

Information Bulletin

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Effect of a Driving History

The *Transport Operations (Passenger Transport) Act 1994* requires drivers of public passenger services to hold driver authorisation (DA). The Department of Transport and Main Roads (TMR) may decide a person is unsuitable to hold DA having regard to their driving history (that is, the person's driver licence records and history of driving-related offences).

TMR reviews the driving history of all applicants for DA and of holders of DA when necessary. This review involves an assessment of driver licence records held in Queensland and other jurisdictions as required. TMR reviews a person's driving history to assess the person's competence and suitability to drive a public passenger vehicle safely and responsibly.

Driver licence records may include information about 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* or equivalent interstate and overseas law

Assessment criteria

The criteria below provide a guide as to what may be considered by TMR decision-makers when assessing a person's suitability to hold DA having regard to their driving history.

- (1) A driver of a public passenger vehicle must hold 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 licence disqualification for drink driving). The restricted licence must authorise the holder to drive a public passenger vehicle.

If a person does not meet the above requirement, DA may be refused or cancelled.

- (2) If a person has a drink driving offence, TMR will consider the time elapsed since the offence and other relevant matters.

For example, if –

- it is the person's first drink driving offence; and
- the blood alcohol content (BAC) level was under 0.15%; and
- the offence did not occur in a public passenger vehicle; and
- there has been no prior suspension or cancellation of the driver licence in the previous two years; then

a waiting period of up to one year may be applied, from the end of the period of cancellation of the driver licence. At the end of the waiting period, the person may be considered to have a driving history suitable for DA.

If –

- a person had two or more drink driving offences in the last five years or a history of numerous drink driving offences over a longer period; or

- it is the person's first drink driving offence, but the blood alcohol content (BAC) level was 0.15% or higher; or
- the offence occurred in a public passenger vehicle; or
- there has been a prior suspension or cancellation of the driver licence within the previous two years; then

a waiting period of up to two years, from the end of the period of cancellation of the driver licence may be applied.

- (3) Where a person has been charged with driving under the influence of drugs, a waiting period of up to two years may be applied.
- (4) Where a person has been charged with driving while relevant drug is present, the offence will attract the same waiting period as if they had a blood alcohol content level under 0.15%. A waiting period of up to one year may be applied.
- (5) Where the person's driver licence has been cancelled by a court, other than under the demerit points system, a waiting period of up to two years may be applied dependent upon the circumstances leading to the cancellation.

Overall, the following factors are also taken into consideration when assessing a person's driving history:

- the severity of offences;
- the frequency of offences; and
- 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

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: www.translink.com.au/contact-us

The *Transport Operations (Passenger Transport) Act 1994*, *Transport Operations (Passenger Transport) Regulation 2018* and *Transport Operations (Passenger Transport) Standard 2010* can be accessed 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.tmr.qld.gov.au/information_bulletins.