

SUBMISSION FROM

Name : Jason Osman

SUBMISSION

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

I believe that many do.

Is this a significant number of drivers?

Yes

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

I don't believe in vehicle impoundment or forfeiture - that just leaves it open for people to suggest that the services/government are just doing this for profit (and don't just say that the money will go to charity) as you do charge for services (impoundment) and then profit by selling the vehicle on. The other partner or family members may need this vehicle urgently for work - it is not fair to possibly ruin them because one person made a stupid choice. The person driving under the influence needs to be punished - NOT THOSE AROUND THEM otherwise it is pointless. If you punish the drink drivers specifically rather than just punish everyone around them then you will have the benefit of less drink drivers and less costs in looking after the vehicles, less court cases with people trying to get cars etc back. Forfeiture in my opinion is just theft in another name. If you take someone's vehicle and cause them MORE stress which is the probable reason for drinking in the first place then you create a situation where the individual in question is liable to drink even more and be even more of a danger.

What are the costs and benefits of ignition key confiscation?

Benefit is that it is slightly more difficult to drive again. However it is very easy to borrow or steal a vehicle, buy another or just register in another name etc. Key confiscation is pointless as the guilty party just gets another vehicle or goes and drives an unregistered vehicle (which could be in any condition) which endangers everyone else. Key confiscation of the offender would not achieve anything (unless you are just confiscating the vehicles keys for the period of their intoxication).

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

This would be pointless as the drunk drivers would simply get hold of another vehicle by purchasing, borrowing another vehicle and the rest of the family would be punished. I would not like to see the state 'benefit' (use whatever word you like) financially due to costs of impoundment and selling or key confiscation - if the state chooses to do this then the authority can pay for it themselves.

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

No vehicle sanction would help. What is needed are more RBTs, there are very few police on the road at the moment and the lack of RBTs happening is the main cause of why there are so many drunk drivers on the road. I have been driving for 17 years - I have been stopped twice for RBT and I do approx 100,000 kms per year in Qld. It is not good enough! You need to be more vigilant and have more testing - every day all the time not just 'selected' times and places.

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

Vehicle impoundment will not stop drunk drivers. More testing will cut it down. Short jail terms (a day or two) for first time offenders might work to shock them into doing something about their problem. Police actually acting on reports of drunk drivers from the community instead of ignoring them or telling us that 'we are too busy' would help.

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

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

Not effective at all. The drivers are out driving even home from the court appearance. Of course - if police were directed to keep an eye on proven drink drivers from the moment the offence is proven then this is less likely to happen. Checking up on them once or twice a month would make a lot of difference - oh and don't tell them when you are going to check up on them.

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

The police have enough powers - they just are not given the time, manpower and opportunity by their superiors to use

them effectively. Giving them more powers just leads to everyone being treated as a criminal. If more police numbers were on the roads and using more RBTs etc then they would be very effective. For some reason the government will not give them the time, manpower or money they need.

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?

This is not effective at all, it has only lead to the harrassment of people who are not liked by another member of their community. People are being harrassed for no other reason than they drive a different type of vehicle. If your neighbour is upset with something you have done then the first thing they do is report a 'hoon' or unnecessary noise or smoke - and you have no way of defending yourself against the spurious charge. The above driving 'offenses' include many of your officers but they are not dealt with when they do this, yet you would expect them to lead by example. As for unnecessary noise - most harley davidsons come out of the shops with a db rating of over 100, yet you are stopping people who have far lower ratings than that and your police are harassing people who have bought brand new bikes that are within the limits, but because someone across the road likes to sleep late they get in trouble for doing nothing wrong- the law is not consistent and is not justified in some of its responses. Because you cannot get it right it needs to have a committee of people from ALL WALKS OF LIFE - not just the 'upper' richer end of the community.

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?

No. The next of kin or selected person (by the driver) should be called and asked to drive the vehicle to its garage or storage place. Police charge to keep vehicles in impound lots etc and this could be seen as trying to make money and is also used to make sure the defendant cannot afford to defend himself/herself.

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

If the court sees that a penalty is incorrect and adjusts it then there is no problem. Politicians and police are always telling us to accept the judgements of the court - so where is the problem?

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

No, if a court believes the appeal is justified why should you question it? - appeal the decision if you believe it is wrong. From the research I have seen the reason most of these people win on appeal because the police are not professional enough to complete paperwork. There is no point in having a court system if you intend to bypass unpopular decisions. The wording on this document seem to pointing toward anarchy - why bother with a court system if you can't abide by its decisions? The police are usually the problem here - don't bother prosecuting people unless you can act in a professional manner and make sure all papers are signed and correctly filled out.

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

No. In the US - mayor Julianni (sp?) took this course of action - all he did was move it around and make profit for his government. If you read his allegedly successful 'figure' you will see how carefully worded it is - to hide the fact that it is still occurring, but people have just gotten smarter about how they deal with the law - deaths on the road have gone up alcohol related crime is still up - it has not made a difference. I have yet to see anywhere make a dent - their advertising will tell you that they have improved the figures but then they can't be seen to fail so the figures will see them successful no matter what the result. For an example read all the hype in Qld for the last few years about HOW WELL RUN AND SUCCESSFUL QLD HEALTH IS.

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

This is ambiguous - what exactly do you mean? Taking a punt, I think you mean do the same as the other states with drunk driving laws. I have no problem with this but each state has a totally different set of laws and punishment. Which one are you talking about?