



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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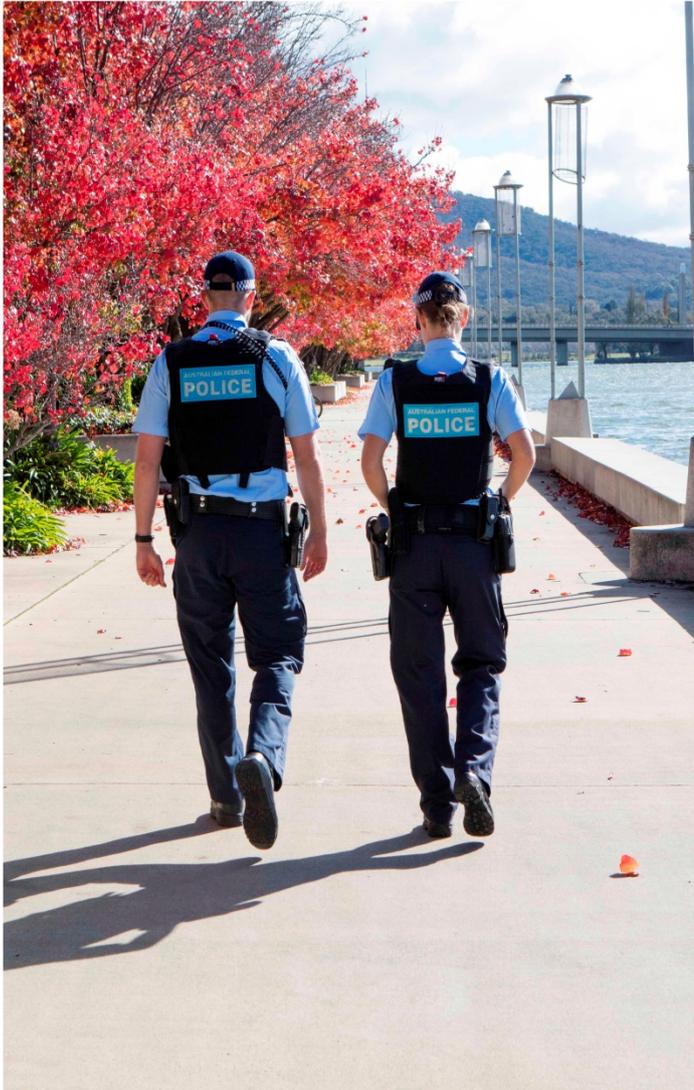
STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY  
Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair),  
Mr Andrew Braddock MLA

## Submission Cover Sheet

### Inquiry into Dangerous Driving

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# Inquiry into Dangerous Driving

September, 2022

Submission by ACT Policing

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## Introduction

ACT Policing is committed to initiatives that support and increase the safety of all road users on the Territory's roads and welcomes the opportunity to provide this submission to the Standing Committee on Justice and Community Safety in response to the Inquiry into Dangerous Driving.

This submission seeks to articulate the challenges ACT Policing is experiencing in addressing the issue of dangerous driving in the Territory and outline current strategies employed to target those involved. In responding to the Terms of Reference (ToR), this proposal will also discuss key initiatives ACT Policing view as opportunities to increase the safety on Canberra's roads. These include legislative change and the examination of emerging technologies.

In collaboration with the Roads Transport Authority, Transport Canberra and City Services and community partners, the ACT Government and ACT Policing currently undertake numerous strategies to improve road safety and reduce anti-social driving behaviours. It is an ACT Government and ACT Policing priority to maintain Canberra as a safe city in which to live however, as also experienced in other cities around Australia, we are not immune to those who choose to engage in unacceptable anti-social, dangerous and criminal behaviour.

At the date of this submission, 12 people have lost their lives on ACT roads in 2022; three of those deaths occurring as a cluster within a 48-hour period. This is significantly higher than the average road toll over the last 5 calendar years (the average road toll from 2017-2021 was 7.6). As a community this is a statistic that cannot be accepted nor attributed to an inevitable consequence of a road transport system. Contributing factors to the road toll continue to include elements of the 'Fatal Five', including speeding, impaired and distracted driving.

ACT Policing are experiencing an escalation in drivers failing to stop (FTS) for police and related criminal behaviour involving motor vehicles. Where the driver of a vehicle fails to stop and engages police in a pursuit, they elevate the risk of serious injury and possible loss of life. There are multiple examples of police officers and police vehicles being driven at by offenders in an attempt to evade police, with serious injuries inflicted upon officers. ACT Policing has a genuine concern that it is only a matter of time before a police fatality is realised. This is an unacceptable risk to frontline officers and policing as a profession and not in line with community expectations of safety.

It is the view of this submission that there is opportunity to examine policy around bail and appropriate sentencing in regarding the commission of serious offences, which may also impact the rate of recidivism of those contributing to dangerous driving.

The devastating impact of road fatalities upon affected families and the broader community cannot be understated. It should also be acknowledged that the associated trauma from attending the scene of a road fatality can be debilitating for first responders and in some cases impair the ability for a police officer to continue their career with life-altering consequences.

Dangerous driving is illegal and a serious public safety issue, and ACT Policing and the Government are committed to tackling it together. In partnership with numerous ACT Government Directorates, ACT Policing works to support the ACT Road Safety Strategy 2020-2025 and the ACT Road Transport Safety Action Plan 2020-2023.

ACT Policing looks forward to working with the ACT Government, partners, and key community stakeholders to improve responses to dangerous driving behaviours and to reduce road trauma in the ACT. Please note the detailed statistics for road transport offences referred to throughout the document can be found at **Appendix A**. The data provided is for the last five financial years being 2017-18 to 2021-22.

This submission has addressed the ToR in order of relevance to ACT Policing and will highlight recurring themes referenced across the areas of concern. This is a standalone response from ACT Policing and will complement a separate submission from the ACT Justice and Community Safety (JaCS) Directorate.

## Police Response (ToR - B)

Dangerous driving encompasses a variety of behaviours that create a risk of injury or death to drivers, passengers and other road users, including pedestrians, and risk of damaging property. These driving behaviours include speeding, driving while distracted, driving under the influence of alcohol and/or illicit drugs, not obeying traffic signals, driving while unlicensed, driving a non-roadworthy vehicle, driving while not wearing seatbelts/restraints and general dangerous, reckless or negligent driving.

Each year ACT Policing and Transport Canberra and City Services create the ACT Road Safety Calendar. This calendar nominates specific issues for each month of the year based on research and evidence. While ACT Policing actively targets these issues on a daily basis, the Calendar provides targeted messaging, campaigns and operations each month.

Over the last five years, a total of 826 charges have been put before the ACT Magistrates Court relating to dangerous driving offences. A further 925 infringements were issued during this period. These include offences such as aggravated, furious and reckless driving, burnouts, street racing and culpable drive causing death or grievous bodily harm.

Research shows that the top five causes of serious and fatal collisions are speeding, driver distraction, seatbelts, intersections and impaired driving. These are commonly referred to as the 'Fatal Five'.

ACT Policing actively target these five causes on a daily basis, however continue to see members of the community ignore the laws set in place which is demonstrated in the following figures for each cause.

### ***Speeding***

Speeding is a major contributor to injury and death on ACT roads. It reduces the ability to control the vehicle and lengthens stopping distances, increasing the likelihood and severity of a collision. Penalties for speeding range from \$301 to \$2,136 depending on the level of speed and whether it occurred in a school zone.

Any level of speeding presents a road safety risk for a driver and other road users, with studies showing that "low level" speeding contributes to a significant percentage of road casualties and fatalities.

