

# Information Bulletin

PT 303/09/16

## Driver Authorisation for Booked Hire / Taxi

### What is driver authorisation (DA)?

The *Transport Operations (Passenger Transport) Act 1994* requires drivers of motor vehicles used to provide particular public passenger services to hold DA.

The purpose of DA is to maximise public confidence in relation to the drivers of public passenger vehicles. This purpose includes ensuring drivers of public passenger vehicles are suitable persons, having regard to the safety of children and other vulnerable members of the community, the personal safety of passengers and their property, public safety and the reputation of public passenger transport.

There are various categories of DA. A driver must hold the category of DA applicable to the service being provided.

### DA requirements for booked hire vehicles, limousines and taxis

The Queensland Government has introduced a new framework for personalised transport in Queensland. Changes under this framework enable the legal provision of booked hire services from 5 September 2016. The new arrangements change DA requirements for taxi and limousines. A new category of DA called Booked Hire / Taxi (BHTX) will authorise a person to drive booked hire vehicles, limousines and taxis.

The following arrangements apply from 5 September 2016—

- Existing holders of DA for taxis or limousines are authorised to drive vehicles providing booked hire, limousine and taxi services.
- Existing holders of General DA may drive booked hire vehicles (but not taxis or limousines) until the day their DA expires or 14 August 2017, whichever date occurs first.

Note: The above-mentioned transition arrangement applies only if the person held General DA immediately *prior* to 5 September 2016. If a person lodged an application for General DA prior to 5 September 2016 but the application was not approved until 5 September 2016 or later then the person is not authorised under that DA to provide a booked hire service.)

- New applicants for DA who wish to provide a booked hire, limousine or taxi service must apply for BHTX DA. If approved they will be issued an Industry Authority card that shows the person's DA code as TAXI. Changes to this code are anticipated to occur by the end of 2016 that will show the person's DA code as BHTX.

From 1 November 2016—

- Holders of a DA for taxi or limousine will be issued a BHTX DA on renewal of their DA.

## BHTX DA application requirements

### Entitlement to work in Australia

Applicants for grant or renewal of DA must provide documentary proof of their entitlement to work in Australia.

Before an application can be accepted, a person must provide evidence that they are—

- an Australian citizen; or
- a permanent resident of Australia; or
- a New Zealand citizen who is the holder of a special category visa as defined by the *Migration Act 1958* (Commonwealth), section 32; or
- entitled under a visa granted under the *Migration Act 1958* (Commonwealth) to work in Australia.

If you are an Australian citizen, permanent resident or a New Zealand citizen holding a special category visa any of the following documents will be accepted as evidence of an Australian work entitlement—

- current green Medicare card
- full Australian birth certificate
- Queensland birth extract
- Australian citizenship certificate or extract
- Australian naturalisation certificate
- Australian passport (which cannot be expired for more than two years)
- Repatriation Health Card - for all conditions (Gold Card)
- New Zealand passport
- evidence of Australian permanent residency.

If you are not an Australian citizen, permanent resident or New Zealand citizen holding a special category visa, you must present your overseas passport at the time of application. You must also complete the Department of Transport and Main Roads' *Authority to Check a Visa Holder's Work Entitlement* (form F4595) so the department can verify your entitlement to work in Australia before your application can be accepted.

### Driver licence requirements

Applicants must—

- hold a current Australian open driver licence or a restricted licence of the appropriate class
- have held an open or provisional driver licence (Australian or overseas) continuously for at least three years for a car, truck or bus.
- have held for at least one year:
  - an Australian open, provisional or probationary driver licence; or
  - an equivalent overseas driver licence (see note below).

Note: A driver licence that is at least equivalent to an Australian open, provisional or probationary driver licence will be considered acceptable if it is issued by an *experienced driver recognition country* or a *recognised country* listed on the Austroads website. These are countries recognised as have similar driver licensing standards to Australia.

### Medical fitness

An applicant must obtain a medical certificate issued for a commercial vehicle driver. The medical assessment must be conducted by a medical practitioner in accordance with the commercial medical standards set out in the *Assessing Fitness to Drive – For Commercial and Private Vehicle Drivers* publication issued by Austroads and the National Transport Commission.

A medical certificate must be no more than six months old when presented to the department. For the purposes of DA, once a medical certificate has been presented to the department it may remain valid for up to five years from its date of issue unless an earlier expiry date is specified on the certificate.

Applicants are required to meet any costs associated with obtaining a medical certificate.

## **Suitability requirements for issuing and holding DA**

### **Refusal, amendment, suspension, and cancellation DA**

Grounds for refusal, amendment, suspension, or cancellation of a DA include—

- Unsuitable criminal history including conviction for a driver disqualifying offence or being charged with a driver disqualifying offence and the charge has not been heard or finally discharged.
- Unsuitable driving history.
- Driver licence suspension, cancellation, disqualification or expiry.
- Failure to comply with a standard or other requirement applicable to DA.
- Provision of false or misleading documentation or information, in relation to an application for DA.
- Failure to meet medical fitness standards.
- The chief executive considers it necessary in the public interest.
- Previous cancellation or suspension of a DA.

### **Criminal history check**

Criminal history checks are made on all DA applicants before an application is approved. Holders of DA are subject to ongoing monitoring of any changes to their criminal history.

Applicants for DA and holders of DA must have a satisfactory criminal history having regard to the safety of children and other vulnerable members of the community, as well as the personal safety of passengers and their property. For more information please refer to information bulletin PT17 *Driver Authorisation – Effect of a Driver Disqualifying Offence*.

Under the *Transport Operations (Passenger Transport) Act 1994*, a conviction is defined as including a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded. Applicants must declare all criminal history regardless of time elapsed. Criminal history information provided to the department for DA purposes is not restricted by time; details of all criminal history is received.

### **Traffic history check**

An applicant must have a driving history considered suitable to hold DA. For more information refer to information bulletin PT16 *Driver Authorisation - Effect of a Driving History*.

## **How to apply**

- Obtain a Driver Authorisation Application form (F2978) and relevant information bulletins from the Department of Transport and Main Roads' website at [www.tmr.qld.gov.au](http://www.tmr.qld.gov.au), customer service centre or passenger transport office.
- Complete the application form and lodge it with evidence of your identity and your Australian work entitlement at a Department of Transport and Main Roads customer service centre or at a selected QGAP.
- All applicable fees must be paid at the time of lodgement.

- The medical certificate can be lodged either together with the DA application or after criminal and driving history checks have been completed.
- All requirements of an application must be finalised within three months otherwise the application will lapse and a new application will need to be lodged before DA can be issued.
- If requested, you must allow your photograph and signature to be recorded so that it may be reproduced on your Industry Authority card (which will be your evidence of holding DA) or to verify your identity when transacting business with the department.

## Decision on application

Applicants will be notified of the approval or refusal of their application. If an application is approved, an Industry Authority card will be sent to the applicant's postal address within 7-14 days. Approved applicants may request an Interim Industry Authority to be issued for use as evidence of DA while waiting for their Industry Authority card to be received.

## Period of issue

Applicants who fully meet the requirements for DA may be issued an authorisation for a term of up to five years.

DA may be issued on a part year basis for the purpose of aligning the expiry date with other industry authorities issued by the department. Generally a minimum period of one year is required unless specific conditions exist which necessitate the DA being issued for a shorter period. The term of a DA cannot exceed the expiry of the medical certificate provided. For visa holders, the maximum term of DA cannot exceed the expiry date of the Australian work entitlement.

## Authorised Queensland Taxi Driver Display Card

Successful applicants for BHTX DA will be issued an Authorised Queensland Taxi Driver Display Card. This card must be displayed in the vehicle whenever the holder is driving a taxi in a prescribed taxi service area. The card does not need to be displayed in booked hire vehicles or limousines. For more information, refer to information bulletin PT330 *Authorised Queensland Taxi Driver Display Card*.

## Responsibilities of DA holders

Holders of DA must conduct themselves responsibly, be responsible in the act of driving, be capable of safely operating a public passenger vehicle, and be accountable for complying with appropriate standards.

Non-compliance with requirements may result in a fine or the amendment, suspension or cancellation of DA.

The holder of a DA must notify the department if charged with an offence that is a driver disqualifying offence under the *Transport Operations (Passenger Transport) Act 1994*. The DA holder must also notify the department about the result of the charge. For more information refer to information bulletin PT17 *Driver Authorisation - Effect of a Driver Disqualifying Offence*.

The holder of a DA must notify the department if there is any change in their medical fitness that makes them continuously unfit to safely operate a vehicle for more than one month.

For more information refer to information bulletin PT307 *Driver Responsibilities*.

## Reviews of decisions affecting DA

If a person is dissatisfied with a decision regarding DA (for example, refusal to grant) they may request an internal review of the decision. If the person is not satisfied with the outcome of the review, the person may appeal to the Queensland Civil and Administrative Tribunal for an external review. For more information, refer to the information bulletin PT18 *Reviews of Decisions affecting Operator Accreditation and Driver Authorisation*.

Note: If a person has been convicted of a category A driver disqualifying offence for which an imprisonment order was imposed, or is subject to an order or obligation under section 170(b) of the *Working with Children (Risk Management and Screening) Act (2000)*, there is no provision to appeal against the ineligibility to apply for, or hold, DA.

## Additional information

This bulletin is an interpretation of the relevant legislation and should not be used as a reference to a point of law.

The information contained in this bulletin has been produced as a guide to assist in the understanding of the legislation and policy. Clarification of any information in this bulletin may be obtained from the Department of Transport and Main Roads by contacting your local Passenger Transport office.

Legislation may be viewed on the internet at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au). Additional information about public passenger services is available on the Department of Transport and Main Roads internet site at [www.tmr.qld.gov.au/information\\_bulletins](http://www.tmr.qld.gov.au/information_bulletins).