



Queensland

Transport Legislation (Distracted Driver and Other Matters) Amendment Regulation 2021

Subordinate Legislation 2021 No. 102

made under the

Forestry Act 1959

Nature Conservation Act 1992

Recreation Areas Management Act 2006

State Penalties Enforcement Act 1999

Transport Operations (Road Use Management) Act 1995

Contents

		Page
Part 1	Preliminary	
1	Short title	4
2	Commencement	4
Part 2	Amendment of Traffic Regulation 1962	
3	Regulation amended	4
4	Amendment of s 4 (Definitions)	4
5	Insertion of new s 4A	5
	4A Reference to image or video captured by a camera system	5
6	Insertion of new s 208AA	6
	208AA Information about images or videos made by digital driver behaviour camera system—Act, s 113A	6
7	Insertion of new s 210EA	7
	210EA Operating and testing digital driver behaviour camera systems	7
8	Amendment of s 211 (Markings or writings on particular photographic	

Contents

	detection device images)	8
9	Amendment of sch 10 (Approved photographic detection devices)	9
	Part 9 Digital driver behaviour camera system	
10	Insertion of new sch 17	9
	Schedule 17 Data blocks for digital driver behaviour camera systems	9
Part 3	Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010	
11	Regulation amended	12
12	Amendment of s 68 (Use of mobile phones by particular driver licence holders)	12
Part 4	Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009	
13	Regulation amended	14
14	Amendment of s 264 (Wearing of seatbelts by drivers)	15
15	Insertion of new s 264A	15
	264A Driver must ensure passengers comply with seatbelt requirements	15
16	Amendment of s 265 (Wearing of seatbelts by passengers 16 years old or older)	16
17	Amendment of s 266 (Wearing of seatbelts by passengers under 16 years old)	16
18	Amendment of s 267 (Exemptions from wearing seatbelts)	17
19	Insertion of new s 267A	19
	267A Exemptions for driver in relation to passengers	19
20	Replacement of s 300 (Use of mobile phones)	22
	300 Use of mobile phones	22
21	Amendment of s 353 (Prescribed offences for ch 5, pt 7 of the Act)	24
22	Insertion of new ss 353AB and 353AC	25
	353AB Matters for camera-detected offences for which notice from defendant is required—Act, s 120	25
	353AC Evidence by certificate—Act, s 123C(3)	25
23	Amendment of sch 5 (Dictionary)	25
Part 5	Amendment of State Penalties Enforcement Regulation 2014	
24	Regulation amended	26
25	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	27
Part 6	Other amendments	
26	Legislation amended	27

Schedule 1	Other amendments	28
	Forestry Regulation 2015	28
	Nature Conservation (Protected Areas Management) Regulation 2017	28
	Recreation Areas Management Regulation 2017	28
	Traffic Regulation 1962	29
	Transport Operations (Road Use Management—Driver Licensing) Regulation 2010	39
	Transport Operations (Road Use Management—Road Rules) Regulation 2009	40

[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Legislation (Distracted Driver and Other Matters) Amendment Regulation 2021*.

2 Commencement

- (1) This regulation, other than the provisions commenced under subsection (2), commences on 26 July 2021.
- (2) The following provisions commence on 22 July 2021—
 - (a) part 2 other than—
 - (i) section 4(2) and (4); and
 - (ii) sections 6 and 7; and
 - (iii) section 8(2); and
 - (iv) sections 9 and 10;
 - (b) part 6;
 - (c) schedule 1, amendments of the *Traffic Regulation 1962*.

Part 2 Amendment of Traffic Regulation 1962

3 Regulation amended

This part amends the *Traffic Regulation 1962*.

Note—

See also the amendments in schedule 1.

4 Amendment of s 4 (Definitions)

- (1) Section 4—

insert—

associated with, in relation to a marking or writing, see section 120(9) of the Act.

(2) Section 4—

insert—

digital driver behaviour camera system means a camera system described in schedule 10, part 9.

(3) Section 4, definition *camera*, from ‘taking’—

omit, insert—

capturing sounds, images or data.

(4) Section 4, definition *camera system hardware*—

insert—

(g) a digital driver behaviour camera system.

(5) Section 4, definition *digital point-to-point camera system*, note, paragraphs (a) and (b), ‘taken’—

omit, insert—

captured

5 Insertion of new s 4A

After section 4—

insert—

4A Reference to image or video captured by a camera system

- (1) This section applies in relation to an image or video made by a camera system that is a photographic detection device.
- (2) A reference in this regulation to an image or video captured by a camera in the camera system is a reference to the images, sounds or data captured by the camera to make the image or video.

