



Road Transport Legislation Amendment (Interlock Devices) Bill

Second Reading

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Second Reading

The Hon. IAN MACDONALD (Parliamentary Secretary) [5.46 p.m.]: I move:

That this bill be now read a second time.

I seek leave of the House to incorporate the second reading speech in *Hansard*.

Leave granted.

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.

The Hon. IAN COHEN [5.47 p.m.]: On behalf of the Greens I support the Road Transport Legislation Amendment (Interlock Devices) Bill. The bill will enable courts to order the use of breath alcohol interlock devices as a partial alternative to disqualification for certain alcohol-related driving offences. This sentencing option is particularly useful for sentencing individuals who are extremely dependent on their drivers licences for other areas of their lives. This might include a person who drives for a living, has to drive long distances to get to work or drives for the purposes of work. It also includes parents and caregivers who have inadequate access to public transport and who use their cars to ferry their children around to schools, sport and other activities. If this option will allow more

offenders to get back on the road without drink driving the Greens support it.

The Greens are pleased that the Government has given thought to the equity issues attached to this proposal. The yearly cost of installing and leasing the interlock device is estimated to be around \$1,800 to \$2,500. This is not cheap and would be prohibitive for many low-income earners. The Parliamentary Secretary specified in his second reading speech that a maximum subsidy of 75 per cent will be provided for those who meet guidelines used by the Legal Aid Commission and the Department of Housing for the cost of the interlock device. However, licence fees do not appear to be subsidised. The Greens would like to know what component of the \$2,500 is for the cost of the device and what component is for the licence fee? It is important that this sentencing option be realistically available to all, regardless of income. I ask the Parliamentary Secretary to answer that question. If the answer is satisfactory, the Greens will be pleased to support the bill.

The Hon. JENNIFER GARDINER [5.49 p.m.]: Generally speaking, the Opposition supports the introduction of this new tool, the interlock device, which is proposed to be fitted to motor vehicles as a partial alternative to disqualification for drivers convicted of certain alcohol-related driving offences. The bill amends the Road Transport (Driver Licensing) Act 1998 to enable the regulations made under that Act to provide for the issue of conditional licences restricting their holders to driving motor vehicles fitted with breath alcohol interlock devices, and to provide for the installation, removal, maintenance and use of such devices. Last year, unfortunately, 100 people died as a result of alcohol-related accidents in motor vehicles. Although progress has been made in reducing the number of deaths in drink-driving accidents, clearly more needs to be done.

Under this bill, courts will have the power to order an offender to participate in the interlock device program. That program is to be targeted at those who are most at risk of being involved in a crash and of reoffending. First offenders convicted of serious offences with a high-range or mid-range alcohol concentration will also form part of the target group. There are four conditions to be met before offenders can participate in the program: firstly, they must consult a medical practitioner in relation to their drinking behaviour; secondly, they must have an interlock device approved by the Roads and Traffic Authority [RTA] installed by an RTA-approved interlock installer and pay the costs of same; thirdly, they must submit to the RTA documentation of the medical consultation and a certificate relating to the installation of the interlock device; and, fourthly, they must also have completed the disqualification compliance period and satisfied all the usual RTA licensing requirements.

As the Hon. Ian Cohen said, it is estimated that the costs associated with these devices will probably be between \$1,800 and \$2,500. Those figures come from the Minister for Transport. The Opposition agrees with the International Council on Alcohol, Drugs and Traffic Safety, which has issued a position paper on alcohol interlock devices. The council has stressed the need for such a tool to be part of a comprehensive road safety program, and for a national authority to manage device certification. It also believes that participation in such a program should be clearly marked on relevant drivers' licences, or perhaps there could be a special driver's licence for those targeted and participating in the program. The Opposition thinks, appropriately, that the program will be largely voluntary. However, it believes that there must be a rigorously competitive process by which the interlock devices are allowed into the program. We note that there are some sophisticated interlock devices available. Once the program is operational the Opposition believes that it should be evaluated over, say, a two-year period. We look forward to joining with others in analysing how the program operates for the first couple of years. We hope that a proper evaluation will be presented on the public record so that any further amelioration of the program or development of it can be analysed by the Parliament.

