

Information Bulletin

PT 206/10.12

Operators issuing Restricted Driver Authorisation

(Community and Courtesy transport services only)

What is restricted driver authorisation?

The *Transport Operations (Passenger Transport) Act 1994* requires all drivers of community and courtesy transport services (unless specifically exempt) to be appropriately authorised.

The purpose of driver authorisation is to ensure drivers of public passenger vehicles are:

- of suitable character;
- appropriately licensed;
- aware of their responsibilities under the *Transport Operations (Passenger Transport) Act 1994*; and
- able to conduct themselves appropriately.

Operators of community and courtesy transport services may choose to use drivers who hold any category of Department of Transport and Main Roads (the department) issued driver authorisation or may issue restricted driver authorisation themselves.

Conditions of restricted driver authorisation

1. The holder of a restricted driver authorisation is restricted to driving for the operator who issued the authorisation. However, a person may hold several restricted driver authorisations.
2. A driver must carry evidence of the restricted driver authorisation issued by the operator with them at all times while providing the community or courtesy transport service.
3. If checks undertaken by the department indicate that the person has an unsuitable criminal, driving or medical history, the operator must not issue the person with restricted driver authorisation. If the person already holds restricted driver authorisation, the operator must revoke the restricted driver authorisation immediately. The department can also take action to amend, suspend or cancel a person's restricted driver authorisation.
4. Under section 41 of the *Transport Operations (Passenger Transport) Regulation 2005*, the department may request the holder of a restricted driver authorisation to undertake a medical examination, if the department reasonably considers the medical fitness of the holder of the restricted driver authorisation no longer meets the approved standard.
5. If the community or courtesy transport is provided by an organisation with offices across Queensland, restricted driver authorisation may be issued by a regional representative if approval has been granted by the central office.

Criteria for obtaining restricted driver authorisation

To be granted restricted driver authorisation, the applicant must:

1. hold a current open Australian driver licence, an equivalent overseas driver licence, or a restricted (work) driver licence;
2. have held a driver licence (open or provisional) continuously for at least three years - the driving experience can be Australian or overseas;
3. not knowingly suffer from any medical condition that may affect their driving; and
4. be of a suitable character - consideration will be given to whether the applicant has been convicted of a 'driver disqualifying offence', or charged with a 'driver disqualifying offence' that has not been finally disposed of.

Note: Under the *Transport Operations (Passenger Transport) Act 1994*, "conviction" includes a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded. The department undertakes a criminal and driving history check on all applicants.

5. Operators should also satisfy themselves that the person has an entitlement to work in Australia before accepting the person's application for restricted driver authorisation. The applicant should provide documentary proof that they are:
 - an Australian citizen;
 - a permanent resident of Australia;
 - 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 legislation), to work in Australia.

If the applicant is an Australian Citizen, permanent resident or a New Zealand Citizen holding a special category visa they may provide one of the following:

- Current Medicare card (other than an interim card issued to certain applicants for permanent residency);
- Australian Birth Certificate;
- Queensland Birth Extract;
- Australian Citizenship Certificate/Extract;
- Australian Naturalisation Certificate;
- Australian Passport;
- Repatriation Health Card - for all conditions (Gold Card);
- New Zealand passport; or
- Evidence of their Australian permanent residency.

If the applicant is not an Australian citizen, permanent resident or New Zealand Citizen holding a special category visa, they should present their overseas passport at time of application. An applicant's entitlement to work in Australia can be checked using the Department of Immigration and Citizenship's Visa Entitlement Verification Online (VEVO) system. VEVO is a free online facility that allows organisations to check the visa and work entitlements of a visa holder.

Applying for restricted driver authorisation

The following steps should be followed:

1. The operator accesses the department's website (www.tmr.qld.gov.au) and obtains:
 - (i) a copy of the information bulletins titled 'PT305 - Restricted Driver Authorisation - Drivers' and 'PT307 - Driver Responsibilities': and
 - (ii) a copy of Restricted Driver Authorisation Notification form (F3880)

If the operator does not have access to the internet, the operator may contact their nearest Passenger Transport Office to obtain the information bulletins and the form.

