



# Drink driving discussion paper

Targeting high risk drink drivers

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# Introduction

Each year, too many Queenslanders' lives are tragically cut short or permanently changed by fatal or debilitating injuries resulting from drink drivers and riders<sup>1</sup>. Drink driving continues to be a factor in one in every five fatalities on Queensland roads.

Between 2011 and 2015, **265 people were killed** and **2,808 were hospitalised** due to drink driving.

Besides the human costs, death and serious injuries involving drink drivers cost the Queensland community a staggering \$3.8 billion between 2009 and 2013<sup>2</sup>. This is an average of **\$770 million per year**. Based on current trends, if we don't act now there could be more than **2,400 fatalities and serious injuries due to drink driving during 2016 – 2020**.

Drink driving can reflect wider social patterns that play out on the state's roads. Almost one in five Australians (18.2%) over the age of 14 drink at levels that put them at risk of alcohol related harm over their lifetime. A higher percentage of Queenslanders drink alcohol than other Australians (80.4% compared to 78.2%) and more of them drink on a daily basis (7.4% compared to 6.5%) (AIHW, 2014).

The good news is that, with your support, we can take action. A look back at the history of drink driving in Queensland shows that countless lives have been saved and injuries prevented through effective countermeasures. Over thirty years ago, almost half of drivers killed were drink drivers (48% of those tested had a blood alcohol concentration (BAC) of 0.05 or higher). The situation has improved considerably, through measures including: a highly visible breath testing program, court imposed fines, licence disqualification, imprisonment, vehicle impoundment, immediate licence suspension, an alcohol ignition interlock program, and community based initiatives such as advertising campaigns, the Community Road Safety Grants Program, and Skipper (a designated driver program).

Attitudes towards drink driving have changed for the better, many drivers have no hesitation in taking their family or friends' car keys, speaking out against them drink driving, and providing alternative transport or a place to stay instead of driving. More recently, two successful drink driving campaigns asked people to plan ahead if they were going to drink, to avoid driving: *Mates Motel* in 2014-15 and *Dry Driver* in 2015-16. Post campaign surveys indicated 70% of people who saw the *Mates Motel* campaign agreed they were more likely to plan ahead to avoid drinking and driving. The Queensland Government is also proud to support school student programs that aim to change attitudes towards risky behaviours, such as drink and drug driving.

This message is being received, with annual survey responses consistently acknowledging that driving while under the influence of alcohol is socially unacceptable. Drivers believe that at a high BAC, people lose their ability to control their vehicle and risk harming others.

However, there remains a cohort of drivers who continue to ignore these messages and put themselves and others in danger by drink driving. Seven percent (7%) of Queensland drivers report drink driving at least occasionally, while 18% drive the next day when they may be over the limit. These figures are higher among younger drivers, with 10% admitting to drink driving, and 31% drive the next morning when they may be over the limit.

Tackling drink driving is a priority of Queensland's *Road Safety Strategy 2015-21* and associated *Road Safety Action Plan 2015-17*. Strong action is needed if we are to achieve the vision of zero road deaths and serious injuries, and the interim targets to:

- reduce fatalities from 303 (average 2008-2010) to 200 or fewer by 2020
- reduce hospitalised casualties from 6,670 (average 2008-2010) to 4,669 or fewer by 2020.

This work is also part of a broader Queensland Government commitment to address the impact of alcohol and other drugs through the *Queensland Mental Health, Drug and Alcohol Strategic Plan 2014–2019*.

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<sup>1</sup> In this paper, 'drivers' includes motor vehicle drivers and motorcycle riders.

<sup>2</sup> Estimated using the 'Willingness-to-Pay' methodology.

## What is this paper for?

Road safety is everyone's issue and everyone's responsibility. Solutions to tackle road safety will be more effective if they are co-designed with the community.

We now invite you to share your comments on a number of proposals to further address drink driving – in particular, to tackle our highest risk drivers, including: inexperienced drivers, drivers with high alcohol readings, and repeat drink driving offenders.

Repeat offenders alone are a challenging group to tackle and make up a quarter of drink driving offenders. Research shows that repeat drink drivers are much more likely than a first time offender to be involved in a fatal crash, and the relative risk increases with each subsequent arrest. These offenders may not be deterred by licence sanctions or fines.

In 2016, the Queensland Government held a *Safer Roads, Safer Queensland* forum to discuss drink and drug driving. This forum was attended by a wide range of industry and community leaders, drawn from research institutions, vehicle technology, engineering and infrastructure groups, motoring and insurance organisations, local government, legal firms, the rail industry, driver trainers, unions and state government policy and law enforcement agencies.

The key themes that emerged from this forum included:

- drinking is a social issue that plays out on the road
- the solution is broader than enforcement and punishment
- high risk and repeat offenders are key target groups
- technology is essential for the future of road safety
- regulation and penalties are still essential to deterrence and behaviour change
- enforcement should be supported through sufficient resourcing; and
- the community should be informed and engaged through education.

A more detailed description of each of the themes can be found at

[www.tmr.qld.gov.au/Safety/Road-safety/The-Safer-Roads-Safer-Queensland-Forums](http://www.tmr.qld.gov.au/Safety/Road-safety/The-Safer-Roads-Safer-Queensland-Forums)

## Proposed countermeasures

Following the 2016 Forum, the Department of Transport and Main Roads developed the following countermeasures, which are now open for community comment. These are to:

### 1) Enhance the current Alcohol Ignition Interlock Program by:

- a. Increasing the interlock 'sit-out' period from the current two years to five years to motivate higher risk drink drivers to fit an interlock in their vehicle.
- b. Requiring the interlock driver to demonstrate that they have separated drinking from driving, before having the interlock condition removed from their licence (a 'performance based' program).
- c. Expanding the range of drink driving offences that make a driver eligible for the interlock program to include the offence of exceeding the middle range alcohol limit (with a BAC of 0.10 - 0.149).
- d. Expanding the interlock program to include drink drivers holding a learner or provisional licence because, as inexperienced drivers, they already have a higher crash risk.

### 2) Introduce education programs for all drink driving offenders, including:

- a. An online brief intervention program designed to educate all first time drink driving offenders about their alcohol consumption and separating drinking from driving.
- b. An intensive face-to-face drink driving education program for repeat offenders. These offenders would be required to complete the program with a qualified professional as a relicensing requirement.

### 3) Limit access to restricted (work) licences by:

- a. Abolishing restricted licences so that all convicted drink drivers will need to serve their licence disqualification period and cannot continue to drive even if required for work purposes (Queensland is one of the few Australian jurisdictions that has a work licence option).
- b. Excluding middle range BAC offenders (with a BAC of 0.10 - 0.149) from the work licence program. Note that high BAC offenders (BAC of 0.15 or higher) are already excluded from obtaining a restricted licence.

