

Queensland



*Transport Operations (Road Use Management) Act 1995*

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

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This regulation is reprinted as at 1 July 2002. 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.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

# Queensland



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

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

[as amended by all amendments that commenced on or before 1 July 2002]

## **PART 1—INTRODUCTORY**

### **1 Short title**

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

### **2 Commencement**

This regulation commences on 1 December 1999.

### **3 Fees**

The fees payable under this regulation are in schedule 1.

### **4 Definitions**

The dictionary in schedule 6 defines particular words used in this regulation.

## **PART 2—QUEENSLAND DRIVER LICENCE IS AUTHORITY TO DRIVE**

### **5 Motorbike licences**

(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 provisional, probationary 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.

(3A) The holder of a class RE learner, provisional, probationary or open licence is authorised to learn to ride a class R motorbike if—

- (a) the chief executive is satisfied the holder has a special need for the class R licence; and<sup>1</sup>
- (b) the holder holds a class C, LR, MR, HR, HC or MC P or O type licence and has held the licence for at least 3 years.

(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), (3) or (3A) must not ride the motorbike on a road unless—

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

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<sup>1</sup> See section 14A (Special need—class R licence)

(6) 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.

## **6 Other types of licences**

(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—

- (a) to drive a class C vehicle; and
- (b) to learn to drive a class LR, MR, HR 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.

(5A) The holder of a class HC learner licence is authorised to learn to drive a class HC 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.

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**(8)** The holder of a class UD P type or open licence is authorised to drive a class UD vehicle.

**(8A)** If this section authorises the holder of a licence to drive a class of motor vehicle, the holder is authorised to learn to drive the class of vehicle with either an automatic or manual transmission or with a synchromesh gearbox.

**(9)** However, a holder who is authorised to learn to drive a vehicle under this section, section 35(10) or section 37B(2) 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 an O type 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—
  - (i) the holder is driving under the direction of a person who holds an O type 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.

**(10)** In this section—

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

## **7 Licence must be valid**

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

## **PART 3—ELIGIBILITY FOR QUEENSLAND DRIVER LICENCES**

### **8 Minimum age**

(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.<sup>2</sup>

### **9 Testing**

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

(2) The person must, if required by the chief executive to take an eyesight test, pass an eyesight test.

(3) The following persons must pass a road rules test—

- (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

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<sup>2</sup> See section 14 (Special need—learner or provisional licence).

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(b) held an Australian driver 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 class UD licence for a vehicle for which a WHS certificate is issued—the person holds the certificate; or
- (b) for a class MC licence—
  - (i) the person has successfully completed a training course in driving a class MC 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

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(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.

(7) However, subsection (5)(b) does not apply to a person if the person holds or has, within 5 years before applying for the licence, held—

- (a) a driver licence granted in New Zealand; or
- (b) for an application for a class RE, R or C licence—a driver licence, granted under the law of a country prescribed in schedule 4, that corresponds to a class RE, R or C licence.

### **9A Learner licence—class HC**

A person is not eligible for a class HC learner licence unless—

- (a) the person—
  - (i) is at least 17 years old; and
  - (ii) holds a class C provisional, probationary or open licence; and
- (b) the chief executive is satisfied the person has a special need for the licence.<sup>3</sup>

### **10 Provisional or probationary licences—class RE or C**

(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—

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<sup>3</sup> See section 14AA (Special need—HC licence).

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- (a) the person—
  - (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.<sup>4</sup>

### **10A Provisional or probationary licences—special need for class R**

(1) This section applies to a person if the chief executive is satisfied, under section 14A,<sup>5</sup> that the person has a special need for a class R licence.

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

- (a) the person holds a class C, LR, MR, HR, HC or MC provisional or probationary licence and has held the licence for at least 3 years; and
- (b) the person—
  - (i) holds a class RE learner licence and has held the licence for at least 6 months during the 2 years before applying for the licence; or
  - (ii) holds a class RE provisional or probationary licence.

(3) In this section—

**“learner licence”** includes a driver licence granted outside Queensland that corresponds to a learner licence.

**“provisional or probationary licence”** includes a driver licence granted outside Queensland that corresponds to a provisional or probationary licence.

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4 See section 14 (Special need—learner or provisional licence).

5 Section 14A (Special need—class R licence)



## **11 Open licences—class RE or C**

- (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, since the cancellation of the O type licence, held a class RE P type licence for at least 1 year.
- (2) A person is not eligible for a class C open licence unless—
- (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—

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- (i) has, within 5 years before applying for the licence, held a class C O type licence that has been cancelled; and
- (ii) holds a class C P type licence; and
- (iii) has, since the cancellation of the O type licence, held a class C P type licence for 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 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.

### **11A Open licence—special need for class R**

(1) This section applies to a person if the chief executive is satisfied, under section 14A,<sup>6</sup> that the person has a special need for a class R licence.

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

- (a) the person holds a class C, LR, MR, HR, HC or MC O type licence and has held the licence for at least 3 years; and
- (b) the person—
  - (i) holds a class RE learner licence and has held the licence for at least 6 months during the 2 years before applying for the licence; or
  - (ii) holds a class RE O type licence.

