

**Connecting
our communities**

Getting your licence back

Information for drink and drug-driving offences

December 2019



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Definitions

licence*

A licence means any Victorian driver licence or learner permit.

cancelled^

Whenever a licence is cancelled you're disqualified from driving in Victoria and from obtaining another driver licence/learner permit during this period. Where you have no licence/permit to cancel, you'll be disqualified from driving in Victoria and from obtaining a licence for a certain period.

vehicle#

A vehicle means any motor vehicle and includes: car, van, truck, bus, motorcycle and motor scooter.

Introduction

Drink-driving and drug-driving are serious road safety issues that affect many Victorians. If your licence* has been cancelled^ due to a drink-driving, drug-driving or combined drink and drug-driving offence, this brochure has important information for you.

From 1 December 2019, some laws about court orders and alcohol interlocks have changed. Fewer drink-drivers are required to attend court before applying to VicRoads to get their licence back. However, all are required to install an alcohol interlock before being relicensed.

While VicRoads will solely manage the relicensing of most drink-drivers, the Magistrates' Court will continue to issue Licence Eligibility Orders for drug-driving offences and for other serious driving offences that may involve alcohol and/or drugs. This brochure provides an overview of the VicRoads and Magistrates' Court processes to assist you.

Legal requirements for drink-driving and drug-driving can be complex. Therefore, it's strongly recommended that you find out what you need to do to get your licence back and meet other requirements such as completion of a compulsory Behaviour Change Program or the installation of an alcohol interlock. Contact details for agencies that can help are listed at the end of this brochure.

This brochure is for people who were licensed in Victoria at the time of their drink and drug-driving offence. If you were not licensed in Victoria at the time of your offence but want to become licensed in Victoria after your disqualification, this brochure will help you, but you may have to meet other requirements. Visit vicroads.vic.gov.au for more information.

Don't drive while cancelled

You're not allowed to drive while your licence is cancelled and you can't use an interstate or overseas licence to drive in Victoria during the cancellation period.

Fines, vehicle impoundment and even imprisonment may apply if you drive.

Return your licence to VicRoads

When you've been notified that your Victorian licence is cancelled, you must return it in the mail to VicRoads.

VicRoads Licence & Registration Services

Driver Relicensing Services

GPO Box 1644, Melbourne VIC 3001

A penalty applies if you don't return your licence.

Fee overview

You'll need to allow for a number of costs, so make sure you know what these are. A full list of the types of costs involved in getting your licence back and using an alcohol interlock, and any concessions that may apply, are listed later in this brochure.

Steps to getting your licence back

If your licence is cancelled due to a drink and/or drug-driving offence, you must follow the steps below before you can get your licence back.

Step 1: Completing a Behaviour Change Program

Since 30 April 2018, all drink-drivers, drug-drivers and combined drink and drug-drivers are required to complete a Drink and Drug Driver Behaviour Change Program. From 30 April 2019, this requirement expanded to include anyone who committed an offence and whose licence was cancelled before the Behaviour Change Program was introduced, if they haven't got their licence back yet.

A Drink and Drug Driver Behaviour Change Program is designed to help people identify the trigger for their drink and/or drug-driving offence, to gain an understanding about why they consume alcohol and/or other drugs and why they drink and/or drug-drive. The program identifies ways to reduce the risks to themselves and others when driving.

Depending on the driving offence committed, you will complete either a Drink Driver Program, a Drug Driver Program or an Intensive Drink and Drug Driver Program.

VicRoads will advise which program you must complete.

Drink Driver Program

You must complete this program if it is your first drink-driving offence* and your BAC reading was below 0.15.

This program is a 6-hour course, run over two sessions.

Drug Driver Program

You must complete this program if it is your first drug-driving offence*.

This program is a 6-hour course, run over two sessions.

Intensive Drink and Drug Driver Program

You must complete this program if it is not your first drink or drug-driving offence. Some first offences require you to complete this program, such as serious driving offences involving alcohol and/or drugs, or if your BAC reading was 0.15 or above, or if you refused to be tested for alcohol or drugs.

