

**THE LEGISLATIVE SELECT COMMITTEE ON ROAD SAFETY MET AT HENTY HOUSE, CHARLES STREET, LAUNCESTON, ON THURSDAY 7 MAY 2009.**

**Mr RANDOLPH WIERENGA**, POLICE ASSOCIATION OF TASMANIA, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Wing) - Thank you very much, Mr Wierenga, for the interest you have shown in the committee and for being prepared to give evidence. We look forward to hearing your views.

**Mr WIERENGA** - I am not sure how you want to do this. I don't have a presentation prepared but I would like to make some comments on the way Tasmania Police handles law enforcement in relation to traffic. Obviously one of those issues is benchmarks. You would be aware that for some time there has been what we call a 'benchmark regime' in place in Tasmania Police.

**CHAIR** - As distinct from quotas.

**Mr WIERENGA** - I am not sure that there is much of a distinction, but I will leave that up to the committee to decide.

Our members have expressed a lot of frustration at the benchmarks, particularly in relation to traffic. They see themselves merely going out there collecting numbers rather than trying to do some positive enforcement. I do understand, though, that currently there may be a softening of the benchmark regime to some degree but, nonetheless, it has been in place for a long time. Many people see it as not that effective in terms of law enforcement, particularly in relation to traffic, and our members feel that that is the case.

**CHAIR** - We have a former member, who is about to become a member again, who shares your views, I think I can say.

**Mr WIERENGA** - In practical terms what it means, particularly for our traffic police, is that they are set a benchmark on a daily basis and they have to go out and get those benchmarks. There is no difference between what kind of infringements they detect so long as they detect infringements. As one traffic policeman put it to me, 'If you have to go fishing, you may as go where there's plenty of fish and get your fish early. It doesn't matter about the quality or the size of the fish'. So that is basically what they do. They are not rewarded for going out and getting the offences that contribute to road crashes and fatalities because obviously some of those offences are much harder to detect. We know that people who are disqualified from driving, drive unregistered and who speed - and we are talking about excessive speed; we are not talking about 40 kph in school zones and things like that - are the major contributors to crashes in Tasmania. The crashes by and large don't occur in urban areas but certainly on the major highways and in rural areas. By that very nature when traffic police go out into the rural areas it is much harder to get offenders because there is much less volume of traffic. They have to go where there is a large volume of offenders to reach their benchmarks.

**Ms FORREST** - Can I pursue an aspect of that? Randolph, when there is a benchmark for a certain number of infringements, do you see this as a revenue-raising issue or is it that it is a way of quantitatively measuring something? Could you describe why you think that is the method that is used and what other method could be put in place, a quantifiable measure in some way, that could address the issues that you have raised.

**Mr WIERENGA** - I don't really see it as revenue raising, despite lots of publicity about it. I am not aware of any government directive to go out and get more traffic infringement notices.

**Ms FORREST** - So it is more a quantitative measure?

**Mr WIERENGA** - To me it has mostly been about measuring activity. There has been a school of thought that if you are not booking people you are not doing anything, but we all know that that is not really the case, particularly in relation to police activity, because part of police activity is stopping people offending. There has been very little credence placed on that kind of activity. There has been a view that if you are not out there getting tickets then perhaps you are not really working.

**Ms FORREST** - Could you measure the number of interactions that a police officer has with the public, say, rather than issuing an infringement notice, if one of the benchmarks was that you show that you have interacted with, say, 50 people on a daily basis?

**Mr WIERENGA** - That could certainly be one measure, but I am not sure that you need to measure that kind of activity at that low level. The real benchmark would be the level of serious and fatal crashes and then you organise your activity around that. In the United Kingdom now they have moved right away from this benchmark regime. Several of the police forces only have one benchmark and that is the level of public satisfaction. They don't go around measuring all the activities, and there are thousands of activities that are measured by Tasmania Police. There is a whole regime built around measurement of activities. Good or bad, I'm not sure, but I am not sure whether it achieves the desired results.

**CHAIR** - You don't get the public offside and you carry them with you if you stop them and advise them of bad driving.

**Mr WIERENGA** - That is part of Peel's principles, isn't it, to bring the public with you in relation to all these kinds of issues.

**CHAIR** - Yes, not antagonise them unnecessarily, but without the benchmarks the police could perform more of an educational role, do you think?

**Mr WIERENGA** - I think there is certainly room for that in terms of intercepting people and pointing out to them that they have done the wrong thing. I am quite sure that people receive tickets simply because there is a quota to be obtained rather than a friendly warning. Although the police have the discretion to issue cautions for offences, it depends on what type of offence and whether you have been caught before. There is a test in relation to the cautions. The educative approach of police officers pulling people over and pointing out the error of their ways I think in some instances is a far better method of educating drivers, rather than giving them a ticket or the drivers getting a

ticket in the mail two or three weeks after they have committed an offence after going past a speed camera. To me that doesn't have any educative effect.

**Ms FORREST** - Performance indicators are a tried and true method of measuring and rating performance. The Auditor-General has made comments in the past about annual reports of various departments that a lot of their performance indicators are measuring activity rather than outcomes, which is more often the case because it is easy to measure activity whereas it is much harder to measure outcomes. Your comment was that the only benchmark you want to have is fewer crashes and fatalities.

**Mr WIERENGA** - I would see that as a primary objective of Tasmania Police to ensure that there are fewer serious and fatal car crashes.

**Ms FORREST** - So if next year we find the fatality rate drops by half, which would be fantastic, how do we measure what has been the factor that has resulted in that if we do not have some sort of measurement here? What is the measure here we need to be looking at?

**Mr WIERENGA** - That is a difficult question because it is a multi-pronged approach. As the Acting Commissioner said yesterday, there is no one silver bullet. There has to be a multi-pronged approach. There are activities that contribute to accidents and that you cannot enforce. Driver behaviour is one of those. We have seen accidents where drivers have done stupid things with no explanation. I do not know how you can enforce that.

However, we do know that people who have a propensity to commit traffic offences, people who are disqualified from driving, people who are long-term unlicensed, people who drive unregistered or unroadworthy vehicles are represented far more in the road crash statistics than other people. You would focus on that activity but it would not be the primary aim of what you are doing. I think you have all seen the CMG reports that the Police Department puts out. There are hundreds of activities reported on for the sake of reporting on activities, without focusing on the outcomes - which are fewer serious and fatal car crashes. Some of the activities are questionable. One of the activities is high-visibility random breath tests. That means having a lot of police officers blocking off a whole road. I think there have been some examples up here in the north where they have blocked off roads at 10 o'clock in the morning just to get the numbers in terms of the high-visibility random breath test. Last year they did that. They conducted 213 000 random breath tests and found 679 drink drivers. They also have another random breath test activity measured by doing general patrols. There were 466 000 random breath tests just doing general patrols and 4 186 drink drivers were detected, so you can see that this activity of high-visibility operations in terms of catching drink drivers is not so effective. The old police officer on patrol, knowing where drink drivers are and what time they are around is a far better method of catching drink drivers.

**Ms FORREST** - Can you structure some benchmarking around that? If benchmarking is deemed a way that the police force expects you to operate, do you put benchmarks around that setting to enable them to target the areas they know? Most of us know where people drink and when they leave.

**Mr WIERENGA** - That certainly would be a better way to do it but, as I said, I am not sure that is necessary, so long as you have that final benchmark of fewer serious and fatal car

crashes. You structure your activities around that, and certainly you monitor those activities, but the activities are not the be-all and end-all. For traffic officers now their primary focus every day when they go out is to get their 10 tickets or whatever it is. It does not really matter what kind of tickets they are so long as they are part of what is measurable.

**CHAIR** - In view of statistics you have just given about the ineffectiveness by comparison of the high visibility breath tests, what are your views about what happened at the Falls Festival this year?

**Mr WIERENGA** - I have limited knowledge of it. My understanding is that there was an arrangement put in place between the police conducting the operation and the people organising the festival. As part of that there was a promise to put an area aside so that the police could conduct their testing on that site but still allow traffic to go through. For one reason or another the Falls people did not provide that site. In fact it was full of Falls vehicles. That created difficulties for police conducting those operations. I am also told that, whilst there may have been long waiting times in getting out of Falls, that has always been the case because you are talking about a large number of people going through one exit. I think the results - and they did not test that many - speak for themselves anyway in that they got a number of drunk drivers. As to the fallout, I am not in a position to comment on that.

There is another area that I want to talk about and that is technology in terms of detecting traffic offenders. We currently have a radio network which has three minutes of talk time for every real minute, so it is overburdened. In peak times the radio network has six minutes of talk time - that is, people trying to talk to base - for every real minute. That creates an inordinate amount of delay in terms of requesting information like wanting to know whether someone has a licence, whether they are a disqualified driver, whether they have a firearms licence or any kind of job that comes through the radio network. We have been asking for some time now for police to have in-car data. That means they can interrogate the databases that are available to police in terms of information whilst they are on patrol rather than queuing up to get through to the radio room. But that has really been resisted. It has had a remarkable effect in jurisdictions where it has been introduced. The technology has been around for quite a long time now. All it really requires is someone to say, 'Yes, we want to do it', and obviously the Government has to come up with the money to put data terminals in cars.

**Ms FORREST** - So how much money are we talking about?

**Mr WIERENGA** - I am not sure now because there have been a number of studies over the years. It is one of the areas where costs decrease over time.

**Ms FORREST** - Do you have any ballpark figure?

**Mr WIERENGA** - No, I am sorry. We have been arguing the concept for some time because what happens on a Friday or Saturday night is that I pull over Mr Harriss because he is speeding.

*Laughter.*

**Mr WIERENGA** - The first thing I have to do is tell the radio room that I am going off with that vehicle and provide the location. That is purely for safety reasons. Trying to get through when there are six minutes of talk time for one minute of real time makes it very difficult for me to tell the radio room that I am going off with Mr Harriss and his car. If I want to then know further details about Mr Harriss, I have to get hold of the radio room again, so more delays because it just takes time to get through. The other problem is that we have a number of different databases. If I want to check his driver's licence and his car registration, that is one database, but if I want to check intelligence holdings on Mr Harriss for a criminal record, that is a different database. We have been arguing for some time that there should be seamless databases so that we can just type in 'Mr Paul Harriss' and everything that Tasmania Police know about Mr Harriss comes up.

**CHAIR** - They would be able to cope with all that information?

*Laughter.*

**Mr WIERENGA** - That technology also has been around for a long time but, once again, not embraced by Tasmania Police. I notice that Mr Hine talked yesterday about automatic numberplate recognition. That project has been around for a long time as well and I am glad that they finally rolling it out. But automatic numberplate recognition only tells you whether the car is registered or not and then you still have to go through those further steps in terms of ascertaining who is driving and whether they have a licence and things like that.

The other thing that we have been arguing for is, not so much lately but certainly a couple of years ago, in-car video and that records traffic offences. It works on a buffer system and you have a hard drive in your vehicle and as soon as you see an offence being committed, you hit the button and what has occurred up to a minute or two minutes before is captured in that buffer. So you have corroboration instantly in relation to traffic offences. It was trialled in the north-west three or four or four or five years ago. It was a rip-roaring success as far as our members were concerned because there was always corroboration in terms of the offences committed because the camera would capture people not wearing their seatbelts or on the phone or speeding. The matters were never contested in court because the video evidence was there. At the time it was trialled, again it was dismissed in terms of the cost factor. But, once again, the cost in relation to that kind of technology has gone down and it is really timely to start looking at that again. It is also an added safety feature for our officers who are on single patrols. It is technology widely used in other jurisdictions, particularly in the United States, and really should be introduced into Tasmania.

