

1st January 2006

Travelsafe Committee  
Parliament House  
Brisbane

Public Submission – Inquiry into vehicle impoundment for drink drivers.

Dear Travelsafe Committee,

Obviously I attend road crashes caused by drunk driving. I also attend other incidents where it is revealed that our patient has just driven home while drunk. For example a patient suffering a fall, assault, fractured limb, or an altered level of consciousness (ALOC). In numerous cases it is revealed that alcohol is the cause of the fall/fracture/assault/ALOC. The patient or their defacto will then say they have just driven home in this intoxicated state. I have had patients tell me they regularly drive while drunk or without a licence and they think it is a great joke that they get away with this.

When transporting a patient to hospital, relatives will often follow the ambulance in their own car. I see many relatives who are very drunk, get in their car and drive to the hospital. The police are not aware of these incidents and these people are avoiding detection by the law. This makes me believe that there are many people who regularly drive while drunk and escape detection.

Drug driving and driving while disqualified are similar offences to drink driving. Repeat drunk drivers, drug drivers, and drivers driving while disqualified should all attract mandatory impounding of their vehicles. I have seen many people driving under the influence of substances including, marijuana, ecstasy, speed, heroin, butane, glue, and petrol. In recent years I see many more people driving under the influence of amphetamines (Speed).

There is still a belief in some sections of the community that it is every young Aussie mans "right" to drive while drunk. This is seen as a "right of passage" that every Aussie bloke has to go through, and as something to be proud of. Much of society now sees drunk driving as a crime to be ashamed of, however there are still elements of society that are very proud of driving while "blind rotten". They see absolutely nothing wrong in drunk driving at ridiculous speeds with total disregard to road rules and the safety of others.

Of all the drunk drivers I have attended one case horrified me because of the total lack of remorse.

A car had crashed at high speed into a tree. The car contained 4 young men aged 17 to 20, and all were very intoxicated. The driver's 18 year old brother plus his friend had died in another car crash several months earlier. Colleagues who attended that crash told me that car ran off the road at high speed and rolled several times. All occupants had also been intoxicated.

The father arrived on the scene of this crash and was justifying why it was OK for his son to be driving while drunk. He already had one son die as a result of drunk driving, and he was saying

that it was OK for his 2nd son to be doing the same thing. That family and their surrounding community were of the belief that it was perfectly acceptable to drive while drunk. I have no doubt that this driver (and his entire family and circle of friends) still continues to drive while drunk.

## 6. Vehicle Sanctions.

### 6.1 Vehicle Impoundment and Forfeiture.

The law needs to make impounding of vehicles a mandatory requirement for repeat drink drivers. There should be NO flexibility for magistrates to let people off because of good character, work commitments etc.

Legislation should provide for mandatory vehicle impoundment for a period of 3 months on a 2nd drunk driving offence (No exceptions). Not a 3rd or 4th offence. In reality the 2nd time a person is caught may well be the 30th or 50th occasion they have driven drunk, but only the 2nd time they were caught.

A 3rd offence should attract mandatory forfeiture of the vehicle with NO exceptions.

The general community believes the risk of being apprehended while drunk driving is low. The penalties need to be very harsh. People will then think that the risk of being caught is small, but if caught the penalty will be very strong. Harsh penalties will be much more effective as a deterrent. A substantial period of mandatory impoundment (3 months for a 2nd offence) is necessary to act as a deterrent, as a short period such as 48 hours is not an effective deterrent.

\_\_\_\_\_ my only consideration is that this legislation will save lives and result in fewer people in life long care with brain injuries.

### 6.2 Confiscating Ignition Keys.

It is a known fact that some people do return to their car and continue to drive while drunk. Police need to be able to confiscate car keys immediately.

### 6.3 Other Vehicle Sanctions.

The cars of all drunk drivers should be towed to their home and a device such as a steering wheel lock applied for 24 hours. This prevents drivers using the spare keys and driving again. All costs for towing and returning to release steering wheel lock to be met by the driver. If they fail to cover costs the car can be sold to recover costs.

If the driver does not own the car then the cars owner should be able to obtain the car at any time.

Alcohol interlocks should be available to drivers.

Cost to be met by driver. This will allow them to continue driving to work etc. I don't know what the cost of an alcohol interlock is. If it is less than \$300 then alcohol interlocks should be a mandatory requirement on cars of drunk drivers even for a first offence. Even if they are very expensive then they should be mandatory for a 2nd offence. What price can you put on saving a life? Alcohol interlocks should be applied before the car is released back to the owner. Unfortunately alcohol interlocks will not prevent drunk drivers driving other peoples cars, but it will save lives and is a big step in getting the message across that drunk driving is a crime.

The idea behind number plate confiscation is good, however theft and use of other peoples number plates is already an issue and I think this would encourage more thefts. If a driver has their licence disqualified there needs to be a way of marking all vehicles owned by that person to



make it more obvious if they do drive while disqualified. This marking needs to be such that it is impossible for the owner to remove it. I fully support some form of marking of cars. This marking should be applied before the car is released back to the owner.

