

~~in rented accommodation. My constituent finds it very difficult to get a job. Every time he applies for a job, one of the questions he is asked is, 'Have you been charged with any offences?' Of course, he has to say, 'Yes.' As he has said, he could be competing against 25 or 30 other people for one job. When the employer looks at his application, he or she will say, 'Crikey, this guy was a paedophile' or something of that nature, and he does not even get a second look in.~~

~~I have spoken to the Attorney General and I am waiting for clarification on the matter. I suspect that throughout Queensland there are hundreds of people facing such charges. This man has had his blue card reinstated and he is not guilty of any offence, yet he has to constantly disclose the charges. That has seriously impinged his job prospects.~~

## TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL

### Message from Governor

**Hon. RG NOLAN** (Ipswich—ALP) (Minister for Transport) (12.01 pm): I present a message from Her Excellency the Governor.

The Deputy Speaker (Mr Hoolihan) read the following message—

MESSAGE

TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL 2010

*Constitution of Queensland 2001, section 68*

I, PENELOPE ANNE WENSLEY, Governor, recommend to the Legislative Assembly a Bill intitled—

A Bill for an Act to amend the Adult Proof of Age Card Act 2008, the Transport Infrastructure Act 1994, the Transport (New Queensland Driver Licensing) Amendment Act 2008, the Transport Operations (Marine Pollution) Act 1995, the Transport Operations (Marine Pollution) Regulation 2008, the Transport Operations (Marine Safety) Act 1994, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995, the Transport Operations (TransLink Transit Authority) Act 2008 and the Transport Planning and Coordination Act 1994 for particular purposes, and to make consequential or minor amendments of Acts as stated in the schedule for particular purposes.

(sgd)

GOVERNOR

Date: 22 FEB 2010

*Tabled paper:* Message from Her Excellency the Governor, dated 22 February 2010, recommending the Transport and Other Legislation Amendment Bill 2010.

### First Reading

**Hon. RG NOLAN** (Ipswich—ALP) (Minister for Transport) (12.01 pm): I present a bill for an act to amend the Adult Proof of Age Card Act 2008, the Transport Infrastructure Act 1994, the Transport (New Queensland Driver Licensing) Amendment Act 2008, the Transport Operations (Marine Pollution) Act 1995, the Transport Operations (Marine Pollution) Regulation 2008, the Transport Operations (Marine Safety) Act 1994, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995, the Transport Operations (TransLink Transit Authority) Act 2008 and the Transport Planning and Coordination Act 1994 for particular purposes, and to make consequential or minor amendments of acts as stated in the schedule for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

*Tabled paper:* Transport and Other Legislation Amendment Bill.

*Tabled paper:* Transport and Other Legislation Amendment Bill, explanatory notes.

### Second Reading

**Hon. RG NOLAN** (Ipswich—ALP) (Minister for Transport) (12.02 pm): I move—

That the bill be now read a second time.

This bill introduces significant amendments that will provide for the introduction of alcohol ignition interlocks in Queensland for all high-risk drink drivers, extend the no alcohol limit to a broader range of drivers and implement national reforms for heavy vehicle speeding. The primary purpose of the bill is to deal with Queensland's serious drink driving problem. In the 12 months to 30 June 2008, more than 29,000 Queenslanders were convicted of drink driving. 12,000 of those were repeat offenders or high-end offenders, that is, with a blood alcohol concentration of 0.15 or above. While Queensland's road toll on a per capita basis is lower than it has ever been, drink driving is a growing contributor to our still too-

high road toll. It is time to take the next serious steps to deal with the scourge of drink driving. This bill will implement those next steps and, in doing so, will make our roads safer for everyone.

The bill introduces a scheme of alcohol interlocks for high-risk drink drivers. We need to take action against drivers convicted of repeat or high-level drink driving offences or of dangerous driving when affected by alcohol. They have shown an inability to appropriately separate the activities of drinking and driving. Alcohol ignition interlocks address this issue head-on. A driver must first pass a breath test in order for their vehicle to start. A trial of alcohol ignition interlocks with drink drivers commenced in Queensland in early 2001. This trial adopted a judicial based model where offenders were court-ordered to install and use interlocks. The outcomes from this trial found overall participation was very low, with only 29 people installing an interlock. High participation rates are essential to providing the greatest road safety benefits from interlocks.

