

NSW Alcohol Interlock Program

On 8 September 2003 the NSW Alcohol Interlock Program commenced as a new penalty for certain drink drive offenders. The program incorporates a rehabilitation component.

The program allows drivers convicted of major alcohol-related offences who are deemed by the court as suitable, to suspend part of their disqualification period, if they:

- Complete a reduced disqualification period.
- Have a NSW Roads and Traffic Authority (RTA) approved alcohol interlock device installed in their car by an RTA approved interlock installer; and
- Obtain a NSW Class C (car) driver licence with an interlock licence condition.

Why has the interlock penalty been introduced?

Drink driving is a factor in approximately one in five fatal crashes. Over the five years 1998 to 2002 there were 525 people killed and 9,011 people injured as a result of a drink driving crash.

In addition many drink drivers continue to offend. Each year around 18 per cent of those convicted of drink driving have a previous drink driving conviction. Drink driving is also associated with driving while disqualified.

The interlock penalty provides drink drivers with an opportunity to rehabilitate themselves and to legally drive when they are sober.

This new penalty will help to remove drink drivers from our roads.

There is strong community support for alcohol interlocks. A study conducted in 2001 by NRMA found 91 per cent of respondents supported the fitting of interlocks to the cars of drink driving offenders and 88 per cent believed interlocks would be effective in reducing the incidence of drink driving.

Background

The NSW Alcohol Interlock Program is a new road safety initiative to combat drink driving. New legislation allows courts to give certain drivers, convicted of major alcohol-related offences, the option of suspending part of their disqualification period if they fit an alcohol interlock device to their car and obtain a NSW Class C (car) driver licence with an interlock licence condition attached ('interlock driver licence').

The NSW Alcohol Interlock Program

Participation in the NSW Alcohol Interlock Program consists of three stages. These are:

1. Serving the disqualification compliance period and any remaining unserved portion of previous suspension periods.
2. Obtaining an interlock driver licence.

3. Serving the interlock participation period.

How does the interlock penalty operate?

A court that convicts a person of certain major alcohol-related offences will have the discretion to order that a licence disqualification be suspended if the person participates in an interlock program. A person can request that the court orders the interlock penalty at the time of sentencing.

When a court convicts a person of an alcohol related major offence the court may disqualify the person from holding a driver licence by or under section 25(2) or (3) of the *Road Transport (General) Act 1999* ([Hyper link to the Act](#)) for a period (the full disqualification period).

Under the *Road Transport (Driver Licensing) Amendment (Interlock Devices) Regulation 2003*, ([Hyper link to the regulation](#)) if a court considers it appropriate it may also issue a disqualification suspension order for an eligible offender to serve a reduced period of disqualification ('disqualification compliance period') followed by a period on an interlock driver licence ('interlock participation period') as an alternative to the full disqualification period.

The *Road Transport (General) Amendment (Interlock Devices) Regulation 2003* ([Hyper link to the regulation](#)) permits a person to participate in the NSW Alcohol Interlock Program only if he or she is issued with an interlock driver licence. Under section 25G (2) (b) of the *Road Transport (General) Act 1999* a person automatically ceases to participate in the NSW Alcohol Interlock Program if the interlock driver licence is cancelled.

The object of the *Road Transport (General) (Penalty Notice Offences) Amendment (Interlock Devices) Regulation 2003* ([Hyperlink to the regulation](#)) is to amend the *Road Transport (General) (Penalty Notice Offences) Regulation 2002* so that a penalty notice will not be able to be served on the holder of an interlock driver licence who is alleged to have failed to comply with a condition of the licence. As a result, the offence concerned will be determined by a court.

The legislation prescribes minimum interlock participation periods. However a magistrate may order any maximum period. On completion of the interlock participation period, the convicted person will be taken to have completed the original full disqualification ordered by the court.

Table I lists the offences for which courts may issue an interlock driver licence order and the disqualification compliance periods and minimum interlock participation periods.

Drink driving offenders do not have to enter the NSW Alcohol Interlock Program. They can serve the full disqualification period. Program entry is voluntary and signifies a personal commitment to rehabilitation.

