



2013

Parliament of Tasmania

PARLIAMENTARY STANDING COMMITTEE

SUBORDINATE LEGISLATION

**VEHICLE AND TRAFFIC (DRIVER LICENSING AND VEHICLE
REGISTRATION) AMENDMENT (MANDATORY ALCOHOL
INTERLOCK) REGULATIONS 2013 (S.R. 2013, No. 50) AND
VEHICLE AND TRAFFIC (DRIVER LICENSING AND VEHICLE
REGISTRATION) AMENDMENT (MANDATORY ALCOHOL
INTERLOCK) REGULATIONS 2013 (S.R. 2013, No. 63)**

Members of the Committee

**Ms Ruth Forrest MLC (Chair)
Ms Tania Rattray MLC
Mrs Adriana Taylor MLC**

**Ms Elise Archer MP
Mr Tim Morris MP
Mr Graeme Sturges MP**

VEHICLE AND TRAFFIC (DRIVER LICENSING AND VEHICLE REGISTRATION) AMENDMENT (MANDATORY ALCOHOL INTERLOCK) REGULATIONS 2013 (S.R. 2013, No. 50) AND VEHICLE AND TRAFFIC (DRIVER LICENSING AND VEHICLE REGISTRATION) AMENDMENT (MANDATORY ALCOHOL INTERLOCK) REGULATIONS 2013 (S.R. 2013, No. 63)

The Committee was appointed under the provisions of Section 3 of the *Subordinate Legislation Committee Act 1969* (No. 44 of 1969). Section 8 of the Act outlines the functions of the Committee, as follows –

- (a) to examine the provisions of every regulation, with special reference to the question whether or not –
 - (i) the regulation appears to be within the regulation-making power conferred by, or in accord with the general objects of, the Act pursuant to which it is made;
 - (ii) the form or purport of the regulation calls for elucidation;
 - (iii) the regulation unduly trespasses on personal rights and liberties;
 - (iv) the regulation unduly makes rights dependent on administrative decisions and not on judicial decisions; or
 - (v) the regulation contains matters that, in the opinion of the Committee, should properly be dealt with by an Act and not by regulation; and
- (b) to make such reports and recommendations to the Legislative Council and the House of Assembly as it thinks desirable as the result of any such examination.

INQUIRY

The Committee held public hearings in relation to the Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Mandatory Alcohol Interlock) Regulations 2013 (SR 2013, No. 50) and the Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Mandatory Alcohol Interlock) Regulations 2013 (SR 2013, No. 63) on 19 and 26 September 2013 and heard evidence from six (6) witnesses. These hearings resulted from correspondence received outlining some of the negative impacts flowing from the implementation of the Mandatory Alcohol Interlock Program.

Departmental officers provided a background briefing to Members of the Committee on Thursday, 29 August 2013.

All witnesses accepted the use of alcohol interlock devices as a worthwhile road safety measure, but many were critical of the additional costs imposed above and beyond the monetary penalty imposed by the Magistrate and the retrospective application of this to those who had committed an offence and received their judgement and punishment prior to 31 July 2013.

As Denise Hay pointed out, in relation to her son –

“I think that the judge delivered the sentence that was relevant at the time. I have no problem with that. What I do have a problem with was that the judge at that stage wasn’t able to take into account that this could be or would be coming into effect. In fact, my son’s original fine with the cost of the interlock has actually tripled his original fine if you take into account the \$3 000 for the interlock plus service fees which I anticipate will be up to about 10 times during the 15 months...”¹

Mr Steven Chopping LL.B. made special mention of what he described as the retrospective operation of the Regulations. He believed that it was unfair that someone convicted of an offence well before the interlock was even thought of, and about to regain a licence, would be required to install a device causing additional expense and penalty.

“It seemed to me it was bad law for a number of reasons. It had a retrospective effect, a draconian effect, and had a greater effect than the Act itself required.

...There is no defence to the fact that charges are imposed. But it seems to me what is happening is the Registrar is imposing a penalty which is well beyond the mandatory minimum penalties that are required by the Act, and a lot of these are having a retrospective effect. Anybody who completes a disqualification after the commencement of the regulations is bound to have an alcohol interlock installed. Many of those offences were committed well before there was even any suggestion of an interlock. The penalties were imposed by the courts on the basis of the minimum penalties that are required by law – and there are maximum penalties – and there are people who committed offences, have served their penalty and now find that they have an impossible penalty that is imposed on them by legislation”.²

Mr Adam McLennan also believes that the legislation is going over and above its intention. He was critical of the perceived retrospective application as well as the additional penalties and restrictions :

“First and foremost, I am not opposed to the alcohol interlocks as a whole; just certain areas of the way it has been brought forward. The

¹ Hay, Mrs Denise – Hansard Transcript of Evidence, Public Hearing, 19 September 2013, p. 9.

² Chopping, Mr Steven LL.B, Hansard Transcript of Evidence, Public Hearing, 26 September 2013, p. 1.

first would be the retrospective angle which I believe is totally unfair and putting an extra penalty – financial and restrictions, after the court has already presided over and made rulings”.³

In relation to the financial impact on his business, Mr McLennan stated :

“They had mentioned that it should be a cost of some \$3 000 but for people with multiple vehicles such as myself and also running a business, I may need to drive a forklift, I need to hire trucks and hire cars and bits and pieces. That is another restriction that I am unable to do...

The law coming in seems to be a blanket one-size-fits-all; it doesn't take into account individuals and their life circumstances. Typically, if you are going to court and you are putting forward your individual life circumstances, the presiding judge would take into account all of that and make a ruling on that”.⁴

Mr Wayne Rowling spoke of the impact on the family, caused by the need for his son to have an interlock on any vehicle he drives. Mr Rowling's son, Andrew, is his carer and needs to drive his father's car to take him to medical appointments, etc :

“...why should I have one of those interlocks put into my car for when he drives it? I'm not the offender and it's extra money being spent for no reason at all”.⁵

Mr Norm McIlfatrick, Secretary, Department of Infrastructure, Energy and Resources advised the Committee that changes had recently been introduced to waive the cost of the installation of alcohol interlocking devices for those whose period of suspension was due to expire within three months of 31 July 2013.

“...we made the small modification regarding people who may have just had that delay of two or three months in their sentencing period, which would have only taken them through to about September this year, so we did make that exemption that if they had been in that earlier period we would pay for the interlock to be established into their vehicle. ...”⁶

These costs are being met by the department up until 31 October, however :

“No matter when we put this in it was going to have an impact on people. It is a high cost and it is never going to be easy to pay, but we have tried to cope with that by at least having a regular payment plan. People on concessions have a lesser payment and can pay it through their Centrelink payments et cetera. It is very fundamentally driven

³ McLennan, Mr Adam – Hansard Transcript of Evidence, Public Hearing, 19 September 2013, p. 1.

⁴ McLennan, *ibid*, pp.1-2.

⁵ Rowling, Mr Wayne, Hansard Transcript of Evidence, Public Hearings, 26 September 2013, p. 6.

⁶ McIlfatrick, Mr Norm, Hansard Transcript of Evidence, Public Hearings, 26 September 2013, p. 12.

about making a big change in the way people who are repeat offenders get back on the road".⁷

It is presumed that these steps have been taken as a result of this Committee's inquiry and the resulting stakeholder input and media exposure.