It is disappointing that speed continues to be an issue on Canberra's roads. A total of 19,448 drivers were identified exceeding the speed limit over the last five financial years. These figures are unacceptable and ACT Policing continue to work with the ACT Government through education and enforcement initiatives to reduce speeding in the Territory and to target those that exceed the posted speed limits.

Tragically ACT Policing continues to see speed as a contributing factor in collisions, particularly in fatalities. For example, in 2021 a driver traveling 160km in an 80km per hour zone while under the influence of drugs and alcohol collided with another vehicle resulting in the death of the other driver. The offending driver was found guilty of culpable drive causing death and

sentenced to a term of imprisonment. The offending driver was also disqualified from driving for three years.

### ***Driver Distraction***

Distracted driving refers to anything that takes the drivers' attention away from the road or impacts driving ability. While driver distraction can include a conversation with a passenger or changing the radio station, mobile phone use is the most common distraction. A total of 4,554 drivers received infringements for using a mobile phone while driving in the last five years.

The use of mobile phones while driving creates an unnecessary risk to road users. The ACT Road Safety Action Plan 2020-23 states that drivers who look at their mobile devices while driving are three times more likely to be involved in a collision than non-users; dialling or locating and answering a hand-held phone increases the chances of having a collision by four times; and texting, browsing or emailing on a mobile device while driving increases the chances of a collision by ten times.

ACT Policing continue to target mobile phone use through education and campaigns, together with enforcement strategies.

ACT Policing welcomes the ACT Government's intention to research the implementation of mobile phone detection cameras as part of the ACT Road Safety Strategy 2020-25.<sup>1</sup>

Penalties for using a mobile phone while driving range from \$487 to \$598.

### ***Seatbelts***

Seatbelts are a proven safety feature when driving a motor vehicle. Not wearing a seatbelt significantly increases the chances of serious injury or death to drivers and/or passengers if involved in a collision. It is the driver's responsibility to ensure that all passengers in a vehicle are wearing a properly fitted seatbelt.

Over the last five years, ACT Policing has issued 694 infringements for drivers and/or passengers not wearing a seatbelt. Of those offences 22 related to no seatbelt or restraint on a child aged between one and seven years; anything other than zero offences for children is an unacceptable figure. On the whole, ACT Policing has seen a decline in infringements for seatbelt offences over the last three years and will continue to educate road users to support this trend.

The penalty for not wearing a seatbelt is \$500.

### ***Intersections***

Over half of all collisions in the ACT occur at intersections due to drivers not obeying traffic signals and signs. ACT Policing has issued 3287 infringements relating to intersections in the last five years. These offences include for not stopping at a red or yellow light/arrow and not stopping at stop sign.

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<sup>1</sup> ACT Road Safety Strategy 2020-2025.

ACT Policing remind road users that drivers must stop at a yellow light, unless it is unsafe to do so. If a driver has the time to speed up to make it through an intersection they have the time to stop.

Penalties for traffic light and intersection offences are up to \$491.

### ***Impaired Driving***

Impaired driving refers to driving under the influence of drugs or alcohol.

Alcohol and drug impaired drivers pose the highest risk on ACT roads and removing these drivers reduces the potential for serious injury or fatal collisions.

### ***Drink Driving***

Alcohol affects people in different ways, the more alcohol consumed the greater the impact on a driver's abilities. In the ACT:

- Drivers who hold a full licence are allowed a prescribed blood alcohol concentration limit of under 0.05 alcohol content.
- Special, probationary, international (from non-recognised countries), provisional and learner licence holders, as well as driver trainers, are subject to a zero blood alcohol concentration level.
- Drivers of vehicles with a Gross Vehicle Mass or Gross Combined Mass of more than 15t, or carrying dangerous goods, are special drivers and are subject to a zero blood alcohol concentration level.

Although there is a general awareness in the community about drink driving laws and the associated effects, drink driving remains a major contributor in fatal crashes on our roads.

On average, ACT Policing Road Policing has completed almost 60,000 Random Breath Tests (RBT) per year over the last five years. Of those almost 300,000 RBTs, ACT Policing recorded 4,686 charges for exceeding the prescribed concentration of alcohol<sup>2</sup>.

In recent years, ACT Policing has shifted strategy, moving from the traditional bulk approach of RBT to a more targeted, intelligence-led approach. Increased operational tempo over recent years has contributed to the need to move to targeted RBTs. This intelligence-led approach allows police to use resources more efficiently by targeting identified areas.

Impaired driving is a risk for all road users, not just the affected driver, rider or operator of the vehicle and ACT Policing continue to target members of the community who drive a motor vehicle whilst under the influence.

Penalties for drink driving are outlined in the *Road Transport (Alcohol and Drugs) Act 1977*.

Offences for drink driving vary depending on the alcohol concentration level recorded and the concentration limit which applies to the driver. A first offence for a high alcohol concentration level can lead to a fine of up to \$2400, nine months imprisonment, or both. First time offenders may also have their driver licence disqualified for up to three years.

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<sup>2</sup> These figures are from ACT Road Policing. Due to technical difficulties, RBTs from all other ACT Police Stations were unable to be calculated. These figures should be taken as minimum numbers.

Drivers that repeatedly offend, face a fine of up to \$3200, 12 months' imprisonment, or both. Recidivist offenders may have their driver licence disqualified for up to five years.

Police may also impose an Immediate Suspension Notice, which suspends the driver's licence for up to 90 days.

### Drug Driving

Unlike alcohol, any trace of illicit drugs detected in a person's system whilst driving a motor vehicle is illegal.

Over the last five financial years ACT Policing Road Policing has conducted 14,500 Roadside Drug Tests which has resulted in 3,839 charges put before the court for drug driving.

Research shows that drug use increases the risk of a being involved in a collision, with drivers with illicit drugs in their system being ten times more likely to be responsible for causing a collision<sup>3</sup>.

In 2021, a proposed amendment to the *Drugs of Dependence Act 1989* was introduced into the ACT Legislative Assembly to decriminalise possession of small amounts for certain illicit substances. ACT Policing hold concerns that decriminalising the proposed substances could increase road trauma, noting that driving under the influence is associated with higher harms, such as dangerous driving and vehicle collisions resulting in fatalities. For example:

- In 2020, 913 drivers were charged as driving under the influence of illicit substances. Of these drivers, 32 (3.5%) were involved in vehicle collisions resulting in fatalities or serious injury.
- In 2021, 490<sup>4</sup> drivers were charged as driving under the influence of illicit substances. Of those drivers, 26 (5.3%) were involved in vehicle collisions resulting in fatalities or serious injury.

Currently there is little capacity to conduct road-side testing for all of the listed substances in the amended Act, and ACT Policing holds concerns that if certain substances are decriminalised, this could lead to a perception from the community that driving under the influence of drugs is acceptable.

It is important to acknowledge that the proposed amendments to decriminalise small amounts of illicit substances do not propose any change to road transport legislation, and it remains an offence to drive with any trace of illicit drugs in your system.

Drug drivers will be required to appear before the court, similar to those who 'drink and drive'.

Penalties for drug driving can include a loss of driver licence for a period specified by the court, a fine, and imprisonment for repeat offenders.

In the ACT, drug driving is an offence regardless of the driving manner of a person.

Current legislation<sup>5</sup> for drug driving requires the prosecution to prove two things; that a person was a driver of a motor vehicle on a road related area and they had a prescribed drug

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<sup>3</sup> Odds of culpability associated with use of impairing drugs in injured drivers in Victoria, Australia, Drummer et al. 2020

<sup>4</sup> The significantly reduced number for 2021 is a likely result of the COVID lockdown period.

<sup>5</sup> Section 20 of the *Road Transport (Alcohol and Drugs) Act 1977*.

in their oral fluid or blood within the relevant period. There is a misconception that police must prove impairment in relation to drug driving offences. This is incorrect as there is no legal requirement for police to make a determination on impairment, police only have to prove presence of the drug in the driver's system.

