



Queensland

*Transport Operations (Road Use Management) Act 1995*

# **Transport Operations (Road Use Management—Driver Licensing) Regulation 2010**

**Current as at 21 May 2014**

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Queensland

# Transport Operations (Road Use Management—Driver Licensing) Regulation 2010

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	13
2	Commencement . . . . .	13
3	Definitions . . . . .	13
3A	Meaning of licence granted under the law of an experienced driver recognition country or a recognised country . . . . .	13
<b>Part 2</b>	<b>Queensland driver licence is authority to drive</b>	
4	Motorbike licences . . . . .	14
5	Other types of licences . . . . .	15
6	Only 1 Queensland driver licence to be held at the same time . . . . .	17
7	Licence must be valid . . . . .	18
<b>Part 3</b>	<b>Eligibility for Queensland driver licences</b>	
<b>Division 1</b>	<b>Minimum age</b>	
8	Minimum age—class C learner licence . . . . .	18
9	Minimum age—licence other than class C learner licence . . . . .	18
<b>Division 2</b>	<b>Testing</b>	
10	Tests . . . . .	19
10A	Eyesight test . . . . .	19
10B	Road rules test . . . . .	19
10C	Practical driving test . . . . .	20
10D	Competency declarations and practical driving tests for class RE and R applicants . . . . .	22
10E	Hazard perception test . . . . .	25
<b>Division 3</b>	<b>Learner licences</b>	
11	Learner licence—class RE . . . . .	25

Contents

---

12	Learner licence—class HC . . . . .	26
<b>Division 4</b>	<b>Provisional or probationary licences</b>	
13	Provisional or probationary licence—class RE . . . . .	26
14	Provisional or probationary licence—class C . . . . .	30
<b>Division 5</b>	<b>Open licences</b>	
15	Open licence—class RE . . . . .	34
16	Open licence—class C . . . . .	37
16A	Recording P2 time credit . . . . .	42
<b>Division 6</b>	<b>Upgrading licences</b>	
17	Upgrading licence class . . . . .	43
18	Upgrading class RE licence to class R licence . . . . .	44
<b>Division 7</b>	<b>Other eligibility criteria</b>	
19	Other provisions about general eligibility . . . . .	45
<b>Division 8</b>	<b>Special need for licences</b>	
20	Special need—learner or provisional licence . . . . .	46
21	Special need—HC licence . . . . .	47
<b>Division 9</b>	<b>Licence applications</b>	
22	Applying for licence . . . . .	48
23	Deciding application for licence . . . . .	49
<b>Division 10</b>	<b>Licence duration and conditions</b>	
24	Duration of licence . . . . .	50
25	Conditions on licence . . . . .	50
<b>Division 11</b>	<b>Working out period a person has held a licence</b>	
26	Working out period a person has held a licence . . . . .	51
<b>Part 4</b>	<b>Additional eligibility requirements for class C P1 provisional licences for young drivers</b>	
27	Object of pt 4 . . . . .	51
28	Application of pt 4 . . . . .	51
29	Requirements . . . . .	52
30	Logbook . . . . .	53
31	Verification of logbook entries by supervisor etc. . . . .	54
32	Approval of completed logbook by chief executive . . . . .	55
33	Credit for other driving experience . . . . .	57
34	Exemption from logbook requirements . . . . .	60
35	Taking of practical driving test to be eligible for class C P1 provisional licence . . . . .	62

<b>Part 5</b>	<b>Eligibility requirements for motorbike licences for persons with particular physical incapacities</b>	
<b>Division 1</b>	<b>Preliminary</b>	
36	Object of pt 5 . . . . .	63
37	Application of pt 5 . . . . .	63
<b>Division 2</b>	<b>Special need—class RE or R licence</b>	
38	Special need for a class RE or R licence . . . . .	63
<b>Division 3</b>	<b>Eligibility for motorbike licence</b>	
<b>Subdivision 1</b>	<b>Preliminary</b>	
39	Definition for div 3 . . . . .	66
<b>Subdivision 2</b>	<b>Eligibility for class RE provisional, probationary or open licence</b>	
40	Application of sdiv 2 . . . . .	66
41	P1 provisional or P1 probationary licence—class RE . . . . .	66
42	P2 provisional or P2 probationary licence—class RE . . . . .	67
43	P provisional or P probationary licence—class RE . . . . .	67
44	Open licence—class RE . . . . .	68
<b>Subdivision 3</b>	<b>Eligibility for class R provisional, probationary or open licence</b>	
45	Application of sdiv 3 . . . . .	68
46	P1 provisional or P1 probationary licence—class R . . . . .	69
47	P2 provisional or P2 probationary licence—class R . . . . .	69
48	P provisional or P probationary licence—class R . . . . .	70
49	Open licence—class R . . . . .	71
<b>Part 6</b>	<b>Jet’s law: eligibility for licences and reporting of particular medical conditions</b>	
50	Eligibility if mental or physical incapacity likely to adversely affect ability to drive safely . . . . .	71
51	Responsibility to give notice of mental or physical incapacity likely to adversely affect ability to drive safely . . . . .	72
<b>Part 7</b>	<b>Renewal of particular licences by electronic communication</b>	
52	Definitions for pt 7 . . . . .	73
53	Application of pt 7 . . . . .	74
54	Notice that person may renew licence by electronic communication . . . . .	74
55	When chief executive may renew licence . . . . .	74
56	Renewal of electronically renewable licence . . . . .	75

Contents

---

<b>Part 8</b>	<b>Display of plates</b>	
<b>Division 1</b>	<b>L plates</b>	
57	Definition for div 1 . . . . .	76
58	Learner must not ride or drive unless L plates are displayed or fitted in the required way . . . . .	76
59	Person must not direct a learner unless L plates are displayed or fitted in the required way . . . . .	76
60	Other persons must not display L plates . . . . .	77
<b>Division 2</b>	<b>Red P plates and green P plates</b>	
61	Holder of P1 type licence must not ride or drive unless red P plates are displayed or fitted in the required way . . . . .	77
62	Holder of P2 type licence must not ride or drive unless green P plates are displayed or fitted in the required way . . . . .	78
63	Other persons must not display P plates . . . . .	79
<b>Part 8A</b>	<b>Alcohol ignition interlocks</b>	
63A	Definitions for pt 8A . . . . .	79
63B	Approved interlocks . . . . .	80
63C	Nomination of vehicle if more than 1 driver with an interlock condition—Act, s 91L(2) . . . . .	80
63D	Using technical capability to identify driver . . . . .	81
63E	Producing interlock driver record . . . . .	81
63F	Destruction of interlock driver record prohibited . . . . .	81
63G	Interlock driver record destroyed, lost or stolen . . . . .	81
63H	Offences relating to use of another person’s means of identification . . . . .	82
63HA	Interlock exemption (prescribed radius from nearest place of business)—Act, s 91Q(3)(a)(iii)(A) . . . . .	82
63I	Interlock exemption (island living)—Act, s 91Q(3)(c) . . . . .	82
63K	Interlock exemption (severe hardship)—Act, s 91Q(3)(c) . . . . .	83
<b>Part 9</b>	<b>Other restrictions on driving</b>	
64	Passengers on motorbikes . . . . .	86
65	Towing vehicles . . . . .	87
66	Licence holder 75 years or older . . . . .	87
<b>Part 10</b>	<b>Provisions relating to young drivers and their passengers</b>	
67	Application of pt 10 . . . . .	88
68	Use of mobile phones by particular driver licence holders . . . . .	88
69	Use of mobile phones by passengers . . . . .	89
70	High-powered vehicles . . . . .	89

71	Certificate of exemption—high-powered vehicles . . . . .	91
72	Late night driving . . . . .	95
73	Certificate of exemption—late night driving . . . . .	97
74	Peer passengers . . . . .	99
<b>Part 11</b>	<b>Demerit points</b>	
<b>Division 1</b>	<b>Allocation</b>	
75	Allocation of demerit points . . . . .	101
76	Additional demerit points for driver seatbelt offences. . . . .	102
77	Additional demerit points for motorbike rider helmet offences . . .	102
78	Additional demerit points for driving more than 20km/h over the speed limit . . . . .	103
<b>Division 2</b>	<b>Suspension</b>	
79	Queensland driver licence holder—notice to choose. . . . .	104
79A	Queensland driver licence holder—class C learner licence holder etc. . . . .	106
80	Person subject to section 79E order. . . . .	108
81	Person subject to special hardship order . . . . .	109
82	Non-Queensland driver licence holder . . . . .	111
83	Former driver licence holder. . . . .	112
84	Unlicensed person . . . . .	113
<b>Part 12</b>	<b>Suspension for driving more than 40km/h over the speed limit</b>	
85	Application of pt 12. . . . .	114
86	Queensland driver licence holder. . . . .	114
87	Non-Queensland driver licence holder . . . . .	115
88	Unlicensed person . . . . .	116
<b>Part 13</b>	<b>Provisions relating to section 79E orders</b>	
<b>Division 1</b>	<b>Preliminary</b>	
89	Purpose of pt 13. . . . .	116
90	Definitions for pt 13. . . . .	117
<b>Division 2</b>	<b>Application for section 79E order</b>	
91	Persons who are eligible, or not eligible, to apply for order . . . . .	117
92	Applying for order . . . . .	119
<b>Division 3</b>	<b>Deciding application for section 79E order</b>	
93	Hearing of application. . . . .	121
94	Deciding application . . . . .	121
95	What order must state . . . . .	123

Contents

---

<b>Division 4</b>	<b>Variation of section 79E order</b>	
96	Person may apply for order to vary restrictions . . . . .	124
97	Applying for order . . . . .	125
98	Hearing of application. . . . .	126
99	What order must state . . . . .	127
<b>Division 5</b>	<b>Driving under section 79E order</b>	
100	Failing to comply with order . . . . .	127
101	Suspension for allocation of demerit points while order applies. .	128
102	Suspension for driving more than 40km/h over the speed limit while order applies . . . . .	128
<b>Part 14</b>	<b>Special hardship orders</b>	
<b>Division 1</b>	<b>Preliminary</b>	
103	Purpose of pt 14. . . . .	129
104	Definitions for pt 14. . . . .	130
<b>Division 2</b>	<b>Court may make special hardship order</b>	
105	Court may authorise particular person whose licence has been suspended to continue to drive . . . . .	130
<b>Division 3</b>	<b>Application for special hardship order</b>	
106	Persons who are eligible, or not eligible, to apply for order . . . . .	131
107	Applying for order . . . . .	132
107A	Court may transfer application . . . . .	133
108	Making of application for order stays suspension. . . . .	134
<b>Division 4</b>	<b>Deciding application for special hardship order</b>	
109	Hearing of application. . . . .	134
110	Similar applications may be considered together. . . . .	135
111	Deciding application . . . . .	135
112	What order must state . . . . .	136
113	Effect of court's decision. . . . .	138
<b>Division 5</b>	<b>Obtaining replacement licence</b>	
114	Replacement licence if there is a special hardship order. . . . .	138
<b>Division 6</b>	<b>Variation of special hardship order</b>	
115	Person may apply for order to vary restrictions . . . . .	139
116	Applying for order . . . . .	140
116A	Court may transfer application . . . . .	141
117	Hearing of application. . . . .	142
118	What order must state . . . . .	142



<b>Division 7</b>	<b>Driving under special hardship order</b>	
119	Failing to comply with order . . . . .	143
120	Suspension for allocation of demerit points—licence subject to good behaviour requirement. . . . .	143
121	Suspension for allocation of demerit points—other licence . . . . .	144
122	Suspension for driving more than 40km/h over the speed limit while order applies . . . . .	145
<b>Part 15</b>	<b>Amending, surrendering, suspending or cancelling licences</b>	
123	Surrendering licence . . . . .	146
124	Grounds for amending, suspending or cancelling licences . . . . .	147
125	Procedure for amending, suspending or cancelling licences . . . . .	147
126	Immediate amendment or suspension of Queensland driver licence . . . . .	150
127	Return of licence for amendment . . . . .	151
<b>Part 16</b>	<b>Recognition of other driver licences</b>	
128	Non-Queensland driver licence . . . . .	152
129	Defence force licence . . . . .	155
<b>Part 17</b>	<b>Miscellaneous</b>	
130	Retesting—medical fitness . . . . .	155
131	Retesting—Act, s 128. . . . .	156
132	Reconsideration of decision by chief executive . . . . .	157
133	Change of name or address. . . . .	160
134	Holder may apply for replacement licence if incorrect information on licence . . . . .	160
135	Upgrading to smartcard driver licence . . . . .	161
136	Smartcard driver licence not received in post . . . . .	161
137	Replacement licence if licence damaged, lost or stolen. . . . .	162
138	Notifiable events under other Acts . . . . .	162
139	Replacement labels . . . . .	163
140	Replacement driver licence receipt . . . . .	163
141	Damaging licences . . . . .	164
142	Dealing with superseded Queensland driver licence or driver licence receipt . . . . .	164
143	Seizing licences . . . . .	164
144	Codes on Queensland driver licences . . . . .	165
145	Deciding whether vehicle is a class HC vehicle—number of trailers . . . . .	165

Contents

---

146	Queensland driver licence may include information identifying holder of marine licence—Act, s 150A . . . . .	165
147	Applying to include information on Queensland driver licence identifying holder of marine licence . . . . .	166
148	Change of information on Queensland driver licence identifying holder of marine licence—change in conditions . . . . .	166
149	Removal of information on Queensland driver licence identifying holder of marine licence—marine licence cancelled . . . . .	167
150	Removal of information on Queensland driver licence identifying holder of marine licence—marine licence surrendered . . . . .	168
151	Licence labels. . . . .	169
152	Application for restricted licence—Act, s 81 . . . . .	169
153	Particular licences can not be held simultaneously . . . . .	169
154	Issue of restricted licences—Act, s 87 . . . . .	169
155	Issue of P2 restricted licences . . . . .	170
156	Declaration for provisions that are not unlawful discrimination. . . . .	170
157	Effect of suspension if licence must be held for a period . . . . .	170
158	Disqualification from holding Queensland driver licence because of conviction under s 51 . . . . .	170
159	Fees . . . . .	171
160	Exemption from payment of particular fees . . . . .	171
161	Partial refund of fees . . . . .	172
161A	Waiving payment of particular fees for person affected by natural disaster. . . . .	173
162	Licence granted to interstate licence holder—term and fees . . . . .	173
<b>Part 18</b>	<b>Repeal</b>	
163	Repeal . . . . .	174
<b>Part 19</b>	<b>Transitional provisions</b>	
<b>Division 1</b>	<b>Transitional provisions for Transport Operations (Road Use Management—Driver Licensing) Regulation 2010</b>	
164	Licence codes M and V . . . . .	174
165	References to repealed regulation . . . . .	175
<b>Division 2</b>	<b>Transitional provisions for Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 1) 2012</b>	
166	Definition for div 2. . . . .	175
167	Continuous 1-year period under s 79A. . . . .	175
168	Application of s 79A to particular persons to whom demerit points allocated during good behaviour period. . . . .	175

169	Application of s 79A to particular persons to whom demerit points allocated before commencement. . . . .	176
<b>Division 3</b>	<b>Transitional provision for Transport and Other Legislation Amendment Regulation (No. 1) 2013</b>	
170	Existing medical certificates. . . . .	177
<b>Division 4</b>	<b>Transitional provisions for Transport and Other Legislation Amendment Regulation (No. 3) 2013</b>	
171	Definitions for pt 19, div 4. . . . .	178
172	Continuation of current class UD licences issued before commencement . . . . .	178
173	Continuation of former section 9 for particular current licence holders . . . . .	179
174	Person may take practical driving test for class RE or R licence if booked before commencement . . . . .	179
175	Applying for P2 time credit if eligible person passed hazard perception test before commencement . . . . .	180
176	Continuation of late night driving restriction before commencement . . . . .	180
<b>Schedule 1</b>	<b>Fees . . . . .</b>	<b>182</b>
<b>Schedule 2</b>	<b>Licence codes . . . . .</b>	<b>184</b>
<b>Schedule 3</b>	<b>Demerit points . . . . .</b>	<b>187</b>
<b>Part 1</b>	<b>8 demerit point offences</b>	
1	Speeding—more than 40km/h over the speed limit . . . . .	187
<b>Part 2</b>	<b>6 demerit point offences</b>	
2	Speeding—30–40km/h over the speed limit. . . . .	187
<b>Part 3</b>	<b>4 demerit point offences</b>	
3	Speeding—20–30km/h over the speed limit. . . . .	187
3A	Disobeying clearance sign or low clearance sign. . . . .	187
3AB	Driver must not damage rail infrastructure or obstruct level crossing . . . . .	188
3B	Learner driving while not under direction of licensed driver. . . . .	188
3C	Failing to comply with maximum work and minimum rest requirements—critical risk breach . . . . .	188
<b>Part 4</b>	<b>3 demerit point offences</b>	
4	Careless driving . . . . .	188
6	Contravening high-powered vehicle restriction. . . . .	189
7	Contravening late night driving restriction . . . . .	189
8	Contravening peer passenger restriction . . . . .	189
10	Disobeying emergency traffic sign installed under Act, s 71(1) . . . . .	189

Contents

---

11	Disobeying particular red or yellow traffic lights, T lights or arrows	189
12	Disobeying stop or give way sign and other particular traffic control devices . . . . .	190
13	Disobeying traffic lane arrows in roundabout . . . . .	191
14	Driver failing to ensure passenger complies with particular requirement about wearing seat belt or occupying seating position . . . . .	192
15	Driving on safety ramp or arrester bed when not permitted . . . . .	192
17	Driving vehicle exceeding carrying capacity. . . . .	192
18	Driving with person in or on trailer or prohibited part of vehicle . .	192
19	Driving with television receiver or visual display unit visible or likely to distract. . . . .	192
20	Entering level crossing when train or tram approaching. . . . .	192
23	Failing to give way, other than by disobeying a traffic sign . . . . .	193
23A	Failing to keep a safe lateral distance when passing bicycle rider	194
24	Failing to keep clear of police and emergency vehicles . . . . .	194
25	Failing to keep left or keep off painted island . . . . .	194
26	Failing to wear helmet, seat belt or restraint. . . . .	194
28	Improper turns . . . . .	194
29	Particular licence holders using mobile phones . . . . .	195
30	Speeding—13–20km/h over the speed limit. . . . .	195
31	Using mobile phones . . . . .	195
32	Using vehicle not in safe condition . . . . .	195
33	Vehicle entering bicycle storage area before traffic lights showing a red traffic light . . . . .	195
34	Driving fatigue-regulated heavy vehicle while impaired by fatigue	195
35	Failing to comply with maximum work and minimum rest requirements—severe risk breach . . . . .	196
35A	Using defective heavy vehicles contrary to vehicle defect notice—major defect notice . . . . .	196
<b>Part 5</b>	<b>2 demerit point offences</b>	
36	Failing to display or fit green P plates. . . . .	196
37	Failing to display or fit L plates . . . . .	196
38	Failing to display or fit red P plates. . . . .	197
39	Failing to give proper change of direction signal . . . . .	197
40	Failing to keep left . . . . .	197
41	Failing to use slip lane . . . . .	197

42	Improper overtaking, passing or driving to the right of centre of road . . . . .	198
43	Improper passing or overtaking of trams . . . . .	198
44	Improper turn, other than U-turn . . . . .	198
45	Increasing speed when being overtaken . . . . .	199
46	Injurious matter on roads . . . . .	199
47	Unnecessary noise or smoke from vehicle. . . . .	199
<b>Part 6</b>	<b>1 demerit point offences</b>	
48	Dazzling road users . . . . .	199
49	Failing to comply with condition stated on Queensland driver licence . . . . .	199
50	Failing to comply with condition of non-Queensland driver licence . . . . .	199
51	Failing to dip headlights . . . . .	200
52	Failing to have lights lit . . . . .	200
53	Failing to produce certificate of exemption for driving high-powered vehicle . . . . .	200
54	Failing to produce certificate of exemption for late night driving. . . . .	200
55	Following too closely . . . . .	200
56	Improper vehicle equipment, construction or loading. . . . .	200
57	Speeding—less than 13km/h over the speed limit . . . . .	201
58	Using defective heavy vehicles contrary to vehicle defect notice—minor defect notice . . . . .	201
<b>Schedule 5</b>	<b>Remote area</b> . . . . .	202
<b>Schedule 6</b>	<b>Exempted high-powered vehicles</b> . . . . .	205
<b>Schedule 7</b>	<b>Prescribed motorbikes</b> . . . . .	206
<b>Schedule 9</b>	<b>Dictionary</b> . . . . .	207
 <b>Endnotes</b>		
1	Index to endnotes. . . . .	221
2	Key . . . . .	221
3	Table of reprints . . . . .	221
4	List of legislation. . . . .	223
5	List of annotations . . . . .	225



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# Transport Operations (Road Use Management—Driver Licensing) Regulation 2010

[as amended by all amendments that commenced on or before 21 May 2014]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

### 2 Commencement

This regulation commences on 1 September 2010.