In relation to the retrospectivity, Mr McIlfatrick commented :

"...We always look backwards. The Registrar does not just look forward. When someone goes to apply for their licence, they look at the history. This will not apply to people who have been disqualified in the past and have just waited and do not have their licence back. It is people who were disqualified when the regulation was tabled. If I lost my licence in 2008 and I was outside my disqualification period, I am not subject to an interlock decision. It is only if I was disqualified and my period of disqualification had not ended on 31 July this year. It is not retrospective for the people who may have just sat around and not applied for their licence".⁸

Mr McIlfatrick also advised that, as a result of the Committee's inquiry, amendments to the Regulations were being proposed to allow the Registrar of Motor Vehicles to provide exemptions for certain circumstances, such as, employment related issues and severe hardship.

"...Employment-related matters and hardship issues are matters we need to deal with. I'm talking about severe hardship issues here, but let's try to separate them. If you are required to have an interlock to get your licence back it will be a condition set by the Registrar. We are preparing for inclusion a further exemption that would say if you have one of those interlocks in your private vehicle but needed to drive a work vehicle to or from work, or during your course of work, we would allow an exemption under those conditions.

... It's a bit like a restricted licence. We have had a couple of reports of people who, for instance, have multiple vehicles they drive at work. So this is to say that we do require you, while driving as a private citizen, not in work, to have the alcohol interlock, but we understand that it could be a severe restriction on your employment if you have to have two or three or more".⁹

Mr McIlfatrick explained further :

"So if we take that into account you then could have a circumstance where someone is able to fulfil their employment under that first exemption, but may be under severe hardship from another angle. It may not be an employment angle; it could be severe financial hardship. It may be that a member of their family is severely impacted by the fact

⁷ McIlfatrick, op.cit., p. 14.

⁸ ibid., pp. 10-11.

⁹ ibid., p. 11.

that they've got an interlock. So we are taking the broader context into account. It would be hard to build a set of guidelines now that would cover every one of those elements. So we put a severe hardship exemption in, which may mean you don't have to have an interlock at all. So it would be different to the employment one, which meant you had to have one in the first place.

...Those two in themselves will go a long way towards giving the Registrar the ability to take into account the individual circumstances, as they do now, but to take them into account a little bit more explicitly than they can under the current law".¹⁰

On Wednesday, 16 October 2013 the Committee received draft amendment Regulations which provided Exemptions under Regulation 26N.

On Thursday, 17 October 2013 the Committee heard further evidence from officers from the Department of Infrastructure, Energy and Resources in relation to the draft Exemptions.

These exemptions were drafted to cover situations where "...the employer would agree that they [the suspended driver] need to drive for the purposes of working and for that purpose they are not requiring them to have the interlock".¹¹ In these circumstances:

"...the Registrar has to be satisfied under 6C(1) that the applicant has nominated a vehicle and has had an interlock installed in the vehicle nominated, and the applicant must drive another vehicle to or from work. We are sticking with the principle that the interlock is there to separate the pattern of drinking and driving but we have completely taken away the employment aspect of it".¹²

In addition, a severe hardship provision was included which is separate to the work provision.

"So the work provision is clearly where there is an interlock fitted in a private vehicle. However, the severe hardship does allow for cases where there are impacts on families and it is a severe impact. So there may be situations which are not covered under the work provision, but would meet a severe hardship claim. By having the two exemption provision in there some of the situations may be covered as a severe hardship as opposed to a work [exemption]".¹³

The Committee agreed with the exemptions proposed in the amendment regulations, but believed that they did not go far enough to cover those in the community who were impacted by the retrospective nature of the Regulations in question. In addressing the issue of those who believed that a lesser penalty would have been

¹⁰ McIlfatrick, op.cit.

¹¹ Davis, Ms Debra, Transcript of Evidence, Public Hearing, 14/10/13, p. 1.

¹² Rutherford, Mr Bob, Transcript of Evidence, Public Hearing, 14/10/13, p. 2.

¹³ Davis, op.cit., 14/10/13, p. 3.

awarded if the Mandatory Alcohol Interlock Program had been in operation at the time of their judicial review, Mr Rutherford stressed to the Committee that:

“The duty on the registrar is to look forward, and relicensing is not a right. His duty is to ensure that the licensing system supports safety on the roads. A fundamental element of that is that people can demonstrate they can separate their drinking behaviour from their driving.

... We are using the technology to ensure that separation. We are using improvements in technology to ensure that the returning person, where there is evidence of a difficulty in separating the behaviours, comes back with a licence under conditions where they have a period of becoming accustomed to separating driving and drinking behaviours. We do not see it as part of the penalty process”.¹⁴

Whilst the Committee agreed with the exemptions provided in the draft Amendment Regulations, it requested the Minister for additional statistical information and for a further amendment to extend the ‘no cost’ policy for interlocks for those who regain their licences in the first three months following 31 July 2013, for a further period where the devices are installed and maintained at no cost for those where the offence and sentencing occurred prior to 31 July 2013.

Alternatively, the Committee suggested that the Regulations could be amended to only apply to those whose offences were committed after 31 July 2013.

The Chair of the Committee gave Notice of a Disallowance Motion in the Legislative Council on 29 October 2013 to ensure that the Committee reserved its right to move to disallow the Regulations if it was not happy with the Minister’s response.

The Minister provided the additional statistics on 4 November 2013 and responded to the Committee’s request for further amendment on 8 November 2013 (see Appendix 1). The Minister outlined three options for the Committee’s consideration, as follows —

- Option 1 – All participants: installation and 3 months basic servicing fees
- Option 2 – All participants: installation and 3 months basic servicing fees PLUS
Concession-card Holders: further 50% waiver basic servicing fees for
12 months
- Option 3 – All participants: installation and full servicing fees for 15 months

The Committee resolved to recommend that Option 3 be applied and the necessary administrative actions be taken to achieve this. The Committee also requested written confirmation of agreement with this proposal and details of the implementation and notification process that will be implemented to inform those who will be effected by this change.

¹⁴ Rutherford, op.cit., 14/10/13, p. 7.

The Committee received written confirmation from the Minister on Wednesday, 13 November 2013 (see Appendix 2) that its preferred Option No. 3 was being implemented and that the implementation and notification process would include —

- “A targeted Communications Strategy to advise current clients and future eligible clients, key stakeholders and providers (Drager, Smart Start and Guardian) of the new exemptions and fee waiver processes in writing.

Key stakeholders some of whom have provided previous correspondence in relation to MAIP will be advised of the new changes and include Service Tasmania, Tasmania Police, Department of Justice (Magistrates), Anglicare Tasmania, TasCOSS, Law Society, St Vincent De Paul Society of Tasmania, Ombudsman Tasmania, Salvation Army of Tasmania, Legal Aid Commission of Tasmania and Mr Greg Barnes.

- DIER will also update its website.
- The existing MAIP brochure will be updated to reflect the changes and reprinted as soon as possible...”¹⁵

At its meeting on Thursday, 14 November 2013 the Committee resolved to pass as ‘Examined’ the Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Mandatory Alcohol Interlock) Regulations 2013 (SR 2013, No. 50) and the Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Mandatory Alcohol Interlock) Regulations 2013 (SR 2013, No. 63) – noting that the proposed amendment regulations in relation to employment and severe hardship issues would be Gazetted on 27 November 2013.

Recommendation :

The Committee recommends that, if the proposed Regulations are not Gazetted by 1 December 2013 and the promised administrative changes to the implementation process are not undertaken in a reasonable period of time, a further report be prepared in accordance with section 9 of the *Subordinate Legislation Committee Act 1969* (below).

