



Speech By  
**Hon. Mark Bailey**


**MEMBER FOR MILLER**

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Record of Proceedings, 17 March 2020

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

### **Introduction**

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (11.22 am): I present a bill for an act to amend the Gaming Machine Act 1991, the Keno Act 1996, the Liquor Act 1992, the Photo Identification Card Act 2008, the Summary Offences Act 2005, the Tobacco and Other Smoking Products Act 1998, the Transport Infrastructure Act 1994, the Transport Legislation (Road Safety and Other Matters) Amendment Act 2019, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995, the Transport Planning and Coordination Act 1994 and the Wine Industry Act 1994 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Transport and Public Works Committee to consider the bill.

*Tabled paper:* Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Bill 2020 [427](#).

*Tabled paper:* Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Bill 2020, explanatory notes [428](#).

*Tabled paper:* Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Bill 2020, statement of compatibility with human rights [429](#).

Today I am pleased to introduce the Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Bill 2020. The bill supports the introduction and ongoing operation of the digital licence app. It also facilitates camera enforcement of mobile phone and seatbelt offences. Firstly, I want to talk about amendments to support the anticipated future introduction of the digital licence app in Queensland. These amendments are proposed to ensure that digital products can be used in the same way that physical products are.

Digital licences and the digitisation of services is becoming more prevalent with the adoption and development of digital licences in a number of jurisdictions both nationally and internationally. New South Wales successfully completed its trial and deployed its digital licence across that state in October 2019. Since its launch, over a million people have downloaded the app. We want to make it easier for Queenslanders to interact with their government and this initiative aligns with our responsive government Advancing Queensland priority. In designing the app, Transport and Main Roads has partnered with Thales, a leading aerospace, defence and security company. Thales has, in turn, partnered with two locally based Queensland companies, Code Heroes and Aliva, ensuring that the digital licence app will be designed by Queenslanders for Queenslanders.

To mitigate potential technical issues and ensure that supporting systems are robust, my department is testing the digital licence app via a controlled pilot. The pilot will commence on the Fraser Coast next month. I know that the member for Maryborough is very supportive of that. The trial will help finalise the design of the app and ensure legislation is appropriate before the app is rolled out more

broadly. Given that the legislation will not be in place for the commencement of the pilot, pilot participants will be required to carry their physical licences, which is consistent with the approach implemented during the trial in New South Wales.

Subject to the trial being successful, the anticipated introduction of a digital licence app in Queensland will, for those who want to use it, provide secure and immediate access to credentials, including drivers' licences. It will also give people greater control over what information they share and with whom. The app will update dynamically, displaying up-to-date information about the status of a person's authority. The digital licence app will make it easier for Queenslanders to transact business with the Queensland government. Reminders can be sent via the app when a person's vehicle or vessel registration is due, a fine needs to be paid or their licence becomes invalid.

The digital licence app will better protect privacy and be more secure than the existing physical driver's licence. If you were to lose your phone, anyone finding that phone firstly would need to get past the security on the device. They would then need to know your app password to be able to access your digital credentials. The digital licence app will also allow people to remotely cancel access to the credentials in their app if they lose their phone. The app will also allow people to choose what information they share and with whom. For example, while a physical driver's licence shows a person's name, date of birth and address, establishing that a person is over 18 using the app may only involve showing their photo and a tick that indicates that they are at least 18 years of age. The person would not need to disclose their name, their actual date of birth or where they live.

The app will also support an electronic validation process to ensure third parties are confident that they can rely on it. The credential holder will be able to generate a QR code that, with their consent, can be scanned by a third party. In that way, the digital licence app will support the verifying and sharing of information between parties. Initially, the digital licence app will be available for drivers' licences, proof-of-age cards and recreational marine licences. However, there may also be the opportunity to include other services in the future, including updating details, renewing a licence and paying registration fees all through the app.

Importantly, the app will be optional and physical products will still be issued. If Queenslanders do not want to get a digital licence, they do not need to. The bill amends numerous pieces of transport and non-transport legislation to ensure that, where there is a regulatory requirement, digital authorities are recognised and accepted in the same way as physical products would be. As a result of these amendments, when people need to prove their identity to government they will be able to use the app in the same way they would use a physical product such as a driver's licence.

I note that not all provisions that apply to physical products are appropriate for digital products. For example, while liquor and gaming venue staff have powers to seize a physical driver's licence, they will not be able to seize electronic devices used to display a digital product.

The bill also includes very important amendments to support camera enforcement of mobile phone and seatbelt offences. Distracted driving and failure to wear a seatbelt are serious road safety issues that contribute significantly to the lives lost on Queensland roads and to serious injuries each year. In fact, those are two of the fatal five driving behaviours. The numbers show just how serious these issues are. In 2018, 33 people lost their lives due to driver distraction. That is 33 lives too many. A further 1,359 people were hospitalised due to serious injuries from driver distraction. It is estimated that distracted driving related crashes cost the Queensland economy more than \$1.5 billion per year.

