



Queensland

*Transport Operations (Road Use Management) Act 1995*

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

Reprinted as in force on 1 December 2009

Reprint No. 6C

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Queensland

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

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

[as amended by all amendments that commenced on or before 1 December 2009]

## 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.

### 3A Exemption from payment of particular fees

- (1) The following persons are exempt from the payment of the fees mentioned in schedule 1, items 1 to 5 that are otherwise payable under this regulation—
- (a) the head of a consulate;
  - (b) a career officer of a consulate;
  - (c) the head of TECO in Brisbane;
  - (d) an officer of TECO in Brisbane;
  - (e) an immediate family member of a person mentioned in any of paragraphs (a) to (d).

[s 4]

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(2) In this section—

*immediate family member*, of a person, means—

- (a) the person's spouse; or
- (b) a child or stepchild of the person, if the child or stepchild is—
  - (i) under 21 years; or
  - (ii) at least 21 years but under 25 years and in full-time study.

*TECO* means the Taipei Economic and Cultural Office under the *Taipei Economic and Cultural Office (Privileges and Immunities) Regulations 1998* (Cwlth).

#### 4 Definitions

The dictionary in schedule 7 defines particular words used in this regulation.

## Part 2 Queensland driver licence is authority to drive

#### 5 Motorbike licences

- (1) The holder of a class RE learner licence is authorised to learn to ride a class RE motorbike.
- (2) The holder of a class RE P type, P1 type, P2 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

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in the approved form stating the person has a special need for the licence.

(3AA) However, subsection (3) does not apply to a person authorised to continue to drive motor vehicles under a relevant order.

(4) The holder of a class R P type, P1 type, P2 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 or section 35(10) or 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; and

(c) if the person is a passenger on the motorbike—the person is in a sidecar attached to the motorbike.

Maximum penalty—20 penalty units.

(6) A person must not direct the driving of a motorbike on a road by a holder who is authorised to learn to ride a motorbike under this section or section 35(10) or 37B(2) unless the person—

(a) holds an O type licence for the class of motorbike the holder is riding; and

(b) has held the licence for at least 1 year.

Maximum penalty—60 penalty units.

## **6 Other types of licences**

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

[s 6]

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- (2) The holder of a class C P type, P1 type, P2 type or open licence is authorised—
  - (a) to drive a class C vehicle; and
  - (b) to learn to drive a class LR, MR, HR or UD vehicle.
- (3) The holder of a class LR P type, P1 type, P2 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, P1 type, P2 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, P1 type, P2 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, P1 type, P2 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, P1 type, P2 type or open licence is authorised—
  - (a) to drive a class MC vehicle; and
  - (b) to learn to drive a class UD vehicle.
- (7A) However, subsections (2)(b), (3)(b), (4)(b), (5)(b), (6)(b) and (7)(b) do not apply to a person authorised to continue to drive motor vehicles under a relevant order.
- (8) The holder of a class UD P type, P1 type, P2 type or open licence is authorised to drive a class UD vehicle.



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- (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 or section 35(10) or 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.

- (10) A person must not direct the driving of a vehicle on a road by a holder who is authorised to learn to drive a vehicle under this section or section 35(10) or 37B(2) unless—
- (a) the person—
    - (i) holds an O type licence for the class of vehicle 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—60 penalty units.

## **7 Licence must be valid**

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

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## **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; 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.

*Editor's note—*

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

### **9**            **Testing**

- (1) This section prescribes the tests that a person must pass to be eligible for a Queensland driver licence.
- (2) The person must, if required by the chief executive to take an eyesight test, pass an eyesight test.
- (3) The following persons must pass a road rules test—
  - (a) an applicant for a learner licence;
  - (b) an applicant for a provisional, probationary or open licence who holds a foreign driver licence;
  - (c) an applicant for a provisional or probationary licence who holds a provisional or probationary licence of a different class;
  - (d) an applicant for an open licence who holds an open licence of a different class.
- (4) However, subsection (3) does not apply if the person, within 5 years before applying for the licence—

- 
- (a) passed a road rules test for the class of licence being applied for; or
  - (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;
  - (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—

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- (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
    - (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; or
- (f) for a class RE licence—the person holds a competency declaration for a class RE motorbike; or

- 
- (g) for a class R licence—
    - (i) the person holds a competency declaration for a class R motorbike; or
    - (ii) the person has passed a practical driving test to obtain an Australian driver licence for a class that corresponds to a class RE licence on—
      - (A) if the test was conducted before 1 July 2009—a motorbike that was the same as a prescribed motorbike; or
      - (B) if the test is conducted on and after 1 July 2009—a prescribed motorbike; or
    - (iii) the person holds a competency declaration for a class RE motorbike for which Q-Ride training was completed on—
      - (A) if the training was completed before 1 July 2009—a motorbike that was the same as a prescribed motorbike; or
      - (B) if the training was completed on and after 1 July 2009—a prescribed motorbike.
  - (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, other than a driver licence that corresponds to a learner licence, granted under the law of New Zealand; or
    - (b) for an application for a class RE, R or C licence—a driver licence, other than a driver licence that corresponds to a learner licence, granted under the law of a country prescribed in schedule 4, that corresponds to a class RE, R or C licence.
  - (8) A person who holds a P1 type licence that authorises the person to drive a class C vehicle must pass a hazard perception test before applying for any of the following types of licences—

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- (a) a P2 provisional licence;
  - (b) a P2 probationary licence;
  - (c) an open licence.
- (9) Subsection (8) does not apply if the person has, at some time, passed a hazard perception test.
- (10) In this section—
- P1 type licence* includes a driver licence granted outside Queensland that corresponds to a P1 type licence.

### **9AA Learner licence—class RE**

- (1) A person is not eligible for a class RE learner licence unless—
- (a) the person has held a P type, P1 type, P2 type or O type licence of another class for at least 1 year during the 5 years before applying for the class RE learner licence; or
  - (b) the person—
    - (i) holds a driver licence granted outside Queensland before 1 July 2007 that corresponds to a class RE learner licence; and
    - (ii) applies for the class RE learner licence before 1 July 2010.
- (2) In this section—
- P1 type licence* includes a driver licence granted outside Queensland that corresponds to a P1 type licence.
- P2 type licence* includes a driver licence granted outside Queensland that corresponds to a P2 type licence.
- P type licence* includes a driver licence granted outside Queensland that corresponds to a P type licence.

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**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.

*Editor's note—*

See section 14AA (Special need—HC licence).

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

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

- (a) the person—
  - (i) holds a class RE learner licence; and
  - (ii) holds a P type licence of another class; and
  - (iii) either—
    - (A) has held the licence mentioned in subparagraph (i) for at least 6 months during the 2 years before applying for the licence; or
    - (B) holds a competency declaration for a class RE motorbike; or
- (b) the person—
  - (i) holds a driver licence granted outside Queensland that corresponds to a class RE learner licence; and
  - (ii) holds a P type licence of another class; and
  - (iii) either—

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- (A) has held the licence mentioned in subparagraph (i) for at least 6 months during the 2 years before applying for the licence; or
- (B) holds a competency declaration for a class RE motorbike; and
- (iv) for a person who holds a driver licence mentioned in subparagraph (i) that was granted after 30 June 2007—has held the licence mentioned in subparagraph (ii) for at least 1 year during the 5 years before applying for the licence; or
- (c) the person has, within 5 years before applying for the licence, held—
  - (i) a class RE P type licence; or
  - (ii) a class RE O type licence that has been cancelled.
- (2) A person is not eligible for a class RE P1 provisional licence or P1 probationary licence unless—
  - (a) the person—
    - (i) is at least 17 years but under 25 years at the time of applying for the licence; and
    - (ii) holds—
      - (A) a class RE learner licence; or
      - (B) a driver licence granted outside Queensland before 1 July 2007 that corresponds to a class RE learner licence; and
    - (iii) either—
      - (A) has held the licence mentioned in subparagraph (ii) for at least 6 months during the 2 years before applying for the licence; or
      - (B) holds a competency declaration for a class RE motorbike; or



- 
- (b) the person has, within 5 years before applying for the licence, held a class RE P1 type licence.
- (3) A person is not eligible for a class RE P2 provisional licence or P2 probationary licence unless—
- (a) the person—
- (i) was granted a class RE P1 type licence when the person was under 24 years; and
  - (ii) holds a class RE P1 type licence; and
  - (iii) has held a class RE P1 type licence for at least 1 year; or
- (b) the person—
- (i) is at least 25 years at the time of applying for the licence; and
  - (ii) holds—
    - (A) a class RE learner licence; or
    - (B) a driver licence granted outside Queensland before 1 July 2007 that corresponds to a class RE learner licence; and
  - (iii) either—
    - (A) has held the licence mentioned in subparagraph (ii) for at least 6 months during the 2 years before applying for the licence; or
    - (B) holds a competency declaration for a class RE motorbike; or
- (c) the person—
- (i) holds a P2 provisional licence or P2 probationary licence of another class; and
  - (ii) holds a class RE learner licence; and
  - (iii) either—

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- (A) has held the licence mentioned in subparagraph (ii) for at least 6 months during the 2 years before applying for the licence; or
    - (B) holds a competency declaration for a class RE motorbike; or
  - (d) the person—
    - (i) holds a driver licence granted outside Queensland that corresponds to a class RE learner licence; and
    - (ii) either—
      - (A) has held the licence mentioned in subparagraph (i) for at least 6 months during the 2 years before applying for the licence; or
      - (B) holds a competency declaration for a class RE motorbike; and
    - (iii) has, within 5 years before applying for the licence, held for at least 1 year—
      - (A) a provisional, probationary or restricted licence of another class; or
      - (B) a driver licence granted outside Queensland that corresponds to a provisional, probationary or restricted licence of another class; or
  - (e) the person has, within 5 years before applying for the licence, held a class RE P2 type licence.
- (4) However, this section does not apply to the grant of a class RE provisional licence if the chief executive is satisfied the person has a special need for the licence.
- (5) In this section—  
***P1 type licence*** includes a driver licence granted outside Queensland that corresponds to a P1 type licence.

*P2 type licence* includes a driver licence granted outside Queensland that corresponds to a P2 type licence.

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

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

- (1) A person is not eligible for a class C P provisional licence or P probationary licence unless—
  - (a) the person—
    - (i) holds a class RE or class R P type licence; and
    - (ii) holds a class C learner licence; and
    - (iii) has held the class C learner licence for—
      - (A) if the class C learner licence was granted before 1 July 2007—at least 6 months during the 2 years before applying for the licence; or
      - (B) if the class C learner licence was granted after 30 June 2007—at least 1 year during the 3 years before applying for the licence; or
  - (b) the person has, within 5 years before applying for the licence, held—
    - (i) a class C P type licence; or
    - (ii) a class C O type licence that has been cancelled.
- (2) A person is not eligible for a class C P1 provisional licence or P1 probationary licence unless—
  - (a) the person—
    - (i) is at least 17 years but under 25 years at the time of applying for the licence; and
    - (ii) holds a class C learner licence; and
    - (iii) has held the class C learner licence for—

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- (A) if the class C learner licence was granted before 1 July 2007 or the person is a person to whom part 3AA does not apply—at least 6 months during the 2 years before applying for the licence; or
  - (B) if the class C learner licence was granted after 30 June 2007 and the person satisfies the logbook requirements—at least 1 year during the 3 years before applying for the licence; or
  - (C) if the class C learner licence was granted after 30 June 2007 and the person was granted an exemption from the logbook requirements under section 14AI—at least 2 years during the 3 years before applying for the licence; or
- (b) the person—
- (i) holds a class RE or class R P1 type licence; and
  - (ii) holds a class C learner licence; and
  - (iii) has held the class C learner licence for—
    - (A) if the class C learner licence was granted before 1 July 2007—at least 6 months during the 2 years before applying for the licence; or
    - (B) if the class C learner licence was granted after 30 June 2007—at least 1 year during the 3 years before applying for the licence; or
- (c) the person has, within 5 years before applying for the licence, held a class C P1 type licence.
- (3) A person is not eligible for a class C P2 provisional licence or P2 probationary licence unless—
- (a) the person—

- 
- (i) was granted a class C P1 type licence when the person was under 24 years; and
  - (ii) holds a class C P1 type licence; and
  - (iii) has held a class C P1 type licence for at least 1 year; or
- (b) the person—
- (i) either—
    - (A) is at least 25 years at the time of applying for the licence; or
    - (B) holds a class RE or class R P2 type licence; and
  - (ii) holds a class C learner licence; and
  - (iii) has held the licence mentioned in subparagraph (ii) for—
    - (A) if the class C learner licence was granted before 1 July 2007—at least 6 months during the 2 years before applying for the licence; or
    - (B) if the class C learner licence was granted after 30 June 2007—at least 1 year during the 3 years before applying for the licence; or
- (c) the person has, within 5 years before applying for the licence, held a class C P2 type licence.

(4) However, this section does not apply to the grant of a class C provisional licence if the chief executive is satisfied the person has a special need for the licence.

(5) In this section—

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

**P1 type licence** includes a driver licence granted outside Queensland that corresponds to a P1 type licence.

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*P2 type licence* includes a driver licence granted outside Queensland that corresponds to a P2 type 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, that the person has a special need for a class R licence.
- (2) The person is not eligible for a class R provisional or probationary licence unless—
  - (a) the person holds a class C, LR, MR, HR, HC or MC provisional or probationary licence and has held the licence for at least 3 years; and
  - (b) the person—
    - (i) holds a class RE learner licence and has held the licence for at least 6 months during the 2 years before applying for the licence; or
    - (ii) holds a class RE provisional or probationary licence of the same type as the class R 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**

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

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- (i) holds a class RE learner licence; and
  - (ii) either—
    - (A) has held the class RE learner licence for at least 6 months during the 2 years before applying for the licence; or
    - (B) holds a competency declaration for a class RE motorbike; and
  - (iii) holds an O type licence of another class; and
  - (iv) if the O type licence mentioned in subparagraph (iii) was granted outside Queensland—has, in the 5 years before applying for the licence, held a P type, P1 type, P2 type or O type licence for at least 1 year; or
- (b) the person—
- (i) holds a class RE P type licence; and
  - (ii) has held the class RE P type licence for at least the required period for holding the licence; or
- (c) the person—
- (i) holds a class RE P1 type licence; and
  - (ii) was granted the class RE P1 type licence when the person was at least 24 years but under 25 years; and
  - (iii) has held the class RE P1 type licence for at least 1 year; or
- (d) the person—
- (i) holds a class RE P2 type licence; and
  - (ii) has held the class RE P2 type licence for at least—
    - (A) if the person was granted a class RE P1 type licence when the person was under 23 years and a class RE P2 type licence when the person was under 25 years—2 years; or
    - (B) otherwise—1 year; or

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- (e) the person has, within 5 years before applying for the licence, held a class RE O type licence that has not been cancelled; or
- (f) the person—
  - (i) has, within 5 years before applying for the licence, held a class RE O type licence that has been cancelled; and
  - (ii) holds a class RE P type licence; and
  - (iii) has, since the cancellation of the licence mentioned in subparagraph (i), held a class RE P type licence for at least 1 year; or
- (g) the person—
  - (i) has, within 5 years before applying for the licence, held a class RE P type licence that has been cancelled; and
  - (ii) holds a class RE P type licence; and
  - (iii) has, since the cancellation of the licence mentioned in subparagraph (i), held a class RE P type licence for at least—
    - (A) if the person was granted the licence mentioned in subparagraph (i) when the person was under 24 years and the balance of the required period for holding the licence that had not expired before the licence was cancelled is more than 1 year—the balance of the required period for holding the licence that had not expired before the licence was cancelled; or
    - (B) otherwise—1 year; or
- (h) the person—
  - (i) has, within 5 years before applying for the licence, held a class RE P1 type licence granted to the person when the person was at least 24 years but under 25 years that has been cancelled; and



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- (ii) holds a class RE P1 type licence; and
  - (iii) has, since the cancellation of the licence mentioned in subparagraph (i), held a class RE P1 type licence for at least 1 year; or
- (i) the person—
- (i) has, within 5 years before applying for the licence, held a class RE P2 type licence that has been cancelled; and
  - (ii) holds a class RE P2 type licence; and
  - (iii) has, since the cancellation of the licence mentioned in subparagraph (i), held a class RE P2 type licence for at least—
    - (A) if the person was granted a class RE P1 type licence when the person was under 23 years and the licence mentioned in subparagraph (i) when the person was under 25 years, and the balance of the 2 year period for holding the licence mentioned in subparagraph (i) that had not expired before the licence was cancelled is more than 1 year—the balance of the 2 year period that had not expired before the licence mentioned in subparagraph (i) was cancelled; or
    - (B) otherwise—1 year.

- (2) In this section—

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

***P1 type licence*** includes a driver licence granted outside Queensland that corresponds to a P1 type licence.

***P2 type licence*** includes a driver licence granted outside Queensland that corresponds to a P2 type licence.

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

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*required period*, for holding a driver licence, means a period of—

- (a) if the person was granted the licence when the person was under 23 years—3 years; or
- (b) if the person was granted the licence when the person was at least 23 years but under 24 years—2 years; or
- (c) if the person was granted the licence when the person was at least 24 years—1 year.

### **11AA Open licences—class C**

- (1) A person is not eligible for a class C open licence unless—
  - (a) the person—
    - (i) holds a class RE or class R O type licence; and
    - (ii) holds a class C learner licence; and
    - (iii) has held the class C learner licence for—
      - (A) if the class C learner licence was granted before 1 July 2007—at least 6 months during the 2 years before applying for the licence; or
      - (B) if the class C learner licence was granted after 30 June 2007—at least 1 year during the 3 years before applying for the licence; or
  - (b) the person—
    - (i) holds a class C P type licence; and
    - (ii) has held the class C P type licence for at least the required period for holding the licence; or
  - (c) the person—
    - (i) holds a class C P1 type licence; and
    - (ii) was granted the class C P1 type licence when the person was at least 24 years but under 25 years; and

- 
- (iii) has held the class C P1 type licence for at least 1 year; or
  - (d) the person—
    - (i) holds a class C P2 type licence; and
    - (ii) has held the class C P2 type licence for—
      - (A) if the person was granted a class C P1 type licence when the person was under 23 years and a class C P2 type licence when the person was under 25 years—2 years; or
      - (B) in any other case—1 year; or
  - (e) the person has, within 5 years before applying for the licence, held a class C O type licence that has not been cancelled; or
  - (f) 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 licence mentioned in subparagraph (i), held a class C P type licence for at least 1 year; or
  - (g) 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, since the cancellation of the licence mentioned in subparagraph (i), held a class C P type licence for at least—
      - (A) if the person was granted the licence mentioned in subparagraph (i) when the person was under 24 years and the balance of the required period for holding the licence

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that had not expired before the licence was cancelled is more than 1 year—the balance of the required period for holding the licence that had not expired before the licence was cancelled; or

(B) otherwise—1 year; or

(h) the person—

(i) has, within 5 years before applying for the licence, held a class C P1 type licence granted to the person when the person was at least 24 years but under 25 years that has been cancelled; and

(ii) holds a class C P1 type licence; and

(iii) has, since the cancellation of the licence mentioned in subparagraph (i), held a class C P1 type licence for at least 1 year; or

(i) the person—

(i) has, within 5 years before applying for the licence, held a class C P2 type licence that has been cancelled; and

(ii) holds a class C P2 type licence; and

(iii) has, since the cancellation of the licence mentioned in subparagraph (i), held a class C P2 type licence for at least—

(A) if the person was granted a class C P1 type licence when the person was under 23 years and the licence mentioned in subparagraph (i) when the person was under 25 years, and the balance of the 2 year period for holding the licence mentioned in subparagraph (i) that had not expired before the licence was cancelled is more than 1 year—the balance of the 2 year period that had not expired before the licence mentioned in subparagraph (i) was cancelled; or

(B) otherwise—1 year.

(2) In this section—

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

*P1 type licence* includes a driver licence granted outside Queensland that corresponds to a P1 type licence.

*P2 type licence* includes a driver licence granted outside Queensland that corresponds to a P2 type licence.

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

*required period*, for holding a driver licence, means a period of—

- (a) if the person was granted the licence when the person was under 23 years—3 years; or
- (b) if the person was granted the licence when the person was at least 23 years but under 24 years—2 years; or
- (c) if the person was granted the licence when the person was 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, 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.

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(3) In this section—

*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 of the same type; 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 of the same type; 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 of the same type; and
  - (B) has held the licence for at least 2 years; or
- (ii) the person—

(A) holds a class LR or MR licence of the same type; 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 of the same type; and
  - (B) has held the licence for at least 1 year; and

- 
- (C) has a special need for the class HC licence;  
or
  - (ii) the person—
    - (A) holds a class MR or HR licence of the same type; and
    - (B) has held the licence for at least 1 year; or
  - (e) for a class MC licence—
    - (i) the person holds a class HR or HC licence of the same type; 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 of the same type.
- (2A) However, subsection (2)(a) does not apply to a person if the chief executive is satisfied, under section 14A, 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).

