

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

*Legislative Assembly Chamber,
Brisbane,*

The Clerk of the Parliame

19 FEBRUARY 2024

In the name and on behalf of the King, I assent to this B

Government House,

Brisbane,

19 February

2024



Queensland

No. 2 of 2024

A BILL for

An Act to amend the Cross River Rail Delivery Authority Act 2016, the Heavy Vehicle National Law Act 2012, the Maritime Safety Queensland Act 2002, the Motor Dealers and Chattel Auctioneers Act 2014, the Sustainable Port Development Act 2015, the Transport Infrastructure Act 1994, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995, the Transport Operations (Road Use Management—Road Rules) Regulation 2009, the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021, the Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021, the Transport Planning and Coordination Act 1994 the Transport Planning and Coordination Regulation 2017 and the legislation mentioned in schedule 1 for particular purposes



Queensland

Transport and Other Legislation Amendment Bill 2024

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2024

A Bill

for

An Act to amend the Cross River Rail Delivery Authority Act 2016, the Heavy Vehicle National Law Act 2012, the Maritime Safety Queensland Act 2002, the Motor Dealers and Chattel Auctioneers Act 2014, the Sustainable Ports Development Act 2015, the Transport Infrastructure Act 1994, the Transport Operations (Passenger Transport) Act 1994, the Transport Operations (Road Use Management) Act 1995, the Transport Operations (Road Use Management—Road Rules) Regulation 2009, the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021, the Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021, the Transport Planning and Coordination Act 1994, the Transport Planning and Coordination Regulation 2017 and the legislation mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Transport and Other Legislation Amendment Act 2024*.

2 Commencement

Part 4 and part 8, division 3 commence on a day to be fixed by proclamation.

Part 2 Amendment of Cross River Rail Delivery Authority Act 2016

3 Act amended

This part amends the *Cross River Rail Delivery Authority Act 2016*.

4 Amendment of s 44 (Quorum at board meetings)

Section 44(3)—
omit.

Part 3 Amendment of Heavy Vehicle National Law Act 2012

5 Act amended

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

6 Insertion of new pt 4, div 4A

After section 34—

insert—

Division 4A Transfer of particular employees, vehicles and proceedings

34A Definitions for division

In this division—

directive means a directive made under the *Public Sector Act 2022*.

TMR means the department administering the *Transport Operations (Road Use Management) Act 1995*.

transfer day see section 34B(2).

transferring employee means an employee of TMR identified in a transfer schedule.

transfer schedule see section 34B(1).

34B Transfer schedule

- (1) The Minister may make 1 or more schedules (a *transfer schedule*) identifying the following matters—

[s 6]

- (a) the employees of TMR that are to be transferred to the Regulator under this division;
 - (b) the directives that are to apply to an employee mentioned in paragraph (a) for the purpose of section 34C;
 - (c) the vehicles operated by the State that are to be transferred to the Regulator and to which section 34E applies.
- (2) If a transfer schedule identifies employees or vehicles for the purpose of transferring the employees or vehicles to the Regulator, the Minister must state in the schedule the day (the *transfer day*) the employees or vehicles are transferred to the Regulator under this division.

34C Transferring TMR employees

- (1) On the transfer day—
- (a) a transferring employee ceases to be an employee of TMR; and
 - (b) a transferring employee becomes an employee of the Regulator; and
 - (c) TMR's records, to the extent they relate to the employment of transferring employees, become records of the Regulator; and
 - (d) TMR's liabilities relating to a transferring employee's accrued rights to annual, sick, long service or other leave become the liabilities of the Regulator.
- (2) The Regulator and TMR must do all things necessary to enable the transfer of a transferring employee under subsection (1).
- (3) TMR may retain copies of the records mentioned in subsection (1)(c).

- (4) TMR must pay to the Regulator an amount equivalent to the liabilities of TMR mentioned in subsection (1)(d).
- (5) A reference in this section to an employee's rights to recreation, sick, long service or other leave includes a reference to the employee's rights under a directive identified in a transfer schedule for the employee as that directive applies to the employee on the transfer day.

34D Rights of transferring employees

- (1) The transfer of an employee of TMR under section 34C does not—
 - (a) affect the employee's benefits, entitlements or remuneration; or
 - (b) prejudice the employee's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
 - (c) interrupt continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or
 - (d) entitle the employee to a payment or other benefit from the State because the employee is no longer employed by TMR; or
 - (e) require TMR to make any payment to the employee in relation to the employee's accrued rights to recreation, sick, long service or other leave.
- (2) Despite any other law, employment arrangement or directive, the transfer of an employee under section 34C(1)(a) does not—

[s 6]

- (a) entitle the transferring employee to a payment or other benefit for a retrenchment or redundancy; or
 - (b) require TMR or the State to find the employee alternative employment.
- (3) A reference in this section to an employee's benefits, entitlements or remuneration, or rights to superannuation or recreation, sick, long service or other leave, includes a reference to the employee's benefits, entitlements, remuneration or rights under a directive identified in a transfer schedule for the employee as that directive applies to the employee on the transfer day.
- (4) A directive identified in a transfer schedule that is not a copied State instrument under the *Fair Work Act 2009* (Cwlth) ceases to operate for a transferring employee when the directives that are copied State instruments under the *Fair Work Act 2009* (Cwlth) cease to operate under section 768AO of that Act.
- (5) In this section—
copied State instrument see the *Fair Work Act 2009* (Cwlth), section 768AH.

34E Transferring vehicles

- (1) This section applies to a vehicle operated by the State identified in a transfer schedule and transferred to the Regulator.
- (2) The State and the Regulator are exempt from complying with a process or requirement under the following laws that the entities would otherwise be required to comply with for the purpose of registering or recording the transfer of the vehicle—

- (a) the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, part 3, division 3;
- (b) the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, part 6.

34F Current proceedings

If a proceeding by or against TMR, relating to an employee transferred under section 34C, has not been concluded before the transfer day—

- (a) the proceeding must be continued and concluded by or against TMR; and
- (b) TMR is liable for any liability of TMR that arose before the transfer day, or arises after the transfer day, as a result of—

- (i) the proceeding; or

Examples of liabilities for subparagraph (i)—

- a judgment debt
 - a liability incurred as a result of discontinuing the proceeding
 - costs of the proceeding

- (ii) an act or omission that is the subject of the proceeding.

7 Insertion of new ss 42CA and 42CB

After section 42C—

insert—

42CA Amendment of s 479 (Functions of authorised officers)

National Law, section 479—

insert—

[s 8]

- (3) An authorised officer also has the functions conferred on the officer under another law of this jurisdiction.

Editor's note—

This subsection is an additional Queensland provision.

42CB Amendment of s 583 (Regulator may exercise powers of authorised officers)

National Law, section 583(1)—

omit, insert—

- (1) The Regulator may exercise a power that is conferred on authorised officers under this Law or another law of this jurisdiction, and accordingly the functions of the Regulator include the powers exercisable by the Regulator under this subsection.

Editor's note—

This subsection is a substituted Queensland provision.

8 Insertion of new s 42DA

After section 42D—

insert—

42DA Amendment of s 659 (Functions of Regulator)

National Law, section 659—

insert—

- (3) The Regulator also has the functions conferred on it under another law of this jurisdiction.

Editor's note—

This subsection is an additional Queensland provision.

Part 3A Amendment of Heavy Vehicle National Law

8A Law amended

This part amends the Heavy Vehicle National Law as set out in the Schedule to the *Heavy Vehicle National Law Act 2012*.

8B Amendment of s 5 (Definitions)

Section 5, in alphabetical order—

insert—

safer freight vehicle has the meaning given by section 153A(2).