Measuring impairment is not as clear as it is with alcohol as drugs vary in purity, toxicity and affect every one differently and no limits have been defined in the legislation. The varying effects of the types of drugs detected makes it problematic to determine impairment on a scale. Similarly, poly use of drugs with other drugs and/or alcohol can have various impacts on a person's ability to safely control a motor vehicle.

Anecdotally, ACT Policing has found that in many incidents involving a stolen motor vehicle, the driver of the vehicle is impaired by either drugs and/or alcohol creating a greater risk to the community.

In many situations of dangerous driving the vehicle involved is a stolen motor vehicle. Since July 2017, ACT Policing has received 6,939 reports of a stolen motor vehicle. Many of these stolen motor vehicles were then used in the commission of other offences such as ram raids, robberies, home invasions and engaging in fail to stop/pursuits with police.

ACT Policing members frequently find themselves in dangerous positions due to drivers of stolen vehicles attempting to evade police by driving directly at officers either on foot or in vehicles. In the last two financial years<sup>6</sup>, 33 offenders have been charged for driving a motor vehicle at police; of these 33 incidents, 28 police vehicles were intentionally rammed. All of these incidents of driving at or ramming police vehicles were done so to avoid apprehension.

ACT Policing makes every effort to proactively patrol throughout the community to detect and deter criminal behaviour, however enforcement resources are often diverted to respond to non-discretionary matters. Therefore while there is an enduring presence on our roads, police cannot be everywhere all the time. ACT Policing is in continual discussions with the ACT Government about appropriate resourcing for optimum policing capability, and this will be further considered in the ACT Government budget process through the ACT Policing's Police Services Model 2 budget submission.

ACT Policing encourage all members of the community to be mindful about home security as the majority of stolen motor vehicles occur from residences. ACT Policing urge the community to consider where they keep keys, including spare keys, to vehicles and remote controls for garage doors, as in newer vehicles the push start will work if the keys are within a certain distance. It is recommended that keys are not stored in close proximity to the vehicle, kept by the front door or in plain sight in the home. This is currently reiterated by ACT Policing via public messaging and the planning for further campaigns is underway.

More often than not, fail to stop incidents and offenders engaging, or attempting to engage in, pursuits with police occur with stolen motor vehicles. The frequency of these incidents are increasing, putting road users and ACT Policing members at risk. In the last five years ACT

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<sup>6</sup> Note: This offence did not exist prior to 2020.

Policing have been involved in almost 4,500 incidents where a vehicle has failed to stop for police when signalled.

Options available to ACT Policing members when involved in fail to stop incidents such as Tyre Deflation Devices have limited effect in reducing the number of fail to stop incidents. Furthermore, they can be increasingly dangerous to deploy with many offenders swerving at police during deployment or ramming police vehicles in order to evade police.

In early-2022 ACT Policing engaged the services of a consultant to conduct a review to examine ACT Policing practices and governance regarding fail to stop incidents and related vehicle crime in the ACT, and explore available opportunities and technologies that may assist law enforcement. The recommendations from this review are designed to decrease instances of fail to stop, increase apprehension of offenders and improve the safety of ACT Policing members and the community. These recommendations include enhanced technology and stronger legislation which are referenced throughout this submission.

One recommendation relates to the introduction of legislation similar to that of Skye's Law in New South Wales (NSW) for those who fail to stop when pursued by police in the ACT. Skye's Law<sup>7</sup> was introduced in NSW in 2010 after a toddler, Skye Sassine, was killed in a collision whereby an offender's vehicle who had failed to stop for police and engaged them in a pursuit, collided with the vehicle in which Skye was traveling. This legislation provides harsh penalties for any driver who does not stop for police.

The appropriateness of pursuing fleeing drivers and the danger posed to the community, police and the offender have been debated for as long as police have been pursuing. The debate centres on finding the balance between the risks in permitting a suspect to escape from prompt apprehension and the mitigation of risk to public safety arising from fleeing drivers. Pursuits by their very nature often elicit dangerous driving behaviours by the fleeing driver to avoid apprehension, including high speeds and ignoring all road rules such as traffic lights and direction of travel. It is at this time that police need to determine the value of apprehending an offender in a pursuit and whether it is outweighed by the inherent risks.

The link between failing to stop for police and other serious offences cannot be overemphasised. There are many tragic examples involving vehicles fleeing from police including the death of 21-year-old Clea Rose in 2005 after she was struck by a 14-year-old driving a stolen motor vehicle; the death of 3 month old Brody Oppelaar, 33-year-old Scott Oppelaar and 29-year-old Samantha Ford after a stolen vehicle collided with their vehicle in 2010; and 38-year-old Linda Cox after a hit and run incident in 2012.

There are a number of alternatives which have the capability to reduce the necessity for pursuits and significantly lessen the time an offending vehicle is active in the community resulting in the improved safety of the community and police officers. These alternatives form part of the technology solutions discussed later in this submission.

Due to the inherent risks associated in engaging with stolen motor vehicles and dangerous drivers, ACT Policing continues to employ preventative measures to combat dangerous driving, however road safety is not solely one officer or one organisation's responsibility; it

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<sup>7</sup> Section 51B of the *Crimes Act 1900* (NSW)

requires a holistic approach between the ACT Government, relevant stakeholders and the community.

The ACT Road Safety Strategy 2020-25 outlines the key goals of the ACT Government to address road safety in the Territory. These goals include to reduce serious and fatal crashes with a commitment to vision zero; to build a community that shares responsibility for road safety; to change road users' attitudes and behaviour through education and compliance activities; and to strengthen collaboration across Government with stakeholders to improve road safety in the ACT.

ACT Policing and the ACT Government are committed to road safety and reducing the ACT road toll and endeavour to remind drivers that speeding is a major contributor to fatal collisions and serious injuries.

Throughout the year ACT Policing organises and participates in campaigns to remind road users that road safety is everyone's responsibility and highlights the impact of road trauma and ways to reduce it. These campaigns are targeted and evidence based opportunities, for example the summer season commute between Canberra and the South Coast. **Appendix B** details the campaign in which ACT Policing with partner agencies participate.

ACT Policing conduct specific operations and taskforces to proactively target issues in the community, and has recently established Operation TORIC to address dangerous driving in the Territory.

#### Operation TORIC

Operation TORIC (targeting of recidivism in Canberra) is a taskforce within ACT Policing with dedicated resources from the Proactive Intervention and Diversion Team, Road Policing, General Duties, Specialist Operations and Intelligence Teams.

The aim is to focus on the identification of recidivist dangerous drivers, including fail to stop offenders who engage in driving behaviours that place the community and ACT Policing members at great risk.

Since the commencement of the operation in August 2022, investigators have arrested **62** offenders and laid **183** charges for offences including aggravated dangerous driving; driving at police; taking motor vehicle without consent; drug driving and firearm offences.

Of those charged, **23** were on bail for other offences.

Successful operations such as these will continue to be run by ACT Policing to apprehend dangerous offenders.

ACT Policing believe prevention strategies to certain dangerous driving behaviours are a whole of government response that should include a mix of targeting, enforcement, road design strategies and education.

Statistics show a large portion of driving offences are committed by drivers aged between 18 to 35 years old. ACT Policing believes that targeted school education seminars facilitated by

first responders would be highly beneficial for the ACT's high school and college students to cultivate their understanding of the dangers and consequences of certain driving behaviours. Despite prevention efforts by ACT Policing, dangerous driving resulting in serious collisions still occur.

The policing response to motor vehicle collisions has changed over the last decade with the capability for members of the public to report minor collisions online through Access Canberra. The majority of police attendance/interaction for collisions is now limited to certain circumstances including where there are injuries, a driver has left the scene or there is an obstruction to traffic.

