

**Transport and Resources Committee Inquiry into  
Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022**

**DEPARTMENT OF TRANSPORT AND MAIN ROADS**

**Response to public submissions**

<b>Submission</b>	<b>Summary of Issue/s Raised</b>	<b>Department of Transport and Main Roads (TMR) Response</b>
1 – RACQ	The RACQ broadly supported the Bill. Additional comments about specific matters are listed below.	TMR acknowledges RACQ's support for the Bill.
	<b>Camera Detected Offences:</b> RACQ suggested Government should consider increasing resourcing for on-road policing patrol presence to better deter and detect offenders 'anywhere, anytime'.	On-road police presence forms part of the Government's holistic road safety response and plays an important role in encouraging safer road use through a general deterrent effect and the detection of unsafe and illegal behaviours.  In relation to this Bill, the proposed amendments include enabling CDOP funds, in excess of administration costs, to be used for targeted programs of work to reduce road trauma. For example, a road safety trial that includes the use of on-road policing to improve drug driving deterrence. Where evaluation of the outcomes of a trial demonstrates a benefit to road safety outcomes, CDOP funds may also be considered to support the implementation of the trialled program in an ongoing capacity.
	<b>Legal protections for health professionals who report on fitness to drive for non-Queensland driver licence holders:</b> RACQ advocated for mandatory medical condition reporting by health professionals to further improve road safety.	TMR has previously considered mandating medical condition reporting by health professionals where a patient may no longer be fit to drive. However, during further investigation, it was determined this may cause poor patient health outcomes as patients may be reluctant to disclose conditions they may have to their health professional, to avoid putting them at risk of losing their driver licence.
	<b>Amendment to Housing Legislation Amendment Act 2021:</b> RACQ is unable to comment on this change.	TMR notes RACQ is unable to comment on this change.

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2 – Caravan Trade & Industries Association of Qld (CT&IAQ)	<p><b>Camera Detected Offences:</b> CT&amp;IAQ provided comments on the amendments to the <i>Transport Operations (Road Use Management) Act 1995</i> (TORUM Act) to ensure the fines from camera detected offences will continue to be available for road safety education and awareness programs. CT&amp;IAQ support this amendment.</p>	<p>TMR acknowledges CT&amp;IAQ's support for the camera detected offence amendment.</p>
	<p><b>Road safety initiatives:</b> CT&amp;IAQ also provided information about the special road safety complexities unique to recreational vehicles while they are towing and how CT&amp;IAQ is committed to, and actively contributes to, road safety initiatives. CT&amp;IAQ has proposed an enhanced Caravan Safety Check Program that is currently subject to a sponsorship application with the Queensland Government.</p>	<p>TMR is of the view that road safety is the responsibility of all road users and commends the CT&amp;IAQ for their commitment to road safety and the delivery of initiatives to educate caravan and recreational vehicle owners about safe towing practices.</p> <p>TMR acknowledges CT&amp;IAQ has lodged an application for sponsorship, however, that application is outside of the scope of this Bill.</p>
3 – Australian Medical Association Queensland (AMAQ)	<p><b>Legal protections for health professionals who report on fitness to drive for non-Queensland driver licence holders:</b> The AMAQ provided comment on the amendment to section 142 of the TORUM Act and supports the amendment.</p>	<p>TMR acknowledges AMAQ's support for the amendment to provide legal protections for health professionals who report on fitness to drive for non-Queensland driver licence holders.</p>
4 – Spinal Life Australia (SLA)	<p><b>Motorised Mobility Devices:</b> SLA provided comment on the amendments relating to motorised mobility devices (MMD) and, overall, feels the amendments are a good response. SLA also expressed appreciation for continued gratuitous registration and compulsory third-party insurance.</p>	<p>TMR acknowledges SLA's appreciation for gratuitous registration and compulsory third-party insurance for MMDs.</p>
	<p><b>Motorised Mobility Devices:</b> SLA queried the proposed 170kg mass limit suggesting that the limit is only relevant to public transport and the weight of MMDs used on public paths is immaterial. SLA suggests the combined weight of the MMD and the user on public transport should be limited to 300kg (consistent with the Commonwealth Disability Standards Accessible Public Transport (DSAPT) combined weight limit).</p>	<p>The unladen 170kg mass limit for mobility scooters is proposed to ensure consistency with the National Transport Commission's (NTC) recommendations and therefore consistency across Australian jurisdictions. If Queensland proposed a higher mass limit, and a person purchased a mobility scooter based on that limit, the person may not be able to use their mobility scooter in another State or Territory. The NTC proposed a 170kg mass limit for mobility scooters to align with the unladen mass limits in the Technical Specification for MMDs developed by Standards Australia (SA TS 3695.3:2018). The Austroads MMD research report summarising stakeholder feedback and outlining the project finalisation notes that this mass limit was determined having regard to the adult population. Austroads considered that</p>

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	<p><b>Motorised Mobility Devices:</b> SLA supports increasing the speed capability for MMDs, but proposes the MMD speed limit should be increased from 10 k/hr to be on par with the speed limit for e-scooters of 12 k/hr.</p>	<p>given 95% of the population weigh no more than 100kg, the majority of users would be under the 300kg laden mass limit for safe use on public transport under the DSAPT.</p> <p>Motorised wheelchairs are not subject to any mass limits given users have no alternative for mobility on public infrastructure.</p> <p>Personal Mobility Devices (like e-scooters) and MMDs are fundamentally very different devices to meet different user needs. What is appropriate for one is not always appropriate for another. As such, a different approach must be applied to their use and treatment under law.</p> <p>The 10 k/hr speed limit for operating MMDs on a path is consistent with the speed limit under the Australian Road Rules and is the speed limit applied in other Australian jurisdictions.</p>