

# Victorian Alcohol Interlock Program

## KEY GUIDELINES AND RULES OF THE PROGRAM – COURT MANAGED [from 1/10/14]

This overview provides guidance for **Court managed [from 1/10/14]** participants on the Victorian Alcohol Interlock Program and is applicable based on the following conditions:

|   |  |
|---|--|
| <b>PARTICIPANT TYPE:</b>                                    | <b>Court managed under alcohol interlock laws that apply from 1 October 2014</b>   |
| <b>OFFENCE COMMITTED:</b>                                   | <b>Date of (most recent) offence is on or after 1 October 2014</b>   |
| <b>BAC READING:</b><br><i>(Blood Alcohol Concentration)</i> | <b>BAC of 0.10 or more, or a repeat drink-driving offence or a combined drink and drug-driving offence (at any BAC level), or any alcohol related offence where the court has imposed an alcohol interlock 'I' condition</b> |

This overview assumes that you have already gone through the steps to get your **Victorian driver licence/learner permit**\* back following your cancellation period and applied to VicRoads to have your **licence**\* re-issued. Your licence will have an alcohol interlock (I) condition which means that you can only drive or ride a vehicle fitted with an alcohol interlock. Additionally, you must drive with a zero BAC which means that if you drink at all, you must not drive. This zero BAC restriction applies to all drivers for at least three years from the time they are re-licensed.

As a court managed participant on the Victorian Alcohol Interlock Program, the 'I' condition will remain on your licence until the court decides that it can be removed by granting an Alcohol Interlock Condition Removal Order (ICRO). Your ICRO hearing cannot occur until after your alcohol interlock period ends and the court has assessed that you have successfully separated drinking from driving.

### Installing and using a VicRoads approved alcohol interlock

#### Leasing an alcohol interlock

Before driving again, you must sign an agreement with an approved alcohol interlock supplier and have a VicRoads approved alcohol interlock fitted to any vehicle you drive or ride.

It is recommended that you contact all VicRoads 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 listed below and each has an extensive service agent network throughout Victoria:

|                            |              |
|----------------------------|--------------|
| Draeger Safety Pacific     | 1300 780 689 |
| Guardian Interlock Systems | 1300 881 005 |
| Smart Start                | 1300 256 900 |

#### Installing an alcohol interlock

You will need to arrange for someone else to drive you to a service agent to have the alcohol interlock fitted to your vehicle/s.

The service agent will train you to use the alcohol interlock and provide you with the instructions. Anyone else who drives the vehicle/s should also be trained to use the alcohol interlock and follow the instructions.

The alcohol interlock will require any driver to provide an alcohol-free breath test before the vehicle will start. The alcohol interlock will also request breath tests during a trip. If you fail or do not take a breath test and you keep driving, the vehicle's lights and horn will activate.

Whenever you use the vehicle/s, the alcohol interlock will record actions such as blowing into the interlock, starting and turning off the engine. The recorded information is downloaded at servicing by your alcohol interlock supplier agent and is used by courts to make decisions about removing your alcohol interlock. The vehicle/s must be brought to all scheduled services.

#### Alcohol interlocks with cameras

Alcohol interlocks with cameras were introduced from 30 January 2015. All new alcohol interlock installations from that date onwards are required to have a camera. Motorcycles are exempt from this requirement.

The alcohol interlock service agent will take your reference photo with the alcohol interlock camera at the time of installation. The camera will take a number of pictures during each trip, for example when you blow into the interlock to start the car. These pictures provide a record of who is driving the vehicle which can be compared to your reference photo.

Approved alcohol interlocks installed before 30 January 2015 do not need to be changed or upgraded to fit a camera.

\*All further reference to your **licence** means your Victorian driver and/or motorcycle licence and/or learner permit.

## Alcohol Interlock Costs

An alcohol interlock supplier will charge for installation, monthly leasing and servicing, removal and other services. Charges are the driver's responsibility to pay.

In addition to this commercial leasing agreement with your supplier, the supplier is required to collect the government cost recovery fee.

