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AUSTRALIAN FEDERAL POLICE



AFP Submission to the New South Wales Law Reform Commission's review of serious road crime

February 2023

Submission by the Australian Federal Police

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Overview

1. The Australian Federal Police (AFP) welcomes the opportunity to make a submission to the New South Wales Law Reform Commission's review of serious road crime.
2. While the AFP does not generally have responsibility for road offences, the AFP provides policing services to the Australian Capital Territory (ACT) under an agreement with the ACT Government. As such, road safety and the enforcement of serious road offences forms a significant part of AFP's ACT Policing work.
3. ACT Policing works closely with New South Wales (NSW) Police colleagues, given our proximity and the nature of cross border policing. Accordingly, ACT Policing has experience in relation to NSW serious road crime.
4. We note the importance of support provided to victims and their families.

Road safety in ACT

5. In 2022, the ACT saw the highest number of road fatalities in more than a decade, with 18 fatalities. To assist in addressing causative factors, the ACT Legislative Assembly announced an Inquiry into Dangerous Driving. ACT Policing provided a submission to that inquiry and the responses below relate to information collated for that submission.
6. While not proven to be the cause of the incidents, of the ten identified drivers of the 15 fatal road collisions (which resulted in 18 fatalities) in the ACT within the 2022 calendar year, at least one impairing substance (including alcohol, cannabis and other drugs) was detected in the system of more than half of the drivers. This was raised in the course of the ACT Legislative Assembly 2022 inquiry into Dangerous Driving.
7. The devastating impact of road fatalities upon affected families and the broader community cannot be overstated. 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.

Inter-jurisdictional partnerships

8. As the ACT is bordered by NSW, it is important that where possible legislation aligns and both police organisations work together to tackle dangerous driving. An example of this is the Kings Highway partnership. The partnership was initiated in 2008, which joined the forces of ACT Policing, NSW Police, Eurobodalla Shire, Shoalhaven City, and Queanbeyan-Palerang Regional councils, Transport Canberra and Transport NSW. The Kings Highway is a State Highway located within the ACT and NSW, connecting Canberra with Batemans Bay and the South Coast Region and is notorious for increased collisions during the summer months. This campaign focuses on reducing road trauma, promoting road safety and ensuring that our community remains vigilant during summer periods.
9. ACT Policing looks forward to continued work with NSW Police, partners, and key community stakeholders to improve responses to dangerous driving behaviours and to reduce road trauma on our roads.

Whether the existing serious road crime offences, and the law on accessory liability, are fit for purpose

10. As part of the AFP's submission to the 2022 ACT Legislative Assembly inquiry into Dangerous Driving, ACT Policing supported aligning ACT penalties with those in NSW. While penalties do not solely act as a deterrent against these behaviours, it provides consequences for the offender and a level of justice for victims and/or their families. While preventative measures and education should be the primary focus, an adequate penalty system ensures offenders are held accountable for their actions.
11. Research shows that the top five factors in serious and fatal collisions are:
 - speeding;
 - driver distraction;
 - not wearing a seatbelt;
 - not obeying traffic directions at intersections; and
 - driving while impaired.
12. These are commonly referred to as the 'fatal five'.

Sentencing for serious road crimes

13. Noting that sentencing is a matter for the courts, it is the experience of ACT Policing that a transparent and clear sentencing regime is important. It provides the community with insight to the sentencing process, fostering trust in the justice system, including law enforcement.
14. Non-custodial alternatives are an important part of the justice system as research shows that incarceration is not always an effective measure due to many causative factors of offending.
15. ACT Policing considers that if a term of imprisonment is ordered by the court, education courses within a facility are essential to give offenders (particularly recidivist offenders), skills they can use when released to improve their life choices and reduce the chance of future criminality following release.

Victim support

16. ACT Policing has observed the strain that increasing road trauma in the ACT is placing on support services. Anecdotal evidence from victims and families affected by road trauma is that they lacked support through the initial stages of a collision and throughout the judicial process. ACT Policing notes that appropriately resourced support services are essential for victims and their families after serious or fatal motor vehicle collisions.