

**ROAD TRAFFIC LEGISLATION AMENDMENT (DISQUALIFICATION BY NOTICE) BILL 2010**

*Second Reading*

Resumed from an earlier stage of the sitting.

**DR J.M. WOOLLARD (Alfred Cove)** [2.57 pm]: Prior to question time, we were discussing the issue of first-time offenders, second-time offenders and third-time offenders. Some members have said that they believe that my amendments to this legislation are too severe.

**The SPEAKER:** Member, I do not know if Hansard is able to hear your comments. I am certainly not able to hear them. I know that members in this place are interested in this bill. I would like to hear more of the debate. I am sure other members would as well. If members have conversations irrelevant to this debate at this time, I suggest they take those conversations outside.

**Dr J.M. WOOLLARD:** The member for Girrawheen said, “What if it is a first-time offender?” That is why I was hoping that we would have more debate on this bill in the house because members who feel that my amendment is too harsh for the first-time offender —

**The SPEAKER:** Member, I am still struggling to hear you. If members have other conversations they want to have, please them take outside. I want to hear the member for Alfred Cove. I know other members do too.

**Dr J.M. WOOLLARD:** As I was saying, some members do not like discussing the alcohol issue but we need to discuss it because it is a big problem. I accept the comments made by the member for Girrawheen. She feels that my amendment might be too severe for a first-time offender. However, did the member for Girrawheen not say earlier this year that penalties for drink-drivers on the roads need to be more severe? I think she also made reference to second-time offenders. Let us look at some of the statistics in WA relating to second-time offenders. Of motorists charged last year with drink or drug-driving, 7 233 were charged previously. Of these, 4 421 had committed one previous offence, 1 713 had committed two previous offences, 660 had committed three previous offences, 262 had committed four previous offences, 103 had committed five previous offences, 47 had committed six previous offences and 27 had committed six plus previous offences.

I am pleased that members on both sides of the house are supporting this legislation. Even if they feel that my amendments are too severe for a first-time offender, do they think they are too severe for those second-time offenders—those 4 421 people—with high blood alcohol levels? Those statistics that I have just referred to show that people are drinking and driving. They are not just second-time offenders; they are third, fourth, fifth, sixth and seventh-time offenders. The minister, the government and the opposition have said that we need tougher penalties. This amendment will provide a tougher penalty. This amendment provides that people are not meant to drink and drive and that they will lose their licence and be prohibited from entering licensed premises. I think that prohibition will get that message out, particularly to young people who like going out several nights a week to hotels, night clubs and various other places

**Mr P. Abetz:** And the not so young!

**Dr J.M. WOOLLARD:** And the not so young. I am sure there are some not-so-young people in here who enjoy going to those places as well. Even if the government and the opposition are not willing to accept my amendment for first-time offenders, why not accept the amendment for second-time offenders? Do not just push the issue of alcohol abuse under the carpet. This is such an important issue. I keep coming back to the fact that the Education and Health Standing Committee spent almost 18 months hearing from people that we must do something about this problem. We must do something about child abuse, domestic abuse, and vandalism on public transport that occur because of this problem. I will not go on and on, but I will just say that I am very disappointed that this bill is being passed. If the government and the opposition are not happy to accept the amendments for first-time offenders, why not accept them for second-time offenders? Why are they allowing people to offend until someone probably dies? People will die due to alcohol abuse, or if not die, end up as quadriplegics or paraplegics, causing severe distress to their families and other people because this chamber as a whole is not addressing the real issue, and the real issue is the abuse of alcohol.

I congratulate the minister on introducing this bill but I do not believe the bill as it is at the moment goes far enough. Yes, it will save some lives, but we will continue to see problems. If the opposition in particular is not going to support the amendment for the first-time offender it should look at amendments for second-time offenders. I hope the minister, who is not here at the moment, will give a commitment that between the time this bill is passed in this house and sent to the upper house he will look seriously at my amendment, if not for first-time offenders, then for second-time or subsequent offenders, so that we get the message out where it counts to

**Extract from Hansard**

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Dr Janet Woollard; Speaker; Mr David Templeman; Ms Janine Freeman; Mr Paul Papalia; Mr John Bowler; Mr Rob Johnson

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try to stop the deaths and serious injuries that are occurring due to people with high alcohol levels driving on our roads.

**MR D.A. TEMPLEMAN (Mandurah)** [3.03 pm]: I do not often rise in this place unless I am goaded, as some will have noticed.

