



Speech by

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MEMBER FOR TABLELANDS

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TRANSPORT LEGISLATION AND ANOTHER ACT AMENDMENT BILL

Ms LEE LONG (Tablelands—ONP) (8.38 pm): I rise to contribute to the debate on the Transport Legislation and Another Act Amendment Bill 2006. This bill is aimed primarily at introducing drug driving, young driver licensing conditions and potential new technologies including fixed cameras that may be used in conjunction with speed cameras on our roads. It also deals with other areas, including the handling of rail subleases and other rail property issues and matters relating to the health of public transport drivers. These amendments, which will enable the Beattie government to proscribe new rules by regulation, not legislation, will have a significant effect on the licensing of our young and learner drivers, particularly those under 25 years of age.

It is proposed that the Beattie government will reduce the learner licence age to 16 and extend the minimum learner licence period to 12 months, require learner drivers to record 100 hours of certified supervised on-road driving experience, noting that a learner licence will be valid for three years, and will require motorbike learners to hold a provisional car licence for 12 months prior to gaining a motorbike learner licence.

The government is also planning to introduce a two-stage provisional licensing system with tighter restrictions affecting those in the first stage, particularly those under 25 years of age, including compulsory P-plates, passenger restrictions between 11 pm and 5 am and only being able to carry one non-family member passenger aged under 21 during these times. High-powered vehicle restrictions for first and second stage provisional drivers are also proposed, as is restricting all mobile phone use and restricting mobile loud speaker functions for supervisors and passengers of the learner drivers. There will be late night restrictions for young drivers returning from a licence suspension or disqualification or for driving under a good behaviour licence, and they will have to pass a 12-month hazard perception test to progress to a second stage provisional licence. Provisional and open licence holders under 25 years who have been disqualified will be required to recommence at the first stage provisional licence. Just for good measure, in case anyone under 25 years feels that they have been discriminated against on the basis of age, the Beattie government has included provisions that will mean that the amendments cannot be declared unlawful on those grounds.

These are quite major changes and, coupled with drug testing, could have serious consequences if violated. The explanatory notes refer to the number of 2005 road deaths that involved young drivers. It was 106 or 32 per cent of the road toll for that year. It would be interesting to know how many of those deaths involved just alcohol, just drugs or a combination of both, and the other factors that were involved in the remainder of the road deaths in 2005. The explanatory notes also refer to 114 deaths in 2005 having alcohol and other drug use as contributing factors. That is almost 35 per cent of the toll. However, again there is no indication of how many were just alcohol related, how many were just drug related or how many involved both.

Whatever the figures are, I am sure that the state of our roads network is also part of the equation. Along with making the legislative environment harder and tougher on drivers, there is a duty of care on this government to do much better in terms of the level of maintenance on our Queensland road networks, including the roadside environment, road cambers, the grip or glasslike smoothness of some asphalt, the

sealing of shoulders, widening and so on. Road users are already paying far more in fuel taxes, excise, registration and so on than is being spent on our roads.

I turn now to the proposed regulations to introduce random roadside drug testing. These amendments will mean that if any level of illicit drug is detected, it will be considered an offence. Unlike alcohol, which has a limit of .05, drugs will have no acceptable minimum level. One would have to wonder whether passive smoking, whether knowingly or unknowingly, of cannabis will have an effect due to the zero tolerance level or whether those on certain medications will know when their medications will have worn off sufficiently to enable them to drive. I am aware that in America federal employees are subject to random drug testing. In some cases it has been found that eating pastries with poppy seed toppings can have a positive result in a drugs test. While those cases may be exceptional and the proposal before us today includes a very short list of illicit drugs, at present anyhow, it begs the question of how practical the zero limit is in regards to drug driving.

For a first offence there will be a penalty of up to \$2,100 or up to nine months in jail. Police will be able to test drivers of motor vehicles, trams, trains or vessels for the purpose of conducting a saliva or blood test to determine the presence of a relevant drug. It is envisaged that initially the relevant drugs will be cannabis, speed and ecstasy. As the minister said before, that list may be added to at any time.

Initial roadside testing is anticipated to take up to five minutes. If a second test is needed, it could take up to 10 minutes. The saliva specimen will be divided into parts and placed in separate containers. If a relevant drug is detected, then another part of the specimen may be analysed in a laboratory. Delays caused by drug testing to law-abiding citizens going about their normal daily business may not be widely accepted.

I now turn to a specific area of drug use that is addressed in this legislation, which is the use of stimulants in the long-distance trucking industry. Those drivers are identified in a parliamentary library research brief as being among those most likely to be affected by drugs while driving. It also notes that this is because stimulants are used so the drivers can stay awake. While impaired driving is unacceptable, here is a clear example of how only part of the problem is being addressed.

We expect our transport needs to be met on demand. This means that drivers are often forced to cover long distances on extremely strict schedules. Government laws deem that they are also expected to stop at designated times, to rest for designated times and to keep logbooks showing this. Clearly, all these things clash with the commercial imperative and the fatigue management requirements. Add to that the fact that there are very limited rest areas—let alone rest areas with even basic toilet facilities—suitable for heavy transports to park in and the drivers wind up in an unenviable position.

We really need to improve road safety, particularly in the heavy transport sector. Therefore, along with regulations and fines and drug-driving penalties being imposed, surely this government has a duty of care in meeting its obligations in making it possible for those drivers to meet their conflicting goals. Increasing penalties, for example demerit points, now accumulate on logbook offences, with maximum penalties which can go as high as \$4,500, all applying to the driver. Those hardworking drivers can ill afford to lose \$300 or \$600 per week, or nearly a week's pay, let alone anything higher. The drivers believe that it is high time that this government faced up to its workplace health and safety obligations and provided them with suitable truck stops. As yet, there is no help for the driver to resist the pressure of delivery times and no provision of more rest stops with basic things like toilet facilities, let alone a covered table and a bench to sit at.

I support action against drug-impaired driving, but I believe that one of the first things that should be done, especially in the heavy transport sector, is to reduce the need for so many drivers to feel as if they have to take these substances. It is irresponsible to place the conflicting demands of quick delivery, long distances, poor or non-existent rest stops and the risk of losing their jobs or contracts for late delivery on to drivers without helping them avoid desperate measures such as taking drugs. I urge a more widespread approach to some of the underlying issues.