

High Range Drink Driving

Drink driving is one of the most common criminal offences that brings a person before a court. Everyday the courts from Southport to Maroochydore, Brisbane to Beenleigh and out to Ipswich deal with drink driving charge. This page is dedicated to providing information to people facing a high range drink driving charge in South East Queensland or who just want to know more about high range drink driving.

In Queensland [drink driving and DUI charges](#) can be either be;

- Low Range drink driving
- Mid Range drink driving
- High Range drink driving



What is a high range drink driving charge?

High Range drink driving is any drink driving charge in Queensland where the reading is at or above .15. It is also known as a DUI that is driving under the influence but its actually more properly known as driving UIL that is driving under the influence of liquor. The charge is contained in section 79 of the [Transport Operations \(Road Use Management\) Act 1995](#).

This information can also be accessed on our website at <https://www.drivinglaw.com.au/high-range-drink-driving.html>

What is the difference between low, mid and high range drink driving?

The difference lies in the reading.

- Low Range – A reading of .099 or below
- Mid Range – A reading of .1 to .149
- High Range – A reading over .15

The court also has set minimum and in some cases maximum disqualifications for each level of drink driving.

The police told me I can't drive until my court date, Is this correct?

If you are charged with a high range drink driving charge the police are supposed to serve you with a notice suspending your licence immediately. This means that if your court date is 6 weeks away you cannot drive for 6 weeks prior to court and then in addition the court will impose a further disqualification if you plead guilty.

The law does however allow a Magistrate to consider the time you were suspended before your sentence date when deciding what penalty to impose.

Will a conviction be recorded?

In Queensland a conviction for a high range drink driving charge will appear on your traffic history but not your criminal history.

In deciding whether to record a conviction the court under the law must consider the following factors;

- the nature of the offence; and
- the offender's character and age; and
- the impact that recording a conviction will have on the offender's—
 - economic or social wellbeing; or
 - chances of finding employment.

In assessing the character of a person the court will have a strong regard to that persons' traffic history.

What happens in court?

We have 2 great articles that set out exactly how a drink driving charge is heard in Queensland.

- [How Drink Driving Matters are Heard in Queensland](#)
- [Going through a drink driving charge in Brisbane Magistrate Court](#)

Basically the Court will ask you what is happening. After you confirm a guilty plea then the police prosecutor will read from the [QP9](#) and then a copy of your traffic history and criminal history (if you have one) will be given to the Magistrate. You will then be asked to give what is known as a speech in mitigation which seeks to limit the sentence the Magistrate will impose on you. After you are finished talking the Magistrate will give their decision.

How long will my licence be disqualified for?

This depends on a number of factors including;

- Your reading
- Did a crash occur
- Was someone else in the car
- Why you were driving
- Your traffic and criminal history
- Your personal and work situation
- If you done a course like [QTOP](#)
- What Magistrate hears your matter

In essence the big factors are your reading, your traffic history and what your lawyers tells the court.

With a high range driving charge the absolute minimum disqualification period is 6 months (if you have no other drink driving or similar charges in the last 5 years) and there is no upper limit.

What other penalties will the court impose?

In almost all cases the court will also impose a fine. In addition there is an [offender levy](#) that everyone must pay.

In cases where the reading is very high or where there was an accident or if the person has other drink driving charges the court may consider imposing

- [Probation](#)
- [Community Service order](#)
- [Imprisonment](#)

Can I get a work licence?

No. With a high range drink driving charge you cannot apply for a work licence nor any other type of licence to continue to drive after the disqualification.

Can I fight a high range drink driving charge?

Fighting any drink driving charge is very complicated. You certainly have the right however you should get legal advice before pleading not guilty.

Can I be charged with high range drink driving for sitting in my car?

The law does not restrict where high range drink driving offence can occur. In other words, you can commit these offences anywhere. You only need to be:

- Driving a motor vehicle;
- Attempting to put it in motion a motor vehicle; or
- In charge of a motor vehicle.

We have encountered cases where people have been charged with drink driving offences where their car was:

- Parked in a driveway;
- Parked in a garage with the door shut;
- Parked in a shopping centre or pub carpark;
- Parked on the side of the road; and
- Being driven on a dirt track on private property.