8C Amendment of s 153A (Using restricted access vehicle)

(1) Section 153A(2), in alphabetical order—

insert—

safer freight vehicle means a single heavy motor vehicle that meets the requirements prescribed for the purposes of this definition by the national regulations, but does not include a bus.

single heavy motor vehicle means a motor vehicle that, on its own, is a heavy vehicle.

(2) Section 153A(3)(c), ‘semitrailer.’—

omit, insert—

semitrailer; or

(3) Section 153A(3)—

[s 9]

insert—

- (d) a safer freight vehicle; or
- (e) a combination that—
 - (i) includes a safer freight vehicle, together with its load, that is the only component vehicle wider than 2.5m; and
 - (ii) is not higher than 4.3m; and
 - (iii) is not longer than 19m.

Part 4 Amendment of Maritime Safety Queensland Act 2002

9 Act amended

This part amends the *Maritime Safety Queensland Act 2002*.

10 Amendment of s 10 (Appointment of general manager)

Section 10—

insert—

- (3) However, despite the *Public Sector Act 2022*, the general manager is to be paid the remuneration decided by the Governor in Council.

Part 5 Amendment of Motor Dealers and Chattel Auctioneers Act 2014

11 Act amended

This part amends the *Motor Dealers and Chattel Auctioneers Act 2014*.

12 Amendment of s 12 (Meaning of *motor vehicle*)

(1) Section 12(2)—

insert—

(aa) a low powered toy scooter;

(2) Section 12(2)(c)—

omit.

(3) Section 12(2)—

insert—

(da) a personal mobility device;

(4) Section 12(2)(aa) to (h)—

renumber as section 12(2)(b) to (i).

(5) Section 12(3), definition *motorised scooter*—

omit.

(6) Section 12(3)—

insert—

low powered toy scooter see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

personal mobility device see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

Part 6 Amendment of Sustainable Ports Development Act 2015

13 Act amended

This part amends the *Sustainable Ports Development Act 2015*.

[s 14]

14 Amendment of s 6 (Master planned areas)

Section 6(2) and (3)—

omit, insert—

- (2) To remove any doubt, it is declared that the master planned area for a priority port may include—
 - (a) land that is outside the port’s strategic port land; and
 - (b) an area of land that is—
 - (i) outside the port’s port limits under the Transport Infrastructure Act; and
 - (ii) covered, from time to time, by tidal water.
- (3) However, the master planned area for a priority port can not include an area within a marine park, even if the area is within the port’s port limits under the Transport Infrastructure Act.

15 Insertion of new pt 5, div 3

After section 50—

insert—

Division 3	Transitional provision for Transport and Other Legislation Amendment Act 2024
-------------------	--

51 Transitional provision for particular master planned areas and proposed master planned areas

- (1) From the commencement, the master planned area for each of the following priority ports includes a relevant tidal water area that had,

before the commencement, been included in the master planned area despite former section 6(3)(a)—

- (a) Port of Gladstone;
 - (b) Port of Townsville.
- (2) Subsection (3) applies in relation to a port overlay for a master planned area for a priority port mentioned in subsection (1).
- (3) From the commencement, the master planned area identified in the port overlay under section 19(2)(a) is taken to include a relevant tidal water area.
- (4) Subsection (5) applies in relation to—
- (a) the proposed master planned area for a relevant priority port; or
 - (b) if a proposed master plan for a relevant priority port is made, under section 11, before the commencement—the master planned area for the relevant priority port.
- (5) From the commencement, the proposed master planned area or master planned area for the relevant priority port includes a relevant tidal water area that had, before the commencement, been included in the proposed master planned area or master planned area despite former section 6(3)(a).
- (6) In this section—

former section 6(3)(a) means section 6(3)(a) as in force immediately before the commencement.

proposed master planned area, for a priority port, means an area identified in a draft of a proposed master plan, prepared under section 10, as the proposed master planned area for the port.

relevant priority port means either of the

[s 16]

following priority ports—

- (a) Port of Abbot Point;
- (b) the ports of Hay Point and Mackay.

relevant tidal water area, in relation to the master planned area or proposed master planned area for a priority port, means an area of land—

- (a) outside the port's port limits under the Transport Infrastructure Act; and
- (b) covered, from time to time, by tidal water.

Part 7 **Amendment of Transport Infrastructure Act 1994**

16 Act amended

This part amends the *Transport Infrastructure Act 1994*.

Note—

See also the amendments in schedule 1.

17 Amendment of s 60 (Advertisement of gazette notice)

Section 60, from 'a newspaper'—

omit, insert—

a way the chief executive considers appropriate, including, for example, on the department's website, in the electronic version of a newspaper or in a newspaper circulating in the area of the limited access road.

18 Amendment of s 97 (Definition for div 3)

(1) Section 97, heading, 'Definition'—

omit, insert—

Definitions

(2) Section 97—

insert—

online nomination facility means an electronic system operated by the toll road operator that is designed to—

(a) be accessed by—

(i) the registered operator of a vehicle who is given a notice under section 99; or

(ii) a person who is given a notice under section 101; and

(b) allow the registered operator or person to give the toll road operator the information mentioned in section 99(3)(b) or 101(3)(b); and

(c) allow a record of the information given to be downloaded or printed by the registered operator or person.

19 Amendment of s 99 (Notice to vehicle's registered operator)

(1) Section 99(3)(b), from 'the registered operator's' to 'containing'—

omit, insert—

, in the way mentioned in subsection (3A),

(2) Section 99—

insert—

(3A) For subsection (3)(b), the registered operator must give the information by statutory declaration or by using the online nomination facility.

(3) Section 99(4), from 'a statutory'—

omit, insert—

[s 20]

the information mentioned in subsection (3)(b).

20 Amendment of s 100 (Notice to information holder)

(1) Section 100(3)(b)—

omit.

(2) Section 100(3)(c)—

renumber as section 100(3)(b).

21 Amendment of s 101 (Notice to person identified as driver)

(1) Section 101(3)(b), from ‘the person’s’ to ‘containing’—

omit, insert—

, in the way mentioned in subsection (3A),

(2) Section 101—

insert—

(3A) For subsection (3)(b), the person must give the information by statutory declaration or by using the online nomination facility.

(3) Section 101(4), from ‘a statutory’—

omit, insert—

the information mentioned in subsection (3)(b).

22 Amendment of s 102 (Statutory declarations for div 3)

Section 102(1), ‘in the approved form’—

omit.

23 Amendment of s 105 (Evidence and procedure)

(1) Section 105(1)(c)—

insert—

-
- (iva) a stated vehicle passed through a toll plaza for a toll road at a stated time;
- (ivb) a toll plaza or part of the toll plaza for a toll road was or was not designated by a stated sign at a stated time and place;
- (2) Section 105(1)(c)(xii)—
omit, insert—
- (xii) information under section 99(3)(b) or 101(3)(b) was or was not received by a statutory declaration or use of the online nomination facility;
- (xiia) a statutory declaration under section 100(3) or 102 was or was not received;
- (3) Section 105(1)(c)(xiii), after ‘subsection (3)’—
insert—
- made at a stated time and place
- (4) Section 105(1)(c)(iva) to (xiii)—
renumber as section 105(1)(c)(v) to (xvi).
- (5) Section 105—
insert—
- (3A) Evidence that a written notice given under section 99(1) was in the approved form is not required unless there is evidence to the contrary.
- (6) Section 105(3A) and (4)—
renumber as section 105(4) and (5).

24 Amendment of s 105ZF (Definition for sdiv 3)

- (1) Section 105ZF, heading, ‘Definition’—
omit, insert—

Definitions

[s 25]

(2) Section 105ZF—

insert—

online nomination facility means an electronic system operated by the local government tollway operator that is designed to—

- (a) be accessed by—
 - (i) the registered operator of a vehicle who is given a notice under section 105ZH; or
 - (ii) a person who is given a notice under section 105ZK; and
- (b) allow the registered operator or person to give the local government tollway operator the information mentioned in section 105ZH(3)(b) or 105ZK(3)(b); and
- (c) allow a record of the information given to be downloaded or printed by the registered operator or person.

