Inquiry into Violence Associated with Motor Vehicle Use

Discussion Paper
INQUIRY INTO VIOLENCE ASSOCIATED WITH MOTOR VEHICLE USE

Discussion Paper: Canvassing Issues Relating to Violence Associated with Motor Vehicle Use

May 2004
SUBMISSIONS ARE INVITED

The Committee welcomes written submissions in response to the matters raised in this Discussion Paper or on any matter related to the Terms of Reference of the Inquiry.

To assist interested parties in making submissions a number of questions have been posed throughout the Discussion Paper.

Details of how to make a Submission are included in the insert. The Committee requires all submissions to be signed hard copy originals but would also appreciate an electronic copy.

Submissions should be sent by 18 June 2004 to:

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The Discussion Paper was prepared by the Drugs and Crime Prevention Committee.

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Functions of the Drugs and Crime Prevention Committee

The Victorian Drugs and Crime Prevention Committee is constituted under the Parliamentary Committees Act 2003 (Vic)

Section 7

The functions of the Drugs and Crime Prevention Committee are, if so required or permitted under this Act, to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with:

a. the use of drugs including the manufacture, supply or distribution of drugs;

b. the level or causes of crime or violent behaviour.

Terms of Reference

Received from the Governor in Council on Tuesday 18 June 2003.

The Governor in Council, under Section 4F of the Parliamentary Committees Act 1968, requires that the following matters be referred to the Drugs and Crime Prevention Committee for inquiry, consideration and report on:

(a) the incidence, prevalence, severity, cost and impact of violence associated with motor vehicle use;

(b) a review of Victorian, national and international research into violence associated with motor vehicle use;

(c) the effectiveness of strategies and initiatives relating to violence associated with motor vehicle use; and

(d) the need for policy and legislative reform to reduce violence associated with motor vehicle use at the state level.
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Section A: Introduction

On 7 March 2004, news services around Australia reported an alleged ‘road rage’ incident in Western Australia which resulted in the death of a two-year-old boy, Tyrell Hart (The Sunday Age 2004; Kelly 2004; Calverley 2004). Tyrell was killed following an alleged altercation between his grandfather, Eddie Barron-Ugle, and the driver of a Toyota. It was alleged that as Mr Barron-Ugle was about to pull into his driveway he stopped to give way to a cyclist. One of his tail-lights was not working. The driver of the Toyota reportedly became ‘upset’ about the faulty tail-light and yelled abuse at Mr Barron-Ugle. After Mr Barron-Ugle had parked in his driveway, the Toyota driver allegedly ‘rammed’ into the back of his car. Unfortunately, Tyrell had already left his grandfather’s car and had walked behind it. He was crushed between the two cars.

In the same week an ambulance officer attending a car crash in Sydney was reportedly ‘run down by a motorist enraged at the road delay the accident was causing’ (news.com.au 2004a), and a man in Melbourne was sentenced to seven years’ imprisonment following a fatal stabbing associated with ‘road rage’ (Herald Sun 2004; Gregory 2004). In the following month a Sydney man went to court charged with having shot another motorist during a ‘road rage’ incident (news.com.au 2004b), a second man was stabbed in a video shop car park in Queensland in an apparent ‘road rage’ attack (The Courier-Mail 2004), and yet another man was allegedly bitten in a ‘road rage’ incident in Western Australia (POST Newspapers Online 2004).

‘Road rage’ incidents such as these have resulted in much community concern. There is a perception that such incidents are increasing. Moreover, it is commonly thought that not only are ‘road rage’ episodes occurring more often but also that the level of violence associated with these incidents is escalating.

As a result of these concerns and perceptions, the Drugs and Crime Prevention Committee of the Parliament of Victoria has been given Terms of Reference which require it to examine the issue of violence associated with motor vehicle use.

In conducting this Inquiry the Committee will examine available reliable data with regard to the incidence of ‘road rage’ episodes in Victoria. One issue for investigation is whether ‘road rage’ incidents are in fact increasing or whether such a view is a misconception attributable to ‘media hype’, as has been
suggested by some authors (see for example Elliott 1999). The Committee will also explore possible causes of ‘road rage’. After examining the magnitude, dimensions and causes of the problem, the Committee will analyse the effectiveness of current strategies to address this issue and investigate innovative and alternative strategies that may prevent or at least lessen ‘road rage’ incidents.

**Terms of Reference for the Inquiry**

On 18 June 2003 the Governor in Council referred the following Terms of Reference to the Drugs and Crime Prevention Committee:

The Governor in Council, under Section 4F of the Parliamentary Committees Act 1968, requires that the following matters be referred to the Drugs and Crime Prevention Committee for inquiry, consideration and report on:

(a) the incidence, prevalence, severity, cost and impact of violence associated with motor vehicle use;

(b) a review of Victorian, national and international research into violence associated with motor vehicle use;

(c) the effectiveness of strategies and initiatives relating to violence associated with motor vehicle use; and

(d) the need for policy and legislative reform to reduce violence associated with motor vehicle use at the state level.

The Committee is required to report to the Parliament by 30 September 2004.

**The Inquiry process**

The Committee has undertaken a preliminary review of the literature on motor vehicle violence in Australia and overseas. An initial call for written submissions was also placed in the *Herald Sun* and *The Age* on 21 February 2004, with submissions due by 2 April 2004. Five submissions have been received from individuals and organisations.1

During the course of the Committee’s preliminary research it has become apparent that the issues involved in an analysis of motor vehicle violence are both broad and complex. It is the purpose of this Discussion Paper to outline some of these issues, and to raise questions which members of the community may wish to address in making submissions to the Committee. The Committee welcomes written submissions in response to any of the matters raised, and an opportunity will be provided for oral submissions when the Committee conducts public hearings.

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1 For a list of the submissions received by the Committee see Appendix 1.
The Discussion Paper

This Paper is divided into five Sections. The remainder of this Section defines relevant terms that will be used throughout the Inquiry. Section B looks at some of the issues involved in measuring the prevalence of ‘road rage’. Section C examines the causes of ‘road rage’ and Section D presents some of the preventive strategies that have been proposed. Section E is a brief summary of the issues relating to ‘road rage’ raised in this Paper.

It should be noted that this Discussion Paper is not intended to be exhaustive, as the Committee has so far only conducted preliminary research. It is anticipated that additional issues will be brought to the Committee’s attention as the Inquiry proceeds. The Committee therefore welcomes submission on any matter related to the Terms of the Inquiry as well as on issues raised in this Paper. Submissions should be forwarded to the Committee by 18 June 2004.

Following the publication of this Discussion Paper, the Committee will continue to undertake research of the relevant literature. Public hearings will also be conducted, the details of which will be published in The Age and Herald Sun. The Final Report will bring together all of the information obtained during the Inquiry.

Scope of the Inquiry

The Terms of Reference of this Inquiry require the Committee to investigate ‘violence associated with motor vehicle use’. This phrase could be interpreted broadly, to include any acts of violence that are in any way related to motor vehicle use, such as:

- ‘Road rage’ incidents;
- Car-jackings;
- The use of cars to commit robberies (‘crash and rob’);
- The premeditated use of cars to commit violence against particular people or properties (eg. deliberately driving into a specific building); or
- Acts of violence occurring between passengers of the same car (eg. domestic violence that takes place in a car).

It is the Committee’s view, however, that the scope of the current Inquiry should be limited to those acts of violence which are commonly referred to as ‘road rage’ (as defined below). It is these acts of spontaneous driving-related violence that motivated the Government to provide the Committee with this Inquiry. Other acts of violence associated with motor vehicle use, such as those listed above, are of a very different nature and should be examined separately. The Committee will therefore use the terms ‘road rage’, ‘violence associated with motor vehicle use’ and ‘motor vehicle violence’ synonymously throughout this Inquiry.
What is ‘road rage’?

