

Drink Driving Offences – Minimising your Penalty

Drink driving is one of the most common offences that arise in the Local Court. Despite its commonality, the Courts take all drink driving, from low-range to high-range, extremely seriously.

All drink driving offences carry a minimum drivers licence disqualification period if convicted. However, if it is your first criminal offence, depending on the circumstances of the case you may escape with a warning. It is a good idea to get a lawyer to represent you in court for a drink driving offence – a lawyer will be able to put your case to the court in a persuasive manner so that the penalty to be imposed is minimised as much as possible. At a minimum your lawyer should want the following information from you to prepare your sentencing plea:

- your previous driving record, including any speeding fines and any prior drink driving convictions;
- your age, education and occupation;
- how far you were driving;

- how you came to the attention of the police (random breath test; pulled over for speeding; police called because there was an accident; etc);
- how many passengers, if any, were in the car;
- whether you were charged with any other offences arising out of the same circumstances (eg, negligent driving; speeding; driving whilst disqualified);
- how much alcohol you had consumed prior to driving;
- your blood alcohol content at the time of the offence; and
- the importance of your licence to your occupation.

If you haven't attended the Traffic Offenders Program before, the Court is likely to make you attend the program before sentencing you. It's likely that your licence will remain suspended while you attend this program. Attending the Traffic Offenders Program diligently is a good way to minimise the sentence you receive for the offence.

For more information on traffic offences or to be represented in court for a traffic offence, please [contact](#) the author, Alanna Van der Veen, Emery Partners.