

# Victoria's Alcohol Interlock Program

Information for participating drivers



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# Victoria's alcohol interlock program

Victoria's alcohol interlock program protects drink driving offenders and other road users from the dangers of drink driving.

Each year repeat drink driving offenders are involved in road accidents that cause more than 20 deaths and over 500 injuries.

In May 2002, Victoria implemented alcohol interlock legislation which requires that an alcohol interlock is fitted to a car whose driver has been convicted of serious drink drinking offences.

An alcohol interlock is fitted to a car to prevent it starting if the driver has been drinking.

The alcohol interlock program begins when a drink drive offender has been banned from driving and the banned period is about to end. Near the end of this period, the drink driver enters the 10 step alcohol interlock program.

There are three stages in the program:

1. The driver has his or her licence re-issued but can only drive if their car is fitted with an alcohol interlock (Steps 1 to 4).
2. A period of driving legally with the alcohol interlock. This period includes monthly service checks and reports (Steps 5 and 6).
3. And finally the interlock is removed if the driver can prove to a Magistrates' Court that he or she has complied with the correct use of the alcohol interlock (Steps 7 to 10).

The program operates on a user pays basis. The driver signs a contract with an approved interlock supplier and pays all the costs for installation, servicing, maintenance and having the interlock removed.

Alcohol interlocks are being used in this program for serious offenders. They can also be fitted to most vehicles and used by any driver who wants to avoid drink driving.

More information call VicRoads 13 11 71.





## Who has to use an alcohol interlock?

A driver must use an alcohol interlock:

- if he or she has two or more drink driving offences, including failure to provide a blood or breath sample; or
- if he or she has one offence which involves a blood alcohol concentration (BAC) of .15 or higher; or
- if he or she has one offence and is under 26 years at the time of the offence which involves a blood alcohol concentration of .07 or more; or
- if he or she has one offence and is a probationary driver at the time of the offence which involves a blood alcohol concentration of .07 or more.

A driver with an alcohol interlock fitted to his or her car is called a participating driver. They are participating in a program to protect them and other road users from the risks of drink driving.

Throughout the program, the driver can only drive a car fitted with an alcohol interlock, and drive with a zero blood alcohol concentration (BAC). This means no drinking and driving!

Severe penalties apply if a drink driver drives illegally.

The participating driver is responsible for dealing with the Magistrates' Court, an alcohol interlock supplier, an interlock service agent, a driver education agency and VicRoads.

The need to have an alcohol interlock fitted is in addition to all other requirements imposed on a drink driver. These include clinical assessments, drink driver education and obtaining a licence restoration order from a Magistrates' Court.

## What does an alcohol interlock do?

An alcohol interlock is fitted to the car's ignition and measures the driver's breath for alcohol.

When alcohol is detected the interlock prevents the car starting.

If the driver fails this breath test the alcohol interlock will show how long he or she must wait before another test can be taken.

When driving, the driver must also blow into the alcohol interlock at random intervals to make sure he or she is still sober.

The alcohol interlock keeps an electronic record every time it is used. This information, which includes blood alcohol concentration (BAC) levels, is used later when the court is deciding whether or not to remove the interlock.

The alcohol interlock will record all attempts to tamper with it.

If someone attempts to disconnect it, or there are breath tests that have failed, then it will repeatedly warn the driver by sounding the horn and flashing the hazard lights.

If these warnings are ignored the alcohol interlock will lock the car down completely making it impossible to start. The only person who can re-start the car is the interlock service agent.

It is extremely important that anyone who drives a car fitted with an alcohol interlock should understand how to use it and make sure it is regularly serviced.

# The 10 Step Alcohol Interlock Program

These are the ten steps that you, as a participating driver, must take if you want to drive legally after being banned from driving.

The legal requirements for an alcohol interlock are complex, so ask for advice if you don't understand what you have to do.

To understand your legal rights and obligations you should seek legal advice. You might also refer to the Road Safety Act 1986 available at [dms.dps.vic.gov.au](http://dms.dps.vic.gov.au)



## Steps 1 – 4 Re-issuing your driver licence

Towards the end of the period during which you were banned from driving, you begin with Steps 1 to 4. In these steps you have your licence restored with an alcohol interlock condition, you then lease an alcohol interlock and have it fitted to your car.

