



Austroads

**Australian Law Reform Commission Inquiry
into Incarceration Rates of Aboriginal and
Torres Strait Islander Peoples**

Submission by Austroads

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1. Introduction

The question of the safety and participation of Aboriginal and Torres Strait Islander people in the use of Australian roads and transport services is a key focus for Austroads. The direct question of Aboriginal and Torres Strait Islander incarceration and rates of incarceration falls outside Austroads' remit. However, the interests of Austroads and the Commission in this Inquiry intersect with regard to a number of closely associated matters including:

- The means of driver licence acquisition.
- The judicial and/or life consequences of driving without a licence.
- The economic, familial and cultural needs of Aboriginal and Torres Strait Islander people for mobility.
- The barriers to greater and more equitable access to licensing programs, including the sometime countervailing consequences of broadly drawn regulatory and public policy settings which present additional complications for Aboriginal and Torres Strait Islander people and for the agencies working with them.

Traffic related offences, including the direct and indirect impact of imprisonment for unpaid fines, are often identified as a small component of the cause of Aboriginal and Torres Strait Islander incarceration. This is a contested issue in the literature, however, as will be indicated later. Nonetheless, the broader consequences of the disconnection and inequality resulting from reduced mobility are significant contributors to the underlying drivers of Aboriginal and Torres Strait Islander imprisonment rates.

This submission does not address the issue of incarceration per se. It does, however, outline some of the reasons for Austroads' interest in the Inquiry, particularly in Section 6 of the Discussion Paper, and provides an overview of some of its recent and current work in this area which the Commission might find instructive in the formation of its response to this Inquiry.

The submission makes a number of general remarks but focusses primarily on matters of interest raised by the Commission's questions concerning Section 6 of the Discussion Paper, Fines and Driver Licences. The submission pays particular attention to Question 6-9 regarding Regional Driver Permits and Question 6-10 regarding the better delivery of driver licence programs in regional and remote Aboriginal and Torres Strait Islander communities.

2. What is Austroads

Austroads is the peak organisation of Australian and New Zealand road transport and traffic agencies. Austroads is a company, limited by guarantee with a Board of Directors comprising the Chief Executive, or their delegate, of the road agencies of each Australian jurisdiction, including the Commonwealth, the Australian Local Government Association and the Government of New Zealand as follows.

- Roads and Maritime Services New South Wales
- Roads Corporation Victoria
- Department of Transport and Main Roads Queensland
- Main Roads Western Australia
- Department of Planning, Transport and Infrastructure South Australia
- Department of State Growth Tasmania
- Northern Territory Department of Infrastructure, Planning and Logistics
- Territory and Municipal Services Directorate, Australian Capital Territory
- Australian Government Department of Infrastructure and Regional Development
- Australian Local Government Association
- New Zealand Transport Agency

Austroads members are collectively responsible for the management of over 900,000 kilometres of roads valued at more than \$200 billion representing the single largest community asset in Australia and New Zealand.

Austroads' purpose is to support its member organisations to deliver an improved Australian and New Zealand road transport network, one that meets the future needs of the community, industry and economy. A road network that is safer for all users and provides vital and reliable connections to place and people. A network that uses resources wisely and minimises its impact on the environment.

Austroads structures its work across the following programs and strategic priorities:

- **Assets Program** - extending the life and performance of infrastructure to ensure the effective and sustainable maintenance of the road network.
- **Network Program** - improving mobility on the road network.
- **Safety Program** - designing, building and managing road transport systems that will protect road users and reduce the number of deaths and serious injuries.

Austroads also administers the National Exchange of Vehicle and Driver Information System (NEVDIS), a unique national system which enables road authorities to interact across state borders and directly supports the transport and automotive industries.

3. Austroads' Activities

Austroads:

- Conducts strategic research which helps road agencies address current and emerging issues.
- Publishes guides to promote a nationally consistent approach to the design, maintenance and operation of road networks.
- Facilitates the sharing of knowledge by widely disseminating research outputs, conducting seminars, and promoting the use of Austroads work.
- Conducts business activities on behalf of Australasian road agencies.
- Fosters international collaboration by engaging with and supporting international road organisations.

4. Austroads' Interest in this Inquiry

The particular needs and vulnerabilities of Aboriginal and Torres Strait Islander road users have been a part of the Austroads research agenda for some considerable time. Examination of the Austroads publications list shows Aboriginal and Torres Strait Islander specific topics being addressed over many years¹.

It includes consideration of the vulnerabilities of Aboriginal and Torres Strait Islander road users, the development of particular approaches to road safety improvement for Aboriginal and Torres Strait Islander groups and other isolated road users and programs and policies designed to assist their more equitable and more effective participation in driver training and access to driver licensing.

These considerations have also focussed on the considerable barriers and sometimes conflicting policy settings which prevent the achievement of the most effective outcomes of these initiatives.

The unintended consequences of broadly applied policy and regulation to the achievement of greater engagement of Aboriginal and Torres Strait Islander and other communities in driver licensing activities and safer road use have relevance to this Inquiry and have featured in a number of Austroads' projects over a considerable period.

The issue of Aboriginal and Torres Strait Islander access to safe road use, participation in social and economic activities and their overall wellbeing is reflected in the Austroads Strategic Plan for 2016 to 2020. The activity profile for the Safety Program, which includes both Road Safety and Registration and Licensing considerations is shown in the table below.

Strategic Priority	Work Streams	Task Forces	Established Practice Outputs
Safety Program			
Designing, building and managing road transport systems that will protect road users and reduce the number of deaths and serious injuries.	<ul style="list-style-type: none"> Emerging technology – C-ITS, automated vehicles National Road Safety Strategy Priorities Understanding crashes and risks Safe Systems incorporating safer road and roadside infrastructure, safer speeds and safer vehicles Driver licensing and vehicle registration Vulnerable road users including pedestrians, bicycle riders, motorcycle riders, older people and indigenous people 	Road Safety Task Force Road Design Task Force Registration and Licensing Task Force	Guide to Road Safety Guide to Road Design Assessing Fitness to Drive

The two work streams of *Driver Licensing and Vehicle Registration* and *Vulnerable Road Users* reflect the commitment of Austroads and its member road agencies to safer road use and the representation of the needs of more vulnerable and harder to engage road user groups in research and in policy and program development.

