



Speech by

Fiona Simpson

MEMBER FOR MAROOCHYDORE

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

Ms SIMPSON (Maroochydore—LNP) (4.59 pm): This bill amends 14 pieces of legislation including the Acts Interpretation Act 1954, the Police Powers and Responsibilities Act 2000, the Transport Infrastructure Act 1994, the Transport Legislation Amendment Act 2007, the Transport (New Queensland Driver Licensing) Amendment Act 2008, the Transport Operations (Marine Pollution) Act 1995, the Transport Operations (Marine Pollution) Regulation 2008, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995, the Transport Operations (TransLink Transit Authority) Act 2008, the Transport Planning and Coordination Act 1994 and the Transport Security (Counter-Terrorism) Act 2008. Overall, the LNP supports this bill. However, we will move some amendments to improve the alcohol provisions and we will oppose two sections: the smart licences and the removal from this parliament's purview the reference to the international pollution convention, MARPOL.

Firstly, I will address the alcohol interlock provisions. While this is an omnibus bill and wide ranging, from the minister's second reading speech it is quite clear that the legislation has been rushed into the House because of the alcohol ignition interlock provisions. Nearly all of the minister's second reading speech was dedicated to this issue. The government is playing catch-up on the LNP's private member's bill that I introduced into this parliament over four months ago, which was aimed at introducing into Queensland alcohol ignition interlock. This bill is long overdue. It is a disgrace that for so long Queenslanders have been denied this vital initiative. It is not an overstatement to say that people have died as a result of the Labor government's delay. Members should not take my word for that. Last week a drink driving discussion paper was released which stated—

Over 600 people have been killed as a result of crashes involving drink drivers in the eight years prior to 30 June 2009. This represents, on average, 22.9 per cent of all road fatalities in Queensland for 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.

In Queensland, the debate around alcohol interlocks have a long history. In 2001 the government initiated a small trial of interlocks, but all traces of that trial disappeared and nothing happened. In 2002, when questioned by this side of parliament, the Beattie Labor government promised to introduce interlocks into Queensland, but again nothing happened. In 2004, as Minister for Transport, the now Deputy Premier announced that the consideration of alcohol interlocks was underway. What happened? Nothing! In 2006 at a Queensland road safety summit, the then Premier, the Minister for Transport and the Minister for Police announced alcohol interlocks were in the planning stage. Later that year, no less than the very highly regarded but now abolished parliamentary Travelsafe Committee recommended laws implementing alcohol interlocks be enacted, but nothing happened. In 2007, the then police minister, who is now the Leader of the House, advised that the then Minister for Transport was working on laws that would introduce alcohol interlocks, but, again, nothing happened. In 2009, on behalf of the LNP, I introduced into this place our policy, in legislation, which is the Transport Operations (Road Use Management—Interlocks)

Amendment Bill and the silence from the Labor government was deafening. Finally, during the last sitting week, we saw the government belatedly introduce its bill for alcohol interlocks and it has nearly copied the LNP bill word for word.

Undoubtedly the delay by this government and its Labor predecessors has cost lives as each and every year 29,000 Queenslanders are convicted of drink driving; 12,000 of those drivers are repeat or high-level offenders. They are exactly the drivers who are targeted by the LNP bill. The LNP bill introduces alcohol interlocks for high-level drink drivers with a blood breath alcohol content of 0.15 or higher; so does the government bill. The LNP bill introduces alcohol interlocks for repeat drink drivers; so does the government bill. The LNP bill introduces alcohol interlocks for up to eight years for worst case offenders; the government bill imposes alcohol interlocks for only 12 months. The LNP bill includes a three-strikes-and-you're-out provision so that if someone is caught three times with a blood alcohol content over 0.15 they lose their licence for life; the government bill does not. The LNP bill imposes education and rehabilitation conditions on those who have been subject to an alcohol interlock; the government bill does not, despite the government's own drink driving discussion paper stating—

However, the effect is not sustained once the interlock is removed with offence rates returning to levels similar to those that did not participate in the interlock program. Long term change in drink driving behaviour may be achieved, though, if interlock participants also complete a rehabilitation program.

