

# **Transport Legislation and Another Act Amendment Bill 2006**

## **Amendments agreed to during Consideration**

### **1 After clause 2 (Commencement)—**

At page 8, after line 13—

*insert—*

## **‘Part 1A Amendment of Criminal Code**

### **‘2A Code amended in part 1A**

‘This part amends the Criminal Code.

### **‘2B Amendment of s 328A (Dangerous operation of a vehicle)**

‘Section 328A(5), definition *prescribed offence*, paragraph (c), after ‘(2),’—

*insert—*

‘(2AA),’.

### **2 Clause 53 (Amendment of sch 4 (Dictionary))—**

At page 35, lines 30 and 31 and page 36, line 1—

*omit, insert—*

‘issued under this Act that is subject to conditions, including restrictions, imposed’.

### **3 Clause 55 (Amendment of s 79 (Driving etc. whilst under influence of liquor or drugs or with prescribed concentration of alcohol in blood or breath))—**

At page 37, after line 12—

*insert—*

‘(3A) After section 79(2A)—

*insert—*

‘(2BB) Definition for subsection (2A)

In subsection (2A)—

***learner, probationary or provisional licence*** includes a licence, permit, certificate or other authority issued under a law of another State, the Commonwealth or another country that corresponds to a learner licence, probationary licence or provisional licence.’.

(3B) Section 79(2J), from ‘to whom’ to ‘79F’—

*omit, insert—*

‘is a section 79E driver’.’.

**4 Clause 56 (Amendment of s 79B (Immediate suspension or disqualification))—**

At page 38, after line 13—

*insert—*

‘(1A) Section 79B(1)(a)—

*omit, insert—*

‘(a) charged under section 79(1) with an offence committed while under the influence of liquor or a drug; or’.’.

**5 Clause 56 (Amendment of s 79B (Immediate suspension or disqualification))—**

At page 38, after line 19—

*insert—*

‘(3) Section 79B—

*insert—*

‘(1A) However, this section only applies in the circumstances mentioned in subsection (1)(a) to (ca) if the person is charged under a provision mentioned in subsection (1)(a) to (ca) with an offence relating to—

- (a) driving a motor vehicle; or
  - (b) attempting to put in motion a motor vehicle; or
  - (c) being in charge of a motor vehicle.’.
- (4) Section 79B(5)(a), ‘an order under section 79E’—  
*omit, insert—*  
‘a section 79E order’.
- (5) Section 79B(7), definition *section 79E order—*  
*omit.’.*

**6 After clause 56 (Amendment of s 79B (Immediate suspension or disqualification))**

At page 38, after line 19—

*insert—*

**‘56A Amendment of s 79E (Court may allow particular person whose licence is suspended under section 79B to drive)**

‘Section 79E(2), ‘the licence, including a renewal of the licence,’—

*omit, insert—*

‘a Queensland driver licence’.

**‘56B Amendment of s 79F (Replacement licence if there is an order under section 79E)**

‘(1) Section 79F(1), from ‘an order’—

*omit, insert—*

‘a section 79E order’.

‘(2) Section 79F(2), ‘an order under section 79E’—

*omit, insert—*

‘a section 79E order’.

**‘56C Insertion of new s 79G**

‘After section 79F—

*insert—*

**‘79G When person is disqualified while s 79E order applies**

‘(1) This section applies if—

- (a) a person in relation to whom a section 79E order applies is, for any reason, disqualified by a court for a period from holding or obtaining a Queensland driver licence; and
- (b) the period of disqualification ends before the relevant charge for the person’s suspended licence, in relation to which the section 79E order was made, is dealt with by a court or is withdrawn or is otherwise discontinued.

‘(2) The person is, by operation of law and without a specific order, disqualified from holding or obtaining a Queensland driver licence until the relevant charge is dealt with by a court or is withdrawn or is otherwise discontinued.

‘(3) In this section—

*relevant charge*, for a person’s suspended licence, means the charge that resulted in the licence being suspended under section 79B(2) of the Act.

*suspended licence*, of a person, means the person’s Queensland driver licence that has been suspended under section 79B(2) of the Act because the person has been charged as mentioned in section 79B(1)(a), (b) or (d).’.