[s 6]

6 Insertion of new s 208AA

After section 208—

insert—

208AA Information about images or videos made by digital driver behaviour camera system—Act, s 113A

- (1) This section provides information about matters mentioned in section 113A(4) of the Act for a digital driver behaviour camera system.
- (2) For the purpose of issuing an infringement notice for a prescribed offence, an image or video made by the digital driver behaviour camera system is accepted as having detected the offence if an authorised officer who has viewed the image or video reasonably believes the image or video has detected the offence.

Note—

See, however, section 210EA(1)(d).

- (3) The digital driver behaviour camera system includes a function that—
 - (a) identifies, for each image or video made by the system—
 - (i) whether the image or video possibly detects a prescribed offence; and
 - (ii) whether the image or video needs to be kept for the proper operation of the system or for testing the system to ensure it is operating correctly; and
 - (b) automatically deletes an image or video made by the system that—
 - (i) does not possibly detect a prescribed offence; and
 - (ii) does not need to be kept for the proper operation of the system or for testing

the system to ensure it is operating correctly.

7 Insertion of new s 210EA

After section 210E—

insert—

210EA Operating and testing digital driver behaviour camera systems

- (1) If a digital driver behaviour camera system is used to provide evidence of a prescribed offence, the following provisions must be complied with—
 - (a) each camera in the system that detects the happening of a thing on which evidence of the offence is based must be positioned and aimed so that an image or video made by the system shows—
 - (i) the front of the vehicle, including the vehicle's number plate; and
 - (ii) the view into the vehicle's cabin at a shallow angle; and
 - (iii) the view into the vehicle's cabin at a steep angle;
 - (b) if a relevant event happens—the system must be tested in accordance with the specifications of the system's manufacturer to ensure the system operates correctly;
 - (c) if a fault is indicated in the system because of testing under paragraph (b)—corrective action must be taken and the testing must be repeated until no fault is indicated by the system;
 - (d) if the tests or an image or video when viewed indicates a fault has affected the proper operation of the system as required

[s 8]

under this section—the image or video must be rejected for evidentiary purposes.

(2) For subsection (1)(b), each of the following is a relevant event for the digital driver behaviour camera system—

- (a) the installation of the system;
- (b) the reinstallation, replacement or repair of camera system hardware of the system;

Example—

the replacement of the system’s camera

- (c) a change to the computer software used by the system;

Example—

the application of a software patch

- (d) the reporting, by the system, of a fault affecting the proper operation of the system.

8 Amendment of s 211 (Markings or writings on particular photographic detection device images)

(1) Section 211(1)(a) to (j), ‘taken’—

omit, insert—

made

(2) Section 211(1)—

insert—

- (k) for an image or video of a vehicle made by a digital driver behaviour camera system—schedule 17.

(3) Section 211(1), note, ‘on an image taken by the camera part of’—

omit, insert—

associated with an image made by

(4) Section 211(2)—

insert—

Note—

See also section 4A in relation to references in schedules 11 to 17 to images or videos that are captured.

(5) Section 211(3), definition *on*—

omit.

(6) Section 211(3), definition *data block*, ‘on an image taken’—

omit, insert—

associated with an image or video made

9 Amendment of sch 10 (Approved photographic detection devices)

Schedule 10—

insert—

Part 9 Digital driver behaviour camera system

Acusensus ‘Heads-Up’ JR – DD1

10 Insertion of new sch 17

After schedule 16—

insert—

Schedule 17 Data blocks for digital driver behaviour camera systems

section 211

[s 10]

- ‘date’ followed by a sequence of numbers is the date when the image or video was captured, in the order of day, month and year (dd:mm:yyyy)
- ‘offence type’ followed by either ‘Mobile Phone’ or ‘Seatbelt’ is the offence possibly detected by the system. ‘Mobile Phone’ indicates the possible detection of an offence against section 300 of the Queensland Road Rules. ‘Seatbelt’ indicates the possible detection of an offence against section 264 or 264A of the Queensland Road Rules
- ‘direction’ followed by the letter ‘A’ or ‘T’ is the direction that the vehicle that activated the system’s camera (the *target vehicle*) was travelling in relation to the system’s camera. ‘A’ indicates the target vehicle was travelling away from the camera and ‘T’ indicates the target vehicle was travelling towards the camera
- ‘image no’ followed by a number is the number allocated to the image or video by the system
- ‘lane’ followed by a number is the number given in the Traffic Camera Coding Manual for the lane in which the target vehicle was travelling
- ‘location’ followed by writing is the name of the location where the image or video was captured
- ‘model’ followed by writing is the model of the system used to make the image or video, even if the writing is accompanied by characters or markings included to identify a component of the model of the system

- ‘serial no’ followed by writing is the serial number of the system used to make the image or video
- ‘operator no’ followed by writing is the identification number for the person who installed the system
- ‘site code’ followed by a number is the number given in the Traffic Camera Coding Manual for the location of the target vehicle when the image or video was captured
- ‘time’ followed by a sequence of numbers is the time in 24-hour clock mode when the image or video was captured in the order of hour, minute and second (hh:mm:ss).

