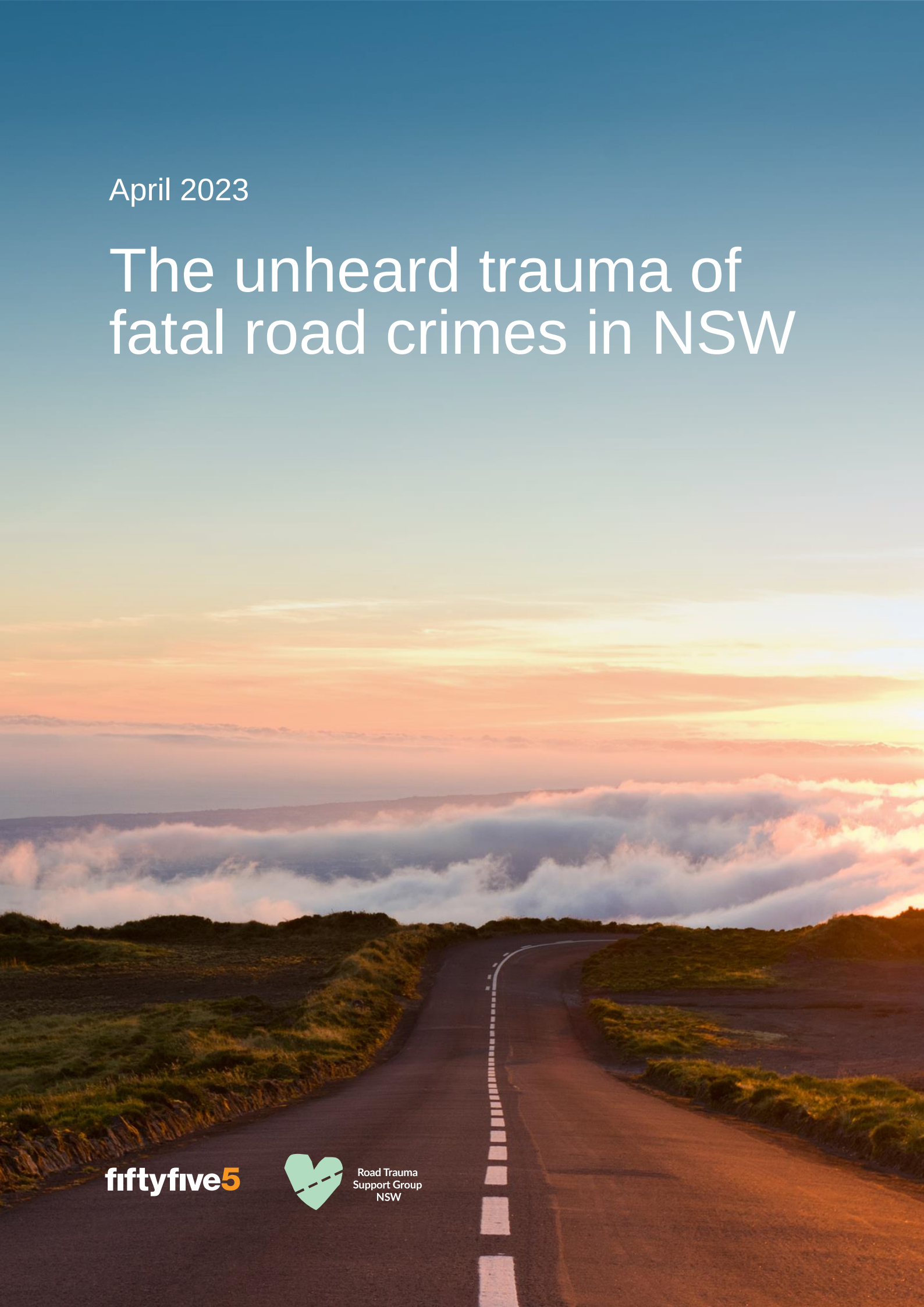
April 2023

The unheard trauma of fatal road crimes in NSW



fiftyfive5

Road Trauma Support Group NSW

Disclaimer

The findings of this report may cause some discomfort or distress for those who have experienced the death of a loved one due to road trauma. If you require any further support upon reading this report, please contact one of the following providers:

- Road Trauma Support Group NSW (1800 808 384) and roadtraumasupportnsw.org/
- Beyond Blue (1300 224 636) and beyondblue.org.au
- Relationships Australia (1300 364 277) and relationships.org.au
- SANE Australia (1800 187 263)
- Black Dog Institute (blackdoginstitute.org.au)
- Headspace (1800 650 890) and headspace.org.au

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Executive summary

Summary of key findings

Introduction

Formed in May 2021, The Road Trauma Support Group (RTSG NSW) represents the interests and needs of victims of criminal road deaths. RTSG exists to support and guide our members suffering road trauma related challenges to reduce the pain and suffering experienced in dealing and working through their loss.

RTSG NSW commissioned the expertise of an independent research agency, Fiftyfive5, to conduct a foundational piece of research to illuminate the reality of the experience for those who are victims of criminal road trauma, in order identify key intervention points to help drive change and action.

The purpose of this study was to obtain a deep understanding of the **consequences** of criminal road trauma - it's scope, scale and impact on individuals, families and close associates in order to design appropriate support services. In addition, the research was designed to identify insights into ways road trauma could be **prevented in future** through reform at government and community levels.

Methodology

This is the largest study of this nature in NSW. This project employed a range of complementary methodologies, designed to explore and understand the impact of criminal road trauma from a range of perspectives within the NSW community.

This comprehensive report brings together the results from:

- A review of existing academic literature and road trauma support organisations globally
- 2,102 surveys of NSW residents
- 18 in-depth interviews with those intimately affected by road trauma living in NSW, with coverage of varying relationships to the person(s) killed in the crash, more recent crashes as well as those that occurred decades ago, and those living in metro and regional areas of the state
- 20 interviews with experts who interact with families who have lost a loved one due to road trauma in the weeks, months, and years following the crash, along with those who are involved with road trauma more broadly in research, support, and advocacy roles.

Key findings

Prevalence of road trauma in the NSW community

Every year, more than 300 people die and more than 10,000 are injured on NSW roads. To give context, in Australia, an average of 1,189 people are killed on our roads each year. In 2020, Australia ranked 20th out of 36 nations in terms of the fatality rate on the road.

The ripples of road trauma are felt extensively throughout the community. One in five (20%) adults have ever experienced the loss of someone on the roads in NSW (amounting to 1,600,000 people). Trauma from road crashes in NSW costs the community over $9 billion each year.

Looking specifically at road deaths caused by **criminal** driving behaviour, 4% of the NSW community have experienced the death of a friend or relative due to the criminal act of another road user on NSW roads (equating to 253,000 people).

Underpinning the substantial size of the problem is the often-preventable nature of these deaths. Driver behaviour is a key contributing factor – including decisions related to speed, alcohol consumption, and drug use. While dangerous driving is a significant problem, it is not an issue unique to young drivers, with drivers of all ages reporting risky driving attitudes.

The lived experience of road trauma

The sudden, violent, and criminal nature of road trauma deaths brings a tidal wave of mental, emotional and physical damage to the victims' families, friends and the community.

The consequences of fatal road offences extend far beyond the initial incident. Families are often confronted by ongoing financial and legal processes, interactions with police, crash investigations, distressing battles with insurance companies, intrusive media involvement and protracted judicial proceedings in the event the offending driver survives. Prolonged suffering inhibits the ability to process and grieve, so the effects on families are long-lasting.

The unique stressors associated with losing a loved one due to fatal road crimes put those who experience them at a higher risk of mental distress and create a more severe impact on their mental health in the long-term. Research has shown that bereaved family members are more likely to have severe mental disorders than the actual survivors of motor vehicle crashes and their family members.

In short, the impacts of road trauma are **profound**, **catastrophic**, and **enduring**.

Key findings (con't)

Existing support mechanisms

Families who experience the sudden death of a loved one due to criminal road trauma often find themselves lost, trying to navigate unfamiliar systems with no idea where to start. They do their best to work out where to go for support and what steps to take next, but their experience is usually haphazard and traumatic, leading to severe psychological burden.

The ideal is a connected system which links people to services and supports the post-crash journey (like solid links in a chain). With the right information and resources at each step, they are connected to the right professionals at the right time and supported in their lived experience which prevents further traumatisation and allows families to move through the grieving process.

A range of professionals across industries play a role in the post-crash experience. These include those more intimately involved with road trauma (e.g. first responders such as police investigating crashes, hospitals and coroners who are brought in immediately to assist) as well as those whose role is more distant (e.g. insurers dealing with CTP claims, lawyers representing one of the parties at trial).

These professionals have a profound impact on the family's experience. There is large variation in experiences – with some families reporting interactions that alleviated their grief at the time, and others reporting ongoing frustrations and a sense of fighting an uphill battle against the system.

Unfortunately, it is common for professionals to make the experience worse for families. Professionals are often under immense pressure due to a lack of adequate systems and support, meaning they are not able to offer the full assistance they might wish to provide. There is also a dearth of training for how to interact with families who are going through the unique experience of criminal road trauma, so professionals are often unequipped to provide a positive (or at least neutral) experience.

Frequently, interactions with professionals lead to further re-traumatisation of the family. Re-traumatisation can occur when processes are protracted, when families cannot access tailored support reflective of the unique nature of their situation, and/or when the media shines an unwelcome spotlight on their situation, invading their privacy and reminding them of their loss in a garish manner. Dealing with professionals that relate to court and CTP claims have the highest potential for re-traumatisation along the road trauma pathway.

Implications

Everyone in the community can play a role in reducing fatalities on our roads and avoiding further traumatisation of the families of those killed.

Considerations for reducing fatalities on NSW roads

- **Avoiding risky driving behaviour.** It is within our control to reduce fatalities on our roads and all road users should consider their contribution to this goal.

- **Intervening if required.** There's no excuse for driving while incapacitated. The entire NSW community is encouraged to step in and discourage drivers from getting behind the wheel when they shouldn't.

- **Sentencing guidelines:** Widespread feelings of injustice prevail when there is a lack of consistency in sentencing for criminal road behaviour compared to other crimes resulting in death (e.g. minimal sentences, community service or suspended license). Further investigation is warranted to validate this and to determine if minimum sentences are required to effectively deter this behaviour.

- **Publicising investigation results:** Much is learned through the investigations carried out following fatal crashes, however the learnings are not made public. The NSW government is encouraged to consider publicising the results so the community can benefit from the learnings. This could be done at a summary level, rather than individual level (to ensure privacy), a few times per year.

Considerations for avoiding further traumatisation of bereaved families

- **Language change:** Language is powerful. The term "accident" is not accurate (at best) and psychologically damaging to the families of victims of road crimes (at worse). The word "crash" should be used instead – in the legislation, in the media, and amongst the NSW community when describing fatal road crashes.

- **CTP reform:** Consider tailoring the CTP legislation to account for the nature of the "injuries" caused by criminal road trauma (e.g. long-term psychological trauma, not short-term physical injury). The scheme should reflect the psychological impact of the experience and the prolonged effects of the sudden death of a loved one. Tailoring the legislation (and insurer's processes) to treat road trauma fatalities differently from physical injuries would prevent avoidable trauma.

- **Refining protocols:** To avoid re-traumatisation, the name of the victim, along with images and stories of the victim, should only be publicised with permission of the family.





About this report

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Foreword & Acknowledgements

The research team gratefully acknowledge the participants in this research study, without whom this report would not be possible. Our findings are drawn from primary data shared with us by people affected by road trauma in NSW who have been generous enough to share their stories with us. We extend our gratitude to those who participated for their time and willingness to share intimate details of their experiences.

We thank the experts from a wide range of fields who participated in this research. Their expertise provides a valuable viewpoint into what it is like working with families experiencing the impacts of road trauma, and the processes and systems that enable them to carry out their jobs successfully (along with those that impede their ability to fully support people affected by road trauma).

We would also like to acknowledge the financial support provided by Transport for NSW which enabled this research to take place.

Preface

We are pleased to release this report which summarises our investigation into the experiences of individuals affected by road trauma in New South Wales (NSW), Australia. More specifically, we have examined the experience of road trauma where someone has been killed as a result of a criminal act of another. Given the widespread and deep impacts of criminal road trauma throughout the NSW community, it was clear this topic warrants further investigation.

In this report the research team have provided population context for criminal road trauma in NSW, and from there have explored the experiences of those directly affected along with the experts they liaise with after the crash. Our focus is on looking closely at the nature of the **impact** of criminal road trauma, along with **interventions** that could improve the experiences of people who find themselves in this situation.

The authors of this report have not personally experienced the impact of road trauma. Our role in this research is objective, and our findings unbiased by our own personal views - based purely on the stories shared with us by the people who have been generous enough to share them.

Much has been written about road trauma across Australia, and indeed, in jurisdictions across the world. This report is distinct from other literature on this topic as it is the largest study of this nature in NSW. This comprehensive report brings together the results from 2,102 surveys of NSW residents, plus 18 in-depth interviews with those intimately affected by road trauma living in NSW, and 20 interviews with experts who interact with families who have lost a loved one due to criminal road trauma in the weeks, months, and years following the crash, along with those who are involved with road trauma more broadly in research, support, and advocacy roles.

The authors of this report hope the study will be put to good use, and that by sharing the stories and experiences of those affected by criminal road trauma more widely we can help to shine a light on what is needed to create positive change. By bringing these stories to the fore, our aim is to assist those in decision-making capacities to make informed decisions about interventions, legislation, and systems that affect impacted families. We hope our analysis facilitates the making of informed choices, particularly where resources are limited (as they usually are).

Our aim for this report is that it is useful both politically and personally, that it leads to improvements in the experiences of those who suffer the impacts of criminal road trauma, and ultimately that it may reduce the frequency of fatal criminal road crashes on NSW roads.

Loren Watling
Bella Castle
Belinda Aanensen
Fiftyfive5





How to read this report

This report shines a spotlight on the lived experience of families and close friends who have experienced the death of a loved one on the roads in NSW due to the criminal act of another road user.

In the first section of this report, we set the stage by highlighting the size of the issue, along with contributing factors. We explore how NSW compares to other jurisdictions both in Australia and globally, and provide an overview of existing efforts to reduce the number of fatalities on our roads.

The next section investigates, in detail, the wide-ranging impacts of losing a loved one to criminal road trauma. Our focus is on the families of those killed, but we also explore the impacts felt throughout communities and among the professionals who serve families affected by criminal road trauma.

Next, we investigate the existing support mechanisms in place to support families affected by criminal road trauma. We summarise the current supports available as well as the gaps in service delivery that are contributing to ongoing traumatisation of affected families.

Finally, a range of implications for policy, service, and practice are given. Readers are presented with a series of actions they can take to either contribute to a reduction in fatalities on our roads, or avoid further traumatisation of the families of those killed.



Readers from the **NSW state government** are encouraged to consider:

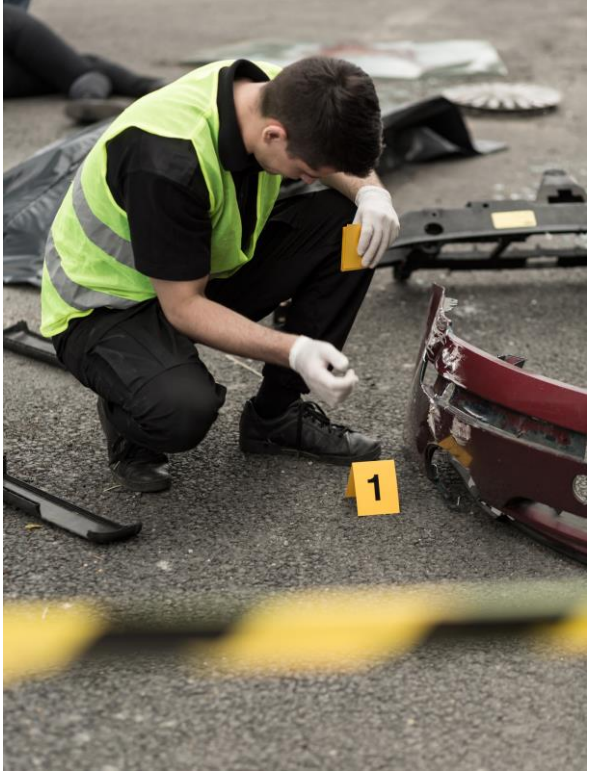
- **CTP reform:** Consider tailoring the CTP legislation to account for the nature of the "injuries" caused by criminal road trauma (e.g. long-term psychological trauma, not short-term physical injury). Tailoring the legislation (and insurer's processes) would prevent avoidable trauma.
- **Sentencing guidelines:** Consider minimum sentencing requirements for criminal road behaviour that causes the death of another to ensure offenders are adequately punished, particularly compared to other crimes that result in death.
- **Language change:** Language is powerful. In the legislation, the term "accident" is not accurate (at best) and psychologically damaging to the families of victims of road crimes (at worse). The word "crash" should be used instead.
- **Publicising investigation results:** Much is learned through the investigations carried out following each fatal crash, however the learnings are not made public. Consider publicising the results so the NSW community can benefit from the learnings. This would be similar to how workplace deaths and injuries are investigated and reported publicly.

Readers from **media outlets** are urged to consider:

- **Language change:** The word "crash" should be used instead of "accident" when reporting about criminal road trauma events.
- **Refining protocols:** To avoid re-traumatisation, the name of the victim, along with images and stories of the victim, should only be publicised with permission of the family.

And readers from the **broader NSW community** are prompted to consider:

- **Avoiding risky driving behaviour.** It is within our control to reduce fatalities on our roads and all road users should consider their contribution to this goal.
- **Language change:** As with the legislation and the media, the NSW community are encouraged to be considerate in use of language when describing fatal road crashes, using the word "crash" instead of "accident".
- **Intervening if required.** Step in and discourage drivers from getting behind the wheel when they shouldn't.



Introduction to the research

Purpose

Formed in May 2021, the Road Trauma Support Group (RTSG NSW) represents the interests of victims of road trauma, their families and loved ones, and exists to help alleviate the pain and suffering families experience when they become victims of road trauma on NSW roads.

RTSG NSW commissioned the expertise of an independent research agency, Fiftyfive5, to conduct a foundational piece of research to illuminate the reality of the experience for those who are victims of road trauma, in order identify key intervention points to help drive change and action.

Ultimately, this research is intended to provide tools for understanding and empathising with all audiences impacted by road trauma: the victims, their families and communities, professionals involved in road trauma events and the time that follows, and the broader NSW community.

Primary objective

To obtain a deep understanding of the consequences of road trauma - it's scope, scale and impact on individuals, families and close associates in order to design appropriate support services for people impacted by road trauma.

Secondary objective

To identify insights into ways road trauma could be prevented in future through reform at the government and community levels.

Glossary of key terms

The following definitions are general explanations only. Precise definitions may vary across organisations and jurisdictions.



Road trauma

A road event resulting in the death of an individual attributable to the movement of a road vehicle on a public road.

Fatal road crime

A road event resulting in the death of an individual attributable to the movement of a road vehicle on a public road due to the criminal act of another road user (e.g., dangerous driving, drinking or drug driving).

Criminal road trauma

Encompasses fatal road crimes along with the consequences that extend beyond the event itself, including the trauma inflicted on the victims' families, friends and the community.

Secondary trauma (also referred to as re-traumatisation)

The indirect trauma that can occur when exposed to difficult or disturbing images or stories second-hand. For bereaved families who have lost a loved one due to criminal road trauma, this occurs through ongoing exposure to systems and processes such as media coverage and contact with the criminal justice system.

Compulsory Third Party (CTP) Claims Scheme

CTP insurance is paid at the time of vehicle registration. When a driver causes injury or death to another road user, the victim (or their family) is eligible to make a claim to the at-fault driver's insurer to cover their financial losses.

Vicarious trauma

The indirect trauma experienced by individuals in the community or professionals working with victims and bereaved families impacted by criminal road trauma. Vicarious trauma experienced by professionals is an occupational challenge, particularly for first responders, due to their continuous exposure to distressing scenes.

Methodology

This project employed a range of complementary methodologies, designed to explore and understand the impact of criminal road trauma from a range of perspectives within the NSW community.



Review of existing literature

The initial activity involved a desk review of existing academic literature about road trauma and a review of road trauma support organisations in NSW, Australia, and around the world.

This provided a foundation of knowledge related to existing initiatives and processes, and the impacts of these in each jurisdiction.

More specifically, this included an examination of road death statistics within NSW and beyond, to allow international comparisons to be made. A review of National and NSW road safety policies was conducted, to aid in defining risky road behaviours and understanding available or emergent road safety technologies.

An emphasis on academic resources highlighted the lived experience of bereaved family members and the widespread impacts of facing a sudden or traumatic death.



Qualitative research with affected families

In the qualitative phase, a total of 18 people shared their personal experiences of criminal road trauma in NSW, and the impact it has had on them and their families. These interviews were lengthy (up to 2 hours in duration) and provided extensive insight into the nuances of the experiences that families go through after the death of a loved one due to the criminal act of another.

A diverse set of perspectives was obtained through interviewing different family members (e.g. parents, siblings, partners, children) across geographies (metro and regional NSW) and across a range of timeframes since the crash occurred (some decades ago, others more recent). Interviews were conducted online due to ongoing COVID-19 restrictions between January and March 2022.



Qualitative research with experts

There are a range of professionals who assist families who have lost a loved one on NSW roads.

To understand the perspective of those who play a role in road trauma events, and the time that follows, a total of 20 professionals participated in a comprehensive 90 minute interview.

This included those 'on the ground' (such as paramedics, police, psychologists, insurers, and legal professionals), along with individuals who are working for organisations aiming to conduct research, advocate and create change - both in Australia and overseas. The organisational roles of these professionals has not been disclosed to ensure their identity remains anonymous. This was key to the design of the research, to reduce the risk of introducing positivity bias if their feedback could have been attributed to them in this report. Further, some experts only agreed to participate on condition of anonymity.

Quantitative research with NSW community

The final stage of the research involved a robust, large-scale online survey. A total of 2,102 people completed a survey of 20 minutes duration. This encompassed a representative sample of NSW residents (n=2,052) including those who have and have not experienced road trauma. To boost responses from people most intimately affected, an additional 50 people who experienced the death of a loved one to criminal road trauma were surveyed, sourced from the RTSG NSW member database and social media. This included a spread of more recent crashes and those occurring over the longer term, among individuals aged 25-75, with a slight female skew (given bereaved individuals are more likely to be female) across metro and regional NSW.

Everyone who completed the survey was aged 18+ and a resident of NSW. The final dataset was weighted based on age, gender, and metro/regional location of residence. In this report, where figures are presented that represent the entire NSW population, the booster sample has been excluded to ensure the dataset is representative. Results were collected between July and September 2022.



Limitations of this study



As with all research studies, this study is subject to limitations, some of which could be addressed in future research.

