

sheriffs were called in and the person was literally hauled away to appear before a judge. The results were really impressive and for that reason it has been introduced in many states of the United States of America. The summary report of the 24/7 Sobriety Project states —

At the time the program was introduced, South Dakota had one of the highest rates of adults ... who reported driving under the influence of alcohol in the nation. ... nearly three-fourths of those involved in fatal crashes ... had a blood alcohol level of 0.15 or higher. The number of people killed in alcohol-impaired crashes in the state has declined steadily.

It goes on to state that from 2006 to 2007, alcohol-impaired traffic deaths in South Dakota declined by an impressive 33 per cent.

People on the program would have to report twice a day—on the way to work and on the way home. Technologies such as a bracelet record alcohol through the sweat glands. A person may not have needed to attend but if the alcohol is detected through the wristband—I think Lindsay Lohan had one of these at one stage—they are called in and sanctioned for having drunk when they have committed not to drink. As I said, not only were the results impressive in relation to alcohol and drug use, but also certainly domestic violence, civil abuse and neglect cases were similarly very much reduced.

The program has been evaluated by think tank Rand Corporation, which does a lot of work in the area of law enforcement and describes the program as having three major components: the ability to order an individual to abstain from alcohol; frequent alcohol testing; and swift, certain and very modest sanctions for a violation. Rand states —

When the program was first piloted in South Dakota ... those who were arrested for repeat drunk driving had to abstain from alcohol and participate as a condition of bond. Participants would go to the sheriff's office twice a day—every day—and blow into a breathalyzer. To rule out false positives, those testing positive for any amount of alcohol had to retest in approximately 15 minutes. If they failed the retest, they were immediately taken to jail, where they would stay for a night or two.

This was very different from the typical practice of ordering individuals to abstain from alcohol but testing irregularly, if at all. 24/7 Sobriety appeared to be creating a credible deterrent threat and holding participants accountable for their behavior while they remained in the community.

Rand concludes as follows —

... the 24/7 program is very promising because of its consistent and immediate consequences. Having those in place appears to be a real deterrent to drinking. When integrated into an area's existing justice system and carried out with fidelity, 24/7 Sobriety can reduce alcohol-involved crimes (such as drunk driving) and improve public health and safety.

I raise this program, firstly, because I had the privilege of seeing it in operation. Secondly, the results were quite impressive and I think it illustrates that we need to think a bit laterally in these cases. Doing the same thing over and over again will not produce different and improved outcomes. Having said that, as I said previously, good evaluation needs to occur. It is all very well having peak programs, but if we do not evaluate them and find on the evidence that they are working, maybe we need to revisit them. When we are trying to keep families together, trying to decrease domestic family violence and trying to make sure people retain their jobs—of course, having employment greatly minimises the risk of recidivism—I think the 24/7 program is an excellent one.

[Member's time extended.]

Ms M.M. QUIRK: There are two issues that I think are difficult for authorities to address—that is, the absolutely intransigent alcoholics and drug users who refuse sanction after sanction and cancellation of licence, time and again. However, they are a very small core of the offending population, so it is very difficult for anything to work for those individuals. Maybe in years to come, technology will be available. Yes, we have interlocking devices, but their operation requires something on the part of the driver and, frankly, the really hard cases will just get in another vehicle, but technology is helping. When I was on that same visit in the United States, both Volvo and, I think, General Motors had funding to develop a car that does not require a driver to blow into an interlock. Somehow, the technology is such that the car can sense that the driver has consumed excess alcohol and will not start. It was said at the time that it would be only a few years certainly before Volvo develops its car and General Motors is not far behind. It is another issue in that we need to be mindful that technology can solve some of these less-than-easy-to-solve problems.

The final issue I want to briefly talk about in the discussion of drug-driving is the fact that we have an ageing population. Many of our older Western Australians are on prescription drugs, and some of them mix them inappropriately with inevitable unfavourable consequences. It is not necessarily appropriate to punish people who are taking prescription drugs—of course, the legislation talks about illicit drugs—but the impact of inappropriately mixing drugs can be just as serious. If there is a little money in the road trauma trust fund, it might be worth doing some targeted education programs for our seniors to make sure they are taking their drugs as prescribed and not in lethal combinations or combinations that impair their driving.

With those remarks, I thank the Minister for Road Safety and the members for Belmont and Armadale for their very generous remarks. I do not want to delay the introduction and passing of the Road Traffic Amendment (Impaired Driving and Penalties) Bill 2019 any longer than necessary; I think more than four years is long enough. I thank the minister for implementing the recommendations.

