

No 6

A

Mr Jim Pearce, M.L.A.,
Chairman,
The Travelsafe Committee,
Parliament House,
George Street, Brisbane,
Queensland. 4000.

1Q14-1
RECEIVED
13 DEC 2005
TRAVELSAFE
COMMITTEE

Dear Mr Pearce,

Many thanks to you, your committee and your staff for keeping up the good work and also, on a personal note, for keeping me in touch and up to date.

Thank you also for the CDrom tracing the Committee's history.

Please find enclosed my submission to the "Inquiry into Vehicle Impoundment for Drink Drivers".

Best wishes for a happy and enjoyable festive season.

Thank you for the Paper on an Inquiry into the Q-Ride Program. I will respond soon.

Cheers,



Stuart Mason.

Road-skills Advocate.

Submission to the "Inquiry into Vehicle Impoundment for Drink Drivers".

Preamble.

A most disappointing aspect of the Government's Road Safety Agenda (forthwith, the Agenda) is that it is very good at profiling individuals into convenient categories, usually of an easy to detect nature, and then policing and penalising them in a quite excessive fashion because of their offence. Because the Agenda pays little if any regard to the proven ability and crash history of the individual road-user, it most often results in being unjust and unfair and equally often, less than honest. Even the penalties treat people differently e.g. loss of licence affects a professional driver much more than one who only commutes to the shops or school, while fines have a greater affect on those with low income than those on a higher one. Yet the offence usually causes harm to no-one. Exacerbating this unfair and unjust situation is that only too often, individuals who actually cause a crash are often not policed, often not penalised and often served with inappropriately light penalties.

There are mandatory draconian penalties for offending the law while causing harm to no-one or their property, including loss of licence and loss of motor vehicle and yet there appears to be no mandatory penalties for actually causing a crash resulting in harm to person or property.

It seems worse than ironic that one's licence and vehicle can be confiscated for exceeding the speed limit but not for bad driving or for actually causing a crash.

There are two very sad facts which re-occur with drivers and riders in Queensland as with elsewhere in this country.

One is that people seem to constantly forget that using the road, whether as a pedestrian, bicyclist or operating a motor vehicle, is the most dangerous time in the lives of most.

The other is that none of the Road Safety Agendas throughout Australia provide road-users, no matter their ilk, with proper, practical road-use education, assessment and encouragement and that the holding of a driver's or rider's licence is not based on practical ability.

Two main reasons why there are so many crashes and so much damage to property and person.

Main.

5.

No-one should or would support anyone being allowed to use the road while impaired, whether cyclist, pedestrian, driver or rider (i.e. a road-user). How many pedestrians have been killed because they were under the influence of alcohol or drugs when using the road?

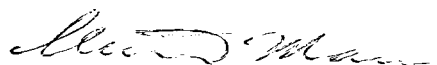
One of the reasons so many continue to drink-drive is because there appears to be no obvious link between the policing and penalising of drink-drivers and the ability to use the road properly or the policing and penalising of those who actually cause a crash. I have known many who could be accused of driving while legally over the limit, yet retain the proper ability to drive in a much better fashion than many others who never drink and drive.

I mention this because any of the Agenda's laws and penalties must relate directly to the ability to use the road properly and safely. Surely if a person has a history of not causing crashes, they do not deserve to be penalised in the same way as someone who has a bad crash history.

While on the subject of crashes and penalties. One of the reasons the Agenda is viewed with so much distrust by those with proper ability is that, while there is a regime of excessive policing and harsh mandatory penalties for some popular offences, there appears to be no such regime specifically for those who actually cause a crash. This reinforces the perception that many popular offences are based on supposition rather than fact or ability.

Media reports. With all due respect to many in the media, most such reports should probably be taken with a grain of salt as many in this industry are well known for not allowing the truth to get in the way of a good story, for exaggeration and for sensationalising certain aspects of road behaviour.

Question -



Question -

Do recidivist drink-drivers of low BAC measure (say 0.05 and 0.08) actually cause more crashes than those seldom caught drink-driving?

6. Vehicle Sanctions.

First, one has to receive a valid, practical answer to the question as to why there are no such sanctions imposed on those who actually cause a crash?

There is mandatory loss of licence for speed limit offences, there is mandatory loss of licence as a result of Demerit Points and there is mandatory loss of vehicle for so-called "hooning", none of which pay any regard to the proven ability or crash history of the licensee and yet there appear to be no such mandatory sanctions or penalties for those who actually cause a crash. Why?

Of all these, it is only those who actually cause a crash who cause damage to person or property. Does this suggest that committing such an offence is more serious and more important than actually causing damage to someone's property or person?

As with licence loss, such sanctions are open to unfair and unjust treatment of individuals and therefore, if used at all, should only be in the most serious of cases such as - if the person is a recidivist with a consistently high reading or if the person consistently causes crashes especially if these are of a serious nature.

