

*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,
Brisbane,*

The Clerk of the Parliament.

21 July 2020

In the name and on behalf of the Queen, I assent to this Bill.

Paul de Jersey

Government House,

Brisbane,

21 July 2020



Queensland

No. 21 of 2020

A BILL for

An Act to amend the Gaming Machine Act 1991, the Keno Act 1996, the Liquor Act 1992, the Photo Identification Card Act 2008, the Summary Offences Act 2005, the Tobacco and Other Smoking Products Act 1998, the Transport Infrastructure Act 1994, the Transport Legislation (Road Safety and Other Matters) Amendment Act 2019, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995, the Transport Planning and Coordination Act 1994 and the Wine Industry Act 1994 for particular purposes



Queensland

Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Bill 2020

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2020

A Bill

for

An Act to amend the *Gaming Machine Act 1991*, the *Keno Act 1996*, the *Liquor Act 1992*, the *Photo Identification Card Act 2008*, the *Summary Offences Act 2005*, the *Tobacco and Other Smoking Products Act 1998*, the *Transport Infrastructure Act 1994*, the *Transport Legislation (Road Safety and Other Matters) Amendment Act 2019*, the *Transport Operations (Passenger Transport) Act 1994*, the *Transport Operations (Road Use Management) Act 1995*, the *Transport Planning and Coordination Act 1994* and the *Wine Industry Act 1994* for particular purposes

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Act 2020*.

2 Commencement

- (1) The following provisions commence on a day to be fixed by proclamation—
 - (a) part 10, division 3;
 - (b) sections 53 to 60 and section 62, to the extent it inserts definition *video*.
- (2) Part 10, division 2, other than section 45(2), commences on the later of the following—
 - (a) the date of assent of this Act;
 - (b) the commencement of the *Road Vehicle Standards Act 2018* (Cwlth), section 15.
- (3) Schedule 1, part 2 commences on the later of the following—
 - (a) the date of assent of this Act;
 - (b) immediately after the commencement of the *Personalised Transport Ombudsman Act 2019*, section 135(2) to the extent it inserts definition *driver authorisation*.

Part 2 Amendment of Gaming Machine Act 1991

3 Act amended

This part amends the *Gaming Machine Act 1991*.

4 Amendment of s 257 (Seizure of document wrongly used as evidence of age)

Section 257—

insert—

- (3) Subsection (1) does not require a person to seize or confiscate a document stored or displayed on a digital device if—
 - (a) the device is used in the contravention of section 255; and
 - (b) in contravening the section a person produced the device to display the following things, or an image or other design purporting to be the thing—
 - (i) a digital authority;
 - (ii) a digital evidence of age;
 - (iii) a digital evidence of identity.

5 Amendment of s 258 (Ascertainment of age)

Section 258(1)—

insert—

Note—

See the *Transport Planning and Coordination Act 1994*, sections 29AH and 29AI for the use of a digital authority, a digital evidence of age or a digital evidence of identity.

6 Amendment of s 259 (Seizure of material associated with representation of age)

Section 259—

insert—

- (2) Nothing in this section authorises an inspector to seize and confiscate a digital device if—
 - (a) the inspector reasonably believes or suspects the device was used in the commission of the offence mentioned in section 255(2)(a) or (b) or 256(1) or (2); and
 - (b) in committing the offence the person used the device to display the following things, or an image or other design purporting to be the thing—
 - (i) a digital authority;
 - (ii) a digital evidence of age;
 - (iii) a digital evidence of identity.

7 Amendment of s 329 (General powers of inspectors)

Section 329—

insert—

- (13) Nothing in this section authorises an inspector to seize and confiscate a digital device if—
 - (a) the inspector reasonably believes a person has committed an offence mentioned in section 255 or 256; and
 - (b) in committing the offence the person used the device to display the following things, or an image or other design purporting to be the thing—
 - (i) a digital authority;
 - (ii) a digital evidence of age;

(iii) a digital evidence of identity.

8 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

digital authority see the *Transport Planning and Coordination Act 1994*, section 29AC.

digital device see the *Transport Planning and Coordination Act 1994*, section 29AB.

digital evidence of age see the *Transport Planning and Coordination Act 1994*, section 29AD.

digital evidence of identity see the *Transport Planning and Coordination Act 1994*, section 29AE.

Part 3 Amendment of Keno Act 1996

9 Act amended

This part amends the *Keno Act 1996*.

10 Amendment of s 166 (Allowing minors to take part in keno gaming)

Section 166(2)—

insert—

Note—

See the *Transport Planning and Coordination Act 1994*, sections 29AH and 29AI for the use of a digital authority, a digital evidence of age or a digital evidence of identity.

11 Amendment of s 184 (Seizing evidence at keno gaming places)

Section 184—

insert—

- (2) Nothing in this section authorises an inspector to seize a digital device if—
 - (a) the offence is an offence mentioned in section 166(3); and
 - (b) in committing the offence a person used the device to display the following things, or an image or other design purporting to be the thing—
 - (i) a digital authority;
 - (ii) a digital evidence of age;
 - (iii) a digital evidence of identity.