(3) In this section—

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<sup>6</sup> Section 14A (Special need—class R licence)

**“learner licence”** includes a learner licence granted outside Queensland that corresponds to a learner licence.

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

## 12 Upgrading licence class

(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—

(A) holds a class C licence; and

(B) has held the licence for at least 1 year; and

(C) has a special need for the HC licence; or

(ii) the person—

(A) holds a class MR or HR licence; and

(B) has held the licence for at least 1 year; or

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

**(2A)** However, subsection (2)(a) does not apply to a person if the chief executive is satisfied, under section 14A,<sup>7</sup> that the person has a special need for a class R licence.

**(3)** In this section—

**“licence”** means—

- (a) a provisional, probationary or open licence; or
- (b) a driver licence granted outside Queensland that corresponds to a licence mentioned in paragraph (a).

### **13 Generally**

**(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 notice of surrender of the driver licence addressed to the person who granted it; or

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<sup>7</sup> Section 14A (Special need—class R licence)

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- (e) the authority to drive on a Queensland road under the person's non-Queensland driver licence is suspended under section 26(2);<sup>8</sup> or
- (f) the person is not eligible to hold a Queensland driver licence under section 27 or 28.<sup>9</sup>

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

## **14 Special need—learner or provisional licence**

(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—

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8 Section 26 (Non-Queensland driver licence holder)

9 Section 27 (Former driver licence holder) or 28 (Unlicensed person)

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- (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 to approve the application, 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.

#### **14A Special need—class R licence**

(1) A person has a special need for a class R licence if, because of a permanent incapacity, the person can not ride a 2 wheeled motorbike unless a sidecar is attached.

(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 from a doctor that supports the person's claim that, because of a permanent incapacity, the person can not ride a 2 wheeled motorbike unless a sidecar is attached.

(4) In deciding whether to approve the application, the chief executive must also consider the person's traffic history.

#### **14AA Special need—HC licence**

(1) A person has a special need for a class HC licence if the person—

- (a) resides in a remote area; and
- (b) needs to drive a class HC vehicle in the course of the person's employment; and
- (c) can not get a class LR or MR licence because the person does not have access to a type LR or MR vehicle to learn to drive that type of vehicle.

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(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 from the person's employer that supports the person's claim.

(4) In deciding whether to approve the application, the chief executive must consider the person's traffic history.

(5) If the chief executive decides to approve the application, the chief executive must grant a class HC learner licence to the person.

(6) In this section—

**“remote area”** means the areas of the shires under the *Local Government Act 1993* mentioned in schedule 5.

## **PART 3A—ALTERNATIVE ELIGIBILITY FOR MOTORBIKE LICENCES**

### **14B Definitions for pt 3A**

In this part—

**“authorising licence”** means—

- (a) a class C, LR, MR, HR, HC or MC provisional, probationary or open licence; or
- (b) a driver licence granted outside Queensland that corresponds to a licence mentioned in paragraph (a).

**“competency declaration”** means a valid competency declaration under the principal regulation.

**“principal regulation”** means the *Transport Operations (Road Use Management) Regulation 1995*.

**“Q-Ride training”** has the meaning given by the principal regulation.

**“registered service provider”** has the meaning given by the principal regulation.

**“registered service provider standards”** has the meaning given by the principal regulation

**“verified receipt”** means a receipt that—

- (a) is issued in writing by a registered service provider for payment for Q-Ride training; and
- (b) states the particulars required under the registered service provider standards for a receipt for Q-Ride training.

### **14C Object of pt 3A**

The object of this part is to provide a person with an alternative to some of the eligibility requirements in parts 2 and 3 for obtaining a class RE or R licence.

### **14D Application**

This part applies despite sections 5(1) and (3), 9(5), 10(1)(a), 11(1)(a) and 12(2)(a).

### **14E Licences authorising learning to ride under Q-Ride training**

(1) The holder of a class RE learner licence who is undertaking Q-Ride training is authorised to learn to ride a class R motorbike for 6 months from the issue of a verified receipt for the holder if the holder—

- (a) carries the receipt; and
- (b) holds an authorising licence and has held the licence for at least 3 years.

(2) The holder of a declared class RE licence who is undertaking Q-Ride training is authorised to learn to ride a class R motorbike for 6 months from the issue of a verified receipt for the holder if the holder carries the receipt.

(3) However, a holder who is authorised to learn to ride a motorbike under subsection (1) or (2) must not ride the motorbike on a road unless—

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



- (i) holds an O type licence for the class of motorbike that the holder is riding; and
- (ii) has held the licence for at least 1 year.

Maximum penalty for subsection (3)—20 penalty units.

(4) In this section—

**“declared class RE licence”** means a licence granted to a person by the chief executive because the person holds a competency declaration for a class RE motorbike.

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

#### **14F Class RE provisional or probationary licences**

A person is eligible for a class RE provisional or probationary licence if the person holds—

- (a) a competency declaration for a class RE motorbike; and
- (b) a class RE learner licence or a driver licence granted outside Queensland that corresponds to that licence.

#### **14G Class RE open licences**

A person is eligible for a class RE open licence if the person holds—

- (a) a competency declaration for a class RE motorbike; and
- (b) a class RE learner licence or a driver licence granted outside Queensland that corresponds to that licence; and
- (c) an authorising licence and has held the licence for at least 3 years.