2. The operator gives the Restricted Driver Authorisation Notification form to the person to complete the relevant questions of the form under 'Driver to Complete'.
3. The Restricted Driver Authorisation Notification form contains questions relating to the driver's years of driving experience, driver authorisation history, criminal history, driving history and medical condition. [Once the driver completes the form the operator should review the answers.](#) If the person does not meet one or more of the criteria on the notification form, the operator is unable to issue restricted driver authorisation until the person has the relevant clearance/s.

The following information sets out the action that must be taken if the person does not meet the criteria:

- **Driver licence requirement** – If a person does not hold a current open Australian driver licence, an equivalent overseas driver licence, or a restricted (work) driver licence they are not eligible to hold restricted driver authorisation. Restricted driver authorisation cannot be issued under any circumstances
- **3 Years Driving Experience** - If a person has not held a open or provisional driver licence continuously for at least three years they are not eligible to hold restricted driver authorisation. Restricted driver authorisation cannot be issued under any circumstances.
- **Medical Condition** - If the person answered 'yes' to any of the medical questions on the Restricted Driver Authorisation Notification form, the person will need to obtain a completed Medical Certificate for Motor Vehicle Driver (F3712) from a doctor and submit the medical certificate to the operator. The medical certificate must be submitted before restricted driver authorisation can be issued.

The medical certificate must indicate the person has been assessed as fit to drive a public passenger vehicle. If this section is not completed, the operator must refer the person back to the medical practitioner.

If restricted driver authorisation is issued, a copy of the medical certificate must be faxed/posted to the department with the completed Restricted Driver Authorisation Notification form.

As with other driver authorisations issued by the department, the medical certificate remains current for five years, unless the doctor has stipulated a shorter time period. (Note: Drivers over 75 years of age are required to submit a new medical certificate every 12 months).

- **Driver Authorisation History** - If the person has ever had a driver authorisation refused, suspended or cancelled, restricted driver authorisation cannot be immediately issued [by the operator](#). The operator should request a statement of eligibility advice from the department by completing the relevant questions on the Restricted Driver Authorisation Notification form.
- **Criminal History** - If the person answered 'yes' to any of the criminal history questions on the Restricted Driver Authorisation Notification form, restricted driver authorisation cannot be immediately issued. The operator should request a statement of eligibility advice from the department by completing the relevant questions on the Restricted Driver Authorisation Notification form.
- **Driving History** - If the person answered 'yes' to any of the driving history questions on the Restricted Driver Authorisation Notification form, restricted driver authorisation cannot be immediately issued. The operator should request a statement of eligibility advice from the department by completing the relevant questions on the Restricted Driver Authorisation Notification form.

To request a statement of eligibility advice from the department, the operator should complete Questions 11 – 13 of the Restricted Driver Authorisation Notification form and then fax or post a copy to the nearest Passenger Transport office. The department will undertake the necessary checks and respond to both the operator and driver with a statement advising if the driver is eligible to hold restricted driver authorisation.

If the department advises that the person is not eligible to hold restricted driver authorisation, the operator cannot issue restricted driver authorisation. If the department issues a statement advising that the person is eligible to hold restricted driver authorisation, the Restricted Driver Authorisation Notification form will be returned for the operator to complete the remaining questions. The completed form should then be re-submitted to the department.

The operator does not have to notify the department of their refusal to issue the person with restricted driver authorisation.

Issuing restricted driver authorisation

Once the operator is satisfied the person meets all the criteria for restricted driver authorisation, the operator issues the person with restricted driver authorisation and informs the person of their responsibilities as an authorised driver under the *Transport Operations (Passenger Transport) Act 1994*. Operators should ensure that drivers have read the information bulletin titled '[PT307 - Driver Responsibilities](#)', available from the department's website or Passenger Transport offices.