### **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

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- (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); or
  - (e) the person is not eligible to hold a Queensland driver licence under section 27, 28, 30B(1)(c) or 30C(1)(a).
- (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) This section does not apply to a class RE learner licence.
- (2) 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.



- 
- (3) A person claiming a special need must apply to the chief executive in the approved form.
  - (4) The approved form must be accompanied by a signed statement supporting the application from—
    - (a) for an application under subsection (1)(a)(i) or (ii)—the person’s employer; or
    - (b) for an application under subsection (1)(a)(iii)—the person in charge of the educational institution; or
    - (c) for an application under subsection (1)(a)(iv)—a doctor.
  - (5) 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 type, P1 type, P2 type or O type licence; and
  - (b) has held the licence for at least 3 years.

[s 14AA]

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

(5) In this section—

*P1 type licence* includes a driver licence granted outside Queensland that corresponds to a P1 type licence.

*P2 type licence* includes a driver licence granted outside Queensland that corresponds to a P2 type licence.

*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—

- (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) For subsection (1)(a), a *remote area* is an area of a shire or city—

- 
- (a) declared as a local government area under the *Local Government Act 1993* as in force immediately before the changeover day; and
  - (b) mentioned in schedule 5.

*Notes—*

- 1 Under the *Local Government Act 1993* as in force immediately before the changeover day, shires and cities were described in the *Local Government (Areas) Regulation 2005*, schedule 1 as in force immediately before the changeover day.
- 2 Each map mentioned in the *Local Government (Areas) Regulation 2005*, schedule 1 as in force immediately before the changeover day can be—
  - (a) accessed by members of the public, free of charge, on the department’s website; or
  - (b) purchased from any office of the department in which the *Survey and Mapping Infrastructure Act 2003* is administered.

*Editor’s note—*

At the commencement of this subsection, the department’s website was <[www.transport.qld.gov.au](http://www.transport.qld.gov.au)>.

- (7) In this section—

***changeover day*** means 15 March 2008.

*Note—*

15 March 2008 is the changeover day declared under the *Local Government Act 1993*, section 159YE(2) for all new, adjusted and continuing local government areas listed in schedule 1A of that Act. See the notice published in the gazette on 23 November 2007 at page 1680.

## **Part 3AA Additional eligibility requirements for class C P1 provisional licences for young drivers**

### **14AB Object of pt 3AA**

The object of this part is to state the eligibility requirements for young drivers for class C P1 provisional licences that are in addition to the eligibility requirements stated in part 3.

### **14AC Application of pt 3AA**

- (1) This part applies to a person (a *young driver*) who—
  - (a) is under 25 years; and
  - (b) holds a class C learner licence granted or renewed after 30 June 2007; and
  - (c) does not hold a class RE or class R P type, P1 type, P2 type or O type licence.

- (2) In this section—

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

*P1 type licence* includes a driver licence granted outside Queensland that corresponds to a P1 type licence.

*P2 type licence* includes a driver licence granted outside Queensland that corresponds to a P2 type licence.

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

### **14AD Requirements**

- (1) A young driver is not eligible for a class C P1 provisional licence unless—

- 
- (a) the young driver records in a logbook the details of 100 hours of supervised driving in a car on a road in Australia by the young driver during a 3 year period; and

*Note—*

The supervised driving must happen during the 3 years before an application is made under section 14AG.

- (b) at least 10 hours of the supervised driving mentioned in paragraph (a) is at night; and
- (c) the details recorded in the logbook are verified by a supervisor as required under section 14AF(1); and
- (d) the chief executive approves the young driver's completed logbook under section 14AG.
- (2) For subsection (1)(a), a young driver may record up to 10 hours of supervised driving in a car on a road in Australia by the young driver at the ratio of 1:3 if the supervisor is a driver trainer.

*Example—*

A young driver may record 10 hours of supervised driving in a car on a road in Australia as 30 hours in the logbook if the supervisor is a driver trainer.

- (3) The requirement mentioned in subsection (1)(b) does not apply if the young driver has given notice to the chief executive under section 14K about a mental or physical incapacity that is likely to adversely affect the young driver's ability to drive safely at night.
- (4) This section applies subject to sections 14AH and 14AI.
- (5) In this section—

***driver trainer*** includes a person accredited (however described) under a corresponding law to the provisions of the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005* about accreditation of driver trainers.

## **14AE Logbooks**

- (1) The chief executive must make 1 logbook that is bound and in paper form available for use by a young driver—
  - (a) when the chief executive grants the young driver a class C learner licence; and
  - (b) when the chief executive renews the young driver's class C learner licence.
- (2) No fee is payable for a logbook made available under subsection (1).
- (3) Also, the chief executive may, on payment of a fee, make a logbook that is bound and in paper form available for use by any person, whether or not the person is a young driver, if the chief executive considers it appropriate to do so.
- (4) A logbook made available under subsection (1) or (3) remains the property of the State even if a fee is paid for making it available for use.
- (5) If a young driver's logbook is not a logbook made available under subsection (1) or (3), the logbook becomes the property of the State when it is given to the chief executive as a completed logbook for approval under section 14AG.

## **14AF Verification of logbook entries by supervisors etc.**

- (1) A young driver must ensure the supervisor of the young driver for a driving session—
  - (a) checks the correctness of the details recorded in the young driver's logbook (the *logbook entry*) for the driving session; and
  - (b) verifies the logbook entry for the driving session in the required way.
- (2) A supervisor for a young driver's driving session must not verify, in the required way, a logbook entry for the driving session if the supervisor knows the entry is false or misleading in a material particular.

Maximum penalty—60 penalty units.

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- (3) In a proceeding for an offence against subsection (2), it is enough to state the verified entry was ‘false or misleading’ to the supervisor’s knowledge, without specifying which.
  - (4) A person must not verify, in the required way, an entry for details recorded in a logbook unless the person is the young driver’s supervisor for a driving session and the entry is about the driving session.

Maximum penalty—60 penalty units.

- (5) In this section—  
*required way*, for verifying a logbook entry for a driving session, means—
  - (a) for a logbook entry in paper form—by signing the entry;  
or
  - (b) for a logbook entry in an electronic system—by using a method that identifies the person verifying the entry and indicates that person’s approval of the entry.

#### **14AG Approval of completed logbooks by chief executive**

- (1) A young driver may apply to the chief executive for approval of the young driver’s completed logbook.
- (1A) A logbook is a completed logbook only if—
  - (a) the young driver has completed and signed the declaration about the contents of the logbook that forms part of the logbook; and
  - (b) all of the pages of the logbook are bound together; and
  - (c) for a logbook in which details have been wholly or partly recorded and verified, as required under section 14AF(1), by using an electronic system—a hard copy of each page in which details are recorded and verified electronically is included in the pages that are bound together under paragraph (b).
- (2) The chief executive may approve the logbook only if the chief executive is satisfied—

- (a) that the requirements under section 14AD(1)(a) to (c) have been satisfied by the young driver; and
  - (b) the supervised driving required under section 14AD(1)(a) in relation to the young driver happened during the 3 years before the application is made.
- (3) After receiving the application, the chief executive must do 1 of the following—
  - (a) approve the logbook;
  - (b) decide not to approve the logbook;
  - (c) if the chief executive reasonably believes further information or documents are required to make a decision about the application—give a written notice to the young driver requesting the young driver, within a stated period of at least 28 days, to give to the chief executive further information or documents relevant to the application.
- (4) If the young driver does not comply with a notice given under subsection (3)(c), the chief executive may declare, by further written notice given to the young driver, that the application is taken to be withdrawn on a day stated in the notice.
- (5) After receiving the further information or documents requested under the notice given under subsection (3)(c), the chief executive must decide to approve or not to approve the logbook.
- (6) If the chief executive decides to approve the logbook as mentioned in subsection (3)(a) or (5), the chief executive must give the young driver a written notice stating the decision.
- (7) If the chief executive decides not to approve the logbook as mentioned in subsection (3)(b) or (5), the chief executive must give the young driver a written notice stating—
  - (a) the decision; and
  - (b) the reasons for the decision; and



- (c) that the young driver may contest the decision by applying under section 38 for a reconsideration of the decision; and
  - (d) if the chief executive believes the logbook is false or misleading in a material particular—the reasons for which the chief executive believes the logbook is false or misleading in a material particular.
- (8) The chief executive is taken to have approved the logbook in relation to which the application is made (other than an application declared to be taken to be withdrawn), if the chief executive does not decide the application by the later of the following—
- (a) if further information or documents are requested by a notice given under subsection (3)(c)—the day that is 28 days after the information or documents are given;
  - (b) otherwise—the day that is 28 days after receiving the application.

#### **14AH Credit for other driving experience**

- (1) Subsection (2) applies to—
- (a) a young driver who held a class C learner licence granted before 1 July 2007; or
  - (b) a young driver who holds or has held an interstate licence that corresponds to a class C learner licence; or
  - (c) a young driver who holds or has held a driver licence granted under the law of New Zealand, that corresponds to a class C learner licence.
- (2) The young driver may apply, in the approved form, to the chief executive for credit for up to 100 hours of supervised driving in a car on a road in Australia or New Zealand completed by the young driver within 3 years before applying for credit.

- (3) Subsection (4) applies to a young driver who holds or has held a driver licence, that corresponds to a class C learner licence, granted under the law of a country prescribed in schedule 4.
- (4) The young driver may apply, in the approved form, to the chief executive for credit for up to 50 hours of supervised driving in a car on a road in a country prescribed in schedule 4, that the young driver completed within 3 years before applying for credit.
- (5) The application may include a request for credit for up to 10 hours of supervised driving in a car on a road, in the country for which the application is made, at the ratio of 1:3 if the supervisor was a driver trainer.

*Example—*

A young driver may request that 10 hours of supervised driving in a car on a road, in the country for which the application is made, be credited as 30 hours of supervised driving if the supervisor was a driver trainer.

- (6) The application must be accompanied by—
  - (a) any application made by the young driver under section 14AG for approval of a completed logbook; and
  - (b) documentary evidence of the hours of supervised driving for which the young driver is applying for credit.

*Examples of documentary evidence—*

- a document that records information similar to the information required to be recorded in a logbook
  - receipts or correspondence from a driver trainer or driver training school
- (7) After receiving the application, the chief executive must do one of the following—
    - (a) grant the application, in whole or in part;
    - (b) decide not to grant the application;
    - (c) if the chief executive reasonably believes further information or documents are required to make a decision about the application—give a written notice to the young driver requesting the young driver, within a stated period of at least 28 days, to give to the chief

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executive further information or documents relevant to the application.

- (8) If the young driver does not comply with a notice given under subsection (7)(c), the chief executive may declare, by further written notice given to the young driver, that the application is taken to be withdrawn on a day stated in the notice.
- (9) After receiving the further information or documents requested under the notice given under subsection (7)(c), the chief executive must decide to grant or not grant the application.
- (10) If the chief executive decides to grant the application as mentioned in subsection (7)(a) or (9), in whole or in part, the chief executive must give the young driver a written notice stating—
  - (a) the number of hours of supervised driving for which the young driver is granted credit for the purpose of satisfying the requirement under section 14AD(1)(a); and
  - (b) the number of hours of supervised driving at night for which the young driver is granted credit for the purpose of satisfying the requirement under section 14AD(1)(b).
- (11) Despite section 14AD(1)(a), the total number of hours of supervised driving in a car on a road in Australia, the details of which the young driver must record in a logbook to be eligible for a class C P1 provisional licence, is 100 hours less the number of hours of supervised driving for which the young driver has been given notice under subsection (10).

*Example—*

A young driver mentioned in subsection (1) may be granted credit for 100 hours of supervised driving, in which case the young driver need not satisfy the logbook requirements.

- (12) Despite section 14AD(1)(b), the total number of hours of supervised driving in a car on a road in Australia at night, the details of which the young driver must record in a logbook to be eligible for a class C P1 provisional licence, is 10 hours less the number of hours of supervised driving at night for

which the young driver has been given notice under subsection (10).

- (13) If the chief executive decides not to grant any part of the application as mentioned in subsection (7)(b) or (9), the chief executive must give the young driver a written notice stating—
- (a) the decision; and
  - (b) the reasons for the decision; and
  - (c) that the young driver may contest the decision by applying under section 38 for a reconsideration of the decision; and
  - (d) if the chief executive believes a document provided by the young driver to the chief executive is false or misleading in a material particular—the reasons for which the chief executive believes the document is false or misleading in a material particular.
- (14) The chief executive is taken to have granted the application (other than an application declared to be taken to be withdrawn) if the chief executive does not decide the application by the later of the following—
- (a) if further information or documents are requested by a notice given under subsection (7)(c)—the day that is 28 days after the information or documents are given;
  - (b) otherwise—the day that is 28 days after receiving the application.
- (15) In this section—
- driver trainer*** includes a person accredited (however described) under—
- (a) a corresponding law to the provisions of the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005* about accreditation of driver trainers; or
  - (b) the law of a foreign country that provides for accrediting persons as trainers of drivers.

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*the application* means an application under subsection (2) or (4).

#### **14AI Exemption from logbook requirements**

- (1) A young driver may apply, in the approved form, to the chief executive for an exemption from the logbook requirements if either or both of the following is not reasonably available to the young driver to satisfy the requirement mentioned in section 14AD(1)(a)—
  - (a) a car to drive on a road in Australia;
  - (b) a person to be a supervisor of the young driver.
- (2) Also a young driver may apply, in the approved form, to the chief executive for an exemption from the logbook requirements because—
  - (a) the young driver lives in an area with a limited road network; and  
*Example of an area with a limited road network—*  
an island with a single road around the island
  - (b) there is no significant benefit for the young driver to satisfy the logbook requirements by driving a car on the road network; and
  - (c) there is no reasonable likelihood of the young driver moving from the area or having an opportunity to drive a car in an area with a diverse road network.
- (3) The chief executive must deal with the application in a timely way and grant or not grant the application.
- (4) If the chief executive reasonably believes further information or documents are required to make a decision about the application, the chief executive may give a written notice to the young driver requesting the young driver, within a stated period of at least 28 days, to give further information or documents relevant to the application.
- (5) If the young driver does not comply with a notice given under subsection (4), the chief executive may declare, by further

written notice given to the young driver, that the application is taken to be withdrawn on a day stated in the notice.

- (6) In deciding whether to grant the application, the chief executive must also consider the young driver's traffic history.
- (7) If the chief executive decides to grant the application, the chief executive must give the young driver a written notice stating the decision.
- (8) If the chief executive decides not to grant the application, the chief executive must give the young driver a written notice stating—
  - (a) the decision; and
  - (b) the reasons for the decision; and
  - (c) that the young driver may contest the decision by applying under section 38 for a reconsideration of the decision.
- (9) In this section—

*the application* means an application under subsection (1) or (2).

#### **14AJ Taking of practical driving test to be eligible for class C P1 provisional licence**

- (1) A young driver may only take a practical driving test under section 9(5) to be eligible for a class C P1 provisional licence within 3 years after—
  - (a) satisfying the logbook requirements; or
  - (b) being granted an exemption from the logbook requirements under section 14AI.
- (2) However, the young driver must not take a practical driving test under section 9(5) to be eligible for a class C P1 provisional licence within 6 weeks after satisfying the logbook requirements if at any time—
  - (a) either—

- 
- (i) the chief executive decided not to approve a completed logbook of the young driver under section 14AG because the chief executive believes that the logbook was false or misleading in a material particular; or
  - (ii) the chief executive decided not to approve in whole or in part an application of the young driver under section 14AH because the chief executive believes a document given under that section by the young driver to the chief executive was false or misleading in a material particular; and
- (b) the decision mentioned in paragraph (a) has not been set aside by the chief executive under section 38 or by QCAT or a court.
- (3) Subsection (2) does not apply if the young driver is convicted of an offence under section 53 of the Act in relation to the giving to the chief executive of—
- (a) a completed logbook under section 14AG; or
  - (b) a document under section 14AH.

## **Part 3B                      Jet's law: eligibility for licences and reporting of particular medical conditions**

### **14J      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

[s 14K]

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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 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).

#### **14K 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—
  - (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.

## **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.

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- (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) applying for a review of the decision under section 131(1AA) 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—

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- (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.

[s 18B]

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## **Part 4AA                    Renewal of open licences by     electronic communication**

### **18B    Definition for pt 4AA**

In this part—

*electronic communication* see the *Electronic Transactions (Queensland) Act 2001*, schedule 2.

### **18C    Application of pt 4AA**

This part applies in relation to a person who is the holder of a valid open licence if—

- (a) the person is not required to give the chief executive a current medical certificate about the person’s medical fitness to continue to hold a Queensland driver licence; and
- (b) the person is otherwise eligible for the renewal of the open licence.

### **18D    Notice that person may renew licence by electronic     communication**

The chief executive may give the person a written notice stating that the person may apply to the chief executive for the renewal of the person’s open licence by electronic communication.

### **18E    When chief executive may renew licence**

- (1) This section applies if a person to whom a notice is given under section 18D applies to the chief executive for the renewal of the person’s open licence by electronic communication.
- (2) The chief executive may renew the person’s licence if, at the time the person applies for the renewal—

- (a) the person is the holder of a valid open licence; and
- (b) the person is not required to give the chief executive a current medical certificate about the person's medical fitness to continue to hold a Queensland driver licence; and
- (c) the person's name is the same as the name shown on the person's licence; and
- (d) the person is otherwise eligible for the renewal of the licence.

#### **18F Renewal of licence label**

- (1) If the chief executive renews a person's licence under section 18E, the chief executive must issue a renewal of licence label to the person.
- (2) The chief executive may send the renewal of licence label to an address nominated by the person that is not the person's residential address.
- (3) On receipt of a renewal of licence label, the person must promptly attach the label to the back of the licence, in the space provided for change of details labels.

Maximum penalty—20 penalty units.

## **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).

[s 19A]

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**19A Learner must not ride or drive unless L plates are displayed or fitted in the required way**

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 displayed at the rear of the motorbike so the L character on the L plate is visible from 20m away at any point within an arc of 45 degrees from the surface of the L plate above or to either side of the motorbike; or
- (b) otherwise—L plates are fitted to the front and rear of the motor vehicle so the L character on each of the L plates is visible from 20m away at any point within an arc of 45 degrees from the surface of each of the L plates above or to either side of the motor vehicle.

Maximum penalty—20 penalty units.

**19B Person must not direct a learner unless L plates are displayed or fitted in the required way**

- (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—
  - (a) if the motor vehicle is a motorbike—an L plate is displayed at the rear of the motorbike so the L character on the L plate is visible from 20m away at any point within an arc of 45 degrees from the surface of the L plate above or to either side of the motorbike; or
  - (b) otherwise—L plates are fitted to the front and rear of the motor vehicle so the L character on each of the L plates is visible from 20m away at any point within an arc of 45 degrees from the surface of each of the L plates above or to either side of the motor vehicle.

Maximum penalty—20 penalty units.

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**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 4B Display of red P plates and green P plates**

**19D Holder of P1 type licence must not ride or drive unless red P plates are displayed or fitted in the required way**

- (1) This section applies to a person who holds a P1 type licence.
- (2) The person must not ride a motorbike or drive a car, on a road, that the person is authorised to ride or drive unless—
  - (a) for a motorbike—a red P plate is displayed at the rear of the motorbike so the P character on the P plate is visible from 20m away at any point within an arc of 45 degrees from the surface of the P plate above or to either side of the motorbike; or
  - (b) for a car—red P plates are fitted to the front and rear of the car so the P character on each of the P plates is visible from 20m away at any point within an arc of 45 degrees from the surface of each of the P plates above or to either side of the car.

Maximum penalty—20 penalty units.

- (3) Subsection (2) does not apply to either of the following riding a motorbike or driving a car in the course of his or her duty—

[s 19E]

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- (a) an exempted police driver;
- (b) an emergency service worker.

**19E Holder of P2 type licence must not ride or drive unless green P plates are displayed or fitted in the required way**

- (1) This section applies to a person who holds a P2 type licence.
- (2) The person must not ride a motorbike or drive a car, on a road, that the person is authorised to ride or drive unless—
  - (a) for a motorbike—a green P plate is displayed at the rear of the motorbike so the P character on the P plate is visible from 20m away at any point within an arc of 45 degrees from the surface of the P plate above or to either side of the motorbike; or
  - (b) for a car—green P plates are fitted to the front and rear of the car so the P character on each of the P plates is visible from 20m away at any point within an arc of 45 degrees from the surface of each of the P plates above or to either side of the car.

Maximum penalty—20 penalty units.

