



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

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Submission Cover Sheet

Inquiry into Dangerous Driving

Submission Number: 007

Date Authorised for Publication: 07 September 2022

FROM

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26 August 2022

Submission to

The Inquiry into Dangerous Driving

Of The Standing Committee on Justice and Community
Safety

Constituted at the ACT Legislative Assembly

GPO Box 1020

Canberra ACT 2601

Submission from and by

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In a personal capacity as a private citizen of The
Australian Capital Territory

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SAMUEL GORDON-STEWART



To The Standing Committee on Justice and Community Safety,

My name is Samuel Gordon-Stewart. I write this submission to you as a private citizen of The Australian Capital Territory. It represents the views of me and me alone. It is not on behalf of or in representation of any other person, group, or other entity. However, as you would expect from any submission to your committee, I would certainly hope that others would agree with my views, and I submit this to you in the belief that if my views were in place as public policy, it would be a great improvement for society.

I hereby provide permission for The Committee to publish this submission in full and without redactions. I respectfully request that redactions not be made unless they are first discussed with me, but I respect your right to redact unilaterally..

Introductory summary

Dangerous driving is a matter which tends to be of ongoing interest to the community, and so it is right and proper that you should investigate the matter and come to some conclusions as to how it should be addressed. It is my view that the problem of dangerous driving is overblown by media hype where individual instances of dangerous driving are treated with sensationalism; certain behaviours which are considered dangerous by legislation are not in fact a danger unto themselves and can in fact be quite safe in the right circumstances; existing laws have already tipped the balance into overly-draconian blunt instruments and further restrictions will do little if anything to improve road safety; and the best way to manage the roads is to adopt a much freer system of road laws where freedom and individual responsibility are paramount and problems are dealt with based on outcomes rather than perceived risk, allowing for the small minority of acts on the road which are truly dangerous behaviour to be dealt with more thoroughly, and the overwhelming majority of people who act safely to be left alone to get on with their lives.

In this submission I present a summary of my views on dangerous driving and traffic laws, and a series of recommendations on how to improve road safety and the overall quality of the use of the road network.

Media hype and sensationalism

Barely a week goes by without the media having a story about someone speeding or doing a burnout or drink-driving. It makes for sensational action-packed news items which get people riled up. In many cases the source of these stories can be traced back to Police Media who write stories which the rather stretched and under-resourced newsrooms of our media tend to lap up. On some occasions the media find instances of what they describe as dangerous driving through other means and these tend to get even more exposure as journalists love an “exclusive” story and will publicise their story as heavily as possible.

But the questions have to be asked of these stories: who got hurt? What was the damage?

In so many of these stories the answers are “nobody” and “none”. Most of the stories are about someone caught driving a fair bit over the speed limit. Sometimes because of that they are also screened for alcohol and discovered to be drunk, or it’s found that they don’t have a valid licence for one reason or another.

It is very rare, vanishingly rare even, that any of these stories involve someone getting hurt or property getting damaged.

Now, of course, it does happen that some of these stories do involve some level of injury or property damage, but it is a minority of the stories, and when you consider how many people drive around on our roads every day, it is an extremely tiny minority or road users indeed.

It would be fair to say that the overwhelming majority of incidents on our roads where someone is hurt or something is damaged, do not occur due to “dangerous driving” but are instead run-of-the-mill accidents caused by all manner of innocuous circumstances.

SAMUEL GORDON-STEWART

Conclusion: Incidents of dangerous driving resulting in actual harm are so few and far between that it is grossly unfair to impose new laws and restrictions (eg. Lower speed limits or larger fines for minor offences) on the entire population

Addendum: It should be noted that the stories from Police Media are of allegations which are not yet proven in court and in many cases not even initially heard in court, but usually carry enough identifying details (in some cases not-very-well blurred photos of a driving licence) for the alleged culprit to be identified by people in the community and treated as being guilty despite our basic legal premise of the presumption of innocence, and very rarely do we see a follow-up story if the person is found to be innocent. There is a distinct lack of fairness and justice in treating allegations as facts in the media like this, and it is alarming that the police are the ultimate source of this injustice.

