



Speech by

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MEMBER FOR SURFERS PARADISE

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POLICE AND OTHER LEGISLATION AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—Lib) (3.34 pm): On the Tuesday of the last sitting week I got a text from my daughter which said, 'I passed.' It was just a two-word text. Being an irresponsible father who had obviously forgotten that she was doing her driving test, it took me a while to realise that it was her driving test that she was referring to, not a mathematics exam. While I was very happy that she had passed the test I also experienced that sense of apprehension that the previous day I had been able to drive with her as she drove and I dropped her off at school and I was still able to say, 'Watch out on that roundabout. Be careful there.' Now all of a sudden she has passed her exam and I cannot tell her anything and I would not even bother trying.

Mr Finn interjected.

Mr LANGBROEK: I probably did not either. The member for Yeerongpilly is right. As a father I felt it was my job. It is very interesting to look at this legislation from the perspective of a father who is going through the situation now with a 17-year-old who is driving. It is a very difficult time for parents when their kids do things like this. Now she is driving and enjoying driving. I know that many of the aspects of this legislation do not necessarily affect her because she already has her licence. I understand that many of these provisions will come in from 1 July.

I think they are very good amendments. They are necessary when we look at the statistics on the number of accidents throughout Queensland and throughout Australia. Kids think they are invincible but we know that too many of them are not. Anything we can do as legislators to try to make the situation safer is obviously commendable. I thought I would just share that personal experience with the House because it remains pretty vivid. My wife, Stacey, and I are always thinking of the fact that she is out there late at night now wanting to drop friends off and go off here and there. Admittedly, she has even picked my wife up from functions—which my wife appreciated—while I was away on a trade delegation. It means that my 17-year-old is out there trying to be very independent.

I am very aware of the statistics on young drivers. I was present at the Gold Coast young driver forum in 2005. I have mentioned before that the transport minister convened that forum in Surfers Paradise. Some of the facts that came out at that forum were quite scary. Last year, 83 young people were killed on our roads. Many of these fatalities occurred in single-vehicle accidents.

In November, a fatal accident near the Sunshine Coast involving a P-plate driver tragically claimed the lives of three teenagers and critically injured a fourth. In 2005, four Townsville teenagers died in a single-vehicle accident when the 17-year-old driver collided with a tree. We had a terrible accident near Lismore only a couple of months ago.

As I remember from that forum, the statistics show that young drivers are at their lowest risk of having an accident when they have their learners permit, followed by their highest risk as soon as they get their licence. It is a frightening statistic. P-plate drivers comprise only 13 per cent of Queensland drivers yet they represent 25 per cent of the road toll. Obviously we have to look at what we are doing wrong.

To this end, the minister for roads and member for Lytton sought to amend the transport operations act to prescribe tougher requirements and restrictions for young drivers, for which I commend him. That

came out of the transport summit that many of us attended at Parliament House last year. Initiatives including increasing driver training time, the compulsory display of L-plates and P-plates and imposing passenger restrictions have been described as lifesaving by peak driving bodies in Queensland. The very purpose of the legislation which will come into effect from 1 July this year is to save lives. I commend the minister for roads on these initiatives.

In order to effect the amendments to the TORUM passed in this parliament in February, specifically those pertaining to peer passenger restrictions, changes must also be made to the Police Powers and Responsibilities Act 2000, the PPRA, and the Legislative Standards Act 1992. The bill before the House will confer on police the power to seek passenger information for this purpose. Currently, the PPRA does not allow police the authority to request some personal information on passengers, such as their date of birth. Without these powers it will be difficult for police to establish a peer passenger offence. This legislation will give police the necessary powers to execute the TORUM as amended.

Academic research and indeed this parliament support the need for peer passenger restrictions to ensure the safety of young drivers, road users and the community in general. International experience shows that there has been a significant reduction in road injuries to young drivers between the ages of 16 and 21 where peer passenger restrictions operate. I am confident that with this initiative in place Queensland will experience the same decrease in driver fatalities, which is obviously a very positive outcome for Queenslanders.

Turning to specific clauses, the provisions dealing with sections 42 and 791 of the PPRA and their impact on section 4 of the Legislative Standards Act 1992 with the introduction and insertion of a new subsection 5 appears to support and prevent a passenger being found guilty of the offence if the driver is not found guilty of age related restrictions. This is consistent with the rights and freedoms of individuals enshrined in fundamental legislative principles. The bill also reverses the onus of proof, conferring it on the driver to establish the immediate familial relationship if they wish to seek exception to the rule. Under the new TORUM laws, a legislative exemption to the peer passenger restriction applies to passengers of young drivers who are immediate family members. By reversing the onus of proof, if a police officer reasonably believes a passenger is not an immediate family member, they may take suitable action. In this instance, if the driver wishes to refute the police officer's conjecture, it will be their responsibility to provide evidence to the contrary.

The difficulty in establishing relationships by police can be time consuming and reduce the availability of policing resources to the community. Legislative changes to TORUM are needed to effect the reversal of the onus of proof to allow police to address the enforcement of peer passenger restrictions and to ensure the safety on the road of young drivers and the wider community. Improved resources and technology for police could also improve measures to identify drivers and passengers to optimise the enforcement of this initiative. In essence, this bill appears to provide operational support to enable peer passenger restrictions to be enforced. From the report based on the feedback from the young driver forums, this initiative is generally supported by the wider community, even by some young people to whom these laws will apply.

I would like to say that in researching this speech I saw something on the Department of Transport's web site which I think were some education materials. I understand that these peer passenger restrictions have been drawn from some restrictions that are in place in America. I think it is very important that in some of the American states there have been more education provisions made to educate many of these young people. I have had friends of mine whose kids are around this age who are unhappy or think they are going to be unhappy about these peer passenger restrictions, because like many parents they just do not think that their kids are ever going to be involved. Can I commend to the ministers for police and transport that it is important that we have some widespread education, not just a couple of leaflets that kids will not want to read. Whether they are education initiatives that might be carried out in schools or something else, I will leave that to the ministers obviously to work out in conjunction with their departments. But that would be a suggestion of mine.

The other amendments contained in the Police and Other Legislation Amendment Bill also give effect to a number of changes to the law as part of the regular legislative spring-clean to ensure Queensland's laws remain up to date and relevant. The Queensland coalition supports these, as I note the shadow police minister, the member for Burnett, has said. We support these reviews and subsequent changes to the relevant legislation. I commend the bill to the House.