

statistical report **4**

breathalyser offences 1971

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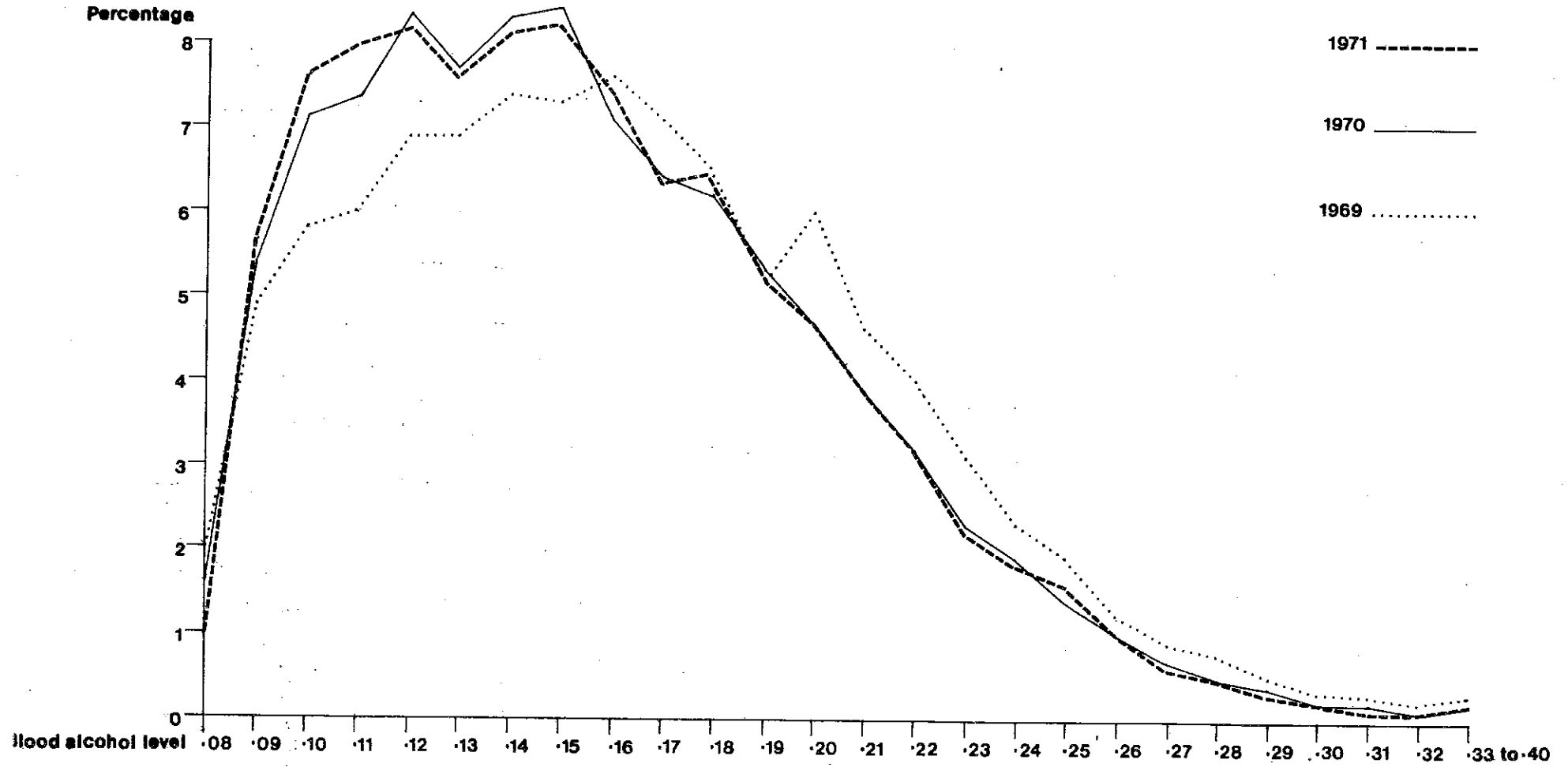


Meanwhile, it should be noted that there was an extremely high association ($P < 1\%$) between those people who were convicted of driving with a medium to heavy blood alcohol level (i.e. 0.16% or more), and those people with a history of previous drinking-driving offences. In fact, of the 215 cases in which people had a history of three or more drinking-driving convictions, 159 (74%) had a medium to heavy blood alcohol level when detected in 1971.

BLOOD ALCOHOL LEVEL

	0.080-0.155%		0.160-0.225%		0.230%+	
	Number	Percentage	Number	Percentage	Number	Percentage
No previous drinking-driving offences	5736	85.8	3360	73.4	660	61.6
One or more previous drinking-driving offences	948	14.2	1219	26.6	412	38.4
	6684	100.0	4579	100.0	1072	100.0

Comparison of Blood/Alcohol Levels



PENALTIES IMPOSED BY THE COURTS

As already indicated, for the purpose of analysis offences were divided into 3 categories:

Alcohol rating	Blood alcohol level*
Light	0.080 - 0.155%
Medium	0.160 - 0.225%
Heavy	0.230%+

*The Breathalyser operates in units of 0.005% blood alcohol level. Thus readings are of the form 0.080%, 0.085%...etc.

The various penalties imposed by the Courts for offences involving different alcohol readings, are set out in detail in the table which appears on page 9.

FINE/SUSPENSION OF LICENSE

Easily the most common penalty imposed by the Courts was a fine and suspension of license (84% of all cases). Regardless of whether the offender was in the light, medium or heavy alcohol category, he was equally likely to receive a fine and suspension of license. However, the length of the suspension was clearly related to the offender's alcohol level ($P < 1\%$); approximately 8% of the low alcohol group received a suspension of 2 or more years compared with 14% and 22% respectively of the medium and high alcohol level groups:

	Low		Medium		High	
	Number	Percentage	Number	Percentage	Number	Percentage
Under 6 months	3414	57.7	1928	46.8	356	35.7
5 months - 1 year	575	9.7	442	10.7	98	9.8
1 year - 2 years	1470	24.8	1186	28.8	325	32.6
2 years +	459	7.8	566	13.7	217	21.8
	5918	100.0	4122	100.0	996	100.0

IMPRISONMENT

Although in some cases imprisonment was used in combination with suspension of license and/or a fine, in fact a term of imprisonment was imposed in only 168 (1.4%) cases. There was a tendency for these cases to be drawn from the medium and heavy alcohol categories.

FINE

While a fine alone was imposed in only 223 (1.8%) of cases it constituted an element of the penalty in 89% of cases. Since the Courts seldom punished the person convicted of a breathalyser offence with a term of imprisonment, it may be of social importance to establish the severity of the fines that were imposed. The absolute amount of the fine was recorded in each case so that a precise (mean) average figure could be calculated. (Unfortunately, comparable information was not available for earlier years). The average fine during 1971 was \$138.50.

There was a definite tendency for the amount of fine to vary with the offender's blood alcohol level ($P < 1\%$). When, for the sake of illustration, fines were divided into three categories (less than \$110, \$110-\$199, \$200 and over), comparatively few (10%) of the low alcohol level offenders were fined in excess of \$200, compared with 23% of the medium and 43% of the high alcohol level groups.

Conversely, the chance of receiving a 'small' fine (less than \$110) decreased with a high blood alcohol reading:

ALCOHOL LEVEL

Amount of Fine	Low		Medium		High	
	Number	Percentage	Number	Percentage	Number	Percentage
Less \$110	2768	46.4	1167	28.6	185	19.4
\$110-\$199	2576	43.2	1952	47.9	355	37.3
\$200+	617	10.4	955	23.5	413	43.3
	5961	100.0	4074	100.0	953	100.0

Fortunately, it has proved possible to compare the fines imposed by the Courts over the period 1969-'71. The categories used in this comparison are the same as those employed in previous reports on breathalyser convictions. As already indicated, a fine represented only one element of the punishment imposed in many cases. This needs to be kept in mind when interpreting the table which follows.

When the amount of the fine was considered in isolation from other factors it appeared that during 1971 the Courts imposed comparatively severe penalties on drunken drivers. The percentage of offenders receiving fines in excess of \$200 almost doubled during the 1970-'71 period. On the other hand, the percentage receiving a fine of less than \$60 has decreased since 1969. In fact, there has been a gradual decrease in the percentage receiving fines of less than \$110:

	\$0-\$59	\$60-\$109	\$110-\$199	\$200+	556A Crimes Act
	%	%	%	%	%
1969	9.0	50.2	26.3	6.9	7.6
1970	6.5	45.1	30.8	8.7	8.9
1971	4.3	31.2	31.6	16.1	8.5

SECTION 556A OF CRIMES ACT

In 1049 cases (8.5%) the Court found the offence proved but dismissed the charges under the terms of Section 556A of the Crimes Act. This meant that the defendant was either unconditionally discharged or required to enter into a recognizance ('bond').

Within the limits of the available data, an attempt has been made to identify factors associated with the exercising of the provisions of section 556A. The blood alcohol level of the driver did not appear to be especially significant. (See table page 9). On the other hand the defendant's previous record of drinking-driving offences seems to have been of crucial importance. The 556A penalty was imposed in 1042 (10.7%) of cases with no previous history of drinking-driving offences compared with 12 (0.5%) of those with such a history.