The term ‘road rage’ is believed to have originated in the United States in the 1990s (Joint 1995). While the meaning of the term may seem obvious, it is actually seen to be ‘an extremely ill defined concept’ (Victorian Community Council Against Violence 1999, p.2). This lack of clarity was noted in one of the earliest studies of ‘road rage’ conducted in Britain, in which it was stated that:

In its broadest sense [road rage] can refer to any display of aggression by a driver. However, the term is often used to refer to the more extreme acts of aggression, such as a physical assault, that occur as a direct result of a disagreement between drivers (Joint 1995, p.1).

Subsequent studies have sought to clarify the definition of ‘road rage’, with limited success. Some authors continue to include all forms of aggressive driving within the scope of ‘road rage’ (Victorian Community Council Against Violence 1999), while others have attempted to limit its scope to acts of physical violence (Crime Research Centre 1997). These definitional difficulties, along with concerns that the term may legitimise unacceptable acts of violence, have led yet others to argue for abandonment of the term ‘road rage’ altogether (Elliott 1999).

This lack of an agreed definition can lead to difficulties in measuring the prevalence of ‘road rage’, as well as in discussing appropriate preventative steps to be taken. Therefore it is crucial to ensure that such terms and concepts are clearly defined and used in a consistent fashion.

For the purpose of this Inquiry the Committee has adopted the following four-part definition of ‘road rage’ proposed by the Crime Research Centre of the University of Western Australia in its 1997 Report Road Rage: Driving Related Violence in Western Australia (‘the UWA Report’). ‘Road rage’ involves:

(i) an act of violence;
(ii) which is driving-related;
(iii) of an impulsive nature; and
(iv) which occurs between strangers.

The Committee believes this definition most closely approximates the phenomenon which this Inquiry is intended to address – those acts of spontaneous violence which suddenly flare up between drivers who were previously unknown to each other.

Only those incidents which satisfy all four of these conditions (each of which are discussed below) will be classified as ‘road rage’. If just one is missing (eg. if it is a premeditated rather than impulsive act of violence between strangers driving cars) the incident will not viewed as a ‘road rage’ incident and so will fall outside the scope of the Inquiry.
Definition of terms

i) Acts of violence

As discussed above, one of the key definitional issues in this area is whether to use the term ‘road rage’ to refer to all acts of aggression which occur on the road or to restrict its use to more severe acts of violence. The difference between these two approaches can be seen in the definitions used in two of the most significant Australian reports on ‘road rage’ – the 1999 report Aggression and/or Violence Associated with Motor Vehicle Use, produced by the Victorian Community Council Against Violence (‘the VCCAV Report’), and the 1997 UWA Report.

In the VCCAV Report, ‘road rage’ was defined as:

Aggression and/or violence associated with motor vehicle use. Aggression and/or violence includes psychological harm as well as physical harm (Victorian Community Council Against Violence 1999, p.4).

This broad definition, encompassing all acts of ‘aggression’ which occur on the road, includes both ‘severe’ acts of ‘road rage’ and more ‘mild’ forms of ‘road rage’. Examples of severe acts include ‘following another vehicle, swerving in front of a vehicle, trying to run a vehicle off the road, attempting to stop a vehicle, approaching a vehicle, damaging a vehicle and assaulting or trying to assault a driver or passenger of a vehicle’. Milder forms of ‘road rage’ include ‘shouting abuse, making obscene gestures, flicking lights on and off, giving a prolonged blast of the horn, deliberately driving too close behind (tailgating) and braking or slowing suddenly’ (Victorian Community Council Against Violence 1999, p.39).

By contrast, the UWA Report focuses on ‘acts of violence’, rather than mere acts of aggression. In deciding to restrict the definition of ‘road rage’ in this way, it was noted that:

Part of the damage that labels such as ‘road rage’ may cause is that they blur the boundaries between aggression and violence and allow violence in the context of driving to be seen as spontaneous and justifiable aggression rather than as criminal behaviour. For this reason, the focus of this report is on driving related violence (Crime Research Centre 1997, p.11).

However, in limiting its definition of ‘road rage’ to driving-related acts of violence the UWA Report does not dismiss aggressive non-violent actions (such as horn honking or tailgating) as irrelevant. Instead it treats them ‘as correlates or precursors of violence rather than as objects of primary interest’ (Crime Research Centre 1997, p.11).

2 Submission from Ms Colleen Pearce, Director, Victims Support Agency, Department of Justice, to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 7 April 2004.
The Committee agrees with the UWA Report that it is best to focus on those incidents that become violent, rather than all road-related forms of aggression (some of which may be justifiable). Unless otherwise specified, the Committee will therefore limit its use of the term ‘road rage’ to those incidents resulting in violence. ‘Violence’ in this context includes psychological violence (e.g., threats) as well as physical violence and property damage. Non-violent actions, such as tailgating and horn honking, will be referred to as ‘driver aggression’.

ii) ‘Driving-related’ violence

Obviously cases of ‘road rage’ must relate, in some way, to the ‘road’. It is important, however, to examine the precise nature of that relationship. This is because not all acts of violence occurring on a road fall within the definition of ‘road rage’. A fight between two pedestrians that spills onto the road, for example, is not considered to be an instance of ‘road rage’. Conversely, not all incidents of ‘road rage’ actually take place on the road. A spontaneous act of violence occurring in a car park may still be considered ‘road rage’, even though it did not occur on a road.

This link with the road is expressed in the Committee’s definition of ‘road rage’ as the requirement that incidents be ‘driving-related’. Such incidents need not actually have taken place on the road, so long as they relate to driving or driving-related behaviour (such as parking). To fulfil this requirement, at least one of the individuals involved must have been the driver or passenger of a motor vehicle (including a motor cycle). It is not necessary that both parties have been drivers or passengers of motor vehicles – ‘road rage’ incidents can involve a motor vehicle and a pedestrian or a motor vehicle and a pushbike (Crime Research Centre 1997).

iii) Impulsive acts

Not all acts of violence associated with motor vehicles are considered to be ‘road rage’. The concept of ‘road rage’ implies an impulsive act of violence that suddenly arises due to a driving-related incident. This can be contrasted with premeditated acts of violence involving motor vehicles, such as car-jackings or using cars to deliberately drive into targeted people or buildings, such as occur when vehicles are used to commit robberies, so-called ‘ram-raids’. Such premeditated acts do not involve the spontaneous flaring of tempers associated with incidents of ‘road rage’ and would require different intervention strategies if they were to be addressed. They are consequently excluded from the definition of ‘road rage’ used by the Committee.

iv) Incidents involving strangers

The final element of the Committee’s definition is that the incident involves strangers. As with the requirement that incidents be impulsive, this requirement is aimed at restricting the definition of ‘road rage’ to those spontaneous acts of violence which are related to driving or driving-related
behaviour. It is likely that violent incidents which occur between people who are known to each other, even if they occur spontaneously while driving, will be motivated by other factors (such as pre-existing animosity). They are therefore excluded from the definition.

Conclusion

It is likely that most drivers will have experienced some level of anger or frustration while driving. In most circumstances they manage to keep their emotions under control. On some occasions, however, this anger erupts into violence affecting other people. It is the purpose of this Inquiry to examine how frequently this happens, why it happens, and to see what steps can be taken to reduce the likelihood of it happening. The next Section looks at some of the issues concerning the measurement of ‘road rage’.

Questions to consider

Does the Committee’s definition of ‘road rage’ create any difficulties?

Are there any circumstances where ‘road rage’ may occur which will not fall within the scope of the Committee’s definition?

Should ‘road rage’ be defined differently?
Section B: Measuring ‘Road Rage’

Introduction

If the Committee is to effectively address the phenomenon of ‘road rage’, it is necessary that it understand the following matters:

◆ The extent of the phenomenon (how frequently ‘road rage’ incidents occur);
◆ The nature of the phenomenon (who is committing ‘road rage’ and in what circumstances); and
◆ The impact of the phenomenon (how does ‘road rage’ affect those involved and the community as a whole).

