



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON URBAN SERVICES

REPORT NO.37 NOVEMBER 1999

MOTOR TRAFFIC (AMENDMENT) BILL (NO.4) 1998

RECOMMENDATIONS

1. *The committee recommends that the Motor Traffic (Amendment) Bill (No.4) proceed but with amendments incorporating the following:*
 - *The definition of burnout be in line with that used in the NSW legislation*
 - *The approvals process (for an approved event) be simplified in line with the amendments moved by the Minister for Urban Services*
 - *The officer approving an otherwise prohibited activity be the Registrar of Motor Vehicles rather than the chief police officer*
 - *That, before approving an event, the Registrar be required to liaise with the chief police officer and with those citizens likely to be immediately effected by the event (such as residents living adjacent to the area where the event is to take place)*
 - *That the legislation provide for the Administrative Appeals Tribunal to review a refusal by the Registrar or the imposition of a condition on such an approval*
 - *That the legislation clearly identify the conduct in respect of which a permit can be sought; and that it also clearly identify any approved exemptions from other provisions of the Motor Traffic Act*
 - *That the use of any ‘substance’, liquid or lubricant used in conjunction with prohibited conduct attract an increased penalty*
 - *Provision be made for police to be held liable for theft of an offending vehicle if their negligence contributed to the theft*
 - *That the penalties for prohibited conduct be graduated, being greater where the conduct is a repeat offence and/or where it endangers the public; and that, following on from this point, that the prosecution be permitted to give details of the severity of an offence to the magistrate*

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- *That, in relation to alleged offences, the legislation provide for the use in court of sworn statements by the public.*
- 2. *The committee recommends that an extensive education campaign accompany the introduction of the Motor Traffic (Amendment) Bill (No.4). The campaign should aim to widely publicise the provisions of the amending Bill.*
- 3. *The committee recommends that the new legislation be closely monitored after it is introduced and, in particular, that the government advise the Assembly in writing of how the amending legislation is working at the end of its first six months and its first year of operation. This advice should incorporate comment by departmental officials, the police, motorists, event organisers and the Registrar of Motor Vehicles.*
- 4. *The committee recommends that the government advise the Assembly of suitable sites in the ACT (and in the surrounding region) where activities such as burnouts and motor racing might be conducted legally and under appropriate supervision. The government's advice should include consideration of suggestions by Mr Chick Henry that the existing burnout pad and motor strip at EPIC be moved to locations, still within EPIC, that are further removed from residences.*

STANDING COMMITTEE ON URBAN SERVICES

The committee was established on 28/4/98 to inquire into and report on planning and lease management, road and transport services, housing and housing assistance, government purchasing and public utilities purchasing, electricity industry and regulation, construction industry policy, parks and forests, private sector employment inspectorate, building services, environment, heritage and municipal services and any other matter under the responsibility of the portfolio minister.

1. Committee members

Mr Harold Hird MLA (Chair)

Mr Dave Rugendyke MLA (Deputy chair)

2. Mr Simon Corbell MLA

Secretary – Mr Rod Power

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INTRODUCTION

1. On 9/12/98 the Legislative Assembly resolved to refer the Motor Traffic (Amendment) Bill (No.4) 1998, together with the amendments circulated by Mr Hargreaves MLA and the Minister for Urban Services, to the Standing Committee on Urban Services.

CONDUCT OF THE INQUIRY

2. In May 1999 the committee invited public input by way of advertisements in the Public Notices section of the *Canberra Times* and in the *Chronicle*. The committee subsequently received ten written submissions. In alphabetical order, these were from the ACT Government, Mr Allen, Mr Attwell, Braddon Business Precinct (Mr Kirchner, convenor), Mrs Clarke, Ms Cotter, Mr Chick Henry (Summernats promoter), Ms Jermolajew, Mr Neal, and the Rotary Club of Canberra City (Mr Templeton).

3. On 8 July 1999 the committee traveled to Newcastle NSW to discuss matters raised by the Motor Traffic (Amendment) Bill (No.4) with officials of Newcastle City Council; Newcastle Police; and representatives of Sydney Speedway, which operates the Tomago Speedway near Newcastle. The committee's visit followed informal advice that Newcastle's experience with burnouts has significant lessons for the ACT. The committee extends its appreciation to those it met in Newcastle.

