

No 6: Drive While Disqualified or Suspended

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Summary

Drive while disqualified

- There were 636 sentences imposed in the Magistrates Court between 1 July 2012 and 31 August 2015 for the offence of drive while disqualified
- Good behaviour orders (GBOs) were the most common outcome, imposed in 27% of cases. The midpoint and most common sentence length was 12 months (54% of GBOs and 14% of all sentences)
- Fines were imposed in 23% of cases. The midpoint and most commonly imposed fine amount was \$500 (18% of fines and 4% of all sentences)
- Fully suspended sentences were imposed in 20% of cases, most commonly for 3 months (42% of such sentences and 8% of all sentences)
- Prison was imposed in 18% of cases, with a midpoint and most common length of 3 months (27% of prison terms and 5% of all sentences)
- The most common period of licence disqualification was 3 months
- Males accounted for 87% of offenders
- The most common age for offenders was 21-25
- 52% of offenders were sentenced for multiple offences
- Offenders most commonly entered a plea on their second occasion before a magistrate, and it took 3-5 appearances to finalise the matter
- 87% of offenders initially pleaded guilty; this rose to 95% for the final plea

Drive while suspended

- There were 861 sentences imposed for the offence of drive while suspended
- The most common penalty was a fine, imposed in 58% of cases. The midpoint and most common fine amount was \$300 (17% of fines and 10% of all sentences)
- The second most common penalty was a GBO, imposed in 34% of cases. The midpoint and most common term was 12 months (53% of GBOs and 16% of all sentences)
- The most common period of licence disqualification was over 5 years
- Males accounted for 76% of offenders
- The most common ages for offenders were 21-25 or 31-40
- 53% of offenders were sentenced for multiple offences
- Offenders most commonly entered a plea on their first occasion before a magistrate, and it took 1-2 appearances to finalise the matter
- 83% of offenders initially pleaded guilty; this rose to 94% for the final plea

Introduction

This sentencing snapshot presents an overview of sentencing patterns in the Australian Capital Territory (ACT) Magistrates Court between 1 July 2012 and 31 August 2015 for the offences of drive while disqualified and drive while suspended, based on data in the ACT Sentencing Database (ACTSD).

The offence of drive while disqualified is found in section 32(1) of the *Road Transport (Driver Licensing) Act 1999* (ACT) (the Act), which provides:

- (1) A person who is disqualified by a court in Australia or under the law of any jurisdiction from holding or obtaining an Australian driver licence must not—
- (a) drive a motor vehicle on a road or road related area during the period of disqualification except in accordance with a restricted licence issued to the person...

Maximum penalty:

- (a) for a first offender—50 penalty units, imprisonment for 6 months or both; or
- (b) for a repeat offender—100 penalty units, imprisonment for 1 year or both.

An offender convicted of this offence is also subject to an automatic licence disqualification period of at least 12 months for a first offender and at least 24 months for a repeat offender.¹

The offence of drive while suspended is found in section 32(2) of the Act, which provides:

- (2) A person whose Australian driver licence is suspended by a court in Australia or under the law of any jurisdiction must not—

- (a) drive a motor vehicle on a road or road related area during the period of suspension except in accordance with a restricted licence issued to the person...

Maximum penalty:

- (a) for a first offender—50 penalty units, imprisonment for 6 months or both; or
- (b) for a repeat offender—100 penalty units, imprisonment for 1 year or both.

An offender convicted of this offence is also subject to an automatic licence disqualification period. This may be for at least 1, 3 or 12 months, depending on the circumstances of their original licence suspension.²

1. *Road Transport (Driver Licensing) Act 1999* (ACT) s 32(5).

2. *Road Transport (Driver Licensing) Act 1999* (ACT) s 32(6).

At the time of writing, a penalty unit was worth \$150, so the maximum fine for a first offender convicted under section 32(1)(a) or 32(2)(a) was \$7 500. A repeat offender convicted under section 32(1)(b) or 32(2)(b) would be liable for a maximum fine of \$15 000.

Sentencing options in the ACT are set out in section 9 of the *Crimes (Sentencing) Act 2005* (ACT), which provides in relevant part:

(1) The penalty a court may impose for an offence is the penalty provided under this Act or any other territory law...³

Note 1 Under this Act, a court has the following sentencing and non-conviction options:

- imprisonment served by full-time detention at a correctional centre or detention place
- imprisonment served by periodic detention at a correctional centre
- suspension of a sentence of imprisonment
- good behaviour order
- fine order
- driver licence disqualification order
- non-conviction order
- reparation order
- non-association order
- place restriction order
- deferred sentence order
- accommodation order (young offenders only).

