



Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022

**Report No. 19, 57th Parliament
Transport and Resources Committee
July 2022**

Transport and Resources Committee

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All web address references are current at the time of publishing. Please note that all in-text references have been removed. Refer to original source for more information.

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Abbreviations

AMAQ	Australian Medical Association of Queensland
committee	Transport and Resources Committee
CDOP	Camera Detected Offence Program
CTIAP	Caravan Trade and Industries Association of Queensland
CTP	Compulsory Third Party
Department/TMR	Department of Transport and Main Roads
GVM	gross vehicle mass
HLA	<i>Housing Legislation Amendment Act 2021</i>
HRA	<i>Human Rights Act 2019</i>
LSA	<i>Legislative Standards Act 1992</i>
MMDs	motorised mobility devices
NTC	National Transport Council
PIN	penalty infringement notice
QDN	Queenslanders with Disability Network
RACQ	Royal Automobile Club of Queensland
RTRA Act	<i>Residential Tenancies and Rooming Accommodation Act 2008</i>
SLA	Spinal Life Australia (SLA)
TIA	<i>Transport Infrastructure Act 1994</i>
TORUM	<i>Transport Operations (Road Use Management) Act 1995</i>
Road Rules Regulation	Transport Operations (Road Use Management – Road Rules) Regulation 2009
TPC Act	<i>Transport Planning and Coordination Act 1994</i>
VIN	vehicle identification number

Chair's foreword


This report presents a summary of the Transport and Resources Committee's examination of the Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The committee found that the stakeholders who provided submissions supported the proposed amendments included in the Bill. The committee has recommended that the Bill be passed.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill. I also thank our Parliamentary Service staff and officers from the Department of Transport and Main Roads for their assistance.

I commend this report to the House.

A handwritten signature in black ink that reads "Shane King". The signature is written in a cursive, slightly slanted style.

Shane King MP
Chair

Recommendations

Recommendation 1

3

The committee recommends the Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022 be passed.

1 Introduction

1.1 Role of the committee

The Transport and Resources Committee (committee) is a portfolio committee of the Legislative Assembly which commenced on 26 November 2020 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.¹

The committee's primary areas of responsibility are:

- Transport and Main Roads
- Energy, Renewables, Hydrogen, Public Works and Procurement
- Resources.

The functions of a portfolio committee include the examination of bills and subordinate legislation in its portfolio area to consider:

- the policy to be given effect by the legislation
- the application of fundamental legislative principles
- matters arising under the *Human Rights Act 2019* (HRA)
- for subordinate legislation – its lawfulness.²

The Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022 (Bill) was introduced into the Legislative Assembly and referred to the committee on 26 May 2022. The committee is to report to the Legislative Assembly by 22 July 2022.

1.2 Inquiry process

On 1 June 2022, the committee invited stakeholders and subscribers to make written submissions on the Bill. The committee received 5 submissions, including one late submission. A list of submissions is contained in Appendix A.

The committee received a public briefing about the Bill from the Department of Transport and Main Roads (department) on 20 June 2022. A transcript is published on the committee's web page. A list of officials is contained in Appendix B.

The committee received written advice from the department in response to matters raised in submissions.

The submissions, correspondence from the department and transcripts of the briefing and hearing are available on the committee's webpage.

1.3 Policy objectives of the Bill

The purpose of the Bill, as outlined in the explanatory notes is to improve road safety, increase the range of allowable motorised mobility devices (MMDs), make improvements to court and other processes and make minor enhancements to transport and other legislation.

¹ *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

² *Parliament of Queensland Act 2001*, s 93; and *Human Rights Act 2019* (HRA), ss 39, 40, 41 and 57.

The Bill proposes to achieve the policy objectives by amending the *Transport Operations (Road Use Management) Act 1995* (TORUM) and making consequential amendments to various regulations to:

- modernise and clarify how financial penalties collected for camera-detected offences can be spent on road safety initiatives;
- implement the national MMD changes in Queensland, and apply gratuitous registration and compulsory third party (CTP) arrangements to a greater range of MMDs;
- ensure a health professional who provides information about a non-Queensland driver licence holder's fitness to drive has the same legal protection as would apply if they provided information about a Queensland driver licence holder;
- allow for documentary related evidence to be provided to courts for certain objective and non-contentious information relevant to vehicle standards related offences; and
- update the definition of gross vehicle mass (GVM).

In addition, the Bill will amend:

- the *Transport Planning and Coordination Act 1994* (TPC Act) to provide that a digital photo taken when a person is less than 15 years old will have a shelf life of 5 years instead of 10 years;
- the *Transport Infrastructure Act 1994* (TIA) to clarify accommodation works may be undertaken as a result of a rail project to provide certainty and consistency for landowners and occupiers and all transport infrastructure projects; and
- the *Housing Legislation Amendment Act 2021* (HLA) to correct the numerical drafting error in section 83A by renumbering the affected provisions before they are inserted into the *Residential Tenancies and Rooming Accommodation Act 2008* (RTRA Act) on 1 October 2022.

1.4 Government Consultation on the Bill

The explanatory notes detail that consultation was undertaken as follows:

In relation to MMDs, both the NTC and Austroads have undertaken extensive consultation on this issue. Stakeholders involved in these processes included MMD users as well as representatives from academia, disability associations, suppliers of MMDs, insurers, local governments, advocacy groups, police, state road and transport agencies and the Australian Government. Stakeholders are generally supportive of the proposed amendments.

The Royal Australian College of General Practitioners was consulted regarding the protection from liability for health professionals reporting medical fitness to drive and the College indicated support for the changes.

TMR consulted with a range of motoring industry groups on the updated definition of GVM. Groups included the Royal Automobile Club of Queensland (RACQ), Caravan Queensland, Four Wheel Drive Queensland, the Australian Recreational Motorists Association, the Australian Automotive Aftermarket Association and the Institute of Automotive Mechanical Engineers. There were no concerns raised with TMR by any of these organisations.

Digital shelf life amendments involved consultation with RACQ and Queensland Law Society. The Office of the Information Commissioner was also consulted.

...

The TIA rail accommodation works amendments involved consultation with key public sector agencies, who are supportive of the proposed amendments.³

The Queenslanders with Disability Network (QDN), whilst acknowledging that targeted consultation was undertaken with some peak organisations through specific reference groups in developing the draft Bill, advised:

... consultation would have been strengthened through broader community consultation to enable the disability community an opportunity to engage and have discussion to inform these changes.⁴

1.5 Should the Bill be passed?

Standing Order 132(1) requires the committee to determine whether or not to recommend that the Bill be passed.

After examination of the Bill, including consideration of policy objectives to be implemented, stakeholders' views and information provided by the department, the committee recommends that the Bill be passed.

Recommendation 1

The committee recommends the Transport Legislation (Road Safety and Other Matters) Amendment Bill 2022 be passed.

³ Explanatory notes, pp 11-12.

⁴ Submission 5, p 1.

2 Examination of the Bill

This section discusses issues raised during the committee's examination of the Bill.

2.1 Use of penalties from camera-detected offences for road safety

The Bill proposes to clarify how the financial penalties under the Camera Detected Offence Program (CDOP) can be used for road safety and modernising the wording of the provisions.⁵

2.1.1 Use of penalties collected for camera-detected offences

Existing section 117 of the TORUM states⁶:

117 Use of penalties collected for camera-detected offences

- (1) All money collected for penalties imposed for camera-detected offences in excess of the administrative costs of collection must be used for the following purposes—
 - (a) road safety education and awareness programs;
 - (b) road accident injury rehabilitation programs;
 - (c) road funding to improve the safety of the sections of State-controlled roads where accidents most frequently happen.

- (2) In this section—

State-controlled road means a road or route or part of a road or route declared to be a State-controlled road under the *Transport Infrastructure Act 1994*.

Clause 15 proposes to replace sections 117(1)(a), (b) and (c) and insert in section 117(2) as follows:

117 Use of penalties collected for camera-detected offences

- (1) All money collected for penalties imposed for camera-detected offences in excess of the administrative costs of collection must be used for the following purposes—
 - (a) to fund the development or delivery of programs or initiatives for any of the following—
 - (i) road safety education and awareness;
 - (ii) enabling practices and behaviours that improve road safety;
 - (iii) rehabilitation of persons who have been injured in a road crash;
 - (b) to fund infrastructure and related technologies to improve the safety of State-controlled roads, with funding to be prioritised using a risk assessment methodology to maximise the reduction in the frequency and severity of road crashes.;

- (2) In this section—

State-controlled road means a road or route or part of a road or route declared to be a State-controlled road under the *Transport Infrastructure Act 1994*.

road crash means a collision or incident –

- (a) on or adjacent to a road; and
- (b) involving a moving vehicle; and
- (c) in which a person is killed or injured or property is damaged.

⁵ Explanatory notes, p 2.

⁶ *Transport Operations (Road Use Management) Act 1995*, s 117

The department advised that the purpose of the proposed amendments is to enable the delivery of a broader range of road safety interventions. The department advised:

A significant road safety element of this bill is the amendment to clarify how financial penalties from CDOP, Camera Detected Offence Program, can be spent on road safety initiatives. Road safety is an issue that affects all of us. Over the past two years we have seen an increase in the number of lives lost on Queensland roads. Sadly, this is a trend that is continuing this year, with devastating consequences for individuals, families and the communities impacted. There are also significant economic consequences. In 2020 alone, road trauma cost Queenslanders an estimated \$6 billion.

