



Queensland

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



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2019

A Bill

for

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

[s 1]

The Parliament of Queensland enacts— 1

Chapter 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Transport Legislation (Road Safety and Other Matters) Amendment Act 2019*. 4
5

Clause 2 Commencement 6

Chapter 3 commences on a day to be fixed by proclamation. 7

Chapter 2 Amendments commencing on assent 8 9

Part 1 Amendment of Heavy Vehicle National Law Act 2012 10 11

Clause 3 Act amended 12

This part amends the *Heavy Vehicle National Law Act 2012*. 13

Clause 4 Replacement of s 42E (Amendment of s 707 (Proceedings for offences)) 14
15

Section 42E— 16

omit, insert— 17

42E Amendment of s 707A (Proceeding for other offences)	1
	2
National Law, section 707A—	3
<i>insert—</i>	4
(4) A complaint for a fatigue management offence may be heard at a place appointed for holding Magistrates Courts within the district within which the defendant was required to produce the defendant’s work diary under section 568.	5 6 7 8 9 10
<i>Editor’s note—</i>	11
This subsection is an additional Queensland provision.	12 13
(5) Subsection (4) has effect despite, but does not limit, the <i>Justices Act 1886</i> , section 139.	14 15
<i>Editor’s note—</i>	16
This subsection is an additional Queensland provision.	17 18
(6) In this section—	19
<i>fatigue management offence</i> means an offence against any of the following provisions—	20 21 22
(a) section 250;	23
(b) section 251;	24
(c) section 254;	25
(d) section 256;	26
(e) section 258;	27
(f) part 6.4.	28
<i>Editor’s note—</i>	29
This subsection is an additional Queensland provision.	30 31

[s 5]

Part 2	Amendment of Traffic Regulation 1962	1
		2
Clause 5	Regulation amended	3
	This part amends the <i>Traffic Regulation 1962</i> .	4
Clause 6	Amendment of s 63 (Granting of, or refusing to grant, application)	5
	Section 63(3)(c)(ii), ‘section 131(1AA)’—	6
	<i>omit, insert—</i>	7
	section 131(2)	8
		9
Clause 7	Amendment of s 104A (Licences—decision on application)	10
	Section 104A(2)(b)(ii) and (3)(c)(ii), ‘section 131(1AA)’—	11
	<i>omit, insert—</i>	12
	section 131(2)	13
		14
Clause 8	Amendment of s 117 (Amendment of conditions)	15
	Section 117(6)(b)(ii), ‘section 131(1AA)’—	16
	<i>omit, insert—</i>	17
	section 131(2)	18
		19
Clause 9	Amendment of s 134A (Procedure for suspension or cancellation)	20
	Section 134A(7)(b)(ii), ‘section 131(1AA)’—	21
	<i>omit, insert—</i>	22
	section 131(2)	23

Clause 10	Amendment of s 134C (Reconsideration of decision by chief executive or commissioner)	1 2
	Section 134C(7), ‘section 131(1AA)’—	3
	<i>omit, insert—</i>	4
	section 131(2)	5
Part 3	Amendment of Transport Infrastructure Act 1994	6 7
Clause 11	Act amended	8
	This part and schedule 1 amend the <i>Transport Infrastructure Act 1994</i> .	9 10
Clause 12	Amendment of s 45 (Management of particular functions on State-controlled roads by local governments)	11 12
	Section 45(1), after ‘government road in its area’—	13
	<i>insert—</i>	14
	subject to the <i>Local Government Act 2009</i> , the <i>City of Brisbane Act 2010</i> and the <i>Transport Operations (Road Use Management) Act 1995</i> , section 66	15 16 17 18
Clause 13	Amendment of s 105 (Evidence and procedure)	19
	(1) Section 105(1)(c)—	20
	<i>insert—</i>	21
	(iva) a stated person was or was not a toll road operator;	22 23
	(ivb) a notice under section 99 was given to the registered operator of a stated vehicle;	24 25

[s 14]

	(ivc) a notice under section 100 was given to the information holder;	1 2
	(ivd) a notice under section 101 was given to the person identified as the driver;	3 4
(2)	Section 105(1)(c)(iva) to (ix)— <i>renumber</i> as section 105(1)(c)(v) to (xiii).	5 6
(3)	Section 105(4), definition <i>official</i> , paragraph (b) ‘the toll road operator’— <i>omit, insert</i> — either the toll road operator or another person	7 8 9 10
Clause 14	Amendment of s 105ZO (Evidence and procedure)	11
(1)	Section 105ZO(1)(c)— <i>insert</i> — (iva) a stated person was or was not a local government tollway operator; (ivb) a notice under section 105ZH was given to the registered operator of a stated vehicle; (ivc) a notice under section 105ZJ was given to the information holder; (ivd) a notice under section 105ZK was given to the person identified as the driver;	12 13 14 15 16 17 18 19 20 21
(2)	Section 105ZO(1)(c)(iva) to (ix)— <i>renumber</i> as section 105ZO(v) to (xiii).	22 23
(3)	Section 105ZO(4), definition <i>official</i> , paragraph (b) ‘the local government tollway operator’— <i>omit, insert</i> — either the local government tollway operator or another person	24 25 26 27 28

Clause 15	Replacement of s 440 (Application of chapter)	1
	Section 440—	2
	<i>omit, insert—</i>	3
	440 Application of chapter	4
	This chapter—	5
	(a) applies only to the transportation of dangerous goods by rail, other than prescribed exempt transport; and	6 7 8
	(b) applies in addition to, and does not limit, any other provision of this Act or any other Act.	9 10 11
Clause 16	Insertion of new s 441A	12
	After section 441—	13
	<i>insert—</i>	14
	441A Definition for chapter	15
	In this chapter—	16
	<i>prescribed exempt transport</i> means the transport of dangerous goods by rail that is prescribed by regulation as exempt from the application of this chapter.	17 18 19 20
Clause 17	Amendment of s 442 (Regulations about dangerous goods)	21 22
	Section 442(1)—	23
	<i>insert—</i>	24
	(s) exempting from the application of this chapter the transport by rail—	25 26
	(i) of stated types of dangerous goods; and	27

[s 18]

	(ii) of dangerous goods in stated circumstances or ways.	1 2
Clause 18	Amendment of sch 6 (Dictionary)	3
	Schedule 6—	4
	<i>insert—</i>	5
	<i>department’s website</i> means a website, or part of a website—	6 7
	(a) administered by the department; and	8
	(b) with a URL that contains qld.gov.au.	9
	<i>information holder—</i>	10
	(a) for chapter 6, part 7, division 3, see section 100(1)(b); or	11 12
	(b) for chapter 6, part 8, division 6, subdivision 3, see section 105ZJ(1)(b).	13 14
	<i>prescribed exempt transport</i> , for chapter 14, see section 441A.	15 16
Part 4	Amendment of Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018	17 18 19
Clause 19	Regulation amended	20
	This part amends the <i>Transport Infrastructure (Dangerous Goods by Rail) Regulation 2018</i> .	21 22
Clause 20	Replacement of s 4 (Matters prescribed for particular exempt transport—Act, s 440)	23 24
	Section 4—	25

omit, insert—

4 Prescribed exempt transport—Act, s 441A

- | | |
|---|----------------------------|
| | 1 |
| | 2 |
| (1) For section 441A of the Act, definition <i>prescribed exempt transport</i> , each of the following is exempt from the application of chapter 14 of the Act— | 3
4
5 |
| (a) the transport of the following except if transported with other dangerous goods— | 6
7 |
| (i) radioactive substances under the <i>Radiation Safety Act 1999</i> ; | 8
9 |
| (ii) explosives under the <i>Explosives Act 1999</i> ; | 10
11 |
| (b) the transport of a load of dangerous goods if— | 12
13 |
| (i) the dangerous goods are not, and do not include, infectious substances of UN division 6.2; and | 14
15
16 |
| (ii) the total quantity of each type of dangerous goods in the load is no more than the quantity stated in section 1.1.1.2, note (3)(a), table 1.1.1.2 of the ADG Code for that type; | 17
18
19
20
21 |
| (c) the transport by a person of a load of dangerous goods by rail if— | 22
23 |
| (i) the load does not contain dangerous goods— | 24
25 |
| (A) in a receptacle with a capacity that is more than 500L; or | 26
27 |
| (B) in a receptacle if the quantity of dangerous goods in the receptacle is more than 500kg; and | 28
29
30 |
| (ii) the goods are not, and do not include, dangerous goods of UN class 1 (explosives), other than— | 31
32
33 |

[s 20]

- | | |
|---|----|
| (A) dangerous goods of UN | 1 |
| division 1.4S; and | 2 |
| (B) track signals carried in a unit of | 3 |
| rolling stock for the safety of | 4 |
| persons working in rail transport; | 5 |
| and | 6 |
| (iii) the goods are not, and do not include, | 7 |
| dangerous goods of category A of UN | 8 |
| division 6.2 (infectious substances); | 9 |
| and | 10 |
| (iv) the goods are not, and do not include, | 11 |
| dangerous goods of UN class 7 | 12 |
| (radioactive material); and | 13 |
| (v) the aggregate quantity of the dangerous | 14 |
| goods in the load, calculated in the way | 15 |
| provided for under schedule 3, | 16 |
| definition <i>aggregate quantity</i> , is less | 17 |
| than 25% of a load of dangerous goods | 18 |
| that, under section 78, is required to be | 19 |
| placarded; and | 20 |
| (vi) the goods are not being transported by | 21 |
| the person in the course of a business | 22 |
| of transporting goods by rail; | 23 |
| (d) the transport of dangerous goods by rail to | 24 |
| the extent the goods are transported by, or | 25 |
| under the direction of, an authorised person | 26 |
| or relevant emergency service officer to | 27 |
| prevent a dangerous situation; | 28 |
| (e) the transport of dangerous goods in a rail | 29 |
| vehicle if— | 30 |
| (i) the dangerous goods are in packaging | 31 |
| that is— | 32 |
| (A) designed for, and forming part of, | 33 |
| the fuel or electrical system of the | 34 |

	rail vehicle's propulsion engine or auxiliary engine; or	1 2
	(B) part of, and necessary for, the operation of an appliance, plant or refrigeration system forming part of or attached to the rail vehicle; or	3 4 5 6 7
	(ii) the dangerous goods are in equipment carried in, fitted to or installed in the rail vehicle and designed for the safety or protection of an occupant of the rail vehicle, the rail vehicle or its load, including, for example, a fire extinguisher or self-contained breathing apparatus.	8 9 10 11 12 13 14 15
(2)	In this section— <i>type</i> , of dangerous goods, means a class or division of dangerous goods provided for in the ADG Code.	16 17 18 19
Part 5	Amendment of Transport Operations (Marine Pollution) Act 1995	20 21 22
Clause 21	Act amended This part amends the <i>Transport Operations (Marine Pollution) Act 1995</i> .	23 24 25
Clause 22	Omission of pt 9, div 5 (Night operation restriction) Part 9, division 5— <i>omit</i> .	26 27 28

[s 23]

