

Restricted Drivers Licence

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into our Hobart or Launceston office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

In some circumstances, someone who has lost their driver's licence may apply to a court to be allowed to drive but only at certain time and for a specific purpose.

Watch the video for an overview or read below for more information.

What is a Restricted Drivers Licence?

If you have had your driver's licence suspended or cancelled, you may be granted a Restricted Driver Licence. This type of licence can only be issued by a Magistrate and only allows you to drive at certain times on specific roads and for specific purposes. An application for a Restricted Driver's Licence requires you to prove to the Magistrate that as a result of losing your licence you or people who are dependent on you would particularly suffer.

There is no automatic right to be granted a Restricted Driver Licence, this will be for the Magistrate to decide based on your application and evidence. You should provide as much evidence and information as possible and relevant in your application.

When can I apply for a Restricted Driver Licence?

You can apply for a Restricted Driver Licence if you hold an Australian driver licence, and it has been cancelled or suspended because of 1 of the following:

- You have exceeded the number of demerit points (if you hold a full licence this means you have exceeded 11 demerit points and if you hold a provisional licence, you have exceeded 3 demerit points)
- A licence disqualification order has been made by an Australian Court
- You have broken a law that automatically cancels or suspends your licence.

When am I not able to apply for a Restricted Driver Licence?

You cannot apply for a Restricted Driver Licence if any of the following circumstances apply:

- If your licence has been suspended or cancelled due to an accumulation of demerit points and you are eligible to apply for a [period of good behaviour](#) and you have not taken up that option
- If your licence has been suspended or cancelled because of an accumulation of demerit points and you have never held a full licence (if you hold a provisional licence and were entitled to a full licence and have just not applied for it – this does not apply to you); OR
- You have been disqualified from driving under an excessive drink driving notice (0.15 grams per 100 millilitres of blood for a full licence
- You have committed an offence during a period of disqualification or within 3 years after the end of any disqualification for alcohol driving offences, or
- Your offence was DUI (driving under the influence) of alcohol or drugs, or
- You have objected without reasonable excuse, to a sample of your blood or urine being analysed, or
- You were the holder of a provisional or learner licence and you were convicted of driving with excessive alcohol in your system, or
- You were not authorised to drive the vehicle you were driving at the time of the offence (i.e. driving a car when you hold a motorcycle

licence), or

- You were driving a prescribed vehicle (i.e. bus, taxi, truck).

How do I apply?

An application for a [restricted driver licence](#) must be made to the Magistrates Court.

This application must:

Be made in writing (use the Application for a Restricted Driver Licence linked above)

- Be made in writing (use the Application for a Restricted Driver Licence linked above)
- Include your name, home address and mailing address
- Include your driver licence number (if your licence has already been surrendered you can contact [Service Tasmania](#) to obtain these details)
- Include details of disqualification (complete Part A for a Court ordered disqualification and Part B for any other disqualification)
- Include the grounds for your application
- Include the orders sought
- Include the notice received from the Registrar of Motor Vehicles if the disqualification was not Court ordered
- Include a record of prior driving convictions in Tasmania and other States and Territories, to get this information you need to make a request for a National Police Certificate (see: [Consent to check and release a National Police Certificate](#)) even if you do not have any prior convictions you still need to make this request and you will receive paperwork confirming you have no prior convictions, which needs to be included with the application.

Notes on Part C – The “public interest” test

In this section of the application, you need to explain to the Magistrate why giving you a Restricted Driver Licence, when you have previously offended, would not put the public at risk. This is where your prior convictions play an important role. If you have many prior driving convictions it will be hard to prove that it is in the public's interest to allow you to drive. If your loss of licence was related to driving with an excessive concentration of alcohol, you should request a letter from your doctor providing evidence that you are not alcohol dependent. This letter is especially important if you have committed a similar offence on one or more prior occasion.

Notes on Part D – Showing severe and unusual hardship

It is necessary to prove to the Magistrate that by not being able to drive you or your family will suffer severe and unusual hardship. Inconvenience alone will not be enough to satisfy severe and unusual hardship. You will need to include the names of your dependants and details of the specific hardships

If the reason behind the hardship is financial, such as without a licence you will lose your employment, you will need to complete the 'Details of Financial Hardship' table included in the application. This shows the Magistrate what financial commitments you have to pay each fortnight and any sources of income you receive, including employment income.