25 Amendment of s 105ZH (Notice to vehicle’s registered operator)

- (1) Section 105ZH(3)(b), from ‘the registered operator’s’ to ‘containing’—

omit, insert—

, in the way mentioned in subsection (3A),

(2) Section 105ZH—

insert—

- (3A) For subsection (3)(b), the registered operator must give the information by statutory declaration or by using the online nomination facility.

- (3) Section 105ZH(4), from ‘a statutory’—

omit, insert—

the information mentioned in subsection (3)(b).

26 Amendment of s 105ZK (Notice to person identified as driver)

- (1) Section 105ZK(3)(b), from ‘the person’s’ to ‘containing’—
omit, insert—

, in the way mentioned in subsection (3A),

- (2) Section 105ZK—
insert—

(3A) For subsection (3)(b), the person must give the information by statutory declaration or by using the online nomination facility.

- (3) Section 105ZK(4), from ‘a statutory’—
omit, insert—

the information mentioned in subsection (3)(b).

27 Amendment of s 105ZO (Evidence and procedure)

- (1) Section 105ZO(1)(c)—
insert—

(iva) a stated vehicle passed through a toll plaza for a local government tollway at a stated time;

(ivb) a toll plaza or part of the toll plaza for a local government tollway was or was not designated by a stated sign at a stated time and place;

- (2) Section 105ZO(1)(c)(xii)—
omit, insert—

(xii) information under section 105ZH(3)(b) or 105ZK(3)(b) was or was not received by a

[s 28]

statutory declaration or use of the online nomination facility;

(xiia) a statutory declaration under section 105ZJ(3) or 105ZL was or was not received;

(3) Section 105ZO(1)(c)(xiii), after ‘subsection (3)’—

insert—

made at a stated time and place

(4) Section 105ZO(1)(c)(iva) to (xiii)—

renumber as section 105ZO(1)(c)(v) to (xvi).

(5) Section 105ZO—

insert—

(3A) Evidence that a written notice given under section 105ZH(1) was in the approved form is not required unless there is evidence to the contrary.

(6) Section 105ZO(3A) and (4)—

renumber as section 105ZO(4) and (5).

Part 8 Amendment of Transport Operations (Passenger Transport) Act 1994

Division 1 Preliminary

28 Act amended

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

Division 2 Amendments commencing on assent

29 **Amendment of s 111 (Appointment of authorised persons generally)**

(1) Section 111(2)—

insert—

(ea) an employee of the National Heavy Vehicle Regulator;

(2) Section 111—

insert—

(7) In this section—

National Heavy Vehicle Regulator means the National Heavy Vehicle Regulator established under the Heavy Vehicle National Law (Queensland), section 656.

30 **Amendment of s 128 (Power to require information from certain persons)**

Section 128—

insert—

(7) In this section—

information includes a document.

Example—

a copy of a recording made by a vehicle's security camera

31 **Insertion of new s 128A**

After section 128—

insert—

[s 32]

128A Copying and returning documents

- (1) This section applies in relation to a document given by a person to an authorised person in response to a requirement made under section 128(2) or (2A).
- (2) The authorised person may keep the document to copy it.
- (3) If the authorised person copies it, the authorised person may ask the person to certify the copy as a true copy of the document.
- (4) The authorised person must return the document to the person as soon as practicable after copying it.

32 Amendment of s 143AB (Regulation may provide for matters relating to payment of fares)

Section 143AB(2)—

insert—

- (c) enable the chief executive to charge a person an amount for the use or hire of a public passenger vehicle if the person defaults in paying the fare for the use or hire.

33 Amendment of s 144 (Transport arrangements for students)

- (1) Section 144(3), after ‘authority’—

insert—

or principal of a non-State school

- (2) Section 144(4), after ‘authority’—

insert—

or principal of the non-State school

- (3) Section 144(5), from ‘education authority’s’ to ‘authority’—

omit, insert—

possession of the education authority or principal
of the non-State school or to which the authority
or principal

(4) Section 144(8)—

insert—

non-State school means an accredited school
under the *Education (Accreditation of Non-State
Schools) Act 2017*.

principal, of a non-State school with no position
by that name, means the person responsible for
the school's day-to-day management.

Division 3 Amendments commencing by proclamation

34 Amendment of s 11 (Purpose of operator accreditation)

Section 11(b), 'appropriate standards'—

omit, insert—

any prescribed requirements

35 Replacement of s 14 (Operator accreditation standards)

Section 14—

omit, insert—

14 Requirements about operator accreditation

- (1) A regulation may prescribe requirements about
operator accreditation.
- (2) Without limiting subsection (1), a regulation may
make provisions about—

[s 36]

- (a) the applicant's capacity to ensure the appropriate operation and maintenance of public passenger vehicles; and
- (b) the applicant's ability to provide a quality public passenger service; and
- (c) an operator's responsibility to comply with vehicle design, safety and operational requirements; and
- (d) the applicant's business management skills, including, expertise in timetabling, route planning, marketing, customer services and financial management; and
- (e) the operator's responsibility to comply with or ensure that a driver complies with an Act, or a provision of an Act, that would promote safety or customer service; and
- (f) the maximum allowable age of a kind of public passenger vehicle used by an operator of a public passenger service to provide the service; and
- (g) extensions of a maximum allowable age mentioned in paragraph (f); and
- (h) timetables for, or reliability of, a public passenger service.

36 Amendment of s 23 (Purpose of driver authorisation)

Section 23(2)(e), 'appropriate standards'—

omit, insert—

any prescribed requirements

37 Replacement of s 26 (Driver authorisation standards)

Section 26—

omit, insert—

26 Requirements about driver authorisation

- (1) A regulation may prescribe requirements about driver authorisation.
- (2) Without limiting subsection (1), a regulation may make provisions that—
 - (a) relate to the applicant's ability to drive safely a public passenger vehicle of the relevant category; and
 - (b) include requirements about the medical fitness of applicants for, and holders of, driver authorisation; and
 - (c) require compliance with the *Anti-Discrimination Act 1991*; and
 - (d) relate to customer service; and
 - (e) relate to the reliability of a public passenger service; and
 - (f) require compliance with another Act, or a provision of another Act, that would promote safety or customer service.

38 Insertion of new ch 6A

After chapter 6—

insert—

Chapter 6A Road-based public passenger services

Part 1 Interpretation

67G Definition for ch 6A

In this chapter—

[s 38]

relevant transport legislation means the following legislation—

- (a) this Act;
- (b) the *Transport Operations (Road Use Management) Act 1995*;
- (c) the Heavy Vehicle National Law (Queensland);
- (d) the *Motor Accident Insurance Act 1994*.

Part 2 Safety duties

Division 1 Preliminary

67H Definitions for part

In this part—

fatigue includes any of the following—

- (a) feeling sleepy;
- (b) feeling physically or mentally tired, weary or drowsy;
- (c) feeling exhausted or lacking energy;
- (d) behaving in a way consistent with paragraph (a), (b) or (c).

personalised transport service licence, for a road-based public passenger service, means any of the following licences—

- (a) a booked hire service licence;
- (b) a limousine licence;
- (c) a taxi service licence.

registered operator see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

safety duty means a duty imposed under a provision of—

- (a) division 3, other than section 67P; or
- (b) division 4.

safety law means—

- (a) the *Work Health and Safety Act 2011*; or
- (b) the Heavy Vehicle National Law (Queensland).

safety risk means a risk to the safety of persons or property, including the safety of—

- (a) the drivers of, and passengers in, motor vehicles; and
- (b) persons or property in or in the vicinity of, or likely to be in or in the vicinity of, roads and public places, including other road users; and
- (c) vehicles and anything in them.

