



# ***TRANSPORT AND RESOURCES COMMITTEE***

**Members present:**

Mr SR King MP—Chair  
Mr CE Boyce MP  
Mr LL Millar MP  
Ms JC Pugh MP  
Mr LA Walker MP  
Mr TJ Watts MP

**Staff present:**

Ms D Jeffrey—Committee Secretary  
Mr Z Dadic—Assistant Committee Secretary

## **PUBLIC BRIEFING—INQUIRY INTO VEHICLE SAFETY, STANDARDS AND TECHNOLOGY, INCLUDING ENGINE IMMOBILISER TECHNOLOGY**

### **TRANSCRIPT OF PROCEEDINGS**

**MONDAY, 22 MARCH 2021**

**Brisbane**

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### **The committee met at 11.01 am.**

**CHAIR:** Good morning. I declare open this public briefing. I start by respectfully acknowledging the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander people whose lands, winds and waters we all share. My name is Shane King, member for Kurwongbah and chair of the committee. Other committee members with me here today are: Lachlan Millar MP, the member for Gregory and deputy chair; Colin Boyce MP, the member for Callide; Jess Pugh MP, the member for Mount Ommaney; Les Walker MP, the member for Mundingburra; and Trevor Watts MP, the member for Toowoomba North.

On Wednesday, 24 February 2021 the Legislative Assembly agreed to a motion that the Transport and Resources Committee inquire and report on vehicle safety, standards and technology, including engine immobiliser technology. The purpose of today's briefing is to assist the committee with its consideration of that inquiry. The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. As parliamentary proceedings, under the standing orders any person may be excluded from the hearing at the discretion of the chair or by order of the committee.

The committee will not require evidence to be given under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. You have previously been provided with a copy of instructions to witnesses, so we will take those as read. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to the chair's direction at all times. Media rules endorsed by the committee are available from committee staff if required. All those present today should note it is possible you might be filmed or photographed during these proceedings by media and images may also appear on the parliament's website or social media pages. I remind committee members that officials are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House. I also ask that responses to questions taken on notice today be provided to the committee by 4 pm on Monday, 29 March 2021.

**ELLIS, Mr Nigel, Executive Director, Legislation, Standards and Accreditation, Department of Transport and Main Roads**

**MAHON, Mr Andrew, General Manager, Land Transport Safety and Regulation, Department of Transport and Main Roads**

**MARCUS, Mr Ben, Assistant Commissioner, Road Policing and Regional Support Command, Queensland Police Service**

**ROSS, Mr Andrew, Director, Strategic Policy Branch, Policy and Performance, Queensland Police Service**

**STAPLETON, Mr Mike, Deputy Director-General, Customer Services, Safety and Regulation, Department of Transport and Main Roads**

**CHAIR:** I welcome representatives from the Department of Transport and Main Roads and the Queensland Police Service. I invite each agency to make an opening statement, after which we are bound to have some questions for you.

**Assistant Commissioner Marcus:** With our apologies, Superintendent Ray Rohweder is unable to attend this morning. I have with me Mr Andrew Ross, who is the director of strategic policy with the Queensland Police Service.

Thank you for your committee inquiry into this very important issue. An immobiliser is an electronic security device—effectively, a microchip fitted to a motor vehicle—that prevents the engine from running unless the correct key, which is known as a transponder or smart key, is present. This  
Brisbane

prevents the vehicle from being hot-wired or started artificially after entry has been activated and reduces motor vehicle theft. Research has shown that the uniform application of immobilisers reduces the rate of car theft by around 40 per cent.

Immobilisers have been mandatory in all new cars sold in Australia since the year 2001 and likewise in other jurisdictions such as Germany, the United Kingdom, Finland and Canada as far back as 1998. An immobiliser can be retrofitted. Add-on immobilisers are available for older cars or vehicles that do not come equipped with factory immobilisers. General Motors have been factory fitting their vehicles with proprietary technology called OnStar as far back as 1996 which allows for remote connectivity, including start and stop, in all vehicles, but this is a subscription service. Holden is set to offer this service in Australia this year, 2021. The majority of higher end or more expensive vehicles in Australia are also equipped with factory installed GPS tracking systems. This enables manufacturers to locate stolen vehicles as advertised on their websites through connection services. Currently, police cannot access this information.

The prevention of crime and also road safety are pivotal roles of the Queensland Police Service, the QPS. The QPS welcomes the committee inquiry as an opportunity to further examine road safety and crime prevention. Within the Queensland Police Service we have a dedicated area known as the Road Policing and Regional Support Command and within that the road policing group which provides a range of specialist road policing services to maximise effective road use management for the people of Queensland. Under the Queensland Police Service Queensland reported offences number dataset last year—2020—there were 15,066 unlawful use of a motor vehicle offences. These are what are commonly referred to as a stolen vehicle. Queensland Police Service currently does not have official data on burglaries resulting in the offence of unlawful use of a motor vehicle. By way of example, engine immobilisers for vehicles are stolen from the house for the express purpose of stealing the car. There is no official crime classification for the offence of breaking into a house to steal keys for a car.

