



Speech by

Hon. Paul Lucas

MEMBER FOR LYTTON

Hansard Wednesday, 14 March 2007

MOTION: DISALLOWANCE OF STATUTORY INSTRUMENT

Hon. PT LUCAS (Lytton—ALP) (Minister for Transport and Main Roads) (9.10 pm): I would like to thank the honourable members for their contributions tonight. At the outset I want to make it clear that, although I disagree with the members of the opposition and a number of members on the crossbenches, I accept that what they have done here tonight has been done in good faith. I have a very good working relationship with the shadow minister. I accept that he and the other opposition members did what they did tonight with the best of motives. I do not think they are right. They do not think that I am right. But I do not dispute their bona fides.

I want to address a number of fundamental issues that I have with the opposition's disallowance motion. Firstly, this disallowance motion does not deal only with the demerit points. The opposition has moved a motion of disallowance of the entire regulation. Section 50 of the Statutory Instruments Act allows the opposition to move a disallowance motion to part of a regulation. If the opposition had its way tonight, we would be not only disallowing the heavy vehicle demerit points but also disallowing a provision in the regulation that increases the maximum speed capability of a road train/prime mover to 100 kilometres an hour to allow industry operators to achieve dual capacity by being able to switch from road trains to B-doubles and semitrailers without the road train/prime mover speed rating restriction of 90 kilometres an hour. That is what we would be disallowing if we passed this motion. That is a provision that would advantage the heavy vehicle industry. Instead of the opposition moving this disallowance motion to the entire regulation, it should have moved a motion for a partial disallowance of the regulation, which it is entitled to do under section 50 of the Statutory Instruments Act.

Let me be very clear about what is not being changed by this regulation. None of the requirements relating to regulated driving, work and rest hours are being changed. None of the existing driving hour exemptions are being changed. None of the requirements relating to logbooks and local area records are being changed. These requirements exist under the current legislation to ensure that drivers get adequate rest and thereby do not pose a threat to their own safety and the safety of other road users.

Comments have been made about the importance of the livestock industry to Australia's economy. To be a livestock driver must be the toughest of all long-distance driving jobs. I appreciate the difficulties associated with managing and driving livestock from remote locations. In fact, the other day someone said to me, 'Will you come out and do a long-distance drive with a driver in the livestock industry?' I said, 'I am happy to do that.' I have certainly done that up the coast on B-doubles with the standard heavy transport industry. I am more than happy to do that with the livestock industry, because I accept that it is difficult for them.

But that is precisely why we make extra allowances for livestock operators. That is why anyone else who drives a heavy vehicle can drive for 14 hours, but someone who drives a livestock vehicle can drive for 16 hours. It is legitimate to do that. Nothing in this motion changes that. In real terms, that means that livestock operators are allowed to drive four hours more than the regulated standard driving hours and two hours more than the drivers operating under the Transitional Fatigue Management Scheme.

That means that before a livestock long-distance truck driver attracts any demerit points, they have to drive for 17 hours. I do not think it is unreasonable for drivers who break a law that allows them to drive for 16 hours by more than an hour to wear some points for that.

Mr Horan: Sometimes you take your breaks along the way.

Mr LUCAS: Of course. But all of the laws are drafted on that basis. This regulation changes the penalty system that applies to these requirements. This regulation will introduce demerit points and tougher fines for existing offences. That is because there are still some heavy vehicle drivers out there—a very small minority—who are continuing to drive while fatigued, putting Queensland lives at risk. During 2005, in Queensland there were 48 fatalities and 439 hospitalisations as a result of crashes involving a heavy freight vehicle. In 2006, this fatality rate rose to 54. In 2005, 10 of those fatalities were a result of crashes involving a fatigued heavy vehicle driver. That figure represents 21 per cent of all fatalities as a result of crashes involving a heavy freight vehicle. These statistics also represent nine more fatalities than were incurred in the previous year and five fatalities greater than the previous five-year average.

