The Development of Drink Driving Policy in Western Australia, 1990-1996

Evanya Cameron
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THE DEVELOPMENT OF DRINK DRIVING POLICY IN WESTERN AUSTRALIA: 1990-1996

by

Evanya Cameron

A thesis submitted in partial fulfilment of the requirements for the award of

Bachelor of Arts (Politics of Government) with Honours

Faculty of Arts

Edith Cowan University

Date of Submission: 29th November 1996.
USE OF THESIS

The Use of Thesis statement is not included in this version of the thesis.
ABSTRACT

In the last two decades, road safety has emerged as a significant issue in public policy, not only in Australia but internationally. In particular, measures to reduce the increasing number of drink drivers has been of top priority. Despite this importance, Western Australia has lagged considerably behind other Australian states, and especially New South Wales and Victoria in all areas of drink driving policy development and implementation. This study investigates the reasons for the slow development of drink driving policy from 1990-1996, by examining the Western Australian policy making process. The roles of each of the crucial policy actors, the media, parliament, interest groups and the public service are assessed by analysing each group and its influence individually and then illustrating how these have contributed to the overall development of drink driving policy. This analysis is carried out in major part, by drawing a comparison with other states, namely Victoria and New South Wales. This thesis provides an important insight into the highly politicised policy making process in Western Australia. In essence, it is a case study of Australian state policy making.
DECLARATION

I certify that this thesis does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any institution of higher education; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

Signature

Date........11/2/197........
ACKNOWLEDGEMENT

I would like to express my sincerest appreciation to Dr Quentin Beresford, for his most valuable advice, guidance and constructive criticism throughout the entire duration of my honours year. My thanks also go the Rina Cercarelli for her valuable time and assistance. To my parents and family for their encouragement and support. Finally, and especially, I would like to thank Chris, for his unfailing moral support and encouragement, tireless assistance and never ending patience.
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1. Introduction
Road safety is an important issue in public policy and drink driving policy is one significant strand of this road safety issue, that has been at the forefront of debate. While Australia has played a significant role in the development of international drink driving policy, Western Australian policy development has lagged considerably behind other States. The examination of drink driving policy development offers an insight into policy making in Western Australia. The media, public service, interest groups and parliament have all contributed to the policy process and the analysis of each actor extrapolates different reasons for the slow development of drink driving policy in this State.

As an indicator of the importance of road safety, the Traffic Board of Western Australia estimated road crashes in 1994 cost the community just over $1 billion. (Menhennett, Trent, & Maisey, 1995, p. iii) Road crashes involve both fatalities and extremely serious injuries as shown in Table 1. Furthermore, road crashes not only cause excessive financial costs for the community but the emotional trauma placed on the family and friends of victims is immeasurable. It is important for the sake of the community, that road safety be made a priority in public policy.
<table>
<thead>
<tr>
<th>CRASH SEVERITY</th>
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<th>RURAL AREA</th>
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<td>DAMAGE</td>
<td>$9490</td>
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</table>

Table 1 Cost of Road Crashes based on Severity in 1993. (WALA, 1994a, p. 27)

In the early 1980's Western Australia (WA) had the lowest fatal crash record in Australia. Fatalities have continued to decline since this period although they have rated poorly in comparison with some other states. In the 1990's, Victoria and New South Wales (NSW) in particular, have consistently produced more significant declines in fatalities than Western Australia. Western Australian road fatalities have decreased approximately 25% from 269 in 1980 to 211 in 1994. New South Wales and Victorian fatalities on the other hand, have declined approximately 50% and 43% respectively. (Hendrie and Anthony Ryan, 1995, p. 3)

Table 2 shows the Australian road crash fatalities from 1984-1993. It is evident from these statistics that Western Australia's road safety record has fallen behind other States. In 1984 WA's road crash deaths per 100,000 population was 15.8 compared to the Australian average of 18.1. By 1993 however, our road safety record had declined, rating poorly in comparison to other States. While WA's road deaths per 100,000 was 12.19, the Australian average was 10.9.
<table>
<thead>
<tr>
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<td>31.3</td>
<td>6.7</td>
<td>11.2</td>
</tr>
</tbody>
</table>

Table 2 Deaths per 100,000 population by state 1984-1993. (WALA, 1994a, p. 13)

Table 3 shows the Australian deaths per 10,000 vehicles from 1984-1993. It demonstrates a similar finding to the table above although the results are not as significant because the WA average in this table is only slightly above the Australian average. In 1984 WA road deaths per 10,000 vehicles was 2.7 and the Australian average was 3.2. In 1993 however, our average was 1.87 only slightly above the Australian average of 1.82 but significantly above the New South Wales and Victorian averages of 1.72 and 1.67 respectively.
While tables 2 and 3 show Western Australia's road safety in the early 1980's as setting a higher standard than other Australian states, table 4 provides an alternative insight to road fatality statistics during this period. This table demonstrates alcohol impaired driving as a significant cause of road fatalities in Western Australia. In 1981, 48% of drivers or motorcycle riders killed in Western Australia had a blood alcohol concentration (BAC) over the legal limit. The Australian average was 44%. Similarly in 1982, the WA average was 51%, the Australian average was 42% and in 1983 it was 55% and 40% respectively. In fact, the only year Western Australian statistics were below the national average was in 1988, the year random breath testing (RBT) was introduced.
Hence, table 4 shows that alcohol impaired driving has been a significant cause of road crashes in Western Australia for many years. Furthermore, it demonstrates Western Australia's lack of effective policies to reduce the incidence of drink driving. Yet the development of drink driving policies in Western Australia has been very slow in comparison to other states in Australia. Western Australia introduced random breath testing in 1988 and significantly, was one of the last states to do so. It was not however, until the 1990's that enforcement was intensified, culminating in the purchase of two 'booze buses' in 1995 by the State Government Insurance Commission (SGIC).

<table>
<thead>
<tr>
<th>Year</th>
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<th>SA</th>
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<td>32</td>
<td>36</td>
<td>58</td>
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Table 4 Percentage of drivers and motorcycle riders killed with a BAC over the legal limit (where BAC is known) Note: _ represents year RBT introduced. (Sheehan, 1994, p. 31)
In comparison, Victoria and New South Wales have both developed innovative random breath testing campaigns that were introduced several years before Western Australia. (The underlined numbers in table 4 represent the respective years RBT was introduced in each state) Victoria originally introduced RBT in 1977 although a re-launch in 1989 provided the foundation for a more intensively publicised and extensively enforced program. A gradual approach was adopted culminating into an intensively enforced random breath testing program. Mobile RBT was introduced in March 1987 and by December 1989 a large RBT program was implemented which included the extensive use of 'booze buses'. The Victorian campaign focuses particularly on short blitzes.

New South Wales introduced RBT in 1982. The NSW 'RBT Boots and all' campaign focused on extensive enforcement, high visibility and intensive publicity. Police in patrol cars are utilised to implement ongoing unpredictable random breath tests although two stationary 'booze buses' are also used. (Homel, 1990)

The introduction of RBT provided a foundation on which other policies were developed to reduce the incidence of drink driving. The move to lower the illegal BAC from 0.08 to 0.05 was a significant development in drink driving policy that emerged after the introduction of RBT. Western Australia was also considerably slower than other states in implementing 0.05 BAC. Western Australia introduced the 0.05 illegal BAC limit on the 16th June 1993 after a twelve month trial period compared to Victoria in 1966 (Ross cited in Sheenan, 1994) and NSW in 1980. (Beel & Stockwell, 1995, p. 4)

Furthermore, in 1995 a Select Committee report investigated the Western Australian penalties for drink driving. The extensive comparisons drawn with NSW and Victoria
demonstrate that Western Australian penalties for drink driving are also considerably less severe than both these States. (WALA, 1994b)

Clearly, the statistics have not only shown that Western Australia's road crash fatalities rate poorly in comparison to other Australian states but that alcohol impaired driving has played a significant role in the cause of these road crashes. Even still, policies to reduce the incidence of drink driving in WA were not fully developed and enforced until the mid 1990's.

To understand the reasons for the slow development of drink driving policy it is necessary to focus on the policy making process in Western Australia. Chapter two draws a more detailed comparison between the policies adopted by Western Australia and other Australian states, namely NSW and Victoria. The three policy areas that will be examined include enforcement, penalties and education. Chapter Three examines the media's contribution to the policy process. It includes a content analysis of news articles taken from The West Australian, The Sunday Times and The Daily News between 1990-1996. Chapter four describes how the biased electoral boundaries have enabled WA Parliament to yield significantly more control and influence in policy making, which ultimately has contributed to the slow development of drink driving policy. It closely examines each political party's contribution and influence. Chapter five examines the measures taken by the different interest groups to influence drink driving policy development. Finally, chapter six focuses on the fragmented administration and co-ordination of road safety in WA.
2. Policies in Western Australia

Western Australian drink driving policy has lagged considerably behind other Australian States and Territories. There is strong evidence to suggest Western Australian drink driving policy has lacked initiative and success because of this slow development. To fully understand and illustrate this claim it is important to compare the drink driving policies adopted in Western Australia with that of New South Wales and Victoria which have been leaders in this field, as well as highlight the significant community support for policies to reduce the incidence of drink driving.

Community Attitudes

The attitudes of the Western Australian community towards drink driving correlate with policy development which will be outlined below. Loxley, Saunders, Blaze-Temple and Binns (1990) in their survey of 1205 Western Australians found most of the respondents preferred ‘softer’ policy options as opposed to ‘harder’ options even though the latter was believed to be most effective. Softer policy options included education and advertising and respondents were in favour of these options 87.2 to 74.5 per cent respectively. Of the harder policy options 73.8% favoured longer license suspension and 74.1% agreed with tougher fines. Only 21.8% of respondents favoured increasing the cost of alcohol. (Loxley et al. 1990, p. 129)

Loxley et al. (1988) sum up the attitudes of the Western Australian public in a survey conducted in the late 1980’s:

To recap then, the people in our sample believed that drinking and driving was a serious problem but not enough was being done about it (especially
by the politicians); that ‘other people’ are responsible for the road toll; and that solutions can be draconian only if they won’t affect me. (Loxley et al., 1988, p. 15)

Clearly, the Western Australian community was concerned about the alarming levels of alcohol impaired driving. While the public was apprehensive about which policies to adopt, there was strong support for driving countermeasures. This is demonstrated in the community opinion polls concerned with the reduction of blood alcohol from 0.08 to 0.05.

- Westpoll, December 1989 60%
- AGB: McNair, February 1990 60%
- Channel 10 Poll, February 1990 60%
- Reark Research, March 1990 65%

Despite this significant support, the WA Opposition parties firmly resisted attempts by the Labor Government in the early 1990’s, to introduce policies that would assist in the reduction of alcohol impaired driving.

**Education based policies**

In the 1970’s and early ’80’s the majority of policies implemented by the Western Australian Government were educational based programs. In 1983-1984 ‘A Coordinated Education Program in WA’ was implemented with intentions of increasing public awareness of drink driving alternatives and improving general knowledge about
the relationship between blood alcohol and the ability to drive safely. ‘The programme was designed to have not only an immediate impact on alcohol related accidents, but also add impetus to the change in the public’s attitude to drinking and driving’. (Syme, 1983, p. 1)

The program was sponsored by the Royal Automobile Club (RAC) and the State Government and was promoted by a vigorous media campaign. It involved the combination of Government and industrial and commercial organisations as well as the public. Furthermore, driver education training programs were also conducted during this period through the education department. These programs were focused on educating high school children about safer driving habits.

Since the 1990’s however, the educational components of road safety campaigns have been promoted through the mass media. This serves two purposes: advertisements can encourage members of the public to alter their behaviour and attitudes towards drink driving. Secondly, the media can provide information about policy implementation and enforcement, emphasising the greater chances of apprehension.

The Western Australian Government has conducted a large number of media campaigns that have coincided with the introduction of RBT and other drink driving countermeasures. The majority of campaigns have been bought from the Victorian Transport Accident Commission (TAC). These have been ‘hard hitting’, encouraging safer driving habits by showing the tragedy that results from serious road crashes. A recent example is the ‘Stay alive in ’95’ campaign which ‘incorporated the use of television, radio, press and outdoor billboards’. (Traffic Board of WA, 1995, p. 23)
Hendrie and Ryan (1995) have described several important factors vital to an effective RBT program including high visibility and ongoing enforcement that must be complemented by extensive publicity. (Hendrie & Ryan, 1995) Despite the more intensive media campaigns, Western Australian resources allocated to this effort are significantly smaller than both New South Wales and Victoria. (See Table 5) In 1994/95 $0.850 million was spent on mass media campaigns in WA (more than previous years) in comparison, Victoria’s annual expenditure was six times higher and NSW was three times higher. (Hendrie and Ryan, 1995)
<table>
<thead>
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<th>SA</th>
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<td>$1.34m</td>
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<td>$0.710m</td>
<td>$0.100m</td>
<td>$0.210m(^3)</td>
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<tr>
<td>Expenditure on mass media publicity pa per popn.</td>
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<td>$0.50</td>
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</table>

Table 5: Expenditure on Mass Media Publicity by State and Territory, 1994/1995 (cited in Hendrie & Ryan, 1995)

\(^1\) Includes production costs, purchase costs and media placement costs.
\(^2\) Planned expenditure for 1994/95.
\(^3\) Figure for 1993/94.
Enforcement

Despite the fact alcohol has been a contributing factor leading to road crashes in Western Australia, enforcement based policies to reduce the incidence of drink driving were scarce until the 1990's. Prior to random breath testing, the only enforcement based program implemented to deter and apprehend drink drivers was road block testing. This program provided an opportunity for police to randomly check motor vehicles. It was primarily for license and other checks although those drivers suspected of drink driving were also breath tested. Loxley and Smith found that 'only 20% of the total sample in their study that had been stopped for road block testing had actually given a breath test (12% women, 28% men)'. (Loxley & Smith, 1991, p. 105)

In October 1988, random breath testing was introduced in WA (for an 18 month trial period) amid considerable debate and public outcry. However it lacked the intensive publicity and extensive enforcement adopted in other states. (Homel, 1990). Only those drivers suspected of drink driving were breath tested and it was not until the 1990's that RBT was more extensively enforced.

The RBT programs in New South Wales and Tasmania both commenced with vigorous enforcement and intensive publicity. Homel describes the distinctive elements of RBT as: '(a) at least one random test for every three licensed drivers each year, resulting in high levels of exposure to RBT; (b) extensive formal or informal publicity focused specifically on RBT; (c) RBT is not only highly visible, it is hard to predict where it will be operating and it is hard to evade once it is in sight, thus increasing the perceived probability of apprehension for drinking and driving; and (d) the enforcement and
focused publicity are maintained at high levels permanently, with provision for special additional local or seasonal campaigns'. (Homel, 1990, p. 3)

The New South Wales RBT program has proven very effective since it was first implemented in December 1982. ‘There was an instantaneous 22 per cent decline in total fatal crashes, a drop of about 36 per cent in alcohol related fatal crashes, relative to the previous three years’. (Bryett & Lewis. 1994, p. 22)

Although RBT in New South Wales had proven an effective drink driving countermeasure, Western Australia did not adopt the program until six years later. Even still, when it was finally implemented in Western Australia, RBT was not conducted with the same intensity as in NSW. (Homel, 1990) Despite knowledge of an effective RBT program WA remained defiant. Homel recommended that ‘operations be made more visible to passing motorists, that all drivers pulled over by police be breath tested… and that these changes in procedures be extensively advertised’. (Homel, 1990, p. 3)

The introduction of 0.05 illegal BAC was another significant countermeasure aimed at reducing the incidence of drink driving. In the 1960’s techniques that enabled the detection of alcohol in blood were developed and as a result WA adopted 0.08g/100ml illegal blood alcohol concentrate (BAC). In 1982 0.02 illegal BAC was introduced for probationary drivers. The legislation was passed through parliament with relative ease because of the increasing awareness that the combination of alcohol and youth were significant factors contributing to road crashes in Western Australia.
The 0.05 illegal BAC was first introduced in WA Parliament in 1990. Despite the significant community support outlined above, the WA Opposition parties firmly resisted the bill. The bill was finally passed in 1992 and consequently the 0.05 illegal BAC limit was implemented on the 16th June 1993 after a twelve month trial period. Victoria implemented 0.05 illegal BAC in 1966 and this was a world first (Ross cited in Sheenan, 1994). NSW introduced 0.05 in 1980, South Australia in 1981, the Australian Capital Territory in 1991 and the Northern Territory in 1994. (Beel & Stockwell, 1995, p. 4)

Penalties

To complement the aggressive RBT programs and lowering of admissible blood alcohol concentrate, other States have also adopted stringent penalties for drink driving. Table 6 outlines the penalties for blood alcohol in Western Australia, New South Wales and Victoria. Clearly, the penalty system in Western Australia is not as severe as these two States.

The Western Australian fine for probationary drivers is currently between $100-$300, compared to $500 and 3 months license disqualification in NSW, and a minimum fine of between $240 - $1200 and 1 month license disqualification in Victoria. The differences in penalties are even greater for second and third offences. For example, a second offence of ≥.15 BAC constitutes a $1000-$1800 fine or goal and a minimum of 24 month license disqualification in Western Australia. In comparison, the Victorian penalty includes a $2500 fine or 3 month goal term and between 30-48 (minimum)
months disqualification and in NSW a $2000 fine, 12 months goal and a 60 month automatic loss of license.

Furthermore, the current penalty structure in WA has several flaws; 'a 0.01 increase in BAC from 0.079 to 0.08 presently results in large penalty increases and highlights the lack of credibility of the present penalty system'. (WALA, 1994b) To understand more clearly the 'lack of credibility' in the WA structure, it is important to examine the Victorian model. The Victorian structure is called a graduating penalty system. As demonstrated in table 7, penalties for drink driving are gradually increased as offences become more serious. The fourth Select Committee report has recommended changes to WA penalties and has outlined a suggested alternative modelled on the Victorian system. The Select Committee report notes that any changes to be instilled in WA must firstly be accepted by the public. Consequently, policies initially need not be as severe as Victoria and New South Wales. (WALA, 1994b, p. 21)

NSW and Victoria also have other policies that deal directly with serious offenders; in Victoria a license is reissued only after completion of an education program and in New South Wales medical screenings for alcohol problems are conducted before obtaining a new license. (Sheenan, 1994)
<table>
<thead>
<tr>
<th>BAC</th>
<th>Western Australia</th>
<th>Victoria</th>
<th>NSW</th>
</tr>
</thead>
<tbody>
<tr>
<td>≥ .02 (prob)</td>
<td>100</td>
<td>300</td>
<td>3</td>
</tr>
<tr>
<td>≤ .05 (prob)</td>
<td>1200</td>
<td>(240)</td>
<td>yes</td>
</tr>
<tr>
<td>.02 to &lt; .05</td>
<td>500</td>
<td>yes</td>
<td>nil</td>
</tr>
<tr>
<td>.05 to &lt; .08</td>
<td>500</td>
<td>yes</td>
<td>nil</td>
</tr>
<tr>
<td>.05 to &lt; .15</td>
<td>800</td>
<td>(2-10)</td>
<td>yes</td>
</tr>
<tr>
<td>≥ .15</td>
<td>500</td>
<td>1200</td>
<td>no</td>
</tr>
</tbody>
</table>

**SECOND OFFENCE**

| ≥ .02 (prob) | 100 | 300 | 3 |
| ≤ .05 (prob) | 2500 | yes | 12 min |
| .02 to < .05 | 1200 | no | 12-28 min. |
| .05 to < .08 | 1000 | 12 | 3 | unlimited |
| .05 to < .15 | 1200 | 12 | 3 | unlimited |
| .08 to < .15 | 1200 | 12 | 3 | unlimited |
| .15 | 1000 | 1000 | 6 option | 24 min | 2500 | 3 | 30-48 min | 2000 | 12 | 60 | 12 | unlimited |

**THIRD OFFENCE**

| ≥ .02 (prob) | 100 | 300 | 3 |
| ≤ .05 (prob) | 2500 | yes | nil |
| .02 to < .05 | 1200 | yes | nil |
| .05 to < .15 | 1000 | 6 min |
| .08 to < .15 | 1200 | 12 | 30 | 6 | unlimited |

Penalties for third and subsequent:
- same as for second
- offences are the same as for second

Table 6 Blood Alcohol Concentration Penalties—Interstate Comparison (WALA, 1994b, p. 18)
<table>
<thead>
<tr>
<th>First Offence</th>
<th>Subsequent Offence</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Probationary &amp; Learners</strong></td>
<td></td>
</tr>
<tr>
<td>0.01 to 0.05 (by infringement)</td>
<td>$240 and 1 month suspension</td>
</tr>
<tr>
<td>0.01 to 0.05 (by court)</td>
<td>6 months max. suspension $1200 max. fine</td>
</tr>
<tr>
<td>0.01 to 0.05</td>
<td>12 months minimum suspension</td>
</tr>
<tr>
<td>Probability period extended by 7 months</td>
<td>$2500 max. fine or 12 months max. gaol</td>
</tr>
<tr>
<td>0.01 to 0.05</td>
<td>$200 max. fine 12 months minimum suspension</td>
</tr>
<tr>
<td><strong>All other driver</strong></td>
<td></td>
</tr>
<tr>
<td>0.051 to less than 0.07</td>
<td>$300 &amp; 6 months min. susp.</td>
</tr>
<tr>
<td>0.07 to less than 0.08</td>
<td>$300 &amp; 6 months min. susp.</td>
</tr>
<tr>
<td>0.09 to less than 0.1</td>
<td>$300 &amp; 6 months min. susp.</td>
</tr>
<tr>
<td>0.1 to less than 0.11</td>
<td>$420 &amp; 10 months min. susp.</td>
</tr>
<tr>
<td>0.11 to less than 0.12</td>
<td>$420 &amp; 11 months min. susp.</td>
</tr>
<tr>
<td>0.12 to less than 0.13</td>
<td>$420 &amp; 12 months min. susp.</td>
</tr>
<tr>
<td>0.14 to less than 0.15</td>
<td>$420 &amp; 14 months min. susp.</td>
</tr>
<tr>
<td>0.15 to less than 0.16</td>
<td>$1200 &amp; 15 months min. susp.</td>
</tr>
<tr>
<td>0.16 to less than 0.17</td>
<td>$1200 &amp; 16 months min. susp.</td>
</tr>
<tr>
<td>0.17 to less than 0.18</td>
<td>$1200 &amp; 17 months min. susp.</td>
</tr>
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<td>0.18 to less than 0.19</td>
<td>$1200 &amp; 18 months min. susp.</td>
</tr>
<tr>
<td>0.19 to less than 0.2</td>
<td>$1200 &amp; 19 months min. susp.</td>
</tr>
<tr>
<td>0.2 to less than 0.21</td>
<td>$1200 &amp; 20 months min. susp.</td>
</tr>
<tr>
<td>0.21 to less than 0.22</td>
<td>$1200 &amp; 22 months min. susp.</td>
</tr>
<tr>
<td>0.22 to less than 0.24</td>
<td>$1200 &amp; 23 months min. susp.</td>
</tr>
<tr>
<td>0.24 or more</td>
<td>$1200 &amp; 24 months min. susp.</td>
</tr>
</tbody>
</table>

