



NSW Centre for
Road Safety



New South Wales Government



Alcohol Interlock Program

Information for
criminal law specialists



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Introduction

On 8 September 2003 the Alcohol Interlock Program commenced as a new penalty for courts to use in the sentencing of drivers convicted of certain serious drink driving offences.

The offence categories for which the Alcohol Interlock Program can be ordered are:

- A prescribed concentration of alcohol offence (PCA) at high or middle range, drive under the influence (alcohol), refuse or fail to submit to breath analysis test where there has not been a previous PCA conviction.
- An alcohol offence at any level where there has been a previous PCA conviction at any level within the five year period prior to the current offence.

For an offender to be eligible for entry to the Program, the court must also order a disqualification period. A list of all eligible offences is appended. To order the interlock penalty the sentencing court must issue two penalty orders. The first penalty order is for a full disqualification period appropriate to the offence.

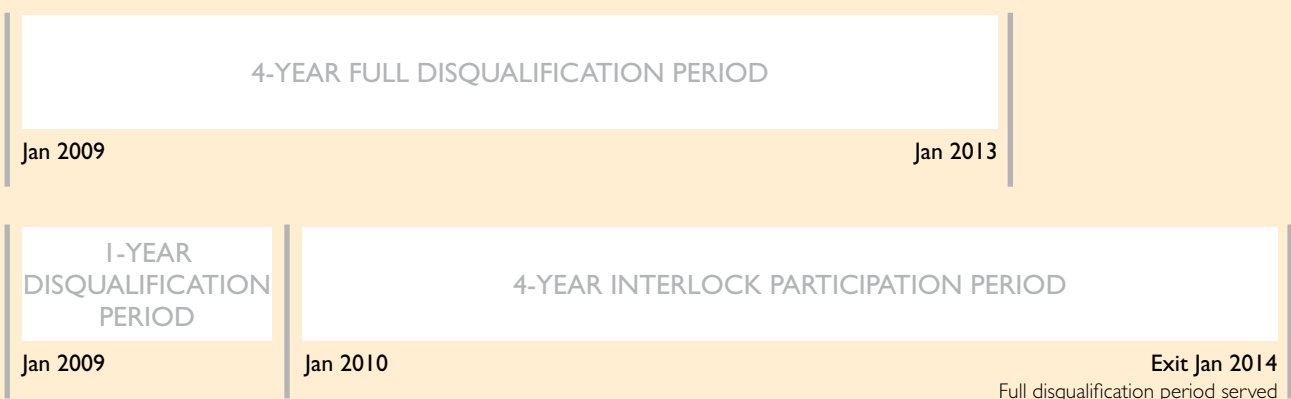
The second penalty order is the disqualification suspension order (DSO). The DSO is the mechanism by which an offender is eligible for an interlock driver licence. The DSO provides for a mandatory reduced disqualification period (known as the disqualification compliance period) followed by a period on an interlock driver licence (known as the interlock participation period). The legislation prescribes the disqualification compliance period for each eligible offence and the minimum interlock participation period. A court can set any maximum interlock participation period. A summary of the Alcohol Interlock Program legislation is included.

The offender can be issued with an interlock driver licence at any time following the expiry of the disqualification compliance period.

The interlock participation period commences when the offender is issued with an interlock driver licence. The effect of the interlock participation period is to suspend the remainder of the full disqualification period.

On successful completion of the interlock participation period, the full disqualification period is deemed to have been served.

Using the Alcohol Interlock Program as a penalty option for a repeat high range offender



What is the Alcohol Interlock Program?



The Alcohol Interlock Program is designed to enable convicted drink drivers to continue to legally drive. It also addresses underlying alcohol dependence issues through its requirement that the offender attends a mandatory brief medical consultation to discuss alcohol issues before the interlock driver licence is issued.

Another requirement for the issue of an interlock driver licence is that the offender must have an approved alcohol interlock device (interlock device), which has a preset 0.02 alcohol limit, installed in the car. Although the alcohol interlock device will allow all drivers to start and operate their vehicle with a BAC of 0.02, provisional P1 or P2 licensees are still required to adhere to the zero BAC limit imposed by their licence conditions.

To start the vehicle the driver must pass a breath test. To reduce the potential for a sober bystander to start the car the interlock device is programmed to require retests to be taken at random intervals.

Should a driver fail a retest, the interlock device is programmed to sound an alarm of horn and lights until the ignition is turned off. A breath test is then required to start the car. The interlock device is also programmed to immobilise the vehicle in response to a failed breath test (temporary lockout) or a series of actions (permanent lockout). A table showing the interlock device settings is appended.

The interlock device records all attempts to start the vehicle and all subsequent breath test results.

The interlock device provides 24 hours a day 365 days a year assistance to remain sober when driving. This is why the interlock participation period has been set at a minimum of 24 months for most offenders.

