Tasmania

File No: ................

**APPLICATION**

**RESTRICTED DRIVER LICENCE**

*Vehicle and Traffic Act 1999* s.18

I hereby apply for an order authorising a Restricted Driver Licence pursuant to section 18 of the *Vehicle and Traffic Act 1999*.

|  |
| --- |
| Name:  |
| Date of Birth:  |
| Address:  |
| Phone Number: |
| Address for Service:  |
| Licence Number:  |
| Licence Class: Provisional, Full, Car or Light/Medium/Heavy Rigid etc.  |
| Licence Issued in State of Tasmania? Yes 🞎If not, in which State was your licence issued:  |

**My Licence was disqualified by (please select one of the following):**

* **Court Order.** (attach Prior Conviction Record)
* **Loss of Demerit Points** my Australian driver licence is suspended pursuant to s 24 and 25 of the *Vehicle and Traffic Act 1999* (and I am not eligible to drive during a period of good behaviour).(Go to part A)
* Will be suspended as a result of a **Notice of Suspension** sent by the Registrar of Motor Vehicles and **I am not eligible to drive during a period of good behaviour**. (Go to part B)

🞏 **Traffic Infringement arising from breathalyser or drugs,** my Australian driver licence is cancelled, or will be cancelled, as a result of a Notice of Disqualification sent by the Registrar of Motor Vehicles, pursuant to s18A of the *Road Safety (Alcohol & Drugs) Act 1970*. (Go to part B)

🞏 **Excessive speed infringement notice** under section 19A of the *Vehicle and Traffic Act 1999*, my Australian driver licence is suspended, or will be suspended as a result of a Notice of Disqualification sent by the Registrar of Motor Vehicles. (Go to Part B)

**PART A – COURT DISQUALIFICATION – Details of Court if disqualification has not yet been imposed.**

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| Next Court Date:  |
| Court Location:  |
| Type of Offence: Blood Alcohol reading: |
| Date of Offence:  |

**Details of Disqualification if disqualification already imposed by a Court:**

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| --- |
| Period of disqualification imposed:  |
| Date of Court conviction:  |
| Court location where conviction ordered: |
| Any other penalty imposed or order made:  |
| Date any fine was, or is to be, paid:  |
| Date the disqualification took, or will take, effect:  |

**PART B - DISQUALIFICATION BY REGISTRAR OF MOTOR VEHICLES**

Disqualification type: 🞏 Speeding 🞏 Breathalyser 🞏 Demerit Points 🞏 Drugs

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| --- |
| Date Notice of Disqualification/Suspension Issued: (Is this the same as date of offence?)  |
| Date Disqualification /Suspension is to commence:  |
| Period of disqualification / suspension:  months/years |
| Have you received your Notice of Disqualification/Suspension from the Registrar of Motor Vehicles? 🞏 Yes (copy attached) 🞏 No  |

**You may be subject to the Mandatory Alcohol Interlock Program.**

**Please contact 1300 135 513 or for further information go to:**

[**www.transport.tas.gov.au/licensing/offences/interlocks**](http://www.transport.tas.gov.au/licensing/offences/interlocks)

**PART C – EXPLAIN WHY IT WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST TO GRANT YOU A RESTRICTED LICENCE**

Please give details……

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**PART D - SEVERE AND UNUSUAL HARDSHIP**

Explain in detail how and why you and/or your dependants will suffer severe and unusual hardship if you are not permitted to drive pursuant to a restricted driver licence. Include details of all income and all expenses if you are saying you will lose your employment as a result of the disqualification or if your financial circumstances are otherwise relevant to your application. Name dependants who you say will suffer severe and unusual hardship.

For Example: Financial, other hardship?

