ROAD TRAFFIC AMENDMENT (DRIVING OFFENCES) BILL 2018

Second Reading

Resumed from 16 August.

MS C.M. ROWE (Belmont) [3.11 pm]: I rise today to make a very brief contribution to the debate on the Road Traffic Amendment (Driving Offences) Bill 2018. I firstly acknowledge the very hard work done by the Minister for Police; Road Safety, and congratulate her on bringing this most important bill to the chamber. This bill will rectify inadequacies identified in the current legislation and introduce tougher penalties for dangerous drivers that are more in line with community expectations. Currently, the maximum penalty for dangerous driving causing death is a 10-year jail term. In circumstances of aggravation in offences of dangerous driving causing death or bodily harm, the jail term will double to 20 years' imprisonment.

Currently, the aggravation provisions are invoked if the person is driving a stolen vehicle, driving a vehicle to escape police pursuit or driving at or above 45 kilometres an hour above the speed limit. To ensure that reckless drivers whose dangerous driving causes death, grievous bodily harm or bodily harm receive a higher penalty, this bill will introduce new aggravation provisions that will cover unauthorised driving under the Road Traffic (Authorisation to Drive) Act 2008—for example, driving while unlicensed or with a suspended or disqualified licence. Additionally and importantly, this bill will amend the aggravation provision of driving at 45 kilometres an hour or more over the speed limit to 30 kilometres an hour over the speed limit.

The McGowan government introduced this bill in response to the sentence imposed on Dylan Adams, whose dangerous driving killed 19-year-old Charlotte Pemberton in 2015. Mr Adams' motorbike crashed at such a high speed into the car Ms Pemberton was travelling in that the motorbike actually became wedged in Ms Pemberton's car door. He was reportedly "riding like a missile" through an intersection in Forrestfield, before slamming into the passenger side of the car Ms Pemberton was travelling in, tragically killing her. Adams was jailed for just over four years, with the possibility of parole after two. Adams was reportedly travelling at 100 kilometres an hour in a 60-kilometre-an-hour zone when he killed Charlotte Pemberton—just five kilometres an hour under the threshold for aggravated circumstances. That actually halved the potential maximum jail sentence. Since the sentencing, Charlotte Pemberton's grieving parents, Wayne and Jackie Pemberton, have publicly advocated for strengthening the laws around dangerous driving in the hope that tougher laws will deter dangerous driving and save other families from experiencing the devastation they have endured, and will no doubt endure for the rest of their lives. Mr Pemberton said in an article in *The West Australian* of 21 June —

> "No matter how you try to cheer yourself up or try to get on with your life … you always have that empty chair at the table," …

Tragically, other families live with this grief after their loved ones are senselessly killed by a reckless and dangerous driver.

In Geraldton in 2015, 27-year-old Coen Kentwell, 23-year-old Felicity Pallett and 31-year-old Michael Hook were killed when a drug and alcohol–affected driver who was speeding ploughed into their car. The driver responsible for their deaths, Amiel Tittums, ran from the crash scene, leaving the three passengers to burn to death in the car. He then went home, had a shower and went to bed. Even though Mr Tittums was responsible for killing three people, he was sentenced to just 10 years' imprisonment, with potential for parole after eight years. Tony Kentwell, the grief-stricken father of Coen, said in an article headed "Grieving dad backs tougher car crash sentences" in *The West Australian* of 28 March 2017, and I quote —

> "We are the ones who now have to serve the life sentence, but these drivers get almost nothing," … "Not a day goes by that I do not think about my son."

Charlotte Pemberton's tragic death and those of others killed by dangerous drivers have highlighted that the current laws are inadequate and have left grieving families feeling robbed by the judicial system. It is clear that the current penalties are not in line with community expectations, and we have acted swiftly to rectify them. If someone drives without the appropriate licence and at dangerous speeds and kills or maims someone, the full force of the law should come down on them and strong penalties should apply—and now they will. We have heard the public outcry at the injustice of the current legislation with regard to the penalties and have acted swiftly to introduce these changes to increase penalties and make our roads safer. Ultimately, of course, it is hoped that the changes that will result from this bill will act as a major deterrent and therefore save lives and save other families from enduring the eternal grief of losing a child or loved one. I commend this bill to the house.

MRS J.M.C. STOJKOVSKI (Kingsley) [3.17 pm]: The Road Traffic Amendment (Driving Offences) Bill 2018 will bring penalties in line with community expectations. For the families of those killed in motor vehicle accidents, it is hard enough to know that their loved one has gone, but it must be torture for the families of those killed in

motor vehicle accidents caused by people intentionally breaking the law. The aggravation provisions of this bill apply to people who have broken the law and whose actions have added far more danger and created a reckless situation on the roads.

In 2017, there were 161 road fatalities in Western Australia. That is 161 families who are still coming to terms with the loss of their loved one and who I am sure are still asking why: Why them? Why was it their loved one who was killed? Why has the person who was driving dangerously, under the influence, survived and my loved one is no longer here? In some circumstances, insult is added to injury in that the person responsible for their loved one's death receives a sentence that seems out of step with expectations. Rightly or wrongly, these families attribute the sentence handed to the offender whose actions caused the death of their loved one to the value of their loved one's life. We often read commentary from those loved ones in the media: "My loved one is gone and the offender got only l8 months' or three years' jail. Is that all my loved one's life was worth?" Is it appropriate for a man who rode a motorcycle, which he was not licensed for, in excess of 40 kilometres per hour above the speed limit into a car in which Charlotte Pemberton was an innocent passenger to be sentenced to only four years and three months in prison, disqualified from driving for three years and given a $200 fine?

I acknowledge that not all road deaths are the result of people's inappropriate actions; some are accidents and can be attributed to road conditions, genuine human error or lack of experience. Although I do not diminish the pain and sorrow of families that have lost loved ones in these circumstances, it is a different situation from those whose loved one was killed by someone in the process of breaking the law and the offender has knowingly added to the situation extra risk factors that have fatally tipped the balance of probability. I am sure that Charlotte's family would have asked the question: is that all Charlotte's life is worth—four years and three months? This man deliberately broke the law on not one but two counts and then he killed their beautiful daughter. He got what the community and I would deem to be a very light sentence.

