

**ROAD TRAFFIC LEGISLATION AMENDMENT
(INFRINGEMENT MANAGEMENT REFORM) BILL 2024**

Second Reading

Resumed from an earlier stage of the sitting.

MR R.S. LOVE (Moore — Leader of the Opposition) [4.15 pm]: Just before question time I was warning the minister about the risks he will face as this new system is developed. I have taken the time to find the actual documents that I was referring to, so I might just read a little and recap an article from iTnews about the announcement in 2021. It states —

WA Police is set to replace the state’s 15-year-old infringement processing system with a new cloud-based solution that could potentially be reused across all government agencies.

The force issued a request for information ... for the new system late last month after receiving \$13.7 million in the 2020–21 ... budget to kick off the project.

The “heavily customised” existing off-the-shelf image and infringement processing system ... was first introduced in 2006 by Melbourne-based technology developer Redflex.

We have heard that Redflex has been providing the interim project equipment and we are now out to a full procurement on that matter.

I seek leave to lay these documents on the table throughout the day when I am finished with them, so that the minister can see the situation for himself.

[The paper was tabled for the information of members.]

Mr R.S. LOVE: There is a report from 2017 regarding Redflex and a virus that had entered into the system, cancelling almost 10 000 fines. That is a risk that we run, but how the virus entered into the system is pertinent to the Department of Transport, because a contractor who entered into a contract with the department ended up infecting the company with that virus. Given that we have the situation with the transport executive and licensing information system already, and we know that TRELIS will be deeply integrated in this system, there will be obvious risks going forward that the minister needs to account for.

Looking at the select committee inquiry on the Perth Mint, we see the issues around the enterprise resource planning program and the need to be vigilant. We need to keep those who are seeking to provide advice, and those purporting to be independent from the organisation separate, to ensure that they truly are independent. We saw there that that was not the case and it was a risk to the organisation. That project dragged on for years and ended up blowing out in cost by \$10 million, \$20 million then \$30 million, a huge cost overrun because there was inadequate supervision of the situation and a lack of understanding by key personnel in the organisation about the risk that they were running and the implementation. Earlier I referred to a 2021 Victorian Auditor General report, an example of implementing a new infringement management system.

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The report concluded that the Department of Justice and Community Safety—the organisation in Victoria that looks after the fines across different departments—had significant failures in planning the project, which meant that its implementation did not meet the expected time, cost, quality and functionality targets. The report concluded that these failures were mainly due to the department’s misguided and poorly implemented risk mitigation strategy to procure a commercial off-the-shelf product. Again, I will leave that there for the minister. It was also reported in news media at that stage that the costs had grown from \$46 million to \$125 million and there were considerable gaps in the time frame in which it was to be implemented.

I mentioned earlier an example in New South Wales in which an agency called the Infringement Processing Bureau covered similar grounds to what this organisation will cover. The mismanagement of that agency was examined at some length by its Public Accounts Committee, which made interesting findings around the need to ensure not only that there is independence in the advice given, but also that the people who are making the decisions are aware that if there is a problem, they need to push back and tell someone further up the tree that those issues are there. I will place those reports on the table. People need to report those matters so that they can be dealt with, not try to brush them under the carpet so that they do not get growled at. That is basically what happened in some of those projects, I think.

Now that I have highlighted those, I want to talk a bit more about this. We highlighted that the Corruption and Crime Commission carried out a review of the Department of Transport’s management of illegal access to TRELIS by not only contractors, but also other personnel. The Auditor General has also highlighted in her more recent reports the importance of allowing only the necessary level of access to project information technology and not

unauthorised access. We have to accept that any compromise of that represents a risk to the entire network. The Department of Transport needs to be shaken out of its complacency around that, because the CCC made that finding in its report. I know that in open evidence, when questioned later on, officers of the CCC revealed that they felt that the Department of Transport was still not taking that finding seriously. That was a considerable time after the report had been handed down. That issue needs to be taken seriously because it is a severe risk to the organisation going forward.

I will talk more generally about road safety. I commend the RAC on the work it does in advocating for better road safety and better road outcomes. I will highlight some of the things that the RAC thinks about this general measure. *RAC public policy* states that the use of road safety cameras, including fixed, mobile and point-to-point, is supported as a deterrent against a range of offences, including speeding, driving through a red traffic signal, illegal mobile phone use, failure to wear a seatbelt and driving an unlicensed vehicle. It states that a mixture of overt and covert cameras should be used in Perth and regional WA to encourage network-wide and location-specific compliance, and cameras should be placed in areas with an identified road safety problem, high pedestrian activity or a history of infringements. It states that offenders should receive road safety education alongside penalties. I think that is very important. One thing I want to highlight when I am talking about road safety generally is that I have noticed an increasing occurrence of people ignoring and crossing double white lines. I do not know whether they are drivers who obtained their licence from elsewhere or what else is happening.

Mr D.R. Michael: Overtaking or something else?

Mr R.S. LOVE: I will give the minister an example. Yesterday, coming to Parliament Place along, I think, Aberdeen Street, there was a line of traffic banked up. There is a turning lane to the right and then it becomes a single lane, because cars are parked there. Two lanes of traffic were banked up, if I recall rightly. This car was waiting in this long line. It just suddenly took off, drove past the whole line of traffic on the wrong side of the road, and then ducked in, pushing in at the intersection. I have noticed that more and more recently, but it has also been highlighted to me by professional truck drivers that this is an issue for the trucking industry. Increasingly, I think drivers who are coming in from overseas are not respecting that situation. I hear anecdotal evidence and I see a lot of Facebook commentary; as shadow Minister for Transport, people come to me and my office. Long-serving professional truck drivers are saying that they do not want to be in the industry anymore because people are just ignoring the rules. I highlight that as perhaps something that we can educate drivers on who come into the state. We know that there are shortages of drivers and I understand the pressures there, but we need to make sure that drivers are very aware of their responsibilities. That white line is the equivalent of a wall. Drivers should not cross it. It is not there as a guide; it is immutable. If a driver sees a double white line, they should not go across it, except in the rare circumstance of going around a bicycle when it is safe to do so. I do not think that is an appropriate rule, because once we start educating people that it is okay to go across that double white line, goodness knows where that will end. I raise those concerns because I think they are important. Generally speaking, I support a lot of what the RAC has to say in its policy document.

As I said earlier, the Auditor General's report on the road trauma trust account highlighted that if all the infringements that were revealed by the camera trial had been prosecuted, it would have added about \$69 million a year to the road trauma trust account, which is a considerable amount of money. Of course, we know that the Auditor General did an audit of the management of the road trauma trust account in October 2023 and found that there were some issues in the interchange between the minister and various other organisations; I think it was the Road Safety Council and the Road Safety Commission. I take it that that is being looked at and addressed. This is a report from October 2023, so it was not that long ago. The minister might be able to give us an update at some stage on how that is going. Also, there is a need to ensure that stronger measures are in place for probity around the road trauma trust account. That becomes even more apparent when we see that the amount of money in the trust is expected to grow quickly over the next year with the increase in funding. I think, from memory, it is expected to grow by about half again what it averages in revenue, or a bit more. It is about \$120 million a year. That will give an opportunity for road safety measures to be put in place. One measure that I believe is desperately needed is the provision of an emergency rescue helicopter in parts of the state other than the south west and the metropolitan area.

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This is supported by the Chief Health Officer. The \$69 million would be more than enough to pay for extra helicopters in the state, and one in the goldfields and one in the midwest would be a very good start. We know that attending an accident within the golden hour makes all the difference to the survivability of a patient who has been critically injured. It is also very important in reducing the amount of trauma that a survivor receives, and this service would dramatically alter the costs to the Western Australian community from accidents. This initiative would predominantly address traffic accidents.

New helicopters would still probably need to refuel before they get to the accident scene if they were to go north of Geraldton or to the goldfields. It is an hour to get to Geraldton by helicopter anyway. It adds extra time, and it plays into the survivability of the accident. I am unashamedly going to push for a rescue helicopter to be stationed in the midwest because that is where I am—but also in the goldfields because I know both communities could benefit greatly from such service. This is supported by the Chief Health Officer’s review. Although the services at the moment are provided through the Department of Fire and Emergency Services, it is the Chief Health Officer who determines the need. He found that need and highlighted it. It is the Chief Health Officer, the person who guided Western Australia through difficulties in the pandemic, who has come up with this view, not only me. It should be taken seriously because it is a very serious matter and one I think the government would do well to pay heed of.

With those concerns about issues of the implementation and the delivery of the project, I reiterate that the opposition and I support the bill making its way through the chamber—but I caution the government to look out for little pitfalls that might happen along the way. We want to see a seamless introduction of this technology and to see improved road safety and better outcomes for Western Australians on the road; we do not want to see nearly 200 Western Australians per annum dying on our roads. If we can meet the targets that have been set for the reduction in deaths and injury on our roads, that would be a wonderful thing, so we support this legislation. It is very important that the measures be introduced quickly. If that level of misuse of mobile phones and incidences of speeding and the like is being seen, this measure is of course very important and should be recognised.

