

Court Justice, 8: Drink Driving and the Law

The most recent episode of Court Justice: Sydney dealt with drink driving and the law.

An average of over 20,000 people come before the NSW local courts each year for [drink driving offences](#), and in this episode, a young man has a great deal to lose as a result of his decision to drink and then drive.

In the first case, Magistrate McIntyre stood in judgment of 22-year old delivery driver Joseph Walker, who pleaded guilty to mid range drink driving while on his P-plates. Joseph is the sole breadwinner in his family, and his job relies entirely on having a driver licence.

But it wasn't Joseph's first offence – he previously pleaded guilty to low range drink driving and received the benefit of a 'non conviction order' – which means the magistrate on that occasion did not record a criminal conviction or disqualify him from driving.

However, Joseph would not be so fortunate on this occasion – in fact, magistrates are prohibited from giving a second non conviction order where a person is guilty of a further drink driving offence within 5 years.

Zero tolerance for P-platers

“Zero means zero means zero,” said the magistrate. She convicted him, fined him \$500 and disqualified him from driving for 9 months – hoping to deter him from reoffending.

The magistrate's decision cost Joseph an enormous amount. He lost his licence and his job. Given he is the only person in his household earning an income, his future and that of his

family are in jeopardy.

Joseph appeared remorseful as he left the courtroom. "The last six years, of me working hard to get ahead in this company ... it's over. It's gone. I should have left my car at home."

90% of drink drivers are men

One in five deaths on Australian roads are caused by drink drivers.

Young men are the most likely to put others' lives at risk, but men of all ages are more likely to drink and drive than women. Indeed, statistics suggest that 90% of drink drivers are men.

Magistrate O'Brien heard the case of 63-year old retired businessman Colin Grey, who got into his car after a tiff with his wife, having had a few glasses of wine over dinner.

Colin was stopped by a road side RBT, and may have appeared more drunk than he actually was due to his problems with balance. He was charge with mid range drink driving, and like most people, he pleaded guilty before the court.

Colin's clean criminal history and excellent driving record worked heavily in his favour, but the magistrate made it clear there is no excuse for drink driving – as it puts the lives of innocent people at risk.

On this occasion, His Honour gave Colin the benefit of a 'section 10 bond' (now [conditional release order](#) without conviction).

'You have to understand Mr Grey," cautioned the magistrate, "this is a once in a lifetime opportunity."

A serious crime

Appearing next was 20-year old Ali Hassan, who came before

Magistrate Richardson.

Ali failed to appear at his previous court date and was convicted in his absence of two offences – [driving while disqualified](#) and mid-range drink driving. He had been disqualified three months earlier for driving under the influence of an illicit drug.

Ali represented himself and received a further two-year disqualification period, a \$600 fine and an 18-month good behaviour bond under [section 9 of the Crimes \(Sentencing Procedure\) Act](#).

The magistrate warned Ali that, if he offends a third time, the court will have little option but to send him to prison.

Indeed, if a person offends during the period of a good behaviour bond the court will normally revoke his or her bond, resentence them for the original offence and the bond will be an aggravating factor during sentencing for the fresh offence.

People of all backgrounds

People of all socioeconomic and cultural backgrounds find themselves before the court for drink driving.

[Chief Magistrate, Judge Graeme Henson](#), says many people think drink driving is a social issue, but it is actually a very serious criminal offence and people are sent to prison for it.

“A [low-range drink driving offence](#) is sometimes an error of judgement, but when you get into mid-range territory – you know that when those people come before you in court, you know they should not have been behind the wheel. Sadly, some of them end up dead, or some of them end up killing someone else. A small percentage of them, end up in gaol.”