*Point of Order*

**Mr R.H. COOK:** That is patently untrue!

**The ACTING SPEAKER (Ms L.L. Baker):** That is not a point of order, member for Kwinana, just an exaggeration.

*Debate Resumed*

**Mr D.A. TEMPLEMAN:** I rise to make a few comments. I know I sometimes have a little bit of fun with the member for Alfred Cove. However, I am a little concerned when, with her rhetoric, she goads members on either this side of the house or the other side—the side she sits on. In my view, her comments have an underlying intent of indicating that we do not care about this issue because we do not support her amendment. It concerns me because there are members in this place of all political persuasions who understand intimately the impact of alcohol on drivers of all ages. They understand implicitly the disastrous impact on families of road accidents involving alcohol. I was on patrol with the member for Girrawheen in Mandurah on Saturday night with WA Police. We were briefed brilliantly by our police service in Mandurah that night and had a close, up-front experience of what our police officers experience. In fact, tragically that night, a couple of police cars from the Mandurah station were called out to the tragic road accident that had occurred early that evening in Dwellingup. I can only imagine what it would be like as a family member or parent to have a knock at the door and hear the news that a loved one—a son or daughter in particular, or any relative—had passed away as a result of a traffic accident, made even more tragic if it involved alcohol.

I am a little offended that the member for Alfred Cove has claimed that members somehow do not care because they will not accept her amendment. I am actually quite angry about it. It really angers me that someone has stood up in this place and decided to goad the opposition or other members of this place by saying that we do not care because we will not support her amendment. I think that is absolute rubbish, and I think she should start to think before she opens her big mouth. She should start thinking before she opens her big mouth because it offends me when she stands up in this place and starts having a go.

**Dr J.M. Woollard** interjected.

**Mr D.A. TEMPLEMAN:** If the member was listening to what I just said, she would have heard that I was in Mandurah on Saturday night when I heard what happened, so she should not stand in this place and have a go at another member. She is a disgrace.

Several members interjected.

**The ACTING SPEAKER:** Member for Mandurah, I ask you to direct your comments to the Chair, not to members in the house.

**Mr D.A. TEMPLEMAN:** I would love to see the member for Alfred Cove do the same. Rather than try to impugn the intentions of people in this place, she might actually think about the issue at hand and put the argument in perspective. People are more likely to understand where other people are coming from without being told that they somehow do not care because at that time they might not support a particular amendment or motion that has been brought into this place. That is the point I make. It angers me when people of any persuasion say that because we are not supporting something, therefore we do not care. That attitude is rubbish and always will be rubbish. There are people in this place, including ministers, who know intimately the impact of road traffic accidents and all those sorts of tragedies. But the member should not stand up in this place and seek to impugn their intentions by implying that they do not care because they have indicated that they will not support an amendment she intends to move. She should be above that and I think that members of this place very seriously consider any amendments to any legislation.

As has been highlighted in the minister's second reading speech, and as has been aptly highlighted by the opposition spokesperson, the member for Girrawheen, this legislation is another means of addressing what we all in this place acknowledge is a major concern. Indeed, it is the responsibility of this Parliament to give our police services and other agencies the very best support that we can, and particularly the very best resources that we can, to ensure that they can do their job. This legislation is another means of trying to reduce what we all acknowledge is a national tragedy and a state tragedy—that is, the loss of lives and the maiming and injuring of people on our roads.

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I do not care what the member for Alfred Cove says or thinks on a variety of issues. But I find it offensive when the member for Alfred Cove tries to impugn me, or anyone else in this place, by claiming that just because we do not support a particular point of view or a particular mechanism or means that she is promoting, we do not care. I place on the record that I find that very offensive. No member of this place should assume that someone who has a different point of view does not care about a particular matter. I do not think there is one member in this place who does not care about ensuring that drivers on our roads are held responsible for their behaviour and that our roads are made as safe as we possibly can make them. This is a very serious issue. This is not an issue on which we should make threats to other members of this place. It is very interesting that the member for Alfred Cove has now chosen not to be in this place. I apologise; she is here, but she is not sitting in her seat. I am very angry about this, and I believe I have every right to be very angry about this.

I will be following this debate very carefully, as I do with all the legislation that goes through this place, and I will certainly be taking a keen interest in the consideration in detail stage, as I am sure will many other members in this place. I hope that in the future we do not hear the sorts of shallow comments that we have heard from the previous speaker—comments that seek to impugn people simply because they do not share the views of another member.

**MS J.M. FREEMAN (Nollamara)** [3.13 pm]: I want to speak briefly about the Road Traffic Legislation Amendment (Disqualification by Notice) Bill 2010. I came into this debate when the member for Alfred Cove was saying that members in this place are not committed to the issue of alcohol use and abuse in our community. I put on the record that I am strongly committed to the issues around alcohol use and abuse in our community. However, as a person with an occupational health and safety background, I also believe that when we react to these sorts of issues, we need to take an evidence-based, systems approach. This morning on radio we heard about the new Towards Zero approach to safety on our roads. That is a systems approach. It seems to me that there has been no evidence-based research to back up the member for Alfred Cove's position and her amendments. There is no correlation that I can see between a .08 blood alcohol content and alcoholism. There may be people who have an alcohol problem who commit the offence of driving when under the influence of alcohol. But there is no correlation necessarily between alcoholism and attendance at licensed premises. There are alcoholics who attend licensed premises. But that does not mean that every person who attends licensed premises is an alcoholic.