¹ Austroads website provides a searchable link to all Austroads publications at <https://www.onlinepublications.austroads.com.au/>

5. Literature on Aboriginal and Torres Strait Road Users and Driver Licensing

There is extensive literature on the issues of the vulnerability of Aboriginal and Torres Strait Islander roads users. The literature addresses the impact of restricted access to transport options and services on the health and wellbeing of Aboriginal and Torres Strait Islander communities and, more broadly, on their exclusion from a broad range of social and economic opportunity.

The relationship between imprisonment rates and low socio-economic opportunity is well documented and needs no further reference in this submission.

Transport Disadvantage

The Australian population is located in densely populated cities and urban areas often serviced by highly centralised public transport networks resulting in dependence on the use of private vehicles for transport in outer urban and regional centres. Possession of a valid and current driver licence is recognised as an important indicator of independence, mobility and employment. All of these indicators are highly related to overall well-being.

The 2011 Census of Population and Housing shows that 74% of travel to work is undertaken by car, rising to 87% in regional and remote areas. Public transport is a viable alternative largely restricted to major urban centres. As a high proportion of Aboriginal and Torres Strait Islander people live in regional or remote areas, they are likely to be particularly dependent on private vehicles for transport.

In 2008, the Australian Institute of Health and Welfare reported that 71% of Aboriginal and Torres Strait Islander adults living in remote areas had no access to public transport and 15% were unable to reach places when needed². That figure is unlikely to have improved in recent years and in fact with cost pressures on the delivery of public transport in outer urban and regional areas this figure may have increased.

Ivers et al. describe the health impacts of lack of access to a driver licence in a survey of 625 people 16 years or older in four Aboriginal Community Controlled Health Services in New South Wales and South Australia in 2012–2013³.

The study found licensing rates varied from 51% to 77% by site. Having a driver licence was statistically significantly associated with higher odds of full-time employment and educational attainment or trade or certificate or degree qualification.

The study concluded that there is a strong association between driver licensing, education and employment. Driver licensing inequality has far-reaching impacts on the broader health and wellbeing of Aboriginal and Torres Strait Islander people, reinforcing the need for appropriate and accessible pathways to achieving and maintaining driver licensing.

2 Australian Institute of Health and Welfare. The Health and Welfare of Australia's Aboriginal and Torres Strait Islander People: An Overview [Internet]. Canberra

3 Rebecca Q. Ivers, Kate Hunter, Kathleen Clapham, Yvonne Helps, Teresa Senserrick, Jake Byrne, Alexandra Martiniuk, John Daniels, James E. Harrison. Driver licensing: descriptive epidemiology of a social determinant of Aboriginal and Torres Strait Islander Health Australian and New Zealand Journal of Public Health 2016 vol. 40 no. 4

The report notes that:

“Low licensing rates and poor access to transport options for Aboriginal and Torres Strait Islander people can be seen as both a cause and consequence of broader socioeconomic disadvantage, and pose a significant public health challenge for Australia.”

and

“These results reinforce the need for sustained and coordinated investment in licensing support programs for Aboriginal and Torres Strait Islander people in an effort to increase good health. It is important that a holistic approach is pursued to minimise barriers and create support systems that assist in both obtaining and maintaining licensing.”

Road Safety Outcomes

In addition to the restriction of equity and access of Aboriginal and Torres Strait Islander people to services and opportunities related to transport disadvantage and low driver licence ownership, road safety vulnerability is a central concern to Austroads.

A 2011 Austroads' project entitled a *Safe System Demonstration Project Involving an Indigenous Community* resulted in a two-part study. The first part of the report provided a literature review and methodological consideration. The literature review, insofar as it relates to road safety outcomes for Aboriginal and Torres Strait Islander people, makes depressing reading.

Aboriginal and Torres Strait Islander people represent a small proportion of the Australian population, yet experience a disproportionate burden of illness, disease and injury⁴. The 2016 Census of Population and Housing sets the Aboriginal and Torres Strait Islander resident population of Australia as 2.5% of the total population⁵. However, injury-related deaths among Aboriginal and Torres Strait Islander people are almost 3 times that of non-Aboriginal and Torres Strait Islander people, and injury hospitalisations are twice as common⁶.

On a population basis, Aboriginal and Torres Strait Islander Australians are two to three times as likely to have a fatal injury and 30% more likely to have a serious injury than non-Aboriginal and Torres Strait Islander Australians⁷.

Death and serious injury of both Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander people increases sharply with the level of remoteness from an urban centre. Aboriginal and Torres Strait Islander people, however, comprise the vast majority of those living in remote areas and represent 62% of all fatal road injuries in very remote areas (Berry op. cit.).

A 2001 survey of more than 1,200 Aboriginal and Torres Strait Islander communities determined that 78% were located at a minimum distance of 50 km or more from a hospital⁸. Nevertheless, Aboriginal and Torres Strait Islander people living in major cities have fatal injury rates 2.3 times greater and serious injury rates 1.4 times greater than non-Aboriginal and Torres Strait Islander persons (Berry op. cit.).

4 ARRB. Infrastructure requirements for a safe system - a national roundtable. Presentations.; March, 2009; Vermont South, VIC. and Aboriginal & Torres Strait Islander Social Justice Commissioner Social justice report 2005. Report No: 3/2005. Sydney NSW2005.

5 http://www.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/036?opendocument

6 Ivers R, Clapham K, Senserrick T, Lyford M, Stevenson M. Injury prevention in Australian Indigenous communities. *Injury, International Journal of the Care of the Injured*. 2008;39(Suppl 5):S61-67.

7 Australian Institute of Health and Welfare. Australia's health 2006. AIHW cat. no. AUS 73.: Canberra: AIHW;2006. and Berry J, Nearmy D, Harrison J. Injury of Aboriginal and Torres Strait Islander people due to transport, 1999-00 to 2003-04. AIHW Catalogue no. INJCAT 100. Canberra ACT: Australian Institute of Health and Welfare and Australian Transport Safety Bureau; May 2007.

8 Australian Institute of Health and Welfare. National summary of the 2001 and 2002 jurisdictional reports against the Aboriginal and Torres Strait Islander health performance indicators. Statistical Information Management Committee, AIHW Category No 12. Adelaide SA: Australian Institute of Health and Welfare;2004.

