

Information Bulletin

PT 17^(02.22)

Driver Authorisation – Effect of a Driver Disqualifying Offence

The Department of Transport and Main Roads (TMR) has responsibility for administering driver authorisation (DA) in Queensland.

The purpose of DA is to maximise public confidence in relation to the drivers of public passenger vehicles. This purpose includes ensuring DA holders and applicants are suitable persons, having regard to the safety of children and vulnerable members of the community, the safety of passengers and their property, public safety, and the reputation of public passenger transport.

The *Transport Operations (Passenger Transport) Act 1994* (TOPTA) prescribes various offences as ‘driver disqualifying offences’. TMR conducts criminal history checks on applicants for DA and monitors the criminal histories of DA holders. A person who has been convicted or charged with a driver disqualifying offence may be refused DA or have their DA amended, suspended or cancelled.

Applicants for DA must declare all criminal history regardless of time elapsed. Sections 5 and 6 of the *Criminal Law (Rehabilitation of Offenders) Act 1986*, which set out circumstances when a person’s criminal history does not have to be disclosed, does not apply. Conviction includes a finding of guilt, and the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded.

DA holders must inform TMR if they are charged with a driver disqualifying offence and when the outcome of the charge has been finalised. Failure to supply this information is an offence.

There are three categories of driver disqualifying offences: category A, category B and category C.

The TOPTA provides—

- A person convicted of a category A driver disqualifying offence is ineligible to hold DA.
- A person convicted of a category B driver disqualifying offence cannot hold DA unless an exceptional case is demonstrated.
- A person convicted of a category C driver disqualifying offence or charged with a driver disqualifying offence (any category) may be refused DA or have their DA amended, suspended or cancelled.
- A person may be refused DA or have their DA amended, suspended or cancelled if TMR considers it is in the public interest.

Lists of driver disqualifying offences are provided at the end of this document.

Criteria used by TMR when assessing criminal history

Category A driver disqualifying offence

A person convicted of a category A driver disqualifying is ineligible to apply for or hold DA and cannot apply for a review.

Category B driver disqualifying offence

If an applicant or existing DA holder is convicted of a category B driver disqualifying offence, TMR must give the person written notice of its intention to refuse to grant or renew, or to cancel the DA unless the person demonstrates to TMR by written representations that an exceptional case exists.

Furthermore, if the category B driver disqualifying offence is specified as a serious offence or disqualifying offence in the *Working with Children (Risk Management and Screening) Act 2000*, then TMR must ask the Chief Executive (Employment Screening) whether they consider an exceptional case exists. (The Chief Executive (Employment Screening) is responsible for the administration of working with children (blue card) checks in Queensland). The TOPTA states that TMR cannot be satisfied an exceptional case exists if the Chief Executive (Employment Screening) advises TMR that an exceptional case does not exist.

Category C driver disqualifying offence

If an applicant or existing DA holder is convicted of a category C driver disqualifying offence, TMR will assess the suitability of the person to hold DA. When conducting this assessment, TMR will consider the seriousness of offences, the number of offences, penalties imposed and time elapsed.

'Waiting periods' for category C driver disqualifying offences

When a person has been convicted of a category C driver disqualifying offence, TMR may consider that a waiting period must be completed before the person can be considered suitable to hold DA. The duration of a waiting period will be dependent upon the severity of an offence and the circumstances surrounding it.

TMR may give consideration to a DA application prior to the end of a waiting period. The application may be supported by written personal references and if representations include any comments attributed to a court judgment these should be supported by court transcripts (to be supplied by the applicant).

The following guidelines assist in the determination of waiting periods. Longer waiting times may be considered more suitable by TMR when serious or multiple offences have been committed. When making determinations about waiting periods, TMR gives consideration to the safety of passengers, property, and the public, with the paramount consideration being the protection of children and other vulnerable members of the community.

- For lower range category C driver disqualifying offences (such as common assault or minor drug and weapons offences) a waiting period of up to three years may apply for a single offence. Where a person has more than one of these offences, a longer waiting period may apply.
- For higher range category c driver disqualifying offences (such as indecent acts, assault occasioning bodily harm, stealing, wilful damage, fraud, arson, and serious drug and weapon offences) a waiting period of three to six years may apply. Where a person has more than one offence, a longer waiting period may apply.

If imposed, waiting periods are generally applied as following:

- if the penalty involves a fine only, from the date of conviction
- if the penalty involves a term of imprisonment, from the end of the original (full) sentence. If parole applies, the waiting period commences from the end of the parole period. (Under policy, a person should not be granted DA while on parole.)
- if the penalty involves probation, a good behaviour bond, suspended sentence, intensive correctional order or a community service order, any waiting period imposed commences from the date of completion of the penalty or order.

Immediate suspension of DA

If a DA holder is charged with a driver disqualifying offence, TMR may immediately suspend the DA until the outcome of the charge is known. TMR would take this action if it was concerned about the person's suitability to drive a public passenger vehicle, taking into consideration the purpose of DA.

