



Driver Onboarding and Management

This toolkit provides all the information service providers will need to onboard and manage their drivers.

Information Pack Components

This information pack contains links to documents which will answer all your questions about driver management.

1. Onboarding guide. This fact sheet is a step by step guide to show all the steps required to onboard new drivers.
2. Driver Management fact sheet - outlines what is required in managing drivers once they have been onboarded. Service providers are required to monitor drivers continually.
3. DVD Traffic light fact sheet - explains the traffic lights in the DVD. This information is useful for both the onboarding and the ongoing management of drivers.
4. Eligibility fact sheet - explains driver eligibility.
5. Disqualifying offences fact sheet - explains disqualifying offences.
6. Safety Management System (SMS) web page. During the onboarding process, drivers need to be trained in the SMS. This web page explains what an SMS is and what it is used for.

<https://www.pointtopoint.nsw.gov.au/safety-standards-and-compliance/safety-management-system>

Factsheet



Passenger service provider obligations for managing drivers

*Providers of passenger services must perform **initial** and **ongoing** checks to make sure drivers meet requirements at all times. Drivers must have no disqualifying offences, and they must meet all eligibility criteria. This fact sheet explains disqualifying offences, eligibility criteria and the responsibilities of the service provider in managing their drivers.*

The passenger service provider's role in managing drivers

Providers of passenger services must ensure, so far as is reasonably practicable, that their drivers meet requirements at all times. They must perform **initial** and **ongoing** checks to ensure that all drivers are eligible and none of them have disqualifying offences. The last 2 pages of this fact sheet contain tables which explain how to verify the required information **during onboarding**; and how to monitor it **once the driver is onboard**.

During an audit, a service provider must be able to demonstrate to the Point to Point Transport Commissioner how they track and manage the suitability of their drivers. This may be automated, or it may require drivers to present updated records, such as criminal history checks, at regular intervals to the service provider.

Disqualifying Offences

In order to drive a taxi or hire vehicle (including rideshare), a driver must not have any disqualifying offences. An authorised service provider must check a driver's criminal history before they start to drive; and continue to check their criminal history for as long as they use that driver's services.

There are three types of disqualifying offences (see table on page 4 for more detail):

1. Disqualifying criminal offences
2. Disqualifying serious driving offences
3. Disqualifying Point to Point transport offences

For more information on disqualifying offences, please refer to our fact sheet on disqualifying offences, which can be found at www.pointtopoint.nsw.gov.au

Eligibility Criteria

In order to drive a taxi or hire vehicle (including rideshare), a driver must be eligible and meet all of the eligibility criteria (see table on page 5 for more detail). These are:

1. They meet the medical standards for commercial vehicle drivers
2. They hold an unrestricted Australian driver licence and have held an unrestricted Australian driver licence for a total of at least 12 months in the preceding two years
3. They have not had a previous driver authority under the *Passenger Transport Act 1990* or *Passenger Transport Act 2014* cancelled, or an application for such an authority refused, in the preceding 10 years.

The Driver Vehicle Dashboard

The Point to Point Transport Commissioner offers the Driver Vehicle Dashboard (DVD) as a tool to help with the on-going management of drivers. Use of the tool is optional, but you will see in the table on the following page that using the DVD is an excellent way to help manage and monitor driver requirements and eligibility.

It is important to understand that the DVD will not provide you with the full background of a driver and you will need to have appropriate processes in place to ensure a driver does not have a disqualifying offence or is ineligible to drive a taxi, hire or rideshare vehicle. You may require a driver to provide you with a National Criminal History (NCH) Check and driver licence history to determine if they have a pre-existing disqualifying offence.

For more information, consult the DVD user guide which can be found in the Learning Centre on the Point to Point Transport Commissioner's website.

Affiliated provider responsibilities

An affiliated provider is a provider of a passenger service and therefore has the following obligations:

- A primary duty of care to ensure safety so far as is reasonably practicable
- Responsibility for ensuring their drivers comply with all eligibility requirements
- Adherence to all specified safety standards

For more information see the affiliated provider fact sheet at <https://www.pointtopoint.nsw.gov.au/learning-centre/fact-sheets/affiliated-taxi-service-providers>

FAQs

What is the difference between a NCH Check and a Police Check?

