



*Transport Operations (Road Use Management) Act 1995*

# Transport Operations (Road Use Management—Driver Licensing) Regulation 2021

**Current as at 11 September 2021**

## **Warning**

Some provisions of this legislation are not in operation. These provisions are italicised. For details, see the List of legislation in the Legislative history.

## **Reprint note**

The *Transport Legislation (COVID-19 Emergency Response) Regulation 2020* modified this legislation from 10 April 2020 until 30 April 2023. These modifications did not amend the text of this law. Accordingly, while this point-in-time version does not contain textual amendments, it is affected by and must be read with the modifications that were in force at the same time.

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Queensland

# Transport Operations (Road Use Management—Driver Licensing) Regulation 2021

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# Transport Operations (Road Use Management—Driver Licensing) Regulation 2021

## Chapter 1 Preliminary

### Part 1 Introduction

#### 1 Short title

This regulation may be cited as the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2021*.

#### 2 Commencement

- (1) This regulation, other than the provisions mentioned in subsections (2) and (3), commences on 1 September 2021.
- (2) The following provisions commence on 10 September 2021—
  - (a) chapter 11;
  - (b) chapter 12, part 4;
  - (c) schedule 7, items 15 and 16.
- (3) Sections 264(2)(d), 268(1)(c) and 270(1)(c) commence on 31 January 2022.

## Part 2 Interpretation and key concepts

### 3 Definitions

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

### 4 Classes of Queensland driver licences

- (1) The *class* of a Queensland driver licence identifies the class of motor vehicle the holder of the licence is authorised to drive, or learn to drive, under the licence.

*Note—*

See also chapter 2, part 2.

- (2) The classes of Queensland driver licence for driving, or learning to drive, cars, buses, heavy vehicles, mopeds and specially constructed vehicles are, from the lowest class to the highest class, the following—

- (a) class C;
- (b) class LR;
- (c) class MR;
- (d) class HR;
- (e) class HC;
- (f) class MC.

*Notes—*

- 1 The class of a Queensland driver licence for riding or learning to ride a moped may also be a class mentioned in subsection (3).
  - 2 See also section 402 for class UD Queensland driver licences.
- (3) The classes of Queensland driver licence for riding, or learning to ride, motorbikes are, from the lowest class to the highest class, the following—
- (a) class RE;

- (b) class R.

## 5 Categories and types of Queensland driver licences

- (1) The following categories of Queensland driver licence are issued under the Act (each a *category* of Queensland driver licence)—
- (a) a learner licence;
  - (b) a provisional licence;
  - (c) a probationary licence;
  - (d) a restricted licence;
  - (e) an open licence.

- (2) If a Queensland driver licence is a learner licence or open licence, that is also the *type* of the licence under this regulation.

- (3) If a Queensland driver licence is a provisional licence, the licence is also issued with a *type* of Queensland driver licence that is P1 or P2.

*Example—*

A provisional licence may be a P1 provisional licence or a P2 provisional licence.

- (4) If a Queensland driver licence is a probationary licence, the licence is also issued with a *type* of Queensland driver licence that is P1, P2 or P.

*Example—*

A probationary licence may be a P1 probationary licence, P2 probationary licence or P probationary licence.

- (5) If a Queensland driver licence is a restricted licence, the licence is also issued with a *type* of Queensland driver licence that is P.

- (6) The category and type of a Queensland driver licence are relevant to whether particular restrictions under this regulation apply to the holder of the licence.

*Note—*

A Queensland driver licence may also be subject to conditions. See sections 201 and 202(3) and (4) and schedule 3.

## **6 Meaning of *P1 type licence*, *P2 type licence* and *P type licence***

- (1) A *P1 type licence* is a P1 provisional licence or P1 probationary licence.
- (2) A *P2 type licence* is a P2 provisional licence or P2 probationary licence.
- (3) A *P type licence* is a P probationary licence or P restricted licence.

## **7 Meaning of *O type licence***

An *O type licence* is—

- (a) an open licence; or
- (b) a non-Queensland driver licence that corresponds to an open licence.

## **8 References to *O type licences***

In this regulation, a reference to an *O type licence* of a stated class includes a non-Queensland driver licence that corresponds to an open licence of the stated class.

## **9 Classes of motor vehicles**

- (1) The *class* of a motor vehicle stated in schedule 1, part 1, column 2 is the class stated opposite the vehicle in schedule 1, part 1, column 1.

*Note—*

A motor vehicle that is a moped may also, under subsection (3), be of a class stated in schedule 1, part 2, column 1.

- (2) The classes of motor vehicle stated in schedule 1, part 1, column 1 are stated in order of the lowest class to the highest class.
- (3) The *class* of a motor vehicle stated in schedule 1, part 2, column 2 is the class stated opposite the vehicle in schedule 1, part 2, column 1.
- (4) The classes of motor vehicle stated in schedule 1, part 2, column 1 are stated in order of the lowest class to the highest class.
- (5) In this regulation, a reference to a motor vehicle of a class stated in schedule 1, part 1 or 2, column 1 is a reference to each motor vehicle stated opposite the class in schedule 1, part 1 or 2, column 2.

*Example—*

A reference in this regulation to a class MC motor vehicle is a reference to a B-double and a road train.

## 10 **Foreign driver licences that are experienced driver recognition licences or recognised country licences**

- (1) A foreign driver licence issued under the law of an experienced driver recognition country is an *experienced driver recognition licence*.
- (2) A foreign driver licence issued under the law of a recognised country is a *recognised country licence*.
- (3) However, a foreign driver licence is not an experienced driver recognition licence or a recognised country licence if—
  - (a) the approval by Austroads of the country that issued the licence as an experienced driver recognition country, or a recognised country, states the approval applies only to—
    - (i) particular licences issued under the law of that country; or
    - (ii) licences issued under the law of that country that have been held by a person for a stated period; and

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- (b) the approval does not apply to the foreign driver licence.

## **11 Working out period driver licence has been held**

- (1) This section states, for this regulation, how to work out the period a person has held a class, category or type of driver licence.
- (2) Generally, the period is the total of any periods the person has held a valid driver licence of that class, category or type.
- (3) However, if the period is being worked out for a provision that refers to a length of time within which the person has held a driver licence of the class, category or type, the period is the total of any periods during the length of time the person has held a valid driver licence of that class, category or type.

# **Chapter 2 Driving under Queensland driver licences**

## **Part 1 Preliminary**

### **12 Purpose of chapter**

This chapter—

- (a) states when the holder of a Queensland driver licence is authorised to drive, or learn to drive, a motor vehicle on a road under the licence; and
- (b) states restrictions that apply to the authority.



## Part 2 Authority to drive and learn to drive motor vehicles

### 13 Authority to drive and learn to drive motor vehicles other than particular motorbikes

- (1) The holder of a Queensland driver licence stated in column 1 of the following table is authorised under the licence to drive a motor vehicle stated in column 2 of the table, and to learn to drive a motor vehicle stated in column 3 of the table, opposite the licence—

Column 1 Queensland driver licence	Column 2 Drive	Column 3 Learn to drive
class C learner licence	—	class C motor vehicle, other than a specially constructed vehicle
class C P1 type licence, P2 type licence, P type licence or open licence	class C motor vehicle	class LR motor vehicle, class MR motor vehicle or class HR motor vehicle
class LR P1 type licence, P2 type licence, P type licence or open licence	class LR motor vehicle	class MR motor vehicle or class HR motor vehicle
class MR P1 type licence, P2 type licence, P type licence or open licence	class MR motor vehicle	class HR motor vehicle or class HC motor vehicle
class HR P1 type licence, P2 type licence, P type licence or open licence	class HR motor vehicle	class HC motor vehicle or class MC motor vehicle
class HC learner licence	—	class HC motor vehicle

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<b>Column 1 Queensland driver licence</b>	<b>Column 2 Drive</b>	<b>Column 3 Learn to drive</b>
class HC P1 type licence, P2 type licence, P type licence or open licence	class HC motor vehicle	class MC motor vehicle
class MC P1 type licence, P2 type licence, P type licence or open licence	class MC motor vehicle	—

- (2) The holder of a Queensland driver licence who is authorised under subsection (1) to drive a motor vehicle under the licence is also authorised under the licence to drive a motor vehicle of a lower class.

*Notes—*

- 1 For what is a lower class of motor vehicle, see section 9(2).
- 2 For a learner licence granted to a person on the basis the person was eligible for the licence under section 173(2), see also section 174.
- 3 For a class UD Queensland driver licence, see also section 402(10).

## **14 Authority to ride and learn to ride motorbikes**

- (1) The holder of a Queensland driver licence stated in column 1 of the following table is authorised under the licence to ride a motorbike stated in column 2 of the table, and to learn to ride a motorbike stated in column 3 of the table, opposite the licence—

<b>Column 1 Queensland driver licence</b>	<b>Column 2 Ride</b>	<b>Column 3 Learn to ride</b>
class RE learner licence	—	class RE motorbike

Column 1 Queensland driver licence	Column 2 Ride	Column 3 Learn to ride
class RE P1 type licence, P2 type licence, P probationary licence or open licence	class RE motorbike	class R motorbike
class RE P restricted licence	class RE motorbike	—
class R P1 type licence, P2 type licence, P type licence or open licence	class RE motorbike or class R motorbike	—

- (2) Despite subsection (1), the holder of a class RE P1 type licence, P2 type licence, P probationary licence or open licence (each a *relevant class RE licence*) is authorised under the licence to learn to ride a class R motorbike only if the holder has held a relevant class RE licence for a period of at least 2 years.

*Note—*

For a learner licence granted to a person on the basis the person was eligible for the licence under section 173(2), see also section 174.

## 15 Learning to drive motor vehicles with different transmission or gearbox

- (1) This section applies to the holder of a Queensland driver licence if—
- (a) the holder is, under section 13, authorised under the licence to drive, or learn to drive, a motor vehicle of a particular class; and
  - (b) the licence is subject to a condition that states the holder may only drive a motor vehicle with a particular type of transmission or gearbox.
- (2) The holder is authorised under the Queensland driver licence to learn to drive a motor vehicle of the same class with another type of transmission or gearbox.

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*Example—*

The holder of a class C open licence subject to a condition that the holder may only drive a motor vehicle with an automatic transmission is authorised under the licence to learn to drive a class C motor vehicle with a manual transmission.

## **16 Learning to ride motorbikes with different transmission**

- (1) This section applies to the holder of a Queensland driver licence if—
  - (a) the holder is, under section 14, authorised under the licence to ride, or learn to ride, a motorbike of a particular class; and
  - (b) the licence is subject to a condition that states the holder may only drive a motor vehicle with a particular type of transmission.
- (2) The holder is authorised under the Queensland driver licence to learn to ride a motorbike of the same class with another type of transmission.

## **17 Learning to drive under returning driver certificates**

- (1) This section applies to the holder of a Queensland driver licence if—
  - (a) the licence has the code RD stated on it; and
  - (b) a returning driver certificate in effect for the holder states the holder may learn to drive a motor vehicle of a stated class.
- (2) The holder is authorised under the Queensland driver licence to learn to drive a motor vehicle of the stated class, and any lower class of motor vehicle, but only if the holder carries the returning driver certificate while driving the vehicle.
- (3) Despite section 13, if the holder is authorised, under section 13, to learn to drive a motor vehicle under the Queensland driver licence, the holder is authorised to learn to

drive the motor vehicle only if the holder carries the returning driver certificate while driving the vehicle.

- (4) Also, despite subsection (2), if the returning driver certificate states the holder may learn to drive a class C motor vehicle, the holder is not authorised to learn to drive a specially constructed vehicle.

## **18 Learning to ride under special need certificates**

- (1) This section applies to the holder of a class RE learner licence, provisional licence, probationary licence or open licence if—
- (a) the holder is not authorised, under section 14, to learn to ride a class R motorbike under the licence; and
  - (b) a certificate under section 144(1)(b) in effect for the holder states the holder is authorised to learn to ride a class R motorbike under the licence.
- (2) Despite section 14, the holder is authorised under the licence to learn to ride a class R motorbike but only if the holder carries the certificate while riding the motorbike.

## **19 No authority to learn to drive if relevant order in effect**

This part does not authorise the holder of a Queensland driver licence to learn to drive a motor vehicle under the licence if a relevant order is in effect for the holder.

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

### **Part 1                Preliminary**

#### **20            When persons are eligible for Queensland driver licences**

- (1) A person is eligible for a Queensland driver licence only if the person is eligible for the licence under parts 2 to 5.
- (2) However, a person is not eligible for a Queensland driver licence if the person is not eligible for the licence under section 176, 180 or 181.
- (3) This section does not apply in relation to a restricted licence.

*Note—*

See sections 81 and 87 of the Act and part 8 for when a restricted licence must be issued.

### **Part 2                Eligibility requirements for class C and heavy vehicle class Queensland driver licences**

#### **Division 1            Preliminary**

#### **21            Application of part**

- (1) This part does not apply to a person if—
  - (a) the person is applying for a class HC Queensland driver licence and the chief executive has approved, under section 134, an application claiming the person has a special need for a class HC Queensland driver licence;
  - or

*Note—*

For when a person to whom this paragraph applies is eligible for a class HC Queensland driver licence, see part 5, division 2.

- (b) the person is applying for a Queensland driver licence as a returning driver under part 5, division 4.
- (2) Also, if the chief executive approves, under section 129, an application in relation to a person’s special need for a class C learner licence—
- (a) the person does not need to satisfy section 23(1)(a) to be eligible for a class C learner licence; and
  - (b) section 24 does not apply in relation to the person.
- (3) Further, if the chief executive approves, under section 129, an application in relation to a person’s special need for a class C provisional licence, the person does not need to satisfy an age requirement, experience requirement or 6-month HPT requirement to be eligible for a class C provisional licence.
- (4) In this section—

***age requirement*** means a requirement under section 28(a).

***experience requirement*** means a requirement under section 29(2)(b) or (c) or (3)(b) or 30(3)(b).

***6-month HPT requirement*** means a requirement under section 53(3)(a).

## 22 References to P1 type licence, P2 type licence and P type licence

- (1) In this part—
- (a) a reference to a P1 type licence includes a non-Queensland driver licence that corresponds to a P1 type licence; and
  - (b) a reference to a P2 type licence includes a non-Queensland driver licence that corresponds to a P2 type licence; and

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- (c) a reference to a P type licence includes a non-Queensland driver licence that corresponds to a P type licence.
- (2) Also, if the reference is to a P1 type licence, P2 type licence or P type licence of a stated class, the reference includes a non-Queensland driver licence that corresponds to a P1 type licence, P2 type licence or P type licence of the stated class.

## **Division 2                    Class C learner licences**

### **23            Eligibility requirements**

- (1) A person is eligible for a class C learner licence if the person—

- (a) is at least 16 years; and

*Note—*

For a person in relation to whom an application claiming special need for a class C learner licence has been approved under section 129, see also section 21(2).

- (b) passes a road rules test for the licence.

*Note—*

See also section 173.

- (2) Subsection (1)(b) does not apply if the person is not required to pass a road rules test for the class C learner licence under section 182 or 183.

### **24            Minimum age for road rules tests**

- (1) A person may enrol in and take an online road rules test for a class C learner licence only if the person is at least 15 years and 11 months.
- (2) A person may take a road rules test, other than an online road rules test, for a class C learner licence only if the person is at least 16 years.



*Note—*

For a person in relation to whom an application claiming special need for a class C learner licence has been approved under section 129, see also section 21(2).

## **Division 3                    Class C and heavy vehicle class provisional licences, probationary licences and open licences**

### **Subdivision 1            Preliminary**

#### **25            Application of division**

This division applies in relation to the following class C, or heavy vehicle class, Queensland driver licences—

- (a) a P1 provisional licence or P1 probationary licence;
- (b) a P2 provisional licence or P2 probationary licence;
- (c) a P probationary licence;
- (d) an open licence.

#### **26            Eligibility requirements**

- (1) A person is eligible for the Queensland driver licence if the person—
  - (a) is at least the minimum age stated for the licence in subdivision 2, 3 or 4; and
  - (b) satisfies, under subdivision 2, 3 or 4, the experience requirements for the licence; and
  - (c) passes each test and completes each course the person is required to pass or complete in relation to an application for the licence under subdivision 5.
- (2) This section applies subject to section 66.

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## **27 References to class C learner licence**

In this division, a reference to a class C learner licence includes a non-Queensland driver licence that corresponds to a class C learner licence.

## **Subdivision 2 Provisional licences**

### **28 Minimum ages**

For section 26(1)(a), the minimum age for—

- (a) a class C, or heavy vehicle class, P1 provisional licence is 17 years; and

*Note—*

For a person in relation to whom an application claiming special need for a class C provisional licence has been approved under section 129, see also section 21(3).

- (b) a class C, or heavy vehicle class, P2 provisional licence is 18 years.

### **29 Experience requirements for class C P1 provisional licences—persons who hold class C learner licences**

- (1) For section 26(1)(b), a person satisfies the experience requirements for a class C P1 provisional licence if the person satisfies—
  - (a) for a person who is a young driver to whom part 3 applies—subsection (2); or
  - (b) otherwise—subsection (3).
- (2) For subsection (1)(a), the person must—
  - (a) hold a class C learner licence; and
  - (b) if the person has satisfied the logbook requirements or the logbook requirements do not apply in relation to the person under section 78(3)—have held, within the period of 5 years before the person applies for the class

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- C P1 provisional licence, a class C learner licence for a period of at least 1 year; and
- (c) if the logbook requirements do not apply in relation to the person under section 83(1)(b)—have held, within the period of 5 years before the person applies for the class C P1 provisional licence, a class C learner licence for a period of at least 2 years; and
  - (d) be under 25 years when the person applies for the class C P1 provisional licence.
- (3) For subsection (1)(b), the person must—
- (a) hold a class C learner licence and a class RE or class R P1 provisional licence; and
  - (b) have held a class C learner licence for a period of at least 1 year within the period of 5 years before the person applies for the class C P1 provisional licence.
- (4) In this section, a reference to a class RE or class R P1 provisional licence includes a non-Queensland driver licence that corresponds to a class RE or class R P1 provisional licence.

*Notes—*

- 1 For a person in relation to whom an application claiming special need for a class C provisional licence has been approved under section 129, see also section 21(3).
- 2 For alternative experience requirements for a class C P1 provisional licence, see section 32.

**30 Experience requirements for class C P2 provisional licences—persons who hold class C P1 type licences or class C learner licences**

- (1) For section 26(1)(b), a person satisfies the experience requirements for a class C P2 provisional licence if the person satisfies subsection (2) or (3).
- (2) For subsection (1), the person must—
  - (a) hold a class C P1 type licence; and

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- (b) have held a class C P1 type licence for a period of at least 1 year within the last 5 years; and
  - (c) have been first granted a class C P1 type licence when the person was under 24 years.
- (3) Alternatively for subsection (1), the person must—
- (a) hold a class C learner licence; and
  - (b) have held a class C learner licence for a period of at least 1 year within the period of 5 years before the person applies for the class C P2 provisional licence; and

*Note—*

For a person in relation to whom an application claiming special need for a class C provisional licence has been approved under section 129, see also section 21(3).

- (c) either—
    - (i) be at least 25 years when the person applies for the class C P2 provisional licence; or
    - (ii) hold a class RE or class R P2 provisional licence.
- (4) However, if the person holds a class C P1 probationary licence, or a non-Queensland driver licence that corresponds to a class C P1 probationary licence, the person does not satisfy subsection (2) if the person—
- (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.
- (5) In this section, a reference to a class RE or class R P2 provisional licence includes a non-Queensland driver licence that corresponds to a class RE or class R P2 provisional licence.

*Note—*

For alternative experience requirements for a class C P2 provisional licence, see sections 32 and 33.

**31 Experience requirements for heavy vehicle class P2 provisional licences—persons who hold heavy vehicle class P1 type licences**

- (1) For section 26(1)(b), a person satisfies the experience requirements for a heavy vehicle class P2 provisional licence if the person—
  - (a) holds a heavy vehicle class P1 type licence of the same class as the P2 provisional licence; and
  - (b) has held the heavy vehicle class P1 type licence, and any other class C, or heavy vehicle class, P1 type licences, for a total period of at least 1 year within the last 5 years; and
  - (c) was first granted a class C P1 type licence when the person was under 24 years.
- (2) However, if the person holds a heavy vehicle class P1 probationary licence, or a non-Queensland driver licence that corresponds to a heavy vehicle class P1 probationary licence, the person does not satisfy the experience requirements for a heavy vehicle class P2 provisional licence under subsection (1) if the person—
  - (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.

*Note—*

For alternative experience requirements for a heavy vehicle class P2 provisional licence, see sections 32 and 33.

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**32 Alternative experience requirements for class C and heavy vehicle class P1 and P2 provisional licences—persons who hold or have held provisional licences of same class and type**

- (1) For section 26(1)(b), a person satisfies the experience requirements for a class C, or heavy vehicle class, P1 or P2 provisional licence if the person—
- (a) has held, within the period of 5 years before the person applies for the provisional licence, a provisional licence of the same class and type as the licence being applied for; or
  - (b) has held, within the period of 5 years before the person applies for the provisional licence, a non-Queensland driver licence that corresponds to a provisional licence of the class and type being applied for; or
  - (c) holds a non-Queensland driver licence that corresponds to a provisional licence of the class and type being applied for.

*Example—*

A person who, within the period of 5 years before applying for a class C P1 provisional licence, held a class C P1 provisional licence is eligible under paragraph (a) for another class C P1 provisional licence.

- (2) However, the person does not satisfy subsection (1)(a) or (b) if the person—
- (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person's period of disqualification ended; and
  - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.

*Note—*

See also section 33 and subdivision 3.

**33 Alternative experience requirements for class C and heavy vehicle class P2 provisional licences—persons who have held probatory licences for at least 1 year**

- (1) This section applies if a person—
  - (a) held a class C, or heavy vehicle class, P1 type licence or P2 type licence that was cancelled because the person was disqualified from holding or obtaining a driver licence; and
  - (b) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person's period of disqualification ended.
- (2) For section 26(1)(b), the person satisfies the experience requirements for a class C, or heavy vehicle class, P2 provisional licence if the person satisfies subsection (3) or (4).
- (3) For subsection (2), the person must—
  - (a) hold a P2 probatory licence of the same class as the P2 provisional licence; and
  - (b) have held the P2 probatory licence, and any other probatory licences or non-Queensland driver licences that correspond to a probatory licence, for a total period of at least 1 year since the person's period of disqualification ended.

*Example for subsection (3)—*

A person who held a class C P2 provisional licence was disqualified from holding or obtaining a driver licence. Since the person's period of disqualification ended, the person was granted a class C P2 probatory licence on the basis that the person was eligible for the licence under section 35. If the person has held the class C P2 probatory licence for a period of 1 year, the person satisfies subsection (3).

- (4) Alternatively for subsection (2), the person must—

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- (a) have held, within the period of 5 years before the person applies for the P2 provisional licence, a P2 probationary licence of the same class as the P2 provisional licence; and
  - (b) have held the P2 probationary licence, and any other probationary licences or non-Queensland driver licences that correspond to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.
- (5) In this section, a reference to a P2 probationary licence of a stated class includes a non-Queensland driver licence that corresponds to a P2 probationary licence of the stated class.

### **Subdivision 3 Probationary licences**

#### **34 Minimum ages**

For section 26(1)(a), the minimum age for—

- (a) a class C, or heavy vehicle class, P1 probationary licence is 17 years; and
- (b) a class C, or heavy vehicle class, P2 probationary licence is 18 years.

#### **35 Experience requirements for class C and heavy vehicle class probationary licences after cancellation of provisional licences and probationary licences**

- (1) This section applies if—
- (a) a person applies for a class C, or heavy vehicle class, probationary licence; and
  - (b) the person has held, within the period of 5 years before the person applies for the licence, a class C, or heavy vehicle class, provisional licence or probationary licence that was cancelled because the person was disqualified from holding or obtaining a driver licence (the *cancelled licence*); and



- (c) the person's period of disqualification has ended; and
  - (d) the person has not held a class C, or heavy vehicle class, provisional licence, probationary licence or O type licence since the person's period of disqualification ended.
- (2) For section 26(1)(b), the person satisfies the experience requirements for a class C, or heavy vehicle class, probationary licence that is—
- (a) if the cancelled licence was a Queensland driver licence—of the same class and type as the cancelled licence; or
  - (b) if the cancelled licence was a non-Queensland driver licence—of a class and type that corresponds to the cancelled licence.
- (3) In subsection (1)(b) and (d)—
- (a) a reference to a class C, or heavy vehicle class, provisional licence includes a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, provisional licence; and
  - (b) a reference to a class C, or heavy vehicle class, probationary licence includes a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, probationary licence.

**36 Experience requirements for class C and heavy vehicle class P probationary licences after cancellation of O type licences**

- (1) This section applies if—
- (a) a person applies for a class C, or heavy vehicle class, probationary licence; and
  - (b) the person has held, within the period of 5 years before the person applies for the licence, a class C, or heavy vehicle class, O type licence that was cancelled because the person was disqualified from holding or obtaining a driver licence (the *cancelled licence*); and

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- (c) the person's period of disqualification has ended; and
  - (d) the person has not held a class C, or heavy vehicle class, provisional licence, probationary licence or O type licence since the person's period of disqualification ended.
- (2) For section 26(1)(b), the person satisfies the experience requirements for a class C, or heavy vehicle class, P probationary licence of the same class as the cancelled licence.
- (3) In subsection (1)(d)—
- (a) a reference to a class C, or heavy vehicle class, provisional licence includes a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, provisional licence; and
  - (b) a reference to a class C, or heavy vehicle class, probationary licence includes a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, probationary licence.

**37 Experience requirements for class C P1 probationary licences—persons who hold class C learner licences and class RE or class R P1 probationary licences**

- (1) For section 26(1)(b), a person satisfies the experience requirements for a class C P1 probationary licence if the person—
- (a) holds a class C learner licence and a class RE or class R P1 probationary licence; and
  - (b) has held a class C learner licence for a period of at least 1 year within the period of 5 years before the person applies for the class C P1 probationary licence.
- (2) In this section, a reference to a class RE or class R P1 probationary licence includes a non-Queensland driver licence that corresponds to a class RE or class R P1 probationary licence.

*Note—*

For alternative experience requirements for a class C P1 probationary licence, see section 41.

**38 Experience requirements for class C P2 probationary licences—persons who hold class C P1 probationary licences or learner licences**

- (1) For section 26(1)(b), a person satisfies the experience requirements for a class C P2 probationary licence if the person satisfies subsection (2) or (3).
- (2) For subsection (1), the person must—
  - (a) hold a class C P1 probationary licence; and
  - (b) have held the class C P1 probationary licence, and any other class C, or heavy vehicle class, P1 type licences, for a total period of at least 1 year within the last 5 years; and
  - (c) have been first granted a class C P1 type licence when the person was under 24 years.
- (3) Alternatively for subsection (1), the person must—
  - (a) hold a class C learner licence and a class RE or class R P2 probationary licence; and
  - (b) have held a class C learner licence for a period of at least 1 year within the period of 5 years before the person applies for the class C P2 probationary licence.
- (4) In this section—
  - (a) a reference to a class C P1 probationary licence includes a non-Queensland driver licence that corresponds to a class C P1 probationary licence; and
  - (b) a reference to a class RE or class R P2 probationary licence includes a non-Queensland driver licence that corresponds to a class RE or class R P2 probationary licence.

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*Note—*

For alternative experience requirements for a class C P2 probationary licence, see section 41.

**39 Experience requirements for heavy vehicle class P2 probationary licences—persons who hold heavy vehicle class P1 probationary licences**

- (1) For section 26(1)(b), a person satisfies the experience requirements for a heavy vehicle class P2 probationary licence if the person—
  - (a) holds a heavy vehicle class P1 probationary licence of the same class as the P2 probationary licence; and
  - (b) has held the heavy vehicle class P1 probationary licence, and any other class C, or heavy vehicle class, P1 type licences, for a total period of at least 1 year within the last 5 years; and
  - (c) was first granted a class C P1 type licence when the person was under 24 years.
- (2) In this section, a reference to a heavy vehicle class P1 probationary licence includes a non-Queensland driver licence that corresponds to a heavy vehicle class P1 probationary licence.

*Note—*

For alternative experience requirements for a heavy vehicle class P2 probationary licence, see section 41.

**40 Experience requirements for class C P probationary licences—persons who hold learner licences and class RE or class R P probationary licences**

- (1) For section 26(1)(b), a person satisfies the experience requirements for a class C P probationary licence if the person—
  - (a) holds a class C learner licence and a class RE or class R P probationary licence; and

- (b) has held a class C learner licence for a period of at least 1 year within the period of 5 years before the person applies for the class C P probationary licence.
- (2) In this section, a reference to a class RE or class R P probationary licence includes a non-Queensland driver licence that corresponds to a class RE or class R P probationary licence.

*Note—*

For alternative experience requirements for a class C P probationary licence, see section 41.

**41 Alternative experience requirements for class C and heavy vehicle class probationary licences—persons who hold or have held probationary licences of same class and type**

For section 26(1)(b), a person satisfies the experience requirements for a class C, or heavy vehicle class, probationary licence if the person—

- (a) has held, within the period of 5 years before the person applies for the probationary licence, a probationary licence of the same class and type as the licence being applied for; or
- (b) holds or has held, within the period of 5 years before the person applies for the probationary licence, a non-Queensland driver licence that corresponds to a probationary licence of the class and type being applied for.

## **Subdivision 4 Open licences**

**42 Application of subdivision**

This subdivision applies in relation to a class C, or heavy vehicle class, open licence.

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### **43 Minimum age**

For section 26(1)(a), the minimum age for the open licence is 20 years.

### **44 Experience requirements**

For section 26(1)(b), a person satisfies the experience requirements for the open licence if the person satisfies 1 or more of sections 45 to 52.

### **45 Persons who hold P1 type licences**

- (1) For section 44, the person must—
  - (a) hold a P1 type licence of the same class as the open licence; and
  - (b) have held the P1 type licence, and any other class C, or heavy vehicle class, P1 type licences, for a total period of at least 1 year within the last 5 years; and
  - (c) have been first granted a class C P1 type licence when the person was at least 24 years but under 25 years.
- (2) However, if the person holds a class C, or heavy vehicle class, P1 probationary licence, or a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P1 probationary licence, the person does not satisfy subsection (1) if the person—
  - (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.

### **46 Persons who hold P2 type licences—generally**

- (1) For section 44, the person must—

- (a) hold a P2 type licence of the same class as the open licence; and
  - (b) have held the P2 type licence, and any other class C, or heavy vehicle class, P2 type licences, for a total period of at least the following within the last 5 years—
    - (i) if the person was first 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;
    - (ii) otherwise—1 year.
- (2) This section does not apply to a person to whom section 47 applies.

#### **47 Persons who hold P2 type licences if earlier P2 type licence cancelled**

- (1) This section applies to a person who has held, within the last 5 years, a class C, or heavy vehicle class, P2 type licence that was cancelled because the person was disqualified from holding or obtaining a driver licence (the *cancelled licence*).
- (2) For section 44, the person must—
- (a) hold a P2 type licence of the same class as the open licence; and
  - (b) have held the P2 type licence, and any other class C, or heavy vehicle class, P2 type licences granted since the person's period of disqualification ended, for a total period of at least—
    - (i) if the person was first 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—the period mentioned in subsection (3);  
or
    - (ii) otherwise—1 year.
- (3) For subsection (2)(b)(i), the period is the longer of the following—

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- (a) 2 years less the period the person held the cancelled licence, and the period the person held any other class C, or heavy vehicle class, P2 type licences before the person was disqualified;
- (b) 1 year.

**48 Persons who hold P probationary licences or have held P restricted licences if earlier P type licences or O type licences cancelled**

- (1) This section applies to a person who has held a class C, or heavy vehicle class, P type licence or O type licence that was cancelled because the person was disqualified from holding or obtaining a driver licence (the *cancelled licence*).
- (2) For section 44, the person must—
  - (a) either—
    - (i) hold a P probationary licence of the same class as the open licence; or
    - (ii) have held, since the cancellation of the cancelled licence and within the last 5 years, a P restricted licence of the same class as the open licence; and
  - (b) have held, since the cancellation of the cancelled licence and within the last 5 years, the P probationary licence or P restricted licence, and any other P type licences, for a total period of at least 1 year.
- (3) In subsection (2)—
  - (a) a reference to a P probationary licence of a stated class includes a non-Queensland driver licence that corresponds to a P probationary licence of the stated class; and
  - (b) a reference to a P restricted licence of a stated class includes a non-Queensland driver licence that corresponds to a P restricted licence of the stated class.



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**49 Persons who hold P1 type licences and were granted P1 type licences as returning drivers**

- (1) For section 44, the person must—
  - (a) hold a P1 type licence of the same class as the open licence; and
  - (b) have held the P1 type licence, and any other class C, or heavy vehicle class, P1 type licences, for a total period of at least 1 year within the last 5 years; and
  - (c) have been granted, when the person was at least 25 years, a class C, or heavy vehicle class, P1 type licence, in relation to an application as a returning driver, on the basis that the person was eligible for the licence under section 171(3).
- (2) However, if the person holds a class C, or heavy vehicle class, P1 probationary licence, or a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P1 probationary licence, the person does not satisfy subsection (1) if the person—
  - (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.

**50 Persons who hold P1 type licences or P2 type licences granted as returning drivers and eligible for class RE or class R open licences**

For section 44, the person must—

- (a) hold a P1 type licence, or P2 type licence, of the same class as the open licence; and
- (b) have been granted the P1 type licence, or P2 type licence, in relation to an application as a returning driver, on the basis that the person was eligible for the licence under section 171(7); and

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- (c) be eligible for a class RE or class R open licence.

**51 Persons who hold class C learner licences and class RE or class R O type licences**

- (1) This section applies in relation to a class C open licence.
- (2) For section 44, the person must—
  - (a) hold a class C learner licence and a class RE or class R O type licence; and
  - (b) have held a class C learner licence for a period of at least 1 year within the period of 5 years before the person applies for the class C open licence.

**52 Recognition of past licences and non-Queensland driver licences**

- (1) For section 44, the person must—
  - (a) have held, within the period of 5 years before the person applies for the open licence, an O type licence of the same class as the licence being applied for; or
  - (b) hold a non-Queensland driver licence that corresponds to an open licence of the class being applied for.
- (2) However, the person does not satisfy subsection (1)(a) if the person—
  - (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held an O type licence since the person's period of disqualification ended; and
  - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.

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## Subdivision 5 Tests

### 53 Testing requirements for class C learner licence holders

- (1) This section applies to a person who—
  - (a) applies for a class C Queensland driver licence mentioned in section 25; and
  - (b) holds a class C learner licence.
- (2) For section 26(1)(c), the person must pass—
  - (a) a hazard perception test for a class C motor vehicle; and
  - (b) a practical driving test in a class C motor vehicle, unless the person is not required to pass a practical driving test for the class C Queensland driver licence under section 184, 185 or 186.

*Note—*

For when a young driver to whom part 3 applies may take a practical driving test in relation to an application for a class C P1 provisional licence, see also section 84.

- (3) The hazard perception test must be taken—
  - (a) after the person has held the class C learner licence for a period of at least 6 months; and

*Note—*

For a person in relation to whom an application claiming special need for a class C provisional licence has been approved under section 129, see also section 21(3).

- (b) either—
  - (i) before the person takes the practical driving test; or
  - (ii) if the person is not required to pass a practical driving test for the class C Queensland driver licence—before the person applies for the licence.

### 54 Testing requirements for foreign driver licence holders

- (1) This section applies to a person who—

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- (a) applies for a class C, or heavy vehicle class, Queensland driver licence mentioned in section 25; and
  - (b) holds or has held, within the period of 5 years before the person applies for the Queensland driver licence, a foreign driver licence of a class or kind (however described) that corresponds to the class of the Queensland driver licence applied for.
- (2) For section 26(1)(c), the person must—
- (a) pass each road rules test for the Queensland driver licence, unless the person is not required to pass a road rules test for the licence under section 182 or 183; and
  - (b) either—
    - (i) for a class C, LR, MR, HR or HC Queensland driver licence—pass a practical driving test in a motor vehicle of a class that corresponds to the class of the licence; or
    - (ii) for a class MC Queensland driver licence—successfully complete a training course, in driving a class MC motor vehicle, approved by the chief executive.
- (3) Subsection (2)(b) applies subject to sections 184 to 187.

## **Division 4                      Eligibility for new class of particular Queensland driver licences**

### **Subdivision 1                  Preliminary**

#### **55                  Purpose of division**

This division states when a person is eligible for—

- (a) a heavy vehicle class Queensland driver licence that is of a higher class than the driver licence the person holds (a *higher class licence*); or

- (b) a class C, or heavy vehicle class, Queensland driver licence that is of a lower class than the driver licence the person holds or has held (a *lower class licence*).

## 56 Eligibility requirements

- (1) A person is eligible for a higher class licence if the person—
  - (a) satisfies, under section 57, the experience requirements for the licence; and
  - (b) complies with section 58.
- (2) A person is eligible for a lower class licence if the person—
  - (a) satisfies, under section 61, the experience requirements for the licence; and
  - (b) passes each test the person is required to pass for the licence under section 62.
- (3) This section applies subject to sections 59, 60, 63 and 64.

## Subdivision 2 Higher class licences

### 57 Experience requirements for higher class licences

- (1) For section 56(1)(a), a person satisfies the experience requirements for a higher class licence stated in column 3 of the following table if the person—
  - (a) holds a class C, or heavy vehicle class, provisional licence, probationary licence or O type licence; and
  - (b) has held, within the period of 5 years before the person applies for the higher class licence, a provisional licence, probationary licence or O type licence—
    - (i) of the qualifying class stated in column 1 opposite the higher class licence; and
    - (ii) for a total period of at least the period stated in column 2 opposite the higher class licence.

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<b>Column 1 Qualifying class</b>	<b>Column 2 Minimum period</b>	<b>Column 3 Higher class licence</b>
class C	1 year	class LR Queensland driver licence
class C	1 year	class MR Queensland driver licence
class C	2 years	class HR Queensland driver licence
class LR or class MR	1 year	class HR Queensland driver licence
class MR or class HR	1 year	class HC Queensland driver licence
class HR or class HC	1 year	class MC Queensland driver licence

- (2) If more than 1 qualifying class is stated in column 1 opposite a higher class licence, the person satisfies subsection (1)(b) if the person has held, within the period of 5 years before the person applies for the higher class licence and for a total period of at least the period stated in column 2 opposite the higher class licence—
- (a) a driver licence mentioned in the subsection of either qualifying class; or
  - (b) driver licences mentioned in the subsection of each qualifying class.
- (3) In this section—
- (a) a reference to a provisional licence of a stated class includes a non-Queensland driver licence that corresponds to a provisional licence of the stated class; and
  - (b) a reference to a probationary licence of a stated class includes a non-Queensland driver licence that corresponds to a probationary licence of the stated class.

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## 58 Tests for higher class licences

- (1) For section 56(1)(b), a person who applies for a higher class licence must—
  - (a) pass each road rules test for the licence, unless the person is not required to pass a road rules test for the licence under section 182; and
  - (b) either—
    - (i) if the higher class licence is a class LR, MR, HR or HC Queensland driver licence—pass a practical driving test in a motor vehicle of a class that corresponds to the class of the licence; or
    - (ii) if the higher class licence is a class MC Queensland driver licence—comply with subsection (2).
- (2) For subsection (1)(b)(ii), the person must—
  - (a) successfully complete a training course, in driving a class MC motor vehicle, approved by the chief executive; or
  - (b) if the person holds a class HC licence—produce a declaration, in the approved form, confirming the person’s ability to drive a B-double or road train.
- (3) Subsection (1)(b) applies subject to sections 184, 185 and 187.
- (4) In this section—

*class HC licence* means—

  - (a) a class HC Queensland driver licence; or
  - (b) an interstate driver licence that corresponds to a class HC Queensland driver licence.

**59 Categories and types of higher class licences for Queensland driver licence holders**

- (1) This section applies if a person holds a class C, or heavy vehicle class, Queensland driver licence (the *current licence*) and is eligible for a higher class licence under this division.
- (2) The person is eligible for a higher class licence that is the same category and type as the current licence.

**60 Categories and types of higher class licences for non-Queensland driver licence holders**

- (1) This section applies if a person—
  - (a) holds a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, Queensland driver licence (the *current licence*); and
  - (b) is eligible for a higher class licence under this division.
- (2) The person is eligible for a higher class licence that is of a category and type that corresponds to the current licence, but only if the person is at least the minimum age stated for the higher class licence in division 3, subdivision 2, 3 or 4.

**Subdivision 3 Lower class licences**

**61 Experience requirements for lower class licences**

- (1) For section 56(2)(a), a person satisfies the experience requirements for a lower class licence if the person holds or has held, within the period of 5 years before the person applies for the lower class licence, a relevant driver licence that is of a higher class than the lower class licence.
- (2) For subsection (1), a relevant driver licence that is a non-Queensland driver licence is of a higher class than a lower class licence if the non-Queensland driver licence corresponds to a Queensland driver licence of a class that is higher than the class of the lower class licence.



*Example—*

A non-Queensland driver licence that corresponds to a class LR Queensland driver licence is of a higher class than a lower class licence that is a class C Queensland driver licence.

(3) In this section—

***relevant driver licence*** means—

- (a) a heavy vehicle class provisional licence, probationary licence or open licence; or
- (b) a non-Queensland driver licence that corresponds to a heavy vehicle class Queensland driver licence mentioned in paragraph (a).

## **62 Tests for lower class licences—foreign driver licence holders**

- (1) This section applies to a person who applies for a lower class licence if the person—
  - (a) holds a foreign driver licence; or
  - (b) has held a foreign driver licence within the period of 5 years before the person applies for the lower class licence.
- (2) For section 56(2)(b), the person must pass—
  - (a) each road rules test for the lower class licence, unless the person is not required to pass a road rules test for the licence under section 182 or 183; and
  - (b) a practical driving test in a motor vehicle of a class that corresponds to the class of the lower class licence.
- (3) Subsection (2)(b) applies subject to sections 184 to 187.

## **63 Categories and types of lower class licences for current and past Queensland driver licence holders**

- (1) This section applies to a person who applies for a lower class licence if the person—

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- (a) holds a heavy vehicle class Queensland driver licence (the *current licence*), or has held a heavy vehicle class Queensland driver licence (the *previous licence*) within the period of 5 years before the person applies for the lower class licence; and
  - (b) is eligible for the lower class licence under this division.
- (2) The person is eligible for a lower class licence that is the same category and type as the current licence or previous licence.
- (3) Subsection (4) applies if the person—
- (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person's period of disqualification ended; and
  - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.
- (4) Despite subsection (2)—
- (a) the only category of Queensland driver licence the person is eligible for is a probationary licence; and
  - (b) if the person's previous licence was an open licence—the person is eligible for a P probationary licence only.

#### **64 Categories and types of lower class licences for current and past non-Queensland driver licence holders**

- (1) This section applies to a person who applies for a lower class licence if the person—
- (a) either—
    - (i) holds a non-Queensland driver licence that corresponds to a heavy vehicle class Queensland driver licence (the *current licence*); or

- (ii) has held, within the period of 5 years before the person applies for the lower class licence, a non-Queensland driver licence that corresponds to a heavy vehicle class Queensland driver licence (the *previous licence*); and
  - (b) is eligible for the lower class licence under this division.
- (2) The person is eligible for a lower class licence that is of a category and type that corresponds to the current licence or previous licence, but only if the person is at least the minimum age stated for the lower class licence in division 3, subdivision 2, 3 or 4.
- (3) Subsection (4) applies if the person—
- (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person’s period of disqualification ended; and
  - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.
- (4) Despite subsection (2)—
- (a) the only category of Queensland driver licence the person is eligible for is a probationary licence; and
  - (b) if the person’s previous licence was an O type licence—the person is eligible for a P probationary licence only.

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

### Division 1                **Preliminary**

#### 65      **Application and purpose of part**

- (1) This part applies in relation to a person (a *young driver*) who—
  - (a) is under 25 years; and
  - (b) holds a class C learner licence; and
  - (c) does not hold a relevant class RE licence or relevant class R licence.
- (2) However, this part does not apply in relation to a person applying for a Queensland driver licence as a returning driver under part 5, division 4.
- (3) The purpose of this part is to state eligibility requirements for young drivers for class C P1 provisional licences that are in addition to the eligibility requirements stated in part 2.
- (4) In this section—

*class C learner licence* includes a non-Queensland driver licence that corresponds to a class C learner licence.

*relevant class RE licence* means—

- (a) a class RE P1 type licence, P2 type licence, P type licence or open licence; or
- (b) a non-Queensland driver licence that corresponds to a Queensland driver licence mentioned in paragraph (a).

