Impact Analysis Statement

Summary IAS

Details

Lead department	Department of Transport and Main Roads
Name of the proposal	1. Combined drink and drug driving offences 2. Increasing penalties for presence-based drug driving offences and introducing mandatory minimum court-imposed fines for drink and drug driving offences in Queensland 3. Streamlining the Roadside Drug Testing process 4. Brief intervention program for drug drivers 5. Timeframe for commencement of disqualification after infringement notice issued for low range drink driving offence 6. Legislative amendments to enable passenger nominations for camera-detected seatbelt offences and removal of demerit points for passenger-related seatbelt offences 7. Immediate driver licence suspensions for roadside high-speed offences 8. Enabling replacement photo identification cards following a data breach; and waiver of fees for victims of crime 9. Digital identity security 10. Streamline the process for property owners partnering with Local Government to enforce parking; and restrict provision of vehicle registration information for private car park enforcement under preliminary discovery orders 11. Create head of power in *Rail Safety National Law (Queensland) Act 2017* 12. Clarify local law-making powers relating to regulating trailer parking 13. Dealing with illegally grounded watercraft 14. Calibration testing for speed cameras 15. Excluding The Wave Stage 3 from certain requirements relating to service contracts
Submission type	Summary IAS
Title of related legislative or regulatory instrument	*Transport Operations (Road Use Management) Act 1995* *Traffic Regulation 1962* *Transport Operations (Road Use Management—Road Rules) Regulation 2009* *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021* *State Penalties Enforcement Act 1999* *Photo Identification Card Act 2008* *Photo Identification Card Regulation 2019* *Rail Safety National Law (Queensland) Act 2017* *Transport Planning and Coordination Act 1994* *Transport Infrastructure Act 1994*

	Transport Operations (Passenger Transport) Act 1994
Date of issue	June 2026

1. Combined drink and drug driving offence

What is the nature, size and scope of the problem? What are the objectives of government action?

Background

In Queensland, it is an offence to drive while a relevant drug is present in saliva or blood. Relevant drugs include delta-9-tetrahydrocannabinol (also known as THC, the psychoactive ingredient in cannabis), methylamphetamine, 3,4-methylenedioxymethamphetamine (MDMA) and cocaine. It is also an offence to drive while over the relevant breath/blood alcohol concentration (BAC). This limit depends on the licence and vehicle type but will either be 0.00 BAC or 0.05 BAC.

In 2025, 18 lives were lost on Queensland roads due to crashes that involved a driver who was drink and drug driving. While these numbers relate to where any drug was detected in combination with alcohol, a significant majority of these involve at least one relevant drug.

Problem identification

Evidence suggests that if alcohol and other drugs are used in combination, the crash risk significantly increases. Research has found that drivers who tested positive to both alcohol and another drug were 23 times more likely to be involved in a fatal crash than drivers who tested negative to both[1]. Further research found that when THC and alcohol are combined, drivers are 14 times more likely to be responsible for a crash than those who tested negative to both[2].

Objectives of government action

The purpose of this amendment is to add combined drink and drug driving offences for drivers with an illegal BAC and a relevant drug present at the same time. This will discourage dangerous driving behaviours and reduce the number of people driving with both alcohol and drugs present, protecting the safety of all road users.

The combined offences will only apply to drink drivers with an illegal BAC under 0.15 who also test positive to a relevant drug. High-range drink drivers (BAC 0.15 and above) who also test positive to a relevant drug will be assumed to be under the influence and will be charged with the relevant driving under the influence (DUI) offence. This is consistent with the current high-range drink driving process. Introducing combined offences in Queensland will align with other Australian jurisdictions including Victoria, New South Wales, Western Australia and the Australian Capital Territory.

What options were considered?

Option 1 – Status quo (non-regulatory)

Option 1 is to remain with the status quo, where there is no offence for drivers who have an illegal BAC and a relevant drug present. Under this option, drivers would continue to be charged with either drink driving or drug driving. Education campaigns would be employed to attempt to reduce the numbers of people driving with both alcohol and drugs in their system.

Option 2 – Combined offence for all BAC levels (regulatory)

Option 2 is to introduce combined offences for all BAC levels, as was done in other Australian jurisdictions. This would mean that there are combined offences for driving above the zero, general, middle and high alcohol limits, with a relevant drug present at the same time.

Within this option, another consideration was to separate high-range drink driving from DUI. Currently, there is no specific offence for high-range drink driving, but these drivers are presumed to be under the influence of liquor. Separating these would involve increasing penalties for DUI.

Option 3 – Combined offences for BAC levels under 0.15 (regulatory)

Option 3 is to add new combined drink and drug driving offences for drivers who have an illegal BAC and test positive to a relevant drug. However, drivers with a BAC of 0.15 or above and a relevant drug present, will still be charged with DUI.

What are the impacts?

Option 1 – Status quo (non-regulatory)

This option was not pursued as it does not address concerns about the number of people driving with both drugs and alcohol present, and the road safety risk that they pose, including the number of lives lost. Evidence suggests that education alone may not be sufficient to change behaviour.[3]

Option 2 – Combined offences for all BAC levels (regulatory)

New combined offences would provide greater deterrence to high-risk behaviours, and the associated penalties would remove these drivers from the road where they place themselves and other road users at risk.

People who drive after drinking alcohol and using drugs at the same time, would be subject to greater penalties under this amendment, including that they would lose their driver licence for a longer period. While this may be perceived a negative impact by the individual, it would have a positive impact by protecting the life of the driver and other road users.

Drivers charged with a combined offence would not be eligible for a penalty infringement notice and would have to attend court. The penalty for the combined offence will be higher than the standalone drug or drink driving offence (to reflect the increased danger) but lower than the total of both offences (to avoid excessive or duplicative punishment).

The penalties for combined offences use the drink driving penalty framework as a base to ensure the complexity of offence history is captured. However, combined offences would have an additional one-month minimum licence disqualification and a maximum additional 5 penalty units, compared to if they were charged only with the relevant BAC. This would mean that, for example, based on 2026-27 financial year amounts, a first-time offender with a relevant drug present and a low range BAC would receive a minimum 3-month licence disqualification and maximum fine of $5,699, and up to 3 months imprisonment. Note this is based on the penalty increase due to come into effect from the *Queensland Community Safety Act 2024* through the low-range drink driving penalty infringement notices initiative.

If convicted, the individual will also be required to complete the relicensing requirements that currently apply to drink drivers. This includes participation in the Alcohol Ignition Interlock Program (AIIP) if they have a BAC of 0.10 or more, and completion of the relevant drink driving education program. If a brief intervention is added for drug drivers (also proposed as an initiative in the drug driving reform package), they would also be required to complete this.

No additional drivers would be affected by this amendment, as under current legislation and Queensland Police Service (QPS) operational processes, these drivers would still be charged with either drink or drug driving.

Under Option 2, the combined offence would apply to all illegal BAC levels (over zero, general, middle and high alcohol limits). Given that high-range drink driving is connected to DUI, this option would mean that drivers with a BAC of 0.15 or more and a relevant drug present would receive the highest penalty, higher than DUI. This is inconsistent with the risk profile of these behaviours, as DUI is where the driver is clearly impaired and not linked to the amount of a substance present.

Another consideration within this option was to separate high-range drink driving from DUI. This would mean that a driver with a BAC of 0.16, for example, would receive a penalty lower than if they had the same BAC and a relevant drug present (the combined offence), which would also be lower than DUI. This would better reflect the risk profile of the behaviours and would be achieved by increasing DUI penalties. This option was not pursued as it was identified that this separation may have unintended consequences for the interpretation of “under the influence” in other pieces of legislation, and make enacting these more difficult (for example, in workplace health and safety).

Option 3 – Combined offence for BAC levels under 0.15 (regulatory)

Option 3 has the same impacts as Option 2 for drivers who are convicted with a combined offence. They would be required to attend court and be subject to penalties greater than if they were convicted of drink driving. They would also be required to complete all relicensing requirements, including drink driving education programs, the drug driving brief intervention, and must also complete the AIIP if they have a BAC above 0.10.

Unlike Option 2, under Option 3 the combined offences would only apply to drivers with an illegal BAC under 0.15. Drivers with a BAC of 0.15 or more and a relevant drug present would continue to be charged with DUI.

Who was consulted?

External consultation was not undertaken.

What is the recommended option and why?

After considering the impact of each of the options, it is recommended Option 3 is pursued by making regulatory amendments to add combined drink and drug driving offences for drivers with an illegal BAC up to 0.15, and a relevant drug present. This would involve making changes to the *Transport Operations (Road Use Management) Act 1995* (TORUM Act).

Option 3 is recommended because Option 2 created discrepancies between risk and penalties, or challenges for legislative interpretation. Option 3 achieves the purpose of the amendment to discourage high-risk behaviours on Queensland roads and reduce associated road trauma, while avoiding the issues identified for Option 2.

2. Increasing penalties for presence-based drug driving offences and introducing minimum court-imposed fines for drink and drug driving offences in Queensland

Problem identification

Drug driving

Queensland has experienced a concerning increase in the number of drug driving related crashes. This underscores the urgent need to increase drug driving deterrence to reduce dangerous behaviour, protect lives and ensure the safety of all road users in Queensland. There is also inconsistency between the fines being imposed for other high risk offences, such as not wearing a seatbelt and mobile phone use, and the fines imposed by magistrates for drink and drug driving offences.

Court-imposed fines for drink and drug driving

Between 2021 and 2025, 43 per cent of lives lost on Queensland roads were alcohol or drug related. In 2024 there were over 26,000 drink and drug driving offences. These figures highlight a significant road safety risk, with drink and drug driving offences endangering lives and contributing to lives lost and serious injuries across Queensland. Such behaviour puts the offenders at risk, jeopardises the safety of other road users, and strains emergency services and healthcare systems.

Over the years 2020-2024, almost 98 per cent of general range drink drivers and 97 per cent of drug drivers received a court imposed fine that is less than the proposed low range drink driving PIN (7.5 PU or $1,295 in 2026/27 financial year). This level of fines imposed is not providing a sufficient deterrent effect for drivers to separate their drug/alcohol use from their driving. With the introduction of the low range drink driving PIN in late 2026, it will be important to ensure a person electing to attend court will not receive a fine lower than a person who is issued a PIN for low range drink driving.

Objectives of government action

Court-imposed fines for drink and drug driving

For maximum deterrence and to ensure that drink and drug driving fines reflect the associated risks and are consistent with offences of similar risk, it has been identified that a strengthened penalty structure is needed. This follows successive Queensland investigations into drink and drug driving deterrence where initiatives investigated and introduced have included increases and improvements to the fine and licence disqualification structure, education programs, alcohol ignition interlock program as well as working with the Queensland Police Service (QPS) to identify strategic enforcement improvements and roadside testing efficiencies. In benchmarking other jurisdictions against Queensland's current deterrence framework, it was identified that Queensland's fine structure was an important area requiring review.

Research Evidence to Support the Impaired Driving Reforms

Any reforms must be underpinned by well-established and empirically proven theoretical approaches to road safety intervention, particularly, the use of Deterrence Theory. Deterrence can be separated into specific deterrence, where a driver's direct experiences with punishment deter future reoffending, or general deterrence, where the threat or fear of punishment prevents a driver from committing the offence.

Research strongly indicates that a combination of penalties, fines, demerit points, and the threat of licence loss, is an effective method of deterring motorists and changing driving behaviours and attitudes of road users. This is supported by surveys commissioned by the Department of Transport and Main Roads (TMR) that highlights most survey respondents identified fines, amongst other measures, as effective deterrents (67 per cent of respondents). The proposed combination of these reforms to Queensland’s approach to combatting impaired driving will ensure the community has a clear message about the seriousness of drink or drug driving and that if an individual chooses to drive while impaired there will be strong consequences.

<u>Jurisdiction Comparison</u>

Other jurisdictions in Australia have broadly the same program of measures in place as Queensland to reduce drink and drug driving, including comparable penalty frameworks, education programs, offender alcohol interlock programs and roadside testing activities.

What options were considered?

Option 1 – Status quo (non-regulatory)

Option one is to remain with the status quo, where there is no increase to drug driving penalties and no minimum fines for drink and drug driving offences. Under this option, there is no increased deterrence to change dangerous driving behaviours, and drug and drink drivers could continue to be given disproportionately low penalties for these dangerous offences.

Option 2 – Increased drug driving penalties and introduction of minimum fines for drink and drug driving offences

Option 2 proposes increasing drug driving penalties, introducing minimum fines for both drink and drug driving offences and consequential changes for combined and repeat offence penalties. The primary objective of these measures is to deter dangerous driving behaviours and significantly reduce road trauma and fatalities associated with drink and drug driving in Queensland. In benchmarking other Australian and International jurisdictions, the fine and disqualification structures are one of the primary ways to enhance the deterrent effect alongside efficient roadside drug testing and education programs, which also form part of the legislative proposals being currently progressed. This option will also provide more equitable financial penalties for the offender cohort.

South Australia, Western Australia and Tasmania have minimum fines in place for drink and drug driving offences with fines ranging from $750 in Western Australia for low range drink driving to $1,100 in South Australia for drink driving over 0.15 BAC. There is great variance in drug driving maximum fines ranging from $1,250 in Western Australia to $4,000 in the Australian Capital Territory.

Introduction of minimum fines for drink and drug driving and riding offences

Currently, there are no minimum fine amounts that Queensland Magistrates must impose on an offender. It is proposed that the minimum fine amount will be legislated and will increase in severity based on the type of offending (a tiered approach). A tiered structure for the drink driving fines is proposed to reflect the increased risk that is present when a driver's impairment level rises.

The introduction of a minimum fine is intended to send a clear message to the community about the seriousness of drink or drug driving and that if an individual chooses to drive while impaired, there will be strong consequences.

Key elements of this option:

- A broad communication campaign, including StreetSmarts social media posts to ensure drivers are aware of the new fine structure, and can adjust their behaviour accordingly.
- When a magistrate is hearing a single offence and only a fine and disqualification is being imposed, the minimum fine must be applied.
- However, magistrates have the discretion in the following circumstances:
    - Multiple offences in one hearing when only a fine is being imposed (that is, no other penalty such as jail is being imposed): If the offender is being sentenced for multiple offences in a single hearing, the magistrate must impose a total fine amount equal or more than the highest of the minimum fines.
    - Recent convictions: If the offender has been convicted of other offences within the past six months and the magistrate considers it unjust to impose the minimum fine.

This approach will reduce the risk of unintended and unjust sentencing outcomes.

The setting of a minimum will set a benchmark regardless of whether the offender receives a fine through a Penalty Infringement Notice (PIN) at the roadside or through the courts. Without setting a minimum court fine there is also significant potential for discrepancy between the fines given for drink/drug driving and other similar high-risk Fatal Five behaviours.

Magistrates will still have discretion to impose a higher fine, up to the legislated maximum.

Due to the proposed increase in the presence-based drug driving offence penalties, some of the penalties for the proposed combined drink and drug driving offences, and repeat offences, will also need to be increased.

For consistency, it is also proposed that minimum fines will also apply to the new drink riding PIN fines that will apply for personal mobility devices (PMDs, which includes e-scooters) and bicycles (which includes e-bikes). The proposed PIN fines for low range drink riding will be 3 PU and 5 PU for mid-range drink riding.

Drug driving – increased maximum fine

The maximum fine for driving with a relevant drug present will be doubled, from $2,417 to $4,835 (based on 2026/27 PU amounts). This aligns with the mid-range drink driving offence (BAC between 0.10 and 0.149). The minimum licence disqualification period will also be doubled, from 1 month to 2 months.

To ensure that court-imposed fines align with other Fatal Five behaviours, drink and drug driving offenders who are found guilty of a relevant offence will incur the following minimum penalties*. (Please note that the fines for the Fatal Five behaviours of mobile phone use and not wearing a seatbelt while driving are both 7.5 PU).

Proposed fine structure:

- Presence-based drug driving, driving over the no-alcohol limit, or general alcohol limit will incur a fine of at least $1,295 (7.5 PU).
- Driving over the no or general alcohol limit but under the middle alcohol limit, with a relevant drug present, will incur a fine of at least $1,381 (8 PU).
- Driving over the middle alcohol limit but under the high alcohol limit will incur a fine of at least $1,554 (9 PU).
- Driving over the middle alcohol limit but under the high alcohol limit, with a relevant drug present, will incur a fine of at least $1,640 (9.5 PU).
- Driving over the high alcohol limit, driving under the influence, or failing to provide (a specimen) will incur a fine of at least $1,727 (10 PU).
- Repeat offending will incur a fine of between at least $1,899 (11 PU) and $2,935 (17 PU), depending on the offence type, and offence history.
- Repeat combined offending will incur a fine between at least $1,986 (11.5 PU) and $3,022 (17.5 PU).
- Riding a PMD or bicycle over the general alcohol limit but under the middle alcohol limit will incur a fine of at least $518 (3 PU).
- Riding a PMD or bicycle over the middle alcohol limit but under the high alcohol limit will incur a fine of at least $863 (5 PU).
- Riding a PMD or bicycle over the high alcohol limit, or under the influence, will incur a fine of at least $1,295 (7.5 PU).

