Submission No 21

INTERVENTIONS TO REDUCE ROAD TRAUMA IN REGIONAL NSW CAUSED BY SPEEDING, FATIGUE, DRINK AND DRUG DRIVING

Organisation: NSW Driver Trainers Association

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Submission to

The Joint Standing Committee on Road Safety (Staysafe)

Interventions to reduce road trauma in regional NSW caused by speeding, fatigue, drink, and drug driving

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Executive Summary

The NSW Driver Trainers Association (NSW DTA) is an industry association supporting driving instructors in NSW. Our members cover a wide range of training expertise, with practitioners offering a diverse range of training and assessment services, including learner drivers, post-licence training, heavy vehicle training, older driver training, and rider training. The NSW DTA is committed to providing support for the driver training industry and improving the professional standards of instructors. Our aim is to have a positive impact on road safety through quality education.

The NSW DTA has represented NSW at the national level through its membership of the Australian Driver Trainers Association (ADTA National) and has been involved in various State and Federal Road Safety initiatives. Over the years, we have established a good working relationship with other industry bodies and have worked collaboratively towards the betterment of our industry and driver safety. To date, the NSW DTA has enjoyed a cooperative relationship with both Transport for NSW and the Roads and Maritime Services as well as Service NSW, and has had roles in:

- The development of the NSW Safer Drivers Course for Learner Drivers.
- The review of the Older Driver Testing System
- The Federal Government National Road Safety Forum: Graduated Driver Licensing (GLS).
- 2016 TLISC review of Driving Instructor qualifications.
- The 2016 Staysafe inquiry into Driver Education, Training and Road Safety.
- The 2022 Staysafe inquiry into Speed Limits and Road Safety in Regional NSW.

Our submission to this committee will focus on the reduced speed limits for novice drivers and their impact on road safety, particularly in a regional setting. We will show that the removal of the speed restrictions for novice drivers is a critical part of improving road safety outcomes in regional and remote NSW. Thus, giving novice drivers, the right tools to needed to maintain free traffic flow, reduce fatigue and limiting distraction behind the wheel.

History

In 2011, the NSW DTA approached the then NSW Minister for Roads, The Hon. Duncan Gay, with two proposals. The first of which was the implementation of a course that would improve road safety outcomes for young drivers and give credited hours in their logbooks. Included with this proposal was a detailed outline of a course developed by our membership subcommittee. The NSW Government convened a board and an advisory panel to further develop this course, which eventually became the Safer Drivers Course for Young Drivers.

The second part of our proposal to the minister was the increase of, or removal of, the speed restrictions for Learner and Provisional drivers. This was something Minister Gay was very receptive to at the time and wanted to investigate further. He believed that the restriction of speed on these licence classes posed both a safety risk as well as a barrier to learning and skill development.

In the month following this meeting, the NSW Auditor General released its report on Improving Road Safety: Young Drivers (Achterstraat, 2011). In that report, the auditor general recognised that the lower speed limits imposed on Learner drivers needed reviewing and recommended that this limit be increased to 90km/h, from the 80 km/h imposed at the time. In 2013, the speed limit for Learner drivers was increased to 90 km/h in line with the Auditor General's report and recommendations.

In 2016, in response to the Staysafe committee inquiry into Driver Education, Training and Road Safety, report 3/56, the NSWDTA submitted. Part of that submission outlined reasons why the speed limit restrictions for novice drivers should be removed. In the government's response to that inquiry, recommendation 11 states that TfNSW review conditions on provisional drivers to remove confusion in cross-border areas. The response from the government was supportive, and some changes were made to the GLS in 2017; however, none of those changes addressed the issue of speed differences across borders and still ignored the GLS framework that does not recommend speed restrictions for novice drivers.

In 2022, in response to the Staysafe Committee inquiry into Speed Limits and Road Safety in Regional NSW, report 4/57, the NSWDTA submitted. In that submission we again outlined the many evidence-based reasons why the speed restrictions on novice drivers should be removed, highlighting the road safety benefits of doing so.

Border Issues

As highlighted in the graphic below (Figure 1), each State and territory has its own individual GLS for driver licencing, and the conditions and restrictions do vary from state to state. However, when looking at the Eastern states, QLD, ACT and VIC are aligned regarding speed restrictions with NSW being the exception. This is important for NSW border communities because QLD, ACT, VIC, have no restriction on speed for novice drivers of any level, and SA has a maximum speed of 100km/h for all novice drivers. This creates several issues for novice drivers and their instructors, who often include family members who are not professional driver trainers and who may therefore be unaware of differences in legislated speed limits when crossing state borders.