- (3) Subsection (2) does not apply to either of the following riding a motorbike or driving a car in the course of his or her duty—
  - (a) an exempted police driver;
  - (b) an emergency service worker.

**19F Other persons must not display P plates**

- (1) A person must not display a red P plate while riding or driving a motor vehicle on a road unless—
  - (a) the person holds a P1 type licence that authorises the person to ride a class RE or class R motor vehicle and the motor vehicle is a motorbike; or
  - (b) the person holds a P1 type licence that authorises the person to drive a class C motor vehicle and the motor vehicle is a car.



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Maximum penalty—20 penalty units.

- (2) A person must not display a green P plate while riding or driving a motor vehicle on a road unless—
- (a) the person holds a P2 type licence that authorises the person to ride a class RE or class R motor vehicle and the motor vehicle is a motorbike; or
  - (b) the person holds a P2 type licence that authorises the person to drive a class C motor vehicle and the motor vehicle is a car.

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, P1 type, P2 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, P1 type, P2 type or open licence; and
  - (b) has held the licence for at least 1 year.

Maximum penalty—20 penalty units.

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- (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).

## **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, P1 type, P2 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, P1 type, P2 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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## **Part 5A                      Restrictions on particular driver licence holders and their passengers**

### **22A    Application of pt 5A**

This part does not apply to either of the following driving a motor vehicle in the course of his or her duty—

- (a) an exempted police driver;
- (b) an emergency service worker.

### **22B    Use of mobile phones by particular driver licence holders**

- (1) This section applies to a person driving a car on a road—
  - (a) who—
    - (i) holds a class C learner licence granted or renewed after 30 June 2007, or a P1 provisional licence; and
    - (ii) is under 25 years; or
  - (b) who holds a class C P1 probationary licence or P1 restricted licence because of a young driver disqualification offence.
- (2) The person must not use a mobile phone while the car is—
  - (a) moving; or
  - (b) stationary but not parked.

Maximum penalty—20 penalty units.

### **22C    Use of mobile phones by passengers**

- (1) This section applies to a passenger in a car driven on a road by a person—
  - (a) who holds a class C learner licence or P1 provisional licence and is under 25 years; or

[s 22D]

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- (b) who holds a class C P1 probationary licence or P1 restricted licence because of a young driver disqualification offence.
- (2) The passenger must not use a mobile phone in loudspeaker mode while the car is—
  - (a) moving; or
  - (b) stationary but not parked.Maximum penalty—20 penalty units.

## **22D High-powered vehicles**

- (1) This section applies to a person who—
  - (a) holds a P1 provisional licence or P2 provisional licence and is under 25 years; or
  - (b) holds a P1 probationary or P1 restricted licence or a P2 probationary or P2 restricted licence because of a young driver disqualification offence.
- (2) The person must not drive a high-powered vehicle on a road unless the person—
  - (a) has a current certificate of exemption for the vehicle, or type of vehicle that includes the vehicle, issued under section 22E; and
  - (b) is driving the vehicle in accordance with the certificate.Maximum penalty—20 penalty units.
- (3) Subsection (4) applies if a police officer reasonably suspects a person to whom this section applies is, or has been, driving a high-powered vehicle on a road.
- (4) If asked by the police officer whether the person is allowed to drive a high-powered vehicle, the person must produce for inspection a current certificate of exemption issued to the person under section 22E unless the person has a reasonable excuse for not complying with the request.  
Maximum penalty—10 penalty units.

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- (5) Without limiting the matters that may be a reasonable excuse for subsection (4), it is a reasonable excuse if the person has not been issued with a certificate of exemption under section 22E.

## **22E Certificate of exemption—high-powered vehicles**

- (1) A person mentioned in section 22D(1) may apply, in the approved form, to the chief executive for a certificate of exemption about driving a high-powered vehicle on a road.
- (2) The application must be accompanied by a signed statement supporting the application from—
- (a) for matters in relation to subsection (4)(a)(i)(A) or (B)—the person’s employer; or
  - (b) for matters in relation to subsection (4)(a)(i)(C)—the person in charge of the educational institution; or
  - (c) for matters in relation to subsection (4)(a)(i)(D)—a doctor; or
  - (d) for matters in relation to subsection (4)(a)(ii)(B) or (C)—the immediate family member.
- (3) The chief executive must deal with the application in a timely way and grant or not grant the application.
- (4) The chief executive may grant the application only if the chief executive is satisfied that—
- (a) either—
    - (i) the person needs to drive the high-powered vehicle—
      - (A) to, or from, the person’s place of employment; or
      - (B) in the course of the person’s employment; or
      - (C) to, or from, an educational institution the person attends; or
      - (D) to get medical treatment for the person or a member of the person’s family; or

[s 22E]

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- (ii) the only car reasonably available to be driven by the person is a high-powered vehicle—
  - (A) that was owned by the person on 30 June 2007 and has been owned by the person since that date, including the date of the application; or
  - (B) that is owned or leased by an immediate family member of the person; or
  - (C) that an immediate family member of the person possesses under an employment or salary package of the immediate family member; and
- (b) there is no other transport reasonably available to the person; and
- (c) a refusal to issue the certificate of exemption would cause severe hardship.
- (5) In deciding whether to grant the application, the chief executive must also consider the person's traffic history.
- (6) If the chief executive decides to grant the application, the chief executive must issue a certificate of exemption to the person about the person driving a high-powered vehicle on a road.
- (7) A certificate of exemption issued under subsection (6)—
  - (a) must be in the approved form; and
  - (b) may apply to the following—
    - (i) a particular high-powered vehicle;
    - (ii) a type of high-powered vehicle; and
  - (c) may state conditions in relation to—
    - (i) the time of use of a particular high-powered vehicle or type of high-powered vehicle; and
    - (ii) the days of use of a particular high-powered vehicle or type of high-powered vehicle; and

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- (iii) the purpose for which a particular high-powered vehicle or type of high-powered vehicle may be driven.
- (8) If the chief executive decides not to grant the application, the chief executive must give the person a written notice stating—
- (a) the decision; and
  - (b) the reasons for the decision; and
  - (c) that the person may contest the decision by applying under section 38 for a reconsideration of the decision.

- (9) In this section—

***approved carer***, of a person, means—

- (a) if the person is a child—a person who is an approved foster carer or approved kinship carer for the child; or
- (b) if the person is an adult—a person who was an approved foster carer or approved kinship carer for the adult when the adult was a child, and with whom the adult lives.

***grandparent***, of a person, means a parent of—

- (a) a parent of the person; or
- (b) a step-parent of the person.

***immediate family member***, of a person, means—

- (a) the person's spouse; or
- (b) a parent or step-parent of the person; or
- (c) a grandparent, or spouse of a grandparent, of the person; or
- (d) an approved carer or guardian of the person.

## **22F Late night driving**

- (1) This section applies to—
- (a) a person who satisfies the following requirements—
    - (i) either—

[s 22F]

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- (A) the person, after being given a notice to choose, agrees under section 25(2)(b) to be of good behaviour while driving for a year; or
    - (B) the person's driver licence is suspended under section 25(4) or (8) or 30A;
  - (ii) the person committed the offence that led to the notice to choose or suspension mentioned in subparagraph (i) after 30 June 2007 and when the person was under 25 years;
  - (iii) at the time of committing the offence, the person—
    - (A) held a P type, P1 type or P2 type licence; or
    - (B) did not hold a valid driver licence and was not eligible for an open licence; or
- (b) a person who satisfies the following requirements—
  - (i) the person is disqualified from holding or obtaining a Queensland driver licence for an offence committed after 30 June 2007;
  - (ii) the person committed the offence that led to the disqualification when the person was under 25 years;
  - (iii) at the time of committing the offence, the person—
    - (A) held a P type, P1 type, P2 type or open licence; or
    - (B) did not hold a valid driver licence.
- (2) However, this section does not apply to a person whose only valid driver licence is a learner licence.
- (3) The person must not drive a motor vehicle on a road between the hours of 11p.m. on a day and 5a.m. on the next day during the period of 1 year after the relevant date, unless the person—
  - (a) has a current certificate of exemption issued under section 22G; and



(b) is driving in accordance with the certificate.

Maximum penalty—20 penalty units.

- (4) If, during the 1 year period mentioned in subsection (3), the person ceases to hold a valid driver licence, the 1 year period is extended by the length of the period for which the person does not hold a valid driver licence.
- (5) Subsection (6) applies if a police officer reasonably suspects a person to whom this section applies is, or has been, driving a motor vehicle on a road between the hours of 11p.m. on a day and 5a.m. on the next day during the period of 1 year after the relevant date.
- (6) If asked by the police officer whether the person is allowed to drive a motor vehicle on a road between the hours of 11p.m. on a day and 5a.m. on the next day, the person must produce for inspection a current certificate of exemption issued to the person under section 22G unless the person has a reasonable excuse for not complying with the request.

Maximum penalty—10 penalty units.

- (7) Without limiting the matters that may be a reasonable excuse for subsection (6), it is a reasonable excuse if the person has not been issued with a certificate of exemption under section 22G.
- (8) In this section—

*relevant date* means—

- (a) for a person mentioned in subsection (1)(a) who, after being given a notice to choose, agrees under section 25(2)(b) to be of good behaviour while driving for a year—the sanction date of the person's driver licence specified in the notice to choose; or
- (b) for a person mentioned in subsection (1)(a) whose driver licence is suspended under section 25(4) or (8) or 30A—the day after the last day of the suspension or, if the person's driver licence expires before the end of the suspension, the day the person is granted a driver licence; or

[s 22G]

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- (c) for a person mentioned in subsection (1)(b)—the day the person is granted a driver licence other than a learner licence or restricted licence.

## **22G Certificate of exemption—late night driving**

- (1) A person mentioned in section 22F(1) may apply, in the approved form, to the chief executive for a certificate of exemption about driving a motor vehicle on a road between the hours of 11p.m. on a day and 5a.m. on the next day during the period mentioned in section 22F(3).
- (2) The application must—
  - (a) state the times between the hours of 11p.m. on a day and 5a.m. on the next day for which the application is made; and
  - (b) be accompanied by a signed statement supporting the application from the person’s employer.
- (3) The chief executive must deal with the application in a timely way and grant or not grant the application.
- (4) However, the chief executive may grant the application only if the chief executive is satisfied about each of the following—
  - (a) the person needs to drive a motor vehicle on a road at times between the hours of 11p.m. on a day and 5a.m. on the next day—
    - (i) to, or from, the person’s place of employment; or
    - (ii) in the course of the person’s employment;
  - (b) a refusal to issue the certificate of exemption would cause severe hardship.
- (5) In deciding whether to grant the application, the chief executive must also consider the person’s traffic history.
- (6) If the chief executive decides to grant the application, the chief executive must issue a certificate of exemption, in the approved form, to the person about allowing the person to drive a motor vehicle on a road between the hours of 11p.m.

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on a day and 5a.m. on the next day during the period mentioned in section 22F(3).

- (7) The certificate of exemption must state the following in relation to the person driving a motor vehicle between the hours of 11p.m. on a day and 5a.m. on the next day—
  - (a) the times for so driving;
  - (b) the days for so driving;
  - (c) the purpose for so driving.
- (8) If the chief executive decides not to grant the application, the chief executive must give the person a written notice stating—
  - (a) the decision; and
  - (b) the reasons for the decision; and
  - (c) that the person may contest the decision by applying under section 38 for a reconsideration of the decision.

## **22H Peer passengers**

- (1) This section applies to a person (the *driver*) who—
  - (a) holds a class C P1 provisional licence and is under 25 years; or
  - (b) holds a class C P1 probationary or P1 restricted licence because of a young driver disqualification offence.
- (2) During the period between 11p.m. on a day and 5a.m. on the next day, the driver must not drive on a road a car carrying more than 1 passenger who—
  - (a) is under 21 years; and
  - (b) is not a person with whom the driver has an immediate family relationship.

Maximum penalty—20 penalty units.

- (3) For subsection (2)(b), the driver has an immediate family relationship with each immediate family member of the driver.

[s 22H]

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- (4) In relation to proof of whether an immediate family relationship existed between a passenger and the driver in proceedings for an offence against subsection (2)—
- (a) a belief of a police officer, on reasonable grounds, that an immediate family relationship between the passenger and driver did not exist is sufficient evidence of that fact; and
- (b) the driver has the onus of proving the immediate family relationship did exist.
- (5) For subsection (4)(a), the belief mentioned in that subsection may be formed by the police officer after reasonable enquiries made of the driver and passengers when the police officer finds the driver driving the passengers or soon after.
- (6) In this section—

***approved carer***, of a child, means a person who is an approved foster carer or approved kinship carer for the child.

***foster child***, of a person, means a child for whom the person is an approved carer.

***grandparent***, of the driver, means a parent of—

- (a) a parent of the driver; or
- (b) a step-parent of the driver.

***immediate family member***, of the driver, means—

- (a) the driver's spouse; or
- (b) a child, stepchild, foster child or ward of the driver; or
- (c) a step-parent of the driver; or
- (d) the spouse of a grandparent of the driver; or
- (e) a brother or sister of the driver; or
- (f) a stepbrother or stepsister of the driver; or
- (g) a foster child or ward of a parent or step-parent of the driver; or
- (h) if the driver is a child—

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- (i) an approved carer of the driver; or
  - (ii) a child, stepchild, foster child or ward of an approved carer of the driver; or
  - (i) a guardian of the driver; or
  - (j) a child, stepchild, foster child or ward of a guardian of the driver.

**ward**, of a person, means an adult or child for whom the person is a guardian.

## 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 for a demerit points offence; or
    - (ii) a corresponding law for an 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, 24A or 24B; and
  - (d) the date the offence was committed.

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- (3) Subject to sections 24, 24A and 24B, 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, applies to this part.

## **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) 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.

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- (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 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) committed after the commencement of this section.

**24B Additional demerit points for driving more than 20km/h over the speed limit**

- (1) This section applies to each category 1, 2 or 3 speeding offence committed after 12 April 2006, 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 category 1, 2 or 3 speeding offence committed within 1 year after the category 1, 2 or 3 speeding offence was committed, the following additional demerit points must be allocated for the later category 1, 2 or 3 speeding offence—
  - (a) for a later category 1 speeding offence—4 demerit points;
  - (b) for a later category 2 speeding offence—6 demerit points;
  - (c) for a later category 3 speeding offence—8 demerit points.
- (3) The additional demerit points are taken to be allocated on the day the later category 1, 2 or 3 speeding offence was committed.
- (4) In this section—

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*category 1 speeding offence* means an offence 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.

*category 2 speeding offence* means an offence 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.

*category 3 speeding offence* means an offence for a contravention of the Queensland Road Rules, section 20 by driving more than 40km/h over the speed limit.

## 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, P type, P1 type or P2 type licence, or a driver licence granted outside Queensland that corresponds to a learner, P type, P1 type or P2 type licence, but did not hold an O type licence; and
    - (iv) the person holds a 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 Queensland driver licence; and
  - (iii) the person holds an open licence.
- (1A) However, this section does not apply if section 25A, 25B, 30P, 30ZI or 30ZJ applies.
- (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 for the requisite suspension period starting on the sanction date.
- Editor's note—*
- See section 127(4) of the Act for the effect of a suspension of licence.
- (5) If—
- (a) within the specified time, the person notifies the chief executive that the person chooses for subsection (2)(b) to apply; and

[s 25A]

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- (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 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) If the licence is an open or provisional licence, the notice must also inform the person that the person may be eligible to apply for a special hardship order under part 6C in relation to the suspension.

*Note—*

Section 30W provides for the stay of the suspension of a person's open or provisional licence if the person makes an application for a special hardship order.

- (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.

*Note—*

Section 30ZB provides for the ending of the suspension of a person's open or provisional licence under subsection (8) if a court makes a special hardship order in relation to the person.

## **25A Recording of demerit points while subject to section 79E order**

- (1) This section applies to a person who holds an open licence if—

- 
- (a) the person commits a demerit points offence or interstate offence when there is no section 79E order in relation to the person; and
  - (b) a section 79E order is subsequently made in relation to the person; and
  - (c) while the person is authorised to continue to drive motor vehicles under the section 79E order, one of the following happens—
    - (i) the person is convicted of the demerit points offence or interstate offence;
    - (ii) an order is made against the person for the demerit points offence under the *State Penalties Enforcement Act 1999*, section 38;
    - (iii) an order is made against the person for the interstate offence under a corresponding law to the *State Penalties Enforcement Act 1999*, section 38; and
  - (d) because of the conviction or the order mentioned in paragraph (c), demerit points are recorded on the person's traffic history for the demerit points offence or interstate offence; and
  - (e) because of the recording of the demerit points for the demerit points offence or interstate offence, 12 or more demerit points are recorded on the person's traffic history and the demerit points were allocated in a continuous 3 year period.
- (2) The chief executive must give the person a written notice stating the person's Queensland driver licence is suspended for the requisite suspension period 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.
  - (4) The person's Queensland driver licence is suspended for the requisite suspension period starting on the date stated in the notice.

[s 25B]

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**25B Recording of demerit points while subject to special hardship order**

- (1) This section applies to a person who holds an open or provisional licence if—
  - (a) the person commits a demerit points offence or interstate offence when there is no special hardship order in relation to the person; and
  - (b) a special hardship order is subsequently made in relation to the person; and
  - (c) while the person is authorised to continue to drive motor vehicles under the special hardship order, one of the following happens—
    - (i) the person is convicted of the demerit points offence or interstate offence;
    - (ii) an order is made against the person for the demerit points offence under the *State Penalties Enforcement Act 1999*, section 38;
    - (iii) an order is made against the person for the interstate offence under a corresponding law to the the *State Penalties Enforcement Act 1999*, section 38; and
  - (d) because of the conviction or the order mentioned in paragraph (c), demerit points are recorded on the person's traffic history for the demerit points offence or interstate offence; and
  - (e) because of the recording of the demerit points for the demerit points offence or interstate offence, section 25(1)(b) or (c) applies in relation to the person.
- (2) The chief executive must give the person a written notice stating the person's Queensland driver licence is suspended for the requisite suspension period, starting on the date stated in the notice.
- (3) The date stated must not be less than 21 days after the date of the notice.

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- (4) The person's Queensland driver licence is suspended for the requisite suspension period starting on—
- (a) 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, P type, P1 type or P2 type licence, but did not hold an O type licence; and
    - (iii) the person holds a non-Queensland driver licence; or
  - (c) if—
    - (i) 12 or more demerit points are recorded on a person's traffic history; and

[s 27]

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- (ii) the demerit points were allocated in a continuous 3 year period, and during any part of the period the person held a driver licence; and
  - (iii) the person holds a driver licence granted outside Queensland that corresponds to 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.
  - P1 type licence* includes a driver licence granted outside Queensland that corresponds to a P1 type licence.
  - P2 type licence* includes a driver licence granted outside Queensland that corresponds to a P2 type 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 would apply to the person except that the person is unlicensed because, since the allocation of demerit points—
  - (a) the person's driver licence has expired; or
  - (b) the person's driver licence has been surrendered; or
  - (c) the authority to drive on a Queensland road under the person's non-Queensland driver licence has been withdrawn under section 35(5).
- (2) The chief executive must give the person a written notice stating that—

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- (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.

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

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

- (1) This part applies to a person—

[s 30A]

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- (a) who has been convicted for a contravention of the Queensland Road Rules, section 20, for driving more than 40km/h over the speed limit; or

*Editor's note—*

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

- (b) against whom an order has been made under the *State Penalties Enforcement Act 1999*, section 38 for the contravention.
- (2) However, this part does not apply if section 30Q or 30ZK applies to the person.

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

- (1) If the person holds a Queensland driver licence, the licence is suspended for 6 months starting on—
- (a) the day stated in a notice given under subsection (2); or
  - (b) if the person notifies the chief executive that the person wants the suspension to start earlier than the day stated in the notice—the day, not before the day on which the person gives the notice to the chief executive, chosen by the person.

*Note—*

Section 30ZB provides for the ending of the suspension of a person's open or provisional licence under subsection (1) if a court makes a special hardship order in relation to the person.

- (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) if the licence is an open or provisional licence—that the person may be eligible to apply for a special hardship order under part 6C in relation to the suspension.



*Note—*

Section 30W provides for the stay of the suspension of a person's open or provisional licence if the person makes an application for a special hardship order.

- (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—
  - (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—

[s 30E]

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- (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.

## **Part 6B                      Provisions relating to section 79E orders**

### **Division 1                      Preliminary**

#### **30E      Purpose of pt 6B**

This part provides for matters relating to a section 79E order.

*Note—*

A section 79E order authorises a person whose Queensland driver licence has been suspended under section 79B(2) of the Act to continue driving motor vehicles under a Queensland driver licence in circumstances stated in the order.

Despite the order, the person can not drive a motor vehicle under a Queensland driver licence until the person obtains a replacement licence under section 79F of the Act.

