



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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Standing Committee on Justice and Community Safety
ACT Legislative Assembly

Via email: LACommitteeJCS@parliament.act.gov.au

Dear Committee Secretariat

Inquiry into Dangerous Driving

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 participate in the consultation process for the Inquiry into Dangerous Driving.

ACTCOSS recognises the serious harm, trauma and grief that is caused by dangerous driving offences. Preventing these types of incidents must be the focus of any new policy initiatives and this Inquiry provides an opportunity to discuss measures that can lead to a reduction in these behaviours.

Any measures taken in response to dangerous driving offences must be evidenced-based. Outcomes must also be properly evaluated to ensure that they do deliver reductions in dangerous driving offences.

Noting the breadth of the terms of reference of the Inquiry, this submission responds to criminal justice responses to dangerous driving offences and the capacity of the alcohol and other drugs (AOD) treatment sector to provide prevention mechanisms through rehabilitation and education services.

Social determinants and AOD treatment

ACTCOSS advocates for a justice reinvestment approach to crime and recidivism and to increasing community safety. We encourage an approach that addresses the underlying socioeconomic determinants of crime such as homelessness, mental

health issues, disability, lack of employment opportunities and alcohol and other drug misuse to prevent and reduce criminal behaviour. The [Partners in Crime](#) report published by the Centre for Policy Development terms the process of entry and re-entry into the justice system as the criminal justice “conveyor belt”. People at risk due to material and systemic factors in their lives are rarely able to exit the conveyor belt in the context of current justice system processes.

Tackling the social determinants of crime must be part of any response to reducing dangerous driving offences. Given that dangerous driving and drug misuse often coincide, we recommend the ACT Government seriously consider increasing the AOD sector’s capacity to provide treatment, rehabilitation and education as preventative and responsive mechanisms.

For example, while we welcome the additional funding recently announced by the ACT Government for the AOD sector, support for this sector needs to be further increased as part of any response. As the peak body for alcohol and other drug service providers in the ACT, we support Alcohol, Tobacco and Other Drugs Association’s (ATODA) submission to this inquiry and in particular its recommendations in relation to drug driving. ATODA recommends the ACT Government:

1. Consult with the AOD sector on relevant actions under the ACT Road Safety Action Plan 2020-2023, in particular review the effectiveness of the Territory’s drink and drug driving scheme against best practice models. This review should specifically consider drug driving in the ACT as it relates to cannabis use, given the latest research and reforms under consideration in other jurisdictions.
2. Increase funding to the ACT AOD sector to ensure increased reach and accessibility of treatment services reducing alcohol dependence in the community.
3. Work with the AOD sector to develop and appropriately resource effective therapeutically-informed driver intervention programs in relation to drink and drug driving; prioritize specialist AOD treatment services as the preferred provider of these programs; and increase referral pathways for drink and drug drivers to treatment where required.

Recidivism

Recidivism is an ongoing challenge for the ACT. The ACT has especially high rates of recidivism, with 77% of detainees having had prior imprisonment, compared with

60% of prisoners nationally.¹ We support the goal of the ACT Government of [reducing recidivism 25% by 2025](#). However, achieving this goal relies on the ACT's prison, the Alexander Maconochie Centre, properly implementing and managing programs to rehabilitate and re-educate detainees, including providing support for drug and alcohol misuse.

The ACT Government must also do better in providing detainees with housing and support services post-release. As previously detailed in ACTCOSS's submission to the Inquiry into [Community Corrections](#) as well as within the [Drug and Alcohol Sentencing List \(DASL\): Process and Outcome Evaluation Report](#), access to stable, appropriate and affordable housing remains a significant barrier to recovery for individuals at high risk of recidivism, whether they have been incarcerated or not. The DASL report also highlights the success of non-custodial sentencing for offenders with drug and alcohol misuse issues who receive appropriate support.

Criminal justice responses to dangerous driving

ACTCOSS acknowledges that the families and communities of victims harmed by dangerous driving deserve to have their voices heard by those in positions of decision making.

We believe that this can be supported, and more action can be taken to prevent community harm, if responses align with the ACT's [restorative city principles](#). Restorative practices have been demonstrated to deliver both justice for victims and to reduce recidivism and incarceration levels.

Any criminal justice responses to dangerous driving must be evidence based and evaluated to show that they are, in fact, reducing these types of behaviours and offences. Too often the expansion of criminal justice powers in response to community concerns about a specific type of offence does not lead to a reduction in that offence but does lead to increased incarceration of vulnerable community members. Expert advice based on the experiences of other jurisdictions domestically and internationally should be sought, and further consultation undertaken, in the shaping of any policy responses.

For example, ACTCOSS urges caution on any proposal to introduce minimum or mandatory sentencing. While we have a plethora of evidence of the harms of harsher sentencing and carceral responses to crime, we have very little evidence to suggest that minimum or mandatory sentencing would meaningfully reduce incidences of dangerous driving in the community. Instead, ACTCOSS recommends the ACT Government improve reporting on outcomes from restorative justice and community education programs as alternatives to custodial sentencing. The last

¹ Australian Bureau of Statistics, [Prisoners in Australia 2021](#), Australian Bureau of Statistics, 2021 accessed 20 September 2022.

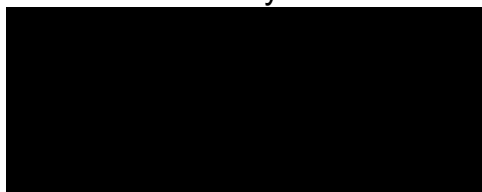
report available online for restorative justice outcomes in the ACT is from 2017. Increased transparency would help us to identify what works and identify gaps in existing services that mean people cannot access or complete appropriate and effective rehabilitation programs.

Technological responses

We urge the ACT Government to be cautious about employing technological measures to identify potentially dangerous driving. We know that certain population groups including people on low-incomes, people of migrant and refugee background, young people, or Aboriginal and/or Torres Strait Islander communities are more likely to be unfairly targeted by police using surveillance technology. This decreases trust in police and is likely to increase the number of people from marginalised communities caught up in the criminal justice system.

ACTCOSS recognises the serious harm, trauma and grief that is caused by dangerous driving offences. We must ensure that our responses are evidenced-based and monitored so that we can achieve meaningful reductions in dangerous driving offences and a safer Canberra, including for those most likely to become unjustly trapped in the criminal justice system.

Yours sincerely



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