In Western Australia, we have no fewer than six steps that a person must go through to get a driver's licence. First, a person must pass a theoretical driver's test and then go through a learning-to-drive period, with a minimum of 50 hours of driving time, which must be done on different types of roads and in different conditions. Step 3 is a hazard perception test, which is used to determine the driver's ability to assess traffic situations and to make safe driving decisions. Step 4 is a continuation of the gaining driving experience period, including an additional five hours of driving time. Step 5 is the practical driving test. Then, step 6 is driving with a provisional licence for two years. For the first six months of a provisional licence period, a person is subject to night-time driving restrictions and demerit point restrictions until they have held a driver's licence for two years. This is a long, complicated and comprehensive process for a very good reason—once a person is qualified to hold a licence, they have some form of experience.

Controlling a motor vehicle is a great responsibility. Not only is it a mode of transport, but when used recklessly or carelessly, it is a weapon that can kill people and destroy lives. It is imperative that drivers know how to appropriately control all motor vehicles to keep us all safe on the roads. When someone intentionally circumvents this process by not having the appropriate licence and arrogantly, recklessly and dangerously driving without a licence, or without the right class of licence, it is an intentional tipping of the scales that increases the risk to road users in Western Australia.

The other main element of this legislation is the reduction of the excessive speed limit from 45 kilometres per hour to 30 kilometres per hour. Let us think for a moment about this reduction in the excessive speed to 30 kilometres per hour. There is the potential for a fair amount of vehicle and pedestrian interaction in built-up areas with a speed limit of 50 kilometres per hour; people walk their dogs, families ride their bikes, kids play on front lawns, and cars slow to pull into and out of driveways—sometimes they reverse out of driveways. People must pay attention to all those things going on around them to enable them to react if something unexpected happens. In this situation, if a person is driving 30 kilometres an hour in excess of the speed limit, they are travelling at 80 kilometres per hour. If a car slows to enter a driveway in front of the driver and they need to brake, it takes 33 metres for a person to react and then a further 36 metres to brake. That is a total of 69 metres. Compare that with a person who is travelling at 50 kilometres per hour, for whom the reaction distance will be 2l metres and the braking distance will be 14 metres, for a total of 35 metres, which is a little over half the distance required by the first driver. This may not sound like a lot, but if that is your kid who has run out in front of a car, that can be the difference between life and death.

I support "Charlotte's Law" as it serves the community by sending a clear message that it is not acceptable for people to drive without an appropriate licence, to drive a vehicle that they are not licensed to drive or to drive in excess of 30 kilometres per hour above the speed limit. We, as a community, do not accept that behaviour. The legislation also provides clear messages to the courts that we, as representatives of our communities, want these situations to be treated with adequate sentences in line with community expectations. If people deliberately and consciously break the law by excessive speeding or driving without an appropriate licence and kill or injure someone, they should face harsher penalties.

I commend Charlotte's family for their advocacy for not only their beloved Charlotte, but also all those who are killed by wilful, recklessness drivers. Your hard work has not been in vain; your loss is not in vain.

MR M.J. FOLKARD (Burns Beach) [3.25 pm]: I rise to support the Road Traffic Amendment (Driving Offences) Bill 2018. In my contribution to the debate, I will lay out a situation that I have encountered many times in my past life when these amendments may have been applied.

For example, take two kids who have just finished school and are feeling a bit bored. They are not angels and have been in trouble before. One has been caught drink-driving and has a court suspended driver's licence. Neither of them has held a job. It is about seven o'clock at night and they start wandering the streets. They decide to go out and see what fun they can find. They start wandering the streets and see a bike left on the lawn near the front door of a house. No-one is around, so they take the bike and start dinkying one another down the road. About 10 minutes later, they lose interest when the excitement goes away and dump the bike. They continue on and see a house with a roller door open and a new Holden Commodore parked in the garage—nice, it is a V8. The house is quiet, no noise is coming from within the residence, and the pair quietly approach the house. One kid continues to walk into the garage while the other stands and acts as a cockatoo. A "cockatoo" is a street term for a lookout. As the second kid approaches the door, he sees a set of keys and a purse inside the house. He goes to the security door and quietly tries the handle. It is unlocked. No noise is heard and no movement is seen. Stealthily, he opens the door and within a heartbeat the keys and the purse are taken.

Once outside the house, the pair meet up and a couple of hand signals are made—these kids have done this before—but they do not use the buttons on the key fob as it activates the car's indicators. They quietly approach the car and manually open the door to get into the car. The car is quickly started and reversed out of the garage and onto the road. The car is quietly driven away to a nearby secluded spot and parked up. The pair search inside the car and the purse. They find a screwdriver in the glove box and a couple of hundred dollars in the purse. Happy days; they now have money to score some powder and a weapon to protect themselves with and to get some more cash. They decide to head to a mate's place and score a couple of grams. At this stage, the car has been driven quietly, so as not to draw attention to themselves. They leave their supplier's house, head out of the park and park up the car. They return home and use the drugs they just scored. Within minutes the meth is starting to flow, their blood starts to rush and their heart rates increase as they start to pick up a sense of euphoria and invincibility. Their skin becomes sweaty and hypersensitive, aiding and feeding the sense of invincibility. As they get higher, they start making more noise. So as not to draw their parents' attention to themselves, they return to the stolen vehicle. They now get into the car feeling invincible.

In the meantime, the owner of the car has discovered that it has been stolen. Like anyone would, they ring the 131 000 number and give the description of the vehicle. The description is then broadcast to all police vehicles on the road. A diligent young constable takes the time to note the vehicle registration and the description. A short time later while travelling to a domestic, he sees the vehicle. The officer makes the decision that the domestic is far more important than a stolen car and chooses not to intercept it, but the officer takes the time to broadcast what he has just seen, alerting specialist officers who begin moving into the general area. Not long after the vehicle is seen, our two budding car thieves make their way to a 24-hour fuel station. Still feeling bulletproof, one grabs a screwdriver and puts it in his pocket, while the second moves to a pump and begins fuelling the vehicle. While the second individual enters the store, he grabs a bottle of Coke and moves to the front counter. As soon as he gets to the counter, he pulls out the screwdriver from his pocket and shoves it towards the attendant and starts yelling and screaming and demanding money. The attendant is terrified; he has been robbed before. He opens the cash drawer and steps back calling, "Don't hurt me; don't hurt me." Our young thug reaches in and grabs a fistful of notes and runs from the shop returning to the vehicle. As this occurs, the attendant activates the hold-up alarm. About five minutes later, there is a broadcast and several police vehicles begin moving towards the crime scene, including our specialist officers. A short time later, the vehicle is seen travelling at speed from the crime scene by our specialist officers. The police car turns its headlights off, quietly executes a U-turn and begins moving towards the stolen vehicle with its lights back on. Inside the police car, the passenger has a quick check inside the vehicle, secures any loose objects and confirms that the driver of the vehicle is ready. The driver begins closing in on the stolen vehicle. At this stage, the police car is only following a stolen car and observing his driving. On a fairly straight stretch of road, the decision is made to stop the vehicle. The police car increases its speed and begins closing in on the target vehicle. At about 100 feet from the rear of the vehicle, the driver activates its lights and sirens. At the same time, the passenger says on the radio, "Whiskey 1, urgent—we are following Commodore ABC 123 on Albany Highway, Cannington. The vehicle is failing to stop; request priority." As he states this over the radio, the stolen vehicle accelerates heavily at speed. The VKI operator then says, "Stand by. Just getting the inspector; keep calling." At this stage all other radio traffic stops and the officer in the car pursuing the vehicle begins calling the chase and says, "Whiskey 1—speed 120, road dry, traffic low, street lights on, visibility good and request priority." The VKI operator returns,