It is only by examining these issues that the Committee can determine whether a response to this ‘problem’ is necessary, and what that response should be.

Unfortunately, there are many impediments to the accurate measurement of the nature, extent and impact of ‘road rage’. Part of the problem lies in the absence of agreed definitions, as discussed in Section A.3 This has prevented data from being collected in a uniform and consistent way. Other problems include a high rate of under-reporting of ‘road rage’ incidents to police, and difficulties in differentiating data relating to ‘road rage’ incidents from data relating to other types of violence associated with motor vehicle use (such as car-jackings) (Crime Research Centre 1997; Victorian Community Council Against Violence 1999).

This Section raises some of the major issues surrounding the measurement of ‘road rage’. It begins with a brief examination of the three main areas of interest to the Committee – the extent, nature and impact of ‘road rage’ – and then highlights some of the possible sources of data the Committee may use in the next stage of this Inquiry. The difficulties associated with relying on each of these data sources are also discussed. The Committee welcomes suggestions regarding additional useful sources of data or means by which the impediments raised can be overcome.

3 Submission from Ms Colleen Pearce, Director, Victims Support Agency, Department of Justice, to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 7 April 2004.
The extent of ‘road rage’

In the VCCAV Report (Victorian Community Council Against Violence 1999, p.2) it was noted that ‘although the topic of “road rage” seems to be of concern to the public, there are no official statistics that adequately capture the incidence of or trends in aggression and/or violence associated with motor vehicle use’. This has led to a diversity of views being held concerning the prevalence of ‘road rage’.

On the one hand, many people see ‘road rage’ to be a significant and growing problem. This includes a number of experts in the area (Joint 1995; Mizell 1997), as well as many members of the public. For example, in the telephone survey of 801 drivers conducted by the Victorian Community Council Against Violence in late 1997, 52 per cent of those surveyed said they believed that the level of ‘road rage’ had increased over the previous 12 months (Victorian Community Council Against Violence 1999).

On the other hand, there are people who argue that the phenomenon of ‘road rage’ has been exaggerated by the media due to its ‘newsworthiness’, and is not actually an escalating problem (Elliott 1999; Marshall & Thomas 2000). In their analysis of newspaper reports published in 1996 on ‘road rage’, Marshall and Thomas discussed this discrepancy between the prevalence of ‘road rage’ incidents and the reporting of such incidents:

National newspaper reporting would suggest that behaviour in road rage incidents is a serious problem. However, the incidence and prevalence of road rage is not accurately captured by newspaper reports. Incidents reported in the national press reflect the propensity of newspapers to report those cases likely to be ‘newsworthy’. As Roshier has suggested, the concept of ‘newsworthiness’ includes the tendency to report crimes at the serious end of the spectrum, as well as cases involving famous people. Many of the reports within this sample featured these elements. These reporting tendencies imply that road rage may represent a less pervasive threat to the public than the newspaper coverage might suggest (Marshall & Thomas 2000, p.5).

Discovering which of these views is correct is clearly of great importance to the Committee. If ‘road rage’ is a significant and escalating problem, resources should be dedicated to preventing its occurrence, and appropriate strategies put in place. If, however, incidents of ‘road rage’ are rare and not increasing in frequency it may not be desirable to dedicate limited resources to its prevention (Elliott and Shanahan Research 1997).

The nature of ‘road rage’

When determining how best to address ‘road rage’ it is not only useful to have a clear understanding of its extent but also of its nature. It is only by understanding the circumstances in which ‘road rage’ is committed that appropriate intervention strategies can be developed and implemented. Without such
knowledge there is a danger that prevention measures will be poorly designed or wrongly targeted. For example, an education campaign targeting the elderly would be of little use if the elderly do not commit ‘road rage’.

Consequently the Committee will be seeking the following information from the data sources outlined below:

- The circumstances of ‘road rage’ incidents (e.g. time of day, location);
- The characteristics of ‘road rage’ perpetrators and victims (e.g. age, gender, driving experience); and
- The nature of the violence perpetrated (e.g. physical assault, property damage).

**The impact of ‘road rage’**

The Committee also wishes to understand the impact that ‘road rage’ can have on those involved in such incidents, as well as on society generally. Some of this impact will be measurable in financial terms, including the costs of repairing property damaged in such incidents and the costs of medical treatment. The Committee is also interested in the non-financial costs of ‘road rage’, such as the psychological damage such incidents may cause to victims, or the fear that the phenomenon may instil in some members of the community. The Committee believes that understanding these matters can assist it in determining appropriate responses to ‘road rage’.

**Data sources**

There are a range of possible data sources the Committee can use to ascertain the extent, nature and impact of ‘road rage’. These include:

- Existing studies;
- Police data;
- Court data;
- Insurance data;
- Survey data;
- Media data; and
- Personal accounts of ‘road rage’.

The strengths and weaknesses of each of these sources are discussed below. The Committee welcomes suggestions of any additional data sources which can help it to understand how often ‘road rage’ is committed, by whom, and in what circumstances.

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4 Submission from Ms Colleen Pearce, Director, Victims Support Agency, Department of Justice, to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 7 April 2004.
Existing studies

A number of studies measuring various aspects of ‘road rage’ and/or aggressive driving have been conducted within Australia and overseas. While these studies have relied on different definitions of the relevant terms and have used different methodologies, they provide a good starting point for examining the extent of the problem.

In the Australian context, the main studies that have come to the Committee’s attention are:

- *Road Rage: Driving Related Violence in Western Australia*: a 1997 report produced by the Crime Research Centre of the University of Western Australia for the Royal Automobile Club of Western Australia;
- *An Examination of the Nature and Extent of “Road Rage”:* a 1997 report produced by Elliott and Shanahan Research for VicRoads;
- ‘Road rage: What, who, when, where and how?’: a 1998 study conducted by Associate Professor Ann Brewer of the Institute of Transport Studies at the University of Sydney; and

The Committee has also been made aware of the following international reports:

- *Road Rage*: a 1995 report written by Matthew Joint for the Road Safety Unit of the Automobile Association (UK);
- *Aggressive Driving*: a 1997 report written by Louis Mizell for the AAA Foundation for Traffic Safety (US);
- *The Road Safety Monitor: Aggressive Driving*: a 2001 report written by Beirness et al. for the Traffic Injury Research Foundation (Canada);
- *An Exploratory Study Of Road Rage, Aggressive Driving And Other Hazardous Driving Behaviour Among A Representative Sample Of Motorists In Durban, South Africa*: a 2003 report written by Anesh Sukhai of the Medical Research Council at the University of South Africa (South Africa).

The Committee is interested to know of any additional studies that have sought to measure the extent, nature or impact of ‘road rage’, either within Australia or overseas. As many of the reports outlined above were written over five years ago, the Committee is particularly keen to be advised of any recent studies that have been undertaken.

Police data

The Committee has sought data from Victoria Police with regard to the prevalence of ‘road rage’ incidents in Victoria. The Committee is interested to determine the nature of these incidents and how frequently they occur. It is also important to ascertain how ‘road rage’ incidents have been dealt with after
Section B: Measuring ‘Road Rage’

they have come to police attention. While such information will clearly assist in understanding the nature and extent of the problem, the Committee is aware that such data may not provide a comprehensive picture of the phenomenon. This is because police data only relate to cases that have been reported to the police and recorded. Previous studies have found that a very large proportion of ‘road rage’ incidents is not reported. For example, the VCCAV Report (1999) found that 91 per cent of what it classified as ‘severe’ ‘road rage’ cases were not reported. It is likely that the rate of non-reporting for more ‘mild’ cases would be even higher.

In addition, it is likely to be difficult to differentiate ‘road rage’ cases from other acts of motor vehicle violence that have been reported to the police, such as car-jackings. As will be seen in Section D, there is no specific ‘road rage’ offence that is charged in such cases. Instead there are a range of different charges that could be laid, depending on the circumstances of the incident. For example, a driver who physically attacks another driver could be charged with assault, while a driver who damages another driver’s car could be charged with criminal damage. While it may be possible to search the police database (LEAP) for all possible offences that occurred in or around a motor vehicle, this would include all cases of violence involving motor vehicles, not just ‘road rage’ cases.

**Court data**

The Committee is interested to discover how many ‘road rage’ incidents have been prosecuted and resulted in court determinations, and what the outcome of such cases has been. It is aware, however, that most cases will have been heard in Magistrates’ Courts, where it may be difficult to extract data from court records. The Committee welcomes suggestions as to ways in which relevant court data, including sentencing information, can be obtained.

**Insurance data**

Data concerning the extent of ‘road rage’, as well as the financial impact such acts of violence can have, could possibly be obtained from insurance companies. Such companies may have collected data concerning the claims arising from ‘road rage’ incidents and have records of the cost of those claims to the company. While such claims will only relate to a narrow subset of ‘road rage’ incidents – those cases in which a party is comprehensively insured, their car has been damaged, and they have chosen to make a claim – any such data will still assist the Committee in ascertaining the extent of the problem. The Committee is interested in hearing from insurance companies with relevant data.

**Survey data**

Data regarding the nature, extent and impact of ‘road rage’ may also be

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5 In July 2001, Victoria Police created a non-mandatory field in their LEAP database to record whether particular crimes were associated with the use of a motor vehicle. (Submission from Ms Colleen Pearce, Director, Victims Support Agency, Department of Justice, to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 7 April 2004.)
obtained through general public surveys. Such surveys seek information from a sample of community members about their experiences, both as victims and perpetrators of ‘road rage’. These surveys are seen to provide ‘a valuable source of data as they include offences not reported to police.’6 One such survey was conducted by the Victorian Community Council Against Violence in 1998 (Victorian Community Council Against Violence 1999). AAMI also conducts annual telephone interviews of drivers about a range of topics, including aggressive driving, the results of which are reported in their annual Crash Index and Young Drivers Index publications. The Committee would like to know of any other surveys that have sought to measure the nature or extent of motor vehicle violence in this way.

**Media data**

Data that can help measure the nature and extent of ‘road rage’ can also be obtained from media reports. For example, newspapers can provide considerable information about specific ‘road rage’ incidents, as well as providing a gauge of public concern about the issue. As with police data, however, the Committee is aware that such information is by no means comprehensive and sometimes questions of accuracy and reliability of sources arise. In addition, only those incidents which have come to the attention of the media, and which are deemed ‘newsworthy’ at the time, will be reported. When combined with the other sources outlined above, however, such reports may assist the Committee in obtaining a more complete understanding of the phenomenon.

**Personal accounts of ‘road rage’**

In addition to the collection of quantitative data from the sources outlined above, the Committee is interested in hearing from people who have been involved in ‘road rage’ incidents, either as victims or perpetrators. The Committee believes that such accounts add to the richness of the data relied upon, providing valuable insights that are not readily available elsewhere. In particular, the Committee would like to know:

- The time and location of the incident;
- The cause of the incident;
- The circumstances of the incident;
- Whether any injuries were caused and, if so, whether medical attention was required;
- The extent of any property damage and whether an insurance claim was made;
- Whether the incident was reported to the police and the outcome of any matters that were reported;

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6 Submission from Ms Colleen Pearce, Director, Victims Support Agency, Department of Justice, to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 7 April 2004.
If the incident was not reported to the police, the reason for not reporting;

Whether any steps have been taken to avoid a repetition of the incident; and

The impact the incident has had on the victim or perpetrator.

**Conclusion**

Although there are a number of impediments to measuring motor vehicle violence, it is important that the Committee seeks to obtain as clear a picture as possible, as noted in the VCCAV Report:

Reliable data relating to aggression and/or violence associated with motor vehicle use is essential to provide informed and objective advice to Government and the community. Without reliable information it is impossible to assess the extent of, and trends in, aggression and/or violence associated with motor vehicle use (Victorian Community Council Against Violence 1999, p.9).

The Committee looks forward to receiving any information that can assist it in understanding the nature, extent and impact of ‘road rage’ in Victoria.

**Questions to Consider**

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<td>What is the nature of ‘road rage’? Who are the perpetrators and the victims? Is ‘road rage’ committed primarily by young men?</td>
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<td>What impact does ‘road rage’ have in financial and other terms?</td>
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<tr>
<td>Are there any recent studies which have sought to measure the nature, extent or impact of ‘road rage’ that have not been mentioned in this Section?</td>
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<td>What are the problems with the available data on ‘road rage’?</td>
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<td>Are there any data available relating to ‘road rage’ incidents that have proceeded to court?</td>
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<td>Are there any data available relating to insurance claims arising from ‘road rage’ incidents?</td>
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<tr>
<td>Why is there such a high rate of under-reporting of ‘road rage’ incidents to the police?</td>
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<tr>
<td>What sources of information can be used to assess the cost of ‘road rage’ to individuals and the community?</td>
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<tr>
<td>Are there any other sources of relevant data not discussed in this Section?</td>
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Section C: Causes of ‘Road Rage’

Introduction

The 1999 VCCAV Report noted that there are a number of theories as to why ‘road rage’ exists:

One theory is that “road rage” is a manifestation of a general increase in stress caused by increasing economic and social uncertainty and insecurity. Another theory is that “road rage” is caused, or at least exacerbated by, increased traffic congestion. It is also argued that some people perceive a degree of anonymity in their cars and behave in a way that they would not normally outside their cars. Another theory is that society as a whole is becoming more violent, and people’s behaviour behind the wheel is no exception (Victorian Community Council Against Violence 1999, p.2).

Understanding which of these theories or combination of theories best explains the causes of ‘road rage’ is essential if the problem of ‘road rage’ is to be properly addressed. Without such an understanding, intervention strategies may prove to be ineffective, or even counterproductive. For example, a law enforcement campaign targeting aggressive driving may be of limited use if ‘road rage’ is actually caused by traffic congestion.

This Section briefly outlines some of the main causal theories that have been proposed in the literature. The Committee invites comment on these or any other perceived causes of ‘road rage’. The Committee particularly welcomes submissions from ‘road rage’ perpetrators, who may be able to provide valuable insights into the causes of such violent behaviour.

Immediate triggers

In the vast majority of ‘road rage’ cases there is a specific incident that precedes the act of violence, such as one driver tooting another or changing lanes without indicating (Crime Research Centre 1997; Victorian Community Council Against Violence 1999). It is rare to have a spontaneous, driving-related act of violence between strangers that is not
precipitated by such an incident. These ‘triggering events’ are commonly considered to be a major cause of ‘road rage’.7

Some of the main triggering events mentioned in the literature include: slow driving; halting traffic; stopping suddenly; changing lanes or turning without indicating; cutting in; merging without looking; jumping a car park queue; tailgating; overtaking; preventing someone from overtaking; being too inhibited or cautious, particularly when turning right; not giving way; failing to turn off high beams; being tooted; swearing; obscene gesturing; looking at another driver while waiting at traffic lights; reckless driving; speeding; failing to stop at red lights; breaking other traffic rules; road crashes; and a lack of driver courtesy.

**Underlying causes**

**External stressors**

While the triggering events outlined above may precipitate acts of violence, their occurrence will not always lead to ‘road rage’. Most people on most occasions will not resort to violence when they are cut off in traffic or if the person in front of them is driving too slowly. This has led a number of people to posit that in many cases ‘the causes of “road rage” extend beyond the immediate circumstances surrounding an incident’ (Victorian Community Council Against Violence 1999, p.xv).