The restricted driver authorisation should be issued on the operator's letterhead (where available) and must contain the following information:

- advice that the driver must carry proof of their restricted driver authorisation at all times when driving a public passenger vehicle;
- the commencement and expiry dates of the restricted driver authorisation;
- the driver's name, address, date of birth, driver licence number and state/country where their driver licence was issued;
- the driver's signature;
- the operator's trading name, the name operator accreditation is held in (if different), the operator's operator accreditation number, the operator's address and telephone contact number; and

- the issuing person's name, position and signature.

Note: An example of a suitable restricted driver authorisation format is shown in the Restricted Driver Authorisation Proforma (Form F3881) available on the department's website.

Once the restricted driver authorisation has been issued, the person can commence driving for the operator. The operator must fax or post a copy of the Restricted Driver Authorisation Notification form (including a copy of the medical certificate (if required) and any statement of eligibility advice issued by the department to the nearest Passenger Transport office within three working days of issuing the restricted driver authorisation.

On receipt of the Restricted Driver Authorisation Notification form advising that a restricted driver authorisation has been issued, the department will conduct criminal and driving history checks on the person and record the restricted driver authorisation on its database. The department will notify the operator if the person is, or becomes, ineligible to hold restricted driver authorisation. Otherwise, the operator can continue to employ the driver as required.

If the Department of Transport and Main Roads notifies an operator that a person is not eligible to hold restricted driver authorisation, continued use of the driver is an offence under the *Transport Operations (Passenger Transport) Act 1994*.

Period of issue

The period of issue for a restricted driver authorisation is at the choice of the operator. However, restricted driver authorisation cannot be issued for a period of more than 12 months.

Note: If an applicant holds a current visa with a work entitlement approved by the Department of Immigration and Citizenship, their restricted driver authorisation can only be issued up to, and including, the work entitlement end date, but for no longer than 12 months.

An operator can re-issue a person with restricted driver authorisation on its expiry, provided they continue to meet all of the criteria, including that they continue to have an entitlement to work in Australia. The department must be notified of any extension in time, using a new Restricted Driver Authorisation Notification form.

Fees

There are no fees applicable to restricted driver authorisation.

Legal responsibilities of drivers

An operator must ensure their drivers are aware of the driver's responsibilities under the *Transport Operations (Passenger Transport) Act 1994*.

An information bulletin '[PT307 - Restricted Driver Authorisation for Drivers](#)' is available on the department's website at www.tmr.qld.gov.au/information_bulletins. The information bulletin summarises a driver's responsibilities and requirements under the *Transport Operations (Passenger Transport) Act 1994*.

Amendment, suspension and cancellation of restricted driver authorisation

If an operator is not satisfied that a person complies with all standards applying to restricted driver authorisation, or if an applicant does not meet all the criteria on the Restricted Driver Authorisation Notification form, the operator must not issue the person with a restricted driver authorisation.

Under the *Transport Operations (Passenger Transport) Regulation 2005* a driver's authorisation is automatically cancelled when a driver is no longer required or ceases employment with the operator that issued them with their restricted driver authorisation. The operator must give a written notice advising the person of the cancellation within three days after the cancellation, and the driver must as soon as practicable after receiving the written notice, return any restricted driver authorisation documents to the operator.

A driver authorisation may be amended, suspended or cancelled if the driver:

- has been convicted of a driver disqualifying offence or has been charged with such an offence and the charge has not been finally heard or discharged;
- has a driving history that is unsuitable;
- does not meet the requirements applicable to the driver authorisation specified in the *Transport Operations (Passenger Transport) Standard 2010* or *Transport Operations (Passenger Transport) Regulation 2005*;
- is medically unfit; or
- has repeatedly engaged in conduct that is damaging to the reputation of public passenger transport.

Drivers must be aware of what constitutes a driver disqualifying offence and their responsibilities regarding driver disqualifying offences under the *Transport Operations (Passenger Transport) Act 1994*. (For more information please refer to the separate information bulletin titled '[PT17 - Driver Authorisation - Effect of a driver disqualifying offence](#)'.)

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 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 LitSupport Pty Ltd on 07 3223 9202 or email legislation@litsupport.com.au.

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's website at www.tmr.qld.gov.au/information_bulletins.