

statistical report **10**

breathalyser offences 1972

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Background Note

This report on 1972 Breathalyser offences is more comprehensive than earlier reports issued by the Department of the Attorney General and of Justice. The basic data continues to be derived from Courts of Petty Sessions throughout New South Wales. A statistical return is filed in each case where a person is convicted under Sections 4E and 5 of the Motor Traffic Act. These sections cover the offences of:

- 1 driving with the prescribed content of alcohol
- 2 driving under the influence
- 3 refusal to take breathalyser test
- 4 aid and abet breathalyser offence.

From January 1969 onwards, statistical reports have been prepared by Clerks of Petty Sessions throughout New South Wales in each case where a person has been convicted of one of the above offences. Useful comparisons can be made between the results for 1972 and the findings reported in earlier years. However, in addition to the alcohol level of the driver, his occupation, previous traffic record and the penalty imposed by the court, the reports now include the offender's age and area of residence, whether he was legally represented and the plea entered, and the details of his previous 'non-motoring' offences.

Breathalyser Units

Obviously there is a relationship between the number of breathalyser convictions and the extent to which breathalyser units have been employed throughout the state. In their first year of operation (1965) these units were responsible for the apprehension of 7552 persons. In 1970 they were extended to a number of country centres (Tarworth, Goulburn, Wagga Wagga, Bathurst, Lismore, Dubbo, Albury) and there was an increase over the previous year of 2005 in the number of persons convicted. This represented an increase of approximately 26.5 per cent.

During 1971 the area covered by the breathalyser units remained basically the same but that year witnessed a more intensified programme to detect the drinking driver. This programme was sustained throughout 1972.

The Overall Picture

In 1972 there were 17,873 reported cases of offences under Sections 4E and 5 of the Motor Traffic Act:

15,736	P C A (driving with the prescribed content of alcohol (0.08)).
1,737	D U I (driving under the influence)*
299	REFUSAL (to take breathalyser test)
101	AID AND ABET (breathalyser offence)
<hr/>	
17,873	

*Detected without the aid of the breathalyser.

This report consists mainly of an analysis of the 15,736 cases in which a person with a blood alcohol level of 0.08 or more was charged with driving with the prescribed content of alcohol (hereafter referred to as P C A).

Comparison with 1971

The first thing which should be noted about the 1972 results is that there has been an overall increase of 28.3 per cent in the number of drink/driving convictions compared with last year. This involved an increase of 27.6 per cent in the number of breathalyser convictions.

Since statistics have been kept on drink/driving offences from the introduction of the breathalyser system, an unusually good opportunity has existed for charting the apparent social impact of the legislation. The 1970 figures were seen by many people to be encouraging in that a greater percentage of offenders than in the previous year had relatively low blood alcohol readings. There was no further improvement during 1971. The figures bore a remarkable similarity to those of 1970.