The report also notes that unlicensed driving is not only a significant factor in road injury but also in the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system. There are inherent difficulties for Aboriginal and Torres Strait Islander people acquiring a licence including difficulties proving identity (e.g., lack of birth certificate, change in name or address), as well as access to licensing registration offices in remote areas. Non-use of seat-belts, overcrowding of vehicles and alcohol-related crashes have also been found to be higher among Aboriginal and Torres Strait Islander than non-Aboriginal and Torres Strait Islander populations⁹.

Challenges in Driver Licence Acquisition for Aboriginal and Torres Strait Islander People

The challenges in licence acquisition for Aboriginal and Torres Strait Islander people are comprehensively summarised in a 2016 paper by Patricia Cullen et al¹⁰. Noting the over-representation of Aboriginal and Torres Strait Islander people in transport-related morbidity and mortality, their low rates of licence ownership and high rates of unlicensed driving, the paper reviews 12 key reports to identify the key barriers to licence participation and driver training for Aboriginal and Torres Strait Islander communities.

In setting the context for the review, the study notes a number of key considerations for licence holding among Aboriginal and Torres Strait Islander people noting first the prevalence of unlicensed driving in Aboriginal communities and the extremely low rates of licence holding in a number of those sites. It observes that the estimated 0.5% of licensed drivers in NSW are Aboriginal and Torres Strait Islanders while they comprise over 2% of the population and the general acceptance that this group is underserved by the driver licensing system across Australia.

It also notes the paucity of empirical research around the issue partly due to a lack of coherent, comparative data on the Indigeneity of driver licence holders outside NSW which further inhibits the development of appropriate, targeted policy solutions to address this important issue.

The study exposes the barriers identified by the 12 selected studies, often with great similarity, and synthesises them into two distinct categories. Each identified barrier suggests a key policy issue which, if addressed, could significantly improve licence acquisition by Aboriginal and Torres Strait Islander people along with consequent exposure to road safety education and improved access to services and opportunities.

1. **Individual and Family Barriers** including cost of attaining and maintaining a licence, literacy issues primarily related to passing various tests, the barrier of English as a subordinate language (particularly in remote communities) and lack of confidence in navigating a complex system.
2. **Systemic Barriers** which include proof of identity, the requirements of the graduated licensing system, the impact of the justice system preventing access to a licence (including fine default, lack of diversionary options and unauthorised driving charges) leading to increased risk of incarceration and a lack of culturally safe, contextually appropriate services (in terms of road conditions and knowledge).

9 Clapham K, Senserrick T, Ivers R, Lyford M, Stevenson M. Understanding the extent and impact of Indigenous road trauma. *Injury*. 2008;39(Suppl 5):S19-23.

10 Cullen, Clapham, Hunter, Treacy and Ivers. Challenges to driver licensing participation for Aboriginal people in Australia: a systematic review of the literature *International Journal for Equity in Health* (2016) 15:134

Contrary to some views, this report cites a number of studies which report high levels of Aboriginal and Torres Strait Islander imprisonment either directly or indirectly (e.g. resulting from fine default)¹¹. For example, a paper presented by Queensland Transport and Queensland Police at the International Centre for the Prevention of Crime Colloquium in Canberra in 2006 considered incarceration rates and costs associated with driver licence related offences for Aboriginal and Torres Strait Islander people in Queensland¹². The paper reported that in two Queensland correctional facilities, Aboriginal and Torres Strait Islander people made up 75% of the population and 57% of those were incarcerated for licence related offences.

The review concludes:

“This review positions licensing within the context of barriers to social inclusion that Aboriginal people frequently encounter. Equitable access to licensing urgently requires policy reform and service provision that is inclusive, responsive to the cultural needs of Aboriginal people and accessible to regional and remote communities.”

In response to these issues, and following a detailed investigation of the barriers facing Aboriginal and Torres Strait Islander people in attaining and maintaining a driver licence, the NSW Auditor General made the following recommendations for change in a 2013 report to the NSW Parliament entitled *Improving legal and safe driving among Aboriginal people*¹³.

The recommendations cover the areas of gaining a driver licence, retaining or regaining a driver licence and developing a whole-of-government response and suggest that policy changes should be made to:

- Support Aboriginal people in getting their driver licence by:
 - Improving access to a birth certificate.
 - Assisting Aboriginal people pass the driver knowledge test.
 - Assisting Aboriginal people complete supervised driving hours
 - Improving the access and quality of driver licensing programs.
- Support Aboriginal drivers to retain or regain their driving licence by:
 - Expanding and promoting Work and Development Orders.
 - Developing and promoting diversionary and sentencing options for ‘driver licence’ offenders.
 - Develop a coherent and consistent whole-of-government response with each agency cooperating to deliver its part of the solution.

These recommendations remain nationally relevant and target a number of the barriers and inconsistencies in policy and practice identified in many of the studies cited above. ‘Current Work on Aboriginal and Torres Strait Islander Driver Licensing’.

As noted in the introduction, Austroads has a long history of work in the area of Aboriginal and Torres Strait Islander driver licensing. The most recent and current initiatives are described below.

11 See for example Section 6 in: Williamson, Thompson, and Tedmanson (2011). Supporting Aboriginal People to Obtain and Retain Driver Licences: An Informed Review of the Literature and Relevant Initiatives, prepared for SA Healthy by the Centre for Sleep Research and Human Factors Group, School of Psychology, Social Work and Social Policy, University of South Australia, Adelaide.

12 Rumble, N. and Fox, J. The Queensland Aboriginal Peoples and Torres Strait Islander Peoples Driver Licensing Program. ICPC Sixth Annual Colloquium: Communities in Action for Crime Prevention Conference Theme - Communities in Action for Crime Prevention Canberra 2006. http://www.healthinfonet.ecu.edu.au/uploads/resources/1353_the-queensland-aboriginal-peoples-and.pdf

13 Audit New South Wales 2013. Improving legal and safe driving among Aboriginal people https://www.audit.nsw.gov.au/ArticleDocuments/294/01_Improving_Legal_Safe_Driving_Aboriginal_people_Full_Report.pdf.aspx?Embed=Y

Austrroads Indigenous Licensing Forum

An Indigenous Licensing Working Group had met periodically in the past in support of Aboriginal and Torres Strait Islander licensing projects. At the meeting of the Austrroads Registration and Licensing Task Force (RLTF) in June 2015 it was agreed to reconvene a meeting of practitioners in the area of Aboriginal and Torres Strait Islander driver licensing to determine future work for the Registration and Licensing Program.