Reverend the Hon. FRED NILE [5.53 p.m.]: The Christian Democratic Party is pleased to support the Road Transport Legislation Amendment (Interlock Devices) Bill and congratulates the Government on its initiative. This legislation is part of the Government's ongoing program, which has been running for a number of years, to reduce road accidents, including its drink-driving campaigns. The Christian Democratic Party has always strongly supported each of those initiatives going back to the random breath testing legislation, which was controversial at the time of its introduction. We were pleased to support the random breath testing legislation passed by the Parliament, which has been very effective. This bill will implement a new flexible penalty that provides drivers convicted of certain drink-driving offences with an opportunity to rehabilitate themselves and to learn to drive without drinking. The legislation will amend 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 vehicles 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. In 1991 alcohol was a known factor in 26 per cent of road fatalities; by 2001 this had fallen to 19 per cent. One matter that I believe the Government should keep under observation is that of drug drivers. Recent reports show that some young people who previously were involved with drink-driving problems are now involved with drug-driving problems. They think it is safe to use, say, marijuana and drive because random breath tests conducted by police officers do not detect drugs. Although the detection of drink-drivers may be dropping, drivers may be under the influence of drugs which make them dangerous on the roads and, indeed, cause fatal accidents. The Government should monitor that situation. Evidence indicates that drivers using marijuana are six times more dangerous than drivers using alcohol, which can result in fatal accidents. The bill provides for a strict alcohol concentration level. If a breath sample exceeds a preset limit, the vehicle ignition locks and the car is immobilised. This limit will be 0.02, which is effectively a zero breath alcohol concentration level. We are pleased that the Government has brought forward this initiative, and we wholeheartedly support it.

The Hon. JOHN JOBLING [5.56 p.m.]: I support the Road Transport Legislation Amendment (Interlock

Devices) Bill, which introduces another safety measure designed to improve road safety. The Staysafe committee, of which I am a member, produced two reports, entitled "Alcohol and Other Drugs on New South Wales Roads" and "Offences, Penalties and the Management and Rehabilitation of Convicted Drivers". In the latter report, which was produced in October 1993, many recommendations were made in an attempt to find the best way of dealing with convicted drink-drivers, especially those who had significant personal difficulty usually with alcohol, while at the same time ensuring that any action taken treated offenders as real people, dealt with the issue as a health problem and preserved road safety.

Recommendation 13 of Staysafe report No. 20 was that the Minister for Roads, following consultation with the Minister for Health, the Attorney-General, the Minister for Police and other agencies as appropriate-even back in 1993 we recommended wide consultation-amend the Traffic Act 1909 to allow the use of vehicle ignition interlock devices as a sentencing option for convicted drink-drivers, and commence a trial program of vehicle ignition interlock devices. I am pleased to note that tests of these devices have been conducted and as a result we have this legislation before us today. The Opposition does not oppose the bill. I note that a number of concerns raised by the shadow Minister in the other House have been generally addressed. What does the bill do? Basically, the two objects are straightforward and simple. The bill amends the Road Transport (General) Act 1989 to enable a court to order the use of breath alcohol interlock devices fitted to motor vehicles as a partial alternative to disqualification for drivers convicted of certain alcohol-related driving offences.

The bill will amend also the Road Transport (Driver Licensing) Act 1998 to enable the regulations made under that Act to provide for the issue of conditional licences restricting their holders to driving motor vehicles fitted with breath alcohol interlock devices and to provide for the installation, removal, maintenance and use of such devices. Thus the legislation, in my view and in the view of the Opposition, will introduce flexibility into penalties that are presently available to magistrates and will offer to drivers who are convicted of drink-driving offences a chance of rehabilitation under very strict guidelines. I note that guidelines will be produced to specifically assist magistrates when they consider the use of interlock devices as part of sentencing related to a drive with the prescribed concentration of alcohol [PCA] offence. Courts will have wider discretion to order, or refuse, the interlock penalty.

The interlock penalty includes a mandatory disqualification period, which is referred to as a disqualification compliance period, and an interlock period, known as the interlock participation period. The disqualification compliance period ranges from three months for repeat low-range and special-range offenders to up to 12 months for repeat high-range offenders. The minimum period for the interlock participation period is 12 months for repeat low-range and special-range offenders, 24 months for middle-range and first high-range offenders, and 48 months for repeat high-range offenders. The court may, if it wishes, impose an unlimited maximum interlock participation period for all offenders. Overseas experience proves that the longer the period for which a driver engages in the interlock program-for example, two years or longer-the better and more long-lasting are its effects and the reduction of recidivism. International figures on recidivism do not clearly indicate what happens when the interlock is removed, but one would hope that data on the use of the interlock devices provided from Quebec, while it is early data and contrary to many views, will turn out to be correct.

