

PARLIAMENT OF NEW SOUTH WALES



STAYSAFE Committee

INQUIRY INTO ROAD SAFETY ADMINISTRATION AND MID-TERM REVIEW OF THE NEW SOUTH WALES ROAD SAFETY 2010 STRATEGY

Report of an inquiry into actions undertaken
in the Attorney General's portfolio to address the road safety
situation in New South Wales, 2000-2005

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Terms of Reference

The STAYSAFE Committee

The general terms of reference of the STAYSAFE Committee are as follows:

- (1) As an ongoing task, the Committee is to-
 - (a) monitor, investigate and report on the road safety situation in New South Wales; and
 - (b) review and report on counter measures aimed at reducing deaths, injuries, and the social and economic costs to the community arising from road accidents.

Without restricting the generality of the foregoing, the following are to be given urgent consideration -

- (i) countermeasures aimed at traffic accidents associated with alcohol and other drugs.
- (ii) traffic law enforcement measures and their effectiveness.
- (iii) a review of human factors affecting traffic accidents, especially those relating to driver and rider licensing requirements and standards.
- (iv) the social and economic impact of deaths and serious debilitating injuries resulting from traffic accidents.
- (v) heavy vehicle safety.

CHAIRMAN'S FOREWORD

Paul Gibson MP
Chairman, STAYSAFE Committee

This inquiry by the STAYSAFE Committee documents the actions undertaken by agencies in the Attorney General's portfolio to address the road safety situation in New South Wales, 2000-2005, and also examines issues associated with road safety administration in New South Wales and progress in implementing the Road Safety 2010 strategy. These agencies include the Attorney General's Department, the Judicial Commission, and the Office of the State Coroner.

At the commencement of the 53rd Parliament in early 2003, the STAYSAFE Committee resolved to continue its past practice of reviews of the road safety situation in New South Wales. The New South Wales government's Road Safety 2010 strategy identifies and endorses the need for ongoing review of programs. The government has established targets for a 40% reduction in road trauma arising from road crashes by the year 2010. The achievement of this target requires a sustained effort that addresses road safety and the reduction of road trauma across the full complexity of a dynamic and constantly evolving road transport system in New South Wales.

The review process conducted by the STAYSAFE Committee enables a periodic 'snapshot' of the road safety situation, and is of valuable assistance in the development of a road transport system in New South Wales that provides for safer roads, safer vehicles, and safer road users.

In fulfilment of the STAYSAFE Committee's terms of reference to monitor, investigate and report on the road safety situation in New South Wales, the Committee has conducted annual reviews of road safety, with Questions on Notice submitted to Ministers with portfolio responsibilities in the road transport area or in areas involving the use of roads or motor vehicles, and a public hearing to examine specific aspects of road safety arising from the answers received. The review process has been a successful device to obtain and maintain a detailed record of road safety-related activities in New South Wales.

The STAYSAFE Committee conducted six formal reviews of the annual road safety situation in New South Wales to date (1994-1999). The Committee had commenced a review of the 2000 road safety situation in New South Wales when the then Minister for Roads, the Hon. Carl Scully MP, announced that he was establishing a Ministerial Road Safety Task Force. In January 2001, the Road Safety Task Force was established to examine issues relating to an increase in road fatalities during the 15-day Christmas/New Year holiday period, and annual increases in the road toll in 1999 and 2000. The Task Force was specifically convened to:

- bring individual views, experience, knowledge and skills to this examination from a group of road safety experts, and

- make recommendations for improving the effectiveness of road safety interventions and initiatives in reducing the road toll over time and in avoiding a further rise in the toll.

The Ministerial Road Safety Task Force reported in May 2001, and released a series of recommendations for action.

The STAYSAFE Committee decided to defer its examination of the road safety situation to allow the implementation of the Ministerial Road Safety Task Force recommendations, and to report on the road safety situation in New South Wales over the period 2000-2005, which covers the period from the commencement to the mid-term of the Road Safety 2010 strategy as well as the implementation period for the Task Force recommendations.

The inquiry commenced in mid 2006. The terms of reference established for the inquiry into the road safety situation in New South Wales, 2000-2005, were:

The STAYSAFE Committee has written to relevant portfolios requesting advice regarding activities over the period 2000-2005 to improve road safety in New South Wales. Questions on notice have been forwarded to:

- Roads
- Police
- Health
- Education and Training
- Transport
- Special Minister of State (Motor Accidents Authority)
- Minister for Commerce (WorkCover Authority)
- Attorney General
- Environment (Environment Protection Authority)

As well, a general query letter will be forwarded to:

- Agriculture
- Fair Trading

The inquiry will review, where relevant to findings and recommendations arising from the reports released in the 52nd Parliament (STAYSAFE51 - STAYSAFE 60).

The inquiry will not be advertised generally.

Concurrently, in 2004 the STAYSAFE Committee commenced an inquiry into the Roads and Traffic Authority and road safety administration in New South Wales. The inquiry examined:

- The role of the Roads and Traffic Authority in road safety activities in New South Wales
- The responsibilities of government agencies, other than the Roads and Traffic Authority, and non-governmental organisations in improving the road safety situation in New South Wales
- The relationships between the Roads and Traffic Authority and other government agencies and non-governmental organisations involved in road safety activities

- and any other related matters

Over 2004-2006, the STAYSAFE Committee has taken evidence relating to several program areas within the overall road safety effort in New South Wales, including:

- Road trauma and road safety statistics and information;;
- Traffic enforcement activities;
- Road safety education;
- Heavy vehicle safety;
- Local government road safety; and
- Young drivers

These inquiries are now merged, with the release of a series of portfolio reports assessing the road safety situation in New South Wales over the 2000-2005 period, a mid-term review of the Road Safety 2010 strategy, and aspects of road safety administration in New South Wales.

This report of the examination of the Attorney General's portfolio will be valuable in allowing the community to gain a better appreciation of the New South Wales government's priorities for road safety programs and policies.

Acknowledgments

As the end of the 53rd Parliament approaches, I am mindful of the care and diligence of my colleagues on the STAYSAFE Committee in conducting one of the most important of tasks faced by a Member of Parliament in New South Wales—addressing the unnecessary (and, in my view, avoidable) tragedy of road trauma associated with the operation of our State's road transport network.

Finally, on behalf of the Members of the STAYSAFE Committee, I wish to thank my Committee Manager, Mr Ian Faulks, for the exemplary manner in which he has conducted the administrative, procedural and research activities required of this inquiry, and for the way he, assisted by, has prepared this review report. I thank also Mr Jim Jefferis, Senior Committee Officer, Ms Elayne Jay, Senior Committee Officer, Ms Annette Phelps, Committee Officer, and Ms Millie Yeoh, Assistant Committee Officer, for their administrative assistance. Ms Ashika Cyril, previously Assistant Committee Officer also provided assistance during 2005.

EXECUTIVE SUMMARY

In this report, STAYSAFE has examined the actions undertaken by the Attorney General's portfolio to address the road safety situation in New South Wales.

Since 1994, systematic reviews of the road safety situation in New South Wales have satisfied the STAYSAFE Committee's terms of reference to monitor review and investigate road safety matters. In keeping with these requirements, STAYSAFE reports have focused on the themes that underpin the work of the Committee: transparency, accessibility, and accountability.

The review process involves examining the road safety activities of selected agencies and organisations, in particular the Roads and Traffic Authority, which is the lead agency for road safety in New South Wales.