For this reason, the LNP will be moving amendments to the government's bill to bring it in-line with my private member's bill three-strikes-and-you're-out provision and the education and rehabilitation provisions that we believe are so important. I will briefly discuss these LNP provisions.

In regard to the three-strikes-and-you're-out provision, some drivers refuse to learn. That is why the LNP is inserting a three-strikes-and-you're-out provision into our legislation. This amendment will provide that, if a person has been convicted of a drink-driving offence three times in five years with a blood alcohol content over the high-alcohol level, that person will be disqualified absolutely from holding a Queensland driver's licence. The LNP will also move to amend the appeals provision to provide that, if someone has been disqualified from holding a Queensland driver's licence under section 86(1H) of the Transport Operations (Road Use Management) Act, 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.

In regard to rehabilitation and education, the LNP amendments will provide that drivers subject to an interlock order must have an intervention consultation with a doctor before the end of the period of the alcohol interlock. 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. The LNP has long asserted that this issue is too important to play politics on or delay. I call on the government to support these sensible and genuine amendments that were obviously overlooked when the government's drafters were redrafting the LNP provisions into this bill.

In summary, the LNP supports the alcohol ignition interlock provisions of the bill. In fact, since 2001 we have been calling for these terms to be inserted into Queensland law. While nine years has been a long time to wait, we are glad that the government has caught up to society.

I address the no-alcohol limits. In turning to these provisions I note it is about removing the distinction between the permissible level of alcohol for younger and older—25-plus—learners and provisional probation licence holders. The LNP recognises that those learning to drive, whatever their age, need to be attentive and, obviously, sober. These provisions take that a step further in recognising that when learning to drive, regardless of their age, people are more susceptible to distraction. Research has found that they are more susceptible to the impact of smaller amounts of alcohol. That is why we support this provision.

This bill makes a number of consequential changes to allow for the introduction of the new Queensland driver's licence known as the smart licence. At the outset, I state the LNP's strong concern that in her second reading speech the minister did not refer to these changes, despite the fact that these extensive changes form a large part of the bill. It is becoming increasingly apparent that the government is embarrassed about this new Queensland driver's licence. Again I state the LNP's strong concerns regarding the introduction of smart licences. It seems that, no matter what question we ask, the government will not answer and the public has a right to know the answers to these questions.

When will they be introduced? The minister and the department cannot say when but hope that it will be some time this year. How much extra will they cost? Well, the minister will not say, despite already slugging motorists more for registration and a new 9c a litre fuel tax. Who will have access to smart licence scanners? Well, the minister and the government cannot or will not say. How much will the smart licence scanners cost? The minister and the department will not say. Who will pay for the smart licence scanners that have to be purchased, for example, by police services? The minister and this government will not say. How will the serious privacy concerns be managed? The minister and this government will not say.

This bill makes additional changes to driver licensing but, before I go on to that, colleagues have had briefings previously about the potential cost of the driver's licence—that these drivers' licences could

cost between \$100 and \$150 each. Yet the government then publicly said, 'Oh no, it is not going to cost that amount,' but then refused to say exactly how much. What we do know is that the total cost of this program, which has had its deadlines continually pushed further and further out, started initially at \$6 million and that rose to \$20 million for the scoped project. The cost of implementing the smart licence has now risen to \$84 million. Queensland drivers are just getting a little bit fed up with being price gouged for the mismanagement of this government. To see the smart licence program once again with huge cost blow-outs rings a loud alarm bell that motorists are going to be forced to pay again for this government's mismanagement.

In regard to the amendments to the driver licensing amendment act, there are a number of additional changes that allow two or more licences or authorities to be listed on the one smart licence. This would include passenger transport licences such as taxi licences, tow truck licences, marine licences and proof-of-age card. While I accept that there are some strong arguments for this to be consolidated, I am still concerned about the privacy issues raised by the sharing of information between agencies and also what is accessible through the smart card scanners, remembering that we still do not have an answer as to who is going to have access to these scanners.

