

# **Transport and Other Legislation Amendment Bill 2010**

## **Explanatory Notes for Amendments to be Moved During Consideration In Detail by the Honourable Rachel Nolan MP**

### **Title of the Bill**

Transport and Other Legislation Amendment Bill 2010.

### **Objectives of the Amendments**

The primary objective of the amendments is to reduce the maximum *'interlock period'*, to be inserted by clause 17 of the Bill, from five years to two years. This will ensure that a person who does not obtain a Queensland driver licence following a relevant disqualification and does not enter into the interlock scheme will be prohibited from driving for two years.

The amendments also omit a provision that is no longer being progressed and make a number of minor typographical corrections.

### **Achievement of the Objectives**

The amendments will provide that an *'interlock period'* (as defined in new section 91M in clause 17 of the Bill) will be for a maximum period of two years instead of five years.

### **Alternative Ways of Achieving Policy Objectives**

There is no alternative method of achieving the Government's policy objectives to that proposed in the amendments.

### **Consistency with Fundamental Legislative Principles**

The amendments do not breach fundamental legislative principles.

## Consultation

Consultation on the matters contained in clause 128 of the Bill has been held with a number of mechanical repair industry associations. It has been agreed that further consultation on these matters is required and, as a result, this amendment will not be progressed in this Bill.

There has been no community consultation on the remaining amendments.

Relevant government stakeholders were consulted and support the amendments.

## Notes On Provisions

**Amendment 1** amends clause 2 of the Bill to remove a reference to section 128. Clause 128 is to be omitted from the Bill by amendment 11 (described below).

**Amendment 2** amends clause 14 of the Bill. Clause 14 inserts a new section 78(1B) into the *Transport Operations (Road Use Management) Act 1995* that provides that an infringement notice can not be issued to a person who is driving unlicensed in circumstances where, if they had been granted a Queensland driver licence, that licence would be subject to an interlock condition. Amendment 6 (described below) will reduce the maximum interlock period from five years to two years. As a consequence, amendment 2 replaces the reference to five years in new section 78(1B) with a reference to two years.

**Amendment 3** also amends clause 14 in so far as it amends section 78(3) of the *Transport Operations (Road Use Management) Act 1995*. A reference to the five year period mentioned above that was to be inserted into section 78(3) is being omitted as that period is being reduced to a two year period by amendment 6. At the same time, proposed subsections 78(3)(j) and (k) are being consolidated into one new subsection 78(3)(j).

**Amendment 4** amends clause 17 and, in particular, amends paragraph (a) of the definition of 'drink driving offence' which is contained in new section 91I. As a result of the consolidation of proposed subsections 78(3)(j) and (k) into one subsection by amendment 3, the reference to subsection 78(3)(k) is to be omitted.

**Amendment 5** also amends clause 17. It provides that the interlock period will start, for a person mentioned in section 91J(1), when the person's disqualification period ends. The amendment deletes the requirement for the person to have been granted a Queensland driver licence after the disqualification ends. This ensures that the maximum interlock period of two years will apply whether or not the person is granted a driver licence.

**Amendment 6** makes a further amendment to clause 17. It replaces the reference to five years that appears in the definition of an '*interlock period*' in section 91M(b)(i) with a reference to two years. The effect of this amendment is that the maximum period an interlock condition can apply to a person's Queensland driver licence is reduced to two years. It also ensures that a person who does not obtain a Queensland driver licence following a relevant disqualification and does not enter into the interlock scheme will be prohibited from driving for two years.

**Amendment 7** amends clause 28 of the Bill to make a minor typographical correction.

**Amendment 8** amends clause 33 of the Bill to make a minor typographical correction.

**Amendment 9** amends clause 77 of the Bill to make a minor typographical correction.

**Amendment 10** amends clause 119 of the Bill to make a minor typographical correction.

**Amendment 11** omits clause 128 from the Bill. Further consultation with industry is to be undertaken on the matters dealt with in clause 128.