The 1997 Quebec interlock program data showed that during the interlock period the recidivism rate dropped by more than 90 per cent, and in the six-month period following removal of the interlock device the recidivism rate did not increase. That is a promising sign. The indications are yet to be proved but I hope that the New South Wales experience will turn out to confirm the Quebec program's results. Traffic offence and crash figures also showed a significant decrease during both the interlock and post-interlock periods. The interlock device is not a new idea and has been advocated over a long period by many road safety committees in Australia and overseas. Staysafe's report No. 20, which was published in October 1993, states that alcohol is recognised as one of the three major contributors-the others are speed and fatigue-to road fatalities and crashes. In 1999 in Australia, the Roads and Traffic Authority [RTA] conducted an eight-month trial of interlock devices with volunteers. It is quite interesting that the trial's results showed the interlock devices to be an effective means of preventing a person from driving after drinking.

The NRMA conducted a survey in July 2001 which indicated support for the interlock program by approximately 91 per cent of respondents. The device is widely used overseas-for example, throughout the Canadian provinces, some 43 States in the United States of America [USA] and in Sweden. To my personal knowledge, most European countries either have introduced or are preparing to introduce an interlock program. I have had the opportunity of meeting Ian Marples, President of the Gardian Interlock System Corporation based in Mississauga, Ontario; the program's co-ordinator, Christianne Brosseau, in Montreal; the chief of the Safety Advocacy Division, Kevin Quinlan; and Barry Sweedler, the Director of the Office of Safety of the National Transportation Safety Board of the USA, based in Washington. I have had the opportunity also of testing the devices under both laboratory and vehicular conditions. It is indeed a most efficient device and has many in-built tests to prevent cheating. Generally a user must blow strongly into its mouthpiece for approximately four seconds, but it also requires the user to blow and hum simultaneously for another three seconds to achieve the green effect. This is an extremely difficult task.

Interlocks are also very difficult to circumvent. They can detect non-human air samples. Some people have suggested that an air pump can be used on the device, but the device is sufficiently advanced to record any such attempts as violations. Breath alcohol interlocks are programmed to require rolling re-tests, which means that the driver has to provide another breath sample after the vehicle has been in operation for some time, but that does not mean that any vehicle with an interlock will suddenly have its engine immobilised. Three to five minutes will elapse before a driver has to pull over and complete the test again. The device can be programmed to ensure that if a number of repeated attempts are made to circumvent it, a set period will be activated in which the driver must attend a service centre to have the instrument recalibrated. If this period expires without the service being

undertaken, the ignition will lock and the next time there is an attempt to start the vehicle it will fail. The interlock devices are also fitted with highly sensitive tamper-evident seals with a memory that records all attempts to start the vehicle and the corresponding blood alcohol content [BAC] of the person who is blowing into the device.

With the imposition of 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 courts discretion to order any appropriate maximum interlock period. 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. Applicants must meet four stringent conditions. First, applicants must consult a medical practitioner to discuss their drinking behaviour and have the opportunity for professional alcohol counselling. Second, the applicant must have an RTA-approved interlock device installed by an RTA-approved interlock installer. The conditions are exactly similar to those that apply overseas. Applicants will be required to pay all costs associated with the installation and lease of the interlock and they are estimated to be in the range of \$1,800 to \$2,500 per annum. The costs are similar to those applying in overseas countries that have implemented similar programs. The legislation provides for a scheme to assist low income earners who choose to enter the program.

The third condition is that interlock applicants must submit documentation to the RTA verifying the medical consultation and a certificate of interlock installation. Fourth, the interlock entrant must have completed the disqualification compliance period and must have satisfied all the usual RTA licensing requirements. The interlock participation period commences when the applicant is issued with an interlock driver licence which restricts the person to driving a vehicle that is fitted with an approved interlock device. This licence will also prohibit holders from driving heavy and public passenger vehicles as well as motorcycles. Offenders will not be able to get round the legislation by using a motorcycle to avoid the penalty: that simply will not work. A special licence will be issued and endorsed with "I" to signify that the driver is participating in the alcohol interlock program. I understand that, depending on the outcome of ongoing discussions with the Privacy Commissioner, the licence may have a special colour-coded bar to identify the licence as an interlock conditional licence. That seems to me to be a reasonable course to take.