*relevant class R licence* means—

- (a) a class R P1 type licence, P2 type licence, P type licence or open licence; or

- (b) a non-Queensland driver licence that corresponds to a Queensland driver licence mentioned in paragraph (a).

## **Division 2                      Logbook requirements and logbook entries**

### **66            Logbook requirements**

- (1) A young driver is eligible for a class C P1 provisional licence only if the following apply—
  - (a) the young driver completes 100 hours of supervised driving in a car on a road in Australia;
  - (b) at least 10 hours of the supervised driving is at night;
  - (c) the young driver records details of the supervised driving in a logbook;
  - (d) the details recorded in the logbook are verified by a supervisor under section 68(1);
  - (e) the chief executive approves the young driver's completed logbook under section 70.
- (2) For subsection (1)(a), the hours of supervised driving must be completed while the young driver holds a class C learner licence.

*Note—*

For credit for driving while the young driver held an interstate licence, New Zealand licence or recognised country licence, see division 4.

- (3) In calculating, for subsection (1)(a), the number of hours of supervised driving completed by the young driver, each hour or part of an hour, up to 10 hours, of supervised driving in a car on a road in Australia that is supervised by a driver trainer is to be multiplied by 3.

*Examples—*

- 1 A young driver completes 7.5 hours of supervised driving in a car on a road in Australia that is supervised by a driver trainer. In calculating, for subsection (1)(a), the number of hours of

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supervised driving completed by the young driver, the 7.5 hours is to be multiplied by 3 to equal 22.5 hours of supervised driving.

- 2 A young driver completes 11 hours of supervised driving in a car on a road in Australia that is supervised by a driver trainer. In calculating, for subsection (1)(a), the number of hours of supervised driving completed by the young driver, 10 of the 11 hours is to be multiplied by 3 to equal 30 hours of supervised driving.

*Note—*

See also section 76(4).

- (4) Subsection (1)(b) does not apply if the young driver has given a notice to the chief executive under section 177 or 178 about a mental or physical incapacity that is likely to adversely affect the young driver's ability to drive safely at night.
- (5) This section applies subject to sections 78(2) and (3), 83(1)(b) and section 175(3)(a).

## **67 Logbooks made available by chief executive**

- (1) The chief executive must make a logbook in paper form available for use by a young driver when the chief executive—
  - (a) grants the young driver a class C learner licence; and
  - (b) if the chief executive renews the young driver's class C learner licence—renews the licence.
- (2) No fee is payable for a logbook made available under subsection (1).
- (3) Also, the chief executive may make a logbook 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 this section remains the property of the State even if a fee is paid for making the logbook available for use.
- (5) If a young driver's logbook is not a logbook made available under this section, the logbook becomes the property of the

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State when the logbook is given to the chief executive for approval as a completed logbook under section 69.

## 68 Verification of logbook entries

- (1) A young driver must ensure the supervisor of the young driver for a driving session—
  - (a) checks the correctness of details recorded in the young driver's logbook (a **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) A person must not verify, in the required way, a logbook entry in a young driver's logbook unless the person was the young driver's supervisor for a driving session and the entry is about the driving session.

Maximum penalty—60 penalty units.

- (4) In this section—

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

**required way**, for verifying a logbook entry, 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 the person's approval of the entry.

## Division 3                      Approval of completed logbooks

### 69            Applications for approval of completed logbooks

- (1) A young driver may apply to the chief executive for approval of the young driver's completed logbook.

*Note—*

See chapter 14, part 1 for requirements about the application.

- (2) A logbook is a ***completed logbook*** 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) for a logbook other than a logbook in which details have been wholly recorded and verified, as required under section 68(1), by using an electronic system—all of the pages of the logbook are in hard copy and attached together.

### 70            Deciding applications

- (1) The chief executive must decide to approve, or refuse to approve, the completed logbook.
- (2) The chief executive may approve the completed logbook only if satisfied the requirements under section 66(1)(a) to (d) that apply to the young driver have been satisfied by the young driver.
- (3) Without limiting subsection (1), the chief executive may refuse to approve the completed logbook if the chief executive believes the completed logbook is false or misleading in a material particular.
- (4) Subsection (1) does not apply if the application for the completed logbook is cancelled under section 383(4).



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**71 Decisions to approve or refuse to approve completed logbooks**

- (1) If the chief executive approves the completed logbook, the chief executive must give the young driver written notice of the decision.
- (2) If the chief executive refuses to approve the completed logbook, the chief executive must give the young driver an information notice for the decision.
- (3) If the refusal is on a ground mentioned in section 70(3), the information notice for the decision must state the reasons the chief executive believes the logbook is false or misleading in a material particular.

**72 When completed logbooks taken to have been approved**

- (1) The chief executive is taken to have approved a completed logbook if the chief executive does not decide the application for the logbook within—
  - (a) if further information or documents are requested under section 383(1)—28 days after the day the chief executive receives the information or documents; or
  - (b) otherwise—28 days after the day the chief executive receives the application.
- (2) This section does not apply if the application for the completed logbook is cancelled under section 383(4).

**Division 4 Credit for other supervised driving**

**73 Application of division**

This division applies to a young driver who holds or has held—

- (a) an interstate licence that corresponds to a class C learner licence; or

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- (b) a New Zealand licence that corresponds to a class C learner licence; or
- (c) a recognised country licence that corresponds to a class C learner licence.

## **74 Applications for credit for other supervised driving**

- (1) A young driver mentioned in section 73(a) or (b) may apply 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 driver while the driver held the interstate licence or New Zealand licence.

*Note—*

See section 75 and chapter 14, part 1 for requirements about the application.

- (2) A young driver mentioned in section 73(c) may apply to the chief executive for credit for up to 50 hours of supervised driving in a car on a road in a recognised country completed by the driver while the driver held the recognised country licence.

*Note—*

See section 75 and chapter 14, part 1 for requirements about the application.

## **75 Requirements for applications**

- (1) An application under section 74 must be accompanied by documentary evidence of the hours of supervised driving for which the applicant 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, as defined under section 76(5), or a driver training school

- (2) If the applicant has also completed hours of supervised driving for section 66(1)(a) that is recorded in a logbook, the applicant must make the application under section 74 and the

application under section 69 for approval of the completed logbook at the same time.

## **76 When additional credit for supervision by driver trainers may be applied for**

- (1) This section applies to the extent the application under section 74 is for credit for supervised driving that was supervised by a driver trainer.
- (2) For each hour or part of an hour, up to 10 hours, of supervised driving that was supervised by a driver trainer, the applicant may apply for credit for 3 times that amount of supervised driving.

*Examples—*

- 1 A young driver who holds a New Zealand licence has undertaken 7.5 hours of supervised driving, in a car on a road in New Zealand, that was supervised by a driver trainer. The young driver may apply for credit for 22.5 hours of supervised driving.
  - 2 A young driver who holds a New Zealand licence has undertaken 11 hours of supervised driving, in a car on a road in New Zealand, that was supervised by a driver trainer. The young driver may apply for credit for 30 hours of supervised driving.
- (3) Subsection (4) applies if—
    - (a) section 66(3) applies in relation to other supervised driving, that is supervised by a driver trainer, completed by the applicant for section 66(1)(a) and recorded in the applicant's logbook; and
    - (b) the total number of hours of supervised driving, that is supervised by a driver trainer, mentioned in paragraph (a) and that is the subject of the application under section 74 is more than 10 hours.
  - (4) Despite subsection (2) and section 66(3), the total number of hours of supervised driving that may be multiplied by 3 under subsection (2) and section 66(3) is 10 hours.

*Example—*

While holding an interstate licence, a young driver completes 8 hours of supervised driving in a car on a road in Australia that was supervised by

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a driver trainer. While holding a class C learner licence, the young driver then completes an additional 4 hours of supervised driving in a car on a road in Australia that was supervised by a driver trainer. The total number of hours of supervised driving that was supervised by a driver trainer is 12 hours. The young driver may apply under subsection (2) for credit for 24 hours of supervised driving. Two of the 4 hours of supervised driving under the class C learner licence may then be multiplied by 3 under section 66(3) to equal 6 hours of supervised driving for section 66(1)(a).

(5) In this section—

*driver trainer* includes a person accredited (however described) under a law of another country that provides for accrediting persons as trainers of drivers.

## 77 Deciding applications

- (1) The chief executive must decide to—
  - (a) approve the application, in whole or in part; or
  - (b) refuse to approve the application.
- (2) Without limiting subsection (1), the chief executive may refuse to approve the application if the chief executive believes a document provided by the applicant to the chief executive in relation to the application is false or misleading in a material particular.
- (3) This section does not apply if the application is cancelled under section 383(4).

## 78 Decisions to approve applications

- (1) If the chief executive decides to approve the application, in whole or in part, the chief executive must give the applicant a written notice stating—
  - (a) the number of hours of supervised driving the applicant receives credit for; and
  - (b) the number of hours of supervised driving at night the applicant receives credit for.

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- (2) A young driver who receives a notice under subsection (1) must complete the following hours of supervised driving under section 66(1)(a) and (b)—
- (a) 100 hours of supervised driving less the number of hours of supervised driving the young driver has received credit for under subsection (1)(a);
- Examples—*
- 1 A young driver who receives, under subsection (1)(a), credit for 20 hours of supervised driving must complete 80 hours of supervised driving under section 66(1)(a).
  - 2 A young driver who receives, under subsection (1)(a), credit for 100 hours of supervised driving does not need to complete any hours of supervised driving under section 66(1)(a).
- (b) 10 hours of supervised driving at night less the number of hours of supervised driving at night the young driver has received credit for under subsection (1)(b).
- (3) If, under subsection (2), a young driver is not required to complete any hours of supervised driving under section 66(1)(a) and (b), the logbook requirements do not apply in relation to the young driver.

## **79 Decisions to refuse to approve applications**

- (1) If the chief executive decides to refuse to approve any part of the application, the chief executive must give the applicant an information notice for the decision.
- (2) If the refusal is on a ground mentioned in section 77(2), the information notice for the decision must state the reasons the chief executive believes a document provided by the applicant to the chief executive in relation to the application is false or misleading in a material particular.

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## **80 When applications taken to have been approved**

- (1) The chief executive is taken to have decided to approve the whole of the application if the chief executive does not decide the application within—
  - (a) if further information or documents are requested under section 383(1)—28 days after the day the chief executive receives the information or documents; or
  - (b) otherwise—28 days after the day the chief executive receives the application.
- (2) This section does not apply if the application is cancelled under section 383(4).

## **Division 5 Exemptions from logbook requirements**

### **81 Applications for exemptions from logbook requirements**

A young driver may apply to the chief executive for an exemption from the logbook requirements.

*Note—*

See chapter 14, part 1 for requirements about the application.

### **82 Deciding applications for exemptions**

- (1) The chief executive must deal with the application in a timely way and decide to give, or refuse to give, the exemption.
- (2) The chief executive may give the exemption only if satisfied—
  - (a) either or both of the following is not reasonably available to the applicant to satisfy the requirement under section 66(1)(a)—
    - (i) a car to drive on a road in Australia;
    - (ii) a person to be a supervisor of the young driver; or

- (b) the following applies—
  - (i) the applicant lives in an area with a limited road network;  
*Example of an area with a limited road network—*  
an island with a single road around the island
  - (ii) there is no significant benefit for the applicant to satisfy the logbook requirements by driving a car on the road network;
  - (iii) there is no reasonable likelihood of the applicant moving from the area or having an opportunity to drive a car in an area with a diverse road network.
- (3) In deciding whether to give the exemption, the chief executive must also consider the applicant's traffic history.
- (4) Subsection (1) does not apply if the application is cancelled under section 383(4).

### **83 Decisions to give or refuse to give exemptions**

- (1) If the chief executive decides to give the exemption—
  - (a) the chief executive must give the applicant written notice of the decision; and
  - (b) the logbook requirements do not apply in relation to the applicant.
- (2) If the chief executive decides to refuse to give the exemption, the chief executive must give the applicant an information notice for the decision.

## **Division 6                      Practical driving tests in relation to applications for class C P1 provisional licences**

### **84            When practical driving tests in relation to applications for class C P1 provisional licences may be taken**

- (1) A young driver may take a practical driving test required under section 53(2)(b) in relation to an application for a class C P1 provisional licence only after—
  - (a) the young driver satisfies the logbook requirements; or
  - (b) if the logbook requirements do not apply in relation to the young driver under section 78(3)—the chief executive gives the young driver a notice under section 78(1); or
  - (c) the chief executive decides to give the young driver an exemption from the logbook requirements under section 82.
- (2) However, the young driver must not take the practical driving test within 6 weeks after satisfying the logbook requirements if—
  - (a) the chief executive at any time—
    - (i) refused, under section 70, to approve a completed logbook of the young driver because the chief executive believed the logbook was false or misleading in a material particular; or
    - (ii) refused, under section 77, to approve any part of an application made by the young driver because the chief executive believed a document provided by the young driver to the chief executive in relation to the application was false or misleading in a material particular; and
  - (b) the decision has not been set aside by the chief executive under section 388 or by QCAT or a court.



- (3) Subsection (2) does not apply if the young driver is convicted of an offence under section 53(2) of the Act in relation to giving the chief executive—
- (a) a completed logbook under section 69; or
  - (b) a document under section 75(1); or
  - (c) information or a document under section 383 relating to an application under section 69 or 74.

*Note—*

See also section 175(3).

## **Part 4**                      **Eligibility requirements for class RE and class R Queensland driver licences**

### **Division 1**                **Preliminary**

#### **85**        **Application of part**

This part does not apply to a person if—

- (a) the chief executive has approved, under section 143, an application in relation to the person’s special need for a class RE or class R Queensland driver licence and section 145 or part 5, division 3, subdivision 4 or 5 applies to the person; or
- (b) the person is applying for a Queensland driver licence as a returning driver under part 5, division 4.

#### **86**        **References to P1 type licence, P2 type licence and P type licence**

- (1) In this part—

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- (a) a reference to a P1 type licence includes a non-Queensland driver licence that corresponds to a P1 type licence; and
  - (b) a reference to a P2 type licence includes a non-Queensland driver licence that corresponds to a P2 type licence; and
  - (c) a reference to a P type licence includes a non-Queensland driver licence that corresponds to a P type licence.
- (2) Also, if the reference is to a P1 type licence, P2 type licence or P type licence of a stated class, the reference includes a non-Queensland driver licence that corresponds to a P1 type licence, P2 type licence or P type licence of the stated class.

## **Division 2                    Class RE learner licences**

### **87            Eligibility requirements**

- (1) A person is eligible for a class RE learner licence if the person—
- (a) is at least 18 years; and
  - (b) holds a class C, or heavy vehicle class, P1 type licence, P2 type licence, P type licence or O type licence; and
  - (c) has held a class C, or heavy vehicle class, P1 type licence, P2 type licence, P type licence or O type licence for a period of at least 1 year within the period of 5 years before the person applies for the class RE learner licence; and
  - (d) passes each road rules test for the class RE learner licence; and
  - (e) holds a competency declaration (learner).

*Note—*

See also section 173.

- (2) However—

- (a) subsection (1)(a) does not apply if the person was granted a class C provisional licence after the chief executive approved, under section 129, an application claiming the person had a special need for a class C provisional licence; and
- (b) subsection (1)(d) does not apply if the person is not required to pass a road rules test for the class RE learner licence under section 182 or 183; and
- (c) subsection (1)(e) does not apply if the person is not required to hold a competency declaration (learner) for a class RE learner licence under section 188.

## **Division 3                      Class RE and class R provisional licences, probationary licences and open licences**

### **Subdivision 1              Preliminary**

#### **88              Application of division**

This division applies in relation to the following class RE or class R Queensland driver licences—

- (a) a P1 provisional licence or P1 probationary licence;
- (b) a P2 provisional licence or P2 probationary licence;
- (c) a P probationary licence;
- (d) an open licence.

#### **89              Eligibility requirements**

A person is eligible for the Queensland driver licence if the person—

- (a) is at least the minimum age stated for the licence in subdivision 2, 3 or 4; and

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- (b) satisfies, under subdivision 2, 3 or 4, the experience requirements for the licence; and
- (c) passes each test and holds each competency declaration the person is required to pass or hold in relation to an application for the licence under subdivision 5.

## **Subdivision 2 Provisional licences**

### **90 Minimum ages**

For section 89(a), the minimum age for—

- (a) a class RE or class R P1 provisional licence is 17 years; and
- (b) a class RE or class R P2 provisional licence is 18 years.

### **91 Experience requirements for class RE P1 provisional licences—persons who hold class RE learner licences**

For section 89(b), a person satisfies the experience requirements for a class RE P1 provisional licence if the person—

- (a) holds a class RE learner licence; and
- (b) has held, within the period of 5 years before the person applies for the class RE P1 provisional licence, a class RE learner licence for a period of at least—
  - (i) if the person holds a competency declaration (learner)—90 days; or
  - (ii) otherwise—1 year; and
- (c) is under 25 years when the person applies for the class RE P1 provisional licence.

*Note—*

For alternative experience requirements for a class RE P1 provisional licence, see section 94.

**92 Experience requirements for class RE P2 provisional licences—persons who hold class RE P1 type licences or class RE learner licences**

- (1) For section 89(b), a person satisfies the experience requirements for a class RE P2 provisional licence if the person satisfies subsection (2), (3) or (4).
- (2) For subsection (1), the person must—
  - (a) hold a class RE P1 type licence; and
  - (b) have held the class RE P1 type licence, and any other class RE or class R P1 type licences, for a total period of at least 1 year within the last 5 years; and
  - (c) have been first granted a class RE or class R P1 type licence when the person was under 24 years.
- (3) Alternatively for subsection (1), the person must—
  - (a) hold a class RE learner licence; and
  - (b) have held, within the period of 5 years before the person applies for the class RE P2 provisional licence, a class RE learner licence for a period of at least—
    - (i) if the person holds a competency declaration (learner)—90 days; or
    - (ii) otherwise—1 year; and
  - (c) either—
    - (i) be at least 25 years when the person applies for the class RE P2 provisional licence; or
    - (ii) hold a class C, or heavy vehicle class, P2 provisional licence.
- (4) Alternatively for subsection (1), the person must—
  - (a) hold a non-Queensland driver licence that corresponds to a class RE learner licence; and
  - (b) have held, for a total period of at least 90 days within the period of 5 years before the person applies for the class RE P2 provisional licence—

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- (i) the non-Queensland driver licence mentioned in paragraph (a) and any other non-Queensland driver licences that correspond to a class RE learner licence; and
    - (ii) any class RE learner licences; and
  - (c) have held a class C, or heavy vehicle class, P1 type licence, P2 type licence or P type licence for a total period of at least 1 year within the period of 5 years before the person applies for the class RE P2 provisional licence.
- (5) However, if the person holds a class RE P1 probationary licence, or a non-Queensland driver licence that corresponds to a class RE P1 probationary licence, the person does not satisfy subsection (2) if the person—
- (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.
- (6) In this section, a reference to a class C, or heavy vehicle class, P2 provisional licence includes a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P2 provisional licence.

*Note—*

For alternative experience requirements for a class RE P2 provisional licence, see sections 94 and 95.

### **93 Experience requirements for class R P2 provisional licences—persons who hold class R P1 type licences**

- (1) For section 89(b), a person satisfies the experience requirements for a class R P2 provisional licence if the person—
- (a) holds a class R P1 type licence; and

- 
- (b) has held the class R P1 type licence, and any other class RE or class R P1 type licences, for a total period of at least 1 year within the last 5 years; and
  - (c) was first granted a class RE or class R P1 type licence when the person was under 24 years.
- (2) However, if the person holds a class R P1 probationary licence, or a non-Queensland driver licence that corresponds to a class R P1 probationary licence, the person does not satisfy the experience requirements for a class R P2 provisional licence under subsection (1) if the person—
- (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.

*Note—*

For alternative experience requirements for a class R P2 provisional licence, see sections 94 and 95.

**94 Alternative experience requirements for class RE and class R P1 and P2 provisional licences—persons who hold or have held provisional licences of same class and type**

- (1) For section 89(b), a person satisfies the experience requirements for a class RE or class R P1 or P2 provisional licence if the person—
- (a) has held, within the period of 5 years before the person applies for the provisional licence, a provisional licence of the same class and type as the licence being applied for; or
  - (b) has held, within the period of 5 years before the person applies for the provisional licence, a non-Queensland driver licence that corresponds to a provisional licence of the class and type being applied for; or

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- (c) holds a non-Queensland driver licence that corresponds to a provisional licence of the class and type being applied for.

*Example—*

A person who, within the period of 5 years before applying for a class RE P1 provisional licence, held a class RE P1 provisional licence is eligible under paragraph (a) for another class RE P1 provisional licence.

- (2) However, the person does not satisfy subsection (1)(a) or (b) if the person—
  - (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person’s period of disqualification ended; and
  - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.

*Note—*

See also section 95 and subdivision 3.

## **95 Alternative experience requirements for class RE and class R P2 provisional licences—persons who have held probationary licences for at least 1 year**

- (1) This section applies if a person—
  - (a) held a class RE or class R P1 type licence or P2 type licence that was cancelled because the person was disqualified from holding or obtaining a driver licence; and
  - (b) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person’s period of disqualification ended.



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- (2) For section 89(b), the person satisfies the experience requirements for a class RE or class R P2 provisional licence if the person satisfies subsection (3) or (4).
  - (3) For subsection (2), the person must—
    - (a) hold a P2 probationary licence of the same class as the P2 provisional licence; and
    - (b) have held the P2 probationary licence, and any other probationary licences or non-Queensland driver licences that correspond to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.

*Example for subsection (3)—*

A person who held a class RE P2 provisional licence was disqualified from holding or obtaining a driver licence. Since the person's period of disqualification ended, the person was granted a class RE P2 probationary licence on the basis that the person was eligible for the licence under section 97. If the person has held the class RE P2 probationary licence for a period of 1 year, the person satisfies subsection (3).

- (4) Alternatively for subsection (2), the person must—
  - (a) have held, within the period of 5 years before the person applies for the P2 provisional licence, a P2 probationary licence of the same class as the P2 provisional licence; and
  - (b) have held the P2 probationary licence, and any other probationary licences or non-Queensland driver licences that correspond to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.
- (5) In this section, a reference to a P2 probationary licence of a stated class includes a non-Queensland driver licence that corresponds to a P2 probationary licence of the stated class.

## Subdivision 3 Probationary licences

### 96 Minimum ages

For section 89(a), the minimum age for—

- (a) a class RE or class R P1 probationary licence is 17 years; and
- (b) a class RE or class R P2 probationary licence is 18 years.

### 97 Experience requirements for class RE and class R probationary licences after cancellation of provisional licences and probationary licences

- (1) This section applies if—
  - (a) a person applies for a class RE or class R probationary licence; and
  - (b) the person has held, within the period of 5 years before the person applies for the licence, a class RE or class R provisional licence or probationary licence that was cancelled because the person was disqualified from holding or obtaining a driver licence (the *cancelled licence*); and
  - (c) the person's period of disqualification has ended; and
  - (d) the person has not held a class RE or class R provisional licence, probationary licence or O type licence since the person's period of disqualification ended.
- (2) For section 89(b), the person satisfies the experience requirements for a class RE or class R probationary licence that is—
  - (a) if the cancelled licence was a Queensland driver licence—of the same class and type as the cancelled licence; or

- 
- (b) if the cancelled licence was a non-Queensland driver licence—of a class and type that corresponds to the cancelled licence.
  - (3) In subsection (1)(b) and (d)—
    - (a) a reference to a class RE or class R provisional licence includes a non-Queensland driver licence that corresponds to a class RE or class R provisional licence; and
    - (b) a reference to a class RE or class R probationary licence includes a non-Queensland driver licence that corresponds to a class RE or class R probationary licence.

## 98 Experience requirements for class RE and class R P probationary licences after cancellation of O type licences

- (1) This section applies if—
  - (a) a person applies for a class RE or class R probationary licence; and
  - (b) the person has held, within the period of 5 years before the person applies for the licence, a class RE or class R O type licence that was cancelled because the person was disqualified from holding or obtaining a driver licence (the *cancelled licence*); and
  - (c) the person’s period of disqualification has ended; and
  - (d) the person has not held a class RE or class R provisional licence, probationary licence or O type licence since the person’s period of disqualification ended.
- (2) For section 89(b), the person satisfies the experience requirements for a class RE or class R P probationary licence of the same class as the cancelled licence.
- (3) In subsection (1)(d)—
  - (a) a reference to a class RE or class R provisional licence includes a non-Queensland driver licence that

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corresponds to a class RE or class R provisional licence;  
and

- (b) a reference to a class RE or class R probationary licence includes a non-Queensland driver licence that corresponds to a class RE or class R probationary licence.

**99 Experience requirements for class RE P2 probationary licences—persons who hold class RE P1 probationary licences or learner licences**

- (1) For section 89(b), a person satisfies the experience requirements for a class RE P2 probationary licence if the person satisfies subsection (2), (3) or (4).
- (2) For subsection (1), the person must—
  - (a) hold a class RE P1 probationary licence; and
  - (b) have held the class RE P1 probationary licence, and any other class RE or class R P1 type licences, for a total period of at least 1 year within the last 5 years; and
  - (c) have been first granted a class RE or class R P1 type licence when the person was under 24 years.
- (3) Alternatively for subsection (1), the person must—
  - (a) hold a class RE learner licence; and
  - (b) have held, within the period of 5 years before the person applies for the class RE P2 probationary licence, a class RE learner licence for a period of at least—
    - (i) if the person holds a competency declaration (learner)—90 days; or
    - (ii) otherwise—1 year; and
  - (c) hold a class C, or heavy vehicle class, P2 probationary licence.
- (4) Alternatively for subsection (1), the person must—
  - (a) have been disqualified from holding or obtaining a driver licence; and

- 
- (b) hold a non-Queensland driver licence that corresponds to a class RE learner licence; and
  - (c) have held, for a total period of at least 90 days within the period of 5 years before the person applies for the class RE P2 probationary licence—
    - (i) the non-Queensland driver licence mentioned in paragraph (b), and any other non-Queensland driver licences that correspond to a class RE learner licence; and
    - (ii) any class RE learner licences; and
  - (d) have held a class C, or heavy vehicle class, P1 type licence, P2 type licence or P type licence for a total period of at least 1 year within the period of 5 years before the person applies for the class RE P2 probationary licence; and
  - (e) have not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person's period of disqualification ended; and
  - (f) have not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.
- (5) In this section—
- (a) a reference to a class C, or heavy vehicle class, P2 probationary licence includes a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P2 probationary licence; and
  - (b) a reference to a class RE P1 probationary licence includes a non-Queensland driver licence that corresponds to a class RE P1 probationary licence.

*Note—*

For alternative experience requirements for a class RE P2 probationary licence, see section 102.

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**100 Experience requirements for class R P2 probationary licences—persons who hold class R P1 probationary licences**

- (1) For section 89(b), a person satisfies the experience requirements for a class R P2 probationary licence if the person—
  - (a) holds a class R P1 probationary licence; and
  - (b) has held the class R P1 probationary licence, and any other class RE or class R P1 type licences, for a total period of at least 1 year within the last 5 years; and
  - (c) was first granted a class RE or class R P1 type licence when the person was under 24 years.
- (2) In this section, a reference to a class R P1 probationary licence includes a non-Queensland driver licence that corresponds to a class R P1 probationary licence.

*Note—*

For alternative experience requirements for a class R P2 probationary licence, see section 102.

**101 Experience requirements for class RE P probationary licences—persons who hold learner licences and class C or heavy vehicle class P probationary licences**

- (1) For section 89(b), a person satisfies the experience requirements for a class RE P probationary licence if the person satisfies subsection (2) or (3).
- (2) For subsection (1), the person must—
  - (a) hold a class RE learner licence and a class C, or heavy vehicle class, P probationary licence; and
  - (b) have held, within the period of 5 years before the person applies for the class RE P probationary licence, a class RE learner licence for a period of at least—
    - (i) if the person holds a competency declaration (learner)—90 days; or
    - (ii) otherwise—1 year.

- (3) Alternatively for subsection (1), the person must—
- (a) hold a non-Queensland driver licence that corresponds to a class RE learner licence; and
  - (b) have held, for a total period of at least 90 days within the period of 5 years before the person applies for the class RE P probationary licence—
    - (i) the non-Queensland driver licence mentioned in paragraph (a) and any other non-Queensland driver licences that correspond to a class RE learner licence; and
    - (ii) any class RE learner licences; and
  - (c) hold a class C, or heavy vehicle class, P probationary licence; and
  - (d) have held a class C, or heavy vehicle class, P1 type licence, P2 type licence, P type licence or O type licence for a total period of at least 1 year within the period of 5 years before the person applies for the class RE P probationary licence.
- (4) In this section, a reference to a class C, or heavy vehicle class, P probationary licence includes a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P probationary licence.

*Note—*

For alternative experience requirements for a class RE P probationary licence, see section 102.

## **102 Alternative experience requirements for class RE and class R probationary licences—persons who hold or have held probationary licences of same class and type**

For section 89(b), a person satisfies the experience requirements for a class RE or class R probationary licence if the person—

- (a) has held, within the period of 5 years before the person applies for the probationary licence, a probationary

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licence of the same class and type as the licence being applied for; or

- (b) holds or has held, within the period of 5 years before the person applies for the probationary licence, a non-Queensland driver licence that corresponds to a probationary licence of the class and type being applied for.

## **Subdivision 4      Open licences**

### **103      Application of subdivision**

This subdivision applies in relation to a class RE or class R open licence.

### **104      Minimum age**

For section 89(a), the minimum age for the open licence is 20 years.

### **105      Experience requirements**

For section 89(b), a person satisfies the experience requirements for the open licence if the person satisfies 1 or more of sections 106 to 114.

### **106      Persons who hold P1 type licences**

- (1) For section 105, the person must—
  - (a) hold a P1 type licence of the same class as the open licence; and
  - (b) have held the P1 type licence, and any other class RE or class R P1 type licences, for a total period of at least 1 year within the last 5 years; and



- (c) have been first granted a class RE or class R P1 type licence when the person was at least 24 years but under 25 years.
- (2) However, if the person holds a class RE or class R P1 probationary licence, or a non-Queensland driver licence that corresponds to a class RE or class R P1 probationary licence, the person does not satisfy subsection (1) if the person—
  - (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.

### **107 Persons who hold P2 type licences—generally**

- (1) For section 105, the person must—
  - (a) hold a P2 type licence of the same class as the open licence; and
  - (b) have held the P2 type licence, and any other class RE or class R P2 type licences, for a total period of at least the following within the last 5 years—
    - (i) if the person was first granted a class RE or class R P1 type licence when the person was under 23 years and a class RE or class R P2 type licence when the person was under 25 years—2 years;
    - (ii) otherwise—1 year.
- (2) This section does not apply to a person to whom section 108 applies.

### **108 Persons who hold P2 type licences if earlier P2 type licence cancelled**

- (1) This section applies to a person who has held, within the last 5 years, a class RE or class R P2 type licence that was cancelled

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because the person was disqualified from holding or obtaining a driver licence (the *cancelled licence*).

- (2) For section 105, the person must—
  - (a) hold a P2 type licence of the same class as the open licence; and
  - (b) have held the P2 type licence, and any other class RE or class R P2 type licences granted since the person's period of disqualification ended, for a total period of at least—
    - (i) if the person was first granted a class RE or class R P1 type licence when the person was under 23 years and a class RE or class R P2 type licence when the person was under 25 years—the period mentioned in subsection (3); or
    - (ii) otherwise—1 year.
- (3) For subsection (2)(b)(i), the period is the longer of the following—
  - (a) 2 years less the period the person held the cancelled licence, and the period the person held any other class RE or class R P2 type licences before the person was disqualified;
  - (b) 1 year.

**109 Persons who hold P probationary licences or have held P restricted licences if earlier P type licences or O type licences cancelled**

- (1) This section applies to a person who has held a class RE or class R P type licence or O type licence that was cancelled because the person was disqualified from holding or obtaining a driver licence (the *cancelled licence*).
- (2) For section 105, the person must—
  - (a) either—
    - (i) hold a P probationary licence of the same class as the open licence; or

- (ii) have held, since the cancellation of the cancelled licence and within the last 5 years, a P restricted licence of the same class as the open licence; and
  - (b) have held, since the cancellation of the cancelled licence and within the last 5 years, the P probationary licence or P restricted licence, and any other P type licences, for a total period of at least 1 year.
- (3) In subsection (2)—
- (a) a reference to a P probationary licence of a stated class includes a non-Queensland driver licence that corresponds to a P probationary licence of the stated class; and
  - (b) a reference to a P restricted licence of a stated class includes a non-Queensland driver licence that corresponds to a P restricted licence of the stated class.

## **110 Persons who hold P1 type licences and were granted P1 type licences as returning drivers**

- (1) For section 105, the person must—
- (a) hold a P1 type licence of the same class as the open licence; and
  - (b) have held the P1 type licence, and any other class RE or class R P1 type licences, for a total period of at least 1 year within the last 5 years; and
  - (c) have been granted, when the person was at least 25 years, a class RE or class R P1 type licence, in relation to an application as a returning driver, on the basis that the person was eligible for the licence under section 171(3).
- (2) However, if the person holds a class RE or class R P1 probationary licence, or a non-Queensland driver licence that corresponds to a class RE or class R P1 probationary licence, the person does not satisfy subsection (1) if the person—

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- (a) has been disqualified from holding or obtaining a driver licence; and
- (b) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.

**111 Persons who hold P1 type licences or P2 type licences granted as returning drivers and eligible for class C or heavy vehicle class open licences**

For section 105, the person must—

- (a) hold a P1 type licence, or P2 type licence, of the same class as the open licence; and
- (b) have been granted the P1 type licence, or P2 type licence, in relation to an application as a returning driver, on the basis that the person was eligible for the licence under section 171(7); and
- (c) be eligible for a class C, or heavy vehicle class, open licence.

**112 Persons who hold class RE learner licences and class C or heavy vehicle class O type licences**

- (1) This section applies in relation to a class RE open licence.
- (2) For section 105, the person must—
  - (a) hold a class RE learner licence and a class C, or heavy vehicle class, O type licence; and
  - (b) have held, within the period of 5 years before the person applies for the class RE open licence, a class RE learner licence for a period of at least—
    - (i) if the person holds a competency declaration (learner)—90 days; or
    - (ii) otherwise—1 year.

- (3) In subsection (2)(b), a reference to a class RE learner licence includes a non-Queensland driver licence that corresponds to a class RE learner licence.

**113 Persons who hold non-Queensland driver licences corresponding to class RE learner licences and class C or heavy vehicle class O type licences**

- (1) This section applies in relation to a class RE open licence.
- (2) For section 105, the person must—
- (a) hold—
    - (i) a non-Queensland driver licence that corresponds to a class RE learner licence; and
    - (ii) a class C, or heavy vehicle class, O type licence; and
  - (b) have held, for a total period of at least 90 days within the period of 5 years before the person applies for the class RE open licence—
    - (i) the non-Queensland driver licence mentioned in paragraph (a)(i), and any other non-Queensland driver licences that correspond to a class RE learner licence; and
    - (ii) any class RE learner licences; and
  - (c) have held a class C, or heavy vehicle class, P1 type licence, P2 type licence, P type licence or O type licence for at least 1 year within the period of 5 years before the person applies for the class RE open licence.

**114 Recognition of past licences and non-Queensland driver licences**

- (1) For section 105, the person must—
- (a) have held, within the period of 5 years before the person applies for the open licence, an O type licence of the same class as the licence being applied for; or

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- (b) hold a non-Queensland driver licence that corresponds to an open licence of the class being applied for.
- (2) However, the person does not satisfy subsection (1)(a) if the person—
- (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held an O type licence since the person’s period of disqualification ended; and
  - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.

## **Subdivision 5      Tests**

### **115      Testing requirements for class RE learner licence holders**

- (1) This section applies to a person who—
- (a) applies for a class RE Queensland driver licence mentioned in section 88; and
  - (b) holds a class RE learner licence or a non-Queensland driver licence that corresponds to a class RE learner licence.
- (2) For section 89(c), the person must—
- (a) pass a hazard perception test for a motorbike; and
  - (b) if the person’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; and
  - (c) if the person’s principal place of residence is outside a 100km radius from a Q-Ride training area—
    - (i) hold a competency declaration for a class RE motorbike; or

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- (ii) pass a practical driving test on a class RE motorbike.
- (3) The hazard perception test must be taken—
- (a) before the person takes a practical driving test or obtains a competency declaration; or
  - (b) if the person is not required to take a practical driving test or obtain a competency declaration for the class RE Queensland driver licence—before the person applies for the licence.
- (4) Subsection (2)(b) and (c) applies subject to sections 184, 185 and 189.

## **116 Testing requirements for foreign driver licence holders**

- (1) This section applies to a person who—
- (a) applies for a class RE or class R Queensland driver licence mentioned in section 88; and
  - (b) holds or has held, within the period of 5 years before the person applies for the Queensland driver licence—
    - (i) a foreign driver licence, issued under the law of an unrecognised country, of a class or kind (however described) that corresponds to the class of the Queensland driver licence applied for; or
    - (ii) if the person is under 25 years—an experienced driver recognition licence of a class or kind (however described) that corresponds to the class of the Queensland driver licence applied for.
- (2) For section 89(c), the person must—
- (a) pass each road rules test for the Queensland driver licence, unless the person is not required to pass a road rules test for the licence under section 182 or 183; and
  - (b) if the person’s principal place of residence is within a 100km radius of a Q-Ride training area—hold a competency declaration for the class of motorbike that

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- corresponds to the class of the Queensland driver licence; and
- (c) if the person’s principal place of residence is outside a 100km radius from a Q-Ride training area—
- (i) hold a competency declaration for the class of motorbike that corresponds to the class of the Queensland driver licence; or
  - (ii) pass a practical driving test on a motorbike of the class that corresponds to the class of the Queensland driver licence.
- (3) Subsection (2)(b) and (c) applies subject to sections 184, 185 and 189.

## **Division 4                      Eligibility for new class of particular Queensland driver licences**

### **Subdivision 1              Preliminary**

#### **117      Purpose of division**

This division states—

- (a) when a person who holds a class RE Queensland driver licence, or a non-Queensland driver licence that corresponds to a class RE Queensland driver licence, is eligible for a class R Queensland driver licence (a *higher class licence*); and
- (b) when a person who holds, or has held, a class R Queensland driver licence, or a non-Queensland driver licence that corresponds to a class R Queensland driver licence, is eligible for a class RE Queensland driver licence (a *lower class licence*).



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## **118 Eligibility requirements**

- (1) A person is eligible for a higher class licence if the person—
  - (a) satisfies, under section 119, the experience requirements for the licence; and
  - (b) passes each test and holds each competency declaration the person is required to pass or hold in relation to an application for the licence under section 120.
- (2) A person is eligible for a lower class licence if the person—
  - (a) satisfies, under section 123, the experience requirements for the licence; and
  - (b) passes each test and holds each competency declaration the person is required to pass or hold in relation to an application for the licence under section 124.
- (3) This section applies subject to sections 121, 122, 125 and 126.

## **Subdivision 2 Higher class licences**

### **119 Experience requirements for higher class licences**

- (1) For section 118(1)(a), a person satisfies the experience requirements for a higher class licence if the person—
  - (a) holds a class RE provisional licence, probationary licence or O type licence; and
  - (b) has held the driver licence mentioned in paragraph (a), and any other class RE provisional licences, probationary licences or O type licences, for a total period of at least 2 years within the period of 5 years before the person applies for the higher class licence.
- (2) In this section—
  - (a) a reference to a class RE provisional licence includes a non-Queensland driver licence that corresponds to a class RE provisional licence; and

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- (b) a reference to a class RE probationary licence includes a non-Queensland driver licence that corresponds to a class RE probationary licence.

## 120 Tests for higher class licences

- (1) For section 118(1)(b), a person who applies for a higher class licence must—
  - (a) if the person’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 person’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 on a class R motorbike.
- (2) Subsection (1) applies subject to sections 184, 185 and 189.
- (3) Subsection (4) applies if the person—
  - (a) holds a foreign driver licence, issued under the law of an unrecognised country, that corresponds to a class RE Queensland driver licence; or
  - (b) is under 25 years and holds an experienced driver recognition licence that corresponds to a class RE Queensland driver licence.
- (4) For section 118(1)(b), the person must also pass each road rules test for the higher class licence, unless the person is not required to pass a road rules test for the licence under section 182 or 183.

## 121 Categories and types of higher class licences for Queensland driver licence holders

- (1) This section applies if a person holds a class RE Queensland driver licence (the *current licence*) and is eligible for a higher class licence under this division.

- (2) The person is eligible for a higher class licence that is the same category and type as the current licence.

## **122 Categories and types of higher class licences for non-Queensland driver licence holders**

- (1) This section applies if a person holds a non-Queensland driver licence that corresponds to a class RE Queensland driver licence (the *current licence*) and is eligible for a higher class licence under this division.
- (2) The person is eligible for a higher class licence of a category and type that corresponds to the current licence, but only if the person is at least the minimum age stated for the higher class licence in division 3, subdivision 2, 3 or 4.

## **Subdivision 3 Lower class licences**

### **123 Experience requirements for lower class licences**

- (1) For section 118(2)(a), a person satisfies the experience requirements for a lower class licence if the person holds or has held, within the period of 5 years before the person applies for the licence, a class R provisional licence, probationary licence or O type licence.
- (2) In this section—
  - (a) a reference to a class R provisional licence includes a non-Queensland driver licence that corresponds to a class R provisional licence; and
  - (b) a reference to a class R probationary licence includes a non-Queensland driver licence that corresponds to a class R probationary licence.

### **124 Tests for lower class licences**

- (1) This section applies to a person who applies for a lower class licence if the person—

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- (a) holds a foreign driver licence, issued under the law of an unrecognised country, that corresponds to a class R Queensland driver licence; or
  - (b) has held, within the period of 5 years before the person applies for the lower class licence, a foreign driver licence mentioned in paragraph (a); or
  - (c) is under 25 years and either—
    - (i) holds an experienced driver recognition licence that corresponds to a class R Queensland driver licence; or
    - (ii) has held, within the period of 5 years before the person applies for the lower class licence, an experienced driver recognition licence mentioned in subparagraph (i).
- (2) For section 118(2)(b), the person must—
- (a) pass each road rules test for the lower class licence, unless the person is not required to pass a road rules test for the licence under section 182 or 183; and
  - (b) if the person’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; and
  - (c) if the person’s principal place of residence is outside a 100km radius from a Q-Ride training area—
    - (i) hold a competency declaration for a class RE motorbike; or
    - (ii) pass a practical driving test on a class RE motorbike.
- (3) Subsection (2)(b) and (c) applies subject to sections 184, 185 and 189.

## **125 Categories and types of lower class licences for current and past Queensland driver licence holders**

- (1) This section applies to a person who applies for a lower class licence if the person—

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- (a) holds a class R Queensland driver licence (the *current licence*), or has held a class R Queensland driver licence (the *previous licence*) within the period of 5 years before the person applies for the lower class licence; and
  - (b) is eligible for the lower class licence under this division.
- (2) The person is eligible for a lower class licence that is the same category and type as the current licence or previous licence.
- (3) Subsection (4) applies if the person—
- (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person’s period of disqualification ended; and
  - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.
- (4) Despite subsection (2)—
- (a) the only category of Queensland driver licence the person is eligible for is a probationary licence; and
  - (b) if the person’s previous licence was an open licence—the person is eligible for a P probationary licence only.

## **126 Categories and types of lower class licences for current and past non-Queensland driver licence holders**

- (1) This section applies to a person who applies for a lower class licence if the person—
- (a) either—
    - (i) holds a non-Queensland driver licence that corresponds to a class R Queensland driver licence (the *current licence*); or

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- (ii) has held, within the period of 5 years before the person applies for the lower class licence, a non-Queensland driver licence that corresponds to a class R Queensland driver licence (the *previous licence*); and
  - (b) is eligible for the lower class licence under this division.
- (2) The person is eligible for a lower class licence that is of a category and type that corresponds to the current licence or previous licence, but only if the person is at least the minimum age stated for the lower class licence in division 3, subdivision 2, 3 or 4.
- (3) Subsection (4) applies if the person—
  - (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person’s period of disqualification ended; and
  - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.
- (4) Despite subsection (2)—
  - (a) the only category of Queensland driver licence the person is eligible for is a probationary licence; and
  - (b) if the person’s previous licence was an O type licence—the person is eligible for a P probationary licence only.

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## **Part 5**                      **Changes to eligibility requirements for particular persons**

### **Division 1**                **Persons who have special need for class C learner licences or provisional licences**

#### **127**    ***Special need for class C learner licences or provisional licences***

A person has a *special need* for a class C learner licence 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 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 to—
  - (i) the person; or
  - (ii) the person’s family because the person has taken on a role of special responsibility in relation to the person’s family.