STAYSAFE conducted its monitoring and review procedures by first asking the agencies a series of questions. Formal written briefs were provided in response from the Minister. Formal hearings were then held where agency representatives had the opportunity to respond in more detail regarding the Environment and Conservation portfolio's road safety activities and initiatives between 2000 and 2005.

The Attorney General's portfolio aims to contribute to road safety by developing and refining legislation related to traffic law, traffic offences or criminal law relating to driving a motor vehicle.

The Attorney General portfolio's highlights, concerning road safety activities over the 2000-2005 period, include the high-range prescribed concentration of alcohol (PCA) guideline judgement application and the Crimes Amendment Road Accidents Act 2005, known as Brendan's law, and other Acts in respect of the obligations of drivers to stop and provide assistance where their vehicles are involved in accidents that cause injury or death. Maximum penalties when death results from a collision and the driver fails to render assistance range from 18 months to ten years. A Bill has been prepared proposing random roadside oral fluid drug testing and mandatory testing of people involved in fatal motor vehicle accidents. A regulation seeking to ensure that there are checks, balances and guidelines relating to the Traffic Offender Intervention Program has been introduced.

In recent years, there have been a number of research studies and conference papers prepared by the Bureau of Crime Statistics on traffic law and criminal offences related to driving a motor vehicle. A Privacy Code has been developed to deal with privacy issues, where appropriate.

Traffic offender training and rehabilitation programs are being undertaken in the Attorney General's portfolio, including the Sober Driver Program. The Program is overseen by the New South Wales Safe Driver Working Party under the auspices of the Government Agencies on Road Safety Council. The program is jointly funded by the Roads and Traffic Authorities and Motor Accidents Authority and delivered across New

South Wales by the Department of Corrective Services. The program typically involves 6-8 lessons of one and half to two hours long with a curriculum covering road safety issues, safe driving and risk factors such as alcohol and drugs.

The Law Reform Commission education of the judiciary covers conferences and seminars, orientation programs and publications. The education programs are voluntary. Attendance is very high. Last year around 90 per cent of judicial officers attended with a correspondingly high satisfaction rating.

Most types of traffic offences are dealt with by the Local Court including driving causing grievous bodily harm and negligent driving occasioning death. Ongoing statistics are collected on the use of Crimes Act 1900 section 10 provisions. The statistics indicate that recently, there has been a reduction in the utilisation of section 10 in relation to the offence of high-range prescribed concentration of alcohol offences. The Committee expressed concern regarding disparity in the application of section 10 to sentencing decisions. The Commission is to consider evaluating the application of section 10 to sentencing decisions.

The Judicial Commission also provides information in seminars on emerging technologies such as mopeds, electric motorcycles and devices that are used to detect speeding motorists. At the moment, mopeds are regarded as illegal by the police but the legislation is unclear. It is an issue that needs to be clarified. It would appear that vehicles that are powered by motors of less than 200 watts and pedal action are legal but where the pedals are just incidental they are not.

Chapter One—

INTRODUCTION

1.1 The STAYSAFE Committee's terms of reference require that:

"as an ongoing task, the Committee is to—

- (a) monitor, investigate and report on the road safety situation in New South Wales; and
- (b) review and report on countermeasures aimed at reducing deaths, injuries, and the social and economic costs to the community arising from road accidents."

1.2 In reports issued over the past decade, STAYSAFE has discussed the strong themes that underpin the work of the STAYSAFE Committee: transparency, accessibility, and accountability. Systematic reviews of the road safety situation in New South Wales both satisfy the terms of reference from Parliament for STAYSAFE to monitor, review and investigate road safety matters, and serve to address the themes of transparency, accessibility, and accountability identified by STAYSAFE.

1.3 Commencing with an examination of the road safety situation in New South Wales in 1994, STAYSAFE has conducted reviews on a regular basis. The review process involves examining the road safety activities of selected agencies and organisations, and, in particular, examining the road safety activities of the Roads and Traffic Authority. The Roads and Traffic Authority is the lead agency for road safety in New South Wales.

1.4 STAYSAFE conducted annual reviews of the road safety situation in New South Wales, covering the years 1994-1999, issuing six reports:

Review of the road safety situation in 1994	STAYSAFE 31 (1996)
Review of the road safety situation in 1995	STAYSAFE 41 (1996)
Review of the road safety situation in 1996	STAYSAFE 42 (1996)
Review of the road safety situation in 1997	STAYSAFE 47 (1996)
Review of the road safety situation in 1998	STAYSAFE 51 (1996)
Review of the road safety situation in 1999	STAYSAFE 55 (1996)

1.5 A review of the reviews of the road safety situation in New South Wales in 2000 was commenced, but was discontinued. The end of 2000 saw what was widely perceived as a 'road safety crisis'. The road toll during the Christmas-New Year holiday period in New South Wales was 38 deaths. This was the worst holiday road toll in New South Wales for a decade, and comprised just under half of the 80 road deaths nationally for the 2000 holiday period.

1.6 Moreover, the total number of road deaths in New South Wales for the 2000 calendar year was 603, exceeding 600 for the first time since 1995. This was a

serious failure of the Road Safety 2000 strategy, as the then Premier, the Hon. Bob Carr MP, had committed to a target of less than 500 road deaths. And the shorter term trend was ominous, as road deaths in New South Wales had increased by around 4% each year since 1998.

1.7 The then Minister for Roads, the Hon. Carl Scully MP, announced in early January 2001 that he had established a Ministerial Road Safety Task Force.

1.8 The Ministerial Road Safety Task Force (2001) clearly placed its work in the context of the Road Safety 2010 road safety strategy for New South Wales:

The comments, perceptions and conclusions in this report reflect the intent and framework of Road Safety 2010 and recognised strategies being developed internationally. (p.9)

1.9 The Ministerial Road Safety Task Force (2001) formulated 31 recommendations across four broad areas: driver and rider education and behaviour; technology; enforcement and deterrence; and, monitoring and evaluation.

Review activities of the STAYSAFE Committee

1.10 This section describes the process whereby STAYSAFE conducts a systematic review of the road safety situation in New South Wales, and indicates the presentation format of the outcomes of the review. STAYSAFE conducts its monitoring and review activities by first asking a number of agencies involved in road safety a series of general questions about their calendar year activities, with the responses requested as formal written briefings from the responsible Minister or chief executive. STAYSAFE then holds a public hearing where representatives of these agencies can answer further, more specific questions related to the matters raised in the written briefings. The general questions address such issues as the nature of any research projects concerning road safety or traffic management; details of community surveys; details of published research, standards, codes of practice, and guidelines; details of speeches given by officials on road safety and traffic management topics; summaries of road safety curriculum development activities; summaries of road safety community awareness activities; and details of advertising, publicity and community relations activities. The further questions asked in public hearings relate to specific issues raised in the written briefings, to questions of clarification, or to relevant matters arising from previous inquiries and other research activity undertaken by STAYSAFE.

1.11 This report addresses both general and specific aspects of the road safety situation in New South Wales over the period 2000-2005 as it pertained to the Attorney General's portfolio. The following chapters and appendices of the report document the information forwarded to STAYSAFE through written responses from the Attorney General and the testimony of Departmental officials in public hearings to gather further specific information.

1.12 STAYSAFE forwarded a series of questions to the Attorney General, requesting written briefings. Subsequently, representatives of the agencies within the Attorney General's portfolio attended a public hearing where more specific questions relating to matters raised in the written briefings are canvassed. The following chapter contains an edited record of both the written and verbal responses. The material is organised as follows:

- The general subject being examined is indicated, for example:
Provision of advice concerning road safety legislation
- The written questions (if any) asked by STAYSAFE are indicated with the prefix: **QUESTION**
- The Minister's written briefings received in answer to the questions are prefixed: **RESPONSE**
- Specific questions asked in the hearings seeking a verbal responses are indicated by prefixing them with the name of the STAYSAFE Member asking the question, for example, **Mr GIBSON (CHAIRMAN)**
- Answers to the specific questions asked in the hearings are indicated by prefixing them with the name of the witness answering the question, for example, **Mr SCHMATT**.

Chapter Two—

ROAD SAFETY ACTIVITIES AND INITIATIVES BY ATTORNEY GENERAL'S PORTFOLIO, 2000-2005

Introductory remarks

The following witnesses appeared before STAYSAFE on Monday 25 September 2006, representing the Honourable Bob Debus, Attorney General:

Mr Ernest John Schmatt, Chief Executive, Judicial Commission Of New South Wales

Mr Hugh Donnelly, Director, Research and Sentencing, Judicial Commission Of New South Wales

Ms Laura Wells, Director, Criminal Law Review Division, New South Wales Attorney General's Department

Ms Jacqueline Fitzgerald, Deputy Director, Bureau Of Crime Statistics And Research

Highlights concerning road safety activities over the 2000-2005 period

Mr GIBSON MP (CHAIRMAN): Ms Wells, it may be difficult to answer this question because you cover such a broad range of agencies. However, in relation to road safety, what have been the highlights of the Attorney General's Department over the past five or six years? It is a broad opening question.

Ms WELLS: In conjunction with the Judicial Commission's work—and I am sure they will say more about that if asked—the list includes: the high-range prescribed concentration of alcohol (PCA) guideline judgment application and the Crimes Amendment Road Accidents Act 2005, known as Brendan's law, which commenced on 13 February 2006 and which amended the Crimes Act 1900 and other Acts in respect of the obligations of drivers to stop and provide assistance where their vehicles are involved in accidents that cause death or injury. That increased maximum penalties in regard to that sort of offending when death results from a collision and the driver fails to assist from 18 months to 10 years.

There is currently before Parliament the Road Transport Amendment (Drug Testing) Bill, which will introduce random roadside oral fluid drug testing and the mandatory drug testing of people involved in fatal motor vehicle accidents. It will create new offences in relation to drug-driving, bringing into the Act offences relating to various new drugs that were not part of the Act before and the oral fluid drug testing of drivers. To a lesser extent, the Criminal Law Review Division [CLRD] is involved in the

amendment of the Criminal Procedure Regulation 2006 in relation to the Traffic Offender Intervention Program, which seeks to regulate that program in several ways.

As honourable members are no doubt aware, that program has been proceeding on an ad hoc, informal way. The regulation seeks to ensure that there are checks, balances and guidelines in relation to that. The Criminal Law Review Division provides advice to interdepartmental committees such as the Government Agencies on Road Safety [GARS] council and has played a role in the implementation of the Government's response to the 2003 New South Wales Alcohol Summit, including convening a working party on drink-driving offences and penalties. That report is expected to be finalised soon.

Mr GIBSON MP (CHAIRMAN): In relation to the new proposals for driving under the influence of drugs, if a person has been tested and found to be in the range, can he or she demand a blood test the same as they do under random breath testing?

Ms WELLS: I believe they do, but I will check that. I would like to take more time to answer that question.

Later, the following discussion related to drug driving issues.

Mr GIBSON MP (CHAIRMAN): Did you find an answer to the earlier question?

Ms WELLS: I did. In terms of oral fluid, the person can apply for part of the sample to be tested by a medical practitioner or laboratory at his or her own expense within six months after the taking of the sample and, with respect to blood samples, 12 months after.

Mr GIBSON MP (CHAIRMAN): So they do not have the right to a blood test at the time of the offence, as they do with random breath testing?

Ms WELLS: I am sorry. Perhaps I do not understand your question.

Mr GIBSON MP (CHAIRMAN): A motorist is picked up for driving under the influence of drugs and is given the test, which appears to be positive. Can that motorist ask for a blood test?

Ms WELLS: I misunderstood you. I will come back to you on that one.

STAYSAFE forwarded an additional question on drug driving to the Attorney General's portfolio.

QUESTION: Looking at drug crime, the lemma government, in line with several other Australian jurisdictions, is about to commence a program of random drug testing of drivers using a new offence based on an oral swab sample. What do you anticipate will be effect of local courts of this program—the research data is indicating that there has been a shift towards increasing drug use such as cannabis products, and psychostimulants and that the proportion of drivers with such drugs 'on board' is surprisingly high?

RESPONSE: The Judicial Commission advised that it does not have information on drug usage and driving.

Problematic areas concerning road safety activities over the 2000-2005 period

Mr GIBSON MP (CHAIRMAN): What has been the most problematic issue as far as road safety is concerned over the past five years?

Ms FITZGERALD: Some significant issues have arisen, but I would not like to say they are the most significant issues. We have considered particular issues in regard to road safety over the years. They are issues on which we thought we could make a contribution. We are not in a position to judge whether they are the most influential. We have conducted research on drink-driving and drug-driving in recent times. We regularly review sentencing in relation to all driving offences. The measurement of what is most significant is subjective. Our purview is crime and criminal justice as a whole, without specific regard to road offences.

Research projects involving the Attorney General's portfolio

QUESTION: The research projects commenced, completed or otherwise in progress over the period 2000-2005 commissioned by or involving agencies with the Attorney General's portfolio which concern or which have major implications for road safety, organised under subcategories of:

- the terms of reference of the research project;
- brief background notes to inform the STAYSAFE Committee of the information or events which led to the research project;
- a status report of the current position and any proposed actions so that the STAYSAFE Committee is aware of the intended direction of the research project;
- the resources required for the research project;
- the project manager, and consultant (if any).

RESPONSE: The Bureau has in recent years conducted a number of research studies bearing on issues of road safety, traffic law, traffic offences or criminal offences associated with driving a motor vehicle.

Analysts at the Bureau are also currently working on another study looking at the effects of fines on rates of re-offending among traffic offenders. Our preliminary unpublished analyses suggest that, at best, increasing fines would have minimal impact on rates of reoffending. Of course, because our clients are known offenders, the absolute deterrent effect of fines is not clear from this research.

Researchers at the Bureau also sometimes present their work at national conferences or are invited to speak to various interested groups (*recent conference presentations are listed in response to subsequent questions*).

The Bureau maintains several databases containing many years worth of information on criminal incidents reported to police and matters finalised in the NSW criminal courts. We regularly receive requests for unpublished data from these databases from government agencies, non-government organisations, the media and the public, some of which are related to motor vehicle offences. These requests are too frequent to detail individually. An example is the sentencing information we provided to various parties for preparation of their submissions to the guideline judgment into high range PCA.

Privacy issues in road safety research

During a discussion of research related to road safety matters, STAYSAFE asked if privacy concerns were an issue in conducting research in areas such as the effectiveness of traffic offender programs.

Mr GIBSON MP (CHAIRMAN): Were there privacy issues in that instance? If there were, how did you get around them?

Ms FITZGERALD: We have a privacy code. Because we are conducting work in research we have an exemption from many of the privacy requirements. We would never provide an individual's details beyond our organisation. However, we are able to receive individual private information. To conduct research on reoffending we need some individuals' information. We need to know the offender's name, and perhaps the date of birth or criminal names index reference number. We have not had many barriers in that regard. We have projects on the run with the Department of Education and Training and the Department of Community Services—not about road safety—where we receive information on individuals. Where we need to, we will create a memorandum of understanding, and we have them with the Department of Corrective Services and NSW Police. If there are obstacles, that is one way we can get around them.

