
Drink driving

Summary

- It is against the law for full licence holders in Victoria to drive with a BAC of 0.05 or more.
 - Probationary drivers (P plates), learner drivers (L plates) and commercial drivers must only drive with a zero BAC.
 - Penalties for drink driving include licence cancellation, heavy fines, vehicle impoundment or immobilisation and, for very serious offences, community-based orders or imprisonment.
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Alcohol is a major factor in road deaths in Victoria. Each year about one quarter of drivers killed in road crashes in Victoria had a Blood Alcohol Concentration (BAC) over the legal limit.

At a BAC of 0.05, your risk of being involved in a road crash is about double that of a BAC of zero.

In Victoria, there have been intensive media campaigns and concentrated police efforts to discourage people from drinking alcohol then driving, including advertisements about the consequences of drink driving and an increase in random breath testing.

Drink-driving laws in Victoria

The legal blood alcohol concentration (BAC) limit for fully licensed drivers in Victoria, and all other states and territories, is 0.05. A zero BAC is required for:

- drivers on a probationary licence (P plates) or learner permit (L plates)
- bus and taxi drivers
- drivers of trucks over 15 tonnes.

The law in Victoria imposes severe penalties on convicted drink-drivers, including loss of licence, fines and, occasionally, imprisonment. More than 12,000 Victorians lose their licences every year because of drink-driving offences.

As of 1 October 2014, anyone who loses their licence or learner permit due to a drink-driving offence is required to install an alcohol interlock in any vehicle they drive as a condition of relicensing.

Since December 2011, it has also been an offence to drink alcohol while driving a car, or while sitting beside someone who is learning to drive, even if there is no alcohol detected in the driver's blood or breath.

From 1 August 2015, significant penalties apply if drivers on Victorian roads are caught with both illegal blood or breath alcohol concentration (BAC) and illicit drugs in their system.

Factors influencing BAC

Some of the factors that influence the concentration of alcohol in a person's breath or blood (BAC) include:

- the amount and type of alcohol consumed
 - the rate of drinking and the time since the last drink
 - the amount of alcohol that remains in the stomach
 - other foods or liquids in the stomach
 - the amount of alcohol already metabolised by the liver
 - the general health and competence of the liver
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- the person's metabolic rate
- physical factors, including gender, body size and lean tissue to body fat ratio
- the volume of water in the tissues of the body, which can be affected by such things as medication, illness and the menstrual cycle.

Estimating BAC

The only way to measure your BAC is by using a fully calibrated testing machine. The general advice on limiting your drinking to a particular number of standard drinks per hour may work for some people, but not for others. There are simply too many factors to take into consideration. The only way to be sure is to not drink alcohol if you are going to drive. If you are going to drink, do not drive.

Breath testing for BAC

Victoria Police carries out extensive breath testing and screens between 3.5 and 4 million drivers for the presence of alcohol per year. The procedure is straightforward. The driver is instructed to blow into a hand-held breath-testing device until deep lung air is exhaled. The BAC reading is given on the digital display.

Refusing a breath test is a serious offence with severe penalties. A driver who does not cooperate is likely to be fined and disqualified from driving.

Penalties for drink-driving

The penalties for drink-driving depend on the BAC level and on whether the driver has prior drink-driving offences. Penalties usually include licence cancellation and installation of a mandatory alcohol interlock upon relicensing for a set period.

A learner or probationary driver who records a BAC of less than 0.05 will have their licence cancelled for three months and will be required to install an alcohol interlock for at least six months once they are relicensed.

A fully licensed driver who records a BAC of between 0.05 and 0.07 will be fined and incur 10 demerit points. A fully licensed driver who records a BAC of 0.07 or more will have their licence cancelled and be required to install an alcohol interlock for at least six months once they are relicensed.

All repeat drink drivers will have their licences cancelled and be required to install an alcohol interlock.

For very serious offences, punishment may include community-based orders or imprisonment.

Rehabilitation after drink-driving

The requirements for regaining a licence depend on the circumstances and may include a compulsory drink-driver education course, a court order and, for many offenders, clinical assessments for alcohol problems. In Victoria, advice is available from DirectLine on 1800 888 236.

Specific requirements before drink drivers can be re-licensed include:

- All first time drink-drivers with a BAC of 0.10 or more, and all repeat drink-drivers, must obtain a Licence Eligibility Order from a court (effective 1 October 2014).
- All first time drink-drivers with a BAC less than 0.10 must apply directly to VicRoads to get their license back following the cancellation period (effective 1 October 2014).
- Drink-drivers under 25 years and those applying to the court for a Licence Eligibility Order are usually required to complete a drink-driver education course.
- Depending on the drink-driving offence, the court may require an assessment of the person's use of alcohol. These assessments are prepared by an accredited assessor.

Alcohol interlocks

An alcohol interlock is an electronic breath-testing device that is wired to the ignition system of a vehicle. A vehicle fitted with an alcohol interlock will not start unless the driver passes a breath test. The alcohol interlock will also request breath tests during the trip.

For offences committed from 1 October 2014, the following drink-drivers must install an alcohol interlock as a mandatory condition of relicensing:

- first time drink-drivers who have a probationary licence or learner permit (at any BAC level)
- first time drink-drivers under 26 years and holding a full licence with a BAC of 0.05 or more
- first time drink-drivers with a BAC under 0.07 whose licences are cancelled, including professional drivers of buses, taxis and vehicles over 15 tonnes
- other first-time drink-drivers with a BAC of 0.07 or more
- all repeat drink-driving offenders
- offenders driving under the influence of alcohol, refusing to provide a breath or blood sample, or refusing to stop at a breath-testing station or to cooperate in the conduct of a test
- offenders committing serious alcohol-related offences under the Sentencing Act 1991.

The minimum alcohol interlock fitment period is at least six months, with periods for repeat and other serious offences ranging from 12 months to four years or more. All costs associated with installing, using and removing an alcohol interlock are the driver's responsibility.

Vehicles impounded or immobilised

Under Victorian law, a drink-driving offender with a BAC of 0.10 or higher could have their vehicle impounded or immobilised for 30 days. The courts may also impose a further period of impoundment or immobilisation. A driver with an alcohol interlock licence condition who drives a car that is not fitted with an interlock may have their car impounded for up to 12 months.

Where to get help

- Your doctor
- VicRoads Tel. 13 11 71
- DrugInfo Tel. 1300 85 85 84 – for information about alcohol and its effects
- DirectLine Tel. 1800 888 236 – for 24-hour confidential drug and alcohol telephone counselling, information and referral
- Victoria Legal Aid Tel. 1300 792 387
- Solicitor
- Your local community health service.
- Family Drug Help – for information and support for people concerned about a relative or friend using drugs (24 hours, 7 days) Tel. 1300 660 068

Things to remember

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