These people will sometimes drive cars owned by other people. If a person is caught driving while drunk or disqualified and they are driving another persons car, then that car should also have to be marked for the period of the drivers disqualification. Some people will say that is a breach of civil liberties. In response to that I say what about the civil liberties of the people left dead or brain damaged from a drunk driver driving the car he borrowed from his defacto.

I have just read the following article.

Car thieves to be nabbed by plate scanner.  
Angela Cuming  
The Sun-Herald  
Monday December 12 2005

New technology will make it easier to find stolen vehicles.  
NSW police have launched a new high-tech scanning system to track down stolen and unregistered vehicles.  
The \$1.6 million Automatic Number Plate Recognition (ANPR) system can scan the number plate of a moving vehicle in just 0.2 of a second.  
If a vehicle is carrying stolen or unlicensed plates, a warning bell sounds and the offending driver is pulled over by police.  
Speaking at the system's launch in Riverwood yesterday, Premier Morris Iemma said the scanning units would act as sentinels of the roads.  
"These units scan passing traffic and match the licence plates of reported stolen vehicles and unregistered cars against a database downloaded from the RTA," he said.  
From tomorrow, the NSW traffic services branch will be given use of 17 ANPR units across the state, Police Minister Carl Scully said.  
"It's as big a breakthrough as testing fingerprints at the scene of a crime," he said.  
"By pulling over stolen vehicles, police will also be stopping criminals before they offend again or catching them red-handed."  
Source: The Sun-Herald

See  
<http://www.drive.com.au/editorial/article.aspx?id=10811>  
for the full article

The police in the UK also use this technology.  
For full details see  
<http://www.nextcar.com.au/n.2005.uk.uninsured.05nov.html>

This technology should be used in Queensland. In addition to detecting stolen and unregistered cars, it could also be used to detect cars belonging to disqualified drivers or drivers with previous drunk/drug driving convictions. These drivers could then be stopped immediately and interviewed/breathalised by police. This would be an additional means of detecting some repeat drunk/disqualified drivers, and allow police to take them off the road before they kill anyone.

An ideal use of this technology might be to have some units permanently mounted inside police cars. The camera could be scanning through the windscreen continually when the police car is in use and scanning number plates of all cars in front. In addition they could be set up to scan the number plates of all vehicles passing RBT units. This would be much more cost effective than only using the cameras at special times.

7. Other Recidivist Drink Driving Countermeasures.

### 7.1 Rehabilitation Programs.

There are some people who would be responsive to rehab programs, however I believe this number is small. Such strong peer pressure and the culture that it is expected that you drive drunk surround many young "Aussie blokes". For this group I believe rehab programs would be ineffective, unless they were extremely confronting and aimed at the whole peer network and not just one individual.

There is also the group of people who are past their late teens/twenties, but live in such a dysfunctional way and hold no respect for normal social values and laws of the land. These people would largely not respond to Rehab programs.

Rehab programs must be used in conjunction with much harsher penalties and not used in isolation. Some people might elect to go to Rehab only to escape a harsher penalty. This is not seen as a deterrent and can not be allowed to happen.

I wish I could take these people out with me to crashes and to have them see people with horrific deformed limbs and smashed bodies. To make them watch someone with their skull shattered and brain tissue strewn around inside the car. To make them watch someone take their last breaths dying in such a pointless and undignified manner. Perhaps then they might finally realise that drunk driving is not OK.

### 7.2 Compulsory Licence Carriage.

I am really surprised that we do not have to carry our licence at all times while driving. This requirement should be brought in to reduce the incidence of unlicensed or disqualified driving. There must also be a significant fine for not carrying a licence while driving.

#### Compulsory Licence Checks at all Roadside Police Stops.

The licence of every driver needs to be checked every time police stop a car. This includes all RBT checks and all traffic and speeding violations. This will detect those people who are driving without a valid licence.

The January 2006 edition of "Wheels" magazine contains an article on unlicensed drivers. The article quotes statistics from around Australia showing that about 10% of road fatalities involve an unlicensed driver. I will today post the full article to the Travelsafe committee.

### 8. Legislation and Sentencing.

I have attended serious road crashes caused by drunk drivers. Some of these cases I have followed up to find the driver has been given a suspended sentence or some obscenely inadequate sentence. These are drivers who have inflicted major injuries on people, resulting in long periods of hospitalisation and months of recovery. Some of their victims will have permanent disabilities. They have almost killed people and the magistrate gives them a sentence, which is nothing short of offensive to me : \_\_\_\_\_ who attended these people.

Nothing less than mandatory sentencing will be acceptable. The law needs to change to provide an inflexible scale of penalties for all drink driving offences. There should be NO flexibility for magistrates to let people off because of good character, needing licence for work etc. If a drunk driver really had good character, he would not have driven in the first place. This is the only way to get the message through to some people that drunk driving is a crime.

Drug driving and driving while disqualified also need to have mandatory sentencing requirements. No exceptions. Every time a magistrate gives a suspended or reduced sentence it makes a mockery of our laws.



