
DRINK DRIVING

Report 1

Offences finalised in the Magistrates Court of South Australia,
1995

by

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Department and Transport SA

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EXECUTIVE SUMMARY

Introduction

This report outlines the results of Part One of a study into adult drink driving, using data from SA Police and the Courts Administration Authority. The study was conducted by the Office of Crime Statistics and partly funded by Transport SA's 1996/97 Road Safety Research Program.

The objective of Part One was to examine the profiles and offence histories of adults found guilty of a drink driving or an associated offence. Specifically, it aimed to:

- describe the demographic characteristics of drink driving offenders;
- examine any associated offending behaviour;
- compare the profiles of probationary licence offenders with those of full licence offenders and;
- describe the penalties imposed by the court and how they vary according to demographic factors.

Part Two of the study will analyse repeat drink drivers in terms of their demographic characteristics, penalties received and time between offences.

Data

A case is defined as a group of matters involving the one defendant which were finalised before the same magistrate in the same court on the same day.

The study group for Part One includes all of those cases finalised in the Magistrates Court in 1995 which involved at least one drink driving charge such as 'driving under the influence' (DUI) or 'exceeding the prescribed content of alcohol' (PCA), as well as associated offences, such as refusing a blood or breath test. Drink driving offences for blood alcohol levels between .05 and .08, which received a Traffic Infringement Notice, were not included in the study.

Details of previous convictions for drink driving and non-drink driving offences were obtained from SA Police and matched with finalised cases. Only drink driving convictions for the five years preceding the offence were included. For non-drink driving offences, all previous convictions were obtained.

Drink driving offences in the Magistrates Court

In 1995 there were 6,292 cases finalised in the Magistrates Court which included at least one drink driving or associated charge. This represented 16.4% of the total 38,292 cases finalised in the Magistrates Court in 1995. The 6,292 cases finalised in 1995 may also have included additional drink driving charges and non-drink driving charges.

Demographic profiles

- Male defendants were involved in 85.5% of the drink driving cases finalised in 1995.
 - These cases were more likely to involve younger defendants, with 67.5% aged under 35 years and 86.4% under 45 years.
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- Aboriginal defendants were involved in 6.1% of the cases where Aboriginality was known (racial identity was missing in 16.1% of cases).
 - Aboriginal defendants accounted for a higher proportion of female than male drink driving defendants (7.5% compared with 4.7% respectively).
 - The majority of cases included only one charge - a drink driving charge (67.6% of cases involving male defendants and 76.0% of cases involving female defendants).
 - While each case included at least one drink driving charge, a number of cases also included additional drink driving charges and/or one or more non-drink driving charges. Male drink driving defendants were more likely to be facing multiple charges. Between two and five charges were involved in 31.3% of cases with male defendants and 23.3% of cases with female defendants.
 - Fourteen cases (all male defendants) included 11 or more charges, with a maximum of 49.
 - One in five (1,257) cases included a DUI charge. Of these, 1,115 involved a male defendant (20.7% of all male defendants) while 139 involved a female defendant (15.6% of female defendants). Very few defendants (less than 1.0%) had two or more DUI charges within the case (maximum was four).
 - The majority of cases (5,823) involved at least one PCA charge. While males were more likely than females to have DUI charges, the proportion of male and female defendants facing PCA charges was almost identical (92.6% and 92.2% respectively). Only a small proportion of defendants (5.5% of male defendants and 4.0% of female defendants) were facing two or more PCA charges.
 - There was little difference in the percentage of male and female defendants with one or more 'refuse breath/blood test' charges (5.6% of cases with a male defendant and 6.7% of cases with a female defendant).
 - Overall, 14.0% of cases also included a non-drink driving offence. Cases involving male defendants were more likely to include a non-drink driving charge (14.7% of males compared with 9.6% of females).

Non-drink driving charges

- In total, 10.2% of cases included at least one driving offence other than drink driving.
- In addition to at least one drink driving charge, 6.4% of males and 3.3% of female defendants were facing at least one charge of 'driving while disqualified'.
- A charge of 'dangerous driving' was involved in 2.7% of cases.
- Overall, 4.0% of cases included at least one 'offence against good order' with a 'resist/obstruct/hinder police' offence included in 2.1% of all cases.
- Only 1.2% of cases included a 'break and enter' offence, and only 1.5% involved an offence against the person.
- Drug offences featured in only 19 cases (0.3%).

Offence combinations

The combination of offence types within each case were also examined.

- Over two-thirds of cases (69.3%) involved PCA charges only, while 1.7% were charged with DUI only and 11.4% involved both DUI and PCA charges.
- PCA offences were combined with non-drink driving charges in 7.4% of cases, while 3.4% involved PCA, DUI and non-drink driving charges.
- Cases involving non-Aboriginal defendants were less likely to involve a combination of offence types rather than a single type of offence only. Three quarters (74.8%) of non-Aboriginal defendants were charged with DUI only, PCA only or 'refuse' only compared with 58.0% of Aboriginal defendants. Non-drink driving charges were included in 24.5% of Aboriginal cases compared with only 12.0% of non-Aboriginal cases.

Blood alcohol content (BAC)

- There were 6,195 'exceed the prescribed content of alcohol' (PCA) offences within 5,823 separate cases finalised in the Magistrates Courts in 1995.
- The overwhelming majority (92.6%) of PCA defendants who appeared in court had a BAC of .08 or more - a finding which is to be expected given that most drink driving offences involving blood alcohol levels within the .05 to .08 range receive a Traffic Infringement Notice (TIN) and a fine only. The small proportion who do appear in court with a BAC less than .08 include:
 - individuals, such as probationary licence holders, who have a zero alcohol limit as a condition of their drivers licence, and
 - full licence holders who have not paid a TIN.
- Of all PCA offences, 49.4% involved a BAC in the .08 to .149 range while a further 43.2% involved levels of .15 or more.
- The mean BAC for PCA offences by males was very similar to that for PCA offences by females (.145 compared to .142 for offences by females).
- The age group with the highest mean BAC was the 45-54 year olds (.157) followed by the 35-44 years group (.153), the 55-64 years group (.151) and the 25-34 years group (.148). The 18-24 years group had the lowest mean BAC at .133.
- The mean BAC for offences by Aboriginal defendants was .181 compared with .143 for offences by non-Aboriginal defendants. Where the defendant was Aboriginal, approximately two thirds (68.6%) of offences involved a BAC of .15 or more, compared with 41.9% of offences by non-Aboriginals.

Previous Convictions

- Approximately six in ten cases (60.6%) involved defendants with a prior conviction for at least one offence (drink driving or non-drink driving). Conversely, less than one half (39.4%) of cases involved defendants with no previous convictions of any type.
- Almost one in five (19.8%) defendants had been convicted of at least one drink driving charge within the previous five years.
- In total, 18.5% of defendants had been convicted of one or more drug charges at any time in the past.
- Over half (57.4%) of the defendants had been convicted of one or more non-drink driving charges at any time previously.

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- Only 1.5% of cases involved defendants with prior convictions for drink driving offences only.
 - A significantly higher percentage of male defendants had a prior conviction of any type (64.2% compared with 38.5% for females) and prior drink driving convictions (21.3% compared with 11.1% for females).
 - Defendants aged 25-34 years were most likely to have a prior conviction for drink driving in the last five years (23.1%). The percentage of defendants with a previous drink driving conviction in other age groups ranged from 9.3% for those aged 55-64 years to 19.9% for 35-44 year olds.
 - Aboriginal defendants were more likely to have a prior conviction of any type (86.0% compared with 60.1% for non-Aboriginals) and prior convictions for drink driving (35.2% compared with only 19.9% for non-Aboriginal defendants).

Probationary and Learners Permit (P/L) Defendants

- Only P/L defendants aged 18 years or more were included in the analysis. P/L defendants aged 17 years or less are treated as juvenile offenders and appear before the Youth Court.
- Of the 6,292 cases finalised by the Magistrates Court in 1995 which involved at least one drink driving offence, 292 (4.6%) included at least one charge of 'exceeding 0.00 alcohol level for probationary and learners licence holders'.
- The majority (88.9%) of P/L defendants were male. This was not significantly different from the percentage of non P/L defendants who were male (85.4%).
- The majority of P/L defendants aged 18 years or more were younger persons, with almost two-thirds (62.3%) in the 18-24 year age group and a further 26.0% aged between 25 and 34 years.
- Only 14 (4.8%) of the 292 P/L defendants were classified as Aboriginal.
- The majority (92.5%) of P/L defendants had between two and five charges within the case, compared with 27.2% of non P/L defendants. One explanation for this difference is that P/L defendants receive two charges for the one drink driving incident - the P/L charge for exceeding the prescribed BAC level for probationary and learners licence holders, as well as the more typical PCA charge.
- The majority (91.8%) of P/L defendants had only drink driving charges within the case. Approximately two thirds (76.4%) had PCA offences only, while 13.7% were also facing a DUI charge only. A further 11 (3.1%) P/L defendants were facing some combination of DUI, 'refuse' and non-drink driving charges.
- P/L defendants were less likely than non P/L defendants to have no previous convictions of any type (35.6% compared with 39.6% respectively). Conversely, P/L defendants were more likely to have at least one previous drink driving conviction within the last five years (38.3% compared with 19.0% of 'non P/L' defendants). This result is particularly interesting, given that some P/L defendants would have had a drivers licence for less than five years.
- The proportion of P/L defendants with previous non-drink driving convictions only was much lower than that of 'non P/L defendants' (26.1% compared with 41.4%).
- Almost one half (47.7%) of drink driving offences involving a P/L defendant had a BAC between .08 and .149, while 41.9% had BACs of .15 or more. Blood alcohol levels were also higher for P/L defendants with previous drink driving convictions when compared with P/L defendants without previous drink driving convictions (mean BACs of .173 and .149 respectively).

Court outcomes- individual offences

- Of the total of 7,895 drink driving offences finalised by the Magistrates Court in 1995, 81.1% resulted in a conviction and 0.2% ended in a finding of guilt with no conviction recorded. Almost one in five (18.6%) were either withdrawn by the prosecution or dismissed by the Magistrate.
- Seven offences were referred to a higher court for trial or sentence. However, it is likely that these offences were included in a case which involved a more serious, non-drink driving charge and it was this charge which required the case to be referred to a higher court.
- Nearly one half (48.7%) of all 'refuse blood/breath test' offences were withdrawn by the prosecution compared with only 16.8% and 14.4% for PCA and DUI offences respectively.
- There were statistically significant differences in outcomes between male and female drink driving defendants. Females were more likely to receive a conviction (84.5% compared with 80.6% of males) and less likely to have their drink driving charge withdrawn (15.3% compared with 18.4% for males).
- There were also statistically significant differences in outcomes between Aboriginal and non-Aboriginal defendants. A lower percentage of drink driving offences charged against Aboriginal defendants resulted in a conviction than was the case for non-Aboriginal defendants (72.3% compared with 81.9%), while Aboriginal defendants had a higher percentage of charges withdrawn by the prosecution (26.3% compared with 17.1% for non-Aboriginals).
- P/L defendants were more likely than 'non P/L' defendants to receive a conviction for drink driving offences (86.5% compared with 80.7% respectively) and less likely to have drink driving charges withdrawn (11.5% compared with 18.5% for 'non P/L' defendants).

Court outcomes - combination of offences

The outcomes for drink driving offences were also examined to determine the possible influence of any other offences within the case.

- For cases which included drink driving charges only, 95.2% were found guilty of at least one such offence.
- For cases which included both drink driving and non-drink driving charges, 58.0% were guilty of both types of charges, 35.2% were guilty of the drink driving charges only, and 1.9% were found guilty of the non-drink driving charges only. Overall, only 4.9% were found not guilty of any offence.
- When controlling for the type of charges within the case (drink driving only or drink driving plus non-drink driving), no significant difference in case outcomes was found between males and females.
- A statistically significant difference in outcomes was found between Aboriginal and non-Aboriginal cases involving drink driving charges only, with a higher percentage of Aboriginal defendants being found not guilty of any such offence (7.0% compared with 4.1% for non-Aboriginals). For cases involving both drink driving and non-drink driving charges there were no significant differences in outcomes between Aboriginal and non-Aboriginal defendants.

Penalty types

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- The most frequently imposed penalty for drink drive charges was that of a drivers licence suspension combined with a fine. This penalty applied to 88.2% of PCA offences, 90.5% of DUI offences and 95.2% of 'refuse' offences which had a guilty outcome.
 - A fine only was received for 9.0% of PCA offences, 1.9% of DUI offences and 1.6% of 'refuse' offences which had a guilty outcome. Of all offences which received a fine only, the majority (88.0%) had a blood alcohol level below .08, suggesting that the defendant had not paid a Traffic Infringement Notice and was therefore required to appear in court.
 - More serious penalties involving imprisonment and suspended imprisonment were recorded against a small number of offences (1.0% received imprisonment and 0.4% received suspended imprisonment plus a bond). However, these individual offences were included in cases which comprised more than one drink driving offence and/or non-drink driving offences. It is possible that the penalty recorded against these offences reflects an overall penalty for the case, taking into account all offences for which the defendant was found guilty.

Penalty severity

- Under the *Road Traffic Act 1961*, the severity of drink driving penalties is linked to the type of drink driving offence; whether the defendant has had a drink driving conviction within the previous five years; and, for PCA offences only, the BAC level of the offence.
- In 1995, 175 drink driving offences received a drivers licence disqualification 'until further order'. Over 90% of these were offences by males, while 90.5% were under 45 years and 10% were listed as Aboriginal. In addition, 87.3% of these offences were by defendants who had at least one drink driving conviction in the previous five years.

Licence disqualification

- The mean licence disqualification period for DUI offences where the defendant had no drink driving convictions in the previous five years was 15.3 months, with 40.3% of these offences receiving a 12 month disqualification.
- For DUI offences with previous drink driving convictions the mean disqualification was 31.9 months. However, over half (53.9%) received a disqualification of 36 months.
- For PCA offences in the lower BAC range of .08 to .149 and no previous convictions, the mean disqualification period was 7.1 months, with 58.7% disqualified for six months. For PCA offences in the same BAC range but where the defendant had one or more drink driving convictions in the previous five years, the mean disqualification period was 14.7 months, with approximately one third (33.7%) receiving a disqualification of 12 months.
- The mean licence disqualification period for PCA offences in the higher BAC range of .15 or more was 14.5 months where the defendant had no previous drink driving convictions, and 34 months where the defendant had prior drink driving convictions. Just under half (48.9%) of the offences involving defendants with no previous convictions were given a 12 month disqualification, while nearly two-thirds (62.8%) of those with prior convictions received a disqualification of 36 months.

Fines

- Mean fines ranged from \$584 for PCA offences in the lower BAC range of .08 to .149 with no prior drink driving convictions, to \$1,305 for second or subsequent DUI offences. In contrast to licence disqualification periods, within each drink driving group there was greater variation in fine amounts.

Minimum penalties

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- While minimum penalties are set down in the *Road Traffic Act* for drink driving offences, under the *Criminal Law (Sentencing) Act*, Magistrates are able to impose penalties below the minimum if deemed appropriate. For drink driving offences where the defendant had no drink driving convictions in the previous five years, the percentage of offences which received a licence disqualification below the minimum ranged from 0.7% (for PCA offences with a BAC between .08 and .149) to 2.4% (for DUI offences). In contrast, for drink driving offences where the defendant had previous convictions, this figure ranged from 19.1% (for PCA offences with a BAC of .15 or more) to 29.5% (for DUI offences).
 - The same pattern was evident for fines. For offences where the defendant had no previous drink driving convictions, between 0.4% (for PCA offences with a BAC between .08 and .149) and 1.9% (for PCA offences with a BAC of .15 or more) received a fine below the minimum set out in the legislation. In contrast, where the defendant had previous convictions, the percentage of fines below the minimum ranged from 18.0% (for PCA offences with a BAC between .08 and .149) to 42.4% (for DUI offences).
 - One possible explanation for 'below the minimum' penalties is that the defendant was facing several charges within the case and the magistrate took into account any penalties imposed for these charges when giving a penalty for a particular drink driving charge. A further examination of penalty amounts revealed that drink driving offences in cases featuring two or more drink driving charges and/or non-drink driving charges had a higher percentage of penalties below the minimum set out by the *Road Traffic Act*.

Correlation between licence disqualification and fines

- There was a high correlation between the length of the disqualification period and the amount of the fine ($r=.88$) suggesting that for most drink driving offences the disqualification period and fine were of similar severity.

Conclusion

This report has provided a statistical overview of drink driving cases finalised in the Magistrates Court in 1995. The defendants involved in these cases were most likely to be male and under 45 years, with Aboriginal persons over-represented compared to their incidence in the South Australian population. It was also shown that most drink driving cases involve only a single drink driving charge. Very few cases included criminal charges such as break and enter, offences against the person, or drug charges in addition to the drink driving charge.

The data also indicate that approximately 20% of drink driving defendants in 1995 had a prior drink driving conviction within the last five years. These recidivists were also more likely to be male and aged between 25 and 34 years. A more detailed analysis of repeat offending will be the subject of Part Two of the Adult Drink Driving Study.

1. Introduction

In South Australia, data from police accident records indicate that a substantial number of road crashes involve alcohol. Of all driver/motorcyclist fatalities in 1995, 31.5% had some alcohol in their blood, 29.3% were over the legal limit of .05 grams of alcohol per 100 millilitres of blood, and 26.1% were over .10.

Appropriately enforced legislation is a key strategy used to discourage drink driving. The *Road Traffic Act*, 1961 includes two types of drink driving offences:

- driving with the prescribed concentration of alcohol in the blood (PCA); or
- driving whilst under the influence of alcohol and/or other drugs (DUI).

PCA Offences

It is an offence to drive with a prescribed blood alcohol concentration (BAC) of .05g/100ml or greater. A zero BAC limit applies to unlicensed, learner and probationary drivers, as well as to drivers of buses, taxis, heavy vehicles and vehicles carrying dangerous goods.

To enforce this legislation, police are able to breath test drivers in a number of circumstances. These include being pulled over for a variety of minor infringements of the Traffic Code, such as speeding, after an accident, or at a random breath testing station. Those who register a blood alcohol level above the legal limit are officially recorded as having exceeded the legal blood alcohol concentration and are charged with Prescribed Content of Alcohol (PCA) offences. As shown in Table 1, penalties for this offence include licence disqualification, a fine and licence demerit points, with severity dependent upon BAC level and whether it is a first, second or subsequent offence. Drivers with a BAC level between .05 and .08 are issued a Traffic Infringement Notice (TIN) and incur a fine only. They are not required to appear in court unless the TIN is not paid.

