



Queensland

Transport and Other Legislation Amendment Act 2026

Act No. 23 of 2026

An Act to amend the Photo Identification Card Act 2008, the Photo Identification Card Regulation 2019, the Rail Safety National Law (Queensland) Act 2017, the State Penalties Enforcement Act 1999, the State Penalties Enforcement Regulation 2014, the Traffic Regulation 1962, the Transport Infrastructure Act 1994, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995, the Transport Operations (Road Use Management—Driver Licensing) Regulation 2021, the Transport Operations (Road Use Management—Road Rules) Regulation 2009, the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021, the Transport Planning and Coordination Act 1994 and the legislation mentioned in schedule 1 for particular purposes

[Assented to 21 September 2026]



Queensland

Transport and Other Legislation Amendment Act 2026

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The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Transport and Other Legislation Amendment Act 2026*.

2 Commencement

- (1) The following provisions commence on 1 December 2026—
 - (a) part 10, division 3;
 - (b) schedule 1, part 2.
- (2) The following provisions commence on a day to be fixed by proclamation—
 - (a) part 5;
 - (b) part 6, division 3;
 - (c) part 7, division 3;
 - (d) part 10, division 4;
 - (e) part 11, division 3;
 - (f) part 12;
 - (g) schedule 1, part 3.
- (3) The *Acts Interpretation Act 1954*, section 15DA does not apply to the following provisions—
 - (a) section 15(2);
 - (b) sections 80 to 87;
 - (c) sections 92 to 96;
 - (d) section 97, to the extent it inserts sections 251 and 252;

[s 3]

- (e) section 99(3);
- (f) sections 102 and 103;
- (g) sections 105 to 136;
- (h) section 137(1) and (5);
- (i) sections 138 to 140.

Part 2 Amendment of Photo Identification Card Act 2008

3 Act amended

This part amends the *Photo Identification Card Act 2008*.

4 Replacement of s 18 (Holder may apply for replacement card)

Section 18—

omit, insert—

18 Holder may apply for replacement card

- (1) The holder of a valid photo identification card may apply to the chief executive for a replacement photo identification card in the circumstances prescribed by regulation.

Note—

See part 5 for requirements about the application.

- (2) The application for a replacement photo identification card must—
 - (a) comply with the requirements prescribed by regulation; and
 - (b) be accompanied by the prescribed fee.

5 Amendment of s 49 (Regulation-making power)

(1) Section 49(2)—

insert—

(aa) provide for the replacement of photo identification cards;

(2) Section 49(2)(aa) to (c)—

renumber as section 49(2)(b) to (d).

Part 3 Amendment of Photo Identification Card Regulation 2019

6 Regulation amended

This part amends the *Photo Identification Card Regulation 2019*.

7 Amendment of s 3 (Definition)

(1) Section 3, heading—

omit, insert—

3 Definitions

(2) Section 3—

insert—

confidential information—

(a) means—

(i) the personal information of a person; or

(ii) the customer number for the holder of a photo identification card; or

(iii) the card number stated on a photo identification card; and

[s 8]

- (b) includes a digital photo of a person and a digitised signature of a person.

customer number, for a person, means the number the chief executive gives to the person under the Act to identify the person as the holder of a photo identification card.

8 Insertion of new s 6A

After section 6—

insert—

6A Applications for replacement photo identification card—Act, s 18

- (1) For section 18(1) of the Act, the following circumstances are prescribed as the circumstances in which the holder of a valid photo identification card (the *original card*) may apply to the chief executive for a replacement photo identification card—
 - (a) information stated on the original card is incorrect;
 - (b) the holder becomes aware, or reasonably suspects, the original card has been damaged, lost or stolen;
 - (c) the holder believes that confidential information on the original card has been accessed by, or disclosed to, a person not authorised to have the information.
- (2) The application must be accompanied by the original card, unless it was, or the holder reasonably suspects it was, damaged, lost or stolen.
- (3) Subject to section 34(4) and (5) of the Act, the chief executive must—

- (a) for an application made under subsection (1)(a) or (c)—issue a replacement photo identification card to the applicant; or
 - (b) for an application made under subsection (1)(b)—issue a replacement photo identification card to the applicant unless the chief executive suspects the original card was not damaged, lost or stolen.
- (4) If the application was made because information stated on the original card was incorrect, the replacement photo identification card must state the correct information.

9 Amendment of s 8 (Waiver of particular fees for persons affected by natural disasters)

Section 8(2), ‘section 18(3)(b)’—

omit, insert—

section 18(2)(b)

10 Insertion of new s 9A

After section 9—

insert—

9A Waiver of application fee for replacement photo identification card in particular circumstances

The chief executive may waive the fee payable under section 18(2)(b) of the Act if the application—

- (a) is for the replacement of a card that was—
 - (i) damaged or lost as a result of a person, other than the holder, committing an indictable offence that is a crime or misdemeanour; or

[s 11]

- (ii) stolen; or
- (b) is made because the holder believes that confidential information on the card has been accessed by, or disclosed to, a person not authorised to have the information.

11 Amendment of sch 1 (Fees)

Schedule 1, item 2, ‘s 18(3)(b)’—

omit, insert—

s 18(2)(b)

Part 4 Amendment of Rail Safety National Law (Queensland) Act 2017

12 Act amended

This part amends the *Rail Safety National Law (Queensland) Act 2017*.

13 Insertion of new s 55A

Before section 56—

insert—

55A Regulation about approval of laboratories and particular devices

A regulation may provide for the chief executive—

- (a) to approve—
 - (i) a laboratory for carrying out an analysis or laboratory test; or
 - (ii) a device for testing saliva; or

- (iii) a device for collecting a specimen of saliva for analysis; and
- (b) to publish notice of an approval, or the revocation of an approval, on the department's website; and
- (c) to keep a register of approvals in the way the chief executive considers appropriate, including, for example, in electronic form.

Part 5 Amendment of State Penalties Enforcement Act 1999

14 Act amended

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

15 Amendment of s 5 (Act has limited application to children)

- (1) Section 5(5), definition *prescribed transport offence*, paragraph (c), 'either'—
omit, insert—
any
- (2) Section 5(5), definition *prescribed transport offence*, paragraph (c)(i) and (ii)—
omit, insert—
 - (i) section 20, if the offence involves driving more than 40km/h over the speed limit;
 - (ii) section 151;
 - (iii) part 15, other than sections 246(2) and 256(2).
- (3) Section 5(5), definition *prescribed transport offence*, paragraph (c)—

[s 16]

insert—

- (iv) section 264A;
- (v) section 265.

16 Amendment of pt 3, hdg (Infringement notices)

Part 3, heading—

insert—

Note—

For camera-detected offences under the *Transport Operations (Road Use Management) Act 1995*, see also section 121 of that Act.

17 Amendment of s 13 (Service of infringement notices—generally)

Section 13(3), ‘Section 14 does’—

omit, insert—

Sections 14 and 14AA do

18 Insertion of new s 14AA

After section 14—

insert—

14AA Address for service of infringement notices for passenger seatbelt offences

- (1) This section applies if an infringement notice for a passenger seatbelt offence is to be served on a person by post.
- (2) The infringement notice may be posted to the address for the person—
 - (a) recorded in a register kept under the *Transport Operations (Road Use Management) Act 1995*; or

- (b) stated in a passenger seatbelt declaration for a driver responsibility offence committed at the same time as the passenger seatbelt offence.

19 Amendment of s 15 (Infringement notices)

- (1) Section 15(1), after ‘infringement notice’—
insert—
for an infringement notice offence
- (2) Section 15(2), ‘The notice’—
omit, insert—
The infringement notice
- (3) Section 15(2)(f)(iii)—
omit, insert—
(iii) if relevant, make and give to the administering authority a vehicle related declaration for the offence;

20 Amendment of s 17 (Liability for infringement notice offences involving vehicles)

- (1) Section 17(1)(a), after ‘vehicle’—
insert—
, other than a passenger seatbelt offence,
- (2) Section 17(2)(a), after ‘owner’—
insert—
of the vehicle
- (3) Section 17(3)—
omit, insert—
(3) Despite subsection (1), a person must not be taken under that subsection to have committed an

[s 20]

infringement notice offence involving a vehicle if, within 28 days after the date of an infringement notice or summons for the offence, the person makes and gives to the administering authority any of the following declarations for the offence—

- (a) an illegal user declaration;
- (b) a known user declaration;
- (c) a sold vehicle declaration;
- (d) an unknown user declaration;
- (e) if the offence is a driver responsibility offence—a passenger seatbelt declaration.

(3A) Also, if a driver responsibility offence happens—

- (a) a person can not be punished for the driver responsibility offence if the passenger to whom the offence relates is punished for a passenger seatbelt offence committed at the same time as the driver responsibility offence; and
- (b) the passenger to whom the driver responsibility offence relates can not be punished for a passenger seatbelt offence committed at the same time as the driver responsibility offence if a person is punished for the driver responsibility offence.

(4) Section 17(4), ‘declaration’—

omit, insert—

vehicle related declaration

(5) Section 17(4), ‘owner’—

omit, insert—

person

21 Insertion of new s 19A

After section 19—

insert—

19A Effect of passenger seatbelt declaration

- (1) This section applies if—
 - (a) a driver responsibility offence involving a motor vehicle happens; and
 - (b) an infringement notice for the offence is served on a person; and
 - (c) the person makes and gives to the administering authority a passenger seatbelt declaration for the offence that states the name of the passenger to whom the offence relates.
- (2) A proceeding against the passenger for a passenger seatbelt offence committed at the same time as the driver responsibility offence may be started only if a copy of the passenger seatbelt declaration has been served on the passenger.
- (3) In a proceeding against the passenger for a passenger seatbelt offence committed at the same time as the driver responsibility offence, the passenger seatbelt declaration is evidence that the passenger—
 - (a) was in or on the motor vehicle at the relevant time; and
 - (b) is the passenger to whom the driver responsibility offence relates.

22 Amendment of s 22 (Ways alleged offender may deal with infringement notice)

- (1) Section 22(1), from ‘is served’ to ‘an offence’—

omit, insert—

[s 23]

for an infringement notice offence is served on an
alleged offender

(2) Section 22(1)(c)—

omit, insert—

(c) if relevant, make and give to the
administering authority a vehicle related
declaration for the offence.

23 Amendment of s 33 (Default by person served with infringement notice)

(1) Section 33(1), after ‘an infringement notice’—

insert—

for an infringement notice offence

(2) Section 33(1)(d)—

omit, insert—

(d) if relevant, made and given to the
administering authority a vehicle related
declaration for the offence;

24 Amendment of s 157 (Evidentiary provisions)

Section 157(2)(j), from ‘an illegal’ to ‘sold vehicle
declaration’—

omit, insert—

a vehicle related declaration

25 Insertion of new pt 10, div 12

Part 10—

insert—

**Division 12 Transitional provision for
Transport and Other**

Legislation Amendment Act 2026

200 Infringement notice offences committed before commencement

- (1) Despite the *Transport and Other Legislation Amendment Act 2026*, the following provisions continue to apply in relation to an infringement notice offence committed before the commencement—
 - (a) former part 3;
 - (b) former section 33;
 - (c) former schedule 2.
- (2) In this section—

former, in relation to a provision of this Act, means the provision as in force from time to time before the commencement.

26 Amendment of sch 2 (Dictionary)

- (1) Schedule 2—

insert—

driver responsibility offence see the *Transport Operations (Road Use Management) Act 1995*, section 114(10).

passenger seatbelt declaration, for a driver responsibility offence, means a statutory declaration, or an online declaration under the *Transport Operations (Road Use Management) Act 1995*, section 114(4)(a), stating the following—

- (a) the name and address of the passenger to whom the offence relates;

[s 27]

- (b) that the person making the declaration believes the passenger was 16 years or older at the relevant time.

passenger seatbelt offence see the *Transport Operations (Road Use Management) Act 1995*, section 114(10).

vehicle related declaration, for an infringement notice offence involving a vehicle, means any of the following declarations for the offence—

- (a) an illegal user declaration;
- (b) a known user declaration;
- (c) a passenger seatbelt declaration;
- (d) a sold vehicle declaration;
- (e) an unknown user declaration.

- (2) Schedule 2, definitions *illegal user declaration*, *known user declaration*, *sold vehicle declaration* and *unknown user declaration*, ‘section 114(4)(b)’—

omit, insert—

section 114(4)(a)

Part 6 Amendment of State Penalties Enforcement Regulation 2014

Division 1 Preliminary

27 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

Division 2 Amendments commencing on assent

28 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

- (1) Schedule 1, entry for the *Transport Operations (Road Use Management) Act 1995*, section 78(1), after second entry for section 78(1)—

insert—

For a contravention by a person if the person—

- (a) was disqualified under the *Transport Operations (Road Use Management) Act 1995*, section 79I from holding or obtaining a Queensland driver licence; and

- (b) has not obtained another Queensland driver licence before the contravention

2

- (2) Schedule 1, entry for the *Transport Operations (Road Use Management) Act 1995*—

insert—

- 79(2)(a) For a contravention by a person, other than an interlock driver, to the extent the contravention involves a relevant vehicle if the person—

- (a) has not, within 5 years before the contravention, committed a drink driving offence; and
- (b) holds a relevant licence authorising the person to drive the vehicle on the road

7¹/₂

[s 29]

79(2)(b) For a contravention by a person, other than an interlock driver, to the extent the contravention involves a relevant vehicle if the person—

- (a) has not, within 5 years before the contravention, committed a drink driving offence; and
- (b) holds a relevant licence authorising the person to drive the vehicle on the road

7¹/₂

29 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

drink driving offence see the *Transport Operations (Road Use Management) Act 1995*, section 79H(4).

interlock driver see the *Transport Operations (Road Use Management) Act 1995*, section 91I.

relevant licence means a Queensland driver licence under the *Transport Operations (Road Use Management) Act 1995* other than—

- (a) a learner, probationary, provisional or restricted licence; or
- (b) a driver licence receipt for a learner, probationary, provisional or restricted licence.

relevant vehicle means a motor vehicle under the *Transport Operations (Road Use Management) Act 1995* other than a motor vehicle mentioned in section 79(2C) of that Act.

Division 3 Amendment commencing by proclamation

30 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1, entry for the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, authorised person for service of infringement notices entry, paragraph (a), ‘or 300’—

omit, insert—

, 265(1) or 300

Part 7 Amendment of Traffic Regulation 1962

Division 1 Preliminary

31 Regulation amended

This part amends the *Traffic Regulation 1962*.

Note—

See also the amendments in schedule 1, part 3.

Division 2 Amendments commencing on assent

32 Amendment of s 59 (Facilitation of proof)

Section 59—

insert—

(3) In this section—

[s 33]

regulated parking means parking that is regulated by the chief executive, or a local government, by an official traffic sign under chapter 5, part 6 of the Act.

33 Amendment of s 210C (Operating and testing digital speed camera systems)

(1) Section 210C(2)—

insert—

(ba) the installation, reinstallation, replacement or repair of a speed measuring component for the system;

(2) Section 210C(2)(ba) and (c)—

renumber as section 210C(2)(c) and (d).

34 Amendment of s 210D (Operating and testing digital combined redlight and speed camera systems)

(1) Section 210D(2)—

insert—

(ba) the installation, reinstallation, replacement or repair of a speed measuring component for the system;

(2) Section 210D(2)(ba) and (c)—

renumber as section 210D(2)(c) and (d).

35 Amendment of s 210E (Operating and testing digital point-to-point camera systems)

(1) Section 210E(2)—

insert—

(ba) the installation, reinstallation, replacement or repair of a speed measuring component for the system;

- (2) Section 210E(2)(ba) and (c)—
renumber as section 210E(2)(c) and (d).

36 Amendment of s 210F (Calibration testing of particular photographic detection devices)

- (1) Section 210F(4)(a)—
omit, insert—
- (a) ensure the device's speed measuring component is sealed in a way that prevents physical interference with the component without breaking the seal; and
- (2) Section 210F(5)—
omit.

37 Insertion of new s 210G

After section 210F—

insert—

210G Calibration testing of speed measuring components

- (1) This section prescribes, for section 120(2B)(a)(i)(B) of the Act, requirements about calibration testing for a speed measuring component of any of the following photographic detection devices—
- (a) a digital speed camera system;
- (b) a digital combined redlight and speed camera system, to the extent the system is used to provide evidence of a speeding offence;
- (c) a digital point-to-point camera system, to the extent the system is used to provide evidence of a speeding offence based on an

[s 38]

image or images captured by 1 of the system's cameras of a vehicle at a particular location and time.

- (2) The chief executive or commissioner may, if satisfied that an entity is competent to conduct calibration testing of a speed measuring component, approve the entity to conduct calibration testing for this section.
- (3) An entity approved under subsection (2) (an ***approved testing entity***) must conduct calibration testing of a speed measuring component.
- (4) On finding that a speed measuring component is producing accurate results, an approved testing entity must—
 - (a) ensure the speed measuring component is sealed in a way that prevents physical interference with the component without breaking the seal; and
 - (b) prepare and sign a report stating—
 - (i) the serial number for the component tested; and
 - (ii) the date and time when testing was conducted; and
 - (iii) the results of the testing.

Division 3 Amendment commencing by proclamation

38 Amendment of sch 17 (Data blocks for digital driver behaviour camera systems)

- (1) Schedule 17, heading, 'driver'—

omit, insert—

occupant

- (2) Schedule 17, second dot point, ‘section 264 or 264A’—
omit, insert—
section 264, 264A or 265

Part 8 Amendment of Transport Infrastructure Act 1994

39 Act amended

This part amends the *Transport Infrastructure Act 1994*.

40 Amendment of s 475P (Notice of intention to remove watercraft)

- (1) Section 475P(1), ‘anchored or moored’—
omit, insert—
aground, anchored or moored
- (2) Section 475P(2), from ‘if’ to ‘that is not’—
omit, insert—
if, after 14 days of the notice being given, the
watercraft is still aground, anchored or moored

41 Amendment of s 475Q (Removing illegally anchored or moored watercraft)

- (1) Section 475Q, heading—
omit, insert—
475Q Removal of watercraft after giving notice
- (2) Section 475Q(1)(b), from ‘after’ to ‘moored’—
omit, insert—
after 14 days of the notice being given, the
watercraft is still aground, anchored or moored

[s 42]

(3) Section 475Q(2)—

omit, insert—

(2) The authorised person may take steps that are necessary and reasonable to have the watercraft removed, including anything in, on or attached to the watercraft.

42 Amendment of s 475R (Removal of hazardous watercraft)

(1) Section 475R(1)(a), ‘anchored or moored’—

omit, insert—

aground, anchored or moored

(2) Section 475R(2)—

omit, insert—

(2) The authorised person may take steps that are necessary and reasonable to have the watercraft removed, including anything in, on or attached to the watercraft.

43 Amendment of sch 1 (Subject matter for regulations)

Schedule 1, part 2, item 1, ‘mooring and anchoring’—

omit, insert—

anchoring, grounding and mooring

Part 9 Amendment of Transport Operations (Passenger Transport) Act 1994

44 Act amended

This part amends the *Transport Operations (Passenger Transport) Act 1994*.

45 Amendment of s 42 (Declaration that service contracts are required)

Section 42—

insert—

- (5) Subsection (4) does not apply if the purpose of the declaration is to introduce a Wave Stage 3 service in the service contract area or route the subject of the declaration.

46 Amendment of s 42B (Amendment of service contract area or route)

- (1) Section 42B—

insert—

- (4A) Subsections (2), (4) and (6) do not apply if the purpose of the amendment is to introduce or expand a Wave Stage 3 service in the service contract area or route as amended.

- (2) Section 42B(4A) and (5)—

renumber as section 42B(5) and (6).

47 Amendment of s 44 (Term of service contracts)

Section 44—

insert—

- (3) This section does not apply in relation to a service contract that is an integrated mass transit service contract to provide a Wave Stage 3 service.

48 Amendment of s 46 (Review of holder's performance)

Section 46(1A)—

omit, insert—

- (1A) This section does not apply in relation to a service

[s 49]

contract that is—

- (a) a prescribed school service contract; or
- (b) a ferry service contract; or
- (c) an integrated mass transit service contract to provide a Wave Stage 3 service.

49 Amendment of s 47A (Renewal of service contracts)

- (1) Section 47A(1), ‘contract, other than an emergency service contract,’—

omit, insert—

contract

- (2) Section 47A—

insert—

- (5) This section does not apply in relation to a service contract that is—

- (a) an emergency service contract; or
- (b) an integrated mass transit service contract to provide a Wave Stage 3 service.

50 Insertion of new s 62AAAA

Before section 62AAA—

insert—

62AAAA What is a *Wave Stage 3 service*

- (1) A *Wave Stage 3 service* is a road-based general route service—
- (a) operating primarily in the Sunshine Coast area; and
 - (b) provided for the purpose of any of the following—

- (i) giving effect to the Government's commitment to deliver particular public passenger services under the 2032 Delivery Plan for the 2032 Olympic and Paralympic Games;
 - (ii) supporting increased demand for public passenger services within the Sunshine Coast area during the 2032 Olympic and Paralympic Games;
 - (iii) increasing public passenger services to meet the need for those services within the Sunshine Coast area before, during and after the 2032 Olympic and Paralympic Games; and
- (c) operating on a route prescribed by regulation for this definition.
- (2) In this section—

2032 Delivery Plan means the document, made by the State, called the 2032 Delivery Plan.

Sunshine Coast area means the local government area of the Sunshine Coast Regional Council.

51 **Amendment of s 62AACA (Entering into an integrated mass transit service contract)**

- (1) Section 62AACA—

insert—

- (5A) This section does not apply in relation to an integrated mass transit service contract to provide a Wave Stage 3 service.

- (2) Section 62AACA(5A) and (6)—

renumber as section 62AACA(6) and (7).

[s 52]

52 Amendment of s 62AAD (Offer of new integrated mass transit service contract)

Section 62AAD(4)—

insert—

- (d) that is an integrated mass transit service contract to provide a Wave Stage 3 service.

53 Amendment of s 62AAE (Matters to be considered generally when considering offers for integrated mass transit service contracts)

Section 62AAE—

insert—

- (4) This section does not apply in relation to an integrated mass transit service contract to provide a Wave Stage 3 service.

54 Amendment of s 62AAG (Service contract for amended service contract area or route)

(1) Section 62AAG—

insert—

- (5A) This section does not apply in relation to an integrated mass transit service contract to provide a Wave Stage 3 service.

(2) Section 62AAG(5A) and (6)—

renumber as section 62AAG(6) and (7).

55 Amendment of s 62AAI (What happens when integrated mass transit service contract is surrendered, cancelled or terminated)

Section 62AAI—

insert—

- (5) This section does not apply in relation to an

integrated mass transit service contract to provide a Wave Stage 3 service.

56 Insertion of new s 62AAJ

After section 62AAI—

insert—

62AAJ Special provision for integrated mass transit service contract to provide Wave Stage 3 service

- (1) This section applies if the chief executive proposes to provide a Wave Stage 3 service for a service contract area or route, under an integrated mass transit service contract.
- (2) The chief executive may, in the way decided by the chief executive, invite offers to provide the Wave Stage 3 service.
- (3) Without limiting subsection (2), the chief executive may invite offers from the public or from only specified persons.
- (4) The chief executive—
 - (a) is not obliged to accept any offer; and
 - (b) may only accept an offer if the chief executive is satisfied the offer is acceptable for the integrated mass transit service contract.
- (5) In deciding if an offer is acceptable for the integrated mass transit service contract, the chief executive may have regard to the following—
 - (a) the ability of the person making the offer to—
 - (i) meet or exceed the requirements for infrastructure and vehicles as specified in the invitation for the offer; or

[s 57]

- (ii) meet or exceed the requirements for passenger transport services as specified in the invitation for the offer;
- (b) the costs of providing infrastructure, vehicles and the general route service as specified in the invitation for the offer;
- (c) any other matter the chief executive considers relevant.
- (6) An integrated mass transit service contract entered into under this section is for a term decided by the chief executive and may contain a provision giving the holder of the contract the option of renewing the contract for a further term.
- (7) Compensation is not recoverable from anyone, including the chief executive and the State, in relation to any of the following—
 - (a) not receiving an invitation under subsection (2);
 - (b) not being awarded an integrated mass transit service contract under this section;
 - (c) any other person being awarded an integrated mass transit service contract under this section.

57 Amendment of sch 3 (Dictionary)

Schedule 3—

insert—

Wave Stage 3 service see section 62AAAA(1).

Part 10 Amendment of Transport Operations (Road Use Management) Act 1995

Division 1 Preliminary

58 Act amended

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

Note—

See also the amendments in schedule 1, part 1.

Division 2 Amendments commencing on assent

59 Amendment of s 66 (Local laws etc.)

(1) Section 66(3)—

insert—

- (1) the regulation of the parking of detached trailers on a road, but only to the extent the matter is not regulated by the local government by an official traffic sign under part 6.

(2) Section 66(5), after ‘(j)’—

insert—

and (l)

(3) Section 66(9)—

insert—

detached trailer means a trailer that is not attached to a motor vehicle.

[s 60]

60 Amendment of s 79B (Immediate suspension or disqualification)

(1) Section 79B(1)(e)—

omit, insert—

(e) charged with a drink driving offence, or with an offence under section 79(2AA), committed after being served with an infringement notice for a contravention of section 79(2)(a) or (b) but before an administrative disqualification of the person starts.

(2) Section 79B(1A), after ‘subsection (1)(a) to (ca)’—

insert—

or (e)

61 Amendment of s 79H (Infringement notices for driving while over general alcohol limit but not over middle alcohol limit)

(1) Section 79H(3)—

omit.

(2) Section 79H(4), definition *authorised person*—

omit.

62 Amendment of s 79I (Administrative disqualification for driving while over general alcohol limit but not over middle alcohol limit)

(1) Section 79I(3), from ‘that is’—

omit, insert—

prescribed by regulation.

(2) Section 79I(6) and (7)—

omit.

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

- (1) Section 80(1), definition *breath analysing instrument*, paragraph (a)—

omit, insert—

- (a) for finding out the concentration of alcohol in a person's breath by analysing a specimen of the person's breath; and

- (2) Section 80(15) and (15G), 'blood or'—

omit.

- (3) Section 80(27)(c), example, 'blood'—

omit, insert—

breath

64 Amendment of s 104 (Off-street regulated parking areas)

- (1) Section 104(1)—

omit, insert—

- (1) An ***off-street regulated parking area*** is an area of land, including any structure on the land, controlled by the chief executive or a local government and specified as an off-street regulated parking area under—

- (a) a regulation; or

- (b) for an area of land controlled by a local government—

- (i) a local law made by the local government; or

- (ii) a notice published by the local government on the local government's website.

- (2) Section 104(2), example—

[s 65]

omit, insert—

Example—

A local government may, under an arrangement with the owner of a shopping centre, regulate the use of land that is the centre's car park if the land is specified to be an off-street regulated parking area under a local law or a notice published on the local government's website.

(3) Section 104(3)—

omit, insert—

(3) Any agreement to give effect to an arrangement mentioned in subsection (2) must provide for the matters prescribed by regulation.

65 Amendment of s 120 (Evidentiary provisions)

Section 120—

insert—

(2B) A certificate purporting to be signed by an official stating that—

(a) a stated speed measuring component (the ***relevant component***) for a photographic detection device—

(i) was tested in accordance with—

(A) the specifications of the component's manufacturer; and

(B) any further requirements about calibration testing prescribed by regulation; and

(ii) was found to produce accurate results at the time of testing; and

(b) a stated photographic detection device (the ***relevant device***)—

(i) was tested in accordance with any requirements prescribed by regulation

about the operation and testing of a photographic detection device; and

- (ii) was found to be operating correctly at the time of testing; and
- (c) the relevant component was contained within the relevant device on a stated date (the *relevant date*); and
- (d) the testing of the relevant component and the testing of the relevant device each happened within 1 year before the relevant date;

is evidence of the matters stated and evidence the relevant device was producing accurate results on the relevant date.

65A Amendment of s 124 (Facilitation of proof)

Section 124(3), ‘section 123K’—

omit, insert—

section 123Q

66 Insertion of new ch 6, pt 1, div 5

Chapter 6, part 1—

insert—

Division 5 Orders and directions for disclosure of personal information

164B Restriction on orders and directions requiring disclosure of personal information

- (1) This section applies in relation to a proceeding in a court or tribunal that involves recovery of a private car park fee in relation to the parking of a

vehicle on private car park land.

- (2) The court or tribunal may not, for the purpose of ascertaining personal information about the current or a previous registered operator of the vehicle, make an order or give a direction requiring a person to disclose personal information about the operator to the court, the tribunal or another person.

Example of an order requiring a person to disclose personal information—

an order to ascertain the identity or whereabouts of a prospective defendant

- (3) In this section—

personal information, about the current or a previous registered operator of a vehicle, means—

- (a) the operator's name, address, email address, postal address or telephone number; or
- (b) any other information about the operator if the operator's identity is apparent, or can reasonably be ascertained, from the information.

private car park fee—

- (a) means an amount claimed under, or in relation to, a contract, arrangement or understanding relating to the parking of a vehicle on private car park land; but

Examples for paragraph (a)—

- a fee payable for parking a vehicle
- a penalty for not complying with terms and conditions of entry for parking a vehicle
- compensation or damages claimed in relation to failure to pay a fee for parking a vehicle

- (b) does not include an amount claimed under, or in relation to, a contract that is in writing and signed by the parties to the contract.

private car park land—

- (a) means land, or a road over land, if the occupier of the land—
 - (i) may lawfully exclude other persons from the land; and
 - (ii) allows another person to park a vehicle on the land under a contract, arrangement or understanding; but
- (b) does not include land—
 - (i) controlled by the Commonwealth; or
 - (ii) controlled by the State; or
 - (iii) controlled by a local government; or
 - (iv) over which the chief executive or a local government may, for chapter 5, part 6, exercise control under an arrangement mentioned in section 104(2).

