



Queensland

Transport Legislation and Another Act Amendment Bill 2006



Queensland

Transport Legislation and Another Act Amendment Bill 2006

Contents

		Page
Part 1	Preliminary	
1	Short title	8
2	Commencement	8
Part 2	Amendment of Maritime and Other Legislation Amendment Act 2006	
3	Act amended in pt 2	8
4	Amendment of s 91 (Insertion of new pt 15, divs 2–4 of Act No.14 of 1994)	8
Part 3	Amendment of Police Powers and Responsibilities Act 2000	
5	Act amended in pt 3	9
6	Amendment of s 60 (Stopping vehicles for prescribed purposes)	9
7	Amendment of s 69A (Meaning of type 1 and type 2 vehicle related offences)	9
8	Amendment of sch 6 (Dictionary)	10
Part 4	Amendment of Tow Truck Act 1973	
9	Act amended in pt 4	10
10	Amendment of s 4 (Definitions)	10
11	Amendment of s 4A (Further provision for definition motor vehicle)	11
12	Amendment of s 4C (Who is an appropriate person)	11
13	Amendment of s 6 (Application for licence)	11
14	Amendment of s 14 (Application for driver's or assistant's certificate)	12
15	Amendment of s 28 (Review of and appeals against decisions) .	12
16	Insertion of new ss 36–36C	12
	36 Chief executive's notification to commissioner of the police service about a person	12

*Transport Legislation and Another Act Amendment
Bill 2006*

	36A	Notice of change in police information about a person	12
	36B	Chief executive may enter into arrangement about giving and receiving information with commissioner of the police service	13
	36C	Confidentiality	14
17		Amendment of schedule (Reviewable decisions)	14
18		Insertion of new sch 2	15
	Schedule 2	Dictionary	
Part 5	Amendment of Transport Infrastructure Act 1994		
19		Act amended in pt 5 and sch 1	15
20		Insertion of new s 239AH	15
	239AH	Definitions for pt 7.	15
21		Insertion of new ss 240A—240D	15
	240A	Registered interests in rail corridor land.	16
	240B	Unregistered rights in rail corridor land	16
	240C	Lease of non-rail corridor land to railway manager ..	18
	240D	Lease of non-rail corridor land to local government or government entity.	18
22		Replacement of s 247 (Integrated Planning Act consent for rail corridor land and non-rail corridor land)	19
	247	Chief executive taken to be owner of rail corridor land and non-rail corridor land for particular circumstances under Integrated Planning Act	19
23		Amendment of s 253 (Extending roads through or over rail corridor land)	20
24		Amendment of s 258A (Impact of change of management of local government road on railways)	20
25		Amendment of s 483 (Proceedings for offences)	20
26		Amendment of sch 3 (Reviews and appeals)	20
27		Amendment of sch 6 (Dictionary)	21
Part 6	Amendment of Transport Operations (Marine Pollution) Act 1995		
28		Act amended in pt 6	21
29		Amendment of s 126 (Limitation on time for starting summary proceedings)	21
Part 7	Amendment of Transport Operations (Marine Safety) Act 1994		
30		Act amended in pt 7	22

*Transport Legislation and Another Act Amendment
Bill 2006*

31	Amendment of s 199 (Limitation on time for starting summary proceedings)	22
32	Amendment of s 205A (Inquiries about person's suitability to conduct examinations or conduct training programs)	22
33	Insertion of new ss 205AA and 205AB and 205AC hdg.	23
	205AA Notice of change in police information about a person	23
	205AB Chief executive or general manager may enter into arrangement about giving and receiving information with commissioner of the police service	24
Part 8	Amendment of Transport Operations (Passenger Transport) Act 1994	
34	Act amended in pt 8	25
35	Insertion of new s 4B	25
	4B Reference to offence against provision of an Act that is a disqualifying offence or a driver disqualifying offence	25
36	Amendment of s 20 (Amendment, suspension and cancellation of operator accreditation)	25
37	Amendment of s 26 (Driver authorisation standards)	25
38	Amendment of s 32 (Amendment, suspension and cancellation of driver authorisations)	26
39	Amendment of s 79 (Suspension and cancellation of taxi service licences)	26
40	Amendment of s 91 (Suspension and cancellation of limousine service licences)	26
41	Amendment of s 143AI (Direction not to be given in particular circumstances)	26
42	Amendment of s 144 (Transport arrangements for pupils)	27
43	Amendment of s 148 (Inquiries about person's suitability to hold accreditation or authorisation)	27
44	Insertion of new ss 148A–148C	28
	148A Notice of change in police information about a person	28
	148B Chief executive may enter into arrangement about giving and receiving information with commissioner of the police service	28
	148C Confidentiality	29
45	Insertion of new s 150A	29
	150A Approval of forms	30
46	Amendment of s 151 (Proceedings for offences)	30
47	Amendment of sch 3 (Dictionary)	30

*Transport Legislation and Another Act Amendment
Bill 2006*

Part 9	Amendment of Transport Operations (Road Use Management) Act 1995	
Division 1	General amendments of Transport Operations (Road Use Management) Act 1995	
48	Act amended in div 1	31
49	Replacement of s 17B (Granting, renewing or refusing approval)	31
	17B Granting, renewing or refusing approval	31
	17C Chief executive may obtain information from commissioner	32
	17D Notice of change in police information about a person	32
	17E Chief executive may enter into arrangement about giving and receiving information with commissioner	33
50	Amendment of s 62 (Proceedings for offences)	33
51	Amendment of s 143 (Confidentiality)	33
52	Insertion of new s 150AA	34
	150AA Regulating young drivers	34
53	Amendment of sch 4 (Dictionary)	35
Division 2	Amendments of Transport Operations (Road Use Management) Act 1995 for road safety purposes involving relevant drugs etc.	
54	Act amended in div 2	36
55	Amendment of s 79 (Driving etc. whilst under influence of liquor or drugs or with prescribed concentration of alcohol in blood or breath)	36
56	Amendment of s 79B (Immediate suspension or disqualification)	38
57	Amendment of s 80 (Provisions with respect to breath tests and laboratory tests)	38
58	Insertion of new section 80AA	55
	80AA Limitation on use of saliva for saliva test or saliva analysis and related matters	55
59	Amendment of s 86 (Disqualification of drivers of motor vehicles for certain offences)	56
60	Amendment of s 87 (Issue of restricted licence to disqualified person)	56
61	Replacement of s 112 (Use of speed detection devices)	56
	112 Use of speed detection devices	57
62	Amendment of s 124 (Facilitation of proof)	57
63	Amendment of s 143 (Confidentiality)	59
64	Insertion of new ch 7, pt 9	59

*Transport Legislation and Another Act Amendment
Bill 2006*

	Part 9	Transitional provision for Transport Legislation and Another Act Amendment Act 2006	
	206	Definitions for pt 9.	59
	207	No saliva testing or saliva analysis for 1 month after commencement	59
	208	Certificates under s 124.	60
	209	Updated text.	60
65		Amendment of sch 4 (Dictionary).	60
66		Further amendments in schs 2 and 3.	60
Part 10		Amendment of Transport Planning and Coordination Act 1994	
67		Act amended in pt 10.	61
68		Replacement of s 8E (Guidelines for ss 8B-8D).	61
	8E	Guidelines for pt 2A	61
Schedule 1		Minor amendments of Transport Infrastructure Act 1994 . . .	62
Schedule 2		Further amendment of the Transport Operations (Road Use Management) Act 1995	64
Schedule 3		Insertion of subsection headings	76

2006

A Bill

for

**An Act to amend particular Acts administered by the Minister
for Transport and Minister for Main Roads, and for other
purposes**

*Transport Legislation and Another Act Amendment
Bill 2006*

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Transport Legislation and Another Act Amendment Act 2006*. 4
5

Clause 2 Commencement 6

This Act, other than the following provisions, commences on a date to be fixed by proclamation— 7
8

- part 9 heading 9
- part 9, division 1 heading 10
- section 48 11
- section 52 12
- section 53(2). 13

Part 2 Amendment of Maritime and Other Legislation Amendment Act 2006 14
15
16

Clause 3 Act amended in pt 2 17

This part amends the *Maritime and Other Legislation Amendment Act 2006*. 18
19

Clause 4 Amendment of s 91 (Insertion of new pt 15, divs 2–4 of Act No.14 of 1994) 20
21

Section 91, inserted section 202K(7), ‘section 202D(4)’— 22

*Transport Legislation and Another Act Amendment
Bill 2006*

omit, insert— 1
‘section 202D(6)’. 2

Part 3 **Amendment of Police Powers and Responsibilities Act 2000** 3
4

Clause 5 **Act amended in pt 3** 5
This part amends the *Police Powers and Responsibilities Act* 6
2000. 7

Clause 6 **Amendment of s 60 (Stopping vehicles for prescribed purposes)** 8
9
(1) Section 60(3)(e) and (5), after ‘test’— 10
insert— 11
‘or saliva test’. 12
(2) Section 60(5), examples, after ‘breath’— 13
insert— 14
‘or saliva’. 15

Clause 7 **Amendment of s 69A (Meaning of type 1 and type 2 vehicle related offences)** 16
17
Section 69A— 18
insert— 19
‘(4) A reference in subsection (2) to an offence against section 20
78(1) or 80(22D) of the Road Use Management Act does not 21
include an offence relating to a suspension that could in law 22
only be imposed because section 80 had been amended by the 23
amendment. 24
‘(5) A reference in subsection (2) to an offence against section 25
80(5A) or (11) of the Road Use Management Act does not 26
include an offence that in the circumstances could in law only 27

*Transport Legislation and Another Act Amendment
Bill 2006*

be committed, or that the person could in law only be taken to
be guilty of, because section 80 of the Road Use Management
Act had been amended by the amendment. 1
2
3

‘(6) In this section— 4

amendment means the *Transport Legislation and Another Act
Amendment Act 2006*, section 57. 5
6

Note for subsections (4) and (5)— 7

These subsections effectively exclude anything associated with saliva
testing and saliva analysis under the Road Use Management Act from
the operation of subsection (2).’. 8
9
10

Clause 8 Amendment of sch 6 (Dictionary) 11

Schedule 6— 12

insert— 13

‘**saliva analysis** see the Road Use Management Act, section
80(1). 14
15

saliva test see the Road Use Management Act, section 80(1).’. 16

**Part 4 Amendment of Tow Truck Act 17
1973 18**

Clause 9 Act amended in pt 4 19

This part amends the *Tow Truck Act 1973*. 20

Clause 10 Amendment of s 4 (Definitions) 21

(1) Section 4, ‘In this Act’— 22

omit, insert— 23

‘The dictionary in schedule 2 defines particular words used in
this Act.’. 24
25

(2) Section 4— 26

*Transport Legislation and Another Act Amendment
Bill 2006*

<i>insert—</i>	1
<i>‘driver licence</i> has the meaning given by the <i>Transport Operations (Road Use Management) Act 1995</i> , schedule 4.’.	2 3
(3) Section 4, definition <i>disqualifying offence</i> , ‘paragraph (a)’—	4
<i>omit, insert—</i>	5
‘paragraph (b)’.	6
(4) Section 4, definition <i>tow truck</i> , paragraph (a), at the end—	7
<i>insert—</i>	8
‘or’.	9
(5) Section 4, definitions—	10
<i>relocate</i> to schedule 2, as inserted by this Act.	11

Clause 11	Amendment of s 4A (Further provision for definition motor vehicle)	12 13
	Section 4A, ‘section 4’—	14
	<i>omit, insert—</i>	15
	‘schedule 2’.	16
Clause 12	Amendment of s 4C (Who is an appropriate person)	17
	(1) Section 4C(1)(d)(iii)—	18
	<i>omit.</i>	19
	(2) Section 4C(2), definition <i>criminal history</i> —	20
	<i>relocate</i> to schedule 2, as inserted by this Act.	21
Clause 13	Amendment of s 6 (Application for licence)	22
	Section 6(2)(a) and (b)—	23
	<i>omit, insert—</i>	24
	‘(a) if the applicant is an individual—the applicant’s criminal history; or	25 26

*Transport Legislation and Another Act Amendment
Bill 2006*

(b) if the applicant is a body corporate—the criminal history of every director, manager and public officer of the body corporate.’. 1
2
3

Clause 14	Amendment of s 14 (Application for driver’s or assistant’s certificate)	4 5
	Section 14(2), ‘fame and character’—	6
	<i>omit, insert</i> —	7
	‘criminal history’.	8
 Clause 15	 Amendment of s 28 (Review of and appeals against decisions)	 9 10
	Section 28(1), ‘the schedule’—	11
	<i>omit, insert</i> —	12
	‘schedule 1’.	13
 Clause 16	 Insertion of new ss 36–36C	 14 15
	After section 35—	15
	<i>insert</i> —	16
 ‘36	 Chief executive’s notification to commissioner of the police service about a person	 17 18
	‘Without limiting sections 6(2) and 14(2), the chief executive’s notification to the commissioner of the police service may include the following information—	19 20 21
	(a) the person’s name and any other name the chief executive believes the person may use or may have used;	22 23
	(b) the person’s gender and date and place of birth;	24
	(c) details of the person’s licence, driver licence, driver’s certificate or assistant’s certificate.	25 26
 ‘36A	 Notice of change in police information about a person	 27 28
	‘(1) This section applies if—	29

*Transport Legislation and Another Act Amendment
Bill 2006*

(a) the commissioner of the police service reasonably suspects a person is the holder of—	1 2
(i) a licence; or	3
(ii) a driver’s certificate; or	4
(iii) an assistant’s certificate; and	5
(b) the person’s criminal history changes.	6
‘(2) The commissioner may notify the chief executive that the person’s criminal history has changed.	7 8
‘(3) The commissioner’s notice to the chief executive must state the following—	9 10
(a) the person’s name and any other name the commissioner believes the person may use or may have used;	11 12
(b) the person’s gender and date and place of birth;	13
(c) whether the change is—	14
(i) a charge made against the person for an offence; or	15
(ii) a conviction of the person;	16
(d) details of the charge or conviction.	17
‘36B Chief executive may enter into arrangement about giving and receiving information with commissioner of the police service	18 19 20
‘(1) This section applies only to the extent another provision of this Act allows the chief executive to give information to the commissioner of the police service or the commissioner to give information to the chief executive.	21 22 23 24
‘(2) The chief executive and the commissioner may enter into a written arrangement by which the information is given or received.	25 26 27
‘(3) Without limiting subsection (2), the arrangement may provide for the electronic transfer of information, including on a daily basis.	28 29 30
‘(4) However, if information is to be electronically transferred and, under this Act, there is a limitation on who may access the	31 32

*Transport Legislation and Another Act Amendment
Bill 2006*

information or the purposes for which the information may be used, the arrangement must provide for the limitation. 1
2

‘36C Confidentiality 3

‘(1) A person must not disclose, record or use information the person gained— 4
5

(a) through involvement in the administration of this Act; or 6

(b) because of an opportunity provided by the involvement. 7

Maximum penalty—200 penalty units. 8

‘(2) However, a person may disclose, record or use the information— 9
10

(a) in the discharge of a function under this Act; or 11

(b) if it is authorised— 12

(i) under another Act or a regulation; or 13

(ii) by the person to whom the information relates; or 14

(c) in a proceeding before a court or tribunal in which the information is relevant. 15
16

‘(3) In this section— 17

disclose information means— 18

(a) intentionally or recklessly disclose the information; or 19

(b) allow access to the information.’. 20

Clause 17 Amendment of schedule (Reviewable decisions) 21

Schedule— 22

renumber as schedule 1. 23

*Transport Legislation and Another Act Amendment
Bill 2006*

Clause 18	Insertion of new sch 2	1
	After schedule 1—	2
	<i>insert—</i>	3
	‘Schedule 2 Dictionary	4
	section 4’.	5
	Part 5 Amendment of Transport Infrastructure Act 1994	6 7
Clause 19	Act amended in pt 5 and sch 1	8
	This part and schedule 1 amend the <i>Transport Infrastructure Act 1994</i> .	9 10
Clause 20	Insertion of new s 239AH	11
	Chapter 7, part 7, before section 239A—	12
	<i>insert—</i>	13
	‘239AH Definitions for pt 7	14
	‘In this part—	15
	<i>registered interest</i> means an interest registered in the leasehold land register, other than a mortgage.	16 17
	<i>unregistered right</i> , in relation to land held under a lease or sublease, means a right to use the land that has not been registered or can not be registered in the leasehold land register.’.	18 19 20 21
Clause 21	Insertion of new ss 240A—240D	22
	After section 240—	23
	<i>insert—</i>	24

*Transport Legislation and Another Act Amendment
Bill 2006*

'240A Registered interests in rail corridor land	1
'(1) This section applies if—	2
(a) a railway manager surrenders the railway manager's sublease for a section of rail corridor land; and	3 4
(b) there is a registered interest in the railway manager's sublease for that section of rail corridor land.	5 6
'(2) After the surrender, the registered interest in the sublease continues on the same terms as a registered interest in the lease for the section of the non-rail corridor land, with the State as lessee substituted for the railway manager as a party to the registered interest.	7 8 9 10 11
<i>Note—</i>	12
By definition, rail corridor land becomes non-rail corridor land on surrender of the sublease.	13 14
'(3) Subsection (2) applies despite the <i>Land Act 1994</i> , section 372.	15
'240B Unregistered rights in rail corridor land	16
'(1) This section applies if—	17
(a) a railway manager surrenders the railway manager's sublease for a section of rail corridor land; and	18 19
(b) there is an unregistered right in the railway manager's sublease for that section of rail corridor land.	20 21
'(2) At least 3 months before the railway manager intends to surrender the railway manager's sublease for the section of rail corridor land, the railway manager must give the chief executive details of all unregistered rights in the railway manager's sublease of rail corridor land for the section of land that is to be surrendered.	22 23 24 25 26 27
'(3) After the surrender, an unregistered right in the railway manager's sublease for that section of rail corridor land continues on the same terms as an unregistered right in the lease for the section of the non-rail corridor land, with the State as lessee substituted for the railway manager as a party to the unregistered right.	28 29 30 31 32 33

*Transport Legislation and Another Act Amendment
Bill 2006*

- ‘(4) The chief executive may at any time revoke an unregistered right that is continued under subsection (3) if the chief executive considers—
- (a) the use of the right would affect the safety or operational integrity of the land as a railway or would adversely affect another transport purpose; or
 - (b) the holder of the right has not complied with any conditions imposed on the right by the railway manager or the chief executive; or
 - (c) the right is being used in a way that is contrary to the provisions of—
 - (i) the perpetual lease of the land to the State; or
 - (ii) the *Land Act 1994*.
- ‘(5) A person whose interest is affected by the chief executive’s decision under subsection (4)(a) is entitled to be paid compensation by the State for the loss for the unexpired portion of the unregistered right, but only if—
- (a) the person had paid the railway manager for the unregistered right; or
 - (b) the person is the owner of land adjacent to the section of rail corridor land that has been surrendered and, as part of the acquisition agreement or settlement of that section of the rail corridor land from the person or a previous owner of the land, the unregistered right mentioned in subsection (3) was granted.
- ‘(6) The person is entitled to be paid, because of the revocation of the right, the reasonable compensation that is agreed between the person and the chief executive, or failing agreement, that is decided by a court.
- ‘(7) Compensation may be claimed and ordered to be paid in a proceeding brought in a court with jurisdiction for the recovery of a debt equal to the amount of compensation claimed.
- ‘(8) Subsection (5) does not prevent an ex gratia payment from being made to a person under the *Financial Administration and Audit Act 1977*.

*Transport Legislation and Another Act Amendment
Bill 2006*

‘240C Lease of non-rail corridor land to railway manager	1
‘(1) This section applies if the chief executive subleases a section of non-rail corridor land to a railway manager.	2 3
‘(2) When the registrar of titles registers the sublease in the leasehold land register—	4 5
(a) the sublease is taken to be the next vested right to, or be next in priority to, the perpetual lease of the section of the land to the State; and	6 7 8
(b) the railway manager as sublessee is substituted for the State as a party to any lesser registered interest.	9 10
‘(3) Also, when the registrar of titles registers the sublease in the leasehold land register—	11 12
(a) the State’s rights and obligations in an unregistered right in the section of the land are taken to be vested in the railway manager as sublessee; and	13 14 15
(b) the railway manager is substituted for the State as a party to the unregistered right.	16 17
‘(4) Subsection (2) applies despite the <i>Property Law Act 1974</i> , section 115 and the <i>Land Act 1994</i> , section 298.	18 19
‘240D Lease of non-rail corridor land to local government or government entity	20 21
‘(1) This section applies if the chief executive subleases a section of non-rail corridor land to a local government or government entity that is not a railway manager.	22 23 24
‘(2) When the registrar of titles registers the sublease in the leasehold land register—	25 26
(a) the sublease is taken to be the next vested right to, or be next in priority to, the perpetual lease of the section of the land to the State; and	27 28 29
(b) the local government or government entity as sublessee is substituted for the State as a party to any lesser registered interest.	30 31 32
‘(3) However, subsection (2) does not apply to a registered interest that was registered before the sublease is registered if, when	33 34

*Transport Legislation and Another Act Amendment
Bill 2006*

the sublease is registered, a provision in the sublease states that subsection (2) does not apply to the registered interest. 1
2

‘(4) Also, when the registrar of titles registers the sublease in the leasehold land register— 3
4

(a) the State’s rights and obligations in an unregistered right in the section of the land are taken to be vested in the local government or government entity as sublessee; and 5
6
7

(b) the local government or government entity is substituted for the State as a party to the unregistered right. 8
9

‘(5) Subsections (2) and (3) apply despite the *Property Law Act 1974*, section 115 and the *Land Act 1994*, section 298.’. 10
11

Clause 22 Replacement of s 247 (Integrated Planning Act consent for rail corridor land and non-rail corridor land) 12
13

Section 247— 14

omit, insert— 15

‘247 Chief executive taken to be owner of rail corridor land and non-rail corridor land for particular circumstances under Integrated Planning Act 16
17
18

‘(1) This section applies if, under the *Integrated Planning Act 1997*— 19
20

(a) land that is rail corridor land or non-rail corridor land is to be designated for community infrastructure; or 21
22

(b) an application requires notice to be given to an owner of adjoining land and the land is rail corridor land or non-rail corridor land; or 23
24
25

(c) the consent of an owner of land that is rail corridor land or non-rail corridor land is otherwise required. 26
27

‘(2) For the purposes of the *Integrated Planning Act 1997*, the chief executive is taken to be the owner of the land that is rail corridor land or non-rail corridor land.’. 28
29
30

*Transport Legislation and Another Act Amendment
Bill 2006*

Clause 23	Amendment of s 253 (Extending roads through or over rail corridor land)	1 2
	Section 253—	3
	<i>insert—</i>	4
	‘(3A) After the permission is granted—	5
	(a) the chief executive must immediately give a copy of the permission to the registrar of titles; and	6 7
	(b) the registrar of titles must record the permission on the relevant lease of the rail corridor land to the State and any affected sublease in the leasehold land register.’.	8 9 10
Clause 24	Amendment of s 258A (Impact of change of management of local government road on railways)	11 12
	(1) Section 258A(5)—	13
	<i>omit.</i>	14
	(2) Section 258A(6) and (7)—	15
	<i>renumber</i> as section 258A(5) and (6).	16
Clause 25	Amendment of s 483 (Proceedings for offences)	17
	Section 483—	18
	<i>insert—</i>	19
	‘(3) A statement in a complaint for an offence against this Act that the matter of the complaint came to the knowledge of the complainant on a stated day is evidence of when the matter came to the complainant’s knowledge.’.	20 21 22 23
Clause 26	Amendment of sch 3 (Reviews and appeals)	24
	Schedule 3—	25
	<i>insert—</i>	26
	‘240B(4) Decision of chief executive to revoke continued unregistered right in non-rail corridor land	Planning and Environment’.

