

December 2010

# Road to court

A guide to traffic offences in  
the Magistrates' Court

 **Victoria  
Legal Aid**  
Lawyers And  
Legal Services

# Road to court

A guide to traffic offences in the Magistrates' Court

Do you need this booklet in a different format?

Please ring us on 03 9269 0223 so we can talk with you about what you need.

## Produced by Victoria Legal Aid

Victoria Legal Aid  
350 Queen Street  
Melbourne 3000

Telephone 9269 0120 or country callers 1800 677 402

[www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

First published 2002

Eighth edition December 2010

**Acknowledgments:** *Road to court* was developed from previous Victoria Legal Aid publications *Getting court* and the *Your day in court traffic offences supplement*. Thanks to staff from VicRoads for their help with this and previous editions.

**Design:** Victoria Legal Aid

© 2010 Victoria Legal Aid. Reproduction without express written permission is prohibited. Permission may be granted to community organisations to reproduce, free of any charge, part or all of this publication. Written requests should be directed to the Manager, Community Legal Education, Victoria Legal Aid at the above address.

**Disclaimer:** The material in this publication is intended as a general guide only. Readers should not act on the basis of any material in this publication without getting legal advice about their own particular situations. Victoria Legal Aid expressly disclaims any liability howsoever caused to any person in respect of any action taken in reliance on the contents of this publication.

## Changes to the law

The law changes all the time. To check for changes you can:

- call the Victoria Legal Aid Legal Information Service on 9269 0120 or 1800 677 402 (country callers)
- read the 'new law' section on the Road to court page on our website at [www.legalaid.vic.gov.au/680.htm](http://www.legalaid.vic.gov.au/680.htm)
- visit the VicRoads website [www.vicroads.gov.au](http://www.vicroads.gov.au) for changes to road laws
- contact a community legal centre. Call the Federation of Community Legal Centres on 9652 1500 to find your nearest community legal centre.

ISBN 978 1921180 89 7

Printed on recycled paper consisting of 50% post consumer waste and 50% certified fibre from controlled wood sources.

## Contents



<b>About this booklet</b>	1	What are the types of drug driving offences?	13
<b>What do these words mean?</b>	2	What happens to my licence if I am caught drug driving?	13
<b>Suspension and disqualification</b>	4	If the magistrate cancels my licence how long will it be for?	14
What does it mean to be suspended from driving?	4	Can I plead not guilty to the charge?	15
What does it mean to be disqualified from driving?	4	<b>Careless and dangerous driving</b>	<b>16</b>
How long will I lose my licence for?	5	What is careless driving and dangerous driving?	16
When does the suspension or disqualification period start?	5	What happens to my licence if I am caught driving carelessly or dangerously?	16
Can I get a work licence?	5	What is hoon driving?	17
Can I still drive in Victoria if I hold an interstate licence?	6	Can I plead not guilty to the charge?	18
What if I drive while I am suspended or disqualified from driving?	6	<b>Learner permits and probationary licences</b>	<b>19</b>
What if the police suspend my licence before I go to court?	6	What is a learner permit?	19
<b>Speeding</b>	7	What is a probationary licence?	19
What are the speed limits in Victoria?	7	What is the graduated licencing system?	19
What happens to my licence if I am caught speeding?	7	What are the laws for people on probationary licences?	20
If the magistrate suspends my licence how long will it be for?	8	<b>VicRoads and demerit points</b>	<b>21</b>
Can I plead not guilty to the charge?	9	What are demerit points?	21
Can I go to court to challenge a speeding fine?	9	What are the traffic offences that I can get demerit points for?	21
<b>Drink or drug driving</b>	<b>10</b>	What happens if I get too many demerit points?	23
What are the types of drink driving offences?	10	What is an option notice?	23
What happens to my licence if I am caught drink driving?	10	What option should I take?	23
If the magistrate cancels my licence how long will it be for?	12	What if I did not get the option notice?	24
Will I have to get an alcohol interlock?	13	What if I disagree with VicRoads?	24
Can I stop my licence from being cancelled?	13	Will I still get demerit points if I challenge a traffic offence in court?	24
		When are demerit points removed?	24

# Road to court

A guide to traffic offences in the Magistrates' Court

<b>Police warnings and suspensions</b>	<b>25</b>	<b>What to say to the magistrate if pleading guilty</b>	<b>31</b>
What is a warning?	25	<b>Being found guilty</b>	<b>33</b>
When can a police officer suspend my licence?	25	What happens if I am found guilty?	33
<b>Impoundment and immobilisation</b>	<b>26</b>	What is a conviction?	33
When can my car be impounded or immobilised?	26	What does it mean for me in the future if I get a conviction?	33
How long can my car be impounded or immobilised for?	26	Will I lose my licence?	33
Are there times when the police will not impound or immobilise a car?	26	What else can happen?	34
What if I was driving someone else's car?	27	What is an undertaking?	35
Who pays for impoundment and immobilisation?	27	What if I am unhappy with the court result?	35
What if my car gets impounded or immobilised but I am not charged or I am found not guilty?	27	<b>Diversion</b>	<b>36</b>
<b>What happens at court</b>	<b>28</b>	<b>Appeals and re-hearings</b>	<b>37</b>
<b>Things to do before going to court</b>	<b>29</b>	What happens with an appeal?	37
How can I be prepared?	29	What happens with a re-hearing?	37
Do I plead guilty or not guilty?	29	Can I drive before an appeal or re-hearing?	37
What is diversion?	30	<b>Getting your licence back</b>	<b>38</b>
What if the police withdraw charges?	30	Can I get my licence back?	38
Will Victoria Legal Aid pay for a lawyer to represent me in court?	30	What do I have to do to get my licence back?	38
What if I have been found guilty of an offence before?	30	What is an alcohol interlock?	39
		How long do I have to keep the alcohol interlock on for?	39
		<b>Sample letters</b>	<b>40</b>
		<b>Where to get help</b>	<b>41</b>

## Victoria Legal Aid

We are a state-wide organisation that helps people with their legal problems. We focus on helping and protecting the rights of socially and economically disadvantaged Victorians.

We have lawyers in offices in most major metropolitan and country regions. We also fund private lawyers to provide legal services to the public.

We can help you with your legal problems about criminal matters, family breakdown, family violence, child support, immigration, social security, mental health, debt and traffic offences.

Call us to find out how we can help you on 9269 0120 or 1800 677 402 (country callers).

## About this booklet



### What this booklet covers

This booklet is for people who have to go to the Magistrates' Court because they have been charged with a traffic offence such as:

- speeding
- drink or drug driving
- careless or dangerous driving.

This booklet can help you to know more about:

- laws to do with traffic offences
- what might happen to your learner permit or drivers licence
- what happens at court
- if you need a lawyer to represent you in court.

You may also go to court because you have been fined for a traffic offence but you want to challenge the fine through the court. You might like to read our free booklet *Fines: Your options for dealing with fines*. To order our publications see the back page of this booklet.

### Getting more help

This booklet gives general information not legal advice. For information about particular offences and penalties talk to a lawyer. We also list contact details of other organisations that can help you. See 'Where to get help' on [page 41](#).

### Legal words

We have explained some words in the next section 'What do these words mean?'. These words are also highlighted in bold the first time they appear in each section.

# Road to court

A guide to traffic offences in the Magistrates' Court

## What do these words mean?

The police and lawyers use legal words when they talk. On the next two pages are words that might be used in the Magistrates' Court. These words are highlighted in bold the first time they appear in a chapter.

