



Speech by

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TRANSPORT LEGISLATION AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (12.20 pm): I rise to speak in the debate on the Transport Legislation Amendment Bill. I would like to acknowledge the notable contributions from both sides of the House on this bill, a trend I hope to continue. The seven amendments featured in this bill incorporate a large area of legislation and, while I will be unable to address all aspects of the proposed amendments, I believe that there are some which merit discussion.

Let me say at the outset that I am very supportive of several of the amendments proposed in the bill. In particular, I support the recording of boat licence qualifications on Queensland drivers licences, which will save time in terms of identification required for people seeking to hire boats. To be able to carry more forms of ID on one licence is quite innovative.

I would also like to voice my support for aspects of the bill which deal with conducting investigations into the criminal history of those people who conduct training in the operation of ships. As we all know, many high school students enrolled in marine studies classes undertake a boat licence as part of the curriculum. It would be irresponsible, therefore, for someone who has been convicted of a disqualifying offence, particularly one of a sexual nature, to be given the green light to be supervising children seeking to obtain a boat licence.

Although I have praised aspects of the bill, it should be noted that there are some aspects of the bill that I have concerns with. In particular, I was disturbed to read that the amendment to section 134 of the Transport Operations (Road Use Management) Act, concerning interference with vehicle identification numbers, clause 67, would see the maximum penalty for interfering with a vehicle's identification numbers increased from a \$3,000 fine or six months imprisonment to a \$7,500 fine or 12 months imprisonment.

My concern relates to the bombings in Bali that occurred three years ago. I note that the attackers had scratched clean the identity numbers on the van that they used to store the bomb that was detonated near the Sari Club. Fortunately, though, the bombers had not found a concealed identity plate on the chassis of the vehicle. It was only through this piece of good fortune that investigators were able to get a break in tracking down the merciless and bloodthirsty perpetrators of this cowardly act.

The lesson to be learnt is that, in the society in which we live, vehicles can be used as weapons to stage attacks on innocent human beings. While I understand that this is an extreme example—and we hope and pray that something in the manner of the Bali attacks never occurs on Australian soil—we must ensure that our laws regarding the issue of interfering with a vehicle's identity plates reflect the very serious nature of the offence. Depending on the circumstances of a case, perhaps this penalty may not be harsh enough. That is something I would ask the minister to consider.

Another part of the bill this government seeks to implement that I have issue with in a small way is clause 39, which establishes the position of marine pollution controller. I do not disagree with the establishment of the position. I think it is important for the government to take the issue of marine pollution seriously, and I can see it has by establishing this position. But I share the concerns of the shadow minister for transport—I spoke with him about this yesterday afternoon—about proposed section 93B. This will confer immunity on the marine pollution controller, and anyone acting under the controller's direction, from

civil liability provided that—and I quote from the explanatory notes—they act in ‘good faith without reckless disregard for the possible occurrence of the personal injury or loss or damage to property from which liability would arise’.

This was noted in the Scrutiny of Legislation Committee’s report, which sought comment from the minister, who did comment. I can understand that it says here that it would be unreasonable to expect the person acting in the role of marine pollution controller to be exposed to personal liability when acting on behalf of the state, but I would have thought that if they are given exclusion from their liability at any time then an annual report would be provided and the circumstances surrounding why this exemption was given would be investigated so that there could be an assessment of whether this was done appropriately. They obviously should be responsible for decisions they make, but some consideration should be given to providing an annual report.

Acting in good faith without reckless disregard for the possible occurrence of the personal injury or loss or damage to property from which liability would arise should not be something that provides the marine pollution controller immunity from culpability for making erroneous decisions. It should be a prerequisite for their holding the job. Noting the minister’s comments to the Scrutiny of Legislation Committee, obviously there are situations in which there will have to be considerations in this regard. The fact of the matter is that the marine pollution controller has an important role to play and should be held accountable to the Queensland public they are hired to serve.

