



Queensland

Heavy Vehicle National Law and Other Legislation Amendment Bill 2018



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2018

A Bill

for

An Act to amend the *Duties Act 2001*, the *Heavy Vehicle National Law Act 2012*, the *State Penalties Enforcement Regulation 2014*, the *Transport Operations (Road Use Management) Act 1995*, the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010* and the *Transport Planning and Coordination Act 1994* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Heavy Vehicle National Law and Other Legislation Amendment Act 2018*. 4
5

Clause 2 Commencement 6

(1) Sections 16, 32, 33, 34 and 43 commence immediately after 7
the commencement of the *Heavy Vehicle National Law and* 8
Other Legislation Amendment Act 2016, section 10. 9

(2) Parts 2, 3 and 8 and sections 12 to 15, 17, 18, 24 to 31 and 35 10
to 41 commence on 1 July 2018. 11

(3) Sections 19 to 23, 42, 45(1) and 47 commence on a day to be 12
fixed by proclamation. 13

Part 2 Amendment of Duties Act 2001 14

Clause 3 Act amended 15

This part amends the *Duties Act 2001*. 16

Clause 4 Amendment of s 387 (Exemption—registration of heavy vehicle) 17
18

(1) Section 387, ‘for registration of’— 19

omit, insert— 20

to register 21

(2) Section 387— 22

[s 7]

National Law, for part 4A, see section 42B. 1

Clause 7	Amendment of s 4 (Application of Heavy Vehicle National Law)	2 3
	Section 4(a), after ‘jurisdiction’—	4
	<i>insert</i> —	5
	, as modified by parts 4 and 4A	6
Clause 8	Amendment of s 31 (Additional road authority certificates)	7 8
	(1) Section 31(1)—	9
	<i>insert</i> —	10
	(g) a stated vehicle was or was not registered under TORUM as a heavy vehicle; or	11 12
	(h) a stated vehicle registered under TORUM was or was not registered as a heavy vehicle of a stated category; or	13 14 15
	(i) a stated person was or was not the registered operator, under TORUM, of a stated vehicle; or	16 17 18
	(j) a stated registration under TORUM was or was not amended or cancelled under that Act;	19 20 21
	(2) Section 31(3), ‘(f)’—	22
	<i>omit, insert</i> —	23
	(j)	24
Clause 9	Insertion of new s 42A	25
	Part 4, division 5—	26
	<i>insert</i> —	27

42A Authorisation for s 688 of the Law (Payments into Fund)	1 2
(1) For section 688(1)(e) of the Law, an amount equal to the regulatory component of the charges payable for the registration of heavy vehicles is to be paid into the Fund.	3 4 5 6
(2) In this section— <i>regulatory component</i> , of the charges payable for the registration of heavy vehicles, means the component of the charges prescribed under TORUM as the regulatory component of the charges.	7 8 9 10 11 12
Clause 10 Insertion of new pt 4A	13
After part 4—	14
<i>insert</i> —	15
Part 4A Other modifications of National Law	16 17
42B Meaning of <i>National Law</i>	18
In this part— <i>National Law</i> means the Heavy Vehicle National Law set out in the Schedule.	19 20 21
42C Operation of pt 4A	22
This part states other modifications of the National Law for the purpose of applying the Law as a law of this jurisdiction under section 4.	23 24 25
42D Amendment of s 598 (Power to cancel or suspend vehicle registration)	26 27
National Law, s 598(2)—	28

[s 11]

	<i>omit, insert—</i>	1
	(2) The court may make an order that the registration of a heavy vehicle in relation to which the offence was committed and of which the person is a registered operator is cancelled.	2 3 4 5 6
	<i>Editor's note—</i>	7
	This subsection is a substituted Queensland provision.	8 9
Clause 11	Omission of pt 6, div 4 (Interim registration provisions)	10
	Part 6, division 4—	11
	<i>omit.</i>	12
Part 4	Amendment of Heavy Vehicle National Law	13 14
Clause 12	Law amended	15
	This part amends the Heavy Vehicle National Law as set out in the Schedule to the <i>Heavy Vehicle National Law Act 2012</i> .	16 17
Clause 13	Amendment of s 4 (Regulatory framework to achieve object)	18 19
	Section 4(b)—	20
	<i>omit, insert—</i>	21
	(b) provides for a database of heavy vehicles; and	22
Clause 14	Amendment of s 5 (Definitions)	23
	(1) Section 5, definitions <i>conditionally registered, insurer, registered operator, registration, registration authority, registration exemption, registration item, registration number,</i>	24 25 26