Mr GIBSON MP (CHAIRMAN): If we are talking about criminal behaviour or serious public health problems caused by road trauma, why is privacy such an issue?

Ms FITZGERALD: It has not proved to be a barrier for us in the conduct of research. Perhaps I am not the best person to address that problem. We have been able to proceed reasonably without hindrance in relation to privacy issues.

Mr GIBSON MP (CHAIRMAN): I am asking because the Roads and Traffic Authority has said that no evaluation of effectiveness of the traffic offenders program run at Blacktown or other locations can be conducted because of privacy issues.

Ms FITZGERALD: We have conducted a few evaluations looking at participation in different intervention projects receiving individual details.

Mr GIBSON MP (CHAIRMAN): So it should not be a barrier for the Roads and Traffic Authority either.

The Hon. ROBERT BROWN MLC (STAYSAFE): That is the perfect answer. Perhaps the Roads and Traffic Authority should be encouraged to hand it over to the Bureau of Crime Statistics and Research to do the research.

Ms FITZGERALD: We could certainly look at that if we were requested to do it. We would need information on the people who participated. We could then look at their reoffending.

Relevant training or rehabilitation programs involving the Attorney General's portfolio

QUESTION: Details of any training or rehabilitative programs conducted, sponsored or supported by agencies within the Attorney General's portfolio, over the period 2000-2005 that explicitly targeted attitudes, knowledge or beliefs about road safety.

RESPONSE:

Sober Driver Program

The major systematic program directed at road safety (reducing drink-driving offences by recidivist drink drivers) involving the court system is the Sober Driver Program. The NSW Sober Driver Program is overseen by the NSW Safe Driver Working Party under the auspice of the Government Agencies on Road Safety Council. The AGO representative on GARS is John Feneley.

The program is jointly funded by the Roads and Traffic Authority (RTA) and Motor Accidents Authority (MAA) and delivered across NSW by the NSW Department of Corrective Services, Community Offender Services, Probation and Parole Service (DCS).

The program is an 18 hour educational and therapeutic intervention for repeat drink drive offenders who have been convicted of two or more offences within five years. Participants in the program must have a legal order (eg good behaviour bond) that has a condition to be supervised by the NSW Probation and Parole Service and may also include a special condition to undertake the SO program.

However, as this program is actually conducted by the Department of Corrective Services, it would be responsible for providing detailed information on its aims, operations and achievements. It has recently been comprehensively evaluated.

Traffic Offender Programs

These are educational programs for a range of traffic offenders not restricted to drink drivers - although statistically the majority appear to be charged with PCA offences. The programs typically involve 6-8 sessions of one and half to two hours long with a

curriculum covering road safety issues, safe driving and risk factors such as alcohol and drugs.

These are not government programs but run by community-based organisations such as TOPs Inc; Local Councils or PCYC etc. We know little about their operation, as they are not required to report to the Department.

Following the Alcohol Summit in August 2003, the NSW Government committed to regulating these programs.

The Attorney General's Department has completed a draft of the Regulation for the inclusion of TOPs as a declared program under the Criminal Procedures Act 1986 Part 9.

The objects of this Regulation will be:

- a) to declare a traffic offender program to be an intervention program for the purposes of Part 9 of the Criminal Procedure Act 1986, and
- b) to regulate entry into, and conduct of, the program.
- c) In order to finalise the Regulation, operational guidelines will need to be prepared to ensure that programs are able to meet acceptable standards and incorporate accountable measures. Consultation to develop these guidelines with the coordinators of the TOPs programs in Blacktown, Penrith and Sutherland has commenced.
- d) Magistrates Early Referral Into Treatment! Rural Alcohol Diversion Program
- e) Both these are intervention programs based in selected Local Courts for defendants on bail with illicit drug and alcohol problems. They are not directly targeted at road safety or traffic offenders but monitoring shows that significant numbers of participants are charged with traffic offences including drink driving.
- f) If required, further information can be provided.

New South Wales Law Reform Commission and road safety-related matters

Mr GIBSON MP (CHAIRMAN): Has the New South Wales Law Reform Commission dealt with any significant issues relating to road safety over the past five years?

Ms WELLS: No. They have had, perhaps only very slightly in terms of something they are doing in respect to young offenders, but I think it is only very small part of the research that they are conducting. Essentially, I think the answer would be no.

Education of the judiciary on road safety matters

The Hon. ROBERT BROWN MLC (STAYSAFE): Are those reports the methodology by which the judiciary is educated or informed in terms of trends?

Mr SCHMATT: It is one of the strategies, yes. Our education program covers both conferences and seminars, induction programs, orientation programs as well as

publications. So publications are one of the arms of the education program. For example, we have run a number of seminars and included the topic in our conferences on the sober driving program. There was a reasonable amount of work done there. In our orientation program, which is a one-week residential program, many of the traffic issues are covered in the program, including exercises on sentencing. That is another way of providing—

The Hon. ROBERT BROWN MLC (STAYSAFE): Excuse my ignorance but when you run seminars, conferences and courses do you apply a system of continuing education points like a lot of the other professions do or is that being a bit presumptuous?

Mr SCHMATT: No, I think what you are suggesting is that there is mandatory education for some of those other professional bodies. Our education programs are all voluntary, which means that we have to provide very high-quality programs to encourage people to come along. To give you an example of the attendance rates last year, we had a 90 per cent attendance rate in voluntary programs at our annual conferences.

The Hon. ROBERT BROWN MLC (STAYSAFE): That is pretty high.

Mr SCHMATT: It is very high, and the satisfaction rating at the end of those programs was something like 87 per cent.

The Hon. ROBERT BROWN MLC (STAYSAFE): That is very, very high.

Mr SCHMATT: People are more motivated to learn if they want to go along to the programs rather than being forced to go along to just get points to qualify, for example, for a practising certificate.

The Hon. ROBERT BROWN MLC (STAYSAFE): My question related to your methodology of seeing how effective the education was. When you say "90 per cent" do you mean that 90 per cent of all practitioners attended the course?

Mr SCHMATT: No, judicial officers.

Traffic Offenders Programs

Mr GIBSON MP (CHAIRMAN): A strategic objective of Road Safety 2010 program is for the repeat offenders to be ordered by the court to undertake road safety education courses. What are the privacy issues and what action do you propose to introduce with the statewide Traffic Offender Intervention Program? What will happen with long-term programs, such as my local Blacktown Traffic Offenders Program, under such a scheme?

Ms WELLS: I think I will have to take that question on notice.

Use of Crimes Act 1900 s.10 provisions for traffic offenders

Mr BARR MP (STAYSAFE): Has the section 10 discretion been abused? Has its use been consistent or are there wide variations across the State?

Mr DONNELLY: In relation to the offence of high-range prescribed concentration of alcohol offences, following the guideline judgment we have found a reduction in the utilisation of section 10.

Mr BARR MP (STAYSAFE): Things have tightened up.

Mr DONNELLY: Significantly, yes. This publication, which we tabled the last time we appeared, is evidence of that.

Mr GIBSON MP (CHAIRMAN): It had to tighten up because a different percentage of people were being given section 10s in certain parts of the State compared to, for example, Western Sydney and other areas.

