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Attorney General

Natalie Ward

Minister for Metropolitan Roads

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Minister for Regional Transport and Roads

MEDIA RELEASE

Friday, 11 November 2022

REVIEW OF SERIOUS ROAD CRIMES

In response to extensive feedback received from families of victims of serious road crime, Attorney General Mark Speakman has asked the NSW Law Reform Commission to review and report on a number of matters relating to serious road crime and the experiences of victims of serious road crime and their families.

“I have met with a number of family members of victims who have been tragically killed as a result of horrific road crimes and I have listened carefully to the issues they have raised,” Mr Speakman said.

“I acknowledge the immeasurable pain that these families must live with every day.

“The trauma and damage caused by road crime deaths have consequences that extend far beyond the initial incident; they have a devastating impact on individuals, their families and the broader community.

“I thank these family members for sharing their experiences, mindful that in doing so, they are re-living the tragedy of losing a loved one as a result of a serious road crime.

“I also acknowledge the important support, advocacy and education undertaken by the Road Trauma Support Group NSW on behalf of the families of victims of serious road crime. They have provided valuable feedback in relation to strengthening laws, education and accountability for serious road crimes.

“As a government, we must do all we can to ensure our criminal justice system appropriately reflects the seriousness with which our community treats these offences and the harm they cause.

“The review will look at whether existing laws remain fit for purpose and the terms of reference will allow the Commission to consider whether new offences or stand-alone legislation is required.”

Mr Speakman said his request to the Law Reform Commission to undertake the review reflects the NSW Government’s ongoing commitment to strengthening the criminal justice system response to serious road crimes and supporting the families of road crime victims, including:

- On 19 October, 2022, the NSW Government introduced the [Motor Accident Injuries Amendment Bill 2022](#) to enable the State Insurance Regulatory Authority (SIRA) to establish a trauma support service for families of those who have been injured or killed because of a motor accident. This new service will provide support in the period after the accident and will connect and guide those impacted by the incident.

- In April 2022, as part of a current statutory review of the *Victims Rights and Support Act*, we released a public consultation paper on the Act that directly raises its interaction with motor vehicle accidents.
- In 2021, the [NSW Government led reforms](#) to allow bereavement payments for eligible families and to allow grieving families to claim funeral costs for the loss of an unborn child caused by a motor accident
- In 2018, we delivered "[Nick's Law](#)" to extend access to Victims Support Scheme for the close family members of victims deliberately killed by a motor vehicle.

"Last month, I wrote to the President of the Judicial Commission of NSW, asking the Commission give consideration to feedback received from the family member of a young man killed as the result of a road crime as part of the Commission's ongoing training and education of judicial officers. I have asked that consideration be given to the use of the term 'accident' in sentencing remarks and the impact this language has on the family members of a loved one killed as a result of road crime," Mr Speakman said.

"The NSW Government is committed to listening to and responding to the concerns raised by families of victims of road crime.

"As the State's independent law reform advisory body, the NSW Law Reform Commission plays an important role in independently scrutinising the operation of our laws and justice system to ensure they remain fit for purpose, and advising on reform.

"The Commission, with its considerable law reform expertise and practice of comprehensive community and stakeholder engagement, is the most appropriate body to undertake this review.

"I look forward to the Law Reform Commission's work in relation to this important area of law."

Minister for Metropolitan Roads Natalie Ward said the review initiated by the Attorney General highlights how the NSW Government is working with the community to make sure NSW has the best legislation in place to promote road safety across the state.

"I know how important it is that we have a justice system that reflects the seriousness of how road incidents, caused by dangerous driving, affect victims, families and the wider community," Mrs Ward said.

"This review is about making sure the justice system can effectively respond to instances of road crime and make all members of the community think twice before putting another life in danger."

Minister for Regional Transport and Roads Sam Faraway welcomed the decision by the Attorney General and said this was a positive step towards making regional roads safer.

"I have met with many victims and families impacted by dangerous drivers who flout the road rules and put the lives of other road users at risk. This is a step we are taking as a government to strengthen the sentencing laws to curb bad driver behaviour and save lives," Mr Faraway said.

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Mark Speakman
Attorney General

The Honourable Tom Bathurst AC KC
Chairperson
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Dear Mr Bathurst

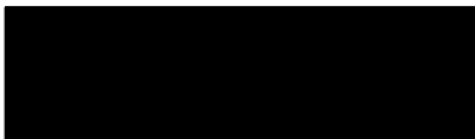
Reference to the NSW Law Reform Commission on Serious Road Crime

Pursuant to section 10 of the *Law Reform Commission Act 1967*, the NSW Law Reform Commission is asked to review and report by on the following matters:

1. Whether the existing provisions of the *Crimes Act 1900* (NSW) dealing with serious road and dangerous driving offences (in particular in Part 3 Division 6 and manslaughter) (**serious road crime**) and accessorial liability provisions remain fit for purpose.
2. Whether the maximum sentences available for serious road crimes remain appropriate.
3. Relevant sentencing principles in statute and the common law for serious road crimes.
4. The experiences and rights of victims of serious road crime and their families within the criminal justice system.
5. Any other matter the Commission considers relevant.

I look forward to the NSW Law Reform Commission's work and contribution to this important area of law.

Yours sincerely



Mark Speakman

10 November 2022