Example—

A data block may show the following information—

- date: 31:10:2021
- offence type: Mobile Phone
- direction: T
- image no: 40032
- lane: 1
- location: Blunder Road, Oxley
- model: Acusensus ‘Heads-Up’ JR – DD1
- serial no: SS200220249
- operator no: 481
- site code: 19200031
- time: 20:51:25.

The data block indicates the following—

- the image or video was captured 25 seconds after 8.51p.m. on 31 October 2021
- the offence possibly detected by the system is an offence against section 300 of the Queensland Road Rules
- the target vehicle was driving towards the system’s camera that captured the image or video

[s 11]

- the image or video was allocated the number 40032 by the system
- the target vehicle was in the lane given the number 1 in the Traffic Camera Coding Manual
- the location where the image or video was captured was Blunder Road, Oxley
- the model of the system used to make the image or video was Acusensus ‘Heads-Up’ JR – DD1
- the serial number of the system used to make the image or video was SS200220249
- the identification number for the person who installed the system was 481
- the target vehicle was located at the place given the number 19200031 in the Traffic Camera Coding Manual.

Part 3 **Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010**

11 **Regulation amended**

This part amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

Note—

See also the amendments in schedule 1.

12 **Amendment of s 68 (Use of mobile phones by particular driver licence holders)**

Section 68—

insert—

- (3) Subsection (2) does not apply to a person using a mobile phone—

-
- (a) to the extent the mobile phone is in a pocket of the person's clothing, or in a pouch worn by the person, and kept in a way that does not allow the person to operate the phone or a function of the phone in any way; or
 - (b) while the car is stationary and to the extent the mobile phone is in a wallet, or has attached to it a wallet, that the driver is using for any of the following purposes—
 - (i) to obtain and produce for inspection a licence, permit, authority or other document, as required under an Act or by a police officer or another person acting under an Act;
 - (ii) to obtain and use money, or another form of payment, to pay for goods or services, if the place where the car is stationary is a place where the goods or services are lawfully paid for;
Example of a place for subparagraph (ii)—
a drive-through retail outlet
 - (iii) to obtain and use a card or other thing to enter a road-related area or land adjacent to a road-related area.
- (4) Also, subsection (2)(b) does not apply to a person using a mobile phone while the car is stationary for any of the following purposes—
- (a) to produce for inspection a digital authority or other document stored on the phone, as required under an Act or by a police officer or another person acting under an Act;
 - (b) to pay for goods or services, if the place where the car is stationary is a place where the goods or services are lawfully paid for;

Example of a place for paragraph (b)—
a drive-through retail outlet

- (c) to use the phone as an electronic device that enables the person to enter a road-related area or land adjacent to a road-related area.
- (5) In this section—
- use**, in relation to a mobile phone, means—
- (a) operate the phone or a function of the phone in any way; or
 - (b) hold the phone in the person’s hand, or rest the phone on any part of the person’s body—
 - (i) whether or not the phone is on or operating; and
 - (ii) whether or not for the purpose of operating the phone or a function of the phone; and
 - (iii) whether or not the phone is partially or wholly supported by another part of the person’s body or another thing.

Part 4

Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009

13 Regulation amended

This part amends the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.

Note—

See also the amendment in schedule 1.

14 Amendment of s 264 (Wearing of seatbelts by drivers)

(1) Section 264(1), from ‘comply’ to ‘approved seatbelt’—

omit, insert—

wear an approved seatbelt that is properly adjusted and fastened

(2) Section 264(2), from ‘The driver’ to ‘unless’—

omit, insert—

Subsection (1) does not apply if

15 Insertion of new s 264A

After section 264—

insert—

264A Driver must ensure passengers comply with seatbelt requirements

(1) The driver of a motor vehicle that is moving, or is stationary but not parked, must ensure each passenger in or on the vehicle—

(a) is wearing an approved seatbelt that is properly adjusted and fastened; and

(b) complies with the other requirements applying to the passenger under section 265 or 266.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply—

(a) in relation to a passenger who is exempt from wearing a seatbelt under section 267; or

(b) to a driver to the extent the driver is exempt under section 267A from complying with subsection (1) in relation to a passenger.

(3) In this section—

approved seatbelt includes, for a passenger under 16 years old—

- (a) a seatbelt, harness or other restraint that is a part of—
 - (i) an approved child restraint; or
 - (ii) a child restraint that reasonably appears to be an approved child restraint; or
- (b) an approved child safety harness or a harness that reasonably appears to be an approved child safety harness.

