

SUBMISSION FROM

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SUBMISSION

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

In my opinion and experience Yes. Recent media activity has highlighted this problem. My experience as a Police Officer (20 plus years now retired) indicates that this is prevalent amongst convicted drink drivers unless it is obvious that this behaviour is policed. There is/was a Police policy of not actively pursuing enforcement in this area. I am not aware if this has changed. An enforcement issue was one of resources.

Is this a significant number of drivers?

Yes. One is one to many when the risks are assessed. These persons are not only unlicensed but also uninsured and my experience indicates that they will flee to avoid apprehension thus further increasing risks to other road users.

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

I believe regularly. It is not uncommon for a drink driver to immediately return to their motor vehicle and drive away after being positively breath analysed and released.

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

A motor vehicle is a dangerous thing under the Queensland Criminal Code placing it in the same lawful category as firearms. A drink driving offence is usually a simple offence. A motor vehicle incident involving serious injury or death usually becomes a Criminal Offence. Therefore - The preventative value of vehicle impoundment/forfeiture may be assessed by the following: - The cost of a drink driving apprehension (Police time resources etc) The cost of a serious or fatal traffic incident (Police/other emergency services time / resources, community costs (hospital/morgue)

What are the costs and benefits of ignition key confiscation?

In my opinion a short inconvenience. Most people have additional keys to the motor vehicle. There is little or no family impact with this.

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

Vehicle impoundment at the cost of the offender. The vehicle should be impounded for: - A minimum of 48 hours in combination with a licence suspension for this period and until the matter is determined by a court where the BAC is => .15%

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

I am of the opinion that a vehicle driver who presents a BAC of .15 (Major Charge) or greater or is a repeat drink driver (with any BAC reading) has a possible alcohol problem (alcoholism). Drivers in this category (.15 or greater) or repeat offenders should have a drivers licence suspended (perhaps a vehicle prohibition order along the lines of a firearm prohibition order) until such times that they can establish to a recognised authority that they are not an alcoholic and or not liable to re offend. Proof upon them with no appeal process.

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

I believe yes. Be aware that this will further slow police activity due to further paper work and there will be a need for secure vehicle holding areas.

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

Driving a motor vehicle is a privilege. Far too many motorists are of the opinion that there is some right involved in driving. Australian driving standards are generally very poor resulting in a poor and inappropriate attitude to vehicle usage. This is reflected by the attitude of repeat drink drivers. Remorseful when apprehended, uncaring when not. The issue is drink/drugs (prescribed non prescribed) combined with motor vehicle usage. The sale and consumption of alcoholic beverages in association with motor vehicle needs to be strictly controlled. A suggestion would be that any premises, shopping centre etc which has a licensed liquor outlet or facility have a liquor tax placed on every parking space in the complex. This would result in a commercial decision (economic based) which would effectively limit these liquor outlets and further encourage the use of public transport to and from these locations. Licensed premises such as Clubs and Hotels should be made much more responsible for the Policing of drink driving from their premises (a social responsibility placed upon business) I do enjoy a responsible drink but it is apparent that far too many of my fellow citizens do not.

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

I believe that existing penalties are adequate. There is simply a lack of serious enforcement (RBT is not an effective deterrent)

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

Yes

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?

I do not believe the act is the issue. A lack of enforcement (Police Resources) is the issue. My information is that there are less than 400 Police Officers allocated to Traffic Enforcement state wide. Any argument that all Police enforce traffic regulations has no validity.

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

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

None. They support my view that Traffic Enforcement is regarded as a low priority issue by Magistrates Courts and treated as a type of PR activity.

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

Yes. Technical issues of law should not be permitted to allow the escape of a drink driver from successful prosecution.

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

Unknown by me.

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

National consistency in Traffic regulation is a good thing providing the legislation is effective and achieves the purpose intended.