"Priority 1 authorised—keep calling." The officer in the police vehicle yells over the radio, "Vehicle still southbound on Albany Highway, approaching traffic control lights, all green and speed increasing to 160." The operator says, "Keep calling." The officer in the car says, "Through the lights, nil incidents, nil traffic, southbound." The vehicle continues on until it gets to the corner of Albany Highway and Armadale Road, opposite Pioneer Village—we all know the intersection; it is fairly large. The officer in the police vehicle says, "Approaching our major intersection. Stand by. Lights green; we're slowing. Target vehicle is turning left on the incorrect side of the road at the intersection, heading east. Stand by." The officer in the police vehicle calls again, "Target vehicle changing direction now, directly in front of the police vehicle, accelerating heavily onto the incorrect side of the road directly at our vehicle. He's trying to ram us. Stand by. The target vehicle is fishtailing heavily and is heading towards us. Stand by again." The police vehicle does a quick direction change, swerving to the left and avoids the collision, executing what we refer to as a highway turn. The vehicle turns 180 degrees and is now on the correct side of the road facing west. The police observe the target vehicle continuing through the intersection and on the incorrect side of the road. The police follow with caution through the intersection and start to accelerate to re-engage the pursuit. The officer in the police vehicle calls, "Target vehicle still fishtailing west on Armadale Road at an estimated speed of 100 and accelerating." Then there is silence. The VKI operator then calls, "Keep calling." There is still silence. Minutes pass and the VKI operator comes back again—still silence. Then a voice is heard over the radio, "VKI urgent. The vehicle has struck an oncoming vehicle and hit a tree. We need backup. Driver on foot. We have multiple persons trapped in the vehicle. SJA and FESA required urgently." Then there is silence. Minutes tick over; they feel like hours. Over the radio then comes the call, "One in custody." Then, a frightened voice says, "Whiskey 1, VKI, send SJA. Get here fast; we need help." A short time later a senior officer would arrive and take control. For the past 10 years, that would have been me. Earlier in my career, I would have been the police officer in the pursuit vehicle serving in the original vehicle crime unit, and in my later years I would have been the senior officer.

Let us look at the crimes that were committed in this case. The stealing of the bike from the lawn is aggravated stealing contrary to sections 371 and 378 of the Criminal Code, and the circumstances of aggravation are found in section 400(1). At the time of taking the bike, the primary offender was accompanying another person. The maximum penalty for this particular offence is 10 years' jail. The second offence is a burglary on a home, when the house was entered and keys and a purse were taken and, further, a car stolen from the garage. The offence in this matter is burglary, contrary to section 401 of the Criminal Code. The circumstances of aggravation are that people were in company, the house was a residence and there was a likelihood that there was someone inside the residence at the time of the commission of the offence. The circumstances of aggravation in this particular matter are found in section 401(1) of the Criminal Code. At the time of entering, the primary offender was accompanied by another person and he knew that someone was inside there hence. The maximum penalty for that particular matter is 20 years. The offender who drove from the house and parked the car was driving with a court-suspended driver's licence. A charge for this matter would be aggravated driving without a driver's licence, contrary to section 49(1)(b) of the Road Traffic Act. The circumstances of aggravation in this matter are found in section 49AB(1), with a minimum penalty of six months. Members will notice a bit of a trend here. The Criminal Code gives sentences of 10 and 20 years, but the Road Traffic Act gives six months. The stealing of the cash from the petrol station was aggravated armed robbery. The correct name of this offence is "stealing with violence" contrary to section 392 of the Criminal Code, and the circumstances of aggravation for this section are found in section 400(1), in that at the time of the robbery, the primary offender was armed and accompanied by another person. The maximum penalty in this matter is 20 years. When the vehicle failed to stop and sped off from police and the pursuit commenced, the driver committed the first offence of aggravated reckless driving contrary to section 60 of the Road Traffic Act and the maximum penalty is five years' jail. When the vehicle attempted to ram police while fishtailing down the road and crashed, hitting the oncoming vehicle, there would be a charge of dangerous driving contrary to section 59 of the Road Traffic Act, with a penalty sitting between 10 and 20 years, depending on the injuries to the victims hurt in the vehicle crash. If we look at the consequences set out in the Criminal Code compared with those in the Road Traffic Act, clearly they are out of kilter, particularly when the seriousness of the matter is not reflected in the penalties available to the judiciary when enforcing the Road Traffic Act. Currently, the circumstances of aggravation under the Road Traffic Act are found under section 59B(3). The first circumstance of aggravation in simple terms is driving a stolen vehicle without consent of the owner. The second is driving a vehicle at over 45 kilometres an hour above the speed limit at the time of the occurrence. The third is that at the time of occurrence, the vehicle was actively attempting to evade police at the time of pursuit. The key here is that the offender in this matter is the driver of the vehicle. The police put all of their efforts into his or her apprehension. Once the offender is apprehended, the officers break down the events and prepare a brief of evidence to bring before the court. It is then for the court to make the decision of guilt and finally to impose a penalty. This is where the greatest criticism from my constituents and the community comes about. We are here to introduce changes to the driving offences within the Road Traffic Act . These changes are referred to as "Charlotte's Law".