I had an experience not long into my time in the role of shadow Minister for Transport in which I was involved with the family who lost a little boy in Ellenbrook. He had been killed by a speeding car in the suburbs there. Another factor—we need to emphasise this into the future—is ensuring that the design of our road network does not lead to cars speeding through suburban areas. The piece of road where the accident occurred had obviously been used as a dragstrip over the years. I think it was nominally a 50-kilometre-an-hour road, but I think anecdotally the car was travelling at 100 kilometres an hour when the child was tragically killed. It was devastating. I know other people have dealt much more with families in such situations, but it is difficult to see that and know that a couple of traffic islands and other modifications on that suburban road might have resolved and prevented the problem—but also that if the driver had acted more responsibly, that would have had a different outcome. It is a sobering thought to finish discussion on this legislation. It highlights the importance of road safety, but it is not only a matter of police on roads and cameras and community attitude; it all adds up together into a culture of safe and respectful road use. We should respect the vehicle we drive. Whether it is a motorbike or a 100-tonne road train, they can all be lethal and we should ensure that all Western Australians on the road can expect to get home safely. We must see a reduction in trauma we see right across the state.

MR M.J. FOLKARD (Burns Beach) [4.35 pm]: I listened with interest to the Leader of the Opposition’s contribution. The Road Traffic Legislation Amendment (Infringement Management Reform) Bill 2024 is pretty close to my heart. I will not speak about the road trauma that I have been through. I think we have seen enough of that in this space, and to be frank I do not want to re-traumatise myself by bringing up old memories. This is a good piece legislation. This is the fourth time that we have tried to modernise the infringement notice system. The first time was when I was a young constable. At that time if someone did not pay their infringements, they used to go to what was called a one-day warrant. One infringement equalled one warrant. Some of the clever people around town would have in excess of 900 warrants outstanding. We would scoop them up and say, “Nine hundred warrants? Ooh!” We would take them into the lock-up. At 11.30 pm, they would present to us and they would walk through the front of the old East Perth lock-up, wander through and go out the other side and be released by 12.30 am—effectively the next day. In the time it took them to walk through the East Perth lock-up, they wrote off their outstanding warrants. I have a memory of four, maybe five police officers spending the rest of their shift executing those warrants manually.

That was the first system that we had. After time, we realised it was taking X amount of time and nobody was paying their traffic fines, because they would accumulate their warrants, turn up to the lock-up at 11.30 pm, walk through, get processed and be released out the other side, and effectively those warrants would be written-off. Tens of thousands of dollars were executed in that way. That was the first system. The government of the day realised that it was not getting its money back in this aspect—but, more importantly, it was quite averse to putting people through the lock-up. What we used to do then was referred to as a street arrest. We would place our hands on the person, “You are under arrest, champ”, and then we would release them. That was it. That was the process that then wrote the warrants off. No-one was paying their warrants. All that was happening was, “You’re under arrest with a one-day warrant for your traffic infringement”—done. Off they would go. Then we would spend the rest of the shift writing off all the warrants in that space. The government realised that there were, again, tens of thousands of dollars of revenue that was supposed to go into general revenue was not being tracked. That was before the days of the road trauma fund.

In its wisdom, the government introduced the Fines Enforcement Registry. The Leader of the Opposition referred to that earlier as part of the transport branch. It is not. The Fines Enforcement Registry is part of the justice system; it is actually a court.

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In our wisdom, we came up with the idea that a driver's licence would be suspended, that a person could not drive a vehicle and that the car would be deregistered until that money was paid off, but for each part of the process, another value would be added to the fine. If a person could not pay what started out as a \$100 infringement, because they had no income or no opportunity for time to pay, it could end up being worth in excess of \$400 or \$500. When that was first introduced, I was working at Eucla on the Nullarbor. The first people to clock up fines were all the interstate truck drivers. They would come across the border and, sure enough, we would fine them. We would pull them over and say, "Good day, champ. What's your name?" We would do a name check and find out that, lo and behold, they had a suspended driver's licence under the Fines Enforcement Registry, so we had no choice but to arrest them. I can tell members that arresting a truck driver who is towing a triple road train at some place past Mundrabilla, at the back of nowhere, was a challenge in itself. We arrested not one, but dozens, and we would have to work out ways to secure their trucks. Often, we would drag them off to the nearest roadhouse and park them there. We would get the drivers back to Eucla and sometimes we used to carry all the court documents in the back of our car and run court on the boot of our car with a justice of the peace from one of the neighbouring police stations. These individuals would be referred off to the Norseman courthouse for a plea of not guilty, and by doing that we could get them back in their trucks to continue driving. The way it worked out there was that after several months, we would go into the courthouse at the Norseman police station. Half a dozen of the Eucla coppers would rock in, we would do our patrol across to Eucla, which is about 700 kilometres away, and we would get to the courthouse there. It was just unbelievable how we got so many drivers through that process. The Transport Workers' Union of Australia used to bring out all these Queen's Counsel from South Australia, Victoria and Perth. They would sit on the defence bench and us poor constables would give our evidence and all that sort of stuff, and in the process a significant number of drivers lost their licences. It was mandatory at that time. If a person drove on a suspended driver's licence, they would lose their licence for six months. Lo and behold, that took their incomes away. They could not get an extraordinary driver's licence because driving was their occupation. The impact it had on them was absolutely significant.

Rolling forward, my young son had an experience with the current system. He got a traffic infringement for \$200 for being a couple of kilometres over the speed limit and he went through the process. He was unable to afford to pay it. With the Fines Enforcement Registry, the only time a person can get time to pay is after the infringement has completed its process through the system, which is ridiculous. In the process, the infringement can go from \$200 to maybe \$800. My young fellow was an apprentice. The ability for him to pay that fine on an apprentice's wage was Buckley's and none. Effectively, he lost his home. He could not pay the fines, therefore, he could not make his rent, and the story goes on and back home he came. We were lucky because we were able to support him, but a heck of a lot of people were not in that situation.

I commend this system. Whoever has come up with it needs a deadset pat on the back. The ability to give people time to pay infringements is outstanding. This is probably the most significant part of this legislation. I understand rigorous law enforcement. I understand that the most effective way to reduce our road toll is through great roads. I note that the Minister for Transport is sitting in the chamber. The one-metre rattle strips that she has put on the roads, particularly those leading to Kalgoorlie—I do not know where the member for Kalgoorlie is. I have had the privilege to look at a couple of what are referred to as road toll hot maps that map fatalities. I have seen a direct correlation between where the Minister for Transport has invested in the roads in regional WA and a significantly reduced road toll. That needs to be commended. I always remember that one grader cut ridge from the edge of the carriageway reduces the country road toll in that area by about 20 per cent, two cuts can reduce it by as much as 50 per cent, and three cuts can reduce it by 80 per cent. I have a copy of the current road toll figures to date in this year. We have had 54 fatalities this year to date, of which 24 were in the metropolitan area and 30 in the regional area. By this same time in 2016, we had 39 fatalities in regional WA. That happened under the previous government, the opposition's lot, when it had control of the royalties for regions. Do members know what? They were not spending it on the roads. A few years back, when I was representing Hon Mick Murray, I remember going to Merredin for a men's shed event. I remember going past Kellerberrin—I think I have told this story before—when I saw cracks in the road. I pulled over to see how deep they were and I put my keys in the crack and lost them—they were that deep! I remember fiddling around with my hand in there to try to pull them out.

Ms M.J. Davies: Do that again today down the main street of Kellerberrin.

Mr M.J. FOLKARD: Well, apparently, they have fixed that spot, member. I went past that spot on a recent trip to Kalgoorlie and I stopped to look at the road and it has improved, all right, so I will take the member to point on that.

Ms M.J. Davies: If it has improved, why are you actually about to spend some money on it?

Mr M.J. FOLKARD: I think we have invested a heck of a lot more than what the member did during her time in government, and the facts are here.

Several members interjected.

The ACTING SPEAKER: Members!

Mr M.J. FOLKARD: I can tell the member that if we compare the road toll from 2016 with today's, we have got it down by 25 per cent. In 2022, we got the road toll down by 33 per cent. They are facts, not fiction, all right. Good infrastructure saves lives. It is a fact and the stats are there; I do not have to make them up.

The other thing that is crucial to reducing the road toll is good quality driver training—100 per cent. I have spoken to the minister about my views and may be at another time we will tackle that, hopefully with some good legislation, but that is for another time.

The third thing needed to reduce the road toll, and I said this in my inaugural speech, is effective law enforcement. Effective law enforcement does not mean having a policeman standing on the corner of every danger spot in the state, because even if we had 10 000 coppers, we still would not have enough to cover it. It would not work. This legislation helps us modernise traffic enforcement. It will introduce safety cameras and the use of artificial intelligence to develop technology and capture people who use mobile phones or who do not wear seatbelts. These are big-ticket items. It still concerns me to this day the number of people killed on our roads who do not wear seatbelts. Seriously, for a person to not wear a seatbelt and drive a car at the moment—half the cars have more alarms on them than you can poke a stick at, but I am aware that people fudge the use of seatbelts. They will lock them in and then sit on top of them—seriously? I hope that these cameras will fix that. There needs to be more of them. The motorised speed cameras that are carried about in trailers cost, from memory, about \$140 000, but they have paid for themselves in about four weeks—deadset. They only focus on speed. Earlier on, the Minister for Police mentioned the point-to-point cameras. Yes, they work, but I do not know whether they are effective.