At the March 2016 meeting in Wellington the RLTF accepted Queensland's offer to host an Indigenous Licensing Forum in Cairns in June 2016 to include a site visit to a community, jurisdictional presentations on their challenges, successes and experiences and a workshop on the way forward with Aboriginal and Torres Strait Islander issues nationally.

The Forum was attended by some 30 participants from across Australia, with practice, policy and academic research backgrounds who participated in this intensive two-day discussion.

The Forum was designed to provide a variety of opportunities for practitioners to share developing practice in this critical area of registration and licensing work, to provide an insight into the experiences of other jurisdictions in redeveloping their approaches and addressing the challenges of working with Aboriginal and Torres Strait Islander communities. The priority was to focus on redesigning processes and overcoming the multitude of barriers to enrolling, training and assessing Aboriginal and Torres Strait Islander drivers, to consider the policy and practice implications of what had been learned and to determine any future work program commitment for Austrroads.

Presentations

The information sharing component of the workshop provided:

- A visit to the Yarrabah community to see the Queensland Indigenous Licensing Unit at work with community members.
- Six jurisdictional presentations of current Australian Aboriginal and Torres Strait Islander driver licensing initiatives (an outline description and web-link for each initiative is included as Attachment B to this submission).
- An analysis of Recommendation 15 of the Forrest Review¹⁴.
- A presentation by the George Institute for Global Health on its program in regional and remote Aboriginal communities in NSW.
- A presentation by Transport New Zealand on its Community Drive Mentor Program which although not focussed on Maori communities, targets under licensing among hard to reach youth groups.
- A presentation on barriers, facilitators and promising initiatives by Assoc. Professor Theresa Senserrick of the University of New South Wales.

The presentations and the ensuing discussions provided a solid platform for the identification of policy and practice ideas, the connection between some of the causes of low licensing levels in Aboriginal and Torres Strait Islander communities and the design and impact of the range of initiatives in operation across Australia. Most importantly they provided a clear demonstration of a number of barriers, circumstantial and unintended, to licence participation and the policy challenges involved in confronting these.

Each jurisdiction has designed and implemented a program approach which responded directly to its unique context, and took account of the prevailing challenges such as remote/urban, language and literacy, access to vehicles and so forth. Nonetheless, there were significant commonalities in the project and policy principles, both around improving social and economic outcomes through access to a licence and in the challenges presented by structural difficulties such as access to vehicles and driver supervisors and from competing and sometimes contradictory policy settings across agencies.

14 Creating Parity – The Forrest Review <https://www.pmc.gov.au/sites/default/files/publications/Forrest-Review.pdf>

In addition, numerous comments were made about the importance of communications both around program delivery and particularly around the creation of simpler messaging and clearer more straightforward business processes improving access and understanding for program users.

Forum members noted the importance of the presented initiatives both for Aboriginal and Torres Strait Islander and other harder to access communities, commented on the renewed energy the Forum had generated for their work in this challenging area.

A number of 'wicked Issues' identified by participants during the presentations were recorded and provided as an aide memoir to inform the subsequent working sessions. These considerations are critical to the resolution of program improvement and may inform the Commission's consideration of its recommendations.

Some of the more central challenges identified by participants were how to:

- Achieve and maintain a policy balance between access to a licensed and broader road safety considerations, for example consideration of exemptions or modifications to driving practice hours for remote participants in meeting the requirements of the graduated licensing system.
- Harmonise of licensing and driver test arrangements across jurisdictions to avoid problems as participants cross jurisdictional boundaries during their learner or provisional licence periods;
- confront policy barriers to Aboriginal and Torres Strait Islander participation in driver testing and licensing programs.
- Better integrate policy within and across governments.
- Nationally align processes to achieve both positive regulatory and participation outcomes through the creation of a shared intent allowing local variations across jurisdictions.
- Influence other agencies within and across governments to reduce barriers to participation such as;
 - An integrated response to evidence of identity documentation issues for Aboriginal and Torres Strait Islander people particularly those living in remote locations.
 - Consideration of the processes which lead to loss or suspension of licence and the barriers this creates to participation in licensing programs and the unintended consequences of these policies.
 - Using the considerations developed for Aboriginal and Torres Strait Islander communities to inform the development of services for other hard to access groups.
- The critical importance of community engagement in the design and implantation of programs, engagement.
- Collect data identifying Aboriginal and Torres Strait Islander people and their participation in the licensing system.
- Contain costs of remote service delivery and provide good benefit cost ratios.

Workshop Sessions

Informed by the presentation content, the identification of the 'wicked issues', later small group discussions were arranged under four headings; Program Access and Delivery Barriers to Participation, Innovative Approaches, and Engaging Partners and Collaborators. Groups were asked to consider key messages which had been provided by the program presentations and then develop headline ideas in response to them.

The small group discussions identified a range of key challenges described in the presentations and developed a number of ideas under each of the headings listed above. The detail of the small group discussions is provided at Attachment A.

6. Key Questions from the Inquiry

Question 6-9 Is there a need for regional driver permit schemes? If so, how should they operate?

The Commonwealth Government released *Creating Parity – The Forrest Review* on 1 August 2014. The Forrest Review contains a total of 27 recommendations aimed at creating economic and employment parity between Aboriginal and Torres Strait Islander and other Australians. The recommendations are broad, covering pre-natal services, education, training, employment services, housing, Aboriginal and Torres Strait Islander land, and the welfare system.

Recommendation 15 of the Review proposed that all Australian State and Territory Governments “introduce a consistent approach to issuing ‘provisional’ locked licences for people who are unable to drive due to unpaid fines or other traffic infringements, so that they can get and keep a job by being able to drive.” The objective of this measure would be to address barriers to employment experienced by Aboriginal and Torres Strait Islander people whose driver licences are subject to suspension, cancellation, or other sanction.