-
- unregistered heavy vehicle permit, vehicle register, vehicle registration duty, vehicle registration duty legislation, wrecked and written-off—* 1
2
3
- omit.* 4
- (2) Section 5— 5
- insert—* 6
- database of heavy vehicles** means the database of heavy vehicles kept under section 686A. 7
8
- registered operator**, of a heavy vehicle, means the person recorded on a vehicle register as the person responsible for the vehicle, however named, kept under another Australian road law. 9
10
11
12
- registration**, of a heavy vehicle, means registration of the vehicle under an Australian road law. 13
14
15
- registration authority**, for a heavy vehicle, means the authority responsible for the registration of the vehicle under an Australian road law. 16
17
18
- registration item** means a document, number plate, label or other thing relating to the registration or purported registration of a heavy vehicle. 19
20
21
22
- registration number**, for a heavy vehicle, means the identifying registration number, however described, given to the vehicle under an Australian road law. 23
24
25
26
- unregistered heavy vehicle permit** means a permit granted or issued under an Australian road law authorising the use of an unregistered heavy vehicle on a road. 27
28
29
30
- (3) Section 5, definition *GCM*, paragraph (a)— 31
- omit, insert—* 32
- (a) if the registration authority has specified the total maximum loaded mass of the motor 33
34

[s 15]

	vehicle and any vehicles it may lawfully tow	1
	at any given time—specified by the	2
	registration authority; or	3
(4)	Section 5, definition <i>GVM</i> , paragraph (a)—	4
	<i>omit, insert—</i>	5
	(a) if the registration authority has specified the	6
	vehicle’s maximum loaded mass—specified	7
	by the registration authority; or	8
Clause 15	Amendment of s 6 (Meaning of <i>heavy vehicle</i>)	9
	Section 6(2), ‘other than in relation to registration under this	10
	Law’—	11
	<i>omit.</i>	12
Clause 16	Amendment of s 26D (Duty of executive of legal entity)	13
(1)	Section 26D(1), ‘a duty under section 26C’—	14
	<i>omit, insert—</i>	15
	a safety duty	16
(2)	Section 26D(1) and (2), ‘the duty’—	17
	<i>omit, insert—</i>	18
	the safety duty	19
(3)	Section 26D—	20
	<i>insert—</i>	21
	(2A) Subsection (1) does not apply to an executive of	22
	the legal entity acting on a voluntary basis,	23
	whether or not the executive is reimbursed for the	24
	expenses incurred by the executive for carrying	25
	out activities for the legal entity.	26
(4)	Section 26D(3)—	27
	<i>insert—</i>	28

safety duty means a duty imposed under any of the following provisions—

- (a) section 26C;
- (b) section 26E(1) or (2);
- (c) section 89(1);
- (d) section 93(1), (2) or (3);
- (e) section 129(1), (2) or (3);
- (f) section 137;
- (g) section 150(1);
- (h) section 153A(1);
- (i) section 186(2), (3), (4) or (5);
- (j) section 187(2) or (3);
- (k) section 335(1);
- (l) section 336(1);
- (m) section 337(2);
- (n) section 454(1) or (2);
- (o) section 467;
- (p) section 470(2), (3) or (4);
- (q) section 604;
- (r) section 610.

(5) Section 26D(3), definition *due diligence*, paragraph (d)(iii), ‘duty under section 26C’—

omit, insert—

safety duties

Clause 17 Omission of Ch 2 (Registration)

Chapter 2—

omit.

[s 18]

Clause 18	Amendment of s 60 (Compliance with heavy vehicle standards)	1 2
(1)	Section 60(3), from ‘the Regulator’—	3
	<i>omit, insert—</i>	4
	the registration authority for the heavy vehicle at	5
	the time the registration authority registered the	6
	vehicle under an Australian road law.	7
(2)	Section 60(4)—	8
	<i>omit, insert—</i>	9
(4)	For the purposes of subsection (3), the registration	10
	authority is taken to have known of the heavy	11
	vehicle’s noncompliance with a heavy vehicle	12
	standard at the time the registration authority	13
	registered the vehicle if the noncompliance was	14
	mentioned in—	15
(a)	an operations plate that was installed on the	16
	vehicle at the time it was registered; or	17
(b)	a certificate of approved operations issued	18
	for the vehicle and in force at the time the	19
	vehicle was registered; or	20
(c)	a document obtained by the registration	21
	authority under an Australian road law in	22
	connection with the registering of the	23
	vehicle.	24
(3)	Section 60(5), ‘registration’—	25
	<i>omit, insert—</i>	26
	heavy vehicle’s registration under an Australian	27
	road law	28
Clause 19	Amendment of s 105 (Minor risk breach)	29
	Section 105, from ‘if the subject’—	30
	<i>omit, insert—</i>	31

