

Work Licence



Am I about to lose my licence?

If you are convicted in the Magistrates Court of driving under the influence of either drugs or alcohol, you may lose your licence. The period of disqualification will be determined by the offence you are charged with, and the seriousness of the offence. In certain circumstances, you may be eligible to apply for a work licence.

What is a work licence?

A work licence is a special licence issued by a Magistrate that allows you to drive for work, even though your licence has been cancelled or suspended. This will normally occur for drink driving or drug offences. The work licence is issued under the Transport Operations (Road Use Management) Act 1995, section 87.

The work licence must be applied for before you plead guilty. The Magistrate may 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 will adhere to the criteria.

Who is eligible for a work licence?

You can apply for a work licence if:

- you have been charged with:
 - drink driving or being in charge of a vehicle while over the limit; or
 - driving or being in charge of a vehicle with relevant drugs in the blood or saliva; or
 - failing to provide a sample of breath at the roadside (not at a police station);
- you are going to plead guilty to the offence which will cause you to lose your licence; or
- you need your licence for work.

You must apply for the work licence before pleading guilty to the offence charged.

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, you are deemed to be 'under the influence' of alcohol if you have a blood alcohol content of 0.15% or more. You are also not eligible to apply for a work licence where:

- 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

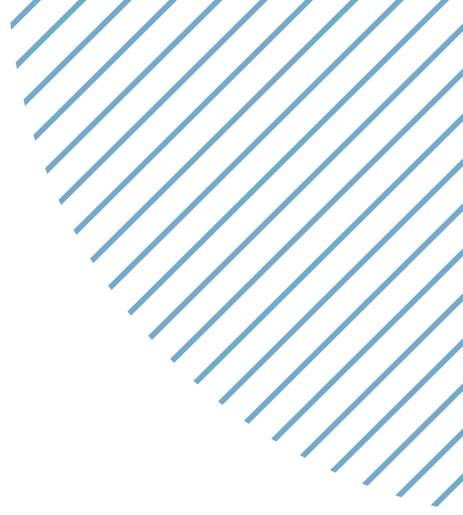
The criteria you must meet before your work licence application will be considered are as follows:

- 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; and
- in the last 5 years you:
 - have not been convicted of a drink driving or dangerous driving; and
 - have not had your licence disqualified, suspended or cancelled.

Whilst you may meet all the criteria above, you must also:

- 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;
- demonstrate to the Magistrate you are a fit and proper person; and
- demonstrate that you will lose your job and income if you were to fail to get a work licence which would cause extreme hardship.



Where to get Legal Advice?

If you are considering applying for a work licence you should get legal advice.

BCLS provides FREE legal information, referrals, advice and assistance about special hardship order applications. To make an appointment see our contact details below.

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

Contact Bayside Community Legal Service

Website: www.bcls.org.au

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