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# The New Zealand Alcohol Interlock Programme - A Process Review



Researching Impaired Driving in New Zealand

Gerald Waters. 2019

Researching Impaired Driving in New Zealand

RIDNZ  
KIDNZ



Researching Impaired Driving in New Zealand is a Registered Charitable Trust that provides research and information on the causes of harm on New Zealand's road and possible solutions to inherently risky driving behaviours. The Research Director Gerald Waters has 7 years' experience working in these and associated fields and is an international award winning researcher. For further information contact the Author Gerald Waters:

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## Executive Summary

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In 2018 the Automobile Association Research Foundation (AARF) reviewed the first quarterly report on interlock uptake under the new interlocks regime for high level and repeat drink drivers. The report showed an increase in sentencing, interlock licenses issued and interlocks installed, but also showed significant decreases between each stage of the process. Researching Impaired Driving in New Zealand (RIDNZ) were contracted to supply information on possible barriers to interlock installation after Court mandated sentencing to the NZAIP. The research revealed that:

- Since July 2018 until January 2019 there have been 2309 alcohol interlock sentences handed down
- from 1 July 2018 to 22 February 2019 there have been 1051 AIL's issued
- The NZTA stages of the AIP appear to be in line with Australian interlock programmes. There appears to be a strong deterrent to non-compliance of both the AIP sentence and the AIL conditions, in the form of the penalties similar to driving whilst disqualified. There is an incentive in the form of a subsidy that provides a considerable reduction in costs for those who are eligible as well as a further incentive regarding the subsidy, in that there is a finite timeframe for availability
- Non-compliance with an interlock sentence effectively means a life time ban on driving or driving whilst disqualified
- Interlock providers inform that 70% of their clients say they cannot afford the interlock
- There should be greater communication between the involved government departments/Agencies and the interlock providers. The interlock providers suggest a point of contact between them and each government agency involved in the interlock sentence process. This may include numbers of AIL sentences (Courts) as well as number of AIL licences issued (NZTA)
- Investigate the possibility of NZTA/Police involvement in follow up for those sentenced to the AIP who have not applied for their AIL or those who have been issued with an AIL but who have not had the interlock installed

A discussion of the reviewed data is provided as well as areas of possible further research.

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## Acknowledgments

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This research work would not have been possible without the cooperation and involvement of Smart Start interlocks and their staff here in New Zealand. Researching Impaired Driving in New Zealand (RIDNZ) would also like to thank the New Zealand Police and the New Zealand Transport Agency for their assistance in the compilation of this report. RIDNZ would also like to thank Karen Harding (Drink Driving specialist lawyer) for her help.

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## Glossary and Abbreviations

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<i>CBT</i> .....	<i>Compulsory Breath Testing</i>
<i>DLR</i> .....	<i>Driver Licence Register</i>
<i>ERS</i> .....	<i>Enterprise Reporting System</i>
<i>MoU</i> .....	<i>Memorandums of Understanding</i>
<i>NZAIP</i> .....	<i>New Zealand Alcohol Interlock Programme</i>
<i>NZTA</i> .....	<i>New Zealand Transport Agency</i>
<i>RIDNZ</i> .....	<i>Researching Impaired Driving in New Zealand</i>
<i>WINZ</i> .....	<i>Work and Income New Zealand</i>

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# Introduction

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An alcohol interlock is a device similar to a breathalyser that is hard wired into the ignition of a vehicle. The vehicle will not start until a satisfactory breath sample, free of alcohol, has been given. The driver must also perform random breath tests during their journey.

Alcohol Ignition Interlock Devices (AIID's) have proven to be an effective initiative to combat drink driving (Waters, G. 2012). New Zealand introduced its first interlock programme (NZAIIP) in 2012. The programme was originally introduced as a sentencing option for the judiciary but research (Waters. G. 2014) showed that only 2 per cent of those eligible for the device received it in its first year as a sentencing option. In July 2018 the interlock sentence was made mandatory for certain drink drivers although there were some exclusion criteria involved, being mainly:

- Distance from service center<sup>1</sup>
- no car (or no access to a vehicle)
- Health

In 2018 the AA Research Foundation reviewed the first quarterly report on interlock uptake under the new interlocks regime for high level and repeat drink drivers. The report showed an increase in sentencing, interlock licenses issued and interlocks installed, but also showed significant decreases between each stage of the process. This research seeks to describe the process from Court sentencing to interlock installation. AARF is interested to understand what is causing the drop-off between stages, and in possible solutions to address this decline.

There are three key areas to review:

- The acquisition of the Alcohol Interlock Licence (AIL)
- The signing of the lease agreement for the interlock with the providers
- The interlock installation itself.

This research seeks to explain and identify any gaps from interlock sentence, interlock licence issue, to interlock installation.

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<sup>1</sup> If you're more than 70 km from an installer, an exception may apply to your sentence.

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# Methodology

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The research involves a review of the New Zealand Alcohol Interlock programme (NZAIIP) process, as described by the New Zealand Transport Agency, and its various stages from sentencing to Interlock Installation.

Any possible barriers from interlock sentence to interlock installation will be identified and reported. The research also includes possible solutions to barriers identified.

A review of the Land Transport Act and the relevant sections was undertaken. Legal professionals in the field of drink driving were also consulted.

Data on number of AIP sentences and number of AIL s issued were also gathered.

Interviews and correspondence with one of the contracted interlock suppliers here in New Zealand were also carried out supplying 'coalface' information on perceived barriers.