- (3) In this section—

digital authority see the *Transport Planning and Coordination Act 1994*, section 29AC.

digital device see the *Transport Planning and Coordination Act 1994*, section 29AB.

digital evidence of age see the *Transport Planning and Coordination Act 1994*, section 29AD.

digital evidence of identity see the *Transport Planning and Coordination Act 1994*, section 29AE.

Part 4 Amendment of Liquor Act 1992

12 Act amended

This part amends the *Liquor Act 1992*.

13 Amendment of s 4 (Definitions)

Section 4—

insert—

digital authority see the *Transport Planning and Coordination Act 1994*, section 29AC.

digital device see the *Transport Planning and Coordination Act 1994*, section 29AB.

digital evidence of age see the *Transport Planning and Coordination Act 1994*, section 29AD.

digital evidence of identity see the *Transport Planning and Coordination Act 1994*, section 29AE.

14 Amendment of s 6 (Acceptable evidence of age)

Section 6—

insert—

- (1A) Also, for this Act, acceptable evidence of the age of a person is—
- (a) a digital authority that complies with subsection (1)(c) and (d); or
 - (b) a digital evidence of age; or
 - (c) a digital evidence of identity.

15 Amendment of s 160 (Seizure of document wrongly used as evidence of age)

Section 160—

insert—

- (3) Nothing in this section authorises a person to seize and confiscate a digital device if—

- (a) the device is used in the contravention of section 158; and
- (b) in contravening the section a person used the device to display the following things, or an image or other design purporting to be the thing—
 - (i) a digital authority;
 - (ii) a digital evidence of age;
 - (iii) a digital evidence of identity.

16 Amendment of s 165A (Refusing entry to premises)

Section 165A(1)(d)(i)—

insert—

Note—

See the *Transport Planning and Coordination Act 1994*, sections 29AH and 29AI for the use of a digital authority, a digital evidence of age or a digital evidence of identity.

17 Amendment of s 167 (Ascertainment of age)

Section 167(1)—

insert—

Note—

See the *Transport Planning and Coordination Act 1994*, sections 29AH and 29AI for the use of a digital authority, a digital evidence of age or a digital evidence of identity.

18 Amendment of s 173EE (Definitions for pt 6AA)

Section 173EE, definition *ID scanner*—

omit, insert—

ID scanner means a device capable of

interpreting a photo ID and processing the information—

- (a) contained in or on the photo ID; or
- (b) if the photo ID is displayed on a digital device—accessed by using the digital device to display the photo ID.

19 Amendment of s 173EH (Scanning obligations of licensees for regulated premises)

Section 173EH(6)(a)—

omit, insert—

- (a) records the photo and other permitted information—
 - (i) contained in or on the photo ID; or
 - (ii) if the photo ID is displayed on a digital device—accessed by using the digital device to display the photo ID.

20 Amendment of s 177 (Entry and search—evidence of offences)

(1) Section 177—

insert—

- (4A) Nothing in this section authorises an investigator to seize a digital device if—
 - (a) the offence is an offence mentioned in section 158 or 159; and
 - (b) in committing the offence a person used the device to store or display the following things, or an image or other design purporting to be the thing—
 - (i) a digital authority;
 - (ii) a digital evidence of age;

(iii) a digital evidence of identity.

(2) Section 177(4A) and (5)—

renumber as section 177(5) and (6).

21 Amendment of s 182 (Requirement to give name, address and age)

Section 182(1)—

insert—

Note—

See the *Transport Planning and Coordination Act 1994*, sections 29AH and 29AI for the use of a digital authority, a digital evidence of age or a digital evidence of identity.

22 Amendment of s 186 (Seizure of material associated with representation of age)

Section 186—

insert—

(2) Nothing in this section authorises an investigator to seize and confiscate a digital device if—

(a) the investigator reasonably believes the device was used in the commission of the offence; and

(b) that device was used to store or display the following things, or an image or other design purporting to be the thing—

(i) a digital authority;

(ii) a digital evidence of age;

(iii) a digital evidence of identity.

Planning and Coordination Act 1994, section 29AE.

Part 7 **Amendment of Tobacco and Other Smoking Products Act 1998**

28 Act amended

This part amends the *Tobacco and Other Smoking Products Act 1998*.

29 Amendment of s 38 (Power to require name and address)

Section 38(4)—

insert—

Note—

See the *Transport Planning and Coordination Act 1994*, sections 29AH and 29AI for the use of a digital authority, a digital evidence of age or a digital evidence of identity.

30 Amendment of s 39 (Power to require evidence of age, name and address of person observed being supplied a smoking product)

Section 39(4)—

insert—

Note—

See the *Transport Planning and Coordination Act 1994*, sections 29AH and 29AI for the use of a digital authority, a digital evidence of age or a digital evidence of identity.