Clause 23	Renumbering of pt 9, div 6 (General)	1
	Part 9, division 6—	2
	<i>renumber</i> as part 9, division 5.	3
Clause 24	Amendment of s 93A (Marine pollution controller)	4
	Section 93A(3)—	5
	<i>insert</i> —	6
	<i>Examples of other entities</i> —	7
	a port authority, a port operator, a local government, an entity established under the law of the Commonwealth	8 9
Clause 25	Amendment of s 111 (Definitions for part)	10
(1)	Section 111, definition <i>discharge expenses</i> , paragraph (a), ‘, a port authority or a port operator’—	11 12
	<i>omit, insert</i> —	13
	or a prescribed entity	14
(2)	Section 111, definition <i>discharge expenses</i> , paragraph (a)(iii)(A), ‘, port authority or port operator’—	15 16
	<i>omit, insert</i> —	17
	or prescribed entity	18
(3)	Section 111—	19
	<i>insert</i> —	20
	<i>prescribed entity</i> means—	21
	(a) a port authority or a port operator; or	22
	(b) an entity acting under the direction, guidance, management or supervision of the marine pollution controller performing a function under section 93A(3).	23 24 25 26

	<i>Examples of entities for paragraph (b)—</i>	1
	a local government, an entity established under the law of the Commonwealth	2 3
Clause 26	Amendment of s 113 (Detained ship must be released on giving security)	4 5
	(1) Section 113(2)(a), ‘port authority’s or port operator’s’— <i>omit, insert—</i> prescribed entity’s	6 7 8
	(2) Section 113(3)— <i>omit, insert—</i> (3) The chief executive may elect to secure a prescribed entity’s discharge expenses if the prescribed entity asks.	9 10 11 12 13
Clause 27	Amendment of s 115 (Recovery of discharge expenses)	14
	(1) Section 115(1), ‘, a port authority or a port operator’— <i>omit, insert—</i> or a prescribed entity	15 16 17
	(2) Section 115— <i>insert—</i> (1A) However, this section applies in relation to discharge expenses incurred by a prescribed entity only if the chief executive makes an election under section 113(3) for the discharge expenses.	18 19 20 21 22 23 24
	(3) Section 115(2), from ‘, including’ to ‘expenses,’— <i>omit.</i>	25 26
	(4) Section 115(8), ‘subsection (6)’— <i>omit, insert—</i>	27 28

[s 28]

	subsection (7)	1
(5)	Section 115(10)—	2
	<i>omit, insert—</i>	3
	(10) An amount recovered for a prescribed entity by the general manager must be reimbursed to the prescribed entity.	4 5 6
(6)	Section 115(1A) to (11)—	7
	<i>renumber</i> as section 115(2) to (12).	8
Clause 28	Amendment of s 117M (Internal review of decisions)	9
(1)	Section 117M(1)—	10
	<i>omit, insert—</i>	11
	(1) This section applies if the general manager—	12
	(a) refuses an application for an approval; or	13
	(b) amends, suspends or cancels an approval.	14
(2)	Section 117M(2), ‘or authorised officer’s’—	15
	<i>omit.</i>	16
(3)	Section 117M(4)(a), from ‘or authorised’ to ‘decision’—	17
	<i>omit.</i>	18
(4)	Section 117M(5), definition <i>approval</i> , ‘or an authorised officer’—	19 20
	<i>omit.</i>	21
Clause 29	Amendment of s 117N (External review of decisions)	22
	Section 117N(3), definition <i>reviewed decision</i> , ‘177M’—	23
	<i>omit, insert—</i>	24
	117M	25

Clause 30	Amendment of s 122 (How discharge expenses may be recovered)	1 2
	(1) Section 122(1), ‘, a port authority or a port operator’—	3
	<i>omit, insert—</i>	4
	or a prescribed entity	5
	(2) Section 122(2)—	6
	<i>omit, insert—</i>	7
	(2) The chief executive may elect to recover a prescribed entity’s discharge expenses if the prescribed entity asks.	8 9 10
	(3) Section 122(3), ‘port authority or port operator’—	11
	<i>omit, insert—</i>	12
	prescribed entity	13
	(4) Section 122(4)—	14
	<i>omit, insert—</i>	15
	(4) An amount recovered for a prescribed entity by the chief executive must be reimbursed to the prescribed entity.	16 17 18
	(5) Section 122(5), ‘section 115(3)’—	19
	<i>omit, insert—</i>	20
	section 115(4)	21
	(6) Section 122(6)—	22
	<i>insert—</i>	23
	<i>prescribed entity</i> has the meaning given in part 13.	24 25
Clause 31	Insertion of new pt 17, div 7	26
	Part 17—	27
	<i>insert—</i>	28

[s 32]

Division 7	Transitional provisions for	1
	Transport Legislation	2
	(Road Safety and Other	3
	Matters) Amendment Act	4
	2019	5

161 Recovery of discharge expenses incurred by particular entities	6
	7

(1) Part 13 and section 122 apply to discharge expenses incurred by a prescribed entity only if the expenses are incurred after the commencement.	8
	9
	10
	11

(2) In this section—	12
<i>discharge expenses</i> see section 111.	13
<i>prescribed entity</i> means an entity mentioned in section 111, definition <i>prescribed entity</i> , paragraph (b).	14
	15
	16

162 Securing compliance for particular offences	17
--	----

Part 13A applies in relation to an offence against section 86A(4), (5) or (8) only if the offence is committed after the commencement.	18
	19
	20

Clause 32	Amendment of sch 1 (Dictionary)	21
------------------	--	----

(1) Schedule 1—	22
<i>insert</i> —	23

<i>prescribed entity</i> , for part 13, see section 111.	24
--	----

(2) Schedule 1, definition <i>notice offence</i> , first dot point—	25
<i>omit</i> .	26

(3) Schedule 1, definition <i>notice offence</i> —	27
--	----

insert—

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

		1
		2
Part 6	Amendment of Transport Operations (Road Use Management) Act 1995	3
		4
		5
Clause 33	Act amended	6
	This part amends the <i>Transport Operations (Road Use Management) Act 1995</i> .	7
		8
Clause 34	Amendment of s 19I (Requirement to return number plates and registration label)	9
	(1) Section 19I, heading, ‘and registration label’—	10
	<i>omit.</i>	11
	(2) Section 19I(1), from ‘within’—	12
	<i>omit, insert—</i>	13
	the number plates issued for the vehicle, within 14 days after the notice is given.	14
	(3) Section 19I(3), ‘or registration label’—	15
	<i>omit.</i>	16
		17
		18
Clause 35	Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests)	19
	(1) Section 80(2)—	20
	<i>insert—</i>	21
	(ca) otherwise operating, or interfering with the operation of, a motor vehicle dangerously on a road or elsewhere; or	22
		23
		24
		25

[s 35]

(2) Section 80(2A)—	1
<i>insert—</i>	2
(ba) for an incident involving a motor vehicle—	3
was otherwise operating, or interfering with	4
the operation of, the motor vehicle	5
dangerously; or	6
(3) Section 80(8)—	7
<i>insert—</i>	8
(ba) is arrested for an offence against the	9
Criminal Code, section 328A in connection	10
with or arising out of the operation, or	11
interference with the operation, of a motor	12
vehicle, other than an offence mentioned in	13
paragraph (b); or	14
(4) Section 80(11), after ‘in relation to a person’—	15
<i>insert—</i>	16
driving, attempting to put in motion or in charge	17
of a motor vehicle, tram, train or vessel,	18
(5) Section 80, before subsection (11A)—	19
<i>insert—</i>	20
(11AA) If a police officer makes a requisition under	21
subsection (8), (8C) or (9) in relation to a person	22
other than a person mentioned in subsection (11),	23
and the person fails to provide as prescribed in	24
this section—	25
(a) a specimen of the person’s breath for	26
analysis by a breath analysing instrument; or	27
(b) a specimen of the person’s saliva for saliva	28
analysis; or	29
(c) a specimen of the person’s blood for a	30
laboratory test;	31
the person commits an offence against this Act.	32

Maximum penalty—40 penalty units or 6 months imprisonment.	1 2
(6) Section 80(11A), after ‘subsection (11)’— <i>insert—</i>	3 4
or (11AA)	5
(7) Section 80(16L), after ‘section 79(1)’— <i>insert—</i>	6 7
or (2AA)	8
(8) Section 80— <i>insert—</i>	9 10
(21) Definition for subsection (22)	11
In subsection (22)—	12
<i>relevant provision</i> means—	13
(a) subsection (8) to the extent it applies to a person mentioned in subsection (8)(a), (b) or (c); or	14 15 16
(b) subsection (8C) to the extent it applies to a person who may be required to provide a specimen of breath for a breath test under subsection (2)(a), (b), (c) or (d) or (2A)(a), (b) or (c).	17 18 19 20 21
(9) Section 80(22)(a), (ab) and (c), ‘subsection (8) or (8C)’— <i>omit, insert—</i>	22 23
a relevant provision	24
(10) Section 80(22)(d), ‘subsection (8), (8C) or (9)’— <i>omit, insert—</i>	25 26
a relevant provision, or under subsection (9) in relation to a relevant provision,	27 28
(11) Section 80(22)(e), ‘this section’—	29

[s 36]

- omit, insert—* 1
a relevant provision, or under another provision of 2
this section in relation to a relevant provision, 3
- (12) Section 80(24), ‘driving of a motor vehicle by the person’— 4
omit, insert— 5
driving, operation, or interference with the 6
operation, of a motor vehicle 7
- (13) Section 80(30), after ‘79’— 8
insert— 9
or 83 or the Criminal Code, section 328A 10

- Clause 36** **Amendment of s 84A (Driving of motor vehicles carrying placard loads in tunnels)** 11
12
- (1) Section 84A(3)(a), after ‘evidence of a placard’— 13
insert— 14
, or a thing purporting to be a placard, 15
- (2) Section 84A(3)— 16
insert— 17
(c) a motor vehicle is proved to have been 18
driven in a tunnel if there is evidence, in the 19
form of an image taken by a photographic 20
detection device, of— 21
(i) the motor vehicle facing the tunnel on 22
the entry road for the tunnel; or 23
(ii) the motor vehicle facing away from the 24
tunnel on the exit road from the tunnel. 25
- (3) Section 84A(4)— 26
renumber as section 84A(6). 27
- (4) Section 84A— 28

- insert—* 1
- (4) For subsection (3)(a), it is immaterial whether an 2
image of a motor vehicle showing a placard or a 3
thing purporting to be a placard— 4
- (a) is in colour or black and white; or 5
- (b) shows the dimensions of the placard or the 6
thing purporting to be a placard. 7
- (5) Also, for a proceeding for an offence against 8
subsection (1), evidence, in the form of an image 9
taken by a photographic detection device, of a 10
trailer at a place is taken to be evidence of a motor 11
vehicle including the trailer at the place. 12

- (5) Section 84A(6), as renumbered— 13

- insert—* 14
- entry road***, to a tunnel, means the part of a road 15
leading into the tunnel after the last exit from the 16
road before the tunnel. 17
- exit road***, from a tunnel, means the part of a road 18
leading out of the tunnel before the first exit from 19
the road after the tunnel. 20

**Clause 37 Amendment of s 90D (Other matters about cumulative 21
periods of disqualification) 22**

- Section 90D— 23

- insert—* 24

- (3) Further, sections 90B and 90C apply for a period 25
of disqualification despite any provision of this 26
Act or another Act that states the period of 27
disqualification takes effect from a particular 28
time. 29

- Example for subsection (3)—* 30

- A person is convicted of an offence under section 79(1) 31
and under section 86(1) is disqualified from holding or 32

