

# Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022

## Explanatory Notes

### Short title

Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022

### Policy objectives and the reasons for them

The policy objectives of the Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022 (the Bill) are to improve road safety, increase the range of allowable motorised mobility devices (MMDs), make improvements to court and other processes and make minor enhancements to transport and other legislation.

#### *Use of penalties from camera-detected offences for road safety*

The objective of the Camera-Detected Offence Program (CDOP) is to reduce road trauma. It is a fundamental component of Queensland's approach to road safety. The use of cameras, combined with robust penalties, is known to deter people from engaging in unsafe and illegal behaviours while driving by adding to the perceived likelihood of detection. The general deterrent effect of the CDOP and the more specific deterrent effect of penalties on intercepted drivers results in safer driving behaviours on the network.

Under section 117 of the *Transport Operations (Road Use Management) Act 1995* (the TORUM Act), the use of all money collected for penalties imposed for camera-detected offences, in excess of the administration costs of collection, is limited to:

- road safety education and awareness programs;
- road accident injury rehabilitation programs; and
- road funding to improve the safety of the sections of state-controlled roads where accidents most frequently happen.

Section 117 commenced in 1997 with the policy intent of ensuring camera enforcement was, first and foremost, about improving road safety and not about raising revenue. In this context, Queensland was the first jurisdiction nationally to legislate the investment of revenue from camera-detected penalties into key road safety priorities. This framework has served the people of Queensland by providing dedicated funding to road safety initiatives including the Safer Roads Sooner capital works program, Community Road Safety Grants, flashing school zone signs, various road safety awareness campaigns and blood products for road crash injuries.

The clear policy intent of ensuring revenue from camera-detected offences is invested back into road safety initiatives has not changed. However, 25 years on, more contemporary language is required to describe the types of road safety initiatives that may be funded by the CDOP.

The *Queensland Road Safety Strategy 2022-2031* (the Strategy) commits to the ambitious targets set out in the *National Road Safety Strategy 2021-30*. That is, a 50 per cent reduction in lives lost, and a 30 per cent reduction in serious injuries by 2031. To achieve these targets, and the ultimate vision of zero road deaths or serious injuries by 2050, innovation and new approaches must be considered. The Strategy seeks to push our thinking beyond the traditional transport sector, to also consider the health, social and cultural factors that contribute to road trauma in Queensland.

Road safety action plans underpin the Strategy and are released at regular intervals to present the milestones and priority initiatives necessary to help achieve the targets as the system changes over time. Despite enabling road users to make safer decisions or facilitating positive behaviour change, some valuable road safety initiatives do not fall neatly within the existing funding categories available under section 117. Clarifying that CDOP may support initiatives that enable safe (or safer) practices and behaviours may result in:

- collaborating with, or otherwise actively assisting, organisations and local communities to develop and implement safer practices;
- enabling vulnerable road users to participate in programs designed to improve their safety on the road; and
- proactively researching innovative solutions to existing or emerging problems.

For the delivery of safer state-controlled road infrastructure, it is desirable to clarify that funding under section 117 may be applied proactively to prevent crashes on roads where serious crashes have not yet occurred, but where analysis suggests a serious crash risk exists. It is also important to clarify that road funding can incorporate infrastructure that is innovative and utilises the latest technology and that road safety objectives may be best achieved through improvements to areas and infrastructure adjacent to roads.

Section 117 also includes references to "accident". This is not consistent with the more modern and preferred term "crash". This update reflects Queensland's use of the Safe System framework, and the concept that all serious injury crashes are preventable.

In summary, the policy objectives of the Bill include clarifying how the financial penalties imposed for camera-detected offences are to be invested for road safety and modernising the wording of the provision.

#### *Legal protections for health professionals who report on medical fitness to drive for non-Queensland driver licence holders*

While there is no requirement in the legislation to do so, in the interests of road safety, health professionals are encouraged to notify the Department of Transport and Main Roads (TMR) when they become aware that a driver licence holder (including a person who holds a driver licence issued in another jurisdiction) is not medically fit to drive. Once notified, TMR can take action under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021* (the Driver Licensing Regulation) to either amend, suspend or cancel the Queensland driver licence or, for the holders of non-Queensland driver licences, withdraw the person's authority to drive in Queensland under a non-Queensland driver licence.

Section 142 of the TORUM Act provides protection against civil liability or liability under an administrative process for defamation or breach of confidence if a health professional provides information to the chief executive of TMR about a person's medical fitness to hold or continue to hold a Queensland driver licence. However, the same protections do not apply if the health professional provides information about the medical fitness of a non-Queensland licence holder who is driving in Queensland.

As a result, one of the policy objectives of the Bill is to enhance road safety by encouraging health professionals to report to TMR any issues relating to medical fitness to drive for a non-Queensland driver licence holder. The Bill does this by extending certain legal protections to those health professionals.

#### *Evidentiary provisions for vehicle standards related prosecutions*

Light vehicle standards outlined in the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021* (the VSS Regulation) include safety requirements for vehicles and standards for exhaust noise. Unsafe vehicles are a road safety issue and light vehicle exhaust noise is an ongoing community issue, particularly where modified cars and motorbikes impact on community amenity and comfort.

Before a type of road vehicle can enter the Australian market (whether it was manufactured in Australia or imported), it must meet certain standards and be approved by the Australian Government (see the *Road Vehicle Standards Act 2018 (Cwlth)* (RVS Act) and previously the *Road Vehicle Standards (Consequential and Transitional provisions) Act 2018 (Cwlth)* and the *Motor Vehicle Safety Act 1989 (Cwlth)*) (MVS Act) (collectively the Commonwealth vehicle standards Acts). Vehicle standards in Queensland are regulated based on the principle that a vehicle can never be of a lesser standard than was originally approved by the Australian Government. If a vehicle deteriorates or is modified so that it no longer meets the Australian Government vehicle standards, there may be an offence under the VSS Regulation (see, for example, section 8 and Part 3 of the VSS Regulation).

Effective prosecution of these offences is important to deter offending behaviour and promote safer vehicles. Analysis of the evidentiary provisions in the TORUM Act, *Evidence Act 1977*, RVS Act, MVS Act and the *Evidence Act 1995 (Cwlth)* revealed that proving the standards approved for a vehicle is complex and may require witnesses to testify about information that is objective, non-contentious, technical and administrative in nature and can be sourced from reliable documents.