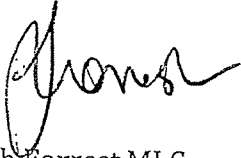
9. Report when Parliament not sitting

If, in the opinion of the Committee, a regulation that is examined by the Committee should be amended or rescinded and the Committee's report thereon is adopted by the Committee during any adjournment or recess, the Committee may cause a copy of its report to be sent to the authority by whom or by which the regulation was made and on receipt thereof that authority shall forthwith –

¹⁵ Hon David O’Byrne MP, Minister for Infrastructure, Letter in response to Committee’s letter dated 12 November 2013.

(a) amend the regulation in the manner indicated by the Committee, or, if the Committee so recommends, rescind the regulation; or

(b) take such action as may be necessary for the purpose of suspending the operation of the regulation, and ensuring that the operation thereof remains suspended, until both Houses of Parliament have dealt with the report.

A handwritten signature in black ink, appearing to read 'Ruth Forrest', written in a cursive style.

Ruth Forrest MLC
CHAIR

14 November 2013

Hon David O'Byrne MP
 Minister for Economic Development
 Minister for Science, Innovation and Technology
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08 NOV 2013

Hon Ruth Forrest MLC
 Chair
 Joint Standing Committee
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Dear Ms Forrest

I am writing in relation to your letter of 17 October 2013 and my initial reply of 4 November 2013 regarding the Mandatory Alcohol Interlock Program (MAIP) Regulations.

In your correspondence you requested that consideration be given to providing a fee waiver arrangement to address concerns around the perceived retrospectivity of the MAIP. The following is based on further advice received from the Department of Infrastructure, Energy and Resources (DIER) on this issue.

As previously advised in my correspondence of 4 November 2013, a fee waiver can be implemented by an administrative arrangement and would not require amendment to the MAIP Regulations.

There are a range of possible fee waiver arrangements which could be implemented for those people whose offence, which made them eligible for the program, was committed prior to 31 July 2013. I also note considerable variation in the cost of options given up to 1,621 people could be eligible for such a fee waiver.

This letter therefore contains three possible fee waiver options provided for the Committee's subsequent consideration. Attachment A provides further information relating to the development of these options and also identifies issues which the Committee should take into account as part of its deliberations.

1. Principles of Fee Waiver

- The waiver would only apply to those whose offences which triggered entry to the MAIP were committed prior to MAIP commencement (31 July 2013) as they either had limited notice of their involvement in the program, or at the time their offence was committed.
- It has been suggested the MAIP participants would not have had the time to prepare themselves and their finances for participation in the program; may have been sentenced differently; or may have changed behaviour at the time of committing the offence had they been more aware of the commencement of the MAIP. In recognition of this, a partial or full fee waiver of the costs of participating in the program could be offered.



- Any fee waiver must have an end point for eligibility and would only be available to those whose offences were committed prior to the commencement of the MAIP.
- The existence of a fee waiver would be separate from any application or review of an application for exemption for work purposes, medical, geographic or severe hardship reasons.
- A new fee waiver would supersede the previous limited fee waiver arrangement and would provide greater coverage across the eligible MAIP cohort.

2. Conditions of Fee Waiver

The conditions that would apply to a new fee waiver would be consistent with those that applied to the initial limited waiver. They are:

- Applies to one vehicle only;
- Covers installation cost for a standard vehicle;
- Covers base servicing fees only;
- Does not apply to additional costs incurred as a result of breaches of conditions such as lockouts;
- Does not cover standard licensing fees including the fee for the reissue of their driver licence; and
- Is separate from any applications for exemption.

3. Options

There are many options for providing a fee waiver; however this letter details those that best support the principles of the program.

It should be noted that potential costs have been determined assuming that all eligible people return to the licensing system and that the number of concession holders is consistent with the general licensing population.

Option 1: All participants: installation and 3 months basic servicing fees

- Anticipated maximum cost: \$1.2 million.
- Provides all MAIP participants who committed their offence prior to 31 July 2013 with a waiver of the installation fee and three months of basic servicing fees.
- This would be most consistent with the existing fee waiver.
- This treats all participants the same regardless of their financial status.

Option 2: All participants: installation and 3 months basic servicing fees PLUS Concession-card Holders: further 50% waiver basic servicing fees for 12 months

- Anticipated maximum cost: \$1.6 million.
- Provides all MAIP participants who committed their offence prior to 31 July 2013 with a waiver of the installation fee and three months of basic servicing fees plus a further reduction of 50% of basic monthly servicing costs for the remaining minimum period of the program (12 months) for concession-card holders.

- This would provide a smoother payment structure for concession participants, making it easier for them to plan for the required monthly payments.
- Would provide greater assistance to concession-card holders while providing some assistance to non-concession-card holders.
- Payments to eligible participants would continue for up to 15 months after the date on which the waiver ceases to be available to new participants.

Option 3: All participants: installation and full servicing fees for 15 months

- Anticipated maximum cost: \$5 million.
- Provides all MAIP participants who committed their offence prior to 31 July 2013 with a waiver of the installation fee and full basic servicing fees for the minimum period of the program (15 months).
- This option may compromise the intent of the program to achieve behavioural change in the shortest possible time as a financial as well as a time contribution by participants provides a greater incentive and impetus for change.
- Payments to eligible participants would continue for up to 15 months after the date on which the waiver ceases to be available to new participants.

I note that providing a partial or full fee waiver will still ensure that high-level drink driving and repeat drink driving offenders remain part of this program which uses proven and best practice technology to encourage behavioural change in participants to separate their drinking from their driving and consequently increase the safety of all road users.

I would appreciate the Committee giving consideration to the fee waiver options above and trust this information is of assistance to you.

Yours sincerely



David O'Byrne MP
Minister for Infrastructure

Attachment A – Additional Information relating to MAIP fee waiver options.

1. Issues to consider

A fee waiver could be applied in a number of ways. The main issues to consider are whether the waiver should be available to all participants or only concession holders, the extent of the fee waiver (part of full fees) and when the fee waiver should end.

1.1. Eligible Participants

- An argument could be mounted that those participants who are not concession holders would have the ability to more easily adjust their finances to participate in the MAIP.
- There is however, a stronger argument for providing a longer period of support for concession holders than other participants (see option 2). This would be over and above the current 35% concession providers must offer.

1.2. Part or Full Fees

- The purpose of the fee waiver is to allow participants time to adjust their finances to allow for full participation in the MAIP. However, a key part of the MAIP is to develop a behavioural change, part of which comes about from the incentive for participants to minimise the costs through demonstrating a separation of drinking and driving thereby reducing the costs of services and for lockouts.
- If full fees are waived the effectiveness of the program to deliver this behavioural change could be compromised.
- Taking into account the principle of bill smoothing, it may be more appropriate to provide a longer period of a partial fee waiver.

1.3. Conclusion of Waiver Period

- There will need to be a clear date set where the fee waiver is no longer offered. However, the payments of monthly fee waivers will continue for up to 15 months after this date.
- The majority of offenders' period of disqualification (95%) will end between 2013 and 2015 (see section 4). Given this, it is recommended that the eligibility to receive a waiver of fees cease at the end of 2015. This would mean that a minority of people who committed offences prior to the MAIP commencing would not be eligible for the fee waiver, however they would have had over two years notice that the program is now in place.

