

THIS PUBLIC BILL has this day been read a Third time and passed

The Clerk of the Parliament.

*Legislative Assembly Chamber,
Brisbane, September 2019*



Queensland

**No.
A BILL for**

An Act to amend the Heavy Vehicle National Law Act 2012, the State Penalties Enforcement Act 1999, the Traffic Regulation 1962, the Transport Infrastructure Act 1994, the Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018, the Transport Operations (Marine Pollution) Act 1995, the Transport Operations (Road Use Management) Act 1995, the Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018, the Transport Operations (Road Use Management—Driver Licensing) Regulation 2010 and the Transport Planning and Coordination Act 1994 for particular purposes



Queensland

Transport Legislation (Road Safety and Other Matters) Amendment Bill 2019

Contents

		Page
Chapter 1	Preliminary	
1	Short title	10
2	Commencement	10
Chapter 2	Amendments commencing on assent	
Part 1	Amendment of Heavy Vehicle National Law Act 2012	
3	Act amended	10
4	Replacement of s 42E (Amendment of s 707 (Proceedings for offences))	10
	42E Amendment of s 707A (Proceeding for other offences)	11
Part 2	Amendment of Traffic Regulation 1962	
5	Regulation amended	12
6	Amendment of s 63 (Granting of, or refusing to grant, application)	12
7	Amendment of s 104A (Licences—decision on application)	12
8	Amendment of s 117 (Amendment of conditions)	12
9	Amendment of s 134A (Procedure for suspension or cancellation)	12
10	Amendment of s 134C (Reconsideration of decision by chief executive or commissioner)	13
Part 3	Amendment of Transport Infrastructure Act 1994	
11	Act amended	13
12	Amendment of s 45 (Management of particular functions on State-controlled roads by local governments)	13
13	Amendment of s 105 (Evidence and procedure)	13
14	Amendment of s 105ZO (Evidence and procedure)	14
15	Replacement of s 440 (Application of chapter)	15
	440 Application of chapter	15
16	Insertion of new s 441A	15

Contents

	441A	Definition for chapter	15
17		Amendment of s 442 (Regulations about dangerous goods) ...	15
18		Amendment of sch 6 (Dictionary)	16
Part 4		Amendment of Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018	
19		Regulation amended	16
20		Replacement of s 4 (Matters prescribed for particular exempt transport—Act, s 440)	16
	4	Prescribed exempt transport—Act, s 441A	17
Part 5		Amendment of Transport Operations (Marine Pollution) Act 1995	
21		Act amended	19
22		Omission of pt 9, div 5 (Night operation restriction)	19
23		Renumbering of pt 9, div 6 (General)	20
24		Amendment of s 93A (Marine pollution controller)	20
25		Amendment of s 111 (Definitions for part)	20
26		Amendment of s 113 (Detained ship must be released on giving security)	21
27		Amendment of s 115 (Recovery of discharge expenses)	21
28		Amendment of s 117M (Internal review of decisions)	22
29		Amendment of s 117N (External review of decisions)	22
30		Amendment of s 122 (How discharge expenses may be recovered)	23
31		Insertion of new pt 17, div 7	23
	Division 7	Transitional provisions for Transport Legislation (Road Safety and Other Matters) Amendment Act 2019	
	161	Recovery of discharge expenses incurred by particular entities	24
	162	Securing compliance for particular offences	24
32		Amendment of sch 1 (Dictionary)	24
Part 6		Amendment of Transport Operations (Road Use Management) Act 1995	
33		Act amended	25
34		Amendment of s 19I (Requirement to return number plates and registration label)	25
35		Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests)	25
36		Amendment of s 84A (Driving of motor vehicles carrying placard loads in tunnels)	28
37		Amendment of s 90D (Other matters about cumulative periods of disqualification)	29

38	Amendment of s 120 (Evidentiary provisions)	30
39	Insertion of new ss 120B and 120C	31
	120B Application of highest or average speed limit if multiple speed limits	31
	120C Application of maximum speed limit if variable speed limit	33
40	Insertion of new s 124AA	34
	124AA Inspection certificates	35
41	Amendment of s 127 (Effect of disqualification)	35
42	Amendment of s 131 (Reviews and appeals with respect to issue of licences etc.)	36
43	Amendment of s 148 (Regulating vehicle standards)	38
44	Replacement of s 151 (Application of chapter)	38
	151 Application of chapter	38
	151AA Definition for chapter	39
45	Amendment of s 152 (Regulations about dangerous goods and transport of dangerous goods)	39
46	Omission of s 166A (Toll officers)	39
47	Insertion of new ch 7, pt 23	39
	Part 23 Transitional provisions for Transport Legislation (Road Safety and Other Matters) Amendment Act 2019	
	Division 1 Provisions for amendments commencing on assent	
	233 Proceedings not finally decided	40
	234 Breath and saliva testing of persons who are not drivers	40
	235 Evidentiary provisions about placard loads in tunnels	41
	236 Evidentiary provisions about speed limits	41
	237 Application of s 124AA	41
48	Amendment of sch 4 (Dictionary)	41
Part 7	Amendment of Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018	
49	Regulation amended	42
50	Replacement of s 5 (Matters prescribed for particular exempt transport—Act, s 151)	42
	5 Prescribed exempt transport—Act, s151AA	42
Part 8	Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010	
51	Regulation amended	45
52	Amendment of s 23 (Deciding application for licence)	45
53	Amendment of s 25 (Conditions on licence)	45

Contents

54	Amendment of s 124 (Grounds for amending, suspending or cancelling licences)	46
55	Amendment of s 125 (Procedure for amending, suspending or cancelling licences)	46
56	Amendment of s 126 (Immediate amendment or suspension of Queensland driver licence)	47
57	Amendment of s 132 (Reconsideration of decision by chief executive)	47
Part 9	Amendment of Transport Planning and Coordination Act 1994	
58	Act amended	48
59	Amendment of s 8E (Guidelines for pt 2A)	48
60	Amendment of s 28E (Definitions for pt 4C)	49
61	Amendment of s 28EH (Retention period for a digital photo or digitised signature generally)	49
62	Renumbering of s 28EI (Retention period for a digital photo or digitised signature for persons applying for a learner licence and other prescribed matters)	49
Chapter 3	Amendments commencing by proclamation	
Part 1	Amendment of State Penalties Enforcement Act 1999	
63	Act amended	49
64	Amendment of sch 2 (Dictionary)	50
Part 2	Amendment of Transport Infrastructure Act 1994	
65	Act amended	50
66	Amendment of s 33 (Prohibition on road works etc. on State-controlled roads)	51
67	Replacement of s 50 (Ancillary works and encroachments)	51
	50 Ancillary works and encroachments	51
68	Amendment of s 51 (Presumptions about advertising notices)	53
69	Amendment of s 62 (Management of access between individual properties and State-controlled roads)	53
70	Insertion of new ch 6, pt 10	53
	Part 10 General provision for particular applications	
	105ZQ Applications for particular decisions	53
71	Insertion of new ch 21, pt 6	54
	Part 6 Transitional provisions for Transport Legislation (Road Safety and Other Matters) Amendment Act 2019	
	586 Definitions for part	54
	587 Existing applications under former ss 33 and 62	54
	588 Existing requests for approval for ancillary works and	

	encroachments	55
589	Existing approvals for ancillary works and encroachments	55
72	Amendment of sch 6 (Dictionary)	55
Part 3	Amendment of Transport Operations (Road Use Management) Act 1995	
73	Act amended	56
74	Amendment of s 18 (Grounds for amending, suspending or cancelling approvals)	56
75	Replacement of ch 3, pt 5, hdg (Legal proceedings)	58
76	Omission of ch 3, pt 5, div 1, hdg (Offences)	58
77	Amendment of s 52 (False or misleading statements)	58
78	Amendment of s 53 (False or misleading documents, generally)	58
79	Omission of ch 3, pt 5, div 2, hdg (Evidence and procedure) ...	59
80	Amendment of s 58 (Proof of appointments unnecessary)	59
81	Amendment of s 59 (Proof of signatures unnecessary)	60
82	Amendment of s 60 (Evidentiary aids)	60
83	Relocation and renumbering of s 61 (Instruments)	61
84	Amendment of s 61B (Transport documentation)	61
85	Relocation and renumbering of ss 61C–62A	62
86	Amendment of s 65 (Internal review of decisions)	62
87	Amendment of s 65A (External review of decisions)	62
88	Amendment of s 87 (Issue of restricted licence to disqualified person)	62
89	Insertion of new ch 5, pt 3A	63
	Part 3A Education programs for drink drivers	
	Division 1 Preliminary	
	91A Definitions for part	63
	91B Approval of programs	64
	91C Publication of details of program	65
	Division 2 Requirements for drink drivers to complete programs	
	91D Application of division	66
	91E Requirement to complete brief intervention education program	67
	91F Requirement to complete repeat offender education program	67
	Division 3 Exemption from requirement to complete repeat	

Contents

	offender education program	
	91G Application for exemption	68
	91H Grounds for granting exemption	68
	91HA Deciding application for exemption	70
	91HB Notice of decision	70
	91HC Exemption ceasing effect	71
	91HD Notice of change in circumstances	71
90	Amendment of s 91I (Definitions for pt 3B)	72
91	Insertion of new s 91IA	73
	91IA Approved servicing requirements for prescribed interlock	73
92	Amendment of s 91J (Persons to whom div 2 applies)	73
93	Amendment of s 91K (Interlock condition)	74
94	Replacement of s 91M (Interlock period)	75
	91M Interlock period	75
95	Amendment of s 91N (Prescribed period)	77
96	Amendment of s 91P (Applying for interlock exemption)	78
97	Amendment of s 91S (When interlock exemption stops having effect)	
	78
98	Amendment of s 91U (Grounds for extending prescribed period)	78
99	Amendment of s 91V (Procedure for extending prescribed period)	79
100	Insertion of new s 91VA	79
	91VA Automatic extension of prescribed period	79
101	Amendment of s 91Z (Regulations relating to interlocks)	81
102	Amendment of s 113 (Definitions for div 2)	81
103	Amendment of s 114 (Offences detected by photographic detection device)	81
104	Insertion of new ss 123D–123R	83
	123D Delegation	83
	123E Certified copies of documents	83
	123F Certified copy of licence or other document	84
	123G Certified copy of licence or other document under corresponding law	85
	123H Certified copy of plan of installation of photographic detection device	85
	123I Certificate is evidence of another matter—stop watches, other watches and speedometers	86
	123J Certificate is evidence of another matter—speed detection	

	Contents	
	86
123K	Certificate is evidence of another matter—speedometer accuracy indicator	87
123L	Certificate is evidence of another matter—analysing instrument	87
123M	Exemption or non-application of provision—onus of proof	88
123N	Evidence of registration number	89
123O	Matters not necessary to prove	89
123P	Evidence about analysing instruments	89
123Q	Evidence about parking meters and parkatareas ...	90
123R	Challenges to devices	90
105	Amendment of s 124 (Facilitation of proof)	91
106	Amendment of s 124A (Additional ground of challenge not stated in written notice required under particular provisions)	91
107	Insertion of new s 125A	91
	125A Onus of proof not lessened or affected	92
108	Amendment of s 157A (Document signed by chief executive is evidence of matters stated in it if no evidence to the contrary)	92
109	Amendment of s 162 (Definitions for chapter)	92
110	Insertion of new ch 7, pt 23, div 2	92
	Division 2 Provisions for amendments commencing by proclamation	
	238 Transitional provision for amendment to s 91I	92
	239 Transitional provision for ch 5, pt 3B	93
	240 Evidentiary provisions	93
	241 Evidentiary provisions—continued application	93
111	Insertion of new sch 1	94
	Schedule 1 Evidence by certificate	94
112	Amendment of sch 3 (Reviewable decisions)	101
113	Amendment of sch 4 (Dictionary)	101
Part 4	Amendment of Transport Planning and Coordination Act 1994	
114	Act amended	103
115	Amendment of s 32 (Stay of operation of original decision)	103
Schedule 1	Minor amendments of Transport Infrastructure Act 1994 ...	104

2019

A Bill

for

An Act to amend the Heavy Vehicle National Law Act 2012, the State Penalties Enforcement Act 1999, the Traffic Regulation 1962, the Transport Infrastructure Act 1994, the Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018, the Transport Operations (Marine Pollution) Act 1995, the Transport Operations (Road Use Management) Act 1995, the Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018, the Transport Operations (Road Use Management—Driver Licensing) Regulation 2010 and the Transport Planning and Coordination Act 1994 for particular purposes

[s 1]

The Parliament of Queensland enacts—

Chapter 1 Preliminary

1 Short title

This Act may be cited as the *Transport Legislation (Road Safety and Other Matters) Amendment Act 2019*.