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### **30F Definitions for pt 6B**

In this part—

*relevant charge*, for a person's suspended licence, means the charge that resulted in the licence being suspended under section 79B(2) of the Act.

*suspended licence*, of a person, means the person's Queensland driver licence that has been suspended under section 79B(2) of the Act, because the person has been charged as mentioned in section 79B(1)(a), (b) or (d).

## **Division 2 Application for section 79E order**

### **30G Persons who are eligible, or not eligible, to apply for order**

- (1) A person who has a suspended licence is eligible to apply for a section 79E order if—
  - (a) the suspended licence is an open licence; and
  - (b) the application relates to a licence of the same class as the suspended licence.
- (2) A person who has a suspended licence is not eligible to apply for a section 79E order if—
  - (a) at the time of the relevant charge for the suspended licence—
    - (i) the person had been previously charged for an offence under section 79 or 80 of the Act; and
    - (ii) the previous charge had not been dealt with by a court, withdrawn or otherwise discontinued; or
  - (b) the act or omission that resulted in the relevant charge for the suspended licence happened, or is alleged to have happened, in 1 or more of the following circumstances—

[s 30G]

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- (i) while the person was engaged in an activity directly connected with the person's means of earning a living;
  - (ii) while the person was driving a motor vehicle the person was not authorised, under an open licence, to drive;
  - (iii) while the person held a restricted licence issued under an order made under section 87 of the Act;
  - (iv) while the person was driving a motor vehicle to which section 79(2B) of the Act applies;
  - (v) during a period for which the person had agreed, under section 25(2)(b), to be of good behaviour while driving;
  - (vi) after the person had been given a notice to choose, but before the person had chosen as mentioned in section 25(2) in relation to the notice; or
- (c) within 5 years before the relevant charge for the suspended licence—
- (i) a Queensland driver licence held by the person had been suspended or cancelled, or the person had been disqualified from holding or obtaining a Queensland driver licence; or
  - (ii) an authority to drive on Queensland roads under a non-Queensland driver licence previously held by the person had been suspended; or
  - (iii) the person was made ineligible to hold a Queensland driver licence under section 28(2) or 30C; or
  - (iv) the person had been convicted—
    - (A) of an offence against section 79 or 80(11) of the Act; or
    - (B) of an offence against the Criminal Code, section 328A; or

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- (C) outside Queensland of an offence that if committed in Queensland would be an offence against section 79 or 80(11) of the Act.
- (3) In subsection (2)(c)(i), the reference to a suspension, cancellation or disqualification does not include the following—
- (a) a suspension under section 79(9) of the Act;
  - (b) a suspension under section 79B(2) of the Act;
  - (c) a 24 hour suspension under section 80(22AA) of the Act;
  - (d) a suspension or cancellation that was set aside under section 38(4);
  - (e) a suspension, cancellation or disqualification that was set aside on a review by QCAT or appeal;
  - (f) a suspension, cancellation or disqualification because of the person's mental or physical incapacity;
  - (g) a suspension under the *State Penalties Enforcement Act 1999*, section 105.

### **30H Applying for order**

- (1) A person may apply for a section 79E order only to a relevant court for the person.
- (2) An application for a section 79E order must be—
  - (a) made within 21 clear days after the applicant's licence was suspended under section 79B(2) of the Act; and
  - (b) made in the approved form; and
  - (c) accompanied by the information, or details of the information, the applicant intends to rely on for the application.

*Note—*

See section 30J(2) and (3) for particular evidence the applicant must give to the court.

[s 30H]

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- (3) Subsection (2)(c) does not prevent the applicant from giving or producing further evidence at the hearing of the application.
- (4) The applicant must give the commissioner a copy of the application, including the information or details mentioned in subsection (2)(c)—
  - (a) if the day of the hearing is within 4 days after the day the application is made—as soon as practicable but before the day of the hearing; or
  - (b) otherwise—as soon as practicable but at least 3 days before the day of the hearing.
- (5) In this section—

*relevant court*, for a person, means any of the following applying to the person—

  - (a) if the relevant charge for the person’s suspended licence was laid in the Brisbane Magistrates Courts District—a court in the division of the Brisbane Magistrates Courts District in which the relevant charge for the person’s suspended licence was laid;
  - (b) if the relevant charge for the person’s suspended licence was laid in another Magistrates Courts district—a court in the Magistrates Courts district in which the relevant charge for the person’s suspended licence was laid;
  - (c) if the person resides in the Brisbane Magistrates Courts District—a court in the division of the Brisbane Magistrates Courts District in which the person resides;
  - (d) if the person resides in another Magistrates Courts district—a court in the Magistrates Courts district in which the person resides.

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## **Division 3                      Deciding application for section 79E order**

### **30I      Hearing of application**

- (1) For an application for a section 79E order—
  - (a) the applicant must, if required by the court, submit himself or herself as a witness; and
  - (b) other persons may be called as witnesses;  
to give evidence in relation to all matters relevant to the application and may be cross-examined in relation to the evidence.
- (2) The commissioner may—
  - (a) appear and be heard at the hearing of the application; and
  - (b) give and produce evidence at the hearing for or against the making of the order; and
  - (c) examine and cross-examine witnesses called to give evidence at the hearing.

### **30J      Criteria for deciding application for order**

- (1) A court may make a section 79E order only if the court is satisfied—
  - (a) the applicant for the order is a fit and proper person to continue to drive, having regard to the applicant's traffic history, the safety of other road users and the public generally; and
  - (b) that if the order is made, having regard to the applicant's traffic history, there would not be an unacceptable risk of the applicant committing an offence against section 79 or 80 of the Act; and
  - (c) a refusal to make the order would—

[s 30J]

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- (i) cause extreme hardship to the applicant or the applicant's family by depriving the applicant of the applicant's means of earning a living; or
  - (ii) cause severe and unusual hardship to the applicant or the applicant's family, other than by depriving the applicant of the applicant's means of earning a living; and
- (d) when the order is made, the applicant holds an open licence that would be valid but for the suspension, under section 79B(2) of the Act, to which the order relates.

*Note—*

See also section 79E(1) of the Act for requirements about eligibility for a section 79E order and the charges in relation to which a section 79E order may be made.

- (2) For subsection (1)(c)(i), the applicant must give the following to the court—
- (a) an affidavit made by the applicant outlining how the refusal to make the order would cause extreme hardship to the applicant or the applicant's family;
  - (b) if the applicant is not self-employed—an affidavit made by the applicant's employer confirming the applicant would be deprived of the applicant's means of earning a living if the application is refused.
- (3) For subsection (1)(c)(ii), the applicant must give to the court an affidavit made by the applicant that—
- (a) outlines how the refusal to make the order would cause severe and unusual hardship to the applicant or the applicant's family; and
  - (b) has attached to it statutory declarations from persons other than the applicant, other documentary evidence, or certified copies of evidence, in support of each matter stated in the affidavit.



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**30K What order must state and restrictions applying to licence to which order applies**

- (1) If a court decides to make a section 79E order in relation to a person, the order must state the following—
  - (a) that the order only applies while the person holds a valid open licence and until the relevant charge for the person's suspended licence in relation to which the order is made is dealt with by a court or is withdrawn or otherwise discontinued;
  - (b) that while the order applies in relation to the person, a Queensland driver licence held by the person is subject to the restrictions stated in the order;
  - (c) that, despite the order, the person is not authorised to drive a motor vehicle under a Queensland driver licence until the person obtains a replacement licence under section 79F of the Act.
- (2) The restrictions stated in the order must include the following—
  - (a) the purpose for which a motor vehicle may be driven under the licence;
  - (b) the class of motor vehicle that may be driven under the licence;
  - (c) the times at which or period of time during which a motor vehicle may be driven under the licence;
  - (d) that a motor vehicle may be driven under the licence only if the person is carrying a copy of the order.
- (3) Also, the restrictions stated in the order may include the following—
  - (a) restrictions on where a motor vehicle may be driven under the licence, including, for example, the starting and ending places for journeys under the licence;
  - (b) whether or not passengers may be carried in a motor vehicle being driven under the licence and, if they can

[s 30L]

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be carried, the names or other identifying details of the passengers who may be carried;

- (c) any other restriction the court considers appropriate.

*Examples of other restrictions for paragraph (c)—*

- that a person wear the person's work uniform at all times while driving under the licence
- that a person carry a logbook containing the details of all driving under the licence that is work-related travel, including, for example, start and end times, destinations and odometer readings

## Division 4                      Variation of a section 79E order

### 30L      Person may apply for order to vary restrictions

- (1) This section applies if—
- (a) a court makes a section 79E order authorising a person to continue to drive motor vehicles under a Queensland driver licence in stated circumstances; and
- (b) the circumstances change.

*Example—*

A person is authorised under a section 79E order to continue to drive motor vehicles under a Queensland driver licence to and from a stated place of work, and the person's place of work changes.

- (2) On application to a court by the person, the court may, by order (a ***section 79E variation order***), vary the restrictions that, under the section 79E order, apply to Queensland driver licences held by the person.
- (3) However, the court may vary the restrictions only if the court—
- (a) has had regard to the restrictions; and
- (b) considers the justice of the case requires it to vary the restrictions.

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**30M Applying for order**

- (1) A person may apply for a section 79E variation order only to a relevant court for the person.
- (2) An application for a section 79E variation order must be—
  - (a) made in the approved form; and
  - (b) accompanied by—
    - (i) an affidavit made by the person outlining why the variation mentioned in the application is necessary; and
    - (ii) the information, or details of the information, the applicant intends to rely on for the application.
- (3) Without limiting subsection (2)(b)(ii), if the reason for the application is that the applicant has changed employer, the applicant must give to the court an affidavit made by the applicant's new employer confirming the applicant—
  - (a) is currently employed by the new employer; and
  - (b) would be deprived of the applicant's means of earning a living if the application is refused.
- (4) Subsection (2)(b) does not prevent the applicant from giving or producing further evidence at the hearing of the application.
- (5) The applicant must give the commissioner a copy of the application, including the affidavits, and the information or details, accompanying the application—
  - (a) if the day of the hearing is within 4 days after the day the application is made—as soon as practicable but before the day of the hearing; or
  - (b) otherwise—as soon as practicable but at least 3 days before the day of the hearing.
- (6) In this section—

*relevant court*, for a person in relation to whom a section 79E order applies, means any of the following applying to the person—

[s 30MA]

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- (a) if the relevant charge for the person's suspended licence in relation to which the order applies was laid in the Brisbane Magistrates Courts District—a court in the division of the Brisbane Magistrates Courts District in which the relevant charge for the person's suspended licence in relation to which the order applies was laid;
- (b) if the relevant charge for the person's suspended licence in relation to which the order applies was laid in another Magistrates Courts district—a court in the Magistrates Courts district in which the relevant charge for the person's suspended licence in relation to which the order applies was laid;
- (c) if the person resides in the Brisbane Magistrates Courts District—a court in the division of the Brisbane Magistrates Courts District in which the person resides;
- (d) if the person resides in another Magistrates Courts district—a court in the Magistrates Courts district in which the person resides.

### **30MA Hearing of application**

- (1) For an application for a section 79E variation order—
  - (a) the applicant must, if required by the court, submit himself or herself as a witness; and
  - (b) other persons may be called as witnesses;to give evidence in relation to all matters relevant to the application and may be cross-examined in relation to the evidence.
- (2) The commissioner may—
  - (a) appear and be heard at the hearing of the application; and
  - (b) give and produce evidence at the hearing for or against the making of the order; and
  - (c) examine and cross-examine witnesses called to give evidence at the hearing.

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**30N What order must state**

A section 79E variation order must state the new restrictions that are to apply to Queensland driver licences held by the applicant for the remainder of the period for which the section 79E order applies in relation to the applicant.

**Division 5 Driving under section 79E order**

**30O Failing to comply with order**

- (1) A person authorised to continue to drive motor vehicles under a section 79E order must comply with the order, including the restrictions stated in the order that apply to Queensland driver licences held by the person, subject to any variation of the restrictions under a section 79E variation order.

Maximum penalty—20 penalty units.

- (2) Subsection (3) applies if—
- (a) a person is convicted of an offence against subsection (1); and
  - (b) the relevant charge for the person's suspended licence in relation to which the section 79E order applies has not been dealt with by a court or has not been withdrawn or otherwise discontinued.
- (3) The court must disqualify the person from holding or obtaining a Queensland driver licence until the charge of the offence is dealt with by a court or is withdrawn or otherwise discontinued.

**30P Suspension for allocation of demerit points while order applies**

- (1) This section applies if—
- (a) a section 79E order applies in relation to a person who holds a Queensland driver licence; and

[s 30Q]

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- (b) 4 or more demerit points are allocated to the person's traffic history during any continuous 1 year period while the order applies in relation to the person.
- (2) The chief executive must give the person a written notice stating that the person's Queensland driver licence is suspended, starting on the date stated in the notice, for the longer of—
  - (a) 3 months; or
  - (b) until the relevant charge for the person's suspended licence in relation to which the section 79E order was made is dealt with by a court or is withdrawn or otherwise discontinued.
- (3) The person's Queensland driver licence is suspended for the longer of the following starting on the date stated in the notice—
  - (a) 3 months;
  - (b) until the relevant charge for the person's suspended licence in relation to which the section 79E order was made is dealt with by a court or is withdrawn or otherwise discontinued.
- (4) The date stated in the notice must not be less than 14 days after the date of the notice.

### **30Q Committing high speed offence while driving under order**

- (1) This section applies to a person who is a section 79E driver—
  - (a) who has been convicted for a contravention of the Queensland Road Rules, section 20 for driving a motor vehicle under the licence at 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 for the contravention.
- (2) The chief executive must give the person a written notice stating that the person's Queensland driver licence is

suspended, starting on the date stated in the notice, for the longer of—

- (a) 6 months; or
  - (b) until the relevant charge for the person's suspended licence in relation to which the person is a section 79E driver is dealt with by a court or is withdrawn or otherwise discontinued.
- (3) The person's Queensland driver licence is suspended for the longer of the following starting on the date stated in the notice—
- (a) 6 months;
  - (b) until the relevant charge for the person's suspended licence in relation to which the person is a section 79E driver is dealt with by a court or is withdrawn or otherwise discontinued.
- (4) The date stated in the notice must not be less than 14 days after the date of the notice.

## **Part 6C                      Special hardship orders**

### **Division 1                      Preliminary**

#### **30R    Purpose of pt 6C**

This part provides for the following—

- (a) the making of a special hardship order in relation to a person whose open or provisional licence has been suspended under a relevant provision;
- (b) other matters relating to a special hardship order mentioned in paragraph (a).

[s 30S]

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### **30S Definitions for pt 6C**

In this part—

*relevant provision* means—

- (a) section 25(8); or
- (b) section 30A(1).

*suspended open or provisional licence*, of a person, means the person's open or provisional licence that has been suspended under a relevant provision.

## **Division 2 Court may make special hardship order**

### **30T Court may authorise particular person whose licence has been suspended to continue to drive**

- (1) This section applies to a person who—
  - (a) has a suspended open or provisional licence; and
  - (b) is eligible, and applies, for a special hardship order under division 3.
- (2) On application to a court by the person, the court may make a special hardship order authorising the person to continue to drive motor vehicles under a Queensland driver licence in stated circumstances.

## **Division 3 Application for special hardship order**

### **30U Persons who are eligible, or not eligible, to apply for order**

- (1) A person who has a suspended open or provisional licence is eligible to apply for a special hardship order if the application relates to a licence of the same class as the suspended open or provisional licence.



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- (2) A person who has a suspended open or provisional licence is not eligible to apply for a special hardship order if, within 5 years before the licence became a suspended open or provisional licence—
- (a) a Queensland driver licence held by the person had been suspended or cancelled, or the person had been disqualified from holding or obtaining a Queensland driver licence; or
  - (b) an authority to drive on Queensland roads under a non-Queensland driver licence previously held by the person had been suspended; or
  - (c) the person was made ineligible to hold a Queensland driver licence under section 28(2) or 30C; or
  - (d) the person had been convicted of an offence against the Criminal Code, section 328A.
- (3) In subsection (2)(a), the reference to a suspension, cancellation or disqualification does not include the following—
- (a) a suspension under section 79(9) of the Act;
  - (b) a suspension under section 79B(2) of the Act;
  - (c) a 24 hour suspension under section 80(22AA) of the Act;
  - (d) a suspension, cancellation or disqualification that was set aside under section 38(4);
  - (e) a suspension, cancellation or disqualification that was set aside on appeal other than under—
    - (i) section 29 of this regulation as in force before the commencement of this section; or
    - (ii) section 30D of this regulation as in force before the commencement of this section;
  - (f) a suspension, cancellation or disqualification because of the person's mental or physical incapacity;

[s 30V]

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- (g) a suspension under the *State Penalties Enforcement Act 1999*, section 105;
- (h) a suspension or cancellation that was set aside on a review by QCAT.

### **30V Applying for order**

- (1) A person may apply for a special hardship order only to a relevant court for the person.
- (2) An application for a special hardship order must be—
  - (a) made within 21 clear days after the applicant’s open or provisional licence was suspended under a relevant provision; and
  - (b) made in the approved form; and
  - (c) accompanied by the information, or details of the information, the applicant intends to rely on for the application.

*Note—*

See section 30Z(2) and (3) for particular evidence the applicant must give to the court.

- (3) Subsection (2)(c) does not prevent the applicant from producing further evidence at the hearing of the application.
- (4) The applicant must give the chief executive a copy of the application, including the information or details mentioned in subsection (2)(c)—
  - (a) if the day of the hearing is within 8 days after the day the application is made—as soon as practicable but before the day of the hearing; or
  - (b) otherwise—as soon as practicable but at least 7 days before the day of the hearing.
- (5) In this section—

***relevant court***, for a person, means—

  - (a) if the person resides in the Brisbane Magistrates Courts District—a court in the division of the Brisbane

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Magistrates Courts District in which the person resides;  
or

- (b) otherwise—a court in the Magistrates Courts district in which the person resides.

### **30W Making of application for order stays suspension**

The suspension of a person's open or provisional licence is stayed from the day the chief executive receives a copy of the person's application for a special hardship order until the day preceding the day of the hearing of the application.

## **Division 4 Deciding application for special hardship order**

### **30X Hearing of application**

- (1) For an application for a special hardship order—
- (a) the applicant must, if required by the court, submit himself or herself as a witness; and
  - (b) other persons may be called as witnesses;
- to give evidence in relation to all matters relevant to the application and may be liable to cross-examination in relation to the evidence.
- (2) The chief executive may—
- (a) appear and be heard at the hearing of the application; and
  - (b) give and produce evidence at the hearing for or against the making of the order; and
  - (c) examine and cross-examine witnesses called to give evidence at the hearing.

[s 30Y]

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**30Y Similar applications for orders may be considered together**

- (1) This section applies if—
  - (a) a person's open or provisional licence is suspended under both section 25(8) and 30A(1) in relation to the same contravention of the Queensland Road Rules, section 20; and
  - (b) the person makes an application for a special hardship order in relation to both of the suspensions.
- (2) The court may consider both applications together, and must try to ensure both applications are considered together.

**30Z Criteria for deciding application for order**

- (1) A court may make a special hardship order only if the court is satisfied—
  - (a) the applicant for the order is a fit and proper person to continue to drive, having regard to the applicant's traffic history and the safety of other road users and the public generally; and
  - (b) a refusal to make the order would—
    - (i) cause extreme hardship to the applicant or the applicant's family by depriving the applicant of the applicant's means of earning a living; or
    - (ii) cause severe and unusual hardship to the applicant or the applicant's family, other than by depriving the applicant of the applicant's means of earning a living; and
  - (c) when the order is made, the applicant holds an open or provisional licence that would be valid but for the suspension, under a relevant provision, to which the order relates.

*Note—*

See also sections 30T and 30U for requirements about eligibility for a special hardship order and the licence suspensions in relation to which a special hardship order may be made.

- (2) For subsection (1)(b)(i), the applicant must give the following to the court—
  - (a) an affidavit made by the applicant outlining how the refusal to make the order would cause extreme hardship to the applicant or the applicant’s family;
  - (b) if the applicant is not self-employed—an affidavit made by the applicant’s employer confirming the applicant would be deprived of the applicant’s means of earning a living if the application is refused.
- (3) For subsection (1)(b)(ii), the applicant must give the court an affidavit made by the applicant that—
  - (a) outlines how the refusal to make the order would cause severe and unusual hardship to the applicant or the applicant’s family; and
  - (b) has attached to it statutory declarations from persons other than the applicant, other documentary evidence, or certified copies of evidence, in support of each matter stated in the affidavit.

