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THE LAW SOCIETY
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**PROFESSIONAL
STANDARDS
SCHEME**



HAVE YOU BEEN CHARGED WITH DRINK DRIVING IN THE ACT?

15 October 2024

By Anthony Byrne, Principal Solicitor



Have you (or someone you know) been charged with Drink Driving in the Australian Capital Territory (ACT)?

You may be able to apply to the ACT Magistrate's Court for a Restricted Licence!

Formerly called a **"Blue Licence"** due to the colour of the physical licence card issued to eligible drivers, there are strict requirements that the Court must be satisfied have been met:

1. You must be the holder an ACT (Australian Capital Territory) Driver's Licence
2. This must be your **FIRST** time offence for driving under the influence of alcohol, with a reading of 0.099% or less.
3. You must demonstrate to the Court that not having a licence will cause significant detriment to you or those financially dependent (or emotionally) dependent on you. (IE. You will lose your job, your relative relies on you to drive them to and from regular medical or hospital appointments AND public transport is not a viable option for you or your dependent/s).
4. You must not have any prior driving convictions on your Criminal and/or Traffic Record.
5. **MOST IMPORTANTLY** – You **MUST** complete the ADAC (Alcohol and Drug Awareness Course), provided by the Road Ready Centre.

Although the above is a very simplistic explanation of the legal and procedural processes you must follow, the task is not an easy one.

You get one chance when submitting your Application and Affidavit, which explains all your 'special circumstances' to the Court. Do not risk blowing your chances by forgetting to include crucial information or preparing a messy application. The Court does not enjoy receiving incomplete Applications or Affidavits without any evidence or Annexures (such as payslips). When dealing with a Court, it is always a good idea to see a Lawyer first and consider obtaining legal representation.

Here at **A R BYRNE & ASSOCIATES**, we can handle the entire process for you from start to finish from preparing your Application and assisting with your Affidavit, liaising with the Road Transport Authority and the Australian Federal Police, to representing you in Court when you appear in-front of the Magistrate and finally obtaining your Restricted Licence, to get you back on the road!

At A R Byrne & Associates, we can represent you in obtaining a Restricted Licence through the Magistrate's Court for a fixed fee of just \$2,200 including GST. Call us today on (02) 8005 3036 or email us at info@arbyrneandassociates.com.au

FREQUENTLY ASKED QUESTIONS:

1. Is the Restricted or “Blue Licence” scheme/program operating in NSW?

ANSWER: No. This program has long been abolished. This program only operates in QLD, WA, TAS and of course, the ACT.

2. Can I cross the border into NSW and drive on NSW roads with a Restricted Licence? (IE. I live in the ACT, but work in Queanbeyan)

ANSWER: Yes. Section 61 of the *Road Transport (Driver Licensing) Regulation 2020 (ACT)* states that any conditions placed on a Driver’s Licence issued in the ACT (including Restricted Licences) applies to the person when driving on a road in the ACT or any other jurisdiction unless a condition expressly states otherwise. (For example, the Magistrate may impose strict conditions including (but not limited to) where a person may drive, the purpose, times, and/or days in which that person may drive)

3. What happens if I breach a condition imposed on my Restricted Licence?

ANSWER: You may be subject to a maximum penalty of \$8,000 or up to 6 months jail, or both.

Additional Information:

[Road Ready ACT Centre | Get Your Drivers Licence in Canberra \(roadreadycentre.com.au\)](http://roadreadycentre.com.au)

Not intended as legal advice. Always seek professional legal advice before considering the above information.