

Queensland



Transport Operations (Road Use Management) Act 1995

**TRANSPORT OPERATIONS
(ROAD USE
MANAGEMENT—DRIVER
LICENSING) REGULATION
1999**

**Reprinted as in force on 3 March 2000
(includes amendments up to SL No. 21 of 2000)**

Reprint No. 1

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 3 March 2000. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Also see endnotes for information about when provisions commenced.

Queensland



TRANSPORT OPERATIONS (ROAD USE MANAGEMENT—DRIVER LICENSING) REGULATION

TABLE OF PROVISIONS

Section		Page
PART 1—INTRODUCTORY		
1	Short title	5
2	Commencement	5
3	Fees	5
4	Definitions	5
PART 2—QUEENSLAND DRIVER LICENCE IS AUTHORITY TO DRIVE		
5	Motorbike licences	6
6	Other types of licences	6
7	Licence must be valid	8
PART 3—ELIGIBILITY FOR QUEENSLAND DRIVER LICENCES		
8	Minimum age	8
9	Testing	8
10	Provisional or probationary licences—class RE or C	10
11	Open licences—class RE or C	11
12	Upgrading licence class	13
13	Generally	14
14	Special need	15
PART 4—GRANT OF QUEENSLAND DRIVER LICENCES		
15	Applying for licences	16
16	Deciding applications for licence	16

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

17	Duration of licences	17
18	Conditions on licences	17
PART 5—RESTRICTIONS ON DRIVING		
19	L plates	17
20	Passengers on motorbikes	18
21	Towing vehicles	18
22	Licensees 75 years or older	18
PART 6—DEMERIT POINTS		
23	Allocation of demerit points	19
24	Cancellation of licence for 4 or more points	20
25	Suspension or cancellation of open licence for 12 or more points	21
26	Cancellation of licence for 2 or more points	23
27	Allocation of demerit points to unlicensed persons	24
28	When licence expires or voluntarily cancelled	24
29	Appeals against automatic cancellation	25
30	Statutory declaration not admissible as evidence	26
PART 7—AMENDING, SUSPENDING OR CANCELLING LICENCES		
31	Voluntary cancellation of licence	26
32	Grounds for amending, suspending or cancelling licences	26
33	Procedure for amending, suspending or cancelling licences	27
34	Return of licence for amendment	29
PART 8—RECOGNITION OF OTHER DRIVER LICENCES		
35	Recognition of non-Queensland driver licences	30
36	Recognition of defence forces licences	31
37	Power to require licences to be produced	31
PART 9—GENERAL		
38	Reconsideration of decision by chief executive	31
39	Change of name or address	32
40	Replacement licences	33
41	Defacing or destroying licences	33

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

42	Seizing licences	33
43	Codes on Queensland driver licences	33
	SCHEDULE 1	35
	FEES	
	SCHEDULE 2	36
	LICENCE CODES	
	SCHEDULE 3	40
	DEMERIT POINTS	
	PART 1—6 DEMERIT POINT OFFENCES	
1	Speeding—at least 45 km/h over the speed limit	40
	PART 2—4 DEMERIT POINT OFFENCES	
2	Speeding—30–45 km/h over the speed limit	40
	PART 3—3 DEMERIT POINT OFFENCES	
3	Careless driving	40
4	Disobeying certain red traffic lights	41
5	Disobeying emergency traffic sign installed under the Act, s 71(1)	41
6	Disobeying police signal, order or direction	41
7	Disobeying stop or give way sign and certain other traffic control devices	42
8	Failing to give way, other than by disobeying a traffic sign	43
9	Failing to keep left	44
10	Failing to wear helmet, seat belt or restraint	44
11	Improper U–turns	44
12	Speeding—15–30 km/h over the speed limit	45
13	Using vehicle not in safe condition	45
	PART 4—2 DEMERIT POINT OFFENCES	
14	Disobeying traffic lane arrows in roundabout	45
15	Failing to keep left	45
16	Failing to give proper change of direction signal	46
17	Improper overtaking, passing or driving to the right of centre of road	46
18	Improper turn (other than U–turn)	46

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

19	Increasing speed when being overtaken	47
20	Injurious matter on roads	47
21	Passing trams	47
22	Unnecessary noise or smoke from vehicle	48

PART 5—1 DEMERIT POINT OFFENCES

23	Dazzling road users	48
24	Failing to have lights lit	48
25	Failing to dip headlights	48
26	Following too closely	48
27	Improper vehicle equipment, construction or loading	49
28	Operating television receivers and visual display units	49
29	Speeding—less than 15 km/h over the speed limit	49

	SCHEDULE 4	50
--	-----------------------------	----

DICTIONARY

ENDNOTES

1	Index to endnotes	54
2	Date to which amendments incorporated	54
3	Key	54
4	List of legislation	55
5	Annotations	55

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

**TRANSPORT OPERATIONS (ROAD USE
MANAGEMENT—DRIVER LICENSING)
REGULATION 1999**

[reprinted as in force on 3 March 2000]

PART 1—INTRODUCTORY

Short title

1. This regulation may be cited as the *Transport Operations (Road Use Management—Driver Licencing) Regulation 1999*.

Commencement

2. This regulation commences on 1 December 1999.

Fees

3. The fees payable under this regulation are in schedule 1.

Definitions

4. The dictionary in schedule 4 defines particular words used in this regulation.

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

PART 2—QUEENSLAND DRIVER LICENCE IS AUTHORITY TO DRIVE

Motorbike licences

5.(1) The holder of a class RE learner licence is authorised to learn to ride a class RE motorbike.

(2) The holder of a class RE P type or open licence is authorised to ride a class RE motorbike.

(3) The holder of a class RE P type or open licence is authorised to learn to ride a class R motorbike, if the holder has held the licence for at least 1 year.

(4) The holder of a class R P type or open licence is authorised to ride a class R motorbike.

(5) However, a holder who is authorised to learn to ride a motorbike under subsection (1) or (3) must not ride the motorbike on a road unless—

- (a) a passenger on the motorbike—
 - (i) holds a P type or open licence for the class of motorbike that the holder is riding; and
 - (ii) has held the licence for at least 2 years; or
- (b) the holder is driving under the direction of a person who—
 - (i) holds a P type or open licence for the class of motorbike that the holder is riding; and
 - (ii) has held the licence for at least 1 year.

Maximum penalty—20 penalty units.

Other types of licences

6.(1) The holder of a class C learner licence is authorised to learn to drive a class C vehicle.

