

Whole of Government Response to the Inquiry into lowering the probationary driving age in Victoria to seventeen

November 2017

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Introduction

The Victorian Government welcomes the Law Reform, Road and Community Safety Committee's (the Committee's) Final Report to the *Inquiry into lowering the probationary driving age in Victoria to seventeen*. The Victorian Government acknowledges the considerable time and effort of those making submissions and appearing before the Committee. The information provided to the Committee has highlighted that there are significant challenges facing young people in rural and regional Victoria relating to employment, education and social opportunities. In the cases presented to the Committee, access to a range of transport options can be one of these challenges.

The Government has given careful consideration to the key findings and each of the eleven recommendations in the Committee's report, together with the context in which each recommendation was made. The Government does not support lowering the licensing age to 17 years and maintains that this is neither an effective nor appropriate way to address transport disadvantage. The Government is keen to work collaboratively with the community to promote and develop a range of appropriate initiatives and strategies aimed at addressing youth unemployment, overcome transport barriers, and assist in the development of local transport solutions, while continuing to improve the safety of young people on Victorian roads.

Response Overview

Road trauma is one of the leading causes of death among young people. Young newly licensed drivers are at an increased risk of crash involvement, particularly within the first 6-12 months following licensure. In Victoria, driver fatality rates on rural roads are four times higher than on metropolitan roads. The impact of road trauma on the community can be far reaching both socially and economically.

The Victorian Government maintains that providing 17 year olds with a mechanism to obtain a driver licence – that is, a year earlier than the current minimum age - is neither an effective nor an appropriate way to overcome transport barriers. There is clear evidence that reducing the licensing age to 17 would result in an increase in road trauma. To accept the loss of even one life runs counter to *Towards Zero 2016-2020*, Victoria's Road Safety Strategy and Action Plan, a Government commitment to working systematically to reduce and ultimately eliminate all deaths and serious injuries on our roads.

A minimum licensing age of 18 years is a key component of Victoria's Graduated Licensing System (GLS). This system is recognised as the leading system in Australia, and has played an integral role in Victoria's overall position as a world leader in youth road safety. Evaluation has shown that the Victorian GLS has been effective in significantly reducing fatal and serious injury crashes for young drivers. The Government welcomes the Committee's specific recommendations regarding the Victorian GLS and opportunities to improve young driver policy, and has considered these in the context of the broader response, the findings of a recently completed evaluation of Victoria's GLS, and existing projects.

Despite strong employment growth across the State, the Victorian Government is concerned that youth unemployment remains too high. Youth unemployment has many complex causes, of which access to transport is only one aspect. Regional areas often have less diverse employment opportunities for young people and this is a reason for high youth unemployment in these areas. Not all regions and segments of the Victorian community are sharing equally in the economic growth the State is experiencing, with the fastest growing sectors concentrated in Melbourne.

The Government is currently addressing youth unemployment through a range of ongoing initiatives, strategies and policies. Regional comparisons show links between low levels of education and training and higher youth unemployment. It is important to ensure that young people have adequate education, training and job readiness to take advantage of employment opportunities when they arise. The Government is supporting young people to complete their schooling and move on to further training and education as well as supporting an increase in apprenticeship and traineeship opportunities, which provide both training and valuable work experience.

The Government is also providing employment services to link young people to jobs. For example, the Jobs Victoria Employment Network (JVEN) provides funding for specialised services to deliver flexible employment programs that work at an individual level to deliver tailored employment assistance. This includes assisting job seekers with work preparation including skills training, job

placement and personal support to overcome a range of non-vocational barriers to employment, including transport.

Limited transport options can make it harder for young people in remote areas to access various economic opportunities, including education, training, social, and employment activities. Transport disadvantage can have an impact on the wellbeing and quality of life of many groups of Victorians, particularly people living in rural and regional Victoria. These issues are typically exacerbated in remote communities where there are often limited or no alternative mobility options available other than to drive. This means young people are dependent on support networks to use private vehicles to meet their essential daily needs, as well as participate in social, recreational, and employment opportunities.

