



Transport and Other Legislation Amendment Bill 2026



Queensland

Transport and Other Legislation Amendment Bill 2026

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2026

A Bill

for

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

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Transport and Other Legislation Amendment Act 2026*. 4
5

Clause 2 Commencement 6

(1) The following provisions commence on 1 December 2026— 7

(a) part 10, division 3; 8

(b) schedule 1, part 2. 9

(2) The following provisions commence on a day to be fixed by proclamation— 10
11

(a) part 5; 12

(b) part 6, division 3; 13

(c) part 7, division 3; 14

(d) part 10, division 4; 15

(e) part 11, division 3; 16

(f) part 12; 17

(g) schedule 1, part 3. 18

(3) The *Acts Interpretation Act 1954*, section 15DA does not apply to the following provisions— 19
20

(a) section 15(2); 21

(b) sections 80 to 87; 22

(c) sections 92 to 96; 23

(d) section 97, to the extent it inserts sections 251 and 252; 24

-
- (e) section 99(3); 1
 - (f) sections 102 and 103; 2
 - (g) sections 105 to 136; 3
 - (h) section 137(1) and (5); 4
 - (i) sections 138 to 140. 5

Part 2 **Amendment of Photo Identification Card Act 2008** 6 7

Clause 3 **Act amended** 8
This part amends the *Photo Identification Card Act 2008*. 9

Clause 4 **Replacement of s 18 (Holder may apply for replacement card)** 10
11
Section 18— 12
omit, insert— 13
18 Holder may apply for replacement card 14
(1) The holder of a valid photo identification card 15
may apply to the chief executive for a 16
replacement photo identification card in the 17
circumstances prescribed by regulation. 18
Note— 19
See part 5 for requirements about the application. 20
(2) The application for a replacement photo 21
identification card must— 22
(a) comply with the requirements prescribed by 23
regulation; and 24
(b) be accompanied by the prescribed fee. 25

[s 5]

Clause 5	Amendment of s 49 (Regulation-making power)	1
	(1) Section 49(2)—	2
	<i>insert—</i>	3
	(aa) provide for the replacement of photo identification cards;	4 5
	(2) Section 49(2)(aa) to (c)—	6
	<i>renumber</i> as section 49(2)(b) to (d).	7
Part 3	Amendment of Photo Identification Card Regulation 2019	8 9 10
Clause 6	Regulation amended	11
	This part amends the <i>Photo Identification Card Regulation 2019</i> .	12 13
Clause 7	Amendment of s 3 (Definition)	14
	(1) Section 3, heading—	15
	<i>omit, insert—</i>	16
	3 Definitions	17
	(2) Section 3—	18
	<i>insert—</i>	19
	<i>confidential information—</i>	20
	(a) means—	21
	(i) the personal information of a person; or	22
	(ii) the customer number for the holder of a photo identification card; or	23 24
	(iii) the card number stated on a photo identification card; and	25 26

(b) includes a digital photo of a person and a digitised signature of a person. 1
2

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. 3
4
5
6

Clause 8 Insertion of new s 6A 7

After section 6— 8

insert— 9

6A Applications for replacement photo identification card—Act, s 18 10
11

(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— 12
13
14
15
16
17

(a) information stated on the original card is incorrect; 18
19

(b) the holder becomes aware, or reasonably suspects, the original card has been damaged, lost or stolen; 20
21
22

(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. 23
24
25
26

(2) The application must be accompanied by the original card, unless it was, or the holder reasonably suspects it was, damaged, lost or stolen. 27
28
29
30

(3) Subject to section 34(4) and (5) of the Act, the chief executive must— 31
32

[s 9]

	(a) for an application made under subsection (1)(a) or (c)—issue a replacement photo identification card to the applicant; or	1 2 3
	(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 5 6 7 8
	(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 10 11 12
Clause 9	Amendment of s 8 (Waiver of particular fees for persons affected by natural disasters)	13 14
	Section 8(2), ‘section 18(3)(b)’—	15
	<i>omit, insert—</i>	16
	section 18(2)(b)	17
Clause 10	Insertion of new s 9A	18
	After section 9—	19
	<i>insert—</i>	20
	9A Waiver of application fee for replacement photo identification card in particular circumstances	21 22 23
	The chief executive may waive the fee payable under section 18(2)(b) of the Act if the application—	24 25 26
	(a) is for the replacement of a card that was—	27
	(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	28 29 30 31

	(ii) stolen; or	1
	(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.	2 3 4 5
Clause 11	Amendment of sch 1 (Fees)	6
	Schedule 1, item 2, ‘s 18(3)(b)’—	7
	<i>omit, insert—</i>	8
	s 18(2)(b)	9
Part 4	Amendment of Rail Safety National Law (Queensland) Act 2017	10 11 12
Clause 12	Act amended	13
	This part amends the <i>Rail Safety National Law (Queensland) Act 2017</i> .	14 15
Clause 13	Insertion of new s 55A	16
	Before section 56—	17
	<i>insert—</i>	18
	55A Regulation about approval of laboratories and particular devices	19 20
	A regulation may provide for the chief executive—	21 22
	(a) to approve—	23
	(i) a laboratory for carrying out an analysis or laboratory test; or	24 25
	(ii) a device for testing saliva; or	26

[s 14]

	(iii) a device for collecting a specimen of saliva for analysis; and	1 2
	(b) to publish notice of an approval, or the revocation of an approval, on the department's website; and	3 4 5
	(c) to keep a register of approvals in the way the chief executive considers appropriate, including, for example, in electronic form.	6 7 8
Part 5	Amendment of State Penalties Enforcement Act 1999	9 10
Clause 14	Act amended	11
	This part amends the <i>State Penalties Enforcement Act 1999</i> .	12
Clause 15	Amendment of s 5 (Act has limited application to children)	13 14
	(1) Section 5(5), definition <i>prescribed transport offence</i> , paragraph (c), 'either'—	15 16
	<i>omit, insert—</i>	17
	any	18
	(2) Section 5(5), definition <i>prescribed transport offence</i> , paragraph (c)(i) and (ii)—	19 20
	<i>omit, insert—</i>	21
	(i) section 20, if the offence involves driving more than 40km/h over the speed limit;	22 23
	(ii) section 151;	24
	(iii) part 15, other than sections 246(2) and 256(2).	25 26
	(3) Section 5(5), definition <i>prescribed transport offence</i> , paragraph (c)—	27 28

	<i>insert—</i>	1
	(iv) section 264A;	2
	(v) section 265.	3
Clause 16	Amendment of pt 3, hdg (Infringement notices)	4
	Part 3, heading—	5
	<i>insert—</i>	6
	<i>Note—</i>	7
	For camera-detected offences under the <i>Transport Operations (Road Use Management) Act 1995</i> , see also section 121 of that Act.	8 9 10
Clause 17	Amendment of s 13 (Service of infringement notices—generally)	11 12
	Section 13(3), ‘Section 14 does’—	13
	<i>omit, insert—</i>	14
	Sections 14 and 14AA do	15
Clause 18	Insertion of new s 14AA	16
	After section 14—	17
	<i>insert—</i>	18
	14AA Address for service of infringement notices for passenger seatbelt offences	19 20
	(1) This section applies if an infringement notice for a passenger seatbelt offence is to be served on a person by post.	21 22 23
	(2) The infringement notice may be posted to the address for the person—	24 25
	(a) recorded in a register kept under the <i>Transport Operations (Road Use Management) Act 1995</i> ; or	26 27 28

[s 19]

	(b) stated in a passenger seatbelt declaration for a driver responsibility offence committed at the same time as the passenger seatbelt offence.	1 2 3 4
Clause 19	Amendment of s 15 (Infringement notices)	5
(1)	Section 15(1), after ‘infringement notice’— <i>insert</i> — for an infringement notice offence	6 7 8
(2)	Section 15(2), ‘The notice’— <i>omit, insert</i> — The infringement notice	9 10 11
(3)	Section 15(2)(f)(iii)— <i>omit, insert</i> — (iii) if relevant, make and give to the administering authority a vehicle related declaration for the offence;	12 13 14 15 16
Clause 20	Amendment of s 17 (Liability for infringement notice offences involving vehicles)	17 18
(1)	Section 17(1)(a), after ‘vehicle’— <i>insert</i> — , other than a passenger seatbelt offence,	19 20 21
(2)	Section 17(2)(a), after ‘owner’— <i>insert</i> — of the vehicle	22 23 24
(3)	Section 17(3)— <i>omit, insert</i> — (3) Despite subsection (1), a person must not be taken under that subsection to have committed an	25 26 27 28

infringement notice offence involving a vehicle if,	1
within 28 days after the date of an infringement	2
notice or summons for the offence, the person	3
makes and gives to the administering authority	4
any of the following declarations for the	5
offence—	6
(a) an illegal user declaration;	7
(b) a known user declaration;	8
(c) a sold vehicle declaration;	9
(d) an unknown user declaration;	10
(e) if the offence is a driver responsibility	11
offence—a passenger seatbelt declaration.	12
(3A) Also, if a driver responsibility offence happens—	13
(a) a person can not be punished for the driver	14
responsibility offence if the passenger to	15
whom the offence relates is punished for a	16
passenger seatbelt offence committed at the	17
same time as the driver responsibility	18
offence; and	19
(b) the passenger to whom the driver	20
responsibility offence relates can not be	21
punished for a passenger seatbelt offence	22
committed at the same time as the driver	23
responsibility offence if a person is	24
punished for the driver responsibility	25
offence.	26
(4) Section 17(4), ‘declaration’—	27
<i>omit, insert—</i>	28
vehicle related declaration	29
(5) Section 17(4), ‘owner’—	30
<i>omit, insert—</i>	31
person	32

[s 21]

Clause 21	Insertion of new s 19A	1
	After section 19—	2
	<i>insert—</i>	3
	19A Effect of passenger seatbelt declaration	4
	(1) This section applies if—	5
	(a) a driver responsibility offence involving a motor vehicle happens; and	6 7
	(b) an infringement notice for the offence is served on a person; and	8 9
	(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.	10 11 12 13 14
	(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.	15 16 17 18 19
	(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—	20 21 22 23 24
	(a) was in or on the motor vehicle at the relevant time; and	25 26
	(b) is the passenger to whom the driver responsibility offence relates.	27 28
Clause 22	Amendment of s 22 (Ways alleged offender may deal with infringement notice)	29 30
	(1) Section 22(1), from ‘is served’ to ‘an offence’—	31
	<i>omit, insert—</i>	32

	for an infringement notice offence is served on an alleged offender	1 2
(2)	Section 22(1)(c)— <i>omit, insert—</i>	3 4
	(c) if relevant, make and give to the administering authority a vehicle related declaration for the offence.	5 6 7
Clause 23	Amendment of s 33 (Default by person served with infringement notice)	8 9
(1)	Section 33(1), after ‘an infringement notice’— <i>insert—</i>	10 11
	for an infringement notice offence	12
(2)	Section 33(1)(d)— <i>omit, insert—</i>	13 14
	(d) if relevant, made and given to the administering authority a vehicle related declaration for the offence;	15 16 17
Clause 24	Amendment of s 157 (Evidentiary provisions)	18
	Section 157(2)(j), from ‘an illegal’ to ‘sold vehicle declaration’— <i>omit, insert—</i>	19 20 21
	a vehicle related declaration	22
Clause 25	Insertion of new pt 10, div 12	23
	Part 10— <i>insert—</i>	24 25
	Division 12 Transitional provision for Transport and Other	26 27

[s 26]

	Legislation Amendment	1
	Act 2026	2
	200 Infringement notice offences committed before commencement	3 4
	(1) Despite the <i>Transport and Other Legislation Amendment Act 2026</i> , the following provisions continue to apply in relation to an infringement notice offence committed before the commencement—	5 6 7 8 9
	(a) former part 3;	10
	(b) former section 33;	11
	(c) former schedule 2.	12
	(2) In this section—	13
	<i>former</i> , in relation to a provision of this Act, means the provision as in force from time to time before the commencement.	14 15 16
Clause 26	Amendment of sch 2 (Dictionary)	17
	(1) Schedule 2—	18
	<i>insert</i> —	19
	<i>driver responsibility offence</i> see the <i>Transport Operations (Road Use Management) Act 1995</i> , section 114(10).	20 21 22
	<i>passenger seatbelt declaration</i> , for a driver responsibility offence, means a statutory declaration, or an online declaration under the <i>Transport Operations (Road Use Management) Act 1995</i> , section 114(4)(a), stating the following—	23 24 25 26 27 28
	(a) the name and address of the passenger to whom the offence relates;	29 30

	(b) that the person making the declaration believes the passenger was 16 years or older at the relevant time.	1 2 3
	<i>passenger seatbelt offence</i> see the <i>Transport Operations (Road Use Management) Act 1995</i> , section 114(10).	4 5 6
	<i>vehicle related declaration</i> , for an infringement notice offence involving a vehicle, means any of the following declarations for the offence—	7 8 9
	(a) an illegal user declaration;	10
	(b) a known user declaration;	11
	(c) a passenger seatbelt declaration;	12
	(d) a sold vehicle declaration;	13
	(e) an unknown user declaration.	14
(2)	Schedule 2, definitions <i>illegal user declaration</i> , <i>known user declaration</i> , <i>sold vehicle declaration</i> and <i>unknown user declaration</i> , ‘section 114(4)(b)’—	15 16 17
	<i>omit, insert</i> —	18
	section 114(4)(a)	19
Part 6	Amendment of State Penalties Enforcement Regulation 2014	20 21
Division 1	Preliminary	22
Clause 27	Regulation amended	23
	This part amends the <i>State Penalties Enforcement Regulation 2014</i> .	24 25

[s 28]

Division 2	Amendments commencing on assent	1 2
Clause 28	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	3 4
(1)	Schedule 1, entry for the <i>Transport Operations (Road Use Management) Act 1995</i> , section 78(1), after second entry for section 78(1)— <i>insert—</i>	5 6 7 8
	For a contravention by a person if the person—	
	(a) was disqualified under the <i>Transport Operations (Road Use Management) Act 1995</i> , 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 <i>Transport Operations (Road Use Management) Act 1995</i> — <i>insert—</i>	9 10 11
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	7 ¹ / ₂