With the human and economic costs being so high, we need to be able to invest in targeted, innovative and effective road safety solutions. The recently released Queensland Road Safety Strategy 2022-31 sets the direction for Queensland to achieve ambitious interim targets of a 50 per cent reduction in fatalities and a 30 per cent reduction in serious injuries by 2031. These targets, and the ultimate vision of zero road deaths or serious injuries by 2050, are in alignment with national and international goals.

Improved investment in innovation and new approaches to tackle complex road safety issues is needed to achieve these targets. CDOP was introduced in Queensland to enable the use of camera technology to reduce road trauma by deterring unsafe and illegal driving behaviours. It uses approved fixed and mobile cameras to detect prescribed offences. These types of cameras currently in use in Queensland detect speeding, running a red light, unregistered and uninsured motor vehicles, transporting particular dangerous goods in tunnels and, most recently, mobile phone and seatbelt offences.⁷

The department explained that only revenue from camera detected offence penalties, in excess of administration costs, which are offences detected by cameras goes into the CDOP allocation. The department confirmed that revenue from offences detected by roadside policing enforcement activities does not go into the CDOP fund.⁸

The department provided examples of the range of road safety initiatives which the CDOP funds. These initiatives include the:

- Targeted Road Safety Program which funds improvements to state controlled roads where crashes frequently occur
- Community Road Safety Grants Program
- Flashing School Zone Signs
- StreetSmart road safety campaigns
- Blood products for road crash injuries⁹

The department explained the benefits of the proposed amendments will be to enable it to be proactive rather than reactive by providing the ability to spend money on research and development to test new options and technologies that may affect road safety in a positive way into the future.¹⁰

⁷ Public briefing transcript, Brisbane, 20 June 2022, p 2.

⁸ Public briefing transcript, Brisbane, 20 June 2022, p 2.

⁹ Public briefing transcript, Brisbane, 20 June 2022, p 2.

¹⁰ Public briefing transcript, Brisbane, 20 June 2022, p 5.

The department advised:

One of the key things this will enable us to do that we have not been able to do in the past is to test new technology. The new mobile phone and seatbelt detection technology is an example. The camera detected fund could not fund the trial or our testing of that technology but can fund it once it comes into effect. This will enable us to test technology, to test things that may have an impact in the future. Some of the technology we want to look at is around how we not only have penalties in place but also change behaviour through nudge theory, so to speak—giving people indicators that they are doing the wrong thing to correct the behaviour without a penalty. For example, you will see those signs the council sometimes installs called Slow for SAM, where it gives you an indication that you are speeding and people often will slow down. We want to look at technology that we can test on the network that may have an impact for some of those types of issues—not just speed but also mobile phone use, seatbelts and other things that are showing up significantly in the road toll.¹¹

The proposed amendments also update the terminology used in section 117. The explanatory notes state:

Section 117 also includes references to "accident". This is not consistent with the more modern and preferred term "crash". This update reflects Queensland's use of the Safe System framework, and the concept that all serious injury crashes are preventable.¹²

2.1.2 Operating a motorised mobility device on a path

Clause 35 proposes to amend the Transport Operations (Road Use Management – Road Rules) Regulation 2009 (Road Rules Regulation) by inserting a new section 239A. The explanatory notes state:

In effect, section 239A removes the unladen mass limit that previously applied to motorised wheelchairs under section 288(3) but retains the speeding offence so that it will continue to be an offence for an MMD to travel more than 10km/h on a path (a bicycle path, footpath or shared path). It will also continue to be an offence for a person to operate an MMD on a path unless, because of their physical condition, the person has a reasonable need to use an MMD. This is intended to ensure that persons who do not have a reasonable need to use an MMD do not use these devices on a path.¹³

Clause 5 proposes to amend the State Penalties Enforcement Regulation 2014 to insert an entry for the new offence in section 239A. The proposed amendment will allow a penalty infringement notice of two-fifths of a penalty unit to be issued for the offence.¹⁴

The committee sought additional information regarding the process for determining the amount of the penalty, including fractions of a penalty unit. The department advised:

In relation to your question about fractions of penalties, we do have a lot of penalties that are fractions of penalties. Often that is because the penalty may have started at a point in time prior to penalty units or the entire penalty unit may be perceived as too high for a particular penalty. Really, that is about just trying to get the balance right in the monetary value. It might look odd to see two-fifths of a penalty unit, but that is generally around trying to get the monetary penalty at the right level for the type of offence.

...

¹¹ Public briefing transcript, Brisbane, 20 June 2022, p 4.

¹² Explanatory notes, p 2.

¹³ Explanatory notes, p 19.

¹⁴ Explanatory notes, p 12.

We go through a number of different processes. It depends on whether or not we are evaluating a penalty, of course. In the case where we are looking at and evaluating a penalty, we are looking at other types of similar penalties and will do a comparison. We are also doing interstate comparisons to see where it sits in relation to other jurisdictions. We also do assessments with the Department of Justice and Attorney-General, who will provide advice around whether or not penalty units and penalties applied may be deemed to be effective, efficient, at the right levels and so forth. There are a number of different processes we go through to try and set the penalties at the right level. Sometimes, obviously, penalties are set at a higher level to achieve a different road safety outcome. For example, the mobile phone penalty is set at a very high level to try to achieve a much more immediate impact in the community and a response from the community to reduce that kind of behaviour. Sometimes that is used as a lever as well.¹⁵

2.1.3 Stakeholder views

RACQ supported the proposed amendments advising:

The changes to the wording ('crash' replacing 'accident') and the additional in initiatives that camera detected offence revenue can be used for (collaborating with, or otherwise actively assisting, organisations and local communities to develop and implement safer practices, enabling vulnerable road users to participate in programs designed to improve their safety on the road, and proactively researching innovative solutions to existing or emerging problems) are all supported by RACQ.¹⁶

The Caravan Trade and Industries Association of Queensland (CTIAQ) welcomed the proposed amendments and commended the Minister for 'ensuring reinvestment of funds into additional road safety initiatives'. CTIAQ highlighted its concern about the rate of fatalities on Queensland roads and the unique complexities associated with towing.¹⁷

CTIAQ advised of the programs it currently undertakes and proposed that an 'enhanced Caravan Safety Check Program' be undertaken.¹⁸ In response, the department advised:

TMR is of the view that road safety is the responsibility of all road users and commends the CT&IAQ for their commitment to road safety and the delivery of initiatives to educate caravan and recreational vehicle owners about safe towing practices.

TMR acknowledges CT&IAQ has lodged an application for sponsorship, however, that application is outside of the scope of this Bill.¹⁹

2.2 Legal protections for health professionals who report on medical fitness to drive

The explanatory notes identify that there is no requirement under the existing legislation for health professionals to notify the department if they become aware that a driver licence holder, including a person who holds a driver licence issued in another jurisdiction, is not medically fit to drive. However, in the interests of road safety, health professionals are encouraged to notify the department who can then take action under the Transport Operations (Road Use Management – Driver Licensing) Regulation 2021.²⁰

¹⁵ Public briefing transcript, Brisbane, 20 June 2022, p 6.

¹⁶ Submission 1, p 1.

¹⁷ Submission 2, pp 1-2.

¹⁸ Submission 2, pp 3-4.

¹⁹ Department of Transport and Main Roads, correspondence, 6 July 2022, p 2.

²⁰ Explanatory notes, p 2.

Existing section 142 of the TORUM provides protections against civil liability under an administrative process for defamation or breach of confidence if a health professional provides information to the department's chief executive in relation to a Queensland licence. However, the same protections do not apply to non-Queensland licence holders who drive in Queensland.²¹

Clause 23 proposes to amend section 142 (Health professional's disclosure not breach of confidence). The amendment expands the provision so health professionals that report on medical fitness for a non-Queensland driver licence holder have the same legal protection as would apply if they reported on medical fitness for a Queensland driver licence holder.²²

The department advised:

This bill will also provide protection from civil liability and liability under administrative process for medical professionals who, in good faith, provide information to the department about a non-Queensland driver's licence holder's medical fitness to drive. This will be consistent with the protections available to medical professionals who provide evidence about a Queensland driver's licence holder's medical fitness to drive.²³

2.2.1 Stakeholders views

RACQ supported the proposed amendments. However, RACQ also stated that it:

... would like to take this opportunity to mention to the Committee that we have also previously advocated for mandatory medical condition reporting by health professionals that have assessed an individual's fitness to drive and found that they are unsafe. This is an additional step that could further improve road safety.²⁴

In response to this suggestion, the department advised that it:

... has previously considered mandating medical condition reporting by health professionals where a patient may no longer be fit to drive. However, during further investigation, it was determined this may cause poor patient health outcomes as patients may be reluctant to disclose conditions they may have to their health professional, to avoid putting them at risk of losing their driver licence.²⁵

However, RACQ also suggested that the government consider 'increasing resourcing so that an increased on-road police patrol presence to better deter and detect offenders 'anytime, anywhere' can be achieved'.²⁶

In response, the department advised:

On-road police presence forms part of the Government's holistic road safety response and plays an important role in encouraging safer road use through a general deterrent effect and the detection of unsafe and illegal behaviours.

²¹ Explanatory notes, p 3.

²² Explanatory notes, p 17.