This program includes:

- three group sessions that each go for 3 hours,
- an individual counselling session, and
- if you have an alcohol interlock condition, a 2-hour Pre-Interlock Removal Program, to be completed before you apply to have your interlock condition removed.

*Excluding first offences for combined drink and drug-driving, or other serious motor vehicle offences involving alcohol and/or drugs.

Booking your place in a program

For details of approved Drink and Drug Driver Behaviour Change Program providers, visit vicroads.vic.gov.au

When the program has been completed, you will receive a certificate which must be retained and provided as part of the process of getting your licence back.

There may be waiting times to attend a program, so book into your advised program well ahead of when you plan to apply to get your licence back.

Fees

The cost of each program is set by the provider and includes a government cost recovery component. For more information visit vicroads.vic.gov.au

Step 2: Installing an alcohol interlock

If your licence is cancelled due to a drink-driving offence, you must install and use a VicRoads approved alcohol interlock in any vehicle you drive.

An alcohol interlock prevents a vehicle starting if the driver has been drinking alcohol and records any attempts to drive with alcohol present.

VicRoads recommends that you contact all approved alcohol interlock suppliers to compare the cost of installing, leasing and servicing an interlock, the location of service agents and service arrangements.

The approved alcohol interlock suppliers are:

Draeger Australia	1300 780 689
Guardian Interlock Systems	1300 881 005
Smart Start	1300 256 900

Before installing an alcohol interlock, make sure you are eligible to be relicensed and don't have any other driving bans due to start.

An alcohol interlock must be installed in your vehicle before you can be relicensed. You must get an Alcohol Interlock Installation Certificate completed as evidence that an approved interlock has been installed. **You need this certificate** to get relicensed.

You'll need to arrange for someone else to drive you to:

- an alcohol interlock service agent to have the alcohol interlock fitted, and
- a VicRoads Customer Service Centre to have your licence reissued.

Step 3: Preparing to get your licence back

You must complete your cancellation period, and any other bans, and meet all your licensing requirements before applying for a new licence.

VicRoads managed drink-drivers

VicRoads managed drink-drivers don't have to go to court for a Licence Eligibility Order at the end of their cancellation period. This applies to you if your offence was detected anywhere in Australia and your licence was cancelled.

Examples of offences that don't require you to go to court include:

- drink-driving at any BAC level
- repeat drink-driving
- combined drink and drug-driving
- driving under the influence of alcohol
- all offences relating to refusing to be tested for alcohol, such as refusing a breath test.

You can apply directly to VicRoads to get your licence back. Your alcohol interlock use and removal are managed by VicRoads.

If you commit a drink-driving offence interstate, you may lose your licence and have an alcohol interlock condition when you get your licence back. If this happens, VicRoads will tell you what you need to do.

Court managed drivers

For the following Victorian offences, you'll need to go to a Magistrates' Court to get a Licence Eligibility Order before you can apply to VicRoads to get your licence back:

- all drug-driving offences where your licence is cancelled
- serious motor vehicle offences such as culpable driving, dangerous driving causing death or serious injury, or motor vehicle theft that may have involved alcohol and/or drugs
- all offences relating to refusing to be tested for drugs.

If you are required to install an alcohol interlock, your interlock use and removal are managed by VicRoads.

Preparing for your Licence Eligibility Order hearing

The Magistrates' Court website at mcv.vic.gov.au has information about applying to the court for a Licence Eligibility Order, or you can visit your local Magistrates' Court to get more information.

Below are the activities you need to complete.

Please note that some may need to be arranged several months before your court hearing.

- 1 Complete the Drink and Drug Driver Behaviour Change Program. There may be waiting times to attend a program. Make allowance for this before booking your court hearing.
- 2 Driving record – The Magistrates' Court may need a record of your driving history.

You can get this from vicroads.vic.gov.au or by contacting VicRoads on **13 11 71** and giving your:

- licence/learner permit number
- full name
- date of birth
- current address.

Fees apply – Visa or Mastercard only if paying online or over the phone.

If you don't have all of these details, you'll need to attend a VicRoads Customer Service Centre, prove your identity and pay the fee.