Note 2 A court may also impose a combination sentence combining 2 or more of the options listed in note 1 or otherwise available under a territory law.

When sentencing an offender, judicial officers are required to take a number of factors into account, including the nature and circumstances of the offence; the injury caused by the offence and impact on the victim; whether the offender pleaded guilty; and the offender's cultural background, character, prior criminal record, age and physical or mental condition.⁴

Drive While Disqualified

As set out in Table 1, there were 636 sentences imposed in the Magistrates Court between 1 July 2012 and 31 August 2015 for the offence of drive while disqualified (under s 32(1)(a) of the Act). The most common penalty was a good behaviour order (GBO), which was imposed in 27% of cases. The second most common penalty was a fine (23%). Fully suspended sentences were imposed in 20% of cases, followed by prison (18%). Periodic detention accounted for 6% of sentences, and partly suspended sentences for 4%. Some 'other' order⁵ represented 2% of sentences.

3. Some options may not be available or suitable for all offences.
4. *Crimes (Sentencing) Act 2005* (ACT) s 33(1).
5. 'Other' order includes forfeiture, rehabilitation and treatment orders, as well as nominal penalties, such as a dismissal.

Table 1: Sentencing outcomes for drive while disqualified

	Number of cases (636)	Proportion of cases	Range	80% range	Midpoint
Prison	113	18%	1-11 months	2-6 months	3 months
Periodic detention order (PD)	35	6%	2-10 months	3-6 months	3 months
Partly suspended sentence (PSS)	23	4%	2-12 months ⁶	3-6 months	5 months
Fully suspended sentence (FSS)	129	20%	1-9 months	2-4 months	3 months
Good behaviour order (GBO)	173	27%	3-24 months	12-18 months	12 months
Fine	148	23%	\$100- >\$5000	\$300- \$1000	\$500
Other order	15	2%	N/A	N/A	N/A

Note: All data in the ACTSD is rounded upwards, eg a term of 5 weeks' imprisonment would be shown as '2 months'. Percentages may not add up to 100 because of rounding

Table 1 also sets out details of the sentences imposed. Terms of imprisonment (n=113) ranged from 1 to 11 months, with 80% of sentences falling within the range of 2-6 months; 3 months represented the midpoint and most common term (27% of prison terms and 5% of all sentences). Periodic detention orders (n=33)⁷ ranged from 2 to 10 months, with 80% in the range of 3-6 months. The midpoint and most common term was 3 months (52% of such orders). The range for partly suspended sentences (n=23) was 2-12 months, with 80% falling in the range of 3-6 months. The midpoint and most common sentence length was 5 months (22% of such sentences). Fully suspended sentences (n=129) ranged from 1 to 9 months, with 80% falling within 2-4 months. The midpoint and most common length was 3 months (42% of such sentences and 8% of all sentences for this offence). GBOs (n=169)⁸ ranged from 3 to 24 months, though 80% of such orders were 12-18 months long. The midpoint for this penalty type was 12 months. This was also the most common penalty overall, accounting for 54% of GBOs and 14% of all sentences. Fines (n=148) ranged from \$100 to more than \$5 000, although 80% fell in the range of \$300-\$1 000. The midpoint and most commonly imposed fine was \$500 (18% of fines and 4% of all sentences). No further information was available on the 15 cases where some other order was imposed.

6. Data was not available on what portion of the sentence was suspended.
7. Details on length were missing for 2 periodic detention orders.
8. Details on length were missing for 4 GBOs.

Licence cancellation

Table 2: Length of licence disqualification by principal penalty

	3 months (158)	6-9 months (103)	1-5 years (153)	Over 5 years (145)
Prison (96)	54%	43%	2%	0%
PD (27)	63%	10%	0%	0%
Suspended sentence (136)	65%	34%	0%	1%
GBO (156)	0%	2%	97%	1%
Fine (144)	0%	1%	0%	99%

Data was available in 559 cases (88%) on the number and length of licence cancellation orders imposed in addition to the principal penalty. As set out in Table 2, 54% of cancellation orders attached to a prison sentence (n=96) were for 3 months, 43% were for 6-9 months and 2% were for 1-5 years. Periodic detention (n=27) and suspended sentences (n=136)⁹ were also associated with relatively short suspended periods: 63% and 65% respectively were for 3 months, while 10% and 34% respectively were for 6-9 months. One suspended sentence (1%) was associated with a disqualification period of over 5 years. By contrast, GBOs (n=156) were associated with 1-5 year disqualification periods in 97% of cases; 2% of disqualifications were for 6-9 months and 1% were for more than 5 years. Offenders who received a fine as their principal penalty (n=144) received very long disqualification periods: only one offender (1%) received a 6-9 month disqualification, while 99% had their licence disqualified for over 5 years.