Mr SCHMATT: We looked at that in our research and addressed it. We tabled that document when I appeared on 1 May 2006.

Mr DONNELLY: However, the guideline judgment has been very effective.

Mr MAGUIRE MP (STAYSAFE): Do you intend to revisit the section 10 and assess the trends in another 6 or 12 months if that report has changed the attitude of the judiciary?

Mr DONNELLY: At the moment we collect ongoing statistics on section 10s. For particular offences they are readily available every quarter. You can easily track them on the Judicial Commission's sentencing information system.

Mr MAGUIRE MP (STAYSAFE): So the Committee can access that information?

Mr DONNELLY: Yes, you can pick up where we left off here.

Mr GIBSON MP (CHAIRMAN): What types of traffic matters are now dealt with by local courts?

Mr DONNELLY: In terms of jurisdiction, the Local Court has most of the driving matters, including negligent driving causing grievous bodily harm and negligent driving occasioning death.

Mr GIBSON MP (CHAIRMAN): So the answer is most.

Mr DONNELLY: Yes, almost, and our statistics will reveal that. If you were to generate all traffic offences, most of them would be dealt with in the Local Court.

Mr MAGUIRE MP (STAYS SAFE): The reason I was interested was that I had cause to have a discussion with a police officer who expressed concern that a section 10 was given to someone who was travelling well above the speed limit in a 40 km/h school zone. He was outraged that a section 10 was given when there would be plenty more circumstances that you could describe of people more deserving where their income has been lost, their ability to earn an income has been taken from them but they are unable to gain a section 10. I am concerned that there are still in the provision of section 10 some inconsistencies across New South Wales.

Mr SCHMATT: That research could be done to update this paper, and we can do that reasonably quickly with the access we have to our sentencing information system. But at this point we are not planning on doing a review in that area in the next 12 months.

Mr MAGUIRE MP (STAYS SAFE): Would it be costly to do such a review? Who would commission that review?

Mr SCHMATT: At the beginning of each year we set a research program for the Judicial Commission. There are a number of different areas we look at in relation to sentencing and we have already set that program for the year. But that is not to say that if we thought it was necessary we could not put something else into the program.

Mr MAGUIRE MP (STAYS SAFE): The reason it is playing on my mind is, as I said, this person who was exceeding the speed limit by a great deal and received a section 10, yet in another case, because of an unfortunate set of circumstances, a local earthmoving contractor has lost his licence. He is a single business operator, applied for a section 10 and lost his licence for 12 months. He lives in a remote village and has no ability to get from A to B to carry out his work on excavation and bulldozers. He cannot afford to pay for a driver to sit there in a motor vehicle and transport him from A to B. That is why I was honing in on this inconsistency where the ability to earn an income is removed from an individual in certain circumstances. That just has terrifying effects. I do not think that anyone should have removed from them the ability to earn an income, even to pay their fines or to earn bread for their table, and that can be the consequence. If you are going to do a review I would encourage you to do it as quickly as possible. Would you get access to that kind of information?

Mr SCHMATT: The access we get is to the outcome of the sentencing decisions. If it was a section 10 that was used in relation to a particular matter we would have it on our database but it is very difficult to make the type of comparisons you are talking about unless we know a lot more about the individual cases and the records of the individuals.

Mr MAGUIRE MP (STAYS SAFE): If I provided information can you make comparisons? Can you expand on your report?

Mr SCHMATT: You would want a reasonable sample to have a look at and to report on in order to see if there have been trends along the lines of what you are suggesting.

Mr DONNELLY: In relation to disparity, one of the methods used is what is called a matched pairs analysis and it is very difficult even in sentencing because of the

subjective and objective features of the case. In other examples you cited in relation to prior record was it constant or different in relation to the person who lost their licence as opposed to the person who got a section 10?

Mr MAGUIRE MP (STAYSAFE): I would have to give you the file.

Mr DONNELLY: That is the sort of complexity you get into. Normally with sentencing it is with our range of outcomes but when comparing one case to another it is usually pretty difficult to hold constant everything. I thought the bureau would be more in a position to conduct that sort of factorial analysis than the Judicial Commission.

Ms FITZGERALD: We did the initial research that revealed that disparity in sentencing across the different ranges of prescribed concentration of alcohol offences and that remained controlling for priors and age and a whole range of different factors so that did not show the courts were sentencing in an inconsistent fashion across the State. We could certainly look at repeating that. I personally would be interested to see whether it is still in existence. I know from the Judicial Commission review it does not seem to be apparent for high-range prescribed concentration of alcohol but we have not looked to see what is happening with low range and medium since that review.

Mr MAGUIRE MP (STAYSAFE): Not only prescribed concentration of alcohol. There is a whole heap of circumstances that can result in you losing your licence and then applying for a section 10. What I am questioning then whether they are all being treated equally. Are there circumstances that perhaps should allow for a section 10, particularly for country drivers who have no alternatives and, for instance, with a one-man business, technically that business could go bankrupt and probably will because of the inability to gain a section 10.

Ms FITZGERALD: I will certainly take it back to the office. I cannot see any reason why we could not have a look at it because, particularly with prescribed concentration of alcohol offences and to a lesser extent other driving offences they are quite well defined and a breach of that offence is quite well defined. It is not like assault, where the range of offences that constitute that particular breach of the law are vast.

Mopeds and electric motorcycles

Mr GIBSON MP (CHAIRMAN): What education process do you give your magistrates in relation to something fairly new, say, mopeds, which are little scooters, to enable them to be driven on the road by six, seven, eight-year-olds without helmets, without anything. Someone can lose their drivers licence today, buy a moped and be back on the road tomorrow because mopeds are unclassified at the moment. What information would you give magistrates to deal with a situation like that?

The Hon. ROBERT BROWN MLC (STAYSAFE): Emerging technologies.

Mr SCHMATT: Actually, we provide a lot of information about different technologies and we cover that in seminars and particularly the different technology that is used by

the police, for example, for detecting offenders. The answer is that we do cover that, but mopeds not as far as I am aware.

MR GIBSON MP (CHAIRMAN): The police are saying at the moment that they are illegal, the scooter-type mopeds are illegal and they are booking people. What happens when one of these people finally turns up before the Local Court? What reference does the magistrate use to pass judgement?

Mr SCHMATT: I assume that they have been booked under particular provisions of legislation so the magistrate would need to deal with it under that legislation. If we are providing information which the magistrate can then use for sentencing purposes it is used in that way.

Mr MAGUIRE MP (STAYS SAFE): What about if there is I guess conjecture about the legislation in how it is actually read? For instance, the police have one opinion, the importers of these mopeds have another opinion, I have an opinion—

Mr GIBSON MP (CHAIRMAN): The Roads and Traffic Authority has another opinion.

Mr MAGUIRE MP (STAYS SAFE): We all have an opinion and the person who has purchased this product has been fined, I understand, for riding an unregistered vehicle, unlicensed and a couple of other fines, a total of about \$1,600 or \$1,700. These are huge fines that will probably find their way before your magistrates. It is an emerging problem and we are concerned that no work has been done on that and that people who have bought a product that perhaps was advertised as "no licence required", no registration, etc., will be caught up in the fact that this legislation is unclear and your magistrates will have to deal with it.

Mr GIBSON MP (CHAIRMAN): The situation would be that the submissions would be put by the parties to the magistrate as to how the legislation should be interpreted and the magistrate would then be required to make a decision in relation to that.