**Ms FORREST** - When they did the cost analysis for that did they consider the reduction in court time? If you are not contesting cases then that does not tie up court time as much, so is that factored into it?

**Mr WIERENGA** - I am not sure of the final outcomes in terms of the costings. I know it was just dismissed because the technology itself would cost too much to put into the vehicles. But there are significant savings, as you are saying, in terms of court time and it is an extra safety feature for our officers, particularly those who are on patrol on their own.

**Ms FORREST** - How often do you have officers on patrol on their own?

**Mr WIERENGA** - It is hard to say, it depends on numbers, but the association prefers not to have officers patrolling on their own. But obviously it is a fact of life. All country stations, single-person country stations, would patrol on their own. A lot of traffic officers would patrol on their own. A lot of the smaller stations would patrol on their own from time to time.

**Ms FORREST** - It is quite common then?

**Mr WIERENGA** - Yes. It is a practice not encouraged by us, certainly in the urban areas, and we finally now have a policy in place. We have been pushing for ages to have a single officer response policy put in place into the department, which has finally been put in place, so that there are certain situations where single officers cannot respond to some critical incidents.

**Ms FORREST** - Is this a resourcing issue, is it because there are not enough police officers?

**Mr WIERENGA** - It is a resourcing issue. There is an establishment level set by government, I think it is 1 218 at the moment, and the current administration is adhering to that establishment level as best they can. But from time to time it is no secret that the establishment level has dropped in terms of budget pressures. This time the department have indicated that they are really trying to stick to the establishment level.

In terms of police per population ratio, Tasmania sits about the middle of the table compared with the rest of Australia so there is room for more police, particularly as the Government has imposed a number of extra activities on police without properly resourcing them, and I speak of the domestic violence legislation, the vehicle seizure legislation and I understand they are now moving to further vehicle seizure legislation. These things have an impact on the actual police out on the street.

**CHAIR** - Could you tell us the current numbers and how many more you would like to see realistically?

**Mr WIERENGA** - As I said, I think 1 218 full-time equivalents is the terminology they use. An extra 50 to 100 would go a long way to alleviating a lot of the problems in terms of law enforcement and particularly providing relief in country stations and providing stability of numbers on the 24-hour rotational shifts. I understand the budget climate may not be favourable to that at this point but certainly that is something that we would see as quite proper.

**CHAIR** - Where would that take us by comparison with other States?

**Mr WIERENGA** - It would not move us that far in terms of the police per population ratio because the numbers are not huge increases.

**Mr HARRISS** - Randolph, has there been any analysis done - you mentioned extra work imposed on officers by policy decisions and legislative measures - on the impact on other policing which may have suffered as a result of the changes to the law?

**Mr WIERENGA** - I am not sure of the extent of it but I know that analysis has been done certainly in relation to the impact of domestic violence legislation, and the analysis extends to the huge increase in the number of domestic violence incidents reported. I am sorry, I do not have the figures in front of me.

**Mr HARRISS** - Who did that?

**Mr WIERENGA** - The Police department, but those statistics are readily available in the annual reports. The Police department also did some modelling in relation to the attendance at domestic violence incidents and the minimum time now required at a domestic violence incident is four hours for two officers and that is the shortest time frame for any incident. Country stations, with a serious domestic violence incident, can take two officers up to 15 hours each to resolve. If there is a domestic violence incident of a serious nature at Dover or Geeveston, for instance, that would remove that police officer from that jurisdiction for that period of time plus someone from Huonville would need to assist them as well and that is a huge increase in the amount of time that police officers spend on that type of activity.

I am not saying it is wrong, I think it is quite proper, but the impact was severely underestimated and the amount of resources supplied for the Safe at Home initiative simply did not address the huge increase in workload.

**Mr HARRISS** - It occurs to me, just as we sit here, that it might be a worthwhile project for the Auditor-General to undertake some robust and really far-reaching analysis because the Auditor-General assesses the operations of government in a range of areas. You have indicated that there has been some analysis done in-house but it might be something worthwhile because of the impact on other areas of policing.

**Ms FORREST** - In the rural areas it is the same as the situation where the police have to take a person with a mental health illness into the hospital from a regional area and stay with them. It takes that person out of the area.

**Mr WIERENGA** - Yes.

**Ms FORREST** - This takes a person not necessarily out of the area but away from other duties for that period of time.

**Mr WIERENGA** - Some sort of serious analysis would be welcomed by us; I have no problem with that.

**CHAIR** - Do you feel that is detracting from the ability of the police to deal adequately with road safety matters?

**Mr WIERENGA** - Any increase in one activity will have an impact on any other activity because the police are a finite resource. They are only on duty for a certain amount of time and if more time is spent doing one activity then it has to impact on other activities, whether it is road safety or criminal investigation or community policing.

**CHAIR** - I think it is fair to say there is a general feeling in the community, and I feel it is justified, that there is a lack of sufficient visible presence of police on our roads. Any comment on that?

**Mr WIERENGA** - I would tend to agree with that comment. Part of the problem is that police vehicles are not as visible as they could possibly be and I understand the department is now moving to high-visibility vehicles. Yes, there is a visibility issue, certainly from talking to members of the community and monitoring the media.

**CHAIR** - The added risk of detection I think is generally accepted as being one of the very effective measures in reducing crashes.

**Mr WIERENGA** - There is no greater deterrent than having a police car following you up the Midland Highway. You are not game to commit offences.

**CHAIR** - I think most people feel a bit guilty if they see a police car, even if they are not doing anything wrong. It has that desired effect.

**Mr WIERENGA** - It is a very salutary experience.

**Ms FORREST** - Does the police association have a view on some of the contentious issues raised with the committee, such as the open road speed limit of 110 kph, as in other States, and also the relevance or otherwise of the 0.05 blood alcohol level limit?

**Mr WIERENGA** - We do not really have a view in relation to 110 versus 100. My personal view is that the 110 on certain roads is quite a safe speed, particularly the Midland Highway. There is no problem with that road, really. That is my personal view.

In relation to blood alcohol, we support the 0.05 limit. There is no doubt that any level of alcohol impairs your judgment. The science in relation to the 0.05 level is that once you are over that your judgment is impaired exponentially. You should not be driving a vehicle or undertaking any kind of activity with machinery once you have imbibed to that level.

**Ms FORREST** - One of the challenges that has been raised by a number of people is it is hard to know what 0.05 really means. We know what it means in a quantitative sense because you are testing it, but for you and me to have the same number of drinks and then be tested we would probably be quite different.

**Mr WIERENGA** - My advice would be that if you are going to drive then do not drink at all. That would be the safest thing to do.

**Ms FORREST** - Then why would you not impose a zero level?

**Mr WIERENGA** - Once again, you are talking about acceptance by society to a degree. The 0.05 sounds like an arbitrary limit but there is a fair bit of science around it in terms of impairment levels. We all are impaired to a different degree but you cannot say I am allowed to have 0.05 and you can have 0.08 in your system because you can handle alcohol better. There has to be one cut-off level. Certainly if you look at the long-term statistics in relation to serious and fatal crashes, there are noticeable dips in the overall



rate of fatalities around the country when you look at the introduction of compulsory seatbelts, 0.08 then 0.05, and speed cameras. The data is there to prove conclusively that overall they have an effect in terms of the number of serious and fatal crashes.

**CHAIR** - Are your members concerned at all about the time it takes to process the statistical details for the benchmark process?

**Mr WIERENGA** - There is a degree of feeling that a lot of time is spent on doing that. It is particularly troublesome when the IT systems are not as robust as they should be and they keep falling over. If you are just measuring activity for measuring activity's sake then it is a bit hard to put your heart and soul into recording all those statistics when you are not quite sure why you are doing it and it does take up some time.

**CHAIR** - Can you give us any idea about the extra time that is taken to operate that process of statistics?

**Mr WIERENGA** - No, I cannot. I can only go on what they tell me anecdotally - that it does take time to process all the information that they have to process. As I said before, there is a large set of activities built around just measuring the activities and putting out all that data.

**CHAIR** - Are you able to give any indication of the time at the station level?

**Mr WIERENGA** - No, I cannot.

**Ms FORREST** - We have had a lot of evidence given about driver education for learner and novice drivers and then even for more experienced drivers and potentially targeting particular groups. Do you think there is any value in it? I am not talking about advanced driving courses. I am talking about driver education where they are taught about hazard identification, safe stopping distances and those things.

**Mr WIERENGA** - Absolutely. The more education, the more people are aware of how lethal motor vehicles can be and how they operate in certain circumstances, the better. We would be far better off in terms of people being able to avoid accidents or drive according to the conditions.

**Ms FORREST** - Do you think there should be a compulsory part of our licensing regime, that people undertake some form of educational process?

**Mr WIERENGA** - I think it is definitely worth examining. I am not sure whether to make it compulsory or not. When you get your licence at 17, after you have done your 50 hours or 100 hours, I am not really sure that you are prepared for all the circumstances that may meet you out on the road. Vehicles can be lethal and you really need to be confident about the circumstances that may present to you on the road.

**Ms FORREST** - That is obviously a thing that happens over time and with experience as well?

**Mr WIERENGA** - It does but I am sure that more could be taught about it. It is just a matter of cost and a matter of preparedness.

**Ms FORREST** - What if it was a compulsory program provided in schools for 15-year olds, leading up to 16 when you can get your Ls, and ancillary to that you have to do a 10-week class ?

**Mr WIERENGA** - I am not sure when it should be done to have the most effect, but I am sure there are people out there who would know when it should be done, what should be done and what will have most the affect. Driver education is something that should be seriously looked at because I am quite sure that many of people who get on the road are just not aware of the circumstances that may present to them and how to deal with them.

**CHAIR** - Would you favour a system where it is compulsory for all learner drivers to undertake some course of driver education - not physical driving but by way of information about the risks and how to deal with them and encourage the right attitude?

**Mr WIERENGA** - I think there needs to be some practical element in relation to it, particularly in terms of vehicle behaviour. I think it certainly should be looked at.

**CHAIR** - Thank you very much for the interest you have shown and for giving us your time and views, which we appreciate very much.

**THE WITNESS WITHDREW.**

**Mr MICHAEL PHILLIP DAVIS**, TASMANIA POLICE WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Mr Wing) - Welcome, Mike. We are looking forward to talking with you and hearing your views about road safety, especially because of your extensive involvement in dealing with road crashes.

**Mr DAVIS** - I have been a police officer for the past 37 years. At present I am the officer in charge of the Northern District Accident Investigation Section. I have been the accident investigator for the past 15 years. In that time I would have attended more than 200 fatal crashes and in excess of 250 serious injury crashes.

**CHAIR** - We would be interested to know any views you have about the main causes. There are several that are referred to generally, but you may have different views or similar ones to the common views.