In the explanatory notes there is no mention of how the government is addressing these very important privacy issues. This is despite this bill authorising such things as providing that a smart card is the property of the state and for a limitation on the state's liability for acts or omissions in relation to the keeping and use of a smart card by the card holder; allowing the chief executive to keep and use information taken under one act with information kept under another act; allowing the chief executive to take a digital photo of a person for identification purposes; and allowing facial images and signatures to be taken, kept and used where a person already holds a marine licence but requests to be issued with a smart card marine licence indicator. All of these issues have substantial privacy implications for Queenslanders who hold any of these licences or for authorities. I also see that the Scrutiny of Legislation Committee has noted that there is no identification of any community consultation that has occurred on these proposed provisions. The Scrutiny of Legislation Committee invited the minister to provide information about these issues.

While it is clear that this bill has been rushed into parliament at the first opportunity in order to beat the LNP's alcohol interlock bill, which has matured on the *Notice Paper* for debate, there is still no excuse for ignoring such important issues. I note that the minister has agreed to provide me with a briefing of the new Queensland driver's licence scheme. I look forward to all of these issues being addressed in that briefing, but it is unfortunate that that briefing will be after this bill has been considered by this House. As the LNP's concerns have not been properly addressed, the LNP will be opposing the smart licence provisions in this bill.

Separate from the comments above, I would like to express some concerns about the proof-of-age card changes. It is highly concerning that the explanatory notes state that this bill will 'create a consistent concept of a proof-of-age card'. That now raises the question: what was not consistent before? The fact that there has not been a consistent concept of a proof-of-age card when these cards have been issued in Queensland previously is highly concerning. I would ask the minister to explain what these inconsistencies were and why they are only now being addressed.

One of the sundry amendments that are coming forward in this legislation is in regard to digital speed and red light cameras. I might get the attention of some members in this place if they have a heavy foot. For some time I have been driving very carefully through a new point-to-point speed camera on the Bruce Highway. I hasten to add that I always drive carefully, but I drive particularly carefully through this section with these new cameras. I think a lot of people would be amazed to find out that this camera has actually not had any power to operate. This is something we found out at our briefing. I am sure that motorists who have been driving through the Clem7 with the big signs advising that point-to-point speed cameras apply will share my amazement. This seems to be yet another example of a tardy response to this issue by a government that has lost control of its legislative agenda. We certainly want to see clarity and ensure that there is legislative backing to enforce these provisions, but the fact that the cameras are in operation and that legislative clarity has not been there I think will surprise a lot of people. I asked whether there were any current legal cases pertaining to this, and I was advised that there were not. We certainly understand that the law must be clear. But one area in which the government is not speedy is ensuring timely legislation.

This bill contains provisions with respect to collecting unpaid tolls on local government roads. Similarly I am amazed that, as the Clem7 has been open for nearly two weeks, the government is only now introducing laws that will allow local governments to collect penalties for unpaid tolls. This is not even an example of just-in-time legislation by the Labor government; this is an example of the government shutting the gate once the horse has bolted.

There are also provisions in this legislation in relation to heavy vehicles. I welcome the fact that this bill extends the chain of responsibility requirements to more parties. This bill places additional obligations on those in the logistics industry with regard to the safety of heavy vehicles. In particular, those in the industry who are in a position to influence whether or not a heavy vehicle driver exceeds the speed limit will now face consequences under the Transport Operations (Road Use Management) Act 1995. Each of these parties—such as the scheduler, the loading manager, the employer and in some cases the consignor or the consignee—will have a responsibility to ensure that time pressures placed on the shipment do not encourage or require the driver to speed. If they do, they face fines of between \$300 and \$8,000, depending on the severity of the offence. In fact, this \$300 fine would seem to be rather low. We recognise that a driver speeding as a result of pressure from above is indeed a serious matter—one that has great safety implications. I seek the minister's response in regard to the way these fines have been configured.

