



*Transport Operations (Road Use Management) Act 1995*

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

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Queensland

# Transport Operations (Road Use Management—Driver Licensing) Regulation 1999

## Contents

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		Page
<b>Part 1</b>	<b>Introductory</b>	
1	Short title . . . . .	7
2	Commencement . . . . .	7
3	Fees . . . . .	7
4	Definitions . . . . .	7
<b>Part 2</b>	<b>Queensland driver licence is authority to drive</b>	
5	Motorbike licences . . . . .	7
6	Other types of licences . . . . .	8
7	Licence must be valid . . . . .	10
<b>Part 3</b>	<b>Eligibility for Queensland driver licences</b>	
8	Minimum age . . . . .	10
9	Testing . . . . .	10
9A	Learner licence—class HC . . . . .	13
10	Provisional or probationary licences—class RE or C . . . . .	13
10A	Provisional or probationary licences—special need for class R . . . . .	14
11	Open licences—class RE or C . . . . .	15
11A	Open licence—special need for class R . . . . .	17
12	Upgrading licence class . . . . .	18
12A	Eligibility if mental or physical incapacity likely to adversely affect ability to drive safely . . . . .	19
12B	Responsibility to give notice of mental or physical incapacity likely to adversely affect ability to drive safely . . . . .	20
13	Other provisions about general eligibility . . . . .	21
14	Special need—learner or provisional licence . . . . .	22
14A	Special need—class R licence . . . . .	23

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

---

14AA	Special need—HC licence . . . . .	23
<b>Part 3A</b>	<b>Alternative eligibility for motorbike licences</b>	
14B	Definitions for pt 3A . . . . .	24
14C	Object of pt 3A . . . . .	25
14D	Application . . . . .	25
14E	Licences authorising learning to ride under Q-Ride training . . . .	25
14F	Class RE provisional or probationary licences . . . . .	26
14G	Class RE open licences . . . . .	27
14H	Class R provisional or probationary licences . . . . .	27
14I	Class R open licences . . . . .	27
<b>Part 4</b>	<b>Grant of Queensland driver licences</b>	
15	Applying for licences. . . . .	28
16	Deciding applications for licence . . . . .	28
17	Duration of licences . . . . .	29
18	Conditions on licences . . . . .	29
18A	Exception for licence granted to interstate licence holder . . . . .	29
<b>Part 4A</b>	<b>Display of L plates</b>	
19	Definition for pt 4A . . . . .	30
19A	Learner must not ride or drive unless L plates are conspicuous .	30
19B	Person must not direct a learner unless L plates are conspicuous . . . . .	30
19C	Other persons must not display L plates . . . . .	31
<b>Part 5</b>	<b>Other restrictions on driving</b>	
20	Passengers on motorbikes . . . . .	31
21	Towing vehicles . . . . .	32
22	Licence holder 75 years or older . . . . .	32
<b>Part 6</b>	<b>Demerit points</b>	
23	Allocation of demerit points . . . . .	33
24	Additional demerit points for driver seatbelt offences. . . . .	34
24A	Additional demerit points for motorbike rider helmet offences . . .	34
25	Queensland driver licence holder. . . . .	35
26	Non-Queensland driver licence holder . . . . .	37
27	Former driver licence holder. . . . .	38
28	Unlicensed person . . . . .	39
29	Appeal against suspension for double the requisite period . . . . .	40

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

---

<b>Part 6A</b>	<b>Suspension for speeding more than 40km/h over the speed limit</b>	
30	Application of pt 6A . . . . .	41
30A	Queensland driver licence holder . . . . .	41
30B	Non-Queensland driver licence holder . . . . .	41
30C	Unlicensed person . . . . .	42
30D	Appeal against suspension . . . . .	43
<b>Part 7</b>	<b>Amending, surrendering, suspending or cancelling licences</b>	
31	Surrendering licence . . . . .	44
32	Grounds for amending, suspending or cancelling licences . . . . .	44
33	Procedure for amending, suspending or cancelling licences . . . . .	45
33A	Immediate amendment or suspension of Queensland driver licence . . . . .	47
34	Return of licence for amendment . . . . .	48
<b>Part 8</b>	<b>Recognition of other driver licences</b>	
35	Non-Queensland driver licence . . . . .	49
36	Defence force licence . . . . .	51
37	Power to require document to be produced . . . . .	51
<b>Part 9</b>	<b>General</b>	
37A	Retesting—medical fitness . . . . .	51
37B	Retesting—Act, s 128. . . . .	52
38	Reconsideration of decision by chief executive . . . . .	52
39	Change of name or address . . . . .	54
40	Replacement licences . . . . .	54
41	Defacing or destroying licences . . . . .	55
42	Seizing licences . . . . .	55
43	Codes on Queensland driver licences . . . . .	55
44	Licence labels. . . . .	56
45	Application for restricted licence—Act, s 81 . . . . .	56
45A	Effect of suspension if licence must be held for a period . . . . .	56
45B	Disqualification from holding Queensland driver licence because of conviction under s 12B . . . . .	56
<b>Part 10</b>	<b>Transitional provisions</b>	
<b>Division 1</b>	<b>Transitional provisions for Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 1) 2001</b>	
46	Application of pt 6. . . . .	57

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

---

47	2 point provisional licences . . . . .	57
48	Undecided appeals against cancellation . . . . .	59
<b>Division 2</b>	<b>Transitional provisions for Transport Legislation Amendment Regulation (No. 1) 2006</b>	
49	Chief executive given information about incapacity by use of a form that is an approved form. . . . .	59
<b>Schedule 1</b>	<b>Fees . . . . .</b>	61
<b>Schedule 2</b>	<b>Licence codes . . . . .</b>	62
<b>Schedule 3</b>	<b>Demerit points . . . . .</b>	66
<b>Part 1</b>	<b>8 demerit point offences</b>	
1	Speeding—more than 40km/h over the speed limit . . . . .	66
<b>Part 2</b>	<b>6 demerit point offences</b>	
2	Speeding—30–40km/h over the speed limit. . . . .	66
<b>Part 3</b>	<b>4 demerit point offences</b>	
3	Speeding—20–30km/h over the speed limit. . . . .	66
<b>Part 4</b>	<b>3 demerit point offences</b>	
4	Careless driving . . . . .	67
5	Disobeying certain red traffic lights . . . . .	67
6	Disobeying emergency traffic sign installed under the Act, s 71(1) . . . . .	67
7	Disobeying stop or give way sign and certain other traffic control devices . . . . .	68
7A	Disobeying traffic lane arrows in roundabout . . . . .	69
7B	Driving with person in or on trailer or prohibited part of vehicle . .	69
7C	Driving vehicle with more than maximum number of persons or weight . . . . .	69
8	Failing to give way, other than by disobeying a traffic sign . . . . .	70
9	Failing to keep left . . . . .	70
10	Failing to wear helmet, seat belt or restraint. . . . .	71
11	Improper turns . . . . .	71
12	Speeding—13–20km/h over the speed limit. . . . .	71
12A	Using hand-held mobile phones. . . . .	71
13	Using vehicle not in safe condition . . . . .	71
<b>Part 5</b>	<b>2 demerit point offences</b>	
15	Failing to keep left . . . . .	72
16	Failing to give proper change of direction signal . . . . .	72
17	Improper overtaking, passing or driving to the right of centre of road . . . . .	72