[s 38]

	obtaining a Queensland driver licence for a period of 6 months from the date of the conviction. Three months after the person's conviction, the person is convicted of a subsequent offence under section 79(1) and under section 86(1A) is disqualified from holding or obtaining a Queensland driver licence for a period of 1 year from the date of the subsequent conviction.	1 2 3 4 5 6 7
	Despite the reference in section 86(1A) to the 1 year disqualification period applying from the date of the conviction, the 1 year disqualification period applies cumulatively after the end of the 6 month disqualification period for the earlier conviction.	8 9 10 11 12
Clause 38	Amendment of s 120 (Evidentiary provisions)	13
(1)	Section 120(7)—	14
	<i>insert</i> —	15
	(ca) either of the following matters—	16
	(i) whether a motor vehicle was carrying a placard load (within the meaning under section 84A) in a tunnel;	17 18 19
	(ii) whether a placard load prohibited sign (within the meaning under section 84A) at or before the entrance to a tunnel was clearly visible to a person entering the tunnel; or	20 21 22 23 24
(2)	Section 120(7)(d), after 'or (c)'—	25
	<i>insert</i> —	26
	or 120B(5)(a), (b), (c), (d) or (e)	27
(3)	Section 120(8)(b), from 'or (c) or'—	28
	<i>omit, insert</i> —	29
	, (c) or (ca) or a provision mentioned in subsection (7)(d); and	30 31
(4)	Section 120(9), definition <i>official</i> , paragraph (b), from 'includes'—	32 33

omit, insert— 1
includes a person having responsibility for testing 2
or checking the operation of a photographic 3
detection device used in the detection of offences 4
against section 84A(1). 5

Clause 39	Insertion of new ss 120B and 120C	6
	After section 120A—	7
	<i>insert—</i>	8
	120B Application of highest or average speed limit if multiple speed limits	9 10
	(1) This section applies to a proceeding for a prescribed offence in which the speed at which a motor vehicle travelled is relevant if—	11 12 13
	(a) under section 120A, the prosecution intends to rely on the average speed of a vehicle between 2 points on a road; and	14 15 16
	(b) more than 1 speed limit applies to the length of road between the 2 points.	17 18
	(2) Subject to subsection (3), for the proceeding, the speed limit for the length of road between the 2 points is taken to be the highest of the speed limits applying to the length of road.	19 20 21 22
	(3) If it is reasonably practicable to work out the average speed limit for the length of road under subsection (4), for the proceeding, the speed limit for the length of road between the 2 points is taken to be the average speed limit worked out under subsection (4).	23 24 25 26 27 28
	<i>Examples of circumstances in which it may not be reasonably practicable to work out the average speed limit under subsection (4)—</i>	29 30 31
	The distance between the start and end of a length of road to which a particular speed limit applies cannot be	32 33

[s 39]

- worked out because it depends on the placement of a temporary sign that is moved repeatedly (for example, for road works). 1
 2
 3
- (4) The average speed limit for a length of road between 2 points is worked out using the following formula, and expressed in kilometres per hour rounded up to the next whole number— 4
 5
 6
 7
 8

TD

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

- where— 9
- D**, for a speed limited part of the length of road, is the shortest practicable distance, expressed in metres and rounded down to the next whole number, between the start and end of the part of the length of road. 10
 11
 12
 13
 14
- S**, for a speed limited part of the length of road, is the speed limit, expressed in kilometres per hour, applying to the part of the length of road. 15
 16
 17
- speed limited part**, of the length of road, is a part of the length of road to which a particular speed limit applies. 18
 19
 20
- TD** is the total shortest practicable distance, expressed in metres and rounded down to the next whole number, between the 2 points. 21
 22
 23
- (5) A certificate purporting to be signed by the commissioner that certifies any 1 or more of the following matters is admissible in the proceeding and is evidence of the matters certified— 24
 25
 26
 27
- (a) the highest of the speed limits, expressed in kilometres per hour, applying to a length of road between 2 points; 28
 29
 30

(b) the shortest practicable distance, expressed in metres and rounded down to the next whole number, between 2 points on a road;	1 2 3
(c) the shortest practicable distance, expressed in metres and rounded down to the next whole number, between the start and end of a length of road to which a particular speed limit applies;	4 5 6 7 8
(d) the speed limit, expressed in kilometres per hour, applying to a particular part of a length of road between 2 points;	9 10 11
(e) the average speed limit, expressed in kilometres per hour, worked out under subsection (4), for a length of road between 2 points.	12 13 14 15
(6) In this section— <i>shortest practicable distance</i> , between 2 points on a road, has the meaning it has in section 120A.	16 17 18
120C Application of maximum speed limit if variable speed limit	19 20
(1) This section applies to a proceeding for a prescribed offence in which the speed at which a motor vehicle travelled is relevant if—	21 22 23
(a) under section 120, the prosecution intends to rely on an image taken by a photographic detection device as evidence of the speed of a vehicle on a length of road; and	24 25 26 27
(b) the speed limit applying to the length of road is indicated by a variable speed limit sign.	28 29 30
(2) This section also applies to a proceeding for a prescribed offence in which the speed at which a motor vehicle travelled is relevant if—	31 32 33

[s 40]

(a)	the prosecution intends to rely on section 120B for deciding the speed limit applying to a length of road; and	1 2 3
(b)	the speed limit applying to 1 or more parts of the length of road is indicated by a variable speed limit sign.	4 5 6
(3)	For the proceeding and for applying section 120B, the speed limit for the length of road, or the part of the length of road, is taken to be—	7 8 9
(a)	the speed limit indicated by the variable speed limit sign; or	10 11
(b)	if it is not reasonably practicable to verify the speed limit indicated by the variable speed limit sign—the speed limit that would apply to the length of road, or the part of the length of road, if the speed limit were not indicated by the variable speed limit sign.	12 13 14 15 16 17
	<i>Example of circumstances in which paragraph (b) may apply—</i>	18 19
	A variable speed limit sign changes during the course of a day and it is not possible to verify what speed limit was indicated by the sign at the particular time of that day when the image was taken by the photographic detection device.	20 21 22 23 24
(4)	In this section—	25
	<i>variable speed limit sign</i> means a speed limit sign or area speed limit sign that is a variable illuminated message sign within the meaning given by the Queensland Road Rules.	26 27 28 29
Clause 40	Insertion of new s 124AA	30
	After section 124—	31
	<i>insert—</i>	32

124AA Inspection certificates	1
(1) This section applies to a document purporting to be—	2 3
(a) a print-out of an inspection certificate issued electronically under a vehicle standards and safety regulation; or	4 5 6
(b) an inspection certificate issued manually under a vehicle standards and safety regulation.	7 8 9
(2) For a proceeding for an offence against a transport Act, the document—	10 11
(a) is taken to be an inspection certificate—	12
(i) issued under the vehicle standards and safety regulation; and	13 14
(ii) of the type it purports to be; and	15
(b) is admissible in a proceeding for an offence against a transport Act as evidence of a matter stated in the document.	16 17 18
(3) In this section—	19
<i>issued electronically</i> means issued using an electronic method.	20 21
<i>issued manually</i> means issued other than by using an electronic method.	22 23
<i>vehicle standards and safety regulation</i> means a regulation made under section 148.	24 25

Clause 41 Amendment of s 127 (Effect of disqualification)	26
(1) Section 127—	27
<i>insert—</i>	28
(3A) If, under a law of another State, a person is disqualified absolutely or for a specified period	29 30

[s 42]

	from holding or obtaining a driver licence in the	1
	other State, each subsisting Queensland driver	2
	licence held by the person is, by virtue of the	3
	disqualification, cancelled on and from the date	4
	the person became disqualified.	5
(2)	Section 127—	6
	<i>insert—</i>	7
	(7A) Also, subsection (6) does not apply to a person	8
	subject to a non-Queensland interlock	9
	requirement who, under this Act, applies for or	10
	obtains a Queensland driver licence subject to an	11
	interlock condition under section 91K.	12
(3)	Section 127—	13
	<i>insert—</i>	14
	(13A) Also, subsection (12) does not apply to a person	15
	subject to a non-Queensland interlock	16
	requirement who, under this Act, applies for or	17
	obtains a Queensland driver licence subject to an	18
	interlock condition under section 91K.	19
Clause 42	Amendment of s 131 (Reviews and appeals with respect	20
	to issue of licences etc.)	21
(1)	Section 131(1A) and (1B)—	22
	<i>omit, insert—</i>	23
	(1AB) Subsection (2) does not apply to a refusal,	24
	suspension, cancellation or imposition that is a	25
	licensing decision.	26
	(1AC) A person aggrieved by a decision of the chief	27
	executive on a reconsideration of a licensing	28
	decision may apply to QCAT for a review of the	29
	decision on the reconsideration.	30
	(1AD) Despite the QCAT Act, a decision of QCAT on	31
	review under subsection (2) or (4) is final and	32

binding and without further appeal under that Act.	1
(1AE) Subsection (7) applies to a review of any of the following decisions to suspend or cancel a licence, unless the reason, or 1 of the reasons, for the suspension or cancellation is the mental or physical incapacity of the applicant—	2 3 4 5 6
(a) a decision to which subsection (2) applies and that involves the suspension or cancellation of a licence of the applicant other than a Queensland driver licence;	7 8 9 10
(b) a decision of the chief executive on a reconsideration of a decision to suspend or cancel the applicant’s Queensland driver licence.	11 12 13 14
(2) Section 131(1C), from ‘Subsections (1AA)’ to ‘under subsection (1AA)—’—	15 16
<i>omit, insert—</i>	17
Subsections (2) to (8) must be read and construed so that a review does not lie under subsection (2) or (4)—	18 19 20
(3) Section 131(2B), ‘subsection (2A)’—	21
<i>omit, insert—</i>	22
subsection (12)	23
(4) Section 131(2D), (2E) and (2F), ‘subsection (2)’—	24
<i>omit, insert—</i>	25
subsection (10)	26
(5) Section 131—	27
<i>insert—</i>	28
(6) In this section—	29
licensing decision means a decision of the chief executive to—	30 31

[s 43]

	(a) refuse to grant or renew the person's Queensland driver licence; or	1 2
	(b) amend, suspend or cancel the person's Queensland driver licence; or	3 4
	(c) immediately amend or suspend the person's Queensland driver licence; or	5 6
	(d) impose a condition on a Queensland driver licence.	7 8
(6)	Section 131(1AA) to (6)—	9
	<i>renumber</i> as section 131(2) to (24).	10
Clause 43	Amendment of s 148 (Regulating vehicle standards)	11
	Section 148—	12
	<i>insert</i> —	13
	(c) fees for the inspection of, and the obtaining of inspection certificates for, heavy vehicles for compliance with the heavy vehicle standards prescribed under the Heavy Vehicle National Law.	14 15 16 17 18
Clause 44	Replacement of s 151 (Application of chapter)	19
	Section 151—	20
	<i>omit, insert</i> —	21
	151 Application of chapter	22
	This chapter—	23
	(a) applies only to the transportation of dangerous goods, other than prescribed exempt transport; and	24 25 26
	(b) applies in addition to, and does not limit, any other provision of this Act or any other Act.	27 28 29

	151AA Definition for chapter	1
	In this chapter—	2
	<i>prescribed exempt transport</i> means the transport	3
	of dangerous goods that is prescribed by	4
	regulation as exempt from the application of this	5
	chapter.	6
Clause 45	Amendment of s 152 (Regulations about dangerous goods and transport of dangerous goods)	7
	Section 152(1)—	8
	<i>insert—</i>	9
	(s) exempting from the application of this	10
	chapter the transport—	11
	(i) of stated types of dangerous goods; and	12
	(ii) of dangerous goods in stated	13
	circumstances or ways.	14
Clause 46	Omission of s 166A (Toll officers)	15
	Section 166A—	16
	<i>omit.</i>	17
Clause 47	Insertion of new ch 7, pt 23	18
	Chapter 7—	19
	<i>insert—</i>	20
		21