Mr MAGUIRE MP (STAYS SAFE): That could mean that for every court case that results in someone being infringed for riding these motor scooters unlicensed, unregistered, et cetera, there could be a whole range of determinations and all of them could differ while ever the legislation is unclear, yet it will be quite some time before we get a true clarification on what is legal and what is not with regard to pedal cycles and mopeds. So what I am predicting is you will have a problem in the courts.

Ms WELLS: I would think there will be some emerging precedents before the court, if not within determinations of magistrate but on appeal to the District Court that magistrates can refer to until such time as the legislation is clarified.

Mr BARR MP (STAYS SAFE): These vehicles have pedals but the police view is that if primarily that power is to be the legs, foot pedal, then they are legitimate if they are under 200 watts but if the primary source of power is the motor and the pedals are just an incidental thing then they will book them. It is an issue that needs to be clarified.

Mr GIBSON MP (CHAIRMAN): Anyone of any age can drive them on any highway. Recently, a little six-year-old boy was killed in Queensland and, although it has yet to be confirmed, a young person driving a moped was reported killed here in New South Wales.

Mr MAGUIRE MP (STAYSAFE): Members of the Committee are concerned because information has been put to the Committee that until they are 12 years of age children can ride a cycle on the footpath. Those aged between 12 and 16 cannot. But age is no barrier to riding one of these motorised cycles. Once the design of the cycle looks like a moped, technically it is illegal and you cannot ride it on the road, yet you can ride a cycle, a pushbike, of a traditional design but with the same motor, on the road and it is legal. That is why we are all so interested in this issue.

Mr GIBSON MP (CHAIRMAN): At this stage there are no standards associated with the moped. They weigh, on average, 70 kilograms. With a rider weighing 70 kilograms you have a missile of 140 kilograms that can travel at 45 km/h on a footpath! They have a range of 200 kilometres, so they can be driven from here to Goulburn.

Ms WELLS: I think that sounds like a matter for clarifying legislation to be administered by the Roads and Traffic Authority, perhaps in conjunction with the police.

Speed camera offences

Mr GIBSON MP (CHAIRMAN): Following on from that, what systems or educational advice did you produce to magistrates concerning the recent controversy relating to speed camera fines?

Mr DONNELLY: I do not think we covered speed camera fines. My understanding is that the recent challenge to the validity of that particular camera was the subject of a District Court ruling—by Nicholson, DCJ, I think. Have the judge's reasons emerged? The judge gave a decision but did not give reasons for that decision.

Mr SCHMATT: If I might just add to that, we have run programs for magistrates on the various technologies that are available in relation to radar detection devices, speed cameras and those other devices that are used for detecting speeding motorists.

Coronial recommendations and riders relating to road safety

The Hon. ROBERT BROWN MLC (STAYSAFE): I want to ask a couple of questions related to the operation of the State Coroner and the methodologies or protocols for communicating the Coroner's recommendations to, for example, agencies that may be targeted by those recommendations? The second half of that question is: Is there a formal process of consulting with relevant agencies prior to the finalisation of recommendations by the Coroner? There are two questions there. First, is there a formal process available to the Coroner to consult with relevant authorities? Second, once the Coroner has made his recommendations, if they include recommendations to particular agencies, how are they communicated and how they followed up?

Ms WELLS: I will have to take those questions on notice.

Legislative advice concerning road safety or the social and economic costs of road crashes by the Attorney General's portfolio

QUESTION: General details of the circumstances where officers employed by agencies within the Attorney General's portfolio have provided advice on proposed legislation/ discussion papers, etc., on road safety over the period 2000-2005.

RESPONSE: While the Criminal Law Review Division (CLRD) has not been directly involved in any of the areas listed across questions one to six in the questionnaire, as part of its main function of providing advice to the Attorney General about all aspects of criminal law, the CLRD routinely provides advice on legislative proposals put forward by other agencies of Government, including the Roads portfolio. Over the period 2000-2005, the significant road safety legislative developments upon which the CLRD has provided advice (or been directly involved in) has included the following:

- the high-range PCA guideline judgment application (information surrounding this issue has previously been brought to the attention of the STAYSAFE Committee);
- the Crimes Amendment (Road Accidents) (Brendan's Law) Act 2005 (this Act commenced on 13 February 2006 and amended the Crimes Act 1900 and various other Acts with respect to the obligations of drivers to stop and provide assistance where their vehicles are involved in accidents that cause death or injury);
- the Road Transport Amendment (Drug Testing) Bill 2006 (this Bill is currently before Parliament and will introduce random roadside oral fluid drug testing, drug testing persons involved in fatal motor vehicle accidents, and offences relating to driving a motor vehicle with any presence of certain drugs in the driver's oral fluid, blood or urine); and
- the Criminal Procedure Amendment (Traffic Offender Intervention Program) Regulation 2006 (the development of this regulation is currently underway).
- The CLRD also provides advice to interdepartmental committees such as the Government Agencies on Road Safety Council (GARS), through the Department's representative on the Council, John Feneley (Assistant Director General). The CLRD has also played a role in the implementation of the Government's response to the 2003 NSW Alcohol Summit, including the convening of a Working Party on Drink Driving Offences and Penalties (its report to the Government is expected to be finalised in the near future).

Chapter Three—

GOVERNANCE AND ADMINISTRATION ISSUES RELATING TO ROAD SAFETY FOR THE ATTORNEY GENERAL'S PORTFOLIO, 2000-2005

Road Safety 2010 strategy

Mr GIBSON MP (CHAIRMAN): Does the Judicial Commission pay any consideration to the road safety strategy of 2010 when doing its forward planning?

Mr SCHMATT: No, we have not.

Mr GIBSON MP (CHAIRMAN): Should you?

Mr SCHMATT: We are covering a lot of different areas when we are looking at various sentencing options. We do not have unlimited resources so we have to plan our program very carefully as to what research we will undertake. There are two different publications we put out as a result of our research. Some of the research is quite substantial, such as sentencing dangerous drivers, which again I tabled on the last occasion. A considerable amount of research and resources went into that study, whereas fewer resources went into the sentencing trends papers, and a lot of the information for the sentencing trends papers comes from our online sentencing database so we already have the information there. It is a matter of analysing it and reproducing the report.

Liaison with other government agencies concerning road safety activities

The Hon. ROBERT BROWN MLC (STAYSAFE): Is it a regular practice for the Bureau of Crime Statistics and Research to liaise with the Roads and Traffic Authority and the Motor Accident Authority on specific projects related to trends or data that might indicate some area that needs further work?

Ms FITZGERALD: That has happened on occasion, but it is not a regular practice.

The Hon. ROBERT BROWN MLC (STAYSAFE): Can you refer to any specific projects?

Ms FITZGERALD: One research project conducted by Saffron and Childers was released in 2003. We were given the details of drink-drivers by the Roads and Traffic Authority and we were able to look at them on our reoffenders database to examine

reoffending in that group. That is a specific project, but we do not tend to have a standing, ongoing relationship.

The Hon. ROBERT BROWN MLC (STAYSAFE): We would probably have to ask the Roads and Traffic Authority whether that was useful.

Chapter Four—

ROAD SAFETY PUBLICATIONS, SPEECHES AND PRESENTATIONS BY THE ATTORNEY GENERAL'S PORTFOLIO, 2000-2005

Road safety speeches and presentations involving the Attorney General's portfolio

QUESTION: Details of papers, seminars and speeches delivered over the period 2000-2005 by officers employed by agencies within the Attorney General's portfolio, or consultants contracted to these agencies, that addressed topics in road safety.

