

October 24th 2011

SUBMISSION FOR BASELINE SENTENCING FROM WORKING AGAINST CULPABLE DRIVING

My name is Penny Martin and I write on behalf of a group called Working Against Culpable Driving

We are an independent group made up of families who have been affected by Culpable Driving

On Monday the 10th October we attended a forum at the Sentencing Advisory Council re baseline sentencing for serious crimes.

It was very informative and well organised

However, we were very concerned that Culpable Driving Causing Death or Dangerous Driving causing Death/ or Hit and Run were not listed anywhere to be discussed. Was this the Government or the Sentencing Advisory Council who decided not to include the Level 3 offence of Culpable Driving?

One concern is that Culpable/Dangerous Drivers causing death were eligible to participate in the previous government's Home Detention programme for (minor offenders) simply because it was not listed as an offence that couldn't receive home detention

It appears this is to be the same scenario, by not mentioning the crime, it gets missed and is not part of the baseline sentencing criteria

We are very concerned as to why this has happened.

Innocent people are killed and maimed on our roads everyday by drivers who are deliberately disobeying road laws that are there to protect us.

This is a very deliberate crime and cannot be ignored any more.

In the papers (Sentencing Severity for 'Serious' and 'Significant' Offences: A Statistical report - All the levels of sentencing are listed

But in the papers but when it gets to level 3 offences

Culpable driving causing death is not there?

Why?

Our advice from the meeting was that the Attorney General had said to put in a submission if there was a crime that wasn't there that persons thought should be.

The question says that

1/ Should there be offences *other* than Serious and Significant offences that should be subject to a baseline

Well, Culpable Driving Causing Death and Dangerous Driving Causing Death and Hit and Run cases are already 'Serious and 'Significant' Offences

We do not believe you can have an accurate assessment for the Government on this subject without including these serious offences

We do not want the situation of hoping for an amendment

Culpable Driving/ Dangerous Driving causing Death and Hit and Run need to be included in your initial report

It is very difficult to comment on Baseline sentencing as a whole, as an idea for sentencing, because if a level 3 crime is not included then the process could be seen to be flawed

If Culpable driving isn't included then why is manslaughter included?

You cannot have one without the other for this purpose without a reason

Thankyou for allowing us to participate

Kind Regards

Penny Martin

Working Against Culpable Driving