**adjourn** – to ask the court to hold off a court case until a later date

**appeal** – a procedure which allows you or the other party to challenge the decision made by a court

**breach** – to break a law or court order

**case conference** – a discussion that you (or your lawyer) have with the police prosecutor about your case, if you are pleading not guilty

**charge** – when the police believe you have broken the law (committed an offence), they need to outline what they think you did and when and where you did it. This is called a charge

**charge sheet** – a sheet of paper that lists the charges (the offences) that the police say you have committed

**contest mention** – this is a court hearing that can happen if you are pleading not guilty. You (or your lawyer), the police prosecutor and the magistrate discuss the police case against you

**conviction** – the magistrate can find you guilty with or without a conviction. A conviction appears on your criminal record and shows that you did a serious crime

**court order** – a court document that orders you to do something. It is also a document that will set out your penalty if you are found guilty of breaking the law

**criminal offence** – something the law says is wrong. You can be punished for breaking the law. The punishment depends on what law you broke

**criminal record** – a police record of your history of findings of guilt and convictions

**defence** – a legal reason for why you are not guilty of the offence the police charged you with

**discretion** – where the magistrate has a choice whether or not to do something

**duty lawyer** – a lawyer who is based at court and can provide advice to you on the day of your court hearing. The duty lawyer may be able to speak for you in the courtroom. The duty lawyer's services are free

**evidence** – information (documents or material) used in court to prove something

**finding of guilt** – when the court rules that you did commit the offence. A finding of guilt appears on your criminal record

**hearing** – the presentation of a case at court

**indictable offence** – a serious offence that the court deals with in a particular way. Some indictable offences can be dealt with in the Magistrates' Court. Others can only be dealt with in the County Court or Supreme Court

**informant** – the police officer who charged you with breaking the law

**judge** – a person who hears cases in courts other than the Magistrates' Court. They can make decisions about whether you are guilty or not and give sentences

**magistrate** – a person who hears cases in the Magistrates' Court or the Children's Court. They can make decisions about whether you are guilty or not and give sentences

**mention date** – the date given on your charge sheet for when you need to go to court and any hearing dates after that

**notice to appear** – a document you will get when the police suspect you of breaking the law. It tells you to go to court on a certain date. The police will usually give this to you rather than sending it to you

**plea** – your response in court to the charge. You can plead guilty or not guilty

**priors** – offences which a court has found you guilty of in the past

**sentence** – the penalty you get when a court finds you guilty

**summary offence** – a minor offence that is usually dealt with in the Magistrates' Court or the Children's Court

**summons** – a court document that tells you when you must go to court

**undertaking** – a promise to the court

## Suspension and disqualification



### What does it mean to be suspended from driving?

Your licence is taken away from you for a period of time, which is called a **suspension** period. You are not allowed to drive in this time.

Your licence could be suspended by:

- the Magistrates' Court
- VicRoads
- a traffic infringement notice
- the sheriff.

Licences can be suspended when:

- you have too many demerit points. See 'VicRoads and demerit points' on page 21
- a police officer has caught you speeding. See 'Speeding' on page 7
- a police officer has caught you drink or drug driving and they have immediately suspended your licence. This can happen before you go to court. See 'Drink or drug driving' on page 10 and 'Police warnings and suspensions' on page 25.

You must give your licence back to VicRoads. They will return it to you when the suspension period is over. Renew your licence if it expired during the suspension period.

### What does it mean to be disqualified from driving?

When your licence is disqualified it is taken away for good. You can re-apply to get a new one but only after the disqualification period ends.

Your licence could be disqualified by:

- the Magistrates' Court
- VicRoads
- a traffic infringement notice.

The **magistrate** will also cancel all other licences you hold, for example, your motorbike licence. The magistrate can also disqualify you from driving even if you do not hold a licence or permit.

Licences can be disqualified for:

- drink or drug driving offences. See page 10
- dangerous driving offences. See page 16.

To get your licence back you will need to apply to the court or VicRoads. See 'Getting your licence back' on page 38.

### How long will I lose my licence for?

It depends on the traffic offence. For some traffic offences, the law says the magistrate must suspend or cancel your licence for a minimum period of time. See 'Speeding' on page 7, 'Drink or drug driving' on page 10 and 'Careless and dangerous driving' on page 16. The magistrate also has **discretion** to take away your licence for longer.

### When does the suspension or disqualification period start?

#### If the Magistrates' Court suspends or disqualifies your licence

The non-driving period normally starts when the magistrate tells you in court that you have lost your licence. You may be able to ask that the non-driving period starts from midnight so you can drive home. However, the magistrate may not always allow this. It is best that you do not drive to court.

The magistrate can also order that the non-driving period started on the date that the police suspended your licence, if the police suspended your licence before you went to court.

#### If you have too many demerit points

VicRoads suspends your licence from the date in your option notice. For more information about option notices and demerit points see page 21.

You may have to do two non-driving periods. If the magistrate takes away your licence you do the non-driving period the magistrate gives you and then you do non-driving period you got for having too many demerit points.

### Can I get a work licence?

No. Work licences may be available in other states but work licences or special circumstances licences are not available in Victoria.

# Road to court

A guide to traffic offences in the Magistrates' Court

## Can I still drive in Victoria if I hold an interstate licence?

No.

## What if I drive while I am suspended or disqualified from driving?

It is very important not to drive during this time. Driving while suspended or disqualified is an extremely serious offence. You could go to jail.

## What if the police suspend my licence before I go to court?

A police officer can immediately suspend licences in some cases. See [page 25](#). You may be able to **appeal** to the Magistrates' Court if this happens and if there were special circumstances. Get legal advice. See 'Where to get help' on [page 41](#).

## Speeding



### What are the speed limits in Victoria?

Speed limits include:

- 50 km/h in built-up areas if there are no speed limit signs
- 100 km/h for other roads that do not have speed signs
- special speed limits for areas such as school zones, shopping zones and shared zones (where pedestrians and traffic mix)
- different speed limits as shown on signs.

Pay close attention to road signs so you do not go over the speed limit.

### What happens to my licence if I am caught speeding?

#### Police

The police can **charge** you for going over the speed limit.

Sometimes a police officer can choose to give you a warning if you were doing less than 10 km/h over the speed limit. A warning means you will not go to court and you will not lose your licence. See 'Police warnings and suspensions' on [page 25](#).

A police officer can also impound or immobilise your vehicle if they catch you speeding. See [page 26](#).

#### Magistrates' Court

If the police charge you, you will need to go to court. At court the **magistrate** must suspend your licence if they find you guilty of driving at an 'excessive speed'. This means:

- going over the speed limit by 25 km/h or more
- going over the speed of 130 km/h or more.

The magistrate must suspend your licence for a minimum **suspension** period. You are not allowed to drive in this period of time.

The magistrate has the **discretion** to let you keep your licence in some cases. For example, you were doing less than 25km/h over the speed limit or less than 130 km/h in a 110 km/h zone.

# Road to court

A guide to traffic offences in the Magistrates' Court

## VicRoads

VicRoads will add demerit points to your licence for speed-related offences. If you get too many demerit points VicRoads may suspend your licence. See page 21. All excessive speed offences, however, will mean that your licence is suspended.

You will need to do the non-driving period the magistrate gives you, on top of any non-driving period that VicRoads may give you. Also, if you are a probationary driver, VicRoads will keep you on your P-plates for longer.

## If the magistrate suspends my licence how long will it be for?

### Speed of vehicle

25 km/h to less than 35 km/h over the speed limit  
35 km/h to less than 45 km/h over the speed limit  
45 km/h or more over the speed limit  
Any speed of 130 km/h or more not covered above

### Minimum period

One month  
Six months  
Twelve months  
One month

These are the minimum suspension periods. The magistrate has discretion to suspend your licence for longer.

