



Queensland

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

Explanatory Notes for SL 2012 No. 36

made under the

Transport Operations (Road Use Management) Act 1995

General outline

Short title

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

Authorising law

Section 171 of the *Transport Operations (Road Use Management) Act 1995*.

Policy objectives and the reasons for them

Unaccompanied learner drivers

Under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010* (Driver Licensing Regulation) a person who holds a learner driver licence may only ride or drive a motor vehicle in Queensland while under the direction of an appropriate supervisor.

Learner licence holders who ride or drive without appropriate supervision put both themselves and other road users at risk. This is because a learner

licence holder may not yet have demonstrated the competence to manage complex mechanical tasks associated with riding or driving that class of motor vehicle.

The amendment regulation increases the demerit points to be allocated for the offences of driving or riding without appropriate supervision to ensure that the sanctions associated with this behaviour are commensurate with the road safety risks.

Removal of good driving behaviour option in certain circumstances

The Driver Licensing Regulation provides an option for certain licence holders who exceed their demerit point limit in a one year period to elect to be of good behaviour while driving for a year rather than having their licence suspended. If further demerit points are allocated during the good driving behaviour period, the person's driver licence is suspended for double the suspension period that would have otherwise applied.

The amendment regulation will address the road safety risks associated with inexperienced drivers who commit repeat or serious demerit point offences by removing the option of choosing a good driving behaviour period for these drivers.

Achievement of policy objectives

Unaccompanied learner drivers

The amendment regulation will amend the Driver Licensing Regulation to increase from one to four the number of demerit points allocated to the traffic history of a learner driver who rides or drives without appropriate supervision.

Removal of good driving behaviour option in certain circumstances

The amendment regulation will remove the good driving behaviour option for licence holders who are allocated four or more demerit points in a continuous one year period during which they held a class C learner licence or did not hold a licence. This will apply even if the person has upgraded to a provisional or open driver licence by the time the relevant offences are finalised.

Consistency with policy objectives of authorising law

The amendments are consistent with the policy objective in section 3 of the *Transport Operations (Road Use Management) Act 1995* to provide for a scheme for managing the use of the State's roads that will improve road safety and the environmental impact of road use in ways that contribute to overall transport effectiveness and efficiency.

Benefits and costs of implementation

Any additional costs in implementing the amendments will be met from existing budget allocations.

Consistency with fundamental legislative principles

The amendments are consistent with the fundamental legislative principles.

Consultation

The amendments were considered by the Department of the Premier and Cabinet, Queensland Treasury, the Department of Justice and Attorney-General and the Queensland Police Service. No concerns were raised.

The Royal Automobile Club of Queensland supports the proposed increase in demerit points to apply to unaccompanied learner drivers. The club has suggested that removing the good driving behaviour period and imposing a licence suspension may affect a learner driver's ability to positively modify their driving behaviour. It is believed, however, that the imposition of a suspension on those learner drivers who commit serious or repeat traffic offences is an appropriate means of deterring such offences by inexperienced drivers.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Transport and Main Roads.

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