

Your Rights

Your Rights

Welcome to this **Perfect Driver** course. Throughout this course, we are going to look at the law, skills, techniques, and ideas to help you become a better, and safer driver.

In this lesson, we'll look at **Your Rights**.

Your Rights



Let's take a closer look at
Your Rights.

Your Rights

What are Your Rights?

A common question, particularly among young people is - what are my rights if I am pulled over by the police while driving?

Let's have a look and see.



Your Rights

When Police Can Pull You Over

First and foremost, police in all states can pull you over at any time - this is thanks to random breath testing laws, which allow police to test anyone at any time.

So, while you can be pulled over for a traffic infringement, you can also be pulled over purely for the purpose of a breath test.

You cannot refuse a breath test. The penalties you will face for refusing such a test rival the penalties metered out for high range drink driving.



Your Rights

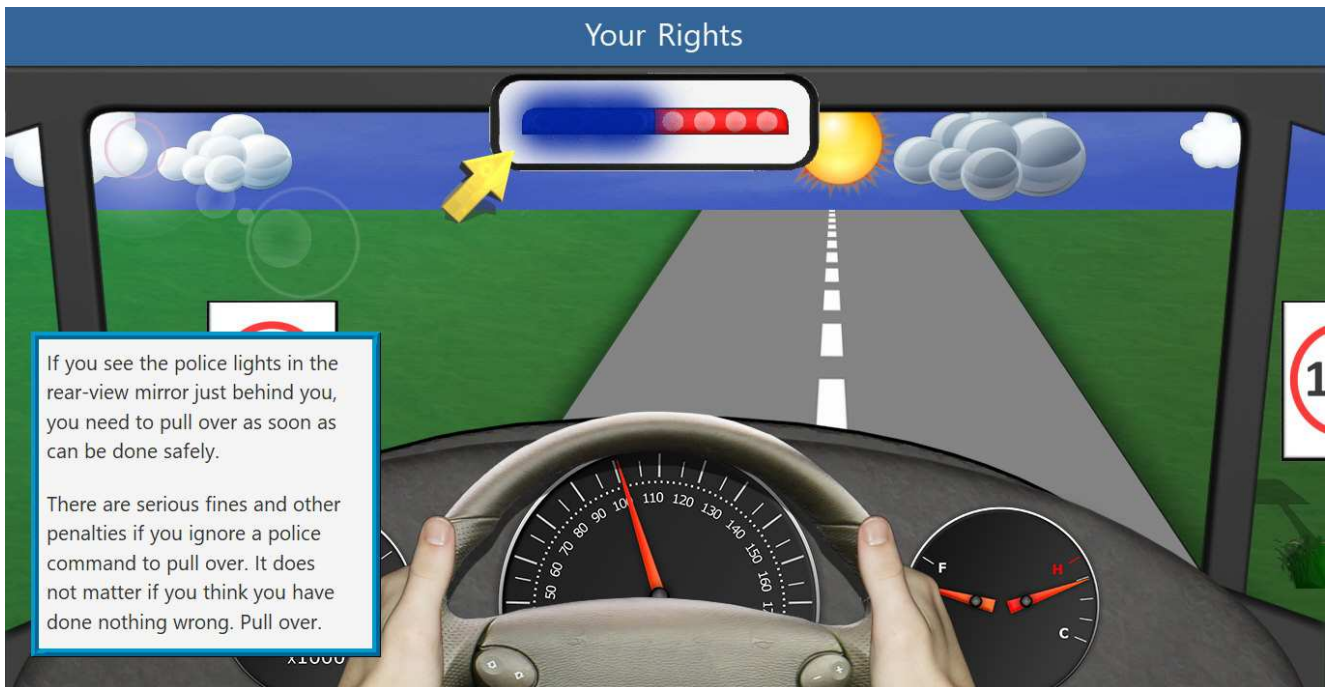
Be Polite

When and if you are pulled over by police, be polite. They are only doing their job. Yes, it can be frustrating, and yes, it can be annoying.

Being smart with a police officer is not going to get you anywhere. If with young friends, don't try and show off. Just be polite. Don't get angry. You may still get a fine or ticket, but being rude might just make things worse. And cost you more money.