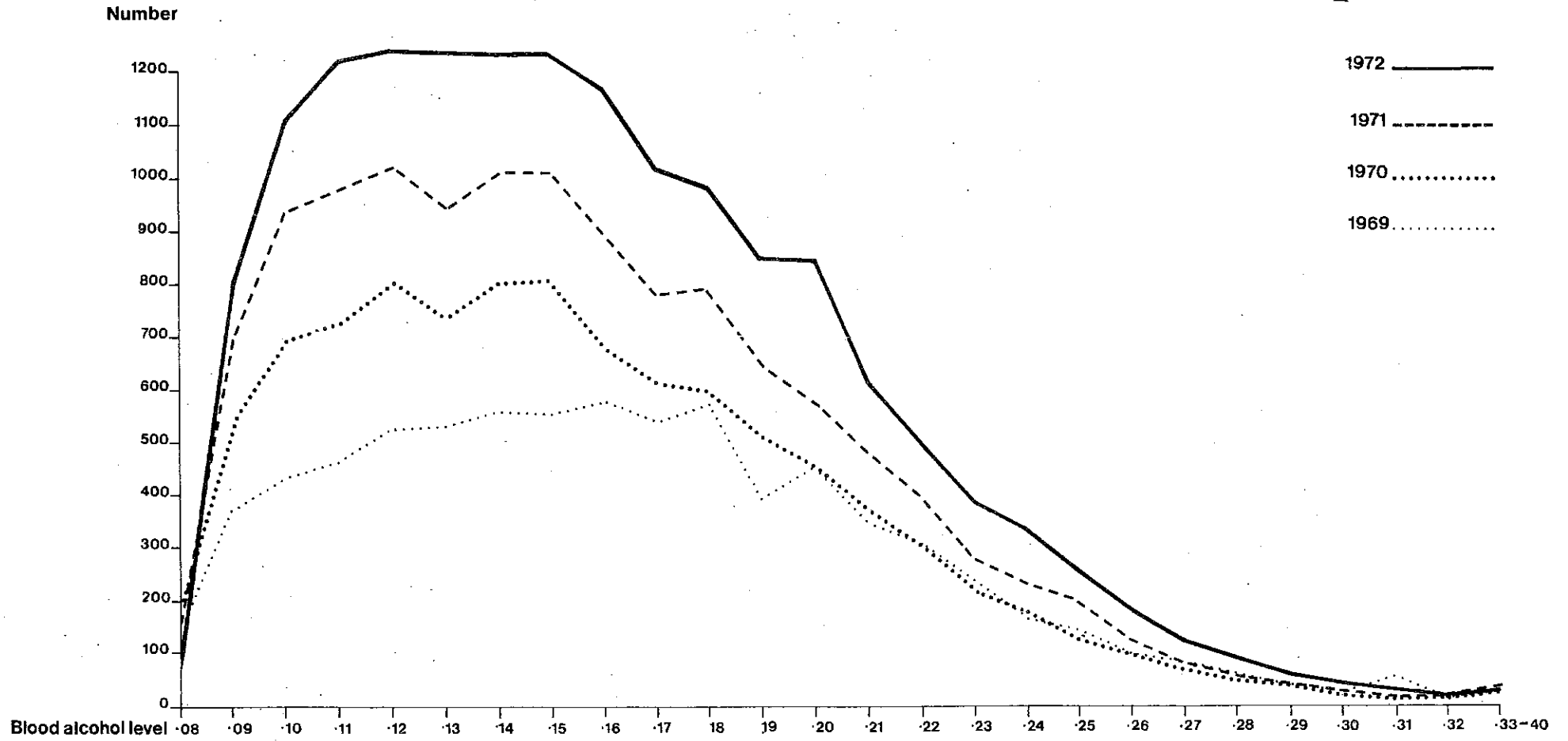
The latest figures are again strikingly similar to those of the previous year. There has been no movement towards lower readings, at least amongst those who were convicted of a breathalyser offence. In fact, the average blood alcohol level (0.160) was virtually identical to the 1971 figure (0.159). In 14 of the 26 alcohol categories, listed in Appendix A, the percentage of 1971 and 1972 offenders was identical or differed by only 0.1 per cent.

The similarity between the 1971 and 1972 results can be seen visually in the graph which appears on page 3.

To summarise

Over the past two years the number of breathalyser offenders has continued to increase at the rate of 25-30 per cent per annum. As noted in a previous report, if 1970 was a year in which some drivers were encouraged to become more cautious about their drinking, then that possible effect of the breathalyser legislation appears to have stabilised at the 1970 level.

Comparison of Blood Alcohol Levels



Social Background

Men accounted for almost all (98.2 per cent) of those convicted for breathalyser offences during 1972. Young men between the ages of 18 and 24 years hold 23.8 per cent of class 1 car drivers' licences in New South Wales but they accounted for 31.7 per cent of the breathalyser offenders. This over-representation of young people, while significant, is far less pronounced than in some other areas of law breaking. For example, people in the 18-24 years age bracket accounted for 62 per cent of those sentenced by the Higher Criminal Courts in New South Wales during 1971.

At the other end of the age range, drivers 40 years and older represent 42.7 per cent of class 1 licence holders but accounted for only 28.7 per cent of breathalyser offenders in 1972.