[s 47]

Part 23	Transitional provisions for Transport Legislation (Road Safety and Other Matters) Amendment Act 2019	1 2 3 4 5 6
Division 1	Provisions for amendments commencing on assent	7 8 9
233	Proceedings not finally decided	10
(1)	This section applies if, immediately before the commencement, a proceeding had been started before QCAT for a review of a licensing decision, but QCAT had not made a decision.	11 12 13 14
(2)	The proceeding may continue as if the amendment Act had not been enacted.	15 16
(3)	In this section—	17
	<i>amendment Act</i> means the <i>Transport Legislation (Road Safety and Other Matters) Amendment Act 2019</i> .	18 19 20
	<i>licensing decision</i> see section 131(24).	21
234	Breath and saliva testing of persons who are not drivers	22 23
(1)	Section 80 applies to an offence against the Criminal Code, section 328A committed by a person who is not the driver of a vehicle only if the offence is committed after the commencement.	24 25 26 27 28

(2)	In this section—	1
	<i>driver</i> , of a vehicle, means a person who drives or is in charge of the vehicle, or attempts to put the vehicle in motion, on a road or elsewhere.	2 3 4
235	Evidentiary provisions about placard loads in tunnels	5 6
(1)	Section 84A(3)(c) and (5) applies to a proceeding for an offence against section 84A(1) only if the offence is committed after the commencement.	7 8 9
(2)	Section 120(7) applies to a matter mentioned in section 120(7)(ca) for a proceeding for an offence against section 84A(1) only if the offence is committed after the commencement.	10 11 12 13
236	Evidentiary provisions about speed limits	14
	Sections 120B and 120C apply to a proceeding for a prescribed offence only if the offence is committed after the commencement.	15 16 17
237	Application of s 124AA	18
	Section 124AA applies to a proceeding for an offence against a transport Act only if the offence is committed after the commencement.	19 20 21
Clause 48	Amendment of sch 4 (Dictionary)	22
(1)	Schedule 4, definition <i>court</i> —	23
	<i>omit.</i>	24
(2)	Schedule 4—	25
	<i>insert</i> —	26
	<i>department's website</i> means a website, or part of a website—	27 28

[s 49]

	(a) administered by the department; and	1
	(b) with a URL that contains qld.gov.au.	2
	<i>prescribed exempt transport</i> , for chapter 5A, see	3
	section 151AA.	4
Part 7	Amendment of Transport	5
	Operations (Road Use	6
	Management—Dangerous	7
	Goods) Regulation 2018	8
Clause 49	Regulation amended	9
	This part amends the <i>Transport Operations (Road Use</i>	10
	<i>Management—Dangerous Goods) Regulation 2018</i> .	11
Clause 50	Replacement of s 5 (Matters prescribed for particular	12
	exempt transport—Act, s 151)	13
	Section 5—	14
	<i>omit, insert—</i>	15
	5 Prescribed exempt transport—Act, s151AA	16
	(1) For section 151AA of the Act, definition	17
	<i>prescribed exempt transport</i> , each of the	18
	following is exempt from the application of	19
	chapter 5A of the Act—	20
	(a) the transport of the following except if	21
	transported with other dangerous goods—	22
	(i) radioactive substances under the	23
	<i>Radiation Safety Act 1999</i> ;	24
	(ii) explosives under the <i>Explosives Act</i>	25
	<i>1999</i> ;	26

-
- | | |
|--|----|
| (b) the transport of a load of dangerous goods | 1 |
| if— | 2 |
| (i) the dangerous goods are not, and do | 3 |
| not include, infectious substances of | 4 |
| UN division 6.2; and | 5 |
| (ii) the total quantity of each type of | 6 |
| dangerous goods in the load is no more | 7 |
| than the quantity stated in | 8 |
| section 1.1.1.2, note (3)(a), table | 9 |
| 1.1.1.2 of the ADG Code for that type; | 10 |
| (c) the transport of a load of dangerous goods | 11 |
| by a person if— | 12 |
| (i) the load does not contain dangerous | 13 |
| goods— | 14 |
| (A) in a receptacle with a capacity that | 15 |
| is more than 500L; or | 16 |
| (B) in a receptacle if the quantity of | 17 |
| dangerous goods in the receptacle | 18 |
| is more than 500kg; and | 19 |
| (ii) the goods are not, and do not include, | 20 |
| the following— | 21 |
| (A) dangerous goods of UN class 1 | 22 |
| (explosives), other than dangerous | 23 |
| goods of UN division 1.4S; | 24 |
| (B) dangerous goods of category A of | 25 |
| UN division 6.2 (infectious | 26 |
| substances); | 27 |
| (C) dangerous goods of UN class 7 | 28 |
| (radioactive material); and | 29 |
| (iii) the aggregate quantity of the dangerous | 30 |
| goods in the load, as calculated in the | 31 |
| way provided for under schedule 3, | 32 |
| definition <i>aggregate quantity</i> , is less | 33 |
| than 25% of a load of dangerous goods | 34 |

- that, under section 83, is required to be placarded; and
- (iv) the goods are not being transported by the person in the course of a business of transporting goods by road;
- (d) the transport of dangerous goods to the extent the goods are transported by, or under the direction of, an authorised officer or relevant emergency service officer to prevent a dangerous situation;
- (e) the transport of dangerous goods in a vehicle if—
- (i) the dangerous goods are in packaging that is—
- (A) designed for, and forming part of, the fuel or electrical system of the vehicle’s propulsion engine or auxiliary engine; or
- (B) part of, and necessary for, the operation of an appliance, plant or refrigeration system forming part of or attached to the vehicle; or
- (ii) the dangerous goods are in equipment carried in, fitted to or installed in the vehicle and designed for the safety or protection of an occupant of the vehicle, the vehicle or its load, including, for example, an airbag, fire extinguisher, seatbelt pretensioning device or self-contained breathing apparatus.
- (2) In this section—
- type*, of dangerous goods, means a class or division of dangerous goods provided for in the ADG Code.

Part 8	Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010	1
		2
		3
		4
Clause 51	Regulation amended	5
	<i>This part amends the Transport Operations (Road Use Management—Driver Licensing) Regulation 2010.</i>	6
		7
Clause 52	Amendment of s 23 (Deciding application for licence)	8
	(1) Section 23(4)(c)—	9
	<i>omit, insert—</i>	10
	(c) that the applicant may apply for a reconsideration of the decision under section 132; and	11
		12
		13
	(2) Section 23(4)(d), ‘section 131(1AA)’—	14
	<i>omit, insert—</i>	15
	section 131(4)	16
Clause 53	Amendment of s 25 (Conditions on licence)	17
	Section 25—	18
	<i>insert—</i>	19
	(3) If the chief executive decides to impose a condition on the licence, the chief executive must promptly notify the licensee—	20
		21
		22
	(a) of the decision; and	23
	(b) of the reasons for the decision; and	24

[s 54]

	(c) that the licensee may apply for a reconsideration of the decision under section 132; and	1 2 3
	(d) that, if the licensee applies for a reconsideration of the decision under section 132, the licensee may, under section 131(4) of the Act, apply to QCAT for a review of the decision on the reconsideration.	4 5 6 7 8 9
	(4) The chief executive may notify the licensee under subsection (3) by written notice or orally.	10 11
	(5) However, a written notice must be given if the licensee asks for a written notice.	12 13
Clause 54	Amendment of s 124 (Grounds for amending, suspending or cancelling licences)	14 15
	Section 124(d), ‘another State or’—	16
	<i>omit.</i>	17
Clause 55	Amendment of s 125 (Procedure for amending, suspending or cancelling licences)	18 19
	(1) Section 125(6)(b)—	20
	<i>omit, insert—</i>	21
	(b) that the person may apply for a reconsideration of the decision under section 132; and	22 23 24
	(2) Section 125(6)(c), ‘section 131(1AA)’—	25
	<i>omit, insert—</i>	26
	section 131(4)	27

Clause 56	Amendment of s 126 (Immediate amendment or suspension of Queensland driver licence)	1 2
(1)	Section 126(3)(b)—	3
	<i>omit, insert—</i>	4
	(b) that the licence holder may apply for a reconsideration of the decision under section 132; and	5 6 7
(2)	Section 126(3)(c), ‘section 131(1AA)’—	8
	<i>omit, insert—</i>	9
	section 131(4)	10
Clause 57	Amendment of s 132 (Reconsideration of decision by chief executive)	11 12
(1)	Section 132(1)—	13
	<i>insert—</i>	14
	(ba) has, under section 25, imposed a condition on a Queensland driver licence; or	15 16
(2)	Section 132—	17
	<i>insert—</i>	18
	(3A) If an application is made for reconsideration of the chief executive’s decision to suspend or cancel a licence, other than a prescribed licence decision, the suspension or cancellation—	19 20 21 22
	(a) is suspended pending the chief executive’s reconsidered decision; and	23 24
	(b) subject to the chief executive’s reconsidered decision—	25 26
	(i) for a suspension—takes effect from the date of the chief executive’s reconsidered decision for the	27 28 29

[s 58]

- remainder of the period for which it was made; or 1
2
- (ii) for a cancellation—takes effect from the date of the chief executive’s reconsidered decision. 3
4
5
- (3) Section 132(5)(b)(i), from ‘(k)’ to ‘section 131(1AA)’— 6
omit, insert— 7
(ba), (k) or (l)—under section 131(4) 8
- (4) Section 132(7)— 9
omit, insert— 10
- (7) Despite subsection (5), for an original decision mentioned in subsection (1)(ba), the chief executive may give an oral notice instead of a written notice unless the person asks for a written notice. 11
12
13
14
15

Part 9 **Amendment of Transport Planning and Coordination Act 1994** 16
17
18

Clause 58 **Act amended** 19
This part amends the *Transport Planning and Coordination Act 1994*. 20
21

Clause 59 **Amendment of s 8E (Guidelines for pt 2A)** 22
Section 8E(6)— 23
insert— 24
department’s website means a website, or part of a website— 25
26
(a) administered by the department; and 27

	(b) with a URL that contains qld.gov.au.	1
Clause 60	Amendment of s 28E (Definitions for pt 4C)	2
	Section 28E, definition <i>retention period</i> , ‘28EI(2)’—	3
	<i>omit, insert—</i>	4
	28EHA(2)	5
Clause 61	Amendment of s 28EH (Retention period for a digital photo or digitised signature generally)	6
	Section 28EH(2) and (3)(a), ‘section 28EI’—	7
	<i>omit, insert—</i>	8
	section 28EHA	9
Clause 62	Renumbering of s 28EI (Retention period for a digital photo or digitised signature for persons applying for a learner licence and other prescribed matters)	10
	Section 28EI, first occurring—	11
	<i>renumber</i> as section 28EHA.	12
		13
		14
		15
Chapter 3	Amendments commencing by proclamation	16
		17
Part 1	Amendment of State Penalties Enforcement Act 1999	18
		19
Clause 63	Act amended	20
	This part amends the <i>State Penalties Enforcement Act 1999</i> .	21

[s 64]