Vehicle pursuits are one of the highest risk aspects of policing. In general, drivers fleeing from police are highly impulsive risk-takers who inadvertently weaponise stolen vehicles, and by that I mean that vehicles are primarily designed to transport people and goods. However, when vehicles are stolen, just the mere act of driving those vehicles at extremely high speeds and outside of the road rules makes that vehicle weaponised. Specific to policing functions, remote vehicle immobilisation may be advantageous in three broad scenarios where the interception of a vehicle is required: firstly, stolen vehicles reported to police; secondly, vehicles detected by police being driven in a dangerous manner, which may also include stolen vehicles that have yet to be reported stolen; and, finally, where police are conducting a tactical interception of a vehicle as part of a planned enforcement activity. In all three of these scenarios the police must ensure safety to the community, safety of the people in the vehicle that we are attempting to intercept and safety of the police officers involved in the interception.

Before engaging in a pursuit of a vehicle, police must consider alternatives such as not pursuing the vehicle if the risk of pursuing is too high—and that is within the context that almost all vehicle pursuits are on open public roads—identifying and/or apprehending the offender at a later time and then invoking the police evade laws, or using technology such as the PolAir helicopter to track the offending vehicle and to maintain electronic surveillance. The existing police strategies to intercept vehicles involve, firstly, physical—that is, deploying technologies such as tyre deflation devices. Tyre deflation devices are designed to immobilise vehicles with minimum injury to all participants and damage to surrounding property. Tyre deflation devices are not to be used on high-risk vehicles such as motorcycles or similar vehicles and they have some inherent limitations around the use of run flat tyres on higher end vehicles. Police also have tactical means of intercepting a vehicle. This is where we physically intervene with the vehicle or we establish a roadblock.

Police recognise that technological advances such as connected services and GPS in the build of new model vehicles present opportunities to improve public safety. Various vehicle management technologies currently exist which rely upon connectivity through the mobile internet, including the theoretical capability to remotely immobilise a vehicle, and we also acknowledge that these technologies are improving rapidly. Currently the QPS does not use remote vehicle engine immobilisation technology when intercepting a vehicle. Any technological capability that allows for GPS tracking of a vehicle or the remote immobilisation of a vehicle whilst being driven needs to be considered in the context of the vehicle owner, the manufacturer or, if added after market, the service provider. The involvement of police is evolving and we are working to better understand a range of challenges and the rapidly developing tools. Such challenges include understanding options

strengthening technologies to prevent vehicle theft, thereby negating risks around remote immobilisation, and building these options into crime prevention strategies. It is far better to stop the vehicle being stolen in the first place than it is attempting to stop the vehicle once it has been stolen.

The circumstances and level of authority under which police could direct activation of an immobiliser to cause the vehicle to depower and/or stop are important. If a vehicle cannot be immobilised while stationary, ensuring a vehicle can be stopped in a safe location and in safe circumstances, including the consideration of the safety of those who may alight from a vehicle and the surrounding community once the vehicle is immobilised, are also important. Reducing vehicle power through remote engine immobilisation allows a driver to control direction and braking, and by this I mean the ability in conventional vehicles to reduce the number of cylinders that are firing but still allow braking and steering but not acceleration or in electric smart vehicles just reducing the amount of output from the battery to slow the vehicle down. In any scenario, direct police involvement is required to monitor the evolving situation and mitigate damage where possible.

The legislative relationship between the operator of the remote immobiliser technology, the owner and police must be considered. All vehicle manufacturers now are not based in Australia. The responsibility of any unintended consequences of remotely immobilising a vehicle are for us quite clearly injury to people or damage to property and there are also privacy considerations such as where the vehicle owner or vehicle user are known to each other, and for us chiefly that is in coercive controlling relationships or domestic and family violence. Police should always be involved in the immobilisation so that we require the manufacturer to immobilise a vehicle in controlled circumstances, and by that I mean we need to be cognisant of the possibility of vigilante behaviour. Whilst remote immobilisation under clearly mandated authorities and safe conditions is optimal, there will always be a need for other methodologies for deployments in situations where the network coverage is insufficient. My understanding of the current technology is it is based on mobile phone data and if they are in an area that does not have mobile phone reception it will not work. We need other methods. Some approaches in other jurisdictions require aggressive driving by police and these are not consistent with the Queensland Police Service's safe-driving, sometimes referred to as pursuits, policy and, despite the best technologies available, it will not always be possible to prevent critical outcomes.

Chair, with your permission, I would like to very quickly read into *Hansard* the findings of the Australia New Zealand Policing Advisory Agency report on remote engine immobilisers. The findings state—

While the technology already exists to immobilise certain vehicles, it is not yet feasible for such technology to be utilised across the entire Australian vehicle fleet. There has been no successful implementation of a mandated REI—

that is, remote engine immobilisation—

solution across a whole vehicle fleet anywhere in the world. At this time there is no single in-vehicle technology available nor is there the required enabling environment to support the use of REI technology. However, with continued technological development REI may be feasible in the future. While the technology is developing rapidly, it is likely to be superseded by connected and automated vehicles. Until connected vehicles have saturated the fleet, line of sight to identify the applicable vehicle would be required which may not mitigate the risk that currently exists with police pursuits.

If I could just put some context around that. Simply turning a vehicle off without knowing where it is, the situation it is in and what is likely to happen after the vehicle is shut down presents too high a risk, so police around Australia and New Zealand consider that line of sight of the vehicle at the time of immobilisation is important. It continues—

Until the process associated with time lines and deployment of an REI is addressed, such as vehicle verification, authorisation and connectivity, the safety impact of the technology may not be able to be realised and there are scenarios where there may be unintended safety consequences from deploying an REI on a moving vehicle.