Increasing access to mobility options for people experiencing transport barriers may have a positive impact on individuals, as well as yielding social and economic benefits to the wider community. The need for flexible local transport options and intra-regional linkages continues to be identified as a high transport priority by Victorians living in rural and regional communities. These issues are currently being addressed through local transport forums as part of the Regional Network Development Plan as well as through the Regional Partnership process. These forums aim to generate an insight into local transport problems and the development of flexible local transport solutions.

The Government is taking a holistic approach to address the issues of transport disadvantage and youth unemployment, particularly within remote and rural communities. The Government is committed to working collaboratively with the community to address youth unemployment, overcome transport barriers, and assist in the development of local transport solutions, but not through measures which risk the safety of our young Victorians.

Response to the Recommendations - Summary

| Recommendation | | Response |
|----------------|---|------------------------|
| 1 | Night driving restrictions between 10pm and 5am be introduced for drivers at the probationary P1 phase, accompanied by reasonable exemptions where appropriate. | Under review |
| 2 | Probationary one drivers be restricted from carrying any peer passengers. | Not supported |
| 3 | The Victorian Government investigate the role of young drivers in fatal and serious injury crashes, as well as the contributing factors to the decline in young driver fatalities across Australia. The results of this research be made publicly available. | Supported in full |
| 4 | The Victorian Government lower the minimum probationary driving age to 17. | Not supported |
| 5 | If the Victorian Government does not lower the probationary driving age to 17, it should introduce an exemption process into the <i>Road Safety Act 1986</i> that allows young people to apply for a probationary licence at 17 years based on grounds of undue hardship. | Not supported |
| 6 | The Transport Accident Commission and VicRoads review the L2P driver training program and consider whether the existing funding model, in addition to the program eligibility criteria, allows individual programs to effectively meet identified needs. | Supported in full |
| 7 | The Victorian Government review how it can support driving supervisors, through education or training opportunities, to improve the quality of the 120 hour supervised driving experience for learner drivers. | Supported in full |
| 8 | The Victorian Government develop a pilot vehicle access scheme that provides young people with the opportunity to access an affordable and reliable vehicle in order to secure and maintain employment. The pilot scheme should target young people who have limited means to purchase their own vehicle and who are experiencing transport disadvantage. | Supported in principle |
| 9 | The Victorian Government develop targeted initiatives to facilitate the purchase of safer vehicles by young people. | Supported in principle |
| 10 | The Victorian Government specifically target young people from rural Victoria to participate in the local transport forums as part of the Regional Network Development Plan to learn more about the access issues they experience in accessing employment, education and training, and social activities. | Supported in full |
| 11 | Public Transport Victoria and the Department of Education and Training publicly review how the School Bus Program could be better utilised to meet the transport needs of young people from rural areas to access employment, education and training opportunities. | Supported in principle |

Response to the Recommendations

Recommendation 1

Night driving restrictions between 10pm and 5am be introduced for drivers at the probationary P1 phase, accompanied by reasonable exemptions where appropriate.

This recommendation is *under review*

It is noted that this recommendation was made with the view to mitigate the risk of allowing 17 year olds to drive (see Recommendations 4 and 5). A restriction on first year drivers (P1) driving during certain hours at night unless accompanied by a fully licensed driver is a measure which is currently absent from the current Victorian GLS. Nonetheless, the Government acknowledges that night time driving restrictions are a feature of the exemplar model of the Australian GLS policy framework.

While evaluations have generally shown night time driving restrictions to be an effective crash countermeasure as part of GLSs, their success depends on high levels of compliance. VicRoads, in collaboration with the Transport Accident Commission (TAC), are undertaking a project to raise awareness in the community of the risks associated with late night driving among newly licensed drivers.

It would be premature to consider the introduction of a night time driving restriction in Victoria without having first undertaken the necessary community consultation and education. Part of this process involves better understanding barriers to compliance, including what would constitute the most appropriate restriction start and finish time in the local context, and also determining the most appropriate mechanism for administering and monitoring exemptions.