I want to comment about another issue to do with road safety arising from a briefing I had on the enforcement of random drug testing on the roads. This briefing was from the police department, but it is pertinent to the issues of road safety that we are considering here. I was somewhat surprised to find out that there has been no review relating to the rate of drug use and also then appropriate drug enforcement for the heavy vehicle industry in Queensland. I was interested to find out whether there was, in fact, a worse situation with heavy vehicle drivers with regard to drug use than was occurring with light vehicle drivers and other motorists. It is a relevant question. As legislators we need to know that, when we are bringing forward legislation and then endorsing an enforcement regime with appropriate penalties, we have a clear picture of what is actually happening on our roads. The questions I was asking were with regard to the extent of the problem not only with the general motoring public but also with heavy vehicle drivers. We need to see what the real situation is.

I would ask the transport minister to also make those inquiries about the resources of government. We must know what the real incident rate is in the general motoring public with regard to not only alcohol driving but also drug driving and whether there are appropriate resources allocated to deal with those who are offending and those whose behaviour is high risk and has the potential to create a real danger to other people on our roads. I was most concerned that that information was not forthcoming in that particular briefing. I would urge this matter to be investigated so that we are clear whether the question of the resources that are required to address the problem of drink driving on our roads is addressed.

How successful has that program been? When I asked that question I was advised that there had not been a review and the indicators for gauging the success of that program were not particularly clear. This is too important a matter to let slip. Now that there is no longer a dedicated Travelsafe parliamentary committee, it is inherent for all members of parliament to ask the questions about whether road safety is receiving the attention it deserves. Whether it is alcohol or drugs, we do not want to tolerate this abuse by those using our roads because the choices made by these individuals are killing other people on our roads, and that is unacceptable.

Another issue that arises is the lack of transport officers across the state and, clearly, the need to ensure that with regard to the heavy vehicle industry we have appropriately trained individuals out there enforcing the laws. What we have seen in recent times has been an extension of those transport officers' responsibilities into things like policing the high-occupancy vehicle lanes in Brisbane. Yet with regard to that issue of heavy vehicles on our roads, that thin line appears to be growing thinner, and that is of major concern. As legislators we need to know that the laws we pass are not window dressing, that they are enforced fairly and appropriately and that they are resourced so that the public is kept safe.

The legislation before us addresses another issue and that is maritime pollution. Overall, the LNP is supportive of the changes proposed with regard to maritime pollution. I note that this bill before the House addresses one of the anomalies—for example, if someone did not display a particular sign they were up for a \$20,000 fine. That was clearly a silly situation and that has been amended in this legislation.

There are other matters that it raises. As the recent *Pacific Adventurer* oil spill was one of the largest in Queensland's, let alone Australia's, history, I would like to take this opportunity to review the government's performance during the response to this spill. This was an extraordinary situation where a major oil spill occurred. In many regards the end result was more due to good luck and the individual effort of well-intentioned people than good planning and execution from the government. The resulting reports were damning as to how unprepared Maritime Safety Queensland was with regard to the oil spill which ensued.

I am going to quote from the reports into that event, which are quite telling about the way this government has failed to resource front-line services and ensure they are empowered with clear lines of responsibility and resources to do their job. Page 27 of the report entitled *Pacific Adventurer oil spill: Independent review of responsiveness of the disaster management system support* of February 2010 states—

The command and control arrangements used in the *Pacific Adventurer* incident was a hybrid model which 'emerged' over time, resulting in role ambiguity. This impacted all areas, including decision-making. The absence of a centralised planning role at the BICC was a significant contributor to command and control challenges at the outset, however these issues were overcome.

That is an extraordinary thing for an agency and a government that spends about \$1.5 million a year doing the preparation, allegedly, for such events as this. However, on reading these reports we find out that there was no plan to deal with a major oil spill in Queensland under that agency. Let me quote from the other report, the *Response to the Pacific Adventurer incident: Report of the incident analysis team of February 2010*. Page 25 states—

... there was some confusion regarding demarcation of roles and responsibilities and command and control, and the declaration of a disaster situation under the QDM Act served to increase this confusion ...

Page 27 states—

The disaster declaration led to a perception by some responders that MSQ no longer retained command and control and that the spill response was being coordinated by another agency.