These proposals are not current government policy, they have been developed for consultation purposes only. We want to hear what Queenslanders think about them before considering their possible implementation.

### *Have your say*

You can have your say on the proposals in the discussion paper via the online survey on the Queensland Government's *Get Involved* website (see [www.getinvolved.qld.gov.au](http://www.getinvolved.qld.gov.au)). Read the discussion paper to find out more about the initiatives, and the survey will take 10 to 15 minutes, depending on how much you want to say. It will be open for community feedback for four weeks, from 8 February to 7 March 2017.

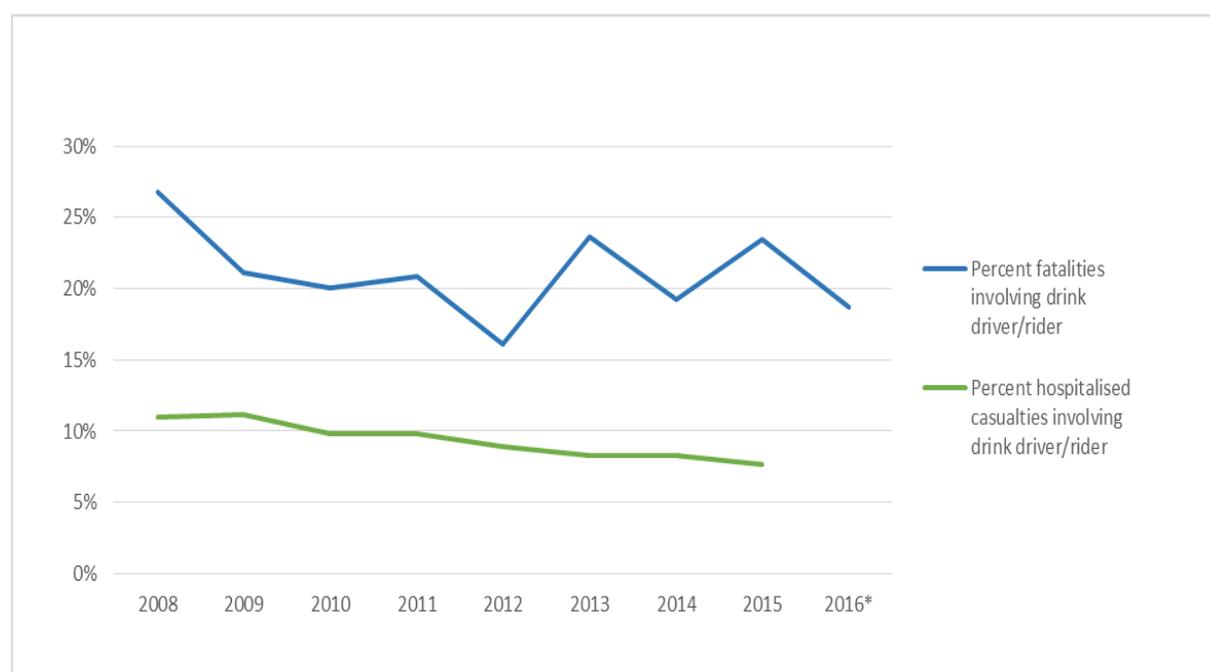
# The drink driving problem in Queensland

## Drink driving related crashes in Queensland

In 2016 there were an estimated 47 fatalities from crashes involving a drink driver, representing 18.7% of the annual total road toll (Figure 1).

For the previous five years, fatalities from crashes involving a drink driver represented around one in every five deaths on Queensland roads (on average, 20.6%). Hospitalised casualties from drink driving crashes are declining, however, 468 people were hospitalised in 2015 (representing 7.7% of the total number of hospitalised casualties).

**Figure 1: Fatalities and hospitalised casualties involving a drink driver or rider, percent of Queensland totals, 2008 to 2016\* (fatalities) and 2008 to 2015 (hospitalised casualties):**



*\*Due to ongoing police investigations, 2016 figures based on actual for January to September 2016 plus projected for October to December 2016*

Analysis of fatal crashes involving drink drivers and riders for the period from 1 September 2011 to 31 August 2016 shows that:

- the majority of drink drivers were male (86.8%)
- most held an open licence (57.5%), but nearly a quarter were unlicensed (23.1%), and 14.5% held a provisional licence
- the majority (70.4%) had a blood alcohol concentration reading (BAC) of 0.10–0.24, which is at least twice the legal limit
- young drivers were over-represented – drivers aged 16–24 were 14% of licensed drivers, but were 25.6% of drink drivers involved in fatal crashes.

# Drink driving offences

In Queensland, a driver will be charged with drink driving if they record an illegal BAC. The BAC level recorded may determine which offence they are charged with (Table 1).

Learner and provisional drivers, and drivers of vehicles including heavy vehicles and public passenger transport have a 'no alcohol limit', meaning their BAC must be zero.

All other fully licensed drivers cannot exceed the 'general alcohol limit', meaning they are over the limit if their BAC is 0.05 or higher.

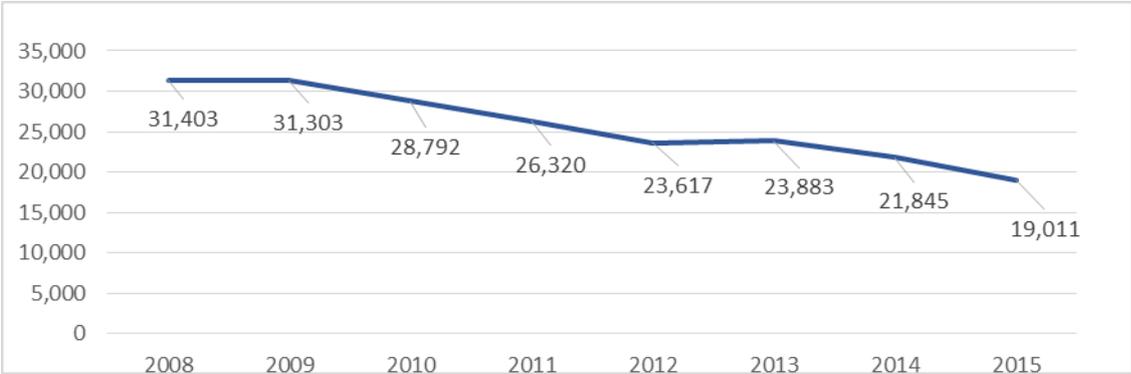
**Table 1: When a person is over the limit in Queensland\***

