

Queensland



Subordinate Legislation 2001 No. 235

Transport Operations (Road Use Management) Act 1995

TRANSPORT OPERATIONS (ROAD USE MANAGEMENT—DRIVER LICENSING) AMENDMENT REGULATION (No. 1) 2001

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1 Short title

This regulation may be cited as the *Transport Operations (Road Use Management—Driver Licensing) Amendment Regulation (No. 1) 2001*.

2 Commencement

This regulation commences on 3 December 2001.

3 Regulations amended

(1) Schedule 1 amends the *State Penalties Enforcement Regulation 2000*.

(2) Schedule 2 amends the *Transport Operations (Road Use Management) Regulation 1995*.

(3) Otherwise, this regulation amends the *Transport Operations (Road Use Management—Driving Licensing) Regulation 1999*.

4 Amendment of s 4 (Definitions)

Section 4, ‘4’—

omit, insert—

‘6’.

5 Amendment of s 5 (Motorbike licences)

(1) Section 5(5)(a)(i) and (b)(i), ‘a provisional, probationary or open’—

omit, insert—

‘an O type’.

(2) Section 5(5)(a)(ii), ‘2 years’—

omit, insert—

‘1 year’.

6 Amendment of s 6 (Other types of licences)

(1) Section 6(2)(b), after ‘MR’—

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insert—

‘, HR’.

(2) Section 6—

insert—

‘(5A) The holder of a class HC learner licence is authorised to learn to drive a class HC vehicle.’.

(3) Section 6—

insert—

‘(8A) If this section authorises the holder of a licence to drive a class of motor vehicle, the holder is authorised to learn to drive the class of vehicle with either an automatic or manual transmission or with a synchromesh gearbox.’.

(4) Section 6(9), from ‘subsection’ to ‘(7)(b)’—

omit, insert—

‘this section, section 35(10) or section 37B(2)’.

(5) Section 6(9)(a)(ii) and (b)(i), ‘a P type or open’—

omit, insert—

‘an O type’.

(6) Section 6—

insert—

‘(10) In this section—

“O type licence” includes a driver licence granted outside Queensland that corresponds to an open licence.’.

7 Amendment of s 9 (Testing)

(1) Section 9(2), after ‘must’—

insert—

‘, if required by the chief executive to take an eyesight test,’.

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(2) Section 9(4)(b), ‘(other than a learner licence)’—
omit.

(3) Section 9(6)(a), ‘UD class’—
omit, insert—
‘class UD’.

(4) Section 9(6)(b), ‘MC class’—
omit, insert—
‘class MC’.

(5) Section 9(6)(b)(i), ‘an MC class’—
omit, insert—
‘a class MC’.

(6) Section 9—
insert—

‘(7) However, subsection (5)(b) does not apply to a person if the person holds or has, within 5 years before applying for the licence, held—

- (a) a driver licence granted in New Zealand; or
- (b) for an application for a class RE, R or C licence—a driver licence, granted under the law of a country prescribed in schedule 4, that corresponds to a class RE, R or C licence.’.

8 Insertion of new s 9A

After section 9—
insert—

‘9A Learner licence—class HC

‘A person is not eligible for a class HC learner licence unless—

- (a) the person—
 - (i) is at least 17 years old; and
 - (ii) holds a class C provisional, probationary or open licence;
and

- (b) the chief executive is satisfied the person has a special need for the licence.¹.

9 Amendment of s 11 (Open licences—class RE or C)

(1) Section 11(1)(d)(iii)—

omit, insert—

- ‘(iii) has, since the cancellation of the O type licence, held a class RE P type licence for at least 1 year.’.

(2) Section 11(2)(d)—

omit, insert—

‘(d) the person—

- (i) has, within 5 years before applying for the licence, held a class C O type licence that has been cancelled; and
- (ii) holds a class C P type licence; and
- (iii) has, since the cancellation of the O type licence, held a class C P type licence for at least 1 year.’.

(3) Section 11(3), definition “required period**”, ‘total’—**

omit.

(4) Section 11(3), definition “total period**”—**

omit.

10 Amendment of s 12 (Upgrading licence class)

(1) Section 12(2)(d)—

omit, insert—

‘(d) for a class HC licence—

- (i) the person—
 - (A) holds a class C licence; and

1 See section 14AA (Special need—HC licence).

- (B) has held the licence for at least 1 year; and
- (C) has a special need for the HC licence; or
- (ii) the person—
 - (A) holds a class MR or HR licence; and
 - (B) has held the licence for at least 1 year; or’.

(2) Section 12, definition **“licence”**—

omit, insert—

‘(3) In this section—

“licence” means—

- (a) a provisional, probationary or open licence; or
- (b) a driver licence granted outside Queensland that corresponds to a licence mentioned in paragraph (a).’.

11 Amendment of s 13 (Generally)

(1) Section 13(1)(d)(ii)—

omit, insert—

- ‘(ii) a written notice of surrender of the driver licence addressed to the person who granted it; or
- (e) the authority to drive on a Queensland road under the person’s non-Queensland driver licence is suspended under section 26(2);² or
- (f) the person is not eligible to hold a Queensland driver licence under section 27 or 28.³’.

(2) Section 13(2), ‘disability’—

omit, insert—

‘incapacity’.

² Section 26 (Non-Queensland driver licence holder)

³ Section 27 (Former driver licence holder) or 28 (Unlicensed person)

12 Amendment of s 14 (Special need—learner or provisional licence)

Section 14(4), ‘a person has a special need’—

omit, insert—

‘to approve the application’.

13 Amendment of s 14A (Special need—class R licence)

Section 14A(1) and (3), ‘disability’—

omit, insert—

‘incapacity’.

14 Insertion of new s 14AA

After section 14A—

insert—

‘14AA Special need—HC licence

‘(1) A person has a special need for a class HC licence if the person—

- (a) resides in a remote area; and
- (b) needs to drive a class HC vehicle in the course of the person’s employment; and
- (c) can not get a class LR or MR licence because the person does not have access to a type LR or MR vehicle to learn to drive that type of vehicle.

‘(2) A person claiming a special need must apply to the chief executive in the approved form.

‘(3) The approved form must be accompanied by a signed statement from the person’s employer that supports the person’s claim.

‘(4) In deciding whether to approve the application, the chief executive must consider the person’s traffic history.

‘(5) If the chief executive decides to approve the application, the chief executive must grant a class HC learner licence to the person.

‘(6) In this section—

“remote area” means the areas of the shires under the *Local Government Act 1993* mentioned in schedule 5.’.

15 Amendment of s 14E (Licences authorising learning to ride under Q-Ride training)

(1) Section 14E(3)(a)(i) and (b)(i), ‘a qualifying’—

omit, insert—

‘an O type’.

(2) Section 14E(3)(a)(ii), ‘2 years’—

omit, insert—

‘1 year’.

(3) Section 14E(4), definition **“qualifying licence”**—

omit, insert—

‘ **“O type licence”** includes a driver licence granted outside Queensland that corresponds to an open licence.’.

16 Amendment of s 16 (Deciding applications for licence)

Section 16(3), from ‘applicant—’—

omit, insert—

‘applicant the licence.’.

17 Replacement of s 17 (Duration of licences)

Section 17—

omit, insert—

‘17 Duration of licences

‘The chief executive may—

- (a) grant a class HC learner licence for a period of up to 15 months;
- or

- (b) grant or renew another Queensland driver licence for a period of up to 10 years.’.

18 Amendment of s 18A (Exception for licence granted to interstate licence holder)

(1) Section 18A(1), after ‘interstate licence’—

insert—

‘, other than a defence force licence’.

(2) Section 18A(4)—

omit.

19 Amendment of s 20 (Passengers on motorbikes)

Section 20—

insert—

‘(3) This section does not prevent a person riding a motorbike with a passenger on a road if the person is learning to ride and riding as required by section 5(5) or 14E(3).⁴’.

20 Amendment of s 22 (Licensees 75 years or older)

(1) Section 22, heading, ‘Licensees’—

omit, insert—

‘Licence holder’.

(2) Section 22(1), ‘A licensee’—

omit, insert—

‘The holder of a Queensland driver licence’.

⁴ Section 5 (Motorbike licences) or 14E (Licences authorising learning to ride under Q-Ride training)

(3) Section 22(1)(a), after ‘carrying a’—
insert—
‘current’.

(4) Section 22(1) and (2), ‘licensee’—
omit, insert—
‘holder’.

21 Replacement of pt 6 (Demerit points)

Part 6—
omit, insert—

‘PART 6—DEMERIT POINTS

‘23 Allocation of demerit points

‘(1) This section applies if—

- (a) a person has been convicted for a contravention of—
 - (i) a demerit points offence; or
 - (ii) an interstate offence; or
- (b) an order has been made against a person under—
 - (i) the *State Penalties Enforcement Act 1999*, section 38⁵ for a demerit points offence; or
 - (ii) a corresponding law for a interstate offence.

‘(2) The chief executive may record on the person’s traffic history—

- (a) particulars of the offence; and
- (b) the penalty imposed on the person; and
- (c) the number of demerit points allocated for the offence; and
- (d) the date the offence was committed.

5 *State Penalties Enforcement Act 1999*, section 38 (Issue of enforcement order)

‘(3) The number of demerit points to be allocated is the number of points mentioned in schedule 3 for—

- (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.

‘(4) The demerit points are taken to be allocated on the day the offence was committed.

‘(5) To remove doubt, the Criminal Code, section 16,⁶ applies to this part.

‘(6) In this section—

“demerit points offence” means an offence, other than an offence committed by a person while riding a bicycle, tricycle or power-assisted cycle, against a provision mentioned in schedule 3.

“interstate offence” means an offence under a corresponding law that corresponds to a demerit points offence.

‘24 Effect of suspension

‘If a person is required to hold a class or type of driver licence (other than a restricted licence) for a period, and the person’s licence is suspended, the period is extended by the length of the period for which the licence is suspended.

‘25 Queensland driver licence holder

‘(1) This section applies—

- (a) if—
 - (i) 4 or more demerit points are recorded on a person’s traffic history; and
 - (ii) the demerit points were allocated in a continuous 1 year period while the person did not hold a driver licence; and
 - (iii) the person holds a Queensland driver licence; or

6 Criminal Code, section 16 (Person not to be twice punished for same offence)

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(b) if—

- (i) 4 or more demerit points are recorded on a person's traffic history; and
- (ii) the demerit points were allocated in a continuous 1 year period, and during any part of the period the person held a learner or P type licence, but did not hold an open licence of another class; and
- (iii) the person holds a Queensland driver licence; or

(c) if—

- (i) 12 or more demerit points are recorded on a person's traffic history; and
- (ii) the demerit points were allocated in a continuous 3 year period, and during any part of the period the person held a Queensland driver licence; and
- (iii) the person holds an open licence.

‘(2) The chief executive must, by written notice (a “**notice to choose**”) require the person, within a specified time of at least 21 days, to choose between—

- (a) having the person's licence suspended for the requisite suspension period; or
- (b) agreeing to be of good behaviour while driving for a year.

‘(3) A person is of good behaviour while driving for a year, if no more than 1 demerit point is allocated to the person's traffic history during the year.

‘(4) If, within the specified time, the person—

- (a) notifies the chief executive that the person chooses for subsection (2)(a) to apply; or
- (b) does not notify the chief executive of the person's choice under subsection (2)(a) or (b);

the person's licence is suspended⁷ for the requisite suspension period starting on the sanction date.

⁷ See section 127(4) of the Act for the effect of a suspension of licence.

‘(5) If—

- (a) within the specified time, the person notifies the chief executive that the person chooses for subsection (2)(b) to apply; and
- (b) 2 or more demerit points are allocated to the person’s traffic history during the year starting on the sanction date;

the chief executive must, by written notice, inform the person that the person’s licence is suspended for double the requisite suspension period starting on the day after the date stated in the notice.

‘(6) The date stated must not be less than 21 days after the date of the notice.

‘(7) The notice must also inform the person that the person may appeal against the suspension under section 29.⁸

‘(8) The person’s licence is suspended for double the requisite suspension period starting on—

- (a) the day after the date stated in the notice; or
- (b) if the person notifies the chief executive that the person wants the suspension to start earlier than the date stated in the notice—the day, not before the date on which the person gives the notice to the chief executive, chosen by the person.

‘26 Non-Queensland driver licence holder

‘(1) This section applies—

- (a) if—
 - (i) 4 or more demerit points are recorded on a person’s traffic history; and
 - (ii) the demerit points were allocated in a continuous 1 year period while the person did not hold a driver licence; and
 - (iii) the person holds a non-Queensland driver licence; or
- (b) if—

8 Section 29 (Appeal against suspension for double the requisite period)

-
- (i) 4 or more demerit points are recorded on a person's traffic history; and
 - (ii) the demerit points were allocated in a continuous 1 year period, and during any part of the period the person held a learner or P type licence, but did not hold an O type licence of another class; and
 - (iii) the person holds a non-Queensland driver licence; or
- (c) if—
- (i) 12 or more demerit points are recorded on a person's traffic history; and
 - (ii) the demerit points were allocated in a continuous 3 year period, and during any part of the period the person held a driver licence; and
 - (iii) the person holds a driver licence granted outside Queensland that corresponds to an open licence.

‘(2) The chief executive must, by written notice, inform the person that the authority to drive on a Queensland road under the person's non-Queensland driver licence is suspended for the requisite suspension period starting on the day after the date stated in the notice.

‘(3) The date stated must not be less than 21 days after the date of the notice.

‘(4) In this section—

“learner licence” includes a driver licence granted outside Queensland that corresponds to a learner licence.

“O type licence” includes a driver licence granted outside Queensland that corresponds to an open licence.

“P type licence” includes a driver licence granted outside Queensland that corresponds to a P type licence.

‘27 Former driver licence holder

‘(1) This section applies to a person if section 25 or 26⁹ would apply to the person except that the person is unlicensed because, since the allocation of demerit points—

- (a) the person’s driver licence has expired; or
- (b) the person’s driver licence has been surrendered; or
- (c) the authority to drive on a Queensland road under the person’s non-Queensland driver licence has been withdrawn under section 35(2).¹⁰

‘(2) The chief executive must, by written notice, inform the person that—

- (a) the person is not eligible to hold a Queensland driver licence for the requisite suspension period starting on the day after the date stated in the notice; and
- (b) any non-Queensland driver licence held by the person does not authorise the person to drive on a Queensland road during the requisite suspension period starting on the day after the date stated in the notice.

‘(3) The date stated must not be less than 21 days after the date of the notice.

‘28 Unlicensed person

‘(1) This section applies if—

- (a) 4 or more demerit points are recorded on a person’s traffic history; and
- (b) the demerit points were allocated in a continuous 1 year period while the person did not hold a driver licence; and
- (c) the person does not hold a driver licence.

9 Section 25 (Queensland driver licence holder) or 26 (Non-Queensland driver licence holder)

10 Section 35 (Non-Queensland driver licence)

‘(2) The chief executive must, by written notice, inform the person that the person is not eligible to hold a Queensland driver licence for 3 months starting on the date stated in the notice.

‘(3) The date stated must not be less than 14 days after the date of the notice.

‘29 Appeal against suspension for double the requisite period

‘(1) This section applies if a person’s Queensland driver licence is suspended for double the requisite suspension period under section 25(5).¹¹

‘(2) The person may appeal against the suspension only on the grounds that the suspension would cause extreme hardship to the person, or the person’s family, by depriving the person of the means of earning a living.

‘(3) The person may appeal by—

- (a) lodging a notice of appeal in the approved form, with the Magistrates Court in the district where the person resides, within 21 clear days after the date the licence is suspended; and
- (b) serving a copy of the notice on the chief executive.

‘(4) On lodging the appeal with the court, the suspension is stayed until the court decides the appeal.

‘(5) The court may dismiss an appeal if, considering the person’s traffic history, the court considers it would be inappropriate to allow the appeal.

‘(6) The chief executive may give the court information from the person’s traffic history.

‘(7) If the court dismisses an appeal, the person’s licence is suspended from the date of the court’s decision for that part of the suspension period that had not been served before the appeal was lodged.

‘(8) Despite the *Justices Act 1886*, the court’s decision is final and can not be appealed against.

‘(9) The clerk of the court must give the chief executive a copy of the order setting out the court’s decision.’.

¹¹ Section 25 (Queensland driver licence holder)

22 Amendment of pt 7 (Amending, suspending or cancelling licences)

Part 7, heading, after ‘AMENDING,’—

insert—

‘SURRENDERING,’.

23 Replacement of s 31 (Voluntary cancellation of licence)

Section 31—

omit, insert—

‘31 Surrendering licence

‘(1) The holder of a Queensland driver licence may surrender the licence by written notice to the chief executive.

‘(2) If the licence is in the holder’s possession, it must be forwarded to the chief executive with the written notice.’.

24 Amendment of s 32 (Grounds for amending, suspending or cancelling licences)

Section 32—

insert—

‘(f) for a class HC learner licence—the person no longer has a special need for a class HC licence;

(g) the person no longer resides in Queensland.’.

25 Amendment of s 33 (Procedure for amending, suspending or cancelling licences)

(1) Section 33(1), after ‘suspend or cancel a’—

insert—

‘person’s Queensland driver’.

(2) Section 33(1), (3), (5), (6)(b), (7)(a) and (9), ‘licensee’—

omit, insert—

‘person’.

(3) Section 33(1), examples—

omit.

(4) Section 33(8)(c), ‘licensee’s’—

omit, insert—

‘person’s’.

26 Amendment of s 34 (Return of licence for amendment)

(1) Section 34(1), ‘a licensee’—

omit, insert—

‘the holder of a Queensland driver licence’.

(2) Section 34(2) to (4), ‘licensee’—

omit, insert—

‘person’.

27 Replacement of s 35 (Recognition of non-Queensland driver licences)

Section 35—

omit, insert—

‘35 Non-Queensland driver licence

‘(1) A valid non-Queensland driver licence authorises the holder to drive, on a Queensland road, a class of motor vehicle that the holder is authorised to drive under the licence.

‘(2) The holder of a non-Queensland driver licence must comply with a condition of the licence.

Maximum penalty—20 penalty units.

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‘(3) The chief executive may, by written notice to the holder of a non-Queensland driver licence, withdraw the authority if the chief executive reasonably believes the holder has a mental or physical incapacity that is likely to adversely affect the holder’s ability to drive safely.

‘(4) The notice must also—

- (a) outline the facts and circumstances forming the basis for the chief executive’s belief; and
- (b) state the date, that is at least 14 days after the date of the notice, from which the authority is withdrawn.

‘(5) If the holder takes up residence in Queensland, the authority is withdrawn—

- (a) for an interstate licence—3 months after the holder takes up residence; or
- (b) for a foreign licence—
 - (i) if the holder is an Australian citizen—3 months after the holder takes up residence; or
 - (ii) if the holder is not an Australian citizen but has a resident visa before taking up residence—3 months after the holder takes up residence; or
 - (iii) if the holder is not an Australian citizen but gets a resident visa after taking up residence—3 months after the holder gets the visa.

‘(6) Subsection (5)(a) does not apply to a defence force member, or an eligible family member of the member, who carries a defence force identification while driving.

‘(7) Also, the authority is withdrawn when the holder is granted a Queensland driver licence.

‘(8) Despite subsections (5) and (7), a valid non-Queensland driver licence, granted for a class of motor vehicle, authorises the holder to take a practical driving test in a corresponding class of motor vehicle.

‘(9) A person who holds or has, within the last 5 years, held a non-Queensland driver licence, granted for a class of motor vehicle, is eligible for a learner licence for a corresponding class of motor vehicle.

‘(10) If the holder is granted a learner licence for the corresponding class of motor vehicle, the holder is authorised to learn to drive the corresponding class of motor vehicle.

‘(11) In this section—

“**resident visa**” means a permanent visa, or a special category visa, under the *Migration Act 1958* (Cwlth).’.

28 Replacement of s 36 (Recognition of defence forces licences)

Section 36—

omit, insert—

‘36 Defence force licence

‘(1) A valid defence force licence authorises the holder to drive, on a road, a class of defence force vehicle that the holder is authorised to drive under the licence in the performance of the holder’s functions.

‘(2) In this section—

“**defence force vehicle**” means a motor vehicle owned by, or appropriated to the use of, the Australian Defence Force.’.

29 Amendment of s 37 (Power to require licences to be produced)

(1) Section 37, heading, ‘**licences**’—

omit, insert—

‘**document**’.

(2) Section 37(1), ‘or a defence forces licence’—

omit, insert—

‘, defence force licence or defence force identification’.

30 Insertion of new s 37A

Part 9—

insert—

‘37A Retesting—medical fitness

‘(1) This section applies if the chief executive receives information from a health professional mentioned in section 142 of the Act that indicates—

- (a) the applicant for, or holder of, a Queensland driver licence has a mental or physical incapacity; and
- (b) the incapacity is likely to adversely affect the person’s ability to drive safely.

Example—

The chief executive may receive information from a person’s doctor that the person has a physical incapacity that affects the person’s balance, which the doctor considers may affect the person’s ability to safely ride a motorbike.

‘(2) The chief executive may, by written notice, require the person to take a practical driving test in a class of vehicle that is authorised to be driven under the licence.

‘(3) The notice must state—

- (a) the reasons why the person is required to take a practical driving test; and
- (b) the class of vehicle for which the test is to be undertaken; and
- (c) the date and time for the test, that is at least 7 days after the date of the notice; and
- (d) the place where the test is to be taken.

‘(4) No fee is payable for the test.

‘37B Retesting—Act, s 128

‘(1) If, under section 128¹² of the Act, a person is required by a superintendent to take a practical driving test in a class of motor vehicle, the person is eligible for a learner licence of that class.

‘(2) If the person is granted a learner licence of that class, the person is authorised to learn to drive the class of motor vehicle.’.

12 Section 128 (Effect of disqualification on subsequent issue of Queensland driver licence) of the Act

31 Amendment of s 38 (Reconsideration of decision by chief executive)

(1) Section 38(1)—

insert—

‘(e) has, under section 37A, required a person to take a practical driving test at a particular time and place.’.

(2) Section 38(3)—

omit, insert—

‘(3) The application must be made—

(a) for a decision mentioned in subsection (1)(a) to (d)—within 28 days after—

(i) the day the notice of the chief executive’s decision is given to the person; or

(ii) if the applicant is given oral notice of the decision and asks for written notice—the day the written notice is given to the applicant; or

(b) for a decision mentioned in subsection (1)(e)—within 7 days after the date of the notice.’.

(3) Section 38—

insert—

‘(7) However, subsection (6) does not apply to a decision mentioned in subsection (1)(d).’.

32 Amendment of s 39 (Change of name or address)

Section 39(1), ‘28’—

omit, insert—

‘14’.

33 Insertion of new ss 44 and 45 and pt 10

After section 43—

insert—

‘44 Licence labels

‘A label issued by the chief executive for attachment to a Queensland driver licence forms part of the licence for which it was issued.

‘45 Application for restricted licence—Act, s 81

‘An application under section 81¹³ of the Act must be in the approved form.

‘PART 10—TRANSITIONAL PROVISIONS

‘46 Application of pt 6

‘Part 6 applies in relation to demerit points allocated before or after the commencement of the part.

‘47 2 point provisional licences

‘(1) This section applies to a person—

- (a) if, immediately before the commencement of this section, the person’s licence could have been cancelled under the repealed section 26; or
- (b) if—
 - (i) on the commencement of this section, the person held a provisional licence granted under the repealed section 25; and
 - (ii) 2 or more demerit points are recorded on the person’s traffic history; and

13 Section 81 (Notices to offenders for certain first offences) of the Act

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(iii) the demerit points are allocated in a continuous 1 year period, and during any part of the year the person held the provisional licence; and

(iv) the person holds a type of Queensland driver licence.

‘(2) The chief executive must inform the person by written notice that, subject to subsection (5)(b), the person’s licence is suspended for 6 months starting on the day after the date stated in the notice.

‘(3) The date stated must not be less than 21 days after the date of the notice.

‘(4) The notice must also inform the person that the person may appeal against the suspension under section 29.¹⁴

‘(5) The person’s licence is suspended for 6 months starting on—

(a) the day after the date stated in the notice; or

(b) if the person notifies the chief executive that the person wants the suspension to start earlier than the date stated in the notice—the day, not before the date on which the person gives the notice to the chief executive, chosen by the person.

‘(6) In this section—

“**repealed section 25**” means section 25 as in force immediately before the commencement of this section.

“**repealed section 26**” means section 26 as in force immediately before the commencement of this section.

‘48 Undecided appeals against cancellation

‘(1) This section applies if—

(a) a person has, before the commencement of this section, lodged a notice of appeal under the repealed section 29 against the cancellation of the person’s driver licence; and

(b) the appeal has not been decided before the commencement.

‘(2) The court must decide the appeal, under section 29, as if—

14 Section 29 (Appeal against suspension for double the requisite period)

- (a) the cancellation of the licence was a suspension of the licence;
and
- (b) the suspension was for the period for which the person, because of the cancellation, was disqualified from holding or obtaining a licence.

‘(3) In this section—

“**repealed section 29**” means section 29 as in force immediately before the commencement of this section.’.

34 Amendment of sch 1 (Fees)

Schedule 1, items 1, 3 and 4, ‘Application for’—

omit, insert—

‘Grant of’.

35 Amendment of sch 2 (Licence codes)

Schedule 2, part 1, after condition B—

insert—

‘I . . . licensee may only drive while carrying, and in accordance with, an order under the *Penalties and Sentences Act 1992*, part 5, division 1’.

36 Amendment of sch 3 (Demerit points)

Schedule 3, section 6—

omit.

37 Amendment of sch 4 (Dictionary)

(1) Schedule 4, definitions “**cancellation date**”, “**defence forces licence**”, “**return date**” and “**return notice**”—

omit.

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(2) Schedule 4—

insert—

‘ **“choice date”** means the last day on which a person is able to make a choice under a notice to choose under section 25(2).¹⁵

“defence force identification” means a current form AB135—Driver Identification issued by the Australian Defence Force.

“defence force licence” means a defence driving licence granted by the Australian Defence Force.

“defence force member” means—

- (a) a person on full-time permanent service with the Australian Defence Force; or
- (b) a person on full-time duty with the Australian Defence Force Reserve.

“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.

“interstate licence” means—

- (a) an Australian driver licence that is not a Queensland driver licence; or
- (b) a driver licence granted in an external Territory, that corresponds to a Queensland driver licence.

“requisite suspension period”, for the imposition of a sanction because of the allocation of demerit points, means—

- (a) for a sanction imposed because of section 25(1)(c) or 26(1)(c)—
 - (i) if the sanction is imposed because of the allocation of at least 20 demerit points—5 months; or
 - (ii) if the sanction is imposed because of the allocation of at least 16 but not more than 19 demerit points—4 months; or

¹⁵ Section 25 (Queensland driver licence holder)

(iii) if the sanction is imposed because of the allocation of not more than 15 demerit points—3 months; or

(b) otherwise—3 months.

“sanction date” of a licence specified in a notice to choose means—

(a) if the person notifies the chief executive of the person’s choice on or before the choice date—

(i) the choice date; or

(ii) an earlier date, not before the date on which the person gives the notice to the chief executive, chosen by the person; or

(b) if the person fails to notify the chief executive of the person’s choice on or before the choice date—the day after the choice date; or

(c) if the licence expires or is surrendered between the date the notice to choose is issued and the choice date—the day after the choice date.’.

(3) Schedule 4, definition **“non-Queensland driver licence”**, paragraph (a)—

omit, insert—

‘(a) an interstate licence; or’.

(4) Schedule 4, definition **“road rules test”**, after ‘Queensland Road Rules’—

insert—

‘or a corresponding law’.

(5) Schedule 4, heading, **‘4’**—

omit, insert—

‘6’.

38 Insertion of new schs 4 and 5

After schedule 3—

insert—

‘SCHEDULE 4

‘PRESCRIBED COUNTRIES

section 9(7)

Austria

Belgium

Canada

Denmark

Finland

France

Germany

Greece

Ireland

Italy

Japan

Luxembourg

Netherlands

Norway

Portugal

Spain

Sweden

Switzerland

United Kingdom

United States of America

‘SCHEDULE 5

‘REMOTE AREA

section 14AA

Aramac

Aurukun

Balonne

Barcaldine

Barcoo

Bauhinia

Belyando

Bendemere

Blackall

Booringa

Boulia

Bowen

Broadsound

Bulloo

Bungil

Burke

Carpenteria

Cloncurry

Cook

Croydon

Dalrymple

Diamantina

Duaringa

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Emerald
Etheridge
Flinders
Herberton
Ilfracombe
Isisford
Jericho
Longreach
Mareeba
McKinlay
Mount Isa
Murilla
Murweh
Nebo
Paroo
Peak Downs
Quilpie
Richmond
Tambo
Tara
Taroom
Waggamba
Warroo
Winton’.

SCHEDULE 1

AMENDMENT OF STATE PENALTIES ENFORCEMENT REGULATION 2000

section 3(1)

- 1** **Schedule 3, entry for *Transport Operations (Road Use Management—Driver Licensing) Regulation 1999*, entry for section 35(4)—**

omit, insert—

‘s 35(2).....

^{4/}₁₅’.

SCHEDULE 2

AMENDMENT OF TRANSPORT OPERATIONS (ROAD USE MANAGEMENT) REGULATION 1995

section 3(2)

- 1 Section 57L(b)(iii)(B), after ‘MC’—**
insert—
‘provisional, probationary or open’.

ENDNOTES

1. Made by the Governor in Council on 29 November 2001.
2. Notified in the gazette on 30 November 2001.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.