

Transport and Other Legislation Amendment Bill 2009

Amendment agreed to during Consideration

1 After clause 21—

Page 34, after line 12—

insert—

‘21A Amendment of s 28B (Driver authorisation—category B driver disqualifying offences)

‘(1) Section 28B(3)(b), ‘(4)’—

omit, insert—

‘(7)’.

‘(2) Section 28B(4) and (5)—

omit, insert—

‘(4) The chief executive must ask the Commissioner for Children and Young People and Child Guardian (the *children’s commissioner*) whether the commissioner considers an exceptional case exists.

‘(5) The children’s commissioner may give the chief executive the advice requested under subsection (4).

‘(6) Without limiting the chief executive’s power to take the exclusion action, the chief executive—

(a) must take the advice of the children’s commissioner into account; and

(b) can not be satisfied that an exceptional case exists if the children’s commissioner advises the chief executive that the children’s commissioner considers an exceptional case does not exist.

- ‘(7) The chief executive must consider any written representations made by the person and must take the exclusion action unless the chief executive, subject to subsection (6) and the paramount principle mentioned in section 33A, is satisfied that an exceptional case exists.’.
- ‘(3) Section 28B(6)—
renumber as section 28B(8).’.

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