**Mr DAVIS** - As I said, I have investigated more than 200 fatal crashes and the serious ones are what we would term as 'life threat', so the accident investigation section gets called to those. The only one that we don't attend and deal with is a single vehicle crash where there is a driver only and he is deceased. If that is in a country area that is attended by the country police officer. That was a decision that was made several years ago, that we don't look at those, unless we are requested.

**CHAIR** - That is interesting because there are so many of them. We just heard from Mr Wierenga that a lot of the police operate in urban areas rather than rural areas because of the system of quotas.

**Mr DAVIS** - I have always held the view that if there is a fatal crash it should be looked at by an expert in that field. A decision was made and a policy issued that we do not attend single-vehicle, driver-only deceased.

**CHAIR** - What proportion would you consider would be fatal accidents occurring in rural areas during your 15 years, compared with those that are still attended by your office in urban-type areas?

**Mr DAVIS** - I usually do a yearly assessment on all fatal crashes. I can give you an example of one that I did last year. I have records dating back to 1985. We record every fatal crash, the cause of that crash, proceedings et cetera. Most of the crashes that occurred last year were in the country areas and mainly on the Bass or the Midland highways.

**CHAIR** - And you do not attend those under this new policy?

**Mr DAVIS** - If it is a single-vehicle, driver-only crash, unless there is a request or we are directed by a supervising inspector, we would not attend that crash.

**Ms FORREST** - So how many would you not have attended because they fell into that category?

**Mr DAVIS** - This year there was one on the Midland Highway that we did not attend.

**CHAIR** - Is that just in the last two months?

**Mr DAVIS** - Yes.

**CHAIR** - At Epping?

**Mr DAVIS** - But I must say that the officer that attended that was an officer that worked in the accident investigations section and has done training courses et cetera so he would be fully conversant with how to investigate that crash.

**CHAIR** - How did he come to attend, because it is contrary to the policy, is it not?

**Mr DAVIS** - He was based in that country police area.

**CHAIR** - I see, yes.

**Mr DAVIS** - As I say, a greater percentage of crashes that occur are in country areas.

**Ms FORREST** - Do you actually have that number?

**Mr DAVIS** - I will just have a look. I only do the statistics for the northern police district. That is not statewide. This is only for our area.

**CHAIR** - And that covers, what, the telephone directory for -

**Mr DAVIS** - We do the 63 -our area goes from Tunbridge on the Midland Highway right through to Parramatta Creek on the Bass Highway and all the north-east coast area.

**Ms FORREST** - But not the north-west?

**Mr DAVIS** - No, our boundary ends at Parramatta creek and then it is taken over by the North-West Accident Investigation. But for 2008 in country rural areas outside the city of Launceston, six occurred on major highways. For that year we had a total of 10 fatal crashes. That resulted in 10 deaths. There were nine rural crashes. We only had one in the Launceston area, the residential area. Six of those 10 fatal crashes were on the highway.

**CHAIR** - So with a single vehicle, fatal crash in a rural area there was no investigation by a member of the Accident Investigation Unit unless requested by a senior officer. Is that right?

**Mr DAVIS** - That is correct. That is our policy, that we do not get called out unless we are so directed.

**CHAIR** - Would there usually be no direction for a member of your unit to attend?

**Mr DAVIS** - On occasions we do not get advised of that crash until we come to work if it is in the early hours of the morning.

**CHAIR** - And then usually you would not be required to attend. Would that be right?

**Mr DAVIS** - No, and we would provide advice if it was required.

**CHAIR** - So would that be attended by the local officer?

**Mr DAVIS** - Whoever the local officer is attends a fatal crash on the Esk Highway at Avoca. The local officer at Avoca Police Station would attend that crash, investigate it and prepare the report for coroner.

**CHAIR** - And they may have little or no training or experience to evaluate the causes of that accident?

**Mr DAVIS** - That could be correct. Most of our officers in the Northern District in the last couple of years have received a training session from accident investigation members.

**CHAIR** - That could affect the adequacy of the information that is filed centrally, couldn't it?

**Mr DAVIS** - It takes a long time to do a fatal crash. I have been working non-stop for three weeks dealing with two fatal crashes. That is my primary role. If you are in a country police area that officer has other duties. He is on shift work, he is on days off. Whereas we can prepare a report and put it in within probably six to eight weeks, it may take him anything up to six months.

**Ms FORREST** - Is that not a good reason for your department to be called to every crash then?

**Mr DAVIS** - That was my view but policy sees that we do not.

**Ms FORREST** - So when we get feedback, through the media often, about the cause of a particular crash, and generally in country areas - and I think about the north-west coast which is my patch where we have quite a number of single vehicle, driver-only fatalities; I can think of lots of them just in the last couple of years - we hear it was fatigue, it was speed, it was this, it was that, and you are much more likely to have single vehicle driver-only crashes in the country because people go about their business going to work. They often travel alone and come home from work late at night. Shift workers travel alone when there are not that many other cars on the road so when they do crash it is usually into a tree or a telegraph pole or something similar. We are not really getting the full picture of these crashes, from what I am hearing from you. Are we really getting a thorough investigation of these crashes?

**Mr DAVIS** - It is an investigation to the best of their ability. If they had an issue where there were skid marks on the road or marks from which we were able to calculate the speed of the vehicle they could call on our assistance and we would do that and I have, but it is up to them to follow up the investigation as to where that person had been before the crash and whether or not alcohol was a factor, and that would be determined by post mortem blood analysis and issues like that. There is an investigation but it is probably not as comprehensive as what we would do.

**Ms FORREST** - Bearing in mind that these police officers often are in single-officer stations, as you have rightly said they have a number of other duties to go on with. The blood alcohol level, for example, would be par for the course and part of the post mortem procedure but some of the other aspects would obviously take time.

When the policy decision was made are you aware whether it was a cost-cutting measure? Why was that policy put in place?

**Mr DAVIS** - No, it was not a cost-cutting measure. It would be the same as if it was a sudden death. Every officer should be competent enough to prepare a report for the coroner for a coroner's inquest and the decision was made that, where a single vehicle crash occurred and a driver only was deceased, a police officer should be competent enough to carry out an investigation into that death.

**Ms FORREST** - You could have an inexperienced police officer who has not been in the force very long operating on their own in a country police station so what sort of training do they get? What is the minimum training that they could come with to that job and that role?

**Mr DAVIS** - They would probably get a two-hour training session from us that we would deliver to them. They would then get a guideline procedure of how to investigate it, which I prepared myself, but they are on their own devices.

**Ms FORREST** - Do you think that is adequate?

**Mr DAVIS** - My own personal view is that it is not. I am quite happy to go to single vehicle crashes and assist but policy states that we don't.

**Ms FORREST** - Would you recommend that if the policy continues that these officers have more training before they are placed in that position, or do you think the policy needs to change?

**Mr DAVIS** - I know officers who have been in the job for 20 years who have not been to a fatal crash. Most of the crashes that we have are mainly two-vehicle crashes. Every now and then we will have a run of single vehicle crashes. We have had three single vehicle crashes -

**Ms FORREST** - In your area?

**Mr DAVIS** - In our area out of eight fatal crashes.

**Ms FORREST** - So three out of eight?

**Mr DAVIS** - Three out of eight.

**Ms FORREST** - So it is quite a high percentage.

**Mr DAVIS** - It is, and some years we are overrated by single vehicle crashes and most of them, as you have said before, are in country areas.

**Ms FORREST** - Because there are fewer other vehicles to hit.

**Mr DAVIS** - You have more roadside features. On a highway you have very good road surfaces, you have roadside barriers to stop vehicles leaving the road on corners or whatever it might be, but on a country road if they are going to run off the road it is normally straight into a tree or it is a rollover.

**Ms FORREST** - They often don't die unless they hit something. You run off but if you don't hit anything you are pretty right; you just grind to a halt unless you roll it.

**Mr DAVIS** - Yes, and in a lot of cases they roll the vehicle trying to correct it.

**Mr HARRISS** - In addition to what Ruth has been asking, Sgt Davis, when was the policy introduced?

**Mr DAVIS** - It would be five years ago.

**Mr HARRISS** - I was going to go down the same track that Ruth did with you about the justification for it but you have answered that.

**CHAIR** - We have had evidence that you and Sgt Shepherd at Glenorchy are the only two qualified officers for accident investigations in the force in Tasmania, would that be so?

**Mr DAVIS** - Probably the most qualified. Sergeant Shepherd and I started in 1995, attending crash conferences. We were members of the Australian South Pacific Association of Collision Investigators. They held conferences throughout Australia. There would have probably been 200 delegates; a greater percentage of those were police officers or investigators. Lecturers from the UK and America attended, so we were keeping up with the current trends in crash reconstruction. As a follow-up we attended and did courses on the mainland that were conducted by American instructors. At that stage, up until last year, we were classed as experts in the courts, able to give evidence on reconstruction and speed. The officers who have been working with me over probably the last six to seven years have all completed a correspondence course of instruction with the Institute of Police Technology and Management. They also work with me so that if there is a fatal crash and it is justified I can call them out. We attend the crashes on our own; we do seven-days-on, seven-days-off call. So they get on-the-job training as well. Last year the academy wanted to increase the knowledge of persons interested in accident investigation and they ran an advanced traffic accident investigation course in Hobart. I think there were eight or nine officers who attended that course.

**CHAIR** - Are they regarded as qualified to be expert witnesses in the courts in Tasmania?

**Mr DAVIS** - Some are and some aren't.

**CHAIR** - How many are?

**Mr DAVIS** - There would probably be four. To be classed as an expert it is not just based on certificates that you hold, it is based on your experience and knowledge of crash

reconstruction and speed analysis to be able to give that evidence and be accepted by a court.

**CHAIR** - That experience would be much greater if the original policy of members of the accident and investigation unit was attending all fatal crashes, would it not?

**Mr DAVIS** - My own personal view was that it was a good training ground for officers to attend a single-vehicle crash because they could have a look at that crash, they would be under my supervision, they would investigate every aspect of it and prepare a report that would be supervised and finalised by me.

**CHAIR** - And that would still be a good idea?

**Mr DAVIS** - I believe it still would be.

**CHAIR** - The amount of valuation done to determine the cause of a crash is very important in how to deal with road safety, is it not?

**Mr DAVIS** - It is not only a matter for road safety, but if there is a fatal crash our role is to investigate that because every fatal crash is subject to a coroner's inquest. You have the family members of the deceased who want answers and we have to be able to provide the court, an inquest, with the answers as to what speed that vehicle was doing, how the crash happened, if there was alcohol or fatigue involved. It takes a long time to investigate. I have one on the go at the present that is a fatigue-related issue and I have been working on it for three weeks.

**Ms FORREST** - Does determining fatigue take a particularly long time? I guess some aspects take longer than others. Is that one of them?

**Mr DAVIS** - Fatigue is very difficult to prove because the law states that if a person runs off the road and hits a tree and fatigue may be an issue, you have to be able to establish that that person was tired before he had the crash. That takes a lot of work. You have to interview people they have been with, their activities leading up to the crash and things such as that. It is very difficult to prove and to prove in court.

**CHAIR** - Do you know of cases where fatal crashes or serious crashes also have occurred through fatigue, where the driver has been required by his or her employment to drive long distances at unusual hours?