**Note:** Court is an option for first offence in the above however fine may be up to $1200.

<table>
<thead>
<tr>
<th>All other Drivers</th>
<th>By Court only</th>
<th>By court only</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.15 to less than 0.16</td>
<td>$1200 &amp; 15 months min. susp.</td>
<td>30 months &amp; $ 2500 or 3 months gaol</td>
</tr>
<tr>
<td>0.16 to less than 0.17</td>
<td>$1200 &amp; 16 months min. susp.</td>
<td>32 months &amp; $ 2500 or 3 months gaol</td>
</tr>
<tr>
<td>0.17 to less than 0.18</td>
<td>$1200 &amp; 17 months min. susp.</td>
<td>34 months &amp; $ 2500 or 3 months gaol</td>
</tr>
<tr>
<td>0.18 to less than 0.19</td>
<td>$1200 &amp; 18 months min. susp.</td>
<td>36 months &amp; $ 2500 or 3 months gaol</td>
</tr>
<tr>
<td>0.19 to less than 0.2</td>
<td>$1200 &amp; 19 months min. susp.</td>
<td>38 months &amp; $ 2500 or 3 months gaol</td>
</tr>
<tr>
<td>0.2 to less than 0.21</td>
<td>$1200 &amp; 20 months min. susp.</td>
<td>40 months &amp; $ 2500 or 3 months gaol</td>
</tr>
<tr>
<td>0.21 to less than 0.22</td>
<td>$1200 &amp; 22 months min. susp.</td>
<td>44 months &amp; $ 2500 or 3 months gaol</td>
</tr>
<tr>
<td>0.22 to less than 0.24</td>
<td>$1200 &amp; 23 months min. susp.</td>
<td>46 months &amp; $ 2500 or 3 months gaol</td>
</tr>
<tr>
<td>0.24 or more</td>
<td>$1200 &amp; 24 months min. susp.</td>
<td>48 months &amp; $ 2500 or 3 months gaol</td>
</tr>
</tbody>
</table>

Table 7 BAC Penalties in Victoria (WALA, 1993, p. 20)
The analysis of community attitudes provides an insight into the development of drink driving policy. It demonstrates an understanding about the drink driving policies that have been previously implemented in WA. Since 1990 however, despite significant community support, drink driving policy development in Western Australia has lagged considerably behind other Australian states in all areas of policy development and implementation, and especially New South Wales and Victoria.
3. The Media

The persuasive influence of media in the policy process is demonstrated through the analysis of agenda setting (where the media influences what issues are 'important') and other similar theories. (Ward, 1995) A content analysis of each of the news stories published by the three newspapers; The West Australian, The Sunday Times and The Daily News and the examination of editorials since 1990, highlights that the media missed opportunities to influence and control the drink driving policy process. By 1994 however, the media began to contribute more constructively to the drink driving policy debate.

The media's primary purpose is to keep people informed about current events and important issues that arise in society. In particular, it provides a useful source through which information concerning politics and government can be relayed to the community. 'We must recognise, at the outset that our perception of leaders, our understanding of parties, our awareness of policies, and our views on issues are all intimately connected with the way we receive information about these through newspapers, magazines, television and radio'. (Bennett, 1992, p. 34)

It is through this 'intimate connection' that media is able to influence the policy agenda. Ward (1995) discusses several theories that have explored the powerful effects of media. Gerbner’s cultivation thesis says those heavy television viewers ultimately form similar views of society and politics to that portrayed by television theorists. Agenda setting claims the media influences what people recognise as important, if not their
opinions about them. Information processing argues mass media influences what people think and consequently, their views and opinions on politics. (Ward, 1995)

Having examined theories that demonstrate the powerful effects of mass media, it is important to show how it more directly impacts upon the policy process. Tiffen (1989) discusses how the investigative tool of the media can be very influential in recognising inefficient and ineffective government departments or by highlighting problems that the bureaucracy has failed to attend; ‘publicly ventilating these grievances often ‘unclogs’ institutional channels and weighs upon criteria for resource allocation and administrative priorities’. (Tiffen, 1989, p. 187) Tiffen also argues that the media can influence the policy agenda by establishing which policy issues to target or neglect. This includes determining the priority of issues and its direction. ‘If a problem is prominent in the news it is more likely to receive government attention; how an issue is publicised will facilitate some courses of action and inhibit, even prohibit, others’. (Tiffen, 1989, p. 188) Furthermore, Howlett and Ramesh (1995) argue; ‘Media portrayal of public problems and proposed solutions often conditions how they are understood by the public and government, thereby shutting out some alternatives and making the choice of another more likely’. (Howlett & Ramesh, 1995, p. 59)

Clearly the media, through its ability to influence public perception and opinion of political issues, is an influential actor in the policy process. A content analysis of each of the three Western Australian newspapers provides greater insights about how drink driving policy was perceived and delivered. In the instance of drink driving policy development in Western Australia however, the media failed to exert much influence over the policy process, instead it contributed to the slow development of policy.
The West Australian

<table>
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<th>Unfavourable</th>
<th>Total</th>
</tr>
</thead>
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<td>15</td>
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<tr>
<td>1996-mid Aug</td>
<td>13</td>
<td>8</td>
<td>-</td>
<td>21</td>
</tr>
</tbody>
</table>

Table 8 Content Analysis - The West Australian

In the advent of legislation that proposed to reduce the illegal blood alcohol level from 0.08 to 0.05, The West Australian took a moderate stance. In 1990, the content analysis shows news articles, both favourable towards and against drink driving policy, were relatively the same in number. This demonstrates the extent to which The West Australian was concerned with prioritising drink driving as an issue on the public agenda. In 1991 and 1992 however, The West Australian adopted a more favourable approach to drink driving countermeasures. In 1993 and 1994, with the introduction of greater enforcement and ‘booze buses’, while critical of the manner police encroached individual rights, was more outspoken about measures needed to increase road safety overall.

One of the key issues that have arisen from the 0.05 BAC debate has been the involvement of the Federal Government. The West Australian targeted this issue and arguably, in doing so was side-tracked from the most important debate - the issue of
drink driving policy. In 1990 approximately 12 articles from the 34 new stories and several editorials at least mentioned or commented on, the Federal Government’s attempted ‘blackmail threats’:

WA’s stance has jeopardised the first year’s funds offered by Canberra under a $12.5 million, 3 year program formulated for the state. The road funding has been earmarked for “black spots” and the Commonwealth has threatened to withhold it unless WA accepts its 10 point road safety package. WA is also insisting on proper discretion in the use of Federal funds. (“WA stands firm”, 1990)

In 1992 another article concerned with the condemnation of Federal Minister Bob Brown’s threats argued ‘it would deprive WA of funds for road safety, putting Western Australian lives at risk simply to secure power for Canberra’. (“Libs attack”, 1992)

Similarly, The West Australian editorial’s criticised the Federal Government’s actions:

In this climate of uncertainty, Canberra needs to produce convincing evidence that .05 laws reduce road carnage. So far it has merely threatened to deprive WA of $12.5 million for alleviating “black spots” on state roads if WA does not bow to its wishes... No one will support attempts to maintain the blood-alcohol limit at .08 if it can be shown that drivers with a .05 content are a significant threat to other road users. But unless this can be done the logical extension of the federal argument is to ban drivers who have any alcohol in their blood. (“Facts needed”, 1990)
This issue continued to spark debate and comment for the three years the bill was in parliament. In another editorial *The West Australian* stated:

FOR a politician of his experience, Federal Land Transport Minister Bob Brown is proving to be a extraordinary slow learner. His latest foray into the WA parliamentary debate on the merits or otherwise of legislation proposing a .05 blood-alcohol limit for motorists is every bit as foolish as his earlier interventions a year ago. Not only has he jeopardised the chances of the legislation getting through the Legislative Council, but he has also called into question the commitment of the Hawke government to forge a new era of the co-operation with the states. ("Brown's cheap", 1991)

The involvement of the Federal Government in the development of drink driving policy in Western Australia was extensively discussed by *The West Australian*. While other articles also criticised the advancement of drink driving policy, the majority have too diverted from the real debate.

