



**TWU**  
Carrying Australia

**Transport and Other Legislation  
(Road Safety, Technology and Other Matters)  
Amendment Bill 2020**

**Transport Workers' Union of Australia,  
Union of Employees (Queensland Branch)  
Submission**

## ***Introduction***

The Transport Workers' Union of Australia, Union of Employees, Queensland Branch (TWU) represents around 8900 workers across the State's aviation, oil, waste management, gas, road transport, passenger vehicle and freight logistics industries. With over one hundred years' experience representing Queensland's transport workers, the TWU has advocated for the establishment and reform of industry standards which advance the lives and safety of transport workers, their families, and the community.

As a major stakeholder and peak union for the State's transport industry workforce, the TWU is disappointed by the lack of consultation which culminated in the reforms contained in the proposed draft Bill. Given the majority of TWU's members are occupational users who rely on drivers' licences and photo identification cards to perform their duties, it is extraordinary that feedback has only been sought at this late stage.

Nevertheless, the TWU welcomes the opportunity to contribute the following submission for the Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Bill 2020.

## ***Introduction and ongoing operation of a Digital Licence App***

The TWU appreciates that digital licencing and digitisation of services are becoming more prevalent in Australia<sup>1</sup> and supports the amendments of the Bill which facilitate the introduction of a Digital Licence App.

The majority of our members rely on validly issued drivers' licences to remain employed within their livelihoods and to perform their important duties for the community. Technological innovations such as digital licencing have the capacity to streamline our members' requirements to obtain, store and display requisite drivers' licences as well as improve their access to Queensland Government information, and other digital products and services as envisioned by the architects of the proposed Bill.<sup>2</sup>

Although we support the State Government's continued innovation, development and provision of forefront technologies to the people of Queensland, it is our members' safety and workplace rights which remain central and paramount to our concerns when considering reform that will greatly impact their industries.

The Bill's explanatory notes assert that digital licencing will provide greater security, protection and control in sharing information by leveraging data encryption while providing users with a convenient mechanism for updating their details, such as a change of address.<sup>3</sup>

Provided government have largely anticipated contingencies in regards to data protection and identity theft-related cybercrimes, the TWU reiterate the need for the Digital Licence App to be secure and for those responsible for managing and protecting the data to respect users' privacy and information.

---

<sup>1</sup> Explanatory Notes, Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Bill 2020 (Qld) 1.

<sup>2</sup> Ibid 1 & 2.

<sup>3</sup> Ibid 2.

Concerns are mainly in relation to practical functionality issues. For the foreseeable future it is understood users will have the choice to either hold the digital or physical authorities and that a proposed two-year period for legislation changes to be made via the transitional regulation will allow necessary flexibility to respond to legislative issues as they arise.<sup>4</sup> However, should the implementation of digital licencing products and services pose unforeseen issues to our members either indirectly or directly, then the TWU reserves its right to raise such issues in the appropriate forums when and as they arise.

Demonstrable issues may include general support and device compatibility issues, employer expectations around management of licencing aps across multiple devices including but not limited to employer-issued devices and smartphones, and varying levels of skill and capability amongst our individual members.

### ***Camera detection and enforcement of seatbelt and mobile phone offences***

The TWU supports the amendments of the Bill which facilitate the introduction of camera detection and enforcement of seatbelt and mobile phone related offences. In the interests of improving public, and workplace health and safety for the people of Queensland and our members, the TWU supports public service initiatives and campaigns which raise community awareness in regards to improving road safety.

In 2018, 69% of workers who died nationwide were employed in the transport, postal and warehousing industries representing 38 fatalities in total for that year.<sup>5</sup> As at 9 April 2019, preliminary data shows worker deaths within the same industries reached 19 fatalities.<sup>6</sup>

Fatalities involving unrestrained vehicle occupants, and distracted and/or inattentive drivers due to unlawful mobile phone usage continue to be of concern to the community and our members especially given increasing ubiquity of smartphone technology in our everyday lives.

Our view is that the introduction of tougher penalties combined with a robust public service campaign to enhance community awareness of road users' obligations and the new technology would assist in reduction of fatalities.

The TWU is however concerned about increasing workplace surveillance, privacy generally, and the reverse onus of proof elements posed by the Bill's drafters, which may be inconsistent with fundamental legislative principles and human rights more broadly. With the use of evidentiary certificates and artificially intelligent technologies determining offences, the State's increasing reliance on such measures for the purposes of streamlining court and infringement processes may have the effect of eroding civil liberties, procedural fairness and the right to a fair hearing.<sup>7</sup>

### ***Minor and technical improvements to:***

---

<sup>4</sup> Explanatory Notes, Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Bill 2020 (Qld) 10.

<sup>5</sup> Safe Work Australia. 2018. *Work-related Traumatic Injury Fatalities, Australia 2018* 11.

<sup>6</sup> Safe Work Australia. "Year-to-date 2020: Preliminary worker deaths by industry of workplace." Accessed 17 April 2020. *Work-related Traumatic Injury Fatalities, Australia 2018*

<sup>7</sup> *Human Rights Act 2019* (Qld) ss. 31, 32.

- a) clarify the operation of some drug and drink driving provisions;*
- b) preserve certain existing secondary legal interests in the Department of Transport and Main Roads' (TMR) land for Railway and Busway;*
- c) allow access to land for environmental activities;*
- d) clarify evidentiary provisions for Smart Ticketing;*
- e) update evidentiary provisions because of the Road Vehicle Standards Act 2018 (Cwth) (RVS Act); and*
- f) update legislative referencing and definitions.*

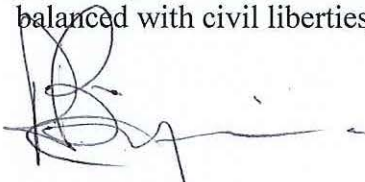
Regarding the minor and technical improvements of various legislation, the TWU do not anticipate amendments will impact members insofar as they do not relate to their employment, or refer to evidentiary certificates and reverse onus of proof already addressed above. Should they, however, pose unforeseen issues to our members, the TWU will raise such issues in the appropriate forums where and if required.

### **Conclusion**

We're committed to working with the State Government and relevant stakeholders and welcome consultation which ultimately leads to making our roads and communities safer for the people of Queensland, our members, and visitors.

Consistent with our 'Safe Rates' campaign, we support initiatives that effectively reduce the death toll in an industry with the highest fatality rate in the country. We support the use of tougher offence detection strategies if they have the overall effect of improving compliance and safety and we encourage the use of public service campaigns that enhance safety, change driver behaviour for the better, and raise community awareness of the proposed technology.

While we support Queensland being at the forefront of road safety innovation and understand the need for law enforcement to prosecute offenders efficiently in order to manage their public service responsibilities, the State's increasing reliance on artificially intelligent technologies used to detect and enforce offences, or to maintain digital licence data, must be balanced with civil liberties, data privacy, and procedural fairness.



Peter Biagini  
Queensland Branch Secretary  
Transport Workers' Union of Australia, Union of Employees (Queensland Branch)  
info@twuqld.asn.au  
1800 804 533