67 Insertion of new ch 7, pt 28

Chapter 7—

insert—

Part 28

**Transitional provisions
for Transport and Other
Legislation
Amendment Act 2026**

Division 1

Preliminary

[s 68]

248 Definition for part

In this part—

amendment Act means the *Transport and Other Legislation Amendment Act 2026*.

Division 2 Provision for amendments commencing on assent

249 Certificates under section 120(2B)

A certificate under section 120(2B) may relate to testing of a photographic detection device, or a speed measuring component for a photographic detection device, that was carried out before the commencement.

249A Existing approved testing entities

An entity that, immediately before the commencement, was approved under a regulation to conduct calibration testing of a photographic detection device is, on the commencement, taken to be approved, and to have always been approved, to conduct calibration testing of a speed measuring component for a photographic detection device for the purposes of this Act.

68 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *regulated parking*—
omit.
- (2) Schedule 4—
insert—

speed measuring component, for a photographic detection device, means 1 or more parts of the

device used to measure the speed of a vehicle for the purpose of providing evidence of an offence against the Queensland Road Rules, section 20.

Division 3 Amendments commencing on 1 December 2026

69 Insertion of new s 78E

After section 78D—

insert—

78E When minimum penalties are to be imposed for s 79

- (1) Subsections (2) to (5) apply if—
 - (a) a minimum penalty is stated for an offence against section 79 (a *minimum penalty offence*); and
 - (b) in sentencing an offender for the offence, a court decides to impose a fine-only penalty.
- (2) Subject to subsections (3) to (5), the court must impose the minimum penalty for the offence.
- (3) Subsection (4) applies if—
 - (a) the offender is to be sentenced for 2 or more offences; and
 - (b) at least 1 of the offences is a minimum penalty offence; and
 - (c) the court decides to impose a fine-only penalty in relation to each of the offences.
- (4) In sentencing the offender—
 - (a) if only 1 of the offences is a minimum penalty offence—the penalties imposed for the offences must, in total, amount to a fine

[s 70]

- of not less than the minimum penalty for the minimum penalty offence; or
- (b) if 2 or more of the offences are minimum penalty offences—the penalties imposed for the offences must, in total, amount to a fine of not less than the highest minimum penalty stated for the offences.
- (5) However, if the offender has, within the period of 6 months before the sentencing proceeding, been previously convicted of an offence (a *previous offence*), the court may impose a fine of less than the penalty required to be imposed under subsection (2) or (4) if the court considers it would be just in all the circumstances, having regard to the sentence already imposed on the offender for the previous offence.
- (6) In sentencing an offender for a minimum penalty offence, the court must have regard to the minimum penalty stated for the offence even if the court is not required to impose the minimum penalty on the offender under this section.
- (7) In this section—
fine-only penalty, in relation to imposing a penalty for an offence, means a fine without any other penalty other than disqualification from holding or obtaining a Queensland driver licence.

70 Amendment of s 79 (Vehicle offences involving liquor or other drugs)

- (1) Section 79(1), from ‘an offence’—
omit, insert—

an offence.

Minimum penalty for the purposes of section 78E—10 penalty units.

Maximum penalty—40 penalty units or 9 months imprisonment.

- (2) Section 79(1A), from ‘offence to’—

omit, insert—

offence—

- (a) to a minimum penalty, for the purposes of section 78E, of 16 penalty units; and
- (b) to a maximum penalty of—
 - (i) 72 penalty units; or
 - (ii) 18 months imprisonment.

- (3) Section 79(1B), from ‘offence to’—

omit, insert—

offence—

- (a) to a minimum penalty, for the purposes of section 78E, of 16 penalty units; and
- (b) to a maximum penalty of—
 - (i) 72 penalty units; or
 - (ii) 18 months imprisonment.

- (4) Section 79(1D), from ‘offence to’—

omit, insert—

offence—

- (a) to a minimum penalty, for the purposes of section 78E, of 12 penalty units; and
- (b) to a maximum penalty of—
 - (i) 42 penalty units; or
 - (ii) 1 year’s imprisonment.

- (5) Section 79(1D), (1E), (2F), (2G), (2H) and (2I), ‘subsection (1F), (2), (2AA), (2A), (2B), (2D), (2J), (2K) or (2L)’—

omit, insert—

[s 70]

subsection (2AA) or (2AB) or an alcohol limit provision

- (6) Section 79(1E), from ‘offence to’—

omit, insert—

offence—

(a) to a minimum penalty, for the purposes of section 78E, of 14 penalty units; and

(b) to a maximum penalty of—

(i) 72 penalty units; or

(ii) 18 months imprisonment.

- (7) Section 79(1F), from ‘an offence’—

omit, insert—

an offence.

Minimum penalty for the purposes of section 78E—9 penalty units.

Maximum penalty—28 penalty units or 6 months imprisonment.

- (8) Section 79(2), (2A), (2B) and (2D), from ‘an offence’—

omit, insert—

an offence.

Minimum penalty for the purposes of section 78E—7.5 penalty units.

Maximum penalty—20 penalty units or 3 months imprisonment.

- (9) Section 79(2AAA), penalty—

omit, insert—

Minimum penalty for the purposes of section 78E—5 penalty units.

Maximum penalty—28 penalty units.

- (10) Section 79(2AAB), penalty—

omit, insert—

Minimum penalty for the purposes of section 78E—3 penalty units.

Maximum penalty—20 penalty units.

- (11) Section 79(2AA), from ‘an offence’—

omit, insert—

an offence.

Minimum penalty for the purposes of section 78E—7.5 penalty units.

Maximum penalty—28 penalty units or 3 months imprisonment.

- (12) Section 79, after subsection (2AA)—

insert—

(2AB) **Offence of driving etc. while relevant drug is present in blood or saliva and in contravention of alcohol limit provision**

Any person who, while a relevant drug is present in the person’s blood or saliva, contravenes an alcohol limit provision, is guilty of an offence.

Minimum penalty for the purposes of section 78E—the number of penalty units that is 0.5 penalty units more than the minimum penalty for a contravention of the alcohol limit provision.

Maximum penalty—33 penalty units or a term of imprisonment not exceeding the maximum term for a contravention of the alcohol limit provision.

- (13) Section 79(2F), heading, (2G), heading, (2H), heading and (2I), heading, ‘subsections’—

omit, insert—

provisions

- (14) Section 79(2F), from ‘offence to’—

[s 70]

omit, insert—

offence—

- (a) to a minimum penalty, for the purposes of section 78E, of—
 - (i) for an offence against subsection (2AB)—11.5 penalty units; or
 - (ii) for another offence—11 penalty units; and
- (b) to a maximum penalty of—
 - (i) for an offence against subsection (2AB)—35 penalty units; or
 - (ii) for another offence—30 penalty units; or
 - (iii) 6 months imprisonment.

(15) Section 79(2G), from ‘offence to’—

omit, insert—

offence—

- (a) to a minimum penalty, for the purposes of section 78E, of—
 - (i) for an offence against subsection (2AB)—13.5 penalty units; or
 - (ii) for another offence—13 penalty units; and
- (b) to a maximum penalty of—
 - (i) for an offence against subsection (2AB)—41 penalty units; or
 - (ii) for another offence—36 penalty units; or
 - (iii) 9 months imprisonment.

(16) Section 79(2H), from ‘offence to’—

omit, insert—

offence—

- (a) to a minimum penalty, for the purposes of section 78E, of—
 - (i) for an offence against subsection (2AB)—15.5 penalty units; or
 - (ii) for another offence—15 penalty units; and
- (b) to a maximum penalty of—
 - (i) for an offence against subsection (2AB)—47 penalty units; or
 - (ii) for another offence—42 penalty units; or
 - (iii) 1 year’s imprisonment.

(17) Section 79(2I), ‘those subsections’—

omit, insert—

those provisions

(18) Section 79(2I), from ‘offence to’—

omit, insert—

offence—

- (d) to a minimum penalty, for the purposes of section 78E, of—
 - (i) for an offence against subsection (2AB)—17.5 penalty units; or
 - (ii) for another offence—17 penalty units; and
- (e) to a maximum penalty of—
 - (i) for an offence against subsection (2AB)—77 penalty units; or
 - (ii) for another offence—72 penalty units; or
 - (iii) 18 months imprisonment.

[s 70]

- (19) Section 79(2J), penalty—

omit, insert—

Minimum penalty for the purposes of section 78E—7.5 penalty units.

Maximum penalty—26 penalty units or 6 months imprisonment.

- (20) Section 79(2K) and (2L), penalty—

omit, insert—

Minimum penalty for the purposes of section 78E—7.5 penalty units.

Maximum penalty—20 penalty units or 3 months imprisonment.

- (21) Section 79(4), heading, ‘subsection (1F), (2), (2A), (2B), (2D), (2J), (2K) or (2L)’—

omit, insert—

alcohol limit provision

- (22) Section 79(4)(b)(iii), ‘subsection (2A), (2B), (2D), (2J), (2K) or (2L) referred’—

omit, insert—

a no alcohol provision refers

- (23) Section 79(4)—

insert—

(c) that subsection (5B) does not apply;

- (24) Section 79(4), from ‘under subsection (1F)’—

omit, insert—

under the alcohol limit provision that is established by the evidence.

- (25) Section 79(4A), ‘subsection (2A), (2B), (2D), (2J), (2K) or (2L)’—

omit, insert—

a no alcohol provision

(26) Section 79(5)—

insert—

(c) that subsection (5B) does not apply;

(27) Section 79—

insert—

(5B) Conviction for offence under subsection (2AB) in particular circumstances

If, on the hearing of a complaint of an offence against subsection (1), the court is satisfied—

- (a) as to all the elements of the offence charged other than the element of the defendant's being under the influence of liquor or a drug at the material time; and
- (b) that at the material time there was a relevant drug present in the defendant's blood or saliva; and
- (c) that at the material time the defendant—
 - (i) was over the middle alcohol limit; or
 - (ii) was over the general alcohol limit; or
 - (iii) was a person to whom a no alcohol provision refers and was over the no alcohol limit;

the court must convict the defendant of the offence under subsection (2AB) that is established by the evidence.

(28) Section 79(6), after 'in respect of a motor vehicle'—

insert—

, or subsection (2AB) involving a contravention of any of those provisions in respect of a motor vehicle,

[s 71]

- (29) Section 79(6)(d), ‘(1F), (2), (2AA), (2A), (2B), (2D), (2J), (2K) or (2L)’—

omit, insert—

(2AA) or (2AB) or an alcohol limit provision

- (30) Section 79(7A), penalty—

omit, insert—

Minimum penalty for the purposes of section 78E—7.5 penalty units.

Maximum penalty—40 penalty units or 9 months imprisonment.

- (31) Section 79(9), from ‘any provision of’ to ‘or (2L)’—

omit, insert—

subsection (1), (2AA) or (2AB) or an alcohol limit provision

- (32) Section 79(14), ‘or (2AA)’—

omit, insert—

, (2AA) or (2AB)

71 Amendment of s 79B (Immediate suspension or disqualification)

- (1) Section 79B(1)(ab), after ‘section 79(1F)’—

insert—

, or section 79(2AB) in relation to a contravention of section 79(1F),

- (2) Section 79B(1)(c) and (ca), after ‘(2AA),’—

insert—

(2AB),

72 Amendment of s 79H (Infringement notices for driving while over general alcohol limit but not over middle alcohol limit)

Section 79H(4), definition *drink driving offence*, paragraph (c), after ‘79(2A),’—

insert—

(2AB),

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

- (1) Section 80(6)(aa), ‘section 79(2A), (2B), (2D), (2J), (2K) or (2L)’—

omit, insert—

a no alcohol provision

- (2) Section 80(16L), after ‘(2AA)’—

insert—

, (2AB)

- (3) Section 80(22)(a) and (c)(i), ‘section 79(2A), (2B), (2D), (2J), (2K) or (2L)’—

omit, insert—

a no alcohol provision

74 Amendment of s 86 (Disqualification of drivers of motor vehicles for certain offences)

- (1) Section 86(1)(b), (1F), (1G), (2), (2F), (3E) and (3F), ‘section 79(1F), (2), (2AA), (2A), (2B), (2D), (2J), (2K) or (2L)’—

omit, insert—

section 79(2AA) or (2AB) or an alcohol limit provision

- (2) Section 86(2)(ea), after ‘section 79(1F)’—

insert—

[s 74]

or section 79(2AB) involving a contravention of section 79(1F)

- (3) Section 86(2)(eb), after ‘section 79(2)’—

insert—

, (2AA) or (2AB), other than as mentioned in paragraph (ea)

- (4) Section 86(2)(f), ‘in any other case’—

omit, insert—

if paragraph (e), (ea), (eb) or (g) does not apply

- (5) Section 86(2)—

insert—

(g) if the person is convicted of an offence in relation to a motor vehicle under section 79(2AB)—

(i) for the period of not less than the number of months the person would, other than for this subparagraph, have been required to have been disqualified under paragraph (e), (ea), (eb) or (f), increased by 1 month; and

(ii) the period of not more than the number of months the person could, other than for this subparagraph, have been disqualified under paragraph (e), (ea), (eb) or (f), increased by 1 month.

- (6) Section 86(2B), from ‘under section’—

omit, insert—

under section 79(2AA) or (2AB) or an alcohol limit provision, the person is disqualified from holding or obtaining a Queensland driver licence—

(a) if the conviction is under section 79(2AB)—for a period of not less than 4

months and not more than 19 months from the date of the conviction; or

- (b) otherwise—for a period of not less than 3 months and not more than 18 months from the date of the conviction.

(7) Section 86(2D), from ‘under section’—

omit, insert—

under section 79(2AA) or (2AB) or an alcohol limit provision, the person is disqualified from holding or obtaining a Queensland driver licence, without specific order—

- (a) if the conviction is under section 79(2AB)—for a period of 7 months from the date of the conviction; or
- (b) otherwise—for a period of 6 months from the date of the conviction.

(8) Section 86(2E), from ‘specific order’—

omit, insert—

specific order from holding or obtaining a Queensland driver licence—

- (a) if the conviction is under section 79(2AB)—for a period of 10 months from the date of the conviction; or
- (b) otherwise—for a period of 9 months from the date of the conviction.