**30ZA What order must state and restrictions applying to licence to which order applies**

- (1) If a court decides to make a special hardship order in relation to a person, the order must state the following—
  - (a) that the order only applies—
    - (i) while the person holds a valid open or provisional licence; and
    - (ii) until the end of the order period stated in the order;
  - (b) that, despite the matters mentioned in paragraph (a), if during the order period stated in the order the person is, for any reason, disqualified by a court for a period from

[s 30ZA]

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- holding or obtaining a Queensland driver licence, the order stops applying in relation to the person;
- (c) that while the order applies in relation to the person, a Queensland driver licence held by the person is subject to the restrictions stated in the order.
- (2) For subsection (1)(a)(ii)—
- (a) the order period stated in the order must be equivalent to the length of the suspension period applicable under the relevant provision under which the person’s licence was suspended; and
- (b) any part of the suspension period served before the suspension was stayed under section 30W must be disregarded.
- (3) The restrictions stated in the order must include the following—
- (a) the purpose for which a motor vehicle may be driven under the licence;
- (b) the class of motor vehicle that may be driven under the licence;
- (c) the times at which or period of time during which a motor vehicle may be driven under the licence;
- (d) that a motor vehicle may be driven under the licence only if the licence holder is carrying a copy of the order.
- (4) Also, the restrictions stated in the order may include the following—
- (a) restrictions on where a motor vehicle may be driven under the licence, including, for example, the starting and ending places for journeys under the licence;
- (b) whether or not passengers may be carried in a motor vehicle being driven under the licence, and if they can be carried, the names or other identifying details of the passengers who may be carried;
- (c) any other restriction the court considers appropriate.

*Examples of other restrictions for paragraph (c)—*

- that a person wear the person's work uniform at all times while driving under the licence
- that a person carry a logbook containing the details of all driving under the licence that is work-related travel, including, for example, start and end times, destinations and odometer readings

### **30ZB Effect of court's decision**

- (1) If a court makes a special hardship order in relation to a person—
  - (a) the suspension of the person's open or provisional licence ends when the order is made; and
  - (b) while the order applies in relation to the person, the person is authorised to continue to drive under a Queensland driver licence subject to the restrictions stated in the order.
- (2) If a court refuses to make a special hardship order in relation to a person, the suspension of the person's open or provisional licence continues for the period of the licence's suspension under the relevant provision that had not been served before the application for the order was made.

## **Division 5 Obtaining replacement licence**

### **30ZC Replacement licence if there is a special hardship order**

- (1) This section applies to a person authorised to continue to drive motor vehicles by a special hardship order.
- (2) Unless the person has a reasonable excuse, the person must, in the way required under subsection (3), apply for a form of licence (a *replacement licence*) that is the same kind, class or description as the licence suspended under a relevant provision except for the inclusion of a code indicating that the holder of the licence is authorised to drive motor vehicles only under a special hardship order.

[s 30ZD]

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Maximum penalty—20 penalty units.

- (3) An application under subsection (2) must be—
  - (a) in the approved form; and
  - (b) accompanied by a copy of the order; and
  - (c) made within 14 days after the order is made.
- (4) In making a decision about the application, the chief executive must—
  - (a) have regard to the special hardship order; and
  - (b) deal with the application as if it were an application for a Queensland driver licence.
- (5) Despite subsection (4)(b), the chief executive may only refuse the application if under an Act—
  - (a) the person's open or provisional licence is suspended or cancelled, or the person is disqualified from holding or obtaining a Queensland driver licence, for a reason other than the reason that resulted in the suspension to which the special hardship order relates; or
  - (b) the person's open or provisional licence would have been suspended or cancelled, or the person would have been disqualified from holding or obtaining a Queensland driver licence, except the person's open or provisional licence was already suspended under a relevant provision.

## **Division 6                      Special hardship variation order**

### **30ZD    Person may apply for order to vary restrictions**

- (1) This section applies if—
  - (a) a court makes a special hardship order authorising a person to continue to drive motor vehicles under a Queensland driver licence in stated circumstances; and
  - (b) the circumstances have changed.



*Example—*

A person is authorised under a special hardship order to continue to drive motor vehicles under a Queensland driver licence to and from a stated place of work, and the person's place of work changes.

- (2) On application to a court by the person, the court may, by order (a *special hardship variation order*), vary the restrictions that, under the special hardship order, apply to Queensland driver licences held by the person.
- (3) However, the court may vary the restrictions only if the court—
  - (a) has had regard to the restrictions; and
  - (b) considers the justice of the case requires it to vary the restrictions.

### **30ZE Applying for order**

- (1) A person may apply for a special hardship variation order only to a relevant court for the person.
- (2) An application for a special hardship variation order must be—
  - (a) made in the approved form; and
  - (b) accompanied by—
    - (i) an affidavit made by the person outlining why the variation mentioned in the application is necessary; and
    - (ii) the information, or details of the information, the applicant intends to rely on for the application.
- (3) Without limiting subsection (2)(b)(ii), if the reason for the application is that the applicant has changed employer, the applicant must produce to the court an affidavit made by the applicant's new employer confirming the applicant—
  - (a) is currently employed by the new employer; and

[s 30ZF]

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- (b) would be deprived of the applicant's means of earning a living if the application is refused.
- (4) Subsection (2)(b) does not prevent the applicant from producing further evidence at the hearing of the application.
- (5) The applicant must give the chief executive a copy of the application, including the affidavits and the information or details accompanying the application—
  - (a) if the day of the hearing is within 8 days after the day the application is made—as soon as practicable but before the day of the hearing; or
  - (b) otherwise—as soon as practicable but at least 7 days before the day of the hearing.
- (6) In this section—

*relevant court*, for a person, means—

  - (a) if the person resides in the Brisbane Magistrates Courts District—a court in the division of the Brisbane Magistrates Courts District in which the person resides; or
  - (b) otherwise—a court in the Magistrates Courts district in which the person resides.

### **30ZF Hearing of application**

- (1) For an application for a special hardship variation order—
  - (a) the applicant must, if required by the court, submit himself or herself as a witness; and
  - (b) other persons may be called as witnesses;  
to give evidence in relation to all matters relevant to the application and may be cross-examined in relation to the evidence.
- (2) The chief executive may—
  - (a) appear and be heard at the hearing of the application; and

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- (b) give and produce evidence at the hearing for or against the making of the order; and
  - (c) examine and cross-examine witnesses called to give evidence at the hearing.

### **30ZG What order must state**

A special hardship variation order must state the new restrictions that are to apply to Queensland driver licences held by the applicant for the remainder of the period for which the special hardship order applies in relation to the applicant.

## **Division 7                      Driving under special hardship order**

### **30ZH Failing to comply with order**

- (1) A person authorised to continue to drive motor vehicles under a special hardship order must comply with the order, including the restrictions stated in the order that apply to Queensland driver licences held by the person, subject to any variation of the restrictions under a special hardship variation order.

Maximum penalty—20 penalty units.

- (2) If a person is convicted of an offence against subsection (1), the court must disqualify the person from holding or obtaining a Queensland driver licence for the following period—
  - (a) if the person is convicted while the special hardship order applies in relation to the person—the period comprising—
    - (i) the period between the day of the conviction and the end of the order period for the person; and
    - (ii) 3 months from the end of the order period for the person;

[s 30ZI]

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- (b) if the person is convicted after the special hardship order stops applying to the person—3 months from the day of the conviction.

**30ZI Suspension for allocation of demerit points—licence subject to good behaviour requirement**

- (1) This section applies to a person if—
  - (a) for the same contravention of the Queensland Road Rules, section 20—
    - (i) demerit points were recorded on the person’s traffic history resulting in the person being given a notice to choose; and
    - (ii) the person’s Queensland driver licence was suspended under section 30A; and
  - (b) for the notice to choose, the person agreed, under section 25(2)(b), to be of good behaviour while driving for a year; and
  - (c) for the suspension under section 30A, a special hardship order applies in relation to the person; and
  - (d) the person holds a Queensland driver licence; and
  - (e) 2 or more demerit points are allocated to the person’s traffic history during any continuous 1 year period while the special hardship order applies in relation to the person.
- (2) The chief executive must give the person a written notice stating that the person’s Queensland driver licence is suspended for double the order period for the person, starting on the date stated in the notice.
- (3) The date stated in the notice must not be less than 21 days after the date of the notice.
- (4) The person’s Queensland driver licence is suspended for double the order period for the person, starting on—
  - (a) 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.

### **30ZJ Suspension for allocation of demerit points—other licence**

- (1) This section applies to a person if—
  - (a) a special hardship order applies in relation to the person; and
  - (b) the person holds a Queensland driver licence; and
  - (c) 4 or more demerit points are allocated to the person's traffic history during any continuous 1 year period while the order applies in relation to the person.
- (2) However, this section does not apply if section 30ZI applies to the person.
- (3) The chief executive must give the person a written notice stating that the person's Queensland driver licence is suspended for double the order period for the person, starting on the date stated in the notice.
- (4) The date stated in the notice must not be less than 21 days after the date of the notice.
- (5) The person's Queensland driver licence is suspended for double the order period for the person, starting on—
  - (a) 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.

[s 30ZK]

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### **30ZK Committing high speed offence while driving under order**

- (1) This section applies to a person if—
  - (a) a special hardship order applies in relation to the person; and
  - (b) the person holds a Queensland driver licence; and
  - (c) either—
    - (i) the person is convicted for a contravention of the Queensland Road Rules, section 20 for driving a motor vehicle under the licence at more than 40km/h over the speed limit; or
    - (ii) an order under the *State Penalties Enforcement Act 1999*, section 38 for the contravention is made against the person.
- (2) The chief executive must give the person a written notice stating that the person's Queensland driver licence is suspended for double the order period for the person, starting on the date stated in the notice.
- (3) The date stated in the notice must not be less than 21 days after the date of the notice.
- (4) The person's Queensland driver licence is suspended for double the order period for the person, starting on—
  - (a) 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.

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## **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;
- (h) for an open licence renewed under part 4AA—the licensee was not eligible for the renewal of the licence.

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### **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



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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) applying for a review of the decision under section 131(1AA) of the Act.
  - (7) Except for a ground mentioned in section 32(b), the decision takes effect on the later of the following—
    - (a) the day the notice under subsection (5) is given to the person;
    - (b) a later day specified in the notice under subsection (5).

*Editor's note—*

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

- (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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- (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—
    - (i) applying under section 38 for reconsideration of the decision; or
    - (ii) applying for a review of the decision under section 131 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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## **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

- 
- (c) the holder may contest the decision by applying under section 38 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) Subject to section 9AA, a person who holds or has, within the last 5 years, held a non-Queensland driver licence, granted for a class of motor vehicle, is eligible for a learner licence for a corresponding class of motor vehicle.
- (10) If the holder is granted a learner licence for the corresponding class of motor vehicle, the holder is authorised to learn to drive the corresponding class of motor vehicle.
- (11) In this section—
- resident visa** means a permanent visa, or a special category visa, under the *Migration Act 1958* (Cwlth).

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### **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.

*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.

### **37B Retesting—Act, s 128**

- (1) If, under section 128 of the Act, a person is required by a superintendent to take a practical driving test in a class of motor vehicle, the person is eligible for a learner licence of that class.
- (2) If the person is granted a learner licence of that class, the person is authorised to learn to drive the class of motor vehicle.

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

- (1) This section applies if the chief executive—
  - (a) has refused to grant a person—
    - (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

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- (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; or
  - (e) has immediately withdrawn a person's authority to drive in Queensland under section 35(3); or
  - (f) has, under section 37A, required a person to take a practical driving test at a particular time and place; or
  - (g) has, under section 14AG, decided not to grant an application for approval of a young driver's completed logbook; or
  - (h) has, under section 14AH, decided not to grant any part of an application for credit for a number of hours of supervised driving in a car on a road by a young driver; or
  - (i) has, under section 14AI, decided not to grant a young driver an exemption from the logbook requirements; or
  - (j) has, under section 22E, decided not to grant a certificate of exemption about a person driving a high-powered vehicle; or
  - (k) has, under section 22G, decided not to grant a certificate of exemption about a person driving a motor vehicle between the hours of 1 p.m. on a day and 5 a.m. on the next day.
- (2) The person may apply, in the approved form, to the chief executive to reconsider the original decision.
- (3) The application must be made—
- (a) for an original decision mentioned in subsection (1)(a) to (e) or (g) to (k)—within 28 days after—
    - (i) the day the notice of the 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 an original decision mentioned in subsection (1)(f)—within 7 days after the day notice of the requirement is given to the person under section 37A(2).
  - (4) After reconsidering the original decision, the chief executive may—
    - (a) confirm the decision; or
    - (b) set aside the decision and substitute another decision.
  - (5) The chief executive must give the person a notice stating—
    - (a) the reconsidered decision; and
    - (b) that the person may—
      - (i) if the original decision is a decision mentioned in subsection (1)(a), (b), (c), or (d)—under section 131(1AA) of the Act, apply to QCAT—
        - (A) for a review of the reconsidered decision; and
        - (B) unless the original decision is a prescribed licence decision—for a stay of the reconsidered decision; or
      - (ii) if the original decision is a decision mentioned in subsection (1)(e), (f), (g), (h), (i), (j) or (k)—under section 65A of the Act, apply to QCAT—
        - (A) for a review of the reconsidered decision; and
        - (B) unless the original decision is a prescribed authority decision—for a stay of the reconsidered decision.
  - (6) If the original decision is a decision mentioned in subsection (1)(e), (f), (g), (h), (i), (j) or (k), section 65A of the Act applies to the reconsidered decision as if it were a reviewed decision mentioned in that section.
  - (7) In this section—

***original decision*** means a decision mentioned in any of paragraphs (a) to (k) of subsection (1).

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***prescribed authority decision*** means a decision to withdraw a person's authority to drive on a Queensland road under a non-Queensland driver licence if the reason, or 1 of the reasons, for the decision is the person's mental or physical incapacity.

***prescribed licence decision*** means a decision to suspend, cancel or immediately suspend a person's licence if the reason, or 1 of the reasons, for the decision is the person's mental or physical incapacity.

***reconsidered decision*** means the chief executive's decision on the reconsideration of an original decision.

### **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 promptly attach the label to the back of the licence, in the space provided for change of details labels.

Maximum penalty—20 penalty units.

### **40 Replacement licence if licence lost, stolen or destroyed**

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

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

#### **40A Replacement labels**

- (1) If a renewal of licence label or a change of address label is lost, stolen or destroyed, the licensee must promptly apply to the chief executive, in the approved form, for a replacement label.

Maximum penalty—20 penalty units.

- (2) If a label 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.

- (3) On receipt of a replacement label, the licensee must promptly attach the label to the back of the licence, in the space provided for change of details labels.

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 of the Act; or
  - (b) an authorised officer finds an invalid Queensland driver licence.
- (2) The authorised officer may seize the licence.

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

- (1) A licence class, condition or type may be stated on a Queensland driver licence by a code.
- (2) A code stated on a Queensland driver licence granted after 30 November 1999 indicates the corresponding driver licence type, class or condition appearing in schedule 2, part 1.
- (3) A code in schedule 2, part 2, column 2 stated on a Queensland driver licence granted before 1 December 1999 but after 8 April 1996 is taken to be the corresponding code in column 1.
- (4) A code in schedule 2, part 2, column 3 stated on a Queensland driver licence granted before 9 April 1996 but after 30 June 1991 is taken to be the corresponding code in column 1.
- (5) A code in schedule 2, part 2, column 4 stated on a Queensland driver licence granted before 1 July 1991 is taken to be the corresponding code in column 1.
- (6) A receipt issued after 30 June 1991 but before 9 April 1996 is taken to be—
  - (a) if issued for a class RP licence—an order under section 87 or 88 of the Act; or
  - (b) if about a vehicle modification—a vehicle modification notice.

### **43A Queensland driver licence may include information identifying holder of marine licence—Act, s 150A**

- (1) A person's Queensland driver licence may, by a code, identify the person as a person to whom a marine licence has been granted.
- (2) A code in schedule 2, part 3 stated on a person's Queensland driver licence identifies the person as a person to whom the corresponding marine licence appearing in schedule 2, part 3 has been granted.

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**43B Applying to include information on Queensland driver licence identifying holder of marine licence**

- (1) This section applies if—
  - (a) a holder of a Queensland driver licence is a person to whom a marine licence has been granted; and
  - (b) the person's Queensland driver licence does not, by a code mentioned in section 43A(2), identify the person as a person to whom the marine licence has been granted.
- (2) The person may apply to the chief executive, in the approved form, to include the code on the person's Queensland driver licence.
- (3) If the chief executive is satisfied the information given by the person in the approved form under subsection (2) is correct, the chief executive may issue a replacement Queensland driver licence.

**43C Removal of information on Queensland driver licence identifying holder of marine licence**

- (1) This section applies if—
  - (a) a person's Queensland driver licence has a code mentioned in section 43A(2) stated on it; and
  - (b) the person's marine licence is cancelled or surrendered under the *Transport Operations (Marine Safety) Act 1994*.
- (2) The person must return the person's Queensland driver licence to the chief executive within 14 days after the cancellation or surrender for the removal of the code from the Queensland driver licence.  
  
Maximum penalty—20 penalty units.
- (3) The chief executive must return the Queensland driver licence to the person after removing the code from the Queensland driver licence.

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#### **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 when it is attached to the licence.

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

An application under section 81 of the Act must be in the approved form.

#### **45AA Issue of restricted licences—Act, s 87**

- (1) An application by a person under section 87(3A)(b) of the Act to a superintendent must be in the approved form.
- (2) If a court has made an order under section 87 of the Act directing that the person be issued with a restricted licence, the superintendent must issue—
  - (a) if the person held a P provisional licence or open licence immediately before the disqualification that led to the order of the court—a P restricted licence; or
  - (b) if the person held a P1 provisional licence immediately before the disqualification that led to the order of the court—a P1 restricted licence; or
  - (c) if the person held a P2 provisional licence immediately before the disqualification that led to the order of the court—a P2 restricted licence.
- (3) In this section—

*disqualification* means a disqualification of the type mentioned in section 87(1) of the Act.

#### **45AB Issue of P2 restricted licences**

- (1) This section applies to a person who—
  - (a) holds a P1 restricted licence; and
  - (b) has held a P1 type licence for at least 1 year; and

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- (c) applies to a superintendent in the approved form for a P2 restricted licence; and
  - (d) if the person is applying for a P2 restricted licence that authorises the person to drive a class C vehicle—has passed a hazard perception test.
- (2) The superintendent must issue to the person a P2 restricted licence.

#### **45AC Declaration for provisions that are not unlawful discrimination**

The following are declared not unlawful discrimination on the basis of age for the *Anti-Discrimination Act 1991*—

- (a) sections 8, 9(8), 10, 10AA, 11, 11AA, 14AB to 14AJ, 19D, 19E, 22A to 22H and 51 to 54;
- (b) provisions of the schedules relating to any of the sections mentioned in paragraph (a).

#### **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 14K**

- (1) This section applies if—
  - (a) an offender is convicted of an offence under section 14K; 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.

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- (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—
    - (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.

*Editor's note—*

Section 29 (Appeal against suspension for double the requisite period) was repealed by the Transport Legislation Amendment Regulation (No. 2) 2007 SL No. 226.

- (5) The person's licence is suspended for 6 months starting on—
  - (a) the day after the date stated in the notice; or
  - (b) if the person notifies the chief executive that the person wants the suspension to start earlier than the date stated in the notice—the day, not before the date on which the person gives the notice to the chief executive, chosen by the person.

- (6) In this section—

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

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

## **48 Undecided appeals against cancellation**

- (1) This section applies if—
  - (a) a person has, before the commencement of this section, lodged a notice of appeal under the repealed section 29 against the cancellation of the person's driver licence; and

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- (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;
    - (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), is taken to be the giving of notice required to be given under section 14K(2)(a); 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 14K(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.

### **Division 3                      Transitional provision for Transport and Other Legislation Amendment Regulation (No. 1) 2006**

#### **50            No allocation of demerit points for particular contraventions about fatigue management**

- (1) If a person is convicted for a contravention of a relevant provision that happened before the commencement, demerit points can not be allocated in relation to the contravention.
- (2) If an order is made against a person under the *State Penalties Enforcement Act 1999*, section 38 for a contravention of a relevant provision that happened before the commencement, demerit points can not be allocated in relation to the contravention.
- (3) In this section—

*commencement* means the commencement of this section.

*relevant provision* means—

- (a) a provision of the Fatigue Management Regulation mentioned in schedule 3, section 14 to 14F or 22A to

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22E; or

- (b) section 49(2) of the Act.

**Division 4**                    **Transitional provisions for  
Transport Operations (Road Use  
Management—Driver Licensing)  
and Other Legislation Amendment  
Regulation (No. 1) 2007**

**Subdivision 1**           **Driver licence eligibility and  
logbook requirements for particular  
persons**

**51**           **Application of sdiv 1**

This subdivision applies to a person who—

- (a) attained the age of 16 years and 6 months after 31 May 2007 and before 1 July 2007 or attains the age of 16 years and 6 months after 30 June 2007 and before 1 January 2008; and
- (b) holds a class C learner licence granted after 30 June 2007 and before 1 January 2008; and
- (c) does not hold or has not held another driver licence.