The Alcohol Interlock Program

– An overview

- The interlock order is issued by the court in conjunction with a drink drive conviction.
- The program includes a shorter disqualification period (known as the disqualification compliance period) and a period on an interlock driver licence (known as the interlock participation period). These are applied instead of a longer disqualification period (the full disqualification period). These periods are set by the court.
- Entry into the program is voluntary. A participant can choose to serve the full disqualification period ordered by the court, or may choose to enter the Alcohol Interlock Program.
- A participant can apply for an interlock driver licence as soon as they have completed their disqualification compliance period. If they have a demerit point suspension, outstanding fines or other matters pending, they may not receive their interlock licence immediately.
- In order to obtain an interlock driver licence from a motor registry they must:
 - Attend a medical consultation.
 - Have an interlock device installed in their car.
 - Complete all licence application requirements.
- The program operates on a 'user pays' basis. The participant bears all costs in relation to installation, servicing, maintenance and removal of the approved alcohol interlock device (interlock device). A subsidy applies for concession card holders.
- The interlock driver licence restricts an offender to driving a car fitted with an interlock device. However, they must comply with certain licence conditions. A full list of the conditions is detailed in Appendix E.
- The RTA will view the data to monitor a participant's compliance with the conditions of their interlock licence.
- If the data indicates failure to comply with the licence conditions, the RTA may impose additional conditions on the interlock licence, including further medical consultations. If there is a major breach of the conditions or ongoing non-compliance, the RTA may cancel the licence.
- The interlock driver licence serves to suspend the full disqualification period – not cancel it. If the licence is cancelled for any reason, the balance of the full disqualification period imposed by the court must be completed.
- A participant can withdraw from the program at any time, however, they will need to get RTA approval once they have decided to withdraw. If they withdraw from the program prior to completion of the interlock participation period, they must complete the unserved portion of the full disqualification period imposed by the court. Once they have withdrawn from the program, they will not be eligible to return to it.



2. Complete the application requirements for an interlock driver licence

2a. Completion of the brief medical intervention consultation

Each participant must attend a medical consultation with a doctor trained to provide the Drink-less brief medical intervention developed for the interlock program. A list of doctors can be found on the RTA website (www.rta.nsw.gov.au). This can be done up to 28 days before the expiry of the disqualification compliance period.

The doctor will ask participants to complete a short 10-item questionnaire and will then discuss the answers.

The questionnaire cannot be passed or failed. The consultation is designed to provide participants with a chance to gain information about their alcohol consumption.

At the end of the consultation, the doctor will sign the Alcohol Interlock Program – Brief Medical Intervention Certificate. The participant must take this certificate to the motor registry when they apply for an interlock driver licence.

The doctor can also refer them on for further consultation.

2b. Installation of the interlock device

An interlock device can be installed in a vehicle by an approved interlock installer up to 28 days before the expiry of the disqualification compliance period.

Only approved interlock installers can install and label interlock devices. It is an offence for any other person to install, label or remove an interlock device or its label.

A current list of approved interlock installers can be found on the RTA website (www.rta.nsw.gov.au).

During installation, the installer will provide training in how to use the interlock device and provide participants with an instruction booklet, free of charge.

Training will include information on:

- How to blow into the interlock device.
- The functions and service requirements of the interlock device.
- Dealing with difficulties, breakdowns and lockouts.

At the end of the installation, the installer will provide each participant with a signed Alcohol Interlock Program – Interlock Installation Certificate. This certificate must be taken to the motor registry when applying for an interlock driver licence.

2c. Completion of the Interlock Driver Licence Election and Privacy Declaration form

It is important that the participant reads and understands the conditions of their interlock licence. When they sign the Driver Licence Election and Privacy Declaration form, they are confirming that they understand the conditions and agree to abide by them. Participants may wish to seek legal advice prior to signing this form.

3. Obtain an interlock driver licence

The participant is eligible to apply for an interlock driver licence from a motor registry on the day following the expiry of their disqualification compliance period. As it can take longer to process an interlock licence than a regular licence, it is recommended that participants make an appointment to see a customer service representative at the motor registry.

At the motor registry participants are required to complete the usual requirements for a licence application. Be aware that even at this stage the licence may not be able to be issued if recent advice has been received about offences or unpaid fines.

Participants will be required to pay all fees associated with the licence application.

The interlock driver licence is a Class C (car) licence, which includes the categories of provisional, unrestricted and unrestricted with a good behaviour condition.

The interlock driver licence is not available for class:

- R – Rider.
- LR – Light Rigid.
- MR – Medium Rigid.
- HR – Heavy Rigid.
- HC – Heavy Combination.
- MC – Multi-Combination.

The interlock driver licence restricts the licence holder to driving a registered motor vehicle:

- With a gross vehicle mass that is not greater than 4.5 tonnes.
- That is constructed or equipped to seat not more than 12 adults (including the driver).
- That is not a public passenger vehicle.

