

**Connecting
our communities**

Getting your licence back

Information for drink and drug-driving offences

April 2018



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Definitions

licence*

A licence means any Victorian learner permit and/or driver/ motorcycle licence.

cancelled^

Whenever a licence is cancelled you're disqualified from driving in Victoria and from obtaining another licence/permit for a certain 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. When this brochure mentions a licence cancellation this also means disqualification.

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 30 April 2018, anyone whose licence is cancelled due to a drink-driving offence is required to complete a Drink and Drug Driver Behaviour Change Program and install and use a VicRoads approved alcohol interlock in any vehicle# they drive after they get their licence back.

A Drink and Drug Driver Behaviour Change program is designed to help people identify the motivation 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 also identifies ways to reduce the risks to themselves and others when driving.

An alcohol interlock prevents a vehicle starting if the driver has been drinking alcohol and records any attempts to drive with alcohol present. Using an alcohol interlock allows drivers to show successful separation of drinking from driving.

VicRoads will manage first-time drink-drivers with a blood or breath alcohol concentration (BAC) below 0.10 whose offence occurs on or after 1 October 2014. The Magistrates' Court will continue to manage other drink-drivers. An overview of the VicRoads and Magistrates' Court processes is provided in this brochure to assist you.

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

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
PO Box 777, Carlton South VIC 3053

There's a penalty if you don't return your licence.

VicRoads managed drink-drivers

VicRoads manages first time drink-drivers who:

- were detected on or after 1 October 2014 in Victoria and
- have a BAC reading below 0.10 and
- have their licences cancelled.

You can apply directly to VicRoads to get your licence back following completion of your licence cancellation period. Your alcohol interlock use and removal is 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

The Victorian Magistrates' Court manages the following offences committed in Victoria:

- first time drink-driving offences committed before 1 October 2014 with a BAC over 0.07
- all first time drink-driving offences with a BAC of 0.10 or more
- all repeat drink-driving offences
- all drug-driving offences where your licence is cancelled
- combined drink and drug-driving offences
- serious alcohol-related offences such as culpable driving
- all offences relating to refusal to be tested for alcohol or drugs
- all other offences that may require an alcohol interlock condition.

Note: First-time drink-drivers who were required to attend court for an offence committed prior to 1 October 2014, with a BAC less than 0.07, can apply directly to VicRoads to have a licence reissued.

Step 1: Complete the Drink and Drug Driver Behaviour Change Program

Anyone who commits a drink driving offence on or after 30 April 2018 must complete an approved Drink and Drug Driver Behaviour Change Program, whether you are managed by VicRoads or the Court.

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

Your cancellation letter from 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.

Intensive Drink and Drug Driver Program

You must complete this program if it is not your first drink or drug-driving offence, if your BAC reading was on or above 0.15, and/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
- a 2 hour Pre-Interlock Removal program, to be completed before you apply to have your interlock condition removed.

Booking your place in a program

For details of approved Drink and Drug Driver Behaviour Change Program providers, visit vicroads.vic.gov.au or call DirectLine on 1800 888 236.

When the program has been completed, you will receive a certificate.

Fees

The cost of the program is set by the provider, and includes a government cost recovery component.

*Excluding combined drink and drug driving offences.

Step 2: Preparing to get your licence back

Complete your cancellation period and any other bans before applying for a licence.

If you have demerit points that may result in a licence suspension, you should still apply for your licence.

Make sure you check if a suspension is due to start before you install an alcohol interlock.

To find out more about the Demerit Point Scheme, visit vicroads.vic.gov.au or call VicRoads on 13 11 71.

VicRoads managed

You can apply directly to VicRoads to get your licence reissued. You don't have to go to court.

You will need to complete a relevant Behaviour Change Program before your licence can be reissued.

Court managed

You'll need to go to court to get a Licence Eligibility Order before VicRoads can give you a new licence.

The Magistrates' Court website has an online guide that shows you what to do before applying to the Court for a Licence Eligibility Order. *The Driver's Licence Eligibility Order Guide* can be accessed at magistratescourt.vic.gov.au or you can visit your local Magistrates' Court to get this information.

Preparing for your licence eligibility order hearing

You'll need to follow some steps to get your licence back. Some may need to be arranged several months before your court hearing.

- 1 **Reports** - Attend an approved provider to obtain reports required for the Magistrates' Court.

For details of approved providers, call DirectLine. To find out which reports are needed, refer to the online *Driver's Licence Eligibility Order Guide* or your local Magistrates' Court.

- 2 **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.

- 3 **Driving record** - The provider and 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.

- 4 **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 have an interview with Victoria Police before the court hearing.

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

Step 3: Apply to VicRoads to have your licence reissued

Once you've served your cancellation period and met all other requirements, visit a VicRoads Customer Service Centre to apply to have your licence reissued. You'll need to bring your:

- Licence Eligibility Order, if you are managed by the Magistrates' Court
- Drink and Drug Driver Behaviour Change Program certificate of completion
- 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.

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

When you're relicensed, the letters 'I' and/or 'Z' may be printed on the front of the licence under 'Conditions'.

'I' condition

The letter 'I' means that you can only drive a vehicle fitted with an alcohol interlock.

If you're VicRoads managed, the VicRoads Support Centre for the Victorian Alcohol Interlock Program will assess your alcohol interlock use before removing this licence condition. The assessment is based on successful separation of drinking from driving.

If you're Court managed, the 'I' condition remains on your licence until the court decides that it should be removed by making an Interlock Condition Removal Order (ICRO). The court will assess if you've successfully separated drinking from driving.

'Z' condition

The letter 'Z' stands for zero BAC and means that you mustn't have alcohol in your blood when you drive. In other words, if you drink at all, you can't drive.

