



THE LAW SOCIETY
OF NEW SOUTH WALES

Our ref: Crim:DHrg1536391

5 June 2018

Mr Bernard Carlon
Executive Director
Centre for Road Safety
Transport for NSW
PO Box K659
Haymarket NSW 1240

Dear Mr Carlon,

Low range PCA – infringement notice proposal

It has come to the attention of the Law Society of NSW that the NSW Government is considering a proposal whereby low range drink driving first offenders will be dealt with by an infringement notice.

We have concerns that the effect of the “drink driving is a crime” campaign would be diluted if these offences are dealt with by an infringement notice.

Denouncing a crime and deterring others from committing similar offences are two of the purposes of sentencing under section 3A of the *Crimes (Sentencing Procedure) Act 1999*. We query whether these purposes are achieved under this proposal, and query its impact on recidivism rates.

It is likely that many first offenders will not seek legal advice following receipt of an infringement notice, and may therefore be unaware of the benefits of court election including a discharge without conviction, a possible reduction in penalty and the availability of therapeutic models such as traffic offender programs.

We understand that this proposal is still under consideration, and we would appreciate the opportunity to discuss our concerns with you.

The Law Society contact for this matter is Rachel Geare, Senior Policy Lawyer, who can be reached on (02) 9926 0310 or at rachel.geare@lawsociety.com.au.

Yours sincerely,

Doug Humphreys OAM
President