



Queensland

Transport Operations (Road Use Management—Driver Licensing) (Road Rules Test) Amendment Regulation 2017

Subordinate Legislation 2017 No. 124

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) (Road Rules Test) Amendment Regulation 2017*.

2 Regulation amended

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

3 Omission of s 10 (Tests)

Section 10—
omit.

4 Insertion of new ss 10BA–10BC

Part 3, division 2—
insert—

10BA Minimum age—online road rules test for class C learner licence

- (1) An applicant for a class C learner licence is eligible to enrol to take an online road rules test only if the applicant is at least 15 years and 11 months.
- (2) However, subsection (1) does not apply if the chief executive is satisfied under section 20 that the applicant has a special need for a class C learner licence.

10BB Cheating on road rules test

- (1) This section applies to an applicant for a driver licence who must pass a road rules test if—
 - (a) the chief executive is reasonably satisfied a person other than the applicant has taken all

- or part of the road rules test for the applicant; and
- (b) the chief executive has not yet granted the applicant's application for the driver licence.
- (2) The chief executive may decide the applicant has not passed the road rules test, and may do either or both of the following—
- (a) if the applicant is enrolled in the online road rules test—cancel the applicant's enrolment;
 - (b) disqualify the applicant from taking the road rules test again, including by enrolling to take the online road rules test, for the disqualification period.
- (3) If the chief executive decides the applicant has not passed the road rules test under subsection (2), the chief executive must give the applicant a written notice stating—
- (a) the decision; and
 - (b) the reasons for the decision; and
 - (c) if the chief executive has decided to cancel the applicant's enrolment in the online road rules test—the day from which the cancellation has effect; and
 - (d) if the chief executive has decided to disqualify the applicant from taking the road rules test again, including by enrolling to take the online road rules test—the details of the disqualification; and
 - (e) that the applicant may apply for a reconsideration of the decision under section 132; and
 - (f) that the applicant is also able, under section 65A(1) of the Act, to apply to QCAT for a review of the decision on the reconsideration.

(4) In this section—

disqualification period means a period of 6 months after the day on which the chief executive decided the tested person has not passed the road rules test under subsection (2).

10BC Offence of taking road rules test for another person

- (1) This section applies in relation to an applicant for a Queensland driver licence who must pass a road rules test to be eligible for the licence.
- (2) A person who is not the applicant must not take all or part of the road rules test for the applicant.

Maximum penalty—40 penalty units.

5 Amendment of s 66 (Licence holder 75 years or older)

Section 66(3), definition *valid medical certificate*, paragraph (b), ‘12 months’—

omit, insert—

13 months

6 Amendment of s 132 (Reconsideration of decision by chief executive)

(1) Section 132(1), before paragraph (a)—

insert—

- (aa) has, under section 10BB(2), decided an applicant has not passed a road rules test, including a decision to—
 - (i) cancel an applicant’s enrolment in an online road rules test; or
 - (ii) disqualify a person from taking a road rules test or from enrolling to take an online road rules test; or

(2) Section 132(5)(b)(ii), ‘subsection (1)(c)’—

omit, insert—

subsection (1)(aa), (c)

(3) Section 132(6), ‘subsection (1)(c)’—

omit, insert—

subsection (1)(aa), (c)

(4) Section 132(8), definition *original decision*, ‘paragraphs (a)’—

omit, insert—

paragraphs (aa)

7 Amendment of s 156 (Declaration for provisions that are not unlawful discrimination)

Section 156(a), after ‘9,’—

insert—

10BA,

8 Amendment of s 160 (Exemption from payment of particular fees)

(1) Section 160(2), before paragraph (a)—

insert—

(aa) the person is an applicant for a class RE licence; and

(2) Section 160(2)(aa) to (b)—

renumber as section 160(2)(a) to (c).

9 Amendment of sch 9 (Dictionary)

(1) Schedule 9, definition *road rules test*—

omit.

(2) Schedule 9—

insert—

online road rules test means a road rules test that is conducted using an online system.

road rules test, for an application for a class of Queensland driver licence, means a test designed to measure the applicant's knowledge of matters and appropriate behaviour that are —

- (a) relevant to the class of licence applied for; and
- (b) published on the Queensland government's website.

ENDNOTES

- 1 Made by the Governor in Council on 6 July 2017.
- 2 Notified on the Queensland legislation website on 7 July 2017.
- 3 The administering agency is the Department of Transport and Main Roads.

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