Calling witnesses in these matters may involve organising people who are based interstate or even internationally. Where the information required for the court is objective and unlikely to be contested, requiring a person to provide witness evidence is inconvenient for the witness and inefficient for the court proceeding, as well as being more costly (as witnesses may be entitled to expenses). In addition, allowing the documents to speak for themselves provides more direct information to the court and may lead to more effective prosecutions.

As a result, one of the objectives of the Bill is to enhance evidentiary provisions to allow certain documents to be admissible without requiring witness testimony. These documents may deal with issues such as, for example, a manufacturer's specifications for a type of vehicle or component of a vehicle and information about a type of vehicle recorded in a Commonwealth register (for example, the Register of Approved Vehicles under the RVS Act).

The amendments also allow evidence of approval-related stickers, labels, plates or markings on vehicles to be evidence of the matters stated in the stickers, labels, plates or markings. Importantly, evidence that stickers, labels, plates or markings, vehicle identification number (VIN) or chassis number, or modification plates were attached to a vehicle, and their content, will still be provided to the court through testimony from the intercepting officer, such as by photo or contemporaneous notes. However, the amendments in the Bill then enable the court to accept the information in the photo or notes to be proof of its contents, and that the information applied to the vehicle in question without any further witnesses being called.

#### *Increasing the range of allowable MMDs*

MMDs allow people who have reduced mobility to access essential services and employment, to socialise and to participate in the community generally. There are two distinct types of MMD:

- **Mobility scooters** that are often used by older people or people who have a permanent or long-term physical limitation yet have sufficient mobility to walk short distances; and
- **Motorised wheelchairs** that are designed to carry people with greater mobility needs. Users usually have a permanent disability, resulting in an inability to walk, and commonly require assistance to get in and out of the wheelchair.

The National Transport Commission (NTC) has proposed changes to the national model legislation, the Australian Road Rules, to remove regulatory restrictions for MMD users and make the existing legislative framework simpler and more consistent.

The national changes will:

- recognise motorised wheelchairs and mobility scooters as separate devices, collectively referred to as MMDs;
- increase the maximum unladen mass of MMDs to align with the Technical Specification for MMDs developed by Standards Australia (SA TS 3695.3:2018). This ensures mass limits are reflective of the actual use and design of devices by removing mass limits for motorised wheelchairs and increasing the maximum unladen mass for mobility scooters from 150kg to 170kg;
- ensure MMD operators are consistently classed as pedestrians under the Queensland Road Rules and other transport legislation; and
- introduce a maximum speed capability of 15km/h for MMDs to ensure a broader range of devices can be used while maintaining the existing 10km/h speed limit when travelling on a public path.

As a result, amendments in the Bill will allow MMD users to utilise a device most suitable to their needs.

In addition to the national changes, existing gratuitous MMD registration and Compulsory Third Party (CTP) insurance arrangements will be retained. Importantly, users requiring MMDs over the previous unladen mass limit of 150kg and whose devices now meet the amended definitions will be eligible for gratuitous registration and CTP insurance.

*Updating the definition of GVM*

GVM, or gross vehicle mass, is the maximum loaded mass allowed for a vehicle. The GVM is important for determining vehicle loading, vehicle registration categories under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021* and driver licensing classes under the Driver Licensing Regulation.

The current TORUM Act definition of *GVM* (in schedule 4) indicates that a vehicle's GVM can be stated on a compliance plate or in a way prescribed by regulation. Section 141 of the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* then sets out a number of ways a vehicle's GVM may be stated, including, for example, being stated in writing by a manufacturer, or on a modification plate.

However, it has been identified that where the GVM is stated on a compliance plate and also in a way prescribed under a regulation (for example, on a modification plate following an allowable modification to the vehicle), it is not clear which should take precedence.

The Bill will update the ways in which a GVM may be stated and will clarify the order of precedence should the GVM be stated in more than one way.

*Shelf life of digital photos taken when a person is less than 15 years of age*

TMR takes, keeps and uses digital photos for prescribed authorities, such as driver licences and industry authorisations, in accordance with Part 4C of the *Transport Planning and Coordination Act 1994* (the TPC Act).

TMR has partnered with the Department of Justice and Attorney-General to deliver an online application service for a *working with children* authority or card, commonly known as a blue card. The online blue card service leverages TMR's customer authentication framework, including its digital image library (that is, digital photos taken of people who applied for a driver licence or industry authority) and card production capability. A similar arrangement is in place for disability worker screening (for NDIS worker screening clearances and state disability worker screening clearances) undertaken by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.

Unlike other prescribed authorities, blue cards and disability worker screening clearances can be issued to applicants younger than 15 years of age (potentially as young as 10 years of age for disability worker screening clearances). However, a person's physical appearance and biometric data (the relative position, size and shape of certain facial features as measured and compared by a computer algorithm) is often not stable until they are approximately 15 years of age.

Under the existing shelf life provisions within the TPC Act, a digital photo taken of a blue card or disability worker screening clearance applicant may be required to be reused on other prescribed authorities for up to 10 years. This could include identity products such as photo identification cards (under the *Photo Identification Act 2008*) and Queensland driver licences.

The changing nature of a person's appearance and biometric features could mean photos of persons under 15 years of age taken for blue cards or disability worker screening clearance cards would not be a true likeness if they are subsequently reused on other products such as photo identification cards, Queensland driver licences or other TMR authorities issued under the current 10-year shelf life arrangements. This could compromise confidence in both identity verification and the integrity of identity products. It could also lead to inconvenience for the person who presents one of these products to establish their identity to a third party.

It is noted that the validity period of photos for Australian Passports issued to children aged less than 15 years is 5 years.

As a result, the Bill will apply a 5 year shelf life to digital photos taken of persons when they are less than 15 years of age. This will ensure that the photo kept by TMR for use on driver licences and other products remains a true likeness of the person.

*Clarify accommodation works may be undertaken as a result of a rail project providing certainty and consistency for landowners and occupiers and all transport infrastructure projects*

The objective of the proposed amendments to the *Transport Infrastructure Act 1994* (TIA) is to clarify the chief executive, or someone authorised by the chief executive, may temporarily enter land, and undertake accommodation works that are necessary as a direct result of a rail project.

Accommodation works are transport-incident works carried out where necessary to remedy the impact to land caused by the establishment of transport infrastructure. These works are carried out in order to minimise the impact of works, restore land to its former condition, purpose or use and provide for safety to persons who use the land. Accommodation works can include road access works, for example, replacement or upgrade of driveways and ensuring safe access points to and from the property and other minor works such as replacement of letterboxes and restoration of gardens.

