



The Royal Automobile Club of Queensland Limited

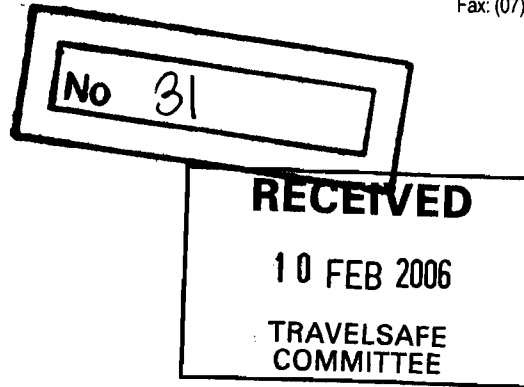
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7 February 2006

The Research Director
Travelsafe Committee
Parliament House, George Street
BRISBANE Q 4000



Dear Sir/Madam,

Re: Inquiry Into Vehicle Impoundment for Drink Drivers

As Queensland's leading motorists' advocate with more than one million members, the RACQ appreciates the opportunity to make a submission to the Parliamentary Travelsafe Committee's Inquiry into Vehicle Impoundment for Drink Drivers.

Our submission provides the RACQ's comments on the issues raised in the Travelsafe Committee's *Issues Paper No. 10*.

We trust that the Committee finds our comments and recommendations of value in its deliberations.

The RACQ would be pleased to make available senior staff to elaborate on any of the matters raised in this submission.

For this purpose I can be contacted by email gary.fites@racq.com.au, by telephone on (07) 3872 8909, or by fax on (07) 3252 3587.

Yours faithfully

Gary Fites
General Manager External Relations



SUBMISSION

TO

PARLIAMENTARY TRAVELSAFE COMMITTEE:

**INQUIRY INTO VEHICLE IMPOUNDMENT FOR DRINK
DRIVERS**



Prepared by:

Traffic and Safety Department, The Royal Automobile Club of Queensland Limited

Date:

January 2006

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SUMMARY

In this submission the Royal Automobile Club of Queensland Limited (RACQ) addresses the issues for comment raised in the Queensland Parliamentary Travelsafe Committee's *Issues Paper No. 10: Inquiry Into Vehicle Impoundment For Drink Drivers*.

The community generally acknowledges that drink driving is socially unacceptable behaviour. Random breath testing [RBT] was introduced into Queensland in 1988 and, since then, considerable progress has been made in reducing the number of drink-driving related crashes by the use of RBT and publicity campaigns. More work needs to be done however, through initiatives targeted at those who are most likely to offend, particularly on a repeated basis (RACQ 2004, p42).

There is evidence to suggest that some drink drivers in Queensland continue to drive illegally after being apprehended by police or disqualified by the courts, and it appears that the number of drivers who continue to drive illegally after being apprehended by the police or disqualified by the courts could be quite significant.

Due to the fact that some drink drivers are continuing to drive illegally after being convicted of drink driving, there has been an increased interest in laws in both Australia and abroad, providing for sanctions directed at the vehicles of drivers convicted of driving while impaired [DWI] and driving while suspended [DWS] (Voas and De Young 2002, p264).

This need to target the vehicles of repeat offenders can be attributed to the fact that, while research has found that licence suspension is effective in reducing recidivism for drivers convicted of driving while impaired, the impact of licence suspension as a sanction on impaired drivers is being reduced by a proportion of offenders who continue to drive while suspended (Voas and De Young 2002, p263).

As licence suspension/disqualification is currently (along with monetary fines) the primary form of penalty/sanction applied to drink drivers in Queensland, the effectiveness of current drink driving penalties may be undermined by drivers who continue to drive illegally after being apprehended by the police or disqualified by the courts.

The RACQ acknowledges that monetary fines and licence sanctions can have a limited effect as a deterrent for repeat offenders who continue to drive unlicensed after they have lost their licences (RACQ 2004, p64).

The RACQ believes that it is important to assist and control drink drivers to reduce their risk of re-offending, and this could be achieved through additional penalties/sanctions or programs, e.g., rehabilitation programs, alcohol ignition interlocks, and vehicle impoundment (RACQ 2004, p43).

However, the RACQ also believes that, prior to the implementation of vehicle impoundment and/or ignition key confiscation sanctions for drink drivers in Queensland, further research should be undertaken to determine whether:

- Vehicle impoundment presents a cost-effective vehicle sanction, in conjunction with licence sanctions, to prevent drink drivers from repeating or continuing the offence; and

- There is a need for vehicle ignition key confiscation at the time of the offence, and whether it will provide a cost-effective preventative measure to prevent drivers from repeating or continuing the offence.

It is important to note that there are other sanctions that may be effective in reducing the amount of repeat drink driving in Queensland. These sanctions include:

- Alcohol interlocks, which the Club believes should be further researched and trialled on a wide scale for implementation in Queensland for repeat drink driving offenders [and if the wide scale trial is successful, the RACQ believes that an interlock program should be introduced permanently];
- Vehicle immobilization, which the Club believes should be further researched in regard to the benefits and costs associated, and that the Club also believes should be considered for implementation as a sanction to help reduce the amount of repeat drink driving in Queensland;
- Licence/number plate confiscation in conjunction with the introduction of a 'family plate' option, which the RACQ recommends should be considered for introduction in Queensland as a sanction to help reduce the amount of repeat drink driving; and
- Administrative/immediate licence suspension, which the Club believes should be considered for implementation from the detection of the offence until the court hearing, and which could apply to certain high BAC or repeat offences, or to instances where drivers refused to provide a blood or breath sample to police officers. It is understood that Victoria has a similar sanction.

Further to this, the *Under the Limit* program which is currently available to offenders post-sentencing in Queensland has been shown to be able to reduce drink driving by 55% among the high-risk serious offenders who successfully completed the program (Sheehan et al. 2005, p19). RACQ member surveys show 84% support for the introduction of special programs for serious and/or repeat offenders (RACQ 2004, p64) and therefore, the RACQ recommends that consideration be given to making the *Under the Limit* or a similar program compulsory for all repeat drink driving offenders.

The RACQ also believes anti-drink driving media campaigns should be continued in Queensland, and that if new sanctions are introduced, media campaigns based on informing the public about these sanctions should be considered as part of a 'multi-strategy approach'.

The Club recommends that a requirement for the compulsory carriage of licence for all drivers in Queensland be introduced.

Consideration should be given to the introduction of additional powers for police to prevent drivers from driving their vehicle again while over the legal BAC limit within 24 hours of first being caught through vehicle sanctions, e.g., vehicle immobilization, impoundment, or ignition key confiscation.

The number of on-road police patrols in Queensland, should be increased.

List of Recommendations

Recommendations made in this submission are as follows:

Vehicle Impoundment

- Further research the costs and benefits of vehicle impoundment as an effective vehicle sanction, in conjunction with licence sanctions, to prevent drink drivers from repeating or continuing the offence.
- Consider the introduction of vehicle impoundment, in conjunction with licence sanctions, to prevent drink drivers from repeating or continuing the offence.

Vehicle Ignition Key Confiscation

- Further research the need for a vehicle ignition key confiscation sanction at the time of the offence in order to determine whether it will provide a cost-effective preventative measure to prevent drivers from repeating or continuing the offence.
- Provided that research shows a need to prevent a significant proportion of drivers from returning to drive their vehicles immediately after being caught and while still over the legal BAC limit, consider the introduction of a vehicle ignition key confiscation sanction to prevent drink drivers from repeating or continuing the offence.

Alcohol Interlocks

- Further research and trials be undertaken to establish whether a large-scale interlock program should be introduced in Queensland.
- Should a large-scale interlock trial prove successful, introduce a permanent alcohol interlock program in Queensland.
- In any future interlock program trials, research or evaluations, programs should feature: (a) careful screening of offenders for interlock program participation, (b) interlocks combined with other treatment programs, (c) monitoring of individuals on the interlock program, (d) program administration through the licensing agency, and (d) swift enforcement of drink driving sanctions with minimal delays between the time of the offence and court dealings (Harris 1999, p3-4).
- If interlocks are introduced in Queensland, the option of fitting an interlock should be made more attractive to repeat drink drivers through making alternative penalties harsher and, where fines are imposed, more expensive than fitting an interlock.

Vehicle Immobilization

- Further research the costs and benefits of vehicle immobilization as a sanction for helping to reduce the amount of repeat drink driving in Queensland.
- Consider the introduction of vehicle immobilization as a sanction for helping to reduce the amount of repeat drink driving in Queensland.

Number Plate Confiscation/Special Number Plates

- Consider the introduction of vehicle licence/number plate confiscation in conjunction with a 'family plate' option, as a sanction to help reduce the amount of repeat drink driving.
- If vehicle licence/number plate confiscation in conjunction with a 'family plate' option is introduced, conduct a public awareness campaign explaining the purpose of 'family plates'.

Administrative/Immediate Licence Suspension/Revocation

- Consider extending the period of immediate licence suspension for repeat drink drivers, drivers over the high BAC limit, or drivers who refuse to provide a breath or blood sample from 24-hours to the time of the court hearing for the offence.

Drink Driving Education/Rehabilitation Programs

- Make the 'Under The Limit' [or a similarly appropriate] program compulsory for all repeat drink driving offenders.

'Multi-strategy' Approach

- Continue anti-drink driving media campaigns.
- If new sanctions are introduced, consider new media campaigns based on informing the public about these sanctions.

Mandatory Carriage of Licence

- Introduce a requirement for the compulsory carriage of licence for all drivers in Queensland.

Sanction Time Frames

- That if vehicle sanctions are introduced, timeframes for the implementation of vehicle sanctions against the offenders be kept as short as possible.

Existing Penalties

- Consider the introduction of further penalties and sanctions for repeat drink driving offenders.

