



Legislative Assembly

Road Transport Legislation

Amendment (Interlock Devices) Bill

28/06/2002

Hansard

Extract

Second Reading

Mr GAUDRY (Newcastle—Parliamentary Secretary), on behalf of Mr Scully [10.05 a.m.]: I move:

That this bill be now read a second time.

The purpose of this bill is to implement a new, flexible penalty, which provides those drivers convicted of certain drink-driving offences with an opportunity to rehabilitate themselves and learn to drive without drinking. The bill will amend the relevant provisions of the Road Transport (General) Act 1999 and the Road Transport (Driver Licensing) Act 1998 to enable the courts to impose a new penalty for drink-driving offences. This penalty will require offenders to have an interlock device installed in their vehicle in order to drive. Interlock devices will enhance the safety of all people on the roads by addressing in a practical way the problem of drink-drivers. I am pleased to report that over the past 10 years, the community has responded very effectively to the Government's drink-driving campaigns.

In 1991, alcohol was a known factor in 26 per cent of road fatalities. By 2001, this had fallen to 19 per cent. The community now views drink-driving as a serious crime. Each year, around 20,000 prescribed concentration of alcohol offences are committed. Of these, around 15,000 are high or middle range blood alcohol concentration offences. A high range alcohol concentration is a reading of .15 or above. A middle range alcohol concentration is a reading of .08 to .15. A driver with a high range alcohol concentration is 25 times more likely to be involved in a crash than someone driving with a zero concentration. For a driver with a middle range alcohol concentration the risk is seven times higher. Over the past five years around 90 per cent of drink-drivers involved in a fatal crash had a high or middle range alcohol concentration. In 2001, drink-driving resulted in the deaths of 99 people and the economic cost to the community was a staggering \$190 million.

The social and emotional cost to families and communities cannot be quantified. Research conducted by the Roads and Traffic Authority [RTA] shows that very often a first high range alcohol concentration offence signals the beginning of a pattern of recidivism or repeat offending. Around four in 10 of such offenders reoffend at least once in the following five years, even where the offender has been disqualified from driving. Drink-drivers not only threaten their own lives and those of their families but also the lives of every other person they encounter while on our roads. These facts and figures highlight the need for a new approach that targets convicted offenders and includes a rehabilitation component.

In 1999 I ordered the RTA to conduct an eight-month trial of alcohol interlocks with volunteer drink-drive offenders. It was found that the interlocks successfully prevented them from driving after drinking and taught them how to stay under the legal limit. A survey conducted by the NRMA in July 2001 demonstrated that 91 per cent of the public supported the requirement for drink-drivers to use interlocks. Breath alcohol interlocks have been implemented in a number of States in the United States of America, Canada and Sweden for several years. South Australia introduced breath alcohol interlocks in 2001 and their program appears to be operating very successfully. Recently Victoria introduced interlock legislation. Overseas evaluations have shown a significantly reduced rate of reoffending and crashes for drivers participating in interlock programs compared with other drink-drive offenders.

An alcohol interlock device is an electronic breath alcohol analyser with a micro computer and an internal memory, wired into the vehicle's ignition system. Its purpose is to measure the driver's breath alcohol concentration prior to each attempt to start the vehicle. If the driver's breath sample exceeds a preset limit, the ignition locks and the car is immobilised. In New South Wales this limit will be .02, which is effectively a zero breath alcohol concentration level. The device proposed under the New South Wales alcohol interlock program automatically records all information relating to starts or attempts to start the vehicle ignition and corresponding breath alcohol concentration levels.

Interlocks are difficult to circumvent. They can detect a non-human air sample—for example an air pump—and will record this as a violation. Breath alcohol interlocks are programmed to require rolling retests, which require the driver to provide a breath sample after the vehicle has been in operation for some time. However, any vehicle being driven with an interlock will not suddenly have its engine immobilised. The device can be programmed so that if there are a repeated number of attempts to circumvent the device it will activate a set period in which the driver must attend the service centre. If this period expires without the service, the ignition locks and the next time there is an attempt to start the vehicle it is immobilised.