2. Assumptions

- The following assumptions underpin the costs of the options:
 - All eligible participants will return to the licensing system when their period of disqualification ends;
 - Average fees charged by the three providers are used in calculations (section 5); and
 - There is no increase in service provider fees during the period the fee waiver is provided.

3. Transitional Issues

- There will be some MAIP participants who have commenced the program before the fee waiver is in place. Around 100 people will have commenced with the previous fee waiver arrangement for entering the MAIP in the first three months, however any new fee waiver arrangement would be more generous than that already provided.

- It would be equitable for those who had previously received some fee waiver to receive a payment / reimbursement of fees from the Department to match the new level of waiver.
- For those who enter the program prior to the waiver coming into effect, a payment / reimbursement of fees to match the incoming waiver would also be equitable.

4. Background Data

- There are 1,621 people who committed a prescribed offence prior to 31 July 2013 that would be required to participate in the MAIP as a condition of relicensing. The data below shows the offence date and disqualification end date for those 1621 people whose offences were prior to 31 July 2013. It is possible that additional periods of disqualification must also be served for non-alcohol related offences, resulting in a person returning to the licensing system in later years.
- The majority of offences (60%) were committed between February 2012 and July 2013 (Figure 1). The MAIP was a Labor Party election commitment at the 2010 State Election. A larger proportion of offences were committed (around 43%) after consultation with external and internal stakeholders had been conducted.

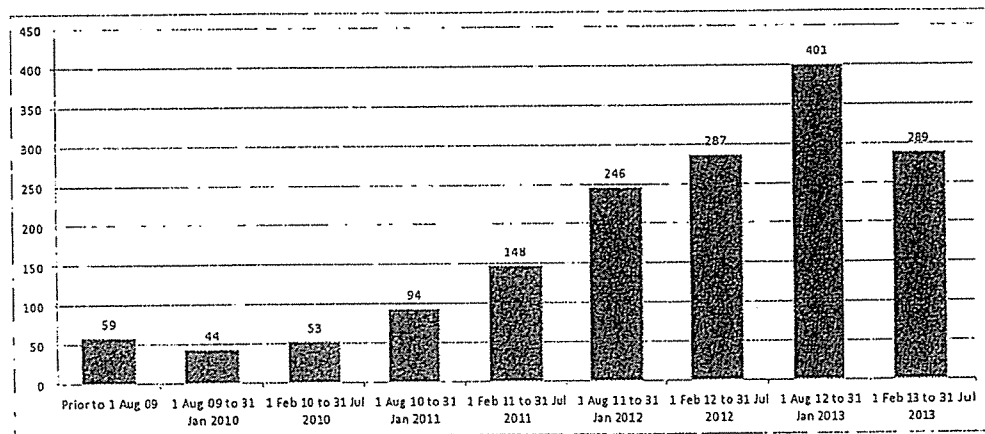


Figure 1: Offence Date of Eligible MAIP Participants

- The majority of offenders' period of disqualification (95%) will end between 2013-2015 (Figure 2).

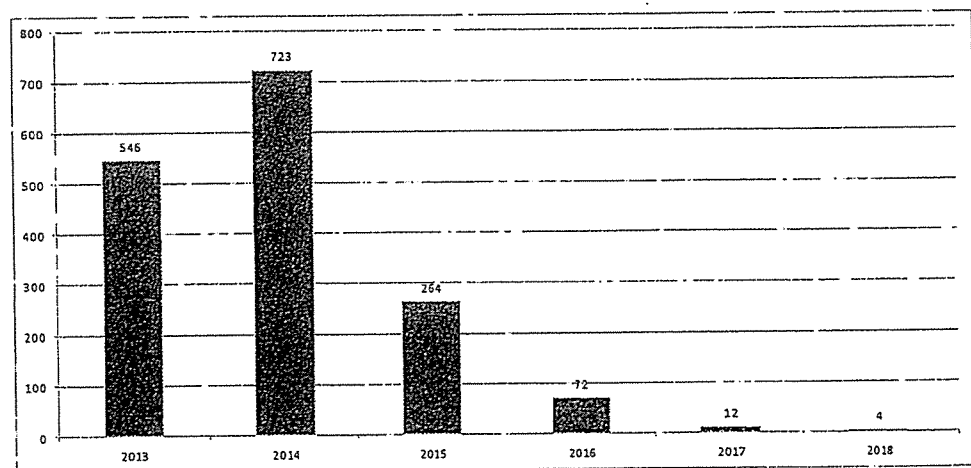


Figure 2: Disqualification End Dates

5. MAIP Fees

Installation Fees¹ (Once-off)

		Full	Concession
DIER Administrative Fee		\$ 51.10	\$ 33.58
Provider Fees	Smartstart	\$ 170.00	\$ 110.50
	Guardian	\$ 150.00	\$ 97.50
	Draeger	\$ 160.00	\$ 104.00

Service Fees² (Monthly)

		Full	Concession
DIER Administrative Fee		\$ 15.40	\$ 15.40
Provider Fees	Smartstart	\$ 160.00	\$ 104.50
	Guardian	\$ 213.95	\$ 139.07
	Draeger	\$ 210.00	\$ 136.50

Removal Fees (Once-off)

		Full	Concession
DIER Administrative Fee		\$ 51.10	\$ 33.58
Provider Fees	Smartstart	\$ 99.00	\$ 64.35
	Guardian	\$ 100.00	\$ 65.00
	Draeger	\$ 100.00	\$ 65.00

Total Costs³ (15 months)

	Full	Concession
Smartstart	\$ 3,002.20	\$ 2,040.51
Guardian	\$ 3,792.45	\$ 2,580.71
Draeger	\$ 3,743.20	\$ 2,548.66

¹ Based on standard vehicle installation. Costs for non-standard vehicles are higher.

² Based on 15 monthly services. Service fees can be reduced for individuals who do not record lockouts and have service period extended to 90 days.

³ Total costs based on 15 month participation in MAIP and no lockouts or other offences.

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Hon Ruth Forrest MLC
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Dear Ms Forrest

Thank you for your letter dated 12 November 2013 regarding the Mandatory Alcohol Interlock Program (MAIP).

It is noted that three options were provided to the Joint Standing Committee Subordinate Legislation (Committee) to address the Committee's concerns around the perceived retrospectivity of the MAIP and the Committee has advised the Department of Infrastructure, Energy & Resources (DIER) to implement Option 3.

Option 3 provides for the most extensive fee waiver which covers all participants whose offences were committed before 31 July 2013 (1621 people), including installation and full basic servicing fees for 15 months at an approximate cost of \$5 million.

I can confirm DIER has commenced implementation of Option 3. Given the significant amount of work required to successfully implement the two exemptions (work and severe hardship) and the fee waiver process it will not be possible for the changes to take effect before 27 November 2013. This is unlikely to cause any disadvantage to clients as all clients will be eligible for a fee waiver regardless of whether they have already entered the program or not. This timeframe provides nine working days for the Department to undertake the necessary business and system changes and to ensure the changes have been communicated to all relevant parties.

Arrangements have been made with the Office of Parliamentary Counsel for the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Mandatory Alcohol Interlock) Regulations 9No.2) 2013* to be gazetted on 27 November 2013.

You requested information in relation to the implementation and notification process to be undertaken by DIER in relation to Option 3. DIER is presently undertaking the following:

- A targeted Communications Strategy to advise current clients and future eligible clients, key stakeholders and providers (Drager, Smart Start and Guardian) of the new exemptions and fee waiver processes in writing.