#### **14H Class R provisional or probationary licences**

A person is eligible for a class R provisional or probationary licence if the person holds—

- (a) a competency declaration for a class R motorbike; and

- (b) a class RE provisional or probationary licence or a driver licence granted outside Queensland that corresponds to either licence and has held the licence for at least 1 year.

#### **14I Class R open licences**

A person is eligible for a class R open licence if the person holds—

- (a) a competency declaration for a class R motorbike; and
- (b) either—
  - (i) a class RE open licence or a driver licence granted outside Queensland that corresponds to that licence and has held the licence for at least 1 year; or
  - (ii) an authorising licence and has held the licence for at least 3 years.

## **PART 4—GRANT OF QUEENSLAND DRIVER LICENCES**

### **15 Applying for licences**

(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.

### **16 Deciding applications for licence**

(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.

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(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 the licence.

(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—

- (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.

## **17 Duration of licences**

The chief executive may—

- (a) grant a class HC learner licence for a period of up to 15 months; or
- (b) grant or renew another Queensland driver licence for a period of up to 10 years.

## **18 Conditions on licences**

(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.

### **18A Exception for licence granted to interstate licence holder**

(1) This section applies if an applicant for a Queensland driver licence is the holder of a valid interstate licence, other than a defence force licence.

(2) If the chief executive decides to grant the Queensland driver licence, the chief executive may, at the choice of the applicant, grant the Queensland driver licence—

- (a) for the same period as the unexpired period of the interstate licence; or
- (b) for another period that includes the unexpired period.

(3) Despite section 3 and schedule 1—

- (a) if the licence is granted only for the same period as the unexpired period, no fee is payable for the licence; and
- (b) if the licence is granted for another period that includes the unexpired period, no fee is payable for the licence to the extent the licence is for the unexpired period.

## **PART 5—RESTRICTIONS ON DRIVING**

### **19 L plates**

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

- (a) holds a learner licence; or
- (b) is a driver trainer.

Maximum penalty—20 penalty units.

### **20 Passengers on motorbikes**

(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.

(3) This section does not prevent a person riding a motorbike with a passenger on a road if the person is learning to ride and riding as required by section 5(5) or 14E(3).<sup>10</sup>

## **21 Towing vehicles**

(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.

## **22 Licence holder 75 years or older**

(1) The holder of a Queensland driver licence who is 75 years or older must not drive a motor vehicle, on a road, unless the holder is—

- (a) carrying a current 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 holder is required by an authorised officer to produce the medical certificate, the holder does not commit an offence if the holder—

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<sup>10</sup> Section 5 (Motorbike licences) or 14E (Licences authorising learning to ride under Q-Ride training)

- (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**

### **23 Allocation of demerit points**

(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 *State Penalties Enforcement Act 1999*, section 38<sup>11</sup> 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
- (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.

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11 *State Penalties Enforcement Act 1999*, section 38 (Issue of enforcement order)

(5) To remove doubt, the Criminal Code, section 16,<sup>12</sup> applies to this part.

(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.

## 24 Effect of suspension

If a person is required to hold a class or type of driver licence (other than a restricted licence) for a period, and the person’s licence is suspended, the period is extended by the length of the period for which the licence is suspended.

## 25 Queensland driver licence holder

(1) This section applies—

(a) if—

- (i) 4 or more demerit points are recorded on a person’s traffic history; and
- (ii) the demerit points were allocated in a continuous 1 year period while the person did not hold a driver licence; and
- (iii) the person holds a Queensland driver licence; or

(b) if—

- (i) 4 or more demerit points are recorded on a person’s traffic history; and
- (ii) the demerit points were allocated in a continuous 1 year period, and during any part of the period the person held a learner or P type licence, but did not hold an open licence of another class; and
- (iii) the person holds a Queensland driver licence; or

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12 Criminal Code, section 16 (Person not to be twice punished for same offence)

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(c) if—

- (i) 12 or more demerit points are recorded on a person’s traffic history; and
- (ii) the demerit points were allocated in a continuous 3 year period, and during any part of the period the person held a Queensland driver licence; and
- (iii) the person holds an open licence.

(2) The chief executive must, by written notice (a “**notice to choose**”) require the person, within a specified time of at least 21 days, to choose between—

- (a) having the person’s licence suspended for the requisite suspension period; or
- (b) agreeing to be of good behaviour while driving for a year.

(3) A person is of good behaviour while driving for a year, if no more than 1 demerit point is allocated to the person’s traffic history during the year.

(4) If, within the specified time, the person—

- (a) notifies the chief executive that the person chooses for subsection (2)(a) to apply; or
- (b) does not notify the chief executive of the person’s choice under subsection (2)(a) or (b);

the person’s licence is suspended<sup>13</sup> for the requisite suspension period starting on the sanction date.

(5) If—

- (a) within the specified time, the person notifies the chief executive that the person chooses for subsection (2)(b) to apply; and
- (b) 2 or more demerit points are allocated to the person’s traffic history during the year starting on the sanction date;

the chief executive must, by written notice, inform the person that the person’s licence is suspended for double the requisite suspension period starting on the day after the date stated in the notice.