The anti-social people who feel it is acceptable to break these laws are laughing at all us decent law abiding citizens every time they receive a suspended or reduced sentence. This reinforces the belief that you can break the law and get away with it.

I have heard of tough new drink driving laws introduced by South Australia. Please consider the S.A. legislation in this review. In S.A. drunk driving now attracts a mandatory loss of licence.

I have just read an article dated 25/12/05 stating "More than 480 motorists have automatically lost their licences for drink-driving since tough new laws came into effect in South Australia on December 1"

See

[http://www.theadvertiser.news.com.au/common/story\\_page/0,5936,17658813%255E2682,00.html](http://www.theadvertiser.news.com.au/common/story_page/0,5936,17658813%255E2682,00.html)

for the full article

Here in Brisbane we had 220 people caught drunk driving the weekend before Christmas. All of these statistics are terrible, but they are only the tip of the iceberg. Many more people have gone undetected.

Requirement for Blood Alcohol Testing of Drivers and all Passengers.

I have attended a number of crashes where it is unclear, or in dispute, as to who the actual driver was. A number of times I have arrived at a crash with a person sitting in the drivers seat who is obviously drunk and had this person state to me that he was the driver. This has been prior to the police arrival.

Following discussion between the car occupants the alleged driver is then changed to a person who previously told me he was a passenger. This person is either not drunk or less drunk than the driver. 5 or 10 minutes later when the police arrive on scene they are told that the sober passenger was the driver.

This is a problem and is allowing some drunk drivers to escape detection by lying to the police and saying that they were a passenger.

I have had conversations with nurses who have worked in Emergency Departments of Victorian hospitals. They tell me that Victorian law requires all occupants of a car to provide blood samples for alcohol/drug testing.

This legislation is specifically aimed at preventing drunk drivers escaping the law by stating they were a passenger.

Please consider the Victorian legislation and introduce something similar in Qld.

8.2 Police Powers and Responsibilities Act 2000.

Since our anti-hooning laws have come into effect there have been many cars confiscated. This shows how much hooning was a problem and how much the laws were needed. I imagine that statistics would show more recently there are less cars being confiscated, showing that the law is working as a deterrent.

In my job I do a lot of driving, including Friday and Saturday nights, which are traditionally worse for hoon behaviour. I used to see regular groups of cars (sometimes up to 30) doing burnouts in the local industrial area, as well as large groups of cars doing rolling blockades on the motorway so that cars could then drag race on the motorway.

Since the anti-hoon laws have come in I see far less of this behaviour. I believe the laws have reduced this dangerous and anti-social behaviour. Better still they have done a bit to change peoples attitude of what is acceptable use of a car.

Word has got around that the government is serious about stopping hooning. Unfortunately word has not got around that the government is serious about stopping drunk driving, and much tougher legislation is required to rectify this.

The Police Powers and Responsibilities Act 2000 should be amended to include drink driving as a prescribed offence. This would then give police the power to impound drink drivers vehicles. Rather than impound cars in a central compound it would be preferable to impound them at the home of the owner (using steering wheel lock or similar) to save storage costs.

### 8.3 Sentencing and Appeals.

Something is seriously wrong when a drunk driver can drive at dangerous speed, go through red lights, drive on the wrong side of the road, almost kill an entire family, and then get a suspended sentence. Surely the magistrates who serve out such pathetic sentences need an urgent reality check. It is long overdue that mandatory sentences be introduced for drunk driving, and also drug driving and driving while disqualified.

Pathetic sentences definitely undermine the drink driving message. That is why many people believe it is still acceptable to drink drive. The message just is not getting across because too many people are getting caught by the police, and then getting a slap on the wrist from the magistrate.

Sentencing must include not only a period of disqualification, but also impounding of the owners car so that the driver cannot drive while disqualified.

The appeals process for drink driving needs to be tightened to reduce the incidence of successful appeals in Qld.

In summary:

1. Too many people think drunk driving is acceptable.
2. Police apprehend only a minority of drunk drivers.
3. Those that do get caught get an inadequate penalty.
4. The low rate of detection combined with inadequate penalties encourages a perception that drunk driving is OK.
5. The law needs to reflect that drunk driving is a crime.
6. Mandatory sentencing (including vehicle impounding) needs to be introduced for drunk driving offences.
7. There needs to be increased use of RBT to increase detection of drunk drivers.
8. The above points also apply to speeding, drug driving, unlicensed driving, and use of mobile phones while driving.
9. The name "drink driving" sounds acceptable. "Drunk driving" should be used instead as it reflects the seriousness of this crime. This approach has proved successful with "shop lifting" now called "shop stealing".
10. The introduction of amended legislation needs to be expedited, as delays will result in further deaths and disabilities.
11. Police need extra powers, including key confiscation.
12. Licences need to be carried at all times when driving.
13. Licence checks need to be performed at every roadside stop.
14. Technology (including automatic number plate

scanning) must be used to increase detection rates.