The interlock driver licence will have the letter 'I' on the front indicating the condition on which the licence is issued. The words 'May only drive vehicle fitted with an approved interlock device' will be printed on the back of the licence.

Provisional P1 licensees who participate in the program will continue to be issued an 18-month driver licence with an interlock driver licence condition that will be valid for the period specified by the court.

Provisional P2 licensees who participate in the program will continue to be issued a 30-month driver licence with an interlock driver licence condition that will be valid for the period specified by the court.

Another requirement for the issue of an interlock driver licence is that the offender must have an approved alcohol interlock device (interlock device), which has a preset 0.02 alcohol limit, installed in the car. Although the alcohol interlock device will allow all drivers to start and operate their vehicle with a BAC of 0.02, provisional P1 or P2 licensee are still required to adhere to the zero BAC limit imposed by their licence conditions.

Unrestricted licensees who participate in the program will be issued with a three or five-year driver licence with an interlock driver licence condition that will be valid for the period specified by the court.

4. Hold a valid interlock driver licence for the duration of the participation period

The length of the participation period is specified by the court at the time of the hearing. The participation period begins on the day the participant obtains their interlock licence. It is a condition of participation in the program that they hold a valid interlock driver licence. Therefore, they must ensure their licence remains valid whilst they are participating in the interlock program.

If their licence expires, even for one day, they will cease to participate in the program and the RTA will automatically reimpose the balance of the full disqualification period. Participants can avoid this by renewing their licence well before the expiry date.

5. Comply with the service visit requirements

A condition of the interlock driver licence is that participants submit their car with the interlock device for scheduled service visits at regular intervals throughout the interlock participation period. Initially service visits will be required at 30-day intervals. Where the 30th day falls on a weekend or public holiday, this interval may be extended up to, but not beyond, 34 days.

Only approved interlock service providers are allowed to service an interlock device. It is an offence for any person other than an approved interlock service provider to service an approved interlock device.

The service includes maintenance and inspection of the interlock device and downloading of all data stored in the interlock device. The electronic data will be securely sent to a central computer. The participant will receive a summary of their data at each service visit.

The service visit will also include a physical check of the interlock device and the label to ensure there has been no attempt to tamper with the interlock device or the label.

6. Comply with the conditions of the Alcohol Interlock Program

A list of conditions is included at the end of this booklet (see Appendix E).

The RTA will closely monitor the data from the interlock device to assess the participants' compliance with the program. If the data over the first four months indicates that the participant is complying with the conditions of the interlock device, the RTA may arrange for the service interval period to be extended up to 67 days.

7. Use the interlock device properly

A key condition of the program is that the interlock device must be used properly in accordance with the instructions.

If the participant fails a breath test, their car will not start. Depending on the level of alcohol detected in their breath, the interlock device will instruct the participant to wait either five minutes or 30 minutes before they can attempt to start their car again with another breath test.

To ensure drivers remain sober while driving, the interlock device will ask the driver to provide breath samples at random intervals during a journey. The driver should pull to the side of the road for these retests.

If the device detects an attempt to tamper with the wiring or bypass a breath test in any way, or if a participant fails five or more breath tests in a month, the device will warn that they have seven days to get to a service provider for an early service. If they don't get to a service provider before the seventh day, the device will trigger a permanent lockout and they will not be able to start the car. If this happens, they may have to have their car towed, at their own expense, to the nearest approved service provider.

The program participant is solely responsible for any actions recorded by the interlock device. It is extremely important that anyone using the car fully understands how to use the interlock device properly and complies with the conditions of the interlock program.

Who is not eligible?

The RTA will not issue an interlock driver licence in the following situations:

- The offence was committed while the person held a learner permit.
- A disqualification (other than the disqualification arising from the relevant drink driving offence) is in force at the date of the person's application for the program.
- A disqualification (other than the disqualification arising from the relevant drink driving offence) has been imposed and is to commence at a later date.
- The applicant holds a Class R motorcycle rider licence only.
- The applicant has outstanding unpaid fines or sanctions that prevent RTA doing business with them.



Benefits of the Alcohol Interlock Program

The benefits of participating in the Alcohol Interlock Program are that participants:

- Can continue to drive their car legally after a reduced disqualification period.
- Have an opportunity to discuss their alcohol use with their doctor.
- Are provided with a period in which technology assists them to learn to separate drinking from driving.
- Have a greater chance of keeping their job if they need to drive a car to work or drive a car as part of their job.

Cost of the Program

The program operates on a 'user pays' basis, so the participant will be responsible for the costs of being in the program. These costs include medical consultations, the interlock driver licence fee, and the costs associated with the interlock device.

All interlock services including lease, installation, servicing and removal of interlock devices have been outsourced to private companies and individuals. The fees, charges, requirements and obligations relating to the interlock device will be detailed in the interlock device lease.