To manage the risk of night time driving upon graduation to a probationary licence, the current requirement in Victoria is to obtain a minimum of 10 hours of night time supervised practice as a learner driver – as part of the requirement to accrue a minimum of 120 hours of supervised driving practice in total. To further mitigate this risk, the Government has committed to increasing the minimum number of supervised practice hours undertaken at night by a learner driver from 10 to 20 hours. The total minimum number of hours will remain at 120 hours. This change is due to come in to effect in late 2017.

Recommendation 2

Probationary one drivers be restricted from carrying any peer passengers.

This recommendation is *not supported*

It is noted that this recommendation was made in the context of minimising the risks associated with allowing 17 year olds to drive (see Recommendations 4 and 5). Victoria's current GLS does not permit drivers in the first year of their probationary licence (P1) to carry more than one peer passenger (16 to 21 years; spouse/siblings excluded) unless accompanied by a fully licensed driver.

An evaluation of Victoria's GLS showed the current peer passenger restriction on P1 licence holders has been particularly effective in reducing P1 driver crash involvement rates with two or more peer passengers in the car. For P1 drivers, there was a 69 per cent decrease in the rate of fatal and serious injury crash involvement when carrying two or more peer passengers as a result of the introduction of the peer passenger restriction. Based on current evidence, the existing policy is effective in managing the risks associated with the carriage of peer passengers. The Government does not believe that an extension of the existing policy is necessary at this time.

Recommendation 3

The Victorian Government investigate the role of young drivers in fatal and serious injury crashes, as well as the contributing factors to the decline in young driver fatalities across Australia. The results of this research be made publicly available.

This recommendation is supported in full

The Government acknowledges the important role that systematic research efforts can play in evidence-based countermeasure development. The Government has a long history of supporting research in young driver safety, and is committed to supporting further research with the aim of delineating factors contributing to young driver crashes through the use of a range of suitable, complementary methods. The Government is also committed to the dissemination of these findings to support and promote knowledge-transfer and the translation of research to practice.

For example, VicRoads has just completed an extensive outcome-based evaluation of Victoria's GLS. The evaluation included analysis of crash data, analysis of offence data, surveys of learner driver experience and probationary driver experience, and analysis of learner permit and licensing trends.

The Government will continue to keep abreast of relevant interstate and international research undertaken in the area of young novice driver safety with a view to inform evidence-based policy locally.

Recommendation 4

The Victorian Government lower the minimum probationary driving age to 17.

This recommendation is not supported

Victoria's GLS, which has a minimum licensing age of 18 years, is world-renowned for its comprehensiveness and rigour and has been a key component of Victoria's success as a leader in youth road safety. The Government has made a commitment to further reductions in youth road trauma through the delivery of the "Young Driver Safety Package", a \$146 million Government commitment aimed at improving the safety of young drivers, comprising a suite of education and training initiatives¹. To lower the licensing age would go against this commitment, and undermine Victoria's position as a world leader in youth road safety.

¹The Young Driver Safety Package is made up of five initiatives: Practical Safe Driving Program; Road Safety Education Complex; L2P - learner driver mentor program; Free Licence Scheme; and Community Grants, Communication Funds, and Student Forums.

Age, in addition to inexperience, is a contributing factor to young driver crash risk, and licensing regulations are an important countermeasure to reduce exposure to on-road risk for young people during a vulnerable developmental stage. The evidence is clear: the older the licensing age the lower the risk. Lowering the minimum licensing age would lead to an increase in road trauma in Victoria. It has been *estimated* that lowering the licensing age from 18 to 17 years in Victoria would result in 10 more deaths, 241 more serious injuries and 714 more minor injuries *per year*.

Moreover, it remains that, regardless of the size of the estimated impact, to lower the licensing age goes against a key focus of *Towards Zero 2016-2020*, which is to work systematically to reduce and ultimately eliminate all deaths and serious injuries on our roads. There is also little empirical evidence that lowering the licensing age would have a significant impact on the accessibility of employment opportunities for young people.

Recommendation 5

If the Victorian Government does not lower the probationary driving age to 17, it should introduce an exemption process into the *Road Safety Act 1986* that allows young people to apply for a probationary licence at 17 years based on grounds of undue hardship.

