

Drink and Drug Driving Changes FAQs

1. What is the rationale for the Drink and Drug Driver reforms?

Drink and drug driving are significant causes of road trauma in Victoria. In the last five years, 19% of drivers killed on our roads were affected by alcohol, while 41% had illicit substances in their systems.

In May 2016, the Premier launched Towards Zero 2016 // 2020, which commits to a 20% reduction in road deaths (to 200 or fewer annually), and a 15% reduction in serious injuries by 2020. In December 2017, the Parliament passed new drink and drug driving legislation to help the government achieve this target.

2. What is the government doing to tackle drink-driving?

Victoria has always shown leadership in addressing drink-driving. Penalties for drink-driving have progressively strengthened, including increased licence bans and higher fines. Prevention and rehabilitation measures have also increased over time, including the introduction and expansion of the alcohol interlock program and education and assessment requirements. These measures reflect strong community opposition to drink-driving.

To further reduce drink-driving the Government is developing a package of drink-driving measures including a Behaviour Change Program for convicted drink-drivers, expanding the alcohol interlock program to all remaining drink-drivers and investigating the benefits of lower BAC limits used in some other countries.

3. How is the government addressing drug-driving?

Victoria took a tough stance on drug-driving with the introduction of roadside drug testing in 2004. More recently, roadside testing by Victoria Police has expanded to 100,000 tests per annum.

To further deter drug driving, the government is strengthening the licence ban for drug-driving and extending the new mandatory Behaviour Change Program to drug-drivers.

Drink Driving

4. What are the drink driving penalties from 30 April 2018?

Anyone with a full driver licence who has a first offence Blood Alcohol Concentration (BAC) reading of 0.05 or over will incur the following:

- A fine
- Driver licence cancellation and disqualification, for at least 3 months
- Mandatory alcohol interlock upon relicensing for at least 6 months, for drivers eligible for relicensing

The changes also apply to commercial drivers with a first offence BAC reading under 0.05

All drink-drivers at any level will need to complete a new Behaviour Change Program (BCP), which replaces the existing Drink Driver Education program and alcohol assessments currently required of some drink-drivers.

5. What is the current penalty for low range drink-driving?

The current infringement penalty for fully licence holders over the age of 26 with a first offence BAC reading of 0.05 to 0.069 is 10 demerit points. The same penalty applies to professional drivers detected with a BAC above zero but less than 0.05. At court, these drivers may face licence cancellation and disqualification for 6 months or more.

6. What is the biggest change?

Drink drivers who used to receive 10 demerit points will now incur mandatory licence cancellation and disqualification. The disqualification will be for 3 months in most cases, but in some situations in court this could extend to 6 months or more.

A Behaviour Change Program (BCP) must be completed for every drink or drug-driving offence prior to becoming eligible for a driver licence.

An alcohol interlock will be mandatory for all drink drivers upon becoming licensed, for a minimum of 6 months.

7. Isn't drink-driving with a BAC between 0.05 and 0.069 a trivial offence?

Drink driving at any level is high risk behaviour; impairment is detectable from 0.02 BAC. At 0.05 BAC the crash risk is double that of a sober driver. Every year 2 to 3 drivers die with a BAC between 0.05 and 0.07 and 300 to 350 drivers involved in serious injury crashes have a BAC under 0.07.

Tackling drink-driving is strongly supported by the Victorian community and the Government is committed to introducing penalties that effectively deter drink-driving.

The Government strongly encourages drivers to completely separate drinking from driving as the only certain way to avoid drink-driving related crashes.

8. Why introduce these measures for low-level drink-driving?

Low level drink-driving carries at least double the risk of crashing compared with driving sober; it is a serious road safety issue. The current penalty for most drivers of 10 demerit points does not sufficiently deter this behaviour. Up to 3,000 full licence holders are caught drink-driving between 0.05 and 0.07 BAC every year.

A recent evaluation of Victorian drink-driving laws showed that a licence ban combined with an alcohol interlock upon relicensing is very effective in reducing drink-driving. The study found that while drivers were banned there was a 70 percent reduction in repeat drink-driving and a 79 percent reduction in crashes. Other offending and crashes were reduced, and the effects of licence bans lasted after relicensing. The study also showed a 63 percent reduction in repeat drink-driving while the interlock was installed.

Applying both a licence ban and an alcohol interlock reflects the crash risk associated with lower range drink-driving and brings it into line with other drink-driving offences.

9. Does the licence ban create excessive hardship for some drink-drivers who already experience social disadvantage?

While a licence ban may potentially cause hardship for a small number in the community, licence bans are the norm for drink-driving and are accepted by the community as necessary to ensure alcohol related road trauma is effectively addressed.

The government has carefully weighed the possible social effects of extending licence bans to remaining drink-drivers against the need to take firm action to stop the rise in drink-driving deaths. The government is confident that the licence ban is justified and will assist in reducing road trauma while minimising social impacts.

Drug Driving

10. How much does drug-driving contribute to road trauma in Victoria?

One in four Victorians who use drugs admit to driving under the influence of illicit drugs.

Drug-driving is a significant contributor to road trauma in Victoria. In 2014, the number of fatally injured drivers with illicit drugs in their system exceeded the number of fatally injured drivers with a Blood Alcohol Concentration (BAC) of 0.05 or higher. For the same period, the number of seriously injured drivers was similar for illicit drugs and alcohol.

In the last five years, among drivers and motorcyclists killed in crashes who were tested, approximately 41% had drugs in their system. Cannabis and stimulants were the most common substances detected.

11. What are the changes to drug driving?

Fail an oral fluids test (roadside drug test) when dealt with by Traffic Infringement Notice (TIN)

For a first offence, the mandatory licence suspension will increase from 3 months to 6 months.