There are several organisations from which a National Criminal History Check can be obtained - one of these is the NSW Police Service. When you obtain an NCH Check from the NSW Police, it is called a Police Check.

Do I need an NCH Check if I already have a Working with Children Check (WWC)?

Yes, a WWC check is not as comprehensive as an NCH check.

Disqualifying Offences – A driver must have *none* of these

Requirement	How to verify during onboarding ^①	How to verify once onboard if using the DVD. This must be done regularly on an ongoing basis.		How to verify once onboard if not using the DVD. This must be done regularly on an ongoing basis.
1. Disqualifying <i>criminal offences</i>	A National Criminal History (NCH) check	If PT Code Applied date is before 29 November 2018	If PT Code Applied date is after 29 November 2018	This is required to be defined in your SMS. For instance, requiring drivers to perform regular NCH Checks. Your authorisation may be compromised if these checks are not recent and regular.
		Only offences committed after 29 November 2018 will be shown. An NCH check will be required for any time before this	All offences committed after the PT Code Applied date will be shown	
2. Disqualifying <i>serious driving offences</i>	A driving record from each state, territory or country in which the driver has held a licence in the previous 10 years.	If PT Code Applied date is before 29 May 2018	If PT Code Applied date is after 29 May 2018	This is required to be defined in your SMS. For instance, requiring drivers to regularly present their driving record. Your authorisation may be compromised if these checks are not recent and regular.
		Only offences committed in NSW after 29 May 2018 will be shown. Manual checks will be required for any time before this date	All offences committed in NSW after the PT Code Applied date will be shown	
3. Disqualifying <i>Point to Point Transport offences</i>	Will show on the DVD.	Will show on the DVD		You will need to contact the Point to Point Transport Commissioner to request this information

^① all documents must be no more than 90 days old when they are received

Eligibility Criteria – a driver must have *all* of these

Requirement	How to verify during onboarding ^①	How to verify once onboard if using the DVD. This must be done regularly on an ongoing basis.	How to verify once onboard if not using the DVD. This must be done regularly on an ongoing basis.
1. Evidence of medical fitness to drive	A PT code applied to their licence by Service NSW. Verify with drivers their current health. This will appear as a green light in the “P2P Eligibility” column in the DVD.	Monitor your drivers (formally and informally) and be aware of any changing health conditions which may affect their driving. Document this in your SMS.	
2. Current valid unrestricted Australian driver licence held for a total of at least 12 months in the preceding two years.	Check the age of their current licence and any previous Australian licences over the past two years. If the licence was issued in NSW, this information will automatically show in the DVD.	DVD will monitor this for all NSW licence holders.	Regular checks with drivers to ensure licences remain valid and unrestricted. Document this activity in your SMS.
3. No cancelled driving authority issued under <i>The Passenger Transport Act (1990)</i> (or an application for a driving authority) in the preceding 10 years	Will show on the DVD	Will show on the DVD	Request this information from Service NSW

^① all documents must be no more than 90 days old when they are received

Fact Sheet



The Driver Vehicle Dashboard and the Traffic Light System

The Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017 (the Regulation) requires that vehicles being used to provide a passenger service, and people driving those vehicles, meet certain safety standards.

Authorised service providers are responsible for ensuring, so far as is reasonably practicable, that their drivers and vehicles meet safety standards as outlined in the Regulation. The Point to Point Transport Commissioner provides the Driver Vehicle Dashboard (DVD) to help authorised service providers in meeting these obligations.

What is the Driver Vehicle Dashboard?

The DVD allows authorised service providers to run near real-time checks on drivers and vehicles, with the outcomes of those checks displayed in a traffic light format.

When onboarding and managing drivers, it is important to understand that **the DVD will not provide you with the full background of a driver**. The DVD only checks information *within* NSW and, in some cases, *within certain date ranges*. You will need to have appropriate processes in place to ensure a driver does not have a disqualifying offence or is ineligible to drive a taxi, hire or rideshare vehicle. This will most likely require a driver to provide you with additional information such as a National Criminal History (NCH) Check and/or a driver licence history.

