

Applying for a work licence in Queensland

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Date: Sunday October 22, 2023

In Queensland, a work licence application is also known as an application for a restricted licence or a section 87 application. If you are facing court-ordered disqualification from driving, you may be eligible to apply for a work licence to allow you to continue to drive in the course of your employment.

A work licence is different to a special hardship order, and both have certain criteria to be met. If you are seeking information about applying for a special hardship order, you can read our earlier article, "Applications for a special hardship order after licence suspension".

Under what circumstances can I apply for a work licence?

If you are charged with an offence of drink driving, drug driving or failing to provide a specimen of breath or saliva, you may be eligible to apply for a work licence.

You will **not** be eligible to apply for a work licence if you are charged with driving while under the influence of a liquor or drug (that is, you have a blood/breath alcohol concentration reading over 0.15).

Eligibility requirements for a work licence QLD

In order to apply for a work licence pursuant to section 87 of the *Transport Operations (Road Use Management) Act 1995* (Qld), an application must be made to a court at the time of sentence in which disqualification from holding or obtaining a Queensland driver licence is imposed.

You must:

- satisfy the court that you are a fit and proper person to hold the licence when considering the safety of other road users and the public generally;
- satisfy the court that a refusal or the application (resulting in the applicant not being able to drive) would cause extreme hardship to your or your family by depriving you/them of a means of earning a living; and
- have held a Queensland class C open licence, class RE open licence, class R open licence at the time of the commission of the offence.

You must **not**:

- have had your provisional or open licence suspended, cancelled or disqualified within 5 years before the application is made;
- have been previously convicted of an offence of drink or drug driving, failing to supply specimen of breath or dangerous operation of a vehicle in the last 5 years before the application is made;
- have been driving in the course of employment at the time of the offence which will result in disqualification;
- have been unlicensed or not held the correct licence for the vehicle you were driving (at the time of the offence which will result in disqualification);
- have already been subject to a restricted licence (at the time of the offence which will result in disqualification); and
- have been driving a truck, a bus, an articulated motor vehicle, a B-double, a road train, a vehicle carrying a placard load of dangerous goods, a tow truck, a pilot or escort vehicle that is escorting an oversize vehicle, a public passenger service, a taxi or limousine, a specially constructed vehicle or a vehicle used by a driver trainer to give driver training.

Conditions of a work licence

A number of restrictions and conditions may be imposed upon you if a work licence application is successful. Some common conditions included on a work licence order in Queensland are:

- the class of vehicle permitted to be driven;
- the days and times the vehicle is able to be driven;
- the purpose the vehicle may be driven (only directly connected to employment);
- the use of a log book required to be produced to police on request;
- the requirement to wear a uniform (where applicable) whilst driving in the course of employment.

Affidavit material required for a work licence

Affidavit material is required to support your application for a work licence.

If you are not self-employed, an affidavit from your employer will be necessary. This will need to set out the reasons you would be deprived of a means of earning a living if you were unable to drive. In addition, you must prepare an affidavit in support of your application detailing how you meet the eligibility criteria as outlined above.

Breach of work licence conditions

If you breach the conditions imposed by the court regarding your work licence, you are liable to be charged for the breach.

The flow on effects can include:

- a pecuniary penalty up to 20 penalty units;
- cancellation of the existing work licence; and
- disqualification from driving for a minimum period of 3 months from the expiration of the previous disqualification imposed by the court.

Get help from a traffic lawyer

When considering the eligibility requirements involved in a work licence application, obtaining legal representation can be beneficial to assist you in navigating the procedural complexities involved.

Our lawyers regularly appear on behalf of clients for the purposes of traffic pleas of guilty and associated work licence applications and can readily prepare and advocate for a work licence on your behalf.

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This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.