"Charlotte's Law" is about creating a penalty that fits the crime. The changes that are to be introduced will place within the Road Traffic Act more circumstances of aggravation that apply to dangerous driving causing death or grievous bodily harm. Given the sad circumstances that Charlotte's family faced when the offender was sentenced for the death of their daughter, I understand how they felt disappointed. I learnt early in my police career that justice was never to be found in a court of law; one went to court to be dealt with by the law—a clear difference. I always found comfort, though, in the fact that it was not my role to judge, but to arrange the meeting.

Now, in this house, I find a new perspective. We must give our judiciary the best opportunity and tools to apply better penalties that reflect the crime. It is interesting that back in 2009, Justice McKechnie saw the need to address some of the inconsistencies in applying penalties. As a result, in Sheiner v Roberts, Justice McKechnie set out a comparative table with the relevant case law to assist the judiciary applying penalties under the Road Traffic Act. I have a copy of that table and I am happy to table it if asked. However, the tragic circumstances of Charlotte Pemberton fell outside the table, as the act did not reflect the circumstances that resulted in the penalty applied in this case.

The new circumstances of aggravation that are to be added to the act are: no authority to drive at the time of the occurrence, driving whilst under suspension, driving whilst unlicensed and driving at 30 kilometres per hour over the posted speed limit. As a result, if the offence is proven, the maximum penalty will increase to 20 years. I believe this will give our judiciary a greater opportunity and will fix this problem.

I hope no family faces the loss of a loved one in the way the Pembertons have. I hope these changes to the Road Traffic Act will ease the pain for those families and give our judiciary better tools to apply appropriate penalties in the future. Take care and be safe. I commend the bill to the house.

MR T.J. HEALY (Southern River) [3.42 pm]: I would like to make a contribution to the Road Traffic Amendment (Driving Offences) Bill 2018, also known as "Charlotte's Law", in memory of Charlotte Pemberton and many others. I would like to speak personally about some of my experiences, although I acknowledge that, unfortunately, I do not think there is anyone in this house who is free from loss as a result of road and motor accidents, which also reflects the broader community. My heart goes out to all those who have been affected by road tragedy in Western Australia. Far too many families in my electorate have been affected by road tragedy. This bill should be really quite simple—penalties should be tougher for aggravated dangerous driving, and this bill delivers on that and sends a very important message.

Charlotte Pemberton was killed by Dylan Adams. He was driving at 40 kilometres an hour over the limit and had no licence. The penalty he received was not appropriate; I think there is certainly consensus in the community and the Parliament on that. I would like to speak about an incident that occurred on 10 December 2007. My friend from high school Fiona Worts, from Canning Vale in my electorate, was killed by Lucas Mitchell on Kwinana Freeway. Fiona was driving on the freeway late at night, and Lucas Mitchell was driving the wrong way in the opposite direction, hitting her near Canning Bridge. Fiona was my friend and my classmate, and she would have been my constituent. Lucas Mitchell was almost four times the legal blood alcohol limit, which is why he drove the wrong way down the freeway. He had no driver's licence, he was wanted in Victoria for drink-driving offences, and he was driving 40 kilometres per hour over the legal speed limit on the freeway—again, wrong way, drunk and no licence. Fiona died at the scene. Lucas Mitchell served four and a half years of a six-and-a-half-year sentence after parole.

Fiona's mum, Deborah, her brother Cameron—with whom I also studied—and their family have always been so strong. We invited Deborah to speak at our 10-year school graduation anniversary, because obviously Fiona could not join us. She spoke to all Fiona's former classmates, and we were very, very proud of her family. This year, for the 20-year anniversary, we will again invite Fiona's mum to speak to us.

I am very proud that this government has delivered on this election commitment. I thank the government for introducing these laws. I refer to an article that appeared in WAtoday in which Charlotte's father told 6PR's Gareth Parker that he was pleased the government had kept their word by bringing into effect tougher laws. I concur.

Thank you on behalf of Charlotte; thank you on behalf of Fiona and all the families of those people who have been affected by this. Those who choose to drive with no licence and at excessive speed will face harsh consequences in our courts in Western Australia. We will not forget Fiona and we will not forget Charlotte. I commend the bill to the house and wish it speedy passage through this Parliament and into law.

MRS M.H. ROBERTS (Midland — Minister for Road Safety) [3.46 pm] — in reply: Firstly, can I start by thanking all the members who have made contributions to the second reading debate on this bill: the members for Hillarys, Belmont, Kingsley, Burns Beach and Southern River. All of them have spoken with passion about legislation that is really important—important to the Pemberton family, important to many Western Australians

and, hopefully, important to families in the future who sadly find themselves in similar circumstances. As much as we hope that it will not happen again, there will be people involved in road crashes in the future.

My colleagues have spoken with some passion, and I think that recognises the fact that road crashes and road tragedies impact on very many people in the community. I thank members for their comments. I also thank the Premier of Western Australia, the Attorney General and my cabinet colleagues for their support in assisting me to bring this legislation before the house in a timely way.

Unlike many other pieces of legislation that we have introduced over the last year, this legislation was not an election commitment. It is something that was drawn to our attention when the judgement on this case came down post the March 2017 election. When the Premier, the Attorney General and I looked at the sentence that was handed down, we felt that it did not meet community expectations. Because of that, the Premier made a commitment to review the situation and do what we could. We looked at appealing the judge's decision. Given that the maximum penalty was 10 years and it was a very serious breach, we felt that the penalty did not come close enough. The Attorney General had the Director of Public Prosecutions review the circumstances. After it compared similar cases, the advice we received was that the penalty was within the sentencing range, given the seriousness of the circumstances, and that should an appeal take place, it was possible that there might be a slightly increased sentence, but also possible that there might be a slightly decreased sentence—something we would not like to have seen.

Having done that, we looked at the question: why was a heftier sentence not given in this circumstance? Why was a sentence not given that was in line with community expectations? The conclusion, and the advice from police and others, was that the circumstances of that particular case did not meet some of the circumstances of aggravation that would have enlivened a higher penalty. In his contribution to the second reading debate, the member for Hillarys quoted parts of the judgement. He quoted a part in which the judge said —

> I find that this is a very serious example of its kind which only just falls short or outside of the relatively rare category of cases which enliven sentences close to the maximum.

The member for Hillarys questioned why that would be the case. The judge in his findings explained why he came to that judgement. I quote from page 8 of the findings, where he said —

> I do so principally because some common aggravating factors are absent.
>
> For example, Mr Adams was not intoxicated; this was not a police pursuit, and he was not racing another driver; he did not run a red light. There were no imploring passengers asking him to stop and the excess speed was not massive by the standards of some cases we get. I sentenced someone last year who was doing 200 in a 50 zone. Mind you, he was charged with the aggravated version of this offence.

