



Speech by

Jann Stuckey

MEMBER FOR CURRUMBIN

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TRANSPORT LEGISLATION AND ANOTHER ACT AMENDMENT BILL

Mrs STUCKEY (Currumbin—Lib) (11.49 am): I am pleased to join the debate on the Transport Legislation and Another Act Amendment Bill 2006. As members have already heard from my colleague and shadow minister for transport, the honourable member for Gregory, the coalition will be supporting this bill for the many reasons he so articulately highlighted.

In essence the bill seeks to make amendments to eight transport acts in an attempt to improve road safety in Queensland. The main intent of this bill is to introduce legislation to assist the enhancement of road safety by the following measures: authorising a means for detection, prosecution and deterrent of use of certain illicit drugs by people and then driving motor vehicles; providing for technologies to be used in conjunction with fixed speed cameras; and, further, addressing the problem of young drivers being overrepresented in Queensland's road crashes by introducing new rules in relation to the behaviour and licensing of young drivers.

Whilst the key initiatives are those that directly improve road safety in Queensland, of equal importance is the provision to create the offence of driving whilst a relevant drug is present in the driver's blood or saliva. The government is to be commended for including proposals resulting from the Queensland Road Safety Summit held in February 2006. However, I cannot let the fact that this government has adopted coalition policy No. 130, roadside drug testing, pass unmentioned. Imitation is the greatest form of flattery so the saying goes. Once again the Beattie government has proven it is devoid of original ideas and on yet another occasion has pinched our policy and sprinkled on some extra sparkly bits so that it can claim it as its own.

Primarily I would like to address the matter of drug testing on drivers. It could be said that the Queensland government has been dragging its heels on this issue because similar measures have already been introduced into other states across Australia. I do acknowledge that the minister purports the Queensland legislation is more advanced than that of other states which introduced it earlier. This contention will be further examined later in my speech.

Before I do, though, it is interesting to look at some of the background research that preceded this important and overdue legislation. A study by researchers at Swinburne University of Technology in Melbourne in April 2003 found that drugs were now responsible for more deaths on the road than alcohol and the most common drug identified was marijuana. These findings dispel one of the great myths about marijuana, otherwise known as cannabis, which has somehow attracted a belief in some circles not to be that dangerous. I am pleased to say that a recent study has emerged in the past week indicating that finally cannabis is being seen to be the harmful drug that it is.

Every person who ended up in a vehicular accident statistic in one Melbourne morgue during a period that stretched well over a decade had their blood analysed to see if the crash was caused by alcohol, marijuana, amphetamines or other drugs. Professor Olaf Drummer's results were confounding, to put it mildly. Drivers who use cannabis and are driving shortly after are at seven times higher risk of being involved in a fatal crash than a drug-free driver.

The Swinburne experiment was certainly a scientific trial with a difference. In order to reach their revealing conclusions researchers asked volunteers to smoke joints and drink alcohol and then jump behind the wheel of a driving simulator. One researcher said that the studies have found that the effects of marijuana on driving were quite different to alcohol. Booze makes a driver more likely to speed and take risks. Marijuana does do this but it does make drivers more likely to drift across the road. Another researcher commented on the following upshot of using cannabis—

Specifically your ability to maintain a specific position within a lane, so you tend to have two or more wheels of the vehicle crossing over lanes marked out for traffic coming in the opposite direction or in the same direction.

Simply put, when something unexpected happens a cannabis driver is much slower to react. Cannabis gets into the blood stream much faster than alcohol. If a cannabis cigarette is smoked by a person with a blood alcohol content of 0.04, which is below the legal limit to drive, that is in reality equal to a 0.14 blood alcohol concentration, increasing the risk of accident by 48. Not 48 per cent but a whopping 48 times higher.

Cannabis is very sensitive in urine and readily identified. However, collection of a urine sample is awkward to obtain at the roadside. Results of the study in 2003 highlight the urgent need for legislation to curb the number of drug drivers on roads. I ask the minister to clarify if there will be a comprehensive review of the implementation of these measures, such as a 12-monthly review to assess its effectiveness which has been written into parallel legislation in South Australia.

Another question I would like to ask the minister to address is how Queensland can perform the roadside saliva test in three minutes when other states require five to 10 minutes. Bearing in mind this time differential brings me to seek an answer as to the type of oral swabs that will be used and what quality they will be. Where will these swabs be sent for testing? Surely not the John Tonge Centre where the backlog of cases has seen reports of magistrates throwing out samples that were passed their use-by dates.

I note the comments by the Scrutiny of Legislation Committee in the *Alert Digest* with regard to a lack of clear definition in the legislation of what is a relevant drug. I seek advice from the minister as to why he has left this definition open to be determined by regulation instead of including, at the very least, the three drugs that are identified—THC, methylamphetamine and ecstasy.

Random roadside tests currently utilised in other states are able to check the presence of these three drugs but also list in addition other illegal drugs such as heroin. It is not uncommon for regular users of illegal drugs to take multiple substances. These combinations have even more serious ramifications when a person gets behind a wheel. Benzodiazepines, Valium and Serepax are widely abused and trafficked in large quantities and can cause driver havoc. It would be unfair to punish therapeutic users of morphine and other prescribed medication. Nonetheless patients have a responsibility to know the restrictions and side effects of their prescribed medication and take due care.