*Transport Legislation and Another Act Amendment
Bill 2006*

Clause 27	Amendment of sch 6 (Dictionary)	1
	(1) Schedule 6, definition <i>non-rail corridor land</i> —	2
	<i>omit.</i>	3
	(2) Schedule 6—	4
	<i>insert</i> —	5
	<i>'leasehold land register</i> means the leasehold land register kept under the <i>Land Act 1994</i> , section 276(a).	6
	<i>non-rail corridor land</i> means land leased to the State in perpetuity that was—	7
	(a) old QR land declared to be non-rail corridor land; or	8
	(b) rail corridor land for which the sublease previously granted to a railway manager has been surrendered.'	9
	(3) Schedule 6, definition <i>new rail corridor land</i> , 'leased'—	10
	<i>omit, insert</i> —	11
	'subleased'.	12
		13
		14
		15
Part 6		
	Amendment of Transport Operations (Marine Pollution) Act 1995	16
		17
		18
Clause 28	Act amended in pt 6	19
	This part amends the <i>Transport Operations (Marine Pollution) Act 1995</i> .	20
		21
Clause 29	Amendment of s 126 (Limitation on time for starting summary proceedings)	22
	Section 126—	23
	<i>insert</i> —	24
	'(2) A statement in a complaint for an offence against this Act that the matter of the complaint came to the knowledge of the	25
		26
		27

*Transport Legislation and Another Act Amendment
Bill 2006*

- (c) details of the person’s driver licence under the *Transport Operations (Road Use Management) Act 1995*; 1
2
- (d) details of the application for approval or approval of— 3
 - (i) the person; or 4
 - (ii) the corporation or unincorporated body for which 5
the person is a nominee; or 6
 - (iii) the corporation of which the person is an executive 7
officer.’. 8
- (2) Section 205A(4)(c)— 9
omit, insert— 10
- ‘(c) in a proceeding before a court or tribunal in which the 11
information is relevant.’. 12
- (3) Section 205A(5), definition *criminal history*— 13
relocate to the schedule. 14
- (4) Section 205A(4) and (5)— 15
relocate and *renumber* as section 205AC(1) and (2). 16

- Clause 33 Insertion of new ss 205AA and 205AB and 205AC hdg** 17
- After section 205A— 18
- insert—* 19
- ‘205AANotice of change in police information about a person** 20
21
- ‘(1) This section applies if— 22
 - (a) the commissioner of the police service reasonably 23
suspects that a person is the holder, or is a nominee or an 24
executive officer of an entity that is the holder, of an 25
approval— 26
 - (i) to conduct examinations for issuing licences; or 27
 - (ii) to conduct training programs in the operation of 28
ships; and 29
 - (b) the person’s criminal history changes. 30

*Transport Legislation and Another Act Amendment
Bill 2006*

‘(2) The commissioner may notify the chief executive or the general manager that the person’s criminal history has changed.	1 2 3
‘(3) The commissioner’s notice to the chief executive or general manager must state the following—	4 5
(a) the person’s name and any other name the commissioner believes the person may use or may have used;	6 7
(b) the person’s gender and date and place of birth;	8
(c) whether the change is—	9
(i) a charge made against the person for an offence; or	10
(ii) a conviction of the person;	11
(d) details of the charge or conviction.	12
‘205AB Chief executive or general manager may enter into arrangement about giving and receiving information with commissioner of the police service	13 14 15
‘(1) This section applies only to the extent another provision of this Act allows the chief executive or general manager to give information to the commissioner of the police service or the commissioner to give information to the chief executive or the general manager.	16 17 18 19 20
‘(2) The chief executive and the commissioner, or the general manager and the commissioner, may enter into a written arrangement by which the information is given or received.	21 22 23
‘(3) Without limiting subsection (2), the arrangement may provide for the electronic transfer of information, including on a daily basis.	24 25 26
‘(4) However, if information is to be electronically transferred and, under this Act, there is a limitation on who may access the information or the purposes for which the information may be used, the arrangement must provide for the limitation.	27 28 29 30
‘205AC Confidentiality’.	31

*Transport Legislation and Another Act Amendment
Bill 2006*

	Part 8	1
	Amendment of Transport Operations (Passenger Transport) Act 1994	2 3
Clause 34	Act amended in pt 8	4
	This part amends the <i>Transport Operations (Passenger Transport) Act 1994</i> .	5 6
Clause 35	Insertion of new s 4B	7
	Chapter 1, after section 4A—	8
	<i>insert—</i>	9
‘4B	Reference to offence against provision of an Act that is a <i>disqualifying offence</i> or a <i>driver disqualifying offence</i>	10 11 12
	‘(1) This section applies to any provision of this Act that defines a particular provision of an Act as a disqualifying offence or a driver disqualifying offence.	13 14 15
	‘(2) The reference to the particular provision includes the provision as it existed at any time before it was made, even though it was amended from time to time and even though the provision had a different number from time to time.	16 17 18 19
	‘(3) Subsection (2) does not limit the <i>Acts Interpretation Act 1954</i> , section 14H.’.	20 21
Clause 36	Amendment of s 20 (Amendment, suspension and cancellation of operator accreditation)	22 23
	Section 20(3), ‘immediately to suspend’—	24
	<i>omit, insert—</i>	25
	‘to immediately suspend’.	26
Clause 37	Amendment of s 26 (Driver authorisation standards)	27
	Section 26(b)—	28

*Transport Legislation and Another Act Amendment
Bill 2006*

omit, insert— 1

‘(b) include requirements about the medical fitness of 2
applicants for, and holders of, driver authorisation; and’. 3

Clause 38	Amendment of s 32 (Amendment, suspension and cancellation of driver authorisations)	4 5
	(1) Section 32(1A), after ‘amend’—	6
	<i>insert—</i>	7
	‘, including immediately amend,’.	8
	(2) Section 32(3), ‘immediately to suspend’—	9
	<i>omit, insert—</i>	10
	‘to immediately suspend’.	11
Clause 39	Amendment of s 79 (Suspension and cancellation of taxi service licences)	12 13
	Section 79(3), ‘to suspend immediately’—	14
	<i>omit, insert—</i>	15
	‘to immediately suspend’.	16
Clause 40	Amendment of s 91 (Suspension and cancellation of limousine service licences)	17 18
	Section 91(3), ‘to suspend immediately’—	19
	<i>omit, insert—</i>	20
	‘to immediately suspend’.	21
Clause 41	Amendment of s 143AI (Direction not to be given in particular circumstances)	22 23
	Section 143AI(b), ‘child’—	24
	<i>omit, insert—</i>	25
	‘student’.	26

*Transport Legislation and Another Act Amendment
Bill 2006*

Clause 42	Amendment of s 144 (Transport arrangements for pupils)	1
	(1) Section 144, ‘pupils’—	2
	<i>omit, insert—</i>	3
	‘school students’.	4
	(2) Section 144(2)(b), ‘pupils’ reasonable travel expenses’—	5
	<i>omit, insert—</i>	6
	‘the reasonable travel expenses of school students’.	7
 Clause 43	 Amendment of s 148 (Inquiries about person’s suitability to hold accreditation or authorisation)	 8 9
	(1) Section 148(2) and (3)—	10
	<i>renumber</i> as section 148(4) and (5).	11
	(2) Section 148(5), as renumbered, ‘(2)’—	12
	<i>omit, insert—</i>	13
	‘(4)’.	14
	(3) Section 148—	15
	<i>insert—</i>	16
	‘(2) Without limiting subsection (1), the chief executive may ask the commissioner of the police service for a written report about a person’s criminal history.	17 18 19
	‘(3) For subsection (2), the chief executive’s request may include the following information—	20 21
	(a) the person’s name and any other name the chief executive believes the person may use or may have used;	22 23
	(b) the person’s gender and date and place of birth;	24
	(c) details of the person’s driver licence under the <i>Transport Operations (Road Use Management) Act 1995</i> ;	25 26
	(d) details of the person’s operator accreditation, driver authorisation or application for operator accreditation or driver authorisation.’.	27 28 29

*Transport Legislation and Another Act Amendment
Bill 2006*

Clause 44	Insertion of new ss 148A–148C	1
	After section 148—	2
	<i>insert—</i>	3
	‘148A Notice of change in police information about a person	4 5
	‘(1) This section applies if—	6
	(a) the commissioner of the police service reasonably suspects a person holds operator accreditation or driver authorisation; and	7 8 9
	(b) the person’s criminal history changes.	10
	‘(2) The commissioner may notify the chief executive that the person’s criminal history has changed.	11 12
	‘(3) The commissioner’s notice to the chief executive must state the following—	13 14
	(a) the person’s name and any other name the commissioner believes the person may use or may have used;	15 16
	(b) the person’s gender and date and place of birth;	17
	(c) whether the change is—	18
	(i) a charge made against the person for an offence; or	19
	(ii) a conviction of the person;	20
	(d) details of the charge or conviction.	21
	‘148B Chief executive may enter into arrangement about giving and receiving information with commissioner of the police service	22 23 24
	‘(1) This section applies only to the extent another provision of this Act allows the chief executive to give information to the commissioner of the police service or the commissioner to give information to the chief executive.	25 26 27 28
	‘(2) The chief executive and the commissioner may enter into a written arrangement by which the information is given or received.	29 30 31

*Transport Legislation and Another Act Amendment
Bill 2006*

- ‘(3) Without limiting subsection (2), the arrangement may provide for the electronic transfer of information, including on a daily basis. 1
2
3
- ‘(4) However, if information is to be electronically transferred and, under this Act, there is a limitation on who may access the information or the purposes for which the information may be used, the arrangement must provide for the limitation. 4
5
6
7
- ‘148C Confidentiality** 8
- ‘(1) A person must not disclose, record or use information the person gained— 9
10
- (a) through involvement in the administration of this Act; or 11
- (b) because of an opportunity provided by the involvement. 12
- Maximum penalty—200 penalty units. 13
- ‘(2) However, a person may disclose, record or use the information— 14
15
- (a) in the discharge of a function under this Act; or 16
- (b) if it is authorised— 17
- (i) under another Act or a regulation; or 18
- (ii) by the person to whom the information relates; or 19
- (c) in a proceeding before a court or tribunal in which the information is relevant. 20
21
- ‘(3) In this section— 22
- disclose* information means— 23
- (a) intentionally or recklessly disclose the information; or 24
- (b) allow access to the information.’. 25

- Clause 45 Insertion of new s 150A** 26
- After section 150— 27
- insert—* 28

*Transport Legislation and Another Act Amendment
Bill 2006*

'150A Approval of forms	1
‘The chief executive may approve forms for use under this Act.’.	2 3
Clause 46 Amendment of s 151 (Proceedings for offences)	4
Section 151—	5
<i>insert</i> —	6
‘(3) A statement in a complaint for an offence against this Act that the matter of the complaint came to the knowledge of the complainant on a stated day is evidence of when the matter came to the complainant’s knowledge.’.	7 8 9 10
Clause 47 Amendment of sch 3 (Dictionary)	11
(1) Schedule 3, definition <i>eligible school children</i> —	12
<i>omit</i> .	13
(2) Schedule 3—	14
<i>insert</i> —	15
‘ approved form means a form approved by the chief executive under section 150A.	16 17
non-State school see the <i>Education (General Provisions) Act 2006</i> .	18 19
school student means a person who—	20
(a) is under 18 years; and	21
(b) is enrolled at a State school or a non-State school.	22
State school see the <i>Education (General Provisions) Act 2006</i> .’.	23 24
(3) Schedule 3, definitions <i>restricted school service</i> and <i>school service</i> , ‘children’—	25 26
<i>omit, insert</i> —	27
‘students’.	28

Part 9	Amendment of Transport Operations (Road Use Management) Act 1995	1 2 3
Division 1	General amendments of Transport Operations (Road Use Management) Act 1995	4 5 6
Clause 48	Act amended in div 1	7
	<i>This division amends the Transport Operations (Road Use Management) Act 1995.</i>	8 9
Clause 49	Replacement of s 17B (Granting, renewing or refusing approval)	10 11
	Section 17B—	12
	<i>omit, insert—</i>	13
	‘17B Granting, renewing or refusing approval	14
	‘(1) A regulation may provide for the granting or renewing of, or refusing to grant or renew, an approval, other than an approval for an alternative compliance scheme under section 15.	15 16 17
	‘(2) Without limiting subsection (1), a regulation may authorise the chief executive to refuse to grant or renew an approval prescribed under a regulation, other than a permit under section 111, if the applicant for, or holder of, an approval has been—	18 19 20 21 22
	(a) convicted of a disqualifying offence; or	23
	(b) charged with a disqualifying offence and the charge has not been finally disposed of.	24 25
	‘(3) In this section—	26
	<i>grant</i> includes issue.	27

*Transport Legislation and Another Act Amendment
Bill 2006*

‘17C	Chief executive may obtain information from commissioner	1
		2
‘(1)	If a regulation made under section 17B authorises the chief executive to grant or renew an approval, the chief executive may ask the commissioner for a written report about the criminal history of the applicant for, or holder of, the approval.	3
		4
		5
		6
		7
‘(2)	For subsection (1), the chief executive’s request may include the following information—	8
		9
	(a) the person’s name and any other name the chief executive believes the person may use or may have used;	10
		11
	(b) the person’s gender and date and place of birth;	12
	(c) details of the person’s driver licence;	13
	(d) details of the person’s application or approval.	14
‘(3)	If requested, the commissioner must give the chief executive a written report about the criminal history of the applicant or holder—	15
		16
		17
	(a) that is in the commissioner’s possession; or	18
	(b) to which the commissioner ordinarily has access through arrangements with the police service of the Commonwealth or another State.	19
		20
		21
‘17D	Notice of change in police information about a person	22
		23
‘(1)	This section applies if—	24
	(a) the commissioner reasonably suspects that a person is the holder of an approval; and	25
		26
	(b) the person’s criminal history changes.	27
‘(2)	The commissioner may notify the chief executive that the person’s criminal history has changed.	28
		29
‘(3)	The commissioner’s notice to the chief executive must state the following—	30
		31
	(a) the person’s name and any other name the commissioner believes the person may use or may have used;	32
		33