RESPONSE:

Conference presentations

Jones, Craig - 21/04/06, 'Driving under the influence of cannabis: Is it a problem and, if so, what could be done about it?', presented at the National Drug and Alcohol Research Centre Education Trust training seminar series, Sydney, Australia.

Jones, Craig - 23/02/06, 'Driving under the influence of cannabis: The problem and potential countermeasures', presented at the National Drug and Alcohol Research Centre in-house seminar series, Sydney, Australia.

Jones, Craig - 08/11/05, 'Driving under the influence of cannabis: Potential countermeasures', presented at the Combined Australian Professional Society of Alcohol and other Drugs (APSAD) National Methadone Conference, Melbourne, Australia.

Moffatt, Steve - 09/02/05, 'Mandatory Minimum Sentences and the Magistrates Escape Hatch: Regional and temporal variations in Sentencing for Drink Driving' presented at the annual conference of the Australian and New Zealand Society of Criminology, Wellington, New Zealand.

Road safety publications involving the Attorney General's portfolio

QUESTION: Bibliographic details of monographs, reports, chapters, journal articles, or pamphlets on road safety written by officers of agencies within the Attorney General's portfolio, or consultants contracted to these agencies, that were published over the period 2000-2005.

RESPONSE:

Published reports and journal articles

Briscoe, S. 2004, The Impact of Increased Drink-Driving Penalties on Recidivism Rates in NSW, Alcohol Studies Bulletin no. 5, NSW Bureau of Crime Statistics and Research, Sydney.

- This bulletin examined the impact of increases in statutory penalties for drink driving enacted in 1998. While these penalty changes had a significant impact on rates of reoffending, this was limited to reoffending in non-metropolitan areas of NSW.

Briscoe, S. 2004, 'Raising the bar: Can increased statutory penalties deter drink-drivers?' Accident Analysis and Prevention, vol. 36, no. 5, pp. 919-929.

- This paper examined the impact of increases in statutory penalties for drink driving on rates of alcohol-related road trauma. These penalty changes had no detectable deterrent impact following their enactment in 1998.

Jones, C., Donnelly, N., Swift, W. & Weatherburn, D. 2005, Driving Under the Influence of Cannabis: The Problem and Potential Countermeasures, Crime and Justice Bulletin no. 87, NSW Bureau of Crime Statistics and Research and National Drug and Alcohol Research Centre, Sydney.

- Employing a sample of recent cannabis users, this bulletin examined the likely deterrent benefits of (a) roadside drug testing, (b) increasing the severity of penalties and (c) providing factual information about accident risk associated with driving under the influence of cannabis. The report found that roadside drug testing would probably have a significant impact on rates of drug driving, while increasing the severity of penalties or providing factual information about accident risk would probably have minimal impact.

Jones, C., Freeman, K. & Weatherburn, D. 2003, Driving Under the Influence of Cannabis in a New South Wales Rural Area, Crime and Justice Bulletin no. 75, NSW Bureau of Crime Statistics and Research, Sydney.

- This report assessed the prevalence of driving under the influence of cannabis among young people living on the Far North Coast of NSW. It found the overall prevalence to be quite low but much higher among the frequent cannabis users.

Moffatt, S., Weatherburn, D. & Fitzgerald, J. 2004, Sentencing Drink-Drivers: The Use of Dismissals and Conditional Discharges, Crime and Justice Bulletin no. 81, NSW Bureau of Crime Statistics and Research, Sydney.

- This bulletin examined trends in the use of section 10 dismissals, which obviate the need for magistrates to use mandatory licence disqualification for drink driving offences. The study found that the use

of section 10 dismissals had increased sharply over the 10 years to 2002 but that their use varied considerably across Local Courts.

Saffron, D. & Chilvers, M. 2003, Sentencing High-Range PCA Drink-Drivers in NSW, Crime and Justice Bulletin no. 77, NSW Bureau of Crime Statistics and Research, Sydney.

- This report examined sentencing patterns among people convicted for high-range PCA offences. It found that nearly one-quarter of drivers convicted of a high-range PCA offence in the five years to June 2001 had a previous drink driving conviction. First time offenders were almost universally sentenced to a non-custodial penalty, while those who had three or more prior drink driving convictions and a concurrent driving offence were very likely to receive a sentence of imprisonment.

WITNESSES WHO TESTIFIED IN PUBLIC HEARINGS BEFORE THE STAYSAFE COMMITTEE FOR THE INQUIRY INTO ROAD SAFETY ADMINISTRATION AND MID-TERM REVIEW OF THE ROAD SAFETY 2010 STRATEGY

Monday 18 September 2006

Mr Les Wielinga, Roads and Traffic Authority
Mr Michael Bushby, Roads and Traffic Authority
Dr Soames Job, Roads and Traffic Authority
Mr Jim Glasson, Ministry of Transport
Mr Roy Wakelin-King, Ministry of Transport
Mr Robert Randall, Department of Education and Training
Mr Paul Doorn, Department of Education and Training
Ms Beryl Jamison, Department of Education and Training
Ms Pam Albany, New South Wales Health

Monday 25 September 2006

Kathy Hayes, Motor Accidents Authority Of New South Wales
Gillian Browne, Motor Accidents Authority Of New South Wales
Ronald Dorrrough, Traffic Service Branch, New South Wales Police
John Hartley, Traffic Service Branch, New South Wales Police
Leslie Blake, WorkCover Authority
Jennifer Thomas, WorkCover Authority
Craig Lamberton, Department Of Environment And Conservation
Alan Ritchie, Department Of Environment And Conservation
Geoffrey Mellor, Manager, Department Of Environment And Conservation
Ernest Schmatt, Judicial Commission Of New South Wales
Hugh Donnelly, Judicial Commission Of New South Wales
Laura Wells, Criminal Law Review Division, New South Wales Attorney General's
Department
Jacqueline Fitzgerald, Deputy Director, Bureau Of Crime Statistics And Research

SUBMISSIONS RECEIVED BY THE STAYSAFE COMMITTEE FOR THE INQUIRY INTO ROAD SAFETY ADMINISTRATION AND MID-TERM REVIEW OF THE ROAD SAFETY 2010 STRATEGY

- MTR 001 Hon. John Della Bosca MLC, Special Minister of State, Level 30, Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000, regarding road safety activities by the Motor Accidents Authority over the period 2000-2005. (STC243, C06/2255, IF)
- MTR 002 Hon. John Watkins MP, Deputy Premier, Minister for Transport, Level 30, Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000, regarding road safety situation in New South Wales over 2000-2005. (STC240, C06/2490, MY)
- MTR 003 Hon. Eric Roozendaal MLC, Minister for Roads, Level 30, Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000, regarding road safety situation in New South Wales over 2000-2005. (STC238, C06/2493, IF)
- MTR 004 Hon. Carmel Tebbutt MP, Minister for Education and Training, Level 33, Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000, regarding road safety situation in New South Wales over 2000-2005. (STC242, C06/2495, MY)
- MTR 005 Mr Matt Monahan, Office of the Director-General, NSW Health, Locked Mail Bag 961, NORTH SYDNEY NSW 2059, regarding road safety situation in New South Wales over 2000-2005. (STC241, C06/2496, MY)
- MTR 006 Mr Brendan Stone, Criminal Law Review Division, NSW Attorney General's Department, GO Box 6, SYDNEY NSW 2001, regarding road safety situation in New South Wales over 2000-2005. (STC241, C06/2532, AP)
- MTR 007 Hon. Carl Scully MP, Minister for Police, Level 36, Governor Macquarie Tower, 1 Farrer Place, SYDNEY 2000, regarding road safety situation in New South Wales over 2000-2005. (STC239, C06/2536, MY)
- MTR 008 Hon. Bob Debus MP, Minister for the Environment, Level 36, Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000, regarding road safety situation in New South Wales over 2000-2005. (STC246, C06/2538, IF)
- MTR 009 Hon. John Della Bosca MLC, Special Minister of State, Level 30, Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000, regarding road safety activities by the WorkCover Authority over the period 2000-2005. (STC247, C06/2560, MY)

Appendix A –

Extracts from the minutes of the STAYSAFE Committee regarding the inquiry into road safety administration and mid-term review of the Road Safety 2010 strategy

This appendix contains relevant extracts from the minutes of STAYSAFE Committee meetings of:

- Friday 15 December 2006

regarding the inquiry into road safety administration and mid-term review of the Road Safety 2010 strategy.