16 Amendment of s 265 (Wearing of seatbelts by passengers 16 years old or older)

- (1) Section 265, heading ‘Wearing of seatbelts by’—
omit, insert—

Seatbelt requirements for

- (2) Section 265(3) and (5)—
omit.
- (3) Section 265(4)—
renumber as section 265(3).

17 Amendment of s 266 (Wearing of seatbelts by passengers under 16 years old)

- (1) Section 266, heading ‘Wearing of seatbelts by’—
omit, insert—

Seatbelt requirements for

- (2) Section 266(1)—
omit, insert—
- (1) This section states, for section 264A, the requirements applying to a passenger in or on a motor vehicle who is under 16 years old.

- (3) Section 266(3B), (4A), (4AA), (5) and (5A)—
omit.
- (4) Section 266(7), definitions *approved child restraint* and *approved child safety harness*—
relocate to schedule 5.
- (5) Section 266(7), definitions *health practitioner* and *specialist*—
omit.

18 Amendment of s 267 (Exemptions from wearing seatbelts)

- (1) Section 267(3A)—
insert—
 - (c) the person (or, for a passenger, the driver of the vehicle in or on which the person is a passenger)—
 - (i) produces the certificate to a police officer immediately after the officer asks the person (or, for a passenger, the driver of the vehicle in or on which the person is a passenger) to produce the certificate; or
 - (ii) for a camera-detected offence against section 264 or 264A—complies with the condition mentioned in subsection (4).
- (2) Section 267(4)—
omit, insert—
 - (4) For subsection (3A)(c)(ii), the condition is that—
 - (a) the person (or, for a passenger, the driver of the vehicle in or on which the person is a passenger) produces the certificate, or a copy of the certificate, mentioned in

- subsection (3A)(a) to the commissioner or the chief executive before the relevant time;
or
- (b) the person (or, for a passenger, the driver of the vehicle in or on which the person is a passenger)—
- (i) does not have, or no longer has, the certificate, or a copy of the certificate, mentioned in subsection (3A)(a); and
- (ii) produces to the commissioner or the chief executive, before the relevant time, a document signed by a doctor stating that the certificate was issued in relation to the person and the date of issue and expiry date for the certificate;
or
- (c) the person is a passenger, and the driver of the vehicle in or on which the person is a passenger—
- (i) is unable to comply with paragraph (a) or (b); and
- (ii) has a reasonable excuse for being unable to comply with paragraph (a) or (b).
- (4A) For subsection (4), the *relevant time* is the end of the day that is 28 days after a camera-detected seatbelt offence notice for the alleged offence is first given to the person in charge of the vehicle in relation to the alleged offence.
- (3) Section 267(8D)(a), ‘section 266(1)’—
omit, insert—
section 267A(1)
- (4) Section 267(8D)(b), ‘section 266(5)’—
omit, insert—

section 267A(4)

(5) Section 267(9)—

insert—

person in charge, of a vehicle, in relation to an alleged offence against section 264 or 264A, has the meaning given by section 113 of the Act.

19 Insertion of new s 267A

After section 267—

insert—

267A Exemptions for driver in relation to passengers

- (1) The driver of a bus is exempt from section 264A.
- (2) The rider of a motorbike is exempt from section 264A in relation to a passenger under 16 years old.

Note—

Some seating positions on a motorbike are not required to be fitted with a seatbelt. See section 267(1A) for an exemption from wearing a seatbelt for persons occupying a seating position that is not required to be fitted with a seatbelt.

- (3) The driver of a booked hire vehicle or taxi is exempt from section 264A in relation to a passenger 16 years old or older.
- (4) The driver of a booked hire vehicle or taxi is exempt from section 264A in relation to the requirements for a passenger mentioned in section 266(2), (2A) and (2B) if—
 - (a) there is no suitable approved child restraint available in the booked hire vehicle or taxi for the passenger; and

- (b) for a booked hire vehicle or taxi that has 2 or more rows of seats—the passenger is not in the front row of seats.
- (5) The driver of a motor vehicle is exempt from section 264A in relation to the requirements for a passenger mentioned in section 266(2), (2A), (2B) and (4) if each of the following applies—
 - (a) the passenger is restrained in a child restraint prescribed for the passenger by a specialist in accordance with AS/NZS 4370;
 - (b) the driver is carrying an advice to parent form issued by the specialist in accordance with AS/NZS 4370, clause 2.2;
 - (c) the driver is complying with any conditions stated in the form;
 - (d) the driver produces the form to a police officer immediately after the officer asks the driver to produce the form;
 - (e) the form has not expired.
- (6) An advice to parent form mentioned in subsection (5) expires at the end of the last day of the period stated in the form as the period the restraint is prescribed for.
- (7) The driver of a motor vehicle is exempt from section 264A in relation to the requirements for a passenger mentioned in section 266(3) and (3A) if—
 - (a) the driver is carrying a certificate that—
 - (i) is signed by a health practitioner; and
 - (ii) states that, in the opinion of the health practitioner, the passenger must not be in a row of seats behind the front row of a vehicle because of the passenger’s medical condition or disability; and

