

P.P. 180

SOUTH AUSTRALIA

---

REPORT OF THE SELECT COMMITTEE  
OF THE LEGISLATIVE COUNCIL

ON

Assessment of Random Breath Tests

---

*Laid on the table of the Legislative Council 4 March 1981 and ordered to be printed 4 March 1981*

---

BY AUTHORITY: D. J. WOOLMAN, Government Printer, South Australia

1981



**TABLE OF CONTENTS**

	<b>Page</b>
1. Conclusions and Comments for Term of Reference 1 .....	2
2. Conclusions and Comments for Term of Reference 2 (a) .....	4
3. Conclusions and Comments for Term of Reference 2 (b) .....	5
4. Conclusions and Comments for Term of Reference 3 .....	6
5. Other Matters .....	9
6. Summary of Recommendations.....	11
7. References .....	14
Appendices A to E	



REPORT OF THE SELECT COMMITTEE  
OF THE LEGISLATIVE COUNCIL

ON

Assessment of Random Breath Tests

On 2 April 1980, the Legislative Council appointed a Select Committee to enquire into and report upon:

1. Whether or not the introduction of random breath tests (meaning alco-tests or breath analyses as defined in the Road Traffic Act, 1961-1978) of drivers of motor vehicles by members of the Police Force is likely to contribute to a reduction in the road toll.
2. If such random tests are likely to make such contribution—
  - (a) what procedures should be followed and what limitations should be placed on the police in the conduct of such random tests;
  - (b) what notice, if any, should be given to members of the public and in what manner should that notice be given on the conduct of such tests.
3. Such other matters relating to the serious problem of persons who consume alcoholic liquor driving after such consumption as may be relevant to the Committee's consideration of random testing.

Your Committee has the honour to report:

INTRODUCTION

1. Following its appointment, the Committee inserted advertisements in *The Advertiser*, *The News*, *The Sunday Mail*, *The Australian*, *The Age* and the *Northern Territory News* to advise interested persons of the Committee's appointment.
2. Your Committee met on fifteen occasions and received evidence from a wide cross-section of the community. The submissions were of great value to the Committee in its deliberations.
3. Inspections were undertaken of Melbourne, Darwin and Alice Springs breath testing operations to assess the practical issues of Random Breath Tests and to assess the attitudes of persons being tested. The excellent co-operation received from the interstate authorities was appreciated.
4. The names of persons who appeared before the Committee are listed in Appendix A and Appendix B contains names of persons and organisations making written submissions.

## CONCLUSIONS

### 1. TERMS OF REFERENCE—1

#### 1.1 CONCLUSION

- 1.1.1 The committee concluded that although the question is open to some debate, on balance, the introduction of random breath testing (R.B.T.) of drivers of motor vehicles by members of the police force is likely to contribute to a reduction in the road toll.

#### 1.2 COMMENTS

- 1.2.1 This unanimous conclusion was reached after careful consideration of the large amount of evidence, both factual and opinion, given to the Committee during the course of its enquiry.
- 1.2.2 The primary factual evidence of the effectiveness of R.B.T. came from Victoria, where R.B.T. has been in operation since 1976 and this evidence indicated that the road toll (fatality rate) in that State is, and has been, reducing more quickly than the Australian average (Appendix C).
- 1.2.3 A special evaluation of the effectiveness of R.B.T. was carried out by the Road Safety and Traffic Authority of Victoria (Reference 1) in Melbourne during 1978. The results of this evaluation, which were published by the Victorian Authority and assessed independently by your Committee for statistical validity, indicated that R.B.T. was effective in reducing the number of serious casualty road crashes at night in the Melbourne metropolitan area.
- 1.2.4 It should be noted that in South Australia in 1979 (the latest year for which information is available) there were 47 900 reported road accidents, of which there were 1 875 (4 per cent) where alcohol was considered to be responsible (alcohol-related). However, of the total number of road crashes where fatalities resulted (272), 111 or 41 per cent were alcohol-related and of the total number of crashes where personal injury resulted (8 155), 1 183 or 14 per cent were alcohol-related. (Appendix D). These comparisons illustrate the greater involvement of alcohol in fatality and personal injury accidents.
- 1.2.5 Supporting factual evidence came from South Australian (Reference 2), interstate and overseas research which showed that the probability of being involved in a road crash rises rapidly as the blood alcohol level (B.A.L.) increases and that driving ability is impaired significantly at B.A.L. above 0.03. At a B.A.L. of 0.05 the probability of being involved in a road crash is one and a half times the average probability at 0.08 it is three times the probability and at 0.15 it is approximately fifteen times higher than the average expectation. Film and written evidence of scientifically controlled driving tests showed significant degradation of driving performance at B.A.L. above 0.03 and that there was a lower level of driving ability for less experienced drivers when compared with skilled drivers at the same B.A.L. Emergency response was affected detrimentally more than routine driving ability.
- 1.2.6 Additional support came from a comprehensive enquiry conducted by the Australian House of Representatives Standing Committee on Road Safety which recommended among other things that 'random breath testing legislation be introduced in all States and Territories' in a report published in May 1980 (Reference 3). This report also indicated the high involvement of alcohol in serious casualty road crashes—as high as 50 per cent for fatal crashes.
- 1.2.7 The Police Departments in the Northern Territory, where R.B.T. has been in operation since early 1980, and Victoria indicated that they believed that R.B.T. was a most important part of police operations and that this enforcement activity would continue.
- 1.2.8 The Road Safety Council of S.A., the S.A. Road Traffic Board, the Road Safety Council of N.T. and the Road Safety and Traffic Authority of Victoria supported the introduction of R.B.T. whilst the South Australian Police Department gave qualified support. The South Australian Police were concerned that if they were required to carry out breath testing on a large scale, they would not be able to maintain existing traffic enforcement programmes unless manpower levels were lifted. The Police Department representative indicated to the Committee that R.B.T. would be a useful complementary strategy in some limited circumstances of police traffic enforcement work both as an apprehension measure and as a deterrent.

1.2.9 Of the twenty non-government groups which made submissions to the Committee:

Thirteen supported the introduction of R.B.T.

Four opposed R.B.T. but would reassess their position if it could be shown that the Victorian experience indicated a reduction in the road toll.

