Drink driving
Summary

- It is against the law for full licence holders in Victoria to drive with a BAC of 0.05 or more.
- Probationary drivers (P plates), learner drivers (L plates) and commercial drivers must only drive with a zero BAC.
- Penalties for drink driving include licence cancellation, heavy fines, vehicle impoundment or immobilisation and, for very serious offences, community-based orders or imprisonment.

Alcohol is a major factor in road deaths in Victoria. Each year about one quarter of drivers killed in road crashes in Victoria had a Blood Alcohol Concentration (BAC) over the legal limit.

At a BAC of 0.05, your risk of being involved in a road crash is about double that of a BAC of zero.

In Victoria, there have been intensive media campaigns and concentrated police efforts to discourage people from drinking alcohol then driving, including advertisements about the consequences of drink driving and an increase in random breath testing.

Drink-driving laws in Victoria

The legal blood alcohol concentration (BAC) limit for fully licensed drivers in Victoria, and all other states and territories, is 0.05. A zero BAC is required for:

- drivers on a probationary licence (P plates) or learner permit (L plates)
- bus and taxi drivers
- drivers of trucks over 15 tonnes.

The law in Victoria imposes severe penalties on convicted drink-drivers, including loss of licence, fines and, occasionally, imprisonment. More than 12,000 Victorians lose their licences every year because of drink-driving offences.

As of 1 October 2014, anyone who loses their licence or learner permit due to a drink-driving offence is required to install an alcohol interlock in any vehicle they drive as a condition of relicensing.

Since December 2011, it has also been an offence to drink alcohol while driving a car, or while sitting beside someone who is learning to drive, even if there is no alcohol detected in the driver's blood or breath.

From 1 August 2015, significant penalties apply if drivers on Victorian roads are caught with both illegal blood or breath alcohol concentration (BAC) and illicit drugs in their system.

Factors influencing BAC

Some of the factors that influence the concentration of alcohol in a person's breath or blood (BAC) include:

- the amount and type of alcohol consumed
- the rate of drinking and the time since the last drink
- the amount of alcohol that remains in the stomach
- other foods or liquids in the stomach
- the amount of alcohol already metabolised by the liver
- the general health and competence of the liver
- the person's metabolic rate
- physical factors, including gender, body size and lean tissue to body fat ratio
- the volume of water in the tissues of the body, which can be affected by such things as medication, illness and the menstrual cycle.

Estimating BAC

The only way to measure your BAC is by using a fully calibrated testing machine. The general advice on limiting your drinking to a particular number of standard drinks per hour may work for some people, but not for others. There are simply too many factors to take into consideration. The only way to be sure is to not drink alcohol if you are going to drive. If you are going to drink, do not drive.

Breath testing for BAC

Victoria Police carries out extensive breath testing and screens between 3.5 and 4 million drivers for the presence of alcohol per year. The procedure is straightforward. The driver is instructed to blow into a hand-held breath-testing device until deep lung air is exhaled. The BAC reading is given on the digital display.

Refusing a breath test is a serious offence with severe penalties. A driver who does not cooperate is likely to be fined and disqualified from driving.
Penalties for drink-driving

The penalties for drink-driving depend on the BAC level and on whether the driver has prior drink-driving offences. Penalties usually include licence cancellation and installation of a mandatory alcohol interlock upon relicensing for a set period.

A learner or probationary driver who records a BAC of less than 0.05 will have their licence cancelled for three months and will be required to install an alcohol interlock for at least six months once they are relicensed.

A fully licensed driver who records a BAC of between 0.05 and 0.07 will be fined and incur 10 demerit points. A fully licensed driver who records a BAC of 0.07 or more will have their licence cancelled and be required to install an alcohol interlock for at least six months once they are relicensed.

All repeat drink drivers will have their licences cancelled and be required to install an alcohol interlock.

For very serious offences, punishment may include community-based orders or imprisonment.

Rehabilitation after drink-driving

The requirements for regaining a licence depend on the circumstances and may include a compulsory drink-driver education course, a court order and, for many offenders, clinical assessments for alcohol problems. In Victoria, advice is available from DirectLine on 1800 888 236.

Specific requirements before drink drivers can be re-licensed include:

- All first time drink-drivers with a BAC of 0.10 or more, and all repeat drink-drivers, must obtain a Licence Eligibility Order from a court (effective 1 October 2014).
- All first time drink-drivers with a BAC less than 0.10 must apply directly to VicRoads to get their license back following the cancellation period (effective 1 October 2014).
- Drink-drivers under 25 years and those applying to the court for a Licence Eligibility Order are usually required to complete a drink-driver education course.
- Depending on the drink-driving offence, the court may require an assessment of the person's use of alcohol. These assessments are prepared by an accredited assessor.

Alcohol interlocks

An alcohol interlock is an electronic breath-testing device that is wired to the ignition system of a vehicle. A vehicle fitted with an alcohol interlock will not start unless the driver passes a breath test. The alcohol interlock will also request breath tests during the trip.

