

Question on Notice

No. 318

Asked on 22 March 2005

MR FOLEY asked the Minister for Transport and Main Roads (MR LUCAS) -

QUESTION:

With reference to a constituent who lost a \$600,000 business when he was injured by hitting cattle straying on the road and as it is easy to identify the owner of the cattle through branding, it would appear that the owner of the cattle only has to claim that someone else opened their gate and let their cattle out, and they are absolved from responsibility—

Will he move to fix this loophole so that people can travel safely on the roads and not risk rounding a corner and hitting a beast on the roads?

ANSWER:

I thank the Member for Maryborough for the question.

Queensland is a very diverse state with many differing road conditions from urban to rural to remote. On rural roads in particular, drivers must proceed with a greater awareness of feral, native or domestic animals possibly being on the road.

Main Roads data indicates less than 1 percent of crashes causing fatalities/hospitalisations in Queensland involve animals. In more than a third of these crashes, the animal was native or feral.

If a crash does occur with a domestic animal, Queensland legislation does not impose liability on farmers for stock straying onto roads. Queensland land owners may rely on the common law rule in *Searle v Wallbank*.

My colleague the Attorney-General is responsible for law reform relating to civil liability. I am advised that the Justice and Attorney-General Department is considering the matter.