**Mr DAVIS** - None that come to hand. I know the heavy vehicle industry are strictly governed at present with their log books and driving hours, which I think has solved a lot of problems with heavy industry. I have had a couple of crashes where people have worked long hours and they have continued on into the night and then they have attempted to drive long distances. One of the things we look at is fatigue as a factor in that.

**CHAIR** - Heavy vehicles are heavily controlled in that respect, as you say, but not commercial travellers.

**Mr DAVIS** - No, there is no requirement.



**CHAIR** - Should there be?

**Mr DAVIS** - It comes back to the individual and the company. I spoke to a chap the other day about his construction firm. If they travel, say, from Burnie and they work in Hobart they are only allowed to work a certain period of time. One of those persons actually completed a job after 16 hours and they drove back to Burnie. They were fronted by their employer as to why they drove because they have a policy in place that they have to provide overnight accommodation for them once they have worked a certain period of time. That is good, but it does not happen with every employer.

**CHAIR** - Would you give us some idea of the extent of the investigation that you usually make in investigating the causes of a fatal or serious crash?

**Mr DAVIS** - If there is a report of a fatal crash we are notified; that could be within 10 minutes to 15 minutes. Quite often we are advised that there is a serious-injury crash and it is life-threatening, so that comes under our category of investigation. We have a response time of 20 minutes when you are on call. The scene has to be secured for the preservation of evidence. We cover the whole 63 district so we could have anything up to an hour-and-a-half travel time to get to that crash scene. Nothing is allowed to be touched until we get there. We could spend anything from two to six hours depending on the nature of the fatal crash at the scene. Quite often that requires detouring of vehicles, which we have to be very aware of. If it is on the Midland Highway you are detouring traffic but heavy vehicles cannot be detoured on some occasions so we have a bit of a time commitment to re-open roads.

Once we have completed our investigation at the scene we would then return to the office. There would be probably another two hours of paper work that we submit and then the investigation would take place. We are the only section that would interview any driver that may be at fault or any driver involved. Most of the time with any crucial witness we would do that investigation. For the past three weeks I have virtually been non-stop investigating two fatal crashes.

**CHAIR** - What equipment do you have that can interpret measurements and things like that?

**Mr DAVIS** - When we are at the scene we actually take physical measurements of the road for our preliminary investigation. By taking measurements at the scene we can calculate a speed as soon as we come back to the office, or even at the scene. We have had equipment for some time - a Vericom brake test computer - where we do a skid test on the road to determine a friction. We can then take the measurement and calculate on the spot a speed that the vehicle was travelling at. It is photographed by our forensic people and where there is the potential for any charges to arise out of a fatal crash, we would have it surveyed. We have a scale plan drawn up. I would also prepare a collision diagram that goes to a court and which gives a model of the vehicle and any marks showing its movements from loss of control through to impact. That is presented to a magistrate or a judge.

**CHAIR** - In the case of serious injuries, is the procedure any different?

**Mr DAVIS** - No, the procedure is exactly the same. Every serious crash where there is life threat we treat as a fatal-crash investigation.

**CHAIR** - How would the investigation done by a local officer in a single vehicle fatal crash in a rural area compare with the detail of the investigation you conduct?

**Mr DAVIS** - He or she would prepare a report in exactly the same manner and format that we have. We provide them with a guideline paper as to how to prepare that report. Normally with a single vehicle there is not as much detail required. Every vehicle is inspected by transport inspectors from DIER, the same as they would do if we investigated. It is a thorough report because they all come to us in the end. If there is anything missing we would ask them to do a follow-up. It is just the fact that we do not attend at the time.

**CHAIR** - For the single-vehicle, serious-injury crash in a rural area, does the local officer conduct the same type of investigation?

**Mr DAVIS** - If it was a driver only, we may not have even been advised.

**Ms FORREST** - Even if it is life-threatening?

**Mr DAVIS** - In some of them we have not been notified. That is a fall-down in the system, but of recent times we would check with the officer if we heard there was a crash somewhere to see if they needed assistance. I have gone to a couple in the last couple of months to provide assistance.

**CHAIR** - In cases where you have not been involved with a single-vehicle serious rural crash, would the local officer investigate that to the same extent as a fatal crash in his area?

**Mr DAVIS** - On some occasions it does lack.

**Ms FORREST** - Who then makes the determination about 'life-threatening'?

**Mr DAVIS** - That is based on what we get provided by the ambulance officers at the scene. Normally it is category 1 but quite often when the first officers get there, the paramedics, it can be a category 1 crash and then within half an hour to an hour be downgraded to category 3, which is not life-threatening. So we have to have good advice from ambulance personnel that the serious crash injury is a category 1 and it is a life threat that may turn into a fatal.

**Ms FORREST** - Potentially they can be upgraded too because it is not obvious if someone has had a sideways impact to their head without a curtain airbag. Those people often do not look too bad, but then they could have an intracranial bleed a little bit later. Does that ever happen? Do they get upgraded?

**Mr DAVIS** - They do, but on most occasions we do get advised. There is the odd one that slips through the system that we do not know about and that can be lacking an investigation. Any serious injury is an MAIB issue as well because of long-term

rehabilitation or anything else. We get interviewed by their investigators and it is a little bit embarrassing, to say the least, if a proper investigation is not done.

**CHAIR** - In the case where the road is closed and you are investigating any type of accident, fatality or serious injury, do you have enough time to complete the investigation or are you under great pressure to do it quickly to enable the road to be open at an earlier time?

**Mr DAVIS** - If it is on a major highway we are under extreme pressure at times. On occasions I do not think they appreciate the work that we have to do.

**Ms FORREST** - Who is 'they'?

**Mr DAVIS** - Our administrators. There has to be a crash-scene manager and that is usually the inspector that attends the scene. We are under the pump to keep the traffic moving. I went to a serious crash on the Midland Highway a couple of months ago. It was early in the morning but due to heavy transport nothing could get through and there was probably anything up to two kilometres of heavy vehicles. As soon as we get there, if we can mark the scene, if there are marks on the road and we can safely get that traffic through without interfering with our evidence, we will do so. At times there can be delays and we will have a road closed for two hours, but we only get one chance at getting that evidence because the marks sometimes will only stay there if they are in the gravel. We lose them if traffic goes over them.

**CHAIR** - Are you able to say how our system of investigation of fatal and serious road crashes compares with the detail of investigation in other States and Territories and the resources available here for that by comparison?

**Mr DAVIS** - I have seen reports that have been prepared by officers in Queensland, New South Wales and Victoria. Going back probably 15 years ago when I first came into the section, a lot of my investigation procedure was modelled on one from Victoria Police. They have a different squad set-up there. If there is a fatal crash they only deal with multiple death. The normal highway patrol or traffic police would deal with any single vehicle crash over there, or a general duties officer. The major crash investigation unit only deals with multiple deaths. Our investigations and reports would be comparable with mainland States.

**CHAIR** - Are you able to say what the main causes of accidents are in your opinion?

**Mr DAVIS** - Everyone gets sick of hearing it but, as I say, I can go right back to 1985 with every fatal crash that has been recorded since then and you will find that alcohol, speed, failure to wear a seatbelt, negligent or dangerous driving is a factor in a lot of those crashes - and they have been this year.

**Ms FORREST** - Having said that, I think everyone intellectually knows that but we still see people speeding, failing to wear seatbelts, drinking alcohol to excess and driving. Do you have a suggestion as to how these things are best addressed? I am sure you don't enjoy attending these crash sites. Do you think there is a way forward here? We are trying to search and find something for our report.

**Mr DAVIS** - It is very difficult. Last year we went for three months in the northern district and we didn't have a fatal crash. We had a bad run up to then but we went for three months without a crash. If people try, they can do the right thing. This year we have had eight fatal crashes and speed, alcohol, drugs, fatigue, failure to wear seatbelts are all issues in those crashes. When you look at the investigation at the end you think, 'That was a waste of a life. If someone had just clicked a seatbelt on or was paying attention to their driving, it wouldn't have happened'. I think the high-visibility patrol will add some benefit to the highways in the reduction of speed. I have always had the view that we should be concentrating more on the highway. Six of those 10 fatal crashes last year were on the Bass or Midland highways. You have a lot of traffic that is travelling between the north-west coast, Launceston and Hobart. We have to try to put out there that every police officer can book someone for speeding. All our traffic cars are fitted with mobile radar, the same with the high-visibility car, but if people have it in their mind that there is a presence out there, as there will be, they run the risk of getting caught.

**Ms FORREST** - You think a fear of detection has to be one of those things that we really work on?

**Mr DAVIS** - I went to the mainland a couple of weeks ago on a motorcycle trip and just the thought of highway patrol in Victoria and New South Wales, with a very low tolerance on speed, was always in the back of your mind. I wasn't speeding but they were highly visible.

**CHAIR** - And that is their policy, isn't it, in Victoria.

**Mr DAVIS** - They came out of nowhere on roads that you wouldn't expect a highway patrol car to be on. If I can pick it up, surely other people can, that they shouldn't be speeding, but it will never stop. That is the thing. The great percentage of people are doing the right thing but there is always one that will not.

**CHAIR** - It is a big contrast to Tasmania, isn't it?

**Mr DAVIS** - It is and some of the speeds on the highway are excessive and that is what we find in fatal crashes.

**Ms FORREST** - So you think 110 kph is excessive?

**Mr DAVIS** - In my view, 110 kph is adequate for a highway. I read in the paper where the speed was considered to be dropped to 100 kph but my view is that if you are driving from Burnie to Hobart at 100 kph you get frustrated drivers. At 110 kph it is a safe speed that you can move along at. You have to look at it in metres per second that a vehicle will travel at at 100 kph, which is roughly about 25 metres per second to calculate a stopping distance. My view is I do not think anything would be achieved by dropping it to 100 kph on a highway that should be safe.

**Ms FORREST** - If that is the case, do you think it is an aspect of education that needs to be implemented, if you say 110 kph is a safe limit for this road, however you need to be more aware of your stopping distances and educate people about how long in time but

also in distance it takes to stop a vehicle at that speed, so looking at distance between vehicles and that sort of thing?

**Mr DAVIS** - Any education can only help because if you travel the highway yourself, you realise how close cars will sit behind you at 110 kph. They do not know what is happening in front of your vehicle, their vision is obscured, and if something is on the road and you swerve out and move it or you have to stop suddenly, the stopping distance at 110 kph could be 60 metres or something like that and you will have a crash.

**Ms FORREST** - Do you think there would be value in providing compulsorily for learner drivers to start with an education program that teaches them about that sort of thing - hazard identification, safe stopping distances, how a car performs under certain circumstances and not actually put them in a vehicle, well you cannot because they have not got a learners licence yet, but showing them what vehicles are capable of and teaching them about all those aspects before they get their licence?

**Mr DAVIS** - I have always had the view that they should do some form of education. I know that Barry Oliver runs a course at Symmons Plains. Most of the high schools attended last year. I think it went for a week and Scotch Oakburn and Grammar went out there and they got an education program on stopping. They see the vehicle and some of them get a chance to drive a vehicle to see how much it would take to stop at a certain speed. That can only help with the learner-driver system. Most of the parents are teaching the children. Those parents can have bad habits and that gets passed on to their child so if they have a driver education system where they have to do part of their training with a qualified instructor, that is good, but also give them some education on correct handling of a vehicle.

