

House: Legislative Assembly- Second Reading
Date: Wednesday, 29 November 2006
Member: Johnson, Mr Rob; ACTING SPEAKER; Quigley, Mr John; ACTING SPEAKER; Waldron, Mr Terry; O'Gorman, Mr Tony; **Castrilli, Mr John**; Kucera, Mr Bob; McGrath, Mr John; Simpson, Mr Tony; Cowper, Mr Murray; Woollard, Dr Janet
Subject: ROAD TRAFFIC AMENDMENT BILL 2006
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MR G.M. CASTRILLI (Bunbury) [4.56 pm]: I support the thrust of the legislation and also the amendment foreshadowed by the member for Hillarys. I agree with everything that has been said.

Bunbury has a major issue with hoons, who probably think that their behaviour is okay because they cannot see any victims. They might claim it as a victimless crime and ask what damage is done by laying rubber, having smoke come from car tyres and making excessive noise. They are probably having fun and cannot see any physical damage. As the member for Hillarys and other members have said, some people are intimidated by the excessive noise that occurs at all hours from early in the morning until late at night. Some of the people who have approached me have said they have been fearful about going out. One case that was absolutely stupid occurred in a school zone when children were coming out of school. I was on the street when I heard the screeching of tyres. I and other people turned to look. The young driver saw us looking, put his head out of the window, pulled a face and made a noise. He thought it was a big joke to be laying rubber and showing how tough he was. Because that occurred in a school zone when children were leaving the school, he could have caused serious physical damage or maybe even death. Many people feel threatened and intimidated by the irresponsible action of such hoons.

I am happy to support any legislation that tightens the law governing this. I certainly support the amendment that the member for Hillarys has foreshadowed, because people I have met are sick and tired of the behaviour of hoons. Some people who live at a T-junction came to see me. They were absolutely frustrated because they had been to the police on several occasions to report a hoon. They had given the police the registration number of the car and told the police who the person was. They were fed up and frustrated because police had told them that they could not do anything about it because they had to catch the person in the act. Those people said what a joke the law was.

Mr R.C. Kucera: That is a bit of a cop-out by the police.

Mr G.M. CASTRILLI: I can say only what I have been told.

Mr R.C. Kucera: Those people would be absolutely right. I have had similar complaints brought to my office, and I probably know better than anybody.

Mr G.M. CASTRILLI: They said that it was a joke. They said that they saw this going on and could identify the car and tell the times when the incidents happened. They said they could give all the details, yet nobody would do anything about it.

I am very happy with this legislation and the proposal to change the intent of the act, as the member for Joondalup and others have said, so that police do not have to be on

the spot to catch these people. The citizens themselves can give corroborated and supporting evidence to back up the charges. I am all for that because I think it is a good starting point. People will know that if they have the evidence, it will not be solely up to the police to be on the spot when the offence is committed. As I have said many times before, policing is a whole-of-community activity. We are there to back up the police because they are our agents in the field. We need to be able to back them up.

I have held several community meetings that the senior police officers in Bunbury have attended. The inspectors and the senior sergeant have been absolutely fantastic. They have come to every public meeting I have had to talk about community issues. What issue comes up? It is hoons. The police also get frustrated at not being able to meet the community's expectation of being able to put these offenders away. They know that the law can go only so far. I am sure the police in general will welcome this change in the law and hopefully the minister will agree to the amendment the member for Hillarys has put forward.

As we all know, the majority of people do not want to jump up in public and scream and shout about everything. The majority do not want to be in the limelight. They are the quiet majority, if I can put it that way. However, they are at the end of their tether. They feel they have nowhere to go. I hope the minister will agree to the foreshadowed amendment, which will strengthen the bill. It will go some way to fixing the situation.

The procedures people have to go through to catch hoons have really turned them off. They get frustrated. Some of the people who have come to see me have said they do not necessarily want to see a young kid brought before the court, because it might be his first offence. They would like to be able to hand the details to the police so that the police can knock on the offender's front door and say, "Listen here, Charlie Brown, you've been spotted. We've got witnesses. If they want to take this further, you're gone. Take this advice: do this again and you're gone." Some of my constituents have said that maybe a good talking-to -

Mr R.C. Kucera: The police can do that now, but they don't.

Mr G.M. CASTRILLI: I am not au fait with the Police Act and what police may or may not do. If that is the case, maybe they should do it more often. As the member for Wagin said, we were all young once, and a lot of this type of behaviour might be stopped by a really stern talking-to by the police. I remember the police used to do that many years ago when we were young. I think the member for Yokine knows what I am talking about. Police used to say that they would come and see our fathers, and we started to pack it a bit. It was a case of, "Don't go and see dad. Sorry, I won't do that again." My father said to me that if he found out that I had got into trouble, it would not matter what it was, when I came home he would give me exactly double. I wanted to put that on the record.

