

# Drug and alcohol offences

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**Note:**

The information given below is a guide only and is subject to change at any time without notice.

## Prescribed concentration of alcohol (PCA) and other drug and alcohol-related offences

This is a list of some of the more serious offences:

PCA offence	Penalties	First Offence	Second or subsequent offence
<b>High range PCA</b> (Blood alcohol concentration of 0.15 or above)	Maximum court- imposed fine	\$3,300	\$5,500
OR	Maximum gaol term	18 months	2 years
Refuse a breath analysis, hinder or obstruct taking of a blood sample, wilfully alter the concentration in the blood.	Disqualification		
	-minimum	12 months	2 years
	-maximum	Unlimited	Unlimited
	-automatic*	3 years	5 years
	Immediate licence suspension	Yes	Yes
<b>Mid range PCA</b> (Blood alcohol concentration of 0.08 to less than 0.15)	Maximum court- imposed fine	\$2,200	\$3,300
	Maximum gaol term	9 months	12 months
	Disqualification		
	-minimum	6 months	12 months
	-maximum	Unlimited	Unlimited
	-automatic*	12 months	3 years
	Immediate licence suspension	Yes	Yes
<b>Low range PCA</b> (Blood alcohol concentration of 0.05 to less than 0.08)	Maximum court- imposed fine	\$1,100	\$2,200
	Maximum gaol term	N/a	N/a
	Disqualification		
	-minimum	3 months	6 months
	-maximum	6 months	Unlimited
	-automatic*	6 months	12 months
	Immediate licence suspension	No	No
<b>Novice range PCA</b> (Blood alcohol concentration over zero for novice drivers)			
OR			
<b>Special range PCA</b> (Blood alcohol concentration over 0.02 for special category drivers)			

\* 'automatic' is the disqualification period that applies in the absence of a specific court order.

## Penalties for the offences of driving under the influence of a drug or alcohol and driving with the presence of a prescribed illicit drug in NSW.

Offence	Penalties	First Offence	Second or subsequent offence
Drive under the influence of alcohol or another drug.	Maximum court-imposed fine	\$2,200	\$3,300
	Maximum gaol term	9 months	12 months
	Disqualification	6 months	12 months
	-minimum		
	-maximum	Unlimited	Unlimited
	-automatic*	12 months	3 years
Drive with the presence of any of the following drugs in oral fluid, blood or urine:	Maximum court-imposed fine	\$1,100	\$2,200
<ul style="list-style-type: none"> <li>Active THC (Cannabis),</li> </ul>			
<ul style="list-style-type: none"> <li>Methylamphetamine (Speed/ice) or</li> </ul>	Disqualification	3 months	6 months
<ul style="list-style-type: none"> <li>Methylenedioxymethylamphetamine (MDMA or 'ecstasy').</li> </ul>	-minimum		
	-maximum	6 months	Unlimited
	-automatic*	6 months	12 months
Drive with the presence of any of the following drugs in blood or urine:	Maximum court-imposed fine	\$1,100	\$2,200
<ul style="list-style-type: none"> <li>Morphine (unless proven for medicinal use)</li> </ul>			
<ul style="list-style-type: none"> <li>Cocaine</li> </ul>	Disqualification	3 months	6 months
	-minimum		
	-maximum	6 months	Unlimited
	-automatic*	6 months	12 months
Refuse to provide oral fluid sample.	Maximum court-imposed fine	\$3,300	\$5,500
OR			
Refuse or fail to submit to providing a blood sample when unable to provide an oral fluid sample.	Maximum gaol term	N/a	18 months
	Disqualification	6 months	12 months
	-minimum		
	-maximum	Unlimited	Unlimited
	-automatic*	3 years	5 years
Willfully introduce or alter the amount of a drug in oral fluid or blood after being required to provide an oral fluid or blood sample.	Maximum court-imposed fine	\$3,300	\$5,500
	Disqualification	6 months	12 months
	-minimum		
	-maximum	Unlimited	Unlimited
	-automatic*	3 years	5 years
Refuse to submit to taking of a blood or urine sample after involvement in a fatal crash.	Maximum court-imposed fine	\$3,300	\$5,500