

## Sample 2 – Affidavit – Magistrates Court

### In the Magistrates Court of Queensland held at Brisbane

REGISTRY:

NUMBER:

In the matter of Section 131 (10) of the  
Transport Operations Road Use  
Management Act 1995

AND

In the matter of an application by  
JOE THOMAS BLOGGS

### AFFIDAVIT OF JOE THOMAS BLOGGS

I, Joe Thomas **BLOGGS** OF 8 Anne Street, Carina, in the State of Queensland, being duly sworn make oath and say as follows:

1. I am the applicant in an application in the Brisbane Magistrates Court seeking the removal of an order made in the Brisbane Magistrates Court on 16 May 2017 disqualifying me from holding or obtaining a driver licence for a period of 3.5 years. At the same time, I was disqualified from obtaining or holding a driver licence for dangerous operation of a motor vehicle for a period of 18 months. The 18-month disqualification was imposed first.
2. I was born on 19 May 1996 in Auckland, New Zealand. I am 24 years old.
3. I have been living in a stable defacto relationship for three years with Jessica Doe and helping her raise her daughter who is 5 years old.
4. Jessica is engaged in full time home duties. I am the sole income earner for the family, apart from the Family Assistance payments that Jessica receives.
5. I completed school to the end of year 10 and have since had jobs doing factory work and casual labouring.
6. In December 2019 I successfully completed a Certificate 1 in Construction-Bricklaying (pre apprenticeship) at the Queensland Institute of TAFE. A true copy of my certificate is attached marked "A".

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Sheet 1

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Deponent

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Barrister/Solicitor/JJP/C Dec

- 7 I recently obtained a position as a kitchen-hand at the local Leagues Club at 1390 Creek Road, Carina. I am currently on probation and I am rostered to work 20 hours a week, however I would like to find full time employment.
- 8 I would like to work as an apprentice bricklayer, however this job requires a licence because I need to travel to construction sites and carry tools. If I had a driver licence my chances of advancing my employment prospects would greatly improve.
- 9 On 16 March 2017, I was driving my ute along Milton Road at Auchenflower when I was stopped by police and was charged with dangerous operation of a motor vehicle while affected by an intoxicating substance. I was also charged with driving while disqualified. On 16 May 2017, I was disqualified for 18 months for the dangerous operation offence and for 3.5 years for the driving while disqualified; a total of 5 years.
- 10 At the time of these offences, I was distressed after my parents had separated. I had financial difficulties because I was unemployed and had to move out of home. I began taking drugs and drinking heavily.
- 11 When I was convicted a probation order for 18 months was made, with an order that I perform 100 hours of community service, which I successfully completed. The community service order involved moving graffiti from areas of Brisbane.
- 12 While completing the community service ordered by the court, I voluntarily attended Alcoholics Anonymous and Narcotics Anonymous meetings. I also attended regular counselling sessions to deal with my parents' separation. I have been sober and drug free since June 2018. As a result of my sobriety, I received a certificate from Alcoholics Anonymous. A true copy of the certificate received from Alcoholics Anonymous is attached and marked "B".
- 13 I now help others with their addictions and try to educate the community through a Salvation Army outreach program. As a result of my voluntary work, I have received a certificate of commendation from the Salvation Army. A true copy of the certificate of commendation is attached marked "C".
- 14 Over the past three and a half years, I have had time to reflect on my conduct and I understand I must not drive under the influence of alcohol or drugs. I recognise I have a problem with these substances. I accept that holding a driver licence is a privilege and not a right. By choosing to drive under the influence, I placed not only my life in danger but also the safety of everyone else. I also now fully understand the importance of only driving when I have a valid driver licence and respecting court orders.
- 15 In 2011 I received a speeding ticket. At the time I was rushing to hospital to witness my niece's birth. I overlooked payment of the fine and my driver licence was suspended by SPER. I did not pay adequate attention to my mail and somehow missed the notice of intention to suspend my driver licence which SPER posted to me. I was detected driving unlicensed while SPER suspended by a police officer and charged with driving unlicensed. In September 2012, I was fined and disqualified for 1 month.

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Sheet 2

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Deponent

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Barrister/Solicitor/JP/C Dec

- 16 I drove during the period I was disqualified by the court. At the time I committed the offence, I was driving to the shops to get food because I had none in the house. I was also intending to buy and deliver some groceries to my sister for her and the baby. My sister was unwell at the time and her husband was away working. I had arranged with a friend to drive me, but my friend did not turn up. In November 2012, I was convicted of driving while disqualified and fined and disqualified for a period of 2 years.
- 17 In September 2013, I drove while under the influence of alcohol, with a blood alcohol content of 0.16% and while disqualified by court order. On 23 November 2013, I was disqualified by the court for 10 months for the drink drive and for 2.5 years for the drive while disqualified. It was one week before the end of the disqualifications that I committed the offences for which I am currently disqualified. I miscalculated and believed my disqualification had ended. I accept that this was my fault, and, in any case, I had not made any attempt to obtain a new driver licence.
- 18 I have not driven a motor vehicle since my driver licence was last disqualified in 2017 and I have not been charged with any other offences. Attached and marked with the letter "D" are copies of my criminal and traffic histories.
- 19 Having a driver licence would be essential to working as a bricklayer. As an apprentice, I would need to travel all over Brisbane. Employers would be more likely to hire me if I held a driver licence and I would have a better chance of obtaining full time employment.
- 20 I also want to better support my family. Jessica does not drive, and we live in an area with poor public transport. It is difficult for her to get to medical and other appointments and get shopping home.
- 21 A driver licence would also allow me to better help others overcome their problems with drugs and alcohol. I want to become a trainee counsellor with Salvation Army. I currently catch a bus to attend volunteer meetings. To do this, I must travel late at night and Jessica worries. I do not like to cause her anxiety, but I find it very rewarding to help others. I know from personal experience how the help and understanding of others who have been through similar experiences can make a difference. If I had a driver licence, I would be able to continue to volunteer without affecting Jessica's mental wellbeing.
- 22 A driver licence would also allow me to help with transporting Jessica's daughter, whom I regard as my own daughter, to school and activities and appointments.

All the facts and circumstances herein deposed to are from my own knowledge save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my Affidavit.

Sworn by Joe Thomas BLOGGS on the \_\_\_\_\_ day of December 2020 at Brisbane in the presence of:

Deponent

Lawyer/C. Dec /J.P