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Improving Safety for Young Drivers
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Improving Safety for Young Drivers

I write this submission on behalf of the Shopfront Youth Legal Centre, a free legal service for homeless and disadvantaged young people. The centre is located in Darlinghurst and is a joint project of Freehills, Mission Australia and The Salvation Army.

Since 1993 the Shopfront has worked with homeless and marginalised young people between the ages of about 12 and 25. Traditionally, our primary client base has been in the inner city area; however, we now work with young people from all over metropolitan Sydney and some regional areas.

The Shopfront has four solicitors, three of whom have several years' experience in criminal law and children's legal issues. Due to the increasingly rigorous legislative framework around driver licensing and road safety, we have noticed in recent years an increase in traffic infringements and driving-related legal issues. We therefore have a significant amount of experience in traffic law as it applies to young people.

We have read your discussion paper on "Improving Safety for Young Drivers" and have attached our comments.

We would be happy to discuss any matters arising from this submission, including providing client case studies if requested. Please free to contact Jane Sanders on 0418 407 290 or jane.sanders@freehills.com or Suzie Miller on 0408 867 407 or suzie.miller@freehills.com.

Yours faithfully

Jane Sanders
Solicitor

Improving safety for young drivers: comments from the Shopfront Youth Legal Centre: February 2005

The Shopfront Youth Legal Centre works with young people aged 25 and under. Most of our clients are homeless or otherwise disadvantaged, but we also come into contact with young people from stable homes who have encountered problems with traffic infringements or driver licensing.

Our observations are that young people, especially those from disadvantaged backgrounds, find it very difficult to obtain and keep a driver's licence. This is not necessarily because young people are unsafe drivers. The laws relating to driver licensing and traffic offending are increasing rigorous. Fine enforcement by the State Debt Recovery Office means that many young people, for no reason other than poverty, find themselves unable to get or keep a licence.

The experience of our clients shows that being unlicensed is a huge barrier to employment in a job market that is already difficult for young people to access. Young people also require access to vehicles for study, family obligations and legitimate social and recreational activities.

The public transport system in New South Wales appears to be in a state of decline, and is not a viable transport option for people in rural, remote or outer suburban areas. The reality is that reliance on private motor vehicles is deeply embedded in Australian culture. If young people are to participate fully in society, it is vital that they have access to driver licences without unreasonable restrictions.

We of course support appropriate measures to reduce road accidents, deaths and injuries among young people. We believe that education and driving practice is the best way to achieve this. Excessive restrictions and punitive measures are likely to cause hardship and to exclude young people from full participation in society. We believe that the detrimental effects of this would outweigh any possible road safety benefits.

1 Category 1 – experience, training and age

1.1 Increasing the mandatory period of supervised driving from 50 hours to 100 hours.

We say that this initiative could be feasible; however, the extra 50 hours of supervised driving for a learner driver could be onerous on young people who do not have adequate supervising drivers at their disposal. It would therefore be appropriate for the RTA to make available a training facility where supervising drivers are present and can assist young people in obtaining those 100 hours of supervised driving.

Our experience indicates that it is erroneous to presume young people live in conventional middle-class family structures. Not all young people have parents who can teach them to drive or pay for lessons.

With the often limited financial means available to young people, it is paramount that any additional requirements imposed on them be free of charge. To add further financial pressure only increases the inequity of access to the roads effects those young people who have no financial

means. The flow-on effects, such as reduced access to employment, further increase the inequity.

1.2 Increasing the minimum tenure period from six months to twelve months, and extending the validity of learner driver licences from three years to five years.

We support these initiatives, as they will provide more time for young drivers to develop the necessary skills to drive safely. However, if the minimum tenure period for a learner licence is to be increased to 12 months, consideration should be given to lowering the age at which young people may obtain a learner licence.

1.3 Increasing the provisional licence age to 18 years.

Our experience is that many young people under 18 are already in the workforce and have the same responsibilities as people much older than them. Young people may also need to travel considerable distances (not covered by public transport routes) for study. There would need to be work and study exceptions if this increase in provisional licence age to 18 years were implemented.

Increasing the licensing age to 18 would also mean that young people will be obtaining their licences at the age when they are legally permitted to commence drinking alcohol. It is often said that many of the problems associated with young drivers are linked to the fact that they are also inexperienced alcohol users. Of course, we acknowledge that many young people are already drinking alcohol before they turn 18. However, at the age of 18, young people are allowed to enter pubs and clubs, and to purchase alcohol in their own right. The reality is that young people do tend to “party hard” for a while after they turn 18. Whether we like it or not, alcohol consumption is very much a part of our society’s culture and is seen as a rite of passage for young people.

We would suggest that it is preferable for a young person to have some time to get used to driving unaccompanied before they are lawfully allowed to drink alcohol. We therefore support the retention of the provisional licensing age at 17.

1.4 Increasing driver training in secondary schools by piloting new driver education programs in New South Wales high schools.