(2) The holder of a class C P type or open licence is authorised—

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

- (a) to drive a class C vehicle; and
 - (b) to learn to drive a class LR, MR or UD vehicle.
- (3)** The holder of a class LR P type or open licence is authorised—
- (a) to drive a class LR vehicle; and
 - (b) to learn to drive a class MR, HR or UD vehicle.
- (4)** The holder of a class MR P type or open licence is authorised—
- (a) to drive a class MR vehicle; and
 - (b) to learn to drive a class HR, HC or UD vehicle.
- (5)** The holder of a class HR P type or open licence is authorised—
- (a) to drive a class HR vehicle; and
 - (b) to learn to drive a class HC, MC or UD vehicle.
- (6)** The holder of a class HC P type or open licence is authorised—
- (a) to drive a class HC vehicle; and
 - (b) to learn to drive a class MC or UD vehicle.
- (7)** The holder of a class MC P type or open licence is authorised—
- (a) to drive a class MC vehicle; and
 - (b) to learn to drive a class UD vehicle.
- (8)** The holder of a class UD P type or open licence is authorised to drive a class UD vehicle.
- (9)** However, a holder who is authorised to learn to drive a vehicle under subsection (1), (2)(b), (3)(b), (4)(b), (5)(b), (6)(b) or (7)(b) must not drive the vehicle on a road unless—
- (a) for a vehicle with passenger seating capacity—
 - (i) a passenger sits next to the holder; and
 - (ii) the passenger holds a P type or open licence for the class of vehicle that the holder is driving, and has held the licence for at least 1 year; or
 - (b) for a vehicle without passenger seating capacity—

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

- (i) the holder is driving under the direction of a person who holds a P type or open licence for the class of vehicle that the holder is driving; and
- (ii) the person has held the licence for at least 1 year.

Maximum penalty—20 penalty units.

Licence must be valid

7. A reference in this part to a licence is a reference to a valid licence.

PART 3—ELIGIBILITY FOR QUEENSLAND DRIVER LICENCES

Minimum age

8.(1) A person is not eligible for a Queensland driver licence if the person is not at least—

- (a) for a learner licence—16 years and 6 months; or
- (b) for another type of licence—17 years.

(2) However, subsection (1) does not apply to the grant of a learner or provisional licence if the chief executive is satisfied the person has a special need for the licence.¹

Testing

9.(1) This section prescribes the tests that a person must pass to be eligible for a Queensland driver licence.

- (2) The person must pass an eyesight test.
- (3) The following persons must pass a road rules test—

¹ See section 14 (Special need).

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

- (a) an applicant for a learner licence;
- (b) an applicant for a provisional, probationary or open licence who holds a foreign driver licence;
- (c) an applicant for a provisional or probationary licence who holds a provisional or probationary licence of a different class;
- (d) an applicant for an open licence who holds an open licence of a different class.

(4) However, subsection (3) does not apply if the person, within 5 years before applying for the licence,—

- (a) passed a road rules test for the class of licence being applied for;
or
- (b) held an Australian driver licence (other than a learner licence) for the class of licence applied for.

(5) The following persons must pass a practical driving test in the class of vehicle that is authorised to be driven under the licence—

- (a) an applicant for a class of provisional, probationary or open licence who holds a learner licence of that class;
- (b) an applicant for a provisional, probationary or open licence who holds a foreign driver licence;
- (c) an applicant for a provisional or probationary licence who holds a provisional or probationary licence of a different class;
- (d) an applicant for an open licence who holds an open licence of a different class.

Example of subsection (5)(d)—

A person who holds an open class C licence who is applying for an open class LR licence must pass a practical driving test in a class LR type vehicle.

(6) However, subsection (5) does not apply if—

- (a) for a UD class licence for a vehicle for which a WHS certificate is issued—the person holds the certificate; or
- (b) for a MC class licence—

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

- (i) the person has successfully completed a training course in driving an MC class vehicle approved by the chief executive; or
 - (ii) the person produces a declaration, in the approved form, confirming the person's ability to drive a B-double or road train; or
- (c) for any licence—
- (i) the person has, at some time, passed a practical driving test to obtain an Australian driver licence for a class that corresponds to the class of licence applied for; and
 - (ii) the person—
 - (A) holds an Australian driver licence (other than a learner licence) for a class that corresponds to the class of licence applied for; or
 - (B) has, within 5 years before applying for the licence, held an Australian driver licence or foreign driver licence (other than a learner licence) for a class that corresponds to the class of licence applied for.

Provisional or probationary licences—class RE or C

10.(1) A person is not eligible for a class RE provisional or probationary licence unless—

- (a) the person—
 - (i) holds a class RE learner licence; and
 - (ii) has held the licence for at least 6 months during the 2 years before applying for the licence; or
- (b) the person has, within 5 years before applying for the licence, held a class RE P type licence.

(2) A person is not eligible for a class C provisional or probationary licence unless—

- (a) the person—

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

- (i) holds a class C learner licence; and
- (ii) has held the licence for at least 6 months during the 2 years before applying for the licence; or
- (b) the person has, within 5 years before applying for the licence, held a class C P type licence.

(3) However, this section does not apply if the chief executive is satisfied the person has a special need for the licence.²

Open licences—class RE or C

11.(1) A person is not eligible for a class RE open licence unless—

- (a) the person—
 - (i) holds a class RE learner licence; and
 - (ii) has held a class RE learner licence for at least 6 months during the 2 years before applying for the licence; and
 - (iii) holds an O type licence of another class; or
- (b) the person—
 - (i) holds a class RE P type licence; and
 - (ii) has held the licence for the required period; or
- (c) the person has, within 5 years before applying for the licence, held a class RE O type licence that has not been cancelled; or
- (d) the person—
 - (i) has, within 5 years before applying for the licence, held a class RE O type licence that has been cancelled; and
 - (ii) holds a class RE P type licence; and
 - (iii) has held the P type licence for a total period of at least 1 year.

(2) A person is not eligible for a class C open licence unless—

² See section 14 (Special need).

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

- (a) the person—
 - (i) holds a class C learner licence; and
 - (ii) has held a class C learner licence for at least 6 months during the 2 years before applying for the licence; and
 - (iii) holds a class RE or R O type licence; or
- (b) the person—
 - (i) holds a class C P type licence; and
 - (ii) has held the licence for the required period; or
- (c) the person has, within 5 years before applying for the licence, held a class C O type licence that has not been cancelled; or
- (d) the person—
 - (i) has, within 5 years before applying for the licence, held a class RE O type licence that has been cancelled; and
 - (ii) holds a class RE P type licence; and
 - (iii) has held the P type licence for a total period of at least 1 year.

(3) In this section—

“O type licence” includes a driver licence granted outside Queensland that corresponds to an open licence.

“P type licence” includes a driver licence granted outside Queensland that corresponds to a P type licence.

“required period” means a total period of at least—

- (a) if the applicant was issued with the P type licence when under 23 years—3 years; or
- (b) if the applicant was issued with the P type licence when at least 23 years but under 24 years—2 years; or
- (c) if the applicant was issued with the P type licence when at least 24 years—1 year.

