

Criminal Code (Dangerous Driving) and Other Legislation Amendment Bill 2026

Explanatory Notes

FOR

Amendments to be moved during consideration in detail by the Honourable Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity

Title of the Bill

Criminal Code (Dangerous Driving) and Other Legislation Amendment Bill 2026

Objectives of the amendments

The objectives of the amendments to be moved during consideration in detail of the Criminal Code (Dangerous Driving) and Other Legislation Amendment Bill 2026 (the Bill) are to address interactions between the Bill and the Transport and Other Legislation Amendment Bill 2026 (Transport Bill).

The Bill sets out a new offence framework for dangerously driving, operating, and interfering with motor vehicles and non-motor vehicles. The offences for dangerously driving a motor vehicle are aggravated if the offender has, in the past five years, been previously convicted of a drink or drug driving offence involving a motor vehicle under the *Transport Operations (Road Use Management) Act 1995* (TORUM Act). Additionally, if an offender has been previously convicted more than once of a drink or drug driving offence involving a motor vehicle, the court must impose imprisonment as the punishment. Similarly, the offences for dangerously operating a non-motor vehicle are aggravated if the offender has, in the past five years, been previously convicted of a drink or drug driving offence involving a non-motor vehicle under the TORUM Act.

The Transport Bill creates a new combined offence for when a person commits a drink driving and a drug driving offence at the same time. The objective of the amendments to be moved during consideration in detail is to include the new combined drink and drug driving offence in the list of offences that aggravate the offences for dangerously driving a motor vehicle and dangerously operating a non-motor vehicle and that result in the court being required to impose imprisonment as the sentence for dangerously driving a motor vehicle.

Additionally, the Bill and the Transport Bill both amend sections 79 and 86 of the TORUM Act. Technical amendments are required to ensure the policy intent of the amendments in both Bills is achieved.

Achievement of the objectives

The amendments to be moved during consideration in detail will achieve the policy objectives by amending the new offence framework introduced by the Bill to include new section 79(2AB) of the TORUM Act in the list of prescribed drink and drug driving offences in sections 334I(4)(d)(iv), 334I(5)(b)(iii) and 334K(4)(c)(iii) of the Criminal Code.

This will ensure the dangerously driving a motor vehicle offences are aggravated if the offender has been previously convicted of a combined drink and drug driving offence involving a motor vehicle in the past five years, and require the court to impose imprisonment as the punishment for dangerous driving if the offender has been previously convicted more than once of a combined drink and drug driving offence involving a motor vehicle. The amendments will also ensure the dangerously operating non-motor vehicle offences are aggravated if the offender has been previously convicted of a combined drink and drug driving offence involving a non-motor vehicle in the past five years.

Additional amendments will amend clause 28(2) and (7) and clause 31 of the Bill to accommodate the amendments made by the Transport Bill to section 79(1B) and (2H) and section 86(2E) of the TORUM Act.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Estimated cost for government implementation

The Bill is not expected to present any significant additional administrative or capital costs for government.

Consistency with fundamental legislative principles

The amendments have been drafted having regard to the fundamental legislative principles (FLPs) in the *Legislative Standards Act 1992* and are consistent with FLPs.

Consultation

As the amendments to address interactions between the Bill and the Transport Bill are clarifying and technical in nature no consultation was undertaken on the amendments.

Notes on provisions

Amendment 1 amends clause 6 (Insertion of new pt 5, ch 29B) of the Bill by inserting “(2AB)” at page 12, line 35.

Amendment 2 amends clause 6 (Insertion of new pt 5, ch 29B) of the Bill by inserting “(2AB)” at page 14, line 15.

Amendment 3 amends clause 6 (Insertion of new pt 5, ch 29B) of the Bill by inserting “(2AB)” at page 17, line 7.

Amendment 4 amends clause 28 (Amendment of s 79 (Vehicle offences involving liquor or other drugs)) of the Bill by omitting “liable to a maximum penalty of 72 penalty units or 18 months imprisonment” at page 35, lines 14 and 15 and inserting:

“liable—

- (c) to a minimum penalty, for the purposes of section 78E, of 16 penalty units; and
- (d) to a maximum penalty of—
 - (i) 72 penalty units; or
 - (ii) 18 months imprisonment.”

Amendment 5 amends clause 28 (Amendment of s 79 (Vehicle offences involving liquor or other drugs)) of the Bill by omitting “liable for the offence to a maximum penalty of 42 penalty units or 1 year’s imprisonment.” at page 36, lines 26 to 28, and inserting:

“liable—

- (d) to a minimum penalty, for the purposes of section 78E, of—
 - (i) for an offence against subsection (2AB)—15.5 penalty units; or
 - (ii) for another offence—15 penalty units; and
- (e) to a maximum penalty of—
 - (i) for an offence against subsection (2AB)—47 penalty units; or
 - (ii) for another offence—42 penalty units; or
 - (iii) 1 year’s imprisonment.”

Amendment 6 amends clause 31 (Amendment of s 86 (Disqualification of drivers of motor vehicles for certain offences)) of the Bill by omitting “to ‘section 328A,” at page 40, lines 11 and 12.

Amendment 7 amends clause 31 (Amendment of s 86 (Disqualification of drivers of motor vehicles for certain offences)) of the Bill by inserting the following at page 40, after line 23:

“the person is disqualified by the conviction and without any specific order from holding or obtaining a Queensland driver licence—

- (d) if the conviction is under section 79(2AB)—for a period of 10 months from the date of the conviction; or
- (e) otherwise—for a period of 9 months from the date of the conviction.”