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There are some tricks out there to beat them. I will not tell anyone how to do that, but there are. I would love to see more drivers who are distracted by their mobile phones get caught. The police have big cameras that are fed through an artificial intelligence formula and can tell whether a driver is using the phone, is distracted or is not wearing a seatbelt. One other thing they pick up on—I will be interested to see what the police do about this—is when a driver is looking at the children sitting on the back seat. That is a distracted driver who kills people. It is a careless driving infringement for a start, because they do not have their eyes on the road and are looking at the kids in the back of the car. That is a fact. That is a careless driving infringement any day. I can tell members that if I were still serving, I would be writing them until my hands became cramped because it would reduce the lives lost and the trauma on our roads.

These cameras are referred to as visual detection safety cameras. We trialled them in 94 spots across Perth and the rest of Western Australia, and they work. As recently as the Easter long weekend, I drove to a family function in Geraldton. We went up Brand Highway and I was overtaken by idiots driving over the double white lines. I saw a bloke towing a boat come past me in his ute at 130-plus kilometres an hour on the wrong side of a double white line and thought that we needed coppers out there. We need effective law enforcement. Not all of it can be based on cameras. This piece of legislation will work around it.

Researchers have said that we can decrease the road toll by between 20 per cent and 50 per cent with more effective law enforcement. Let us not be confused. As much as I am in favour of modernising and using better technology in this space—100 per cent I am—it must be underpinned with good policing. We cannot just throw these things out. The Road Safety Commissioner has maps that show where to deploy these instruments and how effective they can be. They are referred to in the trade as hot-spot maps, and we can track where the errant behaviour is. There is a strong focus on Brand Highway at the moment, but just as much focus should be placed on the freeway and the roads leading to Busselton et cetera. We used to have a concentration of fatalities on the Great Eastern Highway. When we look at the historical maps over time, we can see that that number has fallen.

I commend the bill to the house. I think it is a great piece of legislation and I wish it a speedy passage.

MS C.M. COLLINS (Hillarys) [4.52 pm]: I rise to also make a contribution on the Road Traffic Legislation Amendment (Infringement Management Reform) Bill 2024. That is a tongue twister! This bill represents the government's commitment to the modernisation, optimisation and quality assurance of our road services and customer experience. These are important and necessary reforms for the Road Traffic (Administration) Act 2008. As we heard today, statistically, 2024 already has been a very terrible year for fatalities on our roads. We just heard from the member for Burns Beach that there were 24 deaths in the metropolitan area and 30 in the regions. Efforts

to reduce the number of road deaths and deliver the safest roads possible is an ongoing and important duty, and these reforms are a big part of that work. The reforms will make our road laws more specific. Section 56 of the Road Traffic (Administration) Act will be tightened to specify the information that is being directed to be provided to the police and when that information is to be supplied. The reforms will also create uniformity for offenders who provide false or misleading information when dealing with an infringement notice or an information request notice. This will ensure consistency with the Western Australian Criminal Code.

Recognising that household budgets are doing it tough at this time, the reforms make provisions for payment instalment plans for infringements so that a road infringement will not lead to a budgeting crisis, particularly for a vulnerable person or a vulnerable family. We will not charge additional interest or add any costs to the infringement amount. The amendments to section 89 will allow an individual to apply for an extension of time to pay the infringement. This will not only give more options to vulnerable families, but also help the state government as it will ensure that the Fines Enforcement Registry will not be burdened with additional duties when a payment plan can be set earlier on.

There is a greater effort to create uniformity with Western Australia's Fines, Penalties and Infringement Notices Enforcement Act 1994. This will ensure that the definition of a "dishonoured payment" will be more consistent with today's modern and more cashless society. It will also mean that authorities will be able to respond if an infringement is paid by direct debt by an individual who never authorised that payment in the first instance. This is particularly important when a road rules offender may also be undertaking some financial control of a vulnerable individual.

These reforms will allow the Department of Transport to realise the opportunity that the convenience of digital services can deliver. It will reduce the workload of the WA Police Force by shifting administrative duties to officers within the Department of Transport instead. One of the opportunities of digital services is the new high-tech equipment that we just heard about—the visual detection equipment. Section 117 of the act will be amended to broaden the scope of devices that road traffic police may employ. It will streamline the types of technology used to detect unsafe driving all around, including in botanic parks and reserves.

I have mentioned in this place the mobile roving hoon cameras that was an election commitment a few years ago. The member for Joondalup and I delivered three of those to the City of Joondalup. The Hillarys electorate has benefited from the mobile cameras that are deployed at the discretion of the city based on the advice of local police and intelligence provided by the general public. The cameras have been of great benefit to try to reclaim the streets back from hoons, which seems to be one of the biggest issues that people contact me the most about in our office. The large car parks at Hillarys Boat Harbour and Ocean Reef Marina provide the perfect place for car meets and hoons to enjoy. Unfortunately, after the car meets, when people leave on a Monday night at 9.00 pm or 10.00 pm, they will use Hepburn Avenue or Whitfords Avenue as a racetrack. It is an opportunity for some to push their performance vehicles to their absolute limit. Locals are fed up with this, as major thoroughfares in the Hillarys community are starting to be favoured by these irresponsible drivers. The mobile cameras are doing something towards addressing the problem, but certainly the visual detection equipment that has been mentioned today would be greatly appreciated by my electorate. I will continue to work on that issue with the Minister for Police and the Minister for Road Safety, as well as my local community. By updating our road laws to be able to use the best available technology, we can create a stronger road safety system and ensure that we can reliably enforce the rules that we have set in place.

I want to reflect on some of the reforms that make the work of our police officers easier and more efficient. One of the biggest headaches from road offences comes from unidentified road traffic offenders driving vehicles that belong not to an individual but to a body corporate. This has effectively allowed the perpetrator to use the body corporate as a shield to protect themselves from any penalty. Amendments to section 97 will ensure that a body corporate must inform authorities of the name and address of the driver.

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I have had a number of constituents get in touch when they have been involved in road incidents, but because they were not able to identify the driver, there were no repercussions. If there is a failure to meet this basic requirement, the fine for the body corporate will be substantially higher than what would ordinarily be issued to an individual.

These amendments will support action outlined in the state government's *Driving change: Road safety strategy 2020–2030*. Better monitoring and enforcement is one of the most effective tactics for WA to address and stop dangerous driver behaviour contributing to that road toll. As the member for Burns Beach mentioned, one of the biggest problems we need to look at is the use of mobile phones while driving. I see it all the time. The latest generation of visual detection equipment can be hugely effective in detecting that and letting the driver know that this behaviour is dangerous and needs to be stopped. This was trialled back in 2022, and during the trial, the safety cameras detected more than 265 000 drivers speeding, 66 000 drivers distracted on their mobile phones and a

further 11 400 drivers or front-seat passengers not wearing a seatbelt. At the end of the day, it is about saving lives. We need to use every tool in our arsenal to ensure that WA drivers get home safely.

At a more local level, I want to talk briefly about a road safety issue that has popped up time and again, and that is Marmion Avenue. We spoke about the serious failures with our road fatalities in WA so far in 2024. It was quite interesting to see just a few weeks ago that the City of Joondalup's council introduced a motion to "make Marmion 80 again". Catchy slogan! Marmion Avenue is a major arterial road for Perth's northern suburbs that runs through the electorate of Hillarys and connects all six suburbs in my electorate. It is benefiting from huge amounts of state expenditure to upgrade intersections at Coral Street and Forrest Road. There is no doubt that Main Roads Western Australia's decision to change the speed limit from 80 to 70 kilometres an hour was not a popular one. Drivers do not like to slow down. In fact, my personal opinion is that I did, in fact, prefer it when it was 80 kilometres an hour. Luckily, for everyone's sake, I am not the person who makes the road rules. I am not a road safety expert or a qualified or experienced civil engineer, so I rely on the people at Main Roads to make these sensible decisions using the data in their hands. Let us look at what some of those qualified professionals had to say. Even the city's administration agreed with Main Roads on this one. It stated —

The speed reductions were required following a review of *Main Roads Speed Zoning: Policy and Application Guidelines* and align ... with the latest Australian Standards, best practices, and improved Safe System principles.