First, there is a nearly unlimited amount of detail that could have been captured about the experiences of families affected by road trauma. The qualitative phase of this study captured a remarkable amount of detail. However, the quantitative phase necessarily had to be more succinct and focused on capturing key data points in order to keep the questionnaire length reasonable and ensure we did not deter potential participants due to survey fatigue. As such, there is limited quantitative data about some aspects of the post-crash experience, such as specifics of each interaction with professionals after the crash.

Secondly, due to ethical concerns about researching children (<18 years old) about such a sensitive topic, only adults aged 18+ were included in this research. As such, the experiences of children and teenagers are not reflected in this report. However, adults who experienced the loss of a loved one due to criminal road trauma when they themselves were under the age of 18 have been included. In this way, the perspectives of those under 18 are presented through a retrospective view, from people who are currently adults.

Thirdly, there are several instances in which public data would have helped describe key points, however was not made available at the time of this report's publication. Therefore there are some issues that are not fully understood. For example, publicly available statistics about fatal road crashes are general in nature, not specific to fatal crashes involving criminal driving behaviour. Instances where the specific data of interest is not available have been noted where relevant.





Introduction to criminal road trauma in NSW

300+

people die every year on NSW roads

10,000+

people are seriously injured every year on NSW roads

1 in 5

or 20% of the NSW population aged 18+ has experienced the death of someone they knew on NSW roads



4%

have experienced the death of a relative or friend due to serious road crimes in NSW*



3.5x

those grieving a death due to road crime in NSW are 3.5x more likely to not be able to pay their rent or mortgage compared to those grieving non-criminal road deaths

81%

of immediate family members of victims of fatal road crimes in NSW have experienced mental health challenges such as depression, anxiety, or PTSD

SOURCES:
Deaths and Injury estimates - NSW Centre for Road Safety
Incidence of Experiencing Road Trauma – Fiftyfive5 Road Trauma Quantitative Survey 2022

*Serious road crime includes a range of driving offenses, as outlined here:
https://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_current_projects/Serious_road_crime/background-note.aspx

Defining trauma caused by fatal road crimes

Criminal road trauma is characterised by serious road crime resulting in death, and the tidal wave of mental, emotional and physical damage inflicted on the victims' families, friends and the community.

Consequences of fatal road offences extend far beyond the initial incident; families face ongoing secondary trauma throughout, and beyond, the initial experience. The sudden, violent and criminal nature of these deaths creates prolonged suffering, inhibiting the ability to process and grieve.

A deeply complex and unique set of experiences

The knock-on ripple effect of criminal road trauma is widespread and costly.

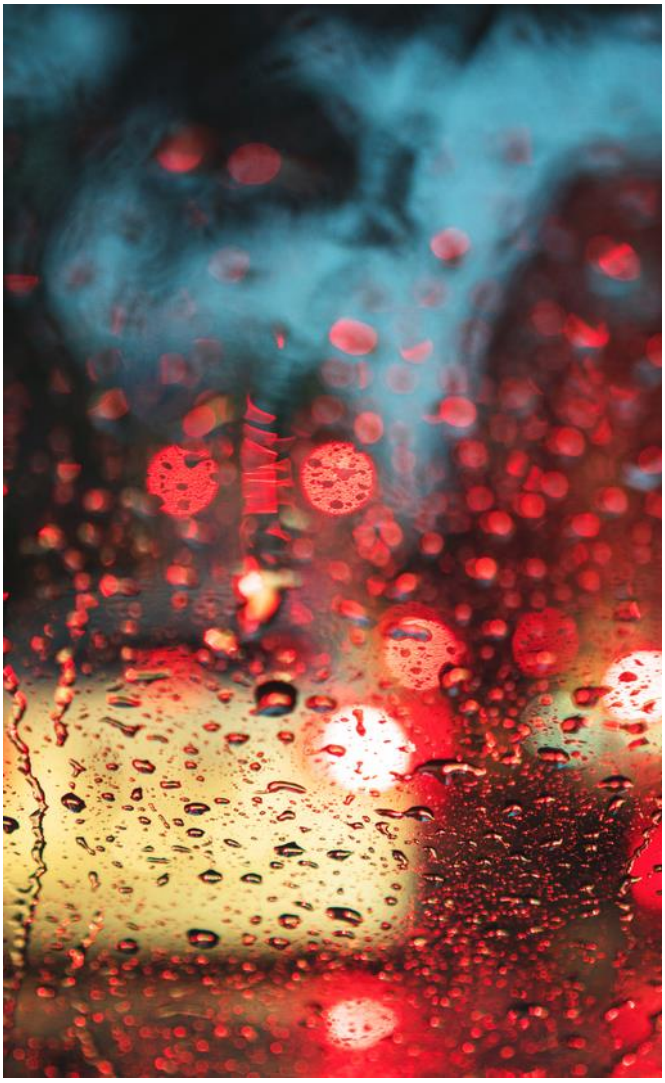
Families are often confronted by ongoing financial and legal processes, interactions with police, crash investigations, distressing battles with insurance companies, intrusive media involvement and protracted judicial proceedings in the event the offending driver survives.

The victims' families and friends may be further tormented if they feel the offender's sentence was manifestly inadequate in the context of a death that could have been avoided if not for the senseless, criminal act of another.

Compounding trauma and severe psychological burden

It's critical that the uniqueness of these types of road trauma events is acknowledged.

The systems and processes which are intended to support should be created with these specific considerations at their centre.



The significance of this issue

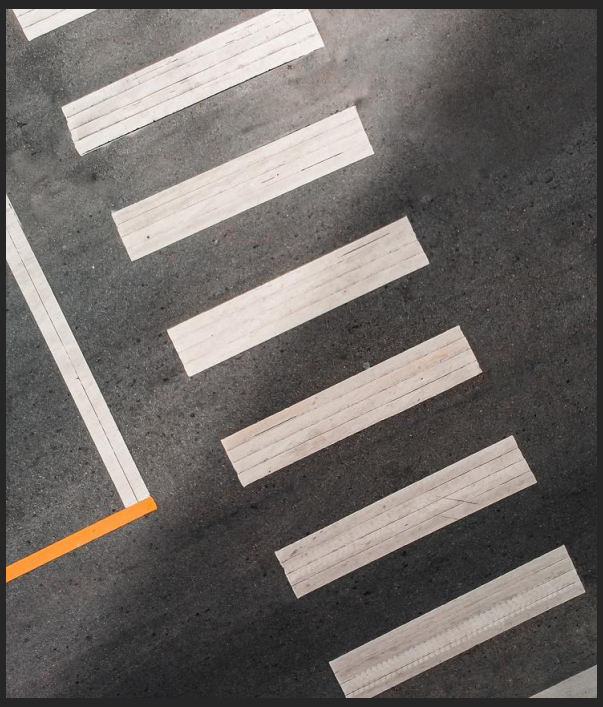
Globally, there are nearly 1.3 million deaths on roads in addition to 50 million injuries each year[1].

In Australia, over the 10-year period between 2012 and 2021, a total of 11,894 people died on Australian roads[2]. This represents an average of 1,189 people killed on our roads each year.

Trauma from road crashes in NSW costs the community over $9 billion each year[4].

In NSW, over the same time period, a total of 3,383 lost their lives on NSW roads[3]. This is an average of 338 deaths per year and includes 2020 and 2021 data which was lower than the recent average during ongoing COVID-19 lockdowns and restrictions on movement.

As of 5 December 2022, 272 lives had been lost on NSW roads, up from 246 at the same time last year (a 10.5% increase compared to 2021)[3].



SOURCES:
1: https://www.who.int/news/item/28-10-2021-who-kicks-off-a-decade-of-action-for-road-safety
2: https://www.bitre.gov.au/publications/ongoing/road_deaths_australia_annual_summaries
3: https://roadsafety.transport.nsw.gov.au/statistics/index.html
4: https://roadsafety.transport.nsw.gov.au/downloads/2026-rsap.pdf

International comparisons

Fatality rate per 100,000 population in 2020



In 2020, Australia ranked 20th out of 36 nations in terms of the fatality rate on roads[1]. Norway, Sweden, and Iceland had the three lowest rates.

Reducing fatalities on roads is a global priority, and efforts to reduce fatalities are prevalent throughout the world.

Between 2011 and 2020, Australia's fatality rate declined by 25.4%. Over the same period, the OECD median rate declined by 34.6%[1].

Other jurisdictions around the world are achieving greater success at reducing fatalities on their roads.

Australia achieved 36% less progress in reducing the fatality rate between 2011 and 2020 compared to the OECD median.

SOURCES:
1: https://www.bitre.gov.au/publications/ongoing/international_road_safety_comparisons

The preventable nature of road crime

Underpinning the substantial size of the problem is the often-preventable nature of these deaths.

Driver behaviour is a key contributing factor to deaths on our roads. Every day drivers make decisions that can have fatal consequences for themselves or others.

Specifically looking at road fatalities which occurred in NSW in 2020 alone, amongst those in which the alcohol involvement was known, alcohol was a contributing factor in 19% of fatalities (the driver was over the legal blood alcohol limit)[1]. At least 46% involved speeding, and fatigue was assessed as being involved in at least 12% of fatalities[1].

In NSW, in crashes where a person is killed, blood samples are taken from the drivers involved where possible and tested for drugs. Note that on some occasions, it is not possible to obtain a blood sample from the driver(s) involved, such as when some time has elapsed since the crash or where the driver is not immediately present (e.g. hit and run). According to data released by Transport for NSW, one in four (24%) road fatalities in NSW in 2020 involved the presence of illicit drugs (where drug involvement is known)[2]. This provides an *indicative* view of the role of illegal drugs in fatal road crashes in NSW. However, the true extent will not be known without universal drug testing of offenders who kill someone on the road.

It is important to note that circumstances relating to the driver's condition at the time of the crash (e.g. alcohol or drug use, license held) play a role in the criminal charges that are laid, and eventually the sentencing handed down to the offender if convicted. When drug testing is inconsistently carried out, there is a risk that offenders may not be held fully accountable for their actions that contributed to the death of another person.

Factors involved in road fatalities in NSW in 2020



19%
Alcohol



46%
Speeding



12%
Driver fatigue

SOURCES:
1: https://roadsafety.transport.nsw.gov.au/statistics/interactivecrashstats/index.html
2: https://towardszero.nsw.gov.au/sites/default/files/2023-02/2026%20Road%20Safety%20Action%20Plan.pdf

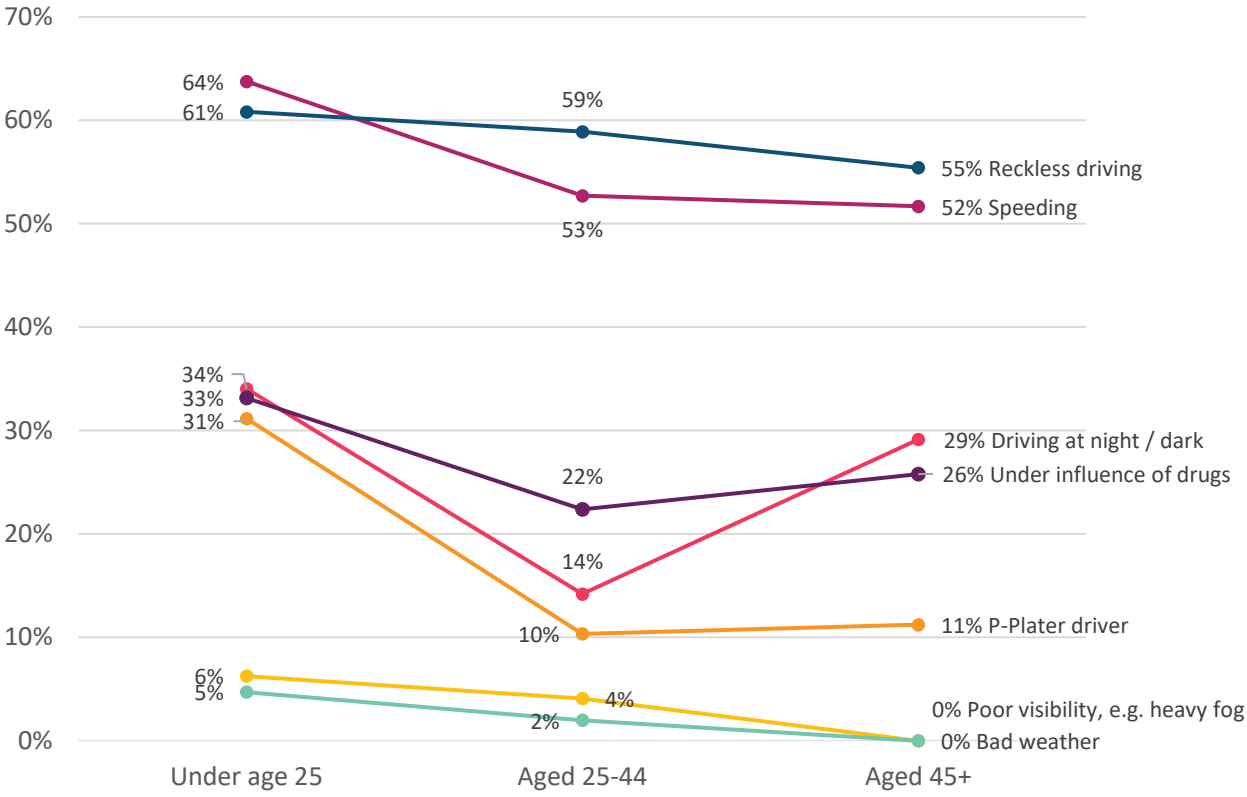


This study has shown that criminal road trauma events with younger victims are even more likely to involve preventable causes.

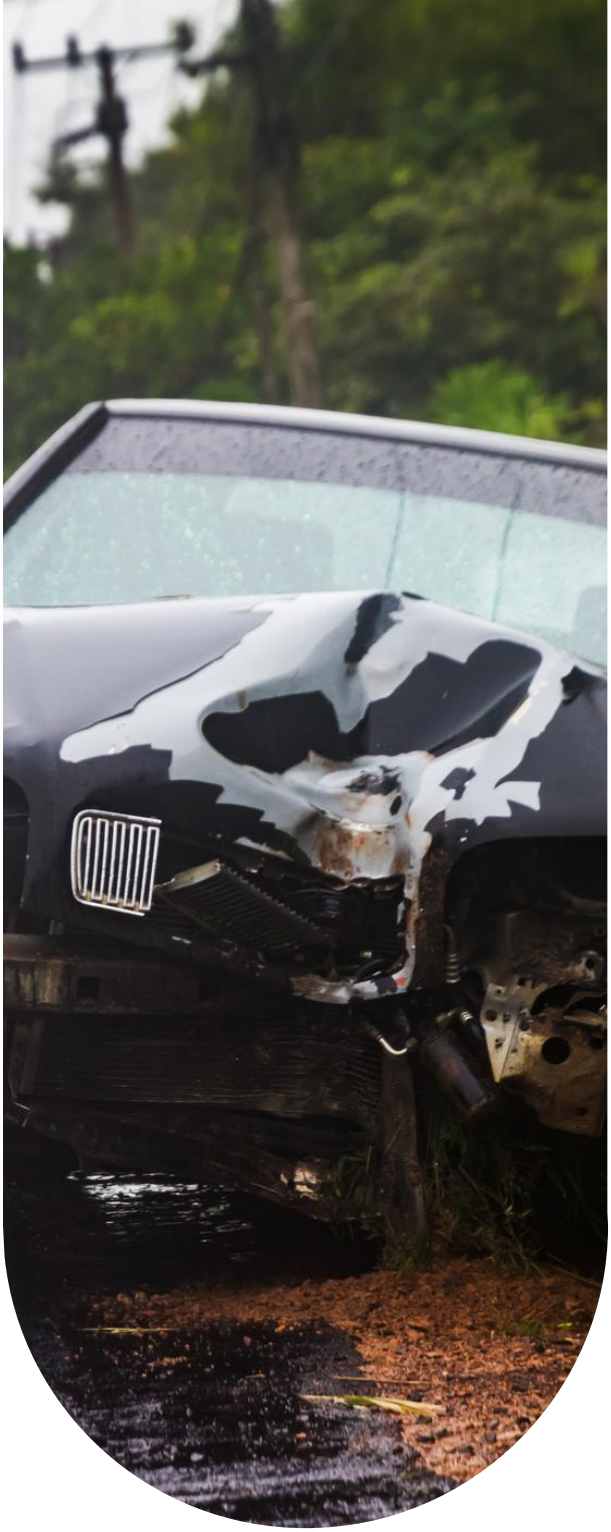
According to the primary research undertaken by Fiftyfive5, speeding is a particular factor in crashes which kill younger victims (under 18), along with reckless driving and driving while under the influence of alcohol and/or drugs. Further, driving during poor conditions (e.g., darkness, bad weather, poor visibility) is also more common in fatal crashes with young victims.

These results demonstrate that the criminal road trauma events which kill the youngest people in our society are more likely to have been able to be prevented.

Factors involved in fatal road crimes in NSW, by age of victim



Graph source: Fiftyfive5 primary research. Q: As far as you know, did the crash involve any of the following? Base: n=165



Recidivism in fatal road crimes

Recidivism compounds the preventable nature of deaths on our roads – reinforcing that drivers make decisions which can have fatal consequences.

The research is clear – recidivism (repeat offending) is a key contributing factor to fatal road crashes.

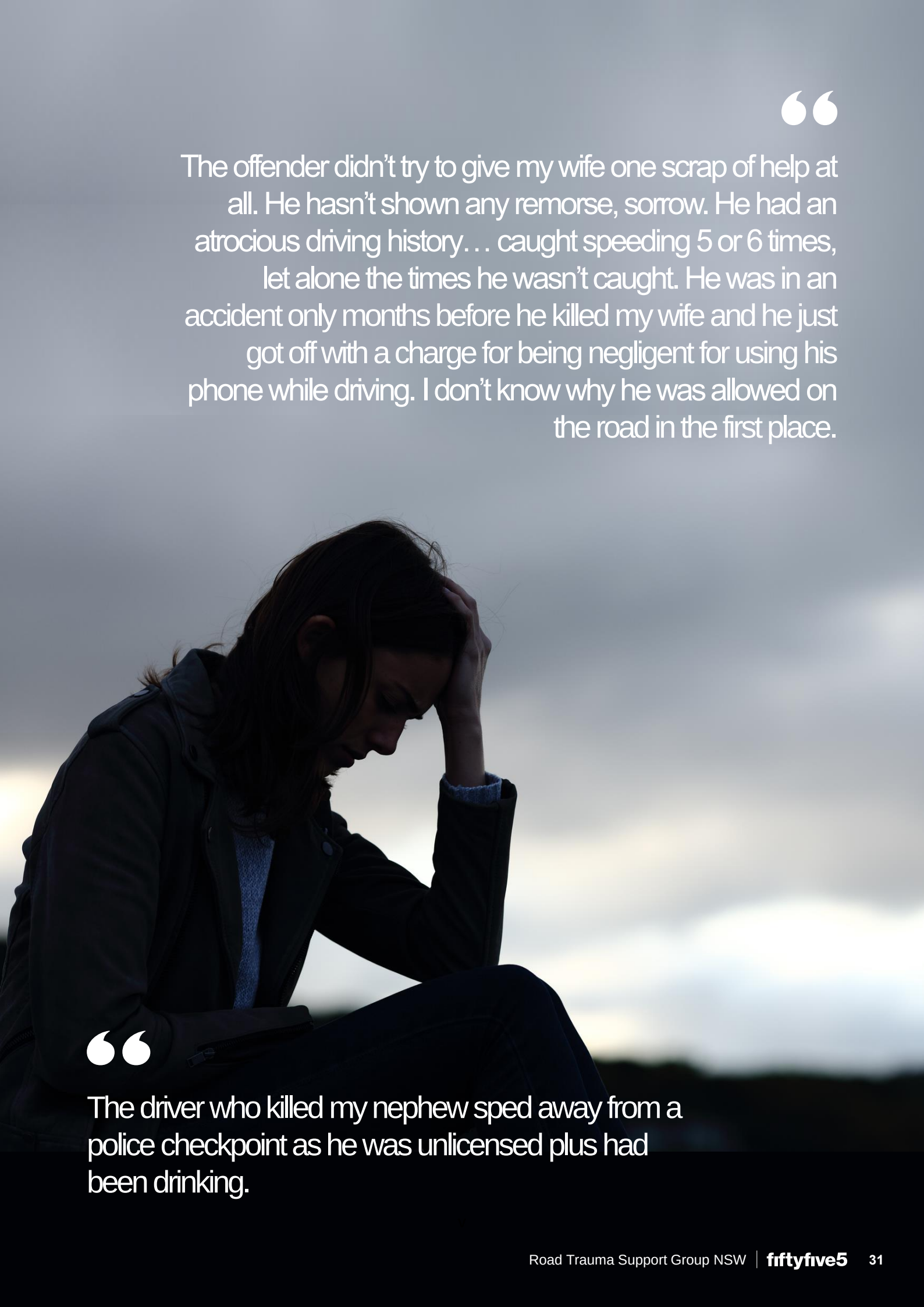
Serious repeat offenders are six times more likely to be in a serious or fatal crash than drivers who never or seldom break the road rules[1]. The odds of a fatal or serious crash in the next 3 years increase by 11% for every traffic infringement notice received in the last two years.

Put simply – the more a driver breaks the road laws, the more likely they are to have a fatal or serious crash.

In NSW specifically, the 3% of drivers who are high-risk repeat offenders are more than 5 times more likely to have a fatal or serious crash than those who have not committed traffic offenses[2].

For the families of those killed by fatal road crimes, the preventable nature of their loved one's death can be haunting. This is exacerbated when the offending driver had a known history of repeated illegal, risky, dangerous driving behaviour and should have had their driving privileges restricted for the greater good of the community.

SOURCES:
1: Meyer et al. 2021. Modelling the relationship of driver license and offense history with fatal and serious injury (FSI) crash involvement.
2: NSW Sentencing Council. Repeat Traffic Offenders. September 2020. https://sentencingcouncil.nsw.gov.au/documents/our-work/repeat-traffic-offenders/Report_repeat_traffic.pdf



“

The offender didn’t try to give my wife one scrap of help at all. He hasn’t shown any remorse, sorrow. He had an atrocious driving history… caught speeding 5 or 6 times, let alone the times he wasn’t caught. He was in an accident only months before he killed my wife and he just got off with a charge for being negligent for using his phone while driving. I don’t know why he was allowed on the road in the first place.

“

The driver who killed my nephew sped away from a police checkpoint as he was unlicensed plus had been drinking.

Community driving attitudes

As described, many fatal road crashes may have been prevented, if not for poor driver behaviour.

To fully understand the preventative nature of criminal road trauma, it is worth acknowledging community attitudes to driving behaviour. Attitudes and behaviours are strongly linked[1], so it is meaningful to understand what people think, which will influence how they behave as road users.

Community attitudes towards risky driving behaviours

Three in four (75%) adults in the NSW community agree that traffic rules should always be followed no matter what the conditions.

This means that one in four believe there is a level of subjectivity to the traffic rules, and the driver can decide whether or not to follow the rules if they believe the conditions allow.