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13 See section 127(4) of the Act for the effect of a suspension of licence.



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(6) The date stated must not be less than 21 days after the date of the notice.

(7) The notice must also inform the person that the person may appeal against the suspension under section 29.<sup>14</sup>

(8) The person's licence is suspended for double the requisite suspension period starting on—

- (a) the day after the date stated in the notice; or
- (b) if the person notifies the chief executive that the person wants the suspension to start earlier than the date stated in the notice—the day, not before the date on which the person gives the notice to the chief executive, chosen by the person.

## **26 Non-Queensland driver licence holder**

(1) This section applies—

- (a) if—
  - (i) 4 or more demerit points are recorded on a person's traffic history; and
  - (ii) the demerit points were allocated in a continuous 1 year period while the person did not hold a driver licence; and
  - (iii) the person holds a non-Queensland driver licence; or
- (b) if—
  - (i) 4 or more demerit points are recorded on a person's traffic history; and
  - (ii) the demerit points were allocated in a continuous 1 year period, and during any part of the period the person held a learner or P type licence, but did not hold an O type licence of another class; and
  - (iii) the person holds a non-Queensland driver licence; or
- (c) if—
  - (i) 12 or more demerit points are recorded on a person's traffic history; and

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14 Section 29 (Appeal against suspension for double the requisite period)

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- (ii) the demerit points were allocated in a continuous 3 year period, and during any part of the period the person held a driver licence; and
- (iii) the person holds a driver licence granted outside Queensland that corresponds to a open licence.

(2) The chief executive must, by written notice, inform the person that the authority to drive on a Queensland road under the person's non-Queensland driver licence is suspended for the requisite suspension period starting on the day after the date stated in the notice.

(3) The date stated must not be less than 21 days after the date of the notice.

(4) In this section—

**“learner licence”** includes a driver licence granted outside Queensland that corresponds to a learner licence.

**“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.

## **27 Former driver licence holder**

(1) This section applies to a person if section 25 or 26<sup>15</sup> would apply to the person except that the person is unlicensed because, since the allocation of demerit points—

- (a) the person's driver licence has expired; or
- (b) the person's driver licence has been surrendered; or
- (c) the authority to drive on a Queensland road under the person's non-Queensland driver licence has been withdrawn under section 35(2).<sup>16</sup>

(2) The chief executive must, by written notice, inform the person that—

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15 Section 25 (Queensland driver licence holder) or 26 (Non-Queensland driver licence holder)

16 Section 35 (Non-Queensland driver licence)

- (a) the person is not eligible to hold a Queensland driver licence for the requisite suspension period starting on the day after the date stated in the notice; and
- (b) any non-Queensland driver licence held by the person does not authorise the person to drive on a Queensland road during the requisite suspension period starting on the day after the date stated in the notice.

(3) The date stated must not be less than 21 days after the date of the notice.

## **28 Unlicensed person**

(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; and
- (c) the person does not hold a driver licence.

(2) The chief executive must, by written notice, inform the person that the person is not eligible to hold a Queensland driver licence for 3 months starting on the date stated in the notice.

(3) The date stated must not be less than 14 days after the date of the notice.

## **29 Appeal against suspension for double the requisite period**

(1) This section applies if a person's Queensland driver licence is suspended for double the requisite suspension period under section 25(5).<sup>17</sup>

(2) The person may appeal against the suspension only on the grounds that the suspension 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—

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17 Section 25 (Queensland driver licence holder)

- (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 the licence is suspended; and
- (b) serving a copy of the notice on the chief executive.

(4) On lodging the appeal with the court, the suspension is stayed until the court decides the appeal.

(5) The court may dismiss an appeal if, considering the person's traffic history, the court considers it would be inappropriate to allow the appeal.

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

(7) If the court dismisses an appeal, the person's licence is suspended from the date of the court's decision for that part of the suspension period that had not been served before the appeal was lodged.

(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.

## **PART 7—AMENDING, SURRENDERING, SUSPENDING OR CANCELLING LICENCES**

### **31 Surrendering licence**

(1) The holder of a Queensland driver licence may surrender the licence by written notice to the chief executive.

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

### **32 Grounds for amending, suspending or cancelling licences**

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

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- (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;
- (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;
- (f) for a class HC learner licence—the person no longer has a special need for a class HC licence;
- (g) the person no longer resides in Queensland.

### **33 Procedure for amending, suspending or cancelling licences**

(1) If the chief executive considers that reasonable grounds exist to amend, suspend or cancel a person's Queensland driver licence (the "**proposed action**"), the chief executive must give the person 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 person to show cause, within a specified time, why the proposed action should not be taken.

(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 person may show cause.

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**(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 person 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 person may contest the decision by—
  - (i) applying under section 38 for reconsideration of the decision; or
  - (ii) appealing under section 131(1)<sup>18</sup> of the Act.

**(7)** Except for a ground mentioned in section 32(b), the decision takes effect on the later of the following<sup>19</sup>—

- (a) the day the notice is given to the person;
- (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—

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<sup>18</sup> Section 131 (Appeals with respect to issue of licences etc.) of the Act

<sup>19</sup> Section 126(2) (Fraud and unlawful possession of licences) of the Act applies for a ground mentioned in section 32(b).