Reviews of decisions affecting DA

If a person is dissatisfied with a decision about DA, they may request an internal review of the decision. If the person is not satisfied with the outcome of the internal review then they may apply to the Queensland Civil and Administrative Tribunal (QCAT) for an external review. For more information please refer to the information bulletin PT18 *Reviews of Decisions affecting Operator Accreditation and Driver Authorisation*.

Note: a person convicted of a category A driver disqualifying offence is ineligible under TOPTA to apply for or hold DA and has no right of review.

Additional Information

This bulletin has been produced as a guideline and is not a reference to a point of law. Clarification of any information in this bulletin may be obtained by contacting your local passenger transport office. Details of passenger transport locations can be accessed at: www.translink.com.au/contact-us

The *Transport Operations (Passenger Transport) Act 1994*, *Transport Operations (Passenger Transport) Regulation 2018* and *Transport Operations (Passenger Transport) Standard 2010* can be accessed on the internet at www.legislation.qld.gov.au.

Additional information about public passenger services is available on the Department of Transport and Main Roads internet site at www.tmr.qld.gov.au/information_bulletins.

Category A driver disqualifying offences

Category A driver disqualifying offence means any of the following offences committed by a person who is subject to an obligation or order mentioned in the *Working with Children (Risk Management and Screening) Act 2000*, section 18(b), or by a person when the person was at least 18 years and for which an imprisonment order is or was imposed—

- (a) an offence listed in schedule 1A, part 1, of the TOPTA – these offences are copied in the tables below;
- (b) an offence of counselling or procuring the commission of, or attempting or conspiring to commit, an offence mentioned in paragraph (a), and to which paragraph (a) does not otherwise apply;
- (c) an offence against a law of another jurisdiction, including a jurisdiction outside Australia, that substantially corresponds to an offence mentioned in paragraph (a) or (b).

Category A driver disqualifying offences listed in schedule 1A, part 1, of the TOPTA

Criminal Code Act 1899	
Section 210	Indecent treatment of children under 16, unless, when the offence was committed, the offender was aged between 17 and 20 (both inclusive) and the person against whom the offence was committed was aged 14 and 20 (both inclusive)
Section 213	Owner etc. permitting abuse of children on premises
Section 215	Carnal knowledge with or of children under 16, unless, when the offence was committed, the offender was aged between 17 and 20 (both inclusive) and the person against whom the offence was committed was aged between 14 and 20 (both inclusive)
Section 216	Abuse of persons with an impairment of the mind
Section 217	Procuring young person etc. for carnal knowledge
Section 218	Procuring sexual acts by coercion and so on, if the offence was committed against a child
Section 218A	Using internet etc. to procure children under 16
Section 218B	Grooming child under 16 years or parent or carer of child under 16 years
Section 219	Taking child for immoral purposes
Section 221	Conspiracy to defile, if the offence was committed against a child
Section 222	Incest, if the person in relation to whom the offence was committed was a child when the offence was committed
Section 228	Obscene publications and exhibitions, if section 228(2) or (3) applies
Section 228A	Involving child in making child exploitation material
Section 228B	Making child exploitation material
Section 228C	Distributing child exploitation material
Section 228D	Possessing child exploitation material
Section 228DA	Administering child exploitation material website
Section 228DB	Encouraging use of child exploitation material website
Section 228DC	Distributing information about avoiding detection
Section 228I	Producing or supplying child abuse object
Section 228J	Possessing child abuse object
Section 229B	Maintaining a sexual relationship with a child
Section 229G	Procuring engagement in prostitution only if an offender was or could have been liable as mentioned in section 229G(2)
Section 229H	Knowingly participating in provision of prostitution only if an offender was or could have been liable as mentioned in section 229H(2)
Section 229I	Persons found in place reasonably suspected of being used for prostitution and so on, only if an offender was or could have been liable as mentioned in section 229I(2)

Criminal Code Act 1899	
Section 229L	Permitting young person etc to be at place used for prostitution
Section 300	Unlawful homicide only if the unlawful killing is murder against section 302 and was committed against a child
Section 349	Rape
Section 350	Attempt to commit rape
Section 351	Assault with intent to commit rape if the offence was committed against a child
Section 352	Sexual assaults if the offence was committed against a child

Classification of Computer Games and Images Act 1995	
Section 23	Demonstration of an objectionable computer game before a minor
Section 26	Possession of objectionable computer game, only if section 26(3) applies
Section 27	Making objectionable computer game, only if section 27(3) or (4) applies
Section 28	Obtaining minor for objectionable computer game

Classification of Films Act 1991	
Section 41	Possession of objectionable film, only if section 41(3) applies
Section 42	Making objectionable film, only if section 42(3) or (4) applies
Section 43	Procurement of minor for objectionable film

Classification of Publications Act 1991	
Section 12	Sale etc of prohibited publication
Section 13	Possession of prohibited publication
Section 14	Possession of child abuse publication
Section 15	Exhibition or display of prohibited publication
Section 16	Leaving prohibited publication in or on public place
Section 17	Producing prohibited publication, only if section 17(1)(c), (2)(c), (3) or (4) applies
Section 18	Procurement of minor for RC publication
Section 20	Leaving prohibited publication in or on private premises