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

---

18	Improper turn (other than U–turn) . . . . .	73
19	Increasing speed when being overtaken . . . . .	73
20	Injurious matter on roads . . . . .	73
21	Passing trams. . . . .	73
22	Unnecessary noise or smoke from vehicle. . . . .	74
<b>Part 6</b>	<b>1 demerit point offences</b>	
23	Dazzling road users . . . . .	74
24	Failing to comply with condition of non-Queensland driver licence . . . . .	74
25	Failing to comply with condition stated on Queensland driver licence . . . . .	74
26	Failing to have lights lit . . . . .	74
27	Failing to dip headlights . . . . .	75
28	Following too closely . . . . .	75
29	Improper vehicle equipment, construction or loading. . . . .	75
30	Learner driving while unaccompanied by licensed driver or while not under direction of licensed driver . . . . .	75
31	Operating television receivers and visual display units . . . . .	75
32	Speeding—less than 13km/h over the speed limit . . . . .	75
<b>Schedule 4</b>	<b>Prescribed countries</b> . . . . .	76
<b>Schedule 5</b>	<b>Remote area</b> . . . . .	77
<b>Schedule 6</b>	<b>Dictionary</b> . . . . .	79
 <b>Endnotes</b>		
1	Index to endnotes. . . . .	84
2	Date to which amendments incorporated. . . . .	84
3	Key . . . . .	84
4	Table of reprints . . . . .	85
5	List of legislation. . . . .	85
6	List of annotations . . . . .	88





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

[as amended by all amendments that commenced on or before 2 April 2006]

## **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.

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

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- (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, while riding the motorbike, the person carries a certificate in the approved form stating the person has a special need for the licence.
- (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 this section, section 35(10) or section 37B(2) must not ride the motorbike on a road unless—
  - (a) the holder is driving under the direction of a person, whether or not the person is a passenger on the motorbike; and
  - (b) the person—
    - (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.

- (6) In this section—

*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.

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

---

- (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.
- (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) the holder is driving under the direction of a person who—
  - (i) holds an O type licence for the class of vehicle that the holder is driving; and
  - (ii) has held the licence for at least 1 year; and
- (b) if the vehicle is a vehicle with passenger seating capacity—the person sits next to the holder.

Maximum penalty—20 penalty units.

## **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>1</sup>

## **9 Testing**

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

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<sup>1</sup> See section 14 (Special need—learner or provisional licence).

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

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- (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
  - (b) held an Australian driver licence for the class of licence applied for; or
  - (c) for an application for a class RE, R or C licence—held a driver licence, granted under the law of New Zealand or a country prescribed in schedule 4, that corresponds to a class RE, R or C licence.
- (4A) Also, subsection (3) does not apply if—
  - (a) the person—
    - (i) holds an Australian driver licence; and
    - (ii) applies for another class of licence; and
  - (b) the road rules test the person passed for the licence already held is the same road rules test the person would be required to pass 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;

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

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- (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 a class LR, MR or HR licence—the person is a police officer and the officer gives the chief executive a notice signed by the commissioner stating the officer has the ability to drive the class of vehicle that is authorised to be driven under the licence; or
  - (d) 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

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

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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; or
  - (e) for any licence—the person has, within 5 years before applying for the licence, passed a practical driving test for an Australian driver 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>2</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—

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<sup>2</sup> See section 14AA (Special need—HC licence).

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

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- (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—
    - (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>3</sup>
- (4) In this section—

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

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

**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>4</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

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<sup>3</sup> See section 14 (Special need—learner or provisional licence).

<sup>4</sup> Section 14A (Special need—class R licence)



- (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.

## 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

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

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- (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—
    - (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; or
  - (e) the person—
    - (i) has, within 5 years before applying for the licence, held a class C P type licence that has been cancelled; and
    - (ii) holds a class C P type licence; and
    - (iii) has held the P type licence for the greater period of—
      - (A) at least 1 year; or

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

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- (B) the balance of the required period that had not expired before the P type licence was cancelled.
- (3) In this section—
- learner licence* includes a driver licence granted outside Queensland that corresponds to a learner 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>5</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>5</sup> Section 14A (Special need—class R licence)

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

---

***learner licence*** includes a learner licence granted outside Queensland that corresponds to a learner 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

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

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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>6</sup> that the person has a special need for a class R licence.
- (2B) For calculating the period a person has held a licence, the period is taken to include the sum of any periods, within the previous 5 years, that the person has held a valid licence of the same class.
- (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).

**12A Eligibility if mental or physical incapacity likely to adversely affect ability to drive safely**

- (1) A person is not eligible for the grant or renewal of a Queensland driver licence if 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.
- (2) However, the person is eligible for the grant or renewal of a Queensland driver licence if the chief executive reasonably believes that, by stating conditions on the licence, the person's incapacity is not likely to adversely affect the person's ability to drive safely.

*Example for subsection (2)—*

A person with unstable night time vision has a certificate from a doctor stating the person can drive safely only during daylight. The chief

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

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

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executive may reasonably believe that by imposing a condition, for example, that the person may only drive during daylight, the person's incapacity is not likely to adversely affect the person's ability to drive safely.

- (3) For this section, the chief executive may require the person to give the chief executive a certificate, in the approved form, from a specified type of health professional—
  - (a) stating the person does not have a mental or physical incapacity likely to affect the person's ability to drive safely; or
  - (b) providing information about the person's mental or physical incapacity that may allow the chief executive to form a belief as mentioned in subsection (2).

**12B Responsibility to give notice of mental or physical incapacity likely to adversely affect ability to drive safely**

- (1) At the time of applying for the grant or renewal of a Queensland driver licence, the applicant must give notice in the approved form to the chief executive about any mental or physical incapacity that is likely to adversely affect the applicant's ability to drive safely.

Maximum penalty—60 penalty units.

- (2) The holder of a Queensland driver licence must give notice in the approved form to the chief executive about either of the following that is likely to adversely affect the holder's ability to drive safely, if either happens after the grant or renewal of the licence—
  - (a) any permanent or long term mental or physical incapacity;
  - (b) any permanent or long term increase in, or other aggravation of, a mental or physical incapacity, if notice in the approved form has previously been given to the chief executive about the incapacity.

Maximum penalty—60 penalty units.

- (3) It is a defence to the prosecution of a person for an offence against this section if the person establishes that, at the time of the offence, the person was unaware that—

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

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- (a) he or she had a mental or physical incapacity; or
  - (b) the incapacity was likely to adversely affect the person's ability to drive safely.
- (4) Also, it is a defence to the prosecution of a person for an offence against subsection (2)(b) if the person establishes that, at the time of the offence, the person was unaware that—
- (a) the incapacity had increased or otherwise been aggravated; or
  - (b) the increase in, or other aggravation of, the incapacity was likely to adversely affect the person's ability to drive safely.

### **13 Other provisions about general eligibility**

- (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 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
  - (d) the authority to drive on a Queensland road under the person's non-Queensland driver licence is suspended under section 26(2) or 30B(1)(a);<sup>7</sup> or

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<sup>7</sup> Section 26 (Non-Queensland driver licence holder) or 30B (Non-Queensland driver licence holder)

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

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- (e) the person is not eligible to hold a Queensland driver licence under section 27, 28, 30B(1)(c) or 30C(1)(a).<sup>8</sup>
- (2) Subsection (1)(c) does not apply if the chief executive is satisfied it would be unreasonable for it to apply to the person.

*Example of subsection (2)—*

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—
  - (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

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<sup>8</sup> Section 27 (Former driver licence holder), 28 (Unlicensed person), 30B (Non-Queensland driver licence holder) or 30C (Unlicensed person)



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

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- (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.
- (3A) The chief executive must not approve the application unless the person—
  - (a) holds a class C, LR, MR, HR, HC or MC P or O type licence; and
  - (b) has held the licence for at least 3 years.
- (4) In deciding whether to approve the application, the chief executive must also consider the person’s traffic history.
- (5) In this section—

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

**14AA Special need—HC licence**

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

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

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- (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.
- (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—Accreditation and Other Provisions) Regulation 2005*.