²³ Public briefing transcript, Brisbane, 20 June 2022, p 2.

²⁴ Submission 1, p 1.

²⁵ Department of Transport and Main Roads, correspondence, 6 July 2022, p 1.

²⁶ Submission 1, p 1.

In relation to this Bill, the proposed amendments include enabling CDOP funds, in excess of administration costs, to be used for targeted programs of work to reduce road trauma. For example, a road safety trial that includes the use of on-road policing to improve drug driving deterrence. Where evaluation of the outcomes of a trial demonstrates a benefit to road safety outcomes, CDOP funds may also be considered to support the implementation of the trialled program in an ongoing capacity.²⁷

The Australian Medical Association of Queensland (AMAQ) supported the proposed amendments and advised:

This move appears a sensible improvement to the current legislation to ensure protection from civil liability for defamation or breach of confidence for health professionals who notify the Department of Transport and Main Roads that a licence holder is not medically fit to drive, irrespective of the issuing jurisdiction of the individual's driver licence.²⁸

2.3 Evidentiary provisions for vehicle standards related prosecutions

Clauses 17 to 22 and 24 to 25 relate to enhancing evidentiary provisions to allow certain documents to be admissible without requiring witness testimony. The explanatory notes state:

These documents may deal with issues such as, for example, a manufacturer's specifications for a type of vehicle or component of a vehicle and information about a type of vehicle recorded in a Commonwealth register (for example, the Register of Approved Vehicles under the RVS Act).

The amendments also allow evidence of approval-related stickers, labels, plates or markings on vehicles to be evidence of the matters stated in the stickers, labels, plates or markings. Importantly, evidence that stickers, labels, plates or markings, vehicle identification number (VIN) or chassis number, or modification plates were attached to a vehicle, and their content, will still be provided to the court through testimony from the intercepting officer, such as by photo or contemporaneous notes. However, the amendments in the Bill then enable the court to accept the information in the photo or notes to be proof of its contents, and that the information applied to the vehicle in question without any further witnesses being called.²⁹

The department advised that the proposed amendments will improve processes involved in court proceedings for vehicle standards related offences.³⁰

With regard to the reasons for the proposed amendments, the department explained:

Requiring witnesses to attend proceedings to provide technical elements that the defendant is not contesting can be inefficient for the court proceedings and more costly where witnesses are entitled to expenses and a defendant found guilty may be required to pay those costs. The proposed amendments will allow documents such as database records, stickers, labels, plates or markings on vehicles because of Commonwealth government approved processes to speak for themselves and so will reduce the need to call witnesses for uncontested facts in a case. Importantly, the amendments ensure a defendant can still advise of their intention to challenge the document related evidence so that witnesses can be called if needed.³¹

²⁷ Department of Transport and Main Roads, correspondence, 6 July 2022, p 1.

²⁸ Submission 3, p 1.

²⁹ Explanatory notes, pp 3-4.

³⁰ Public briefing transcript, Brisbane, 20 June 2022, p 2.

³¹ Public briefing transcript, Brisbane, 20 June 2022, p 2.

2.3.1 Stakeholder views

RACQ supported the proposed amendments advising that the proposed changes 'are reasonable and likely to improve efficiency'.³²

2.4 Increasing the range of allowable MMDs

The proposed amendments will implement changes to the Australian Road Rules proposed by the National Transport Council (NTC). The purpose of the changes is to remove regulatory restrictions for MMD users and make the existing legislative framework simpler and more consistent and result in allowing MMD users to utilise a device most suitable to their needs. The explanatory notes state:

The national changes will:

- recognise motorised wheelchairs and mobility scooters as separate devices, collectively referred to as MMDs;
- increase the maximum unladen mass of MMDs to align with the Technical Specification for MMDs developed by Standards Australia (SA TS 3695.3:2018). This ensures mass limits are reflective of the actual use and design of devices by removing mass limits for motorised wheelchairs and increasing the maximum unladen mass for mobility scooters from 150kg to 170kg;
- ensure MMD operators are consistently classed as pedestrians under the Queensland Road Rules and other transport legislation; and
- introduce a maximum speed capability of 15km/h for MMDs to ensure a broader range of devices can be used while maintaining the existing 10km/h speed limit when travelling on a public path.³³

The department explained the background to the proposed amendments advising:

... currently the rules around the use of these motorised scooters and motorised wheelchairs apply mass and speed capability limits. The National Transport Commission undertook a review of the regulation of motorised mobility devices to see if the existing mass and speed capability limits were appropriate to suit individuals with varied mobility support needs. Amendments in the bill reflect the commission's recommendations and will make it easier for people who need to use an MMD to choose the device that best suits their needs.

The changes to the mass requirements in the bill will allow registration and use of motorised wheelchairs of any weight and mobility scooters up to 170 kilos, aligning to Australian Standards. These changes will assist people who require heavier devices such as when the user requires special equipment attached to the device. The speed capability for motorised mobility devices will also be increased to 15 kilometres an hour, aligning with European Standards. Importantly, while the speed capability of the devices is changing to allow devices manufactured in Europe, the speed limit of 10 kilometres an hour that applies to these devices on footpaths will continue to apply.³⁴

³² Submission 1, p 1.

³³ Explanatory notes, p 4.

³⁴ Public briefing transcript, Brisbane, 20 June 2022, p 2.

The committee sought additional information regarding the speed limit requirements. The department advised:

The speed limit of 15 kilometres per hour enables the importation of European type devices that may have been rated to 15 kilometres an hour. Technically at present you cannot do that because we have speed limitations. It will not change the speed limit on that infrastructure—10 kilometres—but it will enable a broader range of products for people to import and purchase. It gives them flexibility and enables them to buy a product that may be capable, but they are still limited to 10.³⁵

However, the department noted:

Different infrastructure will apply different conditions. A shopping centre is private property and it is not a road related area, so speed limits will be set by the shopping centre themselves. They could theoretically set a higher speed limit if they chose, but because it is on private property the rules that we have in place would not apply.³⁶

The department confirmed:

The offence for exceeding that 10-kilometre speed limit on public infrastructure is under section 288 of the Queensland Road Rules. The penalty infringement amount is \$82.70. As I mentioned, that would apply on public infrastructure but not private infrastructure. That would not apply inside a shopping centre, for example.³⁷

Clause 26 proposes to amend schedule 4 (Dictionary) of the TORUM to insert definitions of mobility scooter, motorised mobility device, motorised wheelchair, and operating and amend the definitions of bicycle, pedestrian, scooter and wheelchair.

2.4.1 Stakeholder views

RACQ supported the proposed amendments advising:

The changes are acceptable and improve access to more choice in mobility devices for people who need them. While some may be capable of 15km/h, if the device provides it and the rider knows what speed the device is travelling, and keep it to 10km/h or less, the change is not expected to result in additional crash or injury risk.³⁸

The submission from Spinal Life Australia (SLA) also supported 'introducing a maximum speed capability of 15km/h for MMDs to ensure a broader range of devices can be used while maintaining the existing 10km/h speed limit when travelling on a public path'.³⁹

However, SLA suggested that 'a case could be made for speed limits to be put on par with e-scooters which is 12km/h for use on footpaths'.⁴⁰

³⁵ Public briefing transcript, Brisbane, 20 June 2022, p 3.

³⁶ Public briefing transcript, Brisbane, 20 June 2022, p 3.

³⁷ Public briefing transcript, Brisbane, 20 June 2022, p 7.

³⁸ Submission 1, p 1.

³⁹ Submission 4, p 2.

⁴⁰ Submission 4, p 2.

In response to this issue, the department advised:

Personal Mobility Devices (like e-scooters) and MMDs are fundamentally very different devices to meet different user needs. What is appropriate for one is not always appropriate for another. As such, a different approach must be applied to their use and treatment under law.

The 10 k/hr speed limit for operating MMDs on a path is consistent with the speed limit under the Australian Road Rules and is the speed limit applied in other Australian jurisdictions.⁴¹

SLA also supported the 'the move to ensure MMD operators are consistently classed as pedestrians under the Queensland Road Rules and other transport legislation'.⁴²

However, SLA queried the proposed maximum scooter weight limit of 170kg. SLA acknowledged that this weight limit was 'likely to be acceptable for public transport because a very large scooter will not fit on a bus and may not fit on a train'. However, SLA noted:

... we make the point that when MMD users are out on public paths of travel, weight is immaterial. We wrote to Dept. Transport and Main Roads in 2021 seeking consideration to remove the 150kg maximum weight and instead adopt the commonwealth Disability Standards Accessible Public Transport (DSAPT) weight limit of 300 kg combined weight of MMD and user.⁴³

In response, the department advised:

The unladen 170kg mass limit for mobility scooters is proposed to ensure consistency with the National Transport Commission's (NTC) recommendations and therefore consistency across Australian jurisdictions.

If Queensland proposed a higher mass limit, and a person purchased a mobility scooter based on that limit, the person may not be able to use their mobility scooter in another State or Territory. The NTC proposed a 170kg mass limit for mobility scooters to align with the unladen mass limits in the Technical Specification for MMDs developed by Standards Australia (SA TS 3695.3:2018). The Austroads MMD research report summarising stakeholder feedback and outlining the project finalisation notes that this mass limit was determined having regard to the adult population. Austroads considered that given 95% of the population weigh no more than 100kg, the majority of users would be under the 300kg laden mass limit for safe use on public transport under the DSAPT.

Motorised wheelchairs are not subject to any mass limits given users have no alternative for mobility on public infrastructure.⁴⁴

QDN supported the proposed amendments in the Bill advising:

QDN supports the proposed changes outlined in this Bill to implement the national model legislation around definition of MMDs, removal of unladen mass limits for motorized wheelchairs and increasing the maximum unladen mass for mobility scooters from 150kg to 170kg, classification of MMD operators as pedestrians, and maximum speed capability of 15kms for MMDs whilst maintaining 10kms speed limit when on public path.⁴⁵

⁴¹ Department of Transport and Main Roads, correspondence, 6 July 2022, p 3.

⁴² Submission 4, p 1.

⁴³ Submission 4, p 1.

⁴⁴ Department of Transport and Main Roads, correspondence, 6 July 2022, pp 2-3.

⁴⁵ Submission 5, p 2.

However, QDN suggested that in implementing the legislation, that examples for users and regulators of 15kms/h use is provided.⁴⁶

QDN advised that it:

... supports these changes to remove existing impediments and allow everyone with a clear need to legally use a MMD that suits their individual needs, and enable Queenslanders with disability to socially and economically participate in their communities.⁴⁷

QDN advised that its members:

... have raised that it is important to find more user friendly ways of registering a motorized wheelchair that minimize red tape and compliance for both people with disability and the system.⁴⁸

QDN also suggested:

Alongside these changes, QDN highlights the importance of need for:

- Community education for people with disability and others in the community around the changed rules and regulations and
- Continuing to improve our community infrastructure to universal design standards to ensure that our communities are more inclusive and accessible as well as safer for everyone.⁴⁹

2.4.2 Gratuitous insurance

Clause 3 proposes to amend section 14 (Gratuitous insurance—Act, s 23) to provide that MMDs are a class of vehicles for which gratuitous insurance is provided by the Nominal Defendant. The explanatory notes state:

In addition to the national changes, existing gratuitous MMD registration and Compulsory Third Party (CTP) insurance arrangements will be retained. Importantly, users requiring MMDs over the previous unladen mass limit of 150kg and whose devices now meet the amended definitions will be eligible for gratuitous registration and CTP insurance.⁵⁰

Existing section 14 states:

14 Gratuitous insurance—Act, s 23

For section 23(7) of the Act, motorised wheelchairs are a class of motor vehicles for which gratuitous insurance is provided by the Nominal Defendant.

Section 23 of the *Motor Accident Insurance Act 1994* (MIA) provides, in relation to gratuitous insurance, that:

(7) If provision is made by regulation for the gratuitous insurance of vehicles of a particular class under policies of CTP insurance, a vehicle of the relevant class must be regarded, subject to any conditions and limitations prescribed by regulation, as insured by a CTP insurance policy under which the Nominal Defendant is the insurer.

⁴⁶ Submission 5, p 2.

⁴⁷ Submission 5, p 2.

⁴⁸ Submission 5, p 2.

⁴⁹ Submission 5, p 2.

⁵⁰ Explanatory notes, p 4.

Proposed section 14, after amendments, will state:

14 Gratuitous insurance—Act, s 23

- (1) For section 23(7) of the Act, motorised mobility devices are a class of motor vehicles for which gratuitous insurance is provided by the Nominal Defendant.
- (2) In this section— motorised mobility device see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

The explanatory notes state:

This clause also inserts into section 14 a definition of motorised mobility device by reference to the TORUM Act, schedule 4.⁵¹

The department confirmed that gratuitous insurance will:

... continue to apply to these new devices. It just means that some more devices will be eligible for gratuitous insurance. This is why we register these vehicles. It is a product that we offer customers. It is free of charge and it gives them free compulsory third party insurance, should they have an incident.⁵²

SLA advised the committee that it is

... exceptionally pleased the existing gratuitous MMD registration and Compulsory Third Party (CTP) insurance arrangements will be retained – and that importantly, users requiring MMDs over the previous unladen mass limit of 150kg and whose devices now meet the amended definitions will be eligible for gratuitous registration and CTP insurance. The Registration and CTP insurance has long been regarded as an invaluable service and we wish to express sincere appreciation for their continuance to Dept. Transport and Main Roads for the former and the Motor Accident Insurance Commission for the latter.⁵³

QDN also supported the gratuitous insurance arrangements advising:

QDN has strongly supported the Queensland Governments policy on the free registration of motorised wheelchairs and the accompanying Compulsory Third Party (CTP) insurance for motorised wheelchair users – as did many other stakeholders who looked to Queensland as the leading jurisdiction in the country on the issue.

QDN supports and welcomes retaining the existing gratuitous MMD registration and Compulsory Third Party (CTP) insurance arrangements and the change of definition of the unladen mass limit which will mean that more devices will meet the amended definitions and be eligible for gratuitous registration and CTP insurance.⁵⁴

2.5 Updating the definition of GVM

Clause 26 proposes to amend schedule 4 (Dictionary) of the TORUM to omit the existing definitions of compliance plate and GVM and insert the following definition of GVM:

GVM (gross vehicle mass), of a vehicle, means the maximum loaded mass of the vehicle stated in the way prescribed by a vehicle standards and safety regulation.

⁵¹ Explanatory notes, p 12.

⁵² Public briefing transcript, Brisbane, 20 June 2022, p 4.

⁵³ Submission 4, p 2.

⁵⁴ Submission 5, p 2.

The department explained the reasoning behind the proposed amendment:

For clarification, this is for light vehicle gross vehicle mass. It does not change the rules around gross vehicle mass. It is largely an administrative amendment. If you have the standard GVM of a vehicle—two tonnes, for example—and you have a GVM upgrade done legally through a company that provides that service to 2.5 tonnes, you would then have a compliance plate attached to the vehicle, a blue plate, to say that it is been modified to allow GVM. The legislation is not very clear as to whether the original GVM or the new GVM applies. This amendment clarifies that to say that if a legal modification has been made then the new GVM is the GVM that applies. It is largely an administrative amendment.⁵⁵

2.6 Definition of shelf life of digital photos

Under the existing provisions within the TPC Act, a digital photo can be reused on other prescribed authorities for up to 10 years. However, the department has identified that a person's physical appearance and biometric data is often not stable until they are approximately 15 years of age and this could compromise confidence in both identity verification and the integrity of identity products. The Bill therefore proposes to amend the provisions to apply a shelf life to digital photos taken of persons when they are aged less than 15 years.⁵⁶

The department explained:

The Department of Transport and Main Roads' role in issuing driver's licences and other transport authorities is to develop sophisticated card production capabilities. As a result, the department works with other agencies to issue cards for those agencies. For example, the department produces disability worker screening cards, or yellow cards, for the Department of Communities, Housing and Digital Economy.

Under the existing shelf life provisions, a digital photo may be re-used on other prescribed authorities for up to 10 years. This could mean that a photo taken when a person was 11, when they applied for their blue card, is used on identity products such as a Queensland driver's licence until that person is 21. The changing nature of a person's appearance and biometric features before the age of 15 could mean photos of persons that may not be a true likeness. If a digital photo is not a true likeness, it could compromise confidence in identity products. As such, this bill shortens the shelf life for a digital photo taken when a person is under 15 years of age to five years, in line with the validity of children's passports for example.⁵⁷

The committee sought additional information regarding the photo identification for persons under 15 years of age. The department advised;

At 15 you can get a proof-of-age card, which we provide as a product. It is basically a similar process and similar identification to a driver's licence. You can get blue cards at a younger age. As young as 11 or 12, you can actually apply for a blue card.

...

We reduced the minimum age for what used to be the adult proof of age card, which was the old 18-plus card. We converted them a couple of years ago to proof-of-age cards, which have dropped the age to 15, for that very reason—so that younger people could apply for legitimate identification, to open bank accounts and those types of things. That product is available through Transport and Main Roads.⁵⁸

⁵⁵ Public briefing transcript, Brisbane, 20 June 2022, pp 3-4.

⁵⁶ Explanatory notes, pp 5-6.

⁵⁷ Public briefing transcript, Brisbane, 20 June 2022, p 3.

⁵⁸ Public briefing transcript, Brisbane, 20 June 2022, p 6.

2.7 Clarification of accommodation works as a result of a rail project

The explanatory notes state:

The objective of the proposed amendments to the Transport Infrastructure Act 1994 (TIA) is to clarify the chief executive, or someone authorised by the chief executive, may temporarily enter land, and undertake accommodation works that are necessary as a direct result of a rail project.⁵⁹

The department elaborated on the purpose of the proposed amendments advising:

The amendments to the Transport Infrastructure Act will clarify that accommodation works can be undertaken on land that has been affected by a rail project. This will provide consistency and certainty to impacted land owners and occupiers and also provide a clear process of notification and consultation for owners and occupiers.⁶⁰

The department advised that under the existing provisions the authorised accredited entity can give a person notice that they are coming on their land to build rail infrastructure works. However, the existing legislation does not give the authorised entity rights to enter to undertake make-good works at the end of the project and these would need to be individually negotiated with individual property owners.⁶¹

The department further explained:

The accommodation works provisions were originally brought in for busway, light rail and road some time ago. At the time it was considered that those provisions were not needed for rail. Subsequently, with a lot of rail projects coming online, projects were identifying that the need to undertake specific negotiations with landowners around accessing their properties—on top of notifying them that we might be coming on to do the infrastructure works themselves—was adding considerably to the time and cost of projects. The amendment will bring in accommodation provisions for rail, align that with the other modes and allow us to negotiate in a more streamlined and efficient way and to improve cost delivery. It also gives owners more certainty. At the moment, a landowner could get a notification from the department to say that we are coming on their land to build rail works but then we would potentially come back later and say, ‘Can you give us authorisation to come onto your land to do these accommodation works?’ That often causes a lot of confusion for landowners, because they think they have already agreed to that happening. They do not appreciate the distinction between the two categories.⁶²

The department also confirmed that it has a legal obligation to make good and if the landowner feels that that has not occurred they have the ability to seek compensation for any residual damage.⁶³

⁵⁹ Explanatory notes, p 6.