In simple terms, that means that our current penalty scheme for driving a heavy vehicle while fatigued needs to be strengthened. Driver fatigue can be just as deadly as excessive speed or drink driving. The member for Fitzroy pointed out very adequately the blood alcohol equivalent of driving for a lengthy period. It is very, very frightening.

I will give members some examples of why legislation to deter heavy vehicle drivers from driving tired is necessary. On 19 December 2005 a heavy vehicle driver died and a light vehicle driver received multiple fractures when the heavy vehicle veered across the double white centre lines into the southbound lane and collided with the light vehicle. On 26 February 2005 a heavy vehicle passenger died and the driver was seriously injured when the vehicle left the road and collided with a tree. On 13 April 2003 a heavy vehicle driver died when their B-double left a straight section of road, overturned and went down an embankment. On 18 April 2002 a heavy vehicle driver died after their B-double left a straight section of road, struck a tree and caught fire. On 7 December 2000 a heavy vehicle driver fell asleep at the wheel, hit a stationary vehicle and killed two doctors. Those are just a few examples of the accidents that can occur.

I would also like to highlight a particularly alarming statistic with regard to heavy vehicles and the potential harm and enormous impact people driving whilst fatigued can have on the road network. Over the past five years in Queensland there were 243 fatalities as a result of crashes involving heavy freight vehicles. That figure represents an average of 49 fatalities per year and 15 per cent of our road toll.

An important factor to note in this new penalty regime is that demerit points will not be applied for a breach of driving hours if it is for less than an hour. The members opposite have said to me—and I have heard it very loud and clear—and other people have said to me that they did not want a technical exclusion. They did not want, 'If you are five minutes over, you will wear points.' So we gave drivers an hour's grace before they wore points. These drivers will still be penalised with a fine, but will receive no demerit points. I table the summary comparison of the offences.

Tabled paper: Document titled 'Summary comparison of heavy vehicle fatigue offences, old and new fines, and demerit points from 1 March 2007'.

There are various categories of offences. For example, failing to record required information or driving record attracts a penalty of three demerit points. That is the not filling out the logbook offence. Of course, that offence has to be penalised severely because people who do not fill them wait until they take their rest and then rort them.

On the other hand, there is the offence of failing to record information in the required manner, which attracts zero demerit points. So there are different categories of offences that people can commit. But I will say this quite categorically: if anyone is getting done for making spelling errors—that is Townsville without an 'e' or with one 'l' instead of two—please tell me, because I will not tolerate that. But no-one has been able to provide that to me.

Mr Johnson: Going back through the logbook, too. They're going back six months.

Mr LUCAS: I ask members to please write to me about those constituents who come to them about infringement notices that they have received and which they do not like. I want the law to catch the people who need to be dealt with; I do not want to have a regime that penalises the vast majority of truckies who are decent and honest.

Queensland can take pride in the fact that under successive governments—both Labor and coalition—it has been the most progressive state in Australia not only in relation to road safety but also in relation to the efficient use of heavy vehicle combinations. Although the other states may prohibit such combinations, in Queensland we adopt a performance based approach. We allow far more efficient freight combinations in Queensland than the other states allow. That approach has been to the economic

advantage of our transport industry. We ought to be very proud of the fact that we do that. Other states get stuck into B-doubles because they do not like the sound of the name. We know that B-doubles are among the safest of all combinations. Therefore, we are at the forefront of the transport industry.

Since the introduction of the regulation, one person has been picked up by Queensland Transport inspectors. That person drove from Victoria for a continuous period of 18 hours and 45 minutes, other than for filling up the tank. The driver admitted the offence and was issued with two infringement notices. However, since 1 March—in the first week of the introduction of the regulation—only seven infringement notices were issued by Queensland Transport inspectors. That suggests that compliance with the existing driving while fatigued laws has clearly improved.