Criminal Code (Cwth)	
Section 270.6	Sexual servitude offences, only if an offender was or could have been liable as mentioned in section 270.8
Section 270.7	Deceptive recruiting for sexual services, only if an offender was or could have been liable as mentioned in section 270.8
Section 273A.1	Possession of child-like sex dolls etc.
Section 474.19	Using a carriage service for child pornography material
Section 474.20	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service
Section 474.22	Using a carriage service for child abuse material
Section 474.22A	Possessing or controlling child abuse material obtained or accessed using a carriage service
Section 474.23	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service
Section 474.26	Using a carriage service to procure persons under 16 years of age
Section 474.27	Using a carriage service to "groom" persons under 16 years of age

Customs Act 1901 (Cwth)	
Section 233BAB	Special offence relating to tier 2 goods, if the offence involved child pornography or child abuse material

Repealed or expired offences that are category A driver disqualifying offences

Criminal Code Act 1899 - Repealed or expired	
Section 208	Unlawful sodomy. As the provision was in force from time to time before its repeal by the <i>Health and Other Legislation Amendment Act 2016</i> unless, when the offence was committed, the offender was aged between 17 and 20 (both inclusive) and the person in relation to whom the offence was committed was not a person with an impairment of the mind and was aged between 14 and 17 (both inclusive). For an offence committed before 1 July 1997, only if section 208(2)(b) applies
Section 212	Defilement of girls under twelve. (Repealed by the <i>Criminal Code, Evidence Act and Other Acts Amendment Act 1989</i>)
Section 214	Attempt to abuse girls under ten. (Repealed by the <i>Criminal Code, Evidence Act and Other Acts Amendment Act 1989</i>)
Section 220	Unlawful detention with intent to defile or in a brothel. If the person in relation to whom the offence was committed was a child when the offence was committed. (Repealed by the <i>Criminal Code, Evidence Act and Other Acts Amendment Act 1989</i>)
Section 222	Incest by man. If the person in relation to whom the offence was committed was a child under 16 years when the offence was committed. (Repealed by the <i>Criminal Law Amendment Act 1997</i>)
Section 223	Incest by adult female. If the person in relation to whom the offence was committed was a child when the offence was committed. (Repealed by the <i>Criminal Law Amendment Act 1997</i>)
Section 344	Aggravated assaults. As the provision was in force from 20 December 1946 until its repeal by the <i>Criminal Law Amendment Act 1997</i> , if— (a) the circumstance of aggravation was that the unlawful assault was an offence of a sexual nature as defined by the <i>Criminal Law Amendment Act 1945</i> , section 2A; and (b) the person in relation to whom the offence was committed was a child when the offence was committed

Crimes Act 1914 (Cwth) repealed by the Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010 (Cwth)	
Section 50BA	Sexual intercourse with child under 16
Section 50BB	Inducing child under 16 to engage in sexual intercourse
Section 50BC	Sexual conduct involving child under 16
Section 50BD	Inducing child under 16 to be involved in sexual conduct
Section 50DA	Benefiting from offence against this Part
Section 50DB	Encouraging offence against this part

Category B driver disqualifying offences

Category B driver disqualifying offence means—

- (a) any of the following that is not a category A driver disqualifying offence—
- (i) an offence listed in the *Working with Children (Risk Management and Screening) Act 2000*, schedule 2 or 3, subject to any qualification relating to the offence mentioned in the schedule;
 - (ii) an offence against a provision of an Act mentioned in schedule 1A, part 2, subject to any qualification relating to the provision mentioned in the part;
 - (iii) an offence of counselling or procuring the commission of, or attempting or conspiring to commit, an offence mentioned in subparagraph (i) or (ii), and to which paragraph (i) or (ii) does not otherwise apply;
 - (iv) an offence against a law of another jurisdiction, including a jurisdiction outside Australia, that substantially corresponds to an offence mentioned in subparagraph (i), (ii) or (iii); or
- (b) an offence mentioned in the definition category A driver disqualifying offence, paragraph (a), (b) or (c), committed by a person when the person was—
- (i) under 18 years, whether or not an imprisonment order is or was imposed, if the person is not subject to an obligation or an order mentioned in the *Working with Children (Risk Management and Screening) Act 2000*, section 18(b); or
 - (ii) at least 18 years and—
 - (A) no imprisonment order is or was imposed; and
 - (B) the person is not subject to an obligation or order mentioned in the *Working with Children (Risk Management and Screening) Act 2000*, section 18(b).

