

Traffic Law



Serious times. Here to help.

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QUINN &
SCATTINI
Lawyers

Traffic Law

The Nature of Traffic Law

The rate of traffic offences in Queensland has risen with the increase in police presence, marked cameras and unmarked patrol cars. Traffic offences range from minor issues which can be appealed without legal representation, through to more serious offences that may result in loss of licence or imprisonment.

The loss of a licence can mean a loss of freedom or even income and can put a lot of strain on yourself and/or your family. A legal representative can help you defend your case or negotiate sentencing.

Our Traffic Law Team

The Criminal Law Team at Quinn & Scattini have represented many clients facing traffic matters, ranging from minor traffic charges right through to dangerous driving charges. Traffic charges can have serious consequences if you are found guilty, including a term of imprisonment. We can advise you on the likelihood of being found guilty of a traffic offence and your prospects of success if you decide to plead not guilty.

Our offices are conveniently located near the Courts, which enables us to accept instructions to act and appear in Court or to file urgent documents at short notice.

Our offices are located in:-

- Brisbane
- Caboolture
- Cleveland
- Beenleigh
- Ipswich
- Gold Coast
- Jimboomba



Traffic Offences

Traffic law is the most common area of criminal law encountered by Queenslanders.

Traffic law covers offences such as:-

- Drink driving.
- Careless or dangerous driving.
- Driving while suspended or disqualified.
- Hooning.

Drink Driving

One of the most common traffic offences dealt with by the Courts is drink driving offences. The law in Queensland states that a person in charge of a motor vehicle who has a blood alcohol level in excess of the prescribed limit, or who is adversely affected by liquor or drugs, will be committing a drink driving offence. You may also be charged with a drink driving offence if you refuse to provide a specimen of breath and the police deem you to be under the influence of liquor or drugs.

The penalties for drink driving vary depending on your blood alcohol level and traffic history. If you are charged with a drink driving offence you can lose your licence, incur fines and even be sent to prison. The Criminal Law team at Quinn and Scattini can advise you on the penalties you will be facing for your drink driving offence and we are experts at putting any mitigating factors in front of the Court to ensure you receive the best possible result.

Dangerous Driving

Dangerous driving qualifies as either a traffic offence or criminal offence depending on the circumstances. Dangerous driving may also attract harsher penalties than some other areas of criminal law, including significant fines, licence disqualification periods and jail time.

There are defences to dangerous driving:

- You can argue that your driving was affected by the condition of the road.
- You can argue that you were not the person driving at the time of the incident.
- You can argue that you were off-road when the incident occurred.
- You can argue that your driving was necessitated by an emergency.



Traffic Offences

Driving While Disqualified

In recent years the Courts have been handing down severe penalties, including imprisonment, for persons who drive whilst disqualified. The potential penalties include a minimum loss of licence for 2 years and up to 5 years, with the additional possibility of being sent to jail. If you have found yourself charged with driving whilst unlicensed or whilst disqualified, it is essential that you contact one of the members of our Traffic Law Team to discuss your case.

Hooning

'Hooning' covers a range of offences including:

- Driving a defective vehicle.
- Excessive noise.
- Burnouts.
- Street racing.

If it is a person's first offence police may impound the offending vehicle for up to 48 hours. Beyond the first offence the Courts generally impose a fine.

If a person continues to hoon they may face losing their vehicle to the state.



Work & Special Hardship Licences

Work Licences

If you have had your licence suspended but rely on a licence for work purposes you may be eligible for a work licence (otherwise known as a day licence or restricted licence).

Generally, work licences are issued to persons convicted of drink driving with a low blood-alcohol content reading.

A work licence can only be used for the purpose aiding a person to continue to earn a living. Using a work licence for other purposes may incur additional penalty.

Special Hardship Licences

A special hardship licence is a type of work licence issued when you have exceeded the speed limit by more than 40km/h or have received more than two demerit points when on a good driving behaviour licence.

You must apply for a special hardship licence within 21 days of the commencement of your suspension. In conjunction with your application you will require affidavits from yourself and perhaps your employer.

To receive a work licence you must prove that:

- You hold a current open licence issued in QLD.
- Your BAC was less than 0.15%.
- You were not on your way to work or already on a work licence.
- You are over 25 years old.

Additionally, you must prove that in the last 5 years you have **not**:

- Had a licence suspended or cancelled (special exemptions apply).
- Been convicted of drink driving in any state or territory.
- Been convicted of dangerous driving in Queensland.

To receive a special hardship licence you must prove:

- That losing your licence will result in a loss of income, or
- That losing your licence will result in extreme or unusual hardship for you or your family.





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This is general advice only. You should seek specific advice for your particular circumstances.**