

Dr Marisa Paterson MLA

MEMBER FOR MURRUMBIDGEE

MEDIA RELEASE

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Reform to allow 'neutral presumption of bail' to dangerous driving offences

On 28th June 2023, Dr Marisa Paterson, MLA will introduce a Bill amend the Bail Act 1992. The amendments will shift the presumption of bail to a neutral presumption for three crimes: Culpable driving of a motor vehicle, Driving a motor vehicle at police and an offence against the Road Transport (Safety and Traffic Management) - furious, reckless or dangerous driving.

Dr Paterson states "These amendments are about ensuring that those people who are committing the most dangerous offences on our roads, will not be presumed bail (as they are currently). By applying a neutral presumption to these crimes, the court can examine each bail application relating to these crimes on its merits."

ACT Police's Operation Toric has highlighted very serious recidivist dangerous driving offending on our roads. According to the latest figures, police have apprehended 248 offenders and charged them with 596 offences between 1 August 2022 and 25 April 2023. More than 40% of the apprehended offenders were on bail and another 22% were under good behaviour obligations (such as Drug Alcohol Treatment Order, Good Behaviour Order, Parole and Intensive Correction Order).

Concerns about high-risk dangerous driving offending were raised through the Standing Committee on Justice and Community Safety Inquiry into Dangerous Driving. The committee heard a large amount of evidence around the impacts of high risk offending that is occurring for a large part while offenders are on bail, most often for similar dangerous driving charges. The committee recommend a neutral presumption of bail be applied to these most serious dangerous driving offences, including driving a vehicle at police.

Dr Paterson states "The amendments shift the presumption of bail for these three crimes to a neutral one. These three crimes will now be treated with a similar lens to sexual assault, manslaughter and drug trafficking offences in the ACT. The ACT community is very aware after last year of the devastating impact of road trauma on our roads. People

who blatantly, intentionally put the community at risk of significant harm on our roads are of high concern to our community and as much as we can do to keep the community safe, the better. However, this is always a balance act with ensuring that our social, housing, health and education services and supports are reaching people most at need in our community – reaching people before they come into contact with the criminal justice system must remain the priority.”

Dr Paterson says, “These amendments are complementary to the changes brought by the Road Safety Amendment Bill 2022, providing ACT police the power to stop dangerous driving on our ACT roads”.

Dr Paterson acknowledges that these measures alone will not solve the systemic problems of dangerous driving in the ACT and urges the government to adopt other recommendations from The Standing Committee on Justice and Community Safety Inquiry into Dangerous Driving, looking into more education, support and intervention programs for high-risk offenders.

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