The providers were asked to contact their installation sites to obtain feedback from the staff there.

Also conducted were discussions with the NZ Police.

A matrix of the Australian Interlock programme was compiled for comparative purposes.

Numbers on installed interlocks from the providers were not sought due to the inability to identify whether the installations were from a recent AIP sentence or from a sentence handed down months or even years before.



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# Interlock Sentences and Alcohol Interlock Licences

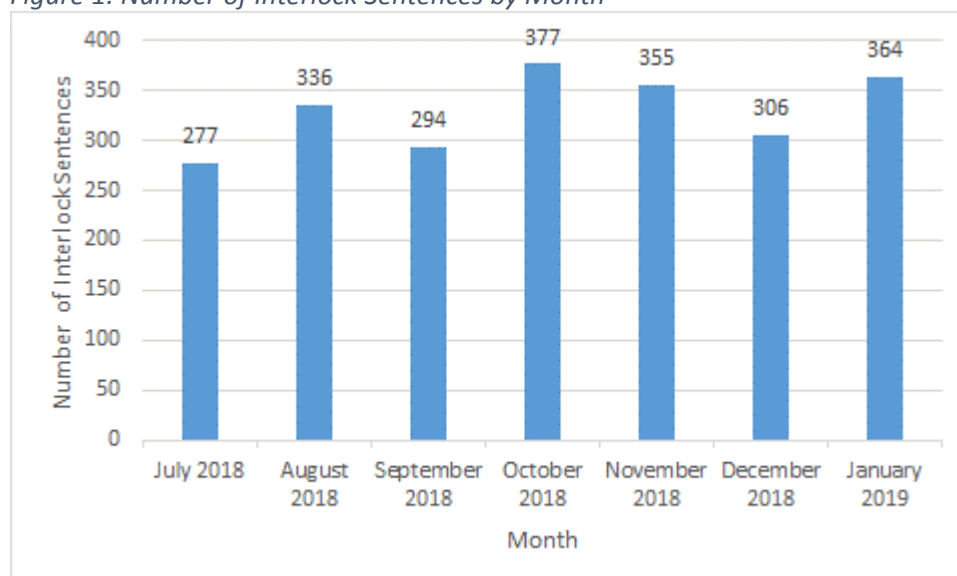
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Since the introduction, in July 2018, of the AIP sentence as a mandatory requirement for certain drink drive offenders (Repeat and high level first time offenders). There has been a marked rise in sentences handed down by the Courts. In its first year as a sentencing option previous research (Waters, 2014) reported that:

- *From September 2012- September 2013, 23362 drivers were convicted of drink/drug driving. Of these convictions 11692 offenders met the criteria for the use of the New Zealand Alcohol Interlock Programme as a sentencing option.*
- *6639 of the individuals convicted were repeat offenders and 5053 were High Level First time Detected offenders.*
- *228 offenders received the Alcohol Interlock Sentence in addition to other penalties. That is 2% of those offenders eligible for the interlock programme. The rest received only penalties used previously for drink driving offences.*
- *Since September 2012 to March 2014, 198 offenders have been issued with an Alcohol Interlock Licence. As at March 2014 1 offender was convicted of an alcohol/drug driving offence since their Alcohol Interlock Licence was issued.*

Since July 2018 until January 2019 there have been 2309 alcohol interlock sentences handed down by New Zealand Courts. This is a huge improvement considering the evidence (Waters, G. 2012) of their effectiveness at stopping attempted drink driving.

Figure 1: Number of Interlock Sentences by Month<sup>2</sup>

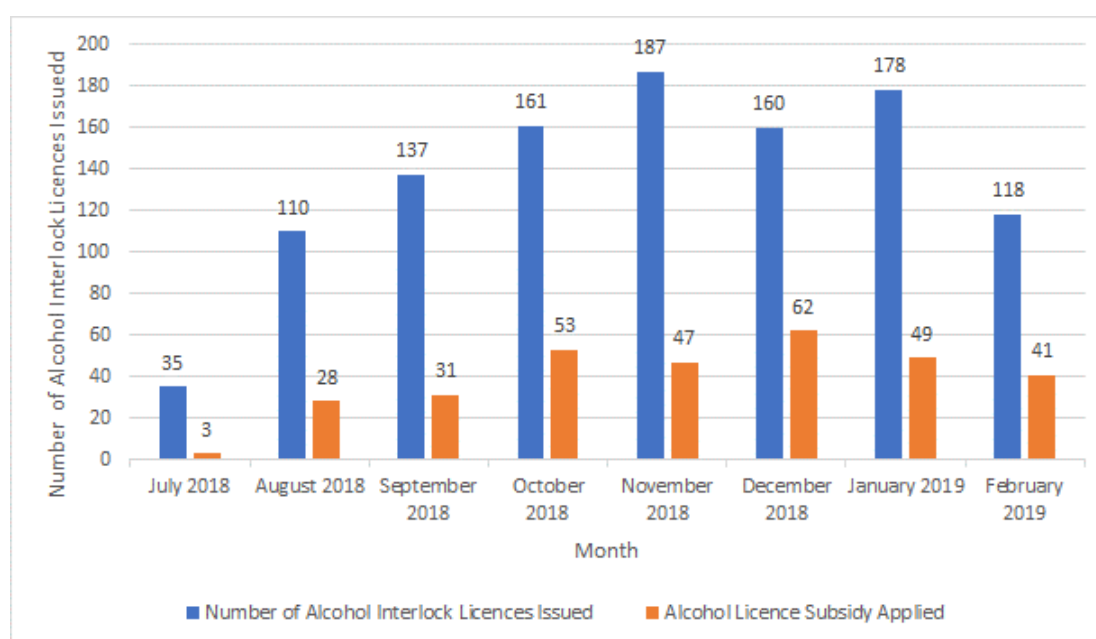


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<sup>2</sup> Data supplied by SmartStart Interlocks.