Gender

Figure 1: Sentencing outcomes for drive while disqualified by gender

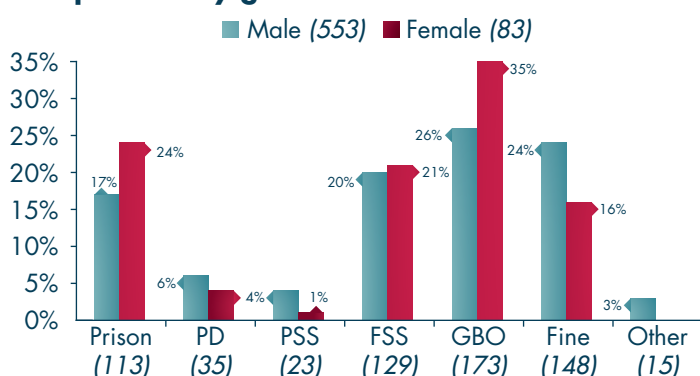


Figure 1 sets out the sentencing patterns on the basis of gender. Males accounted for 87% of offenders (n=553). Female offenders were more likely to receive a prison sentence (24% vs 17%) or GBO (35% vs 26%). Conversely, they were less likely to receive a fine (16% vs 24%). There were fairly similar rates for the other sentencing options: 4% vs 6% for periodic detention, 1% vs 4% for partly suspended sentences and 21% vs 20% for fully suspended sentences. Other orders were only imposed on male offenders, accounting for 3% of the sentences they received.

Age

Table 3 sets out the distribution of sentences by age. As can be seen, the largest group of offenders was aged 21-25 (27% of offenders), followed by offenders aged 31-40 (23%). The use of GBOs dominated in all age groups except 18-20 and 41-50, where fines were slightly more common.

Table 3: Sentencing outcomes for drive while disqualified by age

	18-20 (57)	21-25 (170)	26-30 (138)	31-40 (144)	41-50 (77)	Over 50 (50)
Prison (113)	3	36	36	20	9	9
PD (35)	3	9	3	7	8	5
PSS (23)	1	5	5	7	2	3
FSS (129)	14	35	32	24	15	9
GBO (173)	15	43	33	48	19	15
Fine (148)	21	40	23	35	20	9
Other (15)	0	2	6	3	4	0

Figure 2: Sentencing outcomes for the most common penalties for drive while disqualified by age

