Dear Honourable Mark McGowan MLA, Premier of WA, [wa-government@dpc.wa.gov.au](mailto:wa-government@dpc.wa.gov.au)

I am a responsible driver/ motorcycle rider/ 4WD enthusiast in WA and I vote. I have been made aware, that the amendments to the Road Traffic Act 1972 proposed in the Road Traffic Amendment (Impaired Driving and Penalties) Bill 2019 (the Bill) were passed by the Legislative Assembly in late November 2019.

The Bill will soon be considered by the Legislative Council.

I strongly oppose the amendment of Section 111 of the Road Traffic Act 1972 proposed in the Bill.

*Section 41 of the Bill (page 63, line 5) proposes to amend section 111:*

*The Governor may make regulations –*

*(a) For any purpose for which the regulations are contemplated or required by the ACT and may make all such other regulations as may, in the Governor’s opinion,*

*be necessary or convenient for giving full effect to the provisions of and for the due administration of, this Act, for the equipment and use of vehicles and for the regulation of traffic generally; and*

*(b) To regulate or prohibit, or anything that is necessary or convenient to be prescribed to regulate and prohibit –*

*I) Using a vehicle with a device attached to, or removed from, the vehicle: and*

*II) Using or possessing a device while a person is within or on a vehicle,*

My opposition is based on the following factors:

1. **Section 111 of the Bill has no relevance to the rest of the Legislation and is not included in the Explanatory Memorandum.**

2. **This section represents an infamous Henry V111 Clause which inappropriately delegates legislative authority to the Executive.**

3. There is no definition of “device” in the Bill so this could include a radar detector, a mobile phone, a navigation system with Waze or Google maps, a bull bar, a side awning, GoPro on a motorcycle helmet, even window tinting or any “device.

4. The legislation would also ban a passenger from using or having in his possession a prohibited device, such as a mobile phone, DVD, navigation system, PC or radar detector etc.

5. The present Police Minister states “that the executive will not use the power inappropriately”. But once in place, this section grants legislative authority now and in the future, to the Police and Road Safety Authority to ban any “device” they deem fit, without proper consideration or discussion by the voted Members of Parliament.

**As the Leader of the Government you are ultimately responsible, and I therefore call upon you uphold the principles of transparency and good governance to which you committed at the 2017 WA State Election and remove section 41 from the Bill..**

Yours faithfully,