



Speech By  
**Hon. Mark Bailey**

**MEMBER FOR MILLER**

---

Record of Proceedings, 26 May 2022

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

**Message from Governor**

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (11.40 am): I present a message from Her Excellency the Governor.

**Mr SPEAKER:** The message from Her Excellency recommends the Transport Legislation (Road Safety and Other Matters) Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

TRANSPORT LEGISLATION (ROAD SAFETY AND OTHER MATTERS) AMENDMENT BILL 2022

*Constitution of Queensland 2001, section 68*

I, DR JEANNETTE ROSITA YOUNG PSM, Governor, recommend to the Legislative Assembly a Bill intitled—


A Bill for an Act to amend the Motor Accident Insurance Regulation 2018, the State Penalties Enforcement Regulation 2014, the Transport Infrastructure Act 1994, the Transport Operations (Road Use Management) Act 1995, the Transport Operations (Road Use Management—Road Rules) Regulation 2009, the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021, the Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021, the Transport Planning and Coordination Act 1994 and the legislation mentioned in schedule 1 for particular purposes

GOVERNOR

Date: 25 May 2022

*Tabled paper:* Message, dated 25 May 2022, from Her Excellency recommending the Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022 [718](#).

**Introduction**

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (11.40 am): I present a bill for an act to amend the Motor Accident Insurance Regulation 2018, the State Penalties Enforcement Regulation 2014, the Transport Infrastructure Act 1994, the Transport Operations (Road Use Management) Act 1995, the Transport Operations (Road Use Management—Road Rules) Regulation 2009, the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021, the Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021, the Transport Planning and Coordination Act 1994 and the legislation mentioned in schedule 1 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Transport and Resources Committee to consider the bill.

*Tabled paper:* Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022 [719](#).

*Tabled paper:* Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022, explanatory notes [720](#).

*Tabled paper:* Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022, statement of compatibility with human rights [721](#).

I am pleased to introduce the Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022. The bill brings to the House amendments that will: improve road safety; increase the range of allowable motorised mobility devices; make improvements to court and other processes; bring equity and consistency to landowners and occupiers whose land is affected by transport project works; and make minor enhancements to transport and housing legislation.

Road safety is an issue that affects all of us. So far this year we have tragically lost 126 people on Queensland's roads. The Palaszczuk government is absolutely committed to reducing the number of tragedies on Queensland roads, with an ultimate goal of zero deaths in Queensland. Unfortunately, we continue to see the fatal five all too often—speeding, driving fatigued, drink and drug driving, driving distracted and driving without a seatbelt—as major contributing causes to deaths on our roads. There are often multiples of those at the same time. That is why we are rolling out an Australian first in terms of seatbelt and mobile phone detection cameras.

Using your mobile phone while you are driving is the equivalent of driving with a blood alcohol level of .07 to .1, which independent road safety research is clear about. With fines of over \$1,000 and four demerit points for distracted driving, we are sending a clear message to Queenslanders that this dangerous behaviour must stop. It is vital that our investment in road safety provides the people of Queensland with targeted, innovative and effective road safety solutions.

The Camera Detected Offence Program, or CDOP, was introduced into Queensland to enable the use of camera technology to reduce road trauma by deterring unsafe and illegal driving behaviours. CDOP uses certified and approved fixed and mobile cameras to detect prescribed offences on Queensland roads. The types of cameras currently used by CDOP include: speed cameras, red-light cameras, combined red-light and speed cameras, point-to-point speed cameras, automatic numberplate recognition cameras for unregistered and uninsured vehicles and vehicles transporting dangerous goods in tunnels, and the new mobile phone and seatbelt detection cameras introduced last year.

Over the past 25 years, section 117 of the Transport Operations (Road Use Management) Act 1995 has ensured that penalties in excess of the costs of administering the program are dedicated to road safety education and awareness programs, road safety accident and injury rehabilitation, and improving the safety of state controlled roads where accidents most frequently happen. In 1997 Queensland became the first jurisdiction in Australia to legislate the investment of revenue from camera detected penalties into key road safety priorities. This legislative framework has served the people of Queensland by providing dedicated funding to road safety initiatives, including: the Targeted Road Safety Program; the Community Road Safety Grants program; flashing school zone signs; StreetSmarts road safety campaigns; and blood products for road crash injuries. This clear policy intent has not changed.