Figure 2 (below) shows that from 1 July 2018 to 22 February 2019 there have been 1051 AIL's issued.<sup>3</sup> There may be an inconsistency in the number of interlock sentences imposed (figure1) and the number of licences issued the following month after the 28 day stand down period. It may be that many are having to sit out longer periods of disqualification or there may be financial or other barriers to obtaining the AIL. It was not possible to individually track each offender from sentencing to interlock installation for exact data. It is important to remember that not all the AIL's granted come from those sentenced the previous month after the 28 day stand down period. Further in depth data research would be required to ascertain how many are from earlier months after extended periods of disqualification. Numbers on installed interlocks from the providers were not sought due to the inability to identify whether the installations were from a recent AIP sentence or from a sentence handed down months or even years before.

Figure 2: Number of Alcohol Interlock Licences Issued and Those Subsidised by Month<sup>4</sup>



The NZ Transport Agency may grant subsidy assistance<sup>5</sup> for some alcohol interlock costs if financial circumstances qualify a participant for a subsidy. Figure 2 (above) shows that since August 2018, on average, 30 per cent of the total AIL applications were subsidised.<sup>6</sup>

If you're granted subsidy assistance, you won't have to pay for:

- The alcohol interlock licence
- Installation of the alcohol interlock device in your vehicle
- Part of the monthly servicing fees (\$50 subsidised a month)
- The zero alcohol licence issued after you've exited the alcohol interlock programme

<sup>3</sup> Data for alcohol interlock licences was collected from the Enterprise Reporting System (ERS), and is current at 22 February 2019. Data for subsidised licences was collected from the Driver Licence Register (DLR), and is current at 22 February 2019. Data for February is incomplete, and captured until the 22 February 2019. Alcohol Interlock Licences that were granted are counted only for the month they were issued in. Licences that were granted an Alcohol Interlock Subsidy are counted for the month the subsidy was granted.

<sup>4</sup> Data Supplied by NZTA. The total licenses issued is inclusive of those involving a subsidy.

<sup>5</sup> See [Appendix D](#) for subsidy eligibility criteria.

<sup>6</sup> It is worth mentioning that the Department of Corrections are running trials with subsidized interlocks. It is not known how many of these are represented in the data contained in Figure 2.

- Removal of the alcohol interlock device from your vehicle.

The subsidy will only last for 15 months. If AIP participants have not been given approval to exit the programme and had the device removed from their vehicle within 15 months of getting their alcohol interlock licence, they won't be eligible for any further subsidised fees.

If AIP participants miss more than one monthly service in a row, their subsidy may stop.<sup>7</sup>

A comparison with the 8 Australian States that have an interlock programme (See Table 1 Appendix B) reveals that the NZAIP (Figure below) shares key features with the majority of programme criteria utilised in these States.

*Table 1: New Zealand Alcohol Interlock Programme – Key Features*

<b>Legal BAC limit (open licence)</b>	< 0.05 BAC
<b>Interlock relevant offence/s</b>	First offence ≥ 0.15 BAC. Fail to provide sample. 2+ BAC offences in 5y.
<b>Interlock installation</b>	Mandatory
<b>Interlock program duration</b>	12 months
<b>Interlock removal</b>	End of program, subject to no positive interlock readings during the last six months. Or 3 months with a successful alcohol assessment
<b>Interlock availability</b>	Nationwide. 70kms from service station
<b>Interlock cost</b>	\$2,500 to \$3,100 paid by participant. Subsidy available
<b>Interlock management</b>	Administrative (court issues sentence)

The NZAIP requires all those sentenced to the interlock programme to have to successfully complete the programme before they can have the interlock device removed. Section 65AF of the NZ Land Transport Act disqualifies any person sentenced to the AIP from driving except under alcohol interlock licence conditions.

A person who is subject to an alcohol interlock sentence and who does not apply for an alcohol interlock licence is disqualified from holding or obtaining a driver licence. Failure to comply with the conditions of the AIL can result in penalties similar to those of driving whilst disqualified (see page 13 and [Appendix C](#)).

<sup>7</sup> Information retrieved from <https://www.nzta.govt.nz/driver-licences/driving-offences-and-penalties/alcohol-sentencing/alcohol-interlock-programme/alcohol-interlock-subsidy/>

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# Interlock Process

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Not all those convicted by the courts (under section 65AC<sup>8</sup> of the Land Transport Act 1998) for driving offences involving alcohol receive the AIP sentence and section 65AI<sup>9</sup> applies instead of section 65AC if a person:

- has a medical condition (as certified by an appropriately qualified health practitioner) that renders him or her incapable of providing a valid breath sample to activate an alcohol interlock device; or
- usually lives in a non-serviced area<sup>10</sup> and is not prepared to drive to a serviced area for an initial installation and any necessary service; or
- has never held a New Zealand licence; or
- holds a licence that has been revoked or is suspended (except one that is suspended under section 90, 95, or 95A); or
- is not likely, during the term of any alcohol interlock sentence that would otherwise apply, to have lawful possession of a motor vehicle to the extent of being able to use it and fit it with an alcohol interlock device; or have the type of possession described in subparagraph (i) of a motor vehicle that is technically able to be fitted with an alcohol interlock device

Whilst these barriers are not the main purpose of this study it may be worth further investigation of how these caveats affect interlock sentences. These barriers have been reported in previous research (Waters, 2010. Page 11).

For those that do qualify for the AIP sentence the following 3 step process applies:<sup>11</sup>

### Step 1: period of disqualification

*If you're convicted by the courts (under section 65AC of the Land Transport Act 1998) for driving offences involving alcohol, you'll be given an alcohol interlock disqualification of 28 days or more. Any driver licence card you held before your disqualification is cancelled and you won't be entitled to a limited licence.*

*At the end of the alcohol interlock disqualification, you're still disqualified from driving until you've been issued with an alcohol interlock licence.*

*If you have any other disqualifications or suspensions, you'll have to wait for them to end as well before you can get an alcohol interlock licence.*

There is no requirement by law to apply for the licence it is completely voluntary but violating the conditions of the interlock sentence carry the same sanctions as those who drive disqualified.

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<sup>8</sup>[http://www.legislation.govt.nz/act/public/1998/0110/latest/LMS61395.html?search=sw\\_096be8ed8180cbaa\\_65AC\\_25\\_se&p=1&sr=11](http://www.legislation.govt.nz/act/public/1998/0110/latest/LMS61395.html?search=sw_096be8ed8180cbaa_65AC_25_se&p=1&sr=11) last accessed 27 February 2019.

<sup>9</sup>[http://www.legislation.govt.nz/act/public/1998/0110/latest/LMS61412.html?search=sw\\_096be8ed8180cbaa\\_65AI\\_25\\_se&p=1&sr=2](http://www.legislation.govt.nz/act/public/1998/0110/latest/LMS61412.html?search=sw_096be8ed8180cbaa_65AI_25_se&p=1&sr=2) last accessed 27 February 2019.

<sup>10</sup> See [Appendix B](#) for service area coverage.

<sup>11</sup> Information in italics retrieved from <https://www.nzta.govt.nz/driver-licences/driving-offences-and-penalties/alcohol-sentencing/alcohol-interlock-programme/> last accessed 27 February 2019.

### Step 2: obtaining an alcohol interlock licence

*After any disqualifications and/or suspensions have ended, you can apply to reinstate your licence at any driver licensing agent. You'll be issued with an alcohol interlock licence, which means you'll only be entitled to drive vehicles fitted with an approved alcohol interlock device.*

There is no requirement by law for the AIL holder to have an interlock fitted in a required timeframe.

### Step 3: install an alcohol interlock

Again there is no legal requirement or timeframe in which the interlock has been fitted. Driving in contravention of the AIL stipulations can result in<sup>12</sup>:

For a first or second offence

- Imprisonment for a term not exceeding 3 months or;
- A fine not exceeding \$4,500; and
- Disqualified from holding or obtaining a driver licence for 6 months or more.

A third or subsequent offence

- imprisonment for a term not exceeding 2 years or;
- a fine not exceeding \$6,000; and
- Disqualified from holding or obtaining a driver licence for 1 year or more.

The NZTA stages of the AIP appear to be in line with Australian interlock programmes. There appears to be a strong deterrent to non-compliance of both the AIP sentence and the AIL conditions, in the form of the penalties similar to driving whilst disqualified. This means that if an offender does not complete the AIP exit criteria (see Figure 3) that they are subject to interlock until they do. Those that neither apply for their AIL or do not get an interlock installed are effectively disqualified for life. There is an incentive in the form of a subsidy that provides a considerable reduction in costs for those who are eligible as well as a further incentive regarding the subsidy, in that there is a finite timeframe for availability.

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<sup>1212</sup> See [Appendix C](#)

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## Interlock Providers Information

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As part of this process review one of the NZ contracted interlock providers (Smart Start) were contacted to provide information on possible barriers from interlock sentence to interlock installment that they may have experienced. The interlock providers inform that they field many calls from those who have been sentenced to the AIP. These enquires come from those sentenced to AIP and can be broadly categorized into three main stages:

- Those awaiting their AIL
- Those with an AIL but who have yet to sign a lease agreement with the providers
- Those who have both a signed lease agreement and an AIL

For those who have their AIL, have signed an interlock lease agreement and are ready for installation; SmartStart provide the following examples of individual reasons for not proceeding with interlock installation:

- Booked install no show and another a bit later on. Now won't answer messages or texts.
- Was going to call us to book install, didn't hear from them. Phone number not working.
- Went to try demo unit at installers and feels they can't blow into it due to chest condition, haven't heard back
- Ready to book install, won't answer phone or text
- Ready to install, has been biking to work and thought the sentence would go away, will talk to lawyer to see what options are
- In rehab until early April
- Home detention finishes in April, wants to install but not while on HD and short of money
- Install booked, didn't show up, re-booked then they called us and cancelled, now phone is lost
- Install booked, didn't turn up
- Install booked 14th Jan, didn't turn up, phone not working but can contact via partner
- Install booked then cancelled, can't afford, will go back to court
- Has cancelled 2 appointments for install, short of money
- Short of money, will talk to lawyer again
- Car getting repaired 4th Feb, will call when fixed
- Ready for install but saving up for it
- Client has mental health issues so we need to deal with the father
- Install booked than cancelled, car not going