**Mr C.C. Porter:** But it is a matter of sheer statistical fact that if you consume alcohol on a regular basis or you are an alcoholic, you are more likely than the average citizen to be picked up for .08, or indeed, to be in a pub or to get takeaway alcohol from a bottle shop.

**Ms J.M. FREEMAN:** I have not seen the evidence base that says that. The Attorney can make those assumptions; anyone can. I can make the assumption that if I kiss someone, there is a high correlation and probability that I will become pregnant to that person. But there is not necessarily a certainty between those two things.

**Mr C.C. Porter:** You do not get pregnant from kissing. But people who are promiscuous might get pregnant.

**Ms J.M. FREEMAN:** Yes, and people do not get alcoholism necessarily from drinking. Alcoholism is an illness. It is an illness that people have to deal with. We need to deal with it as a health issue. We need to stop thinking about it as an issue that is about a punishment system and a court system. It is an illness that we need to deal with in our community. We should take a systems approach to that. We should not take an approach whereby we say that in addition to people losing their licences for drink-driving, they will also lose access to licensed premises. We should be saying to people that their licences will be suspended from the date when they were picked up to the date when they go to court—which I agree with—but they will be given assistance during that time, particularly if they are repeat offenders. That is because these people have an illness that has an enormous impact not only on their own health but also on the health of others, and probably also on the economic system because of their lack of productivity. I just wanted to put that on the record.

**MR P. PAPALIA (Warnbro)** [3.16 pm]: I want to briefly address the Road Traffic Legislation Amendment (Disqualification by Notice) Bill 2010. Like the member for Nollamara, I approach this legislation with a bit of a cautionary note. Unlike the member for Mandurah, I welcome the contribution from the member for Alfred Cove. I say that because although we will be supporting this legislation, I believe the member for Alfred Cove has identified one flaw in this legislation. That flaw is that this legislation places an undue emphasis on the potential outcomes that will be achieved through deterrence. The focus of this legislation is entirely on deterrence. Indeed, the minister said in his second reading speech —

The key provisions of this bill will enable a member of the police force to give a person who has tested positive to an excess .08 offence a notice that immediately disqualifies the person from holding or

obtaining a driver's licence for a period of two months. This measure is intended to act as a further strong deterrent to drink-drivers by imposing an immediate and significant sanction.

I know what motivates this proposal. I know what motivates this idea and this concept. I would suggest that a large part of the justification for this approach is drawn from our experience in the metropolitan area and in the extended south west area. I feel that the motivation for this type of legislation comes from a desire by government, and indeed the opposition, to be seen to be doing something to respond to those exceptional and confronting circumstances in which certain individuals are unable to stop themselves from drink-driving and continuously threatening the lives of themselves and other people on our roads. That is an affront not only to government but also to the Parliament. So we feel that we need to do something about that. I agree that this is one measure to deal with this issue. However, I am concerned that the implications of this legislation will be felt more widely than just in the metropolitan area and the south west. I believe that this legislation overlooks the circumstances and experiences in the very remote regions of Western Australia.

I draw the attention of the house to a report that was compiled for the Minister for Corrective Services in the previous government, the member for Girrawheen, from an inquiry that was chaired by the member for Victoria Park. The report is titled "Indigenous Licensing and Fine Default: A Clean Slate". In light of the Attorney General's comments during question time today in response to a dorothy dixer focusing, rightly, on the disproportionate representation of Aboriginal people in our prison system and the appalling nature of that statistic, which is 39 per cent of the adult prison population, it is interesting to reflect on some of the findings in that report. It was very good report that was handed down in September 2007, and I will quote a couple of those findings. The report reads —

The over-representation of Aboriginal people in drink-driving statistics is also concerning. Aboriginal people are about three times more likely than non-Aboriginal people to be arrested for drink driving and more than 25 times more likely to be imprisoned for driving under the influence ... offences.

The proportion of Aboriginal drink-driving offenders increases with the number and severity of offence.

I feel that this particular fact is relevant to the approach taken by the member for Alfred Cove, and should be of interest to the member. Although I do not agree with the member's proposed solution, I do feel that some of the people she is talking about are very much captured within these statistics. This inquiry found that when we talk about these repeat drink-driving offenders, we do it in the context of being in Perth and seeing on the TV news some guy who has got into a car and operated it in an incredibly inappropriate fashion and threatened a lot of people in society, if not killed people, and then has demonstrated that he is completely incapable of stopping that behaviour—or wanting to stop that behaviour, be it because he cannot or does not choose to. But we overlook the fact, according to this report, that the disproportionate number of people, considering the tiny proportion of the population they comprise, who are actually caught and subsequently imprisoned for drink-driving offences in this state are Aboriginal. There is a disproportionately large over-representation of those people amongst drink-driving offenders.

**Mr C.C. Porter:** I think that is a very important point. That to me means one of either three things: unfortunately, Aboriginal people are drink-driving more often on average than a non-Indigenous person; they are being over-policed; or some combination of those two things. Whether it is any of those three options, the aim is to try to ensure that the person—Indigenous or non-Indigenous—does not drink-drive, because, as the member acknowledges, drink-drivers are very, very dangerous.

