

# Information Bulletin

PT 17<sup>(09.17)</sup>

## Driver Authorisation – Effect of a Driver Disqualifying Offence

The Department of Transport and Main Roads (TMR) has responsibility for administering driver authorisation (DA) in Queensland.

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

The *Transport Operations (Passenger Transport) Act 1994* (TOPTA) prescribes various offences as ‘driver disqualifying offences’. TMR conducts criminal history checks on applicants for DA and monitors the criminal histories of DA holders. A person who has been convicted or charged with a driver disqualifying offence may be refused DA or have their DA amended, suspended or cancelled.

Applicants and DA holders must inform TMR if they are charged with a driver disqualifying offence and when the outcome of the charge has been finalised. Failure to supply this information is an offence.

### Categories of driver disqualifying offences

The TOPTA sets out three categories of driver disqualifying offences: category A, category B and category C.

The TOPTA provides—

- A person convicted of a category A driver disqualifying offence is ineligible to hold DA.
- A person convicted of a category B driver disqualifying offence cannot hold DA unless an exceptional case is demonstrated.
- A person convicted of a category C driver disqualifying offence or charged with a driver disqualifying offence (any category) may be refused DA or have their DA amended, suspended or cancelled.
- A person may be refused DA or have their DA amended, suspended or cancelled if TMR considers it is in the public interest.

Further information about which category a driver disqualifying offence sits in is provided at the end of this document.

### Criteria used by TMR when assessing criminal history

#### Category A driver disqualifying offence

If a person is convicted of a category A driver disqualifying offence and a term of imprisonment is imposed, or an obligation or order mentioned in section 170(b) of the *Working with Children (Risk Management and*

*Screening) Act 2000* is in place, then that person is ineligible to apply for or hold DA and furthermore is not eligible to apply for a review.

The TOPTA, 'imprisonment order' refers to: (a) a court order that convicts a person for an offence, if the order includes a penalty that includes imprisonment for the offence, whether wholly or partially suspended; and (b) an intensive correction order under the *Penalties and Sentences Act 1992* or a substantially corresponding order made in another jurisdiction.

### **Category B driver disqualifying offence**

If an applicant or existing DA holder is convicted of a category B driver disqualifying offence, TMR must give the person written notice of its intention to refuse to grant or renew, or to cancel the DA unless the person demonstrates to TMR by written representations that an exceptional case exists.

Furthermore, if the category B driver disqualifying offence is specified as a serious offence or disqualifying offence in the *Working with Children (Risk Management and Screening) Act 2000*, then TMR must ask the Chief Executive (Employment Screening) whether they consider an exceptional case exists. (The Chief Executive (Employment Screening) is responsible for the administration of working with children (blue card) checks in Queensland).

The TOPTA states that TMR cannot be satisfied an exceptional case exists if the Chief Executive (Employment Screening) advises TMR that an exceptional case does not exist.

### **Category C driver disqualifying offence**

If an applicant or existing DA holder is convicted of a category C driver disqualifying offence, TMR will assess the suitability of the person to hold DA. When conducting this assessment, TMR will consider the seriousness of offences, the number of offences, penalties imposed and time elapsed.

### **'Waiting periods' for category C driver disqualifying offences**

When a person has been convicted of a category C driver disqualifying offence, TMR may consider that a waiting period must be completed before the person can be considered suitable to hold DA. The duration of a waiting period will be dependent upon the severity of an offence and the circumstances surrounding it.

TMR may give consideration to a DA application prior to the end of a waiting period. The application may be supported by written personal references and if representations include any comments attributed to a court judgment these should be supported by court transcripts (to be supplied by the applicant).

The following guidelines assist in the determination of waiting periods. Longer waiting times may be considered more suitable by TMR when serious or multiple offences have been committed. When making determinations about waiting periods, TMR gives consideration to the safety of passengers, property, and the public, with the paramount consideration being the protection of children and other vulnerable members of the community.

- For lower range category C driver disqualifying offences (such as common assault or minor drug and weapons offences) a waiting period of up to 3 years may apply for a single offence. Where a person has more than one of these offences, a longer waiting period may apply.
- For higher range category c driver disqualifying offences (such as indecent acts, assault occasioning bodily harm, stealing, wilful damage, fraud, arson, and serious drug and weapon offences) a waiting

period of 3 to 6 years may apply. Where a person has more than one offence, a longer waiting period may apply.

Waiting periods are applied as following:

- Where the penalty involved a fine only, any waiting period imposed commences from the date of conviction or finding of guilt.
- Where a term of imprisonment has been applied, any waiting period imposed commences from the end of the original (full) sentence. If parole applies, the waiting period commences from the end of the parole period. (Under policy, a person should not be granted DA while on parole.)
- Where the penalty involves probation, a good behaviour bond, suspended sentence, intensive correctional order or a community service order, any waiting period imposed commences from the date of completion of the penalty or order.

### **Immediate suspension of DA**

Where an existing DA holder is charged with a driver disqualifying offence that would make it undesirable for the person to drive a public passenger vehicle, TMR may immediately suspend the DA until the outcome of the charge is known. Examples of when this might occur include, but are not limited to: charges for sexual offences against children, rape, murder, manslaughter, assault occasioning bodily harm, burglary, unlawful wounding; producing, trafficking and possessing a dangerous drug and dangerous operation of a motor vehicle.

### **Reviews of decisions affecting DA**

If a person is dissatisfied with the decision affecting DA, 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 PT18 *Reviews of Decisions affecting Operator Accreditation and Driver Authorisation*.

If, however, 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 mentioned in 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 has been produced as a guideline and is not a reference to a point of law. Clarification of any information in this bulletin may be obtained by contacting your local passenger transport office.

Details of passenger transport locations can be accessed at: [translink.com.au/contact-us](https://translink.com.au/contact-us)

The *Transport Operations (Passenger Transport) Act 1994*, *Transport Operations (Passenger Transport) Regulation 2005* and *Transport Operations (Passenger Transport) Standard 2010* can be accessed on the internet at [legislation.qld.gov.au](https://legislation.qld.gov.au).

## Details of offences that are driver disqualifying offences

### Definitions

**Category A driver disqualifying offence** is defined in the TOPTA as meaning any of the following offences committed by a person who is subject to an obligation or order mentioned in section 170(b) of the *Working with Children (Risk Management and Screening) Act 2000* (see note below), or by a person when the person was at least 17 years and for which an imprisonment order is or was imposed—

- (a) an offence against a provision of an Act mentioned in the TOPTA, schedule 1A, part 1, subject to any qualification relating to the provision mentioned in the part;
- (b) an offence of counselling or procuring the commission of, or attempting or conspiring to commit, an offence mentioned in paragraph (a), and to which paragraph (a) does not apply;
- (c) an offence against a law of another jurisdiction, including a jurisdiction outside Australia, that substantially corresponds to an offence mentioned in paragraph (a) or (b).

Note: The following orders and obligations are mentioned in the *Working with Children (Risk Management and Screening) Act 2000*, section 170(b): offender reporting obligations; an offender prohibition order; a disqualification order; and a sexual offender order.

**Category B driver disqualifying offence** is defined in TOPTA as meaning—

- (a) any of the following that is not a category A driver disqualifying offence—
  - (i) an offence listed in the *Working with Children (Risk Management and Screening) Act 2000*, schedule 2 or 3, subject to any qualification relating to the offence mentioned in the schedule;
  - (ii) an offence against a provision of an Act mentioned in the TOPTA, schedule 1A, part 2, subject to any qualification relating to the provision mentioned in the part;
  - (iii) an offence of counselling or procuring the commission of, or attempting or conspiring to commit, an offence mentioned in subparagraph (i) or (ii), and to which paragraph (i) or (ii) does not otherwise apply;
  - (iv) an offence against a law of another jurisdiction, including a jurisdiction outside Australia, that substantially corresponds to an offence mentioned in subparagraph (i), (ii) or (iii); or
- (b) an offence mentioned in the definition for category A driver disqualifying offence, paragraph (a), (b) or (c), committed by a person when the person was:
  - (i) under 17 years (whether or not an imprisonment order was imposed) if the person is not subject to an obligation or order mentioned in the *Working with Children (Risk Management and Screening) Act 2000*, section 170(b); or
  - (ii) at least 17 years and no imprisonment order was imposed and the person is not subject to an obligation or order mentioned in the *Working with Children (Risk Management and Screening) Act 2000*, section 170(b).

**Category C driver disqualifying offence** is defined in the TOPTA and means any of the following that is not a category A driver disqualifying offence or a category B driver disqualifying offence—

- (a) an offence against a provision of the Criminal Code mentioned in the TOPTA, schedule 1A, part 3;
- (b) an offence against the *Drugs Misuse Act 1986* punishable by imprisonment for 1 year or more, even though a fine may be imposed in addition or as an alternative;
- (c) an offence against the *Weapons Act 1990* punishable by imprisonment for 1 year or more, even though a fine may be imposed in addition or as an alternative;
- (d) an offence against the TOPTA;
- (e) an offence against the *Transport Operations (Passenger Transport) Regulation 2005*, for which the maximum penalty is at least 20 penalty units;
- (ea) an offence against the *Summary Offences Act 2005*, section 9;

- (f) an offence of counselling or procuring the commission of, or attempting or conspiring to commit, an offence mentioned in paragraph (a), (b), (c), (d), (e) or (ea), and to which paragraph (a), (b), (c), (d), (e) or (ea) does not otherwise apply;
  - (g) an offence against a law of another jurisdiction, including a jurisdiction outside Australia, that substantially corresponds to an offence mentioned in paragraph (a), (b), (c), (d), (e), (ea) or (f).
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## Listings of category A driver disqualifying offences

The following tables below provide details of offences that are category A driver disqualifying offences.