	if—	1
	(a) the dimension requirement relates to the vehicle’s ground clearance; or	2 3
	(b) for a contravention of any other dimension requirement—the subject matter of the contravention is less than the substantial risk breach lower limit for the requirement.	4 5 6 7
Clause 20	Amendment of s 116 (Class 1 heavy vehicles and class 3 heavy vehicles)	8 9
	Section 116(4), definition <i>special purpose vehicle</i> , paragraph (a), ‘carrying goods’—	10 11
	<i>omit, insert—</i>	12
	transporting goods by road	13
Clause 21	Amendment of s 192A (Form of information in container weight declaration)	14 15
	Section 192A(2)(b)—	16
	<i>omit, insert—</i>	17
	(b) examining documents made available to the authorised officer on an electronic device or otherwise in electronic form.	18 19 20
Clause 22	Amendment of s 319 (Records record keeper must have)	21
	Section 319(1)(a)—	22
	<i>insert—</i>	23
	(viii)the location of the driver’s base;	24
	(ix) if the location of the driver’s base changes—the date on which the location changes; and	25 26

[s 23]

Clause 23	Insertion of new s 319A	1
	Chapter 6, Part 6.4, Division 3, Subdivision 2—	2
	<i>insert—</i>	3
	319A General requirements about driver recording and giving information to record keeper	4 5
	(1) This section applies if the driver’s record keeper on a relevant day is a person other than the driver.	6 7
	(2) The driver must, unless the driver has a reasonable excuse—	8 9
	(a) within 24 hours after the driver stops working on the relevant day, record the information mentioned in section 319(1)(a)(iii) to (vi) for that day; and	10 11 12 13
	(b) within 21 days after the relevant day, give the information mentioned in section 319(1) for that day to the driver’s record keeper.	14 15 16
	Maximum penalty—\$3000.	17
	(3) The requirement imposed on the driver by subsection (2)(a) is taken to be satisfied if the record keeper records the information within the period mentioned in the provision.	18 19 20 21
	(4) The requirement imposed on the driver by subsection (2)(b) is taken to be satisfied if the record keeper obtains the information within the period mentioned in the provision in any way, including, for example, because the information is recorded—	22 23 24 25 26 27
	(a) in an electronic work diary used by the driver, the information in which is maintained by the record keeper; or	28 29 30
	(b) by the record keeper.	31
	(5) The record keeper must, so far as is reasonably practicable, ensure the driver complies with subsection (2)(b).	32 33 34

	Maximum penalty—\$3000.	1
(6)	If the record keeper has engaged another person under a contract for services to comply with subsection (5) for the record keeper—	2 3 4
(a)	the record keeper remains liable for an offence against subsection (5); and	5 6
(b)	the other person is also liable for an offence against subsection (5) as if the other person were the record keeper mentioned in the subsection.	7 8 9 10
(7)	In this section—	11
	<i>relevant day</i> means a day on which the driver drives a fatigue-regulated heavy vehicle on a road.	12 13 14
Clause 24	Amendment of s 520 (Power to enter and inspect heavy vehicles for monitoring purposes)	15 16
	Section 520(2)(b)—	17
	<i>omit, insert—</i>	18
	(b) without limiting paragraph (a), look for, check the details of, or film a registration item, label or other thing required to be displayed on the heavy vehicle under an Australian road law; and	19 20 21 22 23
Clause 25	Amendment of s 521 (Power to enter and search heavy vehicle involved, or suspected to be involved, in an offence etc.)	24 25 26
	Section 521(3)(c)—	27
	<i>omit, insert—</i>	28
	(c) without limiting paragraph (b), look for, check the details of, or film a registration item, label or other thing required to be	29 30 31