⁶⁰ Public briefing transcript, Brisbane, 20 June 2022, p 3.

⁶¹ Public briefing transcript, Brisbane, 20 June 2022, p 5.

⁶² Public briefing transcript, Brisbane, 20 June 2022, p 4.

⁶³ Public briefing transcript, Brisbane, 20 June 2022, p 4.

2.8 Amendment of the *Housing Legislation Amendment Act 2021*

The explanatory notes state:

A numerical drafting error has been identified in the HLA Act where a part, division and section number inserted into the RTRA Act by amendments has been duplicated. As such it needs to be amended before section 83A commences on 1 October 2022 to avoid chapter 5, part 2, division 7 and section 396A being duplicated in the RTRA Act. This will ameliorate legislative risk to the penalty provisions inserted by section 83A of the HLA Act and eliminate the risk of errors and confusion in the rental sector.⁶⁴

⁶⁴ Explanatory notes, p 7.

3 Compliance with the *Legislative Standards Act 1992*

3.1 Fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* (LSA) states that ‘fundamental legislative principles’ are the ‘principles relating to legislation that underlie a parliamentary democracy based on the rule of law’. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals
- the institution of Parliament.

The committee has examined the application of the fundamental legislative principles to the Bill. The committee brings the following to the attention of the Legislative Assembly.

3.1.1 Rights and liberties of individuals

Section 4(2)(a) of the LSA requires that legislation has sufficient regard to the rights and liberties of individuals.

3.1.1.1 *General rights and liberties of individuals – Penalties*

Fundamental legislative principles include requiring that legislation has sufficient regard to rights and liberties of individuals.⁶⁵ The creation of new offences and penalties affects the rights and liberties of individuals.

A penalty should be proportionate to the offence, and penalties within legislation should be consistent with each other.⁶⁶

Operating a motorised mobility device on a path

The Bill would make it an offence under the Road Rules Regulation to operate a motorised mobility device (MMD)⁶⁷ on a path⁶⁸ unless the MMD is travelling 10km/h or less and, because of the physical condition of the person in the MMD, the person has a reasonable need to use a MMD. The maximum penalty for contravening the provision is 20 penalty units (\$2757.00,⁶⁹ from 1 July, \$2875.00⁷⁰).⁷¹

A penalty infringement notice (PIN) may be issued in relation to the offence, with the PIN fine being 2/5 of a penalty unit (currently \$55.14; from 1 July, \$57.50).⁷²

⁶⁵ *Legislative Standards Act 1992*, s 4(2)(a).

⁶⁶ Office of the Queensland Parliamentary Counsel (OQPC), *Fundamental legislative principles: the OQPC notebook*, 2008, p 120.

⁶⁷ In this section, MMD includes mobility scooters and motorised wheelchairs that do not comply with certain elements of the definitions to be inserted in sch 4 of the *Transport Operations (Road Use Management) Act 1995* (TORUM).

⁶⁸ Path means a bicycle path, footpath or shared path: cl 35 (Road Rules Regulation, proposed new s 239A(2)).

⁶⁹ The current value of a penalty unit is \$137.85: Penalties and Sentences Regulation 2015, s 3; *Penalties and Sentences Act 1992*, s 5A.

⁷⁰ From 1 July 2022, the value of a penalty unit will be \$143.75: Penalties and Sentences (Penalty Unit Value) Amendment Regulation 2022.

⁷¹ Clause 35 (Road Rules Regulation, proposed new s 239A).

⁷² Clause 5 (State Penalties Enforcement Regulation 2014), sch 1, entry for Road Rules Regulation.

The proposed maximum penalty for the offence is the same as the current penalty in section 288 of the Road Rules Regulation for the offence of driving a motorised wheelchair on a path if certain conditions are not met.⁷³

The PIN fine of 2/5 of a penalty unit is consistent with some other offences in the Road Rules Regulation that have a maximum penalty of 20 penalty units,⁷⁴ but some other offences with that maximum penalty have higher infringement notice fines.⁷⁵ The existing offence in section 288(1) has a PIN amount of 3/5 penalty units.⁷⁶

The explanatory notes advise the PIN amount in the Bill is consistent with other pedestrian offences in Divisions 1 and 2 of Part 14 of the Road Rules Regulation.⁷⁷

Committee comment

The committee is satisfied that the offence and penalties relating to driving on a path is consistent with fundamental legislative principles.

3.1.1.2 Power to enter premises

In general, a person should only be permitted to enter a property with the occupier's consent or under a warrant issued by a judge or magistrate.⁷⁸

Accommodation works

The Bill proposes to amend the TIA to enable the chief executive, or persons authorised by the chief executive, to temporarily occupy and use land to carry out accommodation works on land affected by rail transport infrastructure and railway works.⁷⁹

At present, 'accommodation works' are defined in the TIA as temporary or permanent works carried out on, over or under land affected by busway transport infrastructure, busway transport infrastructure works, light rail transport infrastructure, light rail transport infrastructure works or road works to:

- minimise the impact those works or that infrastructure had on the land, or
- restore the land to its former condition, purpose or use, or
- provide safety for the persons who use the land.⁸⁰

⁷³ See Road Rules Regulation, s 288(3). Clause 36 would omit this provision.

⁷⁴ See for example, Road Rules Regulation, ss 48(4), 51; SPE Regulation, sch 1, entry for Road Rules Regulation.

⁷⁵ See for example, Road Rules Regulation, ss 36 (1 penalty unit), 38 (3 penalty units), 43A (4/5 penalty units), 46(1) (3/5 penalty units); SPE Regulation, sch 1, entry for Road Rules Regulation.

⁷⁶ SPE Regulation 2014, sch 1, entry for Road Rules Regulation.

⁷⁷ Explanatory notes, p 19.

⁷⁸ Office of the Queensland Parliamentary Counsel, *Fundamental legislative principles: the OQPC notebook*, January 2008, p 45; *Legislative Standards Act 1992*, s 4(3)(e).

⁷⁹ Part 4 (cls 6-12).

⁸⁰ TIA, sch 6.

Accommodation works can include ‘replacement or upgrade of driveways and ensuring safe access points to and from the property and other minor works such as replacement of letterboxes and restoration of gardens’.⁸¹

The Bill would amend the definition of ‘accommodation works’ to also include works carried out on, over or under land affected by rail transport infrastructure and railway works.⁸² It would also make related amendments to Division 1 (Railway works) of Part 4 (Rail transport infrastructure powers) of the TIA.⁸³

When legislation permits persons to enter private land without the authority of the occupier, it potentially infringes on the occupier’s rights and liberties. This is relevant because there will likely be impacts on the occupier’s use and enjoyment of land while the accommodation works are occurring.

As is evident from the definition of ‘accommodation works’, the works are intended to benefit land owners. The explanatory notes relevantly state:⁸⁴

The amendments reinforce the rights of affected landowners and occupiers that require TMR to restore or repair any damages or impacts that have occurred on their property during the establishment of a rail project.⁸⁵

Currently, TMR has to ‘negotiate and enter into individual access agreements with each affected landowner and occupier’.⁸⁶ The explanatory notes identify issues arising from this:

The formality of the process can be lengthy and confusing for the landowner and occupier. The lack of clarity about accommodation works can cause a delay in a project increasing the duration of inconvenience for the landowner, neighbouring property owners and businesses.⁸⁷

The explanatory notes set out potential benefits of the amendments:

These amendments provide a clear process and clarify that accommodation works can be undertaken on land to rectify or remedy impacts caused as a direct result of a rail project and will assist in:

- addressing landowner and occupiers’ uncertainty and anxiety by providing clarity about protection of their interests;
- reducing the duration of inconvenience caused by the works and providing better outcomes for impacted landowners/occupiers and the community; and
- providing certainty to TMR and its works delivery partners in the efficient, safe and cost-effective delivery of rail projects.⁸⁸

⁸¹ Statement of compatibility, p 8.

⁸² Clause 12 (TIA, sch 6).

⁸³ Clauses 7-11 (TIA, ss 162-166).

⁸⁴ The explanatory notes (p 8) characterise the amendments pertaining to accommodation works with respect to an alternative aspect of the rights and liberties of individuals – administrative power.

⁸⁵ Explanatory notes, p 8.

⁸⁶ Explanatory notes, p 6.

⁸⁷ Explanatory notes, p 6.

⁸⁸ Explanatory notes, p 6. See also, statement of compatibility, p 10.