15. Driver and all passengers to be tested for blood alcohol and drug levels.

Sincerely



6th January 2006

Travelsafe Committee  
Parliament House  
Brisbane

Public Submission (additional comment) – Inquiry into vehicle impoundment for drink drivers.

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Dear Travelsafe Committee,

New Offence of Knowingly Being a Passenger of a Drunk or Unlicensed Driver.

Currently too many passengers are prepared to get into a car with a driver who they know is drunk or unlicensed. This is condoning the driver's irresponsible behaviour. In many cases (especially young inexperienced drivers) the carriage of such passengers adds greatly to the peer pressure to drive recklessly and take chances. How many times does a car full of 17 to 20 year olds end up rolling or wrapped around a pole, after the drunk driver egged on by his passengers was drag racing and driving recklessly? I have seen this many times.

There needs to be new legislation making it an offence for a passenger to get into a car with a driver they believe to be drunk or unlicensed. Instead of only the driver being charged for drunk driving, every passenger should also be charged for knowingly getting into the car with a drunk/unlicensed driver. The penalties need to be harsh to reflect the seriousness that the community views this. If the passengers are licence holders they should have their own driving licence/learners permit suspended for 12 months. If the passengers are minors (16 or 17 years) they should still be held accountable and receive an appropriate penalty. The fact that the passengers might be drunk should be no excuse. They should still be accountable under the law for getting into the car with a drunk/unlicensed driver.

Imagine if a drunk driver had all his potential passengers say "No I am not getting in the car with you". It probably would not stop the drunk driver from driving, but it would make him less likely to be showing off in front of his mates by doing burn outs or screeching round corners at ridiculous speeds. Ultimately this would save lives.

Road Safety Education to Begin in Schools.

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Driver education must begin at school, and must be presented in a way that young people can relate to. The old fashioned way of an authority figure saying you must not speed or drive drunk just does not work with invincible teenagers, look at the road toll.



I know \_\_\_\_\_ who have attended road safety Docu-dramas at high schools. These involve Paramedics, Fire Brigade officers, Police and an undertaker. A car wreck is placed on the school oval and school students placed inside the wreck with imaginary injuries sustained from a car crash. Paramedics tend to the injured while Fire officers use the Jaws of Life to cut the car open to release entrapped patients. Thorough explanations are given to the students about the injuries sustained and how these are life threatening. It is explained that due to the huge forces involved (result of excessive speed) it takes 30 minutes to release an unconscious "patient", thereby delaying their time to the operating theatre and reducing their chance of survival. It is explained that one of the "patients" had injuries too severe and has died on scene. The "dead" student after being cut from the car is placed in a body bag (zipped only to chest, face not covered) before being driven away in the undertaker's hearse.

After there can be discussion about the exercise. Students can be told that other "patients" in the car became paraplegic and had to spend the rest of their life in a wheel chair. Another had severe brain damage and is requiring life long institutional care and can not even feed or toilet himself.

This may sound very dramatic, but it has to be realistic, personalised, and hard-hitting for the students to take it seriously. I believe many students who have viewed these Docu-dramas have become safe competent drivers who do not take chances because they are aware of the potential consequences.

Due to the costs involved it is not possible to stage a Docu-drama at every school. The next best thing is for the Govt. to produce a DVD or CD showing a Docu-drama and for this to be used in all government and private schools. It should also contain interviews with 16 year olds who became paraplegics or sustained major brain damage from car crashes. Show people their own age and culture, who are stuck in wheel chairs and dribble all day. How many 15 year olds have ever spoken to people their own age that became paraplegic due to a car crash? Almost none. Show them interviews with 16/17 year olds whose schoolmates have died in car crashes. The effect on changing attitudes of young invincible future drivers would be immense. This would be a very cost effective way and reducing the road toll.

Every student should be shown this well before they are old enough to obtain a learners permit. In particular it needs to be shown to the students who might drop out of school early, before they drop out (as lower educated people are over represented in the road toll). Every student should be given a copy to view with his or her family. The docu-drama needs to be placed on a road safety web site which can be viewed by students and also the general community 24 hours a day 7 days a week.

Sincerely

2/2/06

Inquiry into Vehicle Impoundment for Drunk Drivers – Public Submission.

Dear Travelsafe Committee,

I have made a previous submission. I wish to add to my original submission please.

I attended a road crash caused by a drunk driver. Due to a legal loophole the drunk driver escaped being charged. This is very disturbing that this can happen and this loophole needs to be closed by amended legislation.

The details are as follows:

- A young motorcyclist was very intoxicated and failed to take a bend at high speed. He was wearing only a pair of shorts (No helmet, footwear, shirt/jacket). He had serious injuries.
- Police were not on the scene, and from the scene I requested for police to attend the hospital for the purpose of taking a blood alcohol sample.
- After arriving at hospital I contacted the police on the phone to give more details of our drunk motorcyclist. Police confirmed they would attend.
- Due to more urgent matters the police were delayed in attending the hospital.
- Police arrived approximately 2 hours and 5 minutes after the time of the crash. They said that legally they can only take blood alcohol samples with-in a 2 hour period after a road crash.
- Police state they could not breathalyse the patient, as he would have to attend the police station. His injuries prevented this.
- Police said despite an excellent case against this drunk driver, they could not take a blood sample and therefore he could not be charged.

