



Speech by

Liz Cunningham

MEMBER FOR GLADSTONE

Hansard Tuesday, 9 October 2007

TRANSPORT LEGISLATION AMENDMENT BILL

Mrs CUNNINGHAM (Gladstone—Ind) (4.33 pm): I rise to speak to the Transport Legislation Amendment Bill 2007 and to follow up on the previous speaker's comments in relation to peak demand management plans proposed for those periods of time when public transportation, particularly for the purposes of safety, is important. There have been a number of problems over time in Gladstone in relation to the availability of taxis and the long wait times. Ironically, in today's *Observer* there was an article in relation to that issue which advises that, whilst an additional cab licence has been allocated to the area, there remain significant wait times during peak times, particularly in the waterfront area. In Gladstone there is one particular precinct where young people go to two clubs, with varying degrees of reputation I guess. In fact, taxis refuse to go to one of the club areas because they have had so many problems.

I want to quote from an article highlighting the story of Jackie Zimmerman, who herself has had problems catching taxis in the past. A second story in that article relaying Katrina's story states—

I am writing to you in regard to the taxi service here or maybe I should say lack of taxi service.

I am hoping you can report this in your paper at some stage soon as I am aware of many recent crimes happening in the local area such as rapes and drink spiking etc.

I believe these are directly linked to the fact that you can't get a taxi when one is called and people are left with no option but to walk home. I went out with my friend last night (early September) and injured myself quite badly when I was leaving (fell down some stairs). We then called a taxi. This was approximately 1am.

We then waited 40 minutes before calling a taxi again. By this time my foot was extremely painful as you could imagine. Then after waiting a further 20 minutes I called the taxi myself and was told by the man who answered that no bookings are generally taken for that area (Flinders Parade) but he would send one and also told me he would 'get in trouble' for making a booking. We were outside a restaurant but well away from nightclubs.

After waiting a further 20 minutes I had enough and called my husband who had to wake my two young children to come and pick us up.

My friend was ready to walk all the way back to my house to get the car to drive me home.

Do you think I'm correct in the belief that many young women are forced to make their own way home after a night out because of this taxi situation where they are reluctant to even pick people up?

I think it is a disgrace to this town that people are left to wander the streets considering this is not even a major city.

I believe if this problem was addressed there would be a lot less crime happening if people were not left to sit in gutters waiting for endless hours for a taxi that never comes.

I do not believe that the lack of a taxi service could ever be used as an excuse for attacks on women or indeed as an excuse for attacks on anyone. That type of behaviour is not only criminal; it is unacceptable, selfish and any other negative word that you can think of. Whilst I do not believe a lack of a taxi service in any town should be used, as I said, as an excuse for attacks on women—whether they be rapes or physical assaults—it is a contributing factor and one, as Katrina says, that forces young people to be out walking in perhaps environments where it is not exactly appropriate.

The taxi service in Gladstone is in the process of preparing a peak demand management plan once that option becomes available. Gladstone does not have huge public transport availability in the city, and certainly not after-hours and on Friday and Saturday nights when the clubs are fairly heavily patronised.

There is certainly no public transport to any extent other than taxis and a couple of courtesy buses. The taxi industry has tried to respond with a larger taxi which is able to take bigger groups in order to respond to the party groups. I believe its will is to try to improve the service, and I commend the former minister and the current minister for the initiatives in this legislation.

This legislation also provides powers to enter places of business in relation to heavy vehicles. Whilst I acknowledge that the places that may be entered without the occupier's consent or without a warrant are places of business, these additional powers are concerning. They are not new and I do not pretend to believe that no other legislation contains such powers. But as a community we seem to be constantly giving away our rights, liberties and freedoms because we have greater pressures placed upon us—pressures such as terrorism and such things—to more and more have our rights and freedoms undermined or evaporated.

I believe that there are many, many good truck drivers. I believe that many members would have family members or friends who drive large articulated vehicles, B-doubles and other large vehicles. Members such as the member for Gregory would know of people who drive road trains. I am sure that each of them would be able to tell stories of responsible drivers. But those who ride the highways in any way, shape or form know that there are heavy transport drivers who are driving tired. I find it very concerning that some heavy transport vehicle drivers tailgate. Only last week I had reason to be on the Bruce Highway and saw a B-double behind a rigid truck. The B-double was about a metre and a half behind the rigid truck and was travelling at highway speeds. That is not an isolated incident, either. Those trucks will come up behind you and you cannot actually see their headlights because the back of your vehicle has blocked them. If you had to stop for a roo or anything, you would be gone; the truck would go over the top of you. I am sure there have been instances in which people in sedan vehicles have been incinerated in such circumstances. Nobody has witnessed such accidents to give evidence but I guess there is a lot of supposition about the causes of such accidents.

There are other instances of truckies forcing smaller vehicles off the road, particularly at the end of passing lanes when trucks have tried to overtake the vehicle but have been just a bit underpowered to complete the overtaking manoeuvre. The new powers contained in this legislation, and the powers that police have already, will help to address the problems caused by those drivers. Those drivers drive very heavy vehicles—vehicles with a very large mass and a huge capacity for speed and momentum. As I said, while many drivers of heavy vehicles are responsible, the ones who drive tired—because they are pressured by the boss to do so—are a problem. They are—and I use this word deliberately—blackmailed by inconsiderate and malicious bosses to drive when they should be having a rest. But those drivers who drive with drugs or alcohol, who tailgate and cause those other problems that people in sedans and smaller vehicles face deserve to face the full force of the law.

