




Speech By
Hon. Mark Bailey

MEMBER FOR MILLER

Record of Proceedings, 13 February 2019

**TRANSPORT LEGISLATION (ROAD SAFETY AND OTHER MATTERS)
AMENDMENT BILL**

Introduction

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (11.29 am): I present a bill for an act to amend the Heavy Vehicle National Law Act 2012, the State Penalties Enforcement Act 1999, the Traffic Regulation 1962, the Transport Infrastructure Act 1994, the Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018, the Transport Operations (Marine Pollution) Act 1995, the Transport Operations (Road Use Management) Act 1995, the Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018, the Transport Operations (Road Use Management—Driver Licensing) Regulation 2010 and the Transport Planning and Coordination Act 1994 for particular purposes. I table the bill and the explanatory notes. I nominate the Transport and Public Works Committee to consider the bill.

Tabled paper: Transport Legislation (Road Safety and Other Matters) Amendment Bill 2019 [[150](#)].

Tabled paper: Transport Legislation (Road Safety and Other Matters) Amendment Bill 2019, explanatory notes [[151](#)].

I am pleased to bring this bill to the House, amending transport acts to bring forward some key road safety initiatives and to continue streamlining legislation to improve outcomes for the community and businesses. The bill will amend the Transport Operations (Road Use Management) Act 1995, the Transport Operations (Marine Pollution) Act 1995, the Transport Infrastructure Act 1994 and the Heavy Vehicle National Law Act 2012 for particular purposes. It will also make consequential or minor amendments of acts as stated in the schedule for particular purposes.

The bill includes amendments to improve safety on our roads by providing for enhancements to the existing Alcohol Ignition Interlock Program and introducing education programs for drink-driving offenders. The bill also provides for the operation of point-to-point speed cameras on stretches of road with multiple speed limits and enables testing of passengers for intoxicating substances where the passenger is suspected of interfering with the operation of a vehicle dangerously. In addition, the bill includes minor and technical amendments for clarity or to improve efficiencies and streamline processes.

The primary purpose of the bill is to bring forward innovative legislative reforms that are designed to reduce road trauma in our state. Death and serious injuries on Queensland's roads cost Queensland over \$5 billion every year and cause devastation for individuals, families and the broader community. Queensland's Road Safety Strategy 2015-21 sets the ambitious target to reduce death and serious injury by 30 per cent by 2020—meaning we need to reduce road fatalities to under 200 and serious injuries to under 4,700 in a year. In 2017-18, 247 people were killed and an estimated 6,462 were seriously injured on our roads.

Queenslanders have supported the drink-driving reforms included in this bill. In early 2017 my department released a discussion paper canvassing a range of options to reduce drink-driver reoffending. These included education reforms and enhancements to the interlock program. It attracted over 3,000 survey responses and nine written submissions from interested stakeholder groups. All proposals received majority support.

The bill introduces the requirement that first-time drink-drivers will be required to complete an online brief intervention education program prior to them being re-licensed. This program will give people strategies to separate their drinking and driving. Research indicates that brief education programs delivered to first-time drink-driving offenders encourage participants to reduce hazardous drinking and engaging in drink-driving. It focuses on changing the behaviour of the individual drink-driver by providing the knowledge and tools to avoid drink-driving in the future. The program will target all drink-drivers. Based on the average number of drink-driving offenders over five years, approximately 15,800 individuals are expected to participate in the first year, before reducing to approximately 11,900 participants per year from the second year onwards. When we look at those figures, we know that there is a lot more work to be done in this space.

Repeat drink-driving offenders will be required to complete a more intensive multi-session education program. This program will be undertaken while the offender is also participating in the interlock program and will need to be successfully completed before the interlock condition can be removed from their licence. Queensland will be the first Australian jurisdiction to introduce these innovative approaches to educate drink-driving offenders through an online brief intervention education program. Both programs are designed to educate drink-drivers, to influence and encourage positive behaviour change and to reduce reoffending and thereby reduce risk on our roads.

