

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

Explanatory notes for SL 2014 No. 324

made under the

Transport Operations (Road Use Management) Act 1995

General Outline

Short title

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

Authorising law

Sections 150 and 171 of the *Transport Operations (Road Use Management) Act 1995*

Policy objectives and the reasons for them

Currently, a person who does not hold a licence, but had held one that stopped being valid (that is expired, suspended, cancelled or has been surrendered) more than five years ago, is treated as if they had never held a licence. This means that they must obtain a learner licence, progress through the graduated licensing system and meet the minimum waiting periods before they are eligible to reobtain their previously-held licence. For example, the person must hold their car learner licence for at least one year before being able to undertake a practical driving test to obtain a provisional car licence.

Similarly, a person who currently holds a licence (for example, a car licence), but had held another class of licence (for example, a truck or motorbike licence) that stopped being valid more than five years ago is treated as if they had never held that class of licence. This person is also required to progress through the graduated licensing system and meet the minimum waiting periods before they are eligible to reobtain their previously-held class of licence.

In the case of a previously-held heavy rigid or heavy combination truck licence, it would take the person three or more years to progress through the graduated licensing system to reobtain that truck licence (for example, obtaining and having to hold a car, light rigid, medium rigid then heavy rigid truck licence for the required minimum periods before being eligible for a heavy combination truck licence).

There are people who have held a valid driver licence at some stage in their lifetime, but for a range of reasons, have not held a licence for an extended period of time. This could occur where, for example, the person has spent a long period overseas or has been in prison.

The delay experienced by people who wish to return to the licensing system (a returning driver) can have a negative impact on their employment opportunities, rehabilitation and assimilation into the community and general mental and social wellbeing. For example, a truck driver who has spent some time in prison may not be able to return to their previous type of employment for several years until they reobtain their previously-held truck licence.

The amendments will streamline the process for a returning driver to reobtain a licence they previously held while still requiring them to demonstrate the same level of road rules knowledge and practical driving skill required of other licence holders.

Achievement of policy objectives

The *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010* (driver licensing regulation) is being amended to allow a returning driver to reobtain a licence they previously held, but which ceased to be valid more than five years ago, provided they pass the relevant road rules test and practical driving test or competency assessment. Returning drivers will not be required to meet minimum periods for holding a learner licence or other classes of licence before being eligible for a licence they previously held.

Specifically, the amendments will provide that:

- the person will be issued a licence endorsed with a licence code and a certificate which, when carried, will allow them to learn to drive the class of vehicle they were previously licensed to drive; and
- the person can immediately undertake a practical driving/competency test for the class of licence they previously held without having to progress through the graduated licensing system or meet the minimum periods for holding a particular licence.

Amendments to the driver licensing regulation will also address consequential matters relating to testing, eligibility for particular classes and types of licence and the process for a returning driver to progress from a provisional licence through to an open licence.

Additionally, the amendments will clarify that a person whose licence had been cancelled for a reason other than court disqualification (for example, a medical condition) is not required to serve a probationary period following the period of cancellation.

The *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005* is also being amended to allow returning drivers seeking motorbike licences to access Q-Ride training and assessment.

Consistency with policy objectives of authorising law

The amendments to the driver licensing regulation are consistent with the objectives in section 3 of the *Transport Operations (Road Use Management) Act 1995*.

Benefits and costs of implementation

It is anticipated these amendments will benefit returning drivers by streamlining the process for them to reobtain a previously-held licence or class of licence without compromising road safety standards.

There will be changes required to the department's licensing database. The cost of these changes will be met from within existing budgets.

Consistency with fundamental legislative principles

The amendments are consistent with the fundamental legislative principles.

Consultation

Consultation was undertaken with the Department of the Premier and Cabinet, the Department of Justice and Attorney-General, the Queensland Police Service and Queensland Treasury and Trade. All agencies consulted support the amendments.

The Office of Best Practice Regulation, Queensland Competition Authority, was also consulted and has advised that the amendments do not require a Regulatory Impact Statement.