




Speech By  
**Steve Minnikin**

**MEMBER FOR CHATSWORTH**

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

 **Mr MINNIKIN** (Chatsworth—LNP) (3.10 pm): As the shadow minister for transport and main roads, it gives me pleasure to respond on behalf of the LNP. On this first opportunity I have had to speak this year, I acknowledge the new Minister for Transport and Main Roads and Minister for Digital Services. Normally, it would be customary to say that this minister has big shoes to fill. However, I will let other people be the judge of that, and I will have a bit more to say later on. Some people might read the Transport and Other Legislation Amendment Bill 2023 and not exactly be blown away, but the reality is that this is essential legislation that the LNP will be supporting. I will state that up-front; however, I would like to contribute to the debate.

The background to this bill has been outlined. On 12 October last year the then minister for transport and main roads introduced the Transport and Other Legislation Amendment Bill 2023, TOLAB. The stated objectives of the bill are to: firstly, facilitate the transition of certain regulatory services from the Department of Transport and Main Roads, TMR, to the National Heavy Vehicle Regulator; and, secondly and very importantly, improve road safety, streamline and improve administrative and legislative processes, and clarify some of the existing requirements.

The National Services Transition is to a large degree the crux of a lot of the bill. Under its National Services Transition program, the National Heavy Vehicle Regulator, NHVR, has progressively assumed responsibility for direct delivery of heavy vehicle regulatory services—in South Australia in 2017, Tasmania in 2018, the ACT in 2019, Victoria in 2019 and New South Wales in 2022. Queensland will be the final participating jurisdiction to transition regulatory services to the NHVR. As part of this transition, up to about 135 full-time-equivalent TMR staff who undertake heavy vehicle enforcement will be able to transfer to the NHVR. In fact, this bill will allow the minister to transfer the staff and vehicles whilst protecting, very importantly, their staff entitlements.

Other features of the Transport and Other Legislation Amendment Bill pertain to road safety. To address concerns relating to the increasing use of motorised scooters in an ageing population, a number of changes are being made to extend provisions of the Transport Operations (Road Use Management) Act 1995 to scooters. These include section 84(2), which relates to the driving of vehicles other than motor vehicles without due care and attention or without reasonable consideration for other road users. It will be extended to road related areas such as bike paths and footpaths. My background before politics was heavily involved in the property industry. I saw firsthand the rise of a lot of mobility type devices and the conflict when they came into contact with pedestrians. A lot of these changes as outlined in this bill do make perfect sense.

The bill amends section 92, which imposes duties on drivers and riders to very importantly—and one would assume with a degree of compassion—stop and render assistance in the event of an incident resulting in death or injury. This will be extended to apply to drivers of vehicles other than motor vehicles on road related areas such as bike paths and footpaths. Last of all, the bill amends section 93, which requires the drivers and riders of vehicles to provide certain information including their name and address in the event of a crash and this will apply to personal mobility device, PMD, riders.

Other features of this bill are the consistent safety duty regulatory framework for road-based public passenger services. These provisions extend safety requirements for non-personalised transport services, for example bus operators, to personalised transport services like taxis, Uber and the like. The reason cited is to 'effectively anticipate or manage emerging safety risks associated with rapidly changing vehicle technology and fuels and emerging passenger transport service models'. This will include the requirement for safety management plans.

Other parts of this bill pertain to the consistent audit and directional framework for road-based public passenger services. As part of the reforms of the personalised transport industry in 2017, audit and direction provisions were established for investigating personalised transport service compliance, verifying information provided relating to the provision of the service and directing remedial action if, in fact, needed. However, other road-based public passenger services operate under different provisions which allow for audits of records and the giving of directions in relation to the Transport Operations (Passenger Transport) Standard 2010. The bill amends the Transport Operations (Passenger Transport) Act 1994 to ensure there is a consistent audit and directions framework for road-based public passenger services.

There are further provisions in the Transport and Other Legislation Amendment Bill that I would like to pick up on in my contribution, and they are in relation to the process of simplification and modernisation in relation to tolling demand notice compliance. When a vehicle passes through a toll point and the owner of the vehicle does not pay the toll within the prescribed time, the toll operator may issue a demand notice for payment to the vehicle owner. The vehicle owner may nominate another person as the driver at the time via the use of a statutory declaration. A new demand notice is then issued to the nominated driver.