## Government cost recovery fee

Legislation and supporting regulations require VicRoads to recover the cost to operate the Victorian Alcohol Interlock Program. From 30 January 2015, all current drivers on the Program pay a monthly cost recovery fee. You will pay this fee along with your agreed alcohol interlock servicing charges. Your alcohol interlock service agent will forward the fee to VicRoads. This fee is separate and additional to your commercial agreement with your alcohol interlock supplier charged by the alcohol interlock service agent. VicRoads will review the operating costs each year to ensure that the government fee is kept at a minimum and only to recover the costs incurred by VicRoads to manage the Program.

There are no exemptions available for this cost recovery fee and VicRoads does not have any discretion to waive this fee. However, participating drivers who hold certain concession cards may be eligible for reduced fees.

## Concessions

A concession may be available to holders of a range of government concession cards, to assist in managing the costs of installing and maintaining an alcohol interlock on the Program. The concession card must be in the name of the participating driver, as the primary card holder, and must be presented at installation and at each monthly service to be eligible for a concession.

From 30 January 2015, a concession is available on the initial alcohol interlock installation fee and on the monthly service fee charged by your alcohol interlock service agent. There is also a concession available on the monthly government cost recovery fee for eligible concession card holders. These concessions are only applicable to one vehicle/alcohol interlock per individual participant.

Visit [vicroads.vic.gov.au](http://vicroads.vic.gov.au) to find out the current government cost recovery fee amount, concessions and eligible concession cards relating to the Victorian Alcohol Interlock Program.

## Completing the alcohol interlock program

You must complete your court ordered minimum alcohol interlock period before being eligible for an ICRO hearing.

If you have any period/s since the 'I' condition was imposed where you did not hold a current licence, the minimum interlock duration will be extended by any period for which a current licence is not held.

If you are unable to separate drinking from driving you may need to keep the interlock for a longer period.

## Proving you have separated drinking from driving

VicRoads and Magistrates' court look at the information recorded by your alcohol interlock. The court will also evaluate your use of alcohol during the alcohol interlock period in making the decision to grant an ICRO for VicRoads to remove the 'I' condition from your licence.

For offences committed on/after 1 October 2014, there are a number of rules that are used in deciding whether a driver has successfully separated drinking from driving. These rules are applied in the same way to all drivers and are considered to be the alcohol interlock removal criteria. Courts may take other matters into account if presented at your ICRO hearing.

The main rules are:

- 1. You must drive the vehicle yourself at least twice each month.** If you do not, the month will not count towards progress.
- 2. If you do not drive the vehicle at all for 6 months in a row you will need to start** collecting 6 months of alcohol interlock data **again.**
- 3. You must take all breath tests** the alcohol interlock asks for **and not tamper with the interlock.**
- 4. To be eligible to have your alcohol interlock removed you must have 5 months of breath tests free of alcohol, and no records of tampering with the alcohol interlock.** The 5 months do not need to be in a row if there are months when you did not use the vehicle. However, **all of your most recent months of driving must be free of alcohol and free of attempts to tamper with the interlock.**

If you do not follow these rules, the removal of your alcohol interlock condition will be delayed.

## Access to the Alcohol Interlock Management System

As a **Court managed [from 1/10/14]** participant on the Program, you have access to your alcohol interlock usage data via the VicRoads Alcohol Interlock Management System (AIMS) so that you can track and monitor your own progress.

VicRoads uses AIMS to store your alcohol interlock usage to enable monitoring of your eligibility to have your alcohol interlock condition removed. Courts will have the same information available to them as well as other information they require.

A day after your licence is re-issued at the VicRoads Customer Service Centre; you will be eligible to register to access AIMS. However, meaningful data will not be available for your review in AIMS until you have installed and used an alcohol interlock.

Information will be available following your first monthly service and data download from the alcohol interlock. Your data will be uploaded to AIMS within 24 hours of your alcohol interlock service.

To find out about how to register for AIMS and the benefits of using AIMS visit [vicroads.vic.gov.au](http://vicroads.vic.gov.au) and access the AIMS information guide.

