

Disqualified from driving?

You may be able to get your licence back



Legal Aid
NEW SOUTH WALES

**HERE'S
WHAT
YOU DO**

Some drivers who are disqualified from driving can now ask the Local Court to remove their disqualification. If the court says yes, you can apply for a new licence.

This booklet tells you:

- if you can ask the court to remove your disqualification, and
- what to do.

Not everyone can ask to have their disqualification removed

You **cannot** do this if:

- you have ever been convicted of some serious driving offences. For example, if someone died or was badly injured because of your driving, or you didn't stop after an accident. A lawyer can tell you about other serious offences.

or

- you have been convicted of any other driving offence in the last 2 or 4 years. A lawyer can tell you how long.



Follow these 7 steps

A lawyer can help you with all of these steps. They can help you get the documents you need and help you fill in the forms.

1 Get a new copy of your driving record from Transport for NSW (TfNSW)

Use the application form called *Driving record application for disqualification removal order* at www.nsw.gov.au/sites/default/files/2021-05/45072064-driving-record-application-disqualification-removal-order.pdf or at any Service NSW centre.



You will need proof of who you are – like a birth certificate, NSW proof of identity card, passport, or certificate of Aboriginality. Talk to a lawyer if you need help getting any of these.

Say you need your driving record to work out your disqualification periods – they will give it to you for free.

2 See a lawyer

It can be hard to work out if you can apply or not. A lawyer can help you.

See **Where can I get legal help?** for where to get free advice. Take a copy of your driving record with you when you see the lawyer.



3 Fill in an *Application to remove driver disqualification form*

Where do I get the form?



You can get this form:

- at any Local Court registry, or
- under 'Forms & fees' at www.localcourt.justice.nsw.gov.au

A lawyer can help you fill it out.

What should I say in the form?



You should say why you need your driver licence. Try to get proof of what you say. A lawyer can help you do this.

For example:

Do you need your licence for work? Ask your employer for a letter that says why you need your licence. It should say how not having a licence has made it hard for you to work.

Do you work for yourself and need your licence for your business? Say why. For example:

- Do you need to travel from place to place?
- Do you use tools or other things you can't carry on public transport?
- Does it cost you money because you don't have a licence? For example, if you have to pay a taxi or someone to drive you to work. Get proof of this.

Problems with public transport? For example, if you do shift work and there is no public transport at the times you need to travel, get timetables to show this.

Do you live in the country? There may not be public transport you can use and you may need to travel out of town. Explain why living in the country makes it harder for you.

Do you need your licence for caring or family duties? Say:

- who you care for – for example, your child, an elder, or a person with a disability or illness
- what care you give – for example, do you take that person to doctor or other appointments? Do you help with things like shopping or cleaning? and,
- if you have no public transport, or if it's not good for what you need to do.

Where do I take the form?



Take the completed form to the Local Court. There will be a fee. If you are on Centrelink or can't pay, tell the lawyer. They can help you ask to not pay the fee.

The court will tell you what day to come back to talk to the magistrate. You must go on that day.

Talk to a lawyer about what would help in your case.



4

Go to court to say why you need your licence



When you go to court you must tell the magistrate why your disqualification should be removed. A lawyer can help you talk to the magistrate.

The magistrate will look at things like:

- if the public will be safe if you drive
- your driving record
- why your licence was disqualified – for example, was your driving dangerous to other people?
- if you can use other transport
- if you have family, carer, work, education or other duties
- if you have health or money problems, and
- other things they think are important.

5 If the court removes your disqualification, apply for a new licence from Service NSW



Before you drive you must get a new licence.

If you drive before you get a new licence you can be convicted of 'Driving while cancelled'. You could go to jail for up to 12 months and be disqualified again for at least 6 months.

To get a new licence you must do road safety and any other tests Service NSW needs you to do.

Service NSW will check if you had any driving offences the court didn't know about when it heard your case. If you did, your case will be sent back to court and you won't be given a licence until the court has heard your case again.

6 Sort out any fines you still need to pay straight away!



Service NSW may not give you a licence, or may suspend any licence they give you, if you still have fines.

To find out if you have any fines or restrictions in place because you haven't paid a fine, or to arrange a payment plan, contact Revenue NSW on 1300 655 805 or www.revenue.nsw.gov.au

Legal Aid NSW can help you work out how to deal with fines. You may be able to get a Work and Development Order (WDO). A WDO allows you to clear fines by doing activities such as unpaid work, courses, counselling or treatment. For more information or to find a WDO service in your area call **LawAccess NSW** on **1300 888 529** or visit www.legalaid.nsw.gov.au/wdo



**7 If the court does not remove your disqualification—
don't drive!**



You can't appeal the court's decision. But you can try again after 12 months.

Think about why the magistrate said no. Is there anything you can do over the next 12 months to fix those things or that may give you a better chance next time?

If you drive you can go to jail and get another disqualification. The police can also take away your car or number plates for 6 months.



Where can I get legal help?

Aboriginal Legal Service (NSW/ACT) Ltd (ALS)

The ALS can give you free legal advice. To find your closest ALS office call 1800 765 767 or visit www.alsnswact.org.au

LawAccess NSW

A telephone helpline that gives free legal information, referrals to other services. Call 1300 888 529 or access their webchat at www.lawaccess.nsw.gov.au

Legal Aid NSW

Legal Aid NSW helps people with their legal problems. To find your closest office call 1300 888 529 or look under 'Get legal help' at www.legalaid.nsw.gov.au



Where can I get more information?



- **Transport for NSW (TfNSW)** can give you general information and help with how to get your driving record – call **13 22 13** or email **disqualificationremovalorders@transport.nsw.gov.au**
- **Service NSW** – 13 77 88 or **www.service.nsw.gov.au** for help on how to apply for your licence.
- **Revenue NSW** – 1300 655 805 or **www.revenue.nsw.gov.au** for information about your fines.

This publication is a general guide to the law. You should not rely on it as legal advice, and we recommend that you talk to a lawyer about your situation.

The information is correct at the time of printing, however it may change. For more information contact LawAccess NSW on **1300 888 529**.



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Order brochures online at:

www.legalaid.nsw.gov.au/publications

For more information about Legal Aid NSW services:



Do you need help to contact us?



If you need an interpreter, call the Translating and Interpreting Service (TIS National) on **131 450** (9am–5pm) and ask for LawAccess NSW.

Do you find it hard to hear or speak?



If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service NRS. Ask for LawAccess NSW on **1300 888 529**.