



# Queensland Government cracks down on drink driving

**Date: Monday January 3, 2022**

On 10 September 2021, (the **Commencement Date**) a range of new drink driving laws came into effect in Queensland. These new laws will affect you if you are charged with drink driving after the Commencement Date. In this blog, we explore the significant changes related to the interlock program and compulsory drink driving education.

## Expansion of interlock program

In Queensland, drivers that commit certain drink driving offences are required to participate in an alcohol ignition interlock program. This involves an approved interlock device being fitted to their vehicle and/or any other vehicle that they will be required to operate for any other reason.

An interlock device is a type of breathalyser connected to a vehicle's ignition. Before a driver can start the car, they must submit a sample of breath to the device. If the interlock device detects a BAC of more than zero, the vehicle will not be able to be started.

A driver that has an interlock condition on their licence can only operate a vehicle that has an approved interlock device fitted and must have a BAC of zero (irrespective of whether they hold a full licence). Any person that drives a vehicle fitted with an interlock device must use the interlock to operate the vehicle.

## Interlock program requirements prior to September 2021

Prior to the Commencement Date, a person convicted of any of the following offences would be required to participate in the interlock program:

- driving under the influence of alcohol;

- driving whilst over the high alcohol limit (BAC of 0.15);
- failing to provide a specimen of breath for analysis;
- dangerous operation of a motor vehicle whilst adversely affected by alcohol; and
- committing 2 or more drink driving offences within 5 years.

## Interlock program requirements from 10 September 2021

After the Commencement Date, in addition to the above offences, all drivers convicted of driving over the middle alcohol limit (BAC equal to or greater than 0.10) will be required to participate in the alcohol ignition interlock program.

Charged with drink driving and it may effect your employment? Seek advice: [1800 659 114](tel:1800659114)

The expansion of the interlock program to cover mid-range drink drivers will capture a significantly larger cohort of offenders. A person that is convicted of mid-range drink driving, even one who is successful in obtaining a [restricted work licence](#) during the period of their licence disqualification, may face the termination of their employment if they are the subject of an interlock condition and:

- are required to drive a work vehicle; and
- their employer refuses to allow the work vehicle to be fitted with an interlock.

If you are charged with a drink driving offence and are concerned about its potential impact on your employment, you should ask to speak with one of our solicitors that has experience in both traffic law and employment law matters.

## Performance based interlock program

Historically, interlock conditions in Queensland applied for a set period of time. However, offenders that are convicted of a relevant offence on or after the Commencement Date will be required to participate in a 'performance-based' interlock program.

The performance-based program consists of an 8-month learning period and a 4-month performance period, during which time the interlock is monitored. If a person fails to comply with the strict conditions required during the performance period, the performance period (that is, the 4-month period) will be restarted and the overall period of the program will be greater than the minimum of 12 months. Non-compliance with the conditions includes if the interlock device detects alcohol or you have a lockout due to a missed scheduled service of your device.

If a person that is convicted of a relevant offence does not complete the interlock program, then they will not be eligible to apply for a driver's licence for five years.

## Exceptions to the interlock program

Seeking an exemption? Call for advice: [1800 659 114](tel:1800659114)

Exemptions in relation to the interlock program are available for people that satisfy certain strict criteria.

Exemptions may be available for:

- people that live in a remote location or on an island;
- people who have a medical condition that prevents them from providing sufficient breath to operate an interlock; or
- people who will experience severe hardship if they are not granted an exemption.

If you believe that you may be eligible for an exemption, you should seek legal advice about your prospects of making a successful exemption application.

## Compulsory drink driving education

From the Commencement Date, all drivers that are convicted of a drink driving offence must complete a short online drink driving course before being eligible to apply for a new driver's licence.

If a person that is convicted of a drink driving offence does not complete the course, then they will not be eligible to apply for a driver's licence for five years.

If a person is convicted of two or more drink driving offences, the person must complete a repeat drink driving course, which consists of six in-person sessions that take at least two hours each.

Exemptions in relation to the repeat drink driving education course are available for people that satisfy certain strict criteria.

Exemptions may be available for:

- people that live in a remote location or on an island and cannot complete the relevant course online; or
- people who will experience severe hardship if they are not granted an exemption.

If you believe that you may be eligible for an exemption, you should seek legal advice about your prospects of making a successful exemption application.

## Get help from a criminal lawyer

The [criminal law team](#) at Hall Payne Lawyers is well equipped to provide you with advice about a criminal or traffic charge, including the impacts that any charge may have on your employment. If you are currently facing a criminal or traffic charge you should contact our office and arrange an appointment with a member of our team.

You can contact us by phone or email to arrange your consultation; either face-to-face at one of our offices, by telephone or by videoconference consultation.

Phone: [1800 659 114](tel:1800659114)

Email: [general@hallpayne.com.au](mailto:general@hallpayne.com.au)

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