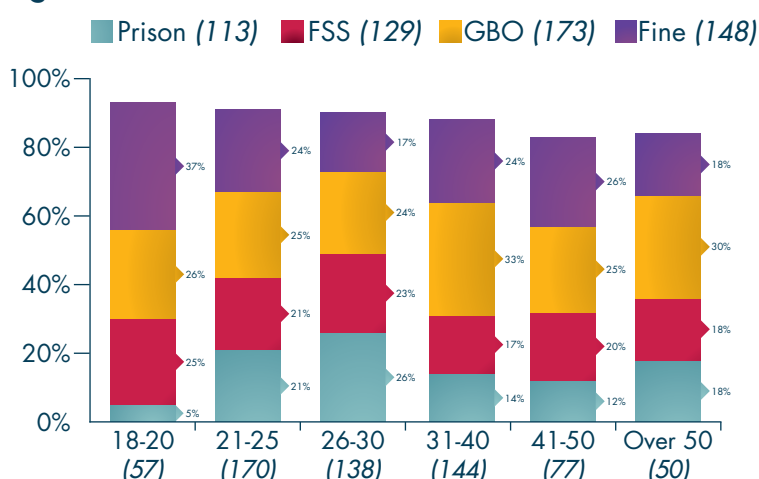


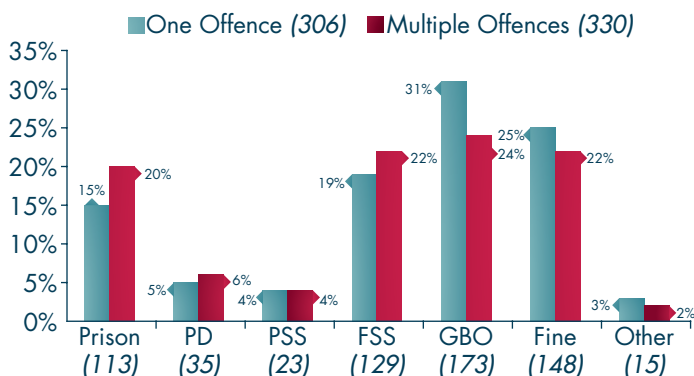
Figure 2 sets out the distribution of the most common penalties (prison, fully suspended sentences, GBOs and fines), which together accounted for 89% of sentences, by age. The use of prison ranged from 5% for offenders aged 18-20 to 26% for 26-30 year olds, with the remaining age groups receiving prison in 12%-21% of cases. The use of fully suspended sentences ranged from 17% for offenders aged 31-40 to 25% for those aged 18-20. Most age groups received GBOs in around a quarter of cases (24%-26%), while offenders aged 31-40 and over 50 received such an outcome in 33% and 30% of cases respectively. Finally, fines were least commonly imposed on offenders aged 26-30 (17%) and most commonly imposed on those aged 18-20 (37%).

9. The data did not distinguish between partly and fully suspended sentences.

Number of Offences

A small majority of offenders (52%; n=330) were sentenced for multiple offences, while 48% were sentenced for a single offence. Figure 3 shows that multiple offenders were more likely to receive prison (20% vs 15%) or fully suspended sentences (22% vs 19%), while single offenders were more likely to receive a GBO (31% vs 24%) or fine (25% vs 22%). There were similar rates for periodic detention (6% vs 5%), partly suspended sentences (both 4%) and other orders (2% vs 3%).

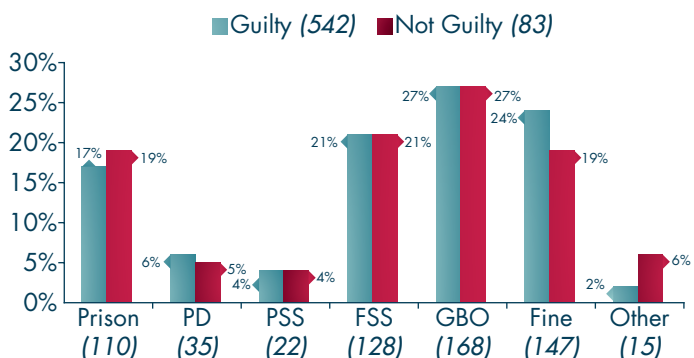
Figure 3: Sentencing outcomes for drive while disqualified by number of offences



Plea

Initial plea

Figure 4: Sentencing outcomes for drive while disqualified by initial plea



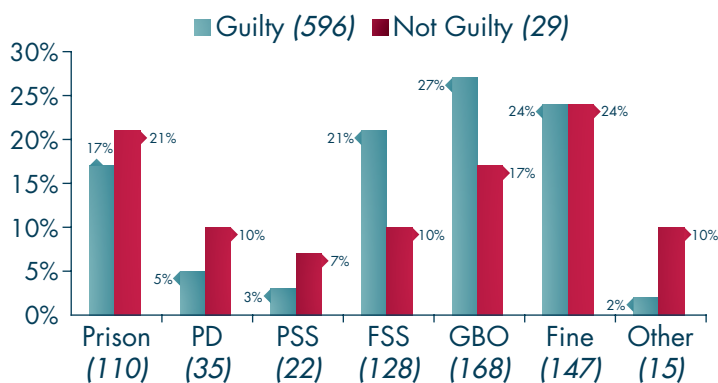
Most offenders (n=542) initially entered a guilty plea, while 83 entered a not guilty plea¹⁰. Accordingly, of offenders whose initial plea was reported, 87% pleaded guilty. As set out in Figure 4, there were similar outcomes overall, although offenders who initially pleaded guilty were more likely to receive a fine (24% vs 19%), while those with a not guilty plea were more likely to receive some other order (6% vs 2%). There were similar rates for the use of prison (19% vs 17%) and periodic detention (5% vs 6%), while partly suspended sentences, fully suspended sentences and GBOs were imposed at the same rates (4%, 21% and 27% respectively).

10. Data was not available for 11 offenders.

11. Data was not available for the remaining 11 offenders.

Final plea

Figure 5: Sentencing outcomes for drive while disqualified by final plea



Data on the offender's final plea was also available for 625 offenders¹¹. Of these, 596 (95%) entered a final plea of guilty, while 29 (5%) had a final plea of not guilty. As set out in Figure 5, offenders who had a final plea of not guilty were more likely to receive prison (21% vs 17%), periodic detention (10% vs 5%), partly suspended sentences (7% vs 3%) or some other order (10% vs 2%). On the other hand, they were less likely to receive a fully suspended sentence (10% vs 21%) or GBO (17% vs 27%). Fines were imposed at the same rate for both groups (24%).