	BAC Range (g alcohol in 210 L breath)	BAC limit
no alcohol limit	0	'zero'
general alcohol offence	0.050 – 0.099	'0.05'
middle alcohol offence	0.100 – 0.149	'0.10'
high alcohol offence	0.150 +	'0.15'

\*These descriptions of drink driving offences have been simplified for the purpose of this discussion paper. For a full description see section 79A, Transport Operations (Road Use Management) Act 1995

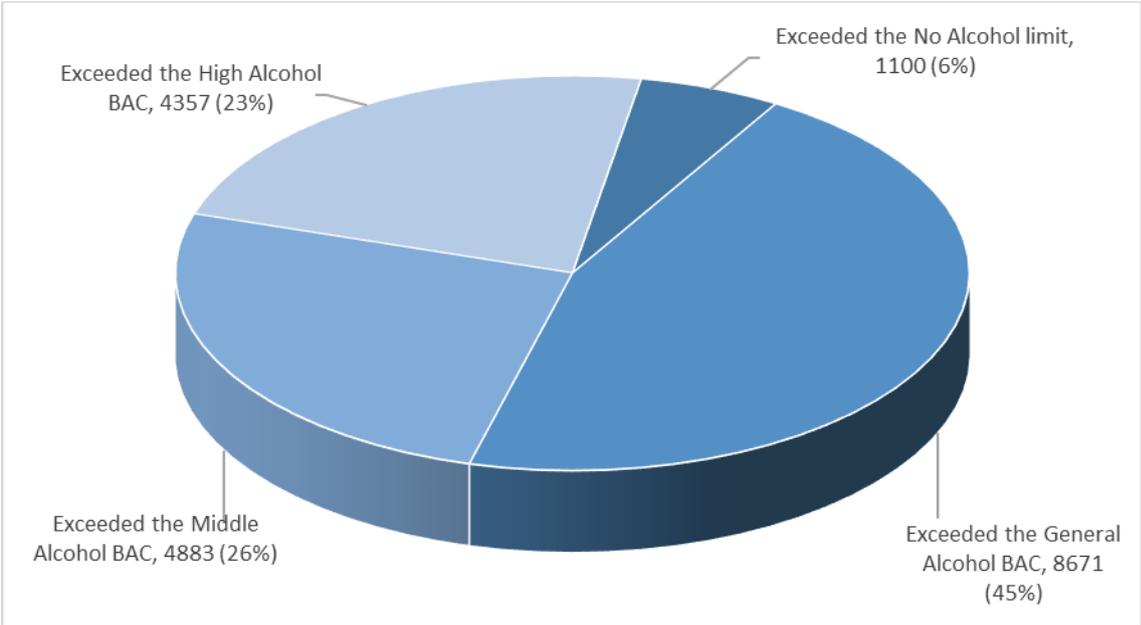
It is encouraging to see a decline in drink driving offence convictions (Figure 2). Between 2008 and 2015, the number of offence convictions decreased by almost 40%.

**Figure 2: Annual number of drink driving offence convictions, Queensland, 2008–2015**



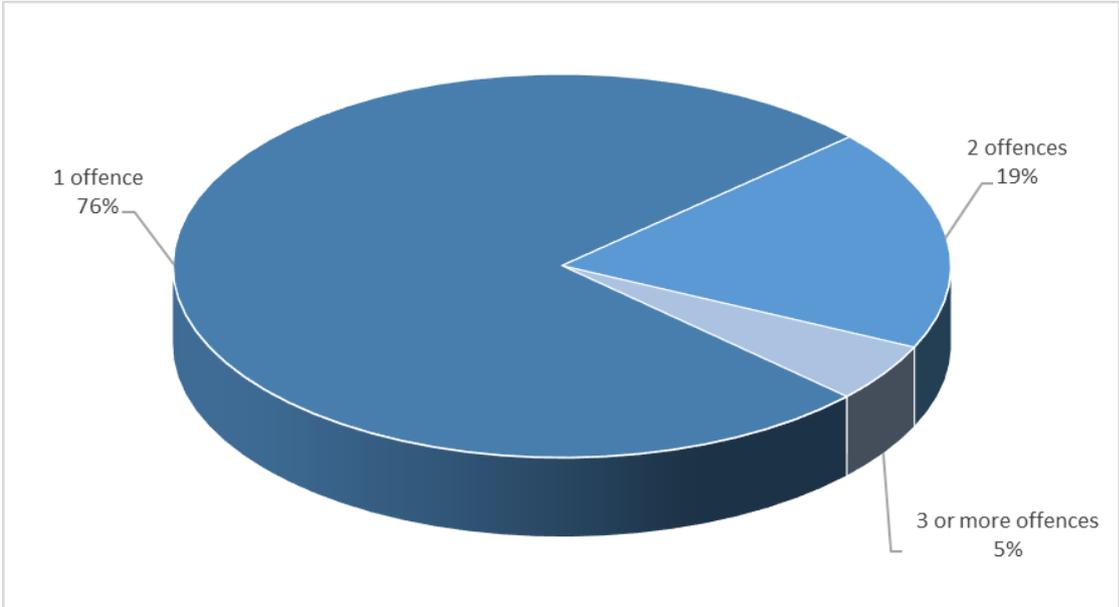
Of the 19,011 drink driving offences during 2015, just over half exceeded the *no* or *general* alcohol limit (51%) and the remainder (49%) exceeded the *middle* or *high* alcohol limit (Figure 3).

**Figure 3: Number of drink driving offences by BAC, Queensland, 2015**



Repeat offending means a person has more than one drink driving offence within five years of the earlier offence. Most drink drivers are convicted only once. Among the 27,214 offenders convicted of 28,792 offences in 2010, just over three-quarters (76%) were not reconvicted in the following five year period. However, almost a quarter were repeat offenders (24%) and 5% had three or more offences (Figure 4).

**Figure 4: Drink driving offenders in 2010, by number of offences during 2010 to 2015**



## Proposed new countermeasures

It is an offence to drive a motor vehicle while the driver has a BAC of 0.05 or higher. It is also an offence to drive a motor vehicle, with any level of alcohol, while holding a learner or provisional licence, while driving certain vehicles or while driving for particular purposes (for example, heavy vehicles or public passenger transport).

Drink drivers who record an illegal breath test must attend court where if convicted, could face court fines, driver licence disqualification, possible imprisonment, and a possible requirement to complete the Alcohol Ignition Interlock Program (interlock program). Follow the link below for a full description of current drink driving penalties.

