

Mark Lonergan

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Hi, [REDACTED] as per our previous conversation regarding the habitual traffic offenders submission. As a former Police Sergeant and Police Officer of 19 Years I feel that I have a great deal to offer your research. I would like to present a different perspective in relation to this matter, we are in effect must change human behaviour and how motorist behave on the road and even before they hope behind a wheel.

We must look at all the mechanisms or mechanical aspects involved in learning driving, 'P's and onto obtaining an unrestricted drivers licence. So how do these impact on habitual traffic offenders? We must form a culture of shared responsibility when it comes to driving – we ultimately want motorist to become more cautious – defensive drivers to drive in a manner and mindset that they start to anticipate potential accident and slow down instead of thinking well, it is might right, not my fault. A perfect example approaching intersections slow down and encase another motorist makes a bad decisions.

Introduce School based Driver Education programme that focuses Road Rules, Driver Distractions, Impact of Drug and Alcohol use whilst driving a motor vehicle. This would then connect into the RMS for students to obtain their 'L's and 'P's.

We should have driving car like simulators at RMS to make it more realistic so drivers can be put into a number of common type situations to better prepare them to drive. As other forms learning to drive is actually teaching them to avoid motor vehicle accidents. You could even program the simulator to simulate the conditions of person being effected by alcohol and or drug. Kids today love computer games so how about taking the next step and having simulators similar what Pilots use to assist them to obtain their pilots licence and also program the simulator to the coordinates so the pilot can experience landing at a new airport. Time to step up to the twenty first century and embrace the technology.

[REDACTED] this is an exciting opportunity we can make a difference in reducing motor vehicle accidents, and reduce the road toll. But we must adopt a holistic approach, concentrating on one aspect, is not going to make any long term difference.

It would be like going on a diet, the obese person might lose the initial weight but within a few months they put the weight all back on. Simply because they looked at only one aspect. They needed to focus on their entire health situation to keep the weight off. The same applies here we must change human behaviour – human physic to make long term change.

As a parent of three teenagers I feel that obtaining your Green 'P's it far too easy, it is like they give them away. At this point drivers have a better understanding of driving and how a motor vehicle works. I feel that they should then have to undergo a defensive driving program at a 'Driving Training Circuit' where you are taught how to drive and respond in certain weather conditions. This will also significantly reduce the road trauma, whilst in the Police I went through such training which has stayed with me today.

As previously stated we must evaluate all aspects, mechanisms involved that potentially impacts on drivers becoming habitual offenders. My aim and goal is to introduce strategies along the way to knock out or implement road blocks to significantly reduce habitual offenders being created. Again it is a mindset, we must change. **'Whilst in the Police I was of the belief that the most dangerous person – was a person who had nothing to lose. No matter what I did or the system did they did not care because they already had everything taken away from them. My attitude has not change, it applies to habitual offenders.'**

I introduce this point, police charge an offender with a series of Break & Enters, Assault Occasioning Actual Bodily Harm, Robbery or Drug Possession they go to Court and plead Guilty. The Magistrate then places the Defendant on a 12 month Good Behaviour Bond. I consider these offences to be very serious. Now a motorist is driving his motor vehicle and breaks any of numerous Road Rules and receives an Infringement Notice which carries a fine and a loss of demerit points. So please tell me how a criminal can go to court and be placed on a 12 month good behaviour bond and a driver has to wait 3 years to get his demerit points pertaining to that infringement back.

I feel that this is far too erroneous, unreasonable and enormous injustice to wait three years for the demerit points to be returned for that infringement. Comparing a Criminal Offences to a loss of demerit points might be bizarre but in reality it is not. Now consider this today more than any other moment in time there are more 'Traffic Red Light and Speed Camera's' more Highway Patrol and even more mobile Speed Cameras none Police Vehicle Cars. There is also Speed Camera's located outside of school's for safety reasons, which is warranted. But given that there are more speed camera's today than any time in our history there is a very real likelihood that motorists can unintentionally speed particular in unfamiliar locations or areas.