### Changes to the law

The law changes from 1 July 2011. There will be harsher penalties for hoon driving offences, which will include the offence of driving at a very high speed. See page 17.

## Can I plead not guilty to the charge?

Yes if you do not agree with the charge or if you have a **defence**.

You may have a defence, for example, if:

- you were not speeding
- you were not actually driving the car
- you were speeding but you had to do it to avoid urgent danger
- the police did not use a speed-measuring device or the device was not working properly
- the police did not follow the right procedures in detecting the speed or charging you
- you were driving but you could not help committing the offence, for example, you had a seizure.

It is not a defence to say that you honestly thought the speed limit was less or you did not know what speed your car was going at.

**Pleading** not guilty for a speeding charge can be complicated. Talk to a lawyer about the defences that may apply to you. See 'Where to get help' on page 41.

## Can I go to court to challenge a speeding fine?

Yes. You need to write to Civic Compliance and tell them that this is what you are doing. The contact details for Civic Compliance are on the back of your speeding fine.

The police will send you a charge and **summons**, and a court date will be set. This will be within 12 months from the date of the offence. You will need to go to court on the court date to plead not guilty. See 'Things to do before going to court' on page 29 for more information about pleading not guilty.

We cannot speak for you unless you have a defence and there is a reasonable chance you will go to jail if the magistrate finds you guilty. You may wish to get a private lawyer or represent yourself.

# Road to court

A guide to traffic offences in the Magistrates' Court

## Drink or drug driving



### What are the types of drink driving offences?

It is an **offence** to have too much alcohol in your body while driving. Too much alcohol is:

- full licence-holders – 0.05 **blood alcohol concentration** or more
- learner permit-holders and probationary licence-holders – anything over zero blood alcohol concentration. That is, it is an offence to drink and drive.

The police can check if you have had too much to drink by taking readings through 'breathalyser' tests. It is an offence to refuse to do a breathalyser test. Even if you think it sounds like the police officer is giving you the option of saying yes or no, it is a good idea to say yes anyway.

Also, it is an offence for full licence-holders to drink and drive when they are supervising a learner driver.

**Note:** everyone is different. Try not to guess how much alcohol is in your blood based on how many drinks you have had. If you plan to drink, the best bet is not to drive.

### What happens to my licence if I am caught drink driving?

#### Police

Police can immediately suspend your licence if you:

- have a blood alcohol concentration of 0.1 or more (full licence-holders)
- have a blood alcohol concentration of 0.07 or more (learner permit-holders or probationary licence-holders)
- do not comply with a breathalyser test request
- refuse to stop at a breath testing station
- have **priors** for drink driving.

#### Magistrates' Court

The police will **charge** you and you will need to go to court. Penalties can be severe. The **magistrate** must take away your licence for some offences.

For full licence-holders:

- if your blood alcohol concentration is 0.07 or more, the magistrate must cancel your licence and disqualify you from driving for at least six months. If you are found guilty, there is nothing you can do to get out of this
- if your blood alcohol concentration is between 0.05 and less than 0.07, the magistrate has **discretion** to let you keep your licence.

For learner permit-holders or probationary licence-holders:

- if you have a blood alcohol concentration of 0.05 or more, the magistrate must cancel your permit or licence and disqualify you from driving for at least six months. There is nothing you can do to get out of this.

#### VicRoads

For probationary licence-holders VicRoads can keep you on your P-plates for another six months if the magistrate convicts you or finds you guilty of a drink driving offence (but let you keep your licence).

For all drivers, if you are found guilty of an offence and the magistrate does not cancel your licence then VicRoads will add 10 demerit points to your licence. There are limits on how many demerit points you can get before you might lose your licence. See 'VicRoads and demerit points' on [page 21](#).

# Road to court

A guide to traffic offences in the Magistrates' Court

## If the magistrate cancels my licence how long will it be for?

We have listed the minimum disqualification periods below. Keep in mind that the magistrate has discretion to take away your licence for longer.

### Drink driving

Offence	First time	Second time
Less than 0.07	6 months	12 months
0.07 or more but less than 0.08	6 months	14 months
0.08 or more but less than 0.09	6 months	16 months
0.09 or more but less than 0.10	6 months	18 months
0.10 or more but less than 0.11	10 months	20 months
0.11 or more but less than 0.12	11 months	22 months
0.12 or more but less than 0.13	12 months	24 months
0.13 or more but less than 0.14	13 months	26 months
0.14 or more but less than 0.15	14 months	28 months
0.15 or more but less than 0.16	15 months	30 months
0.16 or more but less than 0.17	16 months	32 months
0.17 or more but less than 0.18	17 months	34 months
0.18 or more but less than 0.19	18 months	36 months
0.19 or more but less than 0.20	19 months	38 months
0.20 or more but less than 0.21	20 months	40 months
0.21 or more but less than 0.22	21 months	42 months
0.22 or more but less than 0.23	22 months	44 months
0.23 or more but less than 0.24	23 months	46 months
0.24 or more	24 months	48 months
Refusal to provide preliminary breath test or go with a police officer for a breath test	Two years	Four years

## Will I have to get an alcohol interlock?

The magistrate may order you to get an alcohol interlock fitted to your car as a condition of getting your licence back. See page 38.

## Can I stop my licence from being cancelled?

Yes. This only applies to drivers who are 26 years old or over. You keep your licence if you are a:

- full licence-holder – the magistrate finds you guilty without **conviction** of having a blood alcohol concentration less than 0.07 and you have no priors for drink driving (whether convicted or not)
- learner permit-holder or probationary licence-holder – this is the first offence and the magistrate finds you guilty or convicts you of having a blood alcohol concentration less than 0.05.

Remember, you will also get 10 demerit points if the magistrate does not cancel your licence.

## What are the types of drug driving offences?

It is an offence to:

- use any illegal drug in any quantity and to test positive to driving with illegal drugs such as cannabis, methylamphetamine (speed, also known as ice or crystal meth) or ecstasy in your system. The drug driving test includes random saliva testing
- test positive to having too much of a prescribed legal drug in your system. A prescribed legal drug can include things like sleeping pills or prescription medicine.

It is also an offence to refuse to do a drug test.

## What happens to my licence if I am caught drug driving?

### Police

The police can fine or imprison you if they catch you drug driving and they must also suspend your licence for three months. The suspension starts after 28 days, which is the period of time you have where you can object to the fine.

The police may also suspend your licence immediately. They can do this if you do not give an oral sample for a drug test.

# Road to court

A guide to traffic offences in the Magistrates' Court

## Magistrates' Court

On top of that you will have to go to court to face the charges for the offence. The magistrate will cancel your licence and disqualify you from driving if they find you guilty or convict you of a drug driving offence.

## VicRoads

For probationary licence-holders VicRoads will keep you on your P-plates for another six months if the magistrate convicts you or finds you guilty of the drug driving offence (but let you keep your licence).

## If the magistrate cancels my licence how long will it be for?

We have listed the minimum disqualification periods below. The magistrate has discretion to take away your licence for longer. For example, for the first two offences there are no maximum disqualification periods. That means the magistrate can take away your licence for as long as they think is necessary.

Offence	First time	Second time
Driving with an illicit drug in your system	3 months	6 months
Driving with more than a prescribed amount of a prescription drug in your system	3 months	6 months
Refusal to provide a roadside saliva test	6 months	12 months
Driving while drug impaired	12 months	2 years
Refusal to undergo drug impairment assessment	2 years	4 years
Refusal to give a blood or urine sample	2 years	4 years
Driving under the influence of alcohol and/or other drug	2 years	4 years

## Can I plead not guilty to the charge?

Yes, if you do not agree with the charge or if you have another **defence**.