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

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

(10) In this section—

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

### **34 Return of licence for amendment**

(1) The chief executive may, by written notice, require the holder of a Queensland driver licence 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 person must comply with the notice, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(3) The chief executive must return the amended licence to the person 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 person does not return the licence for alteration.

## **PART 8—RECOGNITION OF OTHER DRIVER LICENCES**

### **35 Non-Queensland driver licence**

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

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

Maximum penalty—20 penalty units.

(3) The chief executive may, by written notice to the holder of a non-Queensland driver licence, withdraw the authority if the chief executive reasonably believes the holder has a mental or physical incapacity that is likely to adversely affect the holder's ability to drive safely.

(4) The notice must also—

- (a) outline the facts and circumstances forming the basis for the chief executive's belief; and
- (b) state the date, that is at least 14 days after the date of the notice, from which the authority is withdrawn.

(5) If the holder takes up residence in Queensland, the authority is withdrawn—

- (a) for an interstate licence—3 months after the holder takes up residence; or
- (b) for a foreign licence—
  - (i) if the holder is an Australian citizen—3 months after the holder takes up residence; or
  - (ii) if the holder is not an Australian citizen but has a resident visa before taking up residence—3 months after the holder takes up residence; or
  - (iii) if the holder is not an Australian citizen but gets a resident visa after taking up residence—3 months after the holder gets the visa.

(6) Subsection (5)(a) does not apply to a defence force member, or an eligible family member of the member, who carries a defence force identification while driving.

(7) Also, the authority is withdrawn when the holder is granted a Queensland driver licence.

(8) Despite subsections (5) and (7), a valid non-Queensland driver licence, granted for a class of motor vehicle, authorises the holder to take a practical driving test in a corresponding class of motor vehicle.



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(9) A person who holds or has, within the last 5 years, held a non-Queensland driver licence, granted for a class of motor vehicle, is eligible for a learner licence for a corresponding class of motor vehicle.

(10) If the holder is granted a learner licence for the corresponding class of motor vehicle, the holder is authorised to learn to drive the corresponding class of motor vehicle.

(11) In this section—

“**resident visa**” means a permanent visa, or a special category visa, under the *Migration Act 1958* (Cwlth).

### **36 Defence force licence**

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

(2) In this section—

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

### **37 Power to require document to be produced**

(1) An authorised officer may require a person to produce a non-Queensland driver licence, defence force licence or defence force identification 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**

### **37A Retesting—medical fitness**

(1) This section applies if the chief executive receives information from a health professional mentioned in section 142 of the Act that indicates—

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- (a) the applicant for, or holder of, a Queensland driver licence has a mental or physical incapacity; and
- (b) the incapacity is likely to adversely affect the person's ability to drive safely.

*Example—*

The chief executive may receive information from a person's doctor that the person has a physical incapacity that affects the person's balance, which the doctor considers may affect the person's ability to safely ride a motorbike.

(2) The chief executive may, by written notice, require the person to take a practical driving test in a class of vehicle that is authorised to be driven under the licence.

(3) The notice must state—

- (a) the reasons why the person is required to take a practical driving test; and
- (b) the class of vehicle for which the test is to be undertaken; and
- (c) the date and time for the test, that is at least 7 days after the date of the notice; and
- (d) the place where the test is to be taken.

(4) No fee is payable for the test.

### **37B Retesting—Act, s 128**

(1) If, under section 128<sup>20</sup> of the Act, a person is required by a superintendent to take a practical driving test in a class of motor vehicle, the person is eligible for a learner licence of that class.

(2) If the person is granted a learner licence of that class, the person is authorised to learn to drive the class of motor vehicle.

### **38 Reconsideration of decision by chief executive**

(1) This section applies if the chief executive—

- (a) has refused to grant a person—

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20 Section 128 (Effect of disqualification on subsequent issue of Queensland driver licence) of the Act

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- (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
  - (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); or
  - (e) has, under section 37A, required a person to take a practical driving test at a particular time and place.
- (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—
- (a) for a decision mentioned in subsection (1)(a) to (d)—within 28 days after—
    - (i) the day the notice of the chief executive's decision is given to the person; or
    - (ii) 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; or
  - (b) for a decision mentioned in subsection (1)(e)—within 7 days after the date of the notice.
- (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)<sup>21</sup> of the Act.
- (7) However, subsection (6) does not apply to a decision mentioned in subsection (1)(d).

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21 Section 131 (Appeals with respect to issue of licences etc.) of the Act

### **39 Change of name or address**

(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 14 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.

(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.

### **40 Replacement licences**

(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.

### **41 Defacing or destroying licences**

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

Maximum penalty—20 penalty units.

### **42 Seizing licences**

(1) This section applies if—

- (a) a person produces an invalid Queensland driver licence to an authorised officer under section 49<sup>22</sup> of the Act; or
  - (b) an authorised officer finds an invalid Queensland driver licence.
- (2) The authorised officer may seize the licence.

### **43 Codes on Queensland driver licences**

(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 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<sup>23</sup> of the Act; or
- (b) if about a vehicle modification—a vehicle modification notice.

### **44 Licence labels**

A label issued by the chief executive for attachment to a Queensland driver licence forms part of the licence for which it was issued.

