



Demerit Points QLD



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TRAFFIC LAW

Committed a traffic offence in **Queensland**?
How many **Demerit Points** have you lost?





Demerit Points in Queensland

If you hold a Queensland driver's licence or permit and commit a traffic offence in Queensland or any other state or territory in Australia, demerit points can be recorded on your Queensland traffic history.

The laws that cover demerit points are in the [Transport Operations \(Road Use Management – Road Rules\) Regulation 2009](#) and [Transport Operations \(Road Use Management – Driver Licensing\) Regulation 2010](#).

The Licensing Regulation contains the [demerit points schedule](#) which sets out the offences, the fine, and the number of demerit points for each offence. The demerit points apply from the date you commit the offence and are recorded when the fine is paid, referred to the [State Penalty Enforcement Registry](#), or dealt with by a court.

You can check your current demerit point balance [online](#).

If you get more than the allowed demerit points for the licence type you hold, your licence will be suspended.

If you are convicted for driving during the suspension period, you will be charged with unlicensed driving and disqualified from driving, fined and possibly imprisoned.

Learner licence holders

If you receive 4 or more demerit points within any 1 year period while you hold a Queensland [learner class C licence](#), you will receive an 'Accumulation of Demerit Points Notice of Driver Licence Suspension' telling you that your licence has been suspended for 3 months.

You don't have the option of a good driving behaviour period, nor can you apply for a special hardship order. You can't drive during this time.

If at the end of the suspension your licence has not expired or been cancelled or suspended for another reason, it is automatically reinstated. If it has expired, you need to renew it before driving again.

You can choose to begin your suspension before the date shown on the notice; however, some restrictions apply. Any period for which your learner licence is suspended will not be counted towards the 1 year period you need to hold it before applying for a provisional licence.



Provisional licence holders

If you receive 4 or more demerit points within a 1 year period while on a Queensland **provisional or probationary licence**, you will get an 'Accumulation of Demerit Points – Notice to Choose'. This gives you the option of:

- a 3 month licence suspension
- driving under a period of good driving behaviour for 1 year.

If you choose a period of good driving behaviour, you may keep your licence. However, if you receive more than 1 demerit point during that time, you will be given a 6 month licence suspension.

If you do not choose a good driving behaviour period, your licence is automatically suspended for 3 months. You can elect to start the suspension sooner, but some limitations apply.



Open licence holders

You may get a warning letter if you have an **open licence** and get 7 or more demerit points in a 3 year period. If you get 12 or more demerit points in a 3 year period, you will be sent an 'Accumulation of Demerit Points – Notice to Choose'. This gives you the choice of:

- having your licence suspended
- driving under a period of good behaviour for 1 year.

If you choose a period of good driving behaviour, you keep your licence provided that you don't get more than 1 demerit point during the time. If you do, your licence is suspended for double the suspension period that would have applied in the first place.

The suspension is calculated as follows:

- 12-15 demerit points – 3 months
- 16-19 demerit points – 4 months
- 20 or more demerit points – 5 months.

If you wish to choose the period of good driving behaviour, you must do so by the date on the notice.



Special hardship orders

If your suspension will cause:

- extreme hardship to you or your family by preventing you from earning your living, or
- severe and unusual hardship to you or your family, other than by preventing you earning your living

you may apply for a **special hardship order** if:

- 2 or more demerit points were accumulated while driving under a period of good driving behaviour, or
- your licence was suspended for an offence of driving more than 40 kilometres per hour over the speed limit.

You have 21 days from the start of the suspension to lodge an application and the supporting evidence to the Magistrates Court in the district in which you live.

You must give a copy to the department at least 7 days before the hearing date. There is a fee for lodging your application with the Court but there is no fee for lodging it with the department.



Double demerit points in Queensland

Double demerit points apply all year round to people who commit specific offences more than once in a 12 month period. They apply to offences relating to:

- motorbike helmets
- driver seatbelts
- driving more than 20 kilometres per hour over the speed limit
- (since 1 September 2015) mobile phone offences.

You don't necessarily have to commit the same type of offence to be allocated double demerit points. It only needs to be within the same offence group for you to accumulate double demerit points. For example, if you have previously committed the offence of failing to wear your seatbelt, double demerit points will apply if, within a 12 month period, you again fail to wear your seatbelt, or if you do not make sure your passenger wears a seatbelt.



Remember, you are NOT alone!

Where you go from here depends on your own situation. Everyone has their own individual priorities and demands on their life that they need to deal with.

This information guide points you in the right direction as to what options might be available to get the outcome that you need—options that many of our clients are not aware of before talking to us.

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7am to Midnight, 7 Days

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7am to Midnight and speak direct with a Traffic Lawyer to get your traffic law questions answered. You can also request a callback at gotocourt.com.au/traffic-law

When you call the hotline you will speak directly with a lawyer. Your conversation will be treated with the strictest of confidentiality and sensitivity. At the end of the call you will have some clarity on the steps you need to take next and how you can have the best chance at an outcome that will ensure you will attend Court armed with knowledge and support.

Scan this QR code to find more details about Traffic Law:

