



Guidelines for Prescribed Concentration of Alcohol in Blood

Had one too many for the road?

Drink driving is an extremely serious offence and the Courts are increasingly applying tougher penalties. However, at Bateman Battersby we realise errors in judgment of this kind can occur and we can provide understanding and expert advice on such matters.

What is PCA and the ranges of offence?

- People who commit drink driving offences are charged with driving with the prescribed concentration of alcohol (PCA) in their blood. The ranges are as follows:
- Novice range: 0.00 – 0.02 grams of alcohol per 100ml of blood (there is a zero tolerance policy for Learner and Provisional licence holders).
- Special range: 0.02 grams but less than 0.05 grams per 100ml of blood. Various categories of driver are categorised as being “special”.
- Low range: 0.05 grams or more but less than 0.08 grams per 100ml of blood.
- Mid range: 0.08 grams or more but less than 0.15 grams per 100ml of blood.
- High range: 0.15 grams or more per 100ml of blood.

Penalties

In September 2004 the New South Wales Court of Criminal Appeal handed down a Guideline Judgment in relation to sentencing for High Range PCA and repeat offenders but relevant to all PCA offences. Generally, the Courts are following the Guideline Judgment strictly. This is not to say that Magistrate’s no longer have discretion to reduce penalties and at Bateman Battersby we have experienced Practitioners who regularly attend court and argue on such applications.

At Bateman Battersby we can offer expert advice on fines, periods of disqualification and imprisonment. It should be remembered that the Court may order a period of full time imprisonment for the offence of mid and high range PCA up to a maximum of two years in the most extreme cases. Increasingly, it is important to obtain legal advice as soon as possible and to be represented by a lawyer at Court.

Please feel free to contact Oliver Hagen at Bateman Battersby on (02) 4731 5899 or email to enquiries@batemanbattersby.com.au if you require further information or assistance with these matters.