




Speech By
Robert Skelton

MEMBER FOR NICKLIN

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

 **Mr SKELTON** (Nicklin—ALP) (12.11 pm): I rise to speak on the Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022. I want to thank the Minister for Transport for introducing such an important and timely bill and acknowledge how hard he works in road safety across all of our roads and for every type of road user. I also want to thank the members of the Transport and Resources Committee, including my colleague the member for Kurwongbah and the deputy chair, the member for Gregory, and all of the other members who were involved in that committee. Of course, I also want to thank the committee staff, Hansard, the secretariat, all of the TMR people and the ministerial staff who make this work possible.

Here in Queensland we take the safety of our traffic network users seriously, but there is still more we can do, as is evidenced by the legislation before the House today. The policy objectives of the Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022 are 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 amendments include provisions to clarify the use of revenue from camera detected offences for road safety. Queensland was the first jurisdiction nationally to legislate the investment of revenue from camera detected penalties into key road safety priorities. Under section 117 of the Transport Operations (Road Use Management) Act 1995, or TO(RUM) Act, the use of all money collected for penalties imposed for camera detected offences in excess of the administration costs of collection is limited to road safety education and awareness programs, road accident injury rehabilitation programs and road funding to improve the safety of the sections of state controlled roads where accidents most frequently happen.

Section 117 commenced in 1997 with the policy intent of ensuring camera enforcement was first and foremost about improving road safety and not about raising revenue. This framework has served the people of Queensland by providing dedicated funding to road safety initiatives including the Safer Roads Sooner capital works program, community road safety grants, flashing school zone signs, various road safety awareness campaigns and blood products for road crash injuries.

The Queensland Road Safety Strategy 2022-2031 commits to the ambitious targets set out in the National Road Safety Strategy 2021-2030—that is, a 50 per cent reduction in lives lost and a 30 per cent reduction in serious injuries by 2031. To achieve these targets and the ultimate vision of zero road deaths or serious injuries by 2050, innovation and new approaches must be considered. The strategy seeks to push our thinking beyond the traditional transport sector to also consider the health, social and cultural factors that contribute to road trauma in Queensland, and many members have already spoken about people's driving behaviours and the general lack of courtesy or driving to the conditions.

In order to deliver safer state controlled roads, we must amend section 117 so that it may be applied proactively to prevent crashes on roads where serious crashes have not yet occurred but where analysis suggests a serious risk exists, and there are many regional roads and city roads we could talk

about where that could be the case. It is also important to clarify that funding can incorporate infrastructure that is innovative and utilises the latest technology and that road safety objectives will be best achieved through improvements to areas and infrastructure adjacent to roads.

This bill also seeks to amend legal protections for health professionals who report on medical fitness to drive for non-Queensland driver's licence holders. Under this bill, anyone driving in Queensland can be told by a health practitioner if their health makes them unfit to drive. Section 142 of the TO(RUM) Act provides protection against liability and defamation or a breach of confidence if a health professional provides information to TMR about a person's medical fitness to hold or continue to hold a driver's licence. We want to encourage our health professionals to continue to report to TMR any issues relating to medical fitness to drive for any licence holder, so we must extend to them the same legal protections as when they report on Queensland driver's licence holders.

The bill will also amend the legislation pertaining to motorised mobility devices and increasing their range. MMDs allow those with reduced mobility to access essential services and employment, to socialise and to participate in the community generally. The NTC has proposed changes to the national model legislation, the Australian Road Rules, to update the regulations for MMD users. Changes will include: recognising motorised wheelchairs and mobility scooters as separate devices, collectively referred to as MMDs; increasing the maximum unladen mass to align with the latest technical specifications; ensuring MMD operators are consistently classed as pedestrians under the Queensland road rules and other transport legislation; and introducing a maximum speed capability of 15 kilometres per hour for MMDs to ensure a broader range of devices can be used while maintaining the existing 10-kilometre-an-hour limit on a public path.

These changes ensure mass limits are reflective of the actual use and design of devices by removing mass limits for motorised wheelchairs and increasing the maximum unladen mass from 150 to 170 kilograms. Through adopting the changes made to the national model legislation, we hope to remove the barriers to the safe and effective use of motorised mobility devices in the community, allowing MMD users to utilise the device most suitable to their needs. In addition to the national changes, existing gratuitous MMD registration and CTP insurance arrangements will be retained. Importantly, users requiring MMDs over the previous unladen mass limit of 150 kilograms and whose devices now meet the amended definitions will be eligible for gratuitous registration and CTP insurance. This amendment also makes clear that MMD users are considered pedestrians for the purposes of this act.

This amendment bill also seeks to clarify that accommodation works may be undertaken as a result of a rail project, providing certainty and consistency for landowners and occupiers and all transport infrastructure projects. Accommodation works are transport-incidental works carried out where necessary to remedy the impact to land caused by the establishment of transport infrastructure. These works are carried out in order to: minimise the impact of works; restore land to its former condition, purpose or use; and provide for safety to persons who use the land. Accommodation works can include road access works—for example, replacement or upgrade of driveways and ensuring safe access points to and from the property—and other minor works such as replacement of letterboxes and restoration of gardens.

The bill clarifies that the chief executive or someone authorised may temporarily enter land and undertake accommodation works that are necessary as a direct result of a rail project. The amendments replicate similar provisions already in place for road, busway and light rail which do not currently apply for rail. Due to the current lack of similar provisions for rail projects, TMR must negotiate individually with each affected landowner and occupier. The formality of the process can be lengthy and confusing for the landowner and occupier. The lack of clarity about accommodation works can cause project delays, increasing the duration of inconvenience for the landowner, neighbouring property owners and businesses.

In addition to the changes I have mentioned already, the bill will also amend legislation relating to evidentiary provisions for vehicle standards related prosecutions, the shelf life of digital photos taken when a person is less than 15 years of age, as well as updating the definition of gross vehicle mass and fixing minor drafting errors in the Housing Legislation Amendment Act 2021.

It is not anticipated that there will be any significant costs to implement the amendments in the bill, but they will be met from existing budgetary allocations. Many people have spoken about MMDs and improving access. I thank the transport minister for fixing up pedestrian access and allowing space for MMDs on pathways in my township of Palmwoods. There are two nursing homes in the electorate that will benefit from those improvements. It is my view this is good legislation which will have the desired effect it is designed to bring forward. As such, I commend the bill to the House.