Rather than being about these sometimes trivial triggering events, ‘road rage’ incidents are viewed by some to be ‘the cumulative result of a series of stressors in the motorist’s life. The traffic incident that turns violent is often “the straw that broke the camel’s back”’ (Mizell 1997, p.2). According to this theory, there is usually something else occurring in the perpetrator’s life that is the real cause of the violence. They may, for example, have had a bad day at work or may be having difficulties at home. Alternatively, they may be in a rush due to work or family pressures, or even involved in some crisis such as conveying a sick person to hospital. Such factors can create a ‘reservoir of anger, hostility, or frustration that is released by the triggering incident’ (Mizell 1997, p.5).

**Congestion**

Another factor widely considered to contribute to the phenomenon of ‘road rage’ is the stress that arises from road congestion.8 It has been suggested that increasing levels of congestion on the roads ‘have undoubtedly played a role in

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7 In her submission to the Committee, Ms Pearce argued that views that consider such triggers to be the cause of ‘road rage’ are ‘disturbing because they tend to legitimise aggressive or violent behaviour on the grounds that the victim deserved the aggressive response because of their “bad driving”’. (Submission from Ms Colleen Pearce, Director, Victims Support Agency, Department of Justice, to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 7 April 2004.)

8 See, for example, submission from Mr Peter Le Ray to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 26 February 2004.
raising tempers among drivers and may partly explain why ... the majority of motorists feel that the behaviour of drivers has changed for the worst in recent years’ (Joint 1995, p.3).

In positing congestion as a cause of ‘road rage’, some authors have pointed to studies of animal behaviour demonstrating aggressive behaviour in rats and various primates in response to overcrowding, arguing that ‘it is reasonable to suggest that humans respond in a comparable manner’ (Joint 1995, p.2).

Other authors have pointed to studies showing that chronic exposure to traffic congestion and traffic exposure in long distance commuting can lead to highly significant increases in baseline blood pressure, lowering of frustration tolerance and increases in negative mood, providing a physiological reason for reacting in a violent fashion (Stokols & Novaco 1981).

Environmental factors

In examining the causes of ‘road rage’ Connell and Joint state that ‘it is widely accepted that there are numerous environmental variables which can, under certain circumstances, either provoke aggression or increase the likelihood of its occurrence’ (1996, p.6).

One such variable is temperature. It has been suggested that the incidence of violent crime increases during the summer months, due to the frustration and irritation caused by extreme heat (Connell & Joint 1996). While the authors note that there is little experimental evidence to support this thesis in relation to ‘road rage’, they refer to an experiment conducted by Kenrick and MacFarlane in 1986:

In their experiment a car was repeatedly positioned in front of another vehicle at a set of traffic lights, and the driver would deliberately ignore the presence of a green light and remain stationary. A basic standard measure of the aggression of the driver behind was formulated, based on the time which elapsed before he or she sounded the horn, the number of times the horn was sounded, and the duration of each sounding. This measure was assumed to indicate the annoyance and aggression of the obstructed driver. A direct, linear relationship between the outside temperature and this aggression emerged (Connell & Joint 1996, p.7).

Connell and Joint (1996, p.7) conclude from this experiment that there is ‘a direct influence of heat on driver aggression’.

Another environmental factor that may contribute to ‘road rage’ is noise. Unlike temperature, however, which is seen to have a direct influence on driver aggression, noise is generally seen to affect only the ‘intensity of aggression which has already been provoked, rather than adding to other variables which might together culminate in aggression. To an extent this can be seen as a result of the direct effect of noise on frustration rather than aggression’ (Connell & Joint 1996, p.6). (Emphasis in original)
It should be noted that the noise in question is noise over which an individual has no control, rather than loud noise in general. If a driver has chosen to have his or her stereo turned to full volume, this is unlikely to lead to ‘road rage’. It is only if they have no control over the volume that it may intensify his or her feelings of aggression:

If the individual has no control over the volume or duration of an irritating noise, the level of aggression provoked by something else is likely to be raised. Such noise tends to produce stress, and makes concentration more difficult, so that any further infringements will probably be reacted against, and individuals who already find themselves in an aggression-producing situation will aggress more intensely (Connell & Joint 1996, p.6).

The Committee would be interested to know if there are any other environmental factors that may also lead to motor vehicle violence.

**Nature of the car**

Other writers have theorised that the nature of the car itself contributes to the phenomenon of ‘road rage’. In particular, it has been suggested that many acts of violence arise because the self-contained, cosseted nature of the modern car prevents drivers from being able to communicate with each other (Connell & Joint 1996). Compared with other forms of social interaction, where careless or reckless behaviour (such as bumping into someone) can be immediately resolved with an apology, it is usually impossible to verbally communicate in a driving situation. While it may be possible to gesticulate submission, this may not be seen or understood by the other driver, or may even be misconstrued as aggression. It is argued that this lack of capacity to communicate can lead to trivial incidents being escalated to the point of violence.

The insular nature of the car can increase the risk of such escalation. Travelling in a metal shell with music playing, the heater on, and with tinted windows can make the occupants feel distanced from other road users:

The act of getting into a car seems to insulate the driver from some of the normal restraints that guide social behaviour in public settings. One reason for this may be that we lose contact with the sophisticated and subtle "cues" that regulate our behaviour and make us aware of other people and act to check our own conduct (Crime Research Centre 1997, p.14).

According to this theory, the car acts as a kind of ‘armour’, preventing drivers from engaging with other people in their normal manner. Rather than having a personal relationship with other drivers, where the consequences of one’s actions are immediately seen and felt, the relationship is very impersonal and technological. It is argued that this may ‘tend to distance, dehumanise and depersonalise the “other”: who becomes a “red car” or a “Volvo driver”. Once a process of depersonalisation has begun it becomes easier for drivers to shed

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9 See also Submission from Mr Matthew Worrall to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 26 February 2004.
inhibitions and attack other drivers in a way that would be considered unacceptable in many public settings’ (Crime Research Centre 1997, p.14).

The dangers of this process of depersonalisation may be magnified by the inflated feelings of power offered by the anonymity and mobility of the car. People may allow themselves to act in an anti-social manner because they feel they will not be called to account for their behaviour. Whereas under other circumstances people are likely to be immediately and directly called to account if they behave improperly (for example, if they knock someone down on the street), it is easy to simply flee the scene in a car, thereby avoiding responsibility (Crime Research Centre 1997).

**Car as status symbol**

A slightly different view of the causes of ‘road rage’ relates to the symbolic role the car plays in our society. Cars are often an individual’s second most valuable possession, after a home property, and can be seen as a ‘statement of self’. Some motorists also spend considerable time and money in maintaining and enhancing their vehicles, which makes them of greater personal value than vehicles used by other road users. This close connection with the car can lead to acts of violence being committed to protect it from any perceived threats:

[The car’s] size, shape, power, color, and value may all be used by the owner as an expression of how he sees himself and how he wants others to see him. Every time the car is used its value and meaning is to some extent controlled and obstructed by forces beyond the driver’s control, and it is placed at an unknown risk by other road users. It is this “egoic” aspect of driving which is perhaps more than anything else responsible for the uniqueness of driving and its unique ability to provoke emotion (Connell & Joint, p.2).

**Driving culture**

Some theorists have postulated the existence of a ‘driving culture’, with particular ‘rules’ which determine acceptable behaviour among drivers. These rules favour speed and mobility over caution. It is argued that some ‘road rage’ incidents occur because drivers feel they have authority to act aggressively to rectify breaches of these rules.

These informal ‘rules of the road’ do not necessarily correspond to the formal road traffic laws. In fact, ‘road rage’ incidents will often occur where the rules of driving culture conflict with road traffic laws:

The tacit, situationally negotiated rules of driving legitimate a robust driving style aimed at reducing travel time, rapidly negotiating barriers to movement and keeping traffic flowing. There may be additional pressures reinforcing these cultural rules; for example work pressures which reward road users who get from “A to B” in the shortest possible time and penalise those who do not. Such pressures inevitably create tensions between the competing demands of
“the law” on the one hand and the “rules of the game” on the other and between commerce and public safety...

