




Speech By
Hon. Mark Bailey

MEMBER FOR MILLER

Record of Proceedings, 30 August 2022

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

Second Reading

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (12.22 pm): I move—

That the bill be now read a second time.

I am pleased to speak again on the Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022. Firstly, I would like to thank the members of the Transport and Resources Committee for their consideration of the bill. I am pleased that the committee has recommended that the bill be passed. I would like to thank the RACQ, Caravan Trade and Industries Association of Queensland, Australian Medical Association Queensland, Spinal Life Australia and Queenslanders with Disability Network for their submissions about the bill. Their support for the amendments in the bill is appreciated and is indicative of the ways in which this bill will deliver positive outcomes for Queenslanders. I am always encouraged to see organisations advocating on behalf of their members for improvements to road safety and accessibility, as these are issues that require commitment from us all.

In relation to the use of camera detected offence penalties, when the bill was introduced I provided some background about the impact of road trauma on Queenslanders and how the Camera Detected Offence Program, or CDOP as we call it, already supports road safety education and awareness programs, rehabilitation for those injured in road crashes and improving the safety on state controlled roads where crashes most frequently happen. I would like to recap on some of my comments made during the introduction of this important bill.

Road safety is an issue that affects us all. The impacts of lives lost and lives forever changed by serious injuries are devastating for individuals, families and communities across our state. For the past 25 years, section 117 of the Transport Operations (Road Use Management) Act 1995 has ensured that penalties collected from camera detected offences in excess of the costs of administering the program are dedicated to improving road safety for Queenslanders. This very clear policy intent has not changed. Camera detected offence penalties are not about revenue raising; they are about saving lives and making Queensland roads safer for everyone. The cameras encourage safer on-road behaviours and the program funds essential road safety programs and initiatives.

It is important to remember the cost of road trauma to our communities. In addition to the unacceptable human costs, there are also significant economic consequences. In 2020 alone road trauma cost Queenslanders an estimated \$6 billion and over the last two years we have seen an increase in lives lost, a trend that is sadly continuing this year. With the human and economic costs of road trauma being so high, it is vital that our investment in road safety provides the people of Queensland with targeted, innovative and effective road safety solutions.

This government is committed to reducing road trauma in Queensland. In fact, the Queensland Road Safety Strategy, which was released earlier this year, commits to the very ambitious targets of a 50 per cent reduction in the number of lives lost and a 30 per cent reduction in the number of people seriously injured on our roads by 2031. These targets align with national road safety commitments and represent an important milestone towards our vision of zero road trauma by 2050. These are ambitious targets, especially with the very concerning increase in road trauma over the last two years. However, we do not accept serious road trauma as the price for mobility. As we continue our strong partnership with the Queensland Police Service, our shared vision of zero deaths and serious injuries by 2050 must drive everything we do.

To be effective in tackling complex road safety issues and reducing the deaths and serious injuries that we are seeing on our roads, we as the government need to expand our road safety response. We need to become more innovative and proactive in our approach to the existing and emerging issues we are seeing on Queensland roads. 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. This is at the heart of the new Road Safety Strategy and is one of the key objectives of this bill.

The focus of CDOP remains firmly fixed on improving road safety and reducing road trauma. By modernising and clarifying how CDOP funds can be applied to road safety initiatives we make sure that these funds can be invested proactively and in targeted, innovative and effective new ways to influence safer use of our roads and drive cultural change. One example of how these amendments will improve road safety outcomes in Queensland is by enabling CDOP funds to be used to support the development and trial of emerging road safety technology. This will allow us to test and evaluate innovative new ideas in the Queensland context and consider broader implementation where a road safety benefit is demonstrated. Such initiatives may include: increased drug-driving deterrence by trialling and evaluating new approaches to enforcement, roadside testing and education; anti-hooning technology; and expanding the reach of the automatic numberplate recognition technology program across the enforcement network.

Mr Ryan: Hear, hear!

Mr BAILEY: I take the support from the Minister for Police. They may also be applied to support working with road users, employers and community groups to motivate and influence safe road user behaviour. This may be through incentivisation, enabling participation, collaborating and sharing expertise, partnerships or undertaking proactive research.