**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

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

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- (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.

## **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 O type licence of another class.

**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 O type 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 may give the applicant a written notice requesting 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.
- (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 4A                      Display of L plates**

### **19        Definition for pt 4A**

In this part—

*learner* means a person who is authorised to learn to ride or drive a motor vehicle under section 5, 6, 35(10) or 37B(2).

### **19A      Learner must not ride or drive unless L plates are conspicuous**

A learner must not ride or drive a motor vehicle, on a road, that the learner is authorised to learn to ride or drive unless—

- (a) if the motor vehicle is a motorbike—an L plate is conspicuous to anyone else looking at the rear of the motorbike; or
- (b) otherwise—an L plate is fitted to the vehicle and is conspicuous to anyone else looking at the front or rear of the motor vehicle.

Maximum penalty—20 penalty units.

### **19B      Person must not direct a learner unless L plates are conspicuous**

- (1) This section does not apply to a driver trainer who is giving pre-licence driver training in relation to a vehicle provided by the driver trainer.
- (2) A person mentioned in section 5(5) or 6(9) must not direct a learner who is riding or driving a motor vehicle, on a road, that the learner is authorised to learn to ride or drive unless—



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

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- (a) if the motor vehicle is a motorbike—an L plate is conspicuous to anyone else looking at the rear of the motorbike; or
- (b) otherwise—an L plate is fitted to the vehicle and is conspicuous to anyone else looking at the front or rear of the motor vehicle.

Maximum penalty—20 penalty units.

**19C Other persons must not display L plates**

A person must not display an L plate while riding or driving a motor vehicle on a road unless the person—

- (a) holds a licence that authorises the person to learn to drive or ride the motor vehicle; or
- (b) is a driver trainer.

Maximum penalty—20 penalty units.

## **Part 5 Other restrictions on driving**

**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>9</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—

- (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.

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<sup>9</sup> Section 5 (Motorbike licences) or 14E (Licences authorising learning to ride under Q-Ride training)

## 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>10</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 under this section or section 24 or 24A; and
  - (d) the date the offence was committed.
- (3) Subject to sections 24 and 24A, 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) Demerit points allocated under subsection (3) are taken to be allocated on the day the offence was committed.
- (5) To remove doubt, the Criminal Code, section 16,<sup>11</sup> applies to this part.

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

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

(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 Additional demerit points for driver seatbelt offences**

(1) This section applies to each driver seatbelt offence for which demerit points are recorded on a person's traffic history under section 23.

(2) Each time further demerit points are recorded on the person's traffic history under section 23 for a later driver seatbelt offence committed within 1 year after the driver seatbelt offence was committed, 3 additional demerit points are to be allocated for the later driver seatbelt offence.

(3) The additional demerit points are taken to be allocated on the day the later driver seatbelt offence was committed.

(4) In this section—

*driver seatbelt offence* means an offence against the Queensland Road Rules, section 264(1) or 266(1)<sup>12</sup> committed after the commencement of this section.

## **24A Additional demerit points for motorbike rider helmet offences**

(1) This section applies to each motorbike rider helmet offence for which demerit points are recorded on a person's traffic history under section 23.

(2) Each time further demerit points are recorded on the person's traffic history under section 23 for a later motorbike rider helmet offence committed within 1 year after the motorbike

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<sup>12</sup> Queensland Road Rules, section 264 (Wearing of seatbelts by drivers) or 266 (Wearing of seatbelts by passengers under 16 years old)

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

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rider helmet offence was committed, 3 additional demerit points are to be allocated for the later motorbike rider helmet offence.

- (3) The additional demerit points are taken to be allocated on the day the later motorbike rider helmet offence was committed.
- (4) In this section—

*motorbike rider helmet offence* means an offence against the Queensland Road Rules, section 270(1)(a) or (b)<sup>13</sup> committed after the commencement of this section.

## 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
    - (iii) during any part of the period the person held a learner or P type licence, or a driver licence granted outside Queensland that corresponds to a learner or P type licence, but did not hold an O type licence; and
    - (iv) the person holds a Queensland driver licence; or
  - (c) if—

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13 Queensland Road Rules, section 270 (Wearing motorbike helmets)

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

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- (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 give the person a written notice (a ***notice to choose***) requiring 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>14</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 give the person a written notice stating that the person's licence is suspended for double the

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<sup>14</sup> See section 127(4) of the Act for the effect of a suspension of licence.

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

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requisite suspension period starting on the day after the date stated in the notice.

- (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>15</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; and

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<sup>15</sup> Section 29 (Appeal against suspension for double the requisite period)

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

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- (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
  - (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 an open licence.
- (2) The chief executive must give the person a written notice stating 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.

*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>16</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

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<sup>16</sup> Section 25 (Queensland driver licence holder) or 26 (Non-Queensland driver licence holder)



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

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- (c) the authority to drive on a Queensland road under the person's non-Queensland driver licence has been withdrawn under section 35(5).<sup>17</sup>
- (2) The chief executive must give the person a written notice stating that—
  - (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 give the person a written notice stating 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.

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17 Section 35 (Non-Queensland driver licence)

## **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>18</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—
  - (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.
- (10) The court's decision does not affect an appeal by the person under section 30D.

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18 Section 25 (Queensland driver licence holder)

## **Part 6A                      Suspension for speeding more    than 40km/h over the speed    limit**

### **30            Application of pt 6A**

This part applies to a person—

- (a) who has been convicted<sup>19</sup> for a contravention of the Queensland Road Rules, section 20,<sup>20</sup> for driving more than 40km/h over the speed limit; or
- (b) against whom an order has been made under the *State Penalties Enforcement Act 1999*, section 38<sup>21</sup> for the contravention.

### **30A          Queensland driver licence holder**

- (1) If the person holds a Queensland driver licence, the licence is suspended for 6 months starting on the day stated in a notice given under subsection (2).
- (2) The chief executive must give the person a written notice stating—
  - (a) the person's Queensland driver licence is suspended for 6 months starting on a stated day; and
  - (b) that the person may appeal against the suspension under section 30D.
- (3) The day stated must be at least 21 days after the date of the notice.

### **30B          Non-Queensland driver licence holder**

- (1) If the person holds a non-Queensland driver licence—

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19 *Convicting* is defined in the Act, schedule 4.

20 Queensland Road Rules, section 20 (Obeying the speed limit)

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

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

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- (a) the person's authority to drive on a Queensland road under the person's non-Queensland driver licence is suspended for 6 months starting on the day stated in a notice given under subsection (2); and
  - (b) any non-Queensland driver licence that may be held by the person does not authorise the person to drive on a Queensland road during the 6 months; and
  - (c) the person is not eligible to hold a Queensland driver licence for the 6 months.
- (2) The chief executive must give the person a written notice stating—
- (a) the person's authority to drive on a Queensland road under the person's non-Queensland driver licence is suspended for 6 months starting on a stated day; and
  - (b) any non-Queensland driver licence that may be held by the person does not authorise the person to drive on a Queensland road during the 6 months; and
  - (c) the person is not eligible to hold a Queensland driver licence for the 6 months.
- (3) The day stated must be at least 21 days after the date of the notice.

**30C Unlicensed person**

- (1) If the person does not hold a driver licence—
- (a) the person is not eligible to hold a Queensland driver licence for 6 months starting on the date of a notice given under subsection (2); and
  - (b) any non-Queensland driver licence that may be held by the person does not authorise the person to drive on a Queensland road during the 6 months.
- (2) The chief executive must give the person a written notice stating—
- (a) the person is not eligible to hold a Queensland driver licence for 6 months starting on a stated day; and

- (b) any non-Queensland driver licence that may be held by the person does not authorise the person to drive on a Queensland road during the 6 months.