Point of plea entry

Table 3: Sentencing outcomes for drive while disqualified by point of plea entry

	1 (169)	2 (171)	3 (108)	4-5 (104)	6 or more (73)
Prison (110)	8%	12%	18%	31%	33%
PD (35)	1%	11%	6%	6%	3%
PSS (22)	1%	3%	3%	9%	4%
FSS (128)	19%	22%	27%	18%	15%
GBO (168)	40%	29%	19%	18%	15%
Fine (147)	28%	23%	24%	15%	26%
Other (15)	2%	1%	4%	3%	4%

Data was also available for 625 offenders on the point of plea entry, that is, how many times they appeared before a magistrate before they first entered a plea. As set out in Table 3, 27% of offenders (n=169) entered a plea on their first appearance and another 27% (n=171) did so on the second occasion they appeared. In addition, 17% (n=108) did so on their third occasion and another 17% (n=104) entered their plea after 4-5 appearances. The remaining 12% (n=73) appeared six or more times before entering a plea.

Table 3 also sets out the sentencing patterns based on the point of plea entry. The use of prison increased with the number of appearances, from 8% to 33%. Conversely, GBOs became a less likely outcome, decreasing from 40% to 15%. Periodic detention orders were imposed in 1% to 11% of cases, while partly suspended sentences were imposed in 1% to 9% of cases. The use of fully suspended sentences ranged from 15% to 27%. Fines were imposed in 15% to 28% of cases, while other orders accounted for 1% to 4% of sentences.

Point of plea finalisation

Data was available for all offenders (n=636) as to the point when they finalised their plea, that is, how many times they appeared before a magistrate to get the matter settled. As set out in Table 4, 25% of offenders (n=157) appeared one or two times to get their matter finalised. Offenders most commonly appeared 3-5 times in court to finalise their matter (34%; n=214). A further 28% of offenders (n=179) appeared 6-10 times, while 14% (n=86) appeared 11 or more times before finalising their matter.

Table 4 also indicates that prison became an increasingly likely outcome with later plea finalisation, increasing from 6% of cases where the offender finalised their plea in 1-2 appearances to 28% of cases which took 11 or more appearances. Conversely, the use of GBOs decreased (from 41% to 20%), as did the likelihood of an offender receiving a fine (from 37% to 17%). There were no clear patterns for the remaining outcomes. Periodic detention accounted for 1% to 8% of outcomes, while partly suspended sentences were imposed in 1% to 6% of cases. The range for fully suspended sentences was 14% to 24%, while other orders accounted for 0% to 6% of outcomes.

Table 4: Sentencing for drive while disqualified by point of plea finalisation

	1-2 (157)	3-5 (214)	6-10 (179)	11 or more (86)
Prison (113)	6%	15%	27%	28%
PD (35)	1%	8%	7%	5%
PSS (23)	1%	5%	4%	6%
FSS (129)	14%	24%	21%	22%
GBO (173)	41%	25%	21%	20%
Fine (148)	37%	22%	15%	17%
Other (15)	1%	0%	6%	2%

Case study

The following represents a typical offender and sentencing outcome in the Magistrates Court for the offence of driving while disqualified: Mark was aged 23, committed multiple offences and pleaded guilty. He entered a plea on his second occasion before a magistrate, and it took four court appearances to finalise his plea. He received a 12 month GBO and had his licence disqualified for 12 months.

Drive While Suspended

As set out in Table 6, there were 861 sentences imposed in the Magistrates Court for drive while suspended (under s 32(2)(a) of the Act). The most common penalty was a fine, which accounted for 58% of sentences. The next most common penalty was a GBO, which was imposed in 34% of cases. Fully suspended sentences accounted for 3% of sentences, while prison sentences and other orders were each imposed in 2% of cases. Periodic detention and partly suspended sentences were rarely imposed, each representing 0% of all sentences.

12. Details on the length of GBO were missing for 32 cases.

13. Data was not available in the remaining 170 cases.

Table 6: Sentencing outcomes for drive while suspended

	Number of cases (861)	Proportion of cases	Range	80% range	Midpoint
Prison	21	2%	1-4 months	1-3 months	2 months
PD	2	0%	1-2 months	1-2 months	1 month
PSS	3	0%	3 months	3 months	3 months
FSS	29	3%	1-4 months	2-3 months	2 months
GBO	293	34%	3-24 months	6-12 months	12 months
Fine	497	58%	\$50-\$2000	\$200-\$500	\$300
Other	16	2%	N/A	N/A	N/A

