



Queensland

Transport Operations (Road Use Management—Driver Licensing) and Another Regulation Amendment Regulation (No. 1) 2014

Subordinate Legislation 2014 No. 324

made under the

Transport Operations (Road Use Management) Act 1995

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
Part 2	Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions Regulation 2005	
3	Regulation amended	3
4	Amendment of s 68 (Who is an eligible person for Q-Ride training)	3
Part 3	Amendment of Transport Operations (Road Use Management—Driver Licensing Regulation 2010	
5	Regulation amended	4
6	Amendment of s 4 (Motorbike licences)	5
7	Amendment of s 5 (Other types of licences)	5
8	Amendment of s 10B (Road rules test)	5
9	Amendment of s 10C (Practical driving test)	5
10	Amendment of s 10D (Competency declarations and practical driving tests for class RE and R applicants).	6
11	Amendment of s 10E (Hazard perception test)	7

Transport Operations (Road Use Management—Driver Licensing) and Another Regulation
Amendment Regulation (No. 1) 2014

Contents

12	Insertion of new s 10F	7
	10F Application of div 3	7
13	Insertion of new s 12A	7
	12A Application of div 4	7
14	Insertion of new s 14A	7
	14A Application of div 5	7
15	Amendment of s 15 (Open licence—class RE)	8
16	Amendment of s 16 (Open licence—class C)	8
17	Amendment of s 16A (Recording P2 time credit)	8
18	Insertion of new pt 3, div 5A	8
	Division 5A Returning drivers	
	16B Meaning of returning driver	9
	16C Licence authorising returning driver to learn to drive vehicle 9	
	16D Licence condition and certificate	9
	16E Provisional, probationary or open licence for a returning driver	10
19	Insertion of new s 16F	11
	16F Application of div 6	11
20	Amendment of s 26 (Working out period a person has held a licence)	11
21	Insertion of new s 26A	12
	26A Application of pt 4.	12
22	Amendment of s 127 (Return of licence for amendment).	12
23	Amendment of sch 2 (Licence codes)	13
24	Amendment of sch 9 (Dictionary).	13
Schedule 1	Minor amendments of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010	14

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Road Use Management—Driver Licensing) and Another Regulation Amendment Regulation (No. 1) 2014*.

2 Commencement

This regulation commences on 1 January 2015.

Part 2 Amendment of Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005

3 Regulation amended

This part amends the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*.

4 Amendment of s 68 (Who is an *eligible person* for Q-Ride training)

(1) Section 68(1)—

omit insert—

(1) A person is an *eligible person* to receive Q-Ride training for a class RE motorbike if—

(a) the person holds a class RE learner licence or a driver licence granted outside

Queensland that corresponds to a class RE learner licence; or

- (b) the person holds—
 - (i) a learner, provisional, probationary or open licence stating licence code RD under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*; and
 - (ii) a returning driver certificate under that regulation stating that the person may learn to drive a class RE motorbike.

(2) Section 68(2)—
insert—

- (d) the person holds—
 - (i) a learner, provisional, probationary or open licence stating licence code RD under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*; and
 - (ii) a returning driver certificate under that regulation stating that the person may learn to drive a class R motorbike.

Part 3

Amendment of Transport Operations (Road Use Management—Driver Licensing Regulation 2010

5 Regulation amended

This part and schedule 1 amend the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

6 Amendment of s 4 (Motorbike licences)

Section 4—

insert—

- (6A) The holder of a driver licence that has the code RD stated on it, and a returning driver certificate, is authorised to learn to ride a class R or RE motorbike stated in the certificate if, while riding the motor bike, the holder carries the certificate.

7 Amendment of s 5 (Other types of licences)

Section 5—

insert—

- (8A) The holder of a driver licence that has the code RD stated on it, and a returning driver certificate, is authorised to learn to drive a class of vehicle stated in the certificate if, while driving the class of vehicle, the holder carries the certificate.

8 Amendment of s 10B (Road rules test)

(1) Section 10B(1)(d)—

renumber as section 10B(1)(e).

(2) Section 10B(1)—

insert—

- (d) an applicant for a class of provisional, probationary or open licence as a returning driver who has not passed a road rules test for the class of licence applied for;

9 Amendment of s 10C (Practical driving test)

(1) Section 10C(1)(b) to (d)—

renumber as section 10C(1)(c) to (e).

(2) Section 10C(1)—

insert—

- (b) an applicant for a class of provisional, probationary or open licence who holds—
 - (i) a learner, provisional, probationary or open licence of a different class that has the code RD stated on it; and
 - (ii) a returning driver certificate;

10 Amendment of s 10D (Competency declarations and practical driving tests for class RE and R applicants)

Section 10D(4)—

omit, insert—

(4) Also, subsection (2) does not apply if—

- (a) the person—
 - (i) holds, or within the 5 years before applying for the licence held, a class RE licence or an Australian driver licence of a class that corresponds to a class RE licence; and
 - (ii) has passed a practical driving test for an Australian driver licence of a class that corresponds to a class RE licence on—
 - (A) if the test was conducted before 1 July 2009—a motorbike that is the same as a prescribed motorbike; or
 - (B) if the test was conducted on or after 1 July 2009—a prescribed motorbike; or
- (b) the person holds a competency declaration for a class RE motorbike for which Q-Ride

training was completed on a prescribed motorbike.

11 Amendment of s 10E (Hazard perception test)

Section 10E, ‘that authorises the person to drive a class C vehicle’—

omit.

12 Insertion of new s 10F

Part 3, division 3—

insert—

10F Application of div 3

This division does not apply to an applicant for a licence as a returning driver.

13 Insertion of new s 12A

Part 3, division 4—

insert—

12A Application of div 4

This division does not apply to an applicant for a licence as a returning driver.

14 Insertion of new s 14A

Part 3, division 5—

insert—

14A Application of div 5

This division does not apply to an applicant for a licence as a returning driver.

15 Amendment of s 15 (Open licence—class RE)

Section 15(1)—

insert—

- (j) the person—
 - (i) was granted a class RE P1 type licence as a returning driver when the person was at least 25 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.

16 Amendment of s 16 (Open licence—class C)

Section 16(1)—

insert—

- (n) the person—
 - (i) was granted a class C P1 type licence as a returning driver when the person was at least 25 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.

17 Amendment of s 16A (Recording P2 time credit)

Section 16A, ‘class C’—

omit.

18 Insertion of new pt 3, div 5A

Part 3—

insert—

Division 5A Returning drivers

16B Meaning of *returning driver*

A person is a *returning driver* if—

- (a) the person held a valid provisional, probationary or open licence (the *old licence*) to drive a class of vehicle; and
- (b) the old licence stopped being valid more than 5 years before the person applies for a licence of the same class as the old licence.

Note—

For the provisions that do not apply to an applicant for a licence as a returning driver, see sections 10F, 12A, 14A, 16F and 26A.

16C Licence authorising returning driver to learn to drive vehicle

- (1) This section applies in relation to an application for a licence of any class, if the person applying for the licence—
 - (a) applies as a returning driver; and
 - (b) does not hold a licence authorising the person to learn to drive the class of vehicle for the licence applied for.
- (2) The person is eligible for a licence authorising the person to learn to drive the class of vehicle the person was authorised to drive under the old licence.

16D Licence condition and certificate

- (1) This section applies if the chief executive decides to grant a licence to an applicant for a licence as a returning driver authorising the person to learn to drive a particular class of vehicle.

- (2) The chief executive must—
 - (a) state licence code RD on the licence; and
 - (b) give the person a certificate (*returning driver certificate*) stating the person may learn to drive the class of vehicle stated in the certificate.

16E Provisional, probationary or open licence for a returning driver

- (1) This section applies in relation to an application for a provisional, probationary or open licence of any class, if the person applying for the licence—
 - (a) applies as a returning driver; and
 - (b) holds a licence authorising the person to learn to drive the class of vehicle for the licence applied for.
- (2) If the person holds a provisional, probationary or open licence for a class of vehicle, other than the class applied for, the person is eligible for the class of licence being applied for that is of the same type as the licence the applicant holds.
- (3) If the person does not hold a provisional, probationary or open licence, the person is eligible for—
 - (a) if the most recent licence held by the person was cancelled because the person was disqualified—a probationary licence of the class applied for; or
 - (b) otherwise—the class of licence applied for that is of the same type as the most recent provisional, probationary or open licence held by the person.

19 Insertion of new s 16F

Part 3, division 6—

insert—

16F Application of div 6

This division does not apply to an applicant for a licence as a returning driver.

20 Amendment of s 26 (Working out period a person has held a licence)

Section 26, from ‘include’—

omit, insert—

include—

- (a) if the person obtained the licence as a returning driver and the period is being worked out for the purposes of a relevant provision—the total of any period within the 5 years occurring immediately before the time the period is being worked out; or

Example of the operation of paragraph (a)—

The holder of a licence obtained as a returning driver, who stopped holding a valid P1 type licence 6 years before applying for a P2 provisional licence or P2 probationary licence, can not include the period the P1 type licence was held for the purposes of section 14(2)(a)(iii).

- (b) otherwise—the total of any periods the person has held a valid licence of that class or type.

- (2) In this section—

relevant provision means—

- (a) section 13(2)(a)(iii), 14(2)(a)(iii), 15(1)(b)(iii), (d)(ii), (f)(ii) or (j)(iii), 16(1)(b)(iii), (d)(ii), (f)(ii), (j)(ii), (k)(ii) or (n)(iii) or 16A(1)(b); or

(b) section 16A(3), definition *P2 time credit*.

21 Insertion of new s 26A

Part 4—

insert—

26A Application of pt 4

This part does not apply to an applicant for a licence as a returning driver.

22 Amendment of s 127 (Return of licence for amendment)

(1) Section 127, heading—

omit, insert—

127 Return of licence or returning driver certificate for amendment

(2) Section 127(3)—

omit.

(3) Section 127(4) and (5)—

renumber as section 127(3) and (4).

(4) Section 127—

insert—

(5) The chief executive may give the holder of a returning driver certificate a written notice requiring the holder to return the certificate, in a stated way and within a stated time of at least 14 days, to enable information stated in the certificate that is incorrect to be amended, if the chief executive reasonably believes the error was caused by the chief executive.

(6) A notice given under subsection (5) must include a statement identifying the information that is incorrect and the correct information.

- (7) The chief executive must, after receiving the certificate from the holder, issue to the holder a replacement certificate stating the correct information.
- (8) The holder of a Queensland driver licence or a returning driver certificate must comply with a notice given under this section to the holder, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

Example of a reasonable excuse—

The licence or certificate has been, or the holder reasonable suspects it has been, destroyed, lost or stolen.

23 Amendment of sch 2 (Licence codes)

Schedule 2, part 1, after the entry for licence code M—

insert—

RD licensee may learn to drive a class of vehicle stated in the returning driver certificate issued to the licensee while carrying the certificate

24 Amendment of sch 9 (Dictionary)

Schedule 9—

insert—

old licence see section 16B(a).

returning driver see section 16B.

returning driver certificate see section 16D(2)(b).

Schedule 1 Minor amendments of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010

section 5

- 1 Sections 13(3)(c)(ii), 14(3)(b)(ii), 15(1)(c)(i), (e)(i), (g)(i), (h) and (i)(i), 16(1)(c)(i), (e)(i), (g)(i), (h), (i)(i), (l)(i) and (m)(i), 43(1)(b)(ii), 44(b), 48(1)(a)(i)(B) and 49(a)(i), after ‘cancelled’—**

insert—

because the person was disqualified

ENDNOTES

- 1 Made by the Governor in Council on 18 December 2014.
- 2 Notified on the Queensland legislation website on 19 December 2014.
- 3 The administering agency is the Department of Transport and Main Roads.

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Authorised by the Parliamentary Counsel