[s 26]

	displayed on the heavy vehicle under an Australian road law; and	1 2
Clause 26	Amendment of s 522 (Power to order presentation of heavy vehicles for inspection)	3 4
	Section 522(6)—	5
	<i>omit.</i>	6
Clause 27	Amendment of s 525 (Definitions for Div 6)	7
	Section 525, definition <i>registration authority</i> —	8
	<i>omit.</i>	9
Clause 28	Amendment of s 527 (Requirements about vehicle defect notice)	10 11
	Section 527(1)(i), ‘under this Law’—	12
	<i>omit, insert</i> —	13
	by a registration authority under an Australian road law	14 15
Clause 29	Amendment of s 551 (Seizure of number plates)	16
	Section 551, ‘this Law or any other applicable law’—	17
	<i>omit, insert</i> —	18
	an Australian road law	19
Clause 30	Amendment of s 569 (Power to require production of documents etc. generally)	20 21
	Section 569(1)(f)—	22
	<i>omit, insert</i> —	23
	(f) a document in the person’s possession or under the person’s control showing that a	24 25

	heavy vehicle’s garage address recorded on	1
	a vehicle register, however named, kept	2
	under another Australian road law is or is	3
	not the vehicle’s actual garage address.	4
Clause 31	Amendment of s 598 (Power to cancel or suspend vehicle registration)	5
	Section 598(5), ‘the Regulator’—	6
	<i>omit, insert—</i>	7
	the registration authority for the heavy vehicle	8
Clause 32	Amendment of s 636 (Liability of executive officers of corporation)	9
	(1) Section 636(1)—	10
	<i>insert—</i>	11
	<i>Note—</i>	12
	See also section 26D for the duty of an executive officer	13
	of a corporation to exercise due diligence to ensure the	14
	corporation complies with its safety duties under this	15
	Law.	16
	(2) Section 636(2) and (3)—	17
	<i>omit.</i>	18
Clause 33	Amendment of s 637 (Treatment of unincorporated partnerships)	19
	(1) Section 637(5) and (6)—	20
	<i>omit.</i>	21
	(2) Section 637(8), ‘Subsections (4) and (5) do’—	22
	<i>omit, insert—</i>	23
	Subsection (4) does	24

[s 34]

Clause 34	Amendment of s 638 (Treatment of other unincorporated bodies)	1 2
	(1) Section 638(5) and (6)—	3
	<i>omit.</i>	4
	(2) Section 638(8), ‘Subsections (4) and (5) do’—	5
	<i>omit, insert—</i>	6
	Subsection (4) does	7
Clause 35	Amendment of s 653 (Approved guidelines for exemptions, authorisations, permits and other authorities)	8 9 10
	Section 653(1)(a)—	11
	<i>omit.</i>	12
Clause 36	Amendment of s 658 (General powers of Regulator)	13
	Section 658(2)(b)—	14
	<i>omit, insert—</i>	15
	(b) the Regulator to provide services to the State or Territory relating to the functions of the Regulator under this Law.	16 17 18
Clause 37	Amendment of s 659 (Functions of Regulator)	19
	Section 659(2)(a)—	20
	<i>omit, insert—</i>	21
	(a) to provide the necessary administrative services for the operation of this Law, including, for example, collecting fees, charges and other amounts payable under this Law;	22 23 24 25 26
	(aa) to keep the database of heavy vehicles;	27

Clause 38	Amendment of s 660 (Cooperation with participating jurisdictions and Commonwealth)	1 2
(1)	Section 660(2)—	3
	<i>insert—</i>	4
	(c) give information to a government agency of a participating jurisdiction or the Commonwealth that the agency requires to exercise its functions under a law of the participating jurisdiction or the Commonwealth.	5 6 7 8 9 10
(2)	Section 660—	11
	<i>insert—</i>	12
	(4) A government agency that receives information under this section from the Regulator is authorised to use the information only to exercise its functions mentioned in subsection (2)(c).	13 14 15 16
Clause 39	Insertion of new Ch 12, Pt 12.2A	17
	After Chapter 12, Part 12.2—	18
	<i>insert—</i>	19
	Part 12.2A Database of heavy vehicles	20 21
	686A Database of heavy vehicles	22
	(1) The Regulator must keep a database of heavy vehicles that enables the identification of a heavy vehicle registered under a law of a participating jurisdiction and the registered operator of the vehicle.	23 24 25 26 27
	(2) The database of heavy vehicles must—	28
	(a) be kept in the way prescribed by the national regulations; and	29 30

