




Speech By
Hon. Bart Mellish

MEMBER FOR ASPLEY

Record of Proceedings, 14 February 2024

TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

 **Hon. BJ MELLISH** (Aspley—ALP) (Minister for Transport and Main Roads and Minister for Digital Services) (3.00 pm): I move—

That the bill be now read a second time.

I am pleased to speak on the Transport and Other Legislation Amendment Bill 2023. I would like to thank the members of the previous Transport and Resources Committee for their review of the bill, and for considering the views of interested community and industry representatives. The committee tabled its report on 24 November last year. The committee report recommended that the bill be passed and included one additional recommendation. I now table the government's response to the committee recommendations.

Tabled paper: Transport and Resources Committee: Report No. 43, 57th Parliament—Transport and Other Legislation Amendment Bill 2023, government response [189](#).

I acknowledge the industry and community stakeholders for their interest in the bill, and thank them for their submissions to the committee. When it comes to safety on our roads and paths, this government can be trusted to deliver. In 2021, a road safety round table was held to address the ongoing community concerns about the safe use of e-scooters and other personal mobility devices and to tackle these issues head-on.

Opposition members interjected.

Mr SPEAKER: Pause the clock. Members, I ask for the level of volume to come down in the chamber. I am having trouble hearing the minister on his feet.

Mr MELLISH: Since then, this government has introduced nation-leading reform to address unsafe riding behaviours; worked closely with stakeholders to educate users; significantly increased enforcement; and advocated at the national level for a consistent regulatory framework across Australia. This bill is another step towards addressing unsafe riding behaviours and creating a consistent regulatory framework on our public infrastructure. Everyone deserves to feel safe on our roads and footpaths, regardless of how and where they choose to travel. As a timely reminder of why this work is so important, my department undertook a community survey in relation to these issues. The survey found that two-thirds of footpath users reported feeling unsafe. This is unacceptable and highlights that now, more than ever, we need to prioritise footpath safety.

One of the key amendments in this bill is to expand careless riding offences for personal mobility devices and bicycle riders to road related areas such as footpaths and bikeways. This is already a requirement on Queensland's roads and it will create consistent obligations for riders, regardless of their location. Most importantly, this prioritises the priority of vulnerable path users, including children and people with a disability. Riding with due care and attention is a commonsense benchmark to ensure

safety. Throughout the committee process, there was some concern that this could result in unintended enforcement outcomes. I wish to assure all Queenslanders that these laws are to discourage reckless and dangerous riding. Footpaths are shared spaces and we must be mindful of one another. Everyday riding behaviours, such as taking a drink of water, will not be captured and those who do the right thing will not be impacted.

The bill aligns post-crash obligations for all riders and drivers to ensure all injured persons receive timely aid and all parties to a crash are required to exchange details. Without these amendments, bicycle and e-scooter riders are not always required to stop at the scene of a crash. Tragically, there have been recent incidents between e-scooters, bike riders and pedestrians on our path network which highlight the need for these rules to apply consistently for all.

The maximum penalties for these rules are significant, as they should be. Failing to comply can be the difference between life and death for an injured person. The penalties within the bill reflect the seriousness of the offences and already apply to equivalent offences on roads. Like all road rules, these laws will capture everyone who is doing the wrong thing regardless of age—this is not new. Road rules do not differentiate based on age because there is a need to set a level playing field and consistent safety requirements. Of course, there are existing checks and balances built into our judicial system to ensure offences relating to minors are applied appropriately. These will continue to apply, and I am confident that enforcement will be common sense and targeted at dangerous and antisocial riding behaviours.

I am particularly proud that the bill introduces new protections for vulnerable people who may not be able to safely exchange personal information at the scene of a crash. This will help to protect victims of domestic and family violence, as well as children. If any person feels that exchanging their personal information at the scene of a crash may expose them to harm, they will be able to report the crash to police instead. Safety will always be a top priority for the Miles government.

This bill will introduce a modern framework for safety duties, audits and directions across road-based public passenger transport services. Safety duties will apply to operators, drivers and others who are involved in providing road-based public passenger services. Safety management plans will be an important tool for operators and booking service providers to identify risks and actions to address those risks. The framework is flexible and risk based. This will lead to better safety outcomes for passengers.

In October 2022, the Department of Transport and Main Roads sought feedback about legislative changes to support *Creating better connections*, the 10-year plan for passenger transport in Queensland. This feedback has been considered during the development of the safety duty framework to make public passenger services safer and more responsive to community needs and to rapidly changing technology. Industry consultation and assistance in the implementation of the new safety duty provisions will be ongoing, with the provision of information and guidance about how these initiatives will work with other related transport legislation.

The bill provides for the transition of certain regulatory services from the Department of Transport and Main Roads to the National Heavy Vehicle Regulator. Of course, 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 the frontline heavy vehicle regulatory services under an agreement with each jurisdiction, which commenced in 2017 with South Australia. All other participating jurisdictions have transitioned services to the regulator as part of the National Services Transition program. As part of this transition, these amendments propose to facilitate the transfer of up to 135 full-time-equivalent Department of Transport and Main Roads employees to the National Heavy Vehicle Regulator. 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. I would like to thank the Together union, their members, impacted TMR staff, the department and the National Heavy Vehicle Regulator for working together on this transition.

Queensland's Digital Licence was launched statewide on 1 November 2023. This followed the successful trial of the Digital Licence on the Fraser Coast and Townsville. The bill makes changes to allow Queensland to recognise foreign issued digital licences and other digital authorities. Recognising a foreign issued digital authority will, where verified, enable overseas visitors to use their Digital Licence as an authority to drive, or as a digital evidence of their identity or age. If people have not done so already, I encourage everyone in the House to download the app and to take advantage of this fantastic new technology. Queenslanders have embraced the Digital Licence, and we continue to hear feedback on how easy it is to use.

This bill will 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. This legislation enables the operator of a toll road or a local government tollway to issue a demand notice to the registered operator. Compliance with a demand notice involves either paying the debt or nominating another driver to do so. The 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 made under the Oaths Act 1867, are permitted. This bill amends the tolling provisions to provide that a standard statutory declaration is an accepted method to deal with the demand notice. The bill also provides for online nominations as an accepted method to deal with a toll demand notice. I am advised that a trial of the online nomination facility has been very well received, with over three-quarters of nominations made using it.

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 and reduce legislative burden.

I intend to move amendments to this bill during consideration in detail. Those amendments are minor and technical provisions to align the heavy vehicle national law with Australian Design Rules changes to increase heavy vehicle width to support access for safer freight vehicles and to facilitate cleaner heavy vehicles on our roads. These ADR changes reflect an increase in overall vehicle width from 2.5 metres to 2.55 metres for heavy vehicles fitted with safer freight vehicle technology. The changes also exclude various indirect vision devices, such as blind spot information systems for the detection of vehicles and vulnerable road users, when measuring the length and width of a heavy motor vehicle.

National commencement of these ADRs occurred on 1 October 2023. As host jurisdiction, Queensland must first pass these national law amendments before they can be applied by other participating jurisdictions. The heavy vehicle national law and supporting regulations need to be amended as soon as possible to align the national law with the ADRs and to enable consistency of heavy vehicle dimensions in participating jurisdictions. The Northern Territory and Western Australia will conduct their own concurrent amendment processes. I commend the bill to the House.