

**Submission
No 35**

SUPPORT FOR RURAL AND REGIONAL LEARNER DRIVERS

Organisation: Just Reinvest NSW

Date Received: 18 May 2021



Submission for the Inquiry into Support for Rural and Regional Learner Drivers Just Reinvest NSW May 2021

About this submission

Just Reinvest NSW thanks the Joint Standing Committee on Road Safety for the opportunity to provide a submission for the Inquiry into Support for Rural and Regional Learner Drivers.

This submission focuses on the barriers to and solutions for improving access to driver training and licensing for Aboriginal people in rural and regional NSW. Increasing driver training and licensing is a significant circuit breaker for reducing contact with the criminal justice system for Aboriginal people.

For questions related to this submission, or for further information, please contact Coordinator, Policy & Advocacy, Just Reinvest NSW.

About Just Reinvest NSW

Just Reinvest NSW supports Aboriginal communities to explore and establish justice reinvestment initiatives and advocates for systemic changes that build safer and stronger communities. We began in 2011 as a strategic initiative of the Aboriginal Legal Service NSW/ACT. Our small team are guided by an executive committee and supported by a network of champions, youth ambassadors and supporters across the legal, corporate, government and for-purpose sectors.

We work at a local level with Aboriginal communities to explore and implement community-led justice reinvestment initiatives, at the same time advocating for legislative and policy changes that will drive down interactions with the criminal justice system and incarceration rates and support community leadership and self-determination.

Members of Just Reinvest NSW include: Aboriginal Education Council, Aboriginal Medical Service (Redfern), AIASF, ANTaR, Ashurst Australia, Australian Red Cross, Community Legal Centres NSW, Gilbert + Tobin, Herbert Smith Freehills, Infinite Hope Aboriginal Corporation, Johnson Winter & Slattery, King & Wood Mallesons, Legal Aid NSW, The Network of Alcohol and other Drugs Agencies (NADA), NCOSS, Oxfam Australia, Reconciliation NSW, Save the Children Australia, Shopfront Youth Legal Service, Show Me the Way, Weave, White Lion, Youth Action and the Youth Justice Coalition.

Just Reinvest NSW collaborated with the Bourke community to support the establishment of Maranguka using a justice reinvestment framework and we continue to support its important work. We are currently working closely with members of the Aboriginal communities in Mount Druitt and Moree to explore the how a justice reinvestment approach might work in those communities.

1. Barriers to driver training and licenses for Aboriginal learner drivers in rural and regional communities in NSW

Less than half of Aboriginal and Torres Strait Islander people in NSW hold a driver's licence, compared with 70% of non-Aboriginal people.¹ This disparity is even greater in rural and regional communities, where Aboriginal people often experience 'transport disadvantage'.²

While there have been some improvements in access to driver licensing, there remains an urgent need for the NSW Government to support and invest in community-led driver education programs.

Existing research has identified the numerous barriers preventing Aboriginal people, especially those in rural or regional communities, from obtaining driver licences. Some of these barriers include:

- *Low literacy rates in some Aboriginal communities* - Literacy is needed for preparing and passing the driver's knowledge test to obtain a driver licence, completing application forms and dealing with fines and debts.³
- *High costs* - associated with tests and obtaining a licence, as well as qualified driving instructors.⁴
- *Lack of access to driver education course* – People in remote and regional areas generally have limited access to driver training courses and are often required to drive much further distances to access available RMS offices.
- *Lack of access to a car* – While many of the available programs assist Aboriginal people in obtaining learner licences, they are often unable to attain their provisional licence due to limited access to vehicles.⁵
- *The 120 hour logbook requirement* – It can be difficult for Aboriginal learner drivers to fulfil the 120 hours required for the logbook as they may have limited access to registered vehicles and licensed driving supervisors.⁶
- *Lack of culturally responsive and aware service provision* - Many Service NSW offices, as well as driver training courses and instructors, are not trained to work in a culturally responsive

¹ Audit Office of New South Wales, *New South Wales Auditor-General's Report: Performance Audit -- Improving Legal and Safe Driving among Aboriginal People* (2013) 21.

² Rebecca Ivers et al, 'Driver licensing: descriptive epidemiology of a social determinant of Aboriginal and Torres Strait Islander health' (2016) 380; Patricia Cullen et al, "'The Program Was the Solution to the Problem": Process Evaluation of a Multi-Site Driver Licensing Program in Remote Communities' (2017) 4 *Journal of Transport & Health* 81, 81.

