



DRINK DRIVING FACT SHEET

Drink driving is when you drink alcohol and then drive or take control of a vehicle while the alcohol is still in your blood at a level above the legal limit.

What is the legal limit?

The amount of alcohol you can legally have in your blood system depends on your personal circumstances, the type of licence you have, and the type of vehicle you are driving.

It is against the law for anyone to drive with a blood alcohol level of 0.05 or more.

Lower limits apply to new drivers and people who have been convicted of certain traffic offences.

For some people it is against the law to drive with a blood alcohol level of 0.02 or more, and some people are not allowed to drive with any amount of alcohol in their blood at all.

How do police check my blood alcohol level?

Police can ask you to do a breath test if you are the driver of a vehicle, or if they reasonably believe that you were driving a vehicle earlier.

If the police ask for a sample of your breath or blood, you must give it. Sometimes you must also give a further sample of breath or blood.

It is against the law to refuse to give the sample. Serious penalties apply including licence disqualification.

If the police ask for a sample of your breath or blood, you must give it. It is against the law to refuse to give the sample.

What happens if I am convicted of drink driving?

If you are convicted of a drink driving offence, the penalty is usually a fine and disqualification of your licence for a certain period of time.

Your licence might also be cancelled.

There are minimum fines and disqualification periods for almost all drink driving offences. The minimum penalty depends on the level of alcohol found in your blood and whether you have prior convictions for drink driving or other relevant offences.

For the most serious drink driving offences, you might go to prison.

How do I get my licence back?

If your licence is disqualified, you must wait until the disqualification period ends before you drive again.

It is important to pay any fines you have or make arrangements for time to pay so that you can get your licence back as soon as possible.

Your disqualification will not run while you have unpaid fines or are in prison.

You should always check with the Department of Transport to make sure your disqualification has ended before you drive again.

For some drink driving offences, when your licence is disqualified by the court it is also automatically cancelled.

This means that when your disqualification ends you must re-apply for your licence before driving again.

It is an offence to drive when your licence has been cancelled, even if you are no longer under disqualification.

If you drive while your licence is disqualified or cancelled, it is a serious offence and you can go to prison.

Can I get an extraordinary licence?

You may be able to apply for a special licence, called an Extraordinary Licence, that allows you to drive while under court disqualification.

There are waiting periods before you can apply and then you must appear in court and convince a Magistrate that you meet strict criteria.

What is the Alcohol Interlock Scheme?

If your licence has been cancelled for an alcohol interlock offence, when you re-apply for your licence, it may be granted subject to the conditions of the Alcohol Interlock Scheme.

Under the Alcohol Interlock Scheme, your car must be fitted with an alcohol interlock device for a certain period of time and you must do randomly timed breath tests while driving.

It is against the law to drive contrary to your alcohol interlock conditions.

Where can I get more information?

You can find webpages, videos, information sheets and self-help kits related to drink driving, traffic offences, extraordinary licences and removal of disqualification on the Legal Aid WA website www.legalaid.wa.gov.au.

Legal Aid WA contacts: Website + Chat www.legalaid.wa.gov.au
Infoline 1300 650 579, Legal Yarn 1800 319 803.

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