Recommendation: While it would be improper for the government to attempt to dictate what stories the media should or should not run, it would be reasonable for the government to set guidelines for Police Media to follow to avoid unfairly (and possibly inadvertently) identifying people. For example: avoiding publication of ages and home suburbs of people, or photos of their vehicle or licence at least until the alleged offender has had the opportunity to deal with the matter by payment or dispute of an infringement notice, or the opportunity to enter a plea in court. The press release should contain this information as to how the alleged offender is dealing with the matter.

Many so-called dangerous acts are not really dangerous

A lot is made of so-called “hoon” behaviour. A typical example of this is burnouts or the less-prolonged loss of traction which might occur if someone chooses to take off from a standing start rather quickly. By law, deliberately losing traction in this manner is treated as being extremely dangerous and naughty, and can result in vehicles being seized along with prolonged licence suspensions.

This is particularly bewildering when you consider that it’s almost entirely unheard of for anyone to be hurt or any property to be damaged from these activities. It is made more bewildering by the fact that people who engage in this behaviour tend to be the sort of drivers who really get to know their vehicles really well and get to know their own driving abilities really well. Their vehicles tend to be their pride and joy and they go out of their way to ensure harm does not come to their vehicles. They are not the sort of driver who rear-ends someone because they were distracted by a phone. Punishing them for demonstrating that they are better at controlling their vehicles than many other people on the road seems ludicrous.

Of particular note as an example is the quite frequent burnouts which tend to occur in industrial areas at hours when they are mostly deserted. I have not participated in this, but I have been in the area when it has happened and observed it either from a distance or by driving past. The two things which strike me from this is that the level of control and skill exhibited by these drivers is very high. They have fairly small spaces to work in and are often surrounded by their friends’ vehicles, and they manage to go about their activities without incident, while supporting each other and learning from each other. The other thing is that they are overwhelmingly considerate as evidenced by the fact they have chosen areas where they know there is almost no traffic, and away from residential areas thus avoiding disturbing residents with noise. Furthermore, if I have needed to drive through the area they are using, they have always made room and allowed me to pass without any problems.

Once in a while, police make their presence felt and attend one of these informal gatherings, and sometimes seize a vehicle or issue some fines and a press release. Given the frequency and predictability with which these gatherings occur, it is clear that if the police wanted to, they could attend almost every single one of these gatherings and seize many cars, but this would probably drive the remainder into the suburbs where they would be a nuisance to residents and have to contend with traffic. Clearly the police’s actions therefore show a level of understanding that turning a blind eye to these gatherings in these safe and out-of-the-way locations is preferable, and they only go in with enforcement once in a while when the public sentiment, whipped up by media frenzy no doubt, requires it.

Other “dangerous driving” such as speeding on deserted roads begs the questions “who was hurt?” and “what was damaged”. If the answers were “nobody” and “nothing” then it is extremely hard to understand why harsh punishments would be meted out for such behaviour.

Recommendation: Dangerous driving laws should only apply in cases where someone is hurt or property is damaged. If nothing is damaged and nobody is hurt, the act should be legal, unless it was only through luck that a damage or injury was avoided, in which case the matter should be dealt with, but lightly given nothing actually happened. It would, however, be fair to increase penalties where injury or damage does occur.

Existing laws are already too harsh in most cases

If the aim of harsher laws, lower speed limits, more draconian punishments etc is to reduce the road toll, injuries and property damage, then we are already beyond the tipping point where new and harsher restrictions have severely diminishing returns. The ACT Government and governments around the country talk about “vision zero”, an idea that with enough laws we can eliminate all injuries from the roads. This is pure unachievable nonsense. The only way to eliminate all injuries on the road is to eliminate all vehicles, including bicycles and scooters and even pedestrians, and the roads too. This, of course, would be unthinkable and result in enormous harm to society, and yet it is this very aim which is used to promote all kinds of new laws and restrictions.