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

7½

Clause 29	Amendment of sch 2 (Dictionary)	1
	Schedule 2—	2
	<i>insert—</i>	3
	<i>drink driving offence</i> see the <i>Transport Operations (Road Use Management) Act 1995</i> , section 79H(4).	4 5 6
	<i>interlock driver</i> see the <i>Transport Operations (Road Use Management) Act 1995</i> , section 91I.	7 8
	<i>relevant licence</i> means a Queensland driver licence under the <i>Transport Operations (Road Use Management) Act 1995</i> other than—	9 10 11
	(a) a learner, probationary, provisional or restricted licence; or	12 13
	(b) a driver licence receipt for a learner, probationary, provisional or restricted licence.	14 15 16
	<i>relevant vehicle</i> means a motor vehicle under the <i>Transport Operations (Road Use Management) Act 1995</i> other than a motor vehicle mentioned in section 79(2C) of that Act.	17 18 19 20

[s 30]

Division 3	Amendment commencing by proclamation	1 2
Clause 30	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	3 4
	Schedule 1, entry for the <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i> , authorised person for service of infringement notices entry, paragraph (a), ‘or 300’—	5 6 7 8
	<i>omit, insert—</i>	9
	, 265(1) or 300	10
Part 7	Amendment of Traffic Regulation 1962	11 12
Division 1	Preliminary	13
Clause 31	Regulation amended	14
	This part amends the <i>Traffic Regulation 1962</i> .	15
	<i>Note—</i>	16
	See also the amendments in schedule 1, part 3.	17
Division 2	Amendments commencing on assent	18 19
Clause 32	Amendment of s 59 (Facilitation of proof)	20
	Section 59—	21
	<i>insert—</i>	22
	(3) In this section—	23

	<i>regulated parking</i> means parking that is regulated	1
	by the chief executive, or a local government, by	2
	an official traffic sign under chapter 5, part 6 of	3
	the Act.	4
Clause 33	Amendment of s 210C (Operating and testing digital speed camera systems)	5
	(1) Section 210C(2)—	6
	<i>insert</i> —	7
	(ba) the installation, reinstallation, replacement	8
	or repair of a speed measuring component	9
	for the system;	10
	(2) Section 210C(2)(ba) and (c)—	11
	<i>renumber</i> as section 210C(2)(c) and (d).	12
Clause 34	Amendment of s 210D (Operating and testing digital combined redlight and speed camera systems)	13
	(1) Section 210D(2)—	14
	<i>insert</i> —	15
	(ba) the installation, reinstallation, replacement	16
	or repair of a speed measuring component	17
	for the system;	18
	(2) Section 210D(2)(ba) and (c)—	19
	<i>renumber</i> as section 210D(2)(c) and (d).	20
Clause 35	Amendment of s 210E (Operating and testing digital point-to-point camera systems)	21
	(1) Section 210E(2)—	22
	<i>insert</i> —	23
	(ba) the installation, reinstallation, replacement	24
	or repair of a speed measuring component	25
	for the system;	26

[s 36]

- (2) Section 210E(2)(ba) and (c)— 1
renumber as section 210E(2)(c) and (d). 2

Clause 36 Amendment of s 210F (Calibration testing of particular photographic detection devices) 3
4

- (1) Section 210F(4)(a)— 5
omit, insert— 6
(a) ensure the device's speed measuring 7
component is sealed in a way that prevents 8
physical interference with the component 9
without breaking the seal; and 10
(2) Section 210F(5)— 11
omit. 12

Clause 37 Insertion of new s 210G 13

After section 210F— 14
insert— 15

210G Calibration testing of speed measuring components 16
17

- (1) This section prescribes, for 18
section 120(2B)(a)(i)(B) of the Act, requirements 19
about calibration testing for a speed measuring 20
component of any of the following photographic 21
detection devices— 22
(a) a digital speed camera system; 23
(b) a digital combined redlight and speed 24
camera system, to the extent the system is 25
used to provide evidence of a speeding 26
offence; 27
(c) a digital point-to-point camera system, to 28
the extent the system is used to provide 29
evidence of a speeding offence based on an 30

	image or images captured by 1 of the	1
	system’s cameras of a vehicle at a particular	2
	location and time.	3
(2)	The chief executive or commissioner may, if	4
	satisfied that an entity is competent to conduct	5
	calibration testing of a speed measuring	6
	component, approve the entity to conduct	7
	calibration testing for this section.	8
(3)	An entity approved under subsection (2) (an	9
	<i>approved testing entity</i>) must conduct calibration	10
	testing of a speed measuring component.	11
(4)	On finding that a speed measuring component is	12
	producing accurate results, an approved testing	13
	entity must—	14
(a)	ensure the speed measuring component is	15
	sealed in a way that prevents physical	16
	interference with the component without	17
	breaking the seal; and	18
(b)	prepare and sign a report stating—	19
(i)	the serial number for the component	20
	tested; and	21
(ii)	the date and time when testing was	22
	conducted; and	23
(iii)	the results of the testing.	24
Division 3	Amendment commencing by	25
	proclamation	26
Clause 38	Amendment of sch 17 (Data blocks for digital driver	27
	behaviour camera systems)	28
(1)	Schedule 17, heading, ‘driver’—	29
	<i>omit, insert—</i>	30
	occupant	31

[s 39]

- (2) Schedule 17, second dot point, ‘section 264 or 264A’— 1
omit, insert— 2
section 264, 264A or 265 3

Part 8 **Amendment of Transport Infrastructure Act 1994** 4 5

- Clause 39 Act amended** 6
This part amends the *Transport Infrastructure Act 1994*. 7

- Clause 40 Amendment of s 475P (Notice of intention to remove watercraft)** 8
9
(1) Section 475P(1), ‘anchored or moored’— 10
omit, insert— 11
aground, anchored or moored 12
(2) Section 475P(2), from ‘if’ to ‘that is not’— 13
omit, insert— 14
if, after 14 days of the notice being given, the 15
watercraft is still aground, anchored or moored 16

- Clause 41 Amendment of s 475Q (Removing illegally anchored or moored watercraft)** 17
18
(1) Section 475Q, heading— 19
omit, insert— 20
475Q Removal of watercraft after giving notice 21
(2) Section 475Q(1)(b), from ‘after’ to ‘moored’— 22
omit, insert— 23
after 14 days of the notice being given, the 24
watercraft is still aground, anchored or moored 25

-
- (3) Section 475Q(2)— 1
omit, insert— 2
(2) The authorised person may take steps that are 3
necessary and reasonable to have the watercraft 4
removed, including anything in, on or attached to 5
the watercraft. 6

- Clause 42 Amendment of s 475R (Removal of hazardous watercraft)** 7
- (1) Section 475R(1)(a), ‘anchored or moored’— 8
omit, insert— 9
aground, anchored or moored 10
- (2) Section 475R(2)— 11
omit, insert— 12
(2) The authorised person may take steps that are 13
necessary and reasonable to have the watercraft 14
removed, including anything in, on or attached to 15
the watercraft. 16

- Clause 43 Amendment of sch 1 (Subject matter for regulations)** 17
- Schedule 1, part 2, item 1, ‘mooring and anchoring’— 18
omit, insert— 19
anchoring, grounding and mooring 20

Part 9 Amendment of Transport 21
Operations (Passenger 22
Transport) Act 1994 23

- Clause 44 Act amended 24**
- This part amends the *Transport Operations (Passenger 25*
Transport) Act 1994. 26

[s 45]

Clause 45	Amendment of s 42 (Declaration that service contracts are required)	1
	Section 42—	2
	<i>insert—</i>	3
	(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.	4
		5
		6
		7
		8
Clause 46	Amendment of s 42B (Amendment of service contract area or route)	9
	(1) Section 42B—	10
	<i>insert—</i>	11
	(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.	12
		13
		14
		15
		16
	(2) Section 42B(4A) and (5)—	17
	<i>renumber</i> as section 42B(5) and (6).	18
Clause 47	Amendment of s 44 (Term of service contracts)	19
	Section 44—	20
	<i>insert—</i>	21
	(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.	22
		23
		24
Clause 48	Amendment of s 46 (Review of holder's performance)	25
	Section 46(1A)—	26
	<i>omit, insert—</i>	27
	(1A) This section does not apply in relation to a service	28

	contract that is—	1
	(a) a prescribed school service contract; or	2
	(b) a ferry service contract; or	3
	(c) an integrated mass transit service contract to provide a Wave Stage 3 service.	4 5
Clause 49	Amendment of s 47A (Renewal of service contracts)	6
(1)	Section 47A(1), ‘contract, other than an emergency service contract,’—	7 8
	<i>omit, insert—</i>	9
	contract	10
(2)	Section 47A—	11
	<i>insert—</i>	12
(5)	This section does not apply in relation to a service contract that is—	13 14
	(a) an emergency service contract; or	15
	(b) an integrated mass transit service contract to provide a Wave Stage 3 service.	16 17
Clause 50	Insertion of new s 62AAAA	18
	Before section 62AAA—	19
	<i>insert—</i>	20
	62AAAA What is a <i>Wave Stage 3 service</i>	21
(1)	A <i>Wave Stage 3 service</i> is a road-based general route service—	22 23
	(a) operating primarily in the Sunshine Coast area; and	24 25
	(b) provided for the purpose of any of the following—	26 27

[s 51]

	(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;	1 2 3 4 5
	(ii) supporting increased demand for public passenger services within the Sunshine Coast area during the 2032 Olympic and Paralympic Games;	6 7 8 9
	(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	10 11 12 13 14
	(c) operating on a route prescribed by regulation for this definition.	15 16
	(2) In this section—	17
	<i>2032 Delivery Plan</i> means the document, made by the State, called the 2032 Delivery Plan.	18 19
	<i>Sunshine Coast area</i> means the local government area of the Sunshine Coast Regional Council.	20 21
Clause 51	Amendment of s 62AACA (Entering into an integrated mass transit service contract)	22 23
	(1) Section 62AACA—	24
	<i>insert—</i>	25
	(5A) This section does not apply in relation to an integrated mass transit service contract to provide a Wave Stage 3 service.	26 27 28
	(2) Section 62AACA(5A) and (6)—	29
	<i>renumber</i> as section 62AACA(6) and (7).	30

Clause 52	Amendment of s 62AAD (Offer of new integrated mass transit service contract)	1 2
	Section 62AAD(4)—	3
	<i>insert—</i>	4
	(d) that is an integrated mass transit service contract to provide a Wave Stage 3 service.	5 6
Clause 53	Amendment of s 62AAE (Matters to be considered generally when considering offers for integrated mass transit service contracts)	7 8 9
	Section 62AAE—	10
	<i>insert—</i>	11
	(4) This section does not apply in relation to an integrated mass transit service contract to provide a Wave Stage 3 service.	12 13 14
Clause 54	Amendment of s 62AAG (Service contract for amended service contract area or route)	15 16
	(1) Section 62AAG—	17
	<i>insert—</i>	18
	(5A) This section does not apply in relation to an integrated mass transit service contract to provide a Wave Stage 3 service.	19 20 21
	(2) Section 62AAG(5A) and (6)—	22
	<i>renumber</i> as section 62AAG(6) and (7).	23
Clause 55	Amendment of s 62AAI (What happens when integrated mass transit service contract is surrendered, cancelled or terminated)	24 25 26
	Section 62AAI—	27
	<i>insert—</i>	28
	(5) This section does not apply in relation to an	29

[s 56]

	integrated mass transit service contract to provide a Wave Stage 3 service.	1 2
Clause 56	Insertion of new s 62AAJ	3
	After section 62AAI—	4
	<i>insert—</i>	5
	62AAJ Special provision for integrated mass transit service contract to provide Wave Stage 3 service	6 7 8
	(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.	9 10 11 12
	(2) The chief executive may, in the way decided by the chief executive, invite offers to provide the Wave Stage 3 service.	13 14 15
	(3) Without limiting subsection (2), the chief executive may invite offers from the public or from only specified persons.	16 17 18
	(4) The chief executive—	19
	(a) is not obliged to accept any offer; and	20
	(b) may only accept an offer if the chief executive is satisfied the offer is acceptable for the integrated mass transit service contract.	21 22 23 24
	(5) In deciding if an offer is acceptable for the integrated mass transit service contract, the chief executive may have regard to the following—	25 26 27
	(a) the ability of the person making the offer to—	28 29
	(i) meet or exceed the requirements for infrastructure and vehicles as specified in the invitation for the offer; or	30 31 32

(ii)	meet or exceed the requirements for passenger transport services as specified in the invitation for the offer;	1 2 3
(b)	the costs of providing infrastructure, vehicles and the general route service as specified in the invitation for the offer;	4 5 6
(c)	any other matter the chief executive considers relevant.	7 8
(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.	9 10 11 12 13
(7)	Compensation is not recoverable from anyone, including the chief executive and the State, in relation to any of the following—	14 15 16
(a)	not receiving an invitation under subsection (2);	17 18
(b)	not being awarded an integrated mass transit service contract under this section;	19 20
(c)	any other person being awarded an integrated mass transit service contract under this section.	21 22 23
Clause 57	Amendment of sch 3 (Dictionary)	24
	Schedule 3—	25
	<i>insert—</i>	26
	<i>Wave Stage 3 service</i> see section 62AAAA(1).	27

[s 58]

Part 10	Amendment of Transport Operations (Road Use Management) Act 1995	1
		2
		3
Division 1	Preliminary	4
Clause 58	Act amended	5
	This part amends the <i>Transport Operations (Road Use Management) Act 1995</i> .	6
		7
	<i>Note—</i>	8
	See also the amendments in schedule 1, part 1.	9
Division 2	Amendments commencing on assent	10
		11
Clause 59	Amendment of s 66 (Local laws etc.)	12
	(1) Section 66(3)—	13
	<i>insert—</i>	14
	(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.	15
		16
		17
		18
		19
	(2) Section 66(5), after ‘(j)’—	20
	<i>insert—</i>	21
	and (l)	22
	(3) Section 66(9)—	23
	<i>insert—</i>	24
	<i>detached trailer</i> means a trailer that is not attached to a motor vehicle.	25
		26