The two obvious ones for us are on a hill or a train line. It continues—

The costs of administering one interconnected REI system would be substantial, notwithstanding the costs borne largely by industry and passed on to consumers associated with research, development and production. GPS technology will also be integral to vehicle identification, and this will raise issues of privacy and who owns the data that is collected. Finally, saturation of connected autonomous vehicles is more likely, even probable, before fleet saturation of REIs assuming it is possible for Australian design rules to standardise REIs.

That is the submission of the Queensland Police Service.

**CHAIR:** Thank you very much. Is it possible for us to get a copy of that ANZPAA report?

**Assistant Commissioner Marcus:** May I take that on notice, Chair?

**CHAIR:** Sure.

**Assistant Commissioner Marcus:** I believe that should be okay, but I will just check.

**Mr Stapleton:** We will cover that in our address.

**CHAIR:** Thank you. On to you then, Mr Stapleton. Welcome back.

**Mr Stapleton:** Thank you. I am glad to be here, as always, Mr Chair. Thank you for the opportunity to appear before the Transport and Resources Committee. My department will also be assisting in coordinating a whole-of-government submission to the committee, which is due by 15 April 2021. As the committee would appreciate, the terms of reference of this inquiry are wideranging, and to adequately assist the committee my opening statement is required to address a number of areas.

One of the initial triggers for this inquiry was the investigation into the potential use of remote engine immobiliser technology to prevent vehicles being used illegally or dangerously on Queensland roads. The committee will be interested to know that the ministerial council and police for emergency management agreed in October 2018 to establish a working group to explore options related to the use of remote engine immobilisers as a means of reducing the risk to the public and police of vehicle related crime.

Former assistant commissioner Mike Keating from the Queensland Police Service chaired the national working group administered by the Australia New Zealand Policing Advisory Agency. The Department of Transport and Main Roads, the Commonwealth Department of Infrastructure, Transport, Regional Development and Communication and the National Transport Commission were all part of the national working group.

In June 2019 the Australia New Zealand Policing Advisory Agency released their findings in a report titled 'Remote engine immobiliser reference report'. We have been granted permission by the Australia New Zealand Policing Advisory Agency to release the report to the committee for the purposes of the current inquiry. We will attend to this after today's briefing. The agency approves the committee publishing their 2019 report on the inquiry's webpage to show the evidence they relied upon and quoting extracts from the 2019 report in the committee's final parliamentary inquiry report.

In summary, the findings of the report were that at that time no single in-vehicle technology that could be utilised across the Australian fleet was available anywhere in the world, although it was acknowledged that the technology may be feasible in the future. The final report also highlighted concerns that the use of immobilisers may have unintended safety consequences, as the police have indicated in their presentation today, and fleet saturation may take considerable time even if mandated at some point in the future. Finally, the report notes system costs, privacy implications and the possibility that future remote engine immobiliser options will be superseded by other technological advances such as connected and autonomous vehicles. I will move on to some other areas of the report covering vehicle standards and safety.

The first supply of new and imported vehicles in Australia is administered by the Department of Infrastructure, Transport, Regional Development and Communication through the Motor Vehicle Standards Act 1989, to be replaced by the Road Vehicle Standards Act 2018 from 1 July 2021. The Commonwealth legislation requires that light vehicles comply with the relevant Australian Design Rules as a prerequisite to first supply. Successive Australian governments have adopted the practice of harmonising Australian Design Rules with the international United Nations Economic Commission for Europe regulations for road vehicles where appropriate. We are currently 90 to 95 per cent harmonised. Australia is a signatory and contracting party to the 1958 UN agreement.

Australia's current program and progressive Australian Design Rules development is set out in the recently released consultation draft National Road Safety Strategy 2021-2030 and the associated National Road Safety Action Plans. Queensland has been active in advocating the Commonwealth government for the earliest adoption of key vehicle safety and emissions related UNECE regulations. Advocacy from Queensland has positively influenced the earlier adoption of some important safety standards such as electronic stability control systems on heavy and light vehicles and advanced emergency braking systems on heavy vehicles. Currently that advocacy extends to fast-tracking blind spot monitoring information systems to detect pedestrians and riders for heavy vehicles and Euro VI emission control standards on light and heavy vehicles.

Once a vehicle is approved by the Commonwealth, meaning it meets all applicable ADRs, it is then able to be registered by the states and territories and becomes what is known as an in-service vehicle. In-service vehicle standards are taken from model law known as Australian Light Vehicle Standards Rules. Developed and maintained by the National Transport Commission, also known as the NTC, and adopted generally by all states and territories in a similar way. As a result, the in-service light vehicle standards are largely uniform across the country. Australian Light Vehicle Standard Rules

cover such matters as general safety requirements like steering, seating, window tinting and tyre treads as well as more specific matters such as vehicle configuration and dimensions, lights, braking and emissions.

In contrast to the Australian Light Vehicle Standard Rules, rules around the modification of light vehicles are also necessary, especially given the appetite of the community to adapt vehicles for a range of occupational and personal uses. Vehicle modifications need to reflect both sound engineering practices and vehicle safety on one hand as well as the needs of the motor recreational community and after-market industry on the other. It is all about safety and responsible vehicle modifications while ensuring we can all continue to enjoy the many rewards of recreational motoring activities.

