



INFORMATION SHEET

IMPAIRED DRIVING

1. Road Safety Strategy

The purpose of the Road Safety Commission (Commission) is to eliminate life-changing road trauma in Western Australia (WA). The vision of the Commission is a future without road trauma, a future where no one thinks that road trauma is acceptable.

In 2008, the State Government released its 12-year road safety strategy, Towards Zero, which set out the target of 11,000 fewer people killed or seriously injured (KSI) by 2020. The strategy is based on the Safe System approach to road safety, which involves a holistic view of the road transport system. Towards Zero is underpinned by the four cornerstones of the safe system;

- Safe Roads and Roadsides
- Safe Vehicles
- Safe Speed
- Safe Road Use

Impaired driving-related crashes remain a major concern for the government and other road safety authorities across Australia, with impaired driving listed as a priority area by the Road Safety Council.

2. What is the Problem?

Impaired driving is a reference to driving with an unlawful level of impairment due to the use or consumption of alcohol and/or drugs.

In WA, the number of alcohol related fatalities has fluctuated over the past 7 years and has decreased from a recent peak in 2016. Despite recent reductions, one in five (20%,33) people killed on WA roads were involved in an alcohol-related crash. Three quarters of these occurred in regional WA.

Numbers of reported drug use prior to driving are low but are on the increase (Road Safety Commission [RSC], 2019). Figure 2 shows trauma patients' use of alcohol and drugs in the 12 hours preceding the crash. This use may be self-reported, suspected use or use determined by objective measurement.

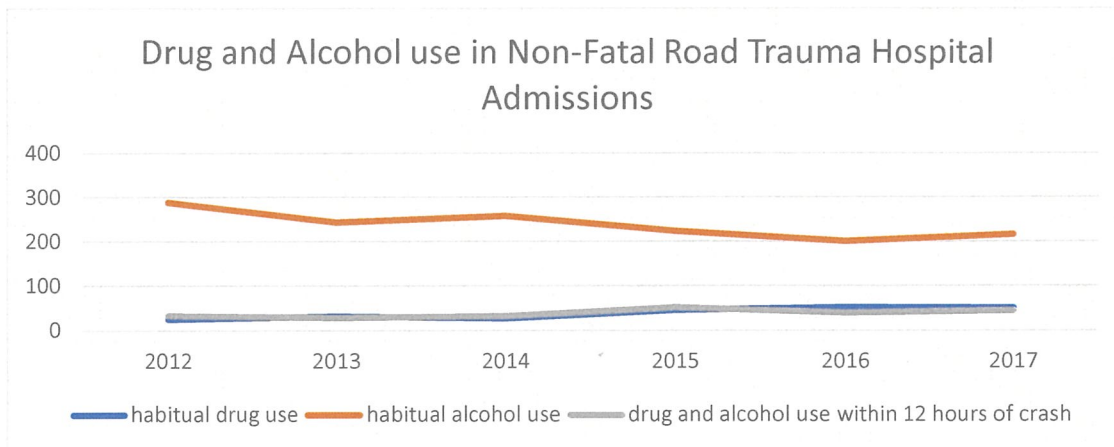


Figure 1.

(RSC, 2019)

Driving under the influence of drugs is estimated to be equal to driving at twice the legal Blood Alcohol Concentration (BAC) limit and can significantly increase the risk of a fatal crash (National Road Safety Partnership Program [NRSP], 2017). People who take drugs are more likely to engage in risk taking behaviours, including driving whilst impaired. A third of Australians surveyed reported they sometimes drive after taking drugs. Although the numbers of people who drink drive are similar to those who drug drive, drinking is far more common than taking recreational drugs. This suggests a greater proportion of drug users drive while under the influence, compared with those who drink alcohol. (van Souwe, Gates, & Bishop, 2018).

3. What is the Supporting Research and Evidence?

Drink Driving

Alcohol impairs a person's ability to control a vehicle. Research shows that the risk of being involved in a traffic crash is significantly higher for a person with a BAC of 0.05%, than that of a person who has not been drinking at all (Cameron, n.d).

