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SPECIAL

Road Safety Act 1986

ALCOHOL INTERLOCK GUIDELINES

In accordance with section 50AAG of the **Road Safety Act 1986**, the Roads Corporation makes the following Guidelines for Approval of Alcohol Interlocks and Alcohol Interlock Suppliers, and for the Installation and Maintenance of Alcohol Interlocks.

INTRODUCTION TO THESE GUIDELINES

Purpose

- 1 The purpose of this document is to set out:
 - 1.1 guidelines for the approval of alcohol interlocks;
 - 1.2 guidelines for the approval of suppliers of alcohol interlocks; and
 - 1.3 guidelines for the installation and maintenance of alcohol interlocks.

Background

- 2 Section 50AAG of the **Road Safety Act 1986** ("RSA") authorises the Roads Corporation (trading as VicRoads) ("the Corporation") to issue Guidelines for certain purposes. Guidelines must be tabled in each House of Parliament and published in the Government Gazette.
- 3 The Guidelines contained in Part A of this document will be applied by the Corporation in considering whether to approve a type of alcohol interlock (see section 50AAE(4) of the RSA).
- 4 The Guidelines contained in Part B of this document will be applied by the Corporation in considering whether to approve a person or body as an approved alcohol interlock supplier (see section 50AAE(7) of the RSA).
- 5 The Guidelines contained in Part C of this document establish the procedures for installation and maintenance of alcohol interlocks. The ability of a person or body to comply, and record its compliance, with these guidelines is one of the matters which the Corporation will take into account in determining whether to approve that person or body as an alcohol interlock supplier (see section 50AAE(5)(f) of the RSA).

Authorising Provision

- 6 The Guidelines in Parts A, B and C of this document are made under section 50AAG of the RSA.

Date of Effect

- 7 The Guidelines in Parts A, B and C of this document take effect on the day on which they are published in the Government Gazette.

Definitions

- 8 Where a term used in this document is defined in the RSA, it will have the same meaning as it is given in that Act.
- 9 Other terms used in the Guidelines have the following meanings:
 - "accredited agencies" has the same meaning as in section 3(1) of the RSA, that is, persons or bodies approved for the purposes of sections 50, 50AAB(5) and 50A of the RSA by the Secretary to the Department of Human Services.
 - "approval" means an approval under section 50AAF of the RSA.
 - "compliance assessment report" means the assessment prepared for the purpose of section 50AAB(5) of the RSA, being an assessment by the supplier who maintained, or authorised a person or body to maintain, an interlock on the extent to which the participant complied with the manufacturer's instructions for using the interlock.
 - "Corporation" means the Roads Corporation established under the **Transport Act 1983**.

“holder of a Health Care Card” means a person to whom a current health care card has been issued under the Social Security Act 1991 of the Commonwealth.

“maintenance”, in relation to an interlock, includes the inspection and re-calibration of the interlock, and the recording of information about the use of the interlock, and “maintain” has a corresponding meaning.

“participant” means a person whose driver licence or permit is subject to an alcohol interlock condition as defined in section 3 of the RSA.

“personal information”, “health information” and “sensitive information” have the meaning given to those terms in the Privacy Act 1988 of the Commonwealth.

“Privacy Law” means the Privacy Act 1988 of the Commonwealth and any other applicable law relating to the protection of privacy or personal information.

“removal”, in relation to an interlock, includes removal of the interlock from the participant’s vehicle and restoration of the vehicle’s wiring to normal operating conditions, and “remove” has a corresponding meaning.

“RSA” means the **Road Safety Act 1986**.

“summary report” means the report required by guideline 12 of these guidelines.

“supplier” means a person or body that is authorised under the RSA to supply alcohol interlocks.