This is a major problem and it is getting worse. Everywhere one goes, burnt rubber can be seen on the roads. I have seen people go through fences after having lost control of the car. It is easy for somebody to be injured and to lose their life. I welcome the introduction of this bill. Hopefully, the government will agree to the amendments. The capacity for the community to become involved and to corroborate

evidence and for the police to investigate and use that evidence to impound a vehicle is a major step forward.

Mr J.C. Kobelke: The increase from two days to seven is very poorly conceived and reflects the opposition's total lack of understanding of the legislation. I will explain that when I respond.

Mr G.M. CASTRILLI: I hope the minister does provide an explanation. Currently, the perpetrators do not care.

Mr J.C. Kobelke: The main part of the legislation enables the police to take action on the evidence provided by other people.

Mr G.M. CASTRILLI: I am talking about the current situation. The perpetrators do not care because they know that nothing can be done unless the police are present. They are thumbing their noses at everyone. People can pretend to take down the licence plate numbers, but the police cannot do anything about it. The public is absolutely sick and tired of it. Antisocial behaviour is the number one issue. I am all for doing anything we can to strengthen the legislation and to send a tough message to the hoons that we are sick and tired of it and will not tolerate it any longer. From what I have heard members say, I believe we are agreeing with each other. It is just a matter of the amendment. I implore the minister to look at this. We have a good opportunity to send a message to the hoons that the community and members of Parliament will not tolerate that type of rubbish anymore. People's lives are in danger. The hoons have no regard for young people who are in schools and they have no regard for families or the elderly. The hoons are burning rubber at two o'clock and three o'clock in the morning. They do it because they know that nobody can do anything about it.

Mr R.F. Johnson: Like you, I believe that this the most common problem raised with members. Each constituent of mine who has talked to me about this problem has said, after realising that the hoons' vehicles are impounded for just 48 hours, that the vehicles should be taken away from the hoons for at least a month. Seven days is hardly enough.

Mr M.P. Murray: Why not just hang them! It would be far easier!

Mr R.F. Johnson: Does the member think they should be hanged? Can I quote the member?

The ACTING SPEAKER (Mr A.P. O'Gorman): Order, members! The member for Bunbury is on his feet.

Mr R.F. Johnson: I will quote him.

Mr G.M. CASTRILLI: The member for Collie-Wellington does not have any problems.

Mr M.P. Murray: Bring the tanks out from China and run them over!

Mr R.F. Johnson: I will use that quote too! I hope it is recorded in *Hansard*. They are your comments, not mine.

Mr G.M. CASTRILLI: I think I will just sit down, Mr Acting Speaker.

We were talking about the Acting Speaker's front lawn earlier. The member for Hillarys was talking about people driving on other people's gardens. Somebody told me that he was looking for somebody and that he was eventually found hiding in the long grass ringbarking the weeds. I do not know what people have been saying to the member for Hillarys, but I can tell him that some of my constituents have suggested a helluva lot worse punishment than what he suggested.

Mr R.F. Johnson: They are bound not to be as extreme as what the member for Collie-Wellington suggested!

Mr G.M. CASTRILLI: The member for Collie-Wellington does not have any problems in Collie - at least, that is what he tells me.

Mr M.P. Murray: They are law abiding people in my electorate.

Mr G.M. CASTRILLI: There are no hoons in Collie!

Mr R.C. Kucera: They are all terrified of him!

Mr G.M. CASTRILLI: The member for Yokine knows how it works. Everybody is scared of the top hoon in town, so they do not take him on! We say that in jest, member for Collie-Wellington.

Mr R.C. Kucera: You can say that; I couldn't possibly comment.

Mr G.M. CASTRILLI: Fair enough. I make the point to the minister and members that my constituents are sick and tired of hoons and their antisocial behaviour. I am sure the police will welcome any legislation to strengthen the current provisions because it will give them extra powers. The last thing the police or any of us want is complaints continually rolling in. If we can eliminate complaints by implementing appropriate legislation that will enable the police to take serial offenders off the road, everybody will welcome it. Society in general is sick and tired of their behaviour.

MR R.C. KUCERA (Yokine) [5.11 pm]: I think it was Robert Peel who said when he first established what we now know as a modern police force that the police are people and the people are the police, and the police are merely people who are paid to do what everybody else should do anyway. I was pleased to have some input into some of the policy issues surrounding this bill. The main thrust of the bill is to empower the public to do what they should do. It is as simple as that.

