

ROAD TRAFFIC LEGISLATION AMENDMENT (DISQUALIFICATION FOR LIFE) BILL 2016

Amendment — Standing Orders Suspension — Motion

MR R.F. JOHNSON (Hillarys) [10.43 am]: I move —

That so much of standing orders be suspended as is necessary to enable the Road Traffic Legislation Amendment (Disqualification for Life) Bill 2016 to be amended, prior to the conclusion of the second reading debate, as follows —

Page 3, line 18 — To insert after “permanently disqualified from holding or obtaining a driver’s licence,” —

except for a two-wheeled vehicle of engine displacement of not more than 110cc,

As I understand it, it is something of a precedent in the Western Australian Parliament to move a suspension to amend a bill before the bill has gone through the whole of the second reading debate, but I do so for a very good reason. The only genuine concern about this bill that people have raised with me is that the families of people who will be disqualified for life from holding a driver’s licence could suffer. I accept that that is not fair. The person who should bear the brunt of the blame and should suffer is the drunk driver, the drug-driver, or the driver who drives under aggravated circumstances and causes the death of an innocent person on our roads. It is not fair that their families should suffer. The motion I move today is a unique one. It is not a motion to suspend standing orders so that I can move a motion; it is a motion to suspend standing orders simply to amend the bill that I introduced. I do this for the reason that I know that the Liberal Party has its parliamentary party meeting on Tuesday morning, and I want it to have the least number of objections to this bill, and that objection is the one that has come to me. This is done with a genuine intent to try to ensure that this house and the parties know the reasons why I have introduced the bill, and to ensure that the bill does not disadvantage people.

I have briefed a National Party member who is going to pass on a recommendation to the National Party; he seemed extremely sympathetic. I refer to Hon Dave Grills in the upper house, a former police officer who was very heavily involved in road safety and the policing of traffic offences. My impression was that he is sympathetic, but there is also obviously a broader feeling about this issue, particularly in country areas where public transport is not good. People have to use public transport to get from A to B, to get to work and to provide for their families. If they live in a country town and work on a farm or in the town, they will be able to use this type of two-wheeled vehicle, which I do not think would be able to kill anyone but the driver if they drive irresponsibly. I do not have a problem with that, if they want to be irresponsible and drink and drive on a two-wheeled vehicle. The sort of vehicle I am thinking of is similar to a postie’s motorbike.

The ACTING SPEAKER (Ms L.L. Baker): Members! Could you please keep the conversations down.

Mr R.F. JOHNSON: Last night I was talking to my son, who knows a bit about motorbikes. Originally I had thought of making it 100cc, but he said that if I made it not above 110cc, they would have the opportunity to use an old postie’s motorbike. They appear at auction all the time, and they are very, very low cost—low cost to buy, low cost to run. They would be available for those people who have killed somebody through the reasons I outlined before—drink-driving or drug-driving. They could actually use this type of vehicle, other than one that is 50cc or less, on the freeways, so they could get from A to B. There would be no impediment to them getting to work so they can provide for their families.

I ran this past the two young ladies in the Speaker’s gallery yesterday who tragically lost their father to a drunk driver last year in Karrinyup. They are still feeling grief and pain, and anger at the person—it was not the first conviction this person had had for drink-driving—who took their father’s life from them. I explained to them what I thought I would do because of one or two people saying to me that it would be unfair on the families of those irresponsible drunk drivers. I asked whether it would be acceptable to them, and they said yes, they thought it would. They would not want to see that driver ever get behind the wheel of a high-powered vehicle or a car of any nature to prevent the possibility of them ever killing somebody again. We have seen repeat drink-drivers time and again, even ones who have killed. They have a short driving suspension and then they are back behind the wheel of a car and they pose a threat to innocent drivers.

I am not trying to divide the parties; this is a genuine plea so that the Liberal Party can, at its party meeting on Tuesday, have all the facts in front of it. I know that the Premier and the Minister for Police will advise members to vote against it. The minister said yesterday that there are tremendous flaws in my legislation; I question that, quite frankly. The same people who drafted my legislation drafted the minister’s hoon legislation and the Attorney General’s dangerous sex offenders legislation. The same draftspeople did the same thing. I think the minister’s comments were an insult to parliamentary counsel and I do not believe she was telling the truth, quite frankly. She said that on the spur of the moment because she does not agree with what I am doing.

A government member: Tell the truth.

Mr R.F. JOHNSON: I am telling the truth.

Perhaps the minister would like to get up and tell me what flaws are in the legislation. She said that there are big flaws in the legislation. I am told that there are none at all.

Mrs L.M. Harvey: You're speaking to the suspension of standing orders, not the bill.