For offences committed from 1 October 2014, the following drink-drivers must install an alcohol interlock as a mandatory condition of relicensing:

- first time drink-drivers who have a probationary licence or learner permit (at any BAC level)
- first time drink-drivers under 26 years and holding a full licence with a BAC of 0.05 or more
- first time drink-drivers with a BAC under 0.07 whose licences are cancelled, including professional drivers of buses, taxis and vehicles over 15 tonnes
- other first-time drink-drivers with a BAC of 0.07 or more
- all repeat drink-driving offenders
- offenders driving under the influence of alcohol, refusing to provide a breath or blood sample, or refusing to stop at a breath-testing station or to cooperate in the conduct of a test

The minimum alcohol interlock fitment period is at least six months, with periods for repeat and other serious offences ranging from 12 months to four years or more. All costs associated with installing, using and removing an alcohol interlock are the driver's responsibility.

Vehicles impounded or immobilised

Under Victorian law, a drink-driving offender with a BAC of 0.10 or higher could have their vehicle impounded or immobilised for 30 days. The courts may also impose a further period of impoundment or immobilisation. A driver with an alcohol interlock licence condition who drives a car that is not fitted with an interlock may have their car impounded for up to 12 months.

Where to get help

- Your doctor
- VicRoads Tel. 13 11 71
- DrugInfo Tel. 1300 85 85 84 – for information about alcohol and its effects
- DirectLine Tel. 1800 888 236 – for 24-hour confidential drug and alcohol telephone counselling, information and referral
- Victoria Legal Aid Tel. 1300 792 387
- Solicitor
- Your local community health service.
- Family Drug Help – for information and support for people concerned about a relative or friend using drugs (24 hours, 7 days) Tel. 1300 660 068

Things to remember

- It is against the law for full licence holders in Victoria to drive with a BAC of 0.05 or more.
- Probationary drivers (P plates), learner drivers (L plates) and commercial drivers must only drive with a zero BAC.
- Penalties for drink driving include licence cancellation, heavy fines, vehicle impoundment or immobilisation and, for very serious offences, community-based orders or imprisonment.
Send us your feedback

Thank you. Your feedback has been successfully sent.

More information

Alcohol

The following content is displayed as Tabs. Once you have activated a link navigate to the end of the list to view its associated content. The activated link is defined as Active Tab

- Alcohol use explained
- Health effects of alcohol
- Alcohol and mental health
- Responsible use
- Risky situations
- Reducing your drinking
- Getting help for alcohol dependence
- Alcohol issues throughout life
- Alcohol and the law

Alcohol use explained

- Alcohol and drugs: dependence and addiction
  
  Asking for help when you first suspect you have an alcohol or drug problem is important. If you think you have an addiction, speak to your local doctor or phone DirectLine...

- Alcohol and pregnancy
  
  There’s no safe level of alcohol use during pregnancy. It’s safest to not drink at all during pregnancy, when trying to conceive, and while breastfeeding...

- Alcohol and the law
  
  Alcohol is Australia’s most widely used social drug, but it can cause significant harm to people and society, especially when consumed in excess. To control the effects of alcohol on...

- Alcohol and weight gain
  
  While the relationship between alcohol consumption and obesity remains unclear, there are good reasons to think that alcohol may play a role...

- Alcohol explained
  
  The size of a standard drink can vary according to the type of alcohol...

- How alcohol affects your body
  
  How alcohol affects your body. Many Australians enjoy a drink. In fact, alcohol is Australia’s most widely used social drug. Like all drugs, alcohol can damage your body, especially if you drink...

Health effects of alcohol

- Alcohol and pregnancy
  
  There’s no safe level of alcohol use during pregnancy. It’s safest to not drink at all during pregnancy, when trying to conceive, and while breastfeeding...

- Alcohol and weight gain
  
  While the relationship between alcohol consumption and obesity remains unclear, there are good reasons to think that alcohol may play a role...

- Blood pressure (high) - hypertension
  
  Hypertension, or high blood pressure, can increase your risk of heart attack, kidney failure and stroke...

- Cirrhosis of the liver
  
  Cirrhosis is a type of liver damage where healthy cells are replaced by scar tissue...

- Fetal alcohol spectrum disorder (FASD)
  
  The World Health Organization recommends that pregnant women should avoid alcohol...

- How alcohol affects your body
How alcohol affects your body

Many Australians enjoy a drink. In fact, alcohol is Australia’s most widely used social drug. Like all drugs, alcohol can damage your body, especially if you drink.

- Liver
  Some forms of liver disease are inherited, while others are caused by lifestyle factors.

Alcohol and mental health

- How alcohol affects your body
  How alcohol affects your body. Many Australians enjoy a drink. In fact, alcohol is Australia’s most widely used social drug. Like all drugs, alcohol can damage your body, especially if you drink.

