



Speech by

PAUL LUCAS MLA

MEMBER FOR LYTTON

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ROAD TRANSPORT REFORM BILL

Mr LUCAS (Lytton—ALP) (12.15 p.m.): I rise to comment on and provide strong support for this Bill, which will improve a range of transport-related issues for the people of Queensland. I would like to comment in particular on the provisions within the Bill by which the Government is making a positive contribution to road safety by reducing the number of drink-drivers on our roads and ensuring tough but fair penalties for those who break the law.

Under the current law, a person who is convicted of drink-driving can apply to the magistrate for a restricted driver licence that allows them to drive for work purposes only. Drink-driving is a significant problem in our community and the provision of a work licence under section 20A of the Traffic Act is a concession that the State makes to people convicted of drink-driving offences to ensure that, in certain circumstances, they are not deprived of the means of earning their livelihood. Otherwise, to allow the law to operate would mean that whilst one person who is guilty of a drink-driving offence would receive a fine and disqualification, as they should, another person who needs their licence for work would also lose their job. That would be a far greater penalty that would also penalise their families, who would be innocent people. The new provisions will ensure that only low-level offenders can be granted this special privilege where exceptional circumstances warrant consideration.

Alcohol is a factor in 30% of fatal road accidents in Queensland. The social costs, both in human and property terms, of those accidents are extreme, reaching into the hundreds of millions of dollars every year. Nearly 20,000 drink-drivers are convicted in Queensland each year. There is a strong community awareness of the dangers of drink-driving and to do so is highly irresponsible. Important initiatives such as reducing the blood alcohol concentration limit, random breath-testing and public education campaigns have reduced the level of drink-driving on Queensland roads and made a significant contribution to saving lives.

Over the years, we have seen a significant shift to greater personal responsibility for managing social occasions to avoid mixing alcohol and the steering wheel, with nominated drivers and non-alcoholic drinks now the social norm. Certainly the current situation is that if someone at a party is under the influence of alcohol and is attempting to drive a vehicle, the social pressure applied by others and the disdain in which they would be held is an added and much welcome pressure.

Mr Wilson: And so it should be.

Mr LUCAS: So it should be. Unfortunately, there are still those who choose to flout the law and they put not only themselves but also their passengers and other road users at risk. We cannot afford to become complacent about road safety or reducing the road toll. We must continue to seek solutions to the problems that drink-drivers present.

To reduce the level of drink-driving on Queensland roads, this Government is working to deliver a comprehensive package of initiatives that includes enforcement activity, public education programs and a stricter penalties and sanctions regime. The success of any one of the components of this package depends on the other elements. Appropriate penalties and sanctions are the important final step to reinforce the message and impact of education and enforcement campaigns. Fair and certain penalties play a key role in deterring people from breaking the law. Road safety research has shown

that penalties for illegal driving behaviours are more effective if people believe that there is a greater risk of getting caught or of being dealt with firmly.

The opportunity to apply for a work licence following a conviction for drink-driving has been identified as undermining the certainty of licence loss for this offence and thus reduced its impact as a deterrent to drink-driving. The opportunity to apply for a restricted provincial licence following a conviction for a drink-driving offence was introduced in 1984 as a special privilege to assist people in exceptional circumstances only. As I indicated before, one of the problems was that people who needed their licences to get to and from work, such as farmers or tradespeople, suffered not only the penalty that other offenders suffered, that is, disqualification and a fine, but also they lost their jobs. That was not the intention of the legislation. In addition, their families suffered as a result of their actions. This was sensible legislation, but it is important that the privilege of a work licence is granted only in very exceptional circumstances where the magistrate is sure that the people who receive the benefit of such a licence will comply with the law and will not constitute any risk.

The Queensland work licence provision is a far better one than that in New South Wales, which in my opinion is ridiculous, under which in certain circumstances people can be convicted of drink-driving and not be disqualified at all because they may need a licence for their work. That is wrong, because people should suffer a significant penalty for drink-driving. The idea of the proposed amendment to section 20A of the Traffic Act is to ensure that in appropriate circumstances people can apply for a work licence. However, the circumstances must reflect the seriousness of the situation and the interests of other road users.

The new provisions in this Bill will make it more certain that a personal will pay a fair penalty for drink-driving. The Government aims to drive home the seriousness of drink-driving and protect the community by ensuring as far as possible that people who are not suitable to be granted work licences, and whose past history shows them to be unsuitable, will not be granted that privilege. The provisions do that in two ways: firstly, by making the application criteria more stringent so that fewer people are eligible to apply in the first place; and, secondly, by tightening the parameters within which a magistrate can consider those applications. The opportunity to apply for a work licence will be available only to those people who do not present a wider road safety risk to the community.