### Existing provisions of the *Criminal Code Act 1899* - category A driver disqualifying offences

1. (deleted)
2. Section 210 (Indecent treatment of children under 16), *unless, when the offence was committed, the offender was aged between 17 and 20 (both inclusive) and the person against whom the offence was committed was aged 14 and 20 (both inclusive).*
3. Section 213 (Owner etc. permitting abuse of children on premises)
4. Section 215 (Carnal knowledge with or of children under 16), *unless, when the offence was committed, the offender was aged between 17 and 20 (both inclusive) and the person against whom the offence was committed was aged between 14 and 20 (both inclusive).*
5. Section 216 (Abuse of persons with an impairment of the mind).
6. Section 217 (Procuring young person etc. for carnal knowledge)
- 6A. Section 218 (Procuring sexual acts by coercion etc.) *if the offence was committed against a child*
7. Section 218A (Using internet etc. to procure children under 16).
- 7A. Section 218B (Grooming children under 16).
8. Section 219 (Taking child for immoral purposes)
- 8A. Section 221 (Conspiracy to defile) *if the offence was committed against a child*
9. Section 222 (Incest), *if the person in relation to whom the offence was committed was a child when the offence was committed.*
10. Section 228 (Obscene publications and exhibitions), *if section 228(2) or (3) applies.*
- 10A. Section 228A (Involving child in making child exploitation material)
- 10B. Section 228B (Making child exploitation material)
- 10C. Section 228C (Distributing child exploitation material)
- 10D. Section 228D (Possessing child exploitation material)
- 10E. Section 228DA (Administering child exploitation material website)

- 10F. Section 228DB (Encouraging use of child exploitation material website)
- 10G. Section 228DC (Distributing information about avoiding detection)
- 11. Section 229B (Maintaining a sexual relationship with a child)
- 12. Section 229G (Procuring prostitution), *if section 229G(2) applies.*
- 12A. Section 229G (Procuring engagement in prostitution) *only if an offender was or could have been liable as mentioned in section 229G(2)*
- 12B. Section 229H (Knowingly participating in provision of prostitution) *only if an offender was or could have been liable as mentioned in section 229H(2)*
- 12C. Section 229I (Persons found in place reasonably suspected of being used for prostitution etc) *only if an offender was or could have been liable as mentioned in section 229I(2)*
- 12D. Section 229L (Permitting young person etc to be at place used for prostitution)
- 12E. Section 300 (Unlawful homicide) *only if the unlawful killing is murder against section 302 and was committed against a child*
- 13. Section 349 (Rape).
- 14. Section 350 (Attempt to commit rape)
- 15. Section 351 (Assault with intent to commit rape) *if the offence was committed against a child*
- 16. Section 352 (Sexual assaults) *if the offence was committed against a child*

**Classification of Computer Games & Images Act 1995 - category A driver disqualifying offences**

- 1. Section 23 (Demonstration of an objectionable computer game before a minor)
- 2. Section 26(3) (Possession of objectionable computer game)
- 3. Section 27(3) and (4) (Making objectionable computer game)
- 4. Section 28 (Obtaining minor for objectionable computer game)

**Classification of Films Act 1991 - category A driver disqualifying offences**

- 1. Section 41(3) (Possession of objectionable film)
- 2. Section 42(3) and (4) (Making objectionable film)
- 3. Section 43 (Procurement of minor for objectionable film)

### **Classification of Publications Act 1991 - category A driver disqualifying offences**

1. Section 12 (Sale etc of prohibited publication)
2. Section 13 (Possession of prohibited publication)
3. Section 14 (Possession of child abuse publication)
4. Section 15 (Exhibition or display of prohibited publication)
5. Section 16 (Leaving prohibited publication in or on public place)
6. Section 17(1) (Producing prohibited publication)
7. Section 17(2) (Producing prohibited publication)
8. Section 17 (3) and (4) (Producing prohibited publication)
9. Section 18 (Procurement of minor for RC publication)
10. Section 20 (Leaving prohibited publication in or on private premises)

### **Provisions of the *Criminal Code* repealed by the *Criminal Law Amendment Act 1997* - category A driver disqualifying offences**

1. Section 208 (Unlawful anal intercourse), if section 208(2)(b) applies.
2. Section 222 (Incest by man), if the person in relation to whom the offence was committed was a child under 16 years when the offence was committed
3. Section 223 (Incest by adult female), if the person in relation to whom the offence was committed was a child when the offence was committed.
4. Section 344 (Aggravated assaults), as the provision was in force from 20 December 1946 until its repeal by the *Criminal Law Amendment Act 1997*, if
  - (a) the circumstance of aggravation was that the unlawful assault was an offence of a sexual nature as defined by the *Criminal Law Amendment Act 1945*, section 2A; and
  - (b) the person in relation to whom the offence was committed was a child when the offence was committed.

