

# Transport and Other Legislation (Managing E-mobility Use and Protecting Our Communities) Amendment Bill 2026

## Statement of Compatibility

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Brent Mickelberg MP, Minister for Transport and Main Roads make this statement of compatibility with respect to the Transport and Other Legislation (Managing E-mobility Use and Protecting Our Communities) Amendment Bill 2026 (the Bill).

In my opinion, the Bill is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

## Overview of the Bill

Please refer to the Explanatory Notes accompanying the Bill for a detailed overview.

## Human Rights Issues

**Human rights relevant to the Bill (Part 2, Divisions 2 and 3 *Human Rights Act 2019*)**

The human rights under the HR Act relevant to the Bill are:

- Right to recognition and equality before the law (section 15, HR Act)
- Right to life (section 16, HR Act)
- Freedom of movement (section 19, HR Act)
- Property rights (section 24, HR Act)
- Privacy and reputation (section 25, HR Act)
- Protection of families and children (section 26, HR Act)
- Right to liberty and security of person (section 29, HR Act)
- Fair hearing (section 31, HR Act)
- Rights in criminal proceedings (section 32, HR Act)
- Children in the criminal process (section 33, HR Act).

While the Bill promotes some of the rights identified above (such as the right to life), it also imposes limitations on some rights. The amendments which give rise to potential limitations are addressed below.

## **Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)**

### ***Definitions of electrically power-assisted cycle and personal mobility device***

#### (a) the nature of the right

*Property rights* – Section 24 of the HR Act protects the right of all persons to own property and provides that people have a right not to be arbitrarily deprived of their property. In the human rights context, arbitrarily is taken to mean capricious, unpredictable, unjust and unreasonable in the sense of not being proportionate to a legitimate policy objective.

This right may be limited to the extent that the Bill updates and modernises the legislative definitions of a legal e-bike (referred to as an electrically power-assisted cycle (EPAC) in the legislation) and a personal mobility device (PMD). Devices that do not meet the revised definitions will no longer be permitted for use on Queensland roads, road-related areas (such as footpaths and bike paths), or other public spaces. Accordingly, the amendments engage the property rights of individuals who own devices that become non-compliant. Ownership itself is unaffected, but the lawful use of some devices in public spaces will be restricted, which may affect their practical utility and value.

*Right to freedom of movement* – Section 19 of the HR Act provides that every person lawfully within Queensland has the right to move freely within the state.

The Bill may limit this right by restricting the ways in which individuals travel using particular e-mobility devices. Some devices currently in use may become non-compliant under the updated EPAC and PMD definitions and, following the six-month transitional period, may no longer be permitted for use in public spaces. This limits movement only in relation to the use of specific types of devices, rather than the broader right to move freely within Queensland.

#### (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The updated definitions for EPACs and PMDs reflect contemporary design and safety requirements intended to improve protection for riders and the wider community. Clearer and more technically aligned definitions support more effective enforcement by enabling authorities to readily distinguish compliant devices from high-powered or unsafe devices that pose elevated safety risks.

Strengthening device classifications in this way will reduce the presence of unsafe devices in public spaces and minimise injuries associated with their use. This purpose is consistent with a free and democratic society based on human dignity, equality and freedom, as it promotes the safety and wellbeing of the community, including pedestrians, vulnerable road users and riders themselves.

#### (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

By updating and clarifying the definitions of EPACs and PMDs, the amendments ensure that only devices designed and constructed to operate safely in shared public environments may be

used in those spaces. This supports the Bill's safety objectives by reducing the likelihood of collisions and injuries and enabling clearer, more consistent enforcement. Restricting the use of higher-risk devices in pedestrian-dense settings directly assists in achieving the purpose of improving public safety.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive or reasonably available alternatives capable of achieving the same safety outcomes. The Bill does not prevent ownership of devices; it regulates their use in public spaces only. The six-month transitional period appropriately mitigates impacts on property rights and freedom of movement by providing affected individuals with time to modify, replace, dispose of or otherwise lawfully manage their devices.

Any impact on freedom of movement is further mitigated by the continued availability of compliant devices and other transport options. The Bill does not prevent individuals from moving within Queensland or prohibit travel. It regulates specific transport modes in particular environments where safety risks are greatest.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

When balanced against the strong public interest in improving public safety, the importance of the Bill's purpose outweighs the limited impacts on property rights and freedom of movement. The limitations are targeted and modest and relate only to the public use of particular non-compliant devices. Transitional arrangements further reduce any immediate impacts. While some rights may be limited, other human rights, including the right to life and the right to security of person, are promoted through the Bill's enhancement of safety for riders, pedestrians, cyclists and all lawful road users.

### ***Prohibited bike framework***

(a) the nature of the right

*Right to a fair hearing* – Section 31 protects the right of all individuals to procedural fairness in legal processes.

This right may be engaged because the prohibited bike framework includes evidentiary aids and testing powers that allow certain factual inferences to be drawn from the observable characteristics of a device, including the absence of compliance labels, identifiers or other required markings. The Bill also permits the use of approved testing devices and evidentiary certificates to establish particular facts about a vehicle, such as its design speed or compliance status. These mechanisms do not reverse the onus of proof; they create rebuttable presumptions that reflect the practical reality that key compliance information is ordinarily within the knowledge or control of the rider or owner. Individuals retain the ability to contest the presumption or the testing result by producing evidence to the contrary, and the prosecution must still prove the elements of any offence beyond reasonable doubt. Any limitation on fair-hearing rights is therefore minimal and procedural in nature.