2 Commencement

Chapter 3 commences on a day to be fixed by proclamation.

Chapter 2 Amendments commencing on assent

Part 1 Amendment of Heavy Vehicle National Law Act 2012

3 Act amended

This part amends the *Heavy Vehicle National Law Act 2012*.

4 Replacement of s 42E (Amendment of s 707 (Proceedings for offences))

Section 42E—

omit, insert—

42E Amendment of s 707A (Proceeding for other offences)

National Law, section 707A—

insert—

- (4) A complaint for a fatigue management offence may be heard at a place appointed for holding Magistrates Courts within the district within which the defendant was required to produce the defendant's work diary under section 568.

Editor's note—

This subsection is an additional Queensland provision.

- (5) Subsection (4) has effect despite, but does not limit, the *Justices Act 1886*, section 139.

Editor's note—

This subsection is an additional Queensland provision.

- (6) In this section—

fatigue management offence means an offence against any of the following provisions—

- (a) section 250;
- (b) section 251;
- (c) section 254;
- (d) section 256;
- (e) section 258;
- (f) part 6.4.

Editor's note—

This subsection is an additional Queensland provision.

[s 5]

Part 2 Amendment of Traffic Regulation 1962

5 Regulation amended

This part amends the *Traffic Regulation 1962*.

6 Amendment of s 63 (Granting of, or refusing to grant, application)

Section 63(3)(c)(ii), ‘section 131(1AA)’—

omit, insert—

section 131(2)

7 Amendment of s 104A (Licences—decision on application)

Section 104A(2)(b)(ii) and (3)(c)(ii), ‘section 131(1AA)’—

omit, insert—

section 131(2)

8 Amendment of s 117 (Amendment of conditions)

Section 117(6)(b)(ii), ‘section 131(1AA)’—

omit, insert—

section 131(2)

9 Amendment of s 134A (Procedure for suspension or cancellation)

Section 134A(7)(b)(ii), ‘section 131(1AA)’—

omit, insert—

section 131(2)

10 Amendment of s 134C (Reconsideration of decision by chief executive or commissioner)

Section 134C(7), ‘section 131(1AA)’—

omit, insert—

section 131(2)

Part 3 Amendment of Transport Infrastructure Act 1994

11 Act amended

This part and schedule 1 amend the *Transport Infrastructure Act 1994*.

12 Amendment of s 45 (Management of particular functions on State-controlled roads by local governments)

Section 45(1), after ‘government road in its area’—

insert—

subject to the *Local Government Act 2009*, the *City of Brisbane Act 2010* and the *Transport Operations (Road Use Management) Act 1995*, section 66

13 Amendment of s 105 (Evidence and procedure)

(1) Section 105(1)(c)—

insert—

(iva) a stated person was or was not a toll road operator;

(ivb) a notice under section 99 was given to the registered operator of a stated vehicle;

[s 14]

(ivc) a notice under section 100 was given to the information holder;

(ivd) a notice under section 101 was given to the person identified as the driver;

(2) Section 105(1)(c)(iva) to (ix)—

renumber as section 105(1)(c)(v) to (xiii).

(3) Section 105(4), definition *official*, paragraph (b) ‘the toll road operator’—

omit, insert—

either the toll road operator or another person

14 Amendment of s 105ZO (Evidence and procedure)

(1) Section 105ZO(1)(c)—

insert—

(iva) a stated person was or was not a local government tollway operator;

(ivb) a notice under section 105ZH was given to the registered operator of a stated vehicle;

(ivc) a notice under section 105ZJ was given to the information holder;

(ivd) a notice under section 105ZK was given to the person identified as the driver;

(2) Section 105ZO(1)(c)(iva) to (ix)—

renumber as section 105ZO(v) to (xiii).

(3) Section 105ZO(4), definition *official*, paragraph (b) ‘the local government tollway operator’—

omit, insert—

either the local government tollway operator or another person

15 Replacement of s 440 (Application of chapter)

Section 440—

omit, insert—

440 Application of chapter

This chapter—

- (a) applies only to the transportation of dangerous goods by rail, other than prescribed exempt transport; and
- (b) applies in addition to, and does not limit, any other provision of this Act or any other Act.

16 Insertion of new s 441A

After section 441—

insert—

441A Definition for chapter

In this chapter—

prescribed exempt transport means the transport of dangerous goods by rail that is prescribed by regulation as exempt from the application of this chapter.

17 Amendment of s 442 (Regulations about dangerous goods)

Section 442(1)—

insert—

- (s) exempting from the application of this chapter the transport by rail—
 - (i) of stated types of dangerous goods; and

[s 18]

- (ii) of dangerous goods in stated circumstances or ways.

18 Amendment of sch 6 (Dictionary)

Schedule 6—

insert—

department's website means a website, or part of a website—

- (a) administered by the department; and
- (b) with a URL that contains qld.gov.au.

information holder—

- (a) for chapter 6, part 7, division 3, see section 100(1)(b); or
- (b) for chapter 6, part 8, division 6, subdivision 3, see section 105ZJ(1)(b).

prescribed exempt transport, for chapter 14, see section 441A.

Part 4 Amendment of Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018

19 Regulation amended

This part amends the *Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018*.

20 Replacement of s 4 (Matters prescribed for particular exempt transport—Act, s 440)

Section 4—

omit, insert—

4 Prescribed exempt transport—Act, s 441A

- (1) For section 441A of the Act, definition *prescribed exempt transport*, each of the following is exempt from the application of chapter 14 of the Act—
- (a) the transport of the following except if transported with other dangerous goods—
 - (i) radioactive substances under the *Radiation Safety Act 1999*;
 - (ii) explosives under the *Explosives Act 1999*;
 - (b) the transport of a load of dangerous goods if—
 - (i) the dangerous goods are not, and do not include, infectious substances of UN division 6.2; and
 - (ii) the total quantity of each type of dangerous goods in the load is no more than the quantity stated in section 1.1.1.2, note (3)(a), table 1.1.1.2 of the ADG Code for that type;
 - (c) the transport by a person of a load of dangerous goods by rail if—
 - (i) the load does not contain dangerous goods—
 - (A) in a receptacle with a capacity that is more than 500L; or
 - (B) in a receptacle if the quantity of dangerous goods in the receptacle is more than 500kg; and
 - (ii) the goods are not, and do not include, dangerous goods of UN class 1 (explosives), other than—

[s 20]

- (A) dangerous goods of UN division 1.4S; and
 - (B) track signals carried in a unit of rolling stock for the safety of persons working in rail transport; and
 - (iii) the goods are not, and do not include, dangerous goods of category A of UN division 6.2 (infectious substances); and
 - (iv) the goods are not, and do not include, dangerous goods of UN class 7 (radioactive material); and
 - (v) the aggregate quantity of the dangerous goods in the load, calculated in the way provided for under schedule 3, definition *aggregate quantity*, is less than 25% of a load of dangerous goods that, under section 78, is required to be placarded; and
 - (vi) the goods are not being transported by the person in the course of a business of transporting goods by rail;
- (d) the transport of dangerous goods by rail to the extent the goods are transported by, or under the direction of, an authorised person or relevant emergency service officer to prevent a dangerous situation;
- (e) the transport of dangerous goods in a rail vehicle if—
- (i) the dangerous goods are in packaging that is—
 - (A) designed for, and forming part of, the fuel or electrical system of the

rail vehicle's propulsion engine or auxiliary engine; or

(B) part of, and necessary for, the operation of an appliance, plant or refrigeration system forming part of or attached to the rail vehicle; or

(ii) the dangerous goods are in equipment carried in, fitted to or installed in the rail vehicle and designed for the safety or protection of an occupant of the rail vehicle, the rail vehicle or its load, including, for example, a fire extinguisher or self-contained breathing apparatus.

(2) In this section—

type, of dangerous goods, means a class or division of dangerous goods provided for in the ADG Code.

Part 5 Amendment of Transport Operations (Marine Pollution) Act 1995

21 Act amended

This part amends the *Transport Operations (Marine Pollution) Act 1995*.

22 Omission of pt 9, div 5 (Night operation restriction)

Part 9, division 5—

omit.

[s 23]

23 Renumbering of pt 9, div 6 (General)

Part 9, division 6—

renumber as part 9, division 5.

24 Amendment of s 93A (Marine pollution controller)

Section 93A(3)—

insert—

Examples of other entities—

a port authority, a port operator, a local government, an
entity established under the law of the Commonwealth

25 Amendment of s 111 (Definitions for part)

- (1) Section 111, definition *discharge expenses*, paragraph (a), ‘, a
port authority or a port operator’—

omit, insert—

or a prescribed entity

- (2) Section 111, definition *discharge expenses*, paragraph
(a)(iii)(A), ‘, port authority or port operator’—

omit, insert—

or prescribed entity

- (3) Section 111—

insert—

prescribed entity means—

- (a) a port authority or a port operator; or
- (b) an entity acting under the direction,
guidance, management or supervision of the
marine pollution controller performing a
function under section 93A(3).

Examples of entities for paragraph (b)—

a local government, an entity established under
the law of the Commonwealth

26 Amendment of s 113 (Detained ship must be released on giving security)

- (1) Section 113(2)(a), ‘port authority’s or port operator’s’—

omit, insert—

prescribed entity’s

- (2) Section 113(3)—

omit, insert—

- (3) The chief executive may elect to secure a prescribed entity’s discharge expenses if the prescribed entity asks.

27 Amendment of s 115 (Recovery of discharge expenses)

- (1) Section 115(1), ‘, a port authority or a port operator’—

omit, insert—

or a prescribed entity

- (2) Section 115—

insert—

- (1A) However, this section applies in relation to discharge expenses incurred by a prescribed entity only if the chief executive makes an election under section 113(3) for the discharge expenses.

- (3) Section 115(2), from ‘, including’ to ‘expenses,’—

omit.

- (4) Section 115(8), ‘subsection (6)’—

omit, insert—

[s 28]

subsection (7)

(5) Section 115(10)—

omit, insert—

(10) An amount recovered for a prescribed entity by the general manager must be reimbursed to the prescribed entity.

(6) Section 115(1A) to (11)—

renumber as section 115(2) to (12).

28 Amendment of s 117M (Internal review of decisions)

(1) Section 117M(1)—

omit, insert—

(1) This section applies if the general manager—

- (a) refuses an application for an approval; or
- (b) amends, suspends or cancels an approval.

(2) Section 117M(2), ‘or authorised officer’s’—

omit.

(3) Section 117M(4)(a), from ‘or authorised’ to ‘decision’—

omit.

(4) Section 117M(5), definition *approval*, ‘or an authorised officer’—

omit.

29 Amendment of s 117N (External review of decisions)

Section 117N(3), definition *reviewed decision*, ‘177M’—

omit, insert—

117M

30 Amendment of s 122 (How discharge expenses may be recovered)

- (1) Section 122(1), ‘, a port authority or a port operator’—
omit, insert—
or a prescribed entity
- (2) Section 122(2)—
omit, insert—
(2) The chief executive may elect to recover a prescribed entity’s discharge expenses if the prescribed entity asks.
- (3) Section 122(3), ‘port authority or port operator’—
omit, insert—
prescribed entity
- (4) Section 122(4)—
omit, insert—
(4) An amount recovered for a prescribed entity by the chief executive must be reimbursed to the prescribed entity.
- (5) Section 122(5), ‘section 115(3)’—
omit, insert—
section 115(4)
- (6) Section 122(6)—
insert—
prescribed entity has the meaning given in part 13.