The amendments replicate similar accommodation works provisions under the TIA for road, busway and light rail that do not currently apply for rail. As a result, TMR must negotiate and enter into individual access agreements with each affected landowner and occupier. The formality of the process can be lengthy and confusing for the landowner and occupier. The lack of clarity about accommodation works can cause a delay in a project increasing the duration of inconvenience for the landowner, neighbouring property owners and businesses.

These amendments provide a clear process and clarify that accommodation works can be undertaken on land to rectify or remedy impacts caused as a direct result of a rail project and will assist in:

- addressing landowner and occupiers' uncertainty and anxiety by providing clarity about protection of their interests;
- reducing the duration of inconvenience caused by the works and providing better outcomes for impacted landowners/occupiers and the community; and
- providing certainty to TMR and its works delivery partners in the efficient, safe and cost-effective delivery of rail projects.

These amendments do not impact on the existing rights of landowners and occupiers to compensation or rights of review. They will formalise an individual's rights to compensation and rights of review for accommodation works. The amendments provide a clear process and framework to balance the needs of rail projects and landowners and occupiers.

### *Amendment of the Housing Legislation Amendment Act 2021*

The *Housing Legislation Amendment Act 2021* (HLA Act) amends the *Residential Tenancies and Rooming Accommodation Act 2008* (RTRA Act) to implement Stage 1 rental law reforms. Several reforms commenced upon assent (20 October 2021) with the remaining reforms to commence upon Proclamation, which is fixed for 1 October 2022.

A numerical drafting error has been identified in the HLA Act where a part, division and section number inserted into the RTRA Act by amendments has been duplicated. As such it needs to be amended before section 83A commences on 1 October 2022 to avoid chapter 5, part 2, division 7 and section 396A being duplicated in the RTRA Act. This will ameliorate legislative risk to the penalty provisions inserted by section 83A of the HLA Act and eliminate the risk of errors and confusion in the rental sector.

## **Achievement of policy objectives**

The Bill will achieve the policy objectives outlined above by amending the TORUM Act and making consequential amendments to various regulations to:

- modernise and clarify how financial penalties collected for camera-detected offences can be spent on road safety initiatives;
- implement the national MMD changes in Queensland, and apply gratuitous registration and CTP arrangements to a greater range of MMDs;
- ensure a health professional who provides information about a non-Queensland driver licence holder's fitness to drive has the same legal protection as would apply if they provided information about a Queensland driver licence holder;
- allow for documentary related evidence to be provided to courts for certain objective and non-contentious information relevant to vehicle standards related offences; and
- update the definition of *GVM*.

In addition, the Bill will amend the TPC Act to provide that a digital photo taken when a person is less than 15 years old will have a shelf life of 5 years instead of 10 years.

The Bill will also amend the TIA to clarify accommodation works may be undertaken as a result of a rail project to provide certainty and consistency for landowners and occupiers and all transport infrastructure projects.

The Bill amends the HLA Act to correct the numerical drafting error in section 83A by renumbering the affected provisions before they are inserted into the RTRA Act on 1 October 2022.

## Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

## Estimated cost for government implementation

It is not anticipated that there will be any significant costs to implement the amendments in the Bill. Costs will be borne from existing budgetary allocations.

Improved efficiency in court proceedings and reduced need for witnesses to be called may reduce the costs associated with vehicle standards related prosecutions. This may reduce the costs ordered against a defendant who is found guilty.

## Consistency with fundamental legislative principles

The fundamental legislative principles under the *Legislative Standards Act 1992* (LSA) that arise as a result of the Bill are discussed in detail below. A Statement of Compatibility under section 38 of the *Human Rights Act 2019* (HR Act) is also tabled with this Bill to address any human rights limitations raised by this Bill.

The HLA Act amendments are minor and technical in nature to correct a numerical drafting error and do not infringe fundamental legislative principles.

*LSA section 4(3)(a) – rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review*

The amendments to the TIA to clarify the chief executive's powers to construct permanent 'accommodation works' on land affected by rail projects may be considered as not having sufficient regard to the rights and liberties of individuals.

The amendments replicate similar accommodation works provisions for road, busway and light rail that do not currently apply for rail. This will ensure equity and consistency of process for all landowners and occupiers impacted by a project regardless of mode. For rail, as for all modes, these provisions make it clear TMR can, after giving notice and consideration of submissions, temporarily occupy land to attend to those works.

These amendments do not:

- entitle entry or occupation of dwellings or works to dwellings; and
- impact on the existing rights of landholders and occupiers to compensation or rights of review and these rights extend to accommodation works.

Accommodation works are for the benefit of affected landowners and occupiers and are consistent with TMR's obligations under common law.

The amendments reinforce the rights of affected landowners and occupiers that require TMR to restore or repair any damages or impacts that have occurred on their property during the establishment of a rail project.

*LSA section 4(3)(b) and (d) – consistency with principles of natural justice and reversal of onus of proof – evidentiary provisions*

In any prosecution for an offence, the prosecution bears the onus to prove each and every element of the offence beyond reasonable doubt. To do this, the prosecution must adduce admissible evidence to the court. Generally, for evidence to be admissible it must be provided through witness testimony unless there is a statutory provision that allows for the evidence to be provided in another way, such as through a certificate or document. Allowing for documentary evidence to be directly admissible alters the usual proceedings and may be viewed as being inconsistent with the principles of natural justice and reversing the onus of proof. This is because it allows the prosecution to provide evidence without the defendant necessarily being able to cross examine a witness to challenge the veracity of the information.

However, where the facts in question are non-contentious, the defendant may not wish to challenge the witness's account, in which case, witness testimony can be inconvenient for the witness, inefficient for the court and more costly (as witnesses may be entitled to expenses and these costs may be borne by a defendant who is found guilty). In these instances, if admissible evidence can be provided through a document, it benefits all the parties to a proceeding.

Under the provisions of the Bill, the evidence that may be provided through documentary related evidence includes:

- the content and meaning of stickers, labels plates or markings, placed on a vehicle relating to approvals under the Commonwealth vehicle standards Acts;
- extracts from registers and databases kept by the Commonwealth relating to vehicle approvals;
- evidence about a vehicle's VIN or chassis number;
- evidence of specifications or statements about a vehicle published or produced by a vehicle or component manufacturer, importer or representative; and
- information on a modification plate attached to the vehicle.

These are all matters that can be obtained from reliable sources and are technical, objective and non-contentious in nature.

Importantly, the documentary related evidence is not conclusive, and a defendant can challenge it if they wish. If a defendant advises of their intention to challenge the evidence, the prosecution will need to call witnesses reducing any fundamental legislative principles impacts.

