



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

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Submission Cover Sheet

Inquiry into Dangerous Driving

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INQUIRY INTO DANGEROUS DRIVING SUBMISSION

I recently have returned from six weeks absence from Canberra which provided me with a rare opportunity to collectively read the daily copies of our local newspaper.

Throughout the crime reports was the number of offences committed by those already on parole or, more occasionally, just released from prison. While being jobless could explain why there is repeat behavior like robbery or drug dealing, dangerous driving does not, of itself, fit this profile.

The picture which emerged was that our ACT justice system on this particular issue was completely out-of-step with police expectations and those of the community who expect to be protected from speeding drivers. Repeat offenders too often are treated lightly without any explanation provided to the public and, despite boasts by the ACT government that its therapeutic Court program for drug addicts is a success (Canberra Times, 10 August, P.14) there is no anti-recidivism approach to dangerous driving.

Indeed it is difficult to understand just what approach our justice system has toward the problem. Its overall approach appears to favour the offender with short (if any) sentences that usually are reduced. Names are suppressed, particularly under aged – why shouldn't the public be aware of the dangers of those released early or on parole irrespective of age? How effective are the community service orders replacing time in prison? The public are never told.

Further, no direct compensation usually is sought from the offender, doubtless because too many have no financial backing but, equally so, there is no other compensation apart from the community service orders (and on the subject of fines occasionally handed down, how many are paid)?

In view of the above it is no surprise the Attorney General finally has conceded bail outcomes require study (Canberra Times 19 August, P.14), although Mr. Rattenbury's previous opinion he did not support a full judicial review shows, at least in the context of dangerous driving, a naïve view of the real world.

So many of these offenders, if only they knew it, have little sense of self-worth. Their education is poor, their social behavior minimal. To allow such a person, drug affected or not, behind the wheel of a lethal killing machine is the height of irresponsibility, yet there is nothing to stop them getting behind that wheel.

Minister Steel's anti-hoon laws under consideration whereby vehicles are impounded sold or crushed and driver's disqualified from driving or holding a licence (Canberra Times 10 August, P.3) again is naïve. The loss of a vehicle or the legal right to drive will not discourage offenders who simply will steal a vehicle - Car theft already high (Canberra Times, 13 & 20 August) – and ignore legal niceties. Again the Court's role in addressing such offences currently offers no confidence: more parole, more bail, reduced sentences and community service. Hardly deterrents to a speed crazy youngster or adult.

Education will be proposed, as it is as the solution for just about everything, and school courses should be investigated.

Demographics could be employed to try to establish if certain groups, disadvantaged or migrant, or suburban suburbs, were most at risk. The enthusiasm for speed could be channeled positively with co-operation with say, Summernats, or by the reestablishment of the long abandoned road race track near Canberra airport. Sadly there is no method of testing the mental capacity of those buying a vehicle to drive it responsibly.

Otherwise our judiciary needs to tighten up its sentencing: no bail, no parole, no community service and public naming of all ages.

Certainly no decriminalization of drugs either, which will make matters worse.

The discipline of prison which cannot be provided outside is needed and if the risk of mixing with hardened criminals is a concern, perhaps a separate secure environment is required.

The overall public impression is our judiciary has collectively decided to go soft on these offenders, with or without government approval.

We should not tolerate far less accept the death or maiming of innocent people because our laws are inexplicably too soft upon the offence of dangerous driving.

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