I note that the aggravated version of this offence as the law stood at that time, and as it stands until the law is amended, is driving at 45 kays over the limit. That is what is needed to achieve that circumstance of aggravation. Clearly, the case the judge was talking about was driving in the order of 150 kays over the posted speed limit. The judge then goes on to say that when you drill down to the circumstances of this case, some of those mitigating factors begin to fade. He refers to the wilfulness of Mr Adams, the cold-blooded decision to endanger people and the fact that the crash was totally preventable, and he describes his behaviour as wilful and cold-blooded, which I think all of us would agree with.

In looking at those comments, I find that perhaps the community broadly needs to be more educated about the impact of speed. The impact of driving at just 10 kays over a posted speed limit, a very minimal increase in speed—never mind 20 or 30 kays over a posted speed limit—certainly when pedestrians, cyclists or other vulnerable road users are present, can lead to tragic consequences. In my view, there is no excuse for excessive speed. It is pretty hard for most of us to imagine someone going 30 or 40 kilometres over the speed limit and not being aware that they are speeding. I accept that many people, perhaps most people, sometimes go five or 10 kays over the speed limit and may not be aware at the time that they are speeding. But sometimes there are circumstances in which people are distracted—sometimes it is because of some emotional or tragic events that are happening in their lives; sometimes they are distracted by problems they are facing in their personal or working lives—and people can drive without focusing on the speedometer for a moment in time. Most people correct that and go back to the speed limit. Sometimes, though, people can be mistaken, particularly in school zones where the speed on the road that they are driving down is normally 60 kays an hour and, for whatever reason, they are not aware that the school zone is in operation. Even when they drive at about 60 kays, or maybe just over, in a 40-kay zone, they are still meeting that under 30 kay requirement and would not be caught up with the circumstance of aggravation. People of course should be alert to school zones. That is one of the reasons that many years ago, in the Gallop government, I initiated the writing of the 40 kays on the actual road, which was pretty innovative at the time. That has subsequently been rolled out to all school zones and that is also why, subsequently, I believe the former

government rolled out the flashing lights at school zones. They are really a warning to motorists that the school zone is in operation.

A number of speakers have been through the history of why the law is being reviewed. The member for Hillarys went a little further and said that there should be mandatory sentencing in these circumstances. For a range of reasons, the government does not think mandatory sentencing is the way to go, and we have discussed those reasons—the Attorney General and I—with the Pembertons. I note that in his seconding reading contribution, the member for Hillarys said —

> The judge decided that the right sentence in this case was five years. He discounted the sentence by 10 per cent for a guilty plea. In all of Mr Adam's wrongdoing, good on him for pleading guilty and not dragging out the horror for Miss Pemberton's family and not exacerbating the immense damage that he had caused.

One problem with mandatory sentencing is that we tend to not get early guilty pleas. When a not guilty plea is given, it tends to re-traumatise the family. One reason we do not support mandatory minimum sentences is that it removes the incentive for someone to enter an early plea of guilty and it continues the trauma for the families if that early plea of guilty is not entered. There is not so much an incentive, but certainly no disadvantage, for an accused to know that their sentence will be the same whether they plead guilty or not guilty and to try their hand at a criminal trial and see whether they can be either not convicted or potentially convicted of a lesser offence. Getting those early pleas of guilty certainly takes away the burden on the prosecution and on the courts, and I think it is better for everyone involved, particularly the families, if we can get that early plea of guilty. It means that the prosecution is no longer required to source evidence and witnesses are not required, and there are a whole range of benefits to that.

The other reason that we do not support mandatory sentencing is that it prevents the court from taking into account important circumstances relating to the offender or the offence. Sometimes there are exceptional circumstances. I think I said by way of media comment at an earlier stage when this was under discussion that occasionally the offender, the person driving the vehicle, could be a mother who has her own children in the car. If one of her own children is killed, an older sibling, and a mandatory sentence of 10 years or more is involved, it means another child will effectively be penalised because they are not being brought up by their mother. There could be some extenuating circumstances. There could be a circumstance in which someone has already paid a very high price by losing a child or family member. Maybe it is appropriate for the judge to take that into account. That is another reason mandatory sentencing is a very blunt instrument. We want to see appropriate sentences. We have said that the sentence fell well short of expectations. That is why we have introduced some new circumstances of aggravation that would effectively see a doubling of the maximum sentence that the judge could award from 10 years to 20 years. That is a really significant increase in the sentence.

The member for Hillarys also sought some assurances on the Henry VIII regulation-making power. I am happy to give him that assurance. We have no intention to use this regulatory power. It has been put in place for future use, probably by a subsequent government, not our government. Our government has no current or foreseeable plan to make that change.

As I outlined in the second reading speech, the bill has been future-proofed to exclude certain situations from circumstances of aggravation. To do this, the bill amends the Road Traffic (Authorisation to Drive) Act 2008 to enable exclusions to the new circumstance of aggravation–no authority to drive to be prescribed in the Road Traffic (Authorisation to Drive) Regulations 2014. This is because the Road Traffic (Authorisation to Drive) Regulations 2014 determine the various kinds of authorisation to drive classes of vehicles that may be conferred by a driver's licence. Prescribing the exclusion to the circumstance of aggravation–no authority to drive in the Road Traffic (Authorisation to Drive) Regulations 2014 ensures that any future changes made to the classes of vehicles prescribed in the Road Traffic (Authorisation to Drive) Regulations 2014 can be considered for exclusion that applies for the purposes of the Road Traffic Act 1974. There is no intention at this point to make any such regulations to exclude any situations from the new circumstance of aggravation–no authority to drive. It may be in future that if changes are made to the types of vehicle or driver's licence classes, the government of the day may take a view that such changes do not warrant being included in the circumstances of aggravation provided for in the current bill. It may be the case that any such future changes to the vehicle or driver's licence classes could result in some unintended consequences in this regard. If that is the case, the government of the day would have the ability to move quickly through regulations to address any such unintended consequences. As the member for Hillarys points out, the bill places a requirement on the relevant ministers of the day—the Minister for Transport and the Minister for Road Safety—to liaise about any such matters. Of course, any such regulations would be subject to the usual scrutiny by the Joint Standing Committee on Delegated Legislation.

