

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

Statement of Compatibility

FOR

Amendments to be moved during consideration in detail by the Honourable Brent Mickelberg MP, Minister for Transport and Main Roads

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 amendments to be moved during consideration in detail of the Transport and Other Legislation (Managing E-mobility Use and Protecting Our Communities) Amendment Bill 2026 (the Bill).

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

Overview of the Amendments

Please refer to the Explanatory Notes accompanying the amendments to be moved during consideration in detail for a detailed overview of the amendments and their policy objectives.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Divisions 2 and 3 of the HR Act)

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)
- Right to 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 amendments to the Bill promote some of the rights identified above (such as the right to life), they also impose limitations on certain rights. The amendments that give rise to potential limitations are addressed below.

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

Evidentiary requirements for release applications

(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 by the amendments that strengthen the evidentiary requirements applying to applications for the release of a seized vehicle. In particular, the amendments clarify that a statutory declaration or statement by an applicant, without corroborating evidence, is not of itself sufficient to establish a ground for release.

The framework permits the temporary deprivation of property while a release application is considered. However, it preserves avenues for an individual to seek the return of a seized vehicle by providing objective and corroborated evidence to establish that they were not responsible for, and did not authorise, the unlawful use of the vehicle.

(b) the nature of the purpose of the limitation to be imposed by the amendment 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 ensuring that dangerous and unlawful vehicles are not returned to public places without proper scrutiny. Prohibited bikes present a significant risk of harm to the community, and it is reasonable and necessary that decisions to release such vehicles are based on substantiated and reliable evidence.

Requiring corroborated evidence in support of a release application promotes confidence in the integrity of the enforcement framework and ensures that release decisions are made on a sound evidentiary basis. This objective is consistent with a free and democratic society founded on human dignity, equality and freedom, including the protection of life and safety.

(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 amendments are directly connected to the Bill's purpose. Seizure and impoundment prevent the continued unlawful use of suspected prohibited bikes, while strengthened evidentiary thresholds for release applications reduce the risk that dangerous vehicles are returned without proper justification.

By requiring that grounds for release be supported by corroborated evidence, the amendments help ensure that only vehicles that genuinely meet the statutory release criteria are returned. This contributes to the deterrence of unsafe behaviour and reduces the likelihood of re-offending.

(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 capable of achieving the same safety outcomes. The prohibited bike seizure framework necessarily requires vehicle owners to demonstrate, with evidence, that they meet the statutory grounds for release if they seek the return of a seized vehicle.

Allowing release applications to succeed on the basis of uncorroborated assertions would undermine the effectiveness of the enforcement framework and increase the risk that prohibited bikes are returned to public use. The requirement for corroborated evidence is therefore a necessary safeguard to protect public safety.

- (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 amendments impose a higher evidentiary threshold for the release of seized vehicles, the limitation on property rights is narrow and proportionate. The framework includes multiple safeguards, including notice requirements, opportunities to provide evidence, internal decision-making processes, and access to external merits review.

Permanent deprivation of property occurs only in limited circumstances and applies only to vehicles that meet the statutory definition of a prohibited bike and pose a serious and demonstrable safety risk. On balance, the importance of preventing injury and protecting the community outweighs the limited and carefully controlled impact on individual property rights.

Electronic service of notices

- (a) the nature of the right

Privacy and reputation – Section 25 of the HR Act protects individuals from unlawful or arbitrary interference with their privacy. Privacy for these purposes includes the collection and handling of personal information.

This right may be engaged by amendments that permit seizure, release and forfeiture notices to be given electronically. Limited personal information may be collected and used for this purpose, including an email address or other electronic contact details, identity information, and information linking a person to a seized vehicle.

Any interference with privacy is limited in nature, operationally necessary, and consistent with standard enforcement practices. Personal information is collected only to the extent reasonably required to ensure that statutory notices are properly given and that affected persons are informed of their rights and obligations.

- (b) the nature of the purpose of the limitation to be imposed by the amendment 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 provide flexibility in the way statutory notices are given, including enabling notices to be provided electronically where appropriate, rather than requiring notices to be served only by traditional methods.