In short, there is no where you can legally drink and drive. If you are found driving or in charge of a car anywhere in Queensland, you can (and probably will) be charged with an offence.

I had a crash and the police took a blood sample, are they allowed to do this?

Yes if the police suspect the drink driving took place within the previous 3 hours then they can request a nurse or doctor take a blood sample whether you consent or not.

Can I be charged with high range drink driving for refusing to give a breath test?

The police can charge you if you refuse to give a breath or blood test at the testing location (A RBT bus, the police station, the hospital etc). The law then treats the offence like a high range drink driving charge with the same type of penalties. This is a complicated area of the law. We have an article that can provide some more information, that article can be found by [clicking here](#).

If you refuse to give a sample of breath at the roadside this is a separate but less serious charge.

What happens after court?

We have a comprehensive article on [what happens after a drink driving charge](#)

How do I prepare for court?

The best way to prepare for a drink driving charge is to hire a lawyer and they will do everything for you. If you are determined to do a guilty plea by yourself then you should look at;

- Character references

- Attending a driving course like Queensland Traffic Offenders Program (“[QTOP](#)”). We are a proud sponsor of QTOP and believe it is one of the most powerful things people facing a high range drink driving charge can do before their court date.
- If you have any alcohol or mental health issues then obtaining appropriate medical help
- Writing down what you want to explain to the Magistrate as you will be more nervous than you think

Can the press report what occurred?

Unless the Magistrate refuses to allow the press to report then yes the press can report what occurs.

Will I need to install an interlock?

Yes, If you have a high range drink driving charge you must have an interlock device fitted to your vehicle for the period of one year once you are eligible to obtain your driver’s licence. The Court has no discretion to exempt you from an interlock if this applies to you as it is a Queensland Transport licencing requirement. This is an area that is subject to constant change, for more information visit [their website](#).

Can I just plead guilty online?

No, you must appear in court in person.

If you live along way from the court where you are required to appear or live interstate then in some cases we can arrange to transfer the charge to a more convenient courthouse for you or for you to appear by phone (if your lawyer is present in court).

The Qld Court website has a list of all the [courthouses in Queensland](#).

Can’t I just use the duty lawyer at court?

A duty lawyer is not about to assist people with drink driving charges unless you are at real risk of imprisonment. If you don’t organize your own lawyer then you would have to face the Magistrate by yourself.

Remember if you are unsatisfied with the result then you must appeal to the District Court which will be a very difficult process.

High Range drink driving facts and myths

Demerit points – unlike some other states you will not occur any demerit points for a drink driving offence.

Section 10 – Section 10 applies only in NSW it does not apply in Queensland and we have no equivalent provision. If you are charged with drink driving in Queensland you must get a licence disqualification.

When the disqualification begins – It begins the moment the court sentences you.

Work licence – There is not work licence, special hardship, day licence or any type of licence you can get if convicted of high range drink driving.

I wasn't driving a car I was on a bicycle, scooter, horse etc – you can still be charged with drink driving but in most cases you won't have a license disqualification. We have a great article [on drink driving on a lime scooter](#)

Should I get a Traffic Lawyer to represent me?

In a word, yes this is not an offence where you should simply turn up to the Court without a lawyer. The consequences and penalties the Court may impose are too serious not to seek to minimise the penalty by having a drink driving lawyer with you.

If you have a bad traffic history, have previously been convicted of drink driving a DUI or drink driving Lawyer is critical. We get 3-4 calls a week from people who represented themselves in court and received extremely harsh penalties and need to try and appeal the result. In most cases an appeal is not possible or if it is will cost a huge amount for the legal fees. It is better to have a lawyer from the start to minimise the drink driving penalty.

Engaging Clarity Law to act for you

Engaging us gives you the best chance at obtaining the lowest disqualification period and a fine as low possible. We are the leading drink driving law firm in South East Queensland, virtually everyday our lawyers are in Court getting the best outcome for clients. Since 2010 we have appeared in over 1,500 drink driving cases and no one has the experience we do. Just some of the benefits of us acting for you for your drink driving charge include;

- we know the Magistrates and what they want to hear to give you the best outcome
- we have good relationships with the Police prosecutors meaning we can often have them not object to the Court imposing the minimum disqualification period applicable.
- we are there to help you through the process and make everything as stress free as possible, in most cases you will not have to say anything in Court
- engaging us shows the Court you are taking your charges seriously
- your matter will be heard early, often first, you do not have to wait for 20-30 other matters to be heard before you
- you will be fully informed of what is to happen in Court and what this means for you after Court
- unlike the police or the Judge, we are there to look after you, your privacy and your interests

What Courts do you appear in?