Clause 60	Amendment of s 79B (Immediate suspension or disqualification)	1 2
	(1) Section 79B(1)(e)—	3
	<i>omit, insert—</i>	4
	(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.	5 6 7 8 9 10 11
	(2) Section 79B(1A), after ‘subsection (1)(a) to (ca)’—	12
	<i>insert—</i>	13
	or (e)	14
Clause 61	Amendment of s 79H (Infringement notices for driving while over general alcohol limit but not over middle alcohol limit)	15 16 17
	(1) Section 79H(3)—	18
	<i>omit.</i>	19
	(2) Section 79H(4), definition <i>authorised person—</i>	20
	<i>omit.</i>	21
Clause 62	Amendment of s 79I (Administrative disqualification for driving while over general alcohol limit but not over middle alcohol limit)	22 23 24
	(1) Section 79I(3), from ‘that is’—	25
	<i>omit, insert—</i>	26
	prescribed by regulation.	27
	(2) Section 79I(6) and (7)—	28
	<i>omit.</i>	29

[s 63]

Clause 63	Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests)	1 2
(1)	Section 80(1), definition <i>breath analysing instrument</i> , paragraph (a)—	3 4
	<i>omit, insert—</i>	5
	(a) for finding out the concentration of alcohol in a person’s breath by analysing a specimen of the person’s breath; and	6 7 8
(2)	Section 80(15) and (15G), ‘blood or’—	9
	<i>omit.</i>	10
(3)	Section 80(27)(c), example, ‘blood’—	11
	<i>omit, insert—</i>	12
	breath	13
Clause 64	Amendment of s 104 (Off-street regulated parking areas)	14
(1)	Section 104(1)—	15
	<i>omit, insert—</i>	16
	(1) An <i>off-street regulated parking area</i> 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—	17 18 19 20 21
	(a) a regulation; or	22
	(b) for an area of land controlled by a local government—	23 24
	(i) a local law made by the local government; or	25 26
	(ii) a notice published by the local government on the local government’s website.	27 28 29
(2)	Section 104(2), example—	30

omit, insert— 1

Example— 2

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
4
5
6
7

(3) Section 104(3)— 8

omit, insert— 9

(3) Any agreement to give effect to an arrangement
mentioned in subsection (2) must provide for the
matters prescribed by regulation. 10
11
12

Clause 65 Amendment of s 120 (Evidentiary provisions) 13

Section 120— 14

insert— 15

(2B) A certificate purporting to be signed by an official
stating that— 16
17

(a) a stated speed measuring component (the
relevant component) for a photographic
detection device— 18
19
20

(i) was tested in accordance with— 21

(A) the specifications of the
component's manufacturer; and 22
23

(B) any further requirements about
calibration testing prescribed by
regulation; and 24
25
26

(ii) was found to produce accurate results
at the time of testing; and 27
28

(b) a stated photographic detection device (the
relevant device)— 29
30

(i) was tested in accordance with any
requirements prescribed by regulation 31
32

[s 66]

	about the operation and testing of a photographic detection device; and	1 2
	(ii) was found to be operating correctly at the time of testing; and	3 4
	(c) the relevant component was contained within the relevant device on a stated date (the <i>relevant date</i>); and	5 6 7
	(d) the testing of the relevant component and the testing of the relevant device each happened within 1 year before the relevant date;	8 9 10 11
	is evidence of the matters stated and evidence the relevant device was producing accurate results on the relevant date.	12 13 14
Clause 66	Insertion of new ch 6, pt 1, div 5	15
	Chapter 6, part 1—	16
	<i>insert—</i>	17
	Division 5	18
	Orders and directions for disclosure of personal information	19 20
	164B Restriction on orders and directions requiring disclosure of personal information	21 22
	(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.	23 24 25 26
	(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	27 28 29 30 31

information about the operator to the court, the tribunal or another person.	1 2
<i>Example of an order requiring a person to disclose personal information—</i>	3 4
an order to ascertain the identity or whereabouts of a prospective defendant	5 6
(3) In this section—	7
<i>personal information</i> , about the current or a previous registered operator of a vehicle, means—	8 9 10
(a) the operator’s name, address, email address, postal address or telephone number; or	11 12
(b) any other information about the operator if the operator’s identity is apparent, or can reasonably be ascertained, from the information.	13 14 15 16
<i>private car park fee—</i>	17
(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	18 19 20 21
<i>Examples for paragraph (a)—</i>	22
• a fee payable for parking a vehicle	23
• a penalty for not complying with terms and conditions of entry for parking a vehicle	24 25
• compensation or damages claimed in relation to failure to pay a fee for parking a vehicle	26 27
(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.	28 29 30
<i>private car park land—</i>	31
(a) means land, or a road over land, if the occupier of the land—	32 33

[s 67]

	(i) may lawfully exclude other persons from the land; and	1 2	
	(ii) allows another person to park a vehicle on the land under a contract, arrangement or understanding; but	3 4 5	
	(b) does not include land—	6	
	(i) controlled by the Commonwealth; or	7	
	(ii) controlled by the State; or	8	
	(iii) controlled by a local government; or	9	
	(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).	10 11 12 13 14	
Clause 67	Insertion of new ch 7, pt 28	15	
	Chapter 7—	16	
	<i>insert—</i>	17	
	Part 28	Transitional provisions for Transport and Other Legislation Amendment Act 2026	18 19 20 21
	Division 1	Preliminary	22
	248 Definition for part		23
	In this part—		24
	<i>amendment Act</i> means the <i>Transport and Other Legislation Amendment Act 2026</i> .		25 26

	Division 2	Provision for amendments commencing on assent	1 2
	249 Certificates under section 120(2B)		3
		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.	4 5 6 7 8
Clause 68	Amendment of sch 4 (Dictionary)		9
	(1) Schedule 4, definition <i>regulated parking</i> —		10
	<i>omit.</i>		11
	(2) Schedule 4—		12
	<i>insert—</i>		13
		<i>speed measuring component</i> , 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.	14 15 16 17 18
	Division 3	Amendments commencing on 1 December 2026	19 20
Clause 69	Insertion of new s 78E		21
	After section 78D—		22
	<i>insert—</i>		23
	78E When minimum penalties are to be imposed for s 79		24 25
	(1) Subsections (2) to (5) apply if—		26

[s 69]

- (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 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.

**Clause 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—

[s 70]

- (c) to a minimum penalty, for the purposes of section 78E, of 16 penalty units; and
 - (d) 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—
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.	1 2
Maximum penalty—28 penalty units or 6 months imprisonment.	3 4
(8) Section 79(2), (2A), (2B) and (2D), from ‘an offence’— <i>omit, insert</i> —	5 6
an offence.	7
Minimum penalty for the purposes of section 78E—7.5 penalty units.	8 9
Maximum penalty—20 penalty units or 3 months imprisonment.	10 11
(9) Section 79(2AAA), penalty— <i>omit, insert</i> —	12 13
Minimum penalty for the purposes of section 78E—5 penalty units.	14 15
Maximum penalty—28 penalty units.	16
(10) Section 79(2AAB), penalty— <i>omit, insert</i> —	17 18
Minimum penalty for the purposes of section 78E—3 penalty units.	19 20
Maximum penalty—20 penalty units.	21
(11) Section 79(2AA), from ‘an offence’— <i>omit, insert</i> —	22 23
an offence.	24
Minimum penalty for the purposes of section 78E—7.5 penalty units.	25 26
Maximum penalty—28 penalty units or 3 months imprisonment.	27 28
(12) Section 79, after subsection (2AA)— <i>insert</i> —	29 30

[s 70]

(2AB)	Offence of driving etc. while relevant drug is present in blood or saliva and in contravention of alcohol limit provision	1
		2
		3
	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.	4
		5
		6
	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.	7
		8
		9
		10
	Maximum penalty—33 penalty units or a term of imprisonment not exceeding the maximum term for a contravention of the alcohol limit provision.	11
		12
		13
(13)	Section 79(2F), heading, (2G), heading, (2H), heading and (2I), heading, 'subsections'—	14
	<i>omit, insert—</i>	15
		16
	provisions	17
(14)	Section 79(2F), from 'offence to'—	18
	<i>omit, insert—</i>	19
	offence—	20
	(a) to a minimum penalty, for the purposes of section 78E, of—	21
		22
	(i) for an offence against subsection (2AB)—11.5 penalty units; or	23
		24
	(ii) for another offence—11 penalty units; and	25
		26
	(b) to a maximum penalty of—	27
	(i) for an offence against subsection (2AB)—35 penalty units; or	28
		29
	(ii) for another offence—30 penalty units; or	30
		31
	(iii) 6 months imprisonment.	32

(15) Section 79(2G), from ‘offence to’—	1
<i>omit, insert</i> —	2
offence—	3
(a) to a minimum penalty, for the purposes of section 78E, of—	4 5
(i) for an offence against subsection (2AB)—13.5 penalty units; or	6 7
(ii) for another offence—13 penalty units; and	8 9
(b) to a maximum penalty of—	10
(i) for an offence against subsection (2AB)—41 penalty units; or	11 12
(ii) for another offence—36 penalty units; or	13 14
(iii) 9 months imprisonment.	15
(16) Section 79(2H), from ‘offence to’—	16
<i>omit, insert</i> —	17
offence—	18
(a) to a minimum penalty, for the purposes of section 78E, of—	19 20
(i) for an offence against subsection (2AB)—15.5 penalty units; or	21 22
(ii) for another offence—15 penalty units; and	23 24
(b) to a maximum penalty of—	25
(i) for an offence against subsection (2AB)—47 penalty units; or	26 27
(ii) for another offence—42 penalty units; or	28 29
(iii) 1 year’s imprisonment.	30
(17) Section 79(2I), ‘those subsections’—	31

[s 70]

<i>omit, insert—</i>	1
those provisions	2
(18) Section 79(2I), from ‘offence to’—	3
<i>omit, insert—</i>	4
offence—	5
(d) to a minimum penalty, for the purposes of section 78E, of—	6 7
(i) for an offence against subsection (2AB)—17.5 penalty units; or	8 9
(ii) for another offence—17 penalty units; and	10 11
(e) to a maximum penalty of—	12
(i) for an offence against subsection (2AB)—77 penalty units; or	13 14
(ii) for another offence—72 penalty units; or	15 16
(iii) 18 months imprisonment.	17
(19) Section 79(2J), penalty—	18
<i>omit, insert—</i>	19
Minimum penalty for the purposes of section 78E—7.5 penalty units.	20 21
Maximum penalty—26 penalty units or 6 months imprisonment.	22 23
(20) Section 79(2K) and (2L), penalty—	24
<i>omit, insert—</i>	25
Minimum penalty for the purposes of section 78E—7.5 penalty units.	26 27
Maximum penalty—20 penalty units or 3 months imprisonment.	28 29
(21) Section 79(4), heading, ‘subsection (1F), (2), (2A), (2B), (2D), (2J), (2K) or (2L)’—	30 31

<i>omit, insert—</i>	1
alcohol limit provision	2
(22) Section 79(4)(b)(iii), ‘subsection (2A), (2B), (2D), (2J), (2K) or (2L) referred’—	3 4
<i>omit, insert—</i>	5
a no alcohol provision refers	6
(23) Section 79(4)—	7
<i>insert—</i>	8
(c) that subsection (5B) does not apply;	9
(24) Section 79(4), from ‘under subsection (1F)’—	10
<i>omit, insert—</i>	11
under the alcohol limit provision that is established by the evidence.	12 13
(25) Section 79(4A), ‘subsection (2A), (2B), (2D), (2J), (2K) or (2L)’—	14 15
<i>omit, insert—</i>	16
a no alcohol provision	17
(26) Section 79(5)—	18
<i>insert—</i>	19
(c) that subsection (5B) does not apply;	20
(27) Section 79—	21
<i>insert—</i>	22
(5B) Conviction for offence under subsection (2AB) in particular circumstances	23 24
If, on the hearing of a complaint of an offence against subsection (1), the court is satisfied—	25 26
(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	27 28 29 30

[s 70]

- (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'—
omit, insert—
, or subsection (2AB) involving a contravention of any of those provisions in respect of a motor vehicle,
- (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

[s 74]

	, (2AB)	1
(3)	Section 80(22)(a) and (c)(i), ‘section 79(2A), (2B), (2D), (2J), (2K) or (2L)’—	2
	<i>omit, insert—</i>	3
	<i>omit, insert—</i>	4
	a no alcohol provision	5
Clause 74	Amendment of s 86 (Disqualification of drivers of motor vehicles for certain offences)	6
		7
(1)	Section 86(1)(b), (1F), (1G), (2), (2F), (3E) and (3F), ‘section 79(1F), (2), (2AA), (2A), (2B), (2D), (2J), (2K) or (2L)’—	8
	<i>omit, insert—</i>	9
	<i>omit, insert—</i>	10
	section 79(2AA) or (2AB) or an alcohol limit provision	11
		12
(2)	Section 86(2)(ea), after ‘section 79(1F)’—	13
	<i>insert—</i>	14
	<i>insert—</i>	14
	or section 79(2AB) involving a contravention of section 79(1F)	15
		16
(3)	Section 86(2)(eb), after ‘section 79(2)’—	17
	<i>insert—</i>	18
	<i>insert—</i>	18
	, (2AA) or (2AB), other than as mentioned in paragraph (ea)	19
		20
(4)	Section 86(2)(f), ‘in any other case’—	21
	<i>omit, insert—</i>	22
	<i>omit, insert—</i>	22
	if paragraph (e), (ea), (eb) or (g) does not apply	23
(5)	Section 86(2)—	24
	<i>insert—</i>	25
	<i>insert—</i>	25
	(g) if the person is convicted of an offence in relation to a motor vehicle under section 79(2AB)—	26
		27
		28

-
- (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.