As the Commonwealth’s lead agency on the consideration of Recommendation 15, the Department of Infrastructure and Regional Development (DIRD), a member of the Austroads Registration and Licensing Task Force, raised consideration of the issue. Austroads subsequently established a project to examine the proposal, consult widely on its ramifications and make necessary recommendations for furthering discussion of the issue. The report from the project, *The Forrest Review: Driver Licensing and Barriers to Indigenous Economic Participation* is available on the Austroads publications website¹⁵.

The project included consultation with a selection of community organisations in the preparation of this report. Feedback from those organisations and service providers confirmed a key assumption of the Forrest Review that obtaining and keeping a driver licence is challenging for many Aboriginal and Torres Strait Islander people, and this has a significant impact on employment outcomes. It was also generally accepted that driving offences could easily escalate into the criminal justice system, having significant impact on the individual and costs to government and the community.

The report found measures already offered in a relatively uniform manner across all the State and Territory jurisdictions to allow people whose licences are subject to suspension to keep their licences, either for employment or any other purpose:

- The ‘Period of Good Behaviour’ option (under which a driver who has lost all of their demerit points can continue to drive, subject to good behaviour conditions).
- The ‘Time to Pay’ option (under which a driver can continue to drive while outstanding fines are repaid by instalments).

These options appear to largely achieve the objectives of Recommendation 15 of the Forrest Review. The report notes, however, that there may be scope for State and Territory Governments to improve awareness and access for Aboriginal and Torres Strait Islander people to these options. It also finds that States and Territories should work together to develop national policy principles for Aboriginal and Torres Strait Islander driver licence service delivery.

While terminology varies, some State and Territory courts can order the provision of a ‘locked’ licence (that is, a conditional licence issued to a driver for whom a court-ordered suspension or disqualification would cause hardship, such as loss of employment).

¹⁵ Austroads 2017. *The Forrest Review: Driver Licensing and Barriers to Indigenous Economic Participation*

Unlike the Period of Good Behaviour and Time to Pay measures, the use of locked licences is not consistent across jurisdictions. Furthermore, policy for court orders of this kind generally involve justice portfolios or other government agencies beyond transport departments. The report documents the locked licence arrangements in place in each State and Territory. However, because a national approach to these measures would involve action beyond transport policy responsibilities, no findings or recommendations on locked licences were made.

The report also documents general programs and initiatives in place at State and Territory level to promote Aboriginal and Torres Strait Islander access to driver licences (see Attachment B to this submission).

While expressing a preference for a broader approach to Aboriginal and Torres Strait Islander licensing and the risks of local locked responses in view of Aboriginal and Torres Strait Islander mobility and family/cultural responsibilities risking breaches, the report identified the following areas for further work:

1. Enhancements to the Period of Good Behaviour (POGB) and Time to Pay measures in each State and Territory may contribute significantly to achieving the driver licensing and employment objectives identified in the Forrest Review. Since these programs already provide the flexibility for a driver with unpaid fines and other offences to keep their licence, and hence remain in employment, there appears little need to change the nature of the programs themselves. In addition, POGB and Time to Pay are already administered in a fairly consistent fashion nationally.
2. There may be a need to focus on improving awareness and access for Aboriginal and Torres Strait Islander drivers, so that they are in a better position to take advantage of these options.
3. Access to services in remote Aboriginal and Torres Strait Islander communities was a key discussion point at the Indigenous Licensing Forum in Cairns in June 2016. It was evident that each State and Territory jurisdiction has designed and implemented a program approach that responds directly to its unique context. In delivering licensing services, each jurisdiction takes account of prevailing challenges such as the mix of remote and urban populations, language and literacy issues, and practical matters such as access to vehicles and learner-supervisors.
4. Nevertheless, there are also significant commonalities. These include the objective of improving social and economic outcomes through access to a driver licence. There is also a shared recognition of challenges presented by structural difficulties, such as access to suitable vehicles and driver-supervisors, and from coordination across different service delivery agencies within the same jurisdiction.
5. A number of critical points were made about the importance of communications, both around program delivery and the creation of more accessible messaging and business processes in connecting with program users.
6. On the basis of this shared interest in improving service delivery, there is scope for continuing national information sharing about best practices and approaches that have achieved concrete results. States and Territories should share program outcomes and collaborate on enhanced service delivery models. Austroads provides a platform for joint program and project-based research on opportunities to improve service delivery to Aboriginal and Torres Strait Islander communities.

National information sharing should consider:

- Opportunities to simplify business processes and messaging.
- Engagement of Aboriginal and Torres Strait Islander businesses and individuals in the provision of services.
- Removing unnecessary administrative barriers and fees.
- Improved coordination between different arms of government, including transport, revenue collection, births registry, and justice agencies.
- A focus on preventing the escalation of cases, where feasible and appropriate, so that administrative issues affecting a driver licence do not needlessly become employment issues, justice issues, or matters that have wider impacts on families and communities.
- The importance of strong community buy-in and local relationships to support service delivery.

- Partnership with industry and community service providers to ensure integration of licensing service delivery with employment services.
- Addressing barriers in accessing basic communication services like postal services, mobile phones and Internet, which are often assumed in licensing service delivery models.
- Complementing communication with individual licensees with community-based liaison, bearing in mind that communities as a whole are sometimes better connected to communication services than individuals.
- Improved access to different classes of driver licence, including heavy vehicle licences, as a gateway to employment.

Question 6-10 How could the delivery of driver licence programs to regional and remote Aboriginal and Torres Strait Islander communities be improved?

Building on the work of the 2016 Cairns Indigenous Licensing Workshop and the response to Recommendation 15 of the Forrest Review described above, Austroads has now commissioned a significant project to take consideration of the matters raised above to the next stage.

Work undertaken by Austroads and other researchers over recent years, much of which is described in the forgoing sections of this submission, has delivered a clear challenge to Austroads and its members. There is now a well-developed agenda regarding the design of an agreed approach to reducing the barriers to participation and conflictual policy settings preventing Aboriginal and Torres Strait Islander people acquiring and maintaining a driver licence and enjoying the many opportunities and benefits a licence delivers.

This Project, Improving Driver Licensing Programs for Indigenous Road Users and Transitioning Learnings to Other User Groups, commenced in August 2017 and is scheduled to be completed in August 2018.

Lack of appropriate access to driver licensing services is a barrier to employment, economic participation and access to government and non-government services by Aboriginal and Torres Strait Islander people.