Failure to wear a seatbelt also contributes to one in four people killed in vehicle accidents. I repeat: one in four people killed in vehicle accidents are not wearing a seatbelt. This is despite research that shows and proves that seatbelts save lives—often the last line of defence in a crash. This must be addressed. I still find that data shocking and something we must act on.

Illegal mobile phone use is one of the most prevalent behaviours associated with distracted driving. Research shows that it is just as dangerous as drink-driving with a blood or breath alcohol concentration of .07 to .1. Drink-driving is now rightly viewed in the community as totally unacceptable. However, unlawful mobile phone use continues to be a danger on our roads all too often.

In 2019 I hosted a national summit on distracted driving. This brought together safety and industry experts to work out the best ways to tackle this serious problem on our roads. It became clear that more is needed to be done to educate drivers and to change community attitudes about the dangers of distracted driving. The Palaszczuk government took swift and decisive action to increase the penalties to \$1,000 for a first offence and four demerit points which came into effect on 1 February this year. I note that Western Australia has since followed Queensland's lead. Good on them. I commend them for doing so. However, this will not stop drivers using their phones if they do not believe that they will be caught doing the wrong thing. The amendments in this bill aim to deal with this in terms of enforcement

and change driver behaviour for the better in Queensland and to save lives. We know that camera enforcement has already been successful in reducing road trauma from other serious driving offences like speeding and disobeying red traffic lights.

The amendments in the bill allow for camera enforcement of mobile phone and seatbelt offences under Queensland's existing Camera Detected Offence Program. This will help boost traditional enforcement of those offences by our police at the roadside.

Illegal mobile phone use is not just a problem in Queensland. New South Wales has also trialled camera detection for mobile offences to address it there. We know from the New South Wales experience that the new mobile phone detection technology is capable of producing very high quality images. It has also been identified that the technology is useful in detecting seatbelt offences. The amendments in this bill are the first step in providing for camera enforcement of mobile phone and, in an Australia first, seatbelt offences. I am also concerned about drivers using other forms of electronic devices that have the same distracting effect as mobile phones, such as iPads and cameras. This government will, therefore, also review the mobile phone rules to ensure they target broader dangerous distracted driving behaviours. We will continue our conversation with the public on these reforms to improve road safety. I note there is a lot of public support for stronger action on this front.

The amendments in this bill make sure that the necessary evidentiary provisions are in place for mobile phone and seatbelt offences. These amendments have been carefully considered and are being put in place with a view to saving Queensland lives. They will do this by ensuring that the process for issuing infringement notices and court proceedings are efficient and workable. This will allow the cameras to have the desired deterrent effect. Before the technology is deployed for enforcement, it will be thoroughly tested in Queensland conditions to ensure it is robust. This will also guide us on whether further legislative change is required in the future.

The technology initially uses machine-learning algorithms to review the images and identify patterns of behaviour. I understand that in the trial in New South Wales it achieved a high level of accuracy in a short period. The technology will not be deployed for enforcement in Queensland until we are confident it works to a high standard. In line with current practice for camera detected offences, images of possible offences will be reviewed by members of the Queensland Police Service before any infringement notice is issued. Importantly, a person will still be able to challenge a ticket for a seatbelt or mobile phone offence as they would on any other infringement notice. The person can ask the police for a review if they have circumstances that need to be considered. They can also elect to go to court. To be effective, the cameras will need to take images of all passing vehicles. To help manage privacy, the system will delete images where no potential offence is detected. Further technical details on the operation of the camera system will be set out in regulations to be progressed later this year.

In relation to other aspects of the bill, the bill also amends the passenger transport legislation to ensure that a requirement that information is published on the government's website also includes publishing the information on the whole-of-government and TransLink websites. This amendment reflects a customer focused approach of publishing information where it is logical and easy for people to find.

The bill inserts provision for evidentiary certificates into passenger transport legislation to support the introduction of smart ticketing and to reflect the changes that are being made to the Commonwealth's vehicle standards legislation. The evidentiary certificates relate to matters that are administrative and factual in nature.

The use of evidentiary certificates does not prevent a person from disputing the content of a certificate during a court proceeding. The bill also makes amendments to the Transport Infrastructure Act 1994. The first of these is to preserve existing secondary legal interests, such as easements, when declaring a transport corridor. The amendments will allow uninterrupted benefit to interest holders when railway corridor or busway land is declared. The benefits include: protecting the existing legal rights of interest holders; removing the risk of litigation; significantly reducing administration time and costs; and removing the requirement to engage legal representation for the reinstatement of interests.

An amendment will also be made to section 35 and section 36 of the Transport Infrastructure Act to clarify that the Department of Transport and Main Roads is able to access and temporarily occupy land to undertake land management and environmental activities as required by legislation. The bill also includes minor and technical amendments for clarity or to improve efficiencies and streamline processes.

Put simply, this bill is about the future. It is about responding to an escalating road safety issue and saving lives. It is also about enabling the people of Queensland to take advantage of innovative technology advances and opportunities. I commend the bill to the House.

## **First Reading**

**Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (11.36 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 Stewart): Order! In accordance with standing order 131, the bill is now referred to the Transport and Public Works Committee.