We are not seeking to impose demerit points on someone who, through unforeseen circumstances, exceeds their hours by 15 or even 45 minutes. By increasing the penalties for noncompliance with existing regulated driving, work and rest hours, we are seeking to deter drivers exceeding their driving hours. Up-to-date enforcement statistics show that over a 12-month period, over 4,500 infringement notices were issued for a range of driving, work and rest hours offences and logbook or driving record offences.

There is a very simple solution to these changes. If people do not want to be booked all they need to do is comply. This is where I part company with the opposition. A number of people in good faith said, 'You will force people out of the industry.' The one way to make sure that people are not forced to undercut, undercut, undercut and drive unsafe hours is for everybody to be subject to an equal regime. That is when we get the cowboys out. I feel terribly for heavy vehicle drivers who have other people out there who want to rot their logbooks and undercut them. What situation are they left with then? They are saying, 'Charlie can do it continuously. He doesn't need to take a break.' And those opposite want to have a regime that does not deal with those people adequately. I say to truck drivers that we will make sure that the playing field is levelled in favour of the vast majority of those who do the right thing.

I have instructed Queensland Transport to undertake a thorough evaluation of the existing livestock welfare driving hour exemptions to ensure that any reforms strike an appropriate balance between the issues of fatigue management, livestock management and economic viability. As I said before—and I do not know whether the member for Gregory heard me—it must be the toughest job of all to be a livestock transporter in terms of the industry, the hours, the roads and what they have to do. I am more than happy to listen to their issues and see what we can do for them. I cannot compromise on the issue of driving hour safety. But there might be a number of other things that we could work out in relation to them.

A number of people have spoken about the guidelines in relation to rest areas. As part of the reforms, the National Transport Commission also undertook a project to examine current road agency guidelines and practices on the provision of rest areas in rural areas and to propose modifications necessary to cater for the needs of heavy vehicle drivers in non-urban areas. One of the members—I forget who it was—made a reasonable point about what do you do if you are in a rest area with dangerous goods and someone else drives up next to you. That is unrelated to these rules, but it is not a bad point.

Mr Johnson: Or another truck with dangerous goods pulls up beside you.

Mr LUCAS: That is right. That is not a bad point, and we need to look generally at what would happen in that situation. That is unrelated to these provisions here, but it is something that we need to look at.

The ATC commitment to these guidelines was reinforced in the recent vote on the national package through ministers being asked to 'affirm the commitment to the provision of adequate rest areas to enable rest requirements to be met, including meeting the COAG requirement for the construction of rest areas to agreed national standards'.

We have a range of heavy vehicle rest area facilities spread across 170 locations. I have said to industry, 'Please sit down and tell me where you think they are a priority for the future and we will work with you as well.' I will not get into the federal government tonight about its totally woeful level of funding for the National Highway, but this is one of the issues that we should be addressing.

Already under this program a heavy vehicle rest area project has been approved on the Leichhardt Highway between Goondiwindi and Westwood. Another on the Cunningham Highway between Goondiwindi and Yelarbon has been short-listed for consideration this year. Further work is being done. An audit being conducted by the NTC, to be completed by June 2007, is looking at heavy vehicle rest area facilities on the following sections of the AusLink network: Brisbane to Cairns, Goondiwindi to Toowoomba, Stanthorpe to Ipswich, and Gold Coast to Brisbane. Main Roads will carry out its own investigation of the remaining strategic freight network by the end of August 2007, to guide future investment in heavy vehicle rest areas.

The statewide planning for roads has allocated \$11.8 million for fatigue countermeasures including consideration of additional heavy vehicle rest areas on 'other state controlled roads' in years three, four and five of the new RIP.

Mr Johnson: Where you are doing those duplications—that is a good location.

Mr LUCAS: I accept the point that member for Gregory is making in that regard. The member for Gregory also touched on the issue of what we are doing in terms of improving the efficiency of the national freight network. The Roma to Mitchell project—making that suitable for B-double access—could save truck drivers \$1,000 a trip.

