




Speech By
Steve Minnikin

MEMBER FOR CHATSWORTH

Record of Proceedings, 14 July 2020

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

TRANSPORT LEGISLATION (DISABILITY PARKING AND OTHER MATTERS) AMENDMENT BILL

 **Mr MINNIKIN** (Chatsworth—LNP) (12.26 pm): It gives me a great deal of pride to rise today to speak on the Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Bill. The minister will be aware that I spoke to the first part of this cognate debate in relation to disability parking several months ago, so my comments today will be limited to this particular bill.

I also want to place on record that, like many members in this chamber, I too am going through the process of teaching my 17- soon-to-be 18-year-old son how to drive. I have to concur from the get-go it absolutely amazes me that in this year, 2020, when you are teaching someone to drive and you observe firsthand other drivers on the road, the number of people you come across who still use mobile phones and who still drive without a seatbelt is truly amazing.

In relation to where the opposition sits, I made it very clear that our role is to scrutinise every bill on a shadow-by-shadow basis. It is not our role to simply go, 'Yes, done' or 'no' for the sake of saying no. It is our responsibility to go through the legislation that is brought to committees and then to the relevant shadow ministers and analyse it pretty much clause by clause. There are some things I was going to say in my contribution in relation to land access. I was waiting to hear the minister's contribution before we on this side of the chamber determined our position, but I will touch on that a bit later.

Overall, the LNP appreciates that advances in technology have helped make the delivery of a more convenient and efficient way for people to interact with government easier. In addition, we recognise that many benefits will flow from targeted road safety measures. These are the two main features of the bill, and I will say right now that we do not oppose them. However, as strong supporters of an individual's land rights the LNP will remain vigilant with regard to any effort by the Labor government to impinge on such rights. From the get-go, while we will not oppose the bill, we will highlight our concerns in relation to the government's proposal to extend existing powers that will enable TMR access to temporarily occupy land. Having only literally minutes ago listened to the minister's contribution, I think it makes perfect sense why those particular powers are being sought, so we will not oppose them. We will support the bill.

I would like to take this opportunity to thank the Transport and Public Works Committee for the work they have done. The committee made three recommendations, the first of which was that the bill be passed. The second recommendation suggested that a review be undertaken subsequent to the implementation of the digital licence app and prior to its expansion to other authorities. The third recommendation, which I have alluded to, related to a review to ensure the intent of the provisions as they relate to prohibiting law enforcement and other authorised officers requiring an individual to hand

over their digital device is clear; however, in a statement of reservation the LNP committee members expressed concerns about the minor amendments to the Transport Infrastructure Act 1994. As I said earlier, that related to the temporary access and occupation of land adjacent to TMR land and road corridors.

The objectives of the bill are as follows: to support the introduction and ongoing operation of a digital licence app, which will be music to the ears of anyone aged 18 to 35 and beyond in many instances; to facilitate camera enforcement of seatbelt and mobile phone offences—as I have said already, it is flabbergasting that we still see on the roads every day in 2020 people risking their lives by tapping away at their mobile phone or bizarrely not wearing a seatbelt; and to make minor and technical improvements to clarify the operation of some drug- and drink-driving provisions, to preserve existing secondary legal interests in TMR land, to allow access to land for environmental activities and to clarify evidentiary provisions for smart ticketing.

In terms of the specific details of the bill, I will refer first of all to the digital licence app. The development of a digital licence for use in Queensland follows their successful implementation in New South Wales and South Australia. These products are becoming more prevalent throughout society. The proposed amendments in the bill will facilitate the introduction of a digital licence app.

The bill relates to camera detection of seatbelt and mobile phone offences. To lift the level of enforcement relating to both mobile phones and the wearing of seatbelts, it is proposed that these offences be included in an expanded Camera Detected Offence Program. We all love our acronyms in this chamber so that is the CDOP. By way of explanation, unsafe mobile phone use whilst driving is one of the most prevalent behaviours associated with driver distraction. Furthermore, despite extensive public education campaigns, the failure to wear a seatbelt continues to be a significant contributor to road trauma in Queensland. The proposal's aim to increase the rate of detection of these offences is to be encouraged.

In relation to some of the minor and technical amendments, the proposed amendments to sections 35 and 36 of the Transport Infrastructure Act 1994 aim to establish a framework that enables TMR to access and temporarily occupy land, including private land but not dwellings, adjacent to the land/road corridor. The amendments proposed to the Transport Operations (Passenger Transport) Act 1994, TOPTA, aim to improve the operation and enforceability of TOPTA as well as to ensure evidentiary provisions support the new smart ticketing system.