31 Insertion of new pt 17, div 7

Part 17—
insert—

**Division 7 Transitional provisions for
Transport Legislation
(Road Safety and Other
Matters) Amendment Act
2019**

**161 Recovery of discharge expenses incurred by
particular entities**

- (1) Part 13 and section 122 apply to discharge expenses incurred by a prescribed entity only if the expenses are incurred after the commencement.

- (2) In this section—

discharge expenses see section 111.

prescribed entity means an entity mentioned in section 111, definition *prescribed entity*, paragraph (b).

162 Securing compliance for particular offences

Part 13A applies in relation to an offence against section 86A(4), (5) or (8) only if the offence is committed after the commencement.

32 Amendment of sch 1 (Dictionary)

- (1) Schedule 1—

insert—

prescribed entity, for part 13, see section 111.

- (2) Schedule 1, definition *notice offence*, first dot point—

omit.

- (3) Schedule 1, definition *notice offence*—

insert—

- section 86A(4), (5) or (8)

Part 6 Amendment of Transport Operations (Road Use Management) Act 1995

33 Act amended

This part amends the *Transport Operations (Road Use Management) Act 1995*.

34 Amendment of s 19I (Requirement to return number plates and registration label)

- (1) Section 19I, heading, ‘and registration label’—

omit.

- (2) Section 19I(1), from ‘within’—

omit, insert—

the number plates issued for the vehicle, within 14
days after the notice is given.

- (3) Section 19I(3), ‘or registration label’—

omit.

35 Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests)

- (1) Section 80(2)—

insert—

- (ca) otherwise operating, or interfering with the
operation of, a motor vehicle dangerously
on a road or elsewhere; or

[s 35]

(2) Section 80(2A)—

insert—

- (ba) for an incident involving a motor vehicle—
was otherwise operating, or interfering with
the operation of, the motor vehicle
dangerously; or

(3) Section 80(8)—

insert—

- (ba) is arrested for an offence against the
Criminal Code, section 328A in connection
with or arising out of the operation, or
interference with the operation, of a motor
vehicle, other than an offence mentioned in
paragraph (b); or

(4) Section 80(11), after ‘in relation to a person’—

insert—

driving, attempting to put in motion or in charge
of a motor vehicle, tram, train or vessel,

(5) Section 80, before subsection (11A)—

insert—

(11AA) If a police officer makes a requisition under
subsection (8), (8C) or (9) in relation to a person
other than a person mentioned in subsection (11),
and the person fails to provide as prescribed in
this section—

- (a) a specimen of the person’s breath for
analysis by a breath analysing instrument; or
- (b) a specimen of the person’s saliva for saliva
analysis; or
- (c) a specimen of the person’s blood for a
laboratory test;

the person commits an offence against this Act.

Maximum penalty—40 penalty units or 6 months imprisonment.

- (6) Section 80(11A), after ‘subsection (11)’—

insert—

or (11AA)

- (7) Section 80(16L), after ‘section 79(1)’—

insert—

or (2AA)

- (8) Section 80—

insert—

(21) **Definition for subsection (22)**

In subsection (22)—

relevant provision means—

- (a) subsection (8) to the extent it applies to a person mentioned in subsection (8)(a), (b) or (c); or
- (b) subsection (8C) to the extent it applies to a person who may be required to provide a specimen of breath for a breath test under subsection (2)(a), (b), (c) or (d) or (2A)(a), (b) or (c).

- (9) Section 80(22)(a), (ab) and (c), ‘subsection (8) or (8C)’—

omit, insert—

a relevant provision

- (10) Section 80(22)(d), ‘subsection (8), (8C) or (9)’—

omit, insert—

a relevant provision, or under subsection (9) in relation to a relevant provision,

- (11) Section 80(22)(e), ‘this section’—

[s 36]

omit, insert—

a relevant provision, or under another provision of
this section in relation to a relevant provision,

- (12) Section 80(24), ‘driving of a motor vehicle by the person’—

omit, insert—

driving, operation, or interference with the
operation, of a motor vehicle

- (13) Section 80(30), after ‘79’—

insert—

or 83 or the Criminal Code, section 328A

36 Amendment of s 84A (Driving of motor vehicles carrying placard loads in tunnels)

- (1) Section 84A(3)(a), after ‘evidence of a placard’—

insert—

, or a thing purporting to be a placard,

- (2) Section 84A(3)—

insert—

(c) a motor vehicle is proved to have been
driven in a tunnel if there is evidence, in the
form of an image taken by a photographic
detection device, of—

- (i) the motor vehicle facing the tunnel on
the entry road for the tunnel; or
- (ii) the motor vehicle facing away from the
tunnel on the exit road from the tunnel.

- (3) Section 84A(4)—

renumber as section 84A(6).

- (4) Section 84A—

insert—

- (4) For subsection (3)(a), it is immaterial whether an image of a motor vehicle showing a placard or a thing purporting to be a placard—
 - (a) is in colour or black and white; or
 - (b) shows the dimensions of the placard or the thing purporting to be a placard.
- (5) Also, for a proceeding for an offence against subsection (1), evidence, in the form of an image taken by a photographic detection device, of a trailer at a place is taken to be evidence of a motor vehicle including the trailer at the place.
- (5) Section 84A(6), as renumbered—

insert—

entry road, to a tunnel, means the part of a road leading into the tunnel after the last exit from the road before the tunnel.

exit road, from a tunnel, means the part of a road leading out of the tunnel before the first exit from the road after the tunnel.

37 Amendment of s 90D (Other matters about cumulative periods of disqualification)

Section 90D—

insert—

- (3) Further, sections 90B and 90C apply for a period of disqualification despite any provision of this Act or another Act that states the period of disqualification takes effect from a particular time.

Example for subsection (3)—

A person is convicted of an offence under section 79(1) and under section 86(1) is disqualified from holding or

[s 38]

obtaining a Queensland driver licence for a period of 6 months from the date of the conviction. Three months after the person's conviction, the person is convicted of a subsequent offence under section 79(1) and under section 86(1A) is disqualified from holding or obtaining a Queensland driver licence for a period of 1 year from the date of the subsequent conviction.

Despite the reference in section 86(1A) to the 1 year disqualification period applying from the date of the conviction, the 1 year disqualification period applies cumulatively after the end of the 6 month disqualification period for the earlier conviction.

38 Amendment of s 120 (Evidentiary provisions)

(1) Section 120(7)—

insert—

(ca) either of the following matters—

- (i) whether a motor vehicle was carrying a placard load (within the meaning under section 84A) in a tunnel;
- (ii) whether a placard load prohibited sign (within the meaning under section 84A) at or before the entrance to a tunnel was clearly visible to a person entering the tunnel; or

(2) Section 120(7)(d), after 'or (c)'—

insert—

or 120B(5)(a), (b), (c), (d) or (e)

(3) Section 120(8)(b), from 'or (c) or'—

omit, insert—

, (c) or (ca) or a provision mentioned in subsection (7)(d); and

(4) Section 120(9), definition *official*, paragraph (b), from 'includes'—

omit, insert—

includes a person having responsibility for testing or checking the operation of a photographic detection device used in the detection of offences against section 84A(1).

39 Insertion of new ss 120B and 120C

After section 120A—

insert—

120B Application of highest or average speed limit if multiple speed limits

- (1) This section applies to a proceeding for a prescribed offence in which the speed at which a motor vehicle travelled is relevant if—
 - (a) under section 120A, the prosecution intends to rely on the average speed of a vehicle between 2 points on a road; and
 - (b) more than 1 speed limit applies to the length of road between the 2 points.
- (2) Subject to subsection (3), for the proceeding, the speed limit for the length of road between the 2 points is taken to be the highest of the speed limits applying to the length of road.
- (3) If it is reasonably practicable to work out the average speed limit for the length of road under subsection (4), for the proceeding, the speed limit for the length of road between the 2 points is taken to be the average speed limit worked out under subsection (4).

Examples of circumstances in which it may not be reasonably practicable to work out the average speed limit under subsection (4)—

The distance between the start and end of a length of road to which a particular speed limit applies cannot be

[s 39]

worked out because it depends on the placement of a temporary sign that is moved repeatedly (for example, for road works).

- (4) The average speed limit for a length of road between 2 points is worked out using the following formula, and expressed in kilometres per hour rounded up to the next whole number—

TD

$$\sum \left(\frac{D}{S} \right), \text{ for each speed limited part of the length of road)}$$

where—

D, for a speed limited part of the length of road, is the shortest practicable distance, expressed in metres and rounded down to the next whole number, between the start and end of the part of the length of road.

S, for a speed limited part of the length of road, is the speed limit, expressed in kilometres per hour, applying to the part of the length of road.

speed limited part, of the length of road, is a part of the length of road to which a particular speed limit applies.

TD is the total shortest practicable distance, expressed in metres and rounded down to the next whole number, between the 2 points.

- (5) A certificate purporting to be signed by the commissioner that certifies any 1 or more of the following matters is admissible in the proceeding and is evidence of the matters certified—
- (a) the highest of the speed limits, expressed in kilometres per hour, applying to a length of road between 2 points;

- (b) the shortest practicable distance, expressed in metres and rounded down to the next whole number, between 2 points on a road;
 - (c) the shortest practicable distance, expressed in metres and rounded down to the next whole number, between the start and end of a length of road to which a particular speed limit applies;
 - (d) the speed limit, expressed in kilometres per hour, applying to a particular part of a length of road between 2 points;
 - (e) the average speed limit, expressed in kilometres per hour, worked out under subsection (4), for a length of road between 2 points.
- (6) In this section—
- shortest practicable distance*, between 2 points on a road, has the meaning it has in section 120A.

120C Application of maximum speed limit if variable speed limit

- (1) This section applies to a proceeding for a prescribed offence in which the speed at which a motor vehicle travelled is relevant if—
 - (a) under section 120, the prosecution intends to rely on an image taken by a photographic detection device as evidence of the speed of a vehicle on a length of road; and
 - (b) the speed limit applying to the length of road is indicated by a variable speed limit sign.
- (2) This section also applies to a proceeding for a prescribed offence in which the speed at which a motor vehicle travelled is relevant if—

[s 40]

- (a) the prosecution intends to rely on section 120B for deciding the speed limit applying to a length of road; and
 - (b) the speed limit applying to 1 or more parts of the length of road is indicated by a variable speed limit sign.
- (3) For the proceeding and for applying section 120B, the speed limit for the length of road, or the part of the length of road, is taken to be—
 - (a) the speed limit indicated by the variable speed limit sign; or
 - (b) if it is not reasonably practicable to verify the speed limit indicated by the variable speed limit sign—the speed limit that would apply to the length of road, or the part of the length of road, if the speed limit were not indicated by the variable speed limit sign.

Example of circumstances in which paragraph (b) may apply—

A variable speed limit sign changes during the course of a day and it is not possible to verify what speed limit was indicated by the sign at the particular time of that day when the image was taken by the photographic detection device.

- (4) In this section—

variable speed limit sign means a speed limit sign or area speed limit sign that is a variable illuminated message sign within the meaning given by the Queensland Road Rules.

40 Insertion of new s 124AA

After section 124—

insert—

124AA Inspection certificates

- (1) This section applies to a document purporting to be—
 - (a) a print-out of an inspection certificate issued electronically under a vehicle standards and safety regulation; or
 - (b) an inspection certificate issued manually under a vehicle standards and safety regulation.
- (2) For a proceeding for an offence against a transport Act, the document—
 - (a) is taken to be an inspection certificate—
 - (i) issued under the vehicle standards and safety regulation; and
 - (ii) of the type it purports to be; and
 - (b) is admissible in a proceeding for an offence against a transport Act as evidence of a matter stated in the document.
- (3) In this section—

issued electronically means issued using an electronic method.

issued manually means issued other than by using an electronic method.

vehicle standards and safety regulation means a regulation made under section 148.

41 Amendment of s 127 (Effect of disqualification)

- (1) Section 127—

insert—

- (3A) If, under a law of another State, a person is disqualified absolutely or for a specified period

[s 42]

from holding or obtaining a driver licence in the other State, each subsisting Queensland driver licence held by the person is, by virtue of the disqualification, cancelled on and from the date the person became disqualified.

