



Speech by

Andrew Powell

MEMBER FOR GLASS HOUSE

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**TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL;
TRANSPORT OPERATIONS (ROAD USE MANAGEMENT-
INTERLOCKS) AMENDMENT BILL**

Mr POWELL (Glass House—LNP) (12.41 pm): I rise today to speak to the Transport and Other Legislation Amendment Bill 2010 and the Transport Operations (Road Use Management—Interlocks) Amendment Bill 2009. From the outset, I will be supporting the private member's bill introduced by the member for Maroochydore and supporting, with reservations, the government's bill. As the member for Gregory said last night, any legislation that makes our roads safer is good legislation and should be supported.

Rather than list the many amendments contained in this omnibus bill and the private member's bill, I will focus, like others, on the amendments that relate to the alcohol interlocks and those that relate to the proposed new Queensland driver's licence. Although I support the legislation introducing alcohol interlocks, like the member for Maroochydore, I am appalled at the delay. I am appalled, because I know what the cost has been to the community. As the shadow minister identified, the Minister for Transport is well aware of the cost of that delay to the community, too.

The introduction of this legislation has a chequered and lengthy history—a history that began in 2001 when the government undertook a small trial of alcohol interlocks. As the minister stated in the drink driving discussion paper released last week, over 600 people have been killed as a result of crashes involving drink drivers in the eight years prior to 30 June 2009. On average, that figure represents 22.9 per cent of all road fatalities in Queensland over that period. In the 12 months prior to 30 June 2009 alone, 84 people were killed in crashes that involved a driver over their legal alcohol limit. I will repeat that quote—and I know others have read it before—because I find it simply horrifying: while this government has dragged its tardy feet on the introduction of alcohol interlocks, 600 individuals have tragically lost their lives on Queensland roads because someone involved in the accident has been over the blood alcohol limit.

Equally horrifying is that people have continued to be killed in alcohol related vehicle accidents since the member for Maroochydore introduced her private member's bill in October last year. The member for Whitsunday said last night that it is time—enough is enough. I counter that it was time eight years ago. The government has had plenty of opportunity to introduce this legislation. Even the most brief analysis of all bills brought before this House since 2001 shows that every single year at least one of those—if not two, three or even four—was a transport act amendment bill.

It is not like we would have been trailblazers—not that there is anything wrong with setting the pace. South Australia has had a voluntary interlock program for drink-driving offences since 2001, making it mandatory in May last year. Victoria, New South Wales and even the Northern Territory have been quicker to act than has Queensland. Surely we could have learned what worked and what did not sooner.

What is worse, the government could have chosen to debate and support the private member's bill, introduced in October last year. Instead, it chose to continually mislead the broader Queensland community, claiming that the LNP is a policy-free zone when, in reality, it pinches every policy that the LNP

puts forward. Heaven forbid, for the benefit of Queensland as a whole, those opposite should support a private member's bill proposed by an opposition member. Heaven forbid those opposite should support the bill put forward by the member for Maroochydhore in October last year.

But tardiness is only one failure that can be levelled at the government. Even now, as we debate this legislation, the government's version falls short. As the shadow minister explained, her bill introduced the installation of alcohol interlocks for up to eight years for the worst case offenders. The government sees fit to impose interlocks for only 12 months. The LNP bill includes a 'three strikes and you're out' provision. If a person is caught three times with a blood alcohol content of over .15, that person loses their licence for life. The government will happily let those people back on the roads to have another crack.

But perhaps most disturbing is that the government has ignored its own advice regarding the need to complement alcohol interlocks with education and rehabilitation conditions. On the other hand, the LNP has undertaken more detailed research and has determined that interlocks work only when behavioural change is worked on as well. In Victoria, the court considers the person's pattern of behaviour in relation to both drinking and driving during the period leading up to the application for the removal of the interlock. In New South Wales, the driver must undertake a medical consultation regarding alcohol use. But still this government refuses to include an educational and behavioural change component in its legislation, which is why I will be supporting the amendments moved by the member for Maroochydhore.

That said, I turn to the amendments affecting the new Queensland driver's licence. Like the shadow minister, I am concerned that the development of this new Queensland driver's licence continues to be cloaked in secrecy and this secrecy is also unsettling the constituents of my electorate. The reality is that the longer that cloak of secrecy remains, the greater the concern in the electorate. So I echo the calls from the shadow minister and ask the minister to respond to the questions of what, when, how much, who will have access and how will the government overcome the significant number of privacy issues such a smart card raises.

Just in case the minister missed those concerns, I refer to this week's *Legislation Alert*, which states—

Amendments would be effected to the:

- *Adult Proof of Age Card Act*;
- *Transport (New Queensland Driver Licensing) Act 2008*;
- *Tow Truck Act*;
- *Transport Operations (Marine Safety) Act*;
- *Transport Operations (Passenger Transport) Act*;
- *Transport Operations (Road Use Management) Act*; and
- *Transport Planning and Coordination Act*.

The amendments would allow for:

- a 'smartcard', to be the property of the State, but with a limitation on the State's liability for acts or omissions in relation to the keeping and use of a smartcard by the cardholder;
- the chief executive to keep information taken under one Act with information taken and kept under another Act;
- the authorisation of the use of information which may be collected under one Act and to reciprocally authorise information to be used under another Act, including for the purpose of the investigation of a suspected offence;
- the chief executive to take and retain a digital photo of a person for identification purposes;
- the introduction of a smartcard transport authority, which is a single smartcard evidencing the grant of one or more transport authorities; and
- miscellaneous minor amendments to facilitate the introduction of the new driver licence project.

The explanatory notes do not identify any possible inconsistency of the provisions regarding smartcard driver licences with fundamental legislative principles. Nor did the minister, in her second reading speech, provide information regarding whether the provisions have sufficient regard to rights and liberties of individuals. Indeed, chapter 3 of the bill was not referred to in the second reading speech.

In addition, the committee observes that the explanatory notes do not identify community consultation undertaken in respect of the proposed provisions in chapter 3.

The committee invites the minister to provide information about whether chapter 3 has sufficient regard to rights and liberties of individuals.

Again we will not receive the minister's information as requested by the committee until after the conclusion of this debate, so I ask the minister to respond to these alarming provisions in her summing-up. Here is an opportunity to remove the cloak of secrecy and give Queenslanders some answers regarding the new Queensland driver's licence.

In conclusion, the government's legislation is long overdue and still incomplete. I reconfirm my support for the member for Maroochydhore's bill. I support the majority of the government's bill but will further support the amendments moved by the LNP.