




Speech By  
**Shane King**

**MEMBER FOR KURWONGBAH**

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Record of Proceedings, 14 February 2024

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

 **Mr KING** (Kurwongbah—ALP) (3.32 pm): I rise to contribute to this debate on the Transport and Other Legislation Amendment Bill 2023. This bill seeks to facilitate the transition of certain regulatory services from the Department of Transport and Main Roads, DTMR, to the National Heavy Vehicle Regulator, NHVR. It also seeks to improve road safety, streamline and improve administrative and legislative processes and clarify some existing requirements, and I will touch on a few of these.

Firstly, it deals with accommodating the transfer of up to 135 full-time-equivalent employees of DTMR who are currently performing regulatory services over to the National Heavy Vehicle Regulator. Since 2017 the NHVR has progressively assumed responsibility for direct delivery of heavy vehicle regulatory services, which consists of enforcing and monitoring compliance with the heavy vehicle national law in participating jurisdictions under the NST program. Queensland is the final participating jurisdiction. Western Australia and Northern Territory will not be participating, for reasons of their own. It makes sense that employees who have been doing this work under TMR can transition to continue work as part of the NHVR, and this bill will facilitate this transition through amendments to the Heavy Vehicle National Law Act 2012 and several other acts and regulations.

During the Transport and Resources Committee's public hearing process, questions were asked about the employees' rights and conditions. We were pleased to hear that staff will transfer to the NHVR on a voluntary basis. I will comment on the previous member's contribution because I was interested in what he had to say. The bill provides that all accrued rights to leave, such as sick leave, long service leave and recreation leave, will transfer across. Furthermore, the bill provides that the transfer of employment will not interrupt an employee's continuity of service, which is critical to calculating a staff member's entitlement to long service leave and other benefits. The bill expressly provides that the transfer will not affect the employees' benefits, entitlements and remuneration. DTMR also advise that staff who transfer will not be required to move localities—that is, from one city to another. I was interested in the contribution of the member for Chatsworth. He said that people had spoken to him saying otherwise. That was not our understanding. I am sure the intent is good and I am sure it will be worked through. I wish they had contacted the committee during the process, even in a whistleblower capacity, because we were very interested in hearing about that. I am confident it will be worked through, but it is good that it is raised and out there.

The bill also proposes a range of road safety amendments for the purpose of improving the safety of personal mobility device riders, cyclists and other path users. The bill introduces a new offence for riding bikes and PMDs without due care and attention on road related areas. These rules already apply to roads but will now extend to footpaths, bicycle paths, shared paths, malls, nature strips, median strips, road shoulders, dedicated cycle tracks, car parks and certain public trails. The department advise that the provision would ensure that careless riding can be enforced on all relevant infrastructure where PMDs and bikes are often used. Persons failing to comply with this new requirement would face a maximum penalty of 40 penalty units, which is just over \$6,000.

Currently the requirement to stop and render assistance to an injured party applies to a crash on a road. Riders are also currently required to exchange their name and address in such situations. The bill will expand these obligations to anyone involved in a crash no matter where the crash occurs—that is, extending to other road related areas. The committee noted concerns from cyclist organisations regarding the bill's proposal to introduce a requirement for PMD and bicycle riders to ride with due care and attention on road related areas; however, as a committee we supported the view that the consequences of riding without due care and attention can be equally severe, regardless of where incidents may occur, particularly given that the road related areas are also used by pedestrians of all ages and abilities. We agree that rider obligations should be applied consistently regardless of the type of vehicle or location of offending, considering these laws already apply on roads, and it is just extending them to the road related areas.

The bill also introduces a safety duty for public passenger services so that there will be a consistent risk-based safety duty approach across all road-based public passenger services accompanied by a requirement for operators and booking service providers to have a plan to manage safety. The Queensland Bus Industry Council had issue with this extending to buses and the potential duplication of rules, and we made a recommendation about that.

There are a number of minor and technical amendments proposed in the bill that were largely uncontroversial. Our committee recommended that the bill be passed. There was no statement of reservation from the non-government members. I would like to thank the members and secretariat of the Transport and Resources Committee for their work and collegiate attitude. I sincerely enjoyed my time on this committee and its predecessor committees. I think over the years we have done some great work together. I commend this bill to the House.