I believe that I have canvassed the issues raised by the member for Hillarys in his second reading contribution. I wanted to clarify something for the record by referring to my second reading speech when I read in the bill. I stated —

> The new circumstance of aggravation–no authority to drive would apply if the driver: has never held a "prescribed authorisation to drive"—namely a learner's permit, an Australian driver's licence, an extraordinary licence or a licence granted under the law of an external licensing authority, to drive the type of vehicle concerned; or had applied for, but had been refused, an Australian driver's licence; or at the time of the commission of the offence, is disqualified from holding or obtaining an Australian driver's licence; —

And importantly —

> or ceased to hold an Australian driver's licence most recently held other than —

I just want to emphasise those words "other than" —

> if they had voluntarily surrendered the licence, or the licence had expired; or is required to drive a vehicle fitted with an alcohol interlock device and, at the time of the offence, is driving without the required authorisation to drive or is driving in breach of the alcohol interlock condition of their authorisation to drive; or holds a prescribed authorisation to drive, but their authorisation does not authorise them to drive the type of vehicle concerned; …

I want to make it quite clear that it does not apply if they voluntarily surrendered their licence or the licence had expired. Again, we do not want to capture people unintentionally in this legislation. We want to put in place additional circumstances of aggravation for the non-holding of a licence and also lowering that threshold as a circumstance of aggravation to just 30 kilometres an hour rather than 45 kilometres an hour.

The members who have spoken on this bill have spoken passionately about road safety. Sadly, road tragedies, crashes, very serious injuries and deaths on our road affect far too many people in our community. Most people in this house will have been touched by the death of a loved one or a friend as a result of a road crash. Just about every fatality in this state could have been avoided. We refer to them as crashes not accidents because we believe that they can be avoided. The right to have a driver's licence is really a privilege, not a right. One has to earn it. One has to abide by the road rules. A vehicle, be it a motor car, truck, bus or motorcycle, is effectively a very dangerous weapon that people drive at speed. Every time one gets in a vehicle, they are not just responsible for their own safety but they are responsible for the safety of other road users—other people's children, other people's sisters and brothers, other people's mothers and fathers and relatives and other people's friends. Their behaviour on the road can impact and does impact on others. If they drive recklessly, if they drive under the influence of alcohol, if they speed excessively or if they drive tired, they may think that they are affecting only themselves. Perhaps they are prepared to take that risk themselves. I ask people to think about the potential risk that they are placing on other people because even if they are just driving chronically tired, they run the risk, particularly on a country road, of drifting off and driving into ongoing traffic. That is the most common cause of fatality on regional roads, not just in Western Australia. I read a report about New South Wales road crash fatalities recently. The most common crash on country roads is caused by running off the road, either to the left or right. More often than not, left will be into a tree or another immovable object, and right will be straight into oncoming traffic. Those people who know a little about physics know that the velocity at which one car is travelling and the velocity at which the other oncoming car is travelling effectively combine. It is very difficult for people to survive a head-on crash on a country road. It is highly unlikely.

We also know that cars are safer. Seatbelts were the first common initiative, followed by airbags. Now, braking systems and other new and innovative systems have come in, which has helped to make our vehicles safer. We try to get around driver error, but in circumstances in which people knowingly do the wrong thing, this is what occurred on this occasion: someone drove a vehicle that they were not licensed to drive and they drove it at excessive speed. I understand that the judge said he had had many cases before him involving driving at more excessive speeds but in my view 30 kilometres an hour over a posted speed limit is absolutely excessive speed. That is why we have put it in the bill. People who drive at 30 kays or more over the speed limit generally know that they are doing it. In this circumstance, I do not think there is any doubt. When a person does that, they are taking a lethal weapon into their hands. Driving at excessive speed is a little like firing a loaded gun randomly; sooner or later it will end in tragedy.

I thank each and every one of my colleagues for their support. I know there are members of this house, particularly amongst my ministerial colleagues, who elected not to speak on the bill. That is because they are keen to see its speedy passage through this house and for it to go to the upper house where it will hopefully also receive support and speedy passage. We do this because we want to support the Pemberton family in their grief. We want to acknowledge the life of Charlotte Pemberton and for her family to know, and their friends and family members to

know, that something positive has come out of their grief. We do it because we believe these laws are in the best interests of the community of Western Australia. We gave these laws priority because they received the support of our Premier and our government because we are keen to respond when we can to support the community. As I pointed out, it was not an election commitment; it is a piece of legislation we have given priority to because we believe it is important and we believe the community supports it. I thank my colleagues, those who spoke and those who did not, for their support of the bill.

Question put and passed.

Bill read a second time.

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Mr P.A. KATSAMBANIS: I recognise that clause 2 is a pretty standard commencement clause. Part 1 comes into operation on the day on which this act receives royal assent. That is pretty simple. Proposed subsection (b) states —

> the rest of the Act—on a day fixed by proclamation, and different days may be fixed for different provisions.

What is in this six-clause bill that would require consideration of when particular sections of the act may be proclaimed and what stopped the minister from providing that the whole act comes into force on the day on which it receives royal assent or, alternatively, the day after the act receives royal assent, which is also a pretty common methodology that is used?

Mrs M.H. ROBERTS: Member for Hillarys, this is just to provide the opportunity to make sure that the police prosecuting branch is across it and that it has advised the officers who are out in the field. It is also to allow the judiciary to be properly apprised of the changes to the law. We anticipate that parts 2 and 3 would likely be proclaimed at the same time, but we cannot effectively prejudge the Legislative Council's decision. As the member would be aware, there is a different collection of parties in that house. We are taking nothing for granted. I would hope that the bill would pass through the upper house intact and be fully supported by all parties, although we cannot guarantee that. We will not take anything for granted until such time as the legislation is passed. We are effectively making sure that all police officers, including our prosecuting branch, are well and truly aware of the changes to the law, albeit, as the member pointed out, they are relatively simple changes to the law and likewise we want to make sure the judiciary is aware of those changes too.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 49AB amended —

Mr P.A. KATSAMBANIS: I thank the minister for her quite valuable summing up in the second reading debate which has covered off a lot of the issues that I raised in particular, and other members raised also. It means that this consideration in detail stage can be significantly shorter. I refer specifically to the change being made by the amendment to section 49AB at clause 4(3) which reduces the speed limit at which circumstances of aggravation are to be taken into account from 45 kilometres an hour to 30 kilometres an hour over the speed limit. I am absolutely supportive of that. I have a couple of questions around it. Firstly, in Western Australian legislation more generally there is a bit of what I will describe as a hodgepodge of circumstances in which a person loses their driver's licence—some is at 30 kilometres an hour; some is at 45 kilometres an hour. Does this change signal that the government has any intention of simplifying the various regimes that apply and will treat all speeding at 30 kilometres an hour over the speed limit as something a driver automatically loses their licence for, and perhaps summarily as well prior to it being considered in court?