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22 Section 49 (Power to require documents to be produced) of the Act

23 Section 87 (Issue of restricted licence to disqualified person) or 88 (Variation of conditions) of the Act

#### **45 Application for restricted licence—Act, s 81**

An application under section 81<sup>24</sup> of the Act must be in the approved form.

### **PART 10—TRANSITIONAL PROVISIONS**

#### **46 Application of pt 6**

Part 6 applies in relation to demerit points allocated before or after the commencement of the part.

#### **47 2 point provisional licences**

(1) This section applies to a person—

- (a) if, immediately before the commencement of this section, the person's licence could have been cancelled under the repealed section 26; or
- (b) if—
  - (i) on the commencement of this section, the person held a provisional licence granted under the repealed section 25; and
  - (ii) 2 or more demerit points are recorded on the person's traffic history; and
  - (iii) the demerit points are allocated in a continuous 1 year period, and during any part of the year the person held the provisional licence; and
  - (iv) the person holds a type of Queensland driver licence.

(2) The chief executive must inform the person by written notice that, subject to subsection (5)(b), the person's licence is suspended for 6 months starting on the day after the date stated in the notice.

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24 Section 81 (Notices to offenders for certain first offences) of the Act

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(3) The date stated must not be less than 21 days after the date of the notice.

(4) The notice must also inform the person that the person may appeal against the suspension under section 29.<sup>25</sup>

(5) The person's licence is suspended for 6 months starting on—

- (a) the day after the date stated in the notice; or
- (b) if the person notifies the chief executive that the person wants the suspension to start earlier than the date stated in the notice—the day, not before the date on which the person gives the notice to the chief executive, chosen by the person.

(6) In this section—

**“repealed section 25”** means section 25 as in force immediately before the commencement of this section.

**“repealed section 26”** means section 26 as in force immediately before the commencement of this section.

## **48 Undecided appeals against cancellation**

(1) This section applies if—

- (a) a person has, before the commencement of this section, lodged a notice of appeal under the repealed section 29 against the cancellation of the person's driver licence; and
- (b) the appeal has not been decided before the commencement.

(2) The court must decide the appeal, under section 29, as if—

- (a) the cancellation of the licence was a suspension of the licence; and
- (b) the suspension was for the period for which the person, because of the cancellation, was disqualified from holding or obtaining a licence.

(3) In this section—

**“repealed section 29”** means section 29 as in force immediately before the commencement of this section.

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<sup>25</sup> Section 29 (Appeal against suspension for double the requisite period)

## SCHEDULE 1

### FEES

|    |  | section 3 |
|----|--|-----------|
|    |  | \$        |
| 1. | Grant of learner licence, for each year or part of a year . . .                    | 14.60     |
| 2. | Practical driving test . . . . .   | 35.15     |
| 3. | Grant of P type licence or open licence, for each year or part of a year . . . . . | 11.75     |
| 4. | Grant of replacement licence . . . . .   | 14.60     |
| 5. | Extract from a driver licence record . . . . .                                     | 14.60     |
| 6. | Extract from a driver's traffic history . . . . .                                  | 14.60     |



## SCHEDULE 2

### LICENCE CODES

section 43

#### PART 1—LICENCES CODES

| <b>Code</b> | <b>Type</b>   |
|-------------|---|
| L . . . . . | learner licence   |
| P . . . . . | provisional licence, probationary licence or restricted licence |
| O . . . . . | open licence  |
| D . . . . . | replacement licence   |

| <b>Code</b>  | <b>Class</b>  |
|--------------|---|
| RE . . . . . | a moped<br>a motorbike with an engine capacity of not more than 250 mL, with or without a trailer   |
| R . . . . .  | a class RE vehicle<br>a motorbike, with or without a trailer  |
| C . . . . .  | a moped<br>a car, with or without a trailer   |
| LR . . . . . | a class C vehicle<br>a bus of not more than 8 t GVM, with or without a trailer of not more than 9 t GVM<br>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<br>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<br>a truck (including a prime mover) with not more than 2 axles, with or without a trailer of not more than 9 t GVM |
| HR . . . . . | a class MR vehicle  |

SCHEDULE 2 (continued)

|              |   |
|--------------|---|
|              | 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   |

| <b>Code</b>  | <b>Condition</b>  |
|--------------|---|
| A . . . . .  | licensee may only drive vehicle with automatic transmission   |
| B . . . . .  | licensee may only drive vehicle with synchromesh gearbox  |
| I . . . . .  | licensee may only drive while carrying, and in accordance with, an order under the <i>Penalties and Sentences Act 1992</i> , part 5, division 1 |
| 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                                    |

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SCHEDULE 2 (continued)

**PART 2—OLD LICENCE CODES**

| <b>Column 1</b>  | <b>Column 2</b>        | <b>Column 3</b>      | <b>Column 4</b>      |
|------------------|------------------------|----------------------|----------------------|
| <b>Code Type</b> | <b>9/4/96-30/11/99</b> | <b>1/7/91-8/4/96</b> | <b>Before 1/7/91</b> |
| L.....           | L.....                 | L.....               | —                    |
| P.....           | P.....                 | P or RP.....         | P                    |
| O.....           | O.....                 | O.....               | O                    |
| D.....           | D.....                 | D.....               | —                    |

