



Brisbane City Council ABN 72 002 765 795

Office of the Chief Executive
Level 23, 266 George Street Brisbane
GPO Box 1434 Brisbane Qld 4001
T 07 3403 8888 F 07 3334 0043
www.brisbane.qld.gov.au

Dedicated to a better Brisbane

12 March 2019

Committee Secretary
Transport and Public Works Committee
Parliament House
George Street
BRISBANE QLD 4000
tpwc@parliament.qld.gov.au

Dear Sir/Madam

I refer to your recent correspondence to Brisbane City Council (Council) seeking submissions on the Transport Legislation (Road Safety and Other Matters) Amendment Bill 2019.

Council supports the proposed legislative amendments and provides the following comments on a number of the issues addressed by the proposed amendments.

Council supports legislative amendments that allow for increased effectiveness in the use of camera enforcement of speed limits as a measure to encourage increased compliance in locations where variable or reduced speed limits have been implemented to improve road safety, particularly of vulnerable road users.

Council is supportive of the amendments to allow for evidentiary certificates to confirm the identity of a local government toll road operator as it is considered they streamline the evidentiary processes when prosecuting a person for failing to comply with a demand notice relating to toll road usage.

The proposed amendments regarding placard loads in tunnels align with Council's operations. As the asset owner of a number of major road tunnels, Council acknowledges the need for effective enforcement and prosecution to ensure adequate deterrence of placard loads travelling through tunnels to ensure public safety and the protection of highly valuable public transport assets. Amending legislation to allow evidentiary requirements to be able to be met with existing camera systems, rather than requiring potentially costly upgrades to equipment that is still functional, is a practical and cost-effective alternative.

Council also supports the amendments allowing regulations to prescribe exemptions from requirements about the transport of dangerous goods, as this will assist in ensuring consistent application of dangerous good exemptions across jurisdictions.

Council recognises the benefits of the proposed amendments as the ability to increase the number of matters dealt with through the provision of certificate evidence. This will streamline the evidentiary process and reduce the need for Council officers to attend court hearings to provide evidence in person.

- 2 -

Council supports the proposed amendment that clarifies the manner in which Council can exercise its powers, including those provided for under local laws, on State-controlled roads. Ensuring that there is clear governance arrangements in place regarding Council powers on State-controlled roads will allow for improved communication and understanding between both levels of government, and the public, with regard to Council's ability to exercise its powers in non-Council controlled road corridors.

Thank you for providing Council with the opportunity to provide feedback on the proposed legislative amendments.

If you have any queries, please contact Ms Marie Gales, Manager, Transport Planning and Operations, Brisbane Infrastructure, on [REDACTED]

Yours sincerely



Colin Jensen
CHIEF EXECUTIVE OFFICER

Att:

Camera enforcement of speed limits

Current point-to-point camera systems are only able to be used on lengths of road where there is a single speed limit, restricting the ability to apply them to some roads where there is a known crash risk. The Bill aims to ensure point-to-point speed camera systems can be deployed on stretches of road with multiple speed limits. Under the new s120B of the TORUM Act, the speed limit enforced will be the highest speed limit for the length of road, or where it is practical to calculate it, the average speed limit as calculated by a formula set down in the regulations.

The Bill will also address speed limits for camera enforcement on lengths of road where there are variable speed limit signs installed. Under the new s120C of the TORUM Act, for lengths of road where variable speed limit signs are installed, the speed limit displayed on a variable speed limit sign will be applied. However, if it is not reasonably practicable to verify the displayed speed limit, the speed limit that would apply if the speed limit is not indicated on a variable speed limit sign will be applied.

It is understood that the alternative speed limits outlined in the Bill will not alter the ability for on-road police officers to apply the signed speed limit to a driver on a road that is also monitored by cameras.

Council supports legislative amendments that allow for increased effectiveness in the enforcement of speed limits as a measure to encourage increased compliance in locations where variable or reduced speed limits have been implemented to improve road safety, particularly of vulnerable road users.

Evidentiary certificates to confirm the identity of a local government toll road operator

The Bill allows under the TI Act for the provision of evidentiary certificates to confirm the identity of a toll road operator or local government tollway operator, the existence of a Road Franchise Agreement (or concession deed) for the relevant toll road and prove written notice was served on a person by a toll road operator.

Additionally, an amendment is to be made to the definition of 'official' as to who can provide the evidentiary certificate such that another entity that issues a notice on behalf of the toll road operator can legally do so.

Council is supportive of these amendments as it is considered they streamline the evidentiary processes when prosecuting a person for failing to comply with a demand notice relating to toll road usage.

Exemption from requirements for dangerous goods

The Bill proposes amendments that allow regulations to prescribe exemptions from requirements about the transport of dangerous goods based on national model legislation. The model legislation is developed and maintained by the National Transport Commission in consultation with industry and government in each state and territory.