*Transport Legislation and Another Act Amendment
Bill 2006*

- | | |
|---|---|
| (b) the person's gender and date and place of birth; | 1 |
| (c) whether the change is— | 2 |
| (i) a charge made against the person for an offence; or | 3 |
| (ii) a conviction of the person; | 4 |
| (d) details of the charge or conviction. | 5 |

- | | |
|---|----------------------|
| '17E Chief executive may enter into arrangement about giving and receiving information with commissioner | 6
7 |
| ‘(1) This section applies only to the extent another provision of this Act allows the chief executive to give information to the commissioner or the commissioner to give information to the chief executive. | 8
9
10
11 |
| ‘(2) The chief executive and the commissioner may enter into a written arrangement by which the information is given or received. | 12
13
14 |
| ‘(3) Without limiting subsection (2), the arrangement may provide for the electronic transfer of information, including on a daily basis. | 15
16
17 |
| ‘(4) However, if information is to be electronically transferred and, under this Act, there is a limitation on who may access the information or the purposes for which the information may be used, the arrangement must provide for the limitation.’. | 18
19
20
21 |

- | | |
|--|----------------------|
| Clause 50 Amendment of s 62 (Proceedings for offences) | 22 |
| Section 62— | 23 |
| <i>insert—</i> | 24 |
| ‘(3) A statement in a complaint for an offence against a transport Act that the matter of the complaint came to the knowledge of the complainant on a stated day is evidence of when the matter came to the complainant's knowledge.’. | 25
26
27
28 |

- | | |
|---|----|
| Clause 51 Amendment of s 143 (Confidentiality) | 29 |
| Section 143(2)(c)— | 30 |

*Transport Legislation and Another Act Amendment
Bill 2006*

omit, insert— 1
 ‘(c) in a proceeding before a court or tribunal in which the 2
 information is relevant.’. 3

Clause 52 Insertion of new s 150AA 4

After section 150— 5

insert— 6

‘150AARegulating young drivers 7

‘(1) A regulation made under section 150, to the extent it is about 8
 the management of young drivers, may also provide for the 9
 following— 10

(a) standards about young driver skills and knowledge; 11

(b) the training of young drivers; 12

(c) the keeping and production of logbooks to record the 13
 driving experience of young drivers; 14

(d) the retention of the logbooks mentioned in subsection 15
 (c); 16

(e) the testing and licensing of young drivers; 17

(f) rules about licences held by young drivers, including, in 18
 particular, the circumstances in which, and the reasons 19
 for which, they can be cancelled or suspended or 20
 conditions imposed on them; 21

(g) the granting of exemptions from conditions of licences; 22

(h) the passengers who may travel in a vehicle driven by a 23
 young driver; 24

(i) the use of mobile phones and other similar forms of 25
 communication in a vehicle driven by a young driver; 26

(j) the vehicles that may and may not be driven by young 27
 drivers. 28

‘(2) The following is not unlawful discrimination on the basis of 29
 age for the *Anti-Discrimination Act 1991*— 30

(a) a provision of a regulation about the management of 31
 young drivers as mentioned in subsection (1), that is 32

*Transport Legislation and Another Act Amendment
Bill 2006*

	declared under the regulation as a provision that is not	1
	unlawful discrimination on the basis of age for the	2
	<i>Anti-Discrimination Act 1991</i> ;	3
	(b) the doing of an act that is necessary to comply with, or	4
	that is authorised by, a provision declared under	5
	paragraph (a).	6
	‘(3) In this section—	7
	<i>young driver</i> means a driver under 25 years.’.	8
Clause 53	Amendment of sch 4 (Dictionary)	9
	(1) Schedule 4, definition <i>criminal history</i> —	10
	<i>omit, insert</i> —	11
	‘ <i>criminal history</i> , of a person—	12
	(a) for chapter 5, part 7A—see section 122; and	13
	(b) generally—	14
	(i) means the person’s criminal history as defined	15
	under the <i>Criminal Law (Rehabilitation of</i>	16
	<i>Offenders) Act 1986</i> , other than a conviction for	17
	which the rehabilitation period has expired but the	18
	conviction has not been revived as prescribed by	19
	section 11 of that Act; and	20
	(ii) despite the <i>Criminal Law (Rehabilitation of</i>	21
	<i>Offenders) Act 1986</i> , includes a charge made	22
	against the person for an offence, whether made in	23
	Queensland or elsewhere, other than a charge the	24
	proceedings for which have ended without the	25
	person being convicted.’.	26
	(2) Schedule 4, definition <i>provisional licence</i> —	27
	<i>omit, insert</i> —	28
	‘ <i>provisional licence</i> means a licence to drive a motor vehicle	29
	issued under this Act, that—	30
	(a) states the licence is a provisional licence; and	31

*Transport Legislation and Another Act Amendment
Bill 2006*

- (b) is subject to conditions, including restrictions, imposed because of the holder's age or limited driving experience.' 1
2
3
- (3) Schedule 4, definition *disqualifying offence*, paragraph (b)— 4
omit, insert— 5
- '(b) otherwise—means an offence against— 6
- (i) the Criminal Code; or 7
- (ii) a law of another jurisdiction, including a jurisdiction outside Australia, that substantially corresponds to an offence against the Criminal Code.' 8
9
10
11

Division 2 Amendments of Transport 12
Operations (Road Use Management) 13
Act 1995 for road safety purposes 14
involving relevant drugs etc. 15

Clause 54 Act amended in div 2 16

This division amends the *Transport Operations (Road Use Management Act) 1995*. 17
18

Clause 55 Amendment of s 79 (Driving etc. whilst under influence of liquor or drugs or with prescribed concentration of alcohol in blood or breath) 19
20
21

(1) Section 79, heading— 22
omit, insert— 23

'79 Vehicle offences involving liquor or other drugs' 24

(2) Section 79(1D), (1E), (2F), (2G), (2H), (2I), (6)(d) and (9), after '(2),'— 25
26
insert— 27
'(2AA),' 28

(3) After section 79(2)— 29

*Transport Legislation and Another Act Amendment
Bill 2006*

<i>insert—</i>	1
‘(2AA) Offence of driving etc. while relevant drug is present in blood or saliva	2 3
Any person who, while a relevant drug is present in the person’s blood or saliva—	4 5
(a) drives a motor vehicle, tram, train or vessel; or	6
(b) attempts to put in motion a motor vehicle, tram, train or vessel; or	7 8
(c) is in charge of a motor vehicle, tram, train or vessel;	9
is guilty of an offence and liable to a penalty not exceeding 14 penalty units or to imprisonment for a term not exceeding 3 months.’.	10 11 12
(4) Section 79—	13
<i>insert—</i>	14
‘(5) Conviction for offence under subsection (2AA) in particular circumstances	15 16
If, on the hearing of a complaint of an offence against subsection (1), the court is satisfied—	17 18
(a) as to all the elements of the offence charged other than the element of the defendant’s being under the influence of liquor or a drug at the material time; and	19 20 21
(b) that at the material time there was a relevant drug present in the defendant’s blood or saliva;	22 23
the court must convict the defendant of the offence under subsection (2AA) that is established by the evidence.	24 25
‘(5A) Subsection (5) does not limit subsections (4) and (4A).’.	26
(5) Section 79(6), after ‘(2)(c),’—	27
<i>insert—</i>	28
‘(2AA)(c),’.	29
(6) Section 79(6)(a), from ‘whilst’ to ‘no alcohol limit; and’—	30
<i>omit, insert—</i>	31

*Transport Legislation and Another Act Amendment
Bill 2006*

‘while any of the following circumstances relevant to a conviction on the complaint applied—

(iii) the defendant was under the influence of liquor or a drug;

(iv) the defendant was over—

(A) the general alcohol limit; or

(B) if at the material time the defendant was a person to whom subsection (2A), (2B) or (2J) referred—the no alcohol limit;

(v) there was a relevant drug present in the defendant’s blood or saliva; and’.

Clause 56	Amendment of s 79B (Immediate suspension or disqualification)	12 13
	(1) Section 79B(1)(b), after ‘breath’—	14
	<i>insert—</i>	15
	‘or saliva’.	16
	(2) Section 79B(1)(c), after ‘79(2),’—	17
	<i>insert—</i>	18
	‘(2AA),’.	19
Clause 57	Amendment of s 80 (Provisions with respect to breath tests and laboratory tests)	20 21
	(1) Section 80, heading—	22
	<i>omit, insert—</i>	23
‘80	Breath and saliva tests, and analysis and laboratory tests’.	24 25
	(2) Section 80(1), definition <i>authorised police officer</i> —	26
	<i>omit.</i>	27
	(3) Section 80(1)—	28
	<i>insert—</i>	29

*Transport Legislation and Another Act Amendment
Bill 2006*

<i>‘authorised police officer</i> means any police officer authorised by the commissioner under subsection (8G) to operate either or both of the following—	1 2 3
(a) a breath analysing instrument;	4
(b) a saliva analysing instrument.	5
<i>saliva analysing instrument</i> means an instrument, that is approved under a regulation, for finding out whether a relevant drug is present in a person’s saliva by analysing a specimen of the person’s saliva.	6 7 8 9
<i>saliva analysis</i> , for a specimen of saliva, means analysis of the specimen by using a saliva analysing instrument and, if the saliva analysing instrument indicates the presence of a relevant drug in the specimen, analysis of another part of the specimen of saliva by a laboratory test approved under a regulation.	10 11 12 13 14 15
<i>saliva test</i> means a test to obtain an indication of the presence of a relevant drug in a person’s saliva by using a device approved under a regulation.	16 17 18
<i>specimen</i> , in relation to saliva, includes parts of the saliva specimen.’.	19 20
(4) Section 80(1A), after ‘breath test or analysis’—	21
<i>insert—</i>	22
‘, a specimen of saliva for a saliva test or for saliva analysis’.	23
(5) Section 80, after subsection (2)—	24
<i>insert—</i>	25
‘(2AA) Request for specimen of saliva	26
A police officer may require any person found by the officer or who the officer suspects on reasonable grounds was during the last preceding 3 hours—	27 28 29
(a) driving a motor vehicle, tram or train on a road or elsewhere; or	30 31
(b) attempting to put in motion a motor vehicle, tram or train on a road or elsewhere; or	32 33

*Transport Legislation and Another Act Amendment
Bill 2006*

- (c) in charge of a motor vehicle, tram or train on a road or elsewhere; or 1
2
- (d) driving or in charge of or attempting to put in motion a vessel being used or apparently about to be used in navigation; 3
4
5
- to provide a specimen of saliva for a saliva test by the person.’ 6
- (6) Section 80(2A), after ‘by the person’— 7
insert— 8
‘, a specimen of saliva for a saliva test by the person or both’. 9
- (7) Section 80(2B)(a), ‘under subsection (2)’— 10
omit, insert— 11
‘, a specimen of saliva for a saliva test by the person, or both, under subsection (2), (2AA)’ 12
13
- (8) Section 80(2B)(b), after ‘specimen of breath’— 14
insert— 15
‘or saliva’. 16
- (9) Section 80(2B)(b), after ‘breath test’— 17
insert— 18
‘or saliva test’. 19
- (10) Section 80(2C)— 20
omit, insert— 21
- ‘(2C) More than 1 specimen may be required 22
Under subsection (2), (2AA) or (2A), the police officer may 23
require the person to provide as many specimens of breath or 24
saliva, or both, as the police officer considers reasonably 25
necessary to carry out the breath test, the saliva test or both.’ 26
- (11) Section 80(3), from ‘(2)’ to ‘specimen of breath’— 27
omit, insert— 28
‘(2), (2AA) or (2A) may require the person in question to 29
provide the specimen of breath or saliva’. 30
- (12) Section 80(3)(c), from ‘approved’— 31

*Transport Legislation and Another Act Amendment
Bill 2006*

<i>omit, insert—</i>	1
‘that the police officer may use for carrying out a breath test or saliva test if the police does not have a device for the relevant test with him or her.’.	2 3 4
(13) Section 80(4)—	5
<i>omit, insert—</i>	6
‘(4) Time limits for requirement for specimen	7
A requirement must not be made under subsection (2), (2AA) or (2A) unless it is made as soon as practicable and within the following period after the event happens that authorises the police officer to make the requirement under the subsection—	8 9 10 11
(a) for a specimen of breath for a breath test—2 hours;	12
(b) for a specimen of saliva for a saliva test—3 hours.’.	13
(14) Section 80(5), from ‘(2)’ to ‘a breath test’—	14
<i>omit, insert—</i>	15
‘(2), (2AA) or (2A) to provide at a police station or other place a specimen of breath for a breath test, or of saliva for a saliva test.’.	16 17 18
(15) Section 80(5A), from ‘(2)’ to ‘by the person,’—	19
<i>omit, insert—</i>	20
‘(2), (2AA) or (2A) to provide a specimen of breath for a breath test, or a specimen of saliva for a saliva test, by the person’.	21 22 23
(16) Section 80(5B)(a)(i), after ‘specimen of breath’—	24
<i>insert—</i>	25
‘, a specimen of saliva or both a specimen of breath and of saliva’.	26 27
(17) Section 80(5B)(a)(ii), ‘the specimen’—	28
<i>omit, insert—</i>	29
‘a specimen of breath, a specimen of saliva or both a specimen of breath and of saliva’.	30 31
(18) Section 80(5B)(b), ‘the specimen was’—	32