SmartStart also provided the following as individual reasons for those with an AIL not proceeding to sign the interlock lease agreement:

- Licence issued 6th Nov, lease agreement, not received back. Have re-sent and called to offer assistance.
- Contacted us late August 2018, had a Draeger<sup>13</sup> interlock removed and still has 6 months sentence left. Sent him a lease agreement and have followed up and resent agreement, he hasn't talked to us since mid-Nov. (haven't seen licence but must have one)
- Can't afford, going back to court
- Licence issued 17th Dec, sent lease agreement, resent and had no communication back
- Licence issued around mid-Nov, sent lease agreement twice, can't contact them
- Licence issued 15th Dec, sent lease agreement and have followed up - no response
- Sentenced prior to July 1st 2018, can't afford so going back to court (haven't seen licence)
- Has plastic licence (not sure of issue date) sent agreement a month ago and hasn't responded, not answering calls
- Sentenced 9th July, had to go back to court for some reason in Jan. Says they have licence and it has been a drawn out process to get subsidy confirmed

SmartStart further provided information, by individuals who had not yet applied for their AIL or were awaiting its delivery:

- On Home Detention, can't afford \$133 per month, will probably go back to court
- Enquired 1 month ago, wanted to know if they qualified for subsidy - not eligible
- Had surgery, will get licence soon (first enquired in Oct)
- Enquired 2 months ago, waiting to hear back when they have licence
- Enquired in Dec, waiting to hear back from them about vehicle details
- Waiting to get copy of licence, enquired 1 month ago, disq ends 20th Feb
- waiting for disq to end
- Disq just finished, waiting on copy of licence
- Enquired 2 months ago, haven't heard back
- Confusion, disq for year and a day but lawyer said to get interlock installed?
- Disq ended beg Feb, haven't heard back
- Going back to court due to cost
- Disq finished Oct, not motivated to get install

Telephone and email correspondence with the providers at SmartStart Resulted in the following commentary.

When asked if they received any information regarding the numbers of those sentenced to interlock they responded:

*'We never receive any reports on interlock uptake from MoJ or anyone else, would be great if we did!' NZTA provides us with no information on how many people have got their interlock licence, neither do they require us to tell them how many people have enquired but not got installed.'*

In response to a question on the timeframe in which an offender sentenced to interlock was required to fit the device:

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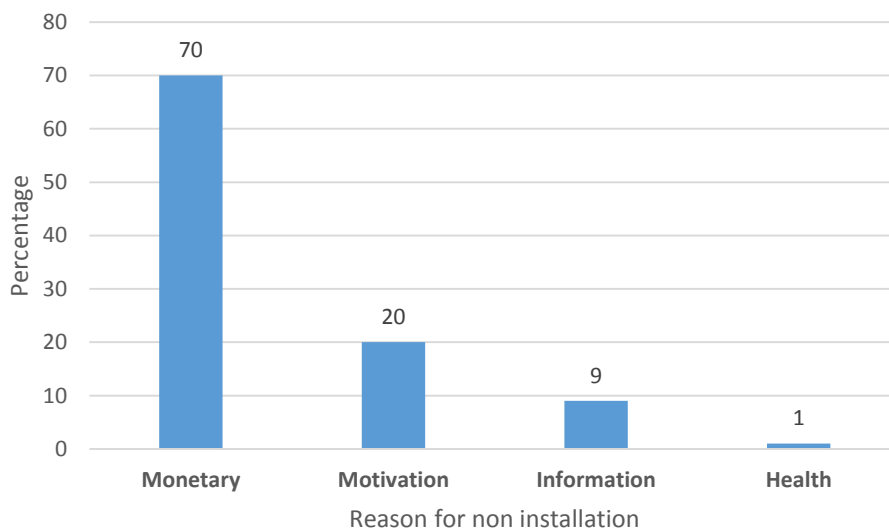
<sup>13</sup> Draeger are the other providers contracted to supply interlocks in New Zealand along with SmartStart

*'legislation doesn't require it, no follow up of any sort once you are sentenced (we had a guy that had his licence taken from him, he was waiting to hear from NZTA or Police that he was all good to go to the next step of getting his interlock licence - he was caught driving without a licence about 5 months after his sentence - back to court)'*

The providers were asked to provide information by percentages of what they believed were major barriers to interlock installation:

*'we estimate of those that have enquired about an interlock but haven't gone on to get it installed, that 70% (Figure 3 below) of them say they don't have enough money, 20% not motivated to get it sorted (no car, no job to go to, can't be bothered, probably still driving anyway), 9% lack of information from within the legal fraternity (lawyers, judges, Corrections staff) and misinformation (about cost, eligibility, think the sentence will go away if they wait long enough), 1% health (doesn't have the ability to take a test due to asthma etc)'*

Figure 3: Reasons for Non- Installation of Interlock by Estimated Percentage<sup>14</sup>



When asked further about the monetary issue and in particular the subsidy available the providers informed:

*'WINZ is partially funding some interlocks but not others so it would be great if there was some consistency or 'national standards' around this! Some clients get funding really easy, others fight for it but don't get any help.'*<sup>15</sup>

The providers were finally asked what would improve interlock installation numbers:

*'It would be good to communicate freely with NZTA about clients - without us having to get a case number from the client to quote to NZTA. Sometimes clients need temporary removals done quickly and this can take us at least an hour on the phone to get it confirmed, each time. We do get monthly reports of sentences in each District Court, but it would also be helpful for us to know how many licences had been issued per month, and in what District Court areas - as this would help us in planning for installs. A point of contact in each govt department or licencing agency would also be great.'*

<sup>14</sup> Data provided by SmartStart Interlocks.