Long term trends across Australia indicate that alcohol consumption is steadily decreasing with proportions of people choosing never to consume alcohol increasing. However, alcohol is still the sixth highest risk factor contributing to the burden of disease in Australia. Almost a quarter of this burden is due to road traffic injuries with 9.9% of people admitted to driving while under the influence of alcohol in 2016 (Australian Institute of Health and Welfare [AIHW], 2017; AIHW, 2020).

As alcohol use is legal, the importance of separating alcohol and driving is evident from drivers' attitude towards drink driving and their likelihood of having driven over their BAC. Attempting to stay under the BAC limit is not always successful and drivers report they are still likely to drive over the legal limit when attempting to restrict their drinking as opposed to electing not to drink at all. Around two thirds of drivers are separating drinking and driving, with younger drivers 15-24 years least likely to drink at all when driving (Van Souwe, Gates, & Bishop, 2018).

Drug Driving

Drug driving is becoming an increasing issue especially as there are multiple illicit and licit drugs that can impair driving ability.

There is substantial evidence of a direct causal relationship between alcohol and driving impairment, and emerging evidence supports a relationship between the use of both licit and illicit drugs and increased crash risk (Van Souwe, Gates, & Bishop, 2018). Psychoactive drugs are, by definition, those that affect mood, cognition and/or psychomotor functioning. Driving is considered a complex psychomotor and cognitive task, and the use of psychoactive drugs has the potential to impair driving ability, more research is required in order to accurately determine the concentration/impairment relationship (Mallick, 2007; Paulo Busardo, et.al., 2018).

Cannabis is the most used illicit drug across Australia and the second most common drug type identified at toxicology for road crash fatalities in 2016 (AIHW, 2020). Although community tolerance of cannabis use is increasing, the community show strong support for enforcement measures to combat drug driving with 96% of survey respondents supporting roadside drug tests (AIHW, 2016).

Driving under the influence of legal, over the counter and prescription medications can also impair driving. The following shows the estimated BAC equivalent of a selection of common licit drugs (Alcohol and Drug Foundation, 2017).

DRUG CLASS	GENERIC NAME	ESTIMATED BAC EQUIVALENT
ANTIHISTAMINES	Chlorpheniramine	0.08%
	Promethazine	0.08%
ANTIDEPRESSANTS	Sertraline	0.05–0.08%
	Escitalopram	0.0–0.08%
	Amitryptiline	0.08%
	Doxepin	0.08%
HYPNOTICS	Temazepam	0.08%
	Nitrazepam	0.08%
	Diazepam	0.08%
	Oxazepam	0.08%
TRANQUILLISERS	Olanzapine	0.08%
	Haloperidol	0.08%

4. What are the Countermeasures?

Legislation and Enforcement

Significant research has occurred examining the effects of targeted versus general deterrence. The principles of deterrence (general deterrence and targeted deterrence) underlie much of the research and practice on effective drink driving law and enforcement.

Legislation

WA legislation regarding driving whilst impaired can be found in;

Road Traffic Act 1974 – Part 5, Division 2A and Division 2; Driving of vehicles: Alcohol and Drug related Offences

Road Traffic (Authorisation to Drive) Act 2008 - Alcohol Interlock Program

Road Traffic Code 2000 - driving under the influence of alcohol and/or drugs

Drugs

Driving while under the influence of illicit drugs is an offence in all States and Territories and roadside drug testing has been introduced in all of them, replacing standard impairment tests which involved an observation and interview procedure (Van Souwe, Gates, & Bishop, 2018).

Alcohol

Any alcohol in a person's system may affect their ability to drive. However, whilst there are some special cases, it is generally an offence to drive while the driver's BAC is 0.05% or above.

In special cases the driving limit is zero% BAC. These special cases are as follows:

- Novice drivers (not having held a licence for at least 2 years);
- Drivers recently disqualified;
- Drivers holding an Extraordinary Licence;
- Taxi or bus drivers;
- Drivers of small charter vehicles;
- Drivers of vehicles carrying dangerous goods; and
- Drivers of heavy vehicles (a vehicle over 22.5t).

