



Speech by  
**Curtis Pitt**

**MEMBER FOR MULGRAVE**

Hansard Thursday, 25 March 2010

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

**Mr PITT** (Mulgrave—ALP) (4.32 pm): I rise to speak in support of the Transport and Other Legislation Amendment Bill 2010, particularly those amendments that relate to heavy vehicle speed compliance. However, before I speak to these amendments, I want to mention that I read today's *Cairns Post* with horror and shame as I discovered that, during a recent blitz in Far North Queensland, one in every 37 drivers who underwent breath testing was drunk. This figure is well above the state average of one in 80. It was reported that in only a five-hour period, 24 drink drivers were caught. That shows that the 'anywhere, anytime' approach to enforcement is working. However, some people are just not getting it. I have no time for any of these drivers. The vast majority of drivers can manage their alcohol consumption and use sound judgement before getting behind the wheel. Quite simply, those drink drivers, particularly the repeat offenders, have absolutely no respect for the law and no respect for life—not only their own but the lives of other road users and their passengers who they put at risk.

The need for alcohol interlock devices for repeat drink-driving offenders has been well established by members on both sides of the House during this debate, so I do not intend to cover the same ground. Suffice it to say that I welcome the amendments in this bill. Moreover, I welcome the discussion that the government is having with the people of Queensland regarding a range of tough measures to tackle drink driving in our communities. I encourage people to put forward their views on this important subject.

As I said at the outset, I welcome the opportunity to contribute to the debate on heavy vehicle safety. Like many other rural and regional parts of Queensland, in the electorate of Mulgrave trucks play a vital role in supporting the economic growth and viability of local industry—local industry that supports and creates jobs for Queenslanders. But my constituents, like others all across Queensland, quite rightly expect heavy vehicles to operate to the highest safety standards, whether it is by having mechanically sound trucks, appropriately secured loads, drivers being prevented from driving when tired or, as is the case with these amendments, ensuring that drivers are driving at safe speeds. I am advised that over the past five years approximately 18 per cent of the road fatalities related to crashes involving heavy vehicles. Of those, approximately 27 per cent of fatalities were occupants in a heavy vehicle, with the remaining 73 per cent being other road users, including pedestrians and cyclists. That is a serious concern and one that needs to be addressed. That is why the amendments introducing the heavy vehicle speed compliance reform are so important.

I am required to undertake a significant amount of driving to service the electorate of Mulgrave, which stretches for approximately 100 kilometres from top to bottom. Like many road users, I am bewildered at not only how often I see dangerous driving activities undertaken by drivers of heavy vehicles but also how often I am overtaken by trucks that quite obviously are not speed limited to 100 kilometres per hour but are badged as such. Following an approach by a constituent last year, I raised this issue with the Minister for Transport, who advised that the Department of Transport and Main Roads enforces vehicle standards for heavy vehicles, including speed limiter requirements under the Australian Design Rule 65/

00. These requirements include checking vehicle engine management unit settings for speed limiter compliance as part of the department's random vehicle inspection program.

The department intends to use data from trucks in the Intelligent Access Program to monitor truck speed. Although it is primarily designed to monitor the adherence of higher mass limit vehicles to certain routes, the satellite tracking can also calculate the speed of the vehicle every 30 seconds and the speed above 100 kilometres per hour. This information will be used to trigger speed-limiting compliance action against the monitored heavy vehicle. I was also encouraged that, when the issue of altered gearbox fins to enable some vehicles to be unrestricted in road speed was raised with the federal minister for transport, Anthony Albanese, a commitment was made to investigate this practice in a review of the Australian design rule.

I would like to point out that the amendments in this bill do not change the speed limits that apply to trucks, nor do they remove the obligation for drivers to keep their vehicles travelling below the speed limit regardless of the terrain, weather or surrounding traffic. After the reform commences, heavy vehicle drivers must continue to obey the road rules. The Queensland Police Service will continue to enforce these rules, just as it always has.