*Right to privacy and reputation* – Section 25 protects individuals from unlawful or arbitrary interference with their privacy.

Limited personal information may be collected when a device is seized or tested, or when an evidentiary certificate is issued. This may include identity details of the rider or owner, or information linking a person to a particular vehicle. Any interference is minimal, operationally necessary and consistent with standard enforcement practice.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the evidentiary aids and testing powers is to support clear, consistent and effective enforcement of the prohibited bike framework, including the new offence for riding a prohibited bike. Prohibited bikes often lack standard identifiers or compliance markings, making roadside assessment difficult, unsafe or impractical. The evidentiary aids ensure officers can act quickly and reliably based on observable features, while the testing powers allow compliance or design speed assessments to be made using approved methods. These measures improve road and public safety and are consistent with the principles of a free and democratic society because they promote transparency, predictability and fairness in enforcement while protecting the community from high-risk devices.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

There is a direct relationship between the use of evidentiary aids and testing powers and the Bill's safety objectives. Allowing officers to draw inferences from the absence of compliance features, and to rely on approved testing devices and certificates, enables timely and accurate compliance assessments without requiring technical expertise or complex roadside inspections. These mechanisms ensure that high-risk devices cannot be operated unlawfully in public places and support the broader intention of reducing harm, preventing injury and maintaining safe public spaces.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive, reasonably available means that would provide comparable enforcement capability. Without evidentiary aids and approved testing processes, police would be required to undertake detailed and technical assessments at the roadside, which is impractical and may compromise safety. The use of evidentiary certificates is a standard, well-understood method of streamlining proof of technical matters, and all presumptions are rebuttable. Individuals remain able to contest any adverse inference or testing outcome. The limitations therefore operate only to the extent necessary to enable clear, efficient and consistent enforcement of safety requirements.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

Any limitation arising from the evidentiary aids and testing provisions is modest, procedural, and subject to clear safeguards. Individuals may challenge the presumption, dispute the testing results, or require the prosecution to prove the offence beyond reasonable doubt. The measures support the effective operation of the prohibited bike framework by clarifying how compliance or non-compliance may be proven in enforcement settings. On balance, the importance of enabling efficient enforcement and improving public safety outweighs the limited impact on the right to a fair hearing, particularly given the elevated risks associated with prohibited bikes and the procedural safeguards available to affected persons.

### ***Age restriction and licensing requirement***

- (a) the nature of the right

*Right to freedom of movement* – Section 19 of the HR Act provides that every person lawfully within Queensland has the right to move freely within the state, enter or leave the state, and choose where they live.

The Bill may limit this right by restricting the ability of children under 16 years of age and individuals who do not hold a valid driver licence to use an e-mobility device as a means of travel. E-mobility devices provide a flexible, low-cost form of transport, particularly for those who may not have access to a motor vehicle.

*Right to recognition and equality before the law* – Section 15 of the HR Act provides that every individual is recognised as a person, treated equally, and protected from discrimination.

This right may be limited as the requirement to hold a valid driver licence can adversely impact some sectors of the community, such as people with a disability and older Queenslanders who are not able to drive for health reasons, but can still safely use e-mobility devices. The reforms may make it more difficult for such individuals by limiting them to other transport options like motorised mobility scooters.

*Right to protection of families and children* – Section 26 of the HR Act recognises that every child, without discrimination, is entitled to protection that is needed by the child, and is in the child's best interests, because of being a child.

The Bill may engage this right by preventing under 16-year-olds from using e-mobility devices. Young children who are currently using these devices but do not meet the new age requirement will no longer be permitted to use them.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

Any limitation on the right to freedom of movement, the right to equality before the law and the right to protection of children is directed to the legitimate purpose of improving safety for

e-mobility riders and for other road and path users. E-mobility devices can present significant safety risks when used by individuals who lack sufficient skills, knowledge and experience.

The Bill addresses these risks by requiring the rider of an e-mobility device to hold a valid licence, which demonstrates a baseline understanding of road rules and responsible behaviour in shared transport spaces. The requirement for a licence also ensures that riders are as medically fit as possible to reduce potential risks to themselves and other road users.

The licensing requirement is broad and flexible. A licence of any type or class is sufficient, including, learner, interstate and overseas licences. In Queensland, learner licences are available to 16-year-olds. The requirement that the licence not be expired, suspended or disqualified also prevents those who have demonstrated poor driving behaviour from using an e-mobility device.

The age restriction of 16 years ensures riders have sufficient maturity and capacity to assess risks and interact safely with pedestrians and other road users. The removal of the previous supervised PMD riding allowance for children aged 12 to 15 years addresses a rule that was poorly understood and inconsistently complied with, undermining safety outcomes.

These measures are consistent with a free and democratic society, as they seek to protect human dignity, equality and freedom by promoting safety in public spaces while enabling lawful and responsible use of e-mobility devices.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The age restriction and licensing requirement are rationally connected to the safety objectives of the Bill. Requiring riders to hold a valid licence ensures a minimum level of familiarity with road rules, signage and shared-space behaviour, which is essential for the safe operation of e-mobility devices. Similarly, the age restriction reduces the risk of harm associated with younger riders who may lack the cognitive development or experience necessary to safely navigate complex environments.

