

Via email to [hvnreview@ntc.gov.au](mailto:hvnreview@ntc.gov.au)

7 December 2020

To Whom It May Concern,

Please find below my submission for the NTC review of the HVNL as suggested to me by the NHVR and the office of The Honorable Mark Bailey, Minister for Transport and Roads.

I am writing to you with regard to the Queensland licensing laws around road accidents with particular regard to an accident that took place on the 16th May, 2017 on the Mt. Lindsay Hwy at Woodhill, north of Beaudesert.

This was an accident that occurred in the morning [around 8am](#) involving two trucks, five cars and one motorcyclist. The motorcyclist was deceased, Michael Rodda, and my older brother. The cause of the accident was due to a truck driver working for Suncoast Asphalt who failed to slow down or see any of the signage that had been put out for drivers indicating that there was roadwork ahead. The truck driver drove straight into a queue of stationary traffic that had come to a complete stop whilst awaiting an oncoming vehicle.

<https://mypolice.qld.gov.au/logan/2017/05/16/update-fatal-traffic-crash-woodhill/>

<https://www.beaudeserttimes.com.au/story/4665025/fatal-road-crash-on-mount-lindesay-highway/>

The driver, who admitted fault immediately at the time and was eventually charged, Robert Lee Hews, was sentenced on 18th July 2019 to a sentence of four years and a non-parole period of 14 months. He was due for release in September this year and has been granted parole. My family and I attended the sentencing where we learnt some more about the accident and the events of that day and the driver in question.

My purpose in writing to you is to mention several things that are of concern to me and which I would hope can be addressed with possible changes to legislation in the future. The first is the driving record of the driver. We learnt at the sentencing hearing, that the driver had 69 driving offences on record. He was 31 yrs of age at the time of the accident. The most alarming piece of information we heard that day was that he was in fact fined for another 4 speeding offences following the accident in which he killed my brother. For one of those, he was caught driving without a license. This is an average of 4.5 driving offences per year for which this particular driver has been caught.

My first concern here is why there is not tighter legislation around the driving records of persons employed to work as professional drivers. Whether or not the driving record was known to Suncoast Asphalt is not known to me, but certainly such a driving record should render an individual unsuitable for employment in such an industry. The outcome here would indicate that, as would countless other road accidents and fatalities involving truck drivers. My suggestion is that a limit to the number of driving offences a person may be found for is in place before they can be employed as a driver.

The second issue of concern is why this particular driver's license was not suspended immediately on the day of the accident. It was two years later before his license would be suspended and as I have already mentioned, he did accumulate another 4 speeding fines in that time and one of those without a license. Presumably he had his license suspended after one of the speeding offences and

then continued to drive. Clearly this is an individual with no regard for the road rules or laws and with disastrous consequences for me and my family. How and why it was only after a further accumulation of speeding fines and not after causing a catastrophic accident resulting in the death of an individual his license was suspended, is baffling and deeply troubling.

I appreciate the law operates independently to an extent to what you as ministers may do and that under the present laws, this driver has been dealt with accordingly. I am going to suggest the sentencing and current penalty are inadequate both as a punishment and deterrent and are perhaps more to do with prison overcrowding.

Further, there seem to have been no consequences for the trucking company the driver worked for, whatsoever. While I appreciate that companies may not have immediate control over all of their employees at every given moment and that road accidents are an unfortunate occurrence, it would appear that more control and legislation, more drug and alcohol testing and more stringent guidelines around the hiring of drivers is sorely needed. This particular driver was found to have methamphetamine in his system but apparently too low an amount to be considered in sentencing. While it appears that there have been no consequences for the company as I have already said, it did seem very odd to my family that the listed company of directors and website for Suncoast Asphalt was changed almost immediately and within days of the accident. Suncoast Asphalt has since been sold to the Hanson Group of companies. I mention this because perhaps in some way the company did have responsibilities to meet and the sudden change in company directors and so on went some way to avoiding that responsibility. Alternatively if they had met all of their responsibilities and were in fact not responsible in any way, it does seem to have been an usual choice and an alarming coincidence that they should take such action as to change their website so quickly. I understand the employee was dismissed immediately following the accident. It is worth noting we have never heard from the company nor the driver.

In sentencing, as mentioned above the methamphetamine was not considered and nor was the speed the truck was travelling at the time of accident as apparently the speed could not be determined. This was a staggering piece of information to learn as surely one of the tasks of crash investigators in such incidents is to determine the speed at which a vehicle was travelling, evident by the extent of the accident scene, precisely so that information may be used in evidence. Should the speed of the truck and the driver have been found to have in fact been speeding, and the methamphetamine considered, the sentence would have been a lot higher. It is my understanding in NSW that trucks of a particular weight among other things, need to have a monitor fitted in order that data may be read in the event of an accident. Apparently in QLD the laws are different and the vehicle in question was not required to have a monitor fitted. How different the sentencing might have been had a monitor been fitted that would have gone further towards painting a picture of what happened that day. The accused Robert Hews did not provide any statement nor did he speak at all at any time. As the magistrate said at the hearing, what actually happened that day to cause such an accident, when the driver had a straight stretch of road ahead on a clear day for well over 100 metres ahead of him and an estimated travel time of 13 seconds had he been travelling at 40 kilometres per hour, how he failed to see the stationary traffic ahead will forever remain a mystery to us all.

In summary my main concerns are; why there are not stricter guidelines pertaining to the driving records of those employed to work as drivers. I would respectfully suggest that having a driving record with 69 offences renders you unemployable as a driver. If this is not the case, then it is this change in legislation that I am requesting be put in place. Why was the driver's license not suspended immediately following the accident causing a fatality when it was clear fault had been established and indeed admitted to in the moment? I heard this information first hand at the

sentencing hearing. Surely a person which such little regard for the road rules should have their license suspended immediately following a death and certainly the four speeding fines, and one without a license that this driver obtained following the accident on the 16th May, suggests that such drivers cannot be trusted with the responsibility of driving safely and making appropriate choices. I would like to see a change in this legislation to include that drivers have their licenses suspended immediately following a fatality in an accident, particularly where the driver in question admits fault. I note that in NSW a driver can have their license suspended immediately for a driving offence causing death or serious bodily harm whereas in Queensland immediate suspension includes drug and alcohol offences but not death or bodily harm. Certainly in this case as I have already stated, this was a driver who should have his license suspended immediately. My other concerns raised are the responsibilities of trucking companies in such events, particularly ones who claim to have safety of the community as a primary concern and finally why trucks in QLD are not fitted with monitors to provide further detailed relevant information for legal purposes.

As you can imagine this has been an excruciating and utterly traumatic event for my family and the friends of Michael. We will never get over this loss, but if there can be some changes in legislation to ensure that drivers with such reprehensible records are not employed as professional drivers and that licenses are suspended immediately following fatalities, that companies are held accountable and laws around trucks being fitted with monitors are implemented, then perhaps we will feel that we have been able to make some positive change and move forward in Michael's name.

I look forward to hearing from you.

Yours faithfully,

Vivienne Rodda