### **Provisions of the *Criminal Code* repealed by the *Criminal Code, Evidence Act and Other Acts Amendment Act 1989* - category A driver disqualifying offences**

1. Section 212 (Defilement of girls under twelve)
2. Section 214 (Attempt to abuse girls under ten)
3. Section 220 (Unlawful detention with intent to defile or in a brothel), if the person in relation to whom the offence was committed was a child when the offence was committed.

**Provision of the *Criminal Code* repealed by the *Health and Other Legislation Amendment Act 2016* - category A driver disqualifying offences**

1. Section 208 (Unlawful sodomy) unless, when the offence was committed, the offender was aged between 17 and 20 (both inclusive) and the person in relation to whom the offence was committed was not a person with an impairment of the mind and was aged between 14 and 17 (both inclusive)

***Criminal Code (Cwth)* - category A driver disqualifying offences**

1. Section 270.6 (Sexual servitude offences) *only if an offender was or could have been liable as mentioned in section 270.8*
2. Section 270.7 (Deceptive recruiting for sexual services) *only if an offender was or could have been liable as mentioned in section 270.8*
3. Section 474.19 (Using a carriage service for child pornography material)
4. Section 474.20 (Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service)
5. Section 474.22 (Using a carriage service for child abuse material)
6. Section 474.23 (Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service)
7. Section 474.26 (Using a carriage service to procure persons under 16 years of age)
8. Section 474.27 (Using a carriage service to “groom” persons under 16 years of age)

***Customs Act 1901 (Cwth)* - category A driver disqualifying offences**

1. Section 233BAB (Special offence relating to tier 2 goods) *if the offence involved child pornography or child abuse material*

**Provisions of the *Crimes Act 1914 (Cwth)* repealed by the *Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010 (Cwth)* - category A driver disqualifying offences**

1. Section 50BA (Sexual intercourse with child under 16)
2. Section 50BB (Inducing child under 16 to engage in sexual intercourse)
3. Section 50BC (Sexual conduct involving child under 16)
4. Section 50BD (Inducing child under 16 to be involved in sexual conduct)
5. Section 50DA (Benefiting from offence against this Part)
6. Section 50DB (Encouraging offence against this Part)



## Listings of category B driver disqualifying offences

The following tables below provide details of offences that are category B driver disqualifying offences.

<b>Existing provisions of the <i>Criminal Code Act 1899</i> - category B driver disqualifying offences</b>	
Section 210	Indecent treatment of children under 16 ( <i>if not Category A</i> )
Section 211	Bestiality
Section 213	Owner etc. permitting abuse of children on premises ( <i>if not Category A</i> )
Section 215	Carnal knowledge with or of children under 16 ( <i>if not Category A</i> )
Section 216	Abuse of persons with an impairment of the mind ( <i>if not Category A</i> )
Section 217	Procuring young person etc. for carnal knowledge ( <i>if not Category A</i> )
Section 218	Procuring sexual acts by coercion etc. ( <i>if not Category A</i> )
Section 218A	Using internet etc. to procure children under 16 ( <i>if not Category A</i> )
Section 218B	Grooming children under 16 ( <i>if not Category A</i> )
Section 219	Taking child for immoral purposes ( <i>if not Category A</i> )
Section 221	Conspiracy to defile ( <i>if not Category A</i> )
Section 222	Incest ( <i>if not Category A</i> )
Section 228(2) or (3)	Obscene publications and exhibitions ( <i>if not Category A</i> )
Section 228A	Involving child in making child exploitation material ( <i>if not Category A</i> )
Section 228B	Making child exploitation material ( <i>if not Category A</i> )
Section 228C	Distributing child exploitation material ( <i>if not Category A</i> )
Section 228D	Possessing child exploitation material ( <i>if not Category A</i> )
Section 228DA	Administering child exploitation material website ( <i>if not Category A</i> )
Section 228DB	Encouraging use of child exploitation material website ( <i>if not Category A</i> )
Section 228DC	Distributing information about avoiding detection ( <i>if not Category A</i> )
Section 229B	Maintaining a sexual relationship with a child ( <i>if not Category A</i> )
Section 229G	Procuring prostitution if section 229G(2) applies ( <i>if not Category A</i> )
Section 229H(2)	Knowingly participating in the provision of prostitution ( <i>if not Category A</i> )
Section 229I(2)	Persons found in places reasonably suspected of being used for prostitution ( <i>if not Cat. A</i> )
Section 229L	Permitting young person etc. to be at a place used for prostitution ( <i>if not Category A</i> )
Section 300	Unlawful homicide ( <i>only if the unlawful killing is murder under s.302</i> ) ( <i>if not Cat. A</i> )
Section 306	Attempt to murder
Section 309	Conspiring to murder
Section 313	Killing unborn child
Section 315	Disabling in order to commit indictable offence
Section 316	Stupefying in order to commit indictable offence
Section 317	Acts intended to cause grievous bodily harm and other malicious act
Section 320A	Torture
Section 322	Administering poison with intent to harm <i>only if an offender was or could have been liable for a penalty as mentioned in section 322, penalty, paragraph (a)</i>
Section 323A	Female genital mutilation
Section 323B	Removal of child from state for female mutilation
Section 324	Failure to supply necessities
Section 326	Endangering life of children by exposure
Section 328A	Dangerous operation of a vehicle
Section 349	Rape ( <i>if not Category A</i> )
Section 350	Attempt to commit rape ( <i>if not Category A</i> )
Section 351	Assault with intent to commit rape ( <i>if not Category A</i> )
Section 352	Sexual assaults ( <i>if not Category A</i> )
Section 354	Kidnapping
Section 354A	Kidnapping for ransom
Section 363	Child-stealing
Section 363A	Abduction of child under 16
Section 364	Cruelty to children under 16
Section 409	Robbery ( <i>only if an offender was or could have been liable as mentioned in s. 411(2)</i> ).
Section 419(3)(b)	Burglary ( <i>if paragraph (i) or (ii) applies</i> )