Mr R.F. JOHNSON: The minister can still speak to this motion. She can get up and support it so that her colleagues in her party room can be presented with the true facts of the legislation so they know that it will not impede on the families of those irresponsible drunk-drivers. If she feels for them, she would support this motion. I do not expect her to. I know that the Liberal Party will vote against it because that is the way it works. I know that that is how it works because I was a member of the Liberal Party.

I am hoping that the National Party will agree with this motion so that the legislation is amended because the people who will suffer more from a lifetime driving ban will be those people in country areas because they do not have the transport system that we have in the metropolitan area. This amendment that I am putting forward today, which will go into the bill when it is debated next week or the week after, will help the constituents of National Party members to keep a job, to drive from their home to the farm and to drive from their home to town or whatever. This is a unique situation; it has never occurred in the WA Parliament. It is a way to try to get every member of Parliament to get across this very simple bill. It is a six-clause bill.

The Labor Party is giving it wholehearted support. It sees nothing wrong with it at all. This legislation is going softer, if we like, on those drunk-drivers and drug-drivers—those drivers who kill somebody while they are in a stolen vehicle, while they are part of a police pursuit, or when they are driving more than 45 kilometres an hour over the speed limit, if they kill someone. This bill supports the victims and their families, not the drunk-driver and their actions. It simply puts it into perspective. I am going soft on this issue. I am normally tough on law and order and road safety. I believe the families of those people should not suffer like the perpetrator—like the drunk-driver who killed somebody. If members know anybody who has lost their lives and how much their families have suffered, they would support this motion that I have moved in the house today. It does not commit members to anything; the bill will still come before the house and they can still discuss it. All I am asking members to do is allow this amendment to be added to the bill —

Mr D.T. Redman: So why are you asking for the amendment to happen now when it could happen in the progress of the bill?

Mr R.F. JOHNSON: That is a very, very good question. I am very happy to answer that interjection. I know that the Leader of the National Party's colleague who came to me had a concern about the families that might suffer. He said that some people think it is double dipping: they just serve a prison sentence and then they lose their licence. It is not double dipping in any sense. Offenders will get a very short sentence. The maximum sentence for drunk-driving causing death is 20 years' jail. Can members tell me whether any court in this state would ever impose 20 years' jail on a drunk-driver who kills somebody? It will not happen. The most they would get is five and a half years and they would get parole, so they would be out within about two and a half years. The person who killed the father of the two young ladies who were in the gallery yesterday —

Mrs L.M. Harvey: Member, if you sit down, we're going to support this because we want to get on with government business. We will support the suspension of standing orders for the amendment and then you can have your bill reprinted for when we consider it in private member's time in due course. So if you sit down, the government will actually support the suspension.

Mr R.F. JOHNSON: I will not take orders from the minister but I will give a commitment that I will not take longer than another couple of minutes because I want this motion to be supported. On the basis that that is what will happen, I will sit down in about two minutes.

I want to get the message across that this motion will help the Liberal members decide who they will stand up for in their party room. Do they stand up for the drunk-driver who kills people or do they stand up for the victims and their families? That is the question members need to ask themselves. The member for South Perth said to me that he knows somebody who was drunk who killed somebody. He said that they think about it every day of their lives. I am sure they do. The responsible ones do. But they are not all responsible—not by any means. Some just keep drinking all the time. These are the people whom I want to get to. I do not want their families to suffer because they have done nothing wrong. The drunk-driver, the driver who has stolen the vehicle, the driver who has been involved in a police pursuit or the driver who has recklessly driven over 45 kilometres an hour are the ones who deserve to be punished. I never want to see them behind the wheel of a high-powered vehicle again. We should give them a postie bike or less and they can get from A to B and keep a job. They may not get a job driving and nor should they but they can get a job in a factory, a shop or an office—any type of job that does not involve driving a normal motor vehicle.

On the basis that the Minister for Police has said that she will accept this motion, I will sit down. I hope that when this issue is discussed in the government party room next week, it is supported. I live under no illusions. I know what recommendations the minister will make to the party room and the Premier. They hate private members' bills. They hated it when my colleagues on this side of the chamber brought in private members' bills. Those bills were knocked on the head because the government does not want to support them. Even the member for Murray–Wellington knows that. This is such a simple bill. We are talking about life and death.

Once again, I am grateful to the Labor Party for giving me wholehearted support on this bill. I hope that the minister keeps to her word and allows this motion to be debated in the party room properly next week and that she puts all the facts forward. I hope that the minister will explain where the flaws are. Perhaps she could let me know through one of her staff. The same people who composed my bill compose her bills and compose the bill that she is handing for the Attorney General. The draftsman was from the office of the Attorney General. I think he would be insulted, quite frankly. If the minister can let me know where the flaws are, I can certainly look at those and, if necessary, amend them.

