



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

Submission Number: 037

Date Authorised for Publication: 10 October 2022

Justice Action

Kira Trahana
PO Box 386
Broadway NSW 2007
Unit 10/ 2 Catherine Street
Glebe 2037
Tel: +02 9283 0123
Fax: 02 9283 0112
jahumanrightsteam@gmail.com
www.justiceaction.org.au



30 September 2022

Dear Standing Committee on Justice and Community Safety,

Inquiry into Dangerous Driving

We write to request that the Committee Inquiry into Dangerous Driving reviews the possibility of non-custodial sentencing and rehabilitation options for offenders.

As a not-for-profit advocating for prisoners' rights for over forty years, Justice Action is familiar with the detrimental impacts of time spent in custody. This knowledge and experience of the realities of custody informs our submission.

1. Prison sentences for dangerous driver offences in the ACT

Justice Action is concerned with public calls to increase the length of dangerous driving prison sentences. Recently, we published a paper entitled 'Recidivism: A Way Forward', drawing upon prisoners' experiences and consultations with judicial and political figures to find that custodial sentences significantly curtail rehabilitation prospects. This confirmed our long-running understanding that prison sentences emotionally and economically detriment offenders well beyond their time spent in custody.

As dangerous driving offences are disproportionately committed by young people, Justice Action asks that the Committee particularly consider the ongoing impact of any reforms lengthening prison sentences over the lives of young offenders.

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

Justice Action recognises the low socio-economic profiles and young age of many dangerous driving offenders. We are concerned with the potential for overly punitive custodial sentences to entrench existing social disadvantage and request the Committee lends particular focus to restorative justice mechanisms available to offenders.

Justice Action also requests that the Committee explores options for early intervention programs for youth including learner licensing programs and peer mentoring. We point to the success of the Bourke Justice Reinvestment Program's Maranguka Driver Licensing Initiative as a potential early intervention model for the ACT.

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

Justice Action questions the accuracy of reports that 29 police vehicles were deliberately damaged by drivers of stolen vehicles between July 2021 and August 2022. Our consultation with prisoners with dangerous driving record histories suggests that drivers of stolen vehicles are unlikely to deliberately 'ram' into police vehicles. Justice Action has obtained several anecdotal accounts suggesting that anti-social drivers are more likely to inadvertently collide into police vehicles in cases where police are blocking roads to 'corner' stolen vehicles than to intentionally do so.

We caution the Committee against taking characterisations of such collisions at face value and ask that it investigate other factors causing collisions between stolen and police vehicles beyond malicious intent.

In conclusion, Justice Action believes that the Committee should conduct a detailed assessment of alternative sentencing and rehabilitation options, with a particular focus on their recidivism outcomes compared to custodial sentences. We oppose increasing the maximum prison sentence penalties set out in the Road Transport (Safety and Traffic Management) Act.

Yours sincerely,

Kira Trahana

Law and Policy Intern writing on behalf of Justice Action