[s 75]

- | | |
|--|----------------|
| (8) Section 86(2E), from ‘specific order’— | 1 |
| <i>omit, insert</i> — | 2 |
| specific order from holding or obtaining a Queensland driver licence— | 3
4 |
| (a) if the conviction is under section 79(2AB)—for a period of 10 months from the date of the conviction; or | 5
6
7 |
| (b) otherwise—for a period of 9 months from the date of the conviction. | 8
9 |
| (9) Section 86(2F), from ‘specific order’— | 10 |
| <i>omit, insert</i> — | 11 |
| specific order from holding or obtaining a Queensland driver licence— | 12
13 |
| (c) if the conviction is under section 79(2AB)—for a period of 13 months from the date of the conviction; or | 14
15
16 |
| (d) otherwise—for a period of 12 months from the date of the conviction. | 17
18 |

- | | | |
|------------------|---|----------|
| Clause 75 | Amendment of s 87 (Issue of restricted licence to disqualified person) | 19
20 |
| (1) | Section 87(5)(da), ‘section 79(1), (2A), (2B), (2D), (2J), (2K) or (2L)’— | 21
22 |
| | <i>omit, insert</i> — | 23 |
| | section 79(1) or (2AB) or a no alcohol provision | 24 |
| (2) | Section 87(5)(db)(ii) and (dc)(ii), ‘section 79(2A), (2B), (2D), (2J), (2K) or (2L)’— | 25
26 |
| | <i>omit, insert</i> — | 27 |
| | a no alcohol provision | 28 |

Clause 76	Amendment of s 90A (Definitions for ss 90B–90D)	1
	(1) Section 90A, definition <i>designated offence</i> , paragraph (a)(i), ‘or (2AA)’—	2 3
	<i>omit, insert—</i>	4
	, (2AA) or (2AB)	5
	(2) Section 90A, definition <i>drink driving offence</i> , paragraph (a)(ii), ‘or (2AA)’—	6 7
	<i>omit, insert—</i>	8
	, (2AA) or (2AB)	9
Clause 77	Amendment of s 91A (Definitions for part)	10
	Section 91A, definition <i>alcohol-related driver offence</i> , paragraph (b), after ‘(2A),’—	11 12
	<i>insert—</i>	13
	(2AB),	14
Clause 78	Amendment of s 91I (Definitions for part)	15
	(1) Section 91I, definition <i>drink driving offence</i> , paragraph (c), after ‘section 79(1F)’—	16 17
	<i>insert—</i>	18
	, or section 79(2AB) in relation to a contravention of section 79(1F),	19 20
	(2) Section 91I, definition <i>drink driving offence</i> , paragraph (h), after ‘involving a motor vehicle’—	21 22
	<i>insert—</i>	23
	, or section 79(2AB) involving a contravention of any of those provisions with respect to a motor vehicle,	24 25 26

[s 79]

Clause 79	Amendment of sch 4 (Dictionary)	1
	Schedule 4—	2
	<i>insert</i> —	3
	<i>alcohol limit provision</i> means any of the following provisions—	4
	(a) section 79(1F) or (2);	5
	(b) a no alcohol provision.	6
	<i>no alcohol provision</i> means section 79(2A), (2B), (2D), (2J), (2K) or (2L).	7
		8
		9
Division 4	Amendments commencing by proclamation	10
		11
Clause 80	Amendment of s 79B (Immediate suspension or disqualification)	12
	(1) Section 79B, heading, after ‘disqualification’—	13
	<i>insert</i> —	14
	—general	15
	(2) Section 79B(3), from ‘driver licence’—	16
	<i>omit, insert</i> —	17
	driver licence—	18
	(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	19
		20
		21
		22
		23
	(b) the person is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence; and	24
		25
		26
	(c) the person is disqualified from holding or obtaining a Queensland driver licence.	27
		28
	(3) Section 79B(4), from ‘a driver licence’—	29

<i>omit, insert—</i>	1
a driver licence—	2
(a) the person is disqualified from holding or obtaining a Queensland driver licence; and	3 4
(b) the person is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence.	5 6 7

Clause 81 Insertion of new s 79BA 8

 After section 79B— 9

insert— 10

**79BA Immediate suspension or
 disqualification—roadside-detected offence
 involving driving more than 40km/h over the
 speed limit** 11
12
13
14

- | | |
|--|----------------------|
| (1) This section applies if a person is— | 15 |
| (a) charged with a roadside-detected offence
that involves driving more than 40km/h over
the speed limit; or | 16
17
18 |
| (b) served with an infringement notice for an
offence mentioned in paragraph (a). | 19
20 |
| (2) If the person holds a Queensland driver licence,
the person's Queensland driver licence is
suspended. | 21
22
23 |
| (3) If the person's authority to drive on a Queensland
road is under a non-Queensland driver licence— | 24
25 |
| (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 | 26
27
28
29 |
| (b) the person is not authorised to drive, or learn
to drive, on a Queensland road under a
non-Queensland driver licence; and | 30
31
32 |

[s 82]

	(c) the person is disqualified from holding or obtaining a Queensland driver licence.	1 2
	(4) If the person does not hold a driver licence—	3
	(a) the person is disqualified from holding or obtaining a Queensland driver licence; and	4 5
	(b) the person is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence.	6 7 8
	(5) A regulation must prescribe for a suspension or disqualification under subsection (2), (3) or (4)—	9 10
	(a) the day the suspension or disqualification starts; and	11 12
	(b) the circumstances in which the suspension may be stayed; and	13 14
	(c) the day the suspension or disqualification ends.	15 16
	(6) In this section—	17
	<i>roadside-detected offence</i> means an offence against the Queensland Road Rules, section 20 that is not a camera-detected offence.	18 19 20
Clause 82	Amendment of s 79C (When person is charged for s 79B)	21
	(1) Section 79C, heading, ‘s 79B’—	22
	<i>omit, insert—</i>	23
	s 79B or 79BA	24
	(2) Section 79C(1), after ‘79B(1)’—	25
	<i>insert—</i>	26
	or 79BA(1)(a)	27
	(3) Section 79C(2), (3) and (4), after ‘79B’—	28
	<i>insert—</i>	29
	or 79BA	30

Clause 83	Amendment of s 79D (Notice to be given of suspension or disqualification)	1
		2
	(1) Section 79D(1), after ‘79B’—	3
	<i>insert—</i>	4
	or 79BA	5
	(2) Section 79D(1)(a), after ‘authority to drive’—	6
	<i>insert—</i>	7
	or learn to drive	8
	(3) Section 79D(2), after ‘offence’—	9
	<i>insert—</i>	10
	, or served with the infringement notice for the offence,	11
		12
Clause 84	Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests)	13
		14
	(1) Section 80(1), definitions <i>saliva analysing instrument</i> and <i>saliva analysis</i> —	15
	<i>omit.</i>	16
	<i>omit.</i>	17
	(2) Section 80(1)—	18
	<i>insert—</i>	19
	<i>saliva collection unit</i> means a unit, prescribed by regulation, for the collection of a specimen of saliva for saliva analysis.	20
	<i>saliva analysis</i> , for a specimen of saliva, means testing of the specimen for the presence of a relevant drug by a laboratory test approved by regulation.	21
	<i>saliva analysis</i> , for a specimen of saliva, means testing of the specimen for the presence of a relevant drug by a laboratory test approved by regulation.	22
	<i>saliva analysis</i> , for a specimen of saliva, means testing of the specimen for the presence of a relevant drug by a laboratory test approved by regulation.	23
	<i>saliva analysis</i> , for a specimen of saliva, means testing of the specimen for the presence of a relevant drug by a laboratory test approved by regulation.	24
	<i>saliva analysis</i> , for a specimen of saliva, means testing of the specimen for the presence of a relevant drug by a laboratory test approved by regulation.	25
	<i>saliva analysis</i> , for a specimen of saliva, means testing of the specimen for the presence of a relevant drug by a laboratory test approved by regulation.	26
	<i>specimen provision</i> means any of subsections (8) and (8C) to (8M).	27
	<i>specimen provision</i> means any of subsections (8) and (8C) to (8M).	28
	(3) Section 80(1), definition <i>authorised police officer</i> , from ‘operate either’—	29
		30

[s 84]

<i>omit, insert—</i>	1
operate or use either or both of the following—	2
(a) a breath analysing instrument;	3
(b) a saliva collection unit.	4
(4) Section 80(6), heading, ‘subsections (8)–(8L)’—	5
<i>omit, insert—</i>	6
specimen provisions	7
(5) Section 80(6)(ca), (d)(ii) and (e), ‘or by a saliva analysing instrument of a specimen of saliva’—	8 9
<i>omit, insert—</i>	10
or the collection of a specimen of saliva using a saliva collection unit	11 12
(6) Section 80(6)—	13
<i>insert—</i>	14
(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;	15 16 17 18 19 20
(7) Section 80(6), (8B), (9)(b), (15F)(b) and (22)(b), ‘subsections (8) to (8L)’—	21 22
<i>omit, insert—</i>	23
a specimen provision	24
(8) Section 80(8)(c)—	25
<i>omit, insert—</i>	26
(c) is, for the purposes of a specimen provision—	27 28
(i) detained at or taken to a police station; or	29 30

-
- (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

[s 84]

- | | | |
|------|--|----------------------|
| (13) | Section 80(8FA)(b), ‘collection unit, in a way prescribed under a regulation’— | 1
2 |
| | <i>omit, insert—</i> | 3 |
| | saliva collection unit, in a way prescribed by regulation | 4
5 |
| (14) | Section 80(8G), heading, ‘or saliva analysing instrument’— | 6 |
| | <i>omit, insert—</i> | 7 |
| | analysing instrument or use saliva collection unit | 8
9 |
| (15) | Section 80(8G), from ‘operate either’ to ‘operate the instrument’— | 10
11 |
| | <i>omit, insert—</i> | 12 |
| | operate or use either or both of the following if the commissioner is satisfied the officer is competent to operate or use the instrument or unit | 13
14
15 |
| (16) | Section 80(8G)(b)— | 16 |
| | <i>omit, insert—</i> | 17 |
| | (b) a saliva collection unit. | 18 |
| (17) | Section 80(8I), after ‘operate’— | 19 |
| | <i>insert—</i> | 20 |
| | or use | 21 |
| (18) | Section 80(8I), ‘saliva analysing instrument’— | 22 |
| | <i>omit, insert—</i> | 23 |
| | saliva collection unit | 24 |
| (19) | Section 80(8L)(b)(ii)— | 25 |
| | <i>omit, insert—</i> | 26 |
| | (ii) provides, or purports to provide, a specimen of breath for analysis by a breath analysing instrument, and any of the following circumstances apply— | 27
28
29
30 |

-
- (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’—
-

[s 84]

<i>omit, insert—</i>	1
collected	2
(23) Section 80(10EA)(b) and (c)—	3
<i>omit, insert—</i>	4
(b) a notice about the collection is retained by, or given to, the police officer under subsection (15AB)(b).	5 6 7
(24) Section 80(11A), heading, after ‘subsection (11)’—	8
<i>insert—</i>	9
or (11AA)	10
(25) Section 80(15AB) and (15AC)—	11
<i>omit, insert—</i>	12
(15AB) Saliva collection notice	13
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—	14 15 16 17
(a) enter details in a notice, in the approved form, about the collection of the specimen of saliva; and	18 19 20
(b) either—	21
(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	22 23 24 25
(ii) otherwise—give 1 copy of the notice to the police officer who required the person to provide the specimen; and	26 27 28
(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.	29 30 31 32

-
- (15AC) **Approved form for person who provides specimen of saliva to include particular matters** 1
2
3
The approved form mentioned in subsection 4
(15AB) must include— 5
- (a) a statement that the person may ask for a 6
specimen of the person’s saliva to be given 7
to the person under subsection (20); and 8
- (b) advice that another part of the specimen will 9
be delivered to a laboratory for saliva 10
analysis. 11
- (26) Section 80(15B), ‘saliva analysing instrument’— 12
omit, insert— 13
saliva collection unit 14
- (27) Section 80(15B)(c) and (d)— 15
omit, insert— 16
- (c) the name of the person operating or using 17
the breath analysing instrument or saliva 18
collection unit; and 19
- (d) either— 20
- (i) for a breath analysing instrument—the 21
name and model number of the 22
instrument; or 23
- (ii) for a saliva collection unit—the name 24
of the collection unit; and 25
- (28) Section 80(15F)(c), ‘saliva analysing instrument’— 26
omit, insert— 27
saliva collection unit 28
- (29) Section 80(15F)(c), ‘analysing a specimen provided’— 29
omit, insert— 30
analysing or collecting a specimen 31
-

[s 84]

(30)	Section 80(16)(b)—	1
	<i>omit, insert—</i>	2
	(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);	3 4 5 6 7
(31)	Section 80(21), definition <i>relevant provision</i> , before paragraph (a)—	8 9
	<i>insert—</i>	10
	(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	11 12 13
(32)	Section 80(21), definition <i>relevant provision</i> , paragraphs (aa) to (b)—	14 15
	<i>renumber</i> as paragraphs (a) to (c).	16
(33)	Section 80(22)(ab) and (b)—	17
	<i>omit, insert—</i>	18
	(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	19 20 21 22 23
	(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	24 25 26 27 28
(34)	Section 80(22AA)(a)—	29
	<i>omit, insert—</i>	30
	(a) the analysis or test mentioned in subsection (22)(a) or (ab) was made or conducted; or	31 32

-
- (35) Section 80(22AC)(b), ‘the analysis by means of a saliva analysing instrument’— 1
2
omit, insert— 3
the testing by a saliva test 4
- (36) Section 80(22AC)(c), ‘breath,’ to ‘(8L)’— 5
omit, insert— 6
breath or a specimen of saliva for a saliva test 7
under a relevant provision fails to provide the 8
specimen as required under a specimen provision 9

Clause 85 Amendment of s 87 (Issue of restricted licence to disqualified person) 10
11

- (1) Section 87(3B), from ‘section 91D(1)(b),’— 12
omit, insert— 13
section 91D(1)(b) or section 91HDC(1)(b)— 14
- (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 15
16
17
18
- (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. 19
20
21
22
- (2) Section 87— 23
insert— 24
- (12) In this section— 25
alcohol-related driver offence see section 91A. 26

Clause 86 Amendment of s 91C (Publication of details of program) 27
Section 91C(2), definition *service provider*, ‘this section’— 28
omit, insert— 29

[s 87]

	section 91B	1
Clause 87	Insertion of new ch 5, pt 3AA	2
	Chapter 5—	3
	<i>insert—</i>	4
	Part 3AA	5
	Education program for drug drivers	6
	91HDA Approval of program	7
	(1) The chief executive may approve a program designed to educate and support participants to separate the act of taking drugs from driving.	8 9 10
	(2) A regulation may prescribe fees payable for a program approved under this section that is provided by the department.	11 12 13
	91HDB Publication of details of program	14
	(1) The chief executive must publish the following details of a program approved under section 91HDA on the department’s website—	15 16 17
	(a) how the program may be completed, including, for example—	18 19
	(i) by completing the program provided by the department or a service provider online; or	20 21 22
	(ii) by attending the program provided by the department or a service provider;	23 24
	(b) for a program provided by the department—the fee prescribed under section 91HDA(2) for the program;	25 26 27
	(c) for a program provided by a service provider—the name and contact details for	28 29

each service provider who provides the
program. 1
2

(2) In this section— 3

service provider means an entity engaged by the
department to provide a program approved under
section 91HDA. 4
5
6

**91HDC Requirement for drug drivers to complete
program** 7
8

(1) This section applies to a person who— 9

(a) is convicted of a drug-related driver offence;
and 10
11

(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. 12
13
14
15
16

(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. 17
18
19
20

(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. 21
22
23
24
25
26

(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. 27
28
29
30

(5) In this section— 31

prescribed provision means section 79B(4), 89(1)
or 90(1). 32
33

[s 88]

Clause 88	Amendment of s 113 (Definitions for div 2)	1
(1)	Section 113, heading, ‘div 2’—	2
	<i>omit, insert—</i>	3
	division	4
(2)	Section 113—	5
	<i>insert—</i>	6
	relevant entity , in relation to a camera-detected offence, means—	7
	(a) the chief executive; or	9
	(b) the commissioner; or	10
	(c) the SPEA administering authority for the offence.	11
(3)	Section 113, definition <i>camera-detected offence</i> , paragraph (a), ‘under the <i>State Penalties Enforcement Act 1999</i> ’—	13
	<i>omit.</i>	14
(4)	Section 113, definition <i>person in charge</i> , paragraphs (a)(ii), (b)(ii) and (c)(ii), from ‘a notice’ to ‘any notice’—	15
	<i>omit, insert—</i>	16
	a notification mentioned in section 114(3)(b)(i)—the person named, in any notification	17
(5)	Section 113, definition <i>person in charge</i> , paragraph (c)(iii), from ‘a notice’ to ‘any notice’—	18
	<i>omit, insert—</i>	19
	a notification mentioned in section 114(3A)(b)—the person named, in any notification	20
(6)	Section 113, definition <i>person in charge</i> , paragraph (c)(iv), from ‘a notice’ to ‘any notice’—	21
	<i>omit, insert—</i>	22
	a notification mentioned in section	23
		24
		25
		26
		27
		28
		29
		30
		31

	114(3A)(c)—the person named, in any notification	1 2
Clause 89	Amendment of s 114 (Offences detected by photographic detection device)	3 4
	(1) Section 114(1), after ‘prescribed offence’—	5
	<i>insert—</i>	6
	, other than a passenger seatbelt offence,	7
	(2) Section 114—	8
	<i>insert—</i>	9
	(2A) Despite subsection (1), if a driver responsibility offence happens—	10 11
	(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	12 13 14 15 16 17
	(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.	18 19 20 21 22 23 24
	(3) Section 114(3), after ‘other than’—	25
	<i>insert—</i>	26
	a passenger seatbelt offence or	27
	(4) Section 114(3)(b)(i) and (ii), ‘commissioner, the chief executive or the SPEA administering authority’—	28 29
	<i>omit, insert—</i>	30
	relevant entity	31

[s 89]

- (5) Section 114, after subsection (3)— 1
insert— 2
 (3AA) It is a defence to a driver responsibility offence for 3
 a person to prove that the person has notified the 4
 relevant entity of the name and address of the 5
 passenger to whom the offence relates. 6
- (6) Section 114(3A)(a), ‘when’— 7
omit, insert— 8
 at the time 9
- (7) Section 114(3A)(b) and (c), ‘chief executive or the SPEA 10
 administering authority’— 11
omit, insert— 12
 relevant entity 13
- (8) Section 114(4) and (5)— 14
omit, insert— 15
 (4) A defence under subsection (3), (3AA) or (3A) is 16
 available to a person only if— 17
 (a) the person gives a notification mentioned in 18
 the subsection in a statutory declaration or 19
 an online declaration; and 20
 (b) for a notification mentioned in subsection 21
 (3)(b)(ii)—the notification is also about the 22
 matters mentioned in subsection (6); and 23
 (c) the notification is given within 28 days after 24
 the date of whichever of the following is 25
 first given to the person for the offence— 26
 (i) an infringement notice; 27
 (ii) a written notice from the relevant entity 28
 alleging a camera-detected offence. 29
- (9) Section 114(8)— 30
omit, insert— 31

-
- (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.

- Clause 90 Amendment of s 116 (Notice accompanying summons)** 31
- (1) Section 116, heading— 32

[s 91]

omit, insert—

1

**116 Information to accompany notice, complaint
or summons**

2

3

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

4

5

omit, insert—

6

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

7

8

- (3) Section 116(2), ‘notice’—

9

omit, insert—

10

written information

11

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

12

13

- (1) Section 121(3)(b)—

14

omit.

15

- (2) Section 121(3)(c)—

16

renumber as section 121(3)(b).

17

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

18

19

- (1) Section 123L, heading, ‘analysing’—

20

omit, insert—

21

breath analysing

22

- (2) Section 123L(1) and (2)(b), ‘or saliva analysing instrument’—

23

omit.

24

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

25

26

- (1) Section 123P, heading, ‘analysing instruments’—

27

omit, insert— 1

breath analysing instrument 2

- (2) Section 123P(1), from ‘an offence against’ to ‘saliva analysing instrument’— 3
4

omit, insert— 5

a relevant offence, evidence of the condition of a breath analysing instrument 6
7

- (3) Section 123P(2), definition *saliva analysing instrument*— 8

omit. 9

- (4) Section 123P(2)— 10

insert— 11

relevant offence means— 12

(a) an offence against a provision of a transport Act; or 13
14

(b) a relevant assault offence under the *Police Powers and Responsibilities Act 2000*, section 548B. 15
16
17

Clause 94 Amendment of s 129B (Disqualification period for person driving more than 40km/h over speed limit) 18
19

- (1) Section 129B(1)(a), ‘a regulation for’— 20

omit, insert— 21

the Queensland Road Rules, section 20 that involves 22
23

- (2) Section 129B— 24

insert— 25

- (3) However, if— 26

(a) the person’s Queensland driver licence, or authority to drive or learn to drive on a Queensland road under a non-Queensland 27
28
29

[s 95]

	driver licence, was suspended under section	1
	79BA(2) or (3) in relation to the offence; or	2
	(b) the person is disqualified from holding a	3
	Queensland driver licence and is not	4
	authorised to drive, or learn to drive, on a	5
	Queensland road under a non-Queensland	6
	driver licence under section 79BA(4) in	7
	relation to the offence;	8
	the court may, in deciding the period of	9
	disqualification, take into account the period of	10
	suspension or disqualification that has already	11
	been served under section 79BA.	12
Clause 95	Amendment of s 131 (Reviews and appeals with respect to issue of licences etc.)	13
	Section 131(9)(e), ‘a regulation for’—	14
	<i>omit, insert</i> —	15
	the Queensland Road Rules, section 20 that	16
	involves	17
Clause 96	Amendment of s 150 (Regulating driver management)	18
	(1) Section 150(1A), from ‘suspended’ to ‘for example’—	19
	<i>omit, insert</i> —	20
	suspended under stated provisions to continue to	21
	drive motor vehicles under Queensland driver	22
	licences in stated circumstances (<i>special</i>	23
	<i>hardship orders</i>), including, for example, by	24
	providing for	25
	(2) Section 150—	26
	<i>insert</i> —	27
	(1B) Also without limiting subsection (1)(c), a	28
	regulation may provide that the chief executive	29
	may grant permits, on the basis of special	30
		31

hardship, authorising persons whose licences 1
have been suspended under stated provisions to 2
continue to drive motor vehicles under 3
Queensland driver licences in stated 4
circumstances (*severe hardship permits*), 5
including, for example, by providing for— 6

- (a) the persons who are eligible, and who are 7
not eligible, to apply for permits; and 8
- (b) how and when applications for permits are 9
to be made; and 10
- (c) the fees payable for applications for permits; 11
and 12
- (d) the criteria to be used in deciding 13
applications for permits; and 14
- (e) the periods within which applications for 15
permits must be decided; and 16
- (f) the notices that must be given about 17
decisions on applications for permits; and 18
- (g) when the chief executive must issue 19
replacement licences and the types of 20
restrictions the chief executive may or must 21
apply to the licences; and 22
- (h) the periods for which permits are effective; 23
and 24
- (i) the effect of permits on the suspensions; and 25
- (j) the consequences for failing to comply with 26
permits or restrictions applicable to 27
licences, including, for example, the 28
creation of offences and the disqualification 29
of persons from holding or obtaining driver 30
licences. 31

Clause 97 **Insertion of new ch 7, pt 28, div 3** 32
 Chapter 7, part 28, as inserted by this Act— 33

[s 97]

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. 1
2

252 Drug-related driver offences committed before commencement 3
4

- (1) This section applies if— 5
- (a) before the commencement, a person committed a drug-related driver offence; and 6
7
8
 - (b) after the commencement— 9
 - (i) the person is convicted of the offence; and 10
11
 - (ii) the person is disqualified from holding or obtaining a Queensland driver licence as mentioned in section 91HDC(1)(b). 12
13
14
15
- (2) Chapter 5, part 3AA does not apply to the person in relation to the offence. 16
17

Clause 98 Amendment of sch 1 (Evidence by certificate) 18

Schedule 1, item 37— 19

omit, insert— 20

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	<ul style="list-style-type: none"> • the relevant entity
----	--	---

Clause 99 Amendment of sch 4 (Dictionary) 21

(1) Schedule 4, definition *camera-detected offence—* 22

omit. 23

[s 99]

(2) Schedule 4—	1
<i>insert—</i>	2
<i>camera-detected offence</i> see section 113.	3
<i>relevant entity</i> , in relation to a camera-detected offence, see section 113.	4 5
(3) Schedule 4—	6
<i>insert—</i>	7
<i>drug-related driver offence</i> means any of the following offences—	8 9
(a) an offence against section 79(1), involving a motor vehicle, while under the influence of a drug;	10 11 12
(b) an offence against section 79(2AA) or (2AB) involving a motor vehicle;	13 14
(c) an offence against section 80(11), involving a motor vehicle, in relation to failing to provide—	15 16 17
(i) a specimen of saliva for saliva analysis; or	18 19
(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;	20 21 22 23 24
(d) an offence against the Criminal Code, section 328A(1) or (4), involving the offender operating a motor vehicle dangerously, when accompanied by the circumstance of aggravation that at the time of committing the offence the offender was adversely affected by a drug.	25 26 27 28 29 30 31
<i>severe hardship permits</i> see section 150(1B).	32

Part 11	Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2021	1
		2
		3
		4
Division 1	Preliminary	5
Clause 100	Regulation amended	6
	This part amends the <i>Transport Operations (Road Use Management—Driver Licensing) Regulation 2021</i> .	7
		8
Division 2	Amendment commencing on assent	9
Clause 101	Insertion of new ch 8A	10
	After chapter 8—	11
	<i>insert—</i>	12
	Chapter 8A Disqualification after service of infringement notice	13
		14
		15
	289A Application of chapter	16
	This chapter applies if—	17
	(a) a person is served with an infringement notice for a contravention of section 79(2)(a) or (b) of the Act (the <i>offence</i>); and	18
		19
		20
	(b) the person has not elected to have the matter of the offence decided in a Magistrates Court under the <i>State Penalties Enforcement Act 1999</i> ; and	21
		22
		23
		24

- (c) the infringement notice has not been cancelled or withdrawn under the *State Penalties Enforcement Act 1999*. 1
2
3

289B Notice about administrative disqualification 4

- (1) The chief executive must give the person a written notice that states the following— 5
6
 - (a) the day the notice is given; 7
 - (b) the details of the infringement notice served on the person; 8
9
 - (c) that the person will be disqualified from holding or obtaining a Queensland driver licence for a period of 2 months starting on— 10
11
 - (i) the day stated in the notice; or 14
 - (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; 15
16
17
18
19
20
 - (d) the general effect of the person's administrative disqualification under section 79J of the Act. 21
22
23
- (2) For subsection (1)(c)(i), the stated day must be at least 21 days after the day the notice is given. 24
25
- (3) The notice must be given after the earliest of the following events to happen— 26
27
 - (a) the person pays the infringement notice fine for the offence; 28
29
 - (b) the person applies under the *State Penalties Enforcement Act 1999* to pay the infringement notice fine for the offence by instalments; 30
31
32
33

(c) a default certificate is given to SPER under the *State Penalties Enforcement Act 1999*, section 33 for the offence. 1
2
3

(4) In this section— 4
infringement notice fine see the *State Penalties Enforcement Act 1999*, schedule 2. 5
6

289C Start of administrative disqualification period—Act, s 79I 7
8

(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). 9
10
11
12

(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. 13
14
15
16
17

(3) The earlier day notified by the person must not be before the day the person notifies the chief executive. 18
19
20

Division 3 Amendments commencing by proclamation 21
22

Clause 102 Amendment of s 241 (Application of division) 23
Section 241(1)(a)(ii), after ‘under’— 24
insert— 25
section 79BA of the Act or 26

Clause 103	Amendment of s 242 (Meaning of <i>restricted driving period</i>)	1 2
(1)	Section 242—	3
	<i>insert</i> —	4
	(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—	5 6 7 8
	(a) if a severe hardship permit is granted for the person—the day the severe hardship permit is granted; or	9 10 11
	(b) otherwise—the day after the last day of the suspension.	12 13
(2)	Section 242(3), ‘or 285(5)’—	14
	<i>omit</i> .	15
(3)	Section 242(2A) to (6)—	16
	<i>renumber</i> as section 242(3) to (7).	17
Clause 104	Amendment of s 258 (Additional demerit points for multiple driver seatbelt offences)	18 19
	Section 258(4), definition <i>driver seatbelt offence</i> , from ‘against’—	20 21
	<i>omit, insert</i> —	22
	against the Queensland Road Rules, section 264(1).	23 24
Clause 105	Amendment of s 260 (Additional demerit points for multiple offences of driving more than 20km/h over speed limit)	25 26 27
(1)	Section 260, heading, after ‘20km/h’—	28
	<i>insert</i> —	29
	but not more than 40km/h	30

-
- (2) Section 260(1)(a), ‘a relevant speeding offence’— 1
omit, insert— 2
an offence against the Queensland Road Rules, 3
section 20 that involves driving more than 4
20km/h, but not more than 40km/h, over the speed 5
limit 6
- (3) Section 260(1)(b), ‘earlier relevant speeding offences for 7
which demerit points have been or must be recorded on the 8
person’s traffic history under section 256’— 9
omit, insert— 10
earlier offences against the Queensland Road 11
Rules, section 20 that involved driving more than 12
20km/h over the speed limit 13
- (4) Section 260(2)(c)— 14
omit. 15
- (5) Section 260(4)— 16
omit. 17

**Clause 106 Amendment of ch 7, pt 3, div 6, hdg (Persons who commit 18
offences before special hardship orders made) 19**
Chapter 7, part 3, division 6, heading, after ‘made’— 20
insert— 21
or severe hardship permits granted 22

Clause 107 Amendment of s 275 (Application of division) 23

(1) Section 275(a), after ‘order’— 24
insert— 25
or severe hardship permit 26

(2) Section 275(b), after ‘made’— 27
insert— 28

	, or a severe hardship permit is later granted,	1
(3)	Section 275(c), after ‘hardship order’—	2
	<i>insert—</i>	3
	or permit period for the severe hardship permit	4
Clause 108	Amendment of ch 7, pt 3, div 7, hdg (Persons to whom special hardship orders apply)	5
	Chapter 7, part 3, division 7, heading, after ‘orders’—	6
	<i>insert—</i>	7
	or severe hardship permits	8
Clause 109	Amendment of s 277 (Application of division)	9
(1)	Section 277(a), after ‘made’—	10
	<i>insert—</i>	11
	or severe hardship permit is granted	12
(2)	Section 277(c), after ‘hardship order’—	13
	<i>insert—</i>	14
	or permit period for the severe hardship permit	15
Clause 110	Amendment of s 278 (Chief executive must give notice of suspension of Queensland driver licence)	16
	Section 278(1)(b) and (4)(b), after ‘hardship order’—	17
	<i>insert—</i>	18
	or double the permit period for the severe hardship permit	19
Clause 111	Replacement of ch 8, pt 1, hdg (General)	20
	Chapter 8, part 1, heading—	21
	<i>omit, insert—</i>	22

	Part 1	Camera-detected offences	1 2
	Division 1	Preliminary	3
Clause 112	Amendment of s 284 (Application of part)		4
	(1) Section 284, ‘part’—		5
	<i>omit, insert—</i>		6
	division		7
	(2) Section 284(1)(a), before ‘involves’—		8
	<i>insert—</i>		9
	is a camera-detected offence that		10
Clause 113	Amendment of s 285 (Chief executive must give notice of suspension to Queensland driver licence holders)		11 12
	Section 285(2)(c), ‘special hardship order under chapter 10’—		13 14
	<i>omit, insert—</i>		15
	severe hardship permit under chapter 10A		16
Clause 114	Replacement of ch 8, pt 2, hdg (Section 79E drivers and persons to whom special hardship orders apply)		17 18
	Chapter 8, part 2, heading—		19
	<i>omit, insert—</i>		20
	Division 2	Section 79E drivers and persons to whom special hardship orders or severe hardship permits apply	21 22 23 24

Clause 115	Amendment of s 288 (Suspension for driving more than 40km/h over speed limit while section 79E driver)	1 2
(1)	Section 288, heading, after ‘for’— <i>insert—</i> camera-detected offence involving	3 4 5
(2)	Section 288(1)(a), before ‘involves’— <i>insert—</i> is a camera-detected offence that	6 7 8
Clause 116	Amendment of s 289 (Suspension for driving more than 40km/h over speed limit during order period for special hardship order)	9 10 11
(1)	Section 289, heading— <i>omit, insert—</i> 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	12 13 14 15 16 17 18
(2)	Section 289(1)(a), after ‘made’— <i>insert—</i> or severe hardship permit is granted	19 20 21
(3)	Section 289(1)(b), after ‘hardship order’— <i>insert—</i> or permit period for the severe hardship permit	22 23 24
(4)	Section 289(1)(b)(i), before ‘involves’— <i>insert—</i> is a camera-detected offence that	25 26 27
(5)	Section 289(2)(b) and (5)(b), after ‘hardship order’— <i>insert—</i>	28 29

	or double the permit period for the severe hardship permit	1 2
Clause 117	Insertion of new ch 8, pt 2	3
	Chapter 8—	4
	<i>insert—</i>	5
	Part 2	6
	Roadside-detected offences	7
	Division 1	8
	When suspension or disqualification starts and ends	9 10
	289AA Application of division	11
	This division applies to a person if, under section 79BA of the Act—	12 13
	(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	14 15 16 17
	(b) the person is disqualified from holding or obtaining a Queensland driver licence.	18 19
	289AB When suspension or disqualification starts—Act, s 79BA	20 21
	(1) This section prescribes for section 79BA(5)(a) of the Act the day the suspension or disqualification starts.	22 23 24
	(2) Subject to subsections (3) and (4), the suspension or disqualification starts—	25 26

- (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 1
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- (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. 6
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- (3) Subsection (4) applies if a police officer reasonably believes— 10
11
 - (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 12
13
14
 - (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. 15
16
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19
- (4) The police officer— 20
 - (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 21
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 - (b) if paragraph (a) applies—must give the person notice of the decision. 28
29
- (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. 30
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289AC When suspension or disqualification ends—Act, s 79BA	1
	2
For section 79BA(5)(c) of the Act, the suspension or disqualification ends—	3
	4
(a) if the person is a section 79E driver immediately before the suspension starts and the charge to which the order relates (the <i>previous charge</i>) 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	5
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(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	14
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(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	19
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(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	24
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(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	32
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| of the periods of the suspension before and | 1 |
| after the stay is 6 months; or | 2 |
| (f) if a court disqualifies the person whose | 3 |
| Queensland driver licence is suspended | 4 |
| from holding or obtaining a driver licence | 5 |
| for a period under section 129B of the | 6 |
| Act—when the disqualification starts; or | 7 |
| (g) if the person is granted a severe hardship | 8 |
| permit—when a replacement licence is | 9 |
| issued to the person under section 328M; or | 10 |
| (h) in any other case—6 months after the day | 11 |
| the suspension or disqualification starts. | 12 |

Division 2	Infringement notice	13
	referred to court	14

289AD Application of division	15
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| This division applies if— | 16 |
| (a) an infringement notice is served on a person | 17 |
| for an offence mentioned in section | 18 |
| 79BA(1)(a) of the Act; and | 19 |
| (b) the person’s Queensland driver licence, or | 20 |
| authority to drive or learn to drive on a | 21 |
| Queensland road under a non-Queensland | 22 |
| driver licence, is suspended under section | 23 |
| 79BA(2) or (3) of the Act; and | 24 |
| (c) the person elects to have the matter of the | 25 |
| offence decided in a Magistrates Court | 26 |
| under the <i>State Penalties Enforcement Act</i> | 27 |
| 1999, section 22(1)(b), 41(1)(c) or 51(1)(a). | 28 |

289AE Making of election to have matter decided in court stays suspension	1 2
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.	3 4 5
289AF Effect of court’s decision	6
(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.	7 8 9 10
(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.	11 12 13 14 15 16 17
(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.	18 19 20 21
(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.	22 23 24 25 26
Note—	27
See also section 129B of the Act.	28
(5) In this section—	29
<i>suspension period</i> means the period between the start and end of the suspension under section 79BA of the Act.	30 31 32
Note—	33
See sections 289AB and 289AC.	34

Clause 118	Amendment of s 294 (Persons not eligible to apply for section 79E orders—particular circumstances)	1 2
	Section 294—	3
	<i>insert—</i>	4
	(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.	5 6 7 8
Clause 119	Amendment of s 295 (Persons not eligible to apply for section 79E orders—suspension etc. within 5-year period)	9 10 11
	(1) Section 295(1)(c), ‘or the expired regulation, section 84 or 88’—	12 13
	<i>omit.</i>	14
	(2) Section 295(1)—	15
	<i>insert—</i>	16
	(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).	17 18 19 20 21 22
	(3) Section 295(2)(d), ‘or the expired regulation, section 132’—	23
	<i>omit.</i>	24
Clause 120	Amendment of s 307 (Purpose of chapter)	25
	Section 307(a), ‘a relevant provision’—	26
	<i>omit, insert—</i>	27
	section 266(5)	28

Clause 121	Amendment of s 308 (Definitions for chapter)	1
(1)	Section 308, heading, ‘Definitions’—	2
	<i>omit, insert—</i>	3
	Definition	4
(2)	Section 308, definition <i>relevant provision</i> —	5
	<i>omit.</i>	6
(3)	Section 308, definition <i>suspended open licence or provisional licence</i> , ‘a relevant provision’—	7
	<i>omit, insert—</i>	8
	section 266(5)	9
		10
Clause 122	Amendment of s 311 (Persons not eligible to apply for special hardship orders)	11
(1)	Section 311(1)(b), after ‘drive’—	12
	<i>insert—</i>	13
	, or learn to drive,	14
(2)	Section 311(1)(c), ‘or the expired regulation, section 84 or 88’—	15
	<i>omit.</i>	16
(3)	Section 311(1)—	17
	<i>insert—</i>	18
	(e) the person has on at least 2 occasions been	19
	given a notice to choose and has, within the	20
	choice period, notified the chief executive in	21
	writing that the person agrees to be of good	22
	behaviour while driving for a year under	23
	section 264(1)(b).	24
(4)	Section 311(2)(d), ‘or the expired regulation, section 132’—	25
	<i>omit.</i>	26
		27
		28

Clause 123	Amendment of s 314 (Making of application for special hardship order stays suspension)	1 2
	Section 314, ‘a relevant provision’—	3
	<i>omit, insert</i> —	4
	section 266(5)	5
Clause 124	Omission of s 316 (Similar applications may be considered together)	6 7
	Section 316—	8
	<i>omit.</i>	9
Clause 125	Amendment of s 317 (Deciding applications)	10
	Section 317(1)(c), ‘, under a relevant provision,’—	11
	<i>omit, insert</i> —	12
	under section 266(5)	13
Clause 126	Amendment of s 318 (Matters special hardship orders must and may state)	14 15
	(1) Section 318(2), ‘the relevant provision’—	16
	<i>omit, insert</i> —	17
	section 266(5)	18
	(2) Section 318(2), example—	19
	<i>omit.</i>	20
	(3) Section 318(3)—	21
	<i>omit.</i>	22
	(4) Section 318(4) and (5)—	23
	<i>renumber</i> as section 318(3) and (4).	24

Clause 127	Amendment of s 320 (Effect of court’s decision)	1
	(1) Section 320(1)(a) and (2), ‘a relevant provision’—	2
	<i>omit, insert—</i>	3
	section 266(5)	4
	(2) Section 320(2), ‘the relevant provision’—	5
	<i>omit, insert—</i>	6
	section 266(5)	7
	(3) Section 320(3)—	8
	<i>omit.</i>	9
Clause 128	Amendment of s 321 (Replacement Queensland driver licences if special hardship orders made)	10
	Section 321(6)(b), ‘a relevant provision’—	11
	<i>omit, insert—</i>	12
	section 266(5)	13
Clause 129	Amendment of s 326 (Deciding applications)	14
	Section 326(c), ‘section 318(4) and (5)’—	15
	<i>omit, insert—</i>	16
	section 318(3) and (4)	17
Clause 130	Insertion of new ch 10A	18
	After chapter 10—	19
	<i>insert—</i>	20
	Chapter 10A Severe hardship permits	21
		22
		23
	Part 1 Preliminary	24

328A Purpose of chapter	1
This chapter provides for section 150(1B) of the Act for—	2 3
(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	4 5 6 7
(b) other matters relating to a severe hardship permit.	8 9
328B Definitions for chapter	10
In this chapter—	11
<i>relevant provision</i> means section 79BA(2) or (3) of the Act or section 285(5).	12 13
<i>suspended open licence or provisional licence</i> , of a person, means the person’s open licence or provisional licence that has been suspended under a relevant provision.	14 15 16 17
Part 2	
Chief executive may grant severe hardship permits	18 19 20
328C Chief executive may grant severe hardship permits authorising particular persons to continue to drive	21 22 23
(1) This section applies in relation to a person who—	24
(a) has a suspended open licence or provisional licence; and	25 26
(b) is eligible to apply under part 3, and applies under part 4, for a severe hardship permit.	27 28
(2) The chief executive may grant a severe hardship	29

permit authorising the person to continue to drive
motor vehicles under a Queensland driver licence
in stated circumstances. 1
2
3

- (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. 4
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Part 3 Eligibility to apply for severe hardship permits 9 10 11

328D Persons not eligible to apply for severe hardship permits—additional or existing charges 12 13 14

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— 15
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- (a) the person is alleged to have committed an
offence against section 79 or 80 of the Act
or the Criminal Code, section 328A (each an
additional offence) that resulted in the
person being charged with the additional
offence; or 20
21
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23
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25
- (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. 26
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328E Persons not eligible to apply for severe hardship permits—particular circumstances	1 2
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—	3 4 5 6 7 8 9
(a) while the person was engaged in an activity directly connected with the person’s means of earning a living;	10 11 12
(b) while the person was driving a motor vehicle the person was not authorised, under an open licence or a provisional licence, to drive;	13 14 15 16
(c) while the person was driving a motor vehicle to which section 79(2B) of the Act applies;	17 18 19
(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;	20 21 22 23
(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;	24 25 26 27 28 29 30
(f) after the person had been given a notice to choose, but before the end of the choice period.	31 32 33

328F Persons not eligible to apply for severe hardship permits—suspension etc. within 5-year period	1
	2
	3
(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—	4
	5
	6
	7
(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	8
	9
	10
	11
(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	12
	13
	14
	15
(c) the person was not eligible to hold a Queensland driver licence under section 280, 281, 282, 283 or 287; or	16
	17
	18
(d) the person was convicted of—	19
(i) an offence against section 79 or 80(11) of the Act; or	20
	21
(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	22
	23
	24
	25
	26
(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).	27
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(2) For subsection (1)(a), the reference to a suspension, cancellation or disqualification does not include the following—	33
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- (a) a suspension under section 79(9) of the Act; 1
- (b) a suspension under section 79B(2) of the Act; 2
3
- (c) a 24-hour suspension under section 80(22AA) of the Act; 4
5
- (d) a suspension or cancellation that has been set aside under section 388(1); 6
7
- (e) a suspension, cancellation or disqualification that has been set aside by QCAT or a court; 8
9
10
- (f) a suspension, cancellation or disqualification because of the person's mental or physical incapacity; 11
12
13
- (g) a suspension under the *State Penalties Enforcement Act 1999*, section 105; 14
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- (h) a suspension under the *Transport Operations (Passenger Transport) Act 1994*, section 91ZJ; 16
17
18
- (i) a suspension that related to an infringement notice that has been withdrawn or cancelled. 19
20