Police Powers to Manage Drink Driving

- Consider the introduction of additional powers for police to prevent drivers from driving their vehicle again while over the legal BAC limit within 24 hours of first being caught drink driving, e.g., vehicle immobilization or impoundment, or vehicle ignition key confiscation.
- Increase the level of enforcement, both random – anywhere anytime – and targeted at high-risk times and locations, plus education so drivers perceive a real risk of detection should they exceed legal BAC limits.
- Increase the number of on-road police patrols in Queensland.

Legislative Implementation of New/Additional Vehicle Impoundment or Ignition Key Sanctions

- That the *Police Powers and Responsibilities Act 2000* not be amended to include drink driving as a 'prescribed offence' enabling police officers to impound drink drivers' vehicles.
- That further research be conducted into the costs and benefits of vehicle impoundment as an effective Vehicle sanction, as well as further research into how drink-driving specific sanctions could be implemented in Queensland legislation, prior to the adoption of any vehicle impoundment sanctions for drink drivers in Queensland.
- That Queensland does not introduce legislation with regard to vehicle impoundment and vehicle ignition key confiscation that is consistent with other Australian jurisdictions that have these sanctions – given the *lack* of consistency in regulations between those other states.
- That the experiences of other Australian states and overseas jurisdictions in the legislative implementation of vehicle impoundment and vehicle ignition key confiscation be taken into account in considering the possible introduction of such measures in Queensland.

Appeals Process

- The RACQ supports the 'tightening' of the appeals process to grant success only in instances that warrant it.

1.0 Introduction

Drink driving is a serious road safety problem in Queensland. While there are severe penalties for drivers convicted of drink driving that include licence suspension and monetary fines that can be a sufficient deterrent to drink driving for most drivers, these sanctions do not physically stop an offender from re-entering the vehicle and repeating the offence of drink driving while unlicensed.

“Media reports throughout 2005 have emphasised a high level of community concern over recidivism rates of unlicensed drivers, some of whom have been disqualified for drink driving offences” (Queensland Parliamentary Travelsafe Committee 2005, p3).

In November 2005, the Queensland Parliamentary Travelsafe Committee invited submissions from the public on the issues raised in the Committee’s *Issues Paper No. 10: Inquiry Into Vehicle Impoundment For Drink Drivers*.

Under the Inquiry’s terms of reference, the Queensland Parliamentary Travelsafe Committee (2005, p1) will investigate and report on the following:

- Whether drink drivers in Queensland continue to drive illegally after being apprehended by police or disqualified from driving by the courts;
- Whether the incidence of repeat drink driving undermines the effectiveness of existing penalties for drink driving offences; and
- Whether vehicle impoundment and/or ignition key confiscation are cost-effective deterrents that will reduce drink driving recidivism.

This submission provides RACQ’s responses to the questions raised by the Queensland Parliamentary Travelsafe Committee’s (2005) *Issues Paper No. 10: Inquiry Into Vehicle Impoundment For Drink Drivers*.

2.0 RACQ Comments

2.1 Do drink drivers in Queensland continue to drive illegally after being apprehended by police or disqualified by the courts?

There is evidence to suggest that some drink drivers in Queensland continue to drive illegally after being apprehended by police or being disqualified by the courts.

In November 2005, it was stated in a media article that: “Police figures showed that from January 1 to March 31 this year [2005], 85 people in Queensland were charged with committing a second drink-driving offence within 24 hours of initially being caught drink-driving” (AAP in the *Queensland Times* 11/11/05, p10).

In 2005, a total of “321 drivers were caught re-offending for drink driving within a 24 hour period [...] In 2004, the number of repeat offenders for drink driving within a 24 hour period was 266. This indicates an increase in

detections in 2005 by approximately 21%, when compared to 2004” (Queensland Police Service 2006, p1).

For drivers disqualified by the courts, it is difficult to obtain an exact number of those who continue to drive.

However, it has been found that: “In 2005, approximately 3.5% of drink driving offences were re-offences (i.e., a person who was caught twice within the same year)” (Queensland Police Service 2006, p2).

Voas and De Young (2002, p264), in their overseas research, state that: “Studies of suspended offenders suggest that 75% drive while suspended, although perhaps they may drive less and somewhat more carefully”.

2.1.1 Is this a significant number of drivers?

It appears that the number of drivers who continue to drive illegally after being apprehended by the police or disqualified by the courts could be quite significant. This could especially be the case since one of the abovementioned statistics refers to 85 drivers caught drink driving a second time within 24 hours of first being caught in Queensland, over a period of only three months.

It is understood that the Queensland Police Service is currently conducting research into the extent of the recidivist drink driver problem.

2.1.2 How often do drink drivers in Queensland continue to do this?

A statistic on how often drink drivers in Queensland continue to drive illegally while unlicensed is most likely to be covered in the Queensland Police Service’s submission on this matter.

However, high-risk groups for this type of unlicensed driving behaviour have been identified.

Research indicates that the general profile of a recidivist unlicensed driver, is more likely to be reported as:

- Male;
- Young;
- Single/Separate/Divorced;
- Unemployed/Blue Collar Occupations;
- Having a history of traffic or criminal offences; and
- Having personality issues such as anti-social attitudes and/or poor impulse control (Sheehan et al. 2005, p6).

Research also suggests that: “the unlicensed recidivist offender is most likely to have a serious drink driving problem and to be over represented in serious alcohol related crashes” (Sheehan et al. 2005, p6).

It has also been found that: “crashes involving unlicensed drivers often involve a cluster of high-risk driving behaviours. These high risk behaviours include: driving while impaired by alcohol and drugs;

motorcycle riding; exceeding the speed limit; and driving at excessive speed for the prevailing conditions” (Sheehan et al. 2005, p6).

Due to the fact that some drink drivers are continuing to drive illegally after being convicted of drink driving, there has been an increased interest in laws in both Australia and abroad, in providing for sanctions directed at the vehicles of drivers convicted of driving while impaired [DWI] and driving while suspended [DWS] (Voas and De Young 2002, p264).

2.2 What are the costs and benefits of vehicle impoundment and forfeiture?

“In the United States, 14 States have impoundment laws that are widely used as sanctions for both DWI and DWS, with the length of the impoundment increasing with the number of previous offences” (Voas et al. 2004, p292). “Vehicle impoundment is also widely used in Canada and New Zealand” (Voas et al. 2004, p292). “Several European countries have legislation that permits the impounding or forfeiture of a DWI offender’s vehicle, but such actions are rare” (Voas et al. 2004, p296).

RACQ member surveys show that 89% believe that vehicles of people who have committed multiple drink-driving offences should be impounded (RACQ 2004, p42).

2.2.1 Benefits

With regard to the vehicle impoundment laws as used in the United States: “These laws have been shown to reduce recidivism while the vehicle is in custody and, to a lesser extent, even after the vehicle has been released” (Voas et al. 2002, p292).

A 1999 Californian study of the specific deterrent effect of a 30-day impoundment law for suspended/unlicensed drivers found that first offenders who had their vehicles impounded had:

- 24% less convictions for driving while suspended/unlicensed;
- 18% less total moving violations; and
- 25% less crashes than the comparison group (Voas and DeYoung 2002, p266).

In the same study, repeat offenders who had their vehicles impounded had:

- 34% fewer one-year driving while suspended/unlicensed convictions;
- 22% less moving violations; and
- 38% less crashes than their comparison group” (Voas and DeYoung 2002, p266).

New Zealand’s impoundment program is believed to be similar to California’s (Voas et al. 2004, p297). In New Zealand, police officers impound the vehicle of suspended drivers for a period of 28 days (Voas et al. 2004, p297).

After the introduction of New Zealand's impoundment program, it was found that: "Over a two-year period (1999 to 2001), 25,000 out of 2.7 million registered vehicles, were impounded, of which 40% to 50% were left unclaimed, an experience similar to that in California. Between 1998 and 2000, the number of unlicensed drivers in fatal crashes decreased from 10% to 7%, and the number of DWS offences fell by one-third, providing some initial evidence for the effectiveness of the impoundment law" (Voas et al. 2004, p297).

Research shows that vehicle impoundment offers a means for reducing recidivism of offenders who have been convicted of driving while suspended, however there is no evidence to suggest that vehicle impoundment is an effective general deterrent to the general public (Voas et al. 2004, p293, Voas and De Young 2002, p269).

For the purposes of this inquiry however, it is important to identify the difference between the deterrent value and the prevention value of vehicle sanctions such as impoundment.

This inquiry appears to be primarily concerned with prevention of repeat drink driving, and for this purpose impoundment of vehicles appears to be a valuable method of preventing recidivism.

While there are currently 32 states in the United States that have provisions for vehicle forfeiture [generally for multiple offenders], there appears to be little information on the effectiveness of vehicle forfeiture as a sanction (Voas et al. 2004, p293).

2.2.2 Costs

Overseas research has found that: "Vehicle impoundment is expensive for the offender, who must pay the storage fees of up to \$20 [US] a day. It is also expensive to the community if the seized vehicle has little value and the offender fails to retrieve it: the community must absorb the storage bill" (Voas et al. 2004, p293).

In a study of Californian police departments receiving state grants for impoundment programs, the following issues were identified as contributors to the low application of the state's forfeiture provision:

- Low support from district attorneys and high prosecution costs;
- Cumbersome administrative process;
- Poor cost recovery due to the fact that sales of forfeited vehicles did not usually return the cost of seizing the vehicle;
- Third-party owners to which forfeiture provisions do not apply; and
- Low retrieval rates of vehicles after the 30-day impoundment period" (Voas and DeYoung 2002, p268).

