

Transport and Other Legislation Amendment Bill 2026

Amendments during consideration in detail to be moved by
The Honourable the Minister for Transport and Main Roads

1 After clause 65

Page 44, after line 14—

insert—

65A Amendment of s 124 (Facilitation of proof)

Section 124(3), ‘section 123K’—

omit, insert—

section 123Q

2 Clause 67 (Insertion of new ch 7, pt 28)

Page 47, after line 8—

insert—

249A Existing approved testing entities

An entity that, immediately before the commencement, was approved under a regulation to conduct calibration testing of a photographic detection device is, on the commencement, taken to be approved, and to have always been approved, to conduct calibration testing of a speed measuring component for a photographic detection device for the purposes of this Act.

3 Clause 70 (Amendment of s 79 (Vehicle offences involving liquor or other drugs))

Page 50, line 1, ‘(c)’—

omit, insert—

(a)

4 Clause 70 (Amendment of s 79 (Vehicle offences involving liquor or other drugs))

Page 50, line 3, '(d)'—

omit, insert—

(b)

5 Clause 70 (Amendment of s 79 (Vehicle offences involving liquor or other drugs))

Page 56, line 14, '*omit,*'—

omit.

6 Clause 84 (Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests))

Page 66, line 21, ', (15F)(b) and (22)(b)'—

omit, insert—

and (15F)(b)

7 Clause 84 (Amendment of s 80 (Breath and saliva tests, and analysis and laboratory tests))

Page 73, line 5, "breath,"—

omit, insert—

from 'breath,'

8 Clause 93 (Amendment of s 123P (Evidence about analysing instruments))

Page 81, after line 14—

insert—

(ab) an offence against the Criminal Code,
section 334I or 334K; or

9 Clause 96 (Amendment of s 150 (Regulating driver management))

Page 82, line 30, after ‘executive’—

insert—

or a court

10 Clause 96 (Amendment of s 150 (Regulating driver management))

Page 83, line 31, ‘licences.’—

omit, insert—

licences; and

11 Clause 96 (Amendment of s 150 (Regulating driver management))

Page 83, after line 31—

insert—

(k) the power of, and procedure for, a court—

(i) to review, including by way of merits review, decisions of the chief executive in relation to applications for the grant of permits and restrictions applied to licences; and

(ii) to grant permits.

12 Clause 99 (Amendment of sch 4 (Dictionary))

Page 86, lines 26 to 31—

omit, insert—

section 334I, if the offence—

(i) is committed with a circumstance of aggravation stated in section 334I(4)(a)(i) of that Code while the offender is under the influence of a drug; or

- (ii) is committed with a circumstance of aggravation stated in section 334I(4)(a)(iii) of that Code.

13 Clause 130 (Insertion of new ch 10A)

Page 105, line 22, ‘section 328A’—

omit, insert—

section 334I

14 Clause 131 (Amendment of ch 14, hdg (Making applications, giving incapacity notices and reconsideration of decisions))

Page 119, line 5, ‘appealing’—

omit, insert—

reviewing

15 Clause 133 (Amendment of s 388 (Reconsiderations of decisions))

Page 120, lines 15 to 17—

omit, insert—

- (c) that the person has a right to apply to a court for a review of the decision under section 389C;

16 Clause 133 (Amendment of s 388 (Reconsiderations of decisions))

Page 120, line 19, ‘appeal’—

omit, insert—

apply for a review of the decision

17 Clause 134 (Insertion of new ch 14, pt 3)

Page 121, line 1, ‘Appealing’—

omit, insert—

Reviewing

18 Clause 134 (Insertion of new ch 14, pt 3)

Page 121, line 24, ‘appeal’—

omit, insert—

review

19 Clause 134 (Insertion of new ch 14, pt 3)

Page 121, lines 25 and 26—

omit, insert—

- (1) The person may apply to a relevant court for a review of the reconsidered decision.

20 Clause 134 (Insertion of new ch 14, pt 3)

Page 121, line 27, ‘appeal’—

omit, insert—

review of the reconsidered decision

21 Clause 134 (Insertion of new ch 14, pt 3)

Page 121, line 28, ‘a notice of appeal’—

omit, insert—

an application for review and any affidavit made under subsection (6)

22 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, lines 1 to 9—

omit, insert—

- (b) serving a copy of the application and any affidavit made under subsection (6) on the chief executive—
 - (i) if the day of the hearing is more than 14 days after the application is filed—at least 14 days before the day of the hearing; or
 - (ii) if the day of the hearing is 14 days or less after the application is filed—as soon as possible before the day of the hearing; and

23 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, line 11, ‘appeal’—

omit, insert—

review

24 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, line 12, ‘notice of appeal’—

omit, insert—

application for review

25 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, line 16, ‘notice of appeal’—

omit, insert—

application for review

26 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, line 17, ‘notice of appeal’—

omit, insert—

application for review

27 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, line 18, ‘of the appeal’—

omit, insert—

for the review

28 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, after line 18—

insert—

- (6) Without limiting section 389D(3), the applicant may file an affidavit with the court in support of the application outlining any changes in the applicant’s circumstances, or in the circumstances affecting the applicant, since the applicant gave the chief executive a statutory declaration under section 328H(3) or (4) or 328O.
- (7) The chief executive must, before the day of the hearing, file copies of the following documents—
 - (a) the applicant’s application for a severe hardship permit;
 - (b) any statutory declaration given by the applicant to the chief executive under section 328H(3) or (4) or 328O and any other document given by the applicant to the chief executive in relation to the application;
 - (c) the applicant’s traffic history, to the extent the traffic history is available to the chief executive;
 - (d) the information notice for a decision to grant or refuse to grant a severe hardship permit given to the applicant under section 328J(3);
 - (e) the applicant’s application under section 387 for the reconsideration of the original

decision mentioned in paragraph (d) and any documents given to the chief executive in relation to the application;

- (f) the written notice for the reconsidered decision given to the applicant under section 388(1)(c);
- (g) any other document the chief executive considered was relevant at the time of making the reconsidered decision.

29 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, after line 18—

insert—

389CA Making of application for review does not stay suspension or reconsidered decision

The filing of an application for review under this part does not stay—

- (a) the suspension of the applicant's open licence or provisional licence under the original decision; or
- (b) the operation of the reconsidered decision.

30 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, line 20, 'appeal'—

omit, insert—

review

31 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, line 23, after 'evidence'—

insert—

, but may inform itself in any way it considers appropriate

32 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, after line 24—

insert—

- (1A) If the application relates only to restrictions stated in a severe hardship permit, the court is not required, unless it is necessary for deciding the application, to reconsider whether the severe hardship permit the subject of the application should have been granted.

33 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, line 25, ‘appeal is’—

omit, insert—

application for review is heard

34 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, line 29, ‘on the appeal’—

omit, insert—

in the hearing of the application for review

35 Clause 134 (Insertion of new ch 14, pt 3)

Page 122, lines 30 to 32—

omit, insert—

- (4) If required by the court hearing the application for review, the applicant must attend as a witness to give evidence in relation to a matter relevant to the application.
- (4A) Also, other persons may be called as witnesses to give evidence in relation to a matter relevant to the application.
- (4B) The applicant or another witness may be cross-examined in relation to the evidence.

- (4C) The chief executive is a party to the application for review.
- (4D) The court may, if it considers it necessary, require the chief executive to—
 - (a) give further evidence by affidavit, orally or in another form; or
 - (b) make a further submission in relation to the application orally or in another form.
- (4E) However, unless the court requires the chief executive to give evidence, or make a submission, orally under subsection (4D), the chief executive is not required to appear at the hearing of the application.
- (4F) The court may, if appropriate, conduct all or a part of the hearing entirely on the basis of documents, without the parties, their representatives or witnesses appearing at the hearing.

36 Clause 134 (Insertion of new ch 14, pt 3)

Page 123, line 19, ‘appeal’—

omit, insert—

application for review

37 Clause 134 (Insertion of new ch 14, pt 3)

Page 123, lines 21 and 22, from ‘the substituted’ to ‘executive, and’—

omit.

38 Clause 134 (Insertion of new ch 14, pt 3)

Page 123, line 25, ‘or appeal’—

omit.

39 Clause 134 (Insertion of new ch 14, pt 3)

Page 124, after line 1—

insert—

389G Costs

The parties to an application for review must pay their own costs of the proceeding.

389H Evidentiary provision

In a hearing of an application for review under this part, a copy of any material used by the chief executive to make a reconsidered decision that is produced on behalf of the chief executive is admissible in evidence as if it were the original material.

40 Clause 140 (Amendment of sch 9 (Dictionary))

Page 128, lines 8 and 9, from ‘appeal’ to ‘against’—

omit, insert—

apply to a Magistrates Court for a review of

41 After clause 155

Page 136, after line 8—

insert—

155A Amendment of sch 1 (Dictionary)

Schedule 1, definition *take*, after ‘signature’—

insert—

of a person

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