

# Information Bulletin

PT 308 (09.17)

## Driver Authorisation for Motorcycle Tourist Services

### What is driver authorisation?

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

The purpose of driver authorisation 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 driver authorisation. A driver must hold the category of driver authorisation applicable to the service being provided.

### Who needs to hold driver authorisation for motorcycle tourist services?

Any person who provides a motorcycle tourist service is required to hold driver authorisation for motorcycle tourist services.

A motorcycle tourist service is a pre-booked public passenger service for the carriage of tourists operated in accordance with a publicly available itinerary to a common scenic or tourist attraction using a motorcycle, motorcycle and sidecar, or motor tricycle.

### Requirements for obtaining driver authorisation

#### Entitlement to work in Australia

Applicants for grant or renewal of driver authorisation 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 (work) driver licence for a motorbike.
- have held an open or provisional driver licence (Australian or overseas) for a motorbike continuously for at least five years or otherwise have held an open or provisional motorbike driver licence continuously for at least three years and pass a practical competence test for the operation of a motorbike with a pillion passenger.
- for at least two years of the five year or three year continuous period mentioned above, have held an Australian issued open or provisional licence for a motorbike.

## 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 driver authorisation, 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 driver authorisation

### Refusal, amendment, suspension, and cancellation driver authorisation

Grounds for refusal, amendment, suspension, or cancellation of a driver authorisation 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 driver authorisation.
- Provision of false or misleading documentation or information, in relation to an application for driver authorisation.
- Failure to meet medical fitness standards.
- The chief executive considers it necessary in the public interest.
- Previous cancellation or suspension of a driver authorisation.

## Criminal history check

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

Applicants for driver authorisation and holders of driver authorisation 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 driver authorisation 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 driver authorisation. 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.
- 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 driver authorisation 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 driver authorisation can be issued.

## 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. Upon approval of an application, an interim industry authority can be used as evidence of driver authorisation until the industry authority card is received. Applicants can elect to receive their interim industry authority by email. This can be done by signing up for e-reminders prior to, or at time of application. Once signed up, driver authorisation holders will also receive a range of emails when applicable, including when their industry authority card is posted and 3 days before their industry authority expires. For more information, or to sign up for e-reminders please refer to [qld.gov.au/transport/enotice/](http://qld.gov.au/transport/enotice/)

## Period of issue

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

Driver authorisation 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 driver authorisation being issued for a shorter period. The term of a driver authorisation cannot exceed the expiry of the medical certificate provided. For visa holders, the maximum term of driver authorisation cannot exceed the expiry date of the Australian work entitlement.

## Responsibilities of driver authorisation holders

Holders of driver authorisation 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 driver authorisation.

The holder of a driver authorisation must notify the department if charged with an offence that is a driver disqualifying offence under the *Transport Operations (Passenger Transport) Act 1994*. The driver authorisation 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 driver authorisation 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 driver authorisation

If a person is dissatisfied with a decision regarding driver authorisation (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, driver authorisation.

## 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 a regional passenger transport office. Contact details can be found at [translink.com.au/contact-us](http://translink.com.au/contact-us)

Customer service centre locations can be accessed at [qld.gov.au](http://qld.gov.au)

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](http://legislation.qld.gov.au)

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