31 Insertion of new s 40AC

After section 40AB—

insert—

40AC Restriction of seizure powers

- (1) Nothing in this division authorises an authorised person to seize a digital device if—
 - (a) the authorised person reasonably believes the device is, or contains, evidence of an offence against this Act; and
 - (b) in committing the offence a person used the device to store or display the following things, or an image or other design purporting to be the thing—
 - (i) a digital authority;
 - (ii) a digital evidence of age;
 - (iii) a digital evidence of identity.
- (2) In this section—

digital authority see the *Transport Planning and Coordination Act 1994*, section 29AC.

digital device see the *Transport Planning and Coordination Act 1994*, section 29AB.

digital evidence of age see the *Transport Planning and Coordination Act 1994*, section 29AD.

digital evidence of identity see the *Transport Planning and Coordination Act 1994*, section 29AE.

activities

- (2) Section 36(2)(e) and (4), after ‘accommodation works’—
insert—

or land management activities

- (3) Section 36(5), after ‘road works’—
insert—

, accommodation works or land management activities

- (4) Section 36—
insert—

- (7) In this section—

land management activity see section 35(4).

35 Amendment of s 240 (Sublease of land to railway managers)

- (1) Section 240(2)—
omit, insert—

- (2) If the acquired land mentioned in subsection (1)(a) becomes unallocated State land—

- (a) the Minister administering the *Land Act 1994* must lease the land to the State under section 17(3) of that Act; and
- (b) despite section 372(7)(a) of that Act, any public utility easement over the acquired land continues in the perpetual lease and the sublease mentioned in subsection (4); and
- (c) despite section 331(2) of that Act, the chief executive may continue a stated registered interest in the acquired land in the perpetual lease and sublease on the same terms as an interest in the acquired land, with the railway manager as sublessee substituted for

the owner of the acquired land as a party to the interest.

(2) Section 240(7C)(b)—

omit, insert—

- (b) despite the *Land Act 1994*, section 372(5), any public utility easement over the freehold land continues in the rail transport corridor; and
- (c) despite section 331(2) of that Act, the chief executive may continue a stated registered interest in the freehold land in the perpetual lease and sublease on the same terms as an interest in the freehold land, with the railway manager as sublessee substituted for the owner of the acquired land as a party to the interest.

(3) Section 240—

insert—

- (7D) The chief executive must give to the holder of an interest in the acquired land extinguished under the *Land Act 1994*, section 331(2) a written notice stating—
 - (a) that the holder's interest is extinguished; and
 - (b) the date the interest is extinguished; and
 - (c) that the holder has the right to compensation under section 240AAA.

(4) Section 240(9)—

insert—

registered interest means—

- (a) an interest recorded in a register kept under the *Land Act 1994*, section 276; or

- (b) a registered interest under the *Land Title Act 1994*.
- (5) Section 240(9), definition *perpetual lease*, ‘subsection (2)’—
omit, insert—
subsection (3)

36 Insertion of new s 240AAA

After section 240—

insert—

240AAA Compensation for registered interests not continued

- (1) A person who is given a written notice under section 240(7D) has a right to claim compensation under the *Acquisition of Land Act 1967*, section 12(5A) and (5B) and part 4 as if the interest were land taken by the State under that Act.
- (2) For applying the *Acquisition of Land Act 1967* under subsection (1)—
 - (a) the State is the constructing authority; and
 - (b) for section 24(2A) of that Act, a claimant refers a claim for compensation to the Land Court by filing in the office of the registrar of the court a copy of—
 - (i) the claim given by the claimant to the State; and
 - (ii) the registration confirmation statement evidencing that the interest is extinguished; and
 - (c) the reference in section 24(5) of that Act to the date of the gazette containing the gazette resumption notice taking the land is taken to

be a reference to the date the interest was extinguished.

(3) Other than as stated in this section, a person has no right to compensation for the inclusion of land in the perpetual lease under section 240.

(4) In this section—

registration confirmation statement, for land, means a document issued by the registrar under the *Land Title Act 1994* showing all registered interests under that Act in the land.

37 Amendment of s 302 (Declaration of land as busway land)

Section 302—

insert—

(1A) The Minister may, in a declaration under subsection (1), declare that a stated interest in land declared to be busway land continues in relation to the lease of the land to the State under section 303(4).

38 Amendment of s 303 (Effect on land of busway declaration)

(1) Section 303—

insert—

(2B) Subsection (2C) applies to the following that is declared under section 302(1) to be busway land—

- (a) unallocated State land;
- (b) road or land that becomes unallocated State land under subsection (1), (2) or (2A).

(2C) The unallocated State land is free of any interest or obligation other than the interests in the land, if any, continued under section 302(1A).

- (2D) The chief executive must give to the holder of an interest in the unallocated State land not continued under section 302(1A) a written notice stating—
- (a) that the holder's interest is extinguished; and
 - (b) the date the interest is extinguished; and
 - (c) that the holder has the right to compensation under section 303AAA.
- (2) Section 303(4) and (5)—
- omit, insert—*
- (4) When land is declared to be busway land under section 302(1)—
- (a) the Minister of the department administering the *Land Act 1994*—
 - (i) is taken to have leased, under section 17(3) of that Act, the busway land to the State; and
 - (ii) must lodge a document evidencing the lease in the leasehold land register; or
 - (b) if the busway land is to be included in an existing lease under paragraph (a)—
 - (i) the chief executive must require the registrar of titles to include the busway land in the existing lease by written notice made under this section, instead of under the *Land Act 1994*, section 360A(3); and
 - (ii) the registrar of titles must amend the description in the existing lease to include the busway land.
- (5) A lease under subsection (4)(a) is—
- (a) in perpetuity; and

- (b) if demanded, for a rent of \$1 a year; and
 - (c) subject to the interests in the busway land, if any, continued under section 302(1A) in relation to the lease.
- (3) Section 303—
insert—
- (7) If a registered interest is continued under section 302(1A) in relation to the lease of busway land under subsection (4)(a), the registrar of titles must record the interest in the leasehold land register against the lease.
 - (8) In this section—
registered interest means—
 - (a) an interest recorded in a register kept under the *Land Act 1994*, section 276; or
 - (b) a registered interest under the *Land Title Act 1994*.

