

D. A. N. I. E. L.

Driver Accountability Now In Every Lane

Road Safety is Every Road Users Responsibility.

R. O. A. D.

Respect Others All Drivers

Drivers of motorised vehicles clearly have the greatest risk of causing harm to themselves or others if not paying complete attention all the time when in control of their vehicle.

I believe that up to 90% of all crashes are now found to be due to inattention.

Roads do not cause crashes.

Vehicles do not cause crashes.

The Action of the Driver of the vehicle on the road causes the crashes.

C. A. R.

Courtesy

Accountability

Responsibility

Every vehicle on our roads is a potential lethal weapon.

The driver of the vehicle is legally in charge of a lethal weapon.

When a driver is not completely involved in the single task of driving & controlling that lethal weapon in the appropriate safe manner there is too often a crash causing traumatic injury & death to innocent victims.

D. P. P.

Diligent

Public

Prosecution

Recently in the Launceston Magistrates Court Magistrate Sharon Cure addressed a driver who had caused multiple serious injuries to a young woman when crashing into her with his car saying to him “there is No Degree of Negligence you are either negligent or you are not”.

Magistrate Cure also addressed Graeme John Stronach when he appeared before her in December 2018 for the charge of “failing to keep left” fine 2 demerit points & one penalty point. She said to Stronach she could only address the charge before her & therefore could only apply the strongest penalty for that charge 3 demerit points & 10 penalty points. But the charge ignored that Stronach had killed an innocent road user.

Graeme John Stronach had Killed an innocent driver when on the wrong side of the road. Graeme John Stronach had used a lethal weapon & KILLED Daniel Peter Swan 28!

Daniel Peter Swan is my Forever 28 year old Son.

Graeme John Stronach had failed to keep proper control of his vehicle in the correct lane.

Graeme John Stronach had crashed his car head-on into Daniel's vehicle- NO charge.

Graeme John Stronach had caused multiple grievous bodily injuries to Daniel – NO charge.

Graeme John Stronach crashed into Daniel causing his death by Dangerous Negligent Driving – NO charge!

There is no apparent DPP due diligence in this case. Tas DPP has failed in their duty to provide natural justice for Daniel.

The evening Daniel was killed Tammy, Daniel's partner & I were told by police "we know the other driver killed Daniel when he crossed onto the wrong side of the road – he will be charged".

The next day at the crash site the investigating officer Nigel Housego again told me we know Daniel did not cause this crash, the other driver crossed onto the wrong side of the road & did not brake & did not take evasive action, there were witnesses, he will be charged."

But Tas DPP staff Jackie Hartnett & Daryl Coates failed to perform their duty as I & Daniel's community believe they should as employees of the Department of Public Prosecutions & have not charged this killer of the indictable crime of dangerous negligent driving causing death that he is guilty of.

Nigel Housego told me they (Tas Police) were instructed that they were” not allowed” to charge Stronach with anything. Tas Police were only “allowed” to give him a regulatory traffic infringement “failure to keep left” 2 demerit points & one penalty point!

Daniel apparently did not exist to Tas DPP.

Daniel had just a split second to react when he saw Stronach’s vehicle come over the brow of the hill head-on into him.

Nigel Housego told me he could not believe how fast Daniel’s reactions were. I wasn’t surprised because I knew Daniel would have been driving responsibly & watching the road!

I said to Nigel Housego that given the place on the road where this happened clearly Stronach did not have his eyes on the road, the only explanation was he was looking elsewhere or the back of his eyelids. He was not paying attention. He was not driving responsibly.

He was negligent!

There is no degree of negligence you are either negligent or you are not.

There has been no accountability, no responsibility, no remorse shown by Graeme John Stronach. He has been allowed to go on living his life as if Daniel never existed. He has been allowed to go on with his life as if he had never killed an innocent human being at that place on that day.

Stronach has continued to be allowed to still drive a lethal weapon without consequence, putting every road user, you, me, everyone at risk.

Through the decision to not prosecute in Daniel’s death Tas DPP show a lack of true & proper due diligence expected by the Tasmanian Community to be performed by our Justice Dept.

Tas DPP have failed to apply charges for the road rules broken.

These decisions are seen to be dehumanising & belittling & devaluing of human life, your life, my life, the lives of those we love, Daniel's life.

Justice for Daniel

Coroner Simon Cooper in his report says that Daniel was unable to get out of his (Stronach's) way. Coroner Cooper's words appear to infer it was in some way Daniel's fault, although he was in the right place on the road where he should be when Stronach dangerously, negligently ran head-on into him, apparently to Coroner Cooper therefore unable to find Stronach at fault.

Coroner Cooper's wording also fails to hold the driver of the vehicle, the lethal weapon, responsible for his negligent actions.

It was not Daniels's responsibility to get out of Stronach's way. Daniel was where he was supposed to be on that road, in that lane.

Daniel was not in Stronach's way!

Clearly there is something seriously wrong with our Justice Dept.