The alleged attempts by the police to apprehend criminals returning to Perth from country raids was given considerable debate by *The West Australian*. New stories quoted sources both for and against the police move although the attitudes portrayed in the editorial were clearly critical of the Police actions:

What was portrayed initially as a move to enable police to stop drivers solely to test them for drink-driving offences and a vital step to cut the road toll is to be used in the South West to try to catch Perth thieves returning to the city from country areas....Unwarranted interference with the rights of people going about their lawful business has always been one of the main complaints of the critics of
RBT. The latest police action will do nothing to diminish that criticism. ("RBT cast", 1990)

Similarly, in 1990 the police suggested releasing the names of drink drivers for the media to publish. *The West Australian* immediately criticised the move and refused to participate: 'We don’t think we are in the punishment business, we are not an arm of Government or the judiciary or the police force'. ("I will name", 1990)

Perhaps the most justified argument criticising the introduction of 0.05 BAC was the vast amount of conflicting evidence:

The WA branch of the Australian Hotels and Hospitality Association says proper academic analysis of the Government’s report “The Case for a .05 Blood-Alcohol Concentration Limit” showed it was misleading...But the associations state president, Mr Peter Eakins, said there was no conclusive evidence to prove that a lowering of the blood alcohol limit from .08 to .05 would significantly reduce road accidents. ("Hotelier: Case", 1990)

The Road Traffic Amendment Bill was introduced in uncertain economic times and *The West Australian* invoked a fear of unemployment, especially amongst the country folk:

While some in the industry fear .05 blood-alcohol limit legislation could devastate city hotels, there are those people who believe no one will suffer more than country pubs and the locals who meet there for a yarn, a beer and something city folk take for granted - normal social contact. ("Pubs fear", 1993)
The West Australian was, even if to a smaller extent, also critical of the manner in which the police approached the introduction of 'booze buses'. One article described how police increased the intensity of campaigns by firstly, cruising back streets and secondly, testing most drivers. This was because some drivers had been drinking vodka (no smell) or using breath fresheners to disguise the smell of their breath. The article said: 'The new -unannounced- approach has been gathering pace for a year'. ("RBT blow", 1994) 'Booze buses' were implemented in July 1995 and The West Australian's first report of this endeavour included the article 'Booze blues for motorists' which described how queues of people were left waiting for RBT's. ("Booze Blues", 1995)

In 1995, as drink driving policy countermeasures intensified, The West Australian continued to criticise the approaches adopted, particularly as the civil liberties of individuals were impinged. In December, the Police criticised the number of drivers who were continuing to drink alcohol when intending to drive. The Police Commissioner Bob Weise called upon citizens to refrain from drinking at all, when intending to drive. ("Weise joins", 1995) The West Australian reacted by calling upon Peter Weygers, of the Council for Civil Liberties, to condemn the Police comments. 'It is absurd for police to demand that motorists have a zero blood-alcohol reading during the festive season'. ("Police under fire", 1995)

Clearly, the majority of articles that were written unfavourably against drink driving were sensationalised issues. Believed, perhaps, to capture community interest and increase newspaper sales. These were accompanied by a vast amount of articles that focused primarily on raising community awareness and keeping people informed.
These 'balanced' articles were not as effective in influencing community perception and opinions, they merely provided a neutral account of news stories.

Arguably, *The West Australian* was indecisive about which side of the conflicting evidence to support. This is evident in its editorial stance:

NOTHING is more guaranteed to open up a barrage of statistical mud-slinging than a push to lower legal blood-alcohol limits. But to a novice, the facts and figures - and, possibly, a few numeral furphies that have been slung around this week as fuel for the .05 debate - are a bewildering assortment of claim and counter-claim. ("Drink Drive debate", 1990)

This sentiment was followed in some of the articles which commented on the conflicting evidence accompanying the 0.05 BAC debate:

Dr Richard Kirkham, a senior lecturer in psychology, said he had not seen one piece of solid evidence to back claims that lowering the limit to .05 reduced the road toll. "What annoys me is that these people use so called scientific information and twist and turn it around to help their cause," Dr Kirkham said....

But the director of Road Accident Prevention Research Unit attached to UWA, Dr Ian Smith, disagreed. He described the Road Traffic Board proposal as "an intelligent and obviously well thought out proposal...The introduction of any policy that clamps down on people who drink and drive with more than .05 must be applauded". ("No evidence", 1990)

Similarly with the passage of the Road Traffic Amendment Bill through parliament:
The WA Opposition has rejected a State Government compromise to reduce the legal blood alcohol content for motorists from .08 to .05.... Mr Edwards said any move to reduce road trauma should be above party politics and urged the Opposition to recognise its stand.... He (Mr Cash) said, “the statistical evidence was not reliable and accused the Government of trying to perpetuate a hoax in community”... Mr Charlton said country people were well aware of the need for road safety. But the main reason for so many country accidents - and this had been acknowledged by the police - was the standard of roads, which has deteriorated greatly in recent years. (“.05 drink”,1991)

The majority of ‘balanced’ articles however, consisted of RBT statistics or information concerning the increasing levels of enforcement. The article below outlines the sentiment of opposing interest groups concerning enhanced levels of enforcement:

The move was immediately praised by surgeons who deal with the broken victims of road accidents. They said the “fear of God” should be put into any body considering driving while under the influence of alcohol.... Several Perth publicans contacted last night by The West Australian said they believed the move would unduly hurt hotels by intimidating even responsible patrons. (“Police strengthen”, 1990)

A fine line can be drawn between articles that were ‘favourable’ towards drink driving and those that were of a ‘balanced nature’. For the sake of this thesis, stories that informed readers of RBT statistics were classed in the ‘balanced’ category although arguably, they can indirectly heighten concern for road safety.
After the first twelve months of 0.05 BAC being proposed *The West Australian* began to write stronger and more positive views concerning the significance of drink driving policy and road safety in the editorial comments:

There is no room for complacency. The challenge will be to ensure that the more responsible attitude continues in order to minimise the human suffering resulting from death and injury and to restrain the astronomical cost of medical treatment, legal fees and compensation. ("RBT helps", 1991)

These attitudes were also expressed in more favourable articles:

The Health commissioner Bruce Armstrong's evidence that WA would save 13 million dollars annually in accident costs, based on the NSW and Queensland experiences were published. ("New drink", 1990)

In September 1991, an article that criticised the Legislative Council's failure to pass the 0.05 legislation read:

The Legislative Council has added a needless chapter to the unfortunate history of efforts to lower the legal blood-alcohol limits to .05 per cent for drivers in WA...

Now, 16 months later, what should be a straightforward and worthwhile reform is no further advanced. It has become bogged down in a political dogfight which looks like developing into a test of wills between the two Houses of State Parliament. ("Fiddling puts", 1991)

A number of articles expressed the attitudes of interest groups supporting the introduction of 0.05 BAC. In the case of minor, self interested groups, publishing their
opinions through the media was essential in gathering community support for their cause:

'Cyclist Action Group president Bruce Robinson said the delay in introducing the 0.05 legislation had meant that WA had lost its road safety lead to Victoria and New South Wales'. ("Bring in .05", 1992)

'Hotelier's and bar managers who feed patrons with alcohol and then let them drive home had to accept some responsibility for the states high drink related road toll, the AMA said'. ("Bars share", 1995)

In December 1995, the RAC views are expressed, asking the State Government to act now on the road safety report that was tabled in parliament in March. ("Act now", 1995)

The West Australian, in creating greater awareness about drink driving policy, has also outlined a variety of new initiatives. The majority however, were only published since 1993. It has included car ignition locks that prevent drink driving ("Carlocks may", 1993), the introduction of 'skipper' mini bikes to drive people home ("Minibikes &", 1993), labels of alcoholic drink bottles that inform of blood alcohol content ("Drink labels", 1994) and the proposal to ban extra-ordinary licenses for convicted drink drivers. ("Total license", 1995)

In the last two years, debate concerned with the need to increase drink driving penalties has emerged in WA and it has been given considerable discussion by The West Australian. Bob Falconer in July is quoted, 'a high penalty shows it puts road safety
ahead of political interests and is in tune with the wishes of the wider community’. The article also discusses how the Court Government’s opposition to the initial legislation resulted in the present less severe penalty. (“Drink drive”, 1995)

Since the fifth Select Committee report was tabled in parliament, The West Australian has focused on the problems it investigated concerning the inadequate administration and co-ordination of road safety in WA. In October 1995, one article provides a comparison of the WA system with Victoria and highlights the inadequacies of our present structure. It states: ‘Premier Richard Court, please act now to reduce the toll of shattered lives and shattered bones’. It continues with the RAC’s condemnation of the State Government for not acting upon the recommendations that have been proposed. (“ Vict. a model”, 1995)

Perhaps the most effective attempt to influence the public perceptions of road safety were the stories appealing emotionally to the community about victims of road crashes. It undertook a series of articles labelled ‘Behind the Road Toll’. “One error, endless pain” wrote accounts of victims and offenders of drink driving fatalities and accidents. ‘All the victims of drink driving felt a lack of justice at the hand life had dealt them. While those responsible had spent time in jail, those affected were bitter because their suffering will not stop’. (“One error”, 1995)

The Daily News

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<tr>
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<th>Unfavourable</th>
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<td>6</td>
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Table 9 Content Analysis - The Daily News
As *The Daily News* discontinued publishing in 1990, this thesis can only draw upon a few relevant articles. The initial reaction by *The Daily News* included a majority of articles that criticised the reduction in blood alcohol level. In June, *The Daily News* reported:

> Angry lunch-time drinkers accused the State Government of putting another nail into the coffins of small business. Many expressed their concern for publicans, saying the new limit would be hitting their pockets the hardest. All drinkers spoken to yesterday agreed they would be staying away from the hotel bar and drinking at home instead. ("Drinkers angry", 1990)

*The Daily News* was not shy of ‘jumping on the bandwagon’ and publishing similar sensationalised issues to those written by *The West Australian*: ‘Asthmatics risk being largely arrested and charged with drink driving offences because they can’t blow hard enough into road-side breathalysers’. ("Shock blow", 1990)

Concerning the Federal Government’s involvement, *The Daily News* in one article quoted Peter Eakins’s (the President of the Hotels and Hospitality Association) opinion: ‘State Labour MP’s should reject the Federal government’s attempt to introduce a .05 blood alcohol limit... “At one stage we were leading the other states in resisting Mr Brown’s outrageous demands, then WA caved in”’. ("Eakins hits", 1990)

On a more positive note *The Daily News* reported that nearly 70% of the Western Australian community supported the reduction of 0.05 illegal BAC. ‘The State Government survey found 68.8% in the metropolitan area and 61.7% of country people supported .05’. (".05 has", 1990) Furthermore *The Daily News* commented on the use
of ignition locks ("No go plan", 1990) and emphasised the Australian Medical Association’s (AMA) push for 0.05 BAC. ("Doctors back", 1990)

The Sunday Times

<table>
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<tr>
<th></th>
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<td>2</td>
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<td>2</td>
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</tbody>
</table>

Table 10 Content Analysis - The Sunday Times

The Sunday Times approach to the 0.05 BAC debate was more positive. The editorials, although commenting on the Federal Government involvement, were more critical of the Liberal party’s opposition to the 0.05 BAC. One editorial discussed the difficult situation faced by the Liberal party. While the Labor party was accused of yielding to ‘blackmail’, the Liberal government threatened to block supply if a Royal Commission was not called. Meanwhile The Sunday Times acknowledged how the Liberal party would lose popular community support if they were to block the 0.05 legislation because of the increasing public concern that not enough was being done towards road safety:

It is not enough to cite that such draconian measures will have a devastating effect on country social life and the hotel trade. When it was introduced, the .08 per
cent blood alcohol limit was seen as draconian. Later the random breath testing was also seen as draconian. ("Why Libs", 1990)

*The Sunday Times* also participated in publishing the occasional sensationalised article:

‘Police criticism of drink drivers sparked angry response from civil libertarians, “it was not the police force’s role to identify and characterise those who had not broken the law”’. (“Clamp on”1995)

The majority of news articles informed the public of the need for road safety. In 1995 *The Sunday Times* conducted a Stay Alive in ’95 segment that included articles that discussed the consequences of road accidents: ‘For too many young people are dying because they drive while upset, drunk or distracted or too fast’. (“Drive to”, 1995)

Furthermore, *The Sunday Times* increased the public awareness of what to expect from changes in legislation and policies. For example one article describes a ‘booze bus’: “From the outside, the booze bus looks faintly terrifying: its big, official and threatening. But it is like stepping into a kitchen. If you are invited to step aboard, you know you are up around the legal limit for drink driving’. (“On a booze”, 1995)

Most recently, *The Sunday Times* has heightened the public’s awareness of the administration and co-ordination road safety. An editorial in 1996 was critical of the fifth Select Committee report. It comments on how the committee has spent $35000 on travel and produced seven reports. ‘The all-party committee has produced 150 recommendations, many of which are controversial, such as raising the drinking age to 21 and imposing curfews on young drivers’. (“On the wrong”, 1996)
*The Sunday Times* has seemingly presented a stronger and more positive argument for the introduction of both 0.05 BAC and greater enforced drink driving countermeasures. The extent to which *The Sunday Times* was serious about emphasising this importance however, is questionable. While in 1990 *The Sunday Times* published 8 articles about drink driving policy, the three years to follow (1991-1993) included an overall total of 8 articles. Furthermore, it can also be argued that the persuasive influence of *The Sunday Times* is somewhat restricted particularly because of its limited ‘once weekly’ circulation.

