

## DOUBLE TROUBLE

The “Special Range” drink driving offence starts *on* 0.02 [PCA]. But any driver can fit into it inadvertently through fine default. Some better-known “special category” drivers are of public passenger vehicles, coaches and heavy lorries. Learners, provisional and disqualified drivers are in it. The lesser known are those whose licences were suspended or cancelled by non-payment of traffic fines.

State Debt Recovery Office and RTA notifications by mail are inherently unreliable, particularly to remote rural people. They are not administered by the Police Department. They are not sent by security mail. No proof of receipt is required. Some drivers don’t get notifications promptly, if at all. There aren’t follow-up notices once the fine is paid. There are no extra notifications if some but not all the fines are mistakenly paid. You might not know you are suspended from driving for fine default and yet be a “special category” driver.

Yet the crime of “Drive on road while suspended” carries a serious maximum sentence of 18 months gaol, fines of \$3,300, or both, and disqualification from driving for 12 months. Additionally, the driver faces an escalation in the maximum disqualification period for the drink drive crime, because it becomes a “multiple offences”, and as a 1<sup>st</sup> offence, carries 3 years off the road as an automatic maximum.

The legislation punishes a driver for drink driving on a suspended licence that falls unwittingly into this “special category” because of fine default, more than it does a lorry or bus driver, already in the special category because of the job and who had a drink on the road.

The “Special Range” penalties mirror the “Low Range”, except for the lower range [0.02 versus 0.05]. Yet at higher blood/alcohol levels the “special category” driver steps out of this “Special Range” into the Low, Middle or High ranges. The legislation does not regard the lorry driver to be more culpable for drinking more alcohol above the normal penalties in the other ranges.

The legislation seriously punishes the perhaps unlucky inadvertent fine defaulter disproportionately to the (some would say) more culpable drinking bus driver in the same special range. The former might not even know they are in that range, whereas the latter ought to know. As such, the special range is not so special. It is a very ordinary method of collecting fines.

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