4. On 6 August 1999 the committee held a public hearing in the Legislative Assembly during which the following persons addressed the committee: officials of the Department of Urban Services [DUS], Transport & Housing Policy Branch; Australian Federal Police Association (Mr Byrnes, Branch secretary); Braddon Business Precinct (Mr Lourandos and Mr Highley); Mr Fisher; and Mr Chick Henry.

5. The committee discussed the nature of this report, in private, on several occasions.

MOTOR TRAFFIC (AMENDMENT) BILL (NO.4) 1998

6. The Motor Traffic (Amendment) Bill 1998 is a Private Member's Bill by Mr Rugendyke MLA. It has the following features:

- it defines the term 'burnout'
- it prescribes penalties for burnouts—and races between motor vehicles—on a public street
- it provides for the Territory's chief police officer to grant approval in writing for a race or burnout
- it prescribes for a person's driving licence to be cancelled if a court convicts them of an offence in relation to burnouts or racing on a public street

- it allows a police officer to seize a motor vehicle ‘if the officer suspects on reasonable grounds’ that the vehicle has performed a burnout or race. The police then have 28 days to commence a prosecution
- it prescribes, where the court convicts a person of such an offence, for a motor vehicle used in connection with the burnout or race to be impounded for a period of three months (first offence) or to be forfeited to the Territory (second or subsequent offence)
- the court may vary the length of impounding or dispense with it altogether or commute a forfeiture ‘to avoid undue hardship to any person’
- the Bill provides for the court to order that a vehicle be delivered to the chief police officer if it has not already been impounded
- it also provides for an impounding or forfeiture to be appealable
- it enables the Territory to sell or dispose of a forfeited vehicle
- it provides for the court to order the release of an impounded vehicle to an applicant ‘if satisfied that the applicant is entitled to possession of the vehicle; the release of the vehicle would not be against the public interest; and either the offence was not committed with the consent of the applicant and that the applicant did not know, and could not reasonably have been expected to know, that the vehicle would be used for the commission of an offence, or retaining the vehicle would cause undue hardship or other injustice to a person’.¹

AMENDMENTS MOVED BY THE MINISTER FOR URBAN SERVICES

7. The amendment Bill moved by the Minister for Urban Services ‘simplifies the permit processes proposed by Mr Rugendyke. Under the Bill presented by Mr Rugendyke an approval is required for a person to conduct an event consisting of prohibited behaviour as well as an approval for a person who wishes to operate a motor vehicle in an approved event. The amendment Bill moved by the Minister for Urban Services removes these cumbersome provisions and replaces them with one permit approval process for a person who wishes to engage in prohibited conduct’.²

8. Further, ‘the administrative task of granting approvals to persons to conduct prohibited activities will lie with the Registrar [of Motor Vehicles] as this is more appropriate than the Chief Police Officer’.³ This reflects the government’s view that it appears to be more efficient for the Registrar to issue permits, given that official’s existing obligation ‘to have regard to safety’ in relation to other sections of the *Motor*

¹ Clause 6 proposed new section 139Q

² Government submission dated 24/6/99 p15

³ *ibid*

*Traffic Act.*⁴ Also (suggest the government's submission) it can be argued that the decision to issue an approval or permit is more in the nature of an administrative decision than a law enforcement one. The submission also suggests that the Registrar 'could' consult the chief police officer before issuing a permit.

FURTHER COMMENT BY THE GOVERNMENT SINCE THE MINISTER MOVED HIS AMENDMENTS

9. The government submission (dated June 1999) drew attention to the following aspects of Mr Rugendyke's Bill:

- 'police have experienced difficulties controlling burnout activity with the existing legislation... Although police have previously endeavoured to use the dangerous or negligent driving provisions of the *Motor Traffic Act* to curb racing and burnout activities, the courts have held the view that often such behaviour does not amount to the legislative offence'⁵
- existing legislation does not regulate the situation where a person knowingly places substances such as petrol or oil on the surface beneath a vehicle doing burnouts⁶
- the proposed legislation 'should...act as an effective deterrent... [and] will assist residents in close proximity to areas where burnouts area conducted, and reduce damage to road surfaces'⁷
- the government considers that 'persons wishing to engage in... unsafe behaviour such as racing and burnouts... should only be allowed to do so where the interests of safety have been considered by the appropriate authority'⁸
- 'successful experience from NSW shows that enforcement provisions... should include the ability of relevant authority to disqualify a person's licence, seize, impound and possibly forfeit an offender's vehicle'⁹
- 'NSW Police have also advised that the introduction of the legislation has had the effect of dispersing large crowds observing racing and burnouts activities. Associated problems such as consumption of liquor have also dissipated. Advice indicates that although activities such as burnouts still occur, the level of this activity has been reduced significantly'¹⁰

