



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
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Submission Cover Sheet

Inquiry into Road Safety and Crimes Bill 2022

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Standing Committee on Justice and Community Safety

ACT Legislative Assembly

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Inquiry into Road Safety Legislation Amendment Bill 2022 (**RSA Bill**)

December 2022

Please find below my submission for the Inquiry into the RSA Bill. I request that my submission be published in full on the website, exception address/contact details. Thank you for the opportunity to provide a submission. I am happy to see that the ACT Government has been serious about adopting the recommendations made by Chief Coroner Lorraine Walker in the Inquest into the death of Blake Andrew Corney by incorporating at least one into the RSA Bill. I am making this submission as an individual. I am a victim survivor of the case R v Livas (No 2) [2020] ACTSC 116, and Blake Corney's father.

In November 2021, Her Honour Chief Coroner Lorraine Walker released her findings and recommendations arising from the inquest into Blake's death. Below is the recommendation that part of the RSA Bill 2022 seeks to address:

“Recommendation (i): That the Minister for Transport and City Services considers legislative amendment to mandate that health practitioners notify the RTA when the health practitioner has reasonable cause to believe that a patient is suffering from an illness, disability or deficiency that is likely to endanger the public if the patient drives a heavy vehicle at the time of completing a medical assessment in support of a heavy vehicle licence application, and with an ongoing obligation at any point at which the

health practitioner is provided with information reasonably causing him or her to form that belief;”

I note the Bill seeks to address this recommendation and consider this vital in a chain of nets that seeks to prevent individuals knowingly or unknowingly putting lives (including their own) at risk. Congratulations to Minister Steal for pushing through with the Chief Coroner’s recommendations.

I note the Explanatory Statement (**ES**) relevant to the RSA Bill mentions (at page 2) that it:

acknowledges community preferences for increased penalties in response to several tragic deaths that have occurred on ACT roads, while also ensuring consistency and balance with the human rights requirements set forth in the *Human Rights Act 2004*.

I find it disturbing that the RSA Bill calls out the balance as sitting outside the *Human Rights Act 2004* (ACT) (**HR Act**). I consider the fundamental human right that any citizen should expect from their government is the right to life and protection. If this is not understood to be part of the HR Act, then urgent action to remedy the HR Act is required. However, I do appreciate the call out acknowledging community concern regarding road deaths.

I note that on page 7 of the ES that the ACT Government’s commitment to a Vision Zero strategy is mentioned. That would seem hard to achieve with the current ‘friendly to criminals’ and ‘light touch’ approach to sentencing and parole the ACT jurisdiction has adopted. I consider the aims of the RSA Bill a great start to improving the ACT Government’s deficiency with respect to their strategy to achieve Vision Zero.

Recognition of repeat offenders under the law is a great step in attempting to improve the safety of other individuals within the community. However, all aspects of the legislation should have relevant statistics collected and published so that the effectiveness of the legislation can be observed. My concern is that medical professionals will find reasons not to report and that where that is established no action will actually be taken. If that is the case, then clearly more will need to be done to make the legislation effective.

As above, in terms of measuring success, if the criminal legal system does not understand the ACT Legislative Assembly's intention with this legislation, then further amendments are likely to be required. To understand this the ACT Government must measure how this bill, once enacted, is administered.

With respect to the [Crimes Legislation Amendment Bill 2022](#) and the unauthorised entry of a motor vehicle amendment, I consider this represents a fix by the legislature that makes sense. As noted above, an appropriate body must measure how this amendment impacts on the jurisdiction over a suitable period to determine if the law is effective.

Thanks

Andrew Corney