

# NSW LIBERALS JOIN LABOR'S SOCIAL CLUB

By Kevin Glancy

What on earth is wrong with the Liberal State Government in NSW?

First we had the pre-election *'we'll get rid of them where they don't work'* rhetoric on speed cameras which was a welcomed and at long last – a smart, life saving, road safety promise that has since been trashed, broken and dumped by the Libs and now it gets worse.

In the latest piece of supposed road safety policy the Liberals yet again, have subscribed to the Labor social engineering, policy practice of; *'Johnny's misbehaved in the classroom so the rest of you are going to be punished as well'* reason to make yet another new law.

Human nature will always breed villains and there will always be a segment of road users who misbehave on our roads. But I suspect that the majority of road users conform to the law. If it wasn't the case, all revenue raising programmes would have been abolished and collecting taxes would be now confined to the use of speed cameras. We'd all be merrily speeding and state governments would be rolling in far more money than they currently do via the existing speed camera revenue menace.

But now, the latest initiative related to the use of mobile phones in the car proves conclusively, that there is no difference between the Liberal State government in NSW and the left wing, politically correct, bring the prison walls closer, dumb-down, Labor/Green brigade.

What hope is there for Australian citizens? Where is that third common-sense political party when you need them? Surely it's time for the two major parties along with the economically irresponsible Greens to get out of our lives.

**This time it's all about in-car phones. Yes there's problem!!!! And tragically, irresponsible car phone users are a contributor to road trauma no doubt about it.**

We know or should know, that using your mobile phone, whether to text or make a call in the car while driving, is an act of suicide and possible murder/manslaughter when that kind of stupidity causes loss or injury to another road user's life, apart from your own.

There are no ifs or buts – phones should not be used while driving and there should be extremely heavy penalties for such stupid and criminal behaviour. There are already penalties so make them tougher and yes, make sure the judiciary carries it through in our court system because that's where it often falls down.

But in the latest move it's obvious that those manipulating road safety policy have nothing better to do with their time than continue to fail the common-sense test.

According to Marg Prendergast, General Manager of the Centre for Road Safety, from Thursday, November 1st, 2012 all drivers will face a fine of \$298 for in effect, simply touching a phone when driving.

That's right! From that day forward, whether you have ever broken the law as far as using a phone in the car it won't matter, you will have to have installed a phone cradle – you can forget your Velcro/Blu-Tack, DIY stick on affair – it has to be commercially designed and manufactured for that strict purpose of holding your phone and attached to your car accordingly.

Because from that day forward and in the simplest of terms; if your phone is visible either on your person or anywhere in the car other than in the designated phone cradle you can look forward to a fine of \$298 and the loss of 3 demerit points. It will now be at the police officer's discretion as to whether you fit the bill. What is visible or isn't is open to interpretation.

Now on first glance it could be argued why not? Certainly to Ms. Prendergast's credit, clarifying the limits of in-car phone use whether stationary or moving is a good thing – after all, there is some confusion.

You can be booked for instance, depending of the officer's zeal, even if you are safely parked by the side of the road causing no danger to anyone, with the engine off, but you've left your ignition keys still in the lock. So some 'legal' clarity is definitely required.

But here's where the new law becomes an absolute ass.

Firstly, the new law is aimed at the lowest common denominator and assumes that we all break the law and must be punished regardless of innocence by enforcing us to spend our money installing a cradle in our cars that we don't necessarily need or warrant.

It also takes away our right to not have a crappy add-on cradle ruining the look of our nice clean dashboard. Prior to this new law I never used a phone when driving the car, I considered it too dangerous and it was always out of reach in my pocket – but Ms. Prendergast doesn't care – not her money nor her car. What else would you like me to install Ms. Prendergast that will make my car uglier? I thought the inside of my car was pretty much mine to have it look the way I want it to look. Think I'm exaggerating?

The Liberal/Prendergast 'what do I do' scenario:

You're pulled over for a breathalyser, speed or license check. The police officer says, "Is that bulge in your pocket a mobile phone or are you just happy to see me?"

"Duh!"

"So why isn't your phone in the special cradle and for that matter where is your cradle?" "That's a big fine and loss of demerit points thank you sir!"

But worse. It's yet another initiative that will be ignored by the misbehaving minority while the majority of us innocent folk continue to pay the price. That's the Labor; 'Johnny has misbehaved so the rest of us must be punished' law-making format now adopted by the Liberals along with the inherited speed camera revenue blitz.

**The new law becomes even more ridiculous when you consider what else we can do 'legally' in our car while driving.**

**We can swat away that bee, spider or fly. We can cough, sneeze, grab a tissue, blow our nose, scratch an itch, pick our nose, clean out ear wax (as per Kevin Rudd) – turn around to talk to the kids, fiddle with the GPS or change a CD or a radio station and a multitude of other pursuits that could distract us from the driving task at hand.**

But this, you can't do anymore. If you're rushing to get your pregnant beloved to the hospital – whatever you do – do not carelessly chuck the phone on the seat while squeezing your 'heavily pregnant, about to deliver' missus into the passenger seat. You've just broken the law.