The third point, in particular, raises some practicality issues with regard to the application of impoundment and forfeiture sanctions. As it is stated by Voas et al. (2004, p295): "A limitation on the practical utility of impoundment, and particularly forfeiture, is the relatively low average value of the vehicles driven by DWI and DWS offenders, particularly those vehicles that they decide to abandon. There is some evidence that experienced multiple offenders purchase old,

inexpensive vehicles just so the offenders can abandon them if they are seized by the police. In a study of vehicle impoundment in California, Peck and Voas (2002) found that a number of the police departments reported as many as half of the cars impounded were not retrieved by their owners. As noted, storage costs are substantial and can rise above the value of the vehicle if it remains in storage for a substantial length of time” (Voas et al. 2004, p295).

In Britain, it has been found that, similar to the United States, most of the seized vehicles are from low-income offenders and have little value (Voas et al. 2004, p296).

Because of the potentially high costs associated with the impoundment and storage of vehicles “it is important to the community to minimise the vehicle storage costs by using government-owned storage lots or providing vehicle immobilization on the offender’s property” (Voas et al. 2004, p295).

2.3 What are the costs and benefits of ignition key confiscation?

As it has been stated in the issues paper (Queensland Parliamentary Travelsafe Committee 2005, p4), ignition key confiscation enables the police to confiscate the drink driver’s keys when the offence is detected, in order to prevent the offender from continuing to drive while possibly over the legal BAC limit.

It is understood that in several states in Australia, including New South Wales, Victoria and Tasmania the police are able to confiscate vehicle keys in this manner (Queensland Parliamentary Travelsafe Committee 2005, p4).

2.3.1 Benefits

A benefit of vehicle ignition key confiscation as described by the Queensland Parliamentary Travelsafe Committee (2005, p4) would be that the confiscation of vehicle keys would provide a physical barrier to drink drivers returning to, and driving their vehicles while still possibly over the legal BAC limit.

Ignition key confiscation would help to prevent crashes in situations such as the following, as described by McIntyre and Lowth (1999): “when police charged a 34-year-old man with having a blood alcohol level of 0.15 per cent. It appears after the man was bailed he walked from the police station to his car, which had been left on the side of the road. Minutes later the man was dead after crashing the car into a tree”.

Vehicle ignition key confiscation would help to increase the level of road safety due to the fact that drink drivers would not be able to return to their vehicles until they are once again below the legal BAC limit.

In New South Wales for example, the police are able to confiscate the drink driver's ignition keys "where drivers are considered to be incapable of having proper control of motor vehicles or in cases where the police, on reasonable grounds, believe that alcohol-affected drivers may reoffend" (Dyer in NSW Legislative Council 1998).

The ignition key can be returned to the driver on request once they are believed to be capable of driving safely [determined by being below the legal BAC limit], or to another responsible person, both instances at the discretion of the police (Dyer in NSW Legislative Council 1998).

A possible disadvantage of ignition key confiscation however, is that, as it was suggested in Western Australia: "The Police Minister and Civil Libertarians have already suggested the move could mean that police would have the power to punish people before they've been convicted of an offence" (McIntyre and Lowth 1999).

A possible counter-argument to this view of vehicle ignition key confiscation is offered by McIntyre and Lowth (1999): "It's an infringement of a liberty, but liberties are never absolute. They have to be balanced against a duty to protect the ordinary public and in some cases protect people from themselves [...] So long as the statutory provisions are clear and people can challenge that and they can go to court and make sure that the police don't exceed the statutory power, then some limited powers of that kind are often in the public good".

Another possible barrier to the ignition key confiscation sanction is that some offenders may have spare keys to their vehicle that would allow them to drive the vehicle prior to reaching a BAC below the legal limit.

The confiscation of vehicle ignition keys would be an effective barrier to driving a vehicle while over the legal BAC limit however, and it is expected that there would be very few offenders who would attempt to drive their vehicle again while over the legal BAC limit using a spare key to their vehicle.

2.3.2 Costs

It is expected that the primary costs associated with a system of temporary vehicle ignition key confiscation would be administrative costs pertaining to the correct confiscation, storage and release of the vehicle keys by the police. Further to this, there would be costs associated with the monitoring of the offender's BAC [perhaps using subsequent breathalyser tests] in order to ensure that the offenders are below the legal BAC level when the keys are returned to them.

2.4 Should vehicle impoundment or key confiscation be used in Queensland to prevent drink drivers from repeating or continuing the offence?

Sheehan et al. (2005, p4) state that: "Licence disqualification is the most common sanction used in the punishment of drink driving offenders in Australia, as it is widely regarded as a just and appropriate penalty for drink driving. However it cannot prevent an offender from driving as a result of their drink driving offence. This limits the ability of licence sanctions to act as a specific deterrent".

Similarly, overseas research has found that: "Licence suspension effectively reduces recidivism and crash involvement of those convicted of driving while impaired. The impact of this sanction, however, is being reduced by the large number of offenders (up to 75%) who drive even though suspended" (Voas and De Young 2002, p263).

It is believed that: "Offenders learn through disqualified driving that holding a drivers licence is not essential in transportation as long as care is taken with the amount of driving, nature of driving, and location. Consequently, unlicensed driving has the potential to damage any benefits that may be gained through the use of licence sanctions as a drink driving countermeasure" (Sheehan et al. 2005, p4).

It is due to this that other jurisdictions have investigated and implemented vehicle-based sanctions as methods to reduce recidivism and crash involvement for offending drivers who may otherwise drive while not legally licensed to do so.

RACQ acknowledges that monetary fines and licence sanctions can have a limited effect as a deterrent for repeat offenders who continue to drive unlicensed after they have lost their licences (RACQ 2004, p64).

The Club also sees the prevention value of vehicle impoundment for repeat drink drivers. However, it is important that before any form of vehicle impoundment sanction is implemented in Queensland, further research is undertaken into the costs and benefits of impoundment to determine whether it will provide a cost-effective option for helping to prevent drink drivers from repeating or continuing the offence.

This further consideration and research is especially important since impounding an offender's vehicle may result in non-offending family members or vehicle co-owners having to go without a previously relied upon means of transport for the duration of the impoundment sanction.

Similarly, while there appears to be value in the preventative qualities of vehicle ignition key confiscation as means of helping to prevent drink drivers from repeating or continuing the offence immediately after being caught drink driving, further research needs to be undertaken into whether cases of drivers returning to drive their vehicles while still over the legal BAC limit is common enough in Queensland to warrant the introduction of this countermeasure.

Recommendations:

- Further research the costs and benefits of vehicle impoundment as an effective vehicle sanction, in conjunction with licence sanctions, to prevent drink drivers from repeating or continuing the offence.
- Consider the introduction of vehicle impoundment, in conjunction with licence sanctions, to prevent drink drivers from repeating or continuing the offence.
- Further research the need for a vehicle ignition key confiscation sanction at the time of the offence in order to determine whether it will provide a cost-effective preventative measure to prevent drivers from repeating or continuing the offence.
- Provided that research shows a need to prevent a significant proportion of drivers from returning to drive their vehicles immediately after being caught and while still over the legal BAC limit, consider the introduction of a vehicle ignition key confiscation sanction to prevent drink drivers from repeating or continuing the offence.

In considering whether a vehicle impoundment and/or forfeiture sanction would be effective in Queensland, it is important to consider the following points raised by Voas and De Young (2002, p269):

- 50% or more of the vehicles driven illegally by drivers whose licences have been suspended are owned [either partially or fully] by other non-offenders;
- Most vehicle impoundment programs require towing and storage costs to be paid before the vehicle is returned to the owner;
- Common to most successful impoundment programs is the seizure of the vehicle at the time of arrest. This is due to the fact that otherwise offenders can sell their vehicles before an outcome is decided in court; and
- Due to the generally low sale value of offenders' vehicles, it is important that storage costs are kept to a minimum through fast court hearings and forfeiture actions.

2.5 Would other sanctions help reduce the amount of repeat drink driving?

There is a range of other sanctions that may also help to reduce the amount of repeat drink driving that occurs on Queensland's roads.

2.5.1 Alcohol interlocks

Alcohol interlocks "are essentially Breathalysers linked to a car's ignition system. The driver has to blow into it in order to start the car. If there is alcohol on his or her breath, the car won't start" (Haapaniemi 1998, p16).

An advantage that alcohol interlocks offer as a vehicle-based sanction is that they allow the offender and the offender's family to continue to

use the vehicle, and therefore there is no threat of job loss or hardship (Voas et al. 2004, p294).

Alcohol ignition interlock programs are a vehicle-based sanction that have been endorsed for introduction in the *National Road Safety Action Plan 2001/2002* by all states in Australia (Schonfeld and Sheehan 2004, p2).

Currently in the U.S.A there are 44 states with laws providing for interlock programs, and there are “close to a dozen independent evaluations of interlocks programs, which, with minor exceptions, have demonstrated that interlocks reduce DWI [driving while impaired] recidivism by as much as 90%” (Voas et al. 2004, p294).

According to Voas et al. (2004, p294) and their overseas research, alcohol interlocks may therefore have the potential to be an effective sanction for reducing the level of repeat drink driving in Queensland.

Queensland has conducted court-based implementation trial of alcohol interlocks, which commenced in 2001 (Schonfeld and Sheehan 2004, p1).

South Australia was the first state in Australia to establish an Alcohol Interlock Scheme for persons convicted of drink driving (Transport SA 2001, p1).

Participation in South Australia’s Scheme is voluntary, and drivers are required to bear all costs in relation to installing, renting, servicing and removing the Alcohol Interlock, as well as their counselling sessions (Transport SA 2001, p1).

Under South Australia’s scheme, the length of time that a participant’s licence is subjected to the conditions of the Alcohol Interlock Scheme is double the normal disqualification period for the relevant drink driving offence, prior to when the interlock licence was issued (Transport SA 2001, p3).