Clause 64	Amendment of sch 2 (Dictionary)	1
(1)	Schedule 2, definition <i>illegal user declaration</i> , after ‘statutory declaration’—	2
	<i>insert—</i>	3
	<i>insert—</i>	4
	, or an online declaration under the <i>Transport Operations (Road Use Management) Act 1995</i> , section 114(4)(b),	5
		6
		7
(2)	Schedule 2, definition <i>known user declaration</i> , after ‘statutory declaration’—	8
	<i>insert—</i>	9
	<i>insert—</i>	10
	, or an online declaration under the <i>Transport Operations (Road Use Management) Act 1995</i> , section 114(4)(b),	11
		12
		13
(3)	Schedule 2, definition <i>sold vehicle declaration</i> , after ‘statutory declaration’—	14
	<i>insert—</i>	15
	<i>insert—</i>	16
	, or an online declaration under the <i>Transport Operations (Road Use Management) Act 1995</i> , section 114(4)(b),	17
		18
		19
(4)	Schedule 2, definition <i>unknown user declaration</i> , after ‘statutory declaration’—	20
	<i>insert—</i>	21
	<i>insert—</i>	22
	, or an online declaration under the <i>Transport Operations (Road Use Management) Act 1995</i> , section 114(4)(b),	23
		24
		25
Part 2	Amendment of Transport Infrastructure Act 1994	26
		27
Clause 65	Act amended	28
	This part amends the <i>Transport Infrastructure Act 1994</i> .	29

Clause 66	Amendment of s 33 (Prohibition on road works etc. on State-controlled roads)	1 2
(1)	Section 33—	3
	<i>insert</i> —	4
	(1A) A person may apply to the chief executive for an approval mentioned in subsection (1).	5 6
	<i>Note</i> —	7
	See part 10 for general provisions about the application.	8
(2)	Section 33(3), ‘subsection (2)’—	9
	<i>omit, insert</i> —	10
	subsection (3)	11
(3)	Section 33(1A) to (5)—	12
	<i>renumber</i> as section 33(2) to (6).	13
Clause 67	Replacement of s 50 (Ancillary works and encroachments)	14 15
	Section 50—	16
	<i>omit, insert</i> —	17
	50 Ancillary works and encroachments	18
	(1) The chief executive may construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road.	19 20 21
	(2) A person, other than the chief executive, must not construct, maintain, operate or conduct ancillary works and encroachments on a State-controlled road unless the construction, maintenance, operation or conduct—	22 23 24 25 26
	(a) is approved in writing by the chief executive; or	27 28

[s 67]

- (b) conforms to requirements stated in a notice made by the chief executive under subsection (4); or
- (c) is done as required by a written arrangement entered into with the chief executive; or
- (d) is approved under this Act, other than this section; or
- (e) is permitted under the *Land Act 1994*, the *Transport Operations (Road Use Management) Act 1995*, the *Economic Development Act 2012* or an Act about local government.
- Example for paragraph (e)—*
- ancillary works and encroachments permitted under a local law made under the *Transport Operations (Road Use Management) Act 1995*, section 66
- Maximum penalty—200 penalty units.
- (3) A person may apply to the chief executive for an approval mentioned in subsection (2)(a).
- Note—*
- See part 10 for general provisions about the application.
- (4) For the purpose of subsection (2)(b), the chief executive may, by notice, permit the construction, maintenance, operation or conduct of ancillary works and encroachments that meet requirements stated in the notice.
- (5) The chief executive must publish a notice made under subsection (4) on the department’s website.
- (6) An approval or requirements under this section may be subject to conditions (including conditions about the payment of fees and other charges) fixed by the chief executive.
- (7) In this section—

	<i>arrangement</i> includes an agreement, contract, deed, lease and permit.	1 2	
Clause 68	Amendment of s 51 (Presumptions about advertising notices)	3 4	
	Section 51(1), '50(3)'—	5	
	<i>omit, insert</i> —	6	
	50(2)	7	
Clause 69	Amendment of s 62 (Management of access between individual properties and State-controlled roads)	8 9	
	Section 62(1)—	10	
	<i>insert</i> —	11	
	<i>Note</i> —	12	
	See part 10 for general provisions about the application.	13	
Clause 70	Insertion of new ch 6, pt 10	14	
	Chapter 6—	15	
	<i>insert</i> —	16	
	Part 10	General provision for particular applications	17 18
	105ZQ Applications for particular decisions	19	
	(1) This section applies to—	20	
	(a) an application for an approval mentioned in section 33(1) or 50(2)(a); or	21 22	
	(b) an application for a decision under section 62(1).	23 24	
	(2) The application must be made in the approved	25	

[s 71]

	form and in the way stated on the approved form.	1
	<i>Example of how application could be made—</i>	2
	by post or fax or electronically using an online system	3
	provided for the purpose and accessible on, or through,	4
	the department’s website	5
	(3) Subsection (2) does not apply to an application	6
	that, under section 62A(2), is taken to also be an	7
	application for a decision under section 62(1).	8
Clause 71	Insertion of new ch 21, pt 6	9
	Chapter 21—	10
	<i>insert—</i>	11
	Part 6	Transitional provisions for
		Transport Legislation
		(Road Safety and Other
		Matters) Amendment Act
		2019
		16
	586 Definitions for part	17
	In this part—	18
	<i>amending Act</i> means the <i>Transport Legislation</i>	19
	<i>(Road Safety and Other Matters) Amendment Act</i>	20
	<i>2019</i> .	21
	<i>former</i> , for a provision, means as in force before	22
	the amendment of the provision under the	23
	amending Act.	24
	587 Existing applications under former ss 33 and	25
	62	26
	(1) This section applies to—	27

(a)	a request for the chief executive’s approval under former section 33 made, but not decided, before the commencement; or	1 2 3
(b)	an application under former section 62(1) made, but not decided, before the commencement.	4 5 6
(2)	Section 105ZQ does not apply to the request or application.	7 8
588	Existing requests for approval for ancillary works and encroachments	9 10
(1)	This section applies if a request for the chief executive’s approval under former section 50 was made but not decided before the commencement.	11 12 13
(2)	This Act as in force immediately before the commencement continues to apply in relation to the request as if the amending Act had not been enacted.	14 15 16 17
589	Existing approvals for ancillary works and encroachments	18 19
(1)	This section applies to an approval given under former section 50 if, immediately before the commencement, the approval was in force.	20 21 22
(2)	The approval continues in force as if it had been given under section 50.	23 24
(3)	The approval continues to be subject to the conditions to which the approval was subject immediately before the commencement.	25 26 27
Clause 72	Amendment of sch 6 (Dictionary)	28
	Schedule 6, definition <i>ancillary works and encroachments</i> —	29
	<i>omit, insert</i> —	30

[s 73]

<i>ancillary works and encroachments</i> , for a road,	1
means—	2
(a) a structure or other thing, other than public utility plant, on, over or under the road; or	3
	4
<i>Examples of structures or other things—</i>	5
an advertising device, an A-frame board, a bridge,	6
a pipeline, a remotely piloted aircraft, a rest area, a	7
tunnel, an underpass	8
(b) an activity conducted on, over or under the road, other than travelling or grazing an animal under a permit issued under the <i>Stock Route Management Act 2002</i> .	9
	10
	11
	12
<i>Examples of an activity—</i>	13
a community event, roadside vending	14

Part 3	Amendment of Transport Operations (Road Use Management) Act 1995	15
		16
		17

Clause 73	Act amended	18
	This part amends the <i>Transport Operations (Road Use Management) Act 1995</i> .	19
		20
Clause 74	Amendment of s 18 (Grounds for amending, suspending or cancelling approvals)	21
	(1) Section 18(1)(o) to (q)—	22
	<i>renumber</i> as section 18(1)(p) to (r).	23
		24
	(2) Section 18(1)—	25
	<i>insert—</i>	26
	(o) for an approval that is a repeat offender education program exemption—	27
		28

-
- (i) a change in circumstances has happened after the exemption was granted and, had the changed circumstances existed when the exemption was granted, it would not have been granted because of the requirements under section 91H(1) applying to the grant; or
- (ii) the holder of the approval has failed to comply with section 91HD;
- (3) Section 18(2), definition *change of circumstances*—
omit.
- (4) Section 18(2)—
insert—
- change of circumstances*—**
- (a) for a person granted an interlock exemption because of circumstances mentioned in section 91Q(3)(a)—does not include the establishment of a prescribed interlock installer’s place of business near the person’s place of residence; or
- (b) for a person granted a repeat offender education program exemption because of circumstances mentioned in section 91H(2)(a)—does not include the establishment of a place where a repeat offender education program is provided near the person’s place of residence.
- repeat offender education program exemption***
means an exemption from the requirement to complete a repeat offender education program granted under section 91HA.

[s 75]

Clause 75	Replacement of ch 3, pt 5, hdg (Legal proceedings)	1
	Chapter 3, part 5, heading—	2
	<i>omit, insert—</i>	3
	Part 5 Offences	4
Clause 76	Omission of ch 3, pt 5, div 1, hdg (Offences)	5
	Chapter 3, part 5, division 1, heading—	6
	<i>omit.</i>	7
Clause 77	Amendment of s 52 (False or misleading statements)	8
	Section 52(2), penalty—	9
	<i>omit, insert—</i>	10
	Maximum penalty—	11
	(a) if the statement relates to a heavy vehicle, a prescribed dangerous goods vehicle or the transport of dangerous goods—100 penalty units; or	12 13 14 15
	(b) if paragraph (a) does not apply and the statement is made in an online declaration under section 114—60 penalty units or 2 years imprisonment; or	16 17 18 19
	(c) otherwise—60 penalty units.	20
Clause 78	Amendment of s 53 (False or misleading documents, generally)	21 22
	Section 53(2), penalty—	23
	<i>omit, insert—</i>	24
	Maximum penalty—	25
	(a) if the document relates to a heavy vehicle, a prescribed dangerous goods vehicle or the	26 27

	transport of dangerous goods—100 penalty units; or	1 2
	(b) if paragraph (a) does not apply and the document is, or is part of, an online declaration under section 114—60 penalty units or 2 years imprisonment; or	3 4 5 6
	(c) otherwise—60 penalty units.	7
Clause 79	Omission of ch 3, pt 5, div 2, hdg (Evidence and procedure)	8 9
	Chapter 3, part 5, division 2, heading—	10
	<i>omit.</i>	11
Clause 80	Amendment of s 58 (Proof of appointments unnecessary)	12
(1)	Section 58, after ‘For’—	13
	<i>insert—</i>	14
	a proceeding for an offence against	15
(2)	Section 58—	16
	<i>insert—</i>	17
	(j) a person who has custody of the particulars of, or records relating to, Queensland driver licences;	18 19 20
	(k) the chief executive officer of a local government;	21 22
	(l) the clerk of a court;	23
	(m) a person having responsibility for custody of records relating to payments under this Act;	24 25
	(n) a person who is a delegate of the chief executive to sign a certificate or document.	26 27
(3)	Section 58—	28

[s 81]

relocate and renumber as section 123A. 1

Clause 81 Amendment of s 59 (Proof of signatures unnecessary) 2

(1) Section 59, after ‘For’— 3

insert— 4

a proceeding for an offence against 5

(2) Section 59— 6

insert— 7

(j) a person who has custody of the particulars
of, or records relating to, Queensland driver
licences; 8
9
10

(k) the chief executive officer of a local
government; 11
12

(l) the clerk of a court; 13

(m) a person having responsibility for custody of
records relating to payments under this Act; 14
15

(n) a person who is a delegate of the chief
executive to sign a certificate or document. 16
17

