

SUBMISSION FROM

Name : Mark Edwards

SUBMISSION

Do drink drivers in Queensland continue to drive illegally after being apprehended by police or disqualified by the courts?

Yes, regularly, seems Police do their jobs but penalties in court are not a big enough deterrent

Is this a significant number of drivers?

Yes, compared to the number of those apprehended. I would say there are probably more drink drivers than there has ever been but Police don't seem to

How often do drink drivers in Queensland continue to do this?

Judging from the media, court reports and knowledge of persons going before the courts for drink driving, most or the majority seem to be content to get back behind the wheel whatever the decision in court.

What are the costs and benefits of vehicle impoundment and forfeiture?

May cost some jobs in rare circumstances, but then if the person wasn't drink driving they would not be in that situation. We are not born with an inherent Right to drive a motor vehicle, it must be earned, most people have forgotten this. Again not confiscating/selling the vehicle first time and the inconvenience of being without one for a short period of time should be warning/deterrent enough. If they repeat then they have problems (Will continue to be a risk to members of the public) and the vehicles should be forfeited.

What are the costs and benefits of ignition key confiscation?

Ignition key confiscation is better than none at all, at least they won't be able to get straight back in the car on the night but they can still drink drive further down the track.

Should vehicle impoundment or key confiscation be used in Queensland to prevent drink drivers from repeating or continuing the offence?

Ignition key confiscation is a step in the right direction but will be a stop gap measure in its practical terms and will be viewed as a token effort with no real bite. But if the car isn't there at all (Through confiscation) then it solves the problem of them driving at a later date as well, so although it may seem more harsh it is a solid / realistic / easily understood and ultimately effective tactic. YOU CAN'T DRINK DRIVE IF YOU DON'T HAVE A VEHICLE TO DRIVE. To the best of my knowledge

Would other vehicle sanctions help reduce the amount of repeat drink driving? Which sanctions?

vehicle locks etc, but there will always be a

Would these vehicle sanctions work in conjunction with vehicle impoundment and key confiscation?

They may be precursor steps, breath operated vehicle locks etc etc. But extra costs etc will be entailed, it would be better just to go straight in and confiscate the vehicles for a period of time, then for more offenders sell their vehicles.

Can other recidivist drink driving countermeasures be used to improve the effectiveness of vehicle sanctions? How?

Not really, it's obvious most approaches aren't going to work other than taking the vehicles away. NB. Even if it is not their vehicle then consideration should still be given to impoundment / sale, this way everyone would be more considerate as to who / why etc they allow others to borrow use/their vehicle. Heighten awareness of road related matters. Also perhaps a legal signed declaration in court after first/second offence preventing drivers from selling their vehicles.

How effective are the existing penalties under the Transport Operations (Road Use Management) Act 1995 in reducing repeat drink driving?

Useless I think as the people are continually reoffending. I don't agree with some Asian countries penalties, but they decrease a lot of their problems. The penalties here are too soft, no one is too concerned about getting penalised. The penalties handed down by the courts are always at the lower end of their spectrum anyhow, if a child steals candy and gets hit on the hand with a feather duster, DO YOU THINK THEY WILL STEAL CANDY AGAIN ? bet money on it. Heavier financial penalties also, if they think they will get away with it because they are on the dole/welfare as a lot do, then start garnishing their smoking/drinking money.

Are the powers provided to police to manage drink driving under the Transport Operations (Road Use Management) Act 1995 enough?

The Police seem to be doing their job. In depth consultation with Police and specifically traffic branch officers to inquire about specific technicalities / loopholes in legislation would be more pertinent as they would be able to highlight specific problem areas. Also make sure any inquiries / canvassing is done at grass roots level, not at management level due lack of knowledge/experience in the practical problems experienced by the street cops.

How effective is the Police Powers and Responsibilities Act 2000 in reducing the number of individuals driving carelessly, dangerously, in racing or speed trials or in a way that makes unnecessary noise or smoke?

There have been a few confiscations but how many of the offenders vehicles have been sold. Every day of the week you can hear idiot's screaming up the road in cars and drag racing anywhere in Brisbane. I think Police need a lot more specific traffic targeted resources to tackle this problem. NB Also there should be a whopping penalty for any racer who tries to get away from Police (\$10,000 mandatory). This would ensure that any person for any drag racing would pull over straight away and take the normal fine for their actions instead of trying to get away as well, it would ensure more compliance from this angle.

Should the Police Powers and Responsibilities Act 2000 be amended to include drink driving as a 'prescribed offence' enabling police officers to impound drink drivers' vehicles?

Yes, but it would have to be streamlined paperwork / methodology involved so that minimal Police time is wasted. They seem to take a lot of time at an RBT site to speak to and interview drivers let alone do anymore stuff with vehicles. It is certainly a good idea and would stop the drink drivers getting back into their cars as soon as Police leave but the paperwork side of things would have to be minimal to make it effective, time wise for the Police and time relating to Police resources used.

What effect, if any, do successful appeals against licence suspension or disqualification have on drink driving behaviour and existing penalties for drink driving?

Not sure, it seems to me that if you get caught for drink driving you can get a work licence straight away anyhow. Also if someone gets caught for disqualified driving they get straight back in and drive again and not much seems to happen. Again penalties not only need to be heavier, but with most the Magistrates need to lose the power to randomly determine penalties in most situations as the penalties they give never seem to reflect societies expectations of punishment. LARGEST PROBLEM AREA IS NOT JUST THE PENALTIES BUT THE MAGISTRATES THAT NEVER SEEM TO PUNISH THE OFFENDERS EVEN WHEN THEY ARE FOUND GUILTY.

Should the appeals process for drink driving be tightened to reduce the incidence of successful appeals in Queensland?

Yes I think so but I can't speak on technicalities as to how it should be changed.

Is vehicle impoundment and key confiscation legislation successful in reducing the number of recidivist drink drivers in other Australian jurisdictions and overseas?

Have no knowledge of oversea's situations. But if the cars keep getting taken then the person won't be able to continue to drive and if the cars are borrowed then people are going to stop loaning their cars as well if they also end up losing them. I would say that if a person is in trouble for drink driving they should also be put on a database open to Police/Transport AND INSURANCE companies, if people who drink drive vehicles or even those that may loan vehicles to drink drivers are aware it may affect their premiums then from a financial situation it may also have weight in affecting their future decisions in relation to driving/permit driving vehicles.

Should Queensland introduce legislation that is consistent with the legislation in other Australian jurisdictions?

Not necessarily. Only if it solves the problem by dealing more harshly with the offenders, if the legislation is passed in Queensland and it has the harshest penalties in the country and after a period of time is found to diminish the problem then the other states may very well follow. We can actually lead the country in some changes, we don't necessarily need to follow all the time. I think most people in other states think their laws in relation to drink driving penalties are too weak anyway. They may end up following our example and be consistent with our penalties, if once instigated it is not effective we can always change it, but I think going in half hearted to begin with for these type of offences is a waste of time and resources.