Table 6 also sets out details of the sentences imposed. Terms of imprisonment (n=21) ranged from 1 to 4 months, with 80% of sentences falling in the range of 1-3 months; 2 months represented the midpoint and most common term (38% of prison sentences). The periodic detention orders (n=2) were 1 and 2 months long, with a midpoint of 1 month. The partly suspended sentences (n=3) were all 3 months long. Fully suspended sentences (n=29) ranged from 1 to 4 months, although 80% were 2-3 months long. The midpoint and most commonly imposed length was 2 months (45% of such sentences). GBOs (n=261)¹² ranged from 3 to 24 months, with 80% of such orders 6-12 months long. The midpoint and most common term was 12 months, accounting for 53% of GBOs and 16% of all sentences for this offence. Fines (n=497) ranged from \$50 to \$2 000, although 80% fell in the range of \$200-\$500. The midpoint and most common fine was \$300, accounting for 17% of fines and 10% of all sentences. No further information was available on the 16 cases where some other order was imposed.

Licence cancellation

Table 7: Length of licence cancellation by principal penalty

	3 months (51)	6-9 months (25)	1-5 years (131)	Over 5 years (484)
Prison (18)	100%	0%	0%	0%
PD (2)	100%	0%	0%	0%
Suspended sentence (31)	90%	10%	0%	0%
GBO (157)	1%	14%	83%	2%
Fine (483)	0%	0%	0%	100%

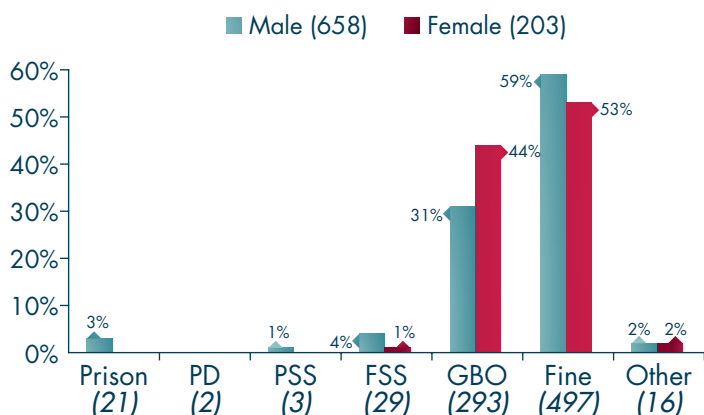
Data was available in 691 cases (80%) on the number and length of licence cancellation orders imposed in addition to the principal penalty¹³. As set out in Table 7, custodial sentences were associated with short cancellation periods: all prison sentences (n=18) and periodic detention orders (n=2) only had 3 month cancellation periods. The cancellation period associated with suspended sentences (n=31) was also mostly 3 months (90%), although 10%

were cancelled for 6-9 months. On the other hand, most GBOs (83%) were associated with a 1-5 year cancellation period (83%); there were also cancellation periods of 3 months (1%), 6-9 months (14%) and over 5 years (2%). All fines (n=483) were associated with licence cancellation of over 5 years.

Gender

Figure 6 sets out the sentencing patterns on the basis of gender. Males accounted for 76% of offenders (n=658). Only men received prison sentences (in 3% of cases), periodic detention (in 2 cases, although this amounted to 0% of sentences imposed on men) or partly suspended sentences (1%). Men were also more likely to receive a fully suspended sentence (4% vs 1%) or fine (59% vs 53%). Conversely, women were more likely to receive a GBO (44% vs 31%). Both groups received some other order in 2% of cases.

Figure 6: Sentencing outcomes for drive while suspended by gender



Age

Table 8: Sentencing outcomes for drive while suspended by age

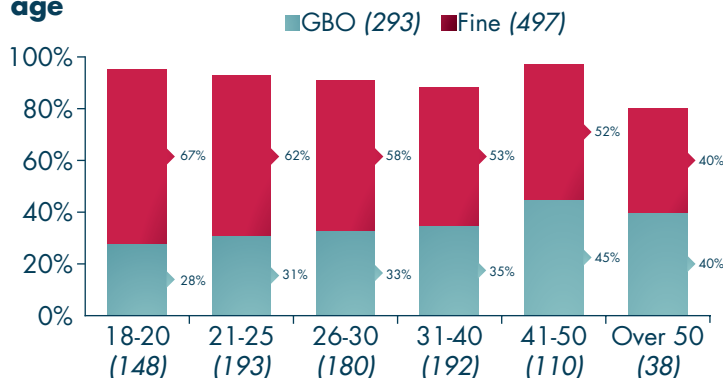
	18-20 (148)	21-25 (193)	26-30 (180)	31-40 (192)	41-50 (110)	Over 50 (38)
Prison (21)	1	6	7	4	0	3
PD (2)	0	2	0	0	0	0
PSS (3)	0	1	0	1	0	1
FSS (29)	1	2	7	14	1	4
GBO (293)	42	59	60	68	49	51
Fine (497)	99	119	105	102	57	15
Other (16)	5	4	1	3	3	0

Table 8 sets out the distribution of sentences by age. The largest group of offenders was aged 21-25 or 31-40 (both 22% of offenders). Fines were the most common outcome for all age groups except offenders aged over 50, where GBOs dominated.