One did not oppose R.B.T.

One opposed R.B.T. under any circumstances

One submission did not relate to this term of reference.

1.2.10 Eleven individuals made submissions to the Committee and of these:

Eight supported the introduction of R.B.T.

One opposed it under any circumstances

Two submissions did not relate to this term of reference.

1.2.11 The opposition to R.B.T. was mainly centred on the 'loss of civil liberties' which would outweigh any real or imagined reduction in the road toll which might occur as a result of R.B.T. Doubt was also cast in a few submissions on the effectiveness of R.B.T. in Victoria on the road toll.

1.2.12 Infringement on civil liberties caused by R.B.T. was a source of major concern to the South Australian Council for Civil Liberties, although the same concern was not expressed by the Council for Civil Liberties in the Northern Territory, who supported the introduction of R.B.T. in the Northern Territory.

1.2.13 The 'civil liberty' argument was also the major basis for the decision of the Australian Law Reform Commission decision in 1976 not to recommend the introduction of random breath testing. However, this decision was reached by the Commission before the introduction of R.B.T. in Australia.

1.2.14 Consequently the Committee felt constrained to take the civil liberties argument into very careful account when listening to and evaluating other evidence presented to it. The expected loss of civil liberties was weighed up very carefully in the balance with the benefits expected to flow to the community as a result of the introduction of R.B.T.

1.2.15 The Council for Civil Liberties was not convinced of the effectiveness of the Victorian experience as it had been presented by the Victorian Authorities and so the Committee made arrangements for the Victorian evidence to be submitted to an independent statistical analyst for a report. As mentioned earlier, this independent assessment supported the Victorian view that R.B.T. had contributed to a reduction in night-time serious casualty road crashes in the Melbourne metropolitan area.

1.2.16 The Council also indicated to the Committee that it would be prepared to reassess its stand if it could be shown that the Victorian evaluation of R.B.T. in 1978 was effective.

1.2.17 On the other hand, several other groups and individuals expressed the opinion that the loss of civil liberty involved was a small price to pay for the benefits expected to accrue to the community.

1.2.18 The Committee does not consider the following conclusive, but the results of four Australian public opinion polls conducted between 1977 and 1980 were noted by the Committee. These results showed widespread and increasing public support for the introduction of R.B.T. In South Australia, the results ranged from a low of fifty per cent in favour in 1977 to a high of seventy-nine per cent in favour in 1979. In a recent public opinion poll conducted by Australian Public Opinion Polls in Victoria in 1979, eighty-nine per cent of those interviewed agreed with the introduction of random breathalyzer tests. (Appendix E). This support was confirmed by the Committee who, whilst in Darwin and Melbourne, questioned several dozen drivers before and after testing at R.B.T. stations on their attitude to R.B.T. and its associated inconvenience. In all but isolated cases the driver's and other occupants' attitude was quite favourable.

2. **TERMS OF REFERENCE—2 (a)**

2.1 CONCLUSION

- 2.1.1 The committee concluded that the method of testing should be at random breath test stations consisting of caravans and/or one or more cars with appropriate accompanying warning and safety devices. Random breath testing would not be permitted other than at such properly constituted random breath testing stations. Existing laws relating to breath testing following the commission of an offence should not change.
- 2.1.2 The procedure should include a preliminary breath test followed by a breathalyzer test at the random breath test station or at another location if the preliminary test indicates that the driver's B.A.L. is, or may be, above the specified legal limit.
- 2.1.3 Activity at the random breath test station should be confined to breath testing with an absolute minimum of associated administrative requirements, so that a minimum of waiting and testing time for vehicle occupants is achieved.
- 2.1.4 Police courtesy at these stations should be maintained at a high level.
- 2.1.5 The stations should not be used to discriminate against a particular area or business.
- 2.1.6 All drivers tested at a random breath test station should receive a card giving relevant information on the effects of and problems associated with drink-driving.

2.2 COMMENTS

- 2.2.1 During the Committee's visits to Darwin and Melbourne, the night operation of R.B.T. stations was observed, the Police officers conducting the stations were questioned and drivers stopped for testing were interviewed.
- 2.2.2 A team of approximately six police officers could set up a larger test station comprising a caravan and support police vehicles such as cars and trailers with lighting and signs to carry out up to 200 tests in a shift. Vehicles travelling along the road would be selected at random and the driver put through the test procedure. In Darwin, the total testing time taken ranged from ½ to one minute whilst in Melbourne it ranged from two to five minutes, approximately.
- 2.2.3 The committee strongly supports the Northern Territory procedure which keeps vehicle occupant's waiting and testing time to a minimum (½ to one minute), does not include the taking of names, vehicle registration numbers or examination of driver's licence and involves the collection of a minimum of statistical information.
- 2.2.4 Police officers at the interstate stations were most co-operative and very helpful to the committee's enquiries. These officers felt that police-public relations had not been affected detrimentally by R.B.T. stations and this view was confirmed by the drivers stopped for testing.
- 2.2.5 A possible deterioration in police-public relations was a cause for concern in evidence given to the committee but no support for this view was found by the committee during its enquiry.
- 2.2.6 One administrative procedure which was used in interstate Police Departments was that which required police officers who are to conduct random breath tests to obtain authorisation by the Commissioner of Police to carry out this activity.
- 2.2.7 There was ample evidence presented to the committee by South Australian research and analysis of alcohol-related fatal road crashes to show that night time hours are the times during which random breath testing should be concentrated. A further concentration of this enforcement activity would be expected at weekends.
- 2.2.8 In the Adelaide metropolitan area as a whole it was estimated that there are 14% of drivers (1 in 7) with a B.A.L. above 0.08 between the hours of midnight and 6 a.m. on any average day of the week. As an extreme illustration of this research evidence, sample measurements of B.A.L. on Fullarton Road at Greenhill Road and on Currie Street at West Terrace between midnight and 2 a.m. suggested that 60% of drivers had a B.A.L. above 0.08.