Table 1: Offences for which Courts may issue an interlock driver licence order and disqualification compliance periods and minimum interlock participation periods

Offence	Disqualification compliance period	Minimum¹ interlock participation period
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
Drive with a high range (>0.15) PCA (where there is a previous conviction for any alcohol-related major offence within the previous five-year period)	12 months	48 months
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
Drive with a high range PCA (>0.15) (where there is NOT a previous conviction for any alcohol-related major offence within the previous five-year period)	6 months	24 months
Attempt to drive with a middle range (0.08 to <0.15) PCA (where there is a previous conviction for any alcohol-related major offence within the previous five-year period)	6 months	24 months
Drive with a middle range (0.08 to <0.15) PCA (where there is a previous conviction for any alcohol-related major offence within the previous five-year period)	6 months	24 months
Attempt to drive with a middle range (0.08 to <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
Drive with a middle range (0.08 to <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
Attempt to drive with a low range (0.05 to <0.08) PCA (where there is a previous conviction for any alcohol-related major offence within the previous five-year period)	3 months	12 months

1. A court may order any maximum period.

Offence	Disqualification compliance period	Minimum¹ interlock participation period
Drive with a low range PCA (0.05 to <0.08) (where there is a previous conviction for any alcohol-related major offence within the previous five-year period)	3 months	12 months
Attempt to drive with a special range (0.02 to <0.05) PCA (where there is a previous conviction for any alcohol-related major offence within the previous five-year period)	3 months	12 months
Drive with a special range (0.02 to <0.05) PCA (where there is a previous conviction for any alcohol-related major offence within the previous five-year period)	3 months	12 months
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
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
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
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
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
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

I. A court may order any maximum period.

Who is eligible?

A person will be eligible to participate in the program and have an interlock driver licence issued where:

- Their most recent major alcohol-related conviction has occurred on or after 8 September 2003.
- The court has issued a disqualification suspension order.

- The disqualification suspension order has been recorded by RTA.
- The person has completed the disqualification compliance period and any other unserved suspension periods, and is free of any other restriction (e.g. SDRO fine default).
- Mandatory interlock documentation has been submitted to and recorded by RTA at a motor registry.

RTA will inform eligible offenders and subsequently post a reminder notice, together with an ***Alcohol Interlock Program Information Package for Participants*** six weeks before the expiry of their disqualification compliance period.

Steps to obtain an interlock driver licence

Up to 28 days before the expiry of the disqualification compliance period a person can commence the steps required to obtain an interlock driver licence. Eligible applicants are not able to actually obtain an interlock driver licence until after the expiry of their disqualification compliance period. The three key steps to obtain an interlock driver licence are:

Step 1: Have an RTA approved interlock device installed in their car(s) by an RTA approved interlock installer.

The RTA has approved the following interlock device for the program:

Guardian WR2 interlock device

For information on the Guardian WR2 interlock device please contact:

Mr Les Libbesson

Program Manager

Guardian Interlock Systems Australasia Pty Ltd

22/9 Hoyle Avenue, Castle Hill NSW 2154

Telephone: 1300 881 005 Email: interlocks@bigpond.com

The RTA has approved (and continues to approve) interlock installers and interlock service providers. A list of approved interlock installers and interlock service providers is available on this website ([Hyper link to approved interlock installers and service providers](#)). During the installation of the device, participants and other regular users of the car will be trained in the proper use of the device and will be provided, free of charge with a *User's Guide*.

At the completion of the installation the approved interlock installer will issue an *Alcohol Interlock Program – Interlock Installation Certificate*.

An interlock licence applicant must submit this Certificate when applying for an interlock driver licence.

RTA will ensure that there is an interlock network established throughout NSW. This website will be regularly updated with new information on approved devices, installers and service providers.

Step 2: Complete the *Drink-less brief medical intervention* delivered by a medical practitioner.

Another key requirement is the completion of a medical consultation with a medical practitioner trained to deliver the *Drink-less brief medical intervention*. (Hyper link to doctors). This intervention consists of a survey on alcohol use and a discussion with the doctor who will provide the applicant with a booklet on safe alcohol use. When attending the consultation a licence applicant must take the *Alcohol Interlock Program – Brief Intervention Certificate* contained within the ***Alcohol Interlock Program Information Package for Participants***. At the completion of the consultation the doctor will sign the Certificate.

An interlock licence applicant must submit this Certificate when applying for an interlock driver licence.

Step 3: Submit to RTA the interlock installation certificate, the brief intervention certificate, complete an interlock driver licence declaration, and have satisfied all usual RTA licensing requirements.

The documentation is invalid if dated 29 days or more before the end of the disqualification compliance period.

If an unserved portion of an existing suspension period exists, this must also be successfully served before the RTA can issue an interlock driver licence.

Eligible applicants wishing to participate in the program will not be able to actually apply for their licence until after the expiry of the disqualification compliance period.

All existing fees, concessions and refund policies for licences apply to interlock driver licences.

The interlock driver licence

During the interlock participation period the participant will hold an interlock driver licence which is a conditional driver licence that restricts the holder to driving a car fitted with an approved interlock device.

The interlock driver licence applies only to a Class C (car) licence (provisional, unrestricted and unrestricted with good behaviour period). An interlock driver licence is not available for class R, LR, MR, HR, HC, MC or combined licences.

The interlock driver licence will have the letter **'I'** on the front indicating the condition on which the licence is issued, and the words **'May only drive vehicle fitted with an Approved Interlock Device'** will be printed on the back of the licence.

Provisional PI licensees who participate in the NSW Alcohol Interlock Program will continue to be issued an 18-month driver licence with an interlock licence condition that will be valid for the period specified by the Court.

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

Unrestricted licensees who participate in the NSW Alcohol Interlock Program will be issued with a three-year driver licence only with an interlock licence condition that will be valid for the period specified by the Court.

The interlock driver licence is a Class C 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, LR, MR, HR, HC, MC or combined licences.

Conditions of the interlock driver licence

The interlock driver licence restricts the licence holder to driving registered cars with a GVM that is not greater than 4.5 tonnes and that is constructed or equipped to seat not more than 12 adults (including the driver), fitted with an approved interlock device by an approved interlock installer.

Interlock driver licence holders must also comply with a number of other conditions, which include:

- Ensure that maintenance is carried out as and when required by the Authority (at the interlock driver licence holder's own cost).
- Use the approved interlock device in accordance with the instructions for proper use of the device.
- Permit a police officer to inspect the approved interlock device.

How does the interlock device work?

An RTA approved interlock device is an electronic breath-testing device wired to the ignition of a car to prevent the car from being started unless the driver passes a breath test.

Approved interlock devices must be installed by approved interlock installers and are clearly labelled 'NSW Approved Interlock Device'.

Before the car can be started, the driver must blow a breath sample into the device which then analyses the alcohol concentration in the breath. A vehicle fitted with an interlock device will not start unless the driver passes the breath test. If the driver fails the test the car ignition is locked out for a certain period (5-30 minutes) when the driver can take another test. If this test is passed the vehicle will start. If not it is again locked out for another 30 minutes.

The device records all events relating to the use of the car including initial tests, retests and any attempt to circumvent or tamper with the device. The device can detect a non-human breath sample and requires an adult volume of air for the sample to be accepted.

Monitoring

A condition of the interlock driver licence is that the holder must submit the car at regular intervals (initially monthly) so that the interlock device can be inspected and undergo maintenance. As part of the maintenance all electronic data captured and stored in the interlock device are downloaded and securely transferred to RTA for monitoring.

In the event the data indicate that the licence holder is not complying with the conditions of the interlock driver licence RTA may require the participant to undergo a further medical consultation to address alcohol use. Repeated non-compliance may result in licence cancellation and re-instatement of the remainder of the full disqualification period.

Regular users of the participant's car will be subject to all of the requirements of the device. Overseas and interstate experience shows that family members are usually very supportive.

Completion of the interlock period

When the interlock participation period is completed, the interlock licence condition will be expired automatically.

Interlock licence holders will be notified by a letter from RTA that their participation in the program has ended and that their full disqualification period is also deemed to have been completed. They then have the device removed by an approved interlock installer and are no longer subject to the conditions of the interlock driver licence.

As soon as possible they should attend a motor registry to have a replacement licence issued, at the usual fee, with the condition removed.

Where can I get more information on the NSW Alcohol Interlock Program?

This website will be regularly updated with new information, including contact information on approved devices, approved interlock installers and approved service providers.

In addition, remember if you are ordered by the court as eligible for the NSW Alcohol Interlock Program, the RTA will write to you to inform you. Six weeks before the expiry of the disqualification compliance period RTA will post all eligible offenders a reminder letter and the ***Alcohol Interlock Program Information Package for Participants*** which contains comprehensive information about the program including:

- Steps to applying for an interlock driver licence.
- Names of approved interlock devices and supply information.
- Names and addresses of general practitioners trained to deliver the *Drink-less brief medical intervention*.
- Comprehensive information on the benefits, obligations and conditions of the interlock driver licence and the NSW Alcohol Interlock Program.

