

What Penalties Can A Local Court Impose If I Am Caught Driving With A Suspended Or Disqualified Licence?

The penalties for driving without a valid licence were changed on 28 October 2017.

Those penalties can be summarised as follows:

Offence	Penalty where it's your first major traffic offence in the past 5 years	Penalty where it's your second or more major traffic offence in the past 5 years
Driving whilst suspended, disqualified, cancelled or refused	– 6 months disqualification which may be reduced by the court to 3 months, – Maximum fine of \$3,300, and – Maximum prison sentence of 6 months	– 12 months disqualification which may be reduced by the court to 6 months, – Maximum fine of \$5,500, and – Maximum prison sentence of 12 months

<p>Driving whilst suspended due to a fine default</p>	<p>– 3 months disqualification which can be reduced by a court to 1 month, and – Maximum fine of \$3,300</p>	<p>– 12 months disqualification which can be reduced by a court to 3 months, – Maximum fine of \$5,500, and – Maximum prison sentence of 6 months</p>
<p>Driving whilst unlicensed (never licensed)</p>	<p>– Maximum fine of \$2,200</p>	<p>– 12 months disqualification which can be reduced by a court to 3 months, – Maximum fine of \$3,300, and – Maximum prison sentence of 6 months.</p>

What is the difference between disqualification and suspension?

Disqualification is when a court removes driving privileges for a set time period. A [local court](#) may disqualify your licence if you are convicted of certain driving offences .

A suspension, on the other hand, can be imposed by police or the RMS. Police have the authority to suspend and confiscate your licence if you:

- Committed a serious driving offence causing death or grievous bodily harm

- Were speeding more than 45km/h over the speed limit or more than 30km/h on a provisional or learner licence
- Had a middle or high range prescribed concentration of alcohol or committed another serious alcohol offence
- A street racing offence or aggravated burnout offence
- Are a learner and were driving unaccompanied by a supervising driver

Any of these offences give the police authority to suspend your licence either on the spot or within 48 hours of being charged.

Offences like speeding, which may be picked up with speed camera, can also include a licence suspension along with a fine. And the accumulation of [demerit points](#) may also disqualify you from driving.

What can a lawyer do for me?

If you have been issued with a court attendance notice for a driving offence, a good lawyer will be able to help you prepare relevant materials and persuasively present your case in court.

If you wish to plead guilty, they may be able to convince the magistrate to give you a reduced penalty – or even to not record a conviction against your name. If no conviction is recorded, you will not receive a licence disqualification, a fine or any other penalty.

If you have filed a licence appeal, a good lawyer may be able to convince the court to revoke your suspension or reduce the period you are off the road.