Examples of safety risks—

- a driver operating a motor vehicle while fatigued
- a driver operating a motor vehicle while under the influence of a drug or alcohol
- the operation of a motor vehicle that does not comply with a requirement under the *Transport Operations (Road Use Management) Act 1995* for a vehicle to have a certificate of inspection in effect

67I What is *reasonably practicable* in ensuring safety

In this part, ***reasonably practicable***, in relation to a duty to ensure safety, means that which is, or was at a particular time, reasonably able to be done in relation to the duty, weighing up all relevant matters, including—

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- (a) the likelihood of a safety risk, or damage to property, happening; and
- (b) the harm that could result from the risk or damage; and
- (c) what the person knows, or ought reasonably to know, about the risk or damage; and
- (d) what the person knows, or ought reasonably to know, about the ways of—
 - (i) removing or minimising the risk; or
 - (ii) preventing or minimising the damage; and
- (e) the availability and suitability of those ways; and
- (f) the cost associated with the available ways, including whether the cost is grossly disproportionate to the likelihood of the risk or damage.

67J Duty holders for road-based public passenger service

- (1) Each of the following persons is a *duty holder* for a road-based public passenger service—
 - (a) an operator of the service;
 - (b) a registered operator of a motor vehicle used to provide the service;
 - (c) the driver of a motor vehicle used to provide the service;
 - (d) a booking service provider for the service;
 - (e) if the service is a personalised transport service—a holder of a personalised transport service licence for a motor vehicle used to provide the service;

- (f) if the service is a personalised transport service and an authorised booking entity who provides booking services for the service is a foreign person—the entity’s local nominee.
- (2) Also, a person who is contracted by a volunteer association that provides a public passenger service to drive a motor vehicle provided by the service is taken to be a **duty holder** for a road-based public passenger service.
- (3) To remove any doubt, it is declared that a reference in this chapter to a duty holder for a road-based public passenger service does not include a reference to the State or an authorised person.

67K Relationship with other safety laws

- (1) If a provision of this part and a provision of another safety law deal with the same thing and it is possible to comply with both provisions, a person must comply with both provisions.
- (2) However, to the extent it is not possible for the person to comply with a provision of this part and a provision of another safety law dealing with the same thing, the person must comply with—
 - (a) the provision of the other safety law; or
 - (b) if, under the other safety law, the person is required to comply with a provision of another safety law—the provision of the other safety law.
- (3) Evidence of a contravention of this part is admissible in any proceeding for an offence against a provision of another safety law.
- (4) If an act, omission or circumstance constitutes an offence under this part and another safety law, the

[s 38]

offender is not liable to be punished more than once for the act, omission or circumstance.

Division 2 Principles

67L Principle of shared responsibility

- (1) The effect that activities associated with providing a road-based public passenger service have on safety is the shared responsibility of each duty holder for the service.
- (2) The level and nature of a person's responsibility for an activity depends on—
 - (a) the functions the person performs or is required to perform, whether exclusively or occasionally; and
 - (b) the nature of the safety risks created by the carrying out of the activity; and
 - (c) the person's capacity to control, eliminate or minimise the risks.

67M Principles applying to duties

- (1) A person may have more than 1 duty because of the functions the person performs or is required to perform.
- (2) More than 1 person can concurrently have the same duty.
- (3) Each person must comply with the duty to the standard required under this part even if another person has the same duty.
- (4) If more than 1 person has a duty for the same matter, each person—
 - (a) is responsible for the person's duty in relation to the matter; and

- (b) must discharge the person's duty to the extent to which the person—
 - (i) has the capacity to influence and control the matter; or
 - (ii) would have the capacity but for an agreement or arrangement purporting to limit or remove that capacity.
- (5) A person's duty can not be transferred to another person.
- (6) Compliance with relevant transport legislation or a safety law is not, of itself, evidence that a person has discharged a duty under this part.

Division 3 Nature of primary duties

67N Primary duty of care generally

- (1) This section applies to each duty holder for a road-based public passenger service, other than a driver for the service.

Note—

See section 67O for the primary duty of care of a driver for a road-based public passenger service.

- (2) Each duty holder must ensure, so far as is reasonably practicable, the safety of the person's activities, including business practices and making decisions, in providing the road-based public passenger service.
- (3) Without limiting subsection (2), each duty holder must—
 - (a) eliminate safety risks or, to the extent it is not reasonably practicable to eliminate safety risks, minimise those risks; and

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- (b) ensure the person's conduct does not directly or indirectly encourage another person, including another duty holder for the service, to contravene a provision of relevant transport legislation relating to—
 - (i) the provision of a road-based public passenger service; or
 - (ii) a motor vehicle used to provide a road-based public passenger service.

(4) In this section—

business practices means a person's practices in running a business associated with providing a road-based public passenger service, including—

- (a) the operating policies and procedures of the business; and
- (b) the arrangements for preventing or minimising safety risks associated with the person's practices.

670 Primary duty of care of driver

A driver for a road-based public passenger service must, in providing the service—

- (a) take reasonable care for their own safety; and
- (b) ensure, so far as is reasonably practicable, that their activities do not adversely affect the safety of other persons, including, for example, by ensuring—
 - (i) they do not drive while fatigued; and
 - (ii) they appropriately secure wheelchairs into a vehicle in accordance with any relevant vehicle and equipment specifications; and

- (iii) they comply with relevant transport legislation.

67P Duty of executive officer of corporation

- (1) If a corporation has a safety duty under section 67N or division 4, an executive officer of the corporation must exercise due diligence to ensure the corporation complies with the duty.

Maximum penalty—the penalty under section 67V, 67W or 67X for an offence relating to a safety duty committed by an individual.

- (2) The executive officer may be proceeded against for, and convicted of, an offence against subsection (1) even if the corporation has not been proceeded against for, or convicted of, an offence relating to the duty.

- (3) In this section—

due diligence includes taking reasonable steps to—

- (a) acquire, and keep up to date, knowledge about the safe conduct of activities relating to providing a road-based public passenger service; and
- (b) gain an understanding of—
 - (i) the nature of the corporation's activities relating to providing a road-based public passenger service; and
 - (ii) the hazards and safety risks associated with those activities; and
- (c) ensure the corporation has, and uses, appropriate resources to eliminate or minimise those hazards and risks; and

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- (d) ensure the corporation has, and implements, processes—
 - (i) to eliminate or minimise those hazards and risks; and
 - (ii) for receiving, considering, and responding in a timely way to, information about those hazards and risks and any incidents; and
 - (iii) for complying with the corporation's safety duty; and
- (e) verify the resources and processes mentioned in paragraphs (c) and (d) are being provided, implemented and used.

Division 4 Further duties of particular duty holders for road-based public passenger services

67Q Duties of operators of road-based public passenger services

- (1) This section applies to an operator of a road-based public passenger service in carrying out an activity for providing the service.
- (2) Without limiting section 67N, the operator must, so far as is reasonably practicable, when carrying out the activity—
 - (a) provide and maintain safe systems to identify and manage safety risks; and
 - (b) monitor and review safety risks; and
 - (c) ensure any motor vehicle used in providing the service is provided and maintained in a safe condition; and

- (d) promote safety and adherence to their duties under this part to all employees, contractors, drivers and other persons involved in providing the service; and
- (e) ensure any equipment or systems used in, or in connection with the operation of, a motor vehicle used in providing the service is fitted, operated and maintained in a safe condition; and
- (f) implement a process for monitoring drivers and other persons involved in providing the service to ensure they provide the service safely; and
- (g) provide sufficient information, training, and instruction to drivers and other persons involved in providing the service to enable them to provide the service safely.