A NSW licenced novice driver must obey all conditions of their licence regardless of the state they are driving in (reference legislation – act/regulation and section/clause). This means when a NSW learner driver or provisional driver crosses the border, they are still obligated to adhere to their speed restrictions, despite cross border novice drivers' ability to drive unrestricted. This becomes an issue for cross border policing when enforcement officers must determine if a licence condition offence is being committed based primarily on the state of issue of the driver's licence. This also affects Police in NSW who may see a learner driving at 110km/h on a motorway, to pull them over only to find out they have a licence from Victoria and are allowed to drive at the posted speed limit. Further, state laws pertaining to passenger restrictions continue to create major disparity and disadvantage to novice drivers travelling between states. A NSW Provisional driver is permitted to carry up to 11 passengers in a vehicle capable of doing so. However, Novice Provisional drivers in Victoria may only carry one passenger other than family or someone over the age of 25 at any time. An example could be as follows: A NSW provisional driver living on the border in Albury NSW may carry 4 passengers in a vehicle. That driver travels to Wodonga Victoria, mere Kilometres away, with those passengers to play a game of football or cricket only to be stopped by Victorian Police and issued with penalty notices for not complying with the passenger restriction legislation for novice drivers in Victoria. These are issues of disparity with State law not the licence that issued. These matters draw attention of police away from unsafe drivers whilst they deal with the interstate novice driver. In border communities, this has become a drain on resources. Furthermore, this anomaly creates a disadvantage to novice drivers creating anxiety and confusion for those living in border communities.

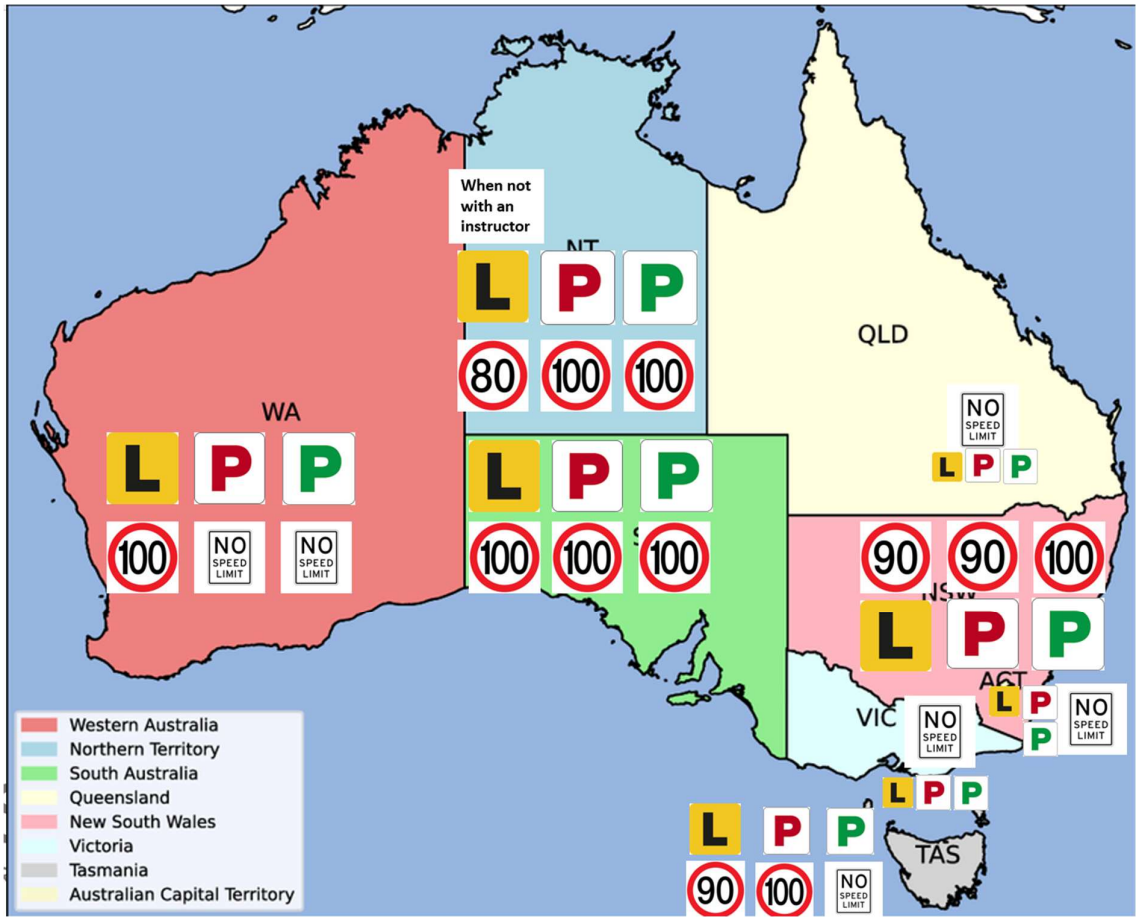


Figure 1 - Differences in licence conditions and restrictions across state borders

Enforcement Of These Restrictions

As discussed, restrictions regarding novice driver restrictions can be difficult to enforce equitably, particularly in border areas; however, they are overlooked when enforced by speed cameras. Whilst a police officer may identify an L or P plate licence holder driving above the speed limits applicable as a condition of their licence, speed cameras, both fixed and mobile (now including point to point cameras), may only rely on the posted speed limit. A vehicle travelling at 110km/h in a 110 km/h zone won't have its photo taken, regardless of the licence conditions applicable to the driver. If a vehicle is being driven (or ridden) by a learner or provisional driver travelling above their restricted speed limit, they are not complying with NSW licence conditions regarding speed, but they will not get fined. This anomaly creates inconsistency in the approach to the enforcement of speed related offences for on novice drivers. For example, a novice driver subject to enforcement by a police officer risks a fine and the loss of four demerit points to dissuade non-compliant behaviour. However, because cameras are unable to discern the licence condition of the driver, they are unlikely to influence compliance with speed related licence conditions.

Furthermore, without the capacity of camera enforcement to differentiate enforcement action based upon the driver's licence conditions, enforcement of these speed restrictions in a

consistent manner is unlikely to occur. This may mean that novice drivers regard enforcement of speed related conditions as unfair and inequitable because it is based on the method of enforcement applied. This is important because if enforcement of novice driver licence conditions is not perceived as legitimate, it is unlikely that novice drivers will comply with these rules (Goodman-Delahunty, 2010: Varet et. al., 2021)

Hansard Thursday 26 September 2024 Legislative Council Pages 68-69

The Hon. Natalie Ward MLC

"But there is already a challenge before we get started: the P-plater loophole for the average speed camera detection program. For example, a red P-plater—I have two of them in my house, terrifyingly, and if members saw the state of my car they would see the outcome—can travel at only 90 kilometres an hour on any road. However, should they speed and travel the signposted limit of 100 kilometres an hour, will the detection cameras pick up their poor driving behaviour? Will we see implementation for them? Or is that a loophole that will not be solved? The last thing we want in a trial enforcement program is to ignore our most at-risk cohort of drivers. I hope the Minister can also address that in his reply and provide a clear and unequivocal response from Transport about how this loophole will be addressed for all P-platers and their families".

Crash Rate Reductions Since Limit Raised

As previously stated. Speed limits for learner drivers were raised in June 2012 but remained unaltered for provisional drivers. This date gives us a data point to compare crash rates against the present crash rates. As most learner drivers/riders are between 16-18 years old, and the majority of provisional rider/drivers are between 17-20, we can use that data set to also look at crash trends. Each year, TfNSW publishes the NSW Road Traffic Crash Statistical Statement, and the following data is taken directly from those publications. Injury crashes shown here include all injuries as outlined in the reports, from serious, moderate, and minor/other. These do not include fatalities, as they are recorded separately.

As per Figure 2 below, 2012-2023 shows a downward trend in injuries for learner and provisional drivers and riders. Both the rider categories and the learner driver categories had statistically low numbers, and the reduction over time is minimal. There was, however, a significant reduction in provisional driver injuries (over half). This data shows no increase in crash rates for novice drivers since the raising of speed limits for learner drivers.

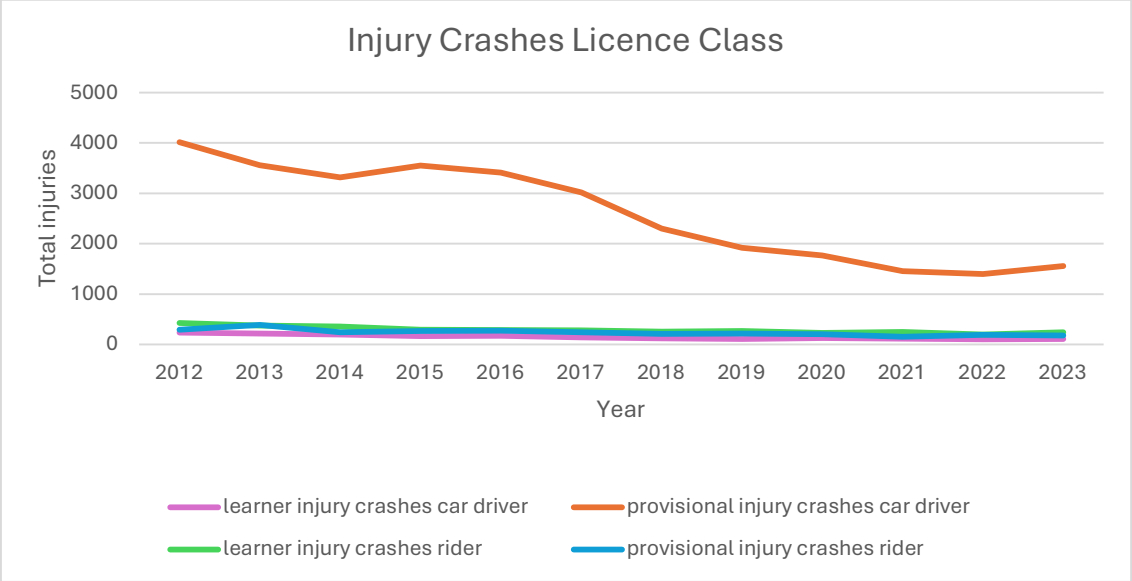


Figure 2 Injury Crashes Licence Class.

Figure 3 shows a downward trend in fatalities for learner and provisional drivers from 2012 - 2023. Neither rider categories experienced notable increases across the same period. There was, however, a pronounced reduction in provisional driver fatalities, with the steepest decrease occurring in the two years immediately after learner speed limits were increased. This suggests that many among this cohort of provisional drivers was the first to experience driving at higher speeds while on L plates. This data shows no increase in crash rates for novice drivers since the raising of speed limits for learner drivers.