Part 4 Making and deciding applications for severe hardship permits 21 22 23

328G Applying for severe hardship permits 24

- (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. 25
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Note— 29

See chapter 14, part 1 for requirements about the application. 30
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- (2) The application must be accompanied by— 1
- (a) the fee prescribed by regulation; and 2
 - (b) the information the applicant intends to rely 3
on for the application. 4
- Note—* 5
- See also section 328H(3) and (4) for particular 6
evidence the applicant must give to the chief 7
executive. 8
- (3) If the person applies for the grant of a severe 9
hardship permit, the suspension of the person’s 10
open licence or provisional licence is suspended 11
until— 12
- (a) if the chief executive grants the severe 13
hardship permit and the person applies for a 14
replacement licence under section 328M 15
that is granted—the day the replacement 16
licence is issued; or 17
 - (b) if the chief executive grants the severe 18
hardship permit and the person applies for a 19
replacement licence under section 328M but 20
the application is refused—the day the 21
application is refused; or 22
 - (c) if the chief executive grants the severe 23
hardship permit and the person does not 24
apply for a replacement licence under 25
section 328M—the end of 14 days after the 26
severe hardship permit is granted; or 27
 - (d) if the chief executive refuses to grant the 28
severe hardship permit—the day the 29
application is refused. 30
- (4) For subsection (3)(b), (c) or (d), the suspension of 31
the person’s open licence or provisional licence 32
continues for a period that is equivalent to the 33
length of the suspension period less any part of the 34
suspension period served before the suspension 35
was suspended under subsection (3). 36

328H Deciding applications	1
(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—	2 3 4 5 6
(a) grant a severe hardship permit; or	7
(b) refuse to grant a severe hardship permit.	8
(2) The chief executive may grant a severe hardship permit only if satisfied—	9 10
(a) a refusal to grant the severe hardship permit would cause severe hardship to the applicant or the applicant’s family—	11 12 13
(i) by depriving the applicant of the applicant’s means of earning a living; or	14 15 16
(ii) in another way; and	17
(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.	18 19 20 21 22
(3) For subsection (2)(a)(i), the applicant must give the chief executive—	23 24
(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	25 26 27 28 29 30 31
(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	32 33 34 35

-
- applicant's means of earning a living if the application were refused. 1
2
- (4) For subsection (2)(a)(ii), the applicant must give the chief executive— 3
4
- (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 5
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- (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. 10
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328I Matters severe hardship permits must and may state 15
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- (1) If the chief executive decides to grant a severe hardship permit to a person, the permit must state the following— 17
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19
- (a) the severe hardship permit has effect— 20
- (i) while the person holds a valid open licence or provisional licence; and 21
22
- (ii) until the end of the permit period; 23
- (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; 24
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27
- (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. 28
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- (2) For subsection (1), the *permit period* is the period, starting on the day a replacement licence 33
34

- 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. 1
2
Examples of other restrictions for paragraph (c)— 3
- the person must wear the person’s work uniform when driving under the person’s Queensland driver licence 4
5
6
 - 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 7
8
9
10
11

328J Decisions to grant or refuse to grant severe hardship permits 12
13

- (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. 14
15
16
17
- (2) Subsection (3) applies if the chief executive decides to— 18
19
- (a) refuse to grant a severe hardship permit to a person; or 20
21
- (b) grant a severe hardship permit to a person with different restrictions from the restrictions stated in the application. 22
23
24
- (3) The chief executive must give the person an information notice for the decision. 25
26

328K Duration of severe hardship permits 27

- A severe hardship permit for a person has effect— 28
- (a) while the person holds a valid open licence or provisional licence; and 29
30
- (b) until the end of the permit period. 31

328L Effect of chief executive’s decision	1	
(1) If the chief executive grants a severe hardship permit to a person—	2 3	
(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	4 5 6 7 8	
(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.	9 10 11 12 13 14	
<i>Note—</i>	15	
See section 328C(3).	16	
(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.	17 18 19 20 21	
Part 5	Obtaining replacement Queensland driver licence	22 23 24
328M Replacement Queensland driver licence if severe hardship permit granted	25 26	
(1) This section applies if the chief executive grants a severe hardship permit to a person.	27 28	
(2) The person must, within 14 days after the day the severe hardship permit is granted, apply for a replacement Queensland driver licence that—	29 30 31	

-
- (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	1 2
328N	When persons may apply for permits to vary restrictions	3 4
(1)	This section applies if—	5
(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	6 7 8 9
(b)	the circumstances change.	10
	<i>Example—</i>	11
	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.	12 13 14 15 16
(2)	The person may apply to the chief executive for a permit (a <i>severe hardship variation permit</i>) varying the restrictions that, under the severe hardship permit, apply to a Queensland driver licence held by the person.	17 18 19 20 21
328O	Applying for severe hardship variation permits	22 23
(1)	An application for a severe hardship variation permit must be—	24 25
(a)	made in the approved form; and	26
(b)	accompanied by—	27
(i)	a statutory declaration made by the applicant outlining why the variation mentioned in the application is necessary; and	28 29 30 31

-
- (ii) the information the applicant intends to rely on for the application. 1
2
 - (2) Without limiting subsection (1)(b)(ii), if the 3
reason for the application is the applicant has 4
changed employer, the applicant must give the 5
chief executive a statutory declaration made by 6
the applicant’s new employer confirming the 7
applicant— 8
 - (a) is currently employed by the new employer; 9
and 10
 - (b) would be deprived of the applicant’s means 11
of earning a living if the application were 12
refused. 13

328P Deciding applications 14

The chief executive may make a severe hardship 15
variation permit only if the chief executive— 16

- (a) has had regard to the restrictions that, under 17
the severe hardship permit, apply to a 18
Queensland driver licence held by the 19
applicant; and 20
- (b) considers the severe hardship permit should 21
be varied because of a material change in 22
circumstances; and 23
- (c) is satisfied that, if the restrictions were 24
varied, the severe hardship permit as varied 25
would continue to comply with 26
section 328I(3) and (4). 27

**328Q Matters severe hardship variation permits 28
must state 29**

If the chief executive decides to make a severe 30
hardship variation permit for an applicant, the 31
permit must state the restrictions as varied that 32
apply to a Queensland driver licence held by the 33

applicant for the remainder of the period the 1
severe hardship permit is in effect for the 2
applicant. 3

Part 7 **Driving under severe** 4 **hardship permits** 5

328R Failure to comply with severe hardship 6 **permits** 7

- (1) A person who is authorised to continue to drive 8
motor vehicles under a severe hardship permit 9
must comply with the permit, including the 10
restrictions stated in the permit that apply to a 11
Queensland driver licence held by the person. 12
- Maximum penalty—20 penalty units. 13
- (2) For subsection (1), the person must comply with 14
the restrictions stated in the severe hardship 15
permit, as varied by any severe hardship variation 16
permit. 17
- (3) If a person is convicted by a court of an offence 18
against subsection (1), the court must disqualify 19
the person from holding or obtaining a 20
Queensland driver licence for the following 21
period— 22
- (a) if the person is convicted during the permit 23
period for the severe hardship permit—the 24
period starting on the day of the conviction 25
and ending on the day that is 3 months after 26
the day the permit period ends; 27
- (b) if the person is convicted after the permit 28
period for the severe hardship permit has 29
ended—a period of 3 months starting on the 30
day of the conviction. 31

Clause 131	Amendment of ch 14, hdg (Making applications, giving incapacity notices and reconsideration of decisions)	1 2
	Chapter 14, heading, ‘and reconsideration of decisions’—	3
	<i>omit, insert—</i>	4
	, reconsidering decisions and appealing severe hardship permits decisions	5 6
Clause 132	Amendment of s 383 (Decision-maker may request further information)	7 8
	(1) Section 383(2)(a)(ii), ‘28 days’—	9
	<i>omit, insert—</i>	10
	the relevant period	11
	(2) Section 383—	12
	<i>insert—</i>	13
	(6) In this section—	14
	relevant period means—	15
	(a) generally—28 days; or	16
	(b) for an application for a severe hardship permit—14 days.	17 18
Clause 133	Amendment of s 388 (Reconsiderations of decisions)	19
	(1) Section 388(1)(c), from ‘person’—	20
	<i>omit, insert—</i>	21
	person—	22
	(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	23 24 25 26 27 28

[s 134]

stating the matters mentioned in subsection (2); or	1 2
(ii) for an original decision other than an original decision mentioned in subparagraph (i)—a QCAT information notice for the reconsidered decision.	3 4 5 6
(2) Section 388—	7
<i>insert—</i>	8
(1A) For subsection (1)(c)(i), the notice must state the following—	9 10
(a) the decision;	11
(b) the reasons for the decision;	12
<i>Note—</i>	13
See the <i>Acts Interpretation Act 1954</i> , section 27B.	14
(c) that the person has a right to appeal to a court under section 389C against the decision;	15 16 17
(d) how, and the period within which, the person may appeal.	18 19
(3) Section 388(3), ‘Subsection (2)’—	20
<i>omit, insert—</i>	21
Subsection (3)	22
(4) Section 388(1A) to (5)—	23
<i>renumber</i> as section 388(2) to (6).	24
Clause 134 Insertion of new ch 14, pt 3	25
Chapter 14—	26
<i>insert—</i>	27

Part 3	Appealing decisions relating to severe hardship permits	1
		2
		3
389A Application of part		4
	This part applies to a person if—	5
	(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	6 7 8 9 10 11 12
	(b) the person is dissatisfied with the reconsidered decision.	13 14
389B Definition for part		15
	In this part—	16
	<i>relevant court</i> , for a person, means—	17
	(a) if the person resides in a division of the Brisbane Magistrates Courts District—a Magistrates Court in the division; or	18 19 20
	(b) otherwise—a Magistrates Court in the Magistrates Courts district in which the person resides.	21 22 23
389C Starting appeal		24
	(1) The person may appeal against the reconsidered decision to a relevant court.	25 26
	(2) The appeal is started by—	27
	(a) filing a notice of appeal with the clerk of the relevant court; and	28 29

(b)	serving a copy of the notice on the chief executive—	1 2
(i)	if the day of the hearing is within 8 days after the notice of appeal is filed—as soon as practicable but before the day of the hearing; or	3 4 5 6
(ii)	otherwise—as soon as practicable but at least 7 days before the day of the hearing; and	7 8 9
(c)	complying with rules of court applicable to the appeal.	10 11
(3)	The notice of appeal must be filed within 28 days after the person receives notice of the reconsidered decision.	12 13 14
(4)	However, the relevant court may, at any time, extend the time for filing the notice of appeal.	15 16
(5)	The notice of appeal must state fully the grounds of the appeal and the facts relied on.	17 18
389D Hearing procedures		19
(1)	In deciding the appeal, the relevant court—	20
(a)	has the same powers as the chief executive in making the reconsidered decision; and	21 22
(b)	is not bound by the rules of evidence; and	23
(c)	must comply with natural justice.	24
(2)	The appeal is by way of a fresh hearing, unaffected by the reconsidered decision.	25 26
(3)	Fresh evidence or evidence in addition to, or in substitution for, the evidence before the chief executive may be given on the appeal.	27 28 29
(4)	The chief executive is not a party to the appeal but may appear at the hearing, give evidence and be heard on the appeal.	30 31 32

-
- (5) The relevant court may— 1
- (a) confirm the reconsidered decision; or 2
 - (b) set aside the reconsidered decision and 3
substitute another decision. 4
- (6) However, the relevant court may grant a severe 5
hardship permit only if satisfied— 6
- (a) a refusal to grant the severe hardship permit 7
would cause severe hardship to the person 8
or the person’s family— 9
 - (i) by depriving the person of the person’s 10
means of earning a living; or 11
 - (ii) in another way; and 12
 - (b) when the severe hardship permit is granted, 13
the person holds an open licence or a 14
provisional licence that would be valid other 15
than for the suspension, under section 16
79BA(2) or (3) of the Act or section 285(5), 17
to which the permit relates. 18

389E Effect of decision of relevant court on appeal 19

If the relevant court substitutes another decision, 20
the substituted decision is taken to be the decision 21
of the chief executive, and the chief executive 22
may give effect to the decision as if the decision 23
were the original decision of the chief executive 24
and no application for review or appeal had been 25
made. 26

**389F Application of s 328I to severe hardship 27
permit granted by relevant court 28**

Section 328I applies to a severe hardship permit 29
granted to the person under this part as if a 30
reference in that section to the chief executive 31
were a reference to the relevant court for the 32

	person.	1
Clause 135	Insertion of new ch 17, pt 5	2
	Chapter 17—	3
	<i>insert—</i>	4
	Part 5	5
	Transitional provisions	6
	for Transport and Other	7
	Legislation	8
	Amendment Act 2026	
	443 Existing applications for special hardship	9
	orders in particular circumstances	10
	(1) This section applies if—	11
	(a) a person’s Queensland driver licence was	12
	suspended because—	13
	(i) the person was convicted of an offence	14
	against the Queensland Road Rules,	15
	section 20 that involved driving more	16
	than 40km/h over the speed limit; or	17
	(ii) an order was made against the person	18
	under the <i>State Penalties Enforcement</i>	19
	<i>Act 1999</i> , section 38 for an offence	20
	mentioned in subparagraph (i); and	21
	(b) the person applied to a court for a special	22
	hardship order in relation to the suspension;	23
	and	24
	(c) immediately before the commencement, the	25
	application had not been decided.	26
	(2) This regulation as in force immediately before the	27
	commencement continues to apply in relation to	28
	the application as if this regulation had not been	29
	amended by the <i>Transport and Other Legislation</i>	30