The explanatory notes state that the amendments:

... do not impact on the existing rights of landowners and occupiers to compensation or rights of review. They will formalise an individual's rights to compensation and rights of review for accommodation works. The amendments provide a clear process and framework to balance the needs of rail projects and landowners and occupiers.⁸⁹

Unless works are urgent,⁹⁰ written notice must be given to the land's owner or occupier at least 7 days before entry.⁹¹ The notice must state details of the proposed accommodation works and that the owner or occupier may make submissions about the works.⁹² These submissions must be considered by the person proposing to enter, occupy or use the land before undertaking accommodation works.⁹³

The Bill would amend the TIA to require care to be taken in carrying out accommodation works,⁹⁴ and it would provide that an owner or occupier of land may claim compensation for accommodation works.⁹⁵ It is also open to an owner or occupier to apply for external review.⁹⁶

Committee comments

Noting the intent of the provisions and the safeguards in the amended TIA, the committee is satisfied that any potential impact on the rights and liberties of individuals resulting from the amendments to accommodation works are sufficiently justified.

3.1.1.3 General rights and liberties of individuals – Privacy

The right to privacy, and the disclosure of private or confidential information, is relevant to consideration of whether legislation has sufficient regard to individual rights and liberties.⁹⁷

Reporting to TMR persons who are not medically fit to drive

While there is no legislative requirement to do so, health professionals⁹⁸ are encouraged to report to TMR any persons they consider are not medically fit to drive.⁹⁹

⁸⁹ Explanatory notes, p 7.

⁹⁰ That is, maintenance on a road or urgent remedial action on a railway.

⁹¹ Or written agreement must be obtained before entering person's land.

⁹² Within 7 days after the notice is given.

⁹³ Clause 9 (TIA, s 164).

⁹⁴ Clause 10 (TIA, s 165).

⁹⁵ Clause 11 (TIA, s 166).

⁹⁶ Statement of compatibility, pp 10-11.

⁹⁷ *Legislative Standards Act 1992*, s 4(2)(a); OQPC, *Fundamental Legislative Principles: The OQPC Notebook*, p 113.

⁹⁸ A 'health professional' is a doctor or a person registered under the Health Practitioner Regulation National Law to practise, other than as a student, any of the following professions: occupational therapy, optometry, physiotherapy: TORUM, s 142(3).

⁹⁹ Explanatory notes, p 2.

At present, immunity from liability only applies to health professionals who make a report about the medical fitness to drive of a person with a Queensland driver licence.¹⁰⁰ Immunity is not provided for health professionals who make a report about a non-Queensland driver licence holder.¹⁰¹ The Bill would amend the TORUM to provide immunity for health professionals in the latter instance.¹⁰²

Sharing information about a person's medical condition with the chief executive of TMR impacts a person's rights and liberties because people expect matters discussed with their health professional to be kept confidential. As the explanatory notes state, 'Health professional-patient confidentiality is a common law principle that in essence means that health professionals owe a duty not to disclose information about their patients.'¹⁰³

While the explanatory notes do not address the issue of privacy, they advise that the objective of the protection offered to health professionals is to enhance road safety.¹⁰⁴

The statement of compatibility addresses privacy in relation to the HRA. It asserts that providing health professionals with immunity removes 'one of the barriers that may discourage health professionals from reporting on a patient's fitness to drive to TMR'¹⁰⁵ and that the amendments are 'in the interests of road safety as those driving with a medical condition may present a danger to themselves and to other road users.'¹⁰⁶

In considering the balancing of the right of privacy against the purpose of the Bill, the statement of compatibility concludes that the road safety purpose outweighs any limitation on the right to privacy:

While it is generally important that an individual's privacy and reputation is protected, if they choose to continue to drive while medically unfit, they may be impacting the right to life of others. The amendments in the Bill are not an arbitrary interference with the person's right to privacy and reputation because they provide a necessary and proportionate response to a road safety risk. The road safety purpose of the amendment outweighs any human rights limitations on the person's right to privacy and reputation that may arise from this Bill.¹⁰⁷

Committee comment

The committee considered whether the breach of the right to privacy with respect to a person's medical information is outweighed by the benefits offered by the enhancement of road safety. In its consideration, the committee noted that the proposed amendment simply provides the same level of immunity to health professionals for giving information in good faith to the department about a person's medical fitness to hold a non-Queensland driver licence as for a Queensland driver licence.

The committee is therefore satisfied that breach of the right to privacy is justified.

¹⁰⁰ TORUM, s 142.

¹⁰¹ Explanatory notes, p 3.

¹⁰² Clause 23 (TORUM, s 142).

¹⁰³ Explanatory notes, p 10.

¹⁰⁴ Explanatory notes, p 3.

¹⁰⁵ Statement of compatibility, p 11.

¹⁰⁶ Statement of compatibility, p 12.

¹⁰⁷ Statement of compatibility, p 12.

3.1.1.4 *Immunity*

One of the fundamental legal principles is that everyone is equal before the law. Accordingly, everyone should be fully liable for their acts or omissions.¹⁰⁸ If immunity from proceeding or prosecution is to be conferred, adequate justification should be provided.¹⁰⁹

Reporting to TMR persons who are not medically fit to drive

As noted above, there is no legislative requirement for health professionals to notify TMR that a person is not medically fit to drive, but they are encouraged to do so. If notified, TMR can take action to amend, suspend or cancel the person's Queensland driver licence or withdraw the person's authority to drive in Queensland under a non-Queensland driver licence.¹¹⁰

Disclosure of information about a patient can leave the health professional open to civil liability or liability under an administrative process:

Where a health professional discloses information about their patient, an action for breach of confidence, defamation or breach of privacy may be available against the health professional. Alternatively, a person who has had their information disclosed may raise the issue with the governing body for the particular profession to seek to have the health professional disciplined.¹¹¹

Under the Bill, a health professional would not be liable for giving information in good faith to TMR about a person's medical fitness to either continue to be authorised to drive in Queensland under a non-Queensland driver licence or to hold a Queensland driver licence. This is in contrast to the current situation, where protection from liability is only available in relation to a Queensland driver licence.¹¹²

The explanatory notes justify the granting of immunity to medical professionals:

The objective of these amendments is road safety. It can often be difficult for a person with a medical condition that will impact their ability to drive safely to recognise and accept their reduced capacity. Where a health professional becomes aware of issues that may impact a person's ability to drive safely, it is in the interests of road safety for TMR to be advised so that action can be taken to remove the person's authority to drive in Queensland under the Driver Licensing Regulation [Transport Operations (Road Use Management—Driver Licensing) Regulation 2021]. In these circumstances, protecting the health professional from civil liability and liability under an administrative process is justified.¹¹³

Committee comments

The committee is satisfied with the justification provided in the explanatory notes for conferring the same immunity on health professionals who report to the department about a person's medical fitness to continue to drive in Queensland under a non-Queensland driver licence, as is currently available to those health professionals who provide information to the department about a person's medical fitness to hold a Queensland driver licence.

¹⁰⁸ See for example, Scrutiny of Legislation Committee, Alert Digest, 1998, vol 1, p 5.

¹⁰⁹ *Legislative Standards Act 1992*, s 4(3)(h).

¹¹⁰ Explanatory notes, p 2.

¹¹¹ Explanatory notes, p 10.

¹¹² Clause 23 (TORUM, s 142); explanatory notes, p 17.

¹¹³ Explanatory notes, p 10.

3.1.1.5 *Natural justice and reversal of the onus of proof*

Whether legislation has sufficient regard to rights and liberties of individuals depends on whether, for example, the legislation is consistent with the principles of natural justice¹¹⁴ and it does not reverse the onus of proof in criminal proceedings without adequate justification.¹¹⁵

Evidentiary provisions

The Bill would enable certain matters in a proceeding to be proven by certificate rather than by evidence put forward by a witness. These matters include information on a modification plate attached to a vehicle, the vehicle identification number (VIN) and chassis number.¹¹⁶

Allowing for documentary evidence to be directly admissible may be inconsistent with fundamental legislative principles, specifically the principles of natural justice and that the onus of proof is not reversed without adequate justification.

In any prosecution for an offence, the prosecution bears the onus to prove each and every element of the offence beyond reasonable doubt. To do this, the prosecution must adduce admissible evidence to the court. Generally, for evidence to be admissible it must be provided through witness testimony unless there is a statutory provision that allows for the evidence to be provided in another way, such as through a certificate or document. Allowing for documentary evidence to be directly admissible alters the usual proceedings and may be viewed as being inconsistent with the principles of natural justice and reversing the onus of proof. This is because it allows the prosecution to provide evidence without the defendant necessarily being able to cross examine a witness to challenge the veracity of the information.¹¹⁷

The explanatory notes advise that all matters that the Bill would allow evidence to be provided through documentary means, can be obtained 'from reliable sources and are technical, objective and non-contentious in nature'.¹¹⁸

The explanatory notes justify any inconsistency with fundamental legislative principles arising from the proposed amendments in question:

... where the facts in question are non-contentious, the defendant may not wish to challenge the witness's account, in which case, witness testimony can be inconvenient for the witness, inefficient for the court and more costly (as witnesses may be entitled to expenses and these costs may be borne by a defendant who is found guilty). In these instances, if admissible evidence can be provided through a document, it benefits all the parties to a proceeding.¹¹⁹

¹¹⁴ Amongst other things, the principles of natural justice require procedural fairness. Procedural fairness requires 'fair procedures that are appropriate and adapted to the circumstances of the particular case': OQPC, *Fundamental legislative principles: the OQPC notebook*, p 27.