* Penalty amounts based on 1 July 2026 - 30 June 2027 PU amount ($172.70)

What are the impacts?

Option 1 – Status quo (non-regulatory)

Option one was not pursued as it does not address concerns by providing sufficient deterrence to the number of people driving with alcohol and/or drugs present, and the road safety risk that these behaviours pose, including the number of lives lost.

Option 2 – Increased drug driving penalties and introduction of minimum fines for drink and drug driving offences

A deterrence-based approach has proven effective in reducing high-risk behaviours on the road. For penalties to influence decision-making, they must be perceived as sufficiently severe. Best practice in offender management combines several strategies, including licence disqualification, financial penalties and education programs. Other penalties, such as higher visibility police operations and communication campaigns were considered, but this benchmarking and research indicated that this option would have the highest level of effectiveness.

The overall intention of increasing drug driving penalties by introducing minimum court fines for drink and drug driving offences, and reviewing combined and repeat offence penalties, is to reduce road trauma, ensure the penalties align with the risks associated with these behaviours and give equitable financial penalties to offenders.

The current fines for example for using a mobile phone use or driving without a seatbelt are $1,295 (7.5 PU). For drink or drug driving in a motor vehicle it is proposed to use the low-range drink driving PIN amount (7.5 PU or $1,295) as a starting point for setting the minimum fines. This will ensure that no person attending court will receive a total fine lower than the roadside issued PIN amount. The minimum fines for PMDs and bicycles will not be based on motor vehicle penalties, given the different risk profile.

Drug driving

People who drive with a relevant drug present will be subject to greater penalties under this amendment, including being disqualified from driving for at least double the existing minimum period (from one to two months). While this may impact individuals who commit these offences, it could result in them separating their drug use from driving, therefore providing increased protection for Queensland road users.

The proposed increase in maximum penalties and minimum disqualification periods for drug-driving offences aims to enhance road safety, deter dangerous driving, and reduce harm caused by drug-driving. These measures align with community expectations and broader road safety strategies.

The increased penalties strengthen the deterrent effect of the sentencing framework, ensuring penalties remain contemporary and proportionate to the seriousness of the offence. While the changes may have a greater impact on certain people, they are considered necessary to address the significant risks associated with drug driving. Additionally, courts retain the ability to impose penalties that are lower than the maximum amount, in the circumstances outlined above in the options considered.

Mandatory minimum disqualification periods are intended to protect the community by promoting compliance and deterring unsafe driving behaviours. While increasing the mandatory minimum licence disqualification may impact individuals who commit drug driving offences, evidence supports licence disqualification as an effective tool for reducing road trauma and the objective of safeguarding the community from the substantial risks and harm posed by drug driving.

Minimum court-imposed fines for drink and drug driving

This approach aims to reinforce the seriousness of these offences, deter dangerous behaviour on Queensland roads, and promote safer driving practices. By aligning penalties across all high-risk driving behaviours, the initiative seeks to reduce road trauma and enhance public safety, ensuring that offenders face appropriate consequences for actions that jeopardise lives. Magistrates will still have discretion to impose a higher fine, up to the maximum.

The introduction of minimum fines for drink and drug driving aims to enhance road safety, deter dangerous driving behaviours, ensure consistent sentencing, and reinforce public confidence in the justice system. These fines establish a baseline punitive and deterrent consequence for offenders, ensuring penalties reflect the seriousness of the offence and support general deterrence.

They also address concerns that in some cases fines may fall below a level that meaningfully reflects the seriousness of drug/drink driving.

Courts will still retain discretion to impose penalties above or below the minimum fine for offenders appearing for multiple offences or those who had recently received penalties from another court appearance. Courts will also still be able to determine other aspects of sentencing, such as imprisonment or licence disqualification periods.

Overall, the amendments balance the need for road safety and harm prevention with the proportionality of penalties, providing significant community benefits through consistent deterrence and protection.

Who was consulted?

Consultation was undertaken with the Queensland Courts (Chief Judge of the District Court of Queensland; Chief Justice of the Supreme Court of Queensland; and Queensland's Chief Magistrate). No consultation was undertaken with the public or non-government stakeholders.

What is the recommended option and why?
Option 2 is recommended. It sends a strong deterrent message to drivers about the serious consequences of drink and drug driving. Additionally, introducing minimum court-imposed fines for drink and drug driving ensures consistency in penalties for Fatal Five behaviours, reinforces the gravity of these offences, and holds offenders accountable for their actions. These measures are expected to enhance public safety, reduce the incidence of impaired driving, and ultimately save lives on Queensland roads.

3. Streamlining the Roadside Drug Testing process

What is the nature, size and scope of the problem? What are the objectives of government action?

Background

Drug driving data

Queensland has experienced a concerning increase in drug driving related crashes. Driving while affected by impairing substances is dangerous and increases the risk of crashes. The Roadside Drug Testing (RDT) program is a key tool for the reduction of road crashes in Queensland. This program aims to increase certainty of being caught and to provide general deterrence from drug driving in the population.

Police intercept around 56,000 drivers for roadside drug testing each year, with 20 percent of those charged with a drug driving offence.

Other jurisdictions

Australia historically and currently has the most intensive roadside drug-testing program in the world.[4]

The device used by Queensland for the initial saliva test is also used in Germany, Norway, the Netherlands, Spain, England, Scotland, Wales, Italy and the USA.

Queensland's current RDT program

The RDT program is linked to the presence-based drug driving offence. This means that if a driver tests positive to a relevant drug (THC, methylamphetamine, MDMA or cocaine) they will be charged with drug driving. Penalties for this offence include licence disqualification and a fine, as determined by the court. Legislation also provides for a period of imprisonment which a magistrate may impose after taking into consideration previous traffic history and the seriousness of the charges.

The current RDT process requires three positive results:

- an initial saliva test (tongue swipe) – involves scraping the tongue and the inside of the mouth with a collection device
- a second saliva test (collection and 'roadside analysis') – involves collecting a sample of saliva through an absorption device and inserting the device into an analyser instrument, either roadside or at another location, depending on the availability of the analysis instrument
- an evidentiary analysis in a laboratory (using the saliva from the second sample).

Identification of problem

Since the introduction of roadside drug testing in 2007, there have been significant advancements in the testing technology, therefore making the second test redundant.

Purpose of government action

It is proposed that the RDT process is streamlined by removing the requirement for the second test (roadside analysis) before a sample is sent for laboratory confirmation. Improvements in testing technology makes removal of the second test possible. South Australia (SA) and New South Wales (NSW) have simplified their RDT process in the same way proposed by Queensland. Following a positive roadside screening test SA only requires that the oral fluid analysis be conducted by a laboratory. NSW has replaced the more complex second roadside analysis with a second simple screening test before an analysis is conducted by a laboratory. However, only one positive result is required for a sample to be sent for laboratory confirmation.

The purpose of this amendment is to simplify the RDT process, leading to time and cost savings for the QPS, and time savings for drivers who test positive to a relevant drug roadside. This change may therefore also support increasing RDT numbers, promoting road safety by increasing general deterrence for drug driving.

What options were considered?

Option 1 – Status quo (non-regulatory)

Option 1 would see the RDT process remain as it is, with three positive results required.

Option 2 – RDT streamlining (regulatory)

Under Option 2, amendments would be made to the TORUM Act to remove the second test, thereby streamlining the RDT process to only require one roadside test and evidentiary analysis in the laboratory.

What are the impacts?

Option 1 – Status quo (non-regulatory)

Maintaining the current RDT process would mean that QPS officers would have to continue conducting the 3 tests that includes the redundant second test.

Option 2 – RDT streamlining (regulatory)

Streamlining the RDT process would mean that QPS officers do not have to conduct a second test if a driver tests positive to a relevant drug. Instead, they would only need to collect a saliva specimen which would be sent to the Queensland Health laboratory for analysis. This would have a positive impact for both the driver and the QPS officer by saving time. It would also reduce resource requirements for the QPS as the second test and analysing instrument would no longer be needed.

Option 2 may also support increased testing numbers by saving costs, time and reducing training requirements for officers to conduct RDT. High visibility and high volume RDT should reduce drug driving and its associated trauma.[5]

Who was consulted?

As part of the Queensland Drug Driving Review, extensive consultation has occurred with the QPS.

What is the recommended option and why?

After considering the impact of each of the options, it is recommended that regulatory amendments are made to streamline the RDT process. This would involve making changes to both the TORUM Act and the *Traffic Regulation 1962*. The purpose of this is to reduce officer time and financial costs for the QPS, and to reduce time costs for people who test positive to the initial roadside screening test.

4. Brief intervention program for drug drivers

What is the nature, size and scope of the problem? What are the objectives of government action?

Background

Drug driving is a serious road safety issue in Queensland, which is addressed through a number of existing measures. These include roadside drug driving testing, fines, licence disqualification and imprisonment. Despite these measures, Queensland continues to see an increasing number of crashes involved drugs.

Identification of problem

Concerningly, approximately 39 per cent of drug driving offenders in Queensland have committed two or more drug driving offences within a five year period. Research also suggests that people who have had a drug driving offence in the past are the most likely cohort to drive with drugs in their system in the future.[6] This highlights the importance of targeted interventions to address recidivism.

Purpose of government action

The purpose of this amendment is to address recidivist drug driving by adding a brief intervention program for drug drivers. This will provide drug drivers with a counselling session that may help change their behaviour and prevent reoffending. This should reduce overall drug driving and its associated road trauma.

What options were considered?

Option 1 – Status quo (non-regulatory)

Option 1 was to remain with the status quo, where there is no intervention for drug drivers. The current penalty framework and public communication would be the only initiatives targeting drug driving.

Option 2 – Online/Paper-based program (regulatory)

Option 2 was to introduce a generic drug driver intervention program that can be delivered through online or paper-based formats. This is similar to the Plan.Drive.Survive.Foundations. drink driving intervention Queensland currently uses.

Option 3 – Telephone program (regulatory)

Option 3 was to introduce a brief intervention program that is delivered by a health specialist agency[7] (for example the Alcohol and Drug Information Service which currently conducts the Queensland drug diversion program for QPS and the Department of Justice) through a telephone delivery model. This is expected to take approximately 45 minutes and provide an opportunity for the individual to discuss their drug use and be referred to other support and counselling services if required. More specific drug driving content will also be discussed during the session. Completion of the program will be a relicensing requirement, and the offender will not be able to relicense for 5 years if they choose not to complete the program. Completion of the program will be valid for 12 months, meaning they will not be required to complete the program again in this time.

What are the impacts?

Option 1 – Status quo (non-regulatory)

Under Option 1, drug drivers may continue to reoffend at current rates. This significantly limits the ability to reduce drug driving and its associated trauma in Queensland.

Option 2 – Online/Paper-based program (regulatory)

Option 2 would require the development of content and systems to deliver the program. Development of an online program is challenging due to the diversity of drug drivers (different drug types and purposes of use), and it would be difficult to develop content that is relevant and engaging for all offenders. This may have significant impacts on the effectiveness of the program in reducing drug driving.

Under this option, drivers convicted of a drug driving offence would be required to complete the online program before they are able to relicense. A paper-based option may also be available if the offender is unable to complete the program online.

Option 3 – Telephone program (regulatory)

Under Option 3, drug drivers will be required to complete a telephone-based program before they are able to relicense. If they do not complete the program, they will not be eligible for a licence for 5 years. Completion of the program would be valid for one year, meaning that if they reoffend in this time, they will not be required to complete it again. The intervention program will be delivered at no cost to the participant and will only take 45 minutes of their time. A booking system will be utilised to ensure that booking and rescheduling is an easy task for the offender, thereby increasing the participation rate.

Delivery of the program by telephone and at no cost to the offender addresses several barriers to completion and aids its effectiveness.[8,9] Individual sessions are also important as they allow greater adaptability of the program to meet the individual's needs.[10]

This intervention program provides an opportunity for people who use drugs to have contact with government and community health systems and receive broader support, which may help them reduce their drug use and engagement in drug driving.[11] This may therefore create a safer road environment and reduce road trauma.

International studies show there is clear evidence that well-designed brief intervention strategies are effective, cost-efficient and easy to administer. The Australian Capital Territory requires drug drivers to complete an Alcohol and Drug Awareness Course.[12] This is a face-to-face course for first time offenders and focuses on educational awareness. An evaluation of this course found a 99 per cent completion rate, and while drug driving data was not included in the evaluation, the course was correlated with a reduction in drink driving offences.[13] Of particular note, the number of repeat drink driving offences was approximately 50 per cent less than the predicted number based on previous trends.

To address recidivist drink driving in Queensland, a suite of reforms was introduced on 10 September 2021. This included the introduction of drink driving education programs. A comprehensive evaluation of the drink driving program for first-time offenders is planned for 2027, however, analysis of the data to date is positive. For example, in the feedback TMR collects from course participants, 88 per cent indicate the course helped them develop a plan to separate their drinking from driving, 87 per cent stated that the course helped them develop a better understanding of drinking and driving, and 99 per cent stated that they are not likely to drink and drive again.

Who was consulted?

As part of the Queensland Drug Driving Review government and non-government stakeholders were engaged on Queensland's drug driving program. Through this consultation, stakeholders identified that there is a greater need for more education and rehabilitation and treatment, including greater personalisation.

Further consultation has occurred with government stakeholders, including QPS, the Department of the Premier and Cabinet, the Department of Justice, and Queensland Health.

All stakeholders are supportive of these changes in principle.

What is the recommended option and why?

After considering the impacts of each of the options, it is recommended that regulatory amendments are made to add a telephone-based brief intervention program for drug driving offenders. A non-regulatory option is not recommended as it does not address the currently high rates of recidivist drug driving. Offering an online intervention program is also not recommended as unlike drink drivers, drug driver's profiles are more varied (it applies to multiple drug types and uses) and a one-size-fits-all approach is therefore inappropriate.

Introducing a brief intervention program for drug drivers would involve making changes to the TORUM Act. The purpose of this is to support drug drivers to not drug drive in the future and reduce associated road trauma.

5. Timeframe for commencement of disqualification after infringement notice issued for low-range drink driving offences

What is the nature, size and scope of the problem? What are the objectives of government action?

Background

On 22 August 2024 the *Queensland Community Safety Act 2024* (QCS Act) was passed by the Queensland Parliament. It was assented to on 30 August 2024.

Part 3, division 2, subdivision 2 of the QCS Act amends the TORUM Act to provide police officers with the option of issuing infringement notices for low-range drink driving offences. These provisions are to commence on proclamation.

The QCS Act provides that an administrative licence disqualification (of two months) will be applied to a drink driving infringement notice, beginning on the day that is 28 clear days after the date the infringement notice is issued. The Act also provides that when an infringement notice is issued, the QPS officer must also issue a written notice roadside that advises a person that a two-month disqualification applies and when it will start.

The Department of Transport and Main Roads (TMR) has since further examined the policy and legislation framework to determine how it will apply in operation. These identified minor legislative amendments that are machinery in nature are required to better align with the current penalty infringement framework, provide procedural fairness and streamline the operational process.

These amendments include:

1) ***Provide that the administrative disqualification will commence at least 21 days after the date the licence disqualification notice is given***.

Under the current penalty infringement framework, an infringement notice is an alleged offence until it is dealt with by being paid, determined by a court, or an enforcement order has been issued by the State Penalty Enforcement Registry (SPER).

The application of an administrative licence disqualification 28 days after the date the drink driving infringement is issued was intended to align with when the infringement notice would be dealt with. Under the *State Penalties Enforcement Act 1999* (SPE Act) (see section 15(2)(f)), an infringement notice states that a person has 28 days to pay the infringement or elect for a court hearing.

Following this 28-day period, the administering agency can provide a default certificate to SPER (see section 33) which issues an enforcement order to the debtor (see section 38). To allow for payment processing times (for example BPay or payments made by mail) and court election processes, in practice, this process does not occur on the 28th day, and default certificates are sometimes provided to SPER approximately 36 days later.