PART A: GUIDELINES FOR APPROVAL OF TYPES OF ALCOHOL INTERLOCKS

1 Technical Requirements

1.1 In considering whether to approve a type of alcohol interlock, the Corporation will require the interlock to comply with the following technical requirements:

- (a) The interlock must be accredited to a type 4 device under Australian Standard 3547-1997 (Breath Alcohol Testing Devices for Personal Use (as amended from time to time), except that in relation to the following requirements where options are permitted by that Standard, the following mandatory requirements must be met:
 - (i) Recalibration: Interlocks must require manual recalibration (see section 5.2.3.1(b)) and must not be self-calibrating.
 - (ii) Automatic gas sampling system: Interlocks must incorporate an automatic gas sampling system.
 - (iii) BAC reading: The designated blood alcohol concentration (BAC) must be 0.020g/100ml. That is, a reading of .020g/100ml or more must be a “failed test” and must prevent the vehicle from starting (see section 5.3.3).
- (b) If the interlock is not maintained when required, then after a seven day interval during which a “count down” warning is displayed, it must enter a lockout condition to prevent the vehicle being started.
- (c) When an engine stops, the interlock must permit the engine to be restarted within three minutes without the requirement to provide another breath sample.
- (d) The interlock must allow for the recording and downloading of usage data as specified in guideline 2 of this Part.
- (e) The interlock must incorporate comprehensive anti-circumvention features, including a random rolling retest.
- (f) The interlock must not malfunction or lose accuracy when exposed to a major variation in the vehicle electrical system supply voltage.
- (g) The interlock must prevent the vehicle from being started when exposed to levels of electromagnetic interference, both conducted and radiated, which interfere with its functioning.

- (h) The interlock must be designed so that it can be installed without presenting a danger to the vehicle's occupants. Without limiting the generality of this requirement, the interlock must not:
 - (i) have sharp edges or projections;
 - (ii) interfere with the driver's control of the vehicle;
 - (iii) present a fire hazard;
 - (iv) affect the driver's field of view; or
 - (v) interfere with any occupant protection features of the vehicle, such as seat belts and airbags; and
- (i) The interlock must be marked with a unique serial number that can be matched with the name of the participant to whom the interlock has been supplied.

2 Data Collection Requirements

2.1 The interlock must comply with the following data collection requirements.

- (a) The interlock must record and store data on the participant's use of the interlock and vehicle. The data to be recorded must include the following:
 - (i) date and time of all relevant events concerning the use of the vehicle and interlock;
 - (ii) 3 digit BAC reading to the right of the decimal point on each occasion the interlock is used;
 - (iii) resulting engine action when attempt is made to start the vehicle;
 - (iv) where possible, reason vehicle failed to start when attempt made to start it;
 - (v) where possible, reason vehicle started without the interlock being used (for example, roll start, jump start or other non-ignition start);
 - (vi) power disconnection or connection;
 - (vii) handset disconnection or connection (where this does not comply with the instructions for proper use of the interlock by the manufacturer of the interlock);
 - (viii) permanent "lock outs" (where the interlock turns itself off when not maintained at a scheduled maintenance appointment); and
 - (ix) temporary lock outs where the interlock will not permit a second test for a short time after an illegal BAC reading.
- (b) The interlock's internal memory shall be sufficient to record all data referred to in guideline 2.1(a) for a period of at least three months.
- (c) When the interlock's internal memory is close to full capacity, an early warning signal must be activated, advising that maintenance of the interlock must be carried out so that the data can be downloaded within seven days.
- (d) If the data is not downloaded within this seven day period, during which a "count down" warning must be displayed, the interlock must enter a lockout condition to prevent the vehicle being started.
- (e) An internal power source must be provided to all interlock devices to avoid data loss during power interruptions, with the interlock recording the power interruption itself.

3 Summary Reports and Compliance Assessment Reports

3.1 Without limiting the data collection requirements in guideline 2.1, the information to be collected by the interlock must be sufficient to enable the preparation of:

- (a) the summary reports required by guideline 12; and
- (b) the compliance assessment reports required by section 50AAB(5)(b)(i) of the RSA.