At entry and exit to the South Australian interlock scheme, participants are required to attend counselling sessions with the DASC [Drug and Alcohol Services Council] (Transport SA 2001, p4). These counselling sessions are conducted to assist the participant in remedying their drinking and driving behaviour (Transport SA 2001, p4).

By providing a remedial program to offenders in conjunction with the interlocks, the South Australian system is working to address the contention that the reduction in drink driving offered by interlocks does not appear to be sustainable once the interlocks are removed (Hands and Cercarelli 2003, p5).

While South Australia has implemented an alcohol interlock scheme, Schonfeld and Sheehan (2004, p1) have argued that there are a number of reasons that there have been delays in implementing interlock programs around Australia. These reasons include:

- “Evaluation issues including small sample sizes in early studies and perceived difficulties attracting larger numbers of

participants, short follow-up periods in all studies to date, biases introduced by the self-selection, or court selection of program participants;

- Concerns about the legal outcomes of compliance failures and the possible vulnerability of the machines to tampering;
- Cost of machines to participants, which is high for the typical Australian recidivist offender [...]
- Reluctance to modify the current loss of licence provisions which have strongly established validity as a means of reducing [though by no means stopping] recidivism;
- The evidence from earlier international studies that interlocks were only significantly effective in reducing recidivism while they were installed and that recidivism rates were no different to those of control groups in the period after they were taken off the offenders' vehicle;
- Confounding in the methodology underlying some of the overseas evaluations which arises from the fact that the persons on the interlock may be experiencing shorter periods of licence disqualification than the control groups who are on the routine disqualification [...]
- The practical issues determining relevant departmental or other agency responsibility for maintenance of the interlocks and for monitoring the data log on use and possible abuse;
- A lack of community and importantly, magistrate awareness of interlocks and their potential for reducing serious recidivist drink driving offences;
- Problems of passenger safety in a potentially disabled vehicle; and
- Issues of perceived fairness for other family members who may be dependent on the vehicle" (Schonfeld and Sheehan 2004, p1).

These issues, as identified by Schonfeld and Sheehan (2004, p1) would need to be taken into account should any further consideration be given to the introduction of an alcohol interlock program in Queensland for recidivist drink drivers.

This is especially important with regard to the issue of the cost of the interlock program to the user. "Alcohol interlock programs established in all other jurisdictions operate on a user pays basis. The costs associated with driving with an interlock device are significant and it is likely that some of those who may benefit the most from an interlock may be less able to pay" (Hands and Cercarelli 2003, p5). This issue of cost to the user would also need to be considered in order to prevent the costs of the program from causing financial hardship for offenders, especially if higher fines were part of an alternative penalty to interlock installation.

Another barrier to the introduction of interlock programs is that, as experience with court-based interlock programs in the U.S.A has shown, "unless potential interlock participants are pressured by the court through the threat of more severe sanctions, only about 1 in 10 DWI offenders will elect to install an interlock so that they may drive the vehicle legally. [...] Only when the court makes jail or house arrest the alternative will higher proportions of the offenders install interlocks"

(Voas et al. 2004, p296). In other words, for the interlock program to be most effective, offenders need to find it an attractive option. This could be achieved through interlocks being economically/financially more appealing than other penalty options, or as it has been suggested by Voas et al. (2004, 0296), for longer suspension periods/gaol time to be part of alternative penalties

Despite these criticisms, and from a preventative perspective, the RACQ sees value in alcohol interlocks for helping to reduce the amount of repeat drink driving in Queensland, and believes that further research and trials should be undertaken to establish whether a large-scale interlock program should be introduced in Queensland.

RACQ member surveys show a high level of support for interlocks, with 92% agreeing that repeat drink driving offenders should have interlocks fitted to their vehicles (RACQ 2004, p42).

An alcohol interlock program could be introduced in Queensland and in other states, as the devices are available and Australian guidelines for the programs' implementation already exist.

As it has been stated by Hands and Cercarelli (2003, p4): "Interlock programs have been widely evaluated and there is good evidence to show that interlocks have a beneficial impact on recidivism rates and alcohol-related crashes, at least as long as the device is installed in the vehicle. Interlocks are not intended to replace existing sanctions, but to provide additional options for preventing drink driving and as an adjunct to rehabilitation programs".

RACV research has found that: "In general, it was concluded that interlock programs are most effective if:

- offenders are carefully screened for interlock program participation
- interlocks are combined with other treatment programs
- individuals on the interlock program are monitored
- interlock programs are administered through the licensing agency
- enforcement of drink driving sanctions are swift and delays between the time of the offence and court dealings are minimised" (Harris 1999, p3-4).

Therefore it is important that in future, if any further interlock programs are trialled, researched or evaluated in Queensland, they have these features.

Recommendations:

- Further research and trials be undertaken to establish whether a large-scale interlock program should be introduced in Queensland.
- Should a large-scale interlock trial prove successful, introduce a permanent alcohol interlock program in Queensland.

- In any future interlock program trials, research or evaluations, programs should feature: (a) careful screening of offenders for interlock program participation, (b) interlocks combined with other treatment programs, (c) monitoring of individuals on the interlock program, (d) program administration through the licensing agency, and (d) swift enforcement of drink driving sanctions with minimal delays between the time of the offence and court dealings (Harris 1999, p3-4).
- If interlocks are introduced in Queensland, the option of fitting an interlock should be made more attractive to repeat drink drivers through making alternative penalties harsher and, where fines are imposed, more expensive than fitting an interlock.

2.5.2 Vehicle immobilization

Another vehicle sanction used in the U.S.A is immobilization. Immobilization is described as where: "Courts can prevent a DWI offender from using his or her car by immobilizing the steering wheel (using a club) or locking a wheel (with a boot [or wheel clamp device]) [...]" (NHTSA 2004, p1).

While 13 states in the U.S.A have immobilization laws (Voas et al. 2004, p293), it is believed that: "Currently, only Ohio uses this type of sanction" (NHTSA 2004, p2).

The general procedure for immobilizing a vehicle is described by Stewart et al. (1995) as: "In most cases, the vehicle is immobilized on or near the offender's property, using a "club" device on the steering wheel that prevents the vehicle from being driven. If the vehicle owner is uncooperative in installing the club device (which requires access to the vehicle's interior) a "boot" device can be used on the wheel".

Immobilization is commonly combined with impoundment (Voas et al. 2004, p293), and "Voas, Tippetts and Taylor (1997, 1998) conducted an evaluation of the Ohio immobilization law and found that it was effective in reducing DWI recidivism" (Voas et al. 2004, p293).

Because the vehicle is immobilized on or near the offender's own property, and because the 'club' steering wheel lock or wheel 'boot' devices are fairly inexpensive, this type of vehicle sanction presents both a cost and practical advantage over vehicle impoundment, for example (Stewart et al. 1995).

Stewart et al. (1995) s' views are supported by Voas et al. (2004, p293) who state that: "Immobilization by means of a 'boot' or a 'club' on the offender's property is generally less expensive and avoids the locality having to pay storage".

Similarly to vehicle impoundment however, vehicle immobilization does share the disadvantage of preventing non-offending family members or vehicle co-owners from using the vehicle during the

duration of the immobilization, and further consideration should be given to this prior to introduction of an immobilization sanction.

Due to the practical/logistical and cost advantages of vehicle immobilization compared to impoundment, and the fact that studies of the immobilization laws in Ohio have found immobilization to be an effective sanction for preventing repeat drink driving, the RACQ recommends that immobilization be granted further consideration with regard to implementation in Queensland.

Recommendations:

- Further research the costs and benefits of vehicle immobilization as a sanction for helping to reduce the amount of repeat drink driving in Queensland.
- Consider the introduction of vehicle immobilization as a sanction for helping to reduce the amount of repeat drink driving in Queensland.

2.5.3 Registration cancellation/suspension

Registration cancellation is another vehicle sanction used in the United States. 19 States in the U.S.A, and the District of Columbia, are able to withdraw a vehicle's registration for a DWI offence (NHTSA 2004, p2).

A number of states in the U.S.A have laws that provide for the registration of the vehicle owned by a DWI driver to be cancelled for the same amount of time as the driver's licence is suspended for the offence (Voas et al. 2004, p293). However, this sanction is generally not applied in instances where there is more than one owner of the vehicle, or where a spouse has a community right to the vehicle. Therefore the effect of this sanction is diminished (Voas et al. 2004, p293).

Registration cancellation in the United States usually involves the removal of licence/number plates from the offenders' vehicles (NHTSA 2004, p2). Due to this, further RACQ comment on this sanction will be made in the following section (2.5.4 – Number plate confiscation/Special number plates).

2.5.4 Number plate confiscation/Special number plates

Vehicle registration cancellation and number/licence plate confiscation has increased in popularity as a vehicle sanction for repeat offenders due to the fact that the vehicle plates are the property of the state, not the property of the vehicle's owner (Voas et al. 2004, p292).

Due to the fact that the vehicle's number/licence plates are the property of the state, there are fewer issues relating to the seizure of private property compared to vehicle impoundment, for example (Voas and De Young 2002, p268).

An ability to confiscate the licence/number plates of a vehicle is viewed as an important opportunity for controlling repeat offenders' behaviour (Voas et al. 2004, p294), and can be strengthened by administrative actions.

In 1991, Minnesota [in the U.S.A] changed a licence plate confiscation law from allowing judges to confiscate the plates of third-time DWI offenders to allowing for administrative confiscation of the plates by the police officer at the time of the arrest. After 2 years, research had found that third-time DWI offenders who had been subject to the licence plate confiscation had 50% fewer convictions than similar offenders who did not have their licence plates impounded (Voas and De Young 2002, p265).