Concerns have been raised about fairness and equity of applying the administrative disqualification before the infringement has been finalised as it could create adverse outcomes for a person. For example, where a person is administratively disqualified and has their licence cancelled before the offence has been finalised and the offence is later withdrawn.

In addition, the proposed timeframe (28 clear days after the date the infringement notice is issued) may not provide sufficient time to prevent the administrative disqualification applying to the licence, if the person elects to have the matter of the offence decided in a Magistrates Court on the 28th day.

Therefore, TMR intends to amend the start date of the administrative disqualification to be after the date the infringement notice has been finalised. The infringement notice will be considered finalised when a person pays the fine, applies under the SPE Act to pay the fine off in instalments, or when an enforcement order is issued under section 38 of the SPE Act. Following this, TMR will send a notice to advise the start date of the disqualification which will be at least 21-days after the date the notice is given. This will align with other licence sanction notices.

If the person elects to have the matter decided in a Magistrates Court, the person will not receive the administrative disqualification and will instead follow the process for court convictions and disqualifications (no change from current process).

2) ***Remove the requirement for QPS to issue an administrative licence disqualification notice roadside and provide that TMR will send an administrative disqualification notice when an infringement notice is finalised.***

To ensure that a person is notified of the administrative disqualification, the QCS Act currently provides that two written notices must be issued to the person. The first notice must be given by QPS roadside at the same time the person is given the infringement notice. The second notice must be given by TMR as soon as practicable and before the administrative disqualification commences.

In practice this will be when the infringement notice is first recorded in TMR's registration and licensing database.

The intention of these notices is to ensure a person is provided with sufficient notice of the pending disqualification and provide time for the person to prepare for the loss of their licence.

To align with the amendment of the administrative disqualification start date, TMR proposes to remove the notices that would have been given if the disqualification automatically applied 28 days after the date the infringement was given. These notices are no longer required as the disqualification will not start until after the PIN is finalised. Instead, TMR will send a notice as soon as practicable that advises the person they will be disqualified for two months once the infringement is finalised. This notice will advise the exact date that the disqualification will start which will be at least 21-days after the date the notice is given. This will align with other licence sanction notices.

The change in timing of these notices will improve administrative processes for QPS officers by reducing the number of notices that are issued roadside. The proposed change to when notices will be given is not expected to impact drivers, who will still be issued two notices and receive sufficient notification of the pending disqualification of their driver licence.

3) Address an inconsistency in the application of immediate suspensions.

To rectify an inconsistency in the application of immediate suspension provisions to drug drivers subject to administrative disqualification. Under existing provisions, if a person commits a drink driving offence, then is charged with a drug driving offence before the drink driving offence has been dealt with by a court, the person's driver licence is immediately suspended. The *Queensland Community Safety Act 2024* will inadvertently create an inconsistency whereby there will be no immediate suspension if a person is served an infringement notice for low range drink driving and is subsequently charged with a drug driving offence prior to the start of the administrative disqualification. This amendment will remove this inconsistency.

4) Prescribe low range drink driving as an infringement notice offence

To enable infringement notices to be issued for low range drink driving, an amendment is made so that infringement notices can start to be issued for low range drink driving, consistent with the policy objectives of the *Queensland Community Safety Act 2024*. The penalty will be set at 7.5 penalty units to align with other Fatal Five offences such as mobile phone and seatbelt offences.

What options were considered?

Option 1 – Status quo (non-regulatory)

Option 2 – Extend the administrative disqualification start date from 28 to 36 clear days after the date the infringement is issued.

Option 3 – Amend the administrative disqualification start date to be at least 21 days after the disqualification notice is given and change when the notices will be issued.

What are the impacts?

Option 1 – Status quo (non-regulatory)

Potential adverse impacts on the person remain. The proposal to impose an administrative disqualification 28 days after an infringement notice is issued raises concerns, as unpaid notices are typically referred to SPER after the 28 days. Since a disqualification attached to a drink driving infringement notice is an administrative consequence, it should only be imposed once the offence is finalised through payment or a court order under the SPE Act. Applying this penalty prematurely would be inconsistent with current practices for recording offences and demerit points, which only occur after a conviction or an official order.

For a drink driver receiving an infringement notice, this could mean facing licence disqualification before their case is finalised, potentially impacting their ability to challenge the offence or arrange payment, leading to immediate consequences such as job loss or financial hardship.

Option One also does not align with the current penalty infringement framework which ensures penalties are only enforced once an offence is finalised. Imposing an administrative disqualification at 28 days would create an inconsistency in how penalties are administered, treating administrative disqualification differently from other traffic-related sanctions and undermining the principle that penalties should only take effect after due process is completed.

Option 2 – Extend the administrative disqualification start date from 28 to 36 clear days after the date the infringement is issued.

Potential adverse impacts on the person remain. The proposal to impose an administrative disqualification 36 days after an infringement notice is issued raises concerns, as unpaid notices may not be referred to SPER after the 36 days. Since a disqualification attached to a drink driving infringement notice is an administrative consequence, it should only be imposed once the offence is finalised through payment or a court order under the SPE Act. Applying this penalty prematurely would be inconsistent with current practices for recording offences and demerit points, which only occur after a conviction or an official order.

For a drink driver receiving an infringement notice, this could mean facing licence disqualification before their case is finalised, potentially impacting their ability to challenge the offence or arrange payment, leading to immediate consequences such as job loss or financial hardship.

Option two does not align with the current penalty infringement framework which ensures penalties are only enforced once an offence is finalised. Imposing an administrative disqualification at 36 days would create an inconsistency in how penalties are administered, treating administrative disqualification differently from other traffic-related sanctions, and undermining the principle that penalties should only take effect after due process is completed.

Option 3 – Amend the administrative disqualification start date to be at least 21 days after the disqualification notice is given and change when the notices will be issued.

These amendments are expected to benefit drivers by providing consistent and fairer processes that align with the current penalty infringement framework that is in place.

Changing the start date of the administrative disqualification ensures that a person is not sanctioned prior to the drink driving infringement being finalised.

Provides improved and consistent communications to drivers who are issued drink driving infringements.

Commencing the administrative licence disqualification at least 21 days after the notice is given may extend the sanctioning process. It may reduce the immediacy of the penalty, potentially weakening its deterrent effect.

Who was consulted?

There has been no consultation with the public or non-government stakeholders about the amendments because of the minor nature of the change.

What is the recommended option and why?

The recommended option is option 3 which is to amend the administrative disqualification start date to be at least 21 days after the notice is given

This option will benefit these drink drivers by providing consistent and fairer processes that align with the current penalty infringement framework that is in place. Changing the start date of the administrative disqualification will ensure that a person is not sanctioned prior to the drink driving infringement being finalised. Sending a notification of the disqualification after the PIN is finalised provides certainty of the exact date that the disqualification will start. It also provides improved and consistent communications to drivers who are issued drink driving infringements.

6. Legislative amendments to enable passenger nominations for camera-detected seatbelt offences and removal of demerit points for passenger-related seatbelt offences

What is the nature, size and scope of the problem? What are the objectives of government action?

Passenger Seatbelt Non-compliance – Road Safety Impacts and Lack of Direct Deterrence

Seatbelt non-compliance is one of the fatal five behaviours and between 2020 and 2025 contributed to 26 per cent of road crash fatalities in Queensland (where restraint use was known). In 2024, this resulted in 25 vehicle occupants losing their lives, and 193 being hospitalised because of crashes where they were not wearing a seatbelt (where restraint use was known). Occupants not wearing a seatbelt are around nine times more likely to be killed in a crash.

To support seatbelt compliance, cameras introduced in 2021 can detect front-seat occupants not wearing their seatbelts correctly or at all. Almost two-thirds of camera-detected seatbelt infringements are issued for passenger seatbelt non-compliance. While driver seatbelt compliance has improved since the introduction of cameras, the number of infringements issued due to passenger non-compliance has been consistently higher than infringements issued for driver non-compliance. Between 1 January 2024 and 28 February 2026, over 78,000 camera-detected seatbelt infringements were issued, of which more than 52,000 were issued due to passenger seatbelt non-compliance.

Currently passenger seatbelt camera offences can only be enforced against the driver for failing to ensure the passenger is correctly wearing a seatbelt (known as the driver responsibility offence under section 264A of the *Transport Operations (Road Use Management—Road Rules) Regulation 2009* (QRR)). There is a lack of a direct deterrence to support passenger compliance, as there are no direct consequences for passengers over 16 for seatbelt non-compliance unless enforced by roadside police.

Driver Penalisation for Passenger Behaviour

The current infringement notice penalty for all existing seatbelt offences is 7.5 PU ($1,295 in 2026-27) and four demerit points. While there is a responsibility under section 264A of the QRR for drivers to ensure all passengers are appropriately restrained, under section 265 of the QRR, there is also a direct requirement for passengers who are 16 years or older, to wear a properly adjusted and fastened seatbelt. Currently, passengers cannot receive camera-detected infringements because the technology is not capable of identifying a passenger and drivers are unable to nominate an offending passenger. Due to this, the camera-detected offence for passenger seatbelt non-compliance is only enforced against drivers (driver responsibility offence).

Since the introduction of these cameras in late 2021, the Department of Transport and Main Roads (TMR) has received a high volume of community complaints about camera-detected passenger offences. Most of the community complaints express frustration about the driver being punished for the actions of passengers aged over 16 years, who would be fined directly if detected by roadside police.

In addition, the Queensland Revenue Office (QRO) who adjudicate camera-detected offences, regularly receive customer enquiries wanting to nominate a passenger aged at least 16 for a passenger seatbelt offence. Based on a one-month sample from 7 October 2024 to 8 November 2024, more than 100 phone enquiries were received to the QRO call centre from drivers wanting to nominate a passenger or expressing frustrations that this was not an option.

Complaints also relate to the application of demerit points, and possible licence sanction, for behaviour largely out of the driver's control, and some courts have determined that a driver's obligation to focus on the road for safety overrides the requirement to continually monitor their passengers' seatbelt compliance.

Objectives of Government Action

This proposal aims to:

- improve road safety by more directly incentivising passenger compliance with seatbelt rules
- reduce negative impacts of seatbelt penalties on drivers due to actions outside of a driver's control, and passengers for their actions while not in control of a vehicle.

What options were considered?

To improve seatbelt compliance for all vehicle occupants, a range of measures have been used in the past and will continue to be used to support compliance. Enforcement is one of the most proven measures to change behaviour and improve road safety outcomes, however, given the ongoing trend of passenger seatbelt non-compliance despite the significantly increased enforcement via cameras, a range of options were considered to further incentivise passenger compliance.

Option 1 - Status Quo – No action

This option would result in ongoing negative impacts on the community.

Existing road safety impacts including road crash deaths and serious injury rates associated with seatbelt non-compliance are unlikely to be improved without increased enforcement. Enforcement and risk of penalties has been demonstrated to be one of the most effective mechanisms for creating behaviour change. Roadside enforcement currently occurs, however, without significant investment in resourcing increases, there would likely be limited ability to create behaviour change through roadside enforcement. A reallocation of existing police resources to focus on seatbelt compliance would negatively impact on the community by diverting police resources from other areas of need.

Communication campaigns remain an ongoing essential part of public road safety education to establish safe behaviours in the first instance, highlight enforcement activities, remind the community of their obligations, or update them of changes to road rules. However, it is unlikely that continuing communications around passenger seatbelt usage without enhanced enforcement would have a significantly increased effect.

Under this option impacts on drivers such as accrual of demerit points, monetary penalties and licence sanctions caused by passenger non-compliance will also continue, with no new options available for drivers to influence their passenger’s behaviour.

Option 2 – Enabling Passenger Nominations

This option considered the enablement of passenger nominations including both driver nominations of an offending passenger aged 16 years or older, and a passenger self-nomination process. The intent behind this option was to enforce camera-detected seatbelt offences more directly against the offending passenger who has the most control over their compliance. A similar framework and process is already utilised to enable driver nominations where a registered owner receives an infringement for a camera-detected offence (such as speeding, red light running) and they were not the driver at the time of the offence.

The aim of this direct enforcement would be to incentivise passenger adherence with seatbelt rules, which in turn would improve road safety outcomes. If an offending passenger self-nominated or was nominated by a driver, the net impact to the community would remain the same as the driver responsibility offence would be waived. This would ensure that passenger nominations do not increase the overall number of penalised individuals. It would also ensure that drivers were not negatively impacted financially, or by demerit points or licence sanctions, due to the actions of others outside of their direct control.

However, this option also had potential drawbacks. In particular, it could disproportionately affect young passengers or those who might be either pre-licence or hold a learner or provisional licence. For people at these stages of the licensing process, receiving a single passenger seatbelt offence, accruing four demerit points, could result in a delay in eligibility for a licence or immediate issuance of a notice to choose which can result in temporary licence suspension. While option 2 addresses the primary objectives of this proposal, this potential negative impact highlighted the need to consider the balance between enforcing seatbelt rules and imposing licence penalties on certain segments of the population.

Option 3 – Passenger Nominations and Adjustments to Penalties for Passenger-related Seatbelt Offences

This option would build on option 2 and capture the aforementioned benefits of enabling passenger nominations. To address the identified issue of demerit point risks to driver and passengers’ licences, this option considered removal of the demerit points for the driver responsibility offence and passenger seatbelt offence. Removal of the demerit points in these cases would ensure that demerit points are only applied to safety critical offences committed by a driver, and where the driver is directly responsible for the offending behaviour.

There is no consistent approach to demerit point issuance for these offences. Queensland, New South Wales, and South Australia are the only jurisdictions to apply demerit points for the passenger seatbelt offence, and Queensland has a greater penalty of 4 demerit points, compared to 3 in the other jurisdictions. There is also variability in the driver responsibility offence with Queensland and Western Australia having the toughest approach of 4 demerit points compared to no demerit points in the Northern Territory and South Australia. The remaining states and territories issue 3 demerit points for the driver responsibility offence. Given Queensland is the first state to enforce seatbelt compliance via camera-detection, it is uniquely placed to evaluate and rebalance the impacts of increased camera enforcement with the severity of the impact of demerit points on licence holders.

The current fine amount is proposed to be retained to continue to strongly incentivise seatbelt compliance, recognising it is one of the Fatal Five behaviours and aligned with other Fatal Five fines (such as illegal mobile phone use while driving). Fines are consistently rated as one of the most significant deterrents of poor road safety behaviours. However, the removal of demerit points for the passenger and driver responsibility offences prevents broader licence impacts, which can include loss of employment or difficulty in meeting family obligations.

Proposed Passenger Nominations Process and Implementation

The proposed passenger nominations process leverages as much of the current camera nominations framework for driver nominations as possible. In summary:

- The driver responsibility offence will still initially be issued to the registered operator.
- The registered operator will still have the ability to nominate a driver if they were not the driver at the time.
- A registered operator or nominated driver could nominate a passenger (16 years or older).
- A driver or passenger (16 years or older) could also self-nominate.
- If a passenger is nominated or self-nominates, the driver responsibility offence will be waived and a new passenger offence would be issued.
- The registered operator or driver will remain solely liable for passenger seatbelt non-compliance for passengers aged less than 16 years.
- The registered operator or driver will also remain solely liable for passenger seatbelt non-compliance in circumstances where multiple passengers are occupying the same seating position or a passenger is in a place in the vehicle not designed for passengers (for example, sitting on the centre console or standing in the passenger footwell). In these cases, the driver should remain culpable for the offence as the offending is so egregious it could not be argued the driver was unaware or unable to control the passenger’s behaviour.
- Standard payment, court election and debt referral options will be available to the registered operator, driver, or passenger.
- Nominations and self-nominations will be possible via TMR’s online services or by submitting a statutory declaration to the QRO. As much as possible, processes will seek to validate passenger age to ensure only eligible nominations are accepted.
- In the event a passenger successfully disputes a nomination the original driver responsibility offence will be reissued. For example, where a passenger submits a fine enquiry and provides clear evidence that they were not the passenger.

Implementation of passenger nominations will require updates to TMR, QRO and the Department of Customer Services, Open Data and Small and Family Business (CDSB) systems, and would be supported by public communication, as driver and passenger awareness of the process is critical to achieve the intended deterrent effect.

Legislative Amendments to Enable Passenger Nominations

TMR is proposing legislative amendments to enable passengers, aged 16 years and older, to be nominated or self-nominate to receive camera-detected seatbelt offences under section 265 of the QRR.