Category B driver disqualifying offences listed in the TOPTA, schedule 1A, parts 1 or 2, or in the *Working with Children (Risk Management and Screening) Act 2000*, schedules 2 or 3

Criminal Code Act 1899	
Section 210	Indecent treatment of children under 16 (if not Category A)
Section 211	Bestiality
Section 213	Owner etc. permitting abuse of children on premises (if not Category A)
Section 215	Carnal knowledge with or of children under 16 (if not Category A)
Section 216	Abuse of persons with an impairment of the mind (if not Category A)
Section 217	Procuring young person etc. for carnal knowledge (if not Category A)
Section 218	Procuring sexual acts by coercion etc (if not Category A)
Section 218A	Using internet etc. to procure children under 16 (if not Category A)
Section 218B	Grooming children under 16 (if not Category A)
Section 219	Taking child for immoral purposes (if not Category A)
Section 221	Conspiracy to defile (if not Category A)
Section 222	Incest (if not Category A)
Section 228	Obscene publications and exhibitions, only if section 228(2) or (3) applies (if not Category A)
Section 228A	Involving child in making child exploitation material (if not Category A)
Section 228B	Making child exploitation material (if not Category A)
Section 228C	Distributing child exploitation material (if not Category A)
Section 228D	Possessing child exploitation material (if not Category A)
Section 228DA	Administering child exploitation material website (if not Category A)
Section 228DB	Encouraging use of child exploitation material website (if not Category A)
Section 228DC	Distributing information about avoiding detection (if not Category A)

Criminal Code Act 1899	
Section 229B	Maintaining a sexual relationship with a child (if not Category A)
Section 229BB	Failure to protect child from child sexual assault
Section 229G(1)	Procuring engagement in prostitution
Section 229G(2)	Procuring engagement in prostitution (if not Category A)
Section 229H	Knowingly participating in the provision of prostitution, only if section 229H(2) applies (if not Category A)
Section 229I	Persons found in places reasonably suspected of being used for prostitution, only if section 229I(2) applies (if not Category A)
Section 229L	Permitting young person etc. to be at a place used for prostitution (if not Category A)
Section 300	Unlawful homicide (if not Category A)
Section 305	Punishment of murder (if not Category A)
Section 306	Attempt to murder
Section 309	Conspiring to murder
Section 310	Punishment of manslaughter
Section 313	Killing unborn child
Section 315	Disabling in order to commit indictable offence
Section 315A	Choking, suffocation or strangulation in a domestic setting
Section 316	Stupefying in order to commit indictable offence
Section 317	Acts intended to cause grievous bodily harm and other malicious act
Section 320A	Torture
Section 322	Administering poison with intent to harm, only if section 322(a) applies
Section 323A	Female genital mutilation
Section 323B	Removal of child from state for female mutilation
Section 324	Failure to supply necessities
Section 326	Endangering life of children by exposure
Section 328A	Dangerous operation of a vehicle
Section 349	Rape (if not Category A)
Section 350	Attempt to commit rape (if not Category A)
Section 351	Assault with intent to commit rape (if not Category A)
Section 352	Sexual assaults (if not Category A)
Section 354	Kidnapping
Section 354A	Kidnapping for ransom
Section 363	Child-stealing
Section 363A	Abduction of child under 16
Section 364	Cruelty to children under 16
Section 409	Robbery, only if section 411(2) applies
Section 411	Robbery, only if section 411(2) applies
Section 419	Burglary, only if section 419(3)(b)(i) or (ii) applies
Section 427	Unlawful entry of a vehicle for committing an indictable offence, only if section 427(2)(b)(i) or (ii) applies

Weapons Act 1990	
Section 65	Unlawful trafficking in weapons

Classification of Computer Games and Images Act 1995	
Section 23	Demonstration of an objectionable computer game before a minor (if not Category A)
Section 26	Possession of objectionable computer game, only if section 26(3) applies (if not Category A)
Section 27	Making objectionable computer game, only if section 27(3) or (4) applies (if not Category A)

Classification of Computer Games and Images Act 1995

Section 28	Obtaining minor for objectionable computer game (if not Category A)
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Classification of Films Act 1991

Section 41	Possession of objectionable film, only if section 41(3) applies (if not Category A)
Section 42	Making objectionable film, only if section 42(3) or (4) applies (if not Category A)
Section 43	Procurement of minor for objectionable film (if not Category A)

Classification of Publications Act 1991

Section 12	Sale etc of prohibited publication, only if section 12(c) applies (if not Category A)
Section 13	Possession of prohibited publication, only if section 13(c) applies (if not Category A)
Section 14	Possession of a child abuse publication or child abuse photograph (if not Category A)
Section 15	Exhibition or display of prohibited publication (if not Category A)
Section 16	Leaving prohibited publication in or on public place, only if section 16(c) applies (if not Category A)
Section 17	Producing prohibited publication, only if section 17(1)(c), (2)(c), (3) or (4) applies (if not Category A)
Section 18	Procurement of a minor for an RC publication or child abuse photograph (if not Category A)
Section 20	Leaving prohibited publication or child abuse photograph in or on private premises, only if section 20(c) applies (if not Category A)

Drugs Misuse Act 1986

Section 5	Trafficking in dangerous drugs
Section 6	Supplying dangerous drugs, only if section 6(2) applies
Section 8	Producing dangerous drugs, only section 8 (a) or (b)
Section 9D	Trafficking in relevant substances or things

Criminal Code (Cwth)