### 3 Definitions

The dictionary in schedule 9 defines particular words used in this regulation.

### 3A Meaning of licence granted under the law of an *experienced driver recognition country* or a *recognised country*

(1) In this regulation—

*experienced driver recognition country* means a country approved by Austroads and listed on its website as having obtained experienced driver recognition status.

*recognised country* means a country approved by Austroads and listed on its website as a recognised country.

[s 4]

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- (2) A reference in this regulation to a licence granted under the law of an experienced driver recognition country or a recognised country does not include a reference to a licence granted under the law of the country if—
  - (a) the approval of the country as an experienced driver recognition country or a recognised country states that it applies only to particular licences granted under the law of that country; and
  - (b) the approval does not apply to the licence.
- (3) In this section—

*Austroads* means Austroads Ltd ACN 136 812 390.

## **Part 2                      Queensland driver licence is    authority to drive**

### **4                      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 P1 type, P2 type, P type or open licence is authorised to ride a class RE motorbike.
- (3) The holder of a class RE provisional, probationary or open licence is authorised to learn to ride a class R motorbike, if the holder has held a class RE provisional, probationary or open licence for at least 1 year.
- (4) Subsection (3) does not apply to a person authorised to continue to drive motor vehicles under a relevant order.
- (5) 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 issued to the holder under section 38(8).



- 
- (6) The holder of a class R P1 type, P2 type, P type or open licence is authorised to ride a class R motorbike.
- (7) However, a holder who is authorised to learn to ride a motorbike under this section or section 128(12) or 131(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 an O type licence for the class of motorbike that the holder is riding 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.

- (8) 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 128(12) or 131(2) unless the person—
- (a) holds an O type licence for the class of motorbike the holder is riding; and
  - (b) has held an O type licence for the class of motorbike the holder is riding for at least 1 year.

Maximum penalty—60 penalty units.

## **5 Other types of licences**

- (1) The holder of a class C learner licence is authorised to learn to drive a class C vehicle, other than a specially constructed vehicle.
- (2) The holder of a class C P1 type, P2 type, P type or open licence is authorised—

[s 5]

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- (a) to drive a class C vehicle; and
  - (b) to learn to drive a class LR, MR or HR vehicle.
- (3) The holder of a class LR P1 type, P2 type, P type or open licence is authorised—
  - (a) to drive a class LR vehicle; and
  - (b) to learn to drive a class MR or HR vehicle.
- (4) The holder of a class MR P1 type, P2 type, P type or open licence is authorised—
  - (a) to drive a class MR vehicle; and
  - (b) to learn to drive a class HR or HC vehicle.
- (5) The holder of a class HR P1 type, P2 type, P type or open licence is authorised—
  - (a) to drive a class HR vehicle; and
  - (b) to learn to drive a class HC or MC vehicle.
- (6) The holder of a class HC learner licence is authorised to learn to drive a class HC vehicle.
- (7) The holder of a class HC P1 type, P2 type, P type or open licence is authorised—
  - (a) to drive a class HC vehicle; and
  - (b) to learn to drive a class MC vehicle.
- (8) The holder of a class MC P1 type, P2 type, P type or open licence is authorised to drive a class MC vehicle.
- (9) However, subsections (2)(b), (3)(b), (4)(b), (5)(b) and (7)(b) do not apply to a person authorised to continue to drive motor vehicles under a relevant order.
- (10) 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.

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- (11) However, a holder who is authorised to learn to drive a vehicle under this section or section 128(12) or 131(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 an O type licence for the class of vehicle that the holder is driving 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.

- (12) 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 128(12) or 131(2) unless—
- (a) the person—
    - (i) holds an O type licence for the class of vehicle the holder is driving; and
    - (ii) has held an O type licence for the class of vehicle the holder is driving 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.

## **6 Only 1 Queensland driver licence to be held at the same time**

- (1) A person must not hold a Queensland driver licence other than under the person's name.

Maximum penalty—40 penalty units.

- (2) A person must not hold more than 1 Queensland driver licence of a particular type at the same time.

[s 7]

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Maximum penalty—40 penalty units.

- (3) Subsection (2) does not apply to a learner licence.

## **7 Licence must be valid**

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

# **Part 3 Eligibility for Queensland driver licences**

## **Division 1 Minimum age**

### **8 Minimum age—class C learner licence**

- (1) A person is not eligible for a class C learner licence unless the person is at least 16 years.
- (2) However, subsection (1) does not apply to a class C learner licence if the chief executive is satisfied under section 20 that the person has a special need for the licence.

### **9 Minimum age—licence other than class C learner licence**

- (1) A person is not eligible for a Queensland driver licence, other than a class C learner licence, a P2 type licence or an open licence, unless the person is at least 17 years.
- (2) However, subsection (1) does not apply to a class C P1 provisional licence if the chief executive is satisfied under section 20 that the person has a special need for the licence.
- (3) Also, if the chief executive is satisfied under section 38 that the person has a special need for a class RE or R licence—
- (a) subsection (1) does not apply to a class RE learner licence; and

- (b) instead the person is not eligible for a class RE learner licence unless the person is at least 16 years and 6 months.
- (4) A person is not eligible for a P2 type licence unless the person is at least 18 years.
- (5) A person is not eligible for an open licence unless the person is at least 20 years.

## **Division 2            Testing**

### **10        Tests**

This division states the tests a person must pass to be eligible for a Queensland driver licence.

#### **10A    Eyesight test**

A person must, if required by the chief executive to take an eyesight test, pass an eyesight test.

#### **10B    Road rules test**

- (1) 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.
- (2) However, subsection (1) does not apply if—
  - (a) within 5 years before applying for the licence, the person—

[s 10C]

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- (i) passed a road rules test for the class of licence applied for; or
  - (ii) held an Australian driver licence for the class of licence applied for; or
- (b) for an application for a class RE, R or C licence—
  - (i) the person held, within 5 years before applying for the licence, a driver licence, granted under the law of New Zealand or a recognised country, that corresponds to the class of licence applied for; or
  - (ii) the person is at least 25 years old and held, within 5 years before applying for the licence, a driver licence, granted under the law of an experienced driver recognition country, that corresponds to the class of licence applied for.
- (3) Also, subsection (1) 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.
- (4) In subsections (2) and (3)—

*road rules test* includes a road rules test, whatever called, under a corresponding law.

## 10C Practical driving test

- (1) 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;

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- (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 for this paragraph—*

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.

- (2) However, subsection (1) does not apply if—
  - (a) the person is an applicant for a class RE or R provisional, probationary or open licence; 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 person gives the chief executive a notice signed by the commissioner stating the person has the ability to drive the class of vehicle that is authorised to be driven under the licence; or
  - (d) the person has—
    - (i) at some time, passed a practical driving test to obtain an Australian driver licence of a class that corresponds to the class of licence applied for; and
    - (ii) the person either—
      - (A) holds an Australian driver licence, other than a learner licence, of 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

[s 10D]

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foreign driver licence, other than a learner licence, of a class that corresponds to the class of licence applied for; or

- (e) the person has, within 5 years before applying for the licence, passed a practical driving test for an Australian driver licence of a class that corresponds to the class of licence applied for.
- (f) the person holds, or has within 5 years before applying for the licence held, a driver licence, other than a driver licence that corresponds to a learner licence, granted under the law of New Zealand; or
- (g) for an application for a class C licence—
  - (i) the person holds, or has within 5 years before applying for the licence held, a driver licence granted under the law of a recognised country that corresponds to the class of licence applied for, other than a driver licence that corresponds to a learner licence; or
  - (ii) the person is at least 25 years old and holds, or has within 5 years before applying for the licence held, a driver licence granted under the law of an experienced driver recognition country that corresponds to the class of licence applied for, other than a driver licence that corresponds to a learner licence.

### **10D Competency declarations and practical driving tests for class RE and R applicants**

- (1) A class RE applicant must—
  - (a) if the applicant's principal place of residence is within a 100km radius of a Q-Ride training area—hold a competency declaration for a class RE motorbike; or
  - (b) if the applicant's principal place of residence is outside a 100km radius from a Q-Ride training area—



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- (i) hold a competency declaration for a class RE motorbike; or
    - (ii) pass a practical driving test for the class RE licence.
  - (2) A class R applicant must—
    - (a) if the applicant’s principal place of residence is within a 100km radius of a Q-Ride training area—hold a competency declaration for a class R motorbike; or
    - (b) if the applicant’s principal place of residence is outside a 100km radius from a Q-Ride training area—
      - (i) hold a competency declaration for a class R motorbike; or
      - (ii) pass a practical driving test for the class R licence.
  - (3) Subsections (1) and (2) do not apply if—
    - (a) the person has—
      - (i) at some time, passed a practical driving test to obtain an Australian driver licence of a class that corresponds to the class of licence applied for; and
      - (ii) the person either—
        - (A) holds an Australian driver licence, other than a learner licence, of 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, of a class that corresponds to the class of licence applied for; or
    - (b) the person has, within 5 years before applying for the licence, passed a practical driving test for an Australian driver licence of a class that corresponds to the class of licence applied for; or
    - (c) the person holds, or has within 5 years before applying for the licence held, a driver licence, other than a driver

[s 10D]

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- licence that corresponds to a learner licence, granted under the law of New Zealand; or
- (d) the person holds, or has within 5 years before applying for the licence held, a driver licence granted under the law of a recognised country that corresponds to the class of licence applied for, other than a driver licence that corresponds to a learner licence; or
  - (e) the person is at least 25 years old and holds, or has within 5 years before applying for the licence held, a driver licence granted under the law of an experienced driver recognition country that corresponds to the class of licence applied for, other than a driver licence that corresponds to a learner licence.
- (4) Also, subsection (2) does not apply if—
- (a) the person has passed a practical driving test for an Australian driver licence of a class that corresponds to a class RE licence on—
    - (i) if the test was conducted before 1 July 2009—a motorbike that is the same as a prescribed motorbike; or
    - (ii) 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.
- (5) In this section—

***class R applicant*** means an applicant for a class R provisional, probationary or open licence who holds—

- (a) a licence that authorises a person to learn to ride a class R motorbike; or
- (b) a foreign driver licence that corresponds to a class R licence.

***class RE applicant*** means an applicant for a class RE provisional, probationary or open licence who holds—

- 
- (a) a licence that authorises a person to learn to ride a class RE motorbike; or
  - (b) a foreign driver licence that corresponds to a class RE licence.

### 10E Hazard perception test

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—

- (a) a P2 provisional licence;
- (b) a P2 probationary licence;
- (c) an open licence.

## Division 3 Learner licences

### 11 Learner licence—class RE

- (1) A person is not eligible for a class RE learner licence unless—
  - (a) the person has held a P1 type, P2 type, P 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.

[s 12]

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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.

## **12 Learner licence—class HC**

A person is not eligible for a class HC learner licence unless—

- (a) the person holds a class C provisional, probationary or open licence; and
- (b) the chief executive is satisfied under section 21 that the person has a special need for a class HC licence.

## **Division 4 Provisional or probationary licences**

### **13 Provisional or probationary licence—class RE**

(1) 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 a licence mentioned in subparagraph (ii)(A) or (B) for at least 6 months during the 2 years before applying for the licence; or

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- (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.
- (2) 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 a licence mentioned in subparagraph (ii)(A) or (B) 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

[s 13]

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- (iii) either—
  - (A) has held a 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 a 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.
- (3) 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

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- (iii) either—
    - (A) has held a 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; 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—
      - (A) has held a 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.
  - (4) However, the following eligibility requirements under this section do not apply to a person whom the chief executive is satisfied under section 20 is a person who has a special need for a class RE provisional licence—
    - (a) for a class RE P1 provisional licence under subsection (1)(a)—the requirement mentioned in subsection (1)(a)(iii);

[s 14]

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- (b) for a class RE P2 provisional licence under subsection (2)(b)—the requirement mentioned in subsection (2)(b)(iii);
- (c) for a class RE P2 provisional licence under subsection (2)(c)—the requirement mentioned in subsection (2)(c)(iii);
- (d) for a class RE P2 provisional licence under subsection (2)(d)—the requirement mentioned in subsection (2)(d)(ii);
- (e) for a class RE P provisional licence under subsection (3)(a)—the requirement mentioned in subsection (3)(a)(iii);
- (f) for a class RE P provisional licence under subsection (3)(b)—the requirement mentioned in subsection (3)(b)(iii).

*Note—*

See also part 5 (Eligibility requirements for motorbike licences for persons with particular physical incapacities).

- (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.

## 14 Provisional or probationary licence—class C

- (1) 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



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- (iii) has held a class C learner licence for—
- (A) if the class C learner licence was granted before 1 July 2007 or the person is a person to whom part 4 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 34—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 a 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.
- (2) A person is not eligible for a class C P2 provisional licence or P2 probationary licence unless—
- (a) the person—

[s 14]

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- (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 a 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 P2 type licence.
- (3) 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 a 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.
- (4) However, the following eligibility requirements under this section do not apply to a person whom the chief executive is satisfied under section 20 is a person who has a special need for a class C provisional licence—
- (a) for a class C P1 provisional licence under subsection (1)—the requirement mentioned in subsection (1)(a)(iii) or (b)(iii);
  - (b) for a class C P2 provisional licence under subsection (2)(b)—the requirement mentioned in subsection (2)(b)(iii);
  - (c) for a class C P provisional licence under subsection (3)(a)—the requirement mentioned in subsection (3)(a)(iii).
- (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.
- 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.

[s 15]

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## **Division 5                      Open licences**

### **15        Open licence—class RE**

- (1) A person is not eligible for a class RE open licence unless—
- (a) the person—
    - (i) holds a class RE learner licence; and
    - (ii) either—
      - (A) has held a 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 P1 type, P2 type, P type or O type licence for at least 1 year; or
  - (b) 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 a class RE P1 type licence for at least 1 year; or
  - (c) 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
    - (ii) holds a class RE P1 type licence; and

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- (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
  - (d) the person—
    - (i) holds a class RE P2 type licence; and
    - (ii) has 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 a class RE P2 type licence when the person was under 25 years—2 years; or
      - (B) otherwise—1 year; or
  - (e) 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; or
      - (B) otherwise—1 year; or
  - (f) the person—
    - (i) holds a class RE P type licence; and
    - (ii) has held a class RE P type licence for at least the required period for holding the licence; or

[s 15]

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- (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; or
    - (B) otherwise—1 year; or
- (h) the person has, within 5 years before applying for the licence, held a class RE O type licence that has not been cancelled; or
- (i) 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.

*Note—*

See also part 5 (Eligibility requirements for motorbike licences for persons with particular physical incapacities).

- (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.

## 16 Open licence—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 a 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 P1 type licence; and

[s 16]

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- (ii) was granted a class C P1 type licence when the person was at least 24 years but under 25 years; and
  - (iii) has held a class C P1 type licence for at least 1 year; or
- (c) 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
- (d) the person—
  - (i) holds a class C P2 type licence; and
  - (ii) has 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 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—
  - (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



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- (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; or
    - (B) otherwise—1 year; or
  - (f) the person—
    - (i) holds a class C P type licence; and
    - (ii) has held a class C P type licence for at least the required period for holding the licence; 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 that had not expired before the licence was cancelled is more than 1 year—the balance of the required period; or
      - (B) otherwise—1 year; or
  - (h) the person has, within 5 years before applying for the licence, held a class C O type licence that has not been cancelled; or
  - (i) the person—
    - (i) has, within 5 years before applying for the licence, held a class C O type licence that has been cancelled; and

[s 16]

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- (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
- (j) the person—
- (i) holds a class C P1 type licence; and
  - (ii) has at least the following period of P2 time credit recorded under section 16A—
    - (A) if the person was granted a class C P1 type licence when the person was under 23 years and is under 26 years at the time of applying for the class C open licence—2 years;
    - (B) otherwise—1 year; or
- (k) the person—
- (i) holds a class C P2 type licence; and
  - (ii) has held a class C P2 type licence for at least the following period less any P2 time credit recorded under section 16A for the person—
    - (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;
    - (B) otherwise—1 year; or
- (l) the person—
- (i) has, within 5 years before applying for the licence, held a class C P2 type licence (an *earlier licence*) that has been cancelled; and
  - (ii) holds a class C P2 type licence; and
  - (iii) has, since the cancellation of the earlier licence, 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 earlier licence when the person was under 25 years, and the person's P2 time credit balance for the earlier licence is more than 1 year—the P2 time credit balance; or

(B) if the person's P2 time credit balance for the earlier licence is 1 year or less—1 year; or

(m) the person—

(i) has, within 5 years before applying for the licence, held a class C P1 type licence for at least 1 year before the class C P1 type licence was cancelled; and

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

(iii) has, since the cancellation of the class C P1 type licence, 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 a class C P2 type licence when the person was under 25 years, and the person's time credit balance for a class C P2 type licence is more than 1 year—the time credit balance; or

(B) if the person's time credit balance for a class C P2 type licence is 1 year or less—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 time credit balance**, for a licence mentioned in subsection (1)(1)(i), means the balance of the period for holding the licence that had not expired before the licence was cancelled less any P2 time credit recorded under section 16A for the person holding the licence.