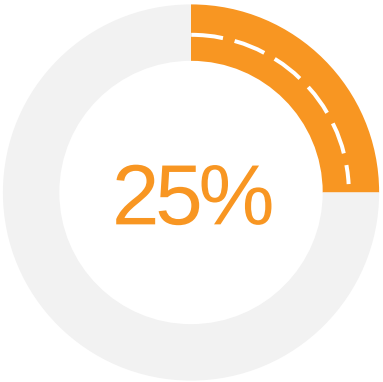
Looking at the specific ways in which NSW residents believe it's permissible to take liberty with the road rules, primarily there is acceptance of speeding under certain circumstances:

- There is a belief that a low level of speeding is acceptable (16% agree that speeding up to 10 km/hour over the limit is not a big deal).
- A similar proportion (14%) are not opposed to speeding (up to 10 km/hour over the limit) when road conditions are good.
- One in ten (10%) believe it's appropriate to speed up to make it through traffic lights before they turn red.

Mobile phone use while driving also has a degree of community acceptance. One in ten (10%) believe it is acceptable to use their mobile phone when their car is stopped. Worryingly, 6% accept the use of a mobile phone while driving slowly.

Alarmingly, one in 12 (8%) people believe it's reasonable to get a lift with someone **who should not be driving** if that is their only way of getting home at night. Equally as alarming, one in 13 (7%) think it is acceptable to have a few alcoholic drinks and then get behind the wheel.

Together these attitudes and perceptions influence how road users behave every day, and are an important precursor to understanding how to reduce fatalities on the road.



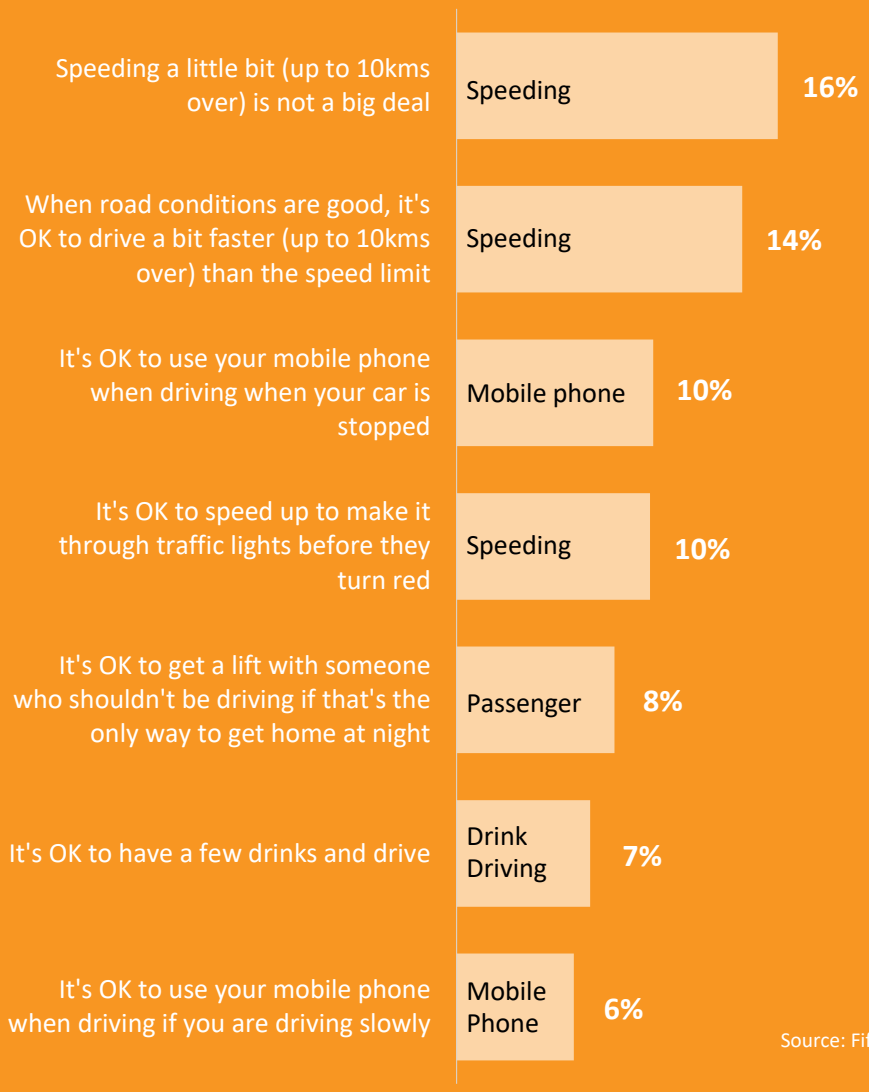
of NSW residents believe the road rules are subjective

SOURCES:
1: Iversen, Hilde. (2004). Risk-taking attitudes and risky driving behaviour. Transportation Research Part F: Traffic Psychology and Behaviour. 7. 135-150. 10.1016/j.trf.2003.11.003

Graph source: Fiftyfive5 primary research. Q: How much do you agree or disagree with each of the following statements? Base: n=2,102

Community acceptance of risky driving behaviours

(% who agree or strongly agree with each statement)



Source: Fiftyfive5 primary research

Designing appropriate interventions to change the cultural mindset around unsafe driving behaviours will be critical to reducing fatalities and achieving the NSW government's goal of zero lives lost on the road[1].

SOURCES:
1: https://towardszero.nsw.gov.au/

Graph source: Fiftyfive5 primary research. Q: How much do you agree or disagree with each of the following statements? Base: n=2,102

Reducing road trauma is a global priority

Recognising the preventable nature of this problem and the need to take action, in September 2020 governments from around the world unanimously agreed to an explicit target to reduce road deaths and injuries by at least 50% by 2030 (through UN General Assembly Resolution 74/299). As part of this resolution, the UN declared a Decade of Action for Road Safety 2021-2030. The UN's Global Plan calls on governments to implement an integrated safe system approach and emphasises the importance of a holistic approach to road safety. It calls for continued improvements in the design of roads and vehicles, enhancement of laws and law enforcement, and provision of timely, life-saving emergency care for the injured[1].

In Australia, governments at all levels are working together to change the road transport system to prevent deaths and serious injuries on Australian roads. Australia's National Road Safety Strategy 2021-30 outlines key actions aimed at reducing annual fatalities by 50% by 2030. This strategy was developed based on the understanding that road safety is everyone's responsibility – we all use the road[2].

Existing efforts in NSW

In NSW, Transport for NSW's Centre for Road Safety is the primary government organisation tasked with developing solutions to reduce deaths and serious injuries on NSW roads. The organisation's vision is that there will be zero deaths or serious injuries on NSW roads by 2050[3].

An intermediate goal is to halve deaths on NSW roads by 2030, outlined in the 2026 Road Safety Action Plan. This goal will be achieved through stronger local government action, community engagement and education programs, and utilising technological advancements.

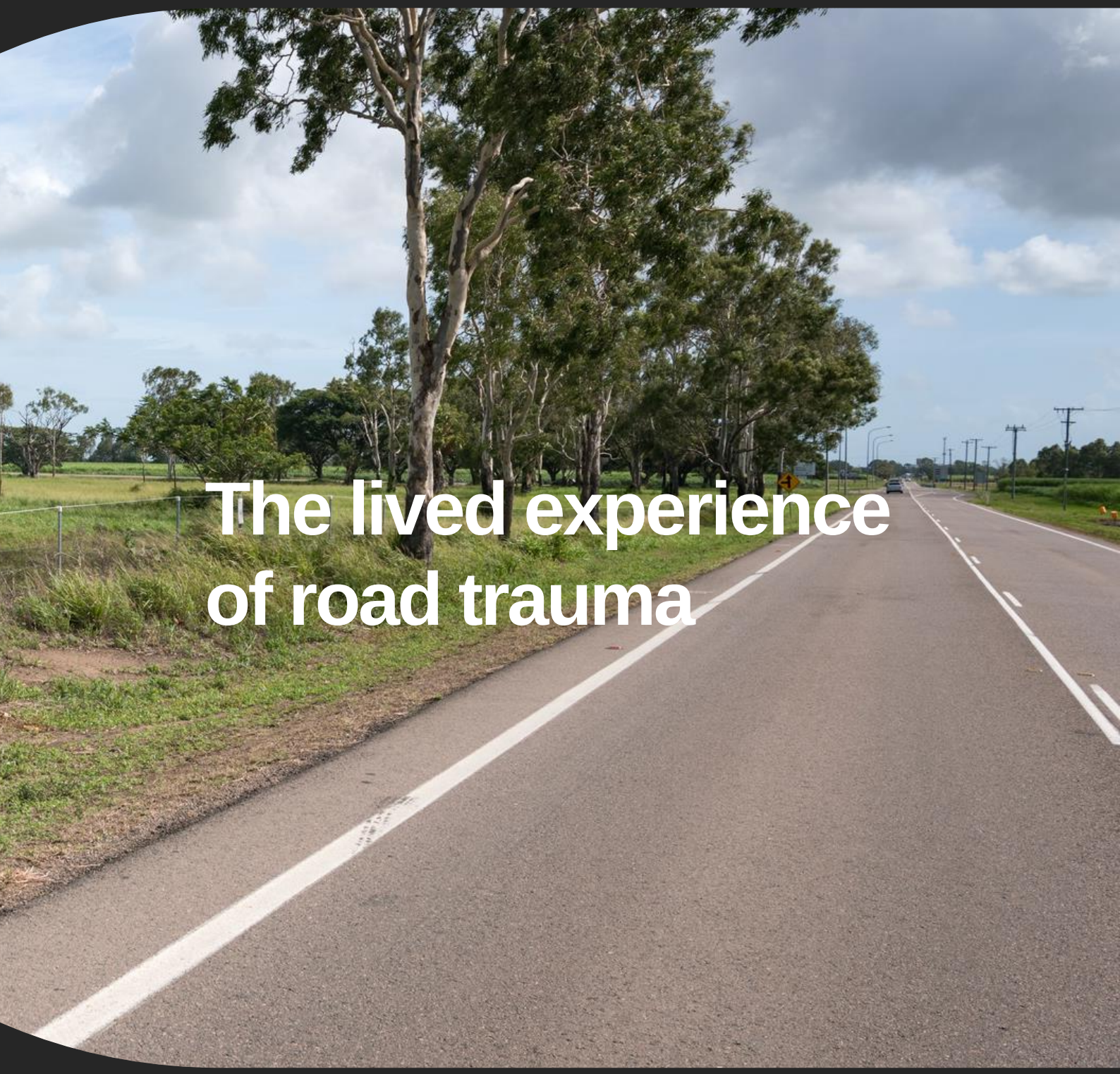
Between 2010 and 2016, the Transport and Road Safety (TARS) Research Centre at the University of NSW was dedicated entirely to road and transport safety research. Other universities such as the University of Sydney and Macquarie University also conduct road safety research.

In November 2022, the NSW Attorney General announced a review of serious road crimes in the state[4]. The review will include assessing whether existing laws are fit for purpose, and whether new legislation is required to ensure the criminal justice system treats serious road crimes appropriately.



SOURCES:
1: https://www.who.int/teams/social-determinants-of-health/safety-and-mobility/decade-of-action-for-road-safety-2021-2030
2: https://www.roadsafety.gov.au/
3: https://towardszero.nsw.gov.au/roadsafetyplan
4: https://www.nsw.gov.au/media-releases/road-crime-review





The lived experience of road trauma

Road trauma impact on the NSW community

The ripples of road trauma are felt throughout the NSW community, affecting 1.26 million adults.

NSW POPULATION AGED 18+

6.32M (100%)

ANY ROAD TRAUMA

Ever experienced the death of someone they personally knew as a result of a **road crash** (due to a criminal offence or otherwise) on roads in NSW

1.26M (20%)

CRIMINAL ROAD TRAUMA

Ever experienced the death of someone they personally knew as a result of a road crash on roads in NSW due to the **criminal** act of another

253K (4%)

CRIMINAL ROAD TRAUMA

Ever experienced the death of a ***close*** family member or friend as a result of a road crash on roads in NSW due to the **criminal** act of another

126K (2%)

VISUAL DESCRIPTION:
The darker coloured centre of the circle represents the community members with the most immediate experience and impact of criminal road trauma.

Reported incidence figures based on survey responses in the NSW community (representative of the state population based on age, gender, and location) and includes only crashes that occurred on NSW roads among respondents aged 18+. Sizing representative of NSW residents based on 2022 population aged 18+ and is therefore likely an underestimate of those impacted by road trauma.

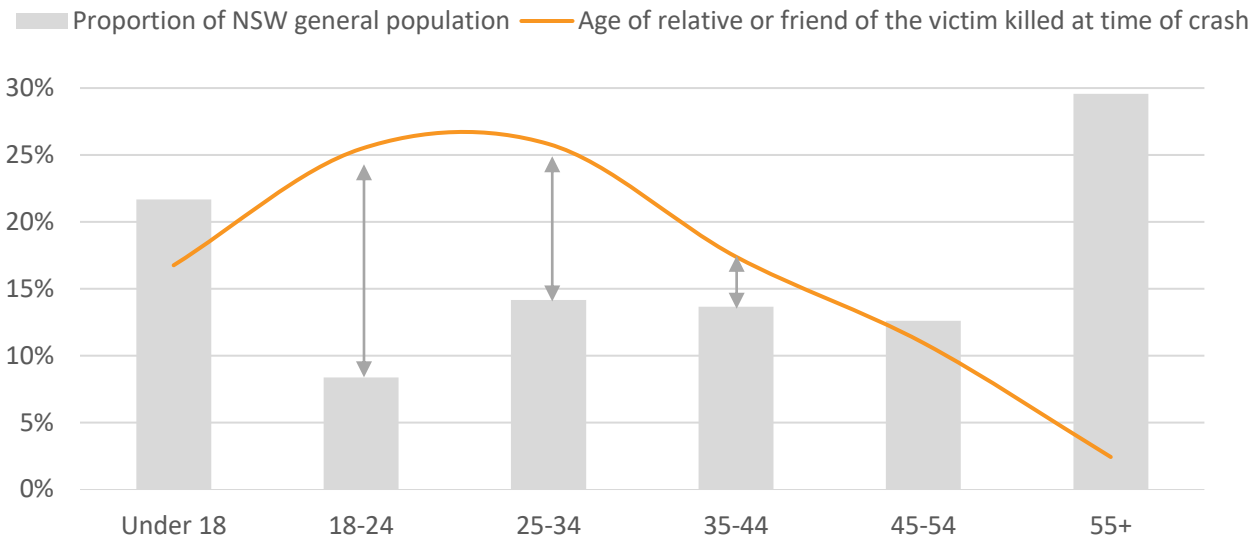
NSW Population source: ABS 2022 data

Graph source: Fiftyfive5 primary research. Q: Do you personally know someone who was killed in a road crash? Base: n=2,102


Emergency
Ambulance
Ambulance

Experience of road trauma by age

Death of a friend or relative as a result of road crime is disproportionately experienced by younger cohorts aged 18-44.



Visual description:
A gap between the grey bar (the proportion the age group makes up in the NSW population) and the orange line (the age of those who have experienced the death of a friend or relative due to criminal road trauma) indicates the extent to which the age cohort is more or less likely to experience the death of a friend or relative due to road crime in NSW.

Younger cohorts 18-44 are over-represented in their experience of the death of a relative or friend due to road crimes.

- Individuals aged 18-24 are particularly vulnerable; they are 3 times more likely to be relatives or friends of victims of fatal road crimes vs. their incidence in the NSW population.
- In the recent decade (2012-2021) 17- to 25-year-olds had the highest fatality rates for all road deaths in Australia among 0-75 year olds [1].

3x

Individuals aged 18-24 are 3 times more likely to be relatives or friends of victims of fatal road crimes vs. their incidence in the NSW population

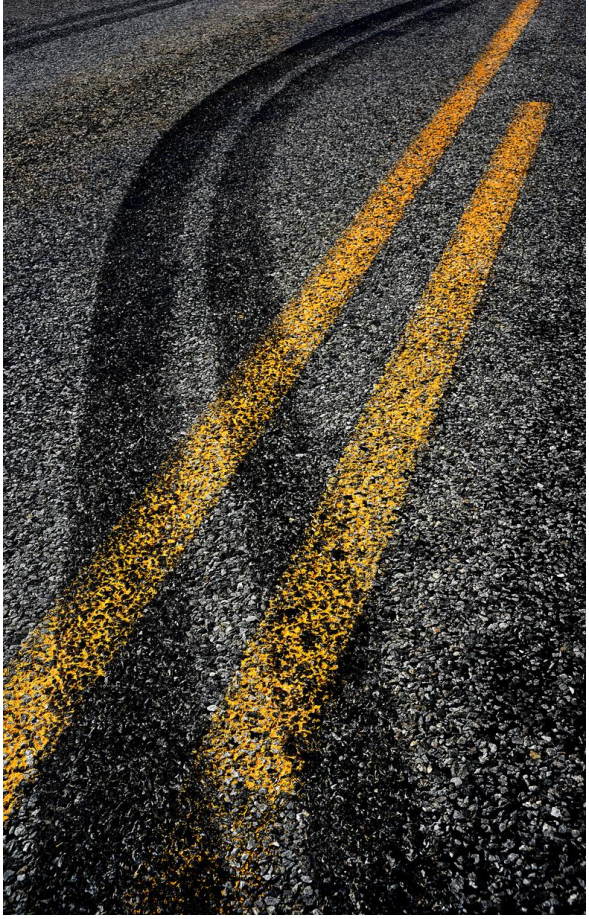
SOURCES:
1: BITRE Road trauma Australia 2021 statistical summary
Graph source: Fiftyfive5 primary research. Q: Do you personally know someone who was killed in a road crash? Base: n=2,102

The data is clear: new drivers are at greatest risk on our roads.

In NSW, young drivers represent nearly a quarter of annual road fatalities, yet only make up about 15% of all license holders[1].

New drivers are at greatest risk in the first year after licensing (holding a provisional P1 license) – they are eight times more likely than a learner driver to be involved in a crash that results in injury or death[1]

When the ripple effects of road trauma begin at a young age, there is a lifetime of flow-on impacts ahead for the friends and family of those who are killed.



> My parents were on their way home from my uncle's funeral when a drunk driver hit them at an intersection, killing them both. I was at year 8 camp otherwise I would have been with them. It destroyed my life. I was 14 at the time and I've spent my whole life trying to catch up with my education and trying to achieve the things I would have if it hadn't happened.

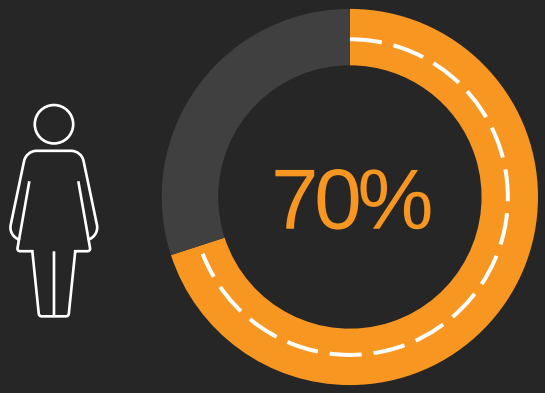
SOURCES:
1: Transport for NSW 2026 Road Safety Action Plan https://nswdta.com.au/wp-content/uploads/2022/04/TNSW9659-Road-Safety-Action-Plan-2026-ACC_1.pdf

Experience of road trauma by gender and family type

Bereaved individuals are more likely to be female.

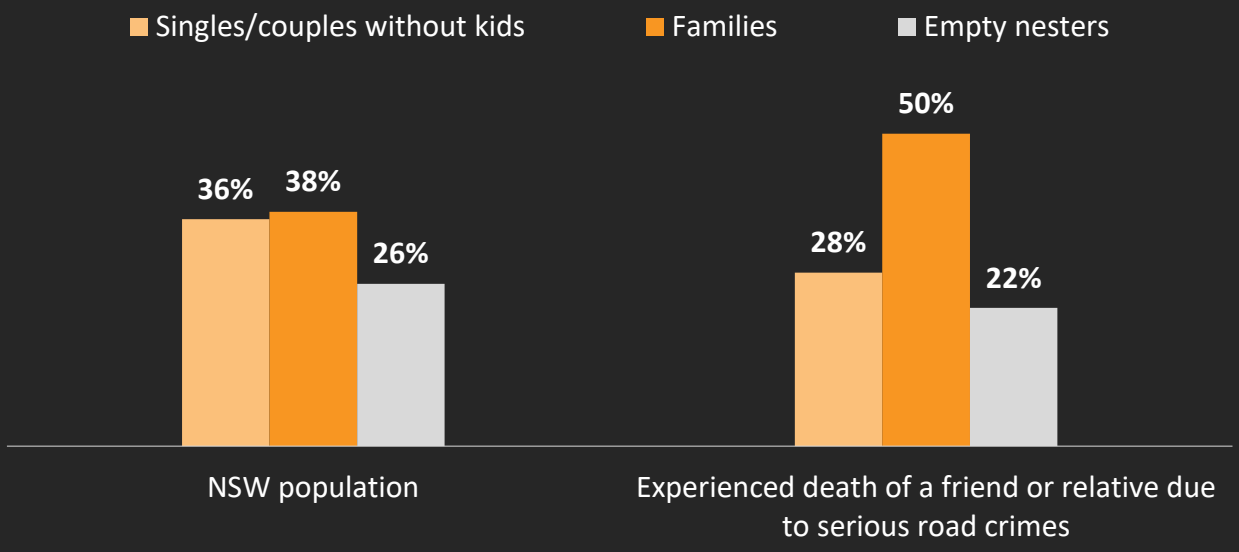
Those who have experienced the death of a relative or friend due to road crime are mostly female (with males representing 76% of road fatalities in NSW [1]).

Seven in ten (70%) of those who experienced the death of a relative or friend due to road crime in the last 10 years are female.

