

Drink and drug driving

The ACT Government is committed to addressing and minimising harm caused by alcohol and other drugs, including illicit drugs and pharmaceuticals. You can read more about the ACT Government's approach to harm minimisation in the [ACT Drug Strategy Action Plan 2018-2021](https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.act-yoursay.files/6815/4527/8063/ACT_Drug_Strategy_Action_Plan_2018-21.pdf) (https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.act-yoursay.files/6815/4527/8063/ACT_Drug_Strategy_Action_Plan_2018-21.pdf) (PDF).

Drink driving

Drink driving is a significant road safety issue and is a focus area of the current [ACT Road Safety Action Plan](https://www.cityservices.act.gov.au/__data/assets/pdf_file/0005/1686308/ACT-Road-Safety-Action-Plan-2020-2023.pdf) (https://www.cityservices.act.gov.au/__data/assets/pdf_file/0005/1686308/ACT-Road-Safety-Action-Plan-2020-2023.pdf) (PDF 637KB). Drinking alcohol affects judgement and decision making, increases the effects of fatigue, slows reaction time, reduces attention span and visual acuity, and is often combined with other unsafe habits such as not wearing a seatbelt or speeding. Even a small amount of alcohol in a person's system can affect their driving ability and result in a crash. Evidence shows that the risk of a crash doubles when driving with an alcohol level of 0.05, and the risk of fatal crashes increases even more.

It's fun to socialise with your friends, but if you are planning to drink, don't drive. Instead of driving, you can plan to catch public transport, have a designated driver who is not drinking or taking drugs, or stay overnight and make sure you are not still over the limit in the morning. Remember that ACT Policing conduct random breath testing to deter and detect drink drivers. ACT drivers can expect to be breath tested anywhere, any time.

Drink or drive - choose one

Our latest road safety campaign reminds drivers and passengers about the risks associated with drink driving for all road users, not just the driver.

Facts about alcohol

Alcohol can:

- make it hard for you to concentrate on your driving
- slow down your reaction times
- reduce your ability to do more than one thing at a time

- affect your vision and hearing
- make you feel more confident, which may lead to risk-taking
- relax you, increasing your chances of falling asleep at the wheel
- make simple tasks more difficult.



Drive or drive - choose one

TCCS

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Blood or breath alcohol concentration (BAC)

Blood or breath alcohol concentration is a measurement of the amount of alcohol in your body.

- Blood alcohol concentration is measured in grams of alcohol per 100mL of blood.
- A measurement of 0.05 blood alcohol concentration means your body contains 0.05g of alcohol per 100mL of blood or 210L of exhaled breath.
- As soon as you start drinking, your blood alcohol concentration begins to rise.
- It takes 30 to 60 minutes after you have stopped drinking for your blood alcohol concentration to reach its highest concentration.

Factors which can affect your blood alcohol concentration include:

- how much alcohol you drink
- the time over which you consume alcohol
- your muscle to fat ratio
- how long since you have last eaten
- your weight

- the health of your liver
- whether you regularly drink
- the type of drink you consume.

Frequently asked questions

What is my blood alcohol consumption limit?

- The blood alcohol consumption limit for most drivers in the ACT is 0.05g of alcohol in 100mL of blood or 210L of exhaled breath.
- The blood alcohol consumption limit for special drivers is zero. This means that it is an offence for a special driver to drive a motor vehicle if the person has any alcohol in their body.

Please note a special driver includes:

- the holder of a learner, provisional, probationary (including one with an interlock condition) or restricted licence
- the driver of a public passenger vehicle including a taxi, rideshare, bus, light rail, or hire car
- the driver of a dangerous goods vehicle
- the driver of a heavy vehicle that has a GVM or GCM of more than 15 tonnes
- a driver who is learning to drive a heavy vehicle over 4.5 tonnes GVM
- driver trainers engaged in driver training
- unlicensed drivers
- certain drivers who hold a foreign licence

What are the blood alcohol concentration levels in the ACT?

Blood alcohol concentration levels are used by jurisdictions to set a range of drink driving offences and associated penalties.

The ACT has four levels. These levels are used to apply penalties if you're caught driving with an illegal blood or breath alcohol concentration (BAC) for your licence.

The blood alcohol concentration levels in the ACT are:

Level	Blood Alcohol Concentration
Level 1	Less than 0.05g
Level 2	0.05g or more but less than 0.08g
Level 3	0.08g or more but less than 0.15g
Level 4	0.15g or more

Can I work out my BAC level before I drive?

