

To whom it may concern,

I am writing to you in relation to a Bill that was presented in Queensland Parliament recently - "Police Powers and Responsibilities (Motor Vehicle Impoundment) and other Legislation 2012". As a car enthusiast and a motorist in general, I am concerned with some of the changes being proposed in this Bill. This submission will focus on road safety statistics and the illogicalness of the penalties to be applied under this Bill.

Contributing Factors to the Road Toll - Hooning

Each year the Department of Transport and Main Roads (DTMR) publishes an annual report on the fatal road traffic crashes in Queensland, which are viewable in the DTMR website. None of the reports published over the last 12 years that were available mention the term "hoon" as a contributing factor to the Queensland road toll.

Contributing Factors to the Road Toll – Defective Vehicles

Table 5.1 in the reports published for the years 2009 and 2011 contain the contributing factors and characteristics of road fatalities over the past 7 years (2004-2011). Vehicle defects have contributed between 0.9 and 3.0% of all road fatalities in Queensland for years 2004-2011. There is no separation between vehicle maintenance/minor defects and illegally modified/non-compliant vehicle related defects. It is extremely likely that the latter which are targeted as Type 2 offences in this Bill, contribute a smaller portion of the given statistic.

It may be a simplistic view, however I think it's suitable to draw the conclusion that hooning does not contribute to the road toll (it is a nuisance however), and illegal/non-compliant modifications do not contribute to a significant proportion of the road toll that warrants the penalties described in the Bill.

Contributing Factors to the Road Toll – Speeding, Drink Driving, Fatigue, Illegal Manoeuvres

Statistics from the same sources as above reveal that speeding, drink driving, fatigue, and illegal manoeuvres have contributed to well over 75% to all road fatalities for the years 2004-2011. This is of no surprise as three out of the four offences above are targeted in the "Fatal Five", a widely communicated and publicised campaign that aims to reduce the major causes of fatality of Queensland roads.

Penalties Under The Amended Bill – Hooning & Illegally Modified/Non-Compliant Vehicles

A brief summary of the penalties for alleged hooning (Type 1) and illegally modified/non-compliant vehicles (Type 2) is as follows:

- Type 1 – First offence is immediate impounding/immobilisation of vehicle for 90 days without opportunity to be found not guilty, and forfeiture for the second offence - within a five year period.
- Type 2 – First offence is issuing a Notice To Appear; second offence is impoundment/immobilisation for 7 days, third offence is impoundment/immobilisation for 90 days - within a three year period.

Current Penalties – Speeding, Drink Driving, Fatigue & Illegal Manoeuvres

The current penalties at the time of writing this letter for the top two contributors to fatalities on Queensland roads – speeding and drink driving, are provided in the tables below.

Exceed speed limit by (km/h)	1 st Offence	2 nd offence within 12mths
<13	\$146 + 1 demerit point	N/A
13<20	\$220 + 3 demerit points	N/A
20<30	\$366 + 4 demerit points	\$336 + 8 demerit points
30<40	\$513 + 6 demerit points	\$513 + 16 demerit points
>40	\$1026 + 8 demerit points	\$1026 + 16 demerit points; 6 month licence suspension

Blood/breath alcohol concentration (BAC) level	Penalties
Over 0.00, but under 0.05 BAC (learner, probationary or provisional licences, and drivers of particular motor vehicles)	Disqualified from driving between 3 months and 9 months. Maximum fine of between \$1,540 and \$6,600, or imprisonment for a maximum term of 3 to 18 months.
0.05 and over, but under 0.10	Disqualified from driving between 1 month and 12 months. Maximum fine of between \$1,540 and \$6,600, or imprisonment for a maximum term of 3 to 18 months.
0.10 and over, but under 0.15	Disqualified from driving between 6 months and 18 months. Maximum fine of between \$2,200 and \$6,600, or imprisonment for a maximum term of 6 to 18 months.
0.15 BAC or higher	Disqualified from driving for 6 months to 2 years. Maximum fine of between \$3,080 and \$6,600, and/or imprisonment for a maximum term of 9 months to 18 months.

The penalties for the top two contributors to road fatalities in Queensland are void of any vehicle impoundment, immobilisation or forfeiture. There is no removal of property, only accumulation of demerit points, issuing of monetary fines, the loss of the privilege to hold a driver's license and in extreme cases, potential imprisonment.

Illogicalness of the Proposed Penalties in the Bill

My question is simple, how can a driver significantly increasing the risk of a fatal crash by speeding or drink driving have more rights and a lesser penalty than a driver who is driving a vehicle that is illegally modified/non-compliant e.g. vehicle ride height is low, or is accused of hooning e.g. wheelspin (whether it be intentional or not)? **The penalties in this Bill are not warranted for the consequence and rate of occurrence of alleged “hooning” offences when compared to those applied to the Fatal Five offences.**

I will conclude this submission with a situation that was likely to a catastrophic outcome for other road users if it wasn't intercepted by the Queensland Police Service, yet a significantly less penalty has been applied than if it was a nuisance hooning offence under the proposed Bill.



WHAT THE? Friday

From Far Northern Region

Cairns officers spotted this crazy stunt duo in Port Douglas.

They had no trailer, no tow ball, not even roof racks - only a 'she'll be right' attitude and contempt for the road rules, not to mention the laws of gravity and physics.

As the motorcycle was only tied on with rope, it was easy to remove for the long walk home, pushing the unregistered motorcycle.

The driver of car was fined \$220 for his poor judgement to agree to carry the dangerous load.

Yours sincerely,

Paul Muir
Car Enthusiast