Mr Johnson: Type 1.

Mr LUCAS: It could save type 1 drivers \$1,000 a trip if the federal government would spend the money. That is what we need to address—increasing freight efficiency.

I made it clear at the summit that we would legislate in the area of heavy vehicle demerit points. It has been known for a long time that we would take action in this regard. We have special requirements for the livestock industry. They are allowed to drive 16 hours rather than 14 hours because of their particular circumstances and, indeed, these demerit point provisions do not cut in for another hour afterwards.

We know that there have been fines paid in a number of instances by the bosses and that is a way of holding it over the truckies' heads. They say, 'We'll fix up the fine; you drive.' Then the truck driver has no incentive to comply with the law because the boss is paying the fine. That is why demerit points for speeding and all sorts of offences are used to stop the rich and those people who are advantaged by the offence paying the fine.

I accept the vast majority of truckies are law abiding and it is a tough industry. But this is about making it an industry that people want to work in, where people are not forced to drive unfair and unsafe hours. Nothing has changed on what is or is not legal. I get on quite well with the member for Hinchinbrook. I think he is an intelligent person who has the best interest of his electorate at heart. But when he says that these people who are complaining are law-abiding people, it is only those people who are breaking the law who need to be concerned because this does not change the laws. It changes the law with respect to the consequences of breaking the laws, not whether the law is broken in the first instance.

In terms of spelling errors or technical issues, I have said over and over give me examples. But no-one has given them to me yet. I am more than happy to look at them, and I look forward to getting letters from people and I will deal with that. I think our transport inspectors do a wonderful job. There might be one or two who are overzealous, and we need to look at that. But, by and large, they are there to do one thing—to keep your kids, my kids, your family, your loved ones, your truck drivers safe and alive on our roads.

The member for Tablelands spoke about the fact that we need to spend more money on our roads. We do, and that is why I indicated what we will do with rest stops. In addition to that, I cannot stress enough that in Queensland we spent \$1.98 billion in capital expenditure on our roads this year. New South Wales spent \$1.5 billion and Victoria \$1.1 billion. We spent 2¼ times and two times respectively per capita what New South Wales and Victoria spent. This is a big state and it requires big expenditure, but we are out there doing it.

People like the member for Darling Downs, who in their normal snide remarks say things like, 'What would you know about it?'—

Mr Hopper interjected.

Mr LUCAS: There he is again—one of the most ignorant people in the parliament. I will say this about debating here—

Mr HOPPER: Madam Deputy Speaker, I rise to a point of order. I find those comments offensive and I ask them to be withdrawn.

Madam DEPUTY SPEAKER (Ms Darling): Minister, will you withdraw?

Mr LUCAS: I withdraw the comments. I say this: everybody who sits in this parliament represents the people of their electorates. It is ludicrous to suggest, for example, that if you are not a lawyer you cannot comment on legal issues, or if you are not a police officer you cannot comment on police issues, or if you are not a parent you cannot comment on child welfare issues. When people make these snide remarks of 'What would you know?' all they do is belittle the place and belittle the role of a member of parliament.

The role of a member of parliament is to represent their constituents regardless of their individual skill set. We have a broad variety of people here, and that is what makes this place great. But the day that

you say that only truck drivers can deal with issues concerning the truck driving industry or that only lawyers can deal with legal issues is the day when we ought to give up and allow this place to be run by experts. We are experts in representing people generally and that is why we are here.

Mr Hopper: You haven't got a clue.

Madam DEPUTY SPEAKER: Order!

Mr LUCAS: I do not need protection from him, Madam Deputy Speaker. In conclusion, this is about protecting the vast majority of truck drivers who are law abiding and who do the right thing. It is about protecting their road safety and the road safety of others. It is about protecting them from shonks who seek to undercut them and remove the viability from their industry. We have the best and most efficient truck driving industry in the world in Australia. There is no doubt about that at all in terms of the distances that we have to travel. This is about making it even safer and better.