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**DETAILS OF FINANCIAL HARDSHIP**

|  |  |  |
| --- | --- | --- |
|  | **Source of Income** | **$ per fortnight** |
| Sources of ALL Income  | Salary |  |
| Rent/Investment Income |  |
| Centrelink Pension |  |
| Other Income: eg Child Support |  |
| **Average income per fortnight** | **$** |  |
|  | **Expenditure** |
| Regular Debt Summary  | Mortgage |  |
| Insurance |  |
| Personal Loan |  |
| Credit Cards |  |
| Aurora/Gas |  |
| Rates/Water |  |
|  | Car Loan  |  |
| **Other Debts?**  |  |  |
|  |  |
|  |  |
|  |  |
| **Average Debt per fortnight?** | **$** |  |
| **Average remaining income after debt payments per fortnight?**  | **$** |
| **Is there any other person contributing to the income or debt in your household?** | 🞏 Yes 🞏 No Give Details:  |

**PART E - DETAILS OF RESTRICTED LICENCE SOUGHT**

I apply for a Magistrate to authorise a restricted driver licence to enable me to drive subject to the following conditions:

**Purpose for driving:** *eg. Employment; medical treatment, child care, etc*

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| --- |
| Details:  |
|  |
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**Routes to be driven:**

(Cross out those not applicable)

* To drive to and from my place of employment
* To drive during the course of my employment
* To drive for other reasons

**Please give details:**

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**Alternative transport, and why it is unsuitable:** (eg Bus Timetable available, cost of taxis)

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**Vehicle(s):**

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| --- | --- | --- |
| **Make and Model of vehicle(s):** | **Registration Number:** | **Logo or Signage:** |
|  |  |  |
|  |  |  |

**Days of the week, and times of the day:**

|  |  |
| --- | --- |
| **Day** | **Time(s):** for example between 7.00am and 5.00pm during the course of my employment or between 8.30 and 9am to get to work and between 4.30 and 5pm to get home from work. |
| 🞏 | MONDAY |  |
| 🞏 | TUESDAY |  |
| 🞏 | WEDNESDAY |  |
| 🞏 | THURSDAY |  |
| 🞏 | FRIDAY |  |
| 🞏 | SATURDAY |  |
| 🞏 | SUNDAY |  |

**Other conditions requested:**

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**PART F - DETAILS OF EMPLOYMENT**

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| Name of current employer?  |
| Address of current employment?  |
| Phone Contact of current employer?  |
| Number of years employed with this employer?  |
| Position Title:  |

**PART G - STATUTORY DECLARATION**

I (full name)

of (address)

Occupation

Do solemnly and sincerely declare that to the best of my knowledge and belief the information in this Application is true and I make this solemn declaration by virtue of section 4 of the *Oaths Act 2001.*

Signed (Applicant)

Declared at (place) this day of 20

before me:

 (*Name of Commissioner for Declarations / Justice of the Peace)*

Signature:

 *(Commissioner for Declarations / Justice of the Peace)*

**PART G - NOTICE OF HEARING**

TAKE NOTICE that this Application will be heard at the Magistrates Court at:

|  |  |
| --- | --- |
|  | 23 - 25 Liverpool Street, Hobart |
|  |  |
|  | 73 Charles Street, Launceston |
|  |  |
|  | 8 Griffith Street, Devonport |
|  |  |
|  | 38 Alexander Street, Burnie  |

on at am/pm

Clerk of Petty Sessions

**PART H - ACKNOWLEDGEMENT OF SERVICE**

I acknowledge receiving a copy of this Application:

1. Tasmania Police - Prosecution Services:

* + Name:
	+ Signature:
	+ Date: / /

2. Registrar of Motor Vehicles (c/- *Service* Tasmania):

* + Name:
	+ Signature:
	+ Date: / /

**Application Checklist**

Before filing this Application, please confirm the following

* I have read the Information provided to me by the Magistrates Court related to Application for Restricted Licence. (Annexure A)
* I am not excluded from applying for a restricted licence pursuant to s 18(2) of the *Vehicle and Traffic Act 1999* or section 19(1A) of the *Road Safety (Alcohol and Drugs)Act 1970* (see page 10, Annexure A)
* A copy of the **notice of disqualification or suspension** from either the Court, the Registrar of Motor Vehicles, or the Police.
* A statement of your **prior convictions report (Application for Prescribed Record)** detailing the disqualification imposed by a court or by infringement notice.
* A Letter or Statutory Declaration from your **employer** upon which you intend to rely detailing the requirement for you to have a drivers licence. Your employer must detail what will happen to your employment if not granted a restricted licence and the hours you are required to drive for your employment. (Your employer will also be required to attend court with you when the Restricted Licence Application is to be heard).
* Any report from your **doctor** upon which you intend to rely. **Note:** a liver function test should include a report from a GP interpreting the results and confirming that the results do not indicate an ongoing issue with alcohol.
* A copy of the **receipt** issued when you **surrendered** your driver licence.
* Attach a copy of your **work roster** (Necessary if you are required to drive during the course of your employment).

