



**Magistrates' Court  
Victoria**

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Chief Magistrate's Chambers  
Melbourne Magistrates' Court  
233 William Street  
Melbourne, VIC. 3000

26 April 2012

GPO Box 882G  
Melbourne, Vic, 3001

Ms Andrea Coote, MLC  
Chairperson  
Economy and Infrastructure Legislation Committee  
Parliament of Victoria  
Spring Street  
EAST MELBOURNE VIC 3002

Dear Ms Coote

**Submission for the Inquiry into the Road Safety Amendment (Car Doors) Bill 2012 on behalf of the Magistrates' Court of Victoria**

Thankyou for your letter dated 29 March 2012, inviting the Magistrates' Court of Victoria to make a submission for the Committee's enquiry into the Road Safety Amendment (Car Doors) Bill 2012.

The Court has reviewed the information guide provided with your letter and provides the following response.

**Questions 1 – 3**

The first three questions raised in the information guide are matters for consideration by the government. The Court does not wish to comment on these matters.

**Question 4: The committee seeks input on whether it is appropriate to change the process for enforcing 'car dooring' offences and have the matter dealt with by the Magistrates' Court.**

The Magistrates' Court does not support this proposal.

The offence of 'car dooring' is currently a lodgeable infringement offence, as prescribed by the *Road Safety General Regulations 2009*. In the 2010/2011 financial year, 187 infringements for this offence were issued<sup>1</sup>. In the same period, 12 charges of 'car dooring' were finalised by the Magistrates' Court. It is noted in the parliamentary debates that the frequency of incidents and 'car dooring' offences is increasing.

The infringements system in Victoria is an efficient process which allows the offenders to have offences dealt with in an expedient manner without the need for attendance before the court when fault

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<sup>1</sup> Victoria, *Parliamentary Debates*, Legislative Council, 29 February 2012, 1055 (Jaala Pulford)

is admitted. It also allows offenders to bring the charge before the court where the particulars of the offence are challenged. Prosecuting agencies retain the ability to summons an offender to appear before a court where appropriate.

The infringement system provides a considerable time and cost benefit to the Magistrates' Court, prosecution agencies and infringement offenders. It enables parties to avoid attendance at court where the infringement is not disputed, which ensures court resources can be redirected to other high demand areas.

The government has recognised the benefit of the infringement system and has progressively expanded the range of offences which may be dealt with through this process. Most recent legislated lodgeable infringement offences include shop theft under \$600 and wilful damage, offences which carry higher penalties than 'car dooring' at either the current or proposed level.

Should the penalty for the offence of 'car dooring' be increased to 10 penalty units, the penalty will be comparable with:

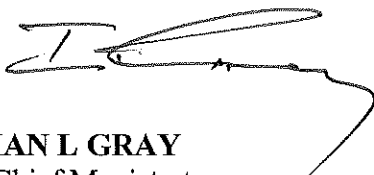
- Driving without a seatbelt
- Drive whilst using a mobile phone
- Fail to stop at a red light

These offences are all lodgeable infringement offences. It would seem disproportionate to have 'car dooring' dealt with by the Magistrates' Court when comparable offences (and increasingly more serious offences) are dealt with through the infringements system.

There is increasing pressure on court time in the Magistrates' Court. Our caseload continues to increase each year, placing additional strain on our resources and our capacity to hear and determine proceedings in a timely and effective manner. Dealing with driving offences through the infringements system has been proven to be effective and the Court sees no reason to deviate from this for the specific offence of 'car dooring'.

If you would like any further information on any of the issues raised, please contact Alison Paton, Court Advice Officer (Legislation and Policy) on 9032 0953.

Yours faithfully,



**IAN L GRAY**  
Chief Magistrate  
Magistrates' Court of Victoria