This demonstrated reduction in recidivism, as illustrated by the Minnesota study, shows that confiscation of the vehicle's licence/number plates and cancellation of the vehicle's registration can be an effective sanction for helping to reduce the numbers of repeat drink drivers.

In addition to vehicle licence/number plate confiscation, some states in the U.S.A have special licence/number plates for drink drivers.

Ohio and Minnesota in the U.S.A require offenders to surrender their vehicle's licence/number plates, but the offenders are able to apply for a set of 'family plates' which, while allowing family members to drive the vehicle, are also recognisable to the police and enable the police to check the licence status of the drivers of the vehicle (Voas and De Young 2002, p264). Iowa also issues special licence plates to family members of DWI offenders (NHTSA 2004, p2).

"For some years individual judges [in the U.S.A] have experimented with stigmatising particularly bad repeat DWI offenders by requiring them to have licence plates with 'drunk driver' or similar language on them" (Voas and De Young 2004, p293-294).

Oregon and Washington implemented registration cancellation laws aimed at drivers with suspended licenses, which included a provision for the police officer to seize the vehicle registration and place a striped sticker over the renewal sticker on the vehicle's licence/number plate (Voas et al. 2004, p294). The registration in these two states would be cancelled after 60 days if a validly licensed registered owner did not apply for the registration to be returned (Voas et al. 2004, p294). "In the meantime, the police had the right to stop the cars with such stickers to check that the driver had a valid license" (Voas et al. 2004, p294).

"This law was shown to be effective in reducing DWI recidivism in Oregon but not in Washington, where it was applied less widely" (Voas et al. 2004, p294).

The use of stickers to identify vehicles that have been driven by drink drivers does not actually prevent the driver from driving the vehicle

again, and should the driver wish to drive the vehicle, the sticker system could be circumvented by removal of the sticker.

The removal of the sticker would subsequently make the offending driver more difficult to detect.

On the other hand, the actual confiscation of the licence/number plate itself would prevent more of a barrier to offending drivers aiming to continue to drive undetected. This is because the drivers must then:

- Drive the vehicle without number plates – which would attract police attention;
- Drive the vehicle with the 'family plate' [assuming that this option is available] – which would attract police attention; or
- Drive the vehicle with a set of stolen licence/number plates – which would be an additional crime.

These strengths, combined with the fact that most licence/number plates are the property of the state and therefore confiscation of them would have very few [if any] of the 'seizure of private property' issues, the low administrative costs of licence/number plate confiscation, the ability of family members to continue to use the vehicle through utilisation of 'family plates', and the fact that licence/number plate confiscation could be compatible with other sanctions recommend this sanction.

However, it is acknowledged that non-offending family members or vehicle co-owners driving vehicles with 'family plates' could be subjected to abuse or aggressive driving behaviours from other road users who attach a drink driving stigma to these plates. To help avoid this, a public awareness campaign explaining the purpose of the 'family plates' would need to be conducted.

Also, should vehicle licence/number plate confiscation be further considered in Queensland, considerations should include methods for addressing 'ownership' issues relating to personalised number plates, especially if these 'ownership' issues could become a possible barrier to confiscation of the plates as state property, and thus require specific legislative provisions.

Recommendations:

- Consider the introduction of vehicle licence/number plate confiscation in conjunction with a 'family plate' option, as a sanction to help reduce the amount of repeat drink driving.
- If vehicle licence/number plate confiscation in conjunction with a 'family plate' option is introduced, conduct a public awareness campaign explaining the purpose of 'family plates'.

2.5.5 Administrative/immediate licence suspension/revocation

While not being a vehicle sanction, this sanction will be discussed in this section due to the fact that it has been introduced on quite a large scale across a large number of jurisdictions in the U.S.A.

Administrative licence revocation/suspension [ALR/S] laws have been enacted in 40 of the 50 states in the U.S.A (Voas and De Young 2002, p263).

ALR laws generally authorise the police officer to seize the offender's licence at the time of the arrest, and the state motor vehicle department then suspended the licence for a set period independent to the outcome of the trial (Voas and DeYoung 2002, p263). The ALR was subject to a hearing at the offender's request, however a DUI charge usually resulted in a suspension (Voas and De Young 2002, p263).

It has been argued by Hands and Cercarelli (2003, p3) that: "The important feature of administrative licence suspension [ALS] legislation is swiftness of punishment and by satisfying the principles of immediacy and certainty of punishment, ALS legislation has the potential to increase the level of general and specific deterrence among the general driving population and drink driving offenders respectively" (Hands and Cercarelli 2003, p3).

This immediacy and certainty of punishment is important to RACQ members, with member surveys showing 75% support for automatic suspension of licences for serious offences (RACQ 2004, p64).

Research has found that "Certainty rather than severity of punishment may be the most important deterrent to drinking and driving among the general population. Legal sanctions consisting of both a period of licence disqualification and monetary fine are the chief sentencing options for drink driving offenders in Australia. Such legal sanctions can act to reform convicted drink driving offenders to be less likely to repeat this behaviour in the future" (Sheehan et al. 2005, p7).

In Victoria for instance, the following offences result in immediate licence suspension:

- Detected with BAC of 0.15g/100mL or more;
- Refusing to undergo a preliminary breath test or refusing to stop a motor vehicle; or
- A second subsequent drink driving offence.

In these cases, after the police lay charges, they serve a notice to the offender suspending the licence on the spot. This suspension operates until the case is brought before a court.

In Queensland at present there is an immediate 24-hour licence suspension from driving which applies to any driver found to have driven while affected or over the legal BAC limit, or who has failed to supply a specimen of blood or breath for analysis. It is an offence to drive during this period. A notice to this effect is served upon the driver, together with a notice to appear in the relevant Magistrates Court. Alternatively, they will be given a summons to appear in the Magistrates Court.

The RACQ, while acknowledging that a licence suspension does not physically prevent a driver from driving the vehicle, sees value in the

extension of the initial 24-hour licence suspension to the court hearing, as is the case in Victoria.

The RACQ believes that if a similar sanction was introduced in Queensland, that the sanction should apply to offenders charged with offences over the high BAC limit (0.15 %), refusing to give a blood or breath sample, or any repeat drink driving offence, similarly to in Victoria.

Recommendation:

- Consider extending the period of immediate licence suspension for repeat drink drivers, drivers over the high BAC limit [0.15%], or drivers who refuse to provide a breath or blood sample from 24-hours to the time of the court hearing for the offence.

2.6 Would these vehicle sanctions work in conjunction with vehicle impoundment and key confiscation?

2.6.1 Interlocks

Vehicle alcohol interlocks could work in conjunction with vehicle impoundment and key confiscation, provided that the interlocks were not required to be used simultaneously with vehicle impoundment or key confiscation.

For instance, a system where the repeat offender's vehicle is impounded from the time of the offence through to the court date, and then is released to the offender for the interlock program to start could possibly work well.

2.6.2 Immobilization

As it has previously been mentioned, immobilization is commonly combined with impoundment (Voas et al. 2004, p293).

"Normally, the vehicle is impounded on the day of the offence [sic], and the offenders must make arrangements later to have it delivered to their property and immobilized" (Voas et al. 2004, p293).

A study of a combination program incorporating both impoundment and then immobilization in Ohio [U.S.A] found that the recidivism rates for offenders whose vehicles were impounded and then immobilized compared to those whose vehicles were faced with no sanctions, had lower rates of DUI recidivism while the program was running and after the program was finished (NHTSA 2004, p3).

However, Stewart et al. (1995) found that there are also some logistical problems that can arise through combination of immobilization and impoundment where vehicles are first impounded

and then released for immobilization after a court has convicted the offender. As it is stated by Stewart et al. (1995): "This [type of] law has the effect of making the vehicle sanction more dramatic and severe, but in many cases, it cancels out the logistical advantages of immobilization, including streamlined processing, and causes implementation problems such as abandonment of vehicles when impoundment costs are too high" (Stewart et al. 1995).

Due to this, it is recommended that immobilization and impoundment be primarily viewed as alternatives to each other.

2.6.3 Registration cancellation/suspension and Number plate confiscation/special number plates

The introduction of vehicle licence/number plate confiscation would be likely to be compatible with both vehicle impoundment and vehicle ignition key confiscation sanctions.

Further to this, there does not appear to be any barriers to the ability of vehicle licence/number plate confiscation to work effectively in conjunction with vehicle immobilization.

Vehicle licence/number plate confiscation would not work well in conjunction with vehicle alcohol interlocks.

A 'family plate' option would generally not be compatible with vehicle impoundment or immobilization, and therefore this would need to be taken into consideration.

2.6.4 Administrative/immediate licence suspension/revocation

Administrative/immediate licence suspension/revocation should be able to work in conjunction with vehicle impoundment and ignition key confiscation.

However, consideration should be given to the fact that if an offender's licence is suspended administratively at the time that the offence is detected, there is no use in being able to return the ignition key to that [now unlicensed] individual once they have reached a legal BAC level.

Administrative licence suspension/revocation could work with all of the mentioned sanctions, except for alcohol interlocks, which would require the offender to still hold some form of licence.

2.7 Can other recidivist drink driving countermeasures be used to improve the effectiveness of vehicle sanctions? How?

2.7.1 Drink driving education/rehabilitation programs

It has been argued that: "Recidivist drink driving is the effect of a problem, not the problem itself. As well as enforcement measures to deter offending and alcohol interlocks, recidivist drivers need other treatment and support measures such as rehabilitation programs (Australasian College of Road Safety [ACRS] 2004).

Education/rehabilitation programs are one of the main types of other recidivist drink driving countermeasures that can be used to improve the effectiveness of vehicle sanctions.

"International research has shown that community drink driving programs for recidivist drivers need to be integrated and target both traffic and health-related outcomes. The most effective rehabilitation programs incorporate a combination of intervention modes including education/information, lifestyle change strategies, and probationary contact and supervision" (Sheehan et al. 2005, p vii).