⁴ ibid p13

⁵ ibid p6

⁶ ibid

⁷ ibid p7

⁸ ibid

⁹ ibid

¹⁰ ibid p8

- NSW Police have developed operating procedures which include the following: ‘where confiscation of a motor vehicle is contemplated, approval of a supervisor must be obtained; where the offence is not witnessed by police, confiscation is not recommended; police ensure that confiscated motor vehicles are not stolen; police are directed not to drive a confiscated vehicle and vehicles are therefore towed; and all damage to the vehicle and property in and around the vehicle is noted before confiscation’¹¹
- ‘most jurisdictions in Australia do not have legislation similar to that in force in NSW concerning racing and burnouts’.¹² (Attachment G to the government’s submission lists relevant provisions in other states and the Northern Territory)
- ‘recent experience in NSW has shown that the list of substances [placed under the tyres of vehicles doing burnouts] is too limited’ and therefore it would be beneficial for the legislation to prescribe ‘that any “substance”, liquid or lubricant used in conjunction with prohibited conduct will attract an increased penalty’¹³
- it would be desirable to provide that ‘police do not escape liability for theft if their negligence caused or contributed to the theft’¹⁴
- ‘there should be a review available to the Administrative Appeals Tribunal if the Chief Police Officer (or Registrar if amended) refuses the application’ to conduct a race or burnout. This is because a refusal would mean that the person could not conduct the event and therefore it could potentially cause financial detriment¹⁵
- similarly, ‘there should be a review available to the Administrative Appeals Tribunal for the imposition of a condition on the approval’.¹⁶

10. The government submission also noted that ‘the Bill proposed by the Minister for Urban Services has been examined further since the amendments were moved in the Assembly’ and the following refinements are suggested:

- ‘the amendment should set out clearly in section 217 the conduct in respect of which a permit can be sought... This will make the provision more accessible to those who want to know in respect of what activity the law requires they obtain a permit’¹⁷
- ‘some provision ought to be made to allow the organiser of... an [approved] event to obtain the necessary permit on behalf of all the drivers’ rather than each driver having to obtain an individual permit¹⁸

¹¹ ibid p9

¹² ibid p10

¹³ ibid p11

¹⁴ ibid p12

¹⁵ ibid p13

¹⁶ ibid p14

¹⁷ ibid pp15-16

- ‘the Bill should make it clear how the Registrar is to be notified as to the identity of the participants covered by the exemption’.¹⁹

11. The government submission also pointed out:

- ‘the AFP City Station has been identified as a temporary holding yard for vehicles that are seized. The AFP Mitchell Depot will shortly move near to the ACT Emergency Services site in Belconnen (on Lathlain Street). This Belconnen site has capacity for approximately 30 to 40 vehicles. The AFP perceive that the capacity of this site will not be sufficient to hold vehicles... [but the government considers that Newcastle’s experience suggests] that the storage facilities in the ACT may be adequate’.²⁰
- ‘the AFP also perceives that the introduction of provisions such as forfeiture will require increased police staff. However, it should be noted that NSW Police in Queanbeyan and Newcastle advise that with the introduction of racing and burnouts legislation in those areas, there was no increase in police staff or other resources’.²¹

12. In relation to possible sites for approved racing and burnout activities, the government submission stated that ‘the Canberra International Dragway is an appropriate site for... [such activities]. No other appropriate site has been identified in the Canberra region’.²²

13. The government submission states that ‘the key stakeholders in relation to the legislative proposals are... [the] Australian Federal Police, [the] Registrar of Motor Vehicles, [and] organisers of vehicle events and competitions’.²³

14. The government submission adds that ‘any legislation proposed for the ACT should also take into consideration the [report of] the Standing Committee on Justice and Community Safety’ on Mr Ruggedyke’s Bill.²⁴ This report stated:

- ‘there is no provision for the review of an exercise of the power of the chief police officer to refuse to grant a permit’
- ‘the concept of the “trial of a motor vehicle” (used in various of the proposed new sections of the Act) appears to be very broad, and might include the activities of motor mechanics testing vehicles after repairs’

¹⁸ ibid p16

¹⁹ ibid

²⁰ ibid p17

²¹ ibid pp17-18

²² ibid p20

²³ ibid Attachment D

²⁴ ibid p20

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- ‘the approvals and permits to be granted under... proposed new sections... may be expressed to exempt the event approved from a specified provision of the Act relating to the affixing of silencers, the rules of the road, or the speed of vehicles... There are a number of drafting problems with these provisions...’²⁵

