

**HANSARD**

**18 AUGUST 2010**

**GRIEVANCE**

**SPEED ZONE ENFORCEMENT**

**DR M.D. NAHAN (Riverton)** [9.34 am]: My grievance is to the Minister for Police and relates to speed zone enforcement on non-school days. It relates to the central principle that if we are going to step up more rigorous enforcement of speeding penalties—including higher fines and more restrictive zones, particularly in school areas—we have to make sure that we get it right.

A couple of weeks ago a constituent came to my office on behalf of his daughter, who is a schoolteacher in Gosnells. She was pinged by a Multanova camera doing 51 kilometres an hour in a 40 kilometre-an-hour zone during a school holiday, outside her own school. Speeding outside schools is not to be condoned; we applaud the police for enforcing the 40-kay zones and, in fact, many schools in my area which it was more rigorously enforced.

Unfortunately, this supposed infringement occurred when the school in question was not in session, on 19 July 2010. The Department of Education had designated that date as school holiday time, and my constituent knew this because she is a teacher at that school. That day was a Monday, and according to the most recent information published by the Department of Education, it was still school holiday time, being a pupil-free day for teachers to undertake planning and administration activities prior to the commencement of third term the next day, 20 July.

Unsurprisingly, my constituent was unaware that the Department of Education had given notice, on page 3 950 of the *Government Gazette* 148, dated 15 September 2003—yes, seven years ago—that the third term for 2010 would start on 19 July, which was the day that she was pinged. This was the schedule that the police followed in their enforcement; that is, they looked at the book and sent the Multanova person out there, but they were unaware that the date had been changed.

My constituent, based on advice from my office, wrote to the Minister for Police seeking a waiver of the infringement. The police infringement management section has subsequently advised my office that it has no discretion in the matter, and that the infringement stands. It can, of course, be challenged in court, but why would one do that for \$150, particularly when the efforts outweigh the savings made in seeking a magistrate's ruling in one's favour? There is also the chance that the case may be lost.

This is clearly a case about which something needs to be done. It is plainly ridiculous to penalise someone under these circumstances. I understand that my constituent is not the only person—indeed, not the only teacher from that school—who was fined on that day; most of them just gave in. There are two things that need to be done, in my view. Firstly, police need to exercise some sensible discretion in such cases. Secondly, the education department needs to ensure that any revisions to school terms are published in the *Government Gazette* in a timely manner.

I realise that we are dealing with very large and complex bureaucracies—the Department of Education and Western Australia Police—and that communication between the two is sometimes convoluted, but \$150 is a large sum and teachers do not like to be fined in front of their students. If we are going to raise the bar for fines, we have to make sure that we raise the bar in coordination. I ask the Minister for Police to look into this.

**MR R.F. JOHNSON (Hillarys — Minister for Police)** [9.37 pm]: I am delighted to look into this. In fact —

**Ms M.M. Quirk:** You should've already, minister!

**The SPEAKER:** Member for Girrawheen! Members in this place seem to think that when another member raises a grievance, they have full rein in this place to be part of the grievance also. That is not the process. The grievance is from one member to a minister. I understand some modest interjections; but the minister has the call at the moment to respond to the grievance from the member for Riverton.

**Mr R.F. JOHNSON:** Thank you, Mr Speaker, and I appreciate your protection from the member for Girrawheen, which I obviously desperately need!

I say to the member for Riverton that I am aware of the contact he has made with my office and that I am also aware of the contact his constituent made last month. On 19 July a Multanova was set up for a normal school day operation.

The operators were unaware that the school in that particular zone would not be open that day. As the member quite rightly said, school days are gazetted, and that is what the police camera division work on when they police school zones. If a school elects to not open because of a pupil-free day or a staff development day, the police will not be aware of it.

If dates are gazetted as school dates, then the police camera division go out and set up their Multanova cameras. Technically, under the law, people who travel greater than 40 kilometres an hour are contravening the Road Traffic Act. However, commonsense must always prevail in these things. I did receive other complaints from people who had been pinged.