“total period” means—

- (a) a period that is not broken by cancellation or expiry of the licence;

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

or

- (b) a period that is broken by expiry of the licence, but not by more than 5 business days at a time.

Upgrading licence class

12.(1) This section applies to a licence for a class other than class RE or C.

(2) A person is not eligible for the licence unless—

- (a) for a class R licence—
 - (i) the person holds a class RE licence; and
 - (ii) the person has held the licence for at least 1 year; or
- (b) for a class LR or MR licence—
 - (i) the person holds a class C licence; and
 - (ii) the person has held the licence for at least 1 year; or
- (c) for a class HR licence—
 - (i) the person—
 - (A) holds a class C licence; and
 - (B) has held the licence for at least 2 years; or
 - (ii) the person—
 - (A) holds a class LR or MR licence; and
 - (B) has held the licence at least 1 year; or
- (d) for a class HC licence—
 - (i) the person holds a class MR or HR licence; and
 - (ii) the person has held the licence for at least 1 year; or
- (e) for a class MC licence—
 - (i) the person holds a class HR or HC licence; and
 - (ii) the person has held the licence for at least 1 year; or

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

- (f) for a class UD licence—the person holds a class C, LR, MR, HR, HC or MC licence.

(3) In this section—

“**licence**” means—

- (a) a Queensland driver licence other than a learner licence; or
- (b) a driver licence granted outside Queensland that corresponds to a Queensland driver licence other than a learner licence.

Generally

13.(1) A person is not eligible for the grant or renewal of a Queensland driver licence if—

- (a) the person is prohibited from obtaining a licence under section 127(6) of the Act; or
- (b) the person does not reside in Queensland; or
- (c) the chief executive reasonably believes the person has a mental or physical incapacity that is likely to adversely affect the person’s ability to drive safely; or
- (d) the person is the holder of another driver licence, unless the person gives the chief executive—
- (i) the driver licence; and
- (ii) a written request for cancellation of the driver licence addressed to the person who issued it.

(2) For subsection (1)(c), the chief executive may require the person to give the chief executive a doctor’s certificate, in the approved form, stating that the person does not have a mental or physical disability likely to affect that person’s ability to drive safely.

(3) Subsection (1)(d) does not apply if the chief executive is satisfied it would be unreasonable for it to apply to the person.

Example of subsection (3)—

The chief executive may not require a person to surrender a foreign driver licence

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

that forms part of the person's identity documents for the foreign country.

Special need

14.(1) A person has a special need for a learner or provisional licence if—

- (a) the person needs to drive a motor vehicle—
 - (i) to, or from, the person's place of employment; or
 - (ii) in the course of the person's employment; or
 - (iii) to, or from, an educational institution that the person attends;
or
 - (iv) to get medical treatment for the person or a member of the person's family; and
- (b) there is no other transport reasonably available to the person; and
- (c) a refusal to grant the licence would cause severe hardship.

(2) A person claiming a special need must apply to the chief executive in the approved form.

(3) The approved form must be accompanied by a signed statement supporting the application from—

- (a) for an application under subsection (1)(a)(i) or (ii)—the person's employer; or
- (b) for an application under subsection (1)(a)(iii)—the person in charge of the educational institution; or
- (c) for an application under subsection (1)(a)(iv)—a doctor.

(4) In deciding whether a person has a special need, the chief executive must consider—

- (a) the times of day when the person must travel; and
- (b) how often the person must travel; and
- (c) the distance the person must travel; and
- (d) the person's traffic history.

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

PART 4—GRANT OF QUEENSLAND DRIVER LICENCES

Applying for licences

15.(1) A person may apply to the chief executive, in the approved form, for the grant or renewal of a Queensland driver licence.

(2) The chief executive, by written notice, may request the applicant to give further information or documents relevant to the application.

(3) If the applicant does not comply with the request without reasonable excuse, the chief executive may refuse to consider the application.

Deciding applications for licence

16.(1) The chief executive must consider an application for a Queensland driver licence and either—

- (a) grant or renew the licence; or
- (b) refuse to grant or renew the licence.

(2) The chief executive must not grant or renew a licence if the applicant is not eligible for that type or class of licence.

(3) If the chief executive decides to grant or renew the licence, the chief executive must promptly give the applicant—

- (a) the licence; and
- (b) if the licence is subject to a condition—a written notice stating that the applicant may contest the decision to impose the condition by—
 - (i) applying under section 38 for reconsideration of the decision; or
 - (ii) appealing under section 131(1) of the Act.

(4) If the chief executive decides to refuse to grant or renew the licence, the chief executive must promptly give the applicant a written notice stating—

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the applicant may contest the refusal by—
 - (i) applying under section 38 for reconsideration of the decision; or
 - (ii) appealing under section 131(1) of the Act.

(5) However, if the reason for the decision was that the applicant failed a road rules test or practical driving test, the chief executive may give an oral notice instead of a written notice unless the applicant asks for a written notice.

Duration of licences

17. The chief executive may grant or renew a Queensland driver licence for a period of up to 10 years.

Conditions on licences

18.(1) The chief executive may grant a Queensland driver licence with stated conditions.

(2) The licensee must comply with a condition stated on the licence.

Maximum penalty—20 penalty units.

PART 5—RESTRICTIONS ON DRIVING

L plates

19. A person must not drive, on a road, a motor vehicle displaying an L plate unless the person—

- (a) holds a learner licence; or

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

(b) is a driver trainer.

Maximum penalty—20 penalty units.

Passengers on motorbikes

20.(1) A person must not ride, on a road, a class RE motorbike with a passenger unless the person—

- (a) holds a class RE or R P type or open licence; and
- (b) has held the licence for at least 1 year.

Maximum penalty—20 penalty units.

(2) A person must not ride, on a road, a class R motorbike with a passenger unless the person—

- (a) holds a class R P type or open licence; and
- (b) has held the licence for at least 1 year.

Maximum penalty—20 penalty units.

Towing vehicles

21.(1) A person must not occupy the driver's position of a class of motor vehicle being towed on a road by another vehicle unless the person holds a P type or open licence for that class of vehicle.

Maximum penalty—20 penalty units.

(2) A person must not drive a motor vehicle towing a motor vehicle unless another person holding a P type or open licence authorising the other person to drive the towed vehicle is in control of the towed vehicle for the purposes of the towing.

Maximum penalty—20 penalty units.

Licensees 75 years or older

22.(1) A licensee who is 75 years or older must not drive a motor vehicle, on a road, unless the licensee is—

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

- (a) carrying a medical certificate in the approved form; and
- (b) driving the vehicle in accordance with the certificate.

Maximum penalty—20 penalty units.

