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## Legislative Council Select Committee Road Safety in Tasmania

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Dear committee members

### SUBMISSION TO LEGISLATIVE COUNCIL COMMITTEE – ROAD SAFETY

#### BACKGROUND

The Police Association of Tasmania (PAT) represents the interests of its members, all of whom are serving police officers within the Police Service.

Under rule 287 of the *Road Rules*, drivers are required to report crashes to police under a range of circumstances, including when anyone is killed or injured. Police officers attend and investigate most of these crashes, and this is absolutely the case for instances involving serious injury and death. Consequently, our members have significant insight into the causes of road crashes, and in fact collect the data regarding them, which can positively inform strategic road safety strategy in Tasmania.

In addition to being sworn to protect life and property in Tasmania, our members are strongly motivated to improving road safety as a result of the stress and trauma they are exposed to when responding to, investigating, and prosecuting offences relating to serious and fatal motor vehicles crashes within this state.

The current 10-year average for fatal crashes within Tasmania is 32.1 per annum and the 10-year average for serious injury crashes is 269.5. Unlike most other emergency services who deal with the incident once, at a point in time, police officers must often relive the trauma as the outcomes of these crashes progress. This includes:

- attending the scene and witnessing first-hand the destruction caused;
- rendering first aid, comforting victims as they are extracted from vehicles or pass away, assisting in the removal of bodies, and admitting the deceased to the mortuary;
- speaking with witnesses, notifying family members of what has happened;
- investigating the crash and preparing associated reporting documents (crash reports, coronial reports, and prosecution briefs);
- attending court and giving evidence many months and years down the path and so on.

At any point in time, there is a significant number of police officers in this state impacted on by work related stress. As of July 2021, 105 of 1363 officers are on open workers compensation claims [7.7%], 57 of those are for psychological injury and 38 are fully incapacitated and away from work. 10 officers have received workers compensation payouts

and separated in the last 3 years, 32 are currently in the process of separating and seeking a workers compensation payout.

Hence the PAT is significantly invested in seeing positive outcomes from broader strategic road safety strategies to hopefully reduce this psychological burden on our members.

What is clear to the PAT is there is a considerable lack of cohesive strategic direction and planning within Tasmania that translates high-level policy to operational implementation. This observation is not intended to deride or lay blame, but serve to highlight the need for leadership and partnership amongst all stakeholders. Further, it is necessary to invest in building dedicated areas to work collaboratively in achieving the vision of Tasmania's Road Safety Strategy.

Road safety cannot be left with one agency or body to own. An effective approach from policy settings and frameworks, funding, education, and enforcement, must be interconnected. This will avoid high levels of incongruence currently associated with road safety strategies in Tasmania.

Having reviewed the existing policy and action plans, the PAT submits the following:

## **OBSERVATIONS**

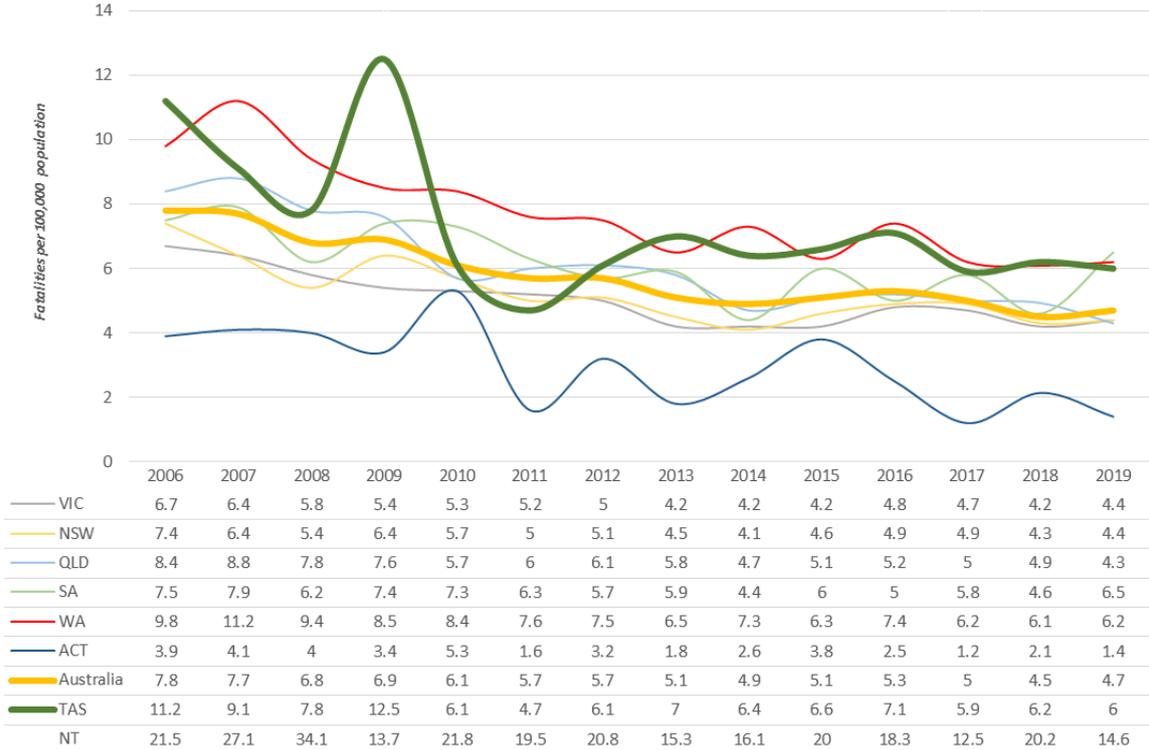
The crash statistics have been consistent over the past 10 years. The problem is they have plateaued and efforts to improve them are not effective. Policing is one element of a fully connected, strategic, road safety strategy, yet the police are first to be held accountable for the crash statistics.

