



Speech by

**Andrew Cripps**

**MEMBER FOR HINCHINBROOK**

Hansard Tuesday, 9 October 2007

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## **TRANSPORT LEGISLATION AMENDMENT BILL**

**Mr CRIPPS** (Hinchinbrook—NPA) (4.21 pm): I rise to make a contribution to the debate on the Transport Legislation Amendment Bill 2007. The most significant amendments in this bill are the adoption of national compliance and enforcement reforms for heavy vehicles and changes to the taxi industry affecting the services offered by operators throughout Queensland.

The amendments to the Transport Operations (Road Use Management) Act adopt provisions from the national Road Transport Reform (Compliance and Enforcement) Bill 2003, a Commonwealth bill that seeks to strengthen current heavy vehicle compliance and enforcement processes. The Commonwealth bill is based on recommendations from the National Transport Commission which are designed to achieve national uniformity and to improve compliance with heavy vehicle operating requirements.

The bill seeks to influence changes to the on-road behaviour of those involved in the heavy vehicle transport industry and to ensure the accountability of all parties influencing compliance with the heavy vehicle transport laws. This extends to off-road parties which is an innovative development for this piece of legislation. The stated aim of the legislation is to ensure that all parties who influence on-road behaviour are held accountable for breaches of road transport laws. Under this concept, legal liability can reach beyond the driver to other parties both within and outside the road transport industry so that the real causes of noncompliance with road transport laws are targeted.

The explanatory notes accompanying the bill indicate that heavy vehicles are significantly overrepresented in crashes causing fatalities, relative to other classes of vehicles. Specifically, the explanatory notes state that heavy vehicles such as road trains, B-doubles and triples have a fatal crash rate 18 times higher than that of cars. That is very statistically significant.

Recent increases in fatal crashes involving trucks can be attributed in part to the increases in the number of trucks travelling on Queensland roads. The statistics cited in the explanatory notes indicate that the use of trucks to transport freight is forecast to double between the year 2000 and 2020. Without appropriate regulation of the road freight industry this has the potential to significantly impact on Queensland's future road toll.

The bill's stated aim is to remove any unfair competitive advantage that may result from the breach of those transport regulations. To this end, the bill proposes amendments to: provide a scheme for encouraging compliance with the requirements of Queensland's road transport laws and for the enforcement of those requirements; encourage a change in the on-road behaviour of those involved in the transport industry by removing commercial benefit for breaching heavy vehicle road rules; strengthen powers for enforcement officers to improve intelligence gathering and prosecution outcomes; refine provisions to recognise all parties who affect road transport compliance and ensure that they can be held accountable for their actions and omissions where they result in a breach of the transport law; and implement national heavy vehicle compliance and enforcement measures thereby removing cross-jurisdictional variations.

Earlier this year the Transport Legislation and Another Act Amendment Bill was debated in this place. One section of that bill was the subject of a disallowance motion moved by the opposition. During

debate on the disallowance motion, which related to proposed increases in financial penalties and demerit points for drivers, I advocated that the government consider the lack of rest bays available to heavy vehicle drivers on heavy vehicle transport routes.

This may mean that drivers have to time their stops and pull up short of their allocated driving times because they know that there are no rest bays or no roadhouses for another two hours or so along their particular route. That penalises the drivers themselves when they are given unrealistic driving times and relates to the stated intention of this bill which is to reduce incentives to break the law.

I reiterate the point for the benefit of the new transport minister. There need to be more of these rest bays and these rest bays ought to have sufficient space to take a number of heavy vehicles. There ought to be appropriate facilities provided at these rest bays so that the truckies can get out and have a shower and a proper sleep. This will improve safety on our roads. I might suggest to the minister that he give serious consideration to building extra rest bays and appropriate facilities.

Amongst other things, the bill proposes to require a defendant challenging the image from a photographic detection device, the functioning or visibility of a traffic device or the accuracy or operation of a speed detection device to give written notice of the grounds of challenge that they intend to rely upon. I am a little concerned about this particular amendment. I can appreciate that there are circumstances where a defendant could legitimately be asked to disclose the basis on which they intend to challenge an infringement notice, for example, on the basis that a traffic control device or a speed detection device was calibrated incorrectly or positioned incorrectly. However, I would be concerned if the defendant was asked to provide details about the evidence they intend to use in support of their challenge. There ought to be at least some burden on those prosecuting such traffic infringements to substantiate the accuracy of the information that they use to issue the infringement notice.

The bill also amends the Maritime and Other Legislation Amendment Act to extend cumulative driver disqualification provisions to apply to disqualifications resulting from drug-driving offences. I am again reminded of the debate in this parliament earlier this year on the Transport Legislation and Another Act Amendment Bill, which involved amendments to the Transport Operations (Road Use Management) Act 1995, to introduce random drug testing for drivers on the collection and analysis of a specimen of saliva.

