



A new approach to addressing driver licensing issues within Indigenous communities across Australia

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Abstract

Aboriginal Australians are two to three times more likely to be involved in a transport related fatal crash and 30% more likely to be seriously injured from a road crash than non-Aboriginal Australians. In 2008, Aboriginal people made up 2.3% of the Australian population, but 26.1% of Australia's prison population. Many were incarcerated for road traffic and driver licensing offences.

Most jurisdictions have various programs that are designed to improve road safety outcomes and close the gap between Indigenous and non-Indigenous licensing rates. However, Austroads is now funding a number of national projects to:

- develop a pre-learner national resource/tool kit to help educate Indigenous people in remote communities about road rules and safe driving behaviour, and
- develop a culturally appropriate assessment tool that can be delivered in remote communities, and
- examine and remove the current barriers that exist in jurisdictions that prevent Indigenous people in remote areas from being able to obtain a provisional licence.

Austroads is the Association of Australian and New Zealand Road Transport and Traffic Authorities.

If these projects are implemented successfully, then there is likely to be an increase in the number of Indigenous people in remote communities who understand the road rules, driver licensing restrictions and safe driving practices; are able to access the written road rules knowledge test and have their learning outcomes assessed for the purposes of obtaining a learner licence; and then transition from a learner licence to a provisional licence.

By doing this, even a modest reduction in incarceration rates for Indigenous Australians as a result of driving offences, and/or a reduction in road trauma for Indigenous people, is likely to deliver significant cost savings to the community. In addition, if Indigenous people are able to obtain a provisional licence, then their ability to secure employment will also improve, thereby delivering additional social outcomes to communities.

Introduction

Indigenous Australians are underrepresented in driver licence ownership, overrepresented in road crash data and overrepresented as incarcerated persons in prisons. The lack of driver licence ownership also acts as a barrier to employment, thereby leading to social issues in communities where ownership rates are low. There is overwhelming evidence that the current driver licensing system is not serving Indigenous people well.

- Indigenous Australians are two to three times more likely to be involved in a transport related fatal crash, and 30% more likely to be seriously injured from a road crash than non-Indigenous Australians¹.
- In 2008, Indigenous people made up 2.3% of the Australian population, but 26.1% of Australia's prison population².
- ABS data from 2006 indicates that 6.1% of Indigenous persons were incarcerated with their most serious offence being road traffic and motor vehicle regulatory offences. It is likely that a much higher percentage of Indigenous persons would have been sentenced for motor vehicle offences in addition to other, more serious charges. For example, figures provided by the Queensland Department of Correctional Services in 2002, showed that 75% of inmates at Lotus Glen (Cairns) and Townsville correctional facilities were Indigenous, and at the time of incarceration, 57% of these inmates had a licence-related offence contributing to the severity of the conviction³.
- In Queensland, Indigenous communities (Local Government Authorities) have licence ownership rates (including learner licences) of 38%. In comparison, other Local Government Authorities have a licence ownership rate of 89.7% for those persons eligible for a driver licence⁴.
- The Victorian Department of Justice states that in 2009-10 it cost \$87,840 per annum to keep a prisoner in custody. Each fatal crash, in 2009 dollars, is estimated to cost the community \$6,638,900 and each hospitalisation \$584,200.

According to the Senate Committee on Aboriginal and Torres Strait Islander Affairs⁵:

“The high rate of driver licensing offences among Indigenous people dovetails into the high rate of incarceration for minor justice breaches such as fine default... This leads to the imposition of fines, which go unpaid, the inability subsequently to attain a driver licence, resulting in more driving unlicensed offences and fines, and the eventual likelihood of receiving a custodial sentence.”

The rationale for taking direct action on this issue is based on six key determinants:

1. Many Indigenous people do not have a driver licence.

¹ Harrison and Berry, 2008, *Injury of Aboriginal and Torres Strait Islander people due to transport*, Adelaide: Australian Institute of Health and Welfare.

² ABS Data 2006

³ Department of Correctional Services, Queensland Government, 2002

⁴ OSER, Queensland Government, *Indigenous Regional Profiles, (Census 2006) Australia*, prepared 12 March 2012

⁵ Accessed from <http://www.aph.gov.au/house/committee/atsia/sentancing/report>, 19 November 2011

2. There are many impediments to Indigenous people obtaining learner and provisional/open driver licences.
3. Driver licensing offences are a catalyst for the over-representation of Indigenous people incarcerated in Australia.
4. There is an over-representation of Indigenous people involved in road trauma.
5. Current driver licence assessment tools and processes are not working for a high number of Indigenous Australians, especially in remote areas.
6. The demographic structure of Indigenous Australians, with a higher proportion of young people than non-Indigenous Australians, means that there is likely to be a greater demand for licence services in the future, especially in remote communities.