You may have a defence if:

- the testing equipment was not working properly
- the test result was wrong
- the police did not follow proper procedures when testing or charging you
- you were not driving
- in some cases your blood alcohol concentration or your drug content was due to alcohol you drank or drugs you took after driving.

It is not a defence to say that you did not realise how drunk or drug-affected you were.

**Pleading** not guilty to a drink or drug driving offence can be complicated. Talk to a lawyer about the defences that may apply to you. See 'Where to get help' on [page 41](#).

# Road to court

A guide to traffic offences in the Magistrates' Court

## Careless and dangerous driving

### What is careless driving and dangerous driving?

Careless driving is a common traffic offence. The most common careless driving offence is crashing into the back of another vehicle.

Dangerous driving is driving at a speed or in a way that could harm other people, including other drivers or pedestrians.

### What happens to my licence if I am caught driving carelessly or dangerously?

#### Police

The police can fine you for careless driving.

They can fine you or imprison you for dangerous driving. The police can **charge** you too and you will have to go to the Magistrates' Court. The police can charge you with a more serious offence if someone is injured or dies because of your dangerous driving. It is very important to get legal advice as soon as you can. See 'Where to get help' on [page 41](#).

#### Magistrates' Court

For careless driving the **magistrate** may suspend or cancel your licence. This is up to the magistrate to decide.

For dangerous driving, if the magistrate finds you guilty, they must cancel your licence and disqualify you from driving for at least six months. There is nothing you can do to get out of this.

If you **plead** not guilty to a dangerous driving charge, keep in mind that the magistrate can still convict you of the less serious offence of careless driving after hearing all the **evidence**.

### What is hoon driving?

Hoon driving is another name for an 'improper use of vehicle' offence. This can include dangerous driving and:

- doing burnouts or doughnuts
- causing too much skidding, un-necessary noise or spinning and blowing out smoke
- going through a railway or tram crossing in an unsafe manner when the train or tram is about to cross
- being a part of a speed trial or drag race, for example, racing cars on a public road or in a public space
- driving 45 kilometres or more above the speed limit or driving at 145 km/h or more
- driving a vehicle if you know that the police have told you to stop.

The magistrate may be able to order that the police or an authorised person immobilise your car, impound it or take it away for good. You will not be able to use your car. For more information on immobilisation and impoundment see [page 26](#).

### Changes to the law

The law changes from 1 July 2011. There will be tougher penalties for hoon driving **offences**.

The government is setting up a two-tier system of hoon driving offences. Most of the current hoon driving offences will become 'tier two' offences. These are less serious than 'tier one' offences.

Tier one offences will include:

- repeat driving while disqualified
- repeat unlicensed driving (if you have never been licensed)
- repeat drink driving where the blood alcohol concentration is 0.10 and over
- repeat drug driving, which includes illicit and prescription drugs
- driving at a very high speed. This means driving at a speed of 70 km/h or more in 50 km/h zones or driving at 170 km/h in 110 km/h zones. This also includes dangerous driving at these high speeds.

# Road to court

A guide to traffic offences in the Magistrates' Court

If police believe that a car has been involved in any hoon driving offence they can search for the car. They will be able to immobilise or impound your car or put a steering wheel lock on it. They can only do this within 48 hours after the hoon driving happens.

The police can also apply for a **court order** to have your car immobilised or impounded for 45 days. The magistrate must let this happen if you are found guilty, and the magistrate will still give you the normal penalties, such as licence loss.

If you commit too many hoon driving offences, the police will be able to sell your car. Too many will mean too many of either tier one or tier two offences, or a combination of both. If you committed any hoon driving offences, such as excessive speeding, before 1 July 2011, these will be counted as well. You can get legal help about this. [See page 41.](#)

## Can I plead not guilty to the charge?

Yes if you do not agree with the charge or if you have a **defence**. Talk to a lawyer about the defences that may apply to you. [See 'Where to get help' on page 41.](#)

## Learner permits and probationary licences



### What is a learner permit?

A car learner permit lets you drive a car on the road with a supervising driver while you are learning to drive. The permit lasts for 10 years or until you get a probationary driver licence. To get your car learner permit you must be at least 16 years old.

A motorcycle learner permit lets you ride on the road while you are learning to ride. You can have the permit for 15 months or until you get a motorcycle licence. To get your motorcycle learner permit you must be at least 18 years old.

### What is a probationary licence?

A probationary licence lets you drive a car or motorcycle by yourself. You can only get your probationary licence if you are 18 or older.

### What is the graduated licencing system?

If you are under 21 and you want to get your probationary licence, you have to apply for a two-stage probationary licence. You must have had your learner permit for at least 12 months.

There are two stages to the system. In stage one you get a P1 licence (red P-plate) for the first 12 months. In stage two you get a P2 licence (green P-plate) for three years.

It takes longer to get to the P2 stage if you have a bad driving record.

# Road to court

A guide to traffic offences in the Magistrates' Court

## What are the laws for people on probationary licences?

All P-platers must follow these rules:

- you must have zero blood alcohol concentration at all times when driving
- you must show your P-plates on the front and back of the vehicle and the P-plates must be clearly seen from 20 metres
- you must carry your licence at all times while driving
- you cannot drive manual vehicles if you passed the probationary licence test in an automatic vehicle (this does not apply if you already had a manual licence)
- you must not drive high-powered vehicles known as 'probationary prohibited vehicles'. Check with VicRoads about what these vehicles are. You might be able to apply to VicRoads to drive these sorts of cars
- you must not use a hand-held mobile phone while driving
- you will lose your licence if you get five or more demerit points in any one-year period or 12 or more demerit points in a three-year period
- you cannot drive with more than one person in the car for a year if your licence is suspended or cancelled within your first year on a probationary licence.

If you got your probationary licence after 1 July 2008 you must also follow these laws:

- P1 licence:
  - you must not use any mobile phone, hands-free or hand-held, or do any text messaging while driving
  - you must not tow any other vehicles (unless this is done for work or because you were instructed to do this)
  - you cannot drive with more than one 'peer passenger' in your vehicle. A peer passenger is someone 16 to under 22 years old (except your spouse or sibling). Some people might not have to follow this law, check with VicRoads
  - you cannot drive with more than one passenger of any age if you got your licence back but it had been suspended or cancelled within your first year on a probationary licence.
- P1 or P2 licence, you have to stay on your P1 or P2 period for even longer if:
  - the **magistrate** or VicRoads suspends your licence
  - the police **charge** you with a drink driving offence and the magistrate finds you guilty (but lets you keep your licence)
  - the police charge you with a drug driving offence and the magistrate finds you guilty of the offence (but lets you keep your licence).

## VicRoads and demerit points



### What are demerit points?

If you commit certain types of traffic **offences** you will get demerit points added to your licence. Demerit points penalise drivers for unsafe driving. They can lead to you losing your licence.

VicRoads looks after the demerit points system. The police, the **magistrate** or lawyers do not have a say in it.

You can get two sets of demerit points at the same time. For example, VicRoads can give you two sets of points if you drive through a red light and you are going over the speed limit while you do this. These are both traffic offences that attract demerit points.

Demerit points get added from the date when the offence happened.

### What are the traffic offences that I can get demerit points for?

Here are some of the offences you can get demerit points for. To check for more contact VicRoads. See 'Where to get help' on [page 41](#).