The Driver Management fact sheet on the Point to Point Transport Commissioner's website provides further information <https://www.pointtopoint.nsw.gov.au/learning-centre/fact-sheets/service-provider-obligations-for-managing-drivers>.

The DVD will check each of the requirements listed below and the result will show as either a green, white or red traffic light. In the case of vehicle safety inspections, the date will either not be displayed; or it will be displayed in black or red.

Driver Checks

Point to Point Eligibility	
Requirements checked	
<p>1. Drivers must have not had a previous driver authority under the <i>Passenger Transport Act 1990</i> or <i>Passenger Transport Act 2014</i> cancelled, or an application for such an authority refused, in the preceding 10 years.</p> <p>2. Drivers must have no disqualifying Point to Point Transport Safety Offences under:</p> <ul style="list-style-type: none"> • <i>NSW Point to Point Transport (Taxis and Hire Vehicles) Act 2016</i> • <i>NSW Passenger Transport Act 1990</i> • <i>NSW Passenger Transport Act 2014</i> 	
Traffic Light	
<input checked="" type="radio"/>	No issues identified with the criteria described above
<input type="radio"/>	n/a (only a green or red light will display for this requirement)
<input checked="" type="radio"/>	Indicates the driver does not meet one or more of the criteria mentioned above
What to do if the light is red	
<p>The authorised service provider should let the driver know they have received a red light for the Point to Point eligibility check. If a red light shows for the driver in this check and the driver believes this to be incorrect, they should contact the Point to Point Industry Contact Centre (ICC) to check dates and details.</p>	
Considerations	
<p>The DVD only checks a driver's NSW record. If a driver has been found guilty of an offence interstate which is equivalent to a NSW point to point safety offence then this requirement would not be met. Authorised service providers will need to have procedures in place to check for interstate offences during driver onboarding and on an ongoing basis.</p>	

NSW Licence	
Requirements checked	
<ol style="list-style-type: none"> 1. Drivers must meet the medical standards for commercial vehicle drivers (the most convenient way to do this is to have a PT Code applied to their licence by Service NSW) 2. Drivers must hold an unrestricted NSW driver licence 	
Traffic Light	
<input checked="" type="radio"/>	No issues identified with the criteria described above
<input type="radio"/>	Administrative issues e.g. Licence record not found *
<input checked="" type="radio"/>	Indicates driver does not meet one or more of the criteria mentioned above
What to do if the light is red	
<p>The authorised service provider should let the driver know they have received a red light for the NSW licence check. If the driver does not have a PT code applied to their licence, details are on the Service NSW website here: https://www.service.nsw.gov.au/transaction/application-passenger-transport-licence-code.</p> <p>The light will be red if the licence has been suspended, cancelled or expired; OR if it is a restricted licence e.g a Learner or Provisional licence. If the driver believes this to be incorrect, then they will need to contact Service NSW for clarification.</p>	
Considerations	
<p>The DVD only checks a driver's NSW record. Service providers will need to have processes in place to check drivers from interstate.</p> <p><i>*If the DVD shows a white light, check the name spelling, date of birth and licence number. Also check that the licence has a PT Code and is from NSW. If all details are correct, the driver should visit Service NSW for clarification.</i></p>	



NSW Licence tenure	
Requirement	
Drivers must have held an unrestricted Australian driver licence for a total of at least 12 months in the preceding two years	
Traffic Light	
<input checked="" type="radio"/>	No issues identified with the criteria described above
<input type="radio"/>	Administrative issues e.g. Licence record not found *
<input checked="" type="radio"/>	Indicates driver does not meet the criteria mentioned above
What to do if the light is red	
<p>The authorised service provider should let the driver know they have received a red light for the NSW licence tenure check.</p> <p>The DVD will only check NSW driver licences. If a driver meets this requirement with an interstate licence, they will need to provide evidence of this to the authorised service provider.</p>	
Considerations	
<p>The DVD can only check information about NSW driver licences. However, a driver may still be eligible to drive a taxi or hire vehicle if they hold or have held an unrestricted Australian driver licence in another state or territory for 12 months of the previous 2 years. Authorised service providers will need other methods for checking the eligibility of these drivers.</p> <p><i>*If the DVD shows a white light, check the name spelling, date of birth and licence number. Also check that the licence has a PT Code and is from NSW. If all details are correct, the driver should visit Service NSW for clarification.</i></p>	

