

28 March 2019

Our ref: BDS-CrLC

Your ref: E139478

Ms Melissa Cummins  
Director (Licensing, Automated Vehicles and Registration)  
Department of Transport and Main Roads  
PO Box 673  
Fortitude Valley Qld 4006

By email: [dldr@tmr.qld.gov.au](mailto:dldr@tmr.qld.gov.au)

Dear Ms Cummins

**Amendments to the Transport Operations (Road Use Management – Driver Licensing) Regulation 2010**

Thank you for the opportunity to provide comments on the amendments to the Transport Operations (Road Use Management – Driver Licensing) Regulation 2010 (the **Regulation**). The Queensland Law Society (**QLS**) appreciates being consulted on the proposed amendments.

QLS is the peak professional body for the State's legal practitioners. We represent and promote over 13,000 legal professionals, increase community understanding of the law, help protect the rights of individuals and advise the community about the many benefits solicitors can provide. QLS also assists the public by advising government on improvements to laws affecting Queenslanders and working to improve their access to the law.

This response has been compiled by the QLS Criminal Law Committee whose members have substantial expertise in this area.

**1. Removal of the 21 day application period for Special Hardship Orders**

The Society is very welcomes and applauds the removal of the 21 day time limit for applying for a Special Hardship Order.

**2. Zero point limit for Special Hardship Licence**

In our view, the proposal for zero point limit on the special hardship licence will cause unfairness. It is exceptionally easy for even a hyper-vigilant driver to make a minor mistake. For example a driver might:

- a. forget to turn on their headlights when leaving the service station which would result in the loss of one point

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- b. have their P-plate fall off inside his or her vehicle rear
- c. have a child unbuckle their seat belt and the driver does not notice which would result in the loss of three points

This might have very serious consequences for an individual, including loss of job, home and marriage.

The Society considers that the three-point limit on the Special Hardship Order licence provides a substantial incentive toward good driving behaviour. If there were concern about consistency with the good behaviour licence, then the same arguments would support increasing the good behaviour limit to three points. This would in effect allow one minor mistake.

Please let us know if we can assist further.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy Manager, Binny De Saram by phone on (07) 3842 5895 or by email to [b.desaram@qls.com.au](mailto:b.desaram@qls.com.au).

Yours faithfully



Bill Potts  
**President**