

## DRINK DRIVING PENALTIES – AFTER 30 APRIL 2018

### Full Licence (26 years or older)

Offence Description section 49(1)(b) Road Safety Act 1986 (Vic) <sup>1</sup>	Minimum Disqualification Period <sup>2</sup>		Maximum Fine (penalty units) <sup>3</sup> or Term of Imprisonment			Minimum Interlock Period <sup>4</sup> (months)	
	First Offence	Subsequent Offence	First Offence <sup>5</sup>	Second Offence <sup>6</sup>	Subsequent Offence <sup>7</sup>	First Offence	Second Offence
	<b>less than ·05</b>	3 months	12 months	20 pu	60 pu or 6 months	180 pu or 18 months	6
<b>·05 or more but less than ·07</b>	6 months	12 months	20 pu	60 pu or 6 months	120 pu or 12 months	6	12
<b>·07 or more but less than ·08</b>	6 months	14 months	20 pu	60 pu or 6 months	120 pu or 12 months	6	12
<b>·08 or more but less than ·09</b>	6 months	16 months	20 pu	60 pu or 6 months	120 pu or 12 months	6	12
<b>·09 or more but less than ·10</b>	6 months	18 months	20 pu	60 pu or 6 months	120 pu or 12 months	6	12
<b>·10 or more but less than ·11</b>	10 months	20 months	20 pu	60 pu or 6 months	120 pu or 12 months	6	12
<b>·11 or more but less than ·12</b>	11 months	22 months	20 pu	60 pu or 6 months	120 pu or 12 months	6	12
<b>·12 or more but less than ·13</b>	12 months	24 months	20 pu	60 pu or 6 months	120 pu or 12 months	6	12
<b>·13 or more but less than ·14</b>	13 months	26 months	20 pu	60 pu or 6 months	120 pu or 12 months	6	12
<b>·14 or more but less than ·15</b>	14 months	28 months	20 pu	60 pu or 6 months	120 pu or 12 months	6	12

<sup>1</sup> Section 49(1)(b) Road Safety Act 1986 (Vic) states that “a person is guilty of an offence if he or she drives a motor vehicle or is in charge of a motor vehicle while the prescribed concentration of alcohol or more than the prescribed concentration of alcohol is present in his or her blood or breath”.

<sup>2</sup> Section 50(1A) Road Safety Act 1986 (Vic).

<sup>3</sup> One penalty unit is currently \$165.22, from 1 July 2019 to 30 June 2020.

<sup>4</sup> Offence committed on or after 1 October 2014.

<sup>5</sup> Section 49(2A)(a) Road Safety Act 1986 (Vic).

<sup>6</sup> Section 49(2A)(b) Road Safety Act 1986 (Vic).

<sup>7</sup> Section 49(2A)(c) Road Safety Act 1986 (Vic).

# GARDE WILSON

L A W Y E R S

SINCE 1998

<b>·15 or more but less than ·16</b>	15 months	30 months	20 pu	120 pu or 12 months	180 pu or 18 months	6	48
<b>·16 or more but less than ·17</b>	16 months	32 months	20 pu	120 pu or 12 months	180 pu or 18 months	6	48
<b>·17 or more but less than ·18</b>	17 months	34 months	20 pu	120 pu or 12 months	180 pu or 18 months	6	48
<b>·18 or more but less than ·19</b>	18 months	36 months	20 pu	120 pu or 12 months	180 pu or 18 months	6	48
<b>·19 or more but less than ·20</b>	19 months	38 months	20 pu	120 pu or 12 months	180 pu or 18 months	6	48
<b>·20 or more but less than ·21</b>	20 months	40 months	20 pu	120 pu or 12 months	180 pu or 18 months	6	48
<b>·21 or more but less than ·22</b>	21 months	42 months	20 pu	120 pu or 12 months	180 pu or 18 months	6	48
<b>·22 or more but less than ·23</b>	22 months	44 months	20 pu	120 pu or 12 months	180 pu or 18 months	6	48
<b>·23 or more but less than ·24</b>	23 months	46 months	20 pu	120 pu or 12 months	180 pu or 18 months	6	48
<b>·24 or more</b>	24 months	48 months	20 pu	120 pu or 12 months	180 pu or 18 months	6	48