Serious Driving Offences	
Requirement	
<p>Drivers must not have been found guilty of any disqualifying Serious Driving Offences. i.e. specific offences under:</p> <ul style="list-style-type: none"> • <i>the Road Transport Act 2013</i> • <i>the Road Rules 2014</i> 	
Traffic Light	
<input checked="" type="radio"/>	No issues identified with the criteria described above (Additional historical checks may be required - see bold text below)
<input type="radio"/>	Administrative issues e.g. Licence record not found *
<input checked="" type="radio"/>	Indicates driver does not meet the criteria mentioned above
What to do if the light is red	
<p>The authorised service provider should let the driver know they have received a red light for the serious driving offences check. A red light will indicate the driver has been charged with a disqualifying serious driving offence. If the driver was not found guilty or the case was withdrawn, the driver will need to provide evidence of this to the Point to Point Transport Commissioner. A red light cannot be overturned until the matter is finalised. Information on how to do this can be found in the DVD User Guide on the Commission's website.</p>	
Considerations	
<p>The DVD will only provide indicators of disqualifying offences where the matters were heard in a NSW Court. A driver will not meet the safety standards if they have been found guilty of an equivalent disqualifying offence in another state or territory. Authorised service providers will need other methods for checking the history of these drivers.</p> <p>The disqualifying Serious Driving Offences check commenced on 29 May 2018. Authorised service providers will need other methods for checking for disqualifying Serious Driving Offences prior to 29 May 2018.</p> <p><i>*If the DVD shows a white light, check the name spelling, date of birth and licence number. Also check that the licence has a PT Code and is from NSW. If all details are correct, the driver should visit Service NSW for clarification.</i></p>	

Criminal Charges	
Requirement	
<p>Drivers must not have been found guilty of any specific disqualifying Criminal Offences which are listed in the regulation and under:</p> <ul style="list-style-type: none"> • <i>NSW Crimes (Domestic and Personal Violence) Act 2007</i> • <i>NSW Crimes Act 1900</i> • <i>NSW Crimes Amendment (Sexual Offences) Act 2003</i> 	
Traffic Light	
<input checked="" type="radio"/>	No issues identified with the criteria described above (Additional historical checks may be required – see bold text below)
<input type="radio"/>	Administrative issues e.g. Licence record not found *
<input checked="" type="radio"/>	Indicates driver does not meet the criteria mentioned above
What to do if the light is red	
<p>A red light will indicate the driver has been charged with a disqualifying criminal offence. If they were not found guilty or the case was withdrawn, the driver will need to provide evidence of this to the Point to Point Transport Commissioner. A red light cannot be overturned until the matter is finalised. Information on how to do this can be found in the DVD User Guide on the Commission’s website.</p>	
Considerations	
<p>The DVD will only provide indicators of disqualifying offences where the matters were heard in a NSW Court. A driver will not meet the safety standards if they have been found guilty of an equivalent disqualifying offence in another state or territory. Authorised service providers will need other methods for checking the history of these drivers.</p> <p>The disqualifying Criminal Charges check commenced on 26 November 2018. Authorised service providers will need other methods for checking for disqualifying criminal offences prior to 26 November 2018.</p> <p><i>*If the DVD shows a white light, check the name spelling, date of birth and licence number. Also check that the licence has a PT Code and is from NSW. If all details are correct, the driver should visit Service NSW for clarification.</i></p>	

