

Transport Legislation (COVID-19 Emergency Response) Regulation 2020

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HRA), I, the Honourable Mark Bailey MP, Minister for Transport and Main Roads, provide this human rights certificate with respect to the *Transport Legislation (COVID-19 Emergency Response) Regulation 2020* (the Regulation) made under the *Tow Truck Act 1973*, the *Transport Operations (Passenger Transport) Act 1994* and the *Transport Operations (Road Use Management) Act 1995*.

In my opinion, the Regulation as tabled in the Legislative Assembly is compatible with the human rights protected by the HRA. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

On 29 January 2020, the Minister for Health and Minister for Ambulance Services declared a public health emergency under section 319 of the *Public Health Act 2005* (PHA) due to the outbreak of a virus, known as COVID-19. On 11 March 2020, the Director-General of the World Health Organization declared COVID-19 a global pandemic.

During a public health emergency, under section 362B of the PHA, public health directions can be issued. Public health directions related to COVID-19 have been issued including directions that restrict movement, prohibit large gatherings, restrict border crossings and which require self-quarantine. Similar directions have been made in other Australian jurisdictions. Generally, the public is being asked to undertake ‘social distancing’, which is to limit physical contact with others wherever possible, to limit the spread of COVID-19.

The Department of Transport and Main Roads administers legislation that aims to deliver road safety outcomes, efficient transport network access, and the provision of the best possible public passenger transport.

With directions that the public undertake social distancing and restrict movement, many requirements which would normally be able to be complied with are difficult or impossible to meet.

For instance, older Queenslanders are finding it hard to obtain or renew their medical certificate in order to comply with the obligation to carry a medical certificate while driving. Given the high risk that COVID-19 poses for older Australians, they have been strongly advised to stay at home. Such drivers are legally unlicensed once their medical certificate expires.

There are also significant economic impacts associated with the COVID-19 emergency affecting individuals and Queensland businesses. The Queensland Government is delivering a raft of measures aimed at easing these financial impacts and stimulating the economy.

The policy objectives of the Regulation are to provide exemptions from, or otherwise modify the application of, particular transport requirements to:

- minimise the risks to the health and safety of people caused by the COVID-19 emergency;
- alleviate the financial burden on people caused by the emergency; and
- ensure the effective and efficient regulation and administration of land transport activities during the emergency and for a period after the emergency ends.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Upon analysis, the Regulation does not engage any human right. As the purpose of the Regulation is to provide exemptions from requirements that are normally in place, extend approvals and to provide fee relief, the impacts of the regulation are entirely beneficial.

Conclusion

I consider that the Regulation is compatible with the human rights under the HRA because it does not raise a human rights issue.

Honourable Mark Bailey MP
Minister for Transport and Main Roads