Then page 28 states—

However, it should be noted that although a disaster situation was declared by the Queensland Premier, the Queensland Disaster Management Arrangements were not formally activated.

It goes on to say—

Declaration of a disaster situation did create some initial uncertainty in terms of command and control and highlighted the need for the linkages between the National and State oil spill plans and disaster management plans to be further clarified and developed.

Have honourable members heard anything so extraordinary that the declaration of a disaster by a government would actually make things more confusing? It is supposed to provide greater clarity, but it did not. It did the exact opposite, despite the fact that there was supposed to be contingency planning, despite the fact there was supposed to be a clear line of responsibility sitting, in this case, with Maritime Safety Queensland to coordinate this. However, these reports found that it was not resourced to do that; it was not resourced to handle a major oil spill without the help of other agencies. We would think, surely, that there would have been a plan to cater for that, given the fact that it was funded to do the contingency planning for things like oil spills. A coastline like Queensland's with the Great Barrier Reef and the other parts of the coastline is of high environmental significance. The fact that here in Queensland a government failed to have a plan in place, resourced and able to be executed to deal with a major oil spill in a coordinated way, is just a disgrace. The declaration of a disaster situation did create some initial uncertainty. What a thing to happen in this state! This is so typical of what we are seeing with the way this government is being run by this Labor Party.

With regard to MARPOL, our concerns are that the way this legislation is being amended it will actually remove provisions about pollution from the purvey of this parliament. The LNP will be opposing one provision in this section. This legislation removes text of MARPOL, which is the applicable international treaty relating to marine pollution, from the regulations underpinning the Transport Operations (Marine Pollution) Act 1995. Instead, these provisions will only be sourced as a reference to the external website, currently the AMSA website. We hold concerns regarding the reduction in the power of the Queensland parliament to scrutinise provisions in an international treaty that may impact upon our state interests.

We support strong environmental protections. We do not support them being removed from the scrutiny of this parliament. We are supportive of the provisions and intent of MARPOL but believe that this can still be achieved with the scrutiny of this House.

Ms SIMPSON (Maroochydore—LNP) (7.30 pm): In continuing my contribution on this piece of legislation, which is amending 14 pieces of legislation in Queensland, I will refer again to the maritime sections, specifically MARPOL. Currently the LNP is fully supportive of the provisions and intent of MARPOL. We also understand that the Australian government has a primary role in representing Queensland's interests in this matter. I note the response from the minister on this issue, which states—

Queensland's interests are promoted by the state's representatives on the Australian Maritime Group, Standing Committee on Transport and Australian Transport Council. At each of these levels, advice is fed directly into the Commonwealth for consideration prior to ratification.

The LNP, however, still holds concerns and will be opposing the omission of the current requirement. Other provisions in this bill which we do not have a problem with concerns sewage requirements for large ships and the reduction of penalty provisions for garbage placard placement for ships over 12 metres. As mentioned earlier, it was obviously an anomaly when failing to put a sign on a ship over 12 metres resulted in a fine of something like \$20,000. That has been rectified by these provisions.

I want to take the opportunity to table a summary of the findings of the report into how the government managed the *Pacific Adventurer* oil spill. We know that further legislation has to come before this parliament to address some of the findings into that episode that resulted in an oil spill in Moreton Bay. There has still been no response from the government as to how it is going to deal with some of the major issues of the failure of Maritime Safety and the whole of government to have the systems in place to deal with a major oil spill. I table a summary of some of those quotes, because it is most telling.

Tabled paper: Document titled 'Damning findings of reports on government response to Pacific Adventurer oil spill' [1952].

It is telling not only in regard to those specific incidents. It is also telling in regard to the way that government has been occurring in this state for nearly 20 years under Labor governments. They are good at spending the money, but they are not good at getting value for that money. Ultimately, the people who pay are taxpayers who are then gouged with higher taxes. In this case it was also the environment that was unnecessarily put at greater risk due to a failure to have proper contingency plans in place to deal with a major oil spill. It is the responsibility of this government to have such plans in place. These reports expose the fact that there was a lack of clarity as to who was doing what and who was in charge. There was no scenario planning or execution of those plans to ensure that the strategies were more than just lofty statements but actually had substance in regard to how they were applied.