The unfair and unjust treatment also comes about depending on whether or not the offender has access to alternative transport and has dependants.

Of the sanctions suggested, except in extreme cases as mentioned earlier, the only one which is most fair and just and most practical is the Vehicle Interlock. I saw these tested some years ago and find it difficult to understand why they have not been introduced long before now, if the Agenda is as serious about drink-driving as it claims.

Vehicle immobilisation or confiscation adversely affects others who may share, normally have access to or wish to take care of the vehicle.

All the other sanctions suggested are impractical for any number of reasons including those stated in the paper.

7.1

Proven rehabilitation programs should be a part of any penalty regime for those with a reasonably serious or consistent alcohol or drug problem no matter their method of transport if the Agenda is serious about reducing the incidence of damage to person and property.

7.2.

I fail to see how the enforced carriage of a licence will influence anyone who is willing to drive under the influence of drugs or alcohol.

8.

If, as stated, police officers already have powers of arrest and detainment, I fail to see how giving them further powers would serve any practical purpose, particularly if they make proper use of those powers.

Perhaps the police should have the power to detain such a person without bail until such time as their BAC reading is reduced to zero.

Some, myself included, consider it somewhat strange that an Act of Parliament which claims to be concerned with road safety should be titled as a management strategy. Perhaps this is why the Government's Road Safety Agenda appears to be more about methods of control than about an ability to use the road according to the conditions with safety and consideration. Which may be why so many "legal" road-users are so self-righteous in their ignorance of proper ability.

8.2

Under these "prescribed offences", what happens if the driver is not the owner of the vehicle? What happens if the vehicle is shared with others who rely on its use? How many vehicles have been confiscated as a result of driving "dangerously" or "carelessly" relative in both cases, firstly to those under the age of twenty five and, secondly, to those over that age? I ask this because I see many older people who are supposed to know better, whose driving actions often come under either or both of these headings, yet appear to be ignored by the authorities.

8.2. Issue 13.

No! The police should be handed such excessive and unfair powers, for reasons given already.

8.3

In the first place licence removal should not be part of the penalty as it is impractical, difficult to police and has an undesirable effect on any innocent parties relying on the person concerned. Unless the person was responsible for actually causing a crash, particularly one resulting in damage to person or property, in which case there should be laws specifically for such an act anyway.

Ignition Interlocks make licence loss unnecessary.

Note. Licence loss as a penalty for most if not all offences is unfair and unjust primarily because such offences pay no regard to the proven ability of the individual nor to their crash history. As a result of personal circumstance, it often forces people to drive while unlicensed, it further degrades the importance of the licence as a reflection of ability and skill also reducing it to an ineffective management tool making villains out of those who seldom deserve such profiling. Education, assessment and encouragement based around ability and skill are tools which seem to hold little importance and are seriously under-utilised both as a penalty and as a way of providing more capable and safer road-users, more is the pity. Politics continues to interfere with this aspect.

8.4. Issue 17.

Not necessarily. Why should we in Queensland continually follow in the footsteps of others, especially if there is little hard, factual evidence that those footsteps have been successful in their proposed intention?

Summary.

Ignition Interlocks are a preferable solution even though they may not be as politically dramatic as confiscation.

Rehabilitation, education, assessment and encouragement are very useful tools which are grossly under-utilised under the Agenda.

Police appear to already have sufficient powers for their needs, any more might lead to impressions of a "police state" mentality of controls instead of a constructive and fair solution to a serious problem.

Note A.

An unfortunate fact is that the Agenda is held in such disrepute and distrust by the many, myself included, who continually make the effort to to continually maintain and improve their skills and ability, because it pays no regard to the skills and ability of the individual, good or bad, or to their crash history. While it focuses on easy to detect offences, it appears to ignore poor and bad road-



use, ignore careless and often dangerous tactics, ignores the fact that many would rather cause a crash than give up their legal right of way and appears to be more interested in using the driver's and rider's licence as a management control tool than as a reflection of competent ability and skill. This has led the "legally" correct to become self-righteous and complacent, while exhibiting such poor skill, ability and consideration for others.

Note B .

While it may be true that some of my comments and suggestions may not relate directly to the subject of this Inquiry, I feel it is wrong to treat any particular aspect of the Agenda or safe road use in isolation from the whole. I also feel that any initiative has to be fair, practical and true to its stated intention. It seems all too often that laws, policing and penalties of the Agenda are not necessarily relevant to the skill and ability of the individual offender or to any danger intrinsic to the situation at that particular time or place. Every time such situations occur as they do often, they lower the tone of the Agenda as a whole leading to fear and distrust of it instead of respect for it.

All are more reasons why there are so many crashes causing so much grief and damage to person and property.

The comments and suggestions presented above are as a result of my own personal, practical experience and from listening to and reading the experiences of many others.

Many thanks for your consideration.

Yours faithfully,



Stuart Mason,
Road-skills Advocate.