Two key documents to consider are:

- Towards Zero Strategy: <https://www.rsac.tas.gov.au/about-us/towards-zero-strategy/>
- Quarterly Reports: <https://www.rsac.tas.gov.au/about-us/quarterly-progress-reports/>

The Quarterly Progress Report to the Road Safety Advisory Council as at 31 December 2020 identifies where Tasmania is positioned against other states:

Annual fatalities – Rate per 100,000 population



As can be seen from the above chart, Tasmania is consistently one of the worst performing states and consistently performs worse than the Australian average for road deaths.

To address this, the Towards Zero Tasmanian Road Safety Strategy 2017-26 provides four fundamental foundations: Safe Road Users, Safe Roads and Roadsides, Safe Vehicles, and Safe Speeds.

The PAT observation is that there is an obvious gap in direction and leadership in implementing these in practice. Most significantly, there needs to be a centralised point of leadership that monitors, shapes, and leads Tasmania’s road safety initiatives. The role of this central point should be to bring together all the relevant lead management authorities and strategies to direct activities to ensure they are interconnected and achieve identified outcomes. This must also include other more passive activities that occur over time, such road design and upgrades and building from lessons learnt elsewhere in the world.

Regarding traffic enforcement, police are clearly primarily responsible for this aspect. Through traffic policing and enforcement, the aim is to achieve safer road users by:

- apprehending those who engage in risky driving behaviour (for example, apprehending motorists for speeding stops their immediate offending and also provides deterrence for them into the future); and
- creating a public perception through enforcement activities that there is a high likelihood of being caught for breaches of the road rules (general deterrence).

These are not separate issues – they are intrinsically linked. When motorists fear detection, they are more likely to obey the law. By extension, if drivers comply with the law, we should see a reduction serious and fatal crashes.

## RECOMMENDATIONS

Very recently, the University of Adelaide (Centre for Automotive Safety Research) at the request of the Motor Accident Insurance Board (MAIB), completed a review of the annual funding by the MAIB to Tasmania Police and State Growth. This document provides for certain actions and reporting to occur in the traffic enforcement portfolio. The PAT recommends the Committee access a copy of this document for consideration and generation of potential recommendations.

Education features heavily within the current Road Safety Strategy but there are a number of lost opportunities to enhance educational prospects to influence driver behaviour. The road laws are prolific and there appears to be no mechanism to ensure drivers remain current and contemporary in their knowledge of the road rules and what it means for them and their driving behaviour. A simple strategy of providing an update of traffic laws is a text message – potentially monthly – or when a driver renews their drivers licence is a simple opportunity to narrow the gap in the educational process. Police often deal with motorists who regularly exclaim they have been driving for years but upon explaining the reason for the interaction it is clear the motorist was either unaware of changes in road rules or they had misinterpreted the advertising associated with a recent amendment / update. Such approaches would ensure consistent messaging and advice to motorists. Additionally, the recently updated Graduated Licensing System puts significant onus on new drivers so that they should be up-to-date on the rules. It would be prudent however, to review road safety education in Tasmanian schools to ensure the programs delivery, content and importantly, it is effective, to ensure it is best practice with sufficient reach and penetration into the target cohort groups.

A further enhancement to the educational sphere of the strategy would be utilising revenue generated from traffic enforcement fines to fund remedial driver retraining, targeted at drivers identified of high-risk driving behaviour. At present, there are very few diversionary processes to assist a driver to change their driving behaviour. Research into the effectiveness of fines indicates *“examinations of penalties have found that fines alone provide little deterrence and that increased or more severe fines also provide little deterrence”*<sup>1</sup>.

The PAT has observed penalties increase, yet there appears to be little impact upon the statistical occurrence of fatal and serious motor vehicle crashes. Directing retraining upon a recidivist traffic offender, or seizing the opportunity early in a driver’s formative years, provides significant educational opportunities. Over time, left devoid of feedback or corrective action, drivers develop and imbed bad habits that increase the likelihood of an adverse outcome for themselves and those they share the road with. Therefore, the establishment of a court-mandated diversionary program within the justice system, to deliver driver behaviour change would benefit all drivers. Additionally, establish an individual case-management program for repeat and serious offenders so that certain licence conditions can be imposed to assist in behaviour change.

