



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

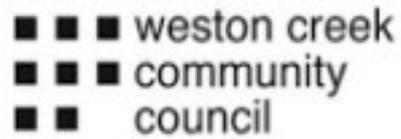
STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair),
Mr Andrew Braddock MLA

Submission Cover Sheet

Inquiry into Dangerous Driving

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Weston Creek Community Council Comments for the:

INQUIRY INTO
DANGEROUS DRIVING

TO: LACommitteePTCS@parliament.act.gov.au

Your local voice



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Chair and Committee Members

Weston Creek Community Council (WCCC) welcomes the Inquiry into Dangerous Driving in the ACT and appreciates being invited to provide relevant comments. We offer our comments from the perspective of a local community representative voice.

As a Community Council we are committed to advocating and supporting the Weston Creek residents in pursuing the expectations and values that enhance and ensure their safety, well-being, and quality lifestyles. The community of Weston Creek value their unique village atmosphere, garden landscapes, and open green spaces as vital links to physical and mental well-being. Environmental issues and climate change, planning and development, policing, road safety and Government distribution of amenities and resources are topics of high interest in Weston Creek.

The Weston Creek Community regards the issue of dangerous driving on our roads as an important, unresolved issue that the Government has not appeared to have addressed in a systematic, evidence-based manner. We are of the view that it is a fundamental human right that all reasonable efforts are taken by authorities and the community to mitigate the risk of injury or fatality. The on-going injury and fatality count means this issue must not continue to be ignored or trivialised.

Council has referred to the current statements on the ACT Government's website about Vision Zero; "Our goals are improved road safety on our road network, a continued reduction in trauma and deaths, and ultimately, the achievement of Vision Zero". A reasonable view would be that Vision Zero, taking into account the current trajectory, has failed. This failure is seen as due to an on over-reliance on technological responses, with limited reference to the attitude and aptitude of vehicle operators. Our observation is that this trajectory will not change without broadening the focus to vehicle operators, while not stigmatising any group, such as young males.

Further, in preparing this response we noted the term **Dangerous Driving** had not been defined for the purposes of the inquiry. For the purposes of this submission, we defined **Dangerous Driving** as:

The operation of a motor vehicle in a manner that significantly increases to risk of injury or damage to any person, animal or property through a collision involving the vehicle. To avoid doubt, this definition includes operating a vehicle that has been modified, altered or deteriorated from recognised vehicle roadworthiness standards.

This definition would cover the range of dangerous driving behaviours witnessed in Weston Creek; including street racing, general high-speed driving, traffic lights and other signs being disregarded, vehicles being driven on the wrong side of the carriageway, “close passing” of pedestrians and cyclists on narrow roads, aggressive tailgating, driving vehicles recklessly on ovals, footpaths and shared paths and regular burnouts.

The issue of the provision of a motor sport facility as a way of diverting some of the dangerous driving activity on our roads has been discussed at both our public and committee meetings for at least three years. While supporters of the suggestion articulate their arguments well, the opponents are just as articulate in their views against. To be clear, while we do not have a position on the provision of a motor sport facility, the idea needs serious examination.

Please find below our specific comments against the published Terms of Reference.

WCCC COMMENTS AGAINST THE TERMS OF REFERENCE

a. Criminal justice response to dangerous driver offending in the ACT

We note the significant community debate about criminal justice response with interest. Our view is that the Committee *must* duly weight the relevant commentary, determine an ACT community view, and provide unambiguous recommendation(s).

We also note the heavy reliance on speed and red-light cameras to detect offences may mean some habitual offenders may not be referred into the criminal justice stream. For example, someone who attracts enough demerit points to attract licence suspension through camera related offences may well be a dangerous driver who should be considered by the police and court system.