PART B: GUIDELINES FOR APPROVAL OF ALCOHOL INTERLOCK SUPPLIERS**4 Status and Resources of Supplier, Supplier's Agents and Persons or Bodies Authorised by Supplier**

4.1 For the purpose of enabling the Corporation to consider the matters referred to in section 50AAE(5) of the RSA, the following information must be included with every application for approval as an alcohol interlock supplier:

- (a) Australian Company Number, if the supplier is incorporated;
- (b) an overview of the applicant's organisational structure, including:
 - (i) in the case of companies, names and backgrounds of directors and details of parent and subsidiary companies and of any other people who will be involved in the supply and installation of approved alcohol interlocks; and
 - (ii) in the case of non-incorporated bodies, names and backgrounds of the principals, partners, office holders and of any other people who will be involved in the supply and installation of approved alcohol interlocks.
- (c) evidence that the applicant has management experience and expertise in operating an interlock program or similar service;
- (d) evidence that the applicant has sufficient financial resources to operate the proposed interlock program;
- (e) evidence that the applicant holds, or upon approval being granted will be able to obtain, all insurances required to be held as a condition of approval; and
- (f) names and addresses, and relevant qualifications and experience, of any agents or other persons or bodies whom the applicant intends to use or authorise to install or maintain approved interlocks. (It is not necessary for the supplier to also supply this information with respect to employees of the agents or authorised persons or bodies referred to in this paragraph.)

5 Accessibility

5.1 In having regard to the arrangements and standards the applicant has in place for installing and maintaining approved alcohol interlocks, including in rural areas, the Corporation will have regard to whether:

- (a) the applicant and/or the applicant's agent(s) have facilities or equipment (which may include mobile vans) that will enable the applicant to install and maintain alcohol interlocks within 150 kms by road of any participant's normal place of residence or employment in Victoria, or within such longer distance of a participant's normal place of residence or employment as may be mutually agreed between the supplier and the participant;
- (b) the cost charged by the applicant for installation and maintenance of an interlock is the same for metropolitan and rural participants; and
- (c) the applicant's services in relation to the installation and maintenance of interlocks are available by appointment during normal business hours (9am to 5pm weekdays excluding public holidays).

6 Relationship Between Approved Supplier and Participant

6.1 In having regard to the arrangements and standards the applicant has in place for installing and maintaining approved interlocks, the Corporation will take into account the form of agreement proposed to be used by the supplier to document the relationship between the supplier and participants, and in particular, whether the agreement:

- (a) is to be used for every participant;
- (b) is in writing;

- (c) clearly itemises each of the services offered by the supplier and the fee to be charged in respect of each service;
- (d) clearly specifies the conditions the participant must agree to before having an interlock installed;
- (e) specifies the circumstances in which the participant is responsible for repairs or maintenance pursuant to guideline 14.2;
- (f) provides that a participant who is the holder of a health care card is entitled to pay a concessional price for all services related to the installation and maintenance of an approved interlock (other than those costs incurred in relation to the repair or maintenance of the interlock for which the participant is responsible under guideline 14.2); and
- (g) procures such consent of the participant as is necessary to enable the supplier to provide personal information about the participant to the Corporation and accredited agencies for the purpose of administering the RSA, the Guidelines and the Conditions of Approval that the Corporation has imposed on the supplier.

7 Handling Complaints

7.1 In having regard to whether the applicant has adequate arrangements for the handling of complaints, the Corporation will consider whether the applicant has in place a complaint management and resolution system that:

- (a) is capable of being audited;
- (b) is in accordance with the requirements of Australian Standard 4269-1995 (as amended from time to time); and
- (c) deals with complaints about the supplier's agents or other person or body authorised by the supplier to install approved interlocks (if any).

8 Quality Assurance Systems

For the purpose of enabling the Corporation to consider the matters referred to in section 50AAE(5), it will have regard to whether the applicant has in place a quality assurance system that:

- (a) is in accordance with the requirements of AS/ISO 9000 (as amended from time to time);
- (b) provides for the training of the applicant's employees or agents and other persons proposed to be authorised by the applicant to install or maintain interlocks;
- (c) applies to the applicant's agents and other persons proposed to be authorised by the applicant to install or maintain interlocks; and
- (d) sets out written procedures for:
 - (i) the installation, maintenance and removal of interlocks;
 - (ii) downloading data and preparation of summary reports and compliance assessment reports;
 - (iii) record keeping;
 - (iv) compliance with relevant laws;
 - (v) protection of privacy;
 - (vi) customer service and complaint handling;
 - (vii) logging, reviewing and responding to emergency calls; and
 - (viii) providing concessions to holders of health care cards.

