

## Question on Notice

No. 680

Asked on 24 May 2023

**MR J MCDONALD** ASKED MINISTER FOR TRANSPORT AND MAIN ROADS AND MINISTER FOR DIGITAL SERVICES (HON M BAILEY)—

### QUESTION:

With reference to a licensed driver receiving a photographic detection device offence seatbelt infringement notice for a passenger's offence—

Will the Minister advise what processes are in place to ensure that adult passengers are held responsible for an infringement when the driver is genuinely unaware of the offence and should not be liable?

### ANSWER:

I thank the Member for Lockyer for the question.

Almost a third of lives lost on Queensland roads each year are a result of people not wearing a seatbelt while in a vehicle. This is not just a statistic – in 2022, this represented 40 people who did not make it home.

Passengers over the age of 16 can be fined under section 265 of the Queensland Road Rules (QRR) for not wearing a seatbelt when detected through roadside enforcement. However, under section 264A of the QRR, drivers are also responsible for ensuring that all passengers in their vehicle comply with seatbelt requirements, regardless of the passenger's age. The 'driver responsibility' offence under section 264A of the QRR is based on national model law in the Australian Road Rules and is consistent across most states and territories.

Due to technological constraints and privacy concerns, a camera detected seatbelt infringement cannot be issued to the passenger in a vehicle. The issuance of camera detected infringements is tied to vehicle registration records, not facial recognition, and fines are always issued to the registered operator of a particular vehicle in the first instance.

When a driver gets behind the wheel of a vehicle, they take on multiple responsibilities for their safety and the safety of those around them. This includes ensuring that any passengers in the vehicle are appropriately restrained. Any unrestrained passengers in a vehicle pose a serious risk to themselves and others in the vehicle, including the driver in the event of a traffic crash.