³ Audit Office of New South Wales (n 1) 24.

⁴ Patricia Cullen et al, 'Challenges to Driver Licensing Participation for Aboriginal People in Australia: A Systematic Review of the Literature' (2016) 3.

⁵ Elliot & Shanahan Research, 'Research Report: An Investigation of Aboriginal Driver Licensing Issues' (2008) 23.

⁶ Ibid 24.

way with Aboriginal people, which can prevent Aboriginal people from interacting with the system and obtaining drivers licences.⁷

- *Requirements for proof of identity documents* – The costs of identity documents are high. Some Aboriginal people may not have birth certificate documents (or may have not had their births registered). Some people also have multiple names – sometimes as survivors of stolen generations, and sorting out required identity documents in these circumstances is a significant barrier.⁸
- *Lack of access to technology* – With the increase in the use of online programs, people in rural and regional areas are disadvantaged due to more limited access to the internet and/or technology.⁹

2. Impact of limited access to driver training and licensing

Limited or lack of access to driver training and licensing negatively impacts Aboriginal communities in a number of ways. Aboriginal and Torres Strait Islander people across Australia are 30% more likely to sustain serious transport-related injury than non-Indigenous people.¹⁰ In remote areas, the rate of injury is even higher¹¹ and the disparity between Aboriginal and non-Indigenous people, greater.¹²

Transport for NSW recognises that the high proportion of Aboriginal people living in rural and regional areas have limited access to public transport and taxis.¹³ This exacerbates the negative impact of unlicensed driving on Aboriginal people.

Impact on incarceration and contact with the criminal justice system

The link between driving offences and incarceration rates for Aboriginal and Torres Strait Islander people is well established. Lack of access to driver education and licensing often leads to increased contact with the criminal justice system. There are also a significant number of Aboriginal people who are convicted of licensing regulatory offences. Driver licence offending and reoffending has been identified as one of the three most common reasons for Aboriginal offenders to enter the criminal justice system.¹⁴

⁷ Kathleen Clapham et al, 'Addressing the Barriers to Driver Licensing for Aboriginal people in New South Wales and South Australia' (2017) 285.

⁸ Audit Office of New South Wales (n 1) 24.

⁹ Sarah Anthony and Michael Keating, 'The difficulties of Online Learning for Indigenous Australian Students Living in Remote Communities -- it's an Issue of Access' (2013).

¹⁰ Kathleen Clapham et al (n 9).

¹¹ Ibid.

¹² Ibid.

¹³ Transport for NSW, 'NSW Aboriginal Road Safety Action Plan 2014-2017' (2014) 9.

¹⁴ Department of Communities and Justice, 'Reducing Aboriginal Overrepresentation in the Criminal Justice System: 2018-2021, p. 3.

At a national level, the top three drivers of contact with the justice system for Aboriginal and Torres Strait Islander people through driver licensing related issues are:

1. Fine default licensing sanctions due to inability to pay fines and/or state debt;
2. Lack of diversionary options or programs for offenders; and
3. Unauthorised driving charges (including those who drive without ever having held a licence and those who drive with a suspended or disqualified licence).¹⁵

In NSW, Aboriginal people are three times more likely to have their licence suspended due to fine default than non-Indigenous people¹⁶ and ten times more likely to have their license disqualified.¹⁷ An inability to clear fines can lead to further driving offences when someone continues to drive due to their circumstances (eg living in a remote area and needing to drive to work or to access health care) which can lead to further fine defaults and potential imprisonment.¹⁸

In 2010, 21% of people charged with driving unlicensed in NSW were Aboriginal and Torres Strait Islander people.¹⁹ In 2016, 31% of all people imprisoned for driving while suspended or disqualified were Aboriginal and Torres Strait Islander people.²⁰

Lack of access to driver training and licensing also reduces the ability of those in rural and regional communities to access 'appropriate justice' as it limits their access to legal services and courts.²¹

Impact on employment opportunities

The link between driver licensing and limited employment opportunities is also well established. 64% of people with a driver licence in Australia are employed, while 36% are unemployed.²²

For those with low literacy and numeracy skills, employment opportunities are already limited. Where these people do not have access to a driver's licence, this is especially problematic as it can further reduce options available for employment.²³

¹⁵ Patricia Cullen et al (n 5).