Funding under this provision will also continue to be available for improving infrastructure. However, the amendments in this bill mean we will not have to wait for a crash to happen before CDOP funds may be used to improve a site on a state controlled road that has been assessed as having a serious crash risk. These amendments also confirm that funding may be applied for a limited term or on an ongoing basis where the initiative has been proven effective through an evidence based assessment by road safety experts. However, CDOP does not provide a limitless source of funding for road safety, which is why it is so important that this bill gives us the scope to target funding to prioritised initiatives that will have a real and lasting impact on saving lives and reducing the serious injuries that result from road crashes.

In relation to medical practitioner protection from liability, a further road safety initiative in the bill relates to protection from liability for health professionals. The amendment will protect a health professional who, in good faith, advises the Department of Transport and Main Roads if their patient is no longer fit to drive regardless of where their patient's licence is issued.

To explain why this amendment is needed I will use an example. Mary and Stephen both have medical conditions that impact their ability to drive safely. Mary has a Queensland driver's licence, but Stephen is driving in Queensland on his Victorian driver's licence. If Mary's doctor, in good faith, reported to the department about Mary's fitness to drive, the GP would not be liable for breach of confidentiality. However, if Stephen's GP reported to the department, in good faith, about Stephen's medical fitness to drive, under the current legislation Stephen's doctor could be held liable for a breach of confidentiality. This amendment will provide certainty and confidence to health professionals when reporting fitness-to-drive concerns to the department. In so doing, the amendment potentially protects the patient who puts themselves at risk by continuing to drive and also protects other road users who could be harmed if the person continues driving.

In relation to motorised mobility devices, the bill will rightly make amendments relating to those devices following the National Transport Commission's review of the regulation of these devices. These amendments permit the use of motorised wheelchairs of any weight and mobility scooters up to 170 kilograms, aligning to Australian standards. The amendments also increase the speed capability for motorised mobility devices to 15 kilometres per hour, aligning with European standards. Importantly,

however, the existing 10 kilometres per hour speed limit when travelling on a public path will be maintained to ensure the safety of MMD users and other path users. If an MMD user exceeds 10 kilometres per hour, then they are committing an offence and may be issued with a penalty infringement notice of \$57.

In practice, these changes have the potential to make a real difference to those who need mobility assistance. Whether they use a motorised wheelchair or a mobility scooter, the amendments will mean they will have a wider range of permitted options relating to the speed and weight of the device, making it easier to choose the device that best suits their needs.

In relation to evidentiary provisions for vehicle standards offences, noncompliant vehicles are a safety issue and where vehicles have been modified so they do not comply with exhaust noise requirements they are also an issue for community amenity and comfort. The bill includes some amendments to make prosecutions of vehicle standards offences more efficient by reducing the need to call witnesses about technical matters relating to the vehicle's original specifications or Commonwealth government approval. Instead, particular documents or evidence of plates or labels attached to a vehicle as a result of Commonwealth government vehicle approvals will be directly admissible.

Calling witnesses about objective and uncontested matters can be inconvenient for the witnesses, especially as vehicle manufacturers are often based overseas. Requiring witness testimony for these technical matters is also inefficient for the court process and, of course, can be more costly for a defendant as witnesses may be entitled to expenses and a defendant found guilty may be required to pay those costs.

Why this amendment is needed is best explained through the following example. A few years ago, the department prosecuted a motorcycle owner for excessive vehicle noise. In that matter there was a Commonwealth government approved plate attached to the motorbike showing the approved noise level. The intercepting officer took a photo of that plate. However, due to the rules of evidence, prosecutors could not simply use the photo in court to prove the approved noise level. Instead, TMR prosecutors were required to contact the manufacturer of the motorbike in the United States of America to try to locate the person who originally conducted the noise testing for the vehicle several years previously so that that person could then give evidence at the hearing.

As the person was no longer locatable, other documentary evidence from the manufacturer and Commonwealth government records had to be sourced to prove the same information that was in the photo of the approved plate. On the day of the hearing, the defendant did not contest the approved noise level, again highlighting how inefficient the current evidentiary process is. The amendment will mean that, if the same scenario arose, a photo of the plate can be used as evidence of the noise level for the vehicle. Importantly, the amendments also ensure a defendant can still advise of their intention to contest document related evidence so that witnesses can be called if needed.

