



Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

Hansard Wednesday, 11 November 2009

TRANSPORT OPERATIONS (ROAD USE MANAGEMENT— INTERLOCKS) AMENDMENT BILL

First Reading

Ms SIMPSON (Maroochydore—LNP) (11.36 am): I present a bill for an act to amend the Transport Operations (Road Use Management) Act 1995. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Transport Operations (Road Use Management—Interlocks) Amendment Bill [[1312](#)].

Tabled paper: Transport Operations (Road Use Management—Interlocks) Amendment Bill, explanatory notes [[1313](#)].

Second Reading

Ms SIMPSON (Maroochydore—LNP) (11.36 am): I move—

That the bill be now read a second time.

This bill amends the Transport Operations (Road Use Management) Act 1995. The primary aim of this bill is to address drink driving on Queensland's roads. All Queenslanders should be appalled by the actions of some drivers on our roads who continually and flagrantly ignore the 'don't drink and drive' message. Last year, nearly 30,000 drink drivers were caught on Queensland roads. Of those, around 10,400 had previously been booked for driving while under the influence. Incredibly, around 4,000 were being caught for the third time. That is unacceptable. In the past 12 months, 348 people have died on Queensland roads. Drink driving was a factor in approximately 81 of those deaths in Queensland, or 23 per cent of all road fatalities, as estimated by the latest figures.

For this reason the LNP has introduced this bill into parliament. We have waited too long for the Labor government to introduce laws that implement alcohol interlock orders for drink drivers. Before discussing the provisions of bill in detail, I would like to acknowledge the hard work of my colleague the member for Clayfield. When he was shadow minister for transport he actively pursued this issue. Indeed, much of the work presented in the bill today is directly creditable to my predecessor in his role as shadow minister. In addition, I thank Mr Scott Jensen, who assisted greatly in the drafting of the bill.

Our death rate is around eight in every 100,000 Queenslanders. Each death is one too many. We have waited too long for the Labor Party to act on this—

Mr DEPUTY SPEAKER (Mr Hoolihan): Order! The member's time has expired.

Ms SIMPSON: I seek leave to have the remainder of my speech incorporated in *Hansard*.

Leave granted.

Each death represents a family destroyed; a life cut short. Unfortunately, in too many cases, it is not the drink driver who loses his or her life. It is the child in the oncoming vehicle. It is the unsuspecting driver who obeyed all road rules. It is the passenger in the drunk driver's vehicle. It is the pedestrian struck when legally crossing the road. It is time society said no.

For this reason the LNP has introduced this Bill into Parliament. We have waited too long for the Labor Government to introduce laws that implement alcohol interlock orders for drink drivers. An alcohol interlock is an electronic breath testing device, wired to the ignition system of a vehicle. Alcohol interlocks can be fitted to motorcycles, cars and trucks. A vehicle fitted with an alcohol interlock will not start unless the driver passes a breath test.

It is not that Queenslanders haven't been promised alcohol interlocks. In 2001 there was a small Queensland trial. In 2004 the now Deputy Premier as Minister for Transport announced consideration of alcohol interlocks was underway. In 2006 the then Premier, Minister for Transport and Minister for Police announced alcohol interlocks were in the planning stage. Also in 2006 the Parliamentary Travelsafe Committee recommended laws implementing alcohol interlocks be enacted. In 2007 the Police Minister, now Leader of the House, advised that the then Transport Minister was working on the laws. In 2009 the now Transport Minister states she has given a direction to her department to move towards implementing alcohol interlocks. But nothing has happened yet. This is an unacceptable delay.

Alcohol interlocks are already in use in many other states: Victoria, New South Wales, Western Australia and even Tasmania. Yet Queensland has dallied and been left behind and, unfortunately, Queenslanders are dying. We cannot delay any longer. For that reason the LNP has acted by bringing in this Bill. I sincerely hope the Government will support this Bill as it has already stated it agrees with the principles which it espouses. If it does not, this will be yet another example of a government misleading the public by saying one thing and doing another.

In February 2006 then Premier Beattie called a Queensland Road Safety Summit to address the growing road safety issue. At this Summit, various recommendations were submitted by road safety experts, including the introduction of mandatory alcohol interlock laws. This recommendation was accepted by the government, but has not yet been implemented. The Parliamentary Travelsafe Committee released a report in October 2006 entitled "Getting Tough on Drink Drivers". The report recommended that the Transport Operations (Road Use Management) Act 1995 be amended to allow the courts to impose an alcohol interlock condition on the subsequent licence of drink driving offenders (or require the courts to make such an order, for serious recidivist offenders). The Committee also recommended that the Act be amended to require drink-driving offenders to attend either a brief rehabilitation intervention or (for serious recidivist offenders) an intensive rehabilitation program.

