

ACRS Submission – NSW Law Reform Commission Review of Serious Road Crime



About the Australasian College of Road Safety

The Australasian College of Road Safety was established in 1988 and is the region's peak organisation for road safety professionals and members of the public who are focused on saving lives and serious injuries on our roads.

The College Patron is His Excellency General the Honourable David John Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia.

To:

NSW Law Reform Commission

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About the College

The Australasian College of Road Safety (ACRS) is the region's peak membership association for road safety with a vision of eliminating death and serious injury on the road. Our members include experts from all areas of road safety including policy makers, health and transport professionals, academics, community organisations, researchers, federal, state and local government agencies, private companies and members of the public. The purpose of the College is to support our members in their efforts to eliminate serious road trauma through knowledge sharing, professional development, networking and advocacy. Our objectives include the promotion of road safety as a critical organisational objective within government, business and the community; the promotion and advocacy of policies and practices that support harm elimination; the improvement of relative safety outcomes for vulnerable demographic and user groups within the community; the promotion of post-crash policies and practices; and the promotion of a collegiate climate amongst all those with responsibilities for and working in road safety.

The College believes that we should prevent all fatal and serious injuries on our roads; the road traffic system must be made safe for all road users; system designers should aim to prevent human error and mitigate its consequences; life and health are not exchangeable for other benefits in society; and that all College policy positions must be evidence based.

Our Submission to the Law Reform Commission Serious Road Crime Inquiry

The experiences and rights of victims of serious road crime and their families within the criminal justice system.

- All road fatalities have a significant ripple effect for all people involved (including emergency service workers) leading to “trauma and damage” and “immense pain”. This is independent of whether the crash was due to a serious road crime or not.
- There is “trauma and damage” that is caused to perpetrator and their families of serious road crimes. Whilst punishment may be necessary, trauma support for perpetrators and their families should also be available.

Any other matter the Commission considers relevant.

- The goal of zero road deaths and injuries is underpinned by the Safe System approach to road safety.ⁱ Responsibility for the Safe System is shared between individual transport system users and system designers. The system consists of several pillars of equal importance. Crashes occur when elements of the system fail. Improvements to road safety involve strengthening all pillars to prevent crashes, with enforcement and judicial processes being one element. Consideration should be taken to ensure that other elements of the Safe System are also examined when looking at the impact of law reforms.

- The Safe System approach to road safety highlights that factors prior to a crash occurring can contribute to the ultimate point of failure. As such, describing such incidents as ‘accidents’ is inappropriate. It is recommended that ‘road crashes’ be used to describe these incidents.
- The NSW Road Safety Plan 2026 contain targets to reduce road fatalities by 50% and serious injuries by 30% by 2030.ⁱⁱ The NSW government also has a vision for zero road deaths and serious injuries by 2050. It is not evident how these reforms are expected to have significantly reduce overall road trauma in NSW; aligned with the NSW Road Safety Plan 2026. Most fatal crashes in NSW are single vehicle crashes and do not involve serious road crimes.

ACRS appreciates the opportunity to make this submission and contribute to safer roads in NSW. Please contact us if you need any further details.



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The views expressed within this submission solely represent the position of the Australasian College of Road Safety and do not reflect or represent the positions, opinions and beliefs of any other organisations that the authors may be affiliated with.

REFERENCES

ⁱ <https://www.roadsafety.gov.au/nrss/fact-sheets/vision-zero-safe-system> Accessed 16 Feb 2023

ⁱⁱ <https://towardszero.nsw.gov.au/roadsafetyplan> Accessed 16 Feb 2023