



# FARE COMMENT

## CASE WATCH

A recent District Court appeal from the decision of a Magistrate concerning SPEED CAMERAS shows these machines may not be infallible.

In Brosnan -v- Emblelton [2013] QDC 34, the motorist appealed a conviction for speeding, where 2 cars were photographed facing the speed camera. There was legal argument about which vehicle was detected speeding. This was based on evidence submitted in the Magistrates Court, but which did not bear scrutiny in the District Court.

Therefore, it should have been found that it was unclear on the proper evidence before the Magistrate that the motorist was speeding.

Due to this doubt, he should have been acquitted, which was the result on appeal.

The moral: If you believe you are the victim of unfair police tactics, it pays to be represented, to ensure a fair hearing and result.

## The Latest

Drivers and operators alike are reminded that by completing the reverse section of a traffic notice to say someone else was driving their vehicle they are making a Statutory Declaration. There are serious ramifications and penalties for making false declarations – even jail.

For further  
information  
& advice,  
please contact  
Robert at  
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## INSURANCE COLUMNS

Please check out our website at [www.rblawyers.com.au](http://www.rblawyers.com.au) for useful information on dealing with insurers!

We continue to find that the insurers wrongly believe in their own supremacy. They still seem unsure about fault in some instances, even when presented with all of the evidence by ourselves.

We find in such cases it is necessary to take the insurer to court, in order to prove our case.

Only the Court can make a true determination of fault – everything else is mere opinion. We continue to offer them some “gentle persuasion” in such cases, so they can receive an education. ☺

Are you one of their victims?  
Let us have the opportunity of teaching them about the law!

### FUNNY:

What do you throw a drowning lawyer – his partners!



*For a Better Result.....*

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