ACT Policing's Major Collision Team (MCT) consists of qualified police officers trained in the technical knowledge of crash analysis and who investigate all fatal and major motor vehicle collisions in the ACT. MCT officers are responsible for determining the cause of collisions, forensic analysis, reconstruction of a scene and management of blood samples for alcohol and drug testing following motor vehicle collisions.

This dedicated team allows serious and fatal collisions to be investigated with expertise and the best possible evidence to be put before the court for successful outcomes for victims and families.

### Criminal Justice Response (ToR – A)

ACT Policing believes the current legislated penalties for the majority of offences are sufficient and have the potential to be a deterrent, however the sentences being imposed by the ACT Courts may not be having the intended effect.

*The Bail Act 1992* states that in making a decision about the granting of bail to an adult, a court must consider matters such as the likelihood of the person appearing in the court in relation to the offence and the likelihood of a person committing further offences or endangering the safety or welfare of another person.

At present, a person charged with an offence punishable by imprisonment for not longer than six months, has the presumption for bail and is entitled to be granted bail and released from custody. This is also the case for a small number of other minor offences. There are then offences for which there is no presumption for bail including offences such as manslaughter and serious sexual offences or a recidivist of violent offences. Finally, there is the presumption against bail for offences of murder and certain serious drug offences.

For the offences where presumption against bail does not exist, ACT Policing observes that it is assumed there is a presumption for bail for all other offences, rather than the courts adopting a neutral position and determining the granting of bail on the particular circumstances of each case.

ACT Policing intends to seek the Legislative Assembly's agreement to schedule a number of offences to ensure that there is a neutral position for the granting of bail. These offences include assaulting a police officer, driving at police and for recidivist serious motor vehicle offenders.

In November 2021, the ACT Government did not progress changes to the bail laws in relation to assaulting police on the basis that there is no evidence to suggest that changes would result in an improvement on community safety. ACT Policing believe these proposed changes to the legislation, particularly for the use with recidivist offenders, would provide greater safety for police especially for dangerous driving offenders who drive at police, both in vehicles and on foot, to avoid apprehension. As reiterated throughout this submission, the driving behaviour of these offenders proves a significant risk to all members of the community and as such the current position on bail in relation to these offences needs to be addressed.

ACT Policing regularly encounters recidivist offenders for driving matters being released on bail only to commit further offences shortly after. The case study below is one example of this.

### Bail Case Study

In June 2021 the criminal behaviour of a young person who was known to police began to escalate including involvement in an incident of riding/driving in a stolen motor vehicle; a Holden Captiva that was taken from Goulburn NSW on 21 June 2021 was linked to subsequent burglaries later that day in the ACT, where another vehicle (a green Holden Maloo) was stolen.

At 1.30am on 22 June 2021, NSW Police advised ACT Policing that three stolen vehicles, including the Captiva, were heading toward Canberra. ACT Policing made several attempts to stop the stolen Captiva by deflating its tyres, but the Captiva crossed to the wrong side of the road to avoid the tyre deflation devices, and continued driving at high speed. In Belconnen, the Captiva reached speeds up to 180 kilometres per hour, and the occupants of the vehicle threw items from the vehicle into the path of pursuing police.

The stolen Captiva was eventually abandoned in Curtin, and the occupants fled. Following a foot chase, the young person and one co-offender were apprehended by ACT Policing. NSW Police pursued and seized the green Holden Maloo stolen in the Throsby burglary. The occupants of this vehicle reportedly pointed a firearm at police. Once the vehicle was stopped and searched, police located a firearm stolen during an aggravated burglary in Kambah.

Over the subsequent 12-month period, the young person breached their bail conditions on 10 occasions, each time being granted further bail with the same conditions. During this time the young person continued to offend and was involved in incidents of burglary, property damage, riding/driving in a stolen motor vehicle, possessing weapons (knife, axe), fraud, unlawful possession of stolen property; and allegations of assault, driving a stolen motor vehicle, and dangerous driving causing a vehicle collision.

The above case study demonstrates that in many circumstances bail conditions are not sufficient and do not necessarily stop or deter offending. Alternatives need to be put in place to deter offenders from committing further offences when released on bail.

In the ACT Road Safety Strategy 2020-25 the ACT Government states they will review the road transport penalties framework to ensure penalties are commensurate with the road safety risk associated with the unsafe behaviour and support behavioural change, including appropriate application of:

- infringement penalty notices;
- demerit points;
- court fines;
- licence suspensions or disqualifications;
- education programs; and
- imprisonment<sup>8</sup>.

ACT Policing welcomes a review into the penalty framework and looks forward to working with the ACT Government on this issue. Additionally, ACT Policing would welcome a review into the sentencing and bail schemes and engaging with the ACT Government, ACT Courts and Tribunal and any other stakeholders should this occur.

ACT Policing believes one result of the current approach to sentencing and granting of bail or lack of bail conditions imposed by the ACT Courts is recidivism, as the punishments being handed down by the courts are not a deterrent for these offenders.

Unfortunately, ACT Policing continue to see a large number of repeat offenders, particularly in relation to alcohol and drug driving with 841 of the 4,686 (17.9%) charges for drink driving and 2,032 of the 3,839 (52.9%) charges for drug-driving being repeat offenders. In the case of dangerous driving, the total of 826 charges that were put before the ACT Magistrate Court relating to dangerous driving offences related to 589 unique offenders; 75 (12.7%) of those were repeat offenders.

Anecdotal evidence from ACT Policing members suggests that offenders are of the opinion that penalties for failing to stop for police or riding in a stolen vehicle are minimal, and as such offer little deterrent to offending in that nature. Offenders are confident that as long as they are not caught in a stolen vehicle and can flee on foot, police often cannot sufficiently prove they were using a vehicle.

Recently ACT Policing's Proactive Intervention and Diversion Team was targeting a recidivist offender for a period of two weeks. During this period, the offender engaged police in multiple fail to stop incidents on a daily basis. One of these incidents saw the offender cross over the border into New South Wales (NSW). A short time later NSW Police Highway Patrol observed the offender and directed the vehicle to stop. The offender immediately pulled his vehicle over for NSW Police. When questioned in relation to the multiple fail to stop incidents in ACT, the offender stated that he pulled over for NSW Police as he was aware of Skye's Law and the harsher penalties in NSW. This is a clear demonstration that ACT's current legislation and penalties are not a deterrent for offenders.

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<sup>8</sup> ACT Road Safety Strategy 2020-2025 pg.18

There are a number of options that ACT Policing believe may be effective in the management of recidivist offenders. These include:

- A High Risk-Offenders scheme for repeat drink and drug drivers in the ACT. This scheme would require recidivist offenders to demonstrate to a court their fitness to drive, requiring proven abstinence from problematic or dependent drug or alcohol use, along with evidence that they are no longer a persistent user. This would coincide with the person receiving tailored welfare support.

The United Kingdom (UK) has had a similar scheme in place for drink driving since 1983 which has proved successful. The UK is now looking to implement the scheme for drug driving.

- Electronic Monitoring. ACT is the only jurisdiction in Australia that does not use Electronic Monitoring as a means of supervising serious offenders and defendants in the community. This proposal would be aimed at serious and recidivist offenders as a condition of bail or parole.

In her submission to the ACT Government's Standing Committee on Justice and Community Safety Inquiry on Community Corrections, Professor Lorana Bartels of the Australian National University stated "...on balance, the evidence suggests that, if implemented appropriately, the use of electronic monitoring would potentially bring significant benefits to the ACT community, including people involved in the justice system, victims and taxpayers".

Other jurisdictions in Australia have found the use of electronic monitoring to be beneficial, with Queensland Police implementing the use for high-risk offenders charged with family violence<sup>9</sup>.