-
- (iii) states the method (if any) by which the passenger must be restrained; and
 - (iv) displays a date of issue; and
 - (v) displays an expiry date that is not more than 7 years after the date of issue; and
 - (b) the driver is complying with any conditions stated in the certificate; and
 - (c) the driver immediately produces the certificate when a police officer asks to see the certificate.
- (8) A detention officer driving a vehicle to transport a passenger who is a detained person is exempt from section 264A if—
- (a) the vehicle has 2 or more rows of seats and either—
 - (i) the passenger occupies a seating position that is not in the front row; or
 - (ii) the passenger occupies a seating position in the front row because no seating position is available for the passenger in the other rows; or
 - (b) the vehicle has a caged or other secured area designed for the carriage of passengers and the passenger occupies a seating position in the caged or secured area.
- (9) In this section—
- detained person*** means a person in the custody or care of a detention officer.
- detention officer*** means—
- (a) a corrective services officer under the *Corrective Services Act 2006*; or

- (b) the Sheriff of Queensland or a deputy sheriff appointed under the *Supreme Court of Queensland Act 1991*, section 73; or
- (c) a bailiff appointed under the *Supreme Court of Queensland Act 1991*, the *District Court of Queensland Act 1967* or the *Magistrates Courts Act 1921*; or
- (d) a staff member under the *Police Service Administration Act 1990* who, in the course of the staff member's duties, transports persons in the custody or care of the staff member or a person mentioned in paragraph (a), (b) or (c).

health practitioner means a doctor, occupational therapist or physiotherapist.

specialist means a doctor, occupational therapist, psychologist, physiotherapist or biomedical engineer.

20 Replacement of s 300 (Use of mobile phones)

Section 300—

omit, insert—

300 Use of mobile phones

- (1) The driver of a vehicle must not use a mobile phone while the vehicle is moving, or is stationary but not parked.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a driver using a mobile phone—
 - (a) to the extent the mobile phone—
 - (i) is in a pocket of the driver's clothing, or in a pouch worn by the driver; and
 - (ii) kept in a way that—

-
- (A) does not allow the driver to operate the phone, or a function of the phone, other than by using only the driver's voice; and
 - (B) does not allow the driver to see the face of the phone while the phone, or a function of the phone, is operating; or
- (b) while the vehicle is stationary and to the extent the mobile phone is in a wallet, or has attached to it a wallet, that the driver is using for any of the following purposes—
- (i) to obtain and produce for inspection a licence, permit, authority or other document, as required under an Act or by a police officer or another person acting under an Act;
 - (ii) to obtain and use money, or another form of payment, to pay for goods or services, if the place where the vehicle is stationary is a place where the goods or services are lawfully paid for;
Example of a place for subparagraph (ii)—
a drive-through retail outlet
 - (iii) to obtain and use a card or other thing to enter a road-related area or land adjacent to a road-related area.
- (3) Also, subsection (1) does not apply to a driver using a mobile phone while the vehicle is stationary for any of the following purposes—
- (a) to produce for inspection a digital authority or other document stored on the phone, as required under an Act or by a police officer or another person acting under an Act;
 - (b) to pay for goods or services, if the place where the vehicle is stationary is a place

where the goods or services are lawfully paid for;

Example of a place for paragraph (b)—

a drive-through retail outlet

- (c) to use the phone as an electronic device that enables the driver to enter a road-related area or land adjacent to a road-related area.
- (4) This section does not apply to the driver of an emergency vehicle or police vehicle.
- (5) In this section—
mobile phone does not include a CB radio or any other two-way radio.

use, in relation to a mobile phone, means hold the phone in the driver's hand, or rest the phone on any part of the driver's body—

- (a) whether or not the phone is on or operating; and
- (b) whether or not for the purpose of operating the phone or a function of the phone; and
- (c) whether or not the phone is partially or wholly supported by another part of the driver's body or another thing.

21 Amendment of s 353 (Prescribed offences for ch 5, pt 7 of the Act)

- (1) Section 353—

insert—

(ca) section 264 and 264A;

(cb) section 300;

- (2) Section 353(ca) to (f)—

renumber as section 353(d) to (h).

22 Insertion of new ss 353AB and 353AC

After section 353AA—

insert—

353AB Matters for camera-detected offences for which notice from defendant is required—Act, s 120

For section 120(7A) of the Act, the following matters are prescribed—

- (a) an exemption under section 267;
- (b) an exemption under section 267A;
- (c) an exemption under section 310 applying to section 264, 264A or 265.