## DRINK DRIVING PENALTIES – AFTER 30 APRIL 2018

### Full Licence (26 years or older)

Offence Description	Minimum Disqualification Period <sup>9</sup>	Maximum Fine (penalty units) <sup>10</sup>	Maximum Fine (\$) <sup>11</sup>	Maximum Term of Imprisonment
<b>section 49(1)(a) Road Safety Act 1986 (Vic)<sup>8</sup></b>				
<b>First Offence</b>	2 years	25 penalty units	4,130.50	3 months
<b>Second Offence</b>	4 years	120 penalty units	19,826.40	12 months
<b>Subsequent Offence</b>	4 years	180 penalty units	29,739.60	18 months

<sup>8</sup> Section 49(1)(a) *Road Safety Act 1986 (Vic)* states that “a person is guilty of an offence if he or she drives a motor vehicle or is in charge of a motor vehicle while under the influence of intoxicating liquor or of any drug to such an extent as to be incapable of having proper control of the motor vehicle”.

<sup>9</sup> Section 50(1B) *Road Safety Act 1986 (Vic)*.

<sup>10</sup> Section 49(2) *Road Safety Act 1986 (Vic)*.

<sup>11</sup> One penalty unit is currently \$165.22, from 1 July 2019 to 30 June 2020.

## COMBINED DRINK AND DRUG DRIVING PENALTIES – AFTER 30 APRIL 2018

### Full Licence (26 years or older)

Offence Description  section 49(1)(bc) Road Safety Act 1986 (Vic) <sup>12</sup>	Minimum Disqualification Period <sup>13</sup> (months)		Maximum Fine (\$)	Maximum Fine (\$)	Maximum Imprisonment (months)	Maximum Fine (\$)	Maximum Imprisonment (months)
	First Offence	Subsequent Offence	First Offence <sup>14</sup>	Second Offence <sup>15</sup>	Subsequent Offence <sup>16</sup>		
less than ·07	12	24	4,956.60	14,869.80	6	29,739.60	12
·07 or more but less than ·08	12	26	4,956.60	14,869.80	6	29,739.60	12
·08 or more but less than ·09	12	28	4,956.60	14,869.80	6	29,739.60	12
·09 or more but less than ·10	12	30	4,956.60	14,869.80	6	29,739.60	12
·10 or more but less than ·11	16	32	4,956.60	14,869.80	6	29,739.60	12
·11 or more but less than ·12	17	34	4,956.60	14,869.80	6	29,739.60	12
·12 or more but less than ·13	18	36	4,956.60	14,869.80	6	29,739.60	12
·13 or more but less than ·14	19	38	4,956.60	14,869.80	6	29,739.60	12
·14 or more but less than ·15	20	40	4,956.60	14,869.80	6	29,739.60	12
·15 or more but less than ·16	21	42	4,956.60	29,739.60	12	44,609.40	18
·16 or more but less than ·17	22	44	4,956.60	29,739.60	12	44,609.40	18

<sup>12</sup> Section 49(1)(b) *Road Safety Act 1986* (Vic) states that “a person is guilty of an offence if he or she drives a motor vehicle or is in charge of a motor vehicle while both the prescribed concentration of alcohol or more than the prescribed concentration of alcohol is present in his or her blood or breath; and the prescribed concentration of drugs or more than the prescribed concentration of drugs is present in his or her blood or oral fluid”.

<sup>13</sup> Section 50(1AD) *Road Safety Act 1986* (Vic).

<sup>14</sup> Section 49(3AAB)(a) *Road Safety Act 1986* (Vic).

<sup>15</sup> Section 49(3AAB)(b) *Road Safety Act 1986* (Vic).

<sup>16</sup> Section 49(3AAB)(c) *Road Safety Act 1986* (Vic).

**GARDE  
WILSON**

LAWYERS

SINCE 1998

<b>·17 or more but less than ·18</b>	23	46	4,956.60	29,739.60	12	44,609.40	18
<b>·18 or more but less than ·19</b>	24	48	4,956.60	29,739.60	12	44,609.40	18
<b>·19 or more but less than ·20</b>	25	50	4,956.60	29,739.60	12	44,609.40	18
<b>·20 or more but less than ·21</b>	26	52	4,956.60	29,739.60	12	44,609.40	18
<b>·21 or more but less than ·22</b>	27	54	4,956.60	29,739.60	12	44,609.40	18
<b>·22 or more but less than ·23</b>	28	56	4,956.60	29,739.60	12	44,609.40	18
<b>·23 or more but less than ·24</b>	29	58	4,956.60	29,739.60	12	44,609.40	18
<b>·24 or more</b>	30	60	4,956.60	29,739.60	12	44,609.40	18