The RTA recommends that all participants carefully check the costs, requirements and obligations for leasing an interlock device with the device supplier. Supplier contact details are included on the list of approved installers and service providers available on the RTA's website. The RTA does not lease interlock devices to participants, and is not responsible for any terms or conditions of any private lease agreement.

The various costs associated with the program include:

Initial costs

- Medical consultation.
- Interlock lease and installation.
- RTA licence application fee.

Ongoing costs

- Interlock lease fee and scheduled service fees.

Other fees

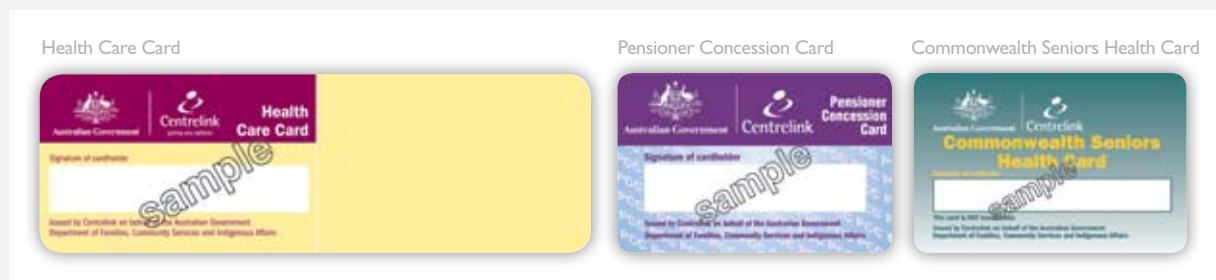
- Medical consultations if required by the RTA.
- Non-scheduled interlock services.
- Removal of the interlock device

Financial assistance scheme

To assist low income earners to participate in the program, the RTA provides a subsidy for holders of one of three valid concession cards issued by the Australian Government.

These are:

- Health Care Card.
- Pensioner Concession Card.
- Commonwealth Seniors Health Card.



The financial assistance scheme ensures card holders are charged a reduced fee for the following services:

- Installation of an RTA approved interlock device by an RTA approved interlock installer.
- Scheduled service visits for maintenance of the interlock device by an RTA approved service provider.
- Removal of the interlock device on program completion.

The RTA will not pay a subsidy for the following costs:

- Non-scheduled service visits arising from non-compliance with the interlock device.
- Removal of the interlock device for any reason (including removal due to an interlock driver licence not being issued or cancellation of your interlock driver licence by the RTA) prior to program completion.

Obtaining the subsidy

If a participant holds a valid Health Care Card, Pensioner Concession Card or a Commonwealth Seniors Health Card, they should show their card before they sign a lease for an approved interlock device. The expiry date of the card will be recorded. Participants may be required to produce their card when the alcohol interlock device is installed and at each scheduled service visit.

If their card expires before they complete the program they must show the replacement card to their interlock service provider or the full fee will be charged.

RTA monitoring

The interlock program requires that the participant regularly submit the interlock device for maintenance and inspection.

At each service visit the electronic information stored in the interlock device is downloaded (via a secure internet site), analysed and sent to the RTA.

Authorised RTA staff view the interlock data in order to monitor the participant's compliance with the conditions of the participant's licence. The RTA has implemented strict security protocols to ensure the privacy of participants in the program.

If the data indicates repeated high fails have been recorded, the RTA can contact the participant and impose certain requirements including further medical consultations or more frequent servicing visits. If there is a major breach of the conditions or ongoing non-compliance the RTA will implement the process to cancel the participant's licence.

In the event a participant's licence is cancelled for any reason he or she must complete the balance of the full disqualification period imposed by the Court.



Where to obtain an interlock device

The following interlock devices have been gazetted as Approved Interlock Devices for NSW:

- Guardian WR2.
- Guardian WR3.
- Draeger XT.

A requirement of approval is that any driver in NSW who wishes to enter the program must be able to have an interlock device installed and maintained. The Guardian company has trained staff and has a network of service centres throughout NSW.

For information on service centres and availability of the Guardian WR2 and WR3 interlock devices see the RTA website.



Appendix A

Eligible offences

Offences for which Courts may issue an interlock driver licence order and disqualification compliance periods and minimum interlock participation periods:

Road Transport (Safety and Traffic Management) Act 1999	Offence	Disqualification compliance period	Minimum interlock participation period
s 9(4)a & b	Drive or attempt to drive with a high range (>0.15) PCA (prescribed concentration of alcohol) (where there is a previous conviction for any alcohol-related major offence within the previous five-year period)	12 months	48 months
s 9(4)a & b	Drive or attempt to drive with a high range (>0.15) PCA (where there is NOT a previous conviction for any alcohol-related major offence within the previous five-year period)	6 months	24 months
s 9(3)a & b	Drive or attempt to drive with a middle range (0.08 to <0.15) PCA (whether or not there is a previous conviction for any alcohol-related major offence within the previous five-year period)	6 months	24 months
s 9(2)a & b	Drive or attempt to drive with a low range (0.05 to <0.08) PCA (where there is a previous conviction for any alcohol-related offence within the previous five year period)	3 months	12 months
s 9(1)a & b	Drive or attempt to drive with a special range (0.02 to <0.05) PCA (where there is a previous conviction for any alcohol-related offence within the previous five year period)	3 months	12 months
s 12(1)b	Attempt to drive under the influence of alcohol (where there is a previous conviction for any alcohol-related major offence within the previous five-year period)	12 months	48 months
s 12(1)b	Attempt to drive under the influence of alcohol (where there is NOT a previous conviction for any alcohol-related major offence within the previous five-year period)	6 months	24 months
s 12(1)a	Drive under the influence of alcohol (where there is a previous conviction for any alcohol-related major offence within the previous five-year period)	12 months	48 months
s 12(1)a	Drive under the influence of alcohol (where there is NOT a previous conviction for any alcohol-related major offence within the previous five-year period)	6 months	24 months
s 15(4)	Refuse or fail to submit to breath analysis test (where there is a previous conviction for any alcohol-related major offence within the previous five-year period)	12 months	48 months
s 15(4)	Refuse or fail to submit to breath analysis test (where there is NOT a previous conviction for any alcohol-related major offence within the previous five-year period)	6 months	24 months

Appendix B

P Harvey, Interlock Devices – Another Option in Drink Drive Cases

(2003) 15 (8) *Judicial Officer's Bulletin* 67

The *Road Transport Legislation Amendment (Interlock Devices) Act 2002* amends the *Road Transport (General) Act 1999* and the *Road Transport (Driver Licensing) Act 1998* introducing the use of alcohol interlock devices as a partial alternative to licence disqualification for certain alcohol-related driving offences. An approved interlock device is a device approved by the NSW Roads and Traffic Authority (RTA) that is designed to analyse a breath sample for the presence of alcohol and prevent a motor vehicle from being started if it detects more than a certain concentration of alcohol.

The purpose of the Act is to prevent drink driving and to implement a flexible penalty to provide those drivers convicted of certain drink driving offences with an opportunity for rehabilitation.

Schedule 1 [3] inserts Subdivision 2 (Use of interlock devices as alternative to disqualification) in Division 3 (Licence disqualification) of Part 3 of the *Road Transport (General) Act 1999* as follows:

- This sentencing option is not available to habitual offenders: s 25B.
- A court that convicts a person of certain alcohol-related offences may order that licence disqualification imposed by or under s 25 of that Act be suspended if the person participates in an interlock program: s 25C.
- Entry into the program involves the convicted person obtaining an interlock driver licence that is a conditional driver licence restricting the holder of the licence to driving a motor vehicle fitted with an approved interlock device: s 25D.

- The convicted person will be able to apply for an interlock driver licence at any time during the disqualification period applicable to the person – but no earlier than 28 days before the expiry of the disqualification compliance period: s 25E.
- If the Authority issues an interlock driver licence, the original disqualification will be suspended for the interlock participation period specified by or under the Subdivision: s 25F.
- A person in respect of whom a disqualification suspension order is made commences to participate in an interlock program on the date on which the person is issued with an interlock driver licence. The interlock participation period applicable to the person also commences on that date: s 25G.
- On completion of that period, the convicted person will be taken to have completed the original disqualification: s 25H.

Schedule 2 inserts a new Part 2A (Interlock devices) containing proposed ss 21 – 21D to be inserted in the *Road Transport (Driver Licensing) Act 1998*, relating to the installation, use and maintenance of approved interlock devices and for the establishment of a scheme to provide financial assistance to persons seeking the use of such devices.