¹¹⁵ See *Legislative Standards Act 1992*, ss 4(2)(a), 4(3)(b), 4(3)(d).

¹¹⁶ See for example, cls 18, 19, 20, 21. See also, explanatory notes, p 9.

¹¹⁷ Explanatory notes, p 9.

¹¹⁸ Explanatory notes, p 9.

¹¹⁹ Explanatory notes, p 9.

Further:

Unsafe vehicles are a road safety issue and light vehicle exhaust noise is an ongoing community issue, particularly where modified cars and motorbikes impact on community amenity and comfort. As a result, any fundamental legislative issues impact is considered justified in the interests of efficient and effective court proceedings that promote road safety and community amenity.¹²⁰

The explanatory notes advise of a safeguard - the documentary related evidence is not conclusive, and a defendant may challenge the evidence. In this event, the prosecution would have to call witnesses.¹²¹

With respect to amendments rendering proof of certain appointments and signatures unnecessary, the explanatory notes state:

Again, this will remove the need to call witnesses. These matters are non-contentious and administrative in nature and this approach is consistent with proof of appointments and signatures of Ministers and other senior executives under those sections.¹²²

Committees have considered evidentiary facilitation provisions to be acceptable if they relate to uncontentious matters.¹²³

Committee comments

Noting the potential benefits, the safeguard, and the advice in the explanatory notes that the matters to be proven by certificate are non-contentious, the committee is satisfied that the evidentiary provisions have sufficient regard to the rights and liberties of individuals.

3.1.2 Institution of Parliament

Section 4(2)(b) of the LSA requires legislation to have sufficient regard to the institution of Parliament.

3.1.2.1 Amendment of an Act only by an Act

Whether a Bill has sufficient regard to the institution of Parliament depends on whether, for example, the Bill authorises the amendment of an Act only by another Act.

Definition of motorised mobility device (MMD)

The Bill proposes to insert new definitions of MMD, mobility scooter and motorised wheelchair in the TORUM.¹²⁴

The definitions of mobility scooter and motorised wheelchair would allow maximum speeds to be prescribed by regulation, but if they are not prescribed, the Bill sets the maximum speed at 15km/h. The definition of mobility scooter would allow the maximum unladen mass to be prescribed by regulation, but if it is not prescribed, the Bill sets the maximum at 170kg.

¹²⁰ Explanatory notes, p 9.

¹²¹ Explanatory notes, p 9.

¹²² Explanatory notes, p 9.

¹²³ See for example, Scrutiny of Legislation Committee, *Alert Digest*, 2005(13), p 6. See also OQPC, *Fundamental legislative principles: the OQPC notebook*, p 41.

¹²⁴ Clause 26 (TORUM, sch 4).

If the Bill is passed, it would mean that a regulation could be passed that sets the maximum speed and maximum unladen mass at levels higher or lower than the default levels in the Act. This would have flow on effects for matters such as eligibility for gratuitous registration and compulsory third party insurance.¹²⁵

The explanatory notes justify the potential infringement on fundamental legislative principles:

The definitions currently prescribe a default speed limit of 15km/h for both devices and a default maximum unladen mass of 170kg for mobility scooters. If a regulation is not made prescribing another speed or mass, then the Act provisions will apply. This is appropriate due to the technical nature of the speed and mass requirements and allows for flexibility for innovations to be adopted quickly if technology changes.

Regulations made to support the GVM and MMD provisions will be subject to the scrutiny of the Legislative Assembly during the usual tabling processes.¹²⁶

Conclusion

The committee is satisfied that any breach of fundamental legislative principle in these provisions is justified.

3.2 Explanatory notes

Part 4 of the LSA requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly, and sets out the information an explanatory note should contain.

Explanatory notes were tabled with the introduction of the Bill. The notes are fairly detailed and contain the information required by Part 4 and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.

The committee requested that the department to clarify two matters in relation to discussion contained in the explanatory notes. These matters are discussed below.

3.2.1.1 Clause 5 (page 12)

On page 12 of the explanatory notes, Clause 5 is briefly outlined as follows:

*Clause 5 amends the entry for the Transport Operations (Road Use Management—Road Rules) Regulation 2009 (the QRRs) in Schedule 1 to insert an entry for the new offence in section 239A(1) of the QRRs. This amendment will allow a penalty infringement notice of two-fifths of a penalty unit to be issued for the offence under section 239A(1). The amendment to create the new offence is discussed below.*¹²⁷

The last sentence of the paragraph states that the 'amendment to create the new offence is discussed below'.¹²⁸ However, the discussion does not appear 'below' as stated.

¹²⁵ See explanatory notes, p 4.

¹²⁶ Explanatory notes, p 11.

¹²⁷ Explanatory notes, p 12.

¹²⁸ Explanatory notes, p 12.

The committee sought clarification regarding where in the explanatory notes the new offence provision is discussed. The department advised:

The amendment to create the new section 239A offence in the *Transport Operations (Road Use Management – Road Rules) Regulation 2009* is made at clause 35 of the Bill. The discussion in relation to clause 35 appears on page 19 of the Explanatory Notes ...¹²⁹

3.2.1.2 Clause 14 (page 14)

On page 14 of the explanatory notes, in relation to Clause 14, it states:

Clause 14 amends section 93 (Duties of a driver involved in a crash – stopping and providing information). Clause 7(1) amends paragraph (a) of the definition of driver to ensure that a person operating an MMD, a person in a wheelchair or a person pushing a wheelchair is not considered to be a driver for the purpose of reporting crashes on a road or a road-related area.¹³⁰

The committee noted that the Bill does not contain a 'Clause 7(1)'. The committee sought clarification on this issue. The department advised:

The reference to "Clause 7(1)" in the discussion about clause 14 of the Bill is an error. The reference should be to "Clause 14(1)". Clause 14(1) of the Bill does amend section 93(5) of the *Transport Operations (Road Use Management) Act 1995*.¹³¹

¹²⁹ Department of Transport and Main Roads, correspondence, 27 June 2022, p 2.

¹³⁰ Explanatory notes, p 14.

¹³¹ Department of Transport and Main Roads, correspondence, 27 June 2022, p 3.

4 Compliance with the *Human Rights Act 2019*

The portfolio committee responsible for examining a Bill must consider and report to the Legislative Assembly about whether the Bill is not compatible with human rights, and consider and report to the Legislative Assembly about the statement of compatibility tabled for the Bill.¹³²

A Bill is compatible with human rights if the Bill:

- (a) does not limit a human right, or
- (b) limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the HRA.¹³³

The HRA protects fundamental human rights drawn from international human rights law.¹³⁴ Section 13 of the HRA provides that a human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

The committee has examined the Bill for human rights compatibility. The committee brings the following to the attention of the Legislative Assembly.

4.1 Human rights compatibility

Various human rights are relevant to the provisions of the Bill that:

- (1) bring procedures in relation to rail accommodation works into line with those applicable to road, bus-way and light rail works;
- (2) vary evidentiary rules applicable in relation to certain vehicle-related offences;
- (3) bring the immunities of health professionals who advise the Department of Transport and Main Roads (“the Department”) as to the potential unfitness of persons to hold non-Queensland drivers’ licences into line with the equivalent immunities that exist in respect of similar disclosures regarding the holding of Queensland drivers’ licences; and
- (4) requires that a shorter updating period be applied for digital photographs stored by various Queensland Government Departments of persons where the photographs were taken of those persons when they were below the age of 15 years.

The specific provisions of the HRA relevant to the human rights raised by the Bill are:

- Section 15 “Recognition and equality before the law”;
- Section 24 “Property rights”;
- Section 25 “Privacy and reputation”;
- Section 31 “Fair hearing”;

¹³² HRA, s 39.

¹³³ HRA, s 8.

¹³⁴ The human rights protected by the HRA are set out in sections 15 to 37 of the Act. A right or freedom not included in the Act that arises or is recognised under another law must not be taken to be abrogated or limited only because the right or freedom is not included in this Act or is only partly included; HRA, s 12.

- Section 32 “Rights in criminal proceedings”.

4.1.1 Clauses 6-12 – Procedures for rail accommodation works

4.1.1.1 Nature of the human right

The proposed changes to the procedures regarding rails accommodation works potentially raise issues regarding the property rights (HRA s 24) of owners and occupiers of land and their privacy rights (HRA s 25).¹³⁵ The bill does not appear to involve any arbitrary deprivation of property and hence does not limit the rights set out in HRA s 24.

4.1.1.2 Nature of the purpose of the limitation

The Statement of Compatibility (“Statement”) issued in relation to the Bill by the Minister for Transport and Main Roads (“the Minister”) relevantly provides:

The amendments limit property rights to the extent they provide the power to enter a person's property and undertake accommodation works. These amendments will also limit privacy and reputation when the affected property is also a person's home. However, these are situation specific limitations. Entering land and undertaking accommodation works may temporarily hinder a landowner or occupier's use and enjoyment of their property while accommodation works are occurring.¹³⁶

...

Compensation provisions will continue to apply.¹³⁷

The purposes of the limitations appear to be to streamline the rail works accommodation process, to provide greater precision to the process, and to bring the process into line with existing works accommodation processes for road, bus-ways and light rail works.

4.1.1.3 The relationship between the limitation and its purpose

The limitations are narrow (limited changes to notification arrangements appear to be proposed without changing compensation arrangements). It is subject to various protections including notification, “consideration” obligations and general review mechanisms.

