



Speech By  
**Hon. Mark Bailey**


**MEMBER FOR MILLER**

---

Record of Proceedings, 3 September 2019

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

**Second Reading**

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (5.24 pm): I move—

That the bill be now read a second time.

I want to begin by thanking the Transport and Public Works Committee for its consideration of the Transport Legislation (Road Safety and Other Matters) Amendment Bill 2019. I also want to acknowledge the role of the committee's chair, the member for Kurwongbah, in leading the parliamentary scrutiny of these reforms and I acknowledge the committee's secretariat for its continued support of the important work of the committee. I also want to thank those who made a submission for the time they have taken to examine and comment on the bill. The committee's report was tabled on 5 April 2019. The report recommended that the bill be passed and included one other recommendation for consideration. I have already tabled the government response to the committee recommendations.

I will address the second recommendation made by the committee later in this speech. However, first I will highlight for the House the main elements of this legislation and the benefits that they will bring to the people of Queensland. The bill amends the Transport Operations (Road Use Management) Act 1995 to introduce several drink-driving reforms. Drink-driving continues to be a significant road safety issue. In 2017, 63 people were killed due to crashes involving drink-drivers or drink-riders. This is 25.5 per cent of the total fatalities. In Townsville alone, there were 39 casualties in 2018 due to drink-driving. In addition, 643 people were hospitalised due to a crash involving a drink-driver or drink-rider. The intention of this package of reforms is to decrease the amount of drink-driving in Queensland. It will also facilitate offenders learning to separate their drinking from driving. There is currently no legislative requirement for drink-driving offenders to complete intervention or education programs as part of their return to driving. Research indicates that brief intervention education programs delivered to first-time drink-driving offenders are successful at reducing the rate of reoffending. Education programs targeted at repeat offenders produced similar successful outcomes.

The proposed amendments will introduce two education programs for drink-driving offenders. All first-time drink-driving offenders will be required to complete a brief intervention education program. This program is designed to educate all first-time drink-driving offenders about how to separate drinking from driving. It must be completed prior to a person reapplying for their driver's licence. If a person commits a subsequent drink-driving offence within five years from conviction of their first offence, they will need to complete the Repeat Offender Education Program. This will be an intensive face-to-face program and it must be completed before a person's interlock condition is removed. This bill also makes a number of amendments to enhance the current alcohol ignition interlock program. This is to encourage increased participation in the program. The amendments also align the interlock program with best practice programs elsewhere. The bill introduces a performance based interlock program so that people

must demonstrate they have separated their drinking and driving to successfully complete the program—that is, their interlock cannot be removed until they have had no failed breath tests during the last four months of their interlock use.

To support the performance based interlock program, the current two-year sit-out period that applies to those people who chose not to fit an interlock to a vehicle will be increased to five years. This means a person cannot drive for five years if they choose not to participate in the interlock program. The bill will also expand the interlock program to require mid-range drink-drivers who have a blood alcohol concentration from 100 milligrams of alcohol per 100 millilitres of blood to less than 150 milligrams of alcohol per 100 millilitres of blood to participate in the program. Mid-range drink-drivers account for more than a quarter of all offenders and have a crash risk 20 times greater than a driver who has not had a drink, and that is a shocking statistic. Mid-range drink-driving offenders who are eligible for a restricted licence, also commonly known as a work licence, will be required to participate in the interlock program while holding their restricted licence. The interlock related amendments are designed to promote increased and more effective participation in the interlock program. This will ultimately increase safety on our roads.

Speeding on Queensland roads also continues to present safety concerns. For this reason, the bill contains amendments aimed at further combating speeding on our roads. Between 2014 and 2018, there were 42 fatalities in the Townsville area as a result of road crashes. Of those 42 fatalities, over 40 per cent involved speeding. Evaluations have shown that point-to-point camera systems promote speed limit compliance over longer sections of the road network more than fixed or mobile speed cameras. They have also been shown to improve traffic flow and significantly reduce road crashes along the lengths of road where they operate. Currently though, these cameras can only be used on stretches of road where the speed limit does not change.

Amendments in the bill will allow the cameras to be used in stretches of road that contain more than a single speed limit across the whole length. These can be changes in the permanent speed limits across the length of road or changes in speed limit due to temporary conditions through the use of variable speed limits, such as in advance of a major incident where compliance with a lower speed limit is critical to the safety of emergency responders and other road users.

The bill introduces the concept of an average speed limit so that point-to-point camera systems can be used in these circumstances. A mathematical formula has been inserted to calculate the average speed limit, as noted by the committee, and the formula includes the summation symbol. The committee recommended that the bill be amended to include a definition for the summation symbol. Advice was sought about this suggestion from the Office of the Queensland Parliamentary Counsel. I have reached the view that it is preferable not to include a definition for the symbol included in the formula. This is because the formula is written in internationally standard mathematical language. That language uses symbols to represent quantities, operations and functions. Each symbol has a precise mathematical meaning and there are rules about how the symbols are to be used. The summation symbol used in the formula in question indicates the addition of an unknown number of values. To attempt to define this symbol in legislation may create a risk of it being misunderstood or interpreted as something other than its mathematical meaning. Defining the symbol may also create a precedent for defining other mathematical symbols that to date have not needed definition. However, I wish to thank the committee for its consideration of this issue.

The bill also introduces an administrative efficiency for the process that applies when a traffic offence is detected by a camera. Currently, a registered vehicle operator who was not the driver needs to provide a statutory declaration. They must declare that they were not the driver and they must nominate the person who was, if known. The statutory declaration process can be inconvenient. Therefore, the bill introduces the option for operators to use an online nomination process.

Administrative efficiencies are also being implemented by the bill in relation to marine pollution legislation. The bill removes the need for owners or masters of vessels more than 15 metres in length operating in Queensland coastal waters to give notice of and obtain the written approval from an authorised officer to conduct night-time pollutant transfer operations. Many additional measures are in place now that reduce the possibility of pollution during transfer operations at night and improve opportunities for detection—measures such as safety management systems, video surveillance, vessel traffic management and the presence of port security combined with higher levels of supervision and better port operating procedures. Owners and operators are still required to comply with the state's marine pollution and safety legislation.

The bill also allows expenses incurred by different agencies and entities responding to a marine pollution incident to be recovered in a single state-led action. Amendments in the bill streamline existing evidentiary provisions for use in the prosecution of transport matters under the Transport Operations

(Road Use Management) Act 1995 and the Transport Infrastructure Act 1994. The amendments also allow for additional matters to be dealt with by evidentiary certificates. Allowing evidence to be provided by certificate results in cost-effective court processes by reducing the need to call witnesses for matters not in dispute.

The bill also incorporates a range of amendments that clarify existing legislation about drink-driving and drug driving; driver licensing; the restriction on the transport of dangerous goods through tunnels; and, finally, legislation dealing with activities on state controlled roads, including ancillary works and encroachments. I commend the bill to the House.