**Ms FORREST** - Are you aware of the Road Ready course in the ACT? The learners in the ACT can get their licence - and I think it is 15 years and nine months or it could be 15 years and six months - and before they get their learners they have to go and either do the Road Ready course through school, which is free and I think it is a 10-week elective, and they do an hour a week for 10 weeks or whatever it is or they pay and go and do it over a weekend where they undertake the same course in obviously a shorter time but the same information is covered. After they have done that or around that time, they have to pass a road rules test, as we do in Tasmania, and they cannot get their licence without doing both. Do you think that would be a valuable thing in Tasmania?

**Mr DAVIS** - Anything that would assist young drivers. Sometimes they are overrepresented in our fatal crashes. There have been a couple this year - three in fact - involving young drivers. Last year our stats showed that it was middle age, mainly between 30 and 40, that had been killed but this year out of three crashes four young people have been killed. Any education that they can get and training can only benefit them because that is the problem, a vehicle goes out of control on a road or on a bend and most of the time it is an overreaction by the driver, they oversteer and they will crash or roll. So if they have an understanding of how the vehicle is operating in different circumstances it can only benefit them.

**Ms FORREST** - Do you think if parents are going to be the supervising drivers, because the majority of the time they are, that they should be required also to undertake some form of education before they can teach their children?

**Mr DAVIS** - They may lose their licence.

*Laughter.*

**Ms FORREST** - Just an educational program where they are taught these basics -

**Mr DAVIS** - Whether or not you would have the time frame to do that but most of the training that they initially get is through their parents and, as I said, if they have a bad driving habit - and you see a lot of it - then that can lead to that person picking up that habit as well.

**CHAIR** - I take it you favour learner drivers in Tasmania being required to undertake some form of compulsory driver education and training?

**Mr DAVIS** - It would be of benefit. How it would go and be set up is probably not for me but I am in favour because police do attend the course that they run at Symmons Plains to give them a view from the policing point of view but they are there with qualified instructors because these people are about to get their learner licence so what they are getting out of that course apparently is very beneficial to them.

**CHAIR** - There could be two types of courses, one involving just driver education giving advice through the aid of films, DVDs, warning of risks and advising how to deal with them and giving general advice, or a similar course to that plus an element of driver training in vehicles which would involve more expense. Do you have a view as to what type of course you would like to see learner drivers undertaking or being required to undertake?

**Mr DAVIS** - It would mainly be on control of a vehicle. As I say, the most common cause of fatal crashes is an overreaction by the driver. If the vehicle starts to slide and it runs off the edge of the road, most of the time it is an overreaction, an oversteer, and once they get into that situation there is no escape; they will usually crash.

Going back quite a few years ago, if a section 63 driver, which was a provisional licence holder, exceeded or was caught and detected with alcohol in the body, as part of the punishment by the court he was required to undergo a course before he was granted his licence back. I was a part of that training course with Road Safety. That was of benefit, I think, to those people because unless they attended the compulsory course as required by the court, they were not allowed to have their licence back. If you can get people while they are going through the training period of getting a licence, which is extended now, that can only benefit them.

**Ms FORREST** - Do you think that should apply to anyone who loses their licence, rather than just rocking up to Service Tasmania and getting it back after the required time that they be required to undertake some sort educative course to make them more value their licence perhaps?

**Mr DAVIS** - It could fall within the first 12 months of being issued with a licence because provisional licence holders only have four demerit points and most of them will lose their licence either for speed or undue noise, doing something stupid -

**Ms FORREST** - A rush of blood.

**Mr DAVIS** - and it is too late because they have already lost their points. The good thing with that is that they get an on-the-spot infringement notice which is dealt with then and there, not like a speed camera where you wait for seven days and you do not know whether you have been caught. You get pulled over, you get the notice and they are fully aware of what offence they have committed and what penalty they are about to receive.

**Ms FORREST** - In the ACT they also have what they call a P-off course as part of the Road Ready program. After the P-platers have held their licence for six months they can come and do the P-off course - and in the ACT they only get four demerit points as well - and that is just an in-class course, again going through the hazard perception, the most likely causes of crashes and the basic information. They are finding that a lot of the kids come along because they already have three demerit points or maybe fear they might get some - that is a carrot. The other carrot is that they can take their P-plates off. They still have to follow the restrictions, the zero blood alcohol and that sort of thing, but some of them feel - from evidence I heard at the course I attended - that they are unfairly targeted because they have P-plates up - by other drivers as well as the police at times. That was a real benefit they saw. Do you think that would be a helpful thing? They have been driving for six months so they have been out there and had a bit of experience and some of them have a few demerit points.

**Mr DAVIS** - I still adhere to the idea that 12 months is a sufficient time to display your P-plates. I catch them on the highway, I see them on the highway. You catch them anything up to 50 kph over their limit. They have had their licence a month and they are driving with their P-plates up doing 130 kph plus, yet you see others who are doing the right thing. There might be six cars behind them but they are entitled to use the road the same as anyone else and they are adhering to the speed limit.

**Ms FORREST** - Do you think learner drivers should be able to drive at the posted speed limit under supervision during the course of their learner period? It seems strange to me that you can drive at 80 kph for that time when you have your Ls, then for the first 12 months of your provisional licence you have to drive at 80 kph, then the next day you can drive at 110 kph. They have had no experience, other than being a passenger, driving at that speed. They have no idea about how a car handles differently at that speed and they might not even consider how much longer it will take them to stop. Do you think that we need to perhaps consider that or should P-platers be able to drive at the posted speed limit?

**Mr DAVIS** - They get two years to do that. I think the first 12 months is adequate at 80 kph for a provisional licence holder. They are still learning, they have been under supervision for the extended period of time on their learners licence, they have a period to settle themselves down, learn how to handle the car, and I think that is adequate for 12 months.

**Ms FORREST** - But the next day they can drive at 110 kph and they have never done it. Do you think that is a bit of a concern or in your mind, is that not a factor there?

**Mr DAVIS** - I don't think it is a factor. I think if you have a look around, most of them have already crept up to their 100 kph at some stage.

**Ms FORREST** - But they won't get pinged by a speed camera at that.

**Mr DAVIS** - They take their P-plates down and run the risk and quite often they will get caught. It is just a fact of life that you can be driving at 80 kph in the speed limit as an ordinary, basic licence holder and the next minute you are allowed to do 110 kph. The 12 months is sufficient time, I believe, for them to gain experience in the handling of the car and everything else before they legally are allowed to do 110 kph or 100 kph.

**CHAIR** - There have been several cases of fatal accidents this year involving drivers who are disqualified or without a licence - four, I think; two in each category. Is there an increasing trend along those lines or is that par for the course?

**Mr DAVIS** - Going back, either last year or the year before, we found that there were a lot of disqualified drivers. I think between the northern district and north-west district with the run of either four or five fatal crashes those drivers were disqualified. They still run the risk. It is very hard because they get imposed the penalty by the court. I know of people who drive to the court, get disqualified and drive straightaway from the court. Trying to stop them is very difficult. We target disqualified drivers and we catch a lot because they do stupid things on the road and bring themselves to our attention. With disqualified drivers, we find from the fatal crashes that they have a different attitude. They are already disqualified, what have they got to lose, apart from if they get caught they go to jail? They are prepared to run the risk at high speed and most of the crashes involving those disqualified drivers involved high speed and alcohol.

**Ms FORREST** - You can imagine, as the parent of a child or a family member who is killed in a car crash that was the fault of the disqualified driver, whom the court had dealt with in the only way they can, by taking their licence off them, but they are still out there, do you deal with the families in this situation at all?

**Mr DAVIS** - We deal with every family of a fatal crash and it is very hard. You are trying to tell someone that one of their family members has been killed by a disqualified driver who is drunk or on drugs.

**Ms FORREST** - The system has clearly failed in that case.

**Mr DAVIS** - In my 37 years we have never been able to stop anyone. There is the genuine person who cops it on the chin and will do his three months, six months or 12 months if he has exceeded 0.05. But you get the habitual offender who will just keep driving and, whatever we try to do, it is going to be very difficult to stop them. If we seize cars, as the coming policy suggests, I think that is a good thing. If they are a second-time offender, they lose their vehicle but they can still go to their mate's place or go to the wreckers and buy a \$500 car and get back on the road.

**Ms FORREST** - That is a real concern that I have. If they are impounding them for a long period of time they could just go and buy a really unsafe car, something that is almost unroadworthy, and just drive it anyway because they have nothing to lose.



**Mr DAVIS** - No, that have not and that is possible. We seize cars from hooning drivers. We can seize that car but it does not prevent them from driving. They can still drive their mother's, brother's or sister's car as soon as they get home that night.

**Ms FORREST** - It is a real challenge, isn't it?

**Mr DAVIS** - Yes.

**CHAIR** - I am interested that you do not see a solution to that. It is obviously not easy.

**Mr DAVIS** - Disqualified drivers have always been a problem and they will continue to be so. They are risk takers and that is borne out through fatal crashes. We get evidence that they are driving but of course we have to catch them in the act. Out of five crashes in a row, I think it was, they were disqualified drivers, driving at speed with alcohol and drugs.

**Ms FORREST** - When you pick up a disqualified driver committing an offence, speeding or whatever, what is the penalty?

**Mr DAVIS** - If they have a disqualification imposed by a court then we arrest them and they are charged. If they have prior convictions for driving while disqualified, we will make application for them to be remanded in custody, but that is entirely up to the court. If it is through a loss of demerit points, we deal with it by summons released at the time of dealing with them on the road. The power of arrest is only for a court-imposed disqualification.

**Ms FORREST** - Would the majority of those people be remanded in custody?

**Mr DAVIS** - Depending on their prior history.

**Ms FORREST** - These are people the court of tried to deal with, tried to remove the privilege of driving, so do you think those penalties are harsh enough? Do we need to treat these people more seriously and say, 'We have dealt with you, taken away that privilege to drive, but you have flaunted that so now we are going to put you in prison for a long period'?

**Mr DAVIS** - It comes back to the court to impose a sentence and that is based on the facts surrounding the reasons why he or she was driving. Penalties should be severe for disqualified drivers. They have been before the court. They have been given a sentence of disqualification and they are snubbing their nose at the court.

**Ms FORREST** - Do you think the penalties are severe enough as they stand or do you think that is an area that perhaps could be considered?

**Mr DAVIS** - I am not familiar with the penalties that are issued. It is normally a further period of disqualification if they are habitual offenders. They can face a term of imprisonment, as some do.

**Ms FORREST** - Does it frustrate you that these disqualified drivers can go back out there and do it again?

**Mr DAVIS** - We get information all the time that people are driving while disqualified. We try to target those people where we can. If we know their movements we do apprehend them. But they are out there and continuing to drive.

**Ms FORREST** - Do you ever get family members or other people dobbing them in?

**Mr DAVIS** - With a lot of domestic issues they will dob someone in. People are aware that they are disqualified. They do not want to see them on the road because they are a hazard. They will ring up and report them. We collate all that evidence.

**CHAIR** - If you were given the power to take whatever measures you thought would be helpful in curbing the road toll, provided they were cost effective and there was reasonable funding available, are there any steps that you would take?