We all know that technological advances have led to the development of a new suite of digital products that will make it easier and more convenient for people to transact business with the government in general. These products, including licence apps and the digitisation of services, have also got the capability to provide secure and immediate access to credentials, including drivers' licences. A digital driver's licence is simply the first of many potential business opportunities that can flow from a digital licence app. It offers the potential for the following: electronic validation; instant communication including updates and reminders, which are important to many people; immediate access to credentials such as proof of age; transacting a range of business; and the sharing of information.

These opportunities will be embraced by many as they offer efficient and convenient ways to conduct business in our everyday lives. However, it must be recognised that some people will be hesitant to take up digital products or may not want them at all for a variety of legitimate reasons, including privacy and security concerns. With the rollout of digital licences, Queenslanders need to be assured that participation is completely optional and that physical licensing products will continue to be issued. Furthermore, a range of consumer protections relating to privacy and technical matters must be thoroughly investigated as part of the initial Fraser Coast pilot and before any broader rollout. We acknowledge that that would have been made considerably more difficult over the last two or three months because of the COVID-19 situation that we have faced.

It was of concern to read in the committee's report that, while the Queensland Law Society acknowledged that TMR had afforded them the opportunity to provide feedback on the digital licence app, there was little information as to what the functional and non-functional requirements of the app would look like. As such it was difficult for the QLS to offer a fully informed view on the legal position.

The digital licence app is a mobile application that allows access to a consumer's digital credentials which they can choose to share with a third party, such as demonstration of proof of age. However, given the reliance which individuals place on their devices for a whole range of uses, for many people their digital phone is indeed their wallet, their purse, their life. It is essential, therefore, that it be made clear that at no time under the proposed arrangements does the holder need to hand their mobile phone over to a third party.

While the LNP welcomes the many benefits that flow from the use of digital technology, we are also mindful that these devices can be a major and potentially deadly distraction while driving. To put this into context, it has been estimated that distracted-driving related crashes cost the Queensland economy more than \$1½ billion each and every year. That is astonishing. Of further concern, despite extensive road safety campaigns from all sides of government over many years, some people are still not wearing seatbelts. I stand to be corrected but I believe seatbelt wearing was mandated in the late seventies yet to this day people are driving without using a seatbelt and that is truly astonishing. Obviously that can have a dire consequence when accidents occur. Investigations undertaken by the transport authorities in Queensland and New South Wales confirmed that increased detection of these offences can be achieved by expanding the Camera Detected Offence Program, the CDOP.

However, before this new camera equipment is deployed, it must be thoroughly tested to make sure it is fit for the intended purpose. There needs to be a clear public education campaign which sets out the capabilities of the camera equipment and the way in which it will be applied. As a result, from a road safety perspective, people can then better understand that the likelihood of detection will increase as well as, importantly, the consequences for noncompliance. We would also call on the government to take all necessary steps to ensure that the practices associated with camera detected offences before infringement notices are issued have been carefully examined. Importantly, should individuals have circumstances they feel need to be considered in the infringement process, they must still be able to seek a review of the penalty notice or challenge it in court. I believe the minister did go some way to answering that.

The proposed amendments to sections 35 and 36 of the Transport Infrastructure Act are for the extension of an existing power to enable TMR as a land manager to undertake mandatory regulated land management and environmental activities. By its nature, this could involve access and temporary occupation of land, including private land, and it was considered at first glance that this could have been an intrusion and a step too far. However, I said at the very outset of my contribution that our role on this side of the chamber is to disagree when we vehemently disagree but to listen to considered legislation that will actually have demonstrable benefits. After the explanation by the minister, we believe this will. It is no secret that the minister and I differ on many things in this chamber, but I do believe we need to get back to the situation where at the end of the day our role is to make sure that the bills that are passed actually withstand the scrutiny of a well-read opposition.

I take this opportunity to also state that there is no mortgage when it comes to who has got it all over the other side when it comes to overall safety on the roads. The LNP have been strong advocates for sensible road safety measures that can help motorists be safe as they travel around the state. We have over 33,000 kilometres of state controlled roads. However, we also want to make sure, in relation to anything that we support, that we do not have an overreliance on any one form of technology. We are now in 2020 and we acknowledge that many people have mobile phones—and I will not reach for mine now—and that we need to move to digitise and give people options. One of the principles that we on this side of the chamber believe in is the word 'choice'—to give people choice in the way they go about their everyday lives and activities. We believe that now is the time to facilitate a digital licence app. We fully support it. I am pleased to have made a contribution.