

Queensland



Subordinate Legislation 1992 No. 335

Traffic Act 1949

**TRAFFIC AMENDMENT REGULATION (No. 5)
1992**

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Short title

1. This regulation may be cited as the *Traffic Amendment Regulation (No.5) 1992*.

Amended regulation

2. The *Traffic Regulation 1962* is amended as set out in this regulation.

Amendment of s.4 (Interpretation)

3. Section 4(1)(e)—

insert—

‘**“approved form”** for a purpose means the form approved by the chief executive of the department for the purpose;’.

Amendment of s.106 (Age of driver)

4. Section 106(2)—

omit, insert—

‘(2) A Superintendent must not issue a driver’s licence, other than a learner’s permit, to a person who has not turned 17 years.

‘(2A) A District Superintendent may issue a driver’s licence to a person who has not turned 17 years if the District Superintendent is satisfied that, if the driver’s licence were not issued—

- (a) the person would suffer severe hardship; or
- (b) the person’s family would suffer severe hardship because the person has undertaken a role of special responsibility in relation to the person’s family.’.

Replacement of s.108 (Eligibility for issue of driver’s licence)

5. Section 108—

omit, insert—

‘Eligibility conditional on period of holding learner’s permit

‘108.(1) A driver’s licence, other than a learner’s permit, must not be issued to a person who has not held a learner’s permit for at least 6 months during the period of 2 years before applying for the driver’s licence.

‘(2) The 6 month period may be 1 continuous period or calculated over more than 1 period during which the person held a learner’s permit.

‘(3) Subsection (1) does not apply to an applicant—

- (a) who produces satisfactory evidence that the applicant previously held a driver’s licence—
 - (i) if the application is for a motor cycle licence—for a motor cycle; and
 - (ii) if the application is for another class of driver’s licence—for a motor car; or
- (b) who has been granted an exemption by a Superintendent under section 108AA; or
- (c) who is issued a driver’s licence by a District Superintendent under section 106(2A).

‘Exemption from condition of learner’s permit period

‘108AA.(1) A Superintendent may exempt from section 108(1) any applicant who the Superintendent considers has a special need for a driver’s licence on the grounds—

- (a) that the applicant is required to drive a motor vehicle—
 - (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 that the applicant attends; or
 - (iv) for the purpose of obtaining medical treatment for the applicant or a member of the applicant’s family; and
- (b) there is no other means of transport reasonably available to the applicant.

‘(2) An applicant may lodge a request for the exemption with a Superintendent in the approved form.

‘(3) The application must be supported by a signed statement from—

- (a) if the application is made on a ground mentioned in subsection (1)(a)(i) or (ii)—the applicant’s employer; or
- (b) if the application is made on a ground mentioned in subsection (1)(a)(iii)—the principal, registrar or other person in charge of the educational institution; or
- (c) if the application is made on a ground mentioned in subsection (1)(a)(iv)—a medical practitioner.

‘(4) In deciding whether the applicant should be granted the exemption, a Superintendent must have regard to—

- (a) in relation to a reason for travel mentioned in subsection (1)(a)—
 - (i) the time of day at which the person must travel; and
 - (ii) how often the person must travel; and
 - (iii) the distance to be travelled; and
- (b) the hardship to the person if the driver’s licence is not issued; and
- (c) the driving history of the applicant.’.

Amendment of s.109 (Learner’s permit)

6. Section 109(2)—

omit, insert—

‘(2) A Superintendent must not issue a learner’s permit to an applicant unless the Superintendent is satisfied that the applicant—

- (a) has turned 16 years and 6 months; and
- (b) has satisfactorily completed the testing under subsection (1).

‘(2A) A District Superintendent may issue a learner’s permit to a person who has not turned 16 years and 6 months on being satisfied that, if the learner’s permit were not issued—

- (a) the person would suffer severe hardship; or

- (b) the person's family would suffer severe hardship because the person has undertaken a role of special responsibility in relation to the person's family.'.
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ENDNOTES

1. Made by the Governor in Council on 5 November 1992.
2. Notified in the Gazette on 6 November 1992.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.