<sup>15</sup> Whilst not a component of the subsidy structure it appears that some Work and Income New Zealand (WINZ) departments are helping out with the costs.



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## Discussion

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Considering the evidence of their effectiveness at stopping attempted drink driving, that there have been 2309 AIP sentences mandated from July 2018 to January 2019 is encouraging. On the face of it, and compared to Australian States, the NZAIP appears to be following best practice. However the everyday reality of people's lives has not been factored into the process. Whilst the sentence is mandatory the actual installation is voluntary taking into account the penalties for violating the conditions of the sentence. Information on how many are breaching the conditions of either the AIL or the AIP conditions would provide further valuable data with regards to the effectiveness of the penalties for breaching these conditions as a deterrent or if financial hardship is in any way contributing to instances of disqualified driving. Non-compliance with an interlock sentence effectively means a life time ban on driving or driving whilst disqualified.

The subsidies and subsidy eligibility criteria are significant<sup>16</sup> and also provide a great impetus to engage with the programme as the subsidies are for a limited time period. That paying for the interlock appears to be the main stumbling block for many may require the subsidy situation to be reviewed. If as reported 70 per cent of the providers clients are experiencing financial problems then perhaps a further means testing is required if there is further subsidy available considering only 30 per cent of AIL licences were subsidised. Though as mentioned above, the subsidy structure appears to be generous (see Appendix C).

The information supplied and gathered by the interlock providers themselves provides extensive information regarding participants reasons for non-application of an AIL as well as non-installation. There may be some benefit in following all participants throughout the process and reporting on the outcomes, though there may be some barriers to this involving privacy.

The interlock providers were a rich source of information regarding the daily lives of the actual interlock participants and the problems they face in entering and maintaining coherence to the programme. The providers inform that greater communication may enhance interlock instalment issues. This may necessitate Memorandums of Understanding (MOU) between the relevant government organisation (NZTA, Police and the interlock providers themselves). It appears that the onus is currently on the providers to chase and follow up with those mandated to interlock licence requirements so there may be some need for follow up from the NZTA regarding those who have been mandated the AIP sentence as well as those who have been issued with the AIL.

As mentioned above, it would appear that the interlock providers themselves are the main source of follow up regarding interlock installation. It may be that this process would be substantially improved if there were a system of enquiry from the NZTA. This may involve compliance officers or even Police visits to those who were sentenced to the AIP and have not applied for the AIL or for those with an AIL but who have not had the interlock installed.

That some offenders are required to sit out extended periods of disqualification, as well as the 28 stand down period, may also explain the drop between AIP sentences and AIL's issued. This would require further detailed reporting to understand the impact of longer disqualifications.

Whilst not part of this research it would be interesting to explore how many, who were eligible for the AIP, did not receive the sentence or why?

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<sup>16</sup> Subsidies account for cost of both AI and zero BAC licences as well as cost of installation and removal plus a \$50 per month subsidy. Over a 12 month period this is nearly half of the costs of the sentence (see [Appendix E](#)).

The information gathered has also revealed a variety of further problems after interlock installation but these remain outside the scope of the present study. These involve everyday life situations that may necessitate the removal of the interlock for short periods of time.

Lack of information is something that could easily be remedied with information packs provided for the offenders and all other organisations/agencies involved.

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## References

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Waters, G. (2014). The New Zealand Alcohol Interlock Program - A review of the first year as a sentencing option for high risk drink drivers. New Zealand.

Waters, G. (2012). Alcohol Ignition Interlocks: Effectiveness in Preventing Alcohol-Impaired Driving and Alcohol Related Crashes. New Zealand.

Waters, G. (2010). Submission to the Transport and Industrial Relations Select Committee Land Transport (Road Safety and Other Matters) Amendment Bill. Submitted by Gerald Waters on behalf of the friends and family of Katherine Kennedy.

