

KLC aims to provide quality legal services to the community & to promote excellence in clinical legal education, whilst fostering a critical analysis of the legal system.

9385 9566



Location

Kingsford Legal Centre is located on the ground floor of the Law Building, University of New South Wales, Anzac Parade, Kensington.

Enter the university at the main entrance on Anzac Parade, walk down the main walkway and turn down the second path on the left. The entrance to the legal centre is opposite the Uni Bar.

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Motorists' rights



Information

Never Stand Still

If you drive it is important to know your rights and what you can and can't do if the police stop you. Police may stop you for random breath testing or for some other reason, so be prepared!

What do you do if a police officer has stopped you?

- If the police officer reasonably suspects that your vehicle was used in connection with a serious offence, he or she can ask for your name and address and the names and addresses of your passengers.
- You can ask the officer to provide his or her name, rank and place of duty and the reason for asking you for your details.
- It is an offence to refuse to give your name to a police officer unless you have a reasonable excuse.
- You do not have to give any additional information other than your name and address. If requested, proof of these may need to be provided.

Do you have to take a random breath test?

- Yes. If you are driving a vehicle, or supervising a learner driver, the police can stop you for random breath testing at any time. If you refuse to take the test you may be fined, arrested and/or charged.
- You do not have to take a breath test if you are unable to so for medical reasons. Advise the police officer if this is the case. They may require that you provide a blood sample.

What happens if you are over the legal limit of blood alcohol concentration or are affected by drugs?

The police officer can ask you to hand over your keys, or he or she can immobilise your car, until they believe you are capable of driving safely. If your keys or car are not returned within 24 hours, you may apply to the Local Court to have them returned. You may have to pay the costs of detaining your vehicle.

Do you have to hand over your keys or turn off your engine if requested?

If you are over the legal limit of blood alcohol concentration, then you must comply with any police officer's request to hand over your keys or turn off your engine. If force is used the officer must have reasonable grounds for believing that their action was necessary, for example, believing that you or the public are at risk, if you continue to drive.

Can the police search your car?

The officer must provide his or her name, rank and place of duty, and the reason for their search. The officer can only search your vehicle if the suspect on reasonable grounds that:

- Your car may be or is carrying anything that is used in connection with the commission of a serious offence; or
- You may be carrying stolen goods; or
- You may possess any prohibited plant or drug; or
- Your car is in a public place or school and it contains a dangerous article that may be used in connection with an offence.

Can the police search you?

Yes. If the police officer suspect you may have committed any of those offences above. They may conduct a "pat-down" search – that is, quickly run their hands over your clothes.

Can the police take property from your car?

Yes. After searching your car, the police officer may seize any of your property which may be evidence of an offence.

When can a police officer arrest you as a motorist?

An officer can arrest you in the act of committing, or immediately after having committed, any offence.

You are under arrest if you are being handcuffed or are told you are under arrest.

What are your rights when under arrest

- You have the right to not answer any questions.
- If you are taken to a police station, you have the right to try to contact another person as well as a lawyer. The police must reasonably assist you in this.
- If you are under 18, you are entitled to have an adult support person or lawyer present during a police interview.
- The police can search you after arresting you and if they find evidence of an offence, they can seize the item/s.

Complaints about police officers

You may complain about an officer's unlawful conduct or conduct that may be unreasonable, oppressive or discriminatory. Complaints can be made to the Local Area Commander, Police Commissioner, the NSW Ombudsman or the Police Integrity Commission.

Harassment and discrimination

Under the NSW Police Code of Conduct, police officers must not harass or discriminate against members of the public.

Examples of harassment and/or discrimination include:

- verbal abuse, obscenities or threats;
- unwelcome remarks about your race, sex, disability, attire, pregnancy, age etc; and
- physical intimidation.

If you feel you have been harassed and/or discriminated against you may lodge a complaint to either the Anti-Discrimination Board or the Human Rights and Equal Opportunity Commission.

Seek legal advice prior to lodging a complaint to these bodies.