Speed limits keep going down. Fines keep going up. And yet the road toll remains relatively steady with the occasional peak and trough in given years. Given that further restrictions and fines have reached a point where they don’t have a real impact on road safety, it is undoubtedly time that we moved away from thinking that tougher laws will improve road safety and instead accept that we have reached a plateau in the level of carnage, and we should consider some level of accident and injury to be the natural cost of having a society with road transport.

It should also be noted that while our speed limits have gone down in many places, and speed humps have been installed on many suburban roads (which, incidentally, do little to “calm” traffic but do put plenty of wear and tear on vehicles, and in many vehicles are actually easier to take at high speed (> 80km/h) than at low speed (< 20km/h)) very little consideration seems to be given to the fact that every year cars get safer and safer, and are designed to be able to handle better at speed. It is bizarre that the 80km/h speed limit on major arterial roads has been in place for decades since the days of cars being a handful at such a speed, when modern cars can (and quite often do on Canberra roads) sit at or above 100km/h perfectly safely.

Recommendation: Harsh laws should only apply in places and circumstances of particular concern. For example it is perfectly reasonable to have 40km/h speed limits around shops and schools and hospitals and roadworks and other areas with significant concentrations of pedestrian movement, and these speed limits should be enforced harshly and strictly, probably more than they are today, but speed limits in other places should be raised, with penalties for exceeding the speed limit reduced. As explained in previous sections, the guiding principle of the traffic laws should be serious punishment of the most egregious behaviour and lenience towards other behaviour, on a basis of punishing people for injuring others or damaging property, not for acts which caused no harm. I provide proposals for reforming speeding laws later in this submission.

Basing the road laws on freedom and responsibility

This entire section is recommendations.

As a mature society, we should be encouraging our drivers to take responsibility for their own actions and use their skill and experience to work out how best to drive in the conditions and circumstances of the day. We should not be taking a lowest common denominator approach of setting lower and lower speed limits and more and more rules for people to follow in the hopes that this might somehow achieve a magical “vision zero”, because we have proven that this simply does not work, and if you set enough rules, the only thing

being achieved is creating a society of two groups: rule-breakers, who are content with ignoring overly zealous rules; and people so afraid of the rules that they spend so much time and concentration on trying to follow all of the rules that they can no longer spend adequate time and concentration on driving and being aware of their surrounds.

As such, in addition to the recommendations in the sections above, I recommend the following changes to our road laws.

Driver's licences: Ideally these would be abolished and people could just drive as a right, however this poses problems in that other jurisdictions would be unlikely to follow suit immediately and thus the ACT would still need to maintain a licence system, even if it was just a "print upon request, no eligibility criteria" system, in order for ACT drivers to be able to drive interstate. Such a system would potentially still have problems in that other jurisdictions may refuse to recognise a licence from a jurisdiction which didn't have any eligibility criteria to obtain a licence.

So, rather than complete abolition, I propose that the licence system be overhauled as follows:

- *Learner licences:*

- Consideration should be given to lowering the age of eligibility or removing it and replacing it with eligibility criteria related to a person's physical size and ability to manage the controls of a vehicle
- Learner drivers, like learner motorcycle riders, should drive unsupervised. For clarity, this means they should not be supervised. Frankly, if a person is incapable of teaching themselves to drive, they are not mentally equipped to be on the road. Learner drivers should be banned from having any passengers other than a government-approved driving assessor carrying out an assessment for a licence upgrade. If a learner driver wishes to receive coaching in certain aspects of driving, this should be done in a closed course, similar to how the learner motorcycle training courses operate in a closed environment. Being trusted with passengers would be a reward for graduating to a higher licence.
- Consideration could be given to a practical one-day basic vehicle skills course being made part of the process of obtaining a learner licence, similar to what motorcyclists must go through prior to obtaining their learner licence.
- Learner licences should be valid for one year. If a learner driver fails to upgrade to a full licence during this time, they should be required to apply for a new learner licence. If a driver allows a learner licence to expire two times or more, but less than five times, they should be required to wait three months between expiry and re-application. If they allow a learner licence to expire five times or more, they should be required to wait one year between expiry and re-application. A person caught driving during a waiting period shall be imprisoned for however so long as the waiting period was meant to be. All subsequent waiting periods would then be doubled.
- This serves an additional purpose of making it much easier for people from disadvantaged backgrounds, who might otherwise struggle to meet existing learner to provisional licence requirements due to cost and time issues, to be able to drive, while still encouraging learners to improve their skills to meet the criteria for eligibility for a full licence.