Points	Offences
10	Drink driving for a zero <b>blood alcohol concentration</b> licence-holder where the blood alcohol concentration is less than 0.05 and the magistrate does not suspend or cancel the licence
10	Drink driving for an ordinary licence-holder where the blood alcohol concentration is less than 0.07 and the magistrate does not record a <b>conviction</b> or suspend or cancel the licence
10	Drink driving dealt with by an infringement notice (on-the-spot fine), no objection made in first 28 days, with a blood alcohol concentration of less than 0.07 (0.05 for zero blood alcohol concentration licence-holders)
8	Going over the speed limit by 45 km/h or more
6	Going over the speed limit by 35 km/h or more but less than 45 km/h
4	Going over the speed limit by 25 km/h or more but less than 35 km/h

# Road to court

A guide to traffic offences in the Magistrates' Court

Points	Offences
4	Going through level crossings even when there are warnings like a bell, flashing lights or boom gates
3	Disobeying traffic lights, signs or directions of police officer or authorised person
3	Not giving way, stopping or remaining stopped
3	Driving with unrestrained passengers under 16
3	Using a hand-held mobile phone while driving or when the vehicle is not moving but is not parked
3	Using a vehicle on a highway with a numberplate that is not properly attached and displayed
3	Driving without wearing a seat belt
3	Driving when your rider or passenger of a motorcycle is not wearing an approved motorcycle helmet or driving when your passenger is seated improperly
3	Creating a risk of colliding with someone getting on, getting off or waiting for a tram
3	Careless driving
3	Going over the speed limit by 10 km/h or more but less than 25 km/h
3	Not showing your P-plates
3	Driving a high-powered motor vehicle when you are a probationary driver
2	Improper overtaking or passing
1	Driving too close to the vehicle in front of you
1	Driving at night or in bad weather conditions without headlights, tail lights, numberplate lights and rear-lights on and, if they are already on your car, without clearance lights and side-marker lights on
1	Going over the speed limit but by less than 10 km/h

## What happens if I get too many demerit points?

You may lose your licence if:

- you are a full licence-holder and you get 12 or more points in three years
- you are a learner permit-holder or probationary licence-holder and you get 12 or more points within a three-year period or five or more points in a one-year period.

## What is an option notice?

VicRoads will send you an option notice if you get too many demerit points. This notice will let you know that you may be about to lose your licence. It will give you two options.

### Option one – Keep your permit or licence

You promise that you will not get any more demerit points for the next year. If you do VicRoads will suspend your licence for twice as long as they would in option two.

### Option two – Suspend your permit or licence

You do not keep your permit or licence. You agree to let VicRoads suspend it. They will do this from the date in the option notice.

The suspension period will be for:

- all licence-holders who got 12 points in three years – you lose your licence for three months for the first 12 points plus an extra month for every extra four points
- learner drivers or probationary drivers who got five points in a year – you lose your licence for three months for the first five points plus an extra month for every extra four points.

If the magistrate had also suspended or cancelled your licence then you do the non-driving period the magistrate gave you on top of the non-driving period from VicRoads.

For probationary licence-holders, VicRoads will keep you on your P-plates for longer. This will be the length of the suspension period and another six months.

## What option should I take?

Option one means you keep your permit or licence but it can be a risky choice. You are making a promise you might not be able to keep. If you get more demerit points you will lose your permit or licence for longer than you would if you took option two in the first place. Think carefully before you make a decision.

# Road to court

A guide to traffic offences in the Magistrates' Court

If you choose option one, call VicRoads on 1300 555 325 and follow the prompts. Try to do this at least seven days before the option two suspension is going to start.

Whatever your decision, it is a good idea to keep a record of what you decided.

## What if I did not get the option notice?

At any time you can call VicRoads to check to see how many demerit points you have. This is free. You can also ask them for a copy of your demerit points history and a full driving history report. If you find out that you have too many demerit points but have not been sent an option notice, contact VicRoads. See 'Where to get help' on page 41.

If VicRoads sent the option notice to the wrong address because you moved house, the option notice may come back to VicRoads with 'return to sender'. VicRoads will not suspend your licence but will wait until you renew your permit or licence. They will then send the option notice to your new address. The suspension will take place from the date in this second option notice.

Tell VicRoads your new address if you move house. It is an offence not to tell VicRoads.

## What if I disagree with VicRoads?

You can **appeal** to the Magistrates' Court but only if VicRoads made a mistake in working out how many points you had. Get legal advice if you want to appeal. See 'Where to get help' on page 41.

## Will I still get demerit points if I challenge a traffic offence in court?

You will get demerit points if the magistrate finds you guilty or convicts you and that offence has demerit points. If the magistrate finds you not guilty, you will not get demerit points.

You will also get demerit points if you do the diversion program. See page 36.

## When are demerit points removed?

Once the period in the option notice runs out. Other points usually expire after three years unless you commit further offences within the three-year period.

## Police warnings and suspensions



### What is a warning?

Sometimes the police can choose to let you off with a warning. This can happen when your traffic **offence** is fairly minor. A warning means you will not be **charged** and you will keep your licence.

You may apply to get a warning if you:

- hold a current drivers licence (not including a learner permit)
- have not been given a speeding fine, other traffic fine or official warning within the last two years.

For a speeding offence, you can only apply if you were caught doing less than 10 km/h over the speed limit and you agree that you were speeding.

The police decide if you will get a warning or not. It is not up to the **magistrate** to decide.

### When can a police officer suspend my licence?

The police officer can immediately suspend your licence for drink driving if:

- you are a full licence-holder and the test shows that within three hours of driving you have a **blood alcohol concentration** of 0.1 or more
- you are a learner permit-holder or probationary licence-holder and the test shows that within three hours of driving you have a blood alcohol concentration of 0.07 or more
- the test shows that within three hours of driving you have a blood alcohol concentration over your legal limit and you have **priors** within the last 10 years for drink or drug driving
- you refuse to do a breath test
- you refuse to give an oral sample for a drug test.

The police officer can immediately suspend your licence for drug driving if:

- the drug driving test shows you to have illegal drugs in your system
- you refuse to provide a urine or blood sample and the police officer reasonably suspects that you are drug driving.

# Road to court

A guide to traffic offences in the Magistrates' Court

## Impoundment and immobilisation



### When can my car be impounded or immobilised?

The police can impound your car or immobilise it if you are:

- speeding by 45 km/h or more
- driving at 145 km/h or more
- involved in a speed trial or road race.

The police can also impound or immobilise your car for hoon driving offences, failing to pay a fine or parking in the wrong area.

### How long can my car be impounded or immobilised for?

The police officer can impound or immobilise your car for 48 hours for each time you are detected. For second offences and any offences after this, the police officer needs to get a **court order**. This will let the police impound or immobilise your car for another three months for the second offence and for an unlimited amount of time for the third offence or any offence after that.

### Changes to the law

The laws change from 1 July 2011 and the police will be able to impound or immobilise your car for 14 days. For repeat hoon driving offences, the police will be able to immobilise impound, sell or dispose of your car.

### Are there times when the police will not impound or immobilise a car?

Yes if:

- the car was on hire or stolen and did not belong to you
- a senior police officer releases your car because they believe there is a good reason for doing so.

### What if I was driving someone else's car?

The police can impound or immobilise it if you were driving it and it is the first time that you have had a car impounded or immobilised. If it is not the first time and you were driving someone else's car then the police can impound or immobilise a vehicle registered in your name.

The person who owns the car may also apply to the Magistrates' Court to get their car back.

### Who pays for impoundment and immobilisation?

You do. The **magistrate** may give you other penalties too.

### What if my car gets impounded or immobilised but I am not charged or I am found not guilty?

This can happen. If it does, the police will refund you any money you had to spend.

