

Mandatory Alcohol Interlock Program

Transitioning to the new program – fact sheet for legal practitioners



Transport
Roads & Maritime
Services

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The NSW Government has amended the *Road Transport Act 2013* to place stricter requirements on drivers convicted of serious and repeat drink driving offences. This will include the mandatory fitting of alcohol interlock devices to their vehicles.

Q. What is happening?

From 1 February 2015, courts will be required to order offenders convicted of high range, repeat and other serious drink driving offences to complete:

- a minimum licence disqualification period
- a minimum 12 month participation in the interlock program.

The court may grant exemptions only in exceptional circumstances.

Q. What is an interlock?

Interlocks are electronic breath testing devices linked to a vehicle's ignition system.

Drivers must provide a breath sample that the interlock analyses for the presence of alcohol before the vehicle will start. Randomly timed breath tests must also be passed during a journey.

If at any time the interlock detects alcohol on the driver's breath, the vehicle's ignition system will be disabled.

Significant changes to the interlock program

NSW has had a voluntary interlock program since 2003. This program will be replaced by a new mandatory program which introduces significant changes including:

- Zero blood alcohol concentration: Participants will be required to have a zero blood alcohol concentration when driving.
- Performance requirements: Interlock program participants must show that they do not attempt to drink and drive during the program:
- Data will be regularly collected from interlocks and reviewed by Roads and Maritime Services.
- Roads and Maritime may send program participants who continue to attempt to drink and drive a letter recommending that they visit a doctor to discuss their drinking behaviour.
- For the last six months of involvement in the program, participants who cannot show that they can safely separate drinking and driving may be referred for a Fitness to Drive Assessment. This may result in Roads and Maritime extending their time in the interlock program.

For further information:

Phone: 13 22 13

Web: www.rms.nsw.gov.au/interlock

Transition to the new program

Offenders will be affected in different ways depending on the date of their offence and sentencing.

- Drivers already in the voluntary program and who hold an NSW interlock licence will not be affected by the new program.
- Convicted drink drivers who are eligible to join the current voluntary program but have not:
 - completed their court-ordered driver licence disqualification, and
 - had an interlock driver licence issued by Roads and Maritime
- before 1 February 2015 will be subject to the stricter conditions of the new program if they choose to join.
- Some drivers may have committed a drink driving offence before 1 February 2015, but have not been to court by that date. They will be dealt with under the law that applied at the time of their offence. If they choose to join the interlock program, they will be subject to the new conditions.
- Drivers who commit an offence after 1 February 2015 will be subject to all conditions of the new law and the new mandatory interlock program.

The new program will not change any existing court order. All drivers are subject to the law in place at the time of their offence. The new interlock licence conditions will apply from 1 February 2015.

Aims of the new program

The new program aims to reduce drink driving-related deaths and injuries on NSW roads. These are currently at about 15 per cent of the annual road toll. In 2013, alcohol was a factor in 50 deaths and 987 injuries.

The program will also help reduce the personal and community costs of drink driving-related deaths and injuries. During the five years 2008-2012, alcohol-related crashes cost NSW an estimated \$640 million annually.

Research shows that drivers previously convicted of drink driving are around four times more likely to be involved in a fatal crash than an average driver. The interlock program is designed to help drink drivers separate drinking and driving and reduce this road safety risk. It does this by keeping offenders in the licensing system on a closely monitored basis, with the interlock physically preventing drink driving.

It has also been found that data monitoring, medical interventions and counselling for interlock program participants may help achieve longer term behaviour change and extend road safety benefits beyond the time an interlock is installed.

The mandatory interlock program will be evaluated to assess the benefits it delivers to the community and to improve the program.

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