# The use of penalty notices for first time drink- and drugdriving 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

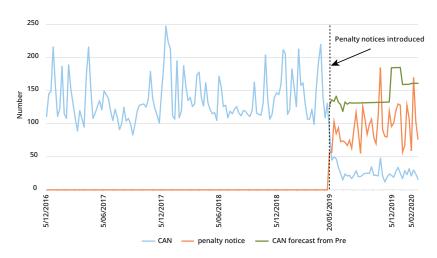
Logistic regression

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 prepolicy 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.