Section 427(2)	Unlawful entry of a vehicle for committing an indictable offence ( <i>if paragraph (b)(i) or (ii) applies</i> )
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**Weapons Act 1990 - category B driver disqualifying offences**

Section 65	Unlawful trafficking in weapons
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**Classification of Computer Games & Images Act 1995- category B driver disqualifying offences**

Section 23	Demonstration of an objectionable computer game before a minor ( <i>if not Category A</i> )
Section 26(3)	Possession of objectionable computer game ( <i>if not Category A</i> )
Section 27(3) & (4)	Making objectionable computer game ( <i>if not Category A</i> )
Section 28	Obtaining minor for objectionable computer game ( <i>if not Category A</i> )

**Classification of Films Act 1991 - category B driver disqualifying offences**

Section 41(3)	Possession of objectionable film ( <i>if not Category A</i> )
Section 42(3) & (4)	Making objectionable film ( <i>if not Category A</i> )
Section 43	Procurement of minor for objectionable film ( <i>if not Category A</i> )

**Classification of Publications Act 1991 - category B driver disqualifying offences**

Section 12(c)	Sale etc of prohibited publication or child abuse photograph ( <i>if not Category A</i> )
Section 13(c)	Possession of prohibited publication ( <i>if not Category A</i> )
Section 14	Possession of a child abuse publication or child abuse photograph ( <i>if not Category A</i> )
Section 15	Exhibition or display of prohibited publication or child abuse photograph ( <i>if not Category A</i> )
Section 16(c)	Leaving prohibited publication or child abuse photograph in or on public place ( <i>if not Category A</i> )
Section 17(1) (c), 2 (c), 3 & 4	Producing prohibited publication ( <i>if not Category A</i> )
Section 18	Procurement of a minor for an RC publication or child abuse photograph ( <i>if not Category A</i> )
Section 20(c)	Leaving prohibited publication or child abuse photograph in or on private premises ( <i>if not Category A</i> )

**Drugs Misuse Act 1986 - category B driver disqualifying offences**

Section 5	Trafficking in dangerous drugs
Section 6	Supplying dangerous drugs ( <i>only if the offence is one of aggravated supply as mentioned in section 6(2)</i> )
Section 8	Producing dangerous drugs ( <i>only if an offender was or could have been liable for a penalty as mentioned in section 8, penalty, paragraph (a) or (b)</i> )
Section 9D	Trafficking in relevant substances or things

**Provisions of the Crimes Act 1914 (Cwth) repealed by the Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010 (Cwth) - category B driver disqualifying offences**

Section 50BA	Sexual intercourse with child under 16 ( <i>if not category A</i> )
Section 50BB	Inducing child under 16 to engage in sexual intercourse ( <i>if not category A</i> )
Section 50BC	Sexual conduct involving child under 16 ( <i>if not category A</i> )
Section 50BD	Inducing child under 16 to be involved in sexual conduct ( <i>if not category A</i> )
Section 50DA	Benefiting from offence against this Part ( <i>if not category A</i> )