RECOMMENDATIONS:

- The Committee recommend the Government (Attorney-General) provide a clear set of sentencing guidelines to the judiciary that reflects the community view. In particular, the range of reasons used to mitigate sentences/penalties be heavily prescribed.
- The Committee recommend the Government ensure there are established “trigger points” for the referral of camera detected offences to ACT Policing for consideration of whether more serious charges need to be considered/laid.

b. Police response to dangerous driving in the ACT (both in prevention and post-crash response)

Council is only commenting on prevention activity in the Weston Creek District. Council’s strong view for many years is that the level of visible police traffic enforcement activity in the Weston Creek area is clearly inadequate, and as result those people inclined towards

dangerous driving activity regard Weston Creek roads as pretty much an enforcement free zone. The Weston Creek Community tells us what they have witnessed, of the many times when the nominated telephone contact number(131444) has not been answered, the ACT Policing on-line reporting facility having insufficient internet bandwidth for the uploading of short videos of alleged incidents and a failure of police to attend/follow up when an incident is reported. These ongoing scenarios severely undermines community confidence about their safety.

Council has raised this issue through the annual Budget consultations, in the consultation on the future ACT Policing Agreement and individually with all the Murrumbidgee MLAs. Council has a standing invitation for the ACT Police Minister to attend a Council Public Meeting and discuss this issue.

RECOMMENDATIONS:

- The Committee recommend the Government direct ACT Policing to increase the visible traffic police presence in the Weston Creek area to provide an effective deterrent to dangerous driving as well as ensuring an improved response to genuine complaints from residents.
- The Committee recommend the Government ensure that telephone reports about incidences of dangerous driving can be answered/received.
- The Committee recommend the Government ensure the ACT Policing website is expanded to be able to accept video allegations.
- The Committee call on the ACT Policing Minister meet to with the Weston Creek Community and listen to concerns expressed and explain what will be done to alleviate them.

c. Capacity of trauma services and support services to respond to post-crash event

Council acknowledges and appreciates the important work of trauma and support services. We have been provided with comments that our trauma and emergency services are effective and efficient, while also displaying appropriate sensitivity and empathy when dealing with very traumatic circumstances. They need to be commended.

RECOMMENDATION:

- The Committee acknowledge the effective, efficient manner that trauma and support services are delivered in the post-crash event environment. This acknowledgement to include specific comments about sensitivity and empathy being displayed.

d. Prison sentences, fines and vehicle sanctions legislated for dangerous driver offences in the ACT

Council has discussed the penalties and vehicle sanctions recently. The consensus view is that prison sentences should only apply for the most egregious offences and that the current level of fines would benefit from review to ensure that the pecuniary penalty is consistent with the risk posed by the offence. Council also discussed the reasons a sentence could be reduced and suggests that very limited extreme and extenuating circumstances be considered. However, the offending continues, leading us to the view that the penalties need to be buttressed by better administration of the driver licencing scheme, that include compulsory on-the spot licence cancellation for serious offences.

Further, we suggest that vehicle confiscation (regardless of ownership status) needs to be a key feature of the dangerous driving response. Our view is the vehicle operated by an offender needs to be forfeited and either sold at auction with proceeds donated to a reputable charity that assists victims and/or surviving families of road trauma. Should the vehicle be unsuitable for auction it should be crushed for recycling.

RECOMMENDATION:

- The Committee recommend the Government legislate an effective vehicle confiscation scheme that includes donating the proceeds of vehicle confiscation to charities engaged in the support of victims (and surviving families) of road trauma.

e. Support for victims of dangerous driving offences through the justice system

Participation in the criminal justice system as a victim of dangerous driving is a traumatic experience and likely to further erode mental well-being. It should be a fundamental human right that victims receive adequate psychological and financial support, probably best provided through the existing Motor Accidents Insurance Scheme.

RECOMMENDATION:

- The Committee recommend the Government amend the Motor Accident Insurance Scheme to ensure victims of dangerous driving receive suitable financial and psychological support

f. Corrections responses and the sentencing regime for dangerous driving in the ACT

Council notes the limited information available to the Community about corrections responses and the sentencing regime for dangerous driving in the ACT. This leads to misinformation circulating and uninformed debate.