Table 1
Penalties for *Prescribed Concentration of Alcohol in the Blood* offences

Offence/BAC level	Licence disqualification	Fine	Demerit points
First offence			
.05 up to .079	-	\$108	3
.08 up to .149	not less than 6 months	\$500 - \$900	5
.15 and over	not less than 12 months	\$700 - \$1,200	6
Second offence (within 5 years)			
.05 up to .079	-	\$108	3
.08 up to .149	not less than 12 months	\$700 - \$1,200	5
.15 and over	not less than 3 years	\$1,200 - \$2,000	6
Third offence (within 5 years)			
.05 up to .079	-	\$108	3
.08 up to .149	not less than 2 years	\$1,100 - \$1,800	5
.15 and over	not less than 3 years	\$1,500 - \$2,500	6

Additional penalties apply to unlicensed, learner, probationary and transport vehicle drivers who exceed their zero BAC limit. These include a \$108 TIN and three demerit points, and, for learner and probationary drivers only, up to a \$1,000 fine and 6 months disqualification for contravening a condition of their permit/licence. A driver who accrues 12 demerit points in a three year period is

suspended from driving for three months. Probationary or learner's permit drivers who accrue four or more points have their licence/permit cancelled and are disqualified from reapplying for six months.

DUI Offences

The second type of drink driving offence involves driving while under the influence of alcohol or other drug so as to be incapable of exercising effective control of the vehicle (DUI). This differs from a PCA offence in that it is based on the *behaviour* of the driver, rather than the BAC level. DUI offenders are usually detected by erratic driving behaviour or road crash involvement, and are not necessarily over the .05 legal blood alcohol limit. It is possible that a driver may be charged with both DUI and PCA for the same drink driving incident.

The penalties for a DUI offence, as shown in Table 2, are licence disqualification, a fine and demerit points, with severity dependent upon whether it is a first or second offence. In contrast to PCA offences, DUI penalties also include provision for imprisonment (up to three months for a first offence and up to six months for a second offence within five years).

Table 2
Penalties for *Driving under the influence of alcohol and/or other drugs*

Offence	Licence disqualification	Fine	Demerit points
First offence	not less than 12 months	\$700 - \$1,200 or up to 3 months imprisonment	6
Second offence (within 5 years)	not less than 3 years	\$1,500 - \$2,500 or up to 6 months imprisonment	6

Associated Offences

It is also an offence to refuse or fail to submit to an alcotest or breath analysis and/or the taking of a blood sample (which is compulsory for all persons aged 14 and over attending hospital for treatment of injuries received in a road crash). Table 3 shows the penalties for refusal to submit to a breath or blood test as and when directed by a police officer. It can be seen that they are equivalent to the penalties for a DUI offence, excluding imprisonment.

Table 3
Penalties for *Refuse to submit to blood/breath analysis*

Offence	Licence disqualification	Fine	Demerit points
First offence	not less than 12 months	\$700 - \$1,200	6
Second offence (within 5 years)	not less than 3 years	\$1,500 - \$2,500	6

Minimum penalties

It should be noted that, although the *Road Traffic Act*, 1961 sets out minimum penalties for drink driving and associated offences, under Section 17 of the *Criminal Law (Sentencing) Act* 1988, magistrates may reduce the penalty if they are of the opinion that good reason exists to do so.

Current levels of drink driving in South Australia

Legislation and enforcement of drink driving counter-measures are generally considered to have had a positive impact on drink driving levels in South Australia. The NH&MRC Road Accident Research Unit (RARU) in Adelaide has conducted late night roadside breath testing surveys since 1979. Kloeden and McLean (1997) found that the proportion of drivers with BACs at or above .08 had fallen by 72% between 1987 and 1997. The proportion of drivers who had been drinking had fallen by 54% since 1987.

However, despite these reductions, drink driving continues to be a problem within South Australia. Data from SA Police for the year ended June 1996 indicate that 19.2% of people detected at .05 or greater registered a BAC in the range .05 - .079, 43.5% registered a BAC between .08 and .149, and 37.3% registered a BAC of .15 or greater. Thus, approximately 80% of detected drivers fall within a BAC range (over .08) which suggests they had not made any real attempt to regulate their alcohol consumption or to avoid driving after drinking.

Of particular concern are those offenders who continue to drive when over the legal blood alcohol limit, despite several convictions for the offence. Each year, approximately 460 drivers are referred by the Courts to the South Australian Driver Assessment Clinic after recording two drink driving offences within three years.

However, the numbers, characteristics and offence histories of drink drivers in general, and recidivist drink drivers in particular, are areas which have received insufficient attention to date. A clear understanding of the characteristics of drink drivers is essential for the effective modification of existing penalty structures and for the further development of counter-measures designed to target the persistent drink driver.

Adult drink driving in South Australia, this study

This report outlines the results of Part One of a study into adult¹ drink driving, using data from police and the Courts Administration Authority. The study was conducted by the Office of Crime Statistics with funding support from the Transport SA's 1996/97 Road Safety Research Program.

The overall aim of Part One is to examine the profiles and offence histories of adults found guilty of a drink driving or an associated offence. The specific aims are as follows:

- to describe the characteristics of drink driving offenders in terms of age, gender and racial identity²;
- to investigate any associated offending behaviour (that is, to identify the extent to which those charged with drink driving are also charged on the same or different occasions with drug related offences such as possession; or other offences, such as larceny, disorderly behaviour, or break and enter);
- to compare the profiles of those who are convicted only once with those who repeatedly offend;
- to compare the profiles of probationary licence offenders with those of full licence offenders; and
- to describe the penalties imposed by the court and how they vary according to the demographic variables described above.

¹ In South Australia, an adult is defined as any individual aged 18 years and over.

² The original aims of the study included an analysis of drink driving defendants by marital status and employment status. However, due to the high number of missing or unknown cases for these variables (57.5% and 53.1% respectively), no analysis was undertaken.

Part One includes only summary information regarding previous offending. Part Two of the study will examine recidivism patterns in greater detail.

Data

Data for Part One of the study were extracted from the Office of Crime Statistics' database of South Australian court data, while defendant characteristics were obtained from police computer records and matched against court case details. The study group included all of those cases finalised in the Magistrates Courts in 1995 which involved at least one drink driving charge (such as PCA or DUI) or an associated charge (refuse breath/blood test). Because of the time lag between the date of the offence and the date of finalisation in court, some of the offences in the sample occurred prior to 1995. Overall, 62.2% of drink driving offences in the sample occurred in 1995, 33.8% in 1994, 1.6% in 1993 and 2.4% between 1986 and 1992.

A case is defined as a group of matters involving the one defendant which were finalised before the same magistrate in the same court on the same day. While all the cases in the study include at least one drink driving or associated offence, they may also include additional drink driving offences and/or one or more non-drink driving offence(s). It should also be noted that while all the matters included in the one case refer to one individual, an individual may be involved in several separate cases during the course of the year. Since each case is counted separately, the total number of cases finalised in any one year will not necessarily equate to the number of discrete individuals who faced drink driving charges in that year.

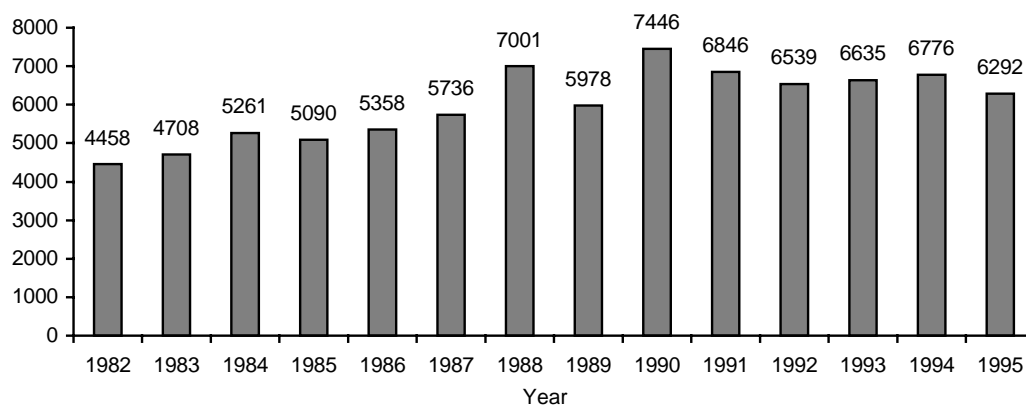
The study group does not include drink drivers who were issued with a Traffic Infringement Notice for driving with a BAC between .05 and .08, unless the subsequent fine was not paid and the drink driver was required to appear in court. In addition, it does not include those persons who had their drink driving charge withdrawn prior to the matter being finalised in court. However, such instances are very rare.

It should also be noted that the data used for this study do not include a number of minor offences, including traffic infringements such as speeding or failing to stop at a red light. It is possible that the individuals included in this study were also apprehended for one of these offences, in addition to the drink driving offence. However, from current court data it was not possible to determine if this was the case, nor if the individual had previous minor traffic convictions.

2. Case Analysis

Of the 38,292 cases finalised in the Magistrates Courts of South Australia during 1995, a total of 6,292 (16.4%) included at least one drink driving or associated charge. Figure 1 shows the number of finalised cases involving a drink drive charge for the calendar years 1982 to 1995. There was a steady increase in the number of cases involving a drink driving charge during the 1980s, with particularly sharp increases occurring in 1988 and 1990. However, this upward trend did not persist. After an 8.1% decrease between 1990 and 1991, numbers remained fairly constant until 1995, when a further 7.1% decrease was observed. As a result, the number of drink driving cases finalised in 1995 was the lowest recorded since 1989. It should be noted that these numbers are sensitive to increases or decreases in the level of police enforcement, and do not necessarily reflect changes in the actual incidence of drink driving.

Figure 1
Number of finalised court cases including a drink driving charge 1982-95



Demographic information

Age and sex

Table 4 shows defendants³ by age and sex. Males made up 85.5% of the 6,292 defendants, while only 14.1% were females. Sex was not recorded in 21 cases (0.3%).

Two-thirds of defendants (67.5%) were aged under 35 years, while 86.4% were under 45 years. Age was unknown in 60 cases (1.0%). While a similar percentage of males and females were in the 18-24 and 35-44 year age groups, a much higher proportion of females were in the 25-34 year group (42.1% compared with 33.8% for males). Conversely, higher percentages of males were in the 45-54, 55-64 and 65+ age groups. When age was collapsed into two categories of 18-34 years and 35 years and over, the differences were found to be statistically significant ($\chi^2 = 13.14$, $df=1$, $p < .01$).

³ The term 'defendant' refers to the individual involved in each case. It does not refer to discrete persons. One individual may have more than one finalised case per year, and will be counted separately each time.

Table 4
Drink driving defendants by age group and sex

Age in years	Male		Female		Total*	
	No.	%	No.	%	No.	%
18-24	1,769	32.9	271	30.4	2,046	32.5
25-34	1,818	33.8	375	42.1	2,202	35.0
35-44	1,020	19.0	167	18.8	1,189	18.9
45-54	496	9.2	55	6.2	552	8.8
55-64	161	3.0	10	1.1	172	2.7
65 and over	67	1.2	3	0.3	71	1.1
Unknown	50	0.9	9	1.0	60	1.0
Total	5,381	100.0	890	100.0	6,292	100.0

*Total includes 21 cases where sex was not recorded

Aboriginality and sex

Table 5 shows defendants by Aboriginality and sex. Aboriginality was not recorded for 16.1% of cases and so the results need to be treated with some caution. It should also be noted that the racial identity of a defendant is determined by the apprehending police officer, according to his/her assessment of the person's appearance. It does not reflect whether the persons themselves identify as Aboriginal.

Aboriginal defendants made up 5.1% of all defendants or 6.1% of cases where racial identity was known. Given that Aboriginal people account for only 1.4% of the adult population in South Australia, this group is clearly over-represented in terms of the number of drink driving cases finalised by the Magistrates Courts. It is also interesting to note that Aboriginal persons accounted for a higher proportion of female than male drink driving defendants (7.5% compared with 4.7% respectively). These differences were statistically significant ($\chi^2=11.76$, $df=1$, $p<.01$). However, this does not necessarily indicate that Aboriginal persons have a higher offending rate. The reasons for such over-representation are highly complex and include a range of factors relating not just to actual offending behaviour, but also to the operation of the criminal justice system.

Table 5
Drink driving defendants by Aboriginality and sex

Aboriginality	Male		Female		Total*	
	No.	%	No.	%	No.	%
Aboriginal	255	4.7	67	7.5	322	5.1
Non- Aboriginal	4,268	79.3	689	77.4	4,957	78.8
Unknown	858	15.9	134	15.1	1,013	16.1
Total	5,381	100.0	890	100.0	6,292	100.0

*Total includes 21 cases where sex was not recorded

Age and Aboriginality

Table 6 shows defendants by age group and Aboriginality. A lower percentage of Aboriginal than non-Aboriginal defendants fell within the 18-24 years and 45-54 years age groups, while there was a higher percentage in the 25-34 year age group. When divided into two groups of under 35 years and 35 years or more, 71.4% of Aboriginal defendants were found to be aged less than 35 years, compared with 68.7% of non-Aboriginal defendants and 64.7% of persons where racial identity was unknown. There were no statistically significant differences at the .05 level between the number of Aboriginal and non-Aboriginal defendants in the two age groups.

Table 6
Drink driving defendants by age group and Aboriginality

Age in years	Aboriginal		Non Aboriginal		Unknown	
	No.	%	No.	%	No.	%
18-24	77	23.9	1,670	33.7	299	29.5
25-34	143	44.4	1,711	34.5	348	34.4
35-44	62	19.3	918	18.5	209	20.6
45-54	19	5.9	436	8.8	97	9.6
55-64	7	2.2	135	2.7	30	3.0
65 and over	-	-	54	1.1	17	1.7
Unknown	14	4.3	33	0.7	13	1.3
Total	322	100.0	4,957	100.0	1,013	100.0

Number and type of charges per case

This section describes the number and types of charges included in the cases. It should be noted that multiple offences within the same case may not have occurred on the same date. For example, a case may include a drink driving charge which occurred in January 1995, and a charge of dangerous driving which occurred in February 1995.

Table 7 shows the number of charges (of any type) per case. The majority of cases included only one charge (67.6% of males and 76.0% of females). This would have been a drink driving matter. A further 31.3% of cases involving male defendants and 23.3% of cases involving female defendants had between two and five charges, some of which may have been non-drink driving matters. Fourteen cases (all male defendants) included 11 or more charges, while the maximum number recorded for a single case was 49. The difference in the number of charges per case between males and females was statistically significant ($\chi^2=26.44$, $df=3$, $p<.001$).

Table 7
Drink driving defendants by number of **all** charges per case and sex

Number of charges	Male		Female		Total*	
	No.	%	No.	%	No.	%
1	3,637	67.6	676	76.0	4,323	68.7
2-5	1,683	31.3	207	23.3	1,901	30.2
6-10	47	0.9	7	0.8	54	0.9
11 and over	14	0.3	-	-	14	0.2
Total	5,381	100.0	890	100.0	6,292	100.0

*Total includes 21 cases where sex was not recorded

As shown in Table 8, only 1,257 or one in five cases involved a DUI charge, with the proportion being higher for males than females (20.7% compared with 15.6% respectively; $\chi^2=12.79$, $df=2$, $p<.01$). Less than 1% of both males and females had two or more DUI charges, while the maximum number per case was four.

Table 8
Drink driving defendants by number of **DUI** charges per case and sex

Number of DUI charges	Male		Female		Total*	
	No.	%	No.	%	No.	%
0	4,266	79.3	751	84.4	5,035	80.0
1	1,070	19.9	135	15.2	1,208	19.2
2	40	0.7	3	0.3	43	0.7
3	4	0.1	-	-	4	0.1
4	1	0.0	1	0.1	2	0.0
Total	5,381	100.0	890	100.0	6,292	100.0

*Total includes 21 cases where sex was not recorded

A much higher number of cases (5,823) involved a PCA charge, compared with the number of cases with a DUI charge. As shown in Table 9, 92.6% of male defendants and 92.2% of female defendants had at least one PCA charge. While the majority of defendants faced one charge only, 5.2% of males and 3.7% of females had two PCA charges. Six males had four PCA charges and one male faced six PCA charges. The differences in the number of PCA charges per case between males and females were not statistically significant at the .05 level.

Table 9
Drink driving defendants by number of *PCA* charges per case and sex

Number of PCA charges	Male		Female		Total*	
	No.	%	No.	%	No.	%
0	398	7.4	69	7.8	469	7.5
1	4,684	87.0	785	88.2	5,483	87.1
2	281	5.2	33	3.7	318	5.1
3	11	0.2	2	0.2	14	0.2
4	6	0.1	1	0.1	7	0.1
5	-	-	-	-	-	-
6	1	0.0	-	-	1	0.0
Total	5,381	100.0	890	100.0	6,292	100.0

*Total includes 21 cases where sex was not recorded

Table 10 shows the number of PCA charges by the number of DUI charges per case for all defendants in the study. Approximately three quarters of defendants (73.1%) had one PCA charge but no DUI charges, while 13.9% faced one PCA and one DUI charge. A smaller proportion (4.4%) had one DUI charge and no PCA charges, while 4.1% of defendants were facing two PCA charges and no DUI charge. Also included in Table 10 are 166 defendants with no PCA or DUI charges. These defendants were charged with 'refuse blood breath test' offences. (Further details on this group are presented in Table 12).

Table 10
Number of *PCA* charges by number of *DUI* charges - all defendants

Number of PCA charges	Number of DUI charges								Total	
	0		1		2		3 or more		No.	%
	No.	%	No.	%	No.	%	No.	%		
0	166	2.6	274	4.4	26	0.4	3	0.0	469	7.5
1	4,602	73.1	873	13.9	6	0.1	2	0.0	5,483	87.1
2	258	4.1	53	0.8	7	0.1	-	-	318	5.1
3	6	0.1	5	0.1	2	0.0	1	0.0	14	0.2
4 or more	3	0.0	3	0.0	2	0.0	-	-	8	0.1
Total	5,035	80.0	1,208	19.2	43	0.7	6	0.1	6,292	100.0

Note: Numbers are expressed as percentages of the total number of defendants (n=6,292).

Table 11 details the number of refuse blood/breath test charges per case. As indicated, only a very small percentage (5.6% of males and 6.7% of females) had at least one 'refuse' charge, with a small number (14 males and eight females) facing two 'refuse' charges.

Table 11
Drink driving defendants by number of *refuse blood/breath test* charges per case and sex

Number of 'refuse' charges	Male		Female		Total	
	No.	%	No.	%	No.	%
0	5,080	94.4	830	93.3	5,929	94.2
1	287	5.3	52	5.8	340	5.4
2	14	0.3	8	0.9	23	0.4
Total	5,381	100.0	890	100.0	6,292*	100.0

*Total includes 21 cases where sex was not recorded

Table 12 indicates the number of PCA charges by the number of DUI charges for defendants with a refuse blood/breath test charge. Just under one half of these defendants (45.7%) had a 'refuse' charge only without further DUI or PCA charges. Approximately a third of the 'refuse' defendants (35.8%) also faced one DUI charge but no PCA charges. A smaller proportion (10.5%) had a single PCA charge but no DUI charges, while 17 'refuse' defendants (4.7%) had one DUI and one PCA charge in addition to their 'refuse' charge.