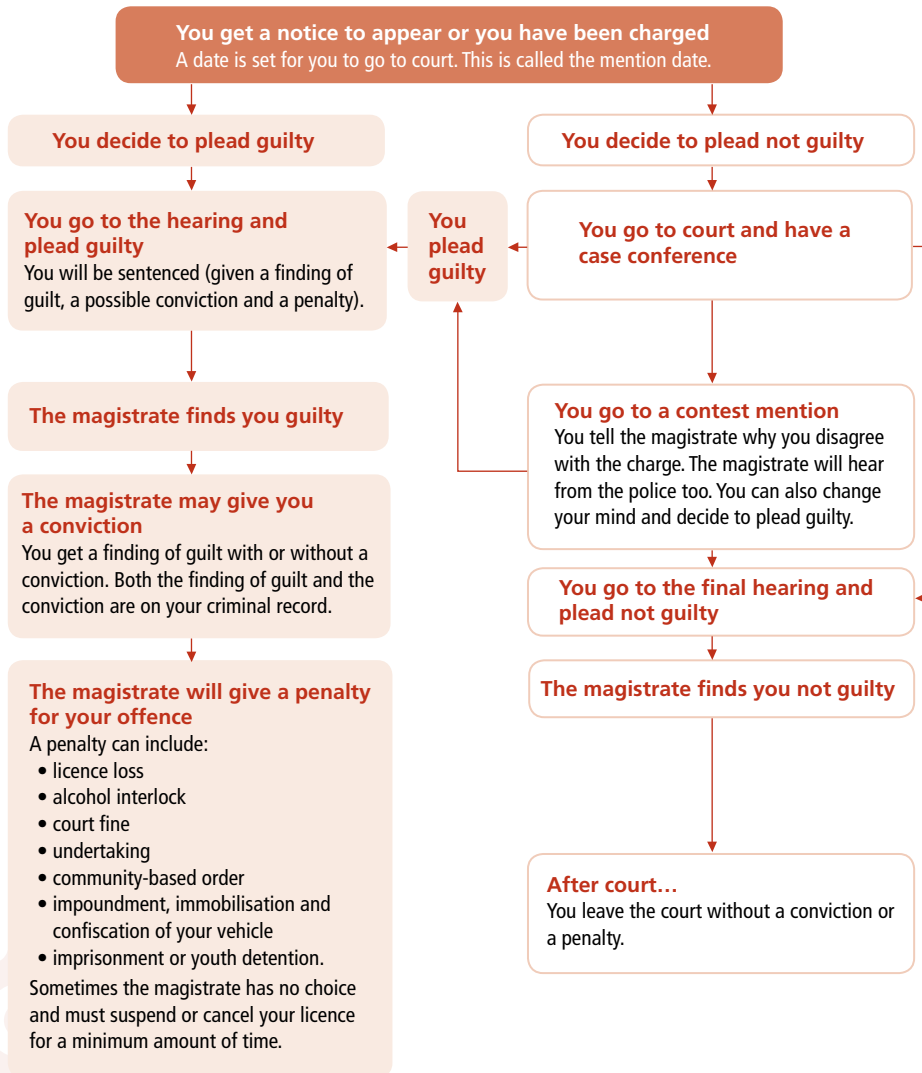
### Changes to the law

The laws change from 1 July 2011 and the magistrate may ask the owner of the car to give an **undertaking** saying that they will not let you drive the car again.

# Road to court

A guide to traffic offences in the Magistrates' Court

## What happens at court? →



## Things to do before going to court →

### How can I be prepared?

Try to:

- understand what the **offence** is
- understand what the **charges** mean
- get legal help about your situation. Call our Legal Information Service or your local community legal centre for information and advice. See 'Where to get help' on page 41.

You may want to understand how the Magistrates' Court works. Visit their website [www.magistratescourt.vic.gov.au](http://www.magistratescourt.vic.gov.au) where you can go on an online tour of the court.

### Do I plead guilty or not guilty?

Talk about your options with a lawyer before deciding what your **plea** will be. There may be several things to think about.

### Pleading guilty

Pleading guilty means you are planning to say in court that you agree that you broke the law. The **magistrate** will give you a **sentence**. You should think about what you will say to the magistrate. See page 31.

Pleading guilty can have some benefits. The court treats a guilty plea as a sign that you are co-operating with the justice system by not holding up the time or resources of the court or the police. The magistrate must take this into consideration when sentencing you. You are likely to get a lighter sentence.

### Pleading not guilty

You are planning to say in court that you do not agree that you broke the law. There are things you have to do for this to happen and you need to go to court several times. Get legal help about this and what to expect in court. See 'Where to get help' on page 41.

If the magistrate agrees that you are not guilty, you can avoid getting a sentence and penalties (such as losing your licence). Be prepared, however, the magistrate may find you guilty.

# Road to court

A guide to traffic offences in the Magistrates' Court

## What is diversion?

Some traffic offences can be diverted out of the court. You may avoid a sentence and a criminal record. See 'Diversion' on page 36.

## What if the police withdraw charges?

This can sometimes happen. The police may agree that the **evidence** they have against you is not strong enough to go ahead with the **hearing**.

## Will Victoria Legal Aid pay for a lawyer to represent me in court?

This can happen if:

- you are in special circumstances, for example, you have a disability
- there is a good chance you will go to jail.

Otherwise we will probably not pay for a lawyer to represent you in court for a traffic offence.

Our **duty lawyer** at court may be able to speak for you in the courtroom. You need to check with them. Do this as soon as you get to court. The duty lawyer may be able to give you advice if they cannot speak for you. Legal advice is important and will help you prepare your case. Otherwise you may need to **adjourn** your case and come back to court another day.

## What if I have been found guilty of an offence before?

What you have done in the past – your **priors** – are not relevant to proving you are guilty. So the police cannot bring up your speeding priors to prove you are guilty of speeding this time.

However, the magistrate will take priors into account if they are sentencing you. In this case the police can tell the magistrate about your priors. This includes priors in other states, especially drink driving offences. If you committed a similar offence before, the magistrate will usually give you a harsher penalty. On the other hand, if you have no relevant priors, the magistrate may give you a lighter sentence.

**Note:** priors include on-the-spot fines.

You can find out more about going to court in our free booklet *Your day in court*. For more information on fines read our booklet *Fines: your option for dealing with fines*. To order copies see the back page of this booklet.

## What to say to the magistrate if pleading guilty



Before going into the courtroom think about what you will say to the **magistrate**. The sections below will help you prepare.

### Why the offence happened

Try not excuse it, just explain why it happened.

For example:

- I was driving in an area I did not know very well
- I was feeling upset, for example, something happened to me and that affected my concentration
- I did not see any road signs
- I had trouble seeing the road, for example, there was bad weather
- I was not driving my own car

### Victims and damages

The magistrate will want to know if there were any victims from the offence. Explain the situation and what you have done:

For example:

- I am genuinely sorry for the incident
- Nobody was injured or there were no serious injuries
- I have taken care of or paid for all damages

### Your driving record

For example:

- I have never had to go to court before
- I have had no previous accidents
- I have had a licence for many years
- After the accident I did a defensive driving course

# Road to court

A guide to traffic offences in the Magistrates' Court

## Reasons for wanting to keep your licence

For example:

- I need the car to help my family, for example, doing the shopping for the family, picking up the kids
- I live far from public transport
- I have trouble using public transport, for example, I do shift work or I have a disability
- I drive for work (you will need a letter from employer. See 'Sample letters' on page 40)
- I have a sick child or elderly relative (you will need a doctor's certificate)
- I have plans that might be risked if I lose my licence or get a heavy fine

There may be good reasons why you want to keep your licence but for some traffic offences the magistrate has no choice and must suspend or cancel your licence.

## Financial situation

For example:

- I do not have a job at the moment
- I have things to pay for, like a mortgage, loans, debts
- I have a family and people who depend on me to provide for them

Take documents with you to support your case. You can take a character reference, a letter from your employer or a medical certificate. See 'Sample letters' on page 40.