This young man was very intoxicated. It is absolutely ridiculous that he can be so irresponsible and place other people's lives in danger, and then escape being charged.

Please ensure this legal loophole is removed from legislation.

Sincerely



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| No 7 |
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2/1/06.

Dear Travel Safe Committee,

I have today sent an e-mail containing my Public Submission for the inquiry into vehicle impoundment for drink drivers.

In my submission, I mentioned an article printed in the current edition of "Wheels" magazine. This article relates to my submission, so I fully agree with the content of this article. I said that I would post the article for consideration by the Travel Safe Committee.

Please find the article attached.

Sincerely

# No Licence? No worries

A lack of consequences is infecting our roads with an epidemic of unlicensed drivers

IF YOU'RE stuck in traffic in any decent-sized Australian city, you can probably see 50 cars around you sharing your peak-hour predicament. If those 50 drivers are representative of the driving population at large, five or six simply won't have a licence. Obviously they're operating the vehicle illegally and therefore uninsured against property damage or third-party personal injury.

On a national scale, it's reasonable to suspect there are around 1.9 million motorists driving completely outside the licensing system. These people comprise a mix of drivers with expired licences, those whose licences have been suspended via the demerit points scheme, drivers who have been disqualified from driving by a court, those operating a vehicle with an inappropriate class of licence (such as a motorcycle rider who has only a car licence) and those who have simply never held a licence (perhaps because they're 14 years old).

It's an opinion centres on 10

percent of drivers electing to drive sans licence, possibly a little higher. It certainly seems reasonable when you consider what information is available:

In NSW, the Roads and Traffic Authority says 12 percent of speed-related road death also involved an unlicensed driver.

Researcher BC Watson, from the Centre for Accident Research and Road Safety in Queensland, says, "Crashes involving unlicensed drivers and riders account for almost 10 percent of the national road toll."

The Australian Transport Safety Bureau (ATSB) says unlicensed motorists account for around nine percent of all fatalities, adding that the worst culprits tend to be unemployed males aged 16-24 in rural and remote areas.

According to the ATSB, almost half of 'unlicensed' road death involves the death of crash-involved parties other than the unlicensed motorist, either the

passengers of the unlicensed driver (30 percent), occupants of other vehicles (13 percent), or pedestrians (4 percent).

In addition to the insurance implications, unlicensed driving undermines the effectiveness of the demerit points system, within which the ultimate deterrent value is placed upon the suspension of one's licence. Most researchers also agree the crash involvement of unlicensed drivers is disproportionately high. In other words, the practice of unlicensed driving often does not occur in isolation, or in an otherwise responsible context, but brings along for the ride a raft of unacceptably high-risk driving behaviour.

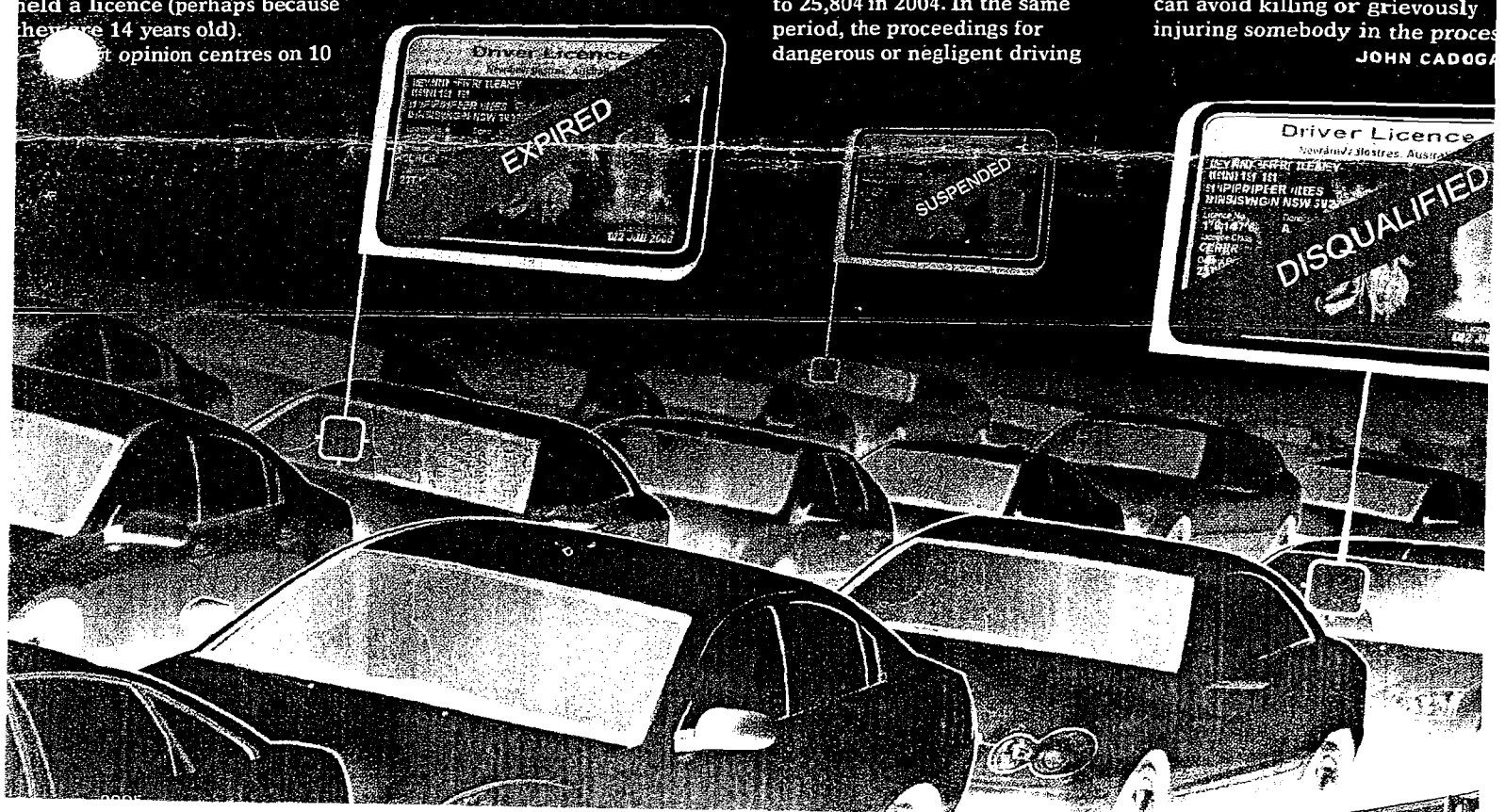
Unlike other serious motoring offences, many of which appear to be declining, unlicensed driving seems to be on the rise. According to the NSW Bureau of Crime Statistics, the number of legal proceedings for drink driving fell from 27,329 in 2003 to 25,804 in 2004. In the same period, the proceedings for dangerous or negligent driving