(2) Section 127—

insert—

(7A) Also, subsection (6) does not apply to a person subject to a non-Queensland interlock requirement who, under this Act, applies for or obtains a Queensland driver licence subject to an interlock condition under section 91K.

(3) Section 127—

insert—

(13A) Also, subsection (12) does not apply to a person subject to a non-Queensland interlock requirement who, under this Act, applies for or obtains a Queensland driver licence subject to an interlock condition under section 91K.

42 Amendment of s 131 (Reviews and appeals with respect to issue of licences etc.)

(1) Section 131(1A) and (1B)—

omit, insert—

(1AB) Subsection (2) does not apply to a refusal, suspension, cancellation or imposition that is a licensing decision.

(1AC) A person aggrieved by a decision of the chief executive on a reconsideration of a licensing decision may apply to QCAT for a review of the decision on the reconsideration.

(1AD) Despite the QCAT Act, a decision of QCAT on review under subsection (2) or (4) is final and

binding and without further appeal under that Act.

(1AE) Subsection (7) applies to a review of any of the following decisions to suspend or cancel a licence, unless the reason, or 1 of the reasons, for the suspension or cancellation is the mental or physical incapacity of the applicant—

(a) a decision to which subsection (2) applies and that involves the suspension or cancellation of a licence of the applicant other than a Queensland driver licence;

(b) a decision of the chief executive on a reconsideration of a decision to suspend or cancel the applicant's Queensland driver licence.

(2) Section 131(1C), from 'Subsections (1AA)' to 'under subsection (1AA)'—

omit, insert—

Subsections (2) to (8) must be read and construed so that a review does not lie under subsection (2) or (4)—

(3) Section 131(2B), 'subsection (2A)'—

omit, insert—

subsection (12)

(4) Section 131(2D), (2E) and (2F), 'subsection (2)'—

omit, insert—

subsection (10)

(5) Section 131—

insert—

(6) In this section—

licensing decision means a decision of the chief executive to—

[s 43]

- (a) refuse to grant or renew the person's Queensland driver licence; or
 - (b) amend, suspend or cancel the person's Queensland driver licence; or
 - (c) immediately amend or suspend the person's Queensland driver licence; or
 - (d) impose a condition on a Queensland driver licence.
- (6) Section 131(1AA) to (6)—
renumber as section 131(2) to (24).

43 Amendment of s 148 (Regulating vehicle standards)

Section 148—

insert—

- (c) fees for the inspection of, and the obtaining of inspection certificates for, heavy vehicles for compliance with the heavy vehicle standards prescribed under the Heavy Vehicle National Law.

44 Replacement of s 151 (Application of chapter)

Section 151—

omit, insert—

151 Application of chapter

This chapter—

- (a) applies only to the transportation of dangerous goods, other than prescribed exempt transport; and
- (b) applies in addition to, and does not limit, any other provision of this Act or any other Act.

151AA Definition for chapter

In this chapter—

prescribed exempt transport means the transport of dangerous goods that is prescribed by regulation as exempt from the application of this chapter.

45 Amendment of s 152 (Regulations about dangerous goods and transport of dangerous goods)

Section 152(1)—

insert—

- (s) exempting from the application of this chapter the transport—
 - (i) of stated types of dangerous goods; and
 - (ii) of dangerous goods in stated circumstances or ways.

46 Omission of s 166A (Toll officers)

Section 166A—

omit.

47 Insertion of new ch 7, pt 23

Chapter 7—

insert—

Part 23

Transitional provisions for Transport Legislation (Road Safety and Other Matters) Amendment Act 2019

Division 1

Provisions for amendments commencing on assent

233 Proceedings not finally decided

- (1) This section applies if, immediately before the commencement, a proceeding had been started before QCAT for a review of a licensing decision, but QCAT had not made a decision.
- (2) The proceeding may continue as if the amendment Act had not been enacted.
- (3) In this section—

amendment Act means the *Transport Legislation (Road Safety and Other Matters) Amendment Act 2019*.

licensing decision see section 131(24).

234 Breath and saliva testing of persons who are not drivers

- (1) Section 80 applies to an offence against the Criminal Code, section 328A committed by a person who is not the driver of a vehicle only if the offence is committed after the commencement.

(2) In this section—

driver, of a vehicle, means a person who drives or is in charge of the vehicle, or attempts to put the vehicle in motion, on a road or elsewhere.

235 Evidentiary provisions about placard loads in tunnels

- (1) Section 84A(3)(c) and (5) applies to a proceeding for an offence against section 84A(1) only if the offence is committed after the commencement.
- (2) Section 120(7) applies to a matter mentioned in section 120(7)(ca) for a proceeding for an offence against section 84A(1) only if the offence is committed after the commencement.

236 Evidentiary provisions about speed limits

Sections 120B and 120C apply to a proceeding for a prescribed offence only if the offence is committed after the commencement.

237 Application of s 124AA

Section 124AA applies to a proceeding for an offence against a transport Act only if the offence is committed after the commencement.

48 Amendment of sch 4 (Dictionary)

(1) Schedule 4, definition *court*—
omit.

(2) Schedule 4—
insert—

department's website means a website, or part of a website—

(a) administered by the department; and

(b) with a URL that contains qld.gov.au.

prescribed exempt transport, for chapter 5A, see section 151AA.

Part 7 Amendment of Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018

49 Regulation amended

This part amends the *Transport Operations (Road Use Management—Dangerous Goods) Regulation 2018*.

50 Replacement of s 5 (Matters prescribed for particular exempt transport—Act, s 151)

Section 5—

omit, insert—

5 Prescribed exempt transport—Act, s151AA

(1) For section 151AA of the Act, definition *prescribed exempt transport*, each of the following is exempt from the application of chapter 5A of the Act—

(a) the transport of the following except if transported with other dangerous goods—

(i) radioactive substances under the *Radiation Safety Act 1999*;

(ii) explosives under the *Explosives Act 1999*;

- (b) the transport of a load of dangerous goods if—
 - (i) the dangerous goods are not, and do not include, infectious substances of UN division 6.2; and
 - (ii) the total quantity of each type of dangerous goods in the load is no more than the quantity stated in section 1.1.1.2, note (3)(a), table 1.1.1.2 of the ADG Code for that type;
- (c) the transport of a load of dangerous goods by a person if—
 - (i) the load does not contain dangerous goods—
 - (A) in a receptacle with a capacity that is more than 500L; or
 - (B) in a receptacle if the quantity of dangerous goods in the receptacle is more than 500kg; and
 - (ii) the goods are not, and do not include, the following—
 - (A) dangerous goods of UN class 1 (explosives), other than dangerous goods of UN division 1.4S;
 - (B) dangerous goods of category A of UN division 6.2 (infectious substances);
 - (C) dangerous goods of UN class 7 (radioactive material); and
 - (iii) the aggregate quantity of the dangerous goods in the load, as calculated in the way provided for under schedule 3, definition *aggregate quantity*, is less than 25% of a load of dangerous goods

that, under section 83, is required to be placarded; and

- (iv) the goods are not being transported by the person in the course of a business of transporting goods by road;
 - (d) the transport of dangerous goods to the extent the goods are transported by, or under the direction of, an authorised officer or relevant emergency service officer to prevent a dangerous situation;
 - (e) the transport of dangerous goods in a vehicle if—
 - (i) the dangerous goods are in packaging that is—
 - (A) designed for, and forming part of, the fuel or electrical system of the vehicle's propulsion engine or auxiliary engine; or
 - (B) part of, and necessary for, the operation of an appliance, plant or refrigeration system forming part of or attached to the vehicle; or
 - (ii) the dangerous goods are in equipment carried in, fitted to or installed in the vehicle and designed for the safety or protection of an occupant of the vehicle, the vehicle or its load, including, for example, an airbag, fire extinguisher, seatbelt pretensioning device or self-contained breathing apparatus.
- (2) In this section—
- type**, of dangerous goods, means a class or division of dangerous goods provided for in the ADG Code.

Part 8 Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010

51 Regulation amended

This part amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

52 Amendment of s 23 (Deciding application for licence)

(1) Section 23(4)(c)—

omit, insert—

(c) that the applicant may apply for a reconsideration of the decision under section 132; and

(2) Section 23(4)(d), ‘section 131(1AA)’—

omit, insert—

section 131(4)

53 Amendment of s 25 (Conditions on licence)

Section 25—

insert—

(3) If the chief executive decides to impose a condition on the licence, the chief executive must promptly notify the licensee—

(a) of the decision; and

(b) of the reasons for the decision; and

- (c) that the licensee may apply for a reconsideration of the decision under section 132; and
 - (d) that, if the licensee applies for a reconsideration of the decision under section 132, the licensee may, under section 131(4) of the Act, apply to QCAT for a review of the decision on the reconsideration.
- (4) The chief executive may notify the licensee under subsection (3) by written notice or orally.
 - (5) However, a written notice must be given if the licensee asks for a written notice.

54 Amendment of s 124 (Grounds for amending, suspending or cancelling licences)

Section 124(d), ‘another State or’—
omit.

55 Amendment of s 125 (Procedure for amending, suspending or cancelling licences)

- (1) Section 125(6)(b)—

omit, insert—

- (b) that the person may apply for a reconsideration of the decision under section 132; and

- (2) Section 125(6)(c), ‘section 131(1AA)’—

omit, insert—

section 131(4)

56 Amendment of s 126 (Immediate amendment or suspension of Queensland driver licence)

(1) Section 126(3)(b)—

omit, insert—

(b) that the licence holder may apply for a reconsideration of the decision under section 132; and

(2) Section 126(3)(c), ‘section 131(1AA)’—

omit, insert—

section 131(4)

57 Amendment of s 132 (Reconsideration of decision by chief executive)

(1) Section 132(1)—

insert—

(ba) has, under section 25, imposed a condition on a Queensland driver licence; or

(2) Section 132—

insert—

(3A) If an application is made for reconsideration of the chief executive’s decision to suspend or cancel a licence, other than a prescribed licence decision, the suspension or cancellation—

(a) is suspended pending the chief executive’s reconsidered decision; and

(b) subject to the chief executive’s reconsidered decision—

(i) for a suspension—takes effect from the date of the chief executive’s reconsidered decision for the

[s 58]

remainder of the period for which it was made; or

- (ii) for a cancellation—takes effect from the date of the chief executive’s reconsidered decision.

- (3) Section 132(5)(b)(i), from ‘(k)’ to ‘section 131(1AA)’—

omit, insert—

(ba), (k) or (l)—under section 131(4)

- (4) Section 132(7)—

omit, insert—

- (7) Despite subsection (5), for an original decision mentioned in subsection (1)(ba), the chief executive may give an oral notice instead of a written notice unless the person asks for a written notice.

Part 9 **Amendment of Transport Planning and Coordination Act 1994**

58 Act amended

This part amends the *Transport Planning and Coordination Act 1994*.

59 Amendment of s 8E (Guidelines for pt 2A)

Section 8E(6)—

insert—

department’s website means a website, or part of a website—

- (a) administered by the department; and

(b) with a URL that contains qld.gov.au.

60 Amendment of s 28E (Definitions for pt 4C)

Section 28E, definition *retention period*, ‘28EI(2)’—

omit, insert—

28EHA(2)

61 Amendment of s 28EH (Retention period for a digital photo or digitised signature generally)

Section 28EH(2) and (3)(a), ‘section 28EI’—

omit, insert—

section 28EHA

62 Renumbering of s 28EI (Retention period for a digital photo or digitised signature for persons applying for a learner licence and other prescribed matters)

Section 28EI, first occurring—

renumber as section 28EHA.

Chapter 3 Amendments commencing by proclamation

Part 1 Amendment of State Penalties Enforcement Act 1999

63 Act amended

This part amends the *State Penalties Enforcement Act 1999*.