### Step 1

Obtaining a Licence Restoration Order page 9

### Step 2

Investigate options for leasing an alcohol interlock page 9

### Step 3

Attend court to obtain a Licence Restoration Order page 9

### Step 4

Attend VicRoads Customer Service Centre to have your licence re-issued page 9

## Steps 5 – 6 Installing and using the alcohol interlock

To have your alcohol interlock installed in your car and to ensure you use it correctly, follow these steps.

### Step 5

Install alcohol interlock page 11

### Step 6

Drive legally with an alcohol interlock fitted and attend scheduled maintenance services page 12



## Steps 7 – 10 Completing the alcohol interlock program

As you near the end of your alcohol interlock period, you will have to organise a hearing in the Magistrates' Court to obtain an Interlock Condition Removal Order. These steps outline how you should prepare for that hearing and what you need to do to have the alcohol interlock removed from your car.

### Step 7

Prepare for your Interlock Condition Removal Order hearing page 15

### Step 8

Attend court for your Interlock Condition Removal Order page 16

### Step 9

Attend VicRoads Customer Service Centre to have your licence re-issued page 16

### Step 10

Remove the alcohol interlock page 16

## After completing the alcohol interlock program

When you have satisfactorily completed the alcohol interlock program, you can drive without an interlock.

It is likely that you will be required to drive with a zero blood alcohol concentration (BAC) level for a period of time after you have completed the program, so please check your licence condition with VicRoads.



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**Driver License**

**GENERAL LICENSE APPLICATION**

**Personal Information**

First Name	LAST NAME	DOB	Sex
Address	City	State	Zip
Phone	Work	Home	Mobile
Current Address	Current City	Current State	Current Zip

**Vehicle Information**

Vehicle ID	Year	Make	Model
Color	Weight	Engine	Transmission
Registration	Insurance	Insurer	Policy No.

**Application Details**

Application Type:  New License  Renewal  Replacement

Class of License:  Class 1  Class 2  Class 3

Expiry Date:

Signature:

Date:

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**Application Form**

**Personal Information**

First Name	LAST NAME	DOB	Sex
Address	City	State	Zip
Phone	Work	Home	Mobile

**Vehicle Information**

Vehicle ID	Year	Make	Model
Color	Weight	Engine	Transmission

**Application Details**

Application Type:  New License  Renewal  Replacement

Class of License:  Class 1  Class 2  Class 3

Expiry Date:

Signature:

Date:

## Steps 1 – 4

# Re-issuing your driver licence

### Step 1 Obtaining a Licence Restoration Order

Only the Magistrates' Court can issue you with a Licence Restoration Order. This order will allow VicRoads to issue you with a licence or permit. If the court orders that you must have an alcohol interlock fitted to the vehicles you drive, then this condition will be placed on your licence or permit. This means that you can only drive legally if the vehicle is fitted with an alcohol interlock.

At least 28 days before your licence banned period is about to end:

- attend the Magistrates' Court nearest to where you live to organise a hearing for the Licence Restoration Order
- contact an accredited education agency to arrange an alcohol assessment. This assessment is required by the court. Contact DIRECT Line **1800 888 236** for advice about accredited agencies. For repeat drink drivers, the report must be completed within 28 days before the court hearing.

If you have a single offence involving a blood alcohol concentration (BAC) level of .15 or more, or the offence was a non-BAC drink driving such as refusing a breath test, the report must be obtained at least 12 months before your court hearing.

### Step 2 Investigate options for leasing an alcohol interlock

If you are likely to be issued with an interlock condition order, you should contact all approved interlock suppliers to ask about and compare the cost of installing, leasing and servicing an interlock, the location of service agents and service arrangements.

Currently the approved interlock suppliers are: Draeger Safety **1300 780 689**; Guardian Interlock Systems **1300 881 005**; and Smart Start **1300 256 900**.

### Step 3 Attend court to obtain Licence Restoration Order

Attend the Magistrates' Court hearing to obtain a Licence Restoration Order. If the court believes it is appropriate for you to be re-licensed, it will issue you a Licence Restoration Order. This order allows you to apply to VicRoads to obtain a licence or permit. If this order requires that you must drive with an alcohol interlock, VicRoads will place this condition on your licence or permit.

### Step 4 Attend VicRoads Customer Service Centre to have your licence re-issued

After the court has given you a Licence Restoration Order, VicRoads can then issue you a licence or permit.

You must attend a VicRoads Customer Service Centre and present your Licence Restoration Order. You will be required to provide proof of identity and pay prescribed fees.