- *Provisional licences:*

- Should be scrapped. Once a driver graduates from their learner licence, they should immediately go on to a full licence. We either trust people to drive or we don't. Lumbering new drivers with more rules to follow than other drivers is unfair and unjust.

- *Heavy vehicle licences:*

- Should be available upon request to any person who has held a full licence for at least one year and has used less than 50% of their demerit point allowance. Eligibility to continue to hold a heavy vehicle licence

should depend on the person continuing to use less than 50% of their demerit point allowance. Intermittent health assessments may also be used to determine eligibility for a heavy vehicle licence.

- *Suspension/disqualification:*

- Should no longer occur. Suspensions and disqualifications don't actually stop a person from driving, as evidenced by the number of people detected driving while suspended or disqualified, and it's a reasonable assumption that plenty more do so without being caught. Rather, if a person needs to be prevented from driving due to some act they have committed while driving, they should be imprisoned. This should be the only way to prohibit a person from driving.
- This leads to a question of what to do about road authorities and courts in other jurisdictions attempting to suspend or disqualify an ACT driver. While authorities and courts in other jurisdictions should be free to make decisions about who can and can't drive on the roads of their jurisdiction, they should have no power over the validity of licences issued by the ACT Government, and this should be clearly spelled out in legislation.
- This also leads to a question of what to do with people who are temporarily in an unfit state to drive such as people who have been drinking and insist on driving. At present, police can issue an on-the-spot suspension, which is an affront to the presumption of innocence given it is a penalty for an offence which has not been proven in court. Under a system with no suspensions, it would not be possible for police to issue a temporary suspension, however there would be situations where it is desirable to keep a person off the road temporarily because they are in an unfit state to drive. In such cases, police should be able to advise a person that they believe them to be in an unfit state to drive, and that they should refrain from driving until they are in a fit state to drive. If the person insists on continuing to drive, police should have the power to detain the person:
 - If the person is believed to be committing an offence, detain them in police custody and charge them, pending an appearance before a magistrate.
 - If the person is not committing an offence, detain them in police custody until they are in a fit state or a maximum of 12 hours, whichever occurs sooner.

- *Demerit points:*

- The current system whereby different types of drivers have different demerit point allowances and demerit points expire after three years should be overhauled. The current system is too easy to "game" whereby people can choose to drive in a manner which accrues demerit points for a while, then wait for the points to expire and resume such behaviour. It is also too easy under the current system for a driver to unknowingly accumulate enough demerit points to trigger a suspension prior to even being informed of the first offence. Consequently I propose a system whereby demerit points only expire following sustained good behaviour, and demerit point allowances are increased, which becomes especially important given the earlier point that suspensions will no longer occur and time off the road will be achieved through imprisonment.
- Demerit points accrued by ACT drivers while interstate must be applied to the ACT licence. At present, many demerit points accrued while ACT drivers are interstate are not applied to their ACT licence record. While I have been the beneficiary of this myself, I am of the view that it makes a mockery of the demerit point system. Whether this occurs due to difficulties with interstate communications or the paperwork just isn't getting processed when it is received in the ACT, I don't know, but it needs to be fixed.
 - Demerit points accrued interstate should only be applied to the ACT driver's licence record when the value of demerit points the interstate jurisdiction applies to the offence is roughly in line with ACT demerit point penalties for the equivalent ACT offence. In other cases, demerit points should be applied as per the value they would have if the offence had occurred within the ACT.
- The demerit point allowance for all drivers should be increased from 12 to 50.