- 2.2.9 To aid in achieving the aims outlined above for procedures at R.B.T. stations, the Committee suggests that the Police Department send appropriate police officers as soon as possible to view and examine interstate R.B.T. operations in both city and rural situations.
- 2.2.10 The current preliminary breath test procedure in South Australia, Victoria and Northern Territory consists of a screening test using the alco-test (or puff bag). However, consideration should be given to the use of a preliminary breath testing instrument or device which permits a B.A.L. to be measured for recording purposes and subsequent statistical analysis.

3. **TERMS OF REFERENCE—2(b)**

3.1 **CONCLUSION**

- 3.1.1 The Police Department should be able to site and change the siting of R.B.T. stations without prior notification to the public of the details of proposed stations.

3.2 **COMMENTS**

- 3.2.1 Virtually every authority, organisation, group and individual who commented on this aspect of the Police procedure at R.B.T. stations supported the concept of no prior notification being required or given in a detailed manner.
- 3.2.2 This conclusion is not intended to prevent the Police Department from undertaking generalised publicity prior to some periods of intense Police activity which are commonly known as 'blitzes'. Public awareness and a heightened perception of the risk of being detected is an indispensable part of making the scheme effective.

#### 4. TERMS OF REFERENCE—3

A number of other related factors came under consideration by the Committee as a result of the evidence put before it.

##### 4.1 LEGISLATION

- 4.1.1 Random breath test legislation should be 'sunset' legislation with an initial operative period of three years. This period will allow a proper evaluation to be made of the effectiveness of the legislation before it expires. Practical factors related to the collection and analysis of road crash information suggest this minimum initial operating period for the legislation.
- 4.1.2 The Committee should continue for the time being and be consulted during the drafting of the appropriate amendments to the relevant Acts and/or Regulations. This will permit the expertise gained by the Committee during its enquiry to be utilised more fully.
- 4.1.3 The Committee considered that there should be a sound basis for evaluation of the scheme and, accordingly, the Government, on advice from the Committee, arranged for prelegislation statistical information to be collected by the Adelaide University Road Accident Research Unit.
- 4.1.4 It is considered that statistical information on driver habits and attitudes should continue to be collected by the University of Adelaide Road Accident Research Unit, or some other equivalent group, at selected times over the three year period to enable a properly based assessment of the effectiveness of R.B.T. to be determined.
- 4.1.5 Another Select Committee should be reconstituted at the appropriate time to evaluate the effectiveness of R.B.T. legislation.

##### 4.2 BLOOD ALCOHOL LEVEL (B.A.L.)

- 4.2.1 The specified B.A.L. at which fines and licence disqualification occur should remain at 0.08. This proposal is in accordance with evidence and comments made to the committee.
- 4.2.2 However, where a breath analysis performed at a R.B.T. station indicates a B.A.L. equal to or greater than 0.05 but below 0.08 a member of the Police Force on duty at the station should be required to issue to that person a notice requiring that person:
- (a) not to drive a vehicle until his/her B.A.L. falls below 0.05, and
  - (b) to attend lectures on the dangers of drink-driving within a specified period not exceeding six months from the date on which the notice is issued. It should be an offence to fail to comply with such a notice.
- 4.2.3 Evidence was presented to the committee which showed that measurable driver impairment resulted at B.A.L. above 0.03 and that driver susceptibility to crash has increased noticeably at a B.A.L. of 0.05. The combination of inexperienced driver and inexperienced drinker shows the greatest impairment.
- 4.2.4 This procedure is also considered a warning or educative measure, particularly for younger and more impressionable drivers and is not intended that being detected with a B.A.L. between 0.05 and 0.08 be considered a first offence.

##### 4.3 PENALTIES

- 4.3.1 The committee proposed that there be a separate scale of penalties under random breath test legislation. These penalties should not involve a sentence of imprisonment but should be confined to:
- (a) fines, and or
  - (b) disqualification of driving licences,
  - (c) satisfactory execution of a community work order where the court believes it is appropriate as an optional full or part alternative to (a) and (b). Failure to carry out satisfactorily such alternative will lead to reinstatement of the full penalty under (a)

and (b). The determination of whether the work was carried out satisfactorily should be made by the court. The Committee believes that people sentenced to community work orders under this provision should not displace workers being paid for their labour or services,

(d) loss of demerit points.

- 4.3.2 Also all offenders should be required to attend lectures on drink driving and, as in other offences, failure to pay the fine or driving under disqualification will lead to imprisonment.
- 4.3.3 The Committee supports the retention of the present Road Traffic Act requirements for referral to the Alcohol and Drug Addiction Board for persistent serious offenders, whether or not the offence is detected at a random breath test station.
- 4.3.4 The Committee considers that gaol is not an appropriate form of punishment for people apprehended at a random breath test station and found to have a B.A.L. above the specified limit.
- 4.3.5 Those drivers who are detected a number of times at a R.B.T. station are considered to have a drinking problem which is not likely to be corrected by a term of imprisonment. Other more appropriate means of treatment should be used including lengthening disqualification of driver's licence and referral to the Alcohol and Drug Addiction Board.
- 4.3.6 There should be no reinstatement of a driver's licence in the case of repeating offenders until the offender can demonstrate to the satisfaction of the appropriate Government authority that their alcohol problem has been cured.
- 4.3.7 During the first year of driving after obtaining a licence (P plate period) or during the L plate period a driver should not be permitted to drive with a B.A.L. of above 0.05. A person detected should, in addition to any other requirements or penalties, lose their P or L plate for a mandatory period such as twelve months and then recommence their P or L plate period.
- 4.3.8 This provision is proposed by the Committee on the basis of the evidence presented to it which indicated that the combination of inexperienced driver and inexperienced drinker leads to the greatest degradation in driving performance. As most P or L plate drivers are young drivers it is considered important to impress on these people as soon as possible, and while they are more likely to be able to alter their behaviour to separate drinking from driving, that the community regards driving whilst under the influence of alcohol as an unacceptable practice.
- 4.3.9 Based on evidence presented to the Committee, there are, in broad terms, two classes of drinkers who also drive—moderate drinkers and 'hard core' drinkers. The Committee considers that R.B.T. is likely to persuade moderate (and occasional heavy) drinkers that they should not drive whilst their B.A.L. is above 0.05 but doubts whether existing hard core drinkers will be deterred greatly from driving with an elevated B.A.L. The procedure will, however, assist in identifying some of the hard core drinkers for treatment.
- 4.3.10 The Committee stresses, in the strongest possible terms, that the combination of drinking and driving is dangerous and should not be tolerated by or in the community.