When I raised the issues relating to heavy vehicle safety with the minister last year, I was advised that the department was committed to implementing the national heavy vehicle speed compliance reform and would be introducing legislation—which is this legislation—designed to target those people in the logistics chain who influence a driver's behaviour. A key element of this reform is to hold those people accountable if their influence results in the driver committing a speeding offence. Called the chain of responsibility, the principle of shared responsibility for transport offences was legislated in Queensland as early as 1998. In fact, I am informed that Queensland was the first state in Australia to introduce the chain of responsibility into legislation. This reform is based on concepts used in previous chain of responsibility reforms for fatigue management and mass dimension and load restraints. Put simply, specific parties in the logistics chain, such as employers, prime contractors and operators, will be held liable for individual speeding breaches committed by drivers. These parties have a major influence in controlling the on-road behaviour of drivers. Therefore, they are the parties with the broadest duties placed on them.

However, I note that, as part of the reform, parties captured in the chain of responsibility have a legal defence available called the reasonable steps defence. That means that if a party did not know, or could not have known, of a speeding offence by a driver and took all reasonable steps it could to prevent an offence from occurring, it has a defence under these amendments. There are no limits on the steps a person can take to establish their defence. This, of course, is a sensible and pragmatic approach, as it uses familiar processes to allow companies to do all they can to prevent a driver from speeding.

The reform places a series of positive duties on a broader range of parties in the chain. In addition to employers, prime contractors and operators, these duties are placed on loading managers, schedulers, consignors and consignees. The duties are specific to the activities performed by each party. The core obligation is that they must take all reasonable steps to ensure that the party's activities or functions will not cause, contribute, or encourage a driver to break the speed limit. That is done through specific duties targeting high-risk business practices. For example, in no way should a schedule require a driver to speed to meet a deadline, operators cannot offer inducements for a driver to speed and contracts that would likely cause a driver to speed are illegal. As with other transport laws for the road freight industry, when a risk that could influence a driver's speed management is identified or becomes known to a party, that party must assess what the risk is, how serious and likely it is to cause a driver to speed and what they can do to minimise the risk of a driver speeding.

I go back to my earlier comments on the number of fatal crashes involving heavy vehicles. I think it is very important to acknowledge that the road freight industry has an increasingly proactive attitude towards enhancing safety. Evidence of that is reflected in the road toll. I am advised that, despite a consistent increase of approximately seven per cent per annum in vehicle kilometres travelled by heavy vehicles, since 1998 fatalities resulting from heavy vehicle collisions have been decreasing steadily. I am also advised that representatives of the road freight industry have been strong advocates for this reform in forums such as the Road Freight Industry Council as well as in communication with the department. By its support for this reform, the industry has shown that it is prepared to do its part in ensuring that all road users are safe.

Before I finish, I cannot pass up an opportunity to respond to some of the comments made by those opposite during this debate. Some disgraceful comments have been made—suggestions that this government has the blood of Queenslanders on its hands for not introducing provisions for alcohol interlocks earlier. We are all very aware of the former Travelsafe Committee's 2006 report and its recommendations, and I commend the work of the members of that former select committee.

However, let us remember that this was an all-party committee. Liberal and National Party members for Mirani, Moggill and the former seat of Charters Towers at some time contributed to bringing this report

to parliament. I ask those opposite: where have their voices been on this matter since this report? Couldn't any one of these members have drawn up a private member's bill or urged the shadow transport spokesperson to do so if those opposite really believed that the government was dragging its heels? Of course they could have, but why not use an issue that could easily have been progressed in a bipartisan way as an opportunity to grandstand and play politics! What is worse, it was on 28 October last year that the Minister for Transport announced that the government was going to introduce a bill regarding alcohol interlocks and surprise, surprise, a private member's bill is introduced on 11 November.

I genuinely commend any member of this House who puts forward measures that can assist in the fight against the scourge of drink driving, but I ask: who is following whom? In no way was the government dragged kicking and screaming to this point, nor has it in any way bowed to pressure from the opposition. The issue of alcohol interlocks is serious and complex with potential implications for people's civil liberties. The government has acted appropriately to ensure we got it right. I congratulate the minister and the department on their work on this bill and look forward to seeing the resulting measures at work.