Appendix C

Case Studies

Case study 1: Successful completion

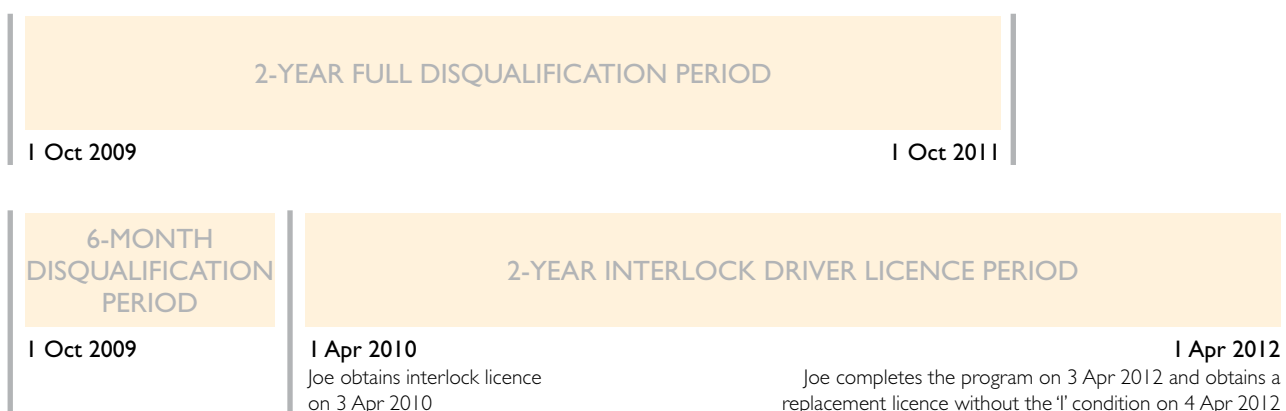
Joe Citizen has a combined car/motorcycle licence. He is convicted of a first drink driving offence at a high range alcohol level on 1 October 2009. The court orders a full disqualification period of two years. The court also orders a disqualification suspension order (ie an interlock order) made up of a 6-month disqualification compliance period (ie mandatory disqualification) and a 2-year participation period. Joe has no outstanding suspension periods on his driving record.

Joe is eligible to apply for an interlock driver licence on or after 2 April 2010.

Within the 28 days before this date (ie from 6 March 2010), Joe gets a friend or family member to drive him to an approved interlock installer to have an interlock device installed and obtain the Alcohol Interlock Program – Interlock Installation Certificate. During this time, Joe also attends a medical consultation and obtains a signed Alcohol Interlock Program – Brief Medical Intervention Certificate.

Joe gets to a Motor Registry on 3 April 2010 and is issued with a three-year interlock driver (Class C) licence, with interlock conditions applying for two years. This licence does not permit him to ride a motorcycle. His interlock participation period expires on 3 April 2012 and Joe is able to obtain a non-interlock driver licence on or after 4 April 2012.

Joe successfully serves the interlock participation period and calls the RTA to confirm the date that his interlock participation period expires. Joe attends a service centre on 4 April 2012 to have the interlock device removed. From this date the 'I' condition no longer applies even though it is still printed on his licence. However Joe goes to a motor registry straight away to apply for an unrestricted driver licence and for his motorcycle licence. As Joe has not held a rider licence for two and a half years, he will need to successfully undertake a knowledge and riding test to be issued with the rider licence.



Case study 2: Successful completion despite suspension

Bill Smith is convicted of a drink driving offence at a high range alcohol level on 1 July 2009. This is Bill's second drink drive offence and the court disqualifies him for five years. The court also orders a disqualification suspension order made up of a 12-month disqualification compliance period and a 4-year participation period. Bill has no outstanding suspension periods on his driving record.

Bill can apply for an interlock driver licence on or after 2 July 2010.

Within the 28 days before this date (ie from 4 June 2010) Bill gets a friend or family member to drive him to an approved interlock installer to have an interlock device installed and obtain the Alcohol Interlock Program – Interlock Installation Certificate. During this time, Bill also attends a medical consultation and obtains a signed Alcohol Interlock Program – Brief Medical Intervention Certificate from the doctor.

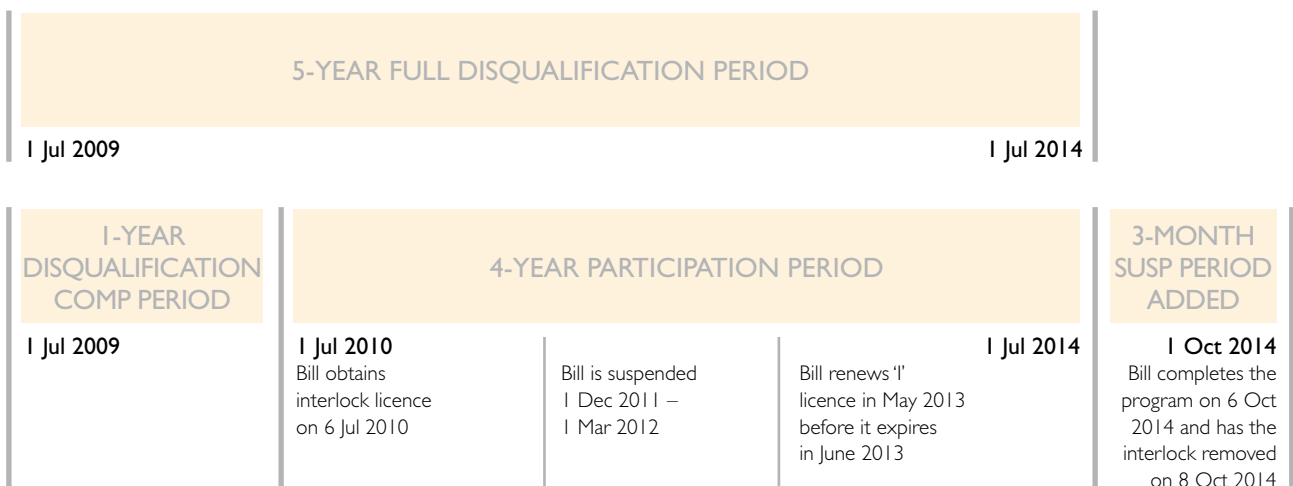
Bill successfully serves the disqualification compliance period and obtains an interlock driver licence on 6 July 2010. Bill's interlock licence is valid for 3 years and will expire on 6 July 2013, however his participation period expires on 6 July 2014. Bill is aware that he must renew his interlock driver licence before it expires or his licence will be cancelled and he will have to serve the balance of his full disqualification period.