**Mr DAVIS** - It is very difficult. Each fatal crash has different circumstances. At present it is really hard to put it down to one thing. The last couple of crashes have occurred in the early hours of the morning - half past five to 6 o'clock; you are not expecting anyone to have a fatal crash at that time. With evening crashes, if it is on a highway or whatever, we will base our targeting around that. If there is a fatal crash from speed on the highway we will put extra patrols, static patrols, on the highway at those points to see if it is a problem area. We will continue to target it. My view has always been about high profile. If you are out there and you are being seen you can have some effect. If people see a police motorcycle on the road the first thing you see - and I ride them - is that they will look down at their speedo.

**Ms FORREST** - And then the brake lights come on.

**Mr DAVIS** - Yes, so you have put something into the mind of that person, 'I had better check my speed because there is a police bike or a police car'. What they do after they pass that car is another thing. We have had operations on the highway where we have had speed cameras in one location and 30 kilometres down the road we have had another static radar as a deterrent. They do that on the mainland over *x* kilometres. We have carried out some of those operations just to see whether or not they are continuing to speed if they have already had a ticket in another location.

**Ms FORREST** - The point-to-point speed camera set ups that they use on the mainland, do you think they would be of value in Tasmania?

**Mr DAVIS** - I did not know about them until I saw them on the news last night.

**Ms FORREST** - They register your car when you go past a camera and then again so many kilometres down the road.

**Mr DAVIS** - Just time and distance.

**Ms FORREST** - Yes, time and distance. Obviously if you come down a side road you are not going to be picked up by the camera, so those people could speed and get away with it. I think the idea generally is for those long stretches of the Hume Highway where there are no roads coming into it so that all the cars, unless they stop and then speed up

or that sort of thing, will be caught if they exceed the limit at some stage over that distance.

**Mr DAVIS** - Americans use stopwatches for calculating speed.

**Ms FORREST** - This means that you have to travel within the speed limit over that entire distance, otherwise you can be caught.

**Mr DAVIS** - Yes, the element of surprise.

Sometimes you just scratch your head as to how we are going to prevent fatal crashes because sometimes you just cannot work out rhyme or reason as to why they are occurring. We cannot say we are going to target the Midland Highway at 4 o'clock today to prevent a fatal crash. We have done that. We have been down the highway. We have knocked off at 10 o'clock and there is a fatal crash at 11 o'clock. It is just hard at present. The old contributing factors of speed, alcohol - drugs are a big issue at present - and failing to wear seat belts are still factors in fatal and serious accidents.

**Ms FORREST** - When you do these crash site reconstructions, do you do it for every crash site or do you only do it for ones where they are perhaps more complicated?

**Mr DAVIS** - It is normally if there is the possibility of charges arising or if we need to calculate a speed. We will survey it to put the vehicle on certain marks or whatever. If it is a single-vehicle driver-only accident then it is only going to a coroner's inquest. The collision diagrams and plans take a long time to prepare and are mainly there for the benefit of a jury or a court so that they can fully understand how the crash happened.

**CHAIR** - Thanks very much.

**THE WITNESS WITHDREW.**

**Mr ALWYN JOHNSON WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.**

**CHAIR** - Thank you very much for your submission and for attending to speak with us today. We have had the opportunity of reading your submission but it would be very good if you would like to speak to that.

**Mr JOHNSON** - We can all blame hoons and dangerous drivers but we do really have to start with who puts them on the road in the first place. We really do have to look at the way we issue drivers licences. People who have a drinking problem or a drug problem or who act in an unsociable manner all have one thing in common: they can learn the rules parrot fashion and get a driver's licence. I think the majority of people out there are trying to do the right thing but we are putting some people on the roads who have unsociable habits that are a disaster, so we need a way to not give driver's licences to people who can simply learn the road rules parrot fashion and then kill us.

**CHAIR** - You have given us staggering statistics about the number of people who died on Australian roads - 100 000 I think since the motorcar came out?

**Mr JOHNSON** - One hundred thousand have been killed, but the more frightening thing is that there are a lot more than that who ended up in nursing homes who were unlucky they did not die. They just live the rest of their lives in nursing homes as vegetables, for 30 or 40 years in some cases. The cost to the community is horrendous, measured in the tens of billions of dollars.

**CHAIR** - Do you know of any countries that have introduced the system that you are advocating, that all applicants for licences should be psychologically tested?

**Mr JOHNSON** - I am not aware of it but then if you go back to Sir Henry Bolte, he was the first person in the world to introduce seatbelt legislation and now most of the world has followed Victoria. So sometimes, I guess, Australia can lead the way. I am not certain but I would not think it would be in too many countries.

If you want to join the air force, the navy or the army or a lot of jobs these days, the first thing you have to do is pass a psychological test before they will even consider you, no matter how good your university degree might be or whatever, because they are trying to weed out certain people themselves.

**CHAIR** - From time to time I have thought it might be possible to have some system where a court could refer a person appearing before it for psychological testing to determine whether action should be taken and whether the courts should have the power to rule that the person not drive again until they had a clearance on psychological grounds, or something like that.

I had not thought of it being a requirement for all applicants because most people would not have a problem. I do not know what the percentage would be; it would be limited to a certain number who are always going to be irresponsible.

**Mr JOHNSON** - There is another way you could do it. Instead of having it for everybody applying for a driver's licence you could make it known that if you are convicted of a certain offence on a scale of however serious, you do not automatically serve a three-month sentence of not having your licence or whatever and then get your licence back automatically, you would have to undergo psychological testing. You may never get it back if you are convicted of an offence and then you fail your psychological test. That would be another way of doing it, which means not everybody would have to do it, only those once they have been convicted of a certain offence like drink driving or speeding in excess of 50 kilometers over the speed limit or whatever benchmarks we want to have.

**CHAIR** - Some would still slip through and get licences when they shouldn't, when they are not psychologically suited to that and there would be deaths. But looking at it in practical terms, it is more likely to gain acceptance if it were limited to cases where there is some evidence of it. There could be some evidence of it beforehand but otherwise when an offence is committed and if the court is given the power to order this or make appropriate decisions.

**Ms FORREST** - This is supposed to be the devil's advocate. Are you suggesting that people who drink drive and speed to excess have psychological problems? Does that mean that anyone with a psychological problem is likely to do those sorts of things? I could argue that there are plenty of people with psychological problems who will never break the law in any way.

**Mr JOHNSON** - If they don't break the law, they are not killing anybody so we are not worried about them. I suppose what you have to do is sort out those people who, once they get behind the wheel of a car, do not have any consideration for anybody else. They always want to be the first person at their destination. So if they are speeding or using drugs, there has to be some mechanism to say, 'You have antisocial behaviours and you probably wouldn't pass some tests if we gave them to you, therefore if you get a licence, hang onto it, don't break the law and you'll never have to go through any testing'. Nothing would be perfect but I think we are long way from being perfect now, the way we are doing things.

**Ms FORREST** - Effectively, we see that for young people, particularly in their first year of driving, the minute they get their provisional licence their risk goes up enormously. Learner drivers are the safest drivers on the road and then the minute they get their Ps they are way up there in risk factor and then it gradually drops away. For some of those people unfortunately their first breaking of the law results in their death, so unless you test them as part of getting their licence you're not going to pick those ones up either.

**Mr JOHNSON** - In my paper I said it should be for everybody. As Don said, if you want to get something through, you have to start somewhere. If you left it until they first came to notice, a lot of them would be killed; they are killed the first time they do something stupid.

**CHAIR** - Or kill someone else, which is even worse.

**Ms FORREST** - If they're still alive you can still psychologically test them, obviously.

**Mr JOHNSON** - With 100 000 killed and millions injured, we have a pretty big flaw in the system in the way we say to everybody, 'When you turn a certain age here's a driver's licence'. All we ask them to do is learn a few rules parrot fashion. Sometimes they don't get it until the tenth time; there are cases where it has been a lot longer than that, but eventually they get on the road.

The other thing that I think really doesn't make sense is that when people have antisocial problems such as drinking we say, 'We'll suspend your licence for six months' and we leave their car in the driveway and their keys in their pockets. When they have had a few drinks one night it is all too much for them and they get in the car and drive. I think we have to say, 'When you lose your licence we're going to impound your car as well'. Some of these people have driven 10, 20 or 30 times while they have been disqualified and there doesn't seem to be any way you can stop them short of impounding their car.

**Ms FORREST** - It is obviously a challenge when it is the family car and other people rely on that car as well.

**Mr JOHNSON** - That is something that is unfortunate but it is also unfortunate if they kill someone who is totally innocent. People will get hurt but that is their choice to do that, if the family car gets impounded.

**CHAIR** - What you are saying is becoming a trend. There is a bill before the House of Assembly to expand the powers of confiscating a vehicle, so that will be happening more and more. It is an effective way, but the period of confiscation is very small at the moment and no doubt that will increase for particular offences anyway in time.

**Mr JOHNSON** - It really does not seem to be working in Victoria. They say that when the so-called hoons get their cars back often they do burnouts right in front of the pound and they have had their cars repossessed straightaway. These are some of the antisocial people we are dealing with where obviously having your car impounded for seven days or something like that just is not a deterrent at all.

**CHAIR** - Of course I think it would be an advantage, taking up your previous point, if there is evidence such as that, for people to be required to have psychological testing.

**Mr JOHNSON** - That was only reported again - not for the first time - in the *Herald Sun* this week where people have had their cars immediately taken off them again before they have got more than 20 feet from the pound, so what type of people are we dealing with out there? It is a bit scary.

**CHAIR** - I know, that is right.

**Mr JOHNSON** - There are a few other things. I live on the West Tamar Highway and every morning when I want to come to Launceston I have to turn right but before I can turn right, I have to look left and I have to look right and from about now onwards there is heavy fog. I believe that it is the law that you should have your headlights on when there is heavy fog but sometimes one in three or one in four cars will not have their headlights on and, remember, when I am looking right and I am peering into the fog, thinking, 'Is there a car there or a truck without headlights?', then I have to look left and peer that way and by the time I am peering that way, there could be someone coming that way again. It

is like Russian roulette, eventually you just take off and think, 'Gee, I hope there's no-one coming either way', and the thing is that Exeter has very heavy fog. There is a police station right in Exeter, right on the main road - and I have been there 20 years - and these cars are driving past the Exeter Police Station every morning in the fog without their lights on, breaking the law, and no-one is being stopped. All the policeman has to do, because there is a house there I think, is walk to the front gate and start pulling them over as they are going through Exeter. We and the community cannot book people if they are not going to have their headlights on in fog; it is up to the police to do that. And the other thing is that sometimes people just have their park lights on and you cannot see them in fog. You cannot even see headlights half the time in really bad fog.

**Ms FORREST** - They are called park lights because you use them when you are parked.

**Mr HARRISS** - The Chairman just said you have really good fogs here.

*Laughter.*

**Mr JOHNSON** - What makes it more dangerous is that when someone does have their headlights on, that gives you a false sense of security that you can see things coming, but only if they have their headlights on and if the next car has not or just has their tail-lights on then you do not even know they are there.

**CHAIR** - That does create dangerous situations. I think there is a lack of the police enforcing existing laws with people turning right without giving signals and going from lane to lane without signals, but this one is a real danger I see. I think that is the first time we have had that point raised, so it is good to have your input on that.