MR P.J. RUNDLE (Roe) [5.40 pm]: I rise to also support the Road Traffic Amendment (Impaired Driving and Penalties) Bill 2019. The Nationals WA will support this legislation. This is quite important legislation and, as others have commented, it has been a while coming. This will be only a brief contribution, but I would firstly like to put out some statistics that relate to regional areas. As members know, regional communities seem to be the hardest hit by road deaths. Between 2008 and 2017, 25 340 people were killed or seriously injured in Western Australia. That is quite concerning, but regional communities were the hardest hit. The number of road deaths per 100 000 people in the Western Australian regions was 18.7, compared with 6.1 in Western Australia as a whole. That means that people in the regions are three times more likely to be killed or seriously injured on the road. That is obviously a real concern for all of us.

I have some more stats that I found very interesting. In the regions, 55.4 per cent of those killed or seriously injured were male, and 26.5 per cent were aged between 20 and 29 years. The behaviour statistics show that 8.2 per cent were not wearing seatbelts; speed was a factor in 15.8 per cent of cases; and 8.8 per cent of drivers or riders had a blood alcohol concentration of .05 or higher. I think that adds to the arguments for this legislation. I will cite some further drink-driving statistics from 2018, if I may. In 19 per cent of fatalities, alcohol was a factor, and 63 per cent of alcohol-related fatalities in 2018 occurred in regional Western Australia. That is of real concern, as is the fact that 22 per cent of fatalities tested positive to one or more illicit substances. That really adds to the combination, I guess one could say, of drinking and drugs.

WAtoday reported on 11 April 2018 that more than 250 people per month were being charged with drug-driving on WA roads. Figures released by the Western Australia Police Force in response to questions asked by the opposition showed that between 1 July 2017 and the end of January 2018, 1 760 people were charged with drug-driving offences in Western Australia. In the same seven-month period, a further 3 239 people were charged with drink-driving in the metropolitan area, while 1 945 people were charged with drink-driving in regional Western Australia. To me, that summarises my concerns about drink-driving, drug-driving and the combination of the two.

We need to use this legislation to give more freedom to the police. When I first read the bill, I actually found it quite hard to believe that the police did not have the power to prohibit from driving for 24 hours a driver who has tested positive on the roadside to the presence of illicit drugs. I admit that I have learnt something there, because I just assumed that that would be automatic—that people in those circumstances could just kiss their car goodbye, park it on the side of the road and that would be the end of it; they certainly would not be able to go back to it, but as it stands at the moment, that is not the case. As has been pointed out, Tasmania is currently the only other state where people can do that.

The legislation also introduces new offences to target people who drive with an illegal level of alcohol and prescribed illicit drugs. At the moment, Victoria is the only other state that has such offences. It will also increase penalties for existing drink and drug-driving offences. That all comes into line quite well. The legislation also enhances and streamlines drink and drug-driving enforcement processes. At the moment, police have the ability to only test once; the legislation will introduce the ability to test again, and I think it goes without saying that that will be an important element of the legislation.

The member for Hillarys talked about regulations and ensuring future safety reforms to address new technological changes—for instance, instruments that do not actually exist yet. That was quite an interesting point. I do not know how we can actually legislate for something that does not exist, but I am sure the member for Hillarys will be asking questions about that during consideration in detail. I understand that technology obviously changes and improves all the time. With the different drugs that are going around, there will be a need for improved technologies as we go along. That will be an interesting element of consideration in detail that I will be keeping an eye on.

I think the Minister for Road Safety is on the right track with convictions for a second or subsequent offence—to have the ability to go back to the original offence and take it to the previous level under the counting rules, as they are described. I think that is fair enough, because if the initial offence is at a higher level, I do not see any reason why we should not be able to go back to it. That is covered under clause 64. I also note that the WA Police Union has advised that it is supportive of the bill, as I would imagine it would be.

I have highlighted a couple of things in the minister's second reading speech. I agree with the minister that this bill will send a message to drivers who are under the influence of alcohol and drugs that there is no place for them on our roads. When I look at some of the things that happen in regional areas, for that part of the population that seems to like to mix both elements—alcohol and drugs—that is not on. We have seen some examples of that. The one that sticks in my memory is the person who was affected by methamphetamine and was driving from Bunbury to Perth on Forrest Highway and weaving all over the road. There is heaps of dash cam footage of how the driver was almost deliberately attempting to run other drivers off the road. In the end, unfortunately, a vehicle that was coming in the opposite direction was run off the road, and the passenger lost their life. That is the sort of instance in which this legislation will come to the fore. It will certainly contribute to road safety by giving the police the

opportunity to implement measures that will get these drivers off the roads. I note the minister's comment that people who mix illicit drugs and alcohol are 20 times more likely to be seriously injured or killed in a road incident. That really sums it up. The bill also provides for drivers to submit to drug testing in line with current drink-driving enforcement powers, and removes references to obsolete equipment and processes such as urine sampling. That is obviously to keep up with modern technology; however, as has been pointed out, there is a bit of a concern that some of the technology has yet to be invented.