15. The government submission includes an attachment entitled *Regulatory Needs Analysis and Business Impact Statement* which states, among other things:

- ‘The Australian Federal Police (AFP) has advised that it opposes the proposals in Mr Rugendyke’s Bill for forfeiture of vehicle on the basis that “administration, storage, security and logistical requirements would create a considerable burden on police resources”. The AFP has expressed a preference for legislation where offenders would attract high penalties and incur driver demerit points. The Department of Justice and Community Safety supports this approach’²⁶
- ‘the Department of Urban Services will seek close consultation with the AFP to monitor the proposed legislation as soon as it is enforced by any officers. The Department will also seek a review of the operation of the legislation three months into implementation’.²⁷

AMENDMENTS MOVED BY MR HARGREAVES MLA

16. The amendments moved by Mr Hargreaves MLA ‘remove the offences of the trialing the speed of a motor vehicle and competing in a trial designed to test the skill of a driver’.²⁸

17. Further, ‘the offence of knowingly conducting a burnout where petrol, oil, diesel fuel or other flammable liquid has been placed under the tyres of the vehicle has been removed’.²⁹

18. Importantly, ‘the amending Bill proposed by Mr Hargreaves differs from the other proposals by removing the power of seizure of vehicles, forfeiture of vehicles and impounding of vehicles. [And] the penalties in the amendments are also set at a lower level than the Bill presented by Mr Rugendyke and amendments moved by the Minister for Urban Services’.³⁰

²⁵ Standing Community of Justice and Community Safety (incorporating the duties of a Scrutiny of Bills and Subordinate Legislation Committee) Report No.12 of 1998 (24/11/98)

²⁶ Attachment to the government submission of 24/6/99

²⁷ *ibid*

²⁸ Government submission p18

²⁹ *ibid*

³⁰ *ibid*

PUBLIC COMMENT (in alphabetical order)

19. The Australian Federal Police Association [AFPA] strongly endorses the proposal to seize vehicles and if necessary – in cases of repeat offenders – to sell vehicles involved in burnouts... and the profits go back to the Territory'.³¹ The AFPA stated that, if the legislation is introduced, then ‘within a week or so of the first cars being seized, word will be quickly around... and I think we will see a noticeable change in behaviour'.³² This is because the people doing burnouts and street races ‘value their car’ above their licence, meaning that the demerit points system does not deter them.³³

20. The AFPA stated that it is desirable the proposed legislation go hand in hand with extensive education of the community about the provisions of the Bill. Also, the AFPA considers that courts should have the power to release vehicles in certain circumstances. The AFPA looks forward to the installation of cameras within all police vehicles ‘within the next 12 months’, because this will be key evidence for convictions.³⁴

21. The AFPA supports the provision of an alternative location which is safe and off public streets, where people can legitimately undertake burnouts and racing; but the AFPA emphasises that ‘the overriding emphasis has to be on the penalty’.

22. Mr Allen submitted: ‘get tough on illegal racing with licence removal, vehicle confiscation and a zero tolerance attitude but above all PROVIDE ANOTHER VENUE!’³⁵

23. Mr Attwell submits that ‘there are locations within the ACT under government and/or business control that would be suitable’ sites for burnouts and races.³⁶

24. Braddon Business Precinct submits that ‘the current situation makes Braddon a dangerous place to be on Friday nights’.³⁷ This affects both local businesses and local residents.³⁸ The Precinct supports the imposition of penalties for racing and burnouts in public streets. The Precinct does not comment on the proposals to seize, impound or forfeit vehicles. The Precinct supports the provisions permitting ‘registration of an approved road event... We are concerned though that there is no mechanism in the *Approvals—application* section for contact with effected residents, businesses or broadly any general community consultation. We would be happy with an addition... which allows for effected residents to be contacted prior to an event being held’.³⁹

³¹ Transcript 6/8/99 Mr Byrnes (secretary of the AFPA)

³² ibid

³³ ibid

³⁴ ibid

³⁵ Submission dated 29/5/99 (emphasis in original)

³⁶ Submission dated 15/6/99

³⁷ Submission dated 18/6/99

³⁸ Transcript 6/8/99 Mr Lourandos

³⁹ Submission

25. Braddon Business Precinct ‘strongly endorse’ the provision ‘which allows instant disqualification of a convicted offender’s licence, if it is proven by a court. The burden of proof is not clear from the provision, and there may be a need to change the legislation to apply automatically to repeat offenders’.⁴⁰

