



Offences and penalties

- Enforcement
- Licence sanctions
- Disqualified and unlicensed driving

Enforcement

Speed cameras

Fixed speed cameras are installed at locations that have a history of road crashes, are difficult or unsafe to monitor by other enforcement methods, and where there is a strong crash potential.

A point-to-point (or average) speed camera system uses a number of cameras over a length of road to measure a vehicle's average speed. The system uses the time it takes for a vehicle to travel between the two points to calculate the average speed of the vehicle: $\text{speed} = \text{distance}/\text{time}$.

The point-to-point camera system determines the average speed between the two points and compares this speed to the speed limit of the road to establish if an offence has occurred.

Mobile speed cameras operate at sites that have been approved following a strict selection procedure, which considers:

- the site's history of crashes
- validated complaints about high-risk speeding behaviour
- workplace health and safety issues for roadworkers and police officers operating speed cameras
- that the speed limit for the road has been set in compliance with the state's speed control guidelines.

Further information about the operation of speed cameras in Queensland can be found at www.qld.gov.au.

For more information about speed limits – see *Speed limits*.

Red light cameras

Red light cameras are installed at intersections that have a history of crashes caused by red light running. The cameras operate 24 hours a day, seven days a week.

A red light camera is activated when the traffic light turns red. Any vehicle that crosses the STOP line and enters the intersection after the light has turned red will be photographed. After a vehicle is photographed, a second photograph is taken one second later. The second photograph is used to check whether the vehicle continued through the intersection or stopped just past the STOP line.

There are two types of red light cameras in Queensland – red light cameras and combined red light and speed cameras. Combined red light/speed cameras are placed at signalised intersections and detect both the failure to obey the red traffic signal and speeding.

The speed detection component of the camera can operate on the red, amber and green signal. The camera can detect red light running and speeding at the same time.

Further information about the operation of red light cameras in Queensland can be found at www.qld.gov.au.

For more information – see *Traffic lights*.

Mobile phone and seatbelt cameras

Mobile phone and seatbelt cameras can be fixed or portable and can be located anywhere, anytime.

When vehicles pass the camera, a photograph of the vehicle’s cabin is taken, mainly the front seats. Artificial Intelligence software filters the images and detects if there was possible illegal use of a mobile phone by the driver or failure to wear a seatbelt by the driver or front seat passenger.

Further information about the operation of mobile phone and seatbelt cameras in Queensland can be found at www.qld.gov.au.

For more information about mobile phone use - see *Mobile phones*.

For more information about seatbelts and child restraints – see *Correct seatbelt and child restraint use*’.

Automatic number plate recognition (ANPR)

ANPR technology can instantly verify the registration details of vehicles on the road, which includes vehicles parked on the roadside. ANPR technology assists enforcement officers in accurately identifying unregistered vehicles, as well as ensuring that vehicles are compliant with other vehicle and transport laws.

ANPR also allows a police officer to intercept vehicles of interest such as those with stolen or false plates, as information is checked against both the Department of Transport and Main Roads registration and driver licence information and also other records held by the Queensland Police Service.

ANPR is also used as an additional measure to enhance the current road safety functions already performed such as roadside interceptions and random vehicle inspections.

Random breath testing

Random breath testing helps to detect drink drivers and reduce the number of drink driving crashes by deterring motorists from driving when they are over their alcohol limit. Police regularly conduct random breath testing and, as a driver, you should expect to be intercepted for a random breath test at any time.

If you are to be breath tested, a police officer will ask you to provide a preliminary breath test by blowing into a roadside breath testing device.

If you are over your alcohol limit for the type of licence you hold, the conditions of your licence or the type of vehicle that you are driving, you will be detained for further testing. If it is confirmed that you are over your alcohol limit, you will be charged with the offence of drink driving. Depending on your breath or blood alcohol concentration (BAC), your licence may be suspended for 24 hours or until the charge is dealt with by a court – see *Licence sanctions*.

Refusing to take the roadside breath test is an offence, and you will be detained and taken for a further breath or blood test. If you again refuse to take this breath or blood test, you will be charged with a second offence of refusing to supply the specimen of breath or blood.