**52**           **Eligibility for class C P1 provisional licence or P1  
probationary licence**

Despite section 10AA(2), the person is not eligible for a class C P1 provisional licence or P1 probationary licence unless the person has held a class C learner licence for—

- (a) if the person satisfies the logbook requirements—at least 6 months during the 2 years before applying for the licence; or

- (b) if the person was granted an exemption from the logbook requirements under section 14AI—at least 2 years during the 3 years before applying for the licence.

### 53 Logbook requirements

- (1) Despite section 14AD(1)(a) and (b), the person is not eligible for a class C P1 provisional licence unless—
  - (a) the person records in a logbook the details of 60 hours of supervised driving in a car on a road in Australia by the person during a 3 year period; and
  - (b) at least 5 hours of the supervised driving mentioned in paragraph (a) is at night.
- (2) The requirement mentioned in subsection (1)(b) does not apply if the person has given notice to the chief executive under section 14K about a mental or physical incapacity that is likely to adversely affect the person's ability to drive safely at night.
- (3) Despite section 14AD(2), for subsection (1)(a), the person may record up to 5 hours of supervised driving in a car on a road in Australia by the person at the ratio of 1:3 if the supervisor is a driver trainer.
- (4) Section 14AI applies to the person as if the requirement mentioned in section 14AD(1)(a) were the requirement mentioned in subsection (1)(a).
- (5) In this section—

*driver trainer* includes a person accredited (however described) under a corresponding law to the provisions of the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005* about accreditation of driver trainers.

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## **Subdivision 2      Logbook requirements for former interstate and foreign driver licence holders until 2010**

### **54      Application of pt 3AA to former interstate and foreign driver licence holders**

Part 3AA does not apply to a young driver who holds a class C learner licence granted to the young driver after 30 June 2007 but before 1 July 2010 if—

- (a) the young driver was granted the class C learner licence under section 18A(2)(a) for the same period as the unexpired period of an interstate licence that was granted to the young driver before 1 July 2007; or
- (b) immediately before the young driver was granted the class C learner licence, the young driver held a foreign driver licence granted before 1 July 2007 that corresponds to a class C learner licence.

## **Division 5              Transitional provisions for Transport Legislation and Another Regulation Amendment Regulation (No. 1) 2008**

### **55      Interpretation**

In this division—

*commencement* means the commencement of this section.

*Q-Ride training* has the meaning given by the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.

*verified receipt* means a verified receipt issued under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005* before the commencement.

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**56 Application of div 5**

- (1) This division applies despite the following—
  - section 5(1) and (3)
  - section 9(5)
  - section 12(2)(a).
- (2) This division does not apply to a person who is authorised to continue to drive motor vehicles under a relevant order.

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

- (1) This section applies to a person who, on the commencement, holds a verified receipt for Q-Ride training for a class R motorbike.
- (2) Repealed section 14E as in force before the commencement continues to apply to the person as if the section had not been repealed.
- (3) Without limiting subsection (2), if the person contravenes repealed section 14E(3), the person commits an offence against the repealed section despite its repeal.

**58 Eligibility for Class R licences**

- (1) This section applies to the following persons—
  - (a) a person who, on the commencement, holds a competency declaration for a class R motorbike;
  - (b) a person who—
    - (i) on the commencement, held a verified receipt for Q-Ride training for a class R motorbike; and
    - (ii) after the commencement, is issued a competency declaration for a class R motorbike.
- (2) Repealed sections 14H and 14I as in force before the commencement continue to apply to the person as if the sections had not been repealed.

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**59 Acts Interpretation Act 1954, s 20 not limited**

This division does not limit the *Acts Interpretation Act 1954*, section 20.

**Division 6 Transitional provision for Transport Operations (Road Use Management—Fatigue Management) Regulation 2008**

**60 Convictions etc. under repealed Transport Operations (Road Use Management—Fatigue Management) Regulation 1998**

- (1) This section applies if—
  - (a) either—
    - (i) a person is convicted of an offence against the repealed *Transport Operations (Road Use Management—Fatigue Management) Regulation 1998*; or
    - (ii) an order is made under the *State Penalties Enforcement Regulation 2000*, for an offence against that regulation; and
  - (b) demerit points have not been allocated under this regulation for the offence.
- (2) This regulation as in force immediately before the repeal of the *Transport Operations (Road Use Management—Fatigue Management) Regulation 1998* continues to apply in relation to the offence.



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## **Division 7                      Transitional provisions for Transport Legislation Amendment Regulation (No. 1) 2009**

### **61            Authority to ride prescribed motorbike**

- (1) This section applies to a person who, immediately before the commencement of this section, held a class RE P type, P1 type, P2 type or open licence (an *existing class RE licence*).
- (2) Despite section 5(2), the holder of an existing class RE licence is authorised to ride a prescribed motorbike for a period of 12 months (the *specified period*) from the commencement of this section.
- (3) However, the holder of an existing class RE licence is not authorised to ride a prescribed motorbike after the end of the specified period unless the person holds a class R licence.
- (4) To remove doubt, this section does not apply to—
  - (a) the holder of a class RE learner licence; or
  - (b) the holder of a valid non-Queensland driver licence for a class that corresponds to a class RE licence.

### **62            Authority to ride a conditionally registered motorbike**

- (1) This section applies to a person who, immediately before the commencement of this section, held a class RE P type, P1 type, P2 type or open licence (an *existing class RE licence*).
- (2) Despite section 5(2), the holder of an existing class RE licence is authorised to ride a conditionally registered motorbike for a period of 12 months (the *specified period*) from the commencement of this section if—
  - (a) the motorbike is not a production motorbike; and
  - (b) the motorbike's engine capacity is not more than 250mL.
- (3) However, the holder of an existing class RE licence is not authorised to ride a conditionally registered motorbike

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mentioned in subsection (2) after the end of the specified period unless the person holds a class R licence.

- (4) To remove doubt, this section does not apply to—
- (a) the holder of a class RE learner licence; or
  - (b) the holder of a valid non-Queensland driver licence for a class that corresponds to a class RE licence.
- (5) In this section—

***conditionally registered motorbike*** means a motorbike that, at the commencement of this section, is a conditionally registered vehicle under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*.

***production motorbike*** see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*, schedule 4.

## Schedule 1 Fees

### section 3

	\$
1 Grant or renewal of a learner licence, under section 16, for each 3 year period or part of a 3 year period . . . . .	70.50
2 Practical driving test under section 9(5). . . . .	43.65
3 Road rules test under section 9(3) . . . . .	18.60
4 Passing a hazard perception test under section 9(8). . . . .	15.45
5 Grant or renewal of a provisional, probationary, restricted or open licence under section 16—	
(a) for a 1 year licence . . . . .	28.50
(b) for a 2 year licence . . . . .	39.70
(c) for a 3 year licence . . . . .	50.90
(d) for a 4 year licence . . . . .	62.10
(e) for a 5 year licence . . . . .	73.30
6 Issue of a replacement licence under section 79F of the Act . . . . .	27.30
7 Issue of replacement licence under section 30ZC . . . . .	27.30
8 Issue of a replacement Queensland driver licence under section 40(1) or 43B(3) . . . . .	27.30
9 Extract from a driver licence record . . . . .	18.10
10 Extract from a driver’s traffic history . . . . .	18.10
11 Make a logbook available under section 14AE(3). . . . .	16.20
12 Application under section 14AI for an exemption from the logbook requirements . . . . .	32.35
13 Application under section 22E for a certificate of exemption relating to high-powered vehicles. . . . .	32.35
14 Application under section 22G for a certificate of exemption relating to late night driving . . . . .	32.35

## Schedule 2      Licence codes

sections 43 and 43A(2)

### Part 1                      Licences codes

<b>Code</b>	<b>Type</b>
L . . . . .	learner licence
P . . . . .	P provisional licence, P probationary licence or P restricted licence
P1 . . . . .	P1 provisional licence, P1 probationary licence or P1 restricted licence
P2 . . . . .	P2 provisional licence, P2 probationary licence or P2 restricted licence
O . . . . .	open licence
D . . . . .	replacement licence

<b>Code</b>	<b>Class</b>
RE . . . . .	a learner approved motorbike that is a moped a learner approved motorbike, other than a moped, 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

<b>Code</b>	<b>Class</b>
	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
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

Schedule 2

<b>Code</b>	<b>Condition</b>
I . . . . .	licensee may only drive while carrying, and in accordance with, an order under the <i>Penalties and Sentences Act 1992</i> , part 5, division 1
M . . . . .	licensee may only drive while carrying, and in accordance with, a medical certificate
S . . . . .	licensee may only drive while wearing corrective lenses
V . . . . .	licensee may only drive while carrying, and in accordance with, a vehicle modification notice
X1 . . . . .	licensee may only drive while carrying, and in accordance with, an order under section 87 or 88 of the Act
X3 . . . . .	licensee may only drive while carrying, and in accordance with, a special hardship order and any special hardship variation order
X4 . . . . .	licensee may only drive while carrying, and in accordance with, a section 79E order and any section 79E variation order

## 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 . . . . .	—
<b>Class</b>	<b>9/4/96-30/11/99</b>	<b>1/7/91-8/4/96</b>	<b>Before 1/7/91</b>
RE . . . . .	RE . . . . .	BN . . . . .	B3
RE (with condition A) . . . . .	RE (with condition A) . . . . .	BP . . . . .	—
R . . . . .	R . . . . .	B . . . . .	B
C . . . . .	C . . . . .	A . . . . .	A

Column 1	Column 2	Column 3	Column 4
LR .....	LR .....	D5 .....	D5 or D6
MR.....	MR.....	C2 .....	C4
HR .....	HR .....	C or D .....	C or D
HC .....	HC.....	E or E3 .....	E
MC.....	MC.....	E4 or E6 .....	—
UD .....	UD.....	G, H or HY .....	G or H

Condition	9/4/96-30/11/99	1/7/91-8/4/96	Before 1/7/91
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

## **Part 3**                      **Marine licence codes**

<b>Code</b>	<b>Marine licence</b>
RMDL . . .	recreational marine driver licence
PWCL . . .	personal watercraft licence



## **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.

## **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 or yellow traffic lights or arrows**

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 57(1) or (2)
- section 59(1)
- section 60
- section 61(2)
- 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.

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**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 69A
- 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 101(1) or (2)
- section 102(1)
- section 103(1) or (2)

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- section 104
- section 105
- section 106
- section 107
- section 108(1)
- section 114(1)
- section 121
- section 122
- section 123(b)
- section 152(1), so far as it relates to section 152(4)
- section 282
- section 286(2).

**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.

**7D Driving on safety ramp or arrester bed when not permitted**

The number of points for a contravention of the Queensland Road Rules, section 101A(1) is 3.

**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(1)(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 79(1)
- section 80(2)(b) or (4)
- section 81(2)
- section 83
- section 84(1)
- section 85
- section 86(1)
- section 87(1) or (3)
- section 148(1) or (2)
- section 148A
- section 149

Schedule 3

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- section 288(4)
- section 289(2).

**8A Failing to keep clear of police and emergency vehicles**

The number of points for a contravention of the Queensland Road Rules, section 78(1) or (2) is 3.

**8B Entering level crossing when train or tram approaching**

The number of points for a contravention of the Queensland Road Rules, section 123(c), (d) or (e) is 3.

**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).

**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).

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**10A Driver failing to ensure passenger complies with particular requirement about wearing seat belt or occupying seating position**

The number of points for a contravention of the Queensland Road Rules, section 265(3) is 3.

**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(1)
- section 33(1) for a contravention of section 33(2) of the Queensland Road Rules
- section 42
- section 132(2A).

**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.

**12AA Driving with television receiver or visual display unit visible or likely to distract**

The number of points for a contravention of the Queensland Road Rules, section 299(1)(a) or (b) is 3.

**12AB Vehicle entering bicycle storage area before traffic lights showing a red traffic light**

The number of points for a contravention of the Queensland Road Rules, section 60A(1) or (2) 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.

**14H Using mobile phone**

The number of points for a contravention of section 22B(2) of this regulation is 3.

**14I Contravening high-powered vehicle restriction**

The number of points for a contravention of section 22D(2) of this regulation is 3.

**14J Contravening late night driving restriction**

The number of points for a contravention of section 22F(3) of this regulation is 3.

**14K Contravening peer passenger restriction**

The number of points for a contravention of section 22H(2) of this regulation is 3.

**14L Failing to comply with maximum work and minimum rest requirements—critical risk breach**

The number of points for a contravention, that is a critical risk breach, of the following provisions of the *Fatigue Management Regulation* is 3—

- section 48(2)
- section 49(2)
- section 50(2)
- section 53(2)
- section 55(2)



- section 56(2)
- section 57(2).

**14M Failing to comply with requirements about work records**

(1) The number of points for a contravention of the following provisions of the Fatigue Management Regulation is 3—

- section 68(1)
- section 71(1)
- section 72(1)
- section 73(1)
- section 74
- section 104(1)
- section 104(2)
- section 105(1).

(2) The number of points for a contravention of the following provisions of the Fatigue Management Regulation by the driver of a fatigue regulated heavy vehicle is 3—

- section 102
- section 103
- section 106
- section 107
- section 108(1)
- section 109
- section 111(1)
- section 112(1).

**14N Contravening condition of exemption under Fatigue Management Regulation**

The number of points for a contravention the Fatigue Management Regulation, section 167(1) is 3.

**14O Contravention about returning or replacing accreditation certificate or exemption notice under Fatigue Management Regulation**

The number of points for a contravention of the following provisions of the Fatigue Management Regulation by the driver of a fatigue regulated heavy vehicle is 3—

- section 173(2)
- section 174(1).

**14P False representations about accreditation or exemption under Fatigue Management Regulation**

The number of points for a contravention of the Fatigue Management Regulation, section 175(1), (2) or (3), by the driver of a fatigue regulated heavy vehicle is 3.

## **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.

**15A Failing to use an unobstructed slip lane to turn left at an intersection from a multi-lane road**

The number of points for a contravention of the Queensland Road Rules, section 28(1A) is 2.

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

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

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

- section 27(1)
- section 28(1)
- section 31(1)
- section 32(1)

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- 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)
- 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.

**22F Failing to display or fit L plates**

The number of points for a contravention of section 19A of this regulation is 2.

**22G Failing to display or fit red P plates**

The number of points for a contravention of section 19D(2) of this regulation is 2.

**22H Failing to display or fit green P plates**

The number of points for a contravention of section 19E(2) of this regulation is 2.

**22I Driving fatigue regulated heavy vehicle while impaired by fatigue**

The number of points for a contravention of the Fatigue Management Regulation, section 21 is 2.

**22J Failing to comply with maximum work and minimum rest requirements—severe risk breach**

The number of points for a contravention, that is a severe risk breach, of the following provisions of the Fatigue Management Regulation is 2—

- section 48(2)
- section 49(2)
- section 50(2)
- section 53(2)
- section 55(2)
- section 56(2)
- section 57(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.

### **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.

**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.

**33 Failing to produce certificate of exemption for driving high-powered vehicle**

The number of points for a contravention of section 22D(4) of this regulation is 1.

**34 Failing to produce certificate of exemption for late night driving**

The number of points for a contravention of section 22F(6) of this regulation is 1.

## **Schedule 4      Prescribed countries**

sections 9(4)(c) and (7) and 14AH(3) and (4)

### **1      Prescribed countries**

(1) Each of the following countries is prescribed—

- Austria
- Belgium
- Canada
- Croatia
- Denmark
- Finland
- France
- Germany
- Greece
- Guernsey
- Ireland
- Isle of Man
- Italy
- Japan
- Jersey
- Luxembourg
- Malta
- Netherlands
- Norway
- Portugal
- Singapore
- Spain



- Sweden
  - Switzerland
  - United Kingdom
  - United States of America.
- (2) However—
- (a) Isle of Man is prescribed only in relation to driver licences granted on or after 1 April 1991; and
  - (b) Malta is prescribed only in relation to driver licences granted on or after 2 January 2004.

## **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  
Doomadgee  
Duarina

Emerald  
Etheridge  
Flinders  
Herberton  
Hope Vale  
Ilfracombe  
Injinoo  
Isisford  
Jericho  
Kowanyama  
Lockhart River  
Longreach  
Mapoon  
Mareeba  
McKinlay  
Mornington  
Mount Isa  
Murilla  
Murweh  
Napranum  
Nebo  
New Mapoon  
Paroo  
Peak Downs  
Pormpuraaw  
Quilpie  
Richmond  
Tambo

Schedule 5

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Tara

Taroom

Umagico

Waggamba

Warroo

Winton

Woorabinda

Wujal Wujal

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**Schedule 6 Exempted high-powered vehicles**schedule 7, definition *high-powered vehicle*

<b>Model</b>	<b>Engine capacity</b>	<b>Year of model</b>
Daihatsu Copen L880 2D Convertible Turbo	659cc	2003 or later
Smart Fortwo Coupe 2D Turbo 3	698cc	2000 or later
Smart Fortwo Cabriolet Turbo 3 2D	698cc	2000 or later
Smart Roadster Turbo 3 2D	698cc	2000 or later
Suzuki Cappuccino 2D Cabriolet Turbo	657 or 658cc	1992 to 1997

## **Schedule 6A Prescribed motorbikes**

schedule 7, definition *prescribed motorbike*

Aprilia RS250

Honda NSR250

Kawasaki KR250 (KR-1 and KR1s models)

Suzuki RGV250

Yamaha TZR250

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## Schedule 7 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.

**approved foster carer**, for a child, means an approved foster carer under the *Child Protection Act 1999*, schedule 3, in whose care the child is placed under section 82 of that Act.

**approved kinship carer**, for a child, has the meaning given by the *Child Protection Act 1999*, schedule 3.

**choice date** means the last day on which a person is able to make a choice under a notice to choose.

**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** means a valid competency declaration under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.

***critical risk breach***, for a contravention of a provision of the Fatigue Management Regulation, means a contravention of the provision declared in that regulation to be a critical risk breach.

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

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

***defence force member*** means—

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

***demerit points offence*** means an offence, other than an offence committed by a person while riding a bicycle, against a provision mentioned in schedule 3.

***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*.

***driving session*** means a single occasion of supervised driving in a car on a road.

***electronic communication***, for part 4AA, see section 18B.

***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.



***emergency service worker*** means—

- (a) a fire officer under the *Fire and Rescue Service Act 1990*; or
- (b) a service officer under the *Ambulance Service Act 1991*.

***exempted police driver*** means any of the following—

- (a) a police officer;
- (b) a watch-house officer within the meaning of the *Police Service Administration Act 1990*;
- (c) a special constable within the meaning of the *Police Service Administration Act 1990*;
- (d) a community police officer within the meaning of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*;
- (e) a person appointed by the commissioner under the *Public Service Act 2008*, chapter 5 part 5, as a police liaison officer;
- (f) a member of a police service of another State.

***Fatigue Management Regulation*** means the *Transport Operations (Road Use Management—Fatigue Management) Regulation 2008*.

***green P plate*** means a plate or sign with an area, measuring at least 146mm by 146mm, that shows only a green upper case letter ‘P’ clearly marked on a white background.

***guardian***, of a person, means—

- (a) if the person is a child—a person in whose favour a parenting order is in force under the *Family Law Act 1975* (Cwlth); or
- (b) if the person is an adult—a guardian appointed for the person under the *Guardianship and Administration Act 2000*.

***hazard perception test*** means a test designed to measure the ability of a driver to recognise and respond appropriately to driving situations that are potentially dangerous.

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

***high-powered vehicle*** means a car, other than a car mentioned in schedule 6, that has at least 1 of the following—

- (a) 8 or more cylinders;
- (b) a turbocharged engine that is not diesel powered;
- (c) a supercharged engine that is not diesel powered;
- (d) an engine that has a power output of more than 200kW under the manufacturer's specifications for the car;
- (e) a rotary engine that has an engine capacity of more than 1146cc under the manufacturer's specifications for the car;
- (f) a modification to the engine of a kind that must be approved under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*, section 30.

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

***learner approved motorbike*** see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*, schedule 4.

***logbook***—

- (a) means a document, in the approved form, for use under this regulation to record the driving experience of a young driver; and
- (b) includes a document, in the approved form, for which details can be wholly or partly recorded and verified, as required under section 14AF(1), by using an electronic system.

***logbook requirements*** means the requirements mentioned in section 14AD.

***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.

**marine licence** means a licence granted under the *Transport Operations (Marine Safety) Act 1994*, section 62(1).

**mobile phone** does not include a CB radio or any other two-way radio.

**moped** means a motorbike—

- (a) that—
  - (i) is fitted with an electric motor; or
  - (ii) has an internal combustion engine 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 bicycle.