Being “too slow” and not being aggressive enough in traffic can result in rule enforcers aggressively informing other drivers of the road rules and even enforcing conformity by meting out a little summary justice. This may even occur when the errant driver is obeying the traffic laws by, for example, stopping on amber lights and driving at the speed limit (Crime Research Centre 1997, p.52).

This theory considers ‘road rage’ to be a form of vigilantism:

… the “highway vigilante” is there to “teach a lesson” and “hit back” at “bad drivers” who flagrantly break the laws of the road. Even if the “vigilante” is prosecuted for offences under the law, they may still feel vindicated in the eyes of other drivers for administering justice (Crime Research Centre 1997, p.17).

**Predisposition to violent behaviour**

Many of the theories outlined above see ‘road rage’ as being caused by specific circumstances, such as external stressors or congestion. Underlying these theories is the idea that virtually anyone who was placed in the same circumstances could have reacted in the same way. They see ‘road rage’ as being committed by ordinary people who suddenly explode into violence for a range of possible reasons.

An alternative theory sees motor vehicle violence, like all forms of interpersonal violence, to be ‘largely a function of the beliefs and attitudes of the perpetrator’ (Crime Research Centre 1997, p.20):

It is... important to understand, to counter the notion that aggression and violence on the road arises spontaneously, that anger (“rage”) is itself a response that occurs as a product of the pre-established beliefs and expectations of the individual. The important point to establish here is that the way we think about ourselves and other road users and what are appropriate responses will in many ways shape not only our behaviour but also the emotion (anger) that many believe arise spontaneously. For example if we live in a world where we assume that the road is a race track and every move of other drivers is directed at slighting us personally we will easily and readily get angry and [are] more likely to believe that aggression and violence is justified and necessary (Crime Research Centre 1997, p.20).

According to this theory, certain people are more susceptible to committing acts of violence than are others. This susceptibility may be due to physiological or psychological factors, such as poor impulse control or low frustration tolerance.\(^\text{10}\) Alternatively, it may be due to being raised in a ‘subculture of

\(^{10}\) In his submission to the Committee, Mr Burt noted that a general theme seen by clinicians working with ‘road rage’ offenders is ‘rage and low frustration tolerance, leading to a loss of control’. (Submission from Mr Michael Burt, Chief Executive Officer, Victorian Institute of Forensic Mental Health, to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 8 April 2004.)
violence’ (Wolfgang & Feracutti 1967) that accepts the use of violence as a routine way to respond to difficulties and conflicts. Whatever the cause, this theory argues that it is people with a tendency to commit violence, as opposed to ordinarily passive people who ‘snap’, who are the main perpetrators of ‘road rage’.

Social disintegration

Finally, there are some who see ‘road rage’ as being an expression of a wider problem – the disintegration of social bonds in modern urban society, and the resulting increase in aggression and violence. This view sees urban society as a ‘rat race’, in which everyone is a stranger, and the bonds of community have been diluted (Crime Research Centre 1997). Violence in such a society is seen to be sudden, unprovoked, random and senseless. According to this perspective, ‘road rage’ is just one manifestation of a more generalised violence, which is also visible in street crimes such as ‘mugging’.

Conclusion

A range of proposed causes of ‘road rage’ have been outlined above. While these theories have been discussed in isolation from one another, it is unlikely that any one of them will prove to be the definitive cause of motor vehicle violence. Rather, it is likely that incidents are motivated by a variety of causes. It is vital that this interplay of causal factors be thoroughly explored and understood if effective preventive strategies are to be formulated.
Questions to Consider

To what extent is ‘road rage’ caused by acts of careless or inconsiderate driving (‘triggering events’)?

To what extent is ‘road rage’ caused by external stressors in the perpetrator’s life?

To what extent is ‘road rage’ caused by road congestion?

To what extent is ‘road rage’ caused by environmental factors, such as temperature and noise? Are there any other environmental factors that can lead to ‘road rage’?

To what extent is ‘road rage’ caused by an inability to communicate with other drivers?

To what extent is ‘road rage’ caused by a process of depersonalisation created by the insular nature of cars?

To what extent is ‘road rage’ caused by the anonymity and mobility offered by cars?

To what extent is ‘road rage’ caused because of the important symbolic role cars play in our society?

To what extent is ‘road rage’ caused by a driving culture that favours speed and mobility above all else?

To what extent is ‘road rage’ committed by ordinary people who ‘snap’, or is it committed by people with a particular predisposition to violence?

To what extent is ‘road rage’ the expression of a more general breakdown of social bonds?

Are there any other possible causes of ‘road rage’ that have not been discussed in this Section?
Section D: Prevention Strategies

Introduction

Policy makers and legislators face numerous challenges when developing strategies to address ‘road rage’. Notwithstanding these obstacles, attempts to reduce the incidence and impact of motor vehicle violence have been made, both within Australia and overseas. This Section outlines some of the crime prevention strategies that could be implemented in Victoria to address this problem.

Crime prevention involves any action that causes a reduction in the level of criminal activity, or in the number of criminal offenders and their victims. It has been described in terms of three stages or levels: primary, secondary and tertiary (Cameron & Laycock 2002).

Primary crime prevention is directed at stopping the problem before it happens. This could involve reducing opportunities for crime, such as limiting the use of cars, or strengthening community and social structures that influence an individual’s likelihood of committing a crime. It could also involve situational prevention measures, which address the environment in which crime occurs.

Secondary crime prevention seeks to change people, typically those at high risk of embarking on criminal activities. The focus could be on early intervention programmes that aim to educate people in connection with safe and courteous driving, or on high-risk environments in which crimes are most likely to occur, such as in congested traffic.

Tertiary crime prevention focuses on the operation of the criminal justice system and deals with offending after it has happened. The primary focus is on intervening in the lives of known offenders in an attempt to prevent them from re-offending, either through periods of incarceration, community-based sanctions, or monitoring during periods of probation. Criminal justice system responses also seek to deter other potential offenders in the community by making an example of the convicted offender and educating the community concerning the penalties associated with crime (Cameron & Laycock 2002).
As discussed above, deciding which crime prevention strategies to adopt (if any) will be influenced by the way in which the nature and causes of ‘road rage’ are understood. For example, if ‘poor driving skills’ is a significant contributory factor, a driver education strategy may be appropriate. However, strategies that aim to reduce car usage may be of greater benefit if congestion is found to be a major cause. It may, of course, be the case that both poor driving skills and congestion contribute to the problem, in which case implementing a combination of strategies may be most appropriate.

The Committee notes that some of the strategies examined in this Section have already been implemented in other jurisdictions around Australia or overseas. For example, the New South Wales government has passed laws specifically targeted at ‘road rage’ (see ‘A “road rage” offence’ below). To date, however, the Committee has been unable to find any information evaluating the effectiveness of such strategies. The Committee would be very interested to receive details about any programmes addressing motor vehicle violence that have been instigated by organisations, the effectiveness of these programmes and any problems encountered in their implementation.

The Committee also welcomes general comment on any of the measures discussed below, as well as suggestions for other strategies that could help reduce the incidence of ‘road rage’ in Victoria.

**Primary crime prevention strategies**

*Increased law enforcement*

As noted in Section C, the vast majority of ‘road rage’ cases are preceded by a ‘triggering event’, such as an act of aggressive driving. If these precursors to ‘road rage’ can be prevented the incidence of motor vehicle violence may be reduced.

One way of preventing some of these ‘triggering events’ from occurring may be through instigating a law enforcement campaign that specifically targets acts of aggressive driving, such as tailgating.11 In recent years similar campaigns have successfully targeted issues such as drink driving and speeding. Technologies such as surveillance cameras on roadways, or in cars, could be used to detect such acts of aggressive driving.