*Transport Legislation and Another Act Amendment
Bill 2006*

<i>omit, insert—</i>	1
‘a specimen of breath, a specimen of saliva or both a specimen of breath and of saliva was’.	2 3
(19) Section 80(5B)(b), ‘the specimen or’—	4
<i>omit, insert—</i>	5
‘the specimen as required or’.	6
(20) Section 80(5B)(b), ‘the specimen other’—	7
<i>omit, insert—</i>	8
‘the specimen as required other’.	9
(21) Section 80(6)—	10
<i>insert—</i>	11
‘(ab) it appears to a police officer in consequence of a saliva test carried out by the officer on a specimen of saliva of any person that a relevant drug is present in the person’s saliva; or’.	12 13 14 15
(22) Section 80(6)(b), from ‘(2)’ to ‘breath test’—	16
<i>omit, insert—</i>	17
‘(2), (2AA) or (2A) to provide a specimen of breath for a breath test, or a specimen of saliva for a saliva test,’.	18 19
(23) Section 80(6)(ca), (d)(ii) and (e) and (8)(c), after ‘of breath’—	20
<i>insert—</i>	21
‘or by a saliva analysing instrument of a specimen of saliva’.	22
(24) Section 80(8), from ‘to provide’—	23
<i>omit, insert—</i>	24
‘to provide 1 or more of the following as any police officer requires—	25 26
(d) a specimen of the person’s breath for analysis by a breath analysing instrument;	27 28
(e) a specimen of the person’s saliva for saliva analysis;	29
(f) a specimen of the person’s blood for a laboratory test.’.	30
(25) Section 80(8B)(b)—	31

*Transport Legislation and Another Act Amendment
Bill 2006*

<i>omit, insert—</i>	1
‘(b) to a police station, vehicle or vessel where facilities are available for either or both of the following—	2 3
(i) analysing a specimen of breath by a breath analysing instrument;	4 5
(ii) analysing a specimen of saliva by a saliva analysing instrument; or’.	6 7
(26) Section 80(8C) and (8D)—	8
<i>omit, insert—</i>	9
‘(8C) Police officer may require specimen if person at hospital	10
If a person whom a police officer may require under subsection (2), (2AA) or (2A) to provide a specimen of breath for a breath test, or a specimen of saliva for a saliva test, by the person (an <i>authorising requirement</i>) is at the hospital for treatment, that person may be required by any police officer to provide at the hospital—	11 12 13 14 15 16
(a) if the specimen that may be required under the authorising requirement is a specimen of breath—a specimen of the person’s breath for analysis by a breath analysing instrument or a specimen of the person’s blood for a laboratory test; or	17 18 19 20 21
(b) if the specimen that may be required under the authorising requirement is a specimen of saliva—a specimen of the person’s saliva for saliva analysis or a specimen of the person’s blood for a laboratory test.	22 23 24 25
‘(8D) Limitation applying to requisition under subsection (8C)	26
A requirement for a person to provide a specimen under subsection (8C) must not be made under the subsection unless—	27 28 29
(a) a doctor who is familiar with the person’s injuries and apparent state of health at the time of the requirement approves of the person providing the specimen; and	30 31 32
(b) the requirement is made as soon as practicable and—	33
(i) if the specimen that may be required under the authorising requirement is a specimen of	34 35

*Transport Legislation and Another Act Amendment
Bill 2006*

breath—within 2 hours of the event that authorises	1
the police officer to make the authorising	2
requirement; or	3
(ii) if the specimen that may be required under the	4
authorising requirement is a specimen of	5
saliva—within 3 hours of the event that authorises	6
the police officer to make the authorising	7
requirement.’.	8
(27) Section 80(8E), after ‘breath’—	9
<i>insert—</i>	10
‘or saliva’.	11
(28) Section 80(8E), after ‘subsection (5B)(a)’—	12
<i>insert—</i>	13
‘material to the provision of the specimen’.	14
(29) Section 80—	15
<i>insert—</i>	16
‘(8FA) Providing a specimen of saliva	17
A person required under subsection (8) or (8C) to provide a	18
specimen of the person’s saliva for saliva analysis must do so	19
by—	20
(a) placing a collection unit, that is prescribed under a	21
regulation, into or adjacent to the person’s mouth when	22
directed by the doctor or authorised police officer	23
operating, or who is to operate, a saliva analysing	24
instrument; and	25
(b) while providing the specimen, holding or otherwise	26
dealing with the collection unit, in a way prescribed	27
under a regulation, until told to stop by the doctor or	28
authorised police officer.’.	29
(30) Section 80(8G), from ‘to operate’—	30
<i>omit, insert—</i>	31
‘to operate either or both of the following on being satisfied	32
the officer is competent to operate the instrument—	33

*Transport Legislation and Another Act Amendment
Bill 2006*

- | | | |
|------|---|----|
| | (a) a breath analysing instrument; | 1 |
| | (b) a saliva analysing instrument.’. | 2 |
| (31) | Section 80(8I), from ‘instrument’— | 3 |
| | <i>omit, insert—</i> | 4 |
| | ‘instrument or saliva analysing instrument is, in the absence of | 5 |
| | proof to the contrary, proof that the named police officer is so | 6 |
| | authorised.’. | 7 |
| (32) | Section 80(8J), after ‘instrument’— | 8 |
| | <i>insert—</i> | 9 |
| | ‘or saliva analysing instrument’. | 10 |
| (33) | Section 80(8J)(b), after ‘analysis’— | 11 |
| | <i>insert—</i> | 12 |
| | ‘or the specimen of saliva for a saliva test or saliva analysis’. | 13 |
| (34) | Section 80(8L)(a), after ‘instrument’— | 14 |
| | <i>insert—</i> | 15 |
| | ‘, a specimen of the person’s saliva for saliva analysis’. | 16 |
| (35) | Section 80(8L)(b)(i), ‘of breath or a specimen of blood’— | 17 |
| | <i>omit, insert—</i> | 18 |
| | ‘that was required’. | 19 |
| (36) | Section 80(8L)(b)(ii), ‘instrument;’— | 20 |
| | <i>omit, insert—</i> | 21 |
| | ‘instrument or a specimen of saliva for saliva analysis;’. | 22 |
| (37) | Section 80(8L)(b)(ii)(A), ‘breath analysing instrument’— | 23 |
| | <i>omit, insert—</i> | 24 |
| | ‘relevant breath analysing instrument or saliva analysing | 25 |
| | instrument’. | 26 |
| (38) | Section 80(8L)(b)(ii)(A), after ‘specimen’— | 27 |
| | <i>omit, insert—</i> | 28 |
| | ‘or saliva specimen’. | 29 |

*Transport Legislation and Another Act Amendment
Bill 2006*

- (39) Section 80(8L)(b)(ii)(B), from ‘the purpose of’— 1
omit, insert— 2
‘analysing the breath specimen or the saliva analysing 3
instrument for analysing the saliva specimen; or’. 4
- (40) Section 80(8L)(b)(ii)(C), ‘the breath analysing’— 5
omit, insert— 6
‘for an analysis by a breath analysing instrument, the’. 7
- (41) Section 80(8M), after ‘breath’— 8
insert— 9
‘, saliva’. 10
- (42) Section 80(9), after ‘by a breath analysing instrument,’— 11
insert— 12
‘or the person’s saliva for saliva analysis.’. 13
- (43) Section 80(9)(d)— 14
omit, insert— 15
‘(d) if— 16
- (i) the analysis by the breath analysing instrument of 17
the specimen of breath provided under the 18
requisition indicates either that there is no alcohol 19
in the person’s blood or breath or that the 20
concentration of alcohol in the person’s blood or 21
breath does not reasonably explain the external 22
signs exhibited and observed; or 23
- (ii) the analysis by the saliva analysing instrument of 24
the specimen of saliva provided under the 25
requisition indicates that there is no relevant drug 26
in the person’s saliva;’. 27
- (44) Section 80(10)(a)— 28
omit, insert— 29
‘(a) is a person whom a police officer may— 30
- (i) require under subsection (2) or (2A) to provide a 31
specimen of breath for a breath test; or 32

*Transport Legislation and Another Act Amendment
Bill 2006*

(ii) require under subsection (2AA) or (2A) to provide a specimen of saliva for a saliva test; and’.	1 2
(45) Section 80(10E), after ‘relating to a person’— <i>insert</i> —	3 4
‘mentioned in subsection (10)(a)(i)’.	5
(46) Section 80— <i>insert</i> —	6 7
‘(10EA) Limitation on requiring specimen of blood when specimen of saliva previously analysed	8 9
Also, a police officer must not make a requirement under subsection (10) relating to a person mentioned in subsection (10)(a)(ii) if—	10 11 12
(a) under this section, the person has provided a specimen of saliva for saliva analysis in relation to the occurrence or event in relation to which the police officer may require a specimen of saliva for a saliva test as mentioned in subsection (10)(a); and	13 14 15 16 17
(b) the specimen for saliva analysis has been analysed by a saliva analysing instrument; and	18 19
(c) there is a notice given to the police officer as mentioned in subsection (15AB)(b)(i) for the analysis.’.	20 21
(47) Section 80(11)— <i>omit, insert</i> —	22 23
‘(11) Guilt of offence and liability for failing to provide specimen	24
If a police officer makes a requisition under subsection (8), (8C) or (9) in relation to a person and the person fails to provide as prescribed in this section—	25 26 27
(a) a specimen of the person’s breath for analysis by a breath analysing instrument; or	28 29
(b) a specimen of the person’s saliva for saliva analysis; or	30
(c) a specimen of the person’s blood for a laboratory test;	31
each of the following applies—	32

*Transport Legislation and Another Act Amendment
Bill 2006*

- (d) the person is guilty of an offence that is taken to be an offence against the appropriate provision of section 79(1);
- (e) the person is liable to the same punishment in all respects, including disqualification from holding or obtaining a Queensland driver licence, as the person would be if the offence were actually an offence committed by the person against the appropriate provision of section 79(1).’.
- (48) After section 80(15A)—
insert—
- ‘(15AB) Saliva analysis instrument record and notices
As soon as practicable after a specimen of saliva provided under a requisition has been analysed by means of a saliva analysing instrument, the doctor or authorised police officer operating the instrument must—
- (a) enter details in a record, prescribed under a regulation, about the analysis, including the date and time at which the analysis was made and whether a relevant drug was present in the saliva that has been analysed, and sign the record for the entry; and
- (b) give a notice, in the approved form, about the result of the analysis to each of the following—
- (i) the police officer who made the requisition;
- (ii) the person whose saliva has been analysed (or to another person on behalf of that person on request by that other person).
- ‘(15AC) Approved form for person whose saliva is tested is to include particular matters
If a relevant drug is present in analysed saliva, the approved form given to a person as mentioned in subsection (15AB)(b)(ii) for the analysis must include notice about each of the following—
- (a) the person may request a specimen of the person’s saliva be given to him or her as stated in subsection (20A);

*Transport Legislation and Another Act Amendment
Bill 2006*

- (b) another part of the specimen that was analysed by the saliva analysing instrument will be delivered to a laboratory of an analyst to be tested for the presence of a relevant drug.’. 1
2
3
4
- (49) Section 80(15B), after ‘for analysis’— 5
insert— 6
‘or saliva for saliva analysis’. 7
- (50) Section 80(15B), ‘shall, as soon as practicable thereafter’— 8
omit, insert— 9
‘or the saliva analysing instrument must, as soon as practicable after the person fails to provide the specimen’. 10
11
- (51) Section 80(15B)— 12
insert— 13
‘(ba) whether the requisition was for a specimen of the person’s breath for analysis or saliva for saliva analysis; and’. 14
15
16
- (52) Section 80(15B)(c) and (d), after ‘analysing instrument’— 17
insert— 18
‘or saliva analysing instrument’. 19
- (53) Section 80(15B)(e) and (h), after ‘breath’— 20
insert— 21
‘or saliva’. 22
- (54) Section 80(15F)(a), after ‘analysis’— 23
insert— 24
‘or saliva for saliva analysis’. 25
- (55) Section 80(15F)(b), after ‘breath’— 26
insert— 27
‘or saliva’. 28
- (56) Section 80(15F)(c), after ‘instrument’— 29
insert— 30