### **30D Appeal against suspension**

- (1) This section applies if a person's Queensland driver licence is suspended under section 30A.
- (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—
  - (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 allow the appeal to be heard with an appeal by the person under section 29.
- (6) The court may dismiss an appeal if, considering the person's traffic history, the court considers it would be inappropriate to allow the appeal.
- (7) The chief executive may give the court information from the person's traffic history.
- (8) 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.
- (9) Despite the *Justices Act 1886*, the court's decision is final and can not be appealed against.
- (10) The clerk of the court must give the chief executive a copy of the order setting out the court's decision.

- (11) The court's decision does not affect an appeal by the person under section 29.

## **Part 7**

### **Amending, surrendering, suspending or cancelling licences**

#### **31 Surrendering licence**

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

- (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 a ground exists to amend, suspend or cancel a person's Queensland driver licence (the *proposed action*), the chief executive may give the person a written notice (the *show cause notice*).
- (2) The show cause notice must—
  - (a) state the proposed action; and
  - (b) state the ground for the proposed action; and
  - (c) outline the facts and circumstances forming the basis for the ground; and
  - (d) if the proposed action is to amend a condition of the licence—state the proposed amendment; and
  - (e) if the proposed action is to suspend the licence—state the proposed suspension period; and
  - (f) invite the person to show cause, within a specified time of at least 28 days, why the proposed action should not be taken.
- (3) The chief executive may, before or after the end of the time specified in the show cause notice, extend the time within which the person may show cause.
- (4) If, after considering any personal or written representations made within the time specified or allowed, the chief executive still considers a ground exists 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 show cause 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—
    - (i) suspend the licence for a period not longer than the period stated in the show cause notice; or

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

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- (ii) amend the licence having regard to the representations; or
  - (c) if the proposed action was to cancel the licence—
    - (i) cancel the licence; or
    - (ii) suspend the licence for a period; or
    - (iii) amend the licence having regard to the representations.
- (5) The chief executive must give the person written notice of the decision.
- (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>22</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>23</sup>—
  - (a) the day the notice under subsection (5) is given to the person;
  - (b) a later day specified in the notice under subsection (5).
- (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 a way the person has, in the approved form, agreed to; or

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

23 Section 126(2) (Fraud and unlawful possession of licences) of the Act applies for a ground mentioned in section 32(b).



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

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- (d) 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.

**33A Immediate amendment or suspension of Queensland driver licence**

- (1) This section applies if—
  - (a) the chief executive is given information by a licence holder, or about a licence holder by a health professional, whether or not the licence holder or health professional uses an approved form to give the information; and
  - (b) because of the information, the chief executive reasonably considers the licence holder may have a permanent or long term mental or physical incapacity that is likely to adversely affect the licence holder's ability to drive safely; and
  - (c) the chief executive reasonably considers—
    - (i) public safety has been endangered, or is likely to be endangered, because the licence holder's ability to drive safely is likely to be adversely affected; or
    - (ii) immediate amendment or suspension of the licence holder's Queensland driver licence is otherwise necessary in the public interest.
- (2) The chief executive may, by written notice to the licence holder, immediately amend or suspend the licence holder's Queensland driver licence.
- (3) The notice under subsection (2) must state—
  - (a) the reasons for the chief executive's decision; and
  - (b) the licence holder may contest the decision by—

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

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- (i) applying under section 38<sup>24</sup> for reconsideration of the decision; or
  - (ii) appealing under section 131<sup>25</sup> of the Act.
- (4) Within 7 days of giving the licence holder the notice under subsection (2), the chief executive must give the licence holder a show cause notice under section 33(1).
- (5) The amendment or suspension—
- (a) takes effect immediately when the notice under subsection (2) is given to the licence holder; and
  - (b) continues to operate until the show cause notice given to the licence holder under section 33(1) is finally dealt with.

- (6) In this section—

*licence holder* means a person who is the holder of a Queensland driver licence.

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

- (1) The chief executive may give the holder of a Queensland driver licence a written notice requiring the holder 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.

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24 Section 38 (Reconsideration of decision by chief executive)

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

## **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.

(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, immediately withdraw the holder's authority under subsection (1) if—

(a) the chief executive is given information by the holder, or about the holder by a health professional, whether or not the holder or health professional uses an approved form to give the information; and

(b) because of the information, the chief executive reasonably considers the holder may have a mental or physical incapacity that is likely to adversely affect the holder's ability to drive safely; and

(c) the chief executive reasonably considers—

(i) public safety has been endangered, or is likely to be endangered, because the holder's ability to drive safely is likely to be adversely affected; or

(ii) immediate withdrawal of the authority is otherwise necessary in the public interest.

(4) A notice under subsection (3) must state—

(a) the reasons for the chief executive's decision; and

(b) the withdrawal takes effect immediately when the notice is given to the holder of the non-Queensland driver licence; and

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

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- (c) the holder may contest the decision by applying under section 38<sup>26</sup> for reconsideration of the decision.
- (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.
- (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—

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26 Section 38 (Reconsideration of decision by chief executive)

*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—

(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.

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

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*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 give the person a written notice requiring 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.
- (5) This section does not limit section 33 or 33A.<sup>27</sup>

### **37B Retesting—Act, s 128**

- (1) If, under section 128<sup>28</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—

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<sup>27</sup> Section 33 (Procedure for amending, suspending or cancelling licences) or 33A (Immediate amendment or suspension of Queensland driver licence)

<sup>28</sup> Section 128 (Effect of disqualification on subsequent issue of Queensland driver licence) of the Act

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

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- (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
  - (c) has amended, suspended or cancelled a person's licence under section 33; or
  - (d) has immediately amended or suspended a person's licence under section 33A;<sup>29</sup> or
  - (e) has immediately withdrawn a person's authority to drive in Queensland under section 35(3);<sup>30</sup> or
  - (f) has, under section 37A,<sup>31</sup> 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 (e)—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)(f)—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.

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29 Section 33A (Immediate amendment or suspension of Queensland driver licence)

30 Section 35 (Non-Queensland driver licence)

31 Section 37A (Retesting—medical fitness)

- (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>32</sup> of the Act.
- (7) However, subsection (6) does not apply to a decision mentioned in subsection (1)(e).

### **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.

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



- (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>33</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.

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

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

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- (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>34</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.

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

An application under section 81<sup>35</sup> of the Act must be in the approved form.

#### **45A Effect of suspension if licence must be held for a period**

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 under the Act or another Act, the period is extended by the length of the period for which the licence is suspended.

#### **45B Disqualification from holding Queensland driver licence because of conviction under s 12B**

- (1) This section applies if—

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

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

- (a) an offender is convicted of an offence under section 12B;<sup>36</sup> and
  - (b) the court by or before which the offender is convicted is satisfied, having regard to the circumstances in which it was committed, the offender should, in the interests of justice, be disqualified from holding or obtaining a Queensland driver licence.
- (2) The court may, in addition to any penalty that it may impose, order that the offender is, from the time of the conviction, disqualified absolutely, or for the period ordered by the court, from holding or obtaining a Queensland driver licence.

## **Part 10                      Transitional provisions**

### **Division 1                      Transitional provisions for Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 1) 2001**

#### **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—

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<sup>36</sup> Section 12B (Responsibility to give notice of mental or physical incapacity likely to adversely affect ability to drive safely)

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

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- (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 give the person a written notice stating 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.
- (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>37</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.