#### 4.4. POLICE DEPARTMENT STAFF LEVELS

- 4.4.1 The Committee considers that the strength of the Traffic Section of the S.A. Police Department should be increased to man R.B.T. stations and to carry out increased preliminary breath testing as indicated later in this report.
- 4.4.2 The annual cost to the South Australian community of alcohol related road crashes is estimated at \$20-\$30 million. Even if only a small proportion of these accidents could be prevented then the staff increase recommended (thirty personnel) for the Police Department would be more than justified. This number of staff (thirty) is in line with the number suggested by the Police Department in its submission which would be necessary to provide a Statewide cover for random breath testing, namely, six groups in total, of which three would be stationed in the metropolitan area and one in each of the South East, Riverland and Iron Triangle areas. The actual number of additional staff should be for the Police Department to determine.

- 4.4.3 If no additional manpower resources are allocated to the Police Department, then it is considered likely that the positive effect of R.B.T. would be partially, if not completely, offset by a negative effect due to the inevitable reduction in other police traffic enforcement measures that would occur.

#### 4.5 REPORTING

- 4.5.1 The Police Department should be required to include in its Annual Report to Parliament, or by some other appropriate annual reporting method to Parliament:
- (a) the location and times of operation of R.B.T. stations, and
  - (b) the number of drivers tested at both the preliminary level and the Breathalyzer level, and
  - (c) the number of drivers exceeding the specified B.A.L. (Breathalyzer) and the distribution of these B.A. levels.
- 4.5.2 These items are required to supplement research data to be collected as outlined earlier in this report.

#### 4.6 EDUCATION AND REHABILITATION

- 4.6.1 The Government should give consideration to the use of education programmes as an adjunct to the detection and deterrence of drink drive offenders and it should be aimed at changing very specific points of public attitude and behaviour. The Committee sees that one possible aim of education (and/or publicity) is to encourage groups of young people to nominate one or more of their number as a non-drinker for the purpose of driving to and from their destination.
- 4.6.2 The Committee received differing views on the value of education programmes and these should be evaluated by the Government.
- 4.6.3 There should be rehabilitation courses carried out by appropriate Government authorities.
- 4.6.4 The option of attendance at a rehabilitation course could be used by the Court in appropriate cases to reduce the extent of fines and licence disqualification for first offenders.
- 4.6.5 Rehabilitation could also be used during periods of periodic detention and while executing a community work order if this option is available and exercised.

## 5. OTHER MATTERS

While the next items do not necessarily apply to R.B.T. the Committee received evidence which led to the following recommendations to the Government.

### 5.1 PENALTIES (OTHER THAN R.B.T. OFFENCES)

- 5.1.1 For drink driving offences, penalties involving fines, licence disqualification, demerit points and gaol sentences should be continued for drivers with B.A.L. equal to or greater than 0.08.
- 5.1.2 However, where a driver is detected with a B.A.L. equal to or greater than 0.05 but below 0.08, the driver shall, in addition to any other penalties, be issued with a notice requiring the person:
- (a) not to drive a vehicle until his/her B.A.L. falls below 0.05 and
  - (b) to attend lectures on the dangers of drink driving within a specified period not exceeding six months from the date on which the notice is issued. It should be an additional offence to fail to comply with such a notice.
- 5.1.3 For drink driving offences, the Court, at its discretion, should be able to offer an offender the opportunity of carrying out a community work order as an optional alternative to replace or lessen the length of a gaol sentence. If the work carried out by the offender is not satisfactory, then the gaol sentence should be served. The determination of whether the work was carried out satisfactorily should be made by the Court.
- 5.1.4 The Court, where it feels it is appropriate, should be able to offer drink driving offenders an optional alternative of periodic detention instead of a full time gaol sentence.

### 5.2 BLOOD ALCOHOL TESTS AT ROAD CRASHES

- 5.2.1 If practicable, the Police Department should be required to test all drivers involved in road crashes. Where such testing is not carried out the reason for not doing so should be recorded by the Police Department.
- 5.2.2 This provision is proposed by the Committee for consistency with earlier proposals. It was brought to the attention of the Committee during its enquiry that the Police did not always give drivers a breath test when there was not a personal injury at a road crash even though there was obvious evidence of alcohol impairment of the driver responsible.

### 5.3 SELF TESTING FOR B.A.L.

- 5.3.1 Although there is a need for the public to have access to a cheap, convenient and reliable means of self B.A.L. measurement, no such means was brought to the attention of the Committee.

### 5.4 STATE TAXES FOR LOW ALCOHOL (L.A.) BEVERAGES

- 5.4.1 A lower level of State taxes should apply for L.A. beverages to encourage lower B.A. levels for the same amount of liquid consumed.

### 5.5 REGULATIONS FOR NEW AND REDEVELOPED HOTELS

- 5.5.1 The Regulations which permit large hotels with large associated car parking areas should be reviewed with the aim of encouraging smaller hotels. Consideration should be given by the Licensing Court to the needs and desires of the community in which the hotel is to be established. Larger areas for taxis to park at hotels should be specified in revised Regulations.
- 5.5.2 The Committee considers that it is inappropriate for large hotels with large associated car parks to be permitted when there is such a serious community problem being experienced as a result of alcohol related road crashes.

5.6 OTHER ROAD TRAFFIC ACT AMENDMENTS

5.6.1 The Police would like to see two additional items shown as offences under Part III of the Road Traffic Act. These are:

1. Vehicle lighting offences, and
2. Excessive speeds past roads works.

5.6.2 The Committee believes that these two amendments should be made.

## 6. SUMMARY OF RECOMMENDATIONS

6.1 Random Breath Testing (R.B.T.) should be introduced in South Australia as part of the operations of the South Australian Police Department.

### 6.2 LEGISLATION

6.2.1 R.B.T. legislation should be 'sunset' legislation with an initial operative period of three years.

6.2.2 A Select Committee should be reconstituted at the appropriate time to evaluate the effectiveness of R.B.T. legislation.