Table 12
Number of *PCA* offences by number of *DUI* charges - defendants with a *refuse blood/breath test* charge

Number of PCA charges	Number of DUI charges						Total	
	0		1		2		No.	%
	No.	%	No.	%	No.	%		
0	166	45.7	130	35.8	3	0.8	299	82.4
1	38	10.5	17	4.7	1	0.3	56	15.4
2	3	0.8	4	1.1	1	0.3	8	2.2
Total	207	57.0	151	41.6	5	1.4	363	100.0

Note: Numbers are expressed as percentages of all defendants with a 'refuse' charge (n=363).

Table 13 shows the number of non-drink driving charges per case by sex. While all cases in the sample included at least one drink driving or associated charge, 882 or 14.0% of cases involved at least one non-drink driving charge. The inclusion of non-drink driving charges was significantly more pronounced for males than females (14.7% compared with 9.6% respectively; $\chi^2=17.06$, $df=1$, $p=.000$).

Table 13Drink driving defendants in 1995 by number of *non-drink driving* charges per case and sex

Number of non-drink driving charges	Male		Female		Total*	
	No.	%	No.	%	No.	%
0	4,588	85.3	805	90.4	5,410	86.0
1	530	9.8	57	6.4	591	9.4
2-5	237	4.4	27	3.0	264	4.2
6-10	17	0.3	1	0.1	18	0.3
11 and over	9	0.2	-	-	9	0.1
Total	5,381	100.0	890	100.0	6,292	100.0

*Total includes 21 cases where sex was not recorded

Table 14 shows the number of PCA charges by the number of DUI charges for defendants who also had at least one non-drink driving charge. Approximately half of the 882 defendants in this category (50.9%) had one PCA charge but no DUI charges. Just under one quarter (22.4%) were facing one PCA charge and one DUI charge, while 12.9% had one DUI charge but no PCA charges.

Table 14Number of *PCA* offences by number of *DUI* charges - defendants with a *non-drink driving* charge

Number of PCA charges	Number of DUI charges						Total	
	0		1		2		No.	%
No.	%	No.	%	No.	%	No.		
0	54	6.1	114	12.9	9	1.0	177	20.1
1	449	50.9	198	22.4	4	0.5	651	73.8
2	32	3.6	13	1.5	4	0.5	49	5.6
3	-	-	1	0.1	1	0.1	2	0.2
4	-	-	1	0.1	2	0.2	3	0.3
Total	535	60.7	327	37.1	20	2.3	882	100.0

Note: Numbers are expressed as a percentage of all defendants with a non-drink driving charge (n=882).

Table 15 details the types of non-drink driving charges⁴ which were involved in the cases. These are grouped into seven categories, which are not mutually exclusive. For instance, a defendant charged with break and enter *and* damage property will be listed under each of these categories in Table 15.

The most common type of non-drink driving offence included in the same case as a drink driving matter was that of 'other driving' offences (eg driving while disqualified or dangerous driving). Of the 6,292 cases involving a drink driving offence which were finalised by the Magistrates Court in 1995, 639 or 10.2% included at least one other driving offence. The second most common non-drink driving offence group was offences against good order, with 4.0% of cases involving at least one of these charges. The prevalence of the remaining offence categories listed in Table 15 was very low. For example, only 1.2% of cases (77) included a break and enter offence, and only 1.5% (94) involved an offence against the person. Drug offences were included in only 19 cases (0.3%).

A similar proportion of male and female drink driving defendants were charged with offences against the person and offences against good order. However, the proportion of males who were also facing a driving offence other than drink driving was double that of females (10.9% compared with 5.5% respectively). A slightly higher proportion of males than females were also charged with break and enter (1.3% compared with 0.4% respectively).

Table 15
Drink driving defendants in 1995 by *non-drink driving* charges

Drink driving defendants	Type of charge						
	Offences Against the person (excl. Rob) %	Robbery and extortion %	Break and enter %	Damage Property %	Offences against good order %	Drug Offences %	Driving Offences (other than drink driving) %
Males							
% with charge	1.5	0.0	1.3	0.8	4.0	0.3	10.9
% without charge	98.5	100.0	98.7	99.2	96.0	99.7	89.1
Total males (n=5,381)	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Females							
% with charge	1.5	0.0	0.4	0.4	4.3	0.0	5.5
% without charge	98.5	100.0	96.0	96.0	95.7	100.0	94.5
Total females (n=890)	100.0	100.0	100.0	100.0	100.0	100.0	100.0
All*							
% with charge	1.5	0.0	1.2	0.8	4.0	0.3	10.2
% without charge	98.5	100.0	98.6	99.2	96.0	99.7	89.8
Overall total (n=6,292)*	100.0	100.0	100.0	100.0	100.0	100.0	100.0

*includes cases where sex was not recorded

⁴ As indicated earlier, a number of minor charges, such as those attracting a Traffic Infringement Notice, are not included in the data used for this study and therefore do not appear in the following tables.

Table 16 shows in more detail the types of charges which made up the ‘other driving’ offences category. Again, it should be noted that these offence sub-categories are not mutually exclusive: the same defendant may be counted in several. The most common ‘other driving’ charge was ‘driving while disqualified’. As shown, 6.4% of all males and 3.3% of all female defendants were facing at least one charge of driving while disqualified in addition to at least one drink driving charge. It is possible that these defendants had their licence suspended for a previous drink driving charge.

Dangerous driving charges were listed in 168 or 2.7% of cases while 107 (1.7% of cases) included a charge of ‘failing to stop after/report an accident’.

Table 16
Drink driving defendants by *non-drink driving* driving charges

Drink Driving defendants	Driving offences other than drink driving			
	Driving while disqualified	Dangerous driving	Failing to stop/report after an accident	Dangerous speed
	%	%	%	%
Males				
% with charge	6.4	2.9	1.8	0.8
% without charge	95.6	97.1	98.2	99.2
Total males (n=5,381)	100.0	100.0	100.0	100.0
Females				
% with charge	3.3	1.1	1.0	0.3
% without charge	96.7	98.9	99.0	99.7
Total females (n=890)	100.0	100.0	100.0	100.0
All*				
% with charge	6.1	2.7	1.7	0.7
% without charge	95.9	97.3	98.3	99.3
Overall total (n=6,292*)	100.0	100.0	100.0	100.0

*includes cases where sex was not recorded

Table 17 shows the prevalence of various types of ‘offences against good order’. As with Tables 15 and 16, the categories are not mutually exclusive. The most common type of ‘against good order’ offence in the study group was ‘resist/obstruct/hinder police’, with 2.1% of all cases including at least one charge of this type. It is interesting to note that the same proportion of male and female defendants were charged with this particular offence.

Table 17
Drink driving defendants by *offences against good order*

Drink Driving defendants	Driving Offences other than drink driving			
	Restrict/ obstruct/ hinder police %	ID offences** %	Offensive language %	Disorderly behaviour %
Males				
% with charge	2.1	0.8	0.5	0.5
% without charge	97.9	99.2	99.5	99.5
Total males (n=5,381)	100.0	100.0	100.0	100.0
Females				
% with charge	2.1	0.9	0.7	0.8
% without charge	97.9	99.1	99.3	99.2
Total females (n=890)	100.0	100.0	100.0	100.0
All*				
% with charge	2.1	0.8	0.6	0.5
% without charge	97.9	99.2	99.4	99.5
Overall total (n=6,292)	100.0	100.0	100.0	100.0

*includes cases where sex was not recorded.

**Identification offences eg giving a false name.

Offence combinations

In Tables 7 to 17 each of the different types of offences involved in the cases was considered separately. Another way to describe the cases is to examine the various combinations of offences that occur. From the offence categories of DUI, PCA, Refuse and non-drink driving, 14 possible combinations of offence types were identified, as outlined in Table 18.

As shown, the overwhelming majority of cases (69.3%) involved PCA charges only. This category far exceeded any of the other charge combinations listed. The second most common category - that of DUI and PCA charges only - accounted for 11.4% of all cases. A further 7.4% involved PCA and non-drink driving charges only, while 3.4% involved DUI, PCA and non-drink driving offences. Less than 2.0% of cases fell within each of the remaining categories, ranging from 1.8% in the Refuse blood/breath test only category down to 0.2% in the DUI/PCA/Refuse, PCA/Refuse/Non-drink driving and DUI/PCA/Refuse/Non-drink driving categories. While 69.3% of cases included PCA offences only, a mere 1.7% involved DUI only.

Table 18
Combination of charges per defendant by sex

Charges within case	Males		Females		Total*	
	No.	%	No.	%	No.	%
DUI only	94	1.7	11	1.2	105	1.7
PCA only	3,674	68.3	672	75.5	4,360	69.3
Refuse blood/breath test only	90	1.7	22	2.5	112	1.8
DUI and PCA	637	11.8	82	9.2	720	11.4
DUI and Refuse	63	1.2	11	1.2	75	1.2
PCA and Refuse	23	0.4	4	0.4	28	0.4
DUI and PCA and Refuse	7	0.1	3	0.3	10	0.2
DUI and Non-drink driving	56	1.0	8	0.9	65	1.0
PCA and Non-drink driving	425	7.9	40	4.5	468	7.4
Refuse and Non-drink driving	43	0.8	11	1.2	54	0.9
DUI and PCA and Non-drink driving	194	3.6	17	1.9	211	3.4
DUI and Refuse and Non-drink driving	52	1.0	6	0.7	58	0.9
PCA and Refuse and Non-drink driving	11	0.2	2	0.2	13	0.2
DUI and PCA and Refuse and Non-drink driving	12	0.2	1	0.1	13	0.2
Total	5,381	100.0	890	100.0	6,292	100.0

*Total includes 21 defendants where sex was not recorded.

Table 19 shows the combination of offences per case by Aboriginality. A substantially lower proportion of Aboriginal defendants were facing PCA charges only (50.6% compared with 71.4% for non-Aboriginals). In contrast, a somewhat higher percentage of Aboriginal defendants were facing DUI offences only (6.2% compared with 1.5% for non-Aboriginals), DUI/PCA only (15.5% compared with 11.4%), PCA/Non-drink driving (9.3% compared with 6.4%) and DUI/PCA/Non-drink driving (8.1% compared with 2.9%).

Overall, non-Aboriginal cases were more likely to involve one type of offence only, rather than a combination of offence types. In total, three quarters of non-Aboriginal defendants (74.8%) were charged with either DUI only, PCA only or 'refuse only', compared with 58.0% of Aboriginal defendants. By contrast, 11.2% of Aboriginal cases involved at least three different offence types (including 8.1% with DUI, PCA and non-drink driving offences) compared with 4.2% of non-Aboriginal cases. When classified into two categories of drink driving offences only, or drink driving plus non-drink driving offences, there was a statistically significant difference between Aboriginal and non-Aboriginal defendants ($\chi^2=43.21$, $df=1$, $p<.001$).

Table 19
Combination of charges per defendant by Aboriginality

Charges within case	Aboriginal		Non -Aboriginal		Unknown	
	No.	%	No.	%	No.	%
DUI only	20	6.2	76	1.5	9	0.9
PCA only	163	50.6	3,539	71.4	658	65.0
Refuse blood/breath test only	4	1.2	96	1.9	12	1.2
DUI and PCA	50	15.5	567	11.4	103	10.2
DUI and Refuse	3	0.9	58	1.2	14	1.4
PCA and Refuse	2	0.6	23	0.5	3	0.3
DUI and PCA and Refuse	1	0.3	6	0.1	3	0.3
DUI and Non-drink driving	10	3.1	37	0.7	18	1.8
PCA and Non-drink driving	30	9.3	318	6.4	120	11.8
Refuse and Non-drink driving	4	1.2	39	0.8	11	1.1
DUI and PCA and Non-drink driving	26	8.1	143	2.9	42	4.1
DUI and Refuse and Non-drink driving	8	2.5	39	0.8	11	1.1
PCA and Refuse and Non-drink driving	1	0.3	8	0.2	4	0.4
DUI and PCA and Refuse and Non-drink driving	-	-	8	0.2	5	0.5
Total	322	100.0	4,957	100.0	1,013	100.0

Blood Alcohol Content

Tables 20 and 21 and Figure 2 show the BAC level of defendants (where available) by sex, age and Aboriginality. These tables are based on individual drink driving offences, rather than finalised cases since, as noted earlier, some cases involved more than one drink driving charge. All BAC levels included in the tables relate to PCA offences only, since this offence (and subsequent penalties) are based on BAC level. By contrast, DUI offences are not dependent on BAC levels, although a small number did include a BAC reading (28 of 1,314 offences). Since there may be bias in recording the BAC levels of some DUI offences and not others, these readings were not included in Tables 20 and 21 and Figure 2.

As shown in Table 20, there were 6,195 individual PCA offences from 5,823 cases. It should be noted that this does not necessarily equate to 6,195 separate incidents of drink driving by 5,823 individuals. As discussed below in the section on the drink driving offences of probationary/learner drivers, it appears that one single incident of drink driving may attract more than one charge. For example, a probationary/learner driver apprehended with a BAC level of .1 is likely to be charged with 'exceeding 0.00 alcohol level for probationary and learner's licence holders' as well as 'exceeding prescribed concentration of alcohol'. Therefore, in some cases, two recorded blood alcohol levels may actually refer to the same drink driving event. This, together with the fact that the same individual may have faced several drink driving charges throughout the year (within the one case or spread over several), has implications for significance testing. Given that a number of BACs obtained from the data may not be 'independent' events, it was not appropriate to test the relationship between BACs and other variables such as sex, age or Aboriginality.

Table 20
BAC levels associated with PCA offences

BAC level	Males		Females		Total*	
	No.	%	No.	%	No.	%
Less than .05	53	1.0	3	0.3	56	0.9
.05 to .079	341	6.4	52	6.0	405	6.5
.08 to .149	2,595	48.9	457	53.1	3,059	49.4
.15 and over	2,320	43.7	349	40.5	2,675	43.2
Total	5,309	100.0	861	100.0	6,195	100.0
Mean BAC	.145		.142		.145	

*Total includes 25 offences where sex was not recorded.

Since most persons apprehended with a BAC between .05 and .08 would normally receive a Traffic Infringement Notice and would not be required to appear in court, the percentage of offences with a known BAC level below .08 is low (7.4%). The small number of defendants who appear in court for drink driving offences with a BAC level below .08 include those who have a zero alcohol limit as a condition of their drivers licence, as well as full licence holders who have not paid a Traffic Infringement Notice.

Of all PCA offences BAC (n=6,195), 49.4% involved levels in the .08 to .149 range. A further 43.2% were in the .15 and over category. Female defendants had a slightly higher proportion of BACs in the range of .05 to .179 (53.1% compared with 48.9% for males) and a slightly lower proportion in the range of .15 and over (40.5% compared with 43.7% for males). However, there was very little difference between the mean BAC levels of offences by male and female defendants (.145 and .142 respectively).

To enable an easier comparison, the BAC levels associated with PCA offences within the five age groups are illustrated in Figure 2. As shown, within each age group, the majority of offences involved a BAC in the .08 to .149 and .15+ categories. For offences by defendants in the 25-34, 35-44 and 45-54 age groups, a slightly higher percentage had BAC levels in the .15+ category rather than the .08 to .149 category. In contrast, in the 18-24, 55-64 and 65+ age groups, a higher percentage of offences involved BACs in the lower .08 to .149 category, rather than .15+, and the difference between the percentages in the two BAC categories was more marked. The age group with the highest mean BAC was the 45-54 year olds (.157) followed by the 35-44 years group (.153), the 55-64 years group (.151) and the 25-34 years group (.148). The age group with the lowest mean BAC was the 18-24 group (.133).

Table 21 shows BAC levels per offence by Aboriginality. Where the defendant was Aboriginal, approximately two-thirds (68.6%) of offences involved a BAC of .15 and over, compared with well under one half (41.9%) for non-Aboriginals. In contrast, only a quarter (25.9%) of Aboriginal drink driving offences involved a BAC in the .08 to .149 range, compared with 53.1% for non-Aboriginals. The mean BAC for Aboriginal defendants was .181, which was substantially higher than the .143 mean BAC recorded for non-Aboriginals.

Figure 2
BAC levels of PCA offences by age group of defendants

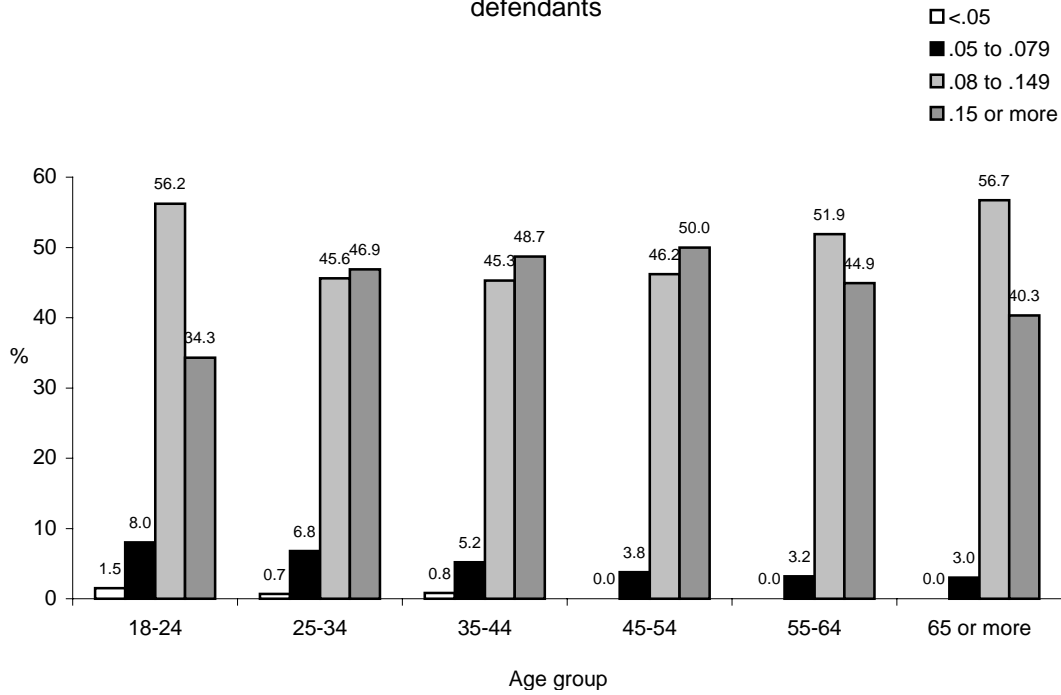


Table 21
BAC levels associated with PCA offences by Aboriginality of defendants

BAC level	Aboriginal		Non-Aboriginal		Unknown	
	No.	%	No.	%	No.	%
Less than .05	2	0.7	38	0.8	16	1.5
.05 to .079	14	4.8	203	4.2	188	17.8
.08 to .149	75	25.9	2,574	53.1	410	38.7
.15 and over	199	68.6	2,031	41.9	445	42.0
Total	290	100.0	4,846	100.0	1,059	100.0
Mean BAC	.181		.143		.139	

Previous Convictions

While Part Two of the study will focus on reported recidivism patterns, some preliminary information on whether or not the defendant had a prior conviction is presented here. However, details of the actual number of prior convictions will be dealt with in the next report.