VicRoads will issue you with a driver licence or permit with an interlock condition. The letter 'I' is printed in the 'Conditions' section on the front of the licence or permit. This indicates that the only vehicle you can drive legally is one fitted with an alcohol interlock.

You must have a zero blood alcohol concentration when you drive.

If your interlock condition is removed in under three years, say after two years, you must drive with a zero BAC until three years from the time your licence is restored with an interlock condition.

If you are re-licensed with a probationary licence or a learner permit, a zero BAC limit automatically applies.



## Steps 5 – 6

# Installing and using the alcohol interlock

### Step 5 Install alcohol interlock

Before driving again you must sign an agreement with an approved alcohol interlock supplier and have an approved interlock fitted to the vehicles you drive.

You will need to arrange for someone else to drive you to an approved alcohol interlock agent to have an interlock fitted.

Only approved service agents registered with approved interlock suppliers can install, service and remove interlocks. Your interlock supplier can provide a list of service agents throughout Victoria.

At this stage you will be fully trained to use the interlock and be given a copy of the manufacturer's instructions. Anyone else who is likely to drive the car should also be trained to use the interlock.

It is an offence for any other person to install or remove an approved alcohol interlock.

It is also illegal to interfere or tamper with an alcohol interlock.

When the interlock is installed, the service agent will ask you to sign an agreement verifying that the interlock has been installed and you have been trained to use it. You will be given a copy of the agreement.

#### **Cost of the alcohol interlock program**

All alcohol interlock services are paid for by the participating driver. These include lease installation, servicing and removing the interlock.

As fees and charges may vary according to the type of alcohol interlock, you should check carefully the cost and requirements for leasing the interlock.

You must also pay for your assessments, drink drive education classes, the court hearing and fees charged by VicRoads for issuing your new licence.

#### **Financial assistance**

To assist low income earners, a concessional rate is available to holders of a valid card issued by the Australian Government. Holders of the following Commonwealth cards, issued by Centrelink, are eligible for concessional rates for the installation and maintenance of their interlock.

- Centrelink Health Care Card; or
- Centrelink Pensioner Concession Card, if evidence is also provided from Centrelink confirming that the holder also receives the maximum rate of payment.

The concessional rate applies to the cost of installing and servicing an alcohol interlock.

You must pay the costs for any additional servicing or to fix damage you may have caused to the interlock.

You must show your card when you sign the lease agreement and you may also be required to show it for each scheduled service. Keep your card up to date or you will be charged the full fee.

## **Step 6**

### **Drive legally with an alcohol interlock and attend scheduled maintenance services**

You must successfully complete at least the minimum period with an alcohol interlock fitted to your car. This period is set by the court.

During the period when the interlock is fitted, you must attend all the scheduled services and comply with both the interlock order and the manufacturer's instructions.

#### **Servicing the alcohol interlock**

The alcohol interlock must be serviced each month.

A service visit includes maintenance and inspection of the interlock. Information about how you have used the interlock will also be downloaded and filed to be used by the court at a later date.

If this information shows that you have been using the interlock correctly, the interlock supplier may arrange for your service period to be extended to longer than a month.

#### **Proper use of the alcohol interlock**

It is extremely important that anyone who drives a car fitted with an alcohol interlock knows how to use it correctly and follows the manufacturer's instructions.

If any attempt is made to tamper with or disconnect the alcohol interlock, it will repeatedly warn the driver.

If these warnings are ignored the interlock will lock down the car completely, making it impossible to start. The only person who can re-start the car is the service agent.

If you need to have your car serviced whilst it has an alcohol interlock fitted, then ask your interlock supplier or the service agent how the service can be done without interfering with the interlock.

A sober person should not start the car for the participating driver. The alcohol interlock is designed to test randomly, and will at some time later ask the participating driver to blow into the interlock.

#### **Interstate travel**

If a participating driver with an alcohol interlock plans to drive interstate, he or she should make arrangements with the interlock supplier for servicing the interlock.

If no interstate arrangements are made then the participating driver must return to Victoria for monthly service checks.

#### **Moving interstate**

Alcohol interlock laws differ between the States. If you wish to move interstate to live, you should contact the licensing authority of that state or territory to find out their requirements for you to continue to drive legally.

If you return to Victoria to live and need to apply for a Victorian licence, VicRoads will only issue a licence in accordance with the most recent order of the court.