[s 40]

	(b) contain the information prescribed by the national regulations.	1 2
	(3) The Regulator may include in the database of heavy vehicles other information the Regulator considers relevant to the objects of this Law, including information given by another Australian jurisdiction to the Regulator.	3 4 5 6 7
	(4) The Regulator may require a registration authority that registers a heavy vehicle under a law of a participating jurisdiction to give the Regulator the information prescribed under subsection (2)(b) as soon as reasonably practicable after the registration authority receives the information.	8 9 10 11 12 13 14
	(5) If the registration authority becomes aware of a change to the information given to the Regulator under subsection (4), the registration authority must, as soon as reasonably practicable after becoming aware of the change, notify the Regulator of the change.	15 16 17 18 19 20
	686B Regulator may share information in database of heavy vehicles	21 22
	The Regulator may give information included in the database of heavy vehicles to—	23 24
	(a) a registration authority for a participating jurisdiction or another Australian jurisdiction; or	25 26 27
	(b) a police force or police service for a participating jurisdiction or another Australian jurisdiction.	28 29 30
Clause 40	Amendment of s 688 (Payments into Fund)	31
	Section 688(2) and (3)—	32
	<i>omit, insert—</i>	33

	(2) Money that is received by the Regulator under an agreement mentioned in section 658(2)(b) and that is payable to another entity under the agreement is not payable into the Fund.	1 2 3 4
Clause 41	Amendment of s 711 (Evidence by certificate by Regulator generally)	5 6
	(1) Section 711(1)(a) to (d)— <i>omit.</i>	7 8
	(2) Section 711(1)(h), ‘registration,’— <i>omit.</i>	9 10
Clause 42	Insertion of new s 737A	11
	After section 737—	12
	<i>insert—</i>	13
	737A Application of s 737 to new penalties	14
	(1) The enactment of a new penalty includes the enactment of an increase in the amount of penalty applying under section 737, to take effect when the new penalty commences.	15 16 17 18
	(2) For applying section 737 under subsection (1) to a new penalty, the amount of penalty applying under section 737 is to be calculated as if—	19 20 21
	(a) the new penalty had commenced before 1 July 2014; and	22 23
	(b) the amount of penalty applying had been increased under section 737(2) on 1 July 2014 and any later 1 July happening before the new penalty actually commences.	24 25 26 27
	(3) In this section—	28
	<i>new penalty</i> means a penalty amount stated at the end of a provision for an offence inserted into this	29 30

[s 43]

	Law by an amending Act.	1
Clause 43	Amendment of Sch 4 (Liability provisions)	2
	(1) Schedule 4, from ‘The provisions specified in column 3’ to ‘638(5).’—	3
	<i>omit.</i>	4
	<i>omit.</i>	5
	(2) Schedule 4, column 3—	6
	<i>omit.</i>	7
Part 5	Amendment of State Penalties Enforcement Regulation 2014	8
		9
Clause 44	Regulation amended	10
	This part amends the <i>State Penalties Enforcement Regulation 2014</i> .	11
		12
Clause 45	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	13
		14
	(1) Schedule 1, entry for <i>Heavy Vehicle National Law (Queensland)</i> —	15
	<i>insert—</i>	16
	<i>insert—</i>	17
	s 319A(2)	
	s 319A(5)	
	(2) Schedule 1, entry for <i>Transport Operations (Road Use Management) Act 1995</i> —	18
	<i>insert—</i>	19
	<i>insert—</i>	20
	s 83(1) in the circumstances in paragraph (c) of the penalty	4

s 93(2)	2
s 93(4)	3
(3) Schedule 1, entry for <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i> , entries for section 287(2) and 287(3)—	1 2 3
<i>omit.</i>	4

Part 6	Amendment of Transport Operations (Road Use Management) Act 1995	5 6 7
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Clause 46	Act amended	8
	This part amends the <i>Transport Operations (Road Use Management) Act 1995</i> .	9 10

Clause 47	Insertion of new s 77AAA	11
	After section 77—	12
	<i>insert—</i>	13
	77AAA Chief executive may advise registered operator of offences committed in registered operator's vehicle	14 15 16
	(1) Subsection (2) applies if—	17
	(a) a person (the <i>offender</i>) does something in a motor vehicle that is a contravention that forms part of the offender's traffic history; and	18 19 20 21
	(b) the offender is not a registered operator of the motor vehicle.	22 23
	(2) The chief executive may by electronic communication notify the registered operator of the following—	24 25 26