Legislation amendments will make it clear that the driver responsibility offence and passenger offence cannot both be enforced for the same circumstance of offending. Once a person is validly nominated as the offending passenger and a passenger offence infringement is issued, the driver responsibility offence infringement must be waived. However, should the nominated passenger subsequently not be convicted for the passenger offence, the driver responsibility offence could be re-issued. For example, where a person provides clear evidence that they were not the passenger at the time of the offence.

Legislative Amendments to Demerit Points for Passenger-related Seatbelt Offences

To ensure penalties for passenger seatbelt offences are fair and in line with community expectations, TMR also proposes to remove demerit points for sections 264A and 265 and remove section 264A from the double demerit points scheme. This ensures demerit points, and possible licence sanction, are only allocated for seatbelt offences incurred by drivers and where the driver is directly responsible for the offending. The fines would be retained to ensure there is a suitable incentive for correct seatbelt use by all occupants.

What are the impacts?

Option 1 – Status Quo – No action

Costs:

- No improvement in passenger seatbelt non-compliance.
- Ongoing social and financial costs to the community and health-care system from fatal and serious injuries related to passenger seatbelt non-compliance.
- Ongoing monetary and licence sanction related costs for drivers penalised for passenger seatbelt non-compliance.
- Reputational risk associated with no action.
- Public education on seatbelt rules alone is insufficient to ensure seatbelt compliance.

Benefits:

- No additional costs to government.

Impact analysis of costs and benefits

Option 1 would involve no change to the current seatbelt camera enforcement framework. This option is not preferred as it does not improve passenger seatbelt non-compliance and would likely result in continued road trauma involving unrestrained vehicle occupants. The community has expectations that TMR, as a regulator, will take the lead on mechanisms to deliver positive road safety outcomes, and this includes addressing the dangerous driving behaviours that contribute to road trauma.

In addition, maintaining the status quo carries an increasing risk of community backlash and ongoing negative communications. This option does not address the fairness issues raised by the public regarding punishing the driver due to the actions of a passenger aged at least 16 who would be fined directly if detected by roadside police. While the importance of seatbelt usage renders the driver responsibility offence justifiable, TMR recognises that sometimes drivers have limited ability to control the actions of another person.

Some courts have also found that, as long as the driver has taken some steps to make sure their passenger was wearing their seatbelt correctly, the driver has not committed a driver responsibility offence. Part of the courts' reasoning related to concerns that a driver should not be distracted from their duty to drive with due care and attention by constantly monitoring their passenger's behaviour. The integrity of seatbelt camera enforcement may be jeopardised if the driver responsibility offence continues to be successfully challenged in a judicial and public setting.

Further, road safety communication campaigns and current rates of roadside enforcement have not had sufficient impact in changing behaviour to result in a reduction of passenger seatbelt non-compliance. TMR already runs communications through social media with regards to the seatbelt rules on a regular basis. These communications have a wide reach, but their impact is difficult to quantify. It is unlikely that continuing communications around passenger seatbelt usage without supporting regulation and enhanced enforcement would influence any measurable behavioural change.

Option 2 – Enabling Passenger Nominations

Costs:

- Financial costs to passengers who are nominated for a camera-detected seatbelt offence instead of the driver (no increase in number of persons penalised).
- Potential loss of income and mobility if demerit points for passenger seatbelt/driver responsibility offences result in a temporary loss of licence.
- Costs to government, including implementation costs, resourcing, operational costs incurred to establish new processes for passenger nominations, and communication/educational campaigns.
- Community backlash from drivers who have already lost demerit points and paid the monetary fine due to being previously issued a driver responsibility offence for passenger non-compliance.

Benefits:

- Supports increased passenger seatbelt compliance and road safety outcomes including reduction in fatal and serious injuries associated with seatbelt non-compliance.
- Aligns with community expectations.
- Acknowledges that drivers have limited ability to control the actions of their adult passengers.

Impact analysis of costs

<u>*Costs to passengers*</u>

The financial costs to offending passengers align with existing roadside enforcement and are justified based on the road safety risk of seatbelt non-compliance. The current fine amount for seatbelt related offences is 7.5 PU ($1,295 in 2026-27) to reflect the seriousness of the offending and send a strong deterrent message to occupants who engage in unrestrained behaviour. It should be noted this penalty is currently issued to the driver for the driver responsibility offence – this proposal would not result in an increase in the number of persons penalised, just a change in allocating the penalty to an alternative person who has the most control over their seatbelt compliance.

A range of factors were considered in determining the penalties including crash risk, modern enforcement capabilities, deterrence theory, and community perceptions. TMR is aware financial costs can particularly affect persons with lower income, leading to financial hardship. As such, a passenger who receives a camera-detected fine and cannot afford to pay will still have the opportunity to seek financial assistance through the State Penalties Enforcement Registry (SPER) to pay by a voluntary instalment plan or settle the debt through a work and development order. These options are currently available to passengers who are issued a roadside seatbelt infringement notice.

Given the passenger offence is already enforced by roadside police, it is justifiable to hold passengers aged 16 years or older accountable for a camera-detected seatbelt offence. In roadside practice, QPS typically enforce the passenger offence directly to hold passengers accountable for their seatbelt non-compliance, as opposed to the driver responsibility offence. This option of enabling a passenger to be nominated for an offence under section 265 of the QRR would ensure camera enforcement is more consistent with roadside practices, in that a passenger aged at least 16 can be punished for their own seatbelt offending.

Demerit points for passenger seatbelt/driver responsibility offences resulting in licence loss

Currently, four demerit points apply for breaches of the seatbelt rules. In addition, drivers who commit two or more offences within a one-year period, for either failing to wear a seatbelt or failing to ensure passengers under 16 are appropriately restrained, incur double demerit points. This has created fairness issues with a driver facing licence sanctions based on the behaviour of another person (passenger).

With the exception of motorcycle helmet offences, the driver responsibility seatbelt offence is the only demerit point offence where the driver is not directly responsible for the offending behaviour. TMR has received ongoing complaints regarding the negative impacts of the driver responsibility offence, including loss of employment or difficulty in meeting family obligations, due to actions largely out of the driver's control.

With the exception of motorcycle helmet offences, the passenger seatbelt offence is the only demerit point offence that is not committed by a driver. Queensland, New South Wales, and South Australia are the only jurisdictions to apply demerit points for this offence.

The introduction of passenger nominations for camera-detected seatbelt offences will increase the number of passengers receiving the passenger offence. As such, the existing demerit point penalty would have significant impacts, including licence sanctions for passengers who hold a learner or provisional driver licence.

Costs to government

While existing nomination systems and processes can be leveraged, there will be an initial operational increase for TMR, CDSB and QRO in establishing new processes for passenger nominations. Implementation of the proposed process for passenger nominations will also incur costs to TMR, CDSB and QRO.

TMR anticipates a decrease in court election rates. Driver responsibility offences that are currently court elected due to a perceived fairness issue are likely to reduce when drivers can nominate their adult passengers. While passengers issued with an offence under section 265 may choose to court elect, this is expected to replace current court election rates for offences under section 264A but at a lower overall number.

In addition, TMR would undertake a public communication campaign to ensure driver and passenger awareness of the passenger nominations process. This will also incur resourcing costs to government.

Research has shown that road safety advertising works best in achieving behaviour change when supported by regulation and enforcement. A well accepted role of road safety advertising is to "agenda set" and "signpost" new or amended legislation. Advertising is a key component in helping make the public aware that changes are happening and to highlight that non-compliance can result in a penalty. Road safety advertising also works to reinforce the effects of other countermeasures, such as changes to enforcement or education programs, to achieve attitudinal and behavioural change.

Impacts to drivers previously penalised for a driver responsibility offence

There is a risk of complaints from drivers who have already been penalised under the existing framework as they did not have the option to nominate a passenger for a camera-detected passenger seatbelt offence. However, it should be recognised that these penalties are valid as the driver responsibility offence remains an important aspect of managing passenger seatbelt compliance. Regulatory change to allow passenger nominations is being considered to ensure that road safety measures remain appropriate and responsive to current challenges and strikes a balance between achieving safety outcomes and use of penalties. Road safety policies are continually reviewed to identify ways in which they could be even more effective, particularly seatbelt compliance given it is one of the fatal five. TMR will clearly communicate the changes to ensure transparency prior to implementing passenger nominations.

Impact analysis of benefits

Correct seatbelt usage could be the difference between life and death in the event of a crash. Passengers who incorrectly wear a seatbelt (or none at all) not only put their own lives at risk but also endanger other occupants in a vehicle during a crash. Due to the force of crashes, unrestrained passengers can become projectiles and cause serious injury or kill those surrounding them on impact. Option 2 holds passengers accountable for their own seatbelt non-compliance to specifically motivate behaviour change in passengers.

Deterrence theory asserts that enforcement and punishment must be sufficient enough to deter individuals from committing offences. TMR intends to create a specific deterrent effect by enabling passengers, aged 16 years and older, to be nominated to receive camera-detected seatbelt offences. This ensures the person with the most control over their seatbelt non-compliance is enforced.

Camera enforcement works by deterring motorists from breaking the road rules both at the specific locations where they have previously seen or been caught by a camera, as well as generally across the road network as motorists can expect cameras to be enforcing anywhere at any time. In a 2021 attitudinal survey, 80% of people agreed that they stick to the speed limit to avoid fines.

This general deterrence effect is repeatedly demonstrated by the independent, annual evaluation of the Camera Detected Offence Program (CDOP). The most recent evaluation found that, in 2021, the CDOP saved 1,191 casualty crashes and $678 million in costs to community.

The threat of being nominated to receive a camera-detected passenger seatbelt offence is likely to deter passengers from engaging in risky behaviour. In addition, this would reinforce a broader road safety message for all vehicle occupants to comply with the seatbelt rules, knowing they can be punished for their own risky behaviour as a driver or passenger. The increase in safety associated with Option 2 is expected to be positive, including avoiding serious injuries and death associated with failing to correctly wear a seatbelt.

Further, Option 2 provides a solution to the ongoing community complaints regarding the driver responsibility offence and reflects recent court decisions.

Option 3 – Passenger Nominations and Adjustments to Penalties for Passenger-related Seatbelt Offences (Recommended Option)

Costs:

- Financial costs to passengers who are nominated for a camera-detected seatbelt offence instead of the driver (no increase in number of persons penalised).
- Costs to government, including implementation costs, resourcing, operational costs incurred to establish new processes for passenger nominations, and communication/educational campaigns.
- Perceived unfairness from historical financial and licence impacts to drivers who previously received a driver responsibility offence.
- Potentially diminishes the deterrent effect of the penalties for passenger-related seatbelt offences.

Benefits:

- Supports increased passenger seatbelt compliance and road safety outcomes including reduction in fatal and serious injuries associated with seatbelt non-compliance.
- Aligns with community expectations.
- Acknowledges that drivers have limited ability to control the actions of their adult passengers.
- Reduces negative impacts of seatbelt penalties on drivers due to actions outside of a driver's control through the removal of demerit points.
- Mitigates the risk of licence sanctions on passengers for their actions while not in control of a vehicle.
- Consistent penalties for passenger-related seatbelt offences

Impact analysis of costs and benefits

This option expands on Option 2 and, while it incurs similar costs, it resolves the demerit point risks to driver and passenger licences. The application of demerit points for the driver responsibility offence has created fairness issues with a driver facing licence sanctions based on the behaviour of another person (passenger). Option 3 ensures that demerit points are only applied to safety critical offences committed by a driver, and where the driver is directly responsible for the offending behaviour.

The removal of demerit points may be perceived to weaken the deterrent effect of the penalty. However, imposing the monetary fine continues to ensure that there is proportional and direct deterrence against the person responsible for the offending. TMR recognises that demerit points have proven to be an effective method of positively changing driving behaviours and attitudes of road users. However, for seatbelt offences caused by the behaviour of a passenger who is not in control of a vehicle, there is a need to ensure penalties are balanced and do not unfairly expose drivers and passengers to licence suspensions and any subsequent flow on effects.

By removing demerit points, the potential risk of licence sanctions is reduced, easing the financial and emotional costs on drivers who might otherwise need to apply for a Special Hardship Order (SHO) if they accumulate demerit points for a driver responsibility offence for passenger seatbelt non-compliance. This alleviates the burden on courts, individuals and TMR by reducing the expenditure of time, money and resources for SHO applications.

The removal of demerit points achieves a balance between encouraging greater passenger compliance through direct enforcement with significant financial penalties, while reducing the unintended negative consequences of licence suspensions on both drivers and passengers. This minimises the disproportionate impact on individuals for behaviours outside their direct control.

In addition, if the existing demerit point penalty was retained this would have significant negative impacts on young drivers, including loss of income and mobility. Young drivers in Queensland are among the most vulnerable road users and it is critical for TMR to strike a balance when enforcing seatbelt rules so that licence penalties are not excessive. Research has found younger drivers in Queensland are significantly more likely to report driving with themselves or passengers not wearing their seatbelt. In addition, young drivers, aged 16 to 24 years, are 60 percent more likely to be involved in a serious crash than drivers aged 25 to 59 years. Between 2019-24, 17 to 24-year-olds were found to be significantly over-represented in unrestrained vehicle occupant fatalities in Queensland, accounting for 27 per cent of such deaths. This is at least 7 per cent more than older and wider age brackets. Incentivising passenger adherence with seatbelt rules is therefore even more critical in targeting the unique vulnerability profile of young drivers.

Young drivers and passengers can already receive the monetary fine with the current offences, so this proposed option does not impose any additional financial burden. Fines are constantly rated as a significant deterrent of poor road safety behaviours. Imposing only a financial penalty for passenger-related seatbelt offences will ensure seatbelt compliance continues to be strongly incentivised without the significant impacts of licence sanctions on vulnerable cohorts.

The introduction of passenger nominations also means it is critical that the penalties for passenger and driver responsibility offences are aligned. Fundamentally the behaviour is the same, passenger seatbelt non-compliance. As such, the penalty should also be the same, no matter whether it's directed to the driver or the passenger.

Further, any compliance costs to the community are negligible as it is not a mandatory regulatory requirement to nominate a passenger for a camera-detected offence. The ability to nominate another person for a camera-detected offence already exists within the current framework, meaning there is no expansion of compliance requirements beyond what is already in place. As a result, the proposal does not introduce any additional financial costs on the community but simply provides an alternative pathway for actioning a fine and ability to have the fine reallocated to the most appropriate person. The nomination process will remain as consistent as possible with the existing driver nomination process to ensure familiarity for the public.

Who was consulted?

External consultation

TMR has undertaken targeted consultation with the Royal Automobile Club of Queensland, Queensland Law Society and Queensland Council for Civil Liberties. External stakeholders indicated broad support.

Public consultation

TMR conducted public sentiment testing, which highlighted strong levels of support for the proposals. 82 per cent of respondents supported the ability to nominate passengers to receive seatbelt offences and 84 per cent support passengers being able to self-nominate. The removal of demerit points was also well supported with more than 60 per cent of respondents indicating that passenger-related seatbelt offences should not attract demerit points.

What is the recommended option and why?

In consideration of the costs and benefits associated with each of the proposed options, TMR recommends Option 3 including:

- Enabling passenger nominations to create an effective deterrence against passenger seatbelt non-compliance and align with Government objectives of reducing road fatalities and casualties.
- Removing demerit points for passenger related seatbelt offences to limit the negative broader impacts on drivers and passengers of licence sanctions, while maintaining effective monetary penalties to incentivise behaviour change and compliance with seatbelt rules.

Rationale

Option 3 provides an effective means of enforcement against individuals with the most control over their actions who create road safety risks through failing to wear a seatbelt correctly or at all, while minimising the negative outcomes of licence loss and associated mobility loss to deliver the greatest net benefit for the Queensland community. The removal of demerit points for the passenger and driver responsibility offences will apply to all enforcement methods, including both camera-detected and roadside enforcement.

This option incentivises greater passenger seatbelt compliance through direct enforcement with a significant monetary penalty, while limiting the negative broader impacts on drivers and passengers of licence sanctions. Particularly with the changes to demerits for the driver responsibility offence, this option minimises the disproportionate impact on individuals for behaviours outside their direct control.

Drivers have always been required to ensure their passengers are appropriately restrained and this responsibility will continue. Where a driver has fulfilled this duty as far as possible, the ability to nominate a passenger will provide an option to hold the person with the most control over their seatbelt wearing accountable. This change will not result in an increase in the overall number of individuals penalised for a passenger failing to wear a seatbelt, as the penalty for a driver who nominates an offending passenger over 16 will be withdrawn. The overall financial costs of implementation are intended to be offset by improvements in seatbelt compliance which should reduce costs to the government, health care system, and community associated with fatal and serious injuries from road crashes.