Similarly, in 1990 *The West Australian* published a total of 34 articles compared to 51 in 1995 and *The Sunday Times* published 8 articles in 1990 about drink driving policy compared to 16 in 1995. Clearly, neither paper was concerned initially with prioritising drink driving policy as an important issue in public policy. As a result the Western Australian newspapers have all been considerably slow in recognising the significance of drink driving policy.

*The West Australian, The Daily News and The Sunday Times* have all contributed to the slow development of drink driving policy. Clearly, the media can contribute significantly to the policy making process through its ability to influence public perception and opinion on political issues. (Tiffen, 1989) The Western Australian newspapers however, have been slow in recognising the significance of, and supporting measures to reduce the incidence of drink driving. Furthermore, *The West Australian* and *The Daily News* were initially more concerned with creating drink driving policy as a sensationalised issue. Ultimately, the Western Australian newspapers have missed the
opportunity to initially influence what has emerged as one of the most significant issues in public policy - road safety.
4. The Parliament

'The domination of the lower house by party discipline has led some observers to posit that Parliament is facing a serious erosion of its authority and representation'. (Lovell, McAllister, Maley and Kukathas, 1995, p. 50)

Modern literature argues the emergence of party politics has diminished parliament's traditional control and influence in the policy process. The analysis of drink driving policy development in Western Australia however, provides alternative insights to this phenomenon and offers a greater understanding about the conservative and highly politicised policy process in Western Australia. Western Australian Parliament can yield considerable control and influence in policy making and as a result has contributed significantly to the slow development of drink driving policy. There are three reasons for this: the lack of bipartisan support, the oppositions obstructive tactics and the highly politicised debate.

Australia’s Parliament’s have emerged as a haven for party politics. Lovell et al. argue Australian party cohesion and discipline in much stronger than in other parliamentary countries. (Lovell et al., 1995, p. 51) This development has resulted in the demise of parliamentary power and influence in the policy process. The governing party has such a strong hold over parliament that its traditional functions and duties have been prohibited.
The traditional role of the legislature is to ensure that the government is held accountable to the public through the questioning, publicising and investigation of government actions. It is also expected to participate in parliamentary debates by discussing, amending and passing legislation. (Aitken & Jinks, 1980) 'The existence of two chambers allows for a more diverse range of interests to be represented in Parliament and it also acts as a check on the legislative process'. (Lovell et al., 1995, p. 45)

Party politics however, has prohibited parliament from undertaking these traditional functions and duties. The introduction of bills, parliamentary debate and amendments is controlled by the governing party whose clear majority and strict party discipline ensures the immediate passing of legislation. Directing public policy is as a result, ultimately the responsibility of the executive whose party has obtained a clear electoral majority. 'Legislatures where the membership is tightly organised along party lines, and marked by a high degree of cohesion and discipline, permit little opportunity for legislators to take an independent stand'. (Howlett & Ramesh, 1995, p. 55)

Hence, modern literary sources describe legislatures as minor actors in the policy process. 'Legislatures as a whole are not very significant actors in the making or implementing of public policies'. (Howlett & Ramesh, 1995, p. 55) Contrary to this belief, party politics in Western Australia has not brought forth the demise of parliament.

Western Australian Parliament has maintained a significant strong hold over the policy process. The electoral boundaries of parliament have been a significant factor
contributing to this control and influence. Electoral boundaries in WA are particularly complex. Some parts of Western Australia are extremely isolated. In the case of electorates this raises concerns about whether boundaries should be one vote, one value or alternatively that urban areas contain fewer votes than rural electorates to compensate for this isolation and the problems that accompany it. The latter occurrence is known as malapportionment. (Woodward, Parkin, Summers, 1985, p. 193) Malapportionment is particularly evident in Western Australia:

Bias towards the non-metropolitan area of the state is inherent in the electoral system for both houses of parliament, but is particularly pronounced for the Legislative Council. At no time in the state's history has the Labor party held a majority of seats in the Legislative Council. For all intents and purposes the Legislative Council has the equivalent degree of legislative power as the Legislative Assembly. (Galligan, 1986, p. 74)

In theory, the Legislative Assembly (Lower House), holds more powers than the Legislative Council (Upper house). The Legislative Council was originally instituted into parliament as a 'house of review'. (Bennett, 1992, p. 95) Money bills must originate in the lower house although the upper house can, in reality, exert more influence than the Legislative Assembly.

Bennett argues the Legislative Council's power is derived from; its ability to request and in some states, reject amendments on money bills, in the case of unresolved differences between the two houses (a deadlock) the Legislative Council is not obliged to reach a compromise as is the case for the Commonwealth Parliament and finally, because of electoral arrangements, 'they hold the whip hand in conflicts with the
Assemblies' which in some states could result in the forced dissolution of the Legislative Assembly and the calling of a new election. (Bennett, 1992, p. 96)

The Legislative Council in Western Australia, although traditionally a 'house of review', has conferred considerable power and influence in parliament as a result of malapportionment. This is evident in the analysis of the drink driving policy development in Western Australia.

The advantages given to the Liberal and National parties in the Legislative Council are evident in the numerical support given to the Road Traffic Amendment Bill in 1992. The division taken from the Legislative Assembly for the bill was: Ayes 22 [20 Labor 1 Independent Labor] and Noes 17 [13 Liberal party and 4 National party]. (WALA, 1992, p. 3619) The Legislative Council division for the same bill was as follows: Ayes 14 [13 Labor, 1 Independent] and the Noes 12 [10 Liberal and 2 National]. (WALC, 1992, p. 2055) Clearly Labor, despite the majority to govern, received support sufficient enough to only just pass the bill through the Legislative Council.

This lack of bipartisan support for the introduction of illegal 0.05 blood alcohol, as was proposed in the Road Traffic Amendment Bill, has first and foremost been a contributing factor in the slow development of drink driving policy. It took three years for Western Australia to pass the bill because of this lack of bipartisan support and consequently, resulted in WA being the last state to do so.

The Liberal party has been particularly influential in obstructing the development of drink driving policy. The Road Traffic Amendment Bill was first introduced into the
Legislative Council by the Honourable Graham Edwards (Minister for Police) on the 12th July 1990. After considerable debate and discussion it was referred to the Legislative Council Standing Committee on Legislation that reported its findings in December 1990.

The Council after again considering the bill and taking into consideration the time restraints placed on the Standing Committee who investigated the report, referred the bill once more to the Committee on the 14th May 1991, requesting more detail. There were two versions of recommendations that accompanied the second report presented to the upper house in August 1991. The 'Liberal party's version' argued 0.05 BAC be applied to all drivers under the age of 21 except those on probation (0.02 BAC) and 0.08 BAC apply to all other drivers. The second 'chairmen's compromise version' included a 0.05 BAC for all drivers under the age of 25 years except those on probation, and 0.08 BAC for all other drivers. (WALC, 1992, p. 1943)

After serious debate and amendment the bill was agreed to by the Upper House and received by the Legislative Assembly on 22 October, 1991. The amended bill reported to the lower house was deemed unacceptable and allowed to lapse. (WALA, 1992, p. 2552) Arguably, the Liberal party members in the Legislative Council obstructed the development of drink driving policy. This is because the Labor party members deemed the amendments (instituted by the Liberals) unsuitable to the extent that it did not allow debate for the amended bill in the Legislative Assembly. 'The subsequent bill in the form reported to this House on 22 October 1991 was far from acceptable to the Government and was allowed to lapse'. (WALA, 1992, p. 2552)
Clearly, the Liberal’s were obstructive because they not only successfully opposed the bill in the Legislative Council, but instituted amendments which ultimately prohibited debate in the Legislative Assembly. Furthermore, the debates raised by the Liberal party arguably, lacked sufficient justification and were highly politicised.

The Labor Government upon introducing the proposed legislation in 1990, emphasised the increasing concern for road safety and highlighted the importance of targeting the incidence of drink driving in particular. ‘The issue of road safety is one which must become a priority and be above party politics....It is almost as if a docile and meek acceptance has clouded our will to confront the challenge of dealing with the issue’. (WALC, 1990, p. 3796)

Furthermore the Labor member for South Metropolitan, the Honourable Cheryl Davenport emphasised the significance of drink driving in WA road crashes and the enormous cost occurred to the community annually. She also highlighted the serious injuries inflicted on victims involved in crashes and hospitalised in Royal Perth Rehabilitation hospital. (WALC, 1990, p. 4888)

The Labor Government’s proposal was also supported by the Traffic Board of Western Australia, the National Centre for Research into the Prevention of Drug Abuse, Dr Ross Hornel and Dr Peter Cairney both of whom are experts in this field. (WALC, 1990, p. 3770) Moreover, several other Australian States had already adopted 0.05 illegal BAC.