Vehicle Checks

Registration Check	
Requirement	
The vehicle is currently registered in NSW and has 12 seats or less	
Traffic Light	
<input checked="" type="radio"/>	Vehicle is currently registered in NSW
<input type="radio"/>	Check the type of vehicle (M = Motorcycle, O = Other) Check the VIN and vehicle registration number match registration papers
<input checked="" type="radio"/>	Vehicle not registered in NSW or has more than 12 seats
What to do if the light is red	
<p>If a vehicle is registered outside NSW, the vehicle owner will need to provide evidence of this to the authorised service provider. They will also need to show that the vehicle meets NSW registration requirements (Part 5 and Sched 2 of the Road Transport (Vehicle Registration) Regulation 2007) and point to point insurance requirements (Clause 22 of the Regulation)</p> <p>If a vehicle is currently registered as carrying more than 12 people it cannot provide a passenger service under point to point transport law. There are some exceptions which are listed in Schedule 2, Clause 18 of the <i>Point to Point Transport (Taxis and Hire Vehicles) Act 2016</i>.</p>	
Considerations	
While a vehicle registered outside NSW may be used to provide passenger services, the DVD will only show results for vehicles registered in NSW . Authorised service providers will need another method for checking that interstate vehicles are registered and insured appropriately.	

Safety Check	
Requirement	
Vehicle safety check has been done in the past 12 months	
Traffic Light	
Black date	Safety check has been done in the past 12 months
No date	The vehicle may have never had a safety check in NSW Inspection station may be outside of NSW Inspection station that performed the most recent safety check may not submit safety checks electronically
Red date	Safety check has not been done in the past 12 months Inspection station that performed the most recent safety check may not submit safety checks electronically
What to do if the date is red or there is no date	
The safety check may have been done interstate, or by a licenced motor repairer who does not have the capability to electronically submit their safety inspection checks to TfNSW. The vehicle owner/ driver will need to provide evidence of the safety check to the authorised service provider	
Considerations	
<p>While a vehicle registered outside NSW may be used to provide passenger services, the DVD will only show results for vehicles registered in NSW. Authorised service providers will need another method for checking that interstate vehicles are registered.</p> <p>Any vehicle more than 12 months old needs to have had a safety check in the previous 12 months. A new vehicle less than 12 months old does not need a safety check until the first registration renewal.</p>	



Eligibility Criteria

In order to drive a taxi or hire vehicle (including rideshare), a driver must be eligible and meet all of the eligibility criteria.

What are Eligibility Criteria?

There are three criteria which all drivers must meet

1. They must meet the medical standards for commercial vehicle drivers. This will usually mean they have a PT Code applied to their licence. (for more information on PT Codes, see the Service NSW fact sheet <https://www.rms.nsw.gov.au/documents/business-industry/public-passenger-vehicles/fact-sheet-passenger-transport-licence-code.pdf>)
2. They hold an unrestricted Australian driver licence and have held an unrestricted Australian driver licence for a total of at least 12 months in the preceding two years.
3. They have not had a previous driver authority under the *Passenger Transport Act 1990* or *Passenger Transport Act 2014* cancelled, or an application for such an authority refused, in the preceding 10 years.

How do I check for Eligibility Criteria?

The table on the following page explains how a service provider must check for eligibility criteria.

Eligibility Criteria – a driver must have *all* of these

Requirement	How to verify during onboarding ^⓪	How to verify once onboard if using the DVD. This must be done regularly on an ongoing basis.	How to verify once onboard if not using the DVD. This must be done regularly on an ongoing basis.
1. Evidence of medical fitness to drive	A PT code applied to their licence by Service NSW. Verify with drivers their current health. This will appear as a green light in the “P2P Eligibility” column in the DVD.	Monitor your drivers (formally and informally) and be aware of any changing health conditions which may affect their driving. Document this in your SMS.	
2. Current valid unrestricted Australian driver licence held for a total of at least 12 months in the preceding two years.	Check the age of their current licence and any previous Australian licences over the past two years. If the licence was issued in NSW, this information will automatically show in the DVD.	DVD will monitor this for all NSW licence holders.	Regular checks with drivers to ensure licences remain valid and unrestricted. Document this activity in your SMS.
3. No cancelled driving authority issued under <i>The Passenger Transport Act (1990)</i> (or an application for a driving authority) in the preceding 10 years	Will show on the DVD	Will show on the DVD	Request this information from Service NSW

^⓪ all documents must be no more than 90 days old when they are received



Disqualifying Offences

The Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017 lists disqualifying offences. These offences automatically prohibit a person from driving a taxi or hire vehicle, even when a person is found guilty by a court, but no conviction is recorded.