(2) Despite subsection (1)(a), if the licensee is required by an authorised officer to produce the medical certificate, the licensee does not commit an offence if the licensee—

- (a) holds the certificate at the time that the requirement is made; and
- (b) produces the certificate to a person reasonably nominated by the authorised officer within 48 hours.

PART 6—DEMERIT POINTS

Allocation of demerit points

23.(1) This section applies if—

- (a) a person has been convicted for a contravention of—
 - (i) a demerit points offence; or
 - (ii) an interstate offence; or
- (b) an order has been made against a person under—
 - (i) the *Justices Act 1886*, section 98P³ for a demerit points offence; or
 - (ii) a corresponding law for a interstate offence.

(2) The chief executive may record on the person's traffic history—

- (a) particulars of the offence; and
- (b) the penalty imposed on the person; and
- (c) the number of demerit points allocated for the offence; and

³ *Justices Act 1886*, section 98P (Enforcement orders)

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

(d) the date the offence was committed.

(3) The number of demerit points to be allocated is the number of points mentioned in schedule 3 for—

- (a) if the offence is a demerit points offence—the offence; or
- (b) if the offence is an interstate offence—the offence that corresponds to the interstate offence.

(4) The demerit points are taken to be allocated on the day the offence was committed.

(5) When suspending or cancelling a Queensland driver licence under this part, the chief executive must disregard any demerit points allocated before any previous suspension or cancellation of the licence.

(6) In this section—

“demerit points offence” means an offence, other than an offence committed by a person while riding a bicycle, tricycle or power-assisted cycle, against a provision mentioned in schedule 3.

“interstate offence” means an offence under a corresponding law that corresponds to a demerit points offence.

Cancellation of licence for 4 or more points

24.(1) This section applies if—

- (a) 4 or more demerit points are recorded on a person’s traffic history; and
- (b) the demerit points were allocated in a continuous 1 year period while the person held a learner or P type licence, but did not hold an open licence of another class; and
- (c) the person holds a learner, P type or open licence.

(2) The person’s licence is cancelled from the cancellation date.

(3) Also, the person is disqualified from holding or obtaining a Queensland driver licence for a period ending—

- (a) if the licence is a learner, provisional, probationary or open

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

licence—3 months after the return date; or

- (b) if the licence is a restricted licence—
 - (i) 3 months after the return date; or
 - (ii) if the disqualification period imposed under section 86(5) of the Act expires more than 3 months after the return date—when the disqualification period imposed under the Act ends.

(4) However, if the licence was the first licence granted after another licence was cancelled under this section, the person is disqualified from holding or obtaining a Queensland driver licence for a period ending 6 months after the return date.

(5) The chief executive must, by written notice (a “**return notice**”)—

- (a) inform the person that the person’s licence is to be cancelled; and
- (b) require the person—
 - (i) to return the person’s licence to the chief executive in a specified way, and within a specified time of at least 14 days; or
 - (ii) if the person can not comply with subparagraph (i)—to give the chief executive, within the specified time, a statutory declaration stating why the person can not comply; and
- (c) inform the person about section 29.⁴

(6) The person must comply with the return notice, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

Suspension or cancellation of open licence for 12 or more points

25.(1) This section applies if—

- (a) 12 or more demerit points are recorded on a person’s traffic

⁴ Section 29 (Appeals against automatic cancellation)

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

history; and

- (b) the demerit points were allocated in a continuous 3 year period while the person held a Queensland driver licence; and
- (c) the person holds an open licence.

(2) The chief executive must, by written notice (a “**return notice**”)—

- (a) require the person, within a specified time of at least 14 days, to choose between—
 - (i) suspension of the person’s licence for 3 months; or
 - (ii) cancellation of the person’s licence and, on the person’s application, the grant of a provisional licence; and
- (b) require the person—
 - (i) to return the person’s licence to the chief executive in a specified way, and within a specified time of at least 14 days; or
 - (ii) if the person can not comply with subparagraph (i)—to give the chief executive, within the specified time, a statutory declaration stating why the person can not comply.

(3) The person must comply with the return notice, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(4) The person’s licence is suspended for 3 months after the return date if the person—

- (a) advises the chief executive that the person chooses suspension of the person’s licence; and
- (b) complies with subsection (2)(b).

(5) The person’s licence is cancelled from the cancellation date if the person—

- (a) advises the chief executive that the person chooses cancellation of the person’s licence; or
- (b) does not advise the chief executive of the person’s choice under

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

- subsection (2)(a) within the specified time; or
- (c) does not comply with subsection (2)(b) within the specified time.

Cancellation of licence for 2 or more points

26.(1) This section applies if—

- (a) 2 or more demerit points are recorded on a person’s traffic history; and
- (b) the demerit points were allocated in a continuous 1 year period while the person held a provisional licence first granted after the person’s open licence was cancelled under section 25; and
- (c) the person holds a type of Queensland driver licence.

(2) The person’s licence is cancelled from the cancellation date.

(3) Also, the person is disqualified from holding or obtaining a Queensland driver licence for a period ending—

- (a) if the licence is a learner, provisional, probationary or open licence—6 months after the return date; or
- (b) if the licence is a restricted licence—
 - (i) 6 months after the return date; or
 - (ii) if the disqualification period imposed under section 86(5) of the Act expires more than 6 months after the return date—when the disqualification period imposed under the Act ends.

(4) The chief executive must, by written notice (a “**return notice**”)—

- (a) inform the person that the person’s licence is to be cancelled; and
- (b) require the person—
 - (i) to return the person’s licence to the chief executive in a specified way, and within a specified time of at least 14 days; or
 - (ii) if the person can not comply with subparagraph (i)—to give the chief executive, within the specified time, a statutory

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

declaration stating why the person can not comply; and

(c) inform the person about section 29.

(5) The person must comply with the return notice, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

Allocation of demerit points to unlicensed persons

27.(1) This section applies if—

- (a) 4 or more demerit points are recorded on a person's traffic history; and
- (b) the demerit points were allocated in a continuous 1 year period while the person did not hold a driver licence.

(2) The chief executive must, by written notice, inform the person that the person is disqualified from holding or obtaining a Queensland driver licence for 3 months from a date stated in the notice.

(3) The person is disqualified from holding or obtaining a Queensland driver licence for 3 months from the day stated in the notice.

When licence expires or voluntarily cancelled

28.(1) This section applies to a person—

- (a) whose driver licence expired or was voluntarily cancelled after demerit points were allocated to the person's traffic history; and
- (b) whose driver licence, apart from the expiry or cancellation, could have been cancelled by the chief executive because of the demerit points.

(2) Sections 24, 25 and 26⁵ apply to the person as if the person's licence had not expired or been cancelled.