Main Roads officers recently conducted a safety review between Karrinyup Road and Ocean Reef Road, and a variety of safety factors were considered, such as safer access at intersections, shared paths and improved access to public transport and amenities in the area. Like some of these councillors, I approached Main Roads when I found out and asked, "Does this have to happen? Do we have to go 10 kilometres slower?" However, to put it into perspective, the area it is looking at, from Karrinyup to Ocean Reef, adds less than three minutes to the drive because of this reduction. It is really not slowing drivers down all that much. Main Roads had a really ambitious target of reducing the number of people fatally, severely or seriously injured by 50 to 70 per cent by 2030. To meet that target, one of the proposals was to change the speed limit. The other proposal currently out for community consultation is to implement more traffic signals at dangerous intersections. Again, this is just a proposal, but certain councillors have suggested that all hell has broken loose, Main Roads has gone crazy and it is going to make it impossible to get from one side of Marmion to the other. Really, this comes back to the safety data. It is a proposal, so I encourage anyone who has any issues with those proposed traffic lights to be part of the community consultation.

There has been a certain amount of consultation, which is open at the moment, and I encourage everyone to do that. The work to keep WA roads safe is an important duty and ongoing effort. We will keep doing the right thing by road users for safer roads and bring our road toll down. This suite of reforms to the Road Traffic Administration Act is a major step in the right direction towards those aims, so I commend this bill to the house.

MR D.R. MICHAEL (Balcatta — Minister for Road Safety) [5.05 pm] — in reply: I thank all the members who have spoken today in support of the Road Traffic Legislation Amendment (Infringement Management Reform) Bill 2024. I might go through some of the responses to those speeches first, especially for the Leader of the Opposition, before we go into consideration in detail. Firstly, the member for Hillarys has just finished speaking. I thank her for her support of the bill and her advocacy on road safety issues, especially in her electorate. It was great to come out and meet some of the member for Hillarys' constituents, including the Harbour Rise Home Owners Association last week, which had a few issues. I know they talked about speed limits, hooning and those kinds of behaviours. The member for Hillarys talked about how well used those hoon cameras are by the local council, which I think was an election commitment; that was great. She talked about issues with the body corporate and what this bill will do for those kinds of things. She talked about something I do not know much about: Main Roads' consultation on some of the speed limits in and around the member for Hillarys' electorate and its community values. As we know from the road safety statistics, speed does kill. The member for Hillarys said it very well. It might be only an extra minute or two, but if that will save lives in the long run, it is probably a minute or two that most of us can afford, or we can leave a little bit earlier so that we do not have to speed to get to a location. She talked about the impact of hooning. As a former local government councillor for 12 years, I know the impact that hooning on local roads can have on communities. Hooning is sometimes really hard to pick up without the hoon cameras, because it will not trigger a speed camera due to the vehicle going in a circle. I thank the member for Hillarys for her support.

Before the member for Hillarys, the member for Burns Beach spoke. He has talked many times in this place about road safety and his experiences as a former Western Australian police officer. As a former Whip who used to listen to a lot of speeches in this place, I think the member for Burns Beach has caused a lot of us to have a tear in our eye when he talked about some of the experiences he and police officers have had in continually looking after the people of Western Australia, especially on the roads, and dealing with those horrific crashes in which people have

been killed or seriously injured. The member for Burns Beach gave us a history of the infringement system. I do not know who racks up 900 infringements and gets away with it before they get picked up. It sounds like an episode of *Seinfeld*, with Kramer and the parking tickets! However, that was the old system; he has obviously seen multiple systems, including the Fines Enforcement Registry. I think one really important thing in this legislation is what we are doing to allow people to pay their fines in instalments or to defer the payment by a month should they need to. It is important that the infringement system exists to deter bad behaviour. As a young bloke who got the odd speeding ticket when I first got my licence, I know that a couple of hundred bucks—it was probably a bit less back then in the late 1990s—is a bit of money. If a person is working only a few shifts at Caltex service station, like I was, they cannot afford a speeding ticket. Therefore, people actually watched themselves if they had no other incentive—people should look after themselves and others on the road—but the financial disincentive is really important.

<026> N/3

As the member for Burns Beach mentioned, people cannot pay it off in instalments without incurring more of a fine. For people who are struggling with cost-of-living issues and might need their vehicle for work, not paying off that fine will trigger the Fines Enforcement Registry process, which will incur an additional fee. There will be the indignity of perhaps defaulting on the fine. In the first term of this government, in the seats over there sat the former member for Mirrabooka, Janine Freeman. She used to keep a tin of money in her electorate office. She would have some very good people come to see her and say that they could not afford the fine and did not want to cop the extra \$100 for going to the Fines Enforcement Registry, and she would pay the fine for them. She said that the people would come back and gradually pay it off, which would re-seed the money in the tin to gift to someone else. Clearly, that was good of the former member for Mirrabooka, and I know that other members have done those kinds of things. I am looking at the member for Rockingham. We will not talk about the gentleman who came into our office, will we, member for Rockingham! He disappeared. But most people do the right thing. Again, being able to pay off a fine without getting additional costs or the having the indignity of defaulting on a fine and having the Fines Enforcement Registry, through the Department of Justice, come at people for the fine plus a fee will make a world of difference for people who are having cost-of-living issues.

The member for Burns Beach talked about the road toll and some of the road funding that we are doing. As a government, we are incredibly proud of the regional road safety program. With our friends in the federal government, we are close to spending nearly a billion dollars on shoulder sealing and audible edge lines in our regions. The feedback we get from some of our regional members of Parliament and their communities is that those measures are making our high-speed main roads much safer. I have no doubt that there are people walking around in our community today who would not be if we had not upgraded those roads. I hope that we will continue to do upgrades like that into the future.

The Leader of the Opposition spoke about some issues, and I thank the opposition for its support of the legislation. The Leader of the Opposition talked about the statistics from the mobile safety camera trailer trial. This trial had ended by the time I became the Minister for Road Safety, so the statistics blew me away. I am pretty sure that the camera that was used was just a single trailer that moved around the metropolitan area and some regional locations. As the Leader of the Opposition said, it caught 265 000 people speeding and 66 000 people were detected being on their mobile phones. These are all things that we should not be doing, but the baffling one for me was that 11 000 people were not wearing a seatbelt while in the front seat of a vehicle. I do not understand that at all. If I need to reverse my car out of my driveway in Tuart Hill, to take out the bins, and I do not even go on the road or hardly even cross the footpath, I must put on my seatbelt. I feel naked if I drive without a seatbelt. I do not understand why people do not wear a seatbelt.

The Leader of the Opposition brought up a few other issues that I will get into. The Leader of the Opposition talked about switching the infringement system from the Western Australia Police Force to the Department of Transport. Obviously, that will have a relatively significant cost attached to it. I am told that the police infringement system is very much at the end of its life and is being patched together. Regardless of where the infringement system sits, a change to this system would have had to have happened wherever it was. The government took a decision that the system will best sit in the Department of Transport. One of the benefits of that is that the Department of Transport has spent a lot of time and effort on DoT Direct. People can link all their drivers' licences and car registrations, and I think it even does boats and fishing registrations and other kinds of licences and tickets, to DoT Direct.

Mr D.A. Templeman: I've got my skipper's ticket.

Mr D.R. MICHAEL: That is good. The member for Mandurah will need it down there.

Mr D.A. Templeman: I had a second go at it. I failed the test, the practical—not the practical, the written—twice!

Mr D.R. MICHAEL: He says—doing all the correspondence. I hope the minister does better with this correspondence.

DoT Direct is a great system that more and more people are using when they are able. The more people use it, the more people are out of the DOT offices. The opposition leader brought up the massive demand for services at DOT offices. It will mean that people will be able to check their photos. If they get an infringement, they will be able to apply for an extension or a payment plan on the website, which again should make it easier for them. It is important to know that the infringement services will not be provided out of licensing centres, so it is not expected that there will be any increase in demand on licensing centres or increased wait times because of the change to the Department of Transport. It is also important to know that the Department of Transport is receiving 65 additional FTE from the WA Police Force as part of the change, and that will see the system come over in its entirety from the Western Australia Police Force.

The Leader of the Opposition laid on the table some reports from the Victorian Auditor General. He also talked about some of the issues that happened in New South Wales. I am told that the project team reviewed all relevant reports of implementations in other jurisdictions—I think there were some other states as well—and continues to consult those jurisdictions during the implementation of our new system and the new safety cameras. Lessons have been learnt, particularly in scope and scale. In Victoria, the project involved infringement operations across state and local government. This project and bill will relate only to traffic infringements at this time, so the scope is not what it was in Victoria. Again, when other states have jumped first into technology, we have been able to learn their lessons. I will get on to TRELIS in a second. I also know that the Department of Transport takes its cyber security risks and those kinds of things incredibly seriously. In the modern world, like all government departments and all governments around the world as well as private companies, for all our personal information, whether it is on Gmail or TRELIS, everyone must be aware of these things, and the Department of Transport continues to upgrade its systems.

I have an update on the tender that the Leader of the Opposition asked about. The tender for the enhanced technology safety camera trailers closes on 16 April, which is today. The contract award is expected in the second half of the year, and we are hoping to have the trailers delivered by the end of the year so that we can have them on the road as quickly as possible. One of the pitfalls and possible risks that the opposition leader mentioned is that we are all really keen to have this system up and running in July, hopefully. As the trailers will not be procured by then, the advantage of that is we can transition the existing infringements over to the new system to make sure to bed that down before we start implementing the other infringements from the new cameras that we are procuring. I am really keen to make sure that that will be as seamless as possible. It is important that we get that right before we turn off the legacy system at WA Police. These are things that we will be testing, and hopefully in July, we will be ready to make the transfer from WA Police.