I will address some of the issues raised by the member for Bunbury. Under the present legislation, the police can take the actions that are enshrined in this bill. However, the process of collecting evidence and convincing people to go to court and give evidence is a convoluted process. I have been to court on these issues on a number of occasions. Subsequent to my leaving the police service a number of years ago, in my capacity as a citizen I have been prepared to go to court. Following an incident in which my wife and I were almost run down in Green Street, we were quite happy to go to court to give evidence. Even though the defendant was convicted, and as it turned out had had three previous convictions and had lost his licence for life, he was prepared to challenge my wife in court and call her a liar.

When this legislation is in operation, the challenge to both the government and WA Police will be to support people who are prepared to come forward and give

evidence. At the moment that does not occur. It is far too easy for young and even older and wiser police officers who ask people whether they are prepared to go to court, to dismiss complaints from citizens because they are unsure about going to court. That happens time and again, and I have seen that happen. As a former 35-year serving police officer, I say, as the member for Murray will agree, that is a cop-out - pardon the pun!

Mr G.M. Castrilli: I agree with your sentiments, and you probably agree that, as I said, the majority of people are unassuming and do not seek the limelight. Many of them are intimidated at the prospect of going to court.

Mr R.C. KUCERA: Absolutely. Facing a defendant's counsel in court can be very intimidating.

Many years ago when I was in the police service we were driving down High Road on a Sunday afternoon when a bunch of bikies drove past. As they drove past a car, one of the bikies slapped the driver across the face through his open window just for the hell of it and then looked back and grinned at him. The best part about that was that the bokie forgot about the car in front of him and ran into it. I should not have laughed at him, because he ended up going to hospital; nonetheless, I thought that was poetic justice.

My second point is that it is very important that we reinforce that and support the public generally when they give evidence against these idiots. We need to do that because regardless of the punishment that is imposed - I can say this after 35 years' experience - people do not consider the punishment when they do something wrong until they are caught. It is the only deterrent. The proof of this is that there are people in the Middle East running around with two hands missing. The only thing that prevents people from committing an offence is that they think they might get caught. It is as simple as that. The more that we can empower the public to do the job that they pay the police to do, the more important it will be. All the talk about hanging, capital offences and increasing penalties is a nonsense. What kind of idiot will walk into Hungry Jack's with a hand pistol and commit an armed robbery for a hamburger and \$15 when they know they will face 15 or 20 years in jail?

Mr G.M. Castrilli: They still do.

Mr R.C. KUCERA: Yes, because they think they will not get caught. The reason I support this legislation is that the more that the public support the police by going to court to give evidence and having that evidence acted upon, the more we will start to win back our strengths. All the talk about severe punishments comes to nothing if the idiots, hoons and galahs that I have dealt with over all these years think they will get away with it.

I will recount what happened to me when I was returning home from school in a Welsh mining town. The greatest neighbourhood watch person in the town was my Nanna Williams. She would sit at the window of her house, and as people walk down those streets in Wales all the women can be seen behind the curtains. I may have told this story before. When I was eight years of age I crossed Western Avenue on my way home from school and while Copper Smithy was talking to somebody on the other side of the road, I ignored him and walked across the road. I nearly got hit by a coal truck that was coming from the coal yards. The truck just missed me, and

Copper Smithy reeled me off the ground, gave me a kick in the backside and told me to stand by my bike. I wondered what I had done wrong, apart from being nearly bowled over by the truck. I had to stand there freezing to death in my short pants while my mates walked past. He then put me on the bar of his bike and took me home. I will never forget travelling that street in that Welsh mining town with all the curtains moving as we went past. We got to my house and my Nanna Williams' curtains moved. I walked in and Copper Smithy explained what had happened and that I had done something wrong. I found out years later that if I had been hit by the truck, he would have been filling in forms for about five months. Obviously he was upset about it. As soon as he left and the door was shut my grandmother gave me the biggest hiding I have had in my life; not because I had done anything wrong but, as the member for Bunbury said about his dad, I had brought the copper to the door and brought shame on the family. My mother gave me a hiding and I got those magic words, "Wait until your father gets home." I waited for about six hours and then got another hiding off the old man and my grandfather also gave me a hiding because it happened in his house. My point is that I learnt a very good lesson - either do not get caught or do not do anything to get caught for. The idiots get away with it and the public feel intimidated.

The police are under great pressure with their workload and unless people give evidence, such as my wife and I did a couple of years ago, and are prepared to say, "This idiot drove like this", the hoons will continue to get away with it.

Mr G.M. Castrilli: They will get off.