⁵ Sections 24 (Cancellation of licence for 4 or more points), 25 (Suspension or cancellation of open licence for 12 or more points) and 26 (Cancellation of licence for 2 or more points)

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

Appeals against automatic cancellation

29.(1) This section applies if a person's Queensland driver licence (other than a restricted licence) is cancelled under section 24 or 26.

(2) The person may appeal against the cancellation only on the ground that the cancellation would cause extreme hardship to the person, or the person's family, by depriving the person of the means of earning a living.

(3) The person may appeal by—

- (a) lodging a notice of appeal in the approved form, with the Magistrates Court in the district where the person resides, within 21 clear days after the date of cancellation of the licence; and
- (b) serving a copy of the notice on the chief executive.

(4) On lodging the appeal with the court, the cancellation is suspended until the court decides to confirm or set aside the cancellation.

(5) The court may set aside the cancellation only if satisfied—

- (a) the cancellation would cause extreme hardship to the person, or the person's family, by depriving the person of the means of earning a living; and
- (b) the person is an appropriate person to be licensed to drive a motor vehicle having regard to the person's traffic history.

(6) The chief executive may give the court information about the person's traffic history.

(7) If the court decides to confirm the cancellation—

- (a) the person's licence is cancelled from the date of the court's decision; and
- (b) the person is disqualified from holding or obtaining a licence for a period ending the required length of time after the day the licence is returned to the chief executive.

(8) Despite the *Justices Act 1886*, the court's decision is final and can not be appealed against.

(9) The clerk of the court must give the chief executive a copy of the order setting out the court's decision.

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

(10) In this section—

“required length of time” means that part of the period of disqualification that had not expired before the appeal was lodged.

Statutory declaration not admissible as evidence

30. A statutory declaration given under section 24(5)(b)(ii), 25(2)(b)(ii) or 26(4)(b)(ii) is not admissible as evidence in proceedings against the declarant for an offence against section 78(1) of the Act.

PART 7—AMENDING, SUSPENDING OR CANCELLING LICENCES

Voluntary cancellation of licence

31.(1) A licensee may, by written notice to the chief executive, require the licence to be cancelled.

(2) If the licence is in the licensee’s possession, it must be forwarded to the chief executive with the written notice.

Grounds for amending, suspending or cancelling licences

32. Each of the following is a ground for amending, suspending or cancelling a Queensland driver licence—

- (a) the licensee has a mental or physical incapacity that is likely to adversely affect the licensee’s ability to drive safely;
- (b) the licence was obtained on the basis of false or misleading information;
- (c) the licensee has contravened a condition of the licence;

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

- (d) the licensee has been disqualified from holding or obtaining a driver licence in another State or another country;
- (e) the licensee has obtained a non-Queensland driver licence.

Procedure for amending, suspending or cancelling licences

33.(1) If the chief executive considers that reasonable grounds exist to amend, suspend or cancel a licence (the “**proposed action**”), the chief executive must give the licensee a written notice that—

- (a) states the proposed action; and
- (b) states the grounds for the proposed action; and
- (c) outlines the facts and circumstances forming the basis for the grounds; and
- (d) if the proposed action is to amend a condition of the licence—stating the proposed amendment; and
- (e) if the proposed action is to suspend the licence—states the proposed suspension period; and
- (f) invites the licensee to show cause, within a specified time, why the proposed action should not be taken.

Examples of paragraph (a)—

The chief executive may propose—

- (a) suspending a licensee’s licence for a period shorter than the remaining term of the licence; or
- (b) cancelling a licensee’s licence and prohibiting the licensee from applying for another licence for a period equal to, or longer than, the remaining term of the cancelled licence; or
- (c) cancelling a licensee’s open licence but allowing the licensee to apply immediately for a provisional licence; or
- (d) cancelling a licensee’s class HR licence but allowing the licensee to apply immediately for a class MR licence.

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

(2) The time specified in subsection (1)(f) must be—

- (a) for a ground mentioned in section 32(a)—at least 48 hours; or
- (b) otherwise—at least 28 days.

(3) The chief executive may, before or after the end of the specified time, extend the time within which the licensee may show cause.

(4) If, after considering any personal or written representations made within the time specified or allowed, the chief executive still considers grounds exist to take the proposed action, the chief executive may—

- (a) if the proposed action was to amend the licence—
 - (i) amend the licence in the way mentioned in the notice; or
 - (ii) amend the licence in another way, having regard to the representations; or
- (b) if the proposed action was to suspend the licence—suspend the licence for a period not longer than the period stated in the notice; or
- (c) if the proposed action was to cancel the licence—
 - (i) suspend the licence for a period; or
 - (ii) cancel the licence.

(5) The chief executive must inform the licensee of the decision by written notice.

(6) If the chief executive decides to amend, suspend or cancel the licence, the notice must state—

- (a) the reasons for the decision; and
- (b) that the licensee may contest the decision by—
 - (i) applying under section 38 for reconsideration of the decision; or
 - (ii) appealing under section 131(1) of the Act.

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

(7) Except for a ground mentioned in section 32(b), the decision takes effect on the later of the following⁶—

- (a) the day the notice is given to the licensee;
- (b) a later day specified in the notice.

(8) Subsections (1) to (6) do not apply if the chief executive proposes to amend the licence only—

- (a) by omitting a condition; or
- (b) for a formal or clerical reason; or
- (c) in another way that does not adversely affect the licensee's interests.

(9) The chief executive may amend a licence under subsection (8) by written notice given to the licensee.

(10) In this section—

“**amend**” a licence includes impose conditions on the licence that was unconditional before amendment.

Return of licence for amendment

34.(1) The chief executive may, by written notice, require a licensee to return the licence, in a stated way and within a stated time of at least 14 days, to enable the conditions stated on the licence to be altered.

(2) The licensee must comply with the notice, unless the licensee has a reasonable excuse.

Maximum penalty—20 penalty units.

(3) The chief executive must return the amended licence to the licensee once the conditions stated on the licence have been altered.

(4) The conditions as amended take effect from the appropriate day under section 33(9), even if the licensee does not return the licence for alteration.

⁶ Section 126(2) of the Act applies for a ground mentioned in section 32(b).

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

PART 8—RECOGNITION OF OTHER DRIVER LICENCES

Recognition of non-Queensland driver licences

35.(1) A valid non-Queensland driver licence authorises the licensee to drive, on a road, a class of motor vehicle that the licensee is authorised to drive under the licence.

(2) The authority is withdrawn—

- (a) if the licensee holds an Australian driver licence—3 months after the person takes up residence in Queensland; or
- (b) if the licensee is not an Australian citizen and does not hold an Australian driver licence—3 months after the person gets a permanent visa within the meaning of the *Migration Act 1958* (Cwlth); or
- (c) while the licensee is disqualified from holding or obtaining a driver licence in Queensland; or
- (d) while, were the licensee the holder of a Queensland driver licence, the Queensland driver licence would be suspended under section 80(22AA) of the Act.