**Mr P. PAPALIA:** That is right; absolutely. As I said at the outset, I am standing to make a cautionary statement. I will go on with that particular finding in this report, which again is very pertinent to the points the member for Alfred Cove has been making. The report continues —

Aboriginal people represent about 15 per cent of all drink-driving arrests, —

So, way out of proportion to their number —

increasing to 28 per cent of the third time arrests and 35 per cent of drink drivers disqualified from driving for life.

**Mr C.C. Porter:** If that first figure is true, it follows that they are multiply accused and more likely to be imprisoned.

**Mr P. PAPALIA:** I agree with the Attorney General. There are a number of potential causes for that. By introducing this legislation we are motivated, I think, by our focus almost myopically on some really horrendous offences in the immediate surrounds of the metropolitan area and the South West, but I suggest that a big proportion of these people—I do not have the current statistics or knowledge—are out in the remote

communities coming into town by the only means available, because there is no public transport in those remote communities, engaging in drinking and then returning home via the only means available, which is driving, and subsequently are being pinged for drink-driving. I may be wrong.

I attended a forum at Notre Dame University at which the police commissioner suggested that they were one of the cohort that the Attorney General said he could look at whether they should be in prison. The Attorney General was talking about that cohort. He is not necessarily talking about drinking drivers, but driving offences more widely; however, I suspect we would have to throw in the drink-drivers to get a decent sized cohort in our prison population.

**Mr C.C. Porter:** Of course, and I think the member raises a very interesting point. But the basic supposition, which is one that would have to be empirically verified, is that an Indigenous driver is somehow a less dangerous drink-driver —

**Mr P. PAPALIA:** No.

**Mr C.C. Porter:** But if you think about it, that is what you are saying, because if they are driving under the influence in remote areas —

**Mr P. PAPALIA:** No. Once again, I rose by way of proposing a cautionary note to this legislation and a discussion point, because the consideration must be whether this legislation is going to have any different impact from the current legislation, in that we are relying purely upon deterrence in this legislation. We are assuming that because we are going to have a greater deterrent—we will enable a quicker penalty in the form of loss of licence and immediate loss of the ability to drive—the people who are currently being caught disproportionately and are continuing to reoffend disproportionately and refusing to change their behaviour despite the current legislation, which ends up with these people being thrown into jail at a fairly high rate, will somehow change their behaviour. I think it needs to be linked. I actually agree with the member for Alfred Cove that another consequence has to occur and with the member for Nollamara's suggestion as well: there needs to be a shift in focus from a reliance upon deterrence alone to a significant upgrade in our response to what in many cases is clearly an illness and what may not be in other cases. But even if it is not an illness, what we are currently doing is not very effective. I am not sure if this legislation will stop that behaviour. I hope that it will stop some of the people we are looking at in the metropolitan area and the South West—the ones we are talking about and perhaps more widely—but I also hope that it does not increase the number of those people who are already disproportionately represented in prison and not learning their lesson from being in prison and not having their behaviour changed from being in prison.

**Mr C.C. Porter:** I do not disagree with you.

**Mr P. PAPALIA:** The Attorney General knows that they cycle through at 60 per cent once they get into prison.

**Mr C.C. Porter:** I am not disagreeing with the member. You might be right that an Indigenous person on a driving under the influence charge is somehow less dangerous. Empirically that might be true, but it would have to be shown. The way in which we might be going about showing —

**Mr P. PAPALIA:** I wish the Attorney General would not put words into my mouth. I have not said that.

**Mr C.C. Porter:** No, it might be true, but you would have to show that to try to target your penalty system.

**Mr P. PAPALIA:** No.

**Mr C.C. Porter:** I think the member is also being a bit unfair on deterrence, because the fact of banning people from driving is actually a very effective deterrent against drink-driving.

**Mr P. PAPALIA:** I have no doubt that banning people from driving is effective for a cohort of those offenders. What we are talking about is a proportion of people who already have demonstrated an incapacity to respond to deterrents. These guys with third-time arrests comprise 28 per cent of offenders and 35 per cent are drink-drivers who have been disqualified from driving for life. They end up in prison because they have not stopped their behaviour when they have been punished. When they have lost their licences, they have continued to drive and then they go to prison. That does not stop them, because we know that once they get there, 60 per cent of them reoffend anyway.

**Mr C.C. Porter:** Of course, and alcoholism would drive any individual to do that. I agree.

**Mr P. PAPALIA:** The cautionary note that I add to the discussion is that putting all our reliance upon deterrence is pursuing the same path that we have followed for some time now, which has been demonstrated to fail.