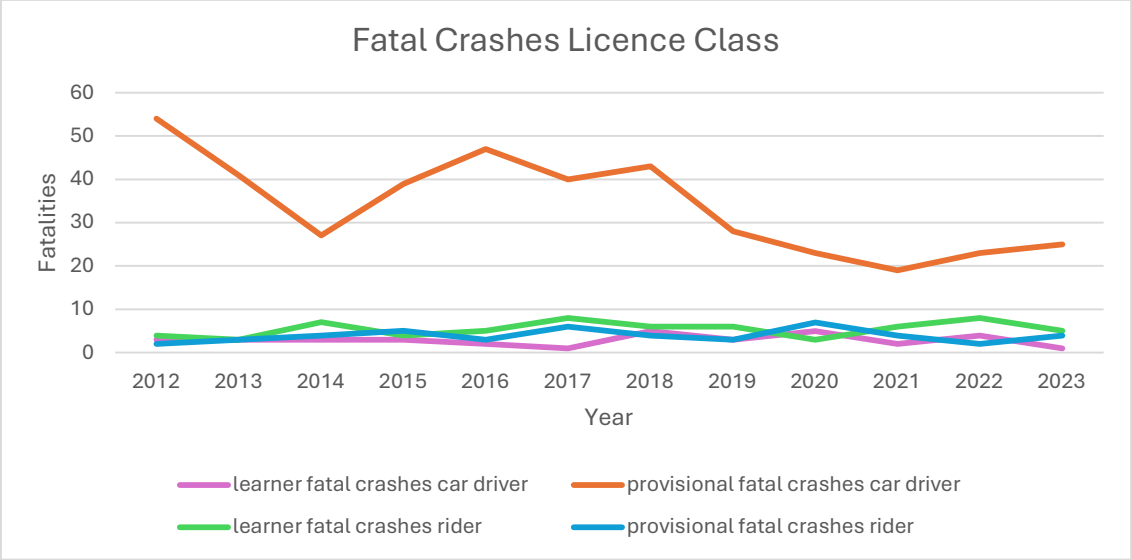


Figure 3. Fatal Crash Licence Class

Figure.4 shows a downward trend and reduction in injury rates for the 17-20yo cohort of drivers, as well as all road users in that age bracket. There is no notable reduction for riders in that age group. Whilst most learner drivers are aged 16, the data for that age bracket spans from 5-16 years of age, it therefore includes younger people not subject to the learner driver conditions.

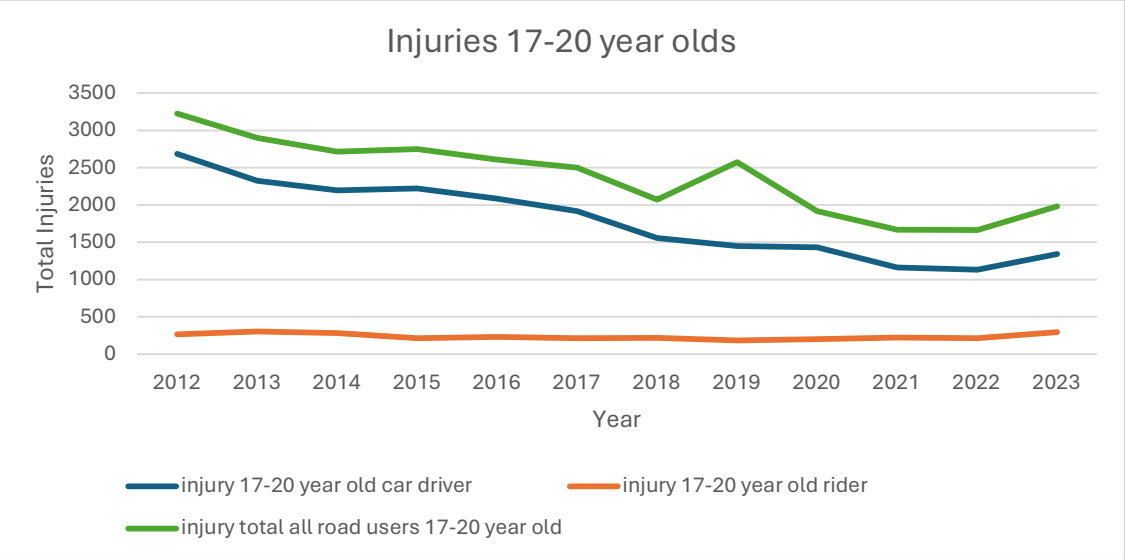


Figure 4. Injuries 17–20-year-olds

Figure5 shows a downward trend in fatal crashes for 17-20-year-old drivers and riders. 2019 was an anomaly with a significant decrease following a small rise, and 2020 the only year showing a significant steep rise. This is likely due to circumstances surrounding the COVID pandemic and associated travel restrictions.