<https://www.qld.gov.au/transport/safety/road-safety/drink-driving/penalties/index.html>

This paper has outlined Queensland's drink driving problem through crash and offence statistics. With one in every four offenders caught risking lives as a repeat offender, it shows there are a lot of drivers who are not deterred by the current countermeasures. Almost half of the drink drivers recorded a BAC twice the legally permitted level for open licence holders, suggesting they are consuming a lot of alcohol before driving.

There is now a need to review the effectiveness of current approaches and consider alternatives. This discussion paper explores a number of proposals, outlining the current approach in Queensland, how other states and territories approach the same problem, and the potential impacts of the proposals if they were to be introduced in Queensland.

## 1: Enhance the current Alcohol Ignition Interlock Program

An alcohol ignition interlock is a breath test device connected to the ignition of a vehicle to prevent it from starting if the driver has been drinking alcohol. The Queensland interlock program commenced on 6 August 2010. It is a mandatory licensing condition introduced to help drink drivers separate drinking from driving, as they return to licensed driving.

The interlock program applies to drivers convicted of higher risk drink driving offences, including:

- Driving under the influence of alcohol (with a BAC of 0.15 or higher, or equivalent offences)
- Two or more drink driving offences within five years (repeat offenders)
- Failing to provide a blood/breath specimen for analysis
- Dangerous driving while affected by alcohol.

Since the introduction of the Queensland interlock program there has been a significant body of academic research conducted both within Australia and internationally that identifies features of best practice interlock programs. Based on this research the following proposed enhancements to the Queensland interlock program have been identified.

### 1a: Extending the interlock period ('sit out' period)

#### What happens in Queensland?

The interlock program is currently a time based model with an interlock condition placed on an offender's licence for two years after they complete their licence disqualification. This condition means the driver cannot drive a vehicle without an approved interlock fitted.

However, if the driver participates actively in the interlock program and chooses to install the interlock in their vehicle, the interlock condition will be removed from their licence upon completion of a 12

month period. Alternatively, the offender may choose not to install the interlock in their vehicle, and ‘sit out’ the two year interlock period.

Queensland data indicates that around two-thirds of interlock program participants fit an interlock. This suggests that up to one-third of drivers may ‘sit out’ the interlock period. Following this, they can relicence without an interlock requirement.

**What happens elsewhere?**

In Australia, the minimum length of the interlock condition varies depending on the nature of the offence and prior offences.

- Victoria, the Australian Capital Territory, South Australia, Western Australia and Tasmania have mandatory interlock programs where offenders must fit an interlock in their vehicle and there is no choice to ‘sit out’ the interlock period. This means that participants cannot drive a vehicle without an interlock fitted until they complete the interlock program.
- In New South Wales, participants cannot legally drive for five years if they do not complete the interlock program.
- In the Northern Territory, participants cannot drive for the interlock period unless the interlock is fitted (the time served on the interlock is mandated by the courts with a maximum period of three years).

The two year interlock ‘sit out’ period in Queensland is the shortest of all the Australian jurisdictions with interlock programs (Table 2).

**Table 2: Jurisdictional summary of interlock program duration**

Interlock program	QLD	NSW	VIC	TAS	WA	SA	ACT	NT
Duration if interlock fitted	12 months	12-48+ months minimum*	6-48+ months minimum*	15+ months*	6 months min*	max of 3 years*	6 months or end of disqualification period*†	6-36 months
Maximum interlock period	2 years	5 years	remains until complete	3 years				

\*jurisdiction has performance criteria allowing period to be extended for non-compliance

†ACT allows drivers to start on the interlock program once they have completed half their disqualification period as opposed to all other jurisdictions which require completion of the disqualification period.

**What could Queensland do differently?**

We are seeking feedback on increasing the interlock ‘sit out’ period from the current two years, to five years. This is to promote active participation in the interlock program and discourage drivers from ‘sitting out’. Under this proposal people would still be able to have the interlock condition removed after a minimum of 12 months if they participate in the program by driving with an interlock fitted to their nominated vehicle.

## What are the impacts?

### Road safety

Research shows that interlock programs are one of the most effective methods to directly prevent drink driving. Drivers are physically prevented from driving with any alcohol in their body when an interlock is fitted to their vehicle. High participation rates in interlock programs are essential to providing the greatest possible road safety benefit with interlocks providing instant feedback and education to the driver. Having as many drink drivers as possible driving with an interlock reduces drink driving and alcohol related crash involvement.

### Unlicensed driving

Increasing the interlock 'sit out' period to five years may lead to increased participation in the program, but it may also result in more drivers choosing to drive unlicensed. Note that in some other jurisdictions, the interlock requirement remains 'forever', until the interlock program is completed.

### Access

A driver's licence can be a necessary step to accessing employment, education and other services, particularly in regional areas not well serviced by public transport. Removal of an offender's driver licence can have broader impacts on their full participation in society, and may also affect families of the drink driver. The changes proposed to the interlock 'sit out' period may result in some drivers 'sitting out' a five year interlock period, for example, if they do not have access to a vehicle to which they can fit an interlock, or think they cannot afford the interlock.

Under the current interlock program, exemptions are available for eligible drink driving offenders who:

- live in a remote location (outside a 150km radius from the nearest interlock installer)
- live on some islands not connected to the mainland by a bridge and where there is no interlock installer
- have a medical condition that stops them from providing the correct volume of breath to operate the interlock
- have other extenuating circumstances (not including employment or financial reasons).

### Costs

The cost of an interlock may be perceived as a barrier to relicensing. However, the Queensland Government and interlock providers currently provide financial assistance to interlock drivers who have a health care card or meet the income and assets test to ensure that low income offenders can participate. More than 900 interlock program participants have received financial assistance from the Government since the interlock program commenced.

**Question: Do you support extending the interlock 'sit out' period from two to five years? This aims to discourage drink drivers from choosing to 'sit out'.**

## 1b: Changing to a performance based interlock program

### What happens in Queensland?

An alcohol ignition interlock is a breath testing device that is connected to a vehicle's ignition and stops a driver starting a vehicle if they have been drinking alcohol. The driver must record a zero BAC reading on their breath test to start the vehicle, and also perform breath tests at random intervals during the journey. Interlocks have broad capabilities. They can record the number of breath tests and their readings and provide significant intelligence to aid in the monitoring of the driver and their attempted drink driving patterns.

In Queensland, the interlock condition can be removed after 12 months, provided the interlock program participant has an interlock fitted in their vehicle, and holds a valid driver licence. There is no test or standard that the interlock program participant has to meet before the interlock condition is removed. Program participants that fit an interlock are required to get the interlock serviced on a regular basis. The only feedback that participants receive on their interlock use is if they exceed the pre-determined number of failed breath tests, or other specified violations. This ‘violation service’ requires the interlock to be serviced by the interlock installer and costs extra, acting as an incentive not to fail breath tests.

