

## Drink Driving Ban

### What is the difference between a discretionary drink driving ban and an obligatory drink driving ban?

For some offences a ban is mandatory whereas on others, the Court can exercise discretion on whether to impose a ban.

### How long will I be banned for drink driving/lose my driving licence?

This depends on the nature of the offence, your past record and mitigation put forward to the Court, as well as the level of alcohol recorded. The following is a guideline:

Breath Test	Blood Test	Urine Test	Ban (Months)	Minimum Reduction* (Months)	Community Service or Custodial Sentence
35-55	80-125	107-170	12		
56-70	126-160	171-214	18	4.5	
71-85	162-195	215-260	24	6	
86-100	196-229	261-308	24	6	Consider community service
101-115	230-264	309-354	30	7.5	Consider community service
116-130	265-300	355-400	30	7.5	Consider custodial sentence
131+	301+	401+	36	9	Consider custodial sentence

\* Reduction is based on attending a drink drive rehabilitation course.

### Will the Court take into account the loss of my job?

Yes. However, loss of job will not be enough to avoid a disqualification. The over-riding factor is that for this type of offence, a ban must be imposed unless there are the most exceptional circumstances. Loss of job would be regarded as entirely foreseeable and thus, is not an exceptional consequence when considering a punishment.

### Can I avoid a drink driving ban or escape disqualification?

Clearly, if you successfully challenge the allegation and are not convicted, no punishment will be imposed. If, however, you accept the offence, factors that the Court will take into account



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include if your drinks were spiked, if you drove because of an emergency or moved a vehicle an extremely short distance.

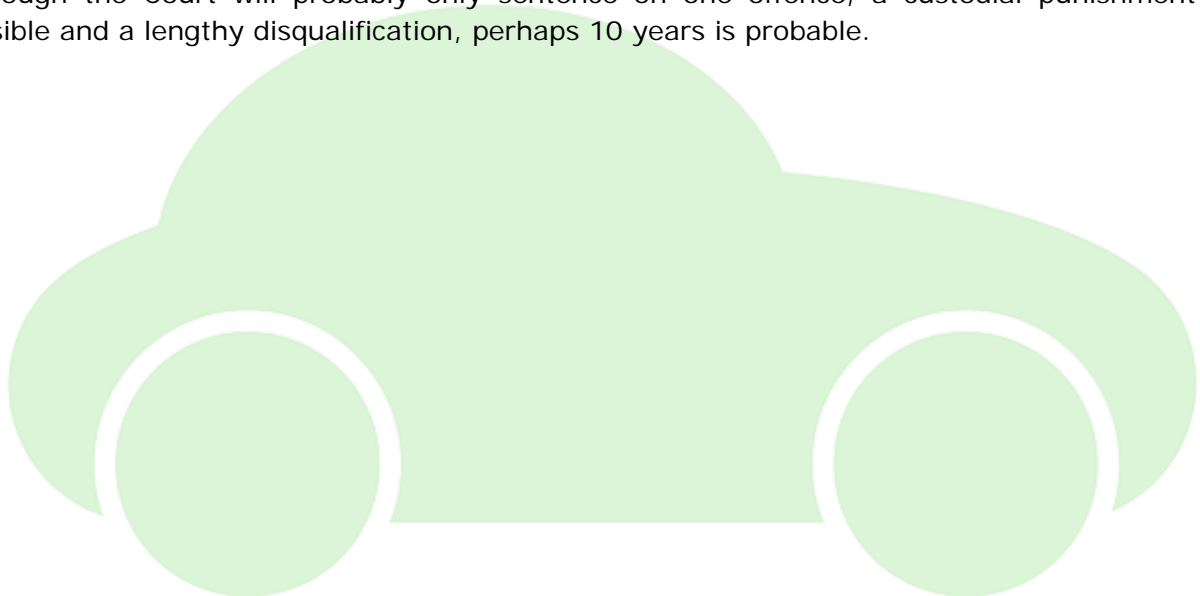
Please refer to our *Defences Fact Sheet*.

**What if I was caught drink driving whilst disqualified, will my original ban be extended?**

Yes. This is regarded as very serious, given that at least 3 offences have been committed.

- > Driving whilst disqualified;
- > Driving under the influence of drink;
- > Driving without insurance.

Although the Court will probably only sentence on one offence, a custodial punishment is feasible and a lengthy disqualification, perhaps 10 years is probable.



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