RECOMMENDATION:

- The Committee recommend the Government engage with the public about how it perceives the corrections response and sentencing regime and either amend the approach to meet community expectations or communicate positively about the arrangements in place.

g. The effectiveness of rehabilitation and driver re-education at reducing recidivism

The community has low awareness of any rehabilitation and driver re-education aimed at reducing recidivism. If reports in the media are accurate, the current rehabilitation and driver re-education processes have limited effectiveness in reducing recidivism. We would suggest suitably qualified expert advice be obtained about schemes operating in other jurisdictions to develop and implement a best practice model.

RECOMMENDATION:

- The Government engage a suitable, appropriately qualified expert to advise about the effectiveness of rehabilitation and driver education schemes at reducing recidivism, with a view to designing a best practice model, suited to the ACT jurisdiction.

h. Police and other related technological advances to identify and prevent dangerous driving

The current focus on dangerous driving is to identify incidents and detect culprits after the event has occurred. We understand the police are examining the use of drones, to presumably track vehicles travelling at high speed and plan an intervention, thus reducing the need for pursuit activities. This innovation is to be supported. We also support the ACT Policing's current Operation TORIC, while noting how long it has taken to come into being.

However, the emphasis has to move towards prevention. One option would be the electronic denial of access to vehicles for those not authorised or qualified to operate the vehicle. We are of the view that multi-factor authentication needs to be examined. By multi-factor authentication we envisage the use of mobile telephony to communicate with vehicle ignition systems and driver licence data bases. We

note that vehicle technology is starting to allow for features to be unlocked “over the air” and home security systems allow for entry to be authorised remotely. Surely, it would not be such a stretch of technology to allow for such an upgrade. We encourage the ACT Transport Minister to advocate with interstate counterparts for the introduction of such technology into the next generation of vehicles.

RECOMMENDATION:

- The ACT Transport and Policing Ministers strongly advocate Nationally for multi-factor authentication ignitions systems to be mandated as soon as practicable.

i. Any other related measure with respect to the administration of corrections, courts and sentences in the ACT with respect to dangerous driving

Council notes that the ACT Compulsory Motor Accidents Injury Scheme calculates premiums using a community wide risk rating. This means that the more dangerous drivers in our community are in effect subsidised by the safer drivers. We are of the view that the risk ratings need to be examined by competent actuaries with a view to optimising the model and sending correct price signals to the dangerous drivers. This may well mean some drivers be priced out of the market.

We also note the title of the scheme, through use of the word “accident”, is out of step with current trend in terminology. Use of the word “accident” loosens accountability and trivialises responsibility. We suggest both the Law and the Commission be rebadged with the titles “Traffic Injury Compensation Scheme” and “Traffic Injury Compensation Commission”.

We also suggest the rebadged Traffic Injury Compensation Commissioner be required by the law to provide an annual report tabled in the Legislative Assembly on the impact of dangerous driving on injury rates and types, severity of injury and life-time financial costs to the scheme.

RECOMMENDATIONS:

- The Motor Accident Insurance Scheme be reviewed, including consideration of rebadging the Scheme, Authority and Commissioner to reflect that it is tasked with managing traffic injuries.
- The rebadged Traffic Injury Compensation Commissioner be required by the law to provide an annual report, to be tabled in the Legislative Assembly, on the impact of dangerous driving on injury rates and types, severity of injury and life-time financial costs to the scheme.

Weston Creek Community Council has broadened the areas and fields of its community consultation to best express the views of a wide range of groups. We believe that our consistent and ongoing consultation with the community through our surveys, public meetings (which are also available digitally), social media presence, newsletters and projects have proven to be valuable avenues for people being able to have their say, be listened to and be involved in decision making. We repeat our open invitation to relevant ACT Government Ministers (Attorney-General, Police and Road Safety Ministers) and the Chief Police Officer to address the Weston Creek Community Council at public meetings on the dangerous driving issue.

I can be contacted on [REDACTED] to discuss this submission further.

Yours sincerely

Bill Gemmell
Chair, Weston Creek Community Council

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