

STATUTES AMENDMENT (DRIVING OFFENCES) BILL – 21 July 2010

Adjourned debate on second reading.

(Continued from 24 June 2010.)

Mr PEDERICK (Hammond) (12:54): In rising, I note the comments made by the member for Kavel and the member for Finniss in that we do support the Statutes Amendment (Driving Offences) Bill 2010, although we will certainly be looking at some factors of it, possibly between the houses and in the other place, to make sure that we get the best result we can with this bill before it is made into an act.

This bill was introduced on 24 June 2010. The large inclusion in this bill is the new section 19AD—Street Racing, into the Criminal Law Consolidation Act, making the offence of street racing a criminal indictable offence. Importantly, it also lists street racing as an aggravated offence under the Criminal Law Consolidation Act.

Under the current law, section 19A of the Criminal Law Consolidation Act—Causing Death or Harm by Dangerous Use of a Motor Vehicle or Vessel, the maximum penalties are: for a first offence causing death, 15 years' gaol and 10 years' loss of licence and, for an aggravated offence or subsequent offence, life imprisonment and 10 years' loss of licence; for a first offence causing serious harm, 15 years' gaol and 10 years' loss of licence and, for an aggravated offence or subsequent offence, life imprisonment or 10 years' loss of licence; for a first offence causing harm, five years' gaol and one year's loss of licence and, for an aggravated offence or subsequent offence, seven years' gaol with three years' loss of licence imposed with that offence.

The new section 19AD—Street Racing, provides:

- (1) A person who participates in a street race, or in preparations for a proposed street race, is guilty of an offence.

The maximum penalties provided are: (a) for a first offence, three years' gaol with one year's loss of licence; and (b) for a first offence that is deemed to be an aggravated offence or for any subsequent offence, five years' gaol and three years' loss of licence.

There is also a note under section 5AA(1c)(a)—Aggravated Offences, that they were driving in the circumstances of a heightened risk, which is defined as: (1) between sunset and sunrise (obviously in the dark); (2) at a time of poor traction (raining is an example); or (3) at a time of poor visibility, which obviously includes fog, and we have had some heavy fogs recently in Adelaide and close to Adelaide.

There is also subsection (1c)(b), knowing that there were one or more passengers in the vehicle, and (1c)(c), knowing that the vehicle had a major defect, which is defined as: 'a motor vehicle has a major defect if use of the motor vehicle constitutes a serious risk to the safety of any person.' There are also subsequent offences that could apply. With that, I seek leave to continue my remarks.

Mr PEDERICK (Hammond) (15:57): I will continue my remarks from before lunch. I was talking about aggravated offences and I will note that on subsequent offences, in light of this Statutes Amendment (Driving Offences) Bill 2010, it would be a subsequent offence if a person had been convicted under these sections of the Road Traffic Act: 45A—excessive speed; 46—reckless and dangerous driving; 47—driving under influence of alcohol or drugs; or 47B—drink driving within the past five years. I note that there will be an amendment in the act to exclude, in the South Australian Motorsport Act 1984, motorsport events—which is only sensible.

I just want to briefly speak about street racing. Too many times, we have seen the tragedies unfold of people on our streets, for whatever reason. It is not just confined to city areas: it certainly happens in the country at times. Certainly, over the last 18 months or so, some terrible things have happened to innocent drivers, just going about their business.

A young footballer the other day, only about 18 years old, I believe, basically got t-boned and sadly, lost his life, through people street racing through the city. We also had graphic images of the aftermath of a street race a few months ago—I think it was on Magill Road—where cars were basically split in two. Apart from the tragedy of people dying because

of that event, there was also the tragedy of broken lives, where people lost limbs and will never walk again.

It is such a waste of lives and opportunities, for everyone that comes out of this. There are no winners. Hopefully, the people that commit the offence are remorseful of what happened—that is if they are alive. They have to live with the fact, all their lives, that they have either killed or maimed someone through just being stupid, out there on the streets. There is also the tragedy of innocent people going about their business at night, which is when it generally happens, or during the day and, sadly, losing their lives and the high cost families pay in losing a loved one and the grief that must cause. Anything we can do to make sure that people are sensible on our roads and do not do ridiculous acts like this I think is for the better.

That is why I applaud initiatives that are happening out at the old Tailem Bend drag strip, which was a drag strip when it first opened over two decades ago. It was owned by Mitsubishi as a test track and was bought by the Coorong District Council recently. It is leased out to a Tailem Bend motorsport group, and that is a group made up of Motorcycling SA and the Sporting Car Club of South Australia. I will be going out there very shortly to have a tour of the venue and just have a look at all the plans they have for the future out there. I know that they have already hosted clubs from interstate that come down and pay a reasonable hire fee for this facility. I believe that time trials are conducted there.

As I said, it was a fully functioning drag strip in its time, and I know that they certainly have an emphasis on driver training. This needs to be done in a controlled manner, and that is what this venue is offering. I know that they will be keen to get as many groups in there as they can using the facility, and I am sure that other tracks will be made in there over time so that people can learn how to drive a vehicle in the appropriate manner whatever the conditions.

I also want to mention the AutoFest, which happens at Murray Bridge every year. A lot of people do not agree with it but a lot of people do. At the AutoFest down there by Sturt Reserve in Murray Bridge there are burnout competitions and this kind of thing, because there are young blokes who want to do this activity, but at least at the AutoFest it is done in a controlled manner under guidelines, and it does get a big crowd. I support these events. I support what is happening out at the Tailem Bend Motorsport Park because, as long as things are operated in a controlled manner, hopefully we give people the opportunity to do things in a controlled way so they are not out on the streets maiming or killing people, including themselves.

Just as an aside, when I was travelling through Victoria recently, I noticed that at Casterton just outside the town, there is a heap of tyres stacked up by the side of the highway there. I am not sure whether they have time trials or what they do, but it looks like they have an organised event that must be sanctioned by the local authorities. That is the type of thing we must have: something that is controlled. Let's face it: you are not going to stop people wanting to try out their vehicles and that sort of thing. It has to be done in a controlled manner, and they certainly need to be trained in various aspects of that.

At Tailem Bend, people can be trained so that, if they do get in a nasty situation with poor visibility or not having grip on the road, they work a way out so that they can safely exit the situation—and sometimes it might be a single vehicle—so they will not harm themselves. Recently, very sadly, there was another young girl killed just outside Murray Bridge. It is very sad, and too many of these accidents happen. The more we can do with driver education and the more we can do in training people essentially to stay alive, the better this state will be. Obviously, part of that is in this legislation, that is, to crack down on street racing, because what has been happening is totally ridiculous, not just in recent months but previously. So, certainly, from this side of the house we support the bill, but there will possibly be some amendments as we move on.