts had been completed?

Ms M.M. Quirk: It was about whether tenders had been let.

Mr J.H.D. DAY: No, tenders have not been let as yet, but some initial discussions with the potential providers have taken place, and there will be an expression of interest-type process during 2015 to see whether there is any other interest.

Ms M.M. QUIRK: As part of the tender process, is it the government's intention to give more favourable attention to those providers who can cover a wider area of the state and more of regional and remote Western Australia?

Mr J.H.D. DAY: This is not the same as the government engaging one particular provider or contractor to undertake a building project. The aim is to have as many service providers as are interested and who meet the accreditation criteria. We would certainly be keen to accredit providers who are interested in providing services in non-metropolitan parts of the state, obviously, but it will not be restricted to any particular one or two.

Ms M.M. QUIRK: I have one final question on this clause. Following on from what the member for Warnbro said, given that the government is proceeding with this legislation with the knowledge that it will not cover all the state and, therefore, that sentencing option will not be available to a number of people in remote and regional Western Australia, and we can see that probably most of those offenders will be Aboriginal by virtue of location, is this not a case of systemic racism? The government is penalising people by virtue of their race and having unequal opportunities and outcomes for Aboriginal and non-Aboriginal Western Australians.

Mr J.H.D. DAY: No. I do not accept that that is the case because it is not as though they are being discriminated against. In a sense, they are being discriminated in favour of, because people who live more than 150 kilometres from a service provider will not be required to participate in the scheme. In a sense, they get off more lightly, potentially. It is also important to realise that this is not a sentencing process. It is intended to be a process that puts a restriction on drivers' licences, and it will apply to all offenders equally across the state—clearly not on any racial basis. It will not apply if someone cannot reasonably access an interlock service provider.

As I also mentioned earlier, our aim is to expand the scheme across 100 per cent of the state as quickly as possible, but given the major challenges of geographical isolation and distances, I think it is much better to start with about 90 per cent of the state covered and then develop from there, rather than waiting until we can guarantee that we can cover 100 per cent of the state. As I mentioned earlier, people who live in such areas would still have their period of disqualification. They are no different from anybody else in that respect, but they would not be required to have an alcohol interlock device at the end of that period of disqualification as things stand, but, hopefully, things will develop further.

Mrs M.H. ROBERTS: I am interested in a couple of things the minister just said, and some of those statements reflected things that the minister said earlier. The minister said that people who live beyond that 150-kilometre range will not be required to be in the scheme, but he also said that they are not precluded from being in the scheme. To look at potential practical examples, let us say, for example, that there is an accredited service provider in Geraldton, and more than 150 kilometres away—maybe 200 or 250 kays away—is a town. A person who lives in that town could not be required to participate in the scheme, but they may want to avail themselves of the opportunity of being in the scheme. They may want to get an extraordinary licence, and they might think that their chance of getting an extraordinary licence before a magistrate could be greater if they were able to say that they were prepared to go to Geraldton and avail themselves of the opportunity to be part of the scheme, despite the fact that they live more than 150 kays away. They might say that they are prepared to take it upon themselves to travel once a month or once a fortnight from their town to Geraldton to have the authentication done on the equipment in the vehicle. I want to inquire about whether that scenario could exist. Someone could volunteer, as they might think it could be to their advantage to tell a magistrate that they are prepared to go to those lengths and to have the immobiliser installed at their own cost, and are prepared to travel more than 150 kilometres from where they live to Geraldton or some other major regional centre where there might be an accredited provider. That is one issue.

The second issue that has arisen from the minister's comments is that he has said people who live more than 150 kays from a provider might get off more lightly. On a couple of occasions in answer to the questions on this clause the minister has said that the scheme would not apply to them because they live more than 150 kilometres away, so in a sense they would get off more lightly as they would not be required to have an alcohol interlock device fitted. I wonder whether it is really the case that they will get off more lightly, because this bill creates a range of new offences. Part 2 contains amendments to the Road Traffic Act that create offences. For example, clause 6, which inserts new section 63(1), states —

A person who drives or attempts to drive a motor vehicle —

- (a) while under the influence of alcohol to such an extent as to be incapable of having proper control of the vehicle;

It goes on. The offences created under proposed section 63(1) have to apply throughout the length and breadth of Western Australia. Those offences would not apply in that circumstance, I do not think. So that people can be clear about how the law will apply, what is the penalty for someone who has a second in excess of .05 driving offence within the prescribed time and who lives within the 150 kilometre limit and someone who does not? Someone who is living around Geraldton may already have an in excess of .05 offence, and they chalk up another in excess of .05 offence. What penalty applies to them and what penalty applies to someone living more than 150 kilometres from, in this case, Geraldton?

Mr J.H.D. DAY: There is no difference in the penalties that would apply under the Road Traffic Act or Road Traffic Code. It is exactly the same wherever people live. The only difference is that someone who lives more than 150 kilometres away from a service provider would not be required to have an interlock device. However, if they wished to, they could participate voluntarily or choose not to ask for an exemption from the coverage of the legislation. If they live 250 kilometres away and they are prepared to go into Geraldton or whatever the case may be, they would still be included in the scheme. That would be quite a sensible thing for some people to do, I think. If someone has a problem with drinking and driving on a repeated basis, it may be better for them to have this device in their car so that they are much less likely to commit a drink-driving offence in the future. They could still be covered by the scheme if they did not request an exemption. As I said, regardless of where people live, the penalties are the same.

The provisions in clause 4 do not establish new offences. This clause splits the offences to provide some differentiation between people who are under the influence of alcohol and then people under the influence of drugs are treated separately, so there can be a differentiation between putting into operation alcohol interlock devices.

Debate interrupted, pursuant to standing orders.

[Continued on page 7336.]