The limitations directly support the purpose of reducing crashes, injuries and conflicts between e-mobility riders, pedestrians and other road users. Any impact on freedom of movement, equality before the law or children's rights is confined to what is necessary to achieve these safety outcomes.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

It is considered that there are no other reasonably available and less intrusive or restrictive ways of achieving the same safety outcomes. Education-only or voluntary compliance approaches would not provide sufficient assurance that riders possess the necessary knowledge and competence. Age restrictions and licensing requirements are widely used and accepted mechanisms for managing safety risks in transport contexts.

The impact of the amendments is mitigated by several factors:

- individuals under the age of 16 or who do not hold at least a learner licence may continue to travel by other methods such as walking, cycling, public transport, taxis or

rideshare services. For persons who cannot obtain a licence due to medical reasons, safer and more suitable transport options, such as mobility scooters and other assisted mobility devices, remain available.

- the requirement to have a driver licence does not import general licence conditions applicable to motor vehicles (e.g. supervision of learners, L or P plate display, or young driver restrictions).

These features minimise the impact on individual rights while still achieving the Bill's safety objectives.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The Bill engages the right to equality before the law, the right to freedom of movement and the right to protection of children to ensure riders have the necessary skills, knowledge, and experience to safely operate e-mobility devices. On balance, any limitations are considered reasonable and justifiable to promote a safer transport environment and support the right to life for all road users in Queensland.

### ***Prohibition on sale of devices***

- (a) the nature of the right

*Right to freedom of movement* – section 19 of the HR Act provides that every person lawfully within Queensland has the right to move freely within the state.

The Bill may limit this right by restricting access to e-mobility devices and unregistrable motorbikes for children at the point of sale. By making it unlawful to sell these devices to persons under 16, the Bill prevents children from acquiring them for use as transport. While the amendments do not prevent children from moving within Queensland, they may limit the modes of transport available to them.

*Right to privacy and reputation* – Section 25 of the HR Act protects the individual from unlawful and arbitrary interference with their privacy and from attacks to their reputation. Privacy in this sense can include safeguarding personal information.

This right may be limited to the extent that the Bill prohibits the sale of e-mobility devices to persons under 16 and so may require a prospective purchaser to produce proof of age. This may involve the temporary handling or viewing of personal identification information to confirm that the purchaser is at least 16 years old.

*Right to protection of families and children* – Section 26 of the HR Act recognises that every child, without discrimination, is entitled to protection that is needed by the child, and is in the child's best interests, because of being a child.

The Bill may engage this right by regulating children's access to devices that pose safety risks and by indirectly requiring children who want to purchase these devices to provide proof of age upon request.

- (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation is to support road and public safety by preventing children under 16 years from accessing e-mobility devices and unregistrable motorbikes that they will not legally be permitted to use. Preventing sale to individuals who are not permitted to lawfully use these devices reduces the risk of misuse, non-compliance and unsafe riding behaviour.

The amendments in the Bill respond to evidence that children may lack the maturity, judgment and experience necessary to safely operate such devices, particularly in shared environments involving pedestrians and other road users. The amendments prioritise injury prevention and recognise the particular vulnerability of children.

The limitation is consistent with a free and democratic society based on human dignity, equality and freedom. It reflects a legitimate expectation that access to potentially hazardous devices is regulated in the interests of safety, particularly where children are concerned.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The prohibition on sale to persons under 16 years of age is directly connected to the Bill's safety objectives. By requiring retailers to take reasonable steps to verify age at the point of sale, the Bill reduces the likelihood that children will acquire devices they are not legally permitted to use. This supports compliance with riding restrictions and reduces the risk of crashes, injuries, and conflicts with pedestrians and other road users.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

It is considered that there are no other reasonably available and less intrusive or restrictive ways of achieving the purpose mentioned. Post-sale enforcement alone would not effectively prevent children from accessing these devices, nor would it adequately address the safety risks associated with their use. Restricting sale at the point of purchase is a practical and preventative measure.

While children may be required to provide proof of age upon request before they can purchase an e-mobility device, any interference with privacy is minimal. The Bill does not require ongoing collection or retention of personal information. The amendments are designed to mirror existing frameworks that prohibit the sale of knives and spray paint to young people and, as such, the amendments do not impose any unfamiliar obligations on children. Potential limitations on human rights are no more restrictive than necessary to achieve the legitimate objective of preventing children from accessing high risk devices that pose serious safety hazards.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The Bill reduces the accessibility of e-mobility devices and unregistrable motorbikes to young people, reduces the risk of misuse, supports responsible retail practices, and improves

community safety. There is a fair balance between the benefits to be gained by the public and potential impact on the individual through any limitation of their rights.

### ***Infringement notice enforcement for 16- and 17-year-olds***

#### **(a) the nature of the right**

*Children's rights in the criminal process and right to protection of families and children* – section 33 of the HR Act provides that a child who has been convicted of an offence must be treated in a way that is appropriate for the child's age. Section 26 of the HR Act recognises that every child, without discrimination, is entitled to protection that is needed by the child, and is in the child's best interests, because of being a child.

The Bill may limit these rights by applying the *State Penalties Enforcement Act 1999* (SPE Act) to 16- and 17-year-olds who commit certain driving and riding road safety offences. Juvenile offenders may face consequences that did not previously apply to them if they leave certain fines unpaid.