Bill serves 16 months of his interlock participation period but during this time is caught speeding several times and uses up all his demerit points. In November 2011, the RTA notifies Bill that he will be suspended for three months from 1 December 2011 to 1 March 2012. Bill is unable to drive during this time.

Bill decides to have the interlock device temporarily removed from his vehicle whilst he is suspended and contacts the RTA to obtain approval for the temporary removal. Bill is unable to drive whilst suspended and without an interlock fitted to the vehicle. Therefore, he asks a friend or family member to accompany him to the approved installer when the device is removed, and again when the device is reinstalled at the end of the suspension period.

The 3-month suspension period is added to Bill's interlock participation period and the RTA notifies him in writing that his interlock participation period now expires on 6 October 2014. Bill is able to obtain a non-interlock licence on or after 7 October 2014 and from this date the 'I' condition no longer applies even though it is still printed on his licence.

Bill attends a service centre on 8 October 2014 to have the interlock device removed. Bill can apply for another class of licence as soon as he wishes.



Case study 3: Exit before completion of the program

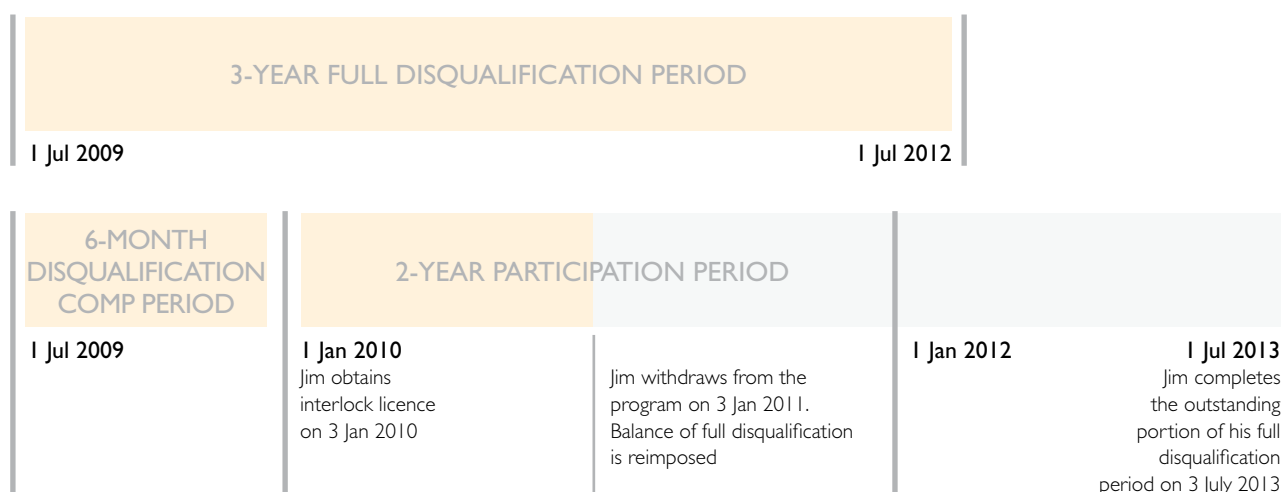
Jim Brown is convicted of a first drink driving offence at a high range level on 1 July 2009 and the court disqualifies him for 36 months (3 years). The court also orders a disqualification suspension order made up of a 6-month disqualification compliance period and a 2-year interlock participation period.

Jim serves the disqualification compliance period of six months. He obtains an interlock driver licence on 3 January 2010.

However, after 12 months, Jim no longer wishes to comply with the requirements of the program. He hands in his licence at the nearest Motor Registry and obtains RTA approval to have the interlock device removed by an approved interlock installer. The interlock installer lets the RTA know the device has been removed.

When Jim hands in his interlock driver licence, the law reimposes the balance of his full disqualification period. This is the full disqualification period of 36 months **minus** the 6 months of disqualification Jim has already served prior to obtaining his interlock licence.

Jim is now disqualified for 30 months (2.5 years) from the date he hands in his interlock driver licence, therefore until 3 July 2013. Jim can reapply for a licence on or after 4 July 2013. During this time, Jim remains disqualified from driving and is unable to return to the interlock program unless ordered by a court to do so.