Government and external stakeholders are primarily supportive of this initiative due to the benefits it is intended to provide for road safety, and the opportunity to more effectively motivate individual passenger compliance with seatbelt rules. Community concerns of drivers are also effectively addressed through the combination of enabling passenger nominations, and removal of demerit points for the driver responsibility offence. This incentivisation aims to achieve a reduction in passengers incurring seatbelt penalties due to increased compliance rates.

Expected impacts and costs include costs to government (to implement system changes, establish new processes and deliver community education), financial costs to passengers who are nominated for a seatbelt offence, and negative sentiment towards historical financial and licence sanction impacts from previously incurred penalties for the driver responsibility offence. Potential negative community reactions are transitional impacts and not expected to be ongoing. The changes will be supported by a public communication campaign. All the impacts are reasonable and justifiable when considering the broader public benefit.

Implementation

The changes to enable this option will be delivered through legislative amendments and enhancements to TMR, QRO and CDSB systems. Implementation may take approximately 12 to 18 months due to complex system changes required. The initial impacts of implementation will be closely monitored to assess immediate effects. A more comprehensive evaluation can be undertaken following implementation to determine if the changes are achieving the intended road safety and community outcomes.

7. Immediate driver licence suspensions for roadside high-speed offences

What is the nature, size and scope of the problem? What are the objectives of government action?

Speeding continues to be the most significant contributor to the number of lives lost on Queensland roads each year. In 2025, speeding accounted for 26.4 per cent of all lives lost.

Queensland currently imposes a six-month licence suspension on drivers who exceed the speed limit by more than 40km/h. However, this suspension does not come into effect until up to three months after the offence is committed, following driver acceptance of the offence. Between 1 January 2020 and 30 June 2025, 19,022 offenders committed 20,982 high-speed (over 40km/h) offences. Of these offenders, 3,173 committed further traffic offences (16.7 per cent) between the offence date and application of suspension.

Despite continued investment in improved infrastructure, as well as high profile and visible enforcement and education, many drivers continue to speed at all levels. Research[1] has found licence suspensions resulting from speeding offences are effective in reducing re-offending and casualty crashes, compared with pre-licence suspension behaviour. Additionally, deterrence theory provides that for a punishment to be effective at eliciting behaviour change, the punishment should be certain and swift. By bringing forward the period of suspension for offenders detected at roadside, the proposal intends to provide greater deterrence for road users and reduce the re-offending that occurs between detection and commencement of the suspension period.

The objective of introducing immediate licence suspensions for roadside high-speed offenders is to remove offenders from the road as soon as the offence has been committed, and to serve as a greater deterrence against dangerous driving.

What options were considered?

Options considered to address this issue were:

Option 1 – No change to the current high-speed suspension process

This option would maintain the status quo where the existing high-speed suspension process would remain. Fatalities on Queensland roads have continued to rise. From 2020 – 2025, 1,730 lives were lost and 480 (27 per cent) of those were due to speeding. This figure continues to be substantial and 2023 had the highest number of fatalities involving speeding in 12 years. This data shows the significant impact speeding has on Queenslanders and that a different approach is required.

The current high-speed suspension process can see the suspension commencing up to three months after the offence. This delay could provide the opportunity for offenders to reoffend, and data (above) has shown that 16.7 per cent of offenders do. In this respect, this option does not align with government objectives to reduce road fatalities and casualties.

Option 2 – Increased Communication Campaigns

This option would increase road safety awareness campaigns with the intention to educate on the dangers of speeding. There would be no legislative amendments and the existing high-speed suspension process would be maintained. A communications campaign would be launched to educate drivers on the risks related to speeding, particularly at high speeds. The campaign could include information on the dangers of speeding and the existing penalties and fines which apply. The campaign could also include educational information on TMR owned social media and the Queensland Government Street Smarts website. The scope, scale and timing of any new campaign would be determined by available funding and other priorities.

Evidence has shown that in some instances, driver education on its own can independently influence outcomes (such as reductions in drink driving related crashes). However, in other areas driver education does not have a significant independent effect on outcomes (such as reductions in speed related crashes) and instead works through a combined effect with other countermeasures, such as regulation and visible enforcement. Without a new or changed law (and subsequent potential enforcement for non-compliance), advertising can still be used to raise awareness of road safety issues and desired behaviours. However, the messaging approach would be different to one where there is the potential threat of enforcement for non-compliance, which has been shown to reduce its effectiveness at driving behaviour change.

[1] Imberger, K., Watson, A., & Kaye, S. (2019). The effect of sanctions on Victorian speeding drivers. *Journal of the Australasian College of Road Safety, 30*(4), 41 – 49.

Option 3 - Immediate licence suspensions for roadside high-speed offences

This option proposes to make the 6-month licence suspension period for a high-speed offence detected by roadside police immediate. A suspension notice would be issued to the offender by a Queensland Police Service (QPS) officer at the time of the offence.

Legislative amendments are required to include a framework for immediate suspensions. Significant enhancements to TMR's Registration and Licensing database system are also required to support implementation of this option.

This option provides a more effective level of deterrence against dangerous high-risk speeding than the current framework and aligns with Government objectives of reducing road fatalities and casualties.

What are the impacts?

Option 1 – No change to the current high-speed suspension process.

Costs:

- Recidivism will not be reduced, and the road toll continues to be a cost to the community.

Benefits:

- No additional costs to government beyond those already incurred.

This option is not considered to be acceptable as the current licence sanctions for high-speed offences are failing to address the problem. Behaviour change is most effectively achieved using a variety of approaches and while the Queensland Government has invested in education, higher infringement penalties and fine amounts, increased police enforcement and new road safety cameras, the road toll continues to increase. This option will not directly achieve a reduction in the road toll and reduce the occurrence of high-range speed offences. A combination of increased deterrence and enforcement is required to see improvements in road safety statistics around speeding.

This option has significant costs to Government and the community as every time a person is killed in a crash on Queensland roads, it is estimated that it costs the community almost $10 million. For the number of speeding related deaths in 2025, that figure alone is close to $810 million.

Option 2 – Increased Communication Campaigns

Costs:

- Recidivism will not be reduced, and the road toll continues to be a cost to the community.
- Resourcing and advertising costs to government.

Benefits:

- No compliance costs to government.

This is not considered to be a feasible option as current speeding campaigns alone are not enough to sufficiently reduce road deaths and change driving behaviour.

Research[2] has shown that road safety advertising works best in achieving behaviour change when it is supported by regulation and enforcement. A well accepted role of road safety advertising is to "agenda set" and "signpost" new or amended legislation. Advertising is a key component in helping make the public aware that changes are happening and to highlight that non-compliance can result in a penalty. Road safety advertising also works to reinforce the effects of other countermeasures, such as changes to enforcement or education programs, to achieve attitudinal and behavioural change.

This is not a preferred option. TMR has historically commissioned road safety and speeding campaigns which have not alone reduced the number of road fatalities and injuries.

Option 3 - Immediate licence suspensions for roadside high-speed offences

[2] Lewis, I., Elliott, B., Kaye, S-A, Fleiter, J.J., & Watson, B (2019). The Australian experience with road safety advertising campaigns to improve traffic safety (pp.275-295) in N.J. Ward, B Watson, & K. Fleming-Vogl (Eds.) Traffic Safety Culture: Definition, Foundation and Application. Emerald.

Costs:

- Financial costs to drivers who do not comply with regulation (aligns with the existing regulation).
- Financial costs to drivers who need to apply for a Severe Hardship Permit (approx. $140 per application, to align with existing regulations for Special Hardship Orders)
- Resourcing costs to government for system changes to support implementation, including communication/educational campaigns.

Benefits:

- Increased safety for road users.
- Expected reduction in road fatalities and injuries as well as a reduction in the 16.7 per cent re-offending rate.
- Reduced recidivism which in turn contributes to road safety and removes the burden of applying infringements to otherwise repeat offenders.
- Improved approach to the application of a special mechanism, the proposed administrative approach will take some burden off the courts and provide an improved turnaround time for applicants.

This is the preferred option as it builds upon the current high-speed suspension framework and brings forward the commencement of the 6-month suspension to the time of the offence. The anticipated impacts include a decrease in road fatalities and injuries, as well as a reduction in both isolated and repeat offences.

NSW, VIC and South Australia have already introduced immediate suspensions for high-speed offences. During consultation, South Australia reported that after introducing the immediate loss of licence laws there has been a downward trend observed in the reporting of extreme speed offences. Victoria also advised that there was a positive behaviour change following the introduction of immediate high-speed suspensions.

While this option would amend the time at which a high-speed offender has their licence suspended, there would be no net change to the amount of time they are suspended for. Similarly, mechanisms will remain in place to permit eligible offenders to apply for permission to drive under specific circumstances, such as to earn a living. As such, it is anticipated that this regulatory change would have only minor impacts on the community. There are also additional mechanisms within this regulatory option that will ensure there are minimal adverse impacts on the community.

<u>Financial costs to drivers charged with an immediate suspension</u>

The financial costs associated with these offences align with existing regulation and are justified based on the seriousness of a high-speed offence. This proposal does not include amending the fine amount for high-speed offences and there is no cost for drivers who obey the road rules and comply with the regulation.

<u>Severe Hardship Permit</u>

Offenders who have their licence immediately suspended will be able to apply for approval to be able to drive under restricted conditions during the suspension period if the suspension could cause severe hardship (for example, by depriving them of their means of earning a living). This is similar to the current Special Hardship Order (decided by magistrates), available to offenders serving a high-speed suspension.

Applications will be assessed and decided by TMR, with reference to strict legislated eligibility criteria to provide for consistent and equitable decision-making.

<u>Maximum 48-hour Delay of Suspension</u>

QPS officers will have the discretion to delay the commencement of the suspension up to a maximum of 48 hours in situations where the safety of the offender, and any passengers in the vehicle, could be at risk. An example of where these delays could be utilised are rural locations, where no alternate means of transport are available. Consultation with QPS has provided that a maximum 48-hour length of delay would be sufficient for the offender to travel to a safe location considering the size of Queensland.

<u>Camera Detected Offences</u>

TMR is proposing to apply immediate suspensions only to high-speed offenders detected by roadside police. This is consistent with the approach of other states who currently have immediate high-speed suspensions in place. It is not possible to apply immediate licence suspensions to offences detected by cameras due to the lack of real-time confirmation of the driver's identity. As such, there will be no changes to the application of high-speed suspensions for offenders detected by cameras.

<u>Removal of Demerit Points</u>

A high-speed offence incurs a $1,986 fine and eight demerit points. Due to the high number of demerit points associated with the offence, all learner and provisional licence holders exceed their demerit point limit (limit of four) with the commission of a high-speed offence, as well as a large majority of open licence holders (limit of twelve).

When a driver exceeds their demerit point limit, they are sent a Notice to Choose with a choice between a twelve-month Good Driving Behaviour (GDB) period or a Demerit Point Suspension (DPS) (up to five months). The interaction of demerit point sanctions and high-speed suspensions has caused a high level of customer confusion in the past, with many customers assuming that if they elect for the GDB option, this overrides their high-speed suspension and enables them to drive legally, resulting in unlicenced offences. Removing the demerit points associated with the high-speed offence recognises the impact that a licence suspension has on the offender and removes the perceived 'double punishment' that may be associated with the combined application of 8 demerit points and a 6-month licence suspension.

TMR plans to undertake a comprehensive public awareness campaign to align with the new penalties associated with high-speed offences.

Who was consulted?

Consultation was undertaken with transport authorities in Victoria, New South Wales and South Australia who have already implemented immediate suspensions for high-speed offences.

What is the recommended option and why?

Option 3 is the recommended option, so that immediate suspensions can be introduced for roadside offenders to improve road safety and reduce the Queensland road toll.

This option was supported in-principle by all stakeholders.

Option 3 is the preferred option due to the outlined benefits of bringing forward high-speed suspensions for roadside offenders to take place immediately. The evidence from research and other jurisdictions, with the support from stakeholders, indicate that this option is likely to reduce the road toll and recidivism, reduce the burden on the courts for special mechanisms, and improve road safety in Queensland.

8. Enabling replacement photo identification cards following a data breach; and waiver of fees for victims of crime

The photo identification card (PIC) is a key identity document for many Queenslanders, with 1,042,989 PICs currently on record. The PIC is available to individuals aged 15 years and older and is often obtained by those who cannot, or choose not to, obtain a driver's licence. This includes individuals who have surrendered their driver's licence due to a medical condition, or who are unable to obtain a driver's licence due to age or physical incapacity.

Unprecedented data breaches have forced government to strengthen and streamline processes to meet community expectations relating to the protection of personal information. Given the increasing trend of data compromises of personal information, it is anticipated that Queenslanders will be seeking protection of their personal information following an exposure of their PIC information with increasing frequency. If compromised PIC holders are unable to access a swift and easily accessible measure to ensure their information is not used for fraudulent purposes, there is a risk that these individuals will be subject to identity fraud.

On 20 October 2024, the Crisafulli Government made an election commitment to waive replacement costs of stolen driver licences and number plates for victims of crime. Additionally, a recommendation of the former Legal Affairs and Safety Committee (the Committee) in March 2023 was that the Queensland Government consider waiving fees for state government issued identification documents and number plates requiring replacement by victims as a result of a crime. The Committee considered that waiving replacement fees would assist victims that are simultaneously reorganising their affairs while going through the criminal justice process and would assist victims of crime in matters that are not directly part of the criminal justice system.

Since 1 October 2025, TMR has had the authority to waive driver licence replacement fees where the licence was accessed by, or disclosed to, an unauthorised person, lost, stolen or damaged due to a crime or misdemeanour. While the *Photo Identification Card Act 2008 (*the PIC Act) allows for replacement of lost, stolen or damaged PICs, it does not provide for replacement when information on it has been accessed by, or disclosed to, an unauthorised person, nor does it provide for waiving the replacement fee for victims of crime. Amendments are proposed to expand the PIC replacement provisions to enable alignment with the new driver licence replacement fee waiving provisions. This will align legislation with operational practice.

Objectives of government action

To alleviate risk of identity fraud for individuals who have had their PIC information compromised, legislative amendments are required to enable provisions for replacing PICs in the PIC Act, and for detailed and administrative aspects to be prescribed in the *Photo Identification Card Regulation 2019* (PIC Regulation). To provide support for victims of crime by alleviating replacement fees, simultaneous regulatory amendments are proposed to provide the chief executive discretion to waive the applicable fee for:

- PICs where these require replacement by victims of crime; and
- PICs that have been (or are suspected to have been) impacted by a data breach – that is, information on the card has been accessed by, or disclosed to, an unauthorised person.

Eligibility – Victims of crime

For the purpose of the proposed amendments, *victim of crime* is intended to include:

- A person whose PIC has been (or is suspected to have been) stolen;
- A person whose PIC has been (or is suspected to have been) damaged, destroyed or lost as a result of a theft, crime, or misdemeanour (where the holder is a victim of that offence).

Eligibility – Data breach

A data breach involves unauthorised access to, or disclosure of, personal or confidential information. It can be caused by hacking/cyber-attack, human error, or system vulnerabilities. Once a data breach occurs, individuals are at risk of identity theft, financial fraud and unauthorised use of their personal information.

Following recent data breaches, TMR identified the replacement of smartcards as the key mitigation strategy to protect Queenslanders from identity theft. The Document Verification System (DVS) provides a service for government and non-government organisations (for example, financial institutions) to verify identity. Enhancements made to the DVS, following the Optus data breach, strengthened the validation process for driver licences, requiring both an individual's customer reference number (CRN) and card number to validate.

While the victim of the data breach still has their physical smartcard, the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021* provides that they may request a replacement card. Replacing the card creates a new card number and prevents the old card number from validating through DVS. PICs are not currently authenticated through the DVS, however, this identity document is scheduled to be validated through the DVS in the future. Once this occurs, replacement PICs will also be the key mitigation strategy in protecting individuals against identity theft when their PIC has been compromised.

Verification of circumstances

TMR intends to make the process for customers as simple as possible to not impose additional red tape on victims. A mandatory requirement to provide evidence of the crime, such as a police report or statutory declaration was considered but deemed overly burdensome for the victim as well as the Queensland Police Service (QPS).

TMR will not be legislating a requirement to provide evidence of a crime. However, the application form, whether completed online, via phone, or at a Customer Service Centre (CSC), will alert the customer that providing false or misleading information to TMR upon applying for relief is an offence carrying a maximum penalty of up to $10,014 to reinforce the seriousness of the declaration and serve as a deterrent to false reporting.