## Appendix A: Matrix outlining Australian jurisdiction interlock Programs

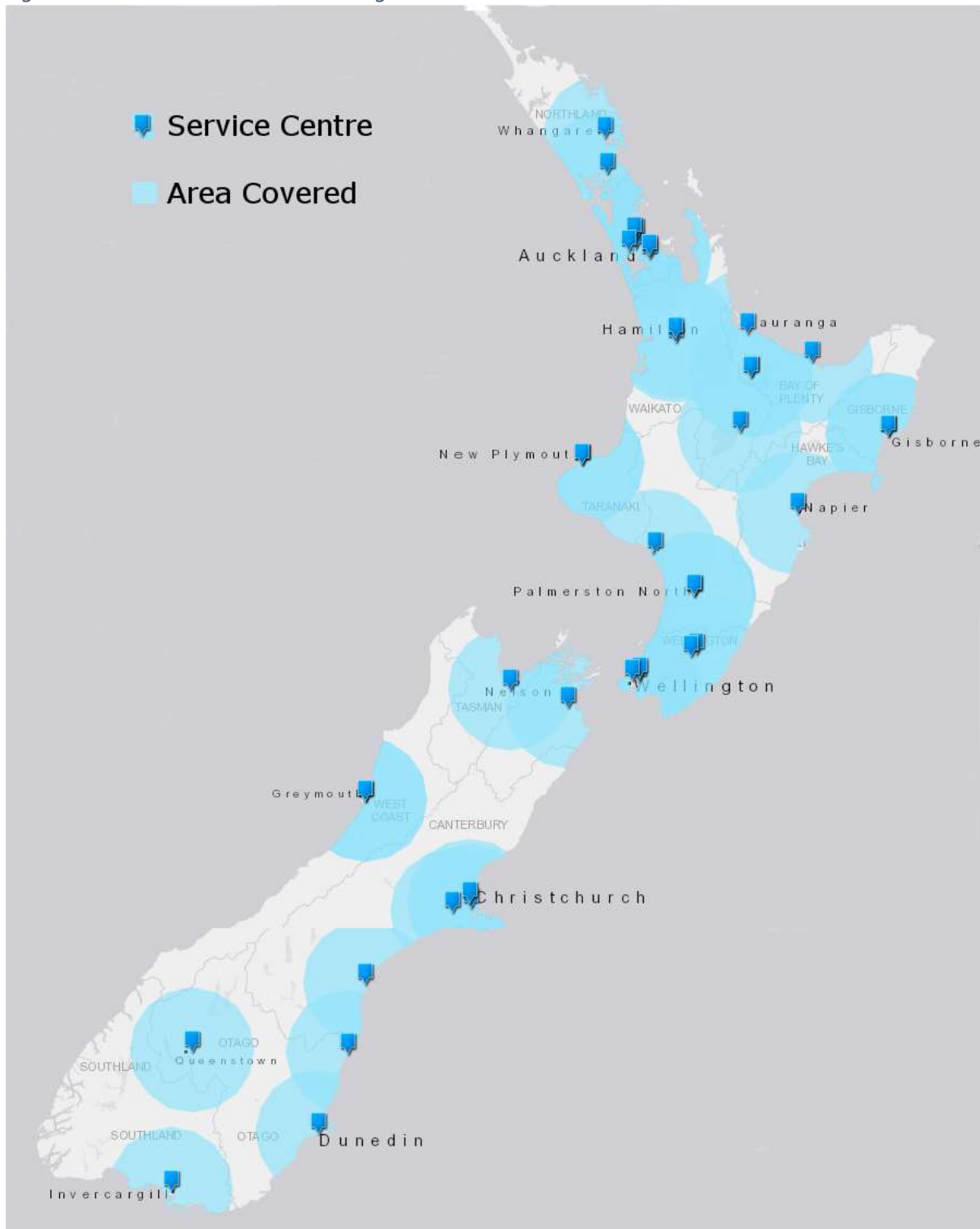
Table 2: Matrix outlining Australian jurisdiction interlock Programmes

	<a href="#">QLD</a>	<a href="#">NSW</a>	<a href="#">VIC</a>	<a href="#">WA</a>	<a href="#">NT</a>	<a href="#">TAS</a>	<a href="#">SA</a>	<a href="#">ACT</a>
<b>Legal BAC limit (open licence)</b>	< 0.05 BAC	< 0.05 BAC	< 0.05 BAC	< 0.05 BAC	< 0.05 BAC	< 0.05 BAC	< 0.05 BAC	< 0.05 BAC
<b>Existing interlock program</b>	Yes (commenced August 2010)	Yes (commenced September 2003)	Yes (commenced May 2002)	No (program being developed)	Yes (commenced April 2009)	Yes (commenced July 2013)	Yes (commenced May 2009)	Yes (legislation passed June 2013, program being developed to commence within 12 months)
<b>Interlock relevant offence/s</b>	First offence $\geq$ 0.15 BAC. Fail to provide sample. 2+ BAC offences in 5y. Dangerous driving while under the influence of liquor.	Any offence $\geq$ 0.15 BAC. $\geq$ 0.08 to < 0.15 BAC with and without prior conviction. $\geq$ 0.05 to <0.08 BAC with a previous conviction within 5y. Fail to provide sample.	Any offence $\geq$ 0.05 BAC. 2+ BAC offences in 5y. Fail to provide sample.	Any offence $\geq$ 0.15 BAC. Recidivist.	First offence $\geq$ 0.15 BAC. Fail to provide sample. 2+ BAC offences in 5y. Any drink driving offence at court discretion. Positive BAC when subject to zero BAC licence.	Any offence $\geq$ 0.15 BAC. 2+ BAC offences in 5y. Fail to provide sample. Any drink driving offence at court discretion.	Any offence $\geq$ 0.15 BAC. 2 + BAC offences in 5y. Fail to provide sample. Any drink driving offence at court discretion.	Any offence $\geq$ 0.15 BAC. 3 + BAC offences in 5y. Voluntary interlock can be sought by any person serving a drink driver licence disqualification.
<b>Interlock installation</b>	Voluntary, but cannot drive for 2 years unless interlock is fitted	Voluntary, but cannot drive for court determined period unless interlock is fitted	Mandatory	Mandatory	Voluntary, but cannot drive for duration of interlock period unless interlock is fitted	Mandatory	Mandatory	Mandatory
<b>Interlock program duration</b>	12 months	Court determined minimum stipulated by offence (range 12 – 48 months).	Court determined.	Minimum 6 months	Court determined	15 months minimum with a 9 month learning period and 6 month demonstration period.	Up to 3y	Minimum 6 months. At least 3 months 'clean driving'.
<b>Interlock removal</b>	End of program (interlock offence may result in 3 month extension)	End of program.	End of program, subject to court hearing, including interlock report and DEA assessment.	End of program, subject to no positive interlock readings during the last six months.	At any time. If interlock is removed before the end of the program the remainder of the program must be served as a disqualification.	End of program, subject to no positive interlock readings during the last six months.	End of program, subject compliance and no more than 2 positive interlock readings during last three months.	End of program, subject to compliance and no more than 2 positive interlock readings during the last three months.
<b>Interlock availability</b>	State wide within 150km of provider	State wide	State wide	Within 150km of interlock provider	Territory wide	State wide	State wide	Territory wide
<b>Interlock cost</b>	\$2,000 paid by participant	\$1,800 per year paid by participant	\$1,360+ per year paid by participant	Paid by participant	Paid by participant	\$2,980 to complete the program paid by participant	\$2,200 per year paid by participant	Paid by participant
<b>Interlock management</b>	Administrative (relicensing)	Court	Hybrid	Administrative (court issues sentence)	Administrative (court issues sentence)	Administrative	Administrative	Administrative