It has been found that: "Combination programs (including education, psychotherapy/counselling and follow-up contact/probation) have been found to be more effective than other evaluated modes for reducing drink driving recidivism. Studies conducted in the U.S. indicate that alcohol treatment/rehabilitation in conjunction with licence restriction remains the most effective sanction in reducing drink driving recidivism, while licence suspension remains the most effective sanction in terms of crash reduction" (Sheehan et al. 2005, p2).

"On average, education and treatment have a significant positive influence in reducing drink driving, resulting in a 7-9% reduction in recidivism and alcohol-related crashes. A recent U.S. policy review states that many recidivists being alcohol dependant, treatment programs should be an essential part of any drink driving strategy" (Sheehan et al. 2005, p35).

Queensland has a drink driving program entitled *Under the Limit*, which is available post-sentencing on a voluntary basis (Sheehan et al. 2005, p19).

Under The Limit's content includes "a range of interventions that provide information and education about the impact of drink driving, as well as specific interventions that address antisocial attitudes and problem drinking" (Sheehan et al. 2005, p19).

Under The Limit has "demonstrated an ability to reduce drink driving by 55% among high risk serious offenders who successfully completed the program" (Sheehan et al. 2005, p19).

Due to its ability to reduce drink driving among serious offenders, and the fact that treatment programs are viewed as such an important strategy to any drink driving program, the RACQ recommends that the *Under The Limit* program [or another similarly appropriate program] be made compulsory for all repeat drink driving offenders in Queensland.

RACQ member surveys show 84% support for the introduction of special programs for serious and/or repeat offenders (RACQ 2004, p64).

Recommendation:

- Make the *Under The Limit* [or a similarly appropriate] program compulsory for all repeat drink driving offenders.

2.7.2 'Multi-strategy' approach

Sheehan et al. (2005, p2-3) believe that the most effective approach to the problem of drink driving is one that adopts a 'multi-strategy' approach. This multi-strategy approach includes "integration of rehabilitation, with legal and vehicle sanctions, as well as population-based approaches such as media campaigns" (Sheehan et al. 2005, p3-4).

Voas and De Young (2002, p269) agree that media campaigns with regard to drink driving sanctions are important, especially for publicising vehicle sanctions in order to achieve a deterrent effect.

The RACQ agrees that this type of 'multi-strategy' approach to drink driving is important, and the Club sees value in the continuation of anti-drink driving media campaigns, as well as the consideration of new campaigns focussed on drink driving sanctions, should any new sanctions be introduced.

Recommendations:

- Continue anti-drink driving media campaigns.
- If new sanctions are introduced, consider new media campaigns based on informing the public about these sanctions.

2.7.3 Mandatory carriage of licence

As it has been stated by the Queensland Parliamentary Travelsafe Committee (2005, p5): "The argument for the compulsory carriage of driver's licences is aimed at reducing the incidence of unlicensed or disqualified driving. The success of this enforcement measure rests on the offender's perception of a high risk of detection by police officers".

While all states in Australia have a requirement for learner, provisional, heavy vehicle and commercial drivers to carry their licences at all times while driving and present it to police when requested, only New South Wales, Tasmania and New Zealand require this of all other drivers (Queensland Parliamentary Travelsafe Committee 2005, p5).

The RACQ believes that introduction of mandatory carriage of licence for all drivers in Queensland would:

- allow police to check licence conditions on the spot;
- reduce the opportunity for unlicensed or suspended drivers or drivers with restrictions to avoid detection; and
- reduce the workload imposed on police in following-up drivers who currently have 48 hours to present their licences at a police station.

Recommendation:

- Introduce a requirement for the compulsory carriage of licence for all drivers in Queensland.

2.7.4 Sanction time frames

While not an 'other' drink driving countermeasure, the seizing and holding of vehicles at the time of arrest is believed to be important to the effectiveness of the impoundment program (Voas et al. 2004, p295). This is due to the fact that if the vehicle is not seized and impounded until after a court conviction, the owner of the vehicle has an opportunity to dispose of the vehicle prior to being convicted (Voas et al. 2004, p295).

States such as California and New York do not require a conviction to seize and hold the offender's vehicle (Voas et al. 2004, p295). In these states the vehicle can be seized and held in an 'administrative' manner, from the day on which the offender is arrested (Voas et al. 2004, p295).

Therefore, if the timeframe in which the vehicle sanctions can be implemented can be kept as short as possible, and if moves to prevent the transfer or disposal of vehicles subject to sanctions can be imposed, the effectiveness of vehicle sanctions can be improved.

The RACQ agrees therefore, that should any new vehicle sanctions be introduced in Queensland, the timeframe for the implementation for these sanctions should be kept as short as possible.

Recommendation:

- That if vehicle sanctions are introduced, timeframes for the implementation of vehicle sanctions against the offenders be kept as short as possible.

2.8 How effective are the existing penalties under the *Transport Operations (Road Use Management) Act 1995* in reducing repeat drink driving?

The RACQ understands that existing penalties under the *Transport Operations (Road Use Management) Act 1995* for the primary drink driving offences in Queensland are as follows:

- Driving with any alcohol content while under the age of 25 years and not holding an open licence (Section 79 Sub-section 2A) – For a first conviction the maximum penalty is a fine of \$1,050.00 or three months imprisonment or both. In addition, the driver will be disqualified from driving for at least one month (See Section 86 Sub-section 2 sub-section (f)).
- Driving with at least a 0.05 % blood alcohol concentration (BAC) but less than 0.15 % BAC over the general alcohol limit, but under the high alcohol limit (See Section 79 sub-section 2) – For a first conviction the maximum penalty is a fine of \$1,050.00 or three months imprisonment or both. The offender will also be disqualified from driving for at least one month (See Section 86 sub-section 2, sub-section (f)).
- Driving with a BAC of over 0.15% (See Section 79 sub-section 1) – The maximum penalty for a first conviction of this offence is a fine of \$2,100.00 or nine months imprisonment or both. The offender will also be disqualified from driving for at least six (6) months (See Section 86 sub-section 1).
- If a motorist that is charged with drink driving has previously been convicted of the same or a similar drink driving offence within the previous five (5) years, the penalties will be increased. On a third conviction for an offence of driving under the influence or a combination of other serious traffic offences within five years, a compulsory sentence of imprisonment will be imposed. (See Section 79 (1C)).

It is also understood that it is an offence to refuse to provide a specimen of breath for a breath test if directed to do so by a Police Officer. If a driver fails to comply with a request for a breath test, the Police Officer has the power to require the individual to conduct a compulsory breath analysis test or a blood test and can use such force as is necessary to detain or transport the motorist elsewhere for that purpose [in order for a breath test or a blood test to be conducted]. In Queensland, a conviction for failing to provide a breath test has a maximum penalty of \$3,000.00 in terms of a fine, or six (6) months imprisonment.

While the maximum penalties for the primary drink driving offences in Queensland have been outlined, it should also be mentioned that minimum penalties and sentences are also outlined in legislation (Queensland Transport 2006, p1). However, since all drink driving offenders are required to appear in court, all penalties, fines and disqualifications are decided on by magistrates (Queensland Transport 2006, p1).

In Queensland, an immediate 24-hour licence suspension from driving also applies to any driver found to have driven while affected or over the legal alcohol limit or who has failed to provide a specimen of breath or blood for analysis. This suspension takes effect immediately when the offence is first detected. It is an offence to drive during this period. A notice to that effect is served upon the driver, together with a notice to appear in the relevant Magistrates Court, or they will be given a summons to appear in the Magistrates Court.

The RACQ believes that the community generally acknowledges that drink driving is an example of socially unacceptable behaviour, and that

the existing penalties are generally effective in deterring most drivers from committing drink driving offences.

However, these penalties may not be sufficient to deter repeat offenders who continue to drive after they have lost their licences, as well as for those drivers who have a lack of transport options (RACQ 2004, p64).

As it has been mentioned previously, RACQ member surveys show strong support for the introduction of a variety of measures to assist and control recidivist drink drivers and reduce their risk of re-offending. Member surveys show support for additional sanctions such as interlocks, vehicle impoundment and special programs for repeat offenders.

Due to this, the RACQ recommends that the introduction of further penalties and sanctions for repeat drink driving be considered for Queensland.

Recommendation:

- Consider the introduction of further penalties and sanctions for repeat drink driving offenders.

2.9 Are the powers provided to police to manage drink driving under the *Transport Operations (Road Use Management) Act 1995* enough?

2.9.1 What powers are provided?

It is understood by the RACQ that in Queensland, police officers have the right to ask drivers to participate in a breathalyser test if:

- The driver is pulled over by the Police as part of a random breath test operation; or
- The Police Officer believes on reasonable grounds that the motorist has been driving or is currently in charge of a vehicle while under the influence of alcohol within the last two hours, or had been driving a vehicle within not more than two hours of being involved in an accident resulting in injury or death or damage to property.

As it has previously been mentioned, if a driver fails to comply with a request for a breath test, a police officer has the power to conduct a compulsory breath analysis test or a blood test and can use such force as is necessary to detain or transport the individual elsewhere for that purpose in order for a breath test or a blood test to be conducted.

If the driver fails to supply either a breath specimen or a blood specimen in the prescribed manner, this is an offence resulting in that driver being deemed to have committed the offence of driving under the influence. This results in higher penalties being incurred.

Any Queensland police officer may make a request for a motorist to provide a specimen of breath or blood for analysis. However the operator of the breathalyser must be a separate person who is an authorised member of the Queensland Police Force.