Unsafe vehicles are a road safety issue and light vehicle exhaust noise is an ongoing community issue, particularly where modified cars and motorbikes impact on community amenity and comfort. As a result, any fundamental legislative issues impact is considered justified in the interests of efficient and effective court proceedings that promote road safety and community amenity.

In addition, the amendments to section 123A and 123B of TORUM Act will mean the prosecution does not have to prove the appointment or signature of the person who signed an approval under the Commonwealth vehicle standards Acts. Again, this will remove the need to call witnesses. These matters are non-contentious and administrative in nature and this approach is consistent with proof of appointments and signatures of Ministers and other senior executives under those sections.

*LSA Section (3)(h) – immunity from proceeding*

Health professional-patient confidentiality is a common law principle that in essence means that health professionals owe a duty not to disclose information about their patients. Where a health professional discloses information about their patient, an action for breach of confidence, defamation or breach of privacy may be available against the health professional. Alternatively, a person who has had their information disclosed may raise the issue with the governing body for the particular profession to seek to have the health professional disciplined.

Amendments in the Bill will ensure that if a health professional provides, in good faith, advice to TMR about a non-Queensland driver licence holder's medical fitness to drive, the health professional will be protected from civil liability and from liability under an administrative process. While strictly speaking the amendment does not limit the non-Queensland driver licence holder's ability to commence proceedings against the health professional, it does limit the health professional's potential liability and so raises potential fundamental legislative principles issues.

The objective of these amendments is road safety. It can often be difficult for a person with a medical condition that will impact their ability to drive safely to recognise and accept their reduced capacity. Where a health professional becomes aware of issues that may impact a person's ability to drive safely, it is in the interests of road safety for TMR to be advised so that action can be taken to remove the person's authority to drive in Queensland under the Driver Licensing Regulation. In these circumstances, protecting the health professional from civil liability and liability under an administrative process is justified.

*LSA Section 4(4)(c) and (5)(c) – regard to the institution of Parliament and whether the matters are appropriate for a regulation or to be determined by bodies outside of the Queensland regulatory scheme*

Updating the definition of GVM

The amendments regarding the definition of GVM in schedule 4 of the TORUM Act allow the way a GVM is stated to be set out in a regulation and new section 4B of the VSS Regulation relies on sources that are outside of the Queensland regulatory scheme. This may be viewed as raising fundamental legislative principles issues relating to appropriate regard to the institution of Parliament because:

- an amendment of the regulation will potentially impact the interpretation of the Act; and
- the ways of stating a GVM will rely on documents and databases that are not subject to scrutiny by the Legislative Assembly.

Allowing the way of stating the GVM to be prescribed by regulation is appropriate due to the technical nature of the information and to provide the necessary flexibility to respond quickly to new ways of stating a GVM that may arise as Commonwealth legislation and technology change over time. In addition, the ways of stating the GVM outlined in section 4B of the VSS Regulation are from reputable sources and ultimately, there is no other practical way of sourcing this information. As a result, any fundamental legislative principles that arise are justified.

### Increasing the range of allowable MMDs

The amendments regarding the definitions of *motorised wheelchair* and *mobility scooter* in schedule 4 of the TORUM Act have the effect of allowing the maximum speed that can be reached by the device to be determined by regulation. In addition, the definition of *mobility scooter* allows the maximum unladen mass of a mobility scooter to be determined by regulation. This may be viewed as raising fundamental legislative principles issues relating to appropriate regard to the institution of Parliament in that an amendment of the regulation will potentially impact the interpretation of the Act.

The definitions currently prescribe a default speed limit of 15km/h for both devices and a default maximum unladen mass of 170kg for mobility scooters. If a regulation is not made prescribing another speed or mass, then the Act provisions will apply. This is appropriate due to the technical nature of the speed and mass requirements and allows for flexibility for innovations to be adopted quickly if technology changes.

Regulations made to support the GVM and MMD provisions will be subject to the scrutiny of the Legislative Assembly during the usual tabling processes. Any fundamental legislative principles that arise are justified.

## **Consultation**

The changes to the CDOP funding are clarifications and do not alter the policy intent of the provision.

In relation to MMDs, both the NTC and Austroads have undertaken extensive consultation on this issue. Stakeholders involved in these processes included MMD users as well as representatives from academia, disability associations, suppliers of MMDs, insurers, local governments, advocacy groups, police, state road and transport agencies and the Australian Government. Stakeholders are generally supportive of the proposed amendments.

The Royal Australian College of General Practitioners was consulted regarding the protection from liability for health professionals reporting medical fitness to drive and the College indicated support for the changes.

TMR consulted with a range of motoring industry groups on the updated definition of *GVM*. Groups included the Royal Automobile Club of Queensland (RACQ), Caravan Queensland, Four Wheel Drive Queensland, the Australian Recreational Motorists Association, the Australian Automotive Aftermarket Association and the Institute of Automotive Mechanical Engineers. There were no concerns raised with TMR by any of these organisations.

Digital shelf life amendments involved consultation with RACQ and Queensland Law Society. The Office of the Information Commissioner was also consulted. A transitional provision will ensure a blue card, disability worker screening clearance or other authority issued to a person based on a digital photo more than 5 years old will not be impacted. In addition, updates will be published on the TMR website to clarify when a customer is required to take a new digital photo. TMR's online services also provide eligibility information. For example, if a customer attempts to renew a prescribed authority and does not have sufficient shelf life on their current digital photo for the duration of the authority they are applying to renew, they are instructed to attend a TMR Customer Service Centre to have a new photo taken.

The TIA rail accommodation works amendments involved consultation with key public sector agencies, who are supportive of the proposed amendments.

Consultation was not undertaken on the HLA Act amendments as they are minor and technical in nature to correct a numerical drafting error.

## **Consistency with legislation of other jurisdictions**

The amendments are not inconsistent with legislation in other jurisdictions and are consistent with proposed changes to the Australian Road Rules model law.

## **Notes on provisions**

### **Part 1 Preliminary**

*Clause 1* states the Act may be cited as the *Transport Legislation (Road Safety and Other Matters) Amendment Act 2022*.

### **Part 2 Amendment of Motor Accident Insurance Regulation 2018**

*Clause 2* states that this part amends the *Motor Accident Insurance Regulation 2018*.

*Clause 3* amends section 14 (Gratuitous insurance—Act, s 23) to provide that MMDs are a class of vehicles for which gratuitous insurance is provided by the Nominal Defendant. This clause also inserts into section 14 a definition of *motorised mobility device* by reference to the TORUM Act, schedule 4.

