

Table 1: Existing and recommended drink driving penalties for novice drivers, provisional licence holders, and extraordinary and recently disqualified drivers; and drivers of heavy vehicles, vehicles carrying dangerous or explosive goods, buses, small charter vehicles and taxis

Act Section	BAC per cent	Fine (proposed in brackets)			Demerit Points	Disqualification
		Infringement	Min	Max		
First Offence						
64AAA*	> 0 - < 0.02	* (2)	2 (3)	6	3	
64A**	0.02 - < 0.05		2 (3)	6		Three months minimum (Court penalty)
Second Offence						
64AAA*	> 0 - < 0.02	* (2)	2 (3)	6	3	
64A**	0.02 - < 0.05		2 (3)	6		Three months minimum (Court penalty)
Subsequent Offence						
64AAA*	> 0 - < 0.02	* (2)	2 (3)	6	3	
64A**	0.02 - < 0.05		2 (3)	6		Three months minimum (Court penalty)

Proposed penalties are in brackets where they are different from existing

- * S64AAA - Zero BAC currently applies to novice drivers and an infringement option is available with a fine of 1.5PU and three demerits. The infringement fine option in 64AAA is in the schedule of Road Traffic (Infringements) Regulations 1975 with three demerit points applying via Road Traffic (Miscellaneous) Regulations 2008. It should be noted that in all instances where a novice driver's licence is disqualified, the licence is in effect cancelled. For all other licence holders, a disqualification will result in a suspension.
- ** S64A - Currently applies to provisional and extraordinary licence holders and recently disqualified drivers and a minimum 0.02 BAC is imposed. New zero BAC and above penalties are proposed under S.64A for provisional licence holders, extraordinary and recently disqualified drivers, drivers of buses, taxis, heavy vehicles (22.5t and greater) and small charter vehicles (that are a type of omnibus approved by the Director General to operate as a vehicle for hire under the Transport Coordination Act 1966) and vehicles carrying dangerous or explosive goods. S64A penalties are proposed to be consistent with those applying in S.64AAA, except that licence disqualification for drivers, other than novice drivers, will result in a suspension.

Table 2: Existing and recommended penalties for drink driving offences relating to all licence holders except where a novice driver's licence is disqualified, the licence is in effect cancelled. For all other licence holders, a disqualification will result in a suspension.

Act Section	BAC per cent	Infringe- ment Fine	Fine		Licence Sanction	
			Min Court	Max Court	Court Disqualification	Demerit Points x
First Offence						
64AA	0.05 - < 0.06	2 (5)+	-	4 (10)	-	3
64AA	0.06 - < 0.07	2 (5)+	-	4 (10)	-	4
64AA	0.07 - < 0.08	2 (5)+	-	4 (10)	-	5
64	0.08 - < 0.09	-	8	30	3 (6)	
64	0.09 - < 0.10	-	10 (11)	30	3 (7)	
64	0.10 - < 0.11	-	10 (11)	30	4 (7)	
64	0.11 - < 0.12	-	12 (13)	30	4 (8)	
64	0.12 - < 0.13	-	12 (13)	30	5 (8)	
64	0.13 - < 0.14	-	14 (15)	30	5 (9)	
64	0.14 - < 0.15	-	14 (15)	30	6 (9)	
63, 67	≥ 0.15	-	16 (18)	50	6 (10) #	
Second Offence						
64AA	0.05 - < 0.06	-	5 (8)	10 (20)	3 (6) #	
64AA	0.06 - < 0.07	-	6 (8)	10 (20)	3 (6) #	
64AA	0.07 - < 0.08	-	7 (12)	10 (20)	3 (8) #	
64	0.08 - < 0.09	-	16 (12)	30	6 (8) #	
64	0.09 - < 0.10	-	16 (18)	30	6 (10) #	
64	0.10 - < 0.11	-	20 (18)	30	6 (10) #	
64	0.11 - < 0.12	-	20 (24)	30	7 (14) #	
64	0.12 - < 0.13	-	24	30 (40)	8 (14) #	
64	0.13 - < 0.14	-	24 (32)	30 (40)	10 (18) #	
64	0.14 - < 0.15	-	24 (32)	30 (50)	12 (18) #	
63, 67	≥ 0.15	-	30 (42) !	70 !	24 (30) #	
Subsequent Offence						
64AA	0.05 - < 0.06	-	5 (8)	10 (20)	3 (8) #	
64AA	0.06 - < 0.07	-	6 (8)	10 (20)	3 (8) #	
64AA	0.07 - < 0.08	-	7 (12)	10 (30)	3 (10) #	
64	0.08 - < 0.09	-	16 (12)	30	6 (10) #	
64	0.09 - < 0.10	-	16 (18)	30	7 (13) #	
64	0.10 - < 0.11	-	20 (18)	30	8 (13) #	
64	0.11 - < 0.12	-	20 (24)	30 (40)	9 (17) #	
64	0.12 - < 0.13	-	24	30 (40)	10 (17) #	
64	0.13 - < 0.14	-	24 (32)	30 (60)	12 (30) #	
64	0.14 - < 0.15	-	24 (32)	30 (60)	14 (30) #	
63, 67	≥ 0.15	-	40 (42)!	100 !	Life #	

Proposed penalties are in brackets where they are different from existing

- + Infringement penalty is in Road Traffic (Infringements) Regulations 1975
- x Demerit points are in the Road Traffic (Miscellaneous) Regulations 2008
- # The disqualification for repeat offences and 0.15+ BAC is licence cancellation
- ! The option to fine is imprisonment (nine months for second offence and 18 months for third or subsequent offence)

Table 3: Proposed penalties associated with illicit drug presence offences[#]

Driving with a Prescribed Illicit Drug in Oral Fluid or Blood (s64AC) and Failure to Comply with a Requirement to Provide Oral Fluid/Blood for Drug Testing (s67AB)

Offence	Fine (PU)		Licence Disqualification
	Minimum	Maximum	
First offence	NA	4 (10)	3 demerits (6 during holidays)
Second or subsequent offence	5 (8)	10 (20)	3 (6) months minimum disqualification

[#] Penalty equivalent to s64AA - BAC greater than or equal to 0.05 but less than 0.06 BAC

Table 4: Proposed penalties associated with drug impaired driving offences*

Driving while Impaired by a Drug (s.64AB) and Failure to Comply with a Requirement for Driver Assessment or Provide Blood/Urine for Drug Impairment Assessment (s67AA)

Offence	Fine (PU)		Licence Disqualification (months)
	Minimum	Maximum	
First offence	16 (18)	50	6 (10) minimum
Second offence	30 (42)	70**	24 (30) minimum
Third or subsequent offence	40 (42)	100***	Life

* Penalty equivalent to s63 - DUI (0.15 BAC)

** Option to maximum fine for second offence is nine months jail

*** Option to fine for third and subsequent offences is 18 months jail