

Have you been charged with a drink driving offence?

What happens if I've been charged?

If you have been charged with drink driving, you will receive a Summons to appear in court. This means that you must go to the Magistrates Court. You will also get a statement of facts, detailing the alleged offence.

Before your court appearance, you must decide whether you intend to plead guilty or not guilty to the charge. Drink driving is a criminal offence and if convicted, you will have a criminal record and your license will be disqualified.

Character references

It is recommended that you obtain some character references from independent adults (not members of your family) who can state that you have a good driving history and are otherwise of good character.

For more information about character references, please see our 'What is a Character Reference?' factsheet available on our website.

How can Legal Aid ACT help you with a DUI offence?

For first or second time drink driving offenders Legal Aid ACT holds fortnightly group information sessions. Contact Legal Aid ACT to book into one of these free information sessions.

Legal Aid ACT
www.legalaidact.org.au/events
Phone: **1300 654 314**

People with three or more drink driving offences may have a free, individual appointment with a lawyer, and if eligible receive a grant of legal assistance.

Minimum penalties for first time offenders

The blood alcohol limit is 0.00 for special drivers (includes 'P' Plate drivers) and 0.05 for ordinary drivers.

The minimum penalties for first time offenders for each offence range are:

Level 1 (more than 0.00g, but less than 0.05g)	A fine not exceeding \$800, and a loss of licence for at least 1 month
Level 2 (0.05g or more, but less than 0.08g)	A fine not exceeding \$800, and a loss of licence for at least 2 months
Level 3 (0.08g or more, but less than 0.15g)	A fine not exceeding \$1600, up to 6 months imprisonment, or both, and a loss of licence for at least 3 months
Level 4 (0.15g or more)	A fine not exceeding \$2400, up to 9 months imprisonment, or both, and a loss of licence for at least 6 months

You should also be aware that the police are required to suspend your license on the spot if you are caught exceeding your blood alcohol limit by 0.05 (i.e. 0.05 for special drivers and 0.10 for all others). This can also occur if you refuse a breath or blood test.

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What if I am found guilty of a drink driving offence and my license is disqualified?

For the period that your license is disqualified, you are banned from driving. The only exception to this is if the court grants you a restricted license.

Am I eligible for a restricted license?

A restricted license is a license that allows you to drive during certain times and for certain purposes.

To be granted a restricted license you must:

- Be a resident in the ACT
- Not be disqualified from driving in another state or territory
- Complete an alcohol awareness course
- Be a first time offender (excludes high range first time offenders)
- Not have **any** previous driving convictions
- Prove to the court that there are exceptional circumstances. These include where people are dependent on you driving, and may suffer hardship if you cannot drive

There are a number of other factors that could disqualify you. You can find out more about your eligibility and how to obtain a restricted license on the ACT Magistrates Court website.

When should I apply for a restricted license?

The Magistrate needs time to consider your application. You should apply for a restricted license at least 3 weeks before the date you are due in court to face your drink driving charge.

How do I apply for a restricted license?

At the Magistrates Court Registry, you must complete and file the following documents:

- Application for a restricted license form
- Affidavit (statement) supporting your application
- Supporting documents

Once you have done this and paid the court fee, you will receive two copies of your application.

Take one to the Australian Federal Police (AFP), and the other to Access Canberra. If your application is successful, you will need to pay a license fee to Access Canberra.

Your day in court

Arrive at the court with plenty of time to tell the Court Officer that you are present. If you are ready to enter a plea of guilty and make your application, tell this to the court.

You will have the opportunity to tell the Magistrate your story. In telling your story, it is a good idea to prepare.

Consider outlining the following:

- Your reasons for drinking
- How many drinks you had
- Your driving history
- How long you waited before driving
- The distance you drove
- Your ability to pay if a fine is issued
- Your need for a license
- Your previous good character, if this is your first drink-driving charge.