During 2022, ACT Policing has progressed legislative reform proposals to Justice and Community Safety Directorate and Transport Canberra and City Services in relation to a new offence of trespass in a vehicle and the offence of fail to stop to remove ambiguity and strengthen chances of prosecution.

ACT Policing continue to engage with the ACT Government in relation to potential amendments to Road Transport Legislation that ACT Policing believe will aid in prevention and deterrence of dangerous driving behaviours and provide police with better powers to improve safety on ACT roads. The legislative proposals focus on additional provisions to deter dangerous driving behaviours and ensure that there are appropriate penalties in place to address these offences.

Some of those proposed amendments include:

- **Changing the name of the offence 'Culpable Driving Causing Death' to 'Vehicular Homicide', and increasing the penalty for this offence to be brought into line with Manslaughter.** Currently the maximum penalty for Culpable Driving Causing Death (Section 29(2) of the *Crimes Act 1900*) is imprisonment for 14 years (16 years for

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<sup>9</sup> [www.police.qld.gov.au/initiatives/electronic-monitoring-gps-tracking-of-bailees/about-electronic-monitoring](http://www.police.qld.gov.au/initiatives/electronic-monitoring-gps-tracking-of-bailees/about-electronic-monitoring)

aggravated offence) whereas the current maximum penalty for Manslaughter is imprisonment for 20 years (28 years for aggravated offence). ACT Policing believes that Culpable Driving Causing Death is in itself manslaughter, so this will allow the penalty to be in line with manslaughter legislation. This is a necessary amendment to fall in line with the level of offending and the impact on the victim and families.

- **Creating an Immediate Suspension Notice (ISN) for speed over 45km/h and for burnouts, hooning, drifting and street racing.** Similar to the ISN for driving under the influence of alcohol, an ISN should be introduced to cover these additional dangerous driving behaviours as an immediate consequence so that it is seen as a deterrent in these situations.
- **Creating an aggravated offence for offences against the *Road Transport (Alcohol and Drugs) Act 1977 (ACT)*.** ACT Policing believe that an aggravated offence should be included for a person who tests positive to more than one prescribed drug in their oral fluid, or a person who tests positive to both a prescribed drug and a Prescribed Concentration of Alcohol. The statistics throughout this submission show that the consumption of illicit substances or alcohol have detrimental effects on our roads and the combination of the two or multiple substances increases this risk considerably.
- **Seek an amendment to increase the timeframe for not being able to drive when tested positive on Oral Fluid Analysis (OFA).** Currently in the ACT, police can only provide a direction to a driver to not drive for 12 hours if they test positive on OFA. This proposal seeks to increase the time from 12 hours to 24 hours, to bring the ACT in line with NSW and create safer roads by ensuring that a person is not driving while they still have presence of drugs in their system.
- **Creating an equivalent of Skye's Law (NSW)** (section 51B of the *Crimes Act 1900 - NSW*) which is the legislation that deals with penalties for police pursuits. The reform would seek to introduce Skye's Law into the ACT which makes evading a police pursuit a specific offence which includes mandated prison sentences of maximum of three years for a first offender and a maximum of five years for a repeat offender in a five-year period.
- **Seek an amendment to Section 60 Demand in *Road Transport (General) Act 1999*** to introduce liability on the responsible driver of a vehicle. If the responsible driver of the vehicle fails or refuses a demand by police or from an authorised person to nominate the driver of a vehicle at the time of an offence, then the responsible person will be charged with refusing a section 60 demand and will be liable for the original offence committed.
- **Seek an amendment to extend the time period police are able to seize a vehicle** Currently s10C(2) of the *Road Transport (Safety and Traffic Management) Act 1999* authorises a police officer to seize a motor vehicle within 10 days after the commission of an offence. Expanding this timeframe to 90 days will allow police appropriate time to investigate and locate suspect vehicles.

- **Increase of penalties for mobile phone use whilst driving offences.** This proposal seeks to increase these penalties for offences for mobile phone use whilst driving in line with Queensland legislation which is a \$1000 fine and four demerit points, and double demerit points apply for a second or subsequent mobile phone offences committed within 1 year after the earlier offence. ACT Policing believes stronger penalties would act as a deterrent, particularly for younger drivers, as education alone does not seem to be an effective deterrent.
- **Bail Act Amendments.** This proposal seeks to schedule the offences of: assaulting police and any frontline community service provider (*s26A Crimes Act 1900*); driving motor vehicle at police (*s29A Crimes Act 1900*) and for recidivist serious motor vehicle offenders. Scheduled offences do not carry a presumption in favour of bail under the *Bail Act 1992*. There is neither a presumption in favour of, or against, bail, rather it is determined on the particular circumstances of each case. In light of recent motor vehicle related offending and trauma, including assaults on members of the public and police, often committed by recidivist offenders, ACT Policing believe these amendments will assist in keeping the community and police safer on our roads.
- **Seek an amendment to increase the penalty for assaulting a police officer (*Assault Frontline Community Service Provider s26A Crimes Act 1900 (ACT)*).** Currently, the penalty for assaulting a frontline worker carries the same penalty as common assault, being a maximum penalty of imprisonment for two years. ACT Policing believes that this penalty does not reflect the seriousness of the offence or the risks associated with Policing. Being assaulted is not 'part of the job' and this needs to be reflected through appropriate penalty and sentencing. In comparison, this offence in other jurisdictions carries penalties between 5 and 14 year's imprisonment.

### Police and Other Related Technology (ToR – H)

ACT Policing is constantly researching and assessing available emerging technology that may aid in detecting offending and apprehending those responsible. The following capabilities are being explored for potential use in preventing the effects of dangerous driving.

#### Automatic Numberplate Recognition (ANPR)

ANPR systems have the ability to process numberplates and provides alert on vehicles of interest. For many years the UK Police has successfully utilised ANPR to detect, deter and disrupt criminal activity at a local, regional and national level. UK Police state that ANPR provides lines of enquiry and evidence in the investigation of crime and has proven to be an important tool in the detection of many offences including tracking and locating stolen motor vehicles.

ACT Policing currently utilises ANPR systems with limited capability however intends to expand these systems through the deployment of in-vehicle systems, static systems and utilise live feeds from established cameras such as the tram line and fixed traffic monitoring cameras throughout the Territory. ACT Policing will engage with relevant stakeholders in relation to the potential expansion of these systems.

In the example of a fail to stop incident with a stolen motor vehicle, this technology would allow for resources to be deployed effectively based on live data if the vehicle of interest is passing cameras. ANPR has the capacity to reduce the necessity for pursuits and significantly reduce the time an offending vehicle is active in the community. This alone will have significant impact on improving the safety of the community and our members. If utilised to its full potential, ANPR will likely also act as a deterrent and an additional investigative tool which will further reduce criminal activity.

By having in-vehicle ANPR systems on all ACT Policing vehicles, detection and recovery of stolen motor vehicles will significantly increase.

#### Alternative to stop sticks

Currently ACT Policing utilise tyre deflation devices in the form of stop sticks. The equipment is becoming outdated and there is an inherent danger to our officers with offenders driving at police while officers are deploying a device into the path of a vehicle.

ACT Policing are trialling a number of alternative tyre deflation devices which will allow officers to place themselves in a safe position away from the road and gain a better visual on the approaching vehicle prior to the deployment.

With the increasing number of electronic vehicles being introduced on our roads, the silent nature of these vehicles increases risks to officers attempting to deploy a device as there is no auditory cue of an approaching vehicle at speed. These vehicles also provide a greater risk to the community when involved in dangerous driving incidents.

The trial of alternative tyre deflation devices will allow ACT Policing to ensure the right technology is available for the safety of both officers and the community.