From my perspective, I worry about all our road users. The statistics bear out that, hopefully, this bill will be very effective in reducing drink and drug-driving. The wastewater methamphetamine statistics that came out recently for places like Bunbury show that meth use is increasing. There have been discussions in Parliament about the effectiveness of government action in curbing the use of meth and other drugs. This is a good piece of legislation, because it will act as a deterrent. I worry about road users on both metropolitan and regional roads. As I pointed out earlier, people in regional areas are three times more likely to be killed or seriously injured on our roads. The Nationals and I support this legislation. It is good that the Minister for Road Safety has brought this legislation to Parliament. It may have been a long time coming, but it will provide the police with powers that they previously have not had. It must be a real frustration for police to pull over a driver and not have the ability to force them off the roads. I certainly support the legislation in that respect.

MRS M.H. ROBERTS (Midland — Minister for Road Safety) [5.53 pm] — in reply: I thank the members for Hillarys, Kalgoorlie, Belmont, Armadale, Girrawheen and Roe for participating in the debate on the Road Traffic Amendment (Impaired Driving and Penalties) Bill 2019, and for their generally very constructive comments. They all indicated their support for this legislation, and that is, of course, very much appreciated. Members have made a lot of thoughtful comments about the bill. The bill deals primarily with people who drink and drive, or use drugs and drive, or a combination of both, and seeks to increase the penalties for that offence. As has been correctly noted by all the members who spoke on the bill, the chief consideration in this bill is the ability to put in place a 24-hour stop for a driver who is under the influence of methamphetamine. I turn to the report that was handed down a few years ago by the Community Development and Justice Standing Committee of this Parliament, titled "Are we there yet?" That is an excellent report, as I commented by way of interjection to the member for Armadale. That committee was chaired by the member for Girrawheen, and the continued interest and support of both the member for Girrawheen and the member for Armadale of road safety measures is appreciated.

As is often the case when we deal with road safety, just about every member in this place is a driver, so I expect everyone will have a view on road safety. We are also members of families and members of the community. I think it is only natural that all of us worry about our family members on the roads. Often we are worried not so much about the behaviour of our family members on the road but that of other road users. In this legislation, we are trying to deal with and crack down on people who use drugs and drive or drink and drive. We are doing that by increasing the penalties and putting in place a driving prohibition. When it comes to road safety, that is one part of the message. The member for Armadale and other members have commented that before the random breath testing legislation came into place, people thought it was okay to drink and drive. I have spoken to a lot of people whose experience in Western Australia, even after the RBT legislation came into place and it became an offence to have a blood alcohol content of .08 or higher, and, in turn, .05 or higher, was that that was okay, so long as they did not get caught. There was a view that if they were a bit over the limit and they took the back streets, that was okay, and hopefully they would get home safely and hopefully they would not get caught by the police.

Over the last 20 or 30 years, community attitudes to drink-driving have changed. Therefore, whilst this legislation deals with penalties, *sitting alongside that, we need a change in community attitudes. Thirty years ago, people thought it was okay to drink and drive. A lot of people thought they were still good drivers after a few beers or a few wines or whatever. These days, I think community attitudes have changed, dramatically. Most people now think it is abhorrent and repugnant that someone would drink and drive, or use drugs and get behind the wheel of a vehicle. Therefore, what is even more important than the penalties we put in place is community education and belief. We need to bring the community with us on matters of road safety. Often, Parliament has to take the lead. The community might not have had that perception had Parliament not had the foresight 40 years ago or so to bring forward legislation to put the .08 BAC measure in place. When it comes to road safety, we have to do a bit of leading. We have to be in the penalty space, which comes from us in Parliament, and we have to be in the enforcement space, which is about the number of random breath tests that the police do. The final part is changing community perception. All the recent statistics indicate that community attitudes to drink-driving have changed significantly over time, and that fewer people who are involved in fatal and serious crashes are under the influence of alcohol.*

Mr Acting Speaker (Mr I.C. Blayney), I realise that you will adjourn the debate in a moment. Tomorrow, when we come back to this bill, I intend to continue my remarks and to respond more directly to some of the issues that were raised by the individual members who spoke in this debate. That will, of course, include the questions that were put to me by the member for Hillarys and other members.

Debate adjourned, pursuant to standing orders.

Sitting suspended from 6.00 to 7.00 pm