fell from 31,545 to 28,592. But the number of unlicensed drivers detected by NSW Police rose from 59,913 in 2003 to 60,862 in 2004.

However impressive it may seem for police to be catching almost 61,000 unlicensed drivers annually in our most populous state, it should be noted that these represent only the tip of an unlicensed iceberg. With 4.35 million licensed drivers and motorcycle riders, the number of unlicensed NSW drivers could easily be nudging the half-million mark. Only around one in eight of those operating outside the system is getting caught.

One of the reasons unlicensed driving is prolific in Australia is that the subsequent penalties levied upon those caught doing it - often again and again - are little more than inconsequential. Often, nothing more is done than extending the period of disqualification - even for long-term recidivists, provided they can avoid killing or grievously injuring somebody in the process.

JOHN CADOGAN







WHEELS SAYS

Those, like the RACV, who disagree with the notion of harsher penalties for driving while disqualified, seem to focus on the disadvantage to families of the convicted. In doing so, they fail to acknowledge the trauma inflicted on an unsuspecting community by the increasing prevalence of unlicensed driving. The fact is, some unlicensed drivers are very dangerous. BC Watson, noted in main story, found that unlicensed drivers have, on average, nearly triple the crash involvement of licensed drivers. Selected groups of unlicensed drivers, such as the never-licensed, are five times more likely to be involved in an accident.

Repeat offenders

Her example that's atypical only because it received such widespread media attention. Last July, 32-year-old storeman Lyndon Johnson was disqualified from driving until 2008 by a Sydney court. Unfortunately for Mr Johnson, a crew from Channel Nine's *A Current Affair* filmed him as he emerged from court, got into his car and drove home immediately after his disqualification. He was also filmed driving the next day. Three months later, the same court convicted Mr Johnson of two counts of disqualified driving, and handed him a get-out-of-jail-free card in the form of a one-year suspended prison sentence. It also extended his disqualification until 2012. The RTA upped the ante with a further five years' disqualification because, it said, Mr Johnson had become an "habitual offender".

licence. Mr McKenzie had a previous conviction for mid-range drink driving. His penalty? Fines totalling \$3550 and one year's disqualification. Magistrate Andrew George told Mr McKenzie that if he drove again while disqualified, he would face a further eight years disqualification.

Similar 'toothless tiger' tactics operate in other states. In late October last year, and almost certainly in response to the story broadcast nationally by ACA, Queensland Police nabbed 12 newly disqualified drivers as they emerged from court and began driving home. Another three were caught driving while disqualified on their way to appear in court, again. Queensland Police North Coast regional traffic co-ordinator Rod Frain told the *Sunshine Coast Daily* newspaper, "should they continue, they can or will be suspended absolutely".

The obvious question here is: If a person elects to drive while disqualified, how much deterrent value can be vested in a further period of disqualification?

