



## 10 steps of the Alcohol Interlock Program

We want to set out a step-by-step process for you so that it makes it a lot easier to go about getting the Alcohol Interlock Device and participating in the Alcohol Interlock Program. Below we have detailed 10 specific steps that an offender will need to take in order to get involved in the program.

As discussed above there are many benefits to participating in the Alcohol Interlock Program but there is a very specific and strict process which needs to be undertaken in order to do it properly without running the risk falling foul of the Courts orders.

### **STEP # 1: OBTAIN A COURT ORDER**

First step to being able to obtain a Special Interlock Licence is to have the Court make an Alcohol Interlock order at the time when sentence is handed down.

Failing to obtain this order at the time of sentence means that you will be unable to later seek that the Court make an Interlock order down the track.

So it's very important that you inform yourself of what the Interlock Program consists of and make sure that you make a request to the Magistrate of the Court to make an Alcohol Interlock order.

You can indicate to the Magistrate that you want to take part in the Alcohol Interlock Program also known as a Disqualification Suspension Order (DSO).

### **STEP # 2: DECIDE IF THE ALCOHOL INTERLOCK PROGRAM IS RIGHT FOR YOU?**

It is completely up to the offender whether or not they wish to participate in the Alcohol Interlock Program, thus it is a voluntary program.

You must do your own research and decide if you think the Alcohol Interlock Program would be suitable for you and your situation. You should consider the following issues when deciding whether or not to participate in the program:

Afford initial installation and ongoing service costs.

Commit to monthly servicing of the interlock device by an approved interlock installer.

Commit to only driving the one vehicle that has the interlock device fitted to it.

Understand that you will be required to only drive a vehicle with a fitted interlock device for as long as the Court orders.

Understand that if you are caught driving a vehicle without a fitted interlock device then you will be charged with an offence.

After doing your own research and understanding exactly what is required of someone who participates in the Alcohol Interlock Program you have the option of deciding whether or not you wish to take part in the program. If you believe that you will not be able to commit to the program or that it

is just not right for you then you can choose to serve the full disqualification period ordered by the Court.

**PLEASE NOTE:** You only have the option to make this choice so long as Step # 1 above was covered and the Court made an Alcohol Interlock Order.

### **STEP 3 #: COMPLETE THE (REDUCED) DISQUALIFICATION PERIOD**

As mentioned above generally the Court will reduce your licence disqualification period so long as you commit to participate in the Alcohol Interlock Program. The shorter period is called the disqualification compliance period and this needs to be completed prior to you beginning the period set down by the Court for an Interlock Driver's Licence.

At the time of sentence the Court will generally make 2 disqualification orders, 1) for the normal disqualification period, and 2) the reduced disqualification period applied only when the offender takes the right steps to participate in the Alcohol Interlock Program.

So in effect before you can begin driving again on a special Interlock Driver's Licence you **MUST** have completed the reduced period of disqualification set down by the Court.

### **STEP # 4: ATTEND MEDICAL CONSULTATION ABOUT YOUR ALCOHOL CONSUMPTION**

One of the compulsory conditions that one must complete in order to participate in the Alcohol Interlock Program is attend a medical consultation with a doctor who is trained in providing what is called the "Drink Less Brief – Medical Intervention" which has been specifically developed for the Alcohol Interlock Program.

This medical consultation **MUST** be carried out prior to 28 days before the reduce disqualification compliance period ends.

The offender will need to obtain an "Alcohol Interlock Program – Brief Medical Intervention Certificate" to be completed and signed by a doctor. Generally, the doctor will assess you and ask you questions about your alcohol consumption. It is seen as a medical consultation so you should not be concerned about being tested or passing or failing because it is not a test.

Once the medical consultation is over you should take the completed and signed "Alcohol Interlock Program – Brief Medical Intervention Certificate" to the motor vehicle registry when you are eligible to apply for an Interlock Driver's Licence.

[Alcohol Interlock Brief Medical Intervention Certificate](#) – (required to be signed)

If necessary the doctor can also refer the offender for further medical consultation in relation to treating alcohol abuse and consumption.

### **STEP # 5: GET THE INTERLOCK DEVICE INSTALLED BY AN APPROVED INSTALLER**

When the time comes that your disqualification period is coming to an end you will need to arrange an appointment with an approved New South Wales interlock device installer. It is important to note that you can have a new interlock device installed up to 28 days prior to the end of the reduced disqualification compliance period.

You cannot just get any old interlock installer to fit the interlock device into your vehicle. The installer must be approved and registered through the Roads and Maritime Services (RMS) in NSW. The same goes for servicing and removing an interlock device, all services must be conducted by an approved interlock installer.

You will need to undertake some brief training from the interlock installer in order to learn how to properly use the interlock device with its various functions. Also information on dealing with difficulties, breakdowns and lockouts. The interlock installer will also advise you of the various service requirement that you will need to adhere to.

The approved interlock installer will issue you with a signed “Alcohol Interlock Program – Interlock Installation Certificate” once the interlock device has been fitted and the training process has been complete.

You must take the “Alcohol Interlock Program Certificate – Interlock Installation Certificate” with you when you go to see the interlock installer.

[Alcohol Interlock Installation Certificate](#) – (required to be signed).