**Criminal Code (Cwth) - category B driver disqualifying offences**

Section 270.6	Sexual servitude offences ( <i>only if an offender was or could have been liable as mentioned in section 270.8</i> ) ( <i>if not category A</i> )
Section 270.7	Deceptive recruiting for sexual services ( <i>if not category A</i> )
Section 272.8	Sexual intercourse with child outside Australia
Section 272.9	Sexual activity (other than sexual intercourse) with child outside Australia
Section 272.10	Aggravated offence—child with mental impairment or under care, supervision or authority of defendant
Section 272.11	Persistent sexual abuse of child outside Australia
Section 272.12	Sexual intercourse with young person outside Australia— defendant in position of trust or authority
Section 272.13	Sexual activity (other than sexual intercourse) with young person outside Australia— defendant in position of trust or authority
Section 272.14	Procuring child to engage in sexual activity outside Australia
Section 272.15	“Grooming” child to engage in sexual activity outside Australia
Section 272.18	Benefiting from offence against this Division
Section 272.19	Encouraging offence against this Division
Section 272.20	Preparing for or planning offence against this Division
Section 273.5	Possessing, controlling, producing, distributing or obtaining child pornography material outside Australia
Section 273.6	Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia
Section 273.7	Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people
Section 471.16	Using a postal or similar service for child pornography material
Section 471.17	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a postal or similar service
Section 471.19	Using a postal or similar service for child abuse material
Section 471.20	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service
Section 471.22	Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people
Section 471.24	Using a postal or similar service to procure persons under 16
Section 471.25	Using a postal or similar service to “groom” persons under 16
Section 471.26	Using a postal or similar service to send indecent material to person under 16
Section 474.19	Using a carriage service for child pornography material ( <i>if not category A</i> )
Section 474.20	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service ( <i>if not category A</i> )
Section 474.22	Using a carriage service for child abuse material ( <i>if not category A</i> )
Section 474.23	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service ( <i>if not category A</i> )
Section 474.24A	Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people
Section 474.25A	Using a carriage service for sexual activity with person under 16 years of age
Section 474.25B	Aggravated offence—child with mental impairment or under care, supervision or authority of defendant
Section 474.26	Using a carriage service to procure persons under 16 years of age ( <i>if not category A</i> )
Section 474.27	Using a carriage service to “groom” persons under 16 years of age ( <i>if not category A</i> )
Section 474.27A	Using a carriage service to transmit indecent communication to person under 16 years of age

**Provisions of the *Commission for Children and Young People and Child Guardian Act 2000* repealed by the *Criminal Code, Evidence Act and Other Acts Amendment Act 1989* - category B driver disqualifying offences**

Section 212	Defilement of Girls under Twelve ( <i>if not Category A</i> )
Section 214	Attempt to Abuse Girls under Ten ( <i>if not Category A</i> )
Section 220	Unlawful Detention with Intent to Defile or in a Brothel ( <i>if not Category A</i> )

**Provisions of the *Commission for Children and Young People and Child Guardian Act 2000* repealed by the *Criminal Law Amendment Act 1997*- category B driver disqualifying offences**

Section 223	Incest by adult female ( <i>if not Category A</i> )
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**Provisions of the *Commission for Children and Young People and Child Guardian Act 2000* repealed by the *Training and Employment Act 2000* - category B driver disqualifying offences**

Section 325	Endangering life or health of apprentices or servants
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**Provision of the *Commission for Children and Young People and Child Guardian Act 2000* repealed by the *Criminal Law Amendment Act 1997* - category B driver disqualifying offences**

Section 344	Aggravated assaults ( <i>as the provision was in force from 20 December 1946 to 30 June 1997 if the circumstance of aggravation was that the unlawful assault was an offence of a sexual nature as defined in the Criminal Law Amendment Act 1945, section 2A</i> ) ( <i>if not Category A</i> )
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## Listings of category C driver disqualifying offences

The following tables below provide details of offences that are category C driver disqualifying offences.

### Existing provisions of the *Criminal Code Act 1899* - category C driver disqualifying offences

(This table reflects schedule 1A, part 3 in the TOPTA. Details of offences contained in the chapters of the Criminal Code specified in this table are set out in the last table in this section.)

Chapter 9	Breaches of the peace
Chapter 16	Offences relating to the administration of justice
Chapter 20	Miscellaneous offences against public authority
Chapter 22	Offences against morality ( <i>if not Category A or B</i> )
Chapter 26	Assaults and violence to the person generally—justification and excuse
Chapter 27	Duties relating to the preservation of human life
Chapter 28	Homicide—Suicide—Concealment of birth ( <i>if not Category B</i> )
Chapter 28A	Unlawful striking causing death
Chapter 29	Offences endangering life or health ( <i>if not Category B</i> )
Chapter 30	Assaults ( <i>if not Category B</i> )
Chapter 33	Offences against liberty ( <i>if not Category B.</i> )
Section 359E	Punishment for unlawful stalking
Chapter 36	Stealing
Chapter 37	Offences analogous to stealing
Chapter 38	Stealing with violence—extortion by threats ( <i>if not Category B.</i> )
Chapter 39	Burglary—Housebreaking—And like offences ( <i>if not Category B.</i> )
Chapter 40	Other fraudulent practices
Chapter 41	Receiving property stolen or fraudulently obtained and like offences
Chapter 42A	Secret commissions
Chapter 46	Offences
Chapter 49	Punishment of forgery and like offences
Chapter 52	Personation
Chapter 56	Conspiracy

