

ROAD TRAFFIC AMENDMENT (ALCOHOL INTERLOCKS AND OTHER MATTERS) BILL 2014

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Michael Mischin (Attorney General)**, read a first time.

Second Reading

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [12.57 pm]: I might have to proceed after the luncheon break, but I move —

That the bill be now read a second time.

I am pleased to introduce the Road Traffic Amendment (Alcohol Interlocks and Other Matters) Bill 2014. It gives further effect to the government's commitment to reduce the level of drink-driving on WA roads. The bill will amend the Road Traffic (Authorisation to Drive) Act 2008 to empower the making of regulations that will establish a mandatory, administrative, performance-based alcohol interlock scheme for Western Australia, incorporating alcohol assessment and treatment measures. The scheme will target first-time high-end and repeat drink-drivers, requiring them to drive only a vehicle in which an approved alcohol interlock device has been installed. It will also consequentially amend the Road Traffic Act 1974, the Road Traffic (Administration) Act 2008 and the Road Traffic (Vehicles) Act 2012.

We know that in Western Australia each year around 4 000 drivers commit high-end drink-driving offences and repeat drink-driving offences or refuse to provide a breath, blood or urine sample when required by Western Australia Police to do so. These offenders place themselves and every other road user at risk every time they get behind a wheel with an illegal amount of alcohol in their system. This scheme will directly impact on the behaviour of these offenders, compelling them to address their drinking and driving or face more significant penalties if they choose to ignore the scheme requirements. An alcohol interlock is a device that, when installed in a vehicle, prevents it from being operated if a breath sample provided into it reads above a certain amount of alcohol.

Alcohol interlocks have been successfully used across Australia and in nations that lead the world in road safety performance. Major evaluation studies of offender programs have shown an average reduction of 64 per cent in drink-driving reoffending while an alcohol interlock is fitted. The WA scheme will apply to persons convicted of an offence of driving under the influence of alcohol or alcohol and drugs; or an offence of dangerous driving causing death or injury, committed in circumstances in which the driver was driving under the influence of alcohol or alcohol and drugs; or an offence of dangerous driving causing bodily harm, committed in circumstances in which the driver was driving under the influence of alcohol or alcohol and drugs; or an offence of failing to comply with a request to provide a sample of breath, blood or urine to a member of WA Police; or a second offence of driving with a blood alcohol concentration of or above 0.05 grams of alcohol per 100 millilitres of blood when the conviction occurs within five years of their first such offence; or, for some groups of drivers, a second offence of driving with a blood alcohol concentration of or above 0.02 grams of alcohol per 100 millilitres of blood when the conviction occurs within five years of their first such offence.

The existing fines and disqualifications associated with these offences will continue to apply. In addition, the driver's licence of an offender will be cancelled and, if they are granted a driver's licence after serving the applicable disqualification period or are granted an extraordinary driver's licence, the licence will be endorsed with an alcohol interlock restriction.

Sitting suspended from 1.00 to 2.00 pm

Hon MICHAEL MISCHIN: It is important to note that these amendments are not intended to affect the existing extraordinary licence framework. In particular, they are not intended to change the matters that are relevant to a court in determining whether to grant an order relating to an extraordinary licence. As is currently the case for offenders convicted of an alcohol or drug-related offence who apply to drive after a period of licence cancellation, alcohol interlock offenders will also be required to undergo a medical examination, a liver function test, a road rules theory test and a practical driving test.

Modern alcohol interlock devices are viable, practical and reliable and are capable of detecting very small amounts of alcohol. They can be fitted to cars, trucks and most motorcycles. The devices to be used under the WA scheme will prevent an offender from starting a vehicle with a blood alcohol concentration of or above a specified low level of blood alcohol content. The devices will also require an offender to be retested at random intervals during any journey. A retest sample detecting a blood alcohol concentration of or above the specified level will cause a violation to be logged and the vehicle to be temporarily locked out once the vehicle ignition is

turned off. Research indicates that the monitoring and supporting of offenders in an interlock program is critical to its success.

The WA scheme will be performance based, with one key feature being the monitoring of monthly data recorded from an offender's alcohol interlock device. Failure to present an interlock for a monthly service will result in a permanent lockout, which will require intervention by the service provider. This will also mean that offenders will be required to drive with an alcohol interlock restriction on their driver's licence for a longer period. Offenders' interlock data will be downloaded on location and a summary report uploaded to a secure system, and will then be assessed for violations. If the device records blood alcohol concentrations of or above the specified level at start-up or during a journey or the offender fails to provide a breath sample during a journey, a violation will be logged. If there is evidence that the interlock has been tampered with, or three or more violations are logged within a monthly period, the alcohol interlock offender's clean driving performance will be interrupted and the offender will be required to attend a six-session alcohol assessment and treatment course. This approach, which sets the WA scheme apart from many others operating around Australia, is designed to keep offenders on track and to assist them to overcome any underlying issues that are barriers to their compliance. The only alcohol interlock offenders who will be exempt from this scheme will be those who reside more than 150 kilometres from an accredited interlock service provider or those who have a medical condition that prevents them from being able to operate an alcohol interlock device.

The length of the restricted driving period will vary according to the means by which offenders enter the scheme. For those serving a period of disqualification before being subject to the alcohol interlock restriction, the minimum required period will be six months. For offenders granted an extraordinary driver's licence, the minimum required period will be the greater of six months or the entire disqualification period to which they are subject and for which an extraordinary driver's licence applies. If an extraordinary driver's licence is granted to an offender who is serving a permanent disqualification, the minimum required period will be three years. "Clean driving behaviour" means that in a single monthly period no evidence of tampering with the device has been detected and fewer than three violations have been logged by the device. For an offender to have the alcohol interlock restriction on their driver's licence revoked, they will be required to have had the restriction in force for a minimum period, to have demonstrated six uninterrupted months of clean driving behaviour and to have complied with any requirement to complete an alcohol assessment and treatment course.

Under this scheme it will be an offence to tamper or attempt to tamper with an approved alcohol interlock device. Should an alcohol interlock offender commit a further offence or offences of a kind that result in their licence being cancelled, they will again be subject to the alcohol interlock restriction when they reapply for a driver's licence until they meet the criteria for the restriction to be revoked. This scheme is user-pays, and offenders will be required to pay for installation, monthly servicing and removal of the devices from vehicles they drive.

I think members will agree that in introducing this bill today we are agreeing to continue to take strong and decisive action against the worst drink-drivers on WA roads using one of the best deterrents available. In the past five years this government has increased drink-driving penalties; introduced immediate disqualification notices at the roadside for those driving with blood alcohol concentrations of or above 0.08 grams of alcohol per 100 millilitres of blood; and introduced vehicle sanctions for unlicensed driving, which in many cases has impacted directly on those losing their licence for drink-driving offences. This next step of introducing an alcohol interlock scheme for WA is crucial and long overdue. Every year that we delay action on alcohol-related road trauma we commit this state to a further \$460 million worth of unnecessary death, injury, pain and suffering. I have no doubt that in the years to come in WA we will see fewer alcohol-related crashes and fewer alcohol-related deaths and serious injuries because of the action we have taken today.

I also take this opportunity to inform the house that in accordance with standing order 126(1) this bill will not give effect to a uniform legislation scheme. I commend the bill to the house and table the explanatory memorandum.

[See paper 2200.]

Debate adjourned, pursuant to standing orders.