#### **128**    **Applications claiming special need**

- (1) A person claiming a special need for a class C learner licence or provisional licence may apply to the chief executive.

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*Note—*

See chapter 14, part 1 for requirements about the application.

- (2) The application must relate to either a class C learner licence or a class C provisional licence.
- (3) The application must be accompanied by a signed statement supporting the application from—
  - (a) if the application is in relation to a matter mentioned in section 127(a)(i) or (ii)—the applicant’s employer; or
  - (b) if the application is in relation to a matter mentioned in section 127(a)(iii)—the person in charge of the educational institution; or
  - (c) if the application is in relation to a matter mentioned in section 127(a)(iv)—a doctor.

## **129 Deciding applications**

- (1) The chief executive must deal with the application in a timely way and decide to approve, or refuse to approve, the application.
- (2) In deciding the application, the chief executive must consider—
  - (a) whether the applicant has a special need for a class C learner licence or provisional licence, including—
    - (i) the times of day when the applicant must travel; and
    - (ii) how often the applicant must travel; and
    - (iii) the distance the applicant must travel; and
  - (b) the applicant’s traffic history.
- (3) Subsection (1) does not apply if the application is cancelled under section 383(4).



### **130 Decisions to approve or refuse to approve applications**

- (1) If the chief executive decides to approve the application, the chief executive must give the applicant written notice of the decision.

*Note—*

For the effect of a decision to approve an application claiming special need for a class C learner licence or provisional licence on particular eligibility requirements under part 2, see section 21(2) and (3).

- (2) If the chief executive decides to refuse to approve the application, the chief executive must give the applicant an information notice for the decision.

## **Division 2                      Persons who have special need for class HC Queensland driver licences**

### **131 Purpose of division**

This division—

- (a) enables a person claiming a special need for a class HC Queensland driver licence to make an application to the chief executive; and
- (b) states when a person in relation to whom an application is approved is eligible for a class HC Queensland driver licence.

### **132 *Special need* for class HC Queensland driver licences**

- (1) A person has a *special need* for a class HC Queensland driver licence if the person—
  - (a) resides in a remote area of the State; and
  - (b) needs to drive a class HC motor vehicle for the person's employment; and
  - (c) can not obtain a class MR Queensland driver licence because the person does not have access to a class MR

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motor vehicle to learn to drive a motor vehicle of that class.

- (2) For subsection (1)(b), the person needs to drive a class HC motor vehicle for the person's employment only if the person—
  - (a) needs to drive a class HC motor vehicle in the course of the person's current employment; or
  - (b) has received an offer of employment that requires the person to drive a class HC motor vehicle in the course of the employment.

- (3) In this section—

**remote area**, of the State, means an area of the State identified as remote Australia or very remote Australia in the document called 'Australian Statistical Geography Standard (ASGS): Volume 5 - Remoteness Structure', published by the Australian Bureau of Statistics on its website.

### 133 Applications claiming special need

- (1) A person claiming a special need for a class HC Queensland driver licence may apply to the chief executive.

*Note—*

See chapter 14, part 1 for requirements about the application.

- (2) The application must be accompanied by—
  - (a) a signed statement supporting the application from—
    - (i) if the application is in relation to a matter mentioned in section 132(2)(a)—the applicant's employer; or
    - (ii) if the application is in relation to a matter mentioned in section 132(2)(b)—the person who made the offer of employment to the applicant (the **prospective employer**); and
  - (b) documentary evidence of the applicant's residential address.

*Examples of documentary evidence—*

council rates notice, electricity account statement or tenancy agreement

- (3) The signed statement from the employer or prospective employer under subsection (2)(a) must include a declaration that the employer or prospective employer does not have access to a class MR motor vehicle for the applicant to drive at the applicant's place of employment.

### **134 Deciding applications**

- (1) The chief executive must deal with the application in a timely way and decide to approve, or refuse to approve, the application.
- (2) In deciding the application, the chief executive must consider—
  - (a) whether the applicant has a special need for a class HC Queensland driver licence; and
  - (b) the applicant's traffic history.
- (3) The chief executive must not approve the application unless the applicant holds a class C, or class LR, provisional licence, probationary licence or open licence.
- (4) Subsection (1) does not apply if the application is cancelled under section 383(4).

### **135 Decisions to approve or refuse to approve applications**

- (1) If the chief executive decides to approve the application, the chief executive must give the applicant written notice of the decision.
- (2) If the chief executive decides to refuse to approve the application, the chief executive must give the applicant an information notice for the decision.

### **136 Eligibility for class HC learner licences**

- (1) This section applies to a person if—
  - (a) the chief executive has approved, under section 134, an application claiming the person has a special need for a class HC Queensland driver licence; and
  - (b) the person applies for a class HC learner licence.
- (2) The person is eligible for the class HC learner licence if the person holds a class C, or class LR, provisional licence, probationary licence or open licence.

### **137 Eligibility for class HC provisional licences, probationary licences and open licences**

- (1) This section applies to a person if—
  - (a) the chief executive has approved, under section 134, an application claiming the person has a special need for a class HC Queensland driver licence; and
  - (b) the person applies for a class HC provisional licence, probationary licence or open licence (the *new licence*).
- (2) The person is eligible for the new licence if the person—
  - (a) holds a class HC learner licence; and
  - (b) holds a class C, or class LR, provisional licence, probationary licence or open licence (the *current licence*); and
  - (c) has held the current licence, and any other class C, or class LR, provisional licences, probationary licences or O type licences, for a total period of at least 1 year within the period of 5 years before the person applies for the new licence; and
  - (d) passes each road rules test for the new licence; and
  - (e) passes a practical driving test in a class HC motor vehicle.
- (3) However—

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- (a) subsection (2)(d) does not apply if the person is not required to pass a road rules test for the new licence under section 182; and
  - (b) subsection (2)(e) does not apply if the person is not required to pass a practical driving test for the new licence under section 184 or 185.
- (4) If the person is eligible for the new licence, the person is eligible for a class HC Queensland driver licence that is the same category and type as the current licence.
- (5) In subsection (2)(c)—
- (a) a reference to a class C or class LR provisional licence includes a non-Queensland driver licence that corresponds to a class C or class LR provisional licence; and
  - (b) a reference to a class C or class LR probationary licence includes a non-Queensland driver licence that corresponds to a class C or class LR probationary licence.

## **Division 3                      Persons who have special need for class RE or class R Queensland driver licences**

### **Subdivision 1              Preliminary**

#### **138      Purpose of division**

This division—

- (a) enables a person claiming a special need for a class RE or class R Queensland driver licence to make an application to the chief executive; and
- (b) states when a person in relation to whom an application is approved is eligible for a class RE or class R Queensland driver licence.

### **139 Application of division**

This division does not apply in relation to a person who is authorised to continue to drive motor vehicles under a relevant order.

### **140 References to P1 type licence, P2 type licence and P type licence**

- (1) In this division—
  - (a) a reference to a P1 type licence includes a non-Queensland driver licence that corresponds to a P1 type licence; and
  - (b) a reference to a P2 type licence includes a non-Queensland driver licence that corresponds to a P2 type licence; and
  - (c) a reference to a P type licence includes a non-Queensland driver licence that corresponds to a P type licence.
- (2) Also, if the reference is to a P1 type licence, P2 type licence or P type licence of a stated class, the reference includes a non-Queensland driver licence that corresponds to a P1 type licence, P2 type licence or P type licence of the stated class.

## **Subdivision 2 Special need for class RE or class R Queensland driver licences**

### **141 *Special need* for class RE or class R Queensland driver licences**

A person has a *special need* for a class RE or class R Queensland driver licence if, because of a permanent physical incapacity, the only type of motorbike the person is able to ride is either or both of the following—

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

*Note—*

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

## **142 Applications claiming special need**

- (1) A person claiming a special need for a class RE or class R Queensland driver licence may apply to the chief executive.

*Note—*

See chapter 14, part 1 for requirements about the application.

- (2) The application must relate to either a class RE Queensland driver licence or a class R Queensland driver licence.
- (3) The application must be accompanied by a signed statement from a doctor stating why the person has a special need for a class RE or class R Queensland driver licence.

## **143 Deciding applications**

- (1) The chief executive must deal with the application in a timely way and decide to approve, or refuse to approve, the application.
- (2) The chief executive may approve the application only if satisfied—
  - (a) the applicant has a special need for a class RE or class R Queensland driver licence; and
  - (b) for an application that relates to a class R Queensland driver licence—
    - (i) the applicant holds or has held, within the period of 5 years before the applicant makes the application, a class C, or heavy vehicle class, P1 type licence, P2 type licence, P type licence or O type licence; or
    - (ii) the applicant is unable to ride a class RE motorbike because of the applicant's permanent physical incapacity.

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- (3) In deciding the application, the chief executive must also consider the applicant's traffic history.
- (4) Subsection (1) does not apply if the application is cancelled under section 383(4).

#### **144 Decisions to approve or refuse to approve applications**

- (1) If the chief executive decides to approve the application, the chief executive must give the applicant—
  - (a) written notice of the decision; and
  - (b) if the application relates to a class R Queensland driver licence—a certificate in the approved form that states the applicant is authorised to learn to ride a class R motorbike under a class RE learner licence, provisional licence, probationary licence or open licence.

*Note—*

See also section 18.

- (2) If the chief executive decides to refuse to approve the application, the chief executive must give the applicant an information notice for the decision.

### **Subdivision 3 Eligibility for class RE learner licences**

#### **145 Eligibility for class RE learner licences**

- (1) This section applies to a person if—
  - (a) the chief executive has approved, under section 143, an application claiming the person has a special need for a class RE or class R Queensland driver licence; and
  - (b) the person applies for a class RE learner licence.
- (2) The person is eligible for the class RE learner licence if the person—
  - (a) is at least 16 years and 9 months; and



- (b) passes each road rules test for the licence; and
  - (c) holds a competency declaration (learner).
- (3) However—
- (a) subsection (2)(b) does not apply if the person is not required to pass a road rules test for the class RE learner licence under section 182 or 183; and
  - (b) subsection (2)(c) does not apply if the person is not required to hold a competency declaration (learner) for a class RE learner licence under section 188.

## **Subdivision 4 Eligibility for class RE provisional licences, probationary licences and open licences**

### **146 Application of subdivision**

This subdivision applies to a person if—

- (a) the chief executive has approved, under section 143, an application claiming the person has a special need for a class RE Queensland driver licence; and
- (b) the person applies for—
  - (i) a class RE P1 provisional licence or P1 probationary licence; or
  - (ii) a class RE P2 provisional licence or P2 probationary licence; or
  - (iii) a class RE P probationary licence; or
  - (iv) a class RE open licence; and
- (c) the person has not already been granted a Queensland driver licence mentioned in paragraph (b) on the basis that the person is eligible for the licence under this subdivision.

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### **147 Eligibility requirements**

The person is eligible for the class RE Queensland driver licence applied for if the person—

- (a) is at least the minimum age stated for the licence in section 148; and
- (b) satisfies, under this subdivision, the experience requirements for the licence; and
- (c) passes each test and holds each competency declaration the person is required to pass or hold for the licence under section 155.

### **148 Minimum ages**

For section 147(a), the minimum age for—

- (a) a class RE P1 provisional licence or P1 probationary licence is 17 years; and
- (b) a class RE P2 provisional licence or P2 probationary licence is 18 years; and
- (c) a class RE open licence is 20 years.

### **149 Experience requirements for class RE P1 provisional licences**

(1) For section 147(b), the person satisfies the experience requirements for a class RE P1 provisional licence if the person—

- (a) holds a class RE learner licence; and
- (b) has held, within the period of 5 years before the person applies for the class RE P1 provisional licence, a class RE learner licence for a period of at least—
  - (i) if the person holds a competency declaration (learner)—90 days; or
  - (ii) otherwise—1 year; and
- (c) satisfies any of the following—

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- (i) the person holds a class C, or heavy vehicle class, P1 provisional licence or a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P1 provisional licence;
    - (ii) the person has held, within the period of 5 years before the person applies for the class RE P1 provisional licence, a class C, or heavy vehicle class, P1 type licence;
    - (iii) the person is under 25 years when the person applies for the class RE P1 provisional licence.
  - (2) However, if the person does not hold a driver licence mentioned in subsection (1)(c)(i), the person does not satisfy the experience requirements for a class RE P1 provisional licence under subsection (1) if the person—
    - (a) has been disqualified from holding or obtaining a driver licence; and
    - (b) has held, at some time, a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence, but not since the person’s period of disqualification ended; and
    - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.
  - (3) In subsection (1)(b), a reference to a class RE learner licence includes a non-Queensland driver licence that corresponds to a class RE learner licence.

## **150 Experience requirements for class RE P1 probationary licences**

- (1) For section 147(b), the person satisfies the experience requirements for a class RE P1 probationary licence if the person—
  - (a) has been disqualified from holding or obtaining a driver licence; and

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- (b) holds a class RE learner licence; and
- (c) has held, within the period of 5 years before the person applies for the class RE P1 probationary licence, a class RE learner licence for a period of at least—
  - (i) if the person holds a competency declaration (learner)—90 days; or
  - (ii) otherwise—1 year; and
- (d) satisfies any of the following—
  - (i) the person holds a class C, or heavy vehicle class, P1 probationary licence or a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P1 probationary licence;
  - (ii) the person—
    - (A) has held, within the period of 5 years before the person applies for the class RE P1 probationary licence, a class C, or heavy vehicle class, P1 type licence; but
    - (B) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person’s period of disqualification ended;
  - (iii) the person—
    - (A) is under 25 years when the person applies for the class RE P1 probationary licence; and
    - (B) has held, at some time, a provisional licence or a non-Queensland driver licence that corresponds to a provisional licence, but not since the person’s period of disqualification ended; and
- (e) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.

- (2) In subsection (1)(c), a reference to a class RE learner licence includes a non-Queensland driver licence that corresponds to a class RE learner licence.

## **151 Experience requirements for class RE P2 provisional licences**

- (1) For section 147(b), the person satisfies the experience requirements for a class RE P2 provisional licence if the person—
- (a) holds a class RE learner licence; and
  - (b) has held, within the period of 5 years before the person applies for the class RE P2 provisional licence, a class RE learner licence for a period of at least—
    - (i) if the person holds a competency declaration (learner)—90 days; or
    - (ii) otherwise—1 year; and
  - (c) satisfies any of the following—
    - (i) the person holds a class C, or heavy vehicle class, P2 provisional licence or a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P2 provisional licence;
    - (ii) the person has held, within the period of 5 years before the person applies for the class RE P2 provisional licence, a class C, or heavy vehicle class, P2 type licence;
    - (iii) the person is at least 25 years when the person applies for the class RE P2 provisional licence.
- (2) However, if the person does not hold a driver licence mentioned in subsection (1)(c)(i), the person does not satisfy the experience requirements for a class RE P2 provisional licence under subsection (1) if the person—
- (a) has been disqualified from holding or obtaining a driver licence; and

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- (b) has held, at some time, a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence, but not since the person's period of disqualification ended; and
  - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.
- (3) In subsection (1)(b), a reference to a class RE learner licence includes a non-Queensland driver licence that corresponds to a class RE learner licence.

## **152 Experience requirements for class RE P2 probationary licences**

- (1) For section 147(b), the person satisfies the experience requirements for a class RE P2 probationary licence if the person—
- (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) holds a class RE learner licence; and
  - (c) has held, within the period of 5 years before the person applies for the class RE P2 probationary licence, a class RE learner licence for a period of at least—
    - (i) if the person holds a competency declaration (learner)—90 days; or
    - (ii) otherwise—1 year; and
  - (d) satisfies any of the following—
    - (i) the person holds a class C, or heavy vehicle class, P2 probationary licence or a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P2 probationary licence;
    - (ii) the person—
      - (A) has held, within the period of 5 years before the person applies for the class RE P2

probationary licence, a class C, or heavy vehicle class, P2 type licence; but

- (B) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person's period of disqualification ended;
- (iii) the person—
  - (A) is at least 25 years when the person applies for the class RE P2 probationary licence; and
  - (B) has held, at some time, a provisional licence or a non-Queensland driver licence that corresponds to a provisional licence, but not since the person's period of disqualification ended; and
- (e) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.
- (2) In subsection (1)(c), a reference to a class RE learner licence includes a non-Queensland driver licence that corresponds to a class RE learner licence.

### **153 Experience requirements for class RE P probationary licences**

- (1) For section 147(b), the person satisfies the experience requirements for a class RE P probationary licence if the person—
  - (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) holds a class RE learner licence; and
  - (c) has held, within the period of 5 years before the person applies for the class RE P probationary licence, a class RE learner licence for a period of at least—

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- (i) if the person holds a competency declaration (learner)—90 days; or
- (ii) otherwise—1 year; and
- (d) satisfies either of the following—
  - (i) the person holds a class C, or heavy vehicle class, P probationary licence or a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P probationary licence;
  - (ii) the person—
    - (A) has held, within the period of 5 years before the person applies for the class RE P probationary licence, a class C, or heavy vehicle class, P type licence or O type licence; but
    - (B) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person's period of disqualification ended; and
- (e) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.
- (2) In subsection (1)(c), a reference to a class RE learner licence includes a non-Queensland driver licence that corresponds to a class RE learner licence.

## **154 Experience requirements for class RE open licences**

- (1) For section 147(b), the person satisfies the experience requirements for a class RE open licence if the person—
  - (a) holds a class RE learner licence; and
  - (b) has held, within the period of 5 years before the person applies for the class RE open licence, a class RE learner licence for a period of at least—



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- (i) if the person holds a competency declaration (learner)—90 days; or
    - (ii) otherwise—1 year; and
  - (c) either—
    - (i) holds a class C, or heavy vehicle class, O type licence; or
    - (ii) has held, within the period of 5 years before the person applies for the class RE open licence, a class C, or heavy vehicle class, O type licence.
  - (2) However, if the person does not hold a class C, or heavy vehicle class, O type licence, the person does not satisfy the experience requirements for a class RE open licence under subsection (1) if the person—
    - (a) has been disqualified from holding or obtaining a driver licence; and
    - (b) has not held an O type licence since the person’s period of disqualification ended; and
    - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.
  - (3) In subsection (1)(b), a reference to a class RE learner licence includes a non-Queensland driver licence that corresponds to a class RE learner licence.

## **155 Testing requirements for class RE Queensland driver licences**

- (1) For section 147(c), the person must—
  - (a) pass a hazard perception test for a motorbike; and
  - (b) if the person’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; and

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- (c) if the person's principal place of residence is outside a 100km radius from a Q-Ride training area—
  - (i) hold a competency declaration for a class RE motorbike; or
  - (ii) pass a practical driving test on a class RE motorbike.
- (2) The hazard perception test must be taken—
  - (a) before the person takes a practical driving test or obtains a competency declaration; or
  - (b) if the person is not required to take a practical driving test or obtain a competency declaration for the class RE Queensland driver licence—before the person applies for the licence.
- (3) Subsection (1)(b) and (c) applies subject to sections 184, 185 and 189.

## **Subdivision 5 Eligibility for class R provisional licences, probationary licences and open licences**

### **156 Application of subdivision**

This subdivision applies to a person if—

- (a) the chief executive has approved, under section 143, an application claiming the person has a special need for a class R Queensland driver licence; and
- (b) the person applies for—
  - (i) a class R P1 provisional licence or P1 probationary licence; or
  - (ii) a class R P2 provisional licence or P2 probationary licence; or
  - (iii) a class R P probationary licence; or
  - (iv) a class R open licence; and

- (c) the person has not already been granted a Queensland driver licence mentioned in paragraph (b) on the basis that the person is eligible for the licence under this subdivision.

### **157 Eligibility requirements**

The person is eligible for the class R Queensland driver licence applied for if the person—

- (a) is at least the minimum age stated for the licence in section 158; and
- (b) satisfies, under this subdivision, the experience requirements for the licence; and
- (c) passes each test and holds each competency declaration the person is required to pass or hold for the licence under this subdivision.

### **158 Minimum ages**

For section 157(a), the minimum age for—

- (a) a class R P1 provisional licence or P1 probationary licence is 17 years; and
- (b) a class R P2 provisional licence or P2 probationary licence is 18 years; and
- (c) a class R open licence is 20 years.

### **159 Experience requirements for class R P1 provisional licences**

- (1) For section 157(b), the person satisfies the experience requirements for a class R P1 provisional licence if the person satisfies subsection (2) or (4).
- (2) For subsection (1), the person must—
  - (a) hold a class RE learner licence; and

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- (b) have held, within the period of 5 years before the person applies for the class R P1 provisional licence, a class RE learner licence for a period of at least—
    - (i) if the person holds a competency declaration (learner)—90 days; or
    - (ii) otherwise—1 year; and
  - (c) if the person’s application claiming special need for a class R Queensland driver licence was approved because the chief executive was satisfied under section 143(2)(b)(i)—
    - (i) hold a class C, or heavy vehicle class, P1 provisional licence or a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P1 provisional licence; or
    - (ii) have held, within the period of 5 years before the person applies for the class R P1 provisional licence, a class C, or heavy vehicle class, P1 type licence; and
  - (d) if the person’s application claiming special need for a class R Queensland driver licence was approved because the chief executive was satisfied under section 143(2)(b)(ii)—be under 25 years when the person applies for the class R P1 provisional licence.
- (3) However, if the person does not hold a driver licence mentioned in subsection (2)(c)(i), the person does not satisfy subsection (2) if the person—
- (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has held, at some time, a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence, but not since the person’s period of disqualification ended; and
  - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a

probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.

- (4) Alternatively for subsection (1), the person must hold a class RE P1 provisional licence or a non-Queensland driver licence that corresponds to a class RE P1 provisional licence.
- (5) In subsection (2)(b), a reference to a class RE learner licence includes a non-Queensland driver licence that corresponds to a class RE learner licence.

## **160 Experience requirements for class R P1 probationary licences**

- (1) For section 157(b), the person satisfies the experience requirements for a class R P1 probationary licence if the person satisfies subsection (2) or (3).
- (2) For subsection (1), the person must—
  - (a) have been disqualified from holding or obtaining a driver licence; and
  - (b) hold a class RE learner licence; and
  - (c) have held, within the period of 5 years before the person applies for the class R P1 probationary licence, a class RE learner licence for a period of at least—
    - (i) if the person holds a competency declaration (learner)—90 days; or
    - (ii) otherwise—1 year; and
  - (d) if the person's application claiming special need for a class R Queensland driver licence was approved because the chief executive was satisfied under section 143(2)(b)(i)—satisfy either of the following—
    - (i) the person holds a class C, or heavy vehicle class, P1 probationary licence or a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P1 probationary licence;
    - (ii) the person—

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- (A) has held, within the period of 5 years before the person applies for the class R P1 probationary licence, a class C, or heavy vehicle class, P1 type licence; but
  - (B) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person's period of disqualification ended; and
- (e) if the person's application claiming special need for a class R Queensland driver licence was approved because the chief executive was satisfied under section 143(2)(b)(ii)—
- (i) be under 25 years when the person applies for the class R P1 probationary licence; and
  - (ii) have held, at some time, a provisional licence or a non-Queensland driver licence that corresponds to a provisional licence, but not since the person's period of disqualification ended; and
- (f) have not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.
- (3) Alternatively for subsection (1), the person must hold a class RE P1 probationary licence or a non-Queensland driver licence that corresponds to a class RE P1 probationary licence.
- (4) In subsection (2)(c), a reference to a class RE learner licence includes a non-Queensland driver licence that corresponds to a class RE learner licence.

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**161 Experience requirements for class R P2 provisional licences**

- (1) For section 157(b), the person satisfies the experience requirements for a class R P2 provisional licence if the person satisfies subsection (2) or (4).
- (2) For subsection (1), the person must—
  - (a) hold a class RE learner licence; and
  - (b) have held, within the period of 5 years before the person applies for the class R P2 provisional licence, a class RE learner licence for a period of at least—
    - (i) if the person holds a competency declaration (learner)—90 days; or
    - (ii) otherwise—1 year; and
  - (c) if the person’s application claiming special need for a class R Queensland driver licence was approved because the chief executive was satisfied under section 143(2)(b)(i)—
    - (i) hold a class C, or heavy vehicle class, P2 provisional licence or a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P2 provisional licence; or
    - (ii) have held, within the period of 5 years before the person applies for the class R P2 provisional licence, a class C, or heavy vehicle class, P2 type licence; and
  - (d) if the person’s application claiming special need for a class R Queensland driver licence was approved because the chief executive was satisfied under section 143(2)(b)(ii)—be at least 25 years when the person applies for the class R P2 provisional licence.
- (3) However, if the person does not hold a driver licence mentioned in subsection (2)(c)(i), the person does not satisfy subsection (2) if the person—

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- (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has held, at some time, a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence, but not since the person's period of disqualification ended; and
  - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.
- (4) Alternatively for subsection (1), the person must hold a class RE P2 provisional licence or a non-Queensland driver licence that corresponds to a class RE P2 provisional licence.
- (5) In subsection (2)(b), a reference to a class RE learner licence includes a non-Queensland driver licence that corresponds to a class RE learner licence.

## **162 Experience requirements for class R P2 probationary licences**

- (1) For section 157(b), the person satisfies the experience requirements for a class R P2 probationary licence if the person satisfies subsection (2) or (3).
- (2) For subsection (1), the person must—
- (a) have been disqualified from holding or obtaining a driver licence; and
  - (b) hold a class RE learner licence; and
  - (c) have held, within the period of 5 years before the person applies for the class R P2 probationary licence, a class RE learner licence for a period of at least—
    - (i) if the person holds a competency declaration (learner)—90 days; or
    - (ii) otherwise—1 year; and
  - (d) if the person's application claiming special need for a class R Queensland driver licence was approved because



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the chief executive was satisfied under section 143(2)(b)(i)—satisfy either of the following—

- (i) the person holds a class C, or heavy vehicle class, P2 probationary licence or a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P2 probationary licence;
  - (ii) the person—
    - (A) has held, within the period of 5 years before the person applies for the class R P2 probationary licence, a class C, or heavy vehicle class, P2 type licence; but
    - (B) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O type licence since the person's period of disqualification ended; and
  - (e) if the person's application claiming special need for a class R Queensland driver licence was approved because the chief executive was satisfied under section 143(2)(b)(ii)—
    - (i) be at least 25 years when the person applies for the class R P2 probationary licence; and
    - (ii) have held, at some time, a provisional licence or a non-Queensland driver licence that corresponds to a provisional licence, but not since the person's period of disqualification ended; and
  - (f) have not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person's period of disqualification ended.
- (3) Alternatively for subsection (1), the person must hold a class RE P2 probationary licence or a non-Queensland driver licence that corresponds to a class RE P2 probationary licence.

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- (4) In subsection (2)(c), a reference to a class RE learner licence includes a non-Queensland driver licence that corresponds to a class RE learner licence.

### **163 Experience requirements for class R P probationary licences**

- (1) For section 157(b), the person satisfies the experience requirements for a class R P probationary licence if the person satisfies subsection (2) or (3).
- (2) For subsection (1), the person must—
- (a) have been disqualified from holding or obtaining a driver licence; and
  - (b) hold a class RE learner licence; and
  - (c) have held, within the period of 5 years before the person applies for the class R P probationary licence, a class RE learner licence for a period of at least—
    - (i) if the person holds a competency declaration (learner)—90 days; or
    - (ii) otherwise—1 year; and
  - (d) satisfy either of the following—
    - (i) the person holds a class C, or heavy vehicle class, P probationary licence or a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P probationary licence;
    - (ii) the person—
      - (A) has held, within the period of 5 years before the person applies for the class R P probationary licence, a class C, or heavy vehicle class, P type licence or O type licence; and
      - (B) has not held a provisional licence, a non-Queensland driver licence that corresponds to a provisional licence or an O

type licence since the person's period of disqualification ended; and

- (e) have not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a period of at least 1 year since the person's period of disqualification ended.
- (3) Alternatively for subsection (1), the person must hold a class RE P probationary licence or a non-Queensland driver licence that corresponds to a class RE P probationary licence.
- (4) In subsection (2)(c), a reference to a class RE learner licence includes a non-Queensland driver licence that corresponds to a class RE learner licence.

#### **164 Experience requirements for class R open licences**

- (1) For section 157(b), the person satisfies the experience requirements for a class R open licence if the person satisfies subsection (2) or (4).
- (2) For subsection (1), the person must—
  - (a) hold a class RE learner licence; and
  - (b) have held, within the period of 5 years before the person applies for the class R open licence, a class RE learner licence for a period of at least—
    - (i) if the person holds a competency declaration (learner)—90 days; or
    - (ii) otherwise—1 year; and
  - (c) either—
    - (i) hold a class C, or heavy vehicle class, O type licence; or
    - (ii) have held, within the period of 5 years before the person applies for the class R open licence, a class C, or heavy vehicle class, O type licence.

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- (3) However, if the person does not hold a class C, or heavy vehicle class, O type licence, the person does not satisfy subsection (2) if the person—
  - (a) has been disqualified from holding or obtaining a driver licence; and
  - (b) has not held an O type licence since the person’s period of disqualification ended; and
  - (c) has not held a probationary licence, or a non-Queensland driver licence that corresponds to a probationary licence, for a total period of at least 1 year since the person’s period of disqualification ended.
- (4) Alternatively for subsection (1), the person must hold a class RE O type licence.
- (5) In subsection (2)(b), a reference to a class RE learner licence includes a non-Queensland driver licence that corresponds to a class RE learner licence.

## **165 Testing requirements for class R Queensland driver licences**

- (1) For section 157(c), the person must—
  - (a) if the person holds a class RE learner licence—pass a hazard perception test for a motorbike; and
  - (b) if the person’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; and
  - (c) if the person’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 on a class R motorbike.
- (2) The hazard perception test must be taken—
  - (a) before the person takes a practical driving test or obtains a competency declaration; or

- (b) if the person is not required to take a practical driving test or obtain a competency declaration for the class R Queensland driver licence—before the person applies for the licence.
- (3) Subsection (1)(b) and (c) applies subject to sections 184, 185 and 189.

#### **166 Additional testing requirements for foreign driver licence holders**

- (1) This section applies if the person—
  - (a) holds or has held, within the period of 5 years before the person applies for the class R Queensland driver licence, a foreign driver licence, issued under the law of an unrecognised country, that corresponds to a class RE Queensland driver licence; or
  - (b) is under 25 years and holds or has held, within the period of 5 years before the person applies for the class R Queensland driver licence, an experienced driver recognition licence that corresponds to a class RE Queensland driver licence.
- (2) For section 157(c), the person must pass each road rules test for the class R Queensland driver licence, unless the person is not required to pass a road rules test for the licence under section 182 or 183.

### **Division 4 Applying for Queensland driver licences as returning drivers**

#### **167 When persons apply for Queensland driver licences as returning drivers**

- (1) For this regulation, a person applies for a Queensland driver licence as a returning driver if—

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- (a) the application for the Queensland driver licence states the person is applying for the licence as a returning driver; and
  - (b) the person held a provisional licence, probationary licence or open licence that stopped being valid more than 5 years before the application is made (the *old licence*); and
  - (c) for a person whose old licence stopped being valid because it was suspended—the old licence was not valid at any time in the period of 5 years before the application is made; and
  - (d) the Queensland driver licence being applied for is of the same class as, or a lower class than, the old licence.
- (2) Also, a person applies for a Queensland driver licence as a returning driver if—
- (a) the application for the Queensland driver licence states the person is applying for the licence as a returning driver; and
  - (b) the person held a non-Queensland driver licence (also the *old licence*) that—
    - (i) corresponds to a provisional licence, probationary licence or open licence; and
    - (ii) stopped being valid more than 5 years before the application is made; and
  - (c) for a person whose old licence stopped being valid because it was suspended—the old licence was not valid at any time in the period of 5 years before the application is made; and
  - (d) the Queensland driver licence—
    - (i) is of a class that corresponds to the class or kind (however described) of the old licence; or
    - (ii) is of a class that is lower than the class that corresponds to the class or kind (however described) of the old licence.

## 168 Definition for division

In this division—

*motor vehicle of the relevant class*, in relation to a person who applies for a Queensland driver licence as a returning driver, means a motor vehicle of the class that corresponds to the class of the Queensland driver licence applied for.

*Example—*

If a person applies for a class LR Queensland driver licence as a returning driver, a class LR motor vehicle is a motor vehicle of the relevant class.

## 169 Applications by persons who do not hold driver licences or hold interstate licences that correspond to class RE learner licence

- (1) This section applies in relation to a person who—
  - (a) applies for a Queensland driver licence as a returning driver; and
  - (b) either—
    - (i) does not hold a driver licence; or
    - (ii) holds an interstate licence that corresponds to a class RE learner licence and does not hold another interstate licence.
- (2) The person is eligible for a class C learner licence with the code RD stated on the licence if the person satisfies subsection (3).
- (3) For subsection (2), the person must pass each road rules test for the class C learner licence, unless the person is not required to pass a road rules test for the licence under section 182 or 183.
- (4) If the chief executive grants the class C learner licence mentioned in subsection (2), the chief executive must give the person a certificate stating the person may learn to drive a motor vehicle of the relevant class (a *returning driver certificate*).

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*Note—*

See also section 17.

**170 Applications by persons who hold Queensland driver licences or interstate licences that do not authorise learning to drive motor vehicles of relevant class**

- (1) This section applies in relation to a person if—
  - (a) the person applies for a Queensland driver licence as a returning driver; and
  - (b) the person holds a Queensland driver licence or an interstate licence, other than an interstate licence that corresponds to a class RE learner licence; and
  - (c) the Queensland driver licence or interstate licence does not authorise the person to learn to drive a motor vehicle of the relevant class.
- (2) If the person satisfies subsection (3), the person is eligible for a Queensland driver licence that—
  - (a) has the code RD stated on the licence; and
  - (b) either—
    - (i) if the person holds a Queensland driver licence—is the same class, category and type as the licence the person holds; or
    - (ii) if the person holds an interstate licence—is of a class, category and type that corresponds to the interstate licence.
- (3) For subsection (2), the person must pass each road rules test for the Queensland driver licence applied for, unless the person is not required to pass a road rules test for the licence under section 182 or 183.
- (4) Subsections (5) and (6) apply if the chief executive grants to the person the Queensland driver licence the person is eligible for under subsection (2) (the *new licence*).



- (5) The chief executive must give the person a certificate stating the person may learn to drive a motor vehicle of the relevant class (a *returning driver certificate*).

*Note—*

See also section 17.

- (6) If the person currently holds a Queensland driver licence (the *current licence*)—
- (a) the chief executive must grant the new licence for the remaining term of the current licence; and
  - (b) despite section 390 and schedule 7, items 4 and 5, no fee is payable for the grant of the new licence.

*Note—*

For interstate licence holders, see also section 394.

## **171 Applications by persons who hold Queensland driver licences or interstate licences that authorise learning to drive motor vehicles of relevant class**

- (1) This section applies in relation to a person if—
- (a) the person applies for a Queensland driver licence as a returning driver; and
  - (b) the person holds a Queensland driver licence or an interstate licence, other than an interstate licence that corresponds to a class RE learner licence; and
  - (c) the Queensland driver licence or interstate licence authorises the person to learn to drive a motor vehicle of the relevant class; and
  - (d) the person satisfies the requirements stated in section 172.
- (2) Subsections (3) to (5) apply if the person holds a learner licence, or an interstate licence that corresponds to a learner licence, and does not hold a provisional licence, probationary licence or O type licence.
- (3) The person is eligible for a Queensland driver licence that—

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- (a) is of the same class as the Queensland driver licence applied for; and
- (b) either—
  - (i) if the most recent provisional licence, probationary licence or O type licence held by the person was a Queensland driver licence—is the same category and type as the most recently held licence; or
  - (ii) if the most recent provisional licence, probationary licence or O type licence held by the person was a non-Queensland driver licence—is of a category and type that corresponds to the most recently held licence.
- (4) Subsection (5) applies if the most recent provisional licence, probationary licence or O type licence held by the person was cancelled because the person was disqualified from holding or obtaining a driver licence.
- (5) Despite subsection (3)(b)—
  - (a) the only category of Queensland driver licence the person is eligible for is a probationary licence; and
  - (b) if the most recently held driver licence was an O type licence—the person is eligible for a P probationary licence only.
- (6) Subsection (7) applies if the person holds—
  - (a) a provisional licence or an interstate licence that corresponds to a provisional licence; or
  - (b) a probationary licence or an interstate licence that corresponds to a probationary licence; or
  - (c) an O type licence.
- (7) The person is eligible for a Queensland driver licence that—
  - (a) is of the same class as the Queensland driver licence applied for; and
  - (b) either—

- (i) if the person holds a Queensland driver licence—is the same category and type as the licence the person holds; or
- (ii) if the person holds an interstate licence—is of a category and type that corresponds to the interstate licence.

(8) In subsections (2), (3) and (4)—

*probationary licence* includes a non-Queensland driver licence that corresponds to a probationary licence.

*provisional licence* includes a non-Queensland driver licence that corresponds to a provisional licence.

## **172 Requirements for Queensland driver licences under s 171**

- (1) For section 171(1)(d), the person must satisfy the requirements stated in subsections (2) and (3).
- (2) For subsection (1), the person must pass each road rules test for the Queensland driver licence applied for, unless the person is not required to pass a road rules test for the licence under section 182 or 183.
- (3) Also for subsection (1), the person must—
  - (a) if the application is for a class C, LR, MR, HR or HC Queensland driver licence—pass a practical driving test in a motor vehicle of the relevant class; or
  - (b) if the application is for a class MC Queensland driver licence—comply with section 58(2); or
  - (c) if the application is for a class RE or class R Queensland driver licence—
    - (i) hold a competency declaration for a motorbike that is a motor vehicle of the relevant class; or
    - (ii) for a person whose principal place of residence is outside a 100km radius from a Q-Ride training area—pass a practical driving test on a motor bike that is a motor vehicle of the relevant class.

- (4) Subsection (3) applies subject to sections 185 and 187.

## **Division 5                      Eligibility of non-Queensland driver licence holders for learner licences**

### **173      Eligibility for learner licences because of non-Queensland driver licences**

- (1) This section applies to a person who holds or has held, within the last 5 years, a non-Queensland driver licence, other than a non-Queensland driver licence that corresponds to a learner licence.
- (2) The person is eligible for a learner licence of a class that corresponds to the class or kind (however described) of the non-Queensland driver licence if—
- (a) the person is—
    - (i) for a class C learner licence—at least 16 years; or
    - (ii) for another class of learner licence—at least 17 years; and
  - (b) the person passes each road rules test for the learner licence.
- (3) Subsection (2)(b) does not apply if the person is not required to pass a road rules test for the learner licence under section 182 or 183.
- (4) The following sections do not apply in relation to the grant of the learner licence—
- (a) for a class C learner licence—section 23;
  - (b) for a class RE learner licence—section 87.

### **174      Authority to learn to drive under learner licences**

- (1) This section applies to a person who holds a learner licence granted to the person on the basis that the person was eligible for the licence under section 173(2).

- (2) The person is authorised under the learner licence to learn to drive a motor vehicle of the class that corresponds to the class of the learner licence and any lower class of motor vehicle.

*Note—*

For what is a lower class of motor vehicle, see section 9.

- (3) However, if the learner licence is a class C learner licence, the person is not authorised under the licence to learn to drive a specially constructed vehicle.
- (4) Also, this section does not authorise the person to learn to drive a motor vehicle under the learner licence if a relevant order is in effect for the person.

## **175 Requirements that do not apply for subsequent class C provisional licences and open licences**

- (1) This section applies to a person who—
  - (a) holds a class C learner licence granted to the person on the basis that the person was eligible for the licence under section 173(2); and
  - (b) applies for a class C provisional licence or open licence (the *new licence*).
- (2) Section 53(3)(a) does not apply in relation to the application for the new licence.
- (3) If the person is a young driver to whom part 3 applies and the new licence is a class C P1 provisional licence—
  - (a) despite section 66, the person is not required to satisfy the logbook requirements to be eligible for the new licence; and
  - (b) section 84 does not apply in relation to the application for the new licence.



**177 Applicants for grant or renewal of Queensland driver licences must give notice of mental or physical incapacity likely to adversely affect ability to drive safely**

- (1) A person who applies for the grant or renewal of a Queensland driver licence must, when making the application, give a notice to the chief executive about any mental or physical incapacity that is likely to adversely affect the person's ability to drive safely.

Maximum penalty—60 penalty units.

*Note—*

See chapter 14, part 1 for requirements about the notice.

- (2) In a proceeding for an offence against subsection (1), it is a defence for a person to prove the person was unaware, at the time of the offence, that—
- (a) the person had a mental or physical incapacity; or
  - (b) the incapacity was likely to adversely affect the person's ability to drive safely.

**178 Holders of Queensland driver licences must give notice of mental or physical incapacity likely to adversely affect ability to drive safely**

- (1) The holder of a Queensland driver licence who develops, after the grant or renewal of the licence, a permanent or long-term mental or physical incapacity that is likely to adversely affect the holder's ability to drive safely must give a notice about the incapacity to the chief executive before the holder continues to drive under the licence.

Maximum penalty—60 penalty units.

*Note—*

See chapter 14, part 1 for requirements about the notice.

- (2) Subsection (3) applies to the holder of a Queensland driver licence if—
- (a) the holder has an increase in, or other aggravation of, an existing permanent or long-term mental or physical

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incapacity, including an incapacity that the holder has previously given notice of to the chief executive; and

- (b) the increase in, or other aggravation of, the incapacity is likely to adversely affect the holder's ability to drive safely.
- (3) The holder must give a notice about the increase in, or other aggravation of, the incapacity to the chief executive before the holder continues to drive under the licence.

Maximum penalty—60 penalty units.

*Note—*

See chapter 14, part 1 for requirements about the notice.

- (4) In a proceeding for an offence against subsection (1) or (3), it is a defence for a person to prove the person was unaware, at the time of the offence, that—
- (a) the person had a mental or physical incapacity; or
  - (b) the incapacity was likely to adversely affect the person's ability to drive safely.
- (5) In a proceeding for an offence against subsection (3), it is also a defence for a person to prove that the person was unaware, at the time of the offence, that—
- (a) the incapacity had increased or otherwise been aggravated; or
  - (b) the increase in, or other aggravation of, the incapacity was likely to adversely affect the person's ability to drive safely.

## **179 Disqualification from holding Queensland driver licence because of conviction under s 177 or 178**

- (1) This section applies if—
- (a) a person is convicted by a court of an offence against section 177(1) or 178(1) or (3); and
  - (b) the court that convicts the person is satisfied, having regard to the circumstances in which the offence was



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committed, the person 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 person is, from the day of the order, disqualified absolutely, or for the period ordered by the court, from holding or obtaining a Queensland driver licence.

## **Division 2                    Other eligibility requirements**

### **180    Particular circumstances in which persons not eligible for Queensland driver licences**

- (1) A person is not eligible for a Queensland driver licence if any of the following apply—
- (a) the person is prohibited from obtaining a licence under section 127(6) of the Act;
  - (b) the person does not reside in Queensland;
  - (c) the person is the holder of an interstate licence, unless the person gives the interstate licence to the chief executive;
  - (d) the person is the holder of a foreign driver licence, unless the person produces the licence to the chief executive and allows the chief executive to take a copy of the licence;
  - (e) the person's authority to drive on a Queensland road under the person's non-Queensland driver licence is suspended under section 270(3)(a) or 286(4)(a);
  - (f) the person is not eligible to hold a Queensland driver licence under section 280(3)(a), 281(4)(b) or (6)(a), 282(4)(b) or (6)(a), 283(2) or 287(3)(a).

*Note—*

See also section 127(4)(b) of the Act.

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- (2) For subsection (1)(b), a person resides in Queensland if the person's usual and settled residence is in Queensland.
- (3) Subsection (1)(c) does not apply to a person if the chief executive is satisfied it would be unreasonable for the subsection to apply to the person.
- (4) Subsection (1)(d) does not apply to a person if—
  - (a) the chief executive is satisfied it would be unreasonable for the subsection to apply to the person; and
  - (b) the person produces documentary evidence of the person's foreign driver licence that is satisfactory to the chief executive.

*Example of documentary evidence—*

a letter from the entity that issued the foreign driver licence that confirms the person holds the licence

- (5) If a person produces a foreign driver licence under subsection (1)(d) that is not written in English, the chief executive may also require the person to give the chief executive a certified translation of the foreign driver licence before granting or renewing a Queensland driver licence.
- (6) In this section—

***appropriately qualified*** means having qualifications in providing a translation service.

*Example of qualifications in providing a translation service—*

certification as a translator by the National Accreditation Authority for Translators and Interpreters

***certified translation***, of a foreign driver licence, means a translation of the foreign driver licence into English by an appropriately qualified person whose certification states—

- (a) that the translation is correct; and
- (b) the following details for the person—
  - (i) the person's full name and address;
  - (ii) the person's qualifications for making the translation.