Austroads will provide national policy principles to guide future Aboriginal and Torres Strait Islander and program development.

The Project has been designed to:

- Recognise service response solutions to licensing barriers to increase licence ownership and retention among Aboriginal and Torres Strait Islander road users.
- Better link data sources and share information with jurisdictions, partners, researchers and stakeholders to inform the development and delivery of best practice driver licensing services for Aboriginal and Torres Strait Islander and road users.

Potential benefits of the Project deliverables include:

- Improved economic and social participation outcomes in Aboriginal and Torres Strait Islander communities, reduced Aboriginal and Torres Strait Islander engagement in the criminal justice system for traffic-related matters, reduced burden on the welfare system, and reduced costs within the criminal justice system.
- Guidelines on the opportunities for the policy principles to inform ways to better engage those hard to reach road-users who might be culturally and linguistically diverse groups and/or socially disadvantaged Australians living in urban, rural and remote regions who struggle to meet the regulatory requirements and/or financial costs of licence ownership.

The Project scope is contracted around the three clusters of activities.

- **Part A: National policy principles**

- Development of common national policy principles which are high level policy objectives promoting simplicity and commonality in the delivery objectives while allowing individual jurisdictional action and program design.
- An outline of the potential for reductions in program costs (health, justice, education, road safety, etc.) including a program logic structure to inform program development, evaluation and funding mechanisms that maximise jurisdictional investment, ensure a full accounting of relational opportunities and cost impacts and identify any potential policy conflicts which present barriers to greater program success.
- Development of a common reporting template with a simple data set and data definitions.
- Dissemination of operational reports allowing inclusion of data in academic research.

- **Part B: Other road users**

- Identification of best practice Aboriginal and Torres Strait Islander licensing service delivery options that are transferable to other groups of road users.

- **Part C: Communications function for Austroads including:**

- Facilitation of forums for information sharing and trading.
- Establishment of a data library which is a secure location to place communications materials to share between jurisdictions, including the development and adoption of a protocol to govern access to the library.
- Establishment of jurisdictional communication as a standing item on the RLTF Agenda.

The Project will address the policy considerations raised by these issues, including the development of a consistent national policy framework for future program development, and discuss:

- Existing policy conflicts in terms of unpacking cost and service access impacts on Aboriginal and Torres Strait Islander people particularly in justice, health and road safety.
- The role of driver licensing as an enabler of change in Aboriginal and Torres Strait Islander communities, enhancing Aboriginal and Torres Strait Islander engagement in regional/remote areas and delivering improved health, employment, justice and road safety outcomes.
- Constraints presented by limited mobility on access to government and non-government services.
- The lack of timely, consistent and reliable data collection and reporting on Aboriginal and Torres Strait Islander licensing and road safety issues providing evidence-based support for program and policy development and allowing academic analysis of the issue.
- The potential for these considerations to provide guidance and direction for responses to the needs of other road user groups.

In addition, the Project will acknowledge the limited publicly available literature on the causes and solutions to the over representation of Aboriginal and Torres Strait Islander people in driving offences, prisons and the number and severity of transport-related fatal and other injuries despite the implementation of a range of local and jurisdictional initiatives.

It will also consider barriers to employment experienced by Aboriginal and Torres Strait Islander people whose driver licences are subject to suspension, cancellation, or other sanction. Identified in Austroads Project SRL2077: Driver Licensing and Barriers to Indigenous Economic Participation (Forrest Review).

Removing barriers to driver licence ownership and licence retention among Aboriginal and Torres Strait Islander road users would potentially:

- Improve economic and social participation outcomes in Aboriginal and Torres Strait Islander communities.
- Reduce Aboriginal and Torres Strait Islander engagement in the criminal justice system for traffic-related matters.
- Reduce burden on the welfare system.
- Reduce costs within the criminal justice system.

7. Summary

- Aboriginal and Torres Strait Islander people, particularly those living in regional and remote locations, are transport disadvantaged and dependent on the use of private transport for access to services and for personal, cultural and family commitments.
- The low uptake of driver licences by Aboriginal and Torres Strait Islander people, and their dependency on private transport leads to driving unlicensed and to contact with the justice system disproportionate to their percentage of the Australian population. This contact can lead to licence suspension, even where there has been no prior licence obtained, unpaid fines and imprisonment.
- The road trauma consequences of driving untrained and unlicensed are catastrophic for Aboriginal and Torres Strait Islander people.
- In some communities, there is no history of licence acquisition and therefore no value attached to possession of a driver licence.
- Initiatives implemented in most jurisdictions to prevent increasingly severe penalties are often complex, poorly communicated and understood by Aboriginal and Torres Strait Islander people and, consequently, neither well used nor highly effective.
- There are significant barriers to Aboriginal and Torres Strait Islander people participating in training and testing to obtain a driver licence, including the absence of services, challenges in obtaining evidence of identity documentation, cost and language barriers, absence of licensed supervising drivers and appropriate vehicles and shame at fear of failure.
- These barriers are compounded by an absence of cross agency and cross jurisdictional policy and process alignment.
- A great deal of work has been done nationally to respond these barriers and to design programs to engage Aboriginal and Torres Strait Islander people in driver training and licensing. All jurisdictions now have programs in place specifically targeting Aboriginal and Torres Strait Islander people in driver training and licence acquisition. Nonetheless a great deal remains to be achieved.
- There is little consistent data acquisition and analysis about the effectiveness of these programs and policy and practice alignment across and between jurisdictions remains a challenge.
- Austroads has a long-standing commitment to addressing the challenges facing Aboriginal and Torres Strait Islander people in driver licence acquisition and retention and in addressing the tragic road trauma impact on their communities.
- This Submission describes a number of recent and current initiatives on Austroads' Safety Program work plan and the intended impact of this work.

8. Austroads Future Work

Austroads will continue to take a keen interest in Aboriginal and Torres Strait Islander road users through a range of key approaches including:

- Facilitating harmonisation of national approaches to driver training and licensing to improve road user program access, understanding of regulation and to increase road safety outcomes particularly for more vulnerable individuals and communities.
- Improving Aboriginal and Torres Strait Islander road safety through education and research into more effective communication and program and policy engagement strategies, particularly for vulnerable and harder to engage sections of the community.
- Promoting access to driver training and licensing to reduce Aboriginal and Torres Strait Islander presence in the justice system and to leverage economic and social outcomes.
- Establishing nationally uniform data acquisition and dissemination to improve program effectiveness and drive the development of best practice.