This legislation introduces a chain of responsibility that does not just target the driver as being responsible in terms of proper and safe driving but also the operators. Although the member for Tablelands expressed some concern about the reverse onus of proof, and I share those concerns, we have to have a system for the drivers and those who push the drivers' buttons. I refer to the bosses who operate the transportation companies and who can make threats to the drivers if they do not comply with onerous and, in some instances, illegal driving programs. There has to be some way for those drivers to have recourse in terms of their own safety.

I have a concern about clause 39, which provides the power to stop private vehicles. I know the current minister was not the minister at the time the bill was introduced—and I thank the officers for their briefing on the bill during the last sittings; they were going to get back to me with some information and for all sorts of reasons that has not happened—but I put this question to the minister. This clause gives the power to an authorised officer to stop a private vehicle. It states—

Also, an authorised officer who is not a police officer and is not wearing a uniform approved by the chief executive may only exercise the powers of an authorised officer in relation to a private vehicle if the officer reasonably believes the vehicle is so dangerous as to be likely to cause the death of, or injury to, a person.

I know that that clause refers to extreme circumstances, but I want to put on the public record my serious concern about that clause—unless there is more information that the minister can give me. Most of us here have children—daughters—who drive. We say to them, 'Lock your doors. When you get in the car, particularly when you are driving for long distances or if you have to stop at traffic lights, lock your doors so that people cannot jump in. Do not stop. If someone indicates to you to stop on the highway, do not stop. If they indicate to you to stop in the city, do not stop. Go to a place that is lit—a police station or a garage—and where there are witnesses. Even if the police car is an unmarked car and you believe that it is a police officer, go to a place where it is safe.' We as parents say, 'We will back you to the hilt if you get into strife.'

This particular clause allows for somebody not in a police car, not in a uniform, to indicate, with power, that a private vehicle should stop. The minister has indicated that he is going to provide some extra information in his reply. That would be great, because if what is printed here is what is intended, I have to

oppose that part of the legislation. As I said, we constantly struggle to have our children use the highway safely, because there are mongrels out there who will try to take advantage of them and worse.

In relation to the rest times for heavy vehicles, the member for Hinchinbrook talked about shower facilities at pull-off areas. Ideally, it would be wonderful if every pull-off point on a highway could have a shower and a toilet for the drivers. It would be magic but, practically speaking, I think we are a very long way from that ever occurring. However, it is important that people driving heavy transport can pull off safely into a parking bay. In that regard, old highways have been of great use. When a new highway is built, an old part of the highway has remained accessible and a small pull-off and pull-on area is created. Those areas are bitumen so that there is no dust and the drivers are able to pull off.

In terms of garages and service stations being used by truck drivers, a lot of angst is caused if those garages are located close to homes and refrigerated trucks are parked there. There has to be some give and take and some common sense in relation to the use of such facilities. But certainly there should be somewhere where drivers can pull off safely and not be subjected to constantly seeing headlights from passing vehicles.

Finally, I want to talk about one of the amendments that have been subsequently circulated, and that is the amendment that changes the time frame in which offence proceedings can take place from three years to five years. I refer to a circumstance in relation to a hit-and-run driver which occurred in 1998. I would be interested in the minister's comment in relation to changing the legislation if the offence occurred over five years ago but there is new evidence that has been collected after that period. Is there any possibility of allowing for that new evidence to be heard? The incident that I am dealing with relates to a young Aboriginal boy who was killed in northern Queensland. Without going into the details, because it is probably not the appropriate place to do so, the perpetrator now boasts of the actions that he took because the statute of limitations has expired. He knows what he has done. He is tormenting the family of the young boy who was killed. There is no justification for what he did. What he did was wrong.

Mr Rickuss: It almost should be a manslaughter charge.

Mrs CUNNINGHAM: Yes, it should be. At the time the perpetrator was subject to the Transport Operations (Road Use Management) Act. He did not stay at the scene of the accident. He breached that. In terms of the provisions relating to the careless driving of a motor vehicle, he breached that. The proceedings for the offences under which he could be charged must start within one year after the offence was committed or within six months after the offence comes to the complainant's knowledge but within two years of the offence being committed. If my recollection is right—and it could be wrong—those changes were brought during the term of the coalition government. The time for bringing charges was shortened to try to get officers and others activated to get proceedings commenced in a more timely manner. Rather than allowing for years for proceedings to be instituted, that period was shortened. So people had to get their act together and get the proceedings started.

Even though one always acts with good intent, there will be some unintended consequence. In this instance the unintended consequence is that, a young boy having been killed and a family having lost a lovely little boy, the perpetrator is openly bragging that he was the one who killed the little boy—and he calls him some fairly unsavoury names—and there is nothing that the police can do because of the statute of limitations. I welcome the change from three to five years, but I seek the minister's comment on the possibility of that being extended to an indefinite period when new evidence comes to hand. In its own way that will limit the flexibility regarding the time within which action can be taken, but it will certainly make it possible to take action when new information becomes available, as happened in that case.

I support the bill. The minister administers a difficult area in terms of heavy transportation. I welcome the additional safety that will be brought to our roads.