

## Submission for Zero Road Toll 2020

A Zero road toll is a complete fallacy. And can only be achieved by taking both the environment and the human factor out of the equation. That being said, there is still a lot that can be done to bring the toll as close to zero as humanly possible.

Our laws and judicial system are, as far as I am concerned a great part of the problem.

Firstly, let us look at alcohol and driving by checking out a few definitions:

- Alcohol = intoxicating constituent of wine, beer, spirits and other drinks
- Intoxicating = drink or drug liable to cause someone to lose control of their faculties or behaviour
- Liable =
  1. Responsible by law; legally answerable
  2. Likely to do or be something

So, we have established that alcohol is an intoxicant that is liable to cause lose of control and yet the BAC for road users is 0.05. Even though it is a well-established fact that each person will have a totally different reaction to the same amount of alcohol depending on a multitude of factors.

The effects of drinks containing alcohol on your body depend on who you are, how, how much and how often you drink, and what you drink. There are many factors that influence how alcohol affects you.

**Absorption.** When you drink an alcohol beverage, it immediately begins to be absorbed into your bloodstream, partly from your stomach and more actively from your small intestine. When drinking alcohol beverages, adding water or other drinks without alcohol will dilute the alcohol in your stomach and will slow absorption. Eating food will also slow alcohol absorption.

While the rate of absorption may change depending on what you eat and what else you drink, you cannot stop the alcohol from entering your system.

Once the alcohol hits your bloodstream it affects every organ and part of your body, including the brain where the alcohol produces intoxication. The more you drink and the faster you drink; the more alcohol enters your bloodstream. BAC increases much faster when drinking on an empty stomach.

The concentration of alcohol in your body depends not only on how much you drink, but also on your body. First, your weight matters. Larger people have a larger body to absorb the alcohol, so they may have a lower BAC, and smaller people a higher BAC from the same amount of alcohol. Second, your gender matters. Compared to men, women have less water in their bodies and their BAC rises more quickly from the same amount of alcohol.

So, when women consume the same amount of alcohol at the same rate as men, it takes less time for them to reach a peak BAC. In general, women will feel the effects sooner than men drinking the same amounts. Their bodies will also be affected more than men's bodies.

**Metabolism.** Your body breaks down alcohol into other substances, some of which can be used for energy. This breakdown process is called metabolism and occurs with everything you ingest. But the way your body processes alcohol is unique because most of the metabolism occurs in your liver. Here is the short story: In your liver, alcohol is converted first into a number of different compounds. One of these compounds is called acetaldehyde. This organic compound occurs naturally in coffee, bread, and ripe fruit, but is unhealthy when consumed in larger quantities., acetaldehyde is further converted to a non-harmful substance called acetate (or acetic acid), which is eventually turned into carbon dioxide and water and is eliminated from the body.

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This breakdown happens primarily in the liver through the action of special molecules, called enzymes. On average, a person metabolizes 10-12g of alcohol (one 12 oz beer, 5 oz table wine or 1.5 oz of spirits) an hour.

The concentration of these enzymes and their ability to metabolize alcohol vary among individuals. For example, in some people, certain genes may reduce the activity of these enzymes. Also, women generally have lower levels of the enzymes that metabolize alcohol than men. This is one reason why women generally reach a higher concentration of alcohol in the blood and can become more impaired than men after drinking the same amount of alcohol. Finally, there are other considerations, such as age and health, that also can affect how quickly you process alcohol.

Since your body can absorb alcohol faster than it can metabolize it, alcohol can build up in your bloodstream. If you drink faster than you metabolize your drinks, you build up acetaldehyde in the liver, your BAC level rises more quickly, and the effects of alcohol increase. The more you drink, the more time it will take for the alcohol to be eliminated from your system.

I personally know that after one glass of wine that although I am legally allowed to drive as I am below the 0.05. That as a light drinker that I am affected enough by my consumption of that amount alcohol to be unfit to drive.

Therefore, I can see no reasonable argument for there being any so-called safe limit that a driver is able to consume and still drive. By allowing this limit we are effectively saying that a child or persons live is worth less than the cost of a cab home.

I am not lucky enough to live in a city. If I go out and have a drink, I am looking at a minimum cab charge of \$35.00. There is no public transport. A cab home is my only option. Surely a human life is valued by society and the government at more than \$35.00!