**What happens elsewhere?**

Most Australian jurisdictions have **performance based interlock programs** consisting of:

- the *learning period* where interlock drivers learn how to use the interlock, and might attempt to drive after drinking, but the interlock prevents them from starting the vehicle and records a failed breath test; and
- the *performance period* where drivers must demonstrate performance by driving for an extended period without failing or refusing breath tests, or tampering with or being locked out of the device. Victoria also has a requirement that the vehicle with the interlock fitted must be driven at least twice a month to meet performance criteria.

The jurisdictions with a performance based interlock program require offenders to comply with the performance elements of the program. Breaches include recording positive breath tests (over 0.00 BAC); tampering with the device; failing to take a breath test when requested by the interlock; failing to attend a scheduled interlock service; allowing someone else to take the breath test, and; driving a vehicle other than their nominated interlock fitted vehicle. Breaches of the conditions lead to extension of the program, and possibly other penalties such as fines.

Table 3 below outlines how other Australian jurisdictions determine when the interlock requirement can be removed, including any period of performance monitoring. Performance monitoring occurs towards the end of the interlock program, as in the early months, it is expected that interlock drivers may fail breath tests and be locked out of driving their vehicle until they learn how to separate their drinking from their driving.

**Table 3: Requirements for interlock program completion – Australia**

Jurisdiction	Interlock removal basis	Performance period
ACT	Performance	3 months
SA	Performance	3 months
VIC	Performance	5 months
TAS	Performance	6 months
NSW	Performance	6 months
WA	Performance	6 Months
QLD	Time (12 months)	n/a
NT	Time (court ordered period)	n/a

## What could Queensland do differently?

We are seeking feedback on introducing a performance based interlock program so program participants must demonstrate they successfully separate their drinking from driving prior to having the interlock removed. This means that interlock drivers would need to demonstrate they are ready to have the interlock requirement removed by their performance, rather than the time the interlock was fitted.

The performance would be measured by complying with conditions of the interlock program and may include measures such as positive breath tests, tampering with the interlock, failing to take a breath test when required, failing to get the interlock serviced and allowing somebody else to take the breath test for them.

## What are the impacts?

### Road safety

An interlock prevents a person from using that vehicle after drinking alcohol. They are not permitted to drive with any alcohol in their system, and the interlock will engage if they record any positive BAC (a very small tolerance is permitted). Every failed breath test recorded by an interlock is a potential drink driving crash avoided.

Looking at interlock data provides an understanding of the potential scale of drink driving occurrences prevented by an interlock. A three month sample of Queensland interlock device data during 2015 showed a total of 6,515 failed breath tests from 1.07 million breath tests recorded by the devices. This is equivalent to 6.1 fails for every thousand tests. Most failed tests recorded a BAC below 0.05, so the interlock drivers had breached their zero alcohol limit, with 24% of breath tests recording 0.05 or higher.

Most disturbingly the same sample of interlock data shows 44% of participants recorded one or more failed breath tests during the period immediately before their interlock was removed (the final 30 to 60 days of their 12-months of interlock use).

Evidence shows that offenders with the highest rates of positive BAC tests while the interlock is fitted also have the highest rates of recidivism after the interlock is removed. Extending the interlock requirement until a person demonstrates they can drive without recording failed breath tests benefits other road users (because the person is prevented from drink driving). The extension also motivates drivers to be more careful about their own drinking and driving, which may have longer term benefits for them.

### Unlicensed driving

A performance based interlock program may lead to an increase in unlicensed driving if program participants become discouraged because they cannot meet the performance criteria. There is a risk that they may remove the interlock without completing the interlock program, but they will be unable to re-licence (and drive legally) until the requirement is completed.

### Costs

Participants who fit an interlock and cannot meet the performance criteria will have to continue to have the interlock fitted beyond the minimum 12 months. It is at this point that they can choose to continue to have the interlock fitted until such time that they meet the performance criteria or they may choose to have the interlock removed and 'sit out' for the remaining period. The current costs for the interlock to be fitted for the minimum 12 months is approximately \$2,000. Based on current costs, extensions beyond the 12 months due to poor performance may cost the offender approximately \$150 per month (approximately \$100 for health care card holders).

**Question: Do you support changing the interlock program to a performance based program where participants must demonstrate (through no positive readings for a specified number of months) they can separate drinking and driving before having the interlock removed?**

## 1c: Expanding the range of eligible offences for the interlock program

### What happens in Queensland?

The Queensland interlock program applies to any drink driver convicted of driving under the influence of alcohol (with a BAC of 0.15 or higher, or equivalent offences), failing to provide a specimen of breath or blood for analysis or dangerous driving while affected by alcohol. These offences account for around one in every five drink drivers. Repeat drink driving offenders also must complete the interlock program, regardless of the type of drink driving offence.

### What happens elsewhere?

Participation in an interlock program is a compulsory requirement for high BAC and repeat drink driving offenders in all Australian jurisdictions, except for the Northern Territory. Victoria is the only jurisdiction that has an interlock requirement for first time offenders with a BAC under 0.15 BAC. In 2014, Victoria began moving towards an 'all-offender' law. It now requires all offenders with a BAC of 0.07 or higher to complete the interlock program.

### What could Queensland do differently?

Based on 2015 figures, requiring all drink drivers to participate would affect more than eighteen thousand people each year. Instead, Queensland could take an intermediate position by requiring anyone with a BAC that is twice the 0.05 legal limit, meaning all convicted middle BAC offenders (0.10–0.149 BAC) would be required to complete the interlock program.

If introduced, middle BAC offenders ideally should not be eligible to obtain a restricted (work) licence. A restricted (work) licence means a driver retains the right to drive (they do not serve any period of licence disqualification). This proposal is explored later in the discussion paper (Section 3).

There were 4,883 middle BAC offences recorded in 2015, which is 26% of drink driving offences in that year. While it may seem like many more people could be required to participate in the interlock program if this change is made, the reality is that some middle BAC offenders are repeat offenders, so will already be required to participate. The real number of people affected by this change will be fewer.