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

#### **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.

### **Division 2                      Transitional provisions for Transport Legislation Amendment Regulation (No. 1) 2006**

#### **49 Chief executive given information about incapacity by use of a form that is an approved form**

- (1) This section applies if—
  - (a) on the commencement of this section, a person is the holder of a Queensland driver licence; and
  - (b) before the commencement of this section, information was given to the chief executive about either of the following that was likely to adversely affect the person's ability to drive safely—
    - (i) any permanent or long term mental or physical incapacity;

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

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- (ii) any permanent or long term increase in, or other aggravation of, a mental or physical incapacity about which notice had previously been given to the chief executive.
- (2) The giving of—
  - (a) information about a matter mentioned in subsection (1)(b)(i) by a doctor's certificate, or by an approved form under section 15(1),<sup>38</sup> is taken to be the giving of notice required to be given under section 12B(2)(a);<sup>39</sup> or
  - (b) information about a matter mentioned in subsection (1)(b)(ii) by a doctor's certificate, or by an approved form under section 15(1), is taken to be the giving of notice required to be given under section 12B(2)(b).

- (3) In this section—

*doctor's certificate* means a document, signed by a doctor, dealing with matters required to be included in an approved form under section 13(2) as in force at any time before the commencement.

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38 Section 15 (Applying for licences)

39 Section 12B (Responsibility to give notice of mental or physical incapacity likely to adversely affect ability to drive safely)

## Schedule 1      Fees

section 3

		\$
1	Grant of learner licence, for each year or part of a year. . .	15.85
2	Practical driving test. . . . .	38.20
3	Road rules test . . . . .	16.30
4	Grant of P type licence or open licence—	
	(a) for a 1 year licence . . . . .	24.95
	(b) for a 2 year licence . . . . .	34.70
	(c) for a 3 year licence . . . . .	44.45
	(d) for a 4 year licence . . . . .	54.20
	(e) for a 5 year licence . . . . .	63.95
5	Issue of replacement licence. . . . .	23.90
6	Extract from a driver licence record. . . . .	15.85
7	Extract from a driver’s traffic history . . . . .	15.85

## 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 a motorbike with an engine capacity of not more than 250mL, 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 a specially constructed vehicle of not more than 4.5t GVM, with or without a trailer
LR . . . . .	a class C vehicle a bus of not more than 8t GVM, with or without a trailer of not more than 9t GVM a truck (including a prime mover) of not more than 8t GVM, with or without a trailer of not more than 9t GVM a specially constructed vehicle of not more than 8t GVM, with or without a trailer of not more than 9t GVM



### Schedule 2 (continued)

<b>Code</b>	<b>Class</b>
MR . . . . .	a class LR vehicle a bus of more than 8t GVM with not more than 2 axles, with or without a trailer of not more than 9t GVM a truck (including a prime mover) with not more than 2 axles, with or without a trailer of not more than 9t GVM a specially constructed vehicle of more than 8t GVM with not more than 2 axles, with or without a trailer of not more than 9t GVM
HR . . . . .	a class MR vehicle a bus, with or without a trailer of not more than 9t GVM an articulated bus a truck (including a prime mover), with or without a trailer of not more than 9t GVM a specially constructed vehicle of more than 8t GVM, with or without a trailer of not more than 9t GVM
HC . . . . .	a class HR vehicle a truck (including a prime mover), with or without a trailer a specially constructed vehicle of more than 8t GVM, 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

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

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Schedule 2 (continued)

<b>Code</b>	<b>Condition</b>
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

## 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 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

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

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Schedule 2 (continued)

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

## **Schedule 3      Demerit points**

section 23

### **Part 1                      8 demerit point offences**

#### **1            Speeding—more than 40km/h over the speed limit**

The number of points for a contravention of the Queensland Road Rules, section 20 by driving more than 40km/h over the speed limit is 8.

### **Part 2                      6 demerit point offences**

#### **2            Speeding—30–40km/h over the speed limit**

The number of points for a contravention of the Queensland Road Rules, section 20 by driving more than 30km/h, but not more than 40km/h, over the speed limit is 6.

### **Part 3                      4 demerit point offences**

#### **3            Speeding—20–30km/h over the speed limit**

The number of points for a contravention of the Queensland Road Rules, section 20 by driving more than 20km/h, but not more than 30km/h, over the speed limit is 4.

Schedule 3 (continued)

**Part 4                      3 demerit point offences**

**4                      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.

**5                      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.

**6                      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.

Schedule 3 (continued)

**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), (2A) 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)
- section 103(1) or (2)
- section 104

**Schedule 3 (continued)**

- 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).

**7A Disobeying traffic lane arrows in roundabout**

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

**7B Driving with person in or on trailer or prohibited part of vehicle**

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

- section 268(4A)
- section 268(4B)
- section 298.

**7C Driving vehicle with more than maximum number of persons or weight**

The number of points for a contravention of the *Traffic Regulation 1962*, section 76 is 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 265(1)
- section 266(1)
- section 270(1)(a)
- section 270(1)(b)
- section 270(2).

**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—13–20km/h over the speed limit**

The number of points for a contravention of the Queensland Road Rules, section 20 by driving at least 13km/h, but not more than 20km/h, over the speed limit is 3.

**12A Using hand-held mobile phones**

The number of points for a contravention of the Queensland Road Rules, section 300(1) 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.

Schedule 3 (continued)

**Part 5                      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)
- section 140

### Schedule 3 (continued)

- 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—

- section 160(2) or (3)

### Schedule 3 (continued)

- section 161(2) or (3)
- section 163(2), (3) or (4)
- section 164(2), (3) or (4).

#### **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 6                    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 comply with condition of non-Queensland driver licence**

The number of points for a contravention of section 35(2) of this regulation is 1.

#### **25 Failing to comply with condition stated on Queensland driver licence**

The number of points for a contravention of section 18(2) of this regulation is 1.

#### **26 Failing to have lights lit**

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

Schedule 3 (continued)

**27 Failing to dip headlights**

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

**28 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).

**29 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), (f) or (g)
- section 9.

**30 Learner driving while unaccompanied by licensed driver or while not under direction of licensed driver**

The number of points for a contravention of section 5(5) or 6(9) of this regulation is 1.

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

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

**32 Speeding—less than 13km/h over the speed limit**

The number of points for a contravention of the Queensland Road Rules, section 20 by driving less than 13km/h over the speed limit is 1.

## **Schedule 4      Prescribed countries**

section 9(7)

Austria  
Belgium  
Canada  
Croatia  
Denmark  
Finland  
France  
Germany  
Greece  
Ireland  
Italy  
Japan  
Luxembourg  
Netherlands  
Norway  
Portugal  
Singapore  
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  
Duarina  
Emerald

Schedule 5 (continued)

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

**1 year licence**, in relation to the payment of a fee for a licence, means a licence issued or renewed for a period of not more than a year.

**2 year licence**, in relation to the payment of a fee for a licence, means a licence issued or renewed for a period of more than 1 year but not more than 2 years.

**3 year licence**, in relation to the payment of a fee for a licence, means a licence issued or renewed for a period of more than 2 years but not more than 3 years.

**4 year licence**, in relation to the payment of a fee for a licence, means a licence issued or renewed for a period of more than 3 years but not more than 4 years.

**5 year licence**, in relation to the payment of a fee for a licence, means a licence issued or renewed for a period of more than 4 years but not more than 5 years.

**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>40</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.

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40    Section 25 (Queensland driver licence holder)

Schedule 6 (continued)

***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*** means a person accredited as a driver trainer under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.