Frequently asked questions

1. Who is eligible?

A person is eligible to participate in the NSW Alcohol Interlock Program if he or she was convicted of certain major alcohol-related offences on or after 8 September 2003 and the court issues a disqualification suspension order. This order means that they are eligible to obtain an interlock driver licence after a certain disqualification period.

2. I live in country NSW, will I get into the program?

RTA has made sure people in country NSW can participate in the program.

3. What happens if I do not renew my interlock driver licence, even one day before, the expiry date?

If you do **not renew your licence before it expires (even one day before)** the law requires that you will cease to participate in the NSW Alcohol Interlock Program and RTA will automatically reimpose the balance of the full disqualification period.

4. What happens if the interlock driver licence holder is caught drink driving or driving a car not fitted with an interlock?

The NSW Police will continue to enforce drink driving through random breath testing. In the event that an interlock driver licence holder fails a random breath test existing penalties will be applied and they will be charged and face court.

Similarly, if the interlock driver licence holder is caught driving a car not fitted with an interlock they will be required to attend court.

5. What happens when other people drive my car?

Anyone using a car fitted with an interlock device will be subject to all the requirements of the device. The installer will provide training to you and to other regular users of the car.

Overseas and interstate experience indicates that family members and friends are usually very supportive.

If another driver commits a violation it will be recorded and any resulting action will be initiated. You are responsible for all costs incurred with such actions and in the absence of proof to the contrary you will be responsible for all violations.

6. What happens if I can't start the car in the morning?

If you can't start the car in the morning it may be due to the amount of alcohol in your body from the previous night.

Sobering up takes a long time. There are several myths about sobering up which include drinking strong coffee, taking a shower, going for a walk, vomiting, eating greasy food, drinking water, getting some sleep and getting exercise.

Small amounts of alcohol leave your body in your urine, sweat and breath but your liver breaks down most of the alcohol. A healthy liver breaks down one standard drink per hour,

but if your liver is not healthy it takes longer. Most people drink more than one standard drink per hour!

So the only thing that sobers up a drinker is time. Your liver has to do the work to break down the alcohol and it can only work so fast. You cannot speed it up. If you drink a lot at night, you may have a high level of alcohol in your bloodstream until the afternoon of the next day.

If your car won't start the next morning wait for a few hours before you phone the 24-hour toll-free number for help.

7. What are the penalties for avoiding, circumventing, or disconnecting an interlock device?

The device records all attempts to start the car, including corresponding breath alcohol levels. It also records results of running retests required during a trip. The device is programmed to initiate certain actions in response to a certain event or series of events.

8. What will prevent people from attempting to circumvent the interlock?

Interlock devices are difficult to circumvent. Tamper-evident seals secure the device. Interlocks can detect a non-human air sample such as an air pump sample. They are programmed to require re-tests at regular random intervals to ensure that the driver is sober. The device requires an adult breath sample.

9. Is there a minimum amount of driving required with the interlock fitted?

There is no minimum amount of travel required for a car fitted with an interlock device.

10. What are the interlock servicing requirements?

The device must be regularly serviced by an approved interlock service provider. Initially at 30-day intervals.

11. What happens if the interlock malfunctions?

If the interlock device is not working properly contact your device supplier or approved service provider immediately. The problem may be solved over the phone.

12. Can prescription drugs interfere with the interlock test results?

To date there have been no known problems with this issue.

13. What assistance is there for low-income earners to participate in the NSW Alcohol Interlock Program?

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

These are:

- I. Health Care Card

2. Pensioner Concession Card
3. Commonwealth Seniors Card.

The financial assistance scheme ensures 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.

14. Where else are interlocks used? Are they successful?

South Australia and Victoria have implemented interlock programs. Also, interlock programs have been implemented in Sweden, Canada and the United States of America.

Research conducted in North America has shown that interlock programs can decrease re-offending rates and reduce crash rates and work best when conducted in conjunction with counselling or medical treatment.

15. Will the NSW Alcohol Interlock Program be evaluated?

The program will be evaluated and a report will go to the government.