The standards applicable to light vehicle modifications in Queensland are taken from the National Code of Practice for Light Vehicle Construction and Modification. The national code of practice was developed jointly by all states and territories in 2013 as a framework for the interjurisdictional harmonisation of in-service light vehicle modification standards. There is currently a national group known as the Single Issue Working Group with representatives from all jurisdictions which has as its function the ongoing maintenance of the national code of practice. The group is chaired by a representative from the jurisdictions but has not always been successful in keeping the national code of practice up to date and providing a mechanism for jurisdictions to adopt the national code of practice uniformly.

As a result, the requirements in the national code of practice have not always been implemented by states and territories uniformly, and some limited variations remain between jurisdictions. While Queensland's oversight of in-service vehicle modifications is largely in accordance with the national code of practice, at times there has also been the need for additional regulation to reflect such things as current gaps in the national code of practice or to make allowances for regional or local differences. These variations are specified in the Queensland Code of Practice: Vehicle Modifications. The major area where in-service light vehicle modification requirements differ from the other states are: gross combination mass, upgrades, gross vehicle mass increases, street rod certification, vehicle lifts and light trailer modifications. Representatives from my department continue to actively collaborate with colleagues from other jurisdictions to progressively align vehicle modification requirements.

As an example, only last week a draft modification code that will permit an increase to a vehicle's gross combination mass was uniformly released to industry in Victoria, New South Wales and Queensland. It is intended to try and have the gross combination mass code endorsed and adopted nationally, which will help ensure a consistent approach to the management of gross combination mass modifications for light vehicles, regardless of the state in which it is modified. Our written submission to the committee will consider how best to otherwise expedite the national harmonisation of light vehicle modifications. Essentially, how can we move towards and maintain a single after-market vehicle modification rule book for the nation?

One option is the expansion of the role of the National Transport Commission to include the development and maintenance of the National Code of Practice for Light Vehicle Construction and Modification. It is proposed to put an agenda paper forward to the national infrastructure and transport minister's meeting seeking such a commitment. The NTC has a proven track record of developing and managing model law frameworks for several aspects of road vehicle operations such as the Australian Road Rules and the Australian Light Vehicle Standards Rules. The NTC also has a mature and proven practice for national engagement and consultation with transport jurisdictions, industry and the community. TMR is cognisant of the community and business benefits in achieving and maintaining a single vehicle modification regulatory framework.

I might move on to approved inspection stations and vehicle roadworthiness. To ensure minimum safety standards are met, in Queensland all vehicles must have a safety certificate or a certificate of inspection when registering a vehicle, transferring a registration, and before a registered vehicle is offered for sale. Vehicles such as taxis, buses and heavy vehicles are also subjected to periodic inspections every 12 months. Vehicle inspections are conducted by TMR in some cases, but more frequently by a TMR accredited approved examiner at an approved inspection station, also known as an AIS. There are 3,200 AISs in Queensland, which must have a fixed premises for vehicle inspections. Of that number, 860 AISs also operate a mobile AIS service.

The vehicle inspection covers the basic vehicle safety standards including tyres, brakes, steering, suspension, body rust or damage, windscreen and lights and is done in accordance with a Code of Practice—Vehicle Inspection Guidelines as published by TMR. It must be understood that

the inspection is not a comprehensive mechanical inspection on the quality or life expectancy of the vehicle. It is a comprehensive check of the core safety features of the vehicle. As a result of a recent review of the AIS accreditation scheme, TMR is introducing a series of reforms, including training and assessment requirements, for all new and existing approval and accredited holders. Rollout of the training and assessment is expected to commence during 2022.

New reform requirements will also be introduced to require all approved examiners to capture auditable evidence that they have conducted a dynamic brake test as part of the vehicle inspection. All mobile AISs will additionally be required to use the TMR Inspection Certificates Online system, which provides for the electronic issue of inspection certificates. This will allow TMR transport inspectors to better monitor the activity and behaviour of approved examiners operating from a mobile AIS.

It may be of interest to the committee to know that transport inspectors currently conduct a confirmation audit of all AISs within six months of approval first being granted for operation. Scheduled audits of AISs are next conducted randomly at least every four years. Pre COVID-19, TMR scheduled approximately 1,000 AIS audits per year. However, as AIS audits may also be triggered more frequently if intelligence is received by TMR on road enforcement activities, the QPS or through a customer complaint, TMR treats QPS intelligence or a complaint about the operation of a specific AIS operation seriously. Investigations may result in re-education, corrective action requests which are formal requests to rectify an identified issue or, where circumstances warrant, penalty infringement notices or action to amend, suspend or cancel the approved accreditation.

I might move on to written-off vehicles. I would like to finish with some brief coverage of the written-off vehicle scheme, commonly known as WOV. The scheme was introduced as part of a national theft reduction initiative to combat the illegal use of vehicle identifiers and stop the rebirthing of stolen vehicles. The written-off vehicle scheme applies to light motor vehicles that are damaged such that the cost of repair combined with the salvage value is greater than the market value. There is currently no heavy vehicle WOV scheme in Queensland.

Currently in Queensland, a written-off vehicle can be classified as either repairable write-off, making them eligible for repair and re-registration, or a statutory write-off, which are suitable only for parts or scrap metal. The determination of whether a vehicle is a repairable write-off or a statutory write-off is based on nationally agreed damage assessment criteria. In order to be allowed to be re-registered all repairable write-offs must present to be repaired, pass a Queensland safety certificate inspection and pass a written-off vehicle inspection. A written-off vehicle inspection is a comprehensive vehicle identification check.