- 3 Organise your Licence Eligibility Order court hearing
– At least 28 days before your licence cancellation ends, attend a Magistrates' Court to arrange a hearing. The court will fix a hearing date at least 28 days ahead, but not before your cancellation ends.

Make sure you find out which documents are required for the hearing. You may be asked to show your Behaviour Change Program certificate of completion when you attend the hearing.

You may also be asked to attend an interview with Victoria Police before the court hearing.

The court will decide whether to issue you with a Licence Eligibility Order.

Step 4: Applying to VicRoads to have your licence reissued

Once your cancellation period has ended and you have met all your other licensing requirements, visit a VicRoads Customer Service Centre to apply to have your licence reissued.

You'll need to bring your:

- application form
- Licence Eligibility Order, if your offence required one
- Drink and Drug Driver Behaviour Change Program certificate of completion
- Alcohol Interlock Installation Certificate (if your offence requires you to use an alcohol interlock)
- evidence of identity
- payment for the licence fee.

If you haven't held a current Australian or overseas driver licence in the last five years or you need to have an expired motorcycle learner permit reissued, you'll need to be retested before your licence or learner permit is issued.

For information on evidence of identity, a list of current fees and details on making an appointment for driving or motorcycle tests you may need to take, visit **vicroads.vic.gov.au**

When you're relicensed you'll receive the same type of licence you had previously, but it will have conditions imposed on it. You'll need to carry it with you when driving. For example, if your P1 licence was cancelled, you will start your P1 period again when your licence is reissued.

Licence conditions – the letters 'I' and 'Z'

The following conditions will apply to your licence.

'I' condition

You can only drive a vehicle fitted with an alcohol interlock.

'Z' condition

You can't have any alcohol in your system when you drive. In other words, if you drink any amount of alcohol, you can't drive.

This restriction applies to all drivers (for offences involving alcohol and/or drugs) for at least three years from the time they're reissued with a licence.

If you're relicensed with a probationary licence or learner permit, a zero BAC limit automatically applies so the 'Z' condition won't be shown on the licence.

Step 5: Using the alcohol interlock

As soon as you install an approved alcohol interlock in your vehicle and have your licence issued with an 'I' condition, you're participating in the Victorian Alcohol Interlock Program.

VicRoads will advise you of the minimum period that you must use the interlock for. If it was your first offence, the minimum period is at least six months. Depending on the number of prior alcohol related offences and the type of offence(s) you've had, the alcohol interlock period could be up to four years, or longer in some circumstances.

The service agent for the approved alcohol interlock supplier you chose to lease the interlock from will train you to use the interlock and provide you with the instructions.

Anyone else who drives the vehicle should also be trained to use the alcohol interlock and needs to follow the instructions.

Anyone who drives the vehicle when it is fitted with the alcohol interlock will have to give an alcohol-free breath test before the vehicle will start.

Alcohol interlocks with cameras were introduced in 2015. They take a number of images during each trip, for example when you blow into the interlock to start the car. These images provide a record of who's driving the vehicle. It's important that you sit in the right place when you blow into the alcohol interlock so that the camera can take a clear full-face image of you each time.

Unless the image clearly shows someone else blowing into the interlock, it will be assumed that you're the driver.

Whenever you use the vehicle the alcohol interlock will record actions such as blowing into the interlock, starting and turning off the engine.

The alcohol interlock will also request breath tests during a trip. If you don't take a breath test or if you fail the test and you keep driving, the vehicle's lights and horn will activate.

The vehicle must be brought to all scheduled services. The recorded information is downloaded at servicing and is used by VicRoads to make decisions about removing your alcohol interlock.

Participating in the Alcohol Interlock Program

Your licence may be suspended or cancelled for the following reasons:

- failing to install or maintain the interlock through agreed regular services
- unauthorised removal of the interlock prior to successfully completing the Alcohol Interlock Program.

The Alcohol Interlock Management System

The Alcohol Interlock Management System (AIMS) stores your alcohol interlock use data and camera images.

VicRoads monitors your alcohol interlock use and uses this data to decide if you're eligible to have your interlock removed.

