

ROAD TRAFFIC (MISCELLANEOUS AMENDMENTS) BILL 2012

661. Mr J.M. FRANCIS to the Minister for Police:

It has been four years, one month and two weeks since the Liberal–National government took office and in that time I have been proud to vote on some historic and important law and order bills to protect the Western Australian community —

Several members interjected.

The SPEAKER: I do not need to hear from you, member for Girrawheen. I formally call you to order for the second time today. Member for Joondalup, I formally call you to order for the second time today. Member for Cockburn, I know that you are in the house.

Mr J.M. FRANCIS: With all this in mind, could the minister please advise why the government has introduced the Road Traffic (Miscellaneous Amendments) Bill 2012 and its intent if it becomes law?

Mrs L.M. HARVEY replied:

I thank the member for this question. Two weeks ago, the government introduced the Road Traffic (Miscellaneous Amendments) Bill 2012 to this house. I hope that this bill will pass through the house this week. I appreciate that those opposite have expressed their support for this legislation.

The bill reflects the reality that fleeing police is an incredibly irresponsible and dangerous thing to do. It puts police in an incredibly difficult position in which they need to determine in a split second whether they should commence a pursuit, let them escape or continue or break off a pursuit. Two very strong considerations in developing this legislation were front and foremost in our minds. Firstly, there is very compelling evidence that penalties imposed for these offences simply do not reflect the extreme danger that these actions pose to the community of Western Australia. In the six-month period from September last year to March this year, there were 139 police pursuits. Eighty-three per cent of those pursuits involved serial offenders. In other words, 108 of the offenders involved had prior charges for traffic-related offences of some kind, and 56 per cent had a prior charge for reckless driving. Given the extremely dangerous nature of this conduct, members might expect that offenders of this nature would indeed face terms of imprisonment for their actions, but that is not the case.

I have been able to identify 75 offenders from the six-month period who so far have been convicted and sentenced for reckless driving in the course of a pursuit. Fifty-one of those offenders—more than two-thirds of the group of people who were fleeing police and driving recklessly as they did so—avoided an immediate term of imprisonment and instead were given fines, community-based orders or suspended sentences. This government’s view is that these are not appropriate sentences for people who recklessly flee police; the sentences are not appropriate because they do not recognise the extremely wrongful nature of these actions, and do not in any way, shape or form recognise the dangerousness of those actions and the fact that these are recidivist offenders going back on the road and putting lives at risk. Those kinds of weak penalties do not recognise the actions of those particular people. We need to ensure that these people are put behind bars where they can no longer endanger other road users. Under our government’s legislation, the dangerous, irresponsible and recidivist offenders will spend time behind bars; a minimum of six months up to a maximum of five years. The second part of this legislation recognises that police do not have a defence that covers serious offences under the Road Traffic Act. In other words, when a police officer is following the relevant police policies, they can still face charges. Police officers under this legislation, if they are substantially complying with the guidelines around emergency driving and it was reasonable in the circumstances and in the public interest for them to be driving in that manner, will have a defence to any serious charge arising out of their emergency driving procedures. This legislation therefore includes charges of dangerous driving, reckless driving, dangerous driving causing bodily harm and dangerous driving causing death.

I hope that this legislation will send a very simple message to people: if a police officer asks you to stop—stop! Do not put your life at risk. Do not put the police officer’s life at risk. And do not endanger innocent road users and other members of the community; please do not put their lives at risk either. If you refuse to stop when police call you to stop and instead drive away recklessly, you will go to jail.