**7 Clause 57 (Amendment of s 80 (Provisions with respect to breath tests and laboratory tests))—**

At page 44, line 23, ‘doctor or’—

*omit.*

**8 Clause 57 (Amendment of s 80 (Provisions with respect to breath tests and laboratory tests))—**

At page 44, line 28, ‘doctor or’—  
*omit.*

**9 Clause 57 (Amendment of s 80 (Provisions with respect to breath tests and laboratory tests))—**

At page 48, line 15, ‘doctor or’—  
*omit.*

**10 Clause 57 (Amendment of s 80 (Provisions with respect to breath tests and laboratory tests))—**

At page 49, line 10, after ‘or’—  
*insert—*  
‘the police officer operating or to operate’.

**11 Clause 57 (Amendment of s 80 (Provisions with respect to breath tests and laboratory tests))—**

At page 53, line 6, ‘or health care professional’—  
*omit.*

**12 Clause 57 (Amendment of s 80 (Provisions with respect to breath tests and laboratory tests))—**

At page 53, line 8, ‘part of the’—  
*omit.*

**13 Clause 57 (Amendment of s 80 (Provisions with respect to breath tests and laboratory tests))—**

At page 53, lines 9 to 12—  
*omit, insert—*

(73) Section 80(20A), from ‘blood’ to ‘such person’—  
*omit, insert—*

‘blood or saliva, the health care professional must give the second specimen of blood, or the police officer must give the second specimen of saliva, to the person’.

**14 Clause 57 (Amendment of s 80 (Provisions with respect to breath tests and laboratory tests))—**

At page 53, lines 24 to 32 and page 54, line 1—

*omit.*

**15 Clause 57 (Amendment of s 80 (Provisions with respect to breath tests and laboratory tests))—**

At page 54, lines 22 to 24—

*omit.*

**16 Clause 59 (Amendment of s 86 (Disqualification of drivers of motor vehicles for certain offences))—**

At page 56, after line 11—

*insert—*

‘(1A) Section 86(2)(e), from ‘person to’ to ‘79F’—

*omit, insert—*

‘section 79E driver’.

**17 Clause 60 (Amendment of s 87 (Issue of restricted licence to disqualified person))—**

At page 56, after line 28—

*insert—*

‘(2) Section 87(5B)—

*insert—*

‘(f) a suspension, if a court has, on application made in relation to the suspension, made a special hardship order.’.

**18 After clause 62 (Amendment of s 124 (Facilitation of proof))—**

At page 58, after line 30—

*insert—*

**‘62A Amendment of s 131 (Appeals with respect to issue of licences etc.)**

‘(1) Section 131(1C), ‘subsection (1)’—

*omit, insert—*

‘subsection (1AA)’.

‘(2) Section 131(1C)—

*insert—*

‘(d) in respect of the suspension of a Queensland driver licence of a person because of the allocation of demerit points; or

(e) in respect of the suspension of a Queensland driver licence of a person who has been convicted of an offence against a regulation for driving more than 40km/h over the speed limit.’.

**19 After clause 63 (Amendment of s 143 (Confidentiality))—**

At page 59, after line 13—

*insert—*

**‘63A Amendment of s 150 (Regulating driver management)**

‘(1) Section 150(1A), from ‘the licences’ to ‘circumstances’—

*omit, insert—*

‘Queensland driver licences in stated circumstances (*special hardship orders*)’.

‘(2) Section 150(1A)(a)—

*omit, insert—*

‘(a) the persons who are eligible, and who are not eligible, to apply for the orders; and

(aa) how and when applications for the orders are to be made; and’.

‘(3) Section 150(1A)(c)—

*omit, insert—*

‘(c) the types of restrictions the court may or must apply to licences; and

(ca) the periods for which orders are effective; and’.

**‘63B Insertion of new s 150AB**

‘Before section 150A—

*insert—*

**‘150AB Driver licensing regulation prevails over rules of court**

‘(1) This section applies if the driver licensing regulation provides for how and when an application is to be made to a court.

‘(2) If there is an inconsistency between the driver licensing regulation and any rules of court, the regulation prevails to the extent of the inconsistency.

‘(3) In this section—

*driver licensing regulation* means the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*.’.

**20 Clause 65 (Amendment of sch 4 (Dictionary))—**

At page 60, after line 19—

*insert—*

‘*section 79E driver* means a person—

(a) who holds a Queensland driver licence; and

(b) in relation to whom a section 79E order applies; and

(c) to whom a replacement licence under section 79F has been issued.



*section 79E order* means an order under section 79E.  
*special hardship orders* see section 150(1A).’.