*Right to a fair hearing* – Section 31 of the HR Act affirms the right of all individuals to procedural fairness before a court or tribunal. This right recognises that children are entitled to fair and age-appropriate legal processes.

The right to a fair hearing may be limited to the extent that children aged 16 and 17 are subjected to the same enforcement framework as adults for certain vehicle-related offences.

#### **(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom**

The amendments ensure particular vehicle-related infringement notices served on 16- and 17-year-olds can be effectively enforced. This will mean that, for example, the Queensland Government can pursue unpaid fines just like it can for persons aged over 18 years and that, where applicable, once the fine is paid, the offences can be recorded on the traffic history of the young person.

The offences these amendments target, such as unlicensed driving, riding without due care and attention, and underaged riding, not only endanger the juvenile offender's life but also place other road users at significant risk. Ensuring meaningful enforcement supports compliance with road rules and deters unsafe behaviour.

The amendments are consistent with a free and democratic society based on human dignity, equality and freedom. 16- and 17-year-olds are eligible to hold driver licences and are entrusted with significant responsibility when operating vehicles. It is therefore reasonable and proportionate to hold them accountable for vehicle-related offences within a framework that promotes safety and responsibility.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The amendments are directly connected to the Bill's purpose of improving road safety and compliance with transport laws.

Without effective enforcement mechanisms, infringement notices issued to 16- and 17-year-olds may lack practical consequence, undermining deterrence and weakening the regulatory framework. Extending SPE Act enforcement ensures that offences involving unsafe vehicle use are treated seriously and consistently.

Evidence shows early intervention and accountability are particularly important in shaping long-term behaviour. Addressing unsafe practices at this stage supports education, reinforces lawful behaviour, and reduces the likelihood that risky conduct becomes normalised.

Any limitation on children's rights arising from these amendments is confined to what is necessary to support these legitimate safety objectives.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

It is not considered that there are less restrictive and reasonably available alternatives that would achieve the same outcomes.

Relying solely on warnings or unenforced infringement notices would not provide an effective deterrent or promote compliance. Meaningful enforcement is necessary to ensure that road safety laws are respected and that young people understand the seriousness of unsafe vehicle use.

Importantly, the amendments do not remove existing safeguards within the youth justice system. Discretionary decision-making, payment options, and other protective mechanisms remain available to ensure that enforcement is fair and proportionate and takes into account the age and circumstances of the child.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The Bill seeks to balance the need for accountability with recognition of the vulnerability and developmental needs of young people.

While the amendments may limit certain children's rights by subjecting 16- and 17-year-olds to infringement enforcement under the SPE Act, the limitations are targeted and apply only to specific vehicle-related offences that pose serious safety risks.

On balance, the importance of protecting life, preventing injury and promoting a safe transport system outweighs the limited impact on children's rights. The amendments promote responsible behaviour, support early education about road safety obligations, and are proportionate and compatible with the HR Act.

### ***Parental responsibility framework***

(a) the nature of the right

*Right to protection of families and children* – Section 26 of the HR Act recognises that families are the fundamental group unit of society and are entitled to protection by society and the State. The Bill may limit this right by imposing liability on a parent where their child under 16 years rides an e-bike (EPAC), PMD or prohibited bike unlawfully in a public space.

*Right to a fair hearing* – Section 31 of the HR Act affirms the right of all individuals to procedural fairness before a court or tribunal. This right is engaged because the parental responsibility framework includes a limited reversal of the onus of proof, requiring the parent to prove, on the balance of probabilities, that they did not know, and could not reasonably have been expected to know, of the child’s conduct, or that they took all reasonable steps to prevent the conduct. Once that defence is established, the prosecution must then disprove those matters beyond reasonable doubt. The framework therefore imposes a narrow and targeted legal onus in respect of matters uniquely within the parent’s knowledge, while preserving the prosecution’s obligation to prove guilt to the criminal standard.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation is to improve road and public safety by addressing parental conduct that enables or facilitates the unlawful or unsafe use of high-risk devices by children. The offence recognises that parents and other adults with enduring parental responsibility are ordinarily best placed to supervise a child, control access to devices, and take reasonable preventative steps.

The reverse-onus mechanism supports enforcement in circumstances where police frequently encounter children riding unlawfully, but it is difficult to establish whether a parent permitted or enabled the conduct. The matters covered by the defence (such as steps taken to secure a device or supervise a child) are solely within the knowledge of the parent and are therefore appropriately the subject of a legal onus.

The limitation is consistent with a free and democratic society based on human dignity, equality and freedom. It reinforces the shared responsibility between families and the State to protect children from harm and safeguard the wider community, while not undermining general family autonomy.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitation is rationally connected to the Bill’s purpose of improving safety for children and the wider community. By creating liability only where a parent enables or permits unlawful use, the amendments encourage responsible decision-making and supervision, without criminalising ordinary or reasonable parenting practices. The framework operates in parallel with reforms restricting the use of high-risk devices by children and supports a comprehensive approach to reducing unsafe riding and its associated harms.

Holding parents accountable for conduct within their control helps prevent situations where children are placed at avoidable risk, reduces the likelihood of serious injury, and strengthens compliance with the broader safety framework in the Bill.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

It is not considered that there are less restrictive and reasonably available alternatives capable of achieving the same safety outcomes. Education and awareness initiatives alone are unlikely to deter parents who knowingly or negligently allow children to access high-risk devices, and enforcement directed only at children would be ineffective where access to devices is facilitated by a parent.