**181 When persons who hold Queensland driver licence not eligible for another Queensland driver licence**

- (1) A person who holds a Queensland driver licence of a particular category and type is not eligible for a Queensland driver licence of a different category or type if the person would hold the licences at the same time.
- (2) Subsection (1) does not apply if the Queensland driver licence the person holds, or applies for, is a learner licence.

*Note—*

See also section 200.

**Part 7 Exemptions from testing and offences in relation to road rules tests**

**Division 1 Road rules tests**

**182 Exemptions for all classes of Queensland driver licence**

- (1) A person is not required to pass a road rules test for a Queensland driver licence if—
  - (a) the person holds or has held, within the period of 5 years before the person applies for the Queensland driver licence, an Australian driver licence of a class that is the same as, or corresponds to, the class of the Queensland driver licence applied for; or
  - (b) the person has passed, within the period of 5 years before the person applies for the Queensland driver licence, a road rules test for an Australian driver licence of a class that is the same as, or corresponds to, the class of the Queensland driver licence applied for; or
  - (c) the person—
    - (i) holds an Australian driver licence; and

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- (ii) has passed a road rules test for the Australian driver licence that is the same as, or substantially similar to, the road rules tests the person would, but for this paragraph, be required to pass for the Queensland driver licence applied for.
- (2) In subsection (1)(b) and (c)(ii)—
- road rules test* includes a road rules test (however described) under a corresponding law to this regulation.

### **183 Exemptions for class C, RE and R Queensland driver licences**

A person is not required to pass a road rules test for a class C, RE or R Queensland driver licence if—

- (a) the person holds or has held, within the period of 5 years before the person applies for the Queensland driver licence—
  - (i) a New Zealand licence of a class or kind (however described) that corresponds to the class of the Queensland driver licence; or
  - (ii) a recognised country licence of a class or kind (however described) that corresponds to the class of the Queensland driver licence; or
- (b) the person—
  - (i) is at least 25 years; and
  - (ii) holds or has held, within the period of 5 years before the person applies for the Queensland driver licence, an experienced driver recognition licence of a class or kind (however described) that corresponds to the class of the Queensland driver licence.

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## **Division 2                      Practical driving tests, competency declarations and training courses**

### **184      Exemptions for all classes of Queensland driver licence based on driver licences persons hold or have held**

- (1) If a person satisfies subsection (2), the person is not required to—
  - (a) pass a practical driving test for a Queensland driver licence; or
  - (b) hold a competency declaration for a Queensland driver licence; or
  - (c) for a class MC Queensland driver licence—satisfy section 54(2)(b)(ii) or 58(1)(b)(ii) for the licence.
- (2) For subsection (1), the person must hold or have held, within the period of 5 years before the person applies for the Queensland driver licence—
  - (a) an Australian driver licence of a class that is the same as, or corresponds to, the class of the Queensland driver licence applied for; or
  - (b) a New Zealand licence of a class or kind (however described) that corresponds to the class of the Queensland driver licence applied for.
- (3) However, a person does not satisfy subsection (2) if the driver licence the person holds or has held is a learner licence or a non-Queensland driver licence that corresponds to a learner licence.

### **185      Exemptions for all classes of Queensland driver licence based on previous practical driving tests etc.**

- (1) If a person satisfies subsection (2), the person is not required to—
  - (a) pass a practical driving test for a class C, LR, MR, HR, HC, RE or R Queensland driver licence; or

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- (b) hold a competency declaration for a class RE or R Queensland driver licence.
- (2) For subsection (1), the person must—
- (a) have passed, within the period of 5 years before the person applies for the Queensland driver licence, a practical driving test for an Australian driver licence of a class that is the same as, or corresponds to, the class of the Queensland driver licence applied for; or
  - (b) comply with the following—
    - (i) the person holds or has held, within the period of 5 years before the person applies for the Queensland driver licence, a foreign driver licence of a class or kind (however described) that corresponds to the class of the Queensland driver licence applied for;
    - (ii) the person has, at some time, passed a practical driving test to obtain an Australian driver licence of a class that is the same as, or corresponds to, the class of the Queensland driver licence applied for.
- (3) If a person satisfies subsection (4), the person is not required to satisfy section 54(2)(b)(ii), 58(1)(b)(ii) or 172(3)(b) for a class MC Queensland driver licence.
- (4) For subsection (3), the person must—
- (a) have passed, within the period of 5 years before the person applies for the Queensland driver licence, a practical driving test for an interstate licence that corresponds to a class MC Queensland driver licence; or
  - (b) comply with the following—
    - (i) the person holds or has held, within the period of 5 years before the person applies for the Queensland driver licence, a foreign driver licence that corresponds to a class MC Queensland driver licence;
    - (ii) the person has, at some time, passed a practical driving test to obtain an interstate licence that

corresponds to a class MC Queensland driver licence.

- (5) However, a person does not satisfy subsection (2)(b)(i) or (4)(b)(i) if the foreign driver licence the person holds or has held corresponds to a learner licence.
- (6) In this section, other than subsection (1)—  
*practical driving test* includes a practical driving test (however described) under a corresponding law to this regulation.

### **186 Exemptions for class C Queensland driver licences**

- (1) A person is not required to pass a practical driving test for a class C Queensland driver licence if—
  - (a) the person holds or has held, within the period of 5 years before the person applies for the Queensland driver licence, a recognised country licence that corresponds to a class C Queensland driver licence; or
  - (b) the person—
    - (i) is at least 25 years; and
    - (ii) holds or has held, within the period of 5 years before the person applies for the Queensland driver licence, an experienced driver recognition licence that corresponds to a class C Queensland driver licence.
- (2) This section does not apply if the foreign driver licence the person holds or has held corresponds to a learner licence.

### **187 Exemptions for class LR, MR and HR Queensland driver licences**

A person is not required to pass a practical driving test for a class LR, MR or HR Queensland driver licence if the person—

- (a) is a police officer or emergency service worker; and

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- (b) gives the chief executive a written notice signed by the commissioner stating the person has the ability to drive the class of motor vehicle that is authorised to be driven under the licence.

### **188 Exemptions for class RE learner licences**

A person is not required to hold a competency declaration (learner) for a class RE learner licence if—

- (a) the person's principal place of residence is outside a 100km radius from a Q-Ride training area; or
- (b) the person has held, within the period of 5 years before the person applies for the class RE learner licence, a driver licence that is or corresponds to a class RE learner licence and is—
  - (i) an Australian driver licence, a New Zealand licence or a recognised country licence; or
  - (ii) if the person is at least 25 years—an experienced driver recognition licence; or
- (c) the person has, within the period of 1 year before the person applies for the class RE learner licence, successfully completed a practical training course in riding a motorbike to obtain an Australian driver licence that is or corresponds to a class RE learner licence.

### **189 Exemptions for class RE and R Queensland driver licences**

- (1) A person is not required to pass a practical driving test or hold a competency declaration for a class RE or R Queensland driver licence if—
  - (a) the person holds or has held, within the period of 5 years before the person applies for the Queensland driver licence, a recognised country licence of a class or kind (however described) that corresponds to the class of the Queensland driver licence; or



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- (b) the person—
    - (i) is at least 25 years; and
    - (ii) holds or has held, within the period of 5 years before the person applies for the Queensland driver licence, an experienced driver recognition licence of a class or kind (however described) that corresponds to the class of the Queensland driver licence.
  - (2) This section does not apply if the foreign driver licence the person holds or has held corresponds to a learner licence.

## **Division 3                      Offences for road rules tests**

### **190      Cheating on road rules tests**

- (1) This section applies in relation to a person who must pass a road rules test to be eligible for a Queensland driver licence if the chief executive—
  - (a) is satisfied someone else has taken all or part of the road rules test for the person; and
  - (b) has not yet granted the person the licence.
- (2) The chief executive may decide the person has not passed the road rules test and may do either or both of the following—
  - (a) disqualify the person from taking the road rules test, including enrolling to take the online road rules test, for a period of 6 months starting on the day after the day the chief executive decides the person has not passed the test;
  - (b) if the person is enrolled in the online road rules test—cancel the person’s enrolment.
- (3) If the chief executive decides the person has not passed the road rules test under subsection (2), the chief executive must give the person an information notice for the decision.

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- (4) If the chief executive decides to disqualify the person from taking the road rules test, the information notice must state—
  - (a) the day the chief executive decided the person had not passed the road rules test; and
  - (b) the person is disqualified from taking the road rules test, including enrolling to take the online road rules test, for a period of 6 months starting on the day after the day mentioned in paragraph (a).
- (5) If the chief executive decides to cancel the person’s enrolment in the online road rules test, the information notice must state the day from which the cancellation has effect.

### **191 Offence of taking road rules test for another person**

A person must not take all or part of a road rules test for someone else who is required to pass the road rules test to be eligible for a Queensland driver licence.

Maximum penalty—40 penalty units.

## **Part 8 Restricted licences**

### **192 Applications to court for restricted licences after payment of penalties—Act, s 81**

For section 81(7) of the Act, the application must be made in the approved form.

### **193 Issue of restricted licences**

- (1) This section applies if—
  - (a) an order made by a court under section 87(1) of the Act, or as mentioned in section 81(7) of the Act, directing that a person be issued with a restricted licence is in effect for the person; and

- (b) the person applies to a superintendent for the issue of the restricted licence.

*Note—*

See chapter 14, part 1 for requirements about the application.

- (2) The superintendent must issue the person a P restricted licence.

## **Chapter 4      Applying for and holding Queensland driver licences**

### **Part 1            Applying for Queensland driver licences**

#### **194      Applications for Queensland driver licences**

A person may apply to the chief executive for the grant or renewal of a Queensland driver licence.

*Note—*

See chapter 14, part 1 for requirements about the application.

#### **195      Deciding applications**

- (1) The chief executive must consider an application for a Queensland driver licence and either—
- (a) grant or renew the licence; or
  - (b) refuse to grant or renew the licence.

*Note—*

See also the *Transport Planning and Coordination Act 1994*, section 28EA(5), which deals with taking digital photos and digitised signatures, for when the chief executive must refuse to consider an application.

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- (2) The chief executive must not grant or renew the Queensland driver licence if—
  - (a) the applicant is not eligible for the licence, including the class, category or type of licence; or
  - (b) the chief executive is not satisfied with the applicant's identification for the licence.
- (3) Subsection (1) does not apply if the application is cancelled under section 383(4).
- (4) This section, other than subsection (2)(b), does not apply in relation to an application for the grant of a restricted licence.

**196 Decisions to grant or renew, or refuse to grant or renew, Queensland driver licences**

- (1) If the chief executive decides to grant or renew the Queensland driver licence, the chief executive must promptly issue a driver licence receipt to the applicant.
- (2) If the chief executive decides to refuse to grant or renew the Queensland driver licence, the chief executive must promptly give the applicant an information notice for the decision.
- (3) However, if the reason for the decision is that the applicant failed a road rules test or practical driving test, the chief executive may give the applicant oral notice of the matters required to be given in an information notice for the decision instead of an information notice.
- (4) If the applicant asks for written notice of a decision mentioned in subsection (3), the chief executive must give the applicant an information notice for the decision.

**197 Granting of new Queensland driver licences of different category or type without making applications**

- (1) This section applies if a person—
  - (a) holds a Queensland driver licence stated in column 1 of the following table (the *current licence*); and

- (b) is eligible under section 26 or 89 for a Queensland driver licence (the *new licence*), of the same class as the current licence, stated in column 2 opposite the current licence.

<b>Column 1</b> <b>Current licence</b>	<b>Column 2</b> <b>New licence</b>
P1 provisional licence	P2 provisional licence open licence
P2 provisional licence	open licence
P1 probationary licence	P2 provisional licence P2 probationary licence open licence
P2 probationary licence	P2 provisional licence open licence
P probationary licence	open licence

- (2) On the day the person becomes eligible under section 26 or 89 for the new licence—
- (a) the current licence stops having effect; and
  - (b) the person is taken to have been granted the new licence for the remaining term of the current licence; and
  - (c) a driver licence receipt or smartcard driver licence in effect for the current licence is taken to be a driver licence receipt or smartcard driver licence issued for the new licence.
- (3) Subject to subsection (4), if the person is eligible on the same day for a provisional licence, and a probationary licence, of the same class as the current licence, the new licence is the provisional licence.
- (4) If the person is eligible on the same day for an open licence, and a provisional licence or probationary licence, of the same

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class as the current licence, the new licence is the open licence.

- (5) Despite section 390 and schedule 7, item 5, no fee is payable for the grant of a new licence under this section.

### **198 Issue of smartcard driver licences**

- (1) This section applies if the chief executive is required under this regulation to issue a driver licence receipt to a person.
- (2) The chief executive must also ensure a smartcard driver licence is issued to the person.

## **Part 2 Terms and conditions of, and codes for, Queensland driver licences**

### **199 Term of Queensland driver licences**

- (1) The chief executive may grant or renew a Queensland driver licence, other than a Queensland driver licence mentioned in subsection (2) or (3), for any of the following terms—
  - (a) 1 year;
  - (b) 2 years;
  - (c) 3 years;
  - (d) 4 years;
  - (e) 5 years.
- (2) The chief executive may grant a class HC learner licence for a term of 1 year only.
- (3) The chief executive may grant the following Queensland driver licences for a term of 3 years only—
  - (a) a class C learner licence;

- (b) a class RE learner licence granted to a person on the basis that the person is eligible for the licence under section 145;
  - (c) a learner licence granted to a person on the basis that the person is eligible for the licence under section 173(2).
- (4) This section applies subject to sections 170(6)(a), 197(2)(b), 392(3), 393(4), 394(2) and 402(6) and (7)(b).

## **200 When Queensland driver licences stop having effect**

- (1) A Queensland driver licence held by a person stops having effect on the earlier of the following events—
- (a) the term of the licence ends;
  - (b) the person is granted another Queensland driver licence of a different category or type;
  - (c) the person is granted another Queensland driver licence of a higher or lower class;
  - (d) if the person holds a class RE learner licence—the person is granted a class R Queensland driver licence.

*Note—*

See also chapter 13.

- (2) However, subsection (1)(b) and (c) does not apply if—
- (a) the person holds a learner licence and is granted another Queensland driver licence of a different class to the learner licence; or
  - (b) the person holds a Queensland driver licence other than a learner licence and is granted a learner licence.

## **201 Conditions of Queensland driver licences**

- (1) The chief executive may grant or renew a Queensland driver licence subject to stated conditions.
- (2) The holder of a Queensland driver licence must comply with a condition stated on the licence.

Maximum penalty—20 penalty units.

*Note—*

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

- (3) Subsection (4) applies if—
- (a) the chief executive decides to impose on a Queensland driver licence—
    - (i) an M condition; or
    - (ii) an S condition; or
    - (iii) a V condition that requires the holder of the licence to drive only a motor vehicle fitted with a driver aid, or otherwise equipped or adapted in the way, stated in a written notice given by the chief executive to the holder; and
  - (b) the applicant for the grant or renewal of the licence did not advise the chief executive that the applicant—
    - (i) for an M condition—has a mental or physical incapacity that is likely to adversely affect the applicant’s ability to drive safely; or
    - (ii) for an S condition—needs corrective lenses to drive; or
    - (iii) for a V condition—needs to drive a motor vehicle fitted with a driver aid, or otherwise equipped or adapted in the way, stated in the written notice.
- (4) The chief executive must promptly give the applicant an information notice for the decision.

## **202 Codes for Queensland driver licences**

- (1) The class and type of a Queensland driver licence may be stated on the licence by a code.
- (2) If a code mentioned in schedule 2, column 1 is stated on a Queensland driver licence, the licence is of the type stated opposite the code in schedule 2, column 2.



- (3) A condition of a Queensland driver licence may be stated on the licence by a code.
- (4) If a code mentioned in schedule 3, column 1 is stated on a Queensland driver licence, the licence is subject to the condition stated opposite the code in schedule 3, column 2.

## **Part 3**

# **Offences about holding Queensland driver licences**

### **203 Offences in relation to holding multiple Queensland driver licences and holding Queensland driver licences under another name**

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

*Example—*

A person must not hold more than 1 class C P1 provisional licence at the same time.

Maximum penalty—40 penalty units.

- (2) A person must not hold a Queensland driver licence other than under the person’s full name.

Maximum penalty—40 penalty units.

## **Chapter 5      Driving under non-Queensland driver licences and defence force licences**

### **Part 1            Preliminary**

#### **204      Purpose of chapter**

This chapter states when the holder of a non-Queensland driver licence or defence force licence is authorised under the licence to drive, or learn to drive, a motor vehicle on a Queensland road.

### **Part 2            Authority to drive and withdrawal of authority**

#### **Division 1        General authority to drive**

#### **205      Interstate licence holders may drive same motor vehicles**

The holder of an interstate licence is authorised under the licence—

- (a) to drive, on a Queensland road, a motor vehicle the holder is authorised to drive under the licence in the jurisdiction that issued the licence; and
- (b) to learn to drive, on a Queensland road, a motor vehicle the holder is authorised to learn to drive under the licence in the jurisdiction that issued the licence.

## 206 Foreign driver licence holders may drive same motor vehicles and class C motor vehicles

- (1) The holder of a foreign driver licence is authorised under the licence—
  - (a) to drive, on a Queensland road, a motor vehicle the holder is authorised to drive under the licence in the country that issued the licence; and
  - (b) to learn to drive, on a Queensland road, a motor vehicle the holder is authorised to learn to drive under the licence in the country that issued the licence.
- (2) Also, the holder of a foreign driver licence, other than a limited vehicle licence, is authorised under the licence—
  - (a) if the foreign driver licence corresponds to a learner licence—to learn to drive a class C motor vehicle on a Queensland road; and
  - (b) otherwise—to drive a class C motor vehicle on a Queensland road.
- (3) Subsection (2) applies even if the person is not authorised to drive, or learn to drive, a motor vehicle with the same GVM, or a motor vehicle built or fitted to carry the same number of passengers, as a class C motor vehicle under the foreign driver licence in the country that issued the licence.
- (4) In this section—

*limited vehicle licence* means a foreign driver licence that authorises the holder to drive, or learn to drive, a motorbike or specially constructed vehicle only.

## 207 Non-Queensland driver licence holders must comply with conditions

The holder of a non-Queensland driver licence who is driving on a Queensland road under the licence must comply with a condition of the licence.

Maximum penalty—20 penalty units.

**208 Notice of mental or physical incapacity likely to adversely affect ability to drive safely**

- (1) This section applies to the holder of a non-Queensland driver licence who intends to drive on a Queensland road under the licence.
- (2) If the holder has a permanent or long-term mental or physical incapacity that is likely to adversely affect the holder's ability to drive safely, the holder must give a notice about the incapacity to the chief executive before the holder drives on a Queensland road.

Maximum penalty—60 penalty units.

*Note—*

See chapter 14, part 1 for requirements about the notice.

- (3) Subsection (2) does not apply if the holder has previously given notice about the holder's incapacity to the entity that issued the holder's non-Queensland driver licence.
- (4) Subsection (5) applies if—
  - (a) the holder has an increase in, or other aggravation of, an existing permanent or long-term mental or physical incapacity, including an incapacity that the holder has previously given notice of to the chief executive or the entity that issued the holder's non-Queensland driver licence; and
  - (b) the increase in, or other aggravation of, the incapacity is likely to adversely affect the holder's ability to drive safely.
- (5) The holder must give a notice about the increase in, or other aggravation of, the incapacity to the chief executive before the holder drives on a Queensland road.

Maximum penalty—60 penalty units.

*Note—*

See chapter 14, part 1 for requirements about the notice.

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- (6) In a proceeding for an offence against subsection (2) or (5), it is a defence for the holder to prove the holder was unaware, at the time of the offence, that—
- (a) the holder had a mental or physical incapacity; or
  - (b) the incapacity was likely to adversely affect the holder’s ability to drive safely.
- (7) In a proceeding for an offence against subsection (5), it is also a defence for the holder to prove the holder was unaware, at the time of the offence, that—
- (a) the incapacity had increased or otherwise been aggravated; or
  - (b) the increase in, or other aggravation of, the incapacity was likely to adversely affect the holder’s ability to drive safely.

## **Division 2                      Withdrawal of authority to drive**

### **209      Purpose of division**

This division states when the authority to drive, or learn to drive, a motor vehicle on a Queensland road under a non-Queensland driver licence, given to the holder of the licence under division 1, is withdrawn.

*Note—*

See also sections 270, 280 to 283, 286 and 287.

### **210      Authority withdrawn if Queensland driver licences granted or holders fail practical driving tests**

- (1) If the holder of a non-Queensland driver licence is granted a Queensland driver licence, the holder’s authority under division 1 to drive, or learn to drive, under the non-Queensland driver licence is withdrawn.

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- (2) If the holder of a non-Queensland driver licence fails a practical driving test, the holder's authority under division 1 to drive, or learn to drive, under the licence is withdrawn.

## **211 Authority withdrawn if interstate licence holders take up residence**

- (1) If the holder of an interstate licence takes up residence in Queensland, the holder's authority under division 1 to drive, or learn to drive, under the interstate licence is withdrawn on the day that is 3 months after the day the holder takes up residence.
- (2) This section does not apply to a defence force member, or an eligible family member of a defence force member, who carries a current Australian Defence Force Identification Card, issued by the Australian Defence Force, while driving.

- (3) In this section—

*defence force member* means—

- (a) a member of the Permanent Forces under the *Defence Act 1903* (Cwlth); or
- (b) a member of the Reserves under the *Defence Act 1903* (Cwlth) who is performing continuous full-time service.

*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.

## **212 Authority withdrawn if foreign driver licence holders take up residence**

- (1) If the holder of a foreign driver licence takes up residence in Queensland, the holder's authority under division 1 to drive, or learn to drive, under the licence is withdrawn on the day that is 3 months after—

- (a) if the holder is an Australian citizen—the day the holder takes up residence; or
  - (b) if the holder is not an Australian citizen but is granted a resident visa before taking up residence—the day the holder takes up residence; or
  - (c) if the holder is not an Australian citizen but is granted a resident visa after taking up residence—the day the visa is granted.
- (2) In this section—
- resident visa* means a permanent visa, or a special category visa, under the *Migration Act 1958* (Cwlth).

### **213 Chief executive may withdraw authority if mental or physical incapacity**

- (1) This section applies if—
- (a) the chief executive is given information about the holder of a non-Queensland driver licence from the holder or a health professional; and
  - (b) because of the information, the chief executive considers the holder may have a permanent or long-term mental or physical incapacity that is likely to adversely affect the holder’s ability to drive safely; and
  - (c) the chief executive 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 holder’s authority under division 1 to drive, or learn to drive, under the licence is otherwise necessary in the public interest.
- (2) The chief executive may, by written notice given to the holder, immediately withdraw the holder’s authority under division 1 to drive, or learn to drive, under the non-Queensland driver licence.

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- (3) The notice must state that the withdrawal takes effect immediately on the giving of the notice.
- (4) The chief executive must also give the holder an information notice for the decision.
- (5) The withdrawal takes effect immediately on the giving of the notice under subsection (2).

### **Division 3                      Limited driving permitted despite withdrawal**

#### **214      Permitted practical driving tests and Q-Ride training after withdrawal**

- (1) This section applies to the holder of a non-Queensland driver licence if—
  - (a) the holder’s authority to drive, or learn to drive, under the licence is withdrawn under division 2, other than under section 213; and
  - (b) the holder must pass a practical driving test, or hold a competency declaration, to be eligible for a Queensland driver licence.
- (2) Despite the withdrawal, the holder may—
  - (a) take a practical driving test for the Queensland driver licence; or
  - (b) receive Q-Ride training to obtain a competency declaration for the Queensland driver licence.

### **Division 4                      Driving under defence force licences**

#### **215      Authority to drive under defence force licences**

- (1) The holder of a defence force licence that is in effect is authorised under the licence to drive, on a Queensland road, a



defence force vehicle the holder is authorised to drive under the licence in the performance of the holder's functions for the Australian Defence Force.

(2) In this section—

*defence force vehicle* means a motor vehicle owned or used by the Australian Defence Force.

## Chapter 6      Restrictions on driving

### Part 1              Offences about learning to drive

#### 216      Learning to drive must be properly supervised—motor vehicles other than motorbikes

- (1) This section applies in relation to a motor vehicle other than a motorbike.
- (2) A person who is authorised to learn to drive a motor vehicle under chapter 2, section 174 or chapter 5 (a *learner*) must not drive the vehicle on a road unless—
  - (a) the learner is driving under the direction of someone else (a *supervisor*) who—
    - (i) holds an O type licence that authorises the supervisor to drive the vehicle; and
    - (ii) has held an O type licence, that authorises the supervisor to drive the vehicle, for a period of at least 1 year; and
  - (b) the supervisor sits—
    - (i) if the vehicle has passenger seating next to the learner—next to the learner; or
    - (ii) otherwise—near the learner in the vehicle.

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Maximum penalty—20 penalty units.

- (3) Subsections (4) and (5) apply if the learner is authorised under chapter 5 to learn to drive the motor vehicle under an interstate licence issued under a corresponding law to chapter 4, part 1.
- (4) Subsection (2) does not apply to the learner if the learner is not required to drive the motor vehicle under the direction of someone else in the jurisdiction that issued the interstate licence.
- (5) The learner is taken to comply with subsection (2) if the learner—
  - (a) is required to drive the motor vehicle under the direction of someone else in the jurisdiction that issued the interstate licence; and
  - (b) is driving the motor vehicle under the direction of someone else; and
  - (c) is complying with any other requirements that apply to the learner in relation to driving the motor vehicle under the direction of someone else in the jurisdiction that issued the interstate licence.

*Examples of requirements in relation to driving the motor vehicle under the direction of someone else—*

a requirement that the learner must not drive the motor vehicle on a road unless the learner is driving under the direction of a person who holds a particular category of driver licence or sits in a particular place in the vehicle

## **217 Learning to ride motorbikes must be properly supervised**

- (1) A person who is authorised to learn to ride a motorbike under chapter 2, section 174 or chapter 5 (a *learner*) must not ride the motorbike on a road unless—
  - (a) the learner is riding under the direction of someone else (a *supervisor*), whether or not the supervisor is a passenger on the motorbike; and
  - (b) the supervisor—

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- (i) holds an O type licence that authorises the supervisor to ride the motorbike; and
  - (ii) has held an O type licence, that authorises the supervisor to ride the motorbike, for a period of at least 1 year; and
- (c) if the supervisor is a passenger on the motorbike—the supervisor is in a sidecar attached to the motorbike.

Maximum penalty—20 penalty units.

- (2) Subsections (3) and (4) apply if the learner is authorised under chapter 5 to learn to ride the motorbike under an interstate licence issued under a corresponding law to chapter 4, part 1.
- (3) Subsection (1) does not apply to the learner if the learner is not required to ride the motorbike under the direction of someone else in the jurisdiction that issued the interstate licence.
- (4) The learner is taken to comply with subsection (1) if the learner—
  - (a) is required to ride the motorbike under the direction of someone else in the jurisdiction that issued the interstate licence; and
  - (b) is riding the motorbike under the direction of someone else; and
  - (c) is complying with any other requirements that apply to the learner in relation to riding the motorbike under the direction of someone else in the jurisdiction that issued the interstate licence.

*Examples of requirements in relation to riding the motorbike under the direction of someone else—*

a requirement that the learner must not ride the motorbike on a road unless the learner is riding under the direction of a person who holds a particular category of driver licence or sits in a particular place on the motorbike

## **218 Supervising learners—motor vehicles other than motorbikes**

- (1) This section applies in relation to a motor vehicle other than a motorbike.
- (2) A person (a *supervisor*) must not direct the driving of a motor vehicle on a road by another person who is authorised to learn to drive the vehicle under chapter 2, section 174 or chapter 5 (a *learner*) unless—
  - (a) the supervisor—
    - (i) holds an O type licence that authorises the supervisor to drive the vehicle; and
    - (ii) has held an O type licence, that authorises the supervisor to drive the vehicle, for a period of at least 1 year; and
  - (b) the supervisor sits—
    - (i) if the vehicle has passenger seating next to the learner—next to the learner; or
    - (ii) otherwise—near the learner in the vehicle.

Maximum penalty—60 penalty units.

- (3) Subsections (4) and (5) apply if the learner is authorised under chapter 5 to learn to drive the motor vehicle under an interstate licence issued under a corresponding law to chapter 4, part 1.
- (4) Subsection (2) does not apply to the supervisor if the learner is not required to drive the motor vehicle under the direction of someone else in the jurisdiction that issued the interstate licence.
- (5) The supervisor is taken to comply with subsection (2) if—
  - (a) the learner is required to drive the motor vehicle under the direction of someone else in the jurisdiction that issued the interstate licence; and
  - (b) the supervisor is complying with any requirements that apply to the supervisor in relation to directing the

driving of the motor vehicle by the learner in the jurisdiction that issued the interstate licence.

*Examples of requirements in relation to directing the driving of the motor vehicle by the learner—*

a requirement that a person who directs the driving of the motor vehicle by the learner holds a particular category of driver licence or sits in a particular place in the vehicle

## 219 Supervising learners—motorbikes

- (1) A person (a *supervisor*) must not direct the riding of a motorbike on a road by another person who is authorised to learn to ride the motorbike under chapter 2, section 174 or chapter 5 (a *learner*) unless the supervisor—
  - (a) holds an O type licence that authorises the supervisor to ride the motorbike; and
  - (b) has held an O type licence, that authorises the supervisor to ride the motorbike, for a period of at least 1 year; and
  - (c) if the supervisor is a passenger on the motorbike—is in a sidecar attached to the motorbike.

Maximum penalty—60 penalty units.

- (2) Subsections (3) and (4) apply if the learner is authorised under chapter 5 to learn to ride the motorbike under an interstate licence issued under a corresponding law to chapter 4, part 1.
- (3) Subsection (1) does not apply to the supervisor if the learner is not required to ride the motorbike under the direction of someone else in the jurisdiction that issued the interstate licence.
- (4) The supervisor is taken to comply with subsection (1) if—
  - (a) the learner is required to ride the motorbike under the direction of someone else in the jurisdiction that issued the interstate licence; and
  - (b) the supervisor is complying with any requirements that apply to the supervisor in relation to directing the riding

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of the motorbike by the learner in the jurisdiction that issued the interstate licence.

*Examples of requirements in relation to directing the riding of the motorbike by the learner—*

a requirement that a person who directs the riding of the motorbike by the learner holds a particular category of driver licence or sits in a particular place on the motorbike

## Part 2                      Display of plates

### Division 1                L plates

#### 220    Definition for division

In this division—

*learner* means a person who holds a Queensland driver licence and is authorised, under chapter 2 or section 174, to learn to drive a motor vehicle under the licence.

#### 221    Learners must not drive unless L plates are displayed and clearly legible

A learner must not drive on a road a motor vehicle the learner is authorised to learn to drive under the learner's Queensland driver licence unless—

- (a) if the vehicle is a motorbike—an L plate is displayed so the L character on the L plate is clearly legible from 20m behind the motorbike; or
- (b) otherwise—L plates are displayed so the L character on an L plate is clearly legible from—
  - (i) 20m in front of the vehicle; and
  - (ii) 20m behind the vehicle.

Maximum penalty—20 penalty units.

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**222 Persons must not direct learners unless L plates are displayed and clearly legible**

A person must not direct the driving of a motor vehicle on a road by a learner who is authorised to learn to drive the vehicle unless—

- (a) if the vehicle is a motorbike—an L plate is displayed so the L character on the L plate is clearly legible from 20m behind the motorbike; or
- (b) otherwise—L plates are displayed so the L character on an L plate is clearly legible from—
  - (i) 20m in front of the vehicle; and
  - (ii) 20m behind the vehicle.

Maximum penalty—20 penalty units.

**223 Other persons must not display L plates**

A person must not display an L plate while driving a motor vehicle on a road unless the person—

- (a) holds a Queensland driver licence that authorises the person to learn to drive the vehicle; or
- (b) holds a non-Queensland driver licence and is authorised to learn to drive the vehicle in the jurisdiction that issued the licence; or
- (c) is a driver trainer.

Maximum penalty—20 penalty units.

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

**224 Holders of P1 type licences must not drive unless red P plates are displayed and clearly legible**

- (1) A person who holds a P1 type licence must not drive on a road a car or motorbike that the person is authorised to drive under the licence unless—

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- (a) for a car—red P plates are displayed so the P character on a red P plate is clearly legible from—
  - (i) 20m in front of the car; and
  - (ii) 20m behind the car; or
- (b) for a motorbike—a red P plate is displayed so the P character on the P plate is clearly legible from 20m behind the motorbike.

Maximum penalty—20 penalty units.

- (2) This section does not apply to a person who is an emergency service worker, or an exempt police driver, driving a car or motorbike in the course of the person's duty.

*Note—*

See also section 144 of the Act.

## **225 Holders of P2 type licences must not drive unless green P plates are displayed and clearly legible**

- (1) A person who holds a P2 type licence must not drive on a road a car or motorbike that the person is authorised to drive under the licence unless—
  - (a) for a car—green P plates are displayed so the P character on a green P plate is clearly legible from—
    - (i) 20m in front of the car; and
    - (ii) 20m behind the car; or
  - (b) for a motorbike—a green P plate is displayed so the P character on the P plate is clearly legible from 20m behind the motorbike.

Maximum penalty—20 penalty units.

- (2) This section does not apply to a person who is an emergency service worker, or an exempt police driver, driving a car or motorbike in the course of the person's duty.

*Note—*

See also section 144 of the Act.



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## **226 Other persons must not display P plates**

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

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

- (3) This section does not apply to a person who is authorised under chapter 5 to drive a motor vehicle on a Queensland road under a non-Queensland driver licence if the person—
  - (a) displays a red P plate or green P plate while driving the motor vehicle; and
  - (b) is required to display the P plate while driving in the jurisdiction that issued the licence.

## **Part 3                      Young licence holders and their passengers**

### **Division 1                Preliminary**

#### **227      Application of part**

This part does not apply in relation to a person who is an emergency service worker, or an exempt police driver, driving a motor vehicle in the course of the person's duty.

*Note—*

See also section 144 of the Act.

### **Division 2                Use of mobile phones by drivers and passengers**

#### **228      Use of mobile phones by particular licence holders**

- (1) This section applies to a person driving a motor vehicle on a road if the person—
  - (a) is under 25 years and holds—
    - (i) a class C learner licence; or
    - (ii) a class C P1 provisional licence; or
    - (iii) a heavy vehicle class P1 provisional licence; or
    - (iv) a class RE P1 provisional licence; or
    - (v) a class R P1 provisional licence; or
  - (b) holds any of the following because of a young driver disqualification offence—
    - (i) a class C P1 probationary licence;
    - (ii) a heavy vehicle class P1 probationary licence;
    - (iii) a class RE P1 probationary licence;

- (iv) a class R P1 probationary licence.
- (2) The person must not use a mobile phone while the motor vehicle is—
  - (a) moving; or
  - (b) stationary but not parked.

Maximum penalty—30 penalty units.

- (3) Subsection (2) does not apply to a person using a mobile phone—
  - (a) to the extent the mobile phone is in a pocket of the person’s clothing, or in a pouch worn by the person, and kept in a way that does not allow the person to operate the phone or a function of the phone in any way; or
  - (b) while the motor vehicle is stationary and to the extent the mobile phone is in a wallet, or has attached to it a wallet, that the driver is using for any of the following purposes—
    - (i) to obtain and produce for inspection a licence, permit, authority or other document, as required under an Act or by a police officer or another person acting under an Act;
    - (ii) to obtain and use money, or another form of payment, to pay for goods or services, if the place where the motor vehicle is stationary is a place where the goods or services are lawfully paid for;  
*Example of a place for subparagraph (ii)—*
      - a drive-through retail outlet
    - (iii) to obtain and use a card or other thing to enter a road-related area or land adjacent to a road-related area.

- (4) Also, subsection (2)(b) does not apply to a person using a mobile phone while the motor vehicle is stationary for any of the following purposes—
  - (a) to produce for inspection a digital authority or other document stored on the phone, as required under an Act

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or by a police officer or another person acting under an Act;

- (b) to pay for goods or services, if the place where the motor vehicle is stationary is a place where the goods or services are lawfully paid for;

*Example of a place for paragraph (b)—*

a drive-through retail outlet

- (c) to use the phone as an electronic device that enables the person to enter a road-related area or land adjacent to a road-related area.

- (5) In this section—

*use*, in relation to a mobile phone, means—

- (a) operate the phone or a function of the phone in any way;  
or
- (b) hold the phone in the person's hand, or rest the phone on any part of the person's body—
- (i) whether or not the phone is on or operating; and
- (ii) whether or not for the purpose of operating the phone or a function of the phone; and
- (iii) whether or not the phone is partially or wholly supported by another part of the person's body or another thing.

## **229 Use of mobile phones by passengers**

- (1) This section applies to a passenger in a class C, LR, MR, HR, HC or MC motor vehicle driven on a road by a person who—
- (a) is under 25 years and holds a class C learner licence or a class C, or heavy vehicle class, P1 provisional licence;  
or
- (b) holds a class C, or heavy vehicle class, P1 probationary licence because of a young driver disqualification offence.

- (2) The passenger must not use a mobile phone in loudspeaker mode while the motor vehicle is moving or stationary but not parked.

Maximum penalty—30 penalty units.

## **Division 3                    High-powered vehicles**

### **Subdivision 1            Restriction on driving high-powered vehicles**

#### **230    Driving high-powered vehicles on roads**

- (1) This section applies to a person who—
- (a) is under 25 years and holds a relevant provisional licence; or
  - (b) holds a relevant probationary licence because of a young driver disqualification offence.
- (2) The person must not drive a high-powered vehicle on a road unless—
- (a) both of the following apply—
    - (i) a certificate of exemption under section 236(1) or 239(1), that allows the person to drive the vehicle, is in effect for the person;
    - (ii) the person is driving the vehicle in accordance with the certificate; or
  - (b) the person is authorised, under section 15(2), to learn to drive the vehicle under the relevant provisional licence or relevant probationary licence.

Maximum penalty—30 penalty units.

- (3) In this section—

***relevant probationary licence*** means—

- (a) a class C P1 probationary licence; or

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- (b) a heavy vehicle class P1 probationary licence; or
- (c) a class C P2 probationary licence; or
- (d) a heavy vehicle class P2 probationary licence.

*relevant provisional licence* means—

- (a) a class C P1 provisional licence; or
- (b) a heavy vehicle class P1 provisional licence; or
- (c) a class C P2 provisional licence; or
- (d) a heavy vehicle class P2 provisional licence.

## **Subdivision 2      Certificates of exemption for individuals**

### **231      Applications for certificates of exemption for individuals**

A person to whom section 230(1) applies may apply to the chief executive for a certificate of exemption under this subdivision that allows the person to drive a particular high-powered vehicle on a road.

*Note—*

For requirements about the application, see sections 233(3), 234(4) and 235(2) and chapter 14, part 1.

### **232      Deciding applications**

- (1) The chief executive must deal with the application in a timely way and decide to approve, or refuse to approve, the application.
- (2) The chief executive may approve the application only if satisfied of the matters mentioned in section 233(1), 234(1) or 235(1).
- (3) Subsection (1) does not apply if the application is cancelled under section 383(4).

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**233 Applications in relation to need to drive high-powered vehicle for particular reasons**

- (1) For section 232(2), the matters are—
  - (a) the applicant needs to drive the high-powered vehicle the subject of the application—
    - (i) to or from the applicant’s place of employment; or
    - (ii) in the course of the applicant’s employment; or
    - (iii) to or from an educational institution the applicant attends; or
    - (iv) to get medical treatment for the applicant or a member of the applicant’s family; and
  - (b) there is no other transport reasonably available to the applicant; and
  - (c) a refusal to give a certificate of exemption would cause severe hardship to—
    - (i) the applicant; or
    - (ii) the applicant’s family because the applicant has taken on a role of special responsibility for the family.
- (2) In deciding whether to approve the application on the basis of the matters mentioned in subsection (1), the chief executive must also consider the applicant’s traffic history.
- (3) An application in relation to the matters mentioned in subsection (1) must be accompanied by a signed statement supporting the application from—
  - (a) if the applicant needs to drive to or from the applicant’s place of employment, or in the course of the applicant’s employment—the applicant’s employer; or
  - (b) if the applicant needs to drive to or from an educational institution the applicant attends—the person in charge of the educational institution; or

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- (c) if the applicant needs to drive to get medical treatment for the applicant or a member of the applicant's family—a doctor.

**234 Applications in relation to particular high-powered vehicles of applicant or immediate family members**

- (1) For section 232(2), the matters are—
  - (a) the only car reasonably available to be driven by the applicant is the high-powered vehicle the subject of the application; and
  - (b) the high-powered vehicle complies with subsection (2); and
  - (c) there is no other transport reasonably available to the applicant; and
  - (d) a refusal to give a certificate of exemption would cause severe hardship to—
    - (i) the applicant; or
    - (ii) the applicant's family because the applicant has taken on a role of special responsibility for the family.
- (2) For subsection (1)(b), the high-powered vehicle must comply with any of the following—
  - (a) the applicant has owned the high-powered vehicle continually since 30 June 2007;
  - (b) the applicant has owned the high-powered vehicle continually since 1 January 2014 and the vehicle—
    - (i) was manufactured on or after 1 January 2010; and
    - (ii) would not be a high-powered vehicle if the vehicle had been manufactured before 1 January 2010;
  - (c) an immediate family member of the applicant—
    - (i) owns or leases the high-powered vehicle; or



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- (ii) possesses the high-powered vehicle under an employment or salary package.
  - (3) In deciding whether to approve the application on the basis of the matters mentioned in subsection (1), the chief executive must also consider the applicant's traffic history.
  - (4) An application in relation to the matters mentioned in subsection (1) that relates to a high-powered vehicle of an immediate family member of the applicant must be accompanied by a signed statement supporting the application from the immediate family member.
  - (5) In this section—  
*immediate family member*, of an applicant, means—
    - (a) the applicant's spouse; or
    - (b) a parent of the applicant; or
    - (c) a spouse of the applicant's parent; or
    - (d) a grandparent of the applicant; or
    - (e) a spouse of a grandparent of the applicant; or
    - (f) an approved carer or guardian of the applicant; or
    - (g) if the person is an Aboriginal person—a person, or a spouse of a person, who, under Aboriginal tradition, is regarded as a person mentioned in paragraph (b) or (d); or
    - (h) if the person is a Torres Strait Islander—a person, or a spouse of a person, who, under Island custom, is regarded as a person mentioned in paragraph (b) or (d).

### **235 Applications in relation to particular types of high-powered vehicles**

- (1) For section 232(2), the matters are—
  - (a) the high-powered vehicle the subject of the application was manufactured before 1 January 2010 and is a high-powered vehicle only because the vehicle has a

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- turbocharged or supercharged engine that is not diesel powered; and
- (b) the high-powered vehicle has a power-to-weight ratio of not more than 125kW/t.
- (2) An application in relation to the matters mentioned in subsection (1) must be accompanied by—
- (a) either—
- (i) a copy of a document published by the manufacturer of the high-powered vehicle showing the specification information for the vehicle (the *manufacturer's document*); or
- (ii) if a copy of the manufacturer's document is unavailable or does not provide the specification information for the high-powered vehicle—a specification information test report for the vehicle; and
- (b) any of the following information about the high-powered vehicle that is available to the applicant—
- (i) the make and model;
- (ii) the year of manufacture;
- (iii) the engine number;
- (iv) the VIN or chassis number.

## **236 Decisions to approve or refuse to approve applications**

- (1) If the chief executive decides to approve the application, the chief executive must give the applicant a certificate of exemption that allows the applicant to drive the high-powered vehicle the subject of the application on a road.
- (2) The certificate of exemption—
- (a) must be in the approved form; and
- (b) may state, for section 250, a matter that the applicant must notify the chief executive of a change to.

- (3) If the application is approved on the basis of the matters mentioned in section 233(1) or 234(1), the certificate of exemption may also state conditions about the times or days, or purpose for which, the applicant is allowed to drive the high-powered vehicle.
- (4) If the chief executive decides to refuse to approve the application, the chief executive must give the applicant an information notice for the decision.

### **Subdivision 3      Certificates of exemption for businesses**

#### **237      Applications for certificates of exemption for businesses**

A person may apply to the chief executive for a certificate of exemption under this subdivision that allows any of the following persons to drive high-powered vehicles on a road for the operation of the applicant's business—

- (a) if the applicant is a person to whom section 230(1) applies—the applicant;
- (b) each of the applicant's employees who is a person to whom section 230(1) applies.