- Substance abuse and mental illness – dual diagnosis
  Dual diagnosis means someone has both a mental illness and a substance use problem.

Responsible use

- Alcohol and the law
  Alcohol is Australia’s most widely used social drug, but it can cause significant harm to people and society, especially when consumed in excess. To control the effects of alcohol on...

- Alcohol consumption – when things don't go to plan (video)
  Don't give up if your plan doesn't work the first time.

- Alcohol - how much is too much? (video)
  Youth Central journalist Soren Frederiksen asks young people what they think is the limit for safe drinking and comes up with some interesting results.

- Alcohol - tips to turning down drinks (video)
  Saving no can be hard. There are things you can do to make it easier.

Partying safely

- It is important to create a safe environment at parties so that everyone can have fun. Staying safe means avoiding injury or assault, not hurting anyone else, and not ruining an event or...

- Partying safely – tips for teenagers
  Don't advertise a party via SMS or the internet to limit the risk of gate-crashers and violent situations.

- Staying safe when drinking (video)
  There are some simple things you can do to stay safe when drinking.

Risky situations

- How alcohol affects your body
  How alcohol affects your body. Many Australians enjoy a drink. In fact, alcohol is Australia’s most widely used social drug. Like all drugs, alcohol can damage your body, especially if you drink.

- Partying safely
  It is important to create a safe environment at parties so that everyone can have fun. Staying safe means avoiding injury or assault, not hurting anyone else, and not ruining an event or...

Reducing your drinking

- 10 tips to cut down on alcohol
  Keep track of your drinking habits ...

- Alcohol consumption – when things don't go to plan (video)
  Don't give up if your plan doesn't work the first time.

- Alcohol - tips to turning down drinks (video)
  Saving no can be hard. There are things you can do to make it easier.
How alcohol affects your body

Many Australians enjoy a drink. In fact, alcohol is Australia’s most widely used social drug. Like all drugs, alcohol can damage your body, especially if you drink...

Secrets to healthy ageing (slide show)

Experts say the key to living well into our 80s and 90s is making a commitment to live healthily. Check out these simple ideas and embrace your senior years!

Getting help for alcohol dependence

- Alcohol and drug treatments and programs
  - Counsellors, doctors and other healthcare professionals can help if you have a problem with alcohol or drugs...
- Assessing your alcohol and drug use
  - If you are worried about your alcohol or drug use or, call DirectLine on 1800 888 236 for counselling, information and referral, or speak with your local doctor...
- Counsellors
  - Anyone who is struggling with a personal concern can seek help from a counsellor...
- How alcohol affects your body
  - How alcohol affects your body Many Australians enjoy a drink. In fact, alcohol is Australia’s most widely used social drug. Like all drugs, alcohol can damage your body, especially if you drink...
- Talking to health professionals about drugs, alcohol or addiction
  - Talking with your doctor or healthcare professional is an important step in getting care for issues of drug or alcohol addiction or dependence...

Alcohol issues throughout life

- Alcohol and pregnancy
  - There’s no safe level of alcohol use during pregnancy. It’s safest to not drink at all during pregnancy, when trying to conceive, and while breastfeeding...
- Alcohol and teenagers
  - Alcohol is responsible for most drug-related deaths in the teenage population...
- Alcohol and the law
  - Alcohol is Australia’s most widely used social drug, but it can cause significant harm to people and society, especially when consumed in excess. To control the effects of alcohol on...
- Alcohol and weight gain
  - While the relationship between alcohol consumption and obesity remains unclear, there are good reasons to think that alcohol may play a role...
- How alcohol affects your body
  - How alcohol affects your body Many Australians enjoy a drink. In fact, alcohol is Australia’s most widely used social drug. Like all drugs, alcohol can damage your body, especially if you drink...
- Pregnancy - medication, drugs and alcohol
  - Most women take a drug of some kind during pregnancy, sometimes without realising the potential for harm...

Alcohol and the law

- Alcohol and the law
  - Alcohol is Australia’s most widely used social drug, but it can cause significant harm to people and society, especially when consumed in excess. To control the effects of alcohol on...
- Drink driving
  - There is no golden rule for how many drinks will take you over the legal limit for driving...
- How alcohol affects your body
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How alcohol affects your body

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Alcohol and the law

Alcohol is Australia’s most widely used social drug, but it can cause significant harm to people and society, especially when consumed in excess. To control the effects of alcohol on...

Drink spiking

Slipping alcohol or drugs into a friend’s drink as a joke is against the law...

Alcohol

The size of a standard drink can vary according to the type of alcohol...

Alcohol

Guidelines, risks, brain damage and alcohol and depression...

Related information on other websites

- Drink Drive Line
- Drinkwise Australia
- Parenting Strategies Program - Preventing Adolescent Alcohol Misuse
- Towards Zero

Support Groups

- Family Drug Help

Content Partner

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NURSE-ON-CALL

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Drink driving

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