**night** means the period between sunset on a day and sunrise on the next day.

**notice to choose** see section 25(2).

**order period**, for a person in relation to whom a special hardship order applies, means the order period stated, under section 30ZA(1)(a)(ii), in the order.

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

**P1 probationary licence** means a probationary licence that has the code P1 stated on the licence.

**P1 provisional licence** means a provisional licence that has the code P1 stated on the licence.

**P1 restricted licence** means a restricted licence that has the code P1 stated on the licence.

**P1 type licence** means a P1 provisional licence, P1 probationary licence or P1 restricted licence.

**P2 probationary licence** means a probationary licence that has the code P2 stated on the licence.

**P2 provisional licence** means a provisional licence that has the code P2 stated on the licence.

**P2 restricted licence** means a restricted licence that has the code P2 stated on the licence.

**P2 type licence** means a P2 provisional licence, P2 probationary licence or P2 restricted licence.

**passenger** on a motorbike means a passenger—

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

**P probationary licence** means a probationary licence other than a P1 probationary licence or P2 probationary licence.

**P provisional licence** means a provisional licence other than a P1 provisional licence or P2 provisional licence.

**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.

**pre-licence driver training** has the meaning given by the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*, section 30.

**prescribed motorbike** means a motorbike mentioned in schedule 6A.

**P restricted licence** means a restricted licence other than a P1 restricted licence or P2 restricted licence.

**P type licence** means a P provisional licence, P probationary licence or P restricted licence.

***Q-Ride training*** has the meaning given by the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.

***record***, in relation to a document that is a logbook and for which details can be wholly or partly recorded and verified, as required under section 14AF(1), by using an electronic system, includes record electronically by using the electronic system.

***red P plate*** means a plate or sign with an area, measuring at least 146mm by 146mm, that shows only a red upper case letter ‘P’ clearly marked on a white background.

***relevant charge***, for part 6B, see section 30F.

***relevant order*** means—

- (a) a section 79E order; or
- (b) a special hardship order.

***relevant provision***, for part 6C, see section 30S.

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

***road in Australia*** includes a road in an external Territory.

***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—

Schedule 7

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- (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.

**section 79E variation order** see section 30L.

**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.

**severe risk breach**, for a contravention of a provision of the Fatigue Management Regulation, means a contravention of the provision declared in that regulation to be a severe risk breach.

**special hardship variation order** see section 30ZD(2).

**specialty constructed vehicle**—

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

- (b) does not include a motor vehicle with a chassis that is substantially the same as a truck chassis.

***supervised driving*** means driving under the direction of a supervisor.

***supervisor*** means a person who—

- (a) directs the driving of a vehicle by another person; and
- (b) if the vehicle the other person is driving has passenger seating capacity—sits next to the other person while directing the driving; and
- (c) holds an O type licence for a class C vehicle; and
- (d) has held the licence for at least 1 year.

***suspended licence***, for part 6B, see section 30F.

***suspended open or provisional licence***, for part 6C, see section 30S.

***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.

***WHS certificate*** means—

- (a) an earthmoving or particular crane work certificate, or a licence to perform a class of high risk work, under the *Workplace Health and Safety Regulation 2008*; or
- (b) a certificate to work in an occupation issued under a law of the Commonwealth, or another State, about occupational health and safety.

***young driver*** see section 14AC(1).

***young driver disqualification offence***, in relation to a person, means an offence committed when the person was under 25 years that led to a disqualification, under this Act, another Act or an order made by an Australian court, from holding or obtaining a driver licence.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 December 2009. 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 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	

Endnotes

Reprint No.	Amendments included	Effective	Notes
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
3C	2006 SL No. 62	13 April 2006	
3D	2006 SL No. 90	1 July 2006	
3E	2006 SL No. 173	7 July 2006	
3F	2006 SL No. 289	1 December 2006	
3G	2006 SL No. 303	15 December 2006	
3H	2006 SL No. 289 2007 SL No. 11	1 March 2007	
3I	2007 SL No. 83 2007 SL No. 84 2007 SL No. 136	1 July 2007	R3I withdrawn, see R4
4	—	1 July 2007	
4A	2007 SL No. 226	29 October 2007	
4B	2007 SL No. 309	21 December 2007	
5	2008 SL No. 58	15 March 2008	
5A	2008 SL No. 187	27 June 2008	
5B	2008 SL No. 131 2008 SL No. 141 2008 SL No. 148 2008 SL No. 209	1 July 2008	
5C	2008 SL No. 283	1 September 2008	
5D	2008 SL No. 296	29 September 2008	R5D withdrawn, see R6
6	—	29 September 2008	
6A	2009 SL No. 64 2009 SL No. 65	1 July 2009	
6B	2009 SL No. 194	12 October 2009	
6C	2009 Act No. 24	1 December 2009	

## 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)

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)

Endnotes

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**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)

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**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 1297–303

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 regulation 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))

**Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 1) 2006 SL No. 62**

notfd gaz 7 April 2006 pp 1376–8

ss 1–2 commenced on date of notification

remaining provisions commenced 13 April 2006 (see s 2)

**Transport Legislation and Another Regulation Amendment Regulation (No. 1) 2006 SL No. 90 ss 1, 2(1), pt 14**

notfd gaz 19 May 2006 pp 252–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2006 (see s 2(1))

**Transport Legislation and Another Regulation Amendment Regulation (No. 2) 2006 SL No. 173 pts 1, 7**

notfd gaz 7 July 2006 pp 1167–9

commenced on date of notification

**Transport and Other Legislation Amendment Regulation (No. 1) 2006 SL No. 289 ss 1, 2(a), pt 4**

notfd gaz 1 December 2006 pp 1587–90

ss 1–2 commenced on date of notification

ss 14, 16 and 17 commenced 1 March 2007 (see s 2(a))

remaining provisions commenced on date of notification

Endnotes

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**Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 2) 2006 SL No. 303**

notfd gaz 15 December 2006 pp 1861–5  
commenced on date of notification

**Transport Legislation and Another Regulation Amendment Regulation (No. 1) 2007 SL No. 11 pts 1, 3**

notfd gaz 16 February 2007 pp 760–1  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 March 2007 (see s 2)

**Transport Legislation (Fees) Amendment Regulation (No. 1) 2007 SL No. 83 pts 1, 13**

notfd gaz 18 May 2007 pp 345–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2007 (see s 2)

**Transport Operations (Road Use Management—Driver Licensing) and Other Legislation Amendment Regulation (No. 1) 2007 SL No. 84 pts 1–2**

notfd gaz 18 May 2007 pp 345–8  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2007 (see s 2)

**Transport Operations (Road Use Management—Driver Licensing) and Another Regulation Amendment Regulation (No. 1) 2007 SL No. 136 pts 1–2**

notfd gaz 22 June 2007 pp 1018–20  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2007 immediately after the commencement of the Transport Operations (Road Use Management—Driver Licensing) and Other Legislation Amendment Regulation (No. 1) 2007 SL No. 84 (see s 2)

**Transport Legislation Amendment Regulation (No. 2) 2007 SL No. 226 pts 1, 3**

notfd gaz 14 September 2007 pp 321–2  
pt 3 commenced 29 October 2007 (see s 2)  
remaining provisions commenced on date of notification

**Transport Operations Legislation and Another Regulation Amendment Regulation (No. 1) 2007 SL No. 309 pts 1, 3**

notfd gaz 7 December 2007 pp 1978–82  
ss 1–2 commenced on date of notification  
remaining provisions commenced 21 December 2007 (see s 2)

**Transport Legislation Amendment Regulation (No. 1) 2008 SL No. 58 pts 1, 3**

notfd gaz 14 March 2008 pp 1469–72  
ss 1–2 commenced on date of notification  
remaining provisions commenced 15 March 2008 (see s 2)

**Transport Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 131 pts 1, 13**

notfd gaz 23 May 2008 pp 543–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2008 (see s 2)

**Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 1) 2008 SL No. 141**

notfd gaz 30 May 2008 pp 674–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 immediately after the commencement of the Transport Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 131 (see s 2)

**Transport Legislation and Another Regulation Amendment Regulation (No. 1) 2008 SL No. 148 pts 1, 3**

notfd gaz 6 June 2008 pp 800–2

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

**Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 2) 2008 SL No. 187**

notfd gaz 27 June 2008 pp 1268–78

commenced on date of notification

**Public Service Regulation 2008 SL No. 209 ss 1–2, 20 sch 2**

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

**Workplace Health and Safety Regulation 2008 SL No. 283 ss 1–2, 377 sch 17**

notfd gaz 29 August 2008 pp 2831–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2008 (see s 2)

Note—Two regulatory impact statements and an explanatory note were prepared.

**Transport Operations (Road Use Management—Fatigue Management) Regulation 2008 SL No. 296 ss 1–2, pt 11 div 2**

notfd gaz 5 September 2008 pp 144–5

ss 1–2 commenced on date of notification

remaining provisions commenced 29 September 2008 immediately after the commencement of the Transport Legislation Amendment Act 2007 No. 43 s 63 (see s 2 and 2008 SL No. 311)

**Transport Legislation (Fees) Amendment Regulation (No. 1) 2009 SL No. 64 pts 1, 13**

notfd gaz 22 May 2009 pp 331–3

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2)

**Transport Legislation Amendment Regulation (No. 1) 2009 SL No. 65 pts 1, 3**

notfd gaz 22 May 2009 pp 331–3

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2009 (see s 2)

Endnotes

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**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 13 pt 18**

date of assent 26 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2009 (2009 SL No. 252)

**Transport Operations (Road Use Management—Road Rules) Regulation 2009 SL No. 194 ss 1–2(1), pt 23**

notfd gaz 11 September 2009 pp 148–9

ss 1–2 commenced on date of notification

remaining provisions commenced 12 October 2009 (see s 2(1))

## 6 List of annotations

### Exemption from payment of particular fees

s 3A ins 2008 SL No. 141 s 4  
amd 2009 SL No. 64 s 26

### Definitions

s 4 amd 2001 SL No. 235 s 4; 2007 SL No. 84 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; 2006 SL No. 303 s 4; 2007 SL No. 84 s 5; 2007 SL No. 226 s 9; 2009 SL No. 65 s 11

### 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; 2006 SL No. 303 s 5; 2007 SL No. 84 s 6; 2007 SL No. 226 s 10

### Minimum age

s 8 amd 2007 SL No. 84 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; 2007 SL No. 84 s 8; 2008 SL No. 141 s 5; 2008 SL No. 148 s 8; 2009 SL No. 65 s 12

### Learner licence—class RE

s 9AA ins 2007 SL No. 84 s 9

### Learner licence—class HC

s 9A ins 2001 SL No. 235 s 8

### Provisional or probationary licences—class RE

s 10 amd 2002 SL No. 285 s 17  
sub 2007 SL No. 84 s 10  
amd 2007 SL No. 136 s 4; 2008 SL No. 148 s 9



**Provisional or probationary licences—class C**

s 10AA ins 2007 SL No. 84 s 10

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

s 10A ins 2001 SL No. 109 s 4  
amd 2007 SL No. 136 s 5

**Open licences—class RE**

s 11 amd 2001 SL No. 235 s 9; 2002 SL No. 285 s 18  
sub 2007 SL No. 84 s 11  
amd 2008 SL No. 148 s 10

**Open licences—class C**

s 11AA ins 2007 SL No. 84 s 11  
amd 2007 SL No. 136 s 6

**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; 2006  
SL No. 289 s 11; 2007 SL No. 136 s 7

**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; 2007 SL No. 84 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; 2007 SL No. 84 s 13

**Special need—HC licence**

s 14AA ins 2001 SL No. 235 s 14  
amd 2008 SL No. 58 s 7

**PART 3AA—ADDITIONAL ELIGIBILITY REQUIREMENTS FOR CLASS C P1  
PROVISIONAL LICENCES FOR YOUNG DRIVERS**

pt hdg ins 2007 SL No. 84 s 14

**Object of pt 3AA**

s 14AB ins 2007 SL No. 84 s 14

**Application of pt 3AA**

s 14AC ins 2007 SL No. 84 s 14

**Requirements**

s 14AD ins 2007 SL No. 84 s 14  
amd 2007 SL No. 136 s 8; 2008 SL No. 187 s 3

Endnotes

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**Logbooks**

s 14AE ins 2007 SL No. 84 s 14  
sub 2007 SL No. 136 s 9

**Verification of logbook entries by supervisors etc.**

s 14AF ins 2007 SL No. 84 s 14  
amd 2007 SL No. 136 s 10

**Approval of completed logbooks by chief executive**

s 14AG ins 2007 SL No. 84 s 14  
amd 2007 SL No. 136 s 11

**Credit for other driving experience**

s 14AH ins 2007 SL No. 84 s 14  
amd 2007 SL No. 136 s 12

**Exemption from logbook requirements**

s 14AI ins 2007 SL No. 84 s 14  
amd 2007 SL No. 136 s 13

**Taking of practical driving test to be eligible for class C P1 provisional licence**

s 14AJ ins 2007 SL No. 84 s 14  
amd 2007 SL No. 136 s 14; 2009 Act No. 24 s 1813

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

pt hdg ins 2001 SL No. 109 s 9  
om 2008 SL No. 148 s 11

**Definitions for pt 3A**

s 14B ins 2001 SL No. 109 s 9  
om 2008 SL No. 148 s 11  
def “**declared class RE licence**” ins 2006 SL No. 303 s 6  
om 2008 SL No. 148 s 11  
def “**principal regulation**” sub 2005 SL No. 187 s 135  
om 2008 SL No. 148 s 11  
def “**verified receipt**” om 2007 SL No. 309 s 13

**Object of pt 3A**

s 14C ins 2001 SL No. 109 s 9  
om 2008 SL No. 148 s 11

**Application**

s 14D ins 2001 SL No. 109 s 9  
amd 2006 SL No. 303 s 7; 2007 SL No. 136 s 15; 2007 SL No. 226 s 11  
om 2008 SL No. 148 s 11

**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; 2006 SL No. 303 s 8; 2007  
SL No. 309 s 14  
om 2008 SL No. 148 s 11

**Class RE provisional or probationary licences**

- s 14F ins 2001 SL No. 109 s 9  
sub 2007 SL No. 136 s 16  
om 2008 SL No. 148 s 11

**Class RE open licences**

- s 14G ins 2001 SL No. 109 s 9  
amd 2002 SL No. 285 s 22  
sub 2007 SL No. 136 s 16  
om 2008 SL No. 148 s 11

**Class R provisional or probationary licences**

- s 14H ins 2001 SL No. 109 s 9  
sub 2007 SL No. 136 s 16  
om 2008 SL No. 148 s 11

**Class R open licences**

- s 14I ins 2001 SL No. 109 s 9  
amd 2002 SL No. 285 s 23  
om 2008 SL No. 148 s 11

**PART 3B—JET’S LAW: ELIGIBILITY FOR LICENCES AND REPORTING OF PARTICULAR MEDICAL CONDITIONS**

- pt hdg ins 2008 SL No. 187 s 4

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

- s 14J (prev s 12A) ins 2006 SL No. 28 s 10  
renum and reloc 2008 SL No. 187 s 5

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

- s 14K (prev s 12B) ins 2006 SL No. 28 s 10  
renum and reloc 2008 SL No. 187 s 5

**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; 2007 SL No. 84 s 15; 2009 Act No. 24 s 1814

**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 4AA—RENEWAL OF OPEN LICENCES BY ELECTRONIC COMMUNICATION**

- pt 4AA (ss 18B–18F) ins 2006 SL No. 173 s 16

**PART 4A—DISPLAY OF L PLATES**

- pt hdg ins 2004 SL No. 249 s 8

Endnotes

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**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 displayed or fitted in the required way**

**prov hdg** sub 2007 SL No. 84 s 16(1)  
**s 19A** ins 2004 SL No. 249 s 8  
amd 2007 SL No. 84 s 16(2)–(3)

**Person must not direct a learner unless L plates are displayed or fitted in the required way**

**prov hdg** sub 2007 SL No. 84 s 17(1)  
**s 19B** ins 2004 SL No. 249 s 8  
amd 2005 SL No. 187 s 136; 2007 SL No. 84 s 17(2)–(3)

**Other persons must not display L plates**

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

**PART 4B—DISPLAY OF RED P PLATES AND GREEN P PLATES**

**pt hdg** ins 2007 SL No. 84 s 18

**Holder of P1 type licence must not ride or drive unless red P plates are displayed or fitted in the required way**

**prov hdg** amd 2009 SL No. 65 s 13(1)  
**s 19D** ins 2007 SL No. 84 s 18  
amd 2009 SL No. 65 s 13(2)–(4)

**Holder of P2 type licence must not ride or drive unless green P plates are displayed or fitted in the required way**

**prov hdg** amd 2009 SL No. 65 s 14(1)  
**s 19E** ins 2007 SL No. 84 s 18  
amd 2009 SL No. 65 s 14(2)–(4)

**Other persons must not display P plates**

**s 19F** ins 2007 SL No. 84 s 18  
amd 2009 SL No. 65 s 15

**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; 2007 SL No. 84 s 19; 2008 SL No. 148 s 12

**Towing vehicles**

**s 21** amd 2007 SL No. 84 s 20

**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 5A—RESTRICTIONS ON PARTICULAR DRIVER LICENCE HOLDERS AND THEIR PASSENGERS**

**pt hdg** ins 2007 SL No. 84 s 21

**Application of pt 5A**

s 22A ins 2007 SL No. 84 s 21

**Use of mobile phones by particular driver licence holders**

s 22B ins 2007 SL No. 84 s 21  
amd 2007 SL No. 136 s 17

**Use of mobile phones by passengers**

s 22C ins 2007 SL No. 84 s 21

**High-powered vehicles**

s 22D ins 2007 SL No. 84 s 21

**Certificate of exemption—high-powered vehicles**

s 22E ins 2007 SL No. 84 s 21  
amd 2007 SL No. 136 s 18

**Late night driving**

s 22F ins 2007 SL No. 84 s 21  
amd 2007 SL No. 226 s 12

**Certificate of exemption—late night driving**

s 22G ins 2007 SL No. 84 s 21

**Peer passengers**

s 22H ins 2007 SL No. 136 s 19

**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; 2006 SL No. 62 s 4; 2006  
SL No. 173 s 17; 2006 SL No. 303 s 9; 2007 SL No. 11 s 6

**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

**Additional demerit points for driving more than 20km/h over the speed limit**

s 24B ins 2006 SL No. 62 s 5

**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; 2006  
SL No. 303 s 10; 2007 SL No. 84 s 22; 2007 SL No. 226 s 13

**Recording of demerit points while subject to section 79E order**

s 25A ins 2006 SL No. 303 s 11  
amd 2007 SL No. 226 s 14

Endnotes

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**Recording of demerit points while subject to special hardship order**

s 25B ins 2007 SL No. 226 s 15

**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; 2007  
SL No. 84 s 23; 2007 SL No. 226 s 16

**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  
om 2007 SL No. 226 s 17

**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  
amd 2006 SL No. 303 s 12; 2007 SL No. 226 s 18

**Queensland driver licence holder**

s 30A ins 2003 SL No. 66 s 13  
amd 2007 SL No. 226 s 19

**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  
om 2007 SL No. 226 s 20

**PART 6B—PROVISIONS RELATING TO SECTION 79E ORDERS**

pt hdg ins 2006 SL No. 303 s 13

**Division 1—Preliminary**

div hdg ins 2006 SL No. 303 s 13  
sub 2007 SL No. 226 s 21

**Purpose of pt 6B**

s 30E ins 2006 SL No. 303 s 13  
amd 2007 SL No. 226 s 22

**Definitions for pt 6B**

s 30F ins 2006 SL No. 303 s 13

**Division 2—Application for section 79E order**

div hdg ins 2006 SL No. 303 s 13

**Persons who are eligible, or not eligible, to apply for order**

s 30G ins 2006 SL No. 303 s 13  
amd 2007 SL No. 226 s 23; 2009 Act No. 24 s 1815

**Applying for order**

s 30H ins 2006 SL No. 303 s 13  
amd 2007 SL No. 226 s 24

**Division 3—Deciding application for section 79E order**

div hdg ins 2006 SL No. 303 s 13

**Hearing of application**

s 30I ins 2006 SL No. 303 s 13

**Criteria for deciding application for order**

s 30J ins 2006 SL No. 303 s 13  
amd 2007 SL No. 226 s 25

**What order must state and restrictions applying to licence to which order applies**

prov hdg ins 2006 SL No. 303 s 13  
amd 2007 SL No. 226 s 26(1)  
s 30K ins 2006 SL No. 303 s 13  
amd 2007 SL No. 226 s 26(2)–(4)

