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Thursday, 26 April 2018

The Law Reform and Sentencing Council
New South Wales Sentencing Council
GPO Box 31
Sydney NSW 2001

Re: - Submission regarding recidivist traffic offenders

Terms of reference

The Sentencing Council is to review the sentencing of recidivist traffic offenders who may pose an ongoing risk to the community and make recommendations for reform to promote road safety. In conducting the review, the Council should:

Provide sentencing statistics on such offenders and analyse them in terms of relevant offender characteristics;

Consider the principles the courts should apply when sentencing such offenders;

Have regard to the availability of, and relevant findings on, driver intervention programs and other initiatives in NSW and other comparable jurisdictions;

Consult with road safety and other experts, and consider international best practice, on how best to deter recidivist traffic offenders from reoffending and encourage safe driving practices; and

Have regard to any other matter the Council considers relevant.

My name is Kevin Saul, I was one of a group (including Ms Dawn Fardell, Mr. Andrew Tink and Mr. Bob Debus) responsible for getting the CRIMES AMENDMENT (ROAD ACCIDENTS) (BRENDAN'S LAW) ACT 2005 passed by Government 13th October 2005 and enacted in February 2006. This led to me becoming known throughout the local and regional area as a staunch community advocate and across the state as a victim's rights advocate and law reformist.

I believe that whilst the NSW Local Court may be in step with legal precedents, it is considerably out of step with regards to sentencing of recidivist traffic offenders, amongst others.

When a person breaks a law it is usually a planned or known that is what they have done.

Breaking a traffic law may not be so cut and dried; speed cameras, red light cameras, parking inspectors with digital cameras affixed to their patrol vehicles..... A system of penalising rather than using high visibility to deter the infringement, a highly visible NSW Police car is a greater deterrent than a hidden fixed or mobile speed camera.

When most people whom are caught and found guilty they show remorse, and do their best NOT to reoffend; however there are a number of people in NSW that have no remorse, show no signs of guilt and continue to re-offend.

It my fervent belief that any driver coming from this grouping, licensed or not, must be shown that the people of NSW will not tolerate their behaviour, these recidivists continue to put lives at risk by their presence on the road.

My submission to the Council would be that; if a person has their license to drive revoked/suspended and then they are found to be in breach of this court order, they MUST serve the remainder of their suspension in facility such as a Gaol or Afforestation Camp. Rather than suspending an offender for say, 10, 20 and even 30 years, whom has no real regard for this law (and perhaps others) we must say that the recidivist offender WILL, with no Magisterial or Judicial interference, spend the remainder of the term incarcerated.

Thank you for considering my thoughts

Kevin Saul