This recommendation is *not supported*

Consistent with Recommendation 4, the Government believes that allowing 17 year olds to obtain a driver licence one year earlier than the current minimum age is neither an effective nor appropriate way to address transport disadvantage. This is particularly relevant for rural and regional communities, where the rate of road fatalities is four times that of metropolitan Melbourne.

While the elevated safety risk associated with rural driving applies to all drivers, driving in rural areas is particularly risky for young drivers given the well established increase in crash risk associated with driving due to both their young age and inexperience. This is reflected in the elevated crash involvement rates of young newly licensed drivers in rural areas relative to their metropolitan counterparts. This risk is likely to be further inflated for 17 year old drivers, given the influence that age alone has on crash risk. Yet, paradoxically, it is for young people in rural areas – that is, the most at-risk drivers - that an exemption would most likely apply.

In general, the Government seeks to ensure that legislation is consistent with principles of equity and fairness: all people should be treated equally unless there is a compelling reason to positively discriminate. Recommendation 5 proposes to seek an exemption to the equity principle on the grounds that young people in rural areas suffer from hardship more than others due to a comparative lack of transport options to access economic opportunities.

However, it has not been established that lowering the licensing age through an exemption process would alleviate this hardship for young people in rural areas. Rather, it would expose these young people to even higher levels of risk relative to their metropolitan counterparts by granting them access to the licensing system one year earlier than is currently the case. To ensure the safety of our most at-risk drivers, alternative transport options should be explored further.

Indeed, there is a key role for community transport solutions to facilitate better transport mobility for young people in rural and regional areas (see Recommendations 10 and 11). The Government agrees with the Committee that these options should be pursued, and doing so would also serve the purpose of prioritising the safety needs of our most at-risk drivers.

Recommendation 6

The Transport Accident Commission and VicRoads review the L2P driver training program and consider whether the existing funding model, in addition to the program eligibility criteria, allows individual programs to effectively meet identified needs.

This recommendation is supported in full

The *L2P - learner driver mentor program* has been running since 2008 and there are approximately 1064 mentors and 1682 active Learner drivers currently participating in the program. The program offers young learner drivers supervised driving practice with a trained, volunteer mentor (supervising driver). L2P operates state-wide, with 42 programs in rural Victoria, 27 in metropolitan Melbourne and two Department of Health and Human Services programs. These 69 programs cover participants in 75 of 79 Victorian municipalities.

VicRoads, in collaboration with the TAC, is undertaking a review of the program, with a key aspect of the review to examine the efficacy of the funding model. The review is due for completion in late 2018. Evaluation of the program in 2014 found it to be effective not only in terms of delivering on road safety outcomes, but also in providing social benefits, such as increased mobility and social connectedness.

The TAC has provided an additional \$500,000 to extend the *L2P - learner driver mentor program* to young people coming from out of home care and within the youth justice system. The TAC is working with VicRoads, Youth Justice and stakeholder organisations, including Jesuit Social Services and Bridge of Hope Foundation, to develop referral and mentor matching systems within the existing program structure. The first pilot program commenced with the City of Yarra in May 2017. The pilot program has specific eligibility criteria aimed at assisting a more targeted population of disadvantaged youth.

Recommendation 7

The Victorian Government review how it can support driving supervisors, through education or training opportunities, to improve the quality of the 120 hour supervised driving experience for learner drivers.

This recommendation is supported in full

The Government acknowledges the critical role that supervising drivers play in improving the quality of the minimum 120 hour supervised driving requirement. This contributes significantly by helping learner drivers gain on road practice in a variety of conditions so they develop the capabilities required to be a safer driver. Supervising drivers also play an important role in helping beginner drivers in their transition from pre-learner to learner, and learner to solo driver.

A number of resources and programs already exist to support supervising drivers in their role. The VicRoads *Guide for Supervising Drivers* handbook is provided to all new learner drivers as part of the Learner Kit. The handbook supports supervising drivers with information about how they can work with their learner driver to get the most out of the learning experience. In addition, *Lessons from the Road* is an online resource containing tips and advice for supervising drivers to help the learner be a safer driver. Furthermore, VicRoads provides a program to train L2P mentors to build their capability as supervising drivers and to ensure that they have a common understanding of their responsibilities as supervising drivers.

