

Your Ref:

Our Ref: Criminal Law Committee: 2100339/145

18 April 2012

The Hon. Jarrod Bleijie MP  
Attorney-General and Minister for Justice  
Department of Justice and Attorney General  
GPO Box 149  
Brisbane QLD 4001

By Post and Email to [REDACTED]

Dear Attorney-General

**MANDATORY DRIVERS LICENCE DISQUALIFICATIONS REQUIRED BY SECTION 78(3) OF THE  
TRANSPORT OPERATIONS (ROAD USE) MANAGEMENT ACT 1995**

In light of the circumstances surrounding the recent resignation of the former Minister for Police and Community Safety, Hon David Gibson MP, the Society writes to you regarding the operation of section 78(3), *Transport Operations (Road Use) Management Act 1995*.

We **enclose** our submission to the then Minister for Transport and Multicultural Affairs outlining our concern that the imposition of mandatory penalties under this legislation has created many difficulties for offenders, particularly in circumstances where the person is unaware of the suspension or cancellation of their drivers licence.

We are not aware of any response or action taken by the previous Minister to address this issue – one that we consider is still in need of attention. We call for a legislative amendment to section 78(3), *Transport Operations (Road Use) Management Act 1995* so as to provide Magistrates with a discretion to impose a disqualification period if they consider it just in the circumstances of each particular case. As a minimum, the Society's view is that Magistrates at least should be able to take into account, or "declare as time served", the period a driver has been without a valid licence pending the finalisation of matters in court.

A copy of this letter will be provided to the Minister for Transport and Main Roads.

For further information, please contact our Senior Policy Solicitor, Ms Biny De Saram on [REDACTED]  
[REDACTED]; or Policy Solicitor, Ms Raylene D'Cruz on [REDACTED].

Yours faithfully

[REDACTED]  
Dr John de Groot  
President