Therefore, this bill will introduce a mandatory administrative model that will require all high-risk drink drivers to have an interlock condition applied at the time of re-licensing. On re-entering the driver licensing system, high-risk drivers will only be permitted to drive vehicles that are fitted with an interlock device. In New South Wales and the Northern Territory, drink drivers volunteer to have an interlock. Those programs generally have very low participation rates. We have, therefore, chosen to have a mandatory program. It is appropriate that these high-risk drink drivers should have to fit an interlock as they represent a significant danger to the safety of other people on our roads. In order for the interlock condition to be removed, the person must have had an interlock fitted to their nominated vehicle for twelve months. I flag here that the government proposes to consider amending the bill in the consideration in detail stage, such that people who do not fit an interlock will be prevented from re-applying for a licence for two years from the end of their suspension. Right now, in the absence of an interlock program, a drink driving offender can re-apply to have their licence reinstated immediately their suspension is completed.

The bill treats all high-risk drink drivers in the same way: they will all have an interlock for 12 months. Applying an interlock requirement will mean that all high-risk drink drivers will be prevented from further drink driving while the interlock is installed. Exemptions will be available for people upon application to the department for medical reasons, for people in a rural and remote areas that are not serviced by an interlock provider, or in other extraordinary circumstances on grounds set out under regulation. Discretion will be exercised by the chief executive of my department, with provision for internal review, then the Queensland Civil and Administrative Tribunal, if necessary—as is the current normal practice for administrative decisions. It is not intended that work considerations or financial hardship would provide sufficient grounds for such exemptions.

The bill is tough on those people who are caught driving a vehicle not fitted with an interlock or using the device inappropriately, such as tampering or not providing a breath sample, by extending the length of time that they will be on the condition. The bill will apply harsh penalties for those drivers who would be subject to the interlock condition after completing their disqualification but choose not to re-enter the licensing system and instead drive unlicensed. The bill applies a mandatory zero blood alcohol limit to all interlock drivers. Finally, the scheme implemented by amendments in this bill will be managed by my department and, as a result, it will not impact on the scarce and very valuable resources of our court system.

The amendments in the bill set out a comprehensive system for the introduction of interlocks in Queensland. Another important initiative in the bill aimed squarely at drink drivers is the extension of the no alcohol limit to all learner, provisional, probationary and unlicensed drivers regardless of their age. Currently, the no alcohol limit applies only to those under 25 years old, but amendments in the bill will remove that age distinction. This will ensure that all novice riders and drivers are able to develop their basic vehicle operation and cognitive skills without the added risks associated with alcohol impairment. The bill will also apply the no alcohol limit to all new motorcycle riders for the first 12 months of holding a motorcycle licence. Research tells us that the first twelve months of riding a motorcycle are the most dangerous. Alcohol impairment has potentially catastrophic effects for motorcycle riders and especially those still developing their riding skills.

The amendments contained in this bill extend Queensland's current chain of responsibility regime to include heavy vehicle speeding. They are based on the national heavy vehicle speed compliance reform package approved by the Australian Transport Council. These amendments are designed to counteract the pressure that is sometimes put on drivers to speed in order to make a delivery deadline and to reduce crashes involving speeding heavy vehicles. For drivers there will be little change. They must simply continue to drive to applicable speed limits. Other parties in the transport chain, however, must be able to show that they did not influence a driver to speed. The reasonable steps defence, identical to that for fatigue offences, will allow a party to establish what steps they took to meet this duty.

Other specific duties will also ensure that common dangerous practices are prohibited. For example, schedulers must not plan for a driver to make deliveries between two depots in a time that does not allow for compliance with speed limits. These amendments are supported by the transport industry and will play an important role in ensuring safe, professional and efficient road transport.