However, it is acknowledged that there is more to be done generally to better support supervising drivers in their role. VicRoads and the TAC are committed to developing and delivering targeted educational resources for supervising drivers to build their capabilities, facilitate the partnership with learner drivers, provide them with seamless and integrated access to resources, and provide them with targeted messages in line with a structured and staged approach to learning. Key initiatives involve the Road Smart program, which includes an e-learning module designed to engage supervising drivers in the importance of their role by providing practical information and advice, and promoting a staged approach to learning to drive. Another initiative includes the TAC's Safer P Platers campaign, which demonstrates how parents can continue playing a role in their child's safety as a new solo driver. The Road Smart program will be available to all year 10 students or equivalent and their supervising drivers in 2018.

Recommendation 8

The Victorian Government develop a pilot vehicle access scheme that provides young people with the opportunity to access an affordable and reliable vehicle in order to secure and maintain employment. The pilot scheme should target young people who have limited means to purchase their own vehicle and who are experiencing transport disadvantage.

This recommendation is supported in principle

Even with a licence, the cost of purchasing and running a car, particularly a safe and reliable car, means that having exclusive access to a safe vehicle is often not a viable option for young people. Young people who drive are more likely to drive older vehicles that do not have important safety features that can prevent crashes. These vehicles also often lack features designed to protect occupants and other road users when a crash occurs.

The Government will consider existing and potential vehicle access schemes that have potential to provide young people experiencing transport disadvantage with the opportunity to access a safe, affordable and reliable vehicle in order to secure and maintain employment. The Government is committed to implementing schemes that provide financial support to apprentices to reduce the costs associated with running a vehicle, reward safe driving by young drivers, and provide transport related financial assistance to job seekers.

In early 2016 the Government introduced a Free Licence Scheme to reward young drivers with a free three year driver licence if they complete the entire four years on their red and green P plates and do not incur any demerit points or commit any traffic offences. In addition, a half price registration scheme was introduced that subsidises the annual car registration and TAC fees of eligible

construction trade apprentices who need a car for work purposes. The Government is examining the feasibility of expanding the eligibility criteria for the scheme to broaden access to all trades, and expand the definition of 'work purposes' to include using the car to regularly get to or from work between 8.30pm and 5.30am (for example to support bakery apprentices who start work around 3am).

At the same time, the Commonwealth Government offers Trade Support Loans totalling up to \$20,000 for eligible Australian Apprenticeships. These loans are paid in instalments, intended to assist apprentices with everyday costs while they complete their apprenticeship. For example, an apprentice could save up their first year's payments to buy a second hand vehicle. Young apprentices in the early stages of their apprenticeship will also generally be eligible for a Low Income Health Care Card providing them with a 50 per cent discount on public transport. The Victorian Government also recently lifted the eligibility age for a child myki ticket from 16 to 18 years. This means young people will have access to concession fares until they are 19, even if they are not at school or university. For a 17 or 18 year old working instead of studying, the shift will save them up to \$800 a year.

The Victorian Government will also continue to support unemployed young people to find work through Jobs Victoria programs which provide specialised services to jobseekers that face barriers to employment. Jobs Victoria provides employment assistance that is tailored to the particular needs of eligible jobseekers in a given location. Jobs Victoria partners deliver employment assistance to eligible jobseekers including work preparation, (such as job-specific skills training), assistance with job search and applications, connection to employers with vacancies, job placement and personal support to address non-vocational barriers (e.g. health, housing, drug and alcohol dependence, childcare, transport) in collaboration with community support services.

Examples of assistance with transport provided by JVEN includes funding for public transport tickets to get to interviews or jobs (short-term), to purchase a bicycle, for car insurance and/or registration and/or new tyres, connection to other workers for car-sharing arrangements, and arranging transport for multiple clients working in one location.

Recommendation 9

The Victorian Government develop targeted initiatives to facilitate the purchase of safer vehicles by young people.