### 6.3 RANDOM BREATH TEST METHOD

6.3.1 The Police Department of testing should be at R.B.T. stations consisting of caravans and/or one or more cars with appropriate accompanying warning and safety devices.

6.3.2 The Police Department should be able to select and change the siting of the R.B.T. stations without prior notification to the public of the details of proposed R.B.T. stations.

6.3.3 The method of testing should be a preliminary breath test followed by the Breathalyzer at the R.B.T. station or another location if the preliminary test has indicated that the driver's blood alcohol level may be above the specified legal limit.

6.3.4 Procedure at the R.B.T. station should be confined to breath testing with an absolute minimum of associated administrative requirements.

6.3.5 The procedures at R.B.T. stations should be designed for a high degree of courtesy by Police officers and a minimum of delay and testing time for vehicle occupants. To assist this aim the Police Department should send appropriate Police officers as soon as possible to view and examine interstate R.B.T. operations in both city and rural situations.

6.3.6 It is the view of the Committee that the stations should not be used to discriminate against a particular area or business.

### 6.4 REPORTING

6.4.1 The Police Department should be required to include in its Annual Report to Parliament, or by some other appropriate annual reporting method to Parliament:

- (a) the location and times of operation of R.B.T. stations.
- (b) the number of drivers tested at both the preliminary level and the Breathalyzer level, and
- (c) the number of drivers exceeding the specified blood alcohol level (Breathalyzer) and the distribution of blood alcohol levels.

### 6.5 PENALTIES

6.5.1 It is recommended that there should be a separate scale of penalties under R.B.T. legislation. These penalties should not involve a sentence of imprisonment but should be confined to:

- (a) fines, and/or
- (b) disqualification of driving licences,
- (c) satisfactory execution of a community work order where the Court believes it is appropriate as an optional full or part alternative to (a) and (b). Failure to carry out satisfactorily such alternative will lead to reinstatement of the full penalty under (a) and (b). The determination of whether the work was carried out satisfactorily should be made by the Court,
- (d) loss of demerit points,
- (e) all offenders should be required to attend lectures on drink driving,
- (f) as in other offences failure to pay the fine or driving under disqualification will lead to imprisonment.

6.5.2 There shall be no alteration to the present Road Traffic Act requirements for referral to the Alcohol and Drug Addiction Board for persistent serious offenders.

#### 6.6 BLOOD ALCOHOL LEVEL (B.A.L.)

6.6.1 The legal B.A.L. for fines, licence disqualification and gaol sentences should remain at 0.08.

6.6.2 However, where a breath analysis as a result of random breath testing indicates a B.A.L. between 0.05 and 0.08, a member of the Police force on duty at the station should be required to issue that person a notice requiring that person:

(a) not to drive a vehicle until his/her B.A.L. falls below 0.05, and

(b) to attend lectures within a specified period from the date on which the notice is issued.

It should be an offence to fail to comply with such a notice.

#### 6.7 SELF TESTING FOR B.A.L.

6.7.1 Although there is a need for the public to have access to a cheap, convenient and reliable means of self B.A.L. measurement, no such means was brought to the attention of the Committee.

6.7.2 All drivers tested should receive a card giving relevant information on the effects of and problems associated with drink driving.

#### 6.8 POLICE DEPARTMENT STAFFING LEVELS

6.8.1 The strength of the Traffic Section of the S.A. Police Department should be increased to man R.B.T. stations and to carry out increased breath testing as described later in this report.

#### 6.9 OTHER MATTERS

While the next items do not necessarily apply to R.B.T. the Committee received evidence which led to the following recommendations to the Government.

##### 6.9.1 PENALTIES (OTHER THAN R.B.T. OFFENCES)

6.9.1.1 For drink driving offences, the Court, in appropriate cases, at its discretion, should be able to offer an offender the opportunity of carrying out a community work order as an optional alternative to replace or lessen the length of a gaol sentence. If the work carried out by the offender is not satisfactory, then the gaol sentence should be served. The determination of whether the work was carried out satisfactorily should be made by the Court.

6.9.1.2 The Court, in appropriate cases, should be able to offer drink driving offenders an optional alternative of periodic detention instead of a full gaol sentence.

6.9.1.3 In all offences involving driving under the influence, where the driver's B.A.L. is between 0.05 and 0.08 the following provisions shall apply. The police shall issue a notice requiring that person to:

(a) not to drive a vehicle until his/her B.A.L. falls below 0.05, and

(b) to attend lectures within a period of one month from the date on which the notice is issued.

It should be an offence to fail to comply with such a notice.

##### 6.9.2 P AND L PLATE PERIOD

6.9.2.1 During the L plate period or during the first year of driving after obtaining a licence (P plate period), when a driver has a B.A.L. of over 0.05 that person shall, apart from any other penalties, lose their P or L plate for a mandatory period of twelve months and then recommence the P or L plate period. The police shall issue a notice requiring that person to attend lectures within a specified periods from the date on which the notice is issued. It should be an offence to fail to comply with such a notice.



### 6.9.3 EDUCATION (PUBLICITY) AND REHABILITATION

- 6.9.3.1 As an adjunct to the prevention of drink driving offences the Government should give consideration to the use of education programmes designed to focus public attention on the dangers of drink driving.
- 6.9.3.2 The option of attendance at a rehabilitation course could be used by the Court to reduce the extent of fines and licence disqualification for first offenders.
- 6.9.3.3 Rehabilitation programmes could also be conducted during periods of weekend detention or during the period of a community work order.
- 6.9.3.4 Education and rehabilitation courses should be conducted by appropriate Government authorities.

### 6.9.4 STATE TAXES FOR LOW ALCOHOL (L.A.) BEVERAGES

- 6.9.4.1 A lower level of State taxes should apply for low alcohol beverages to encourage lower B.A.L. for the same amount of liquid consumed.

### 6.9.5 BLOOD ALCOHOL TESTS AT ROAD CRASHES

- 6.9.5.1 The Police Department should be required to breath test where practicable, all drivers involved in road crashes.
- 6.9.5.2 Where such testing is not practicable, the reason for not carrying out the test should be recorded by the Police Department.

