



Disclaimer: the material in this fact sheet is intended as a general guide only. You should not act on the basis of the information in this fact sheet without first getting legal advice about your own particular reason. The information is based on the laws in Victoria as of June 2023.

DEMERIT POINTS

INCLUDED IN THIS FACT SHEET [IS/ARE]:

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- Drink driving

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WHAT ARE DEMERIT POINTS AND WHEN CAN I GET THEM?

Demerit points are a type of penalty imposed on your permit or licence when you commit certain traffic offences. Demerit points range from 1 to 10 points per offence.

For information on demerit point offences and how many demerit points apply to each offence, see the VicRoads website: <https://www.vicroads.vic.gov.au/licences/demerit-points-and-offences/about-demerit-points>.

If you commit a demerit point offence, Civic Compliance will send you a penalty notice which tells you the details of the offence and the amount of the fine.

You then have the following options:

- You can pay the fine or ask Civic Compliance for extra time to pay the fine
- You can contest the fine and have your matter heard by the Magistrates' Court
- If you suffer from mental illness, intellectual disability, substance addiction or if you were homeless when you got the fine, you may be able to make a Special Circumstances application to revoke your fines – See our "Dealing with Fines" Factsheet or contact Youthlaw for more info

If you choose to ignore and not pay the fine, the infringement will move to Court (most likely the Magistrates' Court).

WHEN DO DEMERIT POINTS APPLY?

Some common demerit point offences are listed below:

Offence	No. of points
Level crossing offences	4
Using a mobile phone illegally while driving	4
Using a visual display unit or television illegally while driving	4
Exceeding the speed limit by 10 km/h or more but less than 25 km/h	3
Disobeying traffic lights, signs or police or authorised person directing traffic	3
Failing to give way, or stop, or remain stopped	3
Driving without wearing an approved helmet (motorcycle), or a properly adjusted and fastened seat belt	3
Driving with an unrestrained passenger, a passenger sharing the same seat as another passenger or a passenger in or on part of the vehicle not designed for passengers or goods	3
Risk colliding with exiting, boarding or waiting tram passengers	3
Holder of motorcycle learner permit or licence for less than 3 years riding a motorcycle that is not a learner approved motorcycle or carrying a pillion passenger	3
Driving with an obscured or improperly displayed number plate	3
Failure to display P plates	3
Probationary driver who drives a probationary prohibited vehicle on a road	3
P1 probationary driver or corresponding novice driver driving a motor vehicle with more than one peer passenger	3
P1 Probationary driver previously suspended or cancelled for an offence who drives in breach of the passenger restriction required by Road Safety (Drivers) Regulations 2009 – Reg 60(2)	3

Offence	No. of points
Driving the wrong way on a one way service road	3
Improper overtaking or passing	2
Turn or stop without signalling	2
Turn improperly	2
Fail to keep left	2
Exceed speed limit by less than 10km/h	1
Driving contrary to a minor defect notice	1
Fail to dip headlights	1
Driving at night or in hazardous weather conditions without headlights and tail lights on	1
Follow too closely	1

For more information about demerit points, see the VicRoads website: <https://www.vicroads.vic.gov.au/licences/demerit-points-and-offences/demerit-offences>

Excessive speed offences

If you are caught speeding in excess of 25km per hour over the speed limit, you won't get demerit points. But your licence will be suspended, for a minimum of 6 months. The length of the suspension depends on your licence

Drink driving

If you are caught drink driving, you won't get demerit points. But you will face harsh penalties: your licence will be cancelled, you will receive a fine and you will be disqualified for driving.

For more information about drink-driving penalties, see the VicRoads website: <https://www.vicroads.vic.gov.au/safety-and-road-rules/road-rules/penalties/drink-driving-penalties>

HOW DO I KNOW HOW MANY DEMERIT POINTS ARE ON MY LICENCE?

You can check demerit points on your licence by calling Vic Roads on 1300 728 977.

If you commit an offence that has associated demerit points, VicRoads will send you a letter which tells you how many demerit points you have incurred. The letter may also include an "option notice".

WHAT IS AN "OPTION NOTICE"?

VicRoads will send you an "option notice" if:

- You have a full licence and you get 12 or more demerit points in any 3 year period and you have a full licence.

- You have a learners permit or a probationary licence and:
 - you get 5 or more demerit points in any 12 month period; or
 - you get 12 or more points in any 3 year period.

You then have two options:

Option 1 – Suspend your licence/permit

You can choose to suspend your licence/permit for the time specified on the option notice. This means that you will not be able to drive a vehicle whilst your licence is suspended.

Option 2 – Keep your licence/permit

You can choose to keep your licence. But if you get any more demerit points in the next 12 months, your licence/permit will be suspended for double the time that it would have been suspended under option 1.

If you choose to extend your demerit point period then you will need to follow the instructions that will be provided to you on your demerit point notice.

MORE INFORMATION

For more information, see:

- The Law Handbook: https://www.lawhandbook.org.au/2020_06_08_06_common_driving_offences/
- Victoria Legal Aid: <https://www.legalaid.vic.gov.au/find-legal-answers/traffic-offences/possible-outcomes-for-traffic-offences/demerit-points>

GETTING LEGAL HELP

Youthlaw

If you are under 25, you can get free and confidential legal advice and information.

Phone: (03) 9113 9500 (9am-5pm, Mon-Fri)

Website: <http://youthlaw.asn.au/>

Visit our website: www.youthlaw.asn.au

Chat to us: 03 9113 9500

Email your questions: legal@youthlaw.asn.au

YOUTHLAW

Young Peoples Legal Rights Centre
Inc No A0041616E
ABN 12 794 935 230