

Bayside Community Legal Service

'Making Justice Accessible to Everyone'

FACT SHEET

I am about to Lose My Licence but I Need it for Work

I am about to Lose My Licence

If you are caught drink driving or driving with drugs in your system you will be issued with a notice to appear in a Magistrates Court. There are mandatory licence disqualification periods which apply for these charges and you should obtain legal advice about the minimum mandatory disqualification period applicable to the offence that you are charged with. However, under certain circumstances you may be eligible to apply for a Work Licence.

What is a Work Licence?

A work licence is a special kind of licence issued by a Magistrate to allow you to drive only for work even though your normal driver's licence has been cancelled or suspended. This will normally occur for drink driving or drug offences. The Work Licence is issued under section 87 of the *Transport Operations (Road Use Management) Act 1995*.

Not everyone will be eligible for a work licence and you must apply for the work licence prior to pleading guilty to the offence. The Magistrate may also add additional conditions on the work licence such as when you can and cannot drive and the types of vehicles you can drive. There are strict criteria for the work licence and the Magistrate can refuse your application if they are not satisfied that you are a fit and proper person and will adhere to the criteria.

Who Is Eligible for a Work Licence?

You can apply for a work licence if the following is true:

1. You have failed to provide a breath sample on the road side, you were caught with illegal drugs in your system or you have been charged with drink driving. (You won't be able to apply if you had both drugs and drink driving or you failed to provide a specimen of saliva or breath at a police station);
2. You are prepared to plead guilty and this will cause you to lose your licence; and
3. You need your driver licence for work.

Who Is NOT Eligible for a Work Licence?

You are not eligible for a work licence if you have been charged with the more serious offence of being under the influence of alcohol or drugs for example if you have a blood alcohol content of 0.15 or more, then you are deemed to be 'under the influence'. Examples of where you are NOT eligible to apply include:

- You are unemployed or looking for a job;
- You do not need your licence for your job but you want it so that you can continue driving for other reasons; or

- You are a carer and need to transport children etc. to and from school or doctor appointments, and you are the only person who can do so.

Criteria for a Work Licence

There are specific criteria that you must meet before your work licence application will be considered:

- You were the holder of a Queensland Open Driving Licence prior to being charged with the offences and held an Open licence for the vehicle you were driving;
- Your blood alcohol level was less than 0.15;
- You were not already on a Work Licence when caught for the offence.
- You were not driving on a licence that required a 0.00 blood alcohol concentration like a provisional or learners licence;
- You have not been convicted of a drink driving or similar offence in the last 5 years or dangerous driving; and
- You have not had your licence disqualified, suspended or cancelled in the last 5 years.

Whilst you may meet all the criteria above, there are additional criteria you need to demonstrate:

- You must apply for the work licence to the court at the time you plead guilty of the offence but prior to the court ordering your disqualification;
- You must demonstrate to the Magistrate you are a fit and proper person; and
- You must demonstrate that you will lose your job and income if you were to fail to get a work licence which would cause extreme hardship.

The key criteria for a work licence is that you need your licence for your job. If you do not meet this specific criteria the court cannot grant you a work licence. If you are not sure whether you are eligible, then it is recommended that you contact Bayside Community Legal Service for a legal advice appointment.

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Bayside Community Legal Service acknowledges the traditional owners of the lands across Queensland, and in particular the Quandamooka people, the traditional owners of this land where our Bayside community is situated. We pay our respect to elders past, present and emerging.