We appear in every Court in South East Queensland. Just some of the Court we appear in are;

Brisbane

[Beenleigh](#)

[Brisbane](#)

[Cleveland](#)

[Holland Park](#)

[Pine Rivers](#)

[Richlands](#)

[Sandgate](#)

[Wynnum](#)

Sunshine Coast

[Caboolture](#)

[Caloundra](#)

[Gympie](#)

[Maroochydore](#)

[Nambour](#)

[Noosa](#)

Gold Coast

[Beaudesert](#)

[Coolangatta](#)

[Southport](#)

Ipswich

[Ipswich](#)

Darling Downs

[Gatton](#)

[Toowoomba](#)

We have offices at;

[Maroochydore](#)

[Brisbane](#)

[Brendale](#)

[Gold Coast](#)

[Ipswich](#)

[Loganholme](#)

Will I need to come in to the office to see you?

We have offices in Brisbane and on the Gold Coast, Sunshine Coast, Strathpine, Loganholme and Ipswich but in most cases we can handle everything by email and the phone without you ever having to come into our office. We are also open outside normal business hours for your convenience.

What do you charge?

We charge a flat upfront fee for our services, that means no hidden charges or unexpected bills. Our fees are clearly posted on our website so that you know exactly what your costs will be.

To see what we will charge for a guilty plea to a drink driving charge [click here](#)

If I contacted you what would occur?

If you contact us then likely Steven Brough the firms founder or our office manager Belinda Smyth will take the call or receive the email. They have 40 years legal experience between them, we can provide immediate legal assistance and answer any questions you have. We will discuss your case, provide guidance and send a quote by email with additional relevant information about your charge, all at no cost.

If you want to engage us then it's easy, there is a form you can complete and email back or complete online. If you don't want to engage us or want to engage another firm that's fine, you won't be hassled and at worst you will just have more information about your charge. Once engaged one of our lawyers will go through your matter and contact you to discuss what the best way forward is to achieve the best results. Everyone of our lawyers are very experienced with thousands of courts appearances between them.

My court case is tomorrow, is that enough time to engage us?

We can take on cases urgently so just contact us and we can sort it out. If there is not enough time to prepare before the court date then we can arrange for the charges to be adjourned for a few weeks.

How do I get more information or engage you to act for me?

If you want to engage us or just need further information or advice then you can either;

1. use our [contact form](#) and we will contact you by email or phone at a time that suits you
2. call us on [1300 952 255](tel:1300952255) seven days a week, 7am to 7pm
3. email steven@claritylaw.com.au

We are a no pressure law firm, we are happy to provide information to assist you, if you want to engage us then great, if not then you atleast have more information about drink driving. You wont be chased or hounded to engage us. Remember its critical you get advice before going to court, a drink driving charge no matter the reading will have an impact on you, your family and your employment or business.

Need more information?

We have a range of articles on drink driving on our [blog](#). Some of the most recent have included:

- [Top 5 Drink Driving Myths](#)
- [The Essential Guide to Obtaining a Work Licence](#)
- [Drink Driving on a Lime Scooter](#)
- [How Drink Driving Matters are Heard in Queensland](#)
- [What happens after your drivers licence is disqualified?](#)
- [Refusing a Breathalyser Test in Queensland](#)
- [Can you commit a drink driving offence in your driveway?](#)
- [Immediate suspension for drink driving](#)
- [Case Study - High Range Drink Driving and Disqualified Driving](#)
- [Three High Range Drink Driving Charges](#)
- [Special Hardship Orders v Work Licences](#)
- [High Range DUI](#)
- [Going through a drink driving charge in Brisbane Magistrate Court](#)
- [DUI Charges](#)

This article general information only and not legal advice and is written subject to our disclaimer that can be read by clicking [here](#)

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