In late December 2004, 39-year-old Sydneysider Ross McKenzie was convicted twice (same night; same road) of a mid-range blood-alcohol concentration. He was also charged with a mobile telephone offence and driving with a suspended

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...ing a vehicle to roadworthy status, or a similar prohibition, licence restrictions and licence suspension. Obviously, drivers across the country should be required to carry their licence and produce it on demand to a member of the police.

2

Licence check at every roadside stop

Obviously, not enough licence checks are being done. Every random breath-testing stop must incorporate a licence check, a practice discontinued in some states to increase breath-testing throughput and consequently appear more productive. Licence technology might have to change to facilitate a faster validity check at the roadside. Perhaps a mobile scanner, similar to the machine that swipes your credit card in a taxi, could be employed. Alternatively, 'smart card' technology might be more efficient.

3

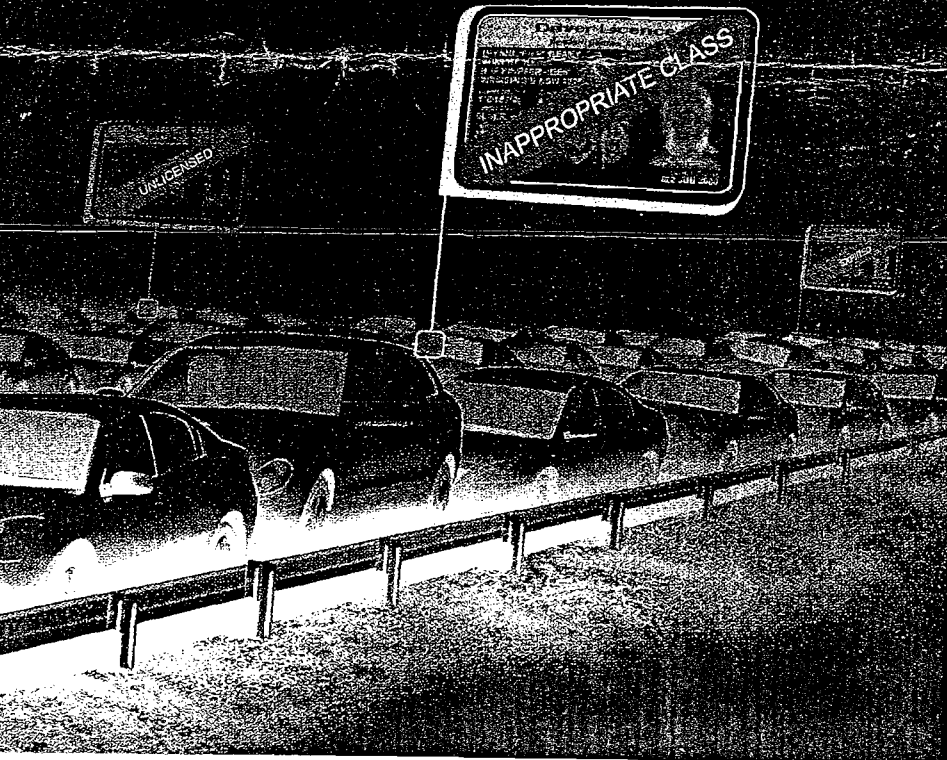
Stiffer penalties

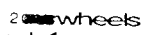
Disqualification is a smart penalty, which should – and clearly does – serve as a wake-up call to many. To those who disregard the underlying message, rationally stiffer penalties must apply. Perhaps vehicle seizure in the second instance, forfeiture in the third and, ultimately, prison for the last-stand types is a reasonable progression.

4

Reassessment of licence suspension protocols

The regulators need to be very careful that those being suspended or disqualified are truly those who don't deserve to hold a licence. With increased demerit point penalties, compounded by double-demerit-point long weekends, we could be sidelining otherwise safe drivers who make inconsequential lapses in judgement. This is the other mechanism by which the credibility of the disqualification may be undermined – this time from within. As NSW Parliamentary Staysafe Committee Chairman, Paul Gibson, told this reporter: "If you make laws too hard to comply with, they just work in reverse."



PHOTOCOPIED FROM  "WHEELS" MAGAZINE JANUARY 2006 EDITION



## Repeat offenders

Here is an example that's atypical only because it received such widespread media attention. Last July, 32-year-old storeman Lyndon Johnson was disqualified from driving until 2008 by a Sydney court. Unfortunately for Mr Johnson, a crew from Channel Nine's *A Current Affair* filmed him as he emerged from court, got into his car and drove home immediately after his disqualification. He was also filmed driving the next day. Three months later, the same court convicted Mr Johnson of two counts of disqualified driving, and handed him a get-out-of-jail-free card in the form of a one-year suspended prison sentence. It also extended his disqualification until 2012. The RTA upped the ante with a further five years' disqualification because, it said, Mr Johnson had become an "habitual offender".

In late December 2004, 39-year-old Sydneysider Ross McKenzie was convicted twice (same night; same road) of a mid-range blood-alcohol concentration. He was also charged with a mobile telephone offence and driving with a suspended

licence. Mr McKenzie had a previous conviction for mid-range drink driving. His penalty? Fines totalling \$3550 and one year's disqualification. Magistrate Andrew George told Mr McKenzie that if he drove again while disqualified, he would face a further eight years disqualification.

