




Speech By
Melissa McMahon

MEMBER FOR MACALISTER

Record of Proceedings, 31 August 2022

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

 **Mrs McMAHON** (Macalister—ALP) (11.14 am): I rise to speak in support of the Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022. I note that the explanatory notes and the committee report both state that the first policy objective of this bill is to improve road safety. That is an object that I am sure all members of this House can support.

I spent a significant portion of my young adult life—a very formative part of it—on the front line of road safety in both proactive and reactive policing activities. When people think of police and the role that they play in traffic and road safety, it is primarily about the enforcement aspect. We see police out on the roads conducting enforcement activities, intercepting drivers and issuing tickets. I have certainly issued my fair share of traffic infringement notices. Can I just say that traffic enforcement is not for everyone. It requires a thick skin and a dedication to the task in the face of a slew of tears and excuses as to why a particular individual should be exempt from the rules that everyone else is expected to abide by. Every now and then a motorist will thank you for your work but that is few and far between.

I note that there have been many advancements to assist officers with evidentiary provisions around traffic enforcement, including some to be introduced in this bill. For every sorry tale of woe and exculpatory story provided by a driver that may cause an officer to exercise discretion, there is not an infringement notice that I had doubts in issuing. That is because the other aspect of road policing is responding to road trauma—the sights, the sounds, the visceral trauma on show when poor decisions on the road culminate in tragic consequences, the confusion, the dust, the smell, the sounds of crying, the sounds of pain, last breaths being taken.

Of interest in this bill which I do not think too many here will talk about is the clarification of the definition of ‘road crash’. I know it is a little thing, but some 20-odd years ago there was a move away from the term ‘traffic accident’ to ‘traffic crash’. It may not seem like much but this change foreshadows the belief that these are no accidents. They are not unforeseen events without an apparent cause but incidents that could have been prevented.

In conjunction with my policing work, I had the opportunity to study road trauma reduction strategies at university while completing my policing studies. Since that time there have been several studies which evaluate our camera detected offence program. For those who keep hearing that camera tickets are merely revenue raisers, I strongly recommend members read these evaluations. The most recent evaluation showed that the camera detected offence program contributed to an 11 per cent reduction in serious casualty crashes and a six per cent reduction in minor injury crashes in one year alone. This reduction represents 2,500 fewer crashes in one year. Considering the cost of road trauma on the community, this reduction alone represented a saving of at least \$700 million across the community.

This bill seeks to modernise and clarify how financial penalties collected by camera detected offences can be spent on road safety initiatives. The previous allocation of funds to targeted road safety programs was largely a reactive spend—that is, the money was allocated where there were frequent

crashes recorded. The department explained that the new provisions in this bill will allow the department to be proactive in road safety initiatives. One should not have to wait for a crash to occur at an intersection where there is a crash risk to have money spent on it.

I know this was at the forefront of my mind when I campaigned last term for a road safety upgrade at an intersection outside a school in my electorate in Carbrook—a T-intersection on an 80-kilometre-an-hour road which serviced two schools and a childcare centre, vehicles turning and crossing in front of each other with poor visibility. I was told the data did not indicate that there were many crashes there but, speaking to parents who used it on a regular basis and watching it in action, I knew that it was only a matter of time. The element of proactive road safety extends to being able to invest in research and development so that technology of road safety can match the development in vehicle safety and road design and ever-changing driver behaviour and distractions.

The other aspect of the bill I would like to speak to are changes to the range of allowable motorised mobile devices. Travelling around Beenleigh, particularly in the CBD where many of our accessible social housing complexes are, the use of motorised mobility devices is quite ubiquitous. To allow MMDs to include devices up to an unladen mass of 170 kilograms and travel up to a maximum speed of 15 kilometres an hour means that a greater range of mobility devices will be available for Queenslanders as they will align with European standards and allow more imports. I note that, although the maximum allowable speed for devices will be increased to 15 kilometres an hour, it does not change the lawful speed limit on footpaths and other public spaces. This is for the safety of the MMD user and other pedestrians.

Another aspect I would like to touch on briefly is the improvement of evidentiary provisions to prosecute offences dealing with vehicle compliance and safety. For those who are not aware, the brief of evidence that may be required for prosecuting such an offence may require the state to present evidence which must be introduced or explained by an expert witness with respect to vehicle standards and compliance. A technical expert may be required to attend court to potentially answer questions around compliance plates and the like. This requires the state incurring expenses to secure these witnesses on top of a day of lost work for that individual. This may occur even if the particular matter of compliance is not contested. The arrangements in this bill ensure that appropriate evidence is presented and the onus of proof still maintained by the prosecution without financial and time burdens unless specifically raised by the defendant. Again this is another small amendment, but it will save police and prosecutors time and unnecessary court expenses.

The final aspect I would like to speak to relates to the extension of legal protections for health professionals who elect to notify the department of transport about a person's fitness or, more specifically, their inability to drive safely. Currently a health professional who elects to report a patient over concerns about their fitness to drive is protected against civil liability, but this protection only covers the situation where the driver being reported is a Queensland licence holder. This bill simply extends that protection to reporting non-Queensland licence holders.

I always take note around discussions concerning the reporting of drivers by medical professionals. I note that the committee did hear the submission from the RACQ which included a push to introduce mandatory medical condition reporting. Those who have been watching this debate unfold for many years know how contentious this issue is. I was a police officer in Logan when a deadly crash occurred in 2004, taking the life of two-year-old Jet Rowland and leaving his six-year-old brother Bailey a paraplegic for life. The driver who lost control of his vehicle, which then collided with the Rowlands' vehicle, had been experiencing frequent seizures leading up to the crash. Jet's mother, our colleague Anita Rowland, campaigned hard for the introduction of Jet's Law.

The law meant that the driver has the responsibility to report serious medical conditions to the department. This straddles the fine line between medical conditions being disclosed to licensing authorities and the second and third order consequences to community health if that responsibility were transferred to health professionals; that is, drivers who have serious health conditions would not go and see their doctor to report them and get them addressed if they knew that it was mandatory to report medical conditions. I note that this amendment does not change the reporting protocols; it merely extends the protections of the current protocols. I commend the bill to the House.