353AC Evidence by certificate—Act, s 123C(3)

- (1) A certificate purporting to be signed by the chief executive stating that at a particular time a stated motor vehicle was or was not a booked hire vehicle, limousine or taxi under the *Transport Operations (Passenger Transport) Act 1994* is evidence of the matter.
- (2) A certificate purporting to be signed by the chief executive or the commissioner stating that a document mentioned in section 267(4) was or was not given to the chief executive or commissioner, in relation to a camera-detected offence against section 264 or 264A within the period required under section 267(4), is evidence of the matter.

23 Amendment of sch 5 (Dictionary)

- (1) Schedule 5, definitions *approved seatbelt*, *bailiff*, *booked hire vehicle*, *deputy sheriff*, *detained person*, *detention vehicle*, *relevant detention officer* and *sheriff*—
omit.

[s 24]

(2) Schedule 5—

insert—

approved seatbelt means—

- (a) a seatbelt complying with the vehicle standards for seatbelts under the Standards and Safety Regulation; or
- (b) a seatbelt that reasonably appears to be a seatbelt mentioned in paragraph (a).

booked hire vehicle means a booked hire vehicle under the *Transport Operations (Passenger Transport) Act 1994* while the vehicle is being used to provide a booked hire service under that Act.

camera-detected seatbelt offence notice, for a camera-detected offence against section 264 or 264A, means—

- (a) a written notice from the commissioner or chief executive alleging the camera-detected offence; or
- (b) an infringement notice under the *State Penalties Enforcement Act 1999* for the camera-detected offence.

Part 5

Amendment of State Penalties Enforcement Regulation 2014

24 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

25 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

(1) Schedule 1, entry for *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, entries for section 264(1), 265(3), 266(1) and 300(1)—

omit.

(2) Schedule 1, entry for *Transport Operations (Road Use Management—Road Rules) Regulation 2009*—

insert—

s 264	Individual	3
	Corporation	15
s 264A	Individual	3
	Corporation	15
s 300	Individual	7½
	Corporation	37½

Part 6 Other amendments

26 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 26

Forestry Regulation 2015

1 Section 28(1), third and fourth dot points—

omit, insert—

- section 264A
- section 265

Nature Conservation (Protected Areas Management) Regulation 2017

1 Section 123(1)(c) and (d)—

omit, insert—

- (c) section 264A;
- (d) section 265;

Recreation Areas Management Regulation 2017

1 Section 18(1)(c) and (d)—

omit, insert—

- (c) section 264A;

(d) section 265;

Traffic Regulation 1962**1 Particular references to images taken by photographic detection devices—**

In the following table, each provision mentioned in column 1 is amended by omitting the words mentioned in column 2 and inserting the words mentioned in column 3—

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
section 209(a)	taken by the camera	made by the system
section 209(c)(ii)	takes	captures
section 210(a)	taken by the camera	made by the system
section 210A(2)(a)(i)	taken by the camera part	made by the system
section 210A(2)(a)(ii)	taken by any other camera operating in conjunction with the camera part	made by the system
section 210A(2)(b)	taken	captured
section 210A(2), note	taken	made
section 210A(3)	on an image taken by the camera part of	associated with an image made by
section 210A(3)(a), (b) and (c) and example	taken	captured
section 210AA(1)(a)	taken by the camera	made by the system
section 210AB(1)(a)	taken by the camera	made by the system
section 210B(1)(a)	taken by the camera	made by the system
section 210B(1)(c)(ii)	takes	captures
section 210C(1)(a)	taken by the camera	made by the system

Schedule 1

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
section 210D(1)(a)(i)	taken by the camera	made by the system
section 210D(1)(a)(iii)(B)	takes	captures
section 210D(1)(b)	taken by the camera	made by the system
section 210E(1)(a)	takes	captures
section 210E(1)(a)	taken by the camera	made by the system
section 210E(3)(a)	takes	captures
section 210E(3), example	taken	captured
section 210F(1)(d)	taken	captured
schedule 11, part 1, heading	taken	made
schedule 11, part 1, taken definitions <i>T, D, red</i> and <i>C</i>	taken	captured
schedule 11, part 1, taken example, first and third dot points	taken	captured
schedule 11, part 2, heading	taken	made
schedule 11, part 2, taken definitions <i>T, D, red</i> and <i>C</i>	taken	captured
schedule 11, part 2, taken example, first and fourth dot points	taken	captured
schedule 11, part 3, heading	taken	made
schedule 11, part 3, taken definitions <i>A, D, E, F, G, H, I, J</i> and <i>K</i>	taken	captured
schedule 11, part 3, taken example, fifth and eighth dot points	taken	captured
schedule 12, part 1, heading	taken	made
schedule 12, part 1, taken definitions <i>a, b, d, f</i> and <i>g</i>	taken	captured

