

This is a draft of the document after user testing. Graphic design to come.

PCA Offence

The Charge

Drink-driving, or PCA (Prescribed Concentration of Alcohol) is a criminal offence (*Road Transport Act (NSW) 2013*). If you are found guilty, you will have a criminal record.

If you have been charged with PCA, the Police should have:

1. given you a breath test, usually a roadside test
2. taken you to a police station or a special mobile testing bus
3. given you a second test on a different test machine
4. given you a Court Attendance Notice and a Breath Analysis Record. If you were charged with a mid- or high-range PCA, your driving license would have been immediately suspended. You must not drive while your licence is suspended.

If the police have not done all 4 steps, please tell us.

Mentions Hearing

You must attend court on the date listed on your Court Attendance Notice.

The Mentions Hearing is to hear your plea and set a date for your Sentence Hearing. We will enter a plea of guilty or not guilty for you.

We recommend asking the court for a six-week adjournment before your sentence hearing. During this time you should do a **Traffic Offenders Program**. This course educates you about the dangers of drink driving. It usually takes 6 weeks and may have to do weekly assignments. In our experience, doing a Traffic Offenders Program is a good way to show the court you have taken steps to fix your mistake. The court may give you a lesser punishment.

Sentence Hearing

We will return to court on the date set in the Mentions Hearing. In the Sentence Hearing the magistrate will decide your penalty.

Your penalty will depend on your individual circumstances. The magistrate will be guided by the PCA sentencing guidelines on the next page.

To help the magistrate decide your penalty, we will give the court:

- **Character references** – these show the magistrate the kind of person you are.
- A **letter of apology** – you can say ‘sorry’ for your offence, explain what you learned from the Traffic Offenders Program, and promise not to commit this offence again
- **Submissions** – we will write a document applying the law to your situation. We will present reasons to reduce your sentence (mitigating factors) and defend against any reasons to increase your sentence (aggravating factors).

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PCA Penalties

Offence	Maximum fine	Maximum jail	Automatic disqualification	Minimum disqualification	Other penalty
<i>First major offence in 5 years</i>					
P-plate PCA 0.01-0.019	\$1,100	Nil	6 months	3 months	
Bus/truck PCA 0.02-0.049	\$1,100	Nil	6 months	3 months	
Low range PCA 0.05-0.079	\$1,100	Nil	6 months	3 months	
Mid range PCA 0.08-0.149	\$2,200	9 months	12 months	6 months	
High range PCA Over 0.150	\$3,300	18 months	3 years	12 months	Mandatory Interlock Program*

About Frank Law

Text to come

Have you been charged with Drink-driving?

Frank Law can help you deal with this charge and work through the legal process.

We'll strive to get you the best possible outcome in the circumstances.