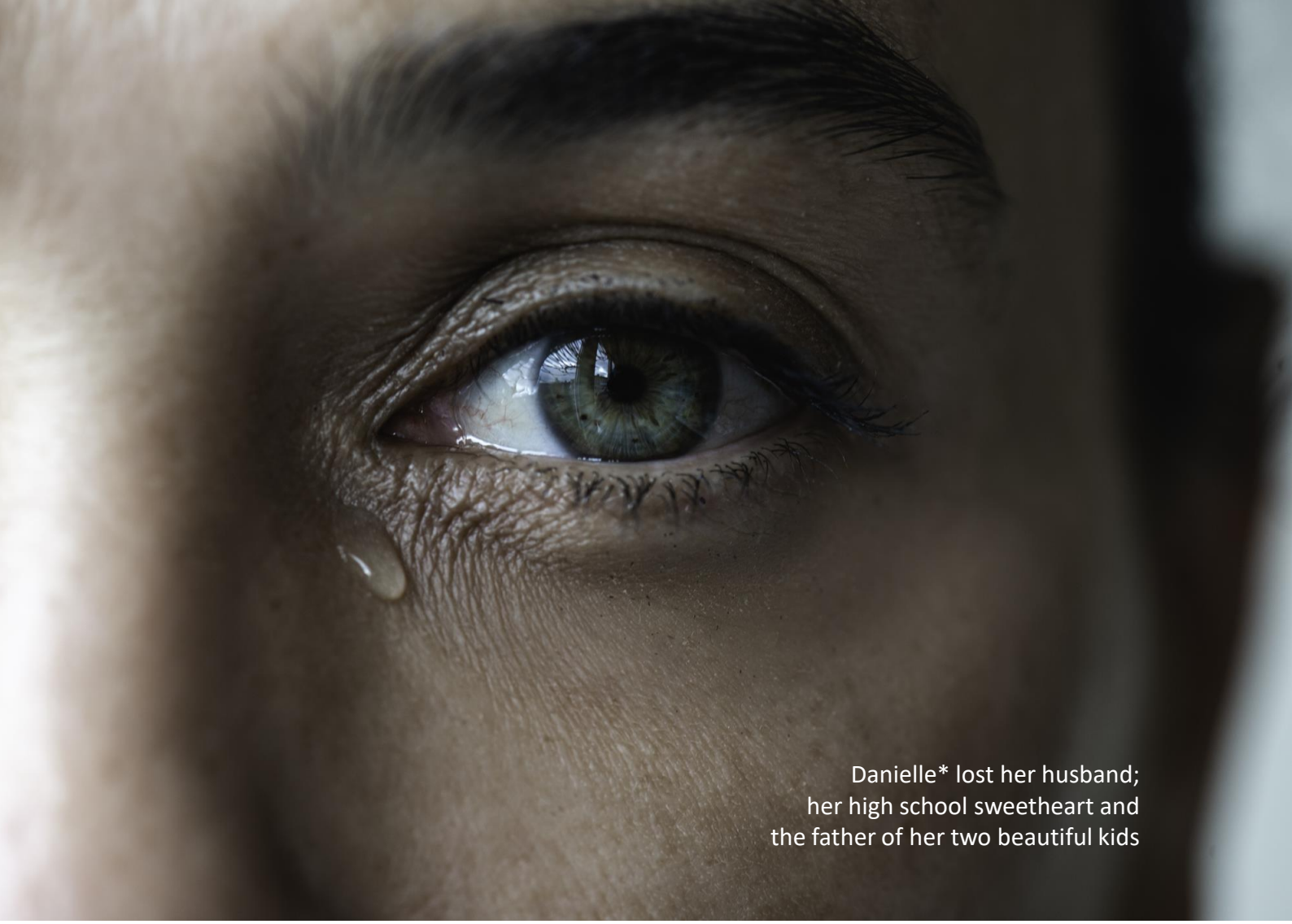


Family life stages disproportionately experience criminal road trauma.

Family life stages are significantly more likely to have experienced the death of a loved one in their lifetime due to criminal road trauma in NSW.



SOURCES:
1: Australian Road Deaths Database
Graph source: Fiftyfive5 primary research. Q: Do you personally know someone who was killed in a road crash? Base: n=2,102



Danielle* lost her husband;
her high school sweetheart and
the father of her two beautiful kids

> He was the light of everyone's lives, but he was taken away in the early hours of the morning not far from home on his way to work when he was hit by a speeding and intoxicated driver.

In those early days, Danielle couldn't eat, couldn't sleep but there were so many decisions to make…it was like having 100 tabs open. A couple of months following her husband's death, it scared Danielle that thoughts about suicide crept into her mind. She didn't want to imagine her kids growing up without their parents, so she decided she wanted to live life and give her kids a life as if their dad was still here. They have continued to go on adventures to honour their loved one and refuse to allow the perpetrator to take more from their lives than they already have.

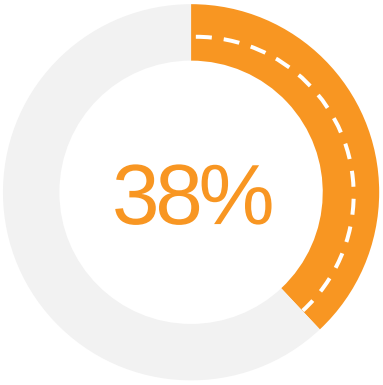
*Names have been changed for privacy

Experience of road trauma in regional areas

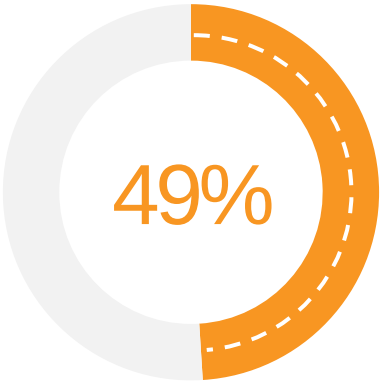
Regional NSW has a higher proportion of road fatalities…

There is no publicly available data which describes the incidence of criminal road fatalities in metropolitan and regional areas of NSW.

However, this research has revealed that criminal road crashes that result in the death of another are more likely to take place in regional areas compared to the population distribution. There are several causes of this, such as higher speed limits, roadside hazards, and poor road infrastructure. This has widespread implications for the infrastructure in place to support crash victims and their families.



of NSW residents live in a **regional** location



of **criminal road crashes** occur in regional locations

Graph source: Fiftyfive5 primary research. Q: Do you personally know someone who was killed in a road crash? Base: n=2,102

> **We definitely don't have as big of a hospital as those in the city so for really serious injuries, we have to get them to Sydney. For families, this can be especially traumatic as their loved one isn't close to home.**
>
> **-Medical professional**

> **Sometimes finding the crash site is tricky and takes time. People only give us a vague idea of where they are ("On X Hwy, a few k's out of town") as there are fewer landmarks and streets to reference.**
>
> **- Police**



…but victims (and professionals) in these areas have greater difficulty accessing support

Difficulty accessing support stems from two core factors unique to regional areas:

Infrastructural differences: In regional areas of NSW there is a greater reliance on driving as a mode of transport, as there are fewer public transport or rideshare options. There are also fewer hospitals (and fewer with a major trauma unit) to provide care when crashes do occur. Speed limits are also higher in less built-up areas.

Difficulties in accessing crash sites: In regional communities, the first people to discover the crash site may be members of the public who happen to drive past – which can take some time to occur. Compounding this, once the alert is raised, lifesaving help may be farther away as it takes longer to mobilise support such as first responders and the NSW Crash Investigation Unit (headquartered in Sydney). Delays in receiving medical care may exacerbate injuries and may lead to fatalities that could have been prevented with swift medical care.

These factors are compounded by attitudinal differences present in regional areas of NSW. Lack of alternative modes of transport (e.g. public transport, rideshare) means that it is more socially accepted to drink and drive in regional areas. There is also less traffic – fewer cars on the road means there is a perception that it is not as risky to speed or drive dangerously, compounded by a prevailing thought that 'it won't happen to me… she'll be right'. This research has highlighted the perceptions that underpin this attitude: 12% of those living in regional areas of NSW believe it's OK to get a lift home with someone who shouldn't be driving if that's the only way to get home at night (vs. 9% of those living in metro NSW), and 15% think it's OK to have a few drinks and drive (vs. 7% in metro areas).

Ultimately, in these more connected regional communities, there is a deeper ripple effect. The ongoing impact of the loss of the community member is felt more widely given the smaller population. Community members are more likely to know those involved in the crash - whether the victims, offender or both. Further, witnesses and bystanders may need to perform life-saving care whilst waiting for first responders. News travels fast in small communities, so often family members or other community members will present at the scene of a crash – further traumatising those who have seen the intimate details of the crash site.

There is a greater need for access to services and support for affected communities located in regional parts of the state.

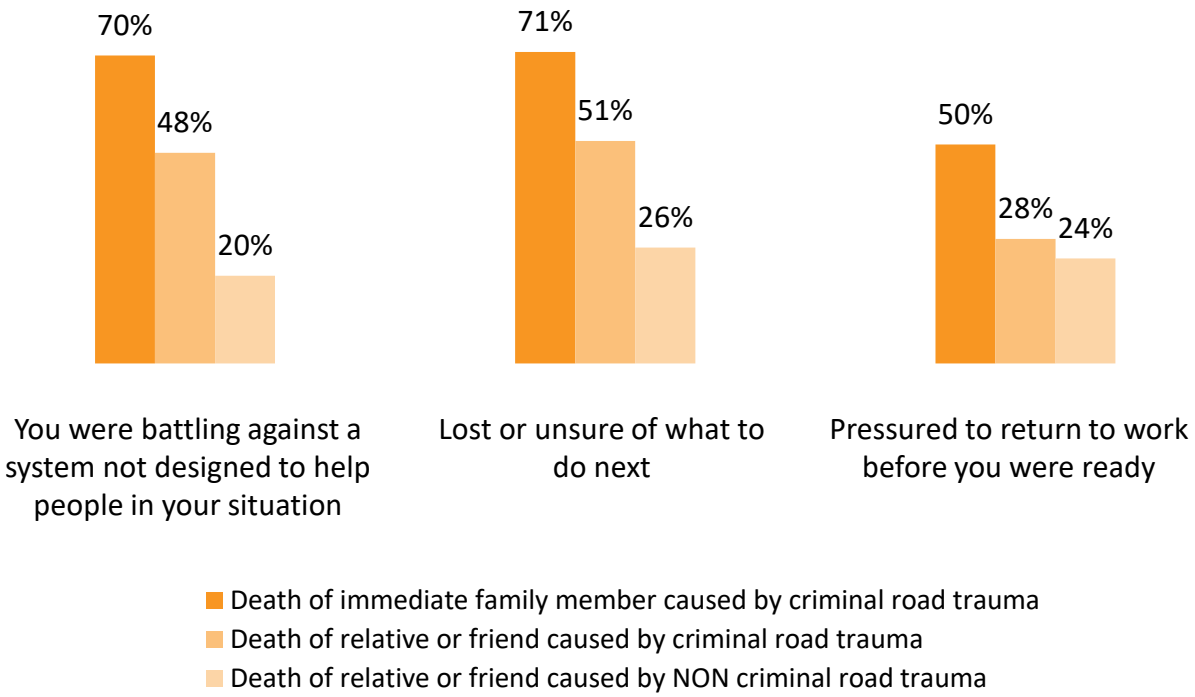
At any one time, people experiencing traumatic grief as a result of road crimes are trying to navigate multiple, intersecting journeys



Personal journey
Emotional
Mental
Physical
Spiritual
Behavioural
Legal
Financial
Social
Environmental
Supporting others

The lived experience of fatal road crimes on NSW roads

Thinking about your entire experience since the crash, how much did you feel…
(% who often / always felt this way)



Graph source: Fiftyfive5 primary research. Q: Thinking about your entire experience since the crash, how much did you feel… Base: n=108 to 566

Those grieving due to criminal road trauma are…

- 2.4x more likely to often or always feel like they are battling a system not designed to help people in their situation
- 2.8x more likely to not be able to return to work after the crash
- 3.2x more likely to have a child drop out of school after the crash
- 3.5x more likely to not be able to pay their rent or mortgage
- 3.3x more likely to experience a decrease in performance at work or study (e.g. not get a promotion, lower grades)

compared to those grieving non-crime related road deaths in NSW.

Source: Fiftyfive5 primary research. Q: Have you ever experienced any of the following? Base: n=121

Experiencing the death of a loved one due to the criminal act of another is uniquely harrowing. It is a different experience to losing a loved one in a road crash that didn't involve criminal behaviour. As such, the consequences for bereaved families are more intense, wide-ranging, and enduring.



2.3x

Those grieving due to a road crime in NSW are **2.3x more likely** to **experience mental health challenges**, such as depression, anxiety, or PTSD, compared to those grieving non-criminal road deaths[3]

Mental distress

The unique stressors associated with losing a loved one in fatal road crimes put victims' families at a higher risk of mental distress. The criminality of this type of road trauma creates a more severe impact on mental health in the long-term compared to non-criminal road deaths.

Research has shown that bereaved family members are more likely to have severe mental disorders than the actual survivors of motor vehicle crashes and their family members. Research has also demonstrated that 31% of bereaved family members are at high risk for mental disorders[1].

Following the violent death of a child, parents experience depression, anxiety, hostility, and other distressing symptoms now commonly defined as mental distress[2].

SOURCES:
1: Ueda et al., 2017 in Tsujimura-Ito, 2019. State of damage to and support for victims of motor vehicle accidents in Japan.
2: Derogatis, 1992 in Murphy et al., 2002. The aftermath of the violent death of a child: An integration of the assessments of parents' mental distress and PTSD during the first 5 years of bereavement.
3. Fiftyfive5 primary research

Complicated grief

Prolonged Grief Disorder (PGD, or complicated grief) is more likely to occur if the death is violent or abrupt. PGD symptoms are chronic and persistent, including excessive bitterness or anger, unease, numbness, detachment and loss of meaning in life[1], and highly associated with suicidality[2].

Among the bereaved family members of those killed in a traumatic event, including those caused by motor vehicles, the prevalence of PGD is 1 in 3 (32.7%)[3].

Complicated grief has implications for how bereaved family members of road trauma victims are treated by the various systems they interact with post-crash – most notably, the CTP claims scheme.

The "injury" that occurs following the traumatic death of a loved one is psychological in nature. It is not a physical injury and requires a bespoke process to adequately support impacted families. See pages 90-93 for more.



32% have thought about committing suicide

among the immediate family members of fatal road crime victims in NSW

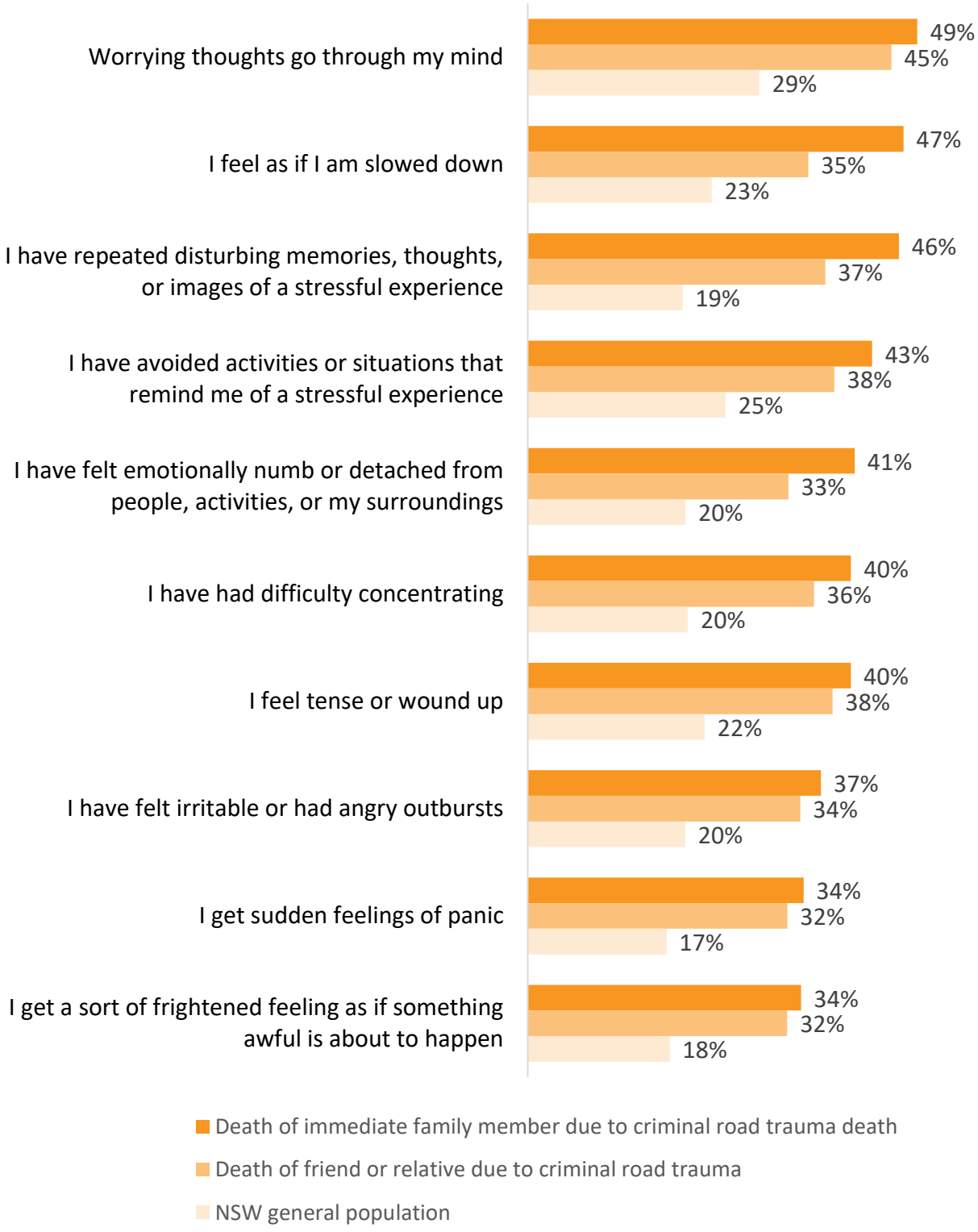
Source: Fiftyfive5 primary research. Q: Have you ever experienced any of the following? Base: n=121

SOURCES:
1: Prigerson, Holly, 2004. Complicated grief: When the path to adjustment leads to a dead end.
2: Heeke et al., 2019. A systematic review and meta-analysis of correlates of prolonged grief disorder in adults exposed to violent loss.
3: Shirai, 2005 in Tsujimura-Ito, 2019. State of damage to and support for victims of motor vehicle accidents in Japan.

Mental & emotional health

Averse emotional indicators are significant among those touched by criminal road trauma.

(% experienced in the last month)

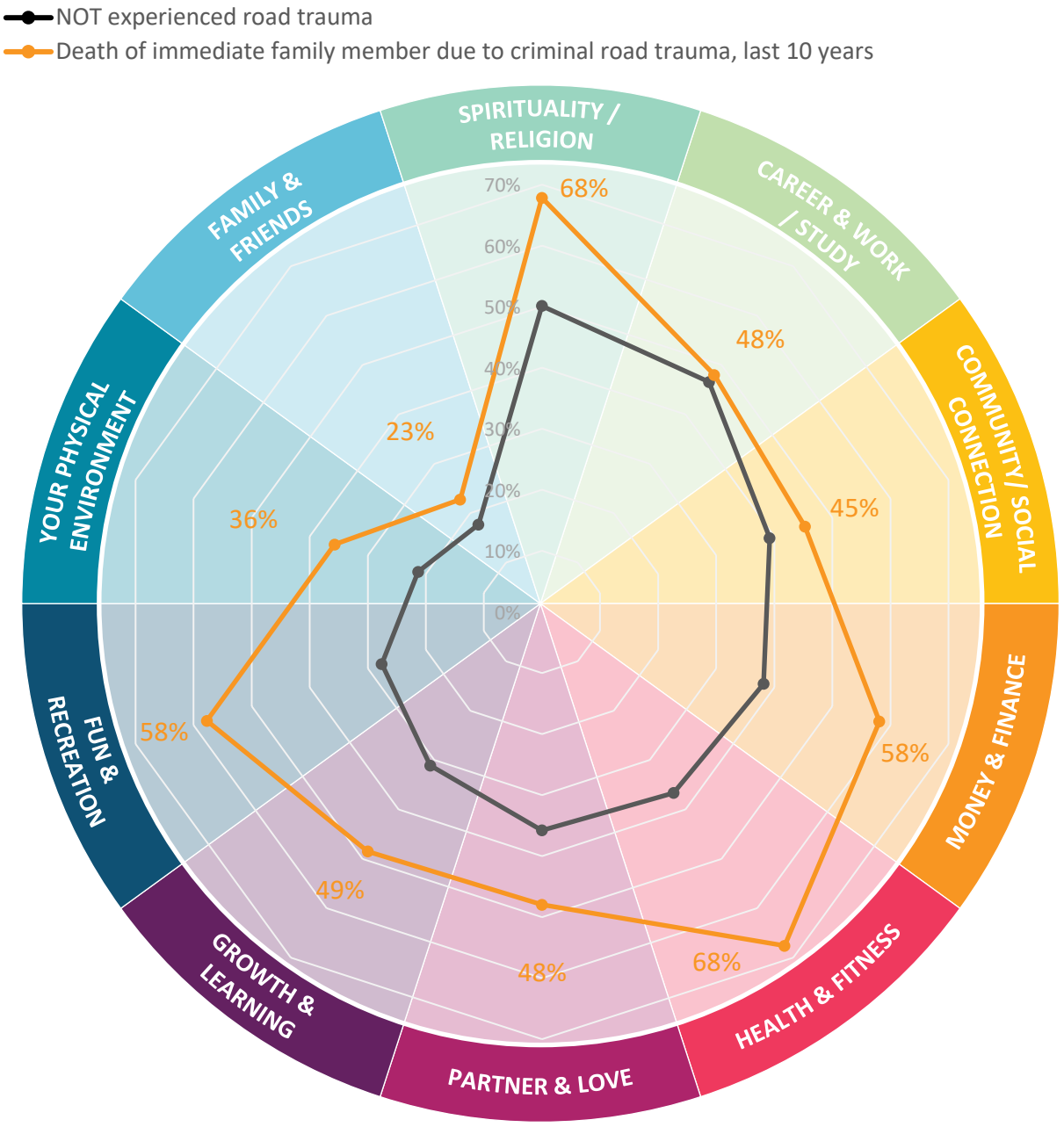


Graph source: Fiftyfive5 primary research. Q: Below is a list of statements that people might say in response to life experiences. To what extent have you experienced these in the past month? Base: n=2,102

Life satisfaction

The experience of criminal road trauma infiltrates most facets of life. Dissatisfaction is greatest for aspects of spirituality, finance, health & fun.