9 Concessions

- 9.1 For the purposes of section 50AAE(6) of the RSA, the Corporation will not approve the applicant unless satisfied that it will charge a participant who is the holder of a health care card at least \$50 per month less than the cost charged to other participants for installation and maintenance of approved alcohol interlocks (other than those costs incurred in relation to the repair of the interlock for which the participant is liable under guideline 14.2).

PART C: GUIDELINES FOR INSTALLATION AND MAINTENANCE OF ALCOHOL INTERLOCKS**10 Interlock labels**

- 10.1 Upon installation of an approved interlock:

- (a) a clearly visible label indicating the installation of an interlock and warning that the supplier must be notified before any other mechanical work is commenced must be securely attached to the engine of the relevant vehicle; and
- (b) the interlock itself must also be clearly labelled as such.

11 Maintenance of approved interlocks

- 11.1 The interlock is to be programmed to require the participant to return the vehicle for maintenance once every month for the first three months following installation, and thereafter at longer intervals to be determined by the supplier. However, in no case must the period between maintenance visits be longer than those required by the instructions issued by the manufacturer of the interlock (in accordance with Australian Standard 3547-1997 Breath Alcohol Testing Devices for Personal Use (as amended from time to time) for type 4 devices).
- 11.2 During each maintenance visit, the information specified in guideline 2.1 must be recorded in a secure manner, in encrypted form.
- 11.3 The supplier must repair any interlock fault that prevents operation of the vehicle within three business days of being advised of that fault.

12 Summary Reports

- 12.1 On each occasion that maintenance of an interlock is carried out, the person who performed the maintenance must complete a summary report that includes:
- (a) the participant's name and address;
 - (b) the model and number of the interlock;
 - (c) the vehicle's registration number and odometer reading;
 - (d) the period of time since the last maintenance visit;
 - (e) the distance driven since the last maintenance visit;
 - (f) test result details, including numbers of:
 - (i) test samples administered;
 - (ii) test samples passed;
 - (iii) test samples failed;
 - (iv) engine starts;
 - (v) retest samples not presented;
 - (vi) retest samples failed;
 - (vii) incorrect samples presented; and
 - (viii) starts without breath test;
 - (g) any indications of possible disconnection, circumvention or tampering in respect of the interlock or its circuits;

- (h) number of permanent lock outs;
 - (i) number of hardware errors; and
 - (j) whether the participant was on a concession.
- 12.2 If any record is made of disconnection, circumvention or tampering, the summary report must also record any explanation offered by the participant.
- 12.3 The report should make provision for the person who performed the maintenance to provide any comment on that explanation which he or she is able to make.
- 13 Retention of Maintenance Records**
- 13.1 A comprehensive and auditable log of all maintenance that is performed on an interlock is to be maintained until at least seven years after the interlock is removed from the participant's vehicle.
- 14 Liability for repairs**
- 14.1 The supplier must pay all costs of repairs to the interlock other than those resulting from acts or omissions beyond the control of the supplier, the supplier's agent or any other person authorised by the supplier to install and maintain interlocks (such as, for example, damage to an interlock through misuse, vandalism or motor vehicle accident).
- 14.2 Participants must pay all costs of repairs to interlocks which resulted from acts or omissions beyond the control of the supplier, the supplier's agent or any other person authorised by the supplier to install and maintain interlocks (such as, for example, damage to an interlock through misuse, vandalism or motor vehicle accident).

Dated 2 May 2003

The Official Seal of the Roads Corporation was)
hereunto affixed in the presence of)

DAVID ANDERSON,
Chief Executive, Roads Corporation

MARK MILLER,
Manager, Legal Services

Gazette Services

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