9. Future Contact with the Commission

Austroads trusts this submission will assist to inform the Commission's consideration of the contribution of driver licensing issues and traffic related offending to levels of the incarceration of Aboriginal and Torres Strait Islander people. I hope the responses outlined in a number of places in the submission provide some constructive options for recommendations from the Inquiry.

We would be pleased to offer further information or clarification regarding any matter raised in this submission.

The Commission is welcome to contact Mr David Bobbermen, Austroads Safety Program Manager by telephone on (02) 8265 3300 or by email at dbobbermen@austrroads.com.au.



NICK KOUKOULAS

CHIEF EXECUTIVE

Attachment A: Austroads Indigenous Licensing Forum - Workshop Summary

Program Access and Delivery

Presentation Issues

- Challenges posed by access to resources - car/fuel/supervisors/driving lessons/EOI docs.
- Leadership and policy collaboration between government, private sector, community groups are fundamental to success.
- For roads agencies, there is tension between its roles as regulator and service deliverer.
- Access to remote communities is often seasonal and interrupts program delivery schedules.
- Agency communications and other printed and electronic materials need simplification and streamlining.
- This has to be core business for licensing agencies needing continuous operations and funding.
- Maintaining engagement of participants is challenging.
- Prison programs are critical to ongoing success.

Small Group Ideas

- Explore corporate support and sponsorship for funding, assets, such as vehicles, and service delivery.
- Establish a national flexible licence training and testing framework which can be contextualised to community need.
- Facilitate community ownership through capacity building and events such as Community Open Days.
- Undertake a national policy review to consider evidence of identity. requirements incorporating a flexible approach to delivery and clearer more accessible education materials.

Barriers to Participation

Presentation Issues

- In many Aboriginal and Torres Strait Islander communities, there is widespread social acceptance of drive unlicensed/in breach and fear/shame at possibly failing in the licence process, along with a poor understanding of L and P processes.
- Costs, fees and the complexity of the procedures associated with fines, licence suspension and repayments options tend to encourage.
- Access to a vehicle and licensed driver accompanying driving practice for graduated licence scheme requirements.
- Literacy/numeracy and user of technical language in learner driver materials.
- Policy alignment across government agencies.
- Impact of offence history, access to legal assistance, alcohol interlock and suspensions.
- Mentor engagement, recruitment and support.
- Access to evidence of identity documentation.

Small Group Ideas

- Simplify administration of approved programs, remove residential address requirements reducing the number and complexity of forms, using verbal tests, establishing common dates for licence and registration renewal in communities and simplifying exemption processes.
- Licensing agency staff to access BDM and fines databases to facilitate EOI and fines repayment procedures.
- Exempt L & P licences from fine default suspension policies.
- Improved low literacy processes for licensing evidence documents.

Innovative Approaches

Presentation Issues

- Build community ownership of programs through a local stakeholder committee, Community Development Program provider, mentors/youth workers, local media and social media.
- Share program results with the community.
- Establish an 'end to end' approach to driver licensing.
- Consider a Restricted Licence to suit the local context and build pathways for licence inclusion.

Small Group Ideas

- Promote Research: analyse existing initiatives, review all jurisdiction programs and publish information.
- Build a national resource or strategy to utilise existing driver education material which can be re-branded and used by other jurisdictions.
- Make much greater strategic use of social media for communications and local engagement promoting education and success stories in narrative format.
- Explore vehicle sponsorship for driver licence training with motor manufacturers/dealers.

Engaging Partners & Collaborators

Presentation Issues

- Establish mentoring programs in partnership with other agencies.
- Seek corporate sponsorship and links with Road safety outcomes+ budgets.
- Build relationships with police, corrective Aboriginal and Torres Strait Islander corporations and private industry.
- Promote Court referral to Aboriginal and Torres Strait Islander licensing programs as an alternative to sentencing.
- Examine the role/impact of government central service agencies to ensure alignment.

Small Group Ideas

- Co-ordination of policy across;
 - Licensing agencies, including both national harmonisation, business process review and communication strategies.
 - Jurisdictional fee and debt management initiatives.

- Evidence of identity and Birth Death and Marriages agencies including both data access and procedures.
- All agencies managing cost and budget arrangements including consideration of whole-of-life costs and benefits of greater licensing acquisition and compliance.
- The development of nationally aligned policy providing flexible licensing options noting remoteness, disadvantage and comparative access to road network.
- The development of nationally agreed policy principles to underpin collaboration and communication and drive complementary policy development agencies and jurisdictions.

Attachment B: Brief Descriptions of Australian Aboriginal and Torres Strait Islander Driver Licence Programs

New South Wales - Driving Change

<http://www.drivingchange.com.au>

'Driving Change' is a community-driven program assisting young Aboriginal people to overcome the barriers to obtaining a driver licence by assisting them to navigate through the licensing system. The program is supported by Transport for New South Wales, New South Wales Health and the biopharmaceutical company AstraZeneca. Vehicles have been donated by a range of different commercial organisations.

The program operates in regional Indigenous communities in New South Wales. Key elements include the funding of local licensing 'champions' or support officers, creating opportunities for supervising drivers and providing access to licensing and other relevant services, such as fines enforcement and the Registry of Births, Deaths and Marriages for identity purposes. The costs of gaining driver training and driving supervision for the required number of hours as well as licence fees are covered by the program.

Critically, the program is driven and administered by the local community. Strong attention has been given to effective community engagement prior to establishing the program in each locality. Community leaders have been identified, community meetings held, and the program widely advertised. This process has taken up to two years in some cases.

Northern Territory - DriveSafe NT Remote

<https://nt.gov.au/driving/licences/get-your-remote-driver-licence/learn-the-road-rules>

As an alternative licensing pathway to the Police in local areas, the DriveSafe NT Remote driver education and licensing program is delivered by a small team to the remote regions of the whole of the Northern Territory. The teams are available to assist people to access Motor Vehicle Registry, driver education and licensing services.