Non-payment of a demand notice by the due date is an offence which can be prosecuted by the state government or Brisbane City Council, depending on the road used: local controlled road or state controlled road. For a few years now Transurban Queensland has been offering motorists the option to use an online nomination form instead of requiring the motorist to fill in a statutory declaration. However, there was a bit of a disconnect with the state as they had been unwilling to enforce unpaid demand notices issued to nominated drivers using the online nomination form. These changes will very sensibly formalise the online nomination process in current regulations.

There are some minor and technical amendments which I will make some commentary on. The bill also makes a number of minor technical amendments to other legislation within the overall transport portfolio. When the committee reported on 24 November it made the following two recommendations. Recommendation No. 1 was fairly straightforward: that the committee recommends the Transport and Other Legislation Amendment Bill 2023 be passed. The second recommendation was: the committee recommends the Department of Transport and Main Roads liaises further with industry if the bill is passed to strengthen industry understanding of the purpose and implications of section 67K of the bill and therefore enhance compliance. I note the LNP members of the committee did not submit a statement of reservation. It was touched on by the new minister in his address and that was in relation to the stakeholder views.

There were only eight submissions to the committee, which I did find a little bit surprising. Nonetheless there were eight submissions. One of them, from the Queensland Tourism Industry Council, called for a communication plan so that visitors to Queensland understand their rights and responsibilities when using personal mobility devices and for consideration to be given to planning segregated pathways for these devices.

The Brisbane Central Business District Bicycle User Group, known as CBD BUG, labelled the maximum penalty of \$6,192 for riding a bike without due care and attention 'draconian'. The Royal Australasian College of Surgeons, RACQ and Queenslanders With Disability Network supported the legislation regarding personal mobility devices. The Queensland Bus Industry Council, QBIC, did make a late submission raising concerns about the safety duty provisions of the bill and how they interact with requirements in the workplace health and safety act and heavy vehicle national law. The LNP's position, to be perfectly clear, is that we will not oppose the passing of this bill.

In relation to the National Services Transition, I note the advice from the TMR general manager of land transport safety and regulation that—

Following an extensive consultation process with impacted staff and the Together Queensland union, departmental staff will go to the regulator on an entirely voluntary basis.

However, concerned TMR staff have contacted the opposition saying that if they did not go to the National Heavy Vehicle Regulator—the NHVR—and a position is not available within TMR, as inspectors are a very specialised role, they are being classed as 'displaced employees' and are being forced to consider relocation to another part of the state or leaving the Public Service. Concerns are

also being raised about the poor communication from TMR senior management with those impacted staff. I would urge the minister to address that internal administrative provision. The LNP is calling on the Department of Transport and Main Roads to give certainty to staff who are electing not to transfer to the NHVR. It is understood that there might only be a small number of potential employees within the overall department, but they deserve to know exactly where they stand. As I have said already, I would hope that the minister would investigate this further within his department.

I will now make a couple of points and comments about road safety, particularly with regard to scooters. The government announced a range of regulatory changes for scooters in 2022. The government has been unable to advise how many fines have been issued as a result of these changes. I again call upon the minister—we might have more luck with this minister—and ask: how many fines have been issued as a result of those changes in 2022? I note that we now have more changes proposed with this bill, so what will be the measure of success for these changes? It is all fine and well to legislate, but if you legislate without any consequences it really just becomes more red tape.

We also believe that this bill is a missed opportunity to close a very important loophole in that e-scooter riders are unable to be—and this might not be grammatically spot-on—RBT'd despite, as we all know in this chamber, drink and drug driving being a major road safety issue. This is a missed opportunity to close a loophole in legislation. Again, I would be very interested in future developments with the minister in relation to that loophole. I believe it absolutely should have been picked up in this bill. It would have been the perfect opportunity.