**Mr JOHNSON** - On a morning of heavy fog, if they started booking people on Monday and on Tuesday if they booked them again and on Wednesday, they would soon get the message and then you could move it. There are known foggy areas. Exeter is one and Bradys Lookout is bad all along there. The police could just go to other known bad foggy areas -

**CHAIR** - We have heard about Dilston.

**Mr JOHNSON** - Yes. It would not take long for people to get the idea that you have your headlights on.

**Ms FORREST** - It is all around Launceston, I must admit.

**CHAIR** - Yes, that is right.

**Mr JOHNSON** - You do strike some at Bradys Lookout. You are lucky to see anything even with headlights - it can be extremely dangerous - but when they have no lighting at all -

**Ms FORREST** - And particularly with the darker-coloured cars - the grey-coloured cars - they just blend into the fog. It is very difficult.

**Mr JOHNSON** - Can I mention a couple of other things?

**CHAIR** - Yes, mention as many as you like.

**Mr JOHNSON** - In New South Wales they have 1 000 accidents a week where people are simply driving too close to the car in front of them and, to my knowledge, in Tasmania people simply do not have any idea what a safe distance is between one car and another and people just regularly tailgate people or drive extremely close to them, which means that if they ever had to stop they would not even get their foot to the brake before they would be hitting the car in front of them. But no-one gets booked so everybody continues on their way, and I do not think that is irresponsible people, I think that is people who simply have no idea what a safe distance is. So people think you just drive as close as you can and somehow you get there quicker.

**Ms FORREST** - Alwyn, the ACT run a course for learner drivers where before they get their licence it is compulsory that they do it at school and they can get their licence at 15 years and nine months there. They still cannot get their Ps until they are 17 but they go through a lot of the things you have mentioned like the safe stopping distances and how far between cars at different speeds you should have, the hazard perception and risks that are out there, things like being visible on the road and all those sorts of things. If the kids do not do it at school they have to do a weekend course and pay for it, otherwise it is free at school. But they have to do that and then they have to do the road rules test where they have to learn the rules, and they cannot get their learners licence until they do that. I know that is not psychological testing but you are talking a lot about attitude in that and what the capacity of a car is and, realistically, how long it would take to stop it and why you need the three-second gap and those sorts of things. Do you think that would be a positive step in the first instance to start to instil some of these messages in people's heads?

**Mr JOHNSON** - I certainly do, anything like that. I think a lot of it is just a lack of understanding of how long it takes a vehicle to stop and things like that. People just do not think. But, yes, in New South Wales, 1 000 a week happens, so it is not something that is, 'Oh, we will not worry about it and everything will be right'. It is a really serious problem.

What you are saying is great but I think the police have to be proactive as well. Sometimes I think you can drive on the West Tamar Highway and not see a police car from one month to the next.

**CHAIR** - Down the Midland Highway too.

**Mr JOHNSON** - Yes. If you want to know what society used to be like before police, drive along the West Tamar Highway. People know that they can talk on the phone, they can tailgate, they can drive in the fog - they can do all those things - and speed and they are not going to get caught.

**CHAIR** - No speed cameras?

**Mr JOHNSON** - Occasionally, in Exeter, you can if you exceed 60 but that is not a problem as far as causing any fatalities is concerned. It is when you are out on the open road doing 150 or whatever they do, when they are supposed to be doing 100, that -



**Ms FORREST** - Unless you hit a pedestrian? You can kill a pedestrian at 60 kilometres an hour.

**Mr JOHNSON** - Yes. But that is the speed limit. So you can get booked in Exeter occasionally with the cameras if you do over 60 which obviously you should not but they are not looking for you out on the highway. Occasionally you see them but you would not call it a deterrent because it is just not frequent enough.

**Ms FORREST** - Do you think that a higher visible police presence is an important step?

**Mr JOHNSON** - Yes, that with people having to pay fines and saying, 'Hey, I had better stop talking on the phone, I am getting regular fines for doing so'. That is the only thing, or the visibility so that they know they are being watched. But people only do what they can get away with, don't they?

**CHAIR** - Yes, that is right. You increase the risk of detection and you have more observance of the traffic.

**Ms FORREST** - I will take you back for a moment to when you were talking about impounding cars of people who break the law. One of the concerns I have in relation to that is that if you take the car off a person for too long, whatever that time frame is, either permanently and sell it or crush it - I myself do not think that is the answer - or for a period certainly longer than a month, those people would go out and buy a really cheap, possibly unroadworthy car, privately or even from a wrecker's yard, and just drive that which can pose more risk.

**Mr JOHNSON** - What you need to look at there I suppose is that you should not be able to buy a car unless you can produce a current driver's licence or something like that.

**Ms FORREST** - They have not lost their licence, they have only had their car impounded.

**Mr JOHNSON** - Sorry, I thought you were talking about people who have had their licence disqualified and therefore their car impounded.

**Ms FORREST** - No, if they have had their car impounded; if they have had it impounded for hooning offences or this new law that we are looking where it expands those powers to take someone's car off them.

**Mr JOHNSON** - I reckon if you had your car taken off you for hooning offences, you should have your licence taken off you as well.

**Ms FORREST** - That is not the case at the moment.

**Mr JOHNSON** - We probably should look at that as well because I think if you are doing something serious enough to have your car impounded, you probably do not deserve to have your licence either. Anyway, that would maybe solve the problem if dealers were not allowed to sell cars to anybody unless they could produce a valid driver's licence. That would get around that to a certain extend.

**Ms FORREST** - The kids get out there and are booked under anti-hooning laws for excess noise. They are probably not really that harmful but there is a message that we as a society are sending that it is not acceptable behaviour. It is reasonable for those people to lose their licence if they are essentially just becoming adult men? I am not being stereotypical, but it usually is. That is what the police and everyone tell us, that it is usually young guys who do this - young men.

**Mr JOHNSON** - If you are going to put other road users at risk then I suppose that is the bottom line. It is not so much for their safety. We should be thinking about them but if they are putting other people at risk then they should not be on the roads - young, old or anybody. Sometimes we are a bit worried about how we might hurt someone's livelihood or whatever if we take their licence and impound their car. I mentioned before about those 100 000 people being killed. If you take someone in that sample of 100 000, if he is 25 and he was going to work until 65 but he gets killed at 25 because someone was using a mobile phone or drinking or just driving too fast, that is 40 years of income - \$2 million for a person on \$50 000 a year. So the wife loses the husband, any kids lose their father, and she loses the income that she had coming in, which is \$2 million over 40 years if she does not remarry or whatever. That is a pretty big penalty for the family to lose the husband, the father and the \$2 million income. We have to pause and think of the effects on the people who are killed, not just the person who says, 'Suspending my licence for six months is going to cause me to lose my job' or whatever. They have to think of that before they break the law.

**Mr HARRISS** - It is interesting you mention that, Alwyn, because when hooning legislation was first mooted by our Legislative Council committee, the then minister rejected the proposition only, a few weeks' later, to say, 'We are introducing this as a new policy'. The minister said, 'But you could not take away the family car', but then hang on, for a fisherman, his gear confiscated as well as suspension of his licence. So they are valid points you make.

**Mr JOHNSON** - You could very well argue that the fishing licence and the fishing gear and the fishing boat are in joint names, because a lot of family businesses are either father-son, husband-wife or whatever. You could say the wife owns half that boat or half that fishing gear or half that fishing licence, but we still do it.

**Mr HARRISS** - Yes, we do.

**Mr JOHNSON** - Which is the correct thing to do.

**CHAIR** - There was a notorious law-breaker in the fishing area and his mother had guaranteed security on the boat, but that was confiscated so she lost her money.

**Mr JOHNSON** - If you open up the *Examiner* or the *Mercury* on Saturdays there are about five pages of government ads for jobs, which must cost the government millions of dollars a year. I was wondering why they cannot put a little add in the Saturday's paper saying, 'Refer to the government web site'. If you cannot do that you probably are not going to get a job because you would not have the ability to get a job. So for the millions of dollars we could save on advertising government jobs we could have things about tailgating and driving in the fog. We could spend some community money on how to drive safely and have that money directed to road safety rather than job ads that people should

look on the Internet for anyway. I cannot understand why the Government pays for pages and pages of advertising every Saturday morning. So if you wanted not to spend new government money but just redirect it more wisely, that would be my other suggestion. You could have a different road safety advertisement every Saturday morning or whenever you like to have it.

**Ms FORREST** - Do you think that could be something the media could do without being paid to do it?

**Mr JOHNSON** - The *Herald Sun* has been fantastic. I remember in 1966 the road toll in Victoria was 1 034. The *Herald Sun* declared war on 1 034 and from 1966 for about 30 years they really ran a program on road safety and they still quite regularly have features on road safety. You have to remember that in 1966 the population of Victoria was only a fraction of what it is now and the number of cars on the road in Victoria were only a fraction of what they are now. People subsequently died who were in hospital, so it went above 1 034. Just prior to that it was over 1 100. In New South Wales it was probably about 2 000. Due to the *Herald Sun* the road toll in Victoria has fallen to the 350s, whereas if it had kept climbing in proportion with the number of cars and the number of people you would be looking at 4 000 or 5 000 people dying each year. The *Herald Sun* ran a campaign for about 30 years. So, yes, it would be great if the *Examiner* or the *Mercury* or whoever could do it without government advertising.

**Ms FORREST** - The *Adelaide Advertiser* participated in a police joint initiative where they were promoting road safety messages. If you had a banner on the front page or whatever, the same message for a week and changed it each week, do you think that would be helpful or would people just think, 'I have seen it'?

**Mr JOHNSON** - I think it would be. It depends how you put it. People will read things if they think it is interesting or they did not know it. With that 1 034, the *Herald Sun* went to a school where there were over 1 034 students and had them all lie on the ground so that it looked like there were 1 034 dead people in the photo.

**Mr HARRISS** - The MAIB, of course, has been very profitable over recent years. The Government then rips out dividends from the MAIB and they have even mooted a special dividend requirement from the MAIB into general revenue for the Government to do with what it wants. It would seem that we might even address our minds at some stage to a better use of that revenue that the MAIB has, rather than general revenue for the Government, particularly the special dividends.

**CHAIR** - Yes, and also hypothecating speed fines towards road safety.

**Ms FORREST** - Did Victoria tell us they hypothecated their speed camera revenue? I thought we heard that evidence somewhere.

**Mr HARRISS** - I suppose all of that goes to the matter which you wrote in your paper, Alwyn, that we should not continue to accept road carnage as normal.

**Mr JOHNSON** - Unfortunately that is what most people accept these days and they do not blink an eyelid. Thirty-six people died at Port Arthur and we changed the gun laws right across Australia. Here we are talking about thousands of people a year including those

who are injured and end up in hospital. The worst thing that ever happened when cars were invented is that we called them 'accidents'. If we said 'manslaughter' right from day one, because in a lot of cases that is what it has been -

**CHAIR** - We consistently now use the expression 'crashes'.

**Mr JOHNSON** - 'Accident' is like slipping in the kitchen and breaking your arm -

**CHAIR** - That is right.

**Mr JOHNSON** - and it sounds like it is okay.

**CHAIR** - It involves no fault.

**Mr JOHNSON** - Yes.

**Ms FORREST** - Our terms of reference do not refer to accidents.

**Mr JOHNSON** - That was the worst thing they ever did when they had the first road accident.

**CHAIR** - Police now are not referring to 'accidents'; they are referring to 'crashes' and that is the terminology that is becoming accepted.

