

**statistical report 19**

# **breathalyser offences 1973**

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## Background Note

The 1973 Breathalyser report like others in this series is based on data collected from more than 200 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.

### A complicating factor

Should variations in the number of breathalyser convictions be seen as an indicator of altered driver behaviour, it would be necessary first to eliminate those parts of the variation that could be explained by changes in enforcement practice. Otherwise, we run the risk of confusing apparent increases or decreases in the volume of 'drunken' driving, with relatively greater or less effort to apprehend the driver impaired by alcohol.

Very extensive research would be needed to disentangle this problem. Ideally, we need a continuous monitor of the day to day work load of the Police to arrive at a satisfactory answer.

Another approach would be to take account of any major changes in (a) the number of breathalyser units and (b) their distribution across the State. The Bureau's two previous reports on breathalyser convictions have considered these two factors only in a general way.

Annual increases of around 25-30 per cent in the number of convictions have coincided with only marginal differences in the number of breathalyser units and their dispersal throughout the State. A similar picture is said to have prevailed during 1973. However, the number of manhours worked by the Breathalyser squad in Sydney during 1973 was 11 per cent greater than in the preceeding year and is, perhaps, an indication of an even greater effort to apprehend the drinking driver. Nevertheless, the only satisfactory way to resolve this question is to systematically monitor the day to day work load of the Police.

## The Overall Picture

In 1973 there were 18,961 people convicted under sections 4E and 5 of the Motor Traffic Act.  
(For details of previous years see Appendix A).

16,779	P C A (driving with the prescribed content of alcohol (0.08)).
1,755	D U I (driving under the influence)*
319	REFUSAL (to take breathalyser test)
108	AID AND ABET (breathalyser offence)
<hr/>	
18,961	

\* Detected without the aid of the breathalyser.

This report deals mainly with analyses of the 16,779 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). Because many of the results found in 1973 are similar to those of 1972 some of the information has been reduced and detailed tables presented in the appendices. For example, while the chart showing the distribution of offenders by area of residence is kept in the body of the report, the table relating to it is in Appendix E.

## Comparison with 1972

Although there has been an increase of 6.1 per cent in the number of drink/driving convictions compared with 1972, the increase is much lower than the consistent growth rate of previous years. (A 30 per cent increase from 1970 to 1971 and a 28 per cent increase from 1971 to 1972).

Although the increase in breathalyser offences is lower for 1973, other features of the basic data are markedly similar to previous years. The average alcohol level has only moved up slightly on the 1972 figure of 0.160 to 0.162 for this year, and the overall distribution of blood alcohol levels is not significantly different from previous years.

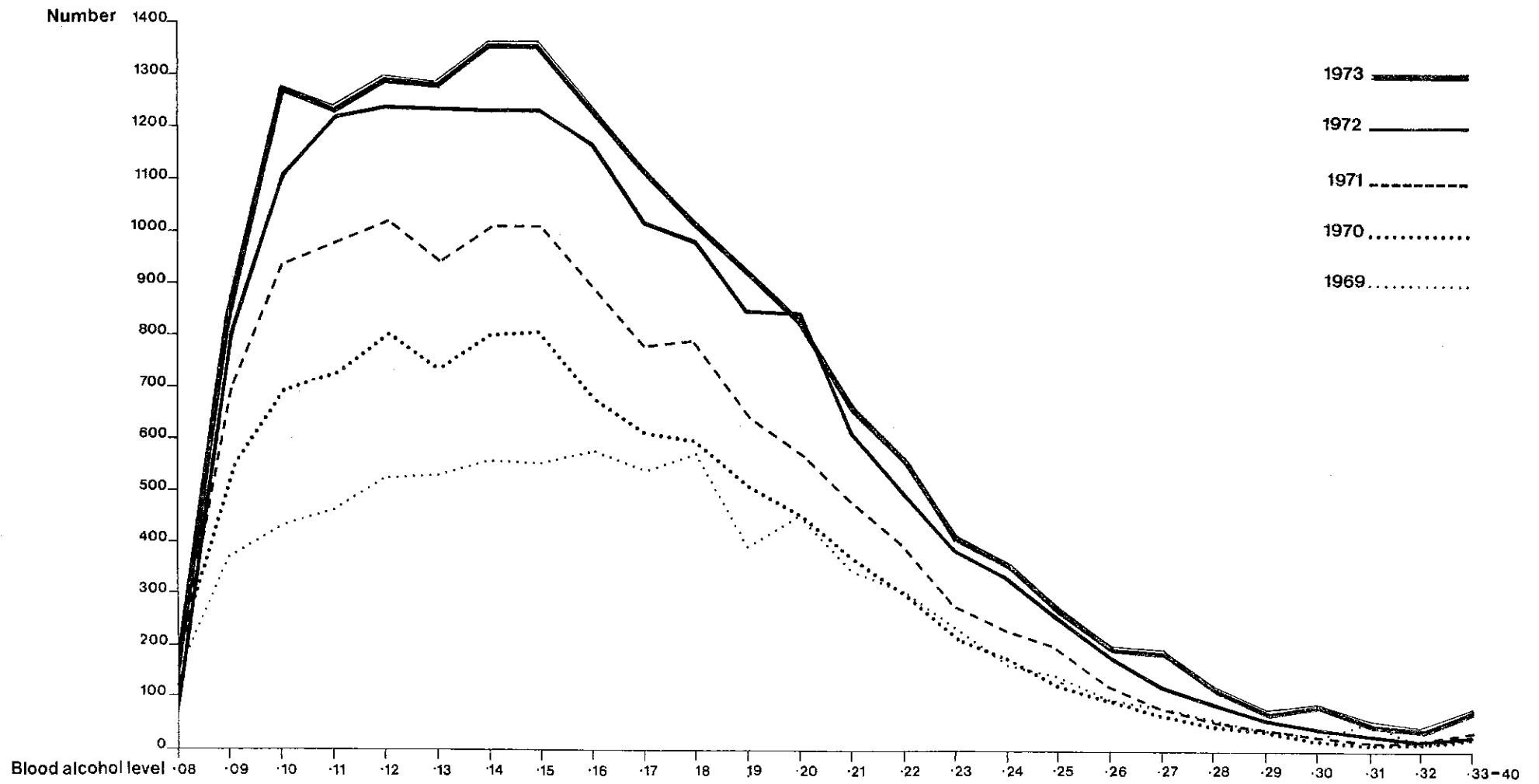
The similarity between 1971 and 1972 and 1973 results can be seen visually in the graph on the next page, and the data on which the graph is based appears in Appendix B.

## To Summarise

The past year has witnessed a further increase of 6.1 per cent in the number of drink/driving offences in N.S.W. Although the increase was a substantial one, it represents a much lower rate of increase than the 25-30 per cent annual increases which have been characteristic of recent years.

As mentioned at the outset, the number of drink/driving convictions can be affected by variables which, as yet, have not been stringently examined; namely, the degree of police activity aimed at apprehending the Breathalyser offender.

# Comparison of Blood Alcohol Levels





## Social Background

Men (98.3 per cent) again accounted for almost all of those convicted for breathalyser offences in 1973. Three out of ten (30.4 per cent) of offenders were between 18 and 24 years and 29.5 per cent were aged 40 years and over. The proportional similarity, which at first sight exists between the two age groups, disappears when compared to the number of Class 1 driving licences they each have. The younger group hold 23.8 per cent of all Class 1 licences and are, therefore, over-represented among breathalyser offenders. Conversely, drivers of 40 years and over accounted for 29.5 per cent of offenders, but hold 42.7 per cent of Class 1 licences.

A highly significant association ( $P < 0.01$ ) emerges when blood alcohol levels are cross tabulated with the ages of breathalyser offenders. Only 3.3 per cent of offenders under 25 years recorded 'high' alcohol levels, while 11.5 per cent of 25-39 year olds, and 15.9 per cent of those aged 40 years and over, were in this 'high' category. (See Appendix C for details of blood alcohol levels by age of offender).

The occupations of 16,769 (97.3 per cent) P C A. offenders were classified according to the scale of occupational prestige and status described in the 1972 Breathalyser report. In only 2.7 per cent of cases was information about the offenders' occupation unavailable. As with the 1973 drug offenders, more than 9 out of ten (91.8 per cent) of breathalyser offenders had occupations in the 'low' (unskilled and semi-skilled) categories. Less than 1 per cent were in the 'high' (professional/managerial) group. It must, however, be acknowledged that many defendants may downgrade their occupation in an effort to avoid the repercussions of public identification.

## Offenders by Age

	Breathalyser offenders		Class 1 licence holders* (N S W)
	Number	Percentage	Percentage
16 years and less	15	0.1	-
17 years	45	0.3	2.0
18 - 24 years	5099	30.4	23.8
25 - 29 years	2805	16.7	13.4
30 - 34 years	1977	11.8	9.9
35 - 39 years	1637	9.7	8.2
40 years+	4957	29.5	42.7
Not stated	244	1.5	-
	16779	100.0	100.0

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

Distribution of Offenders by Area of Residence

DATA VALUE EXTREMES ARE 1.15 5.89

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

MINIMUM	1.15	2.10	3.05	3.99	4.94
MAXIMUM	2.10	3.05	3.99	4.94	5.89

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
	.....	++++++	00000000	00000000	00000000
	....1....	+++2+++	000030000	000040000	000050000
	.....	++++++	000000000	000000000	000000000
	.....	++++++	000000000	000000000	000000000
FREQ.	5	15	12	6	2
1	I..1..I	I++2++I	I00300I	I00400I	I00500I
2	I..1..I	I++2++I	I00300I	I00400I	I00500I
3	I..1..I	I++2++I	I00300I	I00400I	
4	I..1..I	I++2++I	I00300I	I00400I	
5	I..1..I	I++2++I	I00300I	I00400I	
6		I++2++I	I00300I	I00400I	
7		I++2++I	I00300I		
8		I++2++I	I00300I		
9		I++2++I	I00300I		
10		I++2++I	I00300I		
11		I++2++I	I00300I		



Baulkham Hills

Hornsby

Windsor

Warringah

Ku-ring-gai

Manly

Blacktown

Ryde

Mosman

North Sydney

Parramatta

Sydney

Lane Cove

Woollahra

Hunters Hill

Leichhardt

Holroyd

City

Waverley

Drummoyne

South Sydney

Ashfield

Randwick

Burwood

Strathfield

Botany

Penrith

Marrickville

Fairfield

Bankstown

Canterbury

Rockdale

Liverpool

Hurstville

Kogarah

Camden

Sutherland

Campbelltown

## Penalties Imposed By The Courts

A table showing the various penalties imposed by the Courts is set out on page 10. In this table and in the narrative blood alcohol levels have been divided into three categories:

Alcohol rating	Blood alcohol level
Low	0.080 - 0.155
Medium	0.160 - 0.225
High	0.230+

Still the most frequent penalty imposed by the Courts was a fine and suspension of licence. In 1973, the number of offenders penalised in this way was 81.7 per cent compared with 83.1 per cent in 1972. A larger proportion of the 'low' alcohol group attracted this penalty than in the 'medium' or 'high' categories.

People with 'medium' and 'high' blood alcohol levels were respectively two, and three and a half times more likely than those with 'low' readings to receive fines of \$200 or

more: 86.7 per cent of the fines received by offenders with 'low' levels were for less than \$200, while this was true of only 53.5 per cent of those in the 'high' categories.\*

## Alcohol Level

	Low		Medium		High	
	Number	Percentage	Number	Percentage	Number	Percentage
Less \$110	3546	40.7	1816	28.7	469	27.3
\$110-\$199	4006	46.0	2866	45.3	450	26.2
\$200+	1157	13.3	1651	26.0	797	46.5
	8709	100.0	6333	100.0	1716	100.0

\*21 cases had insufficient information to be included.

