

Question on Notice
No. 1443
Asked on 15 November 2023

MR M CRANDON ASKED MINISTER FOR POLICE AND CORRECTIVE SERVICES AND MINISTER FOR FIRE AND EMERGENCY SERVICES (HON M RYAN)—

QUESTION:

Will the Minister advise the separate number of Random Breath Tests RBTs conducted on scooters and cyclists each month since 1 July 2022?

ANSWER:

In response to the Member's question, I am advised by the Queensland Police Service (QPS) that if a police officer observes or speaks to a rider and, after observing their behaviour, forms an opinion that they are under the influence of liquor or a drug, the person can be placed under arrest for an offence, s79(7) of the *Transport Operations (Road Use Management) Act 1995* (Act), and conveyed to a police station or taken to a vehicle, vessel, hospital or other authorised place under this s80(8) of the Act where facilities are available for breath or saliva analysing or blood testing. Under s80(8) of the Act the person can be directed by a police officer while detained at an authorised place, to provide a specimen of breath or saliva for analysis or a blood specimen for laboratory testing to corroborate the police officer's observations and evidence the relevant offence.

That being said, while the above police powers exist, I am advised by the QPS that there is no legislative power for random breath testing (RBT) of riders of scooters or bicycles. Accordingly, I am advised that the answer to the Member's question specifically about RBTs is zero.

In light of this, I have asked the QPS to liaise with the Department of Transport and Main Roads (the department responsible for the Act) with a view to considering whether an amendment is required to the Act to expand the scope of the application of RBTs.