**Division 4—Variation of a section 79E order**

div hdg ins 2006 SL No. 303 s 13

**Person may apply for order to vary restrictions**

s 30L ins 2006 SL No. 303 s 13  
amd 2007 SL No. 226 s 27

**Applying for order**

s 30M ins 2006 SL No. 303 s 13  
amd 2007 SL No. 226 s 28

**Hearing of application**

s 30MA ins 2007 SL No. 226 s 29

**What order must state**

s 30N ins 2006 SL No. 303 s 13  
amd 2007 SL No. 226 s 30

**Division 5—Driving under section 79E order**

div hdg ins 2006 SL No. 303 s 13

**Failing to comply with order**

s 30O ins 2006 SL No. 303 s 13  
amd 2007 SL No. 226 s 31

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**Suspension for allocation of demerit points while order applies**

**s 30P** ins 2006 SL No. 303 s 13  
amd 2007 SL No. 226 s 32

**Committing high speed offence while driving under order**

**s 30Q** ins 2006 SL No. 303 s 13  
amd 2007 SL No. 226 s 33

**PART 6C—SPECIAL HARDSHIP ORDERS**

**pt hdg** ins 2007 SL No. 226 s 34

**Division 1—Preliminary**

**div 1 (ss 30R–30S)** ins 2007 SL No. 226 s 34

**Division 2—Court may make special hardship order**

**div 2 (s 30T)** ins 2007 SL No. 226 s 34

**Division 3—Application for special hardship order**

**div hdg** ins 2007 SL No. 226 s 34

**Persons who are eligible, or not eligible, to apply for order**

**s 30U** ins 2007 SL No. 226 s 34  
amd 2009 Act No. 24 s 1816

**Applying for order**

**s 30V** ins 2007 SL No. 226 s 34

**Making of application for order stays suspension**

**s 30W** ins 2007 SL No. 226 s 34

**Division 4—Deciding application for special hardship order**

**div 4 (ss 30X–30ZB)** ins 2007 SL No. 226 s 34

**Division 5—Obtaining replacement licence**

**div 5 (s 30ZC)** ins 2007 SL No. 226 s 34

**Division 6—Special hardship variation order**

**div 6 (ss 30ZD–30ZG)** ins 2007 SL No. 226 s 34

**Division 7—Driving under special hardship order**

**div 7 (ss 30ZH–30ZK)** ins 2007 SL No. 226 s 34

**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; 2006 SL No. 173 s 18



**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; 2006 SL No. 289 s 12; 2009 Act No. 24 s 1814

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

s 33A          ins 2006 SL No. 28 s 11  
                amd 2009 Act No. 24 s 1814

**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; 2006 SL No. 28 s 12; 2007 SL No. 84 s 24

**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; 2006 SL No. 289 s 13;  
                2007 SL No. 84 s 25; 2007 SL No. 136 s 20; 2009 Act No. 24 s 1817

**Change of name or address**

s 39            amd 2001 SL No. 235 s 32; 2006 SL No. 173 s 19

**Replacement licence if licence lost, stolen or destroyed**

prov hdg      sub 2006 SL No. 173 s 20(1)  
s 40            amd 2006 SL No. 173 s 20(2)

**Replacement labels**

s 40A          ins 2006 SL No. 173 s 21

**Queensland driver licence may include information identifying holder of marine licence—Act, s 150A**

s 43A          ins 2006 SL No. 173 s 22

**Applying to include information on Queensland driver licence identifying holder of marine licence**

s 43B          ins 2006 SL No. 173 s 22

**Removal of information on Queensland driver licence identifying holder of marine licence**

s 43C          ins 2006 SL No. 173 s 22

Endnotes

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**Licence labels**

**s 44** ins 2001 SL No. 235 s 33  
amd 2006 SL No. 173 s 23

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

**s 45** ins 2001 SL No. 235 s 33

**Issue of restricted licences—Act, s 87**

**s 45AA** ins 2007 SL No. 84 s 26

**Issue of P2 restricted licences**

**s 45AB** ins 2007 SL No. 84 s 26  
amd 2008 SL No. 141 s 6

**Declaration for provisions that are not unlawful discrimination**

**s 45AC** ins 2007 SL No. 84 s 26  
amd 2007 SL No. 136 s 21; 2008 SL No. 141 s 7; 2008 SL No. 148 s 13

**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 14K**

**prov hdg** amd 2008 SL No. 187 s 6(1)  
**s 45B** ins 2005 SL No. 296 s 11  
amd 2008 SL No. 187 s 6(2)

**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

**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  
amd 2008 SL No. 187 s 7

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**Division 3—Transitional provision for Transport and Other Legislation Amendment Regulation (No. 1) 2006**

**div hdg** ins 2006 SL No. 289 s 14

**No allocation of demerit points for particular contraventions about fatigue management**

**s 50** prev s 50 exp 1 April 2006 (see s 50(3))  
pres s 50 ins 2006 SL No. 289 s 14

**Division 4—Transitional provisions for Transport Operations (Road Use Management—Driver Licensing) and Other Legislation Amendment Regulation (No. 1) 2007**

**div hdg** ins 2007 SL No. 84 s 27

**Subdivision 1—Driver licence eligibility and logbook requirements for particular persons**

**sdiv hdg** ins 2007 SL No. 84 s 27

**Application of sdiv 1**

**s 51** ins 2007 SL No. 84 s 27

**Eligibility for class C P1 provisional licence or P1 probationary licence**

**s 52** ins 2007 SL No. 84 s 27

**Logbook requirements**

**s 53** ins 2007 SL No. 84 s 27  
amd 2007 SL No. 136 s 22; 2008 SL No. 187 s 8

**Subdivision 2—Logbook requirements for former interstate and foreign driver licence holders until 2010**

**sdiv hdg** ins 2007 SL No. 84 s 27

**Application of pt 3AA to former interstate and foreign driver licence holders**

**s 54** ins 2007 SL No. 84 s 27

**Division 5—Transitional provisions for Transport Legislation and Another Regulation Amendment Regulation (No. 1) 2008**

**div 5 (ss 55–59)** ins 2008 SL No. 148 s 14

**Division 6—Transitional provision for Transport Operations (Road Use Management—Fatigue Management) Regulation 2008**

**div 6 (s 60)** ins 2008 SL No. 296 s 244

**Division 7—Transitional provisions for Transport Legislation Amendment Regulation (No. 1) 2009**

**div 7 (ss 61–62)** ins 2009 SL No. 65 s 16

**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; 2006  
SL No. 90 s 30

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amd 2006 SL No. 173 s 24; 2006 SL No. 303 s 14; 2007 SL No. 83 s 26; 2007  
SL No. 84 s 28; 2007 SL No. 136 s 23; 2007 SL No. 226 s 35  
sub 2008 SL No. 131 s 27  
amd 2008 SL No. 141 s 8  
sub 2009 SL No. 64 s 27

**SCHEDULE 2—LICENCE CODES**

amd 2001 SL No. 235 s 35; 2003 SL No. 358 s 14; 2004 SL No. 249 s 11;  
2006 SL No. 173 s 25; 2006 SL No. 289 s 15; 2006 SL No. 303 s 15; 2007  
SL No. 84 s 29; 2007 SL No. 226 s 36; 2009 SL No. 65 s 17

**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 or yellow traffic lights or arrows**

**prov hdg** amd 2007 SL No. 11 s 7(1)

**s 5** (prev s 4) renum 2003 SL No. 66 s 15(2)  
amd 2007 SL No. 11 s 7(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); 2007 SL No. 11 s 7(3)–(4)

**Disobeying traffic lane arrows in roundabout**

**s 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**

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

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

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

**Driving on safety ramp or arrester bed when not permitted**

**s 7D** ins 2009 SL No. 194 s 358(1)

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

**s 8** amd 2007 SL No. 11 s 7(5)–(6); 2009 SL No. 194 s 358(2)–(3)

**Failing to keep clear of police and emergency vehicles**

s 8A ins 2007 SL No. 11 s 7(7)

**Entering level crossing when train or tram approaching**

s 8B ins 2007 SL No. 11 s 7(7)

**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)

**Driver failing to ensure passenger complies with particular requirement about wearing seat belt or occupying seating position**

s 10A ins 2009 SL No. 194 s 358(4)

**Improper turns**

s 11 sub 2000 SL No. 297 s 15(2)  
amd 2009 SL No. 194 s 358(5)–(6)

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

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

**Driving with television receiver or visual display unit visible or likely to distract**

s 12AA ins 2007 SL No. 11 s 7(8)

**Vehicle entering bicycle storage area before traffic lights showing a red traffic light**

s 12AB ins 2009 SL No. 194 s 358(7)

**Using hand-held mobile phones**

s 12A ins 2003 SL No. 373 s 6

**Exceeding maximum driving time by 2 hours or more**

s 14 ins 2006 SL No. 289 s 16(1)  
om 2008 SL No. 296 s 245(1)

**Exceeding maximum continuous driving time by 2 hours or more**

s 14A ins 2006 SL No. 289 s 16(1)  
om 2008 SL No. 296 s 245(1)

**Exceeding maximum work time by 2 hours or more**

s 14B ins 2006 SL No. 289 s 16(1)  
om 2008 SL No. 296 s 245(1)

**Exceeding maximum continuous work time by 2 hours or more**

s 14C ins 2006 SL No. 289 s 16(1)  
om 2008 SL No. 296 s 245(1)

**Failing to meet minimum rest time by rest shortfall of 2 hours or more**

s 14D ins 2006 SL No. 289 s 16(1)  
om 2008 SL No. 296 s 245(1)

**Failing to comply with authorised officer's prohibition for fatigue management**

s 14E ins 2006 SL No. 289 s 16(1)  
om 2008 SL No. 296 s 245(1)

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**Failing to have, carry or keep records and other offences about records**

s 14F ins 2006 SL No. 289 s 16(1)  
om 2008 SL No. 296 s 245(1)

**Failing to produce driving record**

s 14G ins 2006 SL No. 289 s 16(1)  
om 2008 SL No. 296 s 245(1)

**Using mobile phone**

s 14H ins 2007 SL No. 84 s 30(1)

**Contravening high-powered vehicle restriction**

s 14I ins 2007 SL No. 84 s 30(1)

**Contravening late night driving restriction**

s 14J ins 2007 SL No. 84 s 30(1)

**Contravening peer passenger restriction**

s 14K ins 2007 SL No. 136 s 24(1)

**Failing to comply with maximum work and minimum rest requirements—critical risk breach**

s 14L ins 2008 SL No. 296 s 245(2)

**Failing to comply with requirements about work records**

s 14M ins 2008 SL No. 296 s 245(2)

**Contravening condition of exemption under Fatigue Management Regulation**

s 14N ins 2008 SL No. 296 s 245(2)

**Contravention about returning or replacing accreditation certificate or exemption notice under Fatigue Management Regulation**

s 14O ins 2008 SL No. 296 s 245(2)

**False representations about accreditation or exemption under Fatigue Management Regulation**

s 14P ins 2008 SL No. 296 s 245(2)

**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)

**Failing to use an unobstructed slip lane to turn left at an intersection from a multi-lane road**

s 15A ins 2009 SL No. 194 s 358(8)

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

s 17 amd 2000 SL No. 297 s 15(7); 2009 SL No. 194 s 358(9)

**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)

**Exceeding maximum driving time by between 1 and 2 hours**

s 22A ins 2006 SL No. 289 s 16(2)  
om 2008 SL No. 296 s 245(1)

**Exceeding maximum continuous driving time by between 1 and 2 hours**

s 22B ins 2006 SL No. 289 s 16(2)  
om 2008 SL No. 296 s 245(1)

**Exceeding maximum work time by between 1 and 2 hours**

s 22C ins 2006 SL No. 289 s 16(2)  
om 2008 SL No. 296 s 245(1)

**Exceeding maximum continuous work time by between 1 and 2 hours**

s 22D ins 2006 SL No. 289 s 16(2)  
om 2008 SL No. 296 s 245(1)

**Failing to meet minimum rest times by rest shortfall of between 1 and 2 hours**

s 22E ins 2006 SL No. 289 s 16(2)  
om 2008 SL No. 296 s 245(1)

**Failing to display or fit L plates**

s 22F ins 2007 SL No. 84 s 30(2)

**Failing to display or fit red P plates**

prov hdg amd 2009 SL No. 65 s 18(1)  
s 22G ins 2007 SL No. 84 s 30(2)

**Failing to display or fit green P plates**

prov hdg amd 2009 SL No. 65 s 18(2)  
s 22H ins 2007 SL No. 84 s 30(2)

**Driving fatigue regulated heavy vehicle while impaired by fatigue**

s 22I ins 2008 SL No. 296 s 245(3)

**Failing to comply with maximum work and minimum rest requirements—severe risk breach**

s 22J ins 2008 SL No. 296 s 245(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)

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**Following too closely**

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

**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)  
om 2007 SL No. 136 s 24(2)

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

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

**Failing to produce certificate of exemption for driving high-powered vehicle**

s 33 ins 2007 SL No. 84 s 30(3)

**Failing to produce certificate of exemption for late night driving**

s 34 ins 2007 SL No. 84 s 30(3)

**SCHEDULE 4—PRESCRIBED COUNTRIES**

sch hdg amd 2007 SL No. 136 s 25

sch 4 ins 2001 SL No. 235 s 38  
amd 2004 SL No. 302 s 12  
sub 2007 SL No. 309 s 16

**SCHEDULE 5—REMOTE AREA**

ins 2001 SL No. 235 s 38  
amd 2008 SL No. 58 s 8

**SCHEDULE 6—EXEMPTED HIGH-POWERED VEHICLES**

ins 2007 SL No. 84 s 32

**SCHEDULE 6A—PRESCRIBED MOTORBIKES**

ins 2009 SL No. 65 s 19

**SCHEDULE 7—DICTIONARY**

sch hdg amd 2001 SL No. 235 s 37(5)

sch 7 (prev sch 6) renum 2007 SL No. 84 s 31(2)  
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 “approved foster carer” ins 2007 SL No. 136 s 26(2)  
def “approved kinship carer” ins 2007 SL No. 136 s 26(2)  
def “authorising licence” ins 2001 SL No. 109 s 10  
om 2008 SL No. 148 s 15(1)



- def “**cancellation date**” om 2001 SL No. 235 s 37(1)  
def “**choice date**” ins 2001 SL No. 235 s 37(2)  
amd 2007 SL No. 226 s 37(3)  
def “**competency declaration**” ins 2001 SL No. 109 s 10  
sub 2008 SL No. 148 s 15(1)–(2)  
def “**critical risk breach**” ins 2008 SL No. 296 s 246(1)  
def “**declared class RE licence**” ins 2006 SL No. 303 s 16(1)  
om 2008 SL No. 148 s 15(1)  
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 “**demerit points offence**” ins 2006 SL No. 303 s 16(1)  
def “**driver trainer**” amd 2005 SL No. 187 s 137  
def “**driving session**” ins 2007 SL No. 84 s 31(1)  
def “**electronic communication**” ins 2006 SL No. 173 s 26(1)  
def “**eligible family member**” ins 2001 SL No. 235 s 37(2)  
def “**emergency service worker**” ins 2007 SL No. 84 s 31(1)  
def “**exempted police driver**” ins 2007 SL No. 84 s 31(1)  
amd 2008 SL No. 58 s 9; 2008 SL No. 209 s 20 sch 2  
def “**Fatigue Management Regulation**” ins 2006 SL No. 289 s 17  
amd 2008 SL No. 296 s 246(2)  
def “**green P plate**” ins 2007 SL No. 84 s 31(1)  
def “**guardian**” ins 2007 SL No. 84 s 31(1)  
sub 2007 SL No. 136 s 26  
def “**hazard perception test**” ins 2008 SL No. 141 s 9  
def “**health professional**” ins 2005 SL No. 296 s 12  
def “**high-powered vehicle**” ins 2007 SL No. 84 s 31(1)  
def “**interstate licence**” ins 2001 SL No. 235 s 37(2)  
om 2003 SL No. 358 s 15(1)  
def “**interstate offence**” ins 2006 SL No. 303 s 16(1)  
def “**learner approved motorbike**” ins 2009 SL No. 65 s 20(1)  
def “**logbook**” ins 2007 SL No. 84 s 31(1)  
sub 2007 SL No. 136 s 26  
def “**logbook requirements**” ins 2007 SL No. 84 s 31(1)  
def “**L plate**” sub 2004 SL No. 249 s 12  
def “**marine licence**” ins 2006 SL No. 173 s 26(1)  
def “**mobile phone**” ins 2007 SL No. 84 s 31(1)  
def “**moped**” ins 2000 SL No. 21 s 4  
amd 2006 SL No. 173 s 26(2); 2009 SL No. 65 s 20(2)  
def “**night**” ins 2007 SL No. 84 s 31(1)  
def “**non-Queensland driver licence**” amd 2001 SL No. 235 s 37(3)  
om 2003 SL No. 358 s 15(1)  
def “**notice to choose**” ins 2007 SL No. 226 s 37(2)  
def “**order period**” ins 2007 SL No. 226 s 37(2)  
def “**O type licence**” ins 2002 SL No. 285 s 27  
def “**P1 probationary licence**” ins 2007 SL No. 84 s 31(1)  
def “**P1 provisional licence**” ins 2007 SL No. 84 s 31(1)

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- def “**P1 restricted licence**” ins 2007 SL No. 84 s 31(1)
- def “**P1 type licence**” ins 2007 SL No. 84 s 31(1)
- def “**P2 probationary licence**” ins 2007 SL No. 84 s 31(1)
- def “**P2 provisional licence**” ins 2007 SL No. 84 s 31(1)
- def “**P2 restricted licence**” ins 2007 SL No. 84 s 31(1)
- def “**P2 type licence**” ins 2007 SL No. 84 s 31(1)
- def “**P probationary licence**” ins 2007 SL No. 84 s 31(1)
- def “**P provisional licence**” ins 2007 SL No. 84 s 31(1)
- def “**practical driving test**” amd 2003 SL No. 358 s 15(2)
- def “**pre-licence driver training**” ins 2007 SL No. 84 s 31(1)
- def “**prescribed motorbike**” ins 2009 SL No. 65 s 20(1)
- def “**P restricted licence**” ins 2007 SL No. 84 s 31(1)
- def “**principal regulation**” ins 2001 SL No. 109 s 10
  - om 2008 SL No. 148 s 15(1)
- def “**P type licence**” ins 2007 SL No. 84 s 31(1)
- def “**Q-Ride training**” prev def ins 2001 SL No. 109 s 10
  - om 2008 SL No. 148 s 15(1)
  - pres def ins 2009 SL No. 65 s 20(1)
- def “**record**” ins 2007 SL No. 136 s 26(2)
- def “**red P plate**” ins 2007 SL No. 84 s 31(1)
- def “**registered service provider**” ins 2001 SL No. 109 s 10
  - om 2008 SL No. 148 s 15(1)
- def “**registered service provider standards**” ins 2001 SL No. 109 s 10
  - om 2008 SL No. 148 s 15(1)
- def “**relevant charge**” ins 2006 SL No. 303 s 16(1)
- def “**relevant order**” ins 2007 SL No. 226 s 37(2)
- def “**relevant provision**” ins 2007 SL No. 226 s 37(2)
- def “**requisite suspension period**” ins 2001 SL No. 235 s 37(2)
  - amd 2006 SL No. 303 s 16(2); 2007 SL No. 226 s 37(4)
- def “**return date**” om 2001 SL No. 235 s 37(1)
- def “**return notice**” om 2001 SL No. 235 s 37(1)
- def “**road in Australia**” ins 2007 SL No. 136 s 26(2)
- def “**road rules test**” amd 2001 SL No. 235 s 37(4)
- def “**sanction date**” ins 2001 SL No. 235 s 37(2)
- def “**section 79E order**” ins 2006 SL No. 303 s 16(1)
  - om 2007 SL No. 226 s 37(1)
- def “**section 79E variation order**” ins 2006 SL No. 303 s 16(1)
- def “**severe risk breach**” ins 2008 SL No. 296 s 246(1)
- def “**special hardship variation order**” ins 2007 SL No. 226 s 37(2)
- def “**supervised driving**” ins 2007 SL No. 84 s 31(1)
- def “**supervisor**” ins 2007 SL No. 84 s 31(1)
- def “**suspended licence**” ins 2006 SL No. 303 s 16(1)
- def “**suspended open or provisional licence**” ins 2007 SL No. 226 s 37(2)
- def “**valid**” amd 2003 SL No. 358 s 15(3)
- def “**verified receipt**” ins 2001 SL No. 109 s 10
  - om 2007 SL No. 309 s 15
- def “**WHS certificate**” sub 2008 SL No. 283 s 377 sch 17

def **“young driver”** ins 2007 SL No. 84 s 31(1)

def **“young driver disqualification offence”** ins 2007 SL No. 84 s 31(1)

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