

Sample verbal submissions



This is an example of what submissions to the court could look like. You should make sure that your submissions relate to the circumstances of your case. If you need more help preparing your submissions, get legal advice.

James Kemp - Submissions to the court

Circumstances of the offence

On Saturday 12 October 2013 I was returning from a BBQ at my sister's house, where we were celebrating her 50th birthday when I was flagged down at an RBT on the Mitchell Highway.

I submitted to a breath test and it returned a positive result. I was charged with low range PCA.

At the BBQ I drank one bottle of full strength beer and after that, three bottles of light beer. I had my first drink at about 5 pm and my last drink at about 8:30 pm, which was a period of about 3.5 hours. I switched to drinking light beer because I thought it would keep me under .05 but I was mistaken and I am sorry for this.

I didn't feel affected by alcohol when I left to go home at about 9 pm. I now realise that I should have waited longer before driving home. When I drove home the highway was mostly clear of traffic and the weather was dry. I was stopped by police because an RBT had been set up on the side of the road. There was nothing about my driving which drew the attention of police.

Education history

I grew up in Dubbo. I went to Dubbo High School and finished school in 1978.

Employment history

I got an apprenticeship as a mechanic and went to TAFE for two years but I didn't finish because the motor mechanics I worked for went out of business and I couldn't find another apprenticeship. After this I mostly worked as a driver for various companies in Dubbo, Orange and Wellington.

I am currently employed by McPherson Meatcart Products and I have worked there since early 2009. I hope to continue working for McPherson Meatcart Products but, as my employer states in his character reference, my future is now uncertain because of potentially losing my licence.

Family background

I moved to Wellington in 1985 when I married. I have three children aged 23, 18 and 13. They all still live at home, although the eldest now works and mostly pays her own way.

Financial status

I currently earn about \$900 a week. My wife has casual work as a shop assistant in a chemist and earns between \$200 and \$300 a week. We have mortgage repayments of \$420 a week. We pay on average about \$300 a week on bills including phone, electricity, gas, water and council bills. Our food bill is about \$320 a week. As this leaves only about \$60 - \$160 a week I have only a limited ability to pay a large fine.

Criminal history

I have a conviction for damage to property back in 1980 when I was 19 years old. Apart from that I have had no other convictions.

Driving history

I was convicted in 2012 of Drive while suspended. My licence was suspended because I forgot to pay a speeding fine. I pleaded guilty and I received a \$400 fine.

Need for licence

I need my licence so that I can continue working as a driver for my employer. If I lose my licence I am likely to lose my job and this will have consequences for our ability to pay our mortgage and other expenses.

Character

I am involved in my community, especially with the high school where my youngest child attends. Three times a year I volunteer on a Saturday so that I can contribute to the school's working bee.

Remorse

I am sorry I drove after drinking and I wish I had paid more attention to how much I drank. I understand that drink-driving is a serious offence.

Orders sought

I would like the court to consider giving me a section 10 dismissal so that I can keep my licence.