Section 270.3	Slavery offences
Section 270.5	Servitude offences
Section 270.6A	Forced labour offences
Section 270.7	Deceptive recruiting for sexual services – only if an offender was or could have been liable as mentioned in section 270.8 (if not category A)
Section 270.7B	Forced marriage offences
Section 270.7C	Offences of debt bondage
Section 271.2	Offence of trafficking in persons
Section 271.3	Trafficking in persons – aggravated offence
Section 271.4	Offence of trafficking in children
Section 271.5	Offence of domestic trafficking in persons
Section 271.6	Domestic trafficking in persons – aggravated offence
Section 271.7	Offence of domestic trafficking in children
Section 271.7B	Offence of organ trafficking – entry into and exit from Australia
Section 271.7C	Organ trafficking – aggravated offence
Section 271.7D	Offence of domestic organ trafficking
Section 271.7E	Domestic organ trafficking – aggravated offence
Section 271.7F	Harbouring a victim
Section 271.7G	Harbouring a victim – aggravated offence
Section 272.8	Sexual intercourse with child outside Australia
Section 272.9	Sexual activity (other than sexual intercourse) with child outside Australia

Criminal Code (Cwth)	
Section 272.10	Aggravated offence—sexual intercourse or other sexual activity with child outside Australia
Section 272.11	Persistent sexual abuse of child outside Australia
Section 272.12	Sexual intercourse with young person outside Australia— defendant in position of trust or authority
Section 272.13	Sexual activity (other than sexual intercourse) with young person outside Australia— defendant in position of trust or authority
Section 272.14	Procuring child to engage in sexual activity outside Australia
Section 272.15	"Grooming" child to engage in sexual activity outside Australia
Section 272.15A	"Grooming" person to make it easier to engage in sexual activity with a child outside Australia
Section 272.18	Benefiting from offence against this Division
Section 272.19	Encouraging offence against this Division
Section 272.20	Preparing for or planning offence against this Division
Section 273.6	Possessing, controlling, producing, distributing or obtaining child abuse material outside Australia
Section 273.7	Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people
Section 273A.1	Possession of child-like sex dolls etc. (if not Category A)
Section 273B.4	Failing to protect child at risk of child sexual abuse offence
Section 274.2	Torture
Section 471.19	Using a postal or similar service for child abuse material
Section 471.20	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a postal or similar service
Section 471.22	Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people
Section 471.24	Using a postal or similar service to procure persons under 16
Section 471.25	Using a postal or similar service to "groom" persons under 16
Section 471.25A	Using a postal or similar service to "groom" another person to make it easier to procure persons under 16
Section 471.26	Using a postal or similar service to send indecent material to person under 16
Section 474.22	Using a carriage service for child abuse material (if not category A)
Section 474.22A	Possessing or controlling child abuse material obtained or accessed using a carriage service (if not category A)
Section 474.23	Possessing, controlling, producing, supplying or obtaining child abuse material for use through a carriage service (if not category A)
Section 474.23A	Conduct for purposes of electronic service used for child abuse material
Section 474.24A	Aggravated offence—offence involving conduct on 3 or more occasions and 2 or more people
Section 474.25A	Using a carriage service for sexual activity with person under 16 years of age
Section 474.25B	Aggravated offence—using a carriage service for sexual activity with person under 16 years of age
Section 474.25C	Using a carriage service to prepare or plan to cause harm to, engage in sexual activity with, or procure for sexual activity, persons under 16
Section 474.26	Using a carriage service to procure persons under 16 years of age (if not category A)
Section 474.27	Using a carriage service to "groom" persons under 16 years of age (if not category A)
Section 474.27A	Using a carriage service to transmit indecent communication to person under 16 years of age
Section 474.27AA	Using a carriage service to "groom" another person to make it easier to procure persons under 16 years of age

Customs Act 1901 (Cwth)	
Section 233BAB	Special offence relating to tier 2 goods, if the offence involved child pornography or child abuse material (if not category A)

Repealed or expired offences that are Category B offences

Criminal Code Act 1899 - Repealed or expired	
Section 208	Unlawful sodomy (if not category A). As the provision was in force from time to time before its repeal by the <i>Health and Other Legislation Amendment Act 2016</i> unless, when the offence was committed, the offender was aged between 17 and 20 (both inclusive) and the person in relation to whom the offence was committed was not a person with an impairment of the mind and was aged between 14 and 17 (both inclusive). For an offence committed before 1 July 1997, only if section 208(2)(b) applies.
Section 212	Defilement of girls under twelve (if not category A). Repealed by the <i>Criminal Code, Evidence Act and Other Acts Amendment Act 1989</i>
Section 214	Attempt to abuse girls under ten (if not category A). Repealed by the <i>Criminal Code, Evidence Act and Other Acts Amendment Act 1989</i>
Section 218A	Using internet etc to procure children under 16
Section 218B	Grooming children under 16
Section 220	Unlawful detention with intent to defile or in a brothel. If the person in relation to whom the offence was committed was a child when the offence was committed (if not category A). Repealed by the <i>Criminal Code, Evidence Act and Other Acts Amendment Act 1989</i>
Section 222	Incest by man. If the person in relation to whom the offence was committed was a child under 16 years when the offence was committed (if not category A). Repealed by the <i>Criminal Law Amendment Act 1997</i>
Section 223	Incest by adult female. If the person in relation to whom the offence was committed was a child when the offence was committed (if not category A). Repealed by the <i>Criminal Law Amendment Act 1997</i>
Section 325	Endangering life or health of apprentices or servants. As the provision was in force from time to time before its repeal by the <i>Training and Employment Act 2000</i>
Section 344	Aggravated assaults (if not category A). As the provision was in force from 20 December 1946 until its repeal by the <i>Criminal Law Amendment Act 1997</i> , if— (a) the circumstance of aggravation was that the unlawful assault was an offence of a sexual nature as defined by the <i>Criminal Law Amendment Act 1945</i> , section 2A; and (b) the person in relation to whom the offence was committed was a child when the offence was committed

Provisions of the Crimes Act 1914 (Cwth) repealed by the Crimes Legislation Amendment (Sexual Offences Against Children) Act 2010 (Cwth)	
Section 50BA	Sexual intercourse with child under 16 (if not category A)
Section 50BB	Inducing child under 16 to engage in sexual intercourse (if not category A)
Section 50BC	Sexual conduct involving child under 16 (if not category A)
Section 50BD	Inducing child under 16 to be involved in sexual conduct (if not category A)
Section 50DA	Benefiting from offence against this Part (if not category A)
Section 50DB	Encouraging offence against this part (if not category A)

Provisions of the Criminal Code Act 1995 (Cwlth)	
Section 270.6	Sexual servitude offences only if an offender was or could have been liable as mentioned in section 270.8, as the provisions were in force from time to time before

Provisions of the Criminal Code Act 1995 (Cwlth)	
	their repeal by the <i>Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013</i> (Cwlth)
Section 270.7	Deceptive recruiting for sexual services as the provision was in force from time to time before its repeal by the <i>Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013</i> (Cwlth)
Section 272.10	Aggravated offence – child with mental impairment or under care, supervision or authority of defendant as the provision was in force from time to time before its amendment by the <i>Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020</i> (Cwlth)
Section 273.5	Possessing, controlling, producing, distributing or obtaining child pornography material outside Australia as the provision was in force from time to time before its repeal by the <i>Combatting Child Sexual Exploitation Legislation Amendment Act 2019</i> (Cwlth)
Section 471.16	Using a postal or similar service for child pornography material as the provision was in force from time to time before its repeal by the <i>Combatting Child Sexual Exploitation Legislation Amendment Act 2019</i> (Cwlth)
Section 471.17	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a postal or similar service as the provision was in force from time to time before its repeal by the <i>Combatting Child Sexual Exploitation Legislation Amendment Act 2019</i> (Cwlth)
Section 474.19	Using a carriage service for child pornography material (if not category A) as the provision was in force from time to time before its repeal by the <i>Combatting Child Sexual Exploitation Legislation Amendment Act 2019</i> (Cwlth)
Section 474.20	Possessing, controlling, producing, supplying or obtaining child pornography material for use through a carriage service (if not category A) as the provision was in force from time to time before its repeal by the <i>Combatting Child Sexual Exploitation Legislation Amendment Act 2019</i> (Cwlth)
Section 474.25B	Aggravated offence—child with mental impairment or under care, supervision or authority of defendant as the provision was in force from time to time before its amendment by the <i>Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Act 2020</i> (Cwlth)

Category C driver disqualifying offences

Category C driver disqualifying offence means any of the following that is not a category A driver disqualifying offence or a category B driver disqualifying offence—

- an offence against a provision of the Criminal Code mentioned in schedule 1A, part 3 of TOPTA;
- an offence against the *Drugs Misuse Act 1986* punishable by imprisonment for 1 year or more, even though a fine may be imposed in addition or as an alternative;
- an offence against the *Weapons Act 1990* punishable by imprisonment for 1 year or more, even though a fine may be imposed in addition or as an alternative;
- an offence against TOPTA;
- an offence against the *Transport Operations (Passenger Transport) Regulation 2018* for which the maximum penalty is at least 20 penalty units;
- an offence against the *Summary Offences Act 2005*, section 9;
- an offence of counselling or procuring the commission of, or attempting or conspiring to commit, an offence mentioned above;
- an offence against a law of another jurisdiction, including a jurisdiction outside Australia, that substantially corresponds to an offence mentioned above.