Your Rights



Your Rights

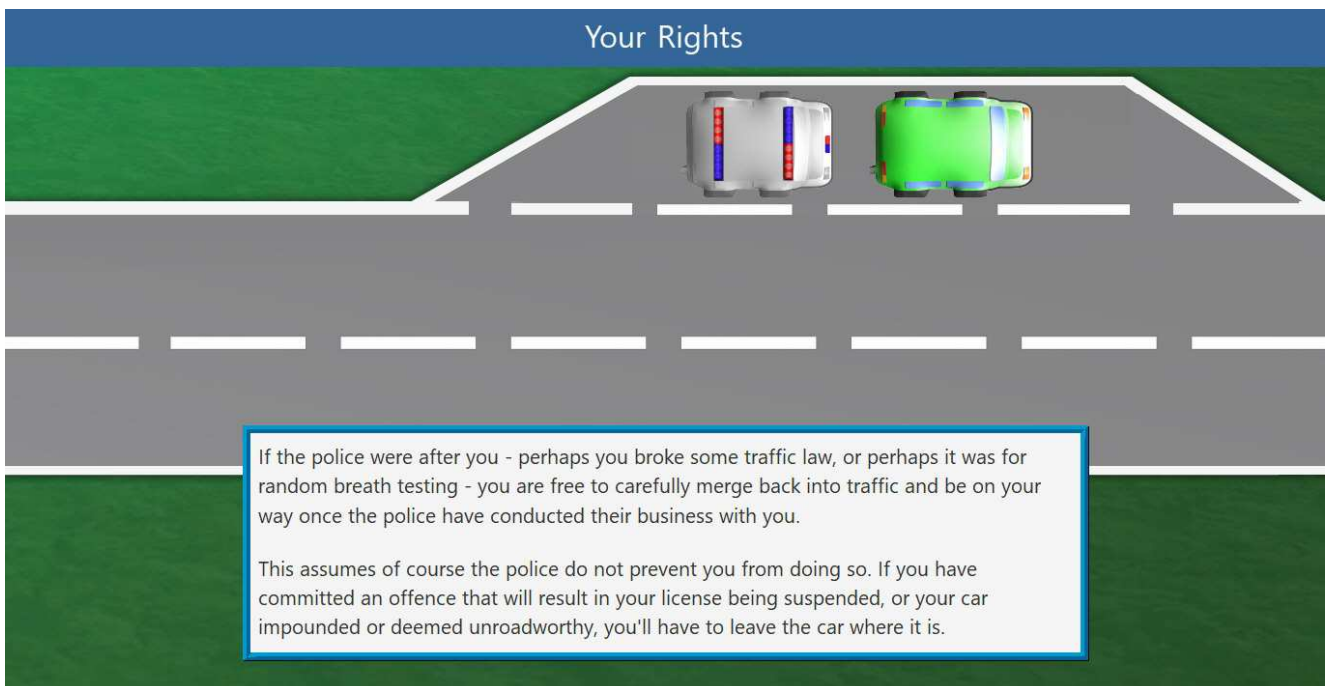


The diagram shows a top-down view of a two-lane road with a dashed white center line. A white police car with red and blue lights is in the left lane, facing a green car in the right lane. The green car is positioned to pull over to the right shoulder of the road. The background consists of green grass and a blue sky.

Pulling Over. If you see the police lights or hear the police siren behind you, you must pull over, as we have discussed. However, it is possible the police are trying to get past you, rather than pull **you** over. The guidelines are the same - pull over to the left whenever possible and safe.

Once you have pulled over, and the police pull in behind you, stay in your car until or if police tell you otherwise.

If the police keep going, you can return to the main road whenever safe to do so.



The diagram shows a top-down view of a two-lane road with a dashed white center line. A white police car with red and blue lights is in the left lane, facing a green car in the right lane. The green car is positioned to pull over to the right shoulder of the road. The background consists of green grass and a blue sky.

If the police were after you - perhaps you broke some traffic law, or perhaps it was for random breath testing - you are free to carefully merge back into traffic and be on your way once the police have conducted their business with you.

This assumes of course the police do not prevent you from doing so. If you have committed an offence that will result in your license being suspended, or your car impounded or deemed unroadworthy, you'll have to leave the car where it is.

Police conduct about 5 million breath tests each year in NSW alone.

CONTINUE

Information You Must Provide

When pulled over by the police, you must provide your name and address, as well as produce your license. The police are likely to take that licence back to their car to ensure it is valid and authentic, and that there are no other issues.

Other than this, you are not really obliged to answer any questions. If the police ask for permission to search your car, for example, you are entitled to ask if you are allowed to refuse, and if allowed, refuse permission.



Your Rights

Should You Answer Questions?

While you may not be legally obliged to answer police questions, you have to weigh up whether you want to risk turning a simple traffic stop into something more annoying, at the very least. If the police are asking simple, straightforward questions, there is probably no danger in answering these questions.

Just remember that you can stop if the questioning gets uncomfortable. Anything you say to the police at a traffic stop can be used against you in a court of law, should it come to that. If you are taken to the police station, you should always request a lawyer, and not answer any questions other than those we have discussed.



Your Rights

Can I Film the Police Interaction?

The short answer is yes - but again, it is likely to inflame the situation, especially if you have done nothing wrong. Use your judgement wisely.



Your Rights

Can the Police Search My Car?

The short answer again to this is yes. They can. For drugs, weapons, stolen property, and more.

Technically, there needs to be some suspicion that the police think worthy of a car search, but the wording is generally vague enough in the law that it essentially means that the police can search your car at any time they wish.



Your Rights

Radar detectors (which warn you if a radar device is being used) are illegal in all states in Australia except WA.

CONTINUE

Your Rights

Speed Cameras

Speed cameras are cameras installed on the side of the road, and are an automated way of detecting speeding.

Most speed cameras are permanent, and the positions of these speed cameras advertised on the road (by sign) before you reach the cameras, and also on the state motoring body's website.



Your Rights

Speed Cameras

There are thousands of speed cameras installed in each state.

Unfortunately, the first thing you know about getting caught by one of these cameras is when you receive the traffic fine in the mail. Sometimes you'll see a speed camera flash as you go past it - and if so, you *may* be in trouble.



Your Rights

Red Light Cameras

Intersections that have a bad record of accidents often get a red light camera installed.

These cameras detect when a user travels through a red light. Like speed cameras, the first you may know about the offence is receiving the fine in your mail.



Your Rights

Radar / Lidar

Police can set up roadside radar/lidar testing to detect oncoming speedsters. This usually involves an officer pointing a radar 'gun' at approaching traffic.

This technology uses radar to bounce waves off approaching objects, and measuring the rebound.

Where police are personally involved, you will be pulled over and issued a penalty immediately.



Your Rights

Worst Case Scenarios

Police can suspend or cancel your license on the spot for the following offences:

- Excessive speeding
- Driving while affected by drugs or alcohol
- Negligent driving or a dangerous driving offence
- Non-payment of fines
- A criminal offence involving the driving or use of a motor vehicle.

For such offences, you will face fines, and possible court action to determine if and for how long your license is suspended for. You may even risk jail terms.

If you've committed what is deemed as a hooning offence (see the **Demerits** lesson), the car you are driving may be impounded immediately.

If you are not licensed, or the car you are driving is not registered, or the car is not roadworthy, you will also be looking for another way home.

Your Rights

Challenging an Offence

If you feel like you have been unfairly charged with a traffic offence, you will be able to challenge that offence in court. It is then up to a judge to determine whether the offence was committed, and the appropriate penalty.



All state motoring departments publish on their websites the locations of all fixed speed cameras in their states.

CONTINUE

SUMMARY

In this lesson, we looked at your rights when pulled over by the police. This included:

- Police can pull you over at any time.
- Pulling over.
- What information you have to provide.
- What questions you have to answer.
- You must comply with a breath test.
- You must show police your license.
- Police can search your car at any time.
- You can film a police stop, but use your judgement as to whether you should.

FINISH LESSON

Your Rights

Your Rights

Signature. It is very important that you use the mouse, or touch, to *sign* the form below. This helps us record your progress accurately.

SUBMIT SIGNATURE

CLEAR SIGNATURE

Your Rights

Welcome to this **Perfect Driver** course. Throughout this course, we are going to look at skills, techniques, and ideas to help you become a better, and safer driver.

In this lesson, we discussed **Your Rights**.



Your Rights

