

CASE FOR REFUGEES

Centre for advocacy, support and education for refugees

Driving Laws Fact Sheet

This Fact Sheet sets out some of the basic licensing requirements to driver a motor vehicle in Western Australia and looks at some traffic offences. It is not a comprehensive overview of driving laws and you should seek legal advice if you are charged with a traffic offence.

Licensing of Drivers

In Australia, it is an offence to drive:

- without the right class of driver's licence for the motor vehicle you are driving;
- while your driver's licence is suspended, cancelled or expired; or
- while you are disqualified from getting or holding a driver's licence.

There are significant penalties for committing traffic offences including hefty fines and in some cases, the possibility of jail.

Before you get your driver's licence you must obtain a learner's permit from the Department of Transport. Once you are at least 16 years of age, you can sit a written exam in order to obtain your learner's permit.

There are significant conditions placed on you while you are driving under a learner's permit. It is an offence not to comply with the conditions of a learner's permit. For example, you must not drive without a person who has been qualified to drive for at least four years.

In order to get your driver's licence, you must pass a practical driving assessment, complete at least 25 hours of supervised driving, and complete a hazard recognition test.

Licensing of Motor Vehicles

Motor vehicles must be registered with the Department of Transport's Licensing Services.

It is an offence to drive a motor vehicle on any road if the motor vehicle does not have a valid vehicle licence. Any person who drives a motor vehicle or permits the motor vehicle to be used on any road commits an offence. The courts can order you to pay significant fines for committing such offences.

Driving under the Influence of Alcohol and Drugs

A person who drives a motor vehicle while under the influence of alcohol and/or drugs to such an extent that they are incapable of having proper control of that vehicle, is guilty of driving under the influence. Driving under the influence is a serious offence and the penalties are very high.

Drink driving laws prescribe blood alcohol limits depending on a number of factors, including how many years you have held a driver's licence. For example, a person who has held a driver's licence for less than two years is limited to a blood alcohol limit of 0.00% and a person who holds an unrestricted driver's licence is limited to a blood alcohol limit of 0.05%.

If you are stopped by the Police and requested to take a preliminary breath test, you should do so. Failure to stop or wait as instructed by Police is an offence. If you refuse to do a preliminary breath test, the Police can require you to do a secondary breath test. Refusal to take a breath test is an offence.

If the Police believe you are under the influence of a prohibited drug, then they can require you to

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undergo a driver assessment and a blood or urine test. Failure to undergo a driver assessment or allow a sample of blood or urine to be taken for analysis is an offence. If you are caught driving under the influence of drugs, the penalties are significant, including losing your driver's licence, and the penalty range increases if you re-offend.

Reckless, Dangerous and Careless Driving

Reckless driving is an offence and means wilfully driving in a way that is inherently dangerous to the public. Excessive speeding is an example of reckless driving. You will lose your driver's licence if you are convicted of reckless driving and face a significant fine. Imprisonment is an option and the Police can confiscate your car for 28 days.

Dangerous driving is an offence and means driving in a way that is dangerous to the public. If convicted of dangerous driving, you will be ordered to pay a large fine. If you re-offend, you will lose your driver's licence and imprisonment is an option.

Careless driving is an offence and means driving without due care and attention. If convicted, you will be ordered to pay a large fine.

In all of these cases, the penalty range increases with repeat offending, and imprisonment can be a real possibility.

Where to Go to Get Help

CASE for Refugees Inc. is a non-government, non-religious community legal centre that provides migration and general legal services to the culturally and linguistically diverse (CaLD) communities of Western Australia. CASE for Refugees Inc. can assist you with your queries regarding driving laws in Australia and assist you if you are charged with a traffic offence. The penalties for a traffic offence can be serious and you should seek legal advice, particularly if it is not your first offence.

All services are free of charge, although donations from individuals and organisations are gratefully accepted. All donations of more than AUD\$2.00 are tax deductible.

The contact details for CASE for Refugees Inc. are as follows:

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