

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

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Committee Secretariat
State Development, Infrastructure and Works Committee
Parliament House
George Street
Brisbane 4000 QLD

By email: SDIWC@parliament.qld.gov.au

Dear Committee Secretary

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

The Queensland Law Society (**Society**) appreciates the opportunity to provide a submission on the Criminal Code (Dangerous Driving) and Other Legislation Amendment Bill 2026 (**the Bill**). We also appreciate the extension of time for the provision of this submission. However, owing to the constrained timeframe and the availability of our volunteer committee members, we note that the views expressed herein are not intended to be exhaustive.

The Society acknowledges the genuine road safety concerns that have prompted this legislation and recognises the profound harm that dangerous driving causes to Queensland families and communities. Road trauma is a serious public issue, and the Society supports measures that are well-targeted, proportionate and effective in reducing it.

QLS is the peak professional body for the State's legal practitioners. We represent and promote over 14,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

This submission has been prepared with the assistance of the Society's Criminal Law Committee.

In the time available, our comments are limited to those aspects outlined below.

Proposed new dangerous driving offence framework

The Bill repeals sections 328A and 328B in the Criminal Code and replaces them with a new dangerous driving offence framework. The new framework separates offending involving motor vehicles and non-motor vehicles and creates categories of offending within those based on culpability of conduct and harm caused.

The Bill substantially increases the factual and legal issues that may require jury determination. The restructuring of dangerous driving offences has the potential to increase the factual and legal complexity of contested criminal proceedings, and by extension the burden placed on juries.

Where the existing offence under section 328A requires a jury to make a holistic assessment of whether the manner of driving was objectively dangerous, the proposed new offence framework requires juries to undertake a more granular and multi-staged process of reasoning including in relation to whether the alleged offender drove in a manner dangerous to the public. The new offences in Chapter 29B will require a jury to distinguish between multiple offences, apply a new statutory definition of 'dangerously', determine one or more aggravating circumstances, and separately consider causation. Each of these steps introduces additional technical legal questions upon which a trial judge must accurately and comprehensively direct, and that a jury must correctly apply.

The Society is concerned that this increased complexity is likely to lengthen and complicate summings-up, extend jury deliberations times, and where directions on any one of these composite elements are perceived as inadequate, generate a heightened risk of appeals founded on misdirection.

We also note a further drafting concern arises from the use of '*at any place*' in defining the new operating a non-motor vehicle dangerously offence. The Explanatory Notes state that the new framework separates offending involving motor vehicles from offending involving non-motor vehicles (i.e. bicycles, skateboards) to recognise the particular challenges of road safety and the different risks and culpability associated with conduct involving motor vehicles and non-motor vehicles. However, on its plain wording, an offence expressed to apply '*at any place*' is not confined to roads, footpaths or other public places, and may be broad enough to capture conduct occurring in a private setting (for example, children riding bikes or skateboards in their own yard). As such, we recommend the words '*at any place*' are replaced with '*at a public space*'.

Increase in maximum penalty

The Bill increases the maximum penalty to 25 years for the new offence involving the dangerous operation of a motor vehicle. The Society does not support an increase in maximum penalty for this offence.

There are drawbacks to increasing the maximum penalty. The motivation to defend a charge with a higher penalty will be greater and so the charge is more likely to be resisted. We consider alternative legal measures such as consideration of circumstances of aggravation are more appropriate to reflect the detrimental impact of such behaviour at sentencing.

Expansion of aggravating circumstances to include licence disqualification or suspension

The Bill expands the circumstances of aggravation in relation to the new driving motor vehicles dangerously offence to include driving when disqualified from holding or obtaining a licence or driving with a suspended licence.

The Society does not support the inclusion of driving whilst unlicensed, disqualified or suspended as an aggravating circumstance.

A person's licencing status, while relevant to culpability in a very general sense, does not itself bear on whether the manner of driving was dangerous. Licences can be suspended, disqualified or not held for a range of reasons other than unlawful driving, including for example because of not paying a fine. Treating a disqualified or suspended licence as a circumstance that elevates a dangerous driving offence to the aggravated category, with a substantially higher penalty of 25 years imprisonment, conflates administrative non-compliance with dangerous driving behaviour.

If amendments are to be considered, amendments should be limited to aggravating factors that relate to the dangerous manner of driving. In this regard, it is our view that the current circumstances of aggravation are appropriate.

Mandatory imprisonment

New section 334I (5) in the Bill will require a court to impose a sentence of imprisonment if a person has a previous conviction for certain prescribed offences, if convicted of the new driving motor vehicle dangerously offence.

The Society does not support mandatory minimum imprisonment, and we repeat our comments above in relation to the importance of sentencing discretion.

New section 334M Licence disqualification if commission of offence involves driving motor vehicle

The Society does not support mandatory driver licence disqualifications and considers the current licence disqualification scheme to be appropriate.

In our view, a lengthy driver licence disqualification can have a significant impact on all aspects of a person's life, including negative impacts on their employment and family life. These consequences often undermine rehabilitation, and mandatory disqualification may therefore increase the broader social burden of such offending.

We submit that it is essential a discretion be maintained as to driver licence disqualification. We consider a more worthwhile initiative is a mandatory provision for driver education to be completed at an approved institution.

Amendment to Chapter 58A – Summary disposition

The Society does not support the amendment to chapter 58A of the Criminal Code that provides that the following offences are to be decided summarily at the prosecution's election:

- Dangerously driving, with or without a circumstance of aggravation
- Dangerously interfering with driving, with or without a circumstance of aggravation
- Dangerously operating a non-motor vehicle with a circumstance of aggravation; and
- Dangerously interfering with operating a non-motor vehicle with a circumstance of aggravation.

Under the existing provisions an offence against s328A (1) a defendant must be dealt with summarily as the penalty is three years imprisonment, but for those against s328A (2) it is the defence's election as to whether to seek a trial on indictment.

Removal of s 552B(1)(g) changes this approach by removing the defence election. Dangerous driving is an offence that inherently applies community standards and is an offence that a defendant should be entitled to elect to have a jury apply their judgment to this issue.

In the Society's view, mandatory summary disposition for the new dangerous operating and interfering with driving a motor vehicle offences should not be removed and the defence election should be retained.

In our members' experience, prosecution will generally elect to have these matters dealt with summarily and we therefore query the desired impact of the increase in penalties for these new offences.

Restorative justice

The Society supports the principles of restorative justice and would encourage consideration of ways that restorative justice could be incorporated into the process of dealing with offending involving dangerous driving, where appropriate.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [REDACTED] or by phone on [REDACTED]

Yours faithfully



Peter Jolly
President