The Leader of the Opposition referenced TRELIS and the Corruption and Crime Commission. In November last year, the CCC tabled a report in this place outlining improvements made by the department regarding unlawful access to TRELIS. The review made four recommendations to the Department of Transport, which included improvements to policies and procedures, implementing consistent triage and investigation processes, reviewing system-generated alerts and implementing memorandums of understanding with all external users of TRELIS. The department has now amended various policies and procedures to provide explicit guidelines on user expectation, which includes not conducting licensing transactions on behalf of family and friends.

<027> I/G

The department has developed policies and procedures to meet the recommendations of the Corruption and Crime Commission and provide explicit guidelines to all system users to ensure there is strong awareness of their roles and responsibilities in the use of restricted access computer systems such as TRELIS. The program of works associated with meeting the recommendations and enhancing governance of TRELIS use is being overseen by the corporate executive integrity committee. It is important that the commission concluded that it considered the Department of Transport had undertaken appropriate steps to address the recommendations and the commission considered all recommendations closed.

Obviously, governance and integrity around TRELIS is critically important. I had the privilege of going to the Department of Transport offices in Innaloo several months ago now. The department has—I am going to get the name of it wrong—a governance and integrity area that looks at this issue and across all of what the Department of Transport does—driving assessors to all sorts of other things—to make sure that the high standards are being met. They seem like a very good team and I am confident that they are onto some of these kinds of things.

The member talked about the Office of the Auditor General report that came down in October. The Road Safety Commission continues to work with the Road Safety Council, as members can imagine and the council chair, Katie Hodson-Thomas, the former member for Carine, to improve the council, to make it more strategic and to

implement the OAG findings. I know that work is underway. They brief me regularly on it. In March 2024, several new documents that had been worked on were approved by the council. One is a governance charter, setting out the roles of the council, the commission and the commissioner. Another is an administration framework for the road trauma trust account, which sets out the legislative responsibilities for the Minister for Road Safety, the Road Safety Council and the Road Safety Commissioner regarding the provision of advice on the allocation of money from the RTTA. Also, importantly, they have considered an evaluation framework that specifies the principles and parameters for evaluating the effectiveness of the programs and a detailed project plan.

The member mentioned that when these new cameras come online, we are expected to have more revenue, which makes sense. Although I would prefer not to have revenue from these cameras, we know that having more cameras on the roads will increase the amount of revenue that comes into the road trauma trust account, noting that every cent of it does come from road safety cameras. Given that revenue we are expecting and given that revenue has generally been up over the last 12 months or so from existing cameras, it is really important that we get the fundamentals right so that money can be spent in the best interests of road safety. It includes projects like the regional road safety program that we have been rolling out across the state, the blackspot funding, the local road funding and making sure we look after some of those local government roads that have some high crash rates and all those other things that the road trauma trust account is able to fund, as well as properly evaluating the proposals at regular times to make sure they are still doing what they need to do to decrease the road toll here in Western Australia.

The member talked about some local issues as well, including an incident at Toodyay Road, which we went through. The member and I were opposite each other at the Toodyay Show last year. I did a walk-around and met some of the first responders in Toodyay. They talked to me about some of the trauma they have seen on their roads and how the whole community comes together when that happens. It is not something we want anyone to go through, not something we want communities to go through. I know that is a tightknit community, especially regarding emergencies and road trauma. The member mentioned Indian Ocean Drive. I know governments have spent a lot of money on Indian Ocean Drive. I know there are still incidents, but it is something we will continue to watch with the Road Safety Commission, which looks at all the data and the reasons for some of the crashes that might happen on that road. Then we can take action if needed.

The member talked about the road versus rail debate in his electorate, getting product to port in Geraldton. It is a debate I am not going to go too much into because it is not overly related to the bill, but I am very much aware of the issue. It is something, with Main Roads WA, we will continue to do as much as the government can do to push the transport of as much of that material as possible onto rail to get it into Geraldton port. That goes for all ports. Obviously, we have a policy of trying to get as much on rail as possible. It is difficult when we are dealing with a private proponent and private transport companies, Arc Infrastructure, and Aurizon. These things are difficult because they have to come up with a commercial agreement. It is difficult that the state government does not operate the railway line or the rolling stock anymore. It is an issue we are very much aware of and we are committed to pulling as many levers as we are able to, to push those operations onto rail, given, as the member said, the infrastructure exists right next to the road.

The member mentioned the RAC and I appreciate its support and what it does for road safety here in Western Australia. The member talked about the double white line and, again, these are things I am sure the Road Safety Commission, which develops advertising and education campaigns, can consider. He mentioned those long, straight roads. He mentioned a terrible incident of a young child being killed on a road, relayed to his office. That is something local governments and Main Roads factor into their planning for some of these very long, straight roads. He mentioned a chicane or a median strip—whatever it is; we can design our roads to be as safe as we possibly can. From a local government and state government point of view, these things can be looked at.

As Minister for Road Safety, it is terrible to hear someone has died on the road. It is always terrible but whenever I hear it now as minister, it baffles me some of the things that I see and the reasons for it. Most of the accidents on our roads can be prevented and most of them are to do with some sort of driver behaviour. One of my best mates lost his younger brother. I went to the funeral and I still see their family impacted 10 years later. It does impact families. A lot of the people who die on the roads tend to be younger—not all, but they tend to be. One of the things I say to people is, if they are talking to young people in their family, especially if they have just got their licence, if they are at a Western Derby party or a Christmas or birthday party, remind them we want them there next year, at the next family event. Tell them they should remember that before they get into a car and want to use their mobile phone, have too many drinks beforehand, drive tired, or drive too fast, or all those other behaviours we can prevent. I thank members for their support of the bill and I commend it to the house.

<028> J/3

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement —

Mr R.S. LOVE: At the end of the minister’s discussion, he made a comment about the timing of the legislation as opposed to the development of the technology and the tender. Perhaps for the benefit of the chamber the minister could again run through the timing of part 1 and the rest of the bill and how that will be influenced by the tender and the development system.

Mr D.R. MICHAEL: The intention is for everything to occur on 1 July which, for the moment, will mean the transfer of existing infringement data from police cameras to come into the system and we will bed that down. As we procure the six trailers, there will be cameras on the gantries of the smart freeway south and north. They will gradually come online as they are procured, tested and put in over a period after that. The procurement for the trailers is due in the second half of the year. The tender closes today, so it will take some time to go through it and investigate.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 4 amended —

Mr R.S. LOVE: Clause 4 is some of the definitional matters. First of all, there has been an insertion of the Commissioner of Police, which I thought was pretty self-explanatory. Perhaps the minister could explain why that needs to be inserted.

Mr D.R. MICHAEL: It is modern drafting practice in order to remove uncertainty.

Mr R.S. LOVE: One of the major matters is the deletion of “infringement notice” and insertion of “extension of infringement notice” et cetera. Infringement notice will be replaced by, I assume on page 4, the new definition of infringement notice, with those various matters. Regarding “infringement notice (visual evidence)”, we have discussed that various technologies will come online. Is that an exclusive list, or is there an ability for further technology to be employed into the future?

Mr D.R. MICHAEL: We cannot predict what future technologies might be, so this will cover the visual component of it. If, in the future, there were a technology that fit under this, it could be expanded, but in terms of anything else, we would need to change things in the future but we cannot predict what that might be.

Mr R.S. LOVE: Clause 4 states —

notice requesting information has the meaning given in section 96(2);

That is well advanced of where we are in the discussion, but I wonder whether “notice requesting information” also applies in the case of a business?

Mr D.R. MICHAEL: Yes, anything other than an individual. A business or body corporate are examples.

Clause put and passed.

Clauses 5 to 8 put and passed.

Clause 9: Section 13E amended —

Mr R.S. LOVE: The explanatory memorandum provides that section 13E, which will be amended —

... provides the framework for the disclosure of incident information to involved persons. Section 13E has an abridged or shortened definition to the term ‘incident information’. The definition excludes the release of statement and investigation reports to involved persons.

Can the minister explain, for the benefit of the chamber, in a little more detail about what this refers to? Does the inclusion of the word “abridged” mean that there are defined limits to the information that will be released as abridged information? Can the minister explain what that might be?

Mr D.R. MICHAEL: It is defined in the act. The bill will add the word “abridged”, but most of the information— I say most, because there are a couple of little proposed changes to section 13E—is already defined in the Road Traffic (Administration) Act.

Clause put and passed.

Clause 10: Section 15 amended —

Mr R.S. LOVE: Can the minister explain why “incident information” will be deleted?

Mr D.R. MICHAEL: The term “incident information” is applicable to a number of sections in the Road Traffic (Administration) Act 2008 that deal with the exchange of information and the provision of a single definition at section 4 under “Terms used in road laws”. It is an efficient and modern drafting style.

Clause put and passed.

Clause 11 put and passed.

