



Standing Committee on Justice and Community Safety

Inquiry into Dangerous Driving **ANSWER TO QUESTION TAKEN ON NOTICE**

Asked by Mr Andrew Braddock MLA on 14 November 2022: Mr Peter Whowell took on notice the following question(s):

Reference: Hansard [uncorrected] proof transcript 14 November 2022 [PAGE 12 - 13]

In relation to:

MR BRADDOCK: Thank you. In your submission you are calling for an amendment to section 60 to introduce a liability in responsible driver. I believe I understand what you are asking for. Just seeking on further information on why you are asking for that particular amendment.

Mr Gaughan: I think the issue is in many instances we do not get told who was driving the car and the person says it was not me and that is the end of the matter. We believe that is not the proper standard that should be met. We believe the community has a right to know and a person should be held to their driving behaviour. I will get Whowell to provide some further context on that.

Mr Whowell: You have already actually covered the answer. That is the rationale is to address that issue where somebody owns a car. Somebody else has used it. We cannot identify that person so it is putting that onus back on the owner of the vehicle to be responsible for the way it is used.

MR BRADDOCK: Do you have figures currently on how many times this might have occurred over the past year or two?

Mr Whowell: I do not have that in front of me but would you like to take that on notice?

Executive General Manager, Corporate Services: The answer to the Member's question is as follows:—

There is no automatic way of collecting data on Section 60 demands. Demands can be made orally and may be recorded on body worn cameras where possible, so they aren't always reflected in a document as there is currently no offence which provides a requirement to collect this data.

To be definite about the number of demands issued a manual search of all traffic incidents would need to be undertaken. For instance on Fail To Stop offences alone that would require a manual interrogation of more than 700 offences this year.

To do this on all traffic incidents would be an onerous task that would unreasonably divert police resources. ACT Policing is considering how to better capture Section 60 demands to assist in highlighting this gap in road safety enforcement.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

A handwritten signature in black ink, appearing to read 'Peter Whowell', written in a cursive style.

Date: 24/11/2022

By the Executive General Manager, Corporate Services, Mr Peter Whowell