

# Transport and Other Legislation (Personalised Transport Reform) Amendment Bill 2017

Amendments during consideration in detail to be moved by  
The Honourable the Minister for Main Roads, Road Safety and Ports and  
Minister for Energy, Biofuels and Water Supply

## 1 After clause 16

Page 13, after line 8—

*insert—*

### 16A Insertion of new s 80BA

Chapter 7—

*insert—*

#### 80BA Security cameras

(1) A regulation may provide for—

- (a) the use of security cameras in vehicles used to provide taxi services or booked hire services; and
- (b) access to, and the disclosure and use of, information (including sound and images) captured by the cameras for purposes related to—
  - (i) the safety and security of the services; and
  - (ii) generally, a police officer performing the officer's duties.

(2) In this section—

***booked hire service*** means a public passenger service that, under a regulation, is a booked hire service.

## 2 Clause 18 (Insertion of new ch 7)

Page 16, after line 30—

*insert—*

*Example of a booking accepted in person—*

The driver of a motor vehicle accepts, in person, a booking from a person to drive the person for a journey to start in 2 days.

**3 Clause 18 (Insertion of new ch 7)**

Page 30, line 9, ‘convicted of’—

*omit, insert—*

proceeded against for, and convicted of,

**4 Clause 18 (Insertion of new ch 7)**

Page 43, line 1, after ‘Granting’—

*insert—*

**, renewing**

**5 Clause 18 (Insertion of new ch 7)**

Page 43, lines 3 and 4, ‘or refusing to grant,’—

*omit, insert—*

renewing, or refusing to grant or renew,

**6 Clause 18 (Insertion of new ch 7)**

Page 43, line 16, after ‘authorisation’—

*insert—*

or renew a person’s authorisation

**7 Clause 18 (Insertion of new ch 7)**

Page 43, line 24, ‘(1)’—

*omit.*

**8 Clause 18 (Insertion of new ch 7)**

Page 43, lines 27 to 32 and page 44, lines 1 to 10—  
*omit.*

**9 Clause 18 (Insertion of new ch 7)**

Page 47, lines 26 and 27, ‘and place of business’  
*omit.*

**10 Clause 18 (Insertion of new ch 7)**

Page 48, lines 4 to 6—  
*omit.*

**11 Clause 18 (Insertion of new ch 7)**

Page 50, lines 1 to 3—  
*omit, insert—*

**Division 1                      Driving sanctions for  
driver offences**

**91ZHA Application of division**

- (1) This division applies if a person has—
- (a) committed 3 or more relevant driver offences within a 3-year period; or
  - (b) if a driving sanction has previously been imposed on the person under section 91ZJ—committed a further 3 or more relevant driver offences within a later 3-year period.

*Note—*

See section 150C for when a person commits an offence for this section.

- (2) For subsection (1), if a person committed 2 or

more relevant driver offences because of conduct the person engaged in at a particular time, the person is taken to have committed only 1 relevant driver offence at the time.

(3) It does not matter whether a 3-year period mentioned in subsection (1)(b) started before, during or after the period the driving sanction mentioned in that subsection was in effect.

(4) In this section—

***conduct*** means an act or an omission to perform an act.

## 12      **Clause 18 (Insertion of new ch 7)**

Page 50, line 5, before ‘An offence’—

*insert—*

(1)

## 13      **Clause 18 (Insertion of new ch 7)**

Page 50, after line 14—

*insert—*

(2) Also, an offence committed by the driver of a motor vehicle is a ***relevant driver offence*** if the offence is committed—

(a) against a provision prescribed by regulation to be a provision to which this section applies; and

(b) while the driver is providing a taxi service or booked hire service.

## 14      **Clause 18 (Insertion of new ch 7)**

Page 50, lines 15 to 30 and page 51, lines 1 to 16—

*omit, insert—*

### **91ZJ Chief executive may impose driving sanction**

- (1) The chief executive may take the following action in relation to the person (each a ***driving sanction***)—
  - (a) if the person holds a Queensland driver licence—suspend the person's Queensland driver licence;
  - (b) if the person's authority to drive on a Queensland road is under a driver licence other than a Queensland driver licence—suspend the person's authority under the licence to drive on a Queensland road;
  - (c) if the person does not hold a driver licence—disqualify the person from holding or obtaining a driver licence.
- (2) A driving sanction imposed on a person under subsection (1) has effect for the following period—
  - (a) for a first driving sanction—1 month;
  - (b) for a second or later driving sanction—3 months.
- (3) The chief executive imposes a driving sanction under subsection (1) by giving a person a written notice stating the following—
  - (a) the nature of the driving sanction being imposed;
  - (b) the day the sanction starts, which must be at least 7 days after the day the notice is given;
  - (c) the day the sanction ends;
  - (d) the reasons for the sanction;
  - (e) that the person may not apply to the chief executive for reconsideration of the decision or to QCAT for a review of the decision.

**15 Clause 18 (Insertion of new ch 7)**

Page 51, lines 19 to 30 and page 52, lines 1 to 16—

*omit, insert—*

- (1) This section applies if the chief executive suspends a person's Queensland driver licence under section 91ZJ.
- (2) While the person's driver licence is suspended, the person is not eligible to apply for a special hardship order under the *Transport Operations (Road Use Management) Act 1995*.

*Note—*

A special hardship order under the *Transport Operations (Road Use Management) Act 1995* authorises a person whose driver licence has been suspended to continue to drive motor vehicles in stated circumstances. See section 150(1A) of that Act.

- (3) Subsection (2) applies despite the *Transport Operations (Road Use Management) Act 1995*.

**16 Clause 18 (Insertion of new ch 7)**

Page 56, after line 9—

*insert—*

**91ZQA Avoiding detection or prosecution**

- (1) A person must not take steps to avoid detection of, or prosecution for, conduct that involves the commission of a chapter 7 offence by the person or another person.

Maximum penalty—3000 penalty units.

- (2) A person may be convicted of an offence against subsection (1) in relation to a person's conduct even if no one has been proceeded against for, or convicted of, the offence involving the conduct.

- (3) In this section—

*chapter 7 offence* means an offence against a

provision of this chapter.

***conduct*** means an act or an omission to perform an act.

***take steps***, to do something, includes organise, plan, facilitate, support, engage in, or otherwise conspire to take steps in, doing the thing.

*Note—*

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 91ZQB, to have also committed the offence.

### **91ZQB Executive officer may be taken to have committed offence**

- (1) If a corporation commits an offence against section 91ZQA, an executive officer of the corporation is taken to have also committed the offence if—
  - (a) the officer authorised or permitted the corporation's conduct constituting the offence; or
  - (b) the officer was, directly or indirectly, knowingly concerned in the corporation's conduct constituting the offence.
- (2) The executive officer may be proceeded against for, and convicted of, an offence against section 91ZQA whether or not the corporation has been proceeded against for, or convicted of, the offence.
- (3) This section does not affect—
  - (a) the liability of the corporation for the offence against section 91ZQA; or
  - (b) the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is an executive officer of the

corporation, for the offence against section 91ZQA.

**17 Clause 18 (Insertion of new ch 7)**

Page 63, line 8, ‘provision’—

*omit, insert—*

**provisions**

**18 Clause 18 (Insertion of new ch 7)**

Page 63, after line 17—

*insert—*

**91ZZ Security cameras**

A regulation may provide for—

- (a) the use of security cameras in vehicles used to provide taxi services or booked hire services; and
- (b) access to, and the disclosure and use of, information (including sound and images) captured by the cameras for purposes related to—
  - (i) the safety and security of the services; and
  - (ii) generally, a police officer performing the officer’s duties.

**19 After clause 22**

Page 64, after line 13—

*insert—*

**22A Amendment of s 148 (Inquiries about person’s suitability to hold accreditation or authorisation)**

- (1) Section 148(1)(a), ‘or driver authorisation’—



*omit, insert—*

, driver authorisation or booking entity  
authorisation

- (2) Section 148(1)(b) and (c), after ‘operator  
accreditation’—

*insert—*

or booking entity authorisation

- (3) Section 148(1)—

*insert—*

(d) another person is a suitable person to  
hold, or continue to hold, booking  
entity authorisation if, under a  
regulation, the person’s criminal  
history is relevant to the decision.

- (4) Section 148(3)(d), from ‘or application’—

*omit, insert—*

, booking entity authorisation or application  
for operator accreditation, driver  
authorisation or booking entity  
authorisation.

## **22B Amendment of s 148A (Notice of change in police information about a person)**

Section 148A(1)(a), ‘or driver authorisation’—

*omit, insert—*

, driver authorisation or booking entity  
authorisation

## **20 Clause 23 (Insertion of new ss 150B and 150C)**

Page 65, line 13, ‘section 91ZJ’—

*omit, insert—*

section 91ZHA

**21 Clause 28 (Insertion of new ch 13, pt 18)**

Page 70, line 4, ‘forced’—

*omit, insert—*

force

**22 Clause 36 (Amendment of s 129A (Effect of suspension of licence under State Penalties Enforcement Act 1999))**

Page 80, line 2, ‘section 91ZK(2)(c)’—

*omit, insert—*

section 91ZJ

**23 Schedule 1 (Acts amended)**

Page 81, after line 5—

*insert—*

**State Penalties Enforcement  
Amendment Act 2017**

**1 Schedule 1, entry for *Transport Operations (Passenger Transport) Act 1994*, amendment 1, inserted paragraph (c)—**

*omit, insert—*

- (c) the respondent has applied, under section 23 of that Act, for the fine to be registered with SPER for the purpose of paying the fine under a payment plan;

*Editor’s note—*

Legislation ultimately amended—

- *Transport Operations (Passenger Transport) Act 1994*

**24 Schedule 1 (Acts amended)**

Page 81, after line 14—

*insert—*

**Transport Operations (Passenger  
Transport) Act 1994**

**1 Section 150C(3)(b)—**

*omit, insert—*

- (b) the person has applied, under section 23 of that Act, for the fine to be registered with SPER for the purpose of paying the fine under a payment plan;

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