Random roadside drug testing

Drug driving, like drink driving, is a serious offence. Roadside drug testing allows police to conduct saliva testing in conjunction with random breath testing (RBT) or as a stand-alone check. The roadside drug testing process operates in a similar way to RBTs.

Saliva tests are able to detect the active ingredients in cannabis (THC), speed and ice (methylamphetamine) and ecstasy (MDMA). There is no legal limit for these drugs – you must not have these drugs in your system when driving.

The preliminary saliva test is simple and painless and takes between three and five minutes. If a negative result is returned, you are free to go. If the test is positive (which means a drug has been detected), you will be taken to a police vehicle or police station for a second saliva test.

If the second saliva test is positive for drugs, your driver licence will be suspended for 24 hours and the remainder of the saliva sample will be sent for laboratory analysis.

If this test also comes back positive, you will be charged and required to appear in court – see *Drugs and driving*, for more information.

Vehicle impoundment

Police have the power to impound vehicles.

Your vehicle can be impounded if you commit any of the following offences:

- dangerous driving involving a speed trial, race or burn out
- careless driving involving a speed trial, race or burn out
- starting or driving a vehicle in a way that makes unnecessary noise or smoke, involving a speed trial, race or burn out
- organising or promoting a speed trial, race, or attempt to set or break a speed record.

Your vehicle can also be impounded if you are caught more than once for the following offences:

- driving a vehicle that is both unregistered and uninsured
- driving while unlicensed or disqualified
- driving with a BAC of 0.15 or higher
- failing to supply a specimen of breath, saliva or blood
- driving while under a 24 hour suspension
- driving an illegally modified or non-compliant vehicle.

Vehicle impoundment laws apply to the driver and the vehicle that is used while committing the offence. Even if you don't own the car you are driving, it will still be impounded and you will be responsible for the cost of the impoundment.

As an owner of a vehicle, it is your responsibility to ensure that your vehicle is roadworthy and drivers of your vehicle are licensed and drive safely. Even if you are not the driver that committed the offence, your vehicle can still be impounded.

The only exception is where the vehicle was stolen. In this case, it will be returned to the owner as soon as possible.

For further information about impoundment laws, refer to the *Police Powers and Responsibilities Act 2000* at the Office of the Queensland Parliamentary Counsel website www.legislation.qld.gov.au.

Transport inspectors

Transport inspectors play a major role in ensuring the safety of drivers and protecting our road infrastructure and environment.

Transport inspectors have broad powers relating to intercepting and examining vehicles, and you must assist them.

You must pull over when a transport inspector indicates for you to stop. An inspector in a patrol vehicle can also stop you by activating the patrol vehicle's magenta lights or electronic horn.

Transport inspectors will identify themselves and tell you why they have stopped you. They may ask you for identification or your work diary or any other documents that assist them. You must allow them to examine your vehicle.

Transport inspectors can issue substantial on-the-spot fines for a range of offences. They can also report other matters for court action.

Licence sanctions

Immediate suspension

Your licence will be immediately suspended if you are charged with:

- driving with a BAC of 0.10 or higher
- driving when you are under the influence of liquor or a drug
- failing to provide a specimen of breath, saliva or blood
- drink or drug driving when an earlier, similar drink or drug driving charge has not been dealt with by a court, or withdrawn or otherwise discontinued
- drink or drug driving when you are subject to a section 79E order (see below)
- dangerous driving while affected by an intoxicating substance.

Your licence will remain suspended until the charge is dealt with by a court, or withdrawn or otherwise discontinued.

Section 79E order

You may be eligible to apply for a court order allowing you to continue to drive until the charge that resulted in your immediate suspension is dealt with by a court, or withdrawn or otherwise discontinued. You will need to complete a *Section 79E Order Application* (form F4395) and lodge it with the Magistrates Court within 21 days after the date of the immediate suspension.

There are restrictions on who is eligible for a section 79E order. For more information on section 79E orders, including eligibility requirements, visit www.qld.gov.au.

24 hour suspension

Your licence may be suspended for 24 hours if you are charged with drink driving while over your legal limit but under 0.10 BAC.

When this suspension period has ended, you may resume driving until a court decides your case.