*Note—*

See chapter 14, part 1 for requirements about the application.

#### **238      Deciding applications**

- (1) The chief executive must deal with the application in a timely way and decide to approve, or refuse to approve, the application.
- (2) The chief executive may approve the application only if satisfied that—
  - (a) driving high-powered vehicles on a road is necessary for the operation of the applicant's business; and

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- (b) each person the subject of the application performs a duty for the business; and
- (c) it is likely that, because of the nature of the duty, each person the subject of the application will be required to drive high-powered vehicles on a road to perform the duty.

*Example for paragraph (c)—*

A duty to service vehicles performed by an apprentice mechanic is likely to require the mechanic to drive high-powered vehicles on a road to test the vehicles being serviced.

- (3) Subsection (1) does not apply if the application is cancelled under section 383(4).

## **239 Decisions to approve or refuse to approve applications**

- (1) If the chief executive decides to approve the application, the chief executive must give the applicant a certificate of exemption that allows each person the subject of the application (each an *exempted person*) to drive high-powered vehicles on a road.
- (2) The certificate of exemption is subject to a condition that an exempted person may drive a high-powered vehicle on a road only—
  - (a) to perform a duty for the business; and
  - (b) if the nature of the duty requires the person to drive the high-powered vehicle on a road.
- (3) The chief executive may impose on the certificate of exemption any other conditions the chief executive considers reasonable in the circumstances.
- (4) The certificate of exemption—
  - (a) must be in the approved form; and
  - (b) must state the condition mentioned in subsection (2) and any other conditions imposed by the chief executive under subsection (3); and

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- (c) may state, for section 250, a matter that the applicant must notify the chief executive of a change to.
  - (5) If the chief executive decides to refuse to approve the application, the chief executive must give the applicant an information notice for the decision.

## **Subdivision 4      Checking for certificates of exemption**

### **240      When persons must produce certificates of exemption**

- (1) This section applies if a police officer—
  - (a) reasonably suspects a person to whom section 230(1) applies is, or has been, driving a high-powered vehicle on a road; and
  - (b) asks the person if the person is allowed to drive a high-powered vehicle.
- (2) If a certificate of exemption is in effect for the person, the person must immediately produce the certificate for inspection by the police officer, unless the person has a reasonable excuse for not complying with the request.

Maximum penalty—10 penalty units.

- (3) If the certificate of exemption in effect for the person was given under section 239(1), the person is taken to comply with subsection (2) if the person immediately produces a copy of the certificate for inspection by the police officer.
- (4) In this section—

*certificate of exemption* means—

  - (a) a certificate of exemption under section 236(1); or
  - (b) a certificate of exemption under section 239(1).

## **Division 4                      Late night driving**

### **241      Application of division**

- (1) This division applies in relation to a person if—
  - (a) either—
    - (i) after being given a notice to choose, the person has, within the choice period, notified the chief executive in writing that the person agrees to be of good behaviour while driving for a year under section 264(1)(b); or
    - (ii) the person's Queensland driver licence is suspended under section 265(2), 266(5), 278(4), 285(5) or 289(5); and
  - (b) the person was under 25 years when the person committed the offence that led to the notice to choose being given to the person or the suspension; and
  - (c) at the time of committing the offence, the person—
    - (i) held a P1 type licence, P2 type licence or P type licence; or
    - (ii) did not hold a driver licence and was not eligible for an open licence.
- (2) This division also applies in relation to a person if—
  - (a) the person is disqualified from holding or obtaining a Queensland driver licence; and
  - (b) the person was under 25 years when the person committed the offence that led to the disqualification; and
  - (c) at the time of committing the offence, the person—
    - (i) held a P1 type licence, P2 type licence, P type licence or open licence; or
    - (ii) did not hold a driver licence.

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## **242 Meaning of *restricted driving period***

- (1) For this division, the *restricted driving period* for the person is a period of 1 year starting on the relevant day for the person.
- (2) For a person mentioned in section 241(1)(a)(i), the relevant day is the person's sanction day.
- (3) For a person mentioned in section 241(1)(a)(ii) whose Queensland driver licence is suspended under section 266(5) or 285(5), the relevant day is—
  - (a) if a special hardship order is made for the person—the day the special hardship order is made; or
  - (b) otherwise—the day after the last day of the suspension.
- (4) For a person mentioned in section 241(1)(a)(ii) whose Queensland driver licence is suspended under section 265(2), 278(4) or 289(5), the relevant day is the day after the last day of the suspension.
- (5) For a person in relation to whom this division applies under section 241(2) and who is the subject of an order mentioned in section 81(7) of the Act or made under section 87(1) of the Act, the relevant day is the day the court makes the order.
- (6) For a person in relation to whom this division applies under section 241(2) and who is not the subject of an order mentioned in subsection (5), the relevant day is the day after the last day the person is disqualified from holding or obtaining a Queensland driver licence.

## **243 Late night driving during restricted driving period**

The person must not, during the person's restricted driving period, drive a motor vehicle on a road at a time between the hours of 11p.m. and 5a.m. unless the person is allowed to drive at that time under—

- (a) a certificate of exemption under section 246(1) that is in effect for the person; or
- (b) a restricted licence held by the person; or
- (c) a special hardship order that is in effect for the person.

Maximum penalty—30 penalty units.

## **244 Applications for certificates of exemption**

- (1) The person may apply to the chief executive for a certificate of exemption under this division that allows the person to drive a motor vehicle on a road at particular times between the hours of 11p.m. and 5a.m. during the person's restricted driving period.

*Note—*

See chapter 14, part 1 for requirements about the application.

- (2) The application must—
  - (a) state the times between the hours of 11p.m. and 5a.m. at which the person wants to be allowed to drive a motor vehicle on a road; and
  - (b) be accompanied by a signed statement supporting the application from the person's employer.

## **245 Deciding applications**

- (1) The chief executive must deal with the application in a timely way and decide to—
  - (a) approve the application; or
  - (b) approve different times between the hours of 11p.m. and 5a.m. to those stated in the application; or
  - (c) refuse to approve the application.
- (2) The chief executive may make a decision under subsection (1)(a) or (b) only if satisfied that—
  - (a) the applicant needs to drive a motor vehicle on a road at the times stated in the application or the different times—
    - (i) to or from the applicant's place of employment; or
    - (ii) in the course of the applicant's employment; and



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- (b) a refusal to give a certificate of exemption would cause severe hardship to—
    - (i) the applicant; or
    - (ii) the applicant’s family because the applicant has taken on a role of special responsibility for the family.
  - (3) In deciding the application, the chief executive must also consider the applicant’s traffic history.

**246 Decisions to approve or refuse to approve applications or approve different times**

- (1) If the chief executive makes a decision under section 245(1)(a) or (b), the chief executive must give the applicant a certificate of exemption that allows the applicant to drive, during the applicant’s restricted driving period, a motor vehicle on a road—
  - (a) for a decision under section 245(1)(a)—at the times stated in the application; or
  - (b) for a decision under section 245(1)(b)—at the different times approved by the chief executive.
- (2) The certificate of exemption—
  - (a) must be in the approved form; and
  - (b) must state any conditions about the times and days, and purpose for which, the applicant may drive a motor vehicle under the certificate; and
  - (c) may state, for section 250, a matter that the applicant must notify the chief executive of a change to.
- (3) If the chief executive decides to refuse to approve the application or makes a decision under section 245(1)(b), the chief executive must give the applicant an information notice for the decision.

## **247 When persons must produce certificates of exemption**

- (1) This section applies if a police officer—
  - (a) reasonably suspects a person is, or has been, driving a motor vehicle on a road between the hours of 11p.m. and 5a.m. during the person’s restricted driving period; and
  - (b) asks the person if the person is allowed to drive a motor vehicle on a road between those hours.
- (2) If a certificate of exemption under section 246(1) is in effect for the person, the person must immediately produce the certificate for inspection by the police officer, unless the person has a reasonable excuse for not complying with the request.

Maximum penalty—10 penalty units.

## **Division 5 Driving peer passengers**

### **248 Late night driving of peer passengers**

- (1) This section applies to a person (the *driver*) who—
  - (a) is under 25 years and holds a class C, or heavy vehicle class, P1 provisional licence; or
  - (b) holds a class C, or heavy vehicle class, P1 probationary licence because of a young driver disqualification offence.
- (2) Between the hours of 11p.m. and 5a.m, the driver must not drive on a road a class C, LR, MR, HR, HC or MC motor vehicle carrying more than 1 passenger who—
  - (a) is under 21 years; and
  - (b) is not an immediate family member of the driver.

Maximum penalty—30 penalty units.

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- (3) In relation to proof of whether a passenger is an immediate family member of the driver in proceedings for an offence against subsection (2)—
- (a) a belief of a police officer, on reasonable grounds, that a passenger is not an immediate family member of the driver is sufficient evidence of that fact; and
  - (b) the driver has the onus of proving the passenger is an immediate family member of the driver.
- (4) For subsection (3)(a), the belief mentioned in the 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.
- (5) In this section—
- 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 sibling or step-sibling of the driver; or
  - (f) a foster child or ward of a parent or step-parent of the driver; or
  - (g) 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
  - (h) a guardian of the driver; or
  - (i) a child, stepchild, foster child or ward of a guardian of the driver; or
  - (j) if the driver is an Aboriginal person—a person who, under Aboriginal tradition, is regarded as a child of the driver; or

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- (k) if the driver is a Torres Strait Islander—a person who, under Island custom, is regarded as a child of the driver.

## **Division 6                      Miscellaneous**

### **249      Grounds for amending, suspending or cancelling certificates of exemption—Act, s 18**

For section 18(1)(s) of the Act, the following grounds are prescribed for a certificate of exemption given under section 236(1), 239(1) or 246(1)—

- (a) a person to whom the certificate applies, other than the holder of the certificate, has contravened a condition of the certificate;
- (b) a change in circumstances has happened after the certificate was given and, had the changed circumstances existed when the certificate was given, the certificate would not have been given because of a requirement under—
  - (i) for a certificate given under section 236(1)—section 232(2); or
  - (ii) for a certificate given under section 239(1)—section 238(2); or
  - (iii) for a certificate given under section 246(1)—section 245(2).

### **250      Holders of certificates of exemption must give notice of change in circumstances**

- (1) The holder of a certificate of exemption given under section 236(1), 239(1) or 246(1) must give written notice of a relevant change of circumstances to the chief executive within 14 days after the change happens, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

(2) In this section—

*relevant change of circumstances* means a change in a matter stated in a certificate of exemption under section 236(2)(b), 239(4)(c) or 246(2)(c).

## Part 4 Other restrictions on driving

### 251 Passengers on motorbikes

- (1) A person must not ride on a road a class RE motorbike with a passenger on the motorbike unless—
- (a) the person—
    - (i) holds a relevant class RE licence; and
    - (ii) has held a relevant class RE licence for a period of at least 1 year; or
  - (b) the person—
    - (i) holds a relevant class R licence; and
    - (ii) has held the relevant class R licence, and any other relevant class RE licences or relevant class R licences, for a total period of at least 1 year.

Maximum penalty—30 penalty units.

- (2) A person must not ride on a road a class R motorbike with a passenger on the motorbike unless the person—
- (a) holds a relevant class R licence; and
  - (b) has held the relevant class R licence, and any other relevant class RE licences or relevant class R licences, for a total period of at least 1 year.

Maximum penalty—30 penalty units.

- (3) Subsections (1) and (2) do not apply to a person riding a motorbike on a road with a passenger on the motorbike if the person—

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- (a) is authorised, under chapter 2, section 174 or chapter 5, to learn to ride the motorbike; and
  - (b) is riding under the direction of the passenger; and
  - (c) is complying with section 217(1).
- (4) Subsections (5) and (6) apply to a person who is authorised under chapter 5 to ride a motorbike under an interstate licence issued under a corresponding law to chapter 4, part 1.
- (5) Subsections (1) and (2) do not apply to the person if the person is not restricted from riding the motorbike with a passenger in the jurisdiction that issued the interstate licence.

*Examples of restrictions—*

- 1 a restriction that prohibits the person from riding the motorbike with a passenger on the motorbike
  - 2 a restriction that prohibits the person from riding the motorbike with a passenger on the motorbike unless the person holds a particular class, category or type of driver licence
- (6) The person is taken to comply with subsection (1) or (2) if—
- (a) the person is restricted from riding the motorbike with a passenger in the jurisdiction that issued the interstate licence; and
  - (b) the person is complying with the restrictions.
- (7) In this section—

***relevant class RE licence*** means—

- (a) a class RE P1 type licence, P2 type licence, P type licence or open licence; or
- (b) a non-Queensland driver licence that corresponds to a Queensland driver licence mentioned in paragraph (a).

***relevant class R licence*** means—

- (a) a class R P1 type licence, P2 type licence, P type licence or open licence; or
- (b) a non-Queensland driver licence that corresponds to a Queensland driver licence mentioned in paragraph (a).

## 252 Towing motor vehicles

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

Maximum penalty—20 penalty units.

- (2) A person must not drive a motor vehicle towing another motor vehicle unless—
  - (a) someone else occupies the driver's seating position of the towed vehicle during the towing; and
  - (b) the person who occupies the driver's seating position of the towed vehicle holds a P1 type licence, P2 type licence, P type licence or O type licence that authorises the person to drive the towed vehicle.

Maximum penalty—20 penalty units.

- (3) Subsection (2) does not apply to a person who is towing a motor vehicle using a tow truck licensed under the *Tow Truck Act 1973*.
- (4) In this section—

***P1 type licence*** includes a non-Queensland driver licence that corresponds to a P1 type licence.

***P2 type licence*** includes a non-Queensland driver licence that corresponds to a P2 type licence.

***P type licence*** includes a non-Queensland driver licence that corresponds to a P type licence.

***tow truck*** see the *Tow Truck Act 1973*, schedule 2.

## 253 Persons who hold Queensland driver licences and are 75 years or older

- (1) A person who holds a Queensland driver licence and is 75 years or older must not drive a motor vehicle on a road unless the person—

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- (a) is carrying a recently issued medical certificate; and
  - (b) is driving the vehicle in accordance with the certificate.
- Maximum penalty—20 penalty units.
- (2) Subsection (3) applies if the person—
- (a) is required by an authorised officer to produce a recently issued medical certificate; and
  - (b) is not able to comply with the requirement immediately.
- (3) The person is taken to have complied with subsection (1)(a) if the person—
- (a) holds a recently issued medical certificate at the time the requirement is made; and
  - (b) produces the certificate to a person nominated by the authorised officer within 48 hours of the requirement being made.

## **Chapter 7      Demerit points**

### **Part 1            Preliminary**

#### **254    Purpose of chapter**

The purpose of this chapter is—

- (a) to prescribe the number of demerit points that may be recorded on a person's traffic history for committing particular offences; and
- (b) to set out when—
  - (i) a person's Queensland driver licence or authority to drive, or learn to drive, under a non-Queensland driver licence is suspended because of the allocation of demerit points; and



- (ii) a person is not eligible to hold a Queensland driver licence because of the allocation of demerit points.

## 255 Definitions for chapter

In this chapter—

***relevant person*** means any of the following persons—

- (a) a person in relation to whom part 3, division 1 applies under section 263(1);
- (b) a person in relation to whom part 3, division 3 applies under section 269(1);
- (c) a person in relation to whom part 3, division 4 or 6 applies.

***required suspension period***, in relation to the suspension of a person's Queensland driver licence or authority to drive, or learn to drive, under a non-Queensland driver licence, means a period of—

- (a) for a relevant person—
  - (i) if the person's Queensland driver licence or authority is suspended because of the allocation of at least 20 demerit points—5 months; or
  - (ii) if the person's Queensland driver licence or authority is suspended because of the allocation of at least 16 but not more than 19 demerit points—4 months; or
  - (iii) if the person's Queensland driver licence or authority is suspended because of the allocation of not more than 15 demerit points—3 months; or
- (b) for a person other than a relevant person—3 months.

## **Part 2**

# **How and when demerit points are recorded and allocated**

### **256 Recording offences and demerit points on traffic histories**

- (1) This section applies if—
  - (a) a person is convicted of—
    - (i) a demerit points offence; or
    - (ii) an interstate offence; or
  - (b) an order is made against a person under—
    - (i) the *State Penalties Enforcement Act 1999*, section 38 for a demerit points offence; or
    - (ii) a corresponding law to the *State Penalties Enforcement Act 1999*, section 38 for an interstate offence.
- (2) The chief executive must record on the person's traffic history—
  - (a) particulars of the demerit points offence or interstate offence; and
  - (b) the number of demerit points allocated for the demerit points offence or interstate offence under this part; and
  - (c) the day the demerit points offence or interstate offence was committed.
- (3) The chief executive may record on the person's traffic history the penalty imposed on the person for the demerit points offence or interstate offence.

### **257 Allocation of demerit points generally**

- (1) The number of demerit points allocated for a demerit points offence or interstate offence is the number of demerit points mentioned in schedule 5 for—

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- (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.
- (2) The demerit points are taken to be allocated on the day the demerit points offence or interstate offence was committed.
  - (3) This section applies subject to sections 258 to 261.

## **258 Additional demerit points for multiple driver seatbelt offences**

- (1) This section applies if—
  - (a) a person commits a driver seatbelt offence (the *later offence*); and
  - (b) within 1 year before the person commits the later offence, the person committed 1 or more earlier driver seatbelt offences for which demerit points have been or must be recorded on the person’s traffic history under section 256.
- (2) Three additional demerit points must be added to the demerit points allocated under section 257 for the later offence.
- (3) The additional demerit points are taken to be allocated on the day the later offence was committed.
- (4) In this section—

*driver seatbelt offence* means an offence against—

  - (a) the Queensland Road Rules, section 264(1); or
  - (b) the Queensland Road Rules, section 264A(1) that involves a passenger under 16 years; or
  - (c) the Queensland Road Rules, section 266(1) as in force before the commencement of the Queensland Road Rules, section 264A.

**259 Additional demerit points for multiple motorbike helmet offences**

- (1) This section applies if—
  - (a) a person commits a motorbike helmet offence (the *later offence*); and
  - (b) within 1 year before the person commits the later offence, the person committed 1 or more earlier motorbike helmet offences for which demerit points have been or must be recorded on the person’s traffic history under section 256.
- (2) Three additional demerit points must be added to the demerit points allocated under section 257 for the later offence.
- (3) The additional demerit points are taken to be allocated on the day the later offence was committed.
- (4) In this section—

*motorbike helmet offence* means an offence against the Queensland Road Rules, section 270(1).

**260 Additional demerit points for multiple offences of driving more than 20km/h over speed limit**

- (1) This section applies if—
  - (a) a person commits a relevant speeding offence (the *later offence*); and
  - (b) within 1 year before the person commits the later offence, the person committed 1 or more earlier relevant speeding offences for which demerit points have been or must be recorded on the person’s traffic history under section 256.
- (2) The following additional demerit points must be added to the demerit points allocated under section 257 for the later offence—
  - (a) if the later offence involves driving more than 20km/h, but not more than 30km/h, over the speed limit—4 additional demerit points;

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- (b) if the later offence involves driving more than 30km/h, but not more than 40km/h, over the speed limit—6 additional demerit points;
  - (c) if the later offence involves driving more than 40km/h over the speed limit—8 additional demerit points.
- (3) The additional demerit points are taken to be allocated on the day the later offence was committed.
- (4) In this section—
- relevant speeding offence* means an offence against the Queensland Road Rules, section 20 that involves driving more than 20km/h over the speed limit.

## 261 Additional demerit points for multiple mobile phone offences

- (1) This section applies if—
- (a) a person commits a mobile phone offence (the *later offence*); and
  - (b) within 1 year before the person commits the later offence, the person committed 1 or more earlier mobile phone offences for which demerit points have been or must be recorded on the person’s traffic history under section 256.
- (2) Four additional demerit points must be added to the demerit points allocated under section 257 for the later offence.
- (3) The additional demerit points are taken to be allocated on the day the later offence was committed.
- (4) In this section—
- mobile phone offence* means an offence against—
- (a) section 228(2); or
  - (b) the expired regulation, section 68(2); or
  - (c) the Queensland Road Rules, section 300(1).

**262 Demerit points may be used for relevant provisions once only**

- (1) This section applies in relation to a person if—
  - (a) demerit points are recorded on the person’s traffic history under this part; and
  - (b) because of the recording and allocation of the demerit points, a relevant provision applies in relation to the person; and
  - (c) the chief executive gives the person a written notice under the relevant provision.
- (2) In determining whether the chief executive must give the person another written notice under a relevant provision, the demerit points must be disregarded.

*Example—*

Four demerit points are recorded on a person’s traffic history. The demerit points were allocated on different days in a continuous 1-year period. Because of the recording and allocation of the demerit points, part 3, division 1 applies in relation to the person under section 263(2) and the chief executive gives the person a notice to choose under section 264(1) in relation to the demerit points. In determining whether the chief executive must give the person another written notice under a relevant provision, the 4 demerit points must be disregarded.

- (3) In this section—  
***relevant provision*** means part 3, divisions 1 to 8.

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## **Part 3**                      **Consequences of allocation of demerit points**

### **Division 1**                **Queensland driver licence holders who must be given notices to choose**

#### **263 Application of division**

- (1) This division applies in relation to a person who holds an open licence if—
  - (a) 12 or more demerit points are recorded on the person's traffic history; and
  - (b) the demerit points were allocated in a continuous 3-year period; and
  - (c) the person held a Queensland driver licence for any part of the period.
- (2) Also, this division applies in relation to a person who holds a Queensland driver licence if—
  - (a) 4 or more demerit points are recorded on the person's traffic history; and
  - (b) the demerit points were allocated in a continuous 1-year period; and
  - (c) the person held a relevant licence for any part of the period, but did not hold an O type licence for any part of the period.
- (3) Further, this division applies in relation to a person who holds a Queensland driver licence if—
  - (a) 4 or more demerit points are recorded on the person's traffic history; and
  - (b) the demerit points were allocated in a continuous 1-year period; and

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- (c) the person did not hold a driver licence for any part of the period.
- (4) However, this division does not apply in relation to a person to whom division 2 or 4 to 7 applies.
- (5) In this section—  
*relevant licence* means—
  - (a) a learner licence, P1 type licence, P2 type licence or P type licence; or
  - (b) a non-Queensland driver licence that corresponds to a Queensland driver licence mentioned in paragraph (a).

## **264 Chief executive must give notice to choose**

- (1) The chief executive must give the person a written notice (a *notice to choose*) requiring the person to, within a stated period of at least 21 days after the day the notice is given (the *choice period*), choose between—
  - (a) having the person’s Queensland driver licence suspended for the required suspension period; or
  - (b) agreeing to be of good behaviour while driving for a year.
- (2) The notice to choose must state—
  - (a) the day the notice is given; and
  - (b) the effect of sections 265 and 266; and
  - (c) the person may notify the chief executive in writing if the person wants the person’s sanction day to be a day that is earlier than the last day of the choice period; and
  - (d) *the effect of section 281.*

## **265 Effect of choosing suspension or not notifying choice**

- (1) This section applies in relation to a person who is given a notice to choose if, within the choice period, the person—



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- (a) notifies the chief executive in writing that the person chooses to have the person's Queensland driver licence suspended for the required suspension period under section 264(1)(a); or
  - (b) does not notify the chief executive in writing of the person's choice under section 264(1)(a) or (b).
- (2) The person's Queensland driver licence is suspended for the required suspension period starting on the person's sanction day.

*Note—*

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

## **266 Effect of choosing good behaviour if 2 or more demerit points allocated during good behaviour year**

- (1) This section applies in relation to a person who is given a notice to choose if—
- (a) within the choice period, the person notifies the chief executive in writing that the person agrees to be of good behaviour while driving for a year under section 264(1)(b); and
  - (b) 2 or more demerit points are recorded on the person's traffic history for offences committed during the person's good behaviour year.
- (2) The chief executive must give the person a written notice stating—
- (a) the day the notice is given; and
  - (b) the person's Queensland driver licence is suspended for a period that is double the required suspension period; and
  - (c) the suspension starts on—
    - (i) the day stated in the notice; or

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- (ii) if the person notifies the chief executive in writing that the person wants the suspension to start on an earlier day—the earlier day; and
- (d) if the person’s Queensland driver licence is an open licence or a provisional licence—the person may be eligible to apply for a special hardship order under chapter 10 in relation to the suspension.
- (3) For subsection (2)(c)(i), the stated day must be at least 21 days after the day the notice is given.
- (4) If the person notifies the chief executive under subsection (2)(c)(ii) that the person wants the suspension to start on an earlier day, the earlier day must not be before the day the person notifies the chief executive.
- (5) If a notice is given to the person under subsection (2), the person’s Queensland driver licence is suspended for a period that—
  - (a) starts on—
    - (i) the day stated in the notice; or
    - (ii) if the person notifies the chief executive of an earlier day under subsection (2)(c)(ii)—the earlier day; and
  - (b) is double the required suspension period.

## **Division 2                      Particular Queensland driver licence holders**

### **267      Application of division**

- (1) This division applies in relation to a person who holds a class C learner licence if—
  - (a) 4 or more demerit points are recorded on the person’s traffic history; and
  - (b) the demerit points were allocated in a continuous 1-year period; and

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- (c) the person did not hold a driver licence for any part of the period.
  - (2) Also, this division applies in relation to a person who holds a Queensland driver licence if—
    - (a) 4 or more demerit points are recorded on the person’s traffic history; and
    - (b) the demerit points were allocated in a continuous 1-year period; and
    - (c) either—
      - (i) the person held a class C learner licence or corresponding learner licence for all of the period; or
      - (ii) the person held a class C learner licence or corresponding learner licence for part of the period but did not hold a driver licence for any part of the balance of the period.
  - (3) In this section—

*corresponding learner licence* means a non-Queensland driver licence that corresponds to a class C learner licence.

## **268 Chief executive must give notice of suspension of Queensland driver licence**

- (1) The chief executive must give the person a written notice stating—
  - (a) the day the notice is given; and
  - (b) the person’s Queensland driver licence is suspended for the required suspension period starting on the day stated in the notice; and
  - (c) *the effect of section 282.*
- (2) For subsection (1)(b), the stated day must be at least 21 days after the day the notice is given.
- (3) If a notice is given to the person under subsection (1), the person’s Queensland driver licence is suspended for the

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required suspension period starting on the day stated in the notice.

## **Division 3                      Non-Queensland driver licence holders**

### **269      Application of division**

- (1) This division applies in relation to a person who holds a non-Queensland driver licence that corresponds to an open licence if—
  - (a) 12 or more demerit points are recorded on the person’s traffic history; and
  - (b) the demerit points were allocated in a continuous 3-year period; and
  - (c) the person held a driver licence for any part of the period.
- (2) Also, this division applies in relation to a person who holds a non-Queensland driver licence if—
  - (a) 4 or more demerit points are recorded on the person’s traffic history; and
  - (b) the demerit points were allocated in a continuous 1-year period; and
  - (c) the person held a relevant licence for any part of the period, but did not hold an O type licence for any part of the period.
- (3) Further, this division applies in relation to a person who holds a non-Queensland driver licence if—
  - (a) 4 or more demerit points are recorded on the person’s traffic history; and
  - (b) the demerit points were allocated in a continuous 1-year period; and

- (c) the person did not hold a driver licence for any part of the period.
- (4) In this section—  
*relevant licence* means—
  - (a) a learner licence, P1 type licence, P2 type licence or P type licence; or
  - (b) a non-Queensland driver licence that corresponds to a Queensland driver licence mentioned in paragraph (a).

## **270 Chief executive must give notice of suspension of authority to drive**

- (1) The chief executive must give the person a written notice stating—
  - (a) the day the notice is given; and
  - (b) that, for the required suspension period starting on the day after the day stated in the notice—
    - (i) the person’s authority to drive, or learn to drive, on a Queensland road under the person’s non-Queensland driver licence is suspended; and
    - (ii) the person is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence; and
    - (iii) the person is not eligible to hold a Queensland driver licence; and
  - (c) *the effect of section 283.*
- (2) For subsection (1)(b), the stated day must be at least 21 days after the day the notice is given.
- (3) If a notice is given to the person under subsection (1), for the required suspension period starting on the day after the day stated in the notice—
  - (a) the person’s authority to drive, or learn to drive, on a Queensland road under the person’s non-Queensland driver licence is suspended; and

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- (b) the person is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence; and
- (c) the person is not eligible to hold a Queensland driver licence.

## **Division 4                      Persons who commit offences before section 79E orders made**

### **271      Application of division**

This division applies in relation to a person who holds an open licence if—

- (a) the person commits a demerit points offence or an interstate offence when there is no section 79E order in effect for the person; and
- (b) a section 79E order is later made that applies to the person; and
- (c) after the section 79E order is made but before 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 withdrawn or otherwise discontinued, 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 order mentioned in paragraph (c), demerit points are recorded on the

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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
- (f) the demerit points were allocated in a continuous 3-year period.

## **272 Chief executive must give notice of suspension of Queensland driver licence**

- (1) The chief executive must give the person a written notice stating—
  - (a) the day the notice is given; and
  - (b) the person's Queensland driver licence is suspended for the required suspension period starting on the day stated in the notice.
- (2) For subsection (1)(b), the stated day must be at least 14 days after the day the notice is given.
- (3) If a notice is given to the person under subsection (1), the person's Queensland driver licence is suspended for the required suspension period starting on the day stated in the notice.

## **Division 5 Persons to whom section 79E orders apply**

### **273 Application of division**

This division applies in relation to a person who holds a Queensland driver licence if—

- (a) a section 79E order is made in relation to the person; and

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- (b) 4 or more demerit points are recorded on the person's traffic history; and
- (c) the demerit points were allocated in a continuous 1-year period; and
- (d) the demerit points were allocated after the section 79E order was made but before the relevant charge for the person's suspended licence, in relation to which the section 79E order was made, had been dealt with by a court or withdrawn or otherwise discontinued.

**274 Chief executive must give notice of suspension of Queensland driver licence**

- (1) The chief executive must give the person a written notice stating—
  - (a) the day the notice is given; and
  - (b) the person's Queensland driver licence is suspended for the period starting on the day stated in the notice (the *stated day*) and ending on the day that is the later of the following days—
    - (i) the day that is 3 months after the stated day;
    - (ii) the day 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.
- (2) For subsection (1)(b), the stated day must be at least 14 days after the day the notice is given.
- (3) If a notice is given to the person under subsection (1), the person's Queensland driver licence is suspended for the period mentioned in subsection (1)(b).



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## **Division 6**                      **Persons who commit offences before special hardship orders made**

### **275 Application of division**

This division applies in relation to a person who holds an open licence or a provisional licence if—

- (a) the person commits a demerit points offence or an interstate offence when there is no special hardship order in effect for the person; and
- (b) a special hardship order is later made that applies to the person; and
- (c) during the order period for 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 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, division 1 would, but for section 263(4), apply in relation to the person under section 263(1) or (2).

## **276 Chief executive must give notice of suspension of Queensland driver licence**

- (1) The chief executive must give the person a written notice stating—
  - (a) the day the notice is given; and
  - (b) the person’s Queensland driver licence is suspended for the required suspension period starting on—
    - (i) the day stated in the notice; or
    - (ii) if the person notifies the chief executive in writing that the person wants the suspension to start on an earlier day—the earlier day.
- (2) For subsection (1)(b)(i), the stated day must be at least 21 days after the day the notice is given.
- (3) If the person notifies the chief executive under subsection (1)(b)(ii) that the person wants the suspension to start on an earlier day, the earlier day must not be before the day the person notifies the chief executive.
- (4) If a notice is given to the person under subsection (1), the person’s Queensland driver licence is suspended for the required suspension period starting on—
  - (a) the day stated in the notice; or
  - (b) if the person notifies the chief executive of an earlier day under subsection (1)(b)(ii)—the earlier day.

## **Division 7 Persons to whom special hardship orders apply**

### **277 Application of division**

This division applies in relation to a person who holds a Queensland driver licence if—

- (a) a special hardship order is made in relation to the person; and

- (b) 1 or more demerit points are recorded on the person's traffic history; and
- (c) the demerit points were allocated during the order period for the special hardship order.

**278 Chief executive must give notice of suspension of Queensland driver licence**

- (1) The chief executive must give the person a written notice stating—
  - (a) the day the notice is given; and
  - (b) the person's Queensland driver licence is suspended for a period that is double the order period for the special hardship order; and
  - (c) the suspension starts on—
    - (i) the day stated in the notice; or
    - (ii) if the person notifies the chief executive in writing that the person wants the suspension to start on an earlier day—the earlier day.
- (2) For subsection (1)(c)(i), the stated day must be at least 21 days after the day the notice is given.
- (3) If the person notifies the chief executive under subsection (1)(c)(ii) that the person wants the suspension to start on an earlier day, the earlier day must not be before the day the person notifies the chief executive.
- (4) If a notice is given to the person under subsection (1), the person's Queensland driver licence is suspended for a period that—
  - (a) starts on—
    - (i) the day stated in the notice; or
    - (ii) if the person notifies the chief executive of an earlier day under subsection (1)(c)(ii)—the earlier day; and
  - (b) is double the order period for the special hardship order.

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## **Division 8                      Unlicensed persons**

### **279      Application of division**

This division applies in relation to a person who does not hold a driver licence if—

- (a) 4 or more demerit points are recorded on the person's traffic history; and
- (b) the demerit points were allocated in a continuous 1-year period; and
- (c) the person did not hold a driver licence for any part of the period.

### **280      Chief executive must give notice of ineligibility for licence and suspension of authority to drive**

- (1) The chief executive must give the person a written notice stating—
  - (a) the day the notice is given; and
  - (b) that, for a period of 3 months starting on the day stated in the notice, the person—
    - (i) is not eligible to hold a Queensland driver licence; and
    - (ii) is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence.
- (2) For subsection (1)(b), the stated day must be at least 14 days after the day the notice is given.
- (3) If a notice is given to the person under subsection (1), for a period of 3 months starting on the day stated in the notice, the person—
  - (a) is not eligible to hold a Queensland driver licence; and

- (b) is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence.

## **Division 9                      Effect of expiry and surrender of driver licences on particular notices**

### **281      Persons given notice to choose then Queensland driver licence expires or is surrendered**

- (1) This section applies in relation to a person who is given a notice to choose.
- (2) Subsection (3) applies if, within the choice period—
  - (a) the person’s Queensland driver licence expires or is surrendered; and
  - (b) the person is granted another Queensland driver licence (a *new licence*).
- (3) Sections 265 and 266 continue to apply in relation to the person, and the notice to choose continues in effect for the person, as if a reference in the sections or the notice to the person’s Queensland driver licence were a reference to the new licence.
- (4) If, within the choice period, the person’s Queensland driver licence expires or is surrendered and the person is not granted another Queensland driver licence—
  - (a) the notice to choose stops having effect; and
  - (b) the person is not eligible to hold a Queensland driver licence for the relevant period; and
  - (c) the person is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence for the relevant period.
- (5) Subsection (6) applies if—
  - (a) the person’s Queensland driver licence is suspended under section 265(2); and

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- (b) the licence expires or is surrendered during the period of the suspension.
- (6) From the day the person's Queensland driver licence expires or is surrendered until the end of the period of the suspension the person—
  - (a) is not eligible to hold a Queensland driver licence; and
  - (b) is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence.
- (7) In this section—

*relevant period* means the period—

  - (a) starting on the day after the last day of the choice period; and
  - (b) that is equivalent to the length of the period the person's Queensland driver licence would have been suspended under section 265(2) if that section applied in relation to the person.

## **282 Persons given notice under s 268 then Queensland driver licence expires or is surrendered**

- (1) This section applies in relation to a person who is given a notice under section 268(1) (a *suspension notice*).
- (2) Subsection (3) applies if, after the suspension notice is given but before the period mentioned in section 268(1)(b) (the *suspension period*) starts—
  - (a) the person's Queensland driver licence expires or is surrendered; and
  - (b) the person is granted another Queensland driver licence (the *new licence*).
- (3) Section 268(3) continues to apply in relation to the person, and the suspension notice continues in effect for the person, as if a reference in the section or the notice to the person's Queensland driver licence were a reference to the new licence.

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- (4) If, after the suspension notice is given but before the suspension period starts, the person's Queensland driver licence expires or is surrendered and the person is not granted another Queensland driver licence—
- (a) the suspension notice stops having effect; and
  - (b) the person is not eligible to hold a Queensland driver licence for the suspension period; and
  - (c) the person is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence for the suspension period.
- (5) Subsection (6) applies if—
- (a) the person's Queensland driver licence is suspended under section 268(3); and
  - (b) the licence expires or is surrendered during the suspension period.
- (6) From the day the person's Queensland driver licence expires or is surrendered until the end of the suspension period, the person—
- (a) is not eligible to hold a Queensland driver licence; and
  - (b) is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence.

**283 Persons given notice under s 270 then non-Queensland driver licence expires or is surrendered or authority to drive is withdrawn**

- (1) This section applies if—
- (a) the chief executive gives a person a notice under section 270; and
  - (b) after the chief executive gives the person the notice, but before the end of the period mentioned in section 270(1)(b)—

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- (i) the person’s non-Queensland driver licence expires or is surrendered (the *old licence*); or
  - (ii) the person’s authority to drive, or learn to drive, on a Queensland road under the person’s non-Queensland driver licence is withdrawn under section 210(2), 211(1) or 212(1).
- (2) The person is not eligible to hold a Queensland driver licence, and is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence—
  - (a) from the day the person’s old licence expires or is surrendered, or the person’s authority to drive, or learn to drive, is withdrawn as mentioned in subsection (1)(b)(ii); and
  - (b) until the end of the period mentioned in section 270(1)(b).

## **Chapter 8            Suspension for driving more than 40km/h over speed limit**

### **Part 1                General**

#### **284    Application of part**

- (1) This part applies if—
  - (a) a person is convicted of an offence against the Queensland Road Rules, section 20 that involves driving more than 40km/h over the speed limit; or
  - (b) an order is made against a person under the *State Penalties Enforcement Act 1999*, section 38 for an offence mentioned in paragraph (a).



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- (2) However, this part does not apply in relation to the person if—
- (a) section 288 or 289 applies in relation to the person; or
  - (b) the person is disqualified from holding or obtaining a driver licence under section 129B of the Act.

**285 Chief executive must give notice of suspension to Queensland driver licence holders**

- (1) This section applies if the person holds a Queensland driver licence.
- (2) The chief executive must give the person a written notice stating—
- (a) the day the notice is given; and
  - (b) the person’s Queensland driver licence is suspended for a period of 6 months starting on—
    - (i) the day stated in the notice; or
    - (ii) if the person notifies the chief executive in writing that the person wants the suspension to start on an earlier day—the earlier day; and
  - (c) if the Queensland driver licence is an open licence or a provisional licence—the person may be eligible to apply for a special hardship order under chapter 10 in relation to the suspension.
- (3) For subsection (2)(b)(i), the stated day must be at least 21 days after the day the notice is given.
- (4) If the person notifies the chief executive under subsection (2)(b)(ii) that the person wants the suspension to start on an earlier day, the earlier day must not be before the day the person notifies the chief executive.
- (5) If a notice is given to the person under subsection (2), the person’s Queensland driver licence is suspended for a period of 6 months starting on—
- (a) the day stated in the notice; or

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- (b) if the person notifies the chief executive of an earlier day under subsection (2)(b)(ii)—the earlier day.

**286 Chief executive must give notice about authority to drive and eligibility to non-Queensland driver licence holders**

- (1) This section applies if the person holds a non-Queensland driver licence.
- (2) The chief executive must give the person a written notice stating—
  - (a) the day the notice is given; and
  - (b) that, for a period of 6 months starting on the day stated in the notice—
    - (i) the person’s authority to drive, or learn to drive, on a Queensland road under the person’s non-Queensland driver licence is suspended; and
    - (ii) the person is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence; and
    - (iii) the person is not eligible to hold a Queensland driver licence.
- (3) For subsection (2)(b), the stated day must be at least 21 days after the day the notice is given.
- (4) If a notice is given to the person under subsection (2), for a period of 6 months starting on the day stated in the notice—
  - (a) the person’s authority to drive, or learn to drive, on a Queensland road under the person’s non-Queensland driver licence is suspended; and
  - (b) the person is not authorised to drive, or learn to drive, on a Queensland road under a non-Queensland driver licence; and
  - (c) the person is not eligible to hold a Queensland driver licence.



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- (a) the person is convicted of an offence against the Queensland Road Rules, section 20 that involves driving more than 40km/h over the speed limit; or
  - (b) an order is made against the person under the *State Penalties Enforcement Act 1999*, section 38 for an offence mentioned in paragraph (a).
- (2) The chief executive must give the person a written notice stating—
- (a) the day the notice is given; and
  - (b) the person’s Queensland driver licence is suspended for the period starting on the day stated in the notice (the ***stated day***) and ending on the day that is the later of the following days—
    - (i) the day that is 6 months after the stated day;
    - (ii) the day the relevant charge for the person’s suspended licence, in relation to which the section 79E order applying to the person was made, is dealt with by a court or is withdrawn or otherwise discontinued.
- (3) For subsection (2)(b), the stated day must be at least 14 days after the day the notice is given.
- (4) If a notice is given to the person under subsection (2), the person’s Queensland driver licence is suspended for the period mentioned in subsection (2)(b).

**289 Suspension for driving more than 40km/h over speed limit during order period for special hardship order**

- (1) This section applies in relation to a person who holds a Queensland driver licence if—
- (a) a special hardship order is made in relation to the person; and
  - (b) during the order period for the special hardship order—

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- (i) the person is convicted of an offence against the Queensland Road Rules, section 20 that involves driving more than 40km/h over the speed limit; or
    - (ii) an order is made against the person under the *State Penalties Enforcement Act 1999*, section 38 for an offence mentioned in subparagraph (i).
  - (2) The chief executive must give the person a written notice stating—
    - (a) the day the notice is given; and
    - (b) the person’s Queensland driver licence is suspended for a period that is double the order period for the special hardship order; and
    - (c) the suspension starts on—
      - (i) the day stated in the notice; or
      - (ii) if the person notifies the chief executive in writing that the person wants the suspension to start on an earlier day—the earlier day.
  - (3) For subsection (2)(c)(i), the stated day must be at least 21 days after the day the notice is given.
  - (4) If the person notifies the chief executive under subsection (2)(c)(ii) that the person wants the suspension to start on an earlier day, the earlier day must not be before the day the person notifies the chief executive.
  - (5) If a notice is given under subsection (2), the person’s Queensland driver licence is suspended for a period that—
    - (a) starts on—
      - (i) the day stated in the notice; or
      - (ii) if the person notifies the chief executive of an earlier day under subsection (2)(c)(ii)—the earlier day; and
    - (b) is double the order period for the special hardship order.

## Chapter 9      Section 79E orders

### Part 1              Preliminary

#### 290      Purpose of chapter

This chapter provides, for section 79E(4) of the Act, for matters relating to a section 79E order.

#### 291      Definitions for chapter

In this chapter—

*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.

### Part 2              Eligibility to apply for section 79E orders

#### 292      Persons eligible to apply for section 79E orders

- (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 Queensland driver licence of the same class as the suspended licence.
- (2) However, a person is not eligible to apply for a section 79E order if section 293, 294 or 295 applies in relation to the person.

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**293 Persons not eligible to apply for section 79E orders—existing charges**

A person who has a suspended licence is not eligible to apply for a section 79E order if, at the time of the relevant charge for the suspended licence—

- (a) the person had been previously charged with an offence against section 79 or 80 of the Act; and
- (b) the previous charge had not been dealt with by a court, withdrawn or otherwise discontinued.

**294 Persons not eligible to apply for section 79E orders—particular circumstances**

A person who has a suspended licence is not eligible to apply for a section 79E order if 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—

- (a) while the person was engaged in an activity directly connected with the person's means of earning a living;
- (b) while the person was driving a motor vehicle the person was not authorised, under an open licence, to drive;
- (c) while the person held a restricted licence;
- (d) while the person was driving a motor vehicle to which section 79(2B) of the Act applies;
- (e) for a person who has been given a notice to choose and who, within the choice period, notifies the chief executive in writing that the person agrees to be of good behaviour for a year while driving under section 264(1)(b)—during the person's good behaviour year;
- (f) after the person had been given a notice to choose, but before the end of the choice period.

**295 Persons not eligible to apply for section 79E orders—suspension etc. within 5-year period**

- (1) A person who has a suspended licence is not eligible to apply for a section 79E order if, within 5 years before the relevant charge for the suspended licence—
  - (a) a Queensland driver licence held by the person was suspended or cancelled, or the person was disqualified from holding or obtaining a Queensland driver licence; or
  - (b) the person’s authority to drive on a Queensland road under a non-Queensland driver licence previously held by the person was suspended; or
  - (c) the person was not eligible to hold a Queensland driver licence under section 280, 281, 282, 283 or 287 or the expired regulation, section 84 or 88; or
  - (d) the person was convicted of—
    - (i) an offence against section 79 or 80(11) of the Act; or
    - (ii) an offence against the Criminal Code, section 328A; or
    - (iii) an offence committed outside Queensland that, if committed in Queensland, would be an offence against section 79 or 80(11) of the Act.
- (2) For subsection (1)(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 or cancellation that has been set aside under section 388(1) or the expired regulation, section 132;



- (e) a suspension, cancellation or disqualification that has been set aside by QCAT or a court;
- (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.

## Part 3 **Making and deciding applications for section 79E orders**

### **296 Applying for section 79E orders**

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

*Note—*

See also section 298(2) and (3) for particular evidence the applicant must give 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)—

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

## **297 Hearing of applications**

- (1) If required by the court, the applicant must attend as a witness to give evidence in relation to a matter relevant to the application.
- (2) Also, other persons may be called as witnesses to give evidence in relation to a matter relevant to the application.
- (3) The applicant or another witness may be cross-examined in relation to the evidence.
- (4) 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 section 79E order; and
  - (c) examine and cross-examine witnesses called to give evidence at the hearing.

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## 298 Deciding applications

- (1) The court may make the section 79E order only if satisfied—
  - (a) the applicant 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) that, if the order is made, there would not be an unacceptable risk of the applicant committing an offence against section 79 or 80 of the Act, having regard to the applicant’s traffic history; and
  - (c) a refusal to make the order would cause either or both of the following—
    - (i) extreme hardship to the applicant, or the applicant’s family, by depriving the applicant of the applicant’s means of earning a living;
    - (ii) 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 other than for the suspension, under section 79B(2) of the Act, to which the order relates.
- (2) For subsection (1)(c)(i), the applicant must give the court—
  - (a) an affidavit made by the applicant outlining how a refusal to make the section 79E order would cause extreme hardship to the applicant, or the applicant’s family, by depriving the applicant of the applicant’s means of earning a living; and
  - (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 were refused.
- (3) For subsection (1)(c)(ii), the applicant must give the court an affidavit made by the applicant that—

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- (a) outlines how a refusal to make the section 79E order would 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
- (b) is accompanied by a statutory declaration from a person other than the applicant, or other documentary evidence or certified copies of evidence, in support of each matter stated in the affidavit.

## **299 Matters section 79E orders must and may state**

- (1) If a court decides to make a section 79E order for a person, the order must state the following—
  - (a) the order has effect—
    - (i) while the person holds an open licence that is valid, or would be valid but for the suspension, under section 79B(2) of the Act, to which the order relates; and
    - (ii) until the relevant charge for the person's suspended licence is dealt with by a court or is withdrawn or otherwise discontinued;
  - (b) while the order is in effect for the person, a Queensland driver licence held by the person is subject to the restrictions stated in the order;
  - (c) 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 section 79E order must state the following restrictions—
  - (a) the purpose for which a motor vehicle may be driven under the person's Queensland driver licence;
  - (b) the class of motor vehicle that may be driven under the person's Queensland driver licence;

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- (c) the times at which, or period of time during which, a motor vehicle may be driven under the person's Queensland driver licence;
- (d) that a motor vehicle may be driven under the person's Queensland driver licence only if the person is carrying a copy of the order.
- (3) The section 79E order may also state the following restrictions—
- (a) where a motor vehicle may be driven under the person's Queensland driver 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 by the person under the person's Queensland driver licence and, if passengers can be carried, the names or other identifying details of the passengers who may be carried;
- (c) any other restriction the court considers appropriate.

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

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

### **300 Duration of section 79E orders**

A section 79E order for a person has effect—

- (a) while the person holds an open licence that is valid, or would be valid but for the suspension, under section 79B(2) of the Act, to which the order relates; and
- (b) until the relevant charge for the person's suspended licence is dealt with by a court or is withdrawn or otherwise discontinued.

## Part 4 Variation of section 79E orders

### 301 When persons may apply for orders 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) The person may apply to a relevant court for the person for an order (a **section 79E variation order**) varying the restrictions that, under the section 79E order, apply to a Queensland driver licence held by the person.
- (3) In this section—

**relevant court**, for a person to whom a section 79E order applies, means—

  - (a) if the relevant charge for the person's suspended licence, in relation to which the section 79E order was made, was laid against the person in, or the person resides in, a division of the Brisbane Magistrates Courts District—a court in the division; or
  - (b) if the relevant charge for the person's suspended licence, in relation to which the section 79E order was made, was laid against the person in, or the person resides in, another Magistrates Courts district—a court in the district.

### 302 Applying for section 79E variation orders

- (1) 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 applicant 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.
- (2) Without limiting subsection (1)(b)(ii), if the reason for the application is the applicant has changed employer, the application must be accompanied by 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 were refused.
- (3) Subsection (1)(b) 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 affidavits and the information or details accompanying the application—
  - (a) if the day of the hearing is within 4 days after the day the application is made—as soon as practicable but before the day of the hearing; or
  - (b) otherwise—as soon as practicable but at least 3 days before the day of the hearing.

### **303 Hearing of applications**

- (1) If required by the court, the applicant must attend as a witness to give evidence in relation to a matter relevant to the application.
- (2) Also, other persons may be called as witnesses to give evidence in relation to a matter relevant to the application.

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- (3) The applicant or another witness may be cross-examined in relation to the evidence.
- (4) 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 section 79E variation order; and
  - (c) examine and cross-examine witnesses called to give evidence at the hearing.

### **304 Deciding applications**

The court may make the section 79E variation order only if the court—

- (a) has had regard to the restrictions that, under the section 79E order, apply to a Queensland driver licence held by the applicant; and
- (b) considers the justice of the case requires the court to vary the restrictions; and
- (c) is satisfied that, if the restrictions were varied, the section 79E order would continue to comply with section 299(2) and (3).

### **305 Matters section 79E variation orders must state**

If a court decides to make a section 79E variation order for an applicant, the order must state the restrictions as varied that apply to a Queensland driver licence held by the applicant for the remainder of the period the section 79E order is in effect for the applicant.



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## **Part 5**                      **Driving under section 79E orders**

### **306 Failure to comply with section 79E orders**

- (1) A person who is 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 a Queensland driver licence held by the person.

Maximum penalty—20 penalty units.

- (2) For subsection (1), the person must comply with the restrictions stated in the section 79E order, as varied by any section 79E variation order.
- (3) Subsection (4) applies if—
- (a) a person is convicted by a court 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 was made, has not been dealt with by a court or has not been withdrawn or otherwise discontinued.
- (4) The court that convicted the person of the offence against subsection (1) must disqualify the person from holding or obtaining a Queensland driver licence until the relevant charge is dealt with by a court or is withdrawn or otherwise discontinued.

## Chapter 10 Special hardship orders

### Part 1 Preliminary

#### 307 Purpose of chapter

This chapter provides, for section 150(1A) of the Act, for—

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

#### 308 Definitions for chapter

In this chapter—

*relevant provision* means section 266(5) or 285(5).

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

### Part 2 Court may make special hardship orders

#### 309 Court may make special hardship orders authorising particular persons to continue to drive

- (1) This section applies in relation to a person who—
  - (a) has a suspended open licence or provisional licence; and
  - (b) is eligible under part 3, and applies under part 4, for a special hardship order.
- (2) A 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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## **Part 3** **Eligibility to apply for special hardship orders**

### **310 Persons eligible to apply for special hardship orders**

- (1) A person who has a suspended open licence or provisional licence is eligible to apply for a special hardship order if the application relates to a Queensland driver licence of the same class as the suspended open licence or provisional licence.
- (2) However, a person is not eligible to apply for a special hardship order if section 311 applies in relation to the person.

### **311 Persons not eligible to apply for special hardship orders**

- (1) A person who has a suspended open licence or provisional licence is not eligible to apply for a special hardship order if, within 5 years before the licence was suspended—
  - (a) a Queensland driver licence held by the person was suspended or cancelled, or the person was disqualified from holding or obtaining a Queensland driver licence; or
  - (b) the person's authority to drive on a Queensland road under a non-Queensland driver licence previously held by the person was suspended; or
  - (c) the person was not eligible to hold a Queensland driver licence under section 280, 281, 282, 283 or 287 or the expired regulation, section 84 or 88; or
  - (d) the person was convicted of an offence against the Criminal Code, section 328A.
- (2) For subsection (1)(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;

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- (c) a 24-hour suspension under section 80(22AA) of the Act;
- (d) a suspension or cancellation that has been set aside under section 388(1) or the expired regulation, section 132;
- (e) a suspension, cancellation or disqualification that has been set aside by QCAT or a court;
- (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 under the *Transport Operations (Passenger Transport) Act 1994*, section 91ZJ.

## **Part 4**

# **Making and deciding applications for special hardship orders**

### **312 Applying for special hardship orders**

- (1) A person may apply for a special hardship order only to a relevant court for the person.
- (2) The application must be—
  - (a) made in the approved form; and
  - (b) accompanied by the information, or details of the information, the applicant intends to rely on for the application.

*Note—*

See also section 317(2) and (3) for particular evidence the applicant must give to the court.

- (3) Subsection (2)(b) does not prevent the applicant from giving or producing further evidence at the hearing of the application.

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- (4) The applicant must give the chief executive a copy of the application, including the information or details mentioned in subsection (2)(b)—
    - (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 a division of the Brisbane Magistrates Courts District—a court in the division; or
    - (b) otherwise—a court in the Magistrates Courts district in which the person resides.

### **313 Court may transfer applications**

- (1) This section applies if—
  - (a) a person applies to a court for a special hardship order; and
  - (b) the court (the *transferring court*) decides it is not a relevant court for the person.
- (2) The transferring court may order that the application be transferred to a relevant court for the person if the transferring court is satisfied the application was made in the approved form.
- (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 person 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 312(1).
- (5) In this section—

*relevant court*, for a person, see section 312(5).

### **314 Making of application for special hardship order stays suspension**

The suspension of a person's suspended open licence or provisional licence under a relevant provision is stayed from the day the chief executive receives a copy of the person's application for a special hardship order under section 312(4) until the day before the day of the hearing of the application.

### **315 Hearing of applications**

- (1) If required by the court hearing an application for a special hardship order, the applicant must attend as a witness to give evidence in relation to a matter relevant to the application.
- (2) Also, other persons may be called as witnesses to give evidence in relation to a matter relevant to the application.
- (3) The applicant or another witness may be cross-examined in relation to the evidence.
- (4) 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 special hardship order; and
  - (c) examine and cross-examine witnesses called to give evidence at the hearing.

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

- (1) This section applies if—
  - (a) a person's open licence or provisional licence is suspended under both sections 266(5) and 285(5) for the same offence against the Queensland Road Rules, section 20; and

- (b) the person makes separate applications to a court for special hardship orders in relation to the suspensions.
- (2) The court may consider both applications together and must try to ensure both applications are considered together.

### **317 Deciding applications**

- (1) A court may make a special hardship order only if satisfied—
  - (a) the applicant 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 cause either or both of the following—
    - (i) extreme hardship to the applicant, or the applicant’s family, by depriving the applicant of the applicant’s means of earning a living;
    - (ii) 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
  - (c) when the order is made, the applicant holds an open licence or provisional licence that would be valid other than for the suspension, under a relevant provision, to which the order relates.
- (2) For subsection (1)(b)(i), the applicant must give the court—
  - (a) an affidavit made by the applicant outlining how a refusal to make the special hardship order would cause extreme hardship to the applicant, or the applicant’s family, by depriving the applicant of the applicant’s means of earning a living; and
  - (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 were refused.

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- (3) For subsection (1)(b)(ii), the applicant must give the court an affidavit made by the applicant that—
  - (a) outlines how a refusal to make the special hardship order would 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
  - (b) is accompanied by a statutory declaration from a person other than the applicant or other documentary evidence, or certified copies of evidence, in support of each matter stated in the affidavit.

### **318 Matters special hardship orders must and may state**

- (1) If a court decides to make a special hardship order for a person, the order must state the following—
  - (a) the order has effect—
    - (i) while the person holds a valid open licence or provisional licence; and
    - (ii) until the end of the order period;
  - (b) while the order is in effect for the person, a Queensland driver licence held by the person is subject to the restrictions stated in the order.
- (2) For subsection (1), the *order period* is the period, starting on the day the special hardship order is made, that is equivalent to the length of the period the person’s suspended open licence or provisional licence would have been suspended under the relevant provision if the special hardship order had not been made.

*Example—*

For a person whose suspended open licence or provisional licence is suspended under section 285(5), the order period is 6 months starting on the day the special hardship order is made.

- (3) However, if the person’s suspended open licence or provisional licence is suspended under both sections 266(5) and 285(5), the order period must be equivalent to the length



of the longer of the periods the licence would have been suspended for under those sections if the special hardship order had not been made.

- (4) The special hardship order must state the following restrictions—
- (a) the purpose for which a motor vehicle may be driven under the person’s Queensland driver licence;
  - (b) the class of motor vehicle that may be driven under the person’s Queensland driver licence;
  - (c) the times at which, or period of time during which, a motor vehicle may be driven under the person’s Queensland driver licence;
  - (d) that a motor vehicle may be driven under the person’s Queensland driver licence only if the person is carrying a copy of the order.
- (5) The special hardship order may also state the following restrictions—
- (a) where a motor vehicle may be driven under the person’s Queensland driver 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 person’s Queensland driver licence, and if they can be carried, the names or other identifying details of the passengers who may be carried;
  - (c) any other restriction the court considers appropriate.

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

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

### **319 Duration of special hardship orders**

A special hardship order for a person has effect—

- (a) while the person holds a valid open licence or provisional licence; and
- (b) until the end of the order period.

### **320 Effect of court's decision**

- (1) If a court makes a special hardship order for a person—
  - (a) the suspension of the person's suspended open licence or provisional licence under a relevant provision ends when the order is made; and
  - (b) while the order is in effect for the person, the person is authorised to continue to drive motor vehicles under a Queensland driver licence in the circumstances, and subject to the restrictions, stated in the order.
- (2) If a court refuses to make a special hardship order for a person, the suspension of the person's suspended open licence or provisional licence under a relevant provision continues for a period that is equivalent to the length of the period of the suspension under the relevant provision less any part of that period of suspension served before the suspension was stayed under section 314.
- (3) However, if the person's suspended open licence or provisional licence is suspended under both sections 266(5) and 285(5), the suspension of the licence continues for a period that is equivalent to the length of the longer of the periods of suspension under those sections less any part of those periods served before the suspension was stayed under section 314.

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## Part 5                                      **Obtaining replacement Queensland driver licences**

### **321 Replacement Queensland driver licences if special hardship orders made**

- (1) This section applies if a court makes a special hardship order for a person.
- (2) The person must, within 14 days after the day the special hardship order is made, apply for a replacement Queensland driver licence that—
  - (a) is of the same class, category and type as the person’s suspended open licence or provisional licence to which the order relates; and
  - (b) includes a code indicating that the person who holds the licence is authorised to drive motor vehicles only under a special hardship order.

Maximum penalty—20 penalty units.

*Note—*

See chapter 14, part 1 for requirements about the application.

- (3) The application must be accompanied by a copy of the special hardship order.
- (4) A person does not commit an offence against subsection (2) if the person has a reasonable excuse.
- (5) 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 under section 195.
- (6) Despite subsection (5)(b), the chief executive may only refuse the application if, under an Act—
  - (a) the person’s open licence or provisional licence to which the special hardship order relates is suspended or cancelled, or the person is disqualified from holding or

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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 licence or provisional licence to which the special hardship order relates would have been suspended or cancelled, or the person would have been disqualified from holding or obtaining a Queensland driver licence, other than for the person's open licence or provisional licence being already suspended under a relevant provision.

## Part 6 Variation of special hardship orders

### 322 When persons may apply for orders 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 change.

*Example—*

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

- (2) The person may apply to a relevant court for the person for an order (a *special hardship variation order*) varying the restrictions that, under the special hardship order, apply to a Queensland driver licence held by the person.
- (3) In this section—  
***relevant court***, for a person, means—

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

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

### **323 Applying for special hardship variation orders**

- (1) 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 applicant 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.
- (2) Without limiting subsection (1)(b)(ii), if the reason for the application is the applicant has changed employer, the applicant must give 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 were refused.
- (3) Subsection (1)(b) does not prevent the applicant from giving or producing further evidence at the hearing of the application.
- (4) 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.

### **324 Court may transfer applications**

- (1) This section applies if—
  - (a) a person applies to a court for a special hardship variation order; and
  - (b) the court (the *transferring court*) decides it is not a relevant court for the person.
- (2) The transferring court may order that the application be transferred to a relevant court for the person if the transferring court is satisfied the application was made in the approved form.
- (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 person 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 322(2).
- (5) In this section—  
*relevant court*, for a person, see section 322(3).

### **325 Hearing of applications**

- (1) If required by the court hearing an application for a special hardship variation order, the applicant must attend as a witness to give evidence in relation to a matter relevant to the application.
- (2) Also, other persons may be called as witnesses to give evidence in relation to a matter relevant to the application.
- (3) The applicant or another witness may be cross-examined in relation to the evidence.
- (4) The chief executive 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 special hardship variation order; and
- (c) examine and cross-examine witnesses called to give evidence at the hearing.

### **326 Deciding applications**

The court may make a special hardship variation order only if the court—

- (a) has had regard to the restrictions that, under the special hardship order, apply to a Queensland driver licence held by the applicant; and
- (b) considers the justice of the case requires the court to vary the restrictions; and
- (c) is satisfied that, if the restrictions were varied, the special hardship order would continue to comply with section 318(4) and (5).

### **327 Matters special hardship variation orders must state**

If a court decides to make a special hardship variation order for an applicant, the order must state the restrictions as varied that apply to a Queensland driver licence held by the applicant for the remainder of the period the special hardship order is in effect for the applicant.

## **Part 7 Driving under special hardship orders**

### **328 Failure to comply with special hardship orders**

- (1) A person who is 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 a Queensland driver licence held by the person.

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Maximum penalty—20 penalty units.

- (2) For subsection (1), the person must comply with the restrictions stated in the special hardship order, as varied by any special hardship variation order.
- (3) If a person is convicted by a court 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 during the order period for the special hardship order—the period starting on the day of the conviction and ending on the day that is 3 months after the day the order period ends;
  - (b) if the person is convicted after the order period for the special hardship order has ended—a period of 3 months starting on the day of the conviction.

## Chapter 11 Repeat offender education program exemptions

### 329 Meaning of severe hardship—Act, s 91H

- (1) This section prescribes the meaning of severe hardship for section 91H(1)(b) of the Act.
- (2) *Severe hardship* means severe hardship suffered by the applicant either—
  - (a) directly; or
  - (b) because of severe hardship suffered by a family member of the applicant.
- (3) The applicant not being able to do any of the following things, because the applicant is required to complete a repeat offender education program, does not, of itself, cause severe hardship to the applicant—



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- (a) provide care for a child or other family member of the applicant;
  - (b) carry out the applicant's employment;
  - (c) attend an educational institution or another place the applicant ordinarily attends;
  - (d) drive a family member to or from the family member's place of employment, an educational institution or another place the family member ordinarily attends.
- (4) Also, the existence of any of the following matters does not, of itself, mean the applicant would suffer severe hardship if the applicant were required to complete a repeat offender education program—
- (a) transport is not available to the applicant at times that would allow the applicant to complete a repeat offender education program at any place at which a repeat offender education program is provided;
  - (b) the applicant can not afford the cost of—
    - (i) completing a repeat offender education program online; or
    - (ii) attending a repeat offender education program at any place at which a program is provided.

*Example of a cost of attending a repeat offender education program—*

the cost of transport for travel to or from the place at which the repeat offender education program is provided

### **330 Travelling time to nearest place at which program is provided—Act, s 91H**

For section 91H(2)(a) of the Act, the time of 2 hours is prescribed.

### **331 Location of principal place of residence—Act, s 91H**

- (1) For section 91H(2)(b) of the Act, a remote island is prescribed.

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(2) In this section—

*ferry service* see the *Transport Operations (Passenger Transport) Act 1994*, schedule 3.

*remote island* means an island—

- (a) on which a repeat offender education program is not provided; and
- (b) that is not connected by a bridge to—
  - (i) the mainland; or
  - (ii) another island that is connected by a bridge to the mainland; or
  - (iii) another island on which a repeat offender education program is provided; and
- (c) that does not have a ferry service that provides transport from the island to the mainland or another island at times that would allow the applicant to complete a repeat offender education program at the nearest place at which a repeat offender education program is provided.

**332 Radius from nearest place at which program is provided—Act, s 91H**

For section 91H(2)(c)(i) of the Act, a radius of 150km is prescribed.

## Chapter 12 Alcohol ignition interlocks

### Part 1 Preliminary

**333 Definitions for chapter**

In this chapter—

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

*fitted with a prescribed interlock* includes fitted with an interlock in compliance with a non-Queensland interlock requirement.

*interlock driver record*, for a person, means a record in the approved form that identifies the driver of a nominated vehicle for the person at a particular time during the person's overlap period.

*nominated vehicle*, for a person, see section 91I of the Act.

*overlap period*, in relation to a person, means the period in which a motor vehicle is a nominated vehicle for the person and 1 or more other persons.

*record period*, in relation to a person, means the period—

- (a) starting at the beginning of the person's overlap period; and
- (b) ending on the day that is 1 year after the end of the person's overlap period.

## Part 2                                      **Approved interlocks and nominated vehicles for more than 1 person**

### **334      Approved interlocks under ch 5, pt 3B of the Act**

For section 91I of the Act, definition *approved*, the following interlocks are approved—

- (a) Alcolock™ LR;
- (b) Dräger Interlock® 7000 (also known as Draeger Interlock® 7000);
- (c) Dräger Interlock® 7500 (also known as Draeger Interlock® 7500);
- (d) Smart Start 20/20 (also known as SSI-20/20™);

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- (e) Smart Start 20/30 (also known as SSI-20/30™);
- (f) Smart Start 20/35 (also known as SSI-20/35™).

*Note—*

See, however, section 431 in relation to a person's interlock period starting before 10 September 2021.

### **335 Nomination of motor vehicle for more than 1 person—Act, s 91L**

For section 91L(2) of the Act, a particular motor 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.

### **336 Using technical capability to identify drivers**

- (1) This section applies if—
  - (a) a motor vehicle is the nominated vehicle for more than 1 person; and
  - (b) the vehicle is fitted with a prescribed interlock that has the technical capability mentioned in section 335(a).
- (2) A person for whom the motor vehicle is a nominated vehicle must use the technical capability of the interlock to identify the person as the driver of the vehicle while operating the vehicle.

Maximum penalty—20 penalty units.

### **337 Use of another person's means of identification**

- (1) This section applies if—

- 
- (a) a motor vehicle is the nominated vehicle for more than 1 person; and
  - (b) the vehicle is fitted with a prescribed interlock that has the technical capability mentioned in section 335(a).
- (2) A relevant driver must not use someone else's means of identification to operate the motor vehicle.

*Examples of means of identification—*

a PIN or swipe card

Maximum penalty—20 penalty units.

- (3) A relevant driver (the *first driver*) must not allow another relevant driver to use the first driver's means of identification to operate the motor vehicle.

Maximum penalty—20 penalty units.

- (4) In this section—

*relevant driver* means a person whose Queensland driver licence is subject to an interlock condition.

### **338 Producing interlock driver records**

- (1) This section applies in relation to a person who is required to keep an interlock driver record under section 335(b).
- (2) The chief executive may, during the person's record period, give the person a written notice requiring the person to produce to the chief executive the person's interlock driver record in relation to a stated period within the person's overlap period.
- (3) The person must comply with the requirement within 7 days after the notice is given, unless the person has a reasonable excuse.

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

### **339 Damaging interlock driver records**

If a person (the *driver*) is required to keep an interlock driver record under section 335(b), the driver or someone else must not wilfully damage the record within the driver's record period.

Maximum penalty—20 penalty units.

### **340 Interlock driver records that are damaged, lost or stolen**

- (1) This section applies if a person becomes aware, or reasonably suspects, the person's interlock driver record has been damaged, lost or stolen during the person's record period.
- (2) The person must give the chief executive written notice that the interlock driver record has been, or is suspected to have been, damaged, lost or stolen within 14 days after the day the person becomes aware, or reasonably suspects, the record has been damaged, lost or stolen.

Maximum penalty—20 penalty units.

## **Part 3 Interlock exemptions**

### **Division 1 Nearest place of business**

#### **341 Radius from nearest place of business—Act, s 91Q**

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

### **Division 2 Matters for exemption**

#### **342 Purpose of division—Act, s 91Q**

This division prescribes matters for section 91Q(3)(c) of the Act.

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**343 Principal place of residence on Queensland island**

- (1) The chief executive may grant an interlock exemption to an applicant if satisfied of the following—
  - (a) the applicant’s principal place of residence is on a Queensland island;
  - (b) a prescribed interlock installer does not have a place of business on the island;
  - (c) the island is not connected by a bridge to the mainland;
  - (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—

- (a) Coochiemudlo Island;
- (b) Fraser Island;
- (c) Karragarra Island;
- (d) Lamb Island;
- (e) Macleay Island;
- (f) Magnetic Island;
- (g) North Stradbroke Island;
- (h) Orpheus Island;
- (i) Russell Island.

**344 Not physically possible to fit approved interlock**

The chief executive may grant an interlock exemption to an applicant if satisfied that—

- (a) it is not physically possible to fit an approved interlock to the only motor vehicle reasonably available to be driven by the applicant; and
- (b) either—

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- (i) 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
- (ii) 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.

### **345 Family member cannot provide breath sample**

- (1) The chief executive may grant an interlock exemption to an applicant if satisfied of the following—
  - (a) 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;
  - (b) there is only 1 motor vehicle that is reasonably available to be driven by the applicant or family member;
  - (c) a refusal to grant the exemption would cause severe hardship to the applicant;
  - (d) there is no other transport reasonably available to the applicant or family member.
- (2) This section applies subject to section 347.

### **346 Other severe hardship**

- (1) This section applies in relation to an applicant if the chief executive is not satisfied of the matters mentioned in sections 344(a) and 345(1)(a) in relation to the applicant.
- (2) The chief executive may grant an interlock exemption to the applicant if satisfied that—
  - (a) a refusal to grant the exemption would cause severe hardship to the applicant in a way other than by preventing the applicant from driving—



- (i) to or from, or in the course of, the applicant's employment; or
    - (ii) to or from an educational institution the applicant attends; and
  - (b) there is no other transport reasonably available to the applicant.
- (3) Also, the chief executive may grant an interlock exemption to the applicant if satisfied that—
- (a) a refusal to grant the exemption would cause severe hardship to a family member of the applicant in a way other than by preventing the applicant from driving the family member—
    - (i) to or from the family member's place of employment; or
    - (ii) to or from an educational institution the family member attends; and
  - (b) there is no other transport reasonably available to the family member.
- (4) This section applies subject to section 347.

### **347 Costs of fitting prescribed interlocks**

The chief executive must not decide that the chief executive is satisfied of a matter mentioned in section 345(1)(c) or 346(2)(a) or (3)(a) merely because the applicant can not afford the cost of fitting a prescribed interlock to a motor vehicle or maintaining the interlock in a motor vehicle.

## **Part 4**

### **Extension of interlock driver's prescribed period**

#### **348 Notice of automatic extension of prescribed period—Act, s 91VA**

For section 91VA(5) of the Act, the person must be notified by the chief executive giving the person a written notice stating—

- (a) an automatic extension of the person's prescribed period has been imposed because a relevant event has happened; and
- (b) the type of relevant event; and
- (c) the date of the relevant event; and
- (d) for a relevant event under section 91VA(1)(a) of the Act—the time of the relevant event; and
- (e) the prescribed review information for the automatic extension.

#### **349 Grounds for review of automatic extension of prescribed period—Act, s 91Z**

- (1) For section 91Z(f) of the Act, the grounds include the following—
  - (a) for a relevant event under section 91VA(1)(a) of the Act—relevant interlock data for the person was received by the chief executive because, at the time of the relevant event—
    - (i) another person provided the prescribed interlock with a specimen of breath containing alcohol; or
    - (ii) the prescribed interlock was not operating properly;
  - (b) for a relevant event under section 91VA(1)(b) of the Act—relevant interlock data for the person was received by the chief executive because—

- 
- (i) the person’s compliance with an approved servicing requirement for the prescribed interlock was not recorded correctly or at all; or
- (ii) at the time of the relevant event, the prescribed interlock was not operating correctly.
- (2) In this section—
- approved servicing requirement* see section 91I of the Act.
- relevant event* see section 91VA(1) of the Act.
- relevant interlock* data see section 91VA(7) of the Act.

## Chapter 13 Dealing with Queensland driver licences

### Part 1 Amending, suspending and cancelling Queensland driver licences

#### Division 1 Preliminary

##### 350 Definitions for part

In this part—

*amend*, a Queensland driver licence, includes impose a condition on the licence, whether or not the licence was unconditional before the amendment.

*minor amendment* see section 359(2).

*proposed action* see section 353(1).

*show cause notice* see section 353(1).

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*show cause period*, in relation to a show cause notice, means—

- (a) the period stated in the show cause notice for making representations; or
- (b) if the period for making representations is extended under section 353(5)—the period as extended.

## **Division 2                    Amending, suspending and    cancelling Queensland driver    licences through show cause    process or immediately**

### **351     Application of division**

This division does not apply in relation to a minor amendment of a Queensland driver licence.

### **352     Grounds for amending, suspending or cancelling                  Queensland driver licences**

- (1) Each of the following is a ground for amending, suspending or cancelling a Queensland driver licence—
  - (a) the holder of the licence has a mental or physical incapacity that is likely to adversely affect the holder's ability to drive safely;
  - (b) the licence was obtained on the basis of information the holder of the licence knew was false or misleading in a material particular;
  - (c) the holder of the licence has contravened a condition of the licence;
  - (d) the holder of the licence has been disqualified from holding or obtaining a driver licence in another country;
  - (e) the holder of the licence has obtained a non-Queensland driver licence;

- (f) for a class HC learner licence—the holder of the licence no longer has a special need for a class HC Queensland driver licence;
  - (g) the holder of the licence does not reside in Queensland;
  - (h) an application for the grant or renewal of the licence did not comply with section 382;
  - (i) the holder of the licence was not eligible for the licence, including the class, category or type of licence, when the licence was granted or renewed.
- (2) For subsection (1)(g), a person resides in Queensland if the person’s usual and settled residence is in Queensland.

### 353 Show cause notices

- (1) If the chief executive considers a ground exists to amend, suspend or cancel a Queensland driver licence (the *proposed action*), the chief executive may give the holder of the licence a written notice (a *show cause notice*).
- (2) Subsection (1) applies even if the Queensland driver licence is suspended.
- (3) The show cause notice must—
  - (a) state the proposed action; and
  - (b) state the ground for the proposed action; and
  - (c) outline the facts and circumstances forming the basis for the ground; and
  - (d) if the proposed action is to amend the Queensland driver licence—state the proposed amendment; and
  - (e) if the proposed action is to suspend the Queensland driver licence—state the proposed suspension period; and
  - (f) state the holder may, within a stated period, make written or personal representations to the chief executive to show why the proposed action should not be taken.

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- (4) For subsection (3)(f), the stated period must be at least 28 days after the day the show cause notice is given.
- (5) The chief executive may, by written notice given to the holder, extend the period under subsection (3)(f) before or after the end of the period.

### **354 Representations about show cause notices**

The holder of the Queensland driver licence may make written or personal representations about the show cause notice to the chief executive within the show cause period.

### **355 Ending show cause processes without further action**

If, after considering any representations made during the show cause period, the chief executive no longer considers a ground exists to take the proposed action, the chief executive must—

- (a) take no further action about the show cause notice; and
- (b) give the holder of the Queensland driver licence written notice that no further action is to be taken about the show cause notice.

### **356 Decisions in relation to taking proposed actions**

- (1) If, after considering any representations made during the show cause period, the chief executive still considers a ground exists to take the proposed action, the chief executive may—
  - (a) if the proposed action is to amend the Queensland driver licence—
    - (i) amend the licence in the way stated in the show cause notice; or
    - (ii) amend the licence in another way having regard to the representations; or
  - (b) if the proposed action is to suspend the Queensland driver licence—

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- (i) suspend the licence for a period not longer than the proposed suspension period stated in the show cause notice; or
    - (ii) amend the licence having regard to the representations; or
  - (c) if the proposed action is to cancel the Queensland driver licence—
    - (i) cancel the licence; or
    - (ii) suspend the licence for a period; or
    - (iii) amend the licence having regard to the representations.
- (2) Subsection (1) applies even if the Queensland driver licence is suspended.
- (3) If the chief executive decides to act under subsection (1), the chief executive must give the holder of the Queensland driver licence an information notice for the decision.
- (4) Subsection (5) applies if the decision is to suspend or cancel the Queensland driver licence and the decision is not a prescribed licence decision.
- (5) The information notice for the decision must state that, under section 387(5), the making of an application for a reconsideration of the decision under that section suspends the suspension or cancellation of the Queensland driver licence.

### **357 When decisions take effect**

A decision under section 356(1), other than for a ground mentioned in section 352(1)(b), takes effect on the later of the following days—

- (a) the day the information notice for the decision is given under section 356(3) to the holder of the Queensland driver licence;
- (b) a later day stated in the information notice.

*Note—*

For a decision on a ground mentioned in section 352(1)(b), see section 126(2) of the Act.

**358 Immediate amendment or suspension of Queensland driver licences if mental or physical incapacity**

- (1) This section applies if—
  - (a) the chief executive is given information about the holder of a Queensland driver licence from the holder or a health professional; and
  - (b) because of the information, the chief executive considers the holder may have a permanent or long-term mental or physical incapacity that is likely to adversely affect the holder’s ability to drive safely; and
  - (c) the chief executive 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 amendment or suspension of the holder’s Queensland driver licence is otherwise necessary in the public interest.
- (2) The chief executive may, by written notice given to the holder, immediately amend or suspend the holder’s Queensland driver licence.
- (3) The chief executive may give a notice under subsection (2) immediately amending the holder’s Queensland driver licence even if the licence is suspended.
- (4) The notice under subsection (2) must state that the amendment or suspension takes effect immediately on the giving of the notice.
- (5) The chief executive must also give the holder an information notice for the decision.



- (6) The chief executive must give the holder a show cause notice under section 353 within 7 days after the day the notice under subsection (2) is given to the holder.
- (7) The amendment or suspension—
  - (a) takes effect immediately on the giving of the notice under subsection (2); and
  - (b) continues in effect until the show cause notice given to the holder is finally dealt with under this division.

## Division 3                      Minor amendments

### 359      Minor amendments to Queensland driver licences

- (1) The chief executive may, by written notice given to the holder of a Queensland driver licence, make a minor amendment to the licence.
- (2) An amendment of a Queensland driver licence is a *minor amendment* if—
  - (a) the amendment omits a condition of the licence; or
  - (b) the amendment is for a formal or clerical reason; or
  - (c) the holder of the licence has agreed to the amendment; or
  - (d) the amendment does not adversely affect the holder's interests.
- (3) Subsection (1) applies even if the Queensland driver licence is suspended.
- (4) The amendment takes effect on the later of the following days—
  - (a) the day the notice is given to the holder;
  - (b) a later day stated in the notice.

## **Division 4                      Return of Queensland driver licences and returning driver certificates for amendment**

### **360      Return of Queensland driver licences 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 to the chief executive, in a stated way and within a stated period, to enable—
  - (a) the licence to be amended in accordance with a decision made under section 356 or a notice given under section 359(1); or
  - (b) information stated on the licence that is incorrect to be amended, if the chief executive reasonably believes the inclusion of the incorrect information was caused by the chief executive.
- (2) Subsection (1) applies even if the Queensland driver licence is suspended.
- (3) For subsection (1), the stated period must be at least 14 days after the day the notice is given.
- (4) If a notice is given under subsection (1)(a)—
  - (a) the chief executive must, after receiving the Queensland driver licence, issue to the holder a driver licence receipt including the amendments; and
  - (b) the amendments take effect under section 357 or 359(4) even if the holder does not return the licence for amendment.
- (5) A notice given under subsection (1)(b) must include a statement identifying the information that is incorrect and the correct information.
- (6) If a notice is given under subsection (1)(b), the chief executive must, after receiving the Queensland driver licence, issue to the holder a driver licence receipt stating the correct information.

- (7) However, if the Queensland driver licence is suspended, the chief executive is not required to comply with subsection (4)(a) or (6) until after the suspension ends.
- (8) A person who is given a notice under subsection (1) must comply with the notice, unless the person has a reasonable excuse.

*Example of a reasonable excuse—*

The Queensland driver licence has been, or the person reasonably suspects the licence has been, destroyed, lost or stolen.

Maximum penalty for subsection (8)—20 penalty units.

### **361 Return of returning driver certificates for amendment**

- (1) This section applies if—
  - (a) information stated in a returning driver certificate is incorrect; and
  - (b) the chief executive reasonably believes the inclusion of the incorrect information was caused by the chief executive.
- (2) The chief executive may give the holder of the returning driver certificate a written notice requiring the holder to return the certificate to the chief executive, in a stated way and within a stated period, to enable the incorrect information to be amended.
- (3) For subsection (2), the stated period must be at least 14 days after the day the notice is given.
- (4) The notice must include a statement identifying the information that is incorrect and the correct information.
- (5) After receiving the returning driver certificate from the holder, the chief executive must issue to the holder a replacement returning driver certificate stating the correct information.
- (6) The holder of a returning driver certificate must comply with a notice given under this section to the holder, unless the holder has a reasonable excuse.

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*Example of a reasonable excuse—*

The returning driver certificate has been, or the holder of the certificate reasonably suspects the certificate has been, destroyed, lost or stolen.

Maximum penalty for subsection (6)—20 penalty units.

## **Division 5                      Practical driving tests for particular amendments**

### **362      Persons may apply to omit or amend particular conditions**

- (1) The holder of a Queensland driver licence that is subject to an A condition or a B condition may apply to the chief executive to amend the licence to—
  - (a) omit the condition; or
  - (b) if the condition is an A condition and the licence is a heavy vehicle class Queensland driver licence—change the A condition to a B condition.

*Note—*

See chapter 14, part 1 for requirements about the application.

- (2) Before making the application, the applicant must take a practical driving test to demonstrate the applicant is capable of driving a motor vehicle with the transmission or gearbox the applicant would be authorised to drive under the Queensland driver licence if the application were approved.
- (3) If the applicant passes the practical driving test, the chief executive must issue a driver licence receipt to the applicant including the amendment.
- (4) Subsection (3) does not apply if the application is cancelled under section 383(4).
- (5) In this section—

**A condition** means the condition mentioned in schedule 3, column 2 opposite the code A in schedule 3, column 1.

*B condition* means the condition mentioned in schedule 3, column 2 opposite the code B in schedule 3, column 1.

## Part 2                                      **Changes of details and replacement Queensland driver licences**

### **363      Changes of name, address or postal address**

- (1) The holder of a Queensland driver licence must, unless the holder has a reasonable excuse, notify the chief executive of the following changes within 14 days after the change—
  - (a) a change of the holder's name or address;
  - (b) if there is a current postal address for the holder—a change of the holder's postal address.

Maximum penalty—20 penalty units.

- (2) Subsection (1) applies even if the Queensland driver licence is suspended.
- (3) If the chief executive is satisfied the information given by the holder under subsection (1)(a) is correct, the chief executive must issue to the holder—
  - (a) for a change of name—a driver licence receipt stating the holder's new name; or
  - (b) for a change of address—a change of address label.
- (4) However, if the Queensland driver licence is suspended, the chief executive is not required to comply with subsection (3) until after the suspension ends.
- (5) A person who receives a change of address label under subsection (3)(b) must, within 14 days after the day the label is received, attach the label to the back of the person's Queensland driver licence in the space provided for a change of address label, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

### **364 Notifiable events under other Acts**

- (1) This section applies if the holder of a Queensland driver licence, including a Queensland driver licence that is suspended—
  - (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, at the time the notification is given under the prescribed smartcard Act, any time allowed for making the notification under the Act has not expired.
- (3) In this section—

***notifiable event***, in relation to the holder of a Queensland driver licence, means any of the following—

- (a) a change of the holder's name;
- (b) a change of the holder's address;
- (c) if there is a current postal address for the holder—a change of the postal address.

***prescribed smartcard Act*** means any of the following Acts—

- (a) the *Photo Identification Card Act 2008*;
- (b) the *Tow Truck Act 1973*;
- (c) the *Transport Operations (Marine Safety) Act 1994*;
- (d) the *Transport Operations (Passenger Transport) Act 1994*.

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**365 Holders may apply for replacement Queensland driver licences if incorrect information on licences**

- (1) The holder of a Queensland driver licence may apply to the chief executive for the issue of a replacement Queensland driver licence if the holder becomes aware or reasonably suspects information stated on the licence is incorrect.

*Note—*

See chapter 14, part 1 for requirements about the application.

- (2) Subsection (1) applies even if the Queensland driver licence is suspended.
- (3) If the chief executive is satisfied the information given by the holder in the application is correct, the chief executive must issue to the holder a driver licence receipt stating the correct information.
- (4) Subsection (3) does not apply if the application is cancelled under section 383(4).
- (5) Also, if the Queensland driver licence is suspended, the chief executive is not required to comply with subsection (3) until after the suspension ends.

**366 Smartcard driver licences not received in post**

- (1) This section applies if—
  - (a) the chief executive issues a driver licence receipt for a Queensland driver licence to a person; and
  - (b) the person has not received a smartcard driver licence in the post, within the period stated by the chief executive when the person applied for the Queensland driver licence, at—
    - (i) if there is a current postal address for the person—the postal address; or
    - (ii) otherwise—the address stated in the application for the Queensland driver licence.

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- (2) The person must promptly notify the chief executive that the person has not received a smartcard driver licence.
- (3) Subsection (4) applies if—
  - (a) the person notifies the chief executive under subsection (2) within 90 days after the day the driver licence receipt was issued; and
  - (b) the chief executive is satisfied the person has not received a smartcard driver licence because the smartcard driver licence has been lost or stolen.
- (4) The chief executive must ensure a new smartcard driver licence is issued to the person.
- (5) Subsection (6) applies if the person does not notify the chief executive under subsection (2) within 90 days after the day the driver licence receipt was issued.
- (6) The person must apply to the chief executive for a replacement Queensland driver licence.

*Note—*

See chapter 14, part 1 for requirements about the application.

- (7) If an application is made under subsection (6) and the chief executive is satisfied the person has not received a smartcard driver licence because the smartcard driver licence has been lost or stolen, the chief executive must ensure a new smartcard driver licence is issued to the person.
- (8) Subsection (7) does not apply if the application is cancelled under section 383(4).

### **367 Replacement Queensland driver licences if licences damaged, lost or stolen**

- (1) This section applies if the holder of a Queensland driver licence, including a Queensland driver licence that is suspended, (the *original licence*) becomes aware, or reasonably suspects, the licence has been damaged, lost or stolen.



- (2) The holder must apply to the chief executive for a replacement Queensland driver licence within 14 days after the day the holder becomes aware, or reasonably suspects, the original licence has been damaged, lost or stolen, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

*Note—*

See chapter 14, part 1 for requirements about the application.

- (3) If the chief executive is satisfied the original licence has been damaged, lost or stolen, the chief executive must issue a driver licence receipt to the holder.
- (4) Subsection (3) does not apply if the application is cancelled under section 383(4).
- (5) Also, if the original licence is suspended, the chief executive is not required to comply with subsection (3) until after the suspension ends.
- (6) This section does not apply in relation to—
  - (a) a smartcard driver licence in relation to which section 366 applies; or
  - (b) a driver licence receipt in relation to which section 368 applies.

### **368 Replacement driver licence receipts if receipts damaged, lost or stolen**

- (1) This section applies if—
  - (a) the chief executive issues a driver licence receipt (the *original receipt*) to a person; and
  - (b) the person becomes aware, or reasonably suspects, the original receipt has been damaged, lost or stolen while the receipt is in effect.
- (2) The person must apply to the chief executive for a replacement driver licence receipt within 14 days after the day the person becomes aware, or reasonably suspects, the

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original receipt has been damaged, lost or stolen, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

*Note—*

See chapter 14, part 1 for requirements about the application.

- (3) If the chief executive is satisfied the original receipt has been damaged, lost or stolen, the chief executive must issue a replacement driver licence receipt to the person.
- (4) Subsection (3) does not apply if the application is cancelled under section 383(4).

### **369 Replacement labels**

- (1) This section applies if the holder of a Queensland driver licence, including a Queensland driver licence that is suspended, becomes aware, or reasonably suspects, a change of address label issued under section 363(3)(b) or subsection (3) (the *original label*) has been damaged, lost or stolen.
- (2) The holder must apply to the chief executive for a replacement change of address label within 14 days after the day the holder becomes aware, or reasonably suspects, the original label has been damaged, lost or stolen, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

*Note—*

See chapter 14, part 1 for requirements about the application.

- (3) If the chief executive is satisfied the original label has been damaged, lost or stolen, the chief executive must issue a replacement change of address label to the holder.
- (4) Subsection (3) does not apply if the application is cancelled under section 383(4).
- (5) Also, if the Queensland driver licence is suspended, the chief executive is not required to comply with subsection (3) until after the suspension ends.

- (6) A person who receives a replacement change of address label under subsection (3) must, within 14 days after the day the label is received, attach the label to the back of the person's Queensland driver licence in the space provided for a change of address label, unless the person has a reasonable excuse.

Maximum penalty—10 penalty units.

### **370 Labels form part of Queensland driver licences**

A label issued by the chief executive for attachment to a Queensland driver licence forms part of the licence for which the label was issued when the label is attached to the licence.

## **Part 3 Marine licences**

### **371 Queensland driver licences may include information identifying holders of marine licences**

- (1) A Queensland driver licence may identify that the holder of the licence also holds a marine licence, and whether or not the marine licence is subject to conditions, by stating a marine licence indicator code or marine licence indicator condition code stated in schedule 4, part 1 or 2, column 1 on the Queensland driver licence.
- (2) If a marine licence indicator code stated in schedule 4, part 1, column 1 is stated on a Queensland driver licence, the Queensland driver licence identifies that the holder of the licence also holds the marine licence stated opposite the code in schedule 4, part 1, column 2.
- (3) If a marine licence indicator condition code stated in schedule 4, part 2, column 1 is stated on a Queensland driver licence, the Queensland driver licence identifies whether the marine licence held by the holder of the Queensland driver licence is subject to a condition, as stated opposite the code in schedule 4, part 2, column 2.

**372 Removal of information on Queensland driver licences identifying holders of marine licences—marine licences cancelled**

- (1) This section applies if—
  - (a) a person holds a Queensland driver licence, including a Queensland driver licence that is suspended; and
  - (b) the Queensland driver licence identifies that the person also holds a marine licence by stating a marine licence indicator code stated in schedule 4, part 1, column 1; and
  - (c) the person’s marine licence is cancelled under the *Transport Operations (Marine Safety) Act 1994*; and
  - (d) the person is required—
    - (i) under the *Transport Operations (Marine Safety) Act 1994*, section 202C to return the person’s marine licence indicator for the marine licence to the chief executive; or
    - (ii) under the *Transport Operations (Marine Safety) Regulation 2016*, section 144 to return the person’s smartcard marine licence indicator for the marine licence to the administering agency; and
  - (e) the chief executive receives the person’s Queensland driver licence.
- (2) The chief executive must issue to the person a driver licence receipt that does not state the marine licence indicator code or any marine licence indicator condition code stated in schedule 4, part 2, column 1.
- (3) However, if the Queensland driver licence is suspended, the chief executive is not required to comply with subsection (2) until after the suspension ends.
- (4) In this section—

***administering agency*** see the *Transport Operations (Marine Safety) Regulation 2016*, section 99.

*marine licence indicator* see the *Transport Operations (Marine Safety) Act 1994*, schedule 1.

*smartcard marine licence indicator* see the *Transport Operations (Marine Safety) Act 1994*, schedule 1.

**373 Removal of information on Queensland driver licences identifying holders of marine licences—marine licences surrendered**

- (1) This section applies if—
  - (a) a person holds a Queensland driver licence, including a Queensland driver licence that is suspended; and
  - (b) the Queensland driver licence identifies that the person also holds a marine licence by stating a marine licence indicator code stated in schedule 4, part 1, column 1; and
  - (c) the person’s marine licence is surrendered under the *Transport Operations (Marine Safety) Act 1994*.
- (2) The person must, within 14 days after the day the marine licence is surrendered, return the Queensland driver licence to the chief executive for the removal of the marine licence indicator code from the driver licence.

Maximum penalty—20 penalty units.

- (3) After receiving the Queensland driver licence, the chief executive must issue to the person a driver licence receipt that does not state the marine licence indicator code or any marine licence indicator condition code stated in schedule 4, part 2, column 1.
- (4) However, if the Queensland driver licence is suspended, the chief executive is not required to comply with subsection (3) until after the suspension ends.

**374 Changes of information on Queensland driver licences identifying holders of marine licences—changes in conditions**

- (1) This section applies if—
  - (a) a person holds a Queensland driver licence, including a Queensland driver licence that is suspended; and
  - (b) the Queensland driver licence identifies that—
    - (i) the person also holds a marine licence by stating a marine licence indicator code stated in schedule 4, part 1, column 1; and
    - (ii) the marine licence is, or is not, subject to a condition by stating a marine licence indicator condition code stated in schedule 4, part 2, column 1; and
  - (c) 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
  - (d) as a result of the amendment of the marine licence, the marine licence indicator condition code no longer correctly identifies whether the marine licence is subject to a condition; and
  - (e) the person is required under the *Transport Operations (Marine Safety) Regulation 2016*, section 139 to return the person’s marine licence indicator for the marine licence to the administering agency; and
  - (f) the chief executive receives the person’s Queensland driver licence.
- (2) The chief executive must—
  - (a) amend the Queensland driver licence to state a new marine licence indicator condition code, stated in schedule 4, part 2, column 1, to correctly identify whether the marine licence is subject to a condition; and
  - (b) issue to the person a driver licence receipt that states the new marine licence indicator condition code.

(3) However, if the Queensland driver licence is suspended, the chief executive is not required to comply with subsection (2)(b) until after the suspension ends.

(4) In this section—

*administering agency* see the *Transport Operations (Marine Safety) Regulation 2016*, section 99.

*marine licence indicator* see the *Transport Operations (Marine Safety) Act 1994*, schedule 1.

## Part 4 Surrendering and seizing Queensland driver licences

### 375 Surrendering Queensland driver licences

- (1) The holder of a Queensland driver licence, including a Queensland driver licence that is suspended, may surrender the licence by written notice given to the chief executive.
- (2) If the Queensland driver licence is in the holder's possession, the licence must be given to the chief executive with the written notice.

*Note—*

See also section 130 of the Act.

- (3) The surrender takes effect on the giving of the notice.

### 376 Seizing Queensland driver licences

- (1) This section applies if—
  - (a) a person produces a Queensland driver licence to an authorised officer under section 49 of the Act; and
  - (b) the authorised officer reasonably believes the person is not the licensee.
- (2) This section also applies if—

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- (a) a person who is the driver of a motor vehicle produces a Queensland driver licence to an authorised officer under section 49 of the Act; and
  - (b) the authorised officer reasonably believes—
    - (i) the licence has been cancelled or has otherwise stopped having effect, other than because the licence is suspended; or
    - (ii) the person is disqualified, however described, by an Australian court from holding or obtaining an Australian driver licence.
- (3) The authorised officer may seize the Queensland driver licence.

### **377 Seizing documents that purport to be Queensland driver licences**

- (1) This section applies if—
- (a) either—
    - (i) a person produces a document that purports to be a Queensland driver licence to an authorised officer under section 49 of the Act; or
    - (ii) an authorised officer finds a document that purports to be a Queensland driver licence; and
  - (b) the authorised officer reasonably believes the document is not a Queensland driver licence.
- (2) The authorised officer may seize the document.

### **378 Return of Queensland driver licences**

- (1) This section applies if, after seizing a Queensland driver licence under section 376, an authorised officer finds—
- (a) for a licence seized because of an authorised officer's belief under section 376(1)(b)—the person who produced the licence is the licensee; or



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- (b) for a licence seized because of an authorised officer's belief under section 376(2)(b)(i)—the licence has not been cancelled or otherwise stopped having effect, or has stopped having effect only because the licence is suspended; or
  - (c) for a licence seized because of an authorised officer's belief under section 376(2)(b)(ii)—the person who produced the licence—
    - (i) was not disqualified, as mentioned in that section, when the licence was seized; or
    - (ii) was disqualified, as mentioned in that section, when the licence was seized but the disqualification has been set aside by a court.
- (2) This section also applies if an authorised officer finds a document seized under section 377 is a Queensland driver licence.
- (3) The authorised officer must return the Queensland driver licence to the licensee within 28 days after the day the finding mentioned in subsection (1) or (2) is made.
- (4) However, the authorised officer is not required to return the Queensland driver licence if—
- (a) the licence is no longer valid, other than because the licence is suspended; or
  - (b) a replacement Queensland driver licence has been issued to the licensee.
- (5) The authorised officer complies with subsection (3) if the officer sends the Queensland driver licence by post to either of the following addresses—
- (a) the last known address recorded by the chief executive for the licensee;
  - (b) if there is a current postal address for the licensee—the current postal address.
- (6) Subsection (5) does not limit the ways in which the authorised officer may otherwise comply with subsection (3).

### **379 Damaging Queensland driver licences**

A person must not wilfully damage a Queensland driver licence.

Maximum penalty—20 penalty units.

## **Chapter 14 Making applications, giving incapacity notices and reconsideration of decisions**

### **Part 1 Provisions for particular applications and notices**

#### **380 Definitions for part**

In this part—

*application* means—

- (a) an application required or permitted to be made under this regulation, other than an application under section 296, 301, 312 or 322; or
- (b) an application for the grant of a restricted licence made by a person in relation to whom an order mentioned in section 81(7) of the Act, or made under section 87(1) of the Act, is in effect.

*decision-maker*, for an application, means the office holder (however described) whose function it is to decide the application.

*information* includes a document.

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### **381 Chief executive may publish notice about applications**

(1) The chief executive may, by publishing a notice on the department's website—

(a) approve a way in which an application may be made; or

*Examples of ways—*

orally, by electronic communication or by another form of communication

(b) require stated information to be included in, or to accompany, an application.

(2) A notice under subsection (1)(a) may include requirements for making an application in the approved way.

(3) A notice under subsection (1)(b) may only require information that is reasonably necessary for—

(a) the decision-maker to decide the application; or

(b) another purpose related to the application or the thing being applied for.

*Examples of information that is not reasonably necessary—*

- irrelevant personal information
- relevant personal information if the provision of the information would be excessively intrusive to personal privacy

(4) Subsection (1) applies whether or not there is an approved form for the application.

### **382 How applications must be made**

(1) An application must be made in 1 of the following ways—

(a) in the approved form for the application;

(b) in the approved way under section 381(1)(a) for making the application;

(c) if there is no approved form and no approved way for making the application—in writing.

- (2) An application must include, or be accompanied by, any information required for the application under section 381(1)(b).
- (3) Subsection (2) does not limit or otherwise affect another provision of this regulation that requires an application to include, or be accompanied by, particular information.

### **383 Decision-maker may request further information**

- (1) The decision-maker for an application may, by written notice given to the applicant, ask for further information the decision-maker reasonably needs to decide the application.
- (2) The notice—
  - (a) must state—
    - (i) the information required; and
    - (ii) the time, no earlier than 28 days after the day the notice is given, by which the information is required to be given to the decision-maker; and
    - (iii) the decision-maker may cancel the application if the applicant does not comply with the notice; and
  - (b) may state a way in which the information must be given.
- (3) If the notice does not state a way in which the information must be given, the applicant must give the information in writing.
- (4) If the applicant does not comply with the notice, the decision-maker may give the applicant a written notice cancelling the application.
- (5) The cancellation takes effect on the day the notice cancelling the application is given to the applicant or a later day stated in the notice.

### **384 Electronic issuing of driver licence receipts**

- (1) This section applies if—

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- (a) an application is made, under this part, by electronic communication; and
  - (b) as a result of deciding the application, the decision-maker for the application must, under this regulation, issue a driver licence receipt to the applicant.
- (2) The driver licence receipt must be electronically issued.

### **385 Chief executive may publish notice about incapacity notices**

- (1) The chief executive may, by publishing a notice on the department's website (a *departmental notice*)—
- (a) approve a way in which an incapacity notice may be given; or
- Examples of ways—*
- orally, by electronic communication or by another form of communication
  - (b) require stated information to be included in, or to accompany, an incapacity notice.
- (2) A departmental notice may include requirements for giving an incapacity notice in the approved way.
- (3) Subsection (1) applies whether or not there is an approved form for the incapacity notice.
- (4) In this section—

*incapacity notice* means a notice given under section 177(1), 178(1) or (3) or 208(2) or (5).

### **386 How incapacity notices must be given**

- (1) An incapacity notice must be given in 1 of the following ways—
- (a) in the approved form for the notice;
  - (b) in the approved way under section 385(1)(a) for giving the notice;

- (c) if there is no approved form and no approved way for giving the notice—in writing.
- (2) An incapacity notice must include, or be accompanied by, any information required for the notice under section 385(1)(b).
- (3) Subsection (2) does not limit or otherwise affect another provision of this regulation that requires an incapacity notice to include, or be accompanied by, particular information.
- (4) In this section—  
*incapacity notice* means a notice given under section 177(1), 178(1) or (3) or 208(2) or (5).

## Part 2 Reconsideration of decisions

### 387 Applications for reconsideration of original decisions

- (1) A person who has been given, or is entitled to be given, an information notice for a decision mentioned in schedule 6 (an *original decision*) may apply to the chief executive to reconsider the decision.

*Note—*

See part 1 for requirements about the application.

- (2) The application must be made within—
  - (a) for a person who has been given an information notice for the original decision—28 days after the day the person is given the notice; or
  - (b) for a person who has not been given an information notice for the original decision—the longer of the following periods—
    - (i) 28 days after the day the person becomes aware of the decision;
    - (ii) if the person asks for an information notice for the decision—28 days after the day the person is given the information notice.

- (3) The chief executive may, at any time, extend the period within which the application must be made.
- (4) Subject to subsection (5), the application does not affect the operation of the original decision or prevent the decision being implemented.
- (5) If an application is made for reconsideration of the chief executive's decision to suspend or cancel a Queensland driver licence, other than a prescribed licence decision, the suspension or cancellation—
  - (a) is suspended pending the chief executive's reconsidered decision; and
  - (b) subject to the chief executive's reconsidered decision—
    - (i) for a suspension—takes effect from the day of the chief executive's reconsidered decision for the remaining period of the suspension; or
    - (ii) for a cancellation—takes effect from the day of the chief executive's reconsidered decision.

### **388 Reconsideration of decisions**

- (1) The chief executive must, as soon as possible after receiving an application for reconsideration of an original decision—
  - (a) reconsider the original decision; and
  - (b) decide to—
    - (i) confirm the decision; or
    - (ii) substitute another decision for the original decision; and
  - (c) give the person a QCAT information notice for the reconsidered decision.
- (2) The application may be dealt with only by a person who—
  - (a) did not make the original decision; and
  - (b) holds a more senior office than, or an office at the same level as, the person who made the original decision.

- (3) Subsection (2) does not apply in relation to an original decision made by the chief executive personally.
- (4) If section 131(7) of the Act applies in relation to the reconsidered decision, the QCAT information notice must state that if the person applies to QCAT for a review of the decision, the cancellation or suspension of the person's licence is suspended pending the finalisation of the review.
- (5) In this section—  
*QCAT information notice*, for a reconsidered decision, means a notice complying with the QCAT Act, section 157(2).

### **389 Application of the Act, s 65A to particular decisions**

- (1) This section applies to a reconsidered decision under section 388 of an original decision under section 70(1), 77(1), 82(1), 129(1), 134(1), 143(1), 190(2), 213(2), 232(1), 238(1) or 245(1)(b) or (c).
- (2) Section 65A(2) and (3) of the Act applies in relation to the reconsidered decision as if—
  - (a) a reference in the section to the reviewed decision were a reference to the reconsidered decision; and
  - (b) a reference in the section to the applicant were a reference to the person who made an application under section 387 for a reconsideration of the original decision.

*Note—*

For a review of a reconsidered decision of an original decision that is a licensing decision, see section 131(4) of the Act.



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## Chapter 15 Miscellaneous

### Part 1 Fees

#### 390 Fees—Act, ss 91P and 171

For sections 91P(4) and 171(3)(a) of the Act, the fees payable under the Act are stated in schedule 7.

#### 391 Exemption from payment of particular fees

- (1) The following persons are exempt from the payment of the fees mentioned in schedule 7, items 1 to 5 that are otherwise payable under this regulation—
  - (a) the head of a consulate;
  - (b) a career consular officer under the *Consular Privileges and Immunities Act 1972* (Cwlth);
  - (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) A person is exempt from the payment of the fee mentioned in schedule 7, item 1 for a road rules test that is otherwise payable under this regulation if—
  - (a) either—
    - (i) the person is required, under chapter 3, to pass the road rules test to be eligible for a class RE Queensland driver licence; or
    - (ii) the person applies for a class RE or class R Queensland driver licence as a returning driver and the person is required to pass the road rules test under section 169 or 170 to be eligible for a Queensland driver licence that has the code RD stated on the licence; and

- (b) the test is conducted using an online system; and
  - (c) the person does not pass the test.
- (3) A person is exempt from the payment of the fees mentioned in schedule 7, items 12 and 13 for the release of information under section 77(1)(a) of the Act that are otherwise payable under this regulation if the information—
- (a) is released using an online system; and
  - (b) for the fee mentioned in schedule 7, item 13—is about—
    - (i) the current number of demerit points recorded on a person’s traffic history; and
    - (ii) the particulars of each demerit points offence or interstate offence for which the demerit points were allocated.
- (4) A government entity of the State is exempt from the payment of the fees mentioned in schedule 7, items 12 and 13 for the release of information under section 77(1)(a) of the Act that are otherwise payable under this regulation.
- (5) In this section—

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

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

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

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**392 Grant of Queensland driver licences of different class to existing Queensland driver licence holders—term and fees**

- (1) This section applies if—
- (a) the holder of a provisional licence, probationary licence or open licence (the *current licence*) applies for another Queensland driver licence (the *new licence*) of the same category and type, but of a higher or lower class, than the current licence; and
  - (b) the chief executive decides to grant the new licence.

*Example—*

The holder of a class C open licence applies for a class LR open licence.

- (2) This section also applies if—
- (a) the holder of—
    - (i) a class C, or heavy vehicle class, provisional licence, probationary licence or open licence (also the *current licence*) applies for a class RE or class R Queensland driver licence (also the *new licence*) of the same category and type as the current licence; or
    - (ii) a class RE or class R provisional licence, probationary licence or open licence (also the *current licence*) applies for a class C, or heavy vehicle class, Queensland driver licence (also the *new licence*) of the same category and type as the current licence; and
  - (b) the chief executive decides to grant the new licence.
- (3) The chief executive must grant the new licence for the remaining term of the current licence.
- (4) Despite section 390 and schedule 7, item 5, no fee is payable for the grant of the new licence.

**393 Grant and renewal of learner licences to existing Queensland driver licence holders—term and fees**

- (1) This section applies if—
  - (a) the holder of a Queensland driver licence (the *current licence*)—
    - (i) applies for the grant of a learner licence of a different class to the current licence; or
    - (ii) applies to renew a learner licence at the same time as the holder applies to renew the current licence; and
  - (b) the chief executive decides to grant or renew the learner licence.
- (2) Despite section 390 and schedule 7, item 4, no fee is payable for the grant or renewal of the learner licence.
- (3) Subsection (4) applies if—
  - (a) the learner licence is—
    - (i) a class C learner licence; or
    - (ii) a class RE learner licence; or
    - (iii) a learner licence granted to the holder on the basis that the holder is eligible for the licence under section 173(2); and
  - (b) for an application to renew a learner licence mentioned in subsection (1)(a)(ii)—the chief executive decides to renew the current licence.
- (4) The chief executive must—
  - (a) for the grant of a learner licence in relation to an application mentioned in subsection (1)(a)(i)—grant the learner licence for the remaining term of the current licence; or
  - (b) for the renewal of a learner licence in relation to an application mentioned in subsection (1)(a)(ii)—renew the learner licence for the same term as the current licence is renewed for.

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**394 Grant of Queensland driver licences to interstate licence holders—term and fees**

- (1) This section applies if—
  - (a) the holder of an interstate licence applies for a Queensland driver licence; and
  - (b) the chief executive decides to grant the Queensland driver licence.
- (2) The chief executive may, at the choice of the applicant, grant the Queensland driver licence—
  - (a) for the remaining term of the interstate licence; or
  - (b) for another term that is equivalent to a term the Queensland driver licence may be granted for under section 199 plus the remaining term of the interstate licence.
- (3) However, the term of the Queensland driver licence must not be more than—
  - (a) if the Queensland driver licence is a learner licence mentioned in section 199(3)—3 years; or
  - (b) otherwise—5 years.
- (4) Despite section 390 and schedule 7, items 4 and 5, if the Queensland driver licence is granted for the remaining term of the interstate licence under subsection (2)(a), no fee is payable for the grant of the Queensland driver licence.
- (5) Subsection (6) applies if the Queensland driver licence is granted for another term under subsection (2)(b).
- (6) For schedule 7, items 4 and 5, the term of the Queensland driver licence is taken to be the term the Queensland driver licence is granted for less the remaining term of the interstate licence.

**395 Partial refund of fees**

- (1) This section applies if—

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- (a) the holder of a 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 chief executive cancels the licence under section 356; or
    - (ii) the holder surrenders the licence under section 375; or
  - (b) the holder of a Queensland driver licence dies before the licence expires.
- (2) The holder of the Queensland driver 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 grant or renewal of the licence.

*Note—*

See chapter 14, part 1 for requirements about the application.

- (3) If the chief executive is satisfied the information given by the applicant for the application is correct, the chief executive must give 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 fee paid for the grant or renewal of the Queensland driver licence.

*LP* means the total term of the Queensland driver licence in months.

*WM* means the remaining term of the Queensland driver 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.
- (7) Also, subsection (3) does not apply if the application is cancelled under section 383(4).

**396 Waiving payment of particular fees for persons affected by natural disasters**

- (1) This section applies if a person is required to pay a fee—
  - (a) mentioned in schedule 7, item 6 for making a logbook available under section 67(3); or
  - (b) mentioned in schedule 7, item 11 for the issuing of a replacement Queensland driver licence under section 367(3).
- (2) The chief executive may waive the payment of the fee if satisfied the person needs the logbook or replacement Queensland driver licence because the person's previous logbook or Queensland driver licence was lost or damaged due to a natural disaster.
- (3) In this section—

*damage*, to a logbook or Queensland driver licence, includes any damage to the logbook or licence caused by a natural disaster.

**397 Waiving payment of fees for applications for exemptions from logbook requirements**

- (1) This section applies if a person is required to pay a fee mentioned in schedule 7, item 7 for an application under section 81 for an exemption from the logbook requirements on the grounds mentioned in section 82(2)(b).
- (2) The chief executive may waive the payment of the fee if the person lives in a community visited by a service, provided by the department, that helps persons in obtaining a Queensland driver licence.

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*Example of a service—*

the Indigenous Driver Licensing Unit

### **398 Reduced fees for grants of particular class C learner licences**

- (1) This section applies in relation to an application for a class C learner licence if the applicant—
  - (a) was issued a photo identification card on or after 1 April 2019; and
  - (b) has never held an Australian driver licence.
- (2) If the chief executive decides to grant the class C learner licence, the fee payable for the licence is the fee stated in schedule 7, item 4(a)(i).
- (3) In this section—

*photo identification card* means a photo identification card under the *Photo Identification Card Act 2008*.

## **Part 2 Other provisions**

### **399 Declaration for provisions that are not unlawful discrimination—Act, s 150AA**

For section 150AA(2)(a) of the Act, the following provisions are declared not unlawful discrimination on the basis of age for the *Anti-Discrimination Act 1991*—

- (a) chapter 3;
- (b) chapter 6, part 2, division 2 and part 3;
- (c) chapter 16, part 2, divisions 2, 3 and 4 and part 3;
- (d) a provision of the schedules that relates to a provision stated in paragraph (a), (b) or (c).



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**400 Determining whether motor vehicles are class HC motor vehicles—number of trailers**

- (1) For this regulation, in determining whether a motor vehicle is a class HC motor vehicle—
  - (a) a converter dolly and a semitrailer, when used together, are taken to be a single trailer; and
  - (b) a low loader and a low loader dolly, when used together, are taken to be a single trailer.

- (2) In this section—

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

*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.

*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.

## **Chapter 16 Transitional provisions**

### **Part 1 Existing and class UD Queensland driver licences**

#### **401 Existing Queensland driver licences**

- (1) A Queensland driver licence of a particular class and type in effect immediately before the commencement continues in effect as if the licence were a Queensland driver licence of the same class and type granted under this regulation.
- (2) In subsection (1), a reference to a Queensland driver licence in effect immediately before the commencement includes a Queensland driver licence that, immediately before the commencement, is suspended.
- (3) On the commencement, the category of the Queensland driver licence is taken to be—
  - (a) for a learner licence—the category of learner licence; or
  - (b) for a provisional licence—the category of provisional licence; or
  - (c) for a probationary licence—the category of probationary licence; or
  - (d) for a restricted licence—the category of restricted licence; or
  - (e) for an open licence—the category of open licence.
- (4) The Queensland driver licence is taken to be for the same term, and subject to the same conditions, that applied to the licence under the expired regulation immediately before the commencement.
- (5) However, if a code mentioned in schedule 3, column 1 is stated on the Queensland driver licence, the licence is taken to be subject to the condition stated opposite the code in schedule 3, column 2.

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## **402 Class UD Queensland driver licences**

- (1) A person who, immediately before the commencement, held a class UD Queensland driver licence under the expired regulation, including a class UD Queensland driver licence that is suspended, may apply to the chief executive to renew the licence.
- (2) However, if the class UD Queensland driver licence is suspended, the person may not make an application under subsection (1) until after the suspension ends.
- (3) Subsection (4) applies if—
  - (a) after the commencement, a class UD Queensland driver licence held by a person mentioned in subsection (1) expires or is cancelled or surrendered; or
  - (b) a person held a class UD Queensland driver licence under the expired regulation within the period of 5 years before the commencement.
- (4) The person may, within 5 years after the day the class UD Queensland driver licence stops having effect, apply to the chief executive for a new class UD Queensland driver licence.
- (5) The chief executive must approve an application made under subsection (1) or (4) if the applicant holds a class C, or heavy vehicle class, Queensland driver licence.
- (6) If the chief executive approves an application under subsection (1) to renew a class UD Queensland driver licence, the chief executive must renew the licence for the remaining term of the applicant's class C, or heavy vehicle class, Queensland driver licence.
- (7) If the chief executive approves an application under subsection (4) for a class UD Queensland driver licence, the chief executive must grant to the applicant a class UD Queensland driver licence—
  - (a) of the same category and type as the applicant's class C, or heavy vehicle class, Queensland driver licence; and
  - (b) for the remaining term of the applicant's class C, or heavy vehicle class, Queensland driver licence.

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- (8) Despite section 390 and schedule 7, item 5, no fee is payable for the grant or renewal of the class UD Queensland driver licence.
- (9) If a person's class C, or heavy vehicle class, Queensland driver licence expires, or is cancelled, surrendered or suspended, any class UD Queensland driver licence held by the person—
  - (a) if the class C, or heavy vehicle class, Queensland driver licence expires or is cancelled or surrendered—stops having effect at the same time; or
  - (b) if the class C, or heavy vehicle class, Queensland driver licence is suspended—is suspended at the same time, and for the same period, as the class C, or heavy vehicle class, Queensland driver licence.
- (10) A person who holds a class UD Queensland driver licence is authorised under the licence to drive a class UD motor vehicle.
- (11) In this section—

*class UD motor vehicle* means a motor vehicle that is a specially constructed vehicle, with or without a trailer.

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## **Part 2**                      **Matters relating to applications and eligibility for Queensland driver licences**

### **Division 1**                **Applications for Queensland driver licences made before commencement**

#### **403**      **Particular decisions about applications to grant or renew Queensland driver licences made before commencement**

- (1) This section applies in relation to a decision made under the expired regulation, section 23(1) that is in effect immediately before the commencement.
- (2) The following provisions of the expired regulation continue to apply in relation to the decision as if the expired regulation had not expired—
  - (a) section 23(3), (4) and (5);
  - (b) section 24;
  - (c) section 25(1), (3), (4) and (5).
- (3) If, after the commencement, a Queensland driver licence of a particular class and type is granted or renewed under the expired regulation in relation to the decision—
  - (a) the licence is taken to be a Queensland driver licence of that class and type granted or renewed under this regulation; and
  - (b) the category of the licence is taken to be the category for the licence mentioned in section 401(3).
- (4) If a code mentioned in schedule 3, column 1 is stated on the Queensland driver licence, the licence is taken to be subject to the condition stated opposite the code in schedule 3, column 2.

#### **404 Existing applications for Queensland driver licences**

- (1) This section applies if—
  - (a) before the commencement, a person applied for the grant or renewal of a Queensland driver licence under the expired regulation, including a replacement Queensland driver licence; and
  - (b) immediately before the commencement, the application had not been decided.
- (2) The expired regulation, other than the expired regulation, section 24, continues to apply in relation to the application as if the expired regulation had not expired.
- (3) If a Queensland driver licence of a particular class and type is granted or renewed under the expired regulation in relation to the application—
  - (a) the licence is taken to be a Queensland driver licence of that class and type granted under this regulation; and
  - (b) the category of the licence is taken to be the category for the licence mentioned in section 401(3); and
  - (c) this regulation applies in relation to the term of the Queensland driver licence.

*Note—*

See also section 411.

- (4) If a code mentioned in schedule 3, column 1 is stated on the Queensland driver licence, the licence is taken to be subject to the condition stated opposite the code in schedule 3, column 2.

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## **Division 2                    Other matters relating to    applications and eligibility for    Queensland driver licences**

### **405     Existing returning driver certificates**

A returning driver certificate given under the expired regulation, section 16D(2)(b) that is in effect immediately before the commencement is taken, on the commencement, to be a returning driver certificate under this regulation.

### **406     Particular decisions about applications claiming special    need made before commencement**

- (1) This section applies in relation to a decision, in effect immediately before the commencement, to approve an application made under any of the following provisions of the expired regulation—
  - (a) section 20(3);
  - (b) section 21(2);
  - (c) section 38(2).
- (2) If the decision is to approve an application made under the expired regulation, section 20(3), the decision is taken, on the commencement, to have been made under section 129(1).
- (3) If the decision is to approve an application made under the expired regulation, section 21(2)—
  - (a) the expired regulation, section 21(5) continues to apply in relation to the decision; and
  - (b) a class HC learner licence granted after the commencement under the expired regulation, section 21(5) in relation to the decision is taken to have been granted under this regulation.
- (4) If the decision is to approve an application made under the expired regulation, section 38(2)—

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- (a) the expired regulation, section 38(8) continues to apply in relation to the decision; and
- (b) a certificate given after the commencement under the expired regulation, section 38(8) in relation to the decision is taken to be a certificate given under section 144(1)(b); and
- (c) on the commencement, the decision is taken to have been made under section 143(1).

#### **407 Existing applications claiming special need**

- (1) This section applies if—
  - (a) before the commencement, a person made an application under any of the following provisions of the expired regulation—
    - (i) section 20(3);
    - (ii) section 21(2);
    - (iii) section 38(2); and
  - (b) immediately before the commencement, the application had not been decided.
- (2) The expired regulation continues to apply in relation to the application as if the expired regulation had not expired.
- (3) A decision made under the expired regulation after the commencement to approve an application mentioned in subsection (1)(a)(i) is taken to have been made under section 129(1).
- (4) A class HC learner licence granted after the commencement under the expired regulation, section 21(5) in relation to an application mentioned in subsection (1)(a)(ii) is taken to be a class HC learner licence granted under this regulation.
- (5) A decision made under the expired regulation after the commencement to approve an application mentioned in subsection (1)(a)(iii) is taken to have been made under section 143(1).



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- (6) A certificate given after the commencement under the expired regulation, section 38(8) in relation to an application mentioned in subsection (1)(a)(iii) is taken to be a certificate given under section 144(1)(b).

#### **408 Existing certificates under expired regulation, s 38**

A certificate given under the expired regulation, section 38(8) that is in effect immediately before the commencement is taken, on the commencement, to be a certificate given under section 144(1)(b).

#### **409 Particular decisions made under expired regulation, pt 4 before commencement**

- (1) This section applies in relation to the following decisions in effect immediately before the commencement—
- (a) a decision to approve a completed logbook under the expired regulation, section 32;
  - (b) a decision to grant an application, in whole or in part, under the expired regulation, section 33;
  - (c) a decision to grant an application under the expired regulation, section 34.
- (2) On the commencement, the decision is taken to have been made under—
- (a) for a decision mentioned in subsection (1)(a)—section 70(1); or
  - (b) for a decision mentioned in subsection (1)(b)—section 77(1)(a); or
  - (c) for a decision mentioned in subsection (1)(c)—section 82(1).

#### **410 Existing applications under expired regulation, pt 4**

- (1) The expired regulation continues to apply in relation to the following applications made, but not decided, before the commencement as if the expired regulation had not expired—
  - (a) an application for approval of a completed logbook under the expired regulation, section 32(1);
  - (b) an application for credit under the expired regulation, section 33(2) or (4);
  - (c) an application for an exemption from the logbook requirements under the expired regulation, section 34(1) or (2).
- (2) A decision made under the expired regulation after the commencement to approve an application mentioned in subsection (1)(a) is taken to have been made under section 70(1).
- (3) A decision made under the expired regulation after the commencement to approve an application mentioned in subsection (1)(b) is taken to have been made under section 77(1)(a).
- (4) A decision made under the expired regulation after the commencement to grant an application mentioned in subsection (1)(c) is taken to have been made under section 82(1).

#### **411 No fee payable for particular Queensland driver licences**

- (1) This section applies if—
  - (a) before the commencement—
    - (i) the holder of a provisional licence, probationary licence or open licence (the *current licence*) applied under the expired regulation for another Queensland driver licence (the *new licence*) of the same category and type, but of a higher or lower class, than the current licence; or

- (ii) the holder of a class C, or heavy vehicle class, provisional licence, probationary licence or open licence (also the *current licence*) applied under the expired regulation for a class RE or class R Queensland driver licence (also the *new licence*) of the same category and type as the current licence; or
  - (iii) the holder of a class RE or class R provisional licence, probationary licence or open licence (also the *current licence*) applied under the expired regulation for a class C, or heavy vehicle class, Queensland driver licence (also the *new licence*) of the same category and type as the current licence; or
  - (iv) the holder of a Queensland driver licence (also the *current licence*) applied under the expired regulation for the grant of a learner licence (also the *new licence*) of a different class to the current licence; or
  - (v) the holder of a Queensland driver licence (also the *current licence*) applied under the expired regulation to renew a learner licence at the same time as the holder applied under the expired regulation to renew the current licence; and
- (b) immediately before the commencement, the application had not been decided.
- (2) If the chief executive decides under the expired regulation to grant the new licence or renew the learner licence, no fee is payable under the expired regulation in relation to the grant or renewal.

## **Division 3                      Obligations to pass hazard perception tests**

### **412      Timing of hazard perception tests for class C and class RE learner licence holders**

- (1) Subsection (2) applies to a person if—
  - (a) immediately before 29 March 2021, the person held a class C learner licence; and
  - (b) before 29 March 2021, the person completed a practical driving test; and
  - (c) between 29 March 2021 and the day before the commencement, both days inclusive, the person had not applied under the expired regulation for a relevant class C licence; and
  - (d) after the commencement, the person applies for a relevant class C licence; and
  - (e) under section 53(2)(a), the person must pass a hazard perception test for a class C motor vehicle in relation to the application.
- (2) Despite section 53(3)(b), the person must take the hazard perception test before the person applies for the relevant class C licence.
- (3) Subsection (4) applies to a person if—
  - (a) immediately before 29 March 2021, the person held a class RE learner licence; and
  - (b) before 29 March 2021, the person obtained a competency declaration, or passed a practical driving test, for a class RE or class R motorbike; and
  - (c) between 29 March 2021 and the day before the commencement, both days inclusive, the person had not applied under the expired regulation for a relevant class RE or class R licence; and

- (d) after the commencement, the person applies for a relevant class RE or class R licence; and
  - (e) under section 115(2)(a), 155(1)(a) or 165(1)(a), the person must pass a hazard perception test for a motorbike in relation to the application.
- (4) Despite sections 115(3), 155(2) and 165(2), the person must take the hazard perception test before the person applies for the relevant class RE or class R licence.
- (5) In this section—

*relevant class C licence* means—

- (a) a class C P1 provisional licence or P1 probationary licence; or
- (b) a class C P2 provisional licence or P2 probationary licence; or
- (c) a class C open licence.

*relevant class RE or class R licence* means—

- (a) a class RE or class R P1 provisional licence or P1 probationary licence; or
- (b) a class RE or class R P2 provisional licence or P2 probationary licence; or
- (c) a class RE or class R open licence.

### **413 Continuing obligation for hazard perception tests for particular persons**

- (1) This section applies in relation to a person if—
- (a) the person holds a class C P1 type licence; and
  - (b) before the commencement, the person had not applied under the expired regulation for a relevant class C licence; and
  - (c) 1 of the following applies to the person—
    - (i) the person—

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- (A) held a class C P1 type licence immediately before 29 March 2021; and
  - (B) has not held a relevant driver licence on or after 29 March 2021;
- (ii) the person—
  - (A) held a class C P1 type licence that stopped being valid before 29 March 2021; and
  - (B) has not held a relevant driver licence since the class C P1 type licence stopped being valid;
- (iii) each of the following applies to the person—
  - (A) on or after 29 March 2021, the person was granted a class C P1 type licence;
  - (B) before the grant of the class C P1 type licence, the last valid driver licence held by the person was a class C P1 type licence that stopped being valid before 29 March 2021 and more than 5 years before the person applied for the class C P1 type licence;
  - (C) the person has not held a relevant driver licence on or after 29 March 2021.
- (2) Section 26(1)(c) applies in relation to the person’s eligibility for a relevant class C licence as if a reference in that section to chapter 3, part 2, division 3, subdivision 5 were a reference to chapter 3, part 2, division 3, subdivision 5 and subsection (3).
- (3) For section 26(1)(c), as modified by subsection (2), the person must pass a hazard perception test for a class C motor vehicle.
- (4) In this section—

***relevant class C licence*** means—

  - (a) a class C P2 provisional licence; or
  - (b) a class C P2 probationary licence; or
  - (c) a class C open licence.

*relevant driver licence* means—

- (a) a relevant class C licence or a non-Queensland driver licence that corresponds to a relevant class C licence; or
- (b) a non-Queensland driver licence that corresponds to a class C P1 type licence.

#### **414 Fees for particular hazard perception tests**

- (1) This section applies if a person is required to pass a hazard perception test under—
  - (a) the expired regulation, section 183(2) or (4); or
  - (b) the expired regulation, section 10E as applied by the expired regulation, section 184(2); or
  - (c) this division.
- (2) The fee stated in schedule 7, item 3 is payable for the hazard perception test.

### **Division 4 Recording of P2 time credit and changes to eligibility requirements for particular Queensland driver licences**

#### **Subdivision 1 Modification of eligibility requirements for class C and heavy vehicle class open licences if P2 time credit recorded before commencement**

#### **415 Application of subdivision**

- (1) This subdivision applies in relation to a person who holds a class C, or heavy vehicle class, P2 type licence if, before the commencement, the chief executive recorded the person's P2

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time credit under the expired regulation, section 16A (*existing P2 time credit*).

- (2) In this section, a reference to a class C, or heavy vehicle class, P2 type licence includes a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P2 type licence.

#### **416 Modification of particular experience requirements for persons who have existing P2 time credit**

- (1) In determining whether the person is eligible for a class C, or heavy vehicle class, open licence under section 26, sections 46 and 47 apply in relation to the person with the modifications set out in this section.
- (2) The total period the person must have held a class C, or heavy vehicle class, P2 type licence under section 46(1)(b) is reduced by the person's existing P2 time credit.

*Example—*

The person was granted a class C P2 provisional licence when the person was 25 years. The person has 3 months of existing P2 time credit recorded. To satisfy section 46(1)(b), the person must have held a class C, or heavy vehicle class, P2 type licence for a total period of at least 9 months under section 46(1)(b)(ii).

- (3) The period mentioned in section 47(3)(a) is reduced by the person's existing P2 time credit.
- (4) In this section—  
*existing P2 time credit* see section 415(1).



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## **Subdivision 2      Modification of eligibility requirements for class C and heavy vehicle class open licences if P2 time credit recorded after commencement**

### **417      Application of subdivision**

This subdivision applies in relation to a person who, after the commencement, passes a hazard perception test for a class C motor vehicle to be eligible for a class C P2 provisional licence, P2 probationary licence or open licence under section 413.

### **418      Recording of P2 time credit**

- (1) This section applies if the person has held, within the last 5 years, a class C P1 type licence for a period of more than 1 year.
- (2) The chief executive must record for the person the part of the period that is in excess of 1 year.

*Example—*

If the person has held, within the last 5 years, a class C P1 type licence for 18 months, the chief executive must record 6 months for the person.

- (3) The part of the period recorded under subsection (2) for the person is the person's *P2 time credit*.
- (4) In this section, a reference to a class C P1 type licence includes a non-Queensland driver licence that corresponds to a class C P1 type licence.

### **419      Modification of particular experience requirements for persons who have P2 time credit**

- (1) In determining whether the person is eligible for a class C, or heavy vehicle class, open licence under section 26, sections 46 and 47 apply in relation to the person with the modifications set out in this section.

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- (2) The total period the person must have held a class C, or heavy vehicle class, P2 type licence under section 46(1)(b) is reduced by the person's P2 time credit.

*Example—*

The person was granted a class C P2 provisional licence when the person was 25 years. The person has 3 months of P2 time credit recorded. To satisfy section 46(1)(b), the person must have held a class C, or heavy vehicle class, P2 type licence for a total period of at least 9 months under section 46(1)(b)(ii).

- (3) The period mentioned in section 47(3)(a) is reduced by the person's P2 time credit.
- (4) In this section—  
*P2 time credit* see section 418(3).

#### **420 Alternative experience requirements for persons who hold P1 type licences and have P2 time credit**

- (1) This section applies if the person holds a class C, or heavy vehicle class, P1 type licence.
- (2) Section 26(1)(b) applies in relation to the person's eligibility for an open licence of the same class as the P1 type licence as if a reference in that section to chapter 3, part 2, division 3, subdivision 2, 3 or 4 were a reference to chapter 3, part 2, division 3, subdivision 2, 3 or 4 or subsection (3).
- (3) For section 26(1)(b), as modified by subsection (2), the person satisfies the experience requirements for the open licence if the person's P2 time credit is at least—
  - (a) if the person is under 26 years and was first granted a class C P1 type licence when the person was under 23 years—2 years; or
  - (b) otherwise—1 year.
- (4) In this section, a reference to a class C, or heavy vehicle class, P1 type licence includes a non-Queensland driver licence that corresponds to a class C, or heavy vehicle class, P1 type licence.
- (5) In this section—

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*P2 time credit* see section 418(3).

### **Subdivision 3      Alternative experience requirements for class C P1 provisional licences**

#### **421      Alternative experience requirements for persons who hold class C P1 probationary licences**

- (1) This section applies in relation to a person who—
  - (a) holds a class C P1 probationary licence; and
  - (b) has held a class C P1 type licence that was cancelled because the person was disqualified from holding or obtaining a driver licence; and
  - (c) is required to pass a hazard perception test for a class C motor vehicle to be eligible for a class C P2 provisional licence, P2 probationary licence or open licence under section 413; and
  - (d) has not passed the hazard perception test.
- (2) Section 26(1)(b) applies in relation to the person's eligibility for a class C P1 provisional licence as if a reference in that section to chapter 3, part 2, division 3, subdivision 2, 3 or 4 were a reference to chapter 3, part 2, division 3, subdivision 2, 3 or 4 or subsection (3).
- (3) For section 26(1)(b), as modified by subsection (2), the person satisfies the experience requirements for a class C P1 provisional licence if the person has held, since the person's period of disqualification ended and within the last 5 years, a P1 probationary licence for a period of at least 1 year.
- (4) Subsection (5) applies if the person is eligible under section 26, as modified by subsection (2), for a class C P1 provisional licence because the person satisfies the experience requirements for the licence under subsection (3).
- (5) Section 197(2) to (5) applies in relation to the person as if—

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- (a) a reference in the section to a current licence were a reference to the person's class C P1 probationary licence; and
- (b) a reference in section 197(2) or (5) to a new licence were a reference to the class C P1 provisional licence.

## Part 3    Provisions relating to young drivers

### 422 Existing certificates of exemption

On the commencement—

- (a) a certificate of exemption granted under the expired regulation, section 71(9) that is in effect immediately before the commencement is taken to have been given under section 236(1); and
- (b) a certificate of exemption granted under the expired regulation, section 71A(5) that is in effect immediately before the commencement is taken to have been given under section 239(1); and
- (c) a certificate of exemption granted under the expired regulation, section 73(6) that is in effect immediately before the commencement is taken to have been given under section 246(1).

### 423 Existing applications for certificates of exemption

- (1) This section applies if—
  - (a) before the commencement, a person applied for a certificate of exemption under the expired regulation, section 71(1), 71A(1) or 73(1); and
  - (b) immediately before the commencement, the application had not been decided.
- (2) The expired regulation continues to apply in relation to the application as if the expired regulation had not expired.

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- (3) A certificate of exemption granted under the expired regulation after the commencement for the application is taken to have been given under—
- (a) for an application under the expired regulation, section 71(1)—section 236(1); or
  - (b) for an application under the expired regulation, section 71A(1)—section 239(1); or
  - (c) for an application under the expired regulation, section 73(1)—section 246(1).

#### **424 Late night driving—application of ch 6, pt 3, div 4**

- (1) This section applies if—
- (a) the expired regulation, section 72 applies to a person; and
  - (b) immediately before the commencement, the period of 1 year applying for the person under the expired regulation, section 72(3) had not ended.
- (2) Chapter 6, part 3, division 4 applies in relation to the person—
- (a) as if a reference in the chapter to the person's restricted driving period were a reference to the period of 1 year applying for the person under the expired regulation, section 72(3); and
  - (b) with any other necessary changes.

## **Part 4 Provisions relating to demerit points and suspensions**

#### **425 Demerit points recorded before commencement**

On the commencement, demerit points recorded on a person's traffic history under the expired regulation before the commencement are taken to have been recorded on the person's traffic history under chapter 7, part 2.

## **426 Persons given notices to choose before commencement**

- (1) Subsection (2) applies if—
  - (a) before the commencement, a person was given a notice to choose under the expired regulation, section 79(3); and
  - (b) immediately before the commencement—
    - (i) the person had not notified the chief executive of the person’s choice; and
    - (ii) the time stated in the notice for making a choice had not ended.
- (2) The expired regulation, section 79(5), (6), (7) and (9) continues to apply in relation to the person as if the expired regulation had not expired.
- (3) Subsection (4) applies if—
  - (a) before the commencement—
    - (i) a person was given a notice to choose under the expired regulation, section 79(3); and
    - (ii) the person notified the chief executive that the person chose for the expired regulation, section 79(3)(b) to apply; and
  - (b) immediately before the commencement, the period of 1 year starting on the sanction day, as mentioned in the expired regulation, section 79(6)(b), had not ended for the person.
- (4) The expired regulation, section 79(6), (7) and (9) continues to apply in relation to the person as if the expired regulation had not expired.
- (5) A person who was given a notice to choose under the expired regulation, section 79(3) before the commencement and who has a suspended licence is not eligible to apply for a section 79E order if the act or omission that resulted in the relevant charge for the suspended licence happened, or is alleged to have happened, in a circumstance mentioned in the expired regulation, section 91(2)(b)(v) or (vi).

- (6) In this section—
- relevant charge*, for a person's suspended licence, see section 291.
- suspended licence*, of a person, see section 291.

## **Part 5**

### **Provisions relating to section 79E orders and special hardship orders**

#### **427 Section 79E orders and section 79E variation orders**

- (1) The expired regulation continues to apply in relation to an application for a section 79E order, or a section 79E variation order, made but not decided before the commencement.
- (2) A section 79E variation order made in relation to an application mentioned in subsection (1), or in effect immediately before the commencement, is taken to have been made under chapter 9, part 4.

#### **428 Special hardship orders and special hardship variation orders**

- (1) The expired regulation continues to apply in relation to an application for a special hardship order, or special hardship variation order, made but not decided before the commencement.
- (2) A special hardship order, or special hardship variation order, made in relation to an application mentioned in subsection (1), or in effect immediately before the commencement, is taken to have been made under chapter 10.
- (3) Subsection (4) applies in relation to a person who, at any time after the commencement, has an open licence or provisional licence that is suspended under the expired regulation, section 79(9) or 86(1).
- (4) Chapter 10 applies in relation to the person—

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- (a) as if a reference in the chapter to the person’s suspended open licence or provisional licence were a reference to the licence mentioned in subsection (3); and
- (b) as if a reference in the chapter to a relevant provision includes a reference to the expired regulation, section 79(9) or 86(1); and
- (c) with any other necessary changes.

## **Part 6 Provisions relating to alcohol ignition interlocks**

### **429 Existing interlock approvals**

- (1) This section applies in relation to a notice for an interlock approval given before the commencement under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, section 115.
- (2) A reference in the notice to an approved interlock described in the expired regulation, section 63B is taken to be a reference to the following interlocks—
  - (a) Draeger Interlock XT (also known as Dräger Interlock XT);
  - (b) Guardian 2030.

### **430 Application of particular provisions in relation to interlock driver records**

- (1) This section applies in relation to a person who is required to keep an interlock driver record under the expired regulation, section 63C(b) if—
  - (a) before the commencement, the person’s overlap period had ended; and
  - (b) immediately before the commencement, the person’s record period had not ended.



- (2) Sections 338 and 339 apply in relation to the person as if the person were a person who is required to keep an interlock driver record under section 335(b).

**431 Approved interlocks for interlock periods starting before 10 September 2021**

- (1) This section applies in relation to a person’s interlock period that started, but had not ended, before 10 September 2021.
- (2) For section 91I of the Act, definition *approved*, the following interlocks are approved for the person’s interlock period—
  - (a) Draeger Interlock XT (also known as Dräger Interlock XT);
  - (b) Guardian 2030.
- (3) Subsection (2) applies—
  - (a) despite section 334; and
  - (b) regardless of when the interlock is fitted to the person’s nominated vehicle.
- (4) Also, the expired regulation, section 185 continues to apply in relation to the person’s interlock period as if the expired regulation had not expired.

**Part 7 Miscellaneous**

**432 Existing show cause notices**

- (1) This section applies if—
  - (a) before the commencement, the chief executive gave a person a show cause notice under the expired regulation, section 125(1); and
  - (b) immediately before the commencement, the chief executive had not decided whether to take an action mentioned in the expired regulation, section 125(4).

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- (2) The expired regulation continues to apply in relation to the show cause notice as if the expired regulation had not expired.
- (3) A decision made by the chief executive under the expired regulation after the commencement in relation to the show cause notice is taken to have been made under chapter 13, part 1, division 2.

### **433 Existing applications for reconsideration of decisions**

- (1) This section applies if—
  - (a) before the commencement, a person applied to the chief executive for reconsideration of a decision under the expired regulation, section 132(2); and
  - (b) immediately before the commencement, the chief executive had not confirmed or set aside the decision under the expired regulation, section 132(4).
- (2) The expired regulation continues to apply in relation to the application as if the expired regulation had not expired.
- (3) A decision made by the chief executive under the expired regulation after the commencement in relation to the application is taken to have been made under chapter 14, part 2.

### **434 Reconsideration of particular decisions made under expired regulation**

- (1) This section applies if—
  - (a) immediately before the commencement, a person could have made an application to the chief executive for reconsideration of a decision under the expired regulation, section 132(2); and
  - (b) before the commencement, the person had not made the application.
- (2) This section also applies if, after the commencement, the chief executive makes a decision mentioned in the expired

regulation, section 132(1) in relation to a person mentioned in the section.

- (3) The person may apply to the chief executive for reconsideration of the decision, and the chief executive must reconsider the decision, under the expired regulation, section 132 as if the expired regulation had not expired.
- (4) A decision made by the chief executive under the expired regulation after the commencement in relation to the application is taken to have been made under chapter 14, part 2.

#### **435 Application of s 203**

Section 203(2) applies in relation to a person who holds a Queensland driver licence issued before the commencement as if a reference in the section to the person's full name were a reference to the person's name.

#### **436 Existing applications under expired regulation, s 161**

The expired regulation continues to apply in relation to an application made under the expired regulation, section 161(2), but not decided, before the commencement.

#### **437 Acts Interpretation Act 1954, s 20 not limited**

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

#### **438 References to expired regulation**

A reference in a document to the expired regulation may, if the context permits, be taken to be a reference to this regulation.

## **Schedule 1      Classes of motor vehicles**

section 9

### **Part 1                      Classes of motor vehicles other than particular motorbikes**

<b>Column 1</b>	<b>Column 2</b>
<b>Class</b>	<b>Motor vehicles</b>
C	a moped  a car, without a trailer or with a single trailer  a specially constructed vehicle, without a trailer or with a single trailer
LR	a bus of not more than 8t GVM, without a trailer or with a single trailer of not more than 9t GVM  a truck, including a truck that is a prime mover or a mobile crane, of not more than 8t GVM— (a) without a trailer; or (b) with a single trailer of not more than 9t GVM
MR	a bus of more than 8t GVM— (a) with not more than 2 axles; and (b) without a trailer or with a single trailer of not more than 9t GVM  a truck, including a truck that is a prime mover or a mobile crane, of more than 8t GVM— (a) with not more than 2 axles; and (b) without a trailer or with a single trailer of not more than 9t GVM

<b>Column 1</b>	<b>Column 2</b>
<b>Class</b>	<b>Motor vehicles</b>
HR	<p>a bus of more than 8t GVM—</p> <p>(a) with more than 2 axles; and</p> <p>(b) without a trailer or with a single trailer of not more than 9t GVM</p> <p>an articulated bus</p> <p>a truck, including a truck that is a prime mover or a mobile crane, of more than 8t GVM—</p> <p>(a) with more than 2 axles; and</p> <p>(b) without a trailer or with a single trailer of not more than 9t GVM</p>
HC	a truck, including a truck that is a prime mover or a mobile crane, of more than 8t GVM with a single trailer of more than 9t GVM
MC	<p>a B-double</p> <p>a road train</p>

## **Part 2**                      **Classes of motorbikes**

<b>Column 1</b>	<b>Column 2</b>
<b>Class</b>	<b>Motor vehicles</b>
RE	<p>a learner approved motorbike that is a moped</p> <p>a learner approved motorbike, other than a moped, without a trailer or with a single trailer</p>
R	a motorbike, other than a learner approved motorbike, without a trailer or with a single trailer

## **Schedule 2      Codes for types of Queensland driver licences**

section 202(2)

<b>Column 1</b>	<b>Column 2</b>
<b>Code</b>	<b>Type of Queensland driver licence</b>
L	learner licence
P1	P1 provisional licence or P1 probationary licence
P2	P2 provisional licence or P2 probationary licence
P	P probationary licence or P restricted licence
O	open licence

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## Schedule 3      Codes for conditions of Queensland driver licences

section 202(4)

<b>Column 1</b>	<b>Column 2</b>
<b>Code</b>	<b>Condition</b>
A	<p>holder of Queensland driver licence may only drive a motor vehicle with an automatic transmission</p> <p><i>Note—</i></p> <p>See also sections 15 and 16.</p>
B	<p>holder of heavy vehicle class Queensland driver licence may only drive—</p> <p>(a) a class C motor vehicle with an automatic transmission or a manual transmission; or</p> <p>(b) a motor vehicle of another class, that the holder is authorised to drive under the licence, with an automatic transmission or a synchromesh gearbox</p> <p><i>Note—</i></p> <p>See also section 15.</p>
I	<p>holder of Queensland driver licence may drive only a nominated vehicle fitted with a prescribed interlock, or while carrying, and in accordance with, an exemption certificate given to the holder under section 91R(3) of the Act</p>
M	<p>holder of Queensland driver licence may drive only while carrying, and in accordance with—</p> <p>(a) if the holder is 75 years or older—a recently issued medical certificate; or</p> <p>(b) otherwise—a valid medical certificate</p>

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<b>Column 1</b>	<b>Column 2</b>
<b>Code</b>	<b>Condition</b>
RD	holder of Queensland driver licence may learn to drive a motor vehicle of a class stated in a returning driver certificate in effect for the holder, and any lower class of motor vehicle, only while carrying the certificate
S	holder of Queensland driver licence may drive only while wearing corrective lenses
V	holder of Queensland driver licence may— <ul style="list-style-type: none"> <li>(a) drive only a motor vehicle fitted with a driver aid stated in a written notice given by the chief executive to the holder and only while carrying the notice; or</li> <li>(b) drive only a motor vehicle otherwise equipped or adapted in the way stated in a written notice given by the chief executive to the holder and only while carrying the notice</li> </ul>
X1	holder of Queensland driver licence may drive only while carrying an order mentioned in section 81(7) of the Act or made under section 87(1) of the Act, and any order under section 88(5) of the Act, in effect for the holder
X3	holder of Queensland driver licence may drive only— <ul style="list-style-type: none"> <li>(a) while carrying a special hardship order, and any special hardship variation order, in effect for the holder; and</li> <li>(b) in accordance with the special hardship order, as varied by any special hardship variation order</li> </ul>
X4	holder of Queensland driver licence may drive only— <ul style="list-style-type: none"> <li>(a) while carrying a section 79E order, and any section 79E variation order, in effect for the holder; and</li> <li>(b) in accordance with the section 79E order, as varied by any section 79E variation order</li> </ul>



## Schedule 4 Marine licence indicator codes and marine licence indicator condition codes

section 371

### Part 1 Marine licence indicator codes

Column 1	Column 2
Marine licence indicator code	Marine licence
RMDL	recreational marine driver licence granted under the <i>Transport Operations (Marine Safety) Regulation 2016</i> , section 61
PWCL	personal watercraft licence granted under the <i>Transport Operations (Marine Safety) Regulation 2016</i> , section 61

### Part 2 Marine licence indicator condition codes

Column 1	Column 2
Marine licence indicator condition code	Condition
N	marine licence is not subject to a condition
Y	marine licence is subject to a condition

## **Schedule 5      Demerit points**

section 257(1)

### **Part 1                      8 demerit point offences**

#### **1            Speeding—more than 40km/h over speed limit**

The number of demerit points for an offence against the Queensland Road Rules, section 20 that involves driving more than 40km/h over the speed limit is 8.

### **Part 2                      6 demerit point offences**

#### **2            Speeding—30–40km/h over speed limit**

The number of demerit points for an offence against the Queensland Road Rules, section 20 that involves driving more than 30km/h, but not more than 40km/h, over the speed limit is 6.

### **Part 3                      4 demerit point offences**

#### **3            Learner driving while not properly supervised**

The number of demerit points for an offence against section 216(2) or 217(1) of this regulation is 4.

#### **4            Particular licence holders using mobile phones**

The number of demerit points for an offence against section 228(2) of this regulation is 4.

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

The number of demerit points for an offence against the following provisions of the Heavy Vehicle National Law (Queensland), that is a critical risk breach under that Law, is 4—

- (a) section 250(1);
- (b) section 251(1);
- (c) section 254(1);
- (d) section 256(1);
- (e) section 258(1);
- (f) section 260(1).

**6 Speeding—20–30km/h over speed limit**

The number of demerit points for an offence against the Queensland Road Rules, section 20 that involves driving more than 20km/h, but not more than 30km/h, over the speed limit is 4.

**7 Disobeying clearance signs and low clearance signs**

The number of demerit points for an offence against the Queensland Road Rules, section 102(1) is 4.

**8 Using mobile phones**

The number of demerit points for an offence against the Queensland Road Rules, section 300(1) is 4.

**9 Damaging rail infrastructure or obstructing level crossings**

The number of demerit points for an offence against the Queensland Road Rules, section 300D(1) or (2) is 4.

## **Part 4                                    3 demerit point offences**

### **10        Contravening high-powered vehicle restrictions**

The number of demerit points for an offence against section 230(2) of this regulation is 3.

### **11        Contravening late night driving restrictions**

The number of demerit points for an offence against section 243 of this regulation is 3.

### **12        Contravening peer passenger restrictions**

The number of demerit points for an offence against section 248(2) of this regulation is 3.

### **13        Disobeying official traffic signs installed under the Act, s 71**

The number of demerit points for an offence against section 74(1) of the Act, that involves contravening an indication given by an official traffic sign installed under section 71(1) of the Act, is 3.

### **14        Careless driving**

The number of demerit points for an offence against the following provisions is 3—

- (a) section 83(1) of the Act;
- (b) the Queensland Road Rules, section 80(1), 81(1) or 162(1).

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**15 Driving fatigue-regulated heavy vehicles while impaired by fatigue**

The number of demerit points for an offence against the Heavy Vehicle National Law (Queensland), section 228(1) is 3.

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

The number of demerit points for an offence against the following provisions of the Heavy Vehicle National Law (Queensland), that is a severe risk breach under the Law, is 3—

- (a) section 250(1);
- (b) section 251(1);
- (c) section 254(1);
- (d) section 256(1);
- (e) section 258(1);
- (f) section 260(1).

**17 Using heavy vehicles in contravention of vehicle defect notices—major defect notices**

The number of demerit points for an offence, by the driver of a heavy vehicle, against the Heavy Vehicle National Law (Queensland), section 529 that involves a contravention of a major defect notice issued under section 526(2)(a) of the Law is 3.

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

The number of demerit points for an offence against the Queensland Road Rules, section 20 that involves driving at least 13km/h, but not more than 20km/h, over the speed limit is 3.

## **19 Improper turns**

The number of demerit points for the following offences is 3—

- (a) an offence against the Queensland Road Rules, section 29(1);
- (b) an offence against the Queensland Road Rules, section 33(1) that involves failing to make a turn in accordance with the Queensland Road Rules, section 33(2);
- (c) an offence against the Queensland Road Rules, section 42;
- (d) an offence against the Queensland Road Rules, section 132(2A).

## **20 Failing to give way, other than by disobeying traffic signs**

The number of demerit points for an offence against the following provisions of the Queensland Road Rules is 3—

- (a) section 38;
- (b) section 62(1);
- (c) section 63(3);
- (d) section 64;
- (e) section 65(2);
- (f) section 72(1);
- (g) section 73(1);
- (h) section 74(1);
- (i) section 75(1);
- (j) section 77(1);
- (k) section 79(1);
- (l) section 80(2)(b) or (4);
- (m) section 81(2);
- (n) section 83;

- (o) section 84(1);
- (p) section 85;
- (q) section 86(1);
- (r) section 87(1) or (3);
- (s) section 114(1) or (2);
- (t) section 148(1) or (2);
- (u) section 148A;
- (v) section 149;
- (w) section 288(4);
- (x) section 289(2).

**21 Disobeying stop and give way signs and other particular traffic control devices**

The number of demerit points for an offence against the following provisions of the Queensland Road Rules is 3—

- (a) section 39(1) or (2);
- (b) section 41;
- (c) section 63(2);
- (d) section 67(2), (3) or (4);
- (e) section 68(2) or (3);
- (f) section 69(2), (2A) or (3);
- (g) section 69A;
- (h) section 70;
- (i) section 71(1);
- (j) section 80(2)(a) or (3);
- (k) section 88(1) or (2);
- (l) section 89(1) or (2);
- (m) section 90;
- (n) section 91(1) or (2);

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- (o) section 92(1);
- (p) section 93(1);
- (q) section 94;
- (r) section 96(1);
- (s) section 97(1);
- (t) section 98(1);
- (u) section 99(1) or (2);
- (v) section 100;
- (w) section 101(1) or (2);
- (x) section 103(1) or (2);
- (y) section 104(1), (2) or (3);
- (z) section 105;
- (za) section 106(1), (2) or (3);
- (zb) section 107;
- (zc) section 108(1);
- (zd) section 121;
- (ze) section 122;
- (zf) section 123(b);
- (zg) section 155A(1).

**22 Disobeying particular red and yellow traffic lights, B lights, T lights and arrows**

The number of demerit points for an offence against the following provisions of the Queensland Road Rules is 3—

- (a) section 56(1) or (2);
- (b) section 57(1) or (2);
- (c) section 59(1);
- (d) section 60;
- (e) section 61(2);



- (f) section 66(1) or (4);
- (g) section 274;
- (h) section 275;
- (i) section 277;
- (j) section 279(2);
- (k) section 281;
- (l) section 282;
- (m) section 284;
- (n) section 286(2).

**23 Vehicle entering bicycle storage areas before traffic lights showing red traffic light or arrow**

The number of demerit points for an offence against the Queensland Road Rules, section 60A(1) or (2) is 3.

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

The number of demerit points for an offence against the Queensland Road Rules, section 78(1) or (2) is 3.

**25 Driving on safety ramps and arrester beds**

The number of demerit points for an offence against the Queensland Road Rules, section 101A(1) is 3.

**26 Disobeying traffic lane arrows in roundabout**

The number of demerit points for an offence against the Queensland Road Rules, section 116 is 3.

**27 Failing to comply with requirements about level crossings**

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

**28 Failing to keep left and keep off painted island**

The number of demerit points for an offence against the following provisions of the Queensland Road Rules is 3—

- (a) section 132(2) or (3);
- (b) section 138(1).

**29 Failing to keep safe lateral distance when passing bicycle riders**

The number of demerit points for an offence against the Queensland Road Rules, section 144A(1) is 3.

**30 Unlawful lane filtering**

The number of demerit points for an offence against the Queensland Road Rules, section 151A(2) is 3.

**31 Unlawful edge filtering**

The number of demerit points for an offence against the Queensland Road Rules, section 151B(2) is 3.

**32 Failing to comply with overhead lane control devices**

The number of demerit points for an offence against the Queensland Road Rules, section 152(1) is 3.

**33 Failing to wear helmets and seatbelts and comply with seating requirements**

The number of demerit points for an offence against the following provisions of the Queensland Road Rules is 3—

- (a) section 264(1);
- (b) section 265(1);
- (c) section 270(1) or (2).

**34 Drivers failing to ensure passengers comply with seatbelt requirements**

The number of demerit points for an offence against the Queensland Road Rules, section 264A(1) is 3.

**35 Driving with persons in or on trailers or prohibited parts of vehicles**

The number of demerit points for an offence against the following provisions of the Queensland Road Rules is 3—

- (a) section 268(4A) or (4B);
- (b) section 298.

**36 Driving with television receivers and visual display units visible or likely to distract**

The number of demerit points for an offence against the Queensland Road Rules, section 299(1) is 3.

**37 Driving vehicles over carrying capacity**

The number of demerit points for an offence against the following provisions of the *Traffic Regulation 1962* is 3—

- (a) section 76(1) or (2);
- (b) section 77(1).

**38 Driving and parking particular defective light vehicles on roads**

The number of demerit points for an offence against the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 8(1), that

involves a light vehicle that is defective under section 7(1)(d) of that regulation, is 3.

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

### **39        Failing to display clearly legible L plates**

The number of demerit points for an offence against section 221 of this regulation is 2.

### **40        Failing to display clearly legible red P plates**

The number of demerit points for an offence against section 224(1) of this regulation is 2.

### **41        Failing to display clearly legible green P plates**

The number of demerit points for an offence against section 225(1) of this regulation is 2.

### **42        Injurious matter on roads**

The number of demerit points for an offence against section 137(1) of the Act is 2.

### **43        Improper turns**

The number of demerit points for an offence against the following provisions of the Queensland Road Rules is 2—

- (a) section 27(1);
- (b) section 28(1);
- (c) section 31(1);
- (d) section 32(1);
- (e) section 37;
- (f) section 40.

**44 Failing to use slip lanes**

The number of demerit points for an offence against the Queensland Road Rules, section 28(1A) is 2.

**45 Failing to give proper change of direction signals or stop signals**

The number of demerit points for an offence against the following provisions of the Queensland Road Rules is 2—

- (a) section 46(1);
- (b) section 48(1);
- (c) section 53(1), (2) or (3);
- (d) section 112(2) or (3);
- (e) section 113(2) or (3);
- (f) section 117(1) or (2);
- (g) section 118(1).

**46 Failing to enter roundabouts from correct lanes or parts of road**

The number of demerit points for an offence against the Queensland Road Rules, section 111(1) is 2.

**47 Failing to keep left**

The number of demerit points for an offence against the following provisions of the Queensland Road Rules is 2—

- (a) section 115(1);
- (b) section 129(1);
- (c) section 130(2);
- (d) section 135(1).

**48 Improper overtaking and passing and failing to keep to left of centre of road**

The number of demerit points for an offence against the following provisions of the Queensland Road Rules is 2—

- (a) section 131(1);
- (b) section 132(1);
- (c) section 140;
- (d) section 141(1);
- (e) section 142(1);
- (f) section 143(1) or (2);
- (g) section 144.

**49 Driving in wrong direction on service roads**

The number of demerit points for an offence against the Queensland Road Rules, section 136 is 2.

**50 Increasing speed when being overtaken**

The number of demerit points for an offence against the Queensland Road Rules, section 145 is 2.

**51 Improper passing and overtaking of trams**

The number of demerit points for an offence against the following provisions of the Queensland Road Rules is 2—

- (a) section 160(2) or (3);
- (b) section 161(2) or (3);
- (c) section 163(2), (3) or (4);
- (d) section 164(2), (3) or (4);
- (e) section 164AA(2) or (3).

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**52 Unnecessary noise and smoke from vehicles**

The number of demerit points for an offence against the Queensland Road Rules, section 291(1)(b) is 2.

**Part 6 1 demerit point offences**

**53 Failing to comply with conditions stated on Queensland driver licences**

The number of demerit points for an offence against section 201(2) of this regulation is 1.

**54 Failing to comply with conditions of non-Queensland driver licences**

The number of demerit points for an offence against section 207 of this regulation is 1.

**55 Failing to produce certificates of exemption for driving high-powered vehicles**

The number of demerit points for an offence against section 240(2) of this regulation is 1.

**56 Failing to produce certificates of exemption for late night driving**

The number of demerit points for an offence against section 247(2) of this regulation is 1.

**57 Using heavy vehicles in contravention of vehicle defect notices—minor defect notices**

The number of demerit points for an offence, by the driver of a heavy vehicle, against the Heavy Vehicle National Law (Queensland), section 529 that involves a contravention of a minor defect notice issued under section 526(2)(b) of the Law is 1.

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

The number of demerit points for an offence against the Queensland Road Rules, section 20 that involves driving less than 13km/h over the speed limit is 1.

**59 Failing to keep safe or minimum distance**

The number of demerit points for an offence against the following provisions of the Queensland Road Rules is 1—

- (a) section 126;
- (b) section 127(1).

**60 Failing to have lights lit at night or in hazardous weather conditions**

The number of demerit points for an offence against the Queensland Road Rules, section 215(1) is 1.

**61 Improper use of headlights on high-beam**

The number of demerit points for an offence against the Queensland Road Rules, section 218(1) is 1.

**62 Dazzling road users**

The number of demerit points for an offence against the Queensland Road Rules, section 219 is 1.

**63 Driving and parking particular defective light vehicles on roads**

The number of demerit points for an offence against the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 8(1), that involves a light vehicle that is defective under section 7(1)(a), (b) or (c) of that regulation, is 1.



**64 Modifying exhaust systems of light vehicles in non-compliant way**

The number of demerit points for an offence against the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 18(1), that involves the modification of a light vehicle in a way stated in section 18(2)(c) of that regulation, is 1.

**65 Driving light motor vehicles with modified exhaust systems on roads**

The number of demerit points for an offence against the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 20 is 1.

## Schedule 6 Original decisions

section 387(1)

Section	Description of decision
70(1)	refusing to approve a young driver's completed logbook
77(1)	refusing to approve any part of an application for credit made under section 74(1) or (2)
82(1)	refusing to give an exemption from the logbook requirements
129(1)	refusing an application made under section 128 claiming a special need for a class C learner licence or provisional licence
134(1)	refusing an application made under section 133 claiming a special need for a class HC Queensland driver licence
143(1)	refusing an application made under section 142 claiming a special need for a class RE or class R Queensland driver licence
190(2)	deciding a person has not passed a road rules test, including deciding to do a thing mentioned in section 190(2)(a) or (b)
195(1)	refusing to grant or renew a Queensland driver licence
201(1)	deciding to impose an M condition, an S condition or a V condition on a Queensland driver licence if the applicant for the grant or renewal of the licence did not advise the chief executive as mentioned in section 201(3)(b)
213(2)	immediately withdrawing a person's authority to drive, or learn to drive, under a non-Queensland driver licence
232(1)	refusing an application made under section 231 for a certificate of exemption under chapter 6, part 3, division 3, subdivision 2

<b>Section</b>	<b>Description of decision</b>
238(1)	refusing an application made under section 237 for a certificate of exemption under chapter 6, part 3, division 3, subdivision 3
245(1)(b) or (c)	refusing an application made under section 244 for a certificate of exemption under chapter 6, part 3, division 4 or approving different times to those stated in the application
356(1)	amending, suspending or cancelling a Queensland driver licence
358(2)	immediately amending or suspending a Queensland driver licence

## Schedule 7 Fees

### section 390

	\$
1 Road rules test under chapter 3	26.20
2 Practical driving test under chapter 3 or section 362(2)	61.25
3 Hazard perception test under chapter 3	37.70
4 Grant or renewal of a learner licence, mentioned in section 199(3), under section 195—the total of the following—	
(a) for the grant or renewal of the licence for a term of 3 years—	
(i) if section 398 applies	139.65
(ii) otherwise	182.00
(b) for the grant of the licence if the code I is stated on the licence, an additional fee of—	
(i) if the licence is granted before 10 September 2021	330.90
(ii) if the licence is granted on or after 10 September 2021	350.25
5 Grant or renewal of a provisional licence, probationary licence, restricted licence or open licence under section 195—the total of the following—	
(a) for the grant or renewal of the licence for a term of—	
(i) 1 year	83.55
(ii) 2 years	116.50
(iii) 3 years	144.10
(iv) 4 years	166.75
(v) 5 years	187.10

	\$
(b) for the grant of the licence if the code I is stated on the licence, an additional fee of—	
(i) if the licence is granted before 10 September 2021	330.90
(ii) if the licence is granted on or after 10 September 2021	350.25
6 Making a logbook available under section 67(3)	22.85
7 Application under section 81 for an exemption from the logbook requirements	45.40
8 Application under section 231 or 237 for a certificate of exemption in relation to driving a high-powered vehicle under chapter 6, part 3, division 3, subdivision 2 or 3	45.40
9 Application under section 244 for a certificate of exemption in relation to late night driving under chapter 6, part 3, division 4	45.40
10 Issue of a replacement Queensland driver licence under section 321	80.10
11 Issue of a replacement Queensland driver licence under section 366(7) or 367(3)	80.10
12 Release of information under section 77(1)(a) of the Act about a person's Queensland driver licence	25.50
13 Release of information under section 77(1)(a) of the Act about a person's traffic history	25.50
14 Issue of a replacement licence under section 79F of the Act	80.10
15 Brief intervention education program provided by the department—Act, s 91B(4)	10.35
16 Exemption application under section 91G of the Act	44.00
17 Application under section 91P of the Act for an interlock exemption	43.90

## **Schedule 8      Permitted high-powered vehicles**

schedule 9, definition *permitted 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
Toyota Landcruiser	any	any

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## Schedule 9 Dictionary

## section 3

***amend***, a Queensland driver licence, for chapter 13, part 1, see section 350.

***applicant***, for chapter 12, see section 333.

***application***, for chapter 14, part 1, see section 380.

***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* in whose care the child is placed under section 82 of that Act.

***approved kinship carer***, for a child, see the *Child Protection Act 1999*, schedule 3.

***Australian Defence Force*** means the Australian Defence Force under the *Defence Force Act 1903* (Cwlth).

***Austroads*** means Austroads Ltd ACN 136 812 390.

***bus*** see schedule 4 of the Act.

***category***, of Queensland driver licence, see section 5(1).

***choice period*** see section 264(1).

***class***—

- (a) of a motor vehicle—see section 9(1) and (3); or
- (b) of a Queensland driver licence—see section 4(1).

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

*Regulation 2015*, other than a competency declaration (learner).

**competency declaration (learner)** means a valid competency declaration under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* that declares the person named in the declaration has attained the competencies required under the Q-Ride training curriculum to learn to ride a class RE motorbike.

**completed logbook** see section 69(2).

**current postal address**, for a person, means a postal address—

- (a) given by the person to the department for use by the department, whether or not the postal address was given for the purpose of this regulation; and
- (b) for which no written or oral notice from the person, asking the department to discontinue use of the postal address, has been received by the department.

**damaged**, in relation to a document—

- (a) means—
  - (i) damaged to the extent that—
    - (A) information on the document is difficult or impossible to read; or
    - (B) a photo or signature on the document is difficult or impossible to recognise; or
  - (ii) destroyed; and
- (b) if the document is a smartcard driver licence—includes damaged to the extent that information stored electronically on the licence—
  - (i) is difficult or impossible to read; or
  - (ii) for information that is a digital photo or digitised signature stored electronically on the licence—is difficult or impossible to recognise.

**decision-maker**, for an application, for chapter 14, part 1, see section 380.



***defence force licence*** means a licence granted by the Australian Defence Force that authorises the person who holds the licence to drive a motor vehicle.

***demerit points offence*** means an offence, other than an offence committed by a person while riding a bicycle, against a provision mentioned in schedule 5.

***driver trainer*** means—

- (a) a driver trainer under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*; or
- (b) a person accredited (however described) under a corresponding law to the provisions of the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* about accreditation of driver trainers.

***earthmoving equipment*** means—

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

***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*.

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

- (a) a police recruit under the *Police Service Administration Act 1990* who is driving while accompanied by a police officer;

Schedule 9

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- (b) a special constable under the *Police Service Administration Act 1990*;
- (c) a watch-house officer under the *Police Service Administration Act 1990*;
- (d) a community police officer under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*;
- (e) a person employed by the commissioner under the *Public Service Act 2008*, section 147 as a police liaison officer;
- (f) a police officer who is a member of a police force or police service of another State or the Commonwealth;
- (g) a police recruit of a police force or police service of another State or the Commonwealth who is driving while accompanied by a police officer, including a police officer mentioned in paragraph (f).

***experienced driver recognition country*** means a country or other jurisdiction approved by Austroads and listed on the Austroads website as having obtained experienced driver recognition status.

***experienced driver recognition licence*** see section 10(1).

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

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

- (a) the person's spouse; or
- (b) a child, stepchild, foster child or ward of the person; or
- (c) a parent or step-parent of the person; or
- (d) a grandparent, or the spouse of a grandparent, of the person; or
- (e) a sibling or step-sibling of the person; or
- (f) a foster child or ward of a parent or step-parent of the person; or
- (g) an approved carer of the person; or

- 
- (h) a child, stepchild, foster child or ward of an approved carer of the person; or
  - (i) a guardian of the person; or
  - (j) a child, stepchild, foster child or ward of a guardian of the person; or
  - (k) for a person who is an Aboriginal person—a person who, under Aboriginal tradition, is regarded as—
    - (i) a family member mentioned in paragraphs (a) to (j); or
    - (ii) an aunt or uncle of the person; or
  - (l) for a person who is a Torres Strait Islander—a person who, under Island custom, is regarded as—
    - (i) a family member mentioned in paragraphs (a) to (j); or
    - (ii) an aunt or uncle of the person.

***fitted with a prescribed interlock*** see section 333.

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

***good behaviour year***, for a person, means a period of 1 year starting on the person's sanction day.

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

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

***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*** means—

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

***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 on the department’s website.

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

***heavy vehicle class*** means class LR, MR, HR, HC or MC.

***higher class licence***—

- (a) for chapter 3, part 2, division 4—see section 55(a); or
- (b) for chapter 3, part 4, division 4—see section 117(a).

***high-powered vehicle*** means a car, other than a permitted high-powered vehicle—

- (a) that was manufactured before 1 January 2010 and 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 1,146cc 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 that, to be a compliant modification under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 17, must be an approved modification or certified modification under the regulation.

***information***, for chapter 14, part 1, see section 380.

**information notice**, for an original decision, means a written notice stating the following information—

- (a) the decision;
- (b) the reasons for the decision;

*Note—*

See the Acts Interpretation Act 1954, section 27B for matters that must be included with the reasons.

- (c) the person to whom the notice is given may apply for a reconsideration of the decision under section 387;
- (d) how, and the period within which, the person may apply for the reconsideration of the decision;
- (e) for an original decision that is a licensing decision—the person is able, under section 131(4) of the Act, to apply to QCAT for a review of the decision on the reconsideration;
- (f) for an original decision other than a licensing decision—the person is able, under section 65A of the Act, to apply to QCAT for a review of the decision on the reconsideration.

**interlock driver record**, for a person, for chapter 12, see section 333.

**interstate offence** means an offence, other than an offence committed by a person while riding a bicycle, against a corresponding law to a provision mentioned in schedule 5.

**kerb weight**, of a motor vehicle, for the definition *power-to-weight ratio*, means—

- (a) the kerb weight of the vehicle stated in the manufacturer's specifications; or
- (b) if the kerb weight is not stated in the manufacturer's specifications—the kerb weight stated in a specification information test report for the vehicle.

**learner**, for chapter 6, part 2, division 1, see section 220.

***learner approved motorbike*** see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, section 218(3).

***licensing decision*** see section 131(24) of the Act.

***light vehicle***, for schedule 5, see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 5.

***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, in which details can be wholly or partly recorded and verified, as required under section 68(1), by using an electronic system.

***logbook requirements*** means the requirements mentioned in section 66(1)(a) to (e).

***lower class licence***—

- (a) for chapter 3, part 2, division 4—see section 55(b); or
- (b) for chapter 3, part 4, division 4—see section 117(b).

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

***marine licence*** means a recreational marine driver licence, or a personal watercraft licence, granted under the *Transport Operations (Marine Safety) Regulation 2016*, section 61.

***maximum engine power***, of a motor vehicle, for the definition *power-to-weight ratio*, means—

- (a) the maximum engine power of the vehicle stated in the manufacturer’s specifications; or
- (b) if the maximum engine power is not stated in the manufacturer’s specifications—the maximum engine power stated in a specification information test report for the vehicle.

***M condition*** means the condition mentioned in schedule 3, column 2 opposite the code M in schedule 3, column 1.

***minor amendment***, for chapter 13, part 1, see section 359(2).

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

***moped*** means a motorbike that—

- (a) 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) has a top speed, as rated by its manufacturer, of not more than 50km/h; and
- (c) is not a bicycle.

***motor vehicle of the relevant class***, in relation to a person who applies for a Queensland driver licence as a returning driver, for chapter 3, part 5, division 4, see section 168.

***New Zealand licence*** means a foreign driver licence issued under the law of New Zealand.

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

***nominated vehicle***, for a person, see section 91I of the Act.

***notice to choose*** see section 264(1).

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

***order period*** see section 318(2).

***original decision*** see section 387(1).

***O type licence*** see section 7.

***overlap period***, in relation to a person, for chapter 12, see section 333.

***P1 type licence*** see section 6(1).

***P2 type licence*** see section 6(2).

***P type licence*** see section 6(3).

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

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

***permitted high-powered vehicle*** means a car mentioned in schedule 8, other than a car that has a modification to the engine that, to be a compliant modification under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021*, section 17, must be an approved modification or certified modification under the regulation.

***power-to-weight ratio***, of a motor 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 vehicle’s kerb weight in kilograms; and
  - (ii) multiplying the product of the division by 1,000; or

*Example—*

The power-to-weight ratio of a vehicle that has a maximum engine power of 195kW and a kerb weight of 1,500kg is calculated by dividing 195kW by 1,500kg and multiplying the product of the division by 1,000. In this example, the power-to-weight ratio is 130kW/t.

- (b) for a vehicle manufactured on or after 1 January 2010—
  - (i) dividing the vehicle’s maximum engine power in kilowatts by the vehicle’s tare weight in kilograms; and
  - (ii) multiplying the product of the division by 1,000.

***practical driving test*** means a test, conducted by the department, of a person’s practical ability to drive a motor vehicle.

*Example of a practical driving test—*

A practical driving test may test a person’s ability to do any of the following—



- (a) drive a motor vehicle in a forward and reverse direction;
- (b) drive a motor vehicle into or through a restricted space in a forward and reverse direction;
- (c) stop a motor 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) drive a motor vehicle while the vehicle is carrying a load.

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

***proposed action***, for chapter 13, part 1, see section 353(1).

***Q-Ride training*** see the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, schedule 7.

***Q-Ride training area*** means a place where a registered service provider under the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015* conducts Q-Ride training.

*Editor's note—*

A person can obtain information on the location of Q-Ride training areas from the department.

***Q-Ride training curriculum*** see the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015*, section 93(2).

***recently issued medical certificate*** means a valid medical certificate issued within the previous 13 months.

***recognised country*** means a country or other jurisdiction approved by Austroads and listed on the Austroads website as a recognised country or jurisdiction.

***recognised country licence*** see section 10(2).

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

**record period**, in relation to a person, for chapter 12, see section 333.

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

**relevant charge**, for a person’s suspended licence, for chapter 7, part 3, section 288 and chapter 9, see section 291.

**relevant order** means—

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

**relevant person**, for chapter 7, see section 255.

**relevant provision**, for chapter 10, see section 308.

**required suspension period**, in relation to the suspension of a person’s Queensland driver licence or authority to drive, or learn to drive, under a non-Queensland driver licence, for chapter 7, see section 255.

**restricted driving period**, for a person, for chapter 6, part 3, division 4, see section 242(1).

**returning driver certificate** see sections 169(4) and 170(5).

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

**road rules test**, for a Queensland driver licence, means a test—

- (a) designed to measure a person’s knowledge of matters and appropriate behaviour relevant to—
  - (i) driving safely on a Queensland road; and
  - (ii) the Queensland driver licence; and
- (b) available on the department’s website, at an office of the department or in another way approved by the chief executive.

**sanction day**, in relation to a person who is given a notice to choose, means—

- 
- (a) for a person who notifies the chief executive in writing of the person's choice under section 264(1)(a) or (b) within the choice period—
- (i) the last day of the choice period; or
  - (ii) if the person notifies the chief executive in writing that the person wants the sanction day to be an earlier day that is not before the day the person notifies the chief executive—the earlier day; or
- (b) otherwise—the day after the last day of the choice period.

**S condition** means the condition mentioned in schedule 3, column 2 opposite the code S in schedule 3, column 1.

**section 79E variation order** see section 301(2).

**show cause notice**, for chapter 13, part 1, see section 353(1).

**show cause period**, in relation to a show cause notice, for chapter 13, part 1, see section 350.

**smartcard driver licence** means a Queensland driver licence in the form of a card, or something similar, that is approved by the chief executive and on which information may be stored electronically.

**special hardship variation order** see section 322(2).

**specially constructed vehicle**—

- (a) means—
- (i) an agricultural machine within the meaning of the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*, 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) another motor vehicle that is not built 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***—

- (a) for a class C learner licence or provisional licence—see section 127; or
- (b) for a class HC Queensland driver licence—see section 132(1); or
- (c) for a class RE or class R Queensland driver licence—see section 141.

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

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

- (a) showing the results of a test conducted on the vehicle by an entity to work out the specification information for the vehicle; 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 day of the test;
- (iii) the specification information for the vehicle;
- (iv) details about the measuring system used to conduct the test.

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

a dynamometer or a similar measuring system that is designed to measure power produced by an engine

*Example of a specification information test report—*

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

***stepchild***, of a person, means a child of the person's spouse.

***step-parent***, of a person, means a spouse of the person's parent.

***step-sibling***, of a person, means a child of the person's step-parent.

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

***supervisor***, for chapter 3, part 3 and the definition *supervised driving*, means a person who—

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

***suspended licence***, of a person, for chapter 7, part 3, section 288 and chapter 9, see section 291.

***suspended open licence or provisional licence***, of a person, for chapter 10, see section 308.

***tare weight***, of a motor vehicle, for the definition *power-to-weight ratio*, means—

- (a) the tare of the vehicle stated in the manufacturer's specifications; or
- (b) if the tare is not stated in the manufacturer's specifications—the tare stated in a specification information test report for the vehicle.

**type**, of Queensland driver licence, see section 5(2) to (5).

**unrecognised country** means a country or other jurisdiction that is not an experienced driver recognition country, New Zealand or a recognised country.

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

- (a) the licence has not expired; and
- (b) the licence has not been cancelled, suspended or surrendered or otherwise stopped having effect; and
- (c) the person in whose name the licence is issued is not disqualified from holding or obtaining a driver licence in this or another jurisdiction.

**valid medical certificate** means a medical certificate in the approved form that has not expired.

**V condition** means the condition mentioned in schedule 3, column 2 opposite the code V in schedule 3, column 1.

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

**young driver** see section 65(1).

**young driver disqualification offence** means an offence committed by a person—

- (a) when the person was under 25 years; and
- (b) that led to the person being disqualified under the Act, under another Act or by an order made by an Australian court from holding or obtaining a driver licence.