Similar 'toothless tiger' tactics operate in other states. In late October last year, and almost certainly in response to the story broadcast nationally by ACA, Queensland Police nabbed 12 newly disqualified drivers as they emerged from court and began driving home. Another three were caught driving while disqualified on their way to appear in court, again. Queensland Police North Coast regional traffic co-ordinator Rod Frain told the *Sunshine Coast Daily* newspaper, "should they continue, they can or will be suspended absolutely".

The obvious question here is: If a person elects to drive while disqualified, how much deterrent value can be vested in a further period of disqualification?

## WHEELS SAYS

Those, like the RACV, who disagree with the notion of harsher penalties for driving while disqualified, seem to focus on the disadvantage to families of the convicted. In doing so, they fail to acknowledge the trauma inflicted on an unsuspecting community by the increasing prevalence of unlicensed driving. The fact is, some unlicensed drivers are very dangerous. BC Watson, noted in main story, found that unlicensed drivers have, on average, nearly triple the crash involvement of licensed drivers. Selected groups of unlicensed drivers, such as the never-licensed, are five times more likely to be involved in an accident.

1

...of unlicensed drivers...  
...should be required to carry their licence and produce it on demand to a member of the police

2

### Licence check at every roadside stop

Obviously, not enough licence checks are being done. Every random breath-testing stop must incorporate a licence check, a practice discontinued in some states to increase breath-testing throughput and consequently appear more productive. Licence technology might have to change to facilitate a faster validity check at the roadside. Perhaps a mobile scanner, similar to the machine that swipes your credit card in a taxi, could be employed. Alternatively, 'smart card' technology might be more efficient.

3

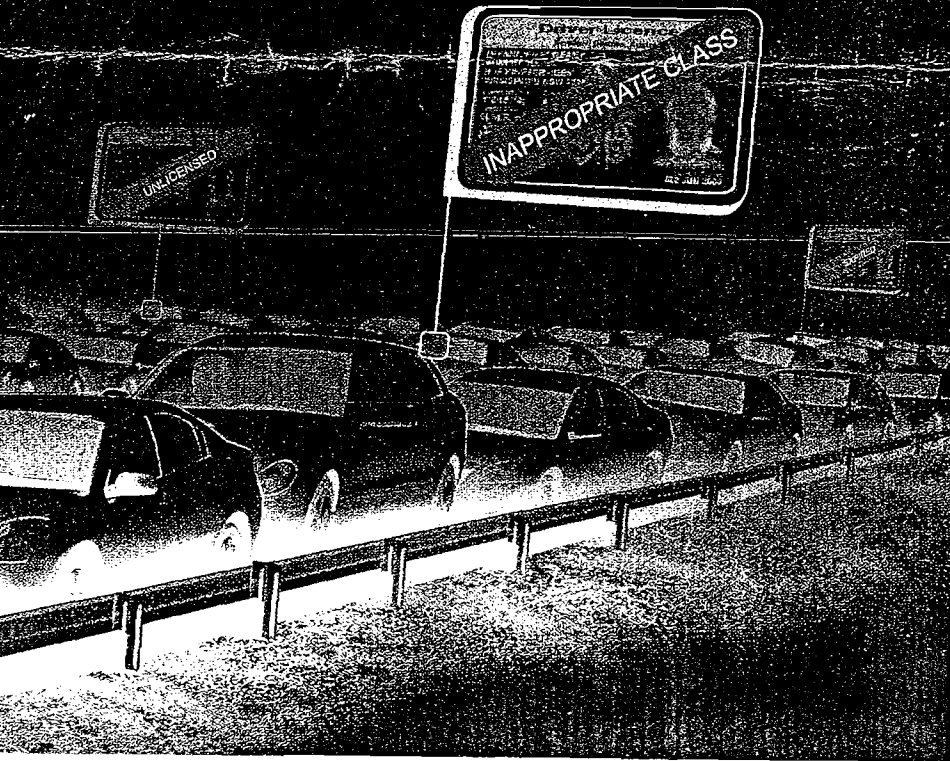
### Stiffer penalties

Disqualification is a smart penalty, which should – and clearly does – serve as a wake-up call to many. To those who disregard the underlying message, rationally stiffer penalties must apply. Perhaps vehicle seizure in the second instance, forfeiture in the third and, ultimately, prison for the last-stand types is a reasonable progression.

4

### Reassessment of licence suspension protocols

The regulators need to be very careful that those being suspended or disqualified are truly those who don't deserve to hold a licence. With increased demerit point penalties, compounded by double-demerit-point long weekends, we could be sidelining otherwise safe drivers who make inconsequential lapses in judgement. This is the other mechanism by which the credibility of the disqualification may be undermined – this time from within. As NSW Parliamentary Staysafe Committee Chairman, Paul Gibson, told this reporter: "If you make laws too hard to comply with, they just work in reverse."



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