[s 16A]

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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.

***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.

***time credit balance***, for a class C P2 type licence, means the period that the person holding the licence must hold the licence under this section less any P2 time credit recorded under section 16A for the person.

## **16A Recording P2 time credit**

- (1) This section applies to a person (an ***eligible person***) who—
  - (a) holds a valid class C P1 type licence or class C P2 type licence; and
  - (b) has held a valid class C P1 type licence for more than 1 year.
- (2) If the eligible person has passed a hazard perception test on or after 1 January 2014, the chief executive must record the person's P2 time credit.
- (3) In this section—

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

***P2 time credit***, for an eligible person, means the period in excess of 1 year that the person held a valid class C P1 type licence.

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

## Division 6                      Upgrading licences

### 17            Upgrading licence class

- (1) This section applies to a licence of a class other than class C, RE or R.

*Note—*

For the upgrading of a class RE licence to a class R licence, see section 18.

- (2) A person is not eligible for the licence unless—
- (a) 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 a class C licence for at least 1 year; or
  - (b) for a class HR licence—
    - (i) the person—
      - (A) holds a class C licence of the same type; and
      - (B) has held a class C 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 a class LR or MR licence for at least 1 year; or
  - (c) for a class HC licence—
    - (i) the person—
      - (A) holds a class C licence of the same type; and

[s 18]

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- (B) has held a class C 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 a class MR or HR licence for at least 1 year; or
- (d) 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 a class HR or HC licence for at least 1 year.
- (3) For working out, for subsection (2), the period a person has held a licence, the period is taken to include the total of any periods, within the previous 5 years, that the person has held a valid licence of the same class.
- (4) 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).

## **18 Upgrading class RE licence to class R licence**

- (1) A person is not eligible for a class R licence unless the person—
  - (a) holds a class RE licence of the same type; and
  - (b) has held a class RE licence for at least 1 year.
- (2) For working out, for subsection (1), the period the person has held a class RE licence, the period is taken to include the total

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of any periods, within the previous 5 years, that the person has held a valid class RE licence.

(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).

## **Division 7                      Other eligibility criteria**

### **19            Other provisions about general eligibility**

- (1) A person is not eligible for the grant or renewal of a Queensland driver licence if—
  - (a) the person is prohibited from obtaining a licence under section 127(6) of the Act; or
  - (b) the person does not reside in Queensland; or
  - (c) the person is the holder of a non-Queensland 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 82(4) or 87(1)(a); or
  - (e) the person is not eligible to hold a Queensland driver licence under section 83, 84, 87(1)(c) or 88(1)(a).
- (2) Subsection (1)(c) does not apply to a person if the chief executive is satisfied it would be unreasonable for it to apply to the person.

[s 20]

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*Example—*

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.

## **Division 8                      Special need for licences**

### **20            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 (2)(a)(i) or (ii)—the person's employer; or
  - (b) for an application under subsection (2)(a)(iii)—the person in charge of the educational institution; or
  - (c) for an application under subsection (2)(a)(iv)—a doctor.



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- (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.

## 21 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 obtain 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 repealed *Local Government Act 1993* as in force immediately before the changeover day; and
  - (b) mentioned in schedule 5.

[s 22]

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*Notes—*

- 1 Under the repealed *Local Government Act 1993* as in force immediately before the changeover day, shires and cities were described in the repealed *Local Government (Areas) Regulation 2005*, schedule 1 as in force immediately before the changeover day.
- 2 Each map mentioned in the repealed *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.tmr.qld.gov.au>.

(7) In this section—

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

*Note—*

15 March 2008 is the changeover day declared under the repealed *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.

## **Division 9                      Licence applications**

### **22            Applying for licence**

- (1) A person may apply to the chief executive, in the approved form, for the grant or renewal of a Queensland driver licence.
- (2) 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 person requesting the person, within a stated period of at least 28 days, to give further information or documents relevant to the application.

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- (3) If the person does not comply with a notice given under subsection (2), the chief executive may declare, by further written notice given to the person, that the application is taken to be withdrawn on the day stated in the notice.

## **23 Deciding application for licence**

- (1) Subject to section 22(3), 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.

*Note—*

See also the Act, section 91A(5) (which deals with obtaining digital photos and digitised signatures) for when the chief executive must refuse to consider an application.

- (2) The chief executive must not grant or renew the licence if—
- (a) the applicant is not eligible for that type or class of licence; or
  - (b) the chief executive is not satisfied with the applicant's identification for the licence.
- (3) If the chief executive decides to grant or renew the licence, the chief executive must promptly—
- (a) for the grant or renewal of a driver licence that is a smartcard driver licence—issue a driver licence receipt to the applicant; or

*Note—*

A driver licence receipt confirms that the person mentioned on it is authorised to drive a stated class of vehicle until the receipt is superseded by the issue of a licence—see the Act, schedule 4 (Dictionary), definition *driver licence receipt*.

- (b) for the grant of a driver licence that is not a smartcard driver licence—give the licence to the applicant; or
- (c) for the renewal of a driver licence that is not a smartcard driver licence—give a renewal of licence label to the applicant.

[s 24]

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- (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 either—
    - (i) apply for a reconsideration of the decision under section 132; or
    - (ii) apply to QCAT for a review of the decision under section 131(1AA) of the Act; and
  - (d) that, if the applicant applies for a reconsideration of the decision under section 132, the applicant is also able, under section 131(1AA) of the Act, to apply to QCAT for a review of the decision on the reconsideration.
- (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.

## **Division 10                    Licence duration and conditions**

### **24            Duration of licence**

The chief executive may—

- (a) grant a class HC learner licence for a period of up to 15 months; or
- (b) grant or renew another Queensland driver licence for a period of up to 10 years.

### **25            Conditions on licence**

- (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.

*Note—*

See section 91W of the Act for compliance with the interlock condition.

Maximum penalty—20 penalty units.

## **Division 11            Working out period a person has held a licence**

### **26            Working out period a person has held a licence**

Subject to sections 17(3) and 18(2), for working out the period a person has held a particular class or type of licence for this regulation, the period is taken to include the total of any periods the person has held a valid licence of that class or type.

## **Part 4                    Additional eligibility requirements for class C P1 provisional licences for young drivers**

### **27            Object of pt 4**

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.

### **28            Application of pt 4**

- (1) This part applies to a person (a *young driver*) who—
- (a) is under 25 years; and

[s 29]

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- (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 P1 type, P2 type, P 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.

## 29 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 the 3-year period before the young driver makes an application under section 32; and
  - (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 31(1); and
  - (d) the chief executive approves the young driver's completed logbook under section 32.
- (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 51 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 33 and 34.
- (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.

### 30 Logbook

- (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 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.

[s 31]

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- (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 32.

### **31 Verification of logbook entries by supervisor 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.

- (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.



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## **32 Approval of completed logbook by chief executive**

- (1) A young driver may apply to the chief executive for approval of the young driver's completed logbook.
- (2) 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 31(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).
- (3) The chief executive may approve the logbook only if the chief executive is satisfied—
  - (a) that the requirements under section 29(1)(a) to (c) have been satisfied by the young driver; and
  - (b) the supervised driving required under section 29(1)(a) in relation to the young driver happened during the 3 years before the application is made.
- (4) 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.
- (5) If the young driver does not comply with a notice given under subsection (4)(c), the chief executive may declare, by further

[s 32]

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

- (6) After receiving the further information or documents requested under the notice given under subsection (4)(c), the chief executive must decide to approve or not to approve the logbook.
- (7) If the chief executive decides to approve the logbook as mentioned in subsection (4)(a) or (6), the chief executive must give the young driver a written notice stating the decision.
- (8) If the chief executive decides not to approve the logbook as mentioned in subsection (4)(b) or (6), 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 apply for a reconsideration of the decision under section 132; and
  - (d) that the young driver is also able, under section 65A of the Act, to apply to QCAT for a review of the decision on the reconsideration; and
  - (e) 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.
- (9) The chief executive is taken to have approved the logbook in relation to which the application is made, other than an application taken to be withdrawn under subsection (5), 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 (4)(c)—the day that is 28 days after the day the chief executive receives the information or documents;
  - (b) otherwise—the day that is 28 days after the day the chief executive receives the application.

### **33 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 recognised country.
- (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 recognised country, 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 32 for approval of a completed logbook; and

[s 33]

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- (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 1 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 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 29(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 29(1)(b).
- (11) Despite section 29(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 29(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 apply for a reconsideration of the decision under section 132; and
  - (d) that the young driver is also able, under section 65A of the Act, to apply to QCAT for a review of the decision on the reconsideration; and
  - (e) 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.

[s 34]

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- (14) The chief executive is taken to have granted the application, other than an application taken to be withdrawn under subsection (8), 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 day the chief executive receives the information or documents;
  - (b) otherwise—the day that is 28 days after the day the chief executive receives 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.

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

### **34 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 29(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 apply for a reconsideration of the decision under section 132; and

[s 35]

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- (d) that the young driver is also able, under section 65A of the Act, to apply to QCAT for a review of the decision on the reconsideration.
- (9) In this section—  
*the application* means an application under subsection (1) or (2).

### **35 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 10C(1) 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 34.
- (2) However, the young driver must not take a practical driving test under section 10C(1) 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 32 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 33 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)(i) or (ii) has not been set aside by the chief executive under section 132 or by QCAT or a court.



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- (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 32; or
  - (b) a document under section 33.

## **Part 5 Eligibility requirements for motorbike licences for persons with particular physical incapacities**

### **Division 1 Preliminary**

#### **36 Object of pt 5**

The object of this part is to state, for persons with particular physical incapacities, eligibility requirements that apply instead of particular eligibility requirements stated in part 3 for obtaining a class RE or R licence.

#### **37 Application of pt 5**

This part does not apply to a person authorised to continue to drive motor vehicles under a relevant order.

### **Division 2 Special need—class RE or R licence**

#### **38 Special need for a class RE or R licence**

- (1) A person has a *special need for a class RE or R licence* if, because of a permanent physical incapacity, the only type of

motorbike the person is able to ride is 1 or both of the following—

- (a) a 2-wheeled motorbike with a sidecar attached to it;
- (b) a 3-wheeled motorbike.

*Note—*

1 A 2-wheeled motorbike may be a class RE or class R motorbike.

2 A 3-wheeled motorbike may be a class RE or class R motorbike.

- (2) A person claiming a special need for a class RE or R licence must apply to the chief executive in the approved form.
- (3) The approved form must be accompanied by a signed statement from a doctor supporting the person's claim that, because of a permanent physical incapacity, the only type of motorbike the person is able to ride is 1 or both of the following—
  - (a) a 2-wheeled motorbike with a sidecar attached to it;
  - (b) a 3-wheeled motorbike.
- (4) If the application relates to a special need for a class R licence, the chief executive may approve the application only if the person has held a P1 type, P2 type, P type or O type licence of any class within 5 years before the day of the application.
- (5) The chief executive must deal with the application in a timely way and approve or not approve the application.
- (6) In deciding whether to approve the application, the chief executive must also consider the person's traffic history.
- (7) If the chief executive decides to approve the application—
  - (a) for a class RE learner licence—the eligibility requirements stated in section 11 do not apply to the person; and

*Note—*

Under section 9(3), the person must be at least 16 years and 6 months.

- 
- (b) for a class RE provisional or probationary licence—the eligibility requirements mentioned in section 13(1) to (3) do not apply to the person and instead the eligibility requirements mentioned in section 41, 42 or 43 apply; and
  - (c) for a class RE open licence—the eligibility requirements mentioned in section 15 do not apply to the person and instead the eligibility requirements mentioned in section 44 apply; and
  - (d) for a class R provisional, probationary or open licence—the eligibility requirements mentioned in section 18 do not apply to the person and instead the eligibility requirements mentioned in division 3, subdivision 3 apply.
- (8) If the chief executive decides to approve the application and the application relates to a special need for a class R licence, the chief executive must give the person a certificate in the approved form authorising the person to learn to ride a class R motorbike under a class RE learner, provisional, probationary or open licence.

*Note—*

Under section 4(5), the holder of a class RE learner, provisional, probationary or open licence is authorised to learn to ride a class R motorbike if the person carries the certificate while riding the motorbike.

- (9) If the chief executive decides not to approve 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 apply for a reconsideration of the decision under section 132; and
  - (d) that the person is also able, under section 65A of the Act, to apply to QCAT for a review of the decision on the reconsideration.

(10) 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.

## **Division 3            Eligibility for motorbike licence**

### **Subdivision 1        Preliminary**

#### **39        Definition for div 3**

In this division—

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

### **Subdivision 2        Eligibility for class RE provisional, probationary or open licence**

#### **40        Application of sdiv 2**

This subdivision applies to the grant of a class RE provisional, probationary or open licence to a person whom the chief executive is satisfied under section 38 is a person who has a special need for the licence.

*Note—*

See section 38(7).

#### **41        P1 provisional or P1 probationary licence—class RE**

The person is not eligible for a class RE P1 provisional licence or P1 probationary licence unless—

- 
- (a) the person holds a class RE learner licence and has held a class RE learner licence for at least 6 months during the 2 years before applying for the licence; and
  - (b) the person—
    - (i) is at least 17 years but under 25 years at the time of applying for the licence; or
    - (ii) holds—
      - (A) a P1 provisional or P1 probationary licence of another class; or
      - (B) a driver licence granted outside Queensland that corresponds to a P1 provisional or P1 probationary licence of another class.

#### **42 P2 provisional or P2 probationary licence—class RE**

- (1) The person is not eligible for a class RE P2 provisional licence or P2 probationary licence unless—
  - (a) the person holds a class RE learner licence and has held a class RE learner licence for at least 6 months during the 2 years before applying for the licence; and
  - (b) the person—
    - (i) is at least 25 years at the time of applying for the licence; or
    - (ii) has, within 5 years before applying for the licence, held a P2 type licence of another class.
- (2) In this section—

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

#### **43 P provisional or P probationary licence—class RE**

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

- (a) the person holds a class RE learner licence and has held a class RE learner licence for at least 6 months during the 2 years before applying for the licence; and
- (b) the person has, within 5 years before applying for the licence, held—
  - (i) a P type licence of another class; or
  - (ii) an O type licence of another class that has been cancelled.

(2) In this section—

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

#### **44 Open licence—class RE**

The person is not eligible for a class RE open licence unless—

- (a) the person holds a class RE learner licence and has held a class RE learner licence for at least 6 months during the 2 years before applying for the licence; and
- (b) the person has, within 5 years before applying for the licence, held an O type licence that authorises the person to drive a class C vehicle that has not been cancelled.

### **Subdivision 3 Eligibility for class R provisional, probationary or open licence**

#### **45 Application of sdiv 3**

This subdivision applies to the grant of a class R provisional, probationary or open licence to a person whom the chief executive is satisfied under section 38 is a person who has a special need for the licence.

*Note—*

See section 38(7).

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**46 P1 provisional or P1 probationary licence—class R**

- (1) The person is not eligible for a class R P1 provisional licence or P1 probationary licence unless the chief executive has given the person a certificate under section 38(8) and—
- (a) the person—
    - (i) has, within 5 years before applying for the licence, held a P1 type licence that authorises the person to drive a class C vehicle; and
    - (ii) holds a class RE learner licence and has held a class RE learner licence for at least 6 months during the 2 years before applying for the licence; or
  - (b) the person—
    - (i) holds a class RE P1 provisional or P1 probationary licence; or
    - (ii) holds a driver licence granted outside Queensland that corresponds to a class RE P1 provisional or P1 probationary licence.
- (2) In this section—
- P1 type licence* includes a driver licence granted outside Queensland that corresponds to a P1 type licence.

**47 P2 provisional or P2 probationary licence—class R**

- (1) The person is not eligible for a class R P2 provisional licence or P2 probationary licence unless the chief executive has given the person a certificate under section 38(8) and—
- (a) the person—
    - (i) has, within 5 years before applying for the licence, held a P2 type licence that authorises the person to drive a class C vehicle; and
    - (ii) holds a class RE learner licence and has held a class RE learner licence for at least 6 months

during the 2 years before applying for the licence;  
or

- (b) the person—
  - (i) holds a class RE P2 provisional or P2 probationary licence; or
  - (ii) holds a driver licence granted outside Queensland that corresponds to a class RE P2 provisional or P2 probationary licence.

(2) In this section—

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

#### **48 P provisional or P probationary licence—class R**

(1) The person is not eligible for a class R P provisional licence or P probationary licence unless the chief executive has given the person a certificate under section 38(8) and—

- (a) the person—
  - (i) has, within 5 years before applying for the licence, held—
    - (A) a P type licence that authorises the person to drive a class C vehicle; or
    - (B) an O type licence that authorises the person to drive a class C vehicle that has been cancelled; and
  - (ii) holds a class RE learner licence and has held a class RE learner licence for at least 6 months during the 2 years before applying for the licence;  
or
- (b) the person—
  - (i) holds a class RE P provisional or P probationary licence; or



- (ii) holds a driver licence granted outside Queensland that corresponds to a class RE P provisional or P probationary licence.