67R Duties of registered operators of motor vehicles used to provide road-based public passenger services

- (1) This section applies to the registered operator of a motor vehicle used to provide a road-based public passenger service in carrying out an activity for providing the service.
- (2) Without limiting section 67N, the registered operator must, so far as is reasonably practicable, when carrying out the activity—
 - (a) ensure the motor vehicle is provided and maintained in a safe condition; and
 - (b) ensure any equipment or systems used in the motor vehicle are—
 - (i) fitted, operated and maintained in a safe condition; and
 - (ii) tested and examined.

67S Duties of drivers of motor vehicles used to provide road-based public passenger services

- (1) This section applies to a driver of a motor vehicle used to provide a road-based public passenger service in carrying out an activity for providing the service.
- (2) Without limiting section 67O, the driver must, so far as is reasonably practicable, when carrying out the activity—
 - (a) comply with any reasonable instruction that is given by another duty holder to allow the other duty holder to comply with their duties under this part; and
 - (b) comply with any reasonable requirement of a policy or procedure that applies to another duty holder to allow the other duty holder to comply with their duties under this part.

67T Duties of booking service providers

- (1) This section applies to a booking service provider for a road-based public passenger service in carrying out an activity for providing the service.
- (2) Without limiting section 67N, the booking service provider must, so far as is reasonably practicable, when carrying out the activity—
 - (a) provide and maintain safe systems to identify and manage safety risks; and
 - (b) monitor and review safety risks for the service; and
 - (c) promote safety and adherence to their duties under this part to all employees, contractors, drivers and other persons involved in providing the service; and
 - (d) provide sufficient information, training, and instruction to drivers and other persons

involved in providing the service to enable them to provide the service safely; and

- (e) implement a process for monitoring drivers and other persons involved in providing the service to ensure they provide the service safely; and
- (f) implement a procedure by which drivers and other persons involved in providing the service are aware of safety equipment to be used in providing the service.

67U Duties of holders of personalised transport service licences

- (1) This section applies to the holder of a personalised transport service licence for a road-based public passenger service in carrying out an activity for providing the service.
- (2) Without limiting section 67N, the holder of the licence must, so far as is reasonably practicable, when carrying out the activity—
 - (a) respond in a timely way to eliminate or minimise any identified safety risks; and
 - (b) promote safety and adherence to their duties under this part to all employees, contractors, drivers and other persons involved in providing the service.

Division 5 Failing to comply with safety duties

67V Reckless conduct—category 1

- (1) A person commits an offence if—
 - (a) the person has a safety duty; and

[s 38]

(b) the person, without a reasonable excuse, engages in conduct related to the duty that exposes an individual, or class of individuals, to a risk of death or serious injury or illness; and

(c) the person is reckless to the risk.

Maximum penalty—

(a) for an individual—3,000 penalty units or 5 years imprisonment; or

(b) for a corporation—30,000 penalty units.

(2) The prosecution bears the burden of proving that the conduct was engaged in without reasonable excuse.

67W Failure to comply with duty—category 2

A person commits an offence if—

(a) the person has a safety duty; and

(b) the person contravenes the duty; and

(c) the person's contravention exposes an individual, or class of individuals, to a risk of death or serious injury or illness.

Maximum penalty—

(a) for an individual—1,500 penalty units; or

(b) for a corporation—15,000 penalty units.

67X Failure to comply with duty—category 3

A person commits an offence if—

(a) the person has a safety duty; and

(b) the person contravenes the duty.

Maximum penalty—

(a) for an individual—500 penalty units; or

- (b) for a corporation—5,000 penalty units.

Division 6 Duties relating to fatigue management

67Y Regulation may impose other duties or requirements about fatigue management

- (1) A regulation may impose other duties or requirements on a duty holder for a road-based public passenger service about managing driver fatigue.
- (2) A regulation under subsection (1) may, for example, impose—
 - (a) standards about time spent driving a motor vehicle; and
 - (b) requirements about monitoring, recording and reporting about time spent driving a motor vehicle; and
 - (c) requirements about using particular equipment or technology for managing fatigue; and
 - (d) requirements for training drivers and other duty holders about managing driver fatigue.

Part 3 Safety management plans

67Z Definition for part

In this part—

responsible duty holder, for a road-based public passenger service, means any of the following duty holders—

[s 38]

- (a) an operator of the service;
- (b) a booking service provider for the service;
- (c) a duty holder prescribed by regulation for this paragraph.

67ZA Meaning of *safety management plan*

- (1) A *safety management plan*, for a responsible duty holder, is a document that sets out a plan for—
 - (a) protecting the safety of persons who may be affected by activities carried out in the course of the provision of a road-based public passenger service; and
 - (b) ensuring the responsible duty holder meets the obligations under the safety duties that are imposed on the duty holder under this chapter.
- (2) In this section—
safety duty see section 67H.

67ZB Requirements for safety management plans

- (1) A safety management plan for a responsible duty holder must—
 - (a) identify and describe each hazard arising from the work carried out by the duty holder in providing the service; and
 - (b) assess the safety risks that might arise because of exposure to a hazard mentioned in paragraph (a); and
 - (c) outline the actions to be taken to eliminate the safety risks mentioned in paragraph (b), or, to the extent it is not reasonably

- practicable to eliminate the safety risks, minimise those risks; and
- (d) identify the person, or class of persons, responsible for taking the action mentioned in paragraph (c).
- (2) A safety management plan for a responsible duty holder must also comply with any requirements prescribed by regulation.
 - (3) Without limiting subsection (2), a regulation may prescribe requirements about the following—
 - (a) the form of a safety management plan;
 - (b) the accessibility of a safety management plan;
 - (c) the development or review of a safety management plan;
 - (d) consultation for the development or review of a safety management plan;
 - (e) the period for keeping a safety management plan;
 - (f) compliance with a stated code.
 - (4) In this section—
safety risk see section 67H.

67ZC Particular obligations about safety management plan

- (1) A responsible duty holder must have a safety management plan that complies with the requirements of section 67ZB.
Maximum penalty—
 - (a) for an individual—100 penalty units; or
 - (b) for a corporation—1,000 penalty units.
- (2) A responsible duty holder must ensure the duty

[s 38]

holder's safety management plan is implemented.

Maximum penalty—

- (a) for an individual—100 penalty units; or
 - (b) for a corporation—1,000 penalty units.
- (3) Subsection (4) applies to each duty holder for a road-based public passenger service.
- (4) The duty holder must, so far as is reasonably practicable, comply with any safety management plan to the extent the safety management plan applies to that duty holder.

Maximum penalty—

- (a) for an individual—100 penalty units; or
- (b) for a corporation—1,000 penalty units.

Part 4 Audits

67ZD Purpose of part

The purpose of this part is to allow the chief executive or an authorised person to carry out an audit of a duty holder for a road-based public passenger service for either or both of the following purposes—

- (a) to assess the duty holder's compliance with relevant transport legislation in relation to—
 - (i) providing the service; or
 - (ii) a motor vehicle used to provide the service;
- (b) to verify information given to the chief executive or the authorised person about the duty holder's business activities in relation to providing the service.

67ZE Audit notice

- (1) The chief executive or an authorised person may give a duty holder for a road-based public passenger service a written notice (an ***audit notice***) requiring the duty holder—
 - (a) to allow the chief executive or authorised person to carry out an audit, within the period stated in the notice, of the duty holder's business activities for a purpose mentioned in section 67ZD; and
 - (b) to cooperate with every reasonable requirement of the chief executive or authorised person for carrying out the audit.
- (2) An audit notice must state the following—
 - (a) the purpose of the audit;
 - (b) the period during which the audit is to be carried out;
 - (c) that a report of the audit will be given to the duty holder;
 - (d) other matters prescribed by regulation.
- (3) The chief executive may give a duty holder an audit notice as frequently as the chief executive reasonably requires for a purpose mentioned in section 67ZD.