I find it strange that camera operators would set up a camera and are pinging people for travelling at more than 40 km an hour in a school zone where there are no children—perhaps they did not realise! I would have thought that some commonsense would apply and they would perhaps have sought direction from a senior officer. That did not happen. They are paid to do a job.

They did the job, and they pinged people travelling more than 40 kilometres an hour in that school zone. I should say that another school further down the road was open. However, the school in question was gazetted to be open but it elected not to open on that particular day. Notwithstanding that, as I said, commonsense must always prevail.

The member for Riverton referred to schools in Caulfield Street, Willetton, where speeds were checked; and I think that speeds at another school in that area were checked as well. However, I can tell members in this place that 68 infringements were issued on that particular morning for exceeding the speed limit in a school zone that was put in place by gazettal method. I could see that it was a nonsense that we were pinging people for travelling over 40 km an hour when the school was not even open.

**Mr P.B. Watson:** Minister, what about putting flashing lights at the school?

**Mr R.F. JOHNSON:** I will come to that, member for Albany. I could see this was a no-brainer, and I did not believe that people should be pinged for travelling at or below the normal speed limit outside a school when the school was not even open. That is a nonsense. What happens is that we lose the goodwill of the average motorist, because we are pinging them for what they see as not really breaking the law. Technically, they were, because it was the gazetted day, but commonsense must prevail in all these sorts of situations.

**Ms M.M. Quirk:** What are you doing, minister?

**Mr R.F. JOHNSON:** I will try to cut a long story short.

**Ms M.M. Quirk:** I am hanging on the minister's every word. I want to know what the minister is going to do to remedy this problem.

**Mr R.F. JOHNSON:** I have already done it! There is an old saying: never show a fool—or the member for Girrawheen—a half-finished job. I have to tell the member for Girrawheen that I have finished the job. I have spoken to the commissioner.

**Ms M.M. Quirk:** I am sure it applies to my constituent too!

**Mr R.F. JOHNSON:** I am responding to a grievance from the member for Riverton.

**Ms M.M. Quirk:** I am sorry, but it applies to one of my constituents too.

**Mr R.F. JOHNSON:** The member for Girrawheen should listen carefully then!

**The SPEAKER:** Take a seat, minister, and member for Riverton.

**Dr M.D. Nahan:** I am here acting on behalf of the —

**The SPEAKER:** Take a seat, member for Riverton. Member for Girrawheen, I was very subtle in my former warning to you. I am not going to be so subtle now. I am formally calling you for the first time. We have a process in this place that people are allowed to make a grievance, which the member for Riverton has done. He is expecting an answer from the Minister for Police. I am expecting an answer from the Minister for Police. The member for Girrawheen might also be expecting one, but it is not her grievance.

**Mr R.F. JOHNSON:** I will conclude fairly soon, but I want to share with the house, and particularly the member for Riverton, the good news. Somebody interjected and asked, "What are you going to do?" I have actually done something! The moment I became aware of this, I contacted the Commissioner of Police. As a minister I cannot direct the infringement section of the police department to carry out a certain course of action. That would be illegal for me to do, and totally inappropriate.

What I did do was contact the commissioner and had a meeting with him. Once I explained the situation to him—obviously he was unaware of this particular anomaly that took place—he agreed with me that it was an absolute nonsense and that people should use their commonsense. The good news is that all of those 68 infringements have been withdrawn.

None of those people will have to pay those fines, and none of those people will have any demerit points deducted from their licences. Commonsense has prevailed.

**Dr M.D. Nahan:** Will the police communicate with the recipients of the infringements?

**Mr R.F. JOHNSON:** Yes. All but two infringement notices related to travelling at under 60 kilometres an hour, and those two infringement notices were for travelling just slightly over 60 km an hour, and those two have been withdrawn as well because the commissioner agreed with me that it is unreasonable to ping somebody for doing one or two kilometres an hour over the speed limit. That is the good news that the member for Riverton can tell his constituent now.

All of the 68 people who received infringement notices—if they have not already received them—will be getting notification that their infringement notices have been revoked and they will not have to pay a fine or have any demerit points on their licences. That is good news. Once again, commonsense has prevailed.