#### Enhanced technology for road-side drug testing

Currently road-side drug testing is used for cannabis, methamphetamine and ecstasy and is limited to the ACT Policing Road Policing teams. An expansion of this technology to every operational police vehicle would bring road side drug testing in line with road side breath testing allowing officers to conduct random drug tests at any time.

ACT Policing will explore amendments to current legislation to allow a two-step road side drug test which would eliminate the need for a driver to be taken to a police station for the second step of the process.

ACT Policing notes that there are significant resourcing challenges in both expanding the types of substances that can be tested and the volume of tests, however will continue to liaise with the ACT Government with the view to expand available testing in the future.

#### StarChase

StarChase is a Global Positioning System (GPS) tracking system currently used in multiple overseas jurisdictions utilised via the deployment of a tracking device onto an offending vehicle. This provides instantaneous, real-time information including location. This information can be utilised to coordinate resources and aid the rapid recovery of an

offending vehicle without the requirement to pursue or re-engage a vehicle creating a much safer option for both police and the community.

There are no associated dangers with the deployment of this device as it utilises a foam projectile with a strong adhesive that attaches to an offending vehicle and would be utilised at close proximity.

#### Air Support

The option of air support is available in various forms in all other jurisdictions in Australia. Air support capabilities allow a drone or helicopter to maintain a visual on offending vehicles allowing the coordination of on-ground resources without the need to pursue to effect a resolution, reducing the time an offending vehicle is in the community.

ACT Policing is researching the use of Remotely Piloted Aerial Systems (RPAS) or drones to support management of fleeing vehicles and have established a working group with key stakeholders to work through the legal and practical matters associated with this option.

The ACT bears some unique challenges to adhere to Civil Aviation Safety Authority (CASA) regulations and requirements including the close proximity of the airport, together with protected areas such as Parliament House. The greatest hurdle is to meet CASA's requirement to pilot a drone beyond "the line of sight" in a dynamic and unplanned route. This is similar to what is required for pilots to fly only with instruments. This is a large body of work that will require a multi-agency approach to mitigate risks and implement a trial program in an urban controlled testing environment.

#### Vehicle Telematics

Vehicle manufacturers are increasingly imbedding telematics (GPS and on-board diagnostics) to track vehicles and monitor symptoms. Telematics has the potential to remotely immobilise a vehicle with an owner's consent, reducing the need for police to initiate a pursuit. Remote immobilisation technology requires further development for this to be able to occur on a larger scale. ACT Policing will soon commence a working group with partner agencies to assess the wider use of this technology.

While the immobilisation technology is not yet at a point for effective use, GPS tracking is available in many newer vehicles including BMW, Mercedes, Toyota and Mazda. ACT Policing encourages members of the community with newer vehicles to check if there is tracking capability and familiarise themselves with how to utilise this feature should their vehicle be stolen. Manufacture-installed GPS has already aided in the swift recovery of stolen vehicles and apprehension of offenders in the ACT.

ACT Policing believes there may be benefit in an incentive scheme through the ACT Government, similar to that for electric vehicles, whereby in circumstances when a vehicle owner installs GPS tracking devices and/or after-market two factor immobilisers, they would be entitled to lower registration fees.

In 2010, the ACT Coroner made a recommendation after a horrific fatal collision killing three innocent people and the driver of a stolen motor vehicle "...that consideration is given to

making it mandatory that all makes and models of motor vehicles in Australia which are considered to be likely targets of theft have an immobiliser or similar device installed”.

While in practice this would be difficult to mandate, ACT Policing believes where possible, owners of motor vehicles should consider the options of an immobilisation device.

ACT Policing notes that any introduction of new technology will require thorough exploration and testing including examination of legal implications and the associated resourcing impact.

### Support for Victims (ToR – E)

ACT Policing has a dedicated Victim Liaison Officer (VLO) who works alongside Road Policing’s Major Collision Team in relation to indictable offences including negligent driving causing Grievous Bodily Harm (GBH) and Culpable Drive Causing GBH or death.

The VLO provides supplementary services to victims of crime (VOC) that include acting as a link with the investigating/case officer, providing information about support services and making referrals where appropriate. The VLO follows the governing principles for the treatment of victims of crime and the *Victims of Crime Act 1994* (ACT). The role of a VLO is to make contact with victims and offer referrals to applicable support services as required. The VLO may also be required to provide court support, court orientation and familiarisation tours, assistance with the preparation of Victim Impact Statements and applications to the Financial Assistance Scheme and providing updates to the victim and/or family when required.

With the increase in road trauma, support services such as the dedicated VLO are strained. Considerations for extra resourcing will form part of ACT Policing’s Police Services Model 2 budget submission.

### Capacity of Trauma and Support Services (ToR – C)

ACT Policing understands that a number of support services, including SupportLink, are providing submissions in relation to the impact of dangerous driving on their services. ACT Policing is supportive of any increase in trauma and support services to provide effective counselling and support to victims and their families after serious or fatal collisions.

### Prison Sentences, Fines and Vehicle Sanctions (ToR – D)

ACT Policing believe that the current legislated penalties for the majority of offences are sufficient and have the potential to be a deterrent however it seems that sentencing, more often than not, is on the lower scale of what is available.

#### Sentencing Case Study

In July 2020, Sue Salthouse was driving her wheelchair-accessible motorbike when she was struck and killed by a recidivist offender in relation to driving and drug-driving offences.

The offender plead guilty to the offence of culpable driving causing death, however the initial sentencing date was abandoned as the offender had been caught driving with drugs

in his system once again. The court stated it wished for those matters to be dealt with prior to sentencing for Ms Salthouse's death.

During the sentencing for the subsequent matters, the Magistrate made comment that it was a consistent frustration that the court is dealing with mere presence and they are not given any information about the level of drug in a person's system<sup>10</sup>.

In August 2022, the offender was sentenced for Ms Salthouse's death and received two years and three months' imprisonment with the sentence to be suspended after three months, a 2-year good behaviour order and a 2-year driver licence disqualification. This resulted in the offender spending approximately six weeks remanded for this offence, as the time served for to subsequent matters was taken into account.

During the sentencing the Chief Justice commented to the offender "if you find yourself convicted for drug driving again, you will be in a world of pain".

ACT Policing believe that transparency and reasoning behind sentencing would be greatly beneficial, not only to police but it would also provide members of the public peace of mind that matters are being appropriately dealt with through the court system. ACT Policing believes the sentence for the above matter is lenient noting this is a recidivist offender and an innocent person has lost their life.

In a recent decision handed down in the ACT Magistrates Court, comprehensive reasoning explaining the sentence provided and what factors were taken into account was given by the Magistrate. The disclosure by the Magistrate of their decision making and interpretation of the legislation is welcomed by ACT Policing. This visibility is useful for investigators who work to provide the strongest possible briefs of evidence to ensure the court is provided all the facts and the expectations of the community are met.

ACT Policing welcomes the outcomes of the current work underway within the ACT Government into road transport penalties which is likely to provide recommendations into the current penalty scheme available to traffic offences. It is recognised that an effective penalty system acts both as a deterrent for those seeking to engage in dangerous driving and an appropriate means of applying accountability to unsafe behaviour with associated behavioural change. ACT Policing supports increased penalties for culpable driving offences which result in serious injury and death.

Vehicle sanctions for dangerous driving behaviour currently exist for some dangerous driving offences. ACT Policing supports the expansion of vehicle sanctions to mirror similar penalties currently in use in NSW, particularly where it applies to a recidivist, high-risk drink or drug driving offender. In NSW if a driver has a previous drink or drug driving conviction within the previous five years and are caught re-offending, police have the power to confiscate their vehicle.

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<sup>10</sup> ACT Policing again notes that legislation does not require proof of level or impairment, but merely the presence of a drug and that a person was driving a motor vehicle.