Customer experience

The typical process for a customer seeking a replacement smartcard at a CSC involves:

- Making the appropriate application;
- Payment of the applicable replacement fee; and
- TMR issuing the replacement smartcard or eligible number plate.

The proposed amendments will enable eligible customers to make a declaration on the appropriate application stating they were a victim of crime. Provided the customer is eligible for a replacement, the replacement fee will be waived for eligible products, aligning with operational practices.

What options were considered?

Replacement reason amendments

Three broad options were considered

Option 1 – Status quo (no action)

This option involves maintaining the current legislative framework with no changes. Individuals who have had confidential information on their PIC compromised in the future, would be unable to take swift action to protect their identity from being verified via the DVS. Under this option, TMR may instead provide PIC holders with the option to replace their CRN.

Option 2 - Replacing PICs under the current 'stolen' reason

This option involves maintaining the current legislative framework and allowing for replacement under the 'stolen' reason.

Option 3 – Legislated response

This option involves enabling provisions for replacing PICs in the PIC Act and prescribing that the detailed and administrative aspects be prescribed in the PIC Regulation, aligned with the driver licence replacement provisions.

Option 1 was not considered feasible as it would result in a process that was inconsistent with driver licence holders whose personal information is compromised. The transaction for the issue of a new CRN is a complex and time-consuming, manual process which would result in a possibly delayed outcome for PIC holders. Additionally, to be eligible for the issue of a new CRN, TMR requires the applicant to demonstrate that their compromised information has resulted in active fraud. The proposed policy option is broader than this and allows individuals who believe their PIC information has been compromised to take steps to protect their information and prevent identity fraud.

Option 2 was considered insufficient as it does not provide individuals with the ability to replace their PIC when they believe that their personal information has been 'stolen'. While replacement PICs may be considered 'stolen' in the case of a data breach, this provision does not specifically provide for the issue of a replacement PIC where the PIC holder *believes* that confidential information on the PIC has been accessed by, or disclosed to, an unauthorised person. Minor legislative amendment under Option 3 is considered most suitable to ensure there is no doubt as to TMR's legislative basis to replace PICs in this circumstance. Where a PIC is impacted by a data breach in the future there is a risk of information being used for identity verification through the DVS. These amendments will ensure there is a mechanism in place to protect PIC holders from being subject to identity fraud and ensure consistency with driver licences.

Fee waiver amendments

In view of Recommendation 13 from the Committee Report, two broad options were considered:

- Option 1 – Status quo (no action) — This option involves maintaining the current legislative framework with no changes. Under this approach, victims of crime would continue to be required to pay the relevant replacement fee for PICs.
- Option 2 – Legislated response— This option involves implementing legislative amendments to achieve the objectives of government action. Under this approach, provided the applicant is eligible, the applicant will have the replacement fee waived for PICs when impacted by a crime, or when their PIC information was compromised in a data breach.

Taking no action (Option 1) was not considered feasible, as the Queensland Government has committed to providing relief to victims of crime through the free replacement of smartcard products. Accordingly, the amendments outlined in Option 2, are considered the only viable option.

What are the impacts?

Replacement reason amendments

The proposed amendments do not include any new regulatory measures and therefore do not add to or increase the regulatory burden. As data breaches become more frequent, there is community expectation that the Government will provide an accessible means for Queenslanders to protect their compromised information. It is considered that no substantive or material regulatory policy change has been made and the proposed amendment facilitates the routine task of government. Additionally, it is anticipated that providing for the ability of compromised PIC holders to replace their smartcard and protect their personal information efficiently will have a positive impact on the community.

Fee waiver amendments

No adverse impacts are expected as a result of implementing the proposed reforms under the preferred option (Option 2 – Legislated response). The reforms are deregulatory in nature, as they involve waiving a fee in specific circumstances.

Additionally, the fee waiver will have no impact on the broader community, and there is no intention to recover these costs from other TMR customers.

Following implementation, an eligible customer may replace a PIC in-person at a CSC for free where the document requires replacement as a result of a crime, theft or misdemeanour.

The Queensland Government Budget 2025-26 provides for $5 million per year in foregone replacement fee revenue from 2025-26 through to 2027-28 to deliver the election commitment for number plates and identification products (including PICs and driver licences) requiring replacement due to crime. Implementation costs will be met from existing budget allocations. Over the last five years, an average of approximately 903 PICs reported as stolen are replaced annually.

Who was consulted?

Replacement reason amendments

No public consultation has been conducted as this initiative is deregulatory in nature and does not have any negative impact on the community.

Fee waiver amendments

TMR participated in an interagency working group charged with implementing the Committee's recommendations; with representatives from the Department of Justice, Department of the Premier and Cabinet, Queensland Treasury, the Registry of Births, Deaths and Marriages, and QPS.

In developing its recommendations, the Committee held public hearings and invited written submissions from key stakeholders, organisations, and members of the public. Implementation of the relief is not expected to be received negatively, as providing support to victims of crime is generally widely supported by the community.

The measure can be seen as a form of red tape reduction as the process is streamlined and no new administrative burdens will be introduced. There will not be any change to the current process for obtaining replacement PICs. No public consultation has been conducted as this initiative is deregulatory in nature and does not have any negative impact on the community.

What is the recommended option and why?

Replacement reason amendments

Option 3 is recommended to provide consistency with driver licences and ensure there is a mechanism in place to protect PIC holders who have had their PIC information compromised. Without the proposed amendments, there is a risk in the future that compromised PIC information may be used for identity verification through the DVS. Therefore, this option provides the greatest net benefit for Queenslanders, by providing a clear mechanism for impacted PIC holders to protect their information and minimise their risk of harm.

Fee waiver amendments

The recommended option is to implement a legislated response (Option 2). The proposed legislative reforms will provide meaningful support to victims of crime. By waiving PIC replacement fees, TMR will assist victims that are simultaneously reorganising their affairs while going through the criminal justice process and also assist victims of crime in matters that are not directly part of the criminal justice system. This option is regarded as offering the greatest community benefit by supporting individuals affected by crime and ensuring PIC holders receive consistent treatment with licence holders who equally require assistance after their primary identity document has been compromised.

9. Queensland digital identity streamlining

What is the nature, size and scope of the problem? What are the objectives of government action?

Background

The Queensland Digital Identity (QDI) is the Queensland Government's online authentication for access to Queensland Government websites and online services. It replaced the Queensland Government Customer Identity Management (CiDM) platform on 6 April 2025.

The Department of Customer Services, Open Data, Small and Family Business administers the QDI. The QDI uses modern architecture and aligns to the Australian Governments Digital ID System (AGDIS).

The QDI requires applicants to verify government issued identification documents with the issuing authority. This is done either directly with TMR, if it is a TMR issued document (Queensland driver licence, marine licence, or Photo ID Card), or via the Commonwealth's Document Verification Service.

Identity proofing standards provide assurance on an individual's identity to varying levels depending on the risk of the transaction. This helps to reduce fraud and provides greater confidence that the person undertaking the transaction is the person they claim to be.

For some high-risk online transactions, a strong digital identity is required. Under the AGDIS, a strong digital identity needs to be biometrically anchored and verified to ensure the person's facial image matches the facial image held by an authoritative source.

The QDI currently supports up to Identity Proofing level 2 (IP2) which provides medium level identity proofing. Under the AGDIS, to provide a stronger digital identity (IP2+ and above), the system must support a biometrically anchored digital identity.

TMR has routinely used facial recognition technology since 2010 to reduce identity fraud. TMR now holds over 5 million high quality digital photos attached to unique identities.

The QDI holds over 3.6 million individual digital identities.

Changes are being progressed to the QDI so that the QDI can provide a biometrically bound facial image check against digital photos stored by TMR. Legislative changes are not required to be able to provide this service to existing TMR customers who have a digital photo stored. This is because the person's consent will be sought to use their digital photo at the time they need to step up their digital ID. The person will be prompted to take a selfie. A liveness detection will help prevent a video or still image being used by a bad actor to commit fraud. The 'selfie' will be encrypted and checked against the person's image in the TMR image database, using the existing TMR biometrics algorithm. A 'match' or 'no match' result will be returned to the QDI. The match/no match threshold is configurable and can be toggled (customer experience versus fraud prevention). The selfie will be immediately deleted regardless of whether there is a match or no match result.

An amendment to Part 4C of the *Transport Planning and Coordination Act 1994* (TPCA) is required. The amendment relates to being able to capture, use and store digital photos for non-TMR customers so that these customers can access a strong, biometrically bound digital ID without having to purchase a Photo ID Card or other TMR photo card product. There needs to be a clear legislative power to take, use, retain and disclose this digital photo, as if it were a digital photo being used, for example, on a driver licence. That is, the image would be stored and treated no differently to other TMR digital photos.

Ultimately, the decision to obtain a strong biometrically bound QDI will be an individual's decision to make. It will be voluntary - no one will be compelled to get a strong QDI if they do not want one. The agency that uses the QDI to authenticate online transactions will determine the identity proofing level required, based on the risk of that transaction. Where an agency determines that a high-risk online transaction requires a strong biometrically bound digital identity, that transaction may not be able to be completed online if the person does not have a biometrically bound digital identity. Instead, the person may need to call the agency or attend in-person to undertake that particular transaction. This is designed to help protect individuals so that a bad actor cannot fraudulently pretend to be that person when undertaking high risk online transactions.

Conversely, some transactions that currently require a customer to attend in-person, may be completed online once a strong biometrically bound digital identity is available. That is, once the agency has greater confidence that the person performing the transaction is who they say they are, more transactions may be moved online, providing greater flexibility for our customers.

Problem Identification

The problem is that non-TMR customers who do not hold a prescribed authority (e.g driver licence, Photo ID Card) and therefore who do not have a digital photo stored by TMR would not be able to obtain a strong biometrically bound QDI. This is because there would be no existing digital photo to match against.
This proposed change will simply allow non-TMR customers to obtain a strong, biometrically bound QDI without having to apply and pay for a TMR photo ID product, such as a Photo ID Card.

Objectives of Government Action

The objective of this proposed change is to support all Queenslanders to obtain a strong, biometrically bound QDI should they want one, without them having to unnecessarily apply and pay for a physical photo card document, if they don't otherwise need one.

What options were considered?

Option 1 – Status Quo

Require customers who do not hold a TMR photo card product (e.g driver licence, recreational marine licence, Photo ID Card) to apply and pay for a photo card product just so that they have a digital photo that the QDI can then match against.

Option 2 – Amend Part 4C of the TPCA (reduce regulatory burden)

Option 2 proposes to amend Part 4C of the TPCA to reduce regulatory burden by supporting non-TMR customers who would like a strong biometrically bound QDI to obtain one, without having to apply and pay for a prescribed authority.

What are the impacts?

Option 1 – Status Quo

Non-TMR customers would need to purchase a TMR photo card product, such as a Photo ID Card, just so they can obtain a stronger biometrically bound QDI to access certain online services and accounts.

Option 2 – Amend Part 4C of the TPCA (reduce regulatory burden)

Amend Part 4C of the TPCA so that there is a clear regulatory framework to take, keep and use a digital photo for use in the QDI as if that photo was a digital photo being used to for a prescribed authority. This would enable customers to access a strong biometrically bound QDI without first having to apply and pay for a photo card product, if they don't otherwise require one.

Who was consulted?

Consultation has occurred with the Office of the Privacy Commissioner and Queensland Law Society. At the time of writing, no significant concerns or issues have been identified. The Office of the Privacy Commissioner suggested that the Privacy Impact Assessment for the QDI be updated to consider the Queensland Privacy Principles and Machinery of Government changes, which will occur prior to allowing biometrics in the QDI. The Privacy Commissioner reiterated the need to ensure that consent is clear, timely and specific.

What is the recommended option and why?

The recommended option is to amend the TPCA so that non-TMR customers can access a strong, biometrically anchored QDI without having the regulatory burden of having to apply and pay for a TMR photo ID card product, if they don't want one.

The outcome would be to have digital photos taken for this purpose treated the same as digital photos taken for prescribed authorities. This means that the same cameras can be used, the same staff take the photos, the existing biometric solution is used, and the photos are stored in the same digital photo database. This will mean there are negligible additional costs. This also means that the same rules for use, disclosure and retention would apply to these photos, as if they were photos taken for a prescribed authority.

10. Streamline the process for property owners partnering with Local Government to enforce parking; and restrict provision of vehicle registration information for private car park enforcement under preliminary discovery orders

What is the nature, size and scope of the problem? What are the objectives of government action?

Background

The *Transport Operations (Road Use Management) Act 1995* (TORUM Act) and *Transport Operations (Road Use Management-Vehicle Registration) Regulation 2021* (Registration Regulation) provide for the release of vehicle registration information kept by the Department of Transport and Main Roads (TMR) to third parties in defined circumstances. Third party release is largely to support the enforcement of laws but has historically included the enforcement of private car park conditions through litigation or proposed litigation for a subset of private car park operators without other parking management mechanisms in place (such as boom gates/pay stations). Queensland is the only Australian jurisdiction that authorises the release of personal information in this way.

In response to significant community concern and adverse media coverage regarding misuse of personal data by some third parties, access to vehicle registration related personal information for private car park enforcement has been paused since February 2023 to allow time for a review to take place and for a long-term solution to be identified and implemented. It should be noted that this pause does not apply to authorised statutory entities that have appropriate parking laws in place, such as local governments or body corporates enforcing the parking of vehicles on common property of the body corporate under appropriate by-laws.

The current pause on access implemented from February 2023 is a temporary measure only and does not provide a permanent solution. Following a review of this issue, including significant consultation, TMR is proposing to amend the Registration Regulation to legislate the current pause, by removing access to vehicle registration information for private parking enforcement in all circumstances except for authorised statutory entities enforcing parking laws, such as local governments, universities, airports and body corporate entities. This will prevent further misuse of customer vehicle registration information by private third parties.

Alternative mechanisms that do not require access to vehicle registered operator personal information have otherwise been adopted during the pause or are available to private car park operators, and many are utilised successfully in other jurisdictions. Examples of these alternatives are listed below:

- partnering with local governments to enforce private car parking (a private landowner can enter into an agreement to enable local government to enforce specified off-street regulated parking areas under section 104 of the TORUM Act)
- installing of boom gates or pay stations
- towing unauthorised vehicles, where car park operators can enter into agreements with towing companies to tow vehicles that breach terms of the car parking contract
- installing barriers, gates or clear signage to notify users of parking conditions to deter unauthorised use
- introducing Pay-by-app parking services.

TMR is proposing to reform the current legislative framework around the release of information by:

1. Introducing a general restriction on the release of information for the purpose of private car park enforcement through amendments to the Registration Regulation,
2. Streamlining the existing process for partnering with local governments to enforce private car parking; and facilitating use of this option as an alternative enforcement approach, through amendments to the TORUM Act, and
3. Restricting provision of vehicle registration information under a preliminary discovery order for the purpose of private car park enforcement through amendments to the TORUM Act.

The second and third proposed amendments are the subject of this IAS and are to support the Registration Regulation amendment to prevent further misuse of customer registration information by private third parties.

The Registration Regulation amendments in point 1 above will be progressed separately to the TORUM Act amendments, and do not form part of the current proposal.

Problem Identification

Process for partnering with Local Governments

Currently, section 101(1)(c) of the TORUM Act permits a local government to regulate parking on an off-street regulated parking area in its area. Under section 104(1)(b)(ii), an *off-street regulated parking area* includes, for a local government, an area of land (including any structure on the land) that is specified as an off-street regulated parking area under a local law. Section 104(2) provides that this area includes land over which the chief executive or a local government may exercise control, under an arrangement with a person who owns, or has an interest in, the land.

While the ability to partner with local governments is currently available to property owners without the proposed amendments, it is anticipated that once the Registration Regulation has been amended to remove access to vehicle registration information for private car park enforcement, local governments may see an increase in enquiries about section 104 of the TORUM Act from property owners considering partnering with local government as an alternate mechanism to enforce parking.

Section 104 of the TORUM Act already provides the basis for property owners to enter into these arrangements, however, they may only enter into these arrangements for land that is specified as an off-street regulated parking area under a local law, due to the current definition of *off-street regulated parking area* contained in section 104(1).

The review of private car park enforcement undertaken by TMR identified a clear way forward to protect customer registration information and meet public expectations in relation to the use of personal information held by a public agency. However, removing access to TMR held information does remove an avenue for property owners to enforce parking. Consultation undertaken as part of the review made it clear that while the option to enforce private parking in partnership with local governments is available as outlined above, it was not well understood. Further, some local governments advised that the process to engage with property owners was legislatively burdensome, particularly the requirement to specify the off-street regulated parking area in local law.