¹⁶ P Cullen et al (2016). Challenges to driver licensing participation for Aboriginal people in Australia: A systematic review of the literature. *International Journal for Equity in Health* 15: 134–144; Jenny Wise et al, *Improving Aboriginal adult literacy rates: What potential does the 'Yes, I Can!' Adult literacy campaign have for reducing offending and improving interactions with the criminal justice system in NSW Aboriginal communities?* (Report to the Criminology Research Advisory Council, December 2018).

¹⁷ Transport for NSW 2014. *NSW Aboriginal Road Safety Action Plan 2014–2017*. State of NSW: Transport for NSW

¹⁸ *Ibid*.

¹⁹ Legislative Assembly of New South Wales Committee on Law and Safety, Parliament of New South Wales, *Driver Licence Disqualification Reform*, Report 3/55 (2013) [3.39].

²⁰ NSW Bureau of Crime Statistics and Research, *New South Wales Criminal Courts Statistics 2016* (2017) tables 5, 14.

²¹ *Ibid* 8.

²² Rebecca Ivers et al (n 2) 379.

²³ *Ibid* 6.

3. Improving access to driver training opportunities

Long-term investment in community-led programs that are effective in supporting Aboriginal and Torres Strait Islander people to obtain and retain driver licensing is urgently needed in rural and regional communities in NSW.

Programs such as Driving Change (developed by the George Institute for Global Health) and Birrang Enterprises are examples of effective programs.

The Audit Office of NSW has identified a number of key characteristics which have supported the longevity of driver training programs.²⁴ These include:

- utilising and building upon community capacity;
- taking a holistic approach that assists students with establishing proof of identity, resolving fines and improving literacy;
- utilising connections into Aboriginal communities effectively;
- cost concessions; and
- Aboriginal peoples' involvement in program development and delivery.

An evaluation of Driving Change has also identified a number of characteristics which may have helped with its success:²⁵

- networking from within;
- community ownership;
- Aboriginal leadership; and
- keeping it local.

We note the limitations of the NSW Government's Driver Licensing Access Program ('DLAP') in reducing the overrepresentation of First Nation people charged with or imprisoned for driving offences.²⁶ DLAP is only available in limited areas and for a short time.²⁷ Under DLAP, service providers may visit communities and provide services for a period of seven or eight weeks, which can assist people in obtaining their learner licence but not necessarily their provisional licence. These services, while useful, need to be provided in rural and regional areas for longer periods of time in order to be truly effective in supporting learner drivers in these communities.

A place-based approach, which ensures driver education and licensing programs are delivered in local communities where there are higher numbers of people who have been convicted of unlicensed driving is recommended.

²⁴ Audit Office of New South Wales, 'Auditor General's Report to Parliament Improving Legal and Safe Driving among Aboriginal People' (2013) <https://www.audit.nsw.gov.au/media-release/improving-legal-and-safe-driving-among-aboriginal-people>.

²⁵ Patricia Cullen et al, 'Communities driving change: evaluation of an Aboriginal driver licensing programme in Australia' (2017) 930-1.

²⁶ Audit Office of New South Wales, 'Auditor General's Report to Parliament Improving Legal and Safe Driving among Aboriginal People' (2013) <https://www.audit.nsw.gov.au/media-release/improving-legal-and-safe-driving-among-aboriginal-people>.

²⁷ Ibid.

Additionally, there needs to be greater access to Work and Development Orders (WDOs) regional, rural and remote NSW to help prevent Aboriginal and Torres Strait Islander people from spiralling into the criminal justice system from “secondary offending” for offences like driving while licence-suspended, or driving while disqualified for non-payment of fines.

A significant barrier for Aboriginal people to obtaining a driver licence is the lack of access to cars and supervising drivers. Programs which provide driver mentors (potentially volunteers) who can assist people in preparing for their driver knowledge test, help sort out fines, and obtain birth certificates should be expanded. Programs should be a one-stop-shop for people, and provide services related to birth certificates and fines, as well as driving education and training. This will provide a more holistic approach to driver licensing, and allow those in rural and regional communities to have improved access to all the services required to attain a driver licence.

It has been suggested that organisations like Job Services Australia could play a more active role in assisting young people to obtain licences in NSW, as this would also assist them in attaining greater employment opportunities.²⁸ However, in our view, the role of community-controlled organisations in assisting Aboriginal people should be prioritised.

Another significant barrier is progressing from a learner to a provisional licence, so it is important to fund programs providing volunteers or employees who will help learner drivers reach the required 120 hours of supervised driving.