The legislation before the House also deals with motor vehicle records. I note that the minister will be moving an amendment to remove this proposed section. In the briefing I asked about these provisions regarding motor vehicle records and what consultation has been undertaken. Perhaps the minister can advise the House what has occurred since the legislation was tabled. We have now been told that the intention was originally to clarify the required making and keeping of records by motor vehicle repairers, but further consultation is necessary. I asked what consultation had been undertaken during the briefing. Clearly, there are some issues here. I seek the minister's advice as to what has been unearthed since the legislation was tabled.

Another matter that has arisen concerns transit officers. The legislation makes some amendments in regard to alcohol and drug testing arrangements. Again, in the briefing I asked what was occurring with the provision of security on public transport. Who carried the duty of care in regard to security? Was it going to be transferred to TransLink now that it was going to be employing transit officers in these security roles, or would it remain with Queensland Rail? Once again, the lines of responsibility seem to be a bit cloudy in this important area. Security on public transport is an important issue. I am hearing complaints, particularly on the Gold Coast line, from people who I know will not catch trains anymore because of security incidents. We want to see people travelling on public transport and knowing that it is safe, but there is clearly an issue in regard to security on these trains. People have experienced unfortunate incidents where they felt their personal security was threatened.

What is happening? Has there been an increase in police numbers? Is that dealing with the matter? We have seen no real evidence that the government is dealing with the issues, because the complaints continue to come in. I asked about what was happening with these transit officers who are employed to not only take fares but also ensure that there is safety on the trains. It is about 18 months since this parliament passed additional provisions to give greater powers to people who are trained as transit officers. We opposed it at the time on the basis that there was still a lack of clarity about the training level provided and the fact that the powers that were really needed were those that police exercise. Our preference is to see a fully resourced and functional Police Service on public transport delivering the security that is required. Officers have to be able to remove people. They have to be able to use the powers of police to keep people safe. But the government's line was, 'No, we are going to train these people to have the appropriate levels of training so they can deal with some police like powers to keep people safe.'

Eighteen months later and that still has not happened. It appears that we are going to have a hybrid of security models occurring on public transport in Queensland. Some officers will be employed by Queensland Rail and some will be employed by TransLink. Some will only be taking fares and doing general duties that are traditionally applied to the roles. Others will have the higher levels of security. What will the training be? When will they start work in those higher levels of security? Nobody knows. There is legislation with lots of words about improving public safety, but the reality is that that has not occurred. Still we are asking, 'Where are the police?' If you want to deal with public security issues, it is not only about lower levels of security trained officers, it is also about being able to call for the appropriate backup where police have the full extent of the powers to deal with those issues.

I am calling on the minister to ensure that she talks to her police colleagues and the police minister to get those resources. The complaints that are coming through about public transport at the moment are undermining not only people's perceptions of safety but also their very own personal security. I know people who will no longer take the train because of it and that needs to be addressed.

In closing in regard to this contribution, this is a cognate debate. It is a cognate debate because the LNP introduced its policy into legislation for alcohol ignition interlocks, because we believe it is time to get the repeat drink drivers—the drunks—off the road. I heard the Treasurer earlier in a debate saying that we did not have any policies, but he is conveniently willing to take our policies and then pretend that they are his.

If the LNP had not introduced this legislation into the parliament with regard to alcohol ignition interlocks, we would still be waiting for the government. The only thing that spurred the government into action was the fact that we had introduced legislation, which has now matured on the *Notice Paper* and which requires debate, and we now have this cognate debate with the government's legislation coming

before the parliament. We support tougher provisions with regard to repeat drink drivers and high-level drink drivers. We also support other measures in this legislation, reserving the right with regard to specific aspects that we still believe can be improved. The LNP has policy that it has brought into the parliament and it has put into legislation. I suppose imitation is the best form of flattery when the government feels compelled to take our policy. It will attack us but then take our ideas, but we will continue to drive what we believe is in the best interests of Queensland.