I have already informed honourable members of the effects of cannabis on driving skills. Taking speed also increases the crash risk, particularly for heavy vehicle drivers. The second most commonly used illegal drug, speed, when taken by fatigue impaired persons can cause microsleeps which lead to crashes. Ecstasy is known to disorientate the user, slow their reaction times and impair driving ability by reducing the driver's basic vehicle control.

The Scrutiny of Legislation Committee also commented on clause 57. It stated—

... an analysts certificate that indicates a 'relevant drug' to be present in a driver's blood or saliva is a conclusive evidence of that fact. This is subject to the defendant's capacity to prove the test result was not correct.

Further it stated—

These provisions effectively reverse the onus of proof since, in the absence of any evidence to the contrary, the court must accept the matters stated in the certificate as proven.

I ask the minister to address these comments in his reply together with what level of funding allocation for drug testing the government is committing. It is widely accepted that the primary reason behind utilising saliva testing is that it can be undertaken at the roadside, is easy to collect, is less intrusive and can be screened using a quick and accurate method.

I move now to the proposed amendments to the transport operations act 1995. These will seek to reduce the learner licence age to 16 years, extend the learner licence period to 12 months, require learner drivers to record 100 hours of supervised on-road driving, implement the compulsory display of P-plates, restrict provisional drivers from driving high-powered vehicles and introduce peer passenger restrictions between 11 pm and 5 am. The minister is to be applauded for bringing in these amendments which are a positive step in the campaign to reduce our appalling road carnage statistics. No doubt there will be a degree of confusion as these new amendments, with their significant changes to existing laws, come into play and a widespread education campaign is essential.

During 2005 I undertook a survey amongst senior high school students within my electorate to garner opinions and views of adolescents and young drivers. This was soon after the two students from

Palm Beach Currumbin High tragically lost their lives due to a combination of inexperience, speed and driver incompetence. Many of the students who responded to my survey indicated an eagerness to undertake some form of driver education if it was offered within their school. However, other questions delivered some worrying responses. Their attitude to police enforcement if they or their friends broke the law was negative in the extreme. Many had been passengers in overloaded cars, gone without seatbelts and been in speeding vehicles with drivers who had consumed alcohol, which further highlights the urgent need for these amendments.

There is no doubt our young in particular are at high risk when we look at road toll statistics. Drivers between 17 and 24 account for only 13 per cent of Queensland's drivers yet they tragically account for 32 per cent of Queensland's road toll. Road carnage not only results in injury, either temporary or permanent, and in some cases loss of life, but it affects families, friends and those who work in our emergency and allied health fields. In December last year when 16-year-old Alesha Benjamin lost her life in an accident when her 17-year-old boyfriend's Holden Commodore smashed into a power pole, her father David Benjamin made a public plea that these kids should not have these vehicles because they are deadly.

In January this year south of the border of the Currumbin electorate four boys were killed in a disastrous car accident on the New South Wales north coast. Mr Wells, father of one of the boys, put it mildly when he said that his family was doing it tough after their son and brother became another statistic in last year's horrific road crash. A further poignant comment was—

We had a spare seat at the table at Christmas. I don't want this to happen to any other family.

This highlighted the enormous sense of grief experienced by those who have lost loved ones this way. The Queensland minister for transport has confirmed that young drivers behind the wheel of eight-cylinder cars involved in crashes in Queensland from 2001 to 2005 were twice as likely to be driving with excessive speed when compared with young drivers in cars with less than eight cylinders. Yet the disparity in this legislation is that the minister will not list excluded vehicles. He will only provide definition and specification of high-performance vehicles.

Stakeholders, too, have been strong in expressing their views. RACQ spokesperson John Wilkman stated—

It's still grey on which vehicles will comply and which won't comply.

Jeremy Davey of Queensland's Centre for Accident Research and Road Safety said—

Young people and high performance cars just don't mix.

It is not just the stakeholders who are actively putting forward their opinions. The average person in the street is joining the debate to reduce the bloodshed on our roads. Some of those comments include—

We could start teaching learner drivers using simulators before they even got behind the steering wheel.

Another citizen commented—

Road safety should be taught in all high schools and all young drivers should attend a driver safety course before being issued with their licence.

There has been some discontent regarding the lowering of the minimum age requirement for obtaining a learners licence from 16½ years to 16, even though the age to obtain a provisional licence remains at 17. Asking some teenagers for their comments in the last couple of weeks, a common response was that as Queenslanders generally finish high school in the year they turn 17 school leavers are heading off to university and into the workforce before they turn 18. Given that the public transport system in most of Queensland is woeful, transport needs to be available to these young people to help facilitate the smooth transition of potentially moving away from home to attend university or going to work full-time. These comments are supported by the argument that decreasing the age required to obtain a learners licence is in fact increasing the time Queenslanders spend behind the wheel in the supervised conditions of a learner driver, gaining more driving experience while still being able to obtain a provisional licence at 17. With these comments, I commend the bill to the House.