(2) In this section—

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

#### **49 Open licence—class R**

The person is not eligible for a class R open licence unless the chief executive has given the person a certificate under section 38(8) and—

- (a) the person—
  - (i) has, within 5 years before applying for the licence, held an O type licence that authorises the person to drive a class C vehicle that has not been cancelled; and
  - (ii) holds a class RE learner licence and has held a class RE learner licence for at least 6 months during the 2 years before applying for the licence; or
- (b) the person holds a class RE O type licence.

## **Part 6 Jet's law: eligibility for licences and reporting of particular medical conditions**

#### **50 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

[s 51]

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believes the person has a mental or physical incapacity that is likely to adversely affect the person's ability to drive safely.

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

*Example—*

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 stated 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).

## **51 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



[s 53]

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*recently expired smartcard driver licence* means a smartcard driver licence that has been expired for no more than 28 days.

*renew*, an electronically renewable licence, includes, for an electronically renewable licence that is a recently expired smartcard driver licence, issue a further smartcard driver licence.

### **53 Application of pt 7**

This part applies in relation to a person who is the holder of an electronically renewable 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 electronically renewable licence.

### **54 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 electronically renewable licence by electronic communication.

### **55 When chief executive may renew licence**

- (1) This section applies if a person to whom a notice is given under section 54 applies to the chief executive for the renewal of the person's electronically renewable 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 an electronically renewable 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; and
  - (e) for a smartcard driver licence, the shelf life of the person's most recent digital photo and digitised signature, or the most recent extension of the shelf life under section 91AA of the Act has not ended, and will not end before the period of the licence applied for ends.

## **56 Renewal of electronically renewable licence**

- (1) This section applies if the chief executive renews a person's electronically renewable licence under section 55.
- (2) The chief executive must—
  - (a) for a smartcard driver licence—electronically issue a driver licence receipt to the person; or
  - (b) for a driver licence that is not a smartcard driver licence—issue a renewal of licence label to the person.
- (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.

[s 57]

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## **Part 8                      Display of plates**

### **Division 1                L plates**

#### **57            Definition for div 1**

In this part—

*learner* means a person who is authorised to learn to ride or drive a motor vehicle under section 4, 5, 128(12) or 131(2).

#### **58            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° 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° from the surface of each of the L plates above or to either side of the motor vehicle.

Maximum penalty—20 penalty units.

#### **59            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 to whom section 4(8) or 5(12) applies must not direct a learner who is riding or driving a motor vehicle, on a

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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° 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° from the surface of each of the L plates above or to either side of the motor vehicle.

Maximum penalty—20 penalty units.

## **60 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.

## **Division 2 Red P plates and green P plates**

### **61 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° from

[s 62]

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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° 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.

**62 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° 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° 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.



### 63 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.

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 8A Alcohol ignition interlocks

### 63A Definitions for pt 8A

In this part—

*applicant* means a person who applies for an interlock exemption under chapter 5, part 3B, division 3 of the Act.

*approved interlock* means an interlock approved under section 63B.

*interlock driver record*, for a non-exempt interlock driver, means a record in the approved form that identifies the driver

[s 63B]

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of a nominated vehicle at a particular time during the driver's overlap period.

*nominated vehicle* see section 91I of the Act.

*non-exempt interlock driver* means a person whose Queensland driver licence is subject to the interlock condition.

*overlap period*, for a non-exempt interlock driver, means the period when a motor vehicle is a nominated vehicle for the driver and 1 or more other non-exempt interlock drivers.

*record period*, for a non-exempt interlock driver, means a continuous period comprising—

- (a) the driver's overlap period; and
- (b) an additional period of 12 months.

### **63B Approved interlocks**

The following interlocks are approved—

- Draeger Interlock XT (also known as Dräger Interlock XT)
- Guardian WR2
- Guardian WR3 (also known as Alcolock WR3, Guardian Alcolock WR3 and Guardian Interlock WR3).

### **63C Nomination of vehicle if more than 1 driver with an interlock condition—Act, s 91L(2)**

For section 91L(2) of the Act, a particular vehicle can not be the nominated vehicle for more than 1 person unless—

- (a) the vehicle is fitted with a prescribed interlock that has the technical capability to identify the driver of the vehicle at a particular time, for example, by way of a PIN or swipe card; or
- (b) if paragraph (a) does not apply—each person keeps an interlock driver record.

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**63D Using technical capability to identify driver**

- (1) This section applies if section 63C(a) applies in relation to a nominated vehicle for a person.
- (2) The person must use the technical capability of the vehicle's prescribed interlock to identify the person as the driver of the vehicle while operating the vehicle.

Maximum penalty—20 penalty units.

**63E Producing interlock driver record**

- (1) This section applies if section 63C(b) applies in relation to a non-exempt interlock driver.
- (2) The chief executive may, during the record period for the driver, give the driver written notice requiring the driver to produce to the chief executive the driver's interlock driver record for a nominated vehicle for the period stated in the notice.
- (3) The driver must produce the record mentioned in subsection (2) within 7 days, unless the driver has a reasonable excuse.

Maximum penalty for subsection (3)—20 penalty units.

**63F Destruction of interlock driver record prohibited**

If an interlock driver record is required under this part to be kept by a non-exempt interlock driver, the driver or someone else must not destroy the record before the end of the record period for the driver.

Maximum penalty—20 penalty units.

**63G Interlock driver record destroyed, lost or stolen**

- (1) This section applies if a non-exempt interlock driver becomes aware, or reasonably suspects, that the driver's interlock driver record has been destroyed, lost or stolen during the record period for the driver.

[s 63H]

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- (2) The driver must promptly give the chief executive written notice that the interlock driver record has been, or is suspected to have been, destroyed, lost or stolen.

Maximum penalty—20 penalty units.

### **63H Offences relating to use of another person's means of identification**

- (1) This section applies if a particular vehicle is the nominated vehicle for more than 1 non-exempt interlock driver.
- (2) A non-exempt interlock driver must not use another person's means of identification to operate a nominated vehicle fitted with a prescribed interlock.

Maximum penalty—20 penalty units.

- (3) A non-exempt interlock driver (the *first driver*) must not allow another non-exempt interlock driver to use the first driver's means of identification to operate a nominated vehicle fitted with a prescribed interlock.

Maximum penalty—20 penalty units.

*Examples of means of identification for subsections (2) and (3)—*

a PIN or swipe card

### **63HA Interlock exemption (prescribed radius from nearest place of business)—Act, s 91Q(3)(a)(iii)(A)**

For section 91Q(3)(a)(iii)(A) of the Act, a radius of 150km is prescribed.

### **63I Interlock exemption (island living)—Act, s 91Q(3)(c)**

- (1) For section 91Q(3)(c) of the Act, the chief executive may grant an applicant an interlock exemption if the chief executive is satisfied that—
  - (a) the applicant's principal place of residence is on a Queensland island; and

- 
- (b) a prescribed interlock installer does not have a place of business on the island; and
  - (c) the island is not connected by a bridge to the mainland; and
  - (d) the island is not connected by a bridge to another island that is connected by a bridge to the mainland.
- (2) In this section—

*Queensland island* does not include the following islands—

- Coochiemudlo Island
- Fraser Island
- Karragarra Island
- Lamb Island
- Macleay Island
- Magnetic Island
- North Stradbroke Island
- Orpheus Island
- Russell Island.

**63K Interlock exemption (severe hardship)—Act, s 91Q(3)(c)**

- (1) For section 91Q(3)(c) of the Act, the chief executive may grant an applicant an interlock exemption in the circumstances mentioned in this section if the chief executive is satisfied of the matters mentioned in this section.
- (2) Subsection (3) applies if it is not physically possible to fit a prescribed interlock to the only motor vehicle reasonably available to be driven by the applicant.
- (3) The chief executive may grant the applicant an interlock exemption if—
  - (a) a refusal to grant the exemption would cause severe hardship to the applicant and there is no other transport reasonably available to the applicant; or

[s 63K]

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- (b) a refusal to grant the exemption would cause severe hardship to a family member of the applicant and there is no other transport reasonably available to the family member.
- (4) Subsection (5) applies if a family member of the applicant has a medical condition, as evidenced by a doctor's certificate provided to the chief executive, that prevents the family member from providing a sufficient breath sample to operate an approved interlock.
- (5) The chief executive may grant the applicant an interlock exemption if—
  - (a) there is only 1 motor vehicle that is reasonably available to be driven by the applicant or family member; and
  - (b) a refusal to grant the exemption would cause severe hardship to the applicant; and
  - (c) there is no other transport reasonably available to the applicant or family member.
- (6) Subsections (7) and (8) apply only if subsections (2) and (4) do not apply.
- (7) The chief executive may grant the applicant an interlock exemption if—
  - (a) a refusal to grant the exemption would cause severe hardship to the applicant in a way other than by—
    - (i) preventing the applicant from driving in the course of the applicant's employment, or to or from the applicant's place of employment; or
    - (ii) preventing the applicant from driving to or from an educational institution the applicant attends; and
  - (b) there is no other transport reasonably available to the applicant.
- (8) The chief executive may grant the applicant an interlock exemption if—

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- (a) a refusal to grant the exemption would cause severe hardship to a family member of the applicant in a way other than by—
    - (i) preventing the applicant from driving the family member to or from the family member’s place of employment; or
    - (ii) preventing the applicant from driving the family member to or from an educational institution the family member attends; and
  - (b) there is no other transport reasonably available to the family member.
- (9) For subsections (4) to (8), the chief executive must not grant an interlock exemption merely because the applicant can not afford the cost of fitting (if any) a prescribed interlock to, or maintaining the interlock in, a motor vehicle.

*Note—*

See the department’s website at <[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)> for details of the financial assistance scheme that is available if a person has financial difficulties and can not meet the costs associated with fitting a prescribed interlock to, or maintaining the interlock in, a motor vehicle.

- (10) In this section—

***family member***, of an applicant—

- (a) means—
  - (i) the applicant’s spouse; or
  - (ii) a child, stepchild, foster child or ward of the applicant; or
  - (iii) a parent or step-parent of the applicant; or
  - (iv) a grandparent, or the spouse of a grandparent, of the applicant; or
  - (v) a brother or sister of the applicant; or
  - (vi) a stepbrother or stepsister of the applicant; or
  - (vii) a foster child or ward of a parent or step-parent of the applicant; or

[s 64]

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- (viii) an approved carer of the applicant; or
  - (ix) a child, stepchild, foster child or ward of an approved carer of the applicant; or
  - (x) a guardian of the applicant; or
  - (xi) a child, stepchild, foster child or ward of a guardian of the applicant; and
- (b) if the applicant is an Aboriginal person, includes another person who, under Aboriginal tradition, is regarded as—
- (i) a family member mentioned in paragraph (a); or
  - (ii) an aunt or uncle of the applicant; and
- (c) if the applicant is a Torres Strait Islander, includes another person who, under Island custom, is regarded as—
- (i) a family member mentioned in paragraph (a); or
  - (ii) an aunt or uncle of the applicant.

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

*grandparent*, of an applicant, means a parent of—

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

## Part 9 Other restrictions on driving

### 64 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 P1 type, P2 type, P type or open licence; and



- (b) has held a class RE or R P1 type, P2 type, P type or open 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 P1 type, P2 type, P type or open licence; and

- (b) has held a class R P1 type, P2 type, P type or open licence for at least 1 year.

Maximum penalty—20 penalty units.

- (3) This section does not prevent a person riding a motorbike with a passenger on a road if the person is learning to ride and riding as required by section 4(7).

## **65 Towing vehicles**

- (1) A person must not occupy the driver's seating position of a class of motor vehicle being towed on a road by another vehicle unless the person holds a P1 type, P2 type, P type or open licence for that class of vehicle.

Maximum penalty—20 penalty units.

- (2) A person must not drive a motor vehicle towing a motor vehicle unless another person holding a P1 type, P2 type, P type or open licence authorising the other person to drive the towed vehicle is in control of the towed vehicle for the purposes of the towing.

Maximum penalty—20 penalty units.

## **66 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 valid medical certificate in the approved form; and



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- (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.

## **69 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
  - (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.

## **70 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

[s 70]

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- (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—
  - (a) the person—
    - (i) has a current certificate of exemption for the vehicle, or type of vehicle that includes the vehicle, issued under section 71; and
    - (ii) is driving the vehicle in accordance with the certificate; or
  - (b) the vehicle is a Toyota Landcruiser.

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, other than a Toyota Landcruiser, 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 71 unless the person has a reasonable excuse for not complying with the request.

Maximum penalty—10 penalty units.

- (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 71.

- (6) In this section—

***Toyota Landcruiser***—

- (a) includes any car with the make and model of a Toyota Landcruiser; but
- (b) does not include a car with a modification that must be approved under the *Transport Operations (Road Use*

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*Management—Vehicle Standards and Safety)*  
*Regulation 2010*, section 13.

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

- (1) A person mentioned in section 70(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) If the certificate of exemption is sought on the grounds mentioned in subsection (6), the application must be accompanied by a signed statement supporting the application from—
  - (a) for matters relating to subsection (6)(a)(i)(A) or (B)—the person’s employer; or
  - (b) for matters relating to subsection (6)(a)(i)(C)—the person in charge of the educational institution; or
  - (c) for matters relating to subsection (6)(a)(i)(D)—a doctor; or
  - (d) for matters relating to subsection (6)(a)(ii)(B) or (C)—the immediate family member.
- (3) If the certificate of exemption is sought on the grounds mentioned in subsection (7), the application must be accompanied by—
  - (a) either—
    - (i) a copy of a document (the *manufacturer’s document*) published by the vehicle’s manufacturer showing the specification information for the vehicle; or
    - (ii) if a copy of the manufacturer’s document is unavailable or does not provide the specification information for the vehicle—a specification information test report; and
  - (b) to the extent the information is available to the applicant, the following information about the vehicle—
    - (i) make and model;

[s 71]

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- (ii) year of manufacture;
  - (iii) engine number;
  - (iv) VIN or chassis number.
- (4) The chief executive must deal with the application in a timely way and must decide to either grant or refuse to grant the application.
- (5) The chief executive may grant the application only if the chief executive is satisfied the requirements in subsection (6) or (7) have been met.
- (6) The chief executive may grant the application if the chief executive is satisfied that—
  - (a) one of the following applies—
    - (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;
    - (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 day, including the day 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;

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- (iii) the only car reasonably available to be driven by the person is a high-powered vehicle that was manufactured on or after 1 January 2010, and—
    - (A) the vehicle would not be a high-powered vehicle if the vehicle had been manufactured before 1 January 2010; and
    - (B) the vehicle was owned by the person on 1 January 2014 and has been owned by the person since that day, including the day of the application; 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.
- (7) The chief executive may grant the application if the high-powered vehicle—
- (a) is a high-powered vehicle because it has—
    - (i) a turbocharged engine that is not diesel powered; or
    - (ii) a supercharged engine that is not diesel powered; and
  - (b) does not have any of the other features of a high-powered vehicle as defined in schedule 9; and
  - (c) has a power-to-weight ratio of not more than 125kW/t.
- (8) In deciding whether to grant the application on the grounds mentioned in subsection (6), the chief executive must also consider the person's traffic history.
- (9) 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.
- (10) The certificate—
- (a) must be in the approved form; and

[s 71]

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- (b) may apply to the following—
    - (i) a particular high-powered vehicle;
    - (ii) a type of high-powered vehicle; and
  - (c) may, if the certificate is granted on the grounds mentioned in subsection (6), 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
    - (iii) the purpose for which a particular high-powered vehicle or type of high-powered vehicle may be driven.
- (11) 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 apply for a reconsideration of the decision under section 132; and
  - (d) that the person is also able, under section 65A of the Act, to apply to QCAT for a review of the decision on the reconsideration.
- (12) In this section—
- 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.

## **72 Late night driving**

- (1) This section applies to—
  - (a) a person who satisfies the following requirements—
    - (i) either—
      - (A) the person, after being given a notice to choose, agrees under section 79(3)(b) to be of good behaviour while driving for a year;  
or
      - (B) the person's driver licence is suspended under section 79(5) or (9), 86, 120, 121 or 122;
    - (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 P1 type, P2 type or P 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—

[s 72]

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- (A) held a P1 type, P2 type, P 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 for 1 year beginning on the relevant day, unless the person is driving under one of the following allowing the person to drive between those hours—
- (a) a current certificate of exemption under section 73;
  - (b) a valid restricted licence under section 87 of the Act;
  - (c) a special hardship order.
- Maximum penalty—20 penalty units.
- (4) Subsection (5) 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 beginning on the relevant day.
- (5) 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 73 unless the person has a reasonable excuse for not complying with the request.
- Maximum penalty—10 penalty units.
- (6) Without limiting the matters that may be a reasonable excuse for subsection (5), it is a reasonable excuse if the person has not been issued with a certificate of exemption under section 73.

(7) In this section—

*relevant day* means—

- (a) for a person mentioned in subsection (1)(a) who, after being given a notice to choose, agrees under section 79(3)(b) to be of good behaviour while driving for a year—the sanction day of the person’s driver licence stated in the notice to choose; or
- (b) for a person mentioned in subsection (1)(a) whose driver licence is suspended under section 79(9) or 86—
  - (i) if a special hardship order is made for the person—the day the special hardship order is made; or
  - (ii) otherwise—the day after the last day of the suspension; or
- (c) for a person mentioned in subsection (1)(a) whose driver licence is suspended under section 79(5), 120, 121 or 122—the day after the last day of the suspension; or
- (d) for a person mentioned in subsection (1)(b) who is the subject of an order directing that the person be issued with a restricted licence under section 87 of the Act—the day the court makes the order; or
- (e) for a person mentioned in subsection (1)(b) who is not the subject of an order directing that the person be issued with a restricted licence under section 87 of the Act—the day after the last day the person is disqualified from holding or obtaining a licence.

### **73 Certificate of exemption—late night driving**

- (1) A person mentioned in section 72(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 72(3).
- (2) The application must—

[s 73]

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- (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 must decide to either grant or refuse to 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. on a day and 5a.m. on the next day during the period mentioned in section 72(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 apply for a reconsideration of the decision under section 132; and
- (d) that the person is also able, under section 65A of the Act, to apply to QCAT for a review of the decision on the reconsideration.

## 74 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.
- (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.

[s 74]

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(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—
  - (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.

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## Part 11 Demerit points

### Division 1 Allocation

#### 75 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

*Editor's note—*  
*Convicting* is defined in the Act, schedule 4.
  - (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 76, 77 or 78; and
  - (d) the day the offence was committed.
- (3) Subject to sections 76, 77 and 78, 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.