(% dissatisfied / neutral with each aspect of life)



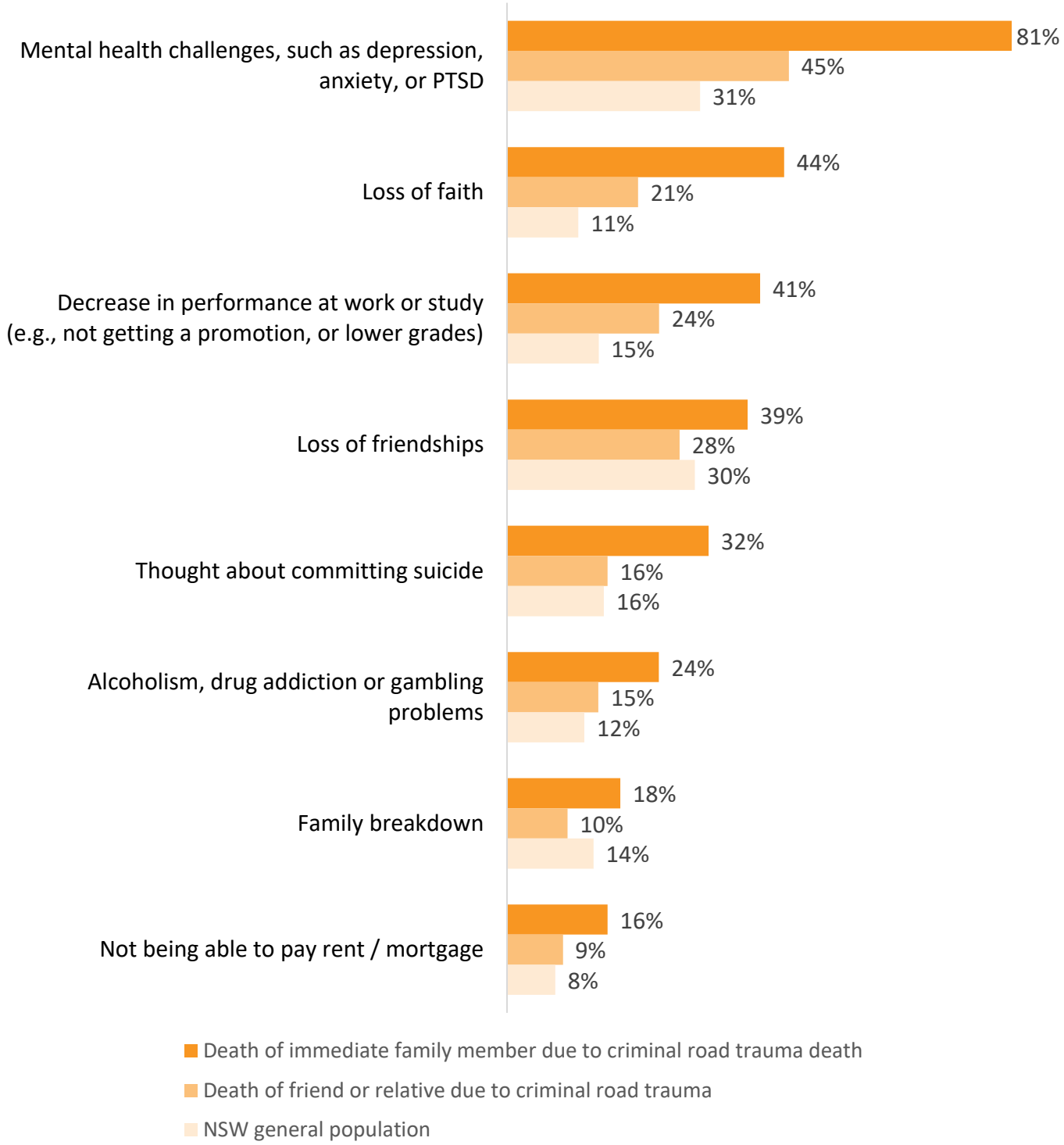
VISUAL DESCRIPTION:
% scores represent feelings of dissatisfaction or neutrality towards each life domain. The closer the line is to the outer edge of the wheel, the more dissatisfied the cohort is on that aspect of life. For example, 58% of those who have experienced the death of an immediate family member due to criminal road trauma in the last 10 years are dissatisfied/neutral towards money and finance aspects of their life.

Graph source: Fiftyfive5 primary research. Q: To what extent are you satisfied or dissatisfied with the following aspects of your life? Base: n=2,102

Adverse life events

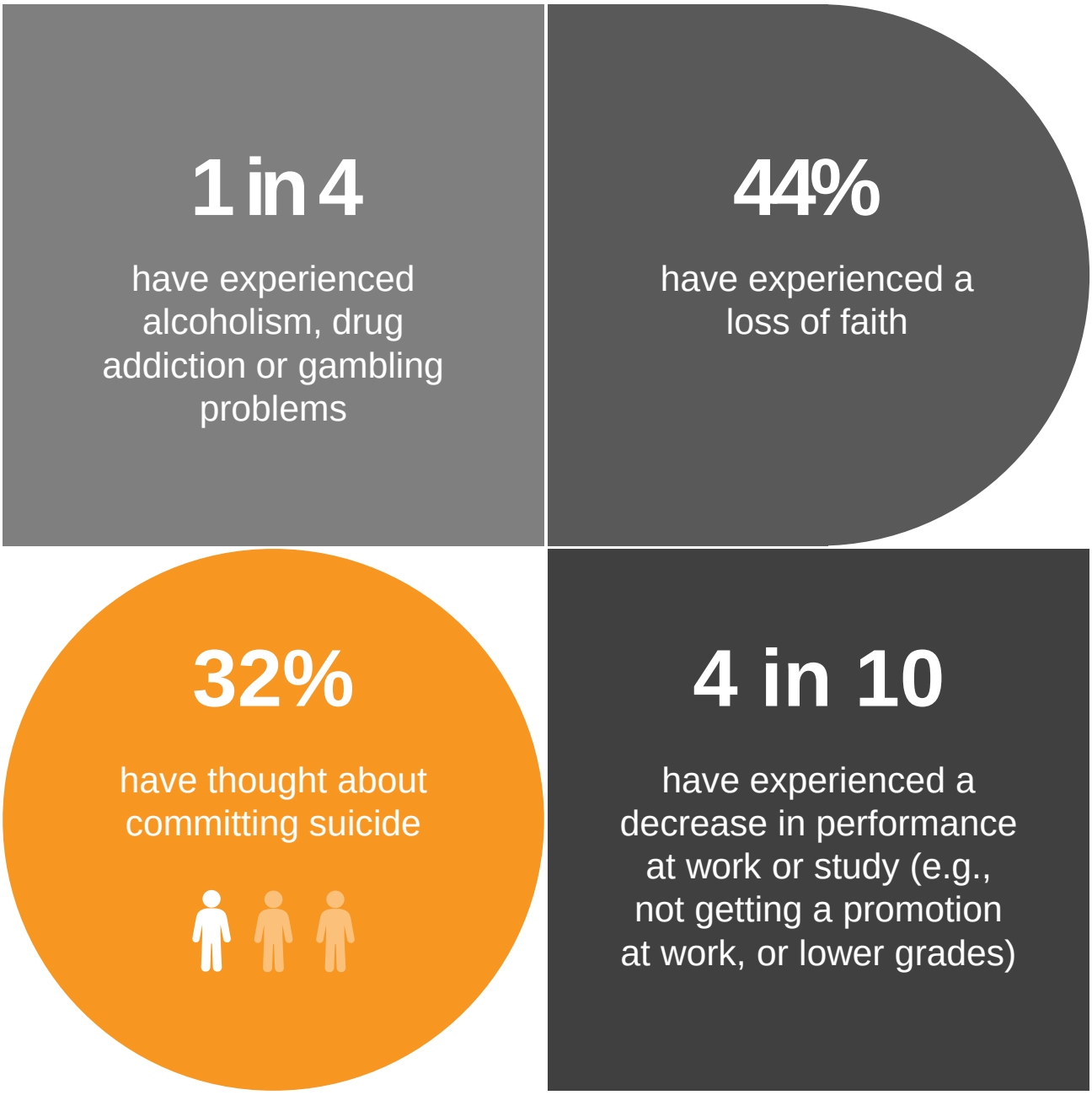
Individuals most closely impacted by criminal road trauma are significantly more likely to experience adverse life events such as mental health challenges and a decrease in performance at work or study. This reinforces the chronic emotional impact and immense economic implications for those experiencing the death of a loved one due to fatal crimes on NSW roads.

(% ever experienced each adverse life event)



Graph source: Fiftyfive5 primary research. Q: Have you ever experienced any of the following? Base: n=2,102

Among the immediate family members of victims of fatal road crimes in NSW:



“

I’m in my 40s and I talk to people in their 70s who have experienced a loss like mine and I just don’t know how they kept on going, living with this sadness and emptiness for 30+ years…

Graph source: Fiftyfive5 primary research. Q: Have you ever experienced any of the following? Base: n=78

Impacts of road trauma vary depending on the relationship to the victim

Variability in responses and reactions to traumatic grief can result in different family members requiring different types of support and help to understand each other.

Parent

- Devastation of the loss of a child is a very unique form of grief
- Many report feeling unable to parent, and needing to rely on others or seek help
- Parents may respond differently to each other, leading to additional pressure & stress
- If they have other children, they will need to work out how to explain what has happened and determine how to support the children in their grief (which may differ from how the parent grieves)

Partner

- Intense feelings of loneliness in a now empty home are common
- Especially for younger couples, the partner can feel like their future has been robbed from them
- Additional difficulty if children involved and they're now the sole caregiver
- Can be tensions with partner's family if wishes, approaches, or responses to the death differ
- Differing entitlements depending on legal status of relationship can create additional hurdles

Gail*'s eldest son was killed in a drug driving crash.

She was forever changed, and for many years withdrew and self-medicated in an attempt to drown out her grief and trauma.

She acknowledges that she wasn't able to be there for her children, and fears this has led to irreparable damage with her daughter Sally* who no longer speaks to any of the family.

Gail didn't have the help or support she needed to be able to look after herself, let alone her children. She struggles with ongoing feelings of guilt and remorse, whilst also still processing the loss of her eldest son.

George*'s wife was killed by a driver who was deliberately speeding and had a long history of driving offenses.

Before the crash, they were just an ordinary family going about their business, doing things together as a family with their young children.

The loneliness that George has felt since his wife died has been palpable and devastating. He regularly feels empty, as his wife was the foundation of the family and the glue that held everyone together.

George still has some of her things in their bedroom, her clothes hanging in the closest, photographs throughout the house, etc.

Sometimes George will have some fun and his spirits will be lifted, but then when he gets home it's back to the reality that his wife is never coming home.

The unique nature of the grief experience for different individuals should be reflected in the support services made available to them, e.g. specific support for parents vs children.

Sibling

- Age can have a significant impact on understanding & response
- Younger children may lack ability to comprehend
- Older siblings (esp. teenagers) may have difficulty in processing, and withdraw, lash out/ self-destruct, or even try to ignore the situation

Child

- Young children grieve very differently to adults, and can often struggle to understand what has happened
- The cognitive impact presents differently - e.g. nightmares, lack of motivation, or decline in school performance
- There is greater potential for ongoing / future problems if not properly supported
- Different children in a family can respond in different ways
- If both parents are killed, there is an immediate & ongoing need for care of children

Alyssa's* son Matt* was killed a little over 12 months ago.

Alyssa's other son Michael* always suffered from emotional difficulties and anxiety…this has ramped up since Matt died.

Michael and Matt were like twins, being 6 years and 1 day apart. Michael worries for his own childhood as he grows up, hoping that his parents don't wrap him in bubble wrap.

He had to grow up quickly after Matt died, and he now carries a deep worry that he will lose others close to him.

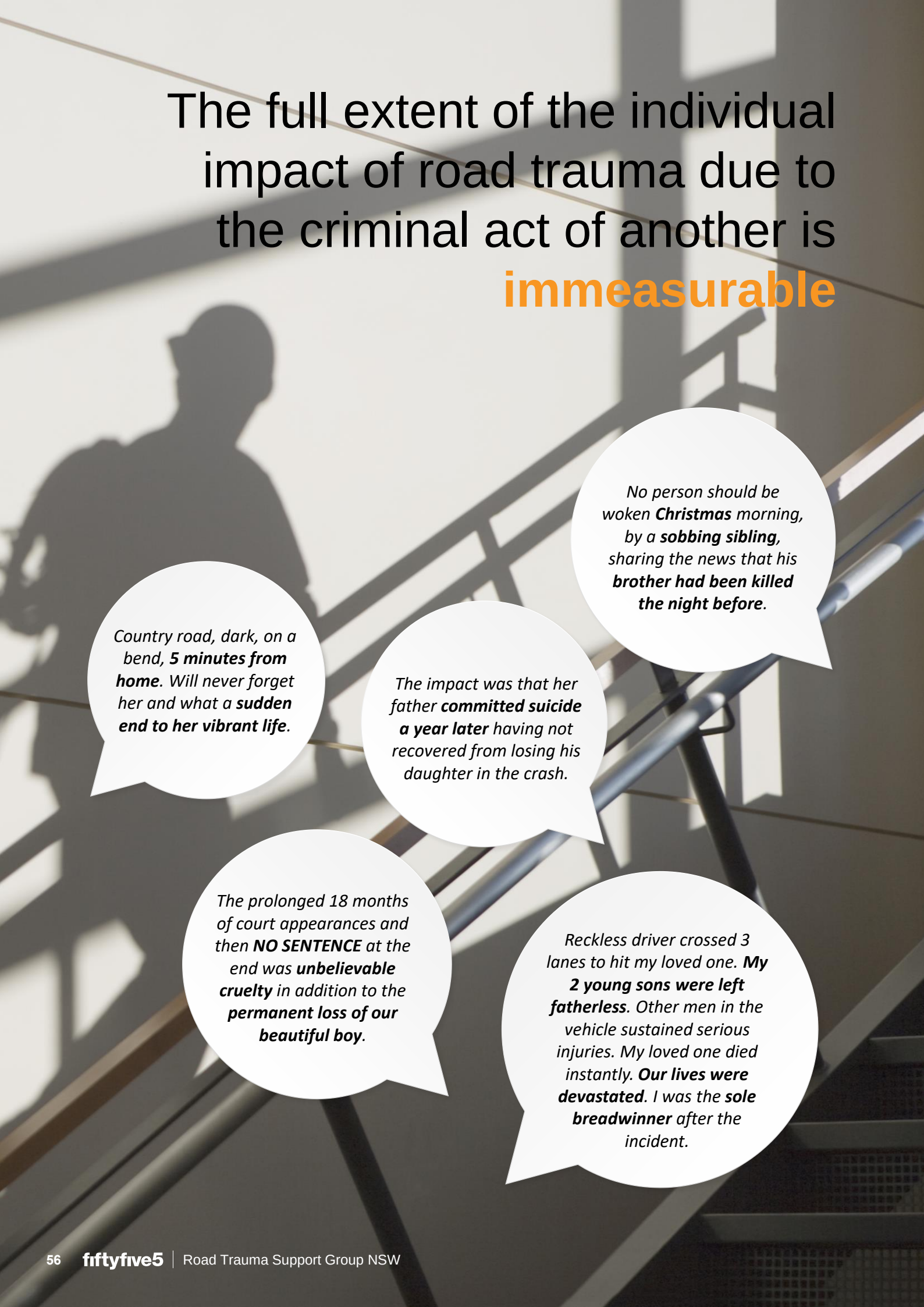
Since Oliver's* son's death, he and his other sons have all changed – in their attitudes towards life and at times, with their behaviour.

Oliver's son was killed as a child, with his other kids still young themselves.

Since then, all of Oliver's other kids have had behavioural challenges.

They acted out at school, none have ridden a bike again (and haven't been able to teach their kids to ride one), all delayed getting their car license and some have almost taken the law into their own hands, lashing out at the offender when they cross paths in their small town.

*Names have been changed for privacy



The full extent of the individual impact of road trauma due to the criminal act of another is **immeasurable**

*No person should be woken **Christmas** morning, by a **sobbing sibling**, sharing the news that his **brother had been killed the night before**.*

*Country road, dark, on a bend, **5 minutes from home**. Will never forget her and what a **sudden end to her vibrant life**.*

*The impact was that her father **committed suicide a year later** having not recovered from losing his daughter in the crash.*

*The prolonged 18 months of court appearances and then **NO SENTENCE** at the end was **unbelievable cruelty** in addition to the **permanent loss of our beautiful boy**.*

*Reckless driver crossed 3 lanes to hit my loved one. **My 2 young sons were left fatherless**. Other men in the vehicle sustained serious injuries. My loved one died instantly. **Our lives were devastated**. I was the **sole breadwinner** after the incident.*

It is also **enduring** – with the impacts still felt by the family decades later

My other friend survived because he had fallen asleep across the back seat and was protected. He hasn't been mentally well since the crash.

*The driver sped away from a police checkpoint as he was unlicensed. When chased he lost control because of the speed he was travelling at. One life lost that day, and another two with **ongoing physical & mental health problems** as a result.*

***It destroyed my life**. Afterwards I was completely alone & spent **2 years on the streets**.*

*My cousin passed away in 1995. Her mother **never fully mentally recovered**.*





Existing support mechanisms

Existing support mechanisms

Families who suddenly lose a loved one to road trauma find themselves lost, trying to navigate unfamiliar systems with no idea where to start. They do the best they can to work out where to find support and what to do next, but their experience is haphazard and traumatic, leading to compound trauma and immense psychological burden.

There are glaring deficiencies in existing support mechanisms in place, and a complete lack of effective and connected support systems to adequately help victims through the experience.

Investigation into the lived experience of criminal road trauma highlights:

1. Lack of **consistency** in how these events are initially treated, reported and managed across NSW

2. Lack of a **defined support pathway for victims** who can struggle on a self-directed journey, with mixed success accessing help when they need it

3. Lack of **collaboration and understanding** amongst professional organisations and individuals who play a role in the experience.

The processes and support are so self-led and if you don't know where to go or what to do (which you don't – how could you know?), you are lost.

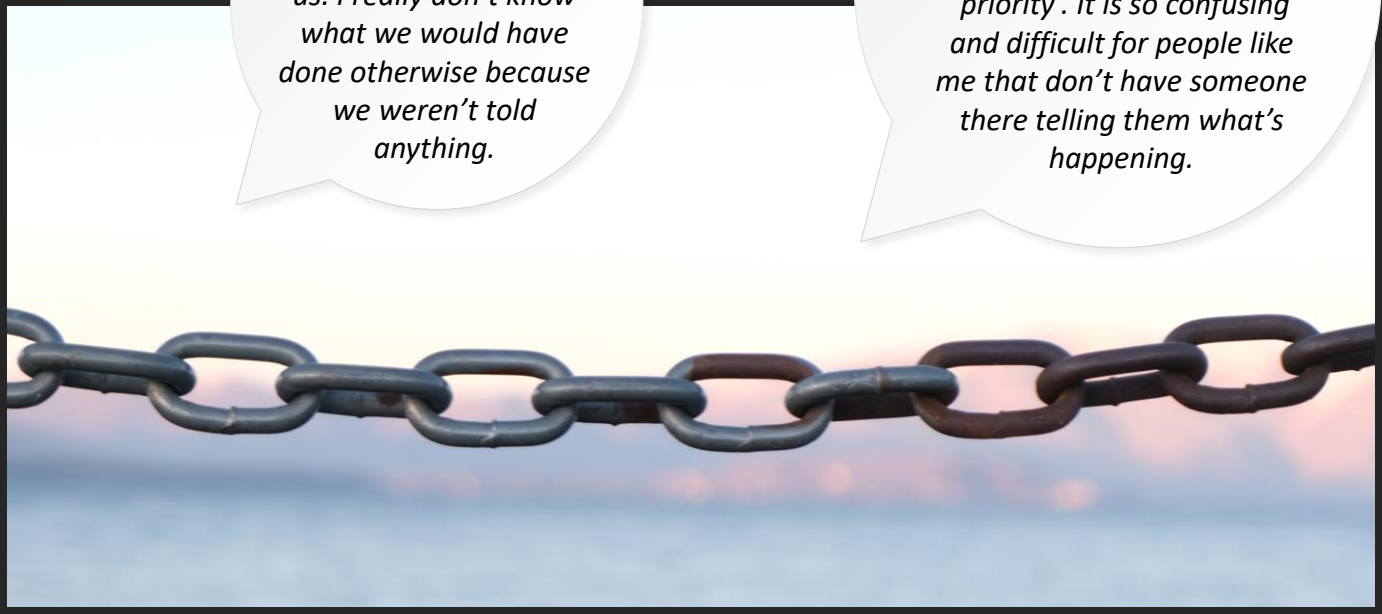


We felt like we had just been left floating and abandoned – drifting off, further and further away – no one cared. Their lives and our lives don't matter. No one really cares or is invested in helping us.

The police tried but there is no support for victims of crime at court. I had no idea what a court even looks like. I didn't know where to go, if I can sit down, that I had to bow to the magistrate. The information is gibberish. Workers try to help but they've got a docket a mile long and no time.

It was just lucky that a family friend was a lawyer and could guide us. I really don't know what we would have done otherwise because we weren't told anything.

There are only limited Witness Support Officers and only so many cases they can take on. Road-related incidents are not the 'priority'. It is so confusing and difficult for people like me that don't have someone there telling them what's happening.



The ideal is a connected system which links people to services and supports following the crash. With the right information and resources at each step, they are connected to the right professionals at the right time, and supported in their journey which prevents further traumatisation and allows families to move through the grieving process.

"The mechanisms and systems in place need to be like a metal chain- strong, connected, all playing a slightly different role, working towards the same goal.

Involvement in post-crash activities

Every person impacted by road trauma has a different experience.

Experiences vary primarily based on relationship to the victim, but also age of the victim, location of residence, etc. With differing experiences come differing support needs.

Both victims and professionals portray the post-crash experience as punctuated with a lack of adequate systems and support. One of the largest issues appears to be vast inequalities and inconsistencies in the availability, awareness and distribution of support services.

There is wide variation in the post-crash activities that family members experience.

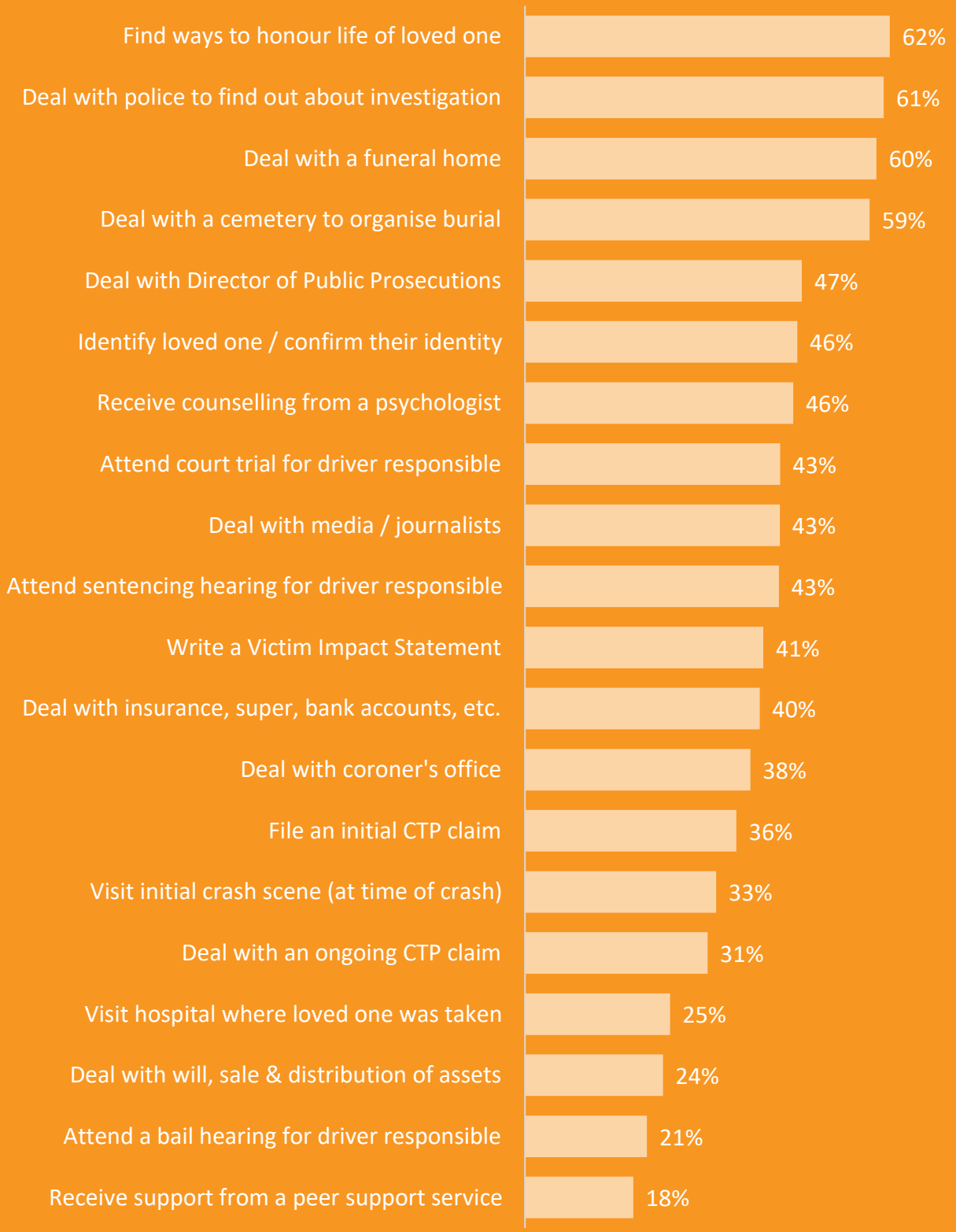
Tellingly, only 18% of family members surveyed report receiving support from a peer support service. Without support from someone who has gone through a similar experience, family members find themselves lost and lonely, trying to navigate unfamiliar territory, which compounds the trauma already experienced.