This will be a user pays system, as it is overseas. The cost of the system is about \$1,800 to \$2,500, which is comparable with the charge in the United States of America and Canada. I note that the scheme also provides for assistance to low-income earners. Whilst I understand the reason for that assistance, I express some concern and sound a note of caution. The scheme is to be based on means-tested guidelines used by the Legal Aid Commission and the Department of Housing-the type of system already in place, tried and tested, and working reasonably well. The scheme will provide for a maximum subsidy of up to 75 per cent of the cost of the interlock device. However, participants will be required to demonstrate their inability to pay the full amount of the cost of the interlock device, as well as their ability to pay a subsidised amount. So stringent testing will be associated with the framework of the means test to ensure that the system is equitable. All participants will be required to pay for the brief medical intervention and the licence fees.

It is unclear at this stage-perhaps the Parliamentary Secretary might advise the Committee-when the period of the program is completed, whether recovery of the cost, in whole or in part, of the interlock device will be undertaken over two to three years after completion of the program period. I look forward to the release of the evaluation of the use of this interlock program. I believe that the introduction of the interlock program will be one more step to assist in controlling and reducing the road toll in New South Wales.

The Hon. Dr BRIAN PEZZUTTI [6.11 p.m.]: The contribution to this debate made by the Hon. John Jobling was outstanding, so I will not repeat what he said. I have been a member of the Staysafe committee, but I do not know whether I was a member of that committee in 1993, when this matter was also an important issue. Frankly, I regard this as a fairly timid bill. This State should be looking to rid itself of the scourge of drink-drivers by requiring this interlock device to be fitted to all vehicles.

The Hon. Ian Macdonald: All vehicles?

The Hon. Dr BRIAN PEZZUTTI: If we want to get rid of drink-drivers, to be perfectly frank, that is the way to go. If it costs \$1,800 to fit the device to a vehicle, a cost-benefit analysis should be undertaken to determine whether the device will save more lives and cost less than the cost of its implementation.

The Hon. Ian Macdonald: Is this official Opposition policy?

The Hon. Dr Brian Pezzutti: No. It is my personal view that this is an option that should be considered. This State did a really good thing in introducing random breath testing.

Reverend the Hon. Fred Nile: Should it detect drugs as well as alcohol?

The Hon. Dr BRIAN PEZZUTTI: I will come to that in a moment. Minister Paciullo made a very bold decision to introduce random breath testing. He carried through on that initiative, with community support. That support is now waning. The Coalition introduced legislation providing for mandatory gaol sentences for driving with high-range alcohol levels. But the judges would not wear that. They rallied against mandatory sentencing. To my knowledge, that was the first mandatory sentencing legislation introduced by this Parliament. The judges would not have a bar of it. So we have had to live with disqualified and unlicensed persons who are as drunk as lords driving unregistered and uninsured vehicles-the whole disaster, with increasing recidivism. What is to stop these recidivists?

I am not as concerned as my colleague about the privacy issue. These repeat offenders should have their licences marked with a prominent "I" or some other compliance provision. This is a public penalty, handed down by a public court. This special marking should be prominently displayed; it should not be hidden or secretive. These drivers, having served a disqualification period, are being extended the privilege of being allowed to drive with an interlock device in substitution of their being disqualified for a number of years. This condition should be visible on their licence or elsewhere so that everyone can see that the holder of the special licence is exempt from disqualification for a specific purpose.

The Hon. Richard Jones: Forever?

The Hon. Dr BRIAN PEZZUTTI: I did not say forever. But I agree that the periods of compliance should be lengthy. The Hon. Ian Cohen bleated about equity, letting people drive to work, and so on. That is a hell of a lot better than going to gaol! I and my family should not be put at risk of being damaged by those who have a propensity to recidivism. Those drivers should be put in a position where they cannot damage me or my family. But what stops them from driving another vehicle that is not fitted with an interlock device? If these unlicensed drivers are now driving unregistered and uninsured vehicles-as they regularly do-what will inhibit them driving vehicles not fitted with an interlock device? The proportion of unlicensed drivers in New South Wales is still about 10 or 15 per cent, as the Staysafe committee is aware from a number of surveys. We should be considering a period of mandatory sentencing for drivers with a high range of alcohol who offend for a second time. Mandatory penalties should be used more frequently.

Reverend the Hon. Fred Nile raised the issue of driving after using marijuana. The honourable member may have seen the report in the *Daily Telegraph* this week that young people are choosing to use marijuana instead of drinking alcohol before they drive. Yet we know that drivers who have taken drugs are eight times more likely to have a car accident. As long ago as 1978 a study was done at Hornsby hospital of people treated for injuries resulting from accidents involving a death. Some 45 per cent of occupants of vehicles involved in accidents causing death-whether a pedestrian was killed or two vehicles were involved in an accident-had marijuana in their systems. It is a shame that separate statistics were not kept on the drivers involved in those fatal accidents. That was a large proportion of drug-taking drivers detected in 1978. The numbers of car accidents, deaths and injuries are being reduced to levels below those of 1943. So, 50 years on, with many more cars on our roads, and many more people driving cars for greater distances-

The Hon. Richard Jones: How come the statistics are going down?

The Hon. Dr BRIAN PEZZUTTI: Because we have had very good policing. Random breath testing reduced the number significantly. Seat belts, better roads, better vehicles and a whole range of safety measures have contributed to road safety. It is the mindset of the driver that is important. Now, young people are of the view that if they cannot drink they might as well take a bong or two before driving, in the expectation that they will be all right. Well, they will not be all right: they are eight times more likely to have an accident than a person who has not smoked marijuana. This is the first quantitative research on this issue. Before that we heard, "Of course they won't cause damage; they are more relaxed, they don't drive, they go and sleep it off." That is just not true. Now the figures from an authoritative source have been published in the *Daily Telegraph*.

It worries me intensely that, although legislation passed by this Parliament is still on the books, judges and magistrates are not applying the mandatory sentencing provisions that they are required to implement, and the Government is not insisting on their use of those mandatory sentencing provisions. That worries me. This Parliament should be considering extending this interlock program as a mandatory provision. If the device is fitted to all vehicles, it will become much cheaper. Initially seat belts were very expensive. Now they are part and parcel of modern vehicles. If motorists can afford airconditioning in their cars, they can afford this device. Airconditioning costs \$2,000. The interlock device costs \$2,000. If it were fitted to all vehicles, the number of accidents would reduce. The number of accidents involving alcohol is still too high.

Reverend the Hon. Fred Nile: The device costs more than \$2,000.

The Hon. Dr BRIAN PEZZUTTI: Whatever. I support the bill. It is a bit wimpish. The Government has taken a long time to act upon a recommendation of the Staysafe committee and the recommendations of all road safety experts. The Government is not the first, almost the last, to adopt those recommendations. New South Wales should be leading the pack in Australia-or in the world, as we did with random breath testing. New South Wales should continue to lead. This Government has been slow and timid. It should get on with making our legislation much more stringent and workable.

All drivers who drive with mid-range alcohol readings or above should be required to submit to the alcohol interlock program. There should be no more letting them off, no more slaps on the wrist, no more waiting for a second offence. Hit them the first time, and hit them hard. Get a clear message out there. The Hon. Ian Cohen expressed concern about the cost of this device to offenders who come under the program. Think how much money they will save if they are not drinking themselves stupid every night and driving with high-range alcohol levels. They will save that much in three weeks or three months.

The Hon. RICHARD JONES [6.20 p.m.]: The cost of leasing these devices is \$2,500 a year. It is not a small amount; we are talking about a great deal of money. Presumably buying a device would cost more like \$10,000. It could cost \$10,000, \$12,000 or \$15,000-not \$800. If it costs \$2,500 to lease, it would cost a great deal more to buy.

The problem is that many people are now not worried about random breath tests. About 24,000 motorists are charged each year for drink driving offences. Perhaps we should reduce the allowable blood alcohol level while driving to 0.02 from 0.05. For a while the allowable level for provisional drivers was 0.02. That could apply to everyone; we could even reduce it to zero.

The Hon. Dr Brian Pezzutti: You can't do that.

The Hon. RICHARD JONES: They did it in Sweden. Why not do it here? We could certainly reduce it to 0.02.

The Hon. Dr Brian Pezzutti: You can't go below 0.02.

The Hon. RICHARD JONES: We could reduce it to 0.02, because that level applied to provisional drivers. Why not do it? It could save 100 lives a year.

The Hon. Dr Brian Pezzutti: What about the level of marijuana and speed?

