

MOTOR VEHICLES (EXPIATION OF OFFENCES) AMENDMENT BILL

29 March 2007

Adjourned debate on second reading.

(Continued from 14 March. Page 1657.)

The Hon. D.G.E. HOOD: I will be brief. I will share quickly the impetus for this bill. Several months ago I introduced a bill to change the law with respect to people growing cannabis, the effect of which would have been to take away the expiation system from people growing cannabis (I am only talking about people growing it and not users) and would have made them front the court system. They would not have gone to gaol but could have been diverted to appropriate programs. For repeat offenders growing multiple plants, a more severe penalty would have been appropriate. The intention of the bill was to take away the expiation fee from people growing single plants and have them front the courts. The opposition supported it, and I thank them for that. It went through the house, but the government's argument against the bill was that it would further congest the court system.

I did not agree with that view at the time, but I did not have any firm data to support it. I looked at the court system and looked at what cases took up most of the courts' time. As a result of that investigation and looking at what cases dominated the time of the Magistrates Court sprang this bill. When looking at what took up the time of the Magistrates Court, I discovered in some cases on individual days up to 50 per cent of the cases were the offence of driving unregistered and uninsured. In consultation with my colleague the Hon. Andrew Evans, we decided to present a bill to the council which would remove a significant burden of the caseload before the Magistrates Court at present in order to free up the courts to deal with matters such as drug dealers and the like. That is what this bill does.

This bill takes away the most significant offence that appears before the Magistrates Court, namely, driving unregistered and uninsured. I quoted a figure of

up to 50 per cent. In fact, it was 56 per cent on one particular day in the Elizabeth Magistrates Court in early September. That is not the average, though. The total number of average cases we examined was 16 per cent of the caseload of the Magistrates Court across four magistrates courts in Adelaide over a six-week period. So, for a period of six weeks, 16.5 per cent of the total cases in the Magistrates Court would disappear if this bill passed. Imagine the opportunity for the courts to deal with the real criminals.

This bill is essentially for people who have simply forgotten to pay their registration for a period not exceeding 30 days. Someone might be overseas or interstate on holidays or business. The registration renewal might arrive in the post, they do not pay it and, as a result, at present they get a court summons. That is what is clogging up the courts. How bizarre! We have people clogging up the Magistrates Court system because they forget to pay their car registration, but we do not want to send people who are growing drugs to our court system. It is totally inappropriate. I urge members to support the bill.

In my second reading speech I noted that Queensland has this exact system that I am proposing; it is exactly the same. It is no different whatsoever—and the numbers are amazing. Over the past 13 months some 57 321 expiation notices for this offence have been issued in Queensland. That is 57 321 cases with which the courts do not have to deal in Queensland but which we deal with here in South Australia. What an incredible waste of resources. What a blight on the priorities we set for our courts in this state. This bill will fix that once and for all. On average, 16 per cent of the cases dealt with in the Magistrates Court will disappear if this bill passes. I urge members to consider that in their vote.

Also, providence has dropped something in my lap in the past few days—and I would like to refer to it. It backs up Family First's argument for this bill. It was reported in *The Advertiser* this week that magistrate Iuliano said that the Magistrates Court is overwhelmed with cases and that no-one is listening to their concerns. Well, Family First is listening. This bill will go a long way towards fixing those concerns. The courts should deal with criminals, not people who forget to pay their car registration. Finally, I acknowledge an amendment which

has been put forward by the opposition and which limits the period of expiation to 30 days.

If, hypothetically, someone forgets to pay their registration for 29 days, then they would be able to deal with this matter by expiation. However, if it goes over 30 days, then they would have to front the court system, which Family First thinks is a sensible amendment. The member for Unley has been kind enough to allow me to move that amendment, and I thank him for that. There is an amendment to the bill which limits the period of possible expiation for this offence to a maximum of 30 days, and anyone exceeding that 30 day period of being unregistered or uninsured would then have to front the court system. By our estimation, that creates a slightly negative impact of this bill, but it would still mean that about 12 per cent of cases before the Magistrates Court would simply disappear if this bill passes. I commend the bill to the council.