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
schedule 12, part 1, taken example, first, third and sixth dot points		captured
schedule 13, part 1, heading	taken	made
schedule 13, part 1, first, third, fourth and seventh dot points	taken	captured
schedule 13, part 1, eighth and ninth dot points	take	make
schedule 13, part 1, tenth, eleventh, twelfth and thirteenth dot points	taken	captured
schedule 13, part 1, taken example, second list of dot points, first, third, fourth and seventh dot point	taken	captured
schedule 13, part 1, take example, second list of dot points, eighth and ninth dot points	take	make
schedule 13, part 2, heading	taken	made
schedule 13, part 2, first and fifth dot points	taken	captured
schedule 13, part 2, seventh dot point	take	make
schedule 13, part 2, eighth, eleventh and twelfth dot points	taken	captured
schedule 13, part 2, taken example, second list of dot points, first and fifth dot points	taken	captured
schedule 13, part 2, take example, second list of dot points, seventh dot point	take	make

Schedule 1

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
schedule 13, part 3, heading	taken	made
schedule 13, part 3, first and fifth dot points	taken	captured
schedule 13, part 3, sixth and eighth dot points	take	make
schedule 13, part 3, ninth, tenth, eleventh and twelfth dot points	taken	captured
schedule 13, part 3, example, second list of dot points, first and fifth dot points	taken	captured
schedule 13, part 3, example, second list of dot points, sixth and eighth dot points	take	make
schedule 13, part 4, heading	taken	made
schedule 13, part 4, first, third, fourth and seventh dot points	taken	captured
schedule 13, part 4, eighth and ninth dot points	take	make
schedule 13, part 4, tenth, eleventh, twelfth and thirteenth dot points	taken	captured
schedule 13, part 4, example, second list of dot points, first, third, fourth and seventh dot points	taken	captured
schedule 13, part 4, example, second list of dot points, eighth and ninth dot points	take	make
schedule 13, part 5, heading	taken	made

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
schedule 13, part 5, first, fourth, fifth and sixth dot points	taken	captured
schedule 13, part 5, seventh dot point	take	make
schedule 13, part 5, example, second list of dot points, first dot point	taken	captured
schedule 13, part 5, example, second list of dot points, seventh dot point	take	make
schedule 14, part 1, heading	taken	made
schedule 14, part 1, second, fourth, fifth and eighth dot points	taken	captured
schedule 14, part 1, ninth dot point	take	make
schedule 14, part 1, tenth dot point	taken	captured
schedule 14, part 1, eleventh dot point	take	make
schedule 14, part 1, twelfth, thirteenth, fourteenth and fifteenth dot points	taken	captured
schedule 14, part 1, example, second list of dot points, first, third, fourth and seventh dot points	taken	captured
schedule 14, part 1, example, second list of dot points, eighth dot point	take	make
schedule 14, part 1, example, second list of dot points, ninth dot point	taken	captured

Schedule 1

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
schedule 14, part 1, take example, second list of dot points, tenth dot point		make
schedule 14, part 2, heading	taken	made
schedule 14, part 2, first, third, fourth and seventh dot points	taken	captured
schedule 14, part 2, eighth dot point	take	make
schedule 14, part 2, ninth and tenth dot points	taken	captured
schedule 14, part 2, eleventh dot point	take	make
schedule 14, part 2, twelfth, thirteenth, fourteenth and fifteenth dot points	taken	captured
schedule 14, part 2, take example, second list of dot points, first, third, fourth and seventh dot points	taken	captured
schedule 14, part 2, take example, second list of dot points, eighth dot point		make
schedule 14, part 2, take example, second list of dot points, tenth dot point	taken	captured
schedule 14, part 2, take example, second list of dot points, eleventh dot point		make
schedule 14, part 3, heading	taken	made
schedule 14, part 3, second, fourth, fifth and eighth dot points	taken	captured
schedule 14, part 3, ninth dot point	take	make

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
schedule 14, part 3, tenth dot point	taken	captured
schedule 14, part 3, eleventh dot point	take	make
schedule 14, part 3, twelfth, thirteenth, fourteenth and fifteenth dot points	taken	captured
schedule 14, part 3, example, second list of dot points, first, third, fourth and seventh dot points	taken	captured
schedule 14, part 3, example, second list of dot points, eighth dot point	take	make
schedule 14, part 3, example, second list of dot points, ninth dot point	taken	captured
schedule 14, part 3, example, second list of dot points, tenth dot point	take	make
schedule 14, part 4, heading	taken	made
schedule 14, part 4, second, fourth, fifth and eighth dot points	taken	captured
schedule 14, part 4, ninth dot point	take	make
schedule 14, part 4, tenth dot point	taken	captured
schedule 14, part 4, eleventh dot point	take	make
schedule 14, part 4, twelfth, thirteenth, fourteenth and fifteenth dot points	taken	captured
schedule 14, part 4, example, second list of dot points, first, third, fourth and seventh dot points	taken	captured