## **STEP # 6: ATTEND THE MOTOR REGISTRY & APPLY FOR A SPECIAL INTERLOCK LICENCE**

The next step you need to take is to attend your local Motor Registry which is currently called the Roads and Maritime Services (RMS) Registry. You will need to take with you the following documents to be produced at the registry:

- Signed Alcohol Interlock Program – Brief Medical Intervention Certificate
- Signed Alcohol Interlock Program – Installation Certificate
- Alcohol Interlock Program – Interlock Driver Licence Election & Privacy Declaration

[Alcohol Interlock Program – Driver Licence Election & Privacy Declaration](#) – (required to be signed)

## **STEP # 7: AGREE TO SPECIAL LICENCE CONDITIONS**

There are approximately 15 conditions on the “Interlock Driver Licence Election & Privacy Declaration” that you will need to agree to and sign off on before you will be eligible to obtaining the special Interlock Licence.

When you sign off on the Interlock Driver Licence Election & Privacy Declaration you are basically confirming that you understand all of the restrictions, conditions and requirements surrounding the Interlock Licence and agree to abide by all of those conditions.

These are legal conditions which you need to be absolutely sure that you understand – if you do not understand them they you should seek clarification from someone at the RMS or even seek legal advice.

## **STEP # 8: OBTAIN YOUR INTERLOCK LICENCE**

Once the disqualification compliance period has finished you are eligible to apply for your Interlock Licence the day after. Obviously to be successful in your application for an Interlock Licence you will need to have arranged the above mentioned medical and installer certificates as well as the Interlock Driver Licence Election & Privacy Declaration.

Due to the fact that there is more paperwork to lodge and it is a more unusual process the time involved in processing the application may take longer than applying for a standard drivers licence. Thus, it is recommended that you approach someone at the customer service counter and explain that you are applying for an Interlock Drivers Licence and where you should line up.

There may be issues in processing the Interlock Licence if there are outstanding fines or offences on your traffic record that have not been dealt with. So just because you have followed all of the normal application steps up until this point there is no guarantee that you will be able to obtain an Alcohol Interlock Licence.

If, however, your application can be processed then you need to be aware that the RMS will charge you a fee for the licence application, please contact the RMS or the RMS website for further details on these associated fees.

The Alcohol Interlock Licence is only for a Class (C) type of drivers licence which enables the offender to operate a car. This includes categories of provisional, unrestricted and unrestricted with a good behaviour condition. The Alcohol Interlock Licence is not available for other Classes of vehicles.

The following conditions and restrictions apply to a Alcohol Interlock Licence to a vehicle:

- Gross vehicle mass no greater than 4.5 tonnes
- Constructed or equipped to seat no more than 12 adults
- Not a public passenger vehicle.

You will note that once you have received the Alcohol Interlock Licence, the letter “I” will be placed on the front of the physical licence, in addition to this the words *“May only drive vehicle fitted with an approved interlock device”* will be printed clearly on the back of the physical drivers licence. So if you are pulled over by police then they will be aware of the licence restrictions and can assess whether or not you are fully complying with the type of licence that you hold.

Provisional licences carry the following requirements:

- Provisional P1 licensees who participate in the program will continue to be issued an 18 month driver licence with an interlock driver licence condition that will be valid for the period specified by the court.
- Provisional P2 licensees who participate in the program will continue to be issued a 30 month driver licence with an interlock driver licence condition that will be valid for the period specified by the court.

You should know that whilst a person can start a vehicle fitted with an Alcohol Interlock Device so long as their Blood Alcohol Level is under 0.02, it should be understood that Provisional drivers are by law required to have a blood alcohol reading of zero (0.00) and will be duly charged if found operating a vehicle fitted with an Alcohol Interlock Device and having a blood alcohol reading over zero.

## **STEP # 9: SUBMIT YOUR CAR & INTERLOCK DEVICE FOR MONTHLY SERVICE**

You should be aware that you will be required to satisfy the condition of the Alcohol Interlock Program for you to submit your vehicle that is fitted with the Alcohol Interlock Device in for a monthly servicing. This needs to be scheduled with an approved interlock installer every 30 days. The idea behind these monthly services is for the approved installer to run tests on the fitted Alcohol Interlock Device and make sure that it is correctly calibrated, in good working order and to make sure that it has not been tampered with. Where the 30th day falls on a weekend or a public holiday then the monthly service may be extended out to 34 days but no longer.

It is an offence for a person to who is not an approved interlock installer to carry out testing and services.

All electronic data that has been collected from the Alcohol Interlock Device will be sent to a central computer and you will be able to obtain access to this data after each service.

## **STEP # 10: COMPLETE THE INTERLOCK PARTICIPATION PERIOD & APPLY FOR NORMAL LICENCE**

When you are coming to the end of your Alcohol Interlock period then you should contact the RMS to confirm the exact finishing date:

Telephone the Roads and Maritime Services (RMS) – 13 22 13

The reason why you need to contact the RMS is because you are not legally permitted to remove or allow someone else to remove the Alcohol Interlock Device prior to the Alcohol Interlock Period expires. If you do happen to remove the Alcohol Interlock Device prior to the Alcohol Interlock Period expires then you run the risk of having the Alcohol Interlock Program cancelled and be required to carry out the full remaining disqualification period issued by the Court.

In order to apply for a new driver's licence once the Alcohol Interlock Program has finished then you should speak to a customer service representative at the RMS to assess exactly what is required for you to be re-issued with a full unrestricted licence. It may or may not involve further knowledge testing depending on the time that you have been disqualified without a license for.

### **CONTACT OUR EXPERT TRAFFIC & DRINK DRIVING LAWYERS:**

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