If convicted of drink driving, drug driving or failing to provide a specimen of breath (other than a roadside test), saliva or blood, you will be fined and disqualified from holding or obtaining a licence for a stated period.

For more information about drink and drug driving laws and how to avoid drink and drug driving – see *Alcohol and drugs*.

High speed suspension

If you are found driving at a speed more than 40km/h over the speed limit, you will generally be given an infringement notice for the offence. As soon as you pay the fine, have it dealt with by a court, or if it is referred to the State Penalty Enforcement Registry for non-payment you will be sent a *Notice of Driver Licence Suspension for Speeding Offence*, stating that your licence will be suspended for six months from a stated date.

In addition, eight demerit points will be recorded against your traffic history for this offence. If these points cause you to accumulate too many demerit points, you will also be dealt with under the demerit points scheme – see below.

Accumulation of demerit points – Queensland licence holders

If you commit a demerit point offence, you will generally be given an infringement notice for the offence. As soon as you pay the fine, have it dealt with by a court or it is referred to the State Penalty Enforcement Register for non-payment, the number of demerit points for the offence are then recorded against your traffic history. These points are taken to have been allocated on the day the offence was committed. Demerit point offences committed anywhere in Australia may be recorded on your traffic history.

The number of demerit points varies according to the type of offence. For more information on demerit points, visit www.qld.gov.au.

Learner licences

If you accumulate four or more demerit points in a continuous one year period while you hold your learner licence, you will be sent an *Accumulation of Demerit Points – Notice of Driver Licence Suspension* and your licence will be suspended for a mandatory three month period.

If your licence is suspended or you are disqualified from holding or obtaining a licence during the learner licence period, this time will not contribute to the minimum period you must hold your learner licence.

Provisional licences

If you accumulate four or more demerit points in a one year period while you hold your provisional licence, you will be sent an *Accumulation of Demerit Points – Notice to Choose*. You will have the choice between:

- a three month licence suspension
- a good driving behaviour period for one year.

You may also have a one year late night driving restriction imposed – see *Late night driving restrictions*.

If your licence is suspended or you are disqualified from holding or obtaining a licence during the provisional licence period, this time will not contribute to the minimum period you must hold your provisional licence.

Open licence

If you accumulate 12 or more demerit points in a three year period and you hold an open licence, you will be sent an *Accumulation of Demerit Points – Notice to Choose*. The notice will require you to choose between having your licence suspended for a specific period or agreeing to continue driving on a good driving behaviour period for one year.

You may receive a warning letter when you accumulate at least seven demerit points in a three year period.

Open licence suspension periods

Demerit points	12 to 15	16 to 19	20 or more
Suspension periods	3 months	4 months	5 months

Driving on a good driving behaviour period for one year

If you choose to continue driving on a period of good driving behaviour for one year, you may keep your current licence provided that you do not accumulate more than one demerit point during the one year period. If you accumulate two or more demerit points during this period, your licence will be suspended for double the suspension period that would have applied had you originally chosen the licence suspension.

Accumulation of demerit points – interstate and foreign licence holders

If you commit a demerit point offence, you will generally be given an infringement notice for the offence. As soon as you pay the fine, have it dealt with by a court or if is referred to the State Penalty Enforcement Registry for non-payment, the number of demerit points that are set for the offence are then recorded against your traffic history. These points are taken to have been allocated on the day the offence was committed.

If you accumulate too many demerit points, you will be sent a notice from the Department of Transport and Main Roads advising that your authority to drive in Queensland on your interstate or foreign licence is withdrawn for the stated period. The length of the suspension period will depend on the type of licence you held when the demerit point offence was committed and the number of demerit points you accumulate during the period.

You cannot appeal against the withdrawal of your authority to drive in Queensland.

Double demerit points

Mobile phones

Double demerit points are recorded on your traffic history for second or subsequent mobile phone offences committed within one year of a previous mobile phone offence. Double demerit points apply to the following offences:

- any driver holding a mobile phone in their hand or resting it on a part of their body while driving
- any mobile phone use by a learner or P1 provisional licence holder under 25 years of age
- any mobile phone use by a P1 probationary or P1 restricted licence holder.