STAYSAFE

PROCEEDINGS OF THE JOINT STANDING COMMITTEE ON ROAD SAFETY

11:30 A.M., FRIDAY 15 DECEMBER 2006
AT PARLIAMENT HOUSE, SYDNEY

MEMBERS PRESENT

Legislative Council

Mr West
Mr Colless

Legislative Assembly

Mr Gibson
Mr Maguire
Mr Barr

Also in attendance: Mr Faulks, Manager of the Committee, Ms Jay, Senior Committee Officer, and Ms Yeoh, Assistant Committee Officer

The Chairman presiding.

1. Apologies

Apologies were received from Mr Souris, Mr Bartlett, Mr Hunter, Ms Hay and Mr Brown.

2. Previous minutes

On the motion of Mr Colless, seconded Mr Barr, the minutes of Meeting No. 52 held on Monday 13 November 2006 was accepted as a true and accurate record.

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11. Consideration of Chairman's draft report: 'Inquiry into road safety administration and mid-term review of the New South Wales Road Safety 2010 strategy: Report on actions undertaken in the Attorney General's portfolio to address the road safety situation in New South Wales, 2000-2005'

The Chairman presented the draft report: 'Inquiry into road safety administration and mid-term review of the New South Wales Road Safety 2010 strategy: Report on actions undertaken in the Attorney General's portfolio to address the road safety situation in New South Wales, 2000-2005'.

The draft report was accepted as being read.

The Committee proceeded to deliberate on the draft report:

Chapter 1

Paras. 1.1 – 1.12: read and agreed to

Chapters 2-4: read and agreed to

Appendix 1-2: read and agreed to

On the motion of Mr West, seconded Mr Barr:

That the draft report: 'Inquiry into road safety administration and mid-term review of the New South Wales Road Safety 2010 strategy: Report on actions undertaken in the Attorney General's portfolio to address the road safety situation in New South Wales, 2000-2005' be read and agreed to.

Passed unanimously.

On the motion of Mr West, seconded Mr Barr:

That the draft report: 'Inquiry into road safety administration and mid-term review of the New South Wales Road Safety 2010 strategy: Report on actions undertaken in the Attorney General's portfolio to address the road safety situation in New South Wales, 2000-2005' be accepted as a report of the STAYSAFE Committee, and that it be signed by the Chairman and presented to the House.

Passed unanimously.

On the motion of Mr West, seconded Mr Barr:

That the Chairman and Committee Manager be permitted to correct any stylistic, typographical and grammatical errors in the report.

Passed unanimously.

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17. General business

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There being no further business, the Committee adjourned at 12:30 p.m..

Chairman

Committee Manager

Appendix B—

Reports of the STAYSAFE Committee 1982-2006

STAYSAFE 1 (1982)	Alcohol, drugs and road safety.
STAYSAFE 2 (1984)	Car driver licensing and road safety.
STAYSAFE 3 (1984)	Motorcycling safety.
STAYSAFE 4 (1985)	Is there a police quota system?
STAYSAFE 5 (1985)	Traffic law enforcement.
STAYSAFE 6 (1985)	The administration of random breath testing.
STAYSAFE 7 (1986)	Police hot pursuits.
STAYSAFE 8 (1986)	Speed control.
STAYSAFE 9 (1986)	Safe speed and overtaking on 100 km/h roads.
STAYSAFE 10 (1986)	Radar detectors and jammers.
STAYSAFE 11 (1987)	Safety of 2-lane country roads.
STAYSAFE 12 (1988)	Bicycle safety.
STAYSAFE 13 (1989)	Immediate and certain loss of licence for extreme drink-driving.
STAYSAFE 14 (1989)	Malpractice in driver licence testing.
STAYSAFE 15 (1989)	Alert drivers, and safe speeds for heavy vehicles.
STAYSAFE 16 (1990)	B-Doubles.
STAYSAFE 17 (1990)	Novice drivers: the student's view.
STAYSAFE 18 (1990)	Steering novice drivers towards safety.
STAYSAFE 19 (1992)	Alcohol and other drugs on New South Wales roads. I. The problem and countermeasures.
STAYSAFE 20 (1993)	Alcohol and other drugs on New South Wales roads. II. Offences, penalties, and the management of convicted drivers.
STAYSAFE 21 (1992)	Culpable driving.
STAYSAFE 22 (1992)	Towing caravans and trailers safely.
STAYSAFE 23 (1992)	A decade of the STAYSAFE Committee 1982-1992.
STAYSAFE 24 (1992)	Livestock warning signs: Road safety implications of the draft Rural Lands Protection (Amendment) Bill 1992.
STAYSAFE 25 (1994)	Death and serious injury on New South Wales roads: An examination of the provisions of the Crimes Act 1900 (NSW) regarding dangerous driving.
STAYSAFE 26 (1994)	Pedestrian safety. I. School children around buses.
STAYSAFE 27 (1994)	Traffic stops, police chases and police pursuits of motor vehicles.
STAYSAFE 28 (1995)	Sleep disorders, driver fatigue and safe driving.
STAYSAFE 29 (1995)	Pedestrian safety. II. Cleaning windscreens and other itinerant commercial activities on or alongside the roadway.
STAYSAFE 30 (1996)	Pedestrian safety. III. Bicycle courier activities in the Sydney central business district.
STAYSAFE 31 (1996)	Review of the road safety situation in New South Wales in 1994.
STAYSAFE 32 (1996)	Aspects of road safety administration in New South Wales.
STAYSAFE 33 (1996)	Responses to recommendations in STAYSAFE reports of the 50th Parliament.
STAYSAFE 34 (1996)	A 50 km/h general urban speed limit for New South Wales.
STAYSAFE 35 (1997)	The Traffic Amendment (Street and Illegal Drag Racing) Act 1996 - A report into the sunset provision.

- STAYSAFE 36 (1997) Drivers as workers, vehicles as workplaces: Issues in fleet management.
- STAYSAFE 37 (1997) Driver licensing in New South Wales: First entry into the driver licensing system.
- STAYSAFE 38 (1997) Report of the 2nd meeting of Australasian Parliamentary road safety committees and Ministerial nominees, Parliament House, Sydney, Wednesday 2 April 1997 and Thursday 3 April 1997.
- STAYSAFE 39 (1997) Young drivers - Proceedings of a seminar at Parliament House, Sydney, 30 April 1997.
- STAYSAFE 40 (1997) A 50 km/h general urban speed limit for New South Wales: Progress report and edited minutes of evidence.
- STAYSAFE 41 (1998) Review of the road safety situation in New South Wales in 1995.
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