

David Heilpern LLB LLM
Solicitor
240 The Manse Road
Myocum NSW 2481

davidheilpern@hotmail.com

Mobile: 0407299485

ABN: 18693162013

Law Society Practising Certificate Number: 17306

Practice Professor – Southern Cross University

19 July 2020

Professor Linda Kristjanson AO
Vice-Chancellor and President
Swinburne University
Level 1 Swinburne Place South,
24 Wakefield Street, Hawthorn

e: mstephens@swin.edu.au

Dear Professor Kristjanson,

I write to make a complaint about a university publication containing material which is demonstrably false, and in my opinion falls short of the academic standards set by your University. Admittedly it is not an academic publication, nevertheless it bears the insignia of the University and thus I trust this would be of serious concern.

The article in question is to be found here:

<http://www.swinburne.edu.au/news/2019/04/swinburne-helps-make-roads-safer-with-drug-testing/>

False Statement One:

With the increased use of drugs in our communities in the past 10 years, drugs have overtaken alcohol as the leading cause of fatal crashes in Australia and in many other countries.

This is simply not true. There is no evidence or publication anywhere to support this contention. In no country, let alone Australia, are drugs the leading cause of fatal crashes. I am guessing that this statement is based on the research by Dr Baldock later published in *Traffic Injury Prevention*¹. At no point does this or any other research support the ‘causation’ claimed here.

¹ Matthew Baldock & Tori Lindsay (2020) Illicit drugs are now more common than alcohol among South Australian crash-involved drivers and riders, *Traffic Injury Prevention*, 21:1, 1-6, DOI: [10.1080/15389588.2020.1712715](https://doi.org/10.1080/15389588.2020.1712715)

False Statement Two:

The number of drivers charged with drug-driving offences in Victoria also increased, from 633 in 2010/11 to 5554 in 2015/16 – an increase of almost 900%. This represents the number of drug-affected drivers that have been detected driving on our roads as a result of Swinburne research.

The second sentence mistakes drug-detected drivers with drug-affected drivers. Not all those tested with a detectable level of drugs will be affected. (Indeed, in my experience after dealing with thousands of these cases not a single one was reported to be affected). There is no research on the proportion of those who are detected being actually impaired or affected in any way. The detection levels are set so low that they bear no relationship with affectation. Accordingly, this statement is also demonstrably false. Indeed, the opposite is arguably true – that Swinburne research has led to the detection and punishment of many non-affected drivers.

These falsehoods are not merely of passing interest. I was recently referred to them refuting a critique of the drug-driving regime in New South Wales. The good name of your University was quoted as gospel. I trust that you will ensure that the offending publication is edited or removed.

Yours sincerely,

David Heilpern