Our booklet *Your day in court* has examples of character references. To order a copy see the back page of this booklet.

## Being found guilty



### What happens if I am found guilty?

The **magistrate** will **sentence** you. This may include a **conviction** and will include a penalty. The sentence will depend on:

- the type of traffic **offence**
- the circumstances of your offence
- **priors**
- your personal circumstances.

### What is a conviction?

A conviction is something the magistrate may give you with a **finding of guilt**. You usually get a conviction for more serious crimes and if the magistrate sentences you to jail, an intensive corrections order or a wholly suspended sentence.

You probably will not get a conviction for a minor first offence or for a traffic offence.

### What does it mean for me in the future if I get a conviction?

A conviction shows up on your **criminal record** and could mean you do not get a particular job, volunteer position or visa that you have applied for.

Even if you do not get a conviction, you will still have a finding of guilt on your criminal record. The finding of guilt can also be brought up in court if you get sentenced for a future offence.

### Will I lose my licence?

Sometimes the magistrate has no choice and must take your licence away from you. See 'Speeding' on page 7, 'Drink driving or drug driving' on page 10 and 'Careless and dangerous driving' on page 16.

The magistrate can also make you fit an alcohol interlock to your car as a condition of getting your licence back. See page 38.

# Road to court

A guide to traffic offences in the Magistrates' Court

## What else can happen?

As well as taking your licence away the magistrate may give you another penalty.

### Court fine

The magistrate may make you pay money to the court.

You can ask to:

- pay it off bit by bit
- have more time to pay
- do community work instead.

Our booklet *Fines: Your options for dealing with fines* has information about court fines and options. To order a copy [see](#) the back of this booklet.

### Community-based order

To get a community-based order you must go to court for the offence, get assessed by a Corrections Victoria worker and agree to stick to the community-based order.

You have to do things like:

- unpaid work at a non-profit community group (such as gardening at a local school)
- an education program
- counselling
- alcohol or drug tests
- report to a community corrections centre

You must not commit any offences while you are on the order.

### Impoundment, immobilisation and confiscation of vehicles

The magistrate can order the police or an authorised person to immobilise, impound or confiscate your car for offences such as dangerous driving or hoon driving. [See page 26.](#)

## Imprisonment or youth detention

In some cases, especially if it is not your first offence, the magistrate may sentence you to jail or detention:

- a suspended sentence (you do not go to jail on the condition of good behaviour)
- an intensive correction order (like a community-based order but more strict)
- home detention (you do not go to jail but must spend all your time at home unless you get permission from your corrections officer to go out)
- time in jail or detention in a youth centre (if you are under 21).

You must not **breach** your suspended sentence or intensive correction order. You will breach it if you commit an offence that could be punished by jail and you do this during the time of your sentence. If you breach your suspended sentence then the magistrate will sentence you to immediate imprisonment unless you have very special circumstances. Get legal advice. [See 'Where to get help' on page 41.](#)

### What is an undertaking?

The magistrate may decide not to give you any other penalty if you sign an **undertaking** to stay out of trouble. An undertaking is a promise to the court. It used to be called a good behaviour bond.

An undertaking may have conditions. You may have to pay money to the court fund (which is used for charity) or do a driver education course.

There are serious consequences if you do not keep your promise. You can be brought back to court and the magistrate can give you a new sentence.

### What if I am unhappy with the court result?

You may want to make an appeal or have a re-**hearing**. [See page 37.](#)

# Road to court

A guide to traffic offences in the Magistrates' Court

## Diversion



Diversion is an option to get your case out of the court system. You avoid a **criminal record** if you follow all your conditions in the diversion program.

In the diversion program you might do things like:

- write a letter of apology to the victim
- get counselling
- do an education course or community work.

Diversion is generally for first-time offenders. You, your lawyer, the police, the police prosecutor or the **magistrate** can ask for diversion but everyone must agree for it to happen. In particular you need to accept responsibility for having broken the law.

You cannot get diversion for serious **offences** like:

- excessive speeding
- drink or drug driving
- refusing to do alcohol or drug testing.

For more information about diversion contact the Magistrates' Court Diversion Co-ordinator. See 'Where to get help' on [page 41](#).

**Note:** you will still get any demerit points related to the offence.

## Appeals and re-hearings



### What happens with an appeal?

A **judge** hears your **appeal** in the County Court. They re-hear your case from the start. If you want to appeal against one part of the **magistrate's** decision (for example, the magistrate suspended your licence), you actually need to appeal against all orders that the magistrate made. The judge can make the same decisions that the magistrate can.

There are time limits in making an appeal. It may take a few months before the judge hears your appeal. Also, a judge could end up sentencing you more harshly than the magistrate.

### What happens with a re-hearing?

The Magistrates' Court hears your case again. You may be able to do this if the magistrate dealt with your case when you were not in court on your court date. The police may try to stop a **re-hearing** from happening.

Get legal advice if you are thinking about any of these options. See 'Where to get help' on [page 41](#).

### Can I drive before an appeal or re-hearing?

You must ask the magistrate for permission to drive if they suspended or cancelled your licence.

# Road to court

A guide to traffic offences in the Magistrates' Court

## Getting your licence back



### Can I get my licence back?

It will depend on things like:

- whether your licence was suspended or cancelled
- how old you were when you broke the law
- the type of offence you committed.

Sometimes you must get permission from the Magistrates' Court before you can apply to VicRoads to get your licence back. It takes a month to get a **hearing** date. Contact your local Magistrates' Court well before your **disqualification** period ends.

### What do I have to do to get my licence back?

You will have to pay for a new licence. You may have to:

- get an assessment report
- sit a test
- do a driver education course.

If you do a course get proof that you did it. You may need to show this to the **magistrate** to get your licence back. For some offences you must do a drink driving assessment at least 12 months before you apply to the court.

Find out as soon as possible what you must do to get your licence back. Contact VicRoads or get legal advice. See 'Where to get help' on [page 41](#).

The Magistrates' Court also has information about getting your licence back.

Visit [www.magistratescourt.vic.gov.au](http://www.magistratescourt.vic.gov.au) and look at the Online Drivers Licence Restoration Guide. This is in the 'Traffic offences' section.

### What is an alcohol interlock?

Sometimes the magistrate must order you to get an alcohol interlock. The alcohol interlock records all of your breath testing readings. These readings will be given to the court when you re-apply for your licence. You will need to meet certain conditions and get a **court order** to remove an alcohol interlock.

If you do not use your alcohol interlock properly the police might jail you or immobilise your car.

You may be able to appeal against an alcohol interlock condition if the magistrate ordered an alcohol interlock when they did not have to. For more information about appeals see [page 37](#).

### How long do I have to keep the alcohol interlock on for?

Drivers under 26, drivers on learner permits or probationary licences, or other zero-alcohol licence-holders

Reading	First offence	Second offence (in the past 10 years)	Third or further offence (in the past 10 years)
Under 0.07	No interlock	12 months or more	4 years or more
0.07 to 0.149	6 months or more	12 months or more	4 years or more
0.15 or more or refusing to take a breath test	6 months or more	4 years or more	4 years or more

### All other licence-holders

Reading	First offence	Second offence (in the past 10 years)	Third or further offence (in the past 10 years)
Under 0.07	No interlock	12 months or more	4 years or more
0.07 to 0.149	Discretionary 6 months	12 months or more	4 years or more or more
0.15 or more or refusing to take a breath test	6 months or more	4 years or more	4 years or more

# Road to court

A guide to traffic offences in the Magistrates' Court

## Sample letters



### Character reference: Letter about driving record

A person who wants to support you can use this letter as a guide to writing their own letter about your character and driving record. The letter needs to cover the issue related to the charge, for example, 'excessive speed'.

[Add date]

[Heading]

To the Magistrate,

[Reference]

My name is Domenica Carrero of 1 Chapel Court, Tooronga, teacher.

[Reference to you]

I have known Peter Johnston of 2 Germaine Street, Georgetown, for four years.

[Referee's knowledge of your court case and reason for writing reference]

I understand that Peter Johnston has to attend court in relation to a speeding charge. Due to other commitments, I am unable to attend court to give character evidence on his behalf.

[Knowledge of your driving record]

However, I can say that I have driven with Peter on a number of occasions and always found him to be a courteous, sensible and safe driver.

[Reasons why you need a licence]

I understand that if Peter loses his licence he might lose his job. Also his wife and children will be greatly inconvenienced because he is the only driver in the family.

Yours faithfully

[Referee's signature]

DOMENICA CARRERO

[Referee prints their name under their signature]

[Add date]

[Heading]

To the Magistrate,

[Reference]

My name is Alan Stepic. I am the sales manager at Star Electrics at 8 Elm Grove, Preston.

[Knowledge of you]

Susan Clive has worked under my supervision as a sales representative for three years. In that time I have found her to be a good worker and from my experience of her driving, a safe driver. She has a bright future at this company.

[Consequences of loss of licence]

I understand that Susan is charged with drink driving. Her job involves some driving and a licence is important so that she can do her work properly. Therefore, I can say that if the court cancels or suspends her licence, Susan will have difficulty performing her job. Her future prospects may be affected and she may be laid off.

Yours faithfully

[Referee's signature]

ALAN STEPIC

[Employer prints their name under their signature]

### Letter from employer: Letter about the effect of licence cancellation or suspension

Your employer can use this letter as a guide to writing their own letter about the effect of licence cancellation or suspension on your employment.

## Where to get help



### If you need an interpreter:

Call the Translating and Interpreting Service for an interpreter to help you speak to any of the agencies in this section. Ask the interpreter to put you through to the agency you need. This is usually free.

Tel: 131 450



### If you are deaf or have a hearing or speech impairment:

Use the National Relay Service to phone any of the agencies (including Victoria Legal Aid) in this section. This is free. For more information about the NRS visit [www.relayservice.com.au](http://www.relayservice.com.au)

**TTY users:** Call 133 677 and then ask for the phone number you need. Include the area code.

**Speak and Listen users:** Call 1300 555 727 and then ask for the phone number you need. Include the area code.

**Internet relay users:** Connect to [www.iprelay.com.au/call/index.aspx](http://www.iprelay.com.au/call/index.aspx) and then ask for the phone number you need. Include the area code.

### Victoria Legal Aid

#### Legal Information Service

Tel: 9269 0120 or 1800 677 402 (country callers)

Arabic: 9269 0127

Persian (Farsi): 9269 0123

Croatian: 9269 0164

Polish: 9269 0228

Greek: 9269 0167

Serbian: 9269 0332

Italian: 9269 0202

Ukrainian: 9269 0390

Monday to Friday between 8.45 am and 5.15 pm

You can also get an interpreter from the Translating and Interpreting Service if you speak another language. Call 13 14 50 and ask to be put through to Victoria Legal Aid.

#### Local offices

We have offices all over Victoria. See the back cover for office locations and phone numbers.

#### Website

[www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

# Road to court

A guide to traffic offences in the Magistrates' Court

## Legal help

### Federation of Community Legal Centres

Call to find out your nearest community legal centre.

Tel: 9652 1500

[www.communitylaw.org.au](http://www.communitylaw.org.au)

### Court Network

For personal support and referral to other services at court.

Tel: 9603 7433 Country callers: 1800 681 614

Email: [phonevol@courtnetwork.com.au](mailto:phonevol@courtnetwork.com.au)

### DIRECT Line

For drink driving courses throughout Victoria and help with drug and alcohol problems.

Tel: 1800 888 236

[www.health.vic.gov.au/drugs/directline.htm](http://www.health.vic.gov.au/drugs/directline.htm)

### Law Institute of Victoria

Referral service. Referral to private lawyers – first 30 minutes free.

Tel: 9607 9550

Email: [referrals@liv.asn.au](mailto:referrals@liv.asn.au)

[www.liv.asn.au](http://www.liv.asn.au)

### Magistrates' Courts and Magistrates' Court Diversion Co-ordinator

[www.magistratescourt.vic.gov.au](http://www.magistratescourt.vic.gov.au)

### VicRoads

Tel: 131 171

[www.vicroads.vic.gov.au](http://www.vicroads.vic.gov.au)

## More information

Victoria Legal Aid has free booklets for the public with legal information on topics such as intervention orders, police powers, family law and going to court.

Visit [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au) to order or download or telephone 9269 0223 to find out more.



### *Your day in court*

This booklet is about going to the Magistrates' Court when you are charged with a criminal offence.



### *Police powers: your rights in Victoria*

This booklet is a general guide to help you when you deal with the police Flemington and Kensington Community Legal Centre and Victoria Legal Aid.

# Road to court

A guide to traffic offences in the Magistrates' Court of Victoria

## Victoria Legal Aid

### *Legal Information Service*

Tel: 9269 0120

Country callers: 1800 677 402

### *Offices*

#### MELBOURNE

350 Queen St

Melbourne VIC 3000

Tel: 9269 0120

Country callers: 1800 677 402

#### Suburban offices

##### BROADMEADOWS

North western suburbs

Level 1, Building 1

Broadmeadows Station Centre

1100 Pascoe Vale Rd

Broadmeadows VIC 3047

Tel: 9302 8777

##### DANDENONG

Westernport region

Level 1, 9-15 Pultney St

Dandenong VIC 3175

Tel: 9767 7111

##### FRANKSTON

Peninsula region

Cnr O'Grady Ave & Dandenong Rd

Frankston VIC 3199

Tel: 9784 5222

##### PRESTON

North eastern suburbs

42 Mary St

Preston VIC 3072

Tel: 9416 6444

#### RINGWOOD

Outer eastern suburbs

23 Ringwood St

Ringwood VIC 3134

Tel: 9259 5444

#### SUNSHINE

Western suburbs

1/474 Ballarat Rd

Sunshine VIC 3020

Tel: 9300 5333

#### Regional offices

##### BALLARAT

Central Highlands region

Area A, Level 1

75 Victoria St

Ballarat VIC 3350

Tel: 5329 6222

Toll free: 1800 081 719

##### BENDIGO

Loddon-Campaspe region

424 Hargreaves St

Bendigo VIC 3550

Tel: 5448 2333

Toll free: 1800 254 500

##### GEELONG

Barwon region

Level 2, 199 Moorabool St

Geelong VIC 3220

Tel: 5226 5666

Toll free: 1800 196 200

#### HORSHAM

Wimmera region

29 Darlot St

Horsham VIC 3400

Tel: 5381 6000

Toll free: 1800 177 638

#### MORWELL

Gippsland region

Cnr Chapel & George St

Morwell VIC 3840

Tel: 5134 8055

#### BAIRNSDALE

Gippsland region (branch office)

101A Main St

Bairnsdale VIC 3875

Tel: 5153 1975

#### SHEPPARTON

Goulburn region

36-42 High St

Shepparton VIC 3630

Tel: 5823 6200

#### WARRNAMBOOL

South Coast region

185 Fairy St

Warrnambool VIC 3280

Tel: 5559 7222

Toll free: 1800 651 022

## *Publication orders*

To download or order our publications in English or other languages go to [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

If you need help ordering online please call Victoria Legal Aid on 9269 0223