



For a Better Result.....

The Court Refuses Work Licence Application

In the recent Magistrates Court at Rockhampton the decision of White v. Queensland Police Service [2017] QMC 2, the Applicant for a restricted work licence (day licence) was refused his Application.

On 21 December 2016, the Defendant was charged with drink driving being over the general limit but not over the middle limit. His reading was 0.094%.

His material in support of his Application stated that he was a single man with no dependants and was employed on a permanent part time basis as a truck driver.

He had no convictions for drink driving within the last five (5) years.

Ordinarily, Mr White would have been successfully applying for a work licence but the question of him being a "*fit and proper person*" was called into question.

Mr White had a four (4) page traffic history which was tendered to the Court. In 2009, he had a high range drink drive charge, in 2007 another high range drink drive charge and in 2004 a very high reading drink driving charge. Also in 1999 there were other offences of drink driving and disqualified driving in 2011 and 2010.

It was essentially noted by the Court that although he had no drink driving offences in the last five (5) years, he had only received his licence back in July 2014 because of his disqualification in July 2011.

In a summary, the court considered that his history was such that the Magistrate did not consider him to be a fit and proper person. Even though he had completed a drink driving course, there was nothing to suggest that he was mitigating his consumption of alcohol which seemed to be the main problem.

With proper representation, Mr White would have been advised to have obtained counselling and a report submitted relating to his psychological condition concerning his dependence on alcohol and what steps had been taken to address that.

If this evidence had proved favourable, Mr White would have stood a far greater chance of obtaining his work licence.

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