

# DRIVING OFFENCES

## What are the penalties for speeding?

The table below explains the penalties for speeding offences. Please note that during certain periods where there is increased traffic on the roads (for example, long weekends) both the demerit points and fines can be doubled!

Offence	Demerit Points	Fine
Exceed speed limit by not more than 15km/h	3	\$77
Exceed speed limit by >15km/h but < 30km/h	3	\$231
Exceed speed limit by >30km/h but < 45km/h	4	\$590
Exceed speed limit by >45km/h	6	\$1589 and automatic licence disqualification for 6 months

## What are the penalties for drink driving?

Drink driving is a very serious offence and can have severe consequences for yourself, your passengers and other road users. Drink driving is involved in around 20% of all fatal crashes and 100 deaths in NSW every year. The penalties for exceeding the Prescribed Concentration of Alcohol (PCA) are as follows:

Offence	Penalty	First Offence	Second or subsequent offence
<b>High Range PCA (.15 or above) or refuse breath test</b>	Maximum court fine	\$3300	\$5500
	Max jail term	18 months	2 years
Licence Disqualification	Min	12 months	2 years
	Max	unlimited	unlimited
	Automatic	3 years	5 years
	Immediate suspension	yes	yes
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<b>Mid range PCA (.08 to less than .15)</b>	Maximum court fine	\$2200	\$3300
	Max jail term	9 months	12 months
Licence Disqualification	Min	6 months	12 months
	Max	unlimited	unlimited
	Automatic	12 months	3 years
	Immediate suspension	yes	yes
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<b>Low range PCA (.05 to .08) or for special range over .02</b>	Maximum court fine	\$1100	\$1200
	Max jail term	n/a	n/a
Licence Disqualification	Min	3 months	6 months
	Max	6 months	unlimited
	Automatic	6 months	12 months

	Immediate suspension	no	no
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### What is my blood alcohol limit?

NSW has three different blood alcohol limits. Learners and those on Provisional licences (P's) have a blood alcohol limit of zero. Drivers of very heavy vehicles, vehicles carrying dangerous goods and drivers of public vehicles like taxis and buses have a blood alcohol limit of 0.02. All other drivers have a blood alcohol limit of 0.05.

### I've just received a fine in the mail but I wasn't driving the car at the time and didn't commit any offence?

You will need to fill out a form called a statutory declaration (you can get these from any Post Office) stating that you weren't driving the vehicle and send this to the Infringement Processing Bureau. YOU MUST identify who was driving the vehicle and provide their contact details. DO NOT send a payment with this as they IPB will take this as an admission of guilt. The IPB will then send an Infringement Notice to the driver of the car and notify the RTA to cancel any demerit points against you from that offence. This process may take up to four months.

### My car has been impounded! What happens now?

Your car can be impounded if the police think that it has been involved in street racing, drifting, burnouts or donuts in the last ten days. They will issue you with a *notice of confiscation* which will tell you why they are taking the vehicle, where they will keep it, the condition of the car and the name of the impounding officer. They may also give you an *infringement notice* (fine) which details the offence and the amount of the fine. For a first offence, your car may be impounded for up to three months and for the second offence it will be forfeited - which means you lose your car for good!

If your car has been impounded (for the first time), to get the car back you will have to take the matter to court (which may take up to three months) or apply to the Administrative Decisions Tribunal. You should try to get legal assistance to help you to do this.

**\*IMPORTANT\*** If you receive anything that looks like an official document, either an Infringement Notice, Court Summons or Notice of Confiscation, the best thing to do is to deal with it immediately either by yourself or by getting legal assistance. Do not ignore these documents as the problem can escalate very quickly and lead to even more serious consequences.

### Where can I go for legal help?

If you are in trouble with the police, Legal Aid may be able to help you - call 1800 10 18 10 if you are under 18. If you are over 18, call 9219 5000.

A Community Legal Centre may also be able to help you with your problem.

Macquarie Legal Centre  
9760 0111

Marrickville Legal Centre  
9559 2899

The Shopfront  
9360 1847

[www.macquarielegal.org.au](http://www.macquarielegal.org.au)

[www.mlc.asn.au](http://www.mlc.asn.au)

[www.theshopfront.org](http://www.theshopfront.org)