(3) Section 59— 18

relocate and renumber as section 123B. 19

Clause 82 Amendment of s 60 (Evidentiary aids) 20

(1) Section 60, all words before subsection (3)— 21

omit, insert— 22

60 Certificate is evidence of matter in certificate 23

(1) A certificate stating a matter mentioned in
schedule 1, column 1, purporting to be signed by
a person mentioned in column 2 of that schedule
opposite the matter, is evidence of the matter
stated in the certificate. 24
25
26
27
28

(2)	Section 60(3), after ‘A certificate’—	1
	<i>insert</i> —	2
	mentioned in subsection (1)	3
(3)	Section 60(4), after ‘a certificate’—	4
	<i>insert</i> —	5
	purporting to be signed by the chief executive, the commissioner or the chief executive administering a corresponding law to a transport Act	6 7 8 9
(4)	Section 60(6A), ‘subsection (6)’—	10
	<i>omit, insert</i> —	11
	subsection (5)	12
(5)	Section 60(3) to (6A)—	13
	<i>renumber</i> as section 60(2) to (6).	14
(6)	Section 60—	15
	<i>relocate</i> and <i>renumber</i> as section 123C.	16
Clause 83	Relocation and renumbering of s 61 (Instruments)	17
	Section 61—	18
	<i>relocate</i> and <i>renumber</i> as section 123S.	19
Clause 84	Amendment of s 61B (Transport documentation)	20
(1)	Section 61B(1), ‘section 60’—	21
	<i>omit, insert</i> —	22
	section 123C, 123F or 123G	23
(2)	Section 61B—	24
	<i>relocate</i> and <i>renumber</i> as section 123T.	25

[s 85]

Clause 85	Relocation and renumbering of ss 61C–62A	1
	Sections 61C to 62A—	2
	<i>relocate</i> and <i>renumber</i> as sections 123U to 123W.	3
Clause 86	Amendment of s 65 (Internal review of decisions)	4
	Section 65(3)(b)(ii)—	5
	<i>omit, insert—</i>	6
	(ii) for when the person may apply to QCAT to have the original decision stayed.	7 8
Clause 87	Amendment of s 65A (External review of decisions)	9
(1)	Section 65A(3), after ‘prescribed authority decision’—	10
	<i>insert—</i>	11
	or an automatic interlock extension decision	12
(2)	Section 65A(4)—	13
	<i>insert—</i>	14
	<i>automatic interlock extension decision</i> means an automatic extension of a person’s prescribed period taken to be a decision under section 91VA.	15 16 17
Clause 88	Amendment of s 87 (Issue of restricted licence to disqualified person)	18 19
(1)	Section 87—	20
	<i>insert—</i>	21
	(3B) Also, to remove any doubt, it is declared that, if the person is disqualified from holding or obtaining a Queensland driver licence as mentioned in section 91D(1)(b), part 3A applies to the person in relation to the grant of the restricted licence.	22 23 24 25 26 27

(2) Section 87(4)—	1
<i>insert—</i>	2
<i>Note—</i>	3
A restricted licence issued to an applicant convicted of an offence against section 79(1F) involving a motor vehicle is subject to the interlock condition. See section 91K.	4 5 6 7
(3) Section 87(7)—	8
<i>insert—</i>	9
<i>Note—</i>	10
A restricted licence issued to a person convicted of an offence against section 79(1F) involving a motor vehicle is subject to the interlock condition. See section 91K.	11 12 13
Clause 89	
Insertion of new ch 5, pt 3A	14
Chapter 5—	15
<i>insert—</i>	16
Part 3A	
Education programs for drink drivers	17 18
Division 1	
Preliminary	19
91A Definitions for part	20
In this part—	21
<i>alcohol-related driver offence</i> means any of the following offences committed after the commencement—	22 23 24
(a) an offence against section 79(1), involving a motor vehicle, while under the influence of liquor;	25 26 27

[s 89]

(b) an offence against section 79(1F), (2), (2A), (2B), (2J), (2K) or (2L) involving a motor vehicle;	1 2 3
(c) an offence against section 80(11), involving a motor vehicle, in relation to failing to provide—	4 5 6
(i) a specimen of breath for analysis; or	7
(ii) a specimen of blood for a laboratory test if the requisition to which the failure relates was made for the purpose of determining the concentration of alcohol (if any) in the person's blood;	8 9 10 11 12 13
(d) an offence against the Criminal Code, section 328A(1) or (4), involving the offender operating or interfering with the operation of a motor vehicle dangerously other than as a passenger, when accompanied by the circumstance of aggravation that at the time of committing the offence the offender was adversely affected by alcohol.	14 15 16 17 18 19 20 21 22
<i>brief intervention education program</i> see section 91B(2).	23 24
<i>driver licence disqualification</i> , for a person, means the person's disqualification from holding or obtaining a Queensland driver licence as mentioned in section 91D(1)(b).	25 26 27 28
<i>exemption application</i> see section 91G(3).	29
<i>repeat offender education program</i> see section 91B(3).	30 31

91B Approval of programs 32

(1) The chief executive may approve the following 33

programs—	1
(a) a program designed to educate and support participants to separate the act of drinking alcohol from driving;	2 3 4
(b) a program designed to educate participants about, and support participants to implement, strategies—	5 6 7
(i) to prevent them from driving while under the influence of alcohol; and	8 9
(ii) for changing behaviours relating to the misuse of alcohol.	10 11
(2) A program approved under subsection (1)(a) is a <i>brief intervention education program</i> .	12 13
(3) A program approved under subsection (1)(b) is a <i>repeat offender education program</i> .	14 15
(4) A regulation may prescribe fees payable for a program approved under this section that is provided by the department.	16 17 18
91C Publication of details of program	19
(1) The chief executive must publish the following details of each program approved under section 91B on the department's website—	20 21 22
(a) how the program may be completed, including, for example—	23 24
(i) by completing the program provided by the department or a service provider online; or	25 26 27
(ii) by attending the program provided by the department or a service provider;	28 29
(b) for a program provided by the department—the fee prescribed under section 91B(4) for the program;	30 31 32

[s 89]

(c)	for a program provided by a service provider—the name and contact details for each service provider who provides the program.	1 2 3 4
(2)	In this section— <i>service provider</i> means an entity engaged by the department to provide a program approved under this section.	5 6 7 8
Division 2	Requirements for drink drivers to complete programs	9 10 11
91D	Application of division	12
(1)	This division applies to a person who—	13
(a)	is convicted of an alcohol-related driver offence; and	14 15
(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.	16 17 18 19 20
(2)	However, this division stops applying to the person in relation to the person’s driver licence disqualification arising from the conviction if a period of 5 years lapses after the conviction.	21 22 23 24
(3)	Subsection (2) does not prevent this division applying to the person in relation to the person’s driver licence disqualification arising from the person’s conviction of another alcohol-related driver offence committed within or after the 5-year period.	25 26 27 28 29 30
(4)	In this section—	31

prescribed provision means section 79B(4),
81(4)(b), 89(1) or 90(1). 1
2

**91E Requirement to complete brief intervention
education program** 3
4

The person is not eligible for a Queensland driver
licence unless the person has completed a brief
intervention education program within the
previous 5 years. 5
6
7
8

**91F Requirement to complete repeat offender
education program** 9
10

(1) This section applies if the person's driver licence
disqualification arose from the person's
conviction of an alcohol-related driver offence
committed within 5 years of the person's previous
conviction for an alcohol-related driver offence. 11
12
13
14
15

(2) The person is not eligible for a Queensland driver
licence unless the person— 16
17

(a) has completed a repeat offender education
program within the previous 5 years; or 18
19

(b) has an exemption from completing a repeat
offender education program under division
3. 20
21
22

(3) However, subsection (2) does not apply to a
Queensland driver licence to which the interlock
condition applies. 23
24
25

Note— 26

See section 91M(4) and (5) in relation to holders of a
Queensland driver licence subject to the interlock
condition. 27
28
29

[s 89]

Division 3	Exemption from	1
	requirement to complete	2
	repeat offender education	3
	program	4
91G Application for exemption		5
(1)	A person to whom division 2 applies may apply to the chief executive for an exemption from the requirement to complete a repeat offender education program.	6 7 8 9
(2)	The application may not be made before the end of the period for which the person is disqualified from holding or obtaining a Queensland driver licence.	10 11 12 13
(3)	An application under subsection (1) (an <i>exemption application</i>) must be accompanied by the fee prescribed by regulation.	14 15 16
	<i>Note—</i>	17
	See chapter 5B for requirements about the application.	18
91H Grounds for granting exemption		19
(1)	The chief executive may grant an exemption the subject of an exemption application only if the chief executive is satisfied—	20 21 22
(a)	it would be unreasonable to require the applicant to complete a repeat offender education program having regard to the way the program is provided and the applicant's ability to access the program; or	23 24 25 26 27
(b)	a refusal to grant the exemption would cause the applicant severe hardship within the meaning prescribed by regulation.	28 29 30

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

[s 89]

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

91HA Deciding application for exemption

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

91HB Notice of decision

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

-
- (a) the prescribed review information for the decision; and 1
2
 - (b) for a considered decision, the reasons for the decision. 3
4
 - (3) Also, if the chief executive decides to grant the exemption, the written notice must— 5
6
 - (a) contain a brief statement of— 7
 - (i) the matters of which the chief executive was satisfied under section 91H; and 8
9
10
 - (ii) the matters that may be the subject of a relevant change of circumstances for section 91HD; and 11
12
13
 - (b) when the exemption stops having effect under section 91HC. 14
15

91HC Exemption ceasing effect 16

- (1) An exemption granted to a person under section 91HA stops having effect when whichever of the following happens first— 17
18
19
 - (a) 14 days elapse after the person gives the chief executive a notice under section 91HD; 20
21
22
 - (b) the exemption is cancelled under section 19. 23
- (2) When the exemption stops having effect, the requirement that the person complete a repeat offender education program under section 91F applies to the person as provided in that section. 24
25
26
27

91HD Notice of change in circumstances 28

- (1) A person who has an exemption granted under section 91H must, within 14 days after the 29
30

[s 90]

happening of a relevant change of circumstances, 1
give written notice of the change to the chief 2
executive. 3

Note— 4

If the person fails to comply with subsection (1), the 5
chief executive may cancel the exemption under section 6
19—see section 18(1)(o). 7

(2) In this section— 8

relevant change of circumstances means a 9
change in any of the matters stated, as required 10
under section 91HB(3)(a)(ii), in a written notice 11
given to the person. 12

Clause 90 Amendment of s 91I (Definitions for pt 3B) 13

(1) Section 91I— 14

insert— 15

approved servicing requirement means a 16
servicing requirement approved and published by 17
the chief executive under section 91IA. 18

servicing requirement means a condition in an 19
interlock agreement requiring a person to present 20
the person's nominated vehicle fitted with a 21
prescribed interlock for servicing at stated 22
intervals during the term of the agreement. 23

(2) Section 91I, definition *drink driving offence*— 24

insert— 25

(ba) an offence against section 79(1F) involving 26
a motor vehicle; 27

(3) Section 91I, definition *drink driving offence*, paragraph (g), 28
'section 79(1F), (2),'— 29

omit, insert— 30

section 79(2), 31

-
- (4) Section 91I, definition *drink driving offence*, paragraph (g)(i) and (ii)— 1
2
omit, insert— 3
 (i) an offence against any of those provisions; 4
 or 5
 (ii) an offence mentioned in any of paragraphs 6
 (a) to (g). 7
- (5) Section 91I, definition *drink driving offence*, paragraphs (ba) to (g)— 8
9
renumber as paragraphs (c) to (h). 10