- Demerit points should expire at a rate of one demerit point per full financial year in which a driver does not accrue any new demerit points.
- If a driver goes for five full and consecutive financial years with a demerit point balance of zero, they should be rewarded with an increase in the demerit point allowance of one demerit point, and a further increase in the demerit point allowance of one demerit point for each subsequent full financial year in which they maintain a demerit point balance of zero, up to a maximum allowance of 60 demerit points.
- If a driver reaches or exceeds their demerit point allowance, they should be imprisoned for a period of:
 - 50 days for reaching their demerit point allowance, plus
 - 100 days for each demerit point over their allowance
- A driver who is imprisoned for reaching or exceeding their demerit point allowance should, upon completing their term of imprisonment, have their demerit point balance reduced by 10 points. Eg. If they reached 50 points and were imprisoned for it, their balance would reduce to 40 upon release. If reducing a driver's demerit point balance by 10 results in a balance of greater than 45, the balance should be set to 45. Unlike the current system where a person receives a fresh slate (zero balance) upon completing a suspension and thus have plenty of room to continue driving in the offending manner, this new system gives a driver room for minor mistakes but not enough room to continue driving in an offending manner.

Speed limits: Ideally they would be abolished in places other than those deemed suitable for 40km/h or lower zones where pedestrian activity is particularly concentrated. If they can't be abolished, all speed limits which are currently greater than 40km/h should be increased by 20km/h. The penalty for speeding in a 40km/h zone or lower should be imprisonment, due to the severity of speeding in a designated high-risk area. It doesn't have to be a long stay. A day for every 1km/h over the limit would suffice. For all other speed limits, where the risk is inherently lower and thus punishment should be more about what actually happened and not what could have happened, the following should apply:

Speed travelled at	Maximum demerit points	Maximum Fine
Greater than 100% of the speed limit, up to 125% of the speed limit	1	\$100
Greater than 125% of the speed limit, up to 150% of the speed limit	2	\$200
Greater than 150% of the speed limit, up to 175% of the speed limit	4	\$400
Greater than 175% of the speed limit, up to 200% of the speed limit	8	\$800
Greater than 200% of the speed limit, up to 250% of the speed limit	16	\$1,600
Greater than 250% of the speed limit, up to 300% of the speed limit	32	\$3,200
Greater than 300% of the speed limit	64	\$10,000

Note: The above table assumes a 50 point demerit allowance is in place. In a 12 point allowance system, such as the one currently in place, the maximum demerit points would read 1, 2, 4, 6, 8, 10, 12 respectively.

Speed Cameras: Should only be operated by sworn police officers who have the ability to make a reasonable attempt to stop a driver if they detect them speeding. It should be a requirement that in order for a speeding offence to be charged, a reasonable attempt must first be made to stop the driver. Naturally, a driver who does not stop when directed by a police officer is committing a further offence.

It is important that people driving in a manner which is contrary to the law should be made aware of it at the time, so they can easily link the charge with the act in their mind. Sending someone a ticket in the mail weeks after the event does nothing to change driver behaviour as the event which led to the ticket is not fresh in the mind.

Speed cameras run by government agencies other than the police should be abolished. Any budgetary resources currently spent on running speed cameras outside of the police should be reallocated to ACT Policing for the explicit purpose of traffic enforcement.

Traffic infringement notices: Should be abolished and all matters should be referred to court for a magistrate to adjudicate on. Traffic infringement notices give undue powers of punishment to the Administrative State when all powers of punishment should rest in the judicial system where everyone is entitled to a fair hearing and the presumption of innocence. Traffic infringement notices also are a form of legalised bribery and coercion whereby the Administrative State effectively says to a person that if they admit to an offence, they will get away with a lower penalty than a court could impose. If a person facing court was coerced in such a way, the coercing party would be in contempt of court and probably guilty of perverting the course of justice. The option to appeal to the Chief Police Officer rather than referring a traffic infringement notice to court is not really an option to receive an impartial hearing when the Chief Police Officer is effectively a representative of the prosecuting parties.

Every person should have the right to be heard in court without being coerced out of it beforehand, and punishment for guilty parties should be at the discretion of the magistrate, taking into account the circumstances of the offence and the penalties available under law.

