



Speech By
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MEMBER FOR MACALISTER

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**TRANSPORT LEGISLATION (ROAD SAFETY AND OTHER MATTERS)
AMENDMENT BILL**

 **Mrs McMAHON** (Macalister—ALP) (12.29 pm): I rise to speak in support of the Transport Legislation (Road Safety and Other Matters) Amendment Bill. I know that the explanatory notes to this bill list a vast number of amendments to a range of pieces of legislation. I fully support and endorse the range of initiatives contained in this bill, including the extension of the interlock program, the introduction of education programs targeted at drink-drivers across a range of contexts and the mechanisms to allow traffic camera enforcement in variable speed limit zones. I note the infrastructure we can see being installed along the M1 at the moment. I am especially appreciative, and I am sure members of the general public will be, of the introduction of an online portal to nominate other drivers for camera infringement notices rather than completing the statutory declaration.

I intend to speak about a particular clause that not many members have addressed—indeed the committee, whilst understandably having a large amount of amendments to consider, gave it but a brief mention in the report—namely, clause 35 which amends section 80 of the Transport Operations (Road Use Management) Act 1995. If ever there were a section of a piece of legislation that I could talk about underwater, it would be section 80 of what we affectionately refer to as the TORUM. I honestly could not calculate how many hours I have spent over the years explaining section 80 to hundreds of recruits. It is probably the one lesson I specialise in, so I ask members to bear with me as I condense hundreds of hours into fewer than 10 minutes.

Every police recruit receives at least 10 hours instruction on drink-driving legislation, not including their practical work and assessment work. It is bread-and-butter policing. Every member has stood up in this House and offered bipartisan support generally to our drink-driving legislation. They have spoken about the impact of drink-driving and acknowledged the work of our officers in detecting, investigating and prosecuting drink-drivers. We all have section 80 of the TORUM to thank for that. Section 80 gives police officers the power to require a specimen of breath on the roadside. Section 80 gives police the power to take that driver back to the police station for further testing, and it gives them power to require a specimen of breath for analysis on an approved breath-analysing instrument as well as the power to issue paperwork and certificates in relation to suspended licences and evidence.

It is a remarkable piece of legislation but not one that is easy to navigate. I know that section 79 of the act is where all the love is, because that is where the traffic offences are. That is where we find our UIL offences and our mid-range and high-range drink-driving offences. I give a shout-out to subsection (7), which includes our horse riders and bicyclists who get charged for drink-driving. Section 79 goes for only 23 pages; section 80 goes for a staggering 38 pages. It never used to be that big. In fact, it does seem to grow almost every year, because throughout the years we have increased the provisions of drink-driving to include matters like saliva testing and drug testing. This amendment bill will add to section 80. While it may not seem big, its amendment will have its uses. Allow me to elaborate. Section 80(2) currently allows for police to require a specimen of breath from any person

found or suspected by an officer to have been driving, attempting to put in motion, or being in charge of a motor vehicle. This amendment will allow for police to require a specimen of breath from someone who operates or interferes with the operation of a motor vehicle in a dangerous manner.

Any police officer could tell a range of drink-driving investigation stories. I could tell the one about the time I got two drivers out of the one car who were drink-driving, or where we caught a drink-driver twice within one hour, or that time on the Gold Coast Highway where we had so many drink-drivers caught in the space of 20 minutes we did not have enough time to process them all. However, I will relay the impact that this clause will have when it comes into effect.

One evening I was detailed to attend a single-vehicle traffic crash into a pole on Compton Road at Underwood. There were two male occupants. After establishing who was the driver, we breath-tested the driver, found that he was over and said that he would be coming back with us to the station for further testing, as allowed by section 80. In sorting out the vehicle to be towed, we attempted to establish the reason for the crash. It is a straight stretch of road, it was a clear night and the results were not that high. Not every drink-driving incident results in a crash. We had a chat to his passenger and it was established that the passenger decided, for a lark, to grab on to the steering wheel of the vehicle as it was being driven, thus resulting in the car being wrapped around the pole—and by the grace of God they both walked out of that vehicle.

We ended up charging the driver for drink-driving and we charged the passenger with dangerous operation of a motor vehicle, because the provision allows for the interference with a vehicle. We could not breath-test the passenger, even though I could say right now that he would have been higher than the driver. That is the loophole that clause 35 will close, because that passenger who took control of that steering wheel, causing the car to crash, was in fact at the wheel at the time the vehicle crashed and could therefore be tested under the new section 80.

Everyone here has spoken about or provided some example of the impact of road crashes and road trauma. It is interesting that we now use the words 'road trauma'. I note some of the changes to the way we describe road incidents. We used to call them 'traffic accidents'—that inferred that these things just happened by accident—but the reality is that it is driver behaviour, more often than not, that is the cause of a traffic crash. Therefore, now we use the terms 'road crash' or 'traffic crash'. The term we are starting to use now is 'road trauma', because not only is it the physical trauma but also there is a mental trauma that goes alongside. Many members spoke about the impact of crashes not only on the victims who survive but also on the family.

My job exposed me to traffic crashes and road trauma on an unimaginable scale. When I stood in the House to make my first speech I said that I would be a champion for general duties police officers. They are the front line in attending our road crashes, often getting there before our ambos and paramedics and often being the only person holding someone's hand as they take their last breaths. Obviously, I thought that after years and years I would be immune to this, because we put our professional hat on and do our job, but we do not account for what happens when it affects us personally. I know of cases—and I read about it regularly in our regional areas—where police officers attending traffic crashes find out that the victims are actually family. I could not think of anything worse.

This is probably the first and hopefully only time I will mention this, but a number of years ago I was involved in a fatal traffic crash. I was the only survivor of the traffic crash. The driver who caused the crash had, as it turned out following the autopsy, a blood alcohol concentration of .185. That is over the middle limit but under the high limit. The member for Mirani just stated that it was unfair that someone over the middle limit but under the high limit has an interlock device fitted for just one incident. Fitting an interlock device would not have made a difference in the example I gave because that driver had not had a previous incident, but saying that someone who has just misjudged by having a few extra drinks and who is over the middle range limit does not deserve to have an interlock device fitted is not right.

Those are decisions that people make for which there are consequences. I am sorry if it means that people might have trouble with their employment, but the decision to take those extra drinks and the impairment of judgement it causes has far-reaching consequences that are greater than potentially having trouble finding or keeping a job. Those decisions kill. That is why we have a piece of legislation. That is why we have section 80. That is why we have section 79 of TORUM. It does a job. It is there as a consequence, because there are far worse consequences than losing your licence. There are far worse consequences of drink-driving than having trouble finding a job. The number of Queenslanders we lose every year because someone made the wrong decision is appalling. I commend this bill to the House.