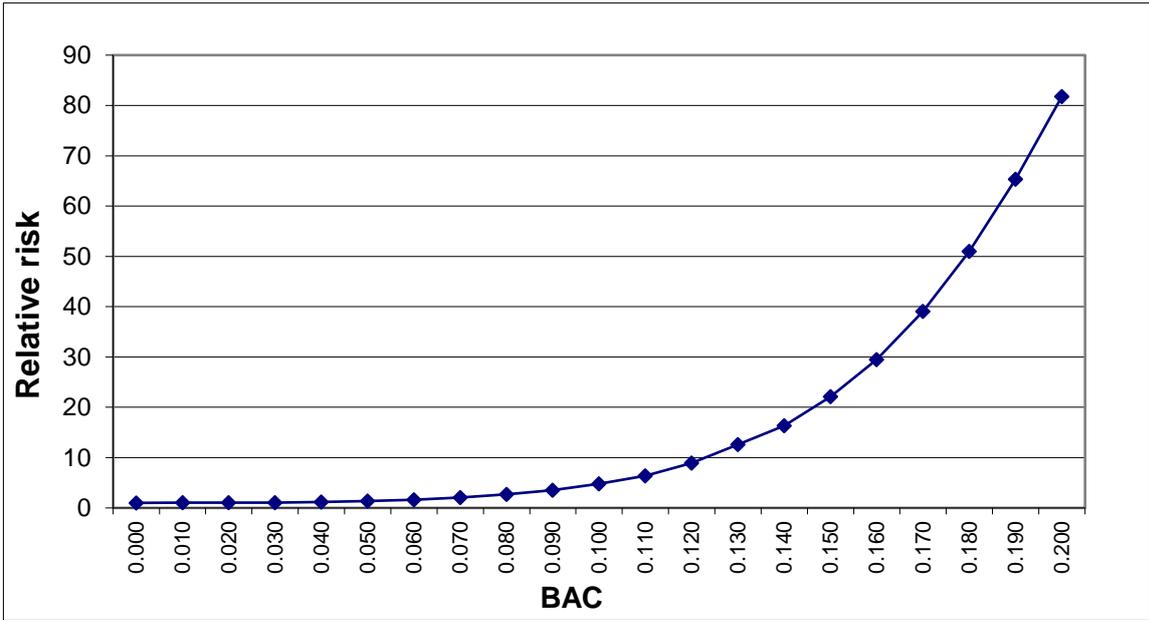
These changes reinforce the serious nature of the offence and support the intent of the interlock program which is to enable high risk drink drivers to separate their drinking from driving.

### What are the impacts?

#### Road safety

It is well established that drink driving results in an increased crash risk, and the level of that risk is influenced by the BAC of the drink driver. Driving with a BAC exceeding the middle alcohol range seriously increases a driver's relative crash risk as shown below. At the lowest point of the middle alcohol range (0.10 BAC) a driver has a relative crash risk that is five to seven times higher than the crash risk at 0.00 BAC (see Figure 5).

**Figure 5: Relative risk of crash involvement by BAC**



During 1 September 2011 to 31 August 2016, 21.5% of drivers involved in drink driving related fatal crashes in Queensland had a middle range BAC reading. Further, almost one in three (29.4%) drink drivers involved in crashes resulting in hospitalisation had a middle BAC reading.

Applying more requirements to those drink drivers who have higher BACs is justified by the involvement of middle BAC drivers in road crash statistics. Requiring these offenders to participate in the interlock program and removing their option to obtain a restricted (work) licence reinforces the seriousness of this offence and the risks they are taking with their own and other lives, and may deter potential drink drivers.

In addition to the impacts mentioned here, it is anticipated that this change will have similar impacts as proposed countermeasures 1a and 1b on unlicensed driving, accessibility and costs.

**Question: Do you support extending the interlock program to drink drivers who commit a middle range BAC offence (0.10 to 0.149 BAC)? Note: the general alcohol limit is 0.05 BAC.**

**1d: Extending the interlock program to drink driving offenders with a learner or provisional licence**

**What happens in Queensland?**

Currently in Queensland, provisional and learner licence holders are required to maintain a zero BAC while driving, meaning they are not permitted to have any amount of alcohol in their system while driving. Learner and provisional licence holders who commit a higher risk or repeat drink driving offence are currently subject to the interlock program.

**What happens elsewhere?**

All other jurisdictions impose a zero alcohol limit on at least some types of drivers, particularly learner, provisional and probationary drivers. Victoria is the only jurisdiction that imposes an interlock requirement on all learner or provisional convicted drink drivers.

## What could Queensland do differently?

We are seeking feedback on extending the interlock program requirement to learner and provisional licence holders who commit any drink driving offence.

The learner and provisional periods are when novice drivers are developing critical driving skills and forming future driving habits that will potentially stay with them for the rest of their lives. Putting an interlock requirement on those novice drivers who have demonstrated an inability to comply with a clear zero alcohol limit may be justified on the grounds that it enforces a clear rule to separate drinking from driving.

## What are the impacts?

### Road safety

Drivers and riders aged 16-24 represent 14% of licensed drivers but were 25.6% of drivers involved in drink driving fatal crashes. In 2015, there were 3,026 drink driving offences committed by learner, P1 and P2 (provisional) licence holders, or almost 16% of all drink driving offences that year. Of the learner, P1 and P2 licence holders detected drink driving, more than 78% breached the general alcohol limit with a BAC of 0.05 or higher.

More than one in five (21%) committed a high BAC offence, and would be required to participate in the current interlock program, along with any repeat offenders. A further 25% of learner, P1 and P2 drink drivers would be required to participate if middle BAC offences are included.

Research shows that young drivers are a unique drink driving challenge. They are relatively inexperienced drivers, at a time when they can legally start drinking alcohol. In addition, the transition from adolescence is associated with increased sensation seeking, more volatile emotions and increased likelihood of submitting to peer pressure. These factors have been proven to show that young people are more likely to engage in risky driving behaviour as they transition from adolescence into their early twenties, decreasing by the time they reach their mid-twenties.

Interlocks are proven to be effective at separating drinking from driving. Learner and provisional licence holders are required to maintain a zero BAC while driving. If they commit a drink driving offence and are required to participate in the interlock program, the device will enforce that limit.

In addition to the impacts mentioned here, it is anticipated that this change will have similar impacts as changes 1a and 1b on unlicensed driving, accessibility and costs.

**Question: Do you support extending the interlock program to all *learners* convicted of drink driving?**

**Question: Do you support extending the interlock program to all *learners* convicted of drink driving with a BAC of 0.05 or higher?**

**Question: Do you support extending the interlock program to all *provisional* licence holders convicted of drink driving?**

**Question: Do you support extending the interlock program to all *provisional* licence holders convicted of drink driving with a BAC of 0.05 or higher?**

## 2: Introduce education countermeasures

In 2015, there were more than 19,000 drink driving offences recorded in Queensland. The majority will never be convicted for a second drink driving offence, indicating that punitive measures effectively deter these offenders from further drink driving. However, some drink driving offenders are caught reoffending within a five year period.

Evidence indicates that offenders who are not responsive to punitive measures alone are more likely to respond to a combination of punitive measures with education programs. These programs range from brief interventions to more intensive programs.