[s 76]

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- (4) Demerit points allocated under subsection (3) are taken to be allocated on the day the offence was committed.
- (5) To remove any doubt, it is declared that the Criminal Code, section 16, applies to this part.

## **76 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 75.
- (2) Each time further demerit points are recorded on the person's traffic history under section 75 for a later driver seatbelt offence committed within 1 year after the driver seatbelt offence was committed, 3 additional demerit points must 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 31 October 2004.

## **77 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 75.
- (2) Each time further demerit points are recorded on the person's traffic history under section 75 for a later motorbike rider helmet offence committed within 1 year after the motorbike rider helmet offence was committed, 3 additional demerit points must 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 31 October 2004.

## **78 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 75.
- (2) Each time further demerit points are recorded on the person's traffic history under section 75 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—

*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.

[s 79]

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*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.

## Division 2                      Suspension

### 79            Queensland driver licence holder—notice to choose

- (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, P1 type, P2 type or P type licence, or a driver licence granted outside Queensland that corresponds to a learner, P1 type, P2 type or P 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

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- (iii) the person holds an open licence.
- (2) However, this section does not apply if section 79A, 80, 81, 101, 120 or 121 applies.
- (3) The chief executive must give the person a written notice (a ***notice to choose***) requiring the person, within a stated 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.
- (4) 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.
- (5) If, within the stated time, the person—
- (a) notifies the chief executive that the person chooses for subsection (3)(a) to apply; or
- (b) does not notify the chief executive of the person’s choice under subsection (3)(a) or (b);
- the person’s licence is suspended for the requisite suspension period starting on the sanction day.

*Editor’s note—*

See section 127(4) of the Act for the effect of a suspension of licence.

- (6) If—
- (a) within the stated time, the person notifies the chief executive that the person chooses for subsection (3)(b) to apply; and
- (b) 2 or more demerit points are allocated to the person’s traffic history during the year starting on the sanction day;
- 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 day stated in the notice.

[s 79A]

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- (7) The day stated must be at least 21 days after the day of the notice.
- (8) 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 14 in relation to the suspension.

*Note—*

Section 108 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.

- (9) The person's licence is suspended for double the requisite suspension period starting on—
  - (a) the day after the day stated in the notice; 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 113 provides for the ending of the suspension of a person's open or provisional licence under subsection (9) if a court makes a special hardship order in relation to the person.

## **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—
- (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

[s 80]

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- (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.

## **80 Person 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, 1 of the following happens—
    - (i) the person is convicted of the demerit points offence or interstate offence;

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- (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 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 14 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.

## **81 Person 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

[s 81]

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- (c) while the person is authorised to continue to drive motor vehicles under the special hardship order, 1 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, section 79(1)(b) or (c) 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 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—
    - (a) the day stated in the notice; 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.



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## **82 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, P1 type, P2 type or P 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
    - (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 day stated in the notice.

[s 83]

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- (3) The day stated must be at least 21 days after the day of the notice.
- (4) The person's 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 day stated in the notice.
- (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.
  - 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.

### **83 Former driver licence holder**

- (1) This section applies to a person if section 79, 79A or 82 would apply to the person other than 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 128(3) or (6).
- (2) The chief executive must give the person a written notice stating that—
  - (a) the person is not eligible to hold a Queensland driver licence during the 3 months starting on the day 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 3 months 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 is not eligible to hold a Queensland driver licence for 3 months starting on the day stated in the notice.
- (5) Any non-Queensland driver licence held by the person does not authorise the person to drive on a Queensland road during the 3 months starting on the day stated in the notice.

#### **84 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 day stated in the notice.
- (3) The day stated must be at least 14 days after the day of the notice.
- (4) The person is not eligible to hold a Queensland driver licence for 3 months starting on the day stated in the notice.

[s 85]

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## **Part 12**                      **Suspension for driving more than 40km/h over the speed limit**

### **85**      **Application of pt 12**

- (1) This part applies to a person—
- (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—
- (a) section 102 or 122 applies to the person; or
  - (b) the person is disqualified from holding or obtaining a driver licence under section 129B of the Act.

### **86**      **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 113 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.

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- (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 14 in relation to the suspension.

*Note—*

Section 108 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 day of the notice.

## **87 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 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 that—
- (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 held by the person does not authorise the person to drive on a Queensland road during the 6 months; and

[s 88]

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- (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 day of the notice.

## **88 Unlicensed person**

- (1) If the person does not hold a driver licence—
  - (a) the person is not eligible to hold a Queensland driver licence for 6 months starting on the day stated in the 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 held by the person does not authorise the person to drive on a Queensland road during the 6 months.

# **Part 13 Provisions relating to section 79E orders**

## **Division 1 Preliminary**

### **89 Purpose of pt 13**

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.

## 90 Definitions for pt 13

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), (ab), (b) or (d) of the Act.

## Division 2 Application for section 79E order

### 91 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—

[s 91]

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- (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—
  - (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 79(3)(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 79(3) 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



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- (iii) the person was made ineligible to hold a Queensland driver licence under section 84 or 88; 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
    - (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 has been set aside under section 132(4);
  - (e) a suspension, cancellation or disqualification that has been 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.

## 92 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—

[s 92]

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- (a) made within 21 clear days after the applicant's licence has been 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 94(2) and (3) for particular evidence the applicant must give to the court.

- (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.

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

### **93            Hearing of application**

- (1) For an application for a section 79E order—
  - (a) the applicant must, if required by the court, attend 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 or 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.

### **94            Deciding application**

- (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

[s 94]

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- 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—
    - (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, in a way 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 to apply 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.

## **95 What order must state**

- (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—

[s 96]

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- (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 this paragraph—*

- 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 section 79E order

### 96            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.

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- (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.

## **97 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

[s 98]

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(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—

- (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.

## 98 Hearing of application

(1) For an application for a section 79E variation order—

- (a) the applicant must, if required by the court, attend 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—



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- (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.

### **99 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**

### **100 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.

[s 101]

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**101 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
  - (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 day 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 day 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 day stated in the notice must not be less than 14 days after the day of the notice.

**102 Suspension for driving more than 40km/h over the speed limit while order applies**

- (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

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- 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 day 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 day 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 day stated in the notice must not be less than 14 days after the day of the notice.

## **Part 14                      Special hardship orders**

### **Division 1                      Preliminary**

#### **103      Purpose of pt 14**

This part provides for the following—

[s 104]

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- (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).

#### **104 Definitions for pt 14**

In this part—

*relevant provision* means section 79(9) or 86(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**

#### **105 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.

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

### **106      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.
- (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 84 or 88; 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 132(4);

[s 107]

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- (e) a suspension, cancellation or disqualification that was set aside on appeal other than under—
  - (i) section 29 of the repealed regulation as in force before the commencement of section 30U of the repealed regulation; or
  - (ii) section 30D of the repealed regulation as in force before the commencement of section 30U of the repealed regulation;

*Note—*

Section 30U of the repealed regulation commenced on 29 October 2007.

- (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;
- (h) a suspension or cancellation that was set aside on a review by QCAT.

## **107 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 111(2) and (3) for particular evidence the applicant must give to the court.

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

### **107A Court may transfer application**

- (1) This section applies if—
  - (a) a person applies to a court for a special hardship order; and
  - (b) the court to which the application is made (the *transferring court*) decides it is not a relevant court for the applicant.
- (2) The transferring court may order that the application for a special hardship order be transferred to a relevant court for the applicant if the transferring court is satisfied that—
  - (a) the application complies with section 107(2); and
  - (b) the applicant has complied with section 107(4).
- (3) As soon as reasonably practicable after the transferring court makes the order under subsection (2), the clerk of the

[s 108]

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transferring court must notify the applicant and the chief executive of the terms of the order, including the name of the court to which the application is transferred.

- (4) An application transferred under this section is taken to have been made under section 107(1).
- (5) In this section—  
*relevant court* see section 107(5).

## **108 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 before the day of the hearing of the application.

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

### **109 Hearing of application**

- (1) For an application for a special hardship order—
  - (a) the applicant must, if required by the court, attend 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.



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## **110 Similar applications may be considered together**

- (1) This section applies if—
  - (a) a person's open or provisional licence is suspended under both sections 79(9) and 86(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.

## **111 Deciding application**

- (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 105 and 106 for requirements about eligibility for a special hardship order and the licence suspensions in relation to which a special hardship order may be made.

[s 112]

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- (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.

## **112 What order must state**

- (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 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.

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- (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 108 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 this paragraph—*

- 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,

[s 113]

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including, for example, start and end times, destinations and  
odometer readings

### **113 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**

### **114 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 licence (a *replacement licence*) that—
  - (a) is of the same type, class or description as the licence suspended under a relevant provision; and
  - (b) includes a code indicating that the holder of the licence is authorised to drive motor vehicles only under a special hardship order.

Maximum penalty—20 penalty units.

- (3) An application under subsection (2) must be—

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- (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 deciding 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, but for the person's open or provisional licence being already suspended under a relevant provision.

## **Division 6                      Variation of special hardship order**

### **115      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

[s 116]

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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.

## **116 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
  - (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.

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- (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.

### **116A Court may transfer application**

- (1) This section applies if—
- (a) a person applies to a court for a special hardship variation order; and
  - (b) the court to which the application is made (the *transferring court*) decides it is not a relevant court for the applicant.
- (2) The transferring court may order that the application for a special hardship variation order be transferred to a relevant court for the person if the transferring court is satisfied that—
- (a) the application complies with section 116(2); and
  - (b) the applicant has complied with section 116(3) and (5).
- (3) As soon as reasonably practicable after the transferring court makes the order under subsection (2), the clerk of the transferring court must notify the applicant and the chief

[s 117]

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executive of the terms of the order, including the name of the court to which the application is transferred.

- (4) An application transferred under this section is taken to have been made under section 116(1).
- (5) In this section—  
*relevant court* see section 116(6).

### **117 Hearing of application**

- (1) For an application for a special hardship variation order—
  - (a) the applicant must, if required by the court, attend 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
  - (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.

### **118 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.



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

### **119      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;
  - (b) if the person is convicted after the special hardship order stops applying to the person—3 months from the day of the conviction.

### **120      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

[s 121]

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- (ii) the person's Queensland driver licence was suspended under section 86; and
  - (b) for the notice to choose, the person agreed, under section 79(3)(b), to be of good behaviour while driving for a year; and
  - (c) for the suspension under section 86, 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 recorded on the person's traffic history; and
  - (f) the demerit points were allocated during a continuous 1-year period while the special hardship order applied 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 day stated in the notice.
- (3) The day stated in the notice must be at least 21 days after the day of the notice.
- (4) The person's Queensland driver licence is suspended for double the order period for the person, starting on—
- (a) the day stated in the notice; 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.

## **121 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

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- (b) the person holds a Queensland driver licence; and
  - (c) 4 or more demerit points are recorded on the person's traffic history; and
  - (d) the demerit points were allocated during a continuous 1-year period while the order applied in relation to the person.
- (2) However, this section does not apply if section 120 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 day stated in the notice.
  - (4) The day stated in the notice must be at least 21 days after the day of the notice.
  - (5) The person's Queensland driver licence is suspended for double the order period for the person, starting on—
    - (a) the day stated in the notice; 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.

**122 Suspension for driving more than 40km/h over the speed limit while order applies**

- (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

[s 123]

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- 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 day stated in the notice.
- (3) The day stated in the notice must be at least 21 days after the day of the notice.
- (4) The person's Queensland driver licence is suspended for double the order period for the person, starting on—
- (a) the day stated in the notice; 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.

## **Part 15**                      **Amending, surrendering, suspending or cancelling licences**

### **123**      **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.

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**124 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 information that the licensee knew was false or misleading in a material particular;
- (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 licensee no longer has a special need for a class HC licence;
- (g) the licensee no longer resides in Queensland;
- (h) for an electronically renewable licence renewed under part 7—the licensee was not eligible for the renewal of the licence under that part;
- (i) the person was not eligible for the class or type of licence.

**125 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

[s 125]

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- (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 stated 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 stated 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 stated 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
    - (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.

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- (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 either—
      - (i) apply for a reconsideration of the decision under section 132; or
      - (ii) apply to QCAT for a review of the decision under section 131(1AA) of the Act; and
    - (c) that the person is also able, under section 131(1AA) of the Act, to apply to QCAT for a review of the decision on the reconsideration.
  - (7) Other than for a ground mentioned in section 124(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 stated 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 124(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
    - (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—

[s 126]

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*amend*, a licence, includes impose a condition on a licence that was unconditional before the amendment.

## **126 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) that the licence holder may either—
    - (i) apply for a reconsideration of the decision under section 132; or
    - (ii) apply to QCAT for a review of the decision under section 131(1AA) of the Act; and



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- (c) that the licence holder is also able, under section 131(1AA) of the Act, to apply to QCAT for a review of the decision on the reconsideration.
  - (4) Within 7 days after giving the licence holder the notice under subsection (2), the chief executive must give the licence holder a show cause notice under section 125(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 125(1) is finally dealt with.
  - (6) In this section—

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

## 127 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—
  - (a) the conditions stated on the licence to be amended; or
  - (b) information stated on the licence that is incorrect to be amended, if the chief executive reasonably believes the error was caused by the chief executive.
- (2) A notice given under subsection (1)(b) must include a statement identifying the information that is incorrect and the correct information.
- (3) The holder must comply with a notice given under this section, unless the holder has a reasonable excuse.

*Example of a reasonable excuse—*

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



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- (3) If a holder of a non-Queensland driver licence fails a practical driving test, the holder's authority is withdrawn immediately.
  - (4) 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.
  - (5) A notice under subsection (4) 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) that the holder may apply for a reconsideration of the decision under section 132; and
    - (d) that the holder is also able, under section 65A of the Act, to apply to QCAT for a review of the decision on the reconsideration.
  - (6) 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

[s 128]

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- (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 is granted 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 is granted a resident visa after taking up residence—3 months after the visa is granted.
- (7) Subsection (6)(a) does not apply to a defence force member, or an eligible family member of a defence force member, who carries, while driving, a current Australian Defence Force Identification Card issued by the Australian Defence Force.
- (8) Also, the authority is withdrawn when the holder is granted a Queensland driver licence.
- (9) Despite subsections (3), (6) and (8), a valid non-Queensland driver licence, granted for a class of motor vehicle, authorises the holder of the licence to—
  - (a) for a class of motor vehicle for which a class RE or R licence is required—
    - (i) if the holder’s principal place of residence is within a 100km radius from a Q-Ride training area—receive Q-Ride training; or
    - (ii) if the holder’s principal place of residence is outside a 100km radius from a Q-Ride training area—
      - (A) receive Q-Ride training; or
      - (B) take a practical driving test for the class RE or R licence; or
  - (b) for another class of motor vehicle—take a practical driving test in a corresponding class of motor vehicle.
- (10) Despite section 11, 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.

- (11) The following requirements do not apply to a person who is eligible for a learner licence under subsection (10)—
- (a) the logbook requirements;
  - (b) the requirement to hold a class RE learner licence for the period under sections 13 and 15;
  - (c) the requirement to hold a class C learner licence for the period under sections 14 and 16.
- (12) 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.
- (13) In this section—
- resident visa* means a permanent visa, or a special category visa, under the *Migration Act 1958* (Cwlth).

## 129 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.

## Part 17 Miscellaneous

### 130 Retesting—medical fitness

- (1) This section applies if the chief executive receives information from a health professional that indicates—

[s 131]

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- (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 reason 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 day and time for the test, that is at least 7 days after the day 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 125 or 126.

### **131 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 for that class.
- (2) If the person is granted a learner licence for that class, the person is authorised to learn to drive the class of motor vehicle.

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**132 Reconsideration of decision by chief executive**

- (1) This section applies if the chief executive—
- (a) has, under section 23, refused to grant a person—
    - (i) a Queensland driver licence; or
    - (ii) a particular class or type of Queensland driver licence; or
  - (b) has, under section 23, refused to renew a person's licence; or
  - (c) has, under section 32, decided not to grant an application for approval of a young driver's completed logbook; or
  - (d) has, under section 33, 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
  - (e) has, under section 34, decided not to grant a young driver an exemption from the logbook requirements; or
  - (f) has, under section 38, decided not to approve an application under that section; or
  - (g) has, under section 71, decided not to grant a certificate of exemption about a person driving a high-powered vehicle; or
  - (h) has, under section 73, decided not to grant a certificate of exemption about a person driving a motor vehicle between the hours of 11p.m. on a day and 5a.m. on the next day; or
  - (i) has, under section 125, amended, suspended or cancelled a person's licence; or
  - (j) has, under section 126, immediately amended or suspended a person's licence; or
  - (k) has, under section 128(4), immediately withdrawn a person's authority to drive in Queensland; or

[s 132]

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- (l) has, under section 130, required a person to take a practical driving test at a particular time and place.
- (2) The person may apply, in the approved form, to the chief executive to reconsider the original decision.
- (3) The application must be made—
  - (a) for an original decision mentioned in subsection (1)(a) 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)(l)—within 7 days after the day the notice of the requirement is given to the person under section 130(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), (i) or (j)—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



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- (ii) if the original decision is a decision mentioned in subsection (1)(c) to (h), (k) or (l)—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)(c) to (h), (k) or (l), section 65A of the Act applies to the reconsidered decision as if it were a reviewed decision mentioned in that section.
- (7) To remove any doubt, it is declared that a person may not apply, under subsection (2), to the chief executive to reconsider an original decision mentioned in subsection (1)(a), (b), (i) or (j) if—
- (a) the person has applied to QCAT under section 131(1AA) of the Act for a review of the decision; and
- (b) QCAT has decided the application.
- (8) In this section—

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

***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.

[s 133]

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### **133 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 on a smartcard driver licence—a driver licence receipt stating the holder's new name; or
  - (b) for a change of name on a driver licence that is not a smartcard driver licence—a replacement licence stating the holder's new name; or
  - (c) for a change of address—a change of address label.
- (3) On receipt of a change of address label under subsection (2)(c), 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.

### **134 Holder may apply for replacement licence if incorrect information on licence**

- (1) This section applies if the holder of a valid Queensland driver licence becomes aware or reasonably suspects the information stated on the licence is incorrect.
- (2) The holder may apply to the chief executive for the issue of a replacement licence.
- (3) The application must be made in the approved form.
- (4) If the chief executive is satisfied the information given by the holder is correct, the chief executive must issue to the applicant—
  - (a) for a smartcard driver licence—a driver licence receipt stating the correct information; or

- (b) for a driver licence that is not a smartcard driver licence—a replacement licence stating the correct information.