The bill will also allow my department to coordinate the provision of scheduled passenger services for special events in regional Queensland. Since 2008, TransLink has used 'special event provisions' to coordinate a high standard of public transport for special events held in the TransLink area. These provisions will be extended to the rest of Queensland to allow my department to coordinate high-quality public transport to regional special events. These provisions will benefit event organisers and the public by ensuring event transport is coordinated with and does not impede the regular public transport in the event area.

Before closing, I want to just briefly mention the amendments in the bill that correct a reference to the risk management standard within the Transport Security (Counter-Terrorism) Act 2008. The Transport Security (Counter-Terrorism) Act 2008 requires security identified surface transport operations to prepare a risk management plan in accordance with a standard prescribed under a regulation or the Australian Standard AS/NZS 4360:2004. Standards Australia has recently replaced the Risk Management Standard AS/NZS 4360:2004 with AS/NZS ISO 31000:2009 'Risk management—Principles and guidelines'. The 2009 international standard is based significantly on the 2004 edition of the Australian-New Zealand Risk Management Standard and is regarded as world's best practice. This update will ensure that users of the Transport Security (Counter-Terrorism) Act 2008 are directed to the current standard in lieu of a specific Queensland counter-terrorism standard. I commend this bill to the House.

Debate, on motion of Ms Simpson, adjourned.

## ~~RADIATION SAFETY AMENDMENT BILL~~

### ~~Second Reading~~

~~Resumed from 25 November 2009 (see p. 3568), on motion of Mr Lucas~~

~~That the bill be now read a second time.~~

~~**Mr McARDLE** (Caloundra LNP) (12.12 pm): At the outset I indicate that the LNP will be supporting this bill. There are some issues in some of the clauses that I will deal with at a later time during the debate. This bill derives from a number of sources including the increasing globalised threat of terrorism, the December 2002 Council of Australian Governments agreement to a national review dealing with hazardous materials, the *Report on the regulation and control of radiological material*, the Australian Radiation Protection and Nuclear Safety Agency, the Australian Safeguards and Non-Proliferation Office and Queensland Health.~~

~~It was agreed on 13 April 2007 by COAG to establish a National Chemical, Biological, Radiological and Nuclear Security Strategy to establish a framework to ensure Australia's existing national counter terrorism arrangements were strengthened by ensuring radiation safety legislation was such to properly regulate the security of radioactive sources which incorporated the making of standard licence conditions, compliance, monitoring and enforcement mechanisms.~~

~~The Radiation Safety Act 1999 is the principle piece of legislation in Queensland, and the bill before the House is said to amend the act giving effect to recommendations contained within the review of radiological materials. The states are to incorporate the national security code into each jurisdiction's regulatory framework to establish a national database to record any radioactive sources that have been stolen, lost or orphaned and, in addition, to establish a national register to track the whereabouts of security enhanced sources.~~

~~Perhaps the most important component of the bill is the adoption of the national security code, which requires a range of physical and procedural security measures to be implemented, as well as mandating that persons dealing with high risk radioactive materials must undergo a security background check. Adopting the national security code will allow Queensland and the Commonwealth to work together more effectively to ensure the regulation of radiological materials can be overseen from a safety and security perspective.~~

~~Radioactive sources will be placed into five categories and security outcomes allocated commensurate with the risk posed by sources in each category. The code only requires additional security measures for 'security enhanced sources' that is, categories 1, 2 and 3. What is considered a security enhanced source will be the subject of a regulation. Primary handlers and those with unlimited access to security enhanced sources will require a full criminal history check, an identity check and a security check for politically motivated violence. All convictions and charges can be considered regardless of when they occurred.~~

~~The bill further amends the Radiation Safety Act 1999 to remove the restriction on the use of information provided to an entity of the state and another state or entity within the state and the Commonwealth or entity of the Commonwealth. This allows information provided by Queensland to be shared with the relevant federal authorities to achieve the aim of establishing a centralised data and notification system.~~