

Departmental Brief on the Transport and Other Legislation Amendment Bill 2026

Prepared for the State Development, Infrastructure and Works Committee
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1 Purpose

This brief provides information to support the State Development, Infrastructure and Works Committee with its examination of the Transport and Other Legislation Amendment Bill 2026 (the Bill).

2 Background

Road safety in Queensland remains a serious challenge, with crashes causing significant harm and economic costs estimated at \$9 billion annually. Fatalities and serious injuries continue to rise.

The Bill aims to address the risk factors and target dangerous driving behaviour by amending transport legislation to:

- create combined offences for when a person commits both a drink and drug driving offence at the same time
- streamline the roadside drug testing process
- require drug driving offenders to complete an education program before being eligible to regain a Queensland driver licence
- increase the maximum penalty for the offence of driving while a relevant drug is present in a person's blood or saliva
- introduce minimum court-imposed fines for drink and drug driving offences
- introduce the ability to nominate a passenger for a seatbelt offence detected by a camera
- remove demerit points for seatbelt offences involving passengers, and
- enable immediate licence suspensions for high range speeding offences detected at the roadside.

The Bill also includes amendments to facilitate the timely and cost-effective procurement and delivery of The Wave Stage 3 passenger transport services.

There are also several minor and technical amendments in the Bill that will support more efficient implementation and enforcement of transport legislation. It includes amendments to:

- improve the operational process for administrative disqualifications for low range drink driving offences

- address a technical issue related to the use of evidentiary certificates for the calibration of speed cameras
- protect people's personal information from being released to the operators of private car parks for parking enforcement
- streamline the process for private car park owners to partner with local government to enforce parking in their local government area
- simplify the process for prescribing drug and alcohol testing laboratories and devices for rail legislation
- clarify that local governments can make local laws to regulate the parking of trailers and caravans
- support customers to obtain a strong biometrically bound Queensland Digital Identity
- enable photo identification card replacement fees to be waived for victims of crime, and
- enable the removal and disposal of watercraft that are aground unlawfully in regulated waterways.

3 Overview of amendments

3.1 Key Matters

3.1.1 Combined offences for drink and drug driving

Research shows that combining alcohol and drugs increases the risk of a fatal crash by 23 times. To address the heightened risk of crashes caused by drivers impaired by both alcohol and drugs the Bill introduces combined drink and drug driving offences. The new offences will apply to drivers with an illegal Blood/Breath Alcohol Concentration (BAC) under 0.15 who also test positive for a relevant drug such as tetrahydrocannabinol (THC) (the active ingredient in cannabis), methylamphetamine, 3,4-methylenedioxymethamphetamine (MDMA) (the active ingredient in ecstasy) and cocaine. These offences will carry higher penalties and longer disqualification periods than standalone drink or drug driving offences. Drivers with a BAC of 0.15 or above and a relevant drug present will continue to face severe penalties under existing laws.

Additional measures include making these offenders ineligible for restricted (work) licences, requiring completion of both drink and drug driving education programs for relicensing, and extending alcohol ignition interlock provisions to combined offences with a BAC of 0.10 or higher. Combined offences will also be subject to the existing cumulative disqualification provisions.

These changes aim to reduce the prevalence of drink and drug driving, improve road safety, and align Queensland with other states like New South Wales, Victoria, and Western Australia. By disincentivising impaired driving, the amendments seek to create safer roads.

3.1.2 Streamlining roadside drug driving testing process

Drug driving is an increasing concern in Queensland and is now a major contributor to road fatalities. The Bill responds to this trend by streamlining Queensland's Roadside Drug Testing Program, administered by the Queensland Police Service. The program detects drugs such as THC, methylamphetamine, MDMA and cocaine.

Currently, testing involves three stages--two roadside tests followed by laboratory analysis by Queensland Health. Advances in technology have made the second roadside test redundant, so the Bill proposes to remove this second test. This

streamlined approach is expected to reduce costs, improve efficiency, and enable more roadside drug testing, contributing to improved road safety.

3.1.3 Drug driving education program

The Bill introduces a mandatory drug driver education program for individuals convicted of drug driving offences, such as driving under the influence of drugs, driving with a relevant drug present in their system, failing to provide a specimen for analysis, or operating a vehicle dangerously while impaired by drugs.

