



Speech by

Hon. Paul Lucas

MEMBER FOR LYTTON

Hansard Wednesday, 21 February 2007

TRANSPORT LEGISLATION AND ANOTHER ACT AMENDMENT BILL

Hon. PT LUCAS (Lytton—ALP) (Minister for Transport and Main Roads) (5.02 pm), in reply: That was a typically brief but spirited contribution from the member for Nicklin. I thank all members for their contributions to the debate on the bill. The enthusiasm with which members spoke about the road safety initiatives in the bill highlights the fact that this legislation is welcomed not only across a wide section of the community but also across this House. A number of people have said that it is a pity that people do not listen to what happens in parliament more often. We agree on a lot of things and the media often does not report that. Most people in this House—99 per cent—are people of goodwill. We may share differing views as to how things are done sometimes, but we come together to make this state a better place to live in, and this legislation is no exception to that.

The three main road safety initiatives in the bill are: random roadside drug testing; the introduction of a head of power to allow regulations to be made about driver behaviour and licensing of young drivers—and we have discussed some of those initiatives; and the introduction of provisions to allow for technology associated with fixed speed cameras. The bill also contains a number of administrative and minor amendments to other transport legislation to improve processes and clarify existing provisions. The most significant of these allows Queensland Transport to receive daily updates of criminal histories from the Queensland Police Service for persons authorised, approved or accredited under various transport acts. This ensures that the people driving buses and taxis and those involved in the transport industry are continuously scrutinised to ensure that they remain suitable to do their jobs.

A number of speakers commented on the time involved in introducing drug testing on Queensland roads. I make no apology for taking time to get it right. We cannot have a system where we are testing people and the technology is not absolutely foolproof. We have to have the right technology, and we are satisfied that is now the case. These are important and wide-ranging changes that have the potential to impact on a large number of Queenslanders. It is important that we take the time to get it right to put the processes and technology in place to ensure that these laws work. They are based on research and extensive testing to support processes being implemented.

Several speakers raised the potential of using fixed speed cameras on local government roads. It is proposed that the fixed speed camera program will be extended to local government roads. However—and it is really important that members understand this—these roads must meet the selection criteria to be considered for a fixed speed camera site. This policy now applies to mobile cameras and will be continued with fixed cameras. In other words, there has to be a crash history. Some people have a go and say, 'You are just putting them there for revenue raising.' That is why we want to have a crash history before we put them there. But of course we will have others placed in high-speed environments where it is dangerous for police to be there—for example, at the top of the Gateway Bridge, tunnels and the like.

I make this point: when we were in opposition—and I know this because I was in the chamber when we did it—we moved an amendment to make sure that the money from the speed camera program went to road safety and other initiatives. Hypothecation they call it. After the costs of collecting it et cetera are taken out, the money goes into our Safer Roads Sooner program. A little bit goes to the Blood Bank as

well. Local governments, along with other stakeholders such as the RACQ, approve sites for mobile speed cameras through local speed management advisory committees.

The member for Gregory made a very good contribution, as we would expect from someone who knows the material as well as he does. He has been very supportive of road safety initiatives. The member for Gregory is one of the members on the other side of the House who I know is consistent on many of the views that he holds. Some of his views in relation to highway issues are not the subject of this bill, so I will not talk about them. But he is consistent in his drive for road safety initiatives.

He raised what I thought was a good issue about provisional drivers under the age of 25 where the family's only vehicle is a high-powered vehicle. It might be the case in a rural community. There will be exemptions in appropriate cases. One of those cases will be where the only family vehicle is a high-powered vehicle and that is the only vehicle that someone can access. Of course, we will be careful to ensure that they do not use a loophole. So if the family vehicle is a V8 they can use that. But, if we catch them in Brisbane in a V8, that will not be acceptable. There are also vehicles that fall within the definition but are not considered to be a risky vehicle for a young driver, such as smart cars that might have a turbo in them but are low in power.

The member asked for details of the criteria for obtaining heavy vehicle licences under the new legislation and how a provisional driver can get a truck licence. The new graduated licensing scheme will not change the laws relating to obtaining a truck licence. In other words, a provisional C class licence holder, regardless of a P1 or P2, is authorised to learn to drive light rigid, medium rigid or heavy rigid class vehicles. After a period of one year, the provisional licence holder is eligible to undertake a driving test for a provisional LR or MR class licence. After a further period of one year, the person is eligible to undertake a driving test for a class HR licence. They are the standard rules that apply at the present time.