**MR J.J.M. BOWLER (Kalgoorlie)** [3.28 pm]: I rise to speak against this legislation and the amendment that will be coming up later from the member for Alfred Cove. I have two main reasons for voting against it. The first

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relates to the three major tenets in our democracy: everyone has an equal right to vote, and the vote should have equal value; that one is innocent until proven guilty; and if one is found guilty, once a fine has been paid or a sentence has been served, one has paid one's debt to society. They are the tenets of that troika that have been proven to work very well in western societies for a long time. It is something I think we should cherish and should never change. Probably even more important than that though, and the member for Warnbro touched on it a lot, is the disproportionate impact this legislation will have on many people in my electorate, in particular, those with a low socioeconomic status and those with Indigenous backgrounds, who will be severely affected. Whether a person is Indigenous or an average person living in Leonora, Laverton or Norseman—towns where there are no taxis and no public transport—the impact of taking a licence off a person without prior warning could be disastrous. As the member for Warnbro pointed out, the incidence of drink-driving amongst Indigenous people, sadly, is far greater than in the rest of society. If any member in this chamber was picked up for drink-driving it would be an embarrassment to us and a major inconvenience. Our partner would probably chastise us as well because the partner, whether a wife, husband, friend or whoever, would have the trouble of driving us around for three, four or five months while our licence was under suspension. If that did not happen and if he or she said, "Go and get lost; you're on your own", a member could just get a taxi or catch a bus or train to Parliament or the office. What will people in my electorate do? First of all, Indigenous people in my electorate travel a lot. If they are picked up in Leonora on their way back to Warburton and dad has just lost his licence and mum does not have one, what will happen? Do they stay in Leonora for six months until dad gets his licence back? I will tell members what will happen. Mum, who has not got a licence, will probably say, "Come on, kids; come on, dad; I'll drive us out of town and we'll get back home."

About 18 months ago I attended a regional justice agreement meeting in Warburton. The local police officer pointed out the case of a young Aboriginal mother in her 20s who was in jail in Kalgoorlie at the Eastern Goldfields Regional Prison. Her record was something like this—I will paraphrase. Three or four years ago she was picked up driving without a licence in Laverton. No other offence was committed; in other words, she was not picked up for speeding, she was not picked up for drink-driving and she was not picked up for failing to wear a seatbelt. Her only offence was driving without a licence. The police saw that she was probably too young to drive. The reality was that she was the youngest in the family and the only one sober at the time. She did the right thing—she skippered the family. A police officer pulled her over and charged her with driving without a licence; therefore, she received a suspension and a small fine. The family went back to Warburton. Nine months later, guess what? She was back in Laverton. The same police officer knew then that she was driving under suspension and pulled her over. There was a second offence for driving under suspension. Once again, it was not as if she was speeding or not wearing a seatbelt or failing to signal; the only offence on her driver's record was driving under suspension—this was the second time. This happened four more times. She went to jail. A young mother of two was sent to Eastern Goldfields Regional Prison because she did not have a licence. Back then, a person could not get a licence in Warburton or Warakurna, the two main communities in the Ngaanyatjarra lands. Thankfully, this government has gone a step further to help things, but it started under the previous government—there are now three police stations in the lands, and a driver's licence can be obtained at all three. Back then, a person could not even get the licence for which this young mother ended up being imprisoned for not holding. If members do not think that this legislation will catch those Indigenous families in my electorate, they are obviously burying their heads in the sand. This will have a disproportionate impact upon different levels of our society.

By the way, the regional justice agreements that are going on around the state—initiated by the previous government and continued by this government, and they are doing a good job—are all aimed at keeping Indigenous people who really are not criminals out of jails. We have a regional justice agreement at Warburton, at Laverton and at Leonora. Every major town in Western Australia is getting its own regional justice agreement, with the aim of finding ways to stop generally innocent people going to jail. They might not have a bit of paper or a licence and they might not be aware that in Western Australia "life" means 10 years' driving—not life. After 10 years a person can reapply for a driver's licence. Over the border, in South Australia and the Northern Territory, it is seven years. I am glad the Minister for Police is in the chamber. In Western Australia, we really should harmonise with the Northern Territory and South Australia and bring the period down to seven years, or ask them to bring it up to 10 years, because it is ridiculous. There are joint jurisdictions at the border. On one side "life" means seven years and on the other side it means 10 years. However, the reality is that once people are told they have got life, to them that means life, yet regional justice agreements are aimed at reducing incarceration rates around Western Australia. They are not aimed at people who drive drunk or who commit serious offences. I do not think any Western Australian would say those offenders should not be clamped down upon. The government should be tough on them. I am talking about cases such as the young mother in her 20s who ends up in jail. Her two kids are back in Warburton being looked after by friends and relatives, and that is what this legislation will do.

I will move on quickly to the member for Alfred Cove's well-meaning proposal. She has come up with some long bridges, but this is the longest! This makes the River Kwai look like a wooden pontoon over a creek!

**Dr J.M. Woollard** interjected.

**Mr J.J.M. BOWLER:** I will tell the member how silly it is. What happens if the person drink-driving did it at home? Does the member want to ban him or her from going home? If a person has just left home, has half a dozen cans and gets picked up around the corner from home, the police officer may ask, "Where did you get that?" The person may answer, "I've been drinking at home." The police officer would say, "Sorry, buddy, you can't go home."