Schedule 1

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
schedule 14, part 4, take example, second list of dot points, eighth dot point		make
schedule 14, part 4, taken example, second list of dot points, ninth dot point		captured
schedule 14, part 4, take example, second list of dot points, tenth dot point		make
schedule 15, part 1, heading	taken	made
schedule 15, part 1, first dot point	taken	captured
schedule 15, part 1, third dot point	system's camera that took	system that made
schedule 15, part 1, fifth dot point	taken	captured
schedule 15, part 1, sixth dot point	take	make
schedule 15, part 1, seventh dot point	took	captured
schedule 15, part 1, eighth, ninth and tenth dot points	taken	captured
schedule 15, part 1, taken example, heading		captured
schedule 15, part 1, taken example, second list of dot points, first dot point		captured
schedule 15, part 1, taken example, second list of dot points, second dot point		captured
schedule 15, part 1, taken example, second list of dot points, third dot point	system's camera that took	system that made
schedule 15, part 1, taken example, second list of dot points, fifth dot point		captured

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
schedule 15, part 1, take example, second list of dot points, sixth dot point		make
schedule 15, part 1, took example, second list of dot points, seventh dot point		captured
schedule 15, part 2, heading	taken	made
schedule 15, part 2, first dot point	taken	captured
schedule 15, part 2, third dot point	system's camera that took	system that made
schedule 15, part 2, fifth dot point	taken	captured
schedule 15, part 2, sixth dot point	take	make
schedule 15, part 2, seventh dot point	took	captured
schedule 15, part 2, eighth, ninth and tenth dot points	taken	captured
schedule 15, part 2, taken example, heading	taken	captured
schedule 15, part 2, taken example, second list of dot points, first dot point	taken	captured
schedule 15, part 2, took example, second list of dot points, second dot point	took	captured
schedule 15, part 2, taken example, second list of dot points, third dot point	system's camera that took	system that made
schedule 15, part 2, taken example, second list of dot points, fifth dot point	taken	captured
schedule 15, part 2, take example, second list of dot points, sixth dot point		make

Schedule 1

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
schedule 15, part 2, example, second list of dot points, seventh dot point	took	captured
schedule 15, part 3, heading	taken	made
schedule 15, part 3, first dot point	taken	captured
schedule 15, part 3, third dot point	system's camera that took	system that made
schedule 15, part 3, fifth dot point	taken	captured
schedule 15, part 3, sixth dot point	take	make
schedule 15, part 3, seventh dot point	took	captured
schedule 15, part 3, eighth, ninth and tenth dot points	taken	captured
schedule 15, part 3, example, heading	taken	captured
schedule 15, part 3, example, second list of dot points, first dot point	taken	captured
schedule 15, part 3, example, second list of dot points, second dot point	took	captured
schedule 15, part 3, example, second list of dot points, fourth dot point	taken	captured
schedule 15, part 3, example, second list of dot points, fifth dot point	take	make
schedule 15, part 3, example, second list of dot points, sixth dot point	system used to take	camera used to capture
schedule 16, definitions <i>a</i> , <i>b</i> , <i>d</i> and <i>e</i>	taken	captured

Column 1	Column 2	Column 3
Provision	Words omitted	Words inserted
schedule 16, example, first, third and fourth dot points	taken	captured

Transport Operations (Road Use Management—Driver Licensing) Regulation 2010

1 Section 76(4), definition *driver seatbelt offence*—

omit, insert—

driver seatbelt offence means an offence against any of the following provisions of the Queensland Road Rules committed after 31 October 2004—

- (a) section 264;
- (b) section 264A in relation to a passenger under 16 years old;
- (c) section 266(1) as in force before the commencement of section 264A.

2 Schedule 3, section 14, ‘section 265(3)’—

omit, insert—

section 264A in relation to a passenger 16 years old or older

3 Schedule 3, section 26, third dot point—

omit.

4 Schedule 3, section 26—

insert—

- section 264A in relation to a passenger under 16 years old

Transport Operations (Road Use Management—Road Rules) Regulation 2009

1 Section 310(2), ninth dot point—

omit, insert—

- section 264A (Driver must ensure passengers comply with seatbelt requirements) in relation to a passenger 16 years old or older
- section 265 (Seatbelt requirements for passengers 16 years old or older)

ENDNOTES

- 1 Made by the Governor in Council on 15 July 2021.
- 2 Notified on the Queensland legislation website on 16 July 2021.
- 3 The administering agency is the Department of Transport and Main Roads.

© State of Queensland 2021