Post-crash touchpoints

(% of family members who lost a loved one due to criminal road trauma and experienced each event)



Graph source: Fiftyfive5 primary research. Q: After the crash, which of the following have you been involved with (if any)? Base: n=74

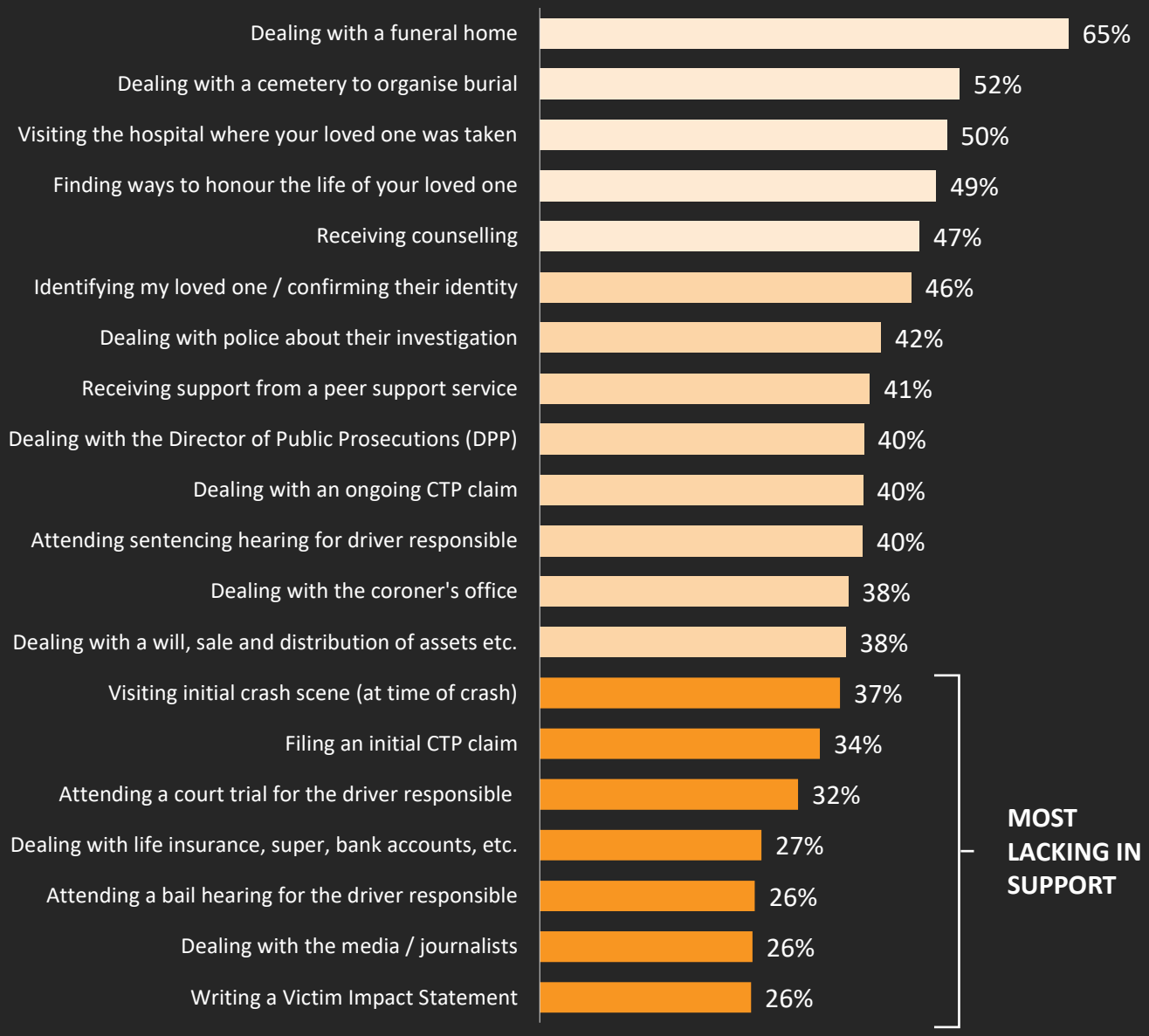
Support gaps

Personal experiences navigating insurance claims, the media, and court processes reveal glaring gaps in the support available for individuals impacted by criminal road trauma.

Findings from the research expose the post-crash activities where support is most lacking. Only the minority of individuals involved in processes such as insurance claims and court processes felt supported in these undertakings (between 26-37% of individuals). There are clear opportunities for intervention that have emerged in light of these findings (see 'Implications for policy, service, and practice' section of this report for more).

Support received in post-crash activities experienced

(% received a great / good deal of support at each touchpoint)



VISUAL DESCRIPTION:
The chart depicts post-crash activities where those involved feel most supported (top of the chart) and areas where support is lacking most (bottom of the chart).

Graph source: Fiftyfive5 primary research. Q: We'd like to understand the level of support you received across the experiences you've had. This could be any type of support e.g., emotional, financial, informational and it could come from friends, family, or professionals. Base: n=19 to 181

In their own words

We were told we weren't allowed in court, but the driver's family had been given access to a viewing room… Why are they getting special treatment? Our son was killed by their son.

I've never been to court before… I went in shaking because I was so anxious. Then the driver walked in and I couldn't even look at him. I was so, so angry with him.

We had to go to a Barrister because the insurer sent a letter saying it wasn't their problem our son had died, and rejected the CTP claim. We did get the claim approved after getting the Barrister to send them a letter. The insurance company is scum in my opinion.

I wonder how this is going to impact my other son in the future… he's seeing the guy that killed his brother get away with it and it worries me that he grows up thinking doing bad things aren't punished.

Impact of professionals involved

Families of road trauma victims interact with a range of professionals in the days, months, and years following the crash. These professionals have a profound impact on the family's experience.

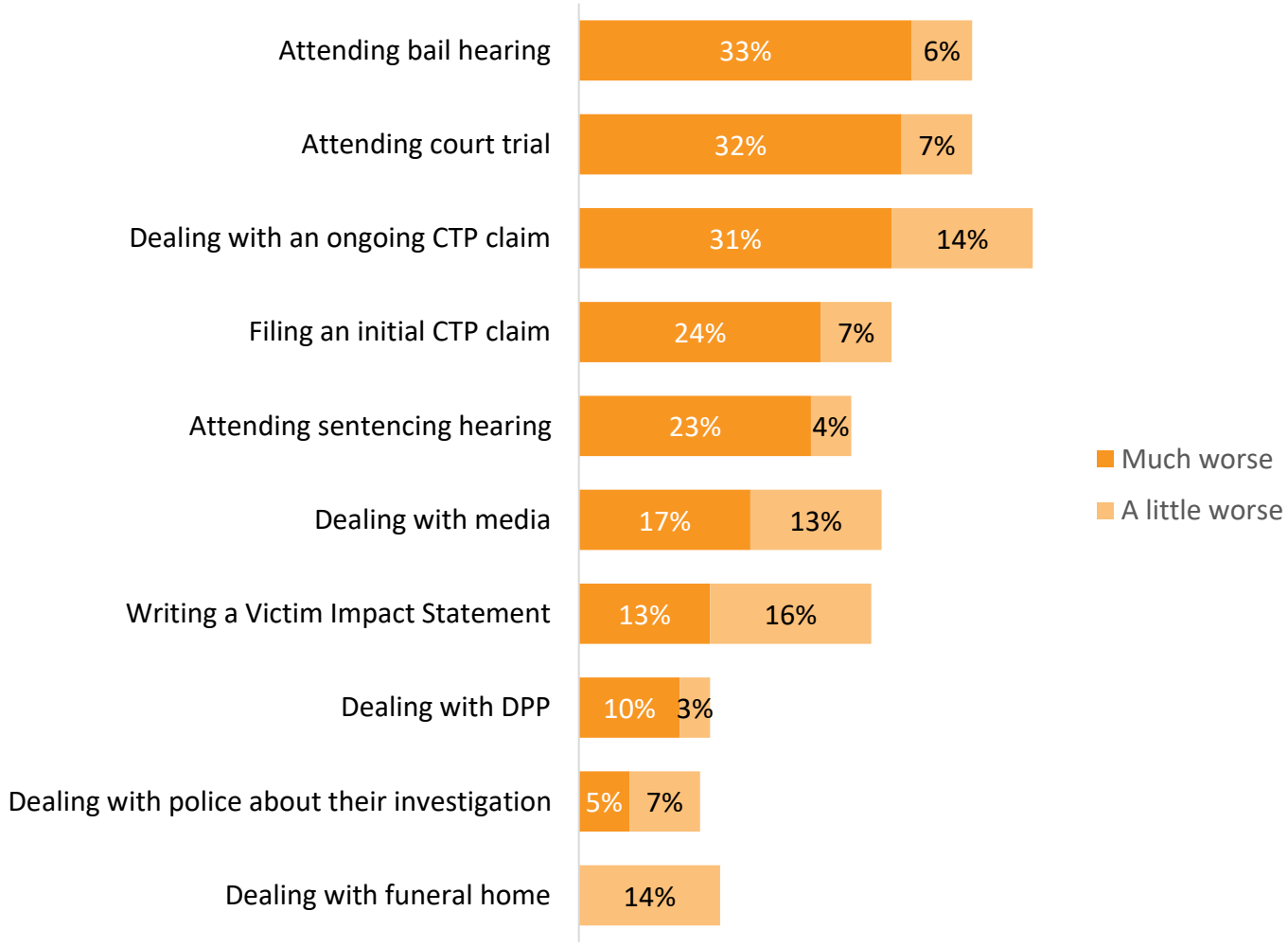
There is large variation in the experience with professionals – with some families reporting interactions that alleviated their grief at the time (or at least had a neutral impact), and others reporting ongoing frustrations and a sense of fighting an uphill battle against the system.

Unfortunately, it is common for professionals to make the experience worse for families. Professionals want to help, but they are often under immense pressure due to a lack of adequate systems, support, and training.

Dealing with professionals that relate to court and CTP claims have the highest potential for re-traumatisation along the road trauma pathway.

Impact of professionals dealt with at each touchpoint

(% of family members who said the professionals made their experience worse or much worse)



Graph source: Fiftyfive5 primary research. Q: Thinking about the professionals you dealt with, did they make your experience better or worse overall?
Base: n=18 to 56

Systematic errors or inadequacies that contribute to professionals making the experience worse boil down to five key factors.

1. Professionals can be unprepared and inexperienced, and unable to tailor their interactions with the family to suit the traumatic nature of the crash.

"Timing had it that I was walking into my apartment complex at the same time the police were coming to tell me my partner was killed in a serious crash. They asked me what unit number I was in and my name, then turned to each other and said 'shit, that's her'…"
-Bereaved family member

2. Current legislation is inadequate and is failing victims and their families.

"Often, if we charge a driver with a crime, they'll get a lighter fine or just demerit points when they go to the magistrate than if we just give them a ticket." –Police officer

3. Lack of resourcing and funding can prevent professionals from providing support.

"I have closed off my waiting list because I am so busy. It can take months and months to see a grief counsellor and for someone who needs or wants help now, it can be hard to have that patience and resilience to keep trying to find someone that is available." -Grief counsellor

4. Lack of access to relevant information or support (for the families and/or professionals involved) means professionals can't always do their job.

"When we have someone that is going through the courts for a road crime, it is more difficult to find help and support for the families than other crimes because there is nothing specialised for it. It makes our jobs harder in that sense because we have to work harder to find them services."
-Witness Assistance Officer

5. Simple systematic, administrative, and logistical errors compound the trauma that families experience.

"The traffic surrounding my son's crash and death was diverted past my house…"

"My young son, who had just seen his brother get hit by a car, sat on the side of the road for 45 minutes before walking home to tell his mum that his brother had died. Nobody – bystanders nor professionals – had noticed him there."

"I was sent a subpoena in the mail relating to my husband's death even though I wasn't there at the time. I was told sorry, we accidently sent that to you…"

-All quotes from bereaved families



These factors often contribute to secondary traumatisation, explored further overleaf.

Secondary traumatisation

Secondary traumatisation occurs through ongoing exposure to systems and processes.

This includes media coverage and contact with the criminal justice system, which can constitute an additional burden for the next of kin[1], frustrating encounters with the police, the justice department and insurance companies[2].

Constant re-traumatisation inhibits ability to process, grieve and heal.

> “The court process is very drawn out. At each court hearing you’re re-living the crash and therefore your anxiety is through the roof.

Circumstances contributing to secondary traumatisation

Uniqueness of the criminal process

Often a protracted process, families fight for justice for their loved one but often feel the system is set up to favour offenders, not victims. It can be traumatic seeing the offender in court, and distress is caused when their loved one’s experience is minimised and/or the offender is portrayed sympathetically.

Difficulty accessing tailored support

The professionals who support those affected by criminal road trauma do not tend to have the skills or experience to offer personalised support for the circumstances. This includes lawyers, police, CTP insurers, etc. It can also be difficult for families to find counsellors with specialised expertise in road trauma grief.

Offender released in community while awaiting trial

Families struggle with the psychological impact of knowing the offender is ‘free’ but their loved one has died. This is particularly challenging in regional areas where there is a good chance of seeing the offender out in the community.

CTP not tailored to psychological injury

As described further on page 90, the CTP claims scheme does not differentiate between physical and psychological injuries. Families are saddled with the burden of proving their losses, which are in many respects unquantifiable. It feels impossible to assign a dollar value to their loved one’s life.

Media reviving cases

The media tend to revisit cases during key milestones, e.g. court outcomes, which are already highly emotionally charged and stressful without the added pressure of the media spotlight. Media will also revisit the case when other similar crashes occur, catching families off-guard when they turn on the news and see their loved one’s story. Further, the media can sometimes encroach on the victim’s privacy, accessing social media and sharing photos without permission from the family.

SOURCES:
1: Gintner G. G. (2001). Sudden and violent loss: Clinical guidelines for the screening and treatment of survivors. In Sandhu D. (Ed.), Faces of violence: Psychological correlates, concepts and intervention strategies (pp. 355-376). New York, NY: Nova Science.
2: Lehman, DR, Ellard, JG, Wortman, CB, Williams, AF: Long-term effects of losing a spouse or child in a motor vehicle crash. J Person Soc Psychol 1987;52:218–231.

Spotlight on secondary traumatisation caused by the judicial process and the media

Stephanie* and Bruce* lost their son when he was 26 years old. When they got the knock on the door at 2am, they said to police they must have the wrong person, everything felt so surreal.

The first year without their son was just a blur. They didn't have anyone or anything to guide them, especially through the court system which was the hardest part.

Facing the judicial system and the offender was an incredibly stressful experience, laced with heightened emotions. The court process was drawn out and traumatising. Hearings kept being postponed for no reason, and at one point the offender fired his legal team (in what looked like a purposeful attempt to delay court proceedings). Time dragged on and on while they waited for justice for their son.

The court process revealed completely new information about the crash which caught them off guard, and there were shocking descriptions and images of their son shown in court. Describing the crash as an "accident" was infuriating particularly as the offender showed little remorse.

The worst experience was doing the victim impact statement as they weren't notified or prepared that they would be so close to the offender in court. It was traumatic being so close to the person who took their son's life and trying to put into words the devastating impact of the offender's actions, while he was staring at them.

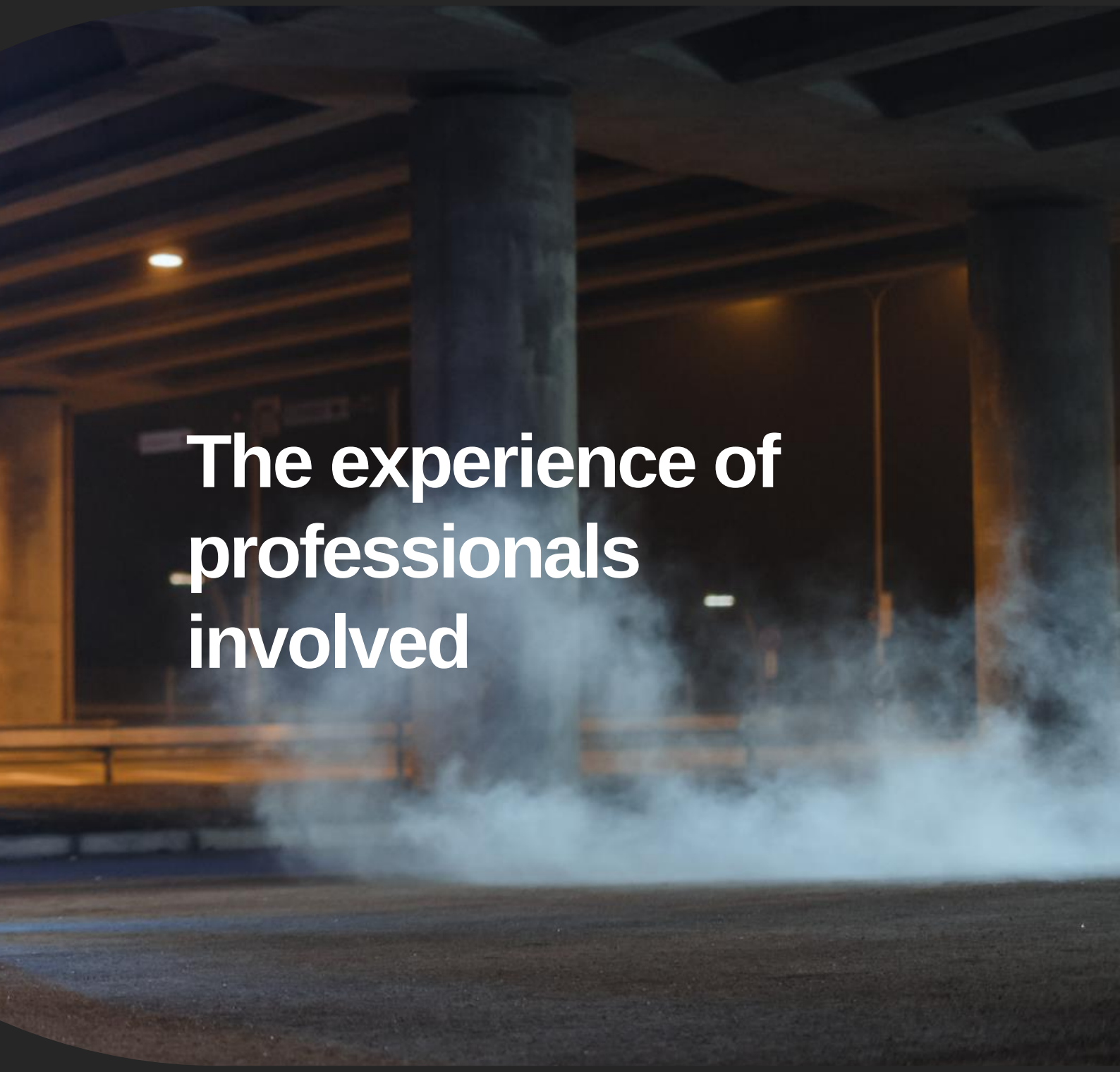
During the court proceedings, at times it felt like the offender was portrayed sympathetically. Stephanie and Bruce expected the offender would go to jail because he killed someone, but sometimes it looked like he would walk free.

It took 1.5 years from the time of the crash to the offender going to jail. In the meantime, Stephanie and Bruce were trying to fight for justice for their son, but felt like it was an uphill battle, with the system working against them.

The media made this worse – they kept publicising the case at key milestones. They also referred to the details of the crash whenever another crash happened – so Stephanie and Bruce would sometimes turn on the news and see their son's story splashed across the television.

*Names have been changed for privacy





The experience of professionals involved

Road trauma impact on professionals

The impact of road trauma extends to professionals who are involved throughout the experience.