*Transport Legislation and Another Act Amendment
Bill 2006*

‘or saliva analysing instrument’.	1
(57) Section 80(15F)(c), ‘of breath’—	2
<i>omit.</i>	3
(58) Section 80(16) and (16A)—	4
<i>omit, insert—</i>	5
‘(16) Delivery of blood, urine or saliva specimen to laboratory	6
As soon as practicable after—	7
(a) a specimen of blood or urine has been obtained under	8
this section; or	9
(b) a specimen of saliva has been obtained under this	10
section and a notice is given to a police officer as	11
mentioned in section (15AB)(b)(i) stating that a relevant	12
drug was present in the analysed specimen of saliva;	13
the police officer who required the specimen must deliver it,	14
or arrange for it to be delivered on the police officer’s behalf,	15
to the laboratory of an analyst.	16
‘(16A) Prescribed delivery of specimen to laboratory	17
The specimen of blood, urine or saliva to be delivered under	18
subsection (16) must be delivered to the analyst’s laboratory	19
in the way prescribed under a regulation.’.	20
(59) Section 80(16B)(a), ‘blood’—	21
<i>omit, insert—</i>	22
‘blood, or a specimen of the saliva, as stated in the certificate	23
(the <i>delivered specimen</i>)’.	24
(60) Section 80(16B)(b), ‘such’—	25
<i>omit, insert—</i>	26
‘the delivered’.	27
(61) Section 80(16B)(c)—	28
<i>omit, insert—</i>	29
‘(c) that—	30
(i) if the delivered specimen was a specimen of	31
blood—	32

*Transport Legislation and Another Act Amendment
Bill 2006*

(A)	the concentration of alcohol in the person's blood indicated by the laboratory test was a stated number of milligrams of alcohol in the blood per 100mL of blood; or	1 2 3 4
(B)	a stated drug or metabolite of a stated drug was indicated by the laboratory test to be present in the person's blood; or	5 6 7
(ii)	if the delivered specimen was a specimen of saliva—a stated relevant drug or metabolite of a stated relevant drug was indicated by the laboratory test to be present in the person's saliva;.	8 9 10 11
(62)	Section 80(16C) and (16E)(a), after 'laboratory test'— <i>insert</i> — ' , or the person's saliva for saliva analysis,'.	12 13 14
(63)	Section 80(16C)(c) and (f) and (16E)(b), after 'of blood'— <i>insert</i> — 'or saliva'.	15 16 17
(64)	Section 80(16F)— <i>insert</i> — ' <i>Note</i> — The reference to drug in this subsection, because of its generality, includes a relevant drug.'	18 19 20 21 22
(65)	Section 80(16G)— <i>omit, insert</i> —	23 24
'(16FA)	Three hours proof of relevant drug presence by laboratory test Evidence by an analyst, or by a certificate referred to in subsection (16B), that a stated relevant drug or metabolite of a stated relevant drug is indicated to be present in the blood or saliva of a person by a laboratory test of a specimen of the blood or saliva of the person, subject to subsection (16G), is conclusive evidence of the presence of the stated relevant drug or the metabolite of the stated relevant drug in the person's blood or saliva—	25 26 27 28 29 30 31 32 33

*Transport Legislation and Another Act Amendment
Bill 2006*

- (a) at the time (being for a certificate the date and time stated in the certificate) when the person provided the specimen; and 1
2
3
- (b) at a material time in any proceedings if the specimen was provided not more than 3 hours after the material time; and 4
5
6
- (c) at all material times between those times. 7
- ‘(16G) Evidence may be negatived 8
The defendant may negative the evidence mentioned in subsection (16F) or (16FA) if the defendant proves the result of the laboratory test of that specimen of blood or saliva was not a correct result.’ 9
10
11
12
- (66) Section 80(16H), after ‘laboratory test’— 13
insert— 14
‘, or the specimen of saliva for saliva analysis,’. 15
- (67) Section 80(16L), after ‘blood’— 16
insert— 17
‘or of saliva’. 18
- (68) Section 80(18), after ‘laboratory test’— 19
insert— 20
‘, or a specimen of saliva for saliva analysis,’. 21
- (69) Section 80(19), ‘, or arranges for a specimen of blood’— 22
omit, insert— 23
‘(the *specimen*), or a specimen of saliva (also the *specimen*), or arranges for the specimen’. 24
25
- (70) Section 80(19)(b), ‘of blood’— 26
omit. 27
- (71) Section 80(20), after ‘laboratory test’— 28
insert— 29
‘, or a specimen of saliva for saliva analysis,’. 30
- (72) Section 80(20), from ‘request’— 31

*Transport Legislation and Another Act Amendment
Bill 2006*

<i>omit, insert—</i>	1
‘request—	2
(a) the health care professional who took the specimen of blood to give the person a specimen of the person’s blood; or	3 4 5
(b) the police officer or health care professional who took the specimen of saliva for saliva analysis to give to the person a part of the specimen of the person’s saliva.’.	6 7 8
(73) Section 80(20A), from ‘blood’ to ‘professional’—	9
<i>omit, insert—</i>	10
‘blood or saliva, the health care professional or the police officer’.	11 12
(74) Section 80(22)(b)—	13
<i>omit, insert—</i>	14
‘(ab) the analysis by means of a saliva analysing instrument of a specimen of saliva of a person required by a police officer to be provided under subsection (8) or (8C) indicates that a relevant drug is present in the person’s saliva; or	15 16 17 18 19
(b) a person required to provide a specimen of breath, or a specimen of saliva for saliva analysis, as mentioned in paragraph (a) or (ab) fails to provide the specimen as prescribed under subsections (8) to (8L); or’.	20 21 22 23
(75) Section 80(22)(ba), after ‘for analysis’—	24
<i>insert—</i>	25
‘, a specimen of saliva for saliva analysis’.	26
(76) Section 80(22)(ba)(iii)(A), after ‘the person’s breath’—	27
<i>insert—</i>	28
‘or a saliva analysing instrument is not available to analyse a specimen of the person’s saliva’.	29 30
(77) Section 80(22)(ba)(iii)(B), after ‘laboratory test’—	31
<i>insert—</i>	32

*Transport Legislation and Another Act Amendment
Bill 2006*

- 1
- ‘or a specimen of saliva for saliva analysis,’
- (78) Section 80(22)(c), after ‘a breath test’— 2
- insert—* 3
- ‘, or saliva for a saliva test,’ 4
- (79) Section 80(22)(c)— 5
- insert—* 6
- ‘(ia) it appears to the police officer in consequence of 7
- the saliva test carried out by the officer that the 8
- device by means of which the test is carried out 9
- indicates a relevant drug is present in the person’s 10
- saliva; or’ 11
- (80) Section 80(22)(c)(ii), after ‘of breath’— 12
- insert—* 13
- ‘or saliva’ 14
- (81) Section 80(22AA)(a), after ‘(22)(a)’— 15
- insert—* 16
- ‘or (ab)’ 17
- (82) Section 80(22AA)(d), after ‘subsection (22)(c)(i)’— 18
- insert—* 19
- ‘, or the saliva test of the specimen of the person’s saliva 20
- mentioned in subsection (22)(c)(ia),’ 21
- (83) Section 80(23), after ‘blood’— 22
- insert—* 23
- ‘or saliva’ 24
- (84) Section 80(24), from ‘Evidence’ to ‘at a time material to’— 25
- omit, insert—* 26
- ‘Evidence of either or both of the following— 27
- (a) the presence of the concentration of alcohol in the blood 28
- or breath of a person, or the concentration of a drug or 29
- metabolite of a drug (other than a relevant drug or a 30
- metabolite of a relevant drug) in the blood of a person; 31

*Transport Legislation and Another Act Amendment
Bill 2006*

- (b) the presence of a relevant drug in the blood or saliva of a person;
at a time material to’.
- (85) Section 80(26)(b), from ‘blood’ to ‘(16F)’—
omit, insert—
‘blood or saliva referred to in subsection (16F) or (16FA)’.
- (86) Section 80(28) and (29)(b)(i), after ‘blood’—
insert—
‘or saliva’.
- (87) Section 80(30)(b), after ‘blood’—
insert—
‘or saliva’.

- Clause 58 Insertion of new section 80AA**
- After section 80—
insert—
- ‘80AA Limitation on use of saliva for saliva test or saliva analysis and related matters**
- ‘(1) This section applies to a specimen of saliva for a saliva test or for saliva analysis obtained under section 80 from a person.
- ‘(2) The specimen must not be used for—
- (a) DNA analysis to help decide whether or not the person may be a suspect in relation to an offence; or
- (b) for a purpose stated in the *Police Powers and Responsibilities Act 2000*, section 537.
- Note for subsection (2)—
Matters mentioned in subsection (2) are regulated under the *Police Powers and Responsibilities Act 2000*, chapters 17 and 18.
- ‘(3) If the saliva test or saliva analysis does not indicate the presence of a relevant drug in the person’s saliva, the specimen must be destroyed as soon as possible after the result is known.

*Transport Legislation and Another Act Amendment
Bill 2006*

‘(4) If a saliva test or saliva analysis indicates the presence of a relevant drug in the person’s saliva, the specimen must be destroyed as soon as possible after the results are no longer necessary for proceedings against the person, including an appeal about a conviction under this or another Act.’.

Clause 59	Amendment of s 86 (Disqualification of drivers of motor vehicles for certain offences)	6 7
	(1) Section 86(1)(b), (1F), (1G), (2), (2B), (2D), (2F), (3E) and (3F), after ‘79(2),’—	8 9
	<i>insert—</i>	10
	‘(2AA),’.	11
	(2) Section 86(2A) and (2C), after ‘defendant’—	12
	<i>insert—</i>	13
	‘, or the presence of a relevant drug in the defendant’s blood or saliva,’.	14 15
Clause 60	Amendment of s 87 (Issue of restricted licence to disqualified person)	16 17
	Section 87(5)—	18
	<i>insert—</i>	19
	‘(dc) if—	20
	(i) the disqualification for which the application is made resulted from the applicant’s conviction for an offence against section 79(2AA); and	21 22 23
	(ii) the applicant is a person to whom section 79(2A), (2B), (2D) or (2J) would have applied if, at the time of the offence, the person were over the no alcohol limit but not over the general alcohol limit;’.	24 25 26 27 28
Clause 61	Replacement of s 112 (Use of speed detection devices)	29
	Section 112—	30

*Transport Legislation and Another Act Amendment
Bill 2006*

omit, insert—

‘112 Use of speed detection devices

‘When using a radar speed detection device or laser-based speed detection device, a police officer must comply with—

- (a) the appropriate Australian Standard for using the device, as in force from time to time; or
- (b) if there is no appropriate Australian Standard for using the device in force at the time of the use—the manufacturer’s specifications for the device.’

Clause 62 Amendment of s 124 (Facilitation of proof)

(1) Section 124(1)(pa) and (pb)—

omit, insert—

‘(pa) a certificate purporting to be signed by the commissioner and stating a particular stated induction loop speed detection device, laser-based speed detection device, piezo strip speed detection device or radar speed detection device—

(i) was tested at a stated time in accordance with—

(A) the appropriate Australian Standard for testing the device, as in force on the day of testing; or

(B) if there is no appropriate Australian Standard for testing the device in force on the day of testing—the manufacturer’s specifications; and

(ii) was found to produce accurate results at the time of testing;

is evidence that the device was producing accurate results when so tested and for 1 year after the day of testing;

(pb) a certificate purporting to be signed by a police officer stating a particular stated laser-based speed detection device or radar speed detection device was used by the officer at a stated time in accordance with—

*Transport Legislation and Another Act Amendment
Bill 2006*

- | | |
|--|----------------|
| (i) the appropriate Australian Standard for using the device, as in force on the day of use; or | 1
2 |
| (ii) if there is no appropriate Australian Standard for using the device in force on the day of use—the manufacturer’s specifications; | 3
4
5 |
| is evidence of the matters stated;’. | 6 |
| (2) Section 124(1)(pd) and (pe)— | 7 |
| <i>omit.</i> | 8 |
| (3) Section 124(1)(pf), after ‘photographic detection device’— | 9 |
| <i>insert—</i> | 10 |
| ‘used in conjunction with a stated induction loop speed detection device, laser-based speed detection device, piezo strip speed detection device or radar speed detection device’. | 11
12
13 |
| (4) Section 124(1)(pf)(i) and (ii)— | 14 |
| <i>omit, insert—</i> | 15 |
| (i) tested at a stated time under paragraph (pa); and | 16 |
| (ii) found to produce accurate results at the time of testing; | 17
18 |
| (5) Section 124(1)(tb) and (u), after ‘breath analysing instrument’— | 19
20 |
| <i>insert—</i> | 21 |
| ‘or saliva analysing instrument’. | 22 |
| (6) Section 124(4)(a)— | 23 |
| <i>omit, insert—</i> | 24 |
| (a) the accuracy of a speed detection device or vehicle speedometer accuracy indicator for which a certificate is given under subsection (1); or’. | 25
26
27 |
| (7) Section 124(4)(b), ‘the radar or laser speed detection’— | 28 |
| <i>omit, insert—</i> | 29 |
| ‘the relevant’. | 30 |

