



Restricted work drivers' licences in Queensland

Author: [Alexandra Jarrett](#)

Email: alexandraj@hallpayne.com.au

Phone: 07 3017 2400

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Are you about to lose your driver's licence and need a licence for your job?

There are two types of licences that may be available for eligible people who reside in Queensland and are about to lose their driver's licence. They include a work licence or a special hardship licence.

Who is eligible to apply for a restricted licence?

The reason why you are about to lose your driver's licence will dictate which kind of licence that you would need to apply for. If you are eligible for one of these licences, you are able to make an application to the Court for a restricted licence that would allow you to drive in certain circumstances even though your licence has been disqualified or suspended.

You are only able to apply for a restricted licence if:

1. you have not had your licence cancelled, suspended or disqualified within the last five (5) years (there are some exceptions to this, such as suspensions for unpaid fines, or a 24 suspension after you were charged);
2. you have not been convicted of dangerous driving within the last five (5) years;
3. you require your licence for an eligible reason (for example, to be able to perform your job); and
4. you are a fit and proper person to hold a restricted licence.

If you do not satisfy all of the above criteria, you are not eligible to apply for a restricted licence. If you do satisfy the above criteria, the next step is to determine which type of licence you should be applying for and when.

The granting of a restricted licence is not automatic. You need to file an application with the Court which confirms that you are eligible to hold a restricted licence and the reasons why you are seeking one. The Court then has discretion as to whether or not it grants you the licence.

The requirements for how and when you apply for a restricted licence are different, depending on the type of licence that you are applying for; a work licence or special hardship licence. To ensure you are applying for the correct licence type and that your application covers everything necessary to have an optimal chance of success, [you should seek the assistance of a lawyer experienced in traffic law.](#)

What is a “work licence”?

To be eligible to apply for a work licence, you must be about to lose your driver’s licence because you have been charged with:

- drink driving;
- failing to provide a sample of breath at the roadside; or
- driving with a relevant drug present in your blood or saliva.

You must also be able to satisfy the Court that you require your licence to be able to perform your job. If you do not require your licence for your job, it will not matter how good your reason is for seeking a work licence; the Court will be unable to approve your application.

What conditions prevent an application for a work licence?

1. If you held a probationary licence when you were charged, you are not eligible to apply for a work licence.
2. If you have been charged with driving while you had a blood alcohol concentration of 0.15 or more, or you were driving while you were under the influence of a drug, you will not be eligible to apply for a work licence.
3. You will also not be eligible to apply for a work licence if you have been charged with failing to provide a sample of breath at the police station, you were driving for work purposes when you were charged, or you were required to have a blood alcohol concentration of 0.00 when you were charged.
4. If you were driving for work purposes when you were charged, you will not be able to apply for a work licence.
5. If you already held a restricted licence when you were charged, you will not be able to apply for another restricted licence.

When will an application for a work licence be dealt with?

Your application for a work licence needs to be heard at the time you attend Court to plead guilty to the charge.

The Court will generally deal with the charge first and will then hear your application for a work licence straight afterwards. You should **not** plead guilty to the charge until you have filed your application work licence. If you have to attend Court before you have filed your application, you should tell the Court that you intend to file an application for a work licence and ask for an adjournment.

How to apply for a work licence

1. To apply for a work licence, you need to file an application which includes an affidavit from you which attaches your traffic history and your criminal history.
2. Within your affidavit, you need to detail your personal financial circumstances and explain why you are eligible for a work licence.
3. You should explain the circumstances that led to you losing your licence.
4. You also need to file an affidavit from your employer (not a statutory declaration), which confirms that you require your licence to perform your job.
5. Your application needs to be filed in the Registry of the Court that you need to attend to answer to the charge.
6. You need to file three copies of your application and then provide a copy of it to the nearest police prosecutions office once the Court has stamped it.
7. You should avoid filing your application on the same day that you intend to plead guilty to the charge as the Court may not be willing to hear your application at that time. You should file it at least three or four days in advance.

There are strict conditions imposed when granting a work licence

If the Court grants your application for a work licence, there will be strict conditions imposed. The conditions vary depending on your circumstances, but will generally include you only being allowed to drive:

1. between certain times that the Court determines;
2. if it is for a legitimate work purpose;
3. if you are carrying a logbook which details the times that you have been driving and why;
4. when you are wearing a work uniform or item of clothing with your employer's logo;
5. if you do not carry passengers;
6. if you are driving a class of vehicle that the Court has authorised; and
7. if you have not consumed alcohol or a drug prior to driving.

If you breach a condition of your work licence, or you commit a traffic offence while you hold one, you will likely lose your work licence and you will not be able to apply for another one.

The length of time that you hold a work licence is twice the period that you would have otherwise been disqualified from driving due to the original charge. If you are disqualified for two months, you would be required to hold a work licence for four months.

What is a special hardship licence?

If you are about to lose your driver's licence because you have accumulated too many demerit points, and you have breached the "12 month good behaviour period", you may be eligible to apply for a special hardship licence. You may also be eligible to apply if your licence is about to be suspended because you were charged with a "high-speed driving offence".

How to apply for a special hardship licence

1. To apply for a special hardship licence, you need to file an affidavit in similar terms as those outlined above for a work licence.
2. You also need to be able to demonstrate that you would suffer severe hardship if you lose your driver's licence.
3. If you are applying for a special hardship licence so that you can drive as part of your job, you will need to file an affidavit from your employer which confirms that you require your licence to perform your job.
4. Your application needs to be filed in the Registry of the Court that is closest to your home.
5. You need to file three copies of your application and then provide a copy of it to the nearest Transport and Main Roads office once the Court has stamped it.

When should an application for a special hardship licence be filed?

Before you are able to file your application for a special hardship licence you need to wait until you receive a letter from the Department of Transport and Main Roads which confirms that you will lose your licence. You then need to file your application with 21 days of the date that you have lost your licence. You are not able to file your application until the day that you have lost your licence.

When you file your application, you will be told when you need to attend Court, and you will be able to continue driving in the meantime. If you do not attend court when you are required to, you will not be able to continue driving.

There are strict conditions imposed when granting a special hardship licence

If the Court grants your application for a special hardship licence, there will be strict conditions imposed. If you breach a condition of your special hardship licence, or you commit a traffic offence while you hold one, you will likely lose your special hardship licence and you will not be able to apply for another one.

The length of time that you hold a special hardship licence is the same period of time that you would have otherwise been suspended from driving.

Get help

If you are about to lose your licence and want to apply for a restricted licence, you should [contact our experienced criminal team for specialist advice](#). It is essential that you get your application right the first time or you run the risk of not being able to drive until you are eligible to get your licence back.

Legal advice and assistance continues during COVID-19

We continue to provide our client services during the coronavirus outbreak.

Most of our teams have now returned to their respective offices with others remaining fully equipped to work remotely, where necessary.

You can contact us by phone or email to arrange your consultation; either face-to-face at one of our offices, by telephone or by videoconference consultation.

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Phone: [1800 659 114](tel:1800659114)

Email: general@hallpayne.com.au

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