**Class**

|                               |                               |                 |          |
|-------------------------------|-------------------------------|-----------------|----------|
| RE.....                       | RE.....                       | BN.....         | B3       |
| RE (with<br>condition A)..... | RE (with<br>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<br>vehicle<br>modification)..... | 2 |
| X1..... | X1..... | R (with class RP<br>licence).....                | — |
| X2..... | X2..... | —.....   | — |

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SCHEDULE 2 (continued)

|              |                    |   |
|--------------|--------------------|---|
| —.....—..... | R (otherwise)..... | — |
| —.....—..... | —.....             | F |
| —.....—..... | —.....             | R |
| —.....—..... | W.....             | W |
| —.....—..... | —.....             | X |
| —.....—..... | —.....             | 8 |

## **SCHEDULE 3**

### **DEMERIT POINTS**

section 23

#### **PART 1—6 DEMERIT POINT OFFENCES**

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

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**

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

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**

##### **3 Careless driving**

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

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

SCHEDULE 3 (continued)

**4 Disobeying certain red traffic lights**

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.

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

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.

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

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)

## SCHEDULE 3 (continued)

- 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)
- 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).

SCHEDULE 3 (continued)

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

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)
- 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).

**9 Failing to keep left**

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

- section 132(2) or (3)
- section 138(1).



### SCHEDULE 3 (continued)

#### **10 Failing to wear helmet, seat belt or restraint**

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).

#### **11 Improper turns**

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

- section 29
- section 33(1)
- section 42.

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

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.

#### **13 Using vehicle not in safe condition**

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.

#### **14 Disobeying traffic lane arrows in roundabout**

The number of points for a contravention of the Queensland Road Rules, section 116 is 3.

SCHEDULE 3 (continued)

**PART 4—2 DEMERIT POINT OFFENCES**

**15 Failing to keep left**

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 130(2)
- section 135(1)
- section 136.

**16 Failing to give proper change of direction signal**

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).

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

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)

SCHEDULE 3 (continued)

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

**18 Improper turn (other than U–turn)**

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

- section 27(1)
- section 28(1)
- section 31(1)
- section 32(1)
- section 37
- section 40
- section 43(1) or (2)
- section 111(1).

**19 Increasing speed when being overtaken**

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

**20 Injurious matter on roads**

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

**21 Passing trams**

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

SCHEDULE 3 (continued)

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

**22 Unnecessary noise or smoke from vehicle**

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

**PART 5—1 DEMERIT POINT OFFENCES**

**23 Dazzling road users**

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

**24 Failing to have lights lit**

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

**25 Failing to dip headlights**

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

**26 Following too closely**

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)

**27 Improper vehicle equipment, construction or loading**

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.

**28 Operating television receivers and visual display units**

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

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

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**

### **PRESCRIBED COUNTRIES**

section 9(7)

Austria  
Belgium  
Canada  
Denmark  
Finland  
France  
Germany  
Greece  
Ireland  
Italy  
Japan  
Luxembourg  
Netherlands  
Norway  
Portugal  
Spain  
Sweden  
Switzerland  
United Kingdom  
United States of America

## **SCHEDULE 5**

### **REMOTE AREA**

section 14AA

Aramac  
Aurukun  
Balonne  
Barcaldine  
Barcoo  
Bauhinia  
Belyando  
Bendemere  
Blackall  
Booringa  
Boulia  
Bowen  
Broadsound  
Bulloo  
Bungil  
Burke  
Carpenteria  
Cloncurry  
Cook  
Croydon  
Dalrymple  
Diamantina  
Duaringa

## SCHEDULE 5 (continued)

Emerald  
Etheridge  
Flinders  
Herberton  
Ilfracombe  
Isisford  
Jericho  
Longreach  
Mareeba  
McKinlay  
Mount Isa  
Murilla  
Murweh  
Nebo  
Paroo  
Peak Downs  
Quilpie  
Richmond  
Tambo  
Tara  
Taroom  
Waggamba  
Warroo  
Winton



## SCHEDULE 6

### DICTIONARY

section 4

**“authorising licence”**, for part 3A, see section 14B.

**“choice date”** means the last day on which a person is able to make a choice under a notice to choose under section 25(2).<sup>26</sup>

**“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.

**“competency declaration”**, for part 3A, see section 14B.

**“defence force identification”** means a current form AB135—Driver Identification issued by the Australian Defence Force.

**“defence force licence”** means a defence driving licence granted by the Australian Defence Force.

**“defence force member”** means—

- (a) a person on full-time permanent service with the Australian Defence Force; or
- (b) a person on full-time duty with the Australian Defence Force Reserve.

**“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*.

**“eligible family member”** of a defence force member means a person who—

- (a) resides with the defence force member; and

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26 Section 25 (Queensland driver licence holder)

SCHEDULE 6 (continued)

- (b) is entitled to be transferred with the defence force member at the expense of the Australian Defence Force.

**“interstate licence”** means—

- (a) an Australian driver licence that is not a Queensland driver licence; or
- (b) a driver licence granted in an external Territory, that corresponds to a Queensland driver licence.

**“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 interstate 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;

SCHEDULE 6 (continued)

- (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.

