

Transport 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

Transport and Other Legislation Amendment Bill 2026 (Bill)

The Queensland Law Society (**Society**) appreciates the opportunity to provide a submission on the Transport and Other Legislation Amendment Bill 2026 (**the Bill**). We 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.

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.

The Society supports the Government's commitment to improving road safety and reducing the unacceptable toll of road trauma on Queensland families and communities. The Bill addresses a number of important areas and the Society recognises the genuine public interest in ensuring that transport laws are effective, efficiently administered and consistently and fairly enforced.

Amendment of Transport Operations (Road Use Management) Act 1995

Clause 69 – New section 78E Minimum court-imposed fines for impaired driving offences

The Bill proposes to introduce minimum court-imposed fines for drink and drug driving offences. The stated rationale, as set out in the Explanatory Notes, is as follows:

With the introduction of penalty infringement notices for low range drink driving, it is also important to ensure no person attending court receives a fine lower than a person who is issued an infringement notice. If a court can impose a lower penalty than an

infringement notice, two people who commit the same offence could receive materially different outcomes depending on how their matter is resolved.

The Society does not support the introduction of minimum court-imposed fines for impaired driving offences. We hold serious concerns about both the underlying rationale for this measure and its practical implications for the fair administration of justice in Queensland.

The premise that two people who 'commit the same offence' should receive the same fine is incorrect. Two people may commit nominally the same category of offence while being in materially different circumstances. One may be a first-time offender in genuine financial hardship with a strong prospect of rehabilitation. Another may be a recidivist offender with no mitigating circumstances. The sentencing process exists precisely to enable courts to distinguish between these cases and impose penalties that are just and appropriate in the specific circumstances of the individual before them.

In addition, we observe that the proposed provisions governing when and how minimum court fines are to be imposed introduce a level of complexity that appears disproportionate to the problem sought to be addressed. Our members' experience suggests that in circumstances where multiple traffic infringement notices are contested and sent to court, Magistrates will routinely apply the infringement notice amount unless there are special circumstances, and this would therefore also be the approach taken in relation to drink driving related infringement notices.

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