[s 64]

64 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definition *illegal user declaration*, after ‘statutory declaration’—

insert—

, or an online declaration under the *Transport Operations (Road Use Management) Act 1995*, section 114(4)(b),

- (2) Schedule 2, definition *known user declaration*, after ‘statutory declaration’—

insert—

, or an online declaration under the *Transport Operations (Road Use Management) Act 1995*, section 114(4)(b),

- (3) Schedule 2, definition *sold vehicle declaration*, after ‘statutory declaration’—

insert—

, or an online declaration under the *Transport Operations (Road Use Management) Act 1995*, section 114(4)(b),

- (4) Schedule 2, definition *unknown user declaration*, after ‘statutory declaration’—

insert—

, or an online declaration under the *Transport Operations (Road Use Management) Act 1995*, section 114(4)(b),

Part 2 Amendment of Transport Infrastructure Act 1994

65 Act amended

This part amends the *Transport Infrastructure Act 1994*.

66 Amendment of s 33 (Prohibition on road works etc. on State-controlled roads)

(1) Section 33—

insert—

(1A) A person may apply to the chief executive for an approval mentioned in subsection (1).

Note—

See part 10 for general provisions about the application.

(2) Section 33(3), ‘subsection (2)’—

omit, insert—

subsection (3)

(3) Section 33(1A) to (5)—

renumber as section 33(2) to (6).

67 Replacement of s 50 (Ancillary works and encroachments)

Section 50—

omit, insert—

50 Ancillary works and encroachments

(1) The chief executive may construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road.

(2) A person, other than the chief executive, must not construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road unless the construction, maintenance, operation or conduct—

(a) is approved in writing by the chief executive; or

[s 67]

- (b) conforms to requirements stated in a notice made by the chief executive under subsection (4); or
- (c) is done as required by a written arrangement entered into with the chief executive; or
- (d) is approved under this Act, other than this section; or
- (e) is permitted under the *Land Act 1994*, the *Transport Operations (Road Use Management) Act 1995*, the *Economic Development Act 2012* or an Act about local government.

Example for paragraph (e)—

ancillary works and encroachments permitted under a local law made under the *Transport Operations (Road Use Management) Act 1995*, section 66

Maximum penalty—200 penalty units.

- (3) A person may apply to the chief executive for an approval mentioned in subsection (2)(a).

Note—

See part 10 for general provisions about the application.

- (4) For the purpose of subsection (2)(b), the chief executive may, by notice, permit the construction, maintenance, operation or conduct of ancillary works and encroachments that meet requirements stated in the notice.
- (5) The chief executive must publish a notice made under subsection (4) on the department's website.
- (6) An approval or requirements under this section may be subject to conditions (including conditions about the payment of fees and other charges) fixed by the chief executive.
- (7) In this section—

arrangement includes an agreement, contract, deed, lease and permit.

68 Amendment of s 51 (Presumptions about advertising notices)

Section 51(1), ‘50(3)’—

omit, insert—

50(2)

69 Amendment of s 62 (Management of access between individual properties and State-controlled roads)

Section 62(1)—

insert—

Note—

See part 10 for general provisions about the application.

70 Insertion of new ch 6, pt 10

Chapter 6—

insert—

Part 10 General provision for particular applications

105ZQ Applications for particular decisions

(1) This section applies to—

- (a) an application for an approval mentioned in section 33(1) or 50(2)(a); or
- (b) an application for a decision under section 62(1).

(2) The application must be made in the approved

[s 71]

form and in the way stated on the approved form.

Example of how application could be made—

by post or fax or electronically using an online system
provided for the purpose and accessible on, or through,
the department's website

- (3) Subsection (2) does not apply to an application
that, under section 62A(2), is taken to also be an
application for a decision under section 62(1).

71 Insertion of new ch 21, pt 6

Chapter 21—

insert—

Part 6

Transitional provisions for Transport Legislation (Road Safety and Other Matters) Amendment Act 2019

586 Definitions for part

In this part—

amending Act means the *Transport Legislation
(Road Safety and Other Matters) Amendment Act
2019*.

former, for a provision, means as in force before
the amendment of the provision under the
amending Act.

587 Existing applications under former ss 33 and 62

- (1) This section applies to—

- (a) a request for the chief executive's approval under former section 33 made, but not decided, before the commencement; or
 - (b) an application under former section 62(1) made, but not decided, before the commencement.
- (2) Section 105ZQ does not apply to the request or application.

588 Existing requests for approval for ancillary works and encroachments

- (1) This section applies if a request for the chief executive's approval under former section 50 was made but not decided before the commencement.
- (2) This Act as in force immediately before the commencement continues to apply in relation to the request as if the amending Act had not been enacted.

589 Existing approvals for ancillary works and encroachments

- (1) This section applies to an approval given under former section 50 if, immediately before the commencement, the approval was in force.
- (2) The approval continues in force as if it had been given under section 50.
- (3) The approval continues to be subject to the conditions to which the approval was subject immediately before the commencement.

72 Amendment of sch 6 (Dictionary)

Schedule 6, definition *ancillary works and encroachments*—
omit, insert—

[s 73]

ancillary works and encroachments, for a road, means—

- (a) a structure or other thing, other than public utility plant, on, over or under the road; or

Examples of structures or other things—

an advertising device, an A-frame board, a bridge, a pipeline, a remotely piloted aircraft, a rest area, a tunnel, an underpass

- (b) an activity conducted on, over or under the road, other than travelling or grazing an animal under a permit issued under the *Stock Route Management Act 2002*.

Examples of an activity—

a community event, roadside vending

Part 3 Amendment of Transport Operations (Road Use Management) Act 1995

73 Act amended

This part amends the *Transport Operations (Road Use Management) Act 1995*.

74 Amendment of s 18 (Grounds for amending, suspending or cancelling approvals)

- (1) Section 18(1)(o) to (q)—

renumber as section 18(1)(p) to (r).

- (2) Section 18(1)—

insert—

- (o) for an approval that is a repeat offender education program exemption—

- (i) a change in circumstances has happened after the exemption was granted and, had the changed circumstances existed when the exemption was granted, it would not have been granted because of the requirements under section 91H(1) applying to the grant; or
 - (ii) the holder of the approval has failed to comply with section 91HD;
- (3) Section 18(2), definition *change of circumstances*—
omit.
- (4) Section 18(2)—
insert—

change of circumstances—

- (a) for a person granted an interlock exemption because of circumstances mentioned in section 91Q(3)(a)—does not include the establishment of a prescribed interlock installer's place of business near the person's place of residence; or
- (b) for a person granted a repeat offender education program exemption because of circumstances mentioned in section 91H(2)(a)—does not include the establishment of a place where a repeat offender education program is provided near the person's place of residence.

repeat offender education program exemption
means an exemption from the requirement to complete a repeat offender education program granted under section 91HA.

[s 75]

75 Replacement of ch 3, pt 5, hdg (Legal proceedings)

Chapter 3, part 5, heading—

omit, insert—

Part 5 Offences

76 Omission of ch 3, pt 5, div 1, hdg (Offences)

Chapter 3, part 5, division 1, heading—

omit.

77 Amendment of s 52 (False or misleading statements)

Section 52(2), penalty—

omit, insert—

Maximum penalty—

- (a) if the statement relates to a heavy vehicle, a prescribed dangerous goods vehicle or the transport of dangerous goods—100 penalty units; or
- (b) if paragraph (a) does not apply and the statement is made in an online declaration under section 114—60 penalty units or 2 years imprisonment; or
- (c) otherwise—60 penalty units.

78 Amendment of s 53 (False or misleading documents, generally)

Section 53(2), penalty—

omit, insert—

Maximum penalty—

- (a) if the document relates to a heavy vehicle, a prescribed dangerous goods vehicle or the

transport of dangerous goods—100 penalty units; or

- (b) if paragraph (a) does not apply and the document is, or is part of, an online declaration under section 114—60 penalty units or 2 years imprisonment; or
- (c) otherwise—60 penalty units.

79 Omission of ch 3, pt 5, div 2, hdg (Evidence and procedure)

Chapter 3, part 5, division 2, heading—
omit.

80 Amendment of s 58 (Proof of appointments unnecessary)

- (1) Section 58, after ‘For’—

insert—

a proceeding for an offence against

- (2) Section 58—

insert—

- (j) a person who has custody of the particulars of, or records relating to, Queensland driver licences;
- (k) the chief executive officer of a local government;
- (l) the clerk of a court;
- (m) a person having responsibility for custody of records relating to payments under this Act;
- (n) a person who is a delegate of the chief executive to sign a certificate or document.

- (3) Section 58—

[s 81]

relocate and *renumber* as section 123A.

81 Amendment of s 59 (Proof of signatures unnecessary)

- (1) Section 59, after ‘For’—

insert—

a proceeding for an offence against

- (2) Section 59—

insert—

- (j) a person who has custody of the particulars of, or records relating to, Queensland driver licences;
- (k) the chief executive officer of a local government;
- (l) the clerk of a court;
- (m) a person having responsibility for custody of records relating to payments under this Act;
- (n) a person who is a delegate of the chief executive to sign a certificate or document.

- (3) Section 59—

relocate and *renumber* as section 123B.

82 Amendment of s 60 (Evidentiary aids)

- (1) Section 60, all words before subsection (3)—

omit, insert—

60 Certificate is evidence of matter in certificate

- (1) A certificate stating a matter mentioned in schedule 1, column 1, purporting to be signed by a person mentioned in column 2 of that schedule opposite the matter, is evidence of the matter stated in the certificate.

- (2) Section 60(3), after ‘A certificate’—
insert—
mentioned in subsection (1)
- (3) Section 60(4), after ‘a certificate’—
insert—
purporting to be signed by the chief executive, the
commissioner or the chief executive
administering a corresponding law to a transport
Act
- (4) Section 60(6A), ‘subsection (6)’—
omit, insert—
subsection (5)
- (5) Section 60(3) to (6A)—
renumber as section 60(2) to (6).
- (6) Section 60—
relocate and *renumber* as section 123C.

83 Relocation and renumbering of s 61 (Instruments)

Section 61—
relocate and *renumber* as section 123S.

84 Amendment of s 61B (Transport documentation)

- (1) Section 61B(1), ‘section 60’—
omit, insert—
section 123C, 123F or 123G
- (2) Section 61B—
relocate and *renumber* as section 123T.

[s 85]

85 Relocation and renumbering of ss 61C–62A

Sections 61C to 62A—

relocate and *renumber* as sections 123U to 123W.

86 Amendment of s 65 (Internal review of decisions)

Section 65(3)(b)(ii)—

omit, insert—

- (ii) for when the person may apply to QCAT to have the original decision stayed.

87 Amendment of s 65A (External review of decisions)

- (1) Section 65A(3), after ‘prescribed authority decision’—

insert—

or an automatic interlock extension decision

- (2) Section 65A(4)—

insert—

automatic interlock extension decision means an automatic extension of a person’s prescribed period taken to be a decision under section 91VA.

88 Amendment of s 87 (Issue of restricted licence to disqualified person)

- (1) Section 87—

insert—

- (3B) Also, to remove any doubt, it is declared that, if the person is disqualified from holding or obtaining a Queensland driver licence as mentioned in section 91D(1)(b), part 3A applies to the person in relation to the grant of the restricted licence.

(2) Section 87(4)—

insert—

Note—

A restricted licence issued to an applicant convicted of an offence against section 79(1F) involving a motor vehicle is subject to the interlock condition. See section 91K.

(3) Section 87(7)—

insert—

Note—

A restricted licence issued to a person convicted of an offence against section 79(1F) involving a motor vehicle is subject to the interlock condition. See section 91K.

89 Insertion of new ch 5, pt 3A

Chapter 5—

insert—

Part 3A Education programs for drink drivers

Division 1 Preliminary

91A Definitions for part

In this part—

alcohol-related driver offence means any of the following offences committed after the commencement—

- (a) an offence against section 79(1), involving a motor vehicle, while under the influence of liquor;

[s 89]

- (b) an offence against section 79(1F), (2), (2A), (2B), (2J), (2K) or (2L) involving a motor vehicle;
- (c) an offence against section 80(11), involving a motor vehicle, in relation to failing to provide—
 - (i) a specimen of breath for analysis; or
 - (ii) a specimen of blood for a laboratory test if the requisition to which the failure relates was made for the purpose of determining the concentration of alcohol (if any) in the person's blood;
- (d) an offence against the Criminal Code, section 328A(1) or (4), involving the offender operating or interfering with the operation of a motor vehicle dangerously other than as a passenger, when accompanied by the circumstance of aggravation that at the time of committing the offence the offender was adversely affected by alcohol.

brief intervention education program see section 91B(2).

driver licence disqualification, for a person, means the person's disqualification from holding or obtaining a Queensland driver licence as mentioned in section 91D(1)(b).

exemption application see section 91G(3).

repeat offender education program see section 91B(3).