Clause 12: Section 34 amended —

Mr R.S. LOVE: We are told that section 34 will be amended under this clause. Can the minister explain a little about the impact of the amendment, whether these outlined offences have been created especially for this and how they were arrived at?

<029> M/3

Mr D.R. MICHAEL: I am told that there is no change other than it has been redrafted from existing provisions.

Clause put and passed.

Clause 13: Section 56 amended —

Mr R.S. LOVE: We are told in the explanatory memorandum that clause 13 seeks to modernise the language around records, devices and other things. Clause 13(2) seeks to insert at the end of proposed section 56(2) —

Example for this subsection:

A direction may state that a record must be produced by sending an electronic version of the record to a specified email address within a specified period.

Will that provision remain as just an email address, or may other electronic means be used for that transmission such as messaging services et cetera?

Mr D.R. MICHAEL: It is an example only. The intention at the moment is only email, but as technologies and systems allow, there might be some other electronic means in the future.

Clause put and passed.

Clauses 14 to 16 put and passed.

Clause 17: Section 61C amended —

Mr R.S. LOVE: Clause 17 seeks to amend section 61C of the act. Part 6A of the Road Traffic (Administration) Act provides the enforcement framework for immobilisation, towing and detention of motor vehicles—that is, anti-wheel clamping. Section 61C division 6B of the RTAA provides that a police officer for compliance purposes may direct a person to produce records, devices or other things.

I note that clause 17(1) of the bill provides —

- (b) delete paragraph (b) and insert:
 - (b) state the manner in which each record, device or other thing must be produced; and
 - (c) state that the direction must be complied with ...

I am wondering whether the deletion of paragraph (b) would leave the rest of the section as it stands without any further effect? It seems to be adding more than was there before.

Mr D.R. MICHAEL: Clause 17(1)(b) of the bill seeks to delete current section 61C(2)(b) and insert a new (b) and (c).

Mr R.S. Love: And a (c).

Mr D.R. MICHAEL: Yes. If the member looks at the bill —

Mr R.S. Love: I was just wondering —

Mr D.R. MICHAEL: No; I get where the member is coming from. We are seeking to amend some words in current section 61C(2)(a). Then we are seeking to delete current subsection 2(b) and add the new proposed subsections (2)(b) and (c).

Clause put and passed.

Clauses 18 to 24 put and passed.

Clause 25: Part 5 replaced —

Mr R.S. LOVE: We have motored through a lot of the discussion thus far. I think that the proposed amendment is to the very end of clause 25, at line 41, just for information. This is the major meat in the sandwich of the bill. This clause seeks to delete part 5 in its entirety, which is the part dealing with infringement notices and the process around those. That means that sections 79 to 104 of the current act will be deleted and the new provisions will be inserted. We will just sort of scroll through some of that, if the minister does not mind. It might be a bit backwards and forwards on that matter.

Mr D.R. Michael: And do the amendment at the end?

Mr R.S. LOVE: Yes; we will do the amendment at the end, if that is all right.

Mr D.R. Michael: No, that's fine.

Mr R.S. LOVE: I refer to the definition of “visual evidence” on page 15 of the bill. It states —

visual evidence means 1 of the following —

- (a) a photograph or digital image, including an image produced from a video or other form of recording;
- (b) a video or other form of recording;

Where does that currently sit in the law? Is video evidence already admissible, or will this legislation result in a change to the current law?

Mr D.R. MICHAEL: In the Road Traffic (Administration) Act 2008, the definition is currently titled “photographic evidence”. Obviously, we are seeking to delete this subsection, but the current act states —

photographic evidence means —

- (a) a photograph; or
- (b) a cinematographic or other type of film, or video tape, video disk, slide or digital, electronic or other form of recording, from which a visual image can be produced.

Basically, this legislation seeks to modernise the language.

Mr R.S. LOVE: At the moment, are things like dash cams et cetera accepted, and will that continue to be the case?

Mr D.R. MICHAEL: Dash cams would be covered by the definition, but it is not the intent that they will be used for the purpose we are talking about here.

Mr R.S. LOVE: I take it from that response that this proposed section refers to evidence that has been gathered only from one of the devices that will be deployed, and not from private sources?

Mr D.R. MICHAEL: That is correct.

Mr R.S. LOVE: Proposed section 80 is titled “Designating persons as designated departmental officers, issuing officers or withdrawing officers”. The word “CEO” appears twice in this proposed section. In proposed section 90(1), does “the CEO” refer to the CEO of the Department of Transport or the CEO of the Public Transport Authority?

Mr D.R. MICHAEL: It is the Department of Transport, so the director general.

Mr R.S. LOVE: I turn to page 17 of the bill. Proposed section 81(2)(c)(ii) refers to “infringement notice (visual evidence)” and the proposed subsection states —

- (ii) set out a way in which the visual evidence can be accessed electronically.

<030> R/G

This visual evidence can only be accessed electronically, so I am thinking of people who are not necessarily connected electronically. How can they access that evidence?

Mr D.R. MICHAEL: It needs to be read in conjunction with the proposed subparagraph above it—proposed section 81(2)(c)(i)—which is the posted version. Whilst this allows for both, the practice is that any one infringed gets one sent to them and can, where available, get one electronically.

Mr R.S. LOVE: If we turn to page 23, proposed section 86, “Service of infringement notice on responsible person if there is visual evidence in relation to offence”. If we go to the bottom of section 86(1), it says —

(e) a responsible person for the vehicle is an individual.

This section applies only to individuals; it does not apply to a body corporate, which was being discussed earlier on. Why is it the case that this only applies to individuals?

Mr D.R. MICHAEL: This is going to sound silly, but a body corporate cannot drive a car; this deals with the individual. In proposed section 97 the body corporate will have to provide an individual's details, which will come back to this clause.

Mr R.S. LOVE: Thank you. I am not sure about a body corporate driving a car. Perhaps in the future with artificial intelligence, anything is possible, but at the moment I accept the minister's explanation. Similar to the question I asked before, proposed section 86(3)(b)(i) and 86(3)(b)(ii) sets out a way that the individual evidence can be accessed electronically. It says —

- (i) contain or be accompanied by the visual evidence; or
- (ii) set out a way in which the visual evidence can be accessed electronically;

I want get an understanding of what will be the normal practice. We could send out the paper one, the green letter of shame with the picture.

Mr D.R. Michael: I don't know what you're talking about.

Mr R.S. LOVE: I am glad you are one of those "heroes of zero"—is it?

Mr D.R. Michael: I currently have a clean slate.

Mr R.S. LOVE: Oh good, but you must have seen other family members at times who have been implicated in those things or even had someone else drive your car and do something naughty.

Will there be a continuation of the practice of sending out a paper-based infringement, or will the normal practice be to only do that as the exception? Maybe it is not so much the letter of the law, but we are talking about the practice that will be adopted and perhaps there is a staged practice here. I am wondering how it will work.

Mr D.R. MICHAEL: In practice, the letter of the law is that the paper will be sent out. The paper will either have the infringement photo on it, as we have had before on the green sheet infringement notice, or there could be a separate page within the envelope, if the photo is bigger or something—I do not know why, but it comes with it; or someone can elect to see a good quality version on DoT Direct. There will be instructions on how to do that via the paper. That is how it works now. There will not be a change to that. However, this will allow people to choose to go paperless in the future, as they can with many bills today. They can, by consent, say, "Stop sending me stuff. Just email me a link and I'll get into DoT Direct and check my infringement". They will get a link by email. Again, that is down the track and will be by consent. Things will still happen as they happen now.

Mr R.S. LOVE: Thank you. There would be a fairly extensive list of electronic contacts on the database operating now. Why has the opportunity not been taken to speed up the process by serving electronically when possible, and defaulting to the paper-based system when someone is not electronically registered on the DoT network?

Mr D.R. MICHAEL: Again, this bill will allow for that, as it has been turned on for registration and drivers' licences, which I use. All of my bills go to DoT Direct so I do not get paper in the mail. It is something the department wants. Once we have bedded the system down and get through any teething issues, which hopefully we do not have too many of, the department will look at asking people to opt in for a paperless system. It will definitely be on an opt-in basis; it will not be forced on people.

Mr R.S. LOVE: If we turn to page 35, "Regulations relating to infringement notices", proposed section 95 states that regulations may prescribe an offence under a road law. Proposed section 95(2)(c) states —

- (c) an offence under the *Road Traffic (Vehicles) Act 2012* section 4(2), the commission of which involves a heavy vehicle.

Do I take it that the operators of a heavy vehicle will not be subject to this legislation; and, if so, why?

Mr D.R. MICHAEL: Section 4(2) of the Road Traffic (Vehicles) Act 2012 is to do with unlicensed vehicles. There is no practical change to the way the law operates now, in that someone can receive an infringement if they are driving a light vehicle that is unlicensed, but they cannot receive an infringement if they are driving an unlicensed heavy vehicle. It would go straight to a prosecution.

<031> H/G

Mr R.S. LOVE: I refer to page 36, proposed division 3, section 96. Could the minister run through and explain this proposed section a little more than what is provided in the explanatory memorandum, then I might ask some questions?

