

PROSECUTION'S SENTENCING TARIFFS FOR S 67(1)(b) ROAD TRAFFIC ACT

1 An accused has a choice whether to **Plead Guilty** or to **Claim Trial** to the charge of drink-driving. Before the Court imposes sentence, he can inform the Court of matters that he thinks are relevant to sentencing

2 The Prosecution will ask the Court to impose a **fine** and a **driving disqualification** order if...



3 The **fine** and **driving disqualification** order that the Prosecution will be seeking in cases falling under No. 2 (above) will be as follows...

ALCOHOL LEVEL (BEA) µg / 100ml of breath <small>For blood alcohol readings, multiply by 0.4375 to obtain BEA level</small>	JUDGE HAS POWER TO IMPOSE	THE PROSECUTION WILL ASK	
	Section 67(1) RTA	PG at Mentions Stage	PG <i>after</i> Mentions Stage
BEA 36 - 54	\$2,000 - \$10,000 OR	BEA 40 - 44 \$2,000 (min) AND 24 months' DQ BEA 45 - 54 \$2,500 AND 24 months' DQ	\$2,000 (min) - \$4,000 AND 24 - 30 months' DQ
BEA 55 - 69	Imprisonment not exceeding 12 months OR <i>Both</i>	BEA 55 - 62 \$4,000 AND 30 months' DQ BEA 63 - 69 \$4,500 AND 30 months' DQ	\$4,000 - \$6,000 AND 30 - 36 months' DQ
BEA 70 - 89	AND Section 67(2)(a) DQ at least 2 years from conviction date	BEA 70 - 79 \$6,000 AND 36 months' DQ BEA 80 - 89 \$6,500 AND 36 months' DQ	\$6,000 - \$8,000 AND 36 - 48 months' DQ
BEA 90 - 100		BEA 90 - 99 \$8,000 AND 48 months' DQ BEA ≥ 100 \$8,500 AND 48 months' DQ	\$8,000 - \$10,000 (max) AND 48 - 60 months' DQ (or longer)

4 The Prosecution reserves the right to revise its sentencing positions in the above (No. 3) should new facts or new circumstances emerge. In the event that the Prosecution decides to exercise this right, the Prosecution will inform an accused as soon as possible

IMPORTANT!

The Court will decide the appropriate sentence (and not the Prosecution or the Police)

The information provided herein is not intended or meant to be legal advice. An accused charged with an offence of drink driving under s 67(1)(b) of the Road Traffic Act is entitled to seek legal advice on his rights, and on the information contained herein. These include -
 (i) whether he should plead guilty,
 (ii) whether any defences apply; and
 (iii) whether there are any relevant circumstances and/or mitigating considerations which may affect his sentence.