

Sample 1 – Application for an order directing the issue of a restricted licence (s87)

Application for an Order directing the issue of a Restricted Licence (s87)

Transport Operations (Road Use Management) Act 1995



Queensland Government

- This form is to be used if you have been charged with a drink or drug driving offence under s79 (drink or drug driving) or s80(5A) (failing to supply specimen of breath) or saliva for analysis) of the Transport Operations (Road Use Management) Act 1995 (the Act) and you are eligible to apply to a court for an order directing that you be issued with a restricted licence. You will need to complete this application before the court hearing and give the application to the Magistrate immediately after you have been found guilty and before the Magistrate disqualifies you from holding or obtaining a driver licence.
- This form may also be used if you have paid the monetary penalty on a Drink Driving Infringement Notice issued under s81 of the Act and you are eligible to apply to a court for an order directing that you be issued with a restricted licence. You will need to lodge this application with the Magistrates Court in the district where you reside prior to the expiry of the 28 day period commencing from the date of the issue of the infringement notice. You must also promptly deliver a copy of this application to the Department of Transport and Main Roads.

Eligibility to apply for a restricted licence (please read carefully)

- You are **ONLY** eligible to apply if, when you committed the drink or drug driving offence—
 - you held a Queensland (Qld) class C open licence and you were driving a class C motor vehicle; or
 - you held a Qld class RE open licence and you have held a class RE licence for at least 1 year in the last 5 years and you were riding a class RE motorbike; or
 - you held a Qld class R open licence and you were riding a class R motorbike.
- You are **NOT** eligible to apply if, within the last 5 years before making this application—
 - you have been previously convicted in Qld of an offence under the Act, s79 or s80(5A);
 - you have been previously convicted outside Qld of a drink or drug driving offence that would have been an offence under the Act, s79 or s80(5A), if it had been committed in Qld;
 - you have been previously convicted in Qld of an offence under the Criminal Code, s328A (*dangerous driving of a vehicle*);
 - you have had your provisional or open licence suspended or cancelled or you have been disqualified from holding or obtaining a Qld driver licence for a reason other than mentioned in the following note.

Note: Your eligibility to apply for a restricted licence is not affected by a suspension, cancellation or disqualification:

 - that was set aside on appeal;
 - in relation to which a special hardship order was granted;
 - imposed because of a mental or physical disability;
 - imposed because you did not pay a fine;
 - imposed because you failed to appear in court to answer a charge of drink or drug driving;
 - that was a 24 hour suspension imposed because of a drink or drug driving related matter;
 - that was an immediate suspension imposed because of a charge for a middle alcohol limit offence.

- You are also **NOT** eligible to apply if, when you committed the drink or drug driving offence—
 - you held a non-Qld driver licence;
 - you held a Qld learner, provisional or probationary licence or you were not the holder of a valid driver licence;
 - you held a Qld restricted licence issued to you under a court order;
 - you were learning to drive the next higher class of licence under the authority of your Qld open licence;
 - you were not authorised under your Qld open licence to drive the motor vehicle (for example, you were riding a motorbike but you only held a class C licence);
 - you were using the motor vehicle in an activity directly connected with your means of earning a living;
 - you were driving a truck, tractor, specially constructed vehicle, bus (a motor vehicle built or fitted to carry more than 12 adults, including the driver), articulated motor vehicle, B-double, road train, taxi, limousine, tow truck (must be operating as a tow truck), pilot or escort vehicle escorting an oversized vehicle, a vehicle carrying a placard load of dangerous goods or a vehicle used by a driver trainer to give driver training;
 - the concentration of alcohol in your blood or breath was equal to or more than 0.15.

(4) You are also **NOT** eligible to apply if, immediately prior to being convicted of the drink or drug driving offence, you no longer hold a Qld open licence.

Important information

You must satisfy the court that you are a fit and proper person to hold a restricted licence, having regard to the safety of other road users and the public generally. You may be required to submit yourself as a witness to give evidence in respect of all matters relevant to this application and are liable to cross-examination with respect to the evidence.

Other persons may be called as witnesses to give evidence in respect to all matters relevant to this application and may be liable to cross-examination with respect to that evidence.

The court will not grant the application for an order directing the issue of a restricted licence to you unless you are able to satisfy the court that—

- you are an appropriate person to hold a restricted licence, having regard to the safety of other road users and the public generally; and
- a refusal to make the order would cause extreme hardship to you or your family by depriving you of your means of earning a living.

Personal details (please PRINT)

Family name
TRAN

Given name/s
BOSCA ALBERTO

Current residential address (number, street and suburb of town)
26 LITTLE ST
BROWNS PLAINS Postcode 4118

Date of birth
Day 10 Month 17 Year 1979

Qld licence number
6789112341

Licence class/es
C

Licence expiry date
Day 1 Month 10 Year 2022

Occupation
LANDSCAPE GARDENER

Application details

The facts and circumstances I am relying on to satisfy the court that this application should be granted are as follows—

1. I am required to travel to various places to do my work and need a licence to carry bulky equipment

2. I was not working at the time of the offence

Note: If necessary, please provide additional information or supporting documents.

Declaration

I declare that I am eligible to make this application for an order directing that I be issued with a restricted licence. I declare that the information provided in this application is complete, true and correct in every detail. I understand that failure to provide complete, true and correct information may result in my application being refused. I understand that I may be prosecuted for giving or stating any false or misleading information or documents. I consent to the department taking, keeping and using my personal information and documents for the purposes associated with my driver licence as required under the Transport Operations (Road Use Management) Act 1995 or otherwise authorised by law.

Applicant's signature
B A Tran

Date
21 03 2022

Privacy Statement: The Department of Transport and Main Roads (the department) provides this form under the Transport Operations (Road Use Management) Act 1995 (the Act) so that you may apply to a court for an order directing that you be issued with a restricted licence. The information collected for the purposes of this application will be accessible by authorised representatives of the Department of Justice and Attorney-General, Queensland Police Service and the department, and may be disclosed to interstate driver licensing authorities as allowed under the Act. The department will not disclose your personal information or documents to any other third parties without your consent unless authorized or required by law.

Corporate Forms Area Form F3181 V01 Jul 2012

Original (White) - Retained by the Clerk of the Court

Duplicate (Blue) - Retained by the Appellant

TriPLICATE (Pink) - Retained by Queensland Police Service