Electronic service promotes timely communication, efficiency and accessibility, and supports the effective operation of the prohibited bike seizure framework. Electronic notices will be given only where a person has voluntarily provided an electronic address for that purpose. Where electronic service is not appropriate or consent is not provided, notices will continue to be given in hard-copy form.

These measures are consistent with the values of a free and democratic society, as they enhance transparency, procedural fairness and access to information, while supporting public safety objectives.

- (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 imposed by amendments is directly connected to the purpose of the Bill. Allowing notices to be given electronically supports efficient administration of the seizure, release and forfeiture processes and ensures that affected persons receive timely notice of decisions that impact their rights.

The flexibility to give notices through multiple channels reduces administrative burden without diminishing procedural protections, thereby supporting the effective enforcement of the regulatory framework.

- (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 objectives. Requiring all notices to be served only by traditional means would reduce flexibility and efficiency and may delay the communication of important information to affected persons.

Electronic service remains optional and supplementary to existing notice-giving methods. Affected persons are not compelled to receive notices electronically and may continue to receive notices in hard-copy form.

- (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 amendments may engage the right to privacy, any limitation is narrow, proportionate and subject to clear safeguards. Personal information is collected and used only for legitimate statutory purposes and only where necessary to give effect to notice requirements.

When balanced against the benefits of improved efficiency, timely communication and effective enforcement of public safety measures, the importance of the Bill's purpose outweighs the limited impact on privacy. The amendments therefore represent a reasonable and demonstrably justifiable limitation on human rights under section 13 of the *Human Rights Act 2019*.

Evasion offences

- (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.

This right may be limited to the extent that police officers are authorised to direct a person to stop riding or driving a vehicle for the purpose of enforcing evasion offences. The limitation is modest and temporary, and arises only where a person is reasonably suspected of attempting to evade lawful police direction in circumstances connected with public safety.

Right to liberty and security of a 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 amendments may engage this right by permitting police to direct riders of electrically powered assisted cycles (EPACs) and personal mobility devices (PMDs) to stop, and, where necessary, to take enforcement action in response to evasion, including arrest and prosecution. Any impact on this right arises only where a person fails to comply with lawful directions and engages in conduct that may pose a risk to public safety.

- (b) the nature of the purpose of the limitation to be imposed by the amendment 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 support the effective enforcement of evasion offences by extending existing and well-established police powers to apply to EPACs, PMDs and prohibited bikes. Existing legislation already empowers police to require drivers of motor vehicles to stop and provides offences for evading such directions.

Extending these powers to e-mobility devices ensures that police can respond effectively to evasive and potentially dangerous conduct, and that enforcement frameworks operate consistently across different types of vehicles.

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 limitations on freedom of movement and liberty are rationally connected to the Bill's safety objectives. Evasion of police directions, particularly in public places, can significantly increase the risk of collision, injury and harm to riders, pedestrians and other road users.

By enabling police to lawfully direct riders of e-mobility devices to stop and to enforce evasion offences, the amendments reduce immediate risks associated with dangerous and evasive behaviour and support timely intervention to prevent harm.

- (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 capable of achieving the same safety outcomes. The amendments do not introduce new evasion-related concepts, but extend the application of existing and accepted evasion offences and enforcement powers to additional vehicle types.

Without these amendments, police would be unable to effectively enforce evasion offences against riders of e-mobility devices, undermining the consistency and effectiveness of the broader road-safety enforcement framework.

- (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 amendments limit certain aspects of freedom of movement and liberty only to the extent necessary to enable police to address evasive conduct that poses a serious risk to public safety.

Any impact on human rights is confined to circumstances involving deliberate evasion of lawful police directions and is subject to established procedural safeguards. On balance, the importance of preventing injury, protecting life and maintaining safe public spaces outweighs the limited and proportionate impact on individual rights.

Conclusion

In my opinion, the amendments to the Transport and Other Legislation (Managing E-mobility Use and Protecting Our Communities) Amendment Bill 2026 are compatible with human rights under the *Human Rights Act 2019* because they limit human rights 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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