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

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

***health professional*** see section 142(3) of the Act.

***L plate*** means a plate or sign with an area, measuring at least 146mm by 146mm, that shows only 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 50mL; and
- (b) that has a manufacturer's top rated speed of not more than 50km/h; and
- (c) that is not a power-assisted cycle.

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

### Schedule 6 (continued)

***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;
- (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.

### Schedule 6 (continued)

***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.

***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

**Schedule 6 (continued)**

- (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, by order of an Australian court, from holding or obtaining a 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>41</sup> or
- (b) a law of the Commonwealth, or another State, about occupational health and safety.

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<sup>41</sup> *Workplace Health and Safety Regulation 1997*, section 19 (Application for certificate to work in prescribed occupation)

## Endnotes

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated. . . . .	84
3	Key . . . . .	84
4	Table of reprints . . . . .	85
5	List of legislation . . . . .	85
6	List of annotations . . . . .	88

### 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 2 April 2006. 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)	= 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	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

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

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## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	2000 SL No. 21	4 February 2000	3 March 2000
1A	2000 SL No. 177	1 July 2000	28 July 2000
1B	2000 SL No. 297	27 November 2000	8 December 2000
2	2001 SL No. 235	3 December 2001	7 December 2001

Reprint No.	Amendments included	Effective	Notes
2A	2002 SL No. 112	1 July 2002	
2B	2002 SL No. 199	19 August 2002	
2C	2002 SL No. 285	1 November 2002	
2D	2003 SL No. 66	17 April 2003	
2E	2003 SL No. 106	1 July 2003	
2F	2003 SL No. 358	19 December 2003	
2G	2003 SL No. 373	1 January 2004	
2H	2004 SL No. 54	1 July 2004	
2I	2004 SL No. 212	1 November 2004	
2J	2004 SL No. 302	17 December 2004	
2K	2004 SL No. 300	1 January 2005	
2L	2004 SL No. 249	31 January 2005	
2M	2005 SL No. 91	1 July 2005	
2N	2005 SL No. 187	1 September 2005	R2N withdrawn, see R3
3	—	1 September 2005	
3A	2005 SL No. 296 (amd 2006 SL No. 28) 2006 SL No. 28	1 March 2006	
3B	—	2 April 2006	prov exp 1 April 2006

## 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)

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

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Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

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 1188–9  
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)

**Transport Legislation Amendment Regulation (No. 3) 2002 SL No. 199 pts 1, 3**

notfd gaz 16 August 2002 pp 1420–1  
ss 1–2 commenced on date of notification  
remaining provisions commenced 19 August 2002 (see s 2)

**Transport Legislation Amendment Regulation (No. 5) 2002 SL No. 285 s 1, pt 5**

notfd gaz 1 November 2002 pp 759–62  
commenced on date of notification



**Transport Legislation Amendment Regulation (No. 1) 2003 SL No. 66 pts 1, 3**

notfd gaz 11 April 2003 pp 1315–16  
ss 1–2 commenced on date of notification  
remaining provisions commenced 17 April 2003 (see s 2)

**Transport Legislation Amendment Regulation (No. 2) 2003 SL No. 106 pts 1, 12**

notfd gaz 30 May 2003 pp 371–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2003 (see s 2)

**Transport Legislation Amendment Regulation (No. 3) 2003 SL No. 358 pts 1, 3**

notfd gaz 19 December 2003 pp 1307–13  
commenced on date of notification

**Transport Legislation Amendment Regulation (No. 4) 2003 SL No. 373 pts 1, 3**

notfd gaz 19 December 2003 pp 1307–13  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2004 (see s 2)

**Transport Legislation Amendment Regulation (No. 1) 2004 SL No. 54 pts 1, 11**

notfd gaz 14 May 2004 pp 112–14  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2004 (see s 2)

**Transport Legislation Amendment Regulation (No. 2) 2004 SL No. 212 pts 1, 3**

notfd gaz 8 October 2004 pp 477–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 November 2004 (see s 2)

**Transport and Other Legislation Amendment Regulation (No. 2) 2004 SL No. 249 pts  
1, 3**

notfd gaz 19 November 2004 pp 955–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 31 January 2005 (see s 2)

**Transport Legislation Amendment Regulation (No. 3) 2004 SL No. 300 pts 1, 3**

notfd gaz 17 December 2004 pp 1277–85  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 January 2005 (see s 2)

**Transport Legislation and Another Regulation Amendment Regulation (No. 1) 2004  
SL No. 302 s 1, pt 4**

notfd gaz 17 December 2004 pp 1277–85  
commenced on date of notification

**Transport Legislation Amendment Regulation (No. 1) 2005 SL No. 91 pts 1, 12**

notfd gaz 20 May 2005 pp 224–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2005 (see s 2)

**Transport Operations (Road Use Management—Accreditation and Other  
Provisions) Regulation 2005 SL No. 187 ss 1–2, pt 10 div 2**

notfd gaz 12 August 2005 pp 1297–1303

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

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ss 1–2 commenced on date of notification  
remaining provisions commenced 1 September 2005 (see s 2)

**Transport Operations (Road Use Management—Driver Licensing) Amendment  
Regulation (No. 1) 2005 SL No. 296 (this SL is amended, see amending  
legislation below)**

notfd gaz 9 December 2005 pp 1375–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 March 2006 (see s 2)

amending legislation—

**Transport Legislation Amendment Regulation (No. 1) 2006 SL No. 28 pts 1, 3  
(amends 2005 SL No. 296 above)**

notfd gaz 24 February 2006 pp 798–801  
ss 1–2 commenced on date of notification  
remaining provisions commenced 28 February 2006 (see s 2(1))

**Transport Legislation Amendment Regulation (No. 1) 2006 SL No. 28 pts 1, 4**

notfd gaz 24 February 2006 pp 798–801  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 March 2006 (see s 2(2))

## 6 List of annotations

### Definitions

s 4 amd 2001 SL No. 235 s 4

### Motorbike licences

s 5 amd 2001 SL No. 109 s 3; 2001 SL No. 235 s 5; 2002 SL No. 285 s 14; 2004  
SL No. 249 s 6

### Other types of licences

s 6 amd 2000 SL No. 21 s 3; 2001 SL No. 235 s 6; 2002 SL No. 285 s 15; 2004  
SL No. 249 s 7

### Testing

s 9 amd 2001 SL No. 235 s 7; 2002 SL No. 285 s 16; 2003 SL No. 358 s 5; 2006  
SL No. 28 s 9

