

Impact Analysis Statement

Summary IAS

Details

Lead department	Department of Environment and Science
Name of the proposal	Amendment to Queensland Parks and Wildlife Service fines for vehicle-related offences for improved deterrence and better consistency with transport legislation
Submission type	Summary IAS
Title of related legislative or regulatory instrument	<i>State Penalties Enforcement and Other Legislation Amendment Regulation 2023</i>
Date	15 August 2023

What is the nature, size and scope of the problem? What are the objectives of government action?

In response to ongoing road fatalities, on 1 July 2022, the Department of Transport and Main Roads (TMR) progressed amendments to increase the penalty infringement notice (PIN) penalties for the driving offences of running red lights, speeding and failure to wear seatbelts, as a deterrent to unsafe driver behaviour.

Driver behaviour is also an ongoing issue in Queensland Parks and Wildlife Service (QPWS) areas such as protected areas, State forests, and recreation areas, where the Queensland road rules apply. Of particular concern is the increase in problematic driver behaviour and resultant incidents in recreation areas, where there have been six fatalities since 2013, five of these since 2020, and numerous vehicle rollovers requiring injured occupants to be transported by helicopter and ambulance for medical treatment. Unsafe driver behaviour creates risks to drivers, their passengers, QPWS officers, and other users of these areas.

While police officers can enforce road rules under TMR legislation on QPWS areas, QPWS authorised officers have also been enforcing certain road rule-related offences on roads in QPWS areas for almost 40 years under their own legislation. Current QPWS enforcement includes rules regarding driving without due care and attention, how a person must travel in a motor vehicle (e.g. not part of the vehicle that is for carriage of goods), enforcement of official traffic signs, use of motorcycle and bicycle helmets, and use of seatbelts. This is enacted through cross reference in QPWS legislation to provisions in TMR legislation (*Transport Operations (Road Use Management) Act 1995 (TORUM)* and the *Transport Operations (Road Use Management—Road Rules) Regulation 2009 (Queensland Road Rules)*).

However, there is a disparity between the penalties for PINs issued under QPWS legislation when compared with PIN penalties issued under TMR legislation for the same offence. For example, a person fined by Queensland police for not wearing a motorcycle helmet is currently fined a higher amount (3 penalty units) than someone fined for the same offence by a QPWS authorised officer (2 penalty units). Similarly, the increase in penalties for the seatbelt related offences under the Queensland Road Rules are not reflected in penalties for the same offence under QPWS legislation.

This inconsistency, while reducing the effectiveness of the penalty as a deterrent, also raises issues of equity and fairness, as the amount of a person's fine should be determined by the significance of the offence and not the identity of the officer undertaking the compliance.

The objective of the *State Penalties Enforcement and Other Legislation Amendment Regulation 2023* (the Amendment Regulation) is improved deterrence against poor vehicle related behaviours on QPWS areas through better consistency with transport legislation.



What options were considered?

Options considered to address this issue were:

Option 1 - No change to the current QPWS PIN penalties for vehicle-related offences.

This option would maintain the current disparity between fines issued by QPWS authorised officers and police officers.

Option 2 - Amendment of QPWS PIN penalties for vehicle-related offences.

This option would provide consistency with TMR PIN penalties for the same offence. The proposal is detailed below:

It is proposed to amend the *State Penalties Enforcement Regulation 2014* (SPER) to align the PIN amounts for the following offences in QPWS managed areas with that for the corresponding offence in relevant TMR administered regulation:

- a driver failing to properly wear a seatbelt;
- a passenger 16 years and over failing to properly wear a seatbelt;
- a driver failing to ensure a passenger properly wears a seatbelt;
- failing to wear an approved helmet while riding a motorcycle or quadbike; and
- driving a vehicle without due care and attention.

The existing PIN (2 penalty units) for the dangerous driving of vehicles other than motor vehicles in recreation and protected areas will be applied to the same offences in state forests and timber reserves.

The new fine amounts for offences in QPWS managed areas will be communicated publicly prior to their commencement.

What are the impacts?