Mrs M.H. ROBERTS: Again, I thank the member for Hillarys for his question. The figure of 30 kilometres an hour was suggested by WA police to fit the circumstances of this particular crime. It is primarily about an individual case and looking at the circumstances of aggravation that we would want to add. The figure of 30 kilometres an hour was considered to be appropriate by WA police. I think I commented that, in this case, police believed that the offender was going around 40 kilometres an hour over the speed limit. To be able to demonstrate that beyond doubt to a court was potentially a little fraught but the police assured me they would have had no difficulty demonstrating that the offender was going 30 kilometres an hour or more over the limit.

The member's question was a good one. The laws make reference to different figures. When I introduced the "hooning" legislation, as it is colloquially known in this state, we incorporated the figure of 45 kilometres an hour for the impoundment of a vehicle. That was new legislation around Australia at the time and we thought 45 kays an hour was about in line with community expectations. We looked for a figure over the speed limit that we thought

people could not do accidentally and at which they would be deliberately hooning. Other contributing factors determine hooning, such as smoke from wheels, screeching and whatever else. We also thought it was important to signal that if people drove a certain speed above the limit, they were unequivocally hooning and there was no need to prove anything other than that they were going above that limit.

The answer to the member's question is that this does not signal any change to any other legislation. If the member has some suggestions, I am always willing to hear them. When it comes to road safety, there has generally been a spirit of bipartisanship in this house. We all want to see our loved ones come home and them to be safe. We all want appropriate penalties to be dished out when people do the wrong thing. Broadly, I think most of us want to see some consistency in the law. There is no point in having laws if people do not readily understand them and if there is not some consistency across various legislation. It is certainly something I am prepared to look at, but the member should not read into it anything more than that. We are not about to decrease the speed limit for hooning or impounding to 30 kilometres an hour over the limit. If there was an evidence-based case for reducing that limit from 45 kilometres an hour down to 40 kilometres an hour over the limit, or something else, I am more than prepared to look at it, but I am not currently looking at it and I am not currently proposing any other changes to road traffic laws. However, I take the member's point that consistency is generally a good thing.

Mr P.A. KATSAMBANIS: Before I move on to the next question, I will make just a quick comment. I am sure the minister gets it in her electorate and I certainly get it all the time from the long-suffering victims of hooning in my electorate of Hillarys. They definitely want tougher laws that do not relate just to the speed limit, but also to noise and potential danger in particular. That is a discussion for another day.

The minister made reference to the fact that this change was particularly driven by the specific circumstances of Mr Adams' offending. In my contribution to the second reading debate, I suggested quite strongly that I do not believe the sentence met community expectations. However, it was arrived at and I recognise the independence of our judiciary. I recognise the judicial officer did his best under the circumstances. He said in the judgement that there was precedent that guided a particular outcome based on previous experience. We understand that but I said quite clearly that it does not meet community expectations. It does not pass the pub test, the cafe test, the dinner party test or any of those tests when it comes to the safety of people in our community. That is why we support the reduction from 45 kilometres an hour to 30 kilometres an hour over the speed limit in this case. In the minister's summing up, I am not sure that she said it directly but she alluded to the fact that she also accepted that the sentence did not meet community expectations. I can see the minister nodding across the table. Under our current laws, what sentence does the minister think would have met community expectations? Also, what does the minister think the sentence would be under the new laws that are being introduced in which the maximum penalty is being doubled for offenders such as Mr Adams?

Mrs M.H. ROBERTS: The member has come back to a point that he made in his contribution to the second reading debate about the adequacy of the sentence. The Premier, myself and the Attorney General all said that we regarded that sentence as being inadequate. We all also commented that we believed it was out of line with community expectations. That is why we have brought the Road Traffic Amendment (Driving Offences) Bill before the house. That is why we met with the Pemberton family to talk through the issues. That is why we consulted the Western Australia Police Force. That is why we consulted the Director of Public Prosecutions. That is why we looked at appealing the sentence and seeing what was the best way to go.

The member asked me to speculate on what I would have considered an adequate sentence in the circumstances. I think the family and the people who commented on it at the time expected to see a sentence closer to the higher end. As the member said in his contribution to the second reading debate, the maximum penalty for the offence is 10 years' imprisonment. This case seemed to us to be pretty serious, partly because there were circumstances of aggravation that were not defined as circumstances of aggravation under the law. As a result of that, the judge took a decision that, on his spectrum of sentencing, being mindful of previous cases and precedent, the sentence of just over four years' imprisonment was appropriate. He also took into account the fact that there was an early guilty plea from the offender. If the member wants me to speculate, I would say that people were expecting a sentence closer to eight or nine years out of the 10-year maximum. Can we accept there is potentially a more extreme circumstance? When I saw the detail of the offence, to me as a layperson, it seemed to be at the extreme end—driving without a licence at nearly 40 kilometres an hour over the speed limit meant he would surely get a sentence at the higher end. As I quoted in my second reading reply, the judge highlighted some factors that were not met. In other cases, there have been even worse factors. In my view, community expectation would have been for a sentence closer to the maximum of 10 years' imprisonment—perhaps around eight or nine years. I think people were shocked it was below five years. We would have thought he would get at least half the sentence. I think we were surprised it was below five years but what surprises us in the community and what surprises people who look at all the legal precedents seem to be two different things. We took the step of not just slightly increasing the maximum penalty, but taking it up to 12 or even 14 years. A maximum penalty of 14 years is very hefty, and,

looking at a range of other crimes, very serious crimes have a maximum penalty of 14 years. Twenty years is really at the top end, so we decided to double the maximum penalty. Doubling the maximum penalty, as the member for Hillarys has pointed out, does not guarantee that a sentence will be doubled. It cannot be guaranteed that two judges will give exactly the same penalty, but, as the member well knows, the judge has to take into account the penalty. The penalty that judges have to take into account under the existing law is a maximum of 10 years. If this bill passes, the penalty a judge will have to take into account will be 20 years. I would expect a future judge would give a judgement that could potentially double the sentence. Does that guarantee a sentence of eight and a half years in the future for exactly the same circumstance? No, it does not. It may well be that the judge goes for seven years, nine months, or they might go for 12 years. It depends on the circumstances and the individual judge.