The Hon. RICHARD JONES: As the Hon. Dr Brian Pezzutti said, despite increasing numbers of people using marijuana and driving, the death rate has reduced considerably to pre-1943 levels. That is a very good thing. People I know who have driven under the influence of marijuana have always slowed down. I cannot understand the figures cited suggesting that they are eight times more dangerous. They tend to slow down below the speed limit.

The Hon. Dr Brian Pezzutti: They are eight times more dangerous.

The Hon. RICHARD JONES: I saw some figures from Victoria which indicated that people's reactions were not worse when they smoked marijuana. It depends on how much is consumed. There is a problem these days because the effect of hydroponically grown marijuana is different from that of naturally grown marijuana. There is no doubt that hydroponically grown marijuana is causing more serious illness than the bush-grown marijuana. If the Government were to decide not to crack down so heavily on the use of marijuana, people might grow more in their backyard, as is done in South Australia, and they would be better off.

The Hon. Dr Brian Pezzutti: They will grow it hydroponically.

The Hon. RICHARD JONES: They would not need to. If they could grow marijuana in their backyard, they would not need to smoke the hydroponically grown marijuana. Apparently the chemicals in hydroponically grown marijuana are causing problems for young people. If they were able to produce bush-grown marijuana-as they once did at Lismore-it would be much safer. It is clear that people are not as afraid of RBTs as they used to be. The arrest rate is now 60 per cent higher than it was, and that is a serious problem. As the Hon. John Jobling said earlier, considerable success has been achieved in the United States and elsewhere with these ignition interlock devices. Information I have from Hamilton County, Ohio, states:

Legal sanctions to deter drunk driving, such as license suspension, mandatory jail time, and court-ordered treatment have not consistently reduced recidivism rates. In fact, reports indicate that up to 75% of those with suspended licenses continue to drive...

Of the 455 offenders offered the ignition interlock device, 273 accepted...offenders who participated the ignition interlock program were more likely to be chronic drunk drivers than first time offenders.

During a 30 month period, offenders whose cars were equipped with an ignition interlock device had significantly fewer repeat DUI arrests than offenders who had their license suspended. Specifically, the DUI rearrest rate for the license suspension group was approximately three times as great as that of the interlock group.

That is why it is such a good idea to introduce these devices in New South Wales. They have already been introduced in other States. It is clear that those who have an ignition interlock device are less likely to violate their court-imposed driving restrictions. Apparently about 24,000 devices are now installed in vehicles in the United States. They might cost \$2,500 there; I do not know. They are certainly worthwhile. At least 37 States have mandatory or discretionary interlock laws. The devices are taking off in the United States in a very big way and they are saving many lives, which is great.

A 1997 Maryland study of multiple offenders found that being in an interlock program reduced recidivism in the first year by about 65 per cent. That is an enormous success rate. A West Virginia program has achieved significant results in reducing recidivism. According to a 1996 study, during a 12-month period, a comparison group of DUI offenders had a recidivism rate of 6.4 per cent, and the recidivism rate for those who had the device installed in their vehicles was only 1.6 per cent. Clearly, these devices work very well. I congratulate the Minister on introducing the devices in this State. I hope they will be used widely because they will save lives and property.

The Hon. IAN MACDONALD (Parliamentary Secretary) [6.26 p.m.], in reply: The Hon. John Jobling's contribution was very intelligent, erudite and accurate, which is in marked contrast to 99 per cent of his contributions.

The Hon. Rick Colless: Withdraw that!

The Hon. IAN MACDONALD: I am happy to withdraw that. In relation to the point made by the Hon. John Jobling, recovery of costs from low-income earners is not proposed at this stage; it will be a pure subsidy. The program will be evaluated after two years, and the equity outcomes will be part of that review. The Hon. Ian Cohen asked a question on behalf of the Greens. The fee for an interlock driver's licence is the standard amount for the issue of other licences for the length of time the court determines, and that cost is borne by the offender. The \$2,500

fee is for the device. It is charged on a monthly lease basis for the period the driver is on the interlock program. The subsidy for low-income earners is based on the same sliding scale as the legal aid system and will meet up to 75 per cent of the cost. I commend the bill to the House.

Motion agreed to.

Bill read a second time and passed through remaining stages.

Bill Name: Road Transport Legislation Amendment (Interlock Devices) Bill
Stage: Second Reading
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