

26 January 2013

The Research Director

Legal Affairs and Community Safety Committee

Parliament House

George Street, BRISBANE QLD 4000



Dear Sir / Madam,

RE PROPOSED ANTI-HOON LEGISLATION

I am writing this letter to you because I feel that the proposed "anti-hoon" legislation for Queensland will be discriminatory towards car enthusiasts because 'hoons' and car enthusiasts are deemed to be the same thing.

I do not wish to be associated with the 'hoon' stereotype and I would be very happy to see the Police target the 'hoons' so the streets are safer for everyone.

However as a car enthusiast I generate money for my local economy, support charity fund raisers, socialise in a respectable manner, have a positive focus in my spare time.

Until my recent retirement I also ran a successful local business and employed a staff of 12 persons who also lived locally and supported local businesses.

I feel the new anti-hoon legislation allows the Police to have too much power. Under the proposed legislation a Police Officer can automatically confiscate or immobilise a vehicle.

Allowing Police to decide a driver's fate without having to apply to the legal system takes away a right that everyone is entitled to in Australia.

If these laws are approved by the Queensland Government, it will mean that people who are accused of committing far more serious offences, at least have an opportunity to be proven innocent or guilty by a court of law – but an accused driver allegedly committing a hooning offence does not.

The legislation in effect gives the power to Police to bypass the court system and become the judge and jury in determining these matters.

Surely this is unconstitutional as the ability to plead ones case before a court of law, and allow a Magistrate to determine the veracity of the allegation(s) is fundamental to our legal systems belief in a fair trial.

As an example, it is my understanding that if the new legislation is enacted, that one could lose one's vehicle without compensation or right of appeal to anyone outside of the Queensland Police Service, for causing excess noise within a span of 5 years from the date of the original offence.

At present one would have to be caught four times, with a BAC in excess of 0.15 over the same period of time to suffer the same fate. I am yet to open the newspaper and hear of someone being killed by a noisy muffler, yet drunks under the proposed legislation are apparently afforded a greater degree of protection to allow them to retain their vehicles and subsequently put other motorists lives at risk, than someone who in the Police Officers opinion, may have a noisy muffler.

This type of draconian legislation has recently been overturned in South Australia for similar reasons – i.e. it was found to be unconstitutional.

Subject:- Objection to Anti Hoon Legislation

Further to the above, the legislation determines that "hooning" can be defined as any loss of traction even on wet or gravel roads, even if no noise or smoke is produced. Having grown up in the country on gravel roads, it is obvious that such a notion is merely revenue raising.

Please understand I am not defending hooning activities, and young louts who don't know how to behave themselves on roads need to be punished.

The important thing to take into consideration is that a "hoon" and a "car enthusiast" are not synonymous. This needs to be impressed upon those tasked with framing any new legislation.

Many enthusiasts put significant cash into their cars (\$50,000 to \$150,000 or more is not uncommon). Most of these vehicles are only very rarely driven.

I believe that the new anti-hoon legislation if adopted, will result in more high speed chases as the belief will be that there is nothing to lose as the QPS is going to take the car anyway.

Incorrect logic I know, but if logic were part of a hoon's thought processes, they wouldn't be hooning in the first place. I also believe that crushing a 'hoon's' car (that is usually worth next to nothing) will not deter 'hoons' from dangerous driving. From observation it is apparent that these vehicles are usually cheap, readily available older model cars.

In most cases, cars do not cause crashes. Crashes generally occur because the driver or the road condition is in some way at fault. The person driving the car should be the target, not the car.

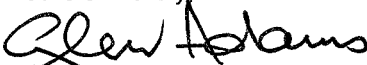
Because of this I believe that driver education would decrease the road toll, and I believe that driver training complexes would be a positive addition to any community.

Alcohol and drugs, inattention, inexperience, and not obeying the road rules are the major causes of crashes in Queensland – these issues should be the focus of the Government and the Police.

I feel the current anti-hoon laws are already tough enough and I would have to question why they need to be any tougher. There must be other avenues that could be pursued when it comes to decreasing 'hooning'.

I ask you as the Committee reviewing this matter to please consider and respond to my concerns.

Yours sincerely,



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