

THE LAW RELATING TO DRINK DRIVING AND WORK LICENCES IN QUEENSLAND

The Law in Queensland makes it illegal for a person to be in charge of or drive or attempt to put into motion a vehicle whilst under the influence of alcohol, prescription drugs, or illegal drugs.

A vehicle has a wide definition and includes:

- A Motor Vehicle
- A Hand Cart
- A Bicycle
- A Boat or Jet ski
- A Wheelchair

A person is considered to be under the influence:

- If under 25 years and the holder of a provisional licence, a Blood Alcohol Content exceeds 0%
- If a driver of a truck, bus, tow truck, or taxi drives with a Blood Alcohol Content exceeding 0%
- All other drivers if their Blood Alcohol Content equals or exceeds .05%
- Where a person is under the influence of illegal drugs
- Where a person is under the influence of prescription drugs
- A person refuses to provide a specimen of breath or blood for analysis

Being in charge of a motor vehicle is defined as:

- Driving
- Attempt to put a vehicle into motion
- Being in charge of a motor vehicle (including being asleep in the front seat of the car and in the car with the keys in the ignition)

PENALTIES

If a person is convicted of a Drink Driving offence then the Magistrate, in addition to imposing a fine or a community service order, must impose a period of disqualification.

If a person has been convicted of three major offences (i.e. where the BAC is equal to or exceeds .15% or the person has failed to provide a specimen) within a five-year period then the Magistrate must impose a term of imprisonment.

WORK LICENCE

A Work Licence, also called a provisional licence or restricted licence, allows a person convicted of drink driving to drive for employment purposes if they meet strict conditions. The conditions the person must meet are:

- Hold a current Queensland provisional or open driver's licence
- Have a BAC of less than .15%

- At the time of offence not have been driving for their job or driving under a work licence or at the time of offence not have been driving under a licence that required a BAC of 0%
- In the last five years not have been convicted anywhere of a drink driving or related offence or have their licence suspended or cancelled
- Show that failure to obtain a work licence will result in extreme financial hardship e.g. loss of employment

TRAFFIC OFFENCES

In Queensland laws exist to ensure that people are accountable for their behaviour whilst in control of a motor vehicle. Offences can include:

- Manslaughter
- Dangerous driving
- Careless driving
- Unlicensed driving
- Failing to remain at a scene of an accident
- Minor traffic offences

REMOVAL OF DISQUALIFICATION

Any person who has been disqualified from driving for 2 years or more, including an absolute disqualification for life, may apply to have the disqualification removed after 2 years so that they can obtain a driver's licence. The application must be made to the Court that made the order.

When considering the application the court considers:

- The character of the person
- The person's conduct since the disqualification
- The nature of the offence and any other circumstances surrounding the disqualification

If the application is successful the person is entitled to apply for a learner's permit and must pass the usual testing procedures. If the application is unsuccessful a person cannot reapply for a further 12 months as at the date of the original application.

CHARGED WITH AN OFFENCE?

The penalties that can be imposed for drink driving and traffic offences can be severe and have long lasting effects, such as loss of licence. You should contact Ferguson Cannon Lawyers to obtain expert legal advice if you have been charged with a drink driving or traffic offence. We have extensive experience acting on an individual's behalf in relation to all drink driving and traffic offence matters.