The Bill adopts a targeted and proportionate approach by limiting liability to circumstances where a parent enables or permits unlawful conduct, rather than imposing strict or general parental liability. The legal burden is narrow, concerns matters uniquely within the parent's knowledge, and does not displace the fundamental requirement that the prosecution must prove the offence beyond reasonable doubt once the parent raises evidence to the contrary.

This ensures the measure is no more restrictive than necessary to achieve the Bill's objectives.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The Bill balances respect for family autonomy with the need to protect children and the broader community from significant safety risks. Any limitation on the right to protection of families and children is narrow, proportionate and directed only at conduct that exposes children or others to harm. The offence does not interfere with lawful parenting decisions or ordinary family life and includes appropriate safeguards through a defence and the exclusion of temporary carers and approved foster or kinship carers.

On balance, the importance of preventing injury, promoting road safety, and protecting children outweighs the limited impact on family rights.

### ***Seizure and destruction powers***

(a) the nature of the right

*Property rights* – Section 24 of the HR Act protects the right of all persons to own property and provides that people have a right not to be arbitrarily deprived of their property.

This right may be limited as the Bill introduces a new statutory framework allowing police to seize, hold, forfeit and dispose of prohibited bikes. A prohibited bike includes:

- non-compliant EPACs,
- non-compliant PMDs,
- motorbikes that are required to be registered but are not registered, and
- motorbikes that are not eligible for registration, such as off-road petrol or high-powered electric motorbikes.

A police officer may seize a prohibited bike if it is being ridden, or is reasonably suspected of having been ridden, on a road, road-related area, or in a public place. After seizure, the owner or rider may apply for the vehicle's return within 30 days and must demonstrate ownership and that one of the statutory grounds for return is satisfied (for example, that the vehicle is compliant, registered, or that the owner did not know of, and did not consent to, the unlawful use).

If the application is refused, the person may seek internal review, and, if still dissatisfied, may apply for external merits review to the Queensland Civil and Administrative Tribunal (QCAT). A vehicle cannot be forfeited until the period for applying for external review has ended, or, if an external review application is made, until the external review proceedings have been finalised. Only after forfeiture may the vehicle be destroyed or, where eligible, sold. This framework permits permanent deprivation of property only after multiple stages of procedural fairness.

*Right to freedom of movement* – Section 19 of the HR Act provides that every person lawfully within Queensland has the right to move freely within the state, enter or leave the state, and choose where they live.

This right may be limited to the extent that seizure prevents a person from using a particular device for transport. The limitation is modest, as prohibited bikes cannot lawfully be used in public places and individuals retain the ability to travel freely using compliant or lawful transport options.

*Right to privacy and reputation* – Section 25 of the HR Act protects the individual from unlawful and arbitrary interference with their privacy and from attacks to their reputation. Privacy in this sense can relate to personal information and data collection, but can also extend to an individual's private life more generally.

The right may be engaged because administration of the seizure and review process requires police to collect limited personal information, such as the identity and contact details of the rider or owner. This is necessary to issue statutory notices, process applications and conduct reviews, and is consistent with ordinary policing practices.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the seizure, forfeiture and disposal powers is to protect public safety by ensuring that dangerous and unlawful vehicles are permanently removed from public places. Prohibited bikes pose significant safety risks to riders, pedestrians and other road users because of their speed, power or non-compliance with required safety standards.

Removing these vehicles from public spaces prevents ongoing unlawful use and provides a meaningful deterrent to unsafe behaviour. This promotes community safety and the protection of life, and is consistent with the principles of a free and democratic society that values human dignity, equality and freedom.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitations are directly connected to the Bill's purpose. Seizing prohibited bikes stops their continued unlawful use and removes the risk they pose to the public. Forfeiture and disposal further reduce the likelihood of re-offending and ensure that the dangerous device cannot be returned to public spaces.

These powers strengthen enforcement and provide a preventative mechanism to support community safety. They promote public confidence that unsafe behaviour and unlawful use of high-risk devices will attract appropriate consequences.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

There are no less restrictive and reasonably available alternatives that would achieve the same safety outcomes. Existing powers have been insufficient to address the risks posed by prohibited bikes, including where devices lack identifying features or riders cannot be readily identified.

The new framework incorporates extensive safeguards to protect human rights and avoid arbitrariness, including:

- mandatory seizure notices (either personal service or online publication)
- a clear release application process
- mandatory return where statutory criteria are satisfied
- a right to internal review
- a further right to external merits review by QCAT
- limitations preventing disposal until review opportunities have concluded.

Permanent deprivation of property occurs only after these safeguards have been exhausted. Any effect on freedom of movement is minimal because prohibited bikes cannot lawfully be used in public places, but individuals remain free to use compliant modes of transport.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The Bill enables the effective removal of dangerous and unlawful vehicles from roads, road-related areas and public places in order to protect the community. Although the seizure and forfeiture framework places limits on property rights, freedom of movement and, to a lesser extent, privacy, these limitations are narrow and proportionate. They are supported by clear procedural safeguards, including staged opportunities for return, internal review and external merits review, and apply only to a defined class of high-risk devices that present a serious and demonstrable safety risk.

On balance, the importance of preventing injury and protecting life outweighs the limited impact on individual rights. The framework ensures that a vehicle may only be forfeited and disposed of once all review rights have been completed and only where statutory criteria for return are not met. These safeguards ensure that the powers operate fairly and only to the extent

necessary to remove dangerous devices from public spaces and reduce the likelihood of serious harm.

### ***Hooning-related behaviours and police evasion***

#### **(a) the nature of the right**

*Right to freedom of expression* – Section 21 of the HR Act protects the right of all persons to hold an opinion without interference and the right of all persons to seek, receive and express information and ideas of all kinds, within or outside Queensland. The forms of protected expression are broad, including oral, written, print, art or any other medium.

This right may be limited to the extent that the Bill makes it illegal to engage in hooning-related behaviours, such as posting images and videos about hooning with e-mobility devices. The amendments impose restrictions on posting materials online.

*Right to peaceful assembly and freedom of association* – Section 22 of the HR Act upholds the rights of individuals to gather together in order to exchange, give or receive information, to express views, or to conduct a protest or demonstration.

The Bill may potentially engage this right as it prevents individuals organising group rides or attending hooning events with others. However, the right to peaceful assembly only protects assemblies that are non-violent and do not cause harm to others or jeopardise public safety. Hooning events involve dangerous riding or driving behaviours such as racing, burnouts, or other reckless use of vehicles that pose significant safety risks. Activities involving such conduct fall outside the core protection afforded to peaceful assemblies under the HR Act.

*Right to liberty and security of person* – Section 29 of the HR Act provides a person with certain protections relating to liberty and security, ensuring a person is not subject to arbitrary arrest or detention, and not deprived of their liberty other than on grounds and in accordance with procedures established by law.

The Bill may limit the right to liberty and security to the extent that it expands the offence for evading a police officer to also capture e-mobility devices. This offence carries a maximum penalty of up to five years' imprisonment if certain circumstances of aggravation are met.

#### **(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom**

The purpose of the amendments is to protect public safety by imposing the potential for significant punishment for evasion offences committed by riders of e-mobility devices and prohibiting hooning-related behaviours involving e-mobility devices, including organising, filming, promoting, encouraging or spectating such activities.

Existing legislation already prohibits hooning-related behaviours and evasion offences involving non-compliant e-mobility devices, which are considered motor vehicles. The Bill addresses a regulatory gap by ensuring that the same behaviours are unlawful regardless of whether the device involved is compliant or non-compliant. This promotes consistency, clarity and fairness in enforcement.

The purpose of the limitation is consistent with a free and democratic society based on human dignity, equality and freedom. The amendments are directed at preventing serious harm, protecting life, and ensuring that public spaces remain safe and accessible for all members of the community.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitation on freedom of expression and assembly is rationally connected to the Bill's safety objectives.

Hooning behaviours are often amplified through social media and group events, which can normalise dangerous conduct, encourage imitation and attract spectators, increasing the risk of serious injury. By prohibiting not only direct participation but also promotion and facilitation, the Bill addresses the broader environment that enables hooning to occur. Likewise, police evasion not only prevents enforcement but creates significant safety risks for police and other road users.

The amendments therefore assist in reducing both the immediate risks associated with hooning and police evasion, and the longer-term cultural acceptance of unsafe behaviour in public spaces.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

It is not considered that there are less restrictive and reasonably available alternatives capable of achieving the same outcomes.

Education and awareness initiatives alone are unlikely to deter deliberate and organised hooning behaviours or attempts to evade police enforcement.

The Bill adopts a targeted approach by limiting hooning offences to conduct that promotes, facilitates or encourages dangerous behaviour. It does not restrict general discussion, commentary or criticism of hooning, nor does it prohibit lawful recreational riding or assembly. The Bill also extends existing police evasion offences which are well established and accepted by the community. The maximum penalty for police evasion reflects the seriousness of the offending conduct and aligns with penalties applicable to comparable conduct involving motor vehicles. The availability of imprisonment does not mandate its imposition; sentencing remains a matter for the courts, which must consider the individual circumstances of the offence and the offender.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The Bill limits certain forms of expression and assembly and liberty only to the extent necessary to address conduct that poses a serious risk to public safety.

Any impact on human rights is confined to expression and association that is closely connected to dangerous and unlawful behaviour. The amendments do not suppress ideas or opinions, but regulate conduct and conduct-facilitating activity, in order to protect life and prevent injury.

On balance, the importance of preventing harm, maintaining public order and ensuring safe use of public spaces, outweighs the limited impact on individual rights.

### ***Footpath speed limits***

(a) the nature of the right

*Right to freedom of movement* – Section 19 of the HR Act provides that every person lawfully within Queensland has the right to move freely within the state.

This right may be limited insofar as the Bill introduces a lower default speed limit for PMDs and EPACs riding on footpaths and shared paths. This limits the speed at which these devices may be used in those environments and therefore affects how individuals move using those devices.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation is to protect vulnerable path users by reducing the risk and severity of collisions between pedestrians and riders of PMDs and EPACs. Significant safety risks are associated with higher speed interactions between riders of e-mobility devices and pedestrians, particularly for children, older people and people with disability. Introducing a uniform 10 km/h default speed limit promotes safer coexistence between users and improves predictability and compliance.

The purpose of the limitation is consistent with a free and democratic society based on human dignity, equality and freedom. It reflects the State's obligation to protect the safety and wellbeing of all users of public spaces while enabling continued access to mobility options.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitation on freedom of movement is directly connected to the Bill's safety objectives.