The program will be free of charge. It will include a personalised phone counselling session with a drug information service provider, with referrals to additional support services if needed. Provisions will also be made to ensure accessibility for individuals with disabilities.

Offenders must complete the program to regain their licence or face a five-year driving ban. A completed program will be valid for one year, meaning that repeat offenders will not be required to do the program if they have completed it in the past year.

The initiative aims to improve road safety and reduce drug driving by addressing the underlying causes of drug use and helping offenders separate drug use from driving.

3.1.4 Increased penalties for presence-based drug driving offences

To address the significant rise in drug driving-related crashes, the Bill proposes amendments to double the penalties for drivers with a relevant drug present in their system.

Currently, offenders face a minimum one-month licence disqualification, a fine of up to \$2,417 and a maximum of three months' imprisonment. The proposed changes will increase the maximum fine to \$4,835 and the minimum licence disqualification to two months.¹

These stricter penalties aim to deter drug driving and improve road safety for all users.

¹ All penalties are based on the 2026/2027 financial year

3.1.5 Minimum court-imposed fines for impaired driving offences

Currently, Queensland does not have minimum court-imposed fines for drink and drug driving or riding offences, with only maximum fines legislated.

The Bill will introduce minimum court-imposed fines for all drink and drug driving offences, including those involving personal mobility devices and bicycles (including e-bikes).

For motor vehicle offences, the minimum fines for driving over the no-alcohol limit, low-range drink driving, and driving with a relevant drug present will align with the Penalty Infringement Notice (PIN) fine amounts (\$1,295 in 2026-27) for other Fatal Five offences (for example, using a mobile phone or failure to wear a seatbelt). Higher-risk drink and drug driving offences will incur higher minimum fines on an incremental scale.

Minimum fines for drink riding on personal mobility devices or bicycles will be aligned with the current penalties for a PIN for these offences (in 2026-27, \$518 for a BAC of 0.05 and over but under 0.10 BAC; and \$863 for a BAC 0.10 and over but under 0.15 BAC).

Courts will retain some discretion to reduce fines in specific cases, such as when a jail sentence is to be imposed or multiple offences are involved.

The introduction of minimum court-imposed fines aims to align penalties with the risks associated with impaired driving; enhancing deterrence and emphasising the seriousness of drink and drug driving. It sends a clear message that driving while impaired carries strong consequences.

Importantly, these minimum penalties are intended to achieve two outcomes. Firstly, they ensure that a person who receives a roadside PIN for low-range drink driving is not fined more than a person who attends court for a higher-range and more serious offence. Secondly, they promote consistency by ensuring that people who elect to attend court do not receive fines lower than those issued through roadside PINs for similar offences.

3.1.6 Passenger seatbelt offences

The Bill introduces amendments that will enable passenger nominations for camera-detected seatbelt offences and will remove demerit points for passenger-related seatbelt offences.

Seatbelt non-compliance is one of the Fatal Five behaviours and contributed to 26 per cent of road crash fatalities in Queensland between 2020 and 2025 (where restraint use was known).

Cameras used in Queensland can detect front-seat occupants not wearing their seatbelts correctly or at all. Almost two-thirds of camera-detected seatbelt infringements are issued for passenger seatbelt non-compliance. While driver seatbelt compliance has improved since the introduction of cameras, passenger seatbelt offence rates remain notably higher.

Currently passenger seatbelt camera offences can only be enforced against the driver for failing to ensure the passenger is wearing a seatbelt (known as the driver responsibility offence under section 264A of the *Transport Operations (Road Use Management—Road Rules) Regulation 2009* (QRR)).

Under section 265 of the QRR, there is also a requirement for passengers who are 16 years or older, to wear a properly adjusted and fastened seatbelt (known as the passenger offence). This offence cannot be enforced by cameras as cameras cannot identify individuals, so there are no direct consequences to support seatbelt compliance for passengers aged at least 16 unless enforced by roadside police.

To address this, amendments will allow drivers to nominate an offending passenger aged 16 years or older for a camera-detected passenger seatbelt offence. The intent is that the PIN or charge for the driver responsibility offence would be withdrawn after a passenger is correctly nominated.