Option 1 – No change to current QPWS PIN penalties for vehicle-related offences

Costs and benefits

Without improved deterrents for vehicle related offences, accidents resulting in injury and fatalities, particularly in recreation areas are likely to continue.

This option has potential costs to government, and society more broadly, associated with the lower deterrence associated with inadequate penalties and a continuation of accidents. These accidents impose costs on emergency services by requiring medical evacuations from locations that are often difficult to access and can require specialist equipment such as helicopters. There are costs on the health care system and ultimately society associated with hospitalisation and treatment of victims, and societal costs associated with vehicle related fatalities.

There are considered to be no benefits associated with this option as it fails to address the problem of penalty inconsistency and the need to increase deterrent for vehicle related offences.

Economic, social and environmental impacts

Social impacts associated with this option include ongoing and acute threats to the safety of drivers, passengers, and other users of QPWS areas – including pedestrians and campers. Without change, there is a lesser deterrent to behaviours that can result in serious vehicle related accidents in areas managed by QPWS compared to the rest of the State. Such behaviours can have a negative influence on law abiding park users in locations where such behaviours are occurring, resulting in a decline in visitation and enjoyment of the natural and cultural values of these places. Over time, this option may result in economic impacts to the department of reduced camping occupancy as people avoid camping in particular locations areas. Environmental impacts are not considered to be associated with this option.

This option is not currently effective in addressing the problem of unsafe driver behaviour and safety of visitors in QPWS areas. The current PINs are not an effective deterrent to unsafe driving practices.

Option 2 - Amendment of QPWS PIN penalties for vehicle-related offences

Costs and benefits

Option 2 may result in an increased cost to those individuals who engage in unlawful behaviour and receive increased fines from a QPWS authorised officer due to the penalty increases. This cost is

tempered, however, by the fact that it is an individual's decision to engage in illegal and dangerous driving behaviour. The penalties are also generally equivalent to what an offender would already receive if they were fined by a police officer.

The costs of this option include the need for an education and communications campaign regarding the fines, however these costs are relatively minimal.

Likely benefits include improved compliance with road rules and safer conditions for drivers, passengers and other visitors to QPWS areas. This option, coupled with the associated public awareness campaign may also reduce the number of medical evacuations, hospitalisations and vehicle related deaths, leading to an increased public benefit.

Economic, social and environmental impacts

Significant economic impacts are unlikely. Compliance activity will continue to be required, however, the impact of the increased penalties would be expected to result in improvement of driver behaviour over time, potentially leading to a reduction in a focus on vehicle related compliance efforts. As mentioned above, there may be longer term economic benefits to emergency services and the health sector where a reduced number of vehicle-related accidents occur. The higher penalties for vehicle offences will likely result in safer vehicle use. Likely social impacts include improved safety for visitors in QPWS areas. Environmental impacts are not considered to be associated with this option.

Who was consulted?

Government consultation occurred within the Queensland Police Service, TMR, the Department of Justice and the Attorney General and the Office of Best Practice Regulation.

No external consultation was undertaken on the Amendment Regulation, as the changes are required to update QPWS legislation to align with TMR's PIN penalties, including changes introduced by TMR in 2022 under the SPER following a dedicated public awareness campaign.

What is the recommended option and why?

Option 2 is the preferred option. The amendments will achieve consistency across several pieces of related legislation and will improve compliance frameworks by aligning penalties for existing offences relating to unlawful driving behaviours in QPWS areas with the TMR PINs for the same offences. This option is likely to improve the deterrence of unsafe driving practices in QPWS areas.

Impact assessment

All proposals – complete:

	First full year	First 10 years**
Direct costs – Compliance costs*	0	0
Direct costs – Government costs	0	0

* The *direct costs calculator tool* should be used to calculate direct costs of regulatory burden. If the proposal has no costs, report as zero.

**Agency to note where a longer or different timeframe may be more appropriate.


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Department of Environment and Science

Date: 22/08/2023


Leanne Linard MP
Minister for the Environment and the Great Barrier Reef
Minister for Science and Minister for Multicultural Affairs

Date: 25/08/2023