**Mr A.J. Waddell** interjected.

**Mr J.J.M. BOWLER:** It could be in the members' bar at Parliament House! The former Premier wanted to stop that anyway!

It is just ridiculous. I hope the member for Alfred Cove is the only member who would vote for it. In fact, I hope she realises it is a bridge too far. I hope she realises that this is stupid, and that she does not even vote for it. I hope she lets it settle and it never sees the light of day.

**MR R.F. JOHNSON (Hillarys — Minister for Police)** [3.38 pm] — in reply: I thank all members for their contributions. I have some advice notes here. I will answer the member for Kalgoorlie's comments first. Certainly, none of us wants to see higher incarceration rates for Indigenous people for these types of events. The Minister for Transport is well aware of the issues surrounding Indigenous licensing and, indeed, access. The Department of Transport has already implemented some measures aimed at addressing access issues and is continuing to work on the development and implementation of others. The Attorney General is also working on some areas. I do not want to pre-empt what might be decided, but I think he may be looking at some special licences for people who live in remote areas where there is inequitable access.

**Mr J.J.M. Bowler:** Where there is no public transport.

**Mr R.F. JOHNSON:** Exactly. We are looking at that. I assure the member for Kalgoorlie that we have sympathy for people in remote areas. I personally do. I will continue to work with my ministerial colleagues to try to ensure that. The aim of the Department of Transport project is to get more Indigenous people licensed; that is, with a specific licence. It may apply only within a particular remote area. It may not allow people to drive to Perth and back, but it will certainly allow them to drive within a designated area; and indeed educate them about safety. We want to keep people safe and we want to keep them out of prison. Keeping people safe is the main thrust behind this legislation that I have brought into Parliament today; it truly is. I will go into more detail. The member for Wambro seemed to be particularly concerned about the effect of disqualification notices in regional areas. I will tell the member that the statistics indicate that there is a greater need for these measures in the regions. In 2009, there were 37 fatalities involving alcohol on regional roads, but 18 in the metropolitan area. We want to try to keep those people alive and if that means taking their licences off them, the disqualification notice is an essential part of doing that.

**Mr P. Papalia:** You understand the cautionary nature of my contribution was to suggest that you are relying on deterrence, by removing the licence, to change behaviour which has demonstrably not been changed by deterrence in the past.

**Mr R.F. JOHNSON:** I am not necessarily looking at it as purely a form of deterrence, although I hope it will be a deterrent. If people understand the implications of drink-driving and reaching .08 and above, they will know the consequence is that they will lose their licence immediately—on the spot—and not in three months. I assure the member that a lot of people are pretty cute these days. They refuse to blow into the machine and ask for a blood test with their own doctor.

**Mr P. Papalia:** I would suggest that that does not happen in the remote localities that we are talking about.

**Mr R.F. JOHNSON:** I think it happens. It can happen throughout the whole of Western Australia.

**Mr P. Papalia:** Minister, the people you are talking about tend to be pretty compliant.

**Mr R.F. JOHNSON:** If the member is talking about the Indigenous population, I accept what he is saying. However, this legislation is not aimed at Indigenous people; it is aimed to protect life on our roads and to get the people who drive in excess of .08 off the roads. There is no question that .08 and above is to excess. If they are less than .08, they will not lose their licences.

**Mr P. Papalia:** By way of interjection, minister, the point I was making is that 35 per cent of drink-drivers disqualified for life are Aboriginal—all were Aboriginal in 2007—and 28 per cent of those arrested for the third

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time were Aboriginal. Whether it is aimed at Aboriginal people or is not aimed at Aboriginal people, this legislation will impact upon them.

**Mr R.F. JOHNSON:** It does not matter whether a person is Aboriginal or non-Aboriginal, at the end of the day we are trying to save lives on our roads and we have to legislate to do that. In 2008—these are approximate figures—two-thirds of the motorists charged with a drink-driving or drug-driving offence were first-time offenders. I hope I have covered the member's points.

I want to respond to the member for Alfred Cove who put in a lot of work and effort. I commend her tenacity—if I can put it that way—in trying to ensure that every member of the house received a copy of her amendments and had them explained. They were delivered to me this morning and I had a chat with the member. I explained to the member for Alfred Cove that I would not be able to accept her amendments. I now want to give her my reasons. It is because, as the member for Kalgoorlie said, they are a bridge too far. I do not think this legislation should be used to impose on people other than for the offence of drinking, driving and registering .08 or above.

Alcohol is the reason for a lot of the violence in our society today. However, this legislation will not deal with that problem. This legislation is, if I can say it, purely a piece of road safety legislation; it is designed to try to save lives on our roads.

**Dr J.M. Woollard:** Minister, would you make a commitment to consider these amendments in terms of second time offenders?