91B Approval of programs

- (1) The chief executive may approve the following

programs—

- (a) a program designed to educate and support participants to separate the act of drinking alcohol from driving;
- (b) a program designed to educate participants about, and support participants to implement, strategies—
 - (i) to prevent them from driving while under the influence of alcohol; and
 - (ii) for changing behaviours relating to the misuse of alcohol.
- (2) A program approved under subsection (1)(a) is a *brief intervention education program*.
- (3) A program approved under subsection (1)(b) is a *repeat offender education program*.
- (4) A regulation may prescribe fees payable for a program approved under this section that is provided by the department.

91C Publication of details of program

- (1) The chief executive must publish the following details of each program approved under section 91B on the department's website—
 - (a) how the program may be completed, including, for example—
 - (i) by completing the program provided by the department or a service provider online; or
 - (ii) by attending the program provided by the department or a service provider;
 - (b) for a program provided by the department—the fee prescribed under section 91B(4) for the program;

[s 89]

(c) for a program provided by a service provider—the name and contact details for each service provider who provides the program.

(2) In this section—

service provider means an entity engaged by the department to provide a program approved under this section.

Division 2 Requirements for drink drivers to complete programs

91D Application of division

(1) This division applies to a person who—

(a) is convicted of an alcohol-related driver offence; and

(b) is disqualified, other than under a prescribed provision, from holding or obtaining a Queensland driver licence by or because of the conviction or offence or under a penalty imposed for the offence.

(2) However, this division stops applying to the person in relation to the person's driver licence disqualification arising from the conviction if a period of 5 years lapses after the conviction.

(3) Subsection (2) does not prevent this division applying to the person in relation to the person's driver licence disqualification arising from the person's conviction of another alcohol-related driver offence committed within or after the 5-year period.

(4) In this section—

prescribed provision means section 79B(4), 81(4)(b), 89(1) or 90(1).

91E Requirement to complete brief intervention education program

The person is not eligible for a Queensland driver licence unless the person has completed a brief intervention education program within the previous 5 years.

91F Requirement to complete repeat offender education program

- (1) This section applies if the person's driver licence disqualification arose from the person's conviction of an alcohol-related driver offence committed within 5 years of the person's previous conviction for an alcohol-related driver offence.
- (2) The person is not eligible for a Queensland driver licence unless the person—
 - (a) has completed a repeat offender education program within the previous 5 years; or
 - (b) has an exemption from completing a repeat offender education program under division 3.
- (3) However, subsection (2) does not apply to a Queensland driver licence to which the interlock condition applies.

Note—

See section 91M(4) and (5) in relation to holders of a Queensland driver licence subject to the interlock condition.

Division 3 Exemption from requirement to complete repeat offender education program

91G Application for exemption

- (1) A person to whom division 2 applies may apply to the chief executive for an exemption from the requirement to complete a repeat offender education program.
- (2) The application may not be made before the end of the period for which the person is disqualified from holding or obtaining a Queensland driver licence.
- (3) An application under subsection (1) (an *exemption application*) must be accompanied by the fee prescribed by regulation.

Note—

See chapter 5B for requirements about the application.

91H Grounds for granting exemption

- (1) The chief executive may grant an exemption the subject of an exemption application only if the chief executive is satisfied—
 - (a) it would be unreasonable to require the applicant to complete a repeat offender education program having regard to the way the program is provided and the applicant's ability to access the program; or
 - (b) a refusal to grant the exemption would cause the applicant severe hardship within the meaning prescribed by regulation.

- (2) If repeat offender education programs are provided at 1 or more places and are not provided online, the chief executive may be satisfied of the matter mentioned in subsection (1)(a) only if—
 - (a) the shortest reasonable distance, or shortest reasonable travelling time, using a motor vehicle, between the applicant's principal place of residence and the nearest place where a repeat offender education program is provided is greater than the distance or time prescribed by regulation; or
 - (b) the applicant's principal place of residence is at a location, prescribed by regulation, from which the nearest place where a repeat offender education program is provided is not reasonably accessible using a motor vehicle; or
 - (c) the applicant's principal place of residence is outside both of the following—
 - (i) a radius prescribed by regulation from the nearest place where a repeat offender education program is provided;
 - (ii) an area in which a service provider provides a repeat offender education program on a mobile basis.
- (3) If repeat offender education programs are provided only online, the chief executive may be satisfied of the matter mentioned in subsection (1)(a) only if the applicant does not have reasonable access to the internet.
- (4) If repeat offender education programs are provided at 1 or more places and online, the chief executive may be satisfied of the matter mentioned in subsection (1)(a) only if—

[s 89]

- (a) subsection (2)(a), (b) or (c) is satisfied for the person in relation to the places at which the program is provided; and
- (b) the applicant does not have reasonable access to the internet.

91HDeciding application for exemption

- (1) The chief executive must decide an exemption application within 28 days after receiving it and either grant or refuse to grant the exemption.
- (2) If the chief executive does not decide an exemption application within the period required under subsection (1) or a longer period agreed with the applicant, the chief executive is taken to have made a decision (a *deemed decision*) refusing the exemption on the last day of the period.
- (3) Despite subsection (2), the chief executive may continue to consider the application and make a considered decision in relation to it.
- (4) If a considered decision is made, the considered decision replaces any deemed decision for the purposes of this Act.
- (5) In this section—
considered decision means a decision in accordance with section 91H.

91HBNnotice of decision

- (1) As soon as practicable after a deemed decision or considered decision is made under section 91HA, the chief executive must give the applicant written notice of the decision.
- (2) The written notice must state—

- (a) the prescribed review information for the decision; and
 - (b) for a considered decision, the reasons for the decision.
- (3) Also, if the chief executive decides to grant the exemption, the written notice must—
 - (a) contain a brief statement of—
 - (i) the matters of which the chief executive was satisfied under section 91H; and
 - (ii) the matters that may be the subject of a relevant change of circumstances for section 91HD; and
 - (b) when the exemption stops having effect under section 91HC.

91HCExemption ceasing effect

- (1) An exemption granted to a person under section 91HA stops having effect when whichever of the following happens first—
 - (a) 14 days elapse after the person gives the chief executive a notice under section 91HD;
 - (b) the exemption is cancelled under section 19.
- (2) When the exemption stops having effect, the requirement that the person complete a repeat offender education program under section 91F applies to the person as provided in that section.

91HDNotice of change in circumstances

- (1) A person who has an exemption granted under section 91H must, within 14 days after the

[s 90]

happening of a relevant change of circumstances, give written notice of the change to the chief executive.

Note—

If the person fails to comply with subsection (1), the chief executive may cancel the exemption under section 19—see section 18(1)(o).

(2) In this section—

relevant change of circumstances means a change in any of the matters stated, as required under section 91HB(3)(a)(ii), in a written notice given to the person.

90 Amendment of s 91I (Definitions for pt 3B)

(1) Section 91I—

insert—

approved servicing requirement means a servicing requirement approved and published by the chief executive under section 91IA.

servicing requirement means a condition in an interlock agreement requiring a person to present the person's nominated vehicle fitted with a prescribed interlock for servicing at stated intervals during the term of the agreement.

(2) Section 91I, definition *drink driving offence*—

insert—

(ba) an offence against section 79(1F) involving a motor vehicle;

(3) Section 91I, definition *drink driving offence*, paragraph (g), 'section 79(1F), (2),'—

omit, insert—

section 79(2),

- (4) Section 91I, definition *drink driving offence*, paragraph (g)(i) and (ii)—

omit, insert—

- (i) an offence against any of those provisions;
or
- (ii) an offence mentioned in any of paragraphs (a) to (g).

- (5) Section 91I, definition *drink driving offence*, paragraphs (ba) to (g)—

renumber as paragraphs (c) to (h).

91 Insertion of new s 91IA

After section 91I—

insert—

91IA Approved servicing requirements for prescribed interlock

The chief executive must—

- (a) approve servicing requirements for prescribed interlocks; and
- (b) approve requirements only if satisfied that the requirements are reasonable; and
- (c) publish the approved requirements on the department's website.

92 Amendment of s 91J (Persons to whom div 2 applies)

- (1) Section 91J(1)(a), from 'offence'—

omit, insert—

offence; and

- (2) Section 91J—

insert—

[s 93]

- (1A) For subsection (1)(b), a reference to a person who is disqualified from holding or obtaining a Queensland driver licence includes a person who is—
 - (a) disqualified as a result of a conviction for an offence against section 79(1F) involving a motor vehicle; and
 - (b) the subject of an order made under section 87 in relation to the disqualification.
- (3) Section 91J(3), ‘subsection (2)’—
omit, insert—
subsection (3)
- (4) Section 91J(1A) to (4)—
renumber as section 91J(2) to (5).

93 Amendment of s 91K (Interlock condition)

- (1) Section 91K(1), ‘interlock period applying to the person,’—
omit, insert—
person’s interlock period,
- (2) Section 91K—
insert—
 - (1A) A restricted licence granted under section 87 to a person mentioned in section 91J(1) during the person’s disqualification period is subject to the interlock condition.
- (3) Section 91K(2), ‘section 91J(2)’—
omit, insert—
section 91J(3)
- (4) Section 91K—
insert—

- (3) Subsection (1) does not apply in relation to a person mentioned in section 91J(1) if, during the person's disqualification period—
 - (a) an order was made under section 87 in relation to the disqualification; and
 - (b) the person's interlock period ended under section 91M(1)(b)(ii) or (iii).
- (5) Section 91K(1A) to (3)—
renumber as section 91K(2) to (4).

94 Replacement of s 91M (Interlock period)

Section 91M—

omit, insert—

91M Interlock period

- (1) For a person mentioned in section 91J(1) who is the subject of an order under section 87 in relation to the disqualification, the *interlock period* is the period—
 - (a) starting when the order is made; and
 - (b) ending when whichever of the following happens first—
 - (i) a period of 5 years elapses after the order is made;
 - (ii) the person's prescribed period ends;
 - (iii) the person's restricted licence is cancelled under section 127 because of a further disqualification for a drink driving offence.
- (2) For a person mentioned in section 91J(1) whose disqualification period has ended (other than a person whose interlock period started under subsection (1)), the *interlock period* is the

[s 94]

period—

- (a) starting when the disqualification period ended; and
 - (b) ending when whichever of the following happens first—
 - (i) a period of 5 years elapses after the disqualification period ended;
 - (ii) the person's prescribed period ends;
 - (iii) the person's Queensland driver licence is cancelled under section 127 because of a further disqualification for a drink driving offence.
- (3) For a person mentioned in section 91J(3), the *interlock period* is the period—
- (a) starting when the person's non-Queensland interlock period starts; and
 - (b) ending when whichever of the following happens first—
 - (i) a period of 5 years elapses after the person's non-Queensland interlock period starts;
 - (ii) the person's prescribed period ends;
 - (iii) the person's Queensland driver licence is cancelled under section 127 because of a further disqualification for a drink driving offence.
- (4) Subsection (5) applies if—
- (a) a person's interlock period would otherwise end under this section within 5 years after the interlock period started; and
 - (b) when the person's interlock period would otherwise end, the person—

- (i) has not completed a repeat offender education program within the previous 5 years; and
 - (ii) does not have an exemption from completing a repeat offender education program under part 3A, division 3.
- (5) The person's interlock period continues from when the interlock period would otherwise end under this section until whichever of the following happens first—
 - (a) the person completes a repeat offender education program;
 - (b) the person is granted an exemption from completing a repeat offender education program under part 3A, division 3;
 - (c) a period of 5 years lapses after the interlock period started.