Queensland is considering using education programs to reduce repeat drink driving and to re-integrate drink driving offenders into the licensing system without imposing a risk on the Queensland community.

### 2a: Online brief education intervention

Brief education interventions are designed to screen and assess an individual's alcohol consumption, to educate them about alcohol and provide strategies to reduce risky drinking. They have been widely used in the treatment of alcohol, drug and tobacco issues and have had successful outcomes. More recently they are increasingly being used as part of treatment programs aimed at reducing drink driving.

Brief education interventions normally take between five and 60 minutes and can range from one to five sessions. They can be administered using a range of methods including face-to-face, online, mail, email, and through distribution of education materials. A number of face-to-face and online interventions have been developed that are aimed at reducing risky behaviours associated with excessive alcohol consumption, including drink driving.

#### What happens in Queensland?

Queensland does not currently have a system in place for drink drivers to complete a brief education intervention.

#### What happens elsewhere?

A number of brief intervention programs currently exist in Australia and internationally. Brief education interventions and/or educative programs operate in most jurisdictions in Australia. There are jurisdictions who have mandatory brief education interventions for drink driving offenders but they vary in many ways, including the level of BAC required to trigger participation, whether or not they are court referred or mandated through the relevant transport authority, the delivery method, the service provider, content and length.

#### What could Queensland do differently?

We are seeking feedback on mandating an online brief education intervention for all first time drink driving offenders, regardless of their BAC level. Offenders would be required to complete the intervention before they can relicense. The module would consist of a screening and assessment questionnaire which would determine their pattern of alcohol consumption. If the screening indicates an alcohol dependency they could be provided with information on treatment services they may choose to voluntarily take up. Following this screening the person would then be required to complete an education module and assessment questionnaire. The education module would be designed to educate them about the risks of excessive alcohol consumption, the risks of drink driving and how to separate drinking from driving.

The module would be online, cost effective and easily accessible to offenders. Participation in the brief education intervention would not affect any other penalty or licence disqualification, however it would need to be completed before relicensing.

## What are the impacts?

### Road safety

Research has demonstrated the effectiveness of brief education interventions primarily in the health sector. They have been used to address a range of substance issues including alcohol, drugs and tobacco. With respect to alcohol the evidence strongly supports the effectiveness of brief education interventions reducing alcohol consumption in those who drink above recommended levels and are at risk of developing alcohol dependency problems.

With the increase in availability and accessibility of technology, brief education interventions are now able to be delivered through electronic methods. Research has demonstrated that the effects of brief education interventions delivered online can reduce alcohol use for up to 12 months. There are a range of benefits in using online technology to deliver brief education interventions, including accessibility to the population, cost effectiveness and the anonymity which allows the offender to access the material without fear, shame or embarrassment.

### Access

The impacts of having a compulsory brief education intervention are minimal in relation to access. The proposed module will be accessible via the internet which will enable a vast majority of the population to have access to the brief education intervention. Alternative delivery approaches will be considered for offenders who are unable to access the online brief education intervention because of problems with internet access, literacy or cultural barriers.

### Costs

The development and delivery of the brief education intervention will not have a significant cost to Government as it may be able to use existing technological infrastructure. The main impacts will be to the offender who will be required to undertake the brief education intervention. It is anticipated the intervention will require a minimal time commitment (approximately one to two hours) and will cost the offender a nominal fee (approximately \$20, similar to the cost to complete the online Hazard Perception Test). This would be in addition to the court imposed fine they may receive during sentencing.

**Question: Do you support introducing an online compulsory brief education program for all first time drink driving offenders? Participants would need to complete the program before getting their drivers licence back.**

## 2b: Face-to-face education programs for repeat drink driving offenders

Research suggests that more intensive interventions may be required for recidivist offenders. These programs aim to provide drink driving offenders with the motivation, knowledge and skills to separate drinking from driving.

### What happens in Queensland?

In Queensland, the court may order drink driving offenders to attend and complete a training program. There are currently a number of programs delivered in the general community, in health settings, through Queensland Corrective Services and through workplace programs which target rehabilitation for drink driving specifically and/or the broader issues of alcohol and/or drug abuse.

### What happens elsewhere?

Although they vary considerably in focus and format, essentially there are four types of education/treatment alcohol rehabilitation programs.

These include:

- Medical consultation, and alcohol problem/dependency treatments which are therapeutic type programs. They focus on the participant's drinking behaviour, the role it plays in their life and how they may be able to reduce their alcohol consumption.
- Drink driving alcohol treatment programs which combine educational and therapeutic approaches.
- Educational programs which assume that individuals drink and drive because they lack appropriate knowledge about the combination of their drinking and driving behaviours.

The application of course types varies across Australian jurisdictions as depicted in Table 4.

**Table 4: Alcohol rehabilitation program types in Australian jurisdictions**

Treatment/education type	NSW	VIC	WA	NT	TAS	SA	ACT
Medical consultation/agency assessment	x	x	x**			x**	x
Alcohol problem/dependency treatment							x
Drink driving alcohol treatment		x		x	x		x
Education/information course		x*				x*^	x

\*Not alcohol specific

\*\* Only used if re-applying for a previously disqualified driver licence and disqualification was due to alcohol offence

\*^ Only for those aged under 25 years

## What could Queensland do differently?

We are seeking feedback on introducing an intensive face-to-face education program for repeat drink driving offenders. This program would be in addition to other penalties applied to repeat offenders. It is proposed that drink driving offenders who commit a second drink driving offence within a five year period would be required to complete a prescribed program prior to regaining their licence.

## What are the impacts?

### Road safety

Research suggests that for repeat offenders intensive education programs, in conjunction with punitive measures, are effective in reducing drink driving reoffending. Evaluations of the NSW rehabilitation model in 2006 and 2010 found that in both evaluations participant recidivism was significantly lower than non-participants after two year follow ups. A cost benefit analysis of the program showed that for every dollar spent on the program the return for road safety was over two dollars. A six year study in the United Kingdom found that participants in the drink driving program were nearly three times less likely to reoffend than offenders who didn't complete the rehabilitation program. An international analysis of 215 drink driving rehabilitation programs concluded that rehabilitation reduces recidivism by approximately 9% and that the most impactful programs include a combination of psychotherapy, education and probation. Given that the cost of one road crash fatality on Queensland roads is over \$7.8 million, a 9% reduction in drink driving recidivism related to rehabilitation would be a significant road safety benefit for Queensland.

### Access

Mandatory face-to-face programs may be difficult to access. The programs may require a commitment to attend weekly sessions for a number of weeks. Currently available programs in Queensland operate

in South East Queensland. Programs would need to be available to major regional communities. Innovative technical solutions for program delivery such as virtual attendance at programs via Skype will be investigated to obviate accessibility issues. The Department of Transport and Main Roads would also seek advice to ensure programs are culturally sensitive.