39 Insertion of new s 303AAA

After section 303—

insert—

303AAA Compensation for registered interests not continued

- (1) A person who is given a written notice under section 303(2D) has a right to claim compensation under the *Acquisition of Land Act 1967*, section 12(5A) and (5B) and part 4 as if the interest were land taken by the State under that Act.
- (2) For applying the *Acquisition of Land Act 1967* under subsection (1)—
 - (a) the State is the constructing authority; and

- (b) for section 24(2A) of that Act, a claimant refers a claim for compensation to the Land Court by filing in the office of the registrar of the court a copy of—
 - (i) the claim given by the claimant to the State; and
 - (ii) the gazette notice for the declaration; and
- (c) the reference in section 24(5) of that Act to the date of the gazette containing the gazette resumption notice taking the land is taken to be a reference to the date of the gazette containing the gazette notice for the declaration.
- (3) Other than as stated in this section, a person has no right to compensation for the declaration of land as busway land under section 302(1).
- (4) In this section—
registered interest see section 303(8).

Part 9 **Amendment of Transport Legislation (Road Safety and Other Matters) Amendment Act 2019**

40 **Act amended**

This part amends the *Transport Legislation (Road Safety and Other Matters) Amendment Act 2019*.

Editor's note—

Legislation ultimately amended—

- *Transport Operations (Road Use Management) Act 1995*

41 Amendment of s 94 (Replacement of s 91M (Interlock period))

- (1) Section 94, inserted section 91M(4)(a), ‘a person’s’—
omit, insert—
the person’s
- (2) Section 94, inserted section 91M(4)(a) and (b)—
renumber as section 91M(4)(b) and (c).
- (3) Section 94, inserted section 91M(4)—
insert—
 - (a) section 91F applies to a person mentioned in section 91J(1) or (3); and

42 Replacement of s 96 (Amendment of s 91P (Applying for interlock exemption))

Section 96—

omit, insert—

96 Amendment of s 91P (Applying for interlock exemption)

- (1) Section 91P(2), from ‘sooner’—
omit, insert—
sooner than—
 - (a) 6 weeks before the end of the person’s disqualification period; or
 - (b) if the person is the subject of an order under section 87 in relation to the disqualification—the day the order is made.
- (2) Section 91P(3), ‘section 91J(2)’—
omit, insert—
section 91J(3)

Part 10 **Amendment of Transport Operations (Passenger Transport) Act 1994**

Division 1 **Preliminary**

43 **Act amended**

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

Note—

See also the amendments in schedule 1, part 2.

Division 2 **Amendments commencing other than by proclamation**

44 **Amendment of s 153B (Facilitation of proof—general)**

(1) Section 153B(1)(b)(viii), after ‘, on’—

insert—

or fitted to

(2) Section 153B(1)(f), after ‘on a compliance plate’—

insert—

, or in the RAV,

(3) Section 153B(3)—

insert—

compliance plate means a plate—

(a) authorised to be placed on a motor vehicle, or taken to have been placed on a motor vehicle, under—

- (i) the repealed *Motor Vehicle Standards Act 1989* (Cwlth); or
 - (ii) the *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth), schedule 3, part 3, division 1; or
- (b) fitted to a motor vehicle under a standard determined under the *Road Vehicle Standards Act 2018* (Cwlth), section 12.

RAV means the Register of Approved Vehicles under the *Road Vehicle Standards Act 2018* (Cwlth).

45 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definition *compliance plate*—
omit.
- (2) Schedule 3—
insert—

department's website means a website, or part of a website, administered by the department.

Division 3 Amendments commencing by proclamation

46 Amendment of s 153B (Facilitation of proof—general)

- (1) Section 153B(1)(b)(xi)—
omit, insert—
 - (xi) at a particular time, a stated public passenger vehicle was an approved vehicle in relation to the use or hire of the vehicle;
 - (xii) at a particular time, a stated vehicle was a relevant public passenger vehicle;

(xiii) at a particular time, a stated amount was the fare payable for the use or hire of a relevant public passenger vehicle for a stated journey; and

(2) Section 153B(3), definition *relevant public passenger service*—

omit.

(3) Section 153B(3)—

insert—

approved vehicle means an approved vehicle under—

- (a) a regulation made under section 143AB; or
- (b) a regulation made under section 155 about matters relating to fares charged for the use of particular public passenger vehicles.

relevant public passenger vehicle means a public passenger vehicle being used to provide a public passenger service under an agreement that—

- (a) is entered into by, or for, the State, the department or the chief executive; and
- (b) requires the operator of the service to charge fares set or decided by the chief executive.