‘It needs to be stated that 0.05 BAC has been a reality in four other Australian states for between 10 and in Victoria 25 years’. (WALC, 1992, p. 2039) There was also evidence
to suggest that in New South Wales road deaths had decreased 12 per cent on Saturday nights since the introduction of 0.05 BAC. (WALC 1990 p 4719)

The Honourable George Cash, leader of the Opposition in replying to Mr Edwards’s (Minister for Police) second reading speech stated: ‘the speech indicates that it is peppered with what I would term very emotional statements, some of which are fairly vague and general in their outline’. (WALC, 1990, p. 4696)

In opposing the bill, the Liberal party was particularly critical of the Federal Government’s involvement. The Labor Government proposed to introduce 0.05 illegal blood alcohol amid controversial threats by the Federal Government. The Federal Government, in an attempt to uniform road safety in Australia, proposed a 10 point safety plan containing different road safety measures. It threatened to withhold $12.5 million dollars in road funding if these measures were not adopted by the states. These circumstances provided ammunition for the Liberal and National Parties to oppose the bill:

I remind members of that some months ago the Federal Government made an offer to those states that did not have 0.05 legislation. In the case of Western Australia it offered $12.5 million in additional funds for roadwork’s if the state would agree to the 0.05 legislation. I was personally offended by the Federal Government’s proposition to buy off a state by offering money with the proviso that the State Government must change the law in line with what the Federal Government wanted. (WALC, 1990, p. 4699)
The Western Australian Liberal party also justified their opposing stance for the bill by targeting the Labor Government's lack of empirical evidence:

So far as I am concerned, if there is no scientific basis for it, I do not care whether the majority of people in Western Australia support it. I do not believe we should legislate to govern the behaviour of the minority, even with the support of the majority, if there is no scientific justification for it. (WALC, 1990, p. 4709)

Arguably, this mentality highlights the particularly conservative element that dominated the drink driving debate in the Legislative Council. The Liberal party ultimately refused to support the bill, despite community support, unless 'ample' evidence was supplied. To counter this argument Mr Edwards replied:

Why should we try to put the onus on people who are trying to reduce the road trauma and road deaths?...Why should the onus be put on researchers and people whose job it is to patch up road accident victims to provide proof to the degree Hon. Peter Foss would want? (WALC, 1990, p. 4895)

Mr Cash, on the other hand, likened the legislation to 'taking a sledgehammer to crack a nut'. (WALC, 1990, p. 4697) Allegedly the Government was penalising the entire community because some members of society 'have been subject to a high proportion of road deaths and road injuries'. (WALC, 1990, p. 4697) Mr Cash quoted statistics of persons killed on Western Australian roads to justify the amendment: between July 1989 to December 1989, 25 people were killed in the 17-20 year old age group (18.5% of the total 135 people). From January 1990 to June 1990 of the 103 persons killed, 18 were in the 17-20 year old age group (17.5% of total). (WALC, 1990, p. 4697) Based on these statistics, the opposition argued the vulnerability of this age group in road
deaths justified the proviso that only people under the age of 21 years of age be subject to the 0.05 BAC legislation.

The Labor member for Mining and Pastoral, the Honourable Tom Helm accepted the statistics and arguments raised by Mr Cash although he asked the House to accept those other groups that were also at risk. (WALC, 1990, p. 4705) The Honourable Fred McKenzie however, was able to quote statistics that proved other people were also at risk of drink driving:

In the 21 to 24 year age group - and this amendment only incorporates those aged up to 21 years - 136 were killed of which 76 were drink drivers; 24 per cent of the total of drink drivers killed. In the 25 to 29 year age group, (sic) 97 people were killed of which 66 were drink drivers; 20.8 per cent of the total number of drink drivers killed. In the 30 to 39 year age group, 97 people were killed of which 55 were drink drivers; 17.4 per cent of the total number of drinkers killed. In the 40 to 49 year age group, 79 people were killed of which 32 were drink drivers; 10.1 per cent of the total number of drink drivers killed. (WALC, 1990, p. 4719)

The Honourable Phil Lockyer apart from raising the argument concerning the Federal Government's offer of $12.5 million dollars also suggested the government's purpose of introducing this bill was because the Minister got rolled in cabinet by the 'petticoat brigade'. (WALC, 1990, p. 4702) He continued; 'some remote communities are lucky just to have running water, electric lights and telephones, let alone having to worry about random breath testing' and that.... 'it would not matter what we did to them, they would still drink and drive'. (WALC, 1990, p. 4703)
Mr Reg Davies, Liberal member for North Metropolitan, raised concerns about the ability of people to measure their blood alcohol content. He recommended liquor outlets take the initiative to install breathalysers for patrons use and that education was a positive influence in reducing the road toll. (WALC, 1990, p. 4886) Ironically, the Road Traffic Amendment Bill introduced in 1992 was successfully passed because of the support received from Mr Davies who later became the independent member for North Metropolitan.

The National party has also contributed to slow development of drink driving policy in Western Australia. The National Party's stance, apart from criticising the lack of empirical evidence and the credibility of the legislation because of the Federal Government's involvement, pleaded the case of inequality against country people. The Honourable Eric Charlton argued:

The National Party opposes this Bill; not because it does not wish to promote road safety but, quite the contrary, because we have considered the proposal and what history has demonstrated and we seem to be the persecuted group in this matter. (WALC, 1990, p. 4701)

Mr Charlton also argued the bill impinged the only form of communication in small country areas, social gatherings. He emphasised that country people did not have access to readily available public transport as in the metropolitan area. (WALC, 1990, p. 4700)

Finally, Mr Charlton scrutinised the biased manner in which police were conducting their enforcement. He argued '45 per cent of the people stopped in this State for
breathalyser testing are from country areas. The population of the country areas is approximately 25 per cent of the total population of the State'. (WALC, 1990, p. 4700)

The Honourable Mr JN Caldwell raised concerns about 0.05 BAC causing unemployment in country areas. 'Pubs and clubs have been devastated by the introduction of random breath testing. Many country folk are experiencing the effect of increasing fuel prices when travelling to and from town. Country areas will be hardest hit if the 0.05 legislation is introduced'. (WALC, 1990 p. 4717)

The bill introduced into the Legislative Council in 1992 by Mr Edwards was similar to the previous bill although it was supported by significantly more empirical evidence. Apart from the evidence that had been presented in the previous debates the Government drew upon results from a Federal Office of Road Safety (FORS) survey in Canberra. These results showed significant improvements in RBT statistics since the 0.05 illegal blood alcohol level had been implemented. The results included a 26% decrease in 0.10 BAC, a 41% reduction in 0.15 BAC and a 58% reduction in 0.20 BAC. (WALC, 1992, p. 1534) Mr Edwards also commented on the Committee’s recommendations that the decision, 'be a political one, and should be taken in the interests of the greater community good'. (WALC, 1992, p. 1533)

Alternatively, the Liberal Party's debate was similar to those outlined previously including: the conflicting evidence in support of 0.05 (WALC, 1992, p. 1946), that road driving conditions were the main cause for accidents, as opposed to alcohol impaired driving and the Federal Government’s 'blackmail' threats. (WALC, 1992, p. 1945) The Honourable Wordsworth even argued the penalties made a 'mockery of the penalty for
drink driving; it will be associated with a minor traffic offence'. (WALC, 1992, p. 2047)

Note that penalties were reduced by the Minister as an incentive for the Liberal party to support the bill.

The Liberal’s debate particularly targeted the risk of unemployment occurred from 0.05 BAC. (WALC, 1992 p.1947) Ms Cheryl Davenport however, was able to provide evidence that contradicted this argument: ‘liquor and restaurant industries survived successfully despite their original arguments to the contrary’. (WALC, 1992, p. 2039)

Clearly, the Western Australian Liberal and National Parties were successfully able to oppose the bill despite their lack of significant community support or governing power. Arguably, the Liberal party, in particular, was merely taking advantage of its majority in the Legislative Council to be politically obstructive and score points against the Labor Government. It is evident from the debates outlined above, criticism of the bill was not in any way constructive rather it was obstructive. The National party, while also firmly opposing the bill, was at least arguing the beliefs and attitudes of its constituents. Furthermore, the study has emphasised the conservatism of the Legislative Council. ‘An upper house could provide a necessary review of legislation passed by the lower house, and it could also act as a stronghold of conservatism, putting a permanent check on democratic urges that might erupt in society and be represented in the lower house’. (Davis, cited in Bennett, 1992, p. 95)

The Liberal party took a highly significant and important issue in public policy and created a highly politicised and competitive struggle for political importance. This is clearly evident after 1993 election. The Liberal Party took over as the governing power
and since this period drink driving policies have developed significantly. Community support for measures that prevent drink driving has increased and the Liberal Government have spent considerable effort and resources on implementing these policies.

In 1993 0.05 illegal BAC was implemented. This has been enhanced by more extensive publicity and intensive RBT. Ironically 'booze buses' although an administrative decision, were implemented under the present Liberal Government in 1995. Ironically, in 1990 Mr Lockyer asked Mr Edwards, Minister for Police: 'Will the Minister give and unequivocal undertaking to this house that booze buses similar to those used in Victoria will not be introduced in WA?'. (WALC, 1990, p. 6043) There has been a significant change in the attitudes and beliefs now portrayed by the Liberal Government.

The Liberal Government is currently reviewing legislation that is concerned with improving road safety as a whole in Western Australia. This Road Traffic Amendment Bill is concerned with the administration and co-ordination of road safety in Western Australia as was recommended by the fifth Select Committee report.

Clearly parliament has played a powerful negative influence in the development of drink driving policy in Western Australia. The role of parliament however, is able to exert positive influence through Select Committees. Select committees consist of bipartisan members of parliament who 'can examine the administration of departments and criticise the structure and implementation of programs'. (Davis, Wanna, Warhurst & Weller, 1993, p. 205) The investigative tool of Select Committees can provide parliament with valuable information that allows for more informed decision making.
It also raises new initiatives and insights that assist the implementation and future development of policies. (Emy, 1978) 'In many contemporary legislatures, policy functions are performed not on the floor of the legislature but in committees established along functional lines to review proposed legislation. Committees often build considerable expertise in the area with which they deal, and the extent to which this happens enables the legislature to exercise influence over making and implementing policies'. (Howlett & Ramesh, 1995, p. 55)

The Western Australian use of Select Committees on road safety has fared badly in comparison with other States. The New South Wales Staysafe Committee is a Parliamentary Standing Committee on Road Safety comprising both Houses of Parliament with a road safety inquiry function. It was established in 1982. (WALA, 1995)

The most effective use of Select Committees in Western Australia however, was not until 1994 when the Legislative Assembly’s Select Committee on Road Safety was established. Which ironically, was commissioned by a Liberal Government. This Committee has since produced five reports that have investigated various road safety issues including penalties, road crash causes and administration and co-ordination. All of which have all been drawn upon extensively throughout this thesis. The Select Committee reports have been reasonably effective in instituting changes for the purpose of road safety in Western Australia. For example, the recommendations given in the latter report have been proposed in parliament and the bill is presently being reviewed. Furthermore, the introduction of 'booze buses' followed recommendations from the 4th report into penalties.
Arguably, Parliament’s lack of early extensive use of committees has slowed the development of policy. The Select Committees in Western Australia have enabled drink driving policy and road safety in general, to be systematically addressed and given more effective direction. Parliament’s use of Select Committee reports however, is not binding. Davis et al. argues ‘they can be “shelved” and ignored by an indifferent or antagonistic government’. (Davis et al. 1993, p. 206) While the Legislative Assembly’s Select Committee reports on road safety in Western Australia have had an impact in restructuring road safety in WA, its influence arguably is dependent on the support its given by the government.

The analysis of drink driving policy development offers an important insight into how parliament can obstruct and delay the policy process. Literature argues the influence of Australian Parliament’s in policy making has declined as a result of party politics. In Western Australia however, the bias weighting of rural electoral boundaries has consequently resulted in parliament playing a crucial role in the policy process. The Western Australian Parliament has contributed significantly to the slow development of drink driving policy because of its lack of bipartisan support, the emergence of a highly politicised debate and the obstructive tactics handed out by the Liberal party members in the Legislative Council.
5. Interest Groups

Interest groups have emerged as significant actors in the policy process. An analysis of the role played by interest groups in Western Australian drink driving policy development provides an insight into the way these groups are able to participate in the policy process. This chapter examines the strategies used by interest groups to influence government and persuade public opinion. Furthermore, it highlights how their highly politicised debates have contributed to the slow development of drink driving policy.