Preliminary Discovery Orders

Sections 202 and 203 of the Registration Regulation allow private car park operators or their legal representative to access a registered vehicle operator's personal information for litigation purposes relating to a vehicle incident. The information is used for the purpose of issuing demand notices for breaches of parking contracts, which is the first step in the litigation process for a vehicle incident.

Although a decision has been made to restrict the release of vehicle registration information for the purpose of private car park enforcement in all circumstances (point 1 listed above), there is currently no legislative restriction preventing a person from seeking access to this information for this purpose through a preliminary discovery order made by a court under the *Uniform Civil Procedure Rules 1999* (UCPRs). Preliminary discovery allows a court to order the disclosure of information prior to the commencement of legal proceedings, typically to help an applicant to identify a potential defendant. In the absence of an express restriction, there is a risk that this process could be used to obtain vehicle registration information for private car park enforcement, effectively circumventing the underlying legislative intent to remove access in all circumstances.

It is proposed that an amendment to the TORUM Act be made to ensure the chief executive cannot be required to comply with a preliminary discovery order if the purpose is to ascertain the identity or whereabouts of a person for the recovery of a private car park fee, as contemplated for example, under rule 208C of the UCPRs.

While there is no indication that preliminary discovery has been sought for the purpose of private car park enforcement to date, it is noted that the administrative pause has been in place due to the ongoing review of the framework. Once the proposed amendments to the Registration Regulation to legislate the general restriction on access have been implemented, there remains a possibility that private car park operators may seek to explore alternative avenues such as preliminary discovery to obtain this information. This raises the potential for misuse of court processes and circumvention of the proposed amendments intended to restrict access for this purpose in all circumstances. The proposed amendment to the TORUM Act is therefore necessary to proactively address this risk and ensure all potential mechanisms for accessing personal information for private car park enforcement are appropriately restricted.

Previous unauthorised access, use, and disclosure, of personal information released by TMR with the understanding it would be used for the purposes of litigation of private car park enforcement matters (but then misused) has highlighted the need for strong and comprehensive safeguards. Legislative amendment is required to ensure there are no gaps in the protection of customer data and that the broader restriction on access to vehicle registration information cannot be circumvented through the preliminary discovery process.

Objectives of Government Action

Streamline the process for partnering with Local Government

It is proposed to amend section 104 of the TORUM Act to streamline and simplify this current process so that regulated parking areas can be specified by means other than local law, such as by publication on the relevant local government's website. Providing an additional mechanism for such notification will supplement the process already available as an option, continue to retain or even increase transparency of these partnerships, and provide an option that reduces red tape for local governments and property owners. This approach also makes it easier to amend these partnerships should, for example, the private property owner chooses to pursue a different enforcement approach such as boom gates/pay stations.

This amendment complements the proposed amendments to the Registration Regulation which recognise the importance of protecting customer vehicle registration information and seek to strengthen the legislative framework in the approach to the protection of personal information. Amending section 104 of the TORUM Act aligns with this objective and reinforces the commitment to safeguard information by facilitating an alternative option that does not rely on the release of personal information that was being used for an unauthorised purpose and shared to unregulated third parties to undertake enforcement of private car parks.

Preliminary Discovery Orders

The objective is to strengthen the protection of personal information held by TMR by addressing a potential gap where such information could be sought through preliminary discovery orders. In line with this objective, the proposed amendment is to introduce a provision in the TORUM Act that expressly exempts the chief executive from being required to comply with a preliminary discovery order made by a court where the purpose of the order is to obtain vehicle registration information for private car park enforcement. The introduction of this amendment will ensure that the policy intent of the broader reform is upheld by providing a direct mechanism to prevent the release of information for unauthorised purposes through other possible avenues.

What options were considered?

Streamline the process for partnering with Local Government

Option 1 – Status Quo

Option 1 would see the current requirements apply with no amendments made. Local government would be required to continue specifying any off-street regulated parking areas in a local law.

Option 2 – Amend section 104 of the TORUM Act (reduce regulation)

Option 2 proposes to amend section 104 of the TORUM Act to streamline the current process by providing an additional mechanism to specify areas, by means other than by local law, such as by publication on the relevant local government's website.

Preliminary Discovery Orders

Option 1 – Status Quo

Option 1 preserves the status quo. A private car park operator would be able to apply for a preliminary discovery order, which, if made in accordance with the UCPRs, would compel TMR to release a registered vehicle operator's personal information. There is a risk that this information may be used for the purpose of issuing demand notices for breaches of parking contracts, which is the first step in the litigation process for a vehicle incident, or misused by disclosure to unauthorised third parties for this or another purpose (noting TMR is unable to apply any conditions on the use or disclosure of this information where released under a court order).

Option 2 – Introduce exemption for preliminary discovery orders

Option 2 is amending the TORUM Act to exempt the chief executive's obligation to comply with a court order for preliminary discovery made in accordance with the UCPRs, where the sole or dominant purpose for seeking the order is to obtain personal information to undertake private car park enforcement, effectively removing the ability for someone to seek preliminary discovery for a particular purpose.

It is noted that the proposed amendment must occur in the TORUM Act, rather than the Registration Regulation. This approach is more appropriate and legally robust as the TORUM Act does not provide a head of power to enable the proposed amendments to be implemented through the Registration Regulation.

Consequential amendments to the Registration Regulation to support the TORUM Act amendments will be undertaken. The amendments clarify the definitions of an eligible person in relation to giving extracts from register to eligible persons, and litigation in relation to an incident involving a vehicle and amend the dictionary to clarify the definition of personal information.

What are the impacts?

Streamline the process for partnering with Local Government

Option 1 – Status Quo

Without the proposed amendment to section 104 of the TORUM Act, local councils will be required to retain the current process of notifying an off-street regulated parking area in their local law.

There will be no additional impacts to local government if this amendment is not made. It may, however, continue to provide an obstacle for some local governments to engage in such partnerships which will in turn, impact property owners interested in exploring such an arrangement with a local government.

Option 2 – Amend section 104 of the TORUM Act (reduce regulation)

Option 2 reinforces the commitment to safeguard information by enhancing the feasibility of adopting alternative options that do not rely on the release of personal information to undertake enforcement of private car parks.

This amendment would assist to expedite this option for property owners by removing red tape for local governments. This amendment provides a positive impact for local councils and property owners in simplifying the current process and assisting to make this a more viable option to consider.

This option provides a simple, effective and ethical option to enforce parking once the Registration Regulation has been amended to remove access to vehicle registration information for private car park enforcement.

Preliminary Discovery Orders

Option 1 – Status quo

Currently, there is no explicit legislative restriction preventing a person from applying for, and being granted, a preliminary discovery order that compels TMR to provide vehicle registration information where a person seeks to use the information to undertake private car park enforcement.

Maintaining the status quo would therefore leave a gap in the framework that is intended to remove access for private car park enforcement in all circumstances. Furthermore, this option may continue to expose the Department of Justice and courts to potential administrative and judicial burdens associated with inappropriate applications for preliminary discovery.

It is noted that during prior consultation as part of the broader review into the release of information provisions, all stakeholders dismissed preliminary discovery via court orders as a viable option as it did not immediately address parking issues for businesses and was costly for all stakeholders including Government. It is noted that in South Australia, where this model involving access to information via court orders for a small number of car park operators without other parking enforcement mechanisms in place has been adopted, applications to Courts can see information requests for over 1000 vehicle registrations at a time.

If no change is introduced and a private car park operator seeks a preliminary discovery order for private car park enforcement, this would impose unnecessary administrative and judicial burdens on the courts. There would also be no way TMR could restrict the use or disclosure of this information for another purpose, as conditions could not be imposed. Further, if such an order were granted, it would likely cause significant community concern, see the costs for such court process passed onto parking customers, and undermine public confidence in the government's commitment to safeguarding personal information from misuse.

Option 2 – Introduce exemption for preliminary discovery orders

Option 2 would close a potential gap in the legislative framework, ensuring that the general restriction on access for the purpose of private car park enforcement applies consistently across all mechanisms for release of vehicle registration information.

Furthermore, this option is also expected to mitigate the risk of administrative and judicial burden on the Department of Justice by pre-empting inappropriate applications for preliminary discovery. This option provides a clear, certain approach that upholds the integrity of both the judicial system and the government's broader information privacy framework.

Who was consulted?

Local Governments

In August 2024, TMR engaged with a number of local councils, including the City of Gold Coast, Brisbane City Council and the City of Moreton Bay to gain a better understanding of how local governments currently engage in this manner and their wiliness to potentially increase their scope in this area.

City of Gold Coast

The City of Gold Coast advised that they are currently undertaking some limited enforcement of private off-street carparks (currently limited to disabled parking bays). They were, however, open to undertaking more enforcement of general parking rules in private car parks and have had requests previously.

Brisbane City Council

Brisbane City Council do not currently undertake any enforcement for private car parks, but suggested if TMR made the proposed amendments, that this would provide them with more flexibility to consider implementing these partnerships.

City of Moreton Bay

The City of Moreton Bay advised that they do not currently undertake any enforcement for private car parks and have no immediate plans to change this approach, but this would be possible if there was a mutual interest between the landowner and council.

The Local Government Association of Queensland

The Local Government Association of Queensland (LGAQ) advised that they are broadly supportive of legislative amendments to simplify the process for local councils to undertake private car park enforcement, and indicated that some larger councils such as Brisbane City Council and Logan City Council, are interested in this approach.

The LGAQ did however indicate that some councils may not have the same resources to undertake this kind of activity, which could be viewed as a reputational risk for those local councils that do not engage in these sorts of private enforcement partnerships. It is understood that since the pause, there hasn't been any resourcing impacts for councils as interest from property owners regarding such partnerships has not increased. Interest, however, may increase if this process is streamlined, as it will make implementation of such arrangements simpler. Neither the current provision nor the proposed amendment will compel a local government to enter into an arrangement. Local governments will retain their existing discretion to decide whether they wish to enter into such arrangements. Private car parks would also need to meet the current requirements to enable enforcement (for example, regulatory signage) and the LGAQ noted that this could be a barrier for some stakeholders considering this option. TMR advised that this could be managed through a process of communication and education to those property owners that approach local governments. The LGAQ agreed that these issues were not insurmountable.

Preliminary Discovery Orders

The Department of Justice was consulted and advised that they do not have any concerns with the proposed amendment to the TORUM Act to expressly exempt the chief executive from compliance with a preliminary discovery order where the purpose for seeking the order is to undertake private car park enforcement.

What is the recommended option and why?

Option 2: Streamlining Local Government Arrangements

After considering the impact of each of the options, it is recommended that Option 2 is pursued by making amendments to section 104 of the TORUM Act. This amendment would streamline the current process by providing an additional mechanism to specify off-street regulated parking areas by means other than local law, such as by publication on the relevant local government's website.

This simplification will assist in supporting an alternate option to enforce private car parking once the Registration Regulation has been amended.

It will also simplify and expedite this process for property owners by removing red tape for local governments and businesses but continue to provide transparency of these partnerships. The proposed amendment creates another avenue by which the public can be made aware of areas that are specified to be off-street regulated parking areas, such as through the local government's website. This affords local governments flexibility in allowing them to respond to requests from private car park owners more efficiently without unnecessary delays and the imposts of going through lengthy legislative amendment processes. This is considered important given that changes to specified areas may be frequent, depending on the level of interest from private car park owners. Requiring continual legislative updates to facilitate arrangements under section 104 would create administrative burden, uncertainty and inefficiencies. The proposed amendment is a more sustainable approach and significantly enhances feasibility of this avenue as an alternative enforcement mechanism.

Implementation of this option carries several benefits for the wider community. The parking enforcement process managed by local governments is already an established process permitted under existing laws and is recognisable to the public. It provides customers with the option of paying an infringement notice, requesting reconsideration of a fine, contesting the alleged offence in a court, or accessing payment options via the State Penalties Enforcement Registry (for example, payment plans). This layer of legitimacy and perception of laws being enforced fairly and transparently arguably reduces resistance to enforcement actions and increases voluntary compliance.

Option 2: Introduce exemption for preliminary discovery orders

Option 2, introducing an express exemption for compliance with preliminary discovery orders sought for the purpose of private car park enforcement, is the preferred approach. It provides a simple, low-impact legislative solution that proactively addresses a potential risk and ensures the intent of the reforms are achieved.

The proposed amendment strengthens protection of customer information by preventing the potential misuse of court processes to obtain personal information for private car park enforcement, while maintaining access for legitimate purposes such as seeking to obtain personal information for a vehicle crash where information is required to support litigation against the registered operator of the vehicle involved.

By contrast, adopting Option 1 and maintaining the status quo would create inconsistency within the legislative framework and undermine the effectiveness of the policy intent of the reforms. Proactively addressing the gap through legislative amendment provides greater certainty and reinforces the government's commitment to the protection of customer data.

11. Create head of power in *Rail Safety National Law (Queensland) Act 2017*	
Proposal type	**Details**
Minor and machinery in nature	This proposal seeks to create a head of power in the *Rail Safety National Law (Queensland) Act 2017* (RSNL Act) to allow a regulation to prescribe laboratories, testing devices, and collection units for drug and alcohol testing of rail safety workers (to be approved by the chief executive); and to require the chief executive to publish a register of approvals. This change will allow future updates to laboratories, testing devices and collection units to be made more efficiently, by chief executive approval rather than regulatory amendment, while continuing to meet all evidentiary requirements. No further impact analysis is required because the amendment is minor and machinery in nature.

12. Clarify local law-making powers relating to regulating trailer parking	
Proposal type	**Details**
Minor and machinery in nature	The proposed amendments, to clarify local governments' powers to regulate decoupled trailer parking, are minor and machinery, and do not require further regulatory impact assessment. The issue of decoupled trailers, such as caravans and boat trailers, parked indefinitely on roads, is limited to certain areas mainly in South-East Queensland, where urbanisation and higher-density living have increased competition for on-street parking. While the Queensland Road Rules (QRR) regulate consistent parking rules for safety issues impacting all of Queensland, local parking issues, such as trailer parking causing local resident frustration, are best managed by councils. Although current legislation allows councils to regulate trailer parking, some have raised concerns about the clarity of their authority to make local laws. To address this, the proposed amendments to the *Transport Operations (Road Use Management) Act 1995* will clarify councils' powers to create local laws specifying trailer types, parking durations, and penalties. Three options were considered: 1. **Do nothing** – Leaves councils reliant on unclear powers, likely resulting in inaction or costly signage clutter. 2. **State-wide regulation through QRR** – Imposes a one-size-fits-all approach, creating unnecessary burdens in unaffected areas. 3. **Clarify local law-making powers (preferred option)** – Enables councils to address issues proportionately and efficiently. The proposal has negligible regulatory costs, as it clarifies existing powers. Future local laws will undergo consultation and assessment under established processes.

13. Dealing with illegally grounded watercraft

What is the nature, size and scope of the problem? What are the objectives of government action?

The proposed amendments to the *Transport Infrastructure Act 1994* (TIA) aim to address a specific compliance and enforcement gap concerning illegally grounded watercraft in regulated waterways under the *Transport Infrastructure (Waterways Management) Regulation 2012* (TIWMR). TIWMR applies to prescribed Gold Coast and Sunshine Coast waterways only.

TIA and TIWMR prohibit anchoring, mooring, or grounding of watercraft in certain defined locations. Compliance and enforcement measures under the current framework include:

- Fines and Marine Infringement Notices (MINs) for all three cases (anchoring, mooring, and grounding) under TIWMR.
- Removal and disposal powers for illegally anchored and moored vessels (subject to certain restrictions) under TIA.

This has resulted in a legislative gap where similar removal and disposal powers under TIA do not currently apply to illegally grounded vessels. This gap is proving problematic for effective waterway management and is expected to worsen with the commencement of new anchoring and mooring restrictions on the Noosa River from 1 January 2026.

The primary objective of the proposed amendments is to extend the existing removal and disposal powers for illegally anchored and moored vessels to include illegally grounded vessels. This will ensure consistent and efficient compliance/enforcement measures across all three categories of watercraft violations, thereby improving safety and amenity in Queensland waterways.

What options were considered?

In addition to the proposed options, non-legislative options were considered, including educating watercraft owners about their responsibilities under waterways management regulations.

Consideration was also given to addressing aground watercraft under other instruments such as the *Gold Coast Waterways Authority Act 2012*. However, this approach is limited in its application to areas regulated by the Gold Coast Waterways Authority, leaving gaps in coverage.