Part 11

Amendment of Transport Operations (Road Use Management) Act 1995

47 Act amended

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

Note—

See also the amendments in schedule 1, part 1.

48 Amendment of s 40 (Power to seize evidence)

Section 40—

insert—

- (5) Subject to subsection (2), nothing in this section authorises an authorised officer to seize a digital device if—
 - (a) the officer reasonably believes a person has committed an offence under section 53(2) or 126(1); and
 - (b) in committing the offence a person used the device to store or display the following things, or an image or other design purporting to be the thing—
 - (i) a digital authority;
 - (ii) a digital evidence of age;
 - (iii) a digital evidence of identity.

49 Amendment of s 40A (Further powers to seize evidence in relation to particular vehicles)

Section 40A—

insert—

- (3A) Nothing in this section authorises an authorised officer to seize a digital device if—
 - (a) the officer reasonably believes a person has committed an offence under section 53(2) or 126(1); and
 - (b) in committing the offence a person used the device to store or display the following things, or an image or other design purporting to be the thing—
 - (i) a digital authority;
 - (ii) a digital evidence of age;

(iii) a digital evidence of identity.

50 Amendment of s 48 (Power to require name and address)

Section 48(4)—

insert—

Note—

See the *Transport Planning and Coordination Act 1994*, sections 29AH and 29AI for the use of a digital authority, a digital evidence of age or a digital evidence of identity.

51 Amendment of s 48A (Further power to require personal details for exercising power in relation to transport of dangerous goods)

Section 48A(4)—

insert—

Note—

See the *Transport Planning and Coordination Act 1994*, sections 29AH and 29AI for the use of a digital authority, a digital evidence of age or a digital evidence of identity.

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

(1) Section 80(10EA)(c)—

omit, insert—

(c) a notice about the analysis is retained by, or given to, the police officer as mentioned in subsection (15AB)(b)(i) and (ii).

(2) Section 80(15AB)(a) and (b)—

omit, insert—

(a) enter details in a notice, in the approved form, about the analysis; and

- (b) either—
 - (i) if the specimen was analysed by the police officer who made the requisition—retain 1 copy of the notice; or
 - (ii) otherwise—give 1 copy of the notice to the police officer who made the requisition; and
 - (c) give a copy of the notice to the person whose saliva has been analysed (or, at the person’s request, to another person on the person’s behalf).
- (3) Section 80(15AC), ‘subsection (15AB)(b)(ii)’—
omit, insert—
subsection (15AB)(c)
- (4) Section 80(16)(b), from ‘a notice’ to ‘(15AB)(b)(i)’—
omit, insert—
a notice is retained by, or given to a police officer as mentioned in subsection (15AB)(b)(i) and (ii)

53 Amendment of s 84A (Driving of motor vehicles carrying placard loads in tunnels)

- (1) Section 84A(3)(c) and (5), ‘image taken’—
omit, insert—
image or video made
- (2) Section 84A(4), after ‘image’—
insert—
or video

54 Amendment of s 113A (*Photographic detection device defined*)

(1) Section 113A(1), ‘captures an image’—

omit, insert—

makes an image or video

(2) Section 113A—

insert—

(4) A regulation approving a type of device or system for subsection (1) may provide information about—

(a) how an image or video made by the device or system is accepted as having detected a prescribed offence; or

(b) how the device or system provides for the deletion of—

(i) an image or video that does not detect a prescribed offence; and

(ii) any data or information related to that image or video or to the making of that image or video.

55 Amendment of s 116 (*Notice accompanying summons*)

Section 116(1)(c)—

omit, insert—

(c) the right to examine an image or video related to the offence under section 118, and the right to challenge or raise particular matters about the offence as mentioned in section 120(7) or (7A).

56 Amendment of s 118 (Photographic evidence—inspection)

(1) Section 118, heading, after ‘Photographic’—

insert—

or video

(2) Section 118(1) and (2), ‘image from’—

omit, insert—

image or video made by

57 Amendment of s 120 (Evidentiary provisions)

(1) Section 120(2)—

omit, insert—

(2) An image or video produced by the prosecution, complying with subsection (2AA), purporting to be an image or video that was properly made by a photographic detection device of a matter happening at a specified location and time is evidence of the following matters—

- (a) the image or video was made of a matter happening at the specified location and time;
- (b) the accuracy of the image or video;
- (c) the things depicted in the image or video;
- (d) any requirements prescribed by regulation about the operation and testing of a photographic detection device were complied with for the specified device at all material times.

(2AA) An image or video mentioned in subsection (2) must include a certification, or be accompanied by a certificate, signed by an official stating that the image or video was properly made by a photographic detection device of a matter

happening at a specified location and time.

