



Dangerous Driving Laws in Western Australia



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Dangerous driving in Western Australia carries the risk of a heavy fine, disqualification from driving, and possibly imprisonment.





Section 61 of the [Road Traffic Act 1974](#) defines dangerous driving as driving a motor vehicle in a manner (including speeding) that is, having regard to all the circumstances of the case, dangerous to the public or to any person. The Oxford Dictionary defines 'dangerous' as 'able or likely to cause harm or injury'.

In Western Australia, the terms 'dangerous', 'reckless' and 'careless' driving are sometimes used interchangeably and it can be difficult to work out the difference between the three terms and the penalties for the different offences.



What Will The Court Look At?

When judging whether a driver was driving dangerously, the court will objectively look at numerous factors to determine whether the driving was actually, or potentially, a danger to the public or another person.

Some examples of these factors include, but are not limited to:

- the nature and quality of the driving
- the amount of traffic on the road at the time
- the number of pedestrians in the area at that time
- the condition of the road
- weather conditions
- the health and tiredness of the driver
- the experience of the driver in the vehicle, and
- whether the driver was familiar with that particular road.

[Failing to stop for police](#) can be considered dangerous driving. Another more common example is using a mobile phone illegally whilst driving, such as texting whilst driving in a 90 km/h zone.



Hoon Driving



In WA, hoon driving is another example of dangerous driving and is covered by WA's tough '[Hoon Laws](#)'.

Hoon driving usually occurs when a driver drives at very high speed or in a manner that is considered highly dangerous or antisocial and may also include:

- intentionally causing tyres to lose traction
- causing a vehicle to make excessive noise or smoke
- exceeding the speed limit by 45 km/h or more, and/or
- engaging in a race or speed trial on a public road or in a public space.

Vehicles that are being driven in a reckless or dangerous manner, such as doing burnouts or racing another vehicle, can be impounded under the [Road Traffic Act 1974](#). WA Police have the power to impound the vehicles of drivers who exceed the speed limit by 45 km/h or more. Those who have their vehicles impounded by police are responsible for all costs including towing and storage.



Penalties For Dangerous Driving

Under Section 61(3)(a) of the Act, the penalty for a dangerous driving offence can range from \$800 for a first offence, to \$2,000 and or 9 months imprisonment, or a 12 month licence suspension.

Under subsection (4) where a person is convicted of an offence against section 61 of the Act, any offence previously committed by that person against sections 59 (dangerous driving which causes death or serious bodily injury), 59A (dangerous driving which causes bodily harm), or 60 (reckless driving) shall be taken into account and be deemed to have been an offence against this section (but not to the exclusion of any other previous offence against this section) in determining whether that first-mentioned offence is a first or subsequent offence.

A person charged with an offence against section 61 may instead be convicted of an offence against sections 62 (careless driving) or 62A (hooning), depending on the circumstances of the offence. This is one illustration of how sections 60, 61 and 62 of the Act correspond with one another.

Reckless Driving

Section 60 of the Act deals with 'reckless driving' and subsection (1) states: 'Every person who wilfully drives a motor vehicle in a manner (which expression includes speed) that is inherently dangerous or that is, having regard to all the circumstances of the case, dangerous to the public or to any person commits an offence'.

Subsection (1a) further states that a person who drives a motor vehicle at a speed of 155 km/h or more commits an offence.

Penalties For Reckless Driving

For a first offence, the maximum fine is \$6,000, the driver must be disqualified for at least 6 months, and there is the option of imprisonment of up to 9 months. These penalties increase for subsequent offences. The court has the power to impound the vehicle that was used in the offence or, in certain circumstances, confiscate that vehicle.



If you are convicted of reckless driving while trying to escape pursuit by the police, the court must sentence you to at least 6 months imprisonment.

A person charged with an offence against this section may, instead of being convicted of that offence, be convicted of an offence against section 61 or 62 or, if the charge is of an offence against subsection (1), an offence against section 62A.

Careless Driving

Section 62 of the Act declares that every person who drives a motor vehicle without due care and attention commits an offence.

Section 62A also states that a person who wilfully drives a motor vehicle on a road or in a car park so as to cause either excessive noise to be made with one or more of the vehicle's tyres, or smoke to come from one or more of the vehicle's tyres or a substance on the driving surface, commits an offence under this section.

What To Do Next?

If you have been charged with either dangerous, reckless or careless driving, it is important to keep in mind that you may be convicted under any of the other relevant sections of the Act and in consequence, may receive a heftier sentence and, in some circumstances, even a term of imprisonment.

Call Our WA Traffic Lawyers for a no-obligation, confidential discussion about your situation – 1300 636 846.



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.

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