### **Part 3 Amendment of State Penalties Enforcement Regulation 2014**

*Clause 4* states that this part amends the *State Penalties Enforcement Regulation 2014*.

*Clause 5* amends the entry for the *Transport Operations (Road Use Management—Road Rules) Regulation 2009* (the QRRs) in Schedule 1 to insert an entry for the new offence in section 239A(1) of the QRRs. This amendment will allow a penalty infringement notice of two-fifths of a penalty unit to be issued for the offence under section 239A(1). The amendment to create the new offence is discussed below.

### **Part 4 Amendment of Transport Infrastructure Act 1994**

*Clause 6* provides that part 4 amends the *Transport Infrastructure Act 1994* (TIA).

*Clause 7* amends section 162 (Application of div 1) to include accommodation works in the application of chapter 7, part 4, division 1.

*Clause 8* amends section 163 (Entering land for railway works etc.) to insert a new subsection to enable the chief executive or someone authorised in writing by the chief executive to temporarily occupy and use land for the purposes of accommodation works.

This change will make clear for any affected owner or occupier that the chief executive or someone authorised in writing by the chief executive can rectify or remedy any impact on their land caused by the establishment of a rail project. This change aligns with similar accommodation works provisions under the respective road, busway and light rail chapters providing equity across transport modes and will:

- provide clarity to the owner or occupier about the accommodation works process; and
- provide consistency across all transport infrastructure projects when accommodation works are undertaken.

An amendment to the definition of *accommodation works* has been included in schedule 6.

*Clause 9* amends section 164 (Entry to land by notice or with approval) to provide a clear and consistent process for undertaking accommodation works, with similar provisions to those found under sections 36, 299 and 350. This is achieved by amending section 164 to:

- insert new subsection (1AA) which confirms the chief executive, an accredited person and someone authorised by the chief executive in writing may enter, occupy or use land subject to notice or approval;
- amend subsection (1) which expands the current requirement to provide at least 7 days written notice or get the written agreement of the land's owner or occupier before entering land to also apply to the proposed accommodation works;
- insert new subsection (2)(d) that where notice is given to the land's owner or occupier:
  - (i) the notice must provide the details of any proposed accommodation works; and
  - (ii) an owner or occupier is provided the ability to make a submission within the 7-day period after the notice has been given to undertake accommodation works on the land;
- omit subsection (3) and insert new subsections which provide for maintenance on a road or urgent remedial action on a railway. New subsection (3) provides that, in the event of maintenance on a road, 7 days written notice or written consent of land's owner or occupier is not needed. New subsection (3A) provides that, if urgent remedial action is required on a railway, the chief executive or an accredited person need not provide 7 days notice or obtain written consent of the land's owner or occupier before entering the land;
- insert new subsection (5) which provides that the person proposing to undertake the accommodation works must consider any submissions made regarding the proposed work within 7 days after the notice has been provided to the owner or occupier; and
- renumber section 164 (1AA) to (5) as section 164 (1) to (7).

Subsection (4) is not amended as it is a specific aspect of lawful entry to land to undertake urgent remedial action on a railway and is not affected by the amendments, beyond being renumbered.

References to "the chief executive or accredited person" have been removed and now refer to "the person" in line with contemporary drafting practice.

*Clause 10* amends section 165 (Care to be taken in carrying out works etc.) to extend the current obligation to the chief executive or someone authorised in writing when entering land and undertaking accommodation works as is already required of the chief executive or an accredited person when carrying out railway works. Reference to "the chief executive or accredited person" has been removed and now refers to "the person" in line with contemporary drafting practice.

*Clause 11* amends section 166 (Compensation for carrying out works etc.) to extend the compensation provisions to include accommodation works for when an owner or occupier's land is entered, occupied or used under this part. This means a landowner or occupier has the ability to at:

- subsection (1)(a) claim compensation for loss or damage caused by accommodation works carried out on the land;
- subsection (2)(a) provide written notice within 1 year after accommodation works are completed to make a claim for compensation; and
- subsection (2)(b) provide written notice at a later time to:
  - (i) the chief executive or an accredited person if land is entered by that person; or
  - (ii) the chief executive if land is entered by someone authorised in writing by the chief executive to undertake accommodation works.

Reference to "the chief executive or accredited person" has been removed and now refers to "the person" in line with contemporary drafting practice.

*Clause 12* amends the definition of *accommodation works* in schedule 6 (Dictionary) to support sections 162, 163, 164, 165 and 166. The definition will include the words, "rail transport infrastructure" and "railway works" to clarify the State provides restoration and reparation on damages or impact to land caused by the establishment of a rail project. This amendment will provide certainty and consistency for landowners and occupiers and all transport infrastructure projects.

## **Part 5 Amendment of Transport Operations (Road Use Management) Act 1995**

*Clause 13* states that this part amends the *Transport Operations (Road Use Management) Act 1995*.

*Clause 14* amends section 93 (Duties of a driver involved in a crash – stopping and providing information). Clause 7(1) amends paragraph (a) of the definition of *driver* to ensure that a person operating an MMD, a person in a wheelchair or a person pushing a wheelchair is not considered to be a *driver* for the purpose of reporting crashes on a road or a road-related area.

*Clause 14(2)* amends the definition of *vehicle* to update the references to a motorised wheelchair and another kind of wheelchair to ensure that a vehicle does not include an MMD or a wheelchair for the purpose of reporting crashes on a road or a road-related area.

*Clause 15* amends section 117 (Use of penalties collected for camera-detected offences) by replacing paragraphs (1)(a) – (c) and inserting a new definition of *road crash* in subsection (2).

Under subsections (1)(a)(i) and (iii), the money collected from camera-detected offences, in excess of administrative costs, will continue to be available for road safety education and awareness programs (such as the *StreetSmarts* initiative and flashing signs in school zones) and rehabilitation programs for people injured in road crashes.

Subsection (1)(a)(ii) will allow funds in excess of administrative costs to be applied to programs or initiatives that enable new or improved road safety practices and behaviours. This will support working with road users, employers and community groups to motivate safe road user behaviour. This could occur, for example, through incentivisation, enabling participation through subsidisation, collaboration and sharing expertise, undertaking proactive research, or other initiatives.

In practice, the development and delivery of programs and initiatives funded under section 117 will allow for an expanded road safety response, beyond existing ordinary operations.

To determine the introduction or expansion of road safety programs and operations, funding may be allocated to monitoring and identifying trends, research, trials, implementation and evaluation. This includes, but it is not limited to, new and emerging targeted programs of work designed to reduce road trauma such as the trial and evaluation of distinct and increased drug driving deterrence, education and driver awareness programs, anti-hooping technology and expanding the reach of the existing automated number plate recognition technology program across the enforcement network.

The amendment also confirms that funding for programs or initiatives under this section may be applied for a limited term or on an ongoing basis. This means that funding may be utilised for the implementation and ongoing deployment of new and expanded road safety trials and initiatives which have been proven effective following evidence-based assessment by road safety experts.

In relation to the amendment to subsection (1)(b), funding under this provision will continue to be available for improving infrastructure, including applying infrastructure related technologies to improve safety on State-controlled roads. Allocation of these funds will be prioritised using a risk assessment methodology that considers frequency and severity of road crashes.

The new definition of *road crash* refers to collisions or incidents on or adjacent to a road involving a moving vehicle. *Vehicle* is defined in TORUM Act, schedule 4. Therefore, for the purposes of section 117, *road crash* captures incidents involving any type of transport that moves on wheels, including for example, collisions involving MMDs or personal mobility devices when used on a road or an area adjacent to a road.

*Clause 16* amends section 123A (Proof of appointments unnecessary) by inserting subsections (o) and (p). The amendment will mean that, for an offence under a transport Act, if a document or other evidence refers to the Minister, Secretary or a delegate performing a role under a Commonwealth vehicle standards Act, it will not be necessary to prove that person's appointment.

*Transport Act* is defined in schedule 4 of the TORUM Act and includes the TORUM Act and statutory instruments made under the TORUM Act, certain provisions of the *Motor Accident Insurance Act 1994*, the *Tow Truck Act 1973* and section 46 of the *Transport Infrastructure Act 1994*.

*Clause 17* amends section 123B (Proof of signatures unnecessary) by inserting subsections (o) and (p). The amendment will mean that, in a proceeding under a transport Act, there is no need to prove a signature that purports to be that of a Minister or Secretary or delegate under a Commonwealth vehicle standards Act.

*Clause 18* amends section 123N (Evidence of registration number) to insert subsection (3) so it is clear that, for this section, *motor vehicle* includes an MMD. This allows the evidentiary provisions to apply to a registered MMD.

*Clause 19* inserts new section 123SA (Evidence of particular matters relating to vehicles) to provide for certain evidentiary matters relating to vehicles.

Subsection (1)(a) will allow evidence of stickers, labels, plates or markings that are attached to a vehicle, or a component of a vehicle, purportedly in relation to an approval under a Commonwealth vehicle standards Act, to be evidence of the matters stated in the sticker, label, plate or marking. For example, a plate may be approved to be placed on a vehicle to show compliance with Australian Design Rule 83/00 relating to exhaust noise levels. A photo of the plate, as taken by the intercepting officer, can be used as evidence that the vehicle was certified to ADR 83/00 without the need to call witnesses about the noise testing for the vehicle or the attachment of the plate.

Similarly, subsection (1)(e) allows evidence of a VIN or chassis number on or attached to a vehicle to be evidence that the VIN or chassis number applied to the vehicle. Further, subsection (1)(f) allows evidence of a modification plate (whether issued in Queensland or under a corresponding law from another jurisdiction) to be evidence of the matters stated in the modification plate.

These provisions will allow the stickers, labels, plates, markings, VINs and chassis numbers to speak for themselves without requiring evidence from a manufacturer or the person who placed that information on the vehicle.

Subsection (1)(b) will allow a certificate attaching an extract from a register, database or administration system kept by the Commonwealth relating to the Commonwealth vehicle standards Acts, to be tendered to the court and to be evidence of the matters stated in the extract. Examples of the types of registers, databases or administration systems include the Register of Approved Vehicles, the Road Vehicle Regulator System and the Road Vehicle Certification System.

Subsection (1)(c) will allow a document purporting to have been published or produced by a manufacturer about manufacturer specifications for the vehicle or component, to be evidence of the vehicle or component's specifications. For example, a document published on a vehicle manufacturer's website as specifications for a vehicle can be evidence of the specifications for the vehicle.

Subsection (1)(d) will allow a document purporting to have been prepared by a vehicle or component manufacturer, an importer or someone acting on behalf of the manufacturer or importer about the testing of a vehicle or component, to be evidence of the matters stated in the document. For example, if there is a document that appears to have been prepared by a manufacturer about the exhaust noise testing of a vehicle for the purpose of an approval under the Commonwealth vehicle standards Acts, the document is evidence of the matters stated in it without the need to call the person who did the exhaust noise testing.

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Subsection (2) and (3) outline the process for a defendant who intends challenging the documentary related evidence mentioned above. The defendant must provide, at least 14 days prior to the hearing date, written notice in the approved form, signed by them and outlining the grounds they intend to rely on to challenge the matter. This process ensures that witnesses are only called when necessary and, if necessary, that sufficient time is given for their attendance to be arranged.

*Clause 20* amends section 124(1)(f) (Facilitation of proof) to ensure the evidentiary provisions about motor vehicle registration still apply to MMDs despite them no longer being considered to be motor vehicles.

*Clause 21* amends section 124AA (Inspection certificates) to relocate the definition of *vehicle standards and safety regulation* to schedule 4 (Dictionary).

*Clause 22* amends section 124A (Additional ground of challenge not stated in written notice required under particular provisions) by including references to new section 123SA. This amendment states the circumstances where a defendant may raise a ground to contest evidence provided under section 123SA(1) during a hearing where they did not provide the notice mentioned under proposed s123SA(2).

*Clause 23* amends section 142 (Health professional's disclosure not breach of confidence). The amendment expands the provision so health professionals that report on medical fitness for a non-Queensland driver licence holder have the same legal protection as would apply if they reported on medical fitness for a Queensland driver licence holder.

*Clause 24* inserts new Part 26 (Transitional provision for Transport Legislation (Road Safety and Other Matters) Amendment Act 2022). Part 26 includes section 244 (Evidentiary provisions) which is a transitional provision that ensures that the new evidentiary provisions in section 123A, 123B and 123SA do not apply to offences that were committed prior to commencement of the amendments. However, a certificate may still be issued about manufacturer specifications under section 123C for schedule 1, item 28 of the TORUM Act for offences that occurred prior to commencement.

*Clause 25* omits item 28 from schedule 1 of the TORUM Act as that certificate is now addressed through new section 123SA(1)(c).

*Clause 26* amends schedule 4 (Dictionary) to omit the definition of *compliance plate*, replace the definition of *GVM* and insert new definitions of *mobility scooter*, *motorised mobility device*, *motorised wheelchair* and *operating*.