More information on alcohol and drug related police powers and offences can be obtained via the following web site;

<https://www.rsc.wa.gov.au/Your-Safety/Behaviours/drug-driving>

Enforcement

Roadside Drug and Alcohol testing

Drink and Drug Driving laws are enforced through targeted and random testing by the WA Police Force. In Western Australia, drivers can be subject to roadside alcohol and drug tests, with the aim to reduce the risk posed by drug or alcohol impaired drivers. The community strongly supports this type of enforcement believing it can reduce both impaired driving and other issues associated with illicit drug use (AIHW, 2017).

Alcohol and drug impaired driving is classed as a Category A offence on which police enforcement effort is concentrated. Annual targets regarding enforcement outputs including achieving 1.8M breath tests per year are consistently exceeded, however due to the Covid-19 pandemic this target may not be realised as breath and drug testing was temporarily suspended in response to the potential health risk to police officers.

During the past two years;

- in 2019 WA Police Force conducted 2,185,928 random alcohol tests and 40,000 roadside drug tests. (WA Police Force, 2019)

- crash blood testing - In 2017/18 the WA Police Force conducted 429 tests (WA Police Force, 2018)
- 12% of roadside drug tests carried out in 2018 returned a positive result
- 1% of random breath tests carried out in 2018 returned a positive result

Australia is considered to have the most intensive roadside drug-testing program in the world and measures are in place to preserve this. The National Road Safety Action Plan 2018-2020 contains priority actions to maintain breath testing and significantly increase roadside drug testing across all States and Territories (Commonwealth of Australia, 2018; Davey, Armstrong, Freeman & Sheldrake, 2017).

Alcohol Interlock Scheme

Western Australia introduced an Alcohol Interlock Scheme in 2016, with the aim of reducing the road safety risk posed by drink drivers on WA roads.

The program is mandatory for drivers who -

- Are convicted of driving with a BAC 0.15% or over.
- Are convicted of dangerous driving causing death, bodily harm or grievous bodily harm, where they were under the influence of alcohol to such an extent as to be incapable of having proper control of a vehicle.
- Are convicted of a second drink driving offence of any kind within 5 years.
- Are convicted of an offence of failing to comply with a request to provide a breath (can include blood or urine in some cases) sample to a member of WA Police.

Drivers assigned to the Alcohol Interlock Scheme must pay to have a breath testing device fitted to the vehicle they drive. This device only allows the vehicle to operate if a breath sample given by the driver is less than 0.02% BAC. People on the scheme are not permitted to drive vehicles without an alcohol interlock device fitted. Drivers who breach the requirements may also be required to attend alcohol assessment and treatment. Alcohol assessment and treatment includes six one-hour sessions with a qualified alcohol and other drug counsellor aimed at supporting the driver to separate alcohol use from driving (Department of Transport, 2019).

Diversions and Support Programs

There are several diversionary programs available to support people who have been apprehended by Police, appear in courts, or who have an alcohol interlock in place. These are set up to support recidivist drink drivers or persons with a problem with alcohol.

A Drug Court operates in Western Australia and whilst this does not have a specific focus on driving related offences, the Drug Court does provide benefits to road safety in the area of drug impaired driving. The Drug Court provides offenders with the opportunity to break the cycle of substance misuse and offending by facilitating treatment programs for people with significant drug problems.

The Drug Court operates out of the Magistrates Courts in Perth. The aims of the Court are to -

- support participants in addressing their substance misuse and associated lifestyle,

- reduce the imprisonment of those with substance misuse issues by addressing problems that are integral to offending behaviour, and
- reduce post-treatment supervision requirements for participants by having them address relevant requirements at an earlier stage in the process (Government of Western Australia, 2019).

Education

Campaigns targeting drink driving continue to be developed and run by the Road Safety Commission. Recent examples *Worried* (November 2017-February 2018), *Priorities – Drink Driving* (November 2016-July 2017) and *Grow Up* (2019/20), can be located at the Commission's website [Campaigns](#) Page.



Image 1: Image from the Grow Up Campaign, Road Safety Commission, 2019

The WA Government supports programs intended to educate the community about the risks of drink driving. These include;

- Community Grants,
- Prevent Alcohol and Risk Related Trauma in Youth (PARTY) – The PARTY program allows youth to experience the journey of an imaginary trauma patient from the hospital Emergency Department, Intensive Care Unit and Trauma Wards at Royal Perth Hospital,
- School Drug Education Road Aware Program (SDERA) – This suite of road safety programs contributes to the Safe System approach by specifically addressing young road user issues through education strategies that target educators, parents and young people,
- RoadWise - RoadWise operate a State-wide network of road safety educators and organisers who promote local road safety messages, develop local activities, and coordinate local grants,
- Clubs WA – The Commission runs safe driving promotions through Clubs WA.

5. What is the Future Focus?

Policy

Nationally, Austroads have recently developed an Australian Drink Driving Policy Framework, the development included a literature review, consultation with jurisdictions and a policy discussion paper and makes the following recommendations;

- extending a lower legal BAC limit to more drivers,
- improving general deterrence through more highly visible and randomised enforcement, combined with covert operations,
- expanding the use of interlock programs, with improved monitoring and case management,
- working more closely with the alcohol and other drug (AOD) sectors to manage alcohol dependent drivers
- supporting measures to reduce societal use of alcohol
- fast-tracking vehicle-based systems to prevent alcohol impaired driving (Austroads, 2020).

In WA, impaired driving is one of the six priority areas for the Road Safety Council and actions proposed for the future include:

- continuing the enhanced breath and drug testing capacity funded through the Road Trauma Trust Account (RTTA),
- increase illicit drug testing capacity in both metropolitan and regional areas.
- increase numbers of crash blood testing,
- continue the assessment and treatment services for repeat and high-end offenders under the alcohol interlock program.

Legislation

The Road Traffic Amendment (Impaired Driving and Penalties) Bill 2019 received assent on 9 July 2020 and is now known as the *Road Traffic Amendment (Impaired Driving and Penalties) Act 2020* (Act). The substantive provisions commence by proclamation and are expected to be proclaimed by July 2021 with supportive regulation changes also to be completed in the following 12 months.

The changes are aimed at addressing drink and drug driving in Western Australia. The *Road Traffic Amendment (Impaired Driving and Penalties) Act 2020* implements the following reforms which:

1. allow a police officer to immediately prohibit a driver who tests positive to the presence of prescribed illicit drugs at roadside from driving for 24 hours;
2. introduce new offences to target people who drive with an illegal level of alcohol and prescribed illicit drugs;
3. increase penalties for existing drink and drug driving offences to ensure that they remain an effective deterrent; and
4. enhance and streamline drink and drug driving enforcement processes.

The Act introduces new offences which target concurrent alcohol and drug driving and imposes penalties which reflect the seriousness of the offending behaviour. All new polydrug driving offences will also attract mandatory minimum periods of disqualification, with longer periods applying for higher BAC levels and repeat offending behaviour.

Research

An extensive evaluation of all aspects of the Alcohol Interlock Scheme is in progress. The evaluation will inform future process, delivery and administration of the scheme to improve the effectiveness and relevance in improving road user behaviour and road safety outcomes.

Further research into attitudes and behaviours regarding drug use and the prevalence of drug driving in WA has also been earmarked.

Road Safety Strategy

A new road safety strategy is being developed for Western Australia towards shaping and progressing our shared goal of zero deaths resulting from a road crash. Impaired Driving will be addressed within the new strategy which will continue to be based on the safe system approach and will be underpinned by its four guiding principles;

- people make mistakes that can lead to road crashes,
- the human body has a limited physical ability to tolerate crash forces before harm occurs,
- a shared responsibility to prevent crashes resulting in serious injury or death,
- all parts of the system must be strengthened to multiply their effects.

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