(3) The chief executive may, by written notice to the licensee, withdraw the authority from a specified date if the chief executive reasonably believes—

- (a) the licensee has a mental or physical incapacity that is likely to adversely affect the licensee's ability to drive safely; or
- (b) were the licensee the holder of a Queensland driver licence, the chief executive would be required to give the licensee a notice under section 24, 25 or 26.⁷

⁷ Sections 24 (Cancellation of licence for 4 or more points), 25 (Suspension or cancellation of open licence for 12 or more points) and 26 (Cancellation of licence for 2 or more points)

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

(4) The holder of a non-Queensland driver licence must comply with a condition of the licence.

Maximum penalty—20 penalty units.

Recognition of defence forces licences

36.(1) A valid defence forces licence authorises the licensee to drive, on a road, a class of defence forces vehicle that the licensee is authorised to drive under the licence in the performance of the licensee’s functions.

(2) In this section—

“**defence forces vehicle**” means a motor vehicle owned by, or appropriated to the use of, the Australian Defence Force.

Power to require licences to be produced

37.(1) An authorised officer may require a person to produce a non-Queensland driver licence or a defence forces licence for inspection.

(2) The person must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

PART 9—GENERAL

Reconsideration of decision by chief executive

38.(1) This section applies if the chief executive—

- (a) has refused to grant a person—
 - (i) a Queensland driver licence; or
 - (ii) a particular class or type of Queensland driver licence; or
- (b) has refused to renew a person’s licence; or

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

- (c) has amended, suspended or cancelled a person's licence under section 33; or
- (d) has withdrawn a person's authority to drive in Queensland under section 35(3).

(2) The person may apply, in the approved form, to the chief executive to reconsider the chief executive's decision.

(3) The application must be made within 28 days after—

- (a) the day the notice of the chief executive's decision is given to the person; or
- (b) if the applicant is given oral notice of the decision and asks for written notice—the day the written notice is given to the applicant.

(4) After reconsidering the decision, the chief executive may—

- (a) confirm the decision; or
- (b) set aside the decision and substitute another decision.

(5) The chief executive must promptly give the person written notice of the decision.

(6) The notice must state that, if the person is dissatisfied with the decision, the person may appeal against the decision under section 131(1) of the Act.

Change of name or address

39.(1) If the holder of a Queensland driver licence changes the holder's name or address, the holder must notify the chief executive of the change within 28 days of the change.

Maximum penalty—20 penalty units.

(2) If the chief executive is satisfied the information given by the holder is correct, the chief executive must issue—

- (a) for a change of name—a replacement licence with the holder's new name; or
- (b) for a change of address—a change of address label.

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

(3) On receipt of a change of address label, the holder must immediately attach the label to the back of the licence, in the space provided.

Maximum penalty—20 penalty units.

Replacement licences

40.(1) If a Queensland driver licence is lost, stolen or destroyed, the licensee must apply to the chief executive as soon as practicable, in the approved form, for a replacement licence.

Maximum penalty—20 penalty units.

(2) If a licence that has been replaced later comes into the licensee's possession, the licensee must return it to the chief executive.

Maximum penalty—20 penalty units.

Defacing or destroying licences

41. A person must not wilfully deface or destroy a Queensland driver licence.

Maximum penalty—20 penalty units.

Seizing licences

42.(1) This section applies if—

- (a) a person produces an invalid Queensland driver licence to an authorised officer under section 49 of the Act; or
- (b) an authorised officer finds an invalid Queensland driver licence.

(2) The authorised officer may seize the licence.

Codes on Queensland driver licences

43.(1) A licence class, condition or type may be stated on a Queensland driver licence by a code.

(2) A code stated on a Queensland driver licence granted after

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

30 November 1999 indicates the corresponding driver licence type, class or condition appearing in schedule 2, part 1.

(3) A code in schedule 2, part 2, column 2 stated on a Queensland driver licence granted before 1 December 1999 but after 8 April 1996 is taken to be the corresponding code in column 1.

(4) A code in schedule 2, part 2, column 3 stated on a Queensland driver licence granted before 9 April 1996 but after 30 June 1991 is taken to be the corresponding code in column 1.

(5) A code in schedule 2, part 2, column 4 stated on a Queensland driver licence granted before 1 July 1991 is taken to be the corresponding code in column 1.

(6) A receipt issued after 30 June 1991 but before 9 April 1996 is taken to be—

- (a) if issued for a class RP licence—an order under section 87 or 88 of the Act; or
- (b) if about a vehicle modification—a vehicle modification notice.

SCHEDULE 1

FEES

	section 3
	\$
1. Application for learner licence, for each year or part of a year	13.00
2. Practical driving test	29.00
3. Application for P type licence or open licence, for each year or part of a year	11.00
4. Application for replacement licence	13.00
5. Extract from a driver licence record	13.00
6. Extract from a driver's traffic history	13.00

SCHEDULE 2

LICENCE CODES

section 43

PART 1—LICENCES CODES

Code Type

- L learner licence
 P provisional licence, probationary licence or restricted licence
 O open licence
 D replacement licence

Code Class

- RE a moped
 a motorbike with an engine capacity of not more than 250 mL,
 with or without a trailer
 R a class RE vehicle
 a motorbike, with or without a trailer
 C a moped
 a car, with or without a trailer
 LR a class C vehicle
 a bus of not more than 8 t GVM, with or without a trailer of not
 more than 9 t GVM
 a truck (including a prime mover) of not more than 8 t GVM,
 with or without a trailer of not more than 9 t GVM
 MR a class LR vehicle
 a bus of more than 8 t GVM with not more than 2 axles, with or
 without a trailer of not more than 9 t GVM
 a truck (including a prime mover) with not more than 2 axles,
 with or without a trailer of not more than 9 t GVM

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

SCHEDULE 2 (continued)

HR	a class MR vehicle a bus, with or without a trailer of not more than 9 t GVM an articulated bus a truck (including a prime mover), with or without a trailer of not more than 9 t GVM
HC	a class HR vehicle a truck (including a prime mover), with or without a trailer
MC	a class HC vehicle a B-double a road train
UD	a specially constructed vehicle

Code Condition

A	licensee may only drive vehicle with automatic transmission
B	licensee may only drive vehicle with synchromesh gearbox
M	licensee may only drive while carrying, and in accordance with, a medical certificate
S	licensee may only drive while wearing corrective lenses
V	licensee may only drive while carrying, and in accordance with, a vehicle modification notice
X1	licensee may only drive while carrying, and in accordance with, an order under section 87 or 88 of the Act
X2	licensee may only drive vehicle with an L plate displayed conspicuously at the front and rear of the vehicle