Another factor which received consideration was the occupation of the defendant. The results of many sociological studies have shown that occupational prestige is an effective 'indicator' of variation in life style and opportunities associated with the concept of 'class'. There are several ways in which the relationship between occupation and penalty might be examined in future but during 1971 court officers were simply instructed to code each defendant's occupation according to an eight-fold classification ranging from professional and white collar workers to semi-skilled and unskilled operatives.

Many factors apart from occupation may influence a Court's decision to invoke the 556A provisions in a particular case. In the perfect situation, the researcher would attempt to control for as many relevant variables as possible before comparing the outcome for different occupational groups.

In the present study, the data permitted only a rough approximation of these conditions. It has already been shown that a history of drinking-driving offences was of importance in the determination of penalties. It was necessary, therefore, to restrict the examination of penalties imposed on different occupational groups to those people who had no previous breathalyser or driving under the influence convictions. The results are shown opposite (see appendix B for a description of the various occupational categories).

It is clear that the frequency with which the provisions of Section 556A were exercised varied considerably from one occupational group to another. At one end of the scale, 25.7% of the cases involving professional people were dismissed under the terms of Section 556A, whereas at the other end of the scale, only 3.9% of unskilled workers received the benefits of the Section.

When professional and white collar workers are compared with all other occupational categories (see opposite), we find that the frequency of 556A's is nearly twice as great in the professional/white collar group as in the other ($P < 1\%$).

NO PREVIOUS D U I CONVICTIONS

No. of 556A's	Total	% of 556 A's	Occupation
87	338	25.7	Professional
234	1525	15.3	White collar
36	408	8.6	Technician
140	1841	7.6	Tradesman/apprentice
291	2671	10.9	Semi-skilled
70	1782	3.9	Unskilled
29	420	6.9	Armed Services
152	676	22.5	Miscellaneous
4	95	4.2	Not stated

COMPARISON OF STATUS GROUPS

556A granted		556A not granted		TOTAL NUMBER	
Number	Percentage	Number	Percentage		
321	17.2	1542	82.8	1863	Professional/White collar
717	9.2	7081	90.8	7798	Other
1038		8623		9661	Total stated

ALCOHOL LEVEL BY PENALTY

Note

Light 0.080 - 0.155%
 Medium 0.160 - 0.225%
 Heavy 0.230%+

Penalty	Light		Medium		Heavy		TOTAL	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Imprisonment	5	0.1	2				7	0.1
Imprisonment & suspension of license	37	0.6	60	1.3	37	1.2	134	1.1
Imprisonment, suspension of license & fine	8	0.1	13	0.3	6	0.2	27	0.2
Suspended sentence	1		1		1		3	
Fine	133	2.0	74	1.6	16	1.8	223	1.8
Fine & suspension of license	5706	85.4	3808	83.2	872	84.2	10,386	84.2
Fine & suspended sentence	2		1		2		5	
Fine, suspended sentence & suspension of license	110	1.6	169	3.7	55	2.7	334	2.7
556A	621	9.4	377	8.2	56	8.5	1,054	8.5
Recognizance (554) & suspension of license	10	0.1	8	0.2	5	0.2	23	0.2
Suspended sentence & suspension of license	39	0.6	49	1.1	14	0.8	102	0.8
Suspension of license	2		2		1		5	
Residual*	10	0.1	17	0.4	7	0.4	37	0.4
TOTAL	6684	100.0	4579	100.0	1072	100.0	12,335	100.0

*The residual category consists of people who received some penalty other than those listed above, or who were misclassified through a clerical or punching error.

PENALTIES IMPOSED ON MULTIPLE OFFENDERS

Since the primary purpose of the Breathalyser legislation is to discourage offences of drinking and driving, there is some interest in examining the penalties imposed on drivers who had a previous record of one or more convictions.

A complete count of penalties imposed on multiple offenders appears on page 11. When this table is compared with the table on page 9, it can be seen that, overall, penalties are considerably more severe for multiple offenders.

The most common penalty is still a fine and a suspension of license, but it should be noted in particular that 5.5% of multiple offenders went to gaol (compared with an overall figure of 1.4%) and that only 0.4% (11 out of 2579) were discharged under Section 556A (compared with an overall figure of 8.5%). There was also a tendency for multiple offenders to receive suspended sentences, in conjunction with a fine or a suspension of license.

The same pattern of severity is evident when fines are examined (see the table opposite).

	First offenders		One or two previous convictions		Three or more previous convictions		TOTAL	
	No.	%	No.	%	No.	%	No.	%
1 - 100	3669	42.5	419	19.1	24	14.9	4112	37.4
101 - 200	4676	54.2	1295	58.8	90	55.9	6061	55.2
201 - 300	260	3.0	408	18.6	39	24.2	707	6.4
301 - 400	23	0.3	77	3.5	8	5.0	108	1.0
TOTAL	8628	100.0	2199	100.0	161	100.0	10,988	100.0

ALCOHOL LEVEL BY PENALTY FOR MULTIPLE OFFENDERS

Note

Light 0.080 - 0.155%
 Medium 0.160 - 0.225%
 Heavy 0.230%+

Penalty	Light		Medium		Heavy		TOTAL	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Imprisonment	3	0.3	2	0.2			5	0.2
Imprisonment & suspension of license	27	2.8	53	4.3	33	8.0	113	4.4
Imprisonment, suspension of license & fine	7	0.7	12	1.0	4	1.0	23	0.9
Suspended sentence	1	0.1	1	0.1	1	0.2	3	0.1
Fine	9	0.9	12	1.0	6	1.5	27	1.0
Fine & suspension of license	786	82.9	946	77.6	303	73.5	2035	78.9
Fine & suspended sentence	2	0.2	1	0.1	2	0.5	5	0.2
Fine, suspended sentence & suspension of license	76	8.0	138	11.3	46	11.2	260	10.1
556A	4	0.4	6	0.5	1	0.2	11	0.4
Recognizance (554) & suspension of license	1	0.1	2	0.2			3	0.1
Suspended sentence & suspension of license	29	3.2	35	2.9	11	2.7	75	2.9
Suspension of license			1	0.1			1	
Residual*	3	0.4	10	0.7	5	1.2	18	0.7
TOTAL	948	100.0	1219	100.0	412	100.0	2579	100.0

*The residual category consists of people who received some penalty other than those listed above, or who were misclassified through a clerical or punching error.

APPENDIX A

COMPARISON OF BLOOD ALCOHOL LEVELS

Blood Alcohol Level	1970		1971	
	Number	Percentage	Number	Percentage
0.080 - 0.089	151	1.6	118	1.0
0.090 - 0.099	516	5.4	688	5.6
0.100 - 0.109	682	7.1	937	7.6
0.110 - 0.119	725	7.6	970	7.9
0.120 - 0.129	797	8.3	1016	8.2
0.130 - 0.139	732	7.7	936	7.6
0.140 - 0.149	797	8.3	1007	8.1
0.150 - 0.159	801	8.4	1012	8.2
0.160 - 0.169	674	7.1	919	7.4
0.170 - 0.179	613	6.4	780	6.3
0.180 - 0.189	595	6.2	791	6.4
0.190 - 0.199	507	5.3	643	5.2
0.200 - 0.209	451	4.7	573	4.7

Blood Alcohol Level	1970		1971	
	Number	Percentage	Number	Percentage
0.210 - 0.219	370	3.9	478	3.9
0.220 - 0.229	303	3.2	395	3.2
0.230 - 0.239	216	2.3	272	2.2
0.240 - 0.249	182	1.9	227	1.8
0.250 - 0.259	130	1.4	200	1.6
0.260 - 0.269	96	1.0	121	1.0
0.270 - 0.279	68	0.7	77	0.6
0.280 - 0.289	46	0.5	59	0.5
0.290 - 0.299	38	0.4	42	0.3
0.300 - 0.309	23	0.2	21	0.2
0.310 - 0.319	16	0.2	15	0.1
0.320 - 0.329	12	0.1	14	0.1
0.330+	15	0.2	24	0.2
TOTAL	9555	100.0	12,335	100.0

APPENDIX B

CLASSIFICATION OF OCCUPATIONS (EXAMPLES)

PROFESSIONAL

Solicitors
Accountants
Doctors
Company Directors

WHITE-COLLAR WORKERS

Salesmen
Office workers
Insurance representatives
Schoolteachers
Clerks

TECHNICIANS

Electricians
Plumbers
Linesmen
Meat Inspectors

TRADESMEN/APPRENTICES

Welders
Fitters & turners
Boilmakers
Panel beaters
Butchers
Bricklayers

SEMI-SKILLED

Painters
Crane drivers
Truck drivers
Fork lift drivers
Riggers
Metal workers
Ironworkers
Tyre fitters
Storemen
Greasers
Foremen

UNSKILLED

Labourers
Builder's labourers

ARMED SERVICES

MISCELLANEOUS

Unemployed
Domestic duties
Students
Pensioners
Farmers
Graziers
Farmer/Grazier
Firemen

NOT STATED

