



Speech by

Jann Stuckey

MEMBER FOR CURRUMBIN

Hansard Wednesday, 24 March 2010

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

Mrs STUCKEY (Currumbin—LNP) (8.50 pm): I rise to speak to the cognate debate on the Transport Operations (Road Use Management—Interlocks) Amendment Bill 2009, which was introduced into the House by the honourable member for Maroochydore, the shadow minister for transport, on 11 November 2009. I also rise to speak to the Transport and Other Legislation Amendment Bill 2010, which was introduced four months after the LNP's bill on 10 March by the Minister for Transport. In what is becoming a regular pattern, the government has been caught napping when it comes to introducing important legislation and is frequently having to follow the LNP's lead. Whilst the LNP supports a range of amendments in the government's bill, we will be opposing two sections—those being smart licence and MARPOL, as was clearly stated by the shadow minister.

I will first address the LNP's bill, the Transport Operations (Road Use Management—Interlocks) Amendment Bill. It is the primary aim of this private member's bill to increase Queensland road safety by introducing preventative measures to curb problematic drink driving. This legislation seeks to amend the Transport Operations (Road Use Management) Act 1995 to establish a framework for introducing the use of alcohol interlocks for drink-driving offenders as well as drink driving education and rehabilitation. The LNP introduced this legislation last year due to the inaction of the Bligh Labor government to prevent more fatalities from drink driving on Queensland roads.

In 2009 alcohol was a factor in 71 road fatalities or 21 per cent of the Queensland road toll for the year. As the shadow minister for transport mentioned in her second reading speech, almost 30,000 drink drivers were caught in Queensland in the 12 months to June 2008, with around 10,400 having a previous booking for drink driving and an alarming 4,000 people caught for a third time. In the 12 months to June 2009 the number of drink drivers caught rose to over 32,000. Some 3,944 of these, I am sad to say, were on the Gold Coast. These high numbers of recorded offences are proof that this government's purported commitment to reducing drink driving is indeed a farce.

In 2006 the Queensland parliamentary Travelsafe Committee released a report entitled *Getting tough on drink drivers*. Recommendation 8 of the report stated—

That the *Transport Operations (Road Use Management) Act 1995* be amended to give the courts discretion to require that individuals convicted of drink driving offences and who are issued with a restricted licence, or repeat drink drivers returning to driving, attend a drink driving rehabilitation program and have alcohol ignition interlocks fitted to the vehicles that they drive.

It also recommended that the cost of the interlock and rehabilitation be borne by the offenders. An alcohol interlock is a device that can be fitted to a vehicle that will cause the driver to be, in effect, locked out if they do not pass a breath test. According to the committee's report, alcohol interlocks reduce recidivism rates by drink drivers by up to 60 per cent. Combined with rehabilitation—and I mean rehabilitation, not just attending one meeting—the results are even more effective. Notably, these recommendations form the basis of the LNP's policy within this bill, and I say the word 'policy' again for those who did not hear.

I listened to the absolute nonsense from the transport minister tonight, who attempted to take the high moral ground on this issue by saying that the government indicated it was bringing in legislation along these lines in either October or November 2009—I did not quite catch which month—and then she chastised the LNP for bringing in a private member's bill on 11 November. What a pathetic contribution indeed—a minister of the Crown unable to mount an intelligent debate or address any specific elements that are important in this bill!

The government has had its chance to act. In fact, it has had many chances. I remind the House of some statements full of promises from former and current Labor government members since the introduction of the topic in parliament eight years ago. On 20 February 2002 a question without notice from Mr Quinn to Mr Bredhauer asked, 'Will the state government now look at new laws such that it will become compulsory for repeat drink drivers to install alcohol ignition interlocks?' And guess what Mr Bredhauer said? 'The short answer to the question is yes.' That was 2002. On 31 October 2006 in the Travelsafe Committee report Mr Pearce stated—

Our recommendations, if implemented, would tackle the problem through a combination of rehabilitation programs, ignition interlocks, the impounding of repeat drink-driver vehicles and smarter policing.

On 28 February 2006 during the matters of public interest debate, Ms Nelson-Carr said—

We will be impounding vehicles and introducing alcohol ignition interlocks, double demerit points, fixed cameras and so on.

And so on and so on and so on it was. On 13 March 2007 in ministerial statements, the Hon. JC Spence said—

The transport minister is working on laws for alcohol interlocks for repeat high-end drink drivers and has introduced legislation for Queensland's new young driver laws and random roadside drug testing.

Moving to July 2007 in Estimates Committee C for Transport and Main Roads, Mr Lucas said—

We will do even more. Roadside drug testing, fixed speed cameras and alcohol interlocks are all on the horizon over the next year.

I repeat that that was 2007 and over the horizon was next year. But here we are, if we count, some three years later! It begs the question: how many people have lost their lives as a result of repeat drink drivers on our roads while this Labor government dithered for the last eight years?

