



Speech By  
**Hon. Mark Bailey**


**MEMBER FOR MILLER**

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## **TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL**

### **Introduction**

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads and Minister for Digital Services) (12.15 pm): I present a bill for an act to amend the Cross River Rail Delivery Authority Act 2016, the Heavy Vehicle National Law Act 2012, the Maritime Safety Queensland Act 2002, the Motor Dealers and Chattel Auctioneers Act 2014, the Sustainable Ports Development Act 2015, the Transport Infrastructure Act 1994, the Transport Operations (Passenger Transport) 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, the Transport Planning and Coordination Regulation 2017 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 and Other Legislation Amendment Bill 2023 [1646](#).

*Tabled paper:* Transport and Other Legislation Amendment Bill 2023, explanatory notes [1647](#).

*Tabled paper:* Transport and Other Legislation Amendment Bill 2023, statement of compatibility with human rights [1648](#).

I am pleased to introduce the Transport and Other Legislation Amendment Bill 2023 to the House today. This bill amends various transport and other acts and facilitates the transition of certain regulatory services from the Department of Transport and Main Roads to the National Heavy Vehicle Regulator. The bill also includes amendments to improve road safety, including the safe use of personal mobility devices such as electric scooters, and to approve administrative and legislative processes generally.

Operational provisions of the heavy vehicle national law commenced in 2014. At that time, the regulator relied on states and territories to deliver most of its frontline heavy vehicle regulatory services under a service-level agreement with each jurisdiction, commencing in 2017 with South Australia. All other participating national jurisdictions have transitioned services to the regulator as part of its National Services Transition program. Queensland will be the final national law jurisdiction to transition services to the regulator.

The bill proposes amendments to facilitate the transition of regulatory services to the regulator and the transfer of up to 135 full-time-equivalent Transport and Main Roads employees to support transitioning services. The transition of services to the regulator is a significant milestone for heavy vehicle regulation in Queensland and a welcome final step for the heavy vehicle industry nationally. Transport and Main Roads employees will be able to choose to remain with the department or transition to the regulator.

For those staff deciding to move to the regulator, the bill will complement the Commonwealth Fair Work Act provisions to preserve their benefits, entitlements, remuneration, superannuation and all forms of leave. The bill allows for the creation of ministerial transfer schedules that identify TMR employees and vehicles transferring to the regulator. These transfer schedules will also identify Queensland Public Sector Act directives that will apply to transferring staff, ensuring that the rights of transferring staff are protected.

Post transition, the regulator will assume responsibility for the direct delivery of heavy vehicle regulatory services. A new formalised agreement is being developed between TMR and the regulator to replace the existing service-level agreement, establishing roles and responsibilities for each agency. One element of the new agreement will see the regulator assuming responsibility for delivering Queensland's programmed vehicle inspection scheme on behalf of TMR. This scheme delivers the regular scheduled inspections required to ensure roadworthiness prior to renewal of heavy vehicle registration. The transition of heavy vehicle regulatory services will allow the regulator to assume full responsibility for its role as the national regulator for heavy vehicles, leading to greater national consistency in the regulation.

On the subject of road safety, the bill introduces amendments that will manage safe interactions between vehicles and other vulnerable users. In particular, the bill expands the application of careless riding offences to bicycle and personal mobility device riders on road related areas. In addition, all drivers involved in a crash on a road related area such as a footpath will now be required to stop and render medical assistance to another injured person if required. The bill also ensures that personal mobility device riders such as riders of e-scooters are required to stop and provide their details in the event of a crash. The bill also introduces protections for vulnerable people who may not be able to exchange personal information at the scene of a crash. For example, this will help to protect victims of domestic and family violence and children. This protection applies to any person who feels that exchanging their personal information may expose them to harm and allows for them to report the crash to police instead. The expansion of these rules to road related areas addresses ongoing safety issues with use of vehicles on footpaths and bike paths. These amendments form part of the next phase of Queensland's nation-leading approach to the safe use of personal mobility devices.

Safety is always a top priority for the Palaszczuk government; however, we need to manage safety in the context of rapidly changing technology and passenger transport service models. Since 2017 the personalised transport industry, specifically taxi and booked hire services, has been regulated by a safety duty framework. This framework is flexible, risk based and reduces red tape. It provides specific safety duties and ensures accountability for people involved in providing personalised transport services. Other road-based public passenger services such as buses are currently regulated by more prescriptive safety requirements. The bill creates a consistent safety duty framework that applies to road-based public passenger services. The new regulatory framework will be flexible to manage current and emerging safety risks and scalable so industry is able to tailor its safety treatments according to risk analysis. The safety duty framework will apply to people who influence the safety of road-based public passenger services. They are defined in the bill as 'duty holders' and include operators, drivers, booking service providers and personalised transport service licence holders.

The framework will not apply to volunteer associations or their volunteers as currently defined in work health and safety legislation. Duty holders will have an obligation to ensure safety including by, firstly, identifying hazards and eliminating safety risks as far as is reasonably practicable. Where a risk cannot be eliminated, the obligation will be to minimise the risk as far as reasonably practicable. The emphasis is on industry being proactive and practical in identifying and responding to safety risks. This framework builds upon the personalised transport services safety duty framework. It is also consistent, where possible, with existing industry obligations under work health and safety and heavy vehicle national laws. The bill also requires operators and booking service providers to have a safety management plan. A safety management plan aims to promote effective risk identification and mitigation as a result of exposure to a hazard. The plan may be similar to and reference any plan they have in place under the work health and safety or heavy vehicle national laws.

The bill will also introduce consistent audit and directions frameworks for road-based public passenger services. The bill also allows a six-month transition period to ensure industry has time to implement the new safety duty framework. These amendments support the government priorities embedded in Creating Better Connections for Queenslanders, the 10-year plan for passenger transport in Queensland, by maintaining a strong safety focus on passenger transport regulation.

This bill will also enable greater consistency of process in terms of nominating another driver for a tolling debt. Queensland's electronic tolling framework means that those who do not have an account with a toll collection provider need to arrange payment for any tolls incurred. To ensure people pay their tolls, the legislation provides an enforcement mechanism. The legislation enables the operator of a toll

road or a local government tollway to issue a demand notice to the registered operator. Noncompliance with the demand notice without a reasonable excuse is an offence. Compliance with a demand notice involves either paying the debt or nominating another driver who will then receive a new demand notice. Legislation requires this to be done by completing a statutory declaration in the approved form. Statutory declarations are no longer required to be in the approved form under most of Queensland's other transport legislation. Standard statutory declarations, which are those made under the Oaths Act 1867, are permitted. The bill amends the tolling provisions to provide that a standard statutory declaration is an accepted method to deal with a demand notice.

The bill provides for online nominations as an accepted method of dealing with a tolling demand notice. I am advised that a trial of the online nomination facility has been well received, with over three-quarters of all nominations made using it. These simplifying and modernising amendments will provide greater consistency and less burden to motorists. The bill will also seek to update references to the relevant advertising standards entity in provisions that support cancellation of vehicle registration for the use of sexually explicit, discriminatory or offensive advertising on vehicles. The bill also makes other minor technical amendments that clarify requirements, improve operational processes, reduce legislative burden and updates legislation to a contemporary state.

In conclusion, this is a practical and forward-looking bill designed to advance heavy vehicle regulation and to improve road safety and government related processes. I commend the bill to the House.

### **First Reading**

**Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads and Minister for Digital Services) (12.26 pm): 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**

**Mr DEPUTY SPEAKER** (Mr Krause): Order! In accordance with standing order 131, the bill is now referred to the Transport and Resources Committee.