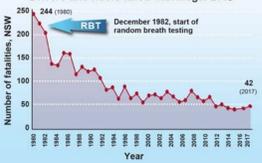


I'm not robot!



These are only an approximate number of standard drinks. Always read the container for the exact number of standard drinks.

Level of Alcohol	Starting point			Range	Disqualification	Disqualification 2nd offence in 10 years
	Breath	Blood	Urine			
120 – 150 and above	276 – 345 and above	367 – 459 and above	12 weeks custody	High level community order – 26 weeks custody	29 – 36 months (Extend if imposing immediate custody)	36 – 60 months
90 – 119	207 – 275	275 – 366	Medium level community order	Low level community order – High level community order	23 – 28 months	36 – 52 months
60 – 89	138 – 206	184 – 274	Band C Fine	Band C fine – low level community order	17 – 22 months	36 – 46 months
36 – 59	81 – 137	108 – 183	Band C Fine	Band B fine – Band C fine	12 – 16 months	36 – 40 months

2	3	4
3	4	5
2	3	4

•••	•		••
A	B	C	D
•••	••	•	•••
E	F	G	H



In New South Wales, drink driving offences carry heavy penalties including fines, terms of imprisonment and periods of licence disqualification. On-the-spot fines can be issued for a first offence if the BAC reading is below 0.079. However, for second or subsequent offences, the driver will have to attend court. New South Wales also has an alcohol interlock program. Drivers who are sentenced to an alcohol interlock order are subject to much shorter periods of licence disqualification than those who are not placed on an interlock order. This article outlines the penalties for drink driving offences in NSW. Drink driving offences Drink driving offences and the penalties they attract are set out in the Road Transport Act 2013. In NSW there are five levels of drink driving. Novice range (0.00 to 0.019 for a Learner, P1 or P2 driver)Special range (0.02 to 0.049 for a Learner, P1 or P2 driver or a bus or taxi driver)Low range (0.05 to 0.079)Mid-range (0.08 to 0.149)High range (0.15 and higher) Each range has a different maximum penalty and maximum and minimum licence suspension periods. The Road Transport Act also contains offences relating to driving under the influence of alcohol or a drug (Section 112) and driving with an illicit drug present in their system (Section 111). Novice, low range or special range A person found guilty of novice range, special range, or low range drink driving for the first time can expect to have their licence suspended for a period of three to six months and to be issued with an on-the-spot fine of \$2200. If it is the person's second or subsequent offence, they will be required to attend court. The court can impose a fine of up to \$3300 and can disqualify them from driving for up to 12 months. Mid-range A person found guilty of mid-range drink driving for the first time faces a fine of up to \$2,200 or imprisonment for nine months. They will also be disqualified from driving for a period of between 6 and 12 months (or for 6 months with an alcohol interlock period of a further 12 months). A person found guilty of mid-range drink driving for a second or subsequent time will be fined up to \$3,300 and imprisoned for up to 12 months. They will be disqualified from driving for a period of between 12 months and 3 years (or for a period between 6 and 9 months with an alcohol interlock period of a further 24 months). High range A person found guilty of high range drink driving faces a fine of \$3,300 for a first offence and up to \$5,500 for a second or subsequent offence. This offence can attract a prison term of up to 18 months for a first offence and up to two years for a second or subsequent offence. Anyone charged with high range drink driving will get an immediate licence suspension. A first offender may be disqualified from driving for up to 3 years (or for up to 9 months with an alcohol interlock order for a further 24 months). A person being sentenced for their second or subsequent offence will be disqualified from driving for up to 3 years (or for up to 12 months with an alcohol interlock order for a further 48 months). Driving under the influence A person who is found guilty of driving under the influence of alcohol or another drug for the first time faces a fine of \$3300 or imprisonment for 18 months or both. They will also be disqualified from driving for a period of between 12 months and 3 years (or for a period of between 6 months and 9 months with an alcohol interlock period of a further 24 months). For a second or subsequent offence, the driver will be fined \$5500 or imprisoned for two years, or both. They will be disqualified from driving for between 2 years and 5 years (or for between 9 months and 12 months with an alcohol interlock period of a further 24 months). Driving with a drug present A person who is found guilty of driving with an illicit drug present in their oral fluid, blood or urine faces a fine of \$2200 for a first offence or \$3300 for a second or subsequent offence. They will also have a licence disqualification period of 3 to 6 months imposed. However, it is a defence to this charge if the drug was consumed for a medicinal purpose. If you receive an immediate licence suspension, you will be required to surrender your licence and make other arrangements for getting home. If you are dealt with by way of an on-the-spot fine, you will be told your suspension period on the spot. If you are summonsed to attend court, the court will fix a disqualification period and backdate it to the day your licence was surrendered. Interlock Devices If you are convicted of certain drink driving offences, it is mandatory for the NSW courts to make Interlock Orders. Very few exceptions exist. If you receive an Interlock Order, you must go to your doctor to obtain a 'Drink-less' medical certificate sometime within the four weeks prior to the end of your disqualification period. Once your disqualification period has ended, you may apply for an interlock driver's licence. To qualify, you must have an interlock device expertly fitted to your vehicle. An interlock device requires that, in order to start your car, you must blow into the device and register a zero BAC result. You may also, at random times, be required to repeat this process to continue driving. You must not drive any other car while you are under an interlock order. The interlock device will keep a record of any time you record a BAC over zero. Police will be able to access the record and you may be charged with additional offences. If you require legal advice