

The use of penalty notices for first time drink- and drug-driving offences in NSW

Neil Donnelly and Sara Rahman

SUMMARY

CRIME AND JUSTICE BULLETIN
NUMBER 262 | DECEMBER 2023

BACKGROUND

On 20 May 2019 the Road Transport Legislation Amendment (Penalties and Other Sanctions) Act 2018 (NSW) took effect. This allowed NSW police to issue a fine of \$561 for first time low, special and novice range prescribed concentration of alcohol (PCA) offences and illicit drug-driving offences in lieu of a Court Attendance Notice (CAN).

This study examines whether the introduction of penalty notices in NSW for these first time drink- and drug-driving offences reduced the number of court appearances and increased the certainty of a licence sanction being imposed.

Interrupted time series analysis was used to quantify the change in the number of CANs issued in the post-reform period compared with the pre-reform period. We also compared the proportion of offenders before and after the reforms who received a dismissal or conditional discharge from the court for their index offence. Last, we estimated a logistic regression to identify variables which predict receiving a penalty notice during the post reform period.

KEYWORDS

Drink-driving

Drug-driving

Penalty notices

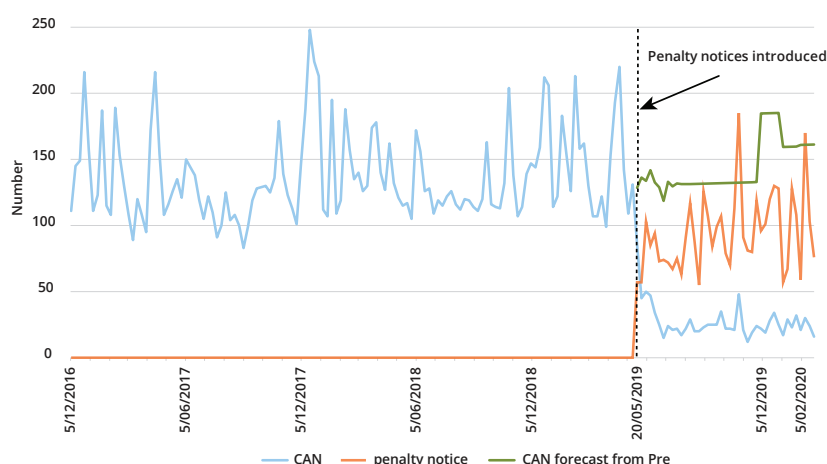
Logistic regression

Random breath testing

Time series analyses

KEY FINDINGS

Persons proceeded against by NSW police for low, special and novice range PCA first offences by method of proceeding (weekly)



The drink- and drug-driving reforms were associated with an 81% decline in the number of CANs issued to first time low, special and novice range PCA offenders. This represents 4,779 fewer CANs than expected absent the policy change. A marked decline in court appearances was also evident for first time drug-driving offences, however the estimated reduction was only 30% or 1,118 fewer CANs than what was forecast based on the pre-policy period.

The proportion of offenders who received a dismissal or conditional discharge from the courts also declined from 52% to 8% for first time low, special and novice range PCA offences and from 28% to 15% for first time drug-driving offences.

We find that first time drug-driving offenders had more concurrent offences and were more likely to have been previously proceeded against to court, contributing to the lower rate of penalty notices issued for these offences.

CONCLUSION

The introduction of penalty notices for first time low, special and novice range PCA and drug-driving offences significantly reduced both court volumes and dismissals. The smaller reduction in court appearances for drug-driving offences is due to these offenders having more extensive criminal histories.