*Rewarding safe driving*

A system of rewards for those who drive in a safe and courteous manner, alongside the ‘stick’ of increased law enforcement for aggressive acts, may help

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11 Submission from F.C. Michie to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 9 March 2004. This prevention strategy relies upon the enforcement of existing laws governing aggressive driving, rather than the creation of new laws. The enactment of ‘road rage’-specific legislation is a tertiary crime prevention strategy, and is discussed under that heading below (see ‘A “road rage” offence’).
to change a current driving culture that seems to favour speed and mobility above all else.

**Hotlines**

Some ‘road rage’ incidents may arise because drivers lack any other avenues for venting their anger. This problem could possibly be remedied by creating a ‘hotline’ for drivers to call to make complaints about road user behaviour,\(^{12}\) such as the Sharing the Road Hotline which was established by the New South Wales Road Traffic Authority. This ‘hot line’ which operated during November and December in 1996 took calls from the general public about complaints or comments related to using the roads.

The functions of such a hotline would need careful consideration, particularly with regard to whether it would simply be a mechanism for receiving complaints (thereby allowing a cathartic release of pent-up anger or frustration) or whether it should also have the capacity to investigate particular incidents.

**Apology mechanisms**

As noted in Section C, some people claim that ‘road rage’ incidents are caused by an inability to apologise for careless driving behaviour, due to the nature of the car. To address this problem it has been proposed that cars be fitted with some kind of mechanism, such as a light or sign, that can be activated by a driver when they wish to apologise for their actions. Alternatively, official government-sanctioned ‘I’m sorry’ hand signals could be developed for this purpose. Such a strategy was recently suggested by Paul Gibson, the head of the Staysafe Committee\(^{13}\) (*The Daily Telegraph* 2004).

**Reducing road congestion**

Road congestion has been suggested as one underlying cause of ‘road rage’. If this is the case, then it may be possible to address motor vehicle violence by taking steps to reduce the number of cars on the road.\(^{14}\) For example, cars entering congested areas, such as the CBD, could be charged a congestion tax. This may act as a disincentive to driving in those areas. Any money received could be used to enhance public transport services. Such a scheme has been introduced recently in London and reportedly has reduced traffic in the designated areas (Hensher 2003).

Other measures that could assist in reducing congestion include:

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12 An alternative possibility would be to develop ‘aggression release rooms’ in workplaces to enable angry employees to vent their anger prior to driving. (Submission from Mr Peter Le Ray to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 26 February 2004.)

13 The Staysafe Committee is the New South Wales State Government’s road safety committee.

Extending the public transport infrastructure and improving services; 
Providing incentives to employees to commute to and from work using public transport; 
Providing free public transport in the CBD; 
Adjusting the way that use of the road and rail systems are taxed, to encourage greater use of railways for freight delivery; and 
Encouraging workplaces to adopt flexible working arrangements to reduce peak hour traffic.

Road design

Some commentators have suggested that ‘road rage’ incidents can be triggered when people are frustrated by impediments to mobility and speed. While some of these impediments are likely to be unavoidable, others may be caused by poor road design. If these design flaws can be rectified, the incidence of ‘road rage’ may be reduced:

As far as possible road designers need to consider the psychological component of driving and design mechanisms that will reduce the frequency of potentially frustrating situations. These might include the prevention of right hand turns off major roads by, for example, building concrete median strips. Preventing right hand turns at traffic signals also may be appropriate in some instances (Crime Research Centre 1997, p.62).

It may also be beneficial to introduce more ‘traffic calming’ measures into our road networks. ‘Traffic calming’ is the name given to road design strategies that aim ‘to reduce vehicle speeds and volumes’ (Litman 1999, p.1):

There are many potential traffic calming strategies... Traffic calming projects can range from a few minor changes to neighborhood streets to major rebuilding of a street network. Impacts range from moderate speed reductions on residential streets, to arterial design changes, and woonerfs (residential streets with minimal traffic speeds) (Litman 1999, p.1).

Such measures may not only help to reduce the volume of traffic on our roads but could also begin to change what is perceived to be an overly aggressive driving culture.

Secondary crime prevention strategies

Driver education

It has been suggested that one of the most effective ways to address ‘road rage’ is to educate new drivers about the dangers of aggression on the roads and to

provide them with strategies for avoiding aggressive behaviour. This could be done in a number of ways, such as:

- Including information about ‘road rage’ and aggressive driving in the Novice Driver Kit produced by VicRoads for new drivers;
- Building scenarios involving aggression and conflict resolution skills into the driver’s licence test; or
- Introducing graduated driver’s licences, preventing drivers from receiving full licences if convicted of aggressive driving offences during a specified probationary period.

Community education

A wide-reaching public education campaign may also assist in reducing the incidence of ‘road rage’ in Victoria. Such a campaign could inform the community about:

- The dangers of driver aggression and ‘road rage’;
- Strategies for reducing driver anger;
- Strategies for avoiding becoming a victim of ‘road rage’; and
- Any new measures that have been introduced to address ‘road rage’.

The campaign could either be targeted at the general public (eg. through an advertising campaign, such as the TAC drink driving campaign) or aimed at specific high-risk groups, such as young males with a history of violence.

Tertiary crime prevention strategies

A ‘road rage’ offence

At present there is no ‘road rage’-specific legislation in Victoria. Instead, a wide variety of different criminal and traffic offences can be used, depending on the circumstances. In its study of ‘road rage’ incidents occurring in Victoria in 1997, the VCCAV Report found the following range of charges had been used:

1. Criminal charges:
   - intentionally causing injury;
   - recklessly causing injury;
   - unlawful assault;
   - assault with a weapon;

16 Driver education and community education programmes can be considered to be either primary or secondary crime prevention strategies, depending on their focus. If they are intended to inform the public generally about crime risks and techniques for avoiding crime, they will be considered to be primary crime prevention strategies. If targeted at changing the behaviour of specific high-risk groups, such as young drivers with a history of violence, they will fall under the category of secondary crime prevention.

17 Submission from Ms Colleen Pearce, Director, Victims Support Agency, Department of Justice, to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 7 April 2004.
• indecent language;
• making a threat to kill;
• possession of an unlicensed weapon;
• criminal damage;
• wilful damage;
• behaving in an offensive manner in a public place;
• assault by kicking; and
• conduct endangering life.

2. Traffic offences:
• driving in a manner dangerous;
• failing to stop after an accident;
• driving while disqualified; and
• following too close (Victorian Community Council Against Violence 1999, p.10).

Instead of relying on this assortment of charges, it would be possible to enact one or more offences specifically targeted at motor vehicle violence. This approach has been adopted in New South Wales where the following three offences were created by The Traffic and Crimes Amendment (Menacing and Predatory Driving) Act 1997:

• Menacing Driving (possibility of menace): ‘A person must not drive a motor vehicle on a road or road related area in a manner that menaces another person if the person ought to have known that the other person might be menaced’ (Road Transport (Safety and Traffic Management) Act 1999 (NSW) s.43(2)).

• Menacing Driving (intent to menace): ‘A person must not drive a motor vehicle on a road or road related area in a manner that menaces another person with the intention of menacing that other person’ (Road Transport (Safety and Traffic Management) Act 1999 (NSW) s.43(1)).

• Predatory Driving: ‘The driver of a vehicle who, while in pursuit of or travelling near another vehicle (a) engages in a course of conduct that causes or threatens an impact involving the other vehicle, and (b) intends by that course of conduct to cause a person in the other vehicle actual bodily harm, is guilty of an offence’ (Crimes Act 1900 (NSW) s.51A).