We strongly support this initiative. However, we would argue that this would need to reach further than schools to include flexible programs that could be taken to government and community organisations who work with vulnerable young people, including early school leavers.

We would further advocate that driver education be available in workplaces for those people who are already employed and who are seeking a licence.

1.5 Further developing formal driver training by piloting a novice driver program.

There has been some suggestion that a course focusing on advanced driving skills such as skid control and emergency braking will lead to overconfidence in inexperienced drivers.

We support the introduction of a novice driver training program, provided that it is accessible to all young people regardless of means.

However, we would argue that any overconfidence in inexperienced drivers should be addressed by awareness campaigns not by reducing access to advanced skills training. All training should be accessible to young people and should not seek to treat them indirectly as second-class citizens.

1.6 Further developing the existing driving ability road test to include more comprehensive performance checks with a primary focus on hazard perception and safe driving practice.

It is perhaps advisable that *all* drivers, not just inexperienced ones, undergo hazard perception training and testing. However, there is a concern that extra programs could be unreasonably onerous. We are concerned that further hurdles to jump will significantly affect the employment opportunities and lifestyles of young people. We reiterate that any extra measures should not increase financial expense for young people.

2 Category 2 – Vehicle and licence restrictions

2.1 Introducing a limit of no more than one passenger for P1 drivers aged under 26.

From the perspective of young people, this appears overly onerous. Such a measure would decrease social equity of young people in relation to mobility and access, and again would treat them as second-class citizens. Education about increased risk with two or more passengers would be preferable before such limits are imposed.

We would also argue that this initiative would be at odds with attempts to reduce the incidence of drink-driving. Young people often engage in social activities at night when public transport is often unavailable (or unsafe) and taxi fares are prohibitively expensive. For over-18s at least, social activities often involve alcohol consumption. Appointing a designated driver to stay sober and transport friends home is a sensible measure that should be encouraged.

It is unrealistic to expect young people to radically change their patterns of social interaction and to refrain from going out to pubs, clubs and parties. Passenger restrictions are likely to result in more cars on the road with more young drivers behind the wheel.

We would also comment that drivers under 26 might have family responsibilities that require them to transport other people. Our experience is that many young people under 26 are parents, or are responsible for the care of other family members.

If a passenger limit is to be imposed, we would support it applying only to drivers who have committed offences and lost their licence (in accordance with the proposals announced by the Minister for Roads, Mr Scully, in December 2004).

2.2 Introducing a restriction that prohibits provisional licence holders under 25 from driving high-powered and heavy vehicles.

We would argue that this initiative should be across the board. Any driver driving a high-powered or heavy vehicle should have a specific licence for that purpose. It should not be limited to young people or inexperienced drivers.

2.3 Modifying the demerit point structure of the graduated licensing scheme to further encourage safer driving by young people.

Our comment is that the demerit point system is already significant to young people. We strongly oppose the introduction of a mandatory offence-free period. Everyone should be offered the opportunity to make one relatively small mistake without losing one's licence. The prospect of losing one's licence after incurring a mere 3 demerit points is a sufficient deterrent.

Nor do we support extending demerit point restrictions beyond the probationary periods to the first stages of an unrestricted licence. An unrestricted licence should be precisely what it claims to be: unrestricted. In our view, 3 years of probationary driving is long enough for a novice driver to demonstrate their safe driving credentials.

It might be productive to investigate a reward system for newer drivers with unblemished driving records. This could include "gold" type licences and decreasing fees on vehicle insurance, etc.

3 Category 3 – Night driving

3.1 Introducing a night driving restriction between 10pm and 5am for a defined period for P1 drivers under 26 years.

We would argue that while statistics are available on night driving and related injuries and deaths, the other side of the story often goes unreported. Statistics on young people being subjected to sexual assault, physical assault and other dangers due to lack of safe transport at night, are not available.

We refer to our comments made above in relation to passenger restrictions. Similarly, a restriction on night driving would unreasonably restrict the legitimate social activities of young people and may have an adverse impact on safety.

We would also comment that drivers under 26 might have family responsibilities that require extend into the evening. While transporting children and other family members would not involve work, study or medical emergencies, it would be a serious disadvantage to many families if such transport could not take place.

We would further argue that prohibition of night driving acts in a punitive fashion and is not within the culture of providing for an equitable society. A system that encourages responsibility in an innovative fashion would be preferable.

3.2 Including a requirement of 15 hours of night supervised on-road driving for learner drivers

We agree that all drivers should have training in night driving. However, unless driver training is made accessible to all, this initiative may discriminate against young people with no supervised driving support. This being the case, it makes obtaining a licence a very difficult process.

4 Conclusion

We believe that most young people want to be safe and responsible drivers. While certainly inexperience and risk-taking behaviour may contribute to increased numbers of accidents, we believe that the key to improving safety among young drivers is education and practice. Excessive restrictions and punitive measures will, in our view, increase hardship on young people without corresponding road safety benefits.

Shopfront Youth Legal Centre
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