or representation in a drink driving matter or in any other legal matter, please contact Go To Court Lawyers. Call our lawyers NOW or, have our lawyers CALL YOU 1300 636 946 7am to midnight, 7 days January 30, 2020 Drink driving is a factor in about one in every seven crashes in NSW where someone is killed so if you are wondering about how much alcohol you can drink and still be safe to drive the simple and safe answer is, zero. Legally, NSW has three blood alcohol concentration (BAC) limits: zero, under 0.02 and under 0.05. BAC is what police test for in roadside alcohol breath tests. A BAC of 0.05% means that there is 0.05g of alcohol in every 100ml of blood. Under 0.05 is the legal limit for most drivers in Australia (including overseas and interstate licence holders) provided they are not subject to a 0.02 or zero limit. The differing levels reflect driver experience and the increased duty of care owed by people who work as drivers. Which limit applies, therefore, depends on: licence category - full, learners or provisional and the type of vehicle you are driving If you are caught over the limit penalties can include immediate loss of licence, plus fines, a requirement to install an alcohol interlock device or imprisonment. It is important for drivers to know the limits that apply to them as ignorance of the law is never a valid, legal defence. Know Your Legal Blood Alcohol Concentration (BAC) Limit Zero BAC applies to: Learner drivers or riders Provisional 1 drivers or riders Provisional 2 drivers or riders Visiting drivers or riders holding an overseas or interstate learner, provisional or equivalent licence If you have a BAC limit of zero and you are caught driving with a BAC above zero, but below 0.02, and you can prove to the court that you had the alcohol as part of a religious ceremony, this will be a defence. Under 0.02 applies to: Drivers of public vehicles such as taxi or bus drivers Drivers of vehicles carrying dangerous goods Drivers of vehicles of "gross vehicle mass" greater than 13.9 tonnes As little as one standard drink - a nip of spirits, glass of wine, or beer - can put you over the limit so anyone subject to the 0.02 limit is strongly advised not to drink any alcohol before driving. Counting Drinks Is a Dangerous Measure of Your Ability to Drive You may have come across the general "rule of thumb" that 2 standard drinks in the first hour and one drink every hour following will maintain a safe blood alcohol level. Unfortunately, this is an oversimplified and dangerously misleading method to determine whether you are safe to drive. While this social myth may appeal as a quick, easy calculation fact is, the ways in which alcohol impairs your ability to drive depends on much more than a simple count of "one or two drinks". While alcoholic drinks are labelled in this country to indicate the number of standard drinks per bottle counting standard drinks to guess your BAC is difficult and often inaccurate because: Alcohol concentrations vary between drinks, meaning that 40% proof Vodka will increase your BAC much faster than a beer at only 4.0%. Varying serving sizes for example, wine glasses range in size from 100ml to more than 280ml Drinks come in non-standard sizes, many beers and most pre-mixed drinks may contain more than one standard drink and a bottle of wine upwards of five standard drinks. Think about that from a practical point of view. How would you determine the number of standard drinks from a bottle of wine you shared? Would you count the beer that got knocked over, or the one that you didn't finish because you only had a few mouthfuls? Did you mix that last vodka, lime and soda or did someone else? Without a doubt, counting drinks may help you determine how drunk you are. By counting aloud, you may notice increasingly slurred speech and the point at which you lose count, is a certain indication that you shouldn't be driving. But, let's be clear, counting drinks is neither a safe nor reliable way to determine whether you are over the limit. Even if you know that a standard drink here in Australia is one that contains 10 grams or about 12.5ml of alcohol a "standard drink" is not a measure of your ability to drive after consuming alcohol. It is at best a guide to your alcohol consumption; it does not inform you of your Blood Alcohol Concentration (BAC) level which is what you will be tested on when pulled over by Police. Other Factors That Impact Your BAC Levels Your ability to drive safely depends on more than just the quantity of alcohol you consume. It also depends on how quickly alcohol is absorbed into your blood, the length of time it remains in your system and other physiological factors - factors which can only be accounted for on an individual and daily basis. As an example, two people that consume the exact same amount of alcohol can have very different Blood Alcohol Concentration (BAC) levels because the effect alcohol has depends not just on the quantity of alcohol consumed but on other physiological factors such as: - Body Mass: Someone at 55kg will reach a higher BAC from consuming the same amount as compared to a 90kg person Gender: a woman, even at the same height and weight as a man will absorb alcohol more quickly due to higher ratio of fatty tissue to lean muscle Liver function: an unhealthy liver processes alcohol slower than a healthy liver therefore BAC remains elevated for longer Food: Recent consumption of food or lack thereof as alcohol can absorb into the stomach and bloodstream quicker when there is no food. Lifestyle Habits: People that drink regularly develop an increased tolerance to alcohol. People that drink rarely or less often, will have a lower tolerance to alcohol and so their BAC is likely to rise more quickly. Health & Wellbeing: BAC can be higher when people are tired, stressed or unwell In practice, a beer or two may not put you over the BAC limit on a Friday afternoon if you've just eaten a burger and fries but if you're also tired and stressed, factors which can already be impacting your ability to drive safely, then adding alcohol to the mix only increases the risk posed to yourself and all the others drivers on the road. Hence the warning to "Know Your Limit" and how that can change from day to day. If you need further guidance and legal representation for pending DUI charges the team at Rivere Law are here to help.

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