67ZF Failure to comply with audit notice

A duty holder for a road-based public passenger service who is given an audit notice must comply with the notice unless the duty holder has a reasonable excuse.

Maximum penalty—160 penalty units.

67ZG Audit report

- (1) As soon as practicable after an audit is carried out, the chief executive must give a report about the audit to the duty holder for a road-based public passenger service whose business activities were audited.
- (2) An audit report must include the matters prescribed by regulation.

Part 5 Directions to comply

67ZH Direction to comply

- (1) This section applies if the chief executive or an authorised person is satisfied a duty holder for a road-based public passenger service has not complied with a provision of relevant transport legislation in relation to—
 - (a) providing a road-based public passenger service; or
 - (b) a motor vehicle used to provide a road-based public passenger service.
- (2) The chief executive or authorised person may give the duty holder a written direction to—
 - (a) if the duty holder's noncompliance exposes an individual to a risk of death or serious injury or illness—
 - (i) immediately comply with the provision of relevant transport legislation; and
 - (ii) take the action stated in the direction to remedy the noncompliance; or
 - (b) otherwise—comply with the provision of relevant transport legislation within the

period of not less than 5 business days stated in the direction.

- (3) A direction must—
 - (a) identify the noncompliance; and
 - (b) state that failure to comply with the direction, without a reasonable excuse, is an offence; and
 - (c) state the direction does not relieve the duty holder from the obligation to comply with another provision of relevant transport legislation.
- (4) The chief executive may, by written notice, extend the period for complying with a provision of relevant transport legislation for a direction given under subsection (2)(b).
- (5) The duty holder to whom a direction is given under subsection (2) must not contravene the direction unless the duty holder has a reasonable excuse.

Maximum penalty—

- (a) for contravention of a direction mentioned in subsection (2)(a)—320 penalty units; or
- (b) otherwise—160 penalty units.

39 Omission of ch 7, pt 3 (Safety duties)

Chapter 7, part 3—

omit.

40 Omission of ch 7, pt 5, div 2 (Audits)

Chapter 7, part 5, division 2—

omit.

[s 41]

41 Omission of ch 9 (Standards)

Chapter 9—

omit.

42 Amendment of s 120 (Entry of place)

(1) Section 120—

insert—

(ca) it is a place of business of a duty holder for a road-based public passenger service, other than a place of business to which paragraph (c) applies, and the entry is made when the place is open for the conduct of business or otherwise open for entry; or

(2) Section 120(d)—

omit, insert—

(d) it is a place of business of a duty holder for a road-based public passenger service to whom an audit notice has been given under section 67ZE and the authorised person reasonably believes it is necessary to enter the place to carry out the audit; or

(3) Section 120(ca) to (f)—

renumber as section 120(d) to (g).

43 Insertion of new ch 13, pt 21

After section 218—

insert—

Part 21

**Transitional provisions
for Transport and Other
Legislation
Amendment Act 2024**

219 Definitions for part

In this part—

amending Act means the *Transport and Other Legislation Amendment Act 2024*.

former, in relation to a provision, means as in force immediately before the commencement.

person in the chain of responsibility means a person in the chain of responsibility for a taxi service or booked hire service under former section 84(1).

relevant safety provision means a provision of relevant transport legislation relating to the safety of persons or property, including the safety of—

- (a) the drivers of, and passengers in, motor vehicles; and
- (b) persons or property in or in the vicinity of, or likely to be in or in the vicinity of, roads and public places, including other road users; and
- (c) vehicles and anything in them.

relevant transport legislation means the following legislation—

- (a) this Act;
- (b) the *Transport Operations (Road Use Management) Act 1995*;
- (c) the Heavy Vehicle National Law (Queensland);
- (d) the *Motor Accident Insurance Act 1994*.

transitional period means the period—

- (a) starting on the commencement; and
- (b) ending 6 months after the commencement.

220 Application of new ch 6A, pt 2 in relation to persons in the chain of responsibility

- (1) This section applies in relation to a person if—
 - (a) immediately before the commencement, the person was a person in the chain of responsibility; and
 - (b) on the commencement, the person becomes a duty holder for a road-based public passenger service that is of a type equivalent to the type of person in the chain of responsibility they were.
- (2) During the transitional period, the person is taken to comply with chapter 6A, part 2 if the person—
 - (a) continues as the type of duty holder mentioned in subsection (1)(b); and
 - (b) complies with former chapter 7, part 3 to the extent the provisions of that part applied to the person immediately before the commencement.

221 Application of new ch 6A, pt 2 in relation to persons, other than drivers, who were not persons in the chain of responsibility

- (1) This section applies in relation to a person if—
 - (a) immediately before the commencement, the person was involved in providing a public passenger service but was not a person in the chain of responsibility; and
 - (b) on the commencement, the person becomes a duty holder for a road-based public passenger service, other than a duty holder mentioned in section 67J(1)(c).
- (2) During the transitional period, the person is taken to comply with chapter 6A, part 2 if the person complies with a relevant safety provision that

applied to the person immediately before the commencement.

222 Application of new ch 6A, pt 2 in relation to drivers who were not persons in the chain of responsibility

- (1) This section applies in relation to a person (a *relevant driver*) if—
 - (a) immediately before the commencement, the person was not a person in the chain of responsibility; and
 - (b) on or after the commencement, the person becomes a duty holder for a road-based public passenger service as a driver of a motor vehicle for the service; and
 - (c) during the transitional period, the operator of the service is complying with a relevant safety provision under section 221(2).
- (2) While the operator is complying with a relevant safety provision under section 221(2), the relevant driver—
 - (a) must comply with a relevant safety provision that applied to a driver for a public passenger service immediately before the commencement; and
 - (b) is taken to comply with chapter 6A, part 2 only if the relevant driver complies with paragraph (a).

223 Safety management plans

During the transitional period, a duty holder to whom chapter 6A, part 3 applies is not required to comply with that part.

224 Proceedings for particular offences

- (1) This section applies in relation to an offence against a provision of former chapter 7, part 3 committed by a person before the commencement.
- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the amending Act had not commenced.
- (3) Subsection (2) applies despite the Criminal Code, section 11.

225 Existing audits

- (1) This section applies if—
 - (a) before the commencement, the chief executive started an audit under former chapter 7, part 5, division 2; and
 - (b) on the commencement, the audit has not been completed.
- (2) Former chapter 7, part 5, division 2 continues to apply in relation to the audit as if the amending Act had not been enacted.

226 Existing directions to comply

- (1) This section applies if, before the commencement, the chief executive or an authorised person has given a person a written direction under former section 91ZQ.
- (2) Former section 91ZQ continues to apply in relation to the direction as if the section had not been repealed by the amending Act.

227 Existing directions to comply with standards

- (1) This section applies if, before the commencement, the chief executive has given a person a written direction under former section 100 to comply with the standard.
- (2) Former section 100 continues to apply in relation to the direction as if the section had not been repealed by the amending Act.

44 Amendment of sch 2 (Reviewable decisions)

- (1) Schedule 2, entry for section 91ZQ(2)(b)—
omit.
- (2) Schedule 2—
insert—

67ZH(2)(b) giving a direction to comply with a provision of relevant transport legislation within a stated period

45 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *business practices*, *fatigue*, *person in the chain of responsibility*, *reasonably practicable*, *safety law*, *safety risk* and *standard*—
omit.
- (2) Schedule 3—
insert—

booking service provider, for a road-based public passenger service—

- (a) means a person who provides booking services for the service; and
- (b) includes an authorised booking entity.

duty holder, for a road-based public passenger service, see section 67J.

