



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair),
Mr Andrew Braddock MLA

Submission Cover Sheet

Inquiry into Road Safety and Crimes Bill 2022

Submission Number: 005

Date Authorised for Publication: 14 November 2022



1/6 Gritten St
Weston ACT 2611
02 6202 7200
actcoss@actcoss.org.au
actcoss.org.au

Standing Committee on Justice and Community Safety
ACT Legislative Assembly
GPO Box 1020, Canberra, 2601
LACommitteeJCS@parliament.act.gov.au

14 December 2022

To the Standing Committee on Justice and Community Safety

INQUIRY INTO THE ROAD SAFETY LEGISLATION AMENDMENT BILL 2022

As the peak body representing the needs of the community services sector and marginalised communities in the ACT, the ACT Council of Social Service (ACTCOSS) welcomes the opportunity to respond to the legislative changes proposed by the Road Safety Legislation Amendment Bill 2022.

ACTCOSS supports evidence based, early intervention and prevention measures to keep the ACT community safe.

While automatic licence suspension for refusal to provide a roadside oral fluid sample may be characterised as a deterrent to driving under the influence of drugs or alcohol, ACTCOSS has serious concerns about the use of this power to target vulnerable road users, including people with disabilities and Aboriginal and Torres Strait Islander people. Refusal to provide an oral fluid sample is not an admission of guilt or proof of a driving offence, and we believe that the powers police have to arrest and detain individuals who refuse a lawful direction are more than stringent enough to protect public safety.

We wish to emphasise our concerns that widening the net of what is classified as a repeat or aggravated offence carrying an associated heavier penalty up to and including custodial sentences will also continue to disproportionately impact vulnerable groups who already overrepresented in the justice system, Aboriginal and Torres Strait Islander people in particular.

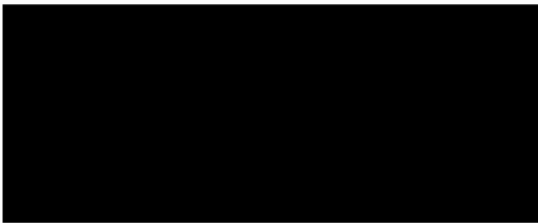
ACTCOSS must express disappointment that these proposed legislative changes fail to heed recommendations made in our [original submission to the Inquiry into Dangerous Driving](#) regarding justice reinvestment. We want to prevent dangerous behaviour on our roads from happening in the first place. Continuing to take a tough-on-crime approach to dangerous driving offences does little to address the well-researched underlying socioeconomic determinants of anti-social and criminal behaviour. We reiterate our stance that acknowledging the interaction between alcohol and drug misuse and dangerous driving behaviour through investment in rehabilitation and education service provision will keep all members of the community safe than more severe sentencing. While the Bill's explanatory statement refers to relevant legislation in other jurisdictions as justification for increasing

maximum sentences to include imprisonment, there is no material evidence provided beyond hopes and expectations that custodial sentencing should serve as a deterrent. In fact, as the statement also concedes, imprisonment may have a criminogenic effect on offenders who may otherwise be rehabilitated or deterred from further criminal activity.

It is of further concern that a renewed focus on carceral justice methods has come so soon after the release of the 2022 Healthy Prison Review which found that severe overcrowding and persistent boredom due to lack of rehabilitative and educational programs available to detainees in the Alexander Maconochie Centre are pervasive and worsening problems. We would like to point out that despite a handful of comparably worse statistics on the frequency of crimes such as motor vehicle theft in the ACT compared to other jurisdictions, no other jurisdiction that currently imprisons people for speeding offences has managed to make a significant dent in preventing or ceasing these offences from occurring. While there are many reasons that individuals drive unsafely or persistently break the law, there is no evidence to suggest that sentence length has a significant effect on future risk.

Improving outcomes for people at risk of joining or in the cycle of offending, and therefore improving safety of the wider community requires commitment, investment and acknowledgement of the multitude of socioeconomic factors that influence offending behaviour.

Yours sincerely



Dr Emma Campbell
Chief Executive Officer
ACT Council of Social Service