Discussion

The lack of driver licence ownership can be a barrier to persons finding employment, thereby contributing to social issues in communities where ownership rates are low. Levels of licence holding by Indigenous Australians has major implications for ‘closing the gap’ in life expectancy and life quality between Indigenous and non-Indigenous Australians.⁶

Based on current research, the common barriers across Indigenous communities to obtaining and maintaining a driver licence are as follows:

- *Financial.* Under current licensing arrangements, there is a cost to learn to drive and progress through the graduated licensing system. Of the Indigenous households, 20.1% have a \$1-\$249 equivalised weekly income, compared with 9.3% of non-Indigenous households⁷.
- *Access.* Limited access to appropriately licensed drivers to teach and supervise, and/or suitable registered vehicles, to accumulate the required number of driving hours. New South Wales Indigenous groups in regional locations (62%) are more likely to be current licence holders than those in both urban (38%) and remote (30%) locations. Conversely, those in urban areas (44%) and remote locations (50%) are more likely than those in regional locations (22%) to have never held a licence⁸.
- *Low Literacy Levels.* Lower literacy levels affect ability to read handbooks, fill in forms, and complete driver knowledge tests. The non-Indigenous population is 150 times more likely to have an education above year 8 than the Indigenous population⁹.
- *State-owed Debt.* Outstanding debt resulting from accumulation of unpaid fines from a variety of channels is a major issue. A little over half of all Indigenous licence holders indicated that their licence had been suspended and/or cancelled at some point in the past, due to unpaid fines¹⁰.

Financial Barriers

Those wishing to learn to drive and progress through the graduated licensing system, have limited access to licensed drivers to teach and guide them, and/or suitable registered vehicles in which they can learn and accumulate the required number of driving hours. For the vast majority, paying for formal lessons from a driving instructor (if they’re even available in

⁶ Austroads, “*Development of a National Indigenous Licensing Resource*”, Draft Discussion Paper, October 2011, pg 3.

⁷ ABS 2006 Census

⁸ E&S Research Report, *Aboriginal Licensing Final Report 171208*, December 2008, pg 39

⁹ ABS 2006 Census

¹⁰ E&S Research Report, *Aboriginal Licensing Final Report 171208*, December 2008, pg 43

remote or regional areas) is well beyond their reach. Another issue is an inability to afford multiple tests, which is not uncommon.

While not being able to afford licence and registration fees is not necessarily specific to Indigenous groups, it is more likely to be a barrier to obtaining or maintaining a driver licence than in non-Indigenous groups.

Based on information gained from a survey conducted by E&S Research in 2008, for their report to the NSW RTA, *Aboriginal Licensing Final Report 171208*¹¹, the following observations were made.

- Many current Indigenous licence holders struggle to pay their licence renewal each year. While a three-year licence is preferable, most agreed that they were unlikely to ever have the spare funds to afford a three-year licence.
- Both current Indigenous licence holders and those without a licence believed that the new graduated licensing system and the log book requirement had made it even more difficult for Indigenous Australians to be able to afford a licence. Learners have limited access to appropriately licensed drivers and appropriate registered vehicles particularly as licensed drivers tend to be employed and therefore have limited available time for helping learners. They therefore claimed that it was difficult to accumulate the required hours.
- The rising cost of petrol has also compounded the issue with many unable to provide petrol money, to the vehicle owners.

These factors contribute to the belief that the costs associated with obtaining and maintaining a licence is out of the reach of many Indigenous Australians.

Indigenous communities overall financial capacity and level of debt has wide ranging consequences regarding licensing and vehicle registration.¹²

- Unpaid fines (31%) and outstanding state-owed debt were the most common reasons for licence suspension or cancellation.
- 25% of those unlikely to try for a licence cannot pay off their debt or said they simply cannot afford a licence (15%).
- 19% of past licence holders did not renew their licence because they could not afford it.
- 23% of current licence holders could not afford a driving instructor when learning, while 15% could not afford petrol money to go driving as a learner. Further, 25% had problems accessing a registered vehicle and 15% found the log book requirements difficult when learning.
- Debt and affordability also prevented some vehicle owners from getting their vehicle registered.