Source: Austroads. Correspondence between author and compilers.

## Appendix B: Service Area Coverage

Figure 4: Interlock Service Area Coverage in New Zealand



Retrieved from <https://maphub.nzta.govt.nz/public/?appid=83b2fa4344a94bfcae9b728a69ab0bf9> last accessed 27 February 2017.

## Appendix C: 32 Contravention of section 5(1)(c)

(1)

A person commits an offence if the person drives a motor vehicle on a road—

(a)

while disqualified from holding or obtaining a driver licence; or

(b)

contrary to an alcohol interlock licence, a zero alcohol licence, or a limited licence; or

(c)

while his or her driver licence is suspended or revoked.

(2)

Nothing in subsection (1) applies to any person—

(a)

who has been ordered by a court to attend an approved driving improvement course under [section 92\(1\)](#) or a programme approved by the Agency under [section 99A](#) or to undergo any test or examination approved by the Agency; and

(b)

who, in the course of his or her attendance at that course or programme or while undergoing such a test or examination,—

(i)

in the case of a motorcyclist, drives under the supervision of a person who holds a driving instructor or testing officer endorsement under [Part 5](#) of the Land Transport (Driver Licensing) Rule 1999 that is relevant to a class of licence for a motorcycle:

(ii)

in any other case, drives while accompanied by a person who holds a driving instructor or testing officer endorsement under [Part 5](#) of the Land Transport (Driver Licensing) Rule 1999.

(3)

If a person is convicted of a first or second offence against subsection (1),—

(a)

the maximum penalty is imprisonment for a term not exceeding 3 months or a fine not exceeding \$4,500; and

(b)

the court must order the person to be disqualified from holding or obtaining a driver licence for 6 months or more.

(3A)

If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (3)(b) does not apply and [section 65AH\(3\)\(b\)](#) applies.

(4)

If a person is convicted of a third or subsequent offence against subsection (1) (whether or not of the same kind of offence as the previous offences),—

(a)

the maximum penalty is imprisonment for a term not exceeding 2 years or a fine not exceeding \$6,000; and

(b)

the court must order the person to be disqualified from holding or obtaining a driver licence for 1 year or more.

(4A)

If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (4)(b) does not apply and [section 65AH\(3\)\(b\)](#) applies.

(5)

For the purposes of this section, a conviction for an offence against a provision of the [Transport \(Vehicle and Driver Registration and Licensing\) Act 1986](#) or the [Transport Act 1962](#) corresponding to an offence specified in subsection (1) is to be treated as a conviction for an offence specified in that subsection.

(6)

The imposition of a mandatory disqualification under this section is subject to [section 81](#) (which allows a court not to order disqualification for special reasons relating to the offence).

Retrieved from <http://www.legislation.govt.nz/act/public/1998/0110/latest/DLM434641.html> last accessed 27 February 2019

## Appendix D: Subsidy eligibility

You're eligible for a subsidy\* if you are:

- entitled to receive sole parent support, a supported living payment, a community wage, an emergency benefit, veteran's pension, youth payment or young parent payment, or
- entitled to receive weekly income compensation under the Veterans' Support Act 2014, or
- your family or superannuation income is within the limits listed below:

If your household is:	then your yearly income (before tax) can be up to:
Single - living with others	\$26,688
Single - living alone	\$28,322
Married, civil union or de facto couple - no children	\$42,352
NZ Superannuation single - living with others	\$27,571
NZ Superannuation single - living alone	\$29,299
NZ Superannuation married, civil union or de facto couple - no children	\$43,872
Family of 2	\$50,673
Family of 3	\$61,224
Family of 4	\$69,616
Family of 5	\$77,835
Family of 6	\$87,020
For families of more than 6, the limit goes up another \$8095 for each extra person.	

Retrieved from <https://www.nzta.govt.nz/driver-licences/driving-offences-and-penalties/alcohol-sentencing/alcohol-interlock-programme/alcohol-interlock-subsidy/> last accessed 27 February 2019

\*This is the same as eligibility for a Community Services Card.

## Appendix E: Subsidy

Table 3: Cost of Interlock Sentence and Cost with Subsidy

	Cost	Subsidy Cost
Interlock Licence	\$200	\$0
Interlock Installment	\$150	\$0
Interlock (per month)	\$175	\$125
Interlock Removal	\$150	\$0
Zero BAC Licence	\$66	\$0
<b>Total (over 12 months)</b>	<b>\$2666</b>	<b>\$1500</b>





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