As the current Government has done nothing on these strong recommendations, it has fallen to the LNP to act. This Bill aims to improve road safety by introducing various preventative measures to curb problematic drink driving. The Bill establishes a regime of alcohol interlocks, combined with drink-driving education and rehabilitation. In addition it inserts a "3 strikes and you're out" rule for drivers caught with high level blood alcohol more than three times in five years.

Alcohol Interlocks: if a driver is caught with a high blood alcohol level and then reoffends within five years, this Bill will mean they will be ordered to have an alcohol interlock installed on their vehicle when they regain their licence. This five-year period may predate the proclamation of this Bill. The duration of the court order has a minimum time period of one year up to a maximum of eight years for the alcohol interlock condition to apply. The Court must also state whether the driver must not be over the no alcohol limit or the general alcohol limit (0.05 BAC). This Bill also gives the Court discretion to impose an alcohol interlock condition upon the subsequent driver licence of: a high alcohol limit drink-driving offender who has not been convicted of another high alcohol limit drink-driving offence in the prior five years; or a low-limit drink-driving offender who has been convicted of another low-limit drink-driving offence in the five years prior. The court will be able to impose a time limit of between one and four years.

As with the compulsory interlock orders the court will be able to choose whether the person must not be over the no alcohol limit or the general alcohol limit when starting and operating the vehicle. Suppliers indicate the cost of installation for interlock devices would be \$150 a month or about \$5 per day. The Court can make rulings about cost. It is anticipated that the driver will have to bear the cost of the interlock, however in some hardship cases the judge may take into account the fine paid by the offender.

In addition this Bill allows the court to order that the relevant motor vehicle be immobilised, for example by wheel clamps. The immobilisation order may be made subject to stated conditions, and be for a period of up to one year and state a way of immobilising the motor vehicle. The order must also state that the alcohol interlock driver is liable to pay the costs of immobilising the vehicle, keeping it while immobilised and for removing the immobilising device. The court may immobilise the vehicle of a third party ("other person") if they attempt to assist an offender to pervert this ruling. In exercising such discretion (or if another person would be substantially affected by an immobilisation order), the court must not make the order unless the other person is present before the court and is given the opportunity to give evidence about his or her interest in the vehicle and the effect of an immobilisation order, or the court is satisfied that the other person has been given written notice about the time and date of the proceeding, that the court may order the immobilisation of the relevant vehicle and informing the other person of his or her right to appear before the court and give evidence. If the other person is not present or has not been given such written notice, the court may adjourn the proceeding until the other person has been given satisfactory notice.

The section specifies that in making an immobilisation order, the court must have regard to whether the relevant offence against section 91P(1) happened without the knowledge or consent of the other person, and evidence about the nature of the other person's interest in the motor vehicle or the way the other person will be substantially affected by the order. If the other person gives evidence in relation to this section, he or she is to be treated as a witness and may be cross examined.

Unfortunately, some drivers refuse to learn. That is why the LNP is inserting a "three strikes and you're out" provision. This Bill provides if a person has been convicted of a drink driving offence three times in five years over the high alcohol level the person will be disqualified absolutely from holding a Queensland Drivers Licence. The Bill also amends the appeals provision to provide that if a person has been disqualified from holding a Queensland Drivers Licence under section 86(1H) they must wait five years before they can apply for that disqualification to be removed. In all other cases this application remains at two years.

Rehabilitation and Education: drivers subject to an interlock order as a result of the non-mandatory provisions must attend an alcohol intervention consultation with a doctor before the end of the minimum period of the alcohol interlock order. The person must attend the consultation at his or her own expense and provide the chief executive with a certificate, or other evidence, of completion. If the person falls within the mandatory interlock provisions, that is, a repeat offender with a high alcohol limit, they must attend a drink driving rehabilitation course prescribed under a regulation before the end of the minimum period of the alcohol interlock order. The person must attend the course at his or her own expense and provide the chief executive with a certificate, or other evidence, of completion.

The LNP believes this Bill takes responsible action towards implementing alcohol interlocks in Queensland. This Bill is a practical step to addressing our escalating road toll. I call on those opposite to support this Bill this year to allow these provisions to begin operating at the earliest possible time. This is too serious an issue to play politics on. Enough is enough. The time for talk is over. Now is the time for action.