Access Limitations

Access to departmental testing facilities can be extremely problematic in regional and remote areas. Often in northern parts of Australia, roads can be impassable for months during the wet season, making trips to testing facilities impossible. In addition, even during the dry season, in many areas testing locations can be many hours travel by road or sea due to the lack of suitable government infrastructure that is available to service remote communities. And

¹¹ E&S Research Report, *Aboriginal Licensing Final Report 171208*, December 2008, pg 24

¹² E&S Research Report, *Aboriginal Licensing Final Report 171208*, December 2008, pg 74

access to appropriately licensed supervisors, safe roadworthy vehicles and professional driver trainers can be very difficult in regional and remote areas.

Often jurisdictional police are called upon to provide driver licensing services in regional and remote areas. However, this in itself may cause a barrier to obtaining a driver licence given the sometimes strained relationships between Indigenous populations and the local constabulary (the 'bully men'). That is, there may be reluctance on the part of Indigenous people to attempt to obtain a driver licence whereby the only means available is through the local police station.

Based from qualitative research conducted by E&S Research in 2008¹³, current licence holders in urban areas were less likely to have experienced problems with learning to drive than those in regional locations. The same research also found that those in regional and urban area locations were more likely to try for a licence, than those based in remote locations.

Low Literacy Levels

All jurisdictions require applicants for a learner licence to demonstrate that they have a competent understanding/knowledge of the road rules and driver licensing requirements. There is an assumption within jurisdictions that the current learner licence testing regime is providing the most appropriate outcomes. It also assumes a certain level of literacy to complete the tests.

Literacy has been identified as a significant issue when it comes to obtaining a driver licence¹⁴. There are major difficulties for some to gain a licence because of this, and causes others to avoid the licensing system altogether. For those with literacy difficulties, the learn to drive publications put out by all jurisdictions are too wordy and daunting. The testing system is also seen as daunting.

This is supported by reports from the NAPLAN testing program in 2010-11¹⁵, whereby the gaps between Indigenous and non-Indigenous performance on literacy and numeracy tests are substantial. Indigenous achievement lagged behind non-Indigenous achievement by up to 25 percentage points. Furthermore, Indigenous students in Years 7 and 9 generally achieved test scores equivalent to, or lower than, their non-Indigenous peers two grades lower.

In addition, many Indigenous people have an institutionalised fear of failure. Indigenous people often discuss the 'shame' of failing a test, and therefore avoid the prospect of experiencing that shame by opting to not put themselves in a position where they risk failing.

A lack of confidence in the ability to pass the required tests adds to pessimism about their ability to get a licence. This reinforces the belief that the only option is to drive unlicensed.

State-owed Debt

Outstanding state-owed debt has been touted as a major factor in not renewing or obtaining a licence. Debts can be accumulated through a variety of channels and unpaid fines ranging from riding a bike without a helmet; fines for not voting; pet related infringements; and assaults and minor law infringements. A number of debts were also accumulated through

¹³ E&S Research Report, *Aboriginal Licensing Final Report 171208*, December 2008, pg 39

¹⁴ E&S Research Report, *Aboriginal Licensing Final Report 171208*, December 2008, pg 6

¹⁵ Data from "Snapshot 2010 Children and Young people in Queensland" by the Qld Commission for Children and Young People and Child Guardian

unpaid bills and unpaid rent. Indigenous groups in urban locations were more likely than those in remote locations to be affected by outstanding state-owed debt¹⁶.

The main reasons for licence suspension/cancellation are unpaid traffic fines, outstanding debt with state penalty recovery agencies, driving under the influence offences and accumulation of demerit points. In a study undertaken in Australia by Ferrante¹⁷, it was found that Indigenous representation in fine related suspensions was significant. In 1995, the Indigenous rate of fine suspension was nine times greater than the non-Indigenous rate and by 2011 this had increased to eleven times greater. In terms of traffic offending, Indigenous drivers were more likely to be disqualified for licence offences (specifically driving without a valid licence) and drink-driving offences, than from accruing too many demerit points.

Austroads approach to improve Driver Licensing outcomes for Indigenous Communities

Austroads has recently funded a project to develop a national Indigenous licensing resource. This initial project focussed on educating Indigenous people in remote communities about key concepts they will need to obtain a learner licence and be safe on the road. However, in isolation, this project is not likely to significantly improve driver licensing rates for Indigenous people. As such, Austroads has agreed to fund two additional but complimentary projects to assist Indigenous people in remote communities to complete the licensing pathway.