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

SCHEDULE 2 (continued)

PART 2—OLD LICENCE CODES

Column 1	Column 2	Column 3	Column 4
Code	9/4/96-30/11/99	1/7/91-8/4/96	Before 1/7/91
Type			
L	L	L	—
P	P	P or RP	P
O	O	O	O
D	D	D	—
Class			
RE	RE	BN	B3
RE (with condition A) ...	RE (with condition A) ..	BP	—
R	R	B	B
C	C	A	A
LR	LR	D5	D5 or D6
MR	MR	C2	C4
HR	HR	C or D	C or D
HC	HC	E or E3	E
MC	MC	E4 or E6	—
UD	UD	G, H or HY	G or H
Condition			
A	A	1	1
B	B	—	7
M	M	M	M
S	S	S	S
V	V	L or R (about a vehicle modification)	2
X1	X1	R (with class RP licence)	

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

SCHEDULE 2 (continued)

	X2	X2	—
—			
—	—	—	R (otherwise)
—	—	—	—
F	—	—	—
R	—	—	W
W	—	—	—
X			
—	—	—	8

SCHEDULE 3

DEMERIT POINTS

section 23

PART 1—6 DEMERIT POINT OFFENCES

Speeding—at least 45 km/h over the speed limit

1. The number of points for a contravention of the Queensland Road Rules, section 20 by driving at least 45 km/h over the speed limit is 6.

PART 2—4 DEMERIT POINT OFFENCES

Speeding—30–45 km/h over the speed limit

2. The number of points for a contravention of the Queensland Road Rules, section 20 by driving at least 30 km/h, but less than 45 km/h, over the speed limit is 4.

PART 3—3 DEMERIT POINT OFFENCES

Careless driving

3. The number of points for a contravention of each of the following provisions is 3—

SCHEDULE 3 (continued)

- section 83 of the Act
- section 80(1) of the Queensland Road Rules
- section 81(1) of the Queensland Road Rules.

Disobeying certain red traffic lights

4. The number of points for a contravention of each of the following provisions of the Queensland Road Rules is 3—

- section 56(1) or (2)
- section 61(2) or (3), so far as it relates to red traffic lights or arrows
- section 66(1) or (4)
- section 123(a)
- section 152(1), so far as it relates to section 152(2) or (3)
- section 281
- section 284.

Disobeying emergency traffic sign installed under the Act, s 71(1)

5. The number of points for a contravention of section 74(1) of the Act relating to an indication given by a sign installed under section 71(1) of the Act is 3.

Disobeying police signal, order or direction

6. The number of points for a contravention of the Queensland Road Rules, section 304(1) or (2) is 3.

SCHEDULE 3 (continued)

Disobeying stop or give way sign and certain other traffic control devices

7. The number of points for a contravention of each of the following provisions of the Queensland Road Rules is 3—

- section 39(1) or (2)
- section 41
- section 63(2)
- section 67(2), (3) or (4)
- section 68(2) or (3)
- section 69(2) or (3)
- section 70
- section 71(1)
- section 80(2)(a) or (3)
- section 88(1) or (2)
- section 89(1) or (2)
- section 90
- section 91(1) or (2)
- section 92(1)
- section 93(1)(a) or (b)
- section 94
- section 96(1)
- section 97(1)
- section 98(1)
- section 99(1) or (2)
- section 100
- section 102(1)

SCHEDULE 3 (continued)

- section 103(1) or (2)
- section 104
- section 105
- section 106
- section 107
- section 108(1)
- section 114(1)
- section 121
- section 122
- section 123(b)
- section 152(1), so far as it relates to section 152(4)
- section 286(2) or (3).

Failing to give way, other than by disobeying a traffic sign

8. The number of points for a contravention of each of the following provisions of the Queensland Road Rules is 3—

- section 38
- section 62(a), (b) or (c)
- section 63(3)
- section 64(a), (b) or (c)
- section 65(2)
- section 72(1)
- section 73(1)
- section 74(1)
- section 75(1)

SCHEDULE 3 (continued)

- section 77(1)
- section 80(2)(b) or (4)
- section 81(2)
- section 83
- section 84(1)(b)
- section 85
- section 86(1)
- section 87(1)
- section 123(c) or (d).

Failing to keep left

9. The number of points for a contravention of the Queensland Road Rules, section 132(3) is 3.

Failing to wear helmet, seat belt or restraint

10. The number of points for a contravention of each of the following provisions of the Queensland Road Rules is 3—

- section 264(1)
- section 266(1)
- section 270(1)(a).

Improper U–turns

11. The number of points for a contravention of the Queensland Road Rules, section 42 is 3.

SCHEDULE 3 (continued)

Speeding—15–30 km/h over the speed limit

12. The number of points for a contravention of the Queensland Road Rules, section 20 by driving at least 15 km/h, but less than 30 km/h, over the speed limit is 3.

Using vehicle not in safe condition

13. The number of points for a contravention of the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*, section 5(1)(d) is 3.

PART 4—2 DEMERIT POINT OFFENCES

Disobeying traffic lane arrows in roundabout

14. The number of points for a contravention of the Queensland Road Rules, section 116 is 2.

Failing to keep left

15. The number of points for a contravention of each of the following provisions of the Queensland Road Rules is 2—

- section 115(1)
- section 129(1)
- section 135(1)
- section 136
- section 138(1).

SCHEDULE 3 (continued)

Failing to give proper change of direction signal

16. The number of points for a contravention of each of the following provisions of the Queensland Road Rules is 2—

- section 46(1)
- section 48(1)
- section 53(1), (2) or (3)
- section 112(2) or (3)
- section 113(2) or (3)
- section 117(1) or (2)
- section 118(1).

Improper overtaking, passing or driving to the right of centre of road

17. The number of points for a contravention of each of the following provisions of the Queensland Road Rules is 2—

- section 131
- section 132(1) or (2)
- section 140
- section 141(1)
- section 142(1)
- section 143(1) or (2)
- section 144.

Improper turn (other than U–turn)

18. The number of points for a contravention of each of the following provisions of the Queensland Road Rules is 2—

- section 27(1)

SCHEDULE 3 (continued)

- section 28(1)
- section 29
- section 31(1)
- section 32(1)
- section 33(1)
- section 37
- section 40
- section 43(1) or (2)
- section 111(1).

Increasing speed when being overtaken

19. The number of points for a contravention of the Queensland Road Rules, section 145 is 2.

Injurious matter on roads

20. The number of points for a contravention of section 137(1) of the Act is 2.

Passing trams

21. The number of points for a contravention of each of the following provisions of the Queensland Road Rules is 2—

- section 160(2) or (3)
- section 161(2) or (3)
- section 163(1)
- section 164(1).