After filing this Application and obtaining a hearing date you must:

 **At least seven (7) days before the hearing date**:

* Serve a copy of the Application with the hearing date on it, on Tasmania Police (Prosecution Services)
* Serve a copy of the Application with the hearing date on it, on the Registrar of Motor Vehicles (c/- Service Tasmania)
* Have the acknowledgement of the receipt completed by Tasmania Police and the Registrar of Motor Vehicles

**ANNEXURE A -** **RESTRICTED DRIVER LICENCES**

<http://www.magistratescourt.tas.gov.au/going_to_court/restricted_driver_licences>

A magistrate may make an order under the *Vehicle and Traffic Act 1999* s18 authorising the issue of a restricted driver licence (subject to conditions) to a person whose Australian driver licence is, or is liable to be, suspended or cancelled because of –

* an accumulation of demerit points; or
* a disqualification order made by an Australian court; or
* an automatic statutory penalty (eg an excessive speed infringement or breathalyser traffic infringement).

The magistrate will only authorise a restricted driver licence if satisfied on evidence produced by you that:

* the licence suspension or disqualification is imposing, or will impose, **severe and unusual hardship** on the applicant or his/her dependants; and
* a restricted driver licence should be issued to **mitigate or alleviate that hardship**; and
* the issue of the restricted driver licence would not be contrary to **the public interest**.

You should be aware that, in certain circumstances, the Court has the power to increase your disqualification period by up to twice the original disqualification period if you are granted a Restricted Driver Licence following conviction of a drink-driving offence.

If the Court makes an order authorising a restricted driver licence to be issued to you because your licence is suspended or cancelled, you are not permitted to drive until you obtain that restricted driver licence from the Registrar of Motor Vehicles (via Service Tasmania).

**Eligibility:**

You cannot obtain a restricted driver licence if:

(A) Pursuant to s18 (2) of the *Vehicle and Traffic Act 1999* –

1. your licence is, or is liable to be, suspended because of the accumulation of demerit points and you have, or had, the option of entering into an undertaking for a period of good driving behaviour;
2. you do not hold a current Australian driver licence and are ineligible to apply for an Australian driver licence because of the accumulation of demerit points;
3. you have been disqualified from driving in accordance with a Road Safety Disqualification Notice that has not been cancelled or determined by a court;
4. you have never held a driver licence issued anywhere in Australia;

(B) You committed an offence contrary to the *Road Safety (Alcohol and Drugs) Act 1970* and:

1. your offence was committed during any period of disqualification, or within 3 years after the end of any period of disqualification under that Act;
2. your offence was driving with a blood alcohol content equal to or greater than 0.15%;
3. your offence was driving under the influence of a drug or alcohol;
4. your offence was your objection to the analysis of a blood or urine sample;
5. you offended when you were the holder of a learner licence or a provisional licence (unless your offence was driving with an illicit prescribed drug in your blood);
6. at the time of the offence you were not authorised under an Australian driver licence to drive a vehicle in respect of which the offence was committed eg. driving a bus without a relevant licence (unless your offence was driving with an illicit prescribed drug in your blood);
7. you were driving a prescribed vehicle at the time of the offence eg. taxi, bus, luxury hire car, or a vehicle with a GVM exceeding 4.5 tonnes;
8. your offence was refusing or failing to submit to a breath analysis, blood sample, or medical examination.

### Evidence you should obtain in support of your Application:

|  |  |
| --- | --- |
| * Evidence from employer:
 | If your application is based on the need to drive in the course of your employment, you should ask your employer to attend court on the hearing day to give evidence of that fact. A Statutory Declaration may be acceptable evidence in some cases.  |
| * Alcohol-related offence:
 | If your conviction was for an offence against the *Road Safety (Alcohol & Drugs) Act 1970* the Court may require you to produce a letter from your doctor certifying that you are not alcohol dependent.  |
| * Evidence of disqualification:
 | You must produce evidence that:* you have been disqualified or you will be disqualified from holding or obtaining a driver licence; or
* your licence is suspended or will be suspended because of demerit point accumulation.