On the flip side of this, I guarantee you that people would take the road rules much more seriously if they knew that every violation would require them to attend court and not just pay an inconvenient fine.

Police powers regarding traffic stops: Police should only be allowed to stop a vehicle if there is a reasonable suspicion that an offence either is occurring or has occurred, or a reasonable belief that the driver is in an unfit state to drive. Police should not be able to stop vehicles at random without suspicion of an offence or unfitness as this is an infringement of basic civil liberties and a violation of Section 13 of the ACT Human Rights Act 2004, namely the right to “freedom of movement”.

Police should be required, as soon as practical during a traffic stop, to state either the offence they suspect has occurred or the reason they suspect unfitness to drive. If the matter proceeds to a charge, police should be required to provide evidence of their reasons for the belief which precipitated the traffic stop. Note that it is not necessary for a charge resulting from a traffic stop to relate to the original reason for the traffic stop, but the traffic stop should only be valid, and evidence obtained as a result of the traffic stop should only be valid, if such reasoning exists.

An example of a valid reason could be that the police officer saw the car being driven erratically, or they believed a person in the car met the description of a person wanted on an outstanding warrant. There doesn't have to be much of a reason, but there must be a valid reason.

It is my view that if police were not required to make random stops (and meet any quotas which may officially or unofficially exist in relation to such stops) they would be freer to monitor traffic and intercept people who they observe to be driving in a manner worthy of interception, and thus more likely to have a greater proportion of their day spent on matters which may result in a conviction, rather than bothering innocent drivers with pointless and needless random stops.

Drink and drug driving: While encouraging people to not drink or take drugs prior to driving should continue, the way drink and drug driving is enforced should change to focus on the level of impairment rather than the

amount of alcohol or drugs within a person's body. This is due to the fact that every person reacts differently to different amounts and type of substances, and it is therefore unfair to charge two people with the same blood alcohol level with the same offence if their levels of impairment are different and thus the danger they pose to the public is different. It is also important to look at impairment levels rather than substance levels when talking about certain drugs (eg. Cannabis) which can be detected as being present, but the level cannot be determined, and may stay in a person's body long after the effects have worn off. I recommend the following scale be used:

Impairment level	Impairment symptoms	Maximum punishment
Mild	Difficulty maintaining lane. Slowed reaction time. Possible difficulty noticing all traffic signs and signals. Speech and walking unaffected.	Advised they are in an unfit state to drive, and to cease driving until fit. If they insist on driving, taken into custody until fit or a maximum of 12 hours.
Major	Difficulty maintaining lane. Difficulty stopping in correct location in regards to lines and other vehicles. Speech slurred. Walking somewhat wonky.	50 days imprisonment and/or \$5,000 fine. 10 demerit points (in a 50 point allowance) or 3 demerit points (in a 12 point allowance).
Extreme	Serious difficulty controlling the vehicle. Inability to walk. Inability to form coherent sentences.	100 days imprisonment and/or \$10,000 fine. 25 demerit points (in a 50 point allowance) or 6 demerit points (in a 12 point allowance)

Note: The above table represents subjective impairment symptoms which would require interpretation and application by the police and the courts. The maximum punishments listed would be for events which do not result in injury to a person or damage to property. If injury or damage occurs, additional charges should be brought for the injury or damage.

Conduct causing injury or property damage: Specific offences relating to the causing of injury or property damage as a result of the use of a vehicle should be abolished, and instead such offences should be charged under existing assault, manslaughter, murder, and criminal damage laws. Murder is murder. Assault is assault. Property damage is property damage. The fact a vehicle was involved should not make a difference in the charge but may be a relevant fact in sentencing.

If a specific traffic offence occurs in addition to the injury/death/damage, the traffic offence should be prosecuted in addition to the charge for the injury/death/damage.

Other traffic offences: All other traffic offences currently in legislation and regulation should be reviewed and adjusted under an overarching principle of "was anyone hurt or was anything damaged" and prosecuting actual harm, not potential harm, and only prosecuting other events if they present a significant and immediate risk to the public. A driver presenting a risk to themselves and nobody else should not be grounds for prosecution.