In 1973 there was a shift away from the medium range fines (\$110 to \$199) to those of less than \$110. In 1972 slightly more than half (50.4 per cent) of the fines imposed were in this medium bracket compared to 43.7 per cent in 1973. There was little change in the proportion of fines which were over \$200.

	Less \$110	\$110 - \$199	\$200
1971	37.5	44.4	18.1
1972	27.5	50.4	22.1
1973	34.8	43.7	21.5

## Probation

Probation was used in combination with other penalties in only 135 cases (0.8 per cent of the total). It was more frequently a condition imposed on offenders with 'high' blood alcohol levels.

## Imprisonment

Imprisonment was one element of the penalty imposed in 331 cases (2 per cent of the total). One person received periodic detention. The rate of imprisonment for offenders with 'high' alcohol levels was more than four times the rate for those with 'low' readings. More notable, however, is the fact that in 80.4 per cent of the cases where imprisonment was imposed, the offender had a previous drink/driving record.

## Section 556A of Crimes Act

In 1973, 8.8 per cent of cases were dealt with under section 556A of the Crimes Act, whereby, although an offence is proved, the Court does not proceed to a conviction. If the use of this section is an indicator of leniency, it was applied in only slightly fewer cases than in the previous year, when 9.2 per cent of offenders were dealt with in this way.

Although a 556A is more often granted to offenders with 'low' alcohol levels, previous offence history is a more significant determinant of its use. Of the first offenders 11.2 per cent received a 556A, compared with only 1.4 per cent of offenders with previous drink/driving offences.

Nearly all of those convicted of a breathalyser offence in 1973 pleaded guilty. As with 1972, approximately half (52.5 per cent) of those before the Court for all offences (P C A, D U I etc.) were legally represented. Those who were represented were more likely than the unrepresented to receive a 556A:

Outcome	Represented		Not represented	
	Number	Percentage	Number	Percentage
s556A	1225/9961	12.3	515/8998	5.7

## Alcohol Level By Penalty

### Note

Low	0.080 - 0.155
Medium	0.160 - 0.225
High	0.230+

Penalty	Low		Medium		High		TOTAL	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Imprisonment and suspension of licence	72	0.8	136	2.2	73	4.3	281	1.7
Imprisonment, suspension of licence and fine	17	0.2	25	0.4	8	0.5	50	0.3
Periodic detention and suspension of licence	0	0.0	0	0.0	1	0.1	1	0.0
Recognizance, probation and suspension of licence	22	0.3	20	0.3	16	0.9	58	0.3
Recognizance, probation, fine and suspension of licence	22	0.3	38	0.6	17	1.0	77	0.5
Recognizance and suspension of licence	47	0.6	85	1.3	45	2.6	177	1.0
Fine and suspension of licence	7336	84.1	5057	79.8	1314	76.4	13707	81.7
Fine, recognizance and suspension of licence	248	2.8	342	5.4	128	7.4	718	4.3
s556A (dismissal/'discharge recognizance')	833	9.5	539	8.5	98	5.7	1470	8.8
Not stated	125	1.4	99	1.5	19	1.1	240	1.4
<b>TOTAL</b>	<b>8719</b>	<b>100.0</b>	<b>6341</b>	<b>100.0</b>	<b>1719</b>	<b>100.0</b>	<b>16779</b>	<b>100.0</b>

## Multiple Offenders

Almost one in four (23.5 per cent) of the breathalyser offenders in 1973 had previous convictions for similar offences. Offenders with such a history were more likely to record 'medium' and 'high' blood alcohol readings (i.e. 0.160 or more).

Of 3941 offenders with previous drink/driving convictions, 2515 (63.8 per cent) had a 'medium' to 'high' blood alcohol level compared with 43.2 per cent of drivers with no previous drink/driving offences.