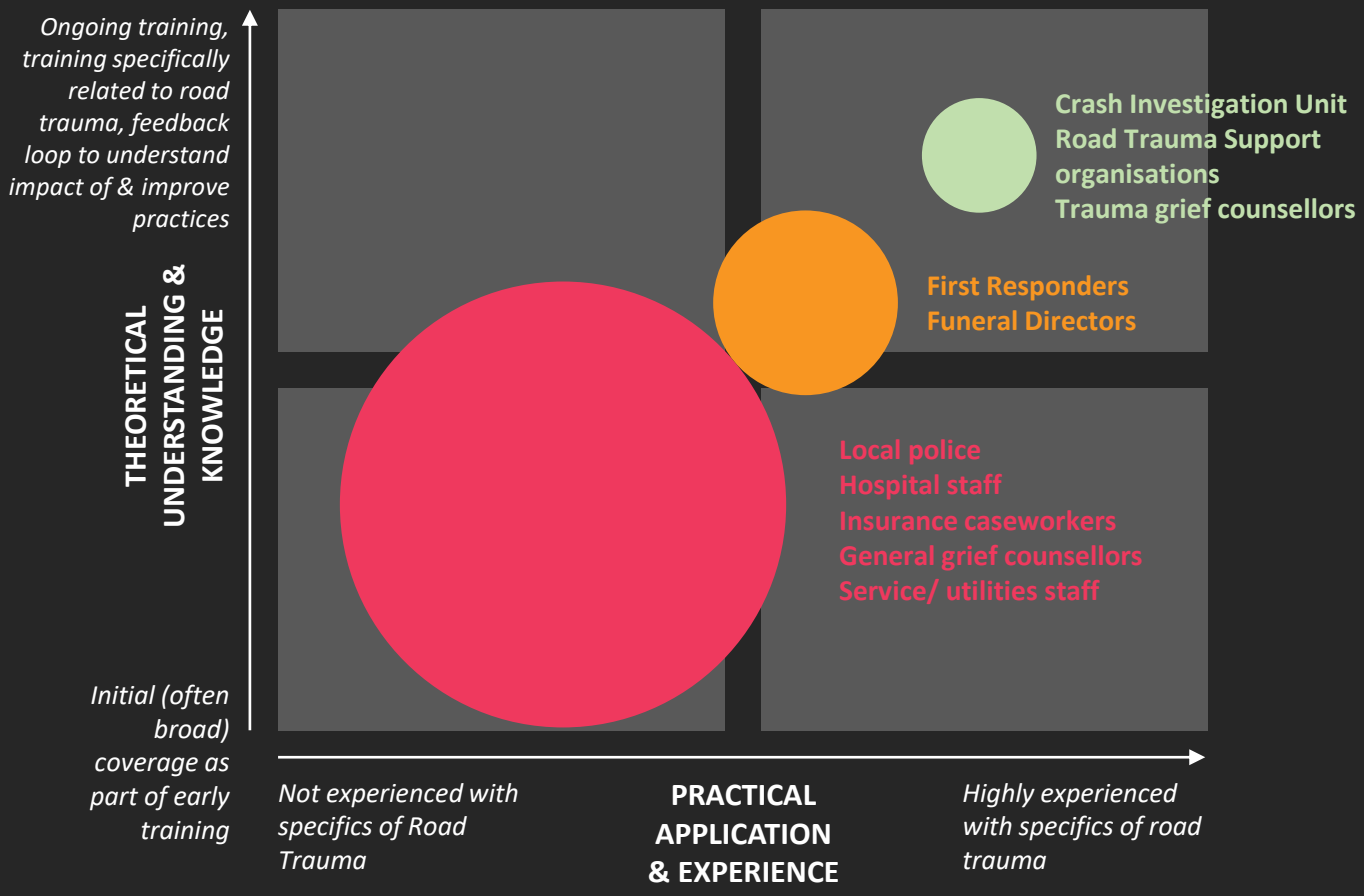


VISUAL DESCRIPTION:
The darker coloured centre of the circle represents the professionals generally closest to the lived experience of criminal road trauma, including crash sites and/or the time immediately following the crash.

Training and support for professionals

There is mixed availability of training and support for professionals.

The majority have minimal practical experience when it comes to specific instances of criminal road trauma, which is compounded by a lack of specialised training in this area. Only a minority of certain professions are equipped with specialist theoretical understanding and practical experience for road trauma events.



If professionals are unprepared and inexperienced they have the potential to make the victim's experience much more difficult. They are also at risk of greater trauma and suffering themselves if, despite their training, they become involved or emotionally affected by the victim's experience. This is explored in more detail on pages 80-81.

There is an opportunity and urgent need to implement specialist training and offer support for professionals who are most at risk of exposure to road trauma to improve the outcomes for all.

Expectations of the role of professionals

A chasm exists between the bereaved family's expectations of professionals and the reality of what their roles entails. This tension appears throughout the post-crash experience, frustrating both bereaved families and the professionals themselves.

As there is no existing integrated pastoral care, or 'guidebook' for how to navigate the systems and processes thrust upon bereaved families, often families will look to the professionals they interact with for support, help, and guidance.

However, these expectations are often outside of the remit of the professionals' role, and/or are pushing the boundaries of the professionals' training and skillset.

Roles need to be more clearly defined to enable professionals to focus on their job.

These findings also reinforce that there are large gaps in the types of support needed by victim's families. Significant reform is required to link families to relevant services and reduce their over-reliance on the professionals involved.

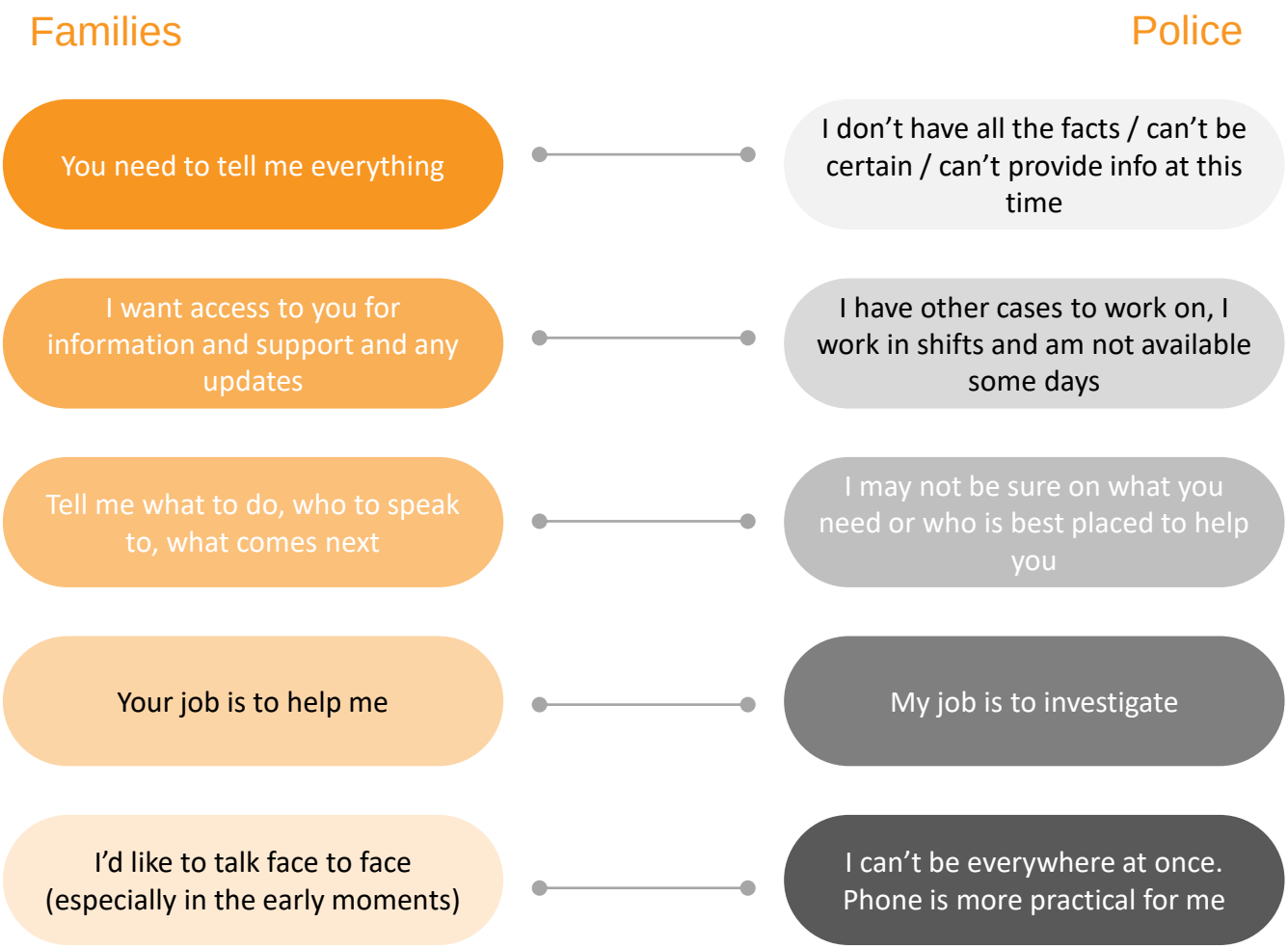


Spotlight: Expectations vs. reality for police

The role of police is to investigate fatal crashes and protect the integrity of their investigation. However, as one of the first professionals that families come across, families often turn to police for information, support and regular updates because they don't know who else to go to. This can lead to friction and high pressure placed on police who are unable to assist- even if they wish they could.

Families want support, detailed information, and regular updates about the crash investigation. They want to be across the details so they are prepared for the upcoming trial. They also often need help with knowing what to do next, who to speak to, where to go for support etc.

These expectations are in stark contrast to the reality for police. Their role is to investigate carefully and thoroughly, follow procedures, and ensure they do not jeopardise the investigation. Their time and efforts are focussed on carrying out their duties, not providing care and support to families.



Spotlight: Expectations vs. reality for CTP insurers

Insurers and families are at odds in their fundamental needs – resulting in friction and stress throughout the claims process.

Insurance companies play a critical role in ensuring families are looked after financially in the short to medium term.

However, CTP claims involving fatalities are treated the same as CTP claims for injuries.

Some families are resentful of having to "prove" their loss when the death of their loved one has had a catastrophic effect on every aspect of their life. The sensitive and private nature of the information required by insurers (e.g. financial statements) can be seen to be intrusive and unnecessary.

Insurers are focussed on obtaining the evidence required to justify a claim for financial losses, but families often see them as untrusting organisations that are asking for impossible information during an unthinkable time.

This can lead to hostilities and insurers unable to "bend the rules" for grieving families, even if they wish they could.

While insurers and families will probably always be at odds to some degree, simple changes to how families are treated could achieve a great deal of benefit with minimal effort or cost.

Families	Insurers
You should be supporting me, not making this nightmare even harder	Our role is to provide financial compensation for your loss and support you to earn an income again
How could I ever put a dollar value on my loved one's life?	We have to determine how much to pay you for the financial claim you are submitting
I will grieve on my own timeline not yours	The quicker you give us the evidence to support your claim, the quicker we can help you
Don't pressure me to do things I'm not ready for, I can't pretend life will be "normal" again	You are required by law to do your part for your recovery to get back to life pre-loss as much as possible
I will never fully recover from this loss; the pain will stay with me for the rest of my life	We are here to support your acute financial needs; we are not a long-term grief support network
You're treating me like I'm on trial asking me for too much paperwork when I don't have the capacity	You need to prove your financial losses, we can't take your word for it because believe it or not, people can abuse the system



Vicarious trauma experienced by professionals

Professionals are often repeatedly exposed to distressing scenes, and are at high risk of vicarious trauma.

Particularly for first responders (such as those who visit crash sites, or see victims immediately after the crash), these roles are quite confronting and require an extremely high level of resilience to do the job effectively.

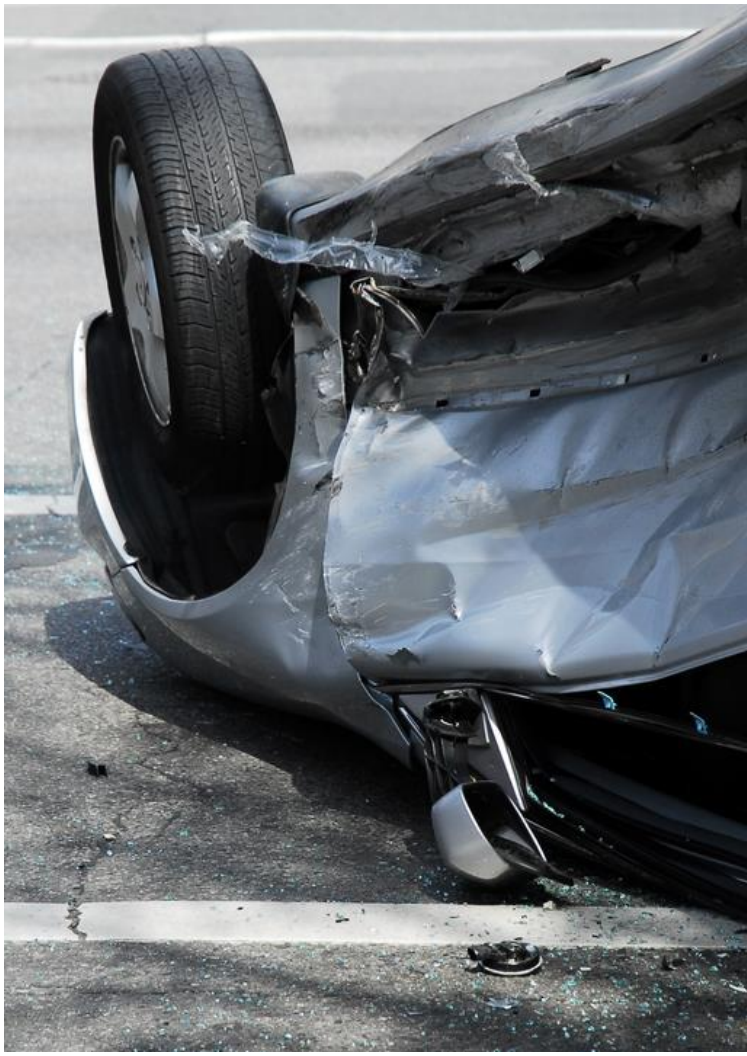
Professionals need to maintain an emotional distance to endure in their roles, particularly those involved with criminal road trauma cases most intimately or most frequently.

Often these professionals take great pride in their roles, knowing they are assisting families through traumatic events. But it can be extremely difficult to manage these competing needs – the need to offer support, but the need to maintain a level of emotional distance.

Vicarious trauma can cause professionals to burn out and to leave their roles.

Greater support and education for those dealing with the bereaved is critical to safeguarding the welfare of both professionals and the community members impacted by fatal road crimes in NSW.





A young boy was hit by a car while riding his bike. We live in a small community and his death was the last straw for many – some police resigned or took an early retirement and a number of nurses transferred out of their department. It had such a huge impact on our community, and does to this day even more than 15 years on.

- Police officer

Over the past 6 months, we've had 20 people leave. Covid has put pressure on nurses like we've never seen before. We are consistently and repeatedly exposed to horrific things and don't have the time to process what we encounter. I fear for what the workforce is going to be like in another 6 months' time, and how those workers that stay will be doing.

–Medical professional

I had to identify the bodies of my sister and my nephew during a work shift as I was working in a hospital at the time. I did not even know they had been involved in a car crash.

–Medical professional

The hardest thing I've had to do is tell families one of their loved ones has passed away. We turn up to the door and don't want to give away that we have awful news, but can't be too bubbly either. We try to get inside and sit them down. Sometimes we don't have a lot of information, and sometimes it's too brutal to tell them. We call other family to come and be with them before we leave. We try to do everything we can to help them but once we have told them, we just have to move on to the next job.

- Police officer

Those on the front lines, speaking directly with bereaved families, are really at risk of vicarious trauma. They see sensitive materials like CCTV footage of crashes, coroner's reports with horrific details, etc. We try to minimise exposure to this information and mentor our staff to make sure they are OK. Sometimes you just have to develop a thick skin if you're going to keep working on these sorts of claims.

- Insurer

I have been in the industry for over 20 years. It's not just a job to me, I see people at their most vulnerable and my role is to be compassionate and advocate for them. While it's very rewarding, it's tough. I see horrific things consistently and repeatedly and will often get emotional and cry – I'm only human.

-Medical professional





Implications for policy, service, and practice



“

Just the existence of the Road Trauma Support Group will make an immeasurable existence to what people go through, but there is so much more work to be done.

Introduction to this section

While it is impossible to fully alleviate the mental, emotional, and physical impacts of road trauma, there are clear opportunities to minimise the secondary trauma that bereaved families experience, and to better support families as they navigate the myriad of unfamiliar, complex systems and processes imposed upon them.

On the following pages we explore a range of potential reform initiatives: some legislative, some relating to the media that cover fatal road crashes, and some relevant to the broader NSW community.

For each, we have outlined the current situation and why this reform is needed. In some instances we have provided a case study to further illustrate the need for change.

Most reform opportunities were presented to the NSW community in the quantitative survey. Where relevant, we have outlined the percentage of the community that is supportive of each reform initiative (e.g. the percentage who believe each reform is an essential or high priority change).

Overall, there is widespread support for reform among the NSW community when it comes to criminal road activity that causes the death of another.

Support for legislative reform relating to criminal driving behaviour

Criminal charges reform

From the perspective of bereaved families, the unexpected and senseless nature of the death of their loved one compels a desire to see the responsible party adequately punished for their actions. There is a sense that the death could have been avoided if the offender had behaved differently – and not broken the law. For many their loved one is the victim of someone else's terrible decision. This is compounded when the offender survives, but their loved one died.

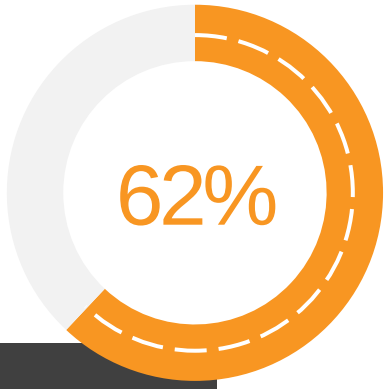
Feelings of anger and frustration are common, and fuel an insistent demand for justice for the death of their loved one.

While sentencing is a separate issue (described in more detail on the next page), the sentences that apply to the offender are contingent on the specific charges they face. Hence, the quest for justice starts with the criminal charges that are applied to the offender.

In NSW, there are four criminal offenses which can apply to a driver who deliberately causes the death of another: murder, manslaughter, grievous bodily harm, or injuries caused by furious driving[1].

The community was asked to consider whether they would be supportive of charging drivers with '**vehicular manslaughter**' when they kill someone on the road.

A strong majority (62%) are supportive of this change.



are supportive of charging drivers with vehicular manslaughter when they kill someone on the road

> "I've come to realise that if you want to kill someone and get away with it, you hit them with your car.

SOURCES:
1: https://www.nsw.gov.au/topics/demerits-penalties-and-offences/offences/serious-driving-offences
Graph source: Fiftyfive5 primary research. Q: How much of a priority do you give each of the following changes? Base: n=2,102

Sentencing reform

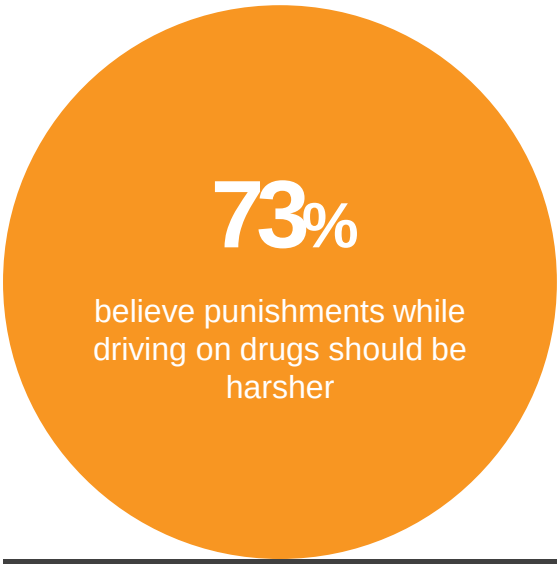
For bereaved families, the sentence the offender receives if found guilty is seen to be an assessment of the 'value' of their loved one's life. Families desperately seek justice and accountability.

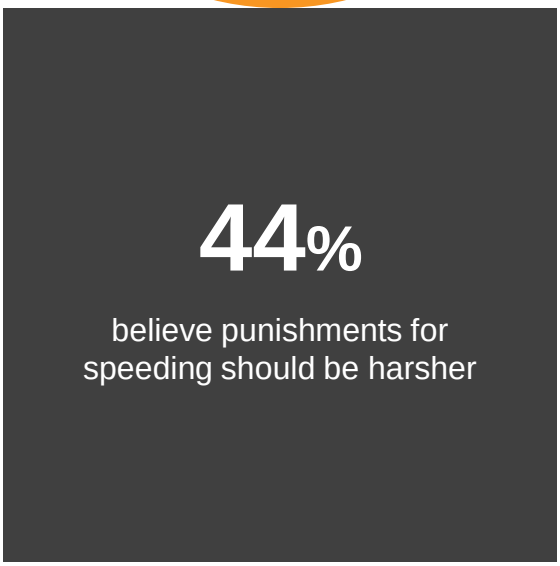
The bereaved family will often believe there is a lack of justice if the convicted offender's sentence is minimal, or if they are a repeat offender. Sentences can be devastatingly low in comparison to the life lost, leaving families feeling justice has not been served.

This is compounded when the family expects the sentence to be similar to what would be handed down in the case of murder or manslaughter, which is not the case in NSW. In NSW, the **maximum** sentence that can be given to someone found guilty of negligent driving resulting in death is a fine of $3,300 and/or up to 18 months in prison – compared to up to 25 years in prison for manslaughter[2].

The NSW community was asked to consider whether punishments should be harsher for certain types of negligent driving. Among the NSW community, there is strong support for harsher punishments for people who drive while on drugs (73% of the NSW community agree that punishments should be harsher).

In addition, nearly half (44%) of the NSW community believe punishments for speeding should be harsher. As described earlier, the community is most tolerant of a low level of speeding compared to other risky driving behaviours. Although speed is a huge contributor to fatal accidents on the road, this behaviour is not seen in the same negative light as others such as drinking and driving (see page 34).





> "I was told from the outset that the offender was going to get off, or not the sentence I was hoping for. With road crimes, it's nowhere near a life in prison for a life taken.

SOURCES:
1: https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2013-018
2: https://www.judcom.nsw.gov.au/publications/benchbks/sentencing/manslaughter.html
Data source: Fiftyfive5 primary research. Q: How much do you agree or disagree with each of the following statements? Base: n=2,102

Support for reform for professionals working with bereaved families

First responder training

Currently in NSW, first responders (such as police, paramedics, firefighters) who attend fatal crash sites are not specifically trained in how to support the families who have lost someone in the crash. Only a small minority of certain professions and specialists are properly equipped to assist (e.g. trauma grief counsellors, road trauma support organisations).

If professionals are inexperienced, there are two significant consequences:

1. **Negative impact on victims:**
   Inexperienced professionals have the potential to make the victim's experience more difficult. They can create additional distress when communicating with families, with some reporting feeling taken aback by cold, harsh conversations.

2. **Negative impact on themselves:**
   Inexperienced professionals are at risk of greater trauma and suffering themselves if, despite their training, they become involved or emotionally affected by the victim's experience.

