



## Traffic Offences

*Some of the most commonly asked questions about Traffic Offences are discussed on this page.*

### **1. What happens if I'm disqualified as a result of accruing the relevant demerit points?**

There was previously avenue for Appeal from disqualification as a result of the accrual of demerit points. However, the Court has made it clear that it is no longer appropriate to Appeal on such disqualifications. The mandatory period of disqualification upon accruing the relevant demerit points must be applied.

### **2. What is a habitual traffic offender declaration?**

In the event that an individual commits three (3) serious traffic offences in the space of five (5) years the Roads and Maritime Services (RMS) deem that individual an Habitual Traffic Offender and may serve a Habitual Traffic Offenders Notice. If the person is already disqualified from holding a license than the Habitual Traffic Offenders Notice will add a further five (5) years of license disqualification at the expiration of the existing disqualification period. This is obviously a very serious matter and there exists a right to have, under certain circumstances, the declaration quashed or reduced.

### **3. What is considered a serious offence for a purpose of the habitual offenders scheme?**

As previously detailed drivers who accumulate three (3) convictions for serious offences within five (5) years will be declared a "habitual traffic offender" by the RMS. They will then be disqualified from driving for five (5) years unless the Court rules otherwise in addition to any disqualification resulting from the third major offence.

For the purpose of the Habitual Offenders Scheme, serious offences include where a vehicle is involved in the offence of murder or manslaughter, driving at a dangerous speed or in a dangerous manner, furious driving, reckless driving, menacing driving, negligent driving where death or grievous bodily harm is occasioned, drink and drug driving offences, fail to stop and give assistance in an accident involving death or injury, driving whilst disqualified, driving whilst cancelled, driving whilst suspended, driving whilst license refused, exceeding the speed limit by more than 45km an hour and a conviction for unlicensed or never licensed.

### **4. What happens if I receive notification that I have been declared a habitual traffic offender?**

An application may be made to the Court to quash the declaration. A Court may be mindful to do so if it can be shown the individual will suffer hardship and is of good fame and character. Further, if the Court is not persuaded to quash the declaration it may vary the period of disqualification to not less than 2 years.

*If you would like further information, or require assistance, please contact us on (02) 4731 5899 or send us an email by clicking on the 'Contact Us' page on our website.*