Mr D.R. Michael: All of proposed section 96?

Mr R.S. LOVE: Yes. Well, to be frank, it is namely proposed subsections (1) and (2) that I am looking at.

Mr D.R. MICHAEL: Under this proposed division, if an infringement has been detected and the owner of the vehicle is a body corporate, the body corporate will receive a notice to provide information on who was driving the vehicle. It has to provide that information within the notice period. If it does not, the penalty doubles, but I am sure that most body corporates will do the right thing. The process will then start for the individual who is named under the proposed section that we were dealing with earlier in the piece, which I think was proposed section 34.

Mr R.S. LOVE: The body corporate might have a genuine reason for not providing the name of the person. For example, the vehicle was accessed illegally outside of work hours; the vehicle was supposed to be garaged at the workplace but has appeared somewhere else and, hey presto, at the end of the weekend it is back in the workplace; or some other thing has occurred. Can the minister outline what will happen if there is a genuine inability to provide that information?

Mr D.R. MICHAEL: The first thing to note is that the notice that the body corporate will get will have an image on it that in most circumstances will make it difficult for it to say that it does not know who the person is. There is no change to the current practice regarding this issue. The body corporate will be able to request the department to check the validity of the notice if the car is stolen or a domestic violence issue has to be taken into consideration—for example, if an estranged partner or someone took a vehicle or something along those lines, which I presume is a thing. The body corporate will inform the department of its reason for not supplying the information and ask it to check the integrity of that notice, but, in theory, there is no change to that practice.

Mr R.S. LOVE: The subject of domestic violence comes up a fair bit in this legislation. Can the minister explain whether or not this is a new type of provision and whether it has changed significantly from the previous legislation in the treatment of domestic violence and related complications?

Mr D.R. MICHAEL: Again, there has been no change to the current provisions other than to specify that the risk of domestic violence is to a person. Currently the legislation refers to a body corporate, and a body corporate cannot be at risk of domestic violence. Proposed section 97(7)(a) states —

a written notice stating that the responsible person is concerned about providing information in response to the notice requesting information because of a risk or apprehended risk of an individual being subjected to family violence if the responsible person took steps to find or provide the information;

A person could say that they cannot find who was driving because they would be at risk of domestic violence.

Mr R.S. LOVE: On page 40, proposed section 98(4) states —

The Fines, Penalties and Infringement Notices Enforcement Act 1994 section 26 does not apply in relation to an infringement notice (alleged offender) that relates to an alleged offence under section 97(1).

That was the proposed section that we discussed a little while ago. Can the minister explain the import of that and why the act does not apply?

Mr D.R. MICHAEL: If a body corporate does not say who the driver is, the penalty will double. This clears up a legal issue because a body corporate cannot drive, so it cannot be convicted like a driver can be convicted, whereas under the existing legislation, a person who pays their fine has owned up to committing the offence, if that makes sense.

Mr R.S. LOVE: Another provision on page 69, which is well ahead of where we are now, refers to the same thing. I will ask about that when we get there, and I daresay I will get the same answer.

I refer to proposed section 100 “Service methods for Part 5 documents” and proposed subsection (1)(c) on page 41 that states —

if the person consents to being served Part 5 documents by particular electronic means — by those means in accordance with regulations made for the purposes of subsection (2)(b).

At the moment, is that simply an email or, because it is an agreement, will something else be used?

Mr D.R. MICHAEL: Once this bill has passed through Parliament, the regulations will be drafted that will give a head of power to specify the electronic means. The intention will be to list “email” as the electronic means.

<032> B/5

With future technologies, that could expand. The example I have is that, theoretically, an infringement app could provide a push notification or something along those lines rather than being an email.

Mr R.S. Love: Or ServiceWA?

Mr D.R. MICHAEL: Whatever it is in the future, but at the moment the regulation would refer to an email.

Mr R.S. LOVE: Can I have a firm undertaking that the minister will not force people to use ServiceWA for this?

Mr D.R. MICHAEL: I encourage everyone to get on DoT Direct and use all the functions on it. As I said, the intention of the regulations will be to refer to email and it will be opt in only. The plan, obviously, is not to force people to use paper if they do not want to.

Mr R.S. LOVE: Thank you. Those regulations will not include anything to do with ServiceWA. That is encouraging. I have the minister's word for that.

I think we have nearly come to the point at which the minister will move his amendment because we are pretty well at the end of this clause. Before we do, perhaps the minister could explain the import of proposed section 101, and then we will deal with the amendment.

Mr D.R. MICHAEL: This is the offence when a person who nominates another driver as either an individual or a body corporate or owner of the vehicle knowingly gives false information. This is the offence of putting down the wrong person or saying that someone was driving who was not and all those kinds of things.

Mr R.S. LOVE: When the minister moves his amendment, can he explain what the amendment will do?

Mr D.R. MICHAEL: I will try. I move —

Page 41, lines 22 and 23, to delete “knowingly give information that is” and substitute —
give information that the person knows to be

Mr R.S. LOVE: This happens to me on these occasions. I cannot find the piece of paper that I want. I had an explanation sent to me by the minister's office, but it did not really tell me much.

Mr D.R. MICHAEL: I have an economics degree, not a law degree, so I do not know whether I will be able to help the member too much on this one, but I will read it out for the sake of the record.

Mr R.S. Love: If you can understand economics, you can understand anything!

Mr D.R. MICHAEL: I do not know about that. The amendment recommended by parliamentary counsel clarifies that the relevant knowledge is whether or not the information is false or misleading, not whether or not the information is given.

Mr R.S. Love: Right.

Mr D.R. MICHAEL: I am sorry —

Mr R.S. LOVE: Perhaps the minister could provide some further illustration of the impact of that change.

Mr D.R. MICHAEL: It is like supply and demand. This will clean up the words from a person who might knowingly give someone information to a person who knowingly gives false information. The words are mixed around. It took me a while to understand it. I do not know whether that is more helpful.

Mr R.S. LOVE: To clarify, the information must be both false and knowingly given. If the information was false but without the person knowing it was false, it would not incur the wrath of this proposed section.

Mr D.R. MICHAEL: No, the offence is when a person gives the department information and knows that it is false. That is what this change will do. It will clarify it.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 26 to 33 put and passed.

Clause 34: Section 143 amended —

Mr R.S. LOVE: This clause starts on page 50. I will ask a question on page 51. Subclause (2) says —

Note for this subsection:

In relation to paragraph (c), section 100(2) sets out what regulations may provide in relation to service of Part 5 documents

Subclause (3) refers to proposed subsection 143(5) and goes on to say —

Subsection (3)(c) applies to a requirement or permission to give a record whether the term “give”, “send”, “produce”, “disclose” or “serve”, or any other similar term, is used.

The original bill does not seem to have a paragraph (c), on my quick perusal. I wonder where paragraph (c) might be found.

Mr D.R. MICHAEL: I am told that this will allow for the provision of electronic documents for other sections of the Road Traffic Act and other road traffic legislation. The example I have is for oversized vehicles and some of the forms and paperwork that need to be either sent in or given to the department in person. This will allow some of that to eventually go digital.

Clause put and passed.

Clause 35 put and passed.

Clause 36: Part 9 Division 3 inserted —

Mr R.S. LOVE: These are the transitional provisions from the Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024. Can the minister explain how the transition will unfold when it goes live? We talked earlier about the existing systems et cetera as we change from one system to the other. What will it involve and what are the envisaged time frames et cetera?

<033> E/3

Mr D.R. MICHAEL: If someone commits an infringement a minute before midnight on the last day of the financial year, they will be charged under the current law. The system will be run by the police—the green form that goes out. The police will continue to run that legacy system, which I think is on its last legs, for as long as is needed to deal with infringements that happen in the lead-up to the change. If someone commits an infringement a minute past midnight, on 1 July, this law will apply, which means that persons will be allowed to apply for an extension or a payment plan through the Department of Transport. They will not be allowed to enter into a payment plan under the old system. The cut-off date is 1 July.

Mr R.S. LOVE: I refer to page 53 and proposed section 172, “Prosecutions for relevant offences must be commenced within 12 months”. Why was 12 months chosen as the length of time? Are relevant offences simple infringements or some other offences that may be incurred under the new provisions?

Mr D.R. MICHAEL: Under the current legislation, the time is already 12 months. After 1 July, the new legislation will take that time to two years. That decision was taken to stop people gaming the system. Prosecutions that occur before the commencement date will be subject to the old legislation. The period of 12 months matches the old legislation.

Mr R.S. LOVE: With regard to the relevant offence, is that one of the infringements or one of the other offences that occur? The proposed section refers to “a road law”. Does that also apply to information offences and other offences that are not simple camera infringements?

Mr D.R. MICHAEL: It applies to all Road Traffic Code offences, not things like drink driving but speeding, going through Stop signs and crossing double white lines.

Clause put and passed.

Clause 37: Various penalties amended —

Mr R.S. LOVE: Why is this clause necessary? It states —

In the provisions listed in the Table in the Penalty delete “Penalty:” and insert:

Penalty for this subsection:

Why were those sections chosen for this change in wording?