[s 45]

fatigue, for chapter 6A, part 2, see section 67H.

personalised transport service licence, for chapter 6A, part 2, see section 67H.

reasonably practicable, in relation to a duty to ensure safety, see section 67I.

registered operator, for chapter 6A, part 2, see section 67H.

responsible duty holder, for chapter 6A, part 3, see section 67Z.

road-based public passenger service means a public passenger service that is provided on a road but does not include a service that is—

- (a) provided using a light rail vehicle; or
- (b) provided by a volunteer association.

safety duty, for chapter 6A, part 2, see section 67H.

safety law, for chapter 6A, part 2, see section 67H.

safety management plan see section 67ZA.

safety risk, for chapter 6A, part 2, see section 67H.

volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).

volunteer association means a group of volunteers working together for 1 or more community purposes where none of the volunteers, whether alone or jointly with any other volunteers, employs any person to carry out work for the volunteer association.

- (3) Schedule 3, definition *relevant transport legislation*, before paragraph (a)—

insert—

(aa) for chapter 6A, see section 67G; or

Part 9 Amendment of Transport Operations (Road Use Management) Act 1995

46 Act amended

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

47 Amendment of s 19D (Definitions for part)

- (1) Section 19D, definitions *Advertising Standards Bureau* and *board*—

omit.

- (2) Section 19D—

insert—

advertising standards entity means the entity, prescribed by regulation, that manages the process for resolving complaints about advertising as part of the self-regulation of advertising.

48 Amendment of s 19E (Application of division)

- (1) Section 19E(1)(a), ‘board’—

omit, insert—

community panel

- (2) Section 19E(1)(b), ‘Advertising Standards Bureau’—

omit, insert—

advertising standards entity

- (3) Section 19E(3), ‘board’—

[s 49]

omit, insert—

community panel

(4) Section 19E—

insert—

(4) In this section—

community panel means the entity, prescribed by regulation, that—

- (a) is appointed by the advertising standards entity; and
- (b) has the function of considering complaints about advertising made by members of the public to determine whether the advertising breaches the advertising code.

49 Amendment of s 19F (Registration cancellation notice)

(1) Section 19F(1), ‘a notice’—

omit, insert—

a written notice

(2) Section 19F(1)(a) and (b), ‘Advertising Standards Bureau’—

omit, insert—

advertising standards entity

(3) Section 19F(3), ‘notice’—

omit, insert—

written notice

50 Amendment of s 19G (Advertising Standards Bureau withdraws advertising code breach notice)

(1) Section 19G, heading, ‘Advertising Standards Bureau’—

omit, insert—

Advertising standards entity

- (2) Section 19G(1)(b), ‘Advertising Standards Bureau’—
omit, insert—
advertising standards entity

51 Amendment of s 19H (Cancellation of registration)

- (1) Section 19H(1), ‘Advertising Standards Bureau’—
omit, insert—
advertising standards entity
- (2) Section 19H(1), ‘a notice’—
omit, insert—
a written notice

52 Amendment of s 20 (Appointment of authorised officers)

Section 20(2)—
insert—

- (aa) an employee of the National Heavy Vehicle Regulator;

53 Amendment of s 77 (Restricted written or electronic release of person’s prescribed authority and traffic history information)

- (1) Section 77(5), from ‘to circumstances’—
omit, insert—
to—
- (a) circumstances similar to those mentioned in subsection (1); or
- (b) releasing, to the National Heavy Vehicle Regulator, the Queensland driver licence information it requires to exercise its

[s 54]

functions under the Heavy Vehicle National Law (Queensland).

(2) Section 77(7)—

insert—

Queensland driver licence information means information about a Queensland driver licence recorded in a register kept by the chief executive under this Act.

54 Amendment of s 84 (Dangerous driving of vehicles (other than motor vehicles) etc.)

Section 84, heading, ‘etc.’—

omit, insert—

, trams, trains or animals on roads

55 Insertion of new s 84AA

After section 84—

insert—

84AA Driving particular vehicles without due care and attention on road-related areas

A person who drives a bicycle or personal mobility device on a road-related area without due care and attention or without reasonable consideration for another person using the road-related area is guilty of an offence.

Maximum penalty—40 penalty units.

56 Amendment of ch 5, pt 4, hdg (Road incidents)

Chapter 5, part 4, heading, ‘Road incidents’—

omit, insert—

Incidents on roads and other areas

57 Amendment of s 92 (Duties and liabilities of drivers involved in road incidents)

- (1) Section 92, heading, ‘road incidents’—

omit, insert—

incidents resulting in injury or death

- (2) Section 92(1), ‘any’—

omit, insert—

a

- (3) Section 92(1), ‘road’—

omit, insert—

road or road-related area

- (4) Section 92(1), ‘shall’—

omit, insert—

must

- (5) Section 92(6), ‘thereof’—

omit, insert—

of the incident

- (6) Section 92(7), from ‘upon a conviction’ to ‘upon indictment, be’—

omit, insert—

if a person is convicted of an offence against subsection (1) in relation to an incident and a court subsequently convicts the person on indictment for another offence relating to the incident, the court may, in addition to any sentence the court may impose for the subsequent conviction, order that, from the day of the subsequent conviction, the offender is

[s 58]

58 Amendment of s 93 (Duties of a driver involved in a crash—stopping and providing information)

- (1) Section 93, heading, ‘a driver involved in a crash’—

omit, insert—

drivers involved in crashes

- (2) Section 93(1), ‘a road-related’—

omit, insert—

road-related

- (3) Section 93(4), from ‘The driver’ to ‘Police Service’—

omit, insert—

Also, the driver must, within the required time,
give the driver’s required particulars to a police
officer

- (4) Section 93—

insert—

- (4A) Subsection (2) does not apply if the driver—

- (a) reasonably believes stopping and giving the driver’s required particulars to a person under the subsection would be likely to expose the driver or someone else to harm; and

Examples for paragraph (a)—

- the driver, who has experienced domestic violence from a person, reasonably believes that stopping and giving the required particulars to the person would be likely to expose the driver to emotional, financial or physical harm from the person
- the driver, who is a child, reasonably believes that stopping and giving the required particulars to an adult who is unknown to the child would be likely to expose the child to emotional or physical harm from the adult

- (b) gives the driver's required particulars to a police officer under subsection (4).
- (5) Section 93(5), definition *driver*, paragraph (b), after 'bicycle'—
insert—
or personal mobility device
- (6) Section 93(5), definition *vehicle*, paragraph (e)—
omit.
- (7) Section 93(4A) and (5)—
renumber as section 93(5) and (6).

59 Amendment of s 94 (Scheme to facilitate supply of information as to road incidents)

- (1) Section 94, heading, 'as to road incidents'—
omit, insert—
relating to incidents
- (2) Section 94(1), 'road'—
omit, insert—
road or road-related area

60 Amendment of s 113 (Definitions for div 2)

Section 113, definition *unregistered or uninsured offence*—
omit.

61 Amendment of s 114 (Offences detected by photographic detection device)

Section 114(10)—
insert—

unregistered or uninsured offence means a

[s 62]

camera-detected offence that involves a person driving or otherwise using, or permitting someone else to drive or otherwise use, a vehicle that—

- (a) is not registered as required by a regulation under this Act; or
- (b) is not insured as required by the *Motor Accident Insurance Act 1994*.

62 **Amendment of s 120E (Photographic or video evidence of mobile phone use)**

- (1) Section 120E, heading, ‘mobile phone use’—
omit, insert—

matter relating to driver distraction offence

- (2) Section 120E(1)—
omit, insert—

- (1) This section applies to a proceeding for a prescribed offence that is a driver distraction offence if, under section 120, the prosecution intends to rely on an image or video made by a photographic detection device as evidence of a matter in relation to the offence.