Vehicle sanctions are similar to an Immediate Suspension Notice whereby the sanction is immediate and will usually be in place for three months prior to court proceedings. ACT Policing propose vehicle sanctions be applied to offences such as:

- Mid-range (a Blood Alcohol Content (BAC) of 0.08 to less than 0.15);
- High-range PCA offences (a BAC of 0.15 or more);
- Combined drug and alcohol offences; and
- A refusal offence whereby a person refuses or fails to do additional tests after failing an initial roadside breath or saliva test.

ACT Policing believes this consequence will act as a deterrent to recidivism as it removes the means to commit these offences. It also increases the capability for police to immediately seize the offending vehicle, removing the risk of further dangerous driving and increasing the safety of the Territory's roads. It is anticipated that introducing parity with NSW legislation will see a similar deterrence for unsafe driving behavior in the ACT as witnessed in neighboring jurisdictions.

### Effectiveness of Rehabilitation (ToR – G)

The relationship between substance misuse and offending is well documented. The Victorian Prison Drug Strategy found that two-thirds of all first-offenders who enter the prison system report a history of substance misuse that was directly related to their offending behaviour. The figure is thought to be as high as 80% for men and 90% for women for second and subsequent incarcerations<sup>11</sup>.

ACT Policing hold concerns that due to the proposed amendments to the Drugs of Dependence Amendment Bill which decriminalises certain substances, the opportunity for the identification and diversion of those drug affected into rehabilitation may be lost. It is a rare occurrence that ACT Policing would pursue criminal charges for small quantity possession without other offences being prosecuted alongside; rather a person would be referred to the Illicit Drug Diversion Program. This program aims to reduce harms associated with drugs by giving people an incentive to access additional services they may require for their health. As a criminal offence will no longer have been committed under the amended Act, should a person not attend the drug diversion program of their own volition, there may be little to compel them to complete the program. This would likely impact positive program outcomes and vulnerable individuals or groups in the community may not receive the support they require.

ACT Policing believes that offenders would benefit from specified rehabilitation programs while on remand in the Alexander Maconochie Centre (AMC) to maximise harm reduction and minimise re-offending. Further, education courses in AMC are highly beneficial to give recidivist offenders skills they can use when released to improve their life choices and reduce the chance of further criminality upon release. Greater government support for businesses to hire individuals upon their release from AMC would create substantial opportunities for those individuals to set them on a positive pathway.

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<sup>11</sup> Victorian Prison Drug Strategy, 2002

A further option to assist in rehabilitation is the Drugs and Alcohol Sentencing List. This is a collaborative approach between the Courts, Corrective Services, Health, DPP and ACT Policing to formulate a treatment order and ensure programs are available and suitable for individual circumstances. It is a sentencing option for people whose drug and alcohol use has contributed to their offending. This was developed to offer an alternative approach to rehabilitating offenders whose crimes are related to drug or alcohol dependency and is aimed to improve people's health and wellbeing, reintegrate them into society and reduce criminal offending. ACT Policing look forward to expanding this program in the near future.

## Corrections Responses and The Sentencing Regime (ToR – F)

ACT Corrective Services response forms part of the submission from Justice and Community Safety to the Inquiry.

## Any Other Related Measure (ToR – I)

ACT Policing is comfortable that key areas have been addressed throughout the submission under the relevant terms of reference. ACT Policing look forward to working with relevant government directorates and key stakeholders to improve technology, legislation and associated penalties to address dangerous driving and reduce road trauma in the ACT with the vision towards zero serious injuries and fatalities on our roads.

APPENDIX A

**Apprehensions for Dangerous Driving and Hooning offences**

	2017-18	2018-19	2019-20	2020-21	2021-22
AGGRAVATED FURIOUS - RECKLESS - DANGEROUS DRIVING	64	75	88	85	94
BURNOUT IN VEHICLE	19	22	24	18	0
CULPABLE DRIVE DEATH NEG/ALCOHOL	0	0	0	1	0
CULPABLE DRIVE DEATH/NEGLIGENT	3	1	0	2	1
CULPABLE DRIVE G.B.H NEG	0	1	0	0	0
CULPABLE DRIVE GBH ALCOHOL	0	0	3	1	0
CULPABLE DRIVE GBH DRUG	0	2	0	0	0
CULPABLE DRIVE GBH NEG	3	6	1	6	5
CULPABLE DRIVE GBG NEG ALCOHOL	0	0	0	0	1
DRIVE KNOWING OTHER MAY BE MENACED	5	2	3	2	0
DRIVE WITH INTENT TO MENACE	10	4	5	3	1
FURIOUS - RECKLESS - DANGEROUS DRIVING	35	26	36	29	26
IMPROPER USE OF MOTOR VEHICLE (BURNOUT ETC)	0	0	0	19	23
NEGLIGENT DRIVING - OCCASIONING DEATH OR GBH	26	14	3	7	12
ORGANISE/PROMOTE/TAKE PART IN RACE - VEHICLE	0	0	6	0	1
PERFORM BURNOUT IN VEHICLE	0	0	0	2	0
<b>Total</b>	<b>165</b>	<b>153</b>	<b>169</b>	<b>175</b>	<b>164</b>

**Traffic Infringement Notices (TINs) issued by ACT Policing for speeding**

	2017-18	2018-19	2019-20	2020-21	2021-22
NON-SCHOOL ZONE EXCEED SPEED LIMIT BY <= 15KM/H	967	948	1156	779	386
NON-SCHOOL ZONE EXCEED SPEED LIMIT > 15 BUT < OR = 30 KM/H	2452	2344	3093	2519	1261
NON-SCHOOL ZONE EXCEED SPEED LIMIT BY > 30 BUT < OR = 45 KM/H	326	246	345	313	172

NON-SCHOOL ZONE EXCEED SPEED LIMIT BY > 45 KM/H	103	87	99	99	63
SCHOOL ZONE EXCEED SPEED LIMIT BY < OR = 15 KM/H	281	209	137	87	35
SCHOOL ZONE EXCEED SPEED LIMIT BY > 15 BUT < OR = 30 KM/H	277	248	197	162	18
SCHOOL ZONE EXCEED SPEED LIMIT BY > 30 BUT < OR = 45 KM/H	13	6	2	11	3
SCHOOL ZONE EXCEED SPEED LIMIT BY > 45 KM/H	1	0	0	0	3
<b>Total</b>	<b>4420</b>	<b>4088</b>	<b>5029</b>	<b>3970</b>	<b>1941</b>

**TINS issued by ACT Policing for Mobile Phone Use**

	2017-18	2018-19	2019-20	2020-21	2021-22
DRIVE USING HAND-HELD MOBILE PHONE	797	0	0	0	0
DRIVE USING MOBILE PHONE	111	988	834	545	303
DRIVER USING MOBILE PHONE FOR MESSAGING, SOCIAL NETWORKING, MOBILE APPLICATION OR ACCESSING INTERNET	235	290	242	128	65
LEARNER OR PROVISIONAL LICENCE HOLDER USE MOBILE DEVICE	0	0	1	8	5
LEARNER OR PROVISIONAL LICENCE HOLDER USE MOBILE DEVICE FOR MESSAGING, SOCIAL NETWORKING, MOBILE APPLICATION OR ACCESS	0	0	1	1	0
<b>Total</b>	<b>1143</b>	<b>1278</b>	<b>1078</b>	<b>682</b>	<b>373</b>

**TINS issued by ACT Policing for seatbelt offences**

	2017-18	2018-19	2019-20	2020-21	2021-22
DRIVE WITH PASSENGER (16YRS OR OLDER) SEATBELT NOT ADJUSTED/FASTENED	5	0	0	0	0
DRIVE WITH PASSENGER (16YRS OR OLDER) WITHOUT SEATBELT	1	0	0	0	0
DRIVE WITH PASSENGER 16 YRS OR OLDER NOT IN SEAT WITH SEATBELT	0	5	2	0	0

# OFFICIAL

DRIVE WITH PASSENGER 16 YRS OR OLDER NOT WEARING SEATBELT PROPERLY ADJUSTED/FASTENED	1	3	3	3	0
DRIVER/OPERATOR MOTOR VEHICLE NOT COMPLY WITH STANDARD-SEATBELT ANCHORAGES	0	1	0	0	0
NO RESTRAINT/SEATBELT (OVER 7 YEARS BUT UNDER 16 YEARS)	4	5	5	3	3
NO SEATBELT (1YR OR OLDER BUT UNDER 7 YRS)	6	7	4	3	2
NOT OCCUPY SEAT WITH SEATBELT (16 YRS OR OLDER)	1	1	0	3	0
SEATBELT NOT ADJUSTED/FASTENED (16 YRS OR OLDER)	21	21	23	7	5
SEATBELT NOT ADJUSTED/FASTENED (DRIVER)	139	159	151	65	32
<b>Total</b>	<b>178</b>	<b>202</b>	<b>188</b>	<b>84</b>	<b>42</b>

### **TINS issued by ACT Policing for offences at Stop and Given Way signs**

	2017-18	2018-19	2019-20	2020-21	2021-22
DISOBEY GIVE WAY SIGN/LINE AT LEVEL CROSSING	0	0	0	2	0
DISOBEY NO STOPPING SIGN	212	0	0	0	0
NOT STOP AT STOP LINE/SIGN AT LEVEL CROSSING	0	1	2	2	1
NOT STOP AT/BEFORE STOP LINE/STOP SIGN	249	193	175	159	68
NOT STOP BEFORE HAND-HELD STOP SIGN	0	1	0	0	0
PROCEED PAST HAND-HELD STOP SIGN CONTRARY TO DIRECTIONS	0	1	0	0	0
PROCEED PAST HAND-HELD STOP SIGN WHILE SIGN SHOWN	0	0	1	0	0
<b>Total</b>	<b>461</b>	<b>196</b>	<b>178</b>	<b>163</b>	<b>69</b>

**TINS issued by ACT Policing for traffic light offences**

	2017-18	2018-19	2019-20	2020-21	2021-22
ENTER INTERSECTION OR MARKED FOOT CROSSING WHEN TRAFFIC ARROW RED	26	18	20	10	5
ENTER INTERSECTION OR MARKED FOOT CROSSING WHEN TRAFFIC LIGHT RED	80	89	79	80	33
ENTER INTERSECTION WHEN LIGHTS/ARROW YELLOW/RED	67	64	52	51	25
NOT LEAVE INTERSECTION SAFELY AFTER LIGHT/ARROW GOES YELLOW/RED	0	0	2	1	0
NOT LEAVE INTERSECTION SAFELY AFTER YELLOW LIGHT/ARROW	1	0	1	0	1
NOT STOP AT STOP LINE AT RED ARROW	73	48	48	34	14
NOT STOP AT STOP LINE AT RED LIGHT	154	157	124	146	126
NOT STOP AT STOP LINE AT YELLOW ARROW	3	3	4	7	3
NOT STOP AT STOP LINE AT YELLOW LIGHT	60	93	90	50	23
NOT STOP BEFORE INTERSECTION AT YELLOW ARROW	3	1	0	0	0
NOT STOP BEFORE INTERSECTION AT YELLOW LIGHT	12	10	9	10	6
NOT STOP BEFORE LIGHTS (TWIN RED LIGHTS)	7	4	4	3	1
NOT STOP BEFORE LIGHTS AT RED ARROW	25	15	5	4	5
NOT STOP BEFORE LIGHTS AT RED LIGHT	57	61	34	46	24
NOT STOP BEFORE STOP LINE (TWIN RED LIGHTS)	13	6	3	4	0
NOT STOP BEFORE STOP SIGN AT RED ARROW	1	1	1	1	0
NOT STOP BEFORE STOP SIGN AT RED LIGHT	2	5	3	11	0
NOT STOP BEFORE TRAFFIC LIGHTS AT YELLOW ARROW	2	0	0	2	1

NOT STOP BEFORE TRAFFIC LIGHTS AT YELLOW LIGHT	5	8	13	13	2
NOT STOP ON RED B LIGHT	2	0	2	3	0
PROCEED AFTER STOPPING (TWIN RED LIGHTS SHOWING)	3	5	2	4	3
<b>Total</b>	<b>596</b>	<b>588</b>	<b>496</b>	<b>480</b>	<b>272</b>

**Number of apprehensions by ACT Policing for Drink Driving**

	2017-18	2018-19	2019-20	2020-21	2021-22
First Time Offender	887	922	683	733	606
Repeat Offender	167	200	161	191	122
<b>Total</b>	<b>1054</b>	<b>1122</b>	<b>844</b>	<b>924</b>	<b>728</b>

**Number of apprehensions by ACT Policing for Drug Driving**

	2017-18	2018-19	2019-20	2020-21	2021-22
First Time Offender	438	443	390	334	207
Repeat Offender	363	569	477	444	179
<b>Total</b>	<b>801</b>	<b>1012</b>	<b>867</b>	<b>778</b>	<b>386</b>

**Numbers of apprehensions for driving at Police and damaging Police vehicles**

	2017-18	2018-19	2019-20	2020-21	2021-22
A.C.T. - DAMAGE POLICE VEHICLE	Offences did not exist			5	8
A.C.T. - DRIVE MOTOR VEHICLE AT POLICE				10	23

**Fail to Stop incidents**

	2017-18	2018-19	2019-20	2020-21	2021-22
TRAFFIC - FAIL TO STOP	868	859	1053	947	754

## APPENDIX B

**Kings Highway Partnership**

The Kings Highway partnership began in 2008 and joins the forces of ACT Policing, NSW Police, Eurobodalla Shire, Shoalhaven City and Queanbeyan Palerang Regional councils, Transport Canberra and City Services, and Transport NSW. The Kings Highway is a State Highway located within the ACT and New South Wales (NSW), connecting Canberra with Batemans Bay and the South Coast Region.

As with the annual National Road Safety Week, this campaign focuses on reducing road trauma, promoting road safety and ensuring that our community remains vigilant during summer periods – a season notorious for increased collisions.

While the Kings Highway is well known by ACT and NSW residents, people from all over the country are made aware through the campaign of the varying conditions of the King's Highway, such as a being a single lane highway, through a mountain range with increased traffic.

Reoccurring key messaging includes:

- Don't drive tired.
- Be aware of your fatigue level.
- Get plenty of sleep the night before you leave.
- Be prepared to take a rest breaks or change drivers.
- Drive to the conditions – stay alert, slow down and stay in control.
- Stay alert to your surroundings, and keeping a focus on the road and other vehicles as well as the road environment.
- Being prepared for another vehicle (or wildlife) to do something unexpected may save your life.

Secondary messaging is communicated for those driving with caravans, trailers or heavy loads such as keeping an eye on mirrors and pulling over when safe to let other vehicles pass.

Some drivers become impatient if travelling behind slower, longer vehicles and can engage in risky behaviour such as unsafe overtaking and tailgating.

With the summer season creating a demand for holidays and vacations, those travelling are encouraged to take advantage of rest stops and scenic lookouts to break up long drives.

Poor visibility is another contributing factor to collisions on the Kings Highway. Factors such as sun glare, rain, fog, wet roads, low light or heavy traffic, reinforces the need to slow down to a safer speed.

The annual message is that anyone who uses the Kings Highway or any road has a responsibility to practice safe behaviour.