Fail an oral fluids test (roadside drug test) when dealt with by Court

For a first offence, penalty will increase from licence cancellation and a minimum 3 month disqualification to licence cancellation and a minimum 6 month disqualification.

The penalty for a repeat offence increases from licence cancellation and a minimum 6 month disqualification to licence cancellation and a minimum 12 month disqualification.

All drug-drivers must complete a Behaviour Change Program (BCP) for each offence. Drug-drivers whose licences are suspended must complete the program within 3 months or their licences will be cancelled and they will be disqualified from driving until the program is completed. Drug-drivers whose licences are cancelled will not be eligible for licensing until the program is completed.

12. What is an oral fluid test?

The oral fluid test requires the driver to provide a saliva sample by placing an absorption collection device in their mouth. An oral fluid test can detect THC (cannabis), methamphetamine (ice) and MDMA (ecstasy) and takes approximately three to five minutes to complete. The test does not identify the level or concentration of

the drug. If the test is positive, a second test is performed and if positive this is taken to a lab for confirmation of the offence.

13. Why are the penalties for failing an oral fluid test increasing?

Greater deterrence of drug driving is required to address its increasing contribution to road trauma. The current licence penalties for failing an oral fluid test are not proportional to the crash risk associated with many of the drugs detected by the test, particularly when compared with penalties for drink driving.

Behaviour Change Program (BCP)

14. Does everyone do the same Behaviour Change Program?

A mandatory Behaviour Change Program will be imposed for drink-driving, drug-driving, combined drink and drug-driving, a number of other serious driving offences involving alcohol and/or drugs and refusing to be tested for alcohol and/or drugs. The nature of the offence, along with any prior offending, will determine whether an offender needs to complete a Drink Driver Program, Drug Driver Program or an Intensive Drink and Drug Driver Program.

Drink Driver Program

An offender will need to complete this program as a result of a first drink-driving offence with a BAC reading below 0.15. This program is a six hour group program, run over two sessions.

Drug Driver Program

An offender will need to complete this program as a result of a first drug-driving offence (fail an oral fluids test). It is a six hour group program, run over two sessions.

Intensive Drink and Drug Driver Program

An offender will need to complete this program as a result of:

- A first drink-driving offence with a BAC reading of 0.15 or more
- A repeat drink and/or drug driving offence
- Refusing to be tested for alcohol or drugs
- Other serious driving offences involving alcohol and/or drugs

This program includes:

- Three group sessions of three hours each
- A one hour individual counselling session
- A two hour pre-interlock removal program for drink-drivers, to be completed before they apply to have their interlock condition removed.

15. How is the new BCP different from the existing education program?

The current education program focuses on providing information and education about the effects of alcohol on driving.

The new Behaviour Change Program includes evidence based motivational and behaviour change techniques as well as screening for alcohol or drug problems. It addresses the underlying factors in drink and drug-driving and provides offenders with the skills to assist in preventing further offending. The program also facilitates referral to specialist treatment services where appropriate.

16. Is the BCP a relicensing requirement?

Yes, any drink or drug-driving offence committed on or after 30 April 2018 that results in a licence cancellation or suspension includes a requirement for the driver to complete a BCP before they are allowed to drive again.

17. Does the offender need to complete a separate program for each offence?

Yes, the offender will be required to complete a BCP for each offence.

18. Does a drug driver need to complete a BCP if their licence was suspended for drug driving offence?

Yes, first time drug driving offenders must complete a BCP prior to the suspension ending or their licence will be cancelled.

Repeat offenders whose licences are cancelled will need to complete a BCP as part of their relicensing requirement.

19. Who will be approved to deliver the program?

The BCP will be delivered by VicRoads approved providers across Victoria. The full list of providers will be available on the VicRoads website.

20. How much will the BCP cost?

Participants will pay a program fee set by providers. This fee may vary. In addition, all participants will pay a government cost recovery fee of \$67. This fee covers government costs to manage and operate the new program. A reduced government fee of \$34 will be available to individuals who hold an appropriate concession card, including certain types of Pensioner Concession Cards, Health Care Cards and DVA Gold Cards.

21. How will drivers know which BCP to complete?

Drivers will receive letters informing them of:

- Their offence details,
- Licence ban period end date,
- BCP requirement details
- Details of the VicRoads website or DirectLine for more information about the BCP

Changes to Interstate Drink-Driving Rules

22. What's changing for Victorian licence holders who commit a drink driving offence interstate?

From 30 January 2018, Victorians who commit an interstate drink-driving offence will incur the same penalties as if the offence had occurred in Victoria. The interstate conviction will be assessed by VicRoads and converted to an equivalent Victorian penalty.

This new law ensures that Victorians who commit interstate drink-driving offences are held to account in the same way as Victorians who commit the same offence in their home state. In the past, it has been possible for Victorians who commit interstate drink-driving offences to receive a lesser sanction and to avoid an alcohol interlock condition because of differences between state penalties.

From 30 April 2018, this group will also be required to install a mandatory alcohol interlock and participate in BCP requirements.

23. I currently have an interstate licence with an alcohol interlock condition and want to change over to a Victorian licence. What do I need to know?

Interstate licence changeover applicants with an alcohol interlock condition will now have the licence issued in Victoria with an "I" (interlock) condition.

They will not need to complete a Drink Driver Program or Drug Driver Program, however, a two hour pre-interlock removal program for drink-drivers, may need to be completed before they apply to have their interlock condition removed. The interlock will be managed by VicRoads.

24. Does the alcohol interlock and BCP requirement apply to overseas applicants?

No, this only applies to Victorian and interstate drivers.