

SUNDAY-MAIL Sun, May 22, 05  
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 Colour: K C  
 Page: 34 MP:

# SOLVED

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## How to challenge a dodgy ticket

### SPEEDING FINES

**B**ARRY, from Thuringowa, wants to fight a speeding ticket he says was issued incorrectly.

Eventually, it may come down to your word against the police, but there are steps you can take to test the ticket before it gets to that.

Police can make errors – they're human and prone to mistakes like us all.

If you think you have been wrongly issued a ticket, stand up for your rights. Here's how to do it:

- Check the ticket to make sure it is filled out completely and all details are correct
- Make sure the officer signed the ticket.

- Write to the Police Commissioner asking him to confirm the detection device was operated in accordance with police policies and protocols. Request that this be proved by supplying copies of the policy, and confirmation the officer was correctly trained.
- Ask the Commissioner to confirm if the equipment was calibrated in accordance with Australian Design Rules.

- Also, ask for confirmation the speed device was approved to operate at the location.
- Outline any extenuating circumstances – you were driving down a steep hill and the radar was at the bottom or that maybe you were travelling to attend urgent private business, such as illness in the family.

Police can still reissue a new ticket with the correct details in some circumstances so approaching the Commissioner may just delay the process.

If the ticket will affect your livelihood and you believe the error by police was significant, you could test the matter in court.

This could be risky because if you lose you will be hit for court costs. Allowing the matter to go straight to court, however, does not give the Commissioner the ability to re-issue the ticket and correct any error, and the magistrate could throw the case out.

People considering this option should seek legal advice.



CAUGHT: There are many ways to challenge a traffic ticket



DANGER: Get your council working

**Q** Joanne from Mt Isa has complained to her local council about hoon speeding in her street at night. The council has told her there isn't much that can be done. Joanne asks if there's anything she can do to try to stop the hoon.

**A** The council just can't wipe its hands of this issue – it is a matter for both it and the police to address.

Talk with fellow residents to see if other people in the street have similar concerns.

If they have, get a community action group together. Many voices are better than one and both the council and the police are more likely to act if a group of people is voicing concerns. It helps to erase any doubt

### HOONS

that the complaint is genuine.

Go back to the council with a list of signatories asking for speed reduction initiatives to be put in place – speed bumps, traffic islands and other traffic-calming devices.

Approach local police and ask them to put more patrols in the area and put radars in place to catch the offenders.

Don't give up. Get support from your local councillor and ask that he/she champion your cause.

Also seek support from your state and federal MPs.

Give some thought to stirring the pot in the local media.

## Neighbours cross the line

### FENCES

**J**IM from Toowoomba has a problem with an overhanging tree from a neighbour's property and asks if he can remove the branches from the tree.

Yes, you can cut the tree back to the fence line, but you must place the cuttings neatly back over the fence, as they are the property of the tree owner.

Before doing anything, speak to the owner to get his or her agreement.

Good neighbours don't allow their trees to overhang or cause damage to paths, pools etc.

A reasonable neighbour will probably help you to cut the trees back. Any damage caused by roots or overhanging branches may see the property owner liable for the damage.

Who pays for what is another area that causes friction.

Generally, owners of adjoining land are liable to share the costs of building, repairing or removing fences.

Again, speak to your neighbour. Once you reach an agreement, get it down on paper – written agreements are easier to enforce.

If you can't speak to your neighbour but still want them to contribute, you must give notice in writing specifying the type of fence, where it is to be built, the cost and contribution required.

Make sure the fence is built on the common boundary. You

may need a surveyor if you are unsure of its precise location.

If your neighbour refuses to contribute, challenges the cost or disagrees with the type of fence you wish to build, do not go ahead and build the fence anyway – you won't be legally covered for recovery of costs.

If no agreement can be reached after a month, either party may apply for an order to fence to either a magistrates court or the Small Claims Tribunal.

### GOT A PROBLEM?

Contact Red Tape Busters founder  
 Shane Bowering at PO Box 93  
 Clontarf Beach Qld 4019 or  
 shanebowering@redtapebusters.com.au

### GRANTS

**Q** Stephen from Barcaldine is involved with the local rugby league club, which needs money to upgrade its fields, as they are in a bad state. Would the State Government help?

**A** Being in a rural area you are ideally placed to get help.

I would suggest that you seek assistance from the Federal Government through the Regional Partnerships program, through the State Government via the Department of Sport and Recreation (there are many programs here that may be applicable) and through your local council by directly

approaching it for a contribution.

I would also look to preparing submissions for funding through the Community Benefit Gambling Fund and the Jupiters/Breakwater Casino Funds. With the right submissions and approaches, I'd be surprised if your fields were not upgraded within the year.

● The advice offered in this column is general in nature and readers should obtain specific qualified advice from experts in the appropriate field in all circumstances.

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