What has happened	What you do
You have blown into the alcohol interlock and the car has not started.	<p>There are two possible causes.</p> <ol style="list-style-type: none"> <li>1. You have not blown enough air into the alcohol interlock. Try again.</li> <li>2. Or the interlock has detected alcohol on your breath. If there is alcohol on your breath, the interlock will, after a short lockout period, instruct you to blow into it again.</li> </ol>
Your second breath test fails. The car does not start because alcohol has been detected.	The alcohol interlock has shut down again but this time it will be for longer. After this time you must do a third breath test.
The alcohol interlock asks you for another breath test after the car has started. This may happen while you are driving.	<p>You must blow into the alcohol interlock.</p> <p>If you don't blow into the interlock within the required time, the horn will sound and the hazard lights will flash until the engine is turned off.</p>
If you attempt to start the car without following the manufacturer's instructions, the alcohol interlock will request a breath test from you.	You must do a breath test by blowing into the alcohol interlock. The interlock will also begin a seven day countdown to a date for an extra service test. So contact your interlock service agent. If the interlock is not serviced it will shut down the car completely.
Between services there has been a number of failed breath tests or power has been disconnected to the interlock.	<p>The alcohol interlock will start a seven day countdown to an extra service date.</p> <p>You must arrange for the interlock to be serviced within this time or it will completely lock down the car.</p>

**Important:** Ignoring the warning alarm, not following the manufacturer's instructions or disconnecting power to the interlock are not permitted.

These actions are recorded by the interlock and included in a report that is sent to the Magistrates' Court.



## Steps 7 – 10

# Completing the alcohol interlock program

### Step 7

## Prepare for your Interlock Condition Removal Order hearing

### To prepare for your court hearing you have three jobs to do:

- organise a date for the court hearing
- contact the alcohol interlock supplier for a report
- contact the driver education agency for an assessment report.

You will need to begin these jobs at least 28 days BEFORE your alcohol interlock period ends.

### This is what you do:

**Magistrates' Court hearing:** Visit the court nearest to where you live and organise a date for your court hearing.

Arrange your court hearing date to be at least one week after you expect to finish your interlock period. This will allow enough time for information and reports to be prepared in time for your court hearing.

**Alcohol interlock report:** Contact your supplier and tell them when you are to appear. Ask the supplier to prepare the Compliance Assessment Report which is a report about how you have used the interlock. Send this report to your assessor.

You must nominate an assessor and sign a consent form to allow the interlock supplier to release your information to the assessor.

The Compliance Assessment Report can only be prepared after final information has been downloaded from your interlock. This information is required by the driver assessor to prepare your assessment report for the court. The first assessment report for you is free, but there may be a cost for additional copies.

**Assessment report:** An assessment report is required by the Magistrates' Court. This report comprises the Compliance Assessment Report, an evaluation of your use of alcohol during the interlock period and your last licence restoration report. This assessment report for the court is prepared by your driver education agency. When you contact the agency for the report tell them when you are to appear in court.

Before your court hearing a Victoria Police officer may interview you. You will be contacted by the police to arrange this interview.

## **Step 8**

### **Attend court for your Interlock Condition Removal Order**

You have to attend the Magistrates' Court to apply for an Interlock Condition Removal Order.

The Magistrate may question you about your suitability to have the interlock condition removed from your licence.

If the Magistrate believes it is appropriate to remove the interlock condition, the court will issue a court order allowing you to apply to VicRoads to have the condition removed from your licence.

In deciding whether or not to remove the interlock condition from your licence, the Magistrate will consider:

- your use of alcohol
- how you have used the interlock
- evidence provided by Victoria Police
- the last licence restoration report
- the road safety of you and the public.

If you are not issued an Interlock Condition Removal Order and must continue to drive with an interlock fitted, you must contact your interlock supplier immediately and make arrangements to extend your use of the interlock.

## **Step 9**

### **Attend a VicRoads Customer Service Centre to have your licence re-issued**

If the Magistrates' Court decides to issue you an Interlock Condition Removal Order, you must then attend a VicRoads Customer Service Centre to have the interlock condition removed from your licence.

Take the original court order with you because VicRoads must see this before the interlock condition can be removed.

It is illegal to continue driving with a licence that has an interlock condition on it, if the court has ordered that the condition is removed.

## **Step 10**

### **Remove the alcohol interlock**

Take your car to the alcohol interlock service agent to have the interlock removed and to complete your contract with the supplier.

## Accredited driver education agency

The accredited driver education agency provide reports to the Magistrates' Court about the participating driver's use of alcohol and the alcohol interlock during the interlock period.