A review of recent drink driving policy debates in WA, has highlighted the significant community support for measures to reduce the incidence of drink driving. Although the Labor Government’s initial 0.05 BAC debate lacked a wealth of empirical evidence it was justified primarily on the opinions’ of academics and medical practitioners. In 1992 Mr Edwards stated his Government had received ‘strong support from responsible organisations in our community, including the police, State Emergency Service workers, the Royal Automobile Club of WA (RAC), the Australian Medical Association (AMA), other distinguished medical bodies such as the Royal College of Surgeons and the majority of people in the state’. (WALC, 1992, p. 1533) Clearly, these interest groups provided the Government with adequate support, sufficient enough to justify their proposal for 0.05 illegal blood alcohol. ‘Interest groups can be quite useful for governments offering knowledge, representativeness and authority’. (Woodward, Parkin & Summers, 1985, p. 311)

Furthermore the interest groups involved in the drink driving policy debate were successful in heightening the Government’s awareness of the increasing community
support for measures to reduce the incidence of drink driving. 'Their very existence alerts government’s to the source of unhappiness in the electorate, while their communications and demands supply the detail'. (Aitken & Jinks, 1980, p. 110)

Arguably, the Labor Government would not have proposed the 0.05 BAC legislation without widespread support in case of the community backlash.

Clearly, interest groups influence public policy by persuading governments to adopt their same beliefs. Ultimately, these beliefs are then written into public policy. Since the post war period, interest groups in Australia have emerged as important players in the policy process. Interest groups come in various forms, altruistic (large promotional organisations) or sectional (self interested). (Gardner, 1989, p. 180) The interest groups that have participated in the development of drink driving policy in Western Australia have included both these types.

The AMA and the RAC are two altruistic groups who have supported the development of drink driving policy. These groups have both made use of their extensive resources to promote the development of drink driving policy in Western Australia.

The AMA branch lobbied heavily for the 0.05 legislation (Medicus, 1992, p. 7) and also contributed significantly in promoting road safety in general in Western Australia through media conferences and seminars. In 1989 the Road Accident Research Unit (Roadwatch) was established upon recommendations by the AMA. In September, 1992, a Road Safety Summit was held in Bunbury. This summit was instigated to find resources to enable the implementation of countermeasures found through Roadwatch’s
research. (Medicus, 1992) The AMA has also established many other organisations that have lobbied for greater road safety including the National Road Trauma Council.

Similarly, the RAC has contributed significantly to the drink driving debate through road safety education programs. The RAC has provided its support to all of the initiatives undertaken by the Western Australian Government that reduce road fatalities. The official RAC magazine Road Patrol, has included a variety of information concerning the development of drink driving policy. Included in Road Patrol have been several articles informing its members of recent policy changes. “Blood Alcohol Levels: the penalties and your insurance” notified readers of the introduction to 0.05 BAC, the subsequent penalties and the extent in which offences would affect different insurance policies. (Road Patrol, 1993)

Other articles informed readers about what to expect from recent drink driving policy changes. “Booze Busters” extensively describes the routine of being pulled over for RBT and charged for drink driving. The article also familiarises readers with the purpose of booze buses and the drink driving penalties. The concluding message states: ‘Don’t get Booze Busted. Appoint a skipper or grab a cab, but don’t drink and drive - it’s not worth it’. (Road Patrol, 1996, p. 8) A recent initiative of the RAC is a web site on the internet. Included on the web site is a news update that informs viewers of their support for ignition interlocks for drink drivers and their full support for the Government’s recent changes to the administration and co-ordination of road safety in WA.
Alternatively, the Western Australian Hotels Association (WAHA) led a high publicity campaign that argued hotels, particularly in the country region, would go broke because of the loss of business that would result from the introduction of 0.05 BAC. WAHA took advantage of the uncertain economic climate in the early 1990's and invoked the fear of high unemployment amongst the Western Australian community. Whilst WAHA expressed these views through the media, in 1983 it also publicised a report on blood alcohol levels. The report was titled: *An Assessment of “The Effectiveness” of Blood Alcohol Levels in Reducing Traffic Accidents.* The report concluded education was the most effective solution to the drink driving problem in Western Australia. It also notes WAHA was the first association to undertake a research programme to educate its members and sponsor an advertising campaign to educate the public. The report states:

WAHA suggests that political leaders and other decision makers attempt to understand that road safety research is in its infancy stage and that considerably more research is required in this area before effective solutions can be found. It is also recommended that a commitment to proper scientific evaluation and the full truthful disclosure of research findings to the public is necessary if we are to properly assess the effectiveness of various countermeasures within the framework of our transportation system. (Western Australia Hotels Association, 1983)

There has also been a large number of smaller sectional interest groups who have participated in the drink driving policy debate. Despite their significant lack of resources these groups have been successfully able to gather greater community support and encourage greater concern for policies to reduce the incidence of drink driving.
The Western Australian Council for Civil Liberties is a small organisation that gathers voluntary community support to, ‘help get citizens a fair go in seeking justice when they are unfairly attacked by the high-handedness of the state’. (Freedom Today, 1989) The Council produces a magazine called Freedom Today, which highlights the views portrayed by the Council through a collection of press clippings. The Council gathers support through open public meetings and by ensuring their attitudes and beliefs are expressed through all media outlets. The President, Mr Peter Weygers, has consistently promoted the attitudes and opinion’s of the Council concerning drink driving policy development in the Western Australian newspapers since 1990.

In January 1994, Peter Weygers and A.J Campbell from the Council wrote to The West Australian. They argued the Government should review its road safety strategies because of the dramatic rise in the road toll despite the implementation of new policies:

> Our council has maintained for some years that there is much more to road safety than drink and speed. The psychology of the driver is all important, which includes driving skill, attention defects, irresponsibility and so on. Many people are also under intense stress with high unemployment and rising levels of domestic violence and divorce. (“Review road”, 1994)

Other small, self interested groups that have also participated in the debate include People Against Drink Driving in Western Australia and the Cyclists Action Group. To obtain a more united and stronger voice these groups have banded together, with the larger organisations. Advertisements were placed in The West Australian by both
groups that opposed 0.05 blood alcohol and those in support of the move. ("Why .05 is", 1990) ("0.05 the", 1990)

Clearly, numerous interest groups have participated in the development of drink driving policy in Western Australia. It is evident the support given to 0.05 blood alcohol by the AMA, the RAC and the Royal College of Surgeons, all considered to be both responsible and respectable organisations, justified its introduction. Arguably though, the Liquor Industry, were able to wage considerably more influence and control in the policy making process. This is because the Liquor Industry while firmly opposed to the introduction of 0.05 BAC, received support from the Opposition parties.

Liberal party members, in debating the bill, quoted the opinions and attitudes of the Liquor industry:

Turning now to the more practical situation that will occur in this State if the 0.05 per cent blood alcohol level offence is introduced, I indicate what the Liquor Industry Road Safety Association believes is likely to happen on the economic sense, and in particular in relation to unemployment...the association believes that if 0.05 legislation is enacted in Western Australia 1700 hotel employees, mostly bar attendants, could lose their employment, as could 300 workers in the wine industry, 1000 restaurant employees, mostly waiters, 200 people working in sporting and community clubs, 700 employees in the tourism industries, 80 brewery workers and 100 entertainers. (WALC, 1992, p. 1947)

Evidently, the Liberal party voiced the opinions of the Liquor Industry as a significant reason for opposing the introduction of 0.05 BAC. Furthermore, the previous chapter
has discussed the weighting of country electorates in WA Parliament, particularly in the Legislative Council. It highlighted the influence and control yielded by the Liberal and National parties as a result of malapportionment. Consequently, the Liquor industry having achieved support from the Opposition parties, was also able to have greater control and influence in the drink driving policy making process.

While the Liberal and National parties were successfully able to oppose the introduction of 0.05 BAC in 1990 and 1991, by 1992, the balance of power lay in the hands of the independent member for North Metropolitan, Mr Reg Davies. As a result several interest groups approached Mr Davies. These groups provided statistical evidence and memoirs of personal experiences to support their arguments. Mr Davies states in the parliamentary debates that he received correspondents from a variety of people including the President of the Pensioners Action Group, People against Drink Driving, St John Ambulance, the Advisory and Co-ordinating Committee on Child Abuse, the President of the Cyclists Action Group and Dr. David Sleet of the University of Western Australia. (WALC, 1992, p. 2041) An emotional appeal citing personal experience was given to Mr Davies by the Chief Executive Officer of Sir Charles Gairdner Hospital:

As CEO of one of Perth’s major Teaching Hospitals which provides the acute trauma and emergency service for the Perth Northern Metropolitan area, I write to support any action that might reduce the incidence of morbidity and mortality associated with road trauma. It is my opinion that any reduction in legal blood alcohol limits in motor vehicle drivers will have a beneficial effect and I therefore support the proposed reduction from .008 to .005(sic). (WALC, 1992, p. 2040)
While Mr Davies initially opposed this Bill. In 1992 the many interest groups (both altruistic and sectional) who had written to him coupled with new substantial evidence, had successfully persuaded him to change his mind. Hence, the Liquor Industry’s control and influence was eventually dissolved when the Liberal and National parties lost their majority in the Legislative Council.

While some interest groups were initially able to wage more direct influence in drink driving policy making than others, all arguably, contributed to the slow development of drink driving policy in WA. There were so many interest groups, both large and small voicing alternative attitudes and opinions about drink driving policy, hence emerged a highly politicised debate. This arguably, devalued the importance of policies to reduce the incidence of drink driving as a significant issue in public policy. Instead it created an environment of conflicting evidence and contrasting beliefs.

Clearly, interest groups contributed significantly to the slow development of drink driving policy. The highly politicised debate devalued the importance and significance of drink driving policy. Furthermore, the highly politicised policy making process in WA enabled the Liquor Industry to yield more influence and control over drink driving policy development. Consequently, when 0.05 BAC was proposed in parliament, contrasting debates and conflicting opinions emerged in the community and remained present for almost three years. As opposed to what could have been, the quick and smooth implementation of a policy which ultimately would contribute to reducing the incidence of drink driving in Western Australia.
6. The Public Service

The role played by the Western Australian bureaucrats in both agenda setting and the co-ordination and administration of drink driving policy is examined in this chapter. The fragmented bureaucratic structure around road safety has contributed to the slow development of drink driving policy by impeding the smooth implementation and further advancement of policies. There is a wide spread belief that bureaucrats are powerful players in the policy process with significant influence and control in policy development. (cited in Howlett & Ramesh, 1995) The lack of a Minister or a homogenous organisation for road safety however, has adversely affected the influence of the bureaucrats involved in WA drink driving policy development.