In addition, consistent with the new approach for MMDs, consequential amendments are made to the following definitions:

- *bicycle*, to ensure it is clear that a bicycle does not include an MMD;
- *motor vehicle*, so that a motor vehicle no longer includes an MMD. It is noted that MMDs will continue to be vehicles for the purposes of the Act unless expressly excluded from being a vehicle under a provision of the Act or for the purposes of regulations made under the Act;

- *pedestrian*, to ensure that a pedestrian includes a person operating an MMD. *Operating* an MMD will include, for a person in the device, controlling the device, and for a person assisting a person in the device, pushing the device or controlling the device. For the person assisting the person in the device, controlling the device includes using a wired or wireless controller for the device. This amendment does not change the treatment of persons in, or pushing, wheelchairs who will continue to be pedestrians for the purposes of the Act;
- *scooter*, to modernise the language; and
- *wheelchair*, to clarify that a wheelchair does not include an MMD. Devices that are not MMDs as they do not meet the criteria for a mobility scooter or a motorised wheelchair, but meet the definition of *wheelchair*, will continue to be wheelchairs for the purposes of the Act.

The definition of *compliance plate* is omitted from the TORUM Act as it is being relocated to schedule 4 (Dictionary) in the VSS Regulation.

## **Part 6 Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009**

*Clause 27* states that this part amends the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.

*Clause 28* amends section 15 (What is a *vehicle*) consistent with the new approach for MMDs, so that an MMD is not a vehicle for the purposes of the QRRs.

*Clause 29* amends section 15A (Personal mobility devices – Act, sch 4) to update the reference to a motorised wheelchair with a reference to an MMD. This ensures that an MMD is not a *personal mobility device* for the purposes of the QRRs.

*Clause 30* amends section 16 (Who is a driver) by omitting subsection (2), which currently provides that a *driver* does not include a person pushing a motorised wheelchair. That provision is no longer needed as a driver under section 16(1) is a person who is driving a vehicle, and an MMD will no longer be a vehicle for the purposes of the QRRs.

*Clause 31* amends section 111 (Entering a roundabout from a multi-lane road or a road with 2 or more lines of traffic travelling in the same direction) to remove the reference to *motorised wheelchairs*. As MMDs will not be vehicles, they cannot form a line of traffic.

*Clause 32* amends section 119 (Giving way by the rider of a bicycle or animal to a vehicle leaving a roundabout) to remove the reference to *motorised wheelchairs*. As MMDs will not be vehicles, they cannot form a line of traffic.

*Clause 33* amends section 158(1)(d) (Exceptions to driving in special purpose lanes etc.) to remove the reference to *motorised wheelchairs*. As MMDs will not be vehicles, they cannot form a line of traffic.

*Clause 34* amends section 239 (Pedestrians on a bicycle path or separated footpath) by inserting new subsection (2)(a)(iv) so that a person operating an MMD may be on a bicycle path or part of a separated footpath designated for bicycles.

*Clause 35* inserts new section 239A (Operating a motorised mobility device on a path). Section 239A replaces the provisions of sections 288(1) and (3) as they apply to motorised wheelchairs and reframes them to apply to the operator of an MMD. In effect, section 239A removes the unladen mass limit that previously applied to motorised wheelchairs under section 288(3) but retains the speeding offence so that it will continue to be an offence for an MMD to travel more than 10km/h on a path (a bicycle path, footpath or shared path). It will also continue to be an offence for a person to operate an MMD on a path unless, because of their physical condition, the person has a reasonable need to use an MMD. This is intended to ensure that persons who do not have a reasonable need to use an MMD do not use these devices on a path.

Further, subsection 239A(2) will insert a section-specific definition of *motorised mobility device* so that the offence applies to a device that would be an MMD but for the fact that it can reach a speed on level ground of more than 15 km/h. For example, a device that otherwise meets the definition of a *mobility scooter* (as defined in Schedule 4 of the Act) but can reach a speed on level ground of 25 km/h will be considered an MMD for the purposes of the offence in section 239A. The maximum penalty that will apply to a breach of section 239A is 20 penalty units, consistent with the maximum penalty that currently applies under section 288(1). The penalty infringement notice amount that will apply will be two-fifths of a penalty unit, consistent with other pedestrian offences in Division 1 and 2 of Part 14 of the QRRs.

*Clause 36* amends section 288 (Driving on a path) to omit subsection (3) as these matters are now regulated through section 239A.

*Clause 37* amends section 289 (Driving on a nature strip) to omit the reference to driving a motorised wheelchair. As operators of MMDs are not drivers, the offence will not apply to them.

*Clause 38* amends section 294 (Keeping control of a vehicle being towed) to include a reference in section 294(3) to an MMD to ensure it continues to be an offence for the driver of a motor vehicle to tow an MMD. This amendment is required as MMDs will no longer be a motor vehicle covered by the offence in section 294(1).

## **Part 7 Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021**

*Clause 39* states that this part amends the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*.

*Clause 40* amends section 20(2) (Requirements for registration application) to replace the reference to a motorised wheelchair with a motorised mobility device to continue the effect of this provision for MMDs.

*Clause 41* amends section 117(1) (Assigning registration numbers and giving number plates) to replace the reference to a motorised wheelchair with a motorised mobility device to continue the effect of this provision for MMDs.

*Clause 42* amends section 222(2) (Eligible person may apply for exemption from paying particular fees) to replace the reference to a motorised wheelchair with a motorised mobility device to continue the effect of this provision for MMDs.

*Clause 43* amends section 223 (Registered operator for motorised wheelchair may apply for exemption from paying transfer application fee) to replace the section heading reference to motorised wheelchair with motorised mobility device and continue the effect of this provision for MMDs.

*Clause 44* amends schedule 1 (Exempt vehicles) to update the reference in item 6 to a motorised wheelchair with a motorised mobility device. This clause also amends item 13 to provide that an exempt vehicle is a vehicle that is not an MMD. This is to ensure that MMDs continue to be vehicles that require registration under this regulation.

*Clause 45* amends schedule 8 (Dictionary) to omit the definition of *motorised wheelchair* as a motorised wheelchair is now defined under the Act.

## **Part 8 Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021**

*Clause 46* states that this part amends the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*.

*Clause 47* inserts a new subdivision heading, *Subdivision 1 General*, in part 1, division 2.

*Clause 48* inserts new subdivision 2 after section 4 of the VSS Regulation. Subdivision 2 prescribes the ways the maximum loaded mass of a vehicle may be stated for the definition of *GVM* as it appears in the TORUM Act dictionary.

*Clause 49* amends schedule 4 (Dictionary) to omit the definitions of *GVM*, *relevant certificate* and *relevant plate* and insert definitions for *compliance plate*, *HVNL certificate*, *HVNL plate*, *relevant certificate* and *relevant plate*.

*Clause 49* also amends paragraph (b) of the definition of *miscellaneous vehicle* to replace the reference to a motorised wheelchair that cannot travel at more than 10km/h with a reference to a motorised mobility device, being a motorised wheelchair or mobility scooter as defined in the Act.

## **Part 9 Amendment of the Transport Planning and Coordination Act 1994**

*Clause 50* states that this part amends the *Transport Planning and Coordination Act 1994*.

*Clause 51* amends section 28E (Definitions for pt 4C) to update the definition of *shelf life* so that a digital photo taken under the Act when a person is under 15 years of age, will have a shelf life of 5 years instead of 10 years. Digital photos taken under the Act when a person is 15 years or more will continue to have a shelf life of 10 years. The shelf life of a digitised signature will continue to be 10 years.

*Clause 52* inserts division 6 (Transitional provision for Transport Legislation (Road Safety and Other Matters) Amendment Act 2022). Division 6 contains section 48 (Application of new shelf life definition) which is a transitional provision to ensure the amendments to the definition of *shelf life* do not make an existing prescribed authority or prescribed authorisation document invalid if the digital photo is more than 5 years old.

*Clause 53* amends schedule 1 (Dictionary) to include a cross reference to the definition of *creation date* which is found in section 28E.

## **Part 10 Other amendments**

*Clause 54* states schedule 1 amends the legislation mentioned in it.

## **Schedule 1 Other amendments**

### ***Housing Legislation Amendment Act 2021***

*Clause 1* amends section 83A by omitting the heading ‘div 7’ and inserting the heading ‘div 8’.

*Clause 2* corrects a numerical drafting error by renumbering chapter 5, part 2, division 7 to chapter 5, part 2, division 8.

*Clause 3* corrects a numerical drafting error by renumbering section 396A as section 396AA.

### ***Justices Act 1886***

*Clause 1* amends section 56 (Service of summonses) to replace the reference to a motor vehicle with a reference to a vehicle that is required to be registered under the TORUM Act. This is to maintain the current effect of this provision and ensure that MMDs remain captured by this provision despite the exclusion of MMDs from the definition of *motor vehicle* under the TORUM Act.

### ***Motor Accident Insurance Act 1994***

*Clause 1* amends section 4, to omit definitions of *agricultural machine* and *mobile machinery* and to update the reference to the expired *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* (the expired regulation) with a reference to the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021* (the 2021 regulation).

*Clause 2* amends section 4, definition of *motor vehicle* to replace the reference to the expired regulation with a reference to the Act under which the regulation is made.

*Clause 3* amends section 4, definition of *registration* to update the reference to the expired regulation with a reference to the 2021 regulation.

*Clause 4* amends section 20A to update the reference to the expired regulation with a reference to the 2021 regulation.

*Clause 5* amends section 23(10), definition of *inspection certificate* to replace the reference to a remade regulation with a reference to the Act under which the regulation is made.

***Motor Dealers and Chattel Auctioneers Act 2014***

Clauses 1, 2 and 3 amend section 12 (Meaning of motor vehicle) to replace the reference to a motorised wheelchair with a reference to a motorised mobility device. The definition of *motorised wheelchair* is omitted and replaced with a definition of *motorised mobility device* as defined in the TORUM Act, schedule 4. These amendments will maintain the current effect of this provision under which an MMD (being a motorised wheelchair or a mobility scooter) is not a motor vehicle for the purposes of this Act.

***National Injury Insurance Scheme (Queensland) Act 2016***

Clause 1 amends schedule 1, definition of *motor vehicle*, to provide that *motor vehicle* means a motor vehicle within the meaning of the TORUM Act, schedule 4, and includes an MMD within the meaning of that schedule of that Act. This is to ensure there is no change in the operation or effect of this Act due to the exclusion of MMDs from the definition of *motor vehicle* under the TORUM Act.

***Nature Conservation (Protected Areas Management) Regulation 2017***

Clause 1 amends schedule 8 (Dictionary), definition *motor vehicle*, to replace the reference to a motorised wheelchair with a reference to a motorised mobility device within the meaning of the TORUM Act, schedule 4, to maintain the current effect of this definition.

***Photo Identification Card Act 2008***

Clause 1 omits the definition of shelf life from the *Photo Identification Card Act 2008* because the term is not used in that Act.

***Public Health Act 2005***

Clause 1 amends Schedule 2, definition *motor vehicle* to replace the reference to the expired regulation with a reference to the Act under which the regulation is made.

***Recreation Areas Management Act 2006***

Clause 1 amends the schedule, definition *motor vehicle* to replace the reference to a motorised wheelchair with a reference to a motorised mobility device within the meaning of the TORUM Act, schedule 4, to maintain the current effect of this definition.

***Traffic Regulation 1962***

Clause 1 amends section 60 (Criteria for disability parking permit), definition *mobility impairment*, to include a reference to a motorised wheelchair. This is to maintain the current effect of this provision as encompassing a wheelchair or motorised wheelchair, due to the new exclusion of a motorised wheelchair from the definition of a *wheelchair* under the Act.

***Transport Operations (Passenger Transport) Regulation 2018***

Clause 1 amends schedule 9, definition *wheelchair*, to replace the reference to a motorised wheelchair with a reference to a motorised mobility device within the meaning of the TORUM Act, schedule 4, to maintain the current effect of this definition.

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***Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015***

*Clause 1* omits section 141 because the ways of stating the maximum loaded mass of a vehicle for the definition of *GVM* in the TORUM Act is now in section 4B of the VSS Regulation.

***Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021***

*Clause 1* amends schedule 8 (Dictionary) to insert a new definition of *compliance plate* as the definition in the Act is being omitted.

*Clause 2* omits the definition of *GVM* from schedule 8. The ways of stating the maximum loaded mass of a vehicle for the definition of *GVM* in the TORUM Act is now in section 4B of the VSS Regulation.

***Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021***

*Clause 1* amends section 82 (Inspection of vehicle) to remove references to "(Q)" and to omit section 82(4) as the definitions in subsection (4) have been updated and moved to schedule 4 (Dictionary).

***Waste Reduction and Recycling Act 2011***

*Clause 1* amends the schedule, definition *GCM* to update the reference to the expired regulation with a reference to the new regulation.