Fines and GBOs together accounted for 92% of sentences imposed for this offence. Figure 7 sets out the distribution of these penalties by age. This indicates a decrease in the use of fines as offenders' age increased. Fines were imposed on 67% of offenders aged 18-20, compared with 40% of offenders aged 50 and over. Conversely, the use of GBOs generally increased with age, accounting for

28% of sentences imposed on offenders aged 18-20, and increasing to 45% for offenders aged 41-50; this then fell back to 40% for offenders aged over 50. Although not set out in Figure 7, the use of prison ranged from 0% for offenders aged 41-50 to 8% for offenders aged 50 and over. Both periodic detention orders were imposed on offenders aged 21-25.

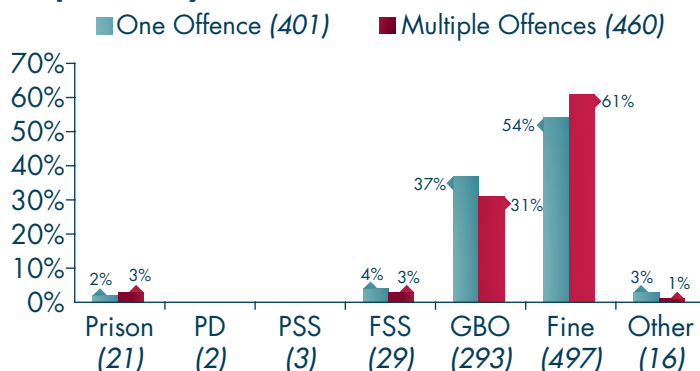
Figure 7: Sentencing outcomes for the most common penalties for drive while suspended by age



Number of Offences

Just over half of the offenders sentenced (53%; n=460) committed multiple offences, while 47% were sentenced for a single offence. As Figure 8 shows, there were fairly similar sentencing patterns, although multiple offenders were more likely to receive a fine (61% vs 54%), while single offenders were more likely to receive a GBO (37% vs 31%). The other penalties were imposed at similar rates: 3% vs 2% for prison, 3% vs 4% for fully suspended sentences and 1% vs 3% for other orders.

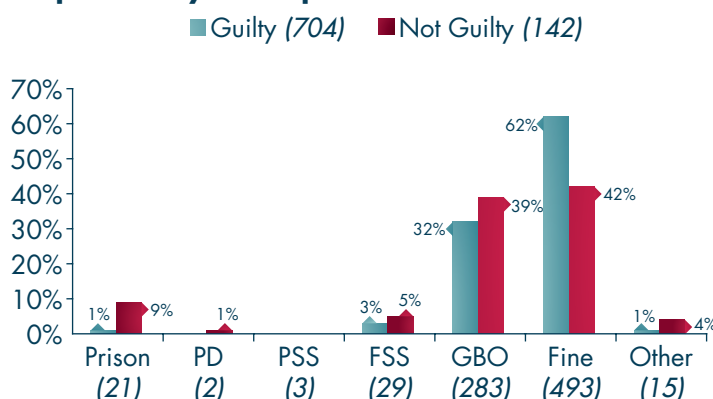
Figure 8: Sentencing outcomes for drive while suspended by number of offences