Mr P.C. TINLEY: I wish to hear further from the minister, if she so desires. No, she does not. I am trying to be helpful.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Section 4 amended —

Mr P.A. KATSAMBANIS: I thought I would deal with part 3 under the debate on clause 6. It is really about part 3 and the amendment of the Road Traffic (Authorisation to Drive) Act 2008 that will create the regulation-making power that I discussed in my second reading contribution and the minister outlined in her response to the second reading debate—that sounds tautological. The minister pointed out that there was no current intention. Without putting words into her mouth, I think she suggested that she could not foresee circumstances that would require regulations to be made under this regulation-making power. We understand that we live in an ever-changing world, and that the technology around motor vehicles and roads changes very, very rapidly, with lots of prognostication about what may happen in the future. From experience—sometimes good experience and sometimes better experience—I have learnt that when futurologists tell us something will happen, it can be guaranteed that it will not happen when they tell us it will. If they put a date on it, it will not happen then.

Mrs M.H. Roberts: It usually happens sooner!

Mr P.A. KATSAMBANIS: Absolutely. In some cases it happens sooner; in some cases it happens later. In particular cases, which I think apply to Western Australia, they happen sooner in some places than they do in others. The nature of our road network in Western Australia means that the really revolutionary changes in driver and road technology, particularly those that require changes to motor vehicles and changes to roads, are probably likely to happen later than in some other jurisdictions, given the nature of the size of our state and given that we have the largest single policing district in the world. We know all the facts and figures; fewer than one person per square kilometre lives in Western Australia, and the like.

Given that we cannot foresee exactly what we will need under these regulations, or when we will need them, would it not make more sense—I know the minister is a very experienced legislator—to reserve those sorts of changes to the Parliament in the future? Rather than get up and down, the other questions are: Does the minister think we need this just to futureproof the legislation? Would any consideration be given to not proclaiming part 3 until we know what happens in the future and whether we need it?

Mrs M.H. ROBERTS: I again thank the member for his questions. I will deal with the last part first, and then I might need the member to remind me of the first part. With respect to whether we could not proclaim part 3 and just wait and see what the circumstances are, the issue really is that all those classes of licence are contained in regulations. They can change quite quickly. The member would be aware that the passage of a bill can take a long time. The member is right; I have been in this place a long time and was involved with Parliament prior to that. If the passage of time from the genesis of even a simple bill to its passage through both houses—some have probably broken a few records and happened in three or four months, but they would have been for something with some kind of amazing priority—is managed in a year, a government has done exceptionally well. I suspect most bills take the best part of two years from their genesis to getting through Parliament. Doing it by way of legislation is pretty cumbersome and takes a lot of time. It has to go through the cabinet process and then the party room processes. Potentially lots of new members of Parliament who are sometimes unaware of the circumstances have to be briefed, and sometimes the upper house sends things off to committees. That can be quite burdensome and take really a long time.

The fact of the matter is that, as I commented in my second reading response, the Minister for Road Safety and currently the Minister for Transport need to consult. Under current circumstances, that means advice is given by police, Main Roads Western Australia and the people responsible for licensing in Western Australia. Generally, changes of this nature are pretty bipartisan and uncontroversial. So it would seem to be a long way from ideal to require a legislative rather than a regulatory change. When I first stood I said that the advice given to me was that

various classes of drivers' licences and vehicle licences are already contained in regulations, so they can change quickly. This is really about trying to avoid any either unintended consequences or if there was seen to be a real need to act. I expect that future ministers, no matter the party they represent, would brief people across Parliament and would be looking for pretty much bipartisan agreement. The relevant standing committee also looks at those regulations, and there is always the possibility of it not approving the regulations.

Mr P.A. KATSAMBANIS: I particularly thank the minister for her explanation around the fact that a lot of these licensing classes can be changed by regulation, and her reference to part 2 of this amending bill that relates to prescribed authorisation. So I accept that as a fair explanation. As to all the other matters, I have not called this a Henry VIII clause. I suggest that may tickle the fancy of the people who worry about these things, but I will leave that to the processes in the other place. I thank the minister for her indulgence.

Mrs M.H. ROBERTS: I might just further clarify—hopefully it further clarifies it—that in a sense this is really a reverse Henry VIII provision. The regulations will effectively operate to exclude cases from circumstances of aggravation, rather than add to them. So it is the unintentional encompassing of a class of licence that could lead to some unintentional consequence. It is about excluding cases where it would be deemed to be inappropriate. Really it is a safeguard that is there to be exercised when appropriate. At this stage, though, we do not anticipate it being used any time soon; in fact, it may never be used.

Clause put and passed.

Title put and passed.

Leave granted to proceed forthwith to third reading.

Third Reading

MRS M.H. ROBERTS (Midland — Minister for Road Safety) [4.40 pm]: I move —

> That the bill be now read a third time.

MR P.A. KATSAMBANIS (Hillarys) [4.40 pm]: I do not want to prolong the debate on the Road Traffic Amendment (Driving Offences) Bill 2018 any further. As the minister indicated, in these changes we are looking with a spirit of bipartisanship at most of the provisions that will increase community safety and appropriately punish offenders. I reiterate everything that I said in my contribution to the second reading debate. In particular, I send my thoughts and prayers to the Pemberton family. In their deep loss, they ought to be congratulated for the dignity that they have displayed and for strongly advocating for a change that, although perhaps not perfect, will make our laws in this area a lot stronger than they were.

MRS M.H. ROBERTS (Midland — Minister for Police) [4.41 pm] — in reply: I would like to thank the member for Hillarys and the opposition for their support of the Road Traffic Amendment (Driving Offences) Bill 2018. I also thank the Premier, the Attorney General, my colleagues who spoke on the bill and those who unanimously supported this legislation. This legislation is very important for the Pemberton family. I, too, congratulate them on being so strong following the loss of Charlotte. We have referred to this legislation as "Charlotte's Law" in memory of a beautiful young woman whose life was cut short way too early. We hope that more than anything else this legislation will send a strong message to people in the community that driving a car is a privilege, not a right. People need to obey the road rules and have the appropriate licence for the vehicle that they drive, and if they drive at excessive speeds on our roads and take the life of another, they will likely spend a very long time in jail.

Question put and passed.

Bill read a third time and transmitted to the Council.