

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 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 it. However, a person may hold several restricted driver authorisations.
2. A driver must carry evidence of the restricted driver authorisation (issued by the operator) on them at all times while providing the community/courtesy transport service.
3. If checks by the Department of Transport and Main Roads indicate the person has an unsuitable criminal, driving or medical history, the operator must revoke the person's restricted driver authorisation immediately.

Criteria for obtaining restricted driver authorisation

To be granted restricted driver authorisation, the applicant must:

1. hold a current open driver licence (or an equivalent overseas driver licence); and
2. have held a driver licence (open or provisional) continuously for at least three years - the driving experience can be Australian or overseas; and
3. not knowingly suffer from any medical condition that may effect 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.)

[NB. The Department of Transport and Main Roads undertakes a criminal and driving history check on all applicants.]

How to issue restricted driver authorisation

The following steps should be followed:

1. The operator accesses the Department of Transport and Main Roads website and obtains:
 - (i) a copy of the information bulletin titled '[Driver responsibilities under the Transport Operations \(Passenger Transport\) Act 1994](#)': and
 - (ii) a copy of Restricted Driver Authorisation Notification form F3880

If the operator does not have access to the internet, the operator contacts the nearest Passenger Transport Office to obtain the information bulletin and the Restricted Driver Authorisation Notification form F3880.

The operator will be informed of which Department of Transport and Main Roads office to fax/post the Restricted Driver Authorisation Notification forms to.

2. The operator gives the Restricted Driver Authorisation Notification form to the person to complete the relevant sections of the form. The operator then completes the 'Operator to Complete' section of the notification form.

The Restricted Driver Authorisation Notification form includes instructions for completing the form.

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. If the person does not meet any 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 sets out the action that must be taken if the person does not meet all the criteria.

- **3 Years Driving Experience** - If a person has not held a licence for 3 continuous years, they are not eligible for restricted driver authorisation, and therefore restricted driver authorisation cannot be issued under any circumstances.
- **Driver Authorisation History** - If the person has ever had a driver authorisation refused, suspended or cancelled, the operator is to advise the person to attend a Department of Transport and Main Roads office for a statement of eligibility.

When attending a Department of Transport and Main Roads office, the person must produce their driver licence (in English) as a form of identification before the Department of Transport and Main Roads undertakes any inquiries.

- **Criminal History** - If the person answered 'yes' to any of the criminal history questions on the back of the Restricted Driver Authorisation Notification form, the operator is to advise the person to attend a Department of Transport and Main Roads office for a statement of eligibility.

When attending a Department of Transport and Main Roads office, the person must produce their driver licence (in English) as a form of identification before the Department of Transport and Main Roads undertakes any inquiries.

- **Driving History** - If the person answered 'yes' to any of the driving history questions on the back of the Restricted Driver Authorisation Notification form, the operator is to advise the person to attend a Department of Transport and Main Roads office for a statement of eligibility.

When attending a Department of Transport and Main Roads office, the person must produce their driver licence as a form of identification before the Department of Transport and Main Roads undertakes any inquiries.

- **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 Department of Transport and Main Roads Medical Certificate for Motor Vehicle Driver (F3712) from a doctor, and submit the medical certificate to the operator.

A copy of the medical certificate must be faxed/posted to the Department of Transport and Main Roads with the Restricted Driver Authorisation Notification form.

NB. 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.

As with other Department of Transport and Main Roads issued driver authorisation holders, the medical certificate remains current for *5 years, unless the doctor has stipulated a shorter time period. *Drivers over 75 years of age are required to submit a new medical certificate every 12 months.

If the person does not get the necessary clearance/s, the operator cannot issue restricted driver authorisation. If the person wishes to obtain driver authorisation, they must apply to a Passenger Transport office for a Department of Transport and Main Roads issued driver authorisation.

The operator does not have to notify Department of Transport and Main Roads of their refusal to issue the person with a Restricted Driver Authorisation.

4. Once the operator is satisfied the person meets all the criteria for restricted driver authorisation, the operator:
 - (4a) Issues the person with restricted driver authorisation and informs the person of a driver's responsibilities under the *Transport Operations (Passenger Transport) Act 1994*. [An information bulletin on a driver's responsibilities is available from Passenger Transport offices and on the Department of Transport and Main Roads internet site.]

Restricted driver authorisation can be issued for a maximum period of 12 months. An operator may re-issue a person restricted driver authorisation on its expiry, however, a new Notification form must be sent to the Department of Transport and Main Roads.

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

- advice that the person must carry proof of 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 licence issuing state/country.
- driver's signature.
- operator accreditation (OA) name, OA number, operator's trading name, address and telephone contact number.
- issuing person's name, position and signature.

[NB. A suitable restricted driver authorisation format can be provided by the Department of Transport and Main Roads and is located on the internet site.

Once the restricted driver authorisation has been issued, **the person can commence driving for the operator**. The operator can assume that the person meets the criteria and the restricted driver authorisation will remain in force unless the operator is advised otherwise by the Department of Transport and Main Roads.

(4b) Faxes/posts a copy of the Restricted Driver Authorisation Notification form (including a copy of the medical certificate if required and any Department of Transport and Main Roads issued clearances) to the nearest or nominated Department of Transport and Main Roads office within 3 working days of issuing the restricted driver authorisation.

5. On receipt of the Restricted Driver Authorisation Notification form, the Department of Transport and Main Roads records the restricted driver authorisation on its Driver Authorisation Information System and conducts criminal and driving history checks on the person.

The Department of Transport and Main Roads only notifies the operator if the person is not eligible for restricted driver authorisation. Note, if the Department of Transport and Main Roads notifies the operator that the person is not eligible for 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 is at the choice of the operator. However, there is a maximum issue period of 12 months.

An operator can re-issue a person restricted driver authorisation on its expiry. The Department of Transport and Main Roads must be notified of any extension in time, using a new Notification form.

Fees

No fee applies 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 '[Restricted Driver Authorisation for Drivers](#)' is available on the Department of Transport and Main Roads internet at www.transport.qld.gov.au/infromation_bulletins that 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 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 a driver with a restricted driver authorisation.

Under the *Transport Operations (Passenger Transport) Regulation 2005* a driver's authorisation is automatically cancelled when a driver is 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's authorisation may be amended, suspended or cancelled if the driver has been charged with or convicted of a driver disqualifying offence under the *Transport Operations (Passenger Transport) Act 1994*.

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 '[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 of Transport and Main Roads 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 2000* can be purchased from GoPrint.

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 of Transport and Main Roads internet site at www.transport.qld.gov.au/infromation_bulletins.