

Drug and alcohol offences

Mandatory Alcohol Interlock Program

From 1 February 2015, stricter penalties for NSW drivers convicted of serious and repeat drink driving offences will come into effect. [Read more >>](#)

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

High range PCA or refuse, hinder, obstruct or alter sample

High range PCA (blood alcohol concentration of 0.15 or above)

OR

Refuse a breath analysis, hinder or obstruct taking of a blood sample, wilfully alter the concentration in the blood.

Penalty	First offence	Second or subsequent offence
Maximum court- imposed fine	\$3,300	\$5,500
Maximum gaol term	18 months	2 years
Minimum disqualification	12 months	2 years
Maximum disqualification	Unlimited	Unlimited
Automatic disqualification (disqualification period that applies in the absence of a specific court order)	3 years	5 years
Immediate licence suspension	Yes	Yes

Mid range PCA

(Blood alcohol concentration of 0.08 to less than 0.15)

Penalties	First offence	Second or subsequent offence
Maximum court- imposed fine	\$2,200	\$3,300
Maximum gaol term	9 months	12 months
Minimum disqualification	6 months	12 months
Maximum disqualification	Unlimited	Unlimited
Automatic disqualification (disqualification period that applies in the absence of a specific court order)	12 months	3 years
Immediate licence suspension	Yes	Yes

Low, novice or special range PCA

Low range PCA (Blood alcohol concentration of 0.05 to less than 0.08)

OR

Novice range PCA

(Blood alcohol concentration over zero for novice drivers)

OR

Special range PCA

(Blood alcohol concentration over 0.02 for special category drivers)

Penalty	First offence	Second or subsequent offence
Maximum court- imposed fine	\$1,100	\$2,200
Maximum gaol term	N/A	N/A
Minimum disqualification	3 months	6 months
Maximum disqualification	6 months	Unlimited
Automatic disqualification (disqualification period that applies in the absence of a specific court order)	6 months	12 months
Immediate licence suspension	No	No

Drive under the influence of alcohol or another drug

Penalty	First offence	Second or subsequent offence
Maximum court- imposed fine	\$2,200	\$3,300
Maximum gaol term	9 months	12 months
Minimum disqualification	6 months	12 months
Maximum disqualification	Unlimited	Unlimited
Automatic disqualification (disqualification period that applies in the absence of a specific court order)	12 months	3 years

Drive with the presence of cannabis, speed/ice or MDMA/ecstasy in oral fluid, blood or urine

Drive with the presence of any of the following drugs in oral fluid, blood or urine:

- Active THC (Cannabis)
- Methylamphetamine (Speed/ice) or
- Methylenedioxymethylamphetamine (MDMA or 'ecstasy').

Penalty	First offence	Second or subsequent offence
Maximum court- imposed fine	\$1,100	\$2,200
Minimum disqualification	3 months	6 months
Maximum disqualification	6 months	Unlimited
Automatic disqualification (disqualification period that applies in the absence of a specific court order)	6 months	12 months

Drive with the presence of morphine or cocaine in blood or urine

Drive with the presence of any of the following drugs in blood or urine:

- Morphine (unless proven for medicinal use)
- Cocaine.

Penalty	First offence	Second or subsequent offence
Maximum court- imposed fine	\$1,100	\$2,200
Minimum disqualification	3 months	6 months
Maximum disqualification	6 months	Unlimited
Automatic disqualification (disqualification period that applies in the absence of a specific court order)	6 months	12 months

Refuse to provide samples

Refuse to provide oral fluid sample

OR

Refuse or fail to submit to providing a blood sample when unable to provide an oral fluid sample.

Penalty	First offence	Second or subsequent offence
Maximum court- imposed fine	\$3,300	\$5,500
Maximum gaol term	Not applicable	18 months
Minimum disqualification	6 months	12 months
Maximum disqualification	Unlimited	Unlimited
Automatic disqualification (disqualification period that applies in the absence of a specific court order)	3 years	5 years

Introduce or alter the amount of a drug in oral fluid or blood

Wilfully introduce or alter the amount of a drug in oral fluid or blood after being required to provide an oral fluid or blood sample.

Penalty	First offence	Second or subsequent offence
Maximum court- imposed fine	\$3,300	\$5,500
Minimum disqualification	6 months	12 months
Maximum disqualification	Unlimited	Unlimited
Automatic disqualification (disqualification period that applies in the absence of a specific court order)	3 years	5 years

After a fatal accident

Refuse to submit to taking of a blood or urine sample after involvement in a fatal crash

OR

Wilfully introduce or alter the amount of a drug in blood or urine after involvement in a fatal crash.

Penalty	First offence	Second or subsequent offence
Maximum court- imposed fine	\$3,300	\$3,300
Maximum gaol term	18 months	2 years
Minimum disqualification	6 months	12 months
Maximum disqualification	Unlimited	Unlimited
Automatic disqualification (disqualification period that applies in the absence of a specific court order)	3 years	5 years