The participating driver contacts the agency at least 28 days BEFORE the alcohol interlock period ends and asks the agency to provide an assessment report.

The participating driver must also sign a consent form to allow the interlock supplier to provide information to the nominated assessor.

## Alcohol interlock

An alcohol interlock prevents the car starting if the driver has been drinking.

It is fitted to the ignition and the driver has to blow into the alcohol interlock so that it can detect whether or not there is alcohol on the driver's breath.

There are substantial penalties for a participating driver who drives without an alcohol interlock or attempts to tamper with it or disconnect it.

## Approved alcohol interlock service agent

An approved alcohol interlock service agent is appointed by the interlock supplier to install and service the approved interlocks for participating drivers.

## Approved alcohol interlock supplier

An approved alcohol interlock supplier, through an interlock service agent, provides a participating driver with an alcohol interlock. Interlock suppliers are approved by VicRoads.

## Assessment Report

An Assessment Report is prepared for the court by the accredited driver education agency.

It includes:

- a Compliance Assessment Report on the driver's use of the alcohol interlock. This report is prepared by the approved interlock supplier.
- an assessment of the participating driver's use of alcohol during the interlock period. This report is prepared by the driver education agency.
- the participating driver's last licence restoration report.

The Assessment Report is required by the court when it considers whether an interlock condition should be removed. See Steps 7 to 10.

## Blood alcohol concentration BAC

Blood alcohol concentration is how much alcohol a person has in their blood.

A driver who records a BAC offence more than once, or has committed a serious single offence, will have an alcohol interlock fitted to their car. A participating driver must have a zero BAC.

## Compliance Assessment Report

The Compliance Assessment Report, prepared by the interlock supplier, is about whether the interlock has been used correctly.

A copy is provided to the participating driver and the driver's nominated assessor. These reports are used by the Magistrates' Court when deciding whether or not the alcohol interlock should be removed

## Interlock Condition Removal Order

An Interlock Condition Removal Order is granted by the Magistrates' Court. The order instructs VicRoads to remove the alcohol interlock condition from the participating driver's licence or permit. See Step 8.

## Licence condition

Before a driver has an alcohol interlock fitted to his or her car, their licence will be marked with the letter 'I'.

The letter 'I' will appear in the 'Condition' section on the front of the licence. It shows that the owner of the licence can only drive a car legally if it is fitted with an alcohol interlock. See step 4.

## Licence Restoration Order

A Licence Restoration Order is issued by the Magistrates' Court at the end of the licence banned period.

At least 28 days BEFORE the end of the licence banned period, the participating driver must contact the Magistrates' Court, usually nearest to where they live, to arrange a licence restoration hearing.

The participating driver will also need to contact an accredited driver education agency for the agency to prepare an assessment report. See Step 3.

## Magistrates' Court

The Magistrates' Court is involved in the alcohol interlock program because it is the only authority permitted to decide whether or not to restore a licence after a banned period, and to order that an interlock be fitted and removed.

Magistrates' Courts are located throughout Victoria, in Melbourne suburbs and in regional and country centres.

Visit [magistratescourt.vic.gov.au](http://magistratescourt.vic.gov.au) for more information.

## Participating driver

A participating driver can only drive a vehicle legally when it is fitted with an alcohol interlock. The driver participates in the alcohol interlock program to protect themselves and other road users from the dangers of drink driving.

## Prescribed fees and costs

Prescribed fees are those fees charged by VicRoads for issuing a licence with an interlock condition. These are the same fees charged when an ordinary licence is renewed.

Other costs to be paid by the participating driver include installation, leasing, servicing of the interlock, plus court hearings, assessments and drink driver education courses.

A participating driver who has a health care card issued by the Australian Government can claim financial assistance when paying interlock costs.

# Further information

Approved interlock suppliers and their service agents contact:

**Draeger Safety**

1300 780 689

**Guardian Interlock Systems**

1300 881 005

**Smart Start**

1300 256 900

Accredited driver education programs and accredited agencies:

**DIRECT Line**

1800 888 236

VicRoads Customer Service Centres: 13 11 71

Hearing impaired TTY: 1300 652 321

Website: [vicroads.vic.gov.au](http://vicroads.vic.gov.au) or  
[arrivealive.vic.gov.au](http://arrivealive.vic.gov.au)

For further information please phone  
13 11 71 or visit [vicroads.vic.gov.au](http://vicroads.vic.gov.au)



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