Trying to calculate your blood alcohol concentration (BAC) is impossible. Your BAC begins to rise as soon as you start drinking and can continue to increase for up to two hours after you have stopped drinking. Counting standard drinks to guess your BAC is difficult and often inaccurate because:

- alcohol concentrations vary between drinks, such as light beer (2.5%), full strength beer (5%), wine (14%) and spirits (40% or higher)
- beer may be served in a range of sizes and wine glasses vary in size from 100ml to 280ml or more
- Drinks are often 'topped up' so it's impossible to know how many standard drinks you've had
- Drinks come in non-standard sizes – many pre-mixed drinks sold in bottles or cans may contain more than one standard drink and 800ml bottles may contain three standard drinks

Alcohol also affects people differently. Two people who drink the same amount can have different BACs. This is caused by factors such as:

- size and weight – a smaller person will have a higher BAC from the same amount of alcohol
- gender – a woman the same height and weight as a man, drinking the same amount, will have a higher BAC

- liver function – an unhealthy liver will process alcohol slower than a healthy liver
- recent consumption of food – lack of food in your stomach means you will absorb alcohol into your blood faster. However, eating food after you have been drinking will not reduce your BAC
- fitness, fatigue and general health condition – your BAC can be higher if you are not feeling well, or you are tired, stressed or unfit

Remember: if you are planning to drink, don't drive.

What are the penalties for drink driving?

Drink driving is a serious offence. It is also an offence if you refuse to take a breath test. Penalties can include loss of licence (immediate suspension, disqualification periods), fines, imprisonment, and a requirement to install an alcohol interlock device.

Offence	Maximum Penalty – First offender	Repeat offender
Level 1 (less than 0.05g)	5 penalty units 1 month min disqualification 3 month default disqualification	10 penalty units 3 month min disqualification 12 month default disqualification
Level 2 (0.05g or more but less than 0.08g)	5 penalty units 2 month min disqualification 6 month default disqualification	10 penalty units 3 month min disqualification 12 month default disqualification
Level 3 (0.08g or more but less than 0.15g)	10 penalty units and/or 6 months imprisonment 3 month min disqualification 12 month default disqualification	10 penalty units and/or 6 months imprisonment 6 month min disqualification 3 year default disqualification

Offence	Maximum Penalty – First offender	Repeat offender
Level 4 (0.15g or more)	15 penalty units and/or 9 months imprisonment 6 month min disqualification 3 year default disqualification	20 penalty units and/or 12 months imprisonment 12 month min disqualification 5 year default disqualification

A person convicted in the ACT of a level 4 (0.15 BAC or higher) drink driving offence, or who has two or more previous drink driving offences in the past five years (a habitual offender) or refuses to provide a sample), will be subject to a mandatory interlock condition on their driver licence, following a period of licence disqualification.

You are eligible to apply for a probationary licence with interlock condition if you have completed at least half of the disqualification period and are not otherwise disqualified from holding or obtaining a driver licence. Further information on the ACT's Interlock scheme can be found [here](#).

All drivers in the ACT that are convicted or found guilty of a drink or drug driving offence must complete an alcohol and drug awareness course prior to the end of the period of disqualification and before a restricted or probationary licence can be issued. More information on the [alcohol and drug awareness course](https://www.accesscanberra.act.gov.au/s/article/alcohol-and-drug-awareness-courses-and-alcohol-ignition-interlock-program-tab-overview) (<https://www.accesscanberra.act.gov.au/s/article/alcohol-and-drug-awareness-courses-and-alcohol-ignition-interlock-program-tab-overview>) is available.

Can I be charged with a drink driving offence if I have consumed a cough mixture or food that contains alcohol?

It is unlikely that food or medicine, consumed in normal quantities, would produce a blood alcohol consumption reading above zero. However, the ACT legislation provides a specific defence for drivers where a zero blood alcohol consumption applies, if the driver registers a blood alcohol consumption below 0.02. The person can raise, as a defence, that the blood alcohol consumption reading is the result of the consumption of food or medicine.

When can I be breath tested or asked to give a blood sample?

ACT Police can conduct random breath tests on any driver.

- ACT Police can test anyone in a car after an accident if it is not clear who was driving the car when the accident happened.
- ACT police can also test people suspected of committing a culpable driving offence.
- If a breath screening test indicates that a person is over the legal limit of blood alcohol concentration that applies to them, the police will take that person into custody for a breath analysis. This procedure is usually done at a police station.