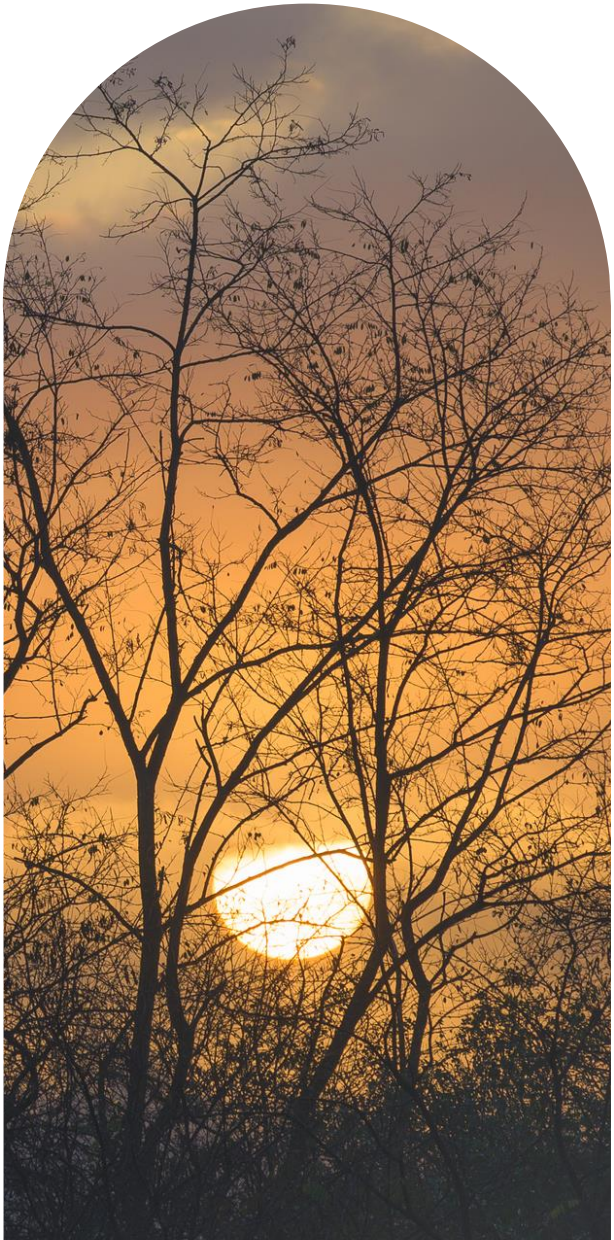
There is an opportunity to implement specialist training and offer support for professionals who are most exposed to victims of road trauma to improve the outcomes for all.

The NSW community was asked to consider whether there should be specific training for first responders so they better understand how to support the families who are affected. Seven in ten (69%) are supportive of this reform.

Data source: Fiftyfive5 primary research. Q: How much of a priority do you give each of the following changes? Base: n=2,102

69%

are supportive of specific training for first responders in how to support families who have lost a family member in a fatal road crash





Junior staff just don't get the exposure to complex scenes like a major crash. They'll be 3 years into their career and still either not know what to do or not feel confident in those situations… that's a problem.

-Police officer

We're actually not trained on language and 'best practice' ways to communicate with families. I do use the word "accident" but can see how this could be insulting or triggering… it's just second nature to call all road-related events accidents.

-Insurer

Support for reform to support impacted families

CTP claims scheme reform

After losing a loved one to road trauma, insurance companies play a critical role in ensuring families are looked after financially through the CTP claims scheme. Through this scheme families can claim financial compensation when they are unable to return to work and/or need to reduce their working hours.

Currently, the CTP claims scheme does not differentiate between physical injuries and emotional or mental injuries caused by traumatic events. The process is the same if the person making a claim is injured at work or if they have experienced the death of a loved one through the criminal act of another. The focus is on rehabilitation and returning the person to the 'same' state as before the crash – such as working the same hours in the same role as they did previously.

Families are at the mercy of processes which are focussed on calculating a dollar value of the life of their loved one. This compounds grief at a time when families have been stripped of so much, contributing to re-traumatisation.

Tailoring the legislation and insurer's processes to treat road trauma fatalities differently from physical injuries would prevent avoidable trauma.

The NSW community was asked to consider whether the CTP claims scheme should be tailored to account for the differences between physical and psychological injuries. Six in ten (62%) people in the NSW community believe it is an essential or high priority change to reform the CTP claims scheme to be tailored to account for the unique needs of those who have experienced the death of a loved one due to the criminal act of another.

More detail on suggested CTP reforms is presented overleaf.

> "We wondered if we were eligible for compensation so we got lawyers on board. They told us we'd qualify, but after a drawn-out process to determine 'mental capacity', we weren't eligible because we hadn't lost 13%-14% of our mental capacity (in the words of the insurance company).

Spotlight on the CTP claims process



Lisa* and Ben* lost their son when he was 19 years old, one year ago. Lisa can and will always remember that day as if it was yesterday when she got the call from her son's girlfriend.

Lisa says she doesn't know how she got through this year, but hasn't really started grieving and has felt at times she's just been drifting further, and further away, with no support.

Not in the least because everything in this process has been so difficult on top of dealing with the loss.

Starting with invasive and relentless news crews who are misrepresenting what happened, with no escape from the news cycle, just hours after it happened to days and weeks after.

Then there was CTP, which she didn't know she was eligible for. She was lucky that someone referred her before the deadline to claim had lapsed, as the insurer wasn't proactive in reaching out to her to explain their obligations. It was so difficult to understand it all, the legislation is so complex.

Lisa was incredulous when the insurance company kept asking for financial documentation, as if they were trying to put a dollar value on their son's life. She felt like she was the one on trial, having to prove that her son's death had an impact on her.

She also couldn't understand why they kept focussing on what she was doing to get back to work, as if they didn't understand the cataclysmic loss she was experiencing.

The insurance company kept trying to minimise her 'injury'. In the end, the insurer bluntly said there was no access to compensation, as she couldn't prove 10% loss or more. There was no way Lisa and Ben could go back to work in full capacity.

They don't know how to get access to counselling support for their other son and for themselves down the track. They feel let down by the CTP system that is supposed to be there to help them while they get back on their feet. They also worry they will be worse off in the long term, as there's no early intervention available to help them at this critical time.



9 Ways to Improve CTP in NSW

The Road Trauma Support Group NSW (RTSG NSW) undertook extensive consultation with road trauma victims about their experiences with the CTP claims system to understand how best to reform the legislation. Those most intimately affected by road trauma (e.g. immediate family members of those killed) shared their experiences with CTP claims (initial lodgement, insurer review and determination of eligibility, and ongoing management of the claim if deemed eligible).

Following on from this consultation, RTSG NSW has developed nine recommendations to improve the CTP claims scheme for road trauma victims in NSW. A summary of each recommendation is provided here, and further detail is available on the RTSG NSW website: https://www.roadtraumasupportnsw.org/reform

1. Consistency
The CTP claims experience varies greatly across insurers – some positive, others less so. It is a lottery based on which company is inuring the at-fault driver.
Proposal: Consider the merits of an independent body across all CTP insurers to manage all death claims to ensure greater consistency in management and administration of the most serious claims.

2. Administrative Burden
A significant amount of paperwork is required to be completed for each claimant at the worst time of their lives. This deters some family members from even making a claim – it's too hard, too intrusive, too controlling.
Proposal: Undertake simplification review to streamline necessary processes and policies to ensure those entitled to bring a claim are not deterred by the process.

3. Simplicity and Transparency
The CTP scheme is very complex and opaque. It is very difficult for even educated professionals to understand and comprehend, often requiring specialist legal advice to assist in understanding rights, obligations and entitlements.
Proposal: SIRA to sponsor publication of a new Consumer Guide to CTP and require all CTP providers to publish on their websites. Potentially also an independent CTP Assist helpline to answer common questions. Further, update the funeral expenses provision as the current scheme does not cover all fair and reasonable funeral expenses.

4. Concept of Injury
The Scheme, the definition of injury and underlying themes of maximising the return to work are all consistent with physical but not necessarily psychological, mental and emotional injuries which arise from the traumatic death of a loved one.
Proposal: Review Scheme definitions and strategies to more appropriately capture and manage psychological injuries.

5. Scope of Cover Afforded
Extended family members who have experienced significant grief and trauma through loss of their loved ones are denied CTP benefits. For example: children who have lost a parent, aunties and uncles of deceased child, teenage girlfriend of deceased teenager.
Proposal: At a minimum, extend concept of injured persons entitled to appropriate psychological/trauma support to extended families and close partners.

6. Early Intervention/Best Treatment
Grief and trauma, together with overly burdensome administrative requirements, often mean that family members do not seek access to the right professional support at the earliest opportunity. Some preferred professionals are unwilling to act on CTP matters given history of slow/non-payment.
Proposal: Refine policies and procedures to ensure claimants have access to the best professional support at the earliest possible time, unaffected by administration requirements. Consider opportunity for CTP scheme to fund pool of Trauma Support Specialists.

7. Contributory Negligence
Contributory negligence regime is unfair when the victim killed is not the driver yet still deemed partially responsible. Benefits are substantially reduced for allegedly not wearing a seatbelt or allegedly knowingly being in a car with an intoxicated driver...yet the traumatic grief afflicted on the impacted families is not reduced.
Proposal: Undertake review of CTP scheme to ensure (already modest) benefits are not unfairly reduced by reason of alleged contributory negligence.

8. Privacy
CTP insurers should not be their own investigators and should instead rely on information provided to them by NSW Police and other appropriately authorised bodies.
Proposal: Review CTP information gathering protocols and practices and formulate appropriate Guidelines or Establish Independent Body for CTP Death Claims.

9. Statutory Benefits and Damages for Non-Economic Loss
There is a cap on both weekly statutory benefits ($4,364) and compensation for pain and suffering ($590,000). Unlike the workers compensation regime, there is no automatic lump sum payment for the death of a person on our roads. These caps are both unfair (they do not fully compensate people who have worked hard and are at peak earnings in their careers) and are also inadequate to fairly compensate someone for the death of their loved one and enable them to optimise their full recovery potential.
Proposal: Review caps and adequacy of compensation for loss of future earnings and non-economic loss.

Support for language reform

Reforming the language used to describe fatal crashes

Language is powerful.

If used carelessly or incorrectly, it can lead to greater distress for victims.

When fatal road crashes are caused by the criminal act of another, the criminality means there is another person at fault and the crash could have been avoided if the offender had made different decisions. Therefore the term “accident” is not acceptable to bereaved families. It can feel like an attempt to minimise the severity of the crash and its consequences.

Currently, both the NSW legislation and the media refer to crashes as “accidents” even when someone has committed a crime and killed someone.

The NSW community was asked to consider whether the legislation and media should use another word instead of “accident” when referring to road fatalities that involve criminal activity.

Half (50%) of the NSW community believe this is an essential or high priority change.



believe the legislation and media should **use another word** instead of ‘accident’ when referring to road fatalities that involve criminal behaviour

> “It was NOT an “accident” that took my husband. He was taken from me in the early hours of the morning not far from our house. He was on the way to work when he was hit by a speeding and intoxicated driver. His death would have been avoided if the other driver hadn’t broken the law. To call it an “accident” is just disgusting and insulting.

Graph source: Fiftyfive5 primary research. Q: How much of a priority do you give each of the following changes? Base: n=2,102



“

The term ‘accident’ is completely wrong. It’s a word that lessens the impact of what has happened. Even calling it a ‘car crash’ lessens the impact in the sense that it seems like the car was at fault, not the idiot behind the wheel. One of my life’s goals is to get that word changed.



Support for reform to improve safe driving practices

Driver behaviour change

Each day Australians make decisions that increase their risk of a crash on the roads.

Risky road use includes explicitly illegal behaviours, such as speeding, drink or drug driving, illegal mobile phone use, not wearing a seatbelt or helmet, running a red light, unlicensed driving, and 'hoon' driving.

Other high-risk behaviours include driving at inappropriate speeds for conditions, driving while fatigued, distracted or inattentive, overcrowding vehicles and walking near or on roads after drinking alcohol or taking illegal drugs.

Dangerous road behaviour is not just about extremely risky behaviours. It encompasses any action that violates the Australian Road Rules.

One of the tenets of the NSW's Centre for Road Safety's 2026 Road Safety Action Plan is reducing unsafe road user behaviour[1].

Key priorities to address this unsafe behaviour include an investment in public education on road safety, starting with school age children.

Driver education reform

Currently, there is no universal driver education program in NSW schools[2].

Further, learner drivers are not required to learn about the impact of road trauma before getting their driver's license.

The NSW community was asked to consider whether learner drivers should be required to learn about the impact of road trauma before obtaining their license.

Seven in ten (70%) are aligned with the Centre for Road Safety and believe this is an essential or high priority change.

70%

believe learner drivers should learn about the impact of road trauma before obtaining their license

SOURCES:
1: https://towardszero.nsw.gov.au/sites/default/files/2021-07/3.%202026%20RSAP%20Community%20Engagement%20-%20Summary%20FINAL.PDF
2: https://education.nsw.gov.au/teaching-and-learning/curriculum/road-safety-education/teaching-and-learning/secondary-school/driver-training-implementation-guidelines
Graph source: Fiftyfive5 primary research. Q: How much of a priority do you give each of the following changes? Base: n=2,102


ERECTED 1910
W.H.BANNISTER
BUTCHERY
CHEAPSIDE
FAMILY
CARCASS
SMALL GOODS
The John Mitchell
Pharmacy
NETWORK Video
GREAT WESTERN HOTEL

Support for reform to help prevent future fatal crashes

Post-crash police investigations

Currently in NSW, an investigation takes place following every fatal road crash however the results are not made public.

There is an opportunity to publicise the causes and factors that contribute to fatal crashes in NSW, to highlight where there may need to be changes in government policy, driver behaviour, or education to prevent future crashes. This would be similar to how workplace deaths and injuries are currently investigated and reported publicly. By not publicising this information, there is no opportunity to learn from the causes of fatal road crashes and modify infrastructure, legislation etc. to help reduce future fatalities. This could be done at a summary level, rather than individual level (to ensure privacy), a few times per year.

The NSW community was asked to consider whether the results of police investigations should be formally collated and be made public. After each fatal road crash investigation, a report would be produced which describes what caused the incident, both human factors (e.g. drinking, drugs, speeding) as well as road safety factors (e.g. physical road condition). The report would be made publicly available.

Six in ten (59%) adults in NSW believe this is an essential or high priority change.

59%

are supportive of an in-depth investigation and public report about the causes of fatal crashes in NSW



Victim Impact Panels

Researchers and academics working on road safety agree there is a need to shift the focus on 'blame culture' and look beyond how offenders who commit road crimes are punished, and instead on how road crimes can be prevented.

One suggested mechanism to discourage illegal road activity and deter criminal road behaviour is **Victim Impact Panels**. By listening to the stories of road trauma victims, drivers hear about the lived experience of those affected by road trauma. While more work can be done to assess the effectiveness of Victim Impact Panels, they would play a role in bringing to life the human consequences of risky driving behaviour.

Currently, those charged with driving-related crimes are not required to learn about the impact of road trauma before getting their driver's license back.

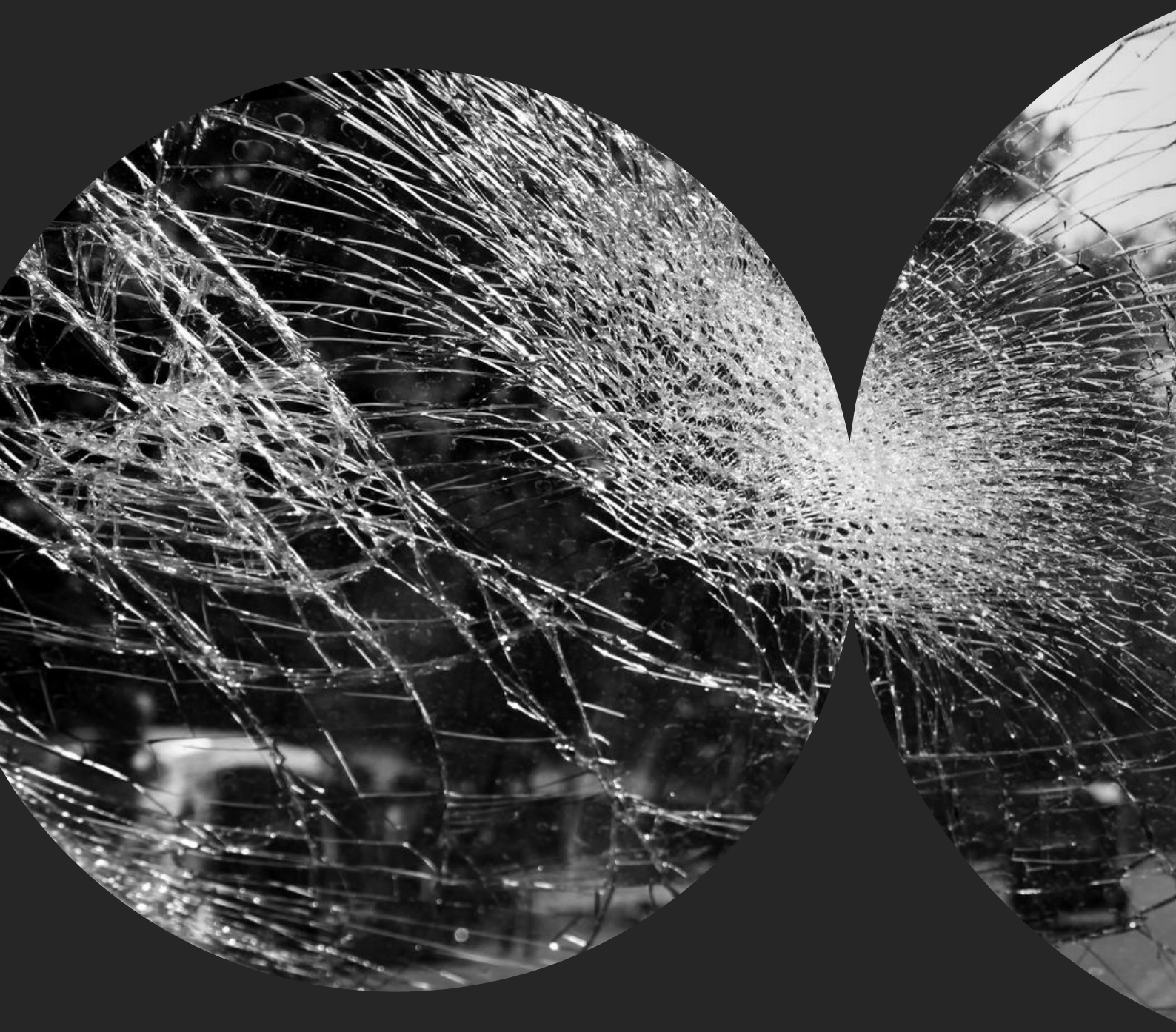
However, seven in ten (69%) members of the community believe it is an essential or high priority change to require those charged with driving-related crimes to participate in a victim impact panel (where victims of road trauma share their experiences) before they can re-gain their license.



69%

believe those charged with driving-related crimes should participate in a victim impact panel before re-gaining their license

Graph source: Fiftyfive5 primary research. Q: How much of a priority do you give each of the following changes? Base: n=2,102





Summary and conclusions

Summary and conclusions

Road trauma impact on the NSW community

One in five (20%) people in NSW have ever experienced the death of someone they personally knew in a fatal road crash on NSW roads.

One in twenty-five (4%) have experienced the death of a loved one due to the criminal act of another road user.

Underpinning the substantial size of this problem is the often-preventable nature of these deaths. Every day drivers make decisions that can have fatal consequences for themselves or others. Driver behaviour is a key contributing factor to fatalities on our roads – particularly speeding, alcohol consumption, and drug use.

The lived experience of criminal road trauma

The ripple effects of criminal road trauma are felt far and wide throughout the NSW community, and the impacts are extensive and enduring.

The sudden, violent, and senseless nature of road trauma fatalities has a cataclysmic impact on those closest to the victim. The consequences extend far beyond the initial incident: families face ongoing secondary trauma throughout the experience. Secondary traumatisation occurs through ongoing exposure to systems and processes, such as media coverage and contact with the criminal justice system, which force families to repeatedly re-live the crash and the loss of their loved one. Constant re-traumatisation inhibits ability to process, grieve and heal.

Vicarious trauma can also affect professionals, particularly first respondents, who are repeatedly exposed to distressing scenes. Without an extremely high level of resilience, professionals can find themselves unable to do their job effectively. Vicarious trauma can cause some to burn out and to leave their roles – further compounding the lack of experienced professionals who understand the nuances of criminal road trauma and are skilled at interacting with bereaved families in ways that minimise secondary trauma.

Implications for policy, service, and practice

While it is impossible to fully alleviate the mental, emotional, and physical impacts of road trauma, there are clear opportunities to minimise the secondary trauma that bereaved families experience, and to better support families as they navigate the myriad of unfamiliar, complex systems and processes imposed upon them.

Everyone in the NSW community, including government officials, professionals who interact with bereaved families, the media, and the wider community, can play a role in both reducing fatalities on NSW roads and in minimising the traumatic aspects of the experience for those who find themselves in the horrific situation of losing a loved one due to the criminal act of another.

Reducing fatalities on NSW roads as we move Towards Zero

Reconsider risky driving behaviour.
Risky driving behaviours are a key contributing factor to fatal road crashes. The decisions drivers make while they are behind the wheel (and in the preceding time) are within the control of the driver. All road users in the NSW community should consider their contribution to reducing fatalities on our roads.

Step in and act if someone shouldn't be driving.
There's no excuse for driving while incapacitated. The NSW community are encouraged to consider stepping in and discouraging drivers from getting behind the wheel when they shouldn't.

Revisit minimum sentencing requirements as well as application of sentencing guidelines.
This study highlights the widespread feelings of injustice reported by victims' families and friends killed by criminal road crimes, and a sense of inconsistency of sentencing compared to other crimes resulting in death (e.g., minimal sentences, community service or suspended license). Further investigation is warranted to validate this, by comparing sentencing and punishments across different types of crimes causing death, and to determine if minimum sentences are required to effectively deter this behaviour.

Publicise the outcomes of crash investigations.
A range of factors (human factors, infrastructure factors, technological factors) can contribute to fatal crashes on our roads. Much is learned through the crash investigations carried out following each fatal crash, however the learnings are lost and cannot contribute to a reduction in fatal crashes when not made public. The NSW government is encouraged to consider publicising the results of crash investigations so authorities and the general public can learn from these crashes and adapt their behaviour, processes, or attitudes accordingly. This could be done at a summary level, rather than individual level (to ensure privacy), a few times per year.

Avoiding further traumatisation of those who have lost a loved one due to the criminal act of another

Change language used when referring to criminal road acts.
Language is powerful. The term "accident" is not accurate (at best) and psychologically damaging to the families of victims of road crimes (at worst). The word "crash" should be used instead – in the legislation, in the media, and amongst the NSW community when describing fatal road crashes.

Tailor the CTP legislation to suit the experiences of the bereaved.
The psychological trauma experienced as a result of the sudden and violent death of a loved one is not consistent with physical injury. The CTP claims process (both initial lodgement and ongoing management) should be tailored to reflect the psychological impact and the prolonged effects of this experience. Tailoring the legislation (and insurer's processes) to treat road trauma fatalities differently from physical injuries would prevent avoidable trauma.

Media to refine protocols used when reporting on fatal crashes, to better respect the loved ones who are grieving.
Pointing the spotlight on grieving families should be handled sensitively. To avoid re-traumatisation, the name of the victim, along with images and stories of the victim, should only be publicised with permission of the family. Offender's names often can't be made public due to suppression orders, and the same approach should be taken with victims unless the family specifies otherwise.

Taken together, these reform opportunities have the potential to make substantial improvements in the experiences of those who suffer the impacts of criminal road trauma, and ultimately may reduce the frequency of fatal criminal road crashes on NSW roads.

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