



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PLANNING, TRANSPORT AND CITY SERVICES

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Submission No 26 - Australian Federal Police
Association

Inquiry into the Road Transport (Safety and
Traffic Management) Amendment Bill 2021 (No 2)

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AFPA

Australian Federal
Police Association

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Submission by the Australian Federal Police Association

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Introduction

The Australian Federal Police Association (AFPA) welcomes the opportunity to make a submission to the Inquiry into Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No. 2) ("**the Bill**").

We thank the Standing Committee for their time in considering this submission, and for the opportunity to furnish our views regarding the Bill.

The AFPA

The AFPA is a registered organisation and an autonomous sub-branch of the Police Federation of Australia. The AFPA represents the industrial, political, and professional interests of members of the Australian Federal Police ("**the AFP**"), law enforcement officials in the Australian Criminal Intelligence Commission, and members of the Department of Parliamentary Services.

Our members provide an essential service to Australia. They are the backbone of the Commonwealth's principal law enforcement agency, performing crucial investigative, intelligence and national security functions.

The AFP is responsible for:

- providing community policing services to the Australian Capital Territory and other territories including Christmas Island, Cocos (Keeling) Islands, Norfolk Island and Jervis Bay,
- enforcing Commonwealth laws which combat complex, transnational, serious and organised crime, child exploitation, fraud, corruption, and cybercrime,
- protecting Australians and Australian interests from terrorism and violent extremism,
- removing wealth and property from criminals that have been illegally obtained,
- protecting Commonwealth infrastructure, including designated airports, Parliament House, and embassies,
- protecting domestic and foreign dignitaries, including the Governor-General, Prime Minister, and ambassadors,
- protecting at-risk individuals,
- representing Australian police and law enforcement at an international level, and
- developing unique capabilities and exploiting advanced technology to support Australia's national interests.

The AFPA's assessment of the Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No. 2)

The AFPA supports the *Road Transport (Safety and Traffic Management) Amendment Bill 2021*, believing it to address a critical gap in the current legislation and ultimately affording greater protection to all vulnerable road users, including police officers, in the Australian Capital Territory (ACT).

The AFPA has reviewed the submission by Pedal Power ACT and supports their submission.

We have recently seen how vulnerable road users, including trained and highly skilled police officers, are when using and working near roads. A few weeks ago, three members of ACT Policing were deliberately driven into by a motor vehicle driver while conducting their lawful duties during a traffic stop. While these police officers were only doing their job, they were also unequivocally vulnerable road users at the time of the incident.

The AFPA believes that more can be done in the legislative space to improve the safety of vulnerable road users. Police officers are the first responders when a vulnerable road user comes into contact with a motor vehicle. In some cases, these contacts are fatal or leave the vulnerable road user with life-changing physical and/or psychological injuries. We also must consider the first responders who attend these confronting incidents and the toll on them. At other times the injuries are minor, but ultimately a person has still suffered as a result of the incident.

The AFPA supports the bill and believes that the most appropriate way to enforce it is through the use of punitive Traffic Infringement Notices (TIN) that can be issued if and when the vulnerable road user sustains injuries.

Under the current legislation, the AFPA believes that a 'negligent driving' TIN carrying a penalty of \$393 is neither a sufficient deterrent nor a just punishment when a vulnerable road user is harmed due to negligent driving.

Current legislation is appropriate when either death or grievous bodily harm occurs, or harm does not occur at all. However, a gap currently exists for those offences where harm is caused to a vulnerable road user, but that harm does not reach the legal threshold of grievous bodily harm. This bill addresses that gap.

The proposed new TIN as outlined in the bill would send a clear message that the incident was a serious driving offence (through its levy of a fine of \$1600), while still allowing the person to appeal the TIN via a judicial process. In addition, if the recipient of the TIN is suffering from financial hardship, they can apply to Access Canberra and request a payment structure that meets their situation.

A TIN also allows for the matter to come to a resolution quickly if the person accepts responsibility for the offence, whereas a judicial process can take far longer and may put additional stress on the vulnerable road user by having to re-live the incident.

The AFPA welcomes the review underway by the ACT Government of the road transport penalties framework but believes that this body of work should not impact or stall the bill being passed by the ACT Legislative Assembly.

Recommendations

- The *Road Transport (Safety and Traffic Management) Amendment Bill 2021 (No. 2)* be passed by the ACT Legislative Assembly and enacted.
- ACT Government and the Department of Justice and Community Safety implement an extensive media campaign in partnership with ACT Policing to educate the ACT community on the new legislation.