

8 March 2017

Mr Dennis Walsh  
General Manager (Land Transport Safety)  
Customer Services, Safety & Regulation  
Department of Transport and Main Roads

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Our ref: Criminal Law Committee

Dear Mr Walsh

### **Drink driving discussion paper 2017**

Thank you for your email dated 8 February 2017, inviting the society to comment on the drink driving discussion paper 2017. We commend the government for taking steps to address the issue of drink driving in Queensland.

This response has been compiled with the assistance of the Criminal Law Committee.

The discussion paper proposes to limit access to restricted (work) licences by:

- a. Abolishing restricted licences so that all convicted drink drivers will need to serve their licence disqualification period and cannot continue to drive even if required for work purposes.
- b. Excluding middle range BAC offenders (with a BAC of 0.10 - 0.149) from the work licence program.

The Society is concerned about the proposal to remove the option to apply for a work licence in low range drink driving matters. In our view, if the option to apply for a work licence is removed in low range drink driving matters, then this move should be offset by another means to allow low range first timers a chance to keep their driver licence. The financial and societal impacts of losing a driver licence for a short period upon people and their family units can be significant and devastating. This is particularly problematic for people in rural regional areas where public transport options are limited or unavailable.

In NSW, low range first time drink driving offenders can be placed on a good behaviour bond type order without disqualification. In NSW, a first time low range offender (with a Blood Alcohol Concentration under 0.1) can argue that they genuinely made an error of judgement and deserve a second chance. This situation might be contrasted with an individual who has a Blood Alcohol Concentration over 0.1 or a person who is a repeat offender.

We also consider that first time low range offenders could also be ticketed unless the police consider that the Court should deal with the offender. For example, the police might consider that the court should deal with offenders involved in accidents or police pursuits, as Magistrates generally consistently apply the penalty for this cohort of offender.

In our view, consideration should be given to including drink driving education programs as part of the proposed good behaviour bond order. This would be similar to the drug diversion program. This would involve the offender attending a single Drink Driving Education session at an arranged time within one month of conviction (as long as session times are made available). If the offender fails to attend the Drink Driving Education session, then the offender should be brought back to court and re-sentenced with a mandatory disqualification. We understand that this would require more police and court resources for individuals who fail to attend Drink Driving Education sessions. We therefore consider that the imposition of such bond type orders for low-level drink driving offences should be left to the discretion of the judicial officer.

We look forward to our continued involvement in the policy and legislative process.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Senior Policy Solicitor, Ms Binari De Saram on [b.desaram@qls.com.au](mailto:b.desaram@qls.com.au) or 3842 5889.

Yours faithfully



Christine Smyth  
**President**