### Blood Alcohol Level

	No previous drink/driving offences		Previous drink/driving offences	
	No.	%	No.	%
0.080-0.155	7287	56.8	1426	36.2
0.160-0.225	4518	35.2	1818	46.2
0.230+	1022	8.0	697	17.6
	12827	100.0	3941	100.0

When the level of fines imposed on multiple offenders was compared with the fines received by first offenders a quite predictable picture emerged. The first offender was more likely to receive a light or medium fine, in fact 87.0 per cent received fines of less than \$200 compared to 50.9 per cent of offenders with previous drink/driving convictions. However, there were slightly fewer heavy fines (\$200+) given to multiple offenders in 1973 than in the previous year (49.1 per cent compared to 52.2 per cent).\*

	First offenders		One or more convictions	
	Number	Percentage	Number	Percentage
Less \$110	4856	37.9	982	24.9
\$110-\$199	6297	49.1	1024	26.0
\$200+	1673	13.0	1934	49.1
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	12826	100.0	3940	100.0

Common to all convictions\*\* for drink/driving offences is a period of licence suspension. Although the level of blood alcohol and the length of the suspension imposed are clearly related (P<1 per cent), for all levels in 1973 there was a

\* For comparison with 1972 figures see Appendix F in which an error in last year's Breathalyser report has been corrected.

\*\* Persons dealt with under s556A of the Crimes Act have not been 'convicted'

greater chance than in the previous year, of a driver receiving a suspension of less than six months. This trend is also reflected in the reduced numbers of suspensions of between one and two years.

Nonetheless those who registered low blood alcohol were far more likely than those with high alcohol levels to receive suspensions of less than six months (63.7 per cent compared with 41.2 per cent). Conversely, 23.9 per cent of offenders with high alcohol readings attracted suspensions of more than two years, compared to 7.8 per cent of drivers with low blood alcohol.

Period of suspension	1972	1973
	Percentage	Percentage
under 6 months	52.5	58.1
6 months - 1 year	9.4	8.7
1 year - 2 years	25.7	21.3
2 years +	12.4	11.9
	<hr/>	<hr/>
	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	5550	63.7	3492	55.1	708	41.2	9750	58.1
6 months - 1 year	766	8.8	561	8.8	138	8.0	1465	8.7
1 year - 2 years	1716	19.7	1384	21.8	463	26.9	3563	21.2
2 years +	682	7.8	899	14.2	410	23.9	1991	11.9
Not stated	5	0.0	5	0.1			10	0.1
	8719	100.0	6336	100.0	1719	100.0	16779	100.0

Appendix A

Offences under Sections 4E & 5 of the Motor Traffic Act

	1971	1972	1973
P C A	12,336	15,736	16,779
D U I	1,133	1,737	1,755
Refusal	406	299	319
Aid and abet	56	101	108
TOTAL	13,930	17,873	18,961
Increase in total over previous year		28.3%	6.1%



**Appendix B**

**Distribution of Blood Alcohol Levels**

Blood Alcohol Level	1972		1973	
	Number	Percentage	Number	Percentage
0.080 - 0.089	97	0.6	114	0.7
0.090 - 0.099	802	5.1	820	4.9
0.100 - 0.109	1141	7.2	1276	7.6
0.110 - 0.119	1221	7.8	1223	7.3
0.120 - 0.129	1238	7.9	1288	7.7
0.130 - 0.139	1232	7.8	1278	7.6
0.140 - 0.149	1253	8.0	1359	8.1
0.150 - 0.159	1253	8.0	1356	8.1
0.160 - 0.169	1165	7.4	1223	7.3
0.170 - 0.179	1015	6.4	1143	6.8
0.180 - 0.189	980	6.2	1054	6.3
0.190 - 0.199	843	5.4	906	5.4
0.200 - 0.209	842	5.3	814	4.9
0.210 - 0.219	607	3.9	646	3.9