### 6.9.6 REGULATIONS FOR NEW AND REDEVELOPED HOTELS

- 6.9.6.1 The Regulations which permit large hotels with large associated car parking areas should be reviewed with the aim of encouraging smaller hotels.
- 6.9.6.2 Consideration should be given by the Licensing Court to the needs and desires of the community where the hotel is established.
- 6.9.6.3 Larger areas for taxis to park at hotels should be specified in revised Regulations.

### 6.9.7 RESEARCH AND EVALUATION

- 6.9.7.1 The Select Committee recommends that statistics on driver habits and attitudes should be collected by the University Accident Research Unit at selected times over the initial three year period to assist in determining the effectiveness of random breath testing.

## ACKNOWLEDGEMENTS

This Committee has now sat over a period of about twelve months. The Government's proposals for R.B.T. have been thoroughly canvassed along with other options and the existing practice elsewhere in Australia.

The conclusions have been reached after careful investigation and justify the decision to set up the Select Committee.

The Committee wishes to thank all those people and organisations who gave evidence and aided it in its deliberations.

Able assistance was also given by Barry Serjeant as Secretary to the Committee and Colin Foot, Research Officer of the Highways Department. The Committee would like to record its appreciation for their services.

**REFERENCES**

7.

1. Cameron, M. H., Strang, P. M. and Vulcan, A. P. 'Evaluation of a Period of Intensified Random Breath Testing in Victoria'. Paper prepared for presentation to the Eighth International Conference on Alcohol, Drugs and Traffic Safety in Stockholm, Sweden, June 1980.
2. Australian Department of Transport (Office of Road Safety). 'Alcohol and Crashes: Identification of Relevant Factors in this Association'. Prepared by McLean, A. J., Holubowycz, O. T. and Sandow, B. L. of the Adelaide University Road Accident Research Unit—1980.
3. House of Representative Standing Committee on Road Safety 'Alcohol, Drugs and Road Safety' Report—May 1980.

Hon. M. B. CAMERON, M.L.C. Chairman

Parliament House, Adelaide.  
4 March 1981.

EXTRACT FROM MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE  
COUNCIL FOR WEDNESDAY, 2 APRIL 1980.

34. The Attorney-General, by leave, moved—That a Select Committee be appointed to enquire into and report upon:

Select Committee  
on Assessment  
of Random  
Breath Tests—  
Motion *re*.

1. Whether or not the introduction of random breath tests (meaning alcotests or breath analyses as defined in the Road Traffic Act, 1961-1978) of drivers of motor vehicles by members of the Police Force is likely to contribute to a reduction in the road toll.

2. If such random tests are likely to make such contribution—

(a) What procedures should be followed and what limitations should be place on the police in the conduct of such random tests;

(b) what notice, if any should be given to members of the public and in what manner should that notice be given of the conduct of such tests.

3. Such other matters relating to the serious problem of persons who consume alcoholic liquor driving after such consumption as may be relevant to the Committee's consideration of random testing, and that the Members of the Select Committee be the Hon. F. T. Blevins, the Hon. M. B. Cameron, the Hon. R. C. DeGaris, the Hon. R. J. Ritson and the Hon. C. J. Sumner.

Debate ensued.

The Hon. C. J. Sumner moved to amend the motion by including the Hon. G. L. Bruce as a member of the Committee.

Appointment of  
Additional  
Member.

Question—that the amendment be agreed to—put.

Council divided:

Ayes, 10.  
The Hon. F. T. Blevins  
The Hon. G. L. Bruce  
The Hon. B. A. Chatterton  
The Hon. J. R. Cornwall  
The Hon. C. W. Creedon  
The Hon. J. E. Dunford  
The Hon. J. A. W. Levy  
The Hon. K. L. Milne  
The Hon. B. J. Wiese  
The Hon. C. J. Sumner (Teller)

Noes, 9.  
The Hon. J. C. Burdett  
The Hon. M. B. Cameron  
The Hon. J. A. Carnie  
The Hon. L. H. Davis  
The Hon. R. C. DeGaris  
The Hon. C. M. Hill  
The Hon. D. H. Laidlaw  
The Hon. R. J. Ritson  
The Hon. K. T. Griffin (Teller)

So it was resolved in the affirmative.

Question—That the motion as amended, be agreed to—put and passed.

The Attorney-General, without notice moved—That the quorum of Members necessary to be present at all meeting of the Select Committee be fixed at four Members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select committee to have a deliberative vote only.

Suspension  
of Standing  
Order No. 389.

Question put and passed without a dissentient voice, there being an absolute majority of the whole number of Members of the Council.

The Attorney-General then moved—That the Select Committee have power to send for persons, papers and records, to adjourn from place to place and report on Tuesday, 10 June.

Question put and passed.

The Hon. C. J. Sumner by leave moved—That this Council permit the Select Committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the Committee prior to such evidence being reported to this Council.

Question put.

Council divided:

Ayes, 10.  
The Hon. F. T. Blevins  
The Hon. G. L. Bruce  
The Hon. B. A. Chatterton  
The Hon. J. R. Cornwall  
The Hon. C. W. Creedon  
The Hon. J. E. Dunford  
The Hon. J. A. W. Levy  
The Hon. K. L. Milne  
The Hon. B. J. Wiese  
The Hon. C. J. Sumner (Teller)

Noes, 9.  
The Hon. J. C. Burdett  
The Hon. M. B. Cameron  
The Hon. J. A. Carnie  
The Hon. L. H. Davis  
The Hon. R. C. DeGaris  
The Hon. C. M. Hill  
The Hon. D. H. Laidlaw  
The Hon. R. J. Ritson  
The Hon. K. T. Griffin (Teller)

So it was resolved in the affirmative.

The Hon. R. C. DeGaris, without notice, moved—That the Standing Orders be so far suspended as to enable him to be discharged from attending the Select Committee on Assessment of Random Breath Tests and the substitution by motion of the Hon. L. H. Davis.

Question put and passed, without a dissentient voice, there being present an absolute majority of the whole number of Members of the Council.

The Hon. R. C. DeGaris then moved—That he be discharged from attending the Select Committee on Assessment of Random Breath Tests and the Hon. L. H. Davis be substituted in his place.

Question put and passed.

EXTRACT FROM MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE  
COUNCIL FOR TUESDAY, 10 JUNE 1980.

