



Special Hardships Order

In 2007, the Queensland Government overhauled the laws regarding “work licences” for drivers who having accumulated more than 12 points in 3 years, also lost more than one point on the “good behaviour licence”.

These licences are now called “Special Hardship Orders” (SHO).

For a driver to apply for an SHO, he must go to court. The court is the Magistrates Court in the district nearest where the driver lives.

The court must be basically satisfied about 2 things:

- C that the driver will suffer “extreme hardship” if he can’t drive for 6 months (or more);
- C that the drivers traffic history is not so bad as to prevent him from being eligible.

For a Taxi Driver, I have never seen the court be satisfied that a Taxi driver without a licence won’t suffer extreme hardship.

Even the representatives from Qld Transport who attend court on behalf of the department will concede this point, but will often oppose applications based on the Traffic History. This is especially the case where the applicant is a professional driver.

It is *essential* that the driver has held his licence (or at least not lost it) continuously for the past five years. The court has no leniency here, as this rule is imposed by parliament.

Where the court has a say is in relation to the driver’s Traffic History. If the driver has had many fines over a short period of time, it will be difficult to satisfy the court that the SHO should be granted. Obviously, the lesser the number of fines the better. Of course, the court recognises that no one appearing will have a perfect record in such instances.

The affidavit (sworn statement) in support of the SHO should contain as much detail as possible to show the court the driver is reasonable, and to satisfy the court about “extreme hardship”. You should also carefully prepare your submissions beforehand, as on the day you are likely to be nervous.

If the court is satisfied, you will receive your licence back, but only for work hours. Often you will be required to keep a logbook if ever you are put to task by police. The period of the SHO will be 6 months, and you will be given 4 points. If you lose those, you have a grave problem indeed.

It should be noted there are severe penalties for driving outside of these conditions, or for driving without a licence at all.

For further information about SHOs, please contact *Robert Bakker*,

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