(9) Section 86(2F), from ‘specific order’—

omit, insert—

specific order from holding or obtaining a Queensland driver licence—

- (c) if the conviction is under section 79(2AB)—for a period of 13 months from the date of the conviction; or

[s 75]

- (d) otherwise—for a period of 12 months from the date of the conviction.

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

- (1) Section 87(5)(da), ‘section 79(1), (2A), (2B), (2D), (2J), (2K) or (2L)’—

omit, insert—

section 79(1) or (2AB) or a no alcohol provision

- (2) Section 87(5)(db)(ii) and (dc)(ii), ‘section 79(2A), (2B), (2D), (2J), (2K) or (2L)’—

omit, insert—

a no alcohol provision

76 Amendment of s 90A (Definitions for ss 90B–90D)

- (1) Section 90A, definition *designated offence*, paragraph (a)(i), ‘or (2AA)’—

omit, insert—

, (2AA) or (2AB)

- (2) Section 90A, definition *drink driving offence*, paragraph (a)(ii), ‘or (2AA)’—

omit, insert—

, (2AA) or (2AB)

77 Amendment of s 91A (Definitions for part)

Section 91A, definition *alcohol-related driver offence*, paragraph (b), after ‘(2A),’—

insert—

(2AB),

78 Amendment of s 91I (Definitions for part)

- (1) Section 91I, definition *drink driving offence*, paragraph (c), after ‘section 79(1F)’—

insert—

, or section 79(2AB) in relation to a contravention of section 79(1F),

- (2) Section 91I, definition *drink driving offence*, paragraph (h), after ‘involving a motor vehicle’—

insert—

, or section 79(2AB) involving a contravention of any of those provisions with respect to a motor vehicle,

79 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

alcohol limit provision means any of the following provisions—

- (a) section 79(1F) or (2);
- (b) a no alcohol provision.

no alcohol provision means section 79(2A), (2B), (2D), (2J), (2K) or (2L).

Division 4 Amendments commencing by proclamation

80 Amendment of s 79B (Immediate suspension or disqualification)

- (1) Section 79B, heading, after ‘disqualification’—

insert—

[s 81]

—general

- (2) Section 79B(3), from ‘driver licence’—

omit, insert—

driver licence—

- (a) the person’s authority to drive, or learn to drive, on a Queensland road under the person’s non-Queensland driver licence is suspended; and
- (b) the person is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence; and
- (c) the person is disqualified from holding or obtaining a Queensland driver licence.

- (3) Section 79B(4), from ‘a driver licence’—

omit, insert—

a driver licence—

- (a) the person is disqualified from holding or obtaining a Queensland driver licence; and
- (b) the person is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence.

81 Insertion of new s 79BA

After section 79B—

insert—

79BA Immediate suspension or disqualification—roadside-detected offence involving driving more than 40km/h over the speed limit

- (1) This section applies if a person is—

-
- (a) charged with a roadside-detected offence that involves driving more than 40km/h over the speed limit; or
 - (b) served with an infringement notice for an offence mentioned in paragraph (a).
 - (2) If the person holds a Queensland driver licence, the person's Queensland driver licence is suspended.
 - (3) If the person's authority to drive on a Queensland road is under a non-Queensland driver licence—
 - (a) the person's authority to drive, or learn to drive, on a Queensland road under the person's non-Queensland driver licence is suspended; and
 - (b) the person is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence; and
 - (c) the person is disqualified from holding or obtaining a Queensland driver licence.
 - (4) If the person does not hold a driver licence—
 - (a) the person is disqualified from holding or obtaining a Queensland driver licence; and
 - (b) the person is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence.
 - (5) A regulation must prescribe for a suspension or disqualification under subsection (2), (3) or (4)—
 - (a) the day the suspension or disqualification starts; and
 - (b) the circumstances in which the suspension may be stayed; and
 - (c) the day the suspension or disqualification ends.

[s 82]

(6) In this section—

roadside-detected offence means an offence against the Queensland Road Rules, section 20 that is not a camera-detected offence.

82 Amendment of s 79C (When person is charged for s 79B)

(1) Section 79C, heading, ‘s 79B’—

omit, insert—

s 79B or 79BA

(2) Section 79C(1), after ‘79B(1)’—

insert—

or 79BA(1)(a)

(3) Section 79C(2), (3) and (4), after ‘79B’—

insert—

or 79BA

83 Amendment of s 79D (Notice to be given of suspension or disqualification)

(1) Section 79D(1), after ‘79B’—

insert—

or 79BA

(2) Section 79D(1)(a), after ‘authority to drive’—

insert—

or learn to drive

(3) Section 79D(2), after ‘offence’—

insert—

, or served with the infringement notice for the offence,

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

- (1) Section 80(1), definitions *saliva analysing instrument* and *saliva analysis*—

omit.

- (2) Section 80(1)—

insert—

saliva collection unit means a unit, prescribed by regulation, for the collection of a specimen of saliva for saliva analysis.

saliva analysis, for a specimen of saliva, means testing of the specimen for the presence of a relevant drug by a laboratory test approved by regulation.

specimen provision means any of subsections (8) and (8C) to (8M).

- (3) Section 80(1), definition *authorised police officer*, from ‘operate either’—

omit, insert—

operate or use either or both of the following—

- (a) a breath analysing instrument;
- (b) a saliva collection unit.

- (4) Section 80(6), heading, ‘subsections (8)–(8L)’—

omit, insert—

specimen provisions

- (5) Section 80(6)(ca), (d)(ii) and (e), ‘or by a saliva analysing instrument of a specimen of saliva’—

omit, insert—

or the collection of a specimen of saliva using a saliva collection unit

- (6) Section 80(6)—

[s 84]

insert—

- (f) if paragraph (ab), (b) or (ba) applies and facilities are available for the collection of a specimen of saliva by a saliva collection unit where the person has given, or been required to provide, a specimen of saliva for a saliva test—detain the person at the place;

- (7) Section 80(6), (8B), (9)(b) and (15F)(b), ‘subsections (8) to (8L)’—

omit, insert—

a specimen provision

- (8) Section 80(8)(c)—

omit, insert—

- (c) is, for the purposes of a specimen provision—

- (i) detained at or taken to a police station; or
- (ii) detained at or taken to a vehicle or vessel where facilities are available for the analysis by a breath analysing instrument of a specimen of breath or the collection of a specimen of saliva using a saliva collection unit; or
- (iii) detained at the place where the person has given, or been required to provide, a specimen of saliva for a saliva test; or
- (iv) taken to a hospital or other place authorised under this section;

- (9) Section 80(8A), from ‘detained’—

omit, insert—

detained by a police officer at a police station, vehicle, vessel, hospital or other place mentioned in that subsection for the purposes of a specimen

provision.

- (10) Section 80(8B), heading, ‘subsections (8)–(8L)’—
omit, insert—

specimen provisions

- (11) Section 80(8B)(b)—
omit, insert—

(b) to a police station, vehicle or vessel where facilities are available for the analysis of breath using a breath analysing instrument or the collection of a specimen of saliva using a saliva collection unit; or

- (12) Section 80(8FA)(a)—
omit, insert—

(a) placing a saliva collection unit into or adjacent to the person’s mouth when directed by the authorised police officer; and

- (13) Section 80(8FA)(b), ‘collection unit, in a way prescribed under a regulation’—
omit, insert—

saliva collection unit, in a way prescribed by regulation

- (14) Section 80(8G), heading, ‘or saliva analysing instrument’—
omit, insert—

analysing instrument or use saliva collection unit

- (15) Section 80(8G), from ‘operate either’ to ‘operate the instrument’—
omit, insert—

operate or use either or both of the following if the commissioner is satisfied the officer is competent

[s 84]

to operate or use the instrument or unit

(16) Section 80(8G)(b)—

omit, insert—

(b) a saliva collection unit.

(17) Section 80(8I), after ‘operate’—

insert—

or use

(18) Section 80(8I), ‘saliva analysing instrument’—

omit, insert—

saliva collection unit

(19) Section 80(8L)(b)(ii)—

omit, insert—

(ii) provides, or purports to provide, a specimen of breath for analysis by a breath analysing instrument, and any of the following circumstances apply—

(A) the breath analysing instrument is or becomes defective precluding its satisfactory operation to analyse the breath specimen;

(B) for any reason it is not possible to use or continue using the breath analysing instrument for analysing the breath specimen;

(C) the instrument indicates to the authorised police officer operating the instrument that alcohol or some other substance is present in the mouth of the person supplying the breath specimen;

(D) for any other reason it is not possible to complete the analysis; or

- (iii) provides, or purports to provide, a specimen of saliva using a saliva collection unit, and either of the following apply—
 - (A) the saliva collection unit is or becomes defective precluding the collection of an adequate specimen of saliva for saliva analysis;
 - (B) for any other reason it is not possible to use or continue using the saliva collection unit for collecting a specimen of saliva.
- (20) Section 80(9), ‘saliva for saliva analysis,’—
omit, insert—
saliva for a saliva test,
- (21) Section 80(9)(d)(ii), ‘analysis by the saliva analysing instrument’—
omit, insert—
testing by a saliva test
- (22) Section 80(10EA), heading, ‘analysed’—
omit, insert—
collected
- (23) Section 80(10EA)(b) and (c)—
omit, insert—
(b) a notice about the collection is retained by, or given to, the police officer under subsection (15AB)(b).
- (24) Section 80(11A), heading, after ‘subsection (11)’—
insert—
or (11AA)
- (25) Section 80(15AB) and (15AC)—
omit, insert—

[s 84]

(15AB) Saliva collection notice

As soon as practicable after a specimen of saliva using a saliva collection unit is provided under this section for saliva analysis, the authorised police officer using the unit must—

- (a) enter details in a notice, in the approved form, about the collection of the specimen of saliva; and
- (b) either—
 - (i) if the specimen was collected by the police officer who required the person to provide the specimen—retain 1 copy of the notice; or
 - (ii) otherwise—give 1 copy of the notice to the police officer who required the person to provide the specimen; and
- (c) give a copy of the notice to the person whose saliva is to be tested by saliva analysis or, at the person's request, to another person on the person's behalf.

(15AC) Approved form for person who provides specimen of saliva to include particular matters

The approved form mentioned in subsection (15AB) must include—

- (a) a statement that the person may ask for a specimen of the person's saliva to be given to the person under subsection (20); and
- (b) advice that another part of the specimen will be delivered to a laboratory for saliva analysis.

(26) Section 80(15B), 'saliva analysing instrument'—

omit, insert—

saliva collection unit

(27) Section 80(15B)(c) and (d)—

omit, insert—

(c) the name of the person operating or using the breath analysing instrument or saliva collection unit; and

(d) either—

(i) for a breath analysing instrument—the name and model number of the instrument; or

(ii) for a saliva collection unit—the name of the collection unit; and

(28) Section 80(15F)(c), ‘saliva analysing instrument’—

omit, insert—

saliva collection unit

(29) Section 80(15F)(c), ‘analysing a specimen provided’—

omit, insert—

analysing or collecting a specimen

(30) Section 80(16)(b)—

omit, insert—

(b) a specimen of saliva using a saliva collection unit has been obtained under this section and a notice is retained by, or given to, an authorised police officer under subsection (15AB);

(31) Section 80(21), definition *relevant provision*, before paragraph (a)—

insert—

(aa) subsection (2) or (2A) to the extent it applies to a person who may be required to provide a specimen of saliva for a saliva test; or

[s 85]

- (32) Section 80(21), definition *relevant provision*, paragraphs (aa) to (b)—
renumber as paragraphs (a) to (c).
- (33) Section 80(22)(ab) and (b)—
omit, insert—
- (ab) the testing of a specimen of saliva of a person using a saliva test required by a police officer under a relevant provision indicates that a relevant drug is present in the person's saliva; or
 - (b) a person required to provide a specimen of breath or saliva for analysis or testing under a relevant provision fails to provide the specimen as required under subsection (2) or (2A) or a specimen provision; or
- (34) Section 80(22AA)(a)—
omit, insert—
- (a) the analysis or test mentioned in subsection (22)(a) or (ab) was made or conducted; or
- (35) Section 80(22AC)(b), 'the analysis by means of a saliva analysing instrument'—
omit, insert—
- the testing by a saliva test
- (36) Section 80(22AC)(c), from 'breath,' to '(8L)'—
omit, insert—
- breath or a specimen of saliva for a saliva test under a relevant provision fails to provide the specimen as required under a specimen provision

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

- (1) Section 87(3B), from 'section 91D(1)(b),'—

omit, insert—

section 91D(1)(b) or section 91HDC(1)(b)—

- (a) for a person convicted of an alcohol-related driver offence—part 3A applies to the person in relation to the grant of the restricted licence; or
- (b) for a person convicted of a drug-related driver offence—part 3AA applies to the person in relation to the grant of the restricted licence.

(2) Section 87—

insert—

(12) In this section—

alcohol-related driver offence see section 91A.

86 Amendment of s 91C (Publication of details of program)

Section 91C(2), definition *service provider*, ‘this section’—

omit, insert—

section 91B

87 Insertion of new ch 5, pt 3AA

Chapter 5—

insert—

Part 3AA Education program for drug drivers

91HDA Approval of program

- (1) The chief executive may approve a program designed to educate and support participants to separate the act of taking drugs from driving.

[s 87]

- (2) A regulation may prescribe fees payable for a program approved under this section that is provided by the department.

91HDB Publication of details of program

- (1) The chief executive must publish the following details of a program approved under section 91HDA 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 91HDA(2) for the program;
 - (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 section 91HDA.

91HDC Requirement for drug drivers to complete program

- (1) This section applies to a person who—
 - (a) is convicted of a drug-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 section 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 section applying to the person in relation to the person's driver licence disqualification arising from the person's conviction of another drug-related driver offence committed within or after the 5-year period.
- (4) The person is not eligible for a Queensland driver licence unless the person has completed a program approved under section 91HDA within the previous 1 year.
- (5) In this section—

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

88 Amendment of s 113 (Definitions for div 2)

- (1) Section 113, heading, 'div 2'—

omit, insert—

division

- (2) Section 113—

insert—

relevant entity, in relation to a camera-detected offence, means—

- (a) the chief executive; or
- (b) the commissioner; or

[s 89]

(c) the SPEA administering authority for the offence.

- (3) Section 113, definition *camera-detected offence*, paragraph (a), ‘under the *State Penalties Enforcement Act 1999*’—

omit.