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	(a) the name of the offender;	1
	(b) a description of the offender's contravention;	2 3
	(c) the time, date and location of the contravention.	4 5
	(3) The reference in subsection (2) to the registered operator is a reference to—	6 7
	(a) if there is only 1 registered operator of the vehicle—the registered operator; or	8 9
	(b) if there is more than 1 registered operator of the vehicle—the registered operator mentioned first on the vehicle's registration certificate.	10 11 12 13
Clause 48	Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests)	14 15
	Section 80(8J)—	16
	<i>omit.</i>	17
Clause 49	Amendment of s 83 (Careless driving of motor vehicles)	18
	(1) Section 83, penalty—	19
	<i>omit, insert—</i>	20
	Maximum penalty—	21
	(a) if the person causes the death of or grievous bodily harm to another person and was an unlicensed driver for the motor vehicle at the time of committing the offence—160 penalty units or 2 years imprisonment; or	22 23 24 25 26
	(b) if the person causes the death of or grievous bodily harm to another person—80 penalty units or 1 year's imprisonment; or	27 28 29

-
- (c) otherwise—40 penalty units or 6 months imprisonment. 1
2
- (2) Section 83— 3
insert— 4
- (2) If the court convicts a person of an offence against subsection (1) in the circumstances mentioned in paragraph (a) or (b) of the penalty, the court, whether or not any other sentence is imposed, must disqualify the person from holding or obtaining a Queensland driver licence for a period of at least 6 months. 5
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- (3) In this section— 12
- unlicensed driver***, for the motor vehicle, means a person— 13
14
- (a) whose driver licence authorising the person to drive the motor vehicle is suspended, other than under— 15
16
17
- (i) the *State Penalties Enforcement Act 1999*, section 105 or a corresponding law to that section; or 18
19
20
- (ii) the *Transport Operations (Passenger Transport) Act 1994*, section 91ZJ(1)(a) or a corresponding law to that section; or 21
22
23
24
- (b) whose driver licence authorising the person to drive the motor vehicle expired more than 5 years before the offence was committed; or 25
26
27
28
- (c) whose driver licence authorising the person to drive the motor vehicle is cancelled; or 29
30
- (d) who— 31
- (i) is disqualified from obtaining or holding a driver licence authorising the person to drive the motor vehicle; and 32
33
34
-

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	(ii) is not the holder of a restricted licence authorising the person to drive the motor vehicle; or	1 2 3
	(e) whose authority under a non-Queensland driver licence to drive the motor vehicle is suspended under the driver licensing regulation; or	4 5 6 7
	(f) whose authority under a non-Queensland driver licence to drive the motor vehicle is withdrawn under the driver licensing regulation other than because the person was granted a Queensland driver licence; or	8 9 10 11 12
	(g) who has never held a driver licence authorising the person to drive the motor vehicle or any other motor vehicle.	13 14 15
Clause 50	Amendment of s 86 (Disqualification of drivers of motor vehicles for certain offences)	16 17
	(1) Section 86(3)—	18
	<i>omit, insert—</i>	19
	(3) Subsection (3AA) applies if a person is—	20
	(a) convicted on indictment of an offence in connection with or arising out of the driving of a motor vehicle by the person, other than an offence against the Criminal Code, section 328A(4); or	21 22 23 24 25
	(b) summarily convicted of an offence against the Criminal Code, section 328A(1) or (2); or	26 27 28
	(c) convicted on indictment of an offence against the Criminal Code, section 328A(4).	29 30
	(3AA) Subject to subsections (3A) to (3F), the person is disqualified by the conviction and without any specific order from the date of the conviction	31 32 33

from holding or obtaining a Queensland driver licence for the following period—	1 2
(a) if subsection (3)(a) or (b) applies—6 months;	3 4
(b) if subsection (3)(c) applies—1 year.	5
(2) Section 86(3A), (3E) and (3F), ‘such conviction’, first mention—	6 7
<i>omit, insert—</i>	8
a conviction mentioned in subsection (3)(a) or (b)	9
(3) Section 86(3A)(a), ‘subsection (3)’—	10
<i>omit, insert—</i>	11
subsection (3)(a) or (b)	12
(4) Section 86(3A), (3B), (3C), (3D), (3E) and (3F), ‘such conviction’, second and third mentions—	13 14
<i>omit, insert—</i>	15
the conviction	16
(5) Section 86(3B), (3C) and (3D), ‘such conviction’, first mention—	17 18
<i>omit, insert—</i>	19
a conviction mentioned in subsection (3)	20
(6) Section 86(3B) and (3D), ‘either’—	21
<i>omit, insert—</i>	22
any	23
Clause 51	
Amendment of s 92 (Duties and liabilities of drivers involved in road incidents)	24 25
(1) Section 92(1)(c) and penalty—	26
<i>omit, insert—</i>	27
(c) if any person is dead or apparently dead—	28