The cross tabulation of information concerning blood alcohol levels and the ages of breathalyser offenders, revealed a highly significant ($P < .001$) association. People under 25 years of age were far less likely than older offenders to have a 'medium' or 'high' blood alcohol level. The accompanying table shows a consistent trend: the higher the age bracket, the greater the proportion of medium and high blood alcohol readings (see the next page).

Offenders by Age

	Breathalyser offenders		Class 1 licence holders* (N S W)
	Number	Percentage	Percentage
16 years and less	7	0.1	-
17 years	75	0.5	2.0
18 - 24 years	4995	31.7	23.8
25 - 29 years	2620	16.6	13.4
30 - 34 years	1858	11.8	9.9
35 - 39 years	1456	9.3	8.2
40 years+	4525	28.7	42.7
Not stated	200	1.3	-
	15,736	100.0	100.0

* Census of licences, December 1971 New South Wales
Department of Motor Transport, Traffic Accident
Research Unit.

Blood Alcohol by Age

Blood alcohol level

	Under 25 years		25-39 years		40 years+	
	No	%	No	%	No	%
Low (0.080-0.155)	3508	69.1	2820	47.5	1810	40.0
Medium (0.160-0.225)	1397	27.5	2459	41.4	2011	44.4
High (0.330+)	172	3.4	655	11.1	704	15.6
	5077	100.0	5934	100.0	4525	100.0

Occupation

For the first time since the start of this statistical series, breathalyser convictions may now be analysed in terms of the occupational prestige ranking of the offender. The results of many sociological studies have shown that occupational prestige - the relative social standing which the Australian public accords different occupations - is an effective indicator of variation in life style and opportunities associated with the concept of 'class'. The categories of occupation range from A (high) to D (low). Estimates are available of the proportion of the Sydney Metropolitan population occurring in each of the four occupational strata (see the figure on the next page).

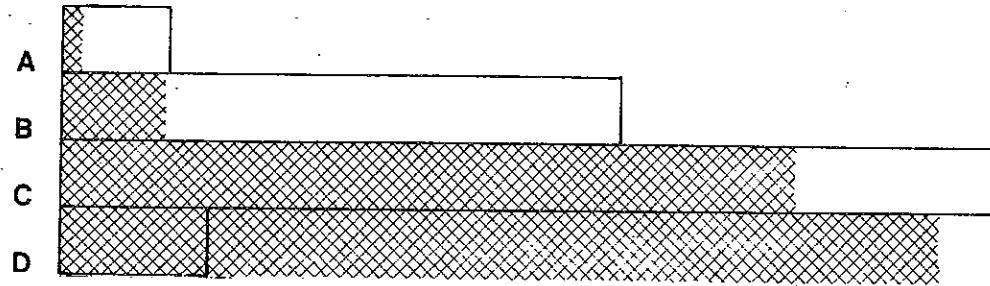
In 2.7 per cent of cases, the occupation of the offender was not stated. This meant that 15,314 P.C.A. offenders could be classified according to the prestige of their respective occupations. It is sometimes said that, unlike many other categories of crime, breathalyser offenders include a considerable number of 'middle class' people. The figure which appears on the next page would suggest that there are very few A and B status people among those dealt with by the Courts for breathalyser offences but unskilled workers (D category) are grossly over-represented. It is, however, necessary to state a note of caution about this observation: some people may downgrade their occupation in an attempt to avoid being identified.

New South Wales drug convictions are the only other offences for which comparable social data is available. The social structure of the two offender groups is quite similar:

Comparison of Offender Groups

Occupational status group	Breathalyser offenders (1972) Percentage	Drug Offenders (1972) Percentage
A	1.2	0.3
B	5.7	4.2
C	42.0	44.3
D	50.1	51.2
	100.0	100.0

Figure 1 Proportion of breathalyser offenders (1972) by occupation shown shaded against proportion (est.) of general population in occupational categories.



There was a tendency for the members of the lower status groups to have higher blood alcohol readings (see the accompanying table). The differences between the average (mean) level for each occupational group were not significant except when the D group was compared with all other groups combined.