You can get information about your progress toward alcohol interlock removal and you can register to use AIMS to track your own progress. To register to use AIMS, visit vicroads.vic.gov.au

Medical exemption from an alcohol interlock

If you have a medical condition that prevents you from using an alcohol interlock, visit vicroads.vic.gov.au for instructions on how to apply for an exemption or call the VicRoads Support Centre for the Victorian Alcohol Interlock Program on **1300 723 790**.

Medical exemption will only be considered if a report from a medical specialist provides evidence that you can't use an alcohol interlock. VicRoads will also assess whether your health allows you to continue driving.

Step 6: Completing the alcohol interlock program

Since 1 December 2019, the Magistrates' Court no longer issues an Interlock Condition Removal Order (ICRO). **All alcohol interlock condition removal applications are managed by VicRoads.**

The VicRoads Support Centre for the Victorian Alcohol Interlock Program will assess your alcohol interlock use before removing the alcohol interlock condition. The assessment is based on successful separation of drinking from driving. If you're unable to separate drinking from driving, you may need to keep the interlock for a longer period.

Removal of your alcohol interlock condition isn't automatic, **you need to apply for removal.**

To apply to have the alcohol interlock condition removed, contact the VicRoads Support Centre for the Victorian Alcohol Interlock Program on **1300 723 790** or email **alcoholinterlocks@roads.vic.gov.au**

Proving you've separated drinking from driving

In deciding whether you can remove your alcohol interlock, VicRoads looks at the information recorded by your interlock.

There are a number of rules that are used in deciding whether you've successfully separated drinking from driving. VicRoads will apply these rules in the same way to all drivers.

Before you can apply to have your interlock removed, you need to have held a current driver licence with an 'I' condition for at least the minimum interlock period imposed for your offence. It is your five most recent months of interlock use that is assessed.

The main rules are:

- 1 You need to drive the vehicle at least twice each month. If you don't, the month won't count towards your progress.
- 2 If you don't drive the vehicle at all for a six month period you'll need to restart collecting your five most recent months of alcohol interlock data again.
- 3 Take all breath tests the alcohol interlock requests and don't tamper with the interlock.
- 4 To have your alcohol interlock condition removed you must have five recent months of breath tests free of alcohol, and no records of tampering with the alcohol interlock. The five months don't need to be in a row if there are some months when you didn't drive at all. However, **all** of your most recent months of driving must be free of alcohol and attempts to tamper with the interlock.

If you don't follow these rules, removing your alcohol interlock condition will be delayed.

If you're required to do a 2-hour Pre-Interlock Removal (Behaviour Change) Program, this must be done before applying for removal or your application won't be successful.

The VicRoads website has more detailed information about failed BAC readings and violations, and tips on how to avoid them.

If you believe the information about your progress is incorrect, for example showing that you attempted to drink and drive when you didn't, you can ask VicRoads to review these records.

This review will be done at the time your removal application is being assessed.

When you've used the alcohol interlock as required, apply via AIMS or by contacting the VicRoads Support Centre for the Victorian Alcohol Interlock Program to have your alcohol interlock condition removed.

Your removal application will be assessed. If successful, you'll receive in the mail an alcohol interlock removal authority and a new licence without an 'I' condition.

This can take up to 10 business days.

If your application for alcohol interlock removal is not successful, VicRoads will contact you.

Requesting a review

You can lodge a request for an internal review if you believe you've met all the requirements and VicRoads refuses to remove your alcohol interlock condition.

Application for direction

If VicRoads doesn't remove your alcohol interlock condition, you may be able to make an application for direction to a Magistrates' Court. Visit mcv.vic.gov.au for further information.

This application can only happen at the end of your minimum alcohol interlock period. The hearing can only consider whether any failed breath test was caused by you, and only if you have an alcohol interlock with a camera.

VicRoads will notify you if the outcome affects your alcohol interlock condition.

Removing the alcohol interlock

Once you have had the 'I' condition removed from your licence, take your vehicle to the alcohol interlock service agent to have the interlock removed. Your alcohol interlock service agent may ask to see your updated driver licence and the removal authority before the alcohol interlock is removed.