In relation to road safety in general, I note that the explanatory notes for the bill state that one of the policy objectives of the bill is to 'improve road safety'. Tragically, Queensland's road toll last year was 277 souls lost. That is, tragically, 58 higher—26 per cent—than the pre-COVID levels of 2019. I will repeat that figure: tragically, in 2023 the road toll was 277 people. It absolutely flummoxes me that when we talk about the road toll we also need to take on board another issue, and last night we saw a tragic example of some very disturbing footage pertaining to a member in this chamber. I know that we all wish her all the very best. Politics aside, we wish her all the best. When we see images like that, we seem to be fixated on the road toll—and there are reasons for that—but we as a society also need to take on board the number of people who have such traumatic injury that they will never again be productive in the workforce and will never know what a true hug is from a loved one. I would urge that anything that can be done—and I want to talk about this a bit further—in relation to not just the road toll but serious traumatic injury needs to be absolutely looked at. By way of comparison, last year the road toll in New South Wales, despite having many more citizens on the roads, was one per cent lower and in Western Australia it was four per cent lower. The closest to Queensland is Victoria, which increased by a similar 11 per cent. Clearly, what we are doing in Queensland is simply not working as effectively as we think it might.

The number of police has decreased by 322 in the last 18 months. Police are doing their best to keep our roads safe, but they are being forced to do more with less. I do not know about every other member in this chamber, but, in terms of human dynamics and psychology 101, I know that when I started to drive—in fact, even today—when I saw an officer on a bike, on the footpath or on the street I absolutely made sure to double-check that speedo. If you do not, you are an absolute fool. We need to make sure we can provide the police with all of the resources they need, and that starts with ensuring that deficit of 322 is brought up to speed and quickly.

The other issue that I want to talk about is in relation to the safety duty regulatory framework. I note the concerns raised in one of the submissions from the Queensland Bus Industry Council, QBIC, about the safety duty regulatory framework and how this will work with similar provisions in the workplace health and safety act and heavy vehicle national law. Despite reading this a few times, it is pretty unclear to me what problem the legislation is really trying to solve here. The LNP urges the government to note the committee's recommendations for uptake of further consultation with the industry and the purpose and implications of the bill.

In closing, I want to give a huge note of thanks to the men and women whose office really is the bitumen and the asphalt of the 33,000 kilometres of state controlled road, and that is before we even talk about local road kilometres. These are the men and women who make sure that product gets from market to distribution in the supermarkets that we all frequent. They make a huge difference in our lives. I simply want to acknowledge the efforts of everyone who drives a truck and the heavy vehicle industry. It takes a special breed of person to be able to concentrate and get through a lot of the red tape which seems to be infusing that industry to ensure that when a driver gets behind the wheel of that heavy vehicle they are absolutely on their game.

When I drive around it amazes me to see—and I would hasten to suggest that there would be many members in this chamber who would also see it—the way that normal vehicles dart in and out around heavy vehicles on the roads. I do not have a heavy vehicle licence, but I have had the privilege of being a passenger in a couple of them. Not that it was set up for my benefit or my excitement, but I can tell members that there were a couple of near misses when people literally tried to pull up in front of a heavy vehicle at a red light. I would hope that, in terms of a general awareness campaign when it comes to the road roll and whatnot, there would be something done in relation to the mix of normal cars on the road and the way they interact with heavy vehicles.

The LNP has always made it clear that we will support pragmatic, measured outcomes that will go to reducing the road toll on Queensland's highways and byways. The over-representation of trauma on country roads is tragically out of control. I refer to an article from *Queensland Country Life* some months ago titled 'Queensland road toll: regional deaths disproportionately high'. If ever there is a suite of measures that the minister wants to bring before the House, we on this side of the chamber would be absolutely happy to meet him fifty-fifty every step of the way in anything that can be done to reduce the trauma. Touch wood, I have never had a situation where—cue the thunderclouds—there is that knock on the door and a woman or a man in a blue uniform has to give that tragic news. It is something that I wish would evaporate. We have the fatal five, but we also need to make sure that whilst we have over 33,000 kilometres of state controlled road wherever practicable it is fit for purpose for the safe carriageway of any and every vehicle on the road. As I have said, the LNP will not be opposing this bill.