Once the data provided from your alcohol interlock is in AIMS, and you have registered to use AIMS, you can review your progress and performance on the Program on a regular basis. Any failed BAC reading (without passing a retest); refused breath test or tampering will be presented as a **'violation'** in your alcohol interlock usage information in AIMS. If your alcohol interlock has a camera, the image taken will also be displayed for the violation. If you were not the driver at the time of the violation, you can use AIMS to flag the violation as 'contested' and include notes about why you have contested the violation. This information will be available to your accredited assessment agency assessor who will receive your AIMS 'Alcohol Interlock Removal Criteria Report' (IRCR). **Request your IRCR from AIMS** after you have served your court ordered minimum alcohol interlock period. This report will be emailed to your nominated assessor to review your compliance with the Program rules to have your alcohol interlock condition removed.

You can use AIMS, or contact **VicRoads Support Centre for the Victorian Alcohol Interlock Program on 1300 723 790**, to nominate your accredited assessment agency to receive your AIMS IRCR.

The VicRoads Support Centre for the Victorian Alcohol Interlock Program can also offer assistance if you are unable to access your information in AIMS or if you wish to discuss your progress on the Program.

## Preparing for your Alcohol Interlock Condition Removal Order (ICRO) hearing

1. At least 28 days before your alcohol interlock period ends, visit a Magistrates' Court to organise a court hearing date. The court will ensure that the hearing date is after your alcohol interlock period ends.
2. Make sure you know what documents and reports the court will need and allow enough time for them to be prepared for your court hearing.
3. The court will advise the police, who may interview you before the hearing.
4. You must obtain a report from an accredited assessment agency assessor. This report includes information about your alcohol interlock use. The Magistrate uses the report in deciding whether your alcohol interlock condition should be removed.
5. Give the alcohol interlock supplier your hearing date. Request the supplier to prepare a Compliance Assessment Report (CAR) on your alcohol interlock use. Sign a consent form to release the CAR to your accredited assessor.
6. For offences committed on or after 1 October 2014, you must request VicRoads to send an AIMS report on your alcohol interlock use for review by your nominated assessor (assessment agency). This can be done once your alcohol interlock usage is in AIMS after you have reached the end date of your alcohol interlock period. This report is called an Interlock Removal Criteria Report (IRCR) and looks at whether you have met the new requirements that came into operation from 1 October 2014.
7. If there are failed breath tests or other events you believe were not caused by you, you should discuss this with your accredited assessor so this can be included in your report. The court will determine whether you are responsible for them or not.
8. When the court issues you with an Alcohol Interlock Condition Removal Order (ICRO), take it to a VicRoads Customer Service Centre to have the 'I' condition removed from your licence. You will be issued with a licence receipt until your new licence card arrives in the mail.
9. You must carry the licence receipt when driving until your new licence arrives.

## Remove an alcohol interlock

Take your vehicle to the alcohol interlock service agent to have the interlock removed. The service agent may ask to see your Removal Order and licence receipt. Your AIMS account will automatically become inactive once you have completed the Victorian Alcohol Interlock Program and your alcohol interlock has been uninstalled by the service agent.

## FURTHER INFORMATION:

### ■ Issues with your alcohol interlock

If you have any issues relating to your alcohol interlock, **please contact your alcohol interlock supplier on the support number provided at the time of installation.**

VicRoads does not manage individual issues with an alcohol interlock. This is the responsibility of your chosen supplier and their servicing agent.

### ■ For information about applying for an Alcohol Interlock Condition Removal Order (ICRO)

For information about applying for an ICRO visit the Magistrates' Court website [magistratescourt.vic.gov.au](http://magistratescourt.vic.gov.au)

This site has information about what is required to prepare for your ICRO hearing and also assists you to find out the location of the nearest Magistrates' Court to where you live.

### ■ For assistance and information about the Victorian Alcohol Interlock Program

If you have any queries or require further information about the Victorian Alcohol Interlock Program:

**Call the VicRoads Support Centre for the Victorian Alcohol Interlock Program on 1300 723 790**

**or Email [alcoholinterlocks@roads.vic.gov.au](mailto:alcoholinterlocks@roads.vic.gov.au)**