Disqualification period considerations:

[*Sutcliffe v Queensland Police Servic*](https://archive.sclqld.org.au/qjudgment/2022/QDC22-135.pdf)*e* [2022] QDC 135 citing[*R v Osborne*](https://archive.sclqld.org.au/qjudgment/2014/QCA14-291.pdf) [2014] QCA 291 the Court of Appeal at [57] stated:

“[57] However, the discretion arising under s 187(1) as to the period of disqualification is broad and not expressed as being confined solely to “the nature of the offence, or to the circumstances in which it was committed.” Other considerations which have been regarded as relevant to that discretion include:

- the need for protection of the public from persons who create danger on the road, particularly those with a pattern of doing so;  *R v Cunningham* [2005] QCA 321; R v Dean (2006) 45 MVR 542, 544

- the consequences of the disqualification upon the offender’s future employment prospects;  *R v Plath* [2003] QCA 567, [18-19]; *R v Cunningham* [2005] QCA 321; *R v Dean* (2006) 45 MVR 542, 544.

- the risk that the disqualification period may create a disincentive to rehabilitation on release from custody;  *R v Plath* [2003] QCA 567, [18-19]

- the extent to which the disqualification period will operate as an additional penalty to other penalties imposed.” (*R v Nhu Ly*).

*R v Nhu Ly*[1996] 1 Qd R 543:  Macrossan CJ stressed the desirability of the disqualification serving some purpose other than that served by other available punishments: “Although the discretion which arises is a broad one, it can be accepted that the disqualification, whilst it will operate as an additional penalty, **is not meant to be simply a gratuitous addition** to other available punishments. There should be an apparent purpose in disqualification as such, rather than would, say, be served by a heavier fine or a longer prison term.”