The current penalty for seatbelt-related offences is four demerit points and 7.5 penalty units (\$1,295 in 2026-27). There have been community complaints regarding the application of demerit points, and possible licence sanction, for behaviour largely out of the driver's control.

It is proposed to discontinue the application of demerit points for passenger-related seatbelt offences and remove double demerits for the driver responsibility offence. This will ensure demerit points are only allocated for offences where the driver is directly responsible and aligns passenger-related seatbelt offences with other passenger offences where no demerit points are applied. The monetary fine will remain the same to ensure that there is proportional and direct deterrence for the actual offender.

3.1.7 Immediate suspension for high range speeding

The Bill introduces immediate licence suspension for drivers travelling more than 40 kilometres per hour over the speed limit detected by roadside police. In 2025, speeding accounted for 26.4 per cent of all lives lost. Research shows most speed-related crashes involve drivers travelling well over the speed limit. Immediate licence suspensions are intended to provide a stronger deterrent against such behaviour by removing offenders from the road swiftly.

Currently, drivers exceeding the speed limit by more than 40 kilometres per hour face a \$1,986 fine, 8 demerit points and a mandatory licence suspension of six months, but only once the infringement notice is finalised, sometimes taking up to three months. During this delay, 16.7 per cent of offenders commit further traffic offences. Immediately stopping high-speed offenders from driving will align Queensland with New South Wales, Victoria, and South Australia, where similar measures are already in place.

It is not feasible to immediately suspend the licence of a high-speed offender detected by a speed camera as it is not possible to identify and notify the driver in real time. The proportion of high-speed offences that are camera and roadside detected are comparable, with around 52 per cent camera detected, and 48 per cent roadside detected.

To support implementation, the current 8 demerit points for high-speed offences will be removed. This will preserve the integrity of the demerit point system. Currently, the demerit points accrued with a high-speed offence often push offenders over their demerit point limit (12 for open licence holders, 4 for learner and provisional licence holders). This triggers a demerit point suspension from three months and up to five months, in addition to the six-month high-speed suspension.

These two suspensions can be served at the same time (concurrently), and all accrued demerit points are cleared from the offender's record once the demerit point suspension ends. Serving both suspensions simultaneously reduces the deterrent effect of the demerit point suspension, as offenders can have their previous demerit points (for other offences) wiped without the consequences of any suspension time. This allows offenders scope to commit further traffic offences without the short-term risk of another licence suspension when they return to driving.

The Bill proposes discretionary powers for Queensland Police Service officers to delay the commencement of an immediate suspension by up to 48-hours. Unlike drink or drug driving offenders, who have their licence immediately suspended upon detection, high-speed offenders may not necessarily be impaired at the time of

detection and could be capable of independently travelling to a safe location. When exercising this discretion, the Bill requires that Queensland Police Service officers have a reasonable belief that the offender will not pose a danger to any other road users if they are permitted to continue driving to their destination.

The Bill also introduces a new administrative decision-making framework for severe hardship permits. Currently, offenders serving a high-speed suspension can apply to the Magistrates Court for a special hardship order if the suspension of their licence will cause severe hardship. This process is inefficient and causes strain on Magistrate Court resources. As such, the new framework for a severe hardship permit will instead require high-speed offenders to apply directly to TMR, with applications assessed administratively, in line with the criteria prescribed by the Bill. Delegated decision makers will have to consider an applicant's traffic history and any previous serious offences, as well as whether an applicant or their family will suffer severe hardship if they are not permitted to drive. All offenders serving a suspension for a high-speed offence – camera or roadside detected – will be able to apply for a severe hardship permit.

The Bill provides for an external appeal process if the application for a severe hardship permit is not approved. In the first instance, an appeal would go through an internal review process and if the decision was upheld and the applicant wanted an external review, that could be lodged with a Magistrate's Court.

3.1.8 The Wave Stage 3

The Bill introduces changes to the *Transport Operations (Passenger Transport) Act 1994* (TOPTA) to facilitate the timely and cost-effective delivery of The Wave Stage 3 passenger transport services, by excluding the application of specified provisions relating to procurement of service contracts.

The Wave Stage 3 is a planned 18-kilometre metro-style bus rapid transit corridor designed to connect Birtinya to the Sunshine Coast Airport via the Maroochydore CBD. It is a key transport legacy project for the Brisbane 2032 Olympic and Paralympic Games and aims to reduce traffic congestion and seamlessly link with future passenger rail lines.