Amendment Act 2026. 1

444 Applications for severe hardship permits 2

- (1) This section applies in relation to a person if— 3
- (a) before the commencement— 4
- (i) the person was convicted of an offence 5
against the Queensland Road Rules, 6
section 20 that involved driving more 7
than 40km/h over the speed limit; or 8
- (ii) an order was made against the person 9
under the *State Penalties Enforcement* 10
Act 1999, section 38 for an offence 11
mentioned in subparagraph (i); and 12
- (b) because of the offence, the person’s 13
Queensland driver licence was suspended 14
before or after the commencement. 15
- (2) The person may apply for a severe hardship 16
permit in relation to the suspension if the person 17
is eligible under chapter 10A, part 3. 18
- (3) However, if the person had applied to a court for 19
a special hardship order in relation to the 20
suspension before the commencement, the person 21
can not apply for a severe hardship permit in 22
relation to the suspension. 23
- (4) Subsection (3) applies whether the court makes a 24
special hardship order, or refuses to make a 25
special hardship order, before or after the 26
commencement. 27
- Note—* 28
- See section 443 for applications for special hardship 29
orders made but not decided before the commencement. 30

Clause 136	Amendment of sch 3 (Codes for conditions of Queensland driver licences)	1
	Schedule 3—	2
	<i>insert</i> —	3
X5	holder of Queensland driver licence may drive only—	4
	(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	
Clause 137	Amendment of sch 5 (Demerit points)	5
	(1) Schedule 5, part 1—	6
	<i>omit.</i>	7
	(2) Schedule 5, section 7A, heading, ‘and comply with seating requirements’—	8
	<i>omit.</i>	9
	(3) Schedule 5, section 7A, from ‘following’—	10
	<i>omit, insert</i> —	11
	Queensland Road Rules, section 264(1) is 4.	12
	(4) Schedule 5, section 7B—	13
	<i>omit.</i>	14
	(5) Schedule 5, parts 2 to 6—	15
	<i>renumber</i> as schedule 5, parts 1 to 5.	16
Clause 138	Amendment of sch 6 (Original decisions)	17
	Schedule 6—	18
	<i>insert</i> —	19
		20

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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Clause	139	Amendment of sch 7 (Fees)	1
		Schedule 7, item 10, after ‘section 321’—	2
		<i>insert—</i>	3
		or 328M	4
Clause	140	Amendment of sch 9 (Dictionary)	5
	(1)	Schedule 9, definitions <i>relevant provision</i> and <i>suspended open licence or provisional licence—</i>	6
		<i>omit.</i>	7
		<i>omit.</i>	8
	(2)	Schedule 9—	9
		<i>insert—</i>	10
		<i>permit period</i> see section 328I(2).	11
		<i>relevant court</i> , for a person, for chapter 14, part 3, see section 389B.	12
		<i>relevant provision</i> , for chapter 10A, see section 328B.	13
		<i>roadside-detected offence</i> see section 79BA(6) of the Act.	14
		<i>severe hardship variation permit</i> see section 328N(2).	15
		<i>suspended open licence or provisional licence</i> , of a person—	16
		(a) for chapter 10, see section 308; or	17
		(b) for chapter 10A, see section 328B.	18
	(3)	Schedule 9, definition <i>information notice</i> , paragraph (f)—	19
			20
			21
			22
			23
			24

<i>omit, insert—</i>	1
(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 appeal to a Magistrates Court against the decision on the reconsideration;	2 3 4 5 6 7 8 9
(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.	10 11 12 13 14
(4) Schedule 9, definition <i>relevant order—</i>	15
<i>insert—</i>	16
(c) a severe hardship permit.	17

Part 12	Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009	18 19 20 21
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Clause 141	Regulation amended	22
	This part amends the <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i> .	23 24

Clause 142	Amendment of s 267 (Exemptions from wearing seatbelts)	25 26
	Section 267(3A)(c)(ii), ‘or 264A’—	27
	<i>omit, insert—</i>	28
	, 264A or 265	29

Clause 143	Amendment of s 353 (Prescribed offences for ch 5, pt 7 of the Act)	1
	Section 353(d)—	2
	<i>omit, insert—</i>	3
	(d) section 264, 264A or 265;	4
Clause 144	Insertion of new s 353AAA	5
	After section 353AA—	6
	<i>insert—</i>	7
	353AAA Driver responsibility offence and passenger seatbelt offence—Act, s 114	8
	(1) For section 114(10) of the Act, definition <i>driver responsibility offence</i> , paragraph (a), an offence against section 264A(1) is prescribed if the offence—	9
	(a) involves a passenger who is 16 years or older; and	10
	(b) does not involve a failure to comply with section 264A(1)(b).	11
	(2) For section 114(10) of the Act, definition <i>passenger seatbelt offence</i> , 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.	12
		13
		14
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Part 13	Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021	1
		2
		3
		4

Clause 145	Regulation amended	5
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This part amends the *Transport Operations (Road Use
Management—Vehicle Registration) Regulation 2021*. 6
7

Clause 146	Amendment of s 201 (Definitions for division)	8
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(1) Section 201, definition *authorised statutory entity*, paragraph
(b)— 9
10

omit, insert— 11

(b) an entity that has lawful access to details
kept in the register under— 12
13

(i) a provision of an Act, other than a
provision of this division; or 14
15

(ii) an arrangement approved by the chief
executive for this subparagraph. 16
17

(2) Section 201, definition *personal information—* 18

omit, insert— 19

personal information, about the current or a
previous registered operator of a vehicle, see
section 164B(3) of the Act. 20
21
22

Clause 147	Amendment of s 202 (Giving extracts from register to eligible persons)	23 24
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(1) Section 202(6), definition *eligible person—* 25

omit. 26

(2) Section 202(6)— 27

<i>insert—</i>	1
<i>eligible person</i> , in relation to an extract about a vehicle—	2
	3
(a) means—	4
(i) a person who proposes to start, or has started, litigation in relation to the vehicle; or	5
	6
	7
(ii) an authorised statutory entity; or	8
(iii) the registered operator of the vehicle; or	9
	10
(iv) a safety recall agency; or	11
(v) a person who has the written consent of the registered operator of the vehicle to request the extract; or	12
	13
	14
(vi) an insolvency entity; but	15
(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.	16
	17
	18
	19
	20
<i>Examples of taking action to recover a private car park fee—</i>	21
	22
• sending a letter demanding payment of the fee	23
	24
• starting a proceeding in a court or tribunal for recovery of the fee	25
	26
<i>private car park fee</i> see section 164B(3) of the Act.	27
	28
<i>private car park land</i> see section 164B(3) of the Act.	29
	30
(3) Section 202(6), definition <i>litigation</i> , from ‘means’ to ‘if—’—	31
<i>omit, insert—</i>	32
, in relation to a vehicle, means a proceeding in a	33

[s 148]

	court if information kept in the register about the vehicle is, or may be, relevant to the proceeding and 1 of the following apply—	1 2 3
(4)	Section 202(6), definition <i>litigation</i> , paragraphs (a)(iv) and (b), ‘or’—	4 5
	<i>omit.</i>	6
Clause 148	Amendment of s 203 (Public access providers may allow client users to obtain extracts from register)	7 8
	Section 203(6), definition <i>client user</i> , after ‘who’—	9
	<i>insert—</i>	10
	, for this definition	11
Clause 149	Amendment of sch 8 (Dictionary)	12
(1)	Schedule 8, definition <i>current postal address</i> —	13
	<i>omit.</i>	14
(2)	Schedule 8, definition <i>personal information</i> , from ‘about’ to ‘operator’—	15 16
	<i>omit, insert—</i>	17
	about the current or a previous registered operator of a vehicle	18 19
Part 14	Amendment of Transport Planning and Coordination Act 1994	20 21 22
Clause 150	Act amended	23
	This part amends the <i>Transport Planning and Coordination Act 1994</i> .	24 25

Clause 151	Amendment of s 28E (Definitions for pt 4C)	1
(1)	Section 28E, heading, ‘pt 4C’—	2
	<i>omit, insert—</i>	3
	part	4
(2)	Section 28E, definition <i>take</i> —	5
	<i>omit, insert—</i>	6
	<i>take</i> , a digital photo or digitised signature of a person, includes obtain a digital photo or digitised signature of the person.	7 8 9
Clause 152	Amendment of s 28EA (Taking a digital photo and digitised signature for use under this or another Act)	10 11
(1)	Section 28EA, heading—	12
	<i>omit, insert—</i>	13
	28EA Taking digital photo or digitised signature for use under this or another Act or for proving person’s identity	14 15 16
(2)	Section 28EA—	17
	<i>insert—</i>	18
	(1A) A person (also an <i>applicant</i>) 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.	19 20 21 22 23 24
(3)	Section 28EA(2), ‘Subsection (1) does’—	25
	<i>omit, insert—</i>	26
	Subsections (1) and (1A) do	27
(4)	Section 28EA—	28
	<i>insert—</i>	29
	(3A) Subsection (1A) does not apply if—	30

[s 153]

- (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)

- Clause 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— 1

section 28EA(1) or (2) for which the digital photo 2
or digitised signature is 3

(6) Section 28EC(2)(a)(ii), ‘photo and’— 4

omit, insert— 5

photo or 6

Clause 154 Amendment of s 28ED (Restricted access to a digital photo and digitised signature) 7
8

(1) Section 28ED(4), after ‘under’— 9

insert— 10

this Act or 11

(2) Section 28ED(5), ‘to access a person’s digital photo and’— 12

omit, insert— 13

to access a person’s digital photo or 14

(3) Section 28ED(5)(a)(ii), ‘photo and’— 15

omit, insert— 16

photo or 17

Clause 155 Amendment of s 28EH (Retention period for a digital photo or digitised signature generally) 18
19

(1) Section 28EH(2), after ‘section 28EA(1)’— 20

insert— 21

or (2) 22

(2) Section 28EH(2)— 23

insert— 24

(ba) if the person’s digital photo taken under 25
section 28EA(2) is to be kept under this 26
Act—30 years after the creation date; or 27

[s 156]

- | | | |
|-----|---|---|
| (3) | Section 28EH(2)(c), ‘paragraph (a) or (b)’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | paragraph (a), (b) or (c) | 3 |
| (4) | Section 28EH(2)(ba) and (c)— | 4 |
| | <i>renumber</i> as section 28EH(2)(c) and (d). | 5 |
| (5) | Section 28EH(3)(a), ‘subsection (2)(b) or (c)’— | 6 |
| | <i>omit, insert—</i> | 7 |
| | subsection (2)(b) or (d) | 8 |

Part 15	Other amendments	9
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- | | | |
|-------------------|--|----|
| Clause 156 | Legislation amended | 10 |
| | Schedule 1 amends the legislation it mentions. | 11 |

Schedule 1	Other amendments	1
	section 156	2
Part 1	Amendments commencing on assent	3
		4
Transport Operations (Road Use Management) Act 1995		5
		6
1	Section 65A(4), definition <i>prescribed authority decision</i>, after ‘drive’—	7
	<i>insert—</i>	8
	<i>insert—</i>	9
	, or learn to drive,	10
2	Section 78(1A), from ‘under’ to ‘be issued to’—	11
	<i>omit, insert—</i>	12
	may be served on	13
3	Section 78(1A)(c), (1B), (1C), (1D) and (1E), ‘issued to’—	14
	<i>omit, insert—</i>	15
	served on	16
4	Section 78(3)(c), (e), (g) and (i)(ii), after ‘drive’—	17
	<i>insert—</i>	18
	, or learn to drive,	19

Schedule 1

5	Section 78(6), definition <i>disqualified driver</i>, paragraph (c), after ‘drive’—	1 2
	<i>insert—</i>	3
	, or learn to drive,	4
6	Section 78A(1), from ‘issues’ to ‘to’—	5 6
	<i>omit, insert—</i>	7
	serves an infringement notice on	7
7	Section 78A(6), definition <i>recently expired licence</i>, paragraph (b), after ‘drive’—	8 9
	<i>insert—</i>	10
	or learn to drive	11
8	Section 83(3), definition <i>unlicensed driver</i>, paragraphs (e) and (f), ‘authority under a non-Queensland driver licence to drive the motor vehicle’—	12 13 14
	<i>omit, insert—</i>	15
	authority to drive, or learn to drive, the motor vehicle under a non-Queensland driver licence	16 17
9	Section 103(2)(b) and (d), after ‘off-street’—	18 19
	<i>insert—</i>	20
	regulated	20
10	Section 106(3)(b), ‘, under the <i>State Penalties Enforcement Act 1999</i>,’—	21 22
	<i>omit.</i>	23
11	Section 120F, heading, after ‘about’—	24 25
	<i>insert—</i>	25

	prescribed	1
Part 2	Amendments commencing on 1 December 2026	2 3
	Police Powers and Responsibilities Act 2000	4
1	Section 548E(2)(b), ‘section 79(2A), (2B), (2D), (2J), (2K) or (2L)’—	5 6
	<i>omit, insert—</i>	7
	a no alcohol provision	8
Part 3	Amendments commencing by proclamation	9 10
	Traffic Regulation 1962	11
1	Section 4, definition <i>camera system hardware</i>, paragraph (g), ‘driver’—	12 13
	<i>omit, insert—</i>	14
	occupant	15
2	Section 4, definition <i>digital driver behaviour camera system</i>—	16 17
	<i>omit.</i>	18

Schedule 1

3	Section 4—	1
	<i>insert—</i>	2
	<i>digital occupant behaviour camera system</i>	3
	means a camera system described in schedule 10,	4
	part 9.	5
4	Section 208AA, heading, ‘driver’—	6
	<i>omit, insert—</i>	7
	occupant	8
5	Section 208AA(1), (2) and (3), ‘driver’—	9
	<i>omit, insert—</i>	10
	occupant	11
6	Section 210EA, heading, ‘driver’—	12
	<i>omit, insert—</i>	13
	occupant	14
7	Section 210EA(1) and (2), ‘driver’—	15
	<i>omit, insert—</i>	16
	occupant	17
8	Section 211(1)(k), ‘driver’—	18
	<i>omit, insert—</i>	19
	occupant	20
9	Schedule 10, part 9, heading, ‘driver’—	21
	<i>omit, insert—</i>	22
	occupant	23

Waste Reduction and Recycling Act 2011		1
1	Section 114(2), from ‘to an’ to ‘sold vehicle declaration’—	2
	<i>omit, insert—</i>	3
	of that Act to an illegal user declaration, known	4
	user declaration, sold vehicle declaration,	5
	unknown user declaration or vehicle related	6
	declaration	7
2	Section 114(5), definition <i>SPEA declaration</i>, from ‘an illegal’ to ‘sold vehicle declaration’—	8
	<i>omit, insert—</i>	9
	a vehicle related declaration, other than a	10
	passenger seatbelt declaration,	11
		12