For each case finalised in 1995, court data include information on whether the defendant has been convicted within the previous five years for drink driving offences, and at any time in the past for drug and non-drink driving offences. With the exception of drug charges, Court data do not include specific information on the type of non-drink driving offences (eg assault or burglary) for which a conviction was recorded, nor do they include Traffic Infringement Notices previously issued to the defendant unless they were not paid and the defendant was required to appear in court. Hence, a defendant listed below with no previous drink driving charges within the last five years may in fact, have received a previous TIN for driving with a BAC between .05 and .079. Moreover, previous offence data do not include prior charges for which the defendant was found guilty without conviction. The percentage of 'guilty without conviction' outcomes varies according to the nature of the offence, from 0.1% for driving offences and 3.4% for drug offences, up to 17.7% for offences against good order. However, since the overwhelming majority of drink driving charges result in a 'guilty with conviction' outcome (98.8%), it is expected that virtually all previous drink driving charges with a guilty outcome are included in the following tables.

It should also be noted that, in those instances where a single person had more than one case finalised in 1995 (for instance, one in January and one in October), this individual would be counted twice in the following tables - once for each final court appearance. In addition, if the January court appearance resulted in a conviction, this would be counted under 'prior convictions' in the record for the October appearance.

Defendants were classified into one of eight categories based on previous conviction details. Relevant information was not available for five cases.

Overall, of the 6,287 defendants for whom data were available, less than one half (39.5%) had no previous convictions of any type, while conversely, six in ten defendants (60.5%) had a prior conviction for at least one offence. More specifically,

- 19.8% of defendants had been convicted of one or more drink driving charges in the previous five years;
- 18.5% of defendants had been convicted of one or more drug charges at any time in the past;
- 57.4% of defendants had been convicted of one or more non-drink driving charges at any time in the past.

A more detailed summary of prior offence combinations is outlined in Table 22. To enable a comparison between the prevalence of previous drink driving and drug convictions, prior drug offences are included separately. As shown, a very small proportion (1.5%) had prior convictions for drink driving offences only. In contrast, almost one in eight defendants (12.2%) had previous convictions for both drink driving and non-drink driving offences, while 6.0% had prior convictions for drink driving, drug and non-drink driving offences. Overall, 40.8% had prior drug or non-drink driving convictions, but had no record of an earlier drink driving offence. This included 28.4% who had been convicted of a non-drink driving offence and 10.8% who had prior convictions for drug and non-drink driving offences. A very small percentage of defendants had previous drug charges only (1.6%).

The main difference in the pattern of previous convictions between male and female defendants was the significantly higher percentage of females with no prior record (61.5% compared with 35.8% for males), and the lower proportion of females than males with previous drink driving convictions (11.1% compared with 21.3%). In addition, a lower proportion of female defendants had previous non-drink driving convictions only (27.4% compared with 42.9% for males. When Table 22 was collapsed into three categories of no previous convictions, previous drink driving convictions, and previous non-drink driving convictions only, these differences were statistically significant ($\chi^2=213.18$, $df=2$, $p<.001$).

Table 22
Drink driving defendants in 1995 by previous conviction and sex

Previous convictions	Male		Female		Total	
	No.	%	No.	%	No.	%
No previous convictions of any type	1,925	35.8	547	61.5	2,478	39.4
Previous drink driving convictions						
drink driving only	72	1.3	24	2.7	96	1.5
drink driving and drug	8	0.1	0	-	8	0.1
drink driving and non-drink driving (excl. drug)	709	13.2	55	6.2	769	12.2
drink driving, drug and non-drink driving	359	6.7	20	2.2	380	6.0
Previous drink driving subtotal	1,148	21.3	99	11.1	1,253	19.8
Previous non-drink driving convictions only						
drug only	89	1.7	8	0.9	97	1.6
non-drink driving only (excl.drug)	1,593	29.6	182	20.5	1,783	28.4
drug and non-drink driving	622	11.6	53	6.0	676	10.8
Previous non-drink driving convictions only subtotal	2,304	42.9	243	27.4	2,556	40.8
Total	5,377	100.0	889	100.0	6,287	100.0

*

*Total includes 21 cases where sex was not recorded but excludes five cases where prior offending was unknown.

Table 23 shows the age of defendants by the type of previous conviction. Only three in ten defendants aged 25-34 had no prior convictions of any type, compared with six in ten defendants aged 65 and over. Differences were also evident in terms of the likelihood of a prior conviction for drink driving. The lowest proportion of defendants with previous drink driving convictions was in the 55-64 years age group (9.3%), followed by the 45-54 years age group (14.5%). In contrast, defendants aged 25-34 years were the most likely to have a prior criminal record for drink driving (23.1% of the total in this age group). Age variations were also evident for prior non-drink driving convictions only, with the highest proportion in the 25-34 and 35-44 age groups (45.9% and 43.3% respectively) and the lowest proportion in defendants aged over 65 years (16.9%).

When previous convictions were collapsed into three categories of no previous, previous drink driving and previous non-drink driving only, age group differences were statistically significant ($\chi^2=169.21$, $df=10$, $p<.001$).

The relationship between age and prior convictions is illustrated in Figure 3.

Table 23
 Drink driving defendants in 1995 by previous convictions and age group

Previous convictions	Age in years					
	18-24	25-34	35-44	45-54	55-64	65 and over
	%	%	%	%	%	%
No previous convictions of any type	44.8	30.9	36.8	51.3	52.3	64.8
Previous drink driving convictions						
drink driving only	1.6	1.5	1.7	1.6	-	-
drink driving and drug	0.1	0.2	0.1	-	-	-
drink driving and non-drink driving (excl. drug)	11.2	13.3	12.0	12.0	9.3	18.3
drink driving, drug and non-drink driving	6.0	8.1	8.1	0.9	-	-
Previous drink driving subtotal	18.9	23.1	19.9	14.5	9.3	18.3
Previous non-drink driving convictions only						
drug only	2.9	1.1	1.0	0.2	-	-
non-drink driving only (excl. drug)	23.0	30.0	32.4	31.2	37.8	16.9
drug and non-drink driving	10.4	14.8	9.9	2.9	0.6	-
Previous non-drink driving convictions only subtotal	36.3	45.9	43.3	34.3	38.4	16.9
Total	100.0	100.0	100.0	100.0	100.0	100.0
	n= 2,046	2,198	1,188	552	172	71

Age was unknown in 60 cases.

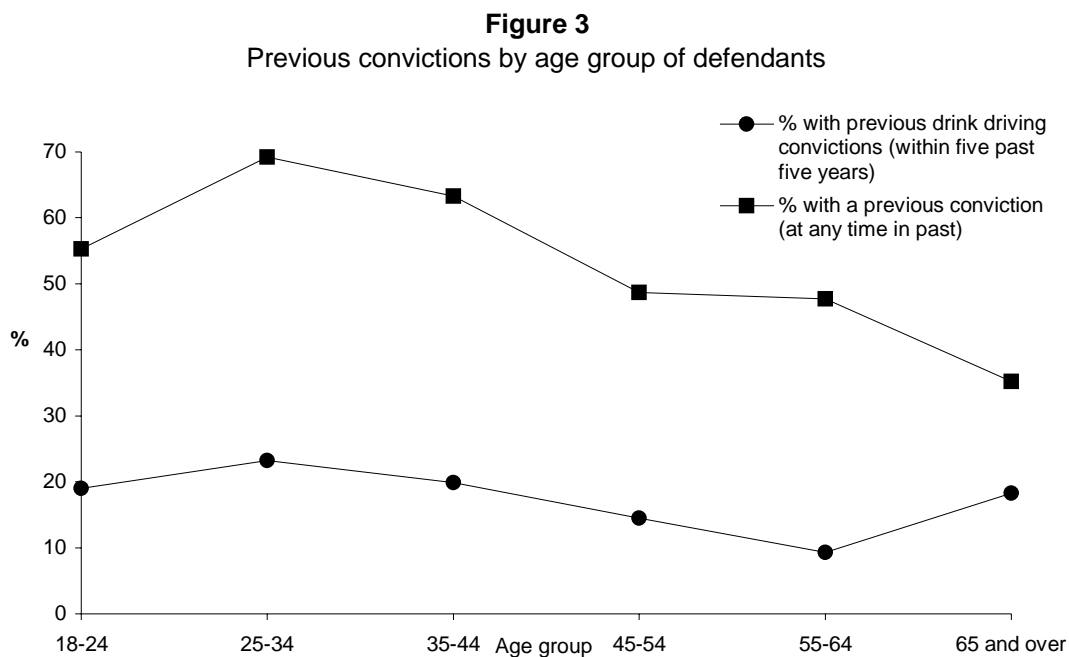


Table 24 details the type of previous conviction by Aboriginality. As shown, a much lower proportion of Aboriginal defendants had no previous convictions of any type (14.0% compared with 39.9% for

non-Aboriginals). Conversely, 86.0% of Aboriginal defendants had one or more previous convictions compared with 60.1% for non-Aboriginals.

In relation to drink driving offences specifically, 35.2% of Aboriginals had previous convictions for drink driving compared with 19.9% for non-Aboriginal defendants. This difference was mainly due to the much higher percentage of Aboriginal defendants with both previous drink driving and non-drink driving convictions (24.9% compared with 12.0% for non-Aboriginal defendants).

A substantially higher proportion of Aboriginal defendants also had prior convictions for non-drink driving offences only (50.8% compared with 40.2% for non-Aboriginal defendants). This overall difference is mostly explained by the higher percentage of Aboriginal defendants with previous non-drink driving convictions but no previous drug offences (38.0% compared with 27.6% for non-Aboriginals). These differences were statistically significant ($\chi^2=117.92$, $df=2$, $p<.001$). In contrast, there were no Aboriginal/non-Aboriginal differences in the proportion of defendants with prior drug offences. Again, however, it is stressed that these results should be treated with caution, due to the high percentage of defendants where Aboriginality was unknown.

Table 24
Drink driving defendants in 1995 by previous convictions and Aboriginality

Previous convictions	Aboriginal		Non-Aboriginal		Unknown	
	No.	%	No.	%	No.	%
No previous convictions of any type	45	14.0	1,979	39.9	454	44.9
Previous drink driving convictions						
drink driving only	5	1.6	84	1.7	7	0.7
drink driving and drug	1	0.3	6	0.1	1	0.1
drink driving and non-drink driving (excl. drug)	80	24.9	594	12.0	95	9.4
drink driving, drug and non-drink driving	27	8.4	302	6.1	51	5.0
Previous drink driving subtotal	113	35.2	986	19.9	154	15.2
Previous non-drink driving convictions only						
drug only	-	-	81	1.6	16	1.6
non-drink driving only (excl.drug)	122	38.0	1,365	27.6	296	29.3
drug and non-drink driving	41	12.8	544	11.0	91	9.0
Previous non-drink driving convictions only subtotal	163	50.8	1,990	40.2	403	39.9
Total	321	100.0	4,955	100.0	1,011	100.0

Current BAC levels by previous drink driving convictions

Table 25 shows current BAC levels by previous drink driving convictions. This table is based on individual PCA offences finalised in 1995, rather than on single court cases, since some defendants in the group were facing more than one drink driving charge at their 1995 appearance.

When BAC levels are compared by previous drink driving convictions, defendants with no previous record for a drink driving offence in the last five years were more likely to have BACs in the .08 to .149 range than defendants with at least one previous conviction (51.8% compared with 42.6% respectively). Conversely, defendants with at least one drink driving conviction in the previous five years were more likely to have BACs in the .15 and over range (50.4% compared with 41.2% respectively $\chi^2=30.38$, $df=1$, $p<.001$). Overall, defendants with at least one previous drink driving conviction had a higher mean BAC than defendants with no previous convictions for drink driving. As indicated, the small number of defendants with a BAC level below .08 is due to the fact that most

drivers who are apprehended with a BAC level between .05 and .079 are issued a Traffic Infringement Notice.

Table 25
BAC level for each PCA offence finalised in 1995
by defendant's previous drink driving convictions

BAC level per offence	No previous drink driving offences		1 or more previous drink driving offences	
	No.	%	No.	%
Less than .05	34	0.8	5	0.5
.05 - .079	260	6.2	67	6.5
.08 - .149	2,159	51.8	438	42.6
.15 and over	1,718	41.2	519	50.4
Total	4,171	100.0	1,029	100.0

Probationary and Learners Permit (P/L) Defendants

The following section describes the offending details of Probationary and Learners permit holders. For the purposes of this study, a defendant was identified as a 'P' or 'L' Plate holder if a charge of "exceeding 0.00 alcohol level for probationary and learner's licence holders" was included in a case. It should be noted that the charge of exceeding a zero blood alcohol limit for learner or probationary drivers is classified as one particular type of PCA offence. It is possible that some probationary licence or learner's permit defendants were not charged with this offence, but were instead charged with DUI, another type of PCA, or 'Refuse blood/breath test' offence. These cases can not be readily distinguished from full licence holders and would not have been included in the following summary. It should also be noted that Probationary licence and Learners permit holders aged less than 18 years are not included in the following analysis, since the Magistrate Court deals only with adults (ie aged 18 years or more).

Of the 6,292 cases finalised by the Magistrates Courts in 1995 which involved at least one drink driving offence, 292 (4.6%) included at least one charge of 'exceeding 0.00 alcohol level for probationary and learners licence holders' (P/L). Of these, 280 had one such charge only, while 12 cases included two. However, in only two of these 12 cases is it clear that the P/L offences related to separate incidents which occurred on different dates. In the remaining 10 cases, it is not conclusive from the data whether the two P/L charges are referring to two separate incidents or the same event.

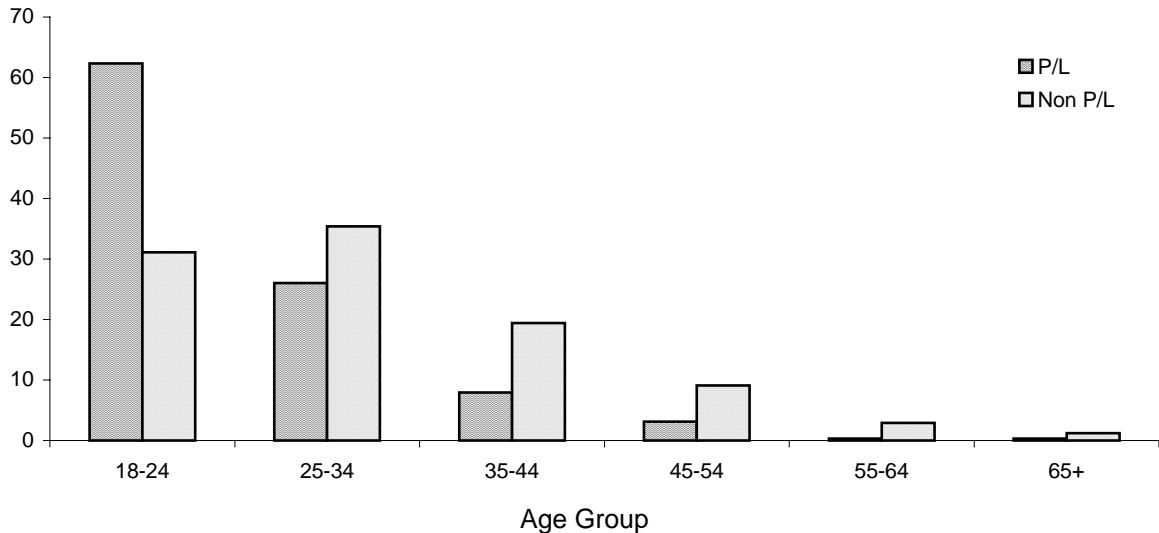
Overall,

- The majority of P/L defendants were male (88.9%). While this is slightly higher than 'non P/L' defendants where 85.4% were male, the differences were not statistically significant at the .05 level.
- As illustrated in Figure 4, almost two-thirds (62.3%) of P/L defendants were in the 18-24 year age group, with a further 26.0% aged between 25 and 34 years and 7.9% aged between 35 and 44 years. Only 3.7% were over 45 years. This contrasts with 'non P/L' defendants, where 31.1% were aged between 18 and 24 years, 19.4% between 35 and 44 years and 13.2% were aged over 45 years ($\chi^2=128.59$, $df=5$, $p=.000$). This suggests that the majority of P/L defendants were younger persons who had recently obtained or were in

the process of obtaining their drivers licence, rather than existing drivers who had been disqualified from driving.

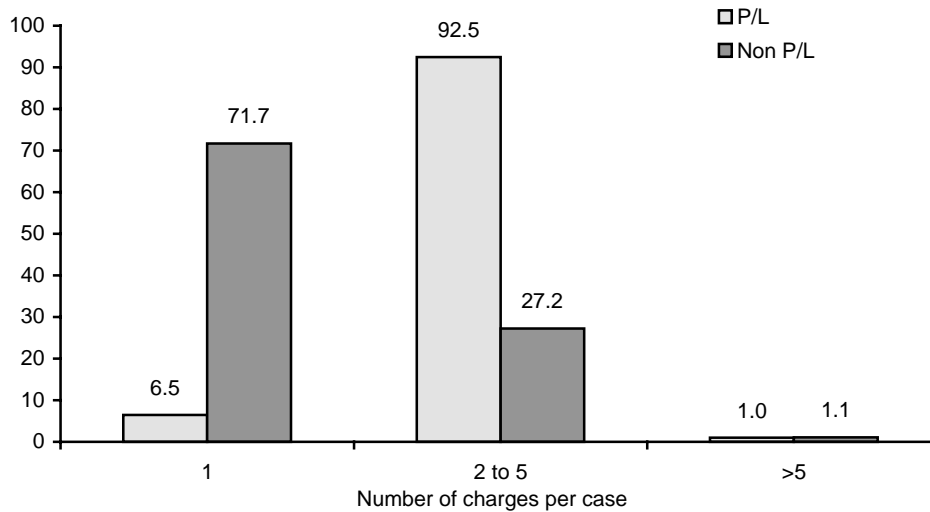
Figure 4

Age group of defendants by Probationary /Learner's status



- Fourteen (4.8%) of the P/L defendants were classified as Aboriginal, with 235 (80.5%) non-Aboriginal and 43 (14.7%) unknown. This is very similar to the profile of 'non P/L' defendants, where 5.1% were Aboriginal, 78.7% were non-Aboriginal and 16.2% were unknown.
- The majority (92.5%) of P/L defendants had between two and five charges in the case while 19 (6.5%) were charged with one offence only - namely the P/L offence. The converse was true for non P/L defendants. For this group, 71.7% had only one charge per case while 27.2% had between two and five charges (refer Figure 5). These differences were statistically significant ($\chi^2=565.5$, $df=3$, $p=.000$). However, it appears that, at the time of the drink driving offence, most drivers on a probationary licence or a learner's permit were charged with the P/L offence ('exceeding 0.00 alcohol level for probationary and learners licence holders') as well as the more typical PCA offence ('exceeding prescribed concentration of alcohol'). For offences with a BAC between .05 and .079, probationary licence or learner's permit holders would have been charged with the P/L offence as well as receiving a Traffic Infringement Notice. As indicated, TINs are not included in this report. For offences with BAC greater than zero, but less than .05, probationary licence and learner's permit holders would only be charged with the P/L offence, and possibly a DUI charge depending on the circumstances of their apprehension. Of the 292 P/L defendants, only 28 had a single P/L charge with no corresponding PCA charge for the same offence. This would explain why the majority of P/L defendants facing charges in court had at least two charges per case. The percentage of defendants with more than five charges per case was very low for both P/L and non P/L groups (1.0% and 1.1% respectively). From the 292 P/L defendants there was a total of 577 PCA charges (including 304 P/L charges), 49 DUI charges and 9 'Refuse' charges.
- Overall, 91.8% of P/L defendants had no non-drink driving charges in the case, 5.8% had one non-drink driving charge and 2.3% had two or more. In comparison, 85.7% of 'non P/L' defendants had no non-drink driving charge, 9.6% had one non-drink driving and 2.8% had two or more non-drink driving charges. These differences were statistically significant ($\chi^2=8.64$, $df=2$, $p=.013$).