The bill also includes amendments to enhance the current Alcohol Ignition Interlock Program. The bill introduces a performance based interlock program where people must demonstrate they have separated their drinking and driving to successfully complete the program. If a person fails to comply with the performance criteria, which includes having a positive breath test during the last four months of their prescribed period, they will be subject to automatic extension of the program for four months.

The amendments contained in the bill increase the current two-year interlock period, commonly known as the 'sit out period', to five years. This is important to support the performance based program. This means a person cannot drive for five years if they choose not to participate in the interlock program and establishes a consistent approach to interlock programs in other jurisdictions, such as New South Wales.

The bill will also expand the interlock program to include mid-range drink-drivers, which is a blood alcohol content between 0.10 and 0.149. Mid-range drink-drivers account for more than a quarter of all offenders and have a crash risk 20 times greater than someone who has not had a drink. Their inclusion in the interlock program is important to successfully influence those drivers with a blood alcohol content at least twice the legal alcohol limit.

Access to restricted licences for mid-range drink-driving offenders will be maintained. These licences are often referred to as 'work licences'. If granted a work licence, the amendments will require the person to participate in the interlock program concurrently. This will assist in teaching drink-driving offenders who need their licence for work to separate their drinking from their driving.

Other road safety amendments in the bill provide for the testing of passengers for intoxicating substances where the passenger is suspected of interfering with the operation of a vehicle dangerously. This amendment is designed to enhance the accuracy of information for courts. Speed is still a factor in too many serious injury crashes. This bill will enable camera enforcement of speed limits on sections of road where multiple speed limits are displayed. An example of this is when variable speed limit signs are in use on managed motorways or where speed limits have been reduced for roadworks.

These reforms will improve speed management and safety on Queensland roads by allowing point-to-point speed camera systems on roads where there is a known crash risk and where multiple speed limits are displayed. To assist with the ongoing management of camera detected offences, the bill also provides for persons issued with infringement notices to nominate the actual driver of a vehicle at the time of the detected offence via an online portal without requiring a statutory declaration.

This bill also contains amendments that are not road safety related. These include extending the existing ability of the state to recover the costs and expenses incurred in responding to a marine pollution incident beyond just port authorities and operators to 'prescribed entities' such as local governments. Minor and technical amendments will also reduce the regulatory burden, such as amendments to evidentiary provisions, which will provide efficiencies and streamline processes.

The bill will also make a number of technical and administrative improvements to the Transport Infrastructure Act 1994. The first of these will streamline the evidentiary process by introducing new matters that can be stated as fact by evidentiary certificate. This will allow evidentiary certificates to be provided to the Magistrates Court to confirm the identity of a toll road operator and to outline how a written notice was given to a person by the toll road operator. The amendments will not affect a person's ability to challenge that written notice was given under the current appeal provisions in the act. To ensure consistency, the amendments will be mirrored in the local government provisions for tollways. An amendment will also be made to clarify the extent to which a local government can exercise powers for a state controlled road in its area. A lack of clarity has resulted in the misinterpretation of this power that is inconsistent with the intent of other transport legislation.

The way the department defines and regulates ancillary works and encroachments within our state transport corridors will also be streamlined. The current definition of ancillary works and encroachments is prescriptive, inflexible and inherently difficult to administer. This definition will be broadened to include any activity, structure or thing on a state controlled road. This will allow the department to meet emerging needs by taking a proactive and agile approach when catering for and regulating innovative business practices and technologies.

A further amendment will simplify the approval process for ancillary works and encroachments constructed, maintained, operated or conducted on a state controlled road. The amendment will remove the current cumbersome and costly gazettal process, replacing it with a consent notice published on the department's website. Amendments will also enable applications for roadworks, ancillary works and encroachments or for a road access location to be made using an approved form or an online application system. This will ensure a consistent statewide approach to assessing and approving applications and clarify what supporting information must be provided with an application. All of this will ensure an improved and streamlined customer experience. I commend this bill to the House.

First Reading

Hon. MC BAILEY (Miller—ALP) (Minister for Transport and Main Roads) (11.40 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Transport and Public Works Committee

Mr DEPUTY SPEAKER (Mr Kelly): Order! In accordance with standing order 131, the bill is now referred to the Transport and Public Works Committee.