The preferred option is to amend TIA to extend the existing removal and disposal powers for illegally anchored and moored vessels to illegally grounded vessels. This option addresses the identified legislative gap and ensures consistent compliance/enforcement measures across all three categories of watercraft violations.

The proposed legislative changes are the only viable option to achieve the intended policy objectives.

What are the impacts?

The proposal does not introduce new obligations or restrictions on where people can anchor, moor, or ground their vessels. It solely relates to compliance/enforcement activities for illegally grounded vessels. The proposal does not alter the existing fines or MINs for non-compliance.

Any adverse impacts are limited to individuals who have illegally grounded their vessels. These impacts are mitigated by existing provisions, such as notice periods requiring owners/operators to rectify the issue within 14 days, before enforcement actions (e.g., removal or disposal) are taken.

The proposal is expected to deliver significant benefits to the broader community by improving safety and amenity in Queensland waterways. These benefits are likely to outweigh any adverse impacts on individuals who have illegally grounded their vessels.

The proposal imposes no additional compliance costs on individuals who adhere to existing laws. The estimated education costs for watercraft owners currently anchored in the Noosa River ($4,700) is to educate the owners that when the new anchoring restrictions come into place, grounding their watercraft is not an appropriate solution and will result in the same outcomes of fines and removal of the watercraft if they fail to comply. These costs

relate to Maritime Safety Queensland's education activities and are borne by government, therefore there is no financial impact on boat owners. Government funding of $15 million over three years has already been allocated under the Keeping Our Waterways Safe (KpOWS) program to address the removal of abandoned or derelict vessels. The average cost of removing an illegally grounded vessel is estimated at $23,485.72. For the Gold Coast and Sunshine Coast regions, the removal of five currently grounded vessels is estimated to cost $117,425, which will be covered under the existing KpOWS budget. The proposed amendments to TIA represent a straightforward and proportionate response to a specific compliance/enforcement gap. By extending the existing removal and disposal powers for illegally anchored and moored vessels to include illegally grounded vessels, the proposal ensures consistent and effective management of Queensland waterways. The impacts of the proposal are limited to individuals who fail to comply with existing laws, while the broader community will benefit from improved safety and amenity. The amendments do not impose new obligations or restrictions on watercraft owners and do not alter existing fines or PINs. The likely benefits to the community significantly outweigh any adverse impacts on non-compliant individuals.
Who was consulted?
No external consultation was undertaken.
What is the recommended option and why?
Amendments to clarify that illegally aground watercraft should be treated the same as illegally anchored or moored watercraft under the Act and the Regulation. These amendments close a legislative gap between TIA and TIWMR, enabling proactive and efficient management of aground watercraft.

14. Calibration testing for speed cameras	
Proposal type	**Details**
Minor and machinery in nature	This proposal is minor and has zero regulatory costs. The proposal is to provide a technical update to the *Transport Operations (Road Use Management) Act 1995* (TORUM Act) and *Traffic Regulation 1962* (Traffic Regulation) regarding photographic detection devices which require calibration testing (for example, speed cameras). During court proceedings for camera-detected speeding offences, prosecutors can provide an evidentiary certificate under section 120(2A) of the TORUM Act to establish a rebuttable presumption, in place of calling witnesses, that the relevant photographic detection device was tested in accordance with the specifications of the device's manufacturer, along with any further requirements about calibration testing prescribed under a regulation, and that it returns accurate results for 12 months thereafter. Currently, section 210F of the Traffic Regulation states that an approved testing entity must conduct calibration testing of a "relevant device". Following successful calibration testing, the speed computing unit must be sealed to prevent physical interference. Due to advancements in camera enforcement technology, roadside camera trailer devices are now too large to send in their entirety to an approved testing entity for calibration testing. Accordingly, in practice, only those component/s that require calibration testing are disconnected from the device and sent to the approved testing entity for calibration testing. This has caused issues with using the TORUM Act section 120(2A) evidentiary certificates, as their use is conditioned on the *whole* device being calibration tested. In certain cases, prosecutors have been required to call witnesses to prove devices have been calibrated, leading to extra costs and delays. It is proposed to amend the legislation to address this issue and ensure that evidentiary certificates can be used where calibration testing has been performed only on the component(s) of a speed camera that require calibration testing. A defendant's ability to challenge the evidence will not be impacted, with defendants able to challenge the accuracy of a photographic detection device under section 120(7)(a) of the TORUM Act. Other statutory defences are available under sections 114(3) and 114(3A) of the TORUM Act, and this will remain following the proposed amendments. The amendments are intended to allow the calibration testing provisions under the TORUM Act and the Traffic Regulation to be effective with the fleet of photographic detection devices currently in use. No additional costs will be associated with the change. Costs are expected to reduce for prosecutions as fewer witnesses will be required for court proceedings. No further impact analysis is required because the regulation is minor and machinery in nature.

15. Excluding the Wave Stage 3 from certain requirements relating to service contracts	
Proposal type	**Details**
Minor and machinery in nature	The proposed amendments to the *Transport Operations (Passenger Transport) Act 1994* (the Act) will support the timely delivery of The Wave Stage 3, which is being developed as part of the TMR's strategy to provide efficient public passenger transport services on the Sunshine Coast for the 2032 Olympics. It is intended that The Wave Stage 3 will be delivered under a service contract with the Department of Transport and Main Roads (TMR). The initial service contract holder for The Wave Stage 3 would potentially make a significant investment for the procurement of vehicles and possibly development of some infrastructure. Timeframes for selecting the initial service contract holder are constrained as the fleet procurement and infrastructure construction needs to commence imminently. It is therefore essential that there is nothing in the service procurement or arrangements that undermines the timely, attractive and competitive tendering and contract finalisation. Chapter 6 of the Act sets out requirements for service contracts to provide public passenger services. These include, for example, specific procurement processes, mandatory evaluation criteria, a maximum 7-year term for service contracts, and that affected operators can claim compensation if they don't submit an offer or aren't awarded the service contract. The proposed amendments will exclude the application of current provisions that apply, or may be perceived as potentially applying, to The Wave Stage 3 services, allowing TMR to undertake an open market process. They will also make clear there are no operators who could claim compensation. This will ensure The Wave Stage 3 project can avoid delays that may arise from the perception of compensation rights. It is intended that there will be no reduction to the overall level of services provided to the Sunshine Coast area because of The Wave Stage 3, as population growth requires continuation of existing services. It is not expected any existing operators will be negatively impacted as existing service contract operators do not rely on fare box revenue and are already fully remunerated under their existing contracts. No further impact analysis is required for the proposed amendments to: • provide that offers may be invited and evaluated in any way the chief executive considers appropriate • exempt The Wave Stage 3 from the maximum 7-year term • clarify that compensation is not available in relation to this project These proposals are deregulatory and do not increase costs or regulatory burden on business or the community. No further impact analysis is required for the proposed amendments to exempt The Wave Stage 3 from consultation requirements with existing operators before making or amending a declaration that a service contract is required. The area where The Wave Stage 3 is intended to operate is already declared, however, it is possible a very minor amendment to the declared areas may be required to reflect the intended route. The purpose

	of any declaration is to make a minor and technical update so The Wave Stage 3 operates wholly within a declared area, and there would be no impacts on existing operators.

Impact assessment

1. Combined drink and drug driving offence	First full year	First 10 years
Direct costs – *Compliance costs*	Zero	Zero
Direct costs – *Government costs*	$500,000	$500,000

This initiative will have only minimal system costs to implement. These costings are estimates based on previous similar initiatives.

2. Increasing penalties for presence-based drug driving offences and introducing mandatory minimum court-imposed fines for drink and drug driving offences in Queensland	First full year	First 10 years
Direct costs – *Compliance costs*	Zero	Zero
Direct costs – *Government costs*	Zero	Zero

3. Streamlining the Roadside Drug Testing process	First full year	First 10 years
Direct costs – *Compliance costs*	Zero	Zero

4. Brief intervention program for drug drivers	First two years	Ongoing costs per year
Direct costs – *Compliance costs*	Zero	Zero
Direct costs – *Government costs*	The costs for the first two years of the program cannot be confirmed until market sounding on the service provision is completed. By way of reference the face-to-face Plan.Drive.Survive. comprehensive drink driving program funding is $500,000 per annum. The telephone based brief intervention program for drug drivers is envisaged to cost less per person to operate once implemented.	The on-going costs per year of the program cannot be confirmed until market sounding is completed. By way of reference the face-to-face Plan.Drive.Survive. comprehensive drink driving program funding is $500,000 per annum. The telephone based brief intervention program for drug drivers is envisaged to cost less per person to operate.

5. Timeframe for commencement of disqualification after	First full year	First 10 years

infringement notice for drink driving offence		
Direct costs – *Compliance costs*	Zero	Zero
Direct costs – *Government costs*	Zero	Zero

6. Legislative amendments to enable passenger nominations for camera-detected seatbelt offences and removal of demerit points for passenger-related seatbelt offences	**First two years**	**Ongoing costs per year**
Direct costs – *Compliance costs*	Zero	Zero
Direct costs – *Government costs*	Zero	Zero

7. Immediate driver licence suspensions for roadside high-speed offences	**First two years**	**Ongoing costs per year**
Direct costs – *Compliance costs**	Zero	Zero
Direct costs – *Government costs*	Estimated $1.55 million for development and implementation. Zero ongoing cost to government post implementation.	Zero

8. Extension of nomination of person in charge of a vehicle for camera detected offences	**First full year**	**First 10 years****
Direct costs – *Compliance costs**	Zero	Zero
Direct costs – *Government costs*	Zero	Zero

9. Enabling replacement photo identification cards following a data breach and waiver of fees for victims of crime	**First full year**	**First 10 years****
Direct costs – *Compliance costs**	Zero	Zero
Direct costs – *Government costs*	$32,689	$245,662

No compliance costs are anticipated as no compliance activities are planned.

The Queensland Government Budget 2025-26 allocates $5 million per year in foregone replacement fee revenue from 2025-26 through to 2027-28 to deliver the election commitment. Implementation costs will be met from existing budget allocations.

Over the last five years, an average of approximately 903 photo identification cards per year have been replaced after they were recorded as stolen. Based on these volumes, annual foregone revenue associated with waiving the replacement fee is estimated to be approximately $32,689.

10. Digital identity security	First full year	First 10 years**
Direct costs – *Compliance costs**	Zero	Zero
Direct costs – *Government costs*	Zero	Zero

11. Streamline the process for property owners partnering with Local Government to enforce parking; and restrict provision of vehicle registration information for private car park enforcement under preliminary discovery orders	First full year	First 10 years**
Direct costs – *Compliance costs**	Zero	Zero
Direct costs – *Government costs*	Zero	Zero

It is not anticipated that there will be any additional costs associated with implementing the change to streamline the process for property owners partnering with local government or exempt the chief executive's legal obligation to comply with a court order for preliminary discovery where the information is sought for the purpose of undertaking private car park enforcement.

Any communication activities undertaken by TMR as part of implementation would be minor and would not impose a significant resourcing burden on TMR. As implementation is not expected to incur any substantial costs, these costs will be accommodated within the existing budget (for example, media statement, TMR website update, online form updates and email to key stakeholders).

As the option to partner with a local government is an existing process which is being simplified, there will be no adverse impacts or costs due to the amendments proposed, and it remains at the discretion of the local government and land owner as to whether this option is considered and/or adopted.

Further, the amendment in relation to compliance with preliminary discovery orders is expected to mitigate the risk of administrative and judicial burdens for the Department of Justice arising from potential inappropriate preliminary discovery applications.

12. Rail Safety	First full year	First 10 years**
Direct costs – *Compliance costs**	Zero	Zero
Direct costs – *Government costs*	Zero	Zero

13. Clarify local law-making powers relating to regulating trailer parking	First full year	First 10 years
Direct costs – *Compliance costs*	Zero	Zero
Direct costs – *Government costs*	Zero	Zero

14. Dealing with illegally grounded watercraft	First full year	First 10 years
Direct costs – *Compliance costs*	**Education** – web page - $0 **Direct education to the approx. 130 vessel owners**	NA

14. Dealing with illegally grounded watercraft	**First full year**	**First 10 years**
	currently anchored in Noosa River who will be impacted by the anchoring restriction changes: **Estimated costs:** **Labour cost** – 2 x $80 per hour labour costs = **$160**/hour **Vessel cost:** – 1 x $75 per hour vessel cost = **$75**/hour **Total hours to educate 130 vessel owners**: – **20** hours **Total cost for 20 hours:** ($160 + $75) x 20 = **$4700**	
Direct costs – *Government costs*	If the ships currently aground in the GC and SC regions are to be removed – 5 x $23,585 each funded through KpOWS program = $117,425. KpOWS funding is available for this activity.	There should be minimal ongoing government costs and nothing outside what is currently budgeted under the KpOWS program.

15. Calibration testing for speed cameras	**First full year**	**First 10 years**
Direct costs – *Compliance costs*	Zero	Zero
Direct costs – *Government costs*	Zero	Zero

Signed

Sally Stannard
Director-General
Department of Transport and Main Roads

Date: 16 / 06 / 2026

Brent Mickelberg

Brent Mickelberg MP
Minister for Transport and Main Roads

Date: 17 / 06 / 2026

Note: The crash and offence data presented in this IAS is accurate as at the time of extraction. However, it is subject to change.

[1] Li, G., Brady, J. E., & Chen, Q. (2013). *Drug use and fatal motor vehicle crashes: A case-control study. Accident Analysis and Prevention. 60*(2013): 205-210. http://dx.doi.org/10.1016/j.aap.2013.09.001

[2] Drummer, O. H., Gerostamoulos, D., Rago, M. D., Woodford, N. W., Morris, C., Frederiksen, T., Jachno, K., & Wolfe, R. (2020). Odds of culpability associated with use of impairing drugs in injured drivers in Victoria, Australia. *Accident Analysis & Prevention, 135*, 105389. https://doi.org/10.1016/j.aap.2019.105389

[3] Arlinghaus KR, Johnston CA. Advocating for Behavior Change With Education. Am J Lifestyle Med. 2017 Dec 9;12(2):113-116. doi: 10.1177/1559827617745479. PMID: 30283247; PMCID: PMC6124997

[4] Davey, J., Armstrong, K., Freeman, J. & Sheldrake, M. (2017). Roadside Drug Testing Scoping Study: Final Report. *CARRSQ*. https://www.infrastructure.gov.au/sites/default/files/migrated/roads/safety/publications/2017/pdf/Roadside-Drug-Testing.pdf

[5] Mills, L., Freeman, J., Davey, J., & Davey, B. (2021). The who, what and when of drug driving in Queensland: Analysing the results of roadside drug testing, 2015–2020. *Accident Analysis & Prevention*, 159, 106231. https://doi.org/10.1016/j.aap.2021.106231

[6] Vankov, D. & Schroeter, R. (2021). Driving under the influence of drugs or alcohol: Predicting the intentions of young drivers. *QUT*. https://eprints.qut.edu.au/207251/1/Vankov_submitted_version.pdf

[7] Austroads. (2020). Effectiveness of drink driving countermeasures: National policy framework. Research Report AP-R613-20. Austroads Ltd. Sydney; Australia.

[8] Wright, C. J. C., Miller, M., Wallace, T., Clifford, S., Black, O., Tari-Keresztes, N. & Smith, J. (2022). Drink and drug driving education in the Northern Territory: a qualitative study illustrating issues of access and inequity. *Australian and New Zealand Journal of Public Health, 46*(4), 450-454. https://doi.org/10.1111/1753-6405.13240

[9] Queensland Health. (2019). *Police and court diversion: Telephone trial final report*. https://www.health.qld.gov.au/__data/assets/pdf_file/0035/835199/telephone-trial-report.pdf

[10] Queensland Health. (2019). *Alcohol and other drug treatment for criminal justice clients: Service provider engagement summary*. https://www.health.qld.gov.au/__data/assets/pdf_file/0034/835198/atod-engagement-summary.pdf

[11] Baldock, M. R. J., Palamara, P. G., Raftery, S. J., & Bailey, T. J. (2019). Optimising drug driving deterrence regimes. IR-292-19. Austroads Ltd. Sydney; Australia

[12] ACT Government. (n.d.). *Alcohol and drug awareness course*. https://www.cityservices.act.gov.au/roads-and-paths/road-safety/drink-and-drug-driving/alcohol-and-drug-awareness-course (accessed 15 October 2024)

[13] Thompson, J., Wundersitz, L., & Raftery, S. (2020). Evaluation of the performance of Alcohol and Drug Awareness Courses provided in the ACT. Journal of Road Safety, 31(1), 30—39. doi: https://doi.org/10.33492/JRS-D-18-00277