Before you know it normal every day motorist who are law-abiding citizens have now received another traffic infringement and more loss of demerit points. If they then receive another two or three infringements and demerit points they either have their licence cancelled or suspended. They are now faced with waiting the three years for the demerit points to be returned and don't see the light at the end of the tunnel and take the chance to drive and risk getting detected by Police and being now issued with an infringement for driving whilst cancelled and now enter the legal system.

WHAT IS WRONG WITH OUT SYSTEM HERE, THIS SHOULD NOT HAPPEN. PEOPLE EVEN GET FRIENDS OR FAMILY MEMBERS TO TAKE THEIR INFRINGEMENT SO THEY DON'T LOOSE THEIR LICENCE.

AS I PREVIOUS STATED THAT NORMAL LAW ABIDING CITIZENS ARE UNNECESSARILY CAUGHT UP IN THIS SPIRAL.

I move that demerit points should be returned after 12 months. This will significantly reduce the likelihood of motorist losing their licence and driving whilst cancelled and possibly turning into disqualified and reducing the likelihood of drivers becoming recidivous and habitual driving offenders.

I am also of the belief that this will not make the roads less safe as a result of the demerits period being reduced to twelve months. The same people who speed, will speed what it will do is significantly reduce the likelihood of the unintended normal law abiding citizens being caught in this group.

People who live in city areas are significantly disadvantaged as a result of all the speed and red light cameras.

■■■■ I WOULD LIKE THE DATA AND SUSTISTICS ON WHAT ARE THE PROPERTION OF RESIDVOUS HABITIAL DRIVERS THAT ENTER THE RECIDIVOUS LEVEL. DO THEY COME FROM DRUG AND ALCOHOL COURT DISQUALIFICATIONS OR FINES WHAT ARE THEIR BACKGROUND?

I do also acknowledge that there is a significant amount of fatal motor vehicle accidents in the country areas. I feel with a combination of Education, Motor Vehicle Driving Simulator and Defensive Driver training Requirements will significantly reduce road trauma in the country areas.

■■■■ please ask your friends or relatives to be honest here, "Ask them if a friend or family member has ever taken points for them as a result of them running out of points'? This is not justice, when you compare this to a twelve month Good Behaviour Bond issued to an Offender who has just bashed and innocent victim or committed a Robbery or Break and Enter. I feel that it is ridiculous to have to wait 3 years to get a single demerit point back and most 'Traffic Offences' come with between 2 to 5 to 8 demerit points does not take long to lose all your points. This is unjust and consequently and unnecessarily putting normal law abiding citizens before the courts.

Now let's look at those driver's, who drive whilst effected by alcohol or drug. Currently low range PCA are issued with an infringement Notice, Mid-Range are issued with a Court Attendance Notice to appear at Court and High Range Drivers are issued with Bail Conditions to Appear at Court.

Recommendations

1. Medium Range Drink Driving Offenders be issued with fines and be disqualified.
2. High Range Drink Driving Offenders have their matter adjourned to participate in a Drug and Alcohol – Responsible Driving Program
3. Repeat Offenders have their matter adjourned for a full psychiatric assessment to determine why they have continued to drive whilst effect by alcohol or drugs. It is absolutely important to determine why the offender continues to drink and drive. Pending on the court report and number of recommendations should be made to develop a now more specialised intervention program for this person. He would be

disqualified from driving again until he has fully participate in the entire rehabilitation program. The person then goes back to the psychiatrist for a final report to the court now outlining the person's mental state to continue to hold a licence. Magistrate takes this into account when determining a fine and disqualification period. If the person has participated in the program and done everything and meet all expectations this will be taken into account.

4. Third time repeat offenders will be again referred by the Magistrate to the psychiatrist who will complete a comprehensive report to be used in a family group conference. After the report has been received from the psychiatrist They will participate in a family type group conference whereby the person's family, close friends, Police officer, Ambulance Officer and Person who has been injured in Motor Vehicle Accident and if possible a surviving alcoholic and drug addict. The purpose of this conference which is facilitated by a Conference Convenor is to openly discuss the person's issues and how it is currently effecting family members and the potential impact on society.
5. 4th, 5th and 6th time offenders will then go to a recidivous, habitual drivers offenders penitentiary where they will spend a period determined by the Magistrate in jail. However what makes this Jail different it will only be for offenders and perpetrators of the motor traffic Act, no criminals. These offenders will receive concentrated assistance with their psychological issues and or drug and alcohol related issues.