4.1.1.4 Whether there are less restrictive and reasonably available ways to achieve the purpose

There do not appear to be less restrictive and reasonably available alternatives available to achieve these purposes.

4.1.1.5 The importance of the purpose of the limitation

The purposes of precision and consistency are important as they provide greater certainty to affected persons and entities, without apparently altering substantive entitlements. Accommodation works of this kind achieve purposes important to the community as a whole as well as to persons more directly affected.

¹³⁵ Relevant resources in relation to these rights are collected in Alistair Pound and Kylie Evans, *Annotated Victorian Charter of Rights* (2nd ed, Thomson Reuters, 2018), 182-187 (property rights), and 113- 120 (privacy rights).

¹³⁶ Statement of Compatibility, p 9.

¹³⁷ Statement of Compatibility, p 10.

4.1.1.6 The importance of preserving the human right

As the right to property has not been limited, only the right to privacy need be considered. The Bill only appears to impact on the right to privacy in a limited and indirect manner (eg accommodation works do appear to apply in relation to dwellings¹³⁸ – although this limitation regarding dwellings was not clear on the face of the Bill).

4.1.1.7 The balance between the importance of the purpose of the limitation and the importance of preserving the human right

The Bill appears to strike an appropriate balance. The limitations appear necessary and proportionate.

4.1.2 Clauses 20-22 and 24-26 – Evidentiary rules applicable in relation to certain vehicle-related offences

4.1.2.1 Nature of the human right

The proposed changes to evidentiary rules applicable in relation to certain vehicle-related offences raise issues regarding fair hearing rights (HRA s 31) and rights in relation to criminal proceedings (HRA s 32).¹³⁹ The Bill appears to relax evidentiary requirements in relation to certain vehicle-related offences by permitting reliance on specific documentary (or related) evidence, (and potentially dispensing with the need for witnesses to appear) in respect of proof of technical, objective, administrative and non-contentious information. The Bill does not propose any formal reversal of the onus of proof in relation to criminal liability and an accused is still able to challenge reliance on such documentary evidence.

4.1.2.2 Nature of the purpose of the limitation

The nature of the limitation is evidentiary and is related to documentary related evidence in respect of ‘particular technical, objective, administrative and non-contentious information’.¹⁴⁰ The purpose of the limitation appears to be to reduce the need for witnesses to be called to prove generally uncontentious facts.

4.1.2.3 The relationship between the limitation and its purpose

The limitation is narrow (limited changes in relation to specific evidence and in respect of specific vehicle-related offences). It is subject to various protections including the capacity for an accused to challenge reliance on such documentary related evidence including by requiring the calling of witnesses.

4.1.2.4 Whether there are less restrictive and reasonably available ways to achieve the purpose

There does not appear to be a less restrictive and reasonably available alternative available to achieve this purpose.

4.1.2.5 The importance of the purpose of the limitation

The purpose of reducing the costs and complexity of litigation without compromising its fairness is important.

¹³⁸ Statement of Compatibility, p 8.

¹³⁹ Relevant resources in relation to these rights are collected in Alistair Pound and Kylie Evans, *Annotated Victorian Charter of Rights* (2nd ed, Thomson Reuters, 2018), 221-223 (fair hearing rights), and 228-230 and 236 (rights in criminal proceedings).

¹⁴⁰ Statement of Compatibility, p 13.

4.1.2.6 The importance of preserving the human right

The Bill does not appear to compromise the fairness of the criminal proceedings to which it will apply. To the extent that it varies current arrangements requiring the calling of witnesses, such variations appear to avoid any significant impact on rights set out in HRA s 32.

4.1.2.7 The balance between the importance of the purpose of the limitation and the importance of preserving the human right

The Bill appears to strike an appropriate balance. Any limitation appears necessary and proportionate.

4.1.3 Clause 23 – Immunities of health professionals who advise the Department as to the potential unfitness of persons to hold non-Queensland drivers’ licences

4.1.3.1 Nature of the human right

The proposed changes to immunities of health professionals who advise the Department as to the potential unfitness of persons to hold non-Queensland drivers’ licences raise issues regarding the privacy and reputational rights (HRA s 25) of such licence holders.¹⁴¹ The Bill appears to only provide limited immunity (in respect of civil and administrative proceedings and only in respect of disclosures made in good faith) and brings immunities in respect of disclosures regarding the holders of non-Queensland licences into line with the position that already exists for comparable disclosures in respect of licences issued in Queensland.

4.1.3.2 Nature of the purpose of the limitation

The nature of the limitation is in the form of an immunity from civil and administrative liability for good faith disclosure of information by health professionals in a narrow set of circumstances. The purposes of the limitation are to protect the health and safety of licence holders and other members of the community and to bring immunities into line, given the existence of an equivalent immunity for disclosures relating to holders of licences issued in Queensland.

4.1.3.3 The relationship between the limitation and its purpose

The limitation is extremely narrow (ie it is limited disclosures made in good faith, in relation to civil and administrative proceedings, and in respect of licences issued outside of Queensland). The limitation has a close relationship to its protective and coherency purposes.

4.1.3.4 Whether there are less restrictive and reasonably available ways to achieve the purpose

There does not appear to be a less restrictive and reasonably available alternative available to achieve these purposes.

4.1.3.5 The importance of the purpose of the limitation

The purposes of protecting the licence holder and the rights of others, and of ensuring consistency in the treatment of health professionals are of sufficient importance to warrant the proposed limitation.

4.1.3.6 The importance of preserving the human right

The importance of the rights to privacy and reputation have been respected by Bill’s narrow scope and the requirement that disclosures must be made in good faith to derive the protection of the immunity.

¹⁴¹ Relevant resources in relation to these rights are collected in Alistair Pound and Kylie Evans, *Annotated Victorian Charter of Rights* (2nd ed, Thomson Reuters, 2018), 113-129 (rights related to privacy and reputation).

4.1.3.7 The balance between the importance of the purpose of the limitation and the importance of preserving the human right

The Bill appears to strike an appropriate balance. The limitation is necessary and proportionate.

4.1.4 Clauses 51-53 – Shorter updating time prescribed for digital photos, stored by Queensland Government Departments, of persons where the photos were taken when these persons were below the age of 15 years

4.1.4.1 Nature of the human right

The proposed changes to “shelf life” of digital photographs of persons who were photographed under the age of 15 years where such photographs are to be used for official purposes by Queensland Government Departments raise issues regarding the right to equality before the law (HRA s 15) given that the proposed new “shelf life” of such photographs will be shorter than photographs taken of persons over the age of 15 years.¹⁴²

4.1.4.2 Nature of the purpose of the limitation

The nature of the limitation is in the form of a 5-year shelf life for photographs taken of persons under 15 years of age as opposed to a 10-year shelf life for photographs taken of persons over 15 years of age. The purposes of the limitation are set out in the Minister’s Statement as being to take account of a concern that because:

... a person's physical appearance and biometric features are not considered stable until a person is 15 years of age, the photo ... may not be a true likeness of the person as they grow older. If the photo is not a true likeness, it could impact public and industry confidence that ... [official forms of identification such as for Blue Cards or disability worker screening clearances] are a reputable proof of identity or authority. It could also lead to inconvenience for the person who presents one of these ... [official forms of identification] to establish their identity to a third party.¹⁴³

4.1.4.3 The relationship between the limitation and its purpose

The limitation appears to have a close relationship with its stated purposes.

4.1.4.4 Whether there are less restrictive and reasonably available ways to achieve the purpose

There does not appear to be a less restrictive and reasonably available alternative available to achieve these purposes.

4.1.4.5 The importance of the purpose of the limitation

The purposes of increasing the reliability of identifying a person who was photographed under the age of 15 years for official purposes is an important purpose.

4.1.4.6 The importance of preserving the human right

Freedom from age-based discrimination is an important right but the Bill’s limitation appears to be reasonable and to reflect objective criteria.

¹⁴² Relevant resources in relation to these rights are collected in Alistair Pound and Kylie Evans, *Annotated Victorian Charter of Rights* (2nd ed, Thomson Reuters, 2018), 79-86 (rights related to equality before the law).

¹⁴³ Statement of Compatibility, p 7.

4.1.4.7 The balance between the importance of the purpose of the limitation and the importance of preserving the human right

The Bill appears to strike an appropriate balance. The limitation appears to be necessary and proportionate.

4.1.5 Committee comment

The committee is required to provide a conclusion on compatibility under section 39 of the HRA. The committee finds the Bill is compatible with human rights.

4.2 Statement of compatibility

Section 38 of the HRA requires that a member who introduces a Bill in the Legislative Assembly must prepare and table a statement of the Bill's compatibility with human rights.

A statement of compatibility was tabled with the introduction of the Bill as required by s 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

Appendix A – Submitters

Sub #	Submitter
001	RACQ
002	Caravan Trade and Industries Association of Queensland
003	Australian Medical Association of Queensland
004	Spinal Life Australia
005	Queenslanders with Disability Network

Appendix B – Officials at public departmental briefing

Department of Transport and Main Roads

- Mr Andrew Mahon, General Manager, Land and Transport Safety and Regulation
- Mr Tom Orr, Director, Corridor Management and Protection
- Ms Joanna Robinson, Executive Director, Policy, Safety and Regulation