Blood Alcohol Level	1972		1973	
	Number	Percentage	Number	Percentage
0.220 - 0.229	497	3.2	550	3.3
0.230 - 0.239	384	2.4	401	2.4
0.240 - 0.249	334	2.1	348	2.1
0.250 - 0.259	255	1.6	264	1.6
0.260 - 0.269	178	1.1	185	1.1
0.270 - 0.279	121	0.8	176	1.0
0.280 - 0.289	90	0.6	101	0.6
0.290 - 0.299	60	0.4	58	0.3
0.300 - 0.309	42	0.3	72	0.4
0.310 - 0.319	34	0.2	33	0.2
0.320 - 0.329	17	0.1	24	0.1
0.330+	35	0.2	57	0.3
Not stated	0	0	10	0.0
TOTAL	15,736	100.0	16,779	100.0

**Appendix C**

**Blood Alcohol by Age**

Blood Alcohol Level	Under 25 years		25 - 39 years		40 years+	
	Number	Percentage	Number	Percentage	Number	Percentage
Low (0.080 - 0.155)	3531	68.5	3090	48.2	1958	39.5
Medium (0.160 - 0.225)	1454	28.2	2587	40.3	2207	44.5
High (0.330+)	170	3.3	739	11.5	790	16.0
	5155	100.0	6416	100.0	4955	100.0

**Appendix D**

**Social Composition :**

Occupational status group	Breathalyser offenders (1973)	Drug offenders (1973)
	%	%
A	0.7	0.6
B	7.5	4.5
C	47.6	50.4
D	44.2	44.5

**Alcohol Level By Occupational Status**

Blood alcohol category	A		B		C		D	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
Low (0.080 - 0.155)	62	53.5	660	53.8	4207	54.1	3553	49.3
Medium (0.160 - 0.225)	41	35.3	452	36.9	2863	36.9	2819	39.1
High (0.330+)	13	11.2	114	9.3	701	9.0	838	11.6
	116	100.0	1226	100.0	7771	100.0	7210	100.0

## Appendix E

### 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	Municipality or Shire	Number of convictions	Rate per 1000 in 1973
Blue Mountains (City)	182	8.75	Mosman	82	2.83
Liverpool	484	5.89	Sutherland	427	2.73
Fairfield	611	5.24	Ryde	243	2.68
Waverley	321	4.87	Camden	33	2.65
Manly	191	4.85	Drummoyne	82	2.59
Leichhardt	320	4.65	Concord	66	2.57
Sydney (City)	254	4.40	Strathfield	69	2.53
Bankstown	705	4.32	Holroyd	201	2.51
Windsor	66	4.03	Lane Cove	70	2.38
Campbelltown	148	3.98	Woollahra	131	2.24
Blacktown	550	3.74	Canterbury	275	2.05
Marrickville	360	3.74	Hornsby	200	1.96
Auburn	176	3.63	Willoughby	87	1.62
Hunters Hill	48	3.43	Baulkham Hills	96	1.48
Kogarah	156	3.33	Ku-ring-gai	116	1.15
Ashfield	150	3.27			
Botany	126	3.27	Wollongong	739	3.59
Rockdale	275	3.27			
Burwood	101	3.20	Newcastle	1262	3.53
Parramatta	427	3.16			
North Sydney	167	3.13			
Hurstville	206	3.04			
Warringah	504	3.03			
Randwick	381	3.02			
Penrith	205	2.94			
South Sydney	111	2.89			

\* Population estimates as at 30th June, 1973.

**Appendix F**

**Fines by Offence History**

1972

	First offenders		One or more convictions	
	Number	Percentage	Number	Percentage
Less \$110	3843	32.3	551	15.0
\$110-\$199	6532	55.0	1203	32.8
\$200+	1509	12.7	1911	52.2
	<hr/>		<hr/>	
	11884	100.0	3665	100.0

1973

	First offender		One or more convictions	
	Number	Percentage	Number	Percentage
Less \$110	4856	37.9	982	24.9
\$110-\$199	6297	49.1	1024	26.0
\$200+	1673	13.0	1934	49.1
	<hr/>		<hr/>	
	12826	100.0	3940	100.0