*Transport Legislation and Another Act Amendment
Bill 2006*

Clause 63	Amendment of s 143 (Confidentiality)	1
	(1) Section 143(1), after the penalty—	2
	<i>insert—</i>	3
	‘ <i>Note—</i>	4
	Generally, under section 144, provisions of this Act about offences do not apply to a police officer while exercising a power or performing a function under this or another Act. However, the <i>Police Service Administration Act 1990</i> , section 10.1 provides for an offence if a police officer discloses information that the police officer should not disclose.’	5 6 7 8 9
	(2) Section 143(3)—	10
	<i>insert—</i>	11
	‘ <i>information</i> includes a specimen provided by or taken from a person.’	12 13
Clause 64	Insertion of new ch 7, pt 9	14
	After section 205—	15
	<i>insert—</i>	16
‘Part 9	Transitional provision for Transport Legislation and Another Act Amendment Act 2006	17 18 19 20
‘206	Definitions for pt 9	21
	‘In this part—	22
	<i>amending Act</i> means the <i>Transport Legislation and Another Act Amendment Act 2006</i> .	23 24
‘207	No saliva testing or saliva analysis for 1 month after commencement	25 26
	‘Despite the commencement of part 9, division 2 of the amending Act, a saliva test or specimen of saliva for saliva analysis is not to be taken or obtained under this Act until 1 month after the commencement.	27 28 29 30

*Transport Legislation and Another Act Amendment
Bill 2006*

'208	Certificates under s 124	1
	‘A certificate given under section 124(1)(pa), (pb), (pd), (pe) or (pf), as in force immediately before the commencement of section 62 ¹ of the amending Act in relation to a proceeding started before that commencement but not decided before that commencement may continue to be used in or in relation to that proceeding after that commencement.	2 3 4 5 6 7
'209	Updated text	8
	‘The object of the amendment of this Act by schedules 2 and 3 of the amending Act is to improve the readability of the provisions amended in the schedules and is not intended to affect their meaning.’.	9 10 11 12
Clause 65	Amendment of sch 4 (Dictionary)	13
	Schedule 4—	14
	<i>insert</i> —	15
	‘ relevant drug , for chapter 5, part 3, means a drug prescribed under a regulation.	16 17
	saliva analysis , for a specimen of saliva, see section 80(1).	18
	saliva test see section 80(1).	19
	specimen , in relation to saliva, see section 80(1).’.	20
Clause 66	Further amendments in schs 2 and 3	21
	(1) Schedule 2 further amends the <i>Transport Operations (Road Use Management Act) 1995</i> .	22 23
	(2) Also, schedule 3 amends the <i>Transport Operations (Road Use Management) Act 1995</i> , sections 79 and 80 by stating subsection headings that are to be inserted in the sections for the subsections stated in the schedule.	24 25 26 27

1 *Transport Legislation and Another Act Amendment Act 2006*, section 62 (Amendment of s 124 (Facilitation of proof))

*Transport Legislation and Another Act Amendment
Bill 2006*

	Part 10	1
	Amendment of Transport Planning and Coordination Act 1994	2 3
Clause 67	Act amended in pt 10	4
	This part amends the <i>Transport Planning and Coordination Act 1994</i> .	5 6
Clause 68	Replacement of s 8E (Guidelines for ss 8B-8D)	7
	Section 8E—	8
	<i>omit, insert—</i>	9
'8E	Guidelines for pt 2A	10
	'(1) The chief executive may make guidelines—	11
	(a) about a matter mentioned in section 8A; or	12
	(b) for the purposes of sections 8B to 8D.	13
	'(2) The guidelines may also—	14
	(a) identify a particular transport facility, transport corridor or parcel of land; and	15 16
	(b) include other matters relevant to subsection (1)(a) or (b).	17
	'(3) A person must have regard to relevant guidelines when—	18
	(a) planning or carrying out development under the <i>Integrated Planning Act 1997</i> ; or	19 20
	(b) making changes to the management of a local government road; or	21 22
	(c) making proposals in relation to the provision of public passenger transport.	23 24
	'(4) The chief executive must give a copy of the guidelines to every local government affected by the guidelines.	25 26
	'(5) In this section—	27
	<i>transport corridor</i> includes a future transport corridor.	28
	<i>transport facility</i> includes a future transport facility.'	29

	Schedule 1		
	Minor amendments of Transport Infrastructure Act 1994		1 2 3
		section 19	4
1	Section 239A— <i>renumber</i> as section 239AI.		5 6
2	Section 240, heading, ‘Lease’— <i>omit, insert—</i> ‘Sublease’.		7 8 9
3	Section 240(4), (5), (6), and (9), definitions <i>acquires</i>, paragraph (b) and <i>full costs</i>, paragraphs (a) and (b), ‘lease’— <i>omit, insert—</i> ‘sublease’.		10 11 12 13 14
4	Section 242(2), ‘leased’— <i>omit, insert—</i> ‘subleased to a railway manager’.		15 16 17
5	Section 249(4)(a)(ii), ‘leased’— <i>omit, insert—</i> ‘subleased’.		18 19 20
6	Section 260A(1)(a), ‘leases’— <i>omit, insert—</i> ‘subleases’.		21 22 23

Schedule 1 (continued)

7	Section 260A(1)(b) and (3), ‘lease’—	1
	<i>omit, insert—</i>	2
	‘sublease’.	3
8	Section 260A(1)(c) and (2), ‘leased’—	4
	<i>omit, insert—</i>	5
	‘subleased’.	6
9	Section 262, ‘or non-rail corridor land’—	7
	<i>omit, insert—</i>	8
	‘, non-rail corridor land or a lease granted under the lease’.	9

Schedule 2	Further amendment of the Transport Operations (Road Use Management) Act 1995	1 2 3
	section 66(1)	4
1	<p>Sections 79(1) and (7), 80(9) and (22D) and 87(5)(d)(i), 'whilst'—</p> <p><i>omit, insert—</i></p> <p>'while'.</p>	5 6 7 8
2	<p>Sections 79(1A), (1B), (1C), (1D), (1E), (2F), (2G), (2H), (2I) and (6)(d), 86(1), (1A), (1B), (1C), (1D), (1E), (1F), (1G), (2), (2B), (2D), (2E), (2F), (3A), (3B), (3C), (3D), (3E) and (3F), 87(4A), (5)(c) and (5)(f) and 88(3), 'prior to'—</p> <p><i>omit, insert—</i></p> <p>'before'.</p>	9 10 11 12 13 14
3	<p>Section 79(1A), (1B), (1D), (1E), (2F), (2G), (2H) and (2I), 'in respect of'—</p> <p><i>omit, insert—</i></p> <p>'for'.</p>	15 16 17 18
4	<p>Sections 79(1B), (1C), (2H) and (2I), 80(8E), (15)(b), (15B)(h) and (16C)(f), 86(1)(c), (1C), (1D), (1E), (2)(c), (2E), (2F)(b), (3), (5), (5A), (5B), (5C) and (6) and 89(1) and (2), 'upon'—</p> <p><i>omit, insert—</i></p> <p>'on'.</p>	19 20 21 22 23 24

Schedule 2 (continued)

5	Section 79(1C), ‘shall in respect of’—	1
	<i>omit, insert—</i>	2
	‘must for’.	3
6	Section 79(2A), ‘has not attained the age of’—	4
	<i>omit, insert—</i>	5
	‘is under’.	6
7	Section 79(3) and (6), ‘Where upon’—	7
	<i>omit, insert—</i>	8
	‘If on’.	9
8	Sections 79(3), 80(15F), (16B), (16E), (16K), (18), (18A) and (24A)(c), 83, 84(1), (1A) and (2), 85(1) and (5), 86(6) and 87(10), ‘shall be’—	10
	<i>omit, insert—</i>	11
	‘is’.	12
		13
		14
9	Section 79(4), ‘where upon’—	15
	<i>omit, insert—</i>	16
	‘if on’.	17
10	Sections 79(4), (4A), (6), (8A) and (9), 80(8F), (8J), (9C), (15), (16C), (16H), (22A) and (26), 86(2) and (2B), 87(2A)(a), (4), (6A), (7) and (8), 88(2)(a), (3) and (6) and 91, ‘shall’—	18
	<i>omit, insert—</i>	19
	‘must’.	20
		21
		22

Schedule 2 (continued)

11	Sections 79(4A) and (9), 80(2A), (9), (15B), (16C), (18A) and (23), 85(5), 86(5A) and (5B), 87(1), (6) and (7), 88(1), 89(1) and 90(1), ‘Where’—	1 2 3
	<i>omit, insert—</i>	4
	‘If’.	5
12	Section 79(6)(b)(i), ‘, as the case may be,’—	6
	<i>omit.</i>	7
13	Section 79(6)(c), ‘a manner’—	8
	<i>omit, insert—</i>	9
	‘a way’.	10
14	Section 79(7), penalty, ‘for subsection (7)’—	11
	<i>omit.</i>	12
15	Section 79(8), ‘shall not be’—	13
	<i>omit, insert—</i>	14
	‘is not’.	15
16	Section 79(8), ‘by reason that’—	16
	<i>omit, insert—</i>	17
	‘because’.	18
17	Section 79(8A), from ‘upon’ to ‘complaint’—	19
	<i>omit, insert—</i>	20
	‘, on the hearing of a complaint mentioned in subsection (8),’.	21

Schedule 2 (continued)

18	Section 79(8A), from ‘notwithstanding’ to ‘such’—	1
	<i>omit, insert—</i>	2
	‘even though the particular’.	3
19	Section 79(9), ‘determined’—	4
	<i>omit, insert—</i>	5
	‘decided’.	6
20	Sections 79(10), 80(5B), (8E), (8F), (9C), (11A), (15), (15B), (16C), (20), (22), (23), (24A) and (26), 86(5B) and (6), 87(5)(d)(iii), (8A) and (9) and 88(7), ‘pursuant to’—	7
	<i>omit, insert—</i>	8
	‘under’.	9
		10
		11
21	Sections 79(10) and 80(8B)(d), ‘where’—	12
	<i>omit, insert—</i>	13
	‘if’.	14
22	Section 79(10), ‘occasioned’—	15
	<i>omit, insert—</i>	16
	‘caused’.	17
23	Section 79(10), ‘rendering’—	18
	<i>omit, insert—</i>	19
	‘making’.	20
24	Section 79(11), ‘to and with respect to’—	21
	<i>omit, insert—</i>	22
	‘in relation to’.	23

Schedule 2 (continued)

25	Section 79A(4), ‘specified’—	1
	<i>omit, insert—</i>	2
	‘stated’.	3
26	Section 80(8E), ‘such police officer shall not’—	4
	<i>omit, insert—</i>	5
	‘the police officer must not’.	6
27	Section 80(8E), ‘such person but shall’—	7
	<i>omit, insert—</i>	8
	‘the person but must’.	9
28	Section 80(8H)—	10
	<i>omit, insert—</i>	11
	(8H) If an authorised police officer’s instrument of authority issued under subsection (8G) is lost, mislaid, or destroyed or otherwise can not be produced—	12 13 14
	(a) the police officer continues to be an authorised police officer even though the instrument of authority has been lost, mislaid, or destroyed or otherwise cannot be produced; and	15 16 17 18
	(b) the commissioner may issue to the officer a replacement instrument of authority; and	19 20
	(c) the replacement instrument of authority is taken to have effect from the date the original instrument of authority was issued.’.	21 22 23
29	Section 80(8I), ‘named therein is’—	24
	<i>omit, insert—</i>	25
	‘named in the certificate is’.	26

Schedule 2 (continued)

30	Section 80(11A), ‘was, by reason’— <i>omit, insert—</i> ‘was, because’.	1 2 3
31	Section 80(15B), ‘and shall deliver’— <i>omit, insert—</i> ‘and must deliver’.	4 5 6
32	Sections 80(15F), (16E), (18) and (18A) and 84(1B), ‘shall, upon’— <i>omit, insert—</i> ‘must, on’.	7 8 9 10
33	Section 80(15F)(a), (16E)(a) and (18), ‘named therein’— <i>omit, insert—</i> ‘named in the certificate’.	11 12 13
34	Section 80(15G), ‘shall, subject to subsection(15H), be’— <i>omit, insert—</i> ‘is, subject to subsection (15H),’.	14 15 16
35	Section 80(16F), ‘shall, subject to subsection (16G), be’— <i>omit, insert—</i> ‘is, subject to subsection (16G),’.	17 18 19
36	Section 80(16K), ‘Such deposition shall, upon’— <i>omit, insert—</i> ‘The deposition is, on’.	20 21 22