The member for Mansfield spoke about the importance of the drug-testing regime and how RBT has been instrumental as a positive influence on drink-driving behaviour. He visited Melbourne and Victoria to see their random drug-testing program in place. The Queensland process will allow police to undertake drug and alcohol testing at the same time.

The member for Inala referred to random drug testing interstate and the need to act to reduce the number of lives lost. The member for Algester spoke about the community consultation process that we have gone through and the fact that constituents had asked questions about storage of DNA and the measure of drugs in the system. The bill makes specific provisions for the privacy requirements involved. In other words, if it is a positive test, it is held until the court proceedings and appeal proceedings are over; if it is a negative test, it is thrown out. It is not allowed to be used for a DNA database or anything like that. That is not the purpose of this legislation.

The member asked about the measure of drug presence. The testing does not show a reading of .08 or .06 as with blood alcohol levels. It is a presence test. It tests the presence of drugs at a level of impairment. If you are positive, you are impaired according to the test but it does not tell you the degree of impairment. A blood test would, and ultimately I am sure the technology will allow us one day in the future to do that. That is why the penalties based on saliva tests are equivalent to the lesser of the drink-driving offences, because we are not in a position to test otherwise. One of the reasons that we waited was that previously the presence of the drug could be tested but the presence did not necessarily reflect the level of impairment. Now we know the presence and its level of impairment.

The member for Gympie spoke about learning to drive coming at a complex time of life. He is very correct in his observation. Our problem with young drivers is the same as young people generally: they undertake risky behaviour. Whether that is diving in shallow water, binge drinking or undertaking sexual relations when they should have maybe reconsidered them. All of those things are inherent in young people. We want to encourage young women, who are not as risk taking as young men, to be a positive influence. That is one of the areas that I want to have a think about in relation to future advertising. He also spoke about the Mary Valley railway. Rail sublease provisions are provided for.

The member for Fitzroy had an excellent contribution. I do not want in any way to underestimate the outstanding contribution that he has made to road safety in this parliament. Much of this bill is as a result of the very good work that the Travelsafe Committee has done. I thank the Travelsafe Committee members, current and past, and also the member for Fitzroy. He is very educated in this area and has made wonderful contributions. He spoke about the top four contributing factors: inexperience, undue care and attention, alcohol and excessive speed. He referred, of course, to the fact that the safest time, in terms of supporting having the learners permit age lowered to 16, is when you are actually teaching people how to drive and they are under supervision.

The member for Kawana spoke about the issues of fixed speed cameras in local government areas. I have dealt with that. The member for Toowoomba South spoke about forums around the state. He was present, as were a number of other opposition members, in various locations. It was great to see them there. He spoke about the biggest problem with young drivers being inexperience and supported the 100-

hour supervised driving requirement. He spoke about Victoria Whitley, a young racing driver in his electorate, in terms of positive road safety messages. Another member spoke about that as well. We are very supportive of using young people to get the message across. We used Nick Benjamin in the current advertisements and Shem Aitken, another great young guy seriously injured in a car accident, to send a message in the *Never the same again* DVD that goes out to every young person when they get their provisional licence.

The member asked about the drugs that might be tested for and why it is limited to three drugs. The answer is simply because the technology allows us to detect only those three drugs at the moment. If in the future heroin, for example, is able to be detected by a saliva test to test impairment, then the provision requirements allow us to do that. He asked about intercoolers and turbos. Turbos, of course, are banned. Very low-powered turbo vehicles such as smart cars are not banned.

The member for Tablelands spoke about the use of stimulants in the heavy vehicle industry. Drivers of heavy vehicles, like everyone else, will be subject to this testing regime. A number of members spoke about issues not pertinent to the bill, such as road issues, which I would be happy to talk about but time does not allow us to do that.

The member for Hervey Bay spoke about the significant progress we have made in driving down the road toll. There has been progress in that regard but in recent years it has plateaued. That is a concern. The next big issue will be electronic stability control which my department is pioneering within the government in terms of preferring ESC-equipped vehicles when they are available. All Commodores come standard with ESC. The member for Yeerongpilly and I experienced that firsthand at the Holden Performance Driving Centre.

A number of members have spoken about driver training in terms of going around race tracks. As the chairman of the Parliamentary Travelsafe Committee and other members, including the member for Kurwongbah, pointed out, it is not about teaching people to drive to the limit of their or their vehicle's ability; it is actually about teaching drivers not to get in that situation. If members go out to the Holden Performance Driving Centre at Ormeau, which is a very good operation, the instructors point out that learning how to drive should be boring, that is the appropriate training, not screaming around a racetrack. We have to be very careful about that. The federal government is doing a world's best practice study of driver training. It is running quite a long way behind but we do support that so that we can arrive at what is the best program.

