



Drink Driving Penalties in NSW



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Courts and Legislation



In NSW all drink driving offences will require you to attend at the Local Court. While there are automatic disqualification periods for drink driving offences you will be able to make submissions to the Court if you believe your offence, and personal circumstances, warrant leniency by the Magistrate. The Magistrate will then have the option to order a lesser suspension period if you can convince them to do so. The minimum suspension that can be ordered is legislated, but this does allow the Magistrate discretion to differ from the automatic period set.

In NSW there are five category of drink driving offences. These include:

- **the novice range (0.00 to .019)**
- **the special range (.02 to .049)**
- **low range (.05 to .079)**
- **mid range (0.08 to .149)**
- **and high range (.15 and higher)**

Each range has a different penalty and suspension period that can be imposed. Also if you have been convicted of another major offence in the last five years the penalties will be increased. Drink driving penalties, and offences, in NSW are governed by the Road Transport Act 2013.



It is your first offence you can expect to receive a disqualification anywhere from 3 months to 3 years depending on your PCA reading.



Penalties for first time drink driving offences

If you have been charged with drink driving, and it is your first offence you can expect to receive a disqualification anywhere from 3 months to 3 years depending on your reading. Novice range, special range, and low range PCA offences have an automatic suspension of 6 months, and a maximum fine of \$1,100. The magistrate does have the discretion to reduce the period of suspension, but not less than 3 months.

Mid range PCA offences will receive an automatic suspension period of 12 months, and a maximum fine of \$2,200. The minimum period of disqualification that can be ordered by the Magistrate is 6 months. They can also order a term of imprisonment of up to 9 months.

High range PCA offences have an automatic suspension period of 3 years, and a maximum fine of \$3,300. The Magistrate may reduce the suspension period, but no less than 12 months. They can also order a term of imprisonment for up to 18 months.

Other drink driving offences include driving under the influence, which will incur a \$2200 fine and an automatic suspension of 12 months, and a term of imprisonment of up to 9 months. You can also be charged with willfully altering blood concentration, and this will incur a maximum fine of \$3300, an automatic suspension of 3 years, and a possible jail term of 18 months. If you refuse to provide a breath sample for analysis the penalties are the same as if you had a PCA in the high range, and therefore considered a serious offence. This offence can incur an automatic suspension for 3 years, a maximum fine of \$3,300, and a term of imprisonment for 18 months.



If you have previously in the past 5 years been convicted of another major offence the penalties will be increased.



Penalties for further drink driving offences

If you have previously in the past 5 years been convicted of another major offence the penalties will be increased. A major offence includes any previous drink driving offence, and traffic offences such as driving negligently. For subsequent novice range, special range, and low range PCA offences the automatic suspension is increased to 12 months with a maximum fine of \$2,200. The minimum the Magistrate can reduce the suspension is to 6 months. Mid range PCA offences for repeat offenders will see the automatic suspension increased to 3 years, and a maximum fine of \$3,300. The Magistrate at their discretion can reduce this to a minimum of 12 months, but they can also order a term of imprisonment for up to 12 months. High range PCA offences will be increased to a maximum fine of \$5,500, and an automatic suspension of 5 years. This can only be reduced by the Magistrate to a minimum of 2 years. The Magistrate can also order a term of imprisonment for 2 years.

Driving under the influence with a previous offence in the last 5 years will incur an automatic suspension of 3 years, and maximum fine of \$3,300, with a possible jail term of 12 months. Refusing a breath sample for analysis, or willfully altering blood concentration, will incur an automatic suspension of 5 years, and a maximum fine of \$5,500. The Magistrate may also order a term of imprisonment for up to 2 years.





Where you go from here depends on your situation. Everyone has their own individual priorities and demands on their life that they need to deal with.



This information guide aims to point you in the right direction so that you know the legal options available to you - options that many of our clients are not aware of before talking to us.

Remember, you are NOT alone !



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1300 636 846
7am to Midnight, 7 Days

Call anytime between
7am to Midnight, 7 days on

1300 636 846

and speak direct with a Drink Driving Lawyer to get your Drink Driving matter assessed.

You can also
request a callback at
gotocourt.com.au/drink-driving

When you call the hotline you will speak directly with a lawyer. Your conversation will be treated with the strictest of confidentiality and sensitivity. At the end of the call you will have some clarity on the steps you need to take next and how you can have the best chance at an outcome that will ensure that you will attend Court armed with knowledge and support.

Scan this QR code now to access more Drink Driving information:

