

Queensland



**TRANSPORT OPERATIONS  
(ROAD USE MANAGEMENT)  
AMENDMENT ACT 2002**

**Act No. 4 of 2002**



# Queensland



## TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) AMENDMENT ACT 2002

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**Transport Operations (Road Use  
Management) Amendment Act 2002**

**Act No. 4 of 2002**

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**An Act to amend the *Transport Operations (Road Use Management)  
Act 1995***

*[Assented to 13 March 2002]*

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**The Parliament of Queensland enacts—**

**1 Short title**

This Act may be cited as the *Transport Operations (Road Use Management) Amendment Act 2002*.

**2 Act amended**

This Act amends the *Transport Operations (Road Use Management) Act 1995*.

**3 Amendment of s 78 (Driving of motor vehicle without a driver licence prohibited)**

(1) Section 78(1), penalty, paragraph (a), ‘under a’—  
*omit, insert—*

‘by any’.

(2) Section 78—  
*insert—*

‘(1A) An infringement notice under the *State Penalties Enforcement Act 1999* may be issued to a person for a contravention of subsection (1) only if—

- (a) the person’s driver licence authorising the person to drive the vehicle had recently expired; and
- (b) the person had not, in the 5 years before the contravention, been convicted of another offence against subsection (1).’.

(3) Section 78(3)—  
*omit, insert—*

‘(3) If the court convicts a person of an offence against subsection (1) and any of the following circumstances apply, the court, in addition to imposing a penalty, must disqualify the person from holding or obtaining a Queensland driver licence for the period mentioned in relation to the circumstance—

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- (a) if the person committed the offence while the person was disqualified, by any court order, from holding or obtaining a driver licence—for a period, of at least 2 years but not more than 5 years, decided by the court; or
  - (b) if the person committed the offence while the person was disqualified, other than by any court order, from holding or obtaining a driver licence—for 6 months; or
  - (c) if the person has never held a driver licence authorising the person to drive the vehicle—for 6 months; or
  - (d) if the person’s driver licence authorising the person to drive the vehicle had expired more than 5 years before the person committed the offence—for 6 months.

‘**(3A)** For subsection (3), if the circumstances mentioned in paragraph (a) and another paragraph of the subsection exist, the court must apply paragraph (a).

‘**(3B)** If the court convicts a person of an offence against subsection (1) and subsection (3) does not apply, the court, in addition to imposing a penalty, may disqualify the person from holding or obtaining a Queensland driver licence for a period, of at least 1 month but not more than 6 months, decided by the court if—

- (a) the person’s driver licence authorising the person to drive the vehicle had recently expired and the person had, in the 5 years before the conviction, been convicted of another offence against subsection (1); or
- (b) the person’s driver licence authorising the person to drive the vehicle had expired more than 1 year, but not more than 5 years, before the person committed the offence.’.

**(4)** Section 78(4), after ‘Subsection (3)’—

*insert—*

‘or (3B)’.

**(5)** Section 78—

*insert—*

‘**(6)** In this section—

**“any court order”** means an order of any Australian court.

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**“expired”** licence means—

- (a) a driver licence that has expired; or
- (b) a non-Queensland driver licence if the authority to drive on a Queensland road under the licence has been withdrawn.

**“recently expired”** licence means a licence that became an expired licence no more than 1 year before the person committed the offence.’.

#### **4 Insertion of new s 78A**

After section 78—

*insert—*

##### **‘78A Permit to drive—recently expired driver licence**

‘(1) This section applies if a police officer issues an infringement notice under the *State Penalties Enforcement Act 1999* to a person for a contravention of section 78(1).

‘(2) The police officer may issue a permit authorising the person to drive to a stated place.

‘(3) The permit must—

- (a) be in the approved form; and
- (b) state the number of the infringement notice; and
- (c) state the term, not longer than 24 hours, for which it is issued; and
- (d) state the conditions, if any, on which it is issued.

‘(4) If the permit is issued on a condition, the permit is cancelled if the condition is contravened.

‘(5) To remove any doubt, it is declared that a police officer issuing a permit under subsection (2) does not contravene section 78(5).’.

#### **5 Amendment of ch 7 (Transitional provisions, amendments and repeals)**

(1) Chapter 7, heading, ‘, **amendments and repeals**’—  
*omit.*



(2) Chapter 7—

*insert—*

**‘PART 4—TRANSITIONAL PROVISIONS FOR  
TRANSPORT OPERATIONS (ROAD USE  
MANAGEMENT) AMENDMENT ACT 2002**

**‘195 Provision for particular disqualifications**

‘(1) This section applies to a person if—

- (a) during the period starting on 3 December 2001 and ending on the commencement of this section—
  - (i) the person committed an offence against section 78(1) as in force immediately before the commencement of this section; and
  - (ii) the person was convicted of the offence and was disqualified under section 78(3) from holding or obtaining a Queensland driver licence for 6 months; and
- (b) when the person committed the offence, the person was not disqualified from holding or obtaining a driver licence; and
- (c) the person’s driver licence for the motor vehicle that the person was driving when the offence was committed had expired no more than 5 years before the person committed the offence.

‘(2) The person is no longer disqualified under section 78(3) from holding or obtaining a Queensland driver licence and any order of a court of any jurisdiction of the State, to the extent that it gives effect to the disqualification, is of no effect.

‘(3) No compensation is payable to the person in relation to the period of disqualification served by the person before the disqualification ended.

**‘196 Persons affected by amendment Act**

‘(1) This section applies to a person if—

- (a) during the period starting on 3 December 2001 and ending on the commencement of this section, the person is alleged to have contravened section 78(1) as in force immediately before the commencement of this section; and

- (b) the person has not been dealt with for the alleged contravention before the commencement of this section.

‘(2) If prosecuted for the contravention, the person must be dealt with for the contravention as if the person had contravened section 78(1), unaffected by the definition “**any court order**”, as in force immediately after the commencement.’.