### Learner licence—class HC

s 9A ins 2001 SL No. 235 s 8

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

s 10 amd 2002 SL No. 285 s 17

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

s 10A ins 2001 SL No. 109 s 4

### Open licences—class RE or C

s 11 amd 2001 SL No. 235 s 9; 2002 SL No. 285 s 18

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

---

**Open licence—special need for class R**

**s 11A** ins 2001 SL No. 109 s 5  
amd 2002 SL No. 285 s 19

**Upgrading licence class**

**s 12** amd 2001 SL No. 109 s 6; 2001 SL No. 235 s 10; 2003 SL No. 358 s 6

**Eligibility if mental or physical incapacity likely to adversely affect ability to drive safely**

**s 12A** ins 2005 SL No. 296 s 4 (om 2006 SL No. 28 s 6); 2006 SL No. 28 s 10

**Responsibility to give notice of mental or physical incapacity likely to adversely affect ability to drive safely**

**s 12B** ins 2005 SL No. 296 s 4 (om 2006 SL No. 28 s 6); 2006 SL No. 28 s 10

**Other provisions about general eligibility**

**prov hdg** sub 2005 SL No. 296 s 5(1)

**s 13** amd 2001 SL No. 235 s 11; 2003 SL No. 66 s 6; 2005 SL No. 296 s 5(2)–(7)

**Special need—learner or provisional licence**

**prov hdg** amd 2001 SL No. 109 s 7

**s 14** amd 2001 SL No. 235 s 12

**Special need—class R licence**

**s 14A** ins 2001 SL No. 109 s 8

amd 2001 SL No. 235 s 13; 2002 SL No. 285 s 20

**Special need—HC licence**

**s 14AA** ins 2001 SL No. 235 s 14

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

**pt hdg** ins 2001 SL No. 109 s 9

**Definitions for pt 3A**

**s 14B** ins 2001 SL No. 109 s 9

amd 2005 SL No. 187 s 135

**Object of pt 3A**

**s 14C** ins 2001 SL No. 109 s 9

**Application**

**s 14D** ins 2001 SL No. 109 s 9

**Licences authorising learning to ride under Q-Ride training**

**s 14E** ins 2001 SL No. 109 s 9

amd 2001 SL No. 235 s 15; 2002 SL No. 285 s 21

**Class RE provisional or probationary licences**

**s 14F** ins 2001 SL No. 109 s 9

**Class RE open licences**

**s 14G** ins 2001 SL No. 109 s 9

amd 2002 SL No. 285 s 22

**Class R provisional or probationary licences**

**s 14H** ins 2001 SL No. 109 s 9

**Class R open licences**

**s 14I** ins 2001 SL No. 109 s 9  
amd 2002 SL No. 285 s 23

**Applying for licences**

**s 15** amd 2003 SL No. 358 s 7

**Deciding applications for licence**

**s 16** amd 2001 SL No. 235 s 16

**Duration of licences**

**s 17** sub 2001 SL No. 235 s 17

**Exception for licence granted to interstate licence holder**

**s 18A** ins 2000 SL No. 177 s 3  
amd 2001 SL No. 235 s 18

**PART 4A—DISPLAY OF L PLATES**

**pt hdg** ins 2004 SL No. 249 s 8

**Definition for pt 4A**

**s 19** prev s 19 om 2004 SL No. 249 s 10  
pres s 19 ins 2004 SL No. 249 s 8

**Learner must not ride or drive unless L plates are conspicuous**

**s 19A** ins 2004 SL No. 249 s 8

**Person must not direct a learner unless L plates are conspicuous**

**s 19B** ins 2004 SL No. 249 s 8  
amd 2005 SL No. 187 s 136

**Other persons must not display L plates**

**s 19C** ins 2004 SL No. 249 s 8

**PART 5—OTHER RESTRICTIONS ON DRIVING**

**pt hdg** amd 2004 SL No. 249 s 9

**Passengers on motorbikes**

**s 20** amd 2001 SL No. 235 s 19

**Licence holder 75 years or older**

**prov hdg** amd 2001 SL No. 235 s 20(1)  
**s 22** amd 2001 SL No. 235 s 20(2)–(4)

**PART 6—DEMERIT POINTS**

**pt hdg** sub 2001 SL No. 235 s 21

**Allocation of demerit points**

**s 23** sub 2001 SL No. 235 s 21  
amd 2004 SL No. 212 s 6; 2004 SL No. 302 s 10

**Additional demerit points for driver seatbelt offences**

**s 24** prev s 24 sub 2001 SL No. 235 s 21  
om 2003 SL No. 66 s 7  
pres s 24 ins 2004 SL No. 212 s 7

**Additional demerit points for motorbike rider helmet offences**

s 24A ins 2004 SL No. 212 s 7

**Queensland driver licence holder**

s 25 sub 2001 SL No. 235 s 21  
amd 2002 SL No. 285 s 24; 2003 SL No. 66 s 8; 2006 SL No. 28 s 13

**Non-Queensland driver licence holder**

s 26 sub 2001 SL No. 235 s 21  
amd 2002 SL No. 285 s 25; 2003 SL No. 66 s 9; 2006 SL No. 28 s 14

**Former driver licence holder**

s 27 sub 2001 SL No. 235 s 21  
amd 2002 SL No. 285 s 26; 2003 SL No. 66 s 10

**Unlicensed person**

s 28 sub 2001 SL No. 235 s 21  
amd 2003 SL No. 66 s 11

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

s 29 sub 2001 SL No. 235 s 21  
amd 2003 SL No. 66 s 12

**PART 6A—SUSPENSION FOR SPEEDING MORE THAN 40KM/H OVER THE  
SPEED LIMIT**

pt hdg ins 2003 SL No. 66 s 13

**Application of pt 6A**

s 30 prev s 30 om 2001 SL No. 235 s 21  
pres s 30 ins 2003 SL No. 66 s 13

**Queensland driver licence holder**

s 30A ins 2003 SL No. 66 s 13

**Non-Queensland driver licence holder**

s 30B ins 2003 SL No. 66 s 13

**Unlicensed person**

s 30C ins 2003 SL No. 66 s 13

**Appeal against suspension**

s 30D ins 2003 SL No. 66 s 13

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

pt hdg amd 2001 SL No. 235 s 22

**Surrendering licence**

s 31 sub 2001 SL No. 235 s 23  
amd 2003 SL No. 358 s 8

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

s 32 amd 2001 SL No. 235 s 24

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

s 33 amd 2001 SL No. 235 s 25; 2003 SL No. 358 s 9; 2005 SL No. 296 s 6

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

---

**Immediate amendment or suspension of Queensland driver licence**

s 33A ins 2005 SL No. 296 s 7 (om 2006 SL No. 28 s 7); 2006 SL No. 28 s 11

**Return of licence for amendment**

s 34 amd 2001 SL No. 235 s 26; 2003 SL No. 358 s 10

**Non-Queensland driver licence**

s 35 sub 2001 SL No. 235 s 27  
amd 2003 SL No. 358 s 11; 2005 SL No. 296 s 8 (om 2006 SL No. 28 s 7);  
2006 SL No. 28 s 12

**Defence force licence**

s 36 sub 2001 SL No. 235 s 28

**Power to require document to be produced**

prov hdg amd 2001 SL No. 235 s 29(1)

s 37 amd 2001 SL No. 235 s 29(2)

**Retesting—medical fitness**

s 37A ins 2001 SL No. 235 s 30  
amd 2003 SL No. 358 s 12; 2005 SL No. 296 s 9

**Retesting—Act, s 128**

s 37B ins 2001 SL No. 235 s 30

**Reconsideration of decision by chief executive**

s 38 amd 2001 SL No. 235 s 31; 2005 SL No. 296 s 10

**Change of name or address**

s 39 amd 2001 SL No. 235 s 32

**Licence labels**

s 44 ins 2001 SL No. 235 s 33

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

s 45 ins 2001 SL No. 235 s 33

**Effect of suspension if licence must be held for a period**

s 45A ins 2003 SL No. 66 s 14

**Disqualification from holding Queensland driver licence because of conviction under  
s 12B**

s 45B ins 2005 SL No. 296 s 11

**PART 10—TRANSITIONAL PROVISIONS**

pt hdg ins 2001 SL No. 235 s 33

**Division 1—Transitional provisions for Transport Operations (Road Use  
Management—Driver Licensing) Amendment Regulation (No. 1) 2001**

div hdg ins 2006 SL No. 28 s 15

**Application of pt 6**

s 46 ins 2001 SL No. 235 s 33

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

---

**2 point provisional licences**

**s 47** ins 2001 SL No. 235 s 33  
amd 2003 SL No. 358 s 13

**Undecided appeals against cancellation**

**s 48** ins 2001 SL No. 235 s 33

**Division 2—Transitional provisions for Transport Legislation Amendment Regulation (No. 1) 2006**

**div hdg** ins 2006 SL No. 28 s 16

**Chief executive given information about incapacity by use of a form that is an approved form**

**s 49** ins 2006 SL No. 28 s 16

**Chief executive notified about incapacity in other ways**

**s 50** ins 2006 SL No. 28 s 16  
exp 1 April 2006 (see s 50(3))

**SCHEDULE 1—FEES**

sub 2000 SL No. 89 s 14; 2001 SL No. 57 s 16  
amd 2001 SL No. 235 s 34  
sub 2002 SL No. 112 s 22  
amd 2002 SL No. 199 s 6  
sub 2003 SL No. 106 s 24; 2004 SL No. 54 s 22; 2005 SL No. 91 s 24