The one year period starts from the date when the first offence was committed and will not end until one year has passed from the date of the last mobile phone offence.

Speeding

If you are caught driving or riding more than 20km/h above the speed limit more than once within a one year period, you will accumulate double the amount of demerit points (based on the second offence) for the following speeding offence brackets:

- 21–30km/h above the speed limit – four demerit points will be doubled to eight demerit points
- 31–40km/h above the speed limit – six demerit points will be doubled to 12 demerit points
- 41km/h or more above the speed limit – eight demerit points will be doubled to 16 demerit points.

The one year period starts from the date when the first offence was committed and will not end until one year has passed from the date of the last speeding offence.

Seatbelts, child restraints and helmets

Double demerit points are recorded on your traffic history for additional driver-related seatbelt, child restraint or motorbike rider (including quad bikes and utility off-road vehicles) helmet offences committed within one year of a previous offence. The double demerit points relate to the following offences:

- driver of a vehicle failing to wear a seatbelt when driving a vehicle fitted with a seatbelt for the driver – four demerit points will be doubled to eight demerit points
- driver of a vehicle failing to ensure that a passenger under 16 wears a seatbelt or child restraint – four demerit points will be doubled to eight demerit points
- rider of a motorbike, quad bike or utility off-road vehicle failing to wear a motorbike helmet – three demerit points will be doubled to six demerit points
- rider of a motorbike, quad bike or utility off-road vehicle failing to ensure a passenger wears a motorbike helmet – three demerit points will be doubled to six demerit points.

The one year period starts from the date when the first offence was committed and will not end until one year has passed from the date of the last offence.

For more information on demerit point offences, visit www.qld.gov.au.

Special hardship orders

If the suspension of your licence will cause extreme hardship to you and your family (such as depriving you of the means to earn a living) you may apply for a special hardship order if:

- you accumulated two or more demerit points while on a good driving behaviour period for one year
- your licence has been suspended for six months for driving more than 40km/h over the speed limit.

Once your provisional or open licence is suspended you may lodge an application. Your application must be lodged in the Magistrates Court district that you reside in.

There are restrictions on who is eligible for a special hardship order. For more information on special hardship orders, including eligibility requirements, visit www.qld.gov.au.

Late night driving restrictions

If you are a provisional or probationary licence holder under 25 who commits a high speed offence or accumulates too many demerit points that results in:

- a licence suspension period
- a good driving behaviour period

you will be prohibited from driving between the hours of 11pm and 5am for one year.

This restriction will begin the day after your suspension period ends, or on the day you begin your good driving behaviour period.

Please note, if you apply for a *Special Hardship Order*, the start date of your restriction may change.

If you are a provisional, probationary or open licence holder under 25 who commits an offence that results in a court ordered disqualification, you will also be prohibited from driving between the hours of 11pm and 5am for at least one year.

For more information on late night driving restrictions, please visit **www.qld.gov.au**.

Drink driving courses

If you are convicted of a drink driving offence you will need to complete a short online course before you can get your driver licence back.

If you commit two or more drink driving offences within a five year period you will need to complete the repeat drink driving course before you can complete the *Alcohol Ignition Interlock Program*. For more information about drink driving courses, please visit **www.qld.gov.au/DrinkDriving**

Alcohol ignition interlock program

An alcohol ignition interlock is a breath-testing device that is connected to a vehicle's ignition. An interlock stops a vehicle from being started if the driver has been drinking alcohol.

You will be part of the interlock program if you have committed and are convicted of any of the following drink driving offences:

- a drink driving offence recording a BAC of 0.10 or more, driving under the influence of liquor, or failing to provide a blood or breath specimen for analysis
- dangerous driving while affected by alcohol
- two or more drink driving offences in a five year period.

You will need to participate in the interlock program for a minimum of 12 months and will be responsible for all costs. If you do not follow the rules of the program, your minimum time in the program can be extended.

While you are in the interlock program you can only drive a nominated vehicle that has an interlock fitted by an approved interlock provider. You must have a zero BAC at all times when driving.

You may be eligible for an exemption from fitting an interlock into your vehicle but exemptions are considered on a case-by-case basis in accordance with strict guidelines.