My colleagues and I from the Queensland coalition certainly supported that initiative. It was a very positive step forward as far as road safety was concerned. There is absolutely no reason this initiative should not be extended to boat licences. Once again I commend the government for this initiative with respect to drug driving regardless of the wheel they are behind—be it a vehicle or a vessel.

The bill amends the Transport Operations (Passenger Transport) Act to require all taxi service contract holders to develop and submit for Queensland Transport approval an annual peak demand management plan. Amongst other things, the bill proposes to introduce peak demand taxi permits to increase the number of taxis during peak times such as Friday and Saturday nights and major events. Meeting demand at peak patronage periods and maintaining high levels of public safety are key related issues. A major challenge for transport services is flexibility in providing these services at peak times and for special events.

The amendments in this bill are aimed at providing an environment for the taxi operators to meet the demand at these critical times through introduction of the annual peak demand management plans. The plans will be required to nominate the number of peak demand taxi permits they require to meet demand during these identified periods. To provide additional taxis during peak periods without saturating the non-busy times, a peak demand taxi will only be able to operate during the peak demand periods identified in that management plan lodged with Queensland Transport. I hope these changes allowing for the issuing of peak demand taxi permits will be able to address an issue which taxi operators in my electorate in the Mission Beach area have recently raised.

In June this year I was contacted by a constituent of mine, Carol Goldsmith, from Mission Beach. Carol is the owner and operator of Mission Beach Taxis, a small business catering to the transport needs of the communities in that area including Bingle Bay, Mission Beach, Wongaling Beach and South Mission Beach. Carol contacted me to voice her frustrations about dealing with the department of transport and its apparent unwillingness to review a situation where there was a shortage of transport options in the Mission Beach area which meant that an extra taxi licence for the district was badly needed, particularly during its peak times such as Friday and Saturday nights.

Mission Beach is a major tourism area. As such, a large number of people in the area out at licensed premises during these peak periods are visitors to the area and do not have their own transport available and do not have family members available to pick them up. Logically they turn to taxis to get to and from these licensed premises, driving demand higher on top of the ordinary demand from the permanent resident population. The results of the lack of transport options in the local area have begun to manifest themselves in increased instances of driving under the influence offences in the local area. Carol contacted me after a letter to the department of transport in June this year had not resulted in positive

action to address the problem. I contacted the department and was advised that a survey of the Mission Beach area was required to try to ascertain if the district required another taxi licence. But these surveys do not appreciate or take into account these peak periods, especially in high-tourism areas like Mission Beach where the population can be inflated at peak tourism times like the September school holidays, which have just passed.

Operators of licensed premises in the Mission Beach area recently formed the Mission Beach Liquor Accord in response to the issue of increased driving under the influence offences raised by the Queensland Police Service, which attends the Mission Beach Liquor Accord meetings. The Mission Beach Liquor Accord is trying to address issues like the lack of patron transport options and other issues of mutual concern relating to the sale of liquor in the area. The transport options available for patrons leaving licensed premises are one of the key issues identified by the police and the Mission Beach Liquor Accord. Having extra taxi licences is viewed as an important part of addressing this issue and reducing a range of offences, including driving under the influence offences.

Having made inquiries on behalf of Carol earlier this year with respect to the issue of trying to secure another taxi licence for the Mission Beach area, the Mission Beach Liquor Accord issued me with an invitation to attend its recent meeting on Tuesday, 25 September. I accepted the invitation and was pleased to see a good representation of the licensed premises in attendance in addition to four local police officers and local taxi operators. The Queensland Police Service certainly raised particular concerns about the number of driving under the influence offences in the Mission Beach area. Owners of licensed premises expressed concern about the transport options for patrons and looked to solutions. They looked to the taxi operators for these solutions, who advised that they were constrained by their inability to secure extra taxi licences from the department of transport. I have recently written to the minister for transport to express my disappointment that the department of transport, which had been invited to attend that particular meeting of the Mission Beach Liquor Accord, did not send a representative.

This is a genuine attempt made by the Mission Beach Liquor Accord to address issues relating to the responsible service of alcohol in the Mission Beach area, and transport options for patrons to and from licensed premises are an important part of developing a solution to these issues. I hope the department of transport will take a more proactive approach in the future to pursuing these types of issues, particularly where local operators are being so proactive and working in partnership with key stakeholders like the Queensland Police Service to identify and solve these problems. The Mission Beach area needs extra taxi licences, particularly in those peak demand periods. Local taxi operators need the cooperation and assistance of the department to achieve this. It will hopefully give patrons more flexible transport options and will hopefully reduce the number of those driving under the influence offences in the area. I certainly think that the amendments in this bill could facilitate a solution to this problem. With those comments on the record, I support the bill.