



Speech by

Rosa Lee Long

MEMBER FOR TABLELANDS

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SUMMARY OFFENCES AND OTHER ACTS AMENDMENT BILL

Ms LEE LONG (Tablelands—ONP) (9.26 pm): The Summary Offences and Other Acts Amendment Bill 2006 amends six acts and, as such, covers quite a bit of ground. The headline issue is the banning of the sale of spray-cans of paint to minors. Amendments to the Summary Offences Act 2005 will require shops to put up prohibition signs. Offences will be created for sellers, employers and employees who sell spray-cans to underage buyers in certain circumstances. Clearly this is aimed at addressing the growing problem of graffiti.

However, I believe that it would be better to focus on punishing the offenders—that is, the people creating the graffiti—rather than lumbering honest, law-abiding shopkeepers and staff with more rules and the threat of penalties. When the offenders are caught they should, as a matter of course, be forced to clean up their mess. I am not too worried about them being children—I am not talking about jailing them—but if they think they are old enough and clever enough to destroy public buildings, private fences or railway wagons then they can spend some of that energy cleaning it up.

I believe that our justice system is not served well enough if it takes responsibility for their actions away from young offenders. I believe that this kind of offence in particular is ideal for putting that responsibility back on the offender. Cleaning up the mess one creates is a very basic lesson in responsibility.

I move now to the amendments relating to the use of SMS and similar communication services also contained in the Summary Offences Act. These amendments are aimed at stopping anyone making a business out of passing on information about the location of police speed cameras, mobile radars, RBTs and other traffic enforcement sites when it may help someone avoid or prepare for the site. I have a number of concerns with these amendments. The first is that they discriminate in favour of one kind of business over another. Radio stations will still be allowed to broadcast such warnings, but the businesses that do so by text message, mobile phone or internet networks will be banned. If the main argument is that people should not be allowed to avoid a radar site or RBT location, then surely simple logic tells us that radio broadcasts, which can be heard in practically every vehicle on the road, should have a much greater potential effect than the text services that are only sent to those relatively few people who subscribe to such a service.

Then there is the argument that the text services require people to look at their phone to read the message. We already have to look at the speedometer to ensure that we do not break the law. Telling a policeman that we were speeding because we did not look at the speedometer as we were busy keeping our eyes on the road will not work as an excuse. We need to check the petrol gauge to see if we need to fuel up. We should monitor the engine temperature gauge to avoid mechanical problems. If our vehicles are fitted with satellite navigation systems, as is increasingly common, we will need to look at the map on the screen from time to time to ensure we find our destination. We may glance at the air-conditioning controls to adjust the temperature. We might look down to adjust the demister and so on. We are now beginning to see some cars appear with night vision devices, some of which operate through a screen in the dashboard. Should we look at these screens or simply keep our eyes on the road regardless of how

bad the viewing conditions are? How do we balance all of these demands with the basic need to keep our eyes on the road?

These amendments as they relate to speed cameras and mobile radar operations also raise the issue of whether exceeding the speed limit is actually that much of a contribution to the road toll. I am well aware of what the common wisdom is, but it has been challenged by recent figures from England which indicate that only five per cent of drivers who crash were breaking the speed limit. These are new figures based on a new method that police in that country have adopted to record the cause of crashes. I raise them in the context of whether speed camera locations, mobile radar locations and the like are fulfilling a revenue raising role rather than meeting a pressing road safety need. Certainly the figures from England raise doubts about the road safety function of strictly enforcing speed limits while disregarding other factors such as road conditions, weather conditions, vehicle standards and so on. If that is the case—if the speed cameras are more about revenue raising than about road safety—then regulating the way people pass on information about them is more to do with cash flow than saving lives.

Interestingly, the same figures identified distractions caused by mobile phones, satellite navigation systems, driver impatience and drink and drug driving as being neglected as factors in the road toll. I believe that serves to highlight how complex the road safety environment is. One may wonder how far this will go because there appears to be a grave conflict between the equipment and devices being fitted into motor cars all demanding greater or lesser attention from the driver while at the same time, of course, the driver needs to keep their eyes on the road. Should we be banning all but the most basic of devices from our vehicles? Should we have only a speedometer and nothing else on the instrument panel? Is that more likely to improve road safety than draconian enforcement of arbitrary speed limits? Perhaps it is time to have a wider debate about the entire road safety environment rather than the current concentration of blind enforcement of arbitrary limits.