Reducing speed on footpaths and shared paths gives riders more time to respond to pedestrians and unexpected hazards, and reduces stopping distances. In the event of a collision, lower speeds significantly reduce impact force and the likelihood of serious injury.

The uniform speed limit also supports clearer public messaging and more consistent enforcement, helping to change behaviour and reduce unsafe riding practices in pedestrian-dominant environments.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

It is not considered that there are less restrictive and reasonably available alternatives that would achieve the same safety outcomes.

A clear and uniform default speed limit is necessary to create a consistent and easily understood safety standard for footpaths and shared paths.

Any limitation on freedom of movement is mitigated by the continued availability of alternative infrastructure, including roads and bicycle lanes, where higher speeds remain lawful. Riders therefore retain the ability to move efficiently through the transport network while ensuring that higher-speed travel occurs in environments designed to safely support it.

In addition, local governments retain the ability to apply different speed limits through signage or road markings. This allows higher-quality, bikeway-style shared paths to be designated for higher speeds where appropriate, providing flexibility without undermining the core safety objective of the amendments.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The Bill limits the speed at which PMDs and EPACs may be used on footpaths and shared paths, but does not prevent individuals from moving freely within Queensland or from using these devices altogether.

The limitation is targeted, proportionate and directed at protecting vulnerable users in environments where the risk of harm is greatest. When balanced against the significant public interest in pedestrian safety and injury prevention, the importance of the Bill's purpose outweighs the limited impact on freedom of movement.

### ***New and increased penalties***

(a) the nature of the right

*Right to recognition and equality before the law* – Section 15 of the HR Act provides that every person has the right to recognition as a person before the law, that every person is equal before the law, and that laws should not be discriminatory.

This right may be limited to the extent that the Bill introduces new offences, increases a number of existing infringement notice penalties, and prescribes existing offences as infringement notice offences.

Some penalties also attract demerit points. The impact of fines and licence sanctions may be felt more acutely by individuals from lower socio-economic backgrounds or those living in regional and remote areas, particularly where financial resources and alternative transport options are limited. These impacts may exacerbate existing disadvantage.

*Right to liberty and security of person* – Section 29 of the HR Act provides a person with certain protections relating to liberty and security, ensuring a person is not subject to arbitrary arrest or detention and not deprived of their liberty other than on grounds and in accordance with procedures established by law.

The Bill may limit the right to liberty and security to the extent that it prescribes penalties that may be enforced under the SPE Act. In limited circumstances, continued non-payment of a fine may ultimately result in the issuing of an arrest and imprisonment warrant. However, Queensland legislation prioritises alternative enforcement measures and seeks to minimise the use of imprisonment for fine default.

*Right to fair hearing and rights in criminal proceedings* – Sections 31 and 32 of the HR Act protect the right to a fair and public hearing and the right to be presumed innocent until proven guilty, including minimum guarantees for accused persons.

The Bill may engage these rights to the extent that offences are prescribed as penalty infringement notice offences. Infringement notices allow matters to be finalised without court attendance, but individuals retain the right to elect to have the matter heard and determined by a court.

*Right to freedom of movement* – Section 19 of the HR Act provides that every person lawfully within Queensland has the right to move freely within the state.

The Bill may limit this right to the extent that some offences attract demerit points. The accumulation of demerit points may result in licence suspension, reducing an individual's independence and mobility.

(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the amendments is to ensure that penalties appropriately reflect the seriousness of unsafe and unlawful behaviours involving e-mobility devices and prohibited bikes, and provide an effective deterrent against conduct that poses significant risks to public safety.

In Queensland, traffic penalties are set according to the level of risk and potential harm associated with the offending behaviour. The amendments align the e-mobility and prohibited bike offences with this established approach, ensuring consistency across the transport regulatory framework.

Any limitation on human rights is directed toward improving road and path safety and supporting effective enforcement of both existing and new offences. By reducing preventable injury and harm, the amendments also promote the right to life in section 16 of the HR Act.

Prescribing offences as infringement notice offences supports efficient and proportionate enforcement by reducing the need for court proceedings in relation to objective offences, while preserving the right of individuals to elect court determination if they choose.

These objectives are consistent with a free and democratic society based on human dignity, equality and freedom.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitations imposed by the Bill are rationally connected to its purpose.

Meaningful penalties are a well-established mechanism for deterring unsafe behaviour and encouraging compliance with road safety laws. Increasing penalties for higher-risk conduct and introducing targeted penalties for high-risk devices directly supports the Bill's objective of reducing serious injuries and protecting other road and path users.

The amendments apply neutrally and consistently to all riders who engage in the same conduct. The behaviours regulated are voluntary activities undertaken in public spaces, where the State has a strong interest in minimising preventable harm.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

It is not considered that there are less restrictive and reasonably available alternatives capable of achieving the same deterrent and safety outcomes.

Lower penalties would undermine the seriousness of the conduct and reduce the effectiveness of enforcement. Education and awareness initiatives alone would not sufficiently address deliberate or repeat offending.

Multiple safeguards mitigate the impact of penalties on individual rights, including:

- the ability to elect court proceedings for infringement notice offences
- payment plans, work and development orders, and other enforcement options administered by the State Penalties Enforcement Registry for individuals unable to pay fines upfront
- the ability of courts to consider a person's circumstances, including socio-economic factors, when imposing penalties
- licence management options, such as good driving behaviour periods, which provide alternatives to licence suspension.