**Mr JOHNSON** - A lot of people now conduct their businesses from their vehicles and a lot of people would be continuously on their phones when driving around, ordering supplies, going to their new job or getting instructions on where to deliver next or whatever. It is a huge problem and they can get away with it. I believe people are just running their businesses now; they couldn't once when they had to come back to the office and get a new order. Now everything is done by mobile phone. I work in a bank and I ring people on their mobile phones and I am not to know if they are driving. The first thing they will say is they are driving. You only have to walk along St Johns Street or any street around the city and people will drive past you talking on the phone.

**Ms FORREST** - A hand-held phone means obviously taking at least one hand off the wheel, but with a hands-free kit you don't have to take either hand off the wheel. All you have to do is press a button, as you would when turning a radio on or off. You can make a call with voice recognition.

**Mr JOHNSON** - Definitely if you hold the phone they reckon that impairs your driving worse than if you have been drinking. I think there is even research to say that just talking on the phone takes a fair bit of your awareness away from what you are supposed to be doing. I am not even really sure that there has been enough thought put into whether people should be smoking or talking on the phone when they are driving. They should be just driving. A lot of people conduct their business, so they are not having a light chat. Sometimes some of the conversations would be pretty heavy and you really would be concentrating on the boss who is onto you about something, and I think you would be concentrating more on that than what is front of you or coming from the side.

**Ms FORREST** - We did have evidence that there are some companies that have an engine-on-phone-off policy and they will ring their employees when they know they are on the road and if they answer it they will be sacked.

**Mr JOHNSON** - That is how it should be. I remember that tunnel accident in Victoria was a direct result of the man taking a phone call from head office.

**Mr HARRISS** - How long ago?

**Mr JOHNSON** - Only about 18 months ago, a truck ploughed into some cars - he was talking to head office on the phone. Someone told me recently that that is the first thing police are doing in some States now. At any major accident they are checking mobile phone records to see if the person was on the phone at the time. Apparently some States are doing that as a matter of course now, and then charges could be laid for manslaughter or whatever it might be if they think that was the cause of the accident.

**Ms FORREST** - For negligent driving perhaps. You made a point a little while ago that since 1966 there have been a number of significant initiatives. Seatbelts came in about that time, didn't they?

**CHAIR** - It was during the Bethune Government, 1969-72.

**Ms FORREST** - So that was after that time. We had the introduction of 0.05 and speed cameras, all which have seen significant reductions in the number of fatalities and serious injuries.

**Mr JOHNSON** - And driver awareness. I think those campaigns were really fantastic in the *Herald Sun*.

**Ms FORREST** - In your submission you suggest that the next thing that you think should be part of it is the more thorough testing of all drivers before they get licence - with a psychologically testing tool - or those who simply break the law. Do you think that is the next thing we should be really looking at or do you think it is bigger than that?

**Mr JOHNSON** - It is bigger than that. I think we probably haven't given any consideration to who gets a driver's licence. We all know there are people out there with lots of different problems but the one thing they all have in common is that they have a driver's licence. We usually wait until they get on the road and then we blame speed or whatever but we don't say, 'They've all got a Victorian driver's licence or a Tasmanian driver's licence'. We have to take some responsibility for putting them out there in the first place, particularly responsibility for those people who really want to get from A to B safely and who will not break any road rules at all. I think they deserve our protection from people who, once they get in a car, just put their foot down and do not give any consideration to anybody else on the road. I think we have to look at psychological testing at some stage, whether it is when they break the law or first up, driver education through the *Mercury* and the *Examiner*, or if they would simply do it themselves without the Government paying or channelling funds from MAIB. That would be fantastic because that would raise awareness.

I think lots of people do not necessarily realise that what they do every day, like drive without lights in the fog or tailgate, is of concern. They probably do not realise that they should look at themselves a bit and I think the only way they will is through raising awareness of all these different things that perhaps they are doing wrong that they do not even really think much about. I do not think people would deliberately drive in fog - I mean, people would not drive at midnight without their lights on and yet they are quite happy to do so in the fog. I think people would change if they were given a reason to reflect on what they are doing. It is the same with talking on a mobile phone. If they thought there was a good chance that they were going to get caught and it is going to be a very heavy fine and maybe if they were caught a second time they will lose their licence, I think everybody's attitudes would change.

**Ms FORREST** - I think one of the differences in driving at midnight and driving in the fog is that when driving at midnight you definitely see the benefit yourself of having your lights on, but driving in fog there is not necessarily a great deal of benefit to you, as the driver, seeing much further ahead, but obviously it is for the cars around you. In rainy weather and that sort of thing, turning my lights on - and I always drive with my lights on on the highways pretty much anyway because I have a dark-coloured car - does not actually help me see anybody any better but it helps them to see me and I would prefer to be seen because I would rather not be hit.

**Mr JOHNSON** - If you drive along the highway with your lights on all the time they reckon that it reduces your chance of being in an accident - and I assume from someone else and not you - by 70 per cent even in perfect conditions. The person coming the other way is less likely to run into you by 70 per cent, which is staggering.

**CHAIR** - It is.

**Mr JOHNSON** - That is another thing as part of this awareness, one week it could be on tailgating or fog and one week it could be on visibility - 70 per cent is huge. I like those type of statistics and I think everybody should say, 'Gee, I'll start using my headlights all the time'.

**CHAIR** - But 70 per cent of what, I wonder, because what would your chances be of being involved in an accident anyway if you had them off - what percentage?

**Mr JOHNSON** - That is just what they quoted, that it will reduce your chances by another 70 per cent.

**Ms FORREST** - Do you know where those figures came from?

**Mr JOHNSON** - I think I might be able to find them as I keep some things.

**Ms FORREST** - If you do come across it it would be good if you could provide it to the committee, even just the reference for it.

Just one other question I would like to ask you about. You talk about licences being handed out like confetti at a wedding; do you believe that good drivers - the drivers who do not break the law and do the right thing - should be rewarded in some way? If I renew my licence after five years and I have had no traffic offences and I have not caused an

accident or anything like that, should I pay perhaps less for my licence than someone who has had infringements and especially if they have had their licence taken off them and who, when they get it back should pay more?

**Mr JOHNSON** - I think that is a wonderful idea because people really do love incentives. I think that has a lot of merit, I really do.

**Ms FORREST** - Do you think people would value their licence more if they had to pay twice as much as someone who had done the right thing?

**Mr JOHNSON** - I think that is really worth exploring. I just know people's behaviour from the way banks introduce certain things. We actually have a rating system and it is cheaper to borrow money if your account has always been in order. Since computers have come in we can track that which previously we could not, so we now have a rating system of 1 to 21 and if you are a 1, a 2 or a 3 you can borrow a lot cheaper than if you are a 20, by a long stretch of the imagination. We are rewarding people exactly as you are suggesting, and people jealously guard that rating we have given them and conduct their affairs immaculately and people who do not, pay very big margins. It is a margin on top of the base rate.

**Ms FORREST** - You are determining your fees and your costs to the individuals through their level of risk, essentially, aren't you?

**Mr JOHNSON** - We are rewarding those who conduct their accounts immaculately and we are penalising those who need constant chasing up.

**Ms FORREST** - So effectively you are rewarding those low-risk customers and penalising the high-risk customers?

**Mr JOHNSON** - We are giving them a chance to change because if you were out of order or high risk but then you change your habits, the computer is monitoring it all the time and will change your rating. We are not saying you are there permanently and you may as well continue to act in that same manner because we are not going to change it. No, we are saying we will notice the change and we will reduce your rate.

**Ms FORREST** - Drop your lending rate.

**CHAIR** - You mentioned driver education and I am linking that up with your idea that everybody should be psychologically tested. First of all, do you favour all learner drivers being required to undertake some compulsory course of driver education - possibly training, but certainly driver education - where they are given advice about potential risks, how to handle them and deal with certain situations and perhaps be informed about accidents that have happened and the serious consequences?

**Ms FORREST** - How long it takes a car to stop and those things?

**CHAIR** - Yes, things like that.

**Mr JOHNSON** - If you did that, then you would nip in the bud those poor kids that never get to their twenty-first birthday or their twenty-fourth birthday or whatever. You would not

completely solve everything but it would certainly give a lot of those kids an extra chance at surviving, who otherwise will not. Yes, a component of educating them by just telling them information and a component of practical -I sent my son out to Symmons Plains and he spent a whole day in the advanced course, I think, or maybe it was the other one -

**CHAIR** - Defensive?

**Mr JOHNSON** - Yes. I think it was advanced.

**CHAIR** - There is Barry Oliver and John Bowe.

**Mr JOHNSON** - It was with Barry Oliver that day and my son learned a lot that day. Really, everybody should do that. It is not much money when you are talking about possibly writing your car off and surviving or writing your car off and dying. It is not a lot of money when you put it in those terms.

**CHAIR** - How old was he when he did that?

**Mr JOHNSON** - He is 19 now and he did it when he was 18.

**CHAIR** - Do you favour something like being compulsory?

**Mr JOHNSON** - I think it has to be compulsory because otherwise the people who would not need it would go out there and the people who do need it would not. It would have to be compulsory and probably part of the fee of getting a driver's licence and just have it all bundled up.

**CHAIR** - It is interesting. Most people who have given evidence to us and who have been asked about that do favour a compulsory driver education course of some type, but the authorities still have not seen that. I do not know whether they are concerned about costs or what. It occurred to me that if there were such a compulsory system people conducting those courses probably would get some idea of somebody who was psychologically unsuited and would pass that on to testing officers who might have the power, if there was some evidence of the need, to order that a person be psychologically tested before gaining a licence. They would be able to combine that with your original suggestion.

**Mr JOHNSON** - That would be a good way to go. I definitely think the whole process of obtaining a driver's licence needs to be overhauled. Additional information and extra learning and the actual driving of a vehicle under certain conditions like out at Symmons Plains with Barry Oliver would only be positive and help reduce the road toll and accidents and the trauma of the families involved.

**CHAIR** - Yes.

**Mr JOHNSON** - It would be money well spent, and as we are going into a recession it would obviously create a few more jobs if everybody going for a driver's licence had to undergo extra training and extra experience.



**CHAIR** - If all the learner drivers paid tax and they got the \$900 every so often they could use that for the course.

**Ms FORREST** - It does not cost \$900 for the course.

**Mr JOHNSON** - Unfortunately, too many of those kids at 19 or something die so it should be just something we do and if it is going to cost a little bit extra it is not a great deal when compared to someone's life or writing off someone's car.

**CHAIR** - That is right, and if the Government organised it for groups there would be an economy of scale so it could be cheaper. It is bound to do good, I think.

That has been very good, any further questions?

Anything you would like to say in conclusion Alwyn?

**Mr JOHNSON** - No, I think you have been very generous.

**CHAIR** - Oh no, you have been with your time.

**Mr JOHNSON** - I thought I might have had only five minutes. I am very happy, thank you.

**CHAIR** - Thank you very much. We appreciate your help and the time you have given us and your cooperation with all the changes of times.

**Mr JOHNSON** - That is all right. If it saves someone's life we will all be laughing.

**CHAIR** - Yes, that is right.

**THE WITNESS WITHDREW.**