This restriction applies to all drivers for at least three years from the time they're reissued with a licence, however it can be longer.

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 4: Installing and using an alcohol interlock

Lease an alcohol interlock

Before driving again, you'll need to sign an agreement with an approved alcohol interlock supplier and have a VicRoads approved alcohol interlock fitted to any vehicle you drive. 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

Install and use an alcohol interlock

You'll need to arrange for someone else to drive you to a service agent to have the alcohol interlock fitted.

As soon as you install an approved alcohol interlock in your vehicle, you're participating in the Victorian Alcohol Interlock Program.

The service agent will train you to use the alcohol 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.

Any driver of your vehicle fitted with the alcohol interlock will have to give an alcohol-free breath test before the vehicle will start.

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 fail or don't take a breath test and you keep driving, the vehicle's lights and horn will activate.

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

Alcohol interlocks with cameras were introduced in 2015. They 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'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'll be assumed that you're the driver.

Step 5: Completing the alcohol interlock program

VicRoads managed drivers have a minimum alcohol interlock period of six months. Court managed drivers can have an interlock period of up to four years or more.

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. The steps to apply for removal are very different depending on whether your alcohol interlock removal is managed by VicRoads or the Magistrates' Court.

Proving you've separated drinking from driving

VicRoads and the courts look at the information recorded by your alcohol interlock in deciding whether you can remove it.

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. Courts use the same rules but may take other matters into account.

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 six months in a row you'll need to restart collecting alcohol interlock data again.
- 3 Take all breath tests the alcohol interlock asks for 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.

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

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

Courts will have the same data available to them as well as other information they require.

VicRoads managed

If you're VicRoads managed, VicRoads monitors your alcohol interlock use. You can get information about your progress toward alcohol interlock removal and you can register to use AIMS to track your own progress.

Contact the VicRoads Support Centre for the Victorian Alcohol Interlock Program on **1300 723 790** or via email alcoholinterlocks@roads.vic.gov.au

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 to the VicRoads Support Centre for the Victorian Alcohol Interlock Program to have your alcohol interlock condition removed. Your 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.

Your alcohol interlock service agent may ask to see your updated licence and the removal authority when you have the alcohol interlock removed.

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

Requesting a review

VicRoads managed drivers can lodge a request for an internal review if they believe they met all their requirements and VicRoads denies the removal of 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.

This application can only happen at the end of your minimum alcohol interlock period. The hearing can only consider whether any failed breath test on attempting to start the car 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.

Court managed

Preparing for your Alcohol Interlock Condition Removal Order hearing:

- 1 Visit a Magistrates' Court to apply for a court hearing. The Court will ensure that the hearing date is at least 28 days after you lodge your application and about two weeks 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 Complete the Drink and Drug Driver Behaviour Change Program Pre-interlock Removal and receive the certificate of completion to present to the court (where required).
- 4 The Court will advise the police, who may interview you before the hearing.
- 5 You'll need to get an assessment report from an approved provider. This report includes information about your alcohol interlock use. The Magistrate uses the report in deciding whether your alcohol interlock condition should be removed.
- 6 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.
- 7 If your offence was committed on or after 1 October 2014, you'll also need to get VicRoads to send an AIMS report to your assessor. This report is called an Interlock Removal Criteria Report (IRCR) and it can only be sent after your alcohol interlock period has ended. Your alcohol interlock use is reviewed to include in the report prepared by your assessor for court.
- 8 If there are failed breath tests or other events you believe weren't caused by you, you should discuss this with your assessor so this can be included in your report. The Court will determine whether you're responsible for them or not.

- 9 When the Court issues you with an Interlock Condition Removal Order (ICRO), take it to a VicRoads Customer Service Centre to have the 'I' condition removed from your licence. You'll be issued with a licence receipt until your new licence arrives in the mail.
- 10 You must carry the licence receipt when driving until your new licence arrives.

Step 6: 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/removal authority and licence receipt.

Costs

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 or Drug Driver Behaviour Change Program (if applicable)
- VicRoads driving history report (record of convictions) fee if applicable
- VicRoads licence reissue fee.

Government cost recovery fee

If you're in the Victorian 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 service agent and then sent to VicRoads.

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

Concessions

You may be eligible for reduced fees if you hold one of the accepted concession cards.

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.

Medical exemption from an alcohol interlock condition

If you have a medical condition that prevents you from using an alcohol interlock, visit the VicRoads website 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.

Key contacts

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

Key organisations	For more information on:	Contact via: (Accessible via phone, online and located throughout Victoria, in some Melbourne suburbs, key regional and country centres)
DirectLine	<ul style="list-style-type: none"> Approved Drink and Drug Driver Behaviour Change Program providers 24-hour, 7-day counselling, information and referral services in Victoria for alcohol and other drugs 	DirectLine: 1800 888 236
Magistrates' Court	<ul style="list-style-type: none"> Driver's Licence Eligibility Order Guide Location of the Magistrates' Court nearest to where you live 	Website: magistratescourt.vic.gov.au Further advice via your local Magistrates' Court.
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 	Website: vicroads.vic.gov.au VicRoads Contact Centre: 13 11 71 TTY users: 13 36 77 Speak and Listen users: 1300 555 727
	<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 	Support Centre for the Victorian Alcohol Interlock Program available via: Phone: 1300 723 790 Email: alcoholinterlocks@roads.vic.gov.au
Victorian (VicRoads) approved interlock device suppliers & their service agents	<ul style="list-style-type: none"> Draeger Australia 	1300 780 689
	<ul style="list-style-type: none"> Guardian Interlock Systems 	1300 881 005
	<ul style="list-style-type: none"> Smart Start 	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 and the Road Safety (Drivers) Regulations 2009 or seek 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.