Some offences will disqualify an individual from driving a taxi or hire vehicle for life; while others will disqualify them from driving a taxi or hire vehicle for a certain period of time. In NSW, this period of time is generally ten years, provided there have been no further offences.

In some situations, convictions may have no disqualifying period, or there may be a good behaviour bond requirement.

What is a Disqualifying Offence?

Disqualifying offences fall into three categories:

1. **Criminal Offences** - murder or manslaughter and specific offences under:
 - *NSW Crimes (Domestic and Personal Violence) Act 2007*
 - *NSW Crimes Act 1900*
 - *NSW Crimes Amendment (Sexual Offences) Act 2003*
2. **Serious Driving Offences** - specific offences under:
 - *the Road Transport Act 2013*

- *the Road Rules 2014*

3. Point to Point Transport Safety Offences - specific offences under:

- *NSW Point to Point Transport (Taxis and Hire Vehicles) Act 2016*
- *NSW Passenger Transport Act 1990*
- *NSW Passenger Transport Act 2014*

There is a list of disqualifying offences on www.pointtopoint.nsw.gov.au. This list is offered as a guide only. Independent legal advice should also be sought.

What if a person has a disqualifying offence?

A person must not drive a taxi or hire vehicle that is being used to provide a passenger service if the person has been found guilty of a disqualifying offence. There is no right of appeal to the Point to Point Transport Commissioner or the NSW Civil and Administrative Tribunal in this instance.

Taxi service providers (other than affiliated providers) and booking service providers are 'responsible persons' for ensuring that a driver with a disqualifying offence does not drive a taxi or hire vehicle.

What if the offence occurred in another Australian state or territory or overseas?

If a person is found guilty of an offence outside NSW, which if it had occurred in NSW would be a disqualifying offence, the person must not drive a taxi or hire vehicle.

What happens when laws are changed?

NSW laws are amended from time to time which means that some of the offences in the disqualifying offences list may be repealed or expire. Under the Regulation, a repealed or expired offence is still considered to be a disqualifying offence.

This means that if a person has been convicted of an offence that is now repealed, the person will not be able to drive a taxi or hire vehicle unless the conviction becomes spent.

Are there any exceptions?

A person who held an authority to drive a taxi or private hire vehicle under the Passenger Transport Act 1990 immediately before 1 November 2017 who was found guilty of a disqualifying offence prior to 1 November 2017 may drive a taxi or hire vehicle unless the Point to Point Transport Commissioner determines otherwise.

A driver can provide evidence that they held an authority to drive a taxi or private hire vehicle immediately before 1 November 2017 by presenting certified confirmation provided by Roads and Maritime Services (RMS).

To obtain confirmation a driver can complete an 'Access to Own Personal Records Form'. On the form the driver needs to request 'confirmation that I was the holder of a driver authority under the Passenger Transport Act 1990 that authorised me to drive a taxi-cab or a private hire vehicle on 31 October 2017'.

This form can be lodged at any Service NSW Service Centre or by following the instructions on the bottom of the form.

Not all criminal offences lead to conviction and not all offences result in an arrest or go to court. This is because some offences can be dealt with by a penalty notice.

The payment of a penalty notice (fine) is not a finding of guilt for the purposes of disqualifying offences. A penalty notice for other offences on its own would not constitute a disqualifying offence unless the matter was also dealt by the courts.

How do I determine if a driver has been found guilty of a disqualifying offence?

Service providers should implement and keep up-to-date policies and procedures for on-boarding new drivers and managing existing drivers. This includes determining if a new or existing driver has been found guilty of a disqualifying offence.

Determining whether a person has been found guilty of a disqualifying offence involves having a driver obtain a National Police Check (police check).

Reviewing a police check will assist a service provider to make an informed decision on the eligibility of a person to be the driver of a taxi or hire vehicle.

A police check will outline whether a person has No Disclosable Court Outcomes or Disclosable Court Outcomes.