Before their release they must pass a psychiatric assessment to determine their state of mind to hold a drivers licence. In extreme cases if the risk is so server the person will have their time in jail put over another month and so on until they pass a psychiatric assessment to be no longer a risk to the public. When such person leaves jail they are cleared to drive.

Any person who is charged again after this point they re-enter jail, but with double the sentence.

I feel that this system has the necessary driver education programs to actually bring about responsible change in driver behaviour. There is also blocks in place so that law abiding citizens will not be unnecessarily become recidivous, habitual offenders.

1. The first step is to again educate the person now in the court system
2. Then there is also a holistic approach towards identify the issues with a psychologist intervention, why such person is continuing to drive whilst disqualified and what the underlining issue are, whether it be a drug or alcohol addiction. We must firstly identify the why and help the person with these issues.
3. After this is the family group conference
4. Then finally a specific made traffic jail where the person receives concentrated counselling for their issues and further psychiatric assessments.

5. Before release the person will undergo a family group support networking conference to help provide the support networks in the community to further assist in their rehabilitation.

I feel that this concept will go a long way in achieving a lasting behavioural change in driver behaviour. At each step of the intervention points there will be a significant reduction in offending behaviour this will then greatly reduce the amount of habitual recidivous drivers.

Now [REDACTED] this is a skeleton and a basis for change and can be modified and added to for the greater good of reducing recidivous drivers. The main point to this is change behaviours, with many intervention points, isolating just one area will not bring about life long changes. It is systems and culture we must change, everybody has a stake in becoming a more defensive driver. This intervention system gives people hope and at the same time, it is a welfare type model whilst proving to be a incarceration deterrent for those very few people who don't comply or conform. But there is more will still do not give up on these few in providing psychiatric and drug and alcohol intervention in their time in jail, where they could also learn new skills.

[REDACTED] I would like to provide some background and give you an indication of my vision to do things differently and more efficiently and use a more holistic approach.

I would like to think that I look at both sides of law enforcement, after a short time in the New South Wales Police I was performing escort duties to Long Bail Goal to the Downing Centre Court, where we were required to transport an offender to court to determine is unavailable dates for a future court hearing. I felt this was a waist of my time as we could have achieve same outcome if we had just had a hook up between the Courts and the Goal. I submitted a report through the chain of command to my superiors I was commended for my foresight. Today we have CCTV linkage from Goal to Court.

After going to the Children's Court and seeing Young Offenders being let off with little or no consequences I formed a community aid panel on the Northern Beaches. Young Offenders would be referred to the panel which was made up of community members. The Young Person would appear before the panel, who would then refer them to carryout community service work at either a Nursing Home, Volunteer SES in an attempt to help reengage the young people back into their communities.

I was invited by Mr Jim Longley – Local Member for Warringah to accompany him to New South Wales Parliament House to listen to Justice Brown from New Zealand who spoke about the New Zealand Family Group Conferencing model. I could instantly see that this could fit right into our legal system in NSW I transferred to Wagga Wagga and help establish the Wagga Wagga Family Group Conferencing Model, which was a 2 year pilot. This was later adopted by the New South Wales Government and implemented as what we know as the 'Young Offenders Act'.

After meeting with the a representative from Red Cross in Wagga Wagga I suggested that they look at their members compiling a list of elderly people who did not have family support and give these elderly people a call at 9am each morning to make sure they were

okay. If after three calls they would ring the Police and we would pay them a visit. This become Tele Cross phone a friend program.

So [REDACTED] I hope that you see some merit in my concept I feel it will make a significant difference in reducing recidivous drivers. I am happy to meet with you at any time in an effort to continue to develop this model.

Kind Regards

Mark Lonergan
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