- (4) Section 113, definition *person in charge*, paragraphs (a)(ii), (b)(ii) and (c)(ii), from ‘a notice’ to ‘any notice’—

omit, insert—

a notification mentioned in section 114(3)(b)(i)—the person named, in any notification

- (5) Section 113, definition *person in charge*, paragraph (c)(iii), from ‘a notice’ to ‘any notice’—

omit, insert—

a notification mentioned in section 114(3A)(b)—the person named, in any notification

- (6) Section 113, definition *person in charge*, paragraph (c)(iv), from ‘a notice’ to ‘any notice’—

omit, insert—

a notification mentioned in section 114(3A)(c)—the person named, in any notification

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

- (1) Section 114(1), after ‘prescribed offence’—

insert—

, other than a passenger seatbelt offence,

- (2) Section 114—

insert—

-
- (2A) Despite subsection (1), if a driver responsibility offence happens—
- (a) a person can not be punished for the driver responsibility offence if the passenger to whom the offence relates is punished for a passenger seatbelt offence committed at the same time as the driver responsibility offence; and
 - (b) the passenger to whom the driver responsibility offence relates can not be punished for a passenger seatbelt offence committed at the same time as the driver responsibility offence if a person is punished for the driver responsibility offence.
- (3) Section 114(3), after ‘other than’—
- insert—*
- a passenger seatbelt offence or
- (4) Section 114(3)(b)(i) and (ii), ‘commissioner, the chief executive or the SPEA administering authority’—
- omit, insert—*
- relevant entity
- (5) Section 114, after subsection (3)—
- insert—*
- (3AA) It is a defence to a driver responsibility offence for a person to prove that the person has notified the relevant entity of the name and address of the passenger to whom the offence relates.
- (6) Section 114(3A)(a), ‘when’—
- omit, insert—*
- at the time
- (7) Section 114(3A)(b) and (c), ‘chief executive or the SPEA administering authority’—

[s 89]

omit, insert—

relevant entity

(8) Section 114(4) and (5)—

omit, insert—

(4) A defence under subsection (3), (3AA) or (3A) is available to a person only if—

- (a) the person gives a notification mentioned in the subsection in a statutory declaration or an online declaration; and
- (b) for a notification mentioned in subsection (3)(b)(ii)—the notification is also about the matters mentioned in subsection (6); and
- (c) the notification is given within 28 days after the date of whichever of the following is first given to the person for the offence—
 - (i) an infringement notice;
 - (ii) a written notice from the relevant entity alleging a camera-detected offence.

(9) Section 114(8)—

omit, insert—

- (8) Nothing in this section stops a person notifying the relevant entity, in a statutory declaration or an online declaration, that the person was—
- (a) the driver of the vehicle involved in a camera-detected offence; or
 - (b) the passenger to whom a driver responsibility offence relates.

(10) Section 114(10)—

insert—

approved seatbelt, in relation to a driver responsibility offence or a passenger seatbelt offence, has the meaning it has for the offence.

driver responsibility offence means a camera-detected offence that—

- (a) is prescribed by regulation for this paragraph; and
- (b) involves a failure by the driver of a motor vehicle to ensure each passenger in or on the motor vehicle who is 16 years or older is wearing an approved seatbelt in the way required under the regulation.

passenger seatbelt offence means a camera-detected offence, other than a driver responsibility offence, that—

- (a) is prescribed by regulation for this paragraph; and
- (b) involves a failure by a passenger in or on a motor vehicle who is 16 years or older to wear an approved seatbelt in the way required under the regulation.

90 Amendment of s 116 (Notice accompanying summons)

- (1) Section 116, heading—

omit, insert—

116 Information to accompany notice, complaint or summons

- (2) Section 116(1)(a), from ‘commissioner’ to ‘section 114(3)(b)(i)’—

omit, insert—

relevant entity of the name and address of a person under section 114(3)(b)(i), (3AA)

- (3) Section 116(2), ‘notice’—

omit, insert—

written information

[s 91]

91 Amendment of s 121 (Application of the State Penalties Enforcement Act 1999)

- (1) Section 121(3)(b)—
omit.
- (2) Section 121(3)(c)—
renumber as section 121(3)(b).

92 Amendment of s 123L (Certificate is evidence of another matter—analysing instrument)

- (1) Section 123L, heading, ‘analysing’—
omit, insert—
breath analysing
- (2) Section 123L(1) and (2)(b), ‘or saliva analysing instrument’—
omit.

93 Amendment of s 123P (Evidence about analysing instruments)

- (1) Section 123P, heading, ‘analysing instruments’—
omit, insert—
breath analysing instrument
- (2) Section 123P(1), from ‘an offence against’ to ‘saliva analysing instrument’—
omit, insert—
a relevant offence, evidence of the condition of a
breath analysing instrument
- (3) Section 123P(2), definition *saliva analysing instrument*—
omit.
- (4) Section 123P(2)—
insert—

relevant offence means—

- (a) an offence against a provision of a transport Act; or
- (ab) an offence against the Criminal Code, section 334I or 334K; or
- (b) a relevant assault offence under the *Police Powers and Responsibilities Act 2000*, section 548B.

94 Amendment of s 129B (Disqualification period for person driving more than 40km/h over speed limit)

- (1) Section 129B(1)(a), ‘a regulation for’—

omit, insert—

the Queensland Road Rules, section 20 that involves

- (2) Section 129B—

insert—

- (3) However, if—

- (a) the person’s Queensland driver licence, or authority to drive or learn to drive on a Queensland road under a non-Queensland driver licence, was suspended under section 79BA(2) or (3) in relation to the offence; or
- (b) the person is disqualified from holding a Queensland driver licence and is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence under section 79BA(4) in relation to the offence;

the court may, in deciding the period of disqualification, take into account the period of suspension or disqualification that has already been served under section 79BA.

[s 95]

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

Section 131(9)(e), ‘a regulation for’—

omit, insert—

the Queensland Road Rules, section 20 that involves

96 Amendment of s 150 (Regulating driver management)

(1) Section 150(1A), from ‘suspended’ to ‘for example’—

omit, insert—

suspended under stated provisions to continue to drive motor vehicles under Queensland driver licences in stated circumstances (***special hardship orders***), including, for example, by providing for

(2) Section 150—

insert—

(1B) Also without limiting subsection (1)(c), a regulation may provide that the chief executive or a court may grant permits, on the basis of special hardship, authorising persons whose licences have been suspended under stated provisions to continue to drive motor vehicles under Queensland driver licences in stated circumstances (***severe hardship permits***), including, for example, by providing for—

- (a) the persons who are eligible, and who are not eligible, to apply for permits; and
- (b) how and when applications for permits are to be made; and
- (c) the fees payable for applications for permits; and

- (d) the criteria to be used in deciding applications for permits; and
- (e) the periods within which applications for permits must be decided; and
- (f) the notices that must be given about decisions on applications for permits; and
- (g) when the chief executive must issue replacement licences and the types of restrictions the chief executive may or must apply to the licences; and
- (h) the periods for which permits are effective; and
- (i) the effect of permits on the suspensions; and
- (j) the consequences for failing to comply with permits or restrictions applicable to licences, including, for example, the creation of offences and the disqualification of persons from holding or obtaining driver licences; and
- (k) the power of, and procedure for, a court—
 - (i) to review, including by way of merits review, decisions of the chief executive in relation to applications for the grant of permits and restrictions applied to licences; and
 - (ii) to grant permits.

97 Insertion of new ch 7, pt 28, div 3

Chapter 7, part 28, as inserted by this Act—
insert—

Division 3

**Provisions for
amendments commencing
by proclamation**

250 Prescribed offences committed before commencement

- (1) Despite the amendment Act, former chapter 5, part 7, division 2 continues to apply in relation to an offence committed before the commencement.
- (2) In this section—
former chapter 5, part 7, division 2 means chapter 5, part 7, division 2 as in force from time to time before the commencement.

251 Continued application of former saliva analysis provisions

- (1) This section applies in relation to a person who was, before the commencement, required to provide a specimen of the person's saliva for saliva analysis under former section 80.
- (2) Despite the amendment Act, former sections 80, 123L and 123P continue to apply in relation to the requirement.
- (3) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for an offence relating to the requirement to provide a specimen of the person's saliva may be continued or started, and the person may be convicted of and punished for the offence, as if the amendment Act had not commenced.
- (4) In this section—
former, in relation to a provision of this Act, means the provision as in force immediately before the commencement.

252 Drug-related driver offences committed before commencement

- (1) This section applies if—

- (a) before the commencement, a person committed a drug-related driver offence; and
- (b) after the commencement—
 - (i) the person is convicted of the offence; and
 - (ii) the person is disqualified from holding or obtaining a Queensland driver licence as mentioned in section 91HDC(1)(b).
- (2) Chapter 5, part 3AA does not apply to the person in relation to the offence.

98 Amendment of sch 1 (Evidence by certificate)

Schedule 1, item 37—

omit, insert—

37	specified information in relation to a camera-detected offence was notified to the relevant entity in a statutory declaration or an online declaration under section 114 by a specified person on a specified date	• the relevant entity
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99 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definition *camera-detected offence*—

omit.

- (2) Schedule 4—

insert—

camera-detected offence see section 113.

relevant entity, in relation to a camera-detected offence, see section 113.

[s 99]

(3) Schedule 4—

insert—

drug-related driver offence means any of the following offences—

- (a) an offence against section 79(1), involving a motor vehicle, while under the influence of a drug;
- (b) an offence against section 79(2AA) or (2AB) 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 saliva for saliva 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 presence of a drug (if any) in the person's blood;
- (d) an offence against the Criminal Code, section 334I, if the offence—
 - (i) is committed with a circumstance of aggravation stated in section 334I(4)(a)(i) of that Code while the offender is under the influence of a drug; or
 - (ii) is committed with a circumstance of aggravation stated in section 334I(4)(a)(iii) of that Code.

severe hardship permits see section 150(1B).

Part 11 Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2021

Division 1 Preliminary

100 Regulation amended

This part amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*.

Division 2 Amendment commencing on assent

101 Insertion of new ch 8A

After chapter 8—

insert—

Chapter 8A Disqualification after service of infringement notice

289A Application of chapter

This chapter applies if—

- (a) a person is served with an infringement notice for a contravention of section 79(2)(a) or (b) of the Act (the *offence*); and
- (b) the person has not elected to have the matter of the offence decided in a Magistrates Court under the *State Penalties Enforcement Act 1999*; and

- (c) the infringement notice has not been cancelled or withdrawn under the *State Penalties Enforcement Act 1999*.

289B Notice about administrative disqualification

- (1) The chief executive must give the person a written notice that states the following—
 - (a) the day the notice is given;
 - (b) the details of the infringement notice served on the person;
 - (c) that the person will be disqualified from holding or obtaining a Queensland driver licence for a period of 2 months starting on—
 - (i) the day stated in the notice; or
 - (ii) if the person notifies the chief executive in writing under section 289C that the person wants the administrative disqualification period to start on an earlier day—the earlier day;
 - (d) the general effect of the person's administrative disqualification under section 79J of the Act.
- (2) For subsection (1)(c)(i), the stated day must be at least 21 days after the day the notice is given.
- (3) The notice must be given after the earliest of the following events to happen—
 - (a) the person pays the infringement notice fine for the offence;
 - (b) the person applies under the *State Penalties Enforcement Act 1999* to pay the infringement notice fine for the offence by instalments;

- (c) a default certificate is given to SPER under the *State Penalties Enforcement Act 1999*, section 33 for the offence.
- (4) In this section—
infringement notice fine see the *State Penalties Enforcement Act 1999*, schedule 2.

289C Start of administrative disqualification period—Act, s 79I

- (1) For section 79I(3) of the Act, the administrative disqualification period for the person starts on the day stated in the notice under section 289B(1)(c)(i).
- (2) However, if the person notifies the chief executive in writing that the person wants the administrative disqualification period to start on an earlier day, the administrative disqualification period starts on the earlier day.
- (3) The earlier day notified by the person must not be before the day the person notifies the chief executive.

Division 3 Amendments commencing by proclamation

102 Amendment of s 241 (Application of division)

Section 241(1)(a)(ii), after ‘under’—

insert—

section 79BA of the Act or

103 Amendment of s 242 (Meaning of *restricted driving period*)

(1) Section 242—

insert—

(2A) For a person mentioned in section 241(1)(a)(ii) whose Queensland driver licence is suspended under section 79BA of the Act or section 285(5), the relevant day is—

(a) if a severe hardship permit is granted for the person—the day the severe hardship permit is granted; or

(b) otherwise—the day after the last day of the suspension.

(2) Section 242(3), ‘or 285(5)’—

omit.

(3) Section 242(2A) to (6)—

renumber as section 242(3) to (7).

104 Amendment of s 258 (Additional demerit points for multiple driver seatbelt offences)

Section 258(4), definition *driver seatbelt offence*, from ‘against’—

omit, insert—

against the Queensland Road Rules, section 264(1).

105 Amendment of s 260 (Additional demerit points for multiple offences of driving more than 20km/h over speed limit)

(1) Section 260, heading, after ‘20km/h’—

insert—

but not more than 40km/h

- (2) Section 260(1)(a), ‘a relevant speeding offence’—

omit, insert—

an offence against the Queensland Road Rules,
section 20 that involves driving more than
20km/h, but not more than 40km/h, over the speed
limit

- (3) Section 260(1)(b), ‘earlier relevant speeding offences for
which demerit points have been or must be recorded on the
person’s traffic history under section 256’—

omit, insert—

earlier offences against the Queensland Road
Rules, section 20 that involved driving more than
20km/h over the speed limit

- (4) Section 260(2)(c)—

omit.

- (5) Section 260(4)—

omit.