**Mr R.F. JOHNSON:** There are difficulties whether they are first, second or third time offenders. I hope it is some comfort to the member for Alfred Cove—and to those members who believe that people should have another chance and that we should use not only the stick, but also the carrot—that I have already stated that I hope to introduce fairly soon the drink-driver strategy legislation, which will give people the option to continue driving if they agree to the installation of an alcohol interlock system in their vehicle. Once again, that legislation will be to save lives—not only their lives, but those of others on the road. We have a duty to do that. We will be giving people an opportunity to become more responsible, but they will have to have an interlock system installed in their vehicle. I am told that system is very successful in other parts of Australia and, indeed, in other parts of the world. I think there are only two states in America that do not have alcohol interlock systems in place as part of their repeat drink-driver strategy. I am told that all the other states in America have it or are going to have it.

I will respond to the member's proposed amendments in the hope that I may be able to convince her not to move them during the consideration in detail stage of the debate. It is not to detract from the time and effort the member has put in; I know her commitment to alcohol-related problems. I know alcohol causes a lot of problems.

The member's first concern was enforcement. A person is not required to carry or produce on demand a driver's licence when attending a licensed premise. For a start, it would be difficult to police such a requirement. How on earth do we have police at every licensed premises and I am thinking about bottle shops and taverns —

**Ms M.M. Quirk:** Restaurants.

**Mr R.F. JOHNSON:** I will come to that, because there are more than just restaurants.

**Dr J.M. Woollard:** Minister, at the moment, the police will not follow or pull up a person who has been given a disqualification notice. It will therefore be self-enforcing; that is, the legislation will state the offence and the penalty if people break the law. I see this penalty working in a similar way.

**Mr R.F. JOHNSON:** Yes, but it is much easier and much more constructive for police to catch somebody driving a vehicle—somebody who has been disqualified from driving and has lost his licence on the spot or by way of further sanction after appearing in court—than it is to suddenly come across somebody who might go into a bottle shop or a restaurant or who might go—

**Dr J.M. Woollard:** I think the only time they will be picked up is if they were involved in a brawl in one of these places. That is when they would be noticed.

**Mr R.F. JOHNSON:** But the police do not have the power to require a person to identify himself or herself under the Criminal Investigation (Identifying People) Act, unless of course the police officer reasonably suspects that a person has committed, is committing or is about to commit an offence. I am not clear how the member's proposed provision could in fact be enforced. I really do not think that it is practical. Many places are licensed. We are not just talking about a bottle shop, a restaurant or a pub; we are talking about Gold Class cinemas, the theatre, the opera, the ballet, Perth Concert Hall, football matches, the cricket and the Rottnest ferry. I believe alcohol is served on the Rottnest ferry.

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**Dr J.M. Woollard:** And two weeks ago that would have included parks.

**Mr R.F. JOHNSON:** These are all licensed for the service of alcohol.

**Mr J.E. McGrath:** Ascot racecourse; Gloucester Park.

**Mr R.F. JOHNSON:** Indeed; there are many racecourses.

Incidental to the reason and not the reason for it is that the proposed prohibition will prevent these people from attending all kinds of events held on those types of premises.

**Dr J.M. Woollard:** I think that they would not be able to go into the licensed area, rather than the whole event.

**Mr R.F. JOHNSON:** No; they would not if a theatre or a restaurant had a licence to serve alcohol. That licence covers the whole of the premises. We cannot stop people from going out to have a meal. I am sometimes accused of draconian legislation, but I have to say that these are the most draconian amendments that I have ever seen. The member for Alfred Cove has outshone me today. She really has! The Liquor Control Act does not fall within the area of responsibility of the Minister for Police. It does not fall within my responsibility. Indeed it would have to go to the minister responsible for liquor licensing who would vehemently oppose these suggestions because he would see them as being very unreasonable. It would be seen to be a penalty in addition to the one already suffered; that is, losing their licence on the spot, going to court, possibly having the licence suspension extended—it would be extended; that is why I have chosen a period of two months because people will appear in court in that time—and the pain of the monetary penalty that goes with the offence.

**Dr J.M. Woollard:** It is an increase in penalties. I accept that.

**Mr R.F. JOHNSON:** I could ask the member if she wants me to flog people as well, but I would not go that far. However, that is the way we would be going. I think that we have to draw a line somewhere about the appropriate penalty. People will lose their licences immediately when they register .08 or above. This legislation will take care of the rorts that have occurred over many, many years.

Someone else mentioned that Parliament House is also a licensed premises because we have a bar. What could quite easily happen is that someone could get his best mate to buy his alcohol for him, go back to his mate's house and drink until kingdom come. They could keep on drinking all the time. There are ways around so many things, and I just think that to try in any way to police the member for Alfred Cove's amendment would be impossible, and I do not use that word lightly; I honestly think it would be impossible. It does not really come under my portfolio area; it should come under the area of liquor licensing. If the member wants to take that up with the responsible minister, I say good luck to her. I know her convictions in this area, and that is a good thing in that she wants to see less alcohol consumed and fewer crimes committed, just as every member in this chamber does. We want to see fewer lives lost on our roads through alcohol. Alcohol is the cause of 30 per cent of deaths on our roads, and that is not good enough. We have to try to do something about that; we have to stop those people who drink to excess and drive. Most people are first-time offenders, and I hope that this legislation will provide a short, sharp shock treatment. It does not give them the opportunity to decide when they want to lose their licence—when it suits them, a few months down the track, which also wastes court time.