It has been argued that such legislation may not only penalise those convicted of the relevant offences, but may also act as a deterrent to would-be offenders, especially if it is widely publicised and has significant penalties attached. The enactment of such specific legislation may also provide the community with an indication that Parliament believes ‘road rage’ to be a sufficiently serious problem that it merits legislative sanctions. This may help overcome the view that ‘road rage’ is sometimes justified.
On the other hand, however, it has been argued that such legislation is unnecessary. Acts of violence, such as those committed in ‘road rage’ incidents, are already prohibited by the criminal law. Any new offences will largely duplicate existing legislation and may simply act to complicate matters. In fact, it has been suggested that ‘road rage’-specific offences may actually be counterproductive. This is because such legislation may result in ‘road rage’ cases being treated less seriously than other violent acts. It is argued that this would be inappropriate, because ‘road rage’ is no different from any other act of violence and should be treated similarly.

The Committee would be interested to know whether legislation specifically targeting ‘road rage’ has been effective at reducing its incidence in those jurisdictions where it has been enacted. The Committee also seeks information concerning any problems encountered in the enforcement of such legislation.

**Enhanced sentencing options**

As there are no specific ‘road rage’ offences in Victoria, no sentencing options have been specified for such cases. The sentencing options available to magistrates or judges will depend on the offence charged in the particular case. Options will generally include fines, community based orders and/or imprisonment.

It may be appropriate to specify additional penalties to be available or required when offenders are convicted of ‘road rage’ incidents. Possible options would include requiring offenders to attend anger management classes, suspending or cancelling offenders’ driver’s licences, or confiscating their motor vehicles. The use of shaming-related sanctions could also be tried, such as requiring convicted offenders to display a sign on their vehicle that they have been convicted of ‘road rage’, or by having newspaper advertisements published naming those convicted.

It should be noted, however, that such penalties would only be applicable in cases in which a perpetrator has been convicted of an offence. Some reports have found that very few cases result in such a conviction:

> A reading of the police narratives … suggests that there is a significant “miss” rate (failure to bring a prosecution) with such incidents (even those where there has been a serious assault) due to a number of factors. These include the fact that victims frequently do not want to prosecute (some because they feel they share some blame, some because of time delays); there are frequently no witnesses or corroborating evidence; the police have a difficult task tracing offenders who flee the scene (for obvious reasons the victim may have difficulty

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18 Submissions from Ms Colleen Pearce, Director, Victims Support Agency, Department of Justice, to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 7 April 2004 and Mr Michael Burt, Chief Executive Officer, Victorian Institute of Forensic Mental Health, to the Drugs and Crime Prevention Committee, Inquiry into Violence Associated with Motor Vehicle Use, 8 April 2004. In Mr Burt’s submission it was noted that Forensicare currently provides specialist treatment services to some ‘road rage’ offenders.
in recalling registration details). In many cases the police recommend that the victim takes civil action (Crime Research Centre 1997, p.4).

It has been suggested that one way in which this problem could be partially overcome would be to provide police with the capacity to offer offenders the option of paying an on-the-spot fine, or attending an anger management session, instead of facing criminal charges (Crime Research Centre 1997).

**Conclusion**

This Section has outlined a range of strategies that could be implemented in Victoria to address the phenomenon of ‘road rage’. Deciding which of these strategies, if any, to implement will depend on a number of factors. First, it will be necessary to determine whether ‘road rage’ is a sufficient problem in Victoria to merit the expenditure of resources. If so, it will next be necessary to ascertain the nature and causes of such incidents. It is only by discovering who is committing such acts, in what circumstances, and for what reasons that intervention strategies can be properly targeted.

Once the extent, nature and causes of ‘road rage’ are understood, appropriate prevention programmes can be developed. The development of such programmes should be guided by the experiences of other jurisdictions. If effective programmes have been implemented elsewhere, such programmes could be replicated in Victoria. If, however, the programmes implemented have faced significant obstacles or have had limited effect, alternative measures should be developed.

The Committee looks forward to receiving any information that can assist it in determining which strategies would be appropriate for addressing ‘road rage’ in Victoria.
## Questions to Consider

What programmes have been instigated to address ‘road rage’, either within Australia or overseas? How effective have such programmes been? What problems have they faced?

Should a law enforcement campaign targeted at aggressive driving be instigated?

Should safe driving be rewarded?

Should a ‘hotline’ be created that drivers can call to complain about road user behaviour? What would be the appropriate role for such a ‘hotline’?

Should a mechanism or hand signal be developed to assist drivers to apologise for careless driving behaviour?

Would reducing road congestion help prevent ‘road rage’? If so, what steps should be taken to reduce the number of cars on the road?

Would traffic calming or other road design measures help prevent ‘road rage’?

What strategies (if any) should be developed to educate new drivers about the risks of ‘road rage’ and aggressive driving?

Would a public education campaign about ‘road rage’ be beneficial? What type of campaign would be of most use?

Should criminal offences targeted specifically at ‘road rage’ be enacted? Have such offences been effective at reducing the incidence of ‘road rage’ in other jurisdictions? What problems have been faced in enforcing such legislation? What should be the scope and definition of any offences created?

Should people convicted of ‘road rage’-related offences have their driver’s licences suspended or cancelled? Should they have their motor vehicle confiscated? Should they be required to display signs of having been convicted on their vehicle? Should adverse publicity be used as a sanction?

Should people convicted of ‘road rage’-related offences be required to attend anger management classes?

Should ‘road rage’ offenders be given the option of paying on-the-spot fines, or attending anger management classes, instead of being charged with criminal offences?

In what ways could restorative justice approaches involving reintegrative shaming be used as a means of responding to ‘road rage’?

What other steps can be taken to help reduce the incidence of ‘road rage’ in Victoria?
Section E: Concluding Remarks

The 1997 UWA Report noted that ‘impulsive aggression and violence on roadways are as old as the motor vehicle itself’ (Crime Research Centre 1997, p.11). This view runs counter to the commonly held belief that ‘road rage’ is a modern phenomenon, and one that is getting worse. Whether this latter perception is a misconception, aided by the media focussing disproportionately on a few isolated cases, or is grounded in the reality of our everyday driving experience will be investigated thoroughly in this Inquiry.

If ‘road rage’ is found to be a growing problem, the causes then need to be discovered. Possible causes include an increased number of cars on the road, a ‘driving culture’ with a speed obsession, environmental factors and the restrictions on communication being inside a car imposes. Similarly, research is needed into whether those who perpetrate ‘road rage’ are ordinary people frustrated by careless driving or people with a predisposition to commit violent acts. Appropriate prevention strategies may then need to be devised if the occurrence and severity of ‘road rage’ warrants such measures.

This Discussion Paper begins the research process by highlighting some of the main issues to be addressed. The Committee welcomes readers’ views on any of the matters raised or any other issues relevant to this Inquiry.
Appendix 1: List of Submissions Received

<table>
<thead>
<tr>
<th>Submission Number</th>
<th>Name of Individual/Organisation</th>
<th>Date Received</th>
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<tbody>
<tr>
<td>1</td>
<td>Mr Peter Le Ray – individual</td>
<td>26 February 2004</td>
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<tr>
<td>2</td>
<td>Mr Matthew Worrall – individual</td>
<td>26 February 2004</td>
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<tr>
<td>3</td>
<td>F.C. Michie – individual</td>
<td>9 March 2004</td>
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<td>4</td>
<td>Ms Colleen Pearce – Director, Victims Support Agency,</td>
<td>7 April 2004</td>
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<td></td>
<td>Department of Justice</td>
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<td>5</td>
<td>Mr Michael Burt – Chief Executive Officer,</td>
<td>8 April 2004</td>
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<td></td>
<td>Victorian Institute of Forensic Mental Health</td>
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</tbody>
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Bibliography


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Herald Sun 2004, 'Enraged killer gets 7 years’, 4 March.
The Sunday Age 2004, 'Toddler killed in apparent road rage attack', 7 March.