You may be required to give a blood sample if you cannot give a breath sample for health reasons, or because a breath analysis machine is not available, or you have been admitted to hospital following an accident.

What happens if I refuse to give a breath or blood sample?

It is an offence to refuse to give a sample of breath or blood.

Where can I go if I need help to address my drinking?

The ACT Department of Health offers the Alcohol and Other Drugs Service which can assist in referring drink drivers with alcohol dependence issues to treatment providers.

One phone call is all it takes to access help - (02) 5124 9977. For more information, visit the [ACT Health website \(https://health.act.gov.au/services/alcohol-and-drug-services\)](https://health.act.gov.au/services/alcohol-and-drug-services).

Drug driving

Like all Australian jurisdictions, the ACT has a zero-tolerance approach to drug driving. It is an offence for a driver to have any drug (illicit or not) in their system (including certain prescription medications) if it influences their ability to have proper control of the motor vehicle.

It is also an offence for a driver to have any amount of certain illicit drugs in their system while driving, including:

- methamphetamine;
- MDMA, or ecstasy; and

- cannabis that contains delta-9-tetrahydrocannabinol (THC).

This is due to the cognitive effect and impairment of the necessary motor skills for safe driving that drugs can cause, such as attention, judgement, memory, vision and coordination.

You should not drive after taking any amount of illicit drugs or while under the influence.

The ACT Government's approach to drug driving including roadside drug testing has proved to be successful in detecting and preventing drug driving, with associated road safety benefits.

Medicinal cannabis

Medicinal cannabis refers to cannabis that is intended for therapeutic use and is regulated as a prescription pharmaceutical formulation. This differs from raw botanical cannabis that is consumed or smoked for recreational purposes.

Medicinal cannabis can cause impairment while driving, whether it is legal to drive after taking medicinal cannabis depends on the active ingredient and its effects on you. A person taking medicinal cannabis with cannabidiol (CBD) only that does not contain THC, can lawfully drive if they are not impaired. Many medicinal cannabis products do not contain THC, drivers should check with their prescribing doctor or pharmacist to confirm if the medicinal cannabis product they have been prescribed contains THC.

Cannabis medicines can cause drowsiness, fatigue, and low blood pressure and a person should not drive a motor vehicle if they are impaired.

If you are prescribed medicinal cannabis, it is your responsibility to ensure that it is purchased through legitimate channels to avoid inadvertently taking a product that contains THC when it claims to be THC free.

Dangers of drug driving

Driving with drugs in your system is incredibly dangerous and greatly affects your ability to be safe on our roads.

There is a range of evidence linking drugs to elevated crash risk. Drug use can slow down your reaction time, causing a distorted view of time and distance. Drugs can also stimulate your nervous system which can lead to a reduced attention span, and the sudden onset of fatigue as the stimulant effects wear off. Driving with drugs in your system can also cause you to make dangerous decisions, increasing the chance you'll harm yourself, your passengers, or other road users.

Roadside drug testing

Roadside drug testing contributes greatly to improving road safety by deterring and removing drug affected drivers from ACT roads before their behaviour leads to death or serious injury.

Roadside drug tests indicate the presence of THC (one of the active ingredients in cannabis), methamphetamine (speed and ice) and MDMA (often found in ecstasy). Unlike alcohol where there is a legal limit, having any trace of drugs in your system while driving is an offence. You can also face a number of serious penalties for drug driving offences including heavy fines, loss of licence and imprisonment.

Drugs can stay in your system long after you take them, so you could test positive hours or even days after consumption.

To date, no major international or technological developments have been able to establish a causal link between specific levels of drugs and impairment, which can be applied across the population. This is different to alcohol where there has long been an agreed position on the levels at which alcohol impairs drivers' abilities.

Given the quantity of active ingredients in a drug, are often unknown, and the difficulties in determining the quantities which are likely to impair the average driver, there are challenges in setting a prescribed 'acceptable level', in particular for cannabis. Further, the effect of the drug on individuals is influenced by many factors, including:

- concentration of the active ingredient
- possible interaction with other drugs
- method of consumption
- amount consumed
- individual characteristics of the person consuming, for example:
 - age
 - weight
 - frequency of use

Frequently asked questions

What do personal use laws mean for the ACT's drug driving laws?

Changes to personal drug use laws, such as the introduction of the ACT's personal use of cannabis laws (<https://www.act.gov.au/cannabis>), will not change the ACT Government's zero tolerance approach to drug driving. If you're caught driving with any drug in your system, you could face heavy fines, licence disqualification, and even imprisonment.

There is no safe amount, and each person is affected differently by cannabis use. Cannabis affects your alertness, ability to concentrate and judge distances and coordination reaction time. These effects can last for many hours after taking cannabis. Detection time varies depending on the type of drug and amount taken, frequency of drug use and other factors specific to the individual. The best advice is that cannabis can typically be detected in a roadside oral fluid test for up to 12 hours after use, but this can be up to 30 hours for frequent users.

This advice is subject to a number of factors:

- concentration of the active ingredient
- possible interaction with other drugs
- method of consumption
- amount consumed
- individual characteristics, for example:
 - age
 - weight
 - frequency of use

Detectability in blood samples is likely to be longer. Blood samples are generally only taken in the ACT following an accident, or in other circumstances where a person is unable to provide an oral fluid sample.

What are the penalties for drug driving?

Drug driving is a serious offence. It is also an offence if you refuse to provide an oral sample. Penalties can include loss of licence, fines, imprisonment, and a requirement to undertake an alcohol and drug awareness course.

It is an offence in the ACT for a driver to have any amount a prescribed drug, THC (one of the active ingredients in cannabis), methamphetamine (speed and ice) and MDMA (often found in ecstasy) in their body while driving. Roadside drug tests are used to indicate the presence of the prescribed drugs.

It is an offence in the ACT for a driver to have any other drug (illicit or not) in their system (including certain prescription medications) to such an extent that it influences their ability to have proper control of a motor vehicle. There are two elements to this offence: (1) the person was under the influence of liquor or drug (presence) and; (2) to such an extent as to be incapable of having proper control of the motor vehicle. This offence covers both legal and illegal drugs, for example, methadone, morphine, oxycodone, fentanyl, heroin.

A person driving with a prescribed drug will be subject to a maximum fine of 10 penalty units and a 6-month minimum disqualification period (maximum disqualification period is 3 years) if a first offender. For a repeat offender, the penalties are a maximum court fine of 25 penalty units and/or six months imprisonment and a minimum disqualification period of 12 months (the maximum disqualification period is 5 years).

A person driving under the influence will be subject to a maximum court fine of 30 penalty units and/or 6 months imprisonment and a 6 month minimum disqualification period (maximum disqualification period is 3 years) if a first offender. For a repeat offender, the penalties are a maximum court fine of 30 penalty units and/or twelve months imprisonment and a minimum disqualification period of 12 months (the maximum disqualification period is 5 years)

All drivers in the ACT that are convicted or found guilty of a drug driving offence must complete an alcohol and drug awareness course prior to the end of the period of disqualification and before a restricted or probationary licence can be issued. More information on the alcohol and drug awareness course can be found [here](#).

Where can I go if I need help addressing my drug use?

The ACT Department of Health offers the Alcohol and Other Drugs Service which can assist in referring drug drivers with drug dependence issues to treatment providers.

One phone call is all it takes to access help - (02) 5124 9977. For more information, visit the [ACT Health website \(https://health.act.gov.au/services/alcohol-and-drug-services\)](https://health.act.gov.au/services/alcohol-and-drug-services).

For a full list of alcohol and drug programs in the ACT visit [directory.atoda.org.au \(http://directory.atoda.org.au\)](http://directory.atoda.org.au).

Training

People convicted of drink or drug driving offences in the ACT must complete an [Alcohol and Drug Awareness Course](https://www.cityservices.act.gov.au/roads-and-paths/road-safety/drink-and-drug-driving/alcohol-and-drug-awareness-course) (<https://www.cityservices.act.gov.au/roads-and-paths/road-safety/drink-and-drug-driving/alcohol-and-drug-awareness-course>), before a restricted or probationary licence can be issued to the person by Access Canberra. This does not apply to those must undertake a court ordered treatment or program as part of the Interlock program.

We acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

[Feedback](https://www.accesscanberra.act.gov.au/s/feedback-and-complaints) (<https://www.accesscanberra.act.gov.au/s/feedback-and-complaints>)

[Contact us](https://www.cityservices.act.gov.au/contact-us) (<https://www.cityservices.act.gov.au/contact-us>)

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