I think there are so many benefits in this legislation, and I am very pleased that the member for Girrawheen has said that the opposition will support it. I did not doubt for one minute that the opposition would support this bill; I did not think that I would have any problems getting this legislation through the house today. It is my hope that the member for Alfred Cove will decide not to further her amendment so that we can get this legislation through the house and to the other place, and get this message out before Christmas, which is a time when people tend to drink more than they should. We will be running educational advertisements in the paper and on television and in various other media, and we will certainly put more police on our roads over that very important time.

**Dr J.M. Woollard:** Will the minister then give an undertaking to meet with me to discuss first, second, third and fourth time offenders, and what can be done for those repeat offenders?

**Mr R.F. JOHNSON:** I am more than happy to discuss that with the member, as she knows, and to see whether we can find a solution and a way forward to deal with that, but every march begins with a first step, and this legislation is the first step. We are not taking people's vehicles away if they are caught drink-driving with a blood alcohol reading of .08 and above; we are simply taking away their ability to drive—their licences—on this occasion. If they drive without their licences, they will lose their vehicles for 28 days, obviously, which is what is provided under the current laws, and it is beginning to work. This is the first step, and I am more than happy to discuss the other areas that the member has a genuine interest in.

**Extract from Hansard**

[ASSEMBLY — Wednesday, 10 November 2010]  
p8519c-8529a

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**Dr J.M. Woollard:** Is the minister aware that in Sweden, if someone is convicted of an alcohol-related offence, it is compulsory for them to attend rehabilitation programs? We do not have that in WA, but maybe for our second and third-time offenders, we should have compulsory rehabilitation programs.

**Mr R.F. JOHNSON:** I am more than happy to take up the member's invitation to discuss this in a lot more detail, but it is not something that we could rush through Parliament in connection with this bill. I can see the good reasons why the member has these concerns and why she is putting these suggestions forward, and I am very happy to discuss these matters further with her outside the chamber at a later date to see what we can do, because the repeat drink-driver strategy will be one step and there will be a second step in relation to that, which are the increased fines and penalties for drink and drug-driving. Those two areas of legislation will be coming into the Parliament very soon, I hope; that is my intention.

**Dr J.M. Woollard:** Minister, I will give you a commitment to not proceed with my amendments, but you have given me a commitment that we will meet further to discuss other measures to try to tackle this problem.

**Mr R.F. JOHNSON:** I am always happy to meet with the member for Alfred Cove; she knows that. We have some very interesting conversations. I give her a commitment that I am very happy to meet with her to discuss any other ways in which we can try to ensure that we keep people safe on our roads by deterring people from drink-driving and to try to give some people another alternative form of rehabilitation, either through the repeat drink-driver strategy or some educational program.

I thank all members for their interest in this issue and I hope that we can pass this bill very quickly.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

*Third Reading*

**MR R.F. JOHNSON (Hillarys — Minister for Police)** [3.56 pm]: I move —

That the bill be now read a third time.

I am conscious of the time; we have four minutes to go before private members' business at four o'clock and I feel the urgent need to take up this four minutes so that we do not have to go onto another piece of legislation, which will be an inconvenience to both the minister and the chamber, because I do not think the opposition spokesperson for the Attorney General's legislation is present, so I am happy to continue talking along the lines of the legislation that is still before the house until four o'clock.

I once again reiterate my thanks to members opposite, particularly the member for Girrawheen. I appreciate her cooperation on this bill and her serious commitment to road safety. I would suggest that that is in line with most other members in the chamber. We want to ensure that we have fewer people dying and being critically injured on our roads, in this instance through drink driving and registering a blood alcohol level of .08 per cent and above. It is important for this legislation to be put in place. As I have explained, I appreciate the comments made by the member for Alfred Cove, whose heart is in the right place and who has a strong commitment to this issue as a person of medical experience. She has obviously seen the results of people having consumed alcohol, driven and ended up in hospital. As a former nurse, she would have seen that at firsthand.

I also appreciate the comments made by the member for Kalgoorlie and the member for Warnbro; I think they were the only other members to make contributions to this debate. Once again, they all put forward some very good points and I certainly take their views into account. I will certainly endeavour to try to ensure that, where we can, we address the concerns they have and the suggestions they put forward. That is an important part of debating legislation such as we have before the house today, for which there is a commitment on the part of all members to try to do the best they possible can to ensure that there is not an empty seat at the Christmas table; of course, that happens on an annual basis. There is nothing worse for a police officer than to have to turn up at a house to tell somebody's parents, wife, husband or another family member that one of their family members has been tragically killed on our roads; that is very important.

I thank members for their contributions and I appreciate the fact that this bill will now pass through this house and go on to the upper house.

Question put and passed.

Bill read a third time and transmitted to the Council.