### Provisions of the *Criminal Code* repealed by the *Criminal Law Amendment Act 1997* - category C driver disqualifying offences

Section 343A	Assaults occasioning bodily harm
Section 344	Aggravated assaults

### Provisions of the *Criminal Code* repealed by the *Criminal Code and Other Acts Amendment Act 2008* - category C driver disqualifying offences

Chapter 42	Frauds by trustees and officers of companies and corporations – false accounting
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### *Drugs Misuse Act 1986* - category C driver disqualifying offences

Section 6	Supplying dangerous drugs
Section 7	Receiving or possessing property obtained from trafficking or supplying
Section 8	Producing dangerous drugs
Section 8A	Publishing or possessing instructions for producing dangerous drugs
Section 9	Possessing dangerous drugs
Section 9A	Possessing relevant substances or things
Section 9B	Supplying relevant substances or things
Section 9C	Producing relevant substances or things
Section 10	Possessing things

Section 10A	Possessing suspected property
Section 10B	Possession of a prohibited combination of items
Section 11(1)	Permitting use of place
Section 41(7)	Restraining Order
Section 41(8)	Restraining Order
Section 121(5)	Power to prohibit publication of proceedings
Section 121(6)	Power to prohibit publication of proceedings

### **Weapons Act 1990 - category C driver disqualifying offences**

Section 29A	Action by court if respondent has access to weapons through employment
Section 34	Contravention of licence condition
Section 35	Acquisition of weapons
Section 36	Sale or disposal of weapons
Section 38	Issue etc. of permits to acquire
Section 50	Possession of weapons
Section 50B	Unlawful supply of weapons
Section 51	Possession of a knife in a public place or a school
Section 57(3)&(4)	Particular conduct involving a weapon in a public place prohibited
Section 58	Dangerous conduct with weapon prohibited generally
Section 60(1)	Secure storage of weapons
Section 61	Shortening firearms
Section 62	Modifying construction or action of firearms
Section 63	Altering identification marks of weapons
Section 64	Obtaining weapons by deceit
Section 66	Dispatch of weapons
Section 68	Dealers to be licensed
Section 69	Armourers to be licensed
Section 137(3)	Notice to dispose
Section 151B	Protection of informers
Section 151D	Power to prohibit publication of proceedings
Section 157	Fraud and unlawful possession of licence etc
Section 158	False or misleading statements

### **Summary Offences Act 2005 - category C driver disqualifying offences**

Section 9	Wilful Exposure
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### **Criminal Code Act 1899 - category C driver disqualifying offences**

(This table details offences contained in the chapters of the Criminal Code shown in previous tables.)

Section 60A	Participants in criminal organisation being knowingly present in public places
Section 60B	Participants in criminal organisation entering prescribed places and attending prescribed events
Section 61	Riot
Section 69	Going armed so as to cause fear
Section 70	Forcible entry
Section 71	Forcible detainer
Section 72	Affray
Section 74	Prize fight
Section 75	Threatening violence
Section 76	Recruiting person to become participant in criminal organisation
Section 119B	Retaliation against judicial officer, juror, witness or family
Section 120	Judicial corruption
Section 121	Official corruption not judicial but relating to offences

Section 122	Corruption of jurors
Section 123	Perjury
Section 123A	Perjury - contradictory statements
Section 126	Fabricating evidence
Section 127	Corruption of witnesses
Section 128	Deceiving witnesses
Section 129	Damaging evidence with intent
Section 130	Preventing witnesses from attending
Section 131	Conspiracy to bring false accusation
Section 132	Conspiring to defeat justice
Section 133	Compounding an indictable offence
Section 136	Justices exercising jurisdiction in a matter of personal interest
Section 137	Delay to take a person arrested before a Magistrate
Section 139	Inserting advertisement without authority of court
Section 140	Attempting to pervert justice
Section 193	False verified statements
Section 194	False declarations
Section 199	Resisting public officers
Section 200	Refusal by public officer to perform duty
Section 204	Disobedience to statute law
Section 205	Disobedience to lawful order issued by statutory authority
Section 224	Attempts to procure abortion
Section 225	The like by woman with child
Section 226	Supplying drugs or instruments to procure abortion
Section 227	Indecent acts
Section 227A	Observations or recordings in breach of privacy
Section 227B	Distributing prohibited visual recordings
Section 228	Obscene publications and exhibitions
Section 307	Accessory after the fact to murder
Section 308	Threats to murder in document
Section 310	Manslaughter
Section 311	Aiding suicide
Section 314	Concealing the birth of children
Section 314A	Unlawful striking causing death
Section 315A	Choking, suffocation or strangulation in a domestic setting
Section 316A	Unlawful drink spiking
Section 317A	Carrying or sending dangerous goods in a vehicle
Section 318	Obstructing rescue or escape from unsafe premises
Section 319	Endangering the safety of a person in a vehicle with intent
Section 320	Grievous bodily harm
Section 321	Attempting to injure by explosive or noxious substances
Section 321A	Bomb hoaxes
Section 322	Administering poison with intent to harm (if not Cat B)
Section 323	Wounding
Section 327	Setting mantraps
Section 328	Negligent acts causing harm
Section 329	Endangering safety of persons travelling by railway
Section 330	Sending or taking unseaworthy ships to sea
Section 333	Evading laws as to equipment of ships and shipping dangerous goods
Section 334	Landing explosives
Section 335	Common Assault
Section 338A	Assaults of member of crew on aircraft
Section 339	Assaults occasioning bodily harm
Section 340	Serious assaults
Section 346	Assaults in interference with freedom of work or trade
Section 355	Deprivation of liberty

