

**Submission
No 9**

DRIVER LICENCE DISQUALIFICATION REFORM

Organisation: Victims of Crime Assistance League
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Victims Of Crime Assistance League Inc NSW

Committee on Law and Safety
Parliament House
SYDNEY NSW 2000

INQUIRY INTO DRIVER LICENCE DISQUALIFICATION REFORM

I am the vice President of the Victims of Crime Assistance League (VOCAL) and am often called upon to provide support to Victims of Road Trauma during the prosecution of the offenders in these crimes. I am also a presenter at the PCYC Traffic Offenders Intervention Program (TOIP) at four locations: - Parramatta, South Sydney, Burwood and Belmore. As a result, I see the effect that Road Trauma has not only on the Victims of these crimes, but often offenders, who have great difficulty in coming to terms with their actions.

For quite some time I have been concerned that the disqualification of licences following a conviction for Aggravated Dangerous Driving Occasioning Death and Grievous Bodily Harm, where the defendant is imprisoned, commence from the date of conviction. The net result being the offender being released from custody and his disqualification period expiring during his incarceration. In effect there is no penalty imposed on the offender apart from imprisonment. Many of my Victims are appalled by this situation.

The current Amendments in the Road Transport Amendment (Licence Disqualification on Conviction) Bill appear to address this anomaly and I would support such a Bill.

I also have major concerns with those members of the community who insist on continuing to drive after a court imposed Disqualification (as opposed to those who continue to drive following a fine imposed cancellation).

In the last three years we have seen ample examples of persons continuing to flout the law and drive whilst disqualified, not only putting the community at risk, but often their own family members. A further difficulty with this situation is that these persons have no CTP protection, meaning that their Victims often have to wait up to seven years for claims for injuries to be finalised.

Continuing to extend periods of disqualification for constant recalcitrance, clearly is not working and we would support the impounding of vehicles for a first offence of three months. For a subsequent offence, disposal of the vehicle should occur.

I am aware that Finance Companies are concerned by such Draconian actions but may I suggest that in such cases, as the owner of the vehicle is in clear breach of their finance agreement, the vehicles be impounded and subsequently repossessed by the finance company. I would further recommend that criminal sanctions be pursued against the owner, on the basis of permitting the unauthorised use of a vehicle.

Since the proliferation of TOIP in multiple locations I feel it is appropriate to give to the court more discretion in imposing periods of disqualification, as currently those persons who participate fully in such programs are disadvantaged over those who either attend begrudgingly or refuse to attend, as mandatory periods of disqualification remove that discretion.

In conclusion, I would also comment that I continue to have reservations about the use of Licence Cancellation and Registration Cancellation for non- payment of fines. The implications created by such actions to Victims of Road Trauma are horrendous, due to complications with the CTP system. The punishment of people for being impecunious is impacting on others and falls into the unintended consequences of such actions and I believe the SDRO needs to improve the advertising of hardship provisions now available to fine defaulters. Cancellation must be a Last Resort, not first instance.

I trust that this information is of some benefit to the committee but I would be happy to give evidence should the committee so require.

Howard W. Brown. OAM
Vice President
Victims of Crime Assistance League.
20th July, 2013

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