Mr D.R. MICHAEL: The sections in the table are the only sections left in the act that include the word “Penalty” instead of “Penalty for this subsection”. Other parts have already been modernised; we are just cleaning up the act.

Clause put and passed.

Clauses 38 and 39 put and passed.

Clause 40: Section 11 amended —

Mr R.S. LOVE: This clause refers to unpaid infringement amounts. It states —

- (1) In section 11 delete the definition of *modified penalty*.
- (2) In section 11 in the definition of *unpaid infringement amount* delete “penalty, and enforcement fees, specified in the order to pay or elect” and insert:

penalty or outstanding balance of the modified penalty, and enforcement fees, specified in the order to pay or elect or balance payment order

Is this a simple rewording to somehow make it more grammatically correct and to include the balance payment order specifically?

Mr D.R. MICHAEL: This is to allow for instalment payments and for someone who is paying an instalment who defaults on an instalment. It required a change of wording.

Mr R.S. LOVE: Will the payment arrangements that the government is talking about entering into be fixed terms and, if so, what will they be?

Mr D.R. MICHAEL: Obviously, the act allows someone to defer a payment by one month or—it is not an “and” but an “or”—going to the payment plan. That will be done in the regulations. I am told the intention at the moment is to allow for a four, six or 10-month plan to pay off the infringement.

Clause put and passed.

Clauses 41 to 63 put and passed.

Clause 64: Section 101AA amended —

Mr R.S. LOVE: We are getting towards the end of the interrogation, so fear not. The minister will soon be able to join the others in the courtyard.

We are told that section 101AA provides for the Magistrates Court may make an order to cancel an enforcement warrant issued under part 3 of the act. This clause seeks to make minor modernising and clarifying amendments to section 101AA(7).

<034> F/A

Clause 64 states —

Delete section 101AA(7) and insert:

(7) The Court may make an order cancelling the enforcement warrant if, on an application, the applicant satisfies the Court that the applicant received none of the following —

It then lists the infringement notice, the final demand et cetera. Will it be necessary for the applicant to have received absolutely none of those documents, or could there have been one document but no others? Could the minister explain what will be required to satisfy the provisions in this clause?

Mr D.R. MICHAEL: It will be if they can satisfy the court that they did not receive anything referred to in paragraphs (a), (b), (c), (d) or (e)—in other words, none of what is listed. If they did not receive an infringement notice, which is covered by paragraph (a), that would give rise to this scenario.

Clause put and passed.

Clauses 65 to 69 put and passed.

Clause 70: Section 12 amended —

Mr R.S. LOVE: Clause 70 seeks to make amendments to the section that deals with the road trauma trust account, which is a special purpose account. These amendments are necessary to enable the payment of the penalties for these offences into the road trauma trust account. Is it the case that, at the moment, the account receives only money from infringements that come from electronic means—cameras et cetera—and not from infringements issued by police officers on the road? Can the minister clarify whether that is the case and, if so, whether there is any intention in the future to change that to further bolster the road trauma trust account?

Mr D.R. MICHAEL: This is a tidy-up, I suppose, of some of the language to do exactly what the member just said. It is the policy of the state government and multiple other state governments that 100 per cent of funds that come from infringements from camera operations go to the RTTA. The wording here will clean that up to allow for new types of cameras to make sure that all the revenue that comes from those infringements will continue to go to the RTTA. The member is correct; fines issued by police officers with radar guns outside country towns—not that I have ever been caught doing that in my life!—will go to the Department of Transport for processing through that system, but that funding, as is currently the case, will not go to the RTTA.

Clause put and passed.

Clauses 71 and 72 put and passed.

Clause 73: Section 81G amended —

Mr R.S. LOVE: This clause deals with offences related to driving a motor vehicle that is fitted with a radar detector or when a radar detector is in or on the vehicle. A radar detector is defined as something that is capable of detecting an average speed detection system, speed measuring and recording equipment or speed measuring equipment. The clause will amend section 81G to include visual detection equipment. In respect of some of the systems that are installed in cars, it is possible with some of the map programs to know where devices are. Would they contravene these provisions? They could be loaded into the car system and updated daily by information received. It seems to me that this rewrite of the provision could potentially mean that people with this equipment in their car could be liable for a penalty. I just want to rule out that if people are driving a Tesla or whatever that tells them clever things about what is going on on the road, they will not inadvertently fall foul of this change.

Mr D.R. MICHAEL: Is the member talking about Google Maps or Waze, through which drivers are able to let everyone else know on the map that there is a camera up ahead? Yes? It is not a detector, so it would not be covered by this legislation. This refers to equipment capable of detecting average speed detection systems, speed measuring and recording equipment or speed measuring equipment. The main reason for the change is that it will bring under the definition of something that a radar detector could detect the new technologies that we are introducing as part of the legislation—the new types of cameras and trailers and things.

Mr R.S. LOVE: The contention is with this last bit, which provides that section 81G will also include visual detection equipment. Many cars now have their own onboard detection devices, but they also have feedback. I imagine that, traditionally, radar detectors could pick the radar beams. Now we are moving away from that as being a central element and including visual detection, as well as radar detection. Is that what I am reading here? If so, I am not entirely sure I am in agreement with the minister's answer.

Mr D.R. MICHAEL: This clause will just bring new equipment—being the trailers and cameras mounted on gantries on smart freeways that can detect seatbelt and mobile phone use—under the definition of something that a radar detector cannot detect under the legislation. Is the member confused? The new technology that we have been talking about —

Mr R.S. LOVE: But how could a radar detector detect a camera?

Mr D.R. MICHAEL: The camera uses radar to detect speed. Although the cameras look different from the old tripod ones, they still detect speed through radar.

Mr R.S. LOVE: And average speed cameras et cetera?

Mr D.R. MICHAEL: They all have spot speed at location. In the trial of the cameras, we had about 265 000 detections of speeding. I do not have the statistics in front of me, but I know that some of that was point speeding—someone driving past at speed—and some of it, because the trailers are paired up, was point-to-point. There were both in the trial, and we obviously expect that those infringements will come via this provision. The vehicle has to be moving for there to be a seatbelt or mobile phone offence, because if the vehicle has stopped, it could theoretically be parked, I suppose. It does need a radar.

<035> N/3

Clause 74 put and passed.

Clause 75: Section 40 amended —

Mr R.S. LOVE: Clause 75(3)(1A)(a) states —

if the infringement notice is issued under a law of another jurisdiction—the first time the matter is dealt with in a way that the regulations specify is to be treated as having been dealt with by infringement notice ...

Can the minister explain how that operates if someone is given an infringement from another jurisdiction? Is the fine from another jurisdiction? Can the minister explain this whole clause a little more? I read the explanatory memorandum, but I did not understand much more from that than from reading the act.

Mr D.R. MICHAEL: In the future, should there be a national agreement on demerit points, this provision would allow for a demerit point to be earned or taken off someone—however we want to look at it—in, say, New South Wales to then be applied in Western Australia. Currently that is not the case, but this would allow for it should there be a national agreement sometime in the future.

Mr R.S. LOVE: Is there work happening toward such an agreement? Are there any other jurisdictions that have this provision already in their legislation with whom we could come to such an agreement?

Mr D.R. MICHAEL: This is not a direct answer to the member's question, but this provision is already in the act. We have just moved it and redrafted the language. I am not aware of any current situation—I could be corrected. I have not been told that no-one is talking about it, but one thing that I have learnt in my time in not

only this place, but also local government everywhere is that national agreements take a lot of time, so it would surprise me if anything was underway. I could be proved wrong. But it is there in case anything happens.

Mr R.S. LOVE: Is there information sharing between the jurisdictions at the moment of offences committed by a Western Australian person in Queensland, for instance, or some other place? Is feedback already being given? Was that achieved by having some sort of national database?

Mr D.R. MICHAEL: Under the Road Traffic (Administration) Act there is a database. It is the National Exchange of Vehicle and Driver Information System, which is run by Austroads. I have four minutes. I know this because many, many years ago when I was on the City of Stirling council, I received an infringement from Victoria for quite a bit of money for some very fast speeding. It came to my address here in Western Australia. I wrote to the Victorian organisation—whatever it is called—the Transport Accident Commission and said that I was not in Victoria at the time. I had never been to the town where it was alleged that I had sped through, and I have never in my life driven the car model that it was alleged that I was driving. I think it must have been a Ford because I used to be a Holden guy before the Subaru. I wrote a lovely letter and said that it was not me. I sent it off, but the TAC did not accept it. It came back at me and said that I was still liable for a fine. Thankfully, it had happened on a Tuesday night. Member, what happens on a Tuesday night when one is a member of the City of Stirling council? There was a council meeting, so I was in the minutes. I sent the minutes to the TAC and said that I am a local government councillor and here is the proof that I was not in Victoria that night. I never heard from the TAC again. Therefore, this database does exist.

Mr R.S. Love: Right! Well, that was an interesting discussion. Thank you.

Clause put and passed.

Clauses 76 and 77 put and passed.

Title put and passed.