Key stakeholders some of whom have provided previous correspondence in relation to MAIP will be advised of the new changes and include Service Tasmania, Tasmania Police, Department of Justice (Magistrates), Anglicare Tasmania,



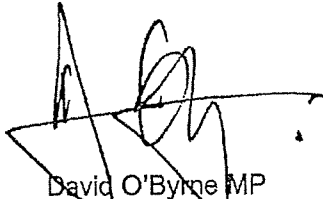
TasCOSS, Law Society, St Vincent De Paul Society of Tasmania, Ombudsman Tasmania, Salvation Army of Tasmania, Legal Aid Commission of Tasmania and Mr Greg Barnes.

- DIER will also update its website.
- The existing MAIP brochure will be updated to reflect the changes and reprinted as soon as possible.
- Some of the business and system changes required to implement the new changes include:
 - Creation of new forms for the exemptions and fee waiver process;
 - Updating of the Procedure Manual to include the new exemptions and finalisation of internal Guidelines;
 - Informing Service Tasmania of the new processes; and
 - Motor Registry System Changes (write, implement and test).

I understand the Committee also requested information in relation to consultation previously undertaken. Please find attached documentation which responds to this.

I trust this information is of assistance to you and that the Committee is comfortable with the agreed measures to be implemented to address the Committee's concerns. I thank the Committee for its interest in road safety.

Yours sincerely



David O'Byrne MP
Minister for Infrastructure

Attachments

- 1 MAIP Consultation Summary
- 2 Consultation Framework prior to commencement of MAIP
- 3 Government press release February 2010
- 4 Minister O'Byrne press release 31 May 2012
- 5 MAIP fact sheet 31 May 2012
- 6 Example: Proposed MAIP consultation with the TCCI 1 June 2012
- 7 Minister O'Byrne press release 1 January 2013.

Mandatory Alcohol Interlock Program – Consultation with Key Stakeholders

Attachment 1

There has been a range of communication activities relating to the development of the alcohol interlock program over an extended period of time. This commenced with the development of the Tasmanian Road Safety Strategy (TRSS) and its first Action Plan, which included over 300 public and stakeholder submissions to identify the key issues and initiatives for the next 10 years. Alcohol interlocks were clearly identified as an approach worthy of further consideration through this process. This then led to the decision to trial alcohol interlocks between August 2008 and May 2009 as part of the early policy formulation. This trial measured the effectiveness of the installation of alcohol interlock devices on drivers. An independent report on this trial recommended that alcohol interlocks be introduced.

In February 2010, the Labor Government made an election commitment to introduce a mandatory alcohol interlock program as a behavioural measure for repeat offenders and offenders with a high BAC. The election commitment included details of key principles and design of the program (copy of media release attached).

The Second Action Plan under the TRSS, which was developed and endorsed through key stakeholders on the Road Safety Advisory Council, included the development of an alcohol interlock program. Following this, updates on progress in developing the MAIP and its parameters were provided through the Estimates Committee process. As part of the development of the program, consultation occurred with other jurisdictions, the social inclusion unit and the No Interest Loans Scheme (NILS) to design the program in order to minimise the impact on participants' finances.

Once the design of the program was sufficiently developed based on national and international best practice to achieve behavioural change, a website was established housing critical information regarding eligibility and program criteria and a set of frequently asked questions. This was followed by a period of public consultation between May and July 2012. The table below provides details of the key stakeholder consultation during this period. The consultation period was announced through the media and at Estimates Committee with direct correspondence sent to key stakeholders and presentations delivered on request. An example of the correspondence forwarded to stakeholders and the presentation is also attached.

For your information, also included with this response is a table of the consultation framework and the timing of public information compared to the offence dates of eligible participants. This provides the percentage of eligible participants against the offence dates, with information previously provided to the SLC showing this same information in actual participant number terms.

Mandatory Alcohol Interlock Program – Consultation with Key Stakeholders

Organisation	Date Contacted	Presentation/ Discussion	Response or Comments	Reply
Key Government Stakeholders				
Department of Premier and Cabinet	04/06/2012	22/06/2012 requested presentation to staff	Raised the issue of concessions to the participants who have recently completed a jail term and would have low financial resources.	Concessions would apply to holders of a Commonwealth Health Care Card only.
Service Tasmania (DIPWE)	22/06/2012	04/07/2012 presentation to Service Tas staff	No major issues. Concerns about people who abscond – stop paying etc. Circumvention discussed	
Alcohol Advisory Group (Inter Agency Working Group on Drugs)	01/06/2012	19/06/2012	Doctors challenging service providers report that a person can operate an interlock.	Breath volume to be specified clearly in exemption form as per Queensland form. Privacy issue with release of medical information to be addressed on application form.
		19/06/2012	Alcohol, Tobacco and other Drugs Council, (Tas Inc) to check with its members about possibility of providing information / resource for the DIER notice to new program participants to be provided at their sites and at installers.	
Department of Treasury & Finance	Ongoing		Completed discussions on financial arrangements and regulatory impact. Regulatory Impact Statement not required.	
Department of Justice - MPES	04/06/2012	04/06/2012	MRS to reject any MPES directions regarding licensing and registration.	MRS to reject if interlock is installed.
Department of Justice - Chief		Briefing 7 May 2013	Major issues raised were: the lack of judicial	Magistrates have access to the

Mandatory Alcohol Interlock Program – Consultation with Key Stakeholders

Organisation	Date Contacted	Presentation/ Discussion	Response or Comments	Reply
Magistrate		(in addition to an earlier presentation)	review and no role for magistrates; lack of integration with no integration with rehabilitation program; remote areas and high cost; novice exclusion but note this is in graduated licence review; covers offences prior to commencement date.	Sober Driver Program for rehabilitation. Coverage not viewed as relevant to prior penalty but as forward looking condition of re-licensing to protect other road users.
Department of Police & Emergency Management		May 2012 Also as member of RSAC	Advice of public consultation period commencing. Presentation on program design and costs. Update on consultation and implementation	
		26/07/2012 Presentation to Senior Traffic Officers meeting	No major issues raised.	
Department of Police & Emergency Management- Road Safety (Drugs and Alcohol) Act	04/06/2012	13/06/2012	Issue - intent to drive while under a zero BAC condition is an offence.	Driving with zero BAC is a requirement of the Mandatory Alcohol Interlock Program; it is not a licence condition. May be addressed under changes to the Road Safety (Alcohol and Drugs) Act
Key External Stakeholders				
Road Safety Advisory Council (including Department of Police & Emergency Management, Royal Automobile Club of Tasmania; Tasmanian Motorcycle Council; Local Government Association of Tasmania; Motor Accidents	01/06/2012	22/05/2012 Presentation Reminder 22/06/2012	Issues discussed at presentation included costs, work vehicles, exemptions and literacy. 04/07/12 Late query from RACT relating to tampering Tasmanian Motorcycle Council responded	RSAC members supported the program and recommended literacy be highly considered Responded with excerpts from technical report CLC/TR 50436 – 3, stating tampering is rare.