Category C driver disqualifying offences

Drugs Misuse Act 1986	
Section 6(1)	Supplying dangerous drugs
Section 7	Receiving or possessing property obtained from trafficking or supplying
Section 8	Producing dangerous drugs, only if penalty paragraph (c), (d), (e) applies.
Section 8A	Publishing or possessing instructions for producing dangerous drugs
Section 9	Possessing dangerous drugs
Section 9A	Possessing relevant substances or things
Section 9B	Supplying relevant substances or things
Section 9C	Producing relevant substances or things
Section 10	Possessing things
Section 10A	Possessing suspected property
Section 10B	Possession of a prohibited combination of items
Section 11	Permitting use of place
Section 41(7)	Restraining Order
Section 41(8)	Restraining Order
Section 119	Protection of informers
Section 121(5)	Power to prohibit publication of proceedings
Section 121(6)	Power to prohibit publication of proceedings

Weapons Act 1990	
Section 29A(4)	Action by court if respondent has access to weapons through employment
Section 34	Contravention of licence condition
Section 35	Acquisition of weapons
Section 36	Sale or disposal of weapons
Section 38	Issue etc. of permits to acquire
Section 50	Possession of weapons
Section 50B	Unlawful supply of weapons
Section 51	Possession of a knife in a public place or a school
Section 57(3) & (4)	Particular conduct involving a weapon in a public place prohibited
Section 58	Dangerous conduct with weapon prohibited generally
Section 60(1)	Secure storage of weapons
Section 61	Shortening firearms
Section 62	Modifying construction or action of firearms
Section 63	Altering identification marks of weapons
Section 64	Obtaining weapons by deceit
Section 66	Dispatch of weapons
Section 68	Dealers to be licensed
Section 69	Armourers to be licensed
Section 137(3)	Notice to dispose
Section 151B	Protection of informers
Section 151D	Power to prohibit publication of proceedings
Section 157	Fraud and unlawful possession of licence etc
Section 158	False or misleading statements

Summary Offences Act 2005	
Section 9	Wilful Exposure

Criminal Code Act 1899	
Chapter 9 - Breaches of the Peace	
Section 61	Riot
Section 69	Going armed so as to cause fear
Section 70	Forcible entry
Section 71	Forcible detainer
Section 72	Affray
Section 74	Prize fight
Section 75	Threatening violence
Section 76	Recruiting person to become participant in criminal organisation
Chapter 16 - Offences relating to the administration of justice	
Section 119B	Retaliation against judicial officer, juror, witness or family
Section 120	Judicial corruption
Section 121	Official corruption not judicial but relating to offences
Section 122	Corruption of jurors
Section 123	Perjury
Section 123A	Perjury - contradictory statements
Section 126	Fabricating evidence
Section 127	Corruption of witnesses
Section 128	Deceiving witnesses
Section 129	Damaging evidence with intent
Section 130	Preventing witnesses from attending
Section 131	Conspiracy to bring false accusation
Section 132	Conspiring to defeat justice
Section 133	Compounding an indictable offence
Section 136	Justices exercising jurisdiction in a matter of personal interest
Section 137	Delay to take a person arrested before a Magistrate
Section 139	Inserting advertisement without authority of court
Section 140	Attempting to pervert justice
Chapter 20 - Miscellaneous offences against public authority	
Section 193	False verified statements
Section 194	False declarations
Section 199	Resisting public officers
Section 200	Refusal by public officer to perform duty
Section 204	Disobedience to statute law
Section 205	Disobedience to lawful order issued by statutory authority
Section 205A	Contravening order about information necessary to access information stored electronically
Chapter 22 - Offences against morality	
Section 223	Distributing intimate images
Section 227	Indecent acts
Section 227A	Observations or recordings in breach of privacy
Section 227B	Distributing prohibited visual recordings
Section 228(1)	Obscene publications and exhibitions
Section 229A	Threats to distribute intimate image or prohibited visual recording
Section 229AA	Rectification order – offence against S 223, 227A, 227B or 229A
Section 229BC	Failure to report belief of child sexual offence committed in relation to child
Chapter 28 - Homicide—suicide— concealment of birth	
Section 307	Accessory after the fact to murder
Section 308	Threats to murder in document
Section 311	Aiding suicide

Criminal Code Act 1899	
Section 314	Concealing the birth of children
Chapter 28A - Unlawful striking causing death	
Section 314A	Unlawful striking causing death
Chapter 29 - Offences endangering life or health	
Section 316A	Unlawful drink spiking
Section 317A	Carrying or sending dangerous goods in a vehicle
Section 318	Obstructing rescue or escape from unsafe premises
Section 319	Endangering the safety of a person in a vehicle with intent
Section 319A	Termination of pregnancy performed by unqualified person
Section 320	Grievous bodily harm
Section 321	Attempting to injure by explosive or noxious substances
Section 321A	Bomb hoaxes
Section 322	Administering poison with intent to harm, if penalty paragraph b applies
Section 323	Wounding
Section 327	Setting mantraps
Section 328	Negligent acts causing harm
Section 329	Endangering safety of persons travelling by railway
Section 330	Sending or taking unseaworthy ships to sea
Section 333	Evading laws as to equipment of ships
Section 334	Landing explosives
Chapter 30 - Assaults	
Section 335	Common Assault
Section 338A	Assaults of member of crew on aircraft
Section 339	Assaults occasioning bodily harm
Section 340	Serious assaults
Section 346	Assaults in interference with freedom of trade or work
Chapter 33 - Offences against liberty	
Section 355	Deprivation of liberty
Section 356	False certificates by officers charged with duties relating to liberty
Section 357	Concealment of matters affecting liberty
Section 358	Unlawful custody of particular persons
Section 359	Threats
Chapter 33A - Unlawful stalking	
Section 359E	Punishment for unlawful stalking
Chapter 36 - Stealing	
Section 398	Punishment of Stealing
	1) Stealing wills
	2) Stealing stock
	4) Stealing from the person – stealing goods in transit
	5) Stealing by persons in the public service
	6) Stealing by clerks and servants
	7) Stealing by directors or officers of public companies
	8) Stealing by agents etc.
	9) Stealing property valued at more than \$5000
	10) Stealing by tenants or lodgers
	11) Stealing after previous conviction
	12) Stealing of a vehicle
	13) Stealing by looting
	14) Stealing firearm for use in another indictable offence
	15) Stealing firearm or ammunition
Chapter 37 - Offences analogous to stealing	

