



Queensland

Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 1) 2012

Subordinate Legislation 2012 No. 36

made under the

Transport Operations (Road Use Management) Act 1995

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1 Short title

This regulation may be cited as the *Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 1) 2012*.

2 Commencement

This regulation commences on 1 March 2012.

3 Regulation amended

This regulation amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

4 Amendment of s 79 (Queensland driver licence holder)

(1) Section 79, heading—

omit, insert—

‘Queensland driver licence holder—notice to choose’.

(2) Section 79(2), after ‘section’, second mention—

insert—

‘79A.’.

5 Insertion of new s 79A

After section 79—

insert—

‘79A Queensland driver licence holder—class C learner licence holder etc.

‘(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 class C learner 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 while the person did not hold a driver licence; and
 - (iii) in relation to the 5 year period (the *5 year period*) ending on the day before the day on which the person committed the offence for which the first demerit point was allocated, the person—
 - (A) did not hold a driver licence for the entire 5 year period; or
 - (B) held a class C learner licence or corresponding learner licence for the entire 5 year period; or
 - (C) did not hold a driver licence for part of the 5 year period and held a class C learner licence or corresponding learner licence for the balance of the period; and
 - (iv) the person holds a Queensland driver licence other than a class C learner licence; or
- (c) 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 held a class C learner licence or corresponding learner licence; and
 - (iii) the person holds a Queensland driver licence; or
- (d) if—

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- (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) the person did not hold a driver licence for part of the period and held a class C learner licence or corresponding learner licence for the balance of the period; and
 - (iv) the person holds a Queensland driver licence.
- '(2) The chief executive must give the person a written notice stating that the person's Queensland driver licence is suspended for the requisite suspension period starting on the day stated in the notice.
- '(3) The day stated must be at least 21 days after the day of the notice.
- '(4) The person's Queensland driver licence is suspended for the requisite suspension period starting on the day stated in the notice.
- '(5) In this section—
- corresponding learner licence* means a driver licence granted outside Queensland that corresponds to a class C learner licence.'

6 Amendment of s 83 (Former driver licence holder)

Section 83(1), after '79'—

insert—

‘, 79A’.

7 Insertion of new pt 19, div 1, hdg

Part 19, before section 164—

insert—

**‘Division 1 Transitional provisions for
Transport Operations (Road Use
Management—Driver Licensing)
Regulation 2010’.**

8 Insertion of new pt 19, div 2

Part 19, after section 165—

insert—

**‘Division 2 Transitional provisions for
Transport Operations (Road Use
Management—Driver Licensing)
Amendment Regulation (No. 1) 2012**

‘166 Definition for div 2

‘In this division—

commencement means the day on which this section commences.

‘167 Continuous 1 year period under s 79A

‘Section 79A applies to a person if—

- (a) the first day of the continuous 1 year period mentioned in section 79A(1)(a)(ii), 79A(1)(b)(ii), 79A(1)(c)(ii) or 79A(1)(d)(ii) is before, on or after the commencement; and
- (b) the last day of the period is on or after the commencement.

**‘168 Application of s 79A to particular persons to whom
demerit points allocated during good behaviour period**

‘(1) This section applies if—

- (a) the requirements of section 79(1)(a) or (b) are satisfied for a person before the commencement; and
 - (b) before, on or after the commencement, a notice to choose is given to the person; and
 - (c) the person notified the chief executive on or before the choice day that the person chooses for section 79(3)(b) to apply; and
 - (d) the period of 1 year starting on the sanction day (the *good behaviour period*) ends on or after the commencement; and
 - (e) during the good behaviour period, 2 or more demerit points are allocated to the person's traffic history.
- '(2) Section 79A does not apply to the person in relation to the demerit points allocated to the person's traffic history during the good behaviour period.

'169 Application of s 79A to particular persons to whom demerit points allocated before commencement

- '(1) Subsection (2) applies if—
- (a) before the commencement, 4 or more demerit points were allocated to a person's traffic history in a continuous 1 year period; and
 - (b) the person either—
 - (i) did not hold a driver licence during the period; or
 - (ii) held a class C learner licence or driver licence granted outside Queensland that corresponds to a class C learner licence but did not hold an O type licence, for part of the period or for the entire period; and
 - (c) on or after the commencement—
 - (i) the demerit points are recorded on the person's traffic history; and
 - (ii) the person holds a Queensland driver licence.

- ‘(2) Section 79A does not apply to the person in relation to the demerit points mentioned in subsection (1)(a).
- ‘(3) Subsection (4) applies if—
 - (a) for the notice to choose given in relation to the demerit points mentioned in subsection (1)(a), the person chooses for section 79(3)(b) to apply; and
 - (b) during the period of 1 year starting on the sanction day 2 or more demerit points are allocated to the person’s traffic history.
- ‘(4) Section 79A does not apply to the person in relation to the demerit points mentioned in subsection (3)(b).’.

9 Amendment of sch 3 (Demerit points)

- (1) Schedule 3, section 57, ‘is 1’—
omit, insert—
‘is 4’.
- (2) Schedule 3, section 57, as amended—
relocate and renumber as schedule 3, part 3, section 3B.
- (3) Schedule 3, section 58—
renumber as schedule 3, section 57.

ENDNOTES

- 1 Made by the Governor in Council on 16 February 2012.
- 2 Notified in the gazette on 17 February 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.