There is an important implication here for the further analysis of penalties imposed on breathalyser offenders of different occupational standing. Allowance must be made for the higher average blood alcohol content of the D status offenders. Such analyses are under way and the results will be presented in a forthcoming report on 1972 Petty Sessions statistics.

Occupational Status Groups

Blood alcohol category	A		B		C		D	
	No.	%	No.	%	No.	%	No.	%
Low (0.080-0.155)	109	57.1	566	55.5	3496	54.3	3835	50.0
Medium (0.160-0.225)	68	35.6	366	35.9	2385	37.0	2988	39.0
High (0.330+)	14	7.3	88	8.6	558	8.7	841	11.0
	191	100.0	1020	100.0	6439	100.0	7664	100.0

Multiple Offenders

One in five (22.7 per cent) of those convicted of breathalyser offences had a history of previous drinking/driving offences. Members of this group were more likely to have a medium or heavy blood alcohol reading (i.e. 0.16 or more). This finding was statistically significant at the 1 per cent level.

Of the 255 offenders with three or more previous drinking/driving convictions, 185(72.5 per cent) had a medium to heavy blood alcohol level when detected in 1972.

Blood Alcohol Level

	0.080-0.155		0.160-0.225		0.230+	
	Number	Percentage	Number	Percentage	Number	Percentage
No previous drinking-driving offences	6953	84.4	4280	71.9	935	60.3
One or more previous drinking-driving offences	1284	15.6	1669	28.1	615	39.7
	8237	100.0	5949	100.0	1550	100.0

Distribution of Offences & Offenders by Geographical Area

For the first time, it has been possible to classify breathalyser data by geographical area in two ways: by area of residence, and by the area in which the offence occurred. The computer map on the next page shows the distribution of offenders by their area of residence. A table showing the number of offenders resident in each Local Government area, appears on page 12 (A similar table which lists offences which occurred in specified Local Government areas, is presented in Appendix B).

Of the 41 Sydney statistical areas listed in the table of places where offences occurred, the first nine accounted for 50.3 per cent of total convictions. Prominent among the high ranking areas were a number of outlying suburbs. For example, places like Bankstown, Liverpool, Penrith, Fairfield, Blacktown, Sutherland, Parramatta and Warringah had relatively high numbers of P C A convictions.

A number of interrelated factors may help to explain these findings. The police tend to concentrate their efforts on areas where previous experience has shown drinking/driving offences occur. But offenders are more likely to be detected where the evidence of their drinking is more apparent - such as in outlying suburbs where traffic moves more freely and a driver's incapacity is more noticeable.

At the other extreme, the sheer volume of traffic must help to account for the large number of convictions in the inner-city of Sydney. Needless to say, when the area of residence of the driver is considered (See the table on page 12) the picture sometimes changes dramatically. The City of Sydney drops from second to thirty-eighth position. Penrith, Liverpool, Bankstown, Fairfield and Parramatta retain

comparatively high rankings but Sutherland and Warringah are areas where relatively few of the offenders actually resided. Overall, 63 per cent of breathalyser offenders were apprehended in the same Local Government area in which they lived.

Distribution of Offenders by Area of Residence

DATA VALUE EXTREMES ARE 1.19 9.62

ABSOLUTE VALUE RANGE APPLYING TO EACH LEVEL
(*MAXIMUM* INCLUDED IN HIGHEST LEVEL ONLY)

MINIMUM	1.19	2.88	4.56	6.25	7.93
MAXIMUM	2.88	4.56	6.25	7.93	9.62

PERCENTAGE OF TOTAL ABSOLUTE VALUE RANGE APPLYING TO EACH LEVEL

20.00	20.00	20.00	20.00	20.00
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FREQUENCY DISTRIBUTION OF DATA POINT VALUES IN EACH LEVEL