You are not allowed to be responsible so don't dare do it. Speeding to the hospital may well attract an officer of the law and the Prendergast Law at that. Remember that bulge in your pocket or that carelessly thrown phone on the back seat could cost you 300 bucks and more. The law can be subjective and depends on the arresting officer.

Much like speed cameras that make driving less efficient and therefore less safe. It does not encourage driver responsibility. It does not make us better drivers nor should we be.

The government obviously doesn't want that outcome with the variety of antiquated speed limits that serve to frustrate us – causing stress, road rage and accidents and more critically encourages us to take our eyes off the road in order to pay special attention to our speedometer and for lurking speed cameras. **Inattention is the leading cause of accidents throughout Australia yet state governments continue to promote reasons to be inattentive.**

We strive for efficiency in the workplace because it makes it a safer place but do not apply that same strategy to the road. Who are these people? These lawmakers, these public servants and academics who strive constantly to poke their noses where 'they don't belong' and who motivate more danger on our roads?

What have the law makers and governments done over the last 70 years that has achieved an outcome – one that has actually made driving dramatically safer? Speed cameras certainly haven't worked despite the fudged figures used to try and convince us otherwise. By now after such long term emphasis on speed limit enforcement, a road fatality should be a rarity. Unless we encourage drivers, give them the room and opportunity to act more responsibly and to be more skilled at driving on the road nothing will change.

But back to the Liberal/Prendergast law – the compulsory phone cradle. The changes also clarify the specific use of your smartphone even if it is in a holder. If it's in a cradle you can still use it as a GPS unit, to play music

and to make and receive calls, but texting, checking emails and watching videos is definitely prohibited and rightly so. Some odd inconsistency there but this is bureaucracy.

The only reason you can touch your phone is in the act of passing it to the passenger but that may well become a subjective area when a police officer has pulled you over and disagrees that you were in fact passing the phone to a passenger. At least make sure you have a passenger and not a blow-up one either. Texting is not allowed in a vehicle, even when the phone is in the fixed mount.

Learner and P1 drivers cannot use their phone under any circumstances as per the previous rules.

In fairness to Ms. Prendergast and her justification for this new expense thrust upon innocent folk. ***"We know that it's impossible to text and drive, but people continue to do it. The danger is when you take your eyes off the road."*** Ms. Prendergast said. (Daily Telegraph 30th October 2012)

**So Ms. Prendergast does that mean we shouldn't look at our speedometer either unless we can grow another set of eyes?** I mean, talk about crazy logic! You didn't have to change the law – just issue jail time for those caught using a phone while driving and that will stub it out fairly quickly – it is a serious problem as you say.

The Police have enough trouble trying to actually catch drivers using the phone under current laws let alone adding other things for the police to do while the real and violent villains get away.

Premier Barry O'Farrell, I know you to be a good and decent man but you should be ashamed of yourself and your government for putting your stamp on this mediocrity. Stop thinking about the media – think about the motorist – they will reward you.

**When are state governments going to realise that road safety is about efficiency – about optimum speed limits – about encouraging drivers to be more responsible? It's not about wrapping them up in cotton wool and removing the opportunity to be responsible because ultimately by applying that dumbing down process – they will become yet another victim on our roads and we will hold you responsible for it – instead of ourselves.**

## UPDATE

In the article above I referred to police discretion with regard to applying this new law.

The law states that the mobile phone must be in the mobile phone dashboard cradle – not in your handbag or anywhere else in the car. However, although this matter is still to be tested in court and not to predudge that matter, it does suggest on the surface that perhaps some discretion should be allowed if it is obvious that the driver is observing the spirit of the law and is not using, nor has any intention of using the phone while driving. Particularly when the phone is secured in a handbag. You can remove the phone from a cradle just as easy as you might from a handbag. Of course this also highlights the other things that drivers can still do and in this instance allegedly the driver was passing a packet of tic-tacs to her children which is a distraction in itself.

The article below by: Neil Keene and Carleen Frost was featured in the The Daily Telegraph December 18, 2012

### **IT was the packet of Tic Tacs that left a bad taste in this Sydney mum's mouth.**

Marina Alexiou claims she was pulled over and issued a \$298 fine for handing the lollies to her two children in the backseat – after a police officer mistook the mints for a mobile phone.

The Bondi resident was driving her children to school along Old South Head Rd when she was pulled over at 8.20am. She claims her phone was in her handbag, on the passenger seat, the entire time.

“He pulled me over and said ‘Where’s your phone?’,” said an infuriated Ms Alexiou yesterday. “And I said ‘It’s in my bag’. So I searched in my bag and it was there.

“I just feel gutted.”

Ms Alexiou said even her children told the officer she had been passing them Tic Tacs when she was stopped on December 5. She plans to contest the matter in court.

"What infuriates me the most is that I am a primary school teacher who often calls on police officers to come speak to children at school to help build good relations and diminish the idea that police officers are (just) the people that put baddies to jail but rather that they are people of integrity and people whom you could trust.

"My own children went to school understanding that police officers lie, they intimidate and you can't trust them."

A police spokesman said the infringement was issued and said Ms Alexiou could challenge it.

"New mobile phone laws make it quite clear, if you are using a phone without a cradle you will be fined," said Inspector Phil Brooks.

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