Passenger transport services for The Wave Stage 3 are proposed to commence operations in January 2032 with testing operations commencing from July 2031. To enable these timeframes, procurement for The Wave Stage 3 passenger transport services is scheduled to commence in 2026.

The Wave Stage 3 passenger transport services are proposed to be delivered using an integrated model where the contracted operator will be responsible for leading the design and construction of the depot; the design, build and commissioning of the fleet, as well as operating the service. This approach will increase the operator's influence and allow for innovation in design, construction, and operations, with expected whole of life benefits. This approach will result in greater value for money for the Queensland Government and reduce the interface risks between delivery of the depot and fleet and the operator.

Contracting The Wave Stage 3 passenger transport services under the existing service contract procurement framework under the TOPTA may impede delivery of timely, attractive and competitive tendering and contract finalisation. Under the existing framework, two separate contracts would be required, one for delivery of the depot and fleet, and an operations contract resulting in increased delivery complexity, reduced competition for the contract, and potentially increased costs. There may also be a perception that existing operators may be able to claim compensation under the Act if they are not awarded a service contract, with potential impacts on the project.

Facilitating timely delivery of The Wave Stage 3 will contribute to the Queensland Government's 2032 Delivery Plan, ensuring a successful and legacy-driven Brisbane 2032 Olympic and Paralympic Games.

The Bill amends TOPTA to exclude The Wave Stage 3 passenger transport services from current provisions relating to the procurement of integrated mass transit service contracts including a maximum seven-year contract term limit, prescribed processes for inviting offers, and mandatory evaluation criteria. The Bill also clarifies the procurement approach proposed for The Wave Stage 3 to avoid any potential impact or delay on the procurement and delivery of the project.

3.2 Minor and technical amendments

The Bill makes the following minor and technical amendments to support efficient implementation and enforcement of transport legislation.

3.2.1 Administrative disqualification for low range drink driving offences

The *Queensland Community Safety Act 2024* (QCS Act) includes amendments to the *Transport Operations (Road Use Management) Act 1995* (TORUM Act) to support introduction of PINs for low-range drink driving offences (BAC between 0.05 and 0.10). These amendments will automatically commence on 31 August 2026 but will

only become operational once low-range drink driving is prescribed as a PIN offence under the *State Penalties Enforcement Regulation 2014*.

The QCS Act amendments establish a two-month administrative licence disqualification, to begin 28 days after a PIN is issued. However, concerns have been raised about procedural fairness, as the disqualification could start before the PIN is finalised (e.g. the fine is paid, or an enforcement order is issued). The Bill seeks to address this by amending the start date of the disqualification period so that it does not start until after the PIN has been finalised.

Additionally, the Bill aims to resolve an inconsistency in the immediate suspension of licences for drug drivers who are also subject to administrative disqualification for drink driving. Currently, if a person commits a drink driving offence and is later charged with a drug driving offence before the drink driving charge has been determined, their licence is immediately suspended. However, under the new amendments, this immediate suspension would not apply if the drink driving offence was dealt with via a PIN. The Bill rectifies this inconsistency to ensure alignment with the policy objectives of the QCS Act.

The Bill will also formally prescribe low-range drink driving as an offence for which a PIN can be issued and set the PIN amount at \$1,295 (in 2026-27).

3.2.2 Calibration certificates

The Bill proposes minor amendments to allow for evidence of calibration of separable speed measuring components of photographic detection devices to be introduced by evidentiary certificates in court proceedings.

The proposed amendment removes red tape by streamlining introduction of evidence of calibration of modern photographic detection devices with separable speed measuring components. Evidentiary certificates are already in use for devices where the speed measuring component is not separable. TMR maintains strict protocols to ensure that all devices and relevant components are calibrated as per legislative requirements.

