



## HOUSE OF ASSEMBLY

WEDNESDAY 18<sup>TH</sup> OCTOBER 2017

### STATUTES AMENDMENT (DRINK AND DRUG DRIVING) BILL

#### *Second Reading*

Adjourned debate on second reading (resumed on motion).

**Mr PEDERICK (Hammond) (20:04):** I rise to address the Statutes Amendment (Drink and Drug Driving) Amendment Bill 2017. Just before I make more in depth comments around the bill, it is interesting how far we have come in society with our debate around medicinal cannabis and even industrial hemp. Twenty-five years ago or so I can remember a local lady from Coomandook pushing the idea of a sustainable extra cropping alternative for dryland farmers in industrial hemp. Because of society's views at the time it did not make the grade, yet here we are, 25-odd years later, talking about not just industrial hemp but about medicinal cannabis.

In a lot of the states in the United States and other places, there has been a liberalisation of the use of marijuana, which I do not agree with, by the way. Certainly, things have come a long way in that time, and we have to make sure we get the right legislation and the right regulation in place around everything that happens in society, including the whole discussion around medicinal cannabis and other drugs.

The bill was introduced on 11 May, and it seeks to create a three-month licence disqualification for a first-time drug presence offence that is expiated. Another measure of the bill is an increased maximum penalty of six months, where someone seeks to have the first drug-driving offence prosecuted. The bill increases the penalties for second and subsequent offences: for a second offence, a minimum disqualification of one year; a two-year minimum for a third offence; and, for subsequent offences, a minimum of three years.

The bill creates a new offence of drink and drug driving with a child under 16 years. I have been shocked, as I am sure many members have been, to hear reports of parents or carers dropping children off at school and being picked up for either drink or drug driving. It is outrageous to think that someone is affected by drugs or drink at that hour of the day, 8.30 in the morning, and driving their young children to school then is outrageous.

The bill also strengthens notification provisions to the Department for Child Protection for offenders convicted under the section and refers offenders to a drug dependency test for a first-time offence under this provision and for

subsequent offences for other drink and drug-driving offences. There are also increased penalties for driving whilst disqualified for drug-driving offences, and that is to be in line with serious drink-driving penalties. The bill is making changes necessary to update drug-testing methods, replacing a second on-site drug test with an oral fluid sample, which is sent to Forensic Science SA.

The bill also seeks to remove the requirement for South Australian police authorisation to conduct drug tests so that all officers can undertake the test, and training will obviously still be provided to all officers who want to undertake this process. The bill seeks to increase the range of penalties associated with drink and drug driving, and the increased penalties are there to act as an increased deterrent against drink and drug driving, especially, as I mentioned earlier, in relation to having children in the car.

I am informed that deaths due to drink-driving have fallen from 30 per cent in 2006 to around 10 per cent in 2016. Deaths due to drug driving have hovered steady between 10 and 15 per cent over the same period. One of the concerns we have on this side of the house is that the bill does not encourage people to seek treatment in relation to drug taking. Certainly, part of the issue around both alcohol and drugs is that drug treatments need to be available. There is very little extra incentive for people to voluntarily seek drug treatment as it stands.

Allowing offenders to use going through a drug treatment program could be an alternative to the dependency test, which will encourage people to help themselves. First-time drug-driving offences, which are proven through the undertaking of arbitrary drug presence tests, have no discretion applied. Reverting the first-time drug offence to being in line with the first-time drink-driving offence again provides incentive in the system for people to seek treatment.

Currently, there is only one assessment clinic that can undertake drug dependency tests, and we understand there is already a 12-month backlog in getting an appointment. Opening up the opportunity for people to seek alternative testing clinics will help people to comply with these requirements more quickly. As indicated in some of the previous contributions, the bill does contain increased enforcement measures and some increased prevention measures. Supposedly, it is about getting that balance of not just being tough but also being smart.

One change to the bill is the creation of a three-month licence disqualification for first-time drug presence, and that offence is expiated. As I said, we are looking at some amendments as well. The bill is seeking to increase that minimum penalty of six months when somebody seeks to have their first drug-driving offence prosecuted. It creates an element of risk for someone who elects to go to court in relation to a drug-driving offence. So the person has to decide whether they take the penalty, which is three months as it stands, or go to prosecution and look at doubling their licence disqualification.

The bill also seeks to increase the penalties for second and subsequent offences. The second offence has a minimum disqualification of one year. There is a two-year minimum for a third offence, and subsequent offences carry a minimum of

three years. We support those measures, but we certainly need to get tougher on repeat offenders. I think that is about not just getting tougher but also getting smarter. It is about education so that people can see the real risks in both drink and drug driving.

If we cannot get the message through, perhaps we need to take these people off the road because we cannot have them there. If they cannot get the message that they do not need drugs or alcohol in their system, they should not be on the road. If it gets to that stage, those who are taken off the road need to be given assistance to get the help they need to get off drugs and have a more fulfilling life or to deal with their alcohol addiction so they can become good citizens with jobs and contribute to society.

I spoke before about the new offence of drink and drug driving with a child under 16 years in the vehicle. We have seen this in the past in regard to smoking in vehicles when children are present. We support this measure. It talks about the fact that, obviously when you have a child in the car, you need to take full parental responsibility and make sure that you are not doing anything to increase the harm to the child.

It will be interesting to see where the debate goes and what amendments we can get through to strengthen the legislation. Certainly, I am sure that everyone in this place is keen to make sure that people who are out on the road are safe and that people who are caught up with drink or drug driving are dealt with appropriately. On top of that, as I have been saying, there need to be programs so that these people can also be rehabilitated to become fully functioning citizens in the community.

I will be interested in hearing further remarks on the bill. We just want the best outcomes because one thing we really cannot stand for is this scourge of drugs and alcohol that has caused so many problems in society where people just should not be on the road when they are under the influence. As I said, it absolutely concerns me that people can be caught at 8 o'clock or 8.30 in the morning for a drink or drug-driving offence. I will be interested in the continuation of the debate.