26. Mrs Clarke expressed concern about ‘noise pollution caused by speeding and possibly unroadworthy vehicles in suburban streets’.⁴¹

27. Ms Cotter and Ms Jermolajew submit that ‘re-opening of the dragway along with the creation of a burnout strip with a donut pad would... create a legal venue therefore reducing the need for illegal street burnouts and racing and again increasing the income to the ACT... There is always, in any community, a percentage of people who will continue to flaunt the law no matter how many amenities are provided, and for those people the penalties proposed in the Motor Traffic (Amendment) Bill (No.4) 1998 are indeed necessary’.⁴²

28. Mr Fisher considers it is overly harsh to confiscate a vehicle for doing burnouts, given the penalties for more serious offences ‘such as driving under the influence’. He considers that penalties should be graduated (e.g., a burnout that lasts for ten seconds should be more heavily penalised than one lasting for just a few seconds). He also expresses concern about police interpretation of the legislation and possible harassment of genuine car enthusiasts.⁴³

29. Mr Chick Henry (Street Machine Services Pty Limited) considers that ‘greater supervision [by police] and penalties are the best solution’ to existing street problems. He states that, as the owner of the ‘burnout/go-whoa track’ at EPIC, he is happy to see that track used for burnouts—though ‘there must be consideration given to access, officials, and lighting, cleanup and access to toilets’ and consultation with local residents ‘especially from the noise factor’.⁴⁴ It may be advisable, suggests Mr Henry, to move the existing burnout track either to ‘the road [within EPIC] leading from Gate 9 down to the Harness Racing stables’ or to ‘the area between the Harness Racing Club’s training track and Flemington Road’.

30. Mr Henry expressed the hope that ‘the legislation is enacted by the police in such a way that they are able to separate the [car] enthusiast from the absolutely irresponsible clown’.⁴⁵ He is concerned that the enthusiast might be found ‘guilty by association’.⁴⁶ In particular, he considers it important to separate out the ‘hangers on’ from the motor enthusiasts.

⁴⁰ *ibid*

⁴¹ Submission dated 11/6/99

⁴² Submission dated 15/6/99

⁴³ *Transcript* 6/8/99

⁴⁴ Submission dated 16/7/99

⁴⁵ *Transcript* 6/8/99

⁴⁶ *ibid*

31. He notes that, even if there was a dedicated burnout track, there will be some people who ‘still need to show off to their friends so they go around the corner and do it’. However, he considers that this situation would be ‘a step towards easing the public’s concerns’ (that is, where the burnouts are moved ‘to a place where the public cannot see it’).⁴⁷

32. Mr Henry favours a graduated ‘work-up to the ultimate penalty’, involving ‘greater police surveillance in the first instance... [then] fines, then further consideration of dangerous driving and public gatherings’. He also considers that the penalties should relate to the ‘danger to the crowd’.⁴⁸

33. Mr Neal does not support the seizure provisions for reasons that include:

- the conduct of burnouts in places where there is no danger does not warrant the seizure provisions
- the definition of ‘burnout’ is ‘very subjective and appears to include the situation where tyres lose traction on ‘dirt, gravel... rain, snow’ or even if vehicles are bogged
- the definition should incorporate ‘an element of conspiracy... [meaning that] someone should set out to perform one, specifically to make smoke with their tyres...’
- similarly, the definition of ‘racing’ is subjective
- the ‘ultimate deterrent’ is the capacity to remove a ‘person’s ability to operate a vehicle on a public street’—or to impose demerit points—rather than to impound the vehicle
- it is possible that police may ‘abuse’ the legislation.⁴⁹

34. Mr Neal supports the provision to penalise ‘the act of spreading fluid on a road surface to cause a vehicle to lose traction’, because this ‘is a genuine public safety issue’.

35. Mr Neal points out that the dragstrip conducted burnouts ‘at the end of the day’s drag racing in the past’ and might do so again. He notes that, ideally, a burnout facility ‘would need to be readily available, centrally located and open at all hours’.