Due to the changing and technical nature of dangerous goods exemptions, the model legislation provides for exemptions to be prescribed by regulation. All other Australian states and territories have adopted this approach, allowing amendments to these exemptions to be readily adopted to maintain national consistency in the requirements for transporting dangerous goods across interstate borders. Placing the exemptions in regulations rather than primary legislation, will align Queensland with the national model legislation and facilitate the ready adoption of amendments to exemptions in Queensland.

Council also supports the amendments allowing regulations to prescribe exemptions from requirements about the transport of dangerous goods, as this will assist in ensuring consistent application of dangerous good exemptions across jurisdictions.

Placard loads in tunnels

It is currently an offence to drive a motor vehicle with a placard load (that is, a load of dangerous goods that exceeds a threshold quantity) in a tunnel that has a placard load prohibition sign installed (s84A of the TORUM Act). These offences are detected by cameras which may be installed inside the tunnel or at the entrances and exits to tunnels. Some cameras record in colour, some record in black and white.

Cameras can also be limited in the extent they can capture an image of a single vehicle or vehicle combination. Camera systems used for enforcement of s84A are not able to take an image that shows the towing unit attached to a trailer, but it can be safely assumed that a trailer did not get to the location without a towing unit.

Additionally, some of the cameras used for enforcing s84A offences are positioned so that they only take images of vehicles that have passed the prohibition signs and are just before the entry to the tunnel or just after the exit from the tunnel. There will be no entering or exiting roads between the cameras and the tunnel boundary. As a result, it can be logically assumed that the vehicle will or has travelled through the tunnel.

The Bill allow for amendments to s84A of the TORUM Act, to extend the evidentiary provisions for camera detected offences involving dangerous goods in tunnels. The Bill allows evidence in the form of an image to be taken to mean particular things, in effect ensuring that an image:

- of a trailer is sufficient to show that the trailer was attached to a vehicle with a motor (to satisfy the definition of 'motor vehicle' in Schedule 4 of the TORUM Act);
- of a trailer or motor vehicle taken outside the tunnel, either just after the last exit from the road before the tunnel entry or before the first entry to the road after the tunnel exit, is sufficient to show the vehicle was driven into the tunnel; and
- of a placard load is taken to be a placard load regardless of whether the image is black and white or colour.

The Bill also clarifies the term 'official' for the purpose of signing evidentiary certificates for these offences and requires a person to advise of their intention to contest camera evidence.

The proposed amendments align with Council's current operations. As the asset owner of a number of major road tunnels, Council acknowledges the need for effective enforcement and prosecution to ensure adequate deterrence of placard loads travelling through tunnels to ensure public safety and the protection of highly valuable public transport assets. Amending legislation to allow evidentiary requirements to be able to be met with existing camera systems, rather than requiring potentially costly upgrades to equipment that is still functional, is a practical and cost-effective alternative.

Changes to evidentiary provisions

The Bill provides for the restructuring of evidentiary provisions. There are currently two sections in the TORUM Act, being s60 (Evidentiary aids) and s124 (Facilitation of proof), which deal with the majority of evidentiary matters for that Act. This resulted from the progressive incorporation of the now repealed Traffic Act 1949 into the TORUM Act, with both sections incrementally amended over time.

The proposed amendments will consolidate these existing provisions to remove overlap and ensure consistency. The Bill includes several amendments to restructure, consolidate and refine the main evidentiary provisions in the TORUM Act. The Bill also allows additional matters for which evidence can be provided by certificate.

All the matters being dealt with by the evidentiary amendments are appropriate for certificate evidence. The information is either non-contentious, a matter of departmental record or objective in nature. Allowing evidence to be provided by certificate, promotes more efficient and cost-effective court processes by reducing the need for prosecutors to call witnesses for matters that are not in dispute.

Council recognises the benefits of the proposed amendments, as the ability to increase the number of matters dealt with through the provision of certificate evidence will streamline the evidentiary process and reduce the need for Council officers to attend court hearings to provide evidence in person.

Local government exercising powers on a Queensland State-controlled road

The Bill amends section 45(1) of the TI Act to clarify that local government powers for a State-controlled road in its area are limited by the *Local Government Act 2009*, the *City of Brisbane Act 2010* and s66 of the TORUM Act.

This amendment makes clear that a local government can exercise the same powers on a State-controlled road that it can exercise for a local government road under a local law only if written agreement has been given by the chief executive under s66 of the TORUM Act. There will be no change in the current extent of the department's or local governments' powers in relation to State-controlled roads.

Council supports the proposed amendment as this clarifies the manner in which Council can exercise its powers, including those provided for under local laws, on State-controlled roads. Ensuring that there is clear governance arrangements in place regarding Council powers on State-controlled roads will allow for improved communication and understanding between both levels of government, and the public, with regard to Council's ability to exercise its powers in non-Council controlled road corridors.