

Impact Analysis Statement

Summary IAS

Details

Lead department	Department of Transport and Main Roads
Name of the proposal	Amendments to be moved during consideration in detail for the Transport and Other Legislation Amendment Bill 2026
Submission type	Summary IAS
Title of related legislative or regulatory instrument	Transport and Other Legislation Amendment Bill 2026
Date of issue	September 2026

Proposal type	Details
Minor and machinery in nature	Most of the amendments are regulatory proposals that do not require impact analysis because they are minor and machinery in nature (that is, with no or negligible costs). These amendments comprise: - Consequential amendments resulting from dangerous driving legislative reforms - the Criminal Code (Dangerous Driving) and Other Legislation Amendment Bill 2026 repeals section 328A (Dangerous operation of a vehicle) of the Criminal Code and replaces it with new offence provisions. The Transport and Other Legislation Amendment Bill 2026 contains references to section 328A of the Criminal Code in provisions relating to immediate driver licence suspension, and evidentiary provisions for breath and saliva analysing instruments. The two bills are proposed for cognate debate. Several amendments to be moved during consideration in detail update those references in the Transport and Other Legislation Amendment Bill 2026 so its provisions will continue to operate as intended following commencement of the relevant provisions of the Criminal Code (Dangerous Driving) and Other Legislation Amendment Bill 2026. - Minor updates supporting the transition to the new evidentiary certificate framework for photographic detection devices – the Transport and Other Legislation Amendment Bill 2026 establishes a new calibration testing framework for photographic detection devices. Amendment 2 inserts a transitional provision to ensure calibration testing undertaken by entities approved under the existing approval framework to conduct calibration testing of a photographic detection device will be taken to be approved, and to have always been approved, to undertake calibration of the speed measuring component for a photographic detection device. - Other minor updates and technical corrections – for example: amendment 1 updates section 124(3) of the <i>Transport Operations (Road Use Management) Act 1995</i> to refer to the correct disposal power under section 123Q of the <i>Police Powers and Responsibilities Act 2000</i>; amendment 6 removes an unnecessary reference to section 80(22)(b) in clause 84; and amendment 7 inserts the word “from” into clause 84 to ensure the provision reflects its intended meaning.

	These amendments do not result in a substantive change to regulatory policy or new regulatory impacts on business, government or the community beyond those already associated with the Bill as introduced.
Regulatory proposals where no RIA is required	The remaining amendments, the severe hardship permit review framework amendments, do not require impact analysis because they are regulatory proposals relating to the administration of courts. These amendments concern the pathway for reconsideration and review by a court of decisions about special hardship permits. The amendments clarify the regulation-making power relating to severe hardship permits and provide greater certainty regarding the role of the courts in reviewing severe hardship permit decisions. The amendments also replace appeal terminology with review terminology, clarify the role of the chief executive in review proceedings, refine provisions relating to court procedure and evidence, require review applications to be decided as soon as practicable, clarify the effect of a court's substituted decision and provide for a further right of appeal on a question of law. They are directed to the operation of the framework administered by the court and do not change the substantive policy settings for severe hardship permits.

Signed



Sally Stannard
Director-General
Department of Transport and Main Roads

Date: 16 / 09 / 2026



Brent Mickelberg MP
Minister for Transport and Main Roads

Date: 16 / 09 / 2026