In 2017 the Transport and Infrastructure Ministerial Council noted a plan by jurisdictions to develop and introduce a national written-off heavy vehicle scheme. TMR has recently undertaken a comprehensive review of the written-off vehicle scheme in Queensland with the Minister for Transport and Main Roads announcing changes last week. These changes are to firstly categorise all light vehicles as statutory write-offs, with vehicles only permitted to be repaired and put back on the road where they meet specific exemption criteria. A quality of repair process, identity inspection and safety certificate inspection would then be applied for exempt vehicles. This is similar to the model operated in New South Wales.

The second change is for Queensland to introduce a written-off heavy vehicle register. Heavy vehicles are to be classified as a repairable write-off or a statutory write-off dependent on the national damage assessment criteria. A quality of repair process, identity inspection and certificate of inspection would be applied for repairable written-off heavy vehicles.

These changes will deliver many benefits, such as enhancing the roadworthiness and safety of any vehicles that are returned to the Queensland fleet, next, further reducing the incidence of rebirthing vehicle activity; increasing consistency with other jurisdictions while improving safety, efficacy and effectiveness; and, finally, better protecting consumers from substandard repairs and fraudulent activity. TMR is proposing to introduce these reforms from 2022. We will provide the committee with additional information about the operation of the written-off vehicle scheme, the review process and approved scheme reforms as part of the state government's written submission.

Despite the written-off vehicle review, the government would still welcome any further suggestions to improve the management of written-off vehicles and vehicle rebirthing that might flow out of the current inquiry. As I mentioned earlier, TMR has been invited to coordinate the whole-of-government response to this inquiry's terms of reference and will provide more detail on topics I have covered today. The written response will also include a number of related topics that

are of interest or relevance to the broader terms of reference. These include the regulation of vehicle noise, roadworthiness of in-service vehicles, encouraging the adoption of newer and safer vehicles and transitioning the Queensland fleet toward low and zero emission vehicles. Thank you.

**CHAIR:** We will now start with questioning. I had a few to start with. I thought I heard you say, in relation to roadworthy certificates, that a mobile roadworthy person must be attached to a workshop. Does the vehicle have to attend the workshop? Sometimes I muck around with cars and you will get someone who will come out with a van and I have always wondered how they do a full roadworthy with a van.

**Mr Stapleton:** At the moment they do not have to attend a workshop, no.

**CHAIR:** The other issue was in relation to remote immobilisation. I was really pleased to note your comments around that issue. I had some initial concerns with this. I pictured a car speeding down the highway and someone turning it off and the power steering stops working. When you said line of sight, would that include PoAir?

**Assistant Commissioner Marcus:** Theoretically if the technology existed, and the policy and the legislation existed, yes, we could. Ideally we would tend to intercept vehicles when they are unattended, firstly, and, secondly, when they are stationary. The experience overseas is they will typically wait until the vehicle is at a set of traffic lights and pulled over then they immobilise it. Prior to that it would be in a controlled circumstance. Theoretically, yes, PoAir could do that. With CCTV there could be means that we could use if the vehicle is in a particular area where we could immobilise it. The subsequent factor for us, of course, is the people in the vehicle and what they do. Our preference would be to have a police vehicle mobile within line of sight but not pursuing, not pushing the vehicle, immobilise it and then we are in a position to be able to take up with the occupants of the vehicle.

**CHAIR:** Thank you very much.

**Mr MILLAR:** Could you explain the impact of recidivist vehicle stealing offenders and provide data on the rate of the recidivist vehicle stealing offences?

**Assistant Commissioner Marcus:** I do not have that information with me. I could take that on notice and certainly provide that for you.

**Mr MILLAR:** I have a quick follow-up question on that. Is there evidence out there to suggest that people who do steal cars know that if they take off quickly you cannot pursue them? Are you finding evidence that that is a fact and that is why they rush off?

**Assistant Commissioner Marcus:** Anecdotally there is some opinion to support that we do have some members of the offending public who will attempt to engage in a pursuit with police. One of the reasons we have a very restrictive driving policy is to counter that trigger for them. We do not chase people simply because they wish to be chased.

**Mr BOYCE:** To apply vehicle systems that stop them is a rather reactive approach. Do we need to be doing more work in a proactive way to stop people stealing cars in the first place?

**Assistant Commissioner Marcus:** Thank you. You are correct. As I said in my opening statement, our preference is the vehicles are not stolen in the first place over us attempting to catch those vehicles. That is an extremely complex part of policing. Our commissioner's goal is to prevent, disrupt and deter offences in preference to clearing offences. What we know is that as technology increases and our tactics at preventing things such as vehicle thefts mature, unfortunately there is a small percentage of the offending public who will find ways around that or attempt to find ways around that. Our absolute preference is to prevent, disrupt and deter rather than intercept the vehicles.

**Mr BOYCE:** Mr Stapleton, in regard to the Australian Standard and Design Rules, particularly around ABS brakes and traction control which is a standard feature on many small vehicles nowadays, I come from a large rural electorate where we have lots of dirt roads and those features are dangerous in the wrong conditions. Is it possible to have the rules so that these features can be disabled?

**Mr Stapleton:** I might get some advice on that from some experts for you because there are some dangers with disabling. My memory is that when ABS was introduced in actual fact it tracked some significant drops in crash rates, in the order of 20 per cent. I understand the question you are raising, but I just want to get some clarity around dirt roads and ABS because it has been a while since it was introduced and there have been improvements to the technology.