The second project will look at the minimum requirements a person needs to obtain a learner licence. That is, what learning outcomes does a person need to demonstrate before they are allowed to drive under the supervision of an open licence holder? The project will evaluate whether the current literacy rich road rules tests used in jurisdictions deliver the best outcomes for assessing an Indigenous person's understanding of key road rules, driver licensing requirements and safe driving practices.

Recognising that literacy is a massive impediment to learning, questions will need to be asked as to whether an Indigenous person with low literacy learns more about the road rules and safe driving practices prior to obtaining a learner licence, or after, under the direction of an appropriate supervisor.

Similarly, the third project will examine barriers that restrict Indigenous people from progressing from a learner to a provisional licence, make recommendations, and pilot and evaluate up to two options that will assist persons in remote communities to obtain a provisional driver licence.

There are many barriers that restrict Indigenous people in remote communities from progressing through the graduated licensing scheme; not least of which is the requirement in most jurisdictions that requires applicants for a provisional licence to have first completed a minimum number of on-road driving hours under the supervision of an appropriately licensed driver. For example, in Queensland a person must have accumulated 100 hours of supervised on-road driving; and in Victoria and New South Wales 120 hours.

¹⁶ E&S Research Report, *Aboriginal Licensing Final Report 171208*, December 2008, pg 44

¹⁷ Ferrante, A., *"The Disqualified Driver Study: A study of Factors Relevant to the Use of Licence Disqualification as an Effective Legal Sanctions in Western Australia"*, Crime Research Centre, University of Western Australia, September 2003.

Many remote communities have very limited road networks within the community with limited road infrastructure, and usually just one or two roads into and out of the community, which often aren't sealed. And an island community may have just one road running around the island. As such, these projects will need to examine whether the mandating of the minimum on-road supervised driving requirements deliver significant road safety outcomes in remote communities.

For both of these projects, it will be critical to determine at what points in the licensing pathway the evaluation of learning outcomes should occur. Consultants will be instructed not to be constrained by legislative barriers currently in place.

Key Success Factors

It is important that there is congruence between projects to enable Indigenous persons, especially in remote communities, to complete the licensing pathway. The expected outcome is that there will be in place across Australia, an appropriate process to enhance existing programs and accelerate the number of Indigenous people obtaining a driver licence within remote Indigenous communities. This could then lead to an increase in the number of Indigenous Australians driving legally and independently and expand the prevalence of licensed drivers. Obtaining and maintaining a driver licence is essential for gaining employment, accessing services, and reducing the incidence of incarceration and road trauma.

The proposed Austroads program differs from previous attempts to revise Indigenous driver licensing practices in the following ways:

- It is a coordinated approach with support from all jurisdictions.
- Assumes that resources will proceed to broad long-term implementation (similar to the Indigenous Driver Licensing Program in Queensland and the Indigenous Driver Education Program in NSW).
- Evaluation is a key focus in development and implementation.
- The evidence used to develop the tools and programs includes real-life information from the target audience.
- The approach is flexible enough to adapt to learnings identified during development and implementation.
- The focus is on remote locations where the need is the greatest.
- It aligns with the strategic priorities of the Austroads Registration and Licensing Taskforce, namely, to improve driver licensing outcomes for Indigenous Australians.

Conclusion

The social impact to Indigenous communities and the financial cost to Government due to the level of offending from driving unlicensed, inappropriate driver behaviour and road trauma among Indigenous Australians is significant. This also includes the high level and associated costs of incarceration. As such, even a small reduction in Indigenous incarceration rates for unlicensed driving or a reduction in road trauma is likely to result in significant costs savings.

The development of deliverables that are targeted to overcoming the contextual barriers experienced by Indigenous groups, especially those in remote communities, is a necessary step in implementing workable nationally consistent initiatives to improve driver licensing outcomes for Indigenous people.

In addition, the successful implementation of this approach could represent significant cost savings for Government and the community if the relationship between low driver licence ownership, high road trauma and incarceration rates for Indigenous Australians is minimised. Improved driver licensing ownership rates within Indigenous communities will also help to improve employment opportunities, deliver social benefits and assist in reducing the Gap between Indigenous and non-Indigenous Australians.

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