The eligibility criteria have been tightened to exclude serious offenders and people with a poor driving history. Only those applicants who record a blood alcohol concentration of less than 0.15% will be eligible to apply for a work licence. People who drink to excess and then drive will not have access to this special privilege. In addition, anyone who has lost their driver licence in the previous five years due to accumulation of demerit points would not be eligible to apply. This is in addition to the current restriction on people who have been convicted of drink-driving in the previous five years.

The new provisions also establish a fair framework for consideration of the application by magistrates. Applicants will be required to submit to the court confirmed details of why they need their driver licence for their work and an affidavit from their employer outlining their job responsibilities. As a former legal practitioner, it was my experience that sometimes people would think it was enough to supply a letter from their employer to be tabled before the court. It was generally my practice to encourage people to get an affidavit from their employer, because I believe an employer should have to swear to the fact that employees would lose their job if they are not granted a work licence. What people will write on a piece of paper and what people are prepared to swear to in an affidavit under the pain of the penalty of perjury is a different matter. That is why I welcome this provision that requires the evidence with respect to livelihood to be deposed to by affidavit, in other words, in a sworn document before the court.

These provisions provide sufficient flexibility for magistrates to continue taking into consideration the available public transport options and the particular needs of people in rural communities. The new provisions will send a clear and strong message to those members of the community who adopt dangerous driving habits. This is an important road safety initiative which has strong support from a range of agencies committed to road safety, such as the RACQ, the driver training industry, medical professionals, the transport industry and community agencies.

I am keenly aware that the majority of people within our communities rely heavily on their driver licence not only for work but also for most activities outside the home. I appreciate that this new law may impact negatively on some members of our community. However, it is important never to lose sight of the real issue here, and that is that drink-driving kills. People need to take responsibility for their actions and know that if they drink and drive they must face the consequences, including the probable loss of their driver licence. These new provisions enable the Government to address the serious issue of drink-driving while ensuring that those people who may suffer extreme hardship can still have their case considered by a magistrate.

There are two other matters that I wish to raise in relation to the legislation. One matter relates to the provision for the adoption of the Australian Road Rules as from 1 December this year. The national road rules contain a very important provision, and I welcome strongly its reinsertion into the law

of Queensland. In my electorate there has been a significant number of complaints from people in the community who have been upset because heavy vehicles have been parked in residential streets. They are not only dangerous but also unsightly. Their comings and goings at all hours of the morning are not proper in a residential community. Transport operators should be encouraged to leave heavy vehicles in appropriately zoned and designated transport yards. This issue has been a constant subject of complaints to my electorate office. Local governments are expected and have the power to take action in relation to this matter. Unfortunately, for various reasons they have not always done so. This provision, which will become law after 1 December this year when the national road rules are adopted, will ensure that the driver of a heavy vehicle—that is, a vehicle above 12.5 tonnes; a fairly large vehicle—must not stop on a length of road in a built-up area for longer than one hour, unless the driver is allowed to stop on that length of road for longer than one hour by information on or with a traffic control device. Importantly, that provision is being legislated to preserve the amenity and safety of our neighbourhoods.

The other matter that I wish to speak about does not relate to this Bill but is an important issue with respect to transport legislation. A number of years ago, the Parliament revoked the provisions of the Traffic Act that precluded people from riding bicycles on footpaths. That was done for a number of reasons, the most important of which was that evidence showed that children in particular were being injured and killed because of their inability to ride bicycles on footpaths. They were having to ride their bikes on dangerous roads.

The vast majority of footpaths in my electorate and in most areas are perfectly safe for both children and people to ride bicycles on and for pedestrians to walk upon. There is no difficulty with that, because they are not heavily trafficked. I strongly support that. However, a problem arises in shopping centre areas, for example, strip shopping centres such as Wynnum Central, when irresponsible people, whether they be children or adults, ride bicycles in those areas and strike elderly people who are walking along or trying to do their shopping, with the result that they are injured. That behaviour is totally irresponsible. Councils now have the power to regulate in this regard. I understand that the Redland Shire Council is in the process of doing that. I strongly call on all local authorities to take action in that regard.

Mr Fenlon: Coorparoo is an example.

Mr LUCAS: As the member for Greenslopes points out, Coorparoo is another example. I know that he is very interested in these issues also. There is more than enough room for children to ride on footpaths. I ride bicycles extensively with my children. When we ride to the foreshore from my house at Wynnum West, we generally ride on the footpath until we get to the Wynnum shopping centre and then we either dismount and wheel the bicycles along the footpath or, alternatively, we ride on the road. That is the appropriate course for people to take. I urge local government to encourage that practice. Elderly people in particular have a right to use footpaths in shopping centres unharassed and in safety. They can become very scared, upset and concerned for their safety, and I do not blame them for that at all. I commend the Bill to the House.