**CHAIR:** We will take that on notice.



**Mr BOYCE:** That would be good. It is my understanding that the Police Service had, for example, ABS brakes removed from their police motorcycles; is that correct?

**Mr Stapleton:** I cannot answer that question.

**Assistant Commissioner Marcus:** Likewise, I am sorry, I would have to take that on notice as well.

**Ms PUGH:** You brought up something that actually had not crossed my mind at all but was very interesting. You said that the police should always be involved in immobilisations and you brought up reasons of coercive control in domestic violence situations. Is it currently the case that we have stolen vehicles being reported where in actual fact it is an attempt at coercive control or a domestic violence situation? Is this something that you see the technology could be misused for if people were allowed to immobilise their own vehicles instead of involving the police?

**Assistant Commissioner Marcus:** Yes, and thank you for your question. It is the latter more than the former. There are issues of privacy underpinning all of this. What we would not like to see is a person utilising technology designed to fix one problem enabling another problem. What we would have to be very wary of as agencies is that when we have a person saying, 'My vehicle has been stolen and I am about to disable my vehicle,' that we are actively involved in that process, that we know who the people are and that this is a legitimate application of the technology if it were the case that we as agencies were to become involved. It is certainly something that we are attuned to more so than something we are seeing.

**Ms PUGH:** It is a really good point.

**Mr WATTS:** You said that the typical theft of a car is someone sneaks into a house, grabs the keys and takes the car because the immobilisation technology means the idea of hot wiring the car is a romantic image from the seventies. You also said that data is not being captured in terms of how many thefts of cars have started with the specific theft of keys. Am I understanding that correctly?

**Assistant Commissioner Marcus:** In preparing my submission, we do not currently separate that data out. That is potentially something that we will be doing into the future. Can I also say for the committee's benefit that a continual frustration of the Queensland Police Service is people who leave the keys to their vehicle in their vehicle, typically on the floor, beneath the sun visor or on top of the driver's side front tyre, but we do not specifically capture the data of a break and enter for the express purpose of stealing a car.

**Mr WATTS:** If I might give you an example, and I need to make sure that we are abiding by all the parliamentary rules here. If someone has left their keys in their car and the car gets stolen, potentially not being insured for the theft of that car any more would have a great impact on someone's desire to leave their keys in their car, would it not?

**Assistant Commissioner Marcus:** I do not have information around the insurance liabilities, but it is certainly an offence to leave the keys of a vehicle in the car.

**Mr WATTS:** I do not leave my keys near the front door. I actually have a set of keys that do not open anything near the front door so that if someone does sneak in they grab those and it does not do anything. I am very aware that this is going on. Something else that you mentioned that I was interested in understanding is you said that currently cars do have GPS tracking capabilities, but the QPS does not have any access to that information even in the situation where the car has been stolen. Am I understanding that correctly?

**Assistant Commissioner Marcus:** There is a difference between the capability which is in a lot of the higher end cars and our lawful ability to access that information. Typically, that is under a warrant of the court. My point around that was the data exists, but who owns the data and who has access to the data is what we need to refine more fully.

**Mr WATTS:** I guess what I am trying to draw out is, is there a legislative fix that is required to be able to get that data in a more timely fashion because the car has been stolen?

**Assistant Commissioner Marcus:** We have the capacity to access that data under warrant but I am not sure around the legislative limitations of that. I would have to take that on notice.

**CHAIR:** I have a question of the department. You talked about the aftermarket vehicle modification framework and the variations between the Australian jurisdictions. I want to go into—and I think you might know where I am going—the impact of the variations between the Australian jurisdictions. I believe there might be some four-wheel drive people who I believe were under a national standard but there are some slight variances there.

**Mr Stapleton:** I might get the general manager to outline that. He has been looking at that very closely.

**Mr Mahon:** In really simple terms, vehicle modifications are largely dictated under the national code of practice which is a document that jurisdictions and the Commonwealth coordinate together. Where there are gaps in that code—and there are significant gaps around various different things—state jurisdictions apply their own code to cover that gap. In the instance of four-wheel drives and modifications around things like suspension, tyres and so forth, Queensland has a Queensland code of practice that covers those requirements and each state, similarly, does the same.

There will inevitably be variations between the states. We do have interstate recognition, though. If a vehicle is registered in New South Wales, for example, and they have a different requirement and that vehicle drives into Queensland, that is completely legal if that vehicle is legally modified even if that is outside of the Queensland rules for some reason. We do have that recognition. However, as Mike mentioned earlier, we are certainly putting considerable effort into working towards national consistency. The draft code we released last week on gross combination mass is an example of where the three large jurisdictions—New South Wales, Queensland and Victoria—have worked together with industry to come up with a draft code to consult on with the ambition of putting that in place and having that nationally recognised. There are certainly cases where we are working towards making sure that national consistency is a high priority. It is a priority for the department and obviously it is a priority for industry.

**Ms PUGH:** I have a couple of questions about vehicle trackers. What you have said about domestic violence has got me thinking. When a person is a victim of domestic violence they would probably be advised by one of your officers to check the bottom of their vehicle for a tracker. Could they be used by the Police Service to track down vehicles as well? Is there a system where you are able to get access to that information, or are they not really useful for that type of purpose?

**Assistant Commissioner Marcus:** There are a couple of factors in play. The first one is a lot of the equipment is supplied and monitored from overseas jurisdictions, so there are legislative gaps and complexities there. In terms of the notion of GPS tracking, most mobile phones now have a 'find your phone' application. The technology does exist; it is quite cheap—more so than placing some sort of tracking device on a motor vehicle. In every instance of domestic and family violence our very strong advice is that we view each issue individually rather than giving any sort of blanket commentary around that. It is something that is technologically possible, but it is not something we see in great volume.

**Ms PUGH:** Sorry, my question was more about using it for the purposes of tracking a stolen vehicle. Is it something that is useful for you as a method of tracking down a car, or are there other more useful or quicker ways for you to find the vehicle?

**Assistant Commissioner Marcus:** My apologies for the way I answered the question; I misinterpreted it. Yes, it is possible and yes, we do it now provided that we can authenticate the people who are involved. It is quite possible with higher end cars to track vehicles via GPS.

**Ms PUGH:** My other question was about something that our assistant secretary, Zac, found in his research and that is Grapplers, which were created in Phoenix apparently. I am wondering if any of you have any knowledge of Grapplers, how they work and if they could be useful here in Australia for intercepting cars.

**Assistant Commissioner Marcus:** I will take that question. If by Grapplers you mean an ability to physically engage a car and restrain it through the use of some form of electronic pulse or wires, they do exist in overseas jurisdictions. They are not a technology that we are particularly familiar with. They are inherently dangerous in their application. First of all, they involve a fairly high level of aggressive driving on behalf of the intercepting vehicle, the police vehicle, which has its own dangers. You would want to be really careful about what you did after you attempted to intercept the vehicle.

Technology is increasing very rapidly. We would tend to favour an electronic means rather than a physical means because any physical attempt to intercept a vehicle such as with things like Grapplers or PIT manoeuvres or roadblocks are inherently far more dangerous than the ability to remotely immobilise the vehicle.

**Ms PUGH:** Excellent. I am really glad I asked that question.

**Mr WATTS:** I have a question for the department and I am not sure who would be best to answer. A safety certificate is issued upon the purchase of a vehicle or the sale of a vehicle. Are there any jurisdictions in Australia or overseas where they are doing these safety inspections on a more regular basis? Has that been considered in terms of both capacity and/or need for Queensland at any point?

**Mr Stapleton:** Just to clarify, are you asking whether there are any jurisdictions doing more regular inspections of vehicles?

**Mr WATTS:** Yes, for example, I am aware that in some countries they have an annual inspection that every car has to go through from a safety point of view.

**Mr Stapleton:** In New South Wales once a vehicle is six years old it goes through an annual inspection prior to reregistration. New Zealand has a scheme also. We have reviewed those here in the past. We seem to find there is no evidence to support that there actually is a safety benefit from an annual scheme. There are considerable costs involved.

**Mr WATTS:** That is my question. From those jurisdictions, is there an outcome, or is it just that everybody is spending a lot of money on cars and garages?

**Mr Stapleton:** It is debatable. From the economic analysis we have seen, there appears to have been a significant economic cost. However, if we do a comparison of the actual crash involvement of vehicles where mechanical failure has been a factor, we are seeing no variation. I do believe some of the more recent stuff we have done comparing ourselves with—do you want to comment on that?

**Mr Mahon:** New South Wales is the only jurisdiction in Australia that has an annual inspection regime. As Mike mentioned, that is for vehicles older than five years old. The Victorian parliament actually did an inquiry some years ago in relation to the positives and negatives of annual inspection regimes and, similar to us, Victoria do not do annual inspections. In fact, Victoria also do not do annual inspections for heavy vehicles whereas Queensland does have annual inspections for those. We do have annual inspections for some vehicles—obviously passenger transport vehicles, taxis, rideshare and certain heavy vehicles—where they are higher risk; they are travelling a lot more kilometres or they are larger vehicles that would be a higher risk if something went wrong, particularly given the distance they travel.

There is not any data to suggest that an annual inspection regime for light vehicles would necessarily provide a positive or negative outcome. Certainly there is an economic disbenefit to vehicle owners who are having to get inspections done annually. From the road crash data we have in Queensland and other jurisdictions across Australia comparatively to New South Wales, we see very small numbers of vehicle incidents where someone is killed or seriously injured due to a safety element on the vehicle. The case for implementing such a scheme of annual inspection does not appear to be there given New South Wales' outcomes do not appear to be different to other jurisdictions around Australia and, equally, New Zealand for that matter, which is another local jurisdiction that does have annual inspections in place.

**Mr WALKER:** Going back to the subject of four-wheel drives, I spoke with a company in Townsville that does certification on the change of point of balance. We now see a lot of four-wheel drives that have been raised with extreme shock absorbers or big tyres that extend out the side of the vehicle somewhat. It was brought to my attention that they should be recertified in relation to the point of balance. Firstly, is that correct; and, secondly, how many outlets in Australia or Queensland have the ability to recertify a vehicle to ensure they meet the requirements to be on the road?

**Mr Mahon:** In 2019 Queensland introduced changes to vehicle lifts to enable more flexibility within the current scheme. Under the national code of practice I mentioned earlier, you cannot lift a vehicle by more than 150 millimetres and that includes a combination of suspension, tyres and body lifts. Most Australian jurisdictions like Queensland follow that national code and apply restrictions within that 150 millimetre limit, for example. By that I mean tyres cannot exceed 50 millimetres above the factory tyre that the vehicle comes with and suspension lift cannot exceed 125 millimetres above the factory setting. If a vehicle has electronic stability control, as a lot of new vehicles do and as most four-wheel drives manufactured since around 2015 do, there are additional limits in place where that ESC needs to be tested to confirm that it complies with the original factory settings—that is, that it continues to work as it is supposed to work.