MRS M.H. ROBERTS (Midland) [10.56 am]: I rise to support the motion moved by the member for Hillarys today. I note that he has addressed Parliament for only a relatively brief amount of time this morning. It is an unusual practice to attempt to amend a bill prior to consideration in detail. I think it is a very sensible move. I note that the member for Hillarys is exercising his right as an Independent member of Parliament and as an elected member of Parliament under the standing orders of this Parliament to have his say on this issue and to move a motion that is within standing orders. He wants to do that urgently today. He needs to suspend standing orders to be able to do that and we are supporting him. I make the clear point that he wants to amend his bill to make it more acceptable to other members of Parliament. He wants that done ahead of party room considerations of his bill. I note that there has already been some public commentary on the bill. I read an article written by Tom Percy dated 21 June, in which he expressed some concerns about people being disadvantaged if they were permanently disqualified from driving. He said they could be disadvantaged in long-term rehabilitation once they had perhaps served a jail term and that there was a need for a lot of people to be able to drive to work in order to hold down a job. The member's amendment balances out that argument. The member wants to add certain words to his bill. His motion states —

To add after the words “permanently disqualified from holding or obtaining a driver's licence” the following —

except for a two wheeled vehicle of engine displacement of not more than 110 cc

That clearly means that the person would be driving a very low powered two-wheeled vehicle, not a motor car or a bigger vehicle. That means they are very unlikely to do harm to anyone other than themselves should they drive whilst drunk or should they drive recklessly, but they would be able to drive to a place of employment.

I think it is very important that we support the suspension of standing orders this morning so that those words can be added to the bill and so that it can be clarified before the various party rooms consider the member for Hillarys' amendment bill. I also note that this does not in any way prevent any further amendment of the member for Hillarys' bill. The Labor Party and I would like to see the politics taken out of this. I understand why the Liberal Party would be upset with the member for Hillarys. I understand that he is a former Liberal and now an Independent member of Parliament. Let us not judge this motion on who brought the bill to Parliament. Let us judge it on its merits. Let us judge this suspension of standing orders on the merits of amending the member's bill ahead of its consideration by the party rooms and ahead of further debate in this house.

In supporting this suspension of standing orders, I also quickly point out what this is not. This is not a suspension of standing orders to declare the Road Traffic Legislation Amendment (Disqualification for Life) Bill an urgent bill and this is not a suspension of standing orders to do anything to approve the bill in an instant. It is simply a suspension of standing orders to amend the bill that is already before the house, so that when it comes before the house for full consideration, it will be presented in that format. On behalf of the Labor Party, and as our road safety spokesperson, I commend the member for Hillarys for bringing forward this bill and I commend him for taking this action today.

MRS L.M. HARVEY (Scarborough — Minister for Police) [11.00 am]: I am standing in as Leader of the House. On behalf of the government, we will support the suspension of standing orders in the interests of expediting government business today. It is a most unusual move to move for a suspension of standing orders to amend a bill that is currently sitting before the house at the second reading stage. However, we understand that the member for Hillarys has found a flaw in the bill that he wants to amend it. The advice that I have received, as I understand it —

Mr R.F. Johnson interjected.

Mrs L.M. HARVEY: I am supporting you.

The advice that I have received is that if the house agrees to the suspension of standing orders—as is necessary so that the Road Traffic Legislation Amendment (Disqualification for Life) 2016 is amended, prior to the conclusion of the second reading debate, as follows et cetera—the bill will be amended before it proceeds further in the second reading debate, which means that it will be reprinted. It is a most unusual procedure to request an amendment in this fashion. However, as Leader of the House, the government is very interested at this point in time with getting on with government business. We had an agreement with the opposition to not sit late last night in order to expedite the government's legislation through this place, and we intend to swiftly move through the other items on the notice paper so that we can finish at the time that we ordinarily expect to finish at on a Thursday.

In the interests of honouring the government's agreement with the opposition about the passage of legislation this week—that is, the agreement to not sit late last night—we will agree to the suspension of standing orders, even though we will make it known that this does not set a precedent; the government will not support initiatives like this in the future. The correct practice is to place the amendment on the notice paper. The amendment would then be considered in the context of the bill —

Several members interjected.

The ACTING SPEAKER (Mr I.M. Britza) Members!

Mrs L.M. HARVEY: — when the bill comes before the house for debate in private members' time. As I said, the government will support the suspension of standing orders.

Several members interjected.

The ACTING SPEAKER: For heaven's sake, I can hardly hear the argument. Let us have some quiet. Thank you, minister; have another go.

Mrs L.M. HARVEY: While this motion for suspension is unusual, we will support it in the interests of getting on with our business.

Question put and passed with an absolute majority.