The interlock program targets those offenders who are most at risk of crashing and reoffending. The program targets first offenders convicted of the serious offences of high range or middle range alcohol

concentration or driving under the influence of alcohol offences. It also targets those convicted of a drink-driving offence who have a prior drink-driving conviction within the previous five years. The courts will decide whether the new interlock sentencing penalty should apply. Where a court considers that an interlock sentencing option is appropriate it will order the interlock penalty as an alternative to a full disqualification period under section 25 of the Road Transport (General) Act 1999.

The interlock program includes a mandatory reduced disqualification period called a disqualification compliance period followed by a period on an interlock licence called an interlock participation period. The length of these periods varies according to the severity of the offence. I will illustrate how the interlock penalty compares with current penalties. Take the example of a person convicted of a first high range alcohol concentration offence. Current penalties for this offence include a gaol term of up to 18 months, a minimum 12-month disqualification period and a fine of up to \$3,300. A court may impose an unlimited disqualification period for this offence.

With an interlock penalty, the offender will serve a mandatory six-month disqualification compliance period, followed by a minimum 24-month interlock participation period. It will be within the court's discretion to order any appropriate maximum interlock period. Of course, the court may still impose a monetary fine or period of imprisonment. To enter the interlock program, offenders must apply to the RTA for an interlock driver licence. Licence applicants must meet four conditions. Firstly, applicants must consult a medical practitioner to discuss their drinking behaviour and have the opportunity for professional alcohol counselling. Secondly, the applicant must have an RTA approved interlock device installed by an RTA approved interlock installer. Applicants will be required to pay all costs associated with the installation and lease of the interlock, which are estimated to be in the range of \$1,800 to \$2,500 per annum. The legislation provides for a scheme to assist low income earners who choose to enter the program.

Thirdly, the interlock applicant must submit to the RTA documentation of the medical consultation and a certificate of interlock installation. Finally, the interlock entrant must have completed the disqualification compliance period and have satisfied all usual RTA licensing requirements. The interlock participation period commences when the applicant is issued with an interlock driver licence, which will restrict the person to driving a vehicle fitted with an approved interlock device. This licence will also prohibit holders from driving heavy and public passenger vehicles as well as motorcycles.

A central element of the operation of the interlock program is that periodically the interlock driver must submit the vehicle to an RTA approved interlock service provider. This provider will download electronically captured data in the interlock device and submit it to the RTA. The approved interlock service provider will also carry out all maintenance required to ensure the proper operation of the device. The interlock program will complement and enhance the already tough penalties available to the courts when dealing with the serious offence of drink-driving.

Offenders will be made aware of the penalties for failing to complete the program and for driving a vehicle without an interlock device. In the event that the interlock licence holder fails to complete the program, the full disqualification period less the disqualification period already completed must be served. Consider a first high range offender who received a three-year full disqualification period and who entered the interlock program after serving the six-month disqualification compliance period. If that driver fails to complete the interlock period, the remaining 30 months of the full disqualification period must be served.

The bill authorises the making of regulations relating to offences of interfering with the interlock device and to the operation of the program. The penalties are substantial for interlock licence holders detected driving a vehicle without an interlock device. When drivers are detected they face a fine and their licence may be cancelled. If they continue to drive they face a fine of up to \$3,300 and up to 18 months in gaol for a first offence and a fine of up to \$5,500 and up to two years in gaol for a second or subsequent offence.

Although the main objective of this penalty is to prevent drink-driving, the interlock will also assist those offenders who commit to rehabilitation to participate in community life, including employment where driving is required. The aim of the interlock program is to reduce crash risk and the incidence of reoffending by the target groups. Interlocks can help ensure that repeat drink-drivers do not drink and drive during the period of highest accident risk—the first five years after their prior offence. The interlock penalty gives courts a broader range of sentencing options to address a significant community problem. I commend the bill to the House.