I have always been a vocal supporter of tougher penalties for street hoons and those who endanger the lives of others on the road. It is pleasing to see the government taking notice of this problem, which we hear more about each day. In the electorate of Surfers Paradise—I had the honour of serving as the Chairman of the Surfers Paradise Community Consultative Committee—this issue was constantly being raised, and still is being raised, by distraught locals from various suburbs such as Surfers Paradise, Main Beach, Chevron Island, Isle of Capri and now extending to areas such as Ashmore and Benowa. There is a lot of hooning on local streets, disrupting neighbourhoods and posing a risk to the safety of children. Since I have been elected, not a week has gone by that I have not had a phone call about hooning on our streets.

I commend the police minister for her attempts to correct this problem by introducing legislation to confiscate cars after the third offence. To a degree this has worked. I know this was introduced by the previous police minister. Nonetheless, hooning and excessive speeding are still big problems on our streets, and that is why I support this bill—a bill that wields a bigger stick at those who wish to break the law by speeding in a reckless manner.

So often we read stories in the paper about someone being clocked doing some excessive speed. We all have our own stories of people we see on the highway, flying past us at speeds which could easily be in excess of 140 or 150 kilometres per hour. Also today, with the advent of more aggressive styles of driving and more cars on the road, these practices really are dangerous. We then read stories of these people getting off their charges or claiming hardship and having their penalty reduced. And we mutter to ourselves that they obviously were not suffering hardship when they were doing 40 kilometres an hour over the speed limit. In fact, in 80 per cent of appeals against administrative suspensions where ‘excessive hardship’ is claimed the appeal is successful. The mind boggles at this; 80 per cent of them get off. Someone has the gall to do 100 kilometres an hour in a 60 kilometres an hour zone and then claim excessive hardship to get off the charge.

I am sure there are some circumstances in which someone is suffering genuine excessive hardship, but in the vast majority of cases there is no excuse. One does not just accidentally drive at 40 kilometres an hour over the speed limit. It is a conscious choice. But there are some circumstances in which it can happen unconsciously. Many years ago I was driving in a 100 kilometres an hour zone that changed to a 60 kilometres an hour zone because of roadworks. I was chatting to my wife and had not noticed that one sign and was caught driving 40 kilometres an hour over the speed limit. But that was many, many years ago before this legislation existed.

Mr DEPUTY SPEAKER (Mr Fouras): I think you should be careful about owning up to these things in the House.

Mr Lucas: I think he should be careful to own up about these things.

Mr LANGBROEK: I can certainly acknowledge that I have transgressed in the past and I will probably transgress again, but that was 20 years ago.

Mr Cummins: Did you get off?

Mr LANGBROEK: No, I got a fine, but we did not get our licences suspended back then. I thought that I may have, and I was prepared to cop it if I did. That is probably the difference. Speeding at 40 kilometres an hour over the limit is, sadly, a choice that is made not really knowing the consequences that the slightest slip or change in traffic conditions could have for the driver, passengers and those in the vicinity. For people then to go to court and say, ‘I need my licence for my job,’ or, ‘I need it to run my kids

around,' is ridiculous. These are considerations they should have thought of before speeding. They are important considerations and should have been important enough for the person to keep to the speed limit.

Drivers need to realise that driving is not a right; it is a privilege. Being on the road brings with it responsibilities as well as freedoms. I am very happy to see this legislation bring speeding into line with drink-driving in the way administrative appeals are dealt with and the manner in which penalties are sustained.

I commend the minister for the aspects of the legislation that deal with hoons and that bring in more stringent checks upon those people dealing with our children in the transport system. I state for the public record that whenever the government sees an opportunity to stop hoons in their tracks it will always have a friend in the Liberal Party.

I also urge the minister to reconsider the light sentences that will be imposed on those interfering with vehicle identification numbers in Queensland and implore him to subject the marine pollution controller to the same level of civil liability as is expected of all public servants and make his or her role one that is fully accountable to the Queensland public. I commend the bill to the House.