Mandatory Alcohol Interlock Program – Consultation with Key Stakeholders

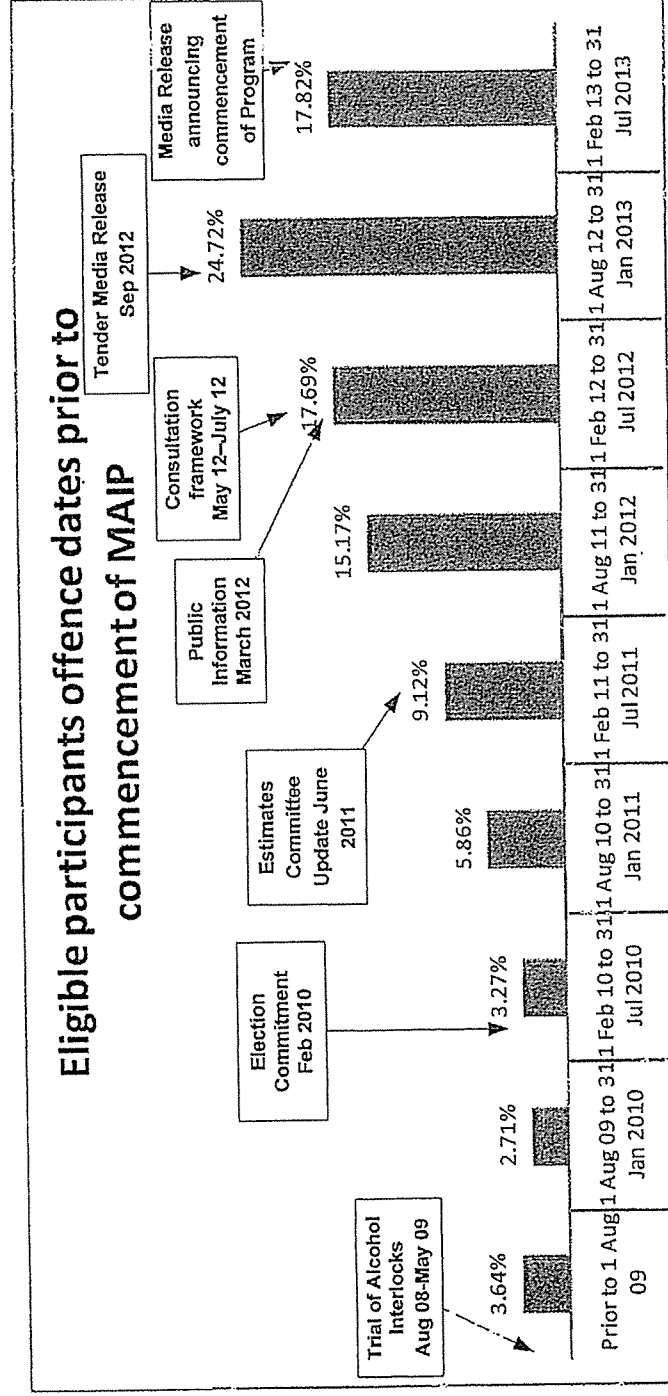
Organisation	Date Contacted	Presentation/ Discussion	Response/Comments	Reply
Insurance Board)			formally that it supported the MAIP	
		Action list from 22/05/2012 meeting	Project Manager to consider low literacy of some offenders and the need for measures to address the issue.	Project funds allocated for literacy consultant to assist with DIER participant training material.
Heavy Truck Safety Advisory Council	01/06/2012	Reminder 25/06/2012	Meeting of 6 July 2012 advised members of the MAIP, including costs to individuals, concessions available and the device to be fitted to all vehicles that the participant drives. Members supported the program, however considered that it was still generous in terms of the number of offences over time. Members encouraged to provide individual feedback, however none received.	
The Tasmanian Branch of the Australian Medical Association	01/06/2012	Reminder 22/06/2012	No response	
Tasmanian Transport Association;	01/06/2012	Reminder 22/06/2012	No separate response, however is represented on HeTSAC (see above)	
Tasmanian Chamber of Commerce and Industry (TCCI)	01/06/2012	Reminder 22/06/2012	No response	

Mandatory Alcohol Interlock Program – Consultation with Key Stakeholders

Organisation	Date Contacted	Presentation/ Discussion	Response or Comments	Reply
Centrelink (Health Card administrative data)	Meeting 25/06/2012	Discussion 27/06/2012	Verification of concessions similar to Victorian alcohol Interlock Program require individual privacy forms signed for: DIER, suppliers and each installer. Forms can be collected at the installer on behalf of all parties. Requirement for dual verification at both the installer and subsequently by the supplier. Suppliers and each installer must have an arrangement with Centrelink.	Requirement included in supplier tender
Alcohol Interlock suppliers	01/06/2012	Reminder 25/06/2012	22/06/2012 Wide range of issues mainly commercially driven including tampering and the provision of concessions. mostly helpful	25/06/2012 Reply limited by pre-tender probity
	01/06/2012		08/06/2012 Raises the issue of fitting a camera to a motorbike and provision of breath alcohol measuring devices when it is not practical to fit in alcohol interlock into a motor vehicle	15/06/2012 Reply limited by pre-tender probity
	01/06/2012		17/06/2012 Wide range of issues mainly commercially driven. Helpful suggestions.	19/06/2012 Reply limited by pre-tender probity

Attachment 2

Eligible participant's offence dates prior to commencement of MAIP against major milestones of the consultation framework (detailed below in table).



Notes:

- Data is extracted from offenders who have been identified in the MRS and who meet the eligibility criteria to be required to participate in the program.
- Participants who committed an offence prior to 2011, represents habitual traffic offenders with long disqualification periods applied for multiple traffic related offences.

Consultation framework prior to commencement of the Mandatory Alcohol Interlock Program 31 July 2013.

Date	Consultation method	Key Messages
Between August 2008 and May 2009	Trial of Alcohol Interlocks	To measure the effectiveness of the installation of alcohol interlock devices on drivers.
February 2010	Election Commitment	Introduce alcohol interlocks as a behavioural measure for repeat offenders and offenders with a high BAC.
June 2011	Estimates Committee	Update on projects progress.
March 2012	Public information	Develop website which houses critical information regarding eligibility and program criteria and includes frequently asked questions.
May 2012 to July 2012	Consultation framework with key internal and external stakeholders i.e.: <ul style="list-style-type: none"> • Department of Police and Emergency Management • Department of Premier and Cabinet • Department of Justice • Department of Health and Human Services • Tasmanian Chamber of Commerce and Industry • Centrelink 	Overview of program, including eligibility criteria, costs and exemptions. Fact sheets provided and presentations were conducted as requested.
31 May 2012	Media Release	Announcement of program targeting repeat offenders and offenders with a high BAC.
14 June 2012	Media Release – Chief Magistrate Michael Hill	Chief Magistrate Michael Hill supports the introduction of a mandated alcohol interlock program along with a therapeutic program such as the drug treatment courts after deploring the amount of repeat offending among drink-drivers and the doubtful benefits of jail sentences.
September 2012	Tender Media Release	Publically announce final program and outline procurement process.

January 2013	Media Release	Announcing that relevant offenders (those who meet the eligibility criteria) will only be re-licensed if they fit an interlock to their vehicle. Overview of program and associated costs.
February 2013	Media Event announcing successful suppliers	Information on service provision impending program start-up.
June 2013	Estimates Committee	Overview of program, including eligibility criteria, costs and exemptions.
July 2013	Media Release announcing commencement of program	Announcing suppliers following the procurement process, overview of program, including eligibility criteria and costs.
July 2013	Correspondence to participants	Outlining participation requirement upon re-licensing.
	Correspondence to first time offenders with a reading less than 0.15BAC	Advice to first time offenders regarding the eligibility criteria and program overview.