This recommendation is supported in principle

The Government strongly supports the need to develop initiatives targeted towards young people to facilitate safer vehicle choices. Young people tend to drive older and less safe cars, which are associated with an increased crash and injury risk. However, improving safer vehicle choices through incentive programs, as proposed by the Committee, is likely to be associated with significant costs in development, implementation, and delivery, with limited effect on consumer behaviour. Incentives need to be sufficiently large to result in the desired behavioural change among the target audience, and not simply reward those who are already planning or more inclined to purchase a safe vehicle. The TAC invests in initiatives designed to educate target audiences, including young people and their parents, about safer vehicle purchases. The TAC provides existing website resources in the form of

"How Safe Is Your Car?" and "How Safe Is Your First Car?", which it will continue to monitor and maintain. The "How Safe Is Your First Car?" website targets young people and their parents by providing a searchable database of four and five star rated vehicles in a range of budgets, including safe and affordable cars for under \$5,000 that are approved for probationary drivers. The target audience is advised of the resource via direct mail out to all learner drivers.

The TAC is working on a social media/online educational campaign, which aims to influence consumers' purchasing behaviour through raised awareness of used car safety ratings. Key messages include: safety doesn't have to be expensive – there are a range of safe vehicles for every category and budget; and ensure the used vehicle you are purchasing is fitted with ESC and curtain airbags. Complementary key messages are also part of the new Road Smart program for year 10 students.

Recommendation 10

The Victorian Government specifically target young people from rural Victoria to participate in the local transport forums as part of the Regional Network Development Plan to learn more about the access issues they experience in accessing employment, education and training, and social activities.

This recommendation is supported in full

The Government is committed to better understanding and improving transport outcomes for young people living in rural and regional Victoria to support economic and social inclusion, as well as access to services.

The need for flexible local transport options and intra-regional linkages continues to be identified as a high transport priority by Victorians living in rural and regional communities. Local transport forums will enable the development of a better understanding of the transport problems faced by regional and rural communities and provide a greater voice for regional Victorians. These forums provide an opportunity for communities to identify local transport problems and develop localised solutions to address these.

As noted in Finding 11, *community transport solutions can play an important role in enhancing transport mobility for young people in rural and regional areas, particularly when focussed on individual needs*, improving the utilisation and coordination of existing services will support improved mobility and access outcomes for young people. There are many successful examples of flexible and sustainable local transport options already operating in some communities. For example, "Sun Assist", a community not-for-profit organisation in Mildura has successfully supported the access needs of the elderly, disabled and young people in the local Mildura community for many years.

The Government will provide support to the local transport forums to learn about the access needs of young people in rural communities and support the development of localised community solutions. This will include engaging with a diverse range of young people from rural Victoria and encouraging them to participate, supporting the identification of local transport gaps, providing guidance and information on successful and sustainable community transport solutions already in operation, and supporting the development and implementation of the solutions that evolve. Training providers, group training organisations, and employment pathways will be utilised to better

target young people to participate in local transport forums and assist in broadening the focus of these forums to the specific transport needs of young people.

Recommendation 11

Public Transport Victoria and the Department of Education and Training publicly review how the School Bus Program could be better utilised to meet the transport needs of young people from rural areas to access employment, education and training opportunities.

This recommendation is supported in principle

As highlighted in the May 2016 *Connecting Regional Victoria* Regional Network Development Plan, the Government recognises the potential to increase the utilisation of the School Bus Program fleet to better meet local community transport needs. School buses are already being used in some parts of the State outside school transit times to transport students to the new Tech Schools that are being established by the Government. The Tech Schools will introduce secondary school students to the tertiary education environment, and smooth their pathways into post-secondary education and training. Four Tech Schools are being established in rural and regional Victoria in areas serviced by the School Bus Program – Ballarat, Bendigo, Geelong, and Gippsland (Morwell), and one has already been launched in Melbourne's fringe in Lilydale. Furthermore, school bus services are being used as 'town specials' in 18 towns across Victoria, such as Warrnambool (including Port Fairy), Hamilton, Colac, Horsham, Kyneton and Leongatha.

To facilitate the broader use of the school bus fleet by the community, changes will need to be made to the contracts with school bus operators. Issues around compliance with the Commonwealth's *Disability Discrimination Act 1992* will also need to be addressed. These matters will be considered in the context of the forthcoming re-negotiation of the School Bus Program contracts. The current contracts expire on 31 December 2019.