To determine the effectiveness of the bureaucracy in influencing drink driving policy, it is important to firstly analysis the relationship between the public service and it’s Ministers. Ministers, as head of departments and public servants have a mutually beneficial relationship because they are reliant on each other. Public servants administer the execution of government policies and provide specialised expertise and advise to Ministers. 'Political goals are only feasible if public servants can either administer the laws proposed or implement ensuing programmes'. (Emy, 1978 p. 501) Alternatively, Ministers represent the departments in parliament and ensure existing programs are maintained and funding continues. Ministers, ‘fight for the department’s policies in cabinet, to maintain the department’s level of spending, and to present an articulate and impressive visage in parliament and public’. (Emy, 1978, p. 507)

While public servant’s are traditionally believed to be subservient and impartial, modern literature argues the bureaucracy has been able to confer tremendous power and...
influence in both agenda setting and the implementation of policy. Davis et al. (1993) argue the traditional advantages of the public service; time, history, official networks, professionalism and complexity have enabled the acquisition of greater power and influence in the policy process. Emy (1978) believes the public service acquires its political power from the valuable sources of knowledge. (Emy, 1987, p. 504) 'In such a society, the possession of, plus the ability to manipulate, theoretical knowledge, forms the basis for fresh claims to social power and status'. (Emy, 1978, p. 505) Howlett and Ramesh (1995) argue the power of the bureaucracy is based on the law (wide discretion deferred to bureaucracies), access to material resources and vast quantities of information, its skills and expertise, its permanence and the fact that policy deliberations occur in secret hence deny opposition's stance. (Howlett & Ramesh, 1995, p. 56) Clearly, the bureaucracy is able to confer a significant amount of power and influence in the policy process. In the case of drink driving policy implementation however, the bureaucracy in Western Australia has exerted reduced influence. Hence it is important to study the development of drink driving policy in WA. It demonstrates how the power of a bureaucracy can diminish if departments are too fragmented and uncoordinated.

The importance of drink driving policy, one strand of road safety, as a significant issue in public policy, has been emphasised throughout this thesis. Despite this importance Western Australia does not have a Minister for Road Safety. Weller and Gratton (1981) argue the tasks of a Minister include; 'the promotion and development of policy, the administration of departments, the selling of government actions to the public, participation in cabinet and parliamentary performance'. (Weller & Grattan, 1981, p. 40)
Clearly, a Minister for Road Safety is important for representing a united voice for road safety. A sole Minister can heighten the credibility of road safety in Western Australia. Furthermore, it would emphasise the Government's dedication to improving road safety to not only parliament but to the community as a whole and consequently, increase the community's awareness and general concern.

In 1995 the Select Committee for road safety was commissioned to investigate the coordination and administration of road safety in Western Australia. The Committee report, believing road safety was of such importance, has recommended that the Minister for Transport be renamed as the Minister for Transport and Road Safety. (WALA, 1995, p. 28)

The Select Committee report, through its analysis of road safety in WA, has also concluded that present arrangements are 'inadequate'. (WALA, 1995, p. 26) Submissions to the committee highlighted the many inefficiencies of road safety administration in WA. These include:

- lack of co-ordination of road safety efforts between agencies,
- lack of a central agency that has primary responsibility for road safety,
- lack of liaison between agencies and the local community on road safety problems,
- lack of support to local governments by Main Roads WA,
- deficiencies in designs of local traffic management devices,
- lack of co-ordination of road safety research,
- lack of a comprehensive black spot program,
• lack of some credible enforcement policies,
• lack of a means to prioritise road safety strategies across agency programs for all components of crash causes - road users, roads and vehicles,
• inappropriate allocation of responsibilities to agencies for some aspects of road safety. (WALA, 1995, p. 27)

To understand why these inefficiencies have emerged it is important to analysis the administrative framework of road safety in WA. This is demonstrated in figure 6.

![Figure 6.1 Road Safety Administrative Arrangements in Western Australia (WALA, 1995, p. 3)](image)

Clearly, several organisations have been responsible for road safety in Western Australia. Firstly, the Traffic Board is the only organisation in Western Australia that deals directly with road safety. The Board is financed by the Road Trauma Trust Fund and its members include the Director General of Transport, the Commander of Traffic Operations and the Commander of Mains Roads. Some of its responsibilities included:
• administering the road traffic act,
• undertaking road safety research including collecting and analysing road traffic statistics,
• disseminating road safety information,
• increasing the level of community support for improved road safety and more efficient traffic movement.
(cited in Traffic Board of WA, 1995)

The Traffic Board's attempt to implement adequate measures to increase road safety in Western Australia has been hindered by road safety's extremely fragmented administrative structure, 'there are difficulties in actually implementing safety strategies due mainly to inadequate organisational arrangements which do not allow the issues to be properly addressed'. (WALA, 1995, p. 26) Furthermore, the Select Committee report argues the Traffic Board is, 'not representative of the broad community and is too orientated towards enforcement and regulation'. (WALA, 1995, p. 39)

Propelling drink driving initiatives into Western Australia has consequently, primarily been the Police department's responsibility. The Police Commissioner, who chairs the Traffic Board, has expanded the Police department's role in the development of drink driving policy through his position. Although the Police department's chief responsibility is law enforcement, as a result of new road safety initiatives, it has inherited many other responsibilities in areas it does not specialise. Specialised skills and expertise are the keys to an effective bureaucracy. Specialisation not only enables the bureaucracy to administer its tasks most efficiently and effectively, it is the cornerstone of bureaucratic influence and control in the policy process. As Aitken and Jinks argue, 'the departmental arrangement involves one of the basic features of
bureaucracy - specialisation - this is intended to produce greater efficiency through the skills and expertise that are developed in the organisation'. (Aitken & Jinks, 1980, p. 196)

The Police department coupled with law enforcement activities, has also had to adopt the responsibility of transport 'management'. The Select Committee report argues that while the Police department should be involved in developing road safety initiatives it should not be fully responsible for 'setting the overall road safety agenda'. (WALA, 1995, p. 4) The Police department consequently, has not been performing to its ultimate effectiveness or efficiency because of the increasing workload it has received since the advent of new road safety initiatives. (WALA, 1995, p. 5)

In order to solve these problems the Select Committee has recommended changes to the present Traffic Board; a new title - Road Safety Board, an independent chairperson and additional members with greater expertise in road safety. The Committee has based its recommendations on both the NSW and Victorian road safety administrative structures. (WALA, 1995, p. 27) The Select Committee's investigation of road safety administration in Victoria and New South Wales has offered important insights into more efficient, effective and appropriate ways of implementing road safety in Western Australia. (See Figures 6.2 and 6.3)
In light of comparisons with NSW and Victoria in particular, WA's administration of road safety is comparatively disorganised, uncoordinated and extremely undeveloped. (WALA, 1995, p. 27) New South Wales and Victoria both have one organisation that deals singularly with the road safety issue. Consequently, the administrative structures
In both these states, 'provide a basis for informed decision making, involving Government and Government organisations, local government, business, community interest groups and private agencies interested in road safety'. (WALA, 1995, p. 27)

In comparison with NSW and Victoria the Western Australian structure has lacked initiative and impeded any opportunities for further advancement. The Select Committee believes, 'an organisation which is recognised as having primary responsibility for road safety and is able to provide leadership in the development of road safety strategies, needs to be established as a matter of priority'. (WALA, 1995, p. 39)

Finally, the Committee has recommended a permanent Standing Committee on Road Safety be established. The Standing Committee will keep road safety in WA in good stead with the rest of Australia and the world. It will continually monitor the implementation and co-ordination of activities and ensure research into new initiatives and technological advancements are considered. (WALA, 1995)

A bill is currently under consideration by Parliament that takes many of the recommendations made by the Select Committee into consideration. The future of road safety administration and co-ordination in Western Australia is expected to be considerably more efficient than it has in previous years. It is ironic that so much development and progress has been made in the administration and co-ordination of road safety overall, since the Liberal Government has come into power in 1993. As it was this same party who most adamantly opposed any advancements in drink driving policy in the early 1990's.
In sum, despite the importance of policies to reduce the incidence of drink driving and improve road safety overall, Western Australian Parliament has lacked a Minister for road safety. Furthermore, the bureaucratic structure surrounding road safety in comparison to other Australian States, has been extremely fragmented and lacked any sense of direction, consequently reducing the influence exerted by the bureaucracy in the development of drink driving policy. Hence the administrative structure of road safety has also contributed to the slow development of drink driving policy.
7. Conclusion

In the last three years, policies to reduce the incidence of drink driving in Western Australia have been implemented with vigorous enforcement and intensive publicity. In fact, drink driving policy as one strand of road safety, has emerged as an important issue on the present policy agenda. Despite these recent initiatives in drink driving policy development and implementation, Western Australia has lagged considerably behind other Australian states and especially New South Wales and Victoria. This study has assessed the reasons for the slow development of drink driving policy by analysing the policy process, focusing on each actor’s contribution to the development of policy.

The most significant conclusion drawn from this thesis is the control and influence Parliament has exerted as a crucial actor in the policy process. Modern literature argues party politics in Australia has brought forth the decline of parliament. In Western Australian however, the electoral boundaries are particularly biased towards the Liberal and National parties whom as a result, have been able to gain a majority in the Legislative Council. Drink driving policy development illustrates this dilemma and provides an example of how it can affect policy development. This study shows how Parliament has slowed the development of drink driving policy because of its lack of bipartisan support, the Liberal party’s obstructive tactics in the Upper house and the emergence of a highly politicised debate. The Liberal and National parties were successfully able to defeat important legislation that proposed to introduce 0.05 illegal blood alcohol for nearly three years. It is evident the Liberal party used the drink driving policy debate as a mechanism for political gain. This is particularly evident
since 1993, when the Liberal party came to power. It is since this period drink driving policy, and road safety overall has advanced in leaps and bounds.

While the public service is believed to be a crucial actor in the policy process, in WA drink driving policy development, it exerted reduced influence. 'The reality of modern government is such that their role goes well beyond what one would expect of a 'servant'. Indeed bureaucrats are very often the keystone in the policy process and central figures in many policy subsystems'. (Howlett & Ramesh, 1995, p. 56) This study has unravelled evidence that highlighted Western Australia's extremely fragmented and disorganised administration and co-ordination or road safety which also lacked a Minister for road safety. Most significantly, it reduced the control and influence of the bureaucracy. Consequently, the administrative structure of road safety also contributed to the slow development of drink driving policy and its implementation.

Interest groups impeded drink driving policy development by creating a highly politicised debate whereby groups both for and against the introduction of 0.05 BAC actively lobbied. Moreover, the Liquor Industry was able to yield significantly more control over policy development because of its association with the Liberal and National parties.

The analysis of the Western Australia newspapers acknowledged the media's contribution to the slow development of drink driving policy. The study argued the media failed to exert its potential influence in the policy making process by encouraging constructive debate and setting the public agenda (cited in Ward, 1995).
because of its slow recognition of drink driving policy as a significant issue in public policy.

In sum, this study has revealed how the highly politicised and conservative policy making process in WA has considerably slowed the development of one of the most significant issues on the policy agenda, drink driving policy. It not only offers an insight about policy making in WA, it is in essence, a case study for policy making in Australian states.
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