Fees

You'll need to allow for a number of costs. Make sure you know what these are. Costs include:

- the fine for your offence
- court hearing or application fees
- alcohol interlock supplier charges (installation, monthly leasing and service, removal and other charges)
- government cost recovery fee (see below)
- Drink and Drug Driver Behaviour Change Program (if applicable)
- 2-hour Pre-Interlock Removal Behaviour Change Program (if applicable)
- VicRoads driving history report (record of convictions) fee (if applicable)
- VicRoads licence reissue fee.

Government cost recovery fee for the Alcohol Interlock Program

You'll pay a monthly fee for the cost to run the Program. The fee is paid at your regular alcohol interlock service and it's in addition to your monthly supplier charges. It's collected by your alcohol interlock service agent and then sent to VicRoads.

Visit vicroads.vic.gov.au to find out about the government cost recovery fee amount.

Concessions for the Alcohol Interlock Program

You may be eligible for reduced fees if you hold an accepted concession card.

Accepted concession cards

- Health Care Card or Pensioner Concession Card issued by Centrelink.
- Pensioner Concession Card or Gold Card issued by the Department of Veterans' Affairs (DVA).

The concession card must be current and issued in your name as the primary card holder and participant in the Victorian Alcohol Interlock Program.

Some exclusions apply

You're not eligible for a concession for this program if you hold one of the following cards:

- Health Care Cards for Carer Allowance and Foster Care issued in the name of a child.
- Veterans' Affairs Gold Cards marked 'Dependant'.

Concessions apply to:

- one vehicle per person
- the alcohol interlock installation fee and monthly service fee, only if the card is presented at the time of payment
- the government cost recovery fee.

Key contacts

The key websites and organisations referenced in this brochure are listed in the table below.

Key organisations	For more information on:
DirectLine	<ul style="list-style-type: none"> • 24-hour, 7-day counselling, information and referral services in Victoria for alcohol and other drugs
Magistrates' Court	<ul style="list-style-type: none"> • Location of the Magistrates' Court nearest to where you live
VicRoads	<ul style="list-style-type: none"> • Relicensing • Licence fees • Licence conditions • Evidence of identity requirements • Location of your nearest Customer Service Centre • Demerit point status
	<ul style="list-style-type: none"> • The Drink and Drug Driver Behaviour Change Program • Finding an approved Behaviour Change Program provider by location and by Program type
	<ul style="list-style-type: none"> • The Victorian Alcohol Interlock Program • Interlock medical exemption application • How to track your progress on the Program • How to complete the Program and get your alcohol interlock condition removed
Victorian (VicRoads) approved interlock device suppliers & their service agents	<ul style="list-style-type: none"> • Draeger Australia
	<ul style="list-style-type: none"> • Guardian Interlock Systems
	<ul style="list-style-type: none"> • Smart Start

Contact via:

(Accessible via phone, online and located throughout Victoria, in some Melbourne suburbs, key regional and country centres)

DirectLine: 1800 888 236

Website: mcv.vic.gov.au

Further advice via your local Magistrates' Court.

Website: vicroads.vic.gov.au

VicRoads Contact Centre: 13 11 71

TTY users: 13 36 77

Speak and Listen users: 1300 555 727

Driver Relicensing Services –
Behaviour Change Programs Support via:

Phone: 1300 723 790

Email: ddd@roads.vic.gov.au

Driver Relicensing Services – Support Centre for
the Victorian Alcohol Interlock Program available via:

Phone: 1300 723 790

Email: alcoholinterlocks@roads.vic.gov.au

1300 780 689

1300 881 005

1300 256 900

For more information

Visit vicroads.vic.gov.au or call **13 11 71**.

Disclaimer

This brochure is intended to provide general guidance only. The legal requirements described are complex and change from time to time. To understand your rights and obligations, refer to the *Victorian Road Safety Act 1986*, or seek independent legal advice.

All information in this brochure is correct at the time of printing and may be subject to change. The information is provided without liability and without responsibility for its accuracy. VicRoads accepts no responsibility for any loss incurred by any person as a result of relying on information contained in this brochure.