9. Order of the Day read for the Report of the Select Committee on Assessment of Random Breath Tests to be brought up.  
Ordered—That the Committee have leave to sit during the recess and to report on the first day of next session.

EXTRACT FROM MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE  
COUNCIL FOR THURSDAY, 31 JULY 1980.

8. The Hon. M. B. Cameron, by leave, moved—That the Select Committee on Assessment of Random Breath Tests have power to sit during the present session, and that the time for bringing up the Report be extended until Wednesday, 29 October 1980.  
Question put and passed.

EXTRACT FROM MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE  
COUNCIL FOR WEDNESDAY, 29 OCTOBER 1980.

18. Order of the Day read for the Report of the Select Committee on Assessment of Random Breath Tests to be brought up.  
Ordered—That the time for bringing up the Report be extended until Wednesday, 26 November.

EXTRACT FROM MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE  
COUNCIL FOR WEDNESDAY, 26 NOVEMBER 1980.

18. Order of the Day read for the Report of the Select Committee on Assessment of Random Breath Tests to be brought up.  
Ordered—That the time for bringing up the Report be extended until Wednesday, 4 March 1981.

## APPENDIX A

SCHEDULE OF WITNESSES  
(in order of appearance)

	Page Nos.
Mr. E. W. Hender, Chairman, Road Safety Council of S.A. ....	
Mr T. F. Chambers, Chief Field Officer, Road Safety Council of S.A. ....	1-27
Sgt T. J. Jennings, President, S.A. Police Association .....	28-38
Mr J. Williams, Executive Officer, People for Alcohol Concern and Education .....	39-59
Dr A. J. McLean, Director, Road Accident Research Unit, University of Adelaide .....	60-83
Mr P. Whallin, President, Australian Hotels Assoc. (S.A. Branch) .....	
Mr W. F. Connelly, Chief Executive Officer, Australia Hotels Association (S.A. Branch) .....	84-111
Dr A. B. Jessup .....	112-117
Ms S. Chapman, Student .....	118-121
Dr W. F. Salter, President, S.A. Foundation on Alcoholism .....	122-129
Mr P. J. Watkins, Member, Motorcycle Riders Association .....	130-135
Mr A. K. Johnke, Chairman, Road Traffic Board .....	136-162
Dr R. S. Williams, Senior Surgeon, Royal Adelaide Hospital .....	163-172
Dr D. D. Beard, Chairman, Road Trauma Committee, Royal Australasian College of Surgeons .....	173-182
Dr D. H. Owens, Assistant Medical Superintendent, Emergency Service, Queen Elizabeth Hospital .....	182-196
Dr G. J. Beaumont, Doctors' Reform Society .....	197-218
Mr R. J. Whittington, S.A. Council for Civil Liberties .....	219-236
Mr B. Furler, Senior Chief Superintendent, S.A. Police .....	237-252
Dr M. C. Moore, President, Australian Medical Association (S.A. Branch) .....	
Dr R. Hecker, Councillor, Australian Medical Association (S.A. Branch) .....	253-288
Dr I. D. Steven, Royal College of General Practitioners (S.A. Faculty) .....	289-294
Dr A. P. Vulcan, Chairman, Road Safety and Traffic Authority, Victoria .....	295-312
Mr A. Coysh, Chief Superintendent, Victoria Police .....	
Mr L. W. Smithwick, Senior Sergeant, Victoria Police .....	313-322
Mr R. W. Stewart .....	
Ms V. B. Ulman .....	323-330
Dr G. W. Trinca, National Chairman, Road Trauma Committee, Royal Australasian College of Surgeons .....	331-338
Mr E. Drinkwater, Chief General Manager, R.A.C.V. ....	339-347
Ms A. E. Raymond, Co-ordinator, Drink Driving Programme for Young Drivers, St Vincents Hospital .....	348-362
Mr R. J. Gregory, Secretary, United Trades and Labour Council of S.A. ....	363-375
Mr J. C. Irwin, Councillor, District Council of Tatiara .....	
Mr L. J. Cadzow .....	
Mr A. J. Densley .....	
Mrs A. L. Dunsford .....	376-398
Mrs K. M. Atwell .....	
Mrs D. J. Neave .....	
Mrs M. E. Walker .....	

## APPENDIX B

SCHEDULE OF WRITTEN SUBMISSIONS AND CORRESPONDENCE RECEIVED  
BY THE COMMITTEE

Dr A. A. Jessup  
 Dr A. P. Vulcan  
 Dr D. Walker  
 Hon. J. D. Corcoran, M.P.  
 Keith Area Community  
 Minister of Transport  
 Mr D. Brookman  
 Mr M. Wagner  
 Mr R. J. Fitch  
 Mr R. W. Stewart (Joint Submission with Ms V. B. Ulman)  
 Mr W. J. Martin  
 Ms A. Raymond  
 Ms V. B. Ulman (Joint Submission with Mr R. W. Stewart)  
 Northern Territory Council for Civil Liberties  
 Northern Territory Police  
 Professor S. H. Lovibond  
 Road Safety Council of South Australia  
 Road Safety Council of the Northern Territory  
 Royal Adelaide Hospital  
 Royal Automobile Association of South Australia  
 South Australian Council for Civil Liberties  
 South Australian Health Commission  
 The Law Reform Commission of Australia  
 Victoria Police

## APPENDIX C

PERSONS KILLED IN ROAD CRASHES  
IN AUSTRALIA FROM 1969 TO 1980

	NSW	VIC	QLD	SA	WA	TAS	NT	ACT	AUST
1969	1188	1011	556	251	311	114	45	26	3502
1970	1310	1061	538	349	351	118	42	31	3800
1971	1249	923	594	292	332	130	50	20	3590
1972	1093	915	572	312	340	107	53	32	3424
1973	1230	935	638	329	358	105	55	29	3679
1974	1274	804	589	382	334	111	45	31	3570
1975	1286	907	635	339	304	122	66	32	3691
1976	1264	938	569	307	308	108	51	38	3583
1977	1268	955	573	306	290	112	47	29	3580
1978	1384	862	610	291	345	106	69	30	3697
1979	1292	843	613	309	279	87	53	25	3501
1980	1300	665	554	270	292	100	63	30	3274
1969-71 Average	1249	998	563	297	331	121	46	26	3631
1978-80 Average	1325	790	592	290	305	98	62	28	3491
Difference	+6%		+5%				+35%	+8%	
		-21%		-2%	-8%		-19%		-3%