### **135 Upgrading to smartcard driver licence**

- (1) This section applies to the holder of a valid Queensland driver licence that is not a smartcard driver licence.
- (2) The holder may apply to the chief executive to replace the licence with a smartcard driver licence.
- (3) The application must be made in the approved form.
- (4) The chief executive—
  - (a) may replace the licence with a smartcard driver licence for the same period as the unexpired period of the licence; and
  - (b) must issue to the holder a driver licence receipt.

### **136 Smartcard driver licence not received in post**

- (1) This section applies if—
  - (a) the chief executive issues a driver licence receipt to the holder of a Queensland driver licence; and
  - (b) the holder has not received a smartcard driver licence in the post at the address stated in the holder's application for the licence within the time stated by the chief executive when the application was made.
- (2) The holder must promptly notify the chief executive that the holder has not received the smartcard driver licence.
- (3) If the chief executive is satisfied the holder has not received the smartcard driver licence because it has been lost or stolen, the chief executive may issue a new smartcard driver licence to the person.

[s 137]

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### **137 Replacement licence if licence damaged, lost or stolen**

- (1) This section applies if the holder of a valid Queensland driver licence (the *original licence*) becomes aware, or reasonably suspects, the licence has been damaged, lost or stolen, other than a licence not received in the post under section 136.
- (2) The holder must promptly apply to the chief executive for a replacement licence.  
Maximum penalty—20 penalty units.
- (3) The application must be made in the approved form.
- (4) If the chief executive is satisfied the original licence has been damaged, lost or stolen, the chief executive must issue to the applicant—
  - (a) for a smartcard driver licence—a driver licence receipt;  
or
  - (b) for a driver licence that is not a smartcard driver licence—a replacement licence.

### **138 Notifiable events under other Acts**

- (1) This section applies if the holder of a Queensland driver licence—
  - (a) has an obligation under the Act to notify the chief executive of a notifiable event; and
  - (b) has an obligation under a prescribed smartcard Act to notify the chief executive, or the general manager under the *Maritime Safety Queensland Act 2002*, of the same notifiable event; and
  - (c) complies with the obligation under the prescribed smartcard Act.
- (2) The obligation under the Act to notify the chief executive of the notifiable event is taken to have been satisfied if any time allowed to make the notification under the Act has not expired.
- (3) In this section—

*notifiable event* means a change of name or a change of address.

### 139 Replacement labels

- (1) This section applies if the holder of a valid Queensland driver licence becomes aware, or reasonably suspects, a renewal of licence label or a change of address label has been damaged, lost or stolen.
- (2) The holder must promptly apply to the chief executive for a replacement label.

Maximum penalty—20 penalty units.

- (3) If the chief executive is satisfied the original label has been damaged, lost or stolen, the chief executive must issue a replacement label to the holder.
- (4) On receipt of a replacement 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.

- (5) In this section—

*change of address label* means a label mentioned in section 133(2)(c).

*renewal of licence label* means a label mentioned in section 56(2)(b).

### 140 Replacement driver licence receipt

- (1) This section applies if—
  - (a) the chief executive issues a driver licence receipt (the *original receipt*) to a person; and
  - (b) while the original receipt is in force, it is damaged, lost or stolen.

[s 141]

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*Note—*

A driver licence receipt is superseded by the issue of a licence—see the Act, schedule 4 (Dictionary), definition *driver licence receipt*.

- (2) The person must promptly apply to the chief executive for a replacement driver licence receipt.

Maximum penalty—20 penalty units.

- (3) The application must be in the approved form.
- (4) If the chief executive is satisfied the original receipt has been damaged, lost or stolen, the chief executive must issue to the person a replacement driver licence receipt.
- (5) This section does not apply if section 137 applies.

#### **141 Damaging licences**

A person must not wilfully damage a Queensland driver licence.

Maximum penalty—20 penalty units.

#### **142 Dealing with superseded Queensland driver licence or driver licence receipt**

- (1) This section applies if—
  - (a) a person has in the person's possession a superseded Queensland driver licence or a superseded driver licence receipt; and
  - (b) the chief executive gives the person a notice requiring the person to destroy the licence or receipt in a stated way.
- (2) The person must comply with the notice.

Maximum penalty—20 penalty units.

#### **143 Seizing licences**

- (1) This section applies if—

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- (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.

#### **144 Codes on Queensland driver licences**

- (1) A licence type, class or condition 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 mentioned in schedule 2, part 1.

#### **145 Deciding whether vehicle is a class HC vehicle—number of trailers**

To decide whether a vehicle is a class HC vehicle—

- (a) a converter dolly, and a semitrailer, when used together, are taken to be 1 trailer; and
- (b) a low loader and low loader dolly, when used together, are taken to be 1 trailer.

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

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

[s 147]

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whether or not the person's marine licence is subject to a condition.

**147 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 marine licence indicator code mentioned in section 146(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.
- (4) In this section—

*Queensland driver licence* does not include a smartcard driver licence.

**148 Change of information on Queensland driver licence identifying holder of marine licence—change in conditions**

- (1) This section applies if—
  - (a) a person's Queensland driver licence has a marine licence indicator code mentioned in section 146(2) stated on it; and
  - (b) the person's marine licence is amended under the *Transport Operations (Marine Safety) Act 1994* to impose or remove a condition on the marine licence; and



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- (c) the person was required under the *Transport Operations (Marine Safety) Regulation 2004*, section 162 to return the person's marine licence indicator to the administering agency.
  - (2) After receiving the person's Queensland driver licence, the chief executive must—
    - (a) amend the code on the driver licence; and
    - (b) give the person—
      - (i) for a smartcard driver licence—a driver licence receipt stating the conditions as amended; or
      - (ii) for a driver licence that is not a smartcard driver licence—a replacement driver licence stating the conditions as amended.

**149 Removal of information on Queensland driver licence identifying holder of marine licence—marine licence cancelled**

- (1) This section applies if—
  - (a) a person's Queensland driver licence has a marine licence indicator code mentioned in section 146(2) stated on it; and
  - (b) the person's marine licence is cancelled under the *Transport Operations (Marine Safety) Act 1994*; and
  - (c) the person was required under a Marine Safety Act requirement to return the person's marine licence indicator to the chief executive.
- (2) After receiving the person's Queensland driver licence, the chief executive must—
  - (a) remove the code from the driver licence; and
  - (b) give the person—
    - (i) for a smartcard driver licence—a driver licence receipt without the code on it; or

[s 150]

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- (ii) for a driver licence that is not a smartcard driver licence—a replacement driver licence without the code on it.
- (3) In this section—
  - Marine Safety Act requirement*** means a requirement under—
    - (a) the *Transport Operations (Marine Safety) Act 1994*, section 202C; or
    - (b) the *Transport Operations (Marine Safety) Regulation 2004*, section 168.

**150 Removal of information on Queensland driver licence identifying holder of marine licence—marine licence surrendered**

- (1) This section applies if—
  - (a) a person’s Queensland driver licence has a code mentioned in section 146(2) stated on it; and
  - (b) the person’s marine licence is surrendered under the *Transport Operations (Marine Safety) Act 1994*.
- (2) The person must return the person’s Queensland driver licence to the chief executive for the removal of the code from the driver licence.

Maximum penalty—20 penalty units.

- (3) After receiving the person’s Queensland driver licence, the chief executive must—
  - (a) remove the code from the driver licence; and
  - (b) give the person—
    - (i) for a smartcard driver licence—a driver licence receipt without the code on it; or
    - (ii) for a driver licence that is not a smartcard driver licence—a replacement driver licence without the code on it.

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**151 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.

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

An application under section 81(7) of the Act must be in the approved form.

**153 Particular licences can not be held simultaneously**

- (1) To remove any doubt, it is declared that a person who holds a Queensland driver licence of a particular type is not eligible to be granted a Queensland driver licence of a different type.
- (2) Subsection (1) does not apply to a learner licence.

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

- (1) An application by a person as mentioned in 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—a P restricted licence; or
  - (b) if the person held a P1 provisional licence immediately before the disqualification that led to the order—a P1 restricted licence; or
  - (c) if the person held a P2 provisional licence immediately before the disqualification that led to the order—a P2 restricted licence.
- (3) In this section—

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

[s 155]

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### **155 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
  - (c) applies, under section 87(3A)(b) of the Act, 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.

### **156 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, 10E, 13, 14, 15, 16, 27 to 35, 41, 42, 61, 62 and 67 to 74;
- (b) provisions of the schedules relating to any of the sections mentioned in paragraph (a).

### **157 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.

### **158 Disqualification from holding Queensland driver licence because of conviction under s 51**

- (1) This section applies if—

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- (a) an offender is convicted of an offence under section 51; and
  - (b) the court that convicts the offender is satisfied, having regard to the circumstances in which the offence was committed, the offender should, in the interests of justice, be disqualified from holding or obtaining a Queensland driver licence.
- (2) The court may, in addition to any penalty that may be imposed, 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.

## 159 Fees

The fees payable under the Act are stated in schedule 1.

## 160 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 7 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).
- (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

[s 161]

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- (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).

## 161 Partial refund of fees

- (1) This section applies if—
  - (a) the holder of a valid Queensland driver licence has a mental or physical incapacity that is likely to adversely affect the holder's ability to drive safely and, before the licence expires—
    - (i) the holder surrenders the licence under section 123; or
    - (ii) the chief executive cancels the licence under section 125; or
  - (b) the holder of a valid Queensland driver licence dies before the licence expires.
- (2) The person who was the holder of the licence or, if subsection (1)(b) applies, the deceased's legal personal representative, may apply to the chief executive for a partial refund of the fee paid for the driver licence.
- (3) If the chief executive is satisfied the information given by the applicant is correct, the chief executive must make the partial refund to the applicant.
- (4) The partial refund is to be worked out using the formula—

$$\text{refund} = \frac{LF \times WM}{LP}$$

where—

*LF* means the licence fee paid for the licence.

*LP* means the total period of the licence in months.

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**WM** means the unexpired period of the licence in whole months.

- (5) The chief executive may deduct from the partial refund an amount decided by the chief executive to cover reasonable administrative costs.
- (6) Subsection (3) does not apply if the reasonable administrative costs are greater than the amount of the partial refund.

**161A Waiving payment of particular fees for person affected by natural disaster**

- (1) This section applies if a person is required to pay a fee—
  - (a) for making a logbook available as mentioned in schedule 1, item 8; or
  - (b) for the issuing of a replacement licence under section 137.
- (2) The chief executive may waive the payment of the fee if satisfied the person applying for a logbook or replacement licence needs it because the previous licence or logbook was lost or damaged due to a natural disaster.

**162 Licence granted to interstate licence holder—term and fees**

- (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 159 and schedule 1—

[s 163]

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- (a) if the licence is granted only for the same period as the unexpired period, no fee is payable for the licence; and
- (b) if the licence is granted for another period that includes the unexpired period, no fee is payable for the licence to the extent the licence is for the unexpired period.

## **Part 18                      Repeal**

### **163      Repeal**

The Transport Operations (Road Use Management—Driver Licensing) Regulation 1999, SL No. 301 is repealed.

## **Part 19                      Transitional provisions**

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

#### **164      Licence codes M and V**

- (1) A medical certificate under the repealed regulation, schedule 2, part 1, entry for licence code M as in force immediately before the commencement of this section is taken to be in the approved form for schedule 2, part 1, entry for licence code M.
- (2) A vehicle modification notice under the repealed regulation, schedule 2, part 1, entry for licence code V as in force immediately before the commencement of this section is



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taken to be a notice mentioned in schedule 2, part 1, entry for licence code V.

## **165 References to repealed regulation**

In an Act or other document, a reference to the *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999* may, if the context permits, be taken to be a reference to this regulation.

## **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—

[s 169]

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- (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.

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- (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).

### **Division 3                      Transitional provision for Transport and Other Legislation Amendment Regulation (No. 1) 2013**

#### **170    Existing medical certificates**

- (1) This section applies to a person who, immediately before the commencement of this section, held an existing medical certificate.
- (2) The existing medical certificate is taken to be a valid medical certificate for section 66 until the end of the expiry date stated in the certificate.
- (3) In this section—

*existing medical certificate* means a medical certificate mentioned in section 66(1)(a), as in force immediately before the commencement of this section.

[s 171]

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## **Division 4**                      **Transitional provisions for Transport and Other Legislation Amendment Regulation (No. 3) 2013**

### **171**      **Definitions for pt 19, div 4**

In this division—

*commencement* means commencement of this section.

*former*, for a provision, means the provision as in force immediately before the commencement.

### **172**      **Continuation of current class UD licences issued before commencement**

- (1) This section applies to a person who—
  - (a) immediately before the commencement held a class UD licence; or
  - (b) in the 5 years before the commencement held a class UD licence.
- (2) After the commencement—
  - (a) for a person who held a class UD licence immediately before the commencement, the person continues to hold the licence and may apply to renew the licence; or
  - (b) otherwise, the person may apply for a new class UD licence.
- (3) For an application under subsection (2) and a decision about the application, part 3 (and any relevant definitions) continue to apply as if the amendment regulation had not been made.
- (4) A valid class UD licence authorises the person to—
  - (a) drive a class UD vehicle under the licence until the day that is 2 years after the commencement; and
  - (b) drive a class UD vehicle, other than a mobile crane, under the licence from the day after the day mentioned in paragraph (a).

(5) In this section—

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

*class UD vehicle* means a vehicle—

- (a) that is a specially constructed vehicle, with or without a trailer; but
- (b) is not a motorbike.

*mobile crane* means a mobile crane of more than 4.5t GVM.

*specially constructed vehicle* means a specially constructed vehicle under former schedule 9.

### **173 Continuation of former section 9 for particular current licence holders**

- (1) This section applies to a person who, in the 5 years before the commencement, held—
  - (a) a P type licence; or
  - (b) a P1 type licence; or
  - (c) a P2 type licence; or
  - (d) an open licence.
- (2) Former section 9 continues to apply to the person.

### **174 Person may take practical driving test for class RE or R licence if booked before commencement**

- (1) This section applies if—
  - (a) before the commencement, a person had made an appointment to take a practical driving test for a class RE or R licence on a day that is after the commencement; and
  - (b) the person lives within a 100km radius of a Q-Ride training facility.

[s 175]

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- (2) The person—
  - (a) may take the practical driving test; and
  - (b) if the person passes the practical driving test—is taken to have complied with the requirement to obtain a competency declaration under section 10D.
- (3) Also, despite section 128(3), if the person holds a valid non-Queensland driver licence granted for a class of motor vehicle for which a class RE or R licence is required, the person is authorised to take the practical driving test.

**175 Applying for P2 time credit if eligible person passed hazard perception test before commencement**

- (1) This section applies to an eligible person under former section 16A who passed a hazard perception test before the commencement.
- (2) Former section 16A continues to apply to the eligible person.

**176 Continuation of late night driving restriction before commencement**

- (1) This section applies to a person who—
  - (a) committed an offence before 1 January 2014; and
  - (b) because the person committed the offence one of the following happened, whether or not it happened on or after 1 January 2014—
    - (i) the person was given a notice to choose;
    - (ii) the person’s licence was suspended under section 79(5) or (9) or 86;
    - (iii) the person’s licence was disqualified; and
  - (c) satisfied the requirements under either former section 72(1)(a) or (b).
- (2) Former section 72 continues to apply to the person during the period of 1 year beginning on the relevant day.

(3) In this section—

*relevant day* means the relevant day that applied to the person under former section 72.

## Schedule 1 Fees

section 159

	\$
1 Road rules test under section 10B(1) . . . . .	20.80
2 Practical driving test under section 10C(1) or 10D(1) or (2) . . . . .	48.80
3 Passing a hazard perception test under section 10E . . . . .	17.25
4 Grant or renewal of a learner licence other than in the form of a smartcard driver licence under section 23—	
(a) for each 3-year period or part of a 3-year period . . . . .	78.85
(b) additional fee for grant of licence with licence code I	263.15
5 Grant or renewal of a learner licence in the form of a smartcard driver licence under section 23—	
(a) for each 3-year period or part of a 3-year period . . . . .	144.75
(b) additional fee for grant of licence with licence code I	263.15
6 Grant or renewal of a provisional, probationary, restricted or open licence other than in the form of a smartcard driver licence under section 23—	
(a) for a 1 year licence . . . . .	31.85
(b) for a 2 year licence . . . . .	44.35
(c) for a 3 year licence . . . . .	56.85
(d) for a 4 year licence . . . . .	69.35
(e) for a 5 year licence . . . . .	81.85
(f) additional fee for grant of licence with licence code I	263.15
7 Grant or renewal of a provisional, probationary, restricted or open licence in the form of a smartcard driver licence under section 23—	
(a) for a 1 year licence . . . . .	66.45
(b) for a 2 year licence . . . . .	92.65
(c) for a 3 year licence . . . . .	114.65
(d) for a 4 year licence . . . . .	132.65
(e) for a 5 year licence . . . . .	148.80
(f) additional fee for grant of licence with licence code I	263.15



	\$
8 Make a logbook available under section 30(3) . . . . .	18.15
9 Application under section 34 for an exemption from the logbook requirements . . . . .	36.15
10 Application under section 71 for a certificate of exemption relating to high-powered vehicles . . . . .	36.15
11 Application under section 73 for a certificate of exemption relating to late night driving . . . . .	36.15
12 Issue of replacement licence under section 114 other than in the form of a smartcard driver licence . . . . .	30.55
13 Issue of replacement licence under section 114 in the form of a smartcard driver licence . . . . .	63.70
14 Issue of a replacement Queensland driver licence under section 137(4) or 147(3) other than in the form of a smartcard driver licence . . . . .	30.55
15 Issue of a replacement Queensland driver licence under section 135(4) in the form of a smartcard driver licence or a driver licence receipt under section 137(4) . . . . .	63.70
16 Issue of a replacement licence under section 79F of the Act other than in the form of a smartcard driver licence . . . . .	30.55
17 Issue of a replacement licence under section 79F of the Act in the form of a smartcard driver licence . . . . .	63.70
18 Release of information under section 77 of the Act about a person's Queensland driver licence . . . . .	20.25
19 Release of information under section 77 of the Act about a person's traffic history . . . . .	20.25
20 Application under section 91P of the Act for an interlock exemption . . . . .	34.95

## **Schedule 2      Licence codes**

sections 144(2) and 146(2) and (3)

### **Part 1                      Licence codes, other than marine licence indicator codes and indicator condition codes**

<b>Code</b>	<b>Type</b>
L . . . . .	learner licence
P1 . . . . .	P1 provisional licence, P1 probationary licence or P1 restricted licence
P2 . . . . .	P2 provisional licence, P2 probationary licence or P2 restricted licence
P . . . . .	P provisional licence, P probationary licence or P 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 motor vehicle, other than a motorbike, of not more than 4.5t GVM, built or fitted to carry no more than 12 adults, including the driver, with or without a trailer a specially constructed vehicle, 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 and a mobile crane, 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 and a mobile crane, 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, of more than 8t GVM, with more than 2 axles, with or without a trailer of not more than 9t GVM
	an articulated bus
	a truck, including a prime mover and a mobile crane, of more than 8t GVM, with more than 2 axles, with or without a trailer of not more than 9t GVM
HC . . . . .	a class HR vehicle
	a truck, including a prime mover and a mobile crane, of more than 8t GVM, with a trailer of more than 9t GVM
MC . . . . .	a class HC vehicle
	a B-double
	a road train
<b>Code</b>	<b>Condition</b>
A . . . . .	licensee may only drive vehicle with automatic transmission
B . . . . .	licensee may only drive vehicle with synchromesh gearbox
I . . . . .	licensee may only drive a nominated vehicle fitted with a prescribed interlock, or while carrying, and in accordance with, an exemption certificate given under section 91R(3) of the Act
M . . . . .	licensee may only drive while carrying, and in accordance with, a current medical certificate in the approved form
S . . . . .	licensee may only drive while wearing corrective lenses

<b>Code</b>	<b>Condition</b>
V . . . . .	licensee may only drive a vehicle fitted with the driver aids, or equipped or adapted, in the way stated in a written notice given to the licensee by the chief executive, and only while carrying the 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                      Marine licence indicator codes    and indicator condition codes**

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

<b>Code</b>	<b>Condition</b>
N . . . . .	marine licence is not subject to a condition
Y . . . . .	marine licence is subject to a condition

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## **Schedule 3      Demerit points**

section 75

### **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.

#### **3A          Disobeying clearance sign or low clearance sign**

The number of points for a contravention of the Queensland Road Rules, section 102(1) is 4.