**106 Amendment of ch 7, pt 3, div 6, hdg (Persons who commit
offences before special hardship orders made)**

Chapter 7, part 3, division 6, heading, after ‘made’—

insert—

or severe hardship permits granted

107 Amendment of s 275 (Application of division)

- (1) Section 275(a), after ‘order’—

insert—

or severe hardship permit

- (2) Section 275(b), after ‘made’—

insert—

, or a severe hardship permit is later granted,

- (3) Section 275(c), after ‘hardship order’—

insert—

or permit period for the severe hardship permit

108 Amendment of ch 7, pt 3, div 7, hdg (Persons to whom special hardship orders apply)

Chapter 7, part 3, division 7, heading, after ‘orders’—

insert—

or severe hardship permits

109 Amendment of s 277 (Application of division)

- (1) Section 277(a), after ‘made’—

insert—

or severe hardship permit is granted

- (2) Section 277(c), after ‘hardship order’—

insert—

or permit period for the severe hardship permit

110 Amendment of s 278 (Chief executive must give notice of suspension of Queensland driver licence)

Section 278(1)(b) and (4)(b), after ‘hardship order’—

insert—

or double the permit period for the severe hardship permit

111 Replacement of ch 8, pt 1, hdg (General)

Chapter 8, part 1, heading—

omit, insert—

Part 1 Camera-detected offences

Division 1 Preliminary

112 Amendment of s 284 (Application of part)

(1) Section 284, ‘part’—

omit, insert—

division

(2) Section 284(1)(a), before ‘involves’—

insert—

is a camera-detected offence that

113 Amendment of s 285 (Chief executive must give notice of suspension to Queensland driver licence holders)

Section 285(2)(c), ‘special hardship order under chapter
10’—

omit, insert—

severe hardship permit under chapter 10A

114 Replacement of ch 8, pt 2, hdg (Section 79E drivers and persons to whom special hardship orders apply)

Chapter 8, part 2, heading—

omit, insert—

**Division 2 Section 79E drivers and
 persons to whom special
 hardship orders or severe
 hardship permits apply**

115 Amendment of s 288 (Suspension for driving more than 40km/h over speed limit while section 79E driver)

- (1) Section 288, heading, after ‘for’—

insert—

camera-detected offence involving

- (2) Section 288(1)(a), before ‘involves’—

insert—

is a camera-detected offence that

116 Amendment of s 289 (Suspension for driving more than 40km/h over speed limit during order period for special hardship order)

- (1) Section 289, heading—

omit, insert—

289 Suspension for camera-detected offence involving driving more than 40km/h over speed limit during order period for special hardship order or permit period for severe hardship permit

- (2) Section 289(1)(a), after ‘made’—

insert—

or severe hardship permit is granted

- (3) Section 289(1)(b), after ‘hardship order’—

insert—

or permit period for the severe hardship permit

- (4) Section 289(1)(b)(i), before ‘involves’—

insert—

is a camera-detected offence that

- (5) Section 289(2)(b) and (5)(b), after ‘hardship order’—

insert—

or double the permit period for the severe hardship permit

117 Insertion of new ch 8, pt 2

Chapter 8—

insert—

**Part 2 Roadside-detected
 offences**

**Division 1 When suspension or
 disqualification starts and
 ends**

289AA Application of division

This division applies to a person if, under section 79BA of the Act—

- (a) the person's Queensland driver licence, or authority to drive or learn to drive on a Queensland road under a non-Queensland driver licence, is suspended; or
- (b) the person is disqualified from holding or obtaining a Queensland driver licence.

**289AB When suspension or disqualification
starts—Act, s 79BA**

- (1) This section prescribes for section 79BA(5)(a) of the Act the day the suspension or disqualification starts.
- (2) Subject to subsections (3) and (4), the suspension or disqualification starts—

- (a) if the person is charged with the offence under section 79BA(1)(a) of the Act—when the person is, for section 79BA of the Act, taken to be charged under section 79C of the Act; or
 - (b) if the person is served with an infringement notice under section 79BA(1)(b) of the Act—when a police officer serves the infringement notice.
- (3) Subsection (4) applies if a police officer reasonably believes—
 - (a) the safety of a person may be at risk if the person is not permitted to continue to drive the vehicle to a destination; and
 - (b) delaying the starting of the suspension or disqualification for a period that is reasonable in the circumstances to permit the person to drive to the destination would not compromise the safety of a person.
- (4) The police officer—
 - (a) may decide that the suspension or disqualification will start at the end of a stated period, but no more than 48 hours after the person is charged with the offence under section 79BA(1)(a) of the Act or served with the infringement notice under section 79BA(1)(b) of the Act; and
 - (b) if paragraph (a) applies—must give the person notice of the decision.
- (5) The notice mentioned in subsection (4)(b) may be included in a notice given to the person under section 79D(2)(a) of the Act.

289AC When suspension or disqualification ends—Act, s 79BA

For section 79BA(5)(c) of the Act, the suspension or disqualification ends—

- (a) if the person is a section 79E driver immediately before the suspension starts and the charge to which the order relates (the *previous charge*) has not been dealt with by a court or been withdrawn or otherwise discontinued within 6 months after the suspension starts—when the previous charge is dealt with by the court or is withdrawn or discontinued; or
- (b) if a special hardship order applies to the person immediately before the suspension starts—at the end of the period that is double the order period for the special hardship order; or
- (c) if a severe hardship permit applies to the person immediately before the suspension starts—at the end of the period that is double the permit period for the severe hardship permit; or
- (d) if the charge or infringement notice is dealt with by a court and the person is found not guilty of the offence, or the charge or infringement notice is withdrawn or otherwise discontinued—when the charge or infringement notice is dealt with by the court or is withdrawn or otherwise discontinued; or
- (e) if the suspension is stayed under division 2 and the court decides the person is guilty of the offence but does not disqualify the person from holding or obtaining a Queensland driver licence—when the sum

of the periods of the suspension before and after the stay is 6 months; or

- (f) if a court disqualifies the person whose Queensland driver licence is suspended from holding or obtaining a driver licence for a period under section 129B of the Act—when the disqualification starts; or
- (g) if the person is granted a severe hardship permit—when a replacement licence is issued to the person under section 328M; or
- (h) in any other case—6 months after the day the suspension or disqualification starts.

Division 2 Infringement notice referred to court

289AD Application of division

This division applies if—

- (a) an infringement notice is served on a person for an offence mentioned in section 79BA(1)(a) of the Act; and
- (b) the person's Queensland driver licence, or authority to drive or learn to drive on a Queensland road under a non-Queensland driver licence, is suspended under section 79BA(2) or (3) of the Act; and
- (c) the person elects to have the matter of the offence decided in a Magistrates Court under the *State Penalties Enforcement Act 1999*, section 22(1)(b), 41(1)(c) or 51(1)(a).

289AE Making of election to have matter decided in court stays suspension

The suspension is stayed from the day the person elects to have the matter decided in a Magistrates Court until the proceeding is finally decided.

289AF Effect of court's decision

- (1) Subsection (2) applies if a court convicts the person of the offence but does not disqualify the person from holding or obtaining a Queensland driver licence.
- (2) The suspension of the person's Queensland driver licence, or authority to drive or learn to drive on a Queensland road under a non-Queensland driver licence, continues for a period that is equivalent to the length of the suspension period less any part of the suspension period served before the suspension was stayed under section 289AE.
- (3) Subsection (4) applies if a court convicts the person of the offence and disqualifies the person from holding or obtaining a Queensland driver licence.
- (4) In deciding the period of disqualification for the person whose licence is suspended under section 79BA of the Act, the court may take into account the period of suspension that has already been served under that section.

Note—

See also section 129B of the Act.

- (5) In this section—

suspension period means the period between the start and end of the suspension under section 79BA of the Act.

Note—

See sections 289AB and 289AC.

118 Amendment of s 294 (Persons not eligible to apply for section 79E orders—particular circumstances)

Section 294—

insert—

- (g) while the person was driving a motor vehicle at a speed of more than 40km/h over the speed limit applying to the person under the Queensland Road Rules, section 20.

119 Amendment of s 295 (Persons not eligible to apply for section 79E orders—suspension etc. within 5-year period)

- (1) Section 295(1)(c), ‘or the expired regulation, section 84 or 88’—

omit.

- (2) Section 295(1)—

insert—

- (e) the person has on at least 2 occasions been given a notice to choose and has, within the choice period, notified the chief executive in writing that the person agrees to be of good behaviour while driving for a year under section 264(1)(b).

- (3) Section 295(2)(d), ‘or the expired regulation, section 132’—

omit.

120 Amendment of s 307 (Purpose of chapter)

Section 307(a), ‘a relevant provision’—

omit, insert—

section 266(5)

121 Amendment of s 308 (Definitions for chapter)

- (1) Section 308, heading, ‘Definitions’—

omit, insert—

Definition

- (2) Section 308, definition *relevant provision*—

omit.

- (3) Section 308, definition *suspended open licence or provisional licence*, ‘a relevant provision’—

omit, insert—

section 266(5)

122 Amendment of s 311 (Persons not eligible to apply for special hardship orders)

- (1) Section 311(1)(b), after ‘drive’—

insert—

, or learn to drive,

- (2) Section 311(1)(c), ‘or the expired regulation, section 84 or 88’—

omit.

- (3) Section 311(1)—

insert—

- (e) the person has on at least 2 occasions been given a notice to choose and has, within the choice period, notified the chief executive in writing that the person agrees to be of good behaviour while driving for a year under section 264(1)(b).

- (4) Section 311(2)(d), ‘or the expired regulation, section 132’—

omit.

123 Amendment of s 314 (Making of application for special hardship order stays suspension)

Section 314, ‘a relevant provision’—

omit, insert—

section 266(5)

124 Omission of s 316 (Similar applications may be considered together)

Section 316—

omit.

125 Amendment of s 317 (Deciding applications)

Section 317(1)(c), ‘, under a relevant provision,’—

omit, insert—

under section 266(5)

126 Amendment of s 318 (Matters special hardship orders must and may state)

(1) Section 318(2), ‘the relevant provision’—

omit, insert—

section 266(5)

(2) Section 318(2), example—

omit.

(3) Section 318(3)—

omit.

(4) Section 318(4) and (5)—

renumber as section 318(3) and (4).

127 Amendment of s 320 (Effect of court's decision)

- (1) Section 320(1)(a) and (2), 'a relevant provision'—
omit, insert—
section 266(5)
- (2) Section 320(2), 'the relevant provision'—
omit, insert—
section 266(5)
- (3) Section 320(3)—
omit.

128 Amendment of s 321 (Replacement Queensland driver licences if special hardship orders made)

- Section 321(6)(b), 'a relevant provision'—
omit, insert—
section 266(5)

129 Amendment of s 326 (Deciding applications)

- Section 326(c), 'section 318(4) and (5)'—
omit, insert—
section 318(3) and (4)

130 Insertion of new ch 10A

- After chapter 10—
insert—

**Chapter 10A Severe hardship
permits**

Part 1

Preliminary

328A Purpose of chapter

This chapter provides for section 150(1B) of the Act for—

- (a) the granting of a severe hardship permit for a person whose open licence or provisional licence has been suspended under a relevant provision; and
- (b) other matters relating to a severe hardship permit.

328B Definitions for chapter

In this chapter—

relevant provision means section 79BA(2) or (3) of the Act or section 285(5).

suspended open licence or provisional licence, of a person, means the person's open licence or provisional licence that has been suspended under a relevant provision.

Part 2 Chief executive may grant severe hardship permits

328C Chief executive may grant severe hardship permits authorising particular persons to continue to drive

- (1) This section applies in relation to a person who—
 - (a) has a suspended open licence or provisional licence; and
 - (b) is eligible to apply under part 3, and applies under part 4, for a severe hardship permit.
- (2) The chief executive may grant a severe hardship

permit authorising the person to continue to drive motor vehicles under a Queensland driver licence in stated circumstances.

- (3) Despite the granting of a severe hardship permit to the person, the person is not authorised to drive a motor vehicle under a Queensland driver licence until the person obtains a replacement licence under section 328M.

Part 3 Eligibility to apply for severe hardship permits

328D Persons not eligible to apply for severe hardship permits—additional or existing charges

A person who has a suspended open licence or provisional licence is not eligible to apply for a severe hardship permit if, at the time the person committed the offence that resulted in the licence being suspended under a relevant provision—

- (a) the person is alleged to have committed an offence against section 79 or 80 of the Act or the Criminal Code, section 334I (each an ***additional offence***) that resulted in the person being charged with the additional offence; or
- (b) the person has been previously charged with an offence against section 79 or 80 of the Act and that charge had not been dealt with by a court, withdrawn or otherwise discontinued.

328E Persons not eligible to apply for severe hardship permits—particular circumstances

A person who has a suspended open licence or provisional licence is not eligible to apply for a severe hardship permit if the act or omission that resulted in the charge or infringement notice for the suspended open licence or provisional licence happened, or is alleged to have happened, in any of the following circumstances—

- (a) while the person was engaged in an activity directly connected with the person's means of earning a living;
- (b) while the person was driving a motor vehicle the person was not authorised, under an open licence or a provisional licence, to drive;
- (c) while the person was driving a motor vehicle to which section 79(2B) of the Act applies;
- (d) while the person was driving a motor vehicle at a speed of more than 60km/h over the speed limit applying to the person under the Queensland Road Rules, section 20;
- (e) for a person who has been given a notice to choose and who, within the choice period, notifies the chief executive in writing that the person agrees to be of good behaviour while driving for a year under section 264(1)(b)—during the person's good behaviour year;
- (f) after the person had been given a notice to choose, but before the end of the choice period.

328F Persons not eligible to apply for severe hardship permits—suspension etc. within 5-year period

- (1) A person who has a suspended open licence or provisional licence is not eligible to apply for a severe hardship permit if, within 5 years before the licence was suspended—
 - (a) a Queensland driver licence held by the person was suspended or cancelled, or the person was disqualified from holding or obtaining a Queensland driver licence; or
 - (b) the person's authority to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence previously held by the person was suspended; or
 - (c) the person was not eligible to hold a Queensland driver licence under section 280, 281, 282, 283 or 287; or
 - (d) the person was convicted of—
 - (i) an offence against section 79 or 80(11) of the Act; or
 - (ii) an offence committed outside Queensland that, if committed in Queensland, would be an offence against section 79 or 80(11) of the Act; or
 - (e) the person has on at least 2 occasions been given a notice to choose and has, within the choice period, notified the chief executive in writing that the person agrees to be of good behaviour while driving for a year under section 264(1)(b).
- (2) For subsection (1)(a), the reference to a suspension, cancellation or disqualification does not include the following—

- (a) a suspension under section 79(9) of the Act;
- (b) a suspension under section 79B(2) of the Act;
- (c) a 24-hour suspension under section 80(22AA) of the Act;
- (d) a suspension or cancellation that has been set aside under section 388(1);
- (e) a suspension, cancellation or disqualification that has been set aside by QCAT or a court;
- (f) a suspension, cancellation or disqualification because of the person's mental or physical incapacity;
- (g) a suspension under the *State Penalties Enforcement Act 1999*, section 105;
- (h) a suspension under the *Transport Operations (Passenger Transport) Act 1994*, section 91ZJ;
- (i) a suspension that related to an infringement notice that has been withdrawn or cancelled.

Part 4 Making and deciding applications for severe hardship permits

328G Applying for severe hardship permits

- (1) A person who has a suspended open licence or provisional licence and who is eligible under part 3 may apply to the chief executive for the grant of a severe hardship permit.

Note—

See chapter 14, part 1 for requirements about the application.

- (2) The application must be accompanied by—
- (a) the fee prescribed by regulation; and
 - (b) the information the applicant intends to rely on for the application.

Note—

See also section 328H(3) and (4) for particular evidence the applicant must give to the chief executive.

- (3) If the person applies for the grant of a severe hardship permit, the suspension of the person's open licence or provisional licence is suspended until—
- (a) if the chief executive grants the severe hardship permit and the person applies for a replacement licence under section 328M that is granted—the day the replacement licence is issued; or
 - (b) if the chief executive grants the severe hardship permit and the person applies for a replacement licence under section 328M but the application is refused—the day the application is refused; or
 - (c) if the chief executive grants the severe hardship permit and the person does not apply for a replacement licence under section 328M—the end of 14 days after the severe hardship permit is granted; or
 - (d) if the chief executive refuses to grant the severe hardship permit—the day the application is refused.
- (4) For subsection (3)(b), (c) or (d), the suspension of the person's open licence or provisional licence continues for a period that is equivalent to the length of the suspension period less any part of the suspension period served before the suspension was suspended under subsection (3).