**SCHEDULE 2—LICENCE CODES**

amd 2001 SL No. 235 s 35; 2003 SL No. 358 s 14; 2004 SL No. 249 s 11

**SCHEDULE 3—DEMERIT POINTS****PART 1—8 DEMERIT POINT OFFENCES**

**pt 1 (s 1)** sub 2003 SL No. 66 s 15(3)

**PART 2—6 DEMERIT POINT OFFENCES**

**pt 2 (s 2)** sub 2003 SL No. 66 s 15(3)

**PART 3—4 DEMERIT POINT OFFENCES**

**pt 3 (s 3)** ins 2003 SL No. 66 s 15(3)

**PART 4—3 DEMERIT POINT OFFENCES**

**pt hdg** (prev pt 3 hdg) renum 2003 SL No. 66 s 15(1)

**Careless driving**

**s 4** (prev s 3) renum 2003 SL No. 66 s 15(2)

**Disobeying certain red traffic lights**

**s 5** (prev s 4) renum 2003 SL No. 66 s 15(2)

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

**s 6** prev s 6 om 2001 SL No. 235 s 36  
pres s 6 (prev s 5) renum 2003 SL No. 66 s 15(2)

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

**s 7** amd 2004 SL No. 300 s 6(1)

**Disobeying traffic lane arrows in roundabout**

**7A** (prev s 14) sub 2000 SL No. 297 s 15(3)–(4)  
renum and reloc 2004 SL No. 212 s 8(3)

**Driving with person in or on trailer or prohibited part of vehicle**

**7B** ins 2004 SL No. 212 s 8(1)

**Driving vehicle with more than maximum number of persons or weight**

**7C** ins 2004 SL No. 212 s 8(1)

**Failing to keep left**

**s 9** sub 2000 SL No. 297 s 15(1)

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

**s 10** amd 2004 SL No. 212 s 8(2)

**Improper turns**

**s 11** sub 2000 SL No. 297 s 15(2)

**Speeding—13–20km/h over the speed limit**

**s 12** sub 2003 SL No. 66 s 15(4)

**Using hand-held mobile phones**

**s 12A** ins 2003 SL No. 373 s 6

**PART 5—2 DEMERIT POINT OFFENCES**

**pt hdg** (prev pt 4 hdg) renum 2003 SL No. 66 s 15(1)

**Failing to keep left**

**s 15** amd 2000 SL No. 297 s 15(5)–(6)

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

**s 17** amd 2000 SL No. 297 s 15(7)

**Improper turn (other than U-turn)**

**s 18** amd 2000 SL No. 297 s 15(8)

**Passing trams**

**s 21** amd 2004 SL No. 300 s 6(2)–(3)

**PART 6—1 DEMERIT POINT OFFENCES**

**pt hdg** (prev pt 5 hdg) renum 2003 SL No. 66 s 15(1)

**Failing to comply with condition of non-Queensland driver licence**

**s 24** ins 2003 SL No. 66 s 15(6)

**Failing to comply with condition stated on Queensland driver licence**

**s 25** ins 2003 SL No. 66 s 15(6)

**Failing to have lights lit**

**s 26** (prev s 24) renum 2003 SL No. 66 s 15(5)

**Failing to dip headlights**

**s 27** (prev s 25) renum 2003 SL No. 66 s 15(5)

**Following too closely**

**s 28** (prev s 26) renum 2003 SL No. 66 s 15(5)



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

---

**Improper vehicle equipment, construction or loading**

- s 29** prev s 29 om 2003 SL No. 66 s 15(8)  
pres s 29 (prev s 27) renum 2003 SL No. 66 s 15(5)  
amd 2004 SL No. 302 s 11

**Learner driving while unaccompanied by licensed driver or while not under direction of licensed driver**

- s 30** ins 2003 SL No. 66 s 15(6)

**Operating television receivers and visual display units**

- s 31** (prev s 28) renum 2003 SL No. 66 s 15(7)

**Speeding—less than 13km/h over the speed limit**

- s 32** ins 2003 SL No. 66 s 15(8)

**SCHEDULE 4—PRESCRIBED COUNTRIES**

- ins 2001 SL No. 235 s 38  
amd 2004 SL No. 302 s 12

**SCHEDULE 5—REMOTE AREA**

- ins 2001 SL No. 235 s 38

**SCHEDULE 6—DICTIONARY**

- sch hdg** amd 2001 SL No. 235 s 37(5)
- def “**1 year licence**” ins 2002 SL No. 199 s 7
- def “**2 year licence**” ins 2002 SL No. 199 s 7
- def “**3 year licence**” ins 2002 SL No. 199 s 7
- def “**4 year licence**” ins 2002 SL No. 199 s 7
- def “**5 year licence**” ins 2002 SL No. 199 s 7
- def “**authorising licence**” ins 2001 SL No. 109 s 10
- def “**cancellation date**” om 2001 SL No. 235 s 37(1)
- def “**choice date**” ins 2001 SL No. 235 s 37(2)
- def “**competency declaration**” ins 2001 SL No. 109 s 10
- def “**defence force identification**” ins 2001 SL No. 235 s 37(2)
- def “**defence force licence**” ins 2001 SL No. 235 s 37(2)
- def “**defence force member**” ins 2001 SL No. 235 s 37(2)
- def “**defence forces licence**” om 2001 SL No. 235 s 37(1)
- def “**driver trainer**” amd 2005 SL No. 187 s 137
- def “**eligible family member**” ins 2001 SL No. 235 s 37(2)
- def “**health professional**” ins 2005 SL No. 296 s 12
- def “**interstate licence**” ins 2001 SL No. 235 s 37(2)  
om 2003 SL No. 358 s 15(1)
- def “**L plate**” sub 2004 SL No. 249 s 12
- def “**moped**” ins 2000 SL No. 21 s 4
- def “**non-Queensland driver licence**” amd 2001 SL No. 235 s 37(3)  
om 2003 SL No. 358 s 15(1)
- def “**O type licence**” ins 2002 SL No. 285 s 27
- def “**practical driving test**” amd 2003 SL No. 358 s 15(2)
- def “**principal regulation**” ins 2001 SL No. 109 s 10
- def “**Q-Ride training**” ins 2001 SL No. 109 s 10
- def “**registered service provider**” ins 2001 SL No. 109 s 10
- def “**registered service provider standards**” ins 2001 SL No. 109 s 10

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

---

def “**requisite suspension period**” ins 2001 SL No. 235 s 37(2)  
def “**return date**” om 2001 SL No. 235 s 37(1)  
def “**return notice**” om 2001 SL No. 235 s 37(1)  
def “**road rules test**” amd 2001 SL No. 235 s 37(4)  
def “**sanction date**” ins 2001 SL No. 235 s 37(2)  
def “**valid**” amd 2003 SL No. 358 s 15(3)  
def “**verified receipt**” ins 2001 SL No. 109 s 10