If you decide not to participate in the interlock program, you will not be allowed to drive for five years from the end of your disqualification period.

For further information on the alcohol ignition interlock program, visit **www.qld.gov.au/InterlockProgram**.

Cumulative disqualifications

A cumulative disqualification period applies when you have been convicted and disqualified for:

- two or more drink or drug driving offences
- a drink or drug driving offence and at the same time you commit the offence of driving without a valid licence.

This means that if you are convicted and disqualified for these offences the disqualification periods will be served one after the other (cumulatively). You will start the first disqualification period on the date of the court conviction. The second disqualification period will not start until your first disqualification period has been served.

A full list of offences can be found at the Department of Transport and Main Roads website **www.qld.gov.au**.

If you receive a cumulative disqualification, you will not be able to apply for a restricted (work) licence.

After serving your cumulative disqualification, you will need to contact your nearest licence issuing centre to get your licence back.

Disqualified and unlicensed driving

Driving while disqualified by a court

You will be disqualified from holding or obtaining a driver licence for a stated period by an order of an Australian court if you have been convicted of:

- a drink or drug driving offence
- a dangerous driving offence
- a criminal offence involving driving a vehicle.

If you are found driving a vehicle while you are still disqualified from holding or obtaining a licence because of a court order, you will be charged with disqualified driving.

If the court finds you guilty of disqualified driving, the court must further disqualify you from holding or obtaining a licence for a period of at least two years up to a maximum period of five years. You may also be given a fine in excess of \$7500, and you could be jailed for up to 18 months.

Driving while your Queensland driver licence or your authority to drive is suspended

Your Queensland driver licence will be suspended or your authority to drive in Queensland under your non-Queensland driver licence will be withdrawn for a stated period if you have:

- not paid any fines imposed on you
- accumulated too many demerit points on your traffic history – see *Accumulation of demerit points – Queensland licence holders*, and *Accumulation of demerit points – interstate and foreign licence holders*
- been convicted of driving more than 40km/h over the speed limit – see *High speed suspension*
- been charged with an offence that is subject to an immediate licence suspension – see *Immediate suspension*.

If you are found driving a vehicle while your licence is suspended or your authority to drive in Queensland under your non-Queensland driver licence is withdrawn because of any of the above reasons, you will be charged with unlicensed driving.

If the court finds you guilty of the unlicensed driving offence, the court will disqualify you from holding or obtaining a licence. You may also be given a fine in excess of \$5000, and you could be jailed for up to one year.

Driving while your authority to drive is withdrawn

Your authority to drive in Queensland under your non-Queensland driver licence is also withdrawn if:

- the Department of Transport and Main Roads reasonably believes that you have a mental or physical incapacity that adversely affects your ability to drive safely
- the three months residency rule applies to you – see *When the three months residency rule applies*
- you fail your Q-Safe practical driving test.

If you are found driving a vehicle when your authority to drive has been withdrawn because of any of the above reasons, you may be given an infringement notice, or be dealt with by a court, for unlicensed driving.

If the matter is dealt with by a court and you are found guilty of the unlicensed driving offence, you may be fined in excess of \$5000 and you could be jailed for up to one year.

Driving when you do not hold a driver licence

You are taken to not hold a valid licence if:

- your licence is suspended
- your licence is cancelled as a result of a court disqualification
- your licence has expired
- you have voluntarily surrendered your licence
- your licence has been suspended or cancelled because you have a mental or physical incapacity that adversely affects your ability to drive safely
- you do not hold the class of licence for the vehicle you are found driving
- you have never held a licence
- after completing a period of disqualification, you do not obtain a further licence before starting to drive again.

If you are found driving a vehicle and you do not hold a licence because of any of the above reasons, you may be given an infringement notice for the offence, or be dealt with by a court, for unlicensed driving.

If the matter is dealt with by a court and you are found guilty of the unlicensed driving offence, you may be fined in excess of \$5000 and you could be jailed for up to one year.

For more information about court-imposed fines, contact the State Penalties Enforcement Registry on **1300 365 635** or visit **www.sper.qld.gov.au**.