

ROAD TRAFFIC LEGISLATION AMENDMENT (INFORMATION) BILL 2010

Third Reading

HON NORMAN MOORE (Mining and Pastoral — Leader of the House) [11.34 am]: I move —

That the bill be now read a third time.

HON SIMON O'BRIEN (South Metropolitan — Minister for Finance) [11.35 am]: Obviously I support the bill being read a third time, and I understand it has the broad support of the house. It is not customary to have a third reading debate, so I will point out that I am rising now for that purest of third reading purposes, which is to consider the form in which the bill has emerged from our earlier committee stage.

There were a number of outcomes from the committee stage, including some necessary amendments, and I thank members of the house for their assistance in the carriage of those matters. The point I want to put on the record now is that during consideration of clause 6 of the bill, which members will recall proposes to insert a number of new sections into the principal act, there was considerable discussion over proposed new section 12. In the course of that discussion, Hon Ken Travers asked what sanctions might apply to a prescribed person who uses information disclosed by the director general under section 12 other than for an authorised purpose. I undertook to have that matter researched and to respond at a later stage in the debate, and I do so now. I advise members that I discussed this behind the Chair with Hon Ken Travers yesterday.

As was noted during the debate, most prescribed persons to whom information is disclosed will be subject to various requirements and prohibitions under the Criminal Code and, in the case of public servants, the Public Sector Management Act 1994. In addition, the Director General of Transport will put in place a range of appropriate measures when disclosing information that will serve to ensure the proper handling of that information. Offence provisions are only one component in deterring the misuse of information. Having said that, I have spoken with the Minister for Transport, who has indicated his preparedness to include a further sanction in this bill that will serve to further strengthen the proposed framework. That was as we discussed and agreed both in the committee stage and in other discussions out of session, when I gave an indication to Hon Ken Travers that I would be prepared to examine the matter and to ask the minister with carriage of the act to consider the matter to see if there was a gap that needed to be filled. We determined that there appears to be a gap, and the amendment process is in train and will be progressed in another place.

With all of that in mind, I once again thank members for their support of the bill and their valuable contributions during debate in this house.

HON KEN TRAVERS (North Metropolitan) [11.38 am]: I acknowledge the comments by the Minister for Finance that the government intends to close the loophole that was discovered during the committee stage. It will be unusual that legislation that comes from this house needs to be fixed up in the other place—normally, it is the other way around—so it is appropriate that we give that house an opportunity to correct some of our legislation when there is an identified gap.

With a degree of seriousness, it is very important that when we enable the provision of the sort of information that will be able to be provided as a result of the passage of this legislation, there are a maximum number of safeguards. The opposition tried to get further safeguards included in the bill, but we were unsuccessful during the committee stage. The measures that have been outlined by the minister this morning are very important. I am happy with the approach of sending this bill to the other place. Obviously in the way this house operates, it requires goodwill from time to time to try to facilitate —

Hon Simon O'Brien: All of the time.

Hon KEN TRAVERS: Hopefully all of the time. I was going to give the Charlie Court speech, but I realise that I gave that two days ago! I could give the Peter Foss speech about roughage as well as this point in time!

It is also about cooperation. We are not an opposition that seeks to frustrate legislation just for the sake of it. I am prepared to accept the government's commitment that, when the bill arrives in the other place, it will address the gap that we identified during the committee stage with respect to the protections that are provided within this legislation. We can then deal with that message and incorporate that amendment at a future time. We are prepared to assist in the passage of this legislation and to rely on the commitment that has been given by the Minister for Finance today. Obviously this is a difficult bill for the opposition in the way in which it has come out of the committee stage. We would have preferred to put in place a number of additional safeguards and protections of public information. We were not successful in achieving that. However, there are other measures in this legislation that we can support. It becomes difficult when there are elements in a bill that we do like but there are other elements in a bill that we do not like. The will of this house is to send this bill to the other place. One of the purposes of this legislation is to enable a photograph to be provided to the mother of a son who is

deceased. That is another motivation for me in trying to assist in the speedy passage of this legislation so that ultimately a photograph can be provided to that mother. On that basis, we are happy to facilitate the process that has been outlined by the Minister for Finance.

Question put and passed.

Bill read a third time and transmitted to the Assembly.