Technology can also support these diversionary activities. We have seen the effective use of alcohol interlocks fitted to the vehicles of serious offenders. Why can we not harness similar technologies for other traffic offenders? For example, there is potential to mandate that serious or recidivist offenders have an approved dash camera fitted to their vehicle for a period of time to monitor their driving behaviour. This initiative could potentially be used in conjunction with other measures, such as the one demerit point for 12 months program. A driver knowing accrual of one demerit point will lead to loss of licence will be cognisant that

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<sup>1</sup> Analysis and modelling of crashes in Tasmania, p.12, Centre for Automotive Safety Research, University of Adelaide, February 2016

the installed camera is recording their daily journeys and may feel more inclined to adjust their driving behaviour accordingly.

The revenue generated from fines has the potential to be mapped against a number of proactive strategies linked with technological innovation. An urgent need is to renew and extend the state's speed camera network of fixed and mobile cameras. Including the funding for the installation, management, and maintenance of the camera network through the revenue raised by the network. Through a tender process, have private-sector providers to install and operate the network, thereby not directing police away from other traffic enforcement and deterrence duties. Introduce into the network automated enforcement technology that detects distraction and seat belt use as well as speed. These technological solutions should be invested in to support a fully funded traffic enforcement capability and not be used as a replacement of high visibility policing activities.

This leads to our next observation and one clearly within the policing portfolio, deterrence. Deterrence theory espouses that *"the certainty of being caught is a vastly more powerful deterrent than the punishment"*<sup>2</sup>. Therefore, the likelihood of detection is a significant key to enforcement activities. Having a fully funded and dedicated traffic section within Tasmania Police is a key priority.

At present, there is no analysis as to how many staff and resources it would require to operate a state wide traffic operations unit to ensure a baseline level of overt and covert traffic enforcement activities. The roles and functions of Tasmania Police have evolved over time and as more is expected from the police service, across its significant portfolio. There needs to be an alignment of policy objectives with deployment capability. The major deficiency in traffic enforcement is there is an absence of clear objectives, a plan as to how our members achieve the objectives, and resources are not deployed in accordance with that plan. Members undertaking traffic work do the best they can in the absence of objectives and a plan. There is inadequate direction of how our members are employed and associated resources to achieve the outcome.

There is urgent need for a restructure of Tasmania Police's traffic enforcement capability that provides centralised leadership across the three geographic districts. This should be supported by analytical staff to provide analysis of long-term data to inform strategy, and additionally, intelligence focussed policing in real time to identify forming patterns of concern.

A state-wide traffic capability within Tasmania Police requires autonomy from other competing priorities to conduct enforcement, high visibility, and targeted covert and overt activities, at a level that ensures the likelihood of being caught is maintained at the highest level possible. This capability ought to include a dedicated highway patrol capability that focusses upon the main arterial highways and equally the more notable regional highways, where there is an over representation of serious and fatal crashes. Other technological solutions and support agencies can then be used in conjunction with an underpinned high level of police visibility.

To establish clear leadership in this important endeavour, consideration into establishing a state roads authority, independent from the Department of State Growth and inclusive of council inputs, to manage the state road network. Facilitating reform to the governance of road safety to ensure road safety policy is a shared responsibility by heads of relevant state government departments. That the Auditor-General regularly review the implementation of road safety policy so that key performance indicators linked to outcomes are met across infrastructure, education and enforcement. Additionally, that the state road authority reports each year on progress in meeting the key performance indicators linked to these outcomes.

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<sup>2</sup> National Institute of Justice, p. 1, Five Things About Deterrence, May 2016

## CONCLUSION

It is not the PAT's role or position to develop strategic policy, yet we consider that we are a key stakeholder and a voice for our members who are the instrument of government policy and legislation. Our members often state that they feel that the concept that driving is a privilege and not a right is sometimes forgotten in the wider road safety debate. Aberrant driving behaviour often goes unchecked due to the significant competing priorities associated with modern day policing. Such occurrences and the repetitive exposure to the same mental trauma leaves our members feeling powerless to help and often leads to degradation in their own wellbeing.

Albert Einstein is often wrongly credited for the saying that the definition of insanity is doing the same thing repeatedly but expecting a different result. Regardless of the genesis of this notion there is validity to the observation. Road safety strategies and policies must be enhanced and supported by appropriate resources and funding. Most of all, there needs to be clear, unambiguous leadership across agencies and government to ensure outcomes and actions are achieved, evaluated, enhanced and there is clear accountability for outcomes.

Kind regards



Colin Riley  
**President**  
**Police Association of Tasmania**

