



Speech By  
**Hon. Mark Bailey**

**MEMBER FOR MILLER**

---

Record of Proceedings, 13 June 2018

**HEAVY VEHICLE NATIONAL LAW AND OTHER LEGISLATION AMENDMENT  
BILL**

**Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (4.13 pm), in reply: I would like to thank all members for their contributions to the debate on the Heavy Vehicle National Law and Other Legislation Amendment Bill 2018. I acknowledge the role of those families who have advocated for reform over the past couple of years. This has been a worthy debate and a worthy engagement by all parties.

This bill continues the delivery of important amendments on a number of fronts, including the heavy vehicle industry reforms, particularly relating to the chain of responsibility and heavy vehicle registration. With regard to the amendments relating to heavy vehicles, an extensive consultation program was conducted with industry stakeholders so that all of those involved in the transport of goods by heavy vehicles are aware of their ongoing responsibilities. Certain sectors such as primary producers received targeted consultation specific to their particular needs. I am confident that the support and guidance that the National Heavy Vehicle Regulator is providing to industry will assist them in preparing for these changes. The changes, which come in from 1 July this year, will allow the National Heavy Vehicle Regulator to establish a national operator fleet dataset to support the regulator in performing its functions and delivering future productivity and safety benefits.

The Palaszczuk government remains absolutely committed to road safety and this is a very important part of this bill. Road crashes where a person is killed or suffers grievous bodily harm have a devastating impact on families and the community. This bill will close the current gap in the penalties between careless driving offences and dangerous driving offences where a person is killed or suffers grievous bodily harm. The new higher penalties and minimum licence disqualification periods for driving offences that result in death or grievous bodily harm will give our courts greater scope to deal with offenders.

During this debate and also in the broader discussion, a number of speakers have raised the prospect of whether a new negligent driving offence would be possible. I acknowledge the sincere intentions of those who suggest such an offence. However, in response I would like to say that introducing a new offence of negligent driving, or inserting the term 'negligent' into the provision relating to careless driving, would have serious undesirable consequences. Those consequences include making it more difficult to prosecute drivers for unsafe behaviours and potentially undermining the new penalties that this bill introduces.

In practical terms, the court may interpret the term 'negligent' as meaning something new, requiring prosecutors to prove other elements in order to convict a person of careless driving—that is, it may be more difficult for prosecutors to take action against offending drivers. The term may also impact on prosecutors who want to convict a driver for the more serious offence of dangerous driving. That is because negligent driving, if included as part of the careless driving provision, could be

interpreted as adequately covering the behaviour that the individual is accused of. That would have the effect of reducing the maximum penalties regime that the courts have access to under the dangerous driving provisions.

I think it is important to note that the definition of 'careless driving' includes negligent behaviour. That reflects the different ways the legal systems in New South Wales and Queensland have evolved and the use of different terms for a similar provision. Therefore, I am confident that the new tiered penalty structure addresses previous coronial recommendations and community concerns that the existing penalties structure was inadequate and did not address serious crashes. The Department of Transport and Main Roads will monitor the application of these new laws over the first 12 to 24 months to ensure that they are achieving the desired outcomes.

Words are not really able to convey the tragedy of lives lost on our Queensland roads. Sadly, I note that, this year, we have lost over 100 Queenslanders. I thank all the family members who have taken the time, and also shown the courage, to share their stories with me, the committee and those others involved in considering this matter and for their unwavering commitment to improving road safety. They have shown both strength and resilience in highlighting the tragic outcome of these serious road crashes. I am very grateful for the opportunity that I had to spend time with them last week to go through these provisions and a range of other safety matters.

In saying that, I would like to take the time to recognise the courage of families who came and shared their stories with the committee and me by acknowledging some of the lives lost. I acknowledge siblings Sarah and Daniel Walker, who were killed in a crash outside Tiaro on 17 April 2017, and where Mr Peter Knowles and Sarah's young son, Sam, were seriously injured. I acknowledge Mrs Audrey Anne Dow, who was killed in a crash on 31 July 2013 at Mackay. I acknowledge Ms Yasmin McAllister, who was killed on 14 June 2017. Ms McAllister was a pedestrian at the time of the crash. I acknowledge Mr Bryan Baker, who was killed on 14 May 2017 while riding his motorcycle. I also acknowledge Dr Gerald McCrossin, who was killed as a result of a crash when he was a pedestrian at the time. He died on 21 June 2015.

These are by no means the only lives lost in such circumstances and my thoughts go out to all the families affected by such incidents. I acknowledge my cousin Stephen Cole who died near Inglewood in April 1988 in a head-on collision.

The bill makes changes relating to the retention of digital photos and signatures to support PrepL, the new online learning and assessment program for learner drivers. It will also allow notices to be sent to a registered operator of a vehicle when an offence is committed in that vehicle by another driver. These changes also support improved road safety outcomes, particularly for our young drivers.

Lastly, the bill will update testing procedures to reflect new technologies and offer greater efficiencies in the enforcement of drug testing. I thank all stakeholders and members of the community for their contributions and engagement in bringing these important road safety reforms to the House. I commend this bill to the House.