Mr Johnson: Get on gravel roads and administer ABS braking and you will find out about driving, I tell you. They are the most dangerous damn things you could have.

Mr LUCAS: I take the interjection from the honourable member. One of the problems we have in Queensland is on rural routes where there are B-doubles or a road train where people think they can have half the road each. That cannot be done with a road train. The road train has to have the road because there will be worse problems if the road train has to come off the side of the road, half on and half off. That is a big education for tourist drivers.

Mr Johnson: There is an unwritten rule on those roads. I think signage would be a good thing.

Mr LUCAS: That is something that we will look at. People need to understand that those sorts of things do not apply to people in the city or even in regional centres. The member for Warrego spoke about the drug-driving issue. He asked whether blood tests would be used as a backup. That is not needed because there are two saliva tests done. A confirmatory saliva test is done. A blood sample is generally only done where there is a negative saliva test but the police might believe that there is another drug they might be under the influence of or the equipment is not working.

I was disappointed that the member linked speed cameras to revenue raising. I thought the member for Gregory dealt with that very adequately. It is not revenue raising. Indeed, the money goes into black spot eradication under our Safe Roads Sooner program. If people do not want to pay a fine, do not speed. It is as simple as that. He also spoke about medical fitness. I dealt with that in a number of comments I made at the time.

The member for Cunningham spoke about the fact that young driver licensing is not a popularity contest but is a matter of making no apology for getting the right things done. With my eldest son almost ready to get his learners, I am now getting very worried about what happens at night. I want to pick him up when he goes out. It is funny how one's life goes through stages. One does not understand the seriousness of people who are cruel and inhumane to children until they have their own children. The Leader of the Opposition has kids who are older than mine, as has the member for Gregory. The next phase for me now is having the worry of wanting to hear the key in the door. I will stay awake until I hear the key in the door and I know that he is there.

Mr Seeney: And the phone rings at midnight.

Mr LUCAS: Absolutely. There are a number of former police officers in this House who have had the terrible job of knocking on someone's door when someone has been seriously injured or killed. That must be the most terrible thing in the world for them to have to do.

The member for Cunningham asked about high-powered restrictions. A high-powered vehicle is a vehicle with an engine above 200 kilowatts, with eight or more cylinders, a turbo or supercharged engine other than diesel, a rotary engine above 1146cc or significant engine performance modification. Small engine turbo cars such as smart cars are specifically exempted.

The member for Maryborough commended the Travelsafe Committee. He spoke about silly behaviour in relation to mobile phones. The member for Springwood spoke about the daily monitoring of criminal history in terms of taxi and bus driver requirements and also noted that these laws in terms of young drivers are broadly reflecting community opinion.

The member for Cleveland, a former operational police officer, knows very much about these issues and has experienced them himself. He pointed out the importance of the learner provisions and canvassing the community. The member for Woodridge spoke about community consultation and the huge interest through the Road Safety Summit. She was horrified by the results of the drug trials that were done in Townsville and south-east Queensland that showed a prevalent use of drugs, far higher than drink driving. As the member for Gregory may have said earlier, that is because we suspect that people do not think they will get caught. This legislation will change that.

The member for Currumbin asked if the speed of drug saliva testing will be faster. Yes, it is. We are using a more advanced technology, I am told, than in Victoria. There will still be a time that people will have to wait. It is not like a breath analysis instrument which is instant. People will need to be patient. That is the price that we pay. It will go to John Tonge and be available between seven and 14 days. It is a confirmatory sample. There will be the appropriate scientific instruments purchased and lab assistants funded for that.

I have spoken in relation to the drugs being prescribed under the regulation so that we can add them later on. We will not be reviewing the legislation after 12 months, but it will be constantly under review. Some matters were raised in relation to the Scrutiny of Legislation Committee to which I have responded. The member for Hinchinbrook said he would hope that we would add new drugs to the list as technology becomes available. I can assure him that that is what we will do. He supported the 100-hour logbooks. He said that we should look at defensive driving courses as part of the P-plate licence stage. As I said, we have to be very careful about the training that people undertake. We do not want to increase the crash risk. We are keenly awaiting the federal government's study.

As the member for Kurwongbah said, the more that a driver practises with their mum and dad or a driving instructor the better. The member for Gladstone raised the importance of foresight and fairness in peer passenger restrictions. We have tried to design them to be practical but firm.