The residents of the Tas Community expect better from our Justice Dept. The Tas DPP are employed to serve us, the people.

We rightly Expect that Justice will be served.

It was Daniel's right to travel safely without interference from Graeme John Stronach on the road that day.

It is Daniel's right to receive true & proper justice!

I believe it is time we had a separate Inquiry into the Tas Justice Dept especially the Tas DPP especially regarding application of the law to offenders of grievous bodily harm causing death.

The Tas DPP fail to adequately hold drivers responsible for their negligent actions.

The language used by Tas DPP staff when speaking with & writing to me, in particular Jacki Hartnett & Daryl Coates is disrespectful in content in the use of hypothetical scenarios & imaginings to dismiss & not charge for the dangerous negligent driving actions of individuals & to excuse themselves from engaging as required & is appropriate in Road Death cases where human lives have been destroyed.

I met with Daryl Coates with Ross Hart present, following their decision to not charge Stronach. When I asked why Jackie Hartnett was not able to prosecute a road death where there were multiple witnesses, (including a Dr. & retired police officer), a human body & extensive physical forensic evidence etc. Daryl Coates response to me was “but she can do murder cases”.

Apparently then it would appear that Tas DPP do not consider the life of you or me or Daniel as the same value as an apparent “murder victim”. When the lethal weapon is a vehicle & the location is one of our roads killing someone apparently does not count.

Killing someone with a lethal weapon is an indictable crime.

According to Department of Public Prosecutions’ guidelines indictable crimes must be prosecuted.

C. A. R.

Courtesy Accountability Respect

Driver Accountability Now In Every Lane

Too often drivers killing on our roads appear in the magistrates courts with minor charges that incur minor meaningless suspended sentences resulting in the killer able to walk out of the court building to carry on with their lives as if what they have done never occurred.

No consequence for causing grievous bodily harm, trauma, death & the life-long grief & destruction of innocent lives.

On the 13th May 2018, 59yr old Graeme John Stronach was observed by multiple witnesses to steer his vehicle onto the wrong lane on the West Tamar Highway.

The head-on crash Stronach caused with Daniel's vehicle was witnessed by multiple people.

It was not a hypothetical crash.

Daniel was not an imaginary human being killed that day.

Daniel's death was not invisible.

Tas Police told me there were up to 40 people at the crash site but I was barred from going to my son.

I needed to do that at that actual time. I did not want my son to be there but he was & as his mother I needed to be with him.

It was my decision & my right. I needed to be with my son but was denied that right.

Daryl Coates also said to me “there might have been an insect in his (Stronach’s) car”.

Daniel’s life was not imaginary & his death was not invisible.

An invisible, hypothetical, imaginary, non-existent “insect” was not responsible for killing Daniel.

Graeme John Stronach’s dangerous negligent driving killed Daniel.

Tas DPP has failed in their duty to deliver natural justice.

The coroner failed to thoroughly explore & find the cause for Stronach killing Daniel when deciding to not hold an inquest.

On the 4th January this year I walked into the Launceston Mall where Premier Gutwein was walking towards me. I had previously met him on two occasions at Legana & he promised to meet with me to discuss road safety & the consequences & ramifications. Despite my multiple attempts to make a time with his staff for this meeting as I expected it has not happened.

I am not surprised, but extremely dismayed that this is the response at my attempts to discuss this serious issue with members of our government. I want to discuss our terrible road toll that is getting worse not better. I want to discuss the lack of accountability of our drivers. I want to discuss the lack of appropriate response by the Justice Dept to hold those negligent drivers responsible for their actions.

I have had the same lack of action & response for a face to face meeting from the former Premier W. Hodgman also the Justice Minister E. Archer, Federal Bass Member B. Archer & Prime Minister S. Morrison.

I have however met with many other State & Federal members Including M. Ferguson, J. Rockliff, B. White, M. O'Byrne, B. Seidel, K. Finch, I. Dean, R. Armitage & T. Plibersek to name a few.

Our Drivers licence is a contract with our government that we are capable & competent & agree to drive our vehicles in line with the rules & regulations of our roads to enable ourselves & all we share the roads with to arrive safely at our destinations.

Clearly not everyone is physically competent to do this.

Not everyone has the regular & thorough physical examinations to ensure they are safe & fit to safely operate a vehicle on our roads. Surely this should be the first thing to be established before recklessly dishing out a driving permit to all & sundry.

Eg. When I was 17 I applied for my drivers licence & passed my test. Just 12months later I discovered, only through a friend's observation, I was short sighted. I had no idea how bad my sight was until I started wearing my spectacles & contact lenses. NB I no longer need to wear glasses due to laser treatment.

Surely regular full physical examinations for every driver should be mandatory before & after issuing a drivers licence. Imagine the saving to the health dept & the saving of the lives or improvement to lives that could be achieved by the early detection of disease if this was done.