Plea

Initial plea

Figure 9: Sentencing outcomes for drive while suspended by initial plea

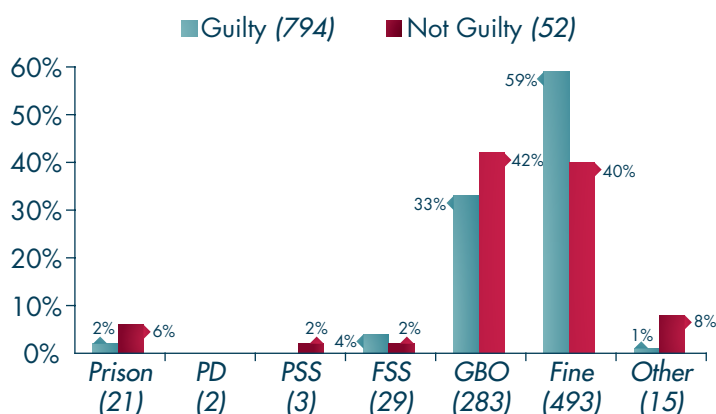


The data in the ACTSD indicates that 704 offenders initially entered a guilty plea, while 142 entered a not guilty plea¹⁴. Of offenders whose initial plea was reported, 83% pleaded guilty, while 17% pleaded not guilty. As set out in Figure 9, offenders who entered an initial not guilty plea were more likely to receive a prison sentence (9% vs 1%), GBO (39% vs 32%) or other order (4% vs 1%). They also received fully suspended sentences in 5% of cases (vs 3% for offenders who initially pleaded guilty) and both periodic detention orders (1%). Offenders who had an initial guilty plea were more likely to receive a fine (62% vs 42%).

Final plea

Data on the offender's final plea was also available for 846 offenders. Of these, 794 (94%) entered a final plea of guilty, while 6% had a final plea of not guilty. Offenders who had a final not guilty plea were more likely to receive a prison sentence (6% vs 2%), GBO (42% vs 33%) or other order (8% vs 1%). Offenders with a final guilty plea were more likely to receive a fine (59% vs 40%). Partly suspended sentences were imposed on 2% and 0% of cases respectively, while fully suspended sentences were imposed in 2% and 4% of cases.

Figure 10: Sentencing outcomes for drive while suspended by final plea



Point of plea entry

Table 9: Sentencing outcomes for drive while suspended by point of plea entry

	1 (363)	2 (228)	3 (106)	4-5 (108)	6 or more (41)
Prison (21)	0%	1%	5%	5%	17%
PD (2)	0%	0%	0%	1%	0%
PSS (3)	0%	1%	0%	0%	0%
FSS (29)	1%	2%	6%	6%	22%
GBO (283)	33%	36%	33%	33%	29%
Fine (493)	64%	58%	56%	52%	29%
Other (15)	1%	2%	1%	4%	2%

Data was also available for 846 offenders on the point of plea entry. As set out in Table 9, 43% of offenders (n=363) entered a plea on their first appearance and 27% (n=228) did so on the second occasion they appeared. A further 13% (n=106) did so on their third occasion and another 13% (n=108) entered their plea after 4-5 appearances. The remaining 5% (n=41) appeared six or more times before entering a plea.

Table 9 also sets out the sentencing patterns based on the point of plea entry. The use of prison increased with the number of appearances, from 0% to 17%. Fully suspended sentences also increased, from 1% to 22%. Conversely, fines became a less likely outcome, decreasing from 64% to 29%. Periodic detention and partly suspended sentences each accounted for 0% to 1% of outcomes. GBOs ranged from 29% to 36%. Other orders were imposed in 1% to 4% of cases.

Point of plea finalisation

Table 10: Sentencing outcomes for drive while suspended by point of plea finalisation

	1-2 (428)	3-5 (273)	6-10 (113)	11 or more (47)
Prison (21)	0%	2%	3%	26%
PD (2)	0%	0%	0%	4%
PSS (3)	0%	0%	1%	2%
FSS (29)	0%	2%	12%	17%
GBO (293)	32%	38%	42%	17%
Fine (497)	66%	56%	40%	32%
Other (16)	2%	2%	3%	2%

Data was available for all offenders (n=861) as to the point when they finalised their plea. As set out in Table 10, 50% of offenders (n=428) appeared only one or two times to get their matter finalised. A further 32% (n=273) appeared 3-5 times in court to finalise their matter, while 13% of offenders (n=113) appeared 6-10 times. The remaining 5% (n=47) appeared 11 or more times before finalising their matter.

Table 10 also indicates that prison became an increasingly likely outcome with later plea finalisation, increasing from 0% of cases where the offender finalised their plea in 1-2 appearances to 26% in cases which took 11 or more appearances to be finalised. Fully suspended sentences also increased (from 0% to 17%). Although the numbers were very small, there also seemed to be an increase in the use of periodic detention (from 0% to 4%) and partly suspended sentences (from 0% to 2%). Conversely, the use of fines decreased (from 66% to 32%). GBOs accounted for 17% to 42% of outcomes, while other orders were imposed in 2% or 3% of cases.

Case study

The following represents a typical offender and sentencing outcome in the Magistrates Court for the offence of driving while suspended: Tom was aged 22 and committed multiple offences. He entered a plea on his first occasion before a magistrate, and it took two court appearances to finalise his plea. He pleaded guilty and received a \$300 fine. He also had his licence disqualified for over 5 years.

¹⁴ Data was not available for the remaining 15 offenders.