- (2) Section 120(3) and (4), after ‘image’—

insert—

or video

- (3) Section 120(3), after ‘images’—

insert—

or videos

- (4) Section 120(3)(b), ‘taken’—

omit, insert—

made

- (5) Section 120(4), ‘on’—

omit, insert—

associated with

- (6) Section 120(7)(b), ‘image from’—

omit, insert—

image or video made by

- (7) Section 120(7)(c), ‘on an image’—

omit, insert—

associated with an image or video

- (8) Section 120(7)—

insert—

(e) a matter mentioned in section 120D(2)(a), (b) or (c); or

(f) a matter mentioned in section 120E(2); or

(g) the accuracy of a matter stated in a report produced by the prosecution under section 120F;

- (9) Section 120—

insert—

(7A) Also, a defendant who intends, at the hearing of a charge against the defendant under this Act, to raise a matter, prescribed by regulation, relating to an exception, exemption or defence under this Act for a camera-detected offence must give written notice of the matter to the prosecution.

(10) Section 120(8), ‘The notice’—

omit, insert—

A notice under subsection (7) or (7A)

(11) Section 120(8)(b), from ‘subsection (7)(a)’ to ‘subsection (7)(d)’—

omit, insert—

subsection (7) or raise a matter mentioned in subsection (7A)

(12) Section 120(9), definition *on*—

omit.

(13) Section 120(9)—

insert—

associated with, in relation to a marking or writing, means—

- (a) for an image—on, adjacent to, or otherwise associated with the image; or
- (b) for a video—in or otherwise associated with the video.

58 Amendment of s 120C (Application of maximum speed limit if variable speed limit)

(1) Section 120C(1)(a), ‘image taken’—

omit, insert—

image or video made

- (2) Section 120C(3)(b), example, ‘when the image was taken’—
omit, insert—
depicted in the image or video made

59 Insertion of new ss 120D–120F

After section 120C—

insert—

120D Photographic or video evidence about use of approved seatbelt

- (1) This section applies to a proceeding for a prescribed offence in which the driver of, or passenger in, a vehicle not wearing an approved seatbelt is relevant if, under section 120, the prosecution intends to rely on an image or video made by a photographic detection device as evidence of the driver or passenger not wearing an approved seatbelt.
- (2) In the absence of proof to the contrary—
- (a) the vehicle depicted in the image or video is taken to be moving but not reversing, or stationary but not parked; and
 - (b) the vehicle depicted in the image or video is taken to be fitted with an approved seatbelt in the seating position occupied by the driver or passenger; and
 - (c) if the image or video depicts the driver or passenger not wearing a seatbelt, the driver or passenger is taken not to be wearing an approved seatbelt.
- (3) In this section—
approved seatbelt, in relation to a prescribed offence, has the meaning it has for the prescribed offence.

120E Photographic or video evidence of mobile phone use

- (1) This section applies to a proceeding for a prescribed offence in which the use of a mobile phone by the driver of a vehicle is relevant if, under section 120, the prosecution intends to rely on an image or video made by a photographic detection device as evidence of the driver's use of a mobile phone.
- (2) In the absence of proof to the contrary, the vehicle depicted in the image or video is taken to be moving, or stationary but not parked.
- (3) In this section—
mobile phone, for a prescribed offence, has the meaning it has for the prescribed offence.
use, in relation to a mobile phone, in relation to a prescribed offence, has the meaning it has for the prescribed offence.

120F Report about offence detected by photographic detection device

- (1) This section applies to a proceeding for a prescribed offence if, under section 120, the prosecution intends to rely on an image or a series of images, or a video or a series of videos, made by a photographic detection device as evidence of particular elements of the offence.
- (2) The prosecution may produce a report complying with this section in the proceeding.
- (3) The report must—
 - (a) be made in the way prescribed by regulation for the photographic detection device; and
 - (b) contain only 1 or more of the following—

- (i) a copy of the image or some or all of the images in the series, or a still image or images taken from the video or some or all of the videos in the series;
 - (ii) a summary of the things depicted in the image or images, or the still image or images from the video or videos;
 - (iii) for a copy of images in a series or still images of videos in a series—the numbers of the images or videos and the times they were taken, as identified under section 120(3);
 - (iv) a matter mentioned in section 120A(4)(a), (b) or (c) or 120B(5)(a), (b), (c), (d) or (e);
 - (v) a matter prescribed under subsection (4)(b); and
- (c) include a certification, or be accompanied by a certificate, signed by the commissioner stating that the report—
- (i) was properly made in the way prescribed under paragraph (a) for the photographic detection device; and
 - (ii) contains only matters mentioned in paragraph (b).
- (4) If the way prescribed under subsection (3)(a) for a photographic detection device requires or otherwise involves analysis or a determination being made by a person, the regulation must state—
- (a) the class of appropriately qualified persons who may conduct the analysis or make the determination; and

- (b) the matters about the proper conduct of the analysis or making of the determination that must be stated in a report under this section.
- (5) A report produced under this section is evidence of the following—
 - (a) the things depicted in a copy of an image, or a still image from a video, contained in the report;
 - (b) if a copy of an image or still image from a video contained in the report has a marking or writing associated with the image or video—each thing in relation to the image or video that the marking or writing is prescribed to mean under a regulation;
 - (c) a matter stated in a summary mentioned in subsection (3)(b)(ii) contained in the report;
 - (d) a matter mentioned in subsection (3)(b)(iii), (iv) or (v) contained in the report.