3.2.3 Preventing the release of personal information for private parking enforcement

The Bill proposes amendments to the *Transport Operations Road Use Management (Vehicle Registration) Regulation 2021* which will make permanent the current

administrative pause on access to personal information for the purpose of private carpark enforcement. These regulatory amendments strengthen the legislative framework for the protection of a registered operator's personal information but do not affect legitimate access by eligible persons. The Bill also provides that the chief executive does not need to comply with a court order, such as a preliminary discovery order, where the purpose of the order is to obtain vehicle registration information for private car park enforcement. These amendments are in line with community expectations around privacy and help to protect the security of customer records. They do not prevent private car park operators undertaking parking enforcement using other methods available, such as installing pay stations, boom gates, introducing pay-by-app services, or by partnering with local council.

The Bill also streamlines the process associated with local government agreements with private land owners to enforce off-street regulated parking areas. The proposed amendment removes red tape for local governments and land owners, allowing the notification of off-street regulated parking areas to be published on a local government website. Currently off-street regulated parking areas may only be specified under local law.

3.2.4 Approval of matters related to drug and alcohol testing for rail legislation

The Bill proposes to create a head of power in the *Rail Safety National Law (Queensland) Act 2017* to enable the regulations to prescribe laboratories, saliva testing devices, and collection units approved by the chief executive. The chief executive will publish and maintain a register of approved laboratories, devices and collection units.

This change simplifies the process for updating drug and alcohol testing requirements for rail safety workers in Queensland, reducing red tape and providing flexibility to adapt to future changes.

3.2.5 Local government regulation of trailer parking

The Bill clarifies that local governments can make local laws to regulate the parking of detached trailers (for example, caravans, camper and boat trailers) on roads. It amends section 66 of the TORUM Act to remove any doubt about this power.

This will support local governments to manage parking issues in their areas, particularly increased competition for on-street parking, by allowing them to tailor

solutions to local conditions. Local governments will need to follow normal local law-making processes, including relevant consultation, prior to making any new laws under this provision.

3.2.6 Queensland Digital Identity

The Queensland Digital Identity is the primary digital identity used to access Queensland Government online services and accounts. It is aligned to the Australian Government Digital ID System (AGDIS). Under AGDIS, the only way you can provide a strong digital identity is to biometrically anchor the identity against a source image.

The Bill proposes minor amendments to allow the taking, use and retention of digital photos for use in the Queensland Digital Identity by persons that don't otherwise have a TMR issued photo card product (a *prescribed authority*), such as a driver licence or Photo ID Card.

This proposed amendment will allow customers to increase the strength of their Queensland Digital Identity, allowing more services to be delivered online, increasing customer convenience, and reducing the risk of fraud.

The proposed amendment reduces red tape by allowing these people to benefit from a strong biometrically bound Queensland Digital Identity without having to pay for and obtain a TMR issued photo card product, such as a Photo ID Card.

3.2.7 Replacement of photo identification cards

The photo identification card (PIC) is a key identity document for many Queenslanders with 1,042,989 on record as at 30 March 2026.² These cards are available to individuals aged 15 years and older and are often obtained by those who cannot, or choose not to, obtain a driver licence.

The Bill proposes amendments to the *Photo Identification Card Act 2008* (PIC Act) to enable fees for a replacement PIC to be waived where the PIC was accessed or disclosed to an unauthorised person, lost, stolen, or damaged due to crime.

² Note, the number of photo identification cards (PIC) on record was incorrectly referenced in the Explanatory Notes for the *Transport and Other Legislation Amendment Bill 2026*. The correct number of PICs on record is as referenced above.

This proposal will deliver on the election commitment to support victims of crime by aligning the PIC Act with existing driver licence fee waiver provisions, ensuring consistent and compassionate support for victims.

3.2.8 Grounded watercraft

The Bill addresses a gap in the current framework for illegally grounded watercraft.

Under Chapter 15 of the *Transport Infrastructure Act 1994*, authorised officers can remove and dispose of watercraft that are illegally anchored or illegally moored in contravention of a waterways management regulation, but not watercraft illegally aground. The amendments will extend existing removal and disposal powers to illegally grounded watercraft, ensuring consistent enforcement approaches and supporting more effective waterways management. In addition, the amendment will prevent avoidance of compliance with anchoring and mooring requirements through simply grounding a watercraft.

3.3 Human Rights

The Statement of Compatibility provides a detailed analysis of human rights engaged by the Bill.

3.4 Fundamental Legislative Principles

Fundamental legislative principles are addressed in detail in the Explanatory Notes.