**3AB Driver must not damage rail infrastructure or obstruct level crossing**

The number of points for a contravention of the Queensland Road Rules, section 300D(1) or (2) is 4.

**3B Learner driving while not under direction of licensed driver**

The number of points for a contravention of section 4(7) or 5(11) of this regulation is 4.

**3C 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 Heavy Vehicle National Law (Queensland) is 4—

- section 250(1)
- section 251(1)
- section 254(1)
- section 256(1)
- section 258(1)
- section 260(1).

## **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
- section 162(1) of the Queensland Road Rules.

**6 Contravening high-powered vehicle restriction**

The number of points for a contravention of section 70(2) of this regulation is 3.

**7 Contravening late night driving restriction**

The number of points for a contravention of section 72(3) of this regulation is 3.

**8 Contravening peer passenger restriction**

The number of points for a contravention of section 74(2) of this regulation is 3.

**10 Disobeying emergency traffic sign installed under 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.

**11 Disobeying particular red or yellow traffic lights, T 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)

Schedule 3

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- section 123(a)
- section 152(1), so far as it relates to section 152(2) or (3)
- section 274
- section 275
- section 277
- section 279(2)
- section 281
- section 284.

**12 Disobeying stop or give way sign and other particular 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 103(1) or (2)
- section 104(1), (2) or (3)
- section 105
- section 106(1), (2) or (3)
- 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 155A(1)
- section 282
- section 286(2).

### **13 Disobeying traffic lane arrows in roundabout**

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

**14 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.

**15 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.

**17 Driving vehicle exceeding carrying capacity**

The number of points for a contravention of each of the following provisions of the *Traffic Regulation 1962* is 3—

- section 76(1) or (2)
- section 77(1).

**18 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.

**19 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.

**20 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.

**23 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), (aa), (b) or (c)
- section 63(3)
- section 64(a), (b), (ba) 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 114(2)
- section 148(1) or (2)
- section 148A
- section 149
- section 288(4)
- section 289(2).

**23A Failing to keep a safe lateral distance when passing bicycle rider**

The number of points for a contravention of the Queensland Road Rules, section 144A(1) is 3.

**24 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.

**25 Failing to keep left or keep off painted island**

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).

**26 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).

**28 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).

**29 Particular licence holders using mobile phones**

The number of points for a contravention of section 68(2) of this regulation is 3.

**30 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.

**31 Using mobile phones**

The number of points for a contravention of the Queensland Road Rules, section 300(1) is 3.

**32 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 2010*, section 5(1)(a)(iv) is 3.

**33 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.

**34 Driving fatigue-regulated heavy vehicle while impaired by fatigue**

The number of points for a contravention of the Heavy Vehicle National Law (Queensland), section 228(1) is 3.

**35 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 Heavy Vehicle National Law (Queensland) is 3—

- section 250(1)
- section 251(1)
- section 254(1)
- section 256(1)
- section 258(1)
- section 260(1).

**35A Using defective heavy vehicles contrary to vehicle defect notice—major defect notice**

The number of points for a contravention, by the driver of a heavy vehicle, of the Heavy Vehicle National Law (Queensland), section 529 if a major defect notice is contravened is 3.

## **Part 5                      2 demerit point offences**

**36 Failing to display or fit green P plates**

The number of points for a contravention of section 62(2) of this regulation is 2.

**37 Failing to display or fit L plates**

The number of points for a contravention of section 58 of this regulation is 2.

**38 Failing to display or fit red P plates**

The number of points for a contravention of section 61(2) of this regulation is 2.

**39 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).

**40 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.

**41 Failing to use slip lane**

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

**42 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.

**43 Improper passing or overtaking of 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)
- section 164AA(2) or (3).

**44 Improper turn, other than U-turn**

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

- section 27(1)
- section 28(1)
- section 31(1)
- section 32(1)
- section 37



- section 40
- section 111(1).

**45 Increasing speed when being overtaken**

The number of points for a contravention of the Queensland Road Rules, section 145 is 2.

**46 Injurious matter on roads**

The number of points for a contravention of section 137(1) of the Act is 2.

**47 Unnecessary noise or smoke from vehicle**

The number of points for a contravention of the Queensland Road Rules, section 291(1)(b) is 2.

## **Part 6 1 demerit point offences**

**48 Dazzling road users**

The number of points for a contravention of the Queensland Road Rules, section 219 is 1.

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

The number of points for a contravention of section 25(2) of this regulation is 1.

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

The number of points for a contravention of section 128(2) of this regulation is 1.

**51 Failing to dip headlights**

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

**52 Failing to have lights lit**

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

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

The number of points for a contravention of section 70(4) of this regulation is 1.

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

The number of points for a contravention of section 72(5) of this regulation is 1.

**55 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).

**56 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 2010* is 1—

- section 5(1)(a)(i), (ii), (iii), (v) or (vi) or (b)
- section 10(1)(d) or 11.

**57 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.

**58 Using defective heavy vehicles contrary to vehicle defect notice—minor defect notice**

The number of points for a contravention, by the driver of a heavy vehicle, of the Heavy Vehicle National Law (Queensland), section 529 if a minor defect notice is contravened is 1.

## **Schedule 5      Remote area**

section 21(6)(b)

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

## Schedule 6 Exempted high-powered vehicles

schedule 9, 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 7      Prescribed motorbikes**

schedule 9, definition *prescribed motorbike*

Aprilia RS250

Honda NSR250

Kawasaki KR250 (KR-1 and KR1s models)

Suzuki RGV250

Yamaha TZR250



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## Schedule 9 Dictionary

### section 3

**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 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.

**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 day** 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*.

**converter dolly** means a trailer with a fifth wheel coupling designed to support a semitrailer for hauling purposes.

**corresponding WHS law** see the *Work Health and Safety Act 2011*, schedule 5.

**critical risk breach**, for a contravention of a provision of the Heavy Vehicle National Law (Queensland), means a contravention of the provision declared in that Law to be a critical risk breach.

**damaged—**

- 1 *Damaged*, in relation to a document other than a smartcard driver licence, includes—
  - (a) destroyed; or
  - (b) defaced; or
  - (c) damaged to the extent that any information, including a photo, on the licence is unrecognisable.
- 2 *Damaged*, in relation to a smartcard driver licence—
  - (a) means—
    - (i) the licence is damaged to an extent that—
      - (A) any information on the licence is impossible or difficult to read with or without the use of technology; or
      - (B) a digital photo or a digitised signature on the licence is impossible or difficult to recognise with or without the use of technology; or
    - (ii) any information stored electronically on the licence is no longer accessible by using the holder's PIN; and

(b) includes destroyed.

- 3 However, *damaged*, in relation to a document, does not include the document being destroyed as required under section 142.

***defence force licence*** means a driver 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.

***earthmoving equipment*** means—

- (a) a dozer; or
- (b) a road roller with an engine capacity over 2L; or
- (c) a skid steer loader with an engine capacity over 2L; or
- (d) a scraper; or
- (e) an excavator with an engine capacity over 2L; or
- (f) a front end loader with an engine capacity over 2L; or
- (g) a front end loader or backhoe with an engine capacity over 2L; or

(h) a grader.

**electronic communication**, for part 7, see section 52.

**electronically renewable licence** means a P1 type, P2 type, P type or open licence that is—

- (a) a valid licence; or
- (b) a recently expired smartcard driver licence.

**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 Emergency Services 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;
- (g) a police recruit within the meaning of the *Police Service Administration Act 1990* who is driving while accompanied by a police officer.

**experienced driver recognition country** see section 3A.

***fifth wheel coupling*** means a device, other than the upper rotating element and the kingpin (that are parts of a semitrailer), used with a prime mover, semitrailer or a converter dolly to permit quick coupling and uncoupling and to provide for articulation.

***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—

- (a) designed to measure the ability of a driver to recognise and respond appropriately to driving situations that are potentially dangerous; and
- (b) available only on the department's website.

*Editor's note—*

At the commencement of this definition, the department's website is <[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)>.

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

***high-powered vehicle*** means a car, other than a car mentioned in schedule 6—

- (a) that was manufactured before 1 January 2010 and that has at least 1 of the following—
  - (i) 8 or more cylinders;
  - (ii) a turbocharged engine that is not diesel powered;
  - (iii) a supercharged engine that is not diesel powered;
  - (iv) an engine that has a power output of more than 210kW under the manufacturer's specifications for the car;

- (v) a rotary engine that has an engine capacity of more than 1146 cc under the manufacturer's specifications for the car; or
- (b) that was manufactured on or after 1 January 2010 and has a power-to-weight ratio of more than 130kW/t; or
- (c) that has a modification to the engine of a type that must be approved under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*, section 13.

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

***kerb weight***, of a vehicle, means the kerb weight—

- (a) under the manufacturer's specifications for the vehicle; or
- (b) stated in a specification information test report for the vehicle.

***learner approved motorbike*** see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, schedule 8.

***learner licence***, for part 5, division 3, see section 39.

***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 31(1), by using an electronic system.

***logbook requirements*** means the requirements mentioned in section 29.

***low loader*** means a gooseneck semitrailer with a loading deck 1m or less above the ground.

***low loader dolly*** means a trailer that—

- (a) is of the type usually coupled between a prime mover and a low loader; and
- (b) consists of a gooseneck rigid frame; and
- (c) does not carry any load directly on itself; and
- (d) is equipped with 1 or more axles, a kingpin and a fifth wheel coupling.

***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.

***major defect notice*** see the Heavy Vehicle National Law (Queensland), section 526(2)(a).

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

***maximum engine power***, of a vehicle, means the maximum engine power—

- (a) under the manufacturer’s specifications for the vehicle; or
- (b) stated in a specification information test report for the vehicle.

***minor defect notice*** see the Heavy Vehicle National Law (Queensland), section 526(2)(b).

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

***moped*** means a motorbike—

- (a) that either—
  - (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 79(3).

**order period**, for a person in relation to whom a special hardship order applies, means the order period stated, under section 112(1)(a)(ii), in the order.

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

**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.

**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.

**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.

**power-to-weight ratio**, of a vehicle, means the ratio (expressed in kilowatts per tonne) calculated by—

- (a) for a vehicle manufactured before 1 January 2010—
  - (i) dividing the vehicle's maximum engine power in kilowatts by the kerb weight in kilograms; and
  - (ii) multiplying the product of the division by 1000; or

*Example—*

The power-to-weight ratio of a vehicle that has a maximum engine power of 195kW and a kerb weight of 1667kg is calculated by dividing 195kW by 1667kg and multiplying the product of the division by 1000. In this example, the power-to-weight ratio is 117kW/t.

- (b) for a vehicle manufactured on or after 1 January 2010—
  - (i) dividing the vehicle's maximum engine power in kilowatts by the tare mass in kilograms; and
  - (ii) multiplying the product of the division by 1000.

**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;
- (d) 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 7.

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

**Q-Ride training area** means a place where a registered service provider conducts Q-Ride training.

*Note—*

A registered service provider is required to notify the department of the place where it will conduct the Q-Ride training and to apply for approval to change that place under the Q-Ride Registered Service Provider Standards made under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*, section 95.

A list of training locations and the Q-Ride Registered Service Provider Standards are published on the department's website <[www.tmr.qld.gov.au](http://www.tmr.qld.gov.au)>.

**recognised country** see section 3A.

**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 31(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.

**registered service provider** see the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*, section 69.

**relevant charge**, for part 13, see section 90.

**relevant order** means—

- (a) a section 79E order; or
- (b) a special hardship order under part 14.

**relevant provision**, for part 14, see section 104.

**repealed regulation** means the repealed *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*.

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***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 79(1)(c), 80(1), 81(1) or 82(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***, for an application for a class of Queensland driver licence, means a test of the applicant's knowledge of matters—

- (a) relevant to the class of licence applied for; and
- (b) mentioned in the document 'Your keys to driving in Queensland', including any addendum to the document, published by the department on its website; and
- (c) for a test for a class RE or R licence—mentioned in the document 'Queensland Motorcycle Riders' Guide', including any addendum to the document, published by the department on its website.

***sanction day*** of a licence stated in a notice to choose means—

- (a) if the person notifies the chief executive of the person's choice on or before the choice day—
  - (i) the choice day; or
  - (ii) an earlier day, not before the day 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 day—the day after the choice day; or

- (c) if the licence expires or is surrendered between the day the notice to choose is issued and the choice day—the day after the choice day.

***section 79E variation order*** see section 96.

***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 Heavy Vehicle National Law (Queensland), means a contravention of the provision declared in that Law to be a severe risk breach.

***show cause notice*** see section 125(1).

***special hardship variation order*** see section 115(2).

***specially constructed vehicle***—

- (a) means—
- (i) an agricultural machine, including a tractor, within the meaning of the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, schedule 8; or
- (ii) a crane, other than a mobile crane of more than 4.5t GVM, or a hoist or load shifting equipment; or
- (iii) earthmoving equipment; or
- (iv) 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—
- (i) a motor vehicle with a chassis that is substantially the same as a truck chassis; or
- (ii) a motorbike.

***special need for a class RE or R licence*** see section 38.

**specification information**, for a vehicle, means its kerb weight, maximum engine power and tare mass.

**specification information test report**, for a vehicle, means documentation—

- (a) showing the results of a test conducted on the vehicle by an entity to work out the specification information; and
- (b) containing the following information—
  - (i) the name and address of the entity that conducted the test;

*Example of an entity for subparagraph (i)—*

an entity that operates a vehicle testing facility or a weighbridge

- (ii) the date of the test;
- (iii) the specification information;
- (iv) details about the measuring system used to conduct the test.

*Example of a measuring system for subparagraph (iv)—*

an entity that operates a vehicle testing facility or a weighbridge

*Example of specification information test report—*

a printout of the results of a test from a vehicle testing facility and a printout of the results of a test by a weighbridge

**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 13, see section 90.

***suspended open or provisional licence***, for part 14, see section 104.

***tare mass***, of a vehicle, means the tare mass—

- (a) under the manufacturer's specifications for the vehicle; or
- (b) stated in a specification information test report for the vehicle.

***valid***, in relation to a driver licence, means—

- (a) the licence has not expired; and
- (b) the licence has not been cancelled or suspended; and
- (c) the licensee is not disqualified, by order of an Australian court, from holding or obtaining a driver licence.

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

***young driver*** see section 28(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 the Act, another Act or an order made by an Australian court, from holding or obtaining a driver licence.