It would be perfectly reasonable under such a system to make the penalties for offences which cause harm or injury much stricter, and provide reasonable penalties for offences which carried significant and immediate risk but do not result in any actual harm, whilst abolishing other offences where there was minimal risk and no harm, as such laws do little to assist road safety and primarily serve to make the road rules more complicated.

Consequently, the focus of our traffic laws would be on prosecuting real harm, while letting people who aren't causing any harm get on with their lives without interference. The removal of non-serious offences from the books would also free up enforcement and prosecutorial time, allowing serious cases to get the attention they deserve and send a message to all drivers that dangerous acts will not be tolerated and will be prosecuted vigorously.

Conclusion

Motor vehicles are an essential part of our society and our economy. Using motor vehicles carries an inherent level of risk which we, as a society, must be willing to accept. Further restrictions on drivers, the overwhelming number of whom do not pose any real threat to the safety of others, does little to curb the behaviour of the tiny minority of drivers who do pose a danger, and simply creates a more complex legal system which becomes harder and harder for people to truly understand in detail, and thus harder to follow.

A new approach is needed which focuses the laws and the enforcement efforts on those drivers who truly act in dangerous ways, and leaves everyone else alone to enjoy their right to freedom of movement guaranteed under the Human Rights Act. It further provides an opportunity to encourage drivers to use their own judgement and skills to determine the best manner in which to drive in the given circumstances of a particular day and road, rather than imposing speed limits which for the most part have little or no relationship to the handling characteristics of modern vehicles. It also provides an opportunity to remove certain barriers which people from disadvantaged backgrounds may have in obtaining a driver's licence, thereby improving the ability of all and sundry to benefit from easier access to the roads.

My proposals strike a balance between the rights of people to move about freely, and the need to deter and prosecute truly dangerous behaviour. Overhauling speed limits allows speed enforcement to be more rigorous and strict in places with a high proportion of vulnerable road users, and less strict in places of lower risk. Overhauling the demerit point system allows for licences and consequences of poor driving behaviour to be seen in a more lifelong way, and prevents "gaming" of the system over a shorter timeframe.

Treating injuries, deaths and property damage caused by drivers as not specifically vehicle-related offences but rather as assaults, homicides and criminal damage, demonstrates that such things are taken very seriously and not as of secondary importance because they happen to have occurred on the road, which is the impression existing laws give. By removing many of the non-dangerous offences from the law, enforcement and prosecutorial time can be freed up to focus more on the truly dangerous actions of the minority of drivers, ensuring they receive the attention and, if necessary, punishment they deserve.

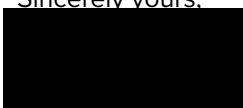
My proposals offer a framework for a fresh approach to the way we manage our roads, and the way we handle dangerous behaviour on our roads. An approach which I believe would lead to drivers becoming more skilled at handling their vehicles and their responsibilities as drivers, and provide the community with greater assurance that freedom and liberty are extremely cherished in the ACT, but abuses of that freedom will not be tolerated and will be dealt with properly. Importantly it would also move financial resources out of the administrative state and into road policing, where it is able to be put to more effective and proactive use.

I am sure that my proposals will, for the most part, be quite different in tone and content to most of the submissions you will receive for this inquiry. I can understand that some of my proposals may even be considered rather unusual and you may take a sceptical view of them. I welcome this, and hope that despite whatever reservations you may have about some of my proposals, that you give them due consideration. You might not adopt them in their entirety, but I hope they give you a different perspective and option to consider, and perhaps help to moderate some of the more draconian recommendations which I'm sure will be made to you in other submissions.

It is my sincere hope that this submission is of use and interest to you, and helps you to reach mature conclusions. I honestly and truly believe that, if put in place as official policy, my proposals would make for better and safer roads for all.

Many thanks to you for your time and consideration. I wish you every success with your inquiry.

Sincerely yours,



Samuel Gordon-Stewart

SAMUEL GORDON-STEWART