Media Statement

25 February 2010

GRAEME STURGES
Minister for Infrastructure

Alcohol Interlocks to Keep Roads Safe

The Minister for Infrastructure, Graeme Sturges, today announced that a re-elected Bartlett Labor Government would introduce alcohol interlocks into Tasmania to crack down on repeat drink drivers and people driving while seriously impaired by alcohol.

Mr Sturges said Labor would spend \$430,000 implementing an alcohol interlock program.

"The aim of introducing alcohol interlocks into Tasmania is simple: we want to save lives.

"Labor is serious about road safety, and we are committed to using whatever technology we can to ensure that people likely to repeatedly drink and drive are prevented from putting their own life at risk and the lives of every other road user."

Mr Sturges said while breath testing and road safety campaigns targeting drink driving had been successful in achieving a decline in crashes involving drink drivers, Labor was determined to ensure repeat drink drivers were prevented from causing harm.

"Under this program, all repeat drink drivers and drivers who record a blood alcohol level of 0.15 or higher, will only be eligible to be re-licensed after serving their suspension or disqualification period if they fit an interlock to their vehicle.

teambartlett.com.au

Building a strong Tasmania



Attachment 4

Alcohol Interlocks to Boost Road Safety

Thu 31 May 2012

David O'Byrne

Minister for Infrastructure

A mandatory alcohol interlock program targeting repeat drink drivers will be introduced by the end of the year.

The Minister for Infrastructure, David O'Byrne, said tenders for the \$430,000 road safety initiative will be sought next month.

"The aim of alcohol interlocks is simple. We want to save lives," Mr O'Byrne said.

"The Government uses the best experts and research available to guide every decision we make to improve road safety. Alcohol interlocks are another excellent example.

"The technology ensures people who are likely to repeatedly drink and drive can't just get behind the wheel and risk lives," he said.

After a successful trial and consultation with stakeholders, DIER is now ready to call for tenders.

In 2011, 11% of serious casualty crashes in Tasmania featured alcohol as a major crash factor. It was the third highest factor behind inexperience and speeding.

From 2006 to 2010, 71 fatalities and 346 serious injuries were identified as having alcohol as a factor.

Research suggests that one in every two drivers caught drink driving has at least two prior convictions for the same offence.

Under the interlock program, all repeat drink drivers, or anyone who's been caught with a blood alcohol level of 0.15 or higher, will only be re-licensed if they fit an interlock to their vehicle.

Once the interlock had been fitted, the car can only be started after providing a breath sample. If the driver gives a reading above a specified level, the ignition is automatically locked and the car is immobilised.

Further tests are also required at random intervals, once the car has been started. Test results, retests and attempts to bypass the device are all recorded electronically.

Participants in the program will have to participate for a minimum of 15 months, at a cost of about \$3000 - borne by the offenders themselves.

The Tasmanian Road Safety Levy raises \$11 million each year, to be spent solely on road safety measures and initiatives.

"Last year, Tasmania recorded the lowest road toll on record. That's encouraging, and suggests our approach to road safety is working," Mr O'Byrne said.

"But every death is a tragedy, and one death too many. We know there's no room for complacency.

"We'll continue investing and researching strongly to help protect Tasmanian lives.

"In particular, this interlock program will help keep repeat drink drivers off our roads, making them as safe as possible for all Tasmanians," Mr O'Byrne said.

For more information on Tasmania's mandatory alcohol interlock program, go to www.transport.tas.gov.au



Tasmania

Explore the possibilities

Approved alcohol interlock devices

Under the program you must not drive a vehicle unless it has an interlock fitted and maintained by an alcohol interlock supplier approved by the Department of Infrastructure, Energy and Resources.

You also cannot buy and install your own alcohol interlock. Alcohol interlocks can be installed in any vehicle including heavy vehicles and motor bikes.



Are discounts or financial assistance available?

If you hold a valid Health Care Card issued by the Australian Government you may be eligible for a discount of up to 35 percent for costs relating to program administration and the installation, rental, servicing and removal of an alcohol interlock.

Are any exemptions available?

There are some very limited program exemptions available.

- You have a medical condition, supported by a medical certificate, that will not allow you to operate an alcohol interlock
- You reside on King Island or in the Furneaux Group and it is not feasible to install an alcohol interlock to a vehicle you must drive.

You must obtain and pay the cost of a report from an approved alcohol interlock supplier confirming that it is not feasible to install an alcohol interlock. Applications for exemptions must include the report and all relevant supporting evidence. Exemption application fees will also apply.

Are there any penalties for not following the rules of the program?

If you choose not to obtain a driver licence after your disqualification period ends and you drive unlicensed you may face a heavy fine and a further disqualification period.

Under the "I Condition" you must not drive a vehicle with a BAC greater than zero and if you are convicted of any alcohol-related offence you will need to start the program again.

If you lose your licence or the registration of a nominated vehicle lapses for any reason you will have the "I Condition Period" extended by any suspension or cancellation period.

- If you have a program exemption, you must:
- obey all restrictions stated on the exemption certificate at all times.
 - produce the exemption certificate for inspection when requested by a police officer
 - notify the Department of Infrastructure, Energy and Resources in writing of any changes to your personal situation that may affect your exemption within 14 days of the change occurring.

What if both myself and another program participant want to drive the same nominated vehicle?

More than one person can nominate the same vehicle to have an alcohol interlock installed under the program.

Both persons will each need to ensure the installed alcohol interlock can differentiate between interlock program drivers (e.g. pin code and camera) and pay program administration, installation, rental, servicing and removal costs.

The information contained in this fact sheet is current as at 15 May 2012 and indicative only of the proposed Mandatory Alcohol Interlock Program.

For the latest information, including Frequently Asked Questions (FAQ), please visit

<http://www.transport.tas.gov.au/safety/interlocks>

Department of Infrastructure,
Energy and Resources

Fact Sheet

Tasmania's proposed Mandatory Alcohol Interlock Program

Tasmania's proposed Mandatory Alcohol Interlock Program

Tasmania's proposed Mandatory Alcohol Interlock Program will apply to people who are convicted of drink driving offences after serving their licence suspension.

An alcohol interlock is a breath-testing device that is connected to a vehicle's ignition and stops a driver starting a vehicle (a "lockout") if they have been drinking alcohol. The driver must record a zero blood alcohol reading on their breath test to start the vehicle, and also perform random breath tests during the journey.

To legally drive, program participants must fit an alcohol interlock from an approved supplier to any vehicles they drive.

Alcohol interlocks aim to protect the general public by ensuring program participants can only drive with a zero Blood Alcohol Concentration (BAC).

Who does the program apply to?

You will be required to participate in the program if you are convicted of any of the following offences:

- a drink driving offence recording a BAC of 0.15 or more
- two or more drink driving offences in a five year period
- driving under the influence of liquor
- failing to provide a breath/blood specimen for analysis.

Learner drivers exempt

If you committed any of the above offences while a learner driver you will be exempt from the program. Involvement of learner drivers will be considered in a review of novice driver licensing policy scheduled for completion in 2013.



Yes the proposed program applies to me. What will I be required to do?

You will be sent program information and application forms before your disqualification period ends. Before you can drive you will need to:

1. Complete the program application form and arrange to have an alcohol interlock installed in a vehicle by an approved alcohol interlock supplier.
2. Take the program application form, endorsed by the alcohol interlock supplier, to Service Tasmania and apply for a new licence. Your new licence will show an 'I' (an "I Condition" requiring an 'alcohol interlock') on it.