A police check that has Disclosable Court Outcomes provides information including charges and court convictions (e.g. penalties and sentences), findings of guilt with no conviction, court appearances, court orders including good behaviour bonds, pending matters and traffic history.

If Disclosable Court Outcomes are present, they commonly appear on the police check in a table such as this:

Court	Court Date	Offence	Outcome
Downing Centre Local Court	06/11/2016	Drive with high range PCA Fine	\$1,000 Disqualification 12 months

Or this:

Court	Court Date	Outcome
NSW	06/11/2016	Drive with high range PCA H XXXXXXXX Fine \$1,000 disqualified 12 months

It is important to determine if any of the offences listed are a disqualifying offence under the Regulation. If the person has been found guilty of a disqualifying offence they must not drive a taxi or hire vehicle.

Note: there are some exceptions; please refer to the 'Are there any exceptions?' and 'What is a spent conviction?' sections for more information.

When obtaining a police check a person is required to disclose the purpose and category of the check which will determine the type and amount of information that is released.

A police check for working with children or vulnerable groups may contain spent convictions. Refer to the 'What is a spent conviction?' section for further information.

Using the Driver Vehicle Dashboard

The Point to Point Transport Commissioner's Driver Vehicle Dashboard (DVD) can be used to indicate possible issues with driver eligibility, particularly as an ongoing check for drivers who have previously provided a police check. For more information refer to the Commissioner's Driver Vehicle Dashboard and the Traffic Light System Fact Sheet.

Spent Convictions

What is a spent conviction?

In NSW, a spent conviction is an older conviction that is deemed no longer relevant for most considerations. This means that if a conviction is spent, it should not be taken into account when determining if a person is prohibited from driving a taxi or hire vehicle under the Regulation.

A spent conviction is generally not required to be disclosed, as relevant criminal history is generally taken to include any which are not spent.

Under Part 2 of the Criminal Records Act 1991, all convictions are capable of being spent, with the exception of:

- Convictions for which a prison sentence of more than 6 months has been imposed by the courts
- Convictions for a sexual offence
- Convictions imposed on bodies corporate (companies)
- Any conviction prescribed by the Criminal Records Regulation 2014*

*currently no convictions are prescribed by this Regulation.

When is a conviction spent?

When a court finds a person guilty of an offence they make a determination about whether to record a conviction, and the penalty or sentence which should be imposed.

A finding that an offence is proven, or that a person is guilty of an offence for which a court has not proceeded to a conviction, is spent immediately after the finding is made. However, if a good behaviour bond was imposed, or the offender participates in an intervention program or a conditional release order (CRO) was made and conditions imposed, the offence would be spent on completion of the bond, program, or CRO, and satisfaction of any conditions. You may see these in a police check with reference to sections 9 or 10 of the Crimes (Sentencing Procedure) Act 1999.

Except as already described, in most circumstances, a conviction is spent after 10 years crime free for adult offenders, and three years crime free for child offenders.

Spent conviction legislation varies between Australian States and Territories, but when considering a conviction or finding of guilt, you should apply NSW spent conviction laws.

This means that when a person's police check appears with Disclosable Court Outcomes from other states, these need to be checked against the NSW spent conviction laws.

Please refer to Section 11 of the Criminal Records Act 1991

<https://www.legislation.nsw.gov.au/#/view/act/1991/8> for additional information on how traffic offences should be dealt with under the Spent Convictions Scheme in NSW.

Where can I find more information?

Read the Regulation carefully for the definitive list of disqualifying offences.

Website: pointtopoint.nsw.gov.au

Tel: Industry Contact Centre on 131 727

How to check if convictions are spent?

NSW residents aged 14 years and over can apply online for a National Police Check.

For more information, visit the NSW Police website or contact Criminal Records

T: 02 8835 7888 E: crs@police.nsw.gov.au

DISCLAIMER

The material in this fact sheet is for general information only. It does not reflect all the technicalities of the relevant law and you should seek legal advice in relation to your particular circumstances. The Point to Point Transport Commissioner does not accept any liability for any action taken in reliance on this document. If you need advice, LawAccess NSW is a free government telephone service that provides legal information, referral and occasionally advice to people who have a legal problem in NSW.