60 Insertion of new ch 7, pt 25

Chapter 7—

insert—

Part 25

Transitional provisions for Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Act 2020

243 Photographic detection devices

- (1) Chapter 5, part 7, division 2 applies to a video made by a photographic detection device only in

relation to an offence committed after the commencement.

- (2) Sections 120D, 120E and 120F apply only in relation to an offence committed after the commencement.

61 Amendment of sch 1 (Evidence by certificate)

Schedule 1—

insert—

38	a specified digital authority was or was not a specified relevant authority	• the chief executive
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62 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

digital authority see the *Transport Planning and Coordination Act 1994*, section 29AC.

digital device see the *Transport Planning and Coordination Act 1994*, section 29AB.

digital evidence of age see the *Transport Planning and Coordination Act 1994*, section 29AD.

digital evidence of identity see the *Transport Planning and Coordination Act 1994*, section 29AE.

made, in relation to a photographic detection device, includes captured.

relevant authority see the *Transport Planning and Coordination Act 1994*, section 29AB.

video means a recording consisting of (or mainly of) sounds, images or data, or any combination of sounds, images or data, made by a device or system.

Part 12 **Amendment of Transport Planning and Coordination Act 1994**

63 **Act amended**

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

64 **Amendment of s 28EC (Using a digital photo and digitised signature)**

Section 28EC(1)(b)—

omit, insert—

- (b) to reproduce the person's digital photo and digitised signature on—
 - (i) a prescribed authorisation document;
or
 - (ii) a digital authority; or
 - (iii) a digital evidence of age; or
 - (iv) a digital evidence of identity.

65 **Insertion of new pt 4E**

After part 4D—

insert—

Part 4E **Digital authorities, digital evidence of age and digital evidence of identity**

Division 1 **Preliminary**

29AA Main purposes of part

The main purposes of this part are to—

- (a) enable a person to use a digital authority as—
 - (i) evidence that the person holds a particular authority; or
 - (ii) evidence of the person’s age or identity; and
- (b) enable a person to use a digital evidence of age as evidence of the person’s age; and
- (c) enable a person to use a digital evidence of identity as evidence of the person’s identity.

29AB Definitions for part

In this part—

authority includes an approval, authorisation, card, certificate, licence, permit, receipt and qualification.

corresponding authority means an authority issued under a corresponding law prescribed by regulation to be a corresponding authority.

corresponding law means a law, of another State or the Commonwealth, that provides for the same, or substantially the same, matters as a relevant Act.

digital authority see section 29AC.

digital device means a device that can be used to display or store information electronically.

Examples—

computer, smart phone, tablet computer

digital evidence of age see section 29AD.

digital evidence of identity see section 29AE.

issue includes approve, extend, grant and renew.

relevant Act means a law of Queensland prescribed by regulation to be a relevant Act.

relevant authority means—

- (a) an authority issued under a relevant Act prescribed by a regulation as a relevant authority; and
- (b) a corresponding authority prescribed by regulation to be a relevant authority.

29AC Meaning of *digital authority*

A *digital authority* means—

- (a) a relevant authority, other than a corresponding authority, that is—
 - (i) encoded in a digital form; and
 - (ii) able to be displayed on a digital device using the approved app; or
- (b) a relevant authority that is a corresponding authority that is—
 - (i) encoded in a digital form; and
 - (ii) able to be displayed on a digital device.

29AD Meaning of *digital evidence of age*

A *digital evidence of age*, for a person, means the following information contained in the person's digital authority that can be displayed on a digital device using the approved app other than as a digital authority—

- (a) the person's digital photo;
- (b) information, by reference to the person's date of birth or otherwise, that indicates the person has attained a particular age.

29AE Meaning of *digital evidence of identity*

A *digital evidence of identity*, for a person, means the following information contained in the person's digital authority that can be displayed on a digital device using the approved app other than as a digital authority—

- (a) the person's name;
- (b) the person's digital photo;
- (c) the person's date of birth.

29AF Chief executive may approve app

- (1) For the purposes of this part, the chief executive may, by notice published on the department's website, approve an app to store and display any of the following things—
 - (a) a digital authority;
 - (b) a digital evidence of age;
 - (c) a digital evidence of identity.
- (2) A notice published under subsection (1) must state the following information—
 - (a) the name of the approved app;
 - (b) a description of the approved app;
 - (c) the date the approved app was approved for use.

Division 2 Use of digital authority, digital evidence of age or digital evidence of identity

29AG Definitions for division

In this division—

access includes—

- (a) read; and
- (b) copy; and
- (c) download; and
- (d) photograph; and
- (e) scan; and
- (f) use an electronic system, or other technology that provides connectivity between digital devices, to do anything mentioned in paragraphs (a) to (e).

authorised officer means—

- (a) for a relevant Act, a person authorised under the Act to perform a function or exercise a power in relation to the relevant authority; or
- (b) a police officer; or
- (c) another person prescribed by regulation.

produce, a relevant authority to an authorised officer or another person, includes—

- (a) give the authority to the officer or other person; and
- (b) display the authority to the officer or other person; and
- (c) make the authority available for inspection by the officer or other person.