In terms of the scenarios you mentioned in relation to tyres hanging outside the vehicle, that is illegal. You cannot have tyres hanging outside of the vehicle. As far as lifts are concerned, there are maximum limits that you cannot exceed. Even with engineering approval there are still limits within that 150 millimetres. In terms of the electronic stability control, as I mentioned before, on a lot of new vehicles there is a fairly major facility in Victoria that the Australian Automotive Aftermarket Association invested in that opened in late 2019. That is a fantastic facility that gives vehicle modifiers and companies such as the ones you mentioned the ability to test combinations that ensure that electronic stability control, for example, continues to work as intended. As you could imagine, if you

have a factory vehicle that has had a lot of money spent on it by Toyota, for example, to make sure that all the safety features work, if you then modify that vehicle substantially, it is possible that that equipment will not continue to work, so there is a requirement for those modifiers to ensure they test that.

That does not mean they have to test every single vehicle. It just means they have to test a 2020 Toyota HiLux with the combination they have put in it. Once they have determined that that works effectively, they can continue to sell that equipment and apply that equipment. They do not have to test every vehicle; they just need to test one. Does that answer your question?

**Mr WALKER:** Yes.

**CHAIR:** I have a question to do with the roadworthy certificates in other jurisdictions. I will not ask you to take it on notice. We will do inquiries if you do not have the information at hand. I recall when I was living in Western Australia that you were not even required to get a roadworthy certificate on transfer or sale; it was when the vehicle became deregistered that it was required. I did live remotely so that may have factored in; I am not sure.

**Mr Mahon:** Each jurisdiction applies slightly different rules. The majority of jurisdictions require it upon sale, but there are some exemptions in extremely remote areas. We do have some exemptions in place around inspections, generally the periodic inspections for those passenger transport vehicles where there is not access to certain sites. We allow variations to that and allow operators like small bus operators to be able to get checked locally rather than come to a transport centre or something like that. There are slightly different variations across the jurisdictions. I can imagine that Western Australia would probably have a remote scheme similar to ours.

**CHAIR:** That may have been what factored in. Are there any final questions? I am mindful of the time. We are nearly over time.

**Mr WATTS:** I have one quick question in relation to noise on both light vehicles and, for me living in Toowoomba on the top of the range, heavy vehicles and their modification. If someone modifies their vehicle and it creates more noise, what is the process that the department has in place to check that? Obviously there are the police on the road. I am talking about not just trucks but also vehicles getting around town—both motorbikes and cars—that are clearly much louder than the normal vehicles.

**Mr Mahon:** There are a couple of mechanisms for people to obviously alert the department about certain vehicles. They can either contact TMR or they can contact the Queensland Police Service. There are a couple of lines and we can provide that information in our written response, if you like, for citizens to be able to determine or make a complaint about a vehicle. Through our transport inspectors and Queensland Police Service officers we also do periodic checks of vehicles or specific operations where we look at roadworthiness, for example, or we look at various different things.

Noise testing is something that is checked periodically and it is something that is determined often. It is motorcycles that we get complaints about, particularly modified exhausts on motorcycles where it is extremely loud. There are requirements under the regulations around how that is to be determined. You can legally increase the level of noise of certain vehicles but only to an extent. We do utilise testing equipment to ensure that we can check those things as well, and there have been some recent cases. We have recently improved the operations about how we do that testing, whether it be QPS or ourselves, to assist and make sure it is as effective as possible. As you can appreciate, it is sometimes difficult to determine where a vehicle is or have people made a complaint with enough details of a vehicle for us to track it down. That can be the case.

In relation to heavy vehicles, there is usually signage around exhaust braking; that is the most obvious one you are referring to. Both transport and local government will often have signage in place to reduce exhaust noise from heavy vehicles. Sometimes that is difficult to manage and difficult to monitor from a compliance perspective, but certainly if there are complaints we can provide the relevant channels for those to be made. We always investigate once we receive those complaints.

**Mr WATTS:** Part of my question is upon the vehicle inspection, particularly of a heavy goods vehicle, testing the Jake brake under load is difficult to do in a workshop. It would appear that a lot of the noise we hear is not from someone using the engine brake; it is from someone who has modified the baffling system on their engine brake. That is not getting picked up in the testing because there is no testing that puts the vehicle under load to check that, but it is a significant problem for residents who live across the range.

**Mr Mahon:** That is something we can certainly take on notice and look into in terms of whether there is testing. I do not know the answer to the question as to whether there is a specific test for that during the annual inspections for heavy vehicles, for example. We can confirm that for you.

**CHAIR:** With that, we are going to have to close proceedings. Time has gotten the better of us. There have been some questions on notice. Everyone has taken note of the questions. I will not go through them. I can read your writing, Deb. I would appreciate if we could get those answers by 4 pm Monday, 29 March. I did note the department said you would include one of those in your written submission, so I assume that would negate a separate answer to a question. That concludes this briefing. Thank you very much for your assistance and attendance here today. It is much appreciated. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. I declare this public briefing closed.

**The committee adjourned at 12.01 pm.**