Queensland police officers are not obliged to conduct a blood test if a motorist is unable to provide a specimen of breath and a motorist cannot insist on a blood sample being taken instead of a breath specimen. It is at the discretion of the police officer conducting the roadside test as to whether a specimen should be obtained from the motorist.

Blood samples may be obtained if the breathalyser reading is not believed to be accurate, or if no breath analysis instrument is available. A blood sample taken from the motorist suspected of being under the influence of alcohol or drugs can also be taken without their consent if the motorist is unconscious or is unable to communicate, however all blood samples are taken only by health care professionals, e.g., doctors and nurses.

Once the breath analysis is completed, and if the test shows an illegal BAC, the operator conducting the breath test is required to fill out, in duplicate, a certificate stating the results of the analysis and various other particulars. One copy of that certificate is kept by the police officer who made the request for the breath test and the other copy is given to the driver. If the driver fails to provide a specimen of breath, the certificate states this fact. The analysts who test blood specimens also issue certificates stating the results of the test.

As previously mentioned, Queensland police officers apply an immediate 24-hour licence suspension from driving to any driver found to have driven while affected or over the legal alcohol limit, or any driver who has failed to provide a specimen of breath or blood for analysis. It is an offence to drive during this suspension period.

The police officer serves a notice to that effect upon the driver, together with a 'Notice to Appear' in the relevant Magistrates Court. In some cases the driver will be given a summons to appear in the Magistrates Court.

It is the Club's understanding that the police will, where necessary, move the offender's vehicle to a parked position off the road if an offence is detected, while the driver is detained for further testing at the police station (Queensland Police Service 2006, p1).

It is the RACQ's understanding that it is not usual for a driver to be arrested for a drink driving offence. If a driver is arrested for a drink driving offence, it is the Club's understanding that usually the driver is also being charged for other more serious offences. However, drivers whose breath alcohol concentration is over 0.15g/210L, or those who refuse to provide a breath sample, may be arrested and taken to a watch house (Queensland Police Service 2006, p1).

Queensland Police Service officers can charge a driver with being over the legal alcohol limit even if they are not driving, if it can be argued that they are in charge of the vehicle at the relevant time.

For example, anyone found asleep inside a car while under the influence of liquor or a drug may be convicted unless it can be proved beyond all reasonable doubt that the person had manifested an intention not to drive either by not being in the driving compartment at the time of falling asleep or if they were outside the vehicle and had told others of their intention not to drive. The onus of proof for this defence lies upon the accused.

2.9.2 Are these powers enough?

Random breath testing was introduced into Queensland in 1988, and since the introduction of random breath tests (RBTs) in Queensland there has been considerable progress made in reducing the number of drink driving related crashes.

While the powers currently granted to the police in Queensland to manage drink driving enable the police to perform random breath tests, and to obtain samples of breath or blood from drivers suspected of driving while under the influence of drugs or alcohol, the police do not have any power to prevent the driver from continuing to drive, other than by suspending their licence.

So while the ability to suspend the driver's licence for a period of 24-hours may be sufficient in preventing most offenders from driving again during that period, some will still continue to drive. To prevent this, the police would need to have some form of physical means of preventing the driver from driving the vehicle.

Further to this, while RBTs are viewed as an effective strategy for managing drink driving in Queensland, there is strong support for an increased number of RBTs and a higher level of police presence on Queensland roads.

RACQ member surveys show that 84% of respondents consider "increasing random breath testing" to be an effective measure for reducing the road toll (RACQ 2004, p42), while there is 90% support among members surveyed for "increasing on-road police patrols" as an effective countermeasure (RACQ 2004, p64).

The RACQ is an advocate for the implementation of a level of enforcement and education such that drivers perceive a real risk of detection should they exceed the legal BAC limit (RACQ 2004, p43). Increasing the allocation of police resources during times and at locations associated with high levels of alcohol consumption would assist in achieving this (RACQ 2004, p43).

Recommendations:

- Consider the introduction of additional powers for police to prevent drivers from driving their vehicle again while over the

legal BAC limit within 24 hours of first being caught drink driving, e.g., vehicle immobilization or impoundment, or vehicle ignition key confiscation.

- Increase the level of enforcement, both random – anywhere anytime – and targeted at high-risk times and locations, plus education so drivers perceive a real risk of detection should they exceed legal BAC limits.
- Increase the number of on-road police patrols in Queensland.

2.10 How effective is the *Police Powers and Responsibilities Act 2000* in reducing the number of individuals driving carelessly, dangerously, in racing or speed trials or in a way that makes unnecessary noise or smoke?

This question will be taken to mean: 'How effective is the anti-hooning legislation recently introduced in Queensland in the *Police Powers and Responsibilities Act 2000*?'

Recently, a number of Australian states have introduced legal countermeasures to reduce illegal street racing and 'hooning' behaviours (Armstrong and Steinhardt 2005, p3).

In Queensland's case, these legal countermeasures have taken the form of amendments to the *Police Powers and Responsibilities Act 2000*, that provide police officers with the ability to impound the vehicles of offenders who commit 'prescribed offences' for different periods of time depending on how many offences the offender has committed (Armstrong and Steinhardt 2005, p3).

RACQ's understanding is that the following constitute 'prescribed offences', and that offenders' vehicles can be subject to impoundment or forfeiture:

- Dangerous operation of a motor vehicle, involvement in a speed trial, race, or a 'burn out' on a road or public place;
- Careless driving of a motor vehicle, involvement in a speed trial, race or a 'burn out' on a road or public place;
- Participating in a speed trial, race between vehicles, or a 'burn out'; or
- Wilfully starting or driving a vehicle in a way that makes unnecessary noise or smoke, particularly through 'burn outs' and 'lapping'.

The Club's understanding is that a 'burn out' is classified as spinning of the vehicle's wheels causing screeching of tyres and smoke, while 'lapping' is classified as low speed driving with stereo equipment operating at an excessive volume.

Tasmania and Western Australia have legislative provisions similar to Queensland's, rendering activities such as racing, causing a deliberate loss of traction or creating an unreasonable amount of noise or smoke while driving as offences (Armstrong and Steinhardt 2005, p3).

For these types of offences in Tasmania and Western Australia, as well as for 'prescribed offences' in Queensland, the penalties for the offences have the following vehicle sanctions attached:

- For the first offence of this type – 48 hours vehicle impoundment;
- For the second offence of this type – 3 month vehicle impoundment; and
- For the third offence of this type – vehicle forfeiture to the state (Armstrong and Steinhardt 2005, p3).

In Queensland, it has been found that: "More than 2000 drivers have had their cars impounded in the three years of anti-hooning legislation, but very few have been caught again. By September this year, only 46 people had been disciplined for hooning twice, and only three people [had] committed a third offence" (Bonoguore 2005).

With these statistics in mind, it could therefore be argued that while Queensland's anti-hooning penalties do not appear to deter drivers from initially engaging in these types of hooning behaviours, the significantly lower numbers of repeat hooning offenders could indicate that the prospect of vehicle forfeiture through committal of subsequent prescribed offences is a powerful deterrent.

Thus it can be argued that the anti-hooning legislation recently introduced in Queensland in the *Police Powers and Responsibilities Act 2000* has been effective in deterring drivers from re-offending, however it is uncertain whether or not it has deterred or prevented drivers from committing 'prescribed offences' in the first instance.

2.11 Should the *Police Powers and Responsibilities Act 2000* be amended to include drink driving as a 'prescribed offence' enabling police officers to impound drink drivers' vehicles?

It would be possible to amend the *Police Powers and Responsibilities Act 2000* to include drink driving as a 'prescribed offence', however the RACQ recommends that the Act not be amended in this way.

If a compulsory vehicle impoundment sanction for drink drivers was to be introduced, the RACQ would argue that for the first drink driving offence, the impoundment period should last for the length of the offender's immediate licence suspension – 24-hours. This type of impoundment, if introduced, would then also rule-out the need for a vehicle ignition key confiscation.

The form of vehicle impoundment used under the *Police Powers and Responsibilities Act 2000* also deals with a specific type of offender. Individuals that are more likely to commit 'hooning' types of behaviours are probably also more attached to their vehicles, and due to this they may be more likely to pay the costs of impoundment in order to recover their vehicles.

Repeat drink drivers, on the other hand, have been found to be more likely to drive older, less expensive vehicles, and are more likely to then abandon them, leaving the state to bear the costs of impounding the vehicle (Voas et

al. 2004, p195). This would be likely to happen in instances where the vehicle is impounded for a length of time, such as the case would be for second offenders if the Act was changed to include drink driving as a 'prescribed offence'.

Further to this, the RACQ believes that because the 'prescribed offences' under the *Police Powers and Responsibilities Act 2000* all deal with a similar group of behaviours ('hooning' behaviours), it would be more appropriate for a legislative drink driving vehicle impoundment sanction to be provided separate to the sanctions for 'hooning'. This is especially important in that any additional legislation allowing for further sanctions for drink drivers may also have to incorporate other sanctions, e.g., education/rehabilitation and interlocks, that the 'prescribed offences' under the *Police Powers and Responsibilities Act 2000* does not currently allow for.

The RACQ believes that further research into the costs and benefits of vehicle impoundment as an effective vehicle sanction, as well as further research into how drink driving-specific impoundment (and other vehicle) sanctions could be implemented, should be undertaken prior to the adoption of a vehicle impoundment sanction for drink drivers in Queensland.

Recommendations:

- That the *Police Powers and Responsibilities Act 2000* not be amended in this way.
- That further research be conducted into the costs and benefits of vehicle impoundment as an effective vehicle sanction, as well as further research into how drink-driving specific sanctions could be implemented in Queensland legislation, prior to the adoption of any vehicle impoundment sanctions for drink drivers in Queensland.

2.12 What effect, if any, do successful appeals against licence suspension or disqualification have on drink driving behaviour and existing penalties for drink driving?