DriveSafe NT Remote works with remote communities through partnerships. It has adopted a whole of community approach to ensure equity of access to driver education and licensing services with a particular focus on youth. This includes:

- Flexible delivery timeframes.
- Assisting with the required identification documents, including birth certificates (free of charge).
- Use of innovative educational materials, taking into account the differences in learning styles and the environmental and cultural attributes of Indigenous participants.
- A limited range of Motor Vehicle Registry services, including assistance with fines recovery.

A critical success factor in delivering an end-to-end licensing program is the support of a locally based Community Champion. The Community Champion can be an individual within an organisation or the organisation itself (with locally based champions in a range of communities). The Community Champion is recognised as having specialist knowledge of the region, and assists by:

- Using networks and resources to assist with liaison with key people and groups in the community and to assist with the planning and implementation of the services and assessment of demand for driver licensing.
- Identifying training venues and accommodation options for the DriveSafe NT Remote team members.
- Assisting with development of strategies to ensure a long-term sustainable service delivery model is established in the region, including opportunities for in-car driving experience.
- Being the contact person in the community for DriveSafe NT Remote.
- Assisting with collection of proof of identity documents of participants.
- Receiving and distributing licences.

Class sizes are generally set at between 10 and 15 learners per class. The program uses tailor-made driver education material that is visually rich and takes into consideration the:

- Environmental and cultural attributes that support different learning styles.
- Linguistically diverse populations, many of whom with English as a second or third language.
- The need to be outcome centred, or competency-based with an internal assessment.

DriveSafe NT Remote staff can also liaise with Fines Recovery Unit to resolve outstanding fines.

Queensland - Indigenous Driver Licensing Unit

<https://www.tmr.qld.gov.au/Community-and-environment/Indigenous-programs/Indigenous-driver-licensing-program.aspx>

The Queensland Government established its Indigenous Driver Licensing Unit (IDLU) in 2007. It delivers learner, provisional and truck licensing services, renewals, replacements and Adult Proof of Age cards. The Unit services remote Indigenous communities in far north Queensland including Cape York, the Gulf, and Torres Strait islands. Its aims are to:

- Reduce the number of Indigenous people in prison for driver licensing offences.
- Reduce Indigenous fatalities and injuries in remote areas caused by unsafe driving.
- Provide a service that is lacking in remote areas.
- Increase self-confidence and independence.
- Increase Indigenous licensing rates and promote safe, legal driving.

The IDLU works in collaboration across a number of internal and external agencies and community groups and continues to build relationships with communities through on-the-ground engagement, such as:

- Collaboration and service delivery with other government departments delivering remote community 'Licensing Open Days'.
- Delivery of licence education to private, public and boarding schools and colleges.
- Attending and supporting community cultural events.
- Undertaking learner licence written testing in correctional centres.
- Road safety and licensing programs to other government departments and community organisations.
- Supporting Community Development Program (CDP) job service providers.

The IDLU has also developed visual presentations and other tools designed for low literacy audiences to educate and provide road safety information as part of delivering licensing services. The Unit delivers the 'Learning to Drive' program through workshops for government agencies, schools, community and volunteer organisations.

South Australia - On the Right Track Remote

<http://www.dpti.sa.gov.au/ontherighttrack/remote>

On the Right Track Remote is a service provided by the South Australian Government to help Indigenous people who live in the Anangu Pitjantjatjara Yankunytjatjara (APY) Lands and the Maralinga Tjarutja (MT) Lands to get a driver's licence. Funding became available in July 2014 and service delivery commenced in February 2015.

The On the Right Track Remote team visits communities in the Lands in week-long blocks around 27 times a year, and helps Indigenous people to:

- Know how to get a driver's licence.
- Get a driver's licence back if that person has had one in the past.
- Learn the road rules.
- Get driving lessons.
- Get driving practice.
- Take the test to get a learner permit.
- Take the test to get a provisional licence.

Legislative change enables eligible clients to be exempted from some aspects of the Graduated Licensing Scheme; specifically the number of hours of supervised driving and the length of time required on a Learner's Permit. The legislation also allows Aboriginal people in the Lands to be 'qualified supervising drivers' once they have achieved their full C class licence, rather than needing to wait for two years.

On the Right Track Remote addresses a number of known barriers for Aboriginal people's participation in the licensing system. It can offer clients greatly reduced costs for permits and licences, it provides vehicles (and fuel) for instruction by Motor Driving Instructors, it streamlines the administrative processes associated with licensing and works with other service providers on the Lands to help clients deal with matters such as fines, as well as the exemption process which is managed on a case by case basis according to current driving competency. From 2017, interpreters will work with the team to further assist clients for whom English is a second or third language.

Victoria - L2P Learner Driver Mentor Program

<https://www.vicroads.vic.gov.au/licences/your-ps/get-your-ps/preparing-for-your-licence-test/l2p-learner-driver-mentor-program>

Whilst VicRoads does not have an Indigenous-specific driver licence program, it does have the L2P Learner Driver Mentor program. This program assists learner drivers under 21 years of age who do not have access to a supervising driver or vehicle to gain the driving experience required to apply for a probationary licence.

Under this program, young people are matched with fully licensed volunteer mentors and have access to a sponsored vehicle, which they can use to get supervised driving experience. L2P is free for eligible young people and is funded by the Transport Accident Commission. The program does not substitute for professional driving lessons and L2P does not pay for the probationary driving test itself.

Western Australia - Remote Areas Licensing Program

<http://www.transport.wa.gov.au/aboutus/remote-areas-licensing-program.asp>

The Western Australian Government's Department of Transport Regional Services Business Unit manages the Remote Areas Licensing Program, a strategic program seeking to improve outcomes for people residing in remote areas (particularly Aboriginal people) through obtainment and retention of a driver licence.

The following initiatives have been implemented through the program:

- Mobile licensing services to remote communities, providing the same level of service as a Department of Transport Regional Office in a flexible community setting.
- Engaging with private industry and Aboriginal corporations to deliver learner permit theory testing as part of a driver training or pre-employment program (additionally, regulations have been amended to exempt people from the theory test fee where they complete the test through this channel) providing an alternative to the supervised driving hours in remote communities where persons meet specified eligibility criteria.
- Ongoing attendance at community Open Days organised by the Department of the Attorney-General (the multi-agency approach to driver licensing issues has been extremely successful in regional areas and was expanded to the metropolitan area in 2015).
- Development of targeted education materials covering aspects of the driver and vehicle licensing process.



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