## Endnotes

### 1 Index to endnotes

	Page
2 Key .....	221
3 Table of reprints .....	221
4 List of legislation .....	223
5 List of annotations .....	225

### 2 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 version
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory

Endnotes

requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	1 September 2010	
1A	2010 SL No. 295	22 October 2010	
1B	2011 SL No. 3	31 March 2011	
1C rv	2011 Act No. 12 2011 SL No. 64	1 July 2011	
1D rv	2011 SL No. 138	15 July 2011	
1E rv	2011 SL No. 286	9 December 2011	
1F rv	2011 SL No. 286	19 December 2011	
1G rv	2011 SL No. 240	1 January 2012	
1H rv	2012 SL No. 36	1 March 2012	R1H rv withdrawn, see R2 rv
2 rv	—	1 March 2012	
2A	2012 SL No. 55	1 July 2012	
2B	2012 SL No. 159	21 September 2012	
2C	2012 SL No. 215	30 November 2012	
2D	2012 SL No. 250	21 December 2012	

Current as at	Amendments included	Notes
5 April 2013	2013 SL No. 42	
31 May 2013	2013 SL No. 74	
1 July 2013	2013 SL No. 75	
26 July 2013	2013 SL No. 150	
4 October 2013	2013 SL No. 192	
20 December 2013	2013 SL No. 295	
1 January 2014	2013 SL No. 150 2013 SL No. 281	
10 February 2014	2014 SL No. 8	
7 April 2014	2014 SL No. 26	
21 May 2014	2014 Act No. 17	



## 4 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Transport Operations (Road Use Management—Driver Licensing) Regulation 2010 SL No. 206**

made by the Governor in Council on 5 August 2010

notfd gaz 6 August 2010 pp 1311–12

ss 1–2 commenced on date of notification

remaining provisions commenced 1 September 2010 (see s 2)

exp 1 September 2020 (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 Legislation Amendment Regulation (No. 3) 2010 SL No. 295 pts 1–2**

notfd gaz 22 October 2010 pp 475–6

commenced on date of notification

### **Transport and Other Legislation Amendment Regulation (No. 1) 2011 SL No. 3 pts 1–2**

notfd gaz 28 January 2011 pp 156–7

ss 1–2 commenced on date of notification

remaining provisions commenced 31 March 2011 (see s 2)

### **Transport and Other Legislation Amendment Act 2011 No. 12 ss 1–2(1), pt 13**

date of assent 14 April 2011

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2011 (2011 SL No. 97)

### **Transport Legislation (Fees) Amendment Regulation (No. 1) 2011 SL No. 64 pts 1, 14**

notfd gaz 20 May 2011 pp 142–3

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2011 (see s 2)

### **Transport Legislation Amendment Regulation (No. 2) 2011 SL No. 138 pts 1, 3**

notfd gaz 15 July 2011 pp 680–1

commenced on date of notification

Endnotes

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**Work Health and Safety Regulation 2011 SL No. 240 ss 1, 2(4), ch 14 pt 14.12**

notfd gaz 25 November 2011 pp 603–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2012 on the commencement of s 277 of the Act (see s 2(4) and 2011 SL No. 238)

**Transport Legislation Amendment Regulation (No. 5) 2011 SL No. 286 pts 1–2**

notfd gaz 9 December 2011 pp 729–35

ss 1–2 commenced on date of notification

ss 6, 7(4) commenced 19 December 2011 (see s 2)

remaining provisions commenced on date of notification

**Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 1) 2012 SL No. 36**

notfd gaz 17 February 2012 pp 340–3

ss 1–2 commenced on date of notification

remaining provisions commenced 1 March 2012 (see s 2)

**Transport Legislation (Fees) Amendment Regulation (No. 1) 2012 SL No. 55 pts 1, 14**

notfd gaz 18 May 2012 pp 74–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2012 (see s 2)

**Transport Legislation Amendment Regulation (No. 2) 2012 SL No. 159 pts 1, 4**

notfd gaz 21 September 2012 pp 96–7

commenced on date of notification

**Transport and Other Legislation Amendment Regulation (No. 1) 2012 SL No. 215 pts 1, 3**

notfd gaz 30 November 2012 pp 444–6

commenced on date of notification

**Transport Legislation Amendment Regulation (No. 3) 2012 SL No. 250 pts 1, 3**

notfd gaz 21 December 2012 pp 599–602

ss 1–2 commenced on date of notification

remaining provisions commenced 21 December 2012 (see s 2)

**Transport Legislation Amendment Regulation (No. 1) 2013 SL No. 42 s 1, pt 2**

notfd gaz 5 April 2013 pp 490–1

commenced on date of notification

**Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 1) 2013 SL No. 74**

notfd gaz 31 May 2013 pp 160–5

commenced on date of notification

**Transport Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 75 pts 1, 14**

notfd gaz 31 May 2013 pp 160–5

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2013 (see s 2)

**Transport and Other Legislation Amendment Regulation (No. 1) 2013 SL No. 150 ss 1, 2(2), pt 3**

notfd gaz 26 July 2013 pp 912–13  
 ss 1–2 commenced on date of notification  
 ss 6, 8 commenced 1 January 2014 (see s 2(2))  
 remaining provisions commenced on date of notification

**Transport and Other Legislation Amendment Regulation (No. 2) 2013 SL No. 192 pts 1, 3**

notfd <www.legislation.qld.gov.au> 4 October 2013  
 commenced on date of notification

**Transport and Other Legislation Amendment Regulation (No. 3) 2013 SL No. 281 pts 1, 4, s 37 sch 1**

notfd <www.legislation.qld.gov.au> 13 December 2013  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 January 2014 (see s 2)

**Transport Legislation Amendment Regulation (No. 3) 2013 SL No. 295 pts 1, 3**

notfd <www.legislation.qld.gov.au> 20 December 2013  
 commenced on date of notification

**Transport and Other Legislation Amendment Regulation (No. 1) 2014 SL No. 8 pts 1, 11**

notfd <www.legislation.qld.gov.au> 7 February 2014  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 10 February 2014 on the commencement of the Transport and Other Legislation (Heavy Vehicle National Law) Amendment Act 2013, part 4 (see s 2)

**Transport Legislation and Another Regulation Amendment Regulation (No. 1) 2014 SL No. 26 pts 1–2**

notfd <www.legislation.qld.gov.au> 21 March 2014  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 7 April 2014

**Transport Legislation (Fees) Amendment Regulation (No. 1) 2014 SL No. 61 pts 1, 14**

notfd <www.legislation.qld.gov.au> 16 May 2014  
 ss 1–2 commenced on date of notification  
 remaining provisions commence 1 July 2014 (see s 2)

**Public Safety Business Agency Act 2014 No. 17 ss 1, 184 sch 1 pt 2**

date of assent 21 May 2014  
 commenced on date of assent

## 5 List of annotations

Meaning of licence granted under the law of an *experienced driver recognition country* or a *recognised country*

s 3A ins 2013 SL No. 281 s 9

Endnotes

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**Motorbike licences**

s 4 amd 2013 SL No. 281 s 37 sch 1

**Other types of licences**

s 5 amd 2013 SL No. 281 s 10

**Minimum age—licence other than class C learner licence**

s 9 amd 2013 SL No. 281 s 11

**Tests**

s 10 amd 2011 SL No. 286 s 4; 2011 SL No. 240 s 826; 2012 SL No. 250 s 9  
sub 2013 SL No. 281 s 12

**Eyesight test**

s 10A ins 2013 SL No. 281 s 12

**Road rules test**

s 10B ins 2013 SL No. 281 s 12

**Practical driving test**

s 10C ins 2013 SL No. 281 s 12

**Competency declarations and practical driving tests for class RE and R applicants**

s 10D ins 2013 SL No. 281 s 12

**Hazard perception test**

s 10E ins 2013 SL No. 281 s 12

**Open licence—class C**

s 16 amd 2011 SL No. 286 s 4; 2011 SL No. 240 s 826; 2012 SL No. 250 s 9; 2013  
SL No. 74 s 3

**Recording P2 time credit**

s 16A ins 2013 SL No. 74 s 4  
amd 2013 SL No. 281 s 13

**Upgrading licence class**

s 17 amd 2013 SL No. 281 s 14

**Conditions on licence**

s 25 amd 2010 SL No. 295 s 3

**Credit for other driving experience**

s 33 amd 2012 SL No. 250 s 10; 2013 SL No. 281 s 15

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

s 35 amd 2013 SL No. 281 s 37 sch 1

**PART 7—RENEWAL OF PARTICULAR LICENCES BY ELECTRONIC  
COMMUNICATION**

pt hdg amd 2013 SL No. 281 s 16

**Definitions for pt 7**

- s 52 def *open licence* om 2013 SL No. 281 s 17(1)  
 def *recently expired smartcard driver licence* sub 2013 SL No. 281 s 17(2)  
 def *renew* amd 2013 SL No. 281 s 17(3)

**Application of pt 7**

- s 53 amd 2013 SL No. 281 s 18

**Notice that person may renew licence by electronic communication**

- s 54 amd 2013 SL No. 281 s 19

**When chief executive may renew licence**

- s 55 amd 2013 SL No. 281 s 20

**Renewal of electronically renewable licence**

- prov hdg amd 2013 SL No. 281 s 21(1)

- s 56 amd 2013 SL No. 281 s 21(2)

**PART 8—DISPLAY OF PLATES****Division 1—L plates****Definition for div 1**

- s 57 def *learner* amd 2013 SL No. 281 s 37 sch 1

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

- s 59 amd 2013 SL No. 281 s 37 sch 1

**PART 8A—ALCOHOL IGNITION INTERLOCKS**

- pt hdg ins 2010 SL No. 295 s 4

**Definitions for pt 8A**

- s 63A ins 2010 SL No. 295 s 4

**Approved interlocks**

- s 63B ins 2010 SL No. 295 s 4  
 amd 2011 SL No. 286 s 5; 2013 SL No. 295 s 6

**Nomination of vehicle if more than 1 driver with an interlock condition—Act, s 91L(2)**

- s 63C ins 2010 SL No. 295 s 4

**Using technical capability to identify driver**

- s 63D ins 2010 SL No. 295 s 4

**Producing interlock driver record**

- s 63E ins 2010 SL No. 295 s 4

**Destruction of interlock driver record prohibited**

- s 63F ins 2010 SL No. 295 s 4

**Interlock driver record destroyed, lost or stolen**

- s 63G ins 2010 SL No. 295 s 4

**Offences relating to use of another person's means of identification**

- s 63H ins 2010 SL No. 295 s 4

Endnotes

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**Interlock exemption (prescribed radius from nearest place of business)—Act, s 91Q(3)(a)(iii)(A)**

s 63HA ins 2011 SL No. 138 s 15

**Interlock exemption (island living)—Act, s 91Q(3)(c)**

s 63I ins 2010 SL No. 295 s 4

**Interlock exemption (remote area)—Act, s 91Q(3)(c)**

s 63J ins 2010 SL No. 295 s 4  
om 2011 SL No. 138 s 16

**Interlock exemption (severe hardship)—Act, s 91Q(3)(c)**

s 63K ins 2010 SL No. 295 s 4

**Licence holder 75 years or older**

s 66 amd 2013 SL No. 150 s 6

**High-powered vehicles**

s 70 amd 2013 SL No. 150 s 7

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

s 71 amd 2010 SL No. 295 s 5; 2011 SL No. 286 s 6; 2013 SL No. 281 s 22

**Late night driving**

s 72 amd 2013 SL No. 281 s 23

**Peer passengers**

s 74 amd 2010 SL No. 295 s 6

**Queensland driver licence holder—notice to choose**

prov hdg amd 2012 SL No. 36 s 4(1)

s 79 amd 2012 SL No. 36 s 4(2)

**Queensland driver licence holder—class C learner licence holder etc.**

s 79A ins 2012 SL No. 36 s 5

**Former driver licence holder**

s 83 amd 2012 SL No. 36 s 6; 2013 SL No. 281 s 37 sch 1

**Application of pt 12**

s 85 amd 2013 SL No. 42 s 3

**Definitions for pt 13**

s 90 def *suspended licence* amd 2011 Act No. 12 s 116

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

s 106 amd 2010 SL No. 295 s 7

**Court may transfer application**

s 107A ins 2012 SL No. 159 s 9

**Court may transfer application**

s 116A ins 2012 SL No. 159 s 10

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

s 124 amd 2013 SL No. 281 s 24

**Non-Queensland driver licence**

s 128 amd 2012 SL No. 159 s 11; 2013 SL No. 281 s 25

**Reconsideration of decision by chief executive**

s 132 amd 2013 SL No. 281 s 37 sch 1

**Smartcard driver licence not received in post**

s 136 amd 2013 SL No. 281 s 26

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

s 137 amd 2013 SL No. 281 s 27

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

s 156 amd 2013 SL No. 281 s 37 sch 1

**Fees**

s 159 amd 2011 SL No. 64 s 29

**Waiving payment of particular fees for person affected by natural disaster**

s 161A ins 2013 SL No. 281 s 28

**PART 19—TRANSITIONAL PROVISIONS****Division 1—Transitional provisions for Transport Operations (Road Use Management—Driver Licensing) Regulation 2010**

div hdg ins 2012 SL No. 36 s 7

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

div hdg ins 2012 SL No. 36 s 8

**Definition for div 2**

s 166 prev s 166 om R1 (see RA s 40)  
pres s 166 ins 2012 SL No. 36 s 8

**Continuous 1-year period under s 79A**

s 167 prev s 167 om R1 (see RA s 40)  
pres s 167 ins 2012 SL No. 36 s 8

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

s 168 prev s 168 om R1 (see RA s 40)  
pres s 168 ins 2012 SL No. 36 s 8

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

s 169 ins 2012 SL No. 36 s 8

**Division 3—Transitional provision for Transport and Other Legislation Amendment Regulation (No. 1) 2013**

div 3 (s 170) ins 2013 SL No. 150 s 8

**Division 4—Transitional provisions for Transport and Other Legislation Amendment Regulation (No. 3) 2013**

div 4 (ss 171–176) ins 2013 SL No. 281 s 29

Endnotes

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**PART 20—AMENDMENT OF STATE PENALTIES ENFORCEMENT  
REGULATION 2000**

**pt hdg** om R1 (see RA s 7(1)(k))

**PART 21—CONSEQUENTIAL AMENDMENTS OF OTHER REGULATIONS**

**pt hdg** om R1 (see RA s 7(1)(k))

**SCHEDULE 1—FEES**

amd 2010 SL No. 295 s 8

sub 2011 SL No. 64 s 30; 2012 SL No. 55 s 28; 2013 SL No. 75 s 29

amd 2013 SL No. 281 s 30

**SCHEDULE 2—LICENCE CODES**

amd 2010 SL No. 295 s 9; 2013 SL No. 281 s 31

**SCHEDULE 3—DEMERIT POINTS**

**Disobeying clearance sign or low clearance sign**

**s 3A** ins 2011 SL No. 3 s 4(1)

**Driver must not damage rail infrastructure or obstruct level crossing**

**s 3AB** ins 2012 SL No. 215 s 5

**Learner driving while not under direction of licensed driver**

**s 3B** (prev s 57) amd 2012 SL No. 36 s 9(1)

renum and reloc 2012 SL No. 36 s 9(2)

amd 2013 SL No. 281 s 37 sch 1

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

**s 3C** ins 2014 SL No. 8 s 62(1)

**Careless driving**

**s 4** amd 2014 SL No. 26 s 4(1)

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

**s 5** om 2014 SL No. 8 s 62(2)

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

**s 9** om 2014 SL No. 8 s 62(2)

**Disobeying particular red or yellow traffic lights, T lights or arrows**

**s 11** amd 2014 SL No. 26 s 4(2)–(3)

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

**s 12** amd 2011 SL No. 3 s 4(2); 2014 SL No. 26 s 4(4)

**Driving or parking vehicle on a road in particular circumstances**

**s 16** om 2014 SL No. 8 s 62(2)

**Driving vehicle exceeding carrying capacity**

**s 17** amd 2014 SL No. 8 s 62(3)



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

s 21 om 2014 SL No. 8 s 62(4)

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

s 22 om 2014 SL No. 8 s 62(4)

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

s 23 amd 2013 SL No. 192 s 5; 2014 SL No. 26 s 4(5)

**Failing to keep a safe lateral distance when passing bicycle rider**

s 23A ins 2014 SL No. 26 s 4(6)

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

s 27 om 2014 SL No. 8 s 62(4)

**Driving fatigue-regulated heavy vehicle while impaired by fatigue**

s 34 sub 2014 SL No. 8 s 62(4)–(5)

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

s 35 sub 2014 SL No. 8 s 62(4)–(5)

**Using defective heavy vehicles contrary to vehicle defect notice—major defect notice**

s 35A ins 2014 SL No. 8 s 62(5)

**Improper passing or overtaking of trams**

s 43 amd 2014 SL No. 26 s 4(7)

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

s 54 amd 2013 SL No. 281 s 37 sch 1

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

s 57 (prev s 58) renum 2012 SL No. 36 s 9(3)

**Using defective heavy vehicles contrary to vehicle defect notice—minor defect notice**

s 58 ins 2014 SL No. 8 s 62(6)

**SCHEDULE 4—PRESCRIBED COUNTRIES AND RECOGNISED COUNTRIES**sch hdg sub 2012 SL No. 250 s 11(1)  
om 2013 SL No. 281 s 32**Prescribed countries**s 1 amd 2012 SL No. 250 s 11(2); 2013 SL No. 74 s 5(1)  
om 2013 SL No. 281 s 32**Recognised countries**s 2 ins 2012 SL No. 250 s 11(3)  
amd 2013 SL No. 74 s 5(2)  
om 2013 SL No. 281 s 32**SCHEDULE 8—CONSEQUENTIAL AMENDMENTS OF OTHER REGULATIONS**

om R1 (see RA s 40)

## SCHEDULE 9—DICTIONARY

- def *approved carer* reloc from s 71 2010 SL No. 295 s 5
- def *corresponding WHS law* ins 2011 SL No. 240 s 827(2)
- def *critical risk breach* sub 2014 SL No. 8 s 63
- def *defence force identification* om 2012 SL No. 159 s 12
- def *earthmoving equipment* ins 2011 SL No. 240 s 827(2)
- def *electronically renewable licence* ins 2013 SL No. 281 s 33(2)
- def *emergency service worker* amd 2014 Act No. 17 s 184 sch 1 pt 2
- def *exempted police driver* amd 2011 SL No. 286 s 7(3)
- def *experienced driver recognition country* ins 2013 SL No. 281 s 33(2)
- def *Fatigue Management Regulation* om 2014 SL No. 8 s 63(1)
- def *hazard perception test* sub 2011 SL No. 286 s 7(1)–(2)
- def *high-powered vehicle* amd 2011 SL No. 286 s 7(4)  
sub 2013 SL No. 281 s 33(1)–(2)
- def *kerb weight* ins 2013 SL No. 281 s 33(2)
- def *major defect notice* ins 2014 SL No. 8 s 63(2)
- def *maximum engine power* ins 2013 SL No. 281 s 33(2)
- def *minor defect notice* ins 2014 SL No. 8 s 63(2)
- def *power-to-weight ratio* ins 2013 SL No. 281 s 33(2)
- def *prescribed country* ins 2012 SL No. 250 s 12  
om 2013 SL No. 281 s 33(1)
- def *Q-Ride training area* ins 2013 SL No. 281 s 33(2)
- def *recognised country* ins 2013 SL No. 281 s 33(2)
- def *registered service provider* ins 2013 SL No. 281 s 33(2)
- def *road rules test* sub 2011 SL No. 286 s 7(1)–(2)  
amd 2013 SL No. 281 s 33(3)
- def *severe risk breach* sub 2014 SL No. 8 s 63
- def *specially constructed vehicle* amd 2011 SL No. 240 s 827(3); 2013 SL  
No. 281 s 33(4)–(5)
- def *specification information* ins 2013 SL No. 281 s 33(2)
- def *specification information test report* ins 2013 SL No. 281 s 33(2)
- def *tare mass* ins 2013 SL No. 281 s 33(2)
- def *ward* reloc from s 74 2010 SL No. 295 s 6
- def *WHS certificate* sub 2011 SL No. 240 s 827(1)–(2)  
om 2013 SL No. 281 s 33(1)