Secondly, let us look at illicit drugs and driving. Under section 49(1)(ba) it is an offence to drive a motor vehicle while impaired by a drug. If you are found to have an illicit substance in your system, no matter how strong or weak the concentration may be, it will be deemed to impair your ability to drive.

Drugs are made of chemicals, many similar to the chemicals already in our system. Drugs alter the way nerve cells normally send, receive, and process information. They do this by (1) imitating the brain's natural chemical messengers, (2) by over-stimulating the "reward circuit" of the brain, (3) flooding the brain with excess chemicals, and (4) binding to receptors in the brain.

For example, some drugs, such as marijuana and heroin, have a similar structure to chemical messengers, called neurotransmitters, which are naturally produced by the brain. Because of this similarity, these drugs are able to "fool" the brain's receptors and activate nerve cells to send abnormal messages. This results in the "high" you feel when you take these drugs.

Other drugs, such as cocaine or methamphetamine, can cause the nerve cells to release abnormally large amounts of natural neurotransmitters, or prevent the normal recycling of these brain chemicals, which is needed to shut off the signal between neurons. This disruption produces a greatly amplified message that results in a different type of "high."

Nearly all drugs, directly or indirectly, target the brain's reward system. The overstimulation of this system, which normally responds to natural behaviours that are linked to survival (eating, spending time with loved ones, etc.), produces euphoric effects in response to the drugs. This reaction sets in motion a pattern that compels some people to repeat the behaviour or abuse more drugs.

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As a person continues to abuse drugs, the brain adapts to the overwhelming surges in dopamine by producing less of its own dopamine or by reducing the number of dopamine receptors in the reward circuit. As a result, dopamine's impact on the reward circuit is lessened, reducing the abuser's ability to enjoy the drugs and the things that previously brought pleasure. This decrease compels those addicted to drugs to keep abusing drugs to attempt to bring their dopamine function back to normal. And, they may now require larger amounts of the drug than they first did to achieve that initial high—an effect known as *tolerance*.

Long-term abuse causes changes in other brain chemical systems and circuits as well. Drugs of abuse facilitate non-conscious (conditioned) learning, which leads the user to experience virtually uncontrollable cravings when they see a place or a person, they associate with the drug experience, even when the drug itself is not available. Brain imaging studies of drug-addicted individuals show changes in areas of the brain that are critical to judgment, decision making, learning and memory, and behaviour control. Together, these changes can drive an abuser to seek out and take drugs compulsively despite adverse consequences—in other words, to become addicted to drugs.

Drug driving is driving a vehicle while impaired due to the intoxicating effects of recent drug use. It can make driving a car unsafe—just like driving after drinking alcohol. Drugged driving puts the driver, passengers, and others who share the road at serious risk.

The effects of specific drugs on driving skills differ depending on how they act in the brain. For example, marijuana can slow reaction time, impair judgment of time and distance, and decrease coordination. Drivers who have used cocaine or methamphetamine can be aggressive and reckless when driving. Certain kinds of prescription medicines, including benzodiazepines and opioids, can cause drowsiness, dizziness, and impair cognitive functioning (thinking and judgment). All of these effects can lead to vehicle crashes.

Research studies have shown negative effects of marijuana on drivers, including an increase in lane weaving, poor reaction time, and altered attention to the road. Use of alcohol with marijuana makes drivers more impaired, causing even more lane weaving. Some studies report that opioids can cause drowsiness and impair thinking and judgment. Other studies have found that being under the influence opioids while driving can double your risk of having a crash.

It is difficult to determine how specific drugs affect driving because people tend to mix various substances, including alcohol. But we do know that even small amounts of some drugs can have a measurable effect. As a result, some states have zero-tolerance laws for drugged driving. This means a person can face charges for driving under the influence (DUI) if there is any amount of drug in the blood or urine. Many states are waiting to develop laws until research can better define blood levels that indicate impairment, such as those they use with alcohol.

So, the only difference between alcohol and drugs is that with drugs even a small amount in one's system is deemed to impair your ability to drive while there is supposedly a safe amount of alcohol. I beg to differ in this point and the law should be zero tolerance on both substances when driving.

Thirdly, Lets look at the law and maybe consider a small case history. The laws and judicial system in this area are woefully inadequate.

There is:

- Careless driving
- Driving under the influence – both Alcohol or Drugs

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- Dangerous driving
- Dangerous driving causing death
- Culpable driving
- Culpable driving death
- Involuntary Manslaughter

These offences have penalties ranging from a small fine to 20 years in prison. However, in all of my research I have found that the maximum sentences are rarely if ever handed down. In fact, although the maximum penalty for dangerous driving causing death is 10 years. The average sentence handed down is just slight over 5 years.

The fact that in all off the above serious charges the maximum penalty is never handed down to the accused even though the case has been proved.

This is hardly a deterrent. And a good reason why the road toll is so high. There seems to be little consequence for people who have acted recklessly and put not only their life in danger but also that of others. And when they have taken a life through their reckless actions the courts seem to be unable/to lenient to hand down the maximum penalties.

If people have nothing to fear from their actions, then they are unlikely to modify their behaviour. Which leads me to my little case study. But I think it would be useful to give you a quick outline on the CPS.

The Crown Prosecution Service (CPS) prosecutes criminal cases that have been investigated by the police and other investigative organisations in England and Wales. The CPS is independent, and makes their decisions independently of the police and government.

Our duty is to make sure that the right person is prosecuted for the right offence, and to bring offenders to justice wherever possible.

The CPS:

- decides which cases should be prosecuted.
- determines the appropriate charges in more serious or complex cases, and advises the police during the early stages of investigations.
- prepares cases and presents them at court; and
- provides information, assistance and support to victims and prosecution witnesses.
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Prosecutors must be fair, objective and independent. When deciding whether to prosecute a criminal case, our lawyers must follow the **Code for Crown Prosecutors**. This means that to charge someone with a criminal offence, prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction, and that prosecuting is in the public interest.

The Case begins:

October 2018 – A woman takes an illicit drug. Puts her pre Kinde daughter in the car and goes on the school run.

She picks up her son from Kinde and then goes the primary school to pick up her stepdaughter.

She then proceeds to drive so erratically that a log truck driver pulls over to the side of the road to call the police.

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A few minutes later she hits another car almost head on. One of the 16-year-old boys in the other car now has an acquired brain injury. The other 16-year-old has spine and leg damage. And the mother was also injured.

The woman's son suffered a neck and eye injuries, her daughter was relatively unscathed. But her 7-year-old stepdaughter was given CPR on the roadside and rushed off in air ambulance where she died of her injuries on the way to hospital.

Two wonderful policemen are left to investigate the carnage. They do all they can and liaise with the father and grandmother of the dead little girl. They explain that they do not want to rush things and make any mistakes. They want to be able to take the strongest case possible to CPS.

Eventually after several months they confirm that the CPS have given the green light for them to arrest and charge her with culpable driving.

The family of the little girl are relieved. Then they are told that the woman is going for bail. It is refused. But as she is a woman with young children, she is allowed to appeal this decision and is granted bail.

17 months later the family are informed that there will be a court hearing were this woman will attempt to have her charge downgraded to dangerous driving as there wasn't that much of the drug in her system.

The family are devastated.

Please explain to me how this all happens. As stated earlier if you are found to have an illicit substance in your system, no matter how strong or weak the concentration may be, it will be deemed to impair your ability to drive.

This woman has caused permanent injury to two 16-year-old boys. They will have to live with the consequences of her actions for the rest of their lives. The mother of one of these boys had to hear her son scream the words "Mum were gonna die"! And the other family have to live with the loss of a 7-year-old.

Where is the justice? Where is the common sense? Where is the deterrent? This situation has made me ashamed of our laws, and ashamed of the way that our judicial system works.

Policemen are apologising to me. You can hear the frustration and defeat in their voices. They have worked incredibly hard to meet the CPS's criteria for prosecution. And yet the charge might be downgraded.

These are the reasons that the road toll is so high and why it will always be until the systems holds people accountable for their actions.

Therefore, I am pleading with you to revisit our laws. The Road Safety Act that I have quoted here is from 1986! 34 years old. Our knowledge, research and science has come a long way in the past 34 years, and this should be considered. Clean up all the grey areas in our laws.

If someone drives while under the influence of either drugs or alcohol the resulting crash is not an ACCIDENT, it is NEGLIGENCE. Our laws should reflect that.

Let us stop handing down reduced sentences to keep the keep the prison population low. And start handing down the maximum sentences for these crimes as real deterrent.

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Let us stop focusing on the criminal's wellbeing and focus on the victim. Focus on justice for the victim and justice for the victim's families who have to live with the consequences of these criminals' actions for the rest of their lives.

I would like to thank you for the opportunity to submit my views on this subject. And sincerely hope that this is not just an exercise to placate the general public. But will effect real change.