## APPENDIX D

ROAD TRAFFIC ACCIDENTS—1979  
Road Traffic Board of S.A.  
**ALCOHOL INVOLVED MOTOR VEHICLE ACCIDENTS IN 1979**  
**ALL MOTOR VEHICLE ACCIDENTS**

		Total Accidents				Casualty Accidents				Fatal Accidents			
		CIT	MET	RUR	S A	CIT	MET	RUR	S A	CIT	MET	RUR	S A
Day Accidents	ALL ACCIDENTS	3 670	25 641	5 994	35 305	430	3 727	1 264	5 421	5	58	65	128
	ALCO ACCIDENTS	20	266	136	422	14	172	98	284	1	14	15	30
	0 08+ ACCIDENTS	15	178	92	285	10	109	65	184	1	10	6	17
Night Accidents	ALL ACCIDENTS	1 275	8 389	2 931	12 595	206	1 690	838	2 734	5	55	84	144
	ALCO ACCIDENTS	89	942	422	1 453	58	572	269	899	4	30	47	81
	0 08+ ACCIDENTS	71	727	331	1 129	45	434	210	689	4	23	40	67
Accidents at all Times	ALL ACCIDENTS	4 945	34 030	8 925	47 900	636	5 417	2 102	8 155	10	113	149	272
	ALCO ACCIDENTS	109	1 208	558	1 875	72	744	367	1 183	5	44	62	111
	0 08+ ACCIDENTS	86	905	423	1 414	55	543	275	873	5	33	46	84

Notes (1) Only accidents where an involved road user was considered responsible for the accident are included

(2) Motor vehicle accidents are accidents in which any motor vehicle is involved and includes multi and singular vehicle accidents, pedestrian and passenger accidents

(3) 'Alco accidents' are all accidents in which any amount of alcohol was found in any involved driver, rider or pedestrian

(4) '0 08+ accidents' are those accidents in which the driver, rider or pedestrian responsible was found to have a blood alcohol level of 0 08 or more

## APPENDIX E

## AUSTRALIAN PUBLIC OPINION POLLS (THE GALLUP METHOD)

## INTRODUCE RANDOM BREATHALYZER TESTS

Seventy-three per cent of Australians agree with the introduction of random breathalyzer testing of drivers, says the Gallup Poll.

Only 26 per cent disagree. One per cent are undecided.

The poll shows that Australians are almost equally divided on whether the minimum blood alcohol level at which a driver is convicted should be 0.08 as in most States (46 per cent), or 0.05 as in Victoria (44 per cent).

Victorians voted strongly for 0.05 (66 per cent).

Five per cent of people prefer some other level. Rather more of these prefer a level less than 0.05 (including those who say no drink at all) than a level of more than 0.08.

These results come from a Gallup Poll conducted during March among 1 970 people.

They were asked two questions:

'(a) Do you *agree* or *disagree* with the introduction of random breathalyzer testing of drivers?

'(b) In most States the minimum blood alcohol level at which a driver is convicted is 0.08. In Victoria it is 0.05. What level do you think it ought to be—0.08? OR 0.05? OR some other level?'

The States most strongly favoring random breathalyzer tests were Victoria (89 per cent and South Australia 79 per cent).

The only State preferring a minimum blood alcohol level of 0.05 was Victoria, where it is at present in force. Here a big margin of 66 per cent to 28 per cent favored this level.

Majorities preferring the 0.08 level were just over 50 per cent in the other mainland States.

Considerably more women than men (80 per cent against 65 per cent) wanted random breathalyzer tests.

More women than men, too (50 per cent compared with 36 per cent) wanted 0.05 as the minimum blood alcohol level.

On the other hand, more men than women (52 per cent against 41 per cent) favored 0.08 as the minimum level.

Between younger and older people there was not a great deal of difference in the majority favoring introducing the tests.

But younger people tended to prefer the 0.08 minimum level, while older people tended to favor the 0.05 level.

There was little difference between city and country areas in the large majorities agreeing with the introduction of random breathalyzer tests.

Country people, however, favored the 0.08 level, while city people were almost equally divided on which of the two levels was to be preferred.

The tables show detailed analyses of results by States, sex, age and between the capital cities and country areas. Results for the smaller States necessarily have a wider margin of error than those for the larger States.

	All People per cent	NSW per cent	VIC per cent	QLD per cent	SA per cent	WA per cent	TAS per cent
<b>INTRODUCE RANDOM BREATHALYZER TESTS</b>							
Agree .....	73	66	89	61	79	66	76
Disagree .....	26	33	10	38	21	32	24
Don't know .....	1	1	1	1	—	2	—
<b>MINIMUM BLOOD ALCOHOL LEVEL</b>							
0.08 .....	46	53	28	53	55	54	48
0.05 .....	44	36	66	36	35	30	45
Some other level .....	5	6	4	5	7	5	—
Don't know .....	5	5	2	6	3	11	3
	All People per cent	Men per cent	Women per cent	Age Groups 16-39 per cent	40+ per cent	Capital Cities per cent	Country per cent
<b>INTRODUCE RANDOM BREATHALYZER TESTS</b>							
Agree .....	73	65	80	75	71	74	70
Disagree .....	26	34	19	25	28	25	29
Don't know .....	1	1	1	—	1	1	1
<b>MINIMUM BLOOD ALCOHOL LEVEL</b>							
0.08 .....	46	52	41	50	42	45	49
0.05 .....	44	36	50	41	47	46	39
Some other level .....	5	7	4	5	6	5	6
Don't know .....	5	5	5	4	5	4	6

COPYRIGHT: AUSTRALIAN PUBLIC OPINION POLLS (THE GALLUP METHOD)

Copies of Gallup Poll releases or printouts can be obtained from the Melbourne Herald Feature Service, 44 Flinders Street, Melbourne 3000, or the Field Survey Office, McNair Anderson Associates Pty Limited, 40 Miller Street, North Sydney 2060.