It is the RACQ's understanding that in Queensland, people convicted of drink driving offences can apply to a court for a restricted licence to drive only at certain times or between certain places in the course of their employment. Such a restricted licence is only available for drink driving convictions other than being under the influence [in Queensland, where a driver is over 0.15% BAC they are believed to conclusively be under the influence of alcohol]. Before granting a restricted licence, the court has to be satisfied that:

- The applicant is a fit and proper person to hold a restricted licence;
- Refusal of a licence would cause extreme hardship to the applicant or the applicant's family by depriving the applicant of the means of earning their living;
- The applicant's provisional or open licence has not been suspended, cancelled or disqualified in the last five years;
- The offence related to an alcohol related blood concentration (BAC) of less than 0.15 %;

- The applicant was the holder of an open or provisional licence, and the offence was not committed while engaged in a work related activity; and
- The person has not previously been convicted of drink driving or dangerous operation offences in the previous five (5) years.

Application for Restricted Driving Licences can only be made at the time the drink driving charge is heard in court, and once the driver's guilt is accepted, but before the licence disqualification period is imposed.

If a motorist who has been charged with drink driving wishes to apply for a restricted driving licence, they can obtain a self-help kit on how to apply for such a restricted licence from Legal Aid Queensland. There are strict time periods in which the application for a restricted licence has to be made, and supporting documentation must be presented in affidavit form in a certain way, e.g., an affidavit statement from the drink driver's employer stating that the offender stands to lose their job if they are not granted a restricted driving licence for the purposes of using their vehicle for their job.

When a magistrate imposes an order for a restricted driving licence, conditions will be imposed on the use of that restricted licence. The conditions may restrict the type of vehicle driven, the purpose for which it may be used, the times at which it can be used, and even allow only a nominated vehicle of a particular employer to be driven. The motorist who is charged with drink driving and granted a restricted licence may also be ordered to keep a logbook of the hours that they use the vehicle.

If a restricted licence is granted, it will last for the duration of the disqualification period that is imposed. It should be noted that the period for which the restricted licence is in effect is longer than the disqualification period that would normally be imposed if there is no restricted licence granted. For this reason, in practice the court doubles the period of disqualification in cases where a restricted driving licence application is accepted.

If the conditions of the restricted licence become unworkable, the motorist who has been granted a restricted licence can make a further application to the magistrate to vary the conditions on their restricted licence. Again the application and supporting affidavit material must be drawn and filed with the court and served upon the police within certain time limits, namely fourteen (14) days prior to the hearing.

It has been argued that: "For most of the last century, suspension of the driver's licence has been the most feared and the most effective method of reducing recidivism and crash involvement of drivers convicted of driving while impaired [...] However, the possibility that limiting the offender's ability to work or drive while at work would result in job loss and cause economic hardship for innocent family members was cause for concern by state legislatures and courts. Therefore, provisions were made for hardship licences that reduced the effectiveness of full licence suspension" (Voas and De Young 2002, p263).

It is suggested therefore, that appeals against licence suspension or disqualification for drink driving offences under current penalties, and the granting of restricted licences, as occurs in Queensland, to those drivers and

their families who would otherwise suffer hardship by not being able to legally drive, reduce the overall effectiveness of full licence suspension sanctions.

It could also be argued that through diminishing the effectiveness of a penalty such as licence suspension, the granting of hardship/restricted licences could therefore cause drink driving behaviour to appear less socially unacceptable in the eyes of the offender. Through this, the deterrent effect to offenders before committing or repeating drink driving offences may also be reduced.

2.13 Should the appeals process for drink driving be tightened to reduce the incidence of successful appeals in Queensland?

While it has been found that the provision of restricted/hardship licences at appeal of licence suspension reduces the effectiveness of licence suspension sanctions (Voas and DeYoung 2002, p263), it is also important to ensure that drivers with a genuine case still have the opportunity and ability to appeal penalties.

According to data from 1995, restricted licences are granted in around 17 per cent of cases in Queensland where drink drivers appeal their convictions, however this is higher for speeding and hooning offences in which appeals are successful in 80 percent of cases against administrative licence suspension in Queensland (Queensland Parliamentary Travelsafe Committee 2005, p6-7).

The RACQ believes that an effective appeals process should grant success only in those instances that warrant it. If the appeals process needs to be 'tightened' to achieve this, the RACQ supports this.

However, based on the abovementioned statistics (Queensland Parliamentary Travelsafe Committee 2005, p6-7), there could be a case for arguing that further consideration be given to tightening up the appeals process for obtaining restricted licences when speeding offences have occurred.

Recommendation:

- The RACQ supports the 'tightening' of the appeals process to grant success only in instances that warrant it.

2.14 Is vehicle impoundment and key confiscation legislation successful in reducing the number of recidivist drink drivers in other Australian jurisdictions and overseas?

2.14.1 Impoundment

As it has previously been stated, overseas research shows that vehicle impoundment offers a means for reducing recidivism of offenders who have been convicted of driving while suspended, however there is no evidence to suggest that vehicle impoundment is

an effective general deterrent to the general public (Voas et al. 2004, p293, Voas and De Young 2002, p269).

“[...] 14 states [in the US] have impoundment laws that are widely used as sanctions for both DWI [Driving While Impaired] and DWS [Driving While Suspended], with the length of the impoundment increasing with the number of previous offences. These have been shown to reduce recidivism while the vehicle is in custody and, to a lesser extent, even after the vehicle has been released” (Voas et al. 2004, p293).

It has further been argued that “The fact that vehicle impoundment has similar effects among somewhat different populations of high-risk drivers in different states suggests that it can be successfully implemented in different jurisdictions” (Voas and DeYoung 2002, p268).

Therefore, it is believed that vehicle impoundment has been successful in reducing the number of recidivist drink drivers in other overseas jurisdictions.

2.14.2 Key confiscation

The RACQ is not aware of any studies that have reported on whether vehicle key confiscation has been successful in reducing the number of recidivist drink drivers in other Australian jurisdictions and overseas.

“Within Australia, police officers in several states including New South Wales, Tasmania and Victoria have the power to confiscate car keys from drink drivers” (Queensland Parliamentary Travelsafe Committee 2005, p4).

The RACQ believes that due to fact that vehicle key confiscation provides a physical barrier to offenders attempting to drive while suspended by not being able to start the vehicle without the ignition key, this vehicle sanction would provide at least some reduction in the numbers of drink drivers attempting to drive again during the period that the key confiscation applies.

2.15 Should Queensland introduce legislation that is consistent with the legislation in other Australian jurisdictions?

According to the Queensland Parliamentary Travelsafe Committee (2005, p7), other Australian states currently have legislation that provides police with the power to confiscate drink drivers' vehicle ignition keys or the vehicle itself.

An example of this is the New South Wales *Law Enforcement (Powers and Responsibilities) Act 2002*, which gives New South Wales police officers the “power to prohibit a drink driver from driving illegally by requiring them to hand over the ignition or other keys of the vehicle to either the police officer, or someone else in the company of the driver that the police officer is satisfied is responsible and capable of driving. The keys are returned only when the

police officer is satisfied that the offender is capable of driving or a medical practitioner advises that the offender is no longer under the influence of alcohol or any other drug. The Victorian *Road Safety Act 1986* has similar provisions” (Queensland Parliamentary Travelsafe Committee 2005, p7).

“In New South Wales and Victoria, police also have the power to immobilize a drink driver’s vehicle or remove it to a place of detention” (Queensland Parliamentary Travelsafe Committee 2005, p7).

“Similarly, the Northern Territory *Traffic Act 2004* and the Tasmanian *Road Safety (Alcohol and Drugs) Act 1970* give courts the power to impound vehicles of repeat drink drivers, with a fourth repeat offence resulting in possible forfeiture. In the Northern Territory, lack of knowledge or consent by the owner of the vehicle is a prescribed defence against the forfeiture of the vehicle” (Queensland Parliamentary Travelsafe Committee 2005, p7).

The RACQ has already expressed in this submission its recommendations with regard to the introduction of a variety of possible vehicle sanctions and other sanctions that could be introduced in Queensland for drink driving offenders.

The RACQ believes that should further research indicate that vehicle impoundment and vehicle ignition key confiscation are effective sanctions for reducing the number of repeat drink driving offences that occur in Queensland and provide a subsequent road safety benefit, then further consideration should be given to the legislative implementation of these sanctions, as it has been achieved in other states.

However, if it is decided that Queensland should implement these sanctions, they should be done so in a manner that suits the needs and legislative framework existing in Queensland. This is especially important since currently, not all other Australian states have consistent sanctions or legislation with regard to drink driving offences.

Therefore, it is recommended that Queensland does not introduce legislation with regard to vehicle impoundment and vehicle ignition key confiscation that is consistent with the other Australian jurisdictions that have these sanctions. It is however, also recommended that after:

- further research into the costs and benefits of vehicle impoundment as an effective vehicle sanction, in conjunction with licence sanctions, to prevent drink drivers from repeating or continuing the offence has been conducted; and
- further research into the need for a vehicle ignition key confiscation sanction at the time of the offence in order to determine whether it will provide a cost-effective preventative measure to prevent drivers from repeating or continuing the offence,

in considering the implementation of these sanctions, consideration be given to the experiences of other Australian states and overseas jurisdictions in the legislative implementation of similar sanctions.

Recommendations:

- That Queensland does not introduce legislation with regard to vehicle impoundment and vehicle ignition key confiscation that is consistent

with other Australian jurisdictions that have these sanctions – given the *lack* of consistency in regulations between those other states.

- That the experiences of other Australian states and overseas jurisdictions in the legislative implementation of vehicle impoundment and vehicle ignition key confiscation be taken into account in considering the possible introduction of such measures in Queensland.

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