Appendix D

Interlock device settings

Event	Resulting action
Initial test failed eg low volume, blow too hard or too soft.	Require test again.
Initial test failed.	5 minutes lockout.
Subsequent initial test failed.	30 minutes lockout.
Running retest failed.	Violation recorded. Lights flash and horn sounds until engine is turned off. An initial breath test is required to restart the car. The device will also initiate a 7-day countdown for a non-scheduled service.
Running retest not presented within 5 minutes.	Violation recorded. Lights flash and horn sounds until engine is turned off. An initial breath test is required to restart the car.
Power on/off or battery disconnected.	Power on/off will be recorded and violation may be recorded unless evidence presented.
Flat car battery.	Violation recorded. A receipt or evidence should be submitted to the service provider.
Attempt to circumvent via incorrect breath sample or tamper with electronics at start up.	A violation will be recorded and an initial breath test activated. The interlock device will initiate a 7-day countdown for a non-scheduled service.
Five high fails in a service period.	The interlock device will initiate a 7-day countdown for a non-scheduled service.
Five violations in a service period, such as retest not presented or power disconnected.	The interlock device will initiate a 7-day countdown interval period for a non-scheduled service visit.

Note: you must heed the warnings for scheduled service visits, non-scheduled service visits and early recalls. If you don't, your vehicle will go into permanent lockout and you will have to have it towed, at your own expense, to the nearest approved interlock service provider.

Appendix E

Conditions of the Alcohol Interlock Program

The conditions of the program are detailed in the regulations of the *Road Transport (Driver Licensing) Act 1998*. The program conditions that apply to a person's interlock driver licence include, but are not limited to the following:

- a) The holder of the licence must not drive a motor vehicle on a road or road related area unless it has an approved interlock device installed by an approved interlock installer.
- b) The holder of the licence must not drive a car with a blood alcohol concentration of 0.02 or more grams of alcohol per 100mL of blood. Although the alcohol interlock device will allow all drivers to start and operate their vehicle with a BAC of 0.02, provisional P1 and P2 drivers are still required to adhere to the zero BAC limit imposed by their licence conditions.
- c) The holder of a licence must not drive a registered motor vehicle with a GVM (gross vehicle mass) that is greater than 4.5 tonnes and that is constructed or equipped to seat not more than 12 adults (including the driver) and is not a car-based motor tricycle or any tractor or implement and is not a public passenger vehicle (as defined in the *Passenger Transport Act 1990*) or any motor vehicle loaded or partly loaded with any dangerous goods (within the meaning of the *Dangerous Goods Act 1975* or the *Road and Rail Transport Reform (Dangerous Goods) Act 1997*) and that is required by the *Road Transport (Dangerous Goods) (New South Wales) Regulations* to have signs exhibited on it.
- d) For purposes of counselling the holder of the licence with respect to the consumption of alcohol, the holder must (at his or her own cost) undergo such medical consultations with such medical practitioners and at such times, as may be required by the RTA.
- e) The holder of the licence must ensure that maintenance is carried out and when required by the RTA (at the holder's own cost) on the approved interlock device identified in the *Alcohol Interlock Program – Interlock Installation Certificate* the holder provided to the RTA.
- f) The holder of the licence must not, without the approval of the RTA, remove, or cause or permit to be removed the approved interlock device from the car specified in the *Alcohol Interlock Program – Interlock Installation Certificate* or from any other car in which it is subsequently installed.
- g) The holder of the licence must not drive any car in which the approved interlock device is installed if the holder knows, or could reasonably be expected to know, that the approved interlock device installed is not functioning properly.
- h) The holder of the licence must use the approved interlock device in accordance with the instructions (if any) for the proper use of the device supplied to the holder by its manufacturer and the RTA.
- i) The holder of the licence must not interfere or cause or permit any person (other than an approved interlock installer or approved interlock service provider; installing, maintaining or removing the approved interlock device) to interfere with the proper operation of the device.
- j) The holder of the licence must, if required to do so by the RTA, authorise the RTA in writing (or any persons nominated by the RTA) to provide any data or other information collected by the approved interlock device to persons carrying out functions for the purposes of the Alcohol Interlock Program during the period the licence is in force.
- k) The holder of the licence must permit a police officer to inspect the approved interlock device if the police officer asks to inspect the device.

The program legislation is detailed in the *Road Transport Amendment (Interlock Devices) Act 2002* and in the:

- *Road Transport (Driver Licensing) Amendment (Interlock Devices) Regulation 2003*.
- *Road Transport (General) Amendment (Interlock Devices) Regulation 2003*.
- *Road Transport (General) (Penalty Notice Offences) Amendment (Interlock Devices) Regulation 2003*.

Roads and Traffic Authority

The information in this brochure is intended as a guide only and is subject to change at any time without notice. It does not replace the relevant legislation.

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