Imagine how many lives could be spared serious injury & the lives not lost on our roads if medical conditions were discovered before a serious medical episode occurred whilst that person was driving.

Imagine how this could free up our health professions to treat those people with serious medical conditions.

I also spoke with A. Albanese when he was here recently asking him how he was after the crash he was involved in.

I asked him if the young man that had crashed into him had been charged? His response “Oh yes negligent driving”.

But here in Tasmania a driver can kill on our roads with witnesses & not be charged. What the hell?!

There is an apparent attitude by too many drivers that it is ok for them that they can & are entitled to multi-task when behind the wheel of a vehicle when driving on our roads.

This is not limited by age, gender or type of vehicle being driven.

Distraction, too often by mobile phone or other technical device, is causing horrendous injuries & death to someone almost every day in this state.

I would confidently say I witness at least one in five drivers looking down at their mobile phones whilst travelling along our roads. Not just a brief glance but a long sustained gaze. That is not concentrating on the driving task.

We are also daily bombarded with vision of horrendous road crashes from around the world on the tv & social media “normalising” these daily events & de-humanising human life.

The current government ads on Tas TV promote “how easy” it is for someone to gain their driving licence. The promotions do nothing to enforce the seriousness of the driving task but seem to encourage people to have an over relaxed attitude to gaining driving skills that can be done whilst multi-tasking.

Travelling on public transport, lounging around in a noisy lounge room. Nothing about concentration for the seriousness of driving task that puts human lives in a driver’s hands each & every time they are in control of a vehicle.

We need to have the right attitude to drive. We need to be physically fit enough & capable to drive. We need to be responsible, accountable, courteous & careful. We need to be alert & aware & diligent & awake!

I am aware of & have observed the Tas Justice System dealing with multiple road traffic rule breakers over the last 39 months since my son Daniel’s death.

I have been appalled by much of the rhetoric of the Magistrates, Director of Public Prosecutions, Minister for Police & Justice Minister when speaking about road safety, offences & justice.

I have witnessed a Hobart Magistrate laugh & joke with a German tourist & his lawyer who was requesting to go home to Germany last year before his case was heard. The magistrate laughed with them about “wouldn’t he be safer staying here (Tas) with the virus about”.

The German tourist had been charged with negligent driving causing death after crossing to the wrong side of the Huon Hwy & crashing into someone killing him. The magistrate let this individual go home to Germany to resume his normal life. Happy to take the \$20,000 bail though.

I wonder if you or I killed someone in another country would we be let go home so easily without consequence for what we had done?

Our Tas DPP are very busy pursuing Supreme Court jury trials of individuals who have taken shellfish outside of the fisheries regulations. They are happy to fly a witness in from the Northern Territory twice recently for one such trial.

Apparently shellfish & fishing regulations have more value than human life. Not only does it warrant Supreme Court trials but most probably will incur the consequence of thousands of \$s in fines & probably the ramifications of jail term for offenders.

On the other hand in Tas if you use a vehicle to kill you will be heard in a Magistrate Court only & probably be able to walk out of the building & jump right in to a vehicle & drive away to resume your life with a minimal fine. Total lack of consequence.

At the moment it will cost you Hundreds of \$S dollars if you fail to use a mobile device to sign in to a retail or some other public premises.

If you kill just as Stronach did his penalty Tas Police were told they were only allowed to give him was one penalty point \$163.

I welcome the Road Safety Inquiry that has now been commenced.

I thank Rosemary Armitage for introducing it to parliament & for the Members who have agreed to sit on the panel.

I & many others in our community hope that as a result of this review changes will be implemented so that we truly can become the safest place to drive with no road deaths not the most dangerous with the worst as we have now.

It will take work. It will take hard decisions. But it can be done.

Please do not allow this to be yet another review producing yet another report that gathers dust & the recommendations are never implemented.

On the 7th January 2019 I called & spoke with Therese Henning from the Tasmania Law Reform Institute. I spoke to her regarding the report of Oct 2010 “Criminal Liability of Drivers Who Fall Asleep Causing Motor Vehicle Crashes Resulting in Death or Serious Injury”.

I asked Ms Henning how many recommendations from the report had been implemented. She answered without hesitation “not a one”. The report taking thousands of hours of work & costing thousands of dollars to produce was nothing but a dust catcher & had achieved what???

There have been many other such reports – will this be another?

There would hardly be a person not affected by the most recent tragic road deaths in the last few weeks in Tasmania.

Family members & loved ones of those in the crash vehicles, first responders & members of the public are all affected.

Many thousands of us have been affected through personal tragedy & day to day our life is a reminder of those we love who are no longer here rightfully living their lives. Each day just waking is a reminder of that living nightmare.

We are all in this together. Let’s do it together. We can do better.

We MUST do better!

Cheryl Swan.

D. A. N. I. E. L.

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Remembering Daniel Forever 28 – 22nd August 1989 - 13th May 2018



(Photo taken 13/5/18 Mother's Day 2 hours before Daniel's death.)