The bill includes an amendment about the shelf life of digital photos taken of people when they are under 15 years of age. As the Department of Transport and Main Roads issues driver's licences and transport authorities, it has developed sophisticated card production capabilities. Other agencies also use the department's capabilities to issue cards. For example, the department produces the working with children or blue card and the disability worker screening card, which includes taking the necessary digital photos for the cards. However, the current legislation means that a digital photo may be reused on other prescribed authorities for up to 10 years. This could mean a photo taken when a person was 12, when they applied for their disability worker screening card, is then used on identity products such as Queensland driver's licences until that person is aged 22.

As I am sure we would all appreciate, a person's physical appearance and biometric features can change significantly until they are approximately 15 years of age. Relying on a photo of someone taken when they are 12 for their driver's licence could mean the photo is not a true likeness. If the digital photo is not a true likeness, it could compromise confidence in identity products. However, the amendments in this bill will reduce the shelf life of a digital photo taken when a person is under 15 years old to five years instead of 10 years. This is in line with the validity of children's passports.

In relation to rail infrastructure amendments, the bill contains amendments to the Transport Infrastructure Act 1994. These amendments clarify that transport incidental works, known as accommodation works, can be carried out on land impacted by a rail project. These are minor project works necessary to restore land to its former condition and safe use. They can include the replacement or upgrade of driveways and the restoration of footpaths and gardens. For example, a train station park-and-ride expansion project may result in the surrounding roads requiring upgrading and may impact a footpath or a person's driveway. The amendments will provide a clear notification and consultation process for affected landowners and occupiers to protect their interests.

Current provisions do not capture accommodation works for properties that are not directly impacted by railway works but are impacted by other necessary works required as a result of a rail project; for example, road widening, realignment and driveway reconfigurations that have occurred only because of the rail project. TMR is required to repair and restore any damage as a result of project works and usually to a better standard than the original. Project teams have identified that the lack of a clear statutory power to enter land to undertake accommodation works has caused confusion for landowners and led to projects having to negotiate access rights with individual landowners to perform the necessary works.

Currently, project teams negotiate individual agreements with property owners and occupiers, who may engage legal services to help clarify issues. This can lead to delays in reaching agreements, potentially delaying works for neighbouring properties whose owners may continue to suffer inconvenience and can also impact on the delivery time lines for project works. With the department's increasing investment in rail within the urban environment, projects have identified that access negotiations with individual landowners and occupiers can create uncertainty for landowners and can add considerably to the timing and cost of projects. These amendments will provide certainty and ensure equity and consistency of process for all landowners and occupiers impacted by a transport project, regardless of the mode of transport. Importantly, the amendments include a seven-day notice period to the landowners or occupiers, allowing submissions from landowners or occupiers to be considered. There is no impact on a landowner's or occupier's existing rights of review and compensation. The amendments bring rail into line with other transport modes that have successfully used similar provisions for many years.

Finally, in relation to the definition of gross vehicle mass, the bill also makes other minor improvements to transport legislation including updating the definition of gross vehicle mass that will apply to light vehicles. Gross vehicle mass, GVM, is the maximum loaded mass of a vehicle that is allowed. Currently, the definition of GVM is the maximum loaded mass for the vehicle either stated on the vehicle's compliance plate or stated in a way prescribed under a regulation. It has been identified that there are instances where it is not clear which should take precedence—for example, if a vehicle has an approved modification allowing it to have an increased GVM but the vehicle still has its original compliance plate. In practical terms, for most vehicles currently on our roads the amendment will have little effect. The GVM will still be stated on the compliance plate or, for newer vehicles, the GVM will be recorded on the Commonwealth government's new Register of Approved Vehicles. However, where there is a perceived discrepancy about the GVM of a vehicle, the amendments in this bill will provide certainty.

In conclusion, this bill includes a range of improvements for Queenslanders. It promotes road safety by supporting investment in road safety initiatives and proactive treatments of state controlled roads where a serious crash risk exists. The bill increases the range of allowable motorised mobility devices for those in need. The bill also promotes efficient court processes which benefit the courts and avoids the need for witnesses to unnecessarily devote their time to provide technical and uncontested information during court proceedings. The bill makes some necessary updates and adjustments to transport and housing legislation. The bill also provides for equity and consistency across transport modes when accommodation works are delivered by amending the Transport Infrastructure Act 1994. This bill will bring very positive outcomes for Queenslanders. I commend the bill to the House.