Legislation amending the Transport Operations (Road Use Management) Act 1995 has been introduced five times between 2002 and 2009, yet the government did not have the intestinal fortitude to take a stance on its unfulfilled promises until now. Provisions in the LNP bill will implement a tough stance against repeat drink-driving offenders—unlike those on the other side of the House, who have allowed drink driving to continue unabated in our state. As my local police and constituents can attest, the current approach is not working. Advertising and shock tactics have some merit, but these are supplementary approaches and it is difficult to measure their effectiveness. The very people who are the target of these campaigns are choosing not to listen. People are time and time again getting into their cars and driving drunk. Drink driving is a crime; it is not a traffic infringement. Punishment should reflect the crime, and our legislation in turn should reflect that.

The LNP proposes to amend section 86 of the Transport Operations (Road Use Management) Act so that a person convicted of a drink-driving offence over the high alcohol level of .15 blood alcohol content or above three times in five years is disqualified absolutely from holding a Queensland driver's licence. The government's own drink driving discussion paper released this month reveals that those with a BAC of .15 or above have a crash rate 22 times that of someone with no alcohol in their system. We simply cannot allow repeat offenders who do not learn from their mistakes to continue driving on our roads, thereby putting their lives and the lives of innocent Queenslanders at risk.

An alarming case on the Gold Coast in February this year highlights the drastic need for stronger legislative measures to come down hard on high-risk individuals. A Surfers Paradise woman caught drink driving for the fifth time while still serving a previous disqualification period had a three-month jail sentence fully suspended, was put on probation for two years, disqualified from driving for five years and copped a mere \$500 fine. The risk that this woman with a blood alcohol content of .153 posed to innocent civilians means nothing to this government, which continues to allow such serious crimes as this to attract soft sentences. Who is to blame if this woman killed someone? She obviously has a serious problem which she refuses to recognise and needs to be taken off our roads and given in-depth counselling and rehabilitation.

It could be said that this government has blood on its hands as legislators for failing to act sooner. But where would this woman go to detox? The funding cuts to in-patient services at Mirikai at Burleigh on the Gold Coast are absolutely shameful. Facilities on the Gold Coast are virtually extinct and they are severely limited elsewhere in Queensland. It is one thing to talk about the government bringing in legislation; it is another to make sure that the supports are in place to help people on the path to proper and clean rehabilitation.

The passage of this bill will insert a new part 3B into chapter 5 of the Transport Operations (Road Use Management) Act 1995 detailing the use of alcohol interlocks. It is prescribed in the LNP's bill under new section 91J that the court will have the discretion to impose an alcohol interlock condition on the licence of a person who has had their licence disqualified for either of the following: a high alcohol limit driving offence, where they have not been convicted of another high alcohol limit driving offence in the previous five years, or a low alcohol limit drink-driving offence, where they have been convicted of another low limit driving offence in the previous five years.

At the court's discretion, the alcohol interlock condition can be imposed on the subsequent licence of an offender in this category for a period of one to four years. For a person to be convicted of a high alcohol limit driving offence for the second time within five years, proposed section 91K provides that a court must impose an alcohol interlock condition on the offender's subsequent licence. The court must also specify the duration of the interlock condition of between one and eight years for this category of offender. For both mandatory and discretionary interlock conditions, the court must state whether the driver cannot be over the no-alcohol limit of zero or the general alcohol limit of .05.

Under these amendments, alcohol intervention consultation with a doctor will be required for recidivist low-limit offenders or first-time high-level offenders. The evidence will be presented before the end of the minimum alcohol interlock condition. Those convicted of a repeat high-limit offence within five years will be required to attend a drink driving rehabilitation course at his or her own expense and provide proof of completion before the end of the minimum period for the interlock condition.

An obvious concern about the rollout of interlocks, and one that has been raised by police in my electorate, is the ease of getting around the rules that govern the use of devices. If implemented through the passage of these bills, alcohol interlocks will require the strongest legislative support to avoid any shortcomings in their application. Deterrent level fines will need to be imposed on people who help their mates out by getting them behind the wheel when they should not be. People who act like that are accessories to a crime and need to be treated accordingly. The Bligh government's soft on crime attitude threatens to be the demise of this scheme. It is important to note that the LNP's bill, if passed, will make it an offence for a person to assist an alcohol interlock driver or interfere with an alcohol interlock. Such an offence will be punishable by a maximum of 30 penalty units—that is \$3,000—or four months imprisonment.

I will move now to that part of the government's bill that deals with interlocks—a bill which was introduced five months after the LNP's private member's bill was introduced in November. The government's Transport and Other Legislation Amendment Bill 2010 was introduced by the Minister for Transport on 10 March. This bill seeks to amend 14 pieces of legislation relating to transport. However, it is the proposed amendments regarding interlocks that are of most significance to my contribution today.

