



Media Release

DRINK DRIVING OFFENCES ATTRACT HARSHER PENALTIES IN LOCAL COURTS

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There has been a reduction in the number of offenders sentenced before the Local Court for high and mid-range drink driving according to a new study by the Judicial Commission of NSW.

The Commission's study examines sentencing patterns for the 20 most common proven offences dealt with by the Local Court in 2007 and how they differ from previous studies in 2002 and 1992.

Since 2002, the proportion of drivers sentenced for high-range PCA (prescribed concentration of alcohol) has fallen by 20 percent and mid-range PCA has fallen by 7 percent. The severity of penalties handed out to drink drivers has also increased with more offenders disqualified from holding a licence and for longer periods than in previous studies.

However low range PCA has increased and drink driving in general remains the most common offence on the list.

Motor vehicle offences continue to dominate - half the offences on the list of 20 relate to driving, licensing, vehicle registration and prescribed PCA offences.

In summary, the study's findings reveal:

- the 20 most common offences have remained fairly stable over the last five years: 18 offences appearing in the 2007 list also appeared in the 2002 list
- mid-range PCA remains the most common offence, as it was in 2002 and 1992, although its frequency has reduced (from 11.2% in 2002 to 9.7% in 2007)
- although low, middle and high-range PCA offences taken together account for almost one-fifth of offenders, the proportion of offenders falling into this category has decreased to 19.5% of offenders in 2007, down from 20.6% in 2002 and 24.4% in 1992
- the most noticeable change of ranking and sentencing has been for the high-range PCA offence which has fallen from the fifth most common offence to the eleventh and accounts for 3.5% of offenders compared with 4.7% in 2002
- there has been a general increase in the severity of penalties for high-range PCA offences, including a marked increase in the use of custodial sentences (8.1% compared with 4.3% in 2002) and a reduction in the use of fines (40.4% compared with 59.3%)
- overall, fines remain the most common sentencing outcome (48.2%), followed by good behaviour bonds (18.0%), non-conviction orders (16.7%) and full-time imprisonment (6.5%)
- there has been a noticeable increase in the length of sentences for full-time imprisonment and periodic detention from a median of six months to eight months

Commenting on the study, the Chief Executive of the Judicial Commission, Mr Ernie Schmatt, said, “This study provides a good insight into contemporary sentencing practice in the Local Courts, ”

Mr Schmatt stated, “The findings confirm the results of a 2005 Judicial Commission study which found that there has been a decline in the use of non conviction orders for high-range PCA offences and a general increase in the severity of penalties.”

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