Figure 5
Number of charges per case by Probationary/Learners status



Case analysis - Probationary/Learner's Permit Defendants

As indicated, a P/L charge is a type of PCA offence, since the charge is for exceeding the prescribed content of alcohol limit for probationary learner drivers.

Approximately two-thirds of P/L defendants (76.4%) had PCA offences only, that is, the P/L charge alone or the P/L charge and at least one other PCA charge. Almost all of these involved a P/L charge and a PCA charge for the same date. Only two cases had an additional PCA charge for which there was no corresponding P/L charge.

Of all defendants with a P/L charge, 40 (13.7%) were also facing a DUI charge only, and 16 (5.5%) had non-drink driving charges only. A further four (1.4%) P/L defendants were facing a 'refuse blood/breath' charge only. The number of P/L defendants also facing any combination of DUI, 'refuse' and non-drink driving charges was very small (11 or 3.1%).

Previous Convictions - P/L Defendants

Table 26 compares the previous offending histories of P/L and non-P/L defendants. It should be noted that there were only 292 P/L defendants, and consequently, when divided between eight categories, the numbers in some cells are very small.

Table 26
 Drink driving defendants in 1995 by Probationary/Learners permit charge and type of previous conviction

Previous conviction category	P/L Charge		No P/L charge	
	No.	%	No.	%
No previous convictions of any type	104	35.6	2,364	39.6
Previous drink driving convictions				
drink driving only	16	5.5	80	1.3
drink driving and drug	1	0.3	7	0.1
drink driving and non-drink driving (excl. drug)	66	22.6	703	11.7
drink driving, drug and non-drink driving	29	9.9	351	5.9
Previous drink driving subtotal	112	38.3	1,141	19.0
Previous non-drink driving convictions only				
drug only	4	1.4	93	1.6
non-drink driving only (excl. drug)	51	17.5	1,732	28.9
drug and non-drink driving	21	7.2	655	10.9
Previous non-drink driving convictions only subtotal	76	26.1	2,480	41.4
Total	292	100.0	5,995	100.0

Note: Excludes five cases where prior convictions were unknown.

When classified into three groups of no previous, previous drink driving convictions and previous non-drink driving convictions only, statistically significant differences were found between defendants according to licence status ($\chi^2=69.41$, $df=2$, $p<.001$). As shown, there was little difference between the percentage of P/L and non P/L defendants who had no previous convictions of any type (35.6% and 39.6% respectively). However, for defendants who had recorded a previous conviction, substantial differences were evident between the two groups in relation to the *type* of previous conviction. In particular, a higher proportion of P/L defendants had previous drink driving convictions (38.3% compared with 19.0% for non P/L defendants). This was mainly due to the higher percentage of P/L defendants who had previous convictions for both drink driving and non-drink driving (excluding drug) offences (22.6% compared with 11.7% for non-P/L defendants). Conversely, a lower proportion of P/L defendants had previous convictions for non-drink driving offences only (21.6% compared with 41.4% for non P/L defendants).

Given that P/L defendants are generally younger than non P/L defendants, this result was unexpected. However, it is noted that P/L defendants can include convicted drink drivers who have had their drivers licence suspended, and who have gone 'back' to a probationary licence when the suspension period was over. It is possible that these P/L defendants who will, for the most part, be older than first time probationary licence holders, are contributing to the high proportion of P/L defendants with previous drink driving convictions. This is supported by the fact that P/L defendants aged between 25-34 years and 45-54 years had a much higher proportion of previous drink driving offences than P/L defendants aged between 18 and 24 years (68.4%, 66.7% and 21.4% respectively). Furthermore, the mean age for P/L defendants with no previous drink driving convictions was 22 years, compared with 29 years for P/L defendants with one or more previous drink driving convictions. It should also be noted that only drink driving convictions received in the previous five years were included in the report. As a result, part of the drink driving history of older drivers may have been excluded from the analysis.

In contrast to previous drink driving offences, the proportion of P/L defendants with previous non-drink driving convictions only was much lower than that of non P/L defendants (26.0% compared with

41.4%). The difference between the two groups was largely due to the lower percentage of P/L defendants with non-drink driving offences excluding drug offences (17.5% compared with 28.9%).

BAC levels - P/L defendants

Table 27 shows the BAC levels of all PCA offences recorded for P/L defendants by previous drink driving offences (including any previous DUI, PCA or ‘refuse’ charges). This table is based on individual offences, rather than court cases, since any one case may involve more than one drink driving charge. Overall, the 292 P/L defendants were facing a total of 577 separate PCA charges. However, as indicated previously, it is likely that these charges do not refer to 577 separate instances of drink driving and that there is some ‘doubling up’ of recorded BAC levels.

Almost one half (47.7%) of the offences involved BAC levels of between .08 and .149, while 41.9% of offences had BACs of .15 and over. It can also be seen that defendants with previous drink driving convictions had a higher percentage of BACs in the .15 and over category, than did those with no previous drink driving convictions (56.2% compared with 32.8%). Mean BAC levels for the two groups also suggest P/L defendants with previous drink driving convictions had BAC levels higher than those without previous convictions (.173 compared with .147 respectively).

Table 27
BAC levels of PCA offences by P/L defendants by number of previous drink driving convictions

BAC level	No previous drink driving convictions (mean age = 22 years)		1 or more previous drink driving convictions (mean age = 29 years)		Total	
	No	%	No	%	No	%
	less than .05	15	4.3	3	1.3	18
.05 - .079	32	9.1	10	4.4	42	7.3
.08 - .149	189	53.8	86	38.1	275	47.7
.15 and over	115	32.8	127	56.2	242	41.9
Total	351	100.0	226	100.0	577	100.0

3. Court outcomes

Individual drink driving charges

There are a number of possible outcomes for any offence dealt with in court. These include: *guilty - convicted* (guilty, with a criminal conviction recorded), *guilty - not convicted* (guilty, with no criminal conviction recorded), or not guilty. In some cases a charge may be *withdrawn by the prosecution* or *dismissed* by the magistrate who considers there is no case to answer. For some charges the defendant may be *committed to a higher court*, such as the District Criminal Court or the Supreme Court for trial or sentencing. The outcome of a charge is therefore distinct from a penalty, which may be imposed as a consequence of a guilty outcome. Penalties for drink driving offences, such as licence disqualification and monetary fines, are discussed in Section 4 of this report.

Table 28 shows the outcome for all individual drink driving offences finalised by the Magistrates Court in 1995. Of the total of 7,895 drink driving offences, 81.1% resulted in a conviction while a very small proportion (0.2%) ended in a finding of guilt but no conviction. In contrast, 18.6% were either withdrawn by prosecution, dismissed for want of prosecution or dismissed on the grounds that there was no case to answer. A very small percentage were referred to a higher court for trial or sentence. The outcome profiles for DUI and PCA offences were very similar, with slightly more PCA offences being withdrawn (16.8% compared with 14.4%). In contrast, nearly one half (48.7%) of all 'refuse blood/breath test' offences were withdrawn, while less than half (49.0%) resulted in a guilty outcome. Only two drink driving offences had an outcome of not guilty.

Table 28
Outcome for individual drink driving offences by type of offence

Outcome	Drink Driving Charge						Total	
	DUI		PCA		'Refuse'		No	%
	No	%	No	%	No	%		
Guilty - convicted	1,110	84.5	5,106	82.4	189	49.0	6,05	81.1
Guilty - no conviction	2	0.2	10	0.1	-	-	12	0.2
Not guilty	1	0.1	1	0.0	-	-	2	0.0
Charge withdrawn - prosecution	189	14.4	1,041	16.8	188	48.7	1418	18.0
Dismissed for want of prosecution	10	0.8	29	0.5	9	2.3	48	0.6
Dismissed no case to answer	-	-	3	0.0	-	-	3	0.0
Committed for trial/sentence	2	0.2	5	0.1	-	-	7	0.1
Total	1,314	100.0	6,195	100.0	386	100.0	7,895	100.0

Table 29 shows drink driving offence outcomes by sex. A slightly higher percentage of drink driving charges faced by females resulted in a conviction (84.5% compared with 80.6% for males). In line with this, a slightly lower percentage of charges faced by females were withdrawn (15.3% compared with 18.4% for males). When the outcome categories were collapsed into two groups of guilty and not guilty/withdrawn/dissmised, these differences were statistically significant ($\chi^2=8.53$, $df=1$, $p=.003$). One possible explanation for the higher percentage of females being convicted is that females were more likely to plead guilty to the drink driving charge (79.5% compared with 75.1% of males with a guilty plea; $\chi^2=10.79$, $df=2$, $p=.005$), whereas a higher percentage of male defendants did not enter a plea or were not present at the hearing (23.9% compared with 19.9% of female defendants).

Table 29
Outcome for individual drink driving offences by sex

Court outcome	Males	Females
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	No.	%	No.	%
Guilty - convicted	5,470	80.6	907	84.5
Guilty - no conviction	11	0.2	1	0.1
Not guilty	2	0.0	-	-
Charge withdrawn - prosecution	1,251	18.4	164	15.3
Dismissed for want of prosecution	47	0.7	1	0.1
Dismissed no case to answer	2	0.0	1	0.1
Committed for trial/sentence	7	0.1	-	-
Total	6,790	100.0	1,074	100.0

Table 30 shows drink driving offence outcomes by Aboriginality. As shown, a lower percentage of drink driving offences charged against Aboriginal defendants resulted in a conviction than was the case for non-Aboriginals (72.3% and 81.9% respectively). By contrast, Aboriginal defendants had a higher percentage of charges withdrawn by prosecution (26.3% compared with 17.1% for non-Aboriginals). When the outcome categories were collapsed into two groups of guilty and not guilty/withdrawn/dismissed, these differences proved to be statistically significant ($\chi^2=23.07$, $df=1$, $p=.000$). However, the results should be interpreted with caution, due to the high percentage of offences for which racial identity was unknown.

Table 30
Outcome for individual drink driving offences by Aboriginality

Court outcome	Aboriginal		Non-Aboriginal		Unknown	
	No.	%	No.	%	No.	%
Guilty - convicted	316	72.3	5,000	81.9	1,089	80.3
Guilty - no conviction	2	0.5	10	0.2	-	-
Not guilty	-	-	2	0.0	-	-
Charge withdrawn - prosecution	115	26.3	1,044	17.1	259	19.1
Dismissed for want of prosecution	3	0.7	39	0.6	6	0.4
Dismissed no case to answer	-	-	2	0.0	1	0.1
Committed for trial/sentence	1	0.2	5	0.1	1	0.1
Total	437	100.0	6,102	100.0	1,356	100.0

The outcomes for drink driving offences are shown by licence status in Table 31. This table indicates that a higher percentage of offences involving defendants who held a probationary licence or learner's permit (P/L defendants) received a conviction for drink driving offences (86.5% compared with 80.7% for 'non P/L' defendants). In contrast, a lower percentage of drink driving charges faced by P/L defendants were withdrawn (11.5% compared with 18.5% for 'non P/L' defendants). When the outcome categories were collapsed into two groups of guilty and not guilty/withdrawn/dismissed, these differences were statistically significant ($\chi^2=19.87$, $df=1$, $p=.000$).

Table 31
Outcome for individual drink driving offences by licence status

Court outcome	Probationary/Learner's		Non Probationary/Learner's	
	No.	%	No.	%
Guilty - convicted	549	86.5	5,856	80.7
Guilty - no conviction	7	1.1	5	0.1
Not guilty	0	-	2	0.0
Charge withdrawn - prosecution	73	11.5	1,345	18.5
Dismissed for want of prosecution	3	0.5	45	0.6
Dismissed no case to answer	-	-	3	0.0
Committed for trial/sentence	3	0.5	4	0.1
Total	635	100.0	7,260	100.0

Combination of all charges per case

Tables 28 to 31 focus on the outcomes for individual drink driving offences. However, a substantial number of defendants faced several charges within one case, including non-drink driving charges, and it is possible that the combination of these offences may have had an impact on the outcome of the drink driving charge. Defendants were therefore categorised by the overall outcome of each case, as shown in Table 32. In this table, a 'guilty' outcome includes both guilty with conviction and guilty without conviction. The 'not guilty of any offence' category includes instances where a charge was withdrawn. It should be noted that Table 32 excludes six cases where one or more of the charges involved resulted in the outcome of 'committed for trial - sentence'. These were omitted because it was not possible to determine 'guilt' from this category.

As indicated in Table 32, in those matters which included drink driving charges only, the overwhelming majority of defendants (95.2%) were found guilty of at least one such offence. For cases which included both drink driving and non-drink driving charges, 58.0% were guilty of both the drink driving and non-drink driving charges while 35.2% were guilty of the drink driving charges only. A further 1.9% were guilty of the non-drink driving charges only. In total then, 95.1% were found guilty of at least one offence. In contrast, only 4.9% were not guilty of any offence.

Table 32
Defendants by outcome of case and type of charges faced

Court outcome	Drink driving charges only		Drink driving and Non-drink driving charges	
	No.	%	No.	%
Not guilty of any offence	260	4.8	43	4.9
Guilty of <i>non-drink driving</i> offence(s) only	-	-	17	1.9
Guilty of drink driving offence only	5,150	95.2	308	35.2
Guilty of both drink driving and non-drink driving offence	-	-	508	58.0
Total	5,410	100.0	876	100.0

*Total includes defendants where sex was not recorded and excludes six defendants with one or more charges where the outcome was 'committed for trial or sentence'.

No analysis of case outcome by legal representation was undertaken due to the high percentage of missing data for this variable (27.6%).

Table 33 shows the outcome of cases by the type of charges faced and sex. No significant differences at the .05 level were found between outcomes for males and females for cases involving drink driving charges only, or for cases involving drink driving and non-drink driving charges.

Table 33
Defendants by outcome of case, type of charges faced and sex

Outcome	Drink driving charges only				Drink driving and Non-drink driving charges			
	Males		Females		Males		Females	
	No.	%	No.	%	No.	%	No.	%
Not guilty of any offence	231	5.0	28	3.5	41	5.2	2	2.4
Guilty of non-drink driving offence(s) only	-	-	-	-	15	1.9	2	2.4
Guilty of drink driving offence(s) only	4,357	95.0	777	96.5	280	35.3	27	31.8
Guilty of both drink driving and non-drink driving offence(s)	-	-	-	-	457	57.6	54	63.5
Total	4,588	100.0	805	100.0	793	100.0	85	100.0

Table 34 shows case outcomes by the type of charges faced and Aboriginality. For cases involving drink driving charges only, a statistically significant difference was found between outcomes for Aboriginals and non-Aboriginals. As shown, a higher percentage of Aboriginal defendants were found not guilty of any offence (7.0% compared with 4.1% for non-Aboriginals ($\chi^2=4.84$, $df=1$, $p=.033$)).

For cases which included non-drink driving charges as well as a drink driving charge, a higher percentage of offences involving Aboriginal defendants were found guilty of a drink driving charge only (45.6% compared to 40.5% for non-Aboriginals). In contrast, a lower percentage of offences involving Aboriginal defendants were found guilty of both a drink driving and non-drink driving charge (44.3% compared with 51.9%). However, possibly as a result of the small numbers involved, these differences were not statistically significant.

Table 34
Defendants by outcome of case, type of charges faced and Aboriginality

Outcome	Drink driving charges only				Drink driving and Non-drink driving charges			
	Aboriginal		Non - Aboriginal		Aboriginal		Non - Aboriginal	
	No.	%	No.	%	No.	%	No.	%
Not guilty of any offence	17	7.0	178	4.1	7	8.9	31	5.2
Guilty of non-drink driving offence(s) only					1	1.3	14	2.4
Guilty of drink driving offence(s) only	226	93.0	4,187	95.9	36	45.6	240	40.5
Guilty of both drink driving and non-drink driving offence(s)					35	44.3	307	51.9
Total	243	100.0	4,365	100.0	79	100.0	592	100.0

4. Penalties

Type of Penalty

Of the 7,895 individual drink driving offences finalised by the Magistrates Court in 1995, 6,417 had a guilty outcome, with or without conviction. These were made up of 1,112 DUI offences, 5,116 PCA offences and 189 'refuse' breath/blood test offences. It should be noted that this does not equate to 7,895 separate instances of drink driving, since more than one offence may result from the same drink driving event.

A variety of penalties (alone or in combination) may be imposed by a Magistrate for drink driving offences, including licence suspension, monetary fine, community work order, bond (with or without supervision), suspended imprisonment and imprisonment. For some offences, the court may choose not to impose a penalty.

The Courts Administration Authority data base allows up to three penalty types and three penalty amounts (ie length of disqualification in months, or monetary amount of fine) to be recorded for each offence. However, there are some difficulties in interpreting these data. Where there are two or more offences with a guilty outcome within the case, it is possible that the penalty types and amounts recorded against any single offence reflect an overall or "global" penalty for the case. For example, in the case of an offender found guilty of three PCA offences, the data file may show a licence disqualification of 36 months and a fine of \$2,000 recorded against each separate offence. This does not necessarily indicate, however, that the offender was disqualified from driving for 108 months (ie 36 x 3) and fined \$6,000 (\$2,000 x 3). It may be that, taking into consideration all three offences, the offender was disqualified from driving for 36 months and fined \$2,000, and this overall penalty was recorded against each offence. Alternatively, a penalty which covers all offences within the case for which the defendant was found guilty may only be recorded against one offence. From this, it appears that other offences within the case did not receive a penalty, despite a guilty outcome.

It was not possible from the available data to determine if a 'global' penalty had been applied and as a result, the following analysis is based on the actual penalty amount recorded against each offence. However, to control for the effect that any additional charges within a case may have had on the penalty given for each separate drink driving offence, in Tables 36 to 38 drink driving offences are grouped according to the number and type (drink driving and non-drink driving) of offences within each case.

As shown in Table 35, the penalty most frequently imposed for drink drive charges was that of a drivers licence suspension combined with a fine. This penalty was applied to 88.2% of PCA offences, 90.5% of DUI offences and 95.2% of 'refuse' offences. While 7.6% of all offences received a fine only, this was a more common penalty option for PCA offences, where 9.0% received a fine only, compared with 1.9% of DUI and 1.6% of 'refuse' offences. It is noteworthy that 426 (88.0%) of the 484 offences which received a fine only had a BAC level below .08, suggesting that the defendant had not paid a traffic infringement notice and were therefore required to appear in court. A small number of offences (26) attracted a suspended imprisonment and a bond, while 64 (1.0%) received a term of imprisonment. Interestingly, 10 PCA offences and four 'refuse' offences recorded a penalty of imprisonment, despite the fact that this sanction is not legally an option for these charges. However, as will be discussed in more detail below, the defendants who committed these offences were also found guilty of either a DUI or a non-drink driving offence, in particular, driving while disqualified. It is probable that the penalty recorded against the PCA or 'refuse' offence reflects an overall "global" penalty for the case, generated by the other charges involved.

Table 35
Penalty type by drink driving offence*

Penalty Type	Drink driving offence					
	DUI		PCA		'Refuse'	
	No.	%	No.	%	No.	%
Imprisonment and other**	50	4.5	10	0.2	4	2.1
Suspended imprisonment and bond	21	1.9	4	0.1	1	0.5
Licence suspension and fine	1,006	90.5	4,512	88.2	180	95.2
Fine only	21	1.9	460	9.0	3	1.6
Other	13	1.2	45	0.9	1	0.5
No penalty	1	0.1	85	1.7	0	0
Total	1,112	100.0	5,116	100.0	189	100.0

*Table includes offences with a guilty outcome only

**The category of 'imprisonment and other' includes offences which received imprisonment only, as well as offences which received imprisonment plus another penalty, such as licence disqualification, fine and bond.

All but one DUI offence and all 'refuse' offences received some type of penalty. In contrast, 85 PCA offences did not receive any penalty, despite the fact that the defendant was found guilty. However, if these offences were included in cases with more than one drink driving charge and/or non-drink driving charges, it is possible that an overall penalty was recorded against another offence within the case.

As indicated, to control for the possibility that some penalties recorded against individual drink driving offences reflect a "global" penalty for the case, Tables 36 to 38 show the type of penalties given for each drink driving offence (where found guilty) by the number of drink driving and other charges within the case.

As shown in Table 36, the majority of DUI charges attracted a licence suspension and a fine, regardless of the combination of charges within the case. However, other penalty types, such as fine only, or imprisonment, did vary according to the type and number of charges within each case. In fact, there seems to be a general escalation in penalty severity as the number of drink driving charges increased and non-drink driving charges were included. For example, where a DUI charge was the only charge within the case, the two most likely penalty outcomes were licence disqualification combined with a fine (78.9%) and the lesser penalty of a fine only (18.3%). In contrast, where a DUI charge was combined with at least one other drink driving charge, almost all (97.4%) of the DUI offences received a licence disqualification and a fine, while only three offences were given a fine only. A further three offences received imprisonment as a penalty, but this accounted for only a very small proportion of DUI offences (0.4%) in this group. Where a DUI offence was included with a non-drink driving charge, the likelihood of imprisonment increased considerably. Although a licence suspension and a fine remained the most likely outcome, a substantial proportion of DUI offences which were associated with a non-drink driving charge received a penalty of imprisonment (16.7% for DUI offences included in cases with one drink driving charge plus other charges and 15.4% in cases consisting of two drink driving charges plus other charges).

Table 36
Penalty per DUI offence* by number of drink driving and non-drink driving offences per case

Penalty	Offences within case							
	One drink driving charge only		Two or more drink driving charges only		One drink driving charge and non-drink driving charges		Two or more drink driving charges and non-drink driving charges	
	No.	%	No.	%	No.	%	No.	%
Imprisonment and other**	0	0	3	0.4	8	16.7	39	15.4
Suspended imprisonment and bond	0	0	8	1.1	0	0	13	5.1
Licence suspension and fine	56	78.9	720	97.4	37	77.1	193	76.0
Fine only	13	18.3	3	0.4	1	2.1	4	1.6
Other	1	1.4	5	0.7	2	4.2	5	2.0
No penalty	1	1.4	0	0	0	0	0	0
Total	71	100.0	739	100.0	48	100.0	254	100.0

*Table includes DUI offences with a guilty outcome only

**The category of 'imprisonment and other' includes offences which received imprisonment only, as well as offences which received imprisonment plus another penalty, such as licence disqualification, fine and bond.

Table 37 shows penalty types for PCA offences by the number of drink driving and other penalties per case. As with DUI offences, the severity of penalties varied according to the number of drink driving charges within the case, and whether the case also included non-drink driving charges.

Where the PCA offence was the only charge within a case, 89.9% received a licence disqualification and fine, while 9.5% received a fine only. Where the PCA offence was one of two or more drink driving charges within a case, and there were no non-drink driving charges, a similar percentage of offences received a fine only (10.2%) but a lower percentage received a licence disqualification and a fine, and a much higher percentage received no penalty (11.8% compared with 0.1% for PCA offences from single charge cases).

Similar differences were evident for PCA offences in cases which included non-drink driving charges. There was little difference in the percentage of PCA offences which received a fine only according to the number of drink driving charges within the case (3.4% for cases with one drink driving charge only and 4.7% for cases with two or more drink driving charges). Again however, a higher percentage of offences from cases with more than one drink driving charge did not receive a penalty, compared with offences which made up the only drink driving charge within a case (4.7% compared with 0.1% respectively). It is possible in cases with more than one drink driving charge that an ‘overall’ penalty, which took into account all offences, was recorded against another offence within the case, or that, having imposed a penalty for the other offence, the magistrate was prepared to “let this one go!”.

As noted earlier, a term of imprisonment was recorded against 10 PCA charges even though this is not a legitimate penalty for this type of offence. However, all of these charges were from cases which included at least one non-drink driving charge, which could have resulted in a “global” imprisonment penalty.

Table 37
Penalty per PCA offence* by number of drink driving and non-drink driving offences per case

Penalty	Offences within case							
	One drink driving charge only		Two or more drink driving charges only		One drink driving charge and non-drink driving charges		Two or more drink driving charges and non-drink driving charges	
	No.	%	No.	%	No.	%	No.	%
Imprisonment and other	0	0	0	0	5	1.2	5	3.9
Suspended imprisonment and bond	0	0	1	0.2	3	0.7	0	0
Licence suspension and fine	3,550	89.9	470	75.1	383	93.2	109	84.5
Fine only	376	9.5	64	10.2	14	3.4	6	4.7
Other	20	0.5	17	2.7	5	1.2	3	2.3
No penalty	4	0.1	74	11.8	1	0.2	6	4.7
Total	3,950	100.0	626	100.0	411	100.0	129	100.0

*Table includes PCA offences with a guilty outcome only

**The category of ‘imprisonment and other’ includes offences which received imprisonment only, as well as offences which received imprisonment plus another penalty, such as licence disqualification, fine and bond.

As shown in Table 38, as with DUI and PCA offences, the majority of 'refuse' offences received a licence disqualification and fine, regardless of the combination of offences within the case. The major difference in penalty type according to offence combination was evident for 'refuse' offences from cases including two or more drink driving offences plus non-drink driving charges. For these offences, 80.8% received a licence disqualification and a fine, compared with approximately 97% for 'refuse' offences from cases made up of other offence combinations. The difference was largely explained by the higher percentage of 'refuse' offences from cases including two or more drink driving charges plus non-drink driving charges, which received a term of imprisonment (11.5%, compared with 2.4% and no offences). However, it is noted that the number of actual 'refuse' offences involved is very small.

Table 38
Penalty per 'Refuse' offence* by number of drink driving
and non-drink driving offences per case

Penalty	Offences within case							
	One drink driving charge only		Two or more drink driving charges only		One drink driving charge and non-drink driving charges		Two or more drink driving charges and non-drink driving charges	
	No.	%	No.	%	No.	%	No.	%
Imprisonment and other	0	0	0	0	1	2.4	3	11.5
Suspended imprisonment and bond	0	0	0	0	0	0	1	3.8
Licence suspension and fine	87	97.8	31	96.9	41	97.6	21	80.8
Fine only	2	2.2	0	0	0	0	1	3.8
Other	0	0	1	3.1	0	0	0	0
No penalty	0	0	0	0	0	0	0	0
Total	89	100.0	32	100.0	42	100.0	26	100.0

*Table includes 'Refuse' offences with a guilty outcome only

**The category of 'imprisonment and other' includes offences which received imprisonment only, as well as offences which received imprisonment plus another penalty, such as licence disqualification, fine and bond.

In summary, the majority of drink driving offences received a penalty of licence suspension and a fine. More serious penalties involving imprisonment and suspended imprisonment were recorded against a small number of offences. However, these individual offences were included in cases with more than one drink driving offence and/or non-drink driving offences. It is possible that the penalty recorded against these offences reflects an overall penalty for the case, taking into account all offences for which the defendant was found guilty.

Amount/length of penalties

As indicated in the previous section, the most common penalty for a drink driving offence is a fine combined with a period of licence disqualification. The severity of the penalty is linked, under the *Road Traffic Act, 1961*, to the type of offence (DUI or PCA), whether the offender has been convicted of a drink driving offence within the previous five years, and the BAC level (PCA offences only). Under these criteria there are six⁵ possible combinations of drink driving offence, as follows:

- Group 1: DUI with no drink driving offences in previous five years
- Group 2: DUI with at least one drink driving conviction in previous five years
- Group 3: PCA, with a BAC between .08 and .149 and no drink driving convictions in previous five years
- Group 4: PCA, with a BAC between .08 and .149 and at least one drink driving conviction in previous five years
- Group 5: PCA, with a BAC of .15 or more and no drink driving convictions in previous five years
- Group 6: PCA, with a BAC of .15 or more and at least one drink driving conviction in previous five years

The following section describes licence disqualification periods and fine amounts for the six penalty combination groups. The analysis is based on individual offences finalised in 1995, rather than on cases, which may include more than one drink driving offence.

Disqualification periods 'until further order'

Under Section 168 (1) (c) of the *Road Traffic Act, 1961*, a magistrate may disqualify a person from holding a drivers licence 'until further order'. In 1995, 175 offences received such an order. These were made up of 54 DUI offences, 117 PCA and four Refuse offences, and involved 158 separate cases. Of these 158 cases, 144 (91.1%) involved male defendants, while 14 (8.9%) involved females. The majority (90.5%) were aged under 45 years, including 40.9% aged between 25 and 34 years. Sixteen (10.1%) were identified as Aboriginal while 79.1% were classified as non-Aboriginal (racial identity was unknown in 17 cases).

When the case details of these defendants were examined it was found that two thirds (66.5%) had only one drink driving charge within the case, while a further 28.5% had two. Just under 60% of these defendants had been convicted of one drink driving offence within the last five years, while 14.6% who had two previous convictions and 13.2% had three or more previous convictions. There were 20 cases (12.7%) where the defendant had no prior drink driving convictions.

Offences which received a disqualification period 'until further order' are not included in the analysis below.

⁵ For DUI and 'Refuse' offences the legislation refers only to first and second offences. In contrast, for PCA offences, the legislation includes separate penalties for PCA offences according to whether it is a first, second, or third offence within five years. Penalties for third offences include higher minimum fines (for both .08 to .149 and .15+ BAC ranges) and a longer disqualification period (for offences in the .08 to .149 BAC range only). It was found that the majority (78.1%) of defendants in 1995 who had previous drink driving convictions were facing their second drink driving charge. Therefore, to simplify the analysis, PCA penalty amounts were examined on the basis of whether the offence was a first or subsequent offence.

Licence disqualification periods

Table 39 describes the mean, median and standard deviation of licence disqualification periods (in months) for the six different drink driving penalty groups. Also included are the minimum periods for disqualification for the various offences, as set down by the *Road Traffic Act*. These range from 6 to 36 months and give an indication of the ‘seriousness’ of the offence. However, as indicated, magistrates are able to impose penalties outside those prescribed in the legislation when deemed appropriate. It should also be noted that a number of factors may influence the type and severity of drink driving penalties, including ability to pay, impact of loss of licence, and other charges, both drink driving and non-drink driving, which may be included in the case.

Table 39
Licence disqualification periods (months) by penalty group

Drink driving penalty group			Minimum period by legislation (months)	Mean	Median	Standard Deviation
Gp No.	n	Description				
1	779	DUI - no previous	12	15.3	14.0	5.6
2	245	DUI - previous	36	31.9	36.0	12.9
3	2,342	PCA (.08 to .149) no previous	6	7.1	6.0	2.1
4	353	PCA (.08 to .149) previous	12	14.7	12.0	8.5
5	1,350	PCA (.15 or more) no previous	12	14.5	12.0	4.9
6	368	PCA (.15 or more) previous	36	34.0	36.0	10.8

As shown in Table 39, as could be expected, the mean and median licence disqualification periods varied widely between the six penalty groups. Specifically, if the defendant has previous drink driving convictions, the licence disqualification period was approximately double that for the corresponding offence, without a previous conviction. For DUI offences where the offender had no convictions within the previous five years, the mean disqualification period was 15.3 months, compared with 31.9 months for DUI offences by offenders who did have previous convictions. For PCA offences in the low BAC range of .08 to .149, the mean disqualification period was 7 months for offenders with no previous and 14.7 months for offenders with prior convictions. In contrast, PCA offences in the higher BAC range of .15 or more had similar mean licence disqualification periods to the two corresponding DUI offence categories - 14.5 months where the offender had no prior convictions and 34.0 months where the offender did have a prior drink driving conviction.

It is also evident from Table 39 that for the two categories of DUI with previous and PCA (.15+) with previous, the mean disqualification periods are below the minimum set down by the *Road Traffic Act* for these offences. This issue is discussed in more detail below.

Figure 6 illustrates the distribution of licence disqualification periods for the six penalty groups. The box plot depicts the differences in median values, and variation in licence disqualification values for and between each group. The heavy line indicates the median or the 50th percentile, while the shaded ‘box’ corresponds to the range of values between the 25th and 75th percentile. In effect, the ‘box’ encompasses the middle 50% of values. The lines or ‘whiskers’ extending from the box indicate the value of the last points which are less than 1.5 box lengths from the median. Individual licence disqualification periods which are more than 1.5 and less than 3 box lengths from the median are classified as outliers (marked by an ‘O’) while those which are more than 3 box lengths from the median are extreme values (marked by an ‘*’).

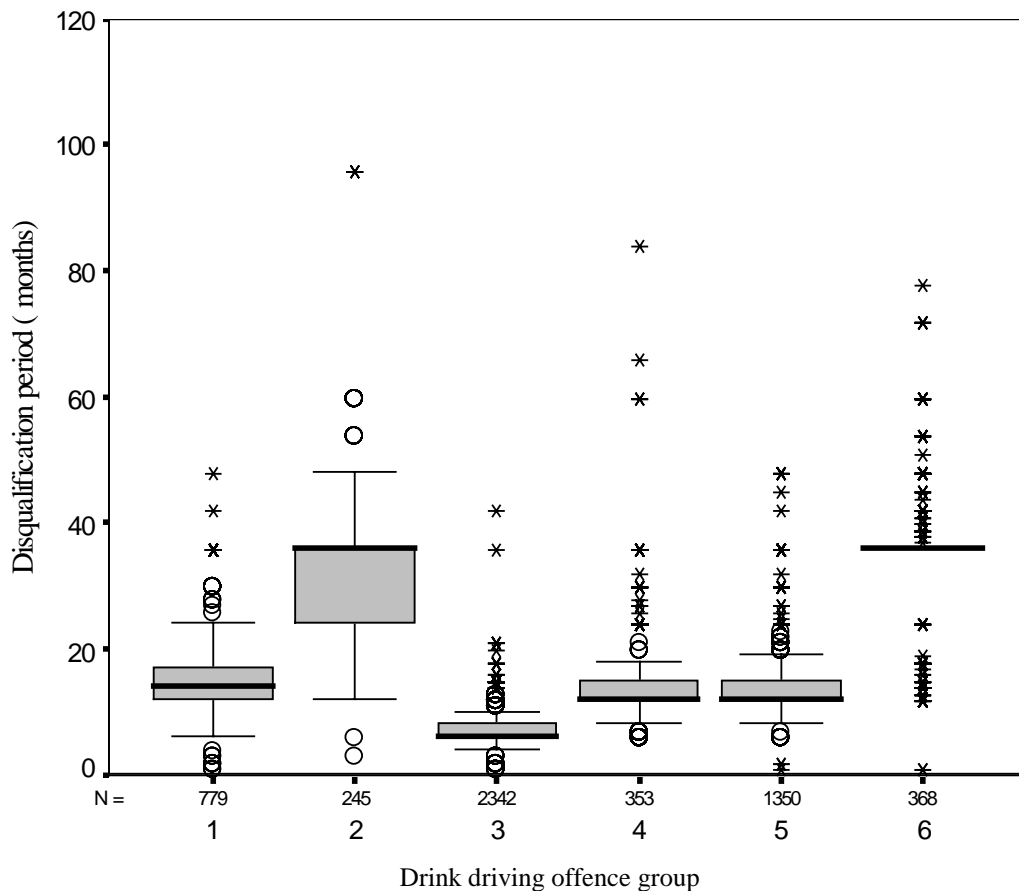
As shown in Figure 6, for DUI offences (Groups 1 and 2), the range of licence disqualification period values, as indicated by both the 'whiskers' and the 'box' is much broader for Group 2 (DUI, with previous convictions) than for Group 1 (DUI, no previous). However, within Group 2 it can be seen that the median value of 36 months also corresponds to the value of the 75th percentile, as represented by the heavy line on the top of the 'box'. This indicates that at least 25% of licence disqualification periods in Group 2 had a value of 36 months. In fact, 53.9% of Group 2 offences received this length licence disqualification. It should be noted that Group 1 also had a high proportion of licence disqualification periods with the same value (40.3% of this group received a licence disqualification of 12 months) although this is not evident on the boxplot because it falls between the 25th and 75th percentiles. Also illustrated is the more serious nature of a second or subsequent offence (in terms of penalty severity) as shown by the higher median value of Group 2 compared with Group 1, and the higher range of licence disqualification values.

For PCA offence groups illustrated in Figure 6, regardless of the BAC range or previous convictions, the range of licence disqualification periods is much narrower than that for DUI offences, indicating that there was little variation in the range of licence disqualification period values within penalty groups. Group 6 (PCA, .15 or more BAC, previous) showed the least variation in disqualification periods of all the groups, with 62.8% of all offences receiving a 36 month disqualification. Consequently, the figure of 36 months corresponds not only to the median, but also the 25th and 75th percentiles. This tight distribution is therefore represented not by a 'box' but by a heavy line. Group 3 (PCA, .08 to .149, no previous convictions) also has a narrow range of values compared with Groups 4 and 5. The less serious nature of Group 3 offences, as determined by penalty severity, is demonstrated by the lower median value and lower range of values compared with the other groups. The boxplots for Group 4 (PCA, .08 to .149, previous convictions) and Group 5 (PCA, .15 or more, no previous) are very similar, with Group 5 having a marginally broader range of licence disqualification periods. For Groups 3, 4 and 5 the median licence disqualification value also corresponded with the 25th percentile, indicating again that a substantial number of PCA offences received the same licence disqualification period. For example, 58.7% of Group 3 (PCA, .08 to .149 BAC, no previous) licence disqualification periods were 6 months. For Group 4 (PCA, .08 to .149 BAC, with previous) and Group 5 (PCA, .15 or more BAC, no previous) approximately one third (33.7%) and one half (49.0%) of licence disqualification periods respectively had a value of 12 months.