The Bligh government's bill, like the LNP's bill introduced before it, also seeks to insert a new part 3B into chapter 5 of the act—however, with some differences. The government's bill proposes that the following will have an interlock condition imposed on their licences following disqualification: first-time offenders with a high-limit BAC, being .15 or over; repeat offenders within a five-year period; offenders charged with dangerous driving while under the effects of alcohol; and drivers who fail to provide a specimen of blood or breath. A 12-month period is prescribed for all interlock conditions regardless of the offence, unlike the discretionary period that is proposed under the LNP's bill.

If passed, the government's bill will implement a mandatory administrative model requiring all high-risk drink drivers to have an interlock condition applied at the time of relicensing at a cost of approximately \$2,000 to be borne by the offender. Operating an administrative model will hand control to the department of transport and, no doubt, ease congestion in the court system. However, allowing the courts the discretion to screen offenders for suitability for the interlock conditions, as the LNP bill prescribes, is an important consideration, as the Queensland trial revealed.

The Bligh government's bill has omitted this provision. A small Queensland trial conducted back in 2001 was a voluntary program that installed court ordered interlocks in the vehicles of drink drivers. It was led by the Centre for Accident Research and Road Safety—Queensland—CARRS-Q—at QUT. The program assigned interlocks to a group of offenders following the serving of their licence disqualification period for a drink-driving offence. The trial was plagued with low participation rates, with only 29 people having an interlock installed. Of around 100 applicants who were asked their reason for ineligibility for the program, 70 per cent reported not being able to afford the interlock, 20 per cent did not have access to a vehicle, eight per cent were unable to reach the service provider and the remaining two per cent revealed problems with providing a breath sample. With costs being the major factor in participants not choosing the interlock option, implementing an administrative policy that would force participants to bear the cost of the interlocks could result in financial hardship and unintended consequences beyond the scope of this legislation. It is within the scope of the LNP's bill before the House that the court may acknowledge financial hardship when considering the cost of the interlock condition and the fine paid by the offender.

Currently, rehabilitation is offered to drink-driving offenders in Queensland through the Magistrates Court at the sentencing stage in association with a probation order. The program, initiated and facilitated by CARRS-Q, began state-wide in 1998. To date, around 8,500 drink-driving offenders have taken part in the program. An evaluation of participants has shown a 55 per cent reduction in subsequent drink-driving behaviour by serious repeat offenders—that is, repeat high-level offenders who successfully completed the 11-week program. The actual percentage overall is not claimed. These results are indicative of the positive combination of education and rehabilitation in tackling the menace that has gripped our society for far too long.

An education program being run in my electorate—the Gold Coast Traffic Offenders Program or TOP—aims to combat the problem of repeat drink drivers coming back before the courts. During the five-week course, officers from the Queensland police, ambulance and fire services present lectures to impart their experiences to attendees and the program is endorsed by magistrates. The greatest deterrent for reoffending is arguably having to give up one's personal time to attend a class and face up to one's own shortcomings. The police in my local area, who do such a wonderful job throughout the electorate of Currumbin, tell me that it is a quality program that is underutilised. Therefore, it should be enforceable through the judicial system in the form of sentencing packages that are available to magistrates.

The government's bill raises a number of questions that I would ask the minister to address in her reply. Where is the government's plan to introduce compulsory rehabilitation programs for drink drivers in conjunction with alcohol interlock conditions as recommended by the Travelsafe Committee? What will the review process be for alcohol interlocks? Will this government commit to follow up on the performance and success of the interlock program? I hope the minister was paying attention as I asked those questions so that she will be able to address them in her reply, but it looks like she is in a very deep conversation and has not heard a word that I have said.

Implementing alcohol interlocks into law will require a high level of maintenance by government agencies. We need to be certain that these devices are going to have the maximum effect. The only way to do that is with appropriate reporting and review processes—and still the minister talks. Alcohol interlocks have been a long time coming and are not well supported by the government's legislation, which does not address the scope of the problem.

Mr Reeves: Do you actually read *Hansard*? Have you heard about it? It's only been around for 150 years.

Mrs STUCKEY: Precious time has been wasted, as usual by the member for Mansfield, and in relation to this legislation that equates to more people dying on our roads—something that he obviously finds quite amusing. As is becoming regular practice by Labor governments, poor planning that is not properly thought through ends up failing. Parallels could be drawn between the federal minister for environment and the state Minister for Natural Resources, Mines and Energy. Both embarked on big, expensive, widely advertised schemes that were found to have failed miserably in the planning stages, failed to be stopped in a reasonable time frame and, most importantly, failed the people of Queensland, of whom some lost their lives.

The success of the government's proposed amendments would be enhanced by the passage of the LNP's bill. If members opposite really want to curb fatalities caused by drink drivers, they cannot, in all truthfulness, vote down this bill.