- Clause 91 Insertion of new s 91IA** 11
- After section 91I— 12
insert— 13
- 91IA Approved servicing requirements for prescribed interlock** 14
15
- The chief executive must— 16
- (a) approve servicing requirements for 17
prescribed interlocks; and 18
- (b) approve requirements only if satisfied that 19
the requirements are reasonable; and 20
- (c) publish the approved requirements on the 21
department’s website. 22

- Clause 92 Amendment of s 91J (Persons to whom div 2 applies)** 23
- (1) Section 91J(1)(a), from ‘offence’— 24
omit, insert— 25
offence; and 26
- (2) Section 91J— 27
insert— 28

[s 93]

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

Clause 93 Amendment of s 91K (Interlock condition)

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

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

Clause 94 Replacement of s 91M (Interlock period)

Section 91M—

omit, insert—

91M Interlock period

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

[s 94]

period—	1
(a) starting when the disqualification period ended; and	2 3
(b) ending when whichever of the following happens first—	4 5
(i) a period of 5 years elapses after the disqualification period ended;	6 7
(ii) the person’s prescribed period ends;	8
(iii) the person’s Queensland driver licence is cancelled under section 127 because of a further disqualification for a drink driving offence.	9 10 11 12
(3) For a person mentioned in section 91J(3), the <i>interlock period</i> is the period—	13 14
(a) starting when the person’s non-Queensland interlock period starts; and	15 16
(b) ending when whichever of the following happens first—	17 18
(i) a period of 5 years elapses after the person’s non-Queensland interlock period starts;	19 20 21
(ii) the person’s prescribed period ends;	22
(iii) the person’s Queensland driver licence is cancelled under section 127 because of a further disqualification for a drink driving offence.	23 24 25 26
(4) Subsection (5) applies if—	27
(a) a person’s interlock period would otherwise end under this section within 5 years after the interlock period started; and	28 29 30
(b) when the person’s interlock period would otherwise end, the person—	31 32

	(i) has not completed a repeat offender education program within the previous 5 years; and	1 2 3
	(ii) does not have an exemption from completing a repeat offender education program under part 3A, division 3.	4 5 6
(5)	The person's interlock period continues from when the interlock period would otherwise end under this section until whichever of the following happens first—	7 8 9 10
	(a) the person completes a repeat offender education program;	11 12
	(b) the person is granted an exemption from completing a repeat offender education program under part 3A, division 3;	13 14 15
	(c) a period of 5 years lapses after the interlock period started.	16 17
Clause 95	Amendment of s 91N (Prescribed period)	18
(1)	Section 91N(2), example, '3 months, the person's prescribed period is the period of 15 months'—	19 20
	<i>omit, insert—</i>	21
	4 months, the person's prescribed period is the period of 16 months	22 23
(2)	Section 91N(4), definition <i>valid</i> , paragraph (a), 'licence—'—	24
	<i>omit, insert—</i>	25
	licence other than a restricted licence—	26
(3)	Section 91N(4), definition <i>valid</i> , paragraph (a)(ii), 'cancelled or suspended'—	27 28
	<i>omit, insert—</i>	29
	cancelled, suspended or surrendered	30

[s 96]

	(4) Section 91N(4), definition <i>valid</i> —	1
	<i>insert</i> —	2
	(ab) in relation to a restricted licence—	3
	(i) the licence has not expired; or	4
	(ii) the licence has not been cancelled, suspended or surrendered; or	5 6
	(iii) the licensee is not, after the restricted licence is granted, disqualified from holding or obtaining a Queensland driver licence because of a conviction for another offence; or	7 8 9 10 11
Clause 96	Amendment of s 91P (Applying for interlock exemption)	12
	Section 91P(3), ‘section 91J(2)’—	13
	<i>omit, insert</i> —	14
	section 91J(3)	15
Clause 97	Amendment of s 91S (When interlock exemption stops having effect)	16 17
	Section 91S(a)—	18
	<i>omit, insert</i> —	19
	(a) the exemption certificate expires;	20
Clause 98	Amendment of s 91U (Grounds for extending prescribed period)	21 22
	(1) Section 91U, heading, ‘extending’—	23
	<i>omit, insert</i> —	24
	discretionary extension of	25
	(2) Section 91U(1)(a)—	26

insert—

1

Example—

2

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

3

4

5

6

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

7

8

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

9

omit, insert—

10

discretionary extension of

11

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

12

omit, insert—

13

4 months

14

Clause 100 Insertion of new s 91VA

15

After section 91V—

16

insert—

17

91VA Automatic extension of prescribed period

18

(1) A person's prescribed period is extended by the automatic period of extension if any of the following events (each a *relevant event*) happens during the last 4 months of the person's prescribed period—

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20

21

22

23

(a) the person provides a prescribed interlock with a specimen of the person's breath containing alcohol;

24

25

26

(b) the person incurs a permanent lockout on a prescribed interlock for failure to meet an approved servicing requirement for the interlock.

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[s 100]

- (2) The ***automatic period of extension*** is the number of days between and including the previous end date and the new end date. 1
2
3
- (3) The automatic extension of the person's prescribed period— 4
5
- (a) is imposed when the relevant interlock data is received by the chief executive, and is calculated from the date of the relevant event; and 6
7
8
9
- (b) replaces the previous end date with the new end date. 10
11
- (4) The automatic extension is taken for section 65A to be a decision by the chief executive to extend the person's prescribed period by the automatic period of extension because of a relevant event. 12
13
14
15
- (5) The person must be notified of the automatic extension in the way prescribed by regulation. 16
17
- (6) In this section a reference to a prescribed interlock, in relation to a person, is a reference to a prescribed interlock fitted to a nominated vehicle for the person. 18
19
20
21
- (7) In this section— 22
- new end date***, for a person, means the day that is 4 months after the date on which the relevant event happened. 23
24
25
- previous end date***, for a person, means the date on which the person's prescribed period would have ended under section 91N were it not for the automatic extension. 26
27
28
29
- relevant interlock data***, for a person, means the data from the person's prescribed interlock that shows a relevant event happened. 30
31
32

Clause 101	Amendment of s 91Z (Regulations relating to interlocks)	1
	Section 91Z—	2
	<i>insert—</i>	3
	(e) the way notice is to be given to a person of an automatic extension of the person’s prescribed period;	4 5 6
	(f) the grounds for review of an automatic extension of a person’s prescribed period.	7 8
Clause 102	Amendment of s 113 (Definitions for div 2)	9
	Section 113—	10
	<i>insert—</i>	11
	address means—	12
	(a) for an individual—	13
	(i) the individual’s usual place of residence; or	14 15
	(ii) a postal address for the individual; or	16
	(iii) if a matter relates to a business owned or controlled by the individual—the address of the business; or	17 18 19
	(b) for a corporation—	20
	(i) the head office, a registered office or a principal office of the corporation; or	21 22
	(ii) a postal address for the corporation.	23
Clause 103	Amendment of s 114 (Offences detected by photographic detection device)	24 25
	(1) Section 114(4)—	26
	<i>omit, insert—</i>	27
	(4) A defence under subsection (3) or (3A) is	28

[s 103]

- available only if the person notifies the commissioner or chief executive about the matters in subsections (3) and (6), or subsection (3A), within the required time—
- (a) in a statutory declaration; or
 - (b) in an online declaration.
- (2) Section 114(8)—
omit, insert—
- (8) Nothing in this section stops a person notifying the commissioner or chief executive that the person was the driver of the vehicle involved in a camera-detected offence—
 - (a) in a statutory declaration; or
 - (b) in an online declaration.
- (3) Section 114(10)—
insert—
- online declaration*** means a declaration made using the online declaration system.
- online declaration system*** means an electronic system established by the chief executive for giving notifications under this section that is designed to—
- (a) be accessed by an individual through the individual’s customer account on the department’s website; and
 - (b) send a notification of matters entered into the system by the individual to the commissioner or chief executive; and
 - (c) allow a record of the sent notification to be downloaded or printed by the individual.

Clause 104	Insertion of new ss 123D–123R	1
	After section 123C—	2
	<i>insert—</i>	3
	123D Delegation	4
	To remove any doubt, it is declared that—	5
	(a) the <i>Transport Planning and Coordination Act 1994</i> , section 37 applies to a function or power of the chief executive under this part; and	6 7 8 9
	(b) the <i>Police Service Administration Act 1990</i> , section 4.10 applies to a power of the commissioner under this part.	10 11 12
	123E Certified copies of documents	13
	(1) This section applies to a document—	14
	(a) purporting to be a copy of—	15
	(i) a nomination of a motor vehicle for section 91K(1)(a), made in accordance with section 163A, and received by the chief executive; or	16 17 18 19
	(ii) an application made under this Act; or	20
	(iii) a written notice given to a person under this Act; or	21 22
	(iv) a certificate of exemption given under this Act; or	23 24
	(v) a certificate in the approved form signed by a health professional stating that a person does or does not have a mental or physical incapacity likely to affect their ability to drive safely; or	25 26 27 28 29

[s 104]

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

123F Certified copy of licence or other document

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

Act the document—	1
(a) is evidence of the licence or other document; and	2 3
(b) is evidence of the matters stated in it.	4
123G Certified copy of licence or other document under corresponding law	5 6
(1) This section applies to a document—	7
(a) purporting to be a copy of—	8
(i) a driver licence under a corresponding law to a transport Act; or	9 10
(ii) another document issued, or required to be kept, under a corresponding law to a transport Act; and	11 12 13
(b) certified as a true copy of the driver licence or other document by—	14 15
(i) the chief executive administering the corresponding law; or	16 17
(ii) a person authorised by that chief executive.	18 19
(2) For a proceeding for an offence against a transport Act the document is evidence of the driver licence or other document.	20 21 22
123H Certified copy of plan of installation of photographic detection device	23 24
(1) This section applies to a plan of installation of a photographic detection device at a place—	25 26
(a) showing any features of—	27
(i) the installation; or	28
(ii) road infrastructure; or	29

[s 104]

(iii) road boundaries; or	1
(iv) road markings; and	2
(b) certified by the chief executive or the commissioner as a true copy of the plan.	3 4
(2) For a proceeding for an offence against a transport Act, the plan is evidence of the matters shown in it.	5 6 7
123I Certificate is evidence of another matter— stop watches, other watches and speedometers	8 9 10
(1) This section applies to a certificate—	11
(a) purporting to be signed by the chief executive or the commissioner; and	12 13
(b) stating that a specified stop watch, other watch or speedometer has been tested and found to produce accurate results at the time of testing.	14 15 16 17
(2) For a proceeding for an offence against a transport Act, the certificate is evidence the stop watch, other watch or speedometer was producing accurate results when tested and for 6 months after the day of testing.	18 19 20 21 22
123J Certificate is evidence of another matter— speed detection	23 24
(1) This section applies to a certificate purporting to be signed by the commissioner and stating a specified induction loop speed detection device, laser-based speed detection device, piezo strip speed detection device or radar speed detection device—	25 26 27 28 29 30
(a) was tested at a specified time in accordance with—	31 32