[s 51]

(i)	remain at or near the scene of the incident; and	1 2
(ii)	exhibit proper respect for the person's body and take whatever steps are reasonably practicable to have the body removed to an appropriate place.	3 4 5 6
	Maximum penalty—	7
(a)	if the incident results in the death of or grievous bodily harm to a person—120 penalty units or 3 years imprisonment; or	8 9 10
(b)	otherwise—20 penalty units or 1 year's imprisonment.	11 12
(2)	Section 92—	13
	<i>insert—</i>	14
(1A)	If the court convicts a person of an offence against subsection (1) in the circumstances mentioned in paragraph (a) of the penalty, the court, whether or not any other sentence is imposed, must disqualify the person from holding or obtaining a Queensland driver licence for a period of at least 6 months.	15 16 17 18 19 20 21
(3)	Section 92(2)—	22
	<i>omit, insert—</i>	23
(2)	Despite subsection (1)(b)(i) and (c)(i), the driver may leave the scene of the incident solely for the purpose of—	24 25 26
(a)	if a person is injured—obtaining medical or other aid for the person; or	27 28
(b)	if a person is dead or apparently dead—arranging for the removal of the person's body to an appropriate place.	29 30 31
(4)	Section 92(6), after 'disqualification'—	32
	<i>insert—</i>	33

-
- under subsection (2) or 1
- (5) Section 92(1A) to (6)— 2
- renumber* as section 92(2) to (7). 3

Clause 52 Insertion of new s 93 4

After section 92— 5

insert— 6

**93 Duties of a driver involved in a crash—
stopping and providing information** 7
8

(1) This section applies to a driver involved in a crash 9
on a road or a road-related area. 10

(2) The driver must stop at the scene of the crash and 11
give the driver's required particulars, within the 12
required time and, if practicable, at the scene of 13
the crash, to— 14

(a) any other driver involved in the crash; and 15

(b) any other person involved in the crash who 16
is injured; and 17

(c) the owner of any property (including any 18
vehicle or animal) damaged in the crash, 19
unless, for damage to a vehicle or animal, 20
the particulars are given to the driver of the 21
vehicle or animal. 22

Maximum penalty—20 penalty units. 23

(3) For subsection (2), the required particulars may 24
be given to a person by giving the particulars to 25
the person's representative. 26

(4) The driver must also give the driver's required 27
particulars, within the required time, to an officer 28
of the Queensland Police Service if— 29

(a) a person is killed or injured in the crash; or 30

[s 52]

- (b) the driver does not, for any reason, give the driver's required particulars to each person mentioned in subsection (2); or
- (c) the required particulars for any other driver involved in the crash are not given to the driver; or
- (d) a motor vehicle involved in the crash is towed or carried away by another vehicle.
- Maximum penalty—20 penalty units.
- (5) In this section—
- crash** means—
- (a) a collision between 2 or more vehicles or animals; or
- (b) another accident or incident involving a vehicle in which a person is killed or injured, property is damaged or an animal in someone's charge is killed or injured.
- driver** does not include—
- (a) a person pushing a motorised wheelchair; or
- (b) a person walking beside and pushing a bicycle.
- required particulars**, for a driver involved in a crash, means—
- (a) the driver's name and address; and
- (b) the name and address of the owner of the driver's vehicle; and
- (c) the vehicle's registration number, if any; and
- (d) any other information necessary to identify the vehicle.
- required time**, for a driver involved in a crash, means as soon as possible but, except in exceptional circumstances, within 24 hours after