SCHEDULE 3 (continued)

Unnecessary noise or smoke from vehicle

22. The number of points for a contravention of the Queensland Road Rules, section 291(1)(b) is 2.

PART 5—1 DEMERIT POINT OFFENCES

Dazzling road users

23. The number of points for a contravention of the Queensland Road Rules, section 219 is 1.

Failing to have lights lit

24. The number of points for a contravention of the Queensland Road Rules, section 215(1) is 1.

Failing to dip headlights

25. The number of points for a contravention of the Queensland Road Rules, section 218(1)(a) or (b) is 1.

Following too closely

26. The number of points for a contravention of each of the following provisions of the Queensland Road Rules is 1—

- section 126
- section 127(1).

SCHEDULE 3 (continued)

Improper vehicle equipment, construction or loading

27. The number of points for a contravention of the following sections of the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999* is 1—

- section 5(1)(a), (b), (c), (e) or (f)
- section 9.

Operating television receivers and visual display units

28. The number of points for a contravention of the Queensland Road Rules, section 299(1) is 1.

Speeding—less than 15 km/h over the speed limit

29. The number of points for a contravention of the Queensland Road Rules, section 20 by driving less than 15 km/h over the speed limit is 1.

SCHEDULE 4

DICTIONARY

section 4

“cancellation date” of a licence specified in a return notice means—

- (a) if the licence is returned, or a statutory declaration is given, as required by the return notice—the return date; or
- (b) if the licence is not returned, or a statutory declaration is not given, as required by the return notice—the day specified in the notice for the return of the licence; or
- (c) if the licence expires before the date specified in the return notice for the return of the licence—the day after the expiry of the licence; or
- (d) if the licence is voluntarily cancelled before the date specified in the return notice for the return of the licence—the day after the voluntary cancellation of the licence.

“class” of vehicle means a vehicle that is authorised to be driven under a class of licence.

Example—

A class C vehicle is a moped, or a car with or without a trailer.

“defence forces licence” means an authority to drive a motor vehicle issued by the Australian Defence Force.

“destroy” a driver licence includes damage the licence so that any information, including a photo, on the licence is unrecognisable.

“driver trainer” has the meaning given by the *Transport Operations (Road Use Management) Regulation 1995*.

SCHEDULE 4 (continued)

“L plate” means a plate, measuring at least 146 mm by 146 mm, that shows a black upper case letter ‘L’ clearly marked on a yellow background.

“moped” means a motorbike—

- (a) with an engine capacity of not more than 50 mL; and
- (b) that has a manufacturer’s top rated speed of not more than 50 km/h; and
- (c) that is not a power-assisted cycle.

“non-Queensland driver licence” means—

- (a) an Australian driver licence that is not a Queensland driver licence; or
- (b) a foreign driver licence.

“passenger” on a motorbike means a passenger—

- (a) on the pillion; or
- (b) in a sidecar attached to the motorbike.

“practical driving test” means a test of an applicant’s practical ability to drive a vehicle.

Example—

An applicant doing a practical driving test may be required to do any of the following—

- (a) to drive the vehicle in a forward and reverse direction;
- (b) to drive the vehicle into or through a restricted space in a forward and reverse direction;
- (c) to stop the vehicle (with the engine running and the gears disengaged) during the ascent of a steep hill and restart the vehicle in a forward direction;
- (d) to stop the vehicle in a reasonable distance by the application of the foot and hand brakes and each of them separately;
- (e) to drive the vehicle while the vehicle is carrying a load.

SCHEDULE 4 (continued)

“return date” means the day the person returns the licence, or gives a statutory declaration, as required by a return notice under section 24, 25 or 26.

“return notice” means a return notice under section 24, 25 or 26.

“road rules test” means a test of knowledge of the Queensland Road Rules.

“severe hardship” means severe hardship suffered by—

- (a) the applicant; or
- (b) the applicant’s family because the applicant has taken on a role of special responsibility in relation to the applicant’s family.

“specially constructed vehicle”—

- (a) means—
 - (i) an agricultural machine (including a tractor) within the meaning of the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*; or
 - (ii) a crane, hoist or load shifting equipment for which a WHS certificate is issued; or
 - (iii) any other motor vehicle that is not constructed to carry passengers or a load, except things used in performing the vehicle’s function; but
- (b) does not include a motor vehicle with a chassis that is substantially the same as a truck chassis.

“valid”, in relation to a driver licence, means—

- (a) the licence has not expired; or
- (b) the licence has not been cancelled or suspended; or
- (c) the licensee is not disqualified from obtaining or holding a Queensland driver licence.

“WHS certificate” means a certificate to work in an occupation issued under—

*Transport Operations (Road Use
Management—Driver Licencing) Regulation
1999*

SCHEDULE 4 (continued)

- (a) the *Workplace Health and Safety Regulation 1997*, section 19;⁸ or
- (b) a law of the Commonwealth, or another State, about occupational health and safety.

⁸ *Workplace Health and Safety Regulation 1997*, section 19 (Application for certificate to work in prescribed occupation)

ENDNOTES

1 Index to endnotes

2	Date to which amendments incorporated	54
3	Key	54
4	List of legislation	55
5	Annotations	55

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 3 March 2000. Future amendments of the Transport Operations (Road Use Management) Regulation 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
amdt	=	amendment	prov	=	provision
ch	=	chapter	pt	=	part
def	=	definition	pubd	=	published
div	=	division	R[X]	=	Reprint No.[X]
exp	=	expires/expired	RA	=	Reprints Act 1992
gaz	=	gazette	reloc	=	relocated
hdg	=	heading	renum	=	renumbered
ins	=	inserted	rep	=	repealed
lap	=	lapsed	s	=	section
notfd	=	notified	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
om	=	omitted	SIA	=	Statutory Instruments Act 1992
orig	=	original	SIR	=	Statutory Instruments Regulation 1992
p	=	page	SL	=	subordinate legislation
para	=	paragraph	sub	=	substituted
prec	=	preceding	unnum	=	unnumbered
pres	=	present			
prev	=	previous			

4 List of legislation

Transport Operations (Road Use Management—Driver Licensing) Regulation 1999 SL No. 301

made by the Governor in Council on 25 November 1999

notfd gaz 26 November 1999 pp 1268–70

ss 1–2 commenced on date of notification

remaining provisions commenced 1 December 1999 (see s 2)

exp 1 September 2010 (see SIA s 54)

as amended by—

Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 1) 2000 SL No. 21

notfd gaz 4 February 2000 pp 371–4

commenced on date of notification

5 Annotations

Other types of licences

s 6 amd 2000 SL No. 21 s 3

SCHEDULE 4—DICTIONARY

def “**moped**” ins 2000 SL No. 21 s 4