

## STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

19 June 2008

**The Hon. D.G.E. HOOD:** I rise to indicate Family First's support for this bill. I note that Family First introduced a similar bill with an identical aim as the main objective of this bill back on 6 December 2006. In fact, our bill to expiate unregistered/uninsured motor vehicles passed this council and still remains at No. 23 on the *Notice Paper* in the other place, as we were unable to obtain government support for it.

At that time, after studying the court lists in four Adelaide jurisdictions over a period of seven weeks, we discovered an alarming statistic; that is, the offences of driving whilst uninsured and unregistered consume one-sixth of all matters in the Magistrates Court. Over a seven-week period we counted some 3,347 cases involving one or both of these offences. That is in just seven weeks in the court lists of only four of our prominent courts—specifically, the Adelaide, Holden Hill, Elizabeth and Port Adelaide magistrates courts. Christies Beach court was not included, nor any of the country courts or circuit courts.

Nevertheless, the figures are clear that we are sending tens of thousands of these cases to court each year, perhaps unnecessarily. The Elizabeth Magistrates Court was the worst offender (if I can put it that way) during our study of this data, with some 44.7 per cent of matters on a particular day being one of these two offences. Overall 21.1 per cent of all matters before the courts featured one of these two offences. That is just over one in five matters before the court and potentially, therefore, one day a week being taken up by magistrates dealing with uninsured motor vehicles.

For the record, over the four trial court jurisdictions Elizabeth dealt with either of these offences 21.1 per cent of the time, Holden Hill 20.8 per cent, Port Adelaide 18.9 per cent and Adelaide was significantly lower at 12.1 per cent. The total number of unregistered and uninsured cases we examined was 16.5 per cent of the caseload of the magistrates courts across the four magistrates

courts in Adelaide over a six-week period. Conceivably, 16.5 per cent of the total cases in the magistrates courts would disappear if this bill were passed.

In reality, these matters are often quicker to sort out than other types of offending, but the court process is devoting significant time and resources to deal with these offences which could be otherwise dealt with. Currently, we have what Family First describes as a fractured system. People who forget to pay their car registration on time are hauled before the courts, yet illicit drug cultivators are given on-the-spot fines. I would much prefer that we switch the way in which we deal with these offences, and I hope that the measure before us today will free up court time to deal more properly with drug dealers and other criminals.

This is an offence that other jurisdictions expiate; in other words, they grant on-the-spot fines for them. The reason for that is that most, but not all, offenders are honest people who have simply forgotten to pay their car registration. I am careful not to over-minimise the offence. However, as an uninsured motor vehicle is exactly that—uninsured—with respect to third party personal injury we must remember that serious financial issues need to be sorted out when drivers of uninsured motor vehicles are involved in accidents.

Queensland is one of the jurisdictions that expiates matters such as this. From May 2005 to April 2006, Queensland handled some 36,124 expiations for unregistered vehicles and trailers and 21,197 expiations for having no compulsory third party insurance—a total of some 57,321 expiations in 13 months. Clearly, they are seeing a significant saving in resources.

**Members interjecting:**

**The PRESIDENT: Order!**

**The Hon. D.G.E. HOOD:** This bill proposes an expiation fee of \$250 for an unregistered vehicle being driven or left standing on the road and \$500 if that vehicle also becomes uninsured—which I understand occurs 28 days after the registration lapses. The proposed fines are similar to the interstate average.

The expiation fees in Queensland range from \$120 for an unregistered trailer up to \$1,200 for an unregistered B-double truck. For an uninsured vehicle, it ranges from \$150 for a motorcycle to some \$900 for a B double.

In New South Wales, the expiation fee is \$461 for a class A (standard vehicle) and \$974 plus four demerit points for class B, class C or heavier vehicles. In Victoria, the expiation fee for driving an unregistered vehicle starts at \$110 for an unregistered motorcycle of less than 60cc through to \$500 for a two-axle vehicle and up to \$900 for a vehicle with more than four axles. In the ACT, the expiation fees are \$484 for each offence; in other words, \$968 for the usual case where both offences are committed. Finally, in the Northern Territory, the expiation fee is \$200 if the registration and insurance are less than one month overdue, \$500 if they are between one and 12 months overdue, and if it is a trailer a flat rate of \$100 applies.

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 but they do not pay it and, as a consequence, they get a court summons.

Not surprisingly, I prefer Family First's bill to this bill, which imposes the same penalty for a car uninsured for one day as it does for a vehicle uninsured for six months. The Family First bill gave people who simply forgot to pay their registration on time an on-the-spot fine, but forced drivers of long-term unregistered motor vehicles to court. Our bill also distinguished between unregistered motor vehicles and unregistered trailers. They are clearly offences of a different magnitude but they are treated similarly by this bill.

Nevertheless, we are happy that the government has brought up this proposal. We think it is an incredibly sensible proposal. It will free up court time so the courts can deal with real criminal matters, and it will stop making criminals out of many ordinary people who simply forget to pay their car registration on time.

I have raised with the minister's staff our concerns regarding expiation fees for unregistered trailers. I have also raised our concern regarding clause 28, which provides for a seven-day grace period when an unregistered car is caught on a Safe-T-Cam camera. These cameras automatically recognise numberplates on unregistered cars, and I have suggested that seven days is potentially not long enough for a Safe-T-Cam fine to be processed and received by the driver; something like 14 days might be more appropriate.

I have also raised whether it would be more appropriate for these notices to be sent by registered post or a process server, as is done with notices of licence disqualification. Overall, however, this is a welcome and sensible bill from Family First's point of view. We certainly endorse the bill and we thank the government for listening to Family First's concerns regarding the expiation of these offences. We indicate our support for the second reading.