

Drink and Drug Driving

Driving with alcohol and/or drugs in your system can impair your ability to control a vehicle. Research suggests that a blood alcohol concentration (BAC) of 0.05% means the risk of being involved in a traffic crash is double that of a person who has not been drinking at all. Police have powers to stop any driver and conduct alcohol and drug related tests.

Drink Driving

Any alcohol at all will affect your ability to drive. In Australia, it is an offence to drive while your BAC is 0.05 or above*.

Your BAC should remain below 0.05 if you:

- drink no more than two standard drinks in the first hour and one per hour thereafter (for men of average size); or
- drink no more than one standard drink per hour (for women of average size).

However, it can vary significantly from person to person. * Note the legal limit is zero BAC if:

- You are a novice driver (novice driver has not held a driver's licence for a total period of 2 or more years).
- You have been recently disqualified for certain alcohol or drug related offences.
- You are a holder of an Extraordinary Licence.
- You are an alcohol offender. or
- You are a driver of a:
 - Bus (vehicle equipped to seat more than 12 adults, including the driver).
 - Vehicle carrying passengers for hire and reward (Uber; Ola; Taxi, Small Charter Vehicle etc.).
 - Vehicle carrying dangerous goods.
 - Vehicle of or over 22.5t GCM

Drug Driving

Drivers found with prescribed illicit drugs in their oral fluid can be charged with the offence of driving with prescribed illicit drug in oral fluid.

Drivers found to be impaired by prescribed or illicit drugs will be prosecuted for the more serious offence of drug impaired driving, or driving under the influence of drugs. These offences apply where police have evidence of suspicious or erratic driving behaviour and where that suspicion is confirmed following a driver assessment and/or blood test.

Driving while drinking and taking drugs

Effective 1 July 2021, drivers caught driving with an unlawful BAC level and a prescribed illicit drug in their fluid, will face more serious drink **and** drug driving charges.

Failing to comply with alcohol and drug testing requirements

The road laws relating to failing to comply with breath, blood and drug testing are designed to ensure drivers cannot avoid prosecution by avoiding testing.

Any driver who does not comply with the alcohol and/or drug testing requirements placed on them will be charged with the relevant fail to comply offence, which carries the maximum penalty that would apply if they were charged with the serious drink and/or drug driving offence.

View penalties relating to these offences (<https://www.rsc.wa.gov.au/Rules-Penalties/Browse/Drink-Drug-Driving>).

PLEASE NOTE: Whilst every endeavour has been made to ensure the accuracy of the advice above, reference should be made to the Road Traffic Act 1974 for more detailed legal information.

Last updated: Jul 1, 2021

All contents © Copyright Government of Western Australia. All rights reserved.