328H Deciding applications

- (1) The chief executive must consider an application for the grant of a severe hardship permit and, within 28 days after the application is made or a longer period agreed between the chief executive and the applicant, decide to—
 - (a) grant a severe hardship permit; or
 - (b) refuse to grant a severe hardship permit.
- (2) The chief executive may grant a severe hardship permit only if satisfied—
 - (a) a refusal to grant the severe hardship permit would cause severe hardship to the applicant or the applicant's family—
 - (i) by depriving the applicant of the applicant's means of earning a living; or
 - (ii) in another way; and
 - (b) when the severe hardship permit is granted, the applicant holds an open licence or a provisional licence that would be valid other than for the suspension, under a relevant provision, to which the permit relates.
- (3) For subsection (2)(a)(i), the applicant must give the chief executive—
 - (a) a statutory declaration made by the applicant outlining how a refusal to grant the severe hardship permit would cause severe hardship to the applicant, or the applicant's family, by depriving the applicant of the applicant's means of earning a living; and
 - (b) if the applicant is not self-employed—a statutory declaration made by the applicant's employer confirming the applicant would be deprived of the

applicant's means of earning a living if the application were refused.

- (4) For subsection (2)(a)(ii), the applicant must give the chief executive—
 - (a) a statutory declaration made by the applicant outlining how a refusal to grant the severe hardship permit would cause severe hardship to the applicant or the applicant's family; and
 - (b) a statutory declaration made by a person other than the applicant or other documentary evidence, or certified copies of evidence, in support of each matter stated in the applicant's statutory declaration.

328I Matters severe hardship permits must and may state

- (1) If the chief executive decides to grant a severe hardship permit to a person, the permit must state the following—
 - (a) the severe hardship permit has effect—
 - (i) while the person holds a valid open licence or provisional licence; and
 - (ii) until the end of the permit period;
 - (b) while the severe hardship permit is in effect for the person, a Queensland driver licence held by the person is subject to the restrictions stated in the permit;
 - (c) despite the severe hardship permit, the person is not authorised to drive a motor vehicle under a Queensland driver licence until the person obtains a replacement licence under section 328M.
- (2) For subsection (1), the *permit period* is the period, starting on the day a replacement licence

is obtained under section 328M, that is equivalent to the length of the period the person's suspended open licence or provisional licence would have been suspended under the relevant provision if the severe hardship permit had not been granted less any part of that period of suspension served before the severe hardship permit was granted.

- (3) The severe hardship permit must state the following restrictions—
 - (a) the purpose for which a motor vehicle may be driven under the person's Queensland driver licence;
 - (b) the class of motor vehicle that may be driven under the person's Queensland driver licence;
 - (c) the times at which, or period of time during which, a motor vehicle may be driven under the person's Queensland driver licence;
 - (d) that a motor vehicle may be driven under the person's Queensland driver licence only if the person is carrying a copy of the severe hardship permit.
- (4) The severe hardship permit may also state the following restrictions—
 - (a) where a motor vehicle may be driven under the person's Queensland driver licence, including, for example, the starting and ending places for journeys under the licence;
 - (b) whether passengers may be carried in a motor vehicle being driven under the person's Queensland driver licence, and if they can be carried, the names or other identifying details of the passengers who may be carried;

- (c) any other restriction the chief executive considers appropriate.

Examples of other restrictions for paragraph (c)—

- the person must wear the person's work uniform when driving under the person's Queensland driver licence
- the person must carry a logbook containing the details of all driving under the person's Queensland driver licence that is work-related travel, including, for example, start and end times, destinations and odometer readings

328J Decisions to grant or refuse to grant severe hardship permits

- (1) If the chief executive decides to grant to a person a severe hardship permit subject to the restrictions stated in the application, the chief executive must give the person written notice of the decision.
- (2) Subsection (3) applies if the chief executive decides to—
 - (a) refuse to grant a severe hardship permit to a person; or
 - (b) grant a severe hardship permit to a person with different restrictions from the restrictions stated in the application.
- (3) The chief executive must give the person an information notice for the decision.

328K Duration of severe hardship permits

A severe hardship permit for a person has effect—

- (a) while the person holds a valid open licence or provisional licence; and
- (b) until the end of the permit period.

328L Effect of chief executive's decision

- (1) If the chief executive grants a severe hardship permit to a person—
 - (a) the suspension of the person's suspended open licence or provisional licence under a relevant provision ends when a replacement licence is issued to the person under section 328M; and
 - (b) while the severe hardship permit is in effect for the person, the person is authorised to continue to drive motor vehicles under a Queensland driver licence in the circumstances, and subject to the restrictions, stated in the permit.

Note—

See section 328C(3).

- (2) If the chief executive refuses to grant a severe hardship permit to a person, the suspension of the person's suspended open licence or provisional licence under a relevant provision continues until the suspension ends under that section.

Part 5 Obtaining replacement Queensland driver licence

328M Replacement Queensland driver licence if severe hardship permit granted

- (1) This section applies if the chief executive grants a severe hardship permit to a person.
- (2) The person must, within 14 days after the day the severe hardship permit is granted, apply for a replacement Queensland driver licence that—

- (a) is of the same class, category and type as the person's suspended open licence or provisional licence to which the severe hardship permit relates; and
- (b) includes a code indicating that the person who holds the licence is authorised to drive motor vehicles only under a severe hardship permit.

Note—

See chapter 14, part 1 for requirements about the application.

- (3) In deciding the application, the chief executive must—
 - (a) have regard to the severe hardship permit; and
 - (b) deal with the application as if it were an application under section 195.
- (4) Despite subsection (3)(b), the chief executive may refuse the application only if, under an Act—
 - (a) the person's open licence or provisional licence to which the severe hardship permit relates is suspended or cancelled, or the person is disqualified from holding or obtaining a Queensland driver licence, for a reason other than the reason that resulted in the suspension to which the severe hardship permit relates; or
 - (b) the person's open licence or provisional licence to which the severe hardship permit relates would have been suspended or cancelled, or the person would have been disqualified from holding or obtaining a Queensland driver licence, other than for the person's open licence or provisional licence being already suspended under a relevant provision.

Part 6 Variation of severe hardship permits

328N When persons may apply for permits to vary restrictions

- (1) This section applies if—
 - (a) the chief executive grants a severe hardship permit authorising a person to continue to drive motor vehicles under a Queensland driver licence in stated circumstances; and
 - (b) the circumstances change.

Example—

A person is authorised under a severe hardship permit to continue to drive motor vehicles under a Queensland driver licence to and from a stated place of work, and the person's place of work changes.

- (2) The person may apply to the chief executive for a permit (a ***severe hardship variation permit***) varying the restrictions that, under the severe hardship permit, apply to a Queensland driver licence held by the person.

328O Applying for severe hardship variation permits

- (1) An application for a severe hardship variation permit must be—
 - (a) made in the approved form; and
 - (b) accompanied by—
 - (i) a statutory declaration made by the applicant outlining why the variation mentioned in the application is necessary; and

- (ii) the information the applicant intends to rely on for the application.
- (2) Without limiting subsection (1)(b)(ii), if the reason for the application is the applicant has changed employer, the applicant must give the chief executive a statutory declaration made by the applicant's new employer confirming the applicant—
 - (a) is currently employed by the new employer; and
 - (b) would be deprived of the applicant's means of earning a living if the application were refused.

328P Deciding applications

The chief executive may make a severe hardship variation permit only if the chief executive—

- (a) has had regard to the restrictions that, under the severe hardship permit, apply to a Queensland driver licence held by the applicant; and
- (b) considers the severe hardship permit should be varied because of a material change in circumstances; and
- (c) is satisfied that, if the restrictions were varied, the severe hardship permit as varied would continue to comply with section 328I(3) and (4).

328Q Matters severe hardship variation permits must state

If the chief executive decides to make a severe hardship variation permit for an applicant, the permit must state the restrictions as varied that apply to a Queensland driver licence held by the

applicant for the remainder of the period the severe hardship permit is in effect for the applicant.

Part 7 Driving under severe hardship permits

328R Failure to comply with severe hardship permits

- (1) A person who is authorised to continue to drive motor vehicles under a severe hardship permit must comply with the permit, including the restrictions stated in the permit that apply to a Queensland driver licence held by the person.

Maximum penalty—20 penalty units.

- (2) For subsection (1), the person must comply with the restrictions stated in the severe hardship permit, as varied by any severe hardship variation permit.
- (3) If a person is convicted by a court of an offence against subsection (1), the court must disqualify the person from holding or obtaining a Queensland driver licence for the following period—
 - (a) if the person is convicted during the permit period for the severe hardship permit—the period starting on the day of the conviction and ending on the day that is 3 months after the day the permit period ends;
 - (b) if the person is convicted after the permit period for the severe hardship permit has ended—a period of 3 months starting on the day of the conviction.

131 Amendment of ch 14, hdg (Making applications, giving incapacity notices and reconsideration of decisions)

Chapter 14, heading, ‘and reconsideration of decisions’—

omit, insert—

, reconsidering decisions and reviewing severe hardship permits decisions

132 Amendment of s 383 (Decision-maker may request further information)

(1) Section 383(2)(a)(ii), ‘28 days’—

omit, insert—

the relevant period

(2) Section 383—

insert—

(6) In this section—

relevant period means—

(a) generally—28 days; or

(b) for an application for a severe hardship permit—14 days.

133 Amendment of s 388 (Reconsiderations of decisions)

(1) Section 388(1)(c), from ‘person’—

omit, insert—

person—

(i) for an original decision to refuse to grant a severe hardship permit or to grant a severe hardship permit with different restrictions from the restrictions stated in the person’s application for a severe hardship permit—a written notice for the reconsidered decision

stating the matters mentioned in subsection (2); or

- (ii) for an original decision other than an original decision mentioned in subparagraph (i)—a QCAT information notice for the reconsidered decision.

(2) Section 388—

insert—

- (1A) For subsection (1)(c)(i), the notice must state the following—

- (a) the decision;
- (b) the reasons for the decision;

Note—

See the *Acts Interpretation Act 1954*, section 27B.

- (c) that the person has a right to apply to a court for a review of the decision under section 389C;
- (d) how, and the period within which, the person may apply for a review of the decision.

(3) Section 388(3), ‘Subsection (2)’—

omit, insert—

Subsection (3)

(4) Section 388(1A) to (5)—

renumber as section 388(2) to (6).

134 Insertion of new ch 14, pt 3

Chapter 14—

insert—

Part 3 Reviewing decisions relating to severe hardship permits

389A Application of part

This part applies to a person if—

- (a) the person has applied to the chief executive for a reconsideration of an original decision to refuse to grant a severe hardship permit or to grant a severe hardship permit with different restrictions from the restrictions stated in the person's application for a severe hardship permit; and
- (b) the person is dissatisfied with the reconsidered decision.

389B Definition for part

In this part—

relevant court, for a person, means—

- (a) if the person resides in a division of the Brisbane Magistrates Courts District—a Magistrates Court in the division; or
- (b) otherwise—a Magistrates Court in the Magistrates Courts district in which the person resides.

389C Starting review

- (1) The person may apply to a relevant court for a review of the reconsidered decision.
- (2) The review of the reconsidered decision is started by—

- (a) filing an application for review and any affidavit made under subsection (6) with the clerk of the relevant court; and
 - (b) serving a copy of the application and any affidavit made under subsection (6) on the chief executive—
 - (i) if the day of the hearing is more than 14 days after the application is filed—at least 14 days before the day of the hearing; or
 - (ii) if the day of the hearing is 14 days or less after the application is filed—as soon as possible before the day of the hearing; and
 - (c) complying with rules of court applicable to the review.
- (3) The application for review must be filed within 28 days after the person receives notice of the reconsidered decision.
- (4) However, the relevant court may, at any time, extend the time for filing the application for review.
- (5) The application for review must state fully the grounds for the review and the facts relied on.
- (6) Without limiting section 389D(3), the applicant may file an affidavit with the court in support of the application outlining any changes in the applicant's circumstances, or in the circumstances affecting the applicant, since the applicant gave the chief executive a statutory declaration under section 328H(3) or (4) or 328O.
- (7) The chief executive must, before the day of the hearing, file copies of the following documents—
 - (a) the applicant's application for a severe hardship permit;

- (b) any statutory declaration given by the applicant to the chief executive under section 328H(3) or (4) or 328O and any other document given by the applicant to the chief executive in relation to the application;
- (c) the applicant's traffic history, to the extent the traffic history is available to the chief executive;
- (d) the information notice for a decision to grant or refuse to grant a severe hardship permit given to the applicant under section 328J(3);
- (e) the applicant's application under section 387 for the reconsideration of the original decision mentioned in paragraph (d) and any documents given to the chief executive in relation to the application;
- (f) the written notice for the reconsidered decision given to the applicant under section 388(1)(c);
- (g) any other document the chief executive considered was relevant at the time of making the reconsidered decision.

389CA Making of application for review does not stay suspension or reconsidered decision

The filing of an application for review under this part does not stay—

- (a) the suspension of the applicant's open licence or provisional licence under the original decision; or
- (b) the operation of the reconsidered decision.

389D Hearing procedures

- (1) In deciding the review, the relevant court—

- (a) has the same powers as the chief executive in making the reconsidered decision; and
 - (b) is not bound by the rules of evidence, but may inform itself in any way it considers appropriate; and
 - (c) must comply with natural justice.
- (1A) If the application relates only to restrictions stated in a severe hardship permit, the court is not required, unless it is necessary for deciding the application, to reconsider whether the severe hardship permit the subject of the application should have been granted.
- (2) The application for review is heard by way of a fresh hearing, unaffected by the reconsidered decision.
- (3) Fresh evidence or evidence in addition to, or in substitution for, the evidence before the chief executive may be given in the hearing of the application for review.
- (4) If required by the court hearing the application for review, the applicant must attend as a witness to give evidence in relation to a matter relevant to the application.
- (4A) Also, other persons may be called as witnesses to give evidence in relation to a matter relevant to the application.
- (4B) The applicant or another witness may be cross-examined in relation to the evidence.
- (4C) The chief executive is a party to the application for review.
- (4D) The court may, if it considers it necessary, require the chief executive to—
 - (a) give further evidence by affidavit, orally or in another form; or

- (b) make a further submission in relation to the application orally or in another form.
- (4E) However, unless the court requires the chief executive to give evidence, or make a submission, orally under subsection (4D), the chief executive is not required to appear at the hearing of the application.
- (4F) The court may, if appropriate, conduct all or a part of the hearing entirely on the basis of documents, without the parties, their representatives or witnesses appearing at the hearing.
- (5) The relevant court may—
 - (a) confirm the reconsidered decision; or
 - (b) set aside the reconsidered decision and substitute another decision.
- (6) However, the relevant court may grant a severe hardship permit only if satisfied—
 - (a) a refusal to grant the severe hardship permit would cause severe hardship to the person or the person’s family—
 - (i) by depriving the person of the person’s means of earning a living; or
 - (ii) in another way; and
 - (b) when the severe hardship permit is granted, the person holds an open licence or a provisional licence that would be valid other than for the suspension, under section 79BA(2) or (3) of the Act or section 285(5), to which the permit relates.

389E Effect of decision of relevant court on application for review

If the relevant court substitutes another decision, the chief executive may give effect to the decision

as if the decision were the original decision of the chief executive and no application for review had been made.

389F Application of s 328I to severe hardship permit granted by relevant court

Section 328I applies to a severe hardship permit granted to the person under this part as if a reference in that section to the chief executive were a reference to the relevant court for the person.

389G Costs

The parties to an application for review must pay their own costs of the proceeding.

389H Evidentiary provision

In a hearing of an application for review under this part, a copy of any material used by the chief executive to make a reconsidered decision that is produced on behalf of the chief executive is admissible in evidence as if it were the original material.

135 Insertion of new ch 17, pt 5

Chapter 17—

insert—

Part 5

Transitional provisions for Transport and Other Legislation Amendment Act 2026

443 Existing applications for special hardship orders in particular circumstances

- (1) This section applies if—
 - (a) a person's Queensland driver licence was suspended because—
 - (i) the person was convicted of an offence against the Queensland Road Rules, section 20 that involved driving more than 40km/h over the speed limit; or
 - (ii) an order was made against the person under the *State Penalties Enforcement Act 1999*, section 38 for an offence mentioned in subparagraph (i); and
 - (b) the person applied to a court for a special hardship order in relation to the suspension; and
 - (c) immediately before the commencement, the application had not been decided.
- (2) This regulation as in force immediately before the commencement continues to apply in relation to the application as if this regulation had not been amended by the *Transport and Other Legislation Amendment Act 2026*.

444 Applications for severe hardship permits

- (1) This section applies in relation to a person if—
 - (a) before the commencement—
 - (i) the person was convicted of an offence against the Queensland Road Rules, section 20 that involved driving more than 40km/h over the speed limit; or
 - (ii) an order was made against the person under the *State Penalties Enforcement*

Act 1999, section 38 for an offence mentioned in subparagraph (i); and

- (b) because of the offence, the person's Queensland driver licence was suspended before or after the commencement.
- (2) The person may apply for a severe hardship permit in relation to the suspension if the person is eligible under chapter 10A, part 3.
- (3) However, if the person had applied to a court for a special hardship order in relation to the suspension before the commencement, the person can not apply for a severe hardship permit in relation to the suspension.
- (4) Subsection (3) applies whether the court makes a special hardship order, or refuses to make a special hardship order, before or after the commencement.

Note—

See section 443 for applications for special hardship orders made but not decided before the commencement.

136 Amendment of sch 3 (Codes for conditions of Queensland driver licences)

Schedule 3—

insert—

X5 holder of Queensland driver licence may drive only—

- (a) while carrying a severe hardship permit, and any severe hardship variation permit, in effect for the holder; and
- (b) in accordance with the severe hardship permit, as varied by any severe hardship variation permit

137 Amendment of sch 5 (Demerit points)

- (1) Schedule 5, part 1—
omit.
- (2) Schedule 5, section 7A, heading, ‘and comply with seating requirements’—
omit.
- (3) Schedule 5, section 7A, from ‘following’—
omit, insert—
Queensland Road Rules, section 264(1) is 4.
- (4) Schedule 5, section 7B—
omit.
- (5) Schedule 5, parts 2 to 6—
renumber as schedule 5, parts 1 to 5.

138 Amendment of sch 6 (Original decisions)

Schedule 6—

insert—

328J(2)	refusing to grant a severe hardship permit or granting a severe hardship permit with different restrictions from the restrictions stated in the application
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139 Amendment of sch 7 (Fees)

Schedule 7, item 10, after ‘section 321’—

insert—

or 328M

140 Amendment of sch 9 (Dictionary)

- (1) Schedule 9, definitions *relevant provision* and *suspended open licence or provisional licence*—
omit.

- (2) Schedule 9—
insert—

permit period see section 328I(2).

relevant court, for a person, for chapter 14, part 3,
see section 389B.

relevant provision, for chapter 10A, see section
328B.

roadside-detected offence see section 79BA(6) of
the Act.

severe hardship variation permit see section
328N(2).

suspended open licence or provisional licence,
of a person—

(a) for chapter 10, see section 308; or

(b) for chapter 10A, see section 328B.

- (3) Schedule 9, definition *information notice*, paragraph (f)—
omit, insert—

(f) for an original decision that is a refusal to
grant a severe hardship permit or to grant a
severe hardship permit with different
restrictions from the restrictions stated in the
person's application for a severe hardship
permit—the person is able, under section
389C, to apply to a Magistrates Court for a
review of the decision on the
reconsideration;

(g) for an original decision other than an
original decision mentioned in paragraph (e)

or (f)—the person is able, under section 65A of the Act, to apply to QCAT for a review of the decision on the reconsideration.

- (4) Schedule 9, definition *relevant order*—
insert—

- (c) a severe hardship permit.

Part 12 Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009

141 Regulation amended

This part amends the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.

142 Amendment of s 267 (Exemptions from wearing seatbelts)

Section 267(3A)(c)(ii), ‘or 264A’—

omit, insert—

, 264A or 265

143 Amendment of s 353 (Prescribed offences for ch 5, pt 7 of the Act)

Section 353(d)—

omit, insert—

- (d) section 264, 264A or 265;

144 Insertion of new s 353AAA

After section 353AA—

insert—

**353AAA Driver responsibility offence and
passenger seatbelt offence—Act, s 114**

- (1) For section 114(10) of the Act, definition *driver responsibility offence*, paragraph (a), an offence against section 264A(1) is prescribed if the offence—
 - (a) involves a passenger who is 16 years or older; and
 - (b) does not involve a failure to comply with section 264A(1)(b).
- (2) For section 114(10) of the Act, definition *passenger seatbelt offence*, paragraph (a), an offence against section 265(1), that does not involve a failure to comply with section 265(2)(a) or (b), is prescribed.

Part 13

Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021

145 Regulation amended

This part amends the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*.

146 Amendment of s 201 (Definitions for division)

- (1) Section 201, definition *authorised statutory entity*, paragraph (b)—

omit, insert—

 - (b) an entity that has lawful access to details kept in the register under—

- (i) a provision of an Act, other than a provision of this division; or
- (ii) an arrangement approved by the chief executive for this subparagraph.

- (2) Section 201, definition *personal information*—

omit, insert—

personal information, about the current or a previous registered operator of a vehicle, see section 164B(3) of the Act.

147 Amendment of s 202 (Giving extracts from register to eligible persons)

- (1) Section 202(6), definition *eligible person*—

omit.

- (2) Section 202(6)—

insert—

eligible person, in relation to an extract about a vehicle—

- (a) means—

- (i) a person who proposes to start, or has started, litigation in relation to the vehicle; or
- (ii) an authorised statutory entity; or
- (iii) the registered operator of the vehicle; or
- (iv) a safety recall agency; or
- (v) a person who has the written consent of the registered operator of the vehicle to request the extract; or
- (vi) an insolvency entity; but

- (b) does not include a person, other than an authorised statutory entity, who is taking or proposes to take action to recover a private car park fee in relation to the parking of the vehicle on private car park land.

Examples of taking action to recover a private car park fee—

- sending a letter demanding payment of the fee
- starting a proceeding in a court or tribunal for recovery of the fee

private car park fee see section 164B(3) of the Act.

private car park land see section 164B(3) of the Act.

- (3) Section 202(6), definition *litigation*, from ‘means’ to ‘if—’—
omit, insert—

, in relation to a vehicle, means a proceeding in a court if information kept in the register about the vehicle is, or may be, relevant to the proceeding and 1 of the following apply—

- (4) Section 202(6), definition *litigation*, paragraphs (a)(iv) and (b), ‘or’—
omit.

148 Amendment of s 203 (Public access providers may allow client users to obtain extracts from register)

Section 203(6), definition *client user*, after ‘who’—
insert—

, for this definition

149 Amendment of sch 8 (Dictionary)

- (1) Schedule 8, definition *current postal address*—

omit.

- (2) Schedule 8, definition *personal information*, from ‘about’ to ‘operator’—

omit, insert—

about the current or a previous registered operator of a vehicle

Part 14 Amendment of Transport Planning and Coordination Act 1994

150 Act amended

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

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

- (1) Section 28E, heading, ‘pt 4C’—

omit, insert—

part

- (2) Section 28E, definition *take*—

omit, insert—

take, a digital photo or digitised signature of a person, includes obtain a digital photo or digitised signature of the person.

152 Amendment of s 28EA (Taking a digital photo and digitised signature for use under this or another Act)

- (1) Section 28EA, heading—

omit, insert—

[s 152]

28EA Taking digital photo or digitised signature for use under this or another Act or for proving person's identity

(2) Section 28EA—

insert—

(1A) A person (also an *applicant*) must allow the chief executive to take and keep a digital photo of the applicant that the applicant may use to prove the applicant's identity for a particular purpose if the applicant applies to the chief executive for the chief executive to keep the digital photo.

(3) Section 28EA(2), 'Subsection (1) does'—

omit, insert—

Subsections (1) and (1A) do

(4) Section 28EA—

insert—

(3A) Subsection (1A) does not apply if—

- (a) as allowed under this Act, the chief executive is keeping the applicant's most recent digital photo; and
- (b) the chief executive has no evidence to suggest that the applicant's most recent digital photo is not a true likeness of the applicant; and
- (c) the shelf life of the applicant's most recent digital photo, or the most recent extension of the shelf life under section 28EB, has not ended.

(5) Section 28EA(5), after 'subsection (1)'—

insert—

or (1A)

153 Amendment of s 28EC (Using a digital photo and digitalised signature)

- (1) Section 28EC, heading, ‘and’—

omit, insert—

or

- (2) Section 28EC(1), ‘photo and’—

omit, insert—

photo or

- (3) Section 28EC(1)(a), after ‘section 28EA(1)’—

insert—

or (2)

- (4) Section 28EC(2), ‘recent digital photo and’—

omit, insert—

recent digital photo or

- (5) Section 28EC(2)(a)(i), ‘section 28EA(1) for which the digital photo and digitised signature are’—

omit, insert—

section 28EA(1) or (2) for which the digital photo or digitised signature is

- (6) Section 28EC(2)(a)(ii), ‘photo and’—

omit, insert—

photo or

154 Amendment of s 28ED (Restricted access to a digital photo and digitised signature)

- (1) Section 28ED(4), after ‘under’—

insert—

this Act or

- (2) Section 28ED(5), ‘to access a person’s digital photo and’—

[s 155]

omit, insert—

to access a person's digital photo or

- (3) Section 28ED(5)(a)(ii), 'photo and'—

omit, insert—

photo or

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

- (1) Section 28EH(2), after 'section 28EA(1)'—

insert—

or (2)

- (2) Section 28EH(2)—

insert—

(ba) if the person's digital photo taken under section 28EA(2) is to be kept under this Act—30 years after the creation date; or

- (3) Section 28EH(2)(c), 'paragraph (a) or (b)'—

omit, insert—

paragraph (a), (b) or (c)

- (4) Section 28EH(2)(ba) and (c)—

renumber as section 28EH(2)(c) and (d).

- (5) Section 28EH(3)(a), 'subsection (2)(b) or (c)'—

omit, insert—

subsection (2)(b) or (d)

155A Amendment of sch 1 (Dictionary)

Schedule 1, definition *take*, after 'signature'—

insert—

of a person

Part 15 Other amendments

156 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 156

Part 1 Amendments commencing on assent

Transport Operations (Road Use Management) Act 1995

1 Section 65A(4), definition *prescribed authority decision*, after ‘drive’—

insert—

, or learn to drive,

2 Section 78(1A), from ‘under’ to ‘be issued to’—

omit, insert—

may be served on

3 Section 78(1A)(c), (1B), (1C), (1D) and (1E), ‘issued to’—

omit, insert—

served on

4 Section 78(3)(c), (e), (g) and (i)(ii), after ‘drive’—

insert—

, or learn to drive,

5 Section 78(6), definition *disqualified driver*, paragraph (c), after ‘drive’—

insert—

, or learn to drive,

6 Section 78A(1), from ‘issues’ to ‘to’—

omit, insert—

serves an infringement notice on

7 Section 78A(6), definition *recently expired licence*, paragraph (b), after ‘drive’—

insert—

or learn to drive

8 Section 83(3), definition *unlicensed driver*, paragraphs (e) and (f), ‘authority under a non-Queensland driver licence to drive the motor vehicle’—

omit, insert—

authority to drive, or learn to drive, the motor vehicle under a non-Queensland driver licence

9 Section 103(2)(b) and (d), after ‘off-street’—

insert—

regulated

10 Section 106(3)(b), ‘, under the *State Penalties Enforcement Act 1999*,’—

omit.

11 Section 120F, heading, after ‘about’—

insert—

prescribed

Part 2 Amendments commencing on 1 December 2026

Police Powers and Responsibilities Act 2000

- 1 Section 548E(2)(b), ‘section 79(2A), (2B), (2D), (2J), (2K)
or (2L)’—**

omit, insert—

a no alcohol provision

Part 3 Amendments commencing by proclamation

Traffic Regulation 1962

- 1 Section 4, definition *camera system hardware*, paragraph
(g), ‘driver’—**

omit, insert—

occupant

- 2 Section 4, definition *digital driver behaviour camera
system*—**

omit.

3 Section 4—

insert—

digital occupant behaviour camera system
means a camera system described in schedule 10,
part 9.

4 Section 208AA, heading, ‘driver’—

omit, insert—

occupant

5 Section 208AA(1), (2) and (3), ‘driver’—

omit, insert—

occupant

6 Section 210EA, heading, ‘driver’—

omit, insert—

occupant

7 Section 210EA(1) and (2), ‘driver’—

omit, insert—

occupant

8 Section 211(1)(k), ‘driver’—

omit, insert—

occupant

9 Schedule 10, part 9, heading, ‘driver’—

omit, insert—

occupant

Waste Reduction and Recycling Act 2011

1 Section 114(2), from ‘to an’ to ‘sold vehicle declaration’—

omit, insert—

of that Act to an illegal user declaration, known user declaration, sold vehicle declaration, unknown user declaration or vehicle related declaration

2 Section 114(5), definition *SPEA declaration*, from ‘an illegal’ to ‘sold vehicle declaration’—

omit, insert—

a vehicle related declaration, other than a passenger seatbelt declaration,

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