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

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

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

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

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

[s 104]

instrument or saliva analysing instrument has been—	1 2
(a) tested at a specified time—	3
(i) in accordance with the appropriate Australian Standard that is in force at the time or, if there is no appropriate standard, in accordance with the manufacturer’s specifications; and	4 5 6 7 8
(ii) using devices or substances certified or otherwise authenticated under the <i>National Measurement Act 1960</i> (Cwlth); and	9 10 11 12
(b) found to produce accurate results at the time of testing.	13 14
(2) For a proceeding for an offence against a transport Act, the certificate is evidence—	15 16
(a) of the matters stated in it; and	17
(b) that the breath analysing instrument or saliva analysing instrument was producing accurate results when tested and for 1 year after the day of testing.	18 19 20 21
123M Exemption or non-application of provision— onus of proof	22 23
In a proceeding for an offence under this Act, the defendant bears the onus of proving—	24 25
(a) that a person, vehicle, tram, train, vessel or animal was at any time exempt from a provision of this Act; or	26 27 28
(b) that a provision of this Act was not applicable to a person, vehicle, tram, train, vessel or animal.	29 30 31

123N Evidence of registration number	1
(1) This section applies to evidence that a number plate showing a particular registration number was attached to a motor vehicle at a particular time.	2 3 4 5
(2) For a proceeding for an offence against a transport Act, the evidence is evidence that the motor vehicle is the motor vehicle noted in the register of vehicles as having that registration number at that time.	6 7 8 9 10
123O Matters not necessary to prove	11
For a proceeding for an offence against a transport Act, it is not necessary to prove the following—	12 13
(a) the limits of a district or part of a district;	14
(b) that a road or place is within a district or part of a district;	15 16
(c) the authority of the chief executive, the commissioner or a police officer to do any act or take any proceedings.	17 18 19
123P Evidence about analysing instruments	20
(1) For a proceeding for an offence against a transport Act, evidence of the condition of a breath analysing instrument or saliva analysing instrument, or the manner in which it was operated, is not required unless evidence is given that the instrument—	21 22 23 24 25 26
(a) was not in proper condition; or	27
(b) was not properly operated.	28
(2) In this section—	29
<i>breath analysing instrument</i> see section 80(1).	30

[s 104]

<i>saliva analysing instrument</i> see section 80(1).	1
123Q Evidence about parking meters and parkatareas	2 3
For a proceeding for an offence against a transport Act, evidence of the condition of a parking meter or parkatarea is not required unless evidence is given that the parking meter or parkatarea was not in proper condition.	4 5 6 7 8
123R Challenges to devices	9
(1) This section applies to a defendant who intends, at the hearing of a charge against the defendant under this Act, to challenge—	10 11 12
(a) the accuracy of a speed detection device or vehicle speedometer accuracy indicator for which a certificate is given under section 123J or 123K; or	13 14 15 16
(b) the time at which, or way in which, the device was used.	17 18
(2) The defendant must give written notice of the challenge to the prosecution.	19 20
(3) The notice must—	21
(a) be in the approved form; and	22
(b) be signed by the defendant; and	23
(c) state the grounds on which the defendant intends to rely to challenge a matter mentioned in subsection (1)(a) or (b); and	24 25 26
(d) be given at least 14 days before the day fixed for the hearing.	27 28

Clause 105	Amendment of s 124 (Facilitation of proof)	1
(1)	Section 124(1)(a), (b), (c), (f), (fa), (ga), (gb), (gc), (gd), (ge), (oa), (p), (pa), (pb), (pc), (q), (ta), (tb), (u), (v), (3), (4) and (5)—	2 3 4
	<i>omit.</i>	5
(2)	Section 124(1)(na), ‘paragraph (n)’—	6
	<i>omit, insert—</i>	7
	paragraph (f)	8
(3)	Section 124(1)(e), (g), (j), (k), (l), (n), (na), (o), (r), (s) and (t)—	9 10
	<i>renumber</i> as section 124(1)(a), (b), (c), (d), (e), (f), (g), (h), (i), (j) and (k).	11 12
(4)	Section 124(2), ‘Subsection (1)(r) and (s)’—	13
	<i>omit, insert—</i>	14
	Subsection (1)(i) and (j)	15
Clause 106	Amendment of s 124A (Additional ground of challenge not stated in written notice required under particular provisions)	16 17 18
(1)	Section 124A(1) and (3), ‘124(4)’—	19
	<i>omit, insert—</i>	20
	123R(2)	21
(2)	Section 124A(2), ‘124(5)’—	22
	<i>omit, insert—</i>	23
	123R(3)	24
Clause 107	Insertion of new s 125A	25
	After section 125—	26
	<i>insert—</i>	27

[s 108]

125A Onus of proof not lessened or affected

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

		1
		2
		3
Clause 108	Amendment of s 157A (Document signed by chief executive is evidence of matters stated in it if no evidence to the contrary)	4
		5
		6
	Section 157A, ‘section 60’—	7
	<i>omit, insert—</i>	8
	section 123C, 123F or 123G	9
Clause 109	Amendment of s 162 (Definitions for chapter)	10
	Section 162, definition <i>application</i> , after ‘79F’—	11
	<i>insert—</i>	12
	, 91G	13
Clause 110	Insertion of new ch 7, pt 23, div 2	14
	Chapter 7, part 23, as inserted by this Act—	15
	<i>insert—</i>	16
	Division 2	17
	Provisions for amendments commencing by proclamation	18
		19
	238 Transitional provision for amendment to s 91I	20
	Section 91I, definition <i>drink driving offence</i> , as in force before the commencement, applies in relation to a person convicted of an offence against section 79(1F) involving a motor vehicle if the offence was committed before the commencement.	21
		22
		23
		24
		25
		26

239 Transitional provision for ch 5, pt 3B	1
Chapter 5, part 3B, as in force before the commencement, applies in relation to a person whose interlock period started before the commencement.	2 3 4 5
240 Evidentiary provisions	6
The following sections apply to a proceeding for an offence under a transport Act only if the offence is committed after the commencement—	7 8 9
• section 123A(j), (k), (l), (m) and (n)	10
• section 123B(k), (l), (m) and (n)	11
• section 123E(1)(a)(ii), (iii), (iv), (v) and (vi)	12
• schedule 1, item 14(c) and (d)	13
• schedule 1, item 15	14
• schedule 1, item 25	15
• schedule 1, item 26	16
• schedule 1, item 30	17
• schedule 1, item 32	18
• schedule 1, item 33	19
• schedule 1, item 34.	20
241 Evidentiary provisions—continued application	21
(1) The relevant evidentiary provisions continue to apply in relation to a proceeding for an offence under a transport Act if the offence was committed before the commencement.	22 23 24 25
(2) In this section—	26
<i>amendment Act</i> means the <i>Transport Legislation (Road Safety and Other Matters) Amendment Act</i>	27 28

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2019. 1

former, in relation to a provision, means as in 2
 force immediately before the provision was 3
 repealed by the amendment Act. 4

relevant evidentiary provisions means the 5
 following former sections— 6

- section 60(2)(t)(iii) 7
- section 124(1)(gb), (gc) and (gd)(ii), (iii), 8
 (iv), (v) and (vi). 9

Clause 111 Insertion of new sch 1 10

Before schedule 2— 11

insert— 12

Schedule 1 Evidence by certificate 13

section 123C 14

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

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

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

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

[s 111]

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

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

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	Column 1 Matter stated in certificate	Column 2 Person
29	<p>a specified laser-based speed detection device or radar speed detection device was used by the officer in accordance with—</p> <p>(a) the appropriate Australian Standard for using the device, as in force on the day of use; or</p> <p>(b) if there is no appropriate Australian Standard for using the device in force on the day of use—the manufacturer’s specifications</p>	<ul style="list-style-type: none"> • a police officer
30	<p>the chief executive had or had not received from a specified person a notification agreeing to be of good behaviour while driving for a year</p>	<ul style="list-style-type: none"> • the chief executive • the commissioner
31	<p>a specified application, or another specified document required to be lodged, under a transport Act was or was not received by the chief executive</p>	<ul style="list-style-type: none"> • the chief executive • the commissioner
32	<p>a specified person did or did not have a specified exemption, including a restriction or condition attaching to the exemption, under a transport Act</p>	<ul style="list-style-type: none"> • the chief executive • the commissioner
33	<p>the chief executive had or had not received an application for an exemption under this Act</p>	<ul style="list-style-type: none"> • the chief executive • the commissioner
34	<p>the chief executive had or had not granted an exemption under this Act, and if the chief executive had not granted the exemption, the reason for deciding not to grant the exemption</p>	<ul style="list-style-type: none"> • the chief executive • the commissioner

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

Clause 112	Amendment of sch 3 (Reviewable decisions)	1
	(1) Schedule 3, entry for section 91V(4)—	2
	<i>omit.</i>	3
	(2) Schedule 3—	4
	<i>insert—</i>	5
	91HA refusing to grant an exemption from the requirement to complete a repeat offender education program	
	91V(4) extending a prescribed period (discretionary)	
	91VA(1) extending a prescribed period (automatic)	
 Clause 113	 Amendment of sch 4 (Dictionary)	 6
	(1) Schedule 4—	7
	<i>insert—</i>	8
	<i>alcohol-related driver offence</i> , for chapter 5, part 3A, see section 91A.	9 10
	<i>approved servicing requirement</i> , for chapter 5,	11

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part 3B, see section 91I.	1
<i>brief intervention education program</i> , for chapter 5, part 3A, see section 91B(2).	2 3
<i>driver licence disqualification</i> , for chapter 5, part 3A, see section 91A.	4 5
<i>exemption application</i> , for chapter 5, part 3A, see section 91G(3).	6 7
<i>postal address</i> , of a person, means—	8
(a) the address of the place where the person receives mail sent by post, other than a place at which the person usually resides or works; or	9 10 11 12
(b) a location or other designation sufficient to identify the part of a place where the person receives mail sent by post.	13 14 15
<i>Example for paragraph (b)—</i>	16
a post office box or parcel locker	17
<i>repeat offender education program</i> see section 91B(3).	18 19
<i>servicing requirement</i> , for chapter 5, part 3B, see section 91I.	20 21
(2) Schedule 4, definition <i>address</i> , ‘ <i>address means</i> ’—	22
<i>omit, insert—</i>	23
<i>address—</i>	24
1 Generally, <i>address</i> means	25
(3) Schedule 4, definition <i>address</i> , after ‘located.’—	26
<i>insert—</i>	27
2 For chapter 5, part 7, division 2, see section 113.	28 29

Part 4	Amendment of Transport Planning and Coordination Act 1994	1 2 3
Clause 114	Act amended	4
	This part amends the <i>Transport Planning and Coordination Act 1994</i> .	5 6
Clause 115	Amendment of s 32 (Stay of operation of original decision)	7 8
	Section 32(1), after ‘entity’—	9
	<i>insert—</i>	10
	(unless the decision is a prescribed authority decision mentioned in the <i>Transport Operations (Road Use Management) Act 1995</i> , section 65A(3), or relates to the automatic extension of the person’s prescribed period under that Act, section 91VA)	11 12 13 14 15 16

Schedule 1	Minor amendments of Transport Infrastructure Act 1994	1 2 3
	section 11	4
1	Section 316(1), definition <i>busway land</i>, note, ‘at www.tmr.qld.gov.au’— <i>omit.</i>	5 6 7
2	Section 364(1), definition <i>light rail land</i>, note, ‘at www.tmr.qld.gov.au’— <i>omit.</i>	8 9 10
3	Section 477G(9), note— <i>omit.</i>	11 12
4	Section 477H(5), note— <i>omit.</i>	13 14