Culturally responsive service provision by Service NSW is also critical. Employing more Aboriginal people into these services, as well as providing existing employees with cultural awareness training would improve access for Aboriginal learner drivers.

As noted in section 1, low literacy is another key barrier to obtaining a licence for some Aboriginal people. The Literacy for Life Foundation is delivering positive outcomes in this area, including in the community in Bourke who Just Reinvest NSW has worked alongside since 2013. A study by the Australian Institute of Criminology (AIC) found that the Foundation’s *Yes, I Can!* program to improve the type and frequency of interactions between Aboriginal and Torres Strait Islander people and the criminal justice system, noting unlicensed driving leading to fines and imprisonment as a problem in the local community and the links to low literacy. The study also noted the increase in the number of previously unlicensed drivers who had been able to get permits and/or licenses as a result of the Campaign through building participants’ confidence and literacy skills, assisting them to work off unpaid fines through Work Development Orders and connecting them with other agencies providing driver training, such as Birrang.²⁹

²⁸ Kathleen Clapham et al (n 9).

²⁹ Jenny Wise et al, *Improving Aboriginal adult literacy rates: What potential does the ‘Yes, I Can!’ Adult literacy campaign have for reducing offending and improving interactions with the criminal justice system in NSW Aboriginal communities?* (Report to the Criminology Research Advisory Council, December 2018).

4. Case Studies

Maranguka/Birrang Driving Licensing Initiative, Bourke NSW

In 2014, Bourke was ranked the Local Government Area in NSW with the highest number of offences of 'drive while licence disqualified or suspended' and 'motor vehicle theft' by people aged between 10 and 25.³⁰ Maranguka used this data to create a proposal for a driver licensing program. The Vincent Fairfax Family Foundation provided funding for the program as part of Maranguka Justice Reinvestment, in partnership with Birrang Enterprises and Driving Change. The creation of this program acted as an important 'circuit breaker' in driving immediate change in the lives of young people who had been in contact with the criminal justice system and assisted many young Aboriginal people in attaining their driver licences.

In the period between December 2015 and January 2019, the Maranguka Driving Licensing Initiative helped 310 people in obtaining their Learners and Provision licences in Bourke.³¹ This directly led to employment opportunities for 10 people and contributed to a decrease in driving offences such as driving without a licence, drink driving, speeding and the associated fines.³²

There was a 35% reduction in the number of people, and a 38% reduction in the number of people under 25 years, proceeded against for driving offences from 2015 to 2017.³³ In this same time period, there was also a 72% reduction in the number of people under 25 years proceeded against for driving without a licence.³⁴

Mount Druitt Learner Driver Mentor Program

In 2019, JRNSW began working with community members in Mt Druitt. One of the key issues identified in Mt Druitt is the overrepresentation of Aboriginal young people being issued with transport related fines and the need to access free support to get licences. In order to address these issues, JRNSW, in partnership with IAG, Red Cross and Kimberwalli, is commencing a Learner Driver Mentor Program ('LDMP'). Revenue NSW and Births, Death & Marriages have come on board to support the LDMP, to help overcome costs and identification document barriers, as well as help sourcing WDOs for LDMP participants. We anticipate the LDMP commencing mid 2021.

The LDMP is intended to support and mentor Aboriginal people in and around Mt Druitt to acquire their driver licence. Once a participant has entered the Graduated Licensing Scheme, they are given additional support by a volunteer mentor to complete the required 120 hours of supervised driving. There will also be access to Safer Driver Courses, professional driving lessons, education sessions and support to progress through all levels of the licensing system if required.

³⁰ Just Reinvest NSW, 'Maranguka Justice Reinvestment: The First Five Years' (2019) 10.

³¹ Ibid 4.

³² Ibid.

³³ NSW Bureau of Crime Statistics and Research, Reference sr18-16096.

³⁴ Ibid.

The intention of the LDMP is to work with local organisations and community organisations and eventually hand over stewardship of the program to appropriate local Aboriginal community-led groups after a period of time.

5. Recommendations

JRNSW recommends that the NSW Government provide additional funding for existing culturally responsive driver training and education programs, and for new place-based community-led programs in rural and regional communities to improve access for learner drivers.

Improving access to driver education and driver licensing for people in rural and regional areas will help to reduce the number of Aboriginal people coming into contact with the criminal justice system.