



Speech by

Hon. STEVE BREDHAUER

MEMBER FOR COOK

Hansard 26 August 1999

ROAD TRANSPORT REFORM BILL

Hon. S. D. BREDHAUER (Cook—ALP) (Minister for Transport and Minister for Main Roads) (11.51 a.m.), in reply: I thank all honourable members who have made contributions to the debate. As is usually the case with road transport Bills, this was a wide-ranging debate, not much of which related to the Bill before the House. However, I appreciate the opportunity that members have taken to put on the record the issues that are of concern to them and their constituents. It is quite appropriate that they do that. I am not going to take up more time of the House by responding to a lot of the issues raised. I invite members, if they have concerns about road or transport issues in their electorates, to feel free to contact my office or write to me at some stage and we will provide them with the appropriate information at that time.

I wish to talk about a couple of issues specifically pertaining to the Bill that were raised by the member for Gregory. We have been able to sort out a number of those issues through the amendments that the Government is proposing, particularly in relation to the definition of a "road". An issue that I understand the member still has some concerns about is the chain of responsibility in relation to overloaded and speeding vehicles. I will take a couple of minutes to discuss that issue now, as that might help to alleviate some of the concerns expressed by the member for Gregory.

The chain of responsibility is an important concept which means that those people who have control over a vehicle's operations have responsibility for that operation and may be legally liable. This concept complements other duties of care required by occupational health and safety, environment, corporations and other laws.

The speeding heavy vehicles policy targets offences committed at speeds in excess of 115 km/h. Those are the speeds that clearly demonstrate whether the vehicle is properly speed limited. Most of the vehicles that we are talking about should be speed limited to 100 km/h, except for some older vehicles. If a vehicle is exceeding 115 km/h, there is either a problem with the speed regulator or it has not been properly installed.

Mr Johnson: The boys have been playing around with it.

Mr BREDHAUER: Precisely. Speeding drivers currently attract a fine and demerit points against their licences, but the operator of the vehicle receives no penalty, even though, in some instances, the operator is responsible for maintaining the vehicle and its speed limiter and the operator is responsible for ensuring that deadlines can be met by maintaining legal speed limits and driving hours. While a driver may seek harm to their employer by deliberately committing offences, the operator still has a responsibility to ensure that the vehicle is not mechanically capable of reaching those dangerous speeds. In respect of speeding in particular, if the speed limiter is in place, is mechanically correct and has not been tampered with—and it is the operator's responsibility to make sure that all of those functions are operating correctly—then the vehicle should not be able to exceed 100 km/h or thereabouts. This policy is not an extra burden on the industry as it only penalises operators when the existing laws are broken. There is no reason for any bus or truck to travel at 115 km/h, particularly if it is supposed to be speed limited.

Furthermore, registration suspension is the top tier penalty and will only be applied after operators have had ample warning and opportunity to mend their ways or deal with unscrupulous drivers. Honourable members should remember that these penalties do not apply until after the third infringement. After the third strike, the registration of a vehicle is not automatically suspended. The operator is issued with a notice stating the intent to suspend and requesting that the operator show

cause why the registration should not be suspended. In this way, operators who can genuinely demonstrate that they had no control over the speeding incident will not be unfairly penalised. If Queensland Transport still considers the operator liable and wishes to proceed with the suspension, the operator is fully entitled to have the matter decided in court. These review and appeal provisions are contained within the regulations for the speeding heavy vehicles policy, which are currently being drafted by the Office of the Parliamentary Counsel.

The speeding heavy vehicles policy has the strong support of the Queensland Road Transport Association and the Transport Workers Union. Similar laws are now being adopted in all other States and Territories in Australia.

Overloading penalties are similarly safeguarded. Vehicle forfeiture is the top level sanction and applies only to those vehicles that are carrying double the legal payload or more. There is no way that one can accidentally overload a vehicle to double the legal payload. This sanction can only be applied by a magistrate who must consider all the factors surrounding such an offence, including whether it was a vexatious act against the operator and whether or not the operator had any control over the overloading of the vehicle. While severe, these sanctions contain sufficient defence against abuse. They are also very necessary. Overloaded vehicles not only give unscrupulous operators an unfair competitive advantage, they cause more than \$40m damage to Queensland roads each year and present an unacceptable threat to industry.

There is a variety of safeguards contained within the legislation. The registration is not automatically suspended after three strikes. A show cause notice has to be issued. The operator must be given the opportunity to defend that and if the operator feels that there has been a deliberate campaign by the driver, that can be discussed through the show cause notice.

Mr Johnson: That's the one real concern.

Mr BREDHAUER: Yes. Ultimately, if operators still disagree, they can seek to have the matter determined in court. They can have their day in court.

Mr Johnson interjected.

Mr BREDHAUER: I understand that, but the member needs to remember that there have to be three incidents. This does not happen in an isolated case. It has to happen three times and the vehicle has to be travelling at speeds in excess of 115 km/h. Also, the regulations give an operator the opportunity to defend his or her case if they believe that the driver was responsible and not them. Members should bear in mind also that the driver will still get booked for doing 115 km/h. They will be fined and will lose points. A driver who is breaking the law deliberately runs the risk of depriving himself or herself of a livelihood by running up demerit points. It will also cost them a substantial amount in fines.

I thank all members for their contributions. I particularly thank those people in my department who have worked very long and hard on the Road Transport Reform Bill. The Australian Road Rules will be a significant milestone when they are achieved, not just here in Queensland but nationally. This is going to be one of the most significant reforms that the Queensland transport network will ever undergo.