The alcohol interlock supplier will advise the Department of Infrastructure, Energy and Resources which vehicle/s you will be driving under the program.

Under the "I Condition" you can only legally drive:

- with a vehicle/s that you have nominated on a program application form (a nominated vehicle); and
- with a zero blood alcohol concentration (BAC).

Can other people drive the vehicle that is fitted with an alcohol interlock?

Yes. Other people such as family members can drive the vehicle fitted with an alcohol interlock. These drivers must also record a zero blood alcohol reading to start the vehicle. There are measures in place to ensure the alcohol interlock cannot be bypassed by having another person start the vehicle on behalf of the program driver.

How long will I have to be a part of the program?

You will need to have an alcohol interlock installed in any vehicle you drive for a minimum period of 15 months (the "I Condition Period").

The "I Condition Period" starts on the day you are issued with a driver's licence with an "I Condition" and comprises two stages:

- A "Learning Period" of 270 days (nine months); followed by
- A "Demonstration Period" of minimum 180 days (six months).

To complete the program you must demonstrate that you can separate your drinking from your driving during the "Demonstration Period".

How do I complete the program

To complete the program, during the last 180 days of the "Demonstration Period" any nominated vehicle must not record any "lockouts". This means you have demonstrated you can meet the "I Condition" zero BAC requirement without the need for an alcohol interlock.

Tampering or interfering with the alcohol interlock device will not count towards the "I Condition Period".

You will be advised by the Department of Infrastructure, Energy and Resources when you have completed the program and can apply for the "I Condition" to be revoked.

During the "I Condition" period the Department of Infrastructure, Energy and Resources will regularly advise you of your overall progress towards completing the program.

Servicing the alcohol interlock device

You will be required to service the interlock device every 45 days at service centres established around Tasmania.

You will be required to attend servicing in person to receive a "Performance Report" including the number of "lockouts" recorded during the last service period. If you do not attend the service in person the current service period will not count towards the "I Condition Period".

After the initial 45 day service period, if you do not record any "lockouts" in any service period, you may be eligible for a 90 day service period for the following service period.

What are the costs of the program?

You will have to pay for all costs relating to the program. This will include program administration fees, installation, rental, servicing and removal costs of the alcohol interlock. Indicative fees are as follows:

- Program application fee and installation costs - \$170
- Administration and rental costs - \$130 per month
- Servicing costs at 45 to 90 days - \$56 per service
- Program completion and removal costs - \$170.

The cost to successfully complete the program is around \$2980.



From: Snowball, Peter (DIER)
Sent: Friday, 1 June 2012 4:05 PM
To: 'neil.mackinnon@tcci.com.au?'
Subject: Proposed Mandatory Alcohol Interlock Program - Consultation with the
Tasmanian Chamber of Commerce and Industry (TCCI)
Attachments: 041774 001 MAIP Fact Sheet 310512.pdf

Hi Neil

On Thursday, 31 May 2012, the Minister for Infrastructure, David O'Byrne, announced that a Mandatory Alcohol Interlock Program targeting repeat drink drivers will be introduced by the end of the year.

DIER are consulting with key stakeholders before finalising the program and calling tenders to appoint alcohol interlock suppliers.

As TCCI members may be impacted by the proposed program I draw your attention to detailed information about the proposed program publically available at the website
<http://www.transport.tas.gov.au/safety/interlocks>.

The attached fact sheet has also been prepared to give an overview of the program.
Please note this fact sheet has been prepared for the consultation process only and DIER would appreciate it if TCCI does not distributed it publicly.

To comment on the proposed program please reply directly by e-mail to peter.snowball@dier.tas.gov.au by close of business Friday 22nd of June 2012.

Regards
Peter

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www.dier.tas.gov.au

Attachment 7

No Complacency on Road Safety

Tue 1 January 2013
David O'Byrne
Minister for Infrastructure

The Infrastructure Minister, David O'Byrne, today said better roads, better technology, and driver education remain the Government's road safety priorities.

Tasmania's final road toll figure for 2012 was 33 fatalities.

"While it's encouraging that our road toll had fallen to historically low levels, there's no room for complacency," Mr O'Byrne said.

"Every life is precious, and every death or serious injury is one too many.

"We continue investing more than \$12 million a year into boosting safety through the Road Safety Levy.

"Every project we support is based on thorough research and the best evidence available.

"Since 2005, we've reduced the number of deaths and serious injuries on our roads by almost a third.

"We're on the right track, but there's more to be done," he said.

Tasmania's recent road toll figures have been:

2007 - 45

2008 - 39

2009 - 63

2010 - 31 (record low when achieved)

2011 - 24 (consecutive record low - records kept since 1967)

2012 - 33

Tasmania recorded consecutive record low tolls in 2010 and 2011. So while unfortunate, it's not unexpected for the 2012 toll to be higher than last year.

Road fatalities in 2012 involved a high proportion of crashes in high-speed zones, as well as single vehicles running off the road.

"It's very disappointing that irresponsible actions like speeding, drink-driving, drug-driving, and failing to give way are still the main crash factors," Mr O'Byrne said.

"These results again show the importance of the Tasmanian Road Safety Strategy," he said.

The strategy's priorities include:

- Reducing the number and severity of crashes in higher speed zones.
- Reducing head-on and run-off-road crashes.
- Reducing crashes involving younger drivers.

Of the 223 serious injuries on Tasmanian roads to November 30th, 2012, the figures indicate:

- Excessive speed for the conditions or circumstances was a factor in 13.2% of them, with inexperience contributing to 15.2%, alcohol 9.3%, failing to give way 8.4% and an external distraction 5.2%;
- 40.8% of people injured were under 29 years old, 23.3% were aged between 30-49, 18.8% between 50-64, and 16.6% were aged over 64;
- Vehicle drivers made up 44.4% of serious injuries, motorcyclists 19.2%, passengers 17.9%, pedestrians 13.9%, and bicyclists 2.7%.

While most crashes still involve younger people, the number of crash victims aged over 50 increased - most likely reflecting Tasmania's ageing population.

"The Government offers driving courses for older Tasmanians to update their driving skills and knowledge," Mr O'Byrne said.

Major ongoing Government initiatives to save lives on Tasmanian roads include:

1) The Safer Non-Urban Roads Strategy.

- More than 40 per cent of serious Tasmanian casualties happen on the 100km/h non-urban road network
- It's estimated more than 100 people over the next six years will escape death or serious injury when the non-urban limit is reduced to 90km/h on roads that don't meet the local criteria for 100km/h.

2) Alcohol Interlocks Program

- Relevant offenders will only be re-licensed if they fit an interlock to their vehicle.
- The car can only be started after providing a breath sample. If the sample reads above a specified level, the ignition automatically locks.
- Participants are involved for at least 15 months, at a cost of about \$3000 - borne by offenders themselves.

3) Summer Road Maintenance Program

- Road maintenance worth more than \$20 million will happen between now and April.
- 120 projects will cover both state and national roads.
- After some particularly wet summers, DIER's looking to make strong progress in this maintenance season.

"Good maintenance and technology that reduces the crash risk and severity makes a big difference," Mr O'Byrne said.

"As a Government, we're determined to keep playing our part by investing in proven safety measures and projects.

"As Tasmanians, let's all renew our efforts in the new year - by paying attention, taking care, and following the rules," he said.

