




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

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TRANSPORT LEGISLATION (ROAD SAFETY AND OTHER MATTERS) AMENDMENT BILL

 **Mr WEIR** (Condamine—LNP) (3.50 pm): I rise to make a contribution to the debate on the Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022. I served briefly on that committee during the absence of the then member for Callide in the lead-up to the by-election. Then I was replaced by the current member for Callide.

On 1 June 2022, the committee invited stakeholders and subscribers to make written submissions on the bill. The committee received five submissions. The purpose of the bill, as outlined in the explanatory notes, is to improve road safety, increase the range of allowable motorised mobility devices, make improvements to court and other processes, and make minor enhancements to transport and other legislation.

The bill proposes to achieve the policy objectives by amending the Transport Operations (Road Use Management) Act 1995 and making consequential amendments to various regulations: to modernise and clarify how financial penalties collected for camera detected offences can be spent on road safety initiatives; to implement the national MMD changes in Queensland and apply gratuitous registration and compulsory third-party arrangements to a greater range of MMDs; to ensure a health professional who provides information about a non-Queensland driver's licence holder's fitness to drive has the same legal protection as would apply if they provided information about a Queensland driver's licence holder; to allow for documentary related evidence to be provided to courts for certain objective and non-contentious information relevant to vehicle standards related offences; and to update the definition of gross vehicle mass.

In addition, the bill will amend: the Transport Planning and Coordination Act 1994 to provide that a digital photo taken when a person is less than 15 years old will have a shelf life of five years instead of 10 years; the Transport Infrastructure Act 1994 to clarify accommodation works may be undertaken as a result of a rail project to provide certainty and consistency for landowners and occupiers and all transport infrastructure projects; and the Housing Legislation Amendment Act 2021 to correct the numerical drafting error in section 83A by renumbering the affected provisions. Clause 15 proposes to replace section 117(1) and insert in section 117(2) as follows—

- (1) All money collected for penalties imposed for camera-detected offences in excess of the administrative costs of collection must be used for the following purposes—
 - (a) to fund the development or delivery of programs or initiatives for any of the following—
 - (i) road safety education and awareness;
 - (ii) enabling practices and behaviours that improve road safety;
 - (iii) rehabilitation of persons who have been injured in a road crash;
 - (b) to fund infrastructure and related technologies to improve the safety of State-controlled roads, with funding to be prioritised using a risk assessment methodology to maximise the reduction in the frequency and severity of road crashes.

(2) In this section—

State-controlled road means a road or route or part of a road or route declared to be a State-controlled road under the Transport Infrastructure Act 1994.

Road crash means a collision or incident—

- (a) on or adjacent to a road; and
- (b) involving a moving vehicle; and
- (c) in which a person is killed or injured or property is damaged.

The department advised that over the past two years we have seen an increase in the number of lives lost on Queensland roads. The types of cameras currently in use in Queensland detect speeding, running a red light, unregistered and uninsured motor vehicles, transporting particular dangerous goods in tunnels and, more recently, mobile phone and seatbelt offences. The department provided examples of the range of road safety initiatives which the CDOP funds. These initiatives include: the Targeted Road Safety Program, which funds improvements to state controlled roads where crashes frequently occur; community road safety grants program; flashing school zone signs; StreetSmarts road safety campaigns; and blood products for road crash injuries.

Road safety is paramount for all road users, and some of our roads are definitely not in the best condition they could be in to ensure accidents do not occur. In the electorate of Condamine an enormous number of heavy transport vehicles traverse these roads on a daily basis carrying grain, cotton, livestock, freight and other goods heading either to port, within the electorate or further west. This means a great deal of pressure on the construction of the road itself, let alone the sheer volume of traffic.

There are almost 40 schools in the Condamine electorate. Each of these schools has bus runs transporting children to and from school, some on single-lane bitumen roads in disrepair, having to navigate past fully loaded heavy transport vehicles. Their safety is at the forefront of every parent and bus driver's mind. Regrettably, during the flooding in late 2021 and early 2022, there were several drowning deaths at causeways within the electorate. This was devastating for families and for those emergency service officers who attended the scene. Anything that can increase the safety of road users is welcomed.

This government does not have a good track record when it comes to road safety. It is more interested in how things look rather than how things actually are. All other road safety action plans implemented by this government have failed—and the road toll continues to rise. There has been a rise in the road toll from 2016 with 251 fatalities. In 2021 it was 275—almost 10 per cent higher despite improvements in vehicle safety. This year, as of 29 August, 198 people have died on Queensland roads, with several of these in the Condamine electorate. This is 15 times higher than the same time last year. Every one of those fatalities has a family who is left grieving.

Clause 35 proposes to amend the Transport Operations (Road Use Management—Road Rules) Regulation 2009 by inserting a new section 239A. The explanatory notes state—

In effect, section 239A removes the unladen mass limit that previously applied to motorised wheelchairs under section 288(3) but retains the speeding offence so that it will continue to be an offence for an MMD to travel more than 10km/h on a path (a bicycle path, footpath or shared path). It will also continue to be an offence for a person to operate an MMD on a path unless, because of their physical condition, the person has a reasonable need to use an MMD.

The explanatory notes identify that there is no requirement under the existing legislation for health professionals to notify the department if they become aware that a driver's licence holder, including a person who holds a driver's licence issued in another jurisdiction, is not medically fit to drive.

Existing section 142 of the TORUM provides protections against civil liability under an administrative process for defamation or breach of confidence if a health professional provides information to the department's chief executive in relation to a Queensland licence. However, the same protections do not apply to non-Queensland licence holders. Clause 23 proposes to amend section 142 so health professionals who report on medical fitness for a non-Queensland driver's licence holder have the same legal protection as would apply if they reported on medical fitness for a Queensland driver's licence holder.

RACQ stated that we have also previously advocated for mandatory medical condition reporting by health professionals. The department responded by saying that that could result in some unfavourable outcomes and failure to report some health problems by the actual patients.

We all know someone who perhaps should have had their driver's licence removed or restricted due to ailing health or old age. Many of these people do not necessarily voluntarily relinquish their licence for a number of reasons. One of the reasons in rural and regional Queensland is the lack of public transportation or taxi services available.

There are many parts of the Condamine electorate that do not have a bus service to the next town, let alone to the other side of town. Taxi services are also limited and very expensive. This means that maintaining a driver's licence is critical to allow for everyday activities like shopping, attending medical appointments, church meetings and social gatherings. It is always a very sensitive issue when a licence is cancelled, and as members of parliament I think we have all had those cases before us. At times, medical professionals are under a great deal of pressure to allow the extension of an individual's driver's licence to ensure patients can stay active in the community, but the lives and welfare of all road users must be taken into account. There are other amendments in this legislation but they are not contentious and we will not be opposing the bill.