With the recent release in April this year of the Queensland Road Safety Strategy 2022-31, it is timely to review, clarify and modernise the legislation. This will ensure CDOP funds are prioritised and reinvested to reflect Queensland's use of the Safe System approach and support targeted initiatives that will help Queensland achieve the road safety targets we have committed to in the Road Safety Strategy; that is, to achieve a 50 per cent reduction in lives lost and a 30 per cent reduction in serious injuries on Queensland roads by 2031.

These are ambitious targets, however, we do not accept that serious road trauma is the price for mobility. The development and implementation of road safety initiatives that use new approaches, innovation and proactive measures is needed. We need to support research and development, trials and the delivery of new solutions where trials are successful. We also need to be guided by data and tailor road safety initiatives to the needs of different regions and types of road users throughout the state. We have a very vast and spread out state.

Under the amendments to the Transport Operations (Road Use Management) Act 1995 in this bill, the fines from camera detected offences will continue to be available for road safety education and awareness programs such as the StreetSmarts campaigns and flashing signs in school zones, safer road infrastructure, and rehabilitation programs for people injured in road crashes. The amendments make it clear that CDOP funds in excess of administration costs may also be applied to developing and implementing new or improved initiatives that enable improved road safety behaviours or practices. This may include adopting new approaches, innovation and more proactive measures.

This can include, for example, supporting working with road users, employers and community groups to motivate and influence safe road user behaviour through incentivisation through enabling participation, collaborating and sharing expertise, partnerships and undertaking proactive research. It may also include new and emerging targeted programs of work designed to reduce road trauma, such

as: the trial and evaluation of distinct and increased drug driving deterrence, education and driver awareness programs; anti-hooning technology; and expanding the reach of the automated numberplate recognition technology program across the enforcement network.

Funding under this provision will also continue to be available for improving infrastructure, including applying infrastructure related technologies to improve safety on state controlled roads. Funding allocations will not be limited to where crashes have already happened. It will be able to be allocated proactively for sections of state controlled roads where crashes have not yet happened but where analysis shows a risk of serious crashes exists. Importantly, the allocation of infrastructure funds will be prioritised using a risk assessment methodology. The amendment also confirms that funding for programs or initiatives under this section may be applied for a limited term on an ongoing basis where proven effective thorough evidence based assessment by road safety experts. The use of CDOP funds may enable innovation and support being proactive and must focus on initiatives that will reduce the trauma happening every day on Queensland roads.

In terms of mobility reforms, this bill also includes positive changes for members of our community who rely on mobility scooters or motorised wheelchairs. Currently, the rules around use of mobility scooters and motorised wheelchairs apply mass and speed capability limits. When these rules were first applied, they reflected the range of devices available for purchase at that time and aimed to stop inappropriate devices being used.

However, with the development of devices outside of these limits to suit individuals with varied mobility and support needs, the National Transport Commission undertook a review of the regulation of motorised mobility devices. As a result of the NTC's recommendations, I am proud to implement changes into Queensland that will make it easier for people who need to use these devices to choose the device that best suits their needs. These changes will allow the registration and use of motorised wheelchairs of any weight and mobility scooters up to 170 kilograms, aligning to Australian standards. These changes will assist people who require heavier and more powerful devices—such as when the user requires special equipment attached to the device—to better choose the device that best fits their needs.

Another road safety initiative in this bill relates to legal protections for health professionals who report on a non-Queensland driver licence holder's medical fitness to drive. Currently, section 142 of the Transport Operations (Road Use Management) Act 1995 provides protections from civil liability and liability under an administrative process if a health professional, in good faith, reports on the medical fitness to drive of a patient who is a Queensland driver licence holder. However, the same protections do not currently apply if they report on a non-Queensland driver licence holder's medical fitness to drive. The amendments in this bill will ensure a consistent approach and provide the same protection for health professionals reporting on Queensland or non-Queensland driver licence holders.

The bill also includes minor amendments to the Transport Infrastructure Act 1994. The amendments clarify that TMR and authorised persons can undertake accommodation, or make good, works on land that has been affected by the establishment of a rail project.

Road safety is everyone's responsibility, and I urge everybody in this chamber from all parts of the state to do their part to promote road safety. It is a message that we need to get across and that we need to do a lot more on. We need all members to play their part in reducing road trauma. We all have credibility in our own communities and that is important to get this message across. I urge everyone to please support that. I commend the bill to the House.

### **First Reading**

**Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (11.52 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 Resources Committee**

**Madam DEPUTY SPEAKER** (Ms Lui): In accordance with standing order 131, the bill is now referred to the Transport and Resources Committee.