29AH Use of digital authority

- (1) This section applies if an Act requires or permits a person to produce a relevant authority to another person to evidence—
 - (a) the person holds the relevant authority; or

- (b) the information stated in the authority.
- (2) For the Act, the person is taken to produce the relevant authority if the person displays the digital authority for the relevant authority.
- (3) Subsection (2) does not apply if—
 - (a) when the person displays the digital authority, the other person is not able to access the digital authority in a way, or to an extent, that the other person is authorised to access the relevant authority under the Act; or
 - (b) after being requested by the other person to do so the person does not refresh the digital authority.

29AI Use of digital evidence of age and digital evidence of identity

- (1) This section applies if an Act requires or permits a person to produce a document to another person to evidence—
 - (a) the person has attained a particular age; or
 - (b) the person's identity.
- (2) For the Act, the person is taken to produce the document if the person displays a digital evidence of age or digital evidence of identity that evidences the information stated in the document.

Example—

A person may use a digital evidence of identity to evidence that the person has attained a particular age.

- (3) Subsection (2) does not apply if—
 - (a) when the person displays the digital evidence of age or digital evidence of identity, the other person is not able to access the digital evidence of age or digital

evidence of identity in a way, or to an extent, that the other person is authorised to access the document under the Act; or

- (b) after being requested by the other person to do so the person does not refresh the displayed digital evidence of age or displayed digital evidence of identity.

66 Amendment of s 38 (Regulation-making power)

Section 38(2)—

insert—

- (d) the administration and use of an approved app, digital authority, digital evidence of age or digital evidence of identity.

67 Insertion of new pt 7, div 5

Part 7—

insert—

Division 5 Provisions for Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Act 2020

47 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision about a matter for which—
- (a) it is necessary to make provision to allow or facilitate the doing of anything to achieve the transition from the operation of this Act as it was in force immediately before the commencement to the operation of this Act

as amended by the *Transport and Other Legislation (Road Safety, Technology and Other Matters) Amendment Act 2020*; and

- (b) this Act does not make provision or sufficient provision.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day of commencement.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) A transitional regulation may only be made within 2 years after the commencement.
- (5) This division and any transitional regulation expire 3 years after the day of commencement.

68 Amendment of sch 1 (Dictionary)

- (1) Schedule 1—

insert—

approved app means an app approved under section 29AF.

authority, for part 4E, see section 29AB.

corresponding authority see section 29AB.

corresponding law see section 29AB.

department's website means a website, or part of a website—

- (a) administered by the department; and
- (b) with a URL that contains qld.gov.au.

digital authority see section 29AC.

digital device see section 29AB.

digital evidence of age see section 29AD.

digital evidence of identity see section 29AE.

relevant Act see section 29AB.

relevant authority see section 29AB.

- (2) Schedule 1, definition *prescribed authority*, after ‘licence’—
insert—

, digital authority, digital evidence of age, digital
evidence of identity,

Part 13 **Amendment of Wine Industry Act 1994**

69 **Act amended**

This part amends the *Wine Industry Act 1994*.

70 **Amendment of s 40 (Seizure of document wrongly used as evidence of age)**

Section 40—

insert—

- (3) Nothing in this section authorises a person to
seize a digital device if—
- (a) the device is used in the contravention of
section 38(2) or (3); and
 - (b) in contravening the section a person used the
device to store or display the following
things, or an image or other design
purporting to be the thing—
 - (i) a digital authority;
 - (ii) a digital evidence of age;
 - (iii) a digital evidence of identity.

- (4) In this section—

digital authority see the *Transport Planning and
Coordination Act 1994*, section 29AC.

digital device see the *Transport Planning and Coordination Act 1994*, section 29AB.

digital evidence of age see the *Transport Planning and Coordination Act 1994*, section 29AD.

digital evidence of identity see the *Transport Planning and Coordination Act 1994*, section 29AE.

71 Amendment of s 41 (Finding out age)

Section 41(1)—

insert—

Note—

See the *Transport Planning and Coordination Act 1994*, sections 29AH and 29AI for the use of a digital authority, a digital evidence of age or a digital evidence of identity.

Part 14 Other amendments

72 Acts amended

Schedule 1 amends the Acts it mentions.

Schedule 1 Other amendments

section 72

Part 1 Amendments commencing on assent

Transport Infrastructure Act 1994

1 Section 84C(4)(a), ‘section 17(2)’—

omit, insert—

section 17(3)

2 Section 105J(4)(a), ‘section 17(2)’—

omit, insert—

section 17(3)

3 Section 354(5)(a), ‘section 17(2)’—

omit, insert—

section 17(3)

4 Schedule 6—

insert—

registered interest—

(a) for chapter 7, part 7—see section 239AH; or

(b) for chapter 8, part 3C—see section 283I.

Transport Operations (Road Use Management) Act 1995

1 Section 171(3)(f), ‘section 61’—

omit, insert—

section 123S

Part 2 Amendments subject to other commencement

Transport Operations (Passenger Transport) Act 1994

**1 Schedule 3, definition *driver authorisation*, second
occurrence—**

omit.

**2 Schedule 3, definition *operator accreditation*, second
occurrence—**

omit.

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