- (3) Section 120E(3)—
omit, insert—

- (3) In this section—

driver distraction offence means an offence that—

- (a) is prescribed by regulation to be a driver distraction offence; and
 - (b) involves—
 - (i) the use of a mobile phone by a person in a vehicle; or

- (ii) the use, operation or holding of an electronic device by, or the resting of an electronic device on, a person in a vehicle.

electronic device, in relation to a driver distraction offence, has the meaning it has for the offence.

mobile phone, in relation to a driver distraction offence, has the meaning it has for the offence.

operation, in relation to an electronic device, in relation to a driver distraction offence, has the meaning it has for the offence.

use, in relation to an electronic device or mobile phone, in relation to a driver distraction offence, has the meaning it has for the offence.

63 Amendment of s 150AA (Regulating young drivers)

Section 150AA(1)(i)—

omit, insert—

- (i) the use, operation or holding of mobile phones and other electronic devices by, or the resting of mobile phones and other electronic devices on, persons in vehicles driven by young drivers;

64 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *Advertising Standards Bureau*, *board*, *motorised scooter* and *unregistered or uninsured offence*—

omit.

- (2) Schedule 4—

insert—

advertising standards entity, for chapter 3, part 1B, see section 19D.

[s 64]

camera-detected offence, for chapter 5, part 7, division 2, see section 113.

corresponding transport law, for chapter 5, part 7, division 2, see section 113.

low powered toy scooter means a scooter that—

- (a) is propelled by 1 or more electric motors; and
- (b) complies with the requirements stated in definition *scooter*, paragraph (e).

National Heavy Vehicle Regulator means the National Heavy Vehicle Regulator established under the Heavy Vehicle National Law (Queensland), section 656.

person in charge, of a vehicle, for chapter 5, part 7, division 2, see section 113.

prescribed offence, for chapter 5, part 7, division 2, see section 113.

responsible operator, for chapter 5, part 7, division 2, see section 113.

- (3) Schedule 4, definition *motor vehicle*, paragraph (b), from ‘motorised mobility’ to ‘scooter’—

omit, insert—

low powered toy scooter, a motorised mobility device

- (4) Schedule 4, definition *wheeled recreational device*, paragraph (b), ‘motorised scooter’—

omit, insert—

low powered toy scooter

- (5) Schedule 4, definition *wheeled toy*, ‘motorised scooter’—

omit, insert—

low powered toy scooter

Part 10 Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009

65 Regulation amended

This part amends the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.

66 Amendment of s 15A (Personal mobility devices—Act, sch 4)

Section 15A(e)(i), ‘motorised scooter’—

omit, insert—

low powered toy scooter

67 Amendment of s 244B (Wearing of helmets by users of motorised scooters)

(1) Section 244B, heading, ‘motorised scooters’—

omit, insert—

low powered toy scooters

(2) Section 244B(1), ‘motorised scooter’—

omit, insert—

low powered toy scooter

68 Insertion of new s 353ABA

After section 353AB—

insert—

353ABA Driver distraction offence—Act, s 120E

For section 120E(3) of the Act, definition *driver*

distraction offence, paragraph (a), an offence against section 300 is prescribed to be a driver distraction offence.

Part 11 Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021

69 Regulation amended

This part amends the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*.

70 Insertion of new s 60A

After section 60—

insert—

60A Entities prescribed—Act, ss 19D and 19E

- (1) For section 19D of the Act, definition *advertising standards entity*, Ad Standards ABN 54 003 179 673 is prescribed.
- (2) For section 19E(4) of the Act, definition *community panel*, the Ad Standards Community Panel is prescribed.

Part 12 Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021

71 Regulation amended

This part amends the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*.

72 Amendment of sch 1, s 33 (Horns, alarms etc.)

(1) Schedule 1, section 33(3)—

insert—

(fa) a vehicle used by the National Heavy Vehicle Regulator for enforcement of the Heavy Vehicle National Law;

(2) Schedule 1, section 33(3)(fa) and (g)—

renumber as section 33(3)(g) and (h).

73 Amendment of sch 1, s 114 (Other lights and reflectors)

Schedule 1, section 114(6), definition *exempt vehicle*—

insert—

(f) a vehicle used by the National Heavy Vehicle Regulator for enforcement of the Heavy Vehicle National Law.

[s 74]

Part 13 Amendment of Transport Planning and Coordination Act 1994

74 Act amended

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

75 Amendment of s 29AB (Definitions for part)

(1) Section 29AB—

insert—

recognised country means a country or other jurisdiction—

- (a) approved by the chief executive; and
- (b) stated in a notice published on the whole-of-government website to be a recognised country or jurisdiction.

recognised country authority means an authority that—

- (a) is issued under a law of a recognised country; and
- (b) complies with the standard prescribed by regulation.

whole-of-government website means—

- (a) www.qld.gov.au; or
- (b) another website prescribed by regulation.

(2) Section 29AB, definition *relevant Act*, ‘a law of Queensland’—

omit, insert—

an Act

- (3) Section 29AB, definition *relevant authority*, paragraph (a),
'and'—

omit, insert—

or

- (4) Section 29AB, definition *relevant authority*—
insert—

(c) a recognised country authority.

76 Amendment of s 29AC (Meaning of *digital authority*)

- (1) Section 29AC(a), after 'corresponding authority'—
insert—

or a recognised country authority

- (2) Section 29AC(b), after 'corresponding authority'—
insert—

, or a recognised country authority,

77 Amendment of sch 1 (Dictionary)

- (1) Schedule 1—

insert—

recognised country, for part 4E, see section 29AB.

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

whole-of-government website, for part 4E, see section 29AB.

- (2) Schedule 1, definition *relevant Act*, before 'see'—
insert—

, for part 4E,

- (3) Schedule 1, definition *relevant authority*, before 'see'—

[s 78]

insert—

, for part 4E,

Part 14 Amendment of Transport Planning and Coordination Regulation 2017

78 Regulation amended

This part amends the *Transport Planning and Coordination Regulation 2017*.

79 Insertion of new s 11AA

After section 11A—

insert—

11AA Standard for recognised country authority—Act, s 29AB

- (1) For section 29AB of the Act, definition *recognised country authority*, paragraph (b), ISO/IEC 18013-5 is prescribed.
- (2) In this section—

ISO/IEC 18013-5 means the standard titled ‘ISO/IEC 18013-5 (Personal identification—ISO-compliant driving licence—part 5: mobile driving licence (mDL) application)’, as in force from time to time, published jointly by the International Organization for Standardization and the International Electrotechnical Commission.

Part 15 Other amendments

80 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 80

Rural and Regional Adjustment Regulation 2011

- 1 **Schedule 42, section 5(2)(b), ‘motorised scooter’—**
 omit, insert—
 low powered toy scooter
- 2 **Schedule 42, section 5(3), definition *motorised scooter*—**
 omit.
- 3 **Schedule 42, section 5(3)—**
 insert—
 low powered toy scooter see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

Transport Infrastructure Act 1994

- 1 **Section 35(2)—**
 omit.
- 2 **Section 35(3) and (4)—**
 renumber as section 35(2) and (3).

3 Section 36(1)(a)(i), ‘35(3)’—

omit, insert—

35(2)

4 Section 36(7), definition *land management activity*, ‘35(4)’—

omit, insert—

35(3)

5 Section 39(4)—

omit.

6 Section 167(4)—

omit.

7 Section 306(3)—

omit.

8 Schedule 6, definition *wild river area*—

omit.

9 Schedule 6—

insert—

online nomination facility—

- (a) for chapter 6, part 7, division 3—see section 97; or
- (b) for chapter 6, part 8, division 6, subdivision 3—see section 105ZF.