If you will lose your employment due to not holding a driver licence you will need to provide evidence of this either in a letter or statutory declaration from your employer. Your employer may also have to attend Court to give this evidence. The letter/statutory declaration from your employer should address whether you require a driver licence to keep your employment and the hours you need to drive for your employment.

Any letter from your employer should address whether there are any other options for modifying your employment duties or transitioning to a different role at the organisation that would not require you to have a drivers licence. If any alternatives are available, the Court may not grant a restricted licence.

Whatever hardship reasons you state, you need to remember you will have to provide evidence of this.

Notes on Part E – Details of Restricted Driver Licence sought

In the application you need to state the reason for needing to drive, for example; to take children to school, drive to employment etc. You then need to provide details of the travel that will be done, for example; driving between my home at 123 Smith Road, Smithville to my place of employment at AAA Mechanical 111 Jones Road, Smithville.

You will also need to include evidence about other forms of transport available to you including bus routes/timetables, taxi quotes, or

evidence of transport available through the use of friends, work colleagues or family. You will need to provide evidence why these methods of transport are not a suitable alternative.

You will need to provide details of the vehicle or vehicles you will be using if you are granted a Restricted Driver licence and the days and times you are requesting permission to drive. You need to be specific, so if you work Monday to Friday you need to state the time you are required to drive on each day, e.g.: 8am to 8:30am to travel to work and 5pm to 5:30pm to travel from work to home.

Notes on Part G – Statutory declaration

This is where you swear that the information in the application is true. This needs to be witnessed by a Justice of the Peace or a Commissioner for Declarations. The Legal Aid Commission can provide you with a list of Justices of the Peace that are available in your area, simply call 1300 366 611.

My application is complete – what's next?

Make sure you read through all the notes at the end of the Application, including the checklist.

Once your application is signed and witnessed you then need to attend the Magistrates Court, lodge the application and attachments with a registry staff member and pay a filing fee. You can view the fees by clicking on this link: [Magistrates Court Fees](#).

The Court will then list the application before a Magistrate, and you will be given a Court date which will be written on your copy of the application. You then need to serve a copy on Police Prosecution (the closest one to the Magistrates Court that the application is listed in – call Tasmania Police on 131 444 for locations) and the Registrar of Motor Vehicles (via Service Tasmania). This means that you take a copy of the application to Police Prosecution and Service Tasmania and ask a staff member to acknowledge that you have given them a copy of the application by signing the Acknowledgement of Service (Part H) on your copy of the application.

Note: Do not serve your application on either Police Prosecution or the Registrar of Motor Vehicles until the Magistrates Court staff have checked your application, and it has been lodged and given a Court date. If you have a lawyer representing you, they will arrange for the application to be served.

You then need to attend Court on the day your application is listed. You will need to bring your copy of the application that shows a signature acknowledging service on either Police Prosecution or the Registrar of Motor Vehicles. If you are asking anyone to give evidence on the day you need to make sure they are aware of the date they need to attend court.

What will happen in Court?

You will need to be prepared to give sworn evidence in support of your application. Your employer will also be called to do this if your application includes how your employment will be affected by not being able to drive. You will also be cross-examined by Police. This means answering questions asked of you. It is important to be truthful and give full and direct answers.

In what way will my licence be “restricted”?

You should only ask for a Restricted Driver Licence for such times you really need it. The Magistrate may make orders restricting you to driving a particular vehicle to and from particular locations, at certain hours and on certain days of the week, by the shortest possible route and require you to keep and maintain a log book. You may be ordered to not drive with any alcohol in your body. If a Magistrate grants a Restricted Driver Licence, the Magistrate can also increase your period of disqualification remaining at the time.

What happens if I don't follow the restrictions of the licence?

You must carry your Restricted Driver Licence with you. It is an offence for you to be driving outside the specific conditions of your Restricted Driver Licence. If you are caught doing this, you may lose your Restricted Driver Licence, receive a further period of disqualification, a fine or a term of imprisonment.

[Did this answer your question?](#)

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.