In extenuating circumstances exemptions similar to the interlock program may be applied particularly where severe and unusual hardship may be experienced by having to complete the program.

### **Costs**

Additional costs may be required for offenders who complete a program depending on the final model. Based on costs for similar programs in Queensland and nationally, costs to offenders attending a program would be in the range of \$200 - \$750. If a user pays model is adopted for the program the Department of Transport and Main Roads may offer financial assistance on a means-tested basis similar to that applied to the interlock program.

The Department of Transport and Main Roads would conduct comprehensive evaluations of this program to ensure its ongoing efficacy.

**Question: Do you support introducing an intensive face-to-face education program for repeat drink drivers? Repeat offenders would need to complete the program with a qualified professional as a relicensing requirement.**

### 3: Review access to restricted (work) licences

Restricted (work) licences are available to eligible drink driving offenders and authorise the person to drive only in stated circumstances directly connected to their work.

#### What happens in Queensland?

Restricted licences, also commonly referred to in Queensland as 'work licences', may be granted by the court to drink driving offenders who have committed certain drink driving offences. Drink drivers eligible to be granted a restricted licence must:

- Be first time drink driving offenders (meaning no offences within the previous five years)
- Commit an offence with less than 0.15 BAC
- Not be driving in the course of their employment at the time of the offence
- Hold a current open Queensland driver licence and not be subject to the no alcohol limit (for example learner and provisional licence holders are not eligible)
- Not have had a driver licence suspension, cancellation or disqualification in the past five years.

Offenders must demonstrate to the court that they require the licence for work and that the loss of licence would lead to them losing their employment. A restricted licence authorises the holder to drive only in stated circumstances directly connected with the holder's means of earning a living. The court imposed restrictions may include the times and purposes for which they may drive, the class of vehicle they may drive and if they can carry passengers in the vehicle.

From the 19,011 drink driving offences recorded during 2015, there were:

- 2,377 restricted licence orders made, which is 12.4% of offences (or around one in every eight offences).
- Two thirds (67%) of restricted licence orders were for offences in the general BAC range (0.05 to 0.099), and
- One third (33%) were for middle BAC offences (0.10 to 0.149).

Previous research found that 15-20% of work licence holders reoffended within five years of receiving the work licence. Work licence holders in the middle BAC offence range were slightly more likely to reoffend than those in the general BAC range.

#### What happens elsewhere?

Similar licences exist in the Australian Capital Territory, Tasmania, and Western Australia, but not in Victoria, New South Wales, South Australia or the Northern Territory. In the Australian Capital Territory, work licences are not available for any offender with a BAC of 0.10 or over. In Western Australia, extraordinary licences are available for all offenders. In Tasmania, restricted licences are not available for offenders who have a BAC of 0.15 or over, or those who are repeat offenders within the prior three year period.

In all jurisdictions, the court must be satisfied that the offender or their family would suffer severe hardship from not having a licence, and that the granting of the restricted licence would not be contrary to the public interest. Severe hardship generally refers to loss of employment. In Western Australia and the Australian Capital Territory, those with, or caring for someone with a medical necessity may qualify for a restricted licence.

#### What could Queensland do differently?

There are two proposals that are being canvassed regarding restricted licences that we are seeking community feedback. These include:

- a) **Abolishing Restricted Licences:** In Queensland during 2015, there were 2,377 restricted licences issued. Removing restricted licences means that drink drivers would no longer be eligible for a restricted licence and would be required to comply with their licence disqualification.

- b) Tighten eligibility criteria to exclude middle BAC offenders: If the interlock requirement is extended to middle BAC offenders then removing eligibility for a restricted licence is important. If it is not removed then it is possible that a middle BAC offender may be able to drive a vehicle (for work purposes) without an interlock, then once the restricted licence period is complete, be required to start the interlock program. This potentially undermines the severity of the offence. In 2015, 788 (33%) restricted licences were issued to drink drivers who had exceeded the middle BAC limit, meaning that changing to the restricted licence eligibility would affect around 4% of drink driving offenders per annum.

## What are the impacts?

### Road safety

Perceived swiftness, certainty and severity of penalties and sanctions are fundamental to deterring drink driving offences. Restricted licences have been criticised as undermining the deterrent effect of drink driving laws (that is, the certainty of licence loss), because it is perceived they are easily available. Offenders granted a restricted licence do not experience the full impact of disqualification so the specific deterrent effect of disqualification is also weakened.

If restricted licences were removed or access limited, it may further reinforce the seriousness of committing a drink driving offence as there are no further opportunities to continue driving legally. There are positive impacts for removing restricted licences which include enhancing the deterrent effect of licence disqualification as drink drivers will no longer be given a 'soft option' of being able to apply for a restricted licence and will be required to serve their licence disqualification period.

With respect to middle BAC drink driving offenders, removing their eligibility for a restricted licence can be justified based on their crash risk. It is well established that drink driving results in an increased crash risk, and the level of that risk is influenced by the BAC of the drink driver. As outlined earlier, driving with a BAC exceeding the middle alcohol limit seriously increases a driver's relative crash risk and puts lives at risk.

### Unlicensed driving

Removing restricted licences may result in a higher rate of unlicensed driving as convicted drink drivers who no longer have an opportunity to apply for a restricted licence may continue to drive despite having their licence disqualified.

### Access

A driver's licence can be a necessary step to accessing employment, education and other services, particularly in regional areas not well serviced by public transport. Licence disqualification can have broader impacts on full participation in society, and also affects families of the drink driver. A restricted licence will only assist eligible drink drivers to drive for the purpose of work. For example, driving for educational, family, health or other purposes is not allowed. As stated above, 2,377 restricted licences were issued in 2015, so removing restricted licences or limiting their application will impact on drivers who otherwise require their licence to drive to, or for the purpose of work.

### Costs

If restricted licences were removed or access restricted, eligible drink drivers and their dependents may experience financial hardship as they are potentially deprived of a means to earning a living.

### Enforcement

Some restricted licence holders break the conditions of their licence and it can be difficult for the Queensland Police Service to enforce the restrictions. Restricted licence holders are required to carry their court order (that includes the restrictions) at all times when they are driving but it may be hard for the police to determine if they are driving for work purposes.

**Question: Do you support removing restricted (work) licences for all drink drivers and making them serve a licence disqualification period?**

**Question: Do you support removing restricted (work) licences for *middle BAC offenders* (0.10–0.149 BAC) and making them serve a licence disqualification period?**

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