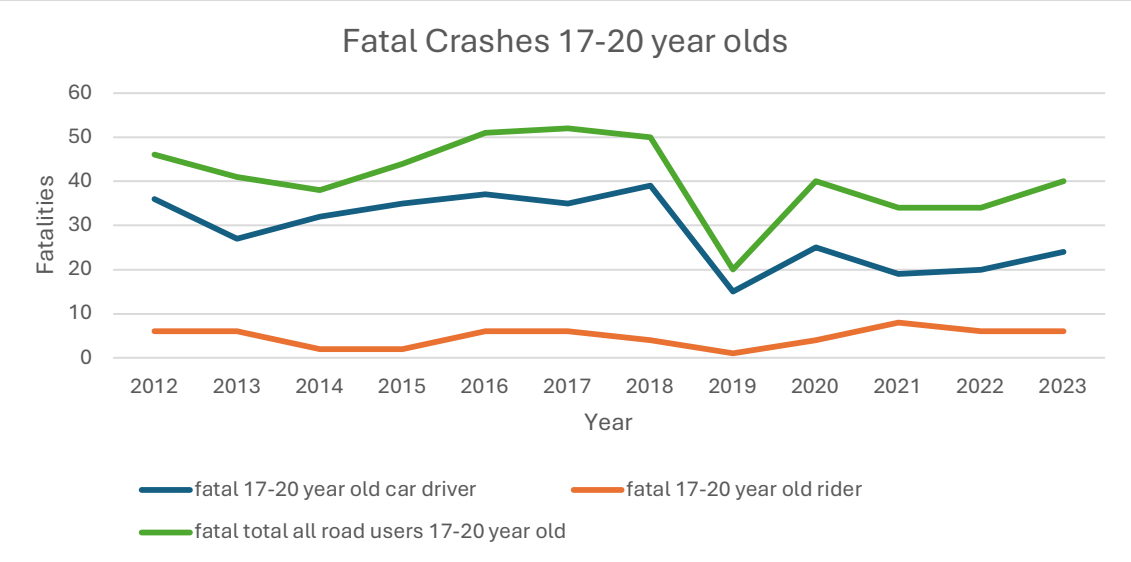


Figure 5. Fatal crashes 17 – 20-year-olds

In the NSW Auditor General's report (Achterstraat, 2011), it stated that speeding was the contributing factor in 51% of fatal crashes in NSW. The latest data provided by TfNSW in the Safer Drivers Course for Young Drivers, state that it is now 41% (reference). As discussed, in 2013, the speed limit for Learners was raised from 80kph to 90kph, yet since this occurred, a 10% reduction in speed as a causal factor in crashes has been observed.

As stated by Whelen and Senserrick,

> *"The literature suggests that lowering or having differing speed limits for learner and intermediate-licensed drivers compared to fully-licensed drivers is unlikely to lead to a reduction in crashes. In fact, it may increase inexperienced driver crashes on lower-speed roads that do not have the same safety features. Restrictions for learners in particular prevent the development of high-speed driving skills under supervision and lower-risk conditions. Rather, the literature suggests that a more effective requirement would be for learners to commence driving on low-speed roads and gradually progress to higher-speed roads once sufficient practice has been acquired."*.

Furthermore, the European Union review of novice driver initiatives has advised against the introduction of differential speed limits for novices.

There is clear and empirical evidence to show that increasing the speed limit for novice drivers has led to a reduction in casualty crashes, and there is no supporting evidence to show a rise in these crashes since the raising of the speed for learner drivers. There is no supporting data to justify any speed restriction for novice drivers/riders in NSW.

Crash Rate Reductions Since The Limit Was Removed In Victoria

According to one report on Victorian crash rates, *"although half of the Other Australian jurisdictions' licensing systems include maximum speed limits for learner and probationary drivers, research is yet to establish that such limits reduce accident rates."* (Williams, Senserrick &, 2015). Likewise, a further report says,

> *"Young drivers are a greater accident risk due to lack of experience, over confidence, a tendency to engage in more high-risk driving (driving for social reasons, speeding, driving at night and with multiple passengers), and a poorer ability to accurately assess risk and respond to road hazards in comparison to older drivers* (Whelen, Senserrick, 2003).

It is important to note that, again, the mention of speeding here does not mean over the posted speed limit, but in fact means over their restricted speed limit.

In 1987, the Victorian Government removed the speed restriction on Learner drivers and Provisional drivers, and as Whelen and Senserrick state, ***"After removing this restriction, a comparison of driver crashes pre- and post-1987 was conducted that found no evidence of an increase in serious crashes for intermediate-licensed drivers … Moreover, the analysis found that there was no increase in crash involvement for drivers who would have been restricted previously and, specifically, no increase in the proportion of fatal or serious crashes on roads with speed limits above 80 km/h*. Three main factors were postulated as likely contributors to this finding:**

1. Poor compliance with speed restrictions by intermediate-licensed drivers.

2. Limitations enforcing the restriction due to difficulties with detection by speed cameras and stationary speed detection methods.
3. The speed dispersion hypothesis, whereby a vehicle travelling at a much slower speed than the prevailing traffic stream elevates crash risk." (Whelen, Senserrick, 2003).

According to TAC statistics in 2016, fatalities amongst those aged 18-25 were at their lowest rate since 1984 (speed restriction removed in 1987). It was said that *"The reduction in young driver fatalities can be attributed to Victoria's GDL system, which addresses the risk factors inherent to young drivers through the strict licensing requirements and restrictions noted above."*

This historical evidence supports the assertion that the removal of speed restrictions for novice drivers does not adversely affect road safety or casualty crash rates.

Travel Times And Fatigue

While a decrease in travel speed may logically result in an increase in travel time, which in turn may result in an increase in fatigue, evidence suggests that. Whilst on the surface this would appear a logical assumption, it is not as straightforward as that. In fact, a 2010 Austroads report stated *"that reduced speed limits would have the greatest effect on travel time along roads with minimal congestion and a number of intersections. It also concluded that, for arterial roads within urban environments, reduced speed limits would have no appreciable effect during times of congestion. So, broadly speaking, higher speed limits can reduce travel time, but only over long distances." (Austroads, 2010)*.