**“principal regulation”**, for part 3A, see section 14B.

**“Q-Ride training”**, for part 3A, see section 14B.

**“registered service provider”**, for part 3A, see section 14B.

**“registered service provider standards”**, for part 3A, see section 14B.

**“requisite suspension period”**, for the imposition of a sanction because of the allocation of demerit points, means—

- (a) for a sanction imposed because of section 25(1)(c) or 26(1)(c)—
  - (i) if the sanction is imposed because of the allocation of at least 20 demerit points—5 months; or
  - (ii) if the sanction is imposed because of the allocation of at least 16 but not more than 19 demerit points—4 months; or
  - (iii) if the sanction is imposed because of the allocation of not more than 15 demerit points—3 months; or
- (b) otherwise—3 months.

**“road rules test”** means a test of knowledge of the Queensland Road Rules or a corresponding law.

**“sanction date”** of a licence specified in a notice to choose means—

- (a) if the person notifies the chief executive of the person’s choice on or before the choice date—
  - (i) the choice date; or
  - (ii) an earlier date, not before the date on which the person gives the notice to the chief executive, chosen by the person; or
- (b) if the person fails to notify the chief executive of the person’s choice on or before the choice date—the day after the choice date; or
- (c) if the licence expires or is surrendered between the date the notice to choose is issued and the choice date—the day after the choice date.

SCHEDULE 6 (continued)

**“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.

**“verified receipt”**, for part 3A, see section 14B.

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

- (a) the *Workplace Health and Safety Regulation 1997*, section 19;<sup>27</sup> or
- (b) a law of the Commonwealth, or another State, about occupational health and safety.

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<sup>27</sup> *Workplace Health and Safety Regulation 1997*, section 19 (Application for certificate to work in prescribed occupation)

## ENDNOTES

### 1 Index to endnotes

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### 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 1 July 2002. Future amendments of the Transport Operations (Road Use Management—Driver Licensing) 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

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

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

| Reprint No. | Amendments included   | Reprint date    |
|-------------|-----------------------|-----------------|
| 1           | to SL No. 21 of 2000  | 3 March 2000    |
| 1A          | to SL No. 177 of 2000 | 28 July 2000    |
| 1B          | to SL No. 297 of 2000 | 8 December 2000 |
| 2           | to SL No. 235 of 2001 | 7 December 2001 |

## 5 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)

amending legislation—

### **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

### **Transport Legislation Amendment Regulation (No. 1) 2000 SL No. 89 pts 1, 7**

notfd gaz 19 May 2000 pp 218–19  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2000 (see s 2)

### **Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 2) 2000 SL No. 177**

notfd gaz 30 June 2000 pp 736–48  
commenced on date of notification

### **Transport Legislation Amendment Regulation (No. 4) 2000 SL No. 297 pts 1, 4**

notfd gaz 24 November 2000 pp 1188–89  
ss 1–2 commenced on date of notification  
remaining provisions commenced 27 November 2000 (see s 2)

### **Transport Legislation Amendment Regulation (No. 2) 2001 SL No. 57 pts 1, 8**

notfd gaz 25 May 2001 pp 334–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2001 (see s 2)

**Transport Legislation Amendment Regulation (No. 3) 2001 SL No. 109 pts 1–2**

notfd gaz 13 July 2001 pp 1041–2  
commenced on date of notification

**Transport Operations (Road Use Management—Driver Licensing) Amendment  
Regulation (No. 1) 2001 SL No. 235 ss 1–2, 3(3)–38**

notfd gaz 30 November 2001 pp 1179–82  
ss 1–2 commenced on date of notification  
remaining provisions commenced 3 December 2001 (see s 2)

**Transport Legislation Amendment Regulation (No. 2) 2002 SL No. 112 pts 1, 11**

notfd gaz 24 May 2002 pp 308–10  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2002 (see s 2)

## 6 List of annotations

### Definitions

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s 5 amd 2001 SL No. 109 s 3; 2001 SL No. 235 s 5

### Other types of licences

s 6 amd 2000 SL No. 21 s 3; 2001 SL No. 235 s 6

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### Learner licence—class HC

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### Provisional or probationary licences—special need for class R

s 10A ins 2001 SL No. 109 s 4

### Open licences—class RE or C

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### Open licence—special need for class R

s 11A ins 2001 SL No. 109 s 5

### Upgrading licence class

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### Special need—learner or provisional licence

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s 14 amd 2001 SL No. 235 s 12

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**Special need—HC licence**

s 14AA ins 2001 SL No. 235 s 14

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pt hdg ins 2001 SL No. 109 s 9

**Definitions for pt 3A**

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**Object of pt 3A**

s 14C ins 2001 SL No. 109 s 9

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amd 2001 SL No. 235 s 18

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s 22 amd 2001 SL No. 235 s 20(2)–(4)

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**Allocation of demerit points**

s 23 sub 2001 SL No. 235 s 21



**Effect of suspension**

s 24 sub 2001 SL No. 235 s 21

**Queensland driver licence holder**

s 25 sub 2001 SL No. 235 s 21

**Non-Queensland driver licence holder**

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def “**requisite suspension period**” ins 2001 SL No. 235 s 37(2)  
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