



Drink Driving Penalties Western Australia



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In Western Australia, if you are charged with drink driving, the **penalty** you will receive will either be an infringement with loss of demerit points, or a notice to appear in court for the Magistrate to make the penalty determination.

An infringement is only issued to those with a BAC of 0.05 to 0.079, or if you are on a zero limit and your BAC is less than 0.02. All other drink driving offences will require you to attend court, and be sentenced by the Magistrate who will issue you with an appropriate fine and disqualification period.

If your BAC reading is 0.08 or higher, you will receive an automatic disqualification until your matter is finalised in court. A zero alcohol limit is required for all novice drivers, holders of extraordinary licences, recently disqualified drivers, and drivers of taxis, buses and heavy vehicles.

The **Road Traffic Act 1974** is the legislation that outlines the different drink driving offences and associated penalties.



Penalties for drink driving offences in which an infringement is issued

Infringements will only be issued for your first offence of drink driving. If you are on a zero limit, and your BAC was greater than zero but less than 0.02 then you will receive an infringement of \$100, and the loss of 3 demerit points. All other drivers must have a BAC of less than 0.05.

If you are charged with drink driving and your BAC was between 0.05 and 0.059 then you will receive an infringement of \$400, and 3 demerit points. If your BAC was between 0.06 and 0.069 you will receive an infringement of \$400, and the loss of 4 demerit points.

If your BAC was between 0.07 and 0.079 you receive an infringement of \$400, and the loss of 5 demerit points. If you elect for the matter to go to court the maximum court penalty is \$500.



Penalties for first time drink driving offences in which a summons is issued

If it is your first drink driving offence you will be required to attend court if your BAC was 0.08 or greater. If you are on a zero alcohol limit and your BAC is 0.02 but less than 0.05, you will receive a fine of \$150 to \$300, and 3 months disqualification.

If your BAC was between 0.08 and 0.089 you will receive a 6 month disqualification, and a minimum fine of \$500. If your BAC was greater than 0.09 but less than 0.11 you will receive a 7 month disqualification, and a minimum fine of \$550.

BAC readings greater than 0.11 but less than 0.13 will incur an 8 month disqualification, and a minimum fine of \$650. If you have a BAC of greater than 0.13 but less than 0.15 you will receive a 9 month disqualification, and a minimum fine of \$750. BAC readings of 0.15 or higher will receive a minimum disqualification of 10 months, and a minimum fine of \$900.

From October 2016, if you are convicted of driving under the influence, failing to provide a sample, or dangerous driving causing bodily harm, serious bodily harm, or death, you will be ordered to participate in the interlock program.



Penalties for second and subsequent drink driving offences

All second and subsequent drink driving charges will require you to appear in the Magistrates Court for sentencing. Any previous drink driving offence in the last 20 years will be taken into consideration for the penalty determination. The more offences you have committed in that period the higher the fine and the longer the disqualification period.

- For a BAC between 0.05 and 0.09, your fine will be at least \$500 and you will be disqualified from driving for between 6 and 8 months.
- If your BAC was 0.07 to 0.079 you will receive a minimum fine of \$600, and a disqualification of either 8 months or 10 months.
- If your BAC was 0.08 to 0.089 you receive a minimum fine of \$600 and disqualification from 8 to 10 months.
- If your BAC was 0.09 but less than 0.11 you receive a minimum fine of \$900, and a disqualification period of either 10 or 13 months.
- BAC readings of 0.11 but less than 0.13 will incur a minimum fine of \$1200, and a disqualification period of 14 or 17 months.
- If your BAC was between 0.13 and 0.149 you receive a minimum fine of \$1600, and a disqualification of either 18 months or 30 months.
- For BAC readings 0.15 or higher you can expect to receive a minimum fine of \$2100 up to \$5000, and a disqualification of 30 months for second offences, and a life ban for third and subsequent offences. The Magistrate can also order a term of imprisonment for 18 months instead of the fine for subsequent drink driving offences with a BAC of 0.15 or higher.

For second and subsequent drink driving offences committed within 5 years of the first, from October 16, the court will be required to impose an [interlock order](#) on the offender. All costs associated with complying with the order are borne by the offender.

In **Western Australia**, if you drive with a **BAC of 0.08** or higher you will be automatically disqualified from driving.





Remember, you are NOT alone!

Where you go from here depends on your own situation. Everyone has their own individual priorities and demands on their life that they need to deal with.

This information guide points you in the right direction as to what options might be available to get the outcome that you need; options that many of our clients are not aware of before talking to us.

If you would like some personal advice on your particular situation and would like to talk direct with a lawyer in your local area who is a specialist in drink driving or traffic law then please call our legal hotline on **1300 636 846 (Free Call, No Obligations).**

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NATIONAL LEGAL HOTLINE

1300 636 846
7am to Midnight, 7 Days

Call now on

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7am to Midnight and speak direct with a DUI Lawyer to get your Drink Driving questions answered. You can also request a callback at gotocourt.com.au/drink-driving

When you call the hotline you will speak directly with a lawyer. Your conversation will be treated with the strictest of confidentiality and sensitivity. At the end of the call you will have some clarity on the steps you need to take next and how you can have the best chance at an outcome that will ensure you will attend Court armed with knowledge and support.

Scan this QR code to find more details about Drink Driving:

