

Effect of a Driving History

General

The *Transport Operations (Passenger Transport) Act 1994* requires drivers of public passenger services to hold driver authorisation (DA).

A person's driving history can affect decisions about a person's suitability to hold driver authorisation.

Separate information bulletins provide further information about DA and also about the effect of driver disqualifying offences.

What is a Driving History?

A person's driving history is the record of important events that have affected their driver licence.

The record notes particulars of the licence including applications, appointments, determinations, notifications, demands, directions, cancellations, suspensions, surrenders, authorisations, approvals, or orders issued, made or given under the *Transport Operations (Road Use Management) Act 1995*, and equivalent interstate and overseas law. These particulars are kept by the Department of Transport and Main Roads.

Criteria to amend, suspend, cancel or refuse driver authorisation

The department's criteria for considering how a person's driving history affects decisions about their driver authorisation relate to how the history demonstrates the person's competence and suitability to drive a public passenger vehicle safely and responsibly.

After consideration of a person's driving history the department may refuse to grant or renew a driver authorisation or amend, suspend, or cancel a current authorisation. While assessing a person's suitability to hold driver authorisation is a matter for the individual decision maker, the criteria set out below provide a guide to what may be considered by departmental decision makers when assessing a person's driving history for driver authorisation purposes:

- (1) A driver of a public passenger vehicle must hold the appropriate type of licence of either:
 - (a) a current Australian open driver licence (including a licence where the person has agreed to a good driving behaviour period after the accumulation of demerit points); or

- (b) a restricted driver licence issued under section 87 of the *Transport Operations (Road Use Management) Act 1995* (following disqualification of a person for drink driving). Please note the restricted licence must authorise the holder to drive a public passenger vehicle.
- (2) If a person does not comply with item (1) above, the person's application may be refused or the person's driver authorisation may be cancelled.
- (3) A driver of a public passenger vehicle must have held the appropriate class of licence for at least three continuous years (or five years in the case of a motorcycle).
- (4) If a person does not comply with item (3) three above, the person may be asked to satisfactorily complete a practical competence test before the person's application is approved.

Note:

- (a) In the case of a motorcycle, the driver licence must have been held for at least three continuous years before a competence test may be permitted.
 - (b) Applicants for taxi driver authorisation are not permitted to undertake competence tests as an alternative to having three years continuous driving experience.
- (5) Where a person has a drink driving traffic history, the decision maker may consider the applicant has not had sufficient time driving since the offence to show suitability. For example—
- (a) If:
 - (i) it is the person's first drink driving offence;
 - (ii) their blood alcohol content (BAC) level was under 0.15%;
 - (iii) the offence was not in a public passenger vehicle; and
 - (iv) there has been no prior suspension or cancellation of the driver licence within the two preceding years:

a waiting period of up to one year, from the end of the period of cancellation of the driver licence may be applied. (The person will have to hold an Australian open licence at the time of application).
 - (b) In other circumstances, where for example:
 - (i) it is the person's second (or more) drink driving offence in the last five years or they have multiple drink driving offences outside that period;
 - (ii) it is the person's first drink driving offence, but blood alcohol content (BAC) level was 0.15% or higher;
 - (iii) the offence was in a public passenger vehicle; or
 - (iv) there has been a prior suspension or cancellation the driver licence within the preceding two years:

a waiting period of up to two years, from the end of the period of cancellation of the driver licence may be applied. (The person will have to hold an Australian open licence at the time of application.)
- (6) Where a person has been charged with driving under the influence of drugs, the offence will attract the same waiting period as if they had a blood alcohol content of 0.15% or higher. A waiting period of up to two years may be applied to an offence of this type.
- (7) Where the person's driver licence has been cancelled by a court, other than under the demerit points system, the criteria for drink driving is to apply.

Overall, the following factors are taken into consideration:

- the severity of offences
- the frequency of offences
- whether offences occurred in a public passenger vehicle.

Review of, and appeals against, a decision

If a person is dissatisfied with the decision regarding their application or driver authorisation, they may request an internal review of the decision. If the person is not satisfied with the outcome of the review then the person may appeal to the Queensland Civil and Administrative Tribunal (QCAT) for an external review. For more information please refer to the information bulletin '[Reviews of Decisions affecting Operator Accreditation and Driver Authorisation](#)'.

Additional information

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 of the Department.

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

Copies of the *Transport Operations (Passenger Transport) Act 1994*, *Transport Operations (Passenger Transport) Regulation 2005* and *Transport Operations (Passenger Transport) Standard 2010* can be purchased from GoPrint.

The legislation may be viewed on the internet at 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.transport.qld.gov.au/information_bulletins.