	the crash.	1
	<i>vehicle</i> includes—	2
	(a) a tram and train; and	3
	(b) a motorised wheelchair that can travel at over 10km/h (on level ground);	4 5
	but does not include—	6
	(c) another kind of wheelchair; or	7
	(d) a wheeled recreational device; or	8
	(e) a wheeled toy; or	9
	(f) a personal mobility device.	10
Clause 53	Insertion of new ch 7, pt 21	11
	After section 229—	12
	<i>insert</i> —	13
	Part 21	Transitional provisions
		for Heavy Vehicle
		National Law and Other
		Legislation
		Amendment Act 2018
		14 15 16 17 18
	230 Transitional provision for amendment to s 86	19
	Section 86, as in force before the commencement, applies in relation to a person convicted of an offence against the Criminal Code, section 328A(4) if the offence was committed before the commencement.	20 21 22 23 24
	231 Transitional provision for amendment to s 92	25
	Section 92(2), as inserted by the <i>Heavy Vehicle National Law and Other Legislation Amendment</i>	26 27

	<i>Act 2018</i> , applies in relation to a person convicted of an offence against section 92(1)(a) if the offence was committed after the commencement.	1 2 3
Part 7	Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009	4 5 6 7
Clause 54	Regulation amended	8
	This part amends the <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i> .	9 10
Clause 55	Omission of s 287 (Duties of a driver involved in a crash)	11
	Section 287— <i>omit.</i>	12 13
Part 8	Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010	14 15 16 17
Clause 56	Regulation amended	18
	This part amends the <i>Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010</i> .	19 20
Clause 57	Amendment of sch 7 (Grounds for cancellation of registration of registered vehicle)	21 22
	Schedule 7— <i>insert—</i>	23 24

-
- 6 A ground exists to cancel the registration of a registered heavy vehicle if—
- (a) the registered operator or person in charge of the vehicle is required by a notice under the Heavy Vehicle National Law (Queensland), section 522 to produce the vehicle for inspection; and
 - (b) the registered operator or person in charge of the vehicle fails to comply with the requirement; and
 - (c) the chief executive gives the registered operator a written notice (a **warning notice**) stating that a ground will exist to cancel the vehicle’s registration under section 19 of the Act at the end of 14 days after the date of the warning notice if, by that time—
 - (i) the registered operator or person in charge of the vehicle does not comply with the requirement; or
 - (ii) the registered operator does not ask the chief executive to cancel the vehicle’s registration; and
 - (d) the chief executive is satisfied the requirement has not been complied with within the 14 days mentioned in paragraph (c); and
 - (e) the registered operator has not asked the chief executive to cancel the registration.

[s 58]

Part 9	Amendment of Transport Planning and Coordination Act 1994	1 2 3
Clause 58	Act amended	4
	This part amends the <i>Transport Planning and Coordination Act 1994</i> .	5 6
Clause 59	Amendment of s 28E (Definitions for pt 4C)	7
	(1) Section 28E—	8
	<i>insert—</i>	9
	<i>creation date</i> , of a digital photo or digitised signature, means the day on which the digital photo or digitised signature is taken.	10 11 12
	(2) Section 28E, definition <i>retention period</i> , after ‘section 28EH(2)’—	13 14
	<i>insert—</i>	15
	or 28EI(2)	16
Clause 60	Amendment of s 28EH (Retention period for a digital photo or digitised signature)	17 18
	(1) Section 28EH, heading, after ‘signature’—	19
	<i>insert—</i>	20
	generally	21
	(2) Section 28EH(2), after ‘subsection (3)’—	22
	<i>insert—</i>	23
	or section 28EI	24
	(3) Section 28EH(2), ‘relevant day’—	25
	<i>omit, insert—</i>	26

-
- creation date 1
- (4) Section 28EH(3)(a), after ‘subsection (2)(b) or (c) of this section’— 2
insert— 3
, or section 28EI, 4
(5) Section 28EH(4)— 5
omit. 6
7

- Clause 61 Insertion of new s 28EI** 8
- Part 4C— 9
insert— 10
- 28EI Retention period for a digital photo or digitised signature for persons applying for a learner licence and other prescribed matters** 11
- (1) Subsection (2) applies if a person’s digital photo or digitised signature is taken under section 28EA(1)— 12
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16
- (a) because the person has applied for a learner licence before completing an online road rules test under a regulation under the *Transport Operations (Road Use Management) Act 1995*; or 17
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- (b) in relation to another matter prescribed by regulation. 22
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- (2) The retention period for the person’s digital photo or digitised signature is 1 year after the creation date or, if a longer period is prescribed by regulation, the longer period. 24
25
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27