

EXAMPLES OF QUESTIONS YOU MAY BE ASKED AT A MAGISTRATES COURT **DRINK DRIVING PLEA**

*This is just a guide. Magistrates may be interested in other matters not contained in this outline.
Each Plea will be determined on its own facts and the outcome will be determined by matters personal to you.*

Personal Details

- ▶ Full Name:

- ▶ Date of birth and age:

- ▶ Type of licence held:

Eg: Full, probationary, learners

- ▶ How long have you held your licence?

- ▶ Family status?

Eg: Married, de facto, single, children

Circumstances of Offence

- ▶ How much and what type of alcohol was consumed?

- ▶ What were your general drinking habits at the time of the offence?

- ▶ What have been your general drinking habits since the offence?

- ▶ Were you served with a notice of immediate suspension (s51 notice) when you were pulled over?

If yes, your licence cancellation period should be backdated to cover the period you have already been off the road.

- ▶ If you have driving priors alleged by police, what were the circumstances of that/those offence(s)?

Eg: date, your age, type of offence, BAC level

Current Circumstances

- ▶ Employment:

Eg: Title of role, full time, part, time, casual, none/Centrelink, how long you have worked there.

- ▶ How much do you earn per week? *Net income after tax*

- ▶ Total value of expenses each week *Eg: Mortgage, rent, bills, loans*

- ▶ Any medical, physical or psychological conditions? How do they relate to the current offence? **ATTACH**

Provide evidence in the form of a signed and dated letter from a professional. Eg: doctor, psychologist, counsellor.

- ▶ Do you have any character evidence? **ATTACH**

Full name of the referee, signed and dated character references from people who are aware of the offence, but think you're a good person anyway. These references should also talk about your current drinking habits and talk about the importance of your licence to you.

Loss of Licence

- ▶ How will the loss of licence affect you? *Employment, family commitments?*

- ▶ How are you planning to travel around without your licence?

Public transport, lifts with friends/family?

Whether to impose a conviction

Note: The imposition of a conviction is a separate act both to the finding of guilt and the imposition of penalty. As part of your sentence, a Magistrate will determine if you should be 'convicted' for the current offence.

- ▶ Is this your first offence? If no, explain.

For any type of offence, not just drink driving

- ▶ Will a conviction impact on plans to travel overseas in the future?

Some countries ask whether you have a criminal conviction on Visa forms - Eg: the US, Canada, NZ

- ▶ Will a conviction impact on employment prospects?

Eg: Certain jobs in the public service, legal, medical or any position might require a police check

- ▶ Do you have prior good character before committing this offence?

If this is your first offence, then you are entitled to rely on your prior good character. You can also rely on character references.