An increase in speed limit from 100 km/h to 110 km/h will save 5.5 minutes if travelling for 100km (NRSPP). Similarly, an increase from 90 km/h to 110 km/h would save 11 minutes over the same distance. A journey of 300km would save approximately 33 minutes. But it is not only regional drivers who drive on regional roads. A drive from Sydney to Canberra is approximately. 300km, on a freeway with a speed limit of 110 km/h. A driver leaving Sydney can be on a motorway soon after leaving home and remain at highway conditions all the way to the outskirts of Canberra. This journey would likely take a learner driver or P1 driver an extra 33 minutes, and a P2 driver approximately an extra 16.5 minutes. Anyone who has driven this road will attest to how boring the drive can seem with long stretches of wide-open highway. This boredom leads to an increase in fatigue, and any unnecessary extra time spent on that drive only increases the risk.

Based on these figures, a young driver restricted to 90kph on this sort of regional road is likely to spend a longer period behind the wheel, increasing the risk of a fatigue-related crash. This highlights the issue that regional Learner and provisional drivers face when dealing with driving longer distances, which is a very common occurrence in remote and regional areas. Driving distances of several hundred kilometres would not be abnormal.

A 2006 report from Austroads shows that in Queensland, fatigue-related crashes were 12.1 times higher in rural areas compared to urban areas, whilst speed related crashes were 4.7 times higher (Austroads, 2006). While speed increases risk in a rural setting compared to an urban

area, clearly, fatigue represents a much higher risk. It also states that, despite widely held beliefs, it is most commonly residents of rural communities who are more often involved in serious crashes in rural areas.

According to the data from Transport for NSW, in 2022, of the 680,120 Learner, P1 and P2 licence holders in NSW, 173,790 live in regional LGA's (TfNSW, n.d.). That is approx. 25% of our speed-restricted novice drivers, living in regional LGA's, and travelling on regional roads. Of the total L, P1 and P2 licence holders in NSW, 69% were under the age of 25. This means that 31% were older novice drivers who were still restricted in their speed. In fact, 41,108, or 6%, of these speed-restricted L, P1 and P2 drivers are between 40 and 60 years of age. That is a large number of drivers, who need to travel for work etc, who are still restricted in their maximum speed limit. "Young drivers have better performance than older drivers after a short trip (2–4 h), but they suffer much more from performance decrement than older drivers after 8 hours of driving, showing a high vulnerability to fatigue." (Philip, 2004)
In a regional setting, restrictions on speed for many drivers increases travel times, which increases exposure to risk on the road. Removal of these restrictions may result in a decrease in fatigue-related crashes.

Graduated Licensing Scheme Modelling

One of the aims of the Graduated Licencing Scheme (GLS) is to allow young drivers to experience many on the driving situations they may experience when driving solo whilst still being supervised. However, by placing unrealistic speed limits on them, we have not allowed them to experience how differently a car drives at higher road speeds. The first time they will get this is when they are on their own and experience higher speeds while alone or while driving with other occupants. This is problematic. To properly prepare young drivers for solo driving, they must experience real world driving as frequently as possible. The removal of speed restrictions for L, P1 and P2 licence holders would enable this experience to be gained whilst under supervision.

Report 4/57-December 2022, of the NSW Staysafe committee, on Speed limits and road safety in regional NSW, finding 1.2 states *"young and inexperienced drivers who do not have the skills and knowledge to drive on the various sealed, unsealed and narrow roads common across regional NSW."* also found that that over 80% of the NSW rural road network is comprised of roads with a default speed limit of 100kph." This raises questions regarding how these inexperienced drivers can be expected to develop the skills of driving on these roads, at the default speed limits, when they are not legally allowed to practice those skills under the current restrictions.

In the Australian Graduated Licensing Scheme, Policy Framework (TfNSW 2014), section 1.2 outlines proposed best policy frameworks for three different levels of GLS. These are Standard GLS (1.2.1), Enhanced GLS (1.2.2) and Exemplar GLS (1.2.3). None of these models lists reduced speed limits for novice drivers as a part of a quality GLS. In fact, section 6.2 discusses reduced speed limits for novices, and outlines that there is little evidence to their effectiveness, and that they can in fact, increase crash risk and are difficult to enforce in border communities. No model GLS, either here or overseas, recommends reduced speed