95 Amendment of s 91N (Prescribed period)

- (1) Section 91N(2), example, '3 months, the person's prescribed period is the period of 15 months'—

omit, insert—

4 months, the person's prescribed period is the period of 16 months

- (2) Section 91N(4), definition *valid*, paragraph (a), 'licence—'—

omit, insert—

licence other than a restricted licence—

- (3) Section 91N(4), definition *valid*, paragraph (a)(ii), 'cancelled or suspended'—

omit, insert—

cancelled, suspended or surrendered

[s 96]

(4) Section 91N(4), definition *valid*—

insert—

(ab) in relation to a restricted licence—

- (i) the licence has not expired; or
- (ii) the licence has not been cancelled, suspended or surrendered; or
- (iii) the licensee is not, after the restricted licence is granted, disqualified from holding or obtaining a Queensland driver licence because of a conviction for another offence; or

96 Amendment of s 91P (Applying for interlock exemption)

Section 91P(3), ‘section 91J(2)’—

omit, insert—

section 91J(3)

97 Amendment of s 91S (When interlock exemption stops having effect)

Section 91S(a)—

omit, insert—

(a) the exemption certificate expires;

98 Amendment of s 91U (Grounds for extending prescribed period)

(1) Section 91U, heading, ‘extending’—

omit, insert—

discretionary extension of

(2) Section 91U(1)(a)—

insert—

Example—

The person drove a nominated vehicle for the person immediately after another person provided the vehicle's prescribed interlock with the specimen of breath that enabled the vehicle to start.

99 Amendment of s 91V (Procedure for extending prescribed period)

- (1) Section 91V, heading, 'extending'—

omit, insert—

discretionary extension of

- (2) Section 91V(2)(d), 'not more than 3 months'—

omit, insert—

4 months

100 Insertion of new s 91VA

After section 91V—

insert—

91VA Automatic extension of prescribed period

- (1) A person's prescribed period is extended by the automatic period of extension if any of the following events (each a ***relevant event***) happens during the last 4 months of the person's prescribed period—
- (a) the person provides a prescribed interlock with a specimen of the person's breath containing alcohol;
 - (b) the person incurs a permanent lockout on a prescribed interlock for failure to meet an approved servicing requirement for the interlock.

[s 100]

- (2) The ***automatic period of extension*** is the number of days between and including the previous end date and the new end date.
- (3) The automatic extension of the person's prescribed period—
 - (a) is imposed when the relevant interlock data is received by the chief executive, and is calculated from the date of the relevant event; and
 - (b) replaces the previous end date with the new end date.
- (4) The automatic extension is taken for section 65A to be a decision by the chief executive to extend the person's prescribed period by the automatic period of extension because of a relevant event.
- (5) The person must be notified of the automatic extension in the way prescribed by regulation.
- (6) In this section a reference to a prescribed interlock, in relation to a person, is a reference to a prescribed interlock fitted to a nominated vehicle for the person.
- (7) In this section—

new end date, for a person, means the day that is 4 months after the date on which the relevant event happened.

previous end date, for a person, means the date on which the person's prescribed period would have ended under section 91N were it not for the automatic extension.

relevant interlock data, for a person, means the data from the person's prescribed interlock that shows a relevant event happened.

101 Amendment of s 91Z (Regulations relating to interlocks)

Section 91Z—

insert—

- (e) the way notice is to be given to a person of an automatic extension of the person's prescribed period;
- (f) the grounds for review of an automatic extension of a person's prescribed period.

102 Amendment of s 113 (Definitions for div 2)

Section 113—

insert—

address means—

- (a) for an individual—
 - (i) the individual's usual place of residence; or
 - (ii) a postal address for the individual; or
 - (iii) if a matter relates to a business owned or controlled by the individual—the address of the business; or
- (b) for a corporation—
 - (i) the head office, a registered office or a principal office of the corporation; or
 - (ii) a postal address for the corporation.

103 Amendment of s 114 (Offences detected by photographic detection device)

(1) Section 114(4)—

omit, insert—

- (4) A defence under subsection (3) or (3A) is

[s 103]

available only if the person notifies the commissioner or chief executive about the matters in subsections (3) and (6), or subsection (3A), within the required time—

- (a) in a statutory declaration; or
- (b) in an online declaration.

(2) Section 114(8)—

omit, insert—

- (8) Nothing in this section stops a person notifying the commissioner or chief executive that the person was the driver of the vehicle involved in a camera-detected offence—

- (a) in a statutory declaration; or
- (b) in an online declaration.

(3) Section 114(10)—

insert—

online declaration means a declaration made using the online declaration system.

online declaration system means an electronic system established by the chief executive for giving notifications under this section that is designed to—

- (a) be accessed by an individual through the individual's customer account on the department's website; and
- (b) send a notification of matters entered into the system by the individual to the commissioner or chief executive; and
- (c) allow a record of the sent notification to be downloaded or printed by the individual.

104 Insertion of new ss 123D–123R

After section 123C—

insert—

123D Delegation

To remove any doubt, it is declared that—

- (a) the *Transport Planning and Coordination Act 1994*, section 37 applies to a function or power of the chief executive under this part; and
- (b) the *Police Service Administration Act 1990*, section 4.10 applies to a power of the commissioner under this part.

123E Certified copies of documents

(1) This section applies to a document—

- (a) purporting to be a copy of—
 - (i) a nomination of a motor vehicle for section 91K(1)(a), made in accordance with section 163A, and received by the chief executive; or
 - (ii) an application made under this Act; or
 - (iii) a written notice given to a person under this Act; or
 - (iv) a certificate of exemption given under this Act; or
 - (v) a certificate in the approved form signed by a health professional stating that a person does or does not have a mental or physical incapacity likely to affect their ability to drive safely; or

[s 104]

- (vi) a certificate issued to a person under the driver licensing regulation because—
 - (A) the person held a valid provisional, probationary or open licence to drive a class of vehicle; and
 - (B) that licence stopped being valid more than 5 years before the person applied for a licence of the same class as that licence; and
- (b) certified by the chief executive as a true copy of a document mentioned in subsection (1)(a).
- (2) For a proceeding for an offence against a transport Act, the document is evidence of the matters stated in it.

123F Certified copy of licence or other document

- (1) This section applies to a document—
 - (a) purporting to be a copy of—
 - (i) a licence; or
 - (ii) another document issued, or required to be kept, under a transport Act; and
 - (b) certified as a true copy of the licence or other document by—
 - (i) the chief executive; or
 - (ii) the commissioner; or
 - (iii) a person who has custody of the particulars of, or records relating to, Queensland driver licences.
- (2) For a proceeding for an offence against a transport

Act the document—

- (a) is evidence of the licence or other document; and
- (b) is evidence of the matters stated in it.

123G Certified copy of licence or other document under corresponding law

- (1) This section applies to a document—
 - (a) purporting to be a copy of—
 - (i) a driver licence under a corresponding law to a transport Act; or
 - (ii) another document issued, or required to be kept, under a corresponding law to a transport Act; and
 - (b) certified as a true copy of the driver licence or other document by—
 - (i) the chief executive administering the corresponding law; or
 - (ii) a person authorised by that chief executive.
- (2) For a proceeding for an offence against a transport Act the document is evidence of the driver licence or other document.

123H Certified copy of plan of installation of photographic detection device

- (1) This section applies to a plan of installation of a photographic detection device at a place—
 - (a) showing any features of—
 - (i) the installation; or
 - (ii) road infrastructure; or

[s 104]

- (iii) road boundaries; or
 - (iv) road markings; and
- (b) certified by the chief executive or the commissioner as a true copy of the plan.
- (2) For a proceeding for an offence against a transport Act, the plan is evidence of the matters shown in it.

**123I Certificate is evidence of another matter—
stop watches, other watches and
speedometers**

- (1) This section applies to a certificate—
 - (a) purporting to be signed by the chief executive or the commissioner; and
 - (b) stating that a specified stop watch, other watch or speedometer has been tested and found to produce accurate results at the time of testing.
- (2) For a proceeding for an offence against a transport Act, the certificate is evidence the stop watch, other watch or speedometer was producing accurate results when tested and for 6 months after the day of testing.

**123J Certificate is evidence of another matter—
speed detection**

- (1) This section applies to a certificate purporting to be signed by the commissioner and stating a specified induction loop speed detection device, laser-based speed detection device, piezo strip speed detection device or radar speed detection device—
 - (a) was tested at a specified time in accordance with—

- (i) the appropriate Australian Standard for testing the device, as in force on the day of testing; or
 - (ii) if there is no appropriate Australian Standard for testing the device in force on the day of testing—the manufacturer’s specifications; and
- (b) was found to produce accurate results at the time of testing.
- (2) For a proceeding for an offence against a transport Act, the certificate is evidence the device was producing accurate results when tested and for 1 year after the day of testing.

**123K Certificate is evidence of another matter—
speedometer accuracy indicator**

- (1) This section applies to a certificate purporting to be signed by the commissioner stating a specified vehicle speedometer accuracy indicator (commonly known as a chassis dynamometer) has been—
 - (a) tested at a specified time; and
 - (b) found to produce accurate results at the time of testing.
- (2) For a proceeding for an offence against a transport Act, the certificate is evidence the indicator was producing accurate results when tested and for 6 months after the day of testing.

**123L Certificate is evidence of another matter—
analysing instrument**

- (1) This section applies to a certificate purporting to be signed by the commissioner or the chief executive stating that a breath analysing

[s 104]

instrument or saliva analysing instrument has been—

- (a) tested at a specified time—
 - (i) in accordance with the appropriate Australian Standard that is in force at the time or, if there is no appropriate standard, in accordance with the manufacturer's specifications; and
 - (ii) using devices or substances certified or otherwise authenticated under the *National Measurement Act 1960* (Cwlth); and
 - (b) found to produce accurate results at the time of testing.
- (2) For a proceeding for an offence against a transport Act, the certificate is evidence—
- (a) of the matters stated in it; and
 - (b) that the breath analysing instrument or saliva analysing instrument was producing accurate results when tested and for 1 year after the day of testing.

123M Exemption or non-application of provision— onus of proof

In a proceeding for an offence under this Act, the defendant bears the onus of proving—

- (a) that a person, vehicle, tram, train, vessel or animal was at any time exempt from a provision of this Act; or
- (b) that a provision of this Act was not applicable to a person, vehicle, tram, train, vessel or animal.

123N Evidence of registration number

- (1) This section applies to evidence that a number plate showing a particular registration number was attached to a motor vehicle at a particular time.
- (2) For a proceeding for an offence against a transport Act, the evidence is evidence that the motor vehicle is the motor vehicle noted in the register of vehicles as having that registration number at that time.

123O Matters not necessary to prove

For a proceeding for an offence against a transport Act, it is not necessary to prove the following—

- (a) the limits of a district or part of a district;
- (b) that a road or place is within a district or part of a district;
- (c) the authority of the chief executive, the commissioner or a police officer to do any act or take any proceedings.

123P Evidence about analysing instruments

- (1) For a proceeding for an offence against a transport Act, evidence of the condition of a breath analysing instrument or saliva analysing instrument, or the manner in which it was operated, is not required unless evidence is given that the instrument—
 - (a) was not in proper condition; or
 - (b) was not properly operated.
- (2) In this section—

breath analysing instrument see section 80(1).

saliva analysing instrument see section 80(1).

123Q Evidence about parking meters and parkatareas

For a proceeding for an offence against a transport Act, evidence of the condition of a parking meter or parkatarea is not required unless evidence is given that the parking meter or parkatarea was not in proper condition.

123R Challenges to devices

- (1) This section applies to a defendant who intends, at the hearing of a charge against the defendant under this Act, to challenge—
 - (a) the accuracy of a speed detection device or vehicle speedometer accuracy indicator for which a certificate is given under section 123J or 123K; or
 - (b) the time at which, or way in which, the device was used.
- (2) The defendant must give written notice of the challenge to the prosecution.
- (3) The notice must—
 - (a) be in the approved form; and
 - (b) be signed by the defendant; and
 - (c) state the grounds on which the defendant intends to rely to challenge a matter mentioned in subsection (1)(a) or (b); and
 - (d) be given at least 14 days before the day fixed for the hearing.

105 Amendment of s 124 (Facilitation of proof)

- (1) Section 124(1)(a), (b), (c), (f), (fa), (ga), (gb), (gc), (gd), (ge), (oa), (p), (pa), (pb), (pc), (q), (ta), (tb), (u), (v), (3), (4) and (5)—

omit.

- (2) Section 124(1)(na), ‘paragraph (n)’—

omit, insert—

paragraph (f)

- (3) Section 124(1)(e), (g), (j), (k), (l), (n), (na), (o), (r), (s) and (t)—

renumber as section 124(1)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k).

- (4) Section 124(2), ‘Subsection (1)(r) and (s)’—

omit, insert—

Subsection (1)(i) and (j)

106 Amendment of s 124A (Additional ground of challenge not stated in written notice required under particular provisions)

- (1) Section 124A(1) and (3), ‘124(4)’—

omit, insert—

123R(2)

- (2) Section 124A(2), ‘124(5)’—

omit, insert—

123R(3)

107 Insertion of new s 125A

After section 125—

insert—

[s 108]

125A Onus of proof not lessened or affected

This part does not lessen or affect any onus of proof otherwise falling on the defendant.

108 Amendment of s 157A (Document signed by chief executive is evidence of matters stated in it if no evidence to the contrary)

Section 157A, ‘section 60’—

omit, insert—

section 123C, 123F or 123G

109 Amendment of s 162 (Definitions for chapter)

Section 162, definition *application*, after ‘79F’—

insert—

, 91G

110 Insertion of new ch 7, pt 23, div 2

Chapter 7, part 23, as inserted by this Act—

insert—

Division 2

Provisions for amendments commencing by proclamation

238 Transitional provision for amendment to s 91I

Section 91I, definition *drink driving offence*, as in force before the commencement, applies in relation to a person convicted of an offence against section 79(1F) involving a motor vehicle if the offence was committed before the commencement.

239 Transitional provision for ch 5, pt 3B

Chapter 5, part 3B, as in force before the commencement, applies in relation to a person whose interlock period started before the commencement.

240 Evidentiary provisions

The following sections apply to a proceeding for an offence under a transport Act only if the offence is committed after the commencement—

- section 123A(j), (k), (l), (m) and (n)
- section 123B(k), (l), (m) and (n)
- section 123E(1)(a)(ii), (iii), (iv), (v) and (vi)
- schedule 1, item 14(c) and (d)
- schedule 1, item 15
- schedule 1, item 25
- schedule 1, item 26
- schedule 1, item 30
- schedule 1, item 32
- schedule 1, item 33
- schedule 1, item 34.

241 Evidentiary provisions—continued application

- (1) The relevant evidentiary provisions continue to apply in relation to a proceeding for an offence under a transport Act if the offence was committed before the commencement.
- (2) In this section—

amendment Act means the *Transport Legislation (Road Safety and Other Matters) Amendment Act*

[s 111]

2019.

former, in relation to a provision, means as in force immediately before the provision was repealed by the amendment Act.

relevant evidentiary provisions means the following former sections—

- section 60(2)(t)(iii)
- section 124(1)(gb), (gc) and (gd)(ii), (iii), (iv), (v) and (vi).

111 Insertion of new sch 1

Before schedule 2—

insert—

Schedule 1 Evidence by certificate

section 123C

	Column 1 Matter stated in certificate	Column 2 Person
1	a specified place was within a specified type of area declared under a transport Act	<ul style="list-style-type: none">• the chief executive• the commissioner
2	a specified place was or was not— (a) a road or road-related area; or (b) an off-street regulated parking area; or (c) part of a place or thing mentioned in paragraph (a) or (b)	<ul style="list-style-type: none">• the chief executive• the commissioner

[s 111]

	Column 1 Matter stated in certificate	Column 2 Person
3	a specified thing was State or local government property	<ul style="list-style-type: none"> the chief executive the commissioner
4	a specified sign— (a) was or was not an official traffic sign; or (b) contained specified words; or (c) was on a specified place	<ul style="list-style-type: none"> the chief executive the commissioner
5	a specified licence or other document under a transport Act was or was not in force in relation to a specified person, vehicle or purpose	<ul style="list-style-type: none"> the chief executive the commissioner a person who has custody of the particulars of, or records relating to, Queensland driver licences
6	a specified licence or other document under a corresponding law to a transport Act was or was not in force in relation to a specified person, vehicle or purpose	<ul style="list-style-type: none"> the chief executive administering the corresponding law or a person authorised by that chief executive
7	particulars of a specified conviction, disqualification, suspension, cancellation or licence or other condition under a transport Act	<ul style="list-style-type: none"> the chief executive the commissioner
8	particulars of a specified conviction, disqualification, suspension, cancellation or licence or other condition under a corresponding law to a transport Act	<ul style="list-style-type: none"> the chief executive administering the corresponding law or a person authorised by that chief executive

[s 111]

	Column 1 Matter stated in certificate	Column 2 Person
9	a person's traffic history	<ul style="list-style-type: none"> the chief executive
10	specified information was or was not in a register of vehicles kept by the chief executive under a transport Act	<ul style="list-style-type: none"> the chief executive the commissioner
11	specified information was or was not in a register of vehicles established under a corresponding law to a transport Act	<ul style="list-style-type: none"> the chief executive administering the corresponding law or a person authorised by that chief executive
12	a specified report or specified information required to be given to the chief executive under a transport Act was received or has not been received	<ul style="list-style-type: none"> the chief executive the commissioner
13	no report or information of a specified type required to be given to the chief executive under a transport Act has been received	<ul style="list-style-type: none"> the chief executive the commissioner

	Column 1 Matter stated in certificate	Column 2 Person
14	<p>a specified person had or had not notified the chief executive—</p> <p>(a) of any, or a specified, change of the person's address or postal address; or</p> <p>(b) for a person who is an individual—that the person suffered from any, or a specified, mental or physical incapacity likely to adversely affect the person's ability to drive safely; or</p> <p>(c) of a change of circumstances in relation to which the person must, under a transport Act, notify the chief executive of any change; or</p> <p>(d) of another matter in relation to which the person must, under a transport Act, notify the chief executive of any change</p>	<ul style="list-style-type: none"> • the chief executive • the commissioner
15	an address or postal address recorded by the chief executive or the commissioner for a person	<ul style="list-style-type: none"> • the chief executive • the commissioner
16	a specified fee under a transport Act was or was not paid by a specified person	<ul style="list-style-type: none"> • the chief executive • the commissioner
17	a specified vehicle was or was not inspected by an authorised officer	<ul style="list-style-type: none"> • the chief executive • the commissioner
18	a specified vehicle was or was not inspected in accordance with a specified requirement of an authorised officer	<ul style="list-style-type: none"> • the chief executive • the commissioner

[s 111]

	Column 1 Matter stated in certificate	Column 2 Person
19	the results of a specified vehicle inspection	<ul style="list-style-type: none"> the chief executive the commissioner
20	a specified place was or was not subject to a specified prohibition, restriction or other requirement relating to— (a) the operation or use of a heavy vehicle or dangerous goods vehicle; or (b) the transport of dangerous goods	<ul style="list-style-type: none"> the chief executive the commissioner
21	a specified vehicle was or was not of a specified type or was carrying specified goods	<ul style="list-style-type: none"> the chief executive the commissioner
22	that the chief executive has or has not received from a specified person written evidence that a specified heavy vehicle or dangerous goods vehicle is covered by a policy of insurance or other form of indemnity either generally or during a specified period or in a specified situation or specified circumstances	<ul style="list-style-type: none"> the chief executive the commissioner
23	a specified heavy vehicle was weighed by or in the presence of a specified authorised officer on a specified weighbridge or weighing facility or by use of a specified weighing device	<ul style="list-style-type: none"> the chief executive the commissioner

[s 111]

	Column 1 Matter stated in certificate	Column 2 Person
24	that— (a) a specified vehicle was or was not the nominated vehicle for chapter 5, part 3B for a specified person; or (b) a specified nominated vehicle for chapter 5, part 3B for a specified person was or was not fitted with a prescribed interlock	<ul style="list-style-type: none"> • the chief executive • the commissioner
25	that a specified vehicle, other than a nominated vehicle for chapter 5, part 3B, was or was not fitted with a prescribed interlock	<ul style="list-style-type: none"> • the chief executive • the commissioner
26	that a person was or was not subject to an interlock period	<ul style="list-style-type: none"> • the chief executive • the commissioner
27	the contents of a specified substance that was tested by a specified analyst	<ul style="list-style-type: none"> • the chief executive • the commissioner
28	a specified document is the manufacturer's specification for a specified type of vehicle	<ul style="list-style-type: none"> • the chief executive • the commissioner

[s 111]

	Column 1 Matter stated in certificate	Column 2 Person
29	a specified laser-based speed detection device or radar speed detection device was used by the officer in accordance with— (a) the appropriate Australian Standard for using the device, as in force on the day of use; or (b) if there is no appropriate Australian Standard for using the device in force on the day of use—the manufacturer's specifications	• a police officer
30	the chief executive had or had not received from a specified person a notification agreeing to be of good behaviour while driving for a year	• the chief executive • the commissioner
31	a specified application, or another specified document required to be lodged, under a transport Act was or was not received by the chief executive	• the chief executive • the commissioner
32	a specified person did or did not have a specified exemption, including a restriction or condition attaching to the exemption, under a transport Act	• the chief executive • the commissioner
33	the chief executive had or had not received an application for an exemption under this Act	• the chief executive • the commissioner
34	the chief executive had or had not granted an exemption under this Act, and if the chief executive had not granted the exemption, the reason for deciding not to grant the exemption	• the chief executive • the commissioner

	Column 1 Matter stated in certificate	Column 2 Person
35	a specified entity was a corresponding authority	<ul style="list-style-type: none"> the chief executive the commissioner
36	a specified entity was or was not a participant in an alternative compliance scheme	<ul style="list-style-type: none"> the chief executive the commissioner
37	specified information was notified to the chief executive or commissioner in an online declaration under section 114 by a specified person on a specified date	<ul style="list-style-type: none"> the chief executive the commissioner

112 Amendment of sch 3 (Reviewable decisions)

(1) Schedule 3, entry for section 91V(4)—

omit.

(2) Schedule 3—

insert—

91HA refusing to grant an exemption from the requirement to complete a repeat offender education program

91V(4) extending a prescribed period (discretionary)

91VA(1) extending a prescribed period (automatic)

113 Amendment of sch 4 (Dictionary)

(1) Schedule 4—

insert—

alcohol-related driver offence, for chapter 5, part 3A, see section 91A.

approved servicing requirement, for chapter 5,

part 3B, see section 91I.

brief intervention education program, for chapter 5, part 3A, see section 91B(2).

driver licence disqualification, for chapter 5, part 3A, see section 91A.

exemption application, for chapter 5, part 3A, see section 91G(3).

postal address, of a person, means—

- (a) the address of the place where the person receives mail sent by post, other than a place at which the person usually resides or works; or
- (b) a location or other designation sufficient to identify the part of a place where the person receives mail sent by post.

Example for paragraph (b)—

a post office box or parcel locker

repeat offender education program see section 91B(3).

servicing requirement, for chapter 5, part 3B, see section 91I.

- (2) Schedule 4, definition *address*, ‘*address means*’—

omit, insert—

address—

- 1 Generally, *address* means

- (3) Schedule 4, definition *address*, after ‘located.’—

insert—

- 2 For chapter 5, part 7, division 2, see section 113.

Part 4 Amendment of Transport Planning and Coordination Act 1994

114 Act amended

This part amends the *Transport Planning and Coordination Act 1994*.

115 Amendment of s 32 (Stay of operation of original decision)

Section 32(1), after ‘entity’—

insert—

(unless the decision is a prescribed authority decision mentioned in the *Transport Operations (Road Use Management) Act 1995*, section 65A(3), or relates to the automatic extension of the person’s prescribed period under that Act, section 91VA)

Schedule 1 Minor amendments of Transport Infrastructure Act 1994

section 11

- 1 Section 316(1), definition *busway land*, note, ‘at
www.tmr.qld.gov.au’—**
omit.
- 2 Section 364(1), definition *light rail land*, note, ‘at
www.tmr.qld.gov.au’—**
omit.
- 3 Section 477G(9), note—**
omit.
- 4 Section 477H(5), note—**
omit.

© State of Queensland 2019