Schedule 2 (continued)

37	Section 80(16K), ‘be evidence’—	1
	<i>omit, insert—</i>	2
	‘evidence’.	3
38	Section 80(18A)(a), ‘thereto’—	4
	<i>omit, insert—</i>	5
	‘on the certificate’.	6
39	Section 80(22C), ‘shall’—	7
	<i>omit, insert—</i>	8
	‘does’.	9
40	Section 80(24), ‘upon the trial upon’—	10
	<i>omit, insert—</i>	11
	‘in the trial on’.	12
41	Section 80(24), ‘upon any hearing’—	13
	<i>omit, insert—</i>	14
	‘on any hearing’.	15
42	Section 80(24), from ‘shall not’ to ‘such’—	16
	<i>omit, insert—</i>	17
	‘must not be excluded only because the’.	18
43	Section 80(24A)(b), ‘shall have’—	19
	<i>omit, insert—</i>	20
	‘has’.	21

Schedule 2 (continued)

44	Sections 84(1C) and 90(1), ‘determining’—	1
	<i>omit, insert—</i>	2
	‘deciding’.	3
45	Section 84(1C), ‘shall be’—	4
	<i>omit, insert—</i>	5
	‘is to be’.	6
46	Section 85(2), ‘shall have’—	7
	<i>omit, insert—</i>	8
	‘has’.	9
47	Section 86(1), ‘section 79(1) shall,—	10
	<i>omit, insert—</i>	11
	‘section 79(1) is,’.	12
48	Section 86(1), ‘be disqualified’—	13
	<i>omit, insert—</i>	14
	‘disqualified’.	15
49	Section 86(1A), (1B), (1C), (1D), (1E), (1F), (1G), (2D), (2E), (2F), (3A), (3B), (3C), (3D), (3E), (3F) and (4), ‘shall be’—	16
	<i>omit, insert—</i>	17
	‘is’.	18
50	Section 86(2A) and (2C), ‘shall be determined’—	20
	<i>omit, insert—</i>	21
	‘must be decided’.	22

Schedule 2 (continued)

51	Section 86(2A) and (2C), ‘determination, shall’—	1
	<i>omit, insert—</i>	2
	‘decision, must’.	3
52	Section 86(3), ‘shall, subject to the provisions of subsections (3A) to (3F), be’—	4
	<i>omit, insert—</i>	5
	‘is, subject to subsections (3A) to (3F),’.	6
	‘is, subject to subsections (3A) to (3F),’.	7
53	Section 86(5), ‘shall be’—	8
	<i>omit, insert—</i>	9
	‘be’.	10
54	Section 86(5), ‘shall thereupon be so’—	11
	<i>omit, insert—</i>	12
	‘, on the making of the order, is’.	13
55	Section 86(5B), ‘shall thereby’—	14
	<i>omit, insert—</i>	15
	‘is’.	16
56	Section 86(5B), ‘be disqualified’—	17
	<i>omit, insert—</i>	18
	‘disqualified’.	19
57	Section 86(5C), ‘shall commence’—	20
	<i>omit, insert—</i>	21
	‘commences’.	22

Schedule 2 (continued)

58	Sections 87(2A) and 88(2), ‘shall be made’—	1
	<i>omit, insert—</i>	2
	‘must be made’.	3
59	Sections 87(2A) and 88(2), from ‘shall be liable’—	4
	<i>omit, insert—</i>	5
	‘may be cross-examined.’.	6
60	Section 87(6), ‘shall be deemed to be’—	7
	<i>omit, insert—</i>	8
	‘is’.	9
61	Section 87(8A), ‘shall remain’—	10
	<i>omit, insert—</i>	11
	‘remains’.	12
62	Section 87(10A)(b), ‘shall by virtue of the conviction be’—	13
	<i>omit, insert—</i>	14
	‘is, because of the conviction,’.	15
63	Section 87(11), ‘shall be’—	16
	<i>omit, insert—</i>	17
	‘are’.	18
64	Section 88(7), ‘shall’—	19
	<i>omit.</i>	20

Schedule 2 (continued)

65	Section 89(1), ‘shall from the date of the order be’—	1
	<i>omit, insert—</i>	2
	‘is, from the date of the order,’.	3
66	Section 89(1), from ‘or be so’—	4
	<i>omit, insert—</i>	5
	‘or is so disqualified for the period as the judge states in the order.’.	6
67	Section 124(1)(g), (n) and (p) ‘specified’—	7
	<i>omit, insert—</i>	8
	‘stated’.	9
68	Section 124(1)(n), ‘date’—	10
	<i>omit, insert—</i>	11
	‘day’.	12
69	Section 124(1)(n), ‘at the time’—	13
	<i>omit, insert—</i>	14
	‘on the day’.	15
70	Section 124(1)(p), ‘at the time of testing and’—	16
	<i>omit, insert—</i>	17
	‘when so tested and’.	18
71	Section 124(1)(pc)(i), after ‘tested’—	19
	<i>insert—</i>	20
	‘at a stated time’.	21

Schedule 2 (continued)

72	Section 124(1)(pc)(ii) and (tb)(ii), ‘at the specified time’— <i>insert—</i> ‘at the time of testing’.	1 2 3
73	Section 124(1)(pc), ‘at the time of testing’— <i>omit, insert—</i> ‘when so tested’.	4 5 6
74	Section 124(1)(pf) and (tb), from ‘at the time of testing’— <i>omit, insert—</i> ‘when so tested and for 1 year after the day of testing;’.	7 8 9
75	Section 124(1)(r)(i)(C), (r)(v), (s)(ii) and (iii), ‘specified’— <i>omit, insert—</i> ‘stated’.	10 11 12
76	Section 124(1)(tb)(i), ‘at a specified time’— <i>omit, insert—</i> ‘at a stated time’.	13 14 15

Schedule 3	Insertion of subsection headings	1 2
	section 66(2)	3
	Subsection headings for section 79	4
	(1) Offence of driving etc. while under the influence	5
	(1A) Liability under subsection (1) if convicted within 5 years under subsection (1)	6 7
	(1B) Liability under subsection (1) if convicted within 5 years on indictment or against Criminal Code, s 328A	8 9
	(1C) Liability under subsection (1) if 2 convictions within 5 years under various provisions	10 11
	(1D) Liability under subsection (1) if convicted within 5 years under other subsections	12 13
	(1E) Liability under subsection (1) if 2 convictions within 5 years under other subsections	14 15
	(2) Offence of driving etc. while over general alcohol limit but not over high alcohol limit	16 17
	(2A) Offence of driving etc. while over no alcohol limit but not over general alcohol limit if particular type of driver or licence	18 19
	(2B) Offence of driving etc. particular motor vehicles while over no alcohol limit but not over general alcohol limit	20 21
	(2C) Motor vehicles to which subsection (2B) applies	22
	(2D) Offence of driving etc. tram, train or vessel while over no alcohol limit but not over general alcohol limit	23 24
	(2E) Vessels to which subsection (2D) applies	25
	(2F) Liability under various subsections if conviction within 5 years under the subsections	26 27
	(2G) Liability under various subsections if 2 convictions within 5 years under the subsections	28 29

Schedule 3 (continued)

(2H)	Liability under various subsections if conviction within 5 years for other offences	1 2
(2I)	Liability under various subsections if conviction within 5 years under the subsections and another conviction	3 4
(2J)	Offence for particular licence holders if driving etc. while over no alcohol limit but not over general alcohol limit	5 6
(3)	Presumption that defendant is under the influence of liquor if over high alcohol limit	7 8
(4)	Conviction for offence against subsection (2), (2A), (2B), (2D) or (2J) in particular circumstance	9 10
(4A)	Conviction for offence against subsection (2) in particular circumstance	11 12
(6)	Court not to convict if satisfied of particular matters	13
(7)	Offence of driving etc. animals and other things while under the influence	14 15
(8)	Use of 'liquor or a drug' in charge not bad	16
(8A)	Conviction even if particular influence not established	17
(9)	Suspension of driver licence on failure to appear	18
(10)	Court's discretion for subsection (9) order	19
(10A)	Definition for subsection (10)	20
(11)	Application of subsections (1)–(2J)	21
(12)	Criminal Code, section 24, not applicable	22

Subsection headings for section 80 23

(1)	Definitions	24
(1A)	When person taken not to have provided specimen	25
(2)	Request for specimen of breath	26

Schedule 3 (continued)

(2A) Request for specimen of breath or saliva after incident	1
(2B) Application of subsection (2C)	2
(3) Time and place for provision of specimen	3
(5) Forcible taking of person to police station or other place	4
(5A) Offence of failing to provide specimen as required	5
(5B) When person is not guilty under subsection (5A)	6
(6) Powers of police for subsections (8)–(8L)	7
(8) Particular persons under arrest or detained may be required to provide specimen	8 9
(8A) Detaining person mentioned in subsection (8)	10
(8B) Person may be taken to particular places for subsections (8)–(8L)	11 12
(8E) Specimen of blood must be required if doctor’s certificate produced	13 14
(8F) Providing a specimen of breath	15
(8G) Authorising a police officer to operate breath or saliva analysing instrument	16 17
(8H) Lost, mislaid or destroyed instrument of authority	18
(8I) Certificate of commissioner about authorisation	19
(8J) Operator of analysing instrument must not be arresting officer or officer who requires specimen	20 21
(8L) Application of subsection (8M)	22
(8M) Requiring as many specimens as considered reasonably necessary	23 24
(9) Requiring specimen of blood or urine for laboratory test	25
(9A) Powers of a police officer making requisition under subsection (9)	26 27
(9B) Taking of specimen of blood by health care professional	28
(9C) Providing specimen of urine as directed by doctor or nurse	29

Schedule 3 (continued)

(10)	Requiring doctor or nurse to obtain specimen of blood for laboratory test	1 2
(10A)	Obligations of doctors and nurses when taking specimen of blood	3 4
(10B)	Qualified assistant may take specimen of blood	5
(10C)	Specimen of blood also to be given to person	6
(10D)	Doctor or nurse need not comply with subsection (10A) in particular circumstances	7 8
(10E)	Limitation on requiring specimen of blood when specimen of breath previously provided and analysed	9 10
(10G)	Lawful to take specimen of blood without consent	11
(11A)	Person not guilty under subsection (11) in particular circumstances	12 13
(15)	Breath analysis certificate	14
(15A)	Subsection (15) certificate evidence	15
(15B)	Certificate of failure to provide breath or saliva specimen	16
(15F)	Subsection (15B) certificate evidence	17
(15G)	Evidence from breath analysing instrument	18
(15H)	Evidence may be negated	19
(16B)	Certificate by analyst is evidence of stated matters	20
(16C)	Certificate by health care professional of failure to provide blood specimen	21 22
(16E)	Subsection (16C) certificate evidence	23
(16F)	Two hours proof of alcohol or drug concentration by laboratory test	24 25
(16H)	Adjournment of hearing for reasons relating to certificate of analyst	26 27
(16J)	Deposition about giving certificate	28
(16K)	Subsection (16J) deposition evidence	29

Schedule 3 (continued)

(16L)	Court may deal with a charge even if laboratory test result unknown	1 2
(18)	Certificate by health care professional is evidence of stated matters	3 4
(18A)	Certificate by particular person is evidence of matters relating to the person	5 6
(19)	Evidence of compliance with subsection (16A)	7
(20)	Person providing specimen of blood or saliva may request specimen	8 9
(20A)	Health care professional must comply with request under subsection (20)	10 11
(22)	Application of subsection (22AA)	12
(22AA)	Suspension of driver licence for 24 hours in particular circumstances	13 14
(22A)	Police officer to give statement of suspension	15
(22B)	Arrest immaterial	16
(22C)	No appeal lies for suspension	17
(22D)	Offence of driving motor vehicle during suspension	18
(23)	If doctor unavailable, police officer may take person to another place for taking of specimen	19 20
(24)	Evidence of concentration of alcohol, drug etc. is admissible in trial on indictment	21 22
(24A)	Provisions about evidence admissible under subsection (24)	23
(26)	Defendant to give 14 days notice of intention to lead evidence of particular matters	24 25
(27)	Requirements for notice under subsection (26)	26
(28)	Court's leave necessary for particular persons to be required to attend hearing	27 28

Schedule 3 (continued)

- | | | |
|------|--|---|
| (29) | When court may grant leave under subsection (28) | 1 |
| (30) | Matters for proceedings for offence against s 79 | 2 |