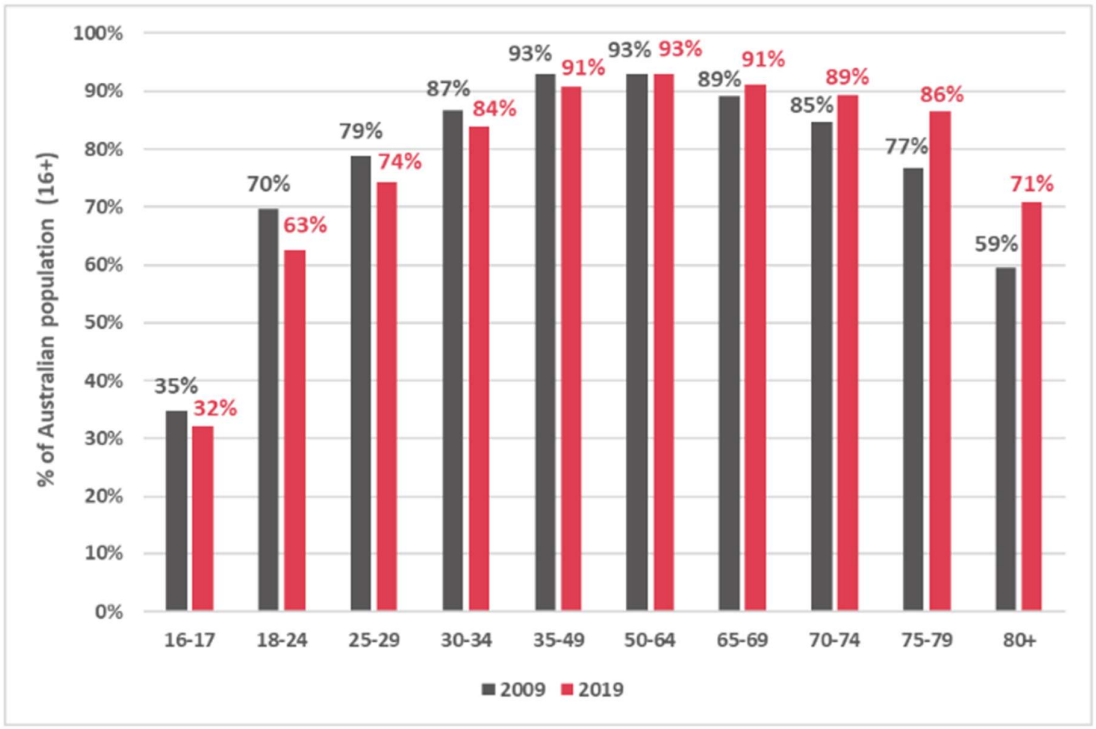
limits for novice drivers. All best practice examples state that restricting speed limits for novice drivers should not be part of an effective GLS.

"In Europe, two major, EU-funded projects have examined the role of GDLS for the European context. These are Project GADGET (Guarding Automobile Drivers through Guidance, Education & Technology) and Project DAN (Description and Analysis of post licensing measures for Novice drivers). These conclusions and recommendations of these projects can be viewed as guidelines for European jurisdictions (Engström et al, 2003)1: Reduced speed limits for novices should not be applied. An early (1983) study found this initiative was associated with a higher rate of speeding among novices than full licensed drivers. There are also additional risks associated with large speed differentials."

Young Versus Novice Driver

Under the NSW GLS, anybody with a Learner, P1 or P2 licence is subject to the same restrictions and conditions regardless of age. However, many of the restrictions built into the current GLS are based on issues regarding age, brain development, thrill seeking and inexperience, which may not be consistent with older novice drivers (for example, a novice driver aged in their mid to late 20's).

There is increasing evidence that young people are driving less, and the average age of obtaining a licence is increasing (Raimond and Milthorpe, 2010). As shown in figure 6, research by Roy Morgan (2019), found *"a consistent drop in the proportion of younger Australians who are driving, particularly in the 18-24 and 25-29 age groups. The inverse is true for older Australians with age groups such as 75-79 and 80+ displaying considerable growth in the proportion still driving." "A broad range of factors are contributing to this trend: changes in public transport, ride sharing services, urbanisation, economic circumstances and employment all play a part in shifting the demographics of those who drive on our roads."*



Source: *Roy Morgan Single Source Australia, Jan. – Dec. 2009, n= 51,874. Jan. – Dec. 2019, n= 50,422.* ***Base:*** *Australians 16+.*

Figure 6. Proportion of each age group that are drivers

Many older novice drivers require licences for employment, family reasons and for social engagement, particularly in regional and remote areas where alternate transport options are lacking. The loss of a driver's licences due to misunderstanding of inconsistent application of licence conditions risks placing these drivers under undue pressure and stress and potentially has implications for many areas of their life should their transport options be curtailed. Accordingly, older novice drivers, who are likely to have different levels of maturity, life experience, transport needs and family and community responsibilities are unnecessarily subject to licence conditions aimed at younger novice drivers, such as the restriction of speed to below posted maximum limits.

Government Publications And Recommendations

In the NSW Road Safety Strategy 2012-2021, figure 10 shows that for serious casualties for young drivers, 50.7% happen in regional and remote areas. Yet in the same document, on page 31 "Safer speeds key focus", lowered speeds for this cohort is not mentioned as a key initiative within the safe system approach. If lower speed limits for this cohort were part of the solution, it is reasonable to suggest that it should be part of this strategy.

The 2021 NSW Road Safety Plan suggests that of the 80% of country road fatalities happen on roads with 100kph or higher speed limits, and of those, 54% and 23% are head on or off the

road respectively. The most common cited causes of these crashes are fatigue, driving under the influence of Alcohol and drugs and distraction. According to the latest statistics on TfNSW interactive website (figure 7), in country areas, there were a total of 1135 off path crashes, 148 head on. There were only 29 from overtaking. The reduced speed limits for novice drivers do not address the most common reasons for these most common crashes in regional areas.