36. Rotary Club of Canberra City submits that ‘a totally negative and restrictive law will only force the problem back onto the streets with young people daring to evade the

⁴⁷ ibid

⁴⁸ ibid

⁴⁹ Submission dated 18/6/99

police'. The Club considers burnouts and other activities should be permitted 'in controlled places', and offers to assist in their conduct.⁵⁰

NEWCASTLE OBSERVATIONS

37. While visiting Newcastle, the committee learnt the following from officers of Newcastle City Council:

- burnouts are a serious problem in that city because they occur near residents and are very noisy as well as being dangerous to spectators
- spectators are a big problem, in that they congregate on streets and surround police who try to move them on or otherwise control them
- the NSW legislation on burnouts needs to be supplemented by measures to control these spectators.

38. Newcastle's solution is to trial car parking restrictions (no parking between 11pm and 5am) in the areas where burnouts are presently occurring. This will make it harder for spectators to congregate and facilitate police efforts to control the area. Newcastle has also placed a gate across one area previously used as a burnout pad, and this has moved the activity away from that site.

39. From officers of the Newcastle Highway Patrol, the committee learnt:

- the NSW legislation is effectively 'two strikes and you're out'
- if the offence is repeated, the person's vehicle can be forfeited to the Crown. Probably ten vehicles have been forfeited in NSW, of which three were in the Hunter region
- vehicles can be impounded for three months
- probably 20-25 vehicles are impounded at the moment
- it costs \$16,000 to lease a suitable shed to hold these vehicles, along with vehicles held following accidents or crimes
- the owner of an impounded vehicle pays \$2.50 per day

40. The Newcastle Police also stated that they consider the NSW legislation has the following deficiencies:

- the reference to 'wheels' should be amended to 'wheel' (because some burnouts involve just one wheel)

⁵⁰ Submission dated 22/7/99

- police are required, under the legislation, to act ‘just after the event’. This should be amended to ‘within a reasonable time after the event’ (to give police up to 48 hours to contact the owners of offending vehicles). This is necessary in cases where the police identify a vehicle doing a burnout but cannot immediately speak to the driver because they are busy with other vehicles
- the legislation does not enable the prosecution to give details of the severity of the offence to the magistrate; thus, some offenders were ‘getting away with’ a defence such as ‘it was Mum’s vehicle’ or ‘my vehicle is essential for my work’. While magistrates were influenced by this at first, they are now more skeptical and some are responding by disqualifying the offender for six months (removing his licence) while returning the vehicle
- the legislation provides for the police, and only the police, to bring action against an offending driver. The police note that some members of the public are willing to give sworn statements that they saw a vehicle doing burnouts; but the legislation does not permit these to be used.

41. The Newcastle Police stated, in relation to the parking restrictions shortly to be introduced in downtown Newcastle, that they would have preferred the commencement time to be 9.00pm (as in Wollongong); but local restaurants raised concerns about the effect of such a measure on patrons and so the decision was made by Council to move the time to 11.00pm.

42. Newcastle Police would like a suitable area of land to be found for burnouts to legally take place but no such area has yet been found. The Tomago Speedway is the only legal venue. The Police estimate that the Speedway alleviates about one third of the previous problems in the city.

43. The committee also spoke to representatives of Tomago Speedway (the operators of Sydney and Perth Speedways) who stated that they were very enthusiastic about encouraging burnouts on a concrete pad in the centre of the track. They offer prizes and exhibitions, and encourage responsible behaviour. In their view, the best type of facility would combine a speedway, burnout pad, go-kart facility and other things attractive to motor sport enthusiasts.

COMMITTEE VIEW

44. The committee has carefully considered the oral and written evidence put before it as well as the evidence gathered from its visit to Newcastle.

45. The committee considers that the act of doing a burnout or motor racing in public places constitutes a potentially serious risk of injury to the public and (especially where a ‘substance’ is deliberately dropped onto the road to facilitate the burnout) of damage to the surface of the road. The penalties should be severe but graduated, with repeat offenders being liable to forfeiture of their vehicle to the Territory.

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46. Therefore, the committee recommends that the Motor Traffic (Amendment) Bill (No.4) be endorsed, though with amendments incorporating many of the points put to the committee during the inquiry—and outlined in the first recommendation at the front of this report. The other three recommendations similarly pick up important points that arose during the committee's inquiry.

47. One member of the committee (Mr Corbell MLA) considers that the proposed seizure provisions are excessive. In this regard, he draws attention to the evidence provided by (among others) Mr Fisher and Mr Neal. **Therefore, he does not support those portions of the Motor Traffic (Amendment) Bill No.4 that outline the penalties for this kind of behaviour.**

Harold Hird
Chair

18 November 1999