The member for Cook supported fixed speed cameras. He pointed out that they are very avoidable: if a person does not speed they will not get a ticket. He believes that they change behaviour. The evidence is that fixed speed cameras have saved lives, according to research commissioned by the state government. The member for Capalaba indicated that he was very positive about random drug testing and fixed speed cameras.

The member for Broadwater made an important point in terms of peer passenger restrictions. Her point on peer passenger restrictions is supported by research, but her concern is to ensure that we encourage public transport use. We have designated drivers, but there will be more people driving if people cannot have four or five people in the car. That concern is outweighed by the danger of having four or five people in the car. The member for Clayfield spoke about that previously.

I can remember a number of instances when I was an 18-year-old where there, but for the grace of God, went I. We had four or five blokes in a car going stupid in high spirits. That did not even involve alcohol; we were just doing silly stuff. One of my best mates—I had a drink with him on the weekend—put his hands in front of my eyes when I was driving along the Gold Coast Highway once at Palm Beach. A car accident could have been caused by that behaviour. We do silly things when we are young.

The member for Lockyer supported the bill. He spoke about the extensive work of the Travelsafe Committee. The member for Burnett spoke about the need for advertising campaigns. He wanted us to go further than the 'enough is enough' campaign. The member for Greenslopes spoke about the Travelsafe Committee. He spoke about young drivers, as a parent who is about to teach his daughter how to drive, and government advertising campaigns.

The member for Surfers Paradise spoke about drug driving and testing. He asked how the testing will be funded. I indicated that it will be funded by the police and, of course, funding for the John Tonge Centre will go to the Health department. He spoke about mobile phones and speaker functions. It is difficult to enforce that, but it is about encouraging people to do the right thing.

The member for Kurwongbah asked about the transitional provisions. I dealt with that in my response to her during her contribution. The member for Mount Ommaney spoke about the benefits of the

RBT scheme—how it worked well—and the legislation is based on that. She spoke about drinking and drugs not only in relation to driving but also in relation to gatecrashing, violence and antisocial behaviour.

The member for Charters Towers made a good contribution. His contribution was not actually on the bill, but it raised a number of local issues and road issues that I will talk to him about. The member for Caloundra spoke about the important responsibility of parents, which is a very critical issue. Parents need to understand that how their kids drive on the road is a matter they need to take an interest in. If parents supply a car for their children, they have every right to say to their kids, 'This is the basis upon which you use this car.' Parents should check up on their children. If the children do not use the car according to that basis the car should be taken off them. Having a car is a privilege not a right.

The member for Barron River spoke about the personal circumstances he had gone through with a sister who had been seriously injured in a car accident. A number of members have had similar tragedies befall their families. He also spoke about the various penalties that were involved under the legislation. The member for Bundamba again recounted a number of experiences of sadness and lost lives. The member for Mudgeeraba spoke about the Travelsafe Committee's research and work. She also spoke about the learner's phase giving young people time to learn to drive.

The member for Redlands, a former serving police officer, spoke about the bill, road safety and the importance of understanding the benefits of speed cameras. The member for Clayfield supported the bill and the safeguards for drug testing we outlined earlier and the 100 hours driver training. The member for Mirani spoke about the disproportionate number of young drivers who contribute to the road toll. He also spoke about the Driver Reviver program. The member for Nicklin spoke about fixed speed cameras and his desire to have them looked at in his electorate.

In conclusion, I would like to thank everybody who took part in this very extensive process of young driver policy reform throughout the state, including organisations such as RACQ, CARRS-Q and the local police emergency services that came along. I would like to thank people such as Nick Benjamin and Shem Aitken. I would also like to thank Mike Stapleton from my department and his team, and before him was Tony Kursius, who performed an outstanding job.

It is very difficult to do, but I think that by working together we have taken Queensland from not leading driver reform to clearly leading young driver licensing reform in Australia. I would like to thank everyone for the enormous amount of work they have done and the loyalty, professionalism and dedication that they have shown.

As Linda Lavarch very eloquently said: this will save lives. We will not know whose lives it will save because we will never know that, but I know that this legislation will save lives. I also know that when we pass this legislation and implement these provisions, tragically, young lives will still be lost. The government has to play its role and continue to do so. Parents have to play their role and continue to do so. Most of all, young people need to accept responsibility for their actions, and we need to provide them with the tools to do that. We hope that this legislation will in some way go towards doing that.