Media Release
Chiefs of Staff, News Directors

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Feedback sought on specialist court for repeat drink-driving offenders

The Tasmania Law Reform Institute (TLRI) is seeking public feedback on a new approach to address the State’s persistent problem of repeat drink-driving offending through the introduction of a specialist problem solving court.

The TLRI today released the Issues Paper, Responding to the Problem of Recidivist Drink Drivers, for public consultation.

The paper looks at the problem of repeat drink-drivers in Tasmania, including the adequacy of the current sentencing regime for drink-driving offences.

The study looks at non-traditional approaches adopted both nationally and internationally, and outlines which approach represents best practice in terms of achieving behavioural and attitudinal change in repeat offenders.

The paper was prepared following a request from the State Government’s Attorney-General that the TLRI investigate the problem of repeat drink-driving in Tasmania.

As part of the study, the research team constructed the first Tasmanian profile of repeat drink-driving offenders.

It considers whether a specialist problem-solving court is appropriate in Tasmania to respond to the problem of recidivist drink-drivers.

Such a court would provide an alternative to traditional sentencing approaches. The paper suggests that a repeat drink-driver court pilot be established.

“The complex problem of recidivist drink-driving is not new,” TLRI Director Terese Henning said.

“Research shows that traditional criminal justice responses are not effective for a number of problem drink-drivers. Repeat offenders should be considered as having serious chronic problems that require problem-solving responses.”
The paper’s key findings include:

- The paper constructed the State’s first profile of repeat drink-driving offenders. The majority are male. Nearly 85% of offenders have a history of alcohol abuse. Nearly 75% have a history of problematic drug use. Nearly 70% of repeat drink-drivers were unlicensed or drove while suspended or disqualified at the time of their latest offence.

- Strategies to deter repeat offenders, including increased penalties, introduction of education programs (such as Sober Driver program) and alcohol ignition interlock devices do not appear to be effective for these repeat offenders. Magistrates have stressed the limitations of conventional court practices for these offenders.

- Researchers looked at non-traditional approaches adopted in other jurisdictions, both nationally and internationally, including the establishment of Driving while Intoxicated Courts, the South Dakota 24/7 program and the HOPE project.

- The study found evidence that a well-designed Driving While Intoxicated court/list could provide a promising alternative to traditional sentencing approaches.

The paper was guided by a reference group which included Tasmania’s former Chief Magistrate, Michael Hill and, Dr Isabelle Bartkowiak-Théron of the Tasmania Institute for Law Enforcement Studies at the University of Tasmania.

The research was funded by grants from the Solicitors Guarantee Fund and the Motor Accident Insurance Board (MAIB) Injury Prevention and Management Foundation.

The Institute is now calling for feedback from the community, government and stakeholders on whether a Driving While Intoxicated court/list should be established in Tasmania and, if such a court is established, how it should operate.

The Issues Paper can be viewed at [www.utas.edu.au/__data/assets/pdf_file/0007/972952/Recidivist-Drink-Drivers-IP.pdf](www.utas.edu.au/__data/assets/pdf_file/0007/972952/Recidivist-Drink-Drivers-IP.pdf)

Responses close on 17, August 2017. For more information or queries contact Kira White on 6226 2069.

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