LEVEL	1	2	3	4	5
SYMBOLS	++++++	00000000	00000000	00000000
SYMBOLS	.....	++++++	00000000	00000000	00000000
SYMBOLS	...1...	+++2+++	00003000	00004000	00005000
SYMBOLS	.....	++++++	00000000	00000000	00000000
SYMBOLS	.....	++++++	00000000	00000000	00000000
FREQ.	17	18	3	1	1
1	1..1..I	I++2++I	I00300I	I00400I	I00500I
2	1..1..I	I++2++I	I00300I		
3	1..1..I	I++2++I	I00300I		
4	1..1..I	I++2++I			
5	1..1..I	I++2++I			
6	1..1..I	I++2++I			
7	1..1..I	I++2++I			
8	1..1..I	I++2++I			
9	1..1..I	I++2++I			
10	1..1..I	I++2++I			
11	1..1..I	I++2++I			

Area of Residence ranked according to the Rate of Breathalyser Convictions per 1000 of Population *

	Municipality or Shire	Number of convictions	Rate per 1000 in 1973
	Penrith	580	9.62
	Liverpool	568	3.89
	Manly	227	5.78
	Windsor	73	4.71
Blue Mountains (City)	85	4.65	
	Fairfield	522	4.62
	Campbelltown	131	4.19
	Bankstown	627	3.85
	Auburn	185	3.80
	Waverley	247	3.77
	Mosman	106	3.61
	Parramatta	394	3.55
	Botany	130	3.40
	Concord	45	3.40
	Leichhardt	237	3.32
	Blacktown	520	3.32
	North Sydney	170	3.19
	Marrickville	304	3.14
	Ashfield	140	3.12
	Lane Cove	88	3.07
	South Sydney	119	3.06
	Burwood	97	3.04
	Ryde	262	2.95
	Randwick	328	2.88
	Strathfield	77	2.83
	Kogarah	131	2.78

	Municipality or Shire	Number of convictions	Rate per 1000 in 1973
	Hurstville	176	2.62
	Drummoyne	79	2.52
	Hunters Hill	35	2.48
	Warringah	378	2.41
	Sutherland	361	2.38
	Wollahra	133	2.22
	Camden	22	1.97
	Canterbury	253	1.94
	Holroyd	143	1.85
	Willoughby	98	1.82
	Hornsby	165	1.70
	Sydney (City)	231	1.52
	Rockdale	107	1.27
	Baulkham Hills	73	1.27
	Ku-ring-gai	117	1.19

* Population as at 30th June, 1971.

Penalties Imposed By The Courts

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

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

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 18.

Fine/Suspension of Licence

As noted in the 1971 report, the most common penalty imposed by the Courts was a fine and suspension of licence (83.1 per cent of all cases). Offenders in the 'light' alcohol category were slightly more likely than those in the 'medium' and 'heavy' categories to receive this penalty.

Apart from being associated with the suspension of licence which is mandatory in all drinking/driving convictions, a fine occurred as one element of the penalty imposed in 87.5 per cent of cases. The absolute amount of the fine was

recorded in each case so that a precise (mean) average figure could be calculated. The average figure during 1972 was \$146.41 compared with \$138.50 in 1971.

There was a definite tendency for the amount of fine to vary with the offender's blood alcohol level (P 1 per cent). This can be seen in the accompanying table where fines have been divided into three categories (less than \$110, \$110-199, \$200 and over). Comparatively few (12.7 per cent) of the low blood alcohol level offenders were fined in excess of \$200, compared with 28.4 per cent of the medium and 48.2 per cent 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

	Low		Medium		High	
	Number	Percentage	Number	Percentage	Number	Percentage
Less \$110	2502	34.6	1048	20.3	228	17.0
\$110-\$199	3815	52.7	2653	51.3	467	34.8
\$200+	923	12.7	1473	28.4	647	48.2
	7240	100.0	5174	100.0	1342	100.0

In the previous breathalyser report it was noted that there has been a steady increase in the severity of fines imposed on drunken drivers since figures were first tabulated in 1969. Remembering that the fine may represent only one element of

the punishment imposed in many cases, the trend towards more severe penalties continued during 1972:

	Less \$110	\$110-\$199	\$200+
1971	37.5	44.4	18.1
1972	27.5	50.4	22.1

Fines were also heavier in cases involving multiple offenders (P 1 per cent). Approximately 96 per cent of first offenders who were fined received a penalty of less than \$110 compared with 73 per cent of those with a previous drinking/driving record:

	First offenders		One or more convictions	
	Number	Percentage	Number	Percentage
Less \$110	11472	96.5	2673	72.9
\$110-\$199	393	3.3	836	22.8
\$200+	19	0.2	156	4.3
	11884	100.0	3665	100.0

Unlike fines, the period of licence suspension does not appear to have increased during the past year. However, the length of the suspension was clearly related to the offender's alcohol level (P<1 per cent): 8.3 per cent of the low alcohol group received a suspension of two or more years compared with 15.1 and 23.1 per cent respectively of the medium and high alcohol level groups.

	1971	1972
under 6 months	51.6	52.5
6 months - 1 year	10.1	9.4
1 year - 2 years	27.0	25.7
2 years +	11.3	12.4
	100.0	100.0

Suspension

	Low (0.080-0.155)		Medium (0.160-0.225)		High (0.230+)		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Under 6 months	4330	58.4	2649	48.8	530	36.4	7509	52.5
6 months - 1 year	696	9.4	512	9.5	135	9.3	1343	9.4
1 year - 2 years	1773	23.9	1438	26.6	454	31.2	3665	25.7
2 years +	612	8.3	817	15.1	336	23.1	1765	12.4
	7411	100.0	5416	100.0	1455	100.0	14282	100.0

Probation

Probation was imposed in just 115 or 0.8 per cent of cases. It was used a little more frequently in dealing with offenders under 18 years of age - 2.9 per cent of cases - but otherwise the number of probation cases was evenly spread over all age groups.

Imprisonment

Although imprisonment was used in combination with other penalties, only 300 offenders (1.9 per cent) were given a term of imprisonment. In addition, three people were sentenced to periodic detention. As can be seen from the summary table on page 18, there was a tendency for the cases involving imprisonment to be drawn from the heavy and medium alcohol categories. Far more influential was the factor of previous drink/driving convictions: 7.7 per cent of those with such a record were sent to prison compared with 0.4 per cent of the first offenders.

Section 556A of Crimes Act

In 1454 (9.2 per cent) cases the Court found the offence proved but dealt with the breathalyser charge 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 form of recognizance. Both provisions have in common that they do not constitute a conviction.

Both before and since the Bureau's inception it has been found helpful in research work to treat the exercising of the provisions of s556A as a barometer of leniency in the Court's disposal of cases where the offence has been proved. In previous breathalyser reports attention has been drawn to an apparent association between the occupation of the defendant and the Court's use of s556A.

The occupational data gathered during 1972 is more sociologically refined than in previous years. However, it has been decided to postpone the tabling of this data until

it can be presented in the context of a wide range of penalties imposed by Courts of Petty Sessions in 1972. The material can then be examined alongside other criteria of 'severity' or 'leniency' such as the level of fines imposed on different occupational groups. This report on Petty Sessions statistics should be published by September 1973.

Meanwhile, an attempt has been made to identify other factors associated with the use of the provisions of section 556A. While 'light' and 'medium' alcohol cases were somewhat more likely to receive the benefit of s556A (see the table on page 18), this factor was far less crucial than the question of previous offences; 11.9 per cent of offenders with no previous history of drinking/driving offences received the benefit of section 556A compared with 1.8 per cent of those with such a history.

Legal Representation

Almost all (99 per cent) of those convicted of a breathalyser offence pleaded guilty. Approximately half (49.1 per cent) of those before the Court were legally represented. It has been said of some of the Bureau's earlier research that defendants who believe they have a 'good case' are more likely to obtain legal representation. Interestingly, there was no apparent relationship between blood alcohol level and legal representation. However, there was an association between legal representation and the occupational background of the defendant. A higher proportion (71.7 per cent) of the A/B status groups were represented than was the case with members of the C (53.7 per cent) or D (45.3 per cent) groups.

For the moment, a simple cross-tabulation serves to underline the importance of the issue. (The data combines both P C A and D U I offences).