If your application for a restricted driver licence relates to a disqualification for excessive speed or a drink driving notice or demerit points, you need to produce the Notice received from the Registrar of Motor Vehicles. This Notice will set out the date on which your disqualification / suspension will begin. You must ask the court for any restricted driver licence to be issued on the same date as set out on that Notice.A Statement of Licence Details can be obtained from the Registrar of Motor Vehicles by contacting Service Tasmania or phoning 1300 135 513. Other evidence of disqualification can include a Record of Prior Convictions (obtainable from [Tasmania Police](http://www.police.tas.gov.au/services-online/police-history-record-checks/)), or an order of the Court.  |
| * Driver Licence details
 | You must supply details of your Australian driver licence if you have had one. If your licence has been already been cancelled or surrendered, you can obtain details of your former licence at any Service Tasmania shop. |

### Court procedures:

|  |  |
| --- | --- |
| * Application Form:
 | Application forms are available from all Magistrates Court registries, to which you must attach all supporting documentation.  |
| * Earliest hearing date:
 | The Court will list the Application before a Magistrate not less than seven (7) days from the lodgement of your Application with the Court.  |
| * Service/Delivery of Application:
 | You should not serve the Application on Police or the Registrar of Motor Vehicles until after the Application has been checked by the Court staff.You must serve (deliver) a copy of your Application, at least 7 days before the allocated hearing date, on the:* Police Prosecution Branch (nearest to the Court to which the application is made); and
* the Registrar of Motor Vehicles (via Service Tasmania)

You should ensure the person served signs the receipt on the copy Application form, and bring the signed copy with you to court on the day.  |
| * Court Filing Fee:
 | A filing fee is payable upon lodgement of the Application. |

### Restricted Licence Conditions:

You must clearly outline in detail the conditions of the restricted driver licence that you would like the Magistrate to authorise.

Two examples are set out below as a guide:

* To enable me to drive my motor vehicle a…**Holden Commodore**……..Reg.No…**JE4545**…..between my home at ***23 Liverpool Street, Hobart***…and my workplace at …**Mighty Max Hardware at Kingston**……,….**one**… hour before my rostered start time and …***one***... hour after the cessation of my daily roster, and to drive work vehicles Reg.No…**A 1327 and B 4396**…..at the direction of my employer, for a period starting on ***3 May 2010*** until ***3 November 2010***.
* To enable me to drive between my home at…**23 Liverpool Street, Hobart** .. and my workplace at …**Mighty Max Hardware at Kingston** ……. between the hours of … **8.00 - 8.30am** … and …**5.00 - 5.30pm**.. , each **Monday, Tuesday, Wednesday, and Thursday** , for a period starting on **3 May 2010** until **3 November 2010**.

The Court has the power to attach a wide range of conditions to a restricted licence, including:

* the use of one or more specified vehicles;
* driving on specified days, and hours of the day;
* imposing a "no alcohol" condition;
* limiting driving to specified routes; and
* keeping a detailed log book of journeys to be produced to a Police Officer if requested.

### Severe and unusual hardship, & alternative transport options:

* The Court can only grant a restricted licence if satisfied that the applicant (or his/her dependant(s) will suffer severe and unusual hardship if unable to drive. Loss of employment on its own may not be enough to satisfy a Magistrate.
* You must also be able to show that there is no alternative means of transport reasonably available to you, and that your hardship should be alleviated by being able to drive on a restricted licence.
* In order to satisfy the Magistrate that there are no reasonable alternatives, you may be required to produce bus timetables and taxi quotes. You may also need to prove that friends, relatives, or workmates cannot provide alternative transport for you.

### Prior Convictions:

* The Court must be satisfied that it is not contrary to the public interest to authorise a restricted licence. Previous driving history of the applicant is relevant to the issue of the public interest. The Court must therefore be informed of any prior traffic convictions imposed upon applicants by a Court in Tasmania or elsewhere.
* You must attach a statement of your prior traffic convictions imposed by a court or by infringement notice, including any convictions imposed outside Tasmania.
* Tasmanian and interstate convictions can be obtained upon application at any Police Station, or apply on-line at: [www.police.tas.gov.au/services-online/police-history-record-checks/](http://www.police.tas.gov.au/services-online/police-history-record-checks/)
* If you have no prior traffic convictions a statement of this fact will be issued by Police and you should attach it to your Application.