Criminal Code Act 1899	
Section 399	Fraudulent concealment of particular documents
Section 403	Severing with intent to steal
Section 406	Bringing stolen goods into Queensland
Section 408A	Unlawful user or possession of motor vehicles, aircraft or vessels
Section 408C	Fraud
Section 408D	Obtaining or dealing with identification information
Section 408E	Computer hacking and misuse
Chapter 38 - Stealing with violence— extortion by threats	
Section 409	Robbery, only if section 411(1) applies
Section 411(1)	Punishment of Robbery
Section 412	Attempted robbery
Section 413	Assault with intent to steal
Section 414	Demanding property with menaces with intent to steal
Section 415	Extortion
Section 417A	Taking control of aircraft
Chapter 39 - Burglary—housebreaking—and like offences	
Section 409	Robbery (if not Category B)
Section 419	Burglary (if not Category B)
Section 421	Entering or being in premises and committing indictable offences
Section 425	Possession of things used in connection with unlawful entry
Section 427	Unlawful entry of a vehicle for committing an indictable offence (if not Category B)
Chapter 40 - Other fraudulent practices	
Section 427A	Obtaining property by passing valueless cheques
Section 430	Fraudulent falsification of records
Section 431	False accounting by public officer
Chapter 41 - Receiving property stolen	
Section 433	Receiving tainted property
Section 435	Taking reward for recovery of property obtained by means of indictable offences
Chapter 42A - Secret commissions	
Section 442B	Receipt or solicitation of secret commission by an agent
Section 442BA	Gift or offer of secret commission to an agent
Section 442D	False or misleading receipt or account
Section 442E	Secret commission for advice given
Section 442EA	Offer or solicitation of secret commission in return for advice given or to be given
Section 442F	Secret commission to trustee in return for substituted appointment
Section 442G	Liability of director etc. acting without authority
Chapter 46 - Offences	
Section 461	Arson
Section 462	Endangering particular property by fire
Section 463	Setting fire to crops and growing plants
Section 467	Endangering the safe use of vehicles and related infrastructure
Section 468	Injuring animals
Section 469	Wilful damage
	1) Wilful damage – Destroying or damaging premises by explosion
	2) Wilful damage - Sea Walls and other property
	3) Wilful damage - Wills and registers
	4) Wilful damage - Wrecks
	5) Wilful damage - Railways
	6) Wilful damage - Aircraft
	7) Wilful damage – Other things of special value
	8) Wilful damage – Deeds and records

Criminal Code Act 1899	
	9) Wilful damage – Graffiti
	10) Wilful damage – Educational institutions
	11) Wilful damage – Cemeteries etc.
Section 469A	Sabotage & threatening sabotage
Section 470	Attempts to destroy property by explosives
Section 470A	Unlawful deposition of explosives or noxious substances
Section 471	Damaging mines
Section 472	Interfering with marine signals
Section 473	Interfering with navigation works
Section 474	Communicating infectious diseases to animals
Section 475	Travelling with infected animals
Section 477	Obstructing railways
Section 478	Sending letters threatening to burn or destroy
Chapter 49 - Punishment of forgery and like offences	
Section 488	Forgery and uttering
Section 498	Falsifying warrants for money payable under public authority
Section 499	Falsification of registers
Section 500	Sending false certificate of marriage to registrar
Section 501	False statements for the purpose of registers of births, deaths, and marriages
Section 502	Procuring or claiming unauthorised status
Chapter 52 - Personation	
Section 514	Personation in general
Section 515	Falsely acknowledging deeds, recognisances etc
Chapter 56 - Conspiracy	
Section 541	Conspiracy to commit crime
Section 542	Conspiracy to commit other offences
Section 543	Other conspiracies

Repealed or expired offences that are category C driver disqualifying offences

Provisions of the Criminal Code repealed by the Criminal Law Amendment Act 1997	
Section 343A	Assaults occasioning bodily harm
Section 344	Aggravated assaults

Provisions of the Criminal Code repealed by the Criminal Code and Other Acts Amendment Act 2008	
Chapter 42	Frauds by trustees and officers of companies and corporations – false accounting