These measures ensure that the penalty framework remains flexible, proportionate and responsive to individual circumstances.

(e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

While the Bill introduces new and increased penalties for unsafe and unlawful behaviour involving e-mobility devices and prohibited bikes, any limitations on human rights arise only as a consequence of non-compliance with clearly defined safety obligations.

The penalties are targeted at conduct that presents demonstrable risks to public safety, are supported by procedural safeguards, and preserve access to the courts and enforcement alternatives.

On balance, the importance of improving road safety, preventing serious injury and protecting the rights of other road users outweighs the limited and proportionate impact on individual rights.

### ***Drink riding***

#### **(a) the nature of the right**

*Right to freedom of movement* – Section 19 of the HR Act provides that every person lawfully within Queensland has the right to move freely within the state.

This right may be limited to the extent that the Bill provides a power for police to detain or take a rider of a PMD or bicycle at or to a place for the purposes of providing a specimen of the person's breath or blood in order to enforce drink riding offences.

*Right to privacy and reputation* – Section 25 of the HR Act protects the individual from unlawful and arbitrary interference with their privacy and from attacks to their reputation. Privacy in this sense can include safeguarding personal information.

The Bill may engage this right because random breath testing requires riders to provide a breath sample. This involves the collection of bodily information and may be perceived as an intrusion into personal autonomy and bodily integrity. Testing may also occur in public settings, which could give rise to perceived reputational impacts.

*Right to liberty and security of person* – Section 29 of the HR Act provides a person with certain protections relating to liberty and security, ensuring a person is not subject to arbitrary arrest or detention and not deprived of their liberty other than on grounds and in accordance with procedures established by law.

This right may be engaged because random breath testing powers allow for temporary detention of riders while testing is conducted. However, any detention must occur strictly in accordance with legislative safeguards and established procedures.

*Children's rights in the criminal process and right to protection of families and children* – section 33 of the HR Act provides that a child who has been convicted of an offence must be treated in a way that is appropriate for the child's age. Section 26 of the HR Act recognises that every child, without discrimination, is entitled to protection that is needed by the child, and is in the child's best interests, because of being a child.

The Bill engages these rights because the new drink riding offences apply to children aged 16 and 17 and because random breath testing powers may be exercised in relation to 16- and 17-year-olds riding PMDs or bicycles. However, existing safeguards under the *Youth Justice Act 1992* and other relevant legislation and police policy apply, ensuring that any interaction with children, including testing, questioning and any enforcement action, is conducted in an age-appropriate manner and with regard to the child's vulnerability and developmental capacity.

#### **(b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom**

The purpose of the amendments is to enhance public safety by deterring alcohol-impaired riding of PMDs and bicycles.

The Bill introduces a structured drink riding offence framework, with low-range, mid-range and high-range offences, broadly aligned with the existing drink driving regime for motor vehicles.

Alcohol impairment significantly affects judgement, coordination and reaction time, increasing the risk of crashes and serious injury to riders, pedestrians and other road users. These risks apply regardless of the age of the rider. The amendments respond to a demonstrated safety risk and aim to reduce road trauma.

The purpose of the limitation is consistent with a free and democratic society based on human dignity, equality and freedom, as it seeks to protect life, promote safety in shared public spaces and ensure responsible use of transport devices.

(c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The limitations imposed by the Bill are rationally connected to its purpose.

Random breath testing is a well-established and effective deterrent that supports compliance with drink driving laws. Extending similar powers to PMD and bicycle riders reinforces the seriousness of drink riding and discourages risky behaviour before harm occurs.

By introducing clear, tiered offences and enforcement mechanisms, the Bill supports consistent policing and public understanding. This assists in reducing alcohol-related crashes and protecting public safety.

(d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

It is not considered that there are less restrictive and reasonably available alternatives capable of achieving the same safety outcomes.

Education and awareness campaigns alone would not provide a sufficient deterrent against alcohol-impaired riding. The amendments mirror existing drink driving frameworks, which have been shown to be effective in changing behaviour.

The Bill and existing provisions of legislation include safeguards that limit impacts on rights, including:

- limiting the new breath testing powers and new drink riding offences to persons aged 16 and over
- clearly defined testing powers
- limits on detention time
- requirements that testing occur within specified timeframes
- medical exemptions and protections.

For 16- and 17-year-olds, existing youth justice protections ensure age-appropriate treatment, mitigating the impact of breath testing powers and offence provisions while still supporting the Bill's safety objectives. Breath testing powers and drink driving offences for motor vehicles also apply to children, so there are well-established procedures in place in relation to dealing with children in this scenario.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The Bill limits certain rights, including privacy, freedom of movement and liberty, but only to the extent necessary to deter and address drink riding behaviour that poses a serious risk to public safety.

The limitations are targeted, time-limited and subject to clear safeguards. They apply only to individuals 16 and over who choose to ride while impaired and do not restrict lawful, sober riding.

On balance, the importance of protecting life, preventing serious injury and maintaining safe public spaces outweighs the limited and proportionate impact on individual rights.

## Conclusion

In my opinion, the Transport and Other Legislation (Managing E-mobility Use and Protecting Our Communities) Amendment Bill 2026 is compatible with human rights under the HR Act because it limits a human right only to the extent that is reasonable and demonstrably justifiable in a free and democratic society based on human dignity, equality and freedom.

**Brent Mickelberg MP**  
Minister for Transport and Main Roads

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