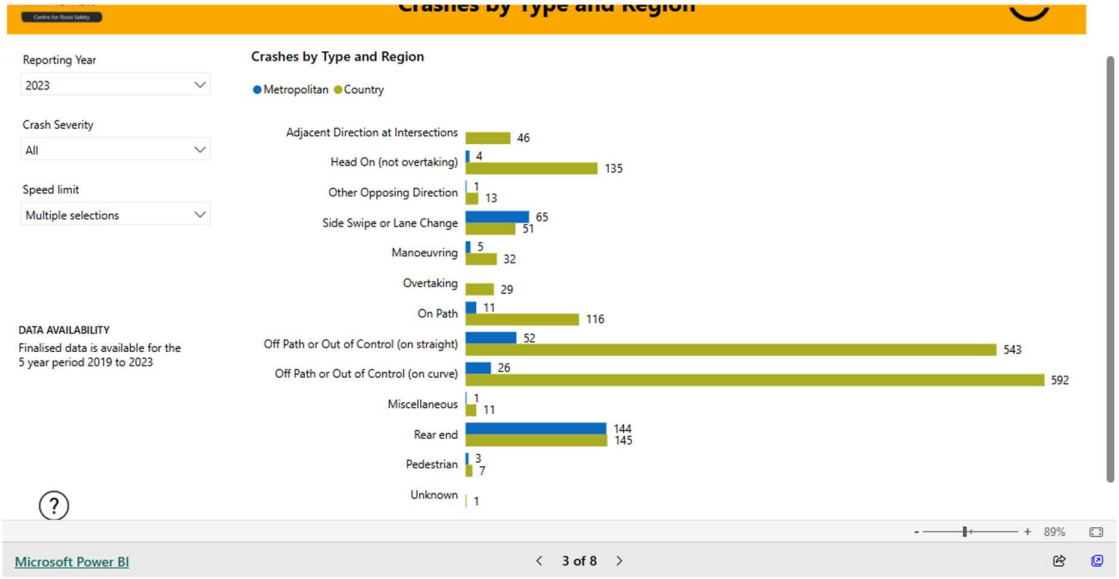


Figure 7. Crashes by type and region

The 2021 NSW Road Safety Plan, on page 25, under key focus for children and young people, it states a focus should be to continue to review the GLS in a national context. NSW has always strived to have the best GLS in the country. However, in a national context, NSW stands out by having inconsistent speed restrictions for novice drivers.

The TfNSW 2026 Road Safety Action Plan lists 5 priority areas in the context of the safe systems approach, yet despite 65% of fatalities happening in country areas, and 60% of these on roads with speeds of 100km/h (according to the same document), there is no mention of anything to do with speed as a priority area.

The National Road Safety Strategy 2021 states that 10.0 deaths per 100,000 and 171.1 per 100,000 serious injuries occur in regional areas, and 25.1 deaths per 100,000 and 244 serious injuries occur in remote areas. As previously stated, over 80% of regional roads in NSW have a speed limit of 100kph or higher, yet on these roads, we require novice drivers to travel 10-20kph below the speed of the prevailing traffic. It would be important to understand what type of road people are driving on to help us better understand where these collisions are occurring. For example, Single lane 80kph or dual lane 110 kph. Its also imperative to understand whey they area occurring. Is it Fatigue? Is it whilst overtaking with a combination of speed? or is it distraction?

NSW Road Safety Strategy 2012-2021 states that young drivers in fatal crashes are driving cars on average 3 years older than a middle-aged person. Vehicle Safety Research Group (VSRG)

research program: benefits of additional vehicle safety technology to novice drivers - Australia and New Zealand (Budd, Keall, Newstead 2021), discusses the benefits of newer technologies in cars that could help reduce casualty rates among young drivers. Compared to older drivers, young drivers would benefit more greatly from these technologies, yet due to the older age of cars driven by younger drivers, they may be missing out on these benefits. The casualty reductions achieved by these technologies is far greater than the perceived benefits of reduced speed limits. A greater focus should be made on decreasing the average age of cars driven by novice drivers, increasing the technology they are exposed to, rather than unrealistic speed restrictions.

No government publications recommend that restrictions on novice driver speeds should be a focus in the reduction in road trauma.

Conclusion

The NSWDTA has suggests that the removal of speed restrictions for learner and provisional riders and drivers is likely to have little effect on road safety outcomes but is likely to improve regulation of novice driver speeds by enabling consistency with adjacent states, with benefits being felt particularly by those residing in cross border communities. We recommend that, in the absence of evidence identifying the benefits of lower speed limits for novice drivers, the Staysafe committee consider provisions enabling novice drivers to travel as speeds consistent with signposted speed limits in NSW.

Achieving consistency and closing State / Border anomalies will alleviate novice driver confusion and anxiety. Both factors contributing to novice driver performance limitations. It will allow NSW novice drivers the opportunities to get valuable experience under supervision in line with novice drivers across the Country. Further, novice drivers will be less likely to "intentionally" speed, particularly on rural roads where distance is a greater challenge than metro driving. Novice drivers, who already face longer travel times by virtue of lower speed limits, are also the most susceptible age group for driving whilst fatigued.

We would appreciate the opportunity to meet with and address the committee at any time to discuss these matters further.

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