The obvious impact of previous convictions on the length of a licence disqualification period is also illustrated in Figure 6. For each pair of offences, based on previous or no previous (ie, Groups 1 and 2, 3 and 4, 5 and 6), the Groups with previous convictions (2, 4 and 6) have median values and 'box' values which are approximately twice the value of the corresponding offence Group without previous convictions.

Figure 6 also indicates extreme values, or licence disqualification periods well above or below the middle 50% of values represented by the box. Extreme values appear to be more apparent for PCA offences (Groups 3 to 6) rather than DUI offences. In addition, the range of the extreme values appears to be wider for PCA offences with previous (Groups 4 and 6) than for PCA offences where no previous convictions are involved.

Figure 6
Licence disqualification periods by drink driving offence group



Group 1: DUI (no previous) Group 4: PCA, .08 - .149 BAC (previous)
 Group 2: DUI (previous) Group 5: PCA, .15 or more BAC (no previous)
 Group 3: PCA, .08 - .149 BAC (no previous) Group 6: PCA, .15 or more BAC (previous)

Fine amounts

Table 40 describes the distribution of fine amounts for the six different offence groups. As shown, mean fines ranged from \$584 for PCA offences in the lower BAC range of .08 to .149, with no prior drink driving convictions, to \$1305 for second, or subsequent DUI offences. Again, as with licence disqualification periods, the mean fine for Group 2 (DUI, with previous convictions) was below the minimum fine set down in the *Road Traffic Act* (\$1,305 compared with \$1,500 respectively). While it is clear that fines were much heavier for offences where the defendant had previous (Groups 2, 4 and 6 compared to Groups 1, 3 and 5), the differences between groups based on prior drink driving convictions was not as marked for fines as it was for licence disqualification periods (between 43.6% and 59.0% higher compared with over 100% higher respectively).

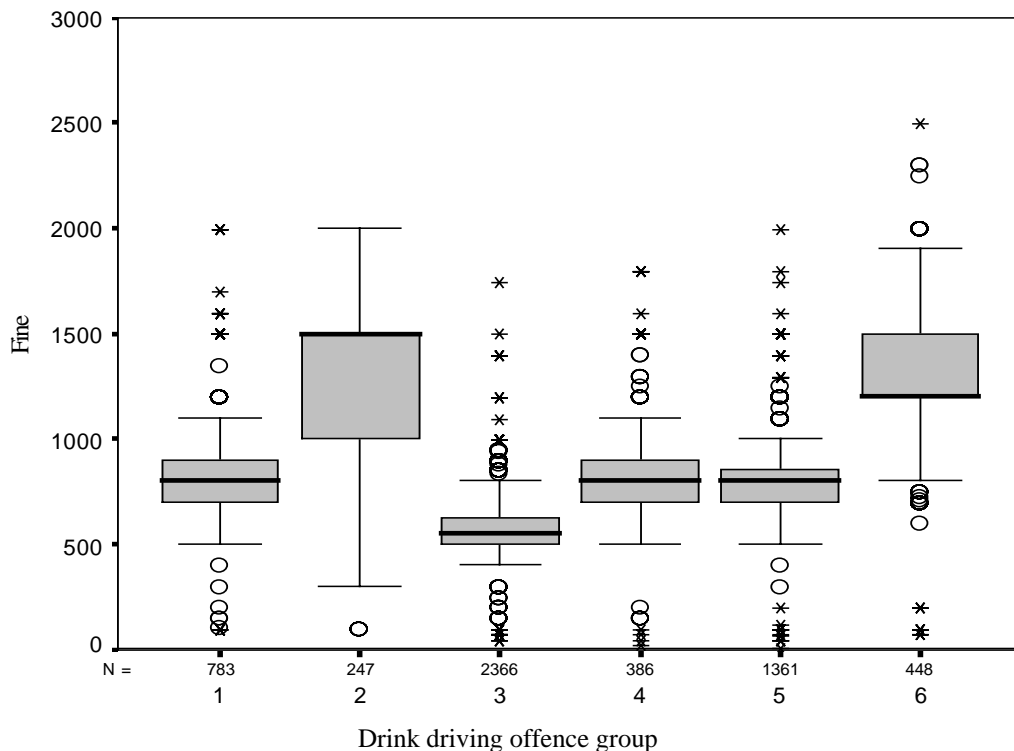
Figure 7 shows the distribution of fine values for the six offence groups. The relationship between the fine values of the six offence groups was similar to that of licence disqualification periods, in that Group 2 (DUI, with previous) and Group 6 (PCA, .15 or more BAC, with previous) show the highest median values and range between the 25th and 75th percentile, while Group 3 (PCA, .08 to .149 BAC, no previous) shows the lowest median and range of values.

However, in contrast to licence disqualification periods, fine amounts showed more variation within each group, as indicated by the broader range of values between the ‘whiskers’ as well as the larger ‘box’ or range of values between the 25th and 75th percentiles. This was particularly evident for Group 2 (DUI, previous) and Group 6 (PCA, .15 or more BAC, previous). In addition, for both these groups, the median value also corresponded to the 75th percentile, illustrating a cluster of fines of the same value.

Table 40
Fine amounts by offence group

Drink driving penalty group			Minimum fine by legislation (months)	Mean	Median	Standard Deviation
Gp No.	n	Description				
1	783	DUI - no previous	\$700	\$821	\$800	\$173
2	247	DUI - previous	\$1500	\$1305	\$1500	\$382
3	2,366	PCA (.08 to .149) no previous	\$500	\$584	\$550	\$110
4	386	PCA (.08 to .149) previous	\$700	\$823	\$800	\$233
5	1,361	PCA (.15 or more) no previous	\$700	\$807	\$800	\$150
6	448	PCA (.15 or more) previous	\$1200	\$1262	\$1200	\$297

Figure 7
Drink driving fines by drink driving offence group



Note:

Group 1: DUI (no previous)

Group 2: DUI (previous)

Group 3: PCA, .08 - .149 BAC (no previous)

Group 4: PCA, .08 - .149 BAC (previous)

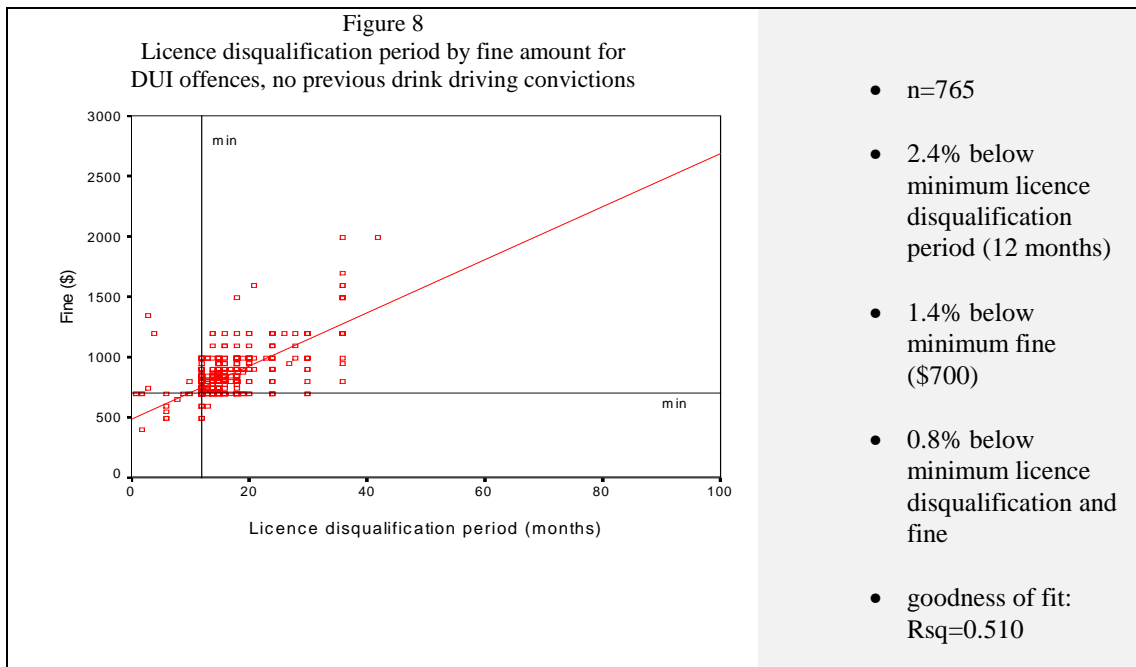
Group 5: PCA, .15 or more BAC (no previous)

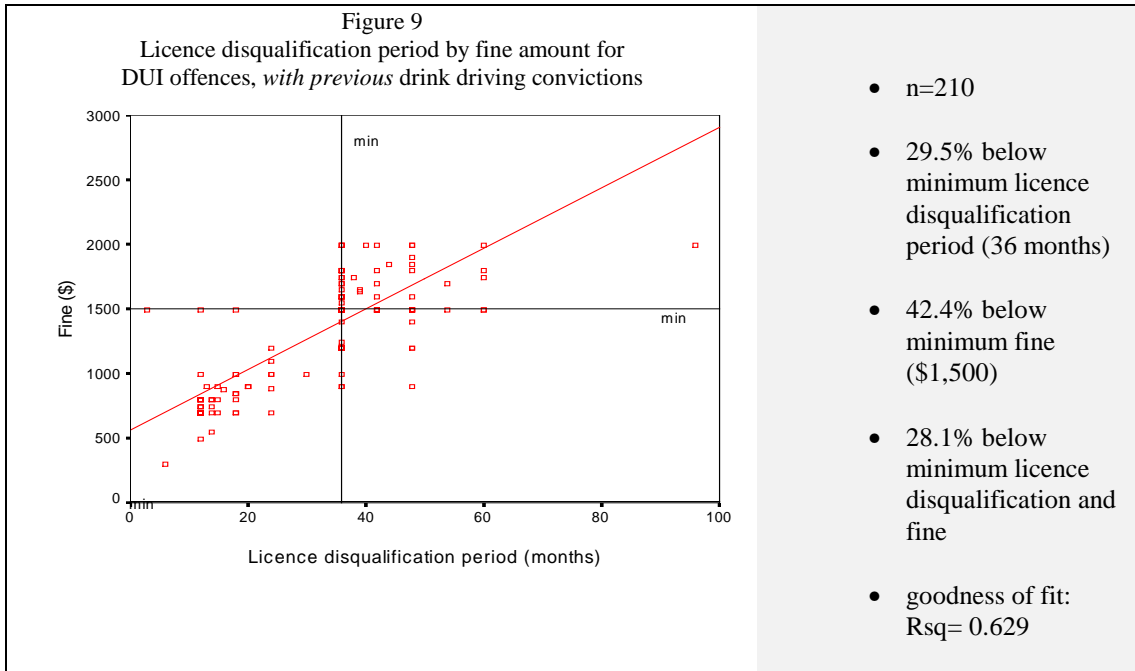
Group 6: PCA, .15 or more BAC (previous)

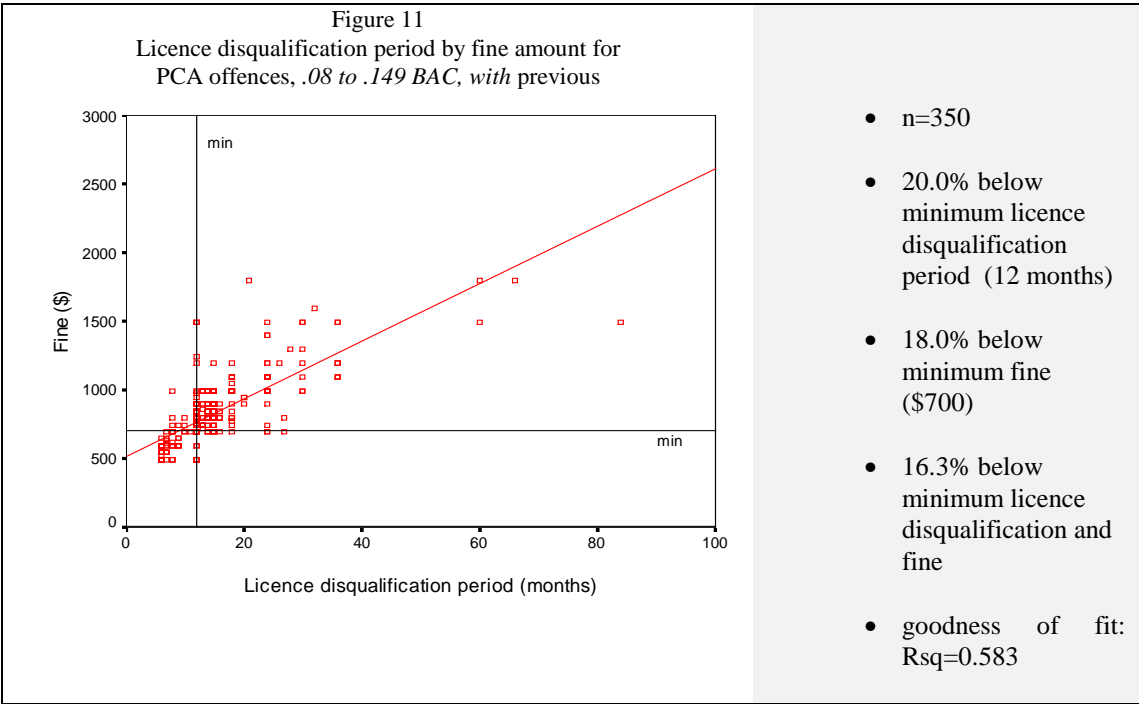
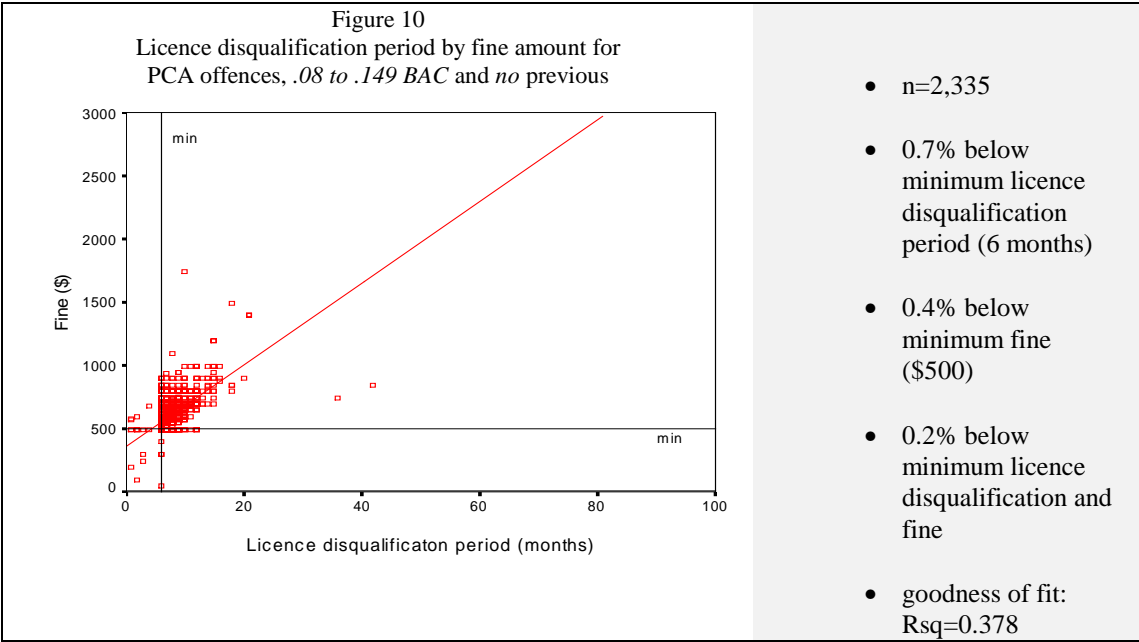
Correlation between licence disqualification and fines

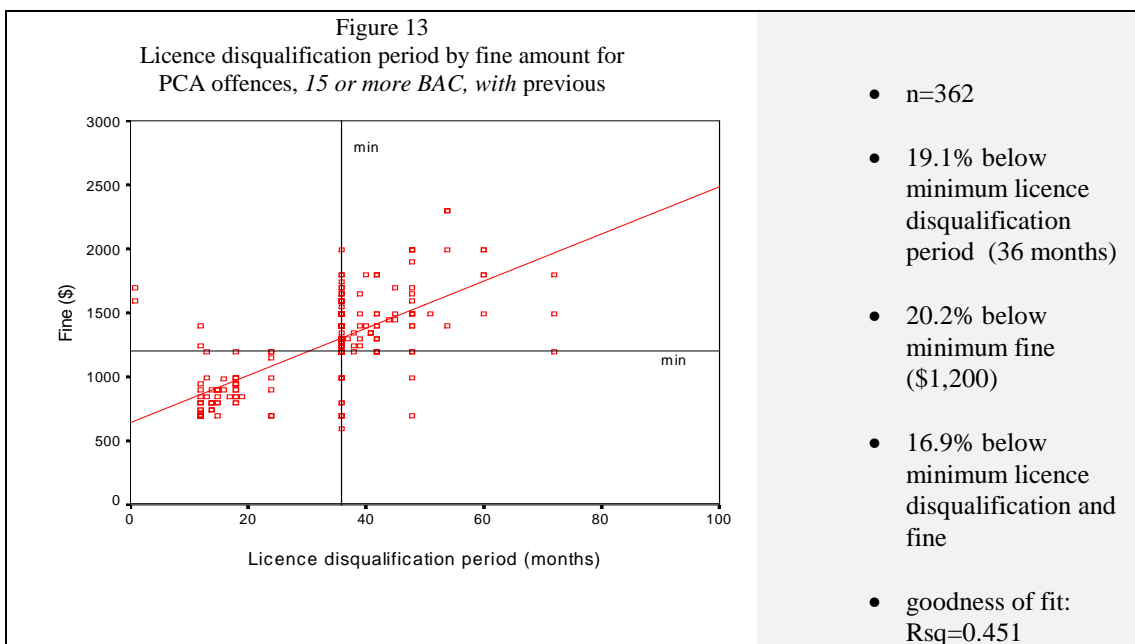
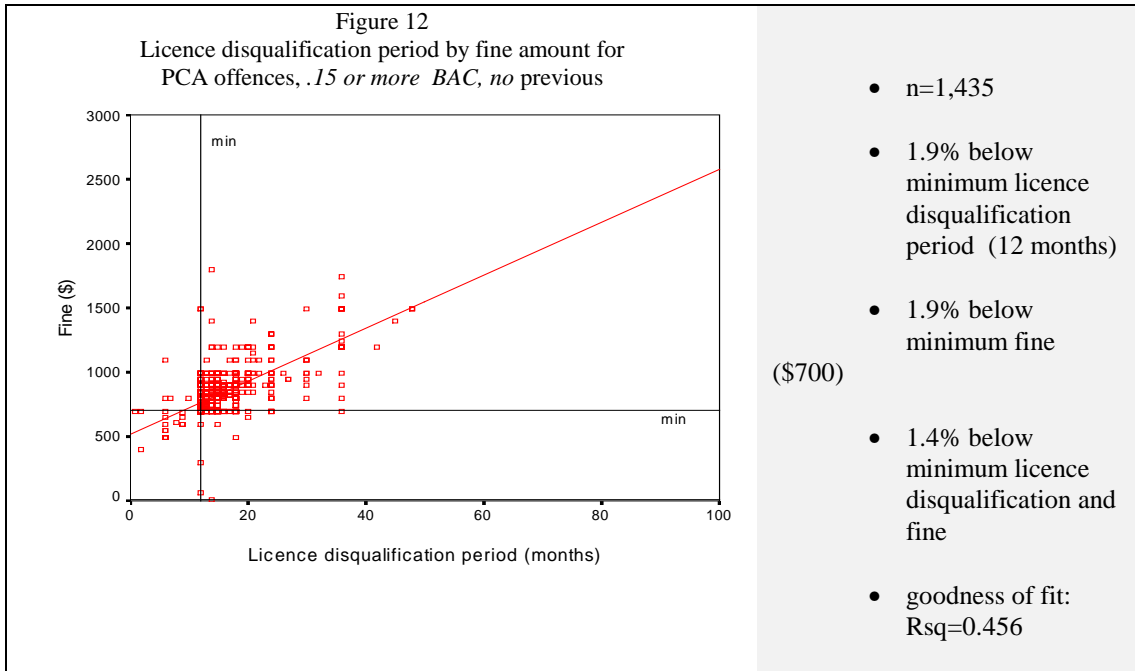
Overall, there was a high correlation between the length of the disqualification period and the amount of the fine ($r=.880$, $p<.01$), suggesting that, for most drink driving offences, the disqualification period and fine were of approximately equal severity.

Figures 8 to 13 show scatter plots of licence disqualification period by fine amount for the six groups based on drink driving offence (DUI or PCA), previous drink driving convictions and BAC level. With the exception of Figure 11, it appears that the distribution of penalty amounts is ‘tighter’ for offence groups without previous convictions (Figures 8, 10, 12), while penalty amounts for offence groups with previous convictions (Figures 9 and 13) show a wider spread of values. The general relationship between the severity of licence disqualification periods and fines is illustrated in each scatter plot by a ‘line of best fit’. The R square value given next to each plot indicates the ‘goodness of fit’ of this line. In Figure 8 (Group 1, DUI, no previous) using the line of best fit, the ‘Rsqu’ value of 0.510 indicates that 51% of the variation in licence disqualification periods can be explained by variation in fine severity. This value ranges from 38% (0.378) in Figure 10 (Group 3, PCA, .08 to .149 BAC, no previous) up to 63% (0.629) in Figure 9 (Group 2, DUI, previous).









It is also evident from the scatter plots that certain offences received disqualification periods and/or fines below the minimum set out in the *Road Traffic Act*. In particular, it appears that second or subsequent offences are more likely than first offences to receive a licence disqualification and/or fine which is below the minimum. For offences by individuals with prior drink driving convictions, the percentage of offences which received both a licence disqualification and a fine below the minimum ranged from 28.1% for DUI (Group 2) to 16.3% for PCA, .08 to .149 BAC (Group 4). This contrasts with the no previous convictions groups, where the percentage of offences with both the licence disqualification and the fine below the minimum ranged from 1.4% (Group 5) to 0.2% (Group 3).

As indicated, magistrates are able to give penalties below the minimum set out by legislation, if they consider this appropriate in the circumstances. One possible explanation for 'below the minimum' penalties is that the defendant was facing several charges within the case and the magistrate took into account any penalties imposed for these charges when giving a penalty for a particular drink driving charge. While not conclusive, a further examination of penalty amounts revealed that drink driving

offences in cases featuring two or more drink driving charges and/or non-drink driving charges had a higher percentage of penalties below the minimum set out by the *Road Traffic Act*.

Table 41
Percentage of penalty amounts below the minimum
by combination of charges within each case

Offence Combination	One drink driving offence		Two or more drink driving offences		One drink driving and at least one non-drink driving offence		Two or more drink driving and at least one non- drink driving offence	
	n	%	n	%	n	%	n	%
Licence disqualification								
% below min	148	4.1	70	6.0	23	6.1	22	7.1
Fines								
% below min	157	4.3	117	9.5	33	7.8	36	11.5
Both								
% below min	118	3.3	54	4.7	18	4.9	16	5.8

As shown in Table 41, 4.1% of offences from cases which included one drink driving charge only received a licence disqualification below the minimum prescribed by the legislation. This figure increased to approximately 6% for offences within cases featuring two or more drink driving offences, or one drink driving offence and at least one non-drink driving offence and to 7.1% for offences from cases with two or more drink driving charges and at least one non-drink driving charge.

A similar pattern was evident in relation to fines. The percentage of offences receiving a fine below the minimum was almost double for drink driving offences from cases which included two or more drink driving charges than offences from single drink driving charge cases (9.5% compared with 4.3% respectively). For offences in cases featuring two or more drink driving charges and at least one non-drink driving charge, the percentage receiving a below-minimum fine increased to 11.5%.

For offences which received both a licence disqualification and a fine below the minimum the difference in penalty severity according to offence combination was less marked (between 3.3% of offences from cases with a single drink driving charge only, to 5.8% for offences from cases with two or more drink driving charges and at least one non-drink driving charge).

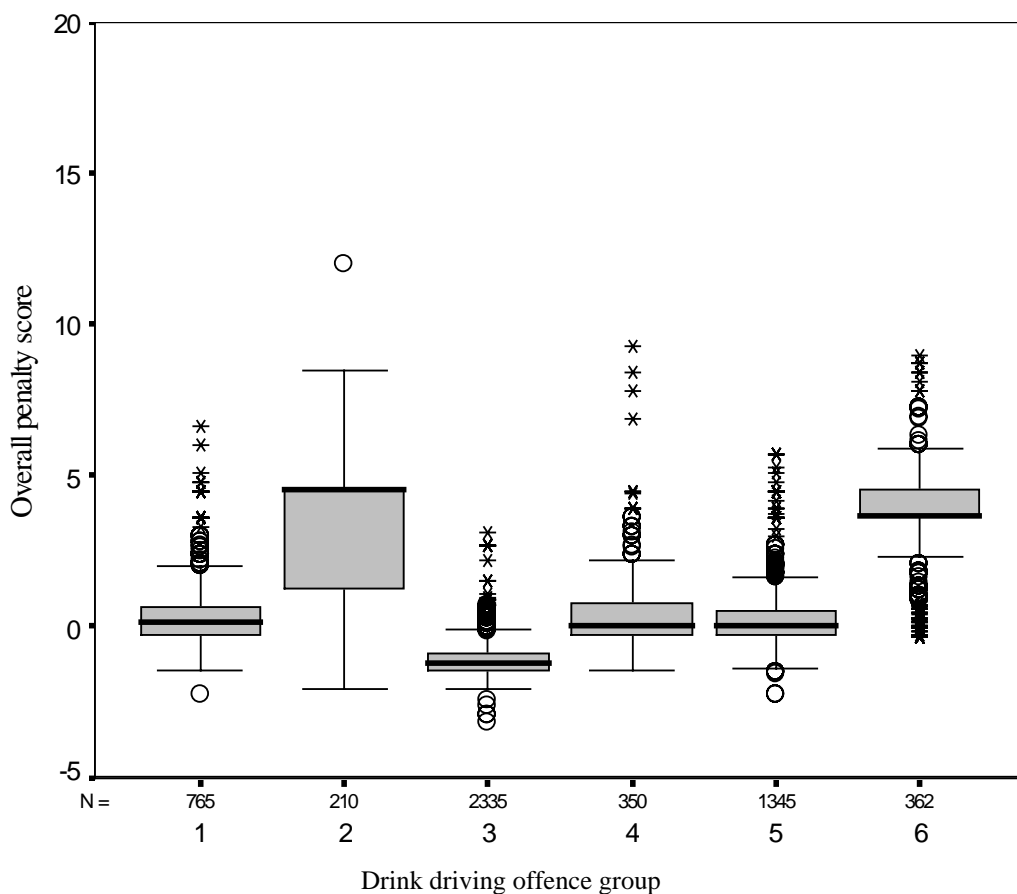
Combination of licence disqualification and fine

In the previous discussion, licence disqualification periods and fine amounts were analysed separately. An alternative way to examine drink driving penalties is to combine licence disqualification periods and fine amounts for each offence into one overall penalty. This was done by converting the disqualification periods and fine amounts for each offence into z scores and summing each pair. A z score indicates how far from the mean a raw score is in standard deviation units. For example, the mean licence disqualification period for all offences was 13.8 months and the standard deviation was 10.1 months. Based on this, the z score for a licence disqualification period of 12 months is $-.176$. In other words, the value of 12 months is $.176$ standard deviation units (based on a standard deviation of 10.1) below the mean (as indicated by the negative value). If the same offence also received a fine of \$800, then based on an overall mean fine of \$733.41 and a standard deviation of \$328.24, the z score for the fine would be $.203$. The sum of these two z scores ($-.176 + .203 = .03$) becomes the overall penalty value.

Figure 14 shows a box plot of overall penalty values for each offence, by drink driving offence group.

As could be expected, given the high correlation between severity of licence disqualification period and fine amount, the relationship between the six offence groups is very similar to that shown in Figures 6 and 7, for licence disqualification and fine separately. As indicated, Group 2 (DUI, with previous) shows the highest median value, and the greatest variation, again between the 25th percentile and the median. Similar distributions and median penalties are also evident for Groups 1, 4 and 5 (DUI, no previous; PCA, .08 to .149 BAC, previous; and PCA, .15 or more BAC, no previous respectively). Again, it can be seen that the value of median penalties imposed for second or subsequent offences (Groups 2, 4 and 6) are approximately twice that imposed for first offences (Groups 1, 3 and 5).

Figure 14
Overall penalty by drink driving offence group



Note:

Group1: DUI (no previous)

Group2: DUI (previous)

Group3: PCA, .08 - .149 BAC (no previous)

Group 4: PCA, .08 - .149 BAC (previous)

Group 5: PCA, .15 or more BAC (no previous)

Group 6: PCA, .15 or more BAC (previous)

Impact of sex, age and Aboriginality on penalty amounts

As indicated previously with regard to BAC levels, it is not appropriate to test for significant differences in penalty amounts since they may not be 'independent', that is, they may be influenced by the penalty amounts given to any other charges within a case. However, Figures 15 to 17 give a broad indication of the variation in overall penalty scores according to sex, age and Aboriginality.

As shown in Figure 15, male defendants appear to have higher mean penalty scores than females for Group 1 offences (DUI, no previous convictions - 0.461 compared with 0.172), Group 2 (DUI, previous convictions - 3.542 compared with 3.445) and Group 5 (PCA, .15 or more BAC, no previous - 0.322 compared with .143). The reverse was true for Group 3 (PCA, .08 to .149 BAC, no previous - -1.104 compared with -1.216), Group 4 (PCA, .08 to .149 BAC, previous- 0.354 compared with 0.534) and Group 6 (PCA, .15 or more BAC, previous- 3.615 compared with 3.846).

Figure 15
 Mean overall penalty score for drink driving offences by sex and offence group

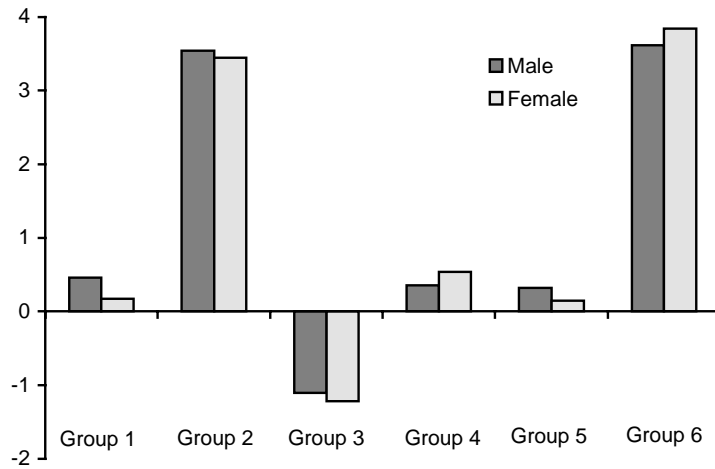
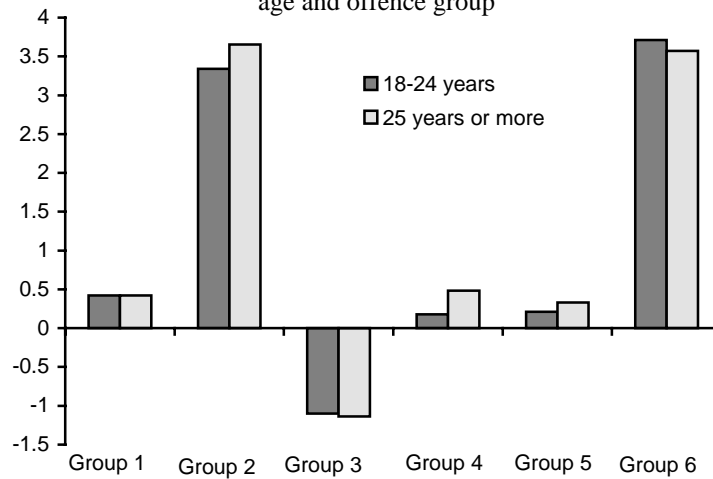
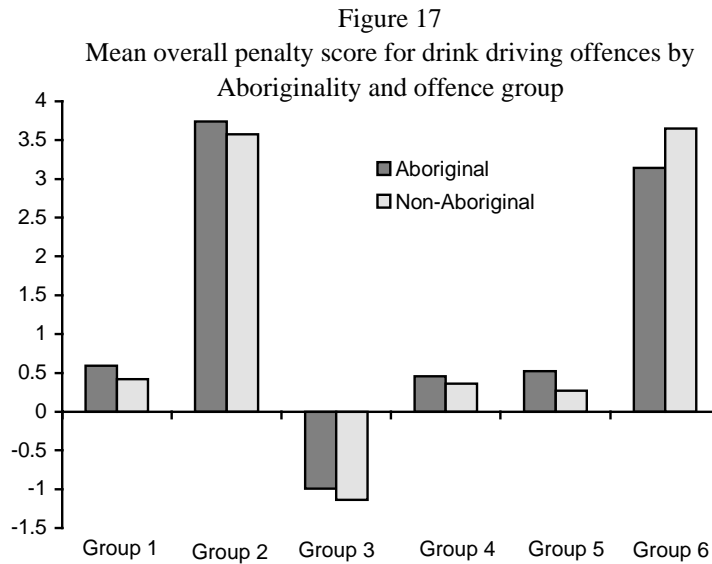


Figure 16 suggests that defendants aged 18 to 24 years receive lower overall mean penalties than defendants aged 25 or more for all offence groups except Group 1 (DUI, no previous), where the scores are almost identical, and Group 6 (PCA, .15 or more BAC, previous) where the younger age group received a higher overall penalty score (3.712 compared with 3.573). In Group 4 (PCA, .08 to .149, previous) defendants aged 25 years or more appear to receive substantially higher mean penalty scores than defendants aged 18-24 years (0.485 compared with 0.178 respectively).

Figure 16
 Mean overall penalty score for drink driving offences by age and offence group



As shown in Figure 17, it appears that Aboriginal defendants received higher overall penalty scores for all offence Groups, except Group 3 (PCA, .08 to .149 BAC, no previous) and Group 6 (PCA, .15 or more BAC, previous). This difference was particularly marked for Group 5 (PCA, .15 BAC or more, no previous) where the mean overall penalty score for offences by Aboriginal defendants was 0.523 compared with 0.271 for non-Aboriginals. Where the mean penalty score was higher for non-Aboriginals, the difference was most apparent for Group 6 (3.647 compared with 3.142 for offences by Aboriginal defendants).



5. Conclusion

This report has provided a statistical overview of drink driving cases finalised in the Magistrates Court in 1995. Drink driving offences in 1995 which received a Traffic Infringement Notice were not included in the analysis.

The report indicates that one-sixth of cases finalised in the Magistrates Court in 1995 involved a drink driving charge. The defendants of these charges were most likely to be male and under 45 years of age. Aboriginal persons were over-represented as drink driving defendants compared to their incidence in the population of South Australia.

Also identified in the report was the extent to which the drink driving defendants were involved in other, non-drink driving offences, around the same time as their drink driving charge. Approximately two-thirds of the finalised cases involved only a single drink driving charge. While non-drink driving charges were involved in 14% of cases, the majority of these were other driving offences, or offences against good order, such as resist/obstruct/hinder police. Very few drink driving cases also included criminal charges such as break and enter, offences against the person, or drug charges.

While the majority of drink driving cases did not include non-drink driving offences, a general analysis of the previous offending of drink driving defendants indicated that a substantial number had previous convictions for drink driving and/or non-drink driving offences. Approximately 20% of defendants had a conviction for drink driving in the previous five years, and just under two-thirds of drink driving defendants in 1995 had at least one previous conviction of any kind. A more detailed analysis of repeat offending, both drink driving and non-drink driving, will be the subject of the next report in this series.

In addition to the demographic profile of drink drivers, and their associated and previous offending, the report also detailed the outcomes and penalties for drink driving offences. In 93.2% of cases, the defendant was found guilty of the drink driving charges, with the most frequently imposed penalty that of a drivers licence suspension combined with a fine. Statistically significant differences were found in outcomes between males and females, with female defendants more likely to receive a conviction and less likely to have their charges withdrawn. Similar differences were also evident between Aboriginal and non-Aboriginal defendants, with a higher percentage of non-Aboriginal defendants convicted.

The severity of the penalties which can be imposed is linked, through legislation, to the type of drink driving offence, whether the defendant has had previous convictions for drink driving and the blood alcohol level at the time of the offence. Overall, mean and median penalty amounts for second or subsequent drink driving offences were substantially higher than those for first offences. A high correlation was also found between the length of drivers licence suspension and the amount of the fine, suggesting that for the majority of offences the two penalty elements are of similar severity. Of particular interest was the high percentage of second or subsequent offences which received a licence disqualification and/or a fine below the minimum specified in the *Road Traffic Act*. As indicated, while the second report in this series will focus on drink driving recidivism, further analysis of penalties and their impact on repeat offending will also be included.

6. References

Kloeden, C.N. & McLean, A.J. *Night-Time Drink Driving in Adelaide* Department of Transport South Australia Office of Road Safety Report Series 5/97.