Outcome	Represented		Not Represented	
	Number	Percentage	Number	Percentage
s556A	1159/9036	12.8	539/8836	6.1

Alcohol Level By Penalty

Note

Low 0.080 - 0.155
 Medium 0.160 - 0.225
 Heavy 0.230+

Penalty	Low		Medium		Heavy		TOTAL	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Imprisonment and suspension of licence	79	1.0	134	2.3	58	3.7	271	1.7
Imprisonment, suspension of licence and fine	10	0.2	11	0.2	8	0.5	29	0.2
Periodic detention and suspension of licence	2		1		0		3	
Recognizance, probation and suspension of licence	14	0.2	20	0.3	6	0.4	40	0.3
Recognizance, probation, fine and suspension of licence	18	0.2	37	0.6	20	1.3	75	0.5
Recognizance and suspension of licence	84	1.0	81	1.4	46	3.0	211	1.3
Fine and suspension of licence	7013	85.1	4952	81.8	1198	77.3	13064	83.1
Fine, recognizance and suspension of licence	190	2.3	279	4.6	119	7.7	588	3.7
5566A (dismissal/'discharge recognizance')	826	10.0	533	9.0	95	6.1	1454	9.2
Not stated	1		0		0		1	
TOTAL	8237	100.0	5949	100.0	1550	100.0	15736	100.0

Appendix A

Distribution of Blood Alcohol Levels

Blood Alcohol Level	1971		1972	
	Number	Percentage	Number	Percentage
0.080 - 0.089	118	1.0	97	0.6
0.090 - 0.099	688	5.6	802	5.1
0.100 - 0.109	937	7.6	1141	7.2
0.110 - 0.119	970	7.9	1221	7.8
0.120 - 0.129	1016	8.2	1238	7.9
0.130 - 0.139	936	7.6	1232	7.8
0.140 - 0.149	1007	8.1	1253	8.0
0.150 - 0.159	1012	8.2	1253	8.0
0.160 - 0.169	919	7.4	1165	7.4
0.170 - 0.179	780	6.3	1015	6.4
0.180 - 0.189	791	6.4	980	6.2
0.190 - 0.199	643	5.2	843	5.4
0.200 - 0.209	573	4.7	842	5.3

Blood Alcohol Level	1971		1972	
	Number	Percentage	Number	Percentage
0.210 - 0.219	478	3.9	607	3.9
0.220 - 0.229	395	3.2	497	3.2
0.230 - 0.239	272	2.2	384	2.4
0.240 - 0.249	227	1.8	334	2.1
0.250 - 0.259	200	1.6	255	1.6
0.260 - 0.269	121	1.0	178	1.1
0.270 - 0.279	77	0.6	121	0.8
0.280 - 0.289	59	0.5	90	0.6
0.290 - 0.299	42	0.3	60	0.4
0.300 - 0.309	21	0.2	42	0.3
0.310 - 0.319	15	0.1	34	0.2
0.320 - 0.329	14	0.1	17	0.1
0.330+	24	0.2	35	0.2
TOTAL	12,335	100.0	15,736	100.0

Appendix B

Area in which Offence occurred, ranked by Breathalyser Convictions

Municipality or Shire	Number of convictions	Municipality or Shire	Number of convictions
Bankstown	668	Rockdale	108
Liverpool	645	Lane Cove	103
Penrith	620	Botany	96
Sydney (City)	511	Drummoynè	92
Fairfield	463	Ashfield	88
Blactown	478	Blue Mountains (City)	87
Sutherland	360	Burwood	86
Parramatta	345	Windsor	84
Warringah	324	Mosman	80
Marrickville	314	Kogarah	74
Ryde	301	Ku-ring-gai	60
Randwick	272	Camden	50
Leichhardt	249	Strathfield	49
Canterbury	246	Baulkham Hills	27
North Sydney	236	Concord	10
Waverley	226	Hunters Hill	3
Auburn	207		
Manly	199		
Hornsby	189		
South Sydney	159	Newcastle Statistical District	1343
Hurstville	117	Wollongong Statistical District	796
Campbelltown	116		
Willoughby	115		
Woollahra	111		
Holroyd	110		