Section 356	False certificates by officers charged with duties relating to liberty
Section 357	Concealment of matters affecting liberty
Section 358	Unlawful custody of particular persons
Section 359	Threats
Section 359E	Punishment for unlawful stalking
Section 398	Punishment of Stealing <ul style="list-style-type: none"> <li>1) Stealing wills</li> <li>2) Stealing stock</li> <li>4) Stealing from the person – stealing goods in transit</li> <li>5) Stealing by persons in the public service</li> <li>6) Stealing by clerks and servants</li> <li>7) Stealing by directors or officers of public companies</li> <li>8) Stealing by agents</li> <li>9) Stealing property valued at more than \$5000</li> <li>10) Stealing by tenants or lodgers</li> <li>11) Stealing after previous conviction</li> <li>12) Stealing of a vehicle</li> <li>13) Stealing by looting</li> <li>14) Stealing firearm for use in another indictable offence</li> <li>15) Stealing firearm or ammunition</li> </ul>
Section 399	Fraudulent concealment of particular documents
Section 403	Severing with intent to steal
Section 406	Bringing stolen goods into Queensland
Section 408A	Unlawful user or possession of motor vehicles, aircraft or vessels
Section 408C	Fraud
Section 408D	Obtaining or dealing with identification information
Section 408E	Computer hacking and misuse
Section 411(1)	Punishment of Robbery
Section 412	Attempted robbery
Section 413	Assault with intent to steal
Section 414	Demanding property with menaces with intent to steal
Section 415	Extortion
Section 417A	Taking control of aircraft
Section 419	Burglary ( <i>If not Category B</i> )
Section 421	Entering or being in premises and committing indictable offences
Section 425	Possession of things used in connection with unlawful entry
Section 427	Unlawful entry of a vehicle for committing an indictable offence
Section 427A	Obtaining property by passing valueless cheques
Section 430	Fraudulent falsification of records
Section 431	False accounting by public officer
Section 433	Receiving tainted property
Section 435	Taking reward for recovery of property obtained by means of indictable offences
Section 442B	Receipt or solicitation of secret commission by an agent
Section 442BA	Gift or offer of secret commission to an agent
Section 442D	False or misleading receipt or account
Section 442E	Secret commission for advice given
Section 442EA	Offer or solicitation of secret commission in return for advice given or to be given
Section 442F	Secret commission to trustee in return for substituted appointment
Section 442G	Liability of director etc. acting without authority
Section 461	Arson
Section 462	Endangering particular property by fire
Section 463	Setting fire to crops and growing plants
Section 467	Endangering the safe use of vehicles and related infrastructure
Section 468	Injuring animals
Section 469	Wilful damage <ul style="list-style-type: none"> <li>1) Wilful damage – Destroying or damaging premises by explosion</li> </ul>



	2) Wilful damage - Sea Walls and other property
	3) Wilful damage - Wills and registers
	4) Wilful damage - Wrecks
	5) Wilful damage - Railways
	6) Wilful damage - Aircraft
	7) Wilful damage – Other things of special value
	8) Wilful damage – Deeds and special records
	9) Wilful damage – Graffiti
	10) Wilful damage – Educational institutions
	11) Wilful damage – Cemeteries etc
Section 469A	Sabotage & threatening sabotage
Section 470	Attempts to destroy property by explosives
Section 470A	Unlawful deposition of explosives or noxious substances
Section 471	Damaging mines
Section 472	Interfering with marine signals
Section 473	Interfering with navigation works
Section 474	Communicating infectious diseases to animals
Section 475	Travelling with infected animals
Section 477	Obstructing railways
Section 478	Sending letters threatening to burn or destroy
Section 488	Forgery and uttering
Section 498	Falsifying warrants for money payable under public authority
Section 499	Falsification of registers
Section 500	Sending false certificate of